

# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

I approve the project referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

- Prevent, minimise and/or offset adverse environmental impacts;
- Manage hazards and risks;
- Minimise traffic and noise disruption during construction;
- Manage discharges to stormwater;
- Monitor and manage air emissions during operation; and
- Manage operational waste.



Frank Sartor MP  
Minister for Planning

Sydney

26<sup>th</sup> Nov

2007

### SCHEDULE 1

<b>Application No:</b>	06_0179
<b>Proponent:</b>	Vopak Terminals Sydney Pty Ltd
<b>Approval Authority:</b>	Minister for Planning
<b>Land:</b>	Lots 3 to 5 DP 635791, 49 Friendship Road, Port Botany
<b>Project:</b>	Establish a biodiesel facility and associated infrastructure

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## DEFINITIONS

BCA	Building Code of Australia
Council	Randwick City Council
DECC	Department of Environment and Climate Change
Department	Department of Planning
Director-General	Director-General of the Department (or delegate)
DWE	Department of Water and Energy
EA	<i>Vopak Terminals Sydney and Natural Fuels Australia Ltd – Proposed Sydney Biodiesel Terminal</i> prepared by GHD Pty Ltd, and dated January 2007
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning &amp; Assessment Regulation 2000</i>
Minister	Minister for Planning
Project	Establishment of a biodiesel facility and associated infrastructure (as described in the EA)
Proponent	Vopak Terminals Sydney Pty Ltd
Response to Submissions	Vopak Response to Submissions in Memo prepared by GHD Pty Ltd, and dated 29 March 2007
Site	Land to which the project application applies
Statement of Commitments	Vopak's Revised Statement of Commitments in Memo prepared by GHD Pty Ltd, and dated 29 March 2007

## **SCHEDULE 2 ADMINISTRATIVE CONDITIONS**

### **Obligation to Minimise Harm to the Environment**

1. The Proponent shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the project.

### **Terms of Approval**

2. The Proponent shall carry out the project generally in accordance with the:
  - a) EA;
  - b) site plans contained Appendix A;
  - c) response to submissions;
  - d) statement of commitments (see Appendix B); and
  - e) conditions of this approval.
3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
  - a) any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
  - b) the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.
5. The Proponent shall not use non-standard fuels, such as waste fatty matter, as defined in the DECC's *Guidance Note Assessment of Non-Standard Fuels* as a fuel source.

### **Limits on Approval**

6. The Proponent shall not process more than 240,000 tonnes per year of biodiesel, and shall not process more than 24,400 tonnes per year of pharmaceutical grade glycerine at the site.
7. This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.

### **Management Plans/Monitoring Programs**

8. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.

### **Structural Adequacy**

9. The Proponent shall ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

#### *Notes:*

- Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

### **Demolition**

10. The Proponent shall ensure that all demolition work is carried out in accordance with *Australian Standard AS 2601-2001: The demolition of Structures*, or its latest version.

### **Protection of Public Infrastructure**

11. Prior to commencement of construction, the Proponent shall:
  - a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) in consultation with the owner of the road (Council or Sydney Ports Corporation); and
  - b) submit a copy of this report to the Director-General.

12. The Proponent shall:
- a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

**Operation of Plant and Equipment**

13. The Proponent shall ensure that all plant and equipment used on the site is maintained and operated in an efficient manner, and in accordance with relevant Australian Standards.

### SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

#### HAZARDS

##### Design

14. All tanks must be designed in accordance with the latest version of Australian Standard AS1940 and AS1670 for fire alarms and AS2941 for pump sets.
15. The Proponent must install independent tank level switches to reduce the likelihood of tank overfilling.

