



Berrima Cement Works

*State Significant
Development
Modification Assessment
(DA 401-11-2002-i MOD
10)*



April 2019

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Cover photo

Boral Cement Works Berrima (Source Boral Land & Property Group)

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Glossary

Abbreviation	Definition
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Wingecarribee Shire Council
Department	Department of Planning and Environment
DPI	Department of Primary industries
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
LEP	Local Environmental Plan
Minister	Minister for Planning
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development



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1. Introduction

This report provides an assessment of an application to modify the State significant development consent (SSD) for the Berrima Cement Works. The modification applications seeks approval to change the dimensions of the Solid Waste Derived Fuels (SWDF) storage shed as well as several sundry improvements. The application has been lodged by Boral Land & Property Group (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant operates a cement works off Taylor Road, New Berrima in the Wingecarribee local government area (see **Figure 1**). The cement works was built in 1929 and has operated continuously since on the basis of continuing land use rights, as well as per the direction of approval for both development consents DA 401-11-2002-i and DA 85-4-2005-i.



Figure 1 | Site Location

The facility produces cement products (cement and clinker) for sale in NSW, the ACT and for export. The facility has approval to produce up to 1.56 million tonnes per annum (tpa) of cement products which has historically represented approximately 60% of cement sold for building and construction in NSW. Operational infrastructure includes one kiln and two cement mills, including storage and stockpiling facilities.

The 149 hectare (ha) site is immediately south of the residential settlement of New Berrima and approximately 2.5 kilometres (km) east of the Hume Highway. The cement works is the most physically dominating feature of the New Berrima area, being roughly equivalent in size to the adjacent township, with the tallest structure on the site being the upgraded pre-heater tower, which is approximately 85 metres (m) high. The closest residential dwellings in New Berrima are approximately 275 m north of the site. Two isolated farms, Chelsey Park Farm and Candowie Farm House are located to the east and south east of the cement works respectively. The site is zoned IN3 Heavy Industrial in the *Wingecarribee Local Environmental Plan 2010*.

1.2 Approval History

The facility operates under a combination of continuing use rights and the following two development consents approved by the then Minister for Planning:

- DA 401-11-2002-i – approved in 2003 to upgrade and increase the capacity of Kiln 6 at the existing cement works; and
- DA 85-4-2005-i – approved in 2005 for the establishment and operation of a new cement mill (Cement Mill 7).

The Applicant is seeking to modify the consent for Kiln 6 (DA 401-11-2002-i). The original consent involved an increase in output of Kiln 6, an upgrade of Kiln 6 infrastructure to allow for the burning of non-standard fuel, upgrade of the coal mill capacity and intermitted use of Kiln 5 during periods of Kiln 6 maintenance, shut-down and high production demands. The facility operates under an Environment Protection License (EPL 1968) issued by the Environment Protection Authority (EPA) which also has been subject to numerous variations.

The development consent (DA 401-11-2002-i) has previously been modified on nine occasions (see **Table 1**):

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Use of non-standard fuels, including used tyres (AKF5), liquid oil residues (AKF1) and spent aluminum electrode carbon (HiCal 50).	Minister	Former 96(2)	26 September 2005
MOD 2	Removal of prohibition on the acceptance of materials classified as "hazardous waste" under the DEC's waste guidelines.	Department	Former 96(1A)	September 2006
MOD 3	Small scale trial use of tyre chips over a six-month period.	Department	Former 96(1A)	13 February 2007
MOD 4	Increase in usage of coal fines from 1.5 tonnes per hour (tph) to 10 tph.	Department	Former 96(1A)	8 May 2007
MOD 5	Approval to use rail for coal delivers.	Department	Former 96(1A)	31 August 2008
MOD 6	Stockpiling of coal for sale and transport to Port Kembla.	Planning Assessment Commission	Section 75W	20 June 2012
MOD 7	Trial and use of Granulated Blast Furnace Slag as raw material additive, not exceeding 150,000 tpa.	Department	Section 75W	16 April 2012
MOD 8	Administrative changes to align DA and EPL conditions.	Department	Section 75W	5 August 2012
MOD 9	Approval to use Solid Waste Derived Fuels (SWDF) as an energy source and the construction of a SWDF storage shed and kiln feeding system.	Department	Section 75W	5 October 2016



2. Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to extend the existing Solid Waste Derived Fuels (SWDF) storage shed previously approved under MOD 9 by approximately 19 m, as well as additional sundry improvements including a minor extension to the vehicle access doors to improve vehicle access and manoeuvrability.

