

Concept Approval Project Approval

Sections 75O, 75P and 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the concept plan referred to in Schedule 1, and having determined that no further environmental assessment is required for the project, approve the carrying out of the project without further application, environmental assessment or report, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Frank Sartor MP
Minister for Planning

Sydney

2006

File No: S03/03591

The Department has prepared a consolidated version of the approval which is intended to include all modifications to the original determination instrument.

The consolidated version of the approval has been prepared by the Department with all due care. This consolidated version is intended to aid the approval holder by combining all approvals relating to the original determination instrument but it does not relieve an approval holder of its obligation to be aware of and fully comply with all approval obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

CONSOLIDATED APPROVAL

SCHEDULE 1

Application No:	05_0073
Proponent:	Port Kembla Port Corporation
Approval Authority:	Minister for Planning
Land:	Part Lot 504 DP 1035674 and Part Lot 2004 DP 1030233, Inner Harbour, Port Kembla, Wollongong local government area
Project:	Expansion of the Port Kembla Inner Harbour General Cargo Handling Facility to include cargo storage and motor vehicle processing and storage; relocation of Tom Thumb Road; redevelopment of Eastern Basin Berth No. 4 and associated dredging; construction of Multi-Purpose Berth No. 3 and associated dredging; and easterly extension of the existing Multi-Purpose Berth by 80 metres.
Major Project:	The proposal is declared a Major Project under section 75B(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i> , because it is a development of a kind described in clause 22 of Schedule 1 to <i>State Environmental Planning Policy (Major Projects) 2005</i> .

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SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
MP05_0073-MOD-1	25 March 2024	Director Transport and Water Assessments	Replacement of the cap on the number of tonnes of cargo that can be handled at the site annually with separate caps on the number of tonnes of cargo transported to and from the site by road or by rail annually

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
BCA, the	Building Code of Australia
Conditions of Approval	The Minister's conditions of approval for the project.
Construction	Any work requiring a Construction Certificate, or bulk earthworks, but not including dredging works
Council	Wollongong City Council
Day	the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department, the	Department of Planning, Housing and Infrastructure
Planning Secretary	Planning Secretary of the Department of Planning (or delegate).
Director-General 's Report	The report provided to the Minister by the Director-General of the Department under section 75I of the EP&A Act.
DPI	Department of Primary Industries (Fishing)
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act, 1997</i>
Evening	the period from 6pm to 10pm on any day
Minister, the	Minister for Planning and Public Spaces .
Night	the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Operation	The receipt of cargo at the project
Proponent	Port Kembla Port Corporation, or any other person carrying out any development to which this approval applies.
Planning Secretary	Planning Secretary of the Department of Planning, Housing and Infrastructure (or delegate).
Planning Secretary Approval	<p>A written approval from the Planning Secretary (or delegate).</p> <p>Where the Planning Secretary's Approval is required under a condition the Planning Secretary will endeavour to provide a response within one month of receiving an approval request. The Planning Secretary may ask for additional information if the approval is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p>
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
TfNSW	Transport for NSW
Site	Land to which Major Projects Application 05_0073 applies.

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1. ADMINISTRATIVE CONDITIONS

Terms of Approval

- 1.1 The Proponent shall carry out the project generally in accordance with:
- a) Major Projects Application 05_0073;
 - b) *Proposed Expansion of General Cargo Handling Facility: Environmental Assessment Report*, prepared by Sinclair Knight Merz and dated December 2005;
 - c) response to submissions and updated Statement of Commitments detailed in correspondence from the Proponent to the Department, dated 6 March 2006;
 - d) *Port Kembla General Cargo Handling Facility Modification Report MP05_0073 MOD1* prepared for Australian Amalgamated Terminals, dated August 2023 and *Port Kembla Cargo and Grain Handling Facility Traffic Assessment* Letter prepared by JMT Consulting, dated 1 June 2023;
 - e) *Response to Request for Additional Information MP05_0073 MOD 1 Port Kembla General Cargo Handling Facility* Letter prepared by CW Strategic Planning Services, dated 13 December 2021; and
 - f) The conditions of this approval.
- 1.2 In the event of an inconsistency between:
- a) the terms of this approval and any document listed in Condition 1.1 inclusive, the terms of this approval will prevail to the extent of the inconsistency; and
 - b) any document listed in Condition 1.1 inclusive, the most recent document will prevail to the extent of the inconsistency.

Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.

- 1.3 The Proponent shall comply with any reasonable requirement(s) of the **Planning Secretary** arising from the Department's assessment of:
- a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence

Project Approvals

1.4 Pursuant to section 75P(1)(c) of the *Environmental Planning and Assessment Act 1979*, no further environmental assessment is required for the project or any particular stage of the project. This approval forms the concept approval and project approval for the application referred to in Schedule 1.

- a) commencement of any construction works on the land subject of this approval;
- b) commencement of any dredging works permitted under this approval;
- c) commencement of operation of the project (receipt of first cargo).

Consolidation of Approvals

1.5 This approval is extended to encompass those works authorised under development consent DA-105-2004-i (as modified), granted by the then Minister for Infrastructure and Planning on 4 April 2005, and as generally described in:

- a) *Environmental Impact Statement for Proposed Cargo Handling Facility, Inner Harbour, Port Kembla*, prepared by Sinclair Knight Merz and dated April 2004;
- b) *Amended Environmental Impact Statement for Proposed Cargo Handling Facility, Inner Harbour, Port Kembla*, prepared by Sinclair Knight Merz and dated September 2004; and
- c) as amended by *Section 96(1) Application for Modification of Development Consent (DA No. 105-5-2004-1) for Proposed Cargo Handling Facility at Tom Thumb Road, Inner Harbour, Port Kembla*, prepared by Fielder Engineers Pty Ltd and dated April 2005.

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Note: the document *Proposed Expansion of General Cargo Handling Facility: Environmental Assessment Report*, prepared by Sinclair Knight Merz and dated December 2005 details where the works the subject of this approval supersede or amend the works permitted under DA-105-2004-i (as modified).

1.6 Within six months of the operation of this approval, the Proponent shall surrender development consent DA-105-2004-i (as modified), granted by the then Minister for Infrastructure and Planning on 4 April 2005, to the **Planning Secretary**.

Limits of Approval

1.7 This approval shall lapse five years after the date on which it is granted, unless any of the works the subject of the approval are physically commenced on or before that time.

1.8 The project shall be limited to handling no more than:

- a) 2,216,000 tonnes of cargo per annum transported to and from the site by rail and by Inner Harbour Transfer; and
- b) 2,216,000 tonnes of cargo per annum transported to and from the site by road.

To avoid any doubt, this approval does not specify or otherwise restrict the composition of freight or freight types below the maximum limits specified in this condition.

Statutory Requirements

1.9 The Proponent shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.

Compliance

1.10 The Proponent shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.

1.11 The Proponent shall be responsible for environmental impacts resulting from the actions of all persons on site, including contractors, sub-contractors and visitors.

1.12 Prior to each of the events listed below, the Proponent shall certify in writing to the satisfaction of the **Planning Secretary**, that it has complied with all conditions of this approval applicable prior to that event.

- d) commencement of any construction works on the land subject of this approval;
- e) commencement of any dredging works permitted under this approval;
- f) commencement of operation of the project (receipt of first cargo).

2. SPECIFIC ENVIRONMENTAL CONDITIONS

Demolition

2.1 All demolition work shall be carried out in accordance with AS 2601-2001 *The Demolition of Structures*.

Hazards, Dangerous Goods and Chemical Storage

2.2 The Quarantine inspection area located on the site shall be provided to a standard acceptable to the Australian Quarantine Inspection Service.

2.3 Notwithstanding any provision of this approval, the Proponent shall not receive or handle any cargoes of dangerous goods at the project unless the Proponent has satisfied the requirements of the **EPA** and NSW WorkCover in relation to the handling, storage and management of those cargoes.