##### Pre-construction Studies

16. At least one month prior to construction, the Proponent shall prepare and submit the following pre-construction studies in consultation with the NSW Fire Brigades and for the approval of the Director-General:
  - a) a Fire Safety Study, which must address the Department's *Hazardous Industry Planning Advisory Paper No. 2 'Fire Safety Study Guidelines'* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*;
  - b) a Hazard and Operability Study, which must be chaired by an independent qualified person approved by the Director-General. The study must address the Department's *Hazardous Industry Planning Advisory Paper No. 8 'HAZOP Guidelines'* and must be accompanied by a program for the implementations of recommendation made during the study;
  - c) a Final Hazards Analysis, which must address the Department's *Hazardous Industry Planning Advisory Paper No.6 'Guidelines for Hazard Analysis'*; and
  - d) a Construction Safety Study, which must address the Department's *Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety Study Guidelines'*.

##### Pre-commissioning Plans and Systems

17. At least two months prior to commissioning, the Proponent shall prepare and submit the following pre-commissioning studies for the approval of the Director-General:
  - a) a Transport of Hazardous Materials Plan, which must detail arrangements for the transport of hazardous materials including details of routes to be used by vehicles carrying hazardous materials;
  - b) an Emergency Plan, which must include detailed procedures for the safety of all people outside of the project who may be at risk from the project. The plan must address the Department's *Hazardous Industry Planning Advisory Paper No. 1 'Industry Emergency Planning Guidelines'*; and
  - c) a Safety Management System, which must cover all on-site operations and associated transport activities involving hazardous materials. The system must specify all safety related procedures, responsibilities and policies, along with mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the Director-General upon request. The system must address the Department's *Hazardous Industry Planning Advisory Paper No.9 'Safety Management'*.

##### Pre-operation Compliance Report

18. One month prior to operation, the Proponent shall prepare and submit a report to the Director-General detailing compliance with conditions 16 and 17.

##### Post-operation Compliance Report

19. Within three months after the commencement of operation, the Proponent shall prepare and submit a report to the Director-General verifying that:
  - a) the transport routes specified in the Transport of Hazardous Materials Plan are being followed;
  - b) the Emergency Plan is effectively in place and at least one emergency exercise has been conducted; and
  - c) the Safety Management System has been fully implemented and that the records required by the system are being kept.

## **SOIL AND WATER**

### **Erosion and Sediment Control**

20. During construction, the Proponent shall carry out all reasonable and feasible measures to minimise soil erosion and the discharge of sediment from the site to downstream waters.

### **Stormwater Quality Management Plan**

21. The Proponent shall prepare and implement a Stormwater Quality Management Plan for the project, in consultation with the DECC, and to the satisfaction of the Director-General. This plan must:
- a) be submitted to the Director-General for approval prior to the commencement of construction;
  - b) include detailed plans showing the design of the stormwater management scheme for the site;
  - c) specify appropriate water quality criteria for all potential water pollutants that may be present in stormwater discharges from the site, taking into account the applicable water quality objectives in the ambient waters and using technical criteria derived from the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZECC, 2000);
  - d) demonstrate that the water quality treatment systems to be installed will ensure that stormwater discharged from the site achieves the derived water quality criteria;
  - e) describe the procedures for the installation, inspection and maintenance of the stormwater control infrastructure, including stormwater pollution control devices throughout the life of the project; and
  - f) include procedures to be used to manage spills and other incidents with the potential to impact on water quality.

## **TRANSPORT**

### **Construction Traffic Management Plan**

22. The Proponent shall prepare and implement a Construction Traffic Management Plan for the project, in consultation with Council, and to the satisfaction of the Director-General. This plan must:
- a) be submitted to the Director-General for approval prior to the commencement of construction;
  - b) describe the traffic volumes and movements to occur during construction;
  - c) detail the proposed measures to minimise the impact of construction traffic on the surrounding network, including driver behaviour and vehicle maintenance; and
  - d) detail the procedures to be implemented in the event of a complaint from the public regarding construction traffic.

### **Internal Road Network and Parking**

23. The Proponent shall ensure that the internal road network and parking associated with the project are designed, constructed and maintained in accordance with the latest versions of the Australian Standards AS 2890.1:2004, AS 2890.2:2002 and AUSTROADS.
24. The Proponent shall ensure that all parking generated by the project is accommodated on site. No vehicles associated with the project shall park on the public road system at any stage.