The approved SWDF storage shed was designed to store up to 44,230m³ of SWDF at any time, allowing for a maximum throughput capacity of up to 100,000 tonnes per annum (tpa). Due to budgetary constraints at the time the 'as-built' SWDF storage shed and handling facility was built to only store up to 19,300m³ and could only achieve a throughput of 55,000 tpa. In order to meet rising demand, minor changes to the approved SWDF storage shed specifications are proposed which include a northward extension of the SWDF shed by 24 m. The proposed changes to the SWDF storage shed specifications are provided below in **Table 2** and further highlighted in **Figures 2 & 3**.

Table 2 | Proposed Changes to SWDF Storage Shed

	Approved MOD 9	'As Built'	Proposed MOD 10
SWDF Shed Specifications			
Width (m)	30	16	16
Length (m)	50	45	69
Floor Area (m ²)	1,650	720	1,104
Height (m)	16.5	No change	No change
SWDF Storage and Throughput			
Maximum SWDF throughput to Kiln 6 Operations (tpa).	100,000	No change	No change

The Applicant's modification application to extend the SWDF storage shed would also allow for the use of SWDF materials over weekend periods, where deliveries are not permitted, and a shortage of SWDF supply may occur. The proposed increase would be in keeping with the maximum 100,000 tpa limit prescribed under the development consent which has not been achieved with the 'as-built' shed.



