



NSW GOVERNMENT

Department of Planning

Major Development Assessment Manufacturing and Rural Industries

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Our Ref: S08/01294

Mr Mark Maund
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PO Box 850
Charlestown NSW 2290

Dear Mr Maund

Toll Ammonium Nitrate Goods Terminal Project (MP 08_0158) **Director General's Requirements**

The Department has received your application for the Toll Ammonium Nitrate Goods Terminal Project.

I have attached a copy of the Director-General's requirements for the project. These requirements have been prepared in consultation with the relevant Government 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 the Department 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); 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 Kerry Hamann on 9228 6415 or kerry.hamann@planning.nsw.gov.au.

Yours sincerely

Signed 2/10/08

David Kitto
A/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	MP 08_0158
Project	The establishment of an Ammonium Nitrate Goods Terminal to store and handle up to 6,000 tonnes of ammonium nitrate at any one time, primarily for distribution to the mining sector.
Location	Heron Road, (Lot 1 DP 1117013) Kooragang Island, Newcastle
Proponent	Toll Properties Pty Ltd
Date of Issue	2 October 2008
General Requirements	The Environmental Assessment must include: • an executive summary; • a detailed description of the project, including the: – need for the project; – alternatives considered; – 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: – 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 guidelines, policies, plans and statutory provisions (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 potentially 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 & Assessment Act 1979</i>; • a signed statement from the author of the Environmental Assessment, certifying that the information contained within the document is neither false nor misleading.
Key Issues	• Hazards – including: – a Preliminary Hazard Analysis (PHA) of the project including a detailed assessment of the potential off-site risks; – details of the receipt, transfer and storage of dangerous goods on site; and – a discussion to demonstrate that the project will not conflict with the recommendations of the Department's <i>Newcastle and Kooragang Island Area Risk Assessment Study 1992</i>. All likely conflicts must be identified and impacts detailed; • Soil and Water – including: – an assessment of the potential soil, groundwater and surface water impacts, including impacts on Newcastle Harbour;

	– proposed erosion and sediment controls (during construction) and the proposed stormwater management system (during operation); – an assessment of contaminated groundwater and soils, and acid sulfate soils; and – potential impacts of flooding, with consideration of climate change and projected sea level rises; • Transport – including: – details of all transport types; – impacts on the safety and capacity of the local road network; and – details of the site access, internal roads and car parking; • Air Quality and Odour– including: – an assessment of all air pollutants from all sources during construction and operation; and from road, rail and sea transport, including any potential particulates and odour; and – cumulative impacts of the proposal in relation to existing and approved developments in the area. • Noise – including construction, operational and on-site and off-site road, rail and sea transportation noise; • Visual – impacts on nearest sensitive receivers; • Waste - including classification of all potential sources of liquid and non-liquid wastes, quantities, storage, treatment and disposal or re-use; • Greenhouse Gas – including a quantitative analysis of the Scope 1 and 2 greenhouse gas emissions of the project; a qualitative analysis of the impacts of these emissions; and details of measures to improve energy efficiency; • Flora & fauna – including impacts on critical habitats, threatened species or populations or ecological communities and their habitats in the region; and • Heritage – including Aboriginal and non-Aboriginal.
References	The environmental assessment of the key issues listed above should take into account relevant guidelines, policies, and plans. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this project.
Consultation	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. In particular, you must consult with the: • Department of Environment and Climate Change, • Department of Water and Energy, • Roads and Traffic Authority, • Newcastle Ports Corporation; and • Newcastle City Council. The consultation process and the issues raised must be described in the Environmental Assessment.
Deemed Refusal Period	60 days

Guidelines, Policies and Plans

Aspect	Policy /Methodology
Hazard and Risk	
	AS/NZS 4360:2004 Risk Management
	HB 203:2006 Environmental Risk Management – Principals and Process
	State Environmental Planning Policy No 33– Hazardous and Offensive Development (SEPP 33)
	Planning Advisory Paper No. 6 – Guidelines for Hazardous Analysis (DUAP)
	Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (DUAP)
	Newcastle and Kooragang Island Area Risk Assessment Study, 1992
Soil and Waters	
<i>Soil</i>	Acid Sulfate Soil Manual (ASSMAC)
	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)
	State Environmental Planning Policy No. 55 – Remediation of Land
	Managing Land Contamination - Planning Guidelines SEPP 55 – Remediation of Land (DUAP and EPA)
	Contaminated Sites: Sampling Design Guidelines (NSW EPA)
	Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites (NSW EPA)
<i>Surface Water</i>	National Water Quality Management Strategy: Australian Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ)
	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)
	National Water Quality Management Strategy - Guidelines For Water Recycling: Managing Health And Environmental Risks (Phase1) (EPHC, NRMMC & AHMC)
	National Water Quality Management Strategy - Guidelines For Water Recycling: Managing Health And Environmental Risks (Phase1) (EPHC, NRMMC & AHMC)
	Managing Urban Stormwater: Council Handbook. Draft (EPA)
	Managing Urban Stormwater: Treatment Techniques (EPA)
	Managing Urban Stormwater: Source Control. Draft (EPA)
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC)
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC)
	Floodplain Risk Management Guideline: Practical Consideration of Climate Change (DECC)
<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)
	NSW State Groundwater Quantity Management Policy (DLWC) Draft

	The NSW State Groundwater Dependent Ecosystem Policy (DLWC)
	Guidelines for the Assessment and Management of Groundwater Contamination (DECC) Draft
Transport	
	Guide to Traffic Generating Development (RTA)
	Road Design Guide (RTA)
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2002
	Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW (DEC)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC)
Odour	
	Technical Framework: Assessment and Management of Odour from Stationary Sources in NSW (DEC)
	Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW (DEC)
Noise	
	NSW Industrial Noise Policy (DECC)
	Environmental Criteria for Road Traffic Noise (NSW EPA)
	Environmental Noise Control Manual (DECC)
Visual	
	Control of Obtrusive Effects of Outdoor Lighting (Standards Australia, AS4282)
Waste	
	Waste Avoidance and Resource Recovery Strategy (Resource NSW)
	Waste Classification Guidelines (DECC)
Greenhouse Gas	
	National Greenhouse Accounts (NGA) Factors
	Guidelines for Energy Savings Action Plans (DEUS)
Flora and Fauna	
	Draft Guidelines for Threatened Species Assessment under Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (DEC)
	State Environmental Planning Policy No. 44 – Koala Habitat Protection
Heritage	
<i>Aboriginal</i>	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC)
<i>Non-Indigenous</i>	NSW Heritage Manual (NSW Heritage Office & DUAP)
Strategic Plans	
	Lower Hunter Regional Strategy
	Hunter Regional Environmental Plan 1989