

## Attachment A - Submissions



Department of Planning  
GPO Box 39  
Sydney  
NSW 2001

7/5/2010

Dear Sir/Madam

**Submission to Port Kembla Outer Harbour Development Application  
MP 08-0249**

This letter provides a submission to the *Port Kembla Outer Harbour Development* application (MP 08-0249) lodged by the Port Kembla Port Corporation (PKPC). This submission is made by HASSELL on behalf of Adelaide Brighton Cement Ltd (ABCL), landowners of an existing industrial site located on Foreshore Road, Port Kembla.

**1.0 Overview of Submission**

In principle, ABCL does not object to the development of Port Kembla and the Outer Harbour area. However there are aspects of the proposed works which have the potential to adversely impact upon ABCL operations and as well as other landowners on Foreshore Road.

ABCL considers that the Environmental Assessment documentation, which forms part of the development application (MP 08-0249), does not provide sufficient information to fully assess all of the potential impacts over the life of the development and ensure they are satisfactorily addressed.

The issues raised in this submission include the following:

- \_Lack of consultation with ABCL and other landowners on Foreshore Road;
- \_Potential impacts on access to ABCL's site;
- \_Increased traffic in the vicinity of the ABCL site (principally through the construction period) without consideration of impacts upon ABCL site access and operation;
- \_Potential impacts on the long term rail network which may impact ABCL operations;
- \_Potential car parking issues;
- \_Potential vibration impacts to the ABCL site; and
- \_Insufficient detail within the Concept Plan to fully assess impacts of the development.

This submission outlines areas of concern, identifies where the environmental assessment does not provide sufficient detail, and requests additional information where relevant.

## 2.0 Understanding of the Concept Plan and Major Project Proposal

It is understood that the proposed development is for the expansion of the Outer Harbour at Port Kembla, within the Wollongong Local Government Area. PKPC is seeking concurrent Concept Plan Approval and Major Project Approval under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Concept Plan Approval is sought for the entire development, which includes the creation of at least 42 hectares of land dedicated to port activity, and would be undertaken over three key stages planned for construction from 2010 to 2037. A total of seven new berths would be created as part of the Concept Plan, four container berths and three multipurpose berths designed to handle dry bulk, break bulk and bulk liquid. New road and rail infrastructure and existing infrastructure upgrades would be constructed to support the expansion.

Concurrent Major Project Approval is sought to construct and operate Stage 1 of the Concept Plan, which includes the following:

- \_ Dredging and land reclamation for multi-purpose terminals and container terminals (excluding northern portion of the multi-purpose terminals and expansion of ship turning circle).
- \_ Construction and operation of the central portion of the multi-purpose terminals (with pavements, services and drainage) including the first multi-purpose berth.
- \_ Construction of the berthing facilities for the first container berth.
- \_ Road and rail infrastructure including new road link from Christy Drive and upgrade of rail infrastructure in South Yard to service the first multi-purpose berth.

## 3.0 Adelaide Brighton Cement Ltd

ABCL is a fully owned subsidiary of Adelaide Brighton Limited. As a leading integrated construction materials and lime producing company with origins dating back to 1882, Adelaide Brighton Limited is an S&P/ASX200 company with about 1500 employees and operations in all states and territories of Australia.

ABCL is the landowner and operator of a cement processing facility at Lots 1 and Lot 2 of DP 206996, Lot 1 DP 162420 and Lot 1 DP 516574, Foreshore Road, as shown in Figure 1. The ABCL site is located directly south of the proposed Outer Harbour development. The site is operated by Morgan Cement International Pty Limited which is also a fully owned subsidiary of Adelaide Brighton Limited.

Operations at the ABCL site involve receiving raw products by road from a variety of locations (including sometimes from the nearby wharf at the inner harbour Port Kembla), on-site processing and storage, and distribution by road tanker to various customers.

The peak hours for road tanker access to Foreshore Road and the wider road network are from midnight to 6am and midday to 6pm, but the site operates 24 hours a day and there are trucks entering and exiting the site around the clock. The truck movements to and from ABCL's site will increase in the future.

Access to the ABCL site (both ingress and egress) is provided from Foreshore Road. The location of this access point (consisting of a separate entry and exit access) from Foreshore Road is indicated in Figure 1. This access point represents the only possible means of access to ABCL's site. ABCL's land is surrounded by land owned by third parties and it is not possible to access ABCL's site from Darcy Road or any other alternative routes. (Trucks also make deliveries to a storage shed using the delivery point indicated in Figure 1, but it is not possible for trucks to access the main part of ABCL's site from this delivery point.)





Figure 1\_ABCL Site Location and Access

It is noted that ABCL are currently in the process of revising property boundaries between the ABCL site and adjacent landowners. The boundaries of ABCL's site following these subdivisions are indicated in Figure 1.

#### 4.0\_Potential Impacts to ABCL

##### 4.1\_Proposed Road and Rail Infrastructure

The Concept Plan includes the construction and upgrade of road and rail infrastructure in the vicinity of ABCL's site. Those upgrades required for Stage 1 of the development have been outlined in the Environmental Assessment, and potential options for the upgrades related to the remainder of the works (Stage 2 and 3) have been identified but not confirmed.

##### 4.1.1\_Stage 1 Road Works

Proposed road infrastructure for Stage 1 of the proposed development includes the following:

- \_New access road from Christy Drive to the multi-purpose terminals (Point "1", Figure 2)
- \_Construction of an access road from Foreshore Road to the container terminals (Point "2", Figure 2)



Figure 2\_Stage 1 Road Infrastructure works

The primary areas of concern for ABCL in Stage 1 are:

- \_The construction road link which is to be located on Foreshore Road, approximately 150 metres to the west of the access to the ABCL; and
- \_The impact of construction traffic on the Old Port Road and Foreshore Road intersection.

### **Construction Road Traffic Assessment**

The construction road link on Foreshore Road will operate as the sole construction access point and is to provide access to the site compound, construction site offices, car parking, and stockpiling area. The construction traffic is anticipated to travel down Old Port Road and use the Old Port Road and Foreshore Road intersection, before reaching the new construction road.

Foreshore Road itself is the sole access route for ABCL, and therefore sharing of this road with construction traffic will be necessary throughout the duration of construction works. With construction works programmed for 2010 to 2037, this is a significant timeframe. The traffic assessment surmises that the levels of construction traffic will be less than anticipated operational traffic levels, and therefore determines that it will not represent additional impact (AECOM, 2010:p38). However the traffic assessment does not account for the fact that construction traffic will be using Foreshore Road and the assumption has been made that all operational traffic will access the site via Christy Road.

ABCL is concerned that the Environmental Assessment fails to take into account the traffic impacts of the construction traffic associated with Stage 1 of the proposed development or consideration as to whether the additional traffic can be accommodated or will cause any impacts further along the road network. ABCL is concerned that ABCL has not been consulted in relation to ABCL's current and future truck movements. The only proposed mitigation measure in relation to traffic impacts for Stage 1 works is the preparation of a Traffic Management Plan (TMP). Whilst the preparation of a TMP is supported, it is considered that greater assessment of the impacts of the proposal is required and certainty that any specific mitigation measures will be undertaken by the applicant to minimise the identified impacts.

*It is requested that the applicant provide certainty that access along Foreshore Road for ABCL's established road tankers can continue unimpeded for the duration of the construction works. It is requested that the applicant consult with ABCL in relation to truck movements and provide information setting out the proposed arrangements to ABCL for review and comment.*

### **Foreshore Road and Old Port Road Intersection**

The Foreshore Road and Old Port Road intersection is already highly constrained, with a round-about arrangement, limited circulation space for larger vehicles, and a level crossing with the rail line. The Environmental Assessment provides no consideration of the traffic impacts related to the construction traffic in Stage 1 using the Foreshore Road and Old Port Road intersection, an intersection heavily used by ABCL and other landowners along Foreshore Road.

Discussions held with the Traffic Engineer at the public consultation forum on 20 April 2010 indicate that one of the reasons an internal road network was proposed was that the Foreshore Road and Old Port Road intersection might not be able to cope with traffic levels at full development. The Environmental Assessment also notes that the level of construction traffic will be comparable with that of the operational traffic. We are therefore concerned that there the impact of the construction traffic on this intersection is significant and not considered at all in the Environmental Assessment.

It is noted that the Environmental Assessment (2010:p18-7) identifies that Old Port Road may require enhancement (including improvements to pavement strength and improved turning radii for long vehicles) in Stage 1 to cater for increased levels of heavy traffic however an assessment of this requirement is not provided nor is it included in the Draft Statement of Commitments.

*We request that the Department of Planning require additional traffic assessment detail be provided by the applicant in relation to the capacity of Foreshore Road and the Foreshore Road / Old Port Road intersection to accommodate the construction traffic.*

#### 4.1.2 Stage 2 and 3 Road and Rail Infrastructure

Proposed road and infrastructure for the remainder of the proposed development (i.e. Stages 2 and 3) includes the following:

- \_ Extended new road link from Christy Drive to new container terminals (Point “4”, Figure 3)
- \_ Closure of the road at the existing level crossing between Old Port Road and Foreshore Road or alternatively creation of a new road parallel to Foreshore Road (Point “5”, Figure 3)
- \_ Potential for a new road link along the disused rail corridor off Darcy Road to service the PKPC office and public access area, including Heritage Park and the boat harbour (Point “6”, Figure 3)
- \_ New rail overbridge to Foreshore Road to provide grade separation between rail and road traffic servicing the container terminals (Point “7”, Figure 3)
- \_ Rail link to the container terminals and new rail sidings on the terminal area (Point “8”, Figure 3)

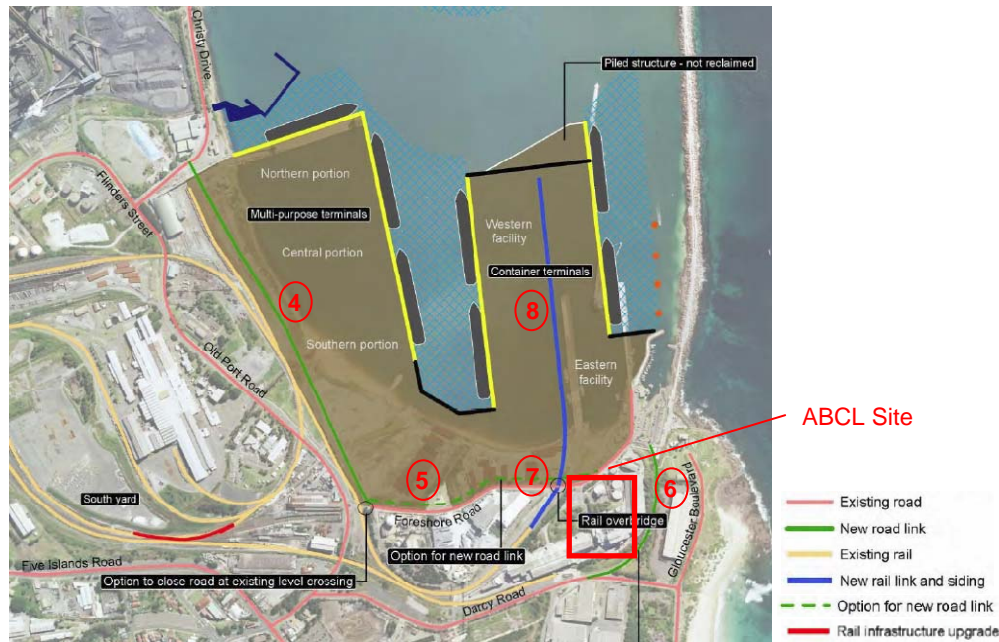


Figure 3\_Stage 2 and 3 Road and Rail Infrastructure works

The Environmental Assessment largely refers to *potential* road and rail infrastructure requirements for Stages 2 and 3, rather than *proposed* upgrades based on assessments of requirements. The applicant is proposing that consideration of the required road and rail infrastructure is delayed until Stage 2 (Environmental Assessment, 2010:p18-4).

This submission considers that information on the required road and rail infrastructure upgrades to support the development is required now, at Concept Plan stage. The Director General Requirements issued for the project require the applicant to address traffic impacts during the construction and operational phases of the project, which must include “*recommendations for required infrastructure upgrades as a result of the development*”.

ABCL have particular concerns related to the following proposals, which represent alterations in the near vicinity of the ABCL site:

- \_ Potential closure of Foreshore Road;
- \_ Potential new road link along the disused rail corridor off Darcy Road; and
- \_ New rail overbridge to Foreshore Road.

#### Potential Foreshore Road Closure

The Concept Plan refers to the potential closure of Foreshore Road. The treatment of Foreshore Road as part of the Outer Harbour development works is of critical importance to ABCL, as it is the only possible access route to ABCL’s site.



It is noted that the decision on whether to close Foreshore Road is not proposed to be made until the Stage 2 project application (Environmental Assessment, 2010:p5-7). This is considered inappropriate, as the key impacts of the Outer Harbour development must be able to be identified at the Concept Plan stage before approval is granted. The potential closure of Foreshore Road is a key issue which should be considered in greater depth within the Concept Plan.

There is concern that the assessment of traffic impacts has been based on the assumption that the majority of additional traffic generated will access the new development via Christy Drive *“due to the planned closure of the connection between Old Port Road and Foreshore Road at the existing level crossing”* (Environmental Assessment, 2010:p18-4), even though the closure of Foreshore Road has not yet been determined.

*The applicant’s proposal to further discuss the closure of Foreshore Road with Wollongong City Council and affected land owners is supported, and it is requested that the Department of Planning require the applicant to consult directly with ABCL on this matter, prior to the approval of the Concept Plan.*

#### **Potential Road Link in Disused Rail Corridor**

The potential conversion of the rail corridor located adjacent to Darcy Road (to the southern / eastern boundary of the ABCL site) to a road may impinge on the long term rail transport opportunities for ABCL and neighbouring land owners.

The Environmental Assessment recognises that additional studies are required to confirm network capacity and identify the required infrastructure upgrade required to support the Concept Plan, including preparing a Rail Master Plan for the Outer Harbour which is planned for 2010 (Environmental Assessment, 2010:p19-11).

An example of the lack of certainty in regards to road and rail infrastructure is shown in the traffic assessment undertaken by AECOM to support the Environmental Assessment. The assessment is based on a modal split of 50% road and 50% rail, however it is stated that the use of rail may increase depending on whether existing rail infrastructure is upgraded. This in effect makes the 50/50 modal split redundant as it is not based on any meaningful assessment of requirements or proposed infrastructure upgrades.

*This submission considers that the inclusion of the rail strategy into the Concept Plan documentation is critical in order to understand the full rail strategy before any existing rail is approved from removal under the Concept Plan. It is requested that the Department of Planning require this information prior to approval of the Concept Plan. Furthermore, ABCL wish to be consulted in any long term rail strategy for the Port Kembla area.*

#### **Potential Rail Overbridge on Foreshore Road**

The Environmental Assessment identifies an overbridge on Foreshore Road to separate road and rail infrastructure. The Environmental Assessment and discussions with the applicant at the community consultation forum suggest that there has been very little resolution with this overbridge and it is not yet known whether it is a rail overbridge or road overbridge.

We are concerned that Concept Plan approval for an overbridge at the identified location is highly problematic given the lack of resolution for the overbridge location, and unresolved consultation with landowners who may be negatively impacted by this proposal, including ABCL.