Figure 2 | Proposed SWDF Shed Extension

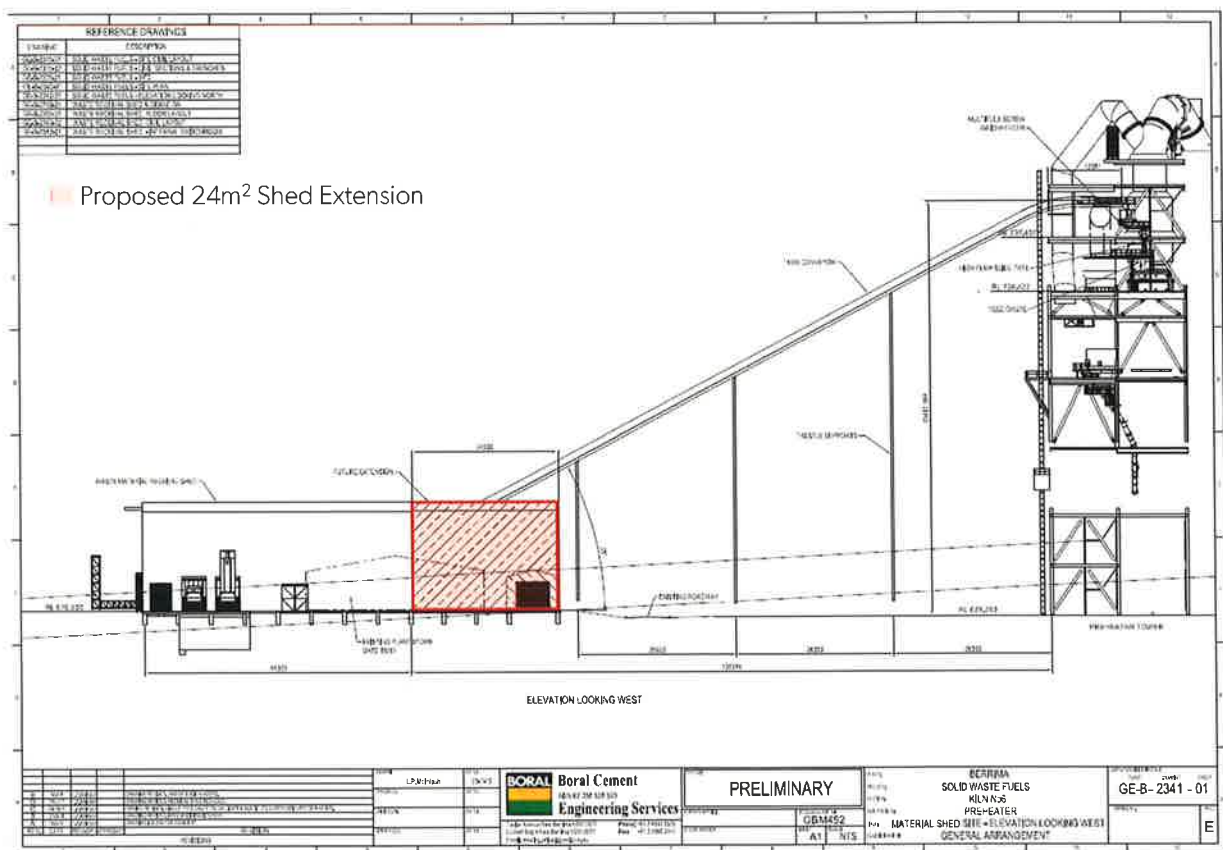


Figure 3 | Proposed SWDF Shed Extension Western Elevation



3. Strategic Context

The Department has considered the following strategic documentation relevant to the assessment of the proposed modification application:

- Wingecarribee Local Environmental Plan 2010
- South East and Tablelands Regional Plan 2036

3.1 Wingecarribee Local Environmental Plan 2010

The site is located within the The Moss Vale Enterprise Corridor (MVEC), a significant area of land between Moss Vale and New Berrima set aside for employment generating development under the Wingecarribee Local Environmental Plan 2010. The importance of the MVEC is also reinforced in the *Sydney-Canberra Corridor Regional Strategy 2006-31*.

The MVEC is currently zoned IN1 General Industrial with some IN3 Heavy Industrial zoned land to the south of New Berrima, being the site of the Boral Cement Plant, and the eastern perimeter fronting McCourt Road. The area is a significant employment corridor that supports the development of a priority economic sector by developing appropriately zoned industrial land south of Sydney.

3.2 South East and Tablelands Regional Plan 2036

The South East & Tablelands Regional Plan 2036 identifies four goals for the region including a connected and prosperous economy, a diverse environment interconnected by biodiversity corridors, healthy and connected communities, and environmentally sustainable housing choices.

The proposed modification will support the goals of the regional plan, particularly ensuring a connected and prosperous economy as it would continue to support the Applicant's operations.



4. Statutory Context

4.1 Scope of Modifications

The Department has reviewed the scope of the modification application and is satisfied that the proposed modification would result in minimal environmental impacts, and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the approved project would not change as a result of the proposed modification
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of approval.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Industry Assessments, may determine the application under delegations:

- the relevant local Council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objections.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. However, due to the potential environmental and amenity impacts, the Department notified the modification application to Wingecarribee Council (Council), relevant government agencies and nearby landowners from 15 February 2019 to 1 March 2019. The application was also made publicly available on the Department's website on 15 February 2019.

The modification application was referred to Council and the Environment Protection Authority (EPA).

5.2 Summary of Submissions

During the notification period one submission was received from the EPA which did not object to the development.

Council did not object and provided no comment on the modification.

EPA did not object to the modification, however noted the SEE document lodged with the application made several inconsistent calculations relating to the area of the storage shed and its storage capacity. Similarly, the EPA advised the modification, if approved would be subject to the conditions of the recently approved MOD 9 and that all activities undertaken at the premises are regulated by the EPA through the Environment Projection License (EPL 1698).

