

Notice of Modification

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

As delegate of the Minister for Planning and Infrastructure, the Planning Assessment Commission modifies the development consent referred to in Schedule 1, as set out in Schedule 2.

Member of the Commission

Member of the Commission

Sydney

2012

SCHEDULE 1

Development consent DA No. 401-11-2002-i granted by the Minister for Infrastructure and Planning on 12 May 2003 for the upgrade of Kiln 6 and associated works at the existing cement works, as described in *Berrima Kiln 6 Upgrade Project – Statement of Environmental Effects*, prepared by Olsen Consulting and dated November 2002.

SCHEDULE 2

1. Amend the list of definitions in Schedule 2 by deleting reference to and definitions for “Department”, “Director-General”, “DLWC” and “Minister” and inserting the following terms and definitions in the table in alphabetical order:

Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure, or delegate
Minister	Minster for Planning and Infrastructure, or delegate
OEH	Office of Environment and Heritage
NOW	NSW Office of Water
RMS	Roads and Maritime Service

2. Replace all references to “EPA” in Schedule 2 with “OEH”.
3. Replace all references to “DLWC” in Schedule 2 with “NOW”.
4. In condition 1 of Schedule 2, delete all words after “MOD 5 to permit coal deliveries by rail;” and insert the following:
 - n) MOD 6 to permit coal stockpiling on the site, as detailed in *Berrima Cement Works Modification 6: Environmental Assessment, Coal Stockpiling for Sale*, prepared by EMGA Mitchell McLennan and dated 16 June 2011, and in *Response to Submissions: Berrima Colliery Continued Operations MP 10_0172, Berrima Cement Works DA No. 401-11-2002-i MOD 6*, prepared by EMGA Mitchell McLennan and dated November 2011; and
 - o) the conditions of this consent.

In the event of an inconsistency between a condition of this consent and the documents listed under a) to n) above, the conditions of consent shall prevail to the extent of any inconsistency.

5. Insert a new condition 1.3B as follows:
 - 1.3B The Applicant is permitted to stockpile up to 25,000 tonnes of coal on the site for off-site dispatch and sale. This quantity of coal is in addition to any coal stockpiled or handled on the site for the purpose of cement production.
6. Insert a new condition 3.7A as follows:
 - 3.7A The Applicant shall apply all reasonable and feasible measures to minimise the generation of dust from coal stockpiles, including but not necessarily limited to:

- a) compaction of stockpile batters to minimise pick up of dust;
- b) installation of water sprays or use of a water cart to keep stockpile surfaces wet, if dust is being generated; and
- c) cessation of stockpile generation during periods of high wind, if dust generation cannot be controlled.

7. Insert a new heading and new conditions 3.16A, 3.16B, 3.16C and 3.16D as follows:

Port Kembla Coal Haulage Campaigns

- 3.16A No more than five coal haulage campaigns between the site and Port Kembla are permitted in any calendar year. The Applicant shall schedule and manage each coal haulage campaign to ensure that its duration does not exceed seven days.
 - 3.16B Coal haulage from the site during campaigns is permitted to occur between 4:00am and 4:00pm. The Applicant shall endeavour to schedule coal haulage campaigns to avoid heavy vehicle movements on Sundays and public holidays, wherever practicable to do so.
 - 3.16C All road transport of cement clinker from the site and transport of coal for stockpiling at the site shall be suspended for the duration of each coal haulage campaign to Port Kembla.
 - 3.16D The Applicant shall prepare and implement a Traffic Management Plan to minimise and manage the impacts of coal haulage campaigns to Port Kembla to the satisfaction of the Director-General. This plan must be prepared in consultation with RMS and Council, and be submitted for approval to the Director-General by 30 September 2012.
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