

Appendix A Clause 6 Declaration by the Minister of Planning





NSW GOVERNMENT
Department of Planning

**Record of Minister's opinion for the purposes of Clause 6(1) of the State
Environmental Planning Policy (Major Projects) 2005**

I, the Director General of the Department of Planning, as delegate of the Minister for Planning under delegation executed on 31 October 2005, have formed the opinion that the development described in the Schedule below, is development of a kind that is described in Schedule 1 of the State Environmental Planning Policy (Major Projects) 2005 – namely Clause 10 development for the purpose of chemical, manufacturing and related industries, including the manufacture of oils, fuels and petrochemicals that employs 100 or more people and has a capital investment value of more than \$20 million - and is thus declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies for the purpose of section 75B of that Act.

Schedule

A proposal to operate a biodiesel facility at Port Kembla, as described in a letter dated 9 July 2007 from National Biofuels Group to the Department of Planning.


Sam Haddad
Director General

Date: 27/7/2007.

Appendix B Director-General's requirements





NSW GOVERNMENT
Department of Planning

Manufacturing & Rural Industries
Major Development Assessment
Phone: (02) 9228 6471
Fax: (02) 9228 6466
Email: deana.burn@planning.nsw.gov.au
Level 4 Western Gallery
23-33 Bridge Street
GPO Box 39
SYDNEY NSW 2001

Ms Rebecca Fisher
Maunsell Australia Pty Ltd
Level 11, 44 Market St
SYDNEY NSW 2000

Dear Ms Fisher

**Director-General's Requirements
Soybean Processing and Biodiesel Project
Project Application 08_0083**

The Department has received your application for the Soybean Processing and Biodiesel Project at Port Kembla.

I have attached a copy of the Director-General's requirements for the project. These requirements have been prepared in consultation with the relevant agencies, and are based on the information you have provided to date. I have also attached a copy of the agencies comments for your information.

Please note that the Director-General may alter these requirements at any time.

If your proposal is likely to have a significant impact on matters of National Environmental Significance, it will require an 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 Department of Environment, Water, Heritage and the Arts in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal requires an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process, so if it is determined that an approval is required under the EPBC Act, please contact me immediately as supplementary Director-General's requirements may need to be issued.

I would appreciate it if you would contact the Department at least two weeks before you propose to submit your Environmental Assessment for the project. This will enable the Department to determine the:

- applicable fee (see Division 1A, Part 15 of the *Environmental Planning and Assessment Regulation 2000*);
- consultation and public exhibition arrangements; and
- number of copies (hard-copy or CD-ROM) of the Environmental Assessment that will be required for exhibition purposes.

Once it receives the Environmental Assessment, the Department will review it in consultation with the relevant agencies to determine if it adequately addresses the Director-General's requirements, and may require you to revise it prior to public exhibition.

The Department is required to make all the relevant information associated with the project publicly available on its website. Consequently, I would appreciate it if you would ensure that all the documents you subsequently submit to the Department are in a suitable format for the web, and arrange for an electronic version of the Environmental Assessment to be hosted on a suitable website during the exhibition period.

If you have any enquiries about these requirements, please contact Deana Burn on 9228 6471 or deana.burn@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a large, stylized 'W' and a horizontal line extending to the right.

Chris Wilson
Executive Director
Major Project Assessment
As delegate for the Director-General

Director-General's Requirements

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

Application number	08_0083
Project	<p>Development of a soybean processing and biodiesel production facility and associated infrastructure. The facility would produce soybean meal, biodiesel and glycerol. The facility would comprise:</p> <ul style="list-style-type: none"> • extraction plant; • glycerine refinery; • pre-treatment facility; • preparations facility; • biodiesel refinery; and • storage tanks.
Location	Tom Thumb Rd, Port Kembla, part Lot 2001 and 2002 DP 1030233, part lot 101 and 107 DP 1120801
Date of Issue	30 May 2008
Proponent	National Biodiesel Pty Ltd
General Requirements	<p>The Environmental Assessment of the project must include:</p> <ul style="list-style-type: none"> • an executive summary; • a detailed description of the project, including the: <ul style="list-style-type: none"> – need for the project; – alternatives considered, including a justification for the proposed soybean processing and biodiesel production facility on economic, social and environmental grounds; – likely staging of the project; and – plans of any proposed building works. • a risk assessment of the potential environmental impacts of the project, identifying the key issues for further assessment; • a detailed assessment of the key issues specified below, and any other significant issues identified in the risk assessment (see above), which includes: <ul style="list-style-type: none"> – a description of the existing environment, using sufficient baseline data; – an assessment of the potential impacts of all stages of the project, including any cumulative impacts, taking into consideration any relevant statutory provisions and technical or policy guidelines (see below); – a description of the measures that would be implemented to avoid, minimise, mitigate, rehabilitate/remediate, monitor and/or offset the potential impacts of the project, including detailed contingency plans for managing any potential significant risks to the environment; • a statement of commitments, outlining all the proposed environmental management and monitoring measures; • a conclusion justifying the project on economic, social and environmental grounds, taking into consideration whether the project is consistent with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; • a signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading.
Key Issues	<ul style="list-style-type: none"> • Air Quality and Odour – including: <ul style="list-style-type: none"> – assess emissions of air pollutants from all sources during construction, operation and from road, rail and sea transport, including any potential volatile organic compounds, oxides of nitrogen and dust emissions; – determine impacts on human health, nearest residences, the

