

Project Approval

Section 75J of the Environmental Planning and Assessment Act 1979

As delegate of the Minister for Planning and Infrastructure, the Planning Assessment Commission of New South Wales (the Commission) approves the project referred to in Schedule 1, subject to the conditions in Schedules 2 to 4.

These conditions are required to:

- prevent, minimise, an/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 development

Janet Thomson and John Court
Member of the Commission

Sydney

8 September 2011

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

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

SCHEDULE 1

Application Number: 10_0102

Proponent: Cement Australia Pty Ltd

Approval Authority: Minister for Planning and Infrastructure

Land: Land to be reclaimed as part of the Outer Harbour Development Part of [Lot 2002 DP 1176582](#), [Lot 1 DP 1236743](#) & [Lot 41 DP 1158340](#)

Cement Australia Grinding Mill Project

Project:

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
10_0102-MOD-1	22 June 2012	IPC	Design Changes, Production limit and Condition amendment
10_0102-MOD 2	September 2022	Team Leader	Increase in Throughput
10_0102-MOD 3	14 June 2024	Team Leader	Amendment to Condition 19

TABLE OF CONTENTS

SCHEDULE 1	1
DEFINITIONS	1
SCHEDULE 2	4
ADMINISTRATIVE CONDITIONS	4
Obligation to Minimise Harm to the Environment	4
Terms of Approval	4
Liability to Lapse	2
Management Plans/Monitoring Programs	4
Structural Adequacy	2
Protection of Public Infrastructure	5
Service Providers/Additional Approvals	3
Operation of Plant and Equipment	5
SCHEDULE 3	6
SPECIFIC ENVIRONMENTAL CONDITIONS	6
SOIL AND WATER	4
TRANSPORT	4
NOISE	8
AIR QUALITY	6
ENERGY	6
WASTE	7
HAZARDS	7
VISUAL	7
SCHEDULE 4	8
ENVIRONMENTAL REPRESENTATIVE	8
ENVIRONMENTAL MANAGEMENT STRATEGY	8
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN	8
ENVIRONMENTAL REPORTING	9
AUDITING	9
APPENDIX A	14
SITE PLANS	14
APPENDIX B	16
STATEMENT OF COMMITMENTS	16

DEFINITIONS

BCA	Building Code of Australia
Council	Wollongong City Council
Construction	The demolition of buildings or works, carrying out of work and erection of buildings covered by this consent other than survey, fencing, investigative drilling or excavation, building/road dilapidation surveys, minor clearing, establishing ancillary facilities such as site compounds, minor adjustments to services/utilities, and piling operations.
DA	Development application
DA area	Development Application area which includes all works described in the DA
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Infrastructure
Development	The Cement Australia Grinding Mill and associated infrastructure
Director-General	Director-General of the Department (or delegate)
DPI	Department of Primary Industries
EA	Environmental Assessment prepared by SitePlus for Cement Australia Pty Ltd entitled <i>Cement Australia Proposed Grinding Mill Facility Environmental Assessment</i> , dated February 2011; and the Response to Submissions, dated April 2011.
EP&AAct	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Evening	The period from 6pm to 10pm
GGBFS	Granulated ground blast furnace slag
Land Minister	Land means the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent
	Minister for Planning and Infrastructure (or delegate)
Modification Assessments	<p>The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act:</p> <p>(a) 10_0102 MOD 1 prepared by Siteplus and dated April 2012.</p> <p>(b) MP10_0102-Mod-2 prepared by Space Urban and dated 22 May 2022 including site plan PK01-CMGLGA01-000000-0001 Rev 7 (see Appendix a), RTS report prepared by Cement Australia dated 7 June 2022 and Land Information Report prepared by Cement Australia dated 11 August 2022</p> <p>(c) MP10_0102-Mod-3, Modification Report – Cement Australia - Port Kembla Milling, Section 4.55(1A) Modification of Project Approval 10_0102 – Amendment of Condition 19, prepared by Wedgetail Project Consulting and dated 11 December 2023.</p>
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
PKPC	Port Kembla Ports Corporation
Proponent	Cement Australia Pty Ltd, or its successors
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision taking into account the development as approved, mitigation benefits, costs of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations on what is practical to build.
	Response to Submissions document
RTS	Land to which the development application applies
Site	The Applicant's commitments in the EA (see Appendix 8)
Statement of Commitments	

SCHEDULE 2 ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

1. The Proponent shall implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction, operation, or decommissioning of the project.