### **Vehicle Queuing**

25. During the project, the Proponent shall ensure that the project does not result in any vehicles queuing on the public road network.

## **VISUAL**

### **Lighting**

26. The Proponent shall ensure that the lighting associated with the project:
- a) complies with the latest version of Australian Standard AS 4282(INT) - *Control of Obtrusive Effects of Outdoor Lighting*; and
  - b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties, the public road network, or the operations of Sydney Airport.

## NOISE

### Noise Limits

27. During operation of the project, the Proponent shall ensure that the contribution noise level from the project does not exceed  $L_{Aeq(15\text{ minute})}$  35dB(A) at the nearest sensitive receivers at all times.

*Note: Should monitoring of operational noise indicate that noise levels are greater than  $L_{Aeq(15\text{ minute})}$  35dB(A) at the nearest sensitive receivers, additional feasible and reasonable noise mitigation and design measures should be investigated in consultation with the DECC. If additional measures are found not to be feasible and reasonable, in any case, a level of  $L_{Aeq(15\text{ minute})}$  38dB(A) will not be exceeded.*

### Construction Hours

28. The Proponent shall only carry out construction on the site between 7am and 6pm Monday to Friday, and 7am and 1pm on Saturdays. No construction is allowed on site on Sundays or public holidays.

### Construction Noise Management Plan

29. The Proponent shall prepare and implement a Construction Noise Management Plan for the project to the satisfaction of the Director-General. The plan shall be submitted to the Director-General prior to commencement of construction, and must:
- identify specific activities to be carried out and the noise generation from these activities;
  - identify all potentially affected sensitive receivers;
  - identify all reasonable and feasible mitigation measures to comply with a construction noise limit of  $L_{A10(15\text{ minute})}$  50dB(A) for construction phases,;
  - provide details of the length of the construction period to the Director-General;
  - assess the potential noise impacts against the noise objectives;
  - describe monitoring procedures to measure compliance with noise objectives;
  - describe procedures for implementing noise mitigation treatments and monitoring their effectiveness in meeting the noise objectives; and
  - include procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity, and procedures for managing complaints.

### Operating Conditions

30. The Proponent shall ensure trucks associated with the project are operated at low speed or power and are switched off when not being used. Vehicles are not to be left idling for prolonged periods.
31. The Proponent shall implement a training and awareness program incorporating a driver code of conduct for vehicles travelling to, from and within the site during operation. The training program shall cover speed limits within the site, restrictions on vehicle idling and queuing on local roads.

### Operational Noise Monitoring Plan

32. The Proponent shall prepare and implement a Noise Monitoring Plan for the project, to the satisfaction of the Director-General. The Noise Monitoring Plan shall be submitted to the Director-General prior to commencing operation, and must include a noise monitoring protocol for evaluating compliance with the project noise limits in condition 27. The plan must be updated to reflect changes to noise control measures to ensure ongoing compliance with the project noise limits.

## AIR

33. During construction, the Proponent shall ensure that:
- all trucks entering or leaving the site with loads have their loads covered;
  - trucks associated with the project do not track dirt onto the public road network; and
  - the public roads used by these trucks are kept clean.
34. During the project, the Proponent shall carry out all reasonable and feasible measures to minimise the dust generated by the project.

## WASTE

35. The Proponent shall ensure that all waste generated on the site during demolition, construction and operation of the project is classified in accordance with the DECC's Environmental

Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and disposed of to a facility that may lawfully accept the waste.