Our review of the proposed overbridge location indicates that the location is highly constrained. In order to provide a rail overbridge, the required ramping would likely require acquisition of part of the ABCL site which already has a very narrow access point. Alternatively, if a road bridge was proposed, the required ramping may block the existing entry point to the ABCL site.

Refer to Figure 4 which illustrates the extreme proximity of the rail lines to ABCL’s access point on Foreshore Road. This is the only possible access point to ABCL’s site.

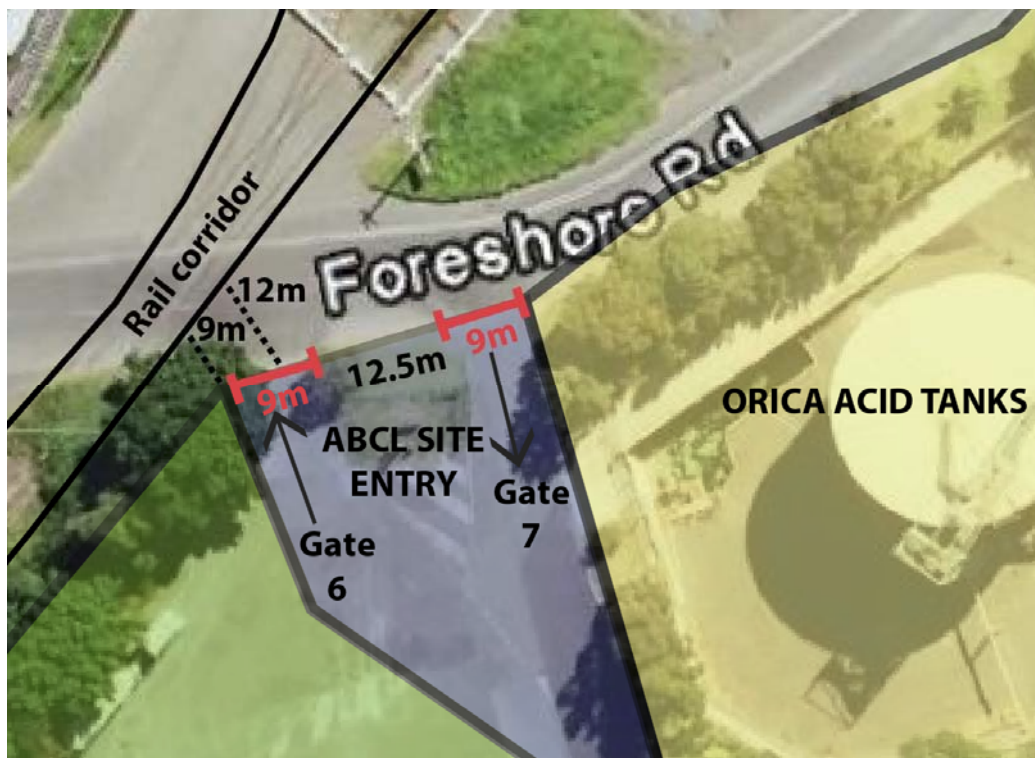


Figure 4\_Access to ABCL Site from Foreshore Road, showing distance to rail corridor

As indicated in Figure 4, ABCL's gate is about 10 metres away from the point where the rail line intersects Foreshore Road. This is obviously going to make it difficult to construct any sort of rail/road overbridge while preserving access to ABCL's site.

*This reinforces that the proposed development requires significantly further detail for consideration prior to Concept Plan approval. It is requested that the Department of Planning require the applicant to submit additional information to ensure environmental impacts can be adequately understood prior to Concept Plan approval. It is considered of paramount importance that ABCL is consulted on this matter prior to approval of MP 08-0249.*

#### 4.2\_Car Parking

The Environmental Assessment (2010:p6-32) states that car parking for the operational workforce would be designed to accommodate approximately 50 car spaces, that the final location and design would comply with relevant standards, and that it would be finalised during the detailed design phase.

In relation to construction phase activities, it is stated that site parking will be available within the site compound and would be designed to cater for the construction workforce, with the exact size and parking requirements to be determined during detailed design (Environmental Assessment, 2010:p6-4).

The traffic assessment which supports the Environmental Assessment does not consider car parking requirements.

*ABCL seek identification of the proposed locations and sizes of the required car parking facilities, particularly the construction car parking which will be accessed from Foreshore Road in proximity to the ABCL site. There are concerns that if sufficient car parking is not provided there may be impacts on the surrounding road network.*

#### 4.3\_Construction Hours

It is noted that standard construction hours (with the exception of dredging) are to be 7am to 6pm, Monday to Friday, and 8am to 1pm Saturday, however work may be permitted outside of these hours provided impacts and mitigation measures are addressed in the Construction Environmental Management Plan (CEMP) (Environmental Assessment, 2010:p6-5).

Dredging pumps and plant may be operational 24 hours a day at certain stages of the project. Confirmation is sought that 24-hour activities related to dredging only includes operation of pumps and plant, and does not involve any transportation of materials to or from the site.

ABCL operations involve truck movements to and from the site 24 hours a day. Therefore any works permitted outside the standard construction hours may have an impact on ABCL deliveries.

*It is requested that a commitment is made by the applicant to consult with ABCL prior to any construction works occurring outside of the agreed standard construction hours.*

#### 4.4\_Vibration

The Environmental Assessment includes a detailed noise and vibration assessment for works associated with Stage 1 of the development, with further assessments to do be undertaken as part of separate project applications for Stage 2 and Stage 3 works (Environmental Assessment, 2010:p21-17).

The Environmental Assessment identifies that vibration impacts may result from construction activities, particularly from rock blasting as part of the dredging process. Vibration may cause damage to structures and services, interruption to machinery, as well as causing annoyance and reduction in comfort and amenity for nearby residents and workers – particularly if there is long term exposure.

Structural vibration effects are assessed against *DIN Standard 4150 - Part 3 - Structural Vibration in Buildings - Effects on Structures* (DIN 4150), which provides safe limits for building vibration, including specific criteria for buildings used for industrial purposes. The Environmental Assessment concludes that the predicted vibration levels associated with blasting to be undertaken as part of the Major Project application, comply with the DIN 4150 criteria at all sensitive receivers (Environmental Assessment, 2010:p21-19).

The Environmental Assessment highlights the closest industrial/commercial receiver as being located on Old Port Road, at a minimum distance of 200 metres from blasting (Environmental Assessment, 2010:p21-19). At this location, vibration levels exceed the criteria when a 60 kg charge is assumed (Environmental Assessment, 2010:p21-19). It is concluded that cosmetic damage is unlikely to occur due to the conservative nature of the assessment criteria, and if smaller charges and time delays are implemented, however it is noted that these mitigation measures are not included in the Statement of Commitments.

The Environmental Assessment does not identify the ABCL site as an industrial receiver, and therefore has not considered potential vibration impacts on ABCL structures.

Certain items of machinery operated by ABCL include vibration monitors to ensure there is not excessive vibration in the machinery. These monitors might detect vibrations caused by the development. The detection of vibrations by these monitors could result in interruptions to ABCL's machinery and operations.

In addition, vibration impacts may affect the amenity of workers at the ABCL site, particularly as development works will occur over a long time period between the years 2010 to 2037. It is recognised within the Environmental Assessment (2010:p21-12) that the levels at which annoyance occurs are much lower than the structural damage criteria for buildings.

*ABCL request that the Department of Planning require the applicant to undertake environmental assessment of the potential vibration impacts on their premises, being a close neighbour, located within 200 metres of the subject construction site. It is requested that the results of this assessment be made available for review by ABCL and their consultants.*

*In addition, it is requested that mitigation measures identified with regard to the impacts of vibration should be included in the applicant's Statement of Commitments.*

#### **4.5\_Easements**

Proposed works in the vicinity of Darcy Road and Foreshore Road may impact upon the registered easement DP1143326 on Lot 11 DP 1006859 and Lot 1 DP 209933 in favour of Integral Energy for the purposes of underground high voltage electricity cables that are the sole source of electricity supply to ABCL's site.

*ABCL seeks assurance that the proposed works will not impact upon the long term security of registered easement DP1143326 on Lot 11 DP 1006859 and Lot 1 DP 209933.*

## 5.0 Conclusion

As outlined in the above sections, the detailing of some aspects of the proposed Concept Plan works have been delayed until Stage 2 or Stage 3, on the basis that *"subsequent applications for Project Approval would provide the necessary detail for assessment of each stage of the development, within the overall port context and Concept Plan"* (Environmental Assessment, 2010:p5-3).

It is considered that the Environmental Assessment does not provide sufficient information at Concept Plan stage to fully assess the associated impacts of the Outer Harbour development, particularly in relation to required road and rail infrastructure upgrades. In addition, the ABCL site has not been considered within the Environmental Assessment including assessing specific issues that may impact the ABCL site such as noise, vibration and traffic impacts.

It is noted that the applicant has not undertaken any direct consultation with ABCL, and ABCL is not identified as a key stakeholder in Table 8-1 of the Environmental Assessment with whom future consultation will be undertaken. ABCL is a significant landowner in the area and has a long term interest in Port Kembla.

We request that the issues raised in this submission are fully considered as part of the assessment undertaken by the Department of Planning in regards to MP 08-0249. We further request that as outlined above, further information is requested from the applicant to fully understand the construction traffic, operational traffic, car parking, construction hours and vibration impacts of the proposal (prior to approval of the Concept Plan and Stage 1 works) to ensure an accurate assessment is undertaken. Furthermore, we request that ABCL, as landowners on Foreshore Road, are consulted on amendments and/or additional information received prior to the approval of MP 08-0249.

Should you have any questions, or would like to discuss the issues raised in this submission further, please do not hesitate to contact Kristen Saul on 9101 2113 or via email [ksaul@hassell.com.au](mailto:ksaul@hassell.com.au).

Regards



Kristen Saul  
Senior Planner



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Road and Rail Infrastructure to and from the Outer Port Port Kembla Harbour needs to be improved BEFORE the expansion completion.

Intra structure items which should be completed prior to the Ports' expansion completion include:

- \* Proper and appropriate number of wharf serving rail balloon loops connecting onto the main Wollongong - Port Kembla line.
- \* Provide improved direct rail routes from Port Kembla Wharfs to Unanderra - Mossvale / Dombarton - Maldon lines - (purchase existing private lines if necessary).
- \* Complete Maldon Dombarton railway line.
- \* Upgrade Picton Rd to dual carriageway over complete length.
- \* Install fly overs east and west of Wilton. The western fly over should also provide access to and from the new Wilton sub division.
- \* Three lanes both up and down Mt Ousley - along the full length from Picton Rd to Port Kembla
- \* Upgrade Heatcote Rd to dual carriageway from F6 to M5
- \* Upgrade the Princes Highway to dual carriageway status to at least Nowra to accommodate the haulage of ethanol and starch products from Shoalhaven Starches P/L.
- \* Increase the number of truck parking / rest areas with toilets /showers and 24 hr catering services both in close proximity to the harbour and along route from Port Kembla to Hume Highway and the M5. [ It would appear people forget truck drivers need convenient access, with truck (B double) parking, to good healthy wholesome (not fast) food outlets. The same is complementary to long term truck driver health and physic and consumption of nutritious foods reduces risk of onset of premature driver fatigue. The need for toilets and showers should be obvious. ]
- \* A direct S/W secondary or back up dual carriageway route completely to the Hume Highway must be established relieving Macquarie Pass. This is necessary in the event accidents occur on Mt Ousley and/or Picton Rd. This route should also service heavy vehicles currently using the Nowra - Camberwarra Mt - Kangaroo Valley - Hampton Bridge - Moss Vale Rd route. Currently this sub standard extremely dangerous route is used for haulage of ethanol and starch products from Shoalhaven Starches P/L to southern markets.
- \* Upgrade, to B double standard, the Princes Highway from Nowra to Batemans Bay and
- \* Upgrade, to B double standard, the Kings Higghway from Batemans Bay to Queanbeyan to provide an emergency heavy haulage route to Canberra, Monaro Highway and reconnect back to the Hume Highway.
- \* Fully seal and upgrade, to B double standard, the Nowra to Braidwood route to provide an emergency heavy haulage route to Canberra, Monaro Highway and reconnect back to the Hume Highway.
- \* Upgrade, to B double standard, the Princes Highway from the Victorian Border to Batemans to provide opportunity to export agricultural and other products from East Gippsland / Southern Victoria / Eden / Monaro and Batemans Bay hinterlands through Port Kembla. An auxiliary benefit will safer light vehicle operation along this notorious stretch of highway. The need for this upgrade is consistent with the general traffic (heavy and light) traffic density along this route associated with the ongoing and possibly accelerating sea and tree change population demography.

Note also this submission has been submitted to the NSW Planning Minister

Name: Arnold McLean

Organisation: Concerned Keiraville resident living in close proximity to the F6

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Submission for Job: #2917 Construction and Operation of Terminals and Berths, Dredging and Reclamation  
[https://majorprojects.onhiive.com/index.pl?action=view\\_job&id=2917](https://majorprojects.onhiive.com/index.pl?action=view_job&id=2917)

Site: #1831 Port Kembla Outer Harbour Development  
[https://majorprojects.onhiive.com/index.pl?action=view\\_site&id=1831](https://majorprojects.onhiive.com/index.pl?action=view_site&id=1831)

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# **Submission: Port Kembla Outer Harbour Development**

## **Construction and Operation of Terminals and Berths, Dredging and Reclamation**

**Asciano Ltd**

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Prepared by Asciano Ltd

Property Group

May 2010

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## **1. Asciano Ltd**

Asciano, parent company of Patrick and Pacific National, welcomes the opportunity to provide this submission to the NSW Department of Planning on the Port Kembla Outer Harbour Development, a declared Part 3a Major Project. This major project is recognised as having a significant impact of the economy of the state of NSW.

Asciano is one of Australia's largest listed infrastructure owners, with a primary focus on transport infrastructure, including ports and rail assets, and associated operations and services. Asciano generated revenues in excess of \$2.8 billion for the year ending 30 June 2009, and is well positioned to benefit from expected long term growth in global trade.

Asciano's portfolios include the unique combination of the Pacific National and Patrick businesses. These two world class businesses own and operate four leading container terminals, bulk export facilities, a significant range of stevedoring equipment and associated services, extensive rail operations, investments in a number of strategic joint ventures, and a highly skilled workforce.

Asciano has a large commitment to freight rail in NSW and in particular at Port Kembla. We are a major transporter of coal, steel and intermodal products within the Port, throughout NSW and nationally. We are the predominant rail freight operator to and from Port Kembla

## **2. Introduction:**

Asciano, through its subsidiary divisions trading as Pacific National Coal, Pacific National Intermodal and Patrick Auto Bulk and General have significant investments within the precinct of the Outer Harbour Development. In addition, we have expertise and familiarity with the operation of freight by both road and rail within this precinct.

Asciano owns two properties affected by the proposed development, namely 101 Old Port Road; 1.712 ha (Property number 3159035) and Darcy Road Intermodal Terminal, 2.064ha (Property Number 1143786). The second property is referred to as a new road link along a disused rail corridor in the planning documentation.

In addition, Asciano owns two properties in Reddles Rd, Kembla Grange, for development of an Automotive Processing and Storage Facility, associated with the importation of vehicles through Port



Kembla. Asciano's subsidiary Patrick Autocare has submitted a Development Application to the City of Wollongong for these properties. (DA-2009/1245)

Patrick Autocare has relocated its facilities to Port Kembla from Sydney. Currently vehicles imported thorough Port Kembla are transported by road. However, Asciano is cognisant of its environmental responsibilities and need to preserve our non renewable resources and has strategically purchased land close to rail infrastructure and is exploring the possibility of increasing rail usage in this distribution network.

