

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the Environmental Planning and Assessment Regulation 2000

Application Number	SSD- 33042483
Project Name	Manildra – Port Kembla Bulk Liquid Terminal
Development	<p>Construction and operation of a bulk liquid terminal for beverage grade ethanol, comprised of:</p> <ul style="list-style-type: none"> • six ethanol storage tanks with combined capacity of approximately 24 megalitres • two pipelines from the subject site to Berth 206 (an existing wharf structure) • administration building, workshop and associated buildings • loading / unloading gantry structure and washdown area • car parking and landscaping.
Location	Foreshore Road, Port Kembla (Lot 6 DP1236743 and Lot 2 DP1182823)
Applicant	Shoalhaven Starches Pty Ltd
Date of Issue	23 December 2021
General Requirements	<p>The Environmental Impact Statement (EIS) for the development must meet the form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation) and must have regard to the State Significant Development Guidelines.</p> <p>In addition, the EIS must include:</p> <ul style="list-style-type: none"> • a detailed description of the development, including: <ul style="list-style-type: none"> – an accurate history of the site, including development consents – the need and justification for the proposed development – alternatives considered including a description of feasible options within the development which may include a layout options analysis – likely staging of the development – likely interactions between the development and existing, approved and proposed operations on the site and in the vicinity of the site – plans of any proposed building works – contributions required to offset the proposal and – infrastructure upgrades or items required to facilitate the development, including measures to ensure these upgrades are appropriately maintained. • consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments • consideration of issues discussed in the public authority responses to request for key issues (see Attachment 2) • a risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment • a detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: <ul style="list-style-type: none"> – a description of the existing environment, using sufficient baseline data – an assessment of the potential impacts of all stages of the development, including any cumulative impacts from existing or approved port or industrial operations in the area (including the proposed Simosa Bitumen Facility) taking into consideration relevant guidelines, policies, plans and statutes – a description of the measures that would be implemented to avoid, minimise, mitigate and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage significant risks to the environment – an assessment of the effectiveness and reliability of the best practice measures and any residual impacts after these measures are implemented • a consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS

	<ul style="list-style-type: none"> an assessment demonstrating the proposal is consistent with the conditions, requirements, development standards and environmental impact envelope of the Outer Harbour Concept Approval and Stage 1 Project Approval applying to the site. <p>The EIS must also be accompanied by:</p> <ul style="list-style-type: none"> high quality files of maps and figures of the subject site and proposal a report from a qualified quantity surveyor providing: <ul style="list-style-type: none"> a detailed calculation of the capital investment value (CIV) of the proposal (as defined in clause 3 of the Regulation), including details of all assumptions and components from which the CIV calculation is derived. The report shall be prepared on company letterhead and indicate the applicable GST component of the CIV an estimate of the jobs that will be created by the development during the construction and operational phases of the proposed development certification that the information provided is accurate at the date of preparation.
Key issues	<p>The EIS must include an assessment of the potential impacts of the proposal (including cumulative impacts) and develop appropriate measures to avoid, mitigate, manage and/or offset these impacts.</p> <p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> Statutory and Strategic Context – including: <ul style="list-style-type: none"> justification for the proposal and confirmation the proposed land use is permissible with consent details of any proposed consolidation or subdivision of land a detailed description of the history of the site, including the relationship between the proposed development and all development consents and approved plans previously and/or currently applicable to the site demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, adopted precinct plans, draft district plan(s) and adopted management plans and justification for any inconsistencies. This includes, but is not limited to: <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Three Ports) 2013 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Coastal Management) 2018 State Environmental Planning Policy No 33 - Hazardous and Offensive Development State Environmental Planning Policy No 55 – Remediation of Land State Environmental Planning Policy No 64 – Advertising and Signage Illawarra Shoalhaven Regional Plan 2041 Future Transport Strategy 2056. Suitability of the Site – including: <ul style="list-style-type: none"> a detailed justification for the proposal and that the site can accommodate the proposed development having regard to its potential environmental impacts, permissibility, strategic context and existing site constraints. Community and Stakeholder Engagement – a community and stakeholder participation strategy having regard to the Department's guidance Undertaking Engagement Guide – Guidance for State Significant Projects (DPIE, 2021). Hazards and Risk – a Preliminary Hazard Analysis (PHA) using a risk assessment, prepared in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis' (DoP, 2011) and Multi level Risk Assessment (DoP, 2011), that demonstrates that the risks from the project would comply with the Department's Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning' (DoP, 2011). The PHA is to include: <ul style="list-style-type: none"> the 'Applying SEPP 33' screening of the transport of dangerous goods movements and must evaluate the risks for the entire operation including but not limited to the following: <ul style="list-style-type: none"> releases from storage of ethanol releases from loading and unloading of ethanol at the truck gantry releases from pipework within the site and pipeline from the site to the wharf until the ship loading point