36. The Proponent shall prepare and submit to the Director-General prior to commencement of demolition and construction, a Waste Management Plan including:
  - a) Details of the type and quantity of waste to be generated by demolition, construction and operational phases of the project;
  - b) Detail materials to be reused or recycled, either on or off site; and
  - c) Procedures for handling, storage, collection of recycling and disposal of waste.
37. For the life of the project, the Proponent shall:
  - a) Monitor the amount of waste generated by the project;
  - b) Investigate ways to minimise waste generated by the project; and
  - c) Implement reasonable and feasible measures to minimise waste generated by the project to the satisfaction of the Director-General.
38. The Proponent shall manage any waste that is classified as Hazardous, Industrial or Group A waste in accordance with Environmental Guidelines and under Schedule 1 of the *Protection of the Environment Operations Act 1997* and will require the relevant activities to be undertaken under an Environment Protection Licence.

## **GREENHOUSE GAS**

### **Energy Savings Action Plan**

39. The Proponent shall prepare and implement an Energy Savings Action Plan for the project to the satisfaction of the Director-General. This plan must be prepared in accordance with the requirements of the DWE and the *Guidelines for Energy Savings Action Plans, DEUS 2005*, and be submitted to the Director-General for approval.

### **Monitoring and Reporting**

40. The Proponent shall, to the satisfaction of the Director-General:
  - a) monitor the greenhouse gas emissions generated by the project;
  - b) investigate ways to reduce greenhouse gas emissions generated by the project; and
  - c) report on greenhouse gas monitoring and abatement measures and energy efficiency measures identified in the Energy Savings Action Plan.

## **PROCUREMENT OF FEEDSTOCK**

41. The Proponent shall implement a Procurement Plan for the project, to the satisfaction of the Director-General. The plan shall be submitted prior to commencement of operation and must:
  - a) Identify environmentally and socially responsible feedstock materials;
  - b) Include procedures for the sourcing of such feedstock materials;
  - c) Include evidence of legal sourcing of feedstock; and
  - d) Contain procedures for regular review of suppliers.
42. The Proponent shall provide evidence on an annual basis, to the satisfaction of the Director-General, to demonstrate compliance with condition 41.



## **SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND MONITORING**

### **CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

43. The Proponent shall prepare and implement a Construction Environmental Management Plan for the project, to the satisfaction of the Director-General. This plan shall be submitted to the Director-General prior to construction commencing. The plan must outline the environmental management practices and procedures that would be implemented during each stage of construction, and include:
- a) a description of all activities to be undertaken on the site during construction, including an indication of stages of construction;
  - b) statutory and other obligations that the Proponent is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders;
  - c) details of how the environmental performance of the construction works would be monitored, and what actions would be taken to address identified adverse environmental impacts;
  - d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project; and
  - e) complaints handling procedures during construction and site preparation.

### **ENVIRONMENTAL MANAGEMENT STRATEGY**

44. The Proponent shall prepare and implement an Environmental Management Strategy for the project, to the satisfaction of the Director-General. This strategy shall be submitted to the Director-General prior to operation commencing. The plan shall be updated as required throughout construction and must:
- a) provide the strategic context for environmental management of the project;
  - b) identify the statutory and other obligations that apply to the project;
  - c) describe the role, responsibility, authority, and accountability of all the key personnel involved in environmental management of the project; and
  - d) describe the procedures that would be implemented to:
    - keep the local community and relevant agencies informed about the construction, operation and environmental performance of the project;
    - receive, handle, respond to, and record complaints;
    - resolve any disputes that may arise during the course of the project;
    - respond to any non-compliance;
    - report on monitoring results; and
    - respond to emergencies.

### **AUDITING**

#### **Independent Environmental Audit**

45. Within one year of the commencement of operations, and every three years thereafter, unless the Director-General directs otherwise, the Proponent shall commission an Independent Environmental Audit of the project. This audit must:
- a) be carried out by a suitably qualified, experienced and independent audit team, whose appointment has been endorsed by the Director-General;
  - b) assess the environmental performance of the project;
  - c) assess whether the project is complying with the conditions of both this approval and the EPL for the project;
  - d) review the adequacy of any strategy/plan/programme required under this approval, and if necessary, recommend measures or actions to improve the environmental performance, and or any strategy/plan/programme required under this approval; and
  - e) include a Hazard Audit in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guidelines* and include a review of the Safety Management System and any entries made in the incident register since the previous audit.
46. Within two months of completing this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General, with a response to any recommendations contained in the audit report.
47. Within three months of submitting the audit report to the Director-General, the Proponent shall review and if necessary revise the strategies/plans/programs required under this approval.

