Planning Secretary's Environmental Assessment Requirements

Section 5.16 of the *Environmental Planning and Assessment Act 1979*

Application Number	CSSI 30358083
Project Name	The Port Kembla Power Station
Location	Berth 101 in Port Kembla south of Wollongong, NSW
Proponent	Australian Industrial Power Pty Limited
Date of Issue	1/12/2021
General Requirements	The Environmental Impact Statement (EIS) must meet the minimum form and content requirements prescribed by Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) and must have regard to the Department's *State Significant Development Guidelines* (2021). In particular, the EIS must include the following: • a stand-alone executive summary; • a full description of the project, including: - a clear description and indicative timing for the staging of the project with regard to open cycle to closed cycle technology and fuel usage; - all components, materials and activities required to construct the project; - site plans and maps at an adequate scale showing: - the location and dimensions of all project components; and - existing infrastructure, land use, and environmental features in the vicinity of the project (including any other existing, approved or proposed infrastructure in the region); - likely staging or sequencing of the project, including construction and rehabilitation; • the likely interactions between the project and any other existing, approved or proposed major projects in the vicinity of the site (particularly the Port Kembla Gas Terminal) including projects that may discharge into ocean waters at the vicinity of the site; • a general description of any infrastructure that would be required for the project that is the subject of a separate approval process; • a justification for the proposed project as opposed to other alternatives; • statutory context for the project, including: - how the project meets the provisions and objectives of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and EP&A Regulation; - consideration of the project against all relevant environmental planning instruments; - any approvals that must be obtained before the project can commence; and • an assessment of the likely impacts of the project on the environment, focusing on the specific issues identified below, including:

	- a description of the existing environment likely to be affected by the project using sufficient baseline data; - a description of how the project has been designed to avoid and minimise impacts; and - an assessment of the potential impacts of the project, including any cumulative impacts, and taking into consideration relevant guidelines, policies, plans and industry codes of practice; • a consolidated summary of all the proposed environmental management and monitoring measures that includes all the commitments in the EIS; and • an evaluation of the project as a whole having regard to: - relevant matters for consideration under the EP&A Act including ecologically sustainable development; - the strategic need and justification for the project having regard to energy security and reliability in NSW and the broader National Electricity Market; and - the biophysical, economic and social costs and benefits of the project. The EIS must also be accompanied by: • a report from a qualified quantity surveyor providing a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the EP&A Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived. The report must be prepared on a company letterhead and indicate the applicable GST component of the CIV; and • an estimate of jobs that will be created during the construction and operational phases of the proposed development. While not exhaustive, Attachment 1 contains a list of some of the environmental planning instruments, guidelines, policies, and plans that may be relevant to the environmental assessment of the project.
Key issues	The level of assessment of likely impacts should be commensurate with the significance or degree or extent of impact within the context of the proposed location and surrounding environment, and have regard to applicable NSW Government policies and guidelines. In particular, the EIS must address the following matters: • **Air Quality** – including: - an assessment of the likely air quality impacts of the project in accordance with the *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW* (EPA, 2016), including consideration of impacts from start-up and shutdown; - an ozone assessment conducted in accordance with *Tiered Procedure for Estimating Ground Level Ozone Impacts from Stationary Sources;* - an assessment of the ability to comply with the relevant regulatory framework, specifically the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Clean Air) Regulation 2010;* and - an assessment of the likely greenhouse gas impacts of the project, including measures to minimise emissions and consideration of climate change adaptation related to the project; • **Water and soils** – including**:** - a description of the existing receiving waters including water

quality, circulation and mixing characteristics, water flushing characteristics and the identification of existing sensitive ecosystems, species conservation values and specific human uses and values of the receiving waters;
- an assessment of the impacts of the project on water quality having regard to the *NSW Water Quality and River Flow Objectives* (DECCW, 2006), *Australian and New Zealand Guidelines for Fresh and Marine Water Quality* (ANZG, 2018) and *ANZECC Guidelines and Water Quality Objectives in NSW* (DEC, 2006);
- pollution discharge modelling for near field and far field mixing zone behaviour;
- an assessment of the effects of coastal processes and hazards on the project, including climate change and sea level rise, and potential for flooding;
- an assessment of potential entrainment of aquatic organisms in intake structures;
- an assessment of direct and indirect impacts to key fish habitat;
- a detailed site water balance for the project;
- a description of the erosion and sediment control measures that would be implemented to mitigate any impacts during construction;
- assessment of any water take requirements that may be relevant under the *Water Management Act 2000*; and
- a description of the measures that would be implemented to mitigate any impacts during construction and operation, including a water quality and aquatic ecosystem monitoring program.