Further, we refer to the attached plan in Appendix 1. This diagram identifies most rail infrastructure in the Outer Harbour precinct by controlling entities. Port Kembla Port Corporation (PKPC) is the predominant infrastructure owner, with Pacific National being the manager of the infrastructure on behalf of the PKPC (Coloured Red) or Pacific National leases substantial portions of the infrastructure from the Port (Coloured Green). In addition Pacific National owns the rail infrastructure leased to EDI for support facilities for our operations (Brown). Pacific National also manages the rail infrastructure owned by Blue Scope Steel (Blue)

Rail infrastructure within the PKPC precinct is predominantly under the day to day control of Pacific National.

Asciano is concerned that without any direct consultation rail traffic flows and required ancillary support facilities to effectively accommodate planned growth and in particular rail freight movements, the proposal will be deficient and not achieve the outcomes desired within the planning process. Furthermore, we believe that the absence of Asciano in the Preliminary Assessment consultation plan makes it impossible for the PKPC to comply with the Director General's Requirements in relation to Traffic and Transport.

This failure in consultation places at risk substantial investments by Asciano. Particular skills and experience that Asciano has to offer in reviewing and assisting in the planning process, that is not available to other organisations could result in failure to achieve the Director Generals desired results, namely;

- Accurate understanding of transport demand
- Capacity for growth in freight train movements to and from the expanded facility.
- Assessment of road and rail traffic impacts during the construction and operation phase,
- Understanding of the interaction and integration with existing infrastructure,

Asciano has made some preliminary assessments of the plans and wishes to raise the following concerns;



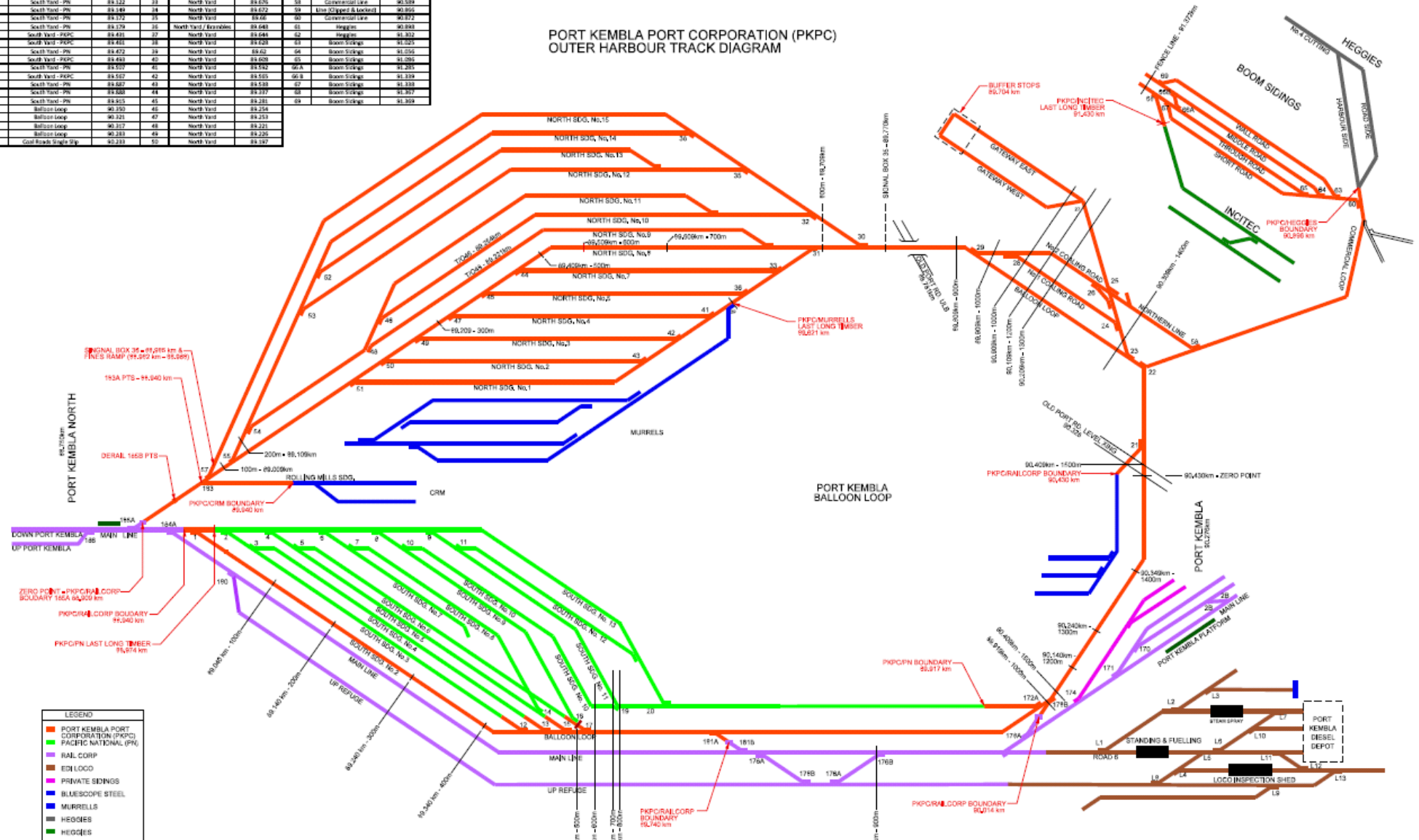
- Efficient rail access to Sydney is critical for growth in freight rail and the success of the outer harbour re development. It is not apparent that the necessary infrastructure requirements for this to happen have been addressed.
- The proposed rail overbridge at the entrance to the new quay poses particular limitations on road access to the port. Rail transport has very specific size limitations which do not restrict road transport movements. By having a rail underpass, road size limitations to the facility would be unimpeded. (E.g. a yacht could not pass under a rail overbridge on a truck, but could do so on a rail underpass.)
- The South Yard has been identified in the plan, but the North Yard appears to have been overlooked. Rail infrastructure and operations are highly interdependent and the absence of knowledge of these interdependencies places efficient usage of the infrastructure at risk.
- Rail support facilities in close proximity to the rail operational infrastructure is critical to efficient and economic rail operations, the replacement of the Darcy Road sidings, owned by Pacific National with new road access may place limitations on both rail capacity and availability of land for ancillary facilities for expanded rail operations, namely wagon repair facilities, marshalling facilities, locomotive provisioning facilities, fuelling facilities and heavy maintenance facilities. This Darcy Road siding provides shunting and storage capacity to the terminal land on Darcy Rd. Although currently vacant, this facility and the siding have been continuously in use since the 1980's.

### **3. Conclusions:**

Asciano is concerned that there has been insufficient consultation with key stakeholders throughout the assessment process to adequately address the Director Generals Section 75F Requirements of the Environmental Assessment Act 1979.

TURNOUT SCHEDULE							
ID	COMMENTS	KILOMETERAGE	ID	COMMENTS	KILOMETERAGE	ID	COMMENTS
1	South Yard - PKPC	89.942	26	Coal Roads Single Slip	90.205	51	North Yard
2	South Yard - PKPC	89.952	27	Gateway	90.251	52	North Yard
3	South Yard - PKPC	89.955	28	Coal Roads	90.255	53	North Yard
4	South Yard - PKPC	89.957	29	Coal Roads	90.261	54	North Yard
5	South Yard - PKPC	89.957	30	North Yard	90.268	55	North Yard
6	South Yard - PKPC	89.959	31	North Yard	90.275	56	North Yard
7	South Yard - PKPC	89.959	32	North Yard	90.283	57	North Yard
8	South Yard - PKPC	89.962	33	North Yard	90.285	58	Commercial Lane
9	South Yard - PKPC	89.966	34	North Yard	90.292	59	East Sidings & Landed
10	South Yard - PKPC	89.972	35	North Yard	90.296	60	Commercial Lane
11	South Yard - PKPC	89.979	36	North Yard / Brakes	90.298	61	Haggies
12	South Yard - PKPC	89.981	37	North Yard	90.299	62	Haggies
13	South Yard - PKPC	89.983	38	North Yard	90.303	63	Boon Sidings
14	South Yard - PKPC	89.972	39	North Yard	90.303	64	Boon Sidings
15	South Yard - PKPC	89.983	40	North Yard	90.306	65	Boon Sidings
16	South Yard - PKPC	89.987	41	North Yard	90.307	66A	Boon Sidings
17	South Yard - PKPC	89.987	42	North Yard	90.308	66B	Boon Sidings
18	South Yard - PKPC	89.987	43	North Yard	90.308	67	Boon Sidings
19	South Yard - PKPC	89.988	44	North Yard	90.307	68	Boon Sidings
20	South Yard - PKPC	89.953	45	North Yard	90.301	69	Boon Sidings
21	Balloon Loop	90.350	46	North Yard	90.354		
22	Balloon Loop	90.321	47	North Yard	90.353		
23	Balloon Loop	90.317	48	North Yard	90.321		
24	Balloon Loop	90.313	49	North Yard	90.326		
25	Coal Roads Single Slip	90.201	50	North Yard	90.307		

# PORT KEMBLA PORT CORPORATION (PKPC) OUTER HARBOUR TRACK DIAGRAM





BlueScope Steel (AIS) Pty Ltd  
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Telephone +61 2 4275 3968  
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[www.bluescopesteel.com](http://www.bluescopesteel.com)

7<sup>th</sup> of May 2010

## NSW Department Of Planning

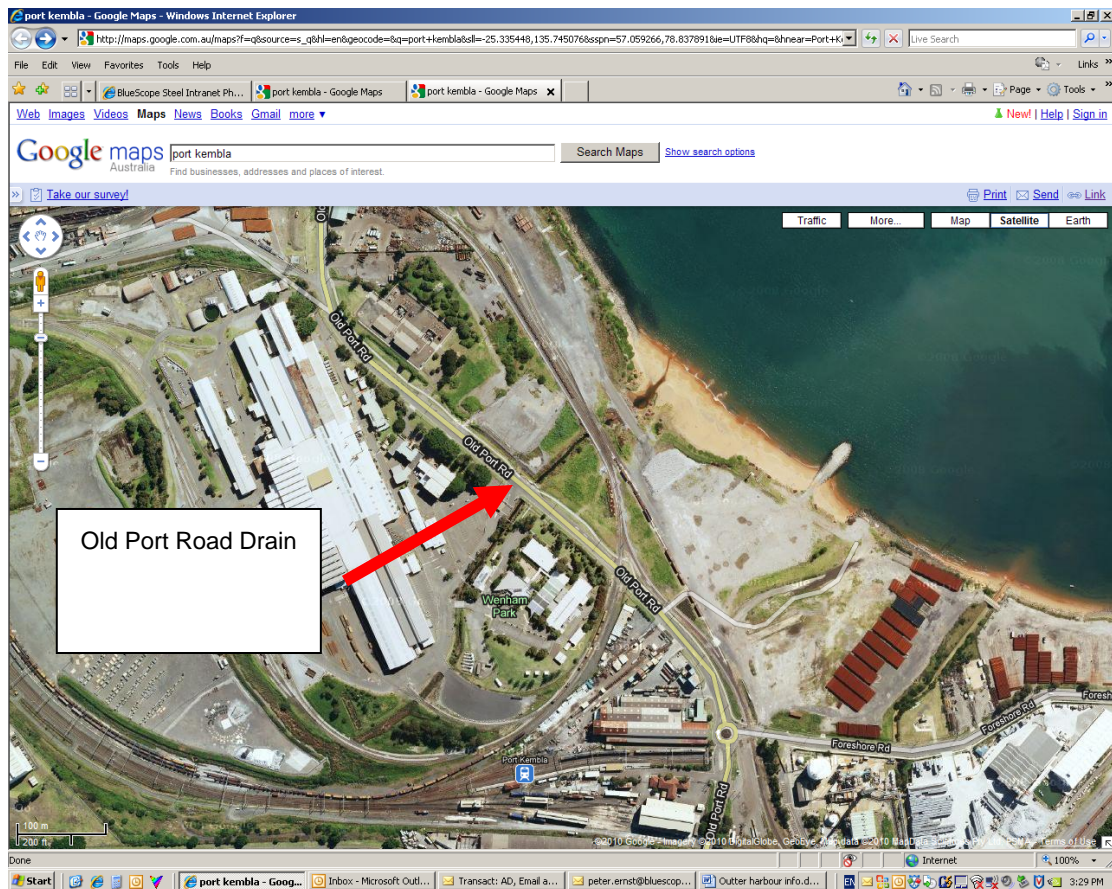
To Whom it may concern,

BlueScope Steel comments on the Port Kembla Port Corporation Outer Harbour Development Proposal

### Points of concern for BlueScope Steel

- The size of the swing basin under the proposed new Outer Harbour proposal is 450m. BSL has a concern around the potential impact the size of this basin will have on its operations into the future. The swing basin needs to cater for current and future vessels, especially cape size ships. The trend in this ship class is increasing LOAs of 310m plus. Ultimately this proposed development should not place a restriction on the maximum allowable size Cape Vessel that can enter the port. The swing basin should also not increase the number of tugs required to manoeuvre the vessels. Currently three tugs are required for a Cape size vessel.
- We have concerns with regards to the Salty Creek drain coming from our CRM site. In the EA it is unclear to BSL as to what PKPC intend to do with this drain and its current out-flow to the harbour. The issue for BSL is that, in heavy rain fall periods; the drain has the potential to flood if obstructed. This raises a number of concerns for us-
  - Environmental – the built up water can affect natural soil banks and flora and fauna in the area. Further it has the potential to wash up onto otherwise contained waste.
  - Safety Risk – the potential flooding is a hazard to the general public and our employees travelling on this road as well as various industries within the immediate area.
  - BSL is particularly concerned regarding the potential for damage to its assets and products at the CRM site if flooding should occur post development.





- Increased traffic flow and the nature of that traffic is also of concern to BSL. We are concerned that if trade throughput emphasis swings away from the container trade, then the increased truck traffic from transporting other bulk products could lead to road congestion, noise and air quality impacts during peak periods. Such an outcome will require re-examination of the capacity of existing infrastructure to accommodate increased and changing traffic.
- There does not seem to be any modelling or comment on the impact of the development on the water exchange between the Inner and Outer harbour. This may have a significant effect on the water circulation in the inner harbour and hence its cumulative effect with SCP should be evaluated. The SCP modelling included the volume of the Outer Harbour and hence the increase in water temperature from SCP may be exacerbated and we may not be able to meet SCP approval conditions.

Yours sincerely

Mike Archer  
Manager External Affairs



Environment,  
Climate Change  
& Water

Your reference: S08/00337-1  
Our reference: FIL08/17082:DOC10/13445  
Contact: Greg Newman, (02) 4224 4100

NSW Department of Planning  
(Attention: Ms Rebecca Newman)  
GPO Box 39  
SYDNEY NSW 2001

Dear Madam

**PORT KEMBLA OUTER HARBOUR DEVELOPMENT – SUBMISSION ON EXHIBITED  
ENVIRONMENTAL ASSESSMENT NUMBER MP 08 0249**

I refer to the Project Application, Environmental Assessment (EA), and accompanying information provided for the above, received by the Department of Environment, Climate Change and Water (DECCW) on 25 March 2010.