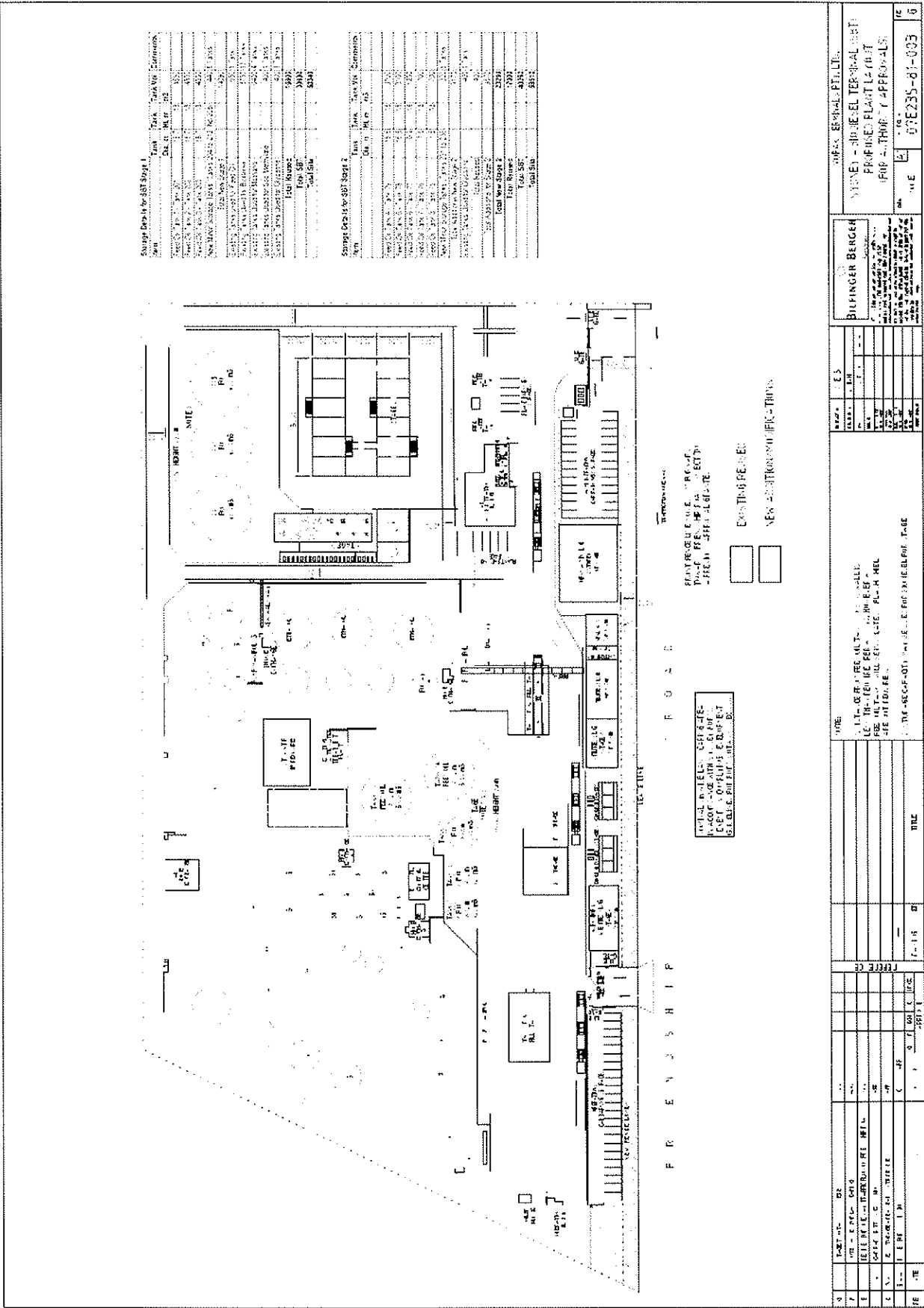
### **Pre-Operation Compliance Audit**

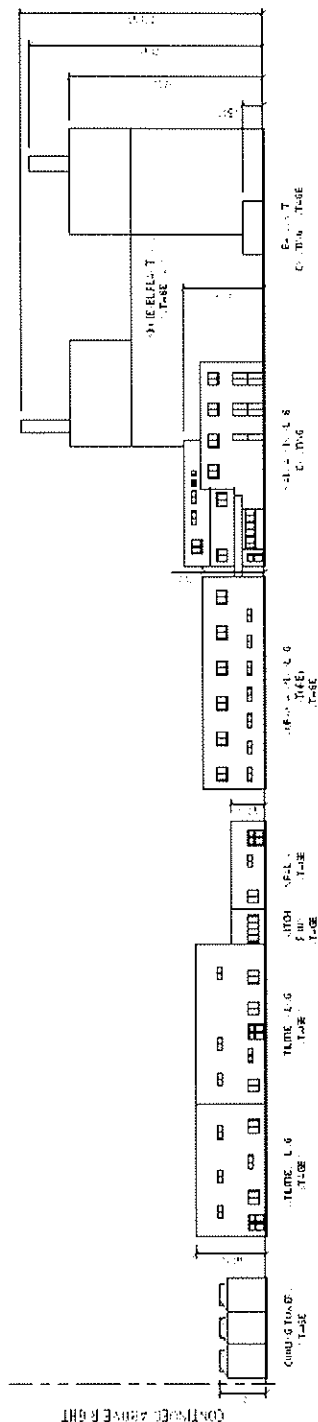
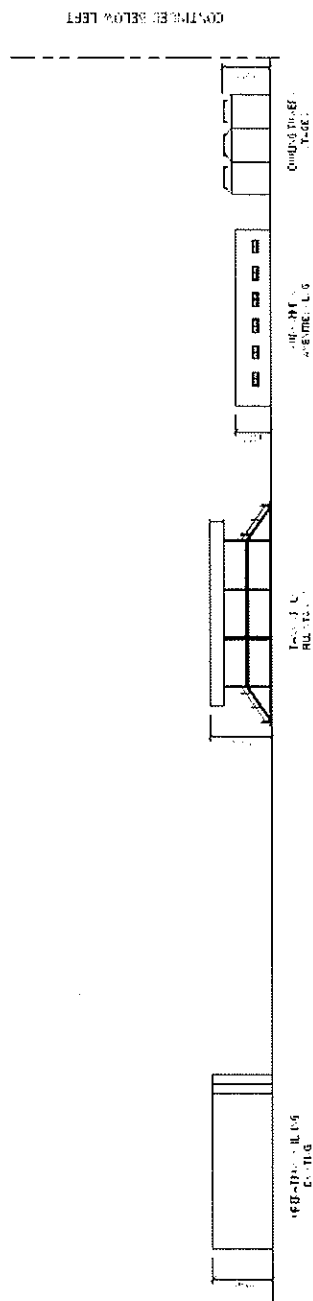
48. Prior to the commencement of operations, the Proponent shall submit work as executed plans to the Department for all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and must include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been carried out in accordance with the approved plans.

### **INCIDENT REGISTER AND REPORTING**

49. During the project, the Proponent shall maintain a register of accidents, incidents and potential incidents. Within 24 hours of any incident or potential incident with actual or potential off-site impacts on people or the environment, a report shall be submitted to the Director-General outlining the basic facts. A further detailed report following investigation shall be submitted to the Director-General within 14 days of the incident or potential incident.