- activities of ethanol carrier ships at dock and in transit, in particular during adverse weather conditions, including the potential risk exposure to all shipping terminal activities at the port, including cruise shipping
 - consideration of the requirements of the Work Health and Safety Act 2011 and associated Regulation 2017, consistent with Safework requirements
 - address all relevant recommendations arising from the Buncefield fuel storage depot explosion
 - proposed on-going maintenance and safety management of the project inclusive of pipeline infrastructure
 - an assessment of the cumulative impacts from the overall site and the surrounding potentially hazardous developments in the area (if any) and demonstrate that the proposed development does not increase the cumulative risks of the area to unacceptable levels.
- **Air Quality and Odour** – a quantitative assessment of the potential air quality, dust and odour impacts of the development (construction and operation) on surrounding landowners, businesses and sensitive receptors, in accordance with relevant Environment Protection Authority guidelines, including:
 - a detailed description of all operational processes and activities, inputs and outputs and characterisation of all emission sources
 - details of proposed mitigation, management and monitoring measures, benchmarked against best practice measures for emission control in similar facilities, including for all on-road diesel trucks associated with the development
 - an assessment of cumulative impacts from existing or approved port or industrial operations in the area, including the proposed Simosa Bitumen Facility.
- **Noise and Vibration** – a quantitative noise and vibration impact assessment addressing both construction and operation undertaken by a suitably qualified acoustic consultant in accordance with the relevant Environment Protection Authority guidelines and Australian Standards which includes:
 - the identification of impacts associated with construction, site emission and traffic generation at noise affected sensitive receivers, including the provision of operational noise contours and a detailed sleep disturbance assessment
 - details of noise monitoring survey, background noise levels, noise source inventory and 'worst case' noise emission scenarios
 - consideration of annoying characteristics of noise and prevailing meteorological conditions in the study area
 - an assessment of cumulative impacts with other developments
 - details and analysis of the effectiveness of proposed management and mitigation measures to adequately manage identified impacts, including a clear identification of residual noise and vibration following application of mitigation these measures
 - details of any proposed compliance monitoring programs.
- **Traffic and Transport** – a quantitative traffic impact assessment addressing both construction and operation prepared in accordance with relevant Transport for NSW and Austroads guidelines, that includes:
 - details of all daily and peak traffic volumes likely to be generated, including a description of key access / haul routes, vehicle types, sizes and carrying capacity and potential queuing impacts
 - an assessment of the predicted impacts of this traffic on road safety and the capacity of the road network, including consideration of cumulative traffic impacts at key intersections using SIDRA or similar traffic model
 - details and plans of any proposed the internal road network, site access and circulation arrangements and on-site parking provisions in accordance with the relevant Australian Standards
 - swept path diagrams depicting the largest vehicles entering, exiting and manoeuvring throughout the site
 - draft construction and operational traffic management plans
 - details of road or shipping infrastructure upgrades, infrastructure works or new roads or access points required for the development if necessary.