The EA outlines the ongoing development of the Outer Harbour over the next 30 years. It incorporates the first Major Project application for dredging and land reclamation to create 42 hectares of new hardstand area and three new multipurpose berths. The land reclamation will involve the transport and emplacement of over five million cubic metres of fill over eight years. Steelworks slag and potentially coal wash will make up a major portion of this fill material. The Concept Plan involves the completion of six new berths (multipurpose and container). The Major Project will generate around 60,000 annual truck movements during construction and the overall Concept Plan is expected to generate over 180,000 annual truck movements once all elements are constructed and operational.

Based on our review of the information provided, DECCW has determined it could provide its recommended conditions of approval for the project, subject to the provision of further information on several key environmental issues not fully addressed to date. These issues relate, in particular, to the protection of human health (air quality) and avoiding current and future land use conflicts (noise and threatened species). A summary of these key issues for which we are seeking clarification, information or comments is provided below and further detailed in Attachment 1 to this letter.

*Noise*

The EA does not present predicted noise levels for all operating and construction scenarios. This and other noise issues were raised in our Adequacy Assessment letter of 23 October 2009 (our reference DOC09/48243) and in our 24 December 2009 letter (DOC09/61249) following our meeting with the Proponent on 25 November 2009. During these consultations the Proponent was advised the Noise Impact Assessment (NIA) needed more detail, and agreed to provide this information. The Proponent has only just submitted some additional information to address these matters on 5 May 2010. DECCW is currently considering this information. DECCW is unable to develop noise limits and supporting noise conditions for Recommended Conditions of Approval until all this information is provided and reviewed.

On receipt of the predicted noise levels and other information we recommend any resulting noise limits should apply to the entire development (Stages 1, 2 and 3), not just to Stage 1. In order to do this predicted noise levels for all worst case scenarios for construction and operational activities for the Major Project and Concept Plan need to be provided (either as tables or as contour maps).

The NIA states that the rail stabling yard sites are currently operated by a service provider on a 24 hours basis. The Major Project activities will not add additional rail movements, but instead use one of the service providers movements. The predicted noise levels for the stabling yard activities are from the Major Project (Stage 1) only and overall Concept Plan rail activities are not known at this stage. In the absence of this information DECCW would like to work with the Department of Planning (DoP) to include a condition in any Project approval that the Proponent only use a rail service provider who will contract to use "Best Practice" rolling stock. By "Best Practice" we mean only locomotives that have received an approval to operate on the NSW rail network in accordance with the noise limits L6.1 to L6.4 in RailCorp and ARTC's Environment Protection Licences or a Pollution Control Approval issued pursuant to the former Pollution Control Act 1970.

#### *Air Quality*

The objective for the Project should be to ensure that all relevant air quality criteria are satisfied at nearest existing or likely future off-site receivers. The Air Quality Impact Assessment (AQIA) reports an exceedance of particulate matter less than 10 microns (PM10) Ground Level Concentration (GLC) Criteria across areas of Port Kembla during construction and operation. The assessment also determined a nitrogen oxides (NOx) GLC exceedance at one sensitive receiver location in Port Kembla during construction and operation.

The PM10 and NOx results are a modelled exceedance of a health based criteria. The EA states the modelling is conservative. DECCW now seeks further information on the AQIA to better understand these reported impacts and the practical measures that can be implemented to ensure the above objective is met.

#### *Threatened Species – Green and Golden Bell Frog (GGBF)*

As originally proposed in our Director General Requirements the development of a GGBF Concept Plan for the entire Outer Harbour area provides an opportunity to identify measures to maintain and enhance habitat. With this in mind we recommended an appropriate GGBF Management Plan be developed in consultation with DECCW.

On the basis of our review of the EA there is a need to provide a strategic framework on how GGBF and their habitat will be set aside and/or managed within a working harbour. We recommend a Master Plan be developed to identify areas that are to be managed for GGBF conservation including areas for breeding, shelter, refuge and movement habitats. This Master Plan would also inform the development of management actions and performance criteria in the proposed GGBF Management Plan.

As previously advised the proposed access road from Darcy Road to the boat harbour along the old rail corridor (as identified in the Concept Plan) is a significant habitat for GGBF. DECCW requested that the Proponent identify and evaluate alternative options to avoid habitat loss or fragmentation of this area. This information has not been provided.

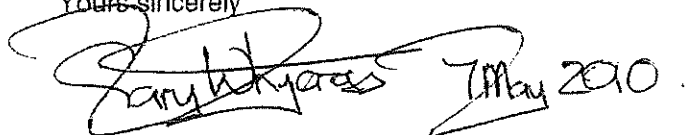
Any justification for the proposed access road needs to be supported by information which identifies and describes all measures to avoid or mitigate impacts on the GGBF and their habitat and satisfies the relevant DECCW threatened species assessment guidelines.

#### *Proposed meeting*

DECCW has developed some recommended conditions of approval and proposed amendments to the draft Statement of Commitment (SoC) on aspects of the project. Due to the size and complexity of the project we would like to work collaboratively with the Proponent and the DoP to develop an integrated and comprehensive set of requirements once we have adequately resolved the matters raised in this letter.

We would like to discuss the above matters with DoP and the Proponent. Please call Peter Bloem on (02) 4224 4100 in our DECCW Wollongong Office to arrange a suitably convenient time for a meeting or require further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gary Whytcross', followed by the date '7 May 2010' written in a similar cursive style.

**GARY WHYTCROSS**  
**Acting Deputy Director General**  
**Environment Protection and Regulation**

Attachment: Specific comments on the exhibited EA

Port Kembla Ports Corporation  
(Attention: Trevor Brown)  
PO Box 89  
PORT KEMBLA NSW 2505



## Attachment Port Kembla Outer Harbour Development

### Specific Comments on the Environmental Assessment

#### Noise

The Department of Environment, Climate Change and Water (DECCW) has identified several issues with the Noise Impact Assessment (NIA) presented in the Environmental Assessment (EA). These issues relate to:

1. Inconsistencies between the Proponent's interpretation and application of several noise criteria
2. Consideration and modelling of impacts on sensitive noise receivers
3. Inconsistencies between the noise levels from plant and equipment presented in the draft and final EA
4. The limited scope of the assessment for construction noise impacts, clarification on some of the findings, and further consideration of the impacts and mitigation options
5. Modelling inputs and consideration of the impacts from operational noise
6. The assessment of sleep disturbance from some sources; and
7. The consideration of road noise.

DECCW seeks a response or clarification on the following bulleted points:

#### 1. Noise Criteria

- Based on the information presented in the EA we are unable to develop noise limits for the proposal. Should this information be provided we believe that any operational noise limits should apply to the entire development (all stages), not just to Stage 1.
- DECCW does not agree with the methodology in the NIA to set the road traffic noise criteria. The NIA uses measured LAeq15hour and LAeq9hour noise levels from Five Islands Road to set the criteria for all roads in the vicinity of the development site (arterial, collector and local roads) as the same criteria. The Environmental Criteria for Road Traffic Noise (ECRTN) has different criteria for each of the three road types (meaning, land use developments with potential to create additional traffic on). Further, the ECRTN requires that all feasible and reasonable measures to reduce existing noise levels should be explored before the allowance criteria are applied. This does not appear to have been done. Nonetheless, DECCW can accept that there is limited availability for the Proponent to reduce existing noise levels on the roads surrounding the development site. It also appears that at least Five Islands Road, Masters Road and the Princes Highway already have significant truck movements and so the additional movements created by the proposed development may not present an appreciable increase in existing road traffic noise levels.
- Construction noise criteria has been set as day, evening and night levels, however the *DECCW Interim Construction Noise Guideline* does not specify evening criteria. Therefore we consider that the night time construction criteria would apply during the "evening" period specified in the NIA.

#### 2. Sensitive receivers

- There are receivers in Reservoir Street, Port Kembla that were identified in the draft NIA which have not been included in the final NIA. These locations appear to be potentially impacted by the proposal and it is not clear why these receiver locations have been excluded.
- Some residential receivers in Keira Street, Port Kembla are in elevated locations and have a direct view of the proposed development site but were not considered in the NIA. Due to the apparent potential impacts DECCW requests that predicted noise levels be developed and presented for these receiver locations.
- The NIA does not appear to have identified whether any sensitive land uses, other than residential, are potentially impacted by the development. For example schools or churches. This is not consistent with the DECCW Industrial Noise Policy.

#### 3. Plant and equipment

- Some items of plant and equipment in the final NIA have a different sound power level ( $L_w$ ) to the draft NIA. It is unclear why these noise levels have changed and no explanation is

provided. For example the sheet piling rig had an  $L_w$  of 131dB(A) in the draft NIA and an  $L_w$  of 101dB(A) in the final NIA.

- There are further items of plant and equipment in the draft EA that are not included in the final NIA. Again no explanation is provided. For example the onshore dredging pump and the container terminal metal clangs and wheeled loaders are not included in the final NIA, whereas both were included in the draft NIA.
- At a meeting on 25 November 2009 during the adequacy review stage, the Proponent agreed to include a Statement of Commitment (SoC) to install cable conduits to support ship board power (our reference DOC09/61249). This SoC has not been included.

#### 4. Construction noise assessment

- The assessment of construction noise in Section 4.3 contains very limited detail. It is unclear where the modelled plant and equipment was located, what scenarios were modelled, or the predicted construction noise levels.
- The draft NIA included predicted construction noise levels however the final NIA does not. The exception being the stabling yard construction works in Section 4.3. DECCW requires an assessment of the cumulative construction noise levels for all construction activities operating at the same time. For example, if the stabling yard construction works will occur at the same time as the reclamation and berth construction, then all these activities should be included in the model to generate predicted construction noise levels from all of those works. The NIA should also be consistent with the more detailed construction programs of work presented in the EA.
- On the basis of reviews of other proposals with similar plant and considering the detail presented in the draft NIA the sound power levels for construction equipment given in Table 18 of the NIA appear low. We recommend that the Proponent examine the  $L_w$  used in the assessment, and if correct, offer a SoC that all plant and equipment will be selected to satisfy the  $L_w$  in the NIA.
- In the absence of an assessment in the EA, DECCW recommends that no construction take place during the night-time hours unless a more detailed assessment be performed and a Construction Noise and Vibration Management Plan to minimise construction noise impacts (from on and off-site activities) be prepared and implemented.
- The NIA presents predicted construction noise levels for three different stabling yard options in Table 21. The EA appears to confirm that the south yard option will be adopted. The predicted noise levels for this option exceed the criteria by up to 13dB(A). DECCW considers (and seeks a response to) the NIA has not adequately assessed all feasible and reasonable mitigation measures to be implemented to minimise predicted noise impacts from these activities. This issue was raised in our previous adequacy assessment letter.
- The NIA does not appear to have considered any correction for the character of noise from construction plant/equipment/activities which is inconsistent with the Industrial Noise Policy, for example from the piling rig.

#### 5. Operational noise assessment

- Section 4.4 of the NIA includes the assessment for operational noise, however predicted noise levels have only been provided for the rail siding operation for the Major Project. The NIA states that the development is predicted to comply for the Major Project and also for the Concept Plan during the daytime and evening, but that there are minor predicted exceedances of up to 4dB(A) at a number of unspecified residences during the night-time. DECCW is unable to develop noise limits or recommended conditions of approval in the absence of predicted noise levels at the most affected noise receivers. This issue was raised in our previous adequacy assessment letter.
- A ground-borne noise impact assessment from rail operations in the south yard has not been undertaken. This is a significant noise source which has not been accounted for.
- Section 5.2 states that the operational noise assessment for the Concept Plan has assumed a worst case scenario of all berths at the multipurpose terminals and container terminals are working at maximum capacity (four berths). However the EA states that there are four berths proposed for the multipurpose terminals and three berths for the container terminals (seven berths). It appears the lower number of berths has been included in the modelling for the Concept Plan development.

- It is not clear if any of the assessments have included modifying factor corrections for the character of the noise sources on site. For example, the conveyor drives are a potential source of tonal noise.

#### 6. *Sleep disturbance assessment*

- The NIA provides an assessment of sleep disturbance from the proposed Concept Plan and the Major Project, stating that train horns and metal clangs of the container stacks are the likely contributors to potential sleep disturbance. The predicted levels for the train horns exceed the criteria by up to 11dB(A). The NIA states that it is recommended that alternatives to train horns be used on site, however DECCW notes from previous proposals that alternatives to train horns are not necessarily a viable option. In their response the Proponent should provide an explanation of what alternatives are proposed.
- The NIA does not address the requirements in the Industrial Noise Policy - Application Notes where a more detailed analysis is required when screening criteria is not met. The detailed analysis should cover the maximum noise level or LA1, (1 minute), that is, the extent to which the maximum noise level exceeds the background level and the number of times this happens during the night-time period. Some guidance on possible impact is contained in the review of research results in the appendices to the ECRTN. Other factors that may be important in assessing the extent of impacts on sleep include:
  - how often high noise events will occur
  - time of day (normally between 10pm and 7am)
  - whether there are times of day when there is a clear change in the noise environment (such as during early morning shoulder periods).

#### 7. *Road traffic noise assessment*

- As noted in the *Criteria* section above, predicted road traffic noise levels have been assessed against the 2dB(A) allowance criteria, without an assessment of feasible and reasonable mitigation measures. The ECRTN requires that existing road traffic noise levels be established.

### **Air Quality**

The objective for the Project should be to ensure the all relevant air quality criteria are satisfied at the nearest existing or likely future off-site receiver. The Air Quality Impact Assessment (AQIA) reports an exceedance of particulate matter less than 10 microns (PM10) Ground Level Concentration (GLC) Criteria across a large area of Port Kembla (Appendix K Figure 8) as well as a nitrogen oxides (NOx) GLC exceedance at one sensitive receiver location.

The PM10 result is a modelled exceedance of a health based criteria. The EA states the PM10 modelling is conservative. DECCW seeks the following information on the AQIA to better understand these reported impacts and the practical measures that can be implemented to ensure the above objective is met.

- the extent of each exceedance (magnitude, duration / frequency) and the conditions likely to result in an exceedance.
- a clear identification and quantification of dust and PM10 sources (emissions inventory – including number of sources)
- likely impacts (if any) that might arise from the dust generated from slag use. We refer you to the constituents listed in the *Slag Exemption* granted in 2010 under Part 6 of the *Protection of the Environment (Waste) Regulation 2005*.
- further identification and assessment of the Best Management Practices (BMP) which will be applied to these dust sources to eliminate or minimise emissions. BMPs should include but not be limited to the following:
  - construction related dust minimisation techniques per best practice guidelines
  - real time dust monitoring (for example TOEM) linked to a reactive dust management plan (as suggested in the EA)
  - emissions control devices on trucks and other construction equipment (on road and off-road)
  - alternatives to truck transport on external roads during the emplacement stage for example, rail or use of private roads
  - opportunities to maximise the amount of freight that can be transported by rail.



We would like to discuss these and other techniques further with the Proponent to achieve the above air quality outcome.

The NO<sub>x</sub> result is a modelled exceedance of a health based criteria which incorporates a high background concentration. DECCW seeks the following information to better understand these reported impacts and the practical measures that can be implemented to ensure the above objective is met.

- the extent of each exceedance (magnitude, duration/frequency) and the conditions likely to result in an exceedance.
- a clear identification and quantification of NO<sub>x</sub> sources (emissions inventory – including number of sources).

The draft SoC sought in the noise section above regarding ship board power would also, if implemented, further reduce NO<sub>x</sub> and PM<sub>10</sub> emissions from the operational area. DECCW seeks to discuss this option further with Department of Planning (DoP) and the Proponent.

