

Director General's Environmental Assessment Requirements

Section 78A(8A) of the *Environmental Planning and Assessment Act* Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD-5353
Development	Proposed Port and Berthing Project, Botany Bay, including necessary dredging and berth upgrade works to improve ship access to the Kurnell Wharf. This includes increasing the navigable depth of the berths and approaches around Kurnell Wharf and upgrading port and berthing infrastructure.
Location	Botany Bay
Applicant	Caltex Australia Petroleum Pty Ltd
Date of Issue	9 August 2012
General Requirements	The Environmental Impact Statement (EIS) must be prepared in accordance with and meet the minimum requirements of Schedule 2 of the <i>Environmental Planning and Assessment Regulation 2000</i> (Regulation), and include the following: - the information required by clause 6, including but not limited to: - the description of the development should include construction, operation and staging components, constraints on Botany Bay activities during construction, and required infrastructure to enable construction and operation of the development. - the content required by clause 7, including but not limited to: - a summary of the EIS; - a statement of the objectives of the development; - a description and an analysis of feasible alternatives to carrying out the development, having regard to its objectives, including the consequences of not carrying out the development; - an analysis of the development, including an assessment of environmental impacts, with a particular focus on the requirements of the listed key issues, in accordance with clause 7(1)(d) of the Regulation; - an identification of how relevant planning, land use and development matters (including relevant strategic and statutory matters) have been considered in the impact assessment (direct, indirect and cumulative impacts) and/or in developing management, mitigation, and monitoring measures, including section 79C of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act), applicable State Environmental Planning Policies (SEPPs) including <i>State and Regional Development SEPP 2011</i>, <i>Infrastructure SEPP 2007</i>, <i>SEPP 14 Coastal Wetlands</i>, <i>SEPP 33 Hazardous and Offensive Development</i>, <i>SEPP 55 Remediation of Land</i>, <i>SEPP 62 – Sustainable Aquaculture</i> and <i>SEPP 71 Coastal Protection</i>; and Local Environmental Plans (LEPs) including draft instruments where relevant, and the nature and extent of any prohibitions that apply to the development; - a compilation (in a single section of the EIS) of the measures proposed to mitigate adverse effects of the development on the environment; - justification of the development taking into consideration the objects of the EP&A Act; - detail how Ecologically Sustainability Development principles (as

	defined in clause 7(4) of the Regulation) will be incorporated in the design, construction and ongoing operation phases of the development. The EIS must also demonstrate that any building works will be capable of meeting relevant Building Code of Australia standards.
Key issues	The EIS must address the following specific matters: 1. Hydrology – including but not limited to: - hydrodynamic and coastal process changes to Botany Bay, including flushing, tidal flow and velocity, wave dynamics, storm surge impacts and effects on the shoreline of Botany Bay; - potential for the project to alter the tidal range and water levels, and saline intrusion to upstream water bodies and environments (including wetlands), stratification and anoxia; - scouring and erosion of shore line by natural forces and passing vessels; and - impacts to the development resulting from climate change including the consideration of the NSW sea level rise planning benchmarks. 2. Water Quality – including but not limited to: - impacts on water quality, including sediment dispersion and suspension, and identification of methods for sediment containment; - effects of the development on: - siltation; - groundwater; - the stability of any structures adjacent to the dredge area; and - commercial and recreational fishing and aquaculture, aquaculture leases and oyster farming; - operational impacts including impacts associated with ballast water management; and - taking into account the <i>Water Quality Guidelines for Fresh and Marine Waters</i> (ANZECC, 2000) and associated guidelines. 3. Spoil and Contamination – including but not limited to: - an assessment of the volume and type of sediment materials to be dredged, including the potential for the dredging of Acid Sulfate Soils, taking into account the <i>Acid Sulfate Soil Manual</i> (ASSMAC, 1998); - potential for contaminated sediments and groundwater (including Tributyltin), their disturbance during excavation and dredging works, and identification of potential risk to human health, aquaculture activities or the environment; - sampling and characterisation of the distribution of contamination, taking into account the <i>Sediment Quality Guidelines</i> (CSIRO Handbook, 2000); - spoil disposal and reuse options, including identification and description of potential disposal locations and associated impacts; and - if contamination is identified and remediation of material is necessary, preparation of a Remediation Action Plan (RAP) or other appropriate materials handling procedures taking into account the <i>Contaminated Land Management Act 1997</i>. 4. Flora and Fauna – including but not limited to: - potential impacts on flora and fauna (including aquatic mammals and reptiles), nature and aquatic reserves and habitat including habitat loss, fragmentation, movement barriers and changed hydrodynamic