Terms of Approval

2. The Proponent shall carry out the project generally in accordance with the:
 - (a) EA;
 - (b) [The development layout \(See Appendix a\)](#)
 - (c) RTS and associated information;
 - (d) statement of commitments (see Appendix B);
 - (e) [Modification Assessments](#);
 - (f) conditions of this approval.
3. If there is any inconsistency between the above documents, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this approval shall prevail to the extent of any inconsistency.
4. The Proponent shall comply with any reasonable requirement/s of the Director-General arising from the Department's assessment of:
 - (a) any reports, plans, programs, strategies or correspondence that are submitted in accordance with this approval; and
 - (b) the implementation of any actions or measures contained in these reports, plans, programs, strategies or correspondence submitted by the Proponent.
5. [Total production of finished product \(cement or granulated ground blast furnace slag\) shall be limited to 1.4 million tonnes per annum.](#)

Liability to Lapse

6. This approval shall lapse if the Proponent does not physically commence the proposed development associated with this approval within 5 years of the date of this approval.

Management Plans/Monitoring Programs

7. With the approval of the Director-General, the Proponent may submit any management plan or monitoring program required by this approval on a progressive basis.

Structural Adequacy

8. The Proponent shall ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

Notes:

- *Under Part 4A of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.*

Protection of Public Infrastructure

9. Prior to the commencement of construction, the Proponent shall:
 - (a) prepare a dilapidation report of the public infrastructure in the vicinity of the site (including roads, gutters, footpaths, etc) having consulted with RTA and Council; and

- (b) submit a copy of this report to the Director-General, RTA and Council.
- 10. The Proponent shall:
 - (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

Service Providers/Additional Approvals

- 11. Prior to the construction of utility works, the Proponent shall obtain all relevant approvals from service providers.

Operation of Plant and Equipment

- 12. The Proponent shall ensure that all plant and equipment used for the Project is:
 - (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

End of Schedule 2

SCHEDULE 3

SPECIFIC ENVIRONMENTAL CONDITIONS

SOIL AND WATER

Site Suitability

13. Prior to the commencement of construction, the Proponent shall provide a site auditor's statement to the Director-General confirming that the site is suitable for the proposed uses.

13 A. Prior to the commencement of Operation, the Proponent shall prepare and implement a Long Term Site Management Plan (LTSMP), to the satisfaction of the Site Auditor. The LTSMP shall be designed to ensure activities which could potentially or directly result in exposure of future land users to residential contaminated soil are precluded or limited/controlled.

The LTSMP shall include:

- (a) an outline of the nature and location of any known contamination remaining on the Site;
- (b) an overview of measures to manage any impact on any contaminated material; and
- (c) proposed management measures and procedures should the Project encounter any residual contaminated material.

Discharge Limits

14. The Proponent shall comply with Section 120 of the *Protection of the Environment Operations Act 1997*.

Bunding

15. In accordance with relevant Australian Standards and OEH's *Storing and Handling Liquids: Environmental Protection* manual, all chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund.

Management

16. The Proponent shall prepare and implement a Stormwater and Drainage Management Plan for the project to the satisfaction of the Director-General. This plan must:
- (a) be submitted to the Director-General for approval at least one month prior to the completion of the stormwater and drainage system;
 - (b) be prepared in consultation with Council;
 - (c) be prepared in accordance with OEH's *Managing Urban Stormwater* guidelines and the Outer Harbour Development Concept Plan (08_0249) and Stage 1 Project (08_0249) if relevant;
 - (d) include a stormwater drainage plan, including hydraulic calculations based on a 1 in 100 **ARI**;
 - (e) include detailed plans of the proposed stormwater, treatment and control infrastructure, and any stormwater outlets into a riparian zone or natural watercourse and their spillways;
 - (f) detail measures to ensure that stormwater systems are designed and built to minimise pollutant discharges to receiving waterways;
 - (g) include a program to monitor stormwater quantity and quality; and
 - (h) describe the measures that would be implemented to maintain this infrastructure during the life of the project.

TRANSPORT

Internal Roads, Queuing and Parking

17. The Proponent shall ensure that:
- all internal roads, access, and parking on site complies with AS2890.1:2004 and AS2890.2:2002, or their latest versions;
 - a disabled parking space is provided on-site;
 - all vehicles are to enter the site in a forward direction;
 - all vehicles are to be wholly contained on site before being required to stop;
 - all parking generated by the project is accommodated on site, and that no vehicles associated with the project shall park on the public road system at any stage; and
 - that the project does not result in any vehicles queuing on the public road network.