### **Threatened Species – Green and Golden Bell Frog (GGBF)**

#### *GGBF Master Plan*

DECCW recommends that Port Kembla Ports Corporation (PKPC) prepare a GGBF Master Plan which provides the strategic framework on how the applicant will manage GGBF and its habitat across the Port Kembla Outer Harbour area.

Specifically, the GGBF Master Plan should identify areas that are to be managed for GGBF conservation and management including areas for breeding, shelter, refuge and movement habitats. In particular the GGBF Master Plan should be consistent with the objectives and strategies outlined in draft *Recovery Plan for the GGBF (Litoria aurea)* (DECCW, 2005) and the *Management Plan for the GGBF Population Port Kembla* (DECCW, 2007). Work undertaken by DECCW detailed in Gaia Research (2008) would also assist in the development of this GGBF Master Plan.

DECCW considers that this GGBF Master Plan should be provided as additional information to support the management plan as it will inform proposed and future Projects within the Port Kembla Outer Harbour area over the next 30 years. We also recommend the Proponent consult with DECCW in the development of this Master Plan.

#### *Proposed Access Road from Darcy Road to the Boat Harbour along the Old Rail Corridor*

As previously advised this old rail corridor is a very significant GGBF habitat for the Port Kembla GGBF population as it supports freshwater channels, shelter, and foraging and movement habitat. It lies within the main breeding ponds at the Heritage Park, and 200m north-east of the Brick and Block site (Site 15). It forms a movement corridor from these GGBF breeding habitats to other breeding, shelter and foraging habitats to the south of Darcy Road. This is confirmed by recent studies such as, *Assessment of Habitat, Dispersal Corridors and Management Actions to Conserve the Port Kembla Key Population GGBF* (Gaia Research, 2008) and recent GGBF sightings by DECCW in the freshwater channels during 2009 and 2010.

In correspondence dated 23 October 2009, DECCW requested that the EA identify and evaluate alternative locations for the proposed new access road in order to avoid habitat loss and/or fragmentation of GGBF habitat. At meetings held between DECCW and PKPC on 19 November 2009 and letter dated 24 December 2009, options to avoid habitat loss and/or fragmentation of GGBF habitat along the old rail corridor, including but not necessarily limited to, the feasibility of clifting of the access road along Gloucester Boulevard or along Foreshore Road were discussed. An outcome of these meetings, in correspondence dated 24 December 2009, was that alternative locations for the proposed access road would be considered in the EA.

To date this information has not been provided. In addition options to mitigate habitat loss and/or fragmentation of GGBF habitat along the old rail corridor have been deferred to the detailed design phase of the proposed access road. In the absence of the above information DECCW is unable to evaluate the likely direct and indirect, construction and operational impacts, of the proposed access road on the Port Kembla GGBF population.

To satisfy Step 4 of the draft *Guideline for Threatened Species Assessment* (DoP & DECCW, 2005), the Proponents should identify and describe all measures to avoid or mitigate habitat loss and/or fragmentation of GGBF habitat associated with the proposed access road proposal as part of the Concept Plan. The response should also contain justification of the preferred option based on the key thresholds outlined in Step 5 of the draft *Guideline for Threatened Species Assessment*.

No additional information is sought on the following matters. Our comments are as follows.

#### **Contaminated Land**

We advise that the land that is the subject of the proposed development is not currently regulated by DECCW under the *Contaminated Land Management (CLM) Act*. Accordingly, any contamination issues associated with the development are addressed under the planning process and implementation of *State Environmental Planning Policy 55*. Nonetheless, the Proponent must ensure the proposed development does not result in a change of the pre-existing contamination of the land so as to result in significant contamination, which would warrant DECCW regulation of the site under the CLM Act.

During the adequacy assessment stage of the planning process DECCW reviewed the relevant sections of the draft EA and met with the Proponent to discuss the findings. Written correspondence was provided in both cases (our reference DOC09/28243 and DOC09/61249 respectively). DoP should consider these letters and the following additional comments which specifically references issues we have raised on the draft EA.

#### *i. Characterise the lateral and vertical distribution of contamination in sediments in the area of the proposed dredging operations*

In our draft EA comments we said that due to the contaminants identified in the dredge footprint and emplacement areas, we agreed with the Proponents proposal to prepare a Dredging Environmental Management Plan and recommend that this be provided to NSW Planning for approval prior to the commencement of dredging operations.

In the final EA the control measures for the contaminated sediments are based on an engineered containment structure. The detailed design of the structure is yet to be developed and should be provided to the DECCW. The design should ensure the structure is sufficiently robust to prevent disturbance of sediments emplaced in the engineered containment structure for the anticipated life of the structure. The construction materials should also be specifically identified so that the leachate potential of the construction materials can be considered.

#### *iii. Consideration of hydrogen sulphide odours and anoxic sediments as well as the interaction of acid sulfate soils and the proposed treatment materials*

As per our written correspondence on the draft EA (our reference DOC09/28243 and DOC09/61249 respectively).

#### *iv. Assessment of the potential mobilisation of contaminants as a result of the proposed rock blasting, dredging and reclamation activities*

Water quality test results indicate that there is a potential for copper, arsenic, vanadium and zinc to be released into the water column during dredging at concentrations which could exceed their respective ANZECC (2000) 95 per cent marine trigger values (Section 10.1). The exceedances generally corresponded with sediment samples with total concentrations which also exceeded the ISQG trigger values.

We agree that the risk to the environment associated with the contaminated sediment (in particular the potential sediment contamination hotspots) should be further assessed by a further risk assessment or through modelling/ field trials prior to the commencement of dredging operations and that this information be provided to DECCW.

Where the risk assessment or modelling/ trials conclude that the contamination hotspots present an unacceptable risk to the environment, then preparation of a Remedial Action Plan and subsequent remediation of the sediments would be appropriate.

*v. Soil and groundwater investigation in the proposed land excavation area including delineation of heavy metals, TPH, PAH and asbestos*

It is noted that there is the potential for hot spots of soil contamination to be encountered during excavation at the site, and there is the potential for groundwater contamination at the site due to previous industrial activities at the Port Kembla Industrial precinct.

We agree that the disturbance of fill materials during the development be managed by a Construction Environmental Management Plan or equivalent in order to ensure that contamination identified during the work is appropriately managed.

We agree with the recommendation to undertake a detailed site investigation at the proposed site for the extension of the railway siding at the Pacific National South Yard to assess potential contamination issues in this area.

It is noted that the proposed reclamation has the potential to impact on the groundwater flow regime along the foreshore of the Outer Harbour, particularly if the reclamation area was of a significantly different hydraulic conductivity to the naturally permeable soil profile of the Outer Harbour shoreline.

We recommend that an assessment should be undertaken to identify whether the proposed development (based on detailed design) will provide exposure pathways to aquatic receptors in the Port Kembla Outer Harbour due to changed hydraulic conditions resulting from the development.

We also recommend background monitoring of groundwater prior to the proposed redevelopment and annual groundwater monitoring thereafter, with analyses for the chemicals of potential concern identified in the historical assessment (Appendix C, Section 5.1) to confirm whether exposure pathways created by the proposed development of the site may have changed the hydraulic conditions and impacted on exposure pathways for regional groundwater contamination.

*vi. Assessment of the fate of impacted/ contaminated water generated from the proposed works (including liquid waste from dewatering of sediments)*

As per our written correspondence on the draft EA (our reference DOC09/28243 and DOC09/61249 respectively).

*vii. Evaluation of the practicability and suitability of the re-use of slag, coal wash and dredged sediments and potential contamination of waters from the placement of such fill material at the site*

As per our written correspondence on the draft EA (our reference DOC09/28243 and DOC09/61249 respectively).

### **Hydrologic Studies**

The DECCW has provided detailed correspondence (our reference DOC09/28243 and DOC09/61249) and has met with the Proponent on 25 November 2009 during the adequacy assessment stage of the Project on this issue. The exhibited EA remains unchanged from the draft on these matters. We refer you to our comments listed in this previous correspondence to ensure they are addressed.

### **Climate Change**

In accordance with the Environmental Assessment Requirements the Proponent has made a qualitative assessment of climate change impacts. Projected sea level rise, storm surges, increased temperature and other considerations have been taken into account in the design – Projections. The Proponent has identified the opportunity for renewable energy (wind, tide and solar) and will consider these opportunities in the detailed design of the later stages of the Project.



## Planning

Contact: Rebecca Newman  
Phone: 02 9228 6340  
Fax: 02 9228 6355  
Email: [rebecca.newman@planning.nsw.gov.au](mailto:rebecca.newman@planning.nsw.gov.au)

Ms Deborah Bowden  
Principal Environmental Scientist  
AECOM  
PO Box Q410  
QVB Post Office  
SYDNEY NSW 1230

Our ref: S08/00337-1  
Your ref:

Dear Ms Bowden

### **Port Kembla Outer Harbour Development (MP 08\_0249) – Submissions**

The Department concluded the statutory public exhibition period for the Port Kembla Outer Harbour Development Project on 7 May 2010.

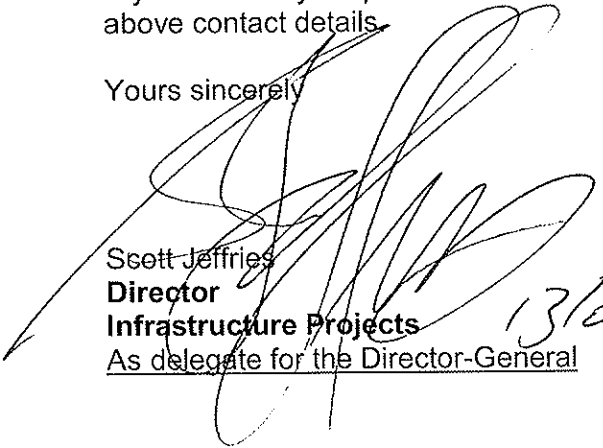
A total of 17 submissions were received by the Department during the public exhibition of the project. In accordance with section 75H(5) of the *Environmental Planning and Assessment Act 1979* (the Act), please find enclosed copies of these submissions.

In accordance with section 75H(6) of the Act, the Director-General requires the Proponent, Port Kembla Port Corporation, to respond to all the issues raised in the submissions.

Should there be any proposed changes to the project to minimise its environmental impact, a Preferred Project Report may be required, and this matter should be discussed with the Department prior to submitting the report. It should also be noted that the Statement of Commitments may need revision to reflect any proposed changes to the project.

If you have any enquiries about these requirements, please contact Rebecca Newman on the above contact details.

Yours sincerely



Scott Jeffries  
Director  
Infrastructure Projects  
As delegate for the Director-General

13/05/10

12<sup>th</sup> May 2010

[Rebecca.Newman@planning.nsw.gov.au](mailto:Rebecca.Newman@planning.nsw.gov.au)

In response to your email received today requesting that I send this submission to replace the one I sent online last week that appears to have not transacted through to you. I will endeavour to recall what I wrote.

**Submission Ref 08-0249**

I support the overall plan for the Outer Harbour development but I do have concerns for some direct and related issues that I feel need to be part of the Conditions of Consent.

At the recent presentation at the Portcorp Training Centre I was able to ask questions that have resulted in my following concerns regarding road and rail transport movements.

The roads to and from the harbour precinct are inadequate as they now exist and the new loop road is not proposed until Phase 2 planned for between 5 – 15 years away.

1. In particular I am concerned about Downies Bridge on Old Port Road (near Port Kembla Rail Station) is extremely old and requests to authorities for reports on its integrity have resulted in an absence of a reply thus I suspect an absence of such a report existing. It has been hard to find out who owns the bridge but finally I was informed that Railcorp, Wollongong Council and the RTA all own different aspects of the bridge. The RTA and Wollongong Council have take some action to make this bridge safer with repairs to the rails that were damaged by a truck trying to negotiate the narrow passage. Now the bitumen has deep scrapes where another vehicle has not quite cleared the angle of the road surface onto the northern approach. Many heavy vehicles cannot use this roadway over the bridge without going over the double unbroken centre lines often with dual wheels involved.
2. The intersection near that bridge is where Darcy Road, Military Road and Five Islands Road all meet. This intersection urgently requires traffic lights or a round-about prior to the harbour development. Some work has been done recently but it is not sufficient for the proposed future traffic.
3. The roads from the Port Kembla industrial area are limited and are already cluttered with big trucks 24 x 7. Our roads out of the Illawarra are already proving to be deadly.
4. Road transport should eventually be replaced with rail transport but our railway lines are also very inadequate. The South Coast Line is cluttered now with passenger and freight trains from as far south as Nowra and has been known to close when bad weather occurs.
5. The Maldon-Dombarton Rail line will be essential **before** this proposed expansion takes place.

Yours sincerely  
Helen Hamilton





## Planning

Contact: Katrina Stankowski  
Phone: 02 98738569  
Email: [Katrina.Stankowski@planning.nsw.gov.au](mailto:Katrina.Stankowski@planning.nsw.gov.au)  
Our ref: B62627  
Your ref: S08/00337-1  
File: 10/07270

The Director  
Infrastructure Projects  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

**Attention:** Rebecca Newman

To Whom it May Concern

**Adequacy of Environmental Assessment for Port Kembla Outer Harbour Development – Wollongong LGA – Your Reference: MP 08\_0249.**

I refer to your letter dated 23 March 2010 (received by this Branch on 29 March) requesting comments on the Public Exhibition Environmental Assessment for the above mentioned proposal. The Heritage Branch would like to make mention of the fact that this is the first time that it has been invited to provide feedback on this project, despite the advanced stage it is at in the planning process.

The Heritage Branch notes that Section 75f (4) of the Environmental Planning & Assessment Act 1979 requires that in preparing the environmental assessment requirements for a Part 3A project, the Director-General is to consult relevant public authorities and have regard to the need for the requirements to assess any key issues raised by those public authorities. Given that the heritage present in this project area is protected under both NSW and Federal Legislation, the Heritage Branch considers that the Heritage Council may need to have been advised of this project at an earlier stage. The Heritage Branch considers that a referral to the Heritage Council may need to be included in the earliest project development stages for projects of this kind.

The Heritage Branch has reviewed the Environmental Assessment (EA) and specifically, Appendix M – the Historic Heritage Assessment and Statement of Heritage Impact dated February 2010 by AECOM. It is noted that the Director General's Requirements for this project did not include an assessment of heritage and that this has been undertaken at the Proponents behest.

The Assessment highlights that there are a number of heritage items (including two potential shipwrecks– the *Adele* and the *Clio*) located in the area of the works, of which at least five will be impacted by the proposed works. These items are Jetties No. 3, 4 & 6, Break Water Battery, Historical Military Museum and Tank Barriers, the Mobile Block Setting Steam Crane.

It is requested that, should the application be approved, the following recommendations be imposed to ensure that all heritage issues are satisfactorily addressed:

- (i) The management recommendations (recommendation 1, 2 & 4) for Jetties No. 3, 4 & 6

found in Section 8.0 of the Historic Heritage Assessment are considered adequate and should be included in the Final Statement of Commitments for the Project.

- (ii) The separation of the Historical Military Museum from its companion Pillbox structure by the new port access road is not considered a desirable outcome as the two should be interpreted and viewed together and any separation between them in the landscape will affect their significance. However, it is noted that the fabric of the Pillbox is deteriorating and as part of the mitigation measures for this severing of the cultural landscape (which also includes landscaping to hide the presence of the road), there is an opportunity to channel some Project funding to aid in the restoration of this vital coastal defence, which, along with the Military Museum, tank barriers and break water battery, provide an understanding of the components, relationship and spatial layout of a minor coastal defence installation from World War Two.