	<p>environment and other port users (i.e. car import facility);</p> <ul style="list-style-type: none"> - detail measures to control emissions from production processes, material handling, storage and transfer; and assess their effectiveness; • Greenhouse Gas – including: <ul style="list-style-type: none"> - a quantitative assessment of the potential scope 1, 2 and 3 greenhouse gas emissions of the project, and qualitative assessment of the potential impacts of these emissions on the environment; - a detailed description of the measures that would be implemented to ensure that the project is energy efficient; • Transport and Access – including: <ul style="list-style-type: none"> - prepare a traffic impact study in accordance with relevant guidelines, including an assessment of capacity, safety, key intersections, site accesses, internal roadways and parking; - the traffic assessment shall consider various scenarios including 100% of soybeans arriving to the site via road/rail from domestic markets and 100% arriving to the site via sea from imports; - demonstrate how the use of sea and rail transport will be maximised; • Hazards and Risk - including: <ul style="list-style-type: none"> - including a Preliminary Hazard Analysis (PHA) of the project; - details of receipt, transfer and storage of chemicals such as methanol and hexane; - detailed assessment of the potential off-site risks; • Water <ul style="list-style-type: none"> - detail water supply volumes including a breakdown of potable and non-potable sources, including investigation of using recycled water from the Wollongong Sewage Treatment Plant; - assess options to reduce water losses from cooling towers; - detail the proposed stormwater management system during construction and operation, including a drainage concept plan; - assess impacts of flooding, with consideration of climate change; - detail wastewater volumes and measures to treat, reuse and/or dispose of wastewater; - assess potential impacts on surface water bodies, including the Western Drain; • Soil <ul style="list-style-type: none"> - detail proposed erosion and sediment controls during construction; - consideration of potential salinity and acid sulfate soil impacts; - identify and assess any soil or groundwater contamination and provide details of measures to manage and/or remediate; • Waste – identify, classify and quantify the likely waste streams that would be generated by the project during construction and operation, and describe what measures would be implemented to avoid, reuse, recycle and/or dispose of this waste; • Noise – including the potential construction, operational and on-site and off-site road and rail noise impacts; • Flora and fauna – including an assessment of any impacts on critical habitats, threatened species, populations or ecological communities and their habitats in the region; • Visual – assess the visual impact of design and siting of the buildings, landscaping, lighting and any signage; • Heritage – assess both Aboriginal and non-Aboriginal heritage impacts; • Social and economic – including justification of the use of first generation biofuel technology and consideration of potential conflict with food crops.
References	While not exhaustive, the following attachment contains a list of guidelines, policies, and plans that may be relevant to the project.
Consultation	<p>During the preparation of the Environmental Assessment, you should consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups or affected landowners.</p> <p>In particular you must consult with the:</p>

	<ul style="list-style-type: none"> • Department of Environment and Climate Change; • Department of Water and Energy; • NSW Fire Brigade; • NSW Maritime; • Roads and Traffic Authority; • Wollongong City Council; and • Port Kembla Port Corporation. <p>The consultation process, and the issues raised during this process, must be described in the Environmental Assessment.</p>
Deemed refusal period	60 days

Technical and Policy Guidelines

Aspect	Policy/Methodology
Risk Assessment	<p>AS/NZS 4360:2004 Risk Management (Standards Australia)</p> <p>HB 203: 203:2006 Environmental Risk Management – Principles & Process (Standards Australia)</p>
Air Quality	<p>Protection of the Environment Operations (Clean Air) Regulation 2002</p> <p>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DECC)</p> <p>Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DECC)</p>
Greenhouse Gas and Energy	<p>National Greenhouse Accounts (NGA) Factors</p> <p>Guidelines for Energy Savings Action Plans (DEUS)</p>
Odour	<p>Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW (DEC)</p> <p>Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW (DEC)</p>
Transport	<p>Guide to Traffic Generating Development (RTA)</p> <p>Road Design Guide (RTA)</p>
Hazards	<p>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</p> <p>Applying Sepp 33: Hazardous And Offensive Development Application Guidelines (DUAP)</p> <p>Hazardous Industry Planning Advisory Paper No. 6 (HIPAP No 6): <i>Guidelines for Hazardous Analysis</i>, (DUAP)</p> <p>Hazardous Industry Planning Advisory Paper No. 4 (HIPAP No 4): <i>Risk Criteria for Land Use Safety Planning</i></p>
Soil and Water	
<i>Surface Water</i>	<p>Guidelines for Water Savings Action Plans (DEUS)</p> <p>National Water Quality Management Strategy: Water quality management - an outline of the policies (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Policies and principles - a reference document (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Implementation guidelines (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)</p> <p>National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)</p> <p>Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)</p> <p>State Water Management Outcomes Plan</p> <p>NSW Government Water Quality and River Flow Environmental Objectives (DECC)</p> <p>Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)</p> <p>Managing Urban Stormwater: Soils & Construction (Landcom)</p> <p>Managing Urban Stormwater: Treatment Techniques (DECC)</p> <p>Managing Urban Stormwater: Source Control (DECC)</p>