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2.4 The Proponent shall store and handle all relevant combustible liquids and dangerous goods (as defined by the Australian Dangerous Goods Code) in impervious bunds or sealed areas consistent with all relevant Australian Standards and the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

2.5 Subject to condition 2.6 of this approval, the Proponent shall ensure that dangerous goods are handled and stored on the site generally in accordance with the annual maximum throughput and maximum on-site inventory estimates detailed in Table 5-31 on page 5-62 of *Proposed General Cargo Handling Facility, Inner Harbour, Port Kembla – Amended Environmental Impact Statement*, prepared by Sinclair Knight Mertz and dated September 2004.

2.6 Within one year of the commencement of operation of the project, and every year thereafter, unless otherwise agreed by the **Planning Secretary**, the Proponent shall submit to the **Planning Secretary** details of the quantities of dangerous goods stored and handled by the project, compared against the quantities referred to under condition 2.5 of this approval. Following review this information, the **Planning Secretary** may require that the Proponent:

- a) take no further action, if the quantities of dangerous goods stored and handled on the site are generally consistent with the quantities referred to under condition 2.5; or
- b) prepare and submit for the approval of the **Planning Secretary**, an updated hazard analysis prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis*, if the **Planning Secretary** forms the view that quantities of dangerous goods stored and handled on the site are not generally consistent with the quantities referred to under condition 2.5 and having regard to the screening thresholds in the Department's *Applying SEPP 33*; or
- c) seek further approval under the *Environmental Planning and Assessment Act 1979* if the **Planning Secretary** forms the view that quantities of dangerous goods stored and handled on the site are significantly different to those quantities referred to under condition 2.5.

2.7 At least two months prior to the commencement of operation of the project, or within such period as may be agreed by the **Planning Secretary**, the Proponent shall prepare and submit the following studies for the approval of the **Planning Secretary**:

- a) a **Final Hazard Analysis** for the project, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis*. The Final Hazard Analysis shall be based on the most recent estimates of dangerous goods cargo throughputs for the Port Kembla operations and demonstrate that off-site risks do not exceed relevant land use safety planning criteria;
- b) a comprehensive **Emergency Plan** and detailed emergency procedures for the project. The Plan shall include detailed procedures for the safety of all people inside and outside the project who may be at risk from the project. The plan shall be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1 - Industry Emergency Planning Guidelines*, and shall:
 - i) identify any threats to the environment and/or public health that could arise from the operation of the project. These threats may include fire, explosion power or other utility failure, natural disaster, landslip, accidental spills and discharges;
 - ii) identify any subsequent direct or indirect environmental effects and any mitigation measures;
 - iii) identify the pollution that would result due to the disruption of operations and what impact the pollution would have on the health of the community and the environment;
 - iv) develop actions to effectively respond to the incident so the risk of pollution is minimised;
 - v) develop a communications strategy alerting relevant agencies and the potentially affected community in the event of the disruption to operations leading to significant pollution;
 - vi) ensure that all relevant employees are familiar with the documentation; and

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- vii) identify any opportunities to integrate with the Port Kembla Port Corporation emergency plans.
- c) a document setting out a comprehensive **Safety Management System**, covering all on-site operations and associated transport activities involving hazardous materials. The document shall clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records shall be kept on-site and shall be available for inspection by the **Planning Secretary** upon request. The Safety Management System shall be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*.

The Proponent shall comply with all reasonable requirements of the **Planning Secretary** in respect of the implementation of any measures arising from the reports submitted in relation to this condition, within such time as the **Planning Secretary** may agree.