Bicycle Racks

18. The Proponent shall provide parking for bicycles and associated facilities such as change rooms.

Traffic Movements

19. The Proponent shall ensure that operational truck movements comply with the restrictions in Table 1.

Table 1: Operational Traffic Generation

Vehicle Type	Daily	Peak Hour
Raw Material Trucks (24 hours/7Days week)	280	22
Dispatch Trucks (24 hour)	464	20
Total	744	42

20. The Proponent shall:
- keep accurate records of:
 - amount of cement and GGBFS transported from the site (on a monthly **basis**);
 - the date and time of each truck movement from the site; and
 - make these records available in its Annual Report.

Traffic Management

21. The Proponent shall prepare and implement a Traffic Management Plan for the project to the satisfaction of the Director-General. This Plan must:
- be prepared in consultation with Council and RTA, and be approved by the Director-General prior to commencement of operations;
 - detail operational traffic management measures including a driver code of conduct and truck route management plan, consistent with any relevant plans prepared for the Outer Harbour Development;
 - detail measures to reduce impacts during peak hour traffic;
 - include a plan showing that the swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, is developed in accordance with AUSTROADS guidelines;
 - detail procedures to ensure site-related vehicles do not queue or park on public roads.

Rail Feasibility Report

22. The Proponent must commission a rail feasibility report to the satisfaction of the Director General. The report must:

- (a) be prepared by a suitably experienced and independent expert whose appointment has been endorsed by the Director General;
- (b) be submitted to the Director General for approval prior to commencement of operations;
- (c) be prepared in consultation with Transport NSW, RailCorp, the RTA and PKPC;
- (d) assess the economical, logistical and operational feasibility of the project utilising the rail network to receive raw materials and transport products to its customers and taking account of externalities such as impacts and costs on other road users and the environment;
- (e) include consideration of all relevant national and state freight and port strategies and studies, including the Maldon to Dombarton Feasibility Study;
- (f) include consideration of any relevant documents prepared by PKPC for the Outer Harbour Development including the Rail Master Plan; and
- (g) recommend whether or not the existing rail network is capable of being utilised by the Proponent to operate the project, and if possible, at what time.

NOISE

23. The Proponent shall comply with the restrictions in Table 2, unless otherwise agreed by the Director-General.

Table 2: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday - Friday	7:00am – 6:00pm
	Saturday	8:00am – 1:00pm
	Sunday/Public Holidays	NIL
Operation	All days	24 Hours

Notes:

- Construction activities may be conducted outside the hours in Table 2 provided that the activities are not audible at any residence beyond the boundary of the site.

24. The Proponent shall ensure that the combined operational noise from the project does not exceed the noise limits presented in Table 3.

Table 3: Operational Noise Limits (dB(A))

Location	Day	Evening LAeq (15 min)	Night LAeq (1 min) or LA max
Residential Area 1 (Wentworth Road)	40	40	40
Residential Area 2 (O'Donnell Street)	37	37	37
Any other residential premises not nominated above	35	35	35

Notes:

- Noise emission limits apply under meteorological conditions of wind speeds up to 3 m/s at 10 metres above ground level or temperature inversions conditions of 3°C/100m and wind speed up to 2 m/s at 10 metres above the ground. To determine compliance with this condition, noise from the development must be measured at the most affected point within the residential boundary, or at the most affected point within 30 metres of the dwelling where the dwelling is more than 30 metres from the boundary.
- However, where it can be demonstrated that direct measurement of noise from the development is impractical, the EPA may accept alternative means of determining compliance (see Chapter 11 of the NSW Industrial Noise Policy). The modification factors in Section 4 of the NSW Industrial Noise Policy shall also be applied to the measured noise levels where applicable.