	Floodplain Management Manual (DNR)
	Floodplain Risk Management Guideline (DECC)
	Technical Guidelines: Bunding & Spill Management (DECC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC)
	Environmental Guidelines: Use of Effluent by Irrigation
<i>Wastewater Reuse</i>	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC)
	National Water Quality Management Strategy - Guidelines For Water Recycling: Managing Health And Environmental Risks (Phase1) (EPHC, NRMCC & AHMC)
<i>Groundwater</i>	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	NSW State Groundwater Policy Framework Document (DLWC)
	NSW State Groundwater Quality Protection Policy (DLWC)
<i>Contamination</i>	Draft NSW State Groundwater Quantity Management Policy (DLWC)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC & NHMRC)
	National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC)
	Draft Guidelines for the Assessment and Management of Groundwater Contamination (DECC)
	State Environmental Planning Policy No. 55 – Remediation of Land Managing Land Contamination - Planning Guidelines SEPP 55 – Remediation of Land (DUAP and EPA)
Waste	Waste Avoidance and Resource Recovery Strategy 2007 (DECC)
	Environmental Guidelines: Assessment Classification and Management of Non-Liquid and Liquid Waste (DECC)
Noise	NSW Industrial Noise Policy (DECC)
	Environmental Criteria for Road Traffic Noise (NSW EPA)
	Environmental Noise Control Manual (DECC)
Social and Economic	Draft Economic Evaluation in Environmental Impact Assessment (DOP)
	Techniques for Effective Social Impact Assessment: A Practical Guide (Office of Social Policy, NSW Government Social Policy Directorate)
Flora and Fauna	Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (DEC)
	NSW Groundwater Dependent Ecosystem Policy (DLWC)
	Policy & Guidelines - Aquatic Habitat Management and Fish Conservation (NSW Fisheries)
Visual	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS 4282)
Heritage	
<i>Aboriginal</i>	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC)
<i>Non- Aboriginal</i>	NSW Heritage Manual (NSW Heritage Office & DUAP)
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)

Appendix C Owners consent





Edward Dutton
National Biodiesel Pty Ltd
PO Box 524
Pymble
NSW 2073

April 22, 2008

Re: Consent of lessor to lodgment of major project application – Proposed Soybean Crushing and Biodiesel Production Facility in Port Kembla

Dear Edward

GrainCorp Operations Ltd is highly supportive of development and diversification of Port Kembla and as such fully supports the development of the facility as proposed by National Biodiesel Pty Ltd.

As lessor of a portion of the land that National Biodiesel Pty Ltd will occupy, and as occupier of the land adjacent to the proposed site, GOP hereby gives its formal consent to National Biodiesel Pty Ltd to lodge the application with the NSW Department of Planning in order to gain approval through the Part 3A assessment process.

Yours Sincerely

Michael Reed
Manager Port Development and Improvement
GrainCorp Operations Ltd

GrainCorp Operations Limited

Port Drive, Fisherman Islands QLD 4178 PO Box 349, Wynnum Central QLD 4178
T: 07 3895 1033 F: 07 3895 1034

www.graincorp.com.au

ABN 52 003 875 401





24 September 2008

Mr Edward Dutton
Chairman
National Biofuels Group
PO Box 524
PYMBLE NSW 2073

RECEIVED
29/9/08

Dear Edward

**Land Owner's Consent for Lodging Environmental Assessment with NSW
Department of Planning**

We refer to your proposal to lodge an Environmental Assessment with the Department of Planning under Part 3A of the Environmental Planning and Assessment Act 1979 for the proposed Soybean Crushing and Biodiesel Plant in the Port Kembla Inner Harbour.

Your proposed project will occupy the parcels of land as follows:

123/1128397; 20/1046295; 101/1120801 and 2001/1030233.

As land owner, the Port Kembla Port Corporation consents to National Biofuels Group Pty Ltd lodging the Environmental Assessment with the Department of Planning under Part 3A of the Act.

Should you have any queries in this regard please do not hesitate to contact me on 4275 0101 or our Business Services Manager, Geoff Cornwall, on 4275 0143.

Yours sincerely



D Figliomeni
Chief Executive Officer