



NSW GOVERNMENT

Department of Planning

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Mr David Fitzgibbon
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Our ref: S08/00337-1

Dear Mr Fitzgibbon

Port Kembla Outer Harbour Development (MP 08_0249) – Director-General's Requirements

I refer to your request for Director-General's requirements for the environmental assessment of a concept plan and a project application (Stage 1) for the above proposal.

On 10 October 2008, the Director-General (as delegate of the Minister for Planning) formed the opinion that the project is a development of a kind to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act) applies. On 7 January 2009, the Minister authorised the lodgement of a concept plan for the project.

I have attached a copy of the Director-General's requirements (DGRs) for the environmental assessment. These have been prepared taking into consideration issues raised at the Planning Focus Meeting held on 27 November 2008 and in consultation with relevant government agencies.

Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information available prior to approval being sought for the concept plan and project application for Stage 1.

At least two weeks before you propose to submit the environmental assessment for the Project you should contact the Department to determine:

- the fees applicable to the application;
- relevant land owner notification requirements;
- consultation and public exhibition arrangements that will apply;
- options available in publishing the environmental assessment via the internet; and
- number and format (hard-copy or CD-ROM) of the environmental assessment that will be required.

Prior to exhibiting the environmental assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the environmental assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the environmental assessment to address the matters notified to the proponent prior to making the environmental assessment publicly available for a minimum period of 30 days.

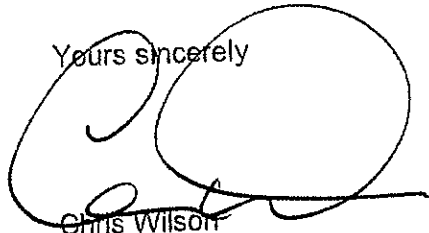
If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (the EPBC Act). This is in addition to any approvals required under New South Wales legislation and it is your responsibility to contact

the Department of Environment, Heritage, Water and the Arts to determine if an approval under the EPBC Act is required (6274 1111 or <http://www.environment.gov.au>).

Please note that the Commonwealth Government has accredited the NSW environmental assessment process for assessing impacts on matters of National Environmental Significance. As a result, if it is determined that an approval is required under the EPBC Act, please notify the Department immediately as supplementary Director-General's requirements will need to be issued.

If you have any enquiries about these requirements, please contact Rebecca Newman, Major Infrastructure Assessments on 02 9228 6340 or via email at rebecca.newman@planning.nsw.gov.au.

Yours sincerely

A large, stylized handwritten signature in black ink, consisting of a large loop followed by a horizontal stroke.

27.1.07

Chris Wilson

Executive Director

Major Project Assessments

As delegate for the Director-General

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application	08_0249
Project	Port Kembla Outer Harbour Development Concept Plan (development of cargo handling facilities in the Outer Harbour of Port Kembla, generally comprising of: dredging and land reclamation, dry bulk/multi-purpose/container terminals, truck loading and unloading facilities, and road and rail infrastructure). Project Application (Stage1, dredging and land reclamation for the whole project, construction of terminals and shipping berths, storage and truck loading facility, and road and rail links).
Location	Port Kembla, Wollongong
Proponent	Port Kembla Port Corporation
Date issued	27 January 2009
Expiry date	27 January 2011
General requirements	The Environmental Assessment (EA) must include the following: 1. an executive summary. 2. a detailed description of the Project including (but not limited to): • location, site description and planning context (including previous, existing, future, and surrounding land uses and operations); • project components and design elements (including site layout); and • project and component staging and timing. 3. an assessment of the key issues, with the following aspects addressed for each key issue (where relevant): • describe the existing environment; • assess the potential impacts of the proposal at both construction and operation stages, in accordance with relevant policies and guidelines. Direct, indirect and cumulative impacts must be considered (including regard to other existing and proposed development and activities in the locality); • identify how relevant planning, land use and development matters (including relevant strategic and statutory matters) have been considered in the impact assessment and/or in developing management/ mitigation measures; • document the types of activities that will require licensing and how licensing will be applied under relevant legislation; and • describe measures to be implemented to avoid, minimise, manage, mitigate, offset and/or monitor the impacts of the project and any residual impacts. 4. a draft Statement of Commitments (SoC). The SoC must incorporate or otherwise capture measures to avoid, minimise, manage, mitigate, offset and/or monitor impacts identified in the impact assessment sections of the EA and ensure that the wording of the SoC clearly articulates the desired environmental outcome of the commitment. The SoC must be achievable, measurable (with respect to compliance), and time specific, where relevant. 5. certification by the author of the EA that the information contained in the Assessment is neither false nor misleading.
Key issues	Strategic and Project Justification – describe the strategic need, justification and objectives for the project. Identify alternatives to the preferred project considered and justify the project taking into consideration the objects of the <i>Environmental Planning and Assessment Act 1979</i>; and its consistency with the aims and objectives of relevant State policies and plans (<i>NSW State Plan</i>, <i>NSW Ports Growth Plan</i>, <i>State Infrastructure Strategy</i>, <i>Illawarra Regional Strategy</i>) and project objectives. Hydrology and Water quality - including but not limited to: • hydrodynamics of the entire Port Kembla harbour, including Inner Harbour flushing, tidal flow, wave dynamics and bank erosion; • surface water, stormwater, groundwater, and acid sulfate soils management, including

demonstration of how the project will be designed, constructed and operated to protect the water quality of watercourses and of Port Kembla harbour, taking into account the *Managing Urban Stormwater: Soils and Construction (Landcom)* guidelines and the *Acid Sulfate Soil Manual (ASSMAC)*;