## **APPENDIX A SITE PLANS**

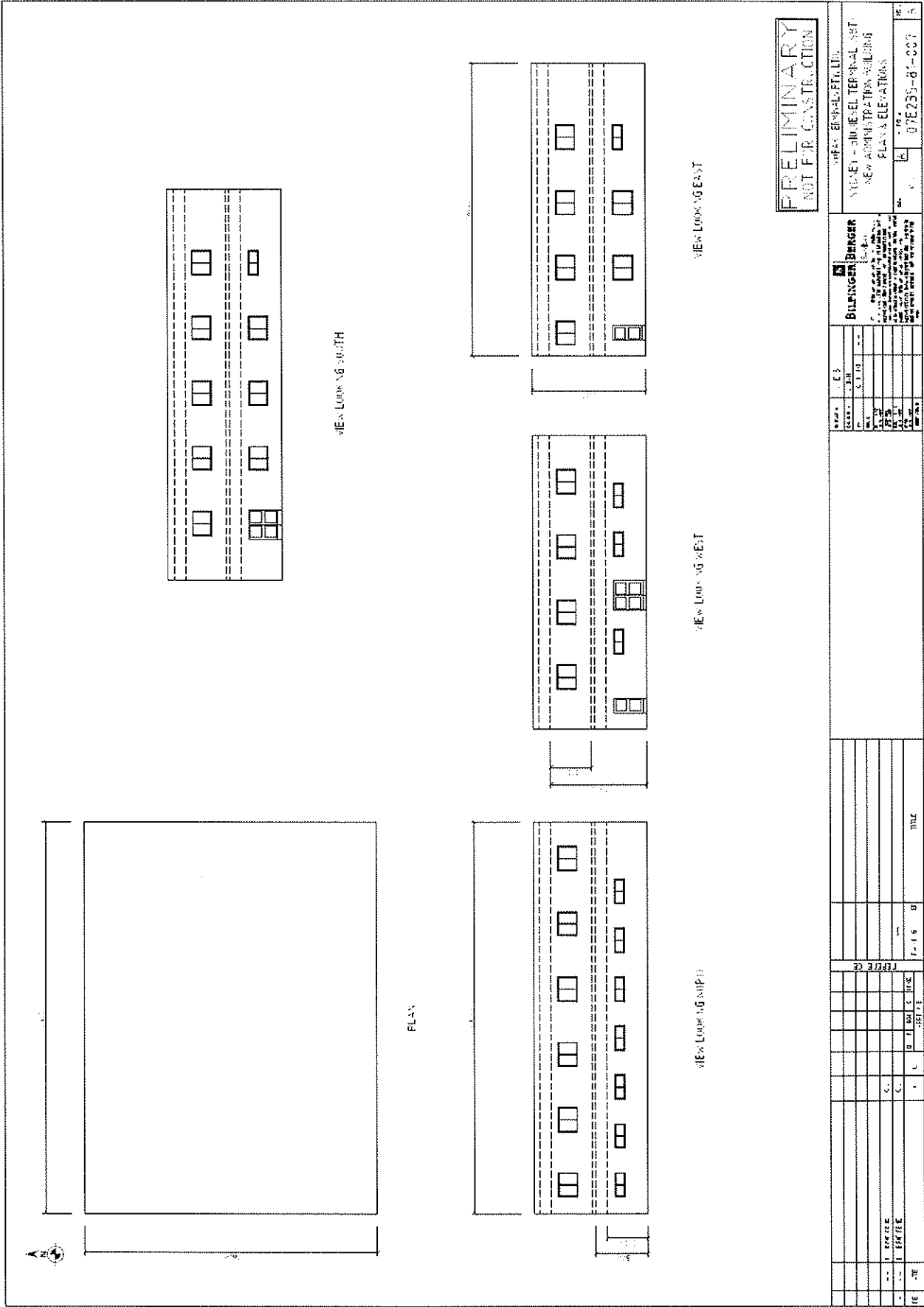




NEW LOW-NOB SODIUM  
FIRE EXTINGUISHER

PRELIMINARY  
NOT FOR CONSTRUCTION

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**APPENDIX B**  
**STATEMENT OF COMMITMENTS**