It is therefore requested that the provision for landscaping outlined in Recommendation 5, Section 8.0, along with a guarantee for adequate funding to be quarantined for the restoration of the Pillbox, should form part of the Proponents Final Statement of Commitments for the project.

- (iii) It is noted that the Mobile Block Setting Steam Crane and associated components are a very rare example of its type (with no other known example still existing in Australia). The Heritage Branch therefore, generally supports the Recommendation numbers 3 & 6 made in Section 8.0 of the Assessment regarding this significant piece of moveable heritage.

It is also noted that the Heritage Assessment indicates that *"the crane and trucks would require significant work to make them moveable in the event they require relocation"*. The new port access road will require this crane to be moved.

The Heritage Branch considers that this crane urgently needs to undergo restoration prior to this move and that the Proponent should undertake in their Final Statement of Commitments to undertake a Conservation Management Plan (CMP) for the crane, to restore the crane in line with the recommendations in the CMP **prior** to relocating it, to move the crane to a safe and prominent location close by and undertake interpretation of the crane for the public as part of the development.

- (iv) The Heritage Assessment outlines that there is a low potential to impact two shipwrecks which are known to have occurred in or around Port Kembla Harbour- the *Clio* and the *Adele*, by dredging associated with the project. It is noted that the locations of these shipwrecks are not definitively known.

As correctly stated in the Heritage Assessment, the *Clio* (by virtue of being over 75 years old) is protected under the *Commonwealth Shipwrecks Act 1976* and that this Act and its associated approval and notification provisions are *not* turned off by the Part 3A provisions of the *NSW Environmental Planning and Assessment Act 1979*.

Therefore, the Proponent is bound by the requirements of this Commonwealth Act in regards to the Notification of the discovery of a Wreck, lodging an Application for Disturbance and the submission of an Incident Report should a Wreck be damaged by the works (please see the enclosed information for more detail on this subject). The Director, Heritage Branch, Department of Planning is the Commonwealth Delegate in NSW for implantation of this Act.

Given the above, the Heritage Branch recommends that the Proponent creates a mitigation strategy to be used in case of the unexpected discovery of shipwrecks in their Final Statement of Commitments. This strategy should include a requirement to immediately notify the Heritage Branch of the discovery of a shipwreck, the stoppage of all works in the area and the provision to engage a qualified Maritime Archaeologist to assess the shipwreck and undertake any and all required underwater archival recording



to best practice standards.

- (iii) The Heritage Branch also requests that the Proponent include in the Final Statement of Commitments a provision that if, during construction processes, any evidence of any previously unidentified European heritage items and/or archaeological relics is found, all work on the site is to cease and the Heritage Branch shall be contacted immediately. This is in fulfilment of the requirements of S146 of the NSW *Heritage Act 1977* (which is not turned off by the Part 3A provisions of the NSW *Environmental Planning and Assessment Act 1979*). Furthermore, a suitably qualified heritage consultant should be contacted to assess the discovery and provide advice on mitigation and recording.

The Heritage Branch would be pleased to review any future reports which incorporate our comments. If you have any questions regarding the above, please feel free to contact Katrina Stankowski on 02 98738569.

Yours faithfully

 01/04/2010

Vincent Sicari  
Manager  
Conservation Team  
Heritage Branch  
Department of Planning

Encl: Commonwealth *Historic Shipwrecks Act 1976* - Environmental Planning Advice.



## Commonwealth *Historic Shipwrecks Act 1976*

### Environmental Planning Advice

The Commonwealth *Historic Shipwrecks Act 1976* protects all shipwrecks and associated relics that are 75 or more years old, regardless of whether their physical location is known. More recent shipwrecks may be declared as historic under the Historic Shipwrecks Act by the Minister.

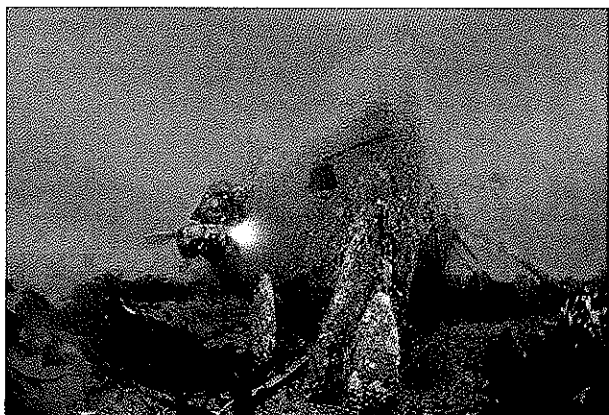
The jurisdiction of the Historic Shipwrecks Act is not limited to Commonwealth marine areas, as defined by the *Environment Protection and Biodiversity Conservation Act 1999*. It applies to the coastal waters of the Australian States and Territories to the low water mark. The requirements of the Historic Shipwrecks Act must be taken into consideration when applying for any State, Territory or Commonwealth planning approval for actions or developments in these waters.

Any actions involving contact with the seabed, or operations in close proximity to the seabed, have the potential to damage, destroy or interfere with historic shipwrecks and it is strongly recommended that risk mitigation strategies should be undertaken to prevent committing an offence under the Historic Shipwrecks Act.

If the development will impact on a protected historic shipwreck a permit from the Minister's Delegate is required prior to any action.

Proponents and their contractors must conform to all requirements of the Historic Shipwrecks Act and must:

- a. not damage, destroy or interfere with any historic shipwrecks or relics that may be encountered during the course of a proposed action without a permit;
- b. not enter or conduct activities within a shipwreck protected zone without first obtaining a permit under the Historic Shipwrecks Act;
- c. provide the Department's Maritime Heritage Section with written notification of the discovery of any suspected shipwreck or shipwreck relics identified during the course of the proposed action including:

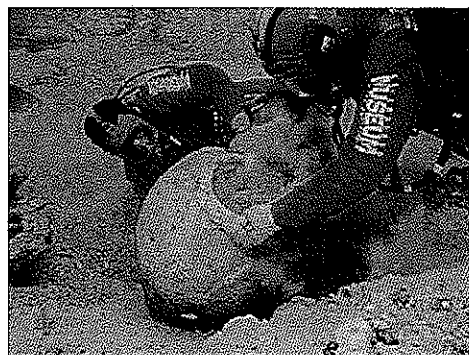


- i. a detailed description of the remains of the shipwreck or of the relic. This could include sonar images, electronic data and digital photographs; and
- ii. a description of the place where the shipwreck remains or relic is located that is sufficiently detailed to allow it to be identified and re-located including navigation data and datum information.



Any proposed actions involving contact with the seabed, or operations in close proximity to the seabed, that could potentially damage, destroy or interfere with historic shipwrecks or relics, should include risk mitigation strategies to ensure both located and previously un-located historic shipwrecks are not disturbed.

Operational protocols should be put in place to ensure that identified risks are appropriately dealt with and to prevent possible breaches of the Historic Shipwrecks Act.



Depending on age, design and the types of materials used in construction, the remains of a historic shipwreck may be visible on the seafloor or could be fully or partly buried.

Appropriate strategies could include desktop studies of the area to identify known or potential historic shipwreck locations, avoiding the areas surrounding known and suspected historic shipwrecks and identifying the physical remains of shipwrecks using detailed sonar, magnetometer or sub bottom profiling surveys of the areas to be impacted.

**Appropriate strategies for identification of the underwater archaeology within the area should include:**

- desktop studies of the area to identify known or potential historic shipwreck locations;
- remote sensing techniques such as sonar, magnetometer, sub bottom profiling surveys and multi-beam surveys;
- physical assessment of any located sites to ascertain the identity of the wrecks, extent of their debris field and condition of wreck sites;
- assessment of significance of each located site for use in consideration of mitigation measures;
- assessment of the direct impact of works on the archaeological deposits and their identified cultural heritage values;
- modelling of in direct effects on water movement and sedimentation , including plume associated with dredging, on underwater cultural heritage and

If **no shipwrecks** are identified in the preliminary identification phase, the Developer would **not be required** to undertake mitigation measures that may include an archaeological excavation prior to the commencement of development works

### **Mitigation measures**

To damage, destroy or interfere with a site a permit is required under the *Historic Shipwrecks Act 1976*. The assessment of a site's significance directly informs the mitigation measures required of a Developer.



Practical measures for sites **indirectly** impacted should include:

- establishing a buffer zone during works;
- site stabilisation measures; and
- a program of chemical/electrochemical and physical monitoring before, during and after works that documents the effectiveness of safeguards and mitigation measures.

Practical measures for sites **directly** impacted include:

- details of an excavation methodology that is compliant with the rules of the UNESCO 2001 *Convention for the Protection of the Underwater Cultural Heritage* Annex;
- a program of chemical/electrochemical and physical monitoring before, during and after works that documents the effectiveness of safeguards and mitigation measures; and
- details on how shipwrecks and associated artefacts will post excavation be stabilised and how recovered material will be conserved and collection managed.

Maritime Heritage Section

Department of the Environment, Water, Heritage and the Arts

GPO Box 787

CANBERRA ACT 2601

Tel: +61 02 6274 2183

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Pork Kembla Port Corporation Expansion

At a meeting on 22 April 2010 at Port Kembla with the community and consultants for PKPC explaining their Environmental Assessment, I asked various questions to the various questions to the environmental engineers.

? Regarding transport and the effect on having an extra 80 or so trucks per hour on the roads (which would come with the expansion), the reply I got was that is not the PKPC responsibility but the RTAs.

? The Consultant presenting the report to the meeting explained how Railcorp finds trouble in getting extra train paths for freight trains on the existing railway between Sydney and Port Kembla, and suggested that the new freight going to and from the Port could go by rail via Moss Vale and Unanderra to Port Kembla.

? The Consultant presenting the report to the meeting asked the audience to ask questions individually afterwards of the consultants as opposed to asking questions from the floor. Many other people had come to the meeting with matters regarding Heritage listed items and a discussion could not take place.

? There was no particular plan put forward on upgrading the Picton Road or other roads.

? When I asked about if the world price of crude oil was to significantly increase, what impact would this have on Port Kembla expansion, the answer received was the report was only looking at his point in time.

? The CEO of PKPC noted that regarding the completion of the Maldon Dombarton Rail Link, it is a case of "not if but when", but could not demonstrate positive support to complete the link.

From the meeting I realise that the economy would benefit from the growth of the expansion however I feel more emphasis needs to be placed on transport and safety around the region regarding these trucks. The Picton Road has been front page news in the Illawarra Mercury twice this week, and for years has been a dangerous road.

Making freight trains go through Moss Vale makes for a longer haul. It makes more sense to build the Maldon Dombarton Rail Link. If the line was built, there would be less dependency on the use of heavy trucks on public roads.

If multiple road crashes and fatalities were caused as a result of the expansion of Port Kembla due to poor planning of rail and road infrastructure, the NSW government is not serving and protecting the people of Wollongong City.

Name: Martin Laird

Organisation: Individual

Address:

32 Braeside Ave, Keiraville 2500 NSW

IP Address: nimue-37.its.uow.edu.au - 130.130.37.12

Submission for Job: #2917 Construction and Operation of Terminals and Berths, Dredging and Reclamation  
[https://majorprojects.onhiive.com/index.pl?action=view\\_job&id=2917](https://majorprojects.onhiive.com/index.pl?action=view_job&id=2917)

Site: #1831 Port Kembla Outer Harbour Development  
[https://majorprojects.onhiive.com/index.pl?action=view\\_site&id=1831](https://majorprojects.onhiive.com/index.pl?action=view_site&id=1831)

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Rebecca Newman  
Senior Environmental Planning Officer, MIA

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OUT10/6181

Rebecca Newman  
Senior Environmental Planning Officer  
Major Infrastructure Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Ms Newman

**Re: Port Kembla Outer Harbour Development (MP08\_0249) – Environmental Assessment.**

Thank you for your letter dated 23 March 2010 seeking Industry & Investment NSW (I&I NSW) comments on the Environmental Assessment (EA) for the above Major Project.

I&I NSW is responsible for ensuring that fish stocks are conserved and that there is "no net loss" of key fish habitats upon which they depend. To achieve this, the Department ensures that developments comply with the requirements of the *Fisheries Management Act 1994* (namely the aquatic habitat protection and threatened species conservation provisions in Parts 7 and 7A of the Act respectively) and the associated *Policy and Guidelines for Aquatic Habitat Management and Fish Conservation (1999)*. In addition the Department is responsible for ensuring the sustainable management of commercial and recreational fishing and aquaculture within NSW.

I&I NSW notes that the proposal is located in and adjacent to Port Kembla Harbour and will involve the permanent loss of 42 hectares of aquatic habitat. The potential impact of the development upon water quality and aquatic habitats in Port Kembla is of particular interest to this Department in relation to this Major Project. I&I NSW advises that there are no issues related to agriculture, mineral resources or State Forests.

**Issues Related to Fisheries**

I&I NSW has reviewed the Environmental Assessment (EA) prepared by AECOM Australia P/L (dated March 2010). Overall, I&I NSW has no objection to approval of the proposal as outlined in the EA and Appendices (including Statement of Commitments and site plans) but makes the following comments and recommendations:

1. I&I NSW concurs with the proposed aquatic ecology mitigation measures in Section 16.4 and Appendix G of the EA. In particular, the Department has no objection to the proposed compensatory measures for the permanent loss of aquatic habitat in Port Kembla Outer Harbour described in Appendix G (letter dated 18 December 2009). I&I NSW recommends that the Department of Planning (DoP) include a specific approval condition that requires the proponent to implement all the proposed habitat improvement projects at Tom Thumb Lagoon and Garungaty Waterway listed in Appendix G of the EA to the satisfaction of this Department.

2. I&I NSW concurs with the proposal for the new hard substrate surfaces of the development to incorporate marine habitat friendly structures and aquatic habitat improvement features described in *Environmentally Friendly Seawalls: A Guide to Improving the Environmental Values of Seawalls and Seawall-lined Foreshores in Estuaries* (Sydney Metro CMA and DECC, 2009) (Sections 16.3.10 and 25.5.2). The Department recommends that this is made a specific approval condition for the development by DoP.
3. I&I NSW recommends that the proposed biological monitoring program (Section 16.4.1) is implemented in consultation with I&I NSW with regular (e.g. annual) reports provided to this Department.
4. I&I NSW concurs with the proposal for a v-shaped recess in the floor of the Salty Creek culverts to facilitate movement of aquatic species during periods of low flow (Section 16.4.2).
5. I&I NSW recommends that the proposed extensions of Salty Creek and Darcy Road Drain include pollution control devices (e.g. Gross Pollutant Traps) (Section 6.5.3). Surface water management for drainage of future paved surfaces in the development should also include pollution control devices (Section 6.5.4).
6. I&I NSW concurs with the proposal to include Water Sensitive Urban Design (WSUD) measures in the detailed design of Stage 1 of the development (Section 25.5.3).
7. I&I NSW recommends that copies of the following plans for Stage 1 of the development (Table 29-2) are provided to this Department at draft stage for comment:
  - Soils and Water Management Plan
  - Dredging Environment Management Plan
  - Stormwater Management Plan
  - Acid Sulfate Soil Management Plan
  - Spoil Management Plan
  - Demolition Management Plan
8. I&I NSW recommends that a copy of the Operation Environment Management Plan (OEMP) for the new port facilities that covers stormwater management is provided to this Department at draft stage for comment (section 16.4.2).
9. I&I NSW concurs with the proposed mitigation measures for soils and sediments (Section 9.4), contaminated sediments (Section 10.4), contaminated soil and groundwater (Section 11.4) and hydrology and water quality (Section 14.6).