2.8 Three months after the commencement of operation of the project, the Proponent shall submit to the **Planning Secretary**, a report detailing compliance with condition 2.7 of this approval, including:

- a) dates of Study/ Plan/ System completion, and commencement of construction and commissioning;
- b) actions taken or proposed, to implement recommendations made in the studies/plans/systems;
- c) responses to each requirement imposed by the **Planning Secretary** following review of the Study/ Plan/ System;
- d) verification that the Emergency Plan required under condition 2.7b) is effectively in place and that at least one emergency exercise has been conducted;
- e) verification that the Safety Management System required under condition 2.7c) has been fully implemented and that records required by the System are being kept;
- f) a signed commitment by the Proponent's representative responsible for the operation of the project, that for each Study/ Plan/ System:
 - i) the required study/plan/system has been undertaken or prepared to the relevant *Hazardous Industry Planning Advisory Paper*;
 - ii) all recommendations of each study have been implemented; and
 - iii) all safety management systems and their associated risk controls have been implemented and are being maintained.

The Proponent shall comply with all reasonable requirements of the **Planning Secretary** in respect of the implementation of any measures arising from the report submitted in relation to this condition, within such time as the **Planning Secretary** may agree.

2.9 Twelve months after the commencement of operation of the project, or within such period as may be agreed by **Planning Secretary**, the Proponent shall carry out a comprehensive **Hazard Audit** of the project and within one month of the Audit submit a report to the **Planning Secretary**. The Audit shall be carried out at the Proponent's expense by a duly qualified independent person or team approved by the **Planning Secretary** prior to commencement of the Audit. Further Audits shall be carried out every three years, or as determined by the **Planning Secretary**, and a report of each Audit shall be submitted to the **Planning Secretary** within one month of the Audit's completion. Each Hazard Audit shall be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*. The Audit shall include a review of the site Safety Management System, Emergency Plan and procedures, and a review of all entries made in the incident register since the previous Audit. The Proponent shall comply with all reasonable requirements of the **Planning Secretary** in respect of the implementation of any measures arising from the reports submitted in respect of this condition, within such time as the **Planning Secretary** may agree.

Traffic and Transport

Internal Roads and Parking

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2.10 The Proponent shall design, construct and maintain all internal road works, including associated parking facilities and loading bays, to meet or exceed the following requirements:

- a) compliance with the provisions of relevant Australian Standards, TfNSW standards and guidelines, and Council codes;
- b) installation of clear signage to demarcate all vehicle movements within the site;
- c) provision of directional pavement arrows on all internal road, and line-marking and signage to indicate designated truck routes and bays;
- d) internal roadways wide enough to accommodate through traffic and turning two-way traffic;
- e) design of site ingress and egress points to ensure that B-Double vehicles enter and leave the site in a forward direction;
- f) installation and maintenance of any landscaping on the site so as not to affect driver sight distance for vehicles entering and exiting the site;
- g) provision for the separation of heavy and light vehicle ingress and egress points; and
- h) clear demarcation of all visitor, disabled, ambulance and service vehicle parking areas.

2.11 The Proponent shall design, install and maintain all hard stand areas on the site to:

- a) allow the operation of heavy machinery without breaking up hardstand surfaces;
- b) prevent rutting and surface ponding caused by vehicular traffic; and
- c) prevent groundwater pollution.

Realignment of Tom Thumb Road

2.12 The Proponent shall design, install and maintain Tom Thumb Road generally in accordance with the works described on page 20 of *Proposed Expansion of General Cargo Handling Facility: Environmental Assessment Report*, prepared by Sinclair Knight Merz and dated December 2005, and relevant TfNSW and Council codes and standards.

Transport Code of Conduct

2.13 Prior to the commencement of operation of the project, the Proponent shall submit for the approval of the **Planning Secretary** a **Transport Code of Conduct**. The Code shall outline the management measures for traffic impacts associated with the project and minimum requirements for the movement of heavy vehicles to and from the site. The Code shall address the requirements of Council and shall include, but not necessarily be limited to:

- a) restrictions to routes, where relevant;
- b) restrictions to the hours of transport operations to minimise or avoid travelling through built-up areas, late at night or at times of high or peak traffic flows;
- c) minimum requirements for vehicle maintenance to address noise and exhaust emissions; and
- d) use of clean fuels.