Noise Verification Report and Management Plan

25. The Proponent shall submit a Noise Verification Report and Management Plan for the project, to the satisfaction of the Director-General. This report must:
- (a) be submitted to the Director-General within 3 months following commencement of operations;
 - (b) be prepared by a suitably qualified acoustical consultant, in accordance with OEH's *Industrial Noise Policy*, and in consultation with OEH and Council;
 - (c) include a noise monitoring program to confirm the findings of the Noise Impact Assessment included in the EA;
 - (d) demonstrate compliance with the criteria in condition 21 of this approval;
 - (e) detail what additional measures would be implemented to ensure compliance, if exceedances are recorded;
 - (f) detail additional measures that could be implemented to further reduce emissions.
- 25a Within six months of the commencement of the raw material trucks operating 24 hour 7 days a week under Condition 19, as approved by Modification 3, the Applicant must prepare and submit a noise verification report for operations between the hours of 6:00pm to 5:00am. The noise verification report must:
- (a) be prepared to the satisfaction of the Planning Secretary and the EPA;
 - (b) demonstrate that noise verification has been carried out by a suitably qualified and experienced acoustic consultant in accordance with:
 - i. the Australian Standard AS 1055:2018 Acoustics – Description and measurement of environmental noise (Standards Australia, 2018);
 - ii. the EPA Approved Methods for the Measurement and Analysis of Environmental Noise in NSW (EPA, 2022); and
 - iii. the monitoring and reporting requirements detailed in Section 7 of the Noise Policy for Industry (EPA, 2017); and
 - (c) include:
 - i. all noise sensitive residential receiver locations identified in the *Environmental Noise & Vibration Assessment for Cement Australia, Arawata Drive, Port Kembla* (Ref 7397-4.1R dated 14 December 2023) prepared by Day Design Pty Ltd;
 - ii. an analysis of compliance with noise limits specified in condition 24;
 - iii. an outline of management actions to be taken to address any exceedances of the limits specified in condition 24, together with a timetable for the implementation of these actions; and
 - iv. a description of contingency measures in the event management actions are not effective in reducing noise levels to an acceptable level.

Traffic Noise Management Plan

26. The Proponent shall prepare and implement a Traffic Noise Management Plan, to the satisfaction of the Director-General, prior to operations commencing. This plan must:
- (a) be developed in consultation with OEH and RTA;
 - (b) include a Truck Noise Auditing Program; and
 - (c) identify, consider, and implement feasible and reasonable noise management strategies to achieve the highest noise emissions standards for vehicle movements associated with the project.

AIR QUALITY

Plant and Equipment

27. The Proponent shall ensure that all plant and equipment must be designed and installed to meet Group 6 limits under the *Protection of the Environment Operations Clean Air Regulation*.
28. The truck unloading hopper must be designed and installed with shutters to provide protection from the wind and minimise dust emissions.
29. The Proponent shall ensure that all raw materials used on-site must be stored within

enclosed buildings.

Air Quality Verification Report and Management Plan

30. The Proponent shall submit an Air Quality Verification Report and Management Plan for the project to the satisfaction of the Director-General. This report must:
- (a) be submitted to the Director-General within 3 months following commencement of operations;
 - (b) be prepared by a suitably qualified consultant, in accordance with OEH's *Approved Methods for Sampling and Analysis of Air Pollutants in NSW*, and in consultation with OEH and Council;
 - (c) include an air quality monitoring program to confirm the findings of the Air Quality Impact Assessment included in the EA;
 - (d) detail the mineralogy and chemistry of any particulates emitted from the plant;
 - (e) detail what additional measures would be implemented to ensure compliance, if exceedances are recorded; and
 - (f) detail additional measures that could be implemented to further reduce emissions.

ENERGY

Energy Management Plan

31. Prior to the commencement of operation, the Proponent shall prepare and implement an Energy Management Plan for the project to the satisfaction of the Director-General. This plan must include energy consumption levels, predicted energy savings and any potential measures to reduce energy consumption and greenhouse gas emissions in the long term.

WASTE

32. The Proponent shall ensure that all waste generated on the site during construction and operation is classified in accordance with the OEH's *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* and disposed of to a facility that may lawfully accept the waste.

HAZARDS

33. The Proponent shall ensure that all dangerous goods and hazardous substances are stored and handled on site in accordance with the Dangerous Goods Code and AS 1940-2004: *The storage and handling of flammable and combustible liquids*.
34. The Proponent shall implement the safe guards/control mechanisms outlined in the *Preliminary Hazard Analysis: Rev B*, included in the EA and dated 24 September 2010, during the construction and operational phase of the project.

VISUAL

Signage

35. The Proponent shall not install any commercial signage on site without the written approval of the Director-General. In seeking this approval the Proponent shall submit detailed plans of the proposed signage, which have been prepared in consultation with Council.

Landscaping

36. Any proposed landscaping, fencing or signage is not to impede the desired sight lines of all road users including pedestrians and cyclists.

37. The Proponent shall submit a detailed Landscape Plan to the Director-General for approval, within 6 months following the commencement of construction works. The Plan must:
- (a) be developed in consultation with Council; and
 - (b) be generally consistent with the *Landscape Concept Plan LC01/03*.