I&I NSW requests that all the above commitments and recommendations are made approval conditions for the development by DoP.

Should you have any queries please contact Dr Trevor Daly on (02) 4478 9103 or 0408 487 083.

Yours sincerely

 12/5/10

**Bill Talbot**  
**Director, Fisheries Conservation & Aquaculture**

Division of Primary Industries, Fisheries Conservation & Aquaculture  
Port Stephens Fisheries Institute  
Locked Bag 1, NELSON BAY NSW 2315  
Tel: 02 4982-1232 Fax: 02 4982 1304  
ABN 72 189 919 072 [www.industry.nsw.gov.au](http://www.industry.nsw.gov.au)





## Office of Water

Rebecca Newman  
NSW Department of Planning  
GPO Box 39  
Sydney NSW 2001

Contact: Janne Grose  
Phone: 02 4729 8262  
Fax: 02 4729 8141  
Email: Janne.Grose@water.nsw.gov.au

17 May 2010

Our ref: ER20411  
File: 9051444  
Your ref: MP08\_0239

Dear Ms Newman

**MP08\_0239 – Port Kembla Outer Harbour Development – Environmental Assessment –  
Wollongong City Council**

I refer to your letter of 23 March 2010 seeking comment from the NSW Office of Water (NOW) on the Environmental Assessment (EA) for the above major project proposal. I apologise for the delay in responding.

Attachment A provides the NOW's comments on the proposal and the NOW's recommended Conditions of Approval are provided at Attachment B.

**Contact Details:**

Should you have any queries in respect to this matter, please contact me on (02) 4729 8262.

Yours sincerely

*Janne Grose*

Janne Grose  
Planning and Assessment Coordinator  
Major Projects and Assessments  
NSW Office of Water  
**Penrith**





## Office of Water

### ATTACHMENT A

#### Specific Comments from the DECCW (Office of Water)

#### Port Kembla Outer Harbour Development – Environmental Assessment

##### Groundwater

Section 11.4.2 of the EA (page 11-7) states that “*background groundwater monitoring should be conducted at the site prior to the commencement of works and annually thereafter to assess whether exposure pathways created by the proposed development of the site causes the regional groundwater contamination to migrate toward the foreshore and allowing appropriate management measures to be implemented to address this issue*”. The NOW considers it is important that both a background groundwater monitoring program and an operational groundwater monitoring program are undertaken in relation to this proposal. Both the background groundwater monitoring program and the operational groundwater monitoring program need to be undertaken to the satisfaction of the NOW and DECCW.

Section 11.5.1 of the EA (page 11-8) indicates it is important that the reclamation would be designed to ensure the existing groundwater flow regimes are not significantly altered and that there is no increased risk of harm associated with groundwater contamination. The NOW agrees that this is important.

##### Statement of Commitments:

Table 29.2 (Statement of Commitments) in the EA indicates a groundwater monitoring program will be developed at the site prior to the commencement of the works and annually thereafter (page 29-14). The Statement of Commitment needs to be amended to include that both the background groundwater monitoring program and the operational groundwater monitoring program are to be undertaken to the satisfaction of the NOW and DECCW.

##### Salty Creek

The NOW notes that while Salty Creek is to remain open through the reclamation area as part of Stage 1, it is proposed to be enclosed under hardstand as part of Stage 2 (page 5-9 and 5-10). Section 16.4.2 of the EA (page 16-12) notes “the design of the box culverts for conveying Salty Creek flows would consider incorporating V-shaped recess in the floor of the culvert to facilitate movement of fish and other mobile aquatic species during periods of low flow”. The NOW is supportive of mitigation measures being provided (including compensatory measures) to assist in mitigating the impact of modifying Salty Creek from an open system to a permanently enclosed culverted system. It is recommended that advice be obtained from Department of Industry and Investment in relation to this matter.

It is noted that buffers are to be installed to the riparian zone (sediment fences) to prevent sediment laden water from entering Salty Creek, Darcy Road Drain and the Outer Harbour

(Section 9.4.2, page 9-7). The NOW agrees that details of the proposed mitigation measures need to be outlined and included in a Construction Environmental Management Plan. The mitigation measures must be installed prior to works commencing and adequately maintained throughout the construction phase until the completion of the works and the site is stable to mitigate the potential impact of sediments entering the waterways. The NOW agrees that the mitigation measures should follow relevant management practices as outlined in the Landcom manual *"Managing Urban Stormwater: Soils and Construction – Volume 1"* (4<sup>th</sup> Ed., 2004) - the *"Blue Book"*.

### **Water Sensitive Urban Design**

Section 25.5.3 of the draft EA indicates there are opportunities to investigate efficient use of water throughout construction and operation phases (page 25-4). The NOW supports in principle the provision of water sensitive urban design (WSUD) measures which focus on stormwater runoff capture and reuse on the site and the intention to investigate other WSUD measures during the detailed design for Stage 1.



## Office of Water

### ATTACHMENT B

### Port Kembla Outer Harbour Development

### DECCW (Office of Water) – Recommended Conditions of Approval

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1. A Background groundwater monitoring program is to be undertaken prior to the commencement of works to the satisfaction of the NSW Office of Water and the Department of Environment and Climate Change.
2. An Operational groundwater monitoring program is to be undertaken to the satisfaction of the NSW Office of Water and the Department of Environment and Climate Change
3. Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained for as long as necessary after the completion of works, to prevent sediment and dirty water entering the waterways. These control measures are to follow relevant management practices as outlined in the Landcom manual *"Managing Urban Stormwater: Soils and Construction – Volume 1"* (4<sup>th</sup> Ed., 2004) - the "Blue Book".

### END OF RECOMMENDED CONDITIONS OF APPROVAL

Director, Infrastructure Projects  
Department of Planning  
GPO Box 39  
Sydney NSW 2001

Email: [rebecca.newman@planning.nsw.gov.au](mailto:rebecca.newman@planning.nsw.gov.au)

65 Reservoir Street  
Mrs Olive Rodwell  
Port Kembla 2505

7<sup>th</sup> May, 2010

**Submission 08\_0249 Port Kembla Outer Harbour Development-Environmental Assessment**

I support the Port Kembla Outer Harbour Development 08\_0249 providing all proposed safeguards (as suggested in the Environmental Assessment) become conditions of approval and monitoring and reviews of the effectiveness of the monitoring and safeguards are regularly carried out.

Port Corp gave a presentation at the meeting of the Port Kembla Harbour Environmental Group on 28 April where I first saw the detail of the plan. I doubt if that interested group has had the time to study and make a submission on this important development. The point I make is that ordinary residents who work need more than a few days to comment on such a comprehensive development. I researched the 7 volumes of the Environmental Assessment at the Warrawong Library on Wednesday 5<sup>th</sup> May. Because of time constraints and lack of personal expertise in this area I will limit my comments to parts of sections 12.0, 13.0, 18.0, 19.0, 21.0 and 22.0.

These parts address the main areas of concern of the nearby residents who in the past have suffered a heavy burden of industrial pollution and loss of amenity. The main issues we have are with transport on our roads, encouraging cargo onto rail, noise and vibrations, air quality, security and chemical hazards. From years of experience with other developments we have found that many conditions placed on developments are not complied with or properly monitored. We are hopeful that this is not the case with the Port Kembla Harbour Corporation because we have found them to be efficient and approachable.

**12.0 Qualitative Human Health and Ecological Risk Assessment**

The measures to mitigate the potential risks to workers and the public appear to be adequate to address the dredging phase for the Major Project. There is still doubt about the affect of the sediments on the ecology of the life in the water. There may still be a problem with edible fish and shellfish for human consumption. All measures to mitigate the risks should be mandatory in the conditions attached to the approval.

**13.0 Preliminary Hazard Analysis Appendix E**

I was shocked when I first read the list of hazardous substances to be handled through the port. On further investigation it became apparent that most of the hazardous goods are already being safely handled (except for gases such as chlorine and ammonia that appear to be new products to go through the port ). However, total throughput will increase substantially and on site storage of many substances will also increase. The on site storage must be mandated to be strictly limited, secured and monitored, and the

processes regularly reviewed. We must all remember what happened at Halifax Bay in Canada during the First World War.

## **18.0 Traffic and Transport**

### **18.2 Summary of Vehicles Serving the Outer Harbour Development in Peak Hour.**

In Port Kembla only Flinders Road, Christy Drive, Old Port Road, Foreshore Road should be available for cargo transport. No heavy vehicles should be allowed in Wentworth Street.

The problem created by heavy vehicular use of Downies Bridge. This is a small pedestrian and car bridge that has been used by huge B-doubles to take short cuts through Port Kembla. There have been many near misses and it is a miracle that a major accident has not happened on this bridge. It should not be used to service the harbour. No authority will take responsibility for the bridge, WCC, Railcorp or Port Corp. There needs to be a thorough investigation and a solution to this dangerous bridge.

- Routes to handle cargo to and from the Harbour should be mandatory.
- Downies Bridge should not be used for heavy vehicles.

### **19.24 Maldon- Dombarton Rail Line**

I fully endorse the quote by AECOM Australia Pty Ltd regarding the building of the rail line, “potentially offers significant advantages for the container freight task”. The Maldon Dombarton Rail link must be finished to help take the trucks off the road. It is an absolutely terrifying experience to drive up Mt Ousley or along Springhill Road, sandwiched between huge B-double trucks on both sides and another one sitting on your tail. This frequently happens on our suburban roads. The many deaths on the Picton Road screams out to us that cargo must go by rail. The pedestrian rail system is totally inadequate to handle the present passenger load and must also be upgraded to take cargo. I do not accept that the road system can handle the extra road traffic. The model is flawed.

## **21.0 Noise and Vibration**

The community found that both noise and vibration caused considerable distress during the period when the copper smelter was being built. Vibrations travel through the ground and can effect sleep. I have not studied this section but wish to point out that there must be strict guidelines about blasting as far as time, frequency and consultation

## **22.0 Air Quality**

The community has experienced severe air pollution from heavy industry over a period of many years. Air quality should be monitored whenever there is a potential pollution problem.



### **Consultation**

There has been a strong liaison built up over many years between the community and the Port Corporation. A representative of Port Corp regularly attends the Port Kembla Pollution Meeting and the Port Kembla Harbour Environmental Group. We all work together harmoniously for the improvement of this area.

### **Conclusion**

I believe that it is important to make this expansion as safe for the workers and the community as is humanly possible. **I raise the issue of the ships that use our harbour.** I think that if workers have any concerns about the safety, condition of ships, crew or any other concerns there is a quick and efficient way to act or resolve those concerns.

Yours Sincerely,  
Olive Rodwell



Property Infrastructure Group  
Orica Australia Pty Ltd  
ABN 99 004 117 828

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5 May 2010

Mr Andrew Dunne  
General Manager Engineering and Environment  
PKPC  
C/o Department of Planning  
GPO Box 39  
Sydney NSW 2001

***Via email: [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)***

Dear Andrew,

**Re: Submission – Port Kembla Port Corporation Outer Harbour  
Development Proposal**

Orica Chemicals Australia imports/exports and distributes sulphuric at the Orica owned Port Kembla site located on Foreshore Road. At present the business has direct access to the No 4 Bulk Liquid Berth (Jetty No 206) on which the business currently runs it's import/export sulphuric acid pipe line.

As a result, it is important that any Development Proposal considers the impact of existing users at the Port to ensure that their business operations are not hindered or compromised due to the possible Port expansion.

Orica is seeking more information in relation to the following:

- Proposed traffic movements along Foreshore Road
- Confirmation that the Port will not restrict vehicular movements (including tankers) along Foreshore Road
- Direct impact the Port Expansion will have on current Orica operations:
  - During construction;
  - Relocation of pipeline (PKPC contribution to cost);
  - Likely expected vessel volumes at the wharf;
  - Use of priority system;

- Provision of a dedicated connection point on the proposed new berth with appropriate bunding;
- Provision of a suitable area at the jetty/shore line point to enable stripping of acid out of the jetty line following cargo operations;
- Ability for straight above ground pipe run from the new wharf direct to Orica import tanks;
- Easement in favour of Orica for the pipeline located on PKPC Land;
- Guarantee that designated wharf will be in close proximity to Orica import tanks;
- Provision of a control station adjacent to the ship-shore hose connection point on the wharf for Orica operator.

Orica would appreciate the opportunity to discuss our concerns with you in more detail in relation to the proposed development.

Please do not hesitate to contact me on 03 9665 7484

Yours sincerely,



Kathryn Fergusson  
Property Services Manager  
Property Infrastructure Group  
*Days Available: Tuesday & Wednesday*



## **Submission from P Laird to the NSW Department of Planning Major Projects Application 08-0249: Port Kembla Port Corporation**

### **1. Introduction**

This submission is based on research conducted at the University of Wollongong and for Transport Energy Studies Pty Ltd. However, the views and research findings are the responsibility of the writer.

The proposed expansion of Port Kembla's Outer Harbour has some merit. However, it comes on top of expansion of the Inner Harbour with car carriers starting in 2008 and approval for more coal trucks on public roads in 2009. Given the limitations of the present rail and road network linking Port Kembla to Sydney and other parts of New South Wales, there is a marked potential for significant adverse traffic impacts. As outlined below, these impacts are understated in the Environmental Assessment.

The proposed multistage approach of assessment is supported. At present this is a concept with three stages of construction and operation. These appear to extend from the present year to 2036 with Stage 1 including construction and some port operations. Given the current severe rail and road limitations, it is submitted that even the concept of a full port expansion without major rail and road upgrades is flawed.

Of crucial importance is the question of whether the Maldon Dombarton rail link will be completed. It is submitted that until the New South Wales Government, that made a start in 1983 on this link, makes a commitment to provide some funds towards the completion of the link, the present Port Kembla PC application should be not be approved.

Accordingly, even the concept of full expansion of the Outer Harbor should be deferred until there is support for the completion of this rail link. This may require:

EITHER delaying determination of the current application (full concept and Stage 1) until mid 2011 when the current study on the economic viability of completing the Maldon Dombarton link has been undertaken;

OR making the concept plan a two step process – stage one concept very limited port expansion and stage two (conditional on completion of Maldon Dombarton) full expansion, and, placing tonnage limits on Stage 1 port expansion operations involving road haulage outside of Wollongong, Shellharbour and the South Coast region; and requiring any expansion of road haulage of coal to the Port Kembla Coal Terminal exceeding 7.5 million tonnes per annum to be subject to a new environmental assessment and placed on exhibition.

The placing of the environmental assessment on exhibition for more than the minimum period of 30 days and *"to proceed carefully with developments at the port"* is acknowledged (Illawarra Mercury, 24 March 2010) as is the statement of the Minister for the Illawarra and Ports, The Hon Paul McLeay MP *"We can't do this in isolation - it must be done right."*

To assist in 'getting it right', it is submitted that assessment by a Commission of Inquiry with Public Hearings is desirable. This is opposed to the process followed in 2009 by the then Minister for Planning for conditional approval of lifting a long standing (28 year) night, Sunday and Public Holiday curfew of road haulage of export coal, and allowing road haulage of coal to the Port Kembla Coal Terminal (PKCT) from a substantial 5.2mtpa to 7.5mtpa and potentially 10mtpa.

