

# Notice of decision – Port Kembla Gas Terminal (SSI 9471)

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	Critical State significant infrastructure
<b>Application number and project name</b>	Port Kembla Gas Terminal (SSI 9471)
<b>Proponent</b>	Australian Industrial Energy
<b>Approving authority</b>	Minister for Planning and Public Spaces

### Decision

Under s. 5.19 of the *Environmental Planning and Assessment Act 1979 (the Act)*, the Minister for Planning and Public Spaces approved the Critical State Significant Infrastructure (CSSI) application subject to the recommended conditions.

A copy of the Department of Planning and Environment's Assessment Report and infrastructure approval is available [here](#).

### Date of decision

24 April 2019

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in the statutory context section of the Department's assessment report;
- the objects of the Act;
- all information submitted to the Department during the assessment of the application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including:
  - supplying up to 70% of NSW's gas demand;
  - providing an emergency gas supply for up to 12 days;
  - increasing competition in the gas market, thereby putting downward pressure on gas prices;
  - creating around 150 construction jobs and 40 operational jobs; and
  - injecting around \$200-\$250 million into the economy;
- the project can be carried out without any significant impacts on the marine environment, safety or amenity of the community, or biodiversity values, subject to the implementation of mitigation and management measures;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed in the Department's Assessment Report; and
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the application and Environmental Impact Statement for the Port Kembla Gas Terminal from 14 November 2018 until 14 December 2018 and received 23 submissions. This included 9 submissions from government agencies, 9 from special interest groups and 5 from the general public.

The key issues raised by the community and considered in the Department's Assessment Report and by the decision maker include the economic benefits for the region and the State, concerns about the potential disturbance of contaminated soils, impacts on the amenity of the community, and concerns about climate change.

Issue	Consideration
Impacts on amenity and beauty of the area	<ul style="list-style-type: none"> <li>• The visual impacts of the project would be consistent with the heavy industrial nature of the Port Kembla precinct.</li> <li>• Construction noise, traffic and dust impacts can be controlled to comply with the relevant standards.</li> <li>• Recommended conditions include requiring the proponent to:               <ul style="list-style-type: none"> <li>– manage construction noise in accordance with the Construction Noise Guideline;</li> <li>– limit construction hours unless noise can be kept to within management levels specified in the Construction Noise Guidelines;</li> <li>– minimise noise and dust generated from the development;</li> <li>– minimise the visual and off-site lighting impacts of the development; and</li> <li>– ensure the visual appearance of all ancillary infrastructure blends in as far as possible with the surrounding landscape.</li> </ul> </li> </ul>
Contribution of gas to climate change	<ul style="list-style-type: none"> <li>• The project's contribution to Australian and global greenhouse emissions would be very small, amounting to around about 0.03% of emissions in NSW.</li> <li>• Recommended conditions include requiring the proponent to minimise greenhouse gas emissions.</li> </ul>
Potential disturbance of contaminated soils and sediments	<ul style="list-style-type: none"> <li>• Water quality within the harbour has already been affected by existing industrial discharges and port activities, including numerous dredging campaigns.</li> <li>• Water quality impacts would be confined to the harbour and restricted to the construction stage of the project. They would also be minimised by using best practice construction techniques principally restricting the dispersal of sediment.</li> <li>• Recommended conditions include requiring the proponent to:               <ul style="list-style-type: none"> <li>– prepare a protocol for managing contaminated materials, and a remediation strategy, if required;</li> <li>– prepare a spoil management plan including procedures for managing contaminants, handling, transporting, storing and disposing of dredge and excavated material, and a plan for monitoring water quality and responding to exceedances of water quality criteria</li> <li>– prepare an emplacement cell report describing the proposed containment cell design and construction methodology; and</li> <li>– engage a qualified person to audit the construction of the emplacement cell and disposal activities;</li> </ul> </li> </ul>
Impacts to marine ecology	<ul style="list-style-type: none"> <li>• Dredging and disposal activities would affect water quality and disturb biofouling and benthic communities.</li> <li>• These impacts would mainly be restricted to the construction phase and turbidity and contamination impacts minimised using best practice construction techniques.</li> <li>• Biofouling and benthic communities are likely to re-colonise new infrastructure and surfaces at the end of construction.</li> <li>• The noise generated during piling activities would potentially affect the hearing of larger marine mammals within 109 m of the activity. However, it is likely these animals would swim away.</li> <li>• Impacts on marine ecology from discharges from the Floating Storage and Regasification Unit (FSRU) vessel would be diluted within the mixing zone and would achieve acceptable limits within approximately 43 m of the discharge point.</li> <li>• Recommended conditions include requiring the proponent to:               <ul style="list-style-type: none"> <li>– undertake ongoing monitoring of discharges and water around the dredging and disposal activities and take remediative</li> </ul> </li> </ul>

Issue	Consideration
	<ul style="list-style-type: none"> <li>- verify the predicted impacts from discharges;</li> <li>- prepare a spoil management plan including procedures for managing contaminants, handling, transporting, storing and disposing of dredge and excavated material, and a plan for monitoring water quality and responding to exceedances of water quality criteria</li> <li>- prepare an emplacement cell report describing the proposed containment cell design and construction methodology; and</li> <li>- engage a qualified person to audit the construction of the emplacement cell and disposal activities.</li> </ul>
Health impacts from fugitive emissions	<ul style="list-style-type: none"> <li>• Fugitive emissions and any associated health impacts from the project would be minor and negligible.</li> <li>• Overall the project would comply with all relevant NSW air quality criteria during normal operations.</li> <li>• Recommended conditions include requiring the proponent to prepare and implement an air quality management describing how air emissions would be monitored and managed, and which includes a leak detection and repair plan.</li> </ul>
Support for the project due to economic benefits	<ul style="list-style-type: none"> <li>• On balance the Department recommends that the project be approved as the project benefits outweigh the impacts. The impacts can be avoided, mitigated and/or offset through the measures documented in the EIS and in supplementary information provided by the proponent, and as implemented through the recommended conditions.</li> </ul>