- dredging and spoil management, including sediment dispersion and resuspension, dewatering and options for disposal (eg sea dumping, suitability of material for emplacement into the proposed berths);
- disturbance of dinoflagellate cysts and potential toxic bloom; and
- impacts on the project and surrounding land uses and development resulting from climate change, sea level rise, storm surges and coastal inundation.

Contamination - including but not limited to:

- potential contaminated land, sediments and groundwater and their disturbance, future emplacement, reuse, and identification of the need for remediation;
- characterisation of the distribution of contamination (illustrated on maps) in accordance with the *Sediment Quality Guidelines* (CSIRO Handbook 2000); and
- where remediation is required, presentation of a Remedial Action Plan in accordance with relevant DECC (EPA) guidelines.

Hazards and Risks – including but not limited to:

- a Preliminary Hazard Analysis (PHA) prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 6: Guidelines for Hazard Analysis*. The PHA shall address the following:
 - potential impacts associated with storing and handling dangerous goods on-site, and transporting such goods to and from the port. The hazard identification must include transit cargo (dangerous goods) on board ships in harbour;
 - historical Port Kembla data on the quantities and classes of dangerous goods, where available. If reliable data is unavailable, representative data from other NSW ports may be used; and
 - demonstrate that off site risks do not exceed the NSW risk criteria set out in the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 4: Risk Criteria for Landuse Safety Planning*.

Ecology - including but not limited to:

- assessment of threatened terrestrial and aquatic species, populations, and ecological communities and/or critical habitat consistent with the *Draft Guidelines for Threatened Species Assessment* (DEC & DPI, 2005);
- comprehensive survey of the Green and Golden Bell Frog, and aquatic species and marine vegetation within the proposed harbour expansion area, and habitat enhancement where relevant.

Traffic and Transport - including but not limited to:

- transport demand and the modal split between materials transported by truck and rail, taking into account the *Draft Interim Guidelines on Transport Management and Accessibility Plans (DoT/RTA)*;
- the growth of freight train movements to and from the expanded facility, including network operational and infrastructure implications of the development in the medium and long term;
- traffic impacts during the construction and operational phases of the project, including the cumulative impact of the development on the existing local and regional road network, taking into account the *RTA Guide to Traffic Generating Developments*. TRACKS network modelling must be undertaken to assess the cumulative impacts of both the Inner and Outer Harbour development, including recommendations for required infrastructure upgrades as a result of the development;
- interaction and integration with existing and planned transport infrastructure (eg Maldon to Dombarton rail link) and services; and
- impacts (direct and indirect) on navigation and access to recreational fishing in the area (eg boat ramp and foreshore access, restrictions on boat movements).

Noise and Vibration - including but not limited to:

- noise and vibration from all activities and sources during both construction and operation, and impacts on receivers, taking into account the *NSW Industrial Noise Policy* (DECC) and the *NSW Environmental Criteria for Road Traffic Noise* (EPA) and the

	<i>Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects</i> (DECC/DoP). The noise assessment must consider the impact from the project in isolation and in a cumulative context with relevant existing and approved development. Air Quality - including but not limited to: • air pollutants, including an assessment of dust deposition, total suspended particulates, PM₁₀ and any other atmospheric pollutants of concern for local, regional and inter-regional air quality, from fugitive and point sources, taking into account of the <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC)</i>. • potential odour from the dredge spoil and proposed odour control.
Environmental Risk Analysis	Notwithstanding the above key assessment requirements, the EA must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of this additional key environmental impact must be included in the EA.
Consultation	You should undertake an appropriate level of consultation with relevant parties during preparation of the EA, including (but not limited to): • local, State or Commonwealth government authorities such as: ○ Department of Environment and Climate Change; ○ Department of Primary Industries (Fisheries); ○ Department of Water and Energy; ○ Roads and Traffic Authority; ○ Ministry of Transport; ○ NSW Maritime; and ○ Wollongong City Council; • service and infrastructure providers such as: ○ RailCorp; ○ Sydney Water; and ○ Integral Energy; • specialist interest groups including Local Aboriginal Land Councils; and • the public, including adjoining and affected landowners. The EA must describe the consultation process, document consultation undertaken and identify the issues raised (including where these have been addressed in the EA).