	conditions; • impacts on threatened/ endangered species, populations, and ecological communities and/or critical habitat; • consideration of estuarine and groundwater dependent ecosystems, wetlands (including Towra Point Nature Reserve and Towra Point Aquatic Reserve) and mangroves adjacent to and up-river from the development; • potential mobilisation of sediments and increased turbidity levels (including contaminated sediments) on aquatic flora and fauna; • consideration of impacts associated with hydrodynamic changes; • details of how impacts would be managed during construction and operation, the suitability of measures and adaptive management and maintenance protocols and monitoring programs; • details of available offset measures to compensate the biodiversity impacts of the proposal, if necessary. Where offset measures are proposed these should be consistent with the <i>Principles for the use of biodiversity offsets in NSW</i>; and • taking into account the <i>Threatened Species Assessment Guidelines</i> (NSW DPI, 2008)) and the <i>Threatened Biodiversity Survey and Assessment: Guidelines for Developments and Activities</i> (DEC, 2004), <i>Guidelines for Developments Adjoining Land and Water Managed by the Department of Environment, Climate Change and Water</i> (DECCW, 2010) and <i>Policy and Guidelines for Aquatic Habitat Management and Fish Conservation</i> (DPI, 1999). 5. Heritage – including but not limited to: • Aboriginal and historic heritage items and values of the site and surrounding area (including known or probable maritime heritage sites and appropriate surveys); and • taking into account of the <i>NSW Heritage Manual</i> (NSW Heritage Office, 1996), <i>Assessing Heritage Significance Guidelines</i> (NSW Heritage Office, 2001) and <i>Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation</i> (DEC, 2005). 6. General Construction – including but not limited to: • noise and vibration from all activities and sources on and offsite, and impacts to adjoining receivers, • hazards and risks associated with the upgrade of a major hazardous facility, including potential impacts on the fuel supply pipeline, and on the operations at Berth No. 2; • Port Botany operations, including impacts on shipping lanes and queues; • air quality impacts associated with the dredging, handling, stockpiling and disposal of dredged material (as relevant), including odours beyond the site(s) boundary; and • taking into account the <i>Interim Construction Noise Guideline</i> (DECC, 2009) and the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW</i> (DEC, 2005), <i>Hazardous Industry Planning Advisory Paper (HIPAP) 4 – Risk Criteria for Land Use Planning</i> and <i>HIPAP 6 - Guidelines for Hazard Analysis</i> (DoP, 2011). 7. General Operation – including but not limited to: • Changes to operational impacts including noise, air quality, hazards and risks and operation of Port Botany, as relevant.
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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, environmental performance criteria and development standards and other mitigation measures, and any significant residual environmental impacts. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed assessment of this key environmental impact must be included.
Plans and Documents	The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i> . Provide these as part of the EIS rather than as separate documents.
Consultation	During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular you must consult with: • Office of Environment and Heritage; • Environment Protection Authority; • Heritage Council of NSW; • Department of Trade and Investment (Primary Industry, Mineral Resources and Office of Water); • Department of Sustainability, Environment, Water, Population and Communities; • City of Botany Bay Council; • Randwick City Council; • Sutherland Shire Council; • Rockdale City Council; • Roads and Maritime Services; • Sydney Ports Corporation; • WorkCover; • specialist interest groups, including Local Aboriginal Land Councils; and • the public, including community groups and adjoining and affected landowners. The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.
Further consultation after 2 years	If you do not lodge a development application and EIS for the development within 2 years of the issue date of these DGRs, you must consult further with the Director General in relation to the preparation of the EIS.