Lighting

38. The Proponent shall ensure that the lighting associated with the project:
- (a) complies with the latest version of Australian Standard AS 4282(*NT*)-*Control of Obtrusive Effects of Outdoor Lighting*; and
 - (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

End of Schedule 3

SCHEDULE 4
ENVIRONMENTAL MANAGEMENT REPORTING AND AUDITING

ENVIRONMENTAL REPRESENTATIVE

39. The Proponent shall nominate for the approval of the Director General a suitably qualified and experienced Environmental Representative(s) independent of the design and construction personnel, prior to construction works commencing. The Proponent shall engage the Environmental Representative(s) during any construction activities, or as otherwise agreed by the Director General. The Environmental Representative(s) shall:
- (a) oversee the implementation of all construction-related environmental management plans and monitoring programs required under this approval, and advise the Proponent upon the achievement of these plans/programs;
 - (b) liaise with the Environmental Representative(s) for the Outer Harbour Development with regard to any relevant site wide management plans and compliance obligations;
 - (c) consider and advise the Proponent on its compliance obligations against all matters specified in the requirements of this approval, relevant management plans and all other applicable permits, approvals and licences required and obtained in relation to the project;
 - (d) have the authority and independence to recommend to the Proponent reasonable steps to be taken to avoid or minimise unintended or adverse environmental impacts associated with the construction of the project; and
 - (e) have the authority to recommend to the Proponent cessation of activities if there is a significant risk that adverse environmental impacts are likely to occur.

ENVIRONMENTAL MANAGEMENT STRATEGY

40. The Proponent shall prepare and implement an Environmental Management Strategy for the project to the satisfaction of the Director-General. This strategy must be submitted to the Director-General prior to the commencement of operations, and shall:
- (a) identify the statutory requirements that apply to the project;
 - (b) include a copy of the management plans and monitoring programs required in this approval;
 - (c) describe the procedures that would be implemented to:
 - keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - receive, handle, respond to, and record complaints;
 - resolve any disputes that may arise during the course of the project;
 - respond to any non-compliances; and
 - respond to emergencies;
 - (d) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

41. Prior to the commencement of construction works associated with the project, the Proponent shall prepare and implement a comprehensive Construction Environmental Management Plan (CEMP). The CEMP shall:
- (a) be submitted and approved by the Director-General prior to the commencement of site preparation works;
 - (b) include the following sub-plans:
 - Air and Dust Management Plan. The plan would outline the mitigation measures to control dust from exposed areas, stockpiles, plant and equipment and unsealed roads;
 - Waste Management Plan. The plan would include disposal requirements, measures to prevent the generation and measures to reduce, re-use or recycle waste where possible;
 - Soil and Water Management Plan. The plan must be prepared in accordance with the requirements in Landcom's *Managing Urban Stormwater: Soils and Construction*

Manual (2004), and address how potential construction impacts to soil and water quality will be mitigated and managed during construction works;

- Traffic Management Plan. The plan will include truck movements to and from the site, interactions with the general public, parking and access requirements from construction and safety signage and training of personnel in traffic management.
- Noise and Vibration Management Plan. This plan must be prepared in consultation with OEH and must:
 - be consistent with the guidelines contained in the *Interim Construction Noise Guidelines*;
 - detail construction activities and a schedule of construction works, identifying those with the potential to result in noise impacts at surrounding sensitive receivers;
 - identify construction noise management levels for the development of the **site**;
 - detail how construction noise and vibration impacts would be minimised and managed;
 - detail procedures for notifying residents of construction activities that may have impacts and procedures for dealing with and responding to noise complaints; and
 - include a noise monitoring program for the construction period.

42. Subject to confidentiality, the Proponent shall provide all documents required under this approval to PKPC, to be made publicly available.

ENVIRONMENTAL REPORTING

Incidents

43. Within 24 hours of detecting an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Department and other relevant agencies of the exceedance/incident.
44. Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Proponent shall provide the Department and these agencies with a written report that:
- (a) describes the date, time, and nature of the exceedance/incident;
 - (b) identifies the cause (or likely cause) of the exceedance/incident;
 - (c) describes what action has been taken to date; and
 - (d) describes the proposed measures to address the exceedance/incident.

Annual Reporting

45. The Applicant shall submit an Annual Report to the Director-General. This report must:
- (a) include a summary of the complaints received during the past year, and compare this to the complaints received in previous years;
 - (b) include a summary of the monitoring results obtained during the past year, and a comparison of these results against the relevant:
 - (c) impact assessment criteria/limits;
 - (d) monitoring results from previous years; and
 - (e) predictions in the EA;
 - (f) identify any trends in the monitoring results over the life of the development;
 - (g) identify any non-compliance during the previous year; and
 - (h) describe what actions were, or are being, taken to ensure compliance.