- **Port Navigation** – a port navigation assessment that includes:
 - an assessment of impacts on vessel navigation within Port Kembla during construction and operation, including consideration of current and future port operations
 - protocols for safe handling of ethanol vessels including under adverse meteorological conditions and including consideration of upcoming changes to Port Kembla from the construction of the Australian Industrial Energy facility and its emplacement cell (SSI-9471)
 - any additional and/or upgraded port resources that may be required.
- **Soils and Water** – a surface and groundwater assessment, including:
 - an assessment of potential surface and groundwater impacts associated with the development, including potential impacts on receiving waters
 - an assessment of contaminated groundwater and acid sulfate soils
 - details of all proposed mitigation, monitoring and management measures
 - a detailed site water balance including a description of the water demands, breakdown of water supplies and measures to minimise water use
 - description of the proposed erosion and sediment controls during construction and the proposed stormwater management system during operation
 - characterisation of water quality at the point of discharge to surface and/or groundwater against the relevant NSW Water Quality Objectives and values for the waters of Port Kembla and demonstrate how the project will be designed and operated to protect, maintain or restore these requirements
 - a detailed flooding assessment, including consideration of sea level rise.
- **Contamination** – a site contamination assessment in accordance with the Managing Land Contamination Planning Guidelines: SEPP 55 – Remediation of Land (DUAP, 1998), including:
 - characterisation of the nature and extent of any contamination on the site and surrounding area
 - a Remedial Action Plan.
- **Waste Management** – including:
 - details of the quantities and classification of all waste streams to be generated on site during the development
 - details of waste storage, handling and disposal during the development, including a pollution incident response plan
 - details of the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the NSW Waste and Sustainable Materials Strategy 2041.
- **Aboriginal Cultural Heritage** – an assessment of cultural values in consultation with the Aboriginal community in accordance with the Code of Practice for Archaeological Investigation in NSW (DECCW, 2010), and guided by the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH, 2011). The assessment must:
 - identify, describe and assess impacts on the Aboriginal cultural heritage values that exist across the development
 - provide evidence and details of consultation with Aboriginal people in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010).
- **Non-Aboriginal Cultural Heritage** – a non-Aboriginal cultural heritage assessment (including both cultural and archaeological significance) which details potential impacts on heritage assets and any proposed management and mitigation measures.
- **Biodiversity** – an assessment of the proposal's biodiversity impacts in accordance with the *Biodiversity Conservation Act 2016*, including:
 - the preparation of a Biodiversity Development Assessment Report (BDAR) where required under the Act, except where a waiver for preparation of a BDAR has been granted.
- **Aquatic Habitats and Recreational Fishing** – including:
 - a description of key fish habitat, aquatic biodiversity and recreational fishing activities adjacent to the proposed development site
 - an assessment of the potential for impacts on key fish habitat, the aquatic environment and recreational fishing amenity and a clear description of design and operational measures to avoid, minimise, mitigate or offset any potential impacts.

	<ul style="list-style-type: none"> • Infrastructure Requirements – an infrastructure management plan that includes: <ul style="list-style-type: none"> – details of the existing capacity of the site to service the proposed development and any extension or augmentation, property tenure or staging requirements for the provision of utilities, including arrangements for electrical network requirements, drinking water, wastewater and recycled water – identification of any existing infrastructure or easements on or off the site which may be impacted by construction or operation of the development and details of measures to be implemented to address any impacts. • Greenhouse Gas – an assessment of the proposal's greenhouse gas emissions (reflecting the Government's goal of net zero emissions by 2050). • Visual Amenity – an assessment of the potential visual impacts of the project on the amenity of the surrounding area. • Socio-Economic – an analysis of any potential social and economic impacts of the development, including a discussion of any potential economic benefits to the local and broader community. • Ecologically Sustainable Development – a description of how the proposal will incorporate the principles of ecologically sustainable development in the design, construction and ongoing operation of the development. • Planning Agreement/Development Contributions – demonstration that satisfactory arrangements have been or would be made to provide, or contribute to the provision of, necessary local and regional infrastructure required to support the development.
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> • Wollongong City Council • Safework NSW • Environment Protection Authority • Port Authority of NSW • NSW Ports • Environment, Energy and Science Group • NSW Roads and Maritime Services • Transport for NSW • Sydney Trains • Fire and Rescue NSW • The Network Operator of the electricity easement on the property • Department of Primary Industries (Fisheries) • Heritage NSW, Department of Premier and Cabinet • DPIE – Water • Department of Industry • surrounding local landowners, businesses and stakeholders • local and regional community and environmental groups • Local Aboriginal Land Council • any other public transport, utilities or community service providers. <p>The EIS must detail the engagement undertaken and demonstrate how it was consistent with the Undertaking Engagement Guide: Guidance for State Significant Projects. The EIS must detail how issues raised and feedback provided have been considered and responded to in the project. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
SEARs Expiry	SEARs will expire two years after the date of issue (or the date they were last modified).
References	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, Attachment 1 contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.