2.14 The Transport Code of Conduct required under condition 2.13 shall include specific management measures to address potential local amenity issues associated with the movement of heavy vehicles between 6:00 pm and 6:00 from Mondays to Saturdays, or on Sundays or public holidays. These specific measures shall be developed in consultation with the TfNSW, Council and the EPA, and shall particularly focus on measures to minimise, mitigate and manage traffic volume, traffic safety and acoustic impacts of heavy vehicle movements during the aforementioned periods. The specific measures shall also include monitoring, complaints handling and auditing provisions to ensure that any heavy vehicle movements undertaken during those periods are managed consistent with good environmental practice.

2.15 To avoid any doubt, nothing in this approval prohibits the Proponent from operating the project, including transport of materials/ cargo to and from the site, 24-hours per day, seven days per week.

Rail Infrastructure

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2.16 Prior to the commencement of any works associated with the relocation and construction of the new rail spur on the site, the Proponent shall consult with the Rail Infrastructure Corporation to reach agreement on the detailed design and operational aspects of the rail infrastructure component of the project. Design details shall include, but not be limited to:

- a) the length of trains the rail facilities will be able to accept;
- b) rail path allocations;
- c) works required on the realigned Tom Thumb road crossing;
- d) arrangements for the need and use of any staging facilities on the rail network between Sydney and Port Kembla for trains awaiting acceptance into the proposed terminal;
- e) track layouts south of the realigned Tom Thumb Road;
- f) how the site rail siding will connect with the rail network; and
- g) measures to treat any safety issues associated with the relocation of the level crossing on Tom Thumb Road.

All works associated with rail infrastructure shall be undertaken in accordance with the agreement reached with the Rail Infrastructure Corporation.

Noise Impacts

Construction Noise

2.17 The Proponent shall only undertake construction activities (not including dredging works) associated with the project that would generate an audible noise at the any residential premises between the following hours:

- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
- b) 7:00 am to 1:00 pm on Saturdays; and
- c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

2.18 The hours of construction activities specified under condition 2.17 of this approval may be varied with the prior written approval of the **Planning Secretary**. Any request to alter the hours of construction specified under condition 2.17 shall be:

- a) considered on a case-by-case basis;
- b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours; and
- c) accompanied by written evidence of the EPA's agreement with the proposed variation in construction times, after providing any information necessary for the EPA to reasonably determine that activities undertaken during the varied construction hours will not adversely impact on the acoustic amenity of receptors in the vicinity of the site.

Dredging Noise

2.19 The noise limits specified for the project under conditions 2.20 and 2.21 shall apply to all dredging works associated with the project as if the dredging works were taken to be operation of the project.

Operation Noise

2.20 The Proponent shall design, operate and maintain the project to ensure that the noise contributions from the project to the background acoustic environment do not exceed the maximum allowable noise contributions specified in Table 1, at those locations and during those periods indicated. The maximum allowable noise contributions apply under:

- a) wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level); or
- b) temperature inversion conditions up to 4°C per 100 metres and wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level).

Table 1 - Maximum Allowable Noise Contribution

Location	Day 7:00am to 6:00pm on any day	Evening 6:00pm to 10:00pm on any day	Night 10:00pm to 7:00am on any day	
	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{Aeq} (15 minute)	L _{A1} (1 minute)
Any residence	42	42	42	58
Any commercial property boundary	65	65	65	-

2.21 For the purpose of assessment of noise contributions specified under condition 2.20 of this approval, noise from the project shall be

- a) measured at the most affected point on or within the site boundary at the most sensitive locations to determine compliance with L_{Aeq}(15 minute) noise limits;
- b) measured at one metre from the dwelling façade to determine compliance with L_{A1}(1 minute) noise limits; and
- c) subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), where applicable.

Notwithstanding, should direct measurement of noise from the project be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the **Planning Secretary** prior to the implementation of the assessment method.

Soil and Water Quality Impacts

2.22 Except as may be expressively provided by an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.

Construction Water Management

2.23 The Proponent shall take all reasonable measures to minimise soil erosion and the discharge of sediments and pollutants from the site during construction of the project.