AUDITING

Pre-Operation Compliance Audit

46. Within one month of commencement operations, the Proponent shall submit work as executed plans to the Department for all the development associated with the project. These plans must be prepared by a suitably qualified and experienced expert, and include plans showing the work as executed plans laid over the approved plans to demonstrate that the development has been

carried out in accordance with the approved plans.

47. The Director-General may require an update on compliance with all, or any part, of the conditions of this approval. Any such update shall meet the reasonable requirements of the Director-General and be submitted within such period as the Director-General may agree.

Independent Environmental Audit

48. Within 12 months of the commencement of operations, and every 3 years thereafter, unless the Director-General directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
- (a) be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the Director-General;
 - (b) assess whether the project is being carried out in accordance with industry best practice;
 - (c) assess the environmental performance of the project, and its effects on the surrounding environment and sensitive receivers;
 - (d) assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;
 - (e) review the adequacy of any strategy/plan/program required under this approval; and, if necessary;
 - (f) recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval; and
 - (g) include a program for the implementation of the recommendations made in the audit report with justification for any deferred implementation.
49. Within 1 month of completing this audit, or as otherwise agreed by the Director-General, the Proponent shall submit a copy of the audit report to the Director-General with a response to any recommendations contained in the audit report.
50. Within 3 months of submitting an audit report to the Director-General, the Proponent shall review and if necessary revise the strategy/plans/programs required under this approval to the satisfaction of the Director-General.