ATTACHMENT 1

Technical and Policy Guidelines

The following guidelines may assist in the preparation of the environmental impact statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<http://www.planning.nsw.gov.au>

<http://www.shop.nsw.gov.au/index.jsp>

<http://www.australia.gov.au/publications>

<http://www.epa.nsw.gov.au/>

<http://www.environment.nsw.gov.au/>

<http://www.dpi.nsw.gov.au/>

Plans and Documents

The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Environmental Planning and Assessment Regulation 2000. Provide these as part of the EIS rather than as separate documents.

In addition, the EIS must include the following:

1. An existing site survey plan drawn at an appropriate scale illustrating:
 - the location of the land, boundary measurements, area (sqm) and north point
 - the existing levels of the land in relation to buildings and roads
 - location and height of existing structures on the site
 - location and height of adjacent buildings and private open space
 - all levels to be to Australian Height Datum (AHD).
2. Locality/context plan drawn at an appropriate scale should be submitted indicating:
 - significant local features such as heritage items
 - the location and uses of existing buildings, shopping and employment areas
 - traffic and road patterns, pedestrian routes and public transport nodes.
3. Drawings at an appropriate scale illustrating:
 - detailed plans, sections and elevations of the existing building, which clearly show all proposed buildings
 - detailed plans of proposed access driveways, internal roads, carparking and external alterations services infrastructure.
4. Schedule of materials, colours and additions. finishes.

Documents to be Submitted

Documents to submit include:

- one (1) electronic copy of all the documents and plans for review prior to exhibition
 - other copies as determined by the Department once the development application is lodged.
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Policies, Guidelines & Plans

Aspect	Policy / Methodology
State Significant Development Guidelines	
	State Significant Assessment Guidelines (DPIE, 2021)
	Undertaking Engagement Guide – Guidance for State Significant Projects (DPIE, 2021)
	Cumulative Impact Assessment Guidelines for State Significant Projects (DPIE, 2021)
Air Quality	
Air Quality	Protection of the Environment Operations (Clean Air) Regulation 2010
	Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (DEC, 2007)
	Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016)
Odour	Assessment and Management of Odour from Stationary Sources in NSW (DEC 2006)
Greenhouse Gas	AGO Factors and Methods Workbook (AGO, 2018)
	Guidelines for Energy Savings Action Plans (DEUS, 2005)
	National Greenhouse and Energy Reporting Scheme Measurement, Technical Guidelines for the estimation of emissions by facilities in Australia (Department of the Environment and Energy (DoEE), 2017)
	National Greenhouse Accounts Factors (DoEE, 2019)
Biodiversity	
	<i>Biodiversity Conservation Act 2016</i>
	Biodiversity Assessment Method (EES, 2021)
	Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018)
Hazards and Risk	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
	Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DoP, 2011)
	Assessment Guideline: Multi-level Risk Assessment (Planning and Infrastructure, 2011)
Noise and Vibration	
	Acoustics - Description and measurement of environmental noise (AS1055:2018)
	Noise Policy for Industry (EPA, 2017)
	NSW Road Noise Policy (DECCW, 2011)
	Noise Criteria Guideline (RMS, 2015)
	Noise Mitigation Guideline (RMS, 2015)
	Interim Construction Noise Guideline (DECC, 2009)
	Assessing Vibration: A Technical Guide (DEC, 2006)
	Noise Guide for Local Government (EPA, 2013)
Social	
	Social Impact Assessment Guideline for State Significant Projects (DPIE, 2021)
Soils and Water	
Erosion and Sediment	Managing Urban Stormwater: Soils & Construction (Landcom, 2004)
	Soil and Landscape Issues in Environmental Impact Assessment (DLWC, 2000)
	Wind Erosion – 2nd Edition (DIPNR, 2003)
Groundwater	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC, 2000)