2.24 The Proponent shall install erosion, sediment and pollution controls prior to the commencement of construction of the project. The Proponent shall maintain all erosion, sediment and pollution control infrastructure at or above design capacity for the duration of construction of the project and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

2.25 All materials stockpiled shall be adequately stabilised and covered to prevent erosion or dispersal of the materials.

Operational Water Management

2.26 All quarantine and machinery wash down waters and amenities wastewater shall be directed to sewer (subject to Sydney Water Corporation approval), or to an appropriately licensed liquid waste disposal facility.

Dredging Water Management

2.27 A silt curtain with boom, or equivalent measure, shall be designed, installed and maintained outside and surrounding all dredging and Outer Harbour emplacement works to be undertake as part of the project for the duration of the dredging works and until turbidity in the water column within the silt curtain(s) has fallen to below the turbidity limits specified under condition 2.29. Silt curtains are to be designed, installed and maintained to prevent the release of a visible plume of sediment beyond the silt curtain.

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2.28 An inspection program shall be prepared and implemented to ensure that all sediment barriers, including silt curtain(s) and associated boom(s) are maintained with respect to structural integrity and effectiveness. The program shall include procedures to record dates, times and observations made with each inspection, and to maintain those records up-to-date at the site office or other central environmental management location relevant to the dredging works. The program and resultant records shall be made available to the **Planning Secretary** and the **EPA** upon request.

2.29 Unless otherwise specified in an Environment Protection Licence for the project under the *Protection of the Environment Operations Act 1997*, all dredging works associated with the project shall be undertaken in a manner that does not cause turbidity outside the silt curtain(s) installed as part of the project to exceed the background turbidity at the monitoring points established under condition 3.1 by more than 10 percent or the equivalent suspended sediment concentration of 50mgL⁻¹, whichever is the greater, when measured in accordance with the Water Quality Monitoring Program required under condition 3.2.

2.30 Prior to the commencement of any dredging works, a response plan shall be developed and implemented for the containment, clean-up and removal of any oil-spills and other oil releases that may occur as the result of dredging and associated activities.

Air Quality Impacts

2.31 The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.

2.32 The Proponent shall design, construct, commission, operate and maintain the project in a manner that minimises or prevents the emission of dust from the site. This shall include all trafficable areas and vehicle manoeuvring areas.

2.33 The Proponent shall not permit loose bulk materials to be placed on the berth area.

Visual Amenity

2.34 The Proponent shall ensure that all new external lighting associated with the project is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with *AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting*.

Waste Generation and Management

2.35 All waste materials removed from the site shall only be directed to a waste management facility lawfully permitted to accept the materials.

2.36 The Proponent shall ensure that all liquid and/ or non-liquid waste generated and/ or stored on the site is assessed and classified in accordance with the EPA's Environmental Guidelines: *Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (Waste Guidelines) as in force as at 1 July 1999.

3. ENVIRONMENTAL MONITORING AND AUDITING

Water Quality Monitoring

3.1 For the purposes of monitoring turbidity during dredging at least two representative reference monitoring points surrounding the dredging works shall be identified and established. The **EPA** and the **Planning Secretary** shall be notified of the location of the monitoring points prior to the commencement of any dredging works, and if required by either the **EPA** or the **Planning Secretary**, modify the location of the monitoring points to reflect a representative reference location(s).

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3.2 Prior to the commencement of any dredging works, a **Water Quality Monitoring Program** to monitor turbidity and pollutant concentrations surrounding the dredging works, and changes to those concentrations as a result of the project shall be developed and submitted for the approval of the **EPA** and the **Planning Secretary**. The Program shall include, but not necessarily be limited to:

- a) establishment of water quality criteria, consistent with any requirements of this approval and the Environment Protection Licence for the project, against which the water quality performance of the project will be assessed;
- b) procedures for monitoring of turbidity at the monitoring points established under condition 3.1 of this approval;
- c) procedures for monitoring contaminant concentrations as a result of the dredging works;
- d) assessment and management processes to establish whether water quality criteria are being exceeded, or are likely to be exceeded as a result of the dredging works; and
- e) contingency measures in the event that elevated turbidity or pollutant levels are detected.