APPENDIX A –SCHEDULE OF APPROVED DRAWINGS

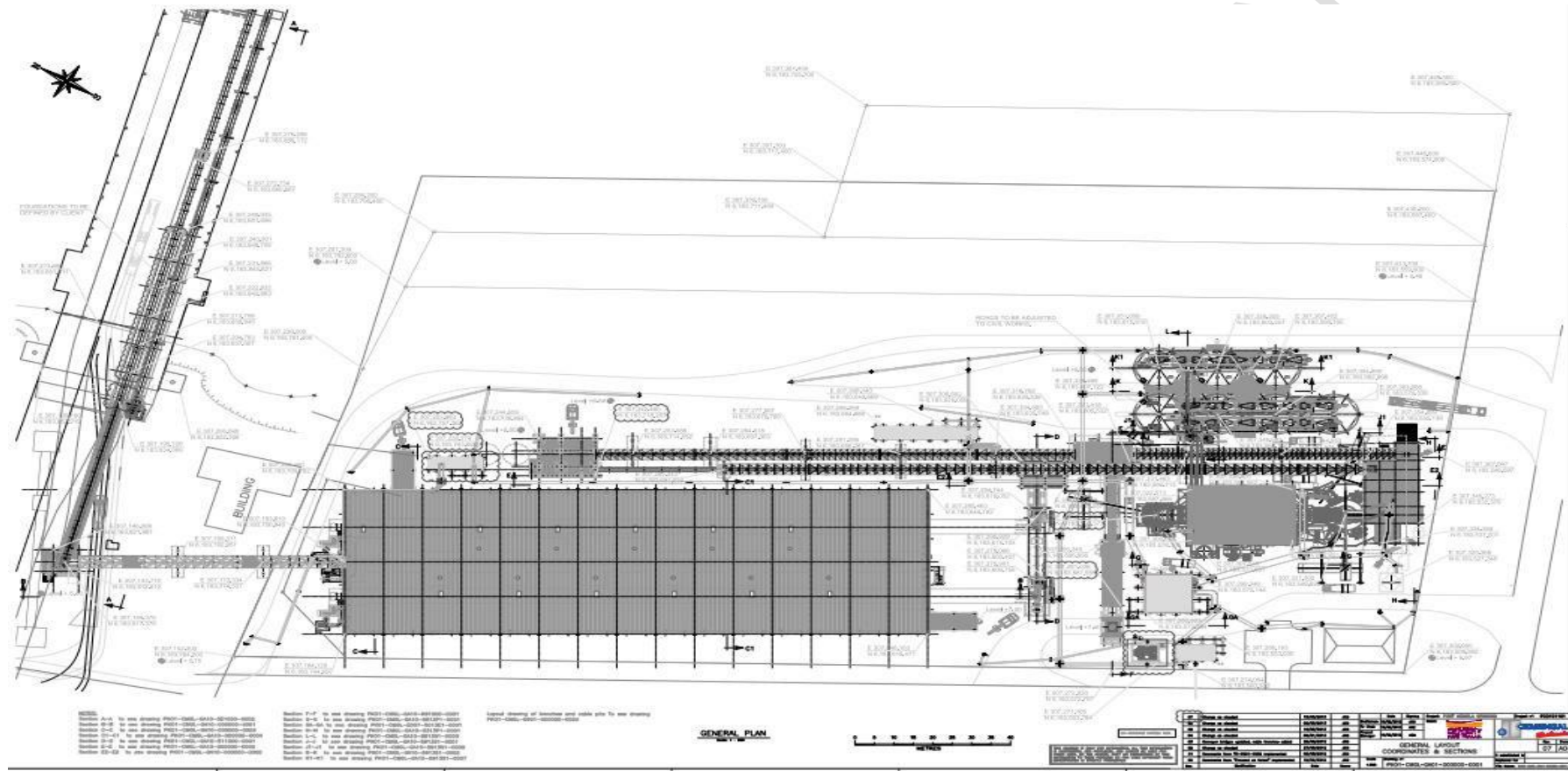


Figure 1: Site Plan titled General Layout Coordinates and Sections

Statement of Commitments**APPENDIX B
STATEMENT OF COMMITMENTS****1. Statutory
Commitment**

1.1 Cement Australia will ensure that all statutory licences, permits and approvals are obtained and maintained for the project. Copies of all relevant licenses, permits and environmental approvals will be available on site at all times during the project.

1.2 In response to NSW Office of Water (NOW) advice of 11th March 2011, if groundwater is encountered on the site, advice will be sought from NOW to determine whether a license is required. The proponent has noted that if a license for temporary construction dewatering, this will be required prior to commencement of excavation.

1.3 In response to Sydney Water advice of 15th March 2011, an application for a Section 73 Certificate will be made as required.

**2. Project
Compliance**

2.1 Cement Australia will establish a project specific induction program for employees, contractors and sub-contractors which will incorporate responsibilities under relevant statutory licences, permits and environmental approvals.

2.2 Cement Australia will ensure that employees, contractors and sub-contractors are inducted in the project induction program prior to commencing work on the site.

2.3 Cement Australia will comply with all conditions of consent as advised by OECCW in their letter dated 18th March 2011.

**3. Environmental
Management and
Reporting**

3.1 Cement Australia will prepare and implement a suite of Environmental Management Plan (EMP) documents for the construction (CEMP) and operational (OEMP) phase of the project including:

- Soils and Water Management Plan (SWMP)

This plan Will incorporate the issues arising from NSW Maritime submission dated 8th March 2011. The Soil Erosion Control Plan will refer to DECCW and NOW requirements.

- Stormwater Management Plan (STMP)

This plan will incorporate the issues arising from NSW Maritime submission dated 8th March 2011. This plan will also include the relevant issues arising

out of the submission made by Wollongong City Council dated 23 March 2011 and subsequent advice dated 9th May 2011.

- Acid Sulfate Management Plan (ASSMP)
- Site Management Plan (SMP)
- Hazardous Substance Management Plan (HSMP)
- Emergency Response Plan (ERP)
- Green and Golden Bell Frog Management Plan (GGBFMP)
- Traffic Management Plan (TMP)
- Noise and Vibration Management Plan (NVMP)
- Air Quality Management Plan (AQMP)
- Safety Management Plan (SFMP)
- Landscape Management Plan (LMP)
- Waste Management Plan (WMP)

4. Air Quality

4.1 Cement Australia will meet the emission limits for the GMF project outlined in the Conditions of Consent.

4.2 The GMF project will be undertaken in a manner that minimises dust emissions from the site during construction and operation, including wind-blown and traffic generated dust (fugitive dust).

**5. Hydrology &
Water Quality**

5.1 Cement Australia will ensure that hydrological and ecological considerations are taken into account in the stormwater design for the construction and operational stage. Water Sensitive Urban Design (WSUD) will be utilised wherever possible to reduce the volume, velocity and contaminants associated with stormwater runoff.

5.2 A Stormwater Management Plan (STMP) will be prepared and implemented to appropriately manage the accumulation of surface water from rainfall and storm events. The STMP will outline the management of surface water for operation and measures for treatment such as a first flush stormwater capture system and harvesting of water from roofs of buildings and other structures for reuse in landscaped areas, dust suppression etc. This plan will incorporate the relevant issues raised by PKPC in their letter dated 16th March 2011.