- **Biodiversity** – including:
  - an assessment of the biodiversity values and the likely biodiversity impacts of the project in accordance with the NSW *Biodiversity Conservation Act 2016*, the Biodiversity Assessment Method (BAM) and documented in a Biodiversity Development Assessment Report (BDAR); and
  - the BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the BAM;
- **Heritage** – including an assessment of the likely Aboriginal and historic heritage (cultural and archaeological, including maritime and underwater archaeology and cultural heritage) impacts of the project, in accordance with the *NSW Heritage Manual* including adequate consultation with Aboriginal stakeholders having regard to the *Code of Practice for Archaeological Investigation in New South Wales* (DECCW 2010) and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (OEH, 2010);
- **Hazards and Risks** – including:
  - a Preliminary Hazard Analysis (PHA) using a quantitative risk assessment prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6, 'Hazard Analysis'* and *Multi level Risk Assessment* (DPE 2011), that demonstrates that the risks from the project and the cumulative risk resulting from the power station and the Port Kembla Gas Terminal (SSD 9471 as modified) would comply with the Department's *Hazardous Industry Planning Advisory Paper No. 4, 'Risk Criteria for Land Use Safety Planning'.* The PHA must:
    - consider the risks associated with different operating

configurations and fuel blends, including the processes and equipment that would be used under all scenarios; and the connection to the Port Kembla Gas Terminal or other sources of fuel supply; and

- describe the standards and codes used in the construction and operation of plant and equipment within the power station, especially those involved in hydrogen-related service;

- details about how compliance with the requirements of the *Work Health and Safety (WHS) Act 2011* and *Work Health and Safety Regulation 2017* will be achieved.
- an assessment of the potential impact to aviation in the vicinity of the project related to plume rise and site infrastructure;

- **Land and Contamination** – including:
  - an assessment of the extent and nature of any contaminated materials or acid sulphate soils on site;
  - an assessment of potential risks to human health and the receiving environment associated with potential contamination generated by the operation of the project; and
  - a description of the measures that would be implemented to avoid or mitigate impacts;
- **Noise and Vibration** – including an:
  - assessment of the likely construction noise impacts of the project under the EPA's *Construction Noise Guideline* (if available), or the *Interim Construction Noise Guideline* (DECCW, 2009) (if the *Construction Noise Guideline* is not available);
  - an assessment of the likely operational noise impacts of the project under the *NSW Noise Policy for Industry* (EPA, 2017);
  - an assessment of the likely road noise impacts of the project under the *NSW Road Noise Policy* (EPA, 2011); and
- **Transport** – including:
  - an assessment of the transport impacts of the project on the capacity, condition, safety and efficiency of the local and State road network;
  - an assessment of the likely transport impacts to the site access route and site access point having regard to Oversized or Over mass vehicles (if required);
  - a description of the measures that would be implemented to mitigate any impacts during construction; and
  - a description of any proposed road upgrades developed in consultation with the relevant road authorities (if required).
- **Visual** – including an assessment of the likely visual and landscape character impacts of the project on the amenity of the surrounding area and private residences in the vicinity of the project**;**
- **Socio-economic–** including
  - an assessment of the social impacts of the project, prepared in accordance with the Department's Social Impact Assessment Guideline For State Significant Developments (July 2021), including the likely impacts of the development on the local community, cumulative impacts, demands on Council infrastructure and consideration of construction workforce accommodation;

	- an analysis of any potential economic benefits and impacts of the development including to NSW and the local and regional community; • **Waste** – identify, quantify and classify the likely waste stream to be generated during construction and operation, and describe the measures to be implemented to manage, reuse, recycle and safely dispose of this waste.
Consultation	During the preparation of the EIS, you must consult with the relevant local, State and Commonwealth Government authorities, infrastructure and service providers, community groups and affected landowners. The EIS must describe the consultation that was carried out, identify the issues raised during this consultation, and explain how these have been considered and addressed.
Expiry Date	If you do not lodge the EIS for the project within 2 years of the issue date of these SEARs, your SEARs will expire. If an extension to these SEARs will be required, please consult with the Planning Secretary 3 months prior to the expiry date.