Once the Program is approved, it shall be implemented for the duration of dredging works (or each phase of the works).

Noise Monitoring

3.3 Within 90 days of the commencement of operation of the project, or as may be directed by the **Planning Secretary**, and during a period in which the project is operating under normal operating conditions, the Proponent shall undertake a program to confirm the noise emission performance of the facility. The program shall meet the requirements of the **EPA**, and shall include, but not necessarily be limited to:

- a) noise monitoring, consistent with the guidelines provided in the *New South Wales Industrial Noise Policy* (EPA, 2000), to assess compliance with condition 2.20 of this approval;
- b) methodologies for noise monitoring;
- c) location of noise monitoring;
- d) frequency of noise monitoring;
- e) identification of monitoring sites at which pre- and post-development noise levels can be ascertained;
- f) details of any complaints received in relation to noise generated by the project within the first 90 days of operation;
- g) an assessment of night-time use of audible alarm systems;
- h) details of any noise mitigation measures and timetables for implementation; and
- i) recommendations and timetables for implementation for any additional measures necessary to ensure compliance with the relevant noise-related conditions of this approval.

A report providing the results of the program shall be submitted to the **Planning Secretary** and the **EPA** with 28 days of completion of the testing required under a).

Independent Environmental Auditing

3.4 Within two years of the commencement of operation of the project, and then as may be directed by the **Planning Secretary**, the Proponent shall commission an independent person or team to undertake an Environmental Audit of the project. The independent person or team shall be approved by the **Planning Secretary** prior to the commencement of the Audit. The Audit shall:

- a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
 - b) assess compliance with the requirements of this approval, and other licences and approvals that apply to the project;
 - c) assess the environmental performance of the project against the predictions made and conclusions drawn in the documents referred to under condition 1.1 of this approval;
- and

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- d) review the effectiveness of the environmental management of the project, including any environmental impact mitigation works.

An **Environmental Audit Report** shall be submitted to the **Planning Secretary** within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Proponent to any of the recommendations contained in the Report.

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 4.1 Subject to confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

Complaints Procedure

- 4.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):
 - a) a telephone number on which complaints about construction and operational activities at the site may be registered;
 - b) a postal address to which written complaints may be sent; and
 - c) an email address to which electronic complaints may be transmitted.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign.

- 4.3 The Proponent shall record details of all complaints received through the means listed under condition 4.2 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
 - a) the date and time, where relevant, of the complaint;
 - b) the means by which the complaint was made (telephone, mail or email);
 - c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
 - d) the nature of the complaint;
 - e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the **Planning Secretary** upon request.

5. ENVIRONMENTAL MANAGEMENT

Construction Environmental Management Plan

- 5.1 Prior to the commencement of any site preparation or construction works on the site (other than dredging works), the Proponent shall prepare and submit for the approval of the **Planning Secretary** a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the construction of the project. Construction shall not commence until written approval has been received from the **Planning Secretary**. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

- a) a description of all activities to be undertaken on the site during construction of the project, including an indication of stages of construction, where relevant;
- 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, and key legislation and policies;

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- c) specific consideration of measures to address any requirements of Council and the **EPA** during construction;
- d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
- e) a description of the roles and responsibilities for all relevant employees involved in the construction of the project and a program for how these employees will be trained in responsibilities identified in the plan;
- f) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities. These measures shall be in accordance with the requirements outlined in the Department of Housing's *Managing Urban Stormwater: Soils and Construction*;
 - iii) measures to monitor and manage any contaminated soils/ materials encountered during construction;
 - iv) measures to monitor and manage any groundwater encountered during construction and demolition;
 - v) measures to monitor and control noise emissions during construction, commissioning and demolition;
 - vi) measures to monitor and control air emissions during construction, commissioning and demolition, and to ensure that air emissions are both minimised and in compliance with the requirements of this approval and the Environment Protection Licence for the site;
- g) a description of the roles and responsibilities for all relevant employees involved in construction and demolition works associated with the project; and
- h) arrangements for community consultation and complaints handling procedures during construction.