**6. Noise &
Vibration**

6.1 Cement Australia will meet the noise limits for the GMF project outlined in the Conditions of Consent.

6.2 Cement Australia will prepare an Operational Noise and Vibration Management Plan (ONVMP) as part of the OEMP, prior to the commencement of the operation of the GMF.

6.3 Cement Australia will undertake an additional noise impact assessment, if it is found, after detailed design and operations planning, that the final operational scenario differs significantly from that used for modelling purposes in the Noise Impact Assessment prepared by Day Design dated August 2010.

6.4 Cement Australia will undertake an annual review of truck noise operations to ensure that all Cement Australia trucks are compliant with RTA requirements as outlined in their guidelines

<http://www.rta.nsw.gov.au/heavyvehicles/reducingnoise.html>

**7. Contaminated
Soils and
Groundwater**

Cement Australia will prepare a Site Management Plan (SMP) prior to commencement of construction to manage excavation works and to address the following:

" Contamination "hotspots" based on visual observations and soil sample analysis if required.

- Appropriate management of potential contamination including selected excavation, characterisation and disposal.
- Development of a groundwater monitoring program (including background monitoring and operational monitoring) to be conducted on site in accordance with the approved conditions of consent for the PKPC Outer Harbour Major Project (MP08-0249) and to the satisfaction of the NSW Office of Water.

8. Waste

8.1 Cement Australia will prepare and implement a Waste Management Plan (WMP) as part of the OEMP in accordance with the relevant NSW and Commonwealth Regulations and Guidelines. The WMP will include:

- Appropriate general and hazardous waste identification, handling, storage, transportation, disposal and monitoring measures on site at all times.
- Incoming vessels to the Gateway Jetty will comply with the Quarantine Act 1908 and comply with all requirements of the Australian Quarantine Inspection Service (AQIS).
- " The WMP will incorporate any requirements set out in the National

- Ballast Water Management Arrangements under the Australian National System for the Prevention and Management of Marine Pest Incursions.

9. Traffic

9.1 A Traffic Management Plan (TMP) will be implemented as part of the CEMP and OEMP. The TMP will address work practices on site, designated haulage routes to and from the site, Driver Code of Conduct, hours of operation, financial penalties, amongst other measures.

9.1 In response to Port Kembla Port Corporation's response dated 16th March 2011, the TMP will have regard to opportunities to minimise impacts during peak hour traffic.

9.2 In confirmation of Wollongong City Council's (WCC) response dated 23rd March 2011 and 9th May 2011, a signage and lighting plan will be prepared.

9.3 In confirmation of Wollongong City Council's (WCC) response dated 23rd March 2011 and 9th May 2011 parking areas will be suitably sized and linemarked

10. Potential Hazards

10.1 Cement Australia will prepare an Emergency response Plan {ERP} in accordance with the HIPAP No1 Emergency Planning Guidelines as part of the OEMP for the site.

10.2 Cement Australia will prepare and implement a Hazardous Substance Management Plan {HSMP} as part of the OEMP that will outline appropriate measures to prevent and respond to spills and incidents.

11. Terrestrial Fauna

11.1 Cement Australia will minimise potential impacts on the threatened species and threatened species habitat of the *Green and Golden Bell Frog* (GGBF) during the construction and operation phase of the Project. If the GGBF is found on the Project site, Cement Australia will implement a GGBF Management Plan in consultation with a suitably qualified ecologist and the DECCW and in accordance with the approved GGBF Master Plan for the Port Kembla Outer Harbour area.

12. Landscape and Visual Amenity

12.1 Cement Australia will ensure that the Landscape Plan includes appropriate site specific measures and controls to mitigate potential visual impacts on the immediate, local and sub regional landscape including:

- * Selection of suitable robust plant species to substantially screen the site, once established, and ameliorate the visual appearance of the GMF.
- * Selection of suitable colours and materials for the buildings, GMF, infrastructure and pavement areas to minimise reflectivity and contrast and ameliorate the visual impact of the development.
- * Lighting selection to minimise light spill on surrounding areas outside the site boundaries and minimise visual impact when viewed from adjacent premises.

12.2 The landscape plan will reflect the issues raised by Council where practicable and feasible as raised in their advice dated 23rd March 2011.

13. Service Connection

In response to Sydney Water advice of the 15 March 2011, sizes configurations and connections will be designed to comply with all relevant code compliance requirements.