



NSW GOVERNMENT
Department of Planning

Contact: Ben Holmes
Phone: (02) 9228 6534
Fax: (02) 9228 6366
Email: ben.holmes@planning.nsw.gov.au

Our ref: 9042975

Your ref:

Mr Steven Harrison
A / RPIP Major Projects Leader
Caltex Refineries (NSW) Pty Limited
Locked Bag 2000
TAREN POINT NSW 2229

Dear Mr Harrison

Proposed Caltex Refining Crude Oil Tank Project, Caltex Kurnell Refinery, Sutherland Local Government Area (Application Reference: 06_0160)

I refer to your letter of 8 May 2006 requesting for Director-General's requirements for the preparation of an Environmental Assessment in relation to the above project.

The Director-General's Environmental Assessment Requirements are attached, pursuant to section 75F(2) of the *Environmental Planning and Assessment Act 1979*. It should be noted that the Director-General's requirements have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

You should ensure that you consult with the Department prior to submission of a draft Environmental Assessment to determine:

- fees applicable to the application;
- consultation and public exhibition arrangements that will apply; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessments that will be required.

Once you have lodged the Environmental Assessment, the Department will consult with the relevant authorities to determine the adequacy of the Environmental Assessment. Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

You should keep the contact officer for this project, Ben Holmes ((02) 9228 6534, ben.holmes@planning.nsw.gov.au), up to date with the progress of preparation of the Environmental Assessment, and seek clarification of any issues that may be unclear or may arise during this process.

Yours sincerely

Chris Wilson
A/ Deputy Director-General
As delegate for the Director-General

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001
Telephone (02) 9228 6111 Facsimile (02) 9228 6191 DX 10181 Sydney Stock Exchange
Website planning.nsw.gov.au

**PROPOSED CRUDE OIL TANK, KURNELL REFINERY, SUTHERLAND LOCAL GOVERNMENT
AREA**

**ENVIRONMENTAL ASSESSMENT REQUIREMENTS UNDER PART 3A OF THE ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT 1979**

Project	Construction and operation of a crude oil storage tank with an approximate capacity of 70 to 80 mega litres at the existing Caltex Kurnell Refinery (Application 06_0160).
Site	Lot 25 DP 776328
Proponent	Caltex Refineries (NSW) Pty Limited
Date of Issue	15 June 2006
Date of Expiration	15 June 2008
General Requirements	The Environmental Assessment must be prepared to a high technical and scientific standard and must include: • an executive summary; • a description of the proposal, including construction, operation, and staging; • an assessment of the environmental impacts of the project, with particular focus on the key assessment requirements specified below; • justification for undertaking the project with consideration of the benefits and impacts of the proposal; • a draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project; and • certification by the author of the Environment Assessment that the information contained in the Assessment is neither false nor misleading.
Key Assessment Requirements	The Environmental Assessment must include assessment of the following key issues: • Air Quality – the Environmental Assessment must include an appropriate level of air quality impact assessment prepared in accordance with the <i>Approved Methods for Modelling and Assessment of Air Pollutants in NSW</i> (EPA, 2001), with particular focus on both point source and fugitive emissions, and cumulative impacts with existing operations on the site. The air quality impact assessment must specifically consider emissions of particulates, oxides of sulfur, oxides of nitrogen and volatile organic compounds. Consideration must be given to all secondary air emissions and their impacts which may arise from more intensive refinery operations made possible by having extra crude oil storage capacity. The Environmental Assessment must also demonstrate how the proposal will meet the environmental criteria set out in the <i>Protection of the Environment and Operations (Clear Air) Regulation 2002</i>, in particular it must be demonstrated that the tank will be constructed and operated in accordance with the requirements of this Act. • Hazards and Risk Management – the Environmental Assessment must include a preliminary risk screening in accordance with <i>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</i> (SEPP 33) and <i>Applying SEPP 33</i> (DUAP, 1994), with a clear indication of class, quantity and location of all dangerous goods and hazardous materials to be located on the site. Specific consideration must be given to inventories of dangerous goods and hazardous materials, as well as hazards that may be posed by leaks, spills and the full or temporary failure of any pollution control measures. Should preliminary screening indicate that the project is "potentially hazardous," a Preliminary Hazard Analysis (PHA) must be prepared for inclusion in the Environmental Assessment, as required under <i>State Environmental Planning Policy No. 33 - Hazardous and Offensive Development</i>. The PHA must be prepared in accordance with the Department's publications <i>Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis</i> (DUAP, 1997) and <i>Multi-Level Risk Assessment</i> (DUAP, 1997). Specific consideration of fatality, irritation, injury and societal risks must be included. This should include a demonstration that construction and operation of the tank will not adversely affect evacuation in the event of an emergency that may or may not involve the tank. Details of bunding and a demonstration that bunding arrangements comply with world's best practise for bulk storage facilities should be provided. The

