



NSW GOVERNMENT
Department of Planning

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Mr Peter Burns
Project Manager
Caltex Refineries (NSW) Pty Ltd
GPO Box 3916
SYDNEY NSW 2001

Our ref: S07/00916

Dear Mr Burns

Caltex Banksmeadow Proposed Storage Tank Replacement, Botany Bay Local Government Area (Application: 07_0088)

I refer to your request for Director-General's requirements for 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* (the Act). It should be noted that the Director-General's requirements have been prepared based on the information provided to date.

Please note that 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.

If your proposal contains any actions that are likely to significantly impact matters of National Environmental Significance, it will require an additional approval under the *Commonwealth Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of Environment and Water Resources to determine if the proposal is likely to significantly impact on matters of National Environmental Significance, and would require an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process for assessing any impacts on matters of National Environmental Significance. As a result, if it is determined that an approval is required under the EPBC Act, please contact me immediately as supplementary Director General's requirements will need to be issued.

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

- fees applicable to the application;
- whether the proposal requires an approval under the EPBC Act and any assessment obligations under that Act;
- 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, Patricia Cabezas ((02) 9228 6447 or patricia.cabezas@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


Yolande Stone
A/Executive Director 10/8/07
As delegate for the Director-General

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application	07_0088
Project	Replacement of two fuel storage tanks (T910 and T911) and associated pipework at the Banksmeadow Storage Terminal, Port Botany. The new tanks (NT1 and NT2) would be built within the existing bunded area and store ethanol and/or biodiesel or other petroleum or biofuel product depending on market demand.
Site	Lot 1, DP 1050144 – Penrhyn Road, Banksmeadow.
Proponent	Caltex Refineries (NSW) Pty Ltd
Date of Issue	10 August 2007
Date of Expiration	10 August 2009
General Requirements	<p>The Environmental Assessment must be prepared to a high technical and scientific standard and must include:</p> <ul style="list-style-type: none"> • an executive summary; • a description of the project, including: <ul style="list-style-type: none"> • existing site characteristics and environmental features, • design elements, • construction and operation, and • staging; • a strategic justification for the project, with specific reference to National and/or State policies and the scale of the project; • identification of relevant planning, land use and development matters (including relevant strategic and statutory matters) that have been considered in the environmental impact assessment and/or in developing management / mitigation measures; • an assessment of the environmental impacts of the project (construction and operation) in accordance with relevant policies and guidelines, with particular focus on the key assessment requirements specified below; • a project justification with consideration of project objectives, project alternatives, benefits and impacts of the project, the suitability of the site, cumulative and synergistic impacts, Ecologically Sustainable Development principles, and whether the project is in the public interest; • a draft Statement of Commitments detailing measures for environmental mitigation, management and monitoring for the project (including references to recognised standards); and • certification by the author of the Environment Assessment that the information contained in the Assessment is neither false nor misleading.
Key Assessment Requirements	<ul style="list-style-type: none"> • Hazards and Risk Management <ul style="list-style-type: none"> • A Preliminary Hazard Analysis (PHA), prepared in accordance with the Department's publications <i>Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazardous Industry Planning</i> and <i>Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning</i>. The PHA should also address all relevant requirements included in the Department's <i>Port Botany Land Use Safety Study (1996)</i>, including proximity to the rail corridor. • Include details of spill management procedures and adequacy of bunding provisions. • Outline 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. • Air Quality <ul style="list-style-type: none"> • A comprehensive air quality impact assessment prepared in accordance with <i>Approved Methods for Modelling and Assessment of Air Pollutants in NSW (DEC 2005)</i>. The assessment must include all air emissions, in particular VOCs.

	<ul style="list-style-type: none"> • The Environmental Assessment must 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 tanks will be constructed and operated in accordance with the requirements of this Regulation. • Environmental Risk Analysis – notwithstanding the above key assessment requirements, the EA 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 this additional key environmental impact must be included in the EA.
Consultation Requirements	<p>An appropriate and justified level of consultation must be undertaken with the following parties during the preparation of the EA:</p> <ul style="list-style-type: none"> • NSW Department of Environment and Climate Change; • Council of the City of Botany Bay; • NSW Fire Brigades; • Sydney Ports Corporation; and • the local community. <p>The Environmental Assessment must clearly indicate issues raised by stakeholders during consultation, and how those matters have been addressed in the Environmental Assessment.</p>
Deemed refusal period	<p>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.</p>