## **2. Comment re Appendix I Traffic and Transport**

This Appendix in the EA contains some 39 pages plus five (sub) appendices, it looks at traffic issues associated with the proposed three stage development, out to the year 2036. In summary, *"road freight traffic to the Outer Harbour is likely to grow over time reaching 205 trucks per day to 2036. This equals to 64 trucks per peak hour."*

The commissioned report, whilst conceding some local road improvements may be necessary, finds *"no significant impact"* on the road system. This may not be the case.

One table on page 33 notes that in the first two years, 17 fill construction trucks (loaded or both way?) will be needed on average each hour on weekdays.

A brief mention is made on page 4 and 5 of Appendix I about the Mt Ousley, Picton and Appin Roads. No reference is given at all to widely reported issues of road safety on these roads. In addition, no reference is given to the official 2007 Sydney - Wollongong Corridor Strategy. More on the Picton Road and this strategy follows below.

Section 18 also overlooked the Mt Ousley, Picton and Appin roads (and their current issues) except to name them and note that 150,000 cubic metres of coal wash will be hauled from West Cliff Colliery for fill (page 18.6). Here it is also noted some 53 per cent of the total fill required (about 3.4 million cubic metres) will be moved by road, with *"the remaining fill would be transported by rail and barge."* This percentage is high and does not sit well with the claim (Exec Sum pxvi) that *"use of barge and/or rail to and from site would be a preferred option."*

The Maldon Dombarton rail link proposal coupled with the 2009 prefeasibility study and current feasibility study get some mention. It is noted on p19-4 that this link

*“would however need to be considered as part of Stages 2 and 3 of the Concept Plan...as it potentially has significant advantage for the container freight task.”*

In regards to containers, it is noted on page 18-3 and 18-4 that 10 per cent of containers would be transported by road. This means 90 per cent by rail, which far exceeds recent and current practice at Port Botany. Whilst 90 per cent container movement by rail would be desirable, mechanisms including road pricing and rail infrastructure upgrades will be needed to achieve this.

If, however, due to existing rail constraints, only 40 per cent of containers (some 1.2m TEU pa) are moved by rail (the current official target for Port Botany) then there will be not 60,000 trucks per year but 360,000 trucks. This is a big difference

The assumption (p18-3,4) that 50 per cent of all bulk commodities (4.25 mtpa) and 80 per cent of general cargo (2 mtpa) will be moved by road also needs to be questioned.

### **3. Getting containers and other freight onto rail**

The NSW Government has a target of getting 40 per cent of containers moved via Port Botany onto rail. Further details are given in a *Landside Improvement* section at: [www.sydneyports.com.au](http://www.sydneyports.com.au) which in part states (under Increasing the Role of Rail) *"A key element in port freight and logistics planning for metropolitan Sydney is maximising the use of rail. These volumes include export products from regional NSW, and port shuttle movements of exports and imports within metropolitan Sydney. With the NSW Government and Sydney Ports having the shared objective of achieving a 40 per cent mode share for containers transported into and out of Port Botany by rail. This offers industry an alternative system that has a higher level of efficiency, competitive usage costs and lower air and noise emissions."*

Under a subsection "Managing Road Transport Movements" it is noted *"Extensions to the motorway network have improved accessibility between Port Botany and key distribution and industrial areas across Sydney. However since this infrastructure is shared with commuter vehicles, heavy traffic volumes are inevitable during peak periods. An increase in the volume of freight will translate into an increase in the number of trucks using the road system. ...."*

Data at this website shows container volumes (increasing from 1.37m TEU in 2005-06 to 1.54 m in 2008-09) and the percentage of containers moved by rail varying from 21 per cent in 2005-06 to some 22.9 per cent in 2008-09.

If only 20 per cent of 1.2m TEU of containers pa are moved to and from Port Kembla by rail, then that means 960,000 TEU pa of containers by road. Given the current practice at Port Botany, such a mode share could usefully be modelled for the EA re Port Kembla expansion.

#### **4. Sydney Wollongong existing rail constraints**

Page 19.4 of Appendix I of the Environmental Assessment (EA) notes the limitations of rail capacity on the existing main line to Sydney, and suggests rerouting freight trains from Sydney via Moss Vale. This was also noted at the Port Kembla Port Corporation (PKPC) Community Forum held 20 April 2010 at Port Kembla, where consultants for the applicant (PKPC) stated that from the point of view of RailCorp there were no further train paths available for freight trains on the existing Sydney-Wollongong railway, and it was proposed to use the Moss Vale Unanderra line for new cargo going into and out of Port Kembla.

However, the Moss Vale Unanderra line has severe speed-weight restrictions that make it difficult for any rail operator to provide cost effective rail freight services.

These include:

1. the difficult nature of the Robertson-Unanderra track with its steep grades that requires a maximum speed of 40km/h for most sections of this track,
2. the short length crossing loops limiting train tonnage and size, and,
3. for freight moving between Port Kembla and Western Sydney (or any part of Sydney) excessive extra distance when compared with the existing line.

These rail constraints will invariably lead freight consignors to choose road freight. This situation is exacerbated by demonstrably under-recovery of road system costs and a failure of government to reduce external costs of trucking by internalisation of all road crash costs involving articulated trucks, and application of the polluter pays principal for environmental costs. More information on this topic follows in Appendices A and B.

#### **5. The Picton Road**

The EA mentions the Picton Road. One does not expect the EA to have noted the Autumn 2010 front page articles in the Illawarra Mercury, but attention needs to be drawn to the articles of 28 April 2010 and 5 May 2010, the latter noting that this is the most dangerous road in Australia.

However, the assessment process should be taken to task for not noting earlier and repeatedly expressed expressions of community concern up to March 2010 about the state of the Picton Road, and the number of fatalities from road crashes on this road. The Illawarra Mercury and other local media has frequently drawn attention to the fact that since the year 2000, no fewer than 21 lives have been lost in road crashes on the Picton Road. Although the dangerous nature of this road has been noted for years by the Illawarra Mercury and other local media, quite simply, by design or accident, is downplayed in the EA. Media coverage includes **Data reveals Picton Rd fatalities cost \$50m** BY NICOLE HASHAM 20 Feb, 2010 Illawarra Mercury

Fatal crashes on Picton Rd have cost the economy at least \$50 million over the past decade, new national data has revealed.

A report released this month by the Federal Government's Bureau of Infrastructure, Transport and Regional Economics (BITRE), puts a \$2.67 million price tag on the cost of a road death, taking into account factors such as workplace and household losses, insurance and medical bills, road delays and legal costs.

With the death count on Picton Rd between Mt Ousley Rd and the Hume Hwy standing at 19 over the past decade, the economic cost of fatalities has hit \$50.73 million.

Figures obtained by the Mercury also reveal that Picton Rd has been the scene of 308 crashes over the past decade, 127 of them resulting in injuries.

Other articles in Summer 2009-10 include:

- 04 Feb 10: Gwynneville woman loses fight for life after Picton Rd crash
- 03 Feb 10: Picton Rd toll hits 23 as January crash victim dies
- 06 Jan 10: One dead, one injured in Picton Road crash
- 14 Dec 09: It's not safe: calls to lower Picton Rd speed limit
- 08 Dec 09: The human face of Picton Rd's worst tragedy
- 07 Dec 09: Picton Rd crash: family had fled Afghanistan
- 06 Dec 09: Five killed in Picton Road crash

## 6. The Sydney Wollongong Corridor Strategy

The 2007 draft Sydney Wollongong Corridor Strategy (DOTARS 2007) released by the federal government as part of the former AusLink programme is helpful in identifying many issues relating to present and projected demands in moving people and

freight between Sydney and Wollongong. However, it does not even rate a mention in the EA.

The strategy notes that the demands on the existing road and rail network will be compounded by the further development of Port Kembla and an expected growth in the number of people commuting between Wollongong and Sydney as well as between Wollongong and Campbelltown/Western Sydney. The projected *“rapid growth in corridor freight”* will also pose additional challenges.

The draft strategy identifies (DOTARS 2007, p13) the Mount Ousley Road is already at capacity in the morning peak (AADT 34 500 in 2003 including about 5500 heavy vehicles), there is congestion at times between Heathcote and Jannali, and the rail line through Sydney cannot be used by freight trains for at least seven hours per day.

The draft strategy pays particular attention to various road upgrading options. In regards to rail, it notes (DOTARS 2007, p13) that *“Commuter journeys along the Illawarra rail line are already operating at close to peak capacity. When population growth is taken into account, the Illawarra rail line will reach critical levels before 2016 during the morning peak (between 7.30 am and 9.00 am at Central). More services may need to be provided during the off-peak periods in the longer term as well. This would necessitate either lengthening of existing South Coast trains or the provision of additional services, which will lessen the availability of freight paths in non-peak times.”*

The final strategy (2007, p6) notes that the Illawarra rail line faces an effective restriction on freight train operations during peak periods (600 to 900 and 1500 to 1900hrs) and that *“...it is often difficult to find paths for freight trains as there are only two rail tracks south of Hurstville.”* with particular congestion problems between Hurstville and Sutherland. The final strategy also notes (p11), with conditions, that the Maldon - Dombarton line may be able to play a future role and could *“...remove bulk freight from the Illawarra rail line and some other parts of the Sydney passenger rail network, opening up rail paths for freight between Port Kembla and Sydney.”*

## **7. A 2005 NSW Parliamentary report**

In granting approval for the expansion of Port Kembla to accommodate car carriers, the NSW Government appeared to take the line that the existing road and rail infrastructure would be adequate. This view was questioned by a NSW Parliamentary State Development Committee (2005) examining NSW ports. The final report of the State Development Committee in relation to the Inquiry into Port Infrastructure in New South

Wales released 17 June 2005 noted, inter alia, comments for and against completion of the Maldon Port Kembla railway. The NSW Committee made two related recommendations:

**Recommendation 12.** *That following the anticipated transfer of general cargo stevedoring to Port Kembla in 2006, the NSW Government re-examine the freight task out of Port Kembla to ensure that the anticipated increase in freight traffic is supported by the necessary improvements in road and rail infrastructure.*

**Recommendation 13.** *That the NSW Government consider the feasibility of expanding rail infrastructure into Port Kembla, including consideration of the Maldon to Dombarton line, in conjunction with the AusLink program.*

These recommendations were noted of the Infrastructure Action Agenda (2006, p40) of the Australian Logistics Council. They could have usefully appeared in the EA and should at least appear in the Submissions Report and the Director-General's report.

## 8. The Illawarra Regional Strategy

Attention is drawn to statements on page 4 of the 2006-2031 Illawarra Regional Strategy of the Department of Planning as follows (emphasis added).

*"It is important that the Region's transport networks support economic growth and maximise the efficiency of freight transport. In particular, what is required are strategic transport corridors to support development of the port of Port Kembla, **increase the proportion of freight transported by rail**, efficiently link regional centres and towns, and support public transport."*

The 2009 consent given to increasing road haulage of coal to the Port Kembla Coal Terminal from the present high levels of about 5 million tonnes per annum had the marked potential to reduce *"the efficiency of freight transport"* (from increased road congestion, increased road wear and tear and increased energy usage). More coal on road would also reduce *"the proportion of freight transported by rail"*.

Given the constraints on the existing rail system as noted above, it will be hard for the proposed target of 50 per cent of all bulk commodities (4.25 mtpa) to be moved by rail.

## 9. Cumulative impacts

Added to the cumulative impacts of road haulage of coal, carriers is now the road haulage of bulk freight to Port Kembla is the movement of some grain from near Cowra. To quote in part from the Cowra Community News for 4 April 2009 *"NSW, Noonbinna villagers rail against GrainCorp's contract road warriors"*

HEAVY road trucks rushing to join queues to out-load grain from the Noonbinna wheat silos are causing headaches and sleepless nights to residents of the village – and concerns for the safety of their children.

Grain was formerly out-loaded into rolling stock for shipment by rail via Young and Harden to the export terminal at Port Kembla, but villagers say agribusiness group, GrainCorp, is replacing rail with contract road transport because it is significantly cheaper.

Villagers say they understand farmers' need to quickly get their grain to the silo during harvest, ...But out-loading grain post-harvest by road to Port Kembla, over intermittent four- to eight-day periods as wheat orders are required, is altogether another matter. They say they are copping an unfair double-whammy. ...

Decisions such as this, and also the closure in September 2009 of the Harden to Cowra railway also put more trucks on the roads leading to Port Kembla.

#### **10. External costs**

Despite external costs being a required part of the AusLink project assessment in the *National Guidelines for Transport System Management In Australia* released in 2004 (and updated in 2006) by the Australian Transport Council, there is no reference to external costs in the EA

It is submitted that these issues require more attention, and, the other external costs identified in many official reports, including noise pollution, air pollution, congestion costs, and accident costs etc also require addressing. More on this follows in Appendices A and B.

#### **11. Understatement of traffic impacts in the EA**

These are of two forms – specific to the proposal and a general approach (tolerated to date by the NSW government) that overlooks the significant external costs of road freight operations (and external costs of rail freight).

With respect to the proposal, the Mt Ousley road is congested in peak hours and on 5 May 2010, the Illawarra Mercury rated the Picton Road as the most dangerous road in Australia. The Illawarra Mercury and other local media for years have reported not only on accidents on this road, but the need to improve it.

The proposal, if approved, would inevitably result in more heavy trucks using this road. However, the EA just does not get the point that the Picton Road is a dangerous one.



The Appin Road is also a dangerous road. Again, if the proposal is approved, there will be more heavy trucks using this road.

A further understatement of traffic impacts is the insufficient attention given to the cumulative impacts of car carriers, the potential for extra coal trucks, and the increase over recent years in the numbers of people commuting between Sydney (Western and other parts) and Wollongong (in both directions).

It is suggested that additional modelling is required of the likely impact on traffic if the proposal goes ahead on two different scenarios as per the 2009 approval for PKCT.

- A. Road haulage of export coal rises to 7.5 mtpa
- B. Road haulage of export coal later rises to 10 mtpa

Understatement of traffic impacts also arises from the dubious practice of counting a heavy truck as one vehicle (eg page 18.4 that the proposal will lead to an increase in only one per cent of the number of trucks in peak hour).

Standard methodology of assessing road system costs and impacts includes not only vehicle numbers, but three other standard and important indicators: Passenger Car Equivalents (including 3 for a semitrailer and 4 for a B-Double), Average Gross Mass Vehicle kilometres, and, Equivalent Standard Axle kilometres (which take into account the wear and tear on the roads caused by heavy trucks and other vehicles). These parameters are outlined in official reports such as those of the National Transport Commission, yet only vehicle numbers and vehicle kilometres appear to be used in the PKPC Environmental Assessment.

Even without road accidents, the introduction of more heavy trucks carrying coal on a highway system already stretched at peak hours (as noted in the Auslink Sydney-Wollongong draft and final corridor strategies) will cause incremental increases in car journey times. The situation is compounded by the recent (November 2008) start up of car imports into Port Kembla, with up to 24 car carrying trucks per hour.

Thus, the impacts of truck numbers go far beyond just the numbers of trucks. The use of plain truck numbers (or even vehicle kilometres) in the Environmental Assessment understates the real impact on the road system, other road users.

## **12. The Maldon Dombarton rail link**

The EA could give more information about the Maldon Dombarton rail link, including some of the findings from the 2009 prefeasibility study. The summary of a

paper *The Maldon Port Kembla Railway and the