Policies, Guidelines & Plans

Aspect	Policy / Methodology
Stormwater	NSW State Groundwater Policy Framework Document (DLWC, 1997)
	NSW Aquifer Interference Policy (NOW, 2012)
	Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources (NOW, 2011)
	Storing and Handling Liquids: Environmental Protection (DECC, 2007)
	Managing Urban Stormwater: Strategic Framework. Draft (EPA, 1996)
	Managing Urban Stormwater: Council Handbook. Draft (EPA, 1997)
Wastewater	Managing Urban Stormwater: Treatment Techniques (DEC, 2006)
	Managing Urban Stormwater: Source Control. Draft (EPA, 1998)
	Managing Urban Stormwater: Harvesting and Reuse (DEC, 2006)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC, 1997)
Contamination	National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC, 2000)
	National Water Quality Management Strategy – Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1) (EPHC, NRMMC & AHMC, 2006)
	National Water Quality Management Strategy – Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) (EPHC, NRMMC & AHMC, 2009)
Traffic, Transport and Access	State Environmental Planning Policy No. 55 – Remediation of Land
	Managing Land Contamination Planning Guidelines, SEPP 55 – Remediation of Land (DUAP & EPA, 1998)
	Consultants reporting on contaminated land: Contaminated Land Guidelines (EPA, 2020)
Traffic, Transport and Access	
Urban Design and Visual	<i>Roads Act 1993</i>
	State Environmental Planning Policy (Infrastructure) 2007
	Guide to Traffic Generating Development (RTA, 2002 as updated)
	Road Design Guide (RMS, 2015-2017)
	Guide to Traffic Management – Pt 12: Traffic Impacts of Development (Austroads, 2016)
	Guidelines for Planning and Assessment of Road Freight Access in Industrial Areas (Austroads, 2014)
	Bicycle Parking Facilities: Guidelines for Design and Installation (AS 2890.3:2015)
	Integrated Public Transport Service Planning Guidelines: Sydney Metropolitan Area (TfNSW, 2013)
	Future Transport Strategy 2056 (TfNSW, 2018)
	Greater Sydney Services and Infrastructure Plan (TfNSW, 2018)
	NSW Freight & Ports Plan 2018-2023 (TfNSW, 2018)
	Control of Obtrusive Effects of Outdoor Lighting (AS 2482)
Waste	Better Placed (Government Architect NSW, 2017)
	Greener Places (Government Architect NSW, 2020)
Waste	
	NSW Waste and Sustainable Material Strategy 2041 (EPA, 2021)
	NSW Plastics Action Plan (EPA, 2021)
	NSW Energy from Waste Policy Statement (EPA, 2021)
	The National Waste Policy: Less Waste More Resources 2009
	Waste Classification Guidelines (EPA, 2014)

Policies, Guidelines & Plans

Aspect	Policy / Methodology
	Environmental guidelines: Composting and Related Organics Processing Facilities (DEC, 2004)
	Environmental guidelines: Use and Disposal of Biosolid Products (EPA, 1997)
	Composts, soil conditioners and mulches (Standards Australia, AS 4454)
	Standards for Managing Construction Waste in NSW (EPA, 2018)

ATTACHMENT 2
Government Authority Advice