	Environmental Assessment must also include details of contingency plans for any potential incidents and equipment failures during the operation of the project, as well as details of a proposed monitoring and maintenance regime to be implemented for the project to ensure performance within acceptable risk limits. • Noise Impacts – the Environmental Assessment must assess the predicted noise impact resulting from all noise sources during construction and operation, including road traffic noise. The noise assessment must be undertaken in accordance with the EPA's <i>Industrial Noise Policy (2000)</i> and <i>Environmental Criteria for Road Traffic Noise</i>. In relation to construction noise, the noise assessment must be undertaken in accordance with the <i>Construction Site Noise</i> guidelines from the EPA's <i>Environmental Noise Control Manual</i>. • Waste Management – Construction wastes, including quantities and qualities of waste, management, minimisation and treatment/ disposal methods must be provided. Wastes that are not to be reused or recycled should be classified in accordance with the EPA's <i>Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes</i>. • Land and Soil Management – the Environmental Assessment must consider the potential for contaminated soils to be disturbed during the project. Where such a potential exists, the Environmental Assessment must include specific mitigation and management measures proposed to be implemented to manage any risk posed by contaminated materials, and if relevant, remediation of the contamination. Details of the installation, operation and maintenance of the sedimentation and erosion controls associated with the construction works, including a description of any additional controls needed to protect the Towra Point Nature Reserve wetlands downstream of the construction project, should also be provided. • General Environmental Risk Analysis – notwithstanding the above key assessment requirements, the Environmental Assessment must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of these additional key environmental impacts must be included in the Environmental Assessment. • Commonwealth Environment Protection and Biodiversity Conservation Act 1999 – if the proposal contains any actions that could have a significant impact on matters of National Environment Significance, then it may require additional approvals under the <i>Commonwealth Environment Protection Biodiversity Conservation Act 1999 (EPBC Act)</i>. These approvals are in addition to any approvals required under NSW legislation. If you need approval under the Commonwealth Act, your Environmental Assessment should contain an assessment regarding these matters¹.
Consultation Requirements	You must undertake an appropriate and justified level of consultation with the following parties during the preparation of the Environmental Assessment: • NSW Department of Environment and Conservation; • NSW Department of Planning Major Hazards Unit; • Sutherland Shire Council; and • the local community. The Environmental Assessment must clearly indicate issues raised by stakeholders during consultation, and how those matters have been addressed in the Environmental Assessment.
Deemed refusal period	Under clause 8E(2) of the <i>Environmental Planning and Assessment Regulation 2000</i>, the applicable deemed refusal period is 60 days from the end of the proponent's environmental assessment period for the project.

¹ Note: Matters of National Environmental Significance under the *EPBC Act* are:

- i) World Heritage properties;
- ii) RAMSAR wetlands;
- iii) threatened species or ecological communities listed in the *EPBC Act*;
- iv) migratory species listed in the *EPBC Act*;
- v) the environment in a Commonwealth marine area; and
- vi) nuclear.