5.2 Where site preparation and construction works are to be undertaken in stages, the Proponent may, with the agreement of the **Planning Secretary**, submit separate or staged Construction Environmental Plans relevant to the particular stages of site preparation or construction.

Dredging Environmental Management Plan

5.3 Prior to the commencement of dredging works, or each phase of dredging, a **Dredging Environmental Management Plan** shall be prepared and submitted for the approval of the **Planning Secretary**. The Plan shall outline environmental management practices and procedures to be followed during dredging works, consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:

- a) a description of all activities to be undertaken during dredging and associated activities;
- b) statutory and other obligations that must be fulfilled during dredging and associated activities, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) a description of the roles and responsibilities for all relevant employees involved in the dredging works;
- d) details of how the environmental performance of the dredging works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage dust emissions;
 - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters;

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- iii) measures to monitor and manage contaminated sediments/ materials;
- iv) measures to monitor and control noise emissions during dredging;
- v) measures to monitor and control air emissions during handling of contaminated materials;
- e) details of measures that will be employed to manage water quality, dredged materials and sediment impacts during dredging works;
- f) arrangements for community consultation and complaints handling procedures during dredging and excavation works.

Operational Environmental Management Plan

5.4 Prior to the commencement of operation of the project, the Proponent shall prepare and submit for the approval of the **Planning Secretary** an **Operational Environmental Management Plan** to outline environmental management practices and procedures to be followed during the operation of the project. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004). Operations shall not commence until written approval has been received from the **Planning Secretary**.

5.5 The Operational Environmental Management Plan shall include specific measures to ensure compliance with condition 2.23 of this approval, including but not necessarily limited to:

- a) the duration of the storm event for the purpose of stormwater management design;
- b) management measures for collected water to ensure the stormwater system is available for rainfall events;
- c) detailed maps illustrating the location of stormwater and surface water management infrastructure;
- d) detailed maps illustrating water discharge point(s) from the site; and
- e) measures to be implemented to ensure that the water discharges from the site do not lead to scour as a result of high-energy discharge flows.

6. ENVIRONMENTAL REPORTING

Transport Modal Split Reporting

6.1 The Proponent shall **seek to** maximise the use of rail to transport freight to and from the site. The Proponent shall provide a report to the **Planning Secretary, TfNSW** and Council within **12 months of the date of approval of MP05_0073 MOD 1**, and every year thereafter, or as maybe agreed by the **Planning Secretary** to **provide** details of:

- a) **5-year forecast of freight volumes to be handled at the site and the expected transport modal split between rail and road;**
- b) the annual **quantity** of freight transported to and from the site by rail, **road and Inner Harbour transfer over the previous reporting period;**
- c) the origin and destination (**locality**) of **freight moved to and from the site by road and rail; and**
- d) **any** measures being investigated or undertaken to **maximise** rail freight transport **to and from the site.**

Incident Reporting

6.2 The Proponent shall notify the **Planning Secretary** of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the incident to the **Planning Secretary** within seven days of the date on which the incident occurred.

6.3 Where an incident associated with the project involves an actual or potential fish kill, the Proponent shall also notify the **EPA** and **DPI** of the incident, consistent with the requirements of condition 6.2.

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6.4 The Proponent shall maintain a register of accidents, incidents and potential incidents with actual or potential significant off-site impacts on people or the biophysical environment. The register shall be made available for inspection at any time by the independent qualified person or team conducting a Hazard Audit and/or the **Planning Secretary**.

6.5 The Proponent shall meet the requirements of the **Planning Secretary** to address the cause or impact of any incident, as it relates to this approval, reported in accordance with condition 6.2 of this approval, within such period as the **Planning Secretary** may agree.

For Information