

**Ian Cohen MLC**  
**The Greens**

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The Hon. F.E. Sartor, MP.  
Minister for Planning, Minister for Redfern-Waterloo,  
Minister for the Arts  
Level 34 Governor Macquarie Tower  
1 Farrer Place  
Sydney NSW 2000

25 September 2007

Dear Minister, *F. Sartor*

I am writing to raise concerns with you over the proposed construction and operation of a biodiesel facility at Port Botany by Vopak Terminals Sydney Pty Ltd and Natural Fuels Australia Ltd. In particular, I have serious concerns about the sourcing of the feedstock for the facility from palm oil from South-east Asia.

I understand that the Environmental Impact Statement for the project, which is a Part 3A proposal, is currently before the Department of Planning. My concern is that the 400 page EIS has very little information regarding the feedstock for the proposed biodiesel plant. The Managing Director of Natural Fuels has confirmed that the feedstock will be palm oil imported from South-east Asia.

The expansion of palm oil production is one of the leading causes of rainforest destruction in South-east Asia. In Indonesia, Malaysia and Papua New Guinea palm oil production is responsible for clearing of rainforest and loss of biodiversity, as well as dislocation of communities and social conflict. Will you consider whether the proposal might breach Australia's obligations under the Convention on Biological Diversity?

The issue of the source material for the biodiesel plant needs to be investigated. The principles of ESD should be applied at each stage of the decision making process. Under these principles, the potential adverse environmental impacts of sourcing the product cannot be ignored just because it occurs offshore. Intergenerational equity is not confined to within the borders of NSW.

Both the Land and Environment Court and the Federal Court have pointed towards broadening the scope of relevant consequences resulting from developments (*Gray v The Minister for Planning and Ors* [2006] NSWLEC 720 and *Minister for Environment and Heritage v Queensland Conservation Council Inc and Anor* (2004) 139 FCR 24).

As the EIS does not consider the sourcing of the feedstock I do not believe it is comprehensive enough. Without this investigation the EIS is fundamentally flawed and should be revised. There is also a strong public interest consideration in the public's right to know what the full impact of the proposal will be.

I strongly urge you to reject the proposal as it currently stands and call for a thorough EIS which includes an assessment of the feedstock to be used for the plant and the environmental impacts of the sourcing of the feedstock. If you feel that the proposal should be approved, then I urge you to impose conditions of consent regarding where and how the oil is sourced.

I look forward to your prompt response.

Verdantly,



**Ian Cohen MLC**