5.3 Response to Submissions

The Department reviewed the comments received by the EPA and requested the Applicant provide clarity relating to the inconsistent calculations of the SWDF storage shed. The Applicant provided a Response to Submissions (RTS) to address the EPA's concerns on 7 March 2019.

The RTS was made publicly available on the Department's website and was provided to the EPA. The EPA did not provide further comment on the proposed modification.



6. Assessment

The Department has assessed the merits of the proposed modification. During the assessment, the Department has considered the:

- SEE and RTS provided to support the proposed modification (see **Appendix B**)
- assessment report for the original development application and subsequent modification application(s)
- submission from the EPA (see **Appendix C**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Departments assessment is provided in **Table 3**.

Table 3 | Assessment Issues

Findings	Recommended Condition
SWDF Storage Shed Extension	
• The modification seeks to extend the length of the existing 'as-built' SWDF storage shed to enable the Applicant to store enough fuel for use in Kiln 6. • The SEE noted that construction is expected to take 18 weeks and would be limited to standard working hours. The plant and equipment required for the construction works would be consistent with those approved under MOD 9. • The EPA did not object to the modification, but noted several inconsistent calculations of the storage shed floor area and storage capacity. The Applicant addressed the incorrect calculations to the satisfaction of the EPA. • The Department is satisfied that construction impacts associated with the modification would be minimal and can be managed through existing consent conditions. • The Department notes the operational aspects of the SWDF storage, feeding and handling system would not change as a result of the modification and the proposal does not propose any additional cement production, hours of operation, site personnel, truck movements on site per day or SWDF delivery hours. • The Department's assessment concludes the proposed modification to the SWDF storage shed is appropriate and is of minimal impact. As such, the Department recommends Condition 1.2(p)(i) of the development consent be updated to reflect the revised scope of development.	Require the Applicant: • Amend the Scope of Development in Condition 1.2 of the development consent to reflect the changes made in MOD 10.



7. Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department's assessment of the proposed modification concludes the following:

- the site is located on a site of ongoing industrial development
- the impacts can be adequately managed through conditions.

The Department has assessed the proposed modification and Environmental Assessment and considered the submission provided by the EPA. The Department has also considered the objectives and the relevant considerations under section 4.55 of the EP&A Act. The Department considers the proposed modification is appropriate on the basis that:

- the proposal would result in minimal environmental impacts beyond the approved development
- satisfactory mitigation measures would be put in place to manage potential impacts

Overall, the Department is satisfied the impacts from the proposed modification can be appropriately managed through the Applicant's proposed mitigation measures and the Department's recommended conditions. It is therefore recommended that the modification should be approved, subject to conditions.



8. Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application DA 401-11-2002-i MOD 10 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application
- **modify** the consent DA 401-11-2002-i MOD 10
- **signs** the attached approval of the modification (**Appendix D**).

Recommended by:



10/4/19

John Booth

Planning Officer
Industry Assessments

Recommended by:



Pamela Morales

A/Team Leader
Industry Assessments



9. Determination

The recommendation is: **Adopted by:**

C. Ritchie

Chris Ritchie

Director

Industry Assessments

11/4/19



Appendices

Appendix A – List of Documents

- Section 96(1A) Statement of Environmental Effects – Berrima Cement Works –Solid Waste Derived Fuels Shed Extension, prepared by Boral Land & Property Group, 8 February 2019
- Response to Submission, prepared by Boral Land & Property Group, 07 March 2019
- Section 75W Modification Assessment Report – Berrima Cement Works (DA 401-11-2002-I MOD 9), prepared by the Department of Planning and Environment, October 2016
- Existing conditions of consent
- Relevant environmental planning instruments, policies and guidelines
- Relevant requirements of the EP&A Act.

Appendix B – Statement of Environmental Effects/ Environmental Assessment

Appendix C – Submissions

Appendix D – Consolidated Consent

Appendix E – Notice of Modification