ATTACHMENT 1

Environmental Planning Instruments, Policies, Guidelines & Plans

Please also refer to the Department's Policies and Guidelines including strategic plans and guidelines at: https://www.planningportal.nsw.gov.au/major-projects/assessment/policies-and-guidelines

Water	
Groundwater	NSW State Groundwater Policy Framework Document and component policies (DPI)
	Relevant Water Sharing Plans
	NSW Aquifer Interference Policy 2012 (DPI)
	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC)
	Guidelines for Development in the Drinking Water catchments (Hunter Water, 2017)
Surface Water	NSW State Rivers and Estuary Policy (DPI Water)
	NSW Government Water Quality and River Flow Objectives at http://www.environment.nsw.gov.au/ieo/
	Using the ANZECC Guideline and Water Quality Objectives in NSW (DEC, 2006)
	Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZG)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DECC, 2008)
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Technical Guidelines: Bunding & Spill Management (EPA)
	NSW Guidelines for Controlled Activities (various) (DPI)
Contamination	
	State Environmental Planning Policy No. 55 – Remediation of Land
	Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (EPA)
	Guidelines for Consultants Reporting on Contaminated Sites (EPA)
	Contaminated Sites Sampling Design Guidelines 1995 (EPA)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC)
	National Environment Protection (Assessment of Site Contamination) Measure 1999 (with amendment April 2013)
	Acid Sulfate Soils Manual (OEH)
	Australian and New Zealand Guidelines for Fresh and Marine Water Quality (EPA)
Land and Soils	
	Managing Urban Stormwater: Soils & Construction (Landcom)
	Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites (ANZECC & NHMRC)
	National Environment Protection (Assessment of Site Contamination) Measure 1999 (with amendment April 2013)
	Guidelines for developments adjoining land and water managed by the Department

	of Environment, Climate Change and Water (DECCW, 2010)
	The land and soil capability assessment scheme: Second approximation (OEH)
	Guidelines for Surveying Soil and Land Resources (CSIRO)
	Australian Soil and Land Survey Handbook (CSIRO)
	Soil and Landscape Issues in Environmental Impact Assessment (DPI)
Biodiversity	
	Biodiversity Assessment Method 2020
	Biosecurity Act 2015
	Policy and Guidelines for Fish Habitat Conservation and Management – Update (DPI, 2013)
	NSW State Groundwater Dependent Ecosystem Policy (DPI Water)
	Risk Assessment Guidelines for Groundwater Dependent Ecosystems (DPI Water)
	Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (DPI)
	Fisheries Management Act 1994
Heritage	
	The Burra Charter (The Australia ICOMOS charter for places of cultural significance)
	Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH, 2011)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010)
	Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (OEH)
	NSW Heritage Manual (Heritage Office and Department of Urban Affairs and Planning, 1994)
	Assessing Heritage Significance (NSW Heritage Office, 2001)
	Statements of Heritage Impact (Heritage Office and Department of Urban Affairs and Planning, 2002)
Air	
	Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA 2016)
	Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (DEC, 2005)
	Technical Framework – Assessment and Management of Odour from Stationary Sources in NSW (DEC, 2006)
	National Greenhouse Accounts Factors (Commonwealth)
Noise, Vibration and Blasting	
	NSW Noise Policy for Industry (EPA)
	NSW Road Noise Policy and associated Application Notes (EPA)
	Interim Construction Noise Guideline (DECCW, 2009)
	Assessing Vibration: a Technical Guideline (DEC, 2006)
	German Standard DIN 4150-3: Structural Vibration – effects of vibration on structures
	Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration (ANZECC, 1990)
Transport	
	Road and Related Facilities within the Department of Planning EIS Guidelines
	Guide to Traffic Generating Projects (RMS)

	Road Design Guide (RMS) & relevant Austroads Standards
	Austroads Guide to Traffic Management Part 12: Traffic Impacts of Project
Hazards and Risks	
	State Environmental Planning Policy No. 33 – Hazardous and Offensive Project
	Hazardous and Offensive Project Application Guidelines – Applying SEPP 33
	Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning
	Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis
	Hazardous Industry Planning Advisory Paper No. 11 – Route Selection
	AS2885 Pipelines – Gas and Liquid Petroleum, Operation and Maintenance
	Planning for Bushfire Protection (NSW RFS)
	Advisory Circular AC 139-05 v3.0 Plume Rise Assessments (CASA)
Visual	
	AS4282-1997 Control of the obtrusive effects of outdoor lighting
Waste	
	Waste Classification Guidelines (EPA)
Environmental Planning Instruments – General	
	State Environmental Planning Policy (State and Regional Development) 2011
	State Environmental Planning Policy (Infrastructure) 2007
	Wollongong Local Environmental Plan 2009
	Relevant Water Sharing Plans (available at https://www.industry.nsw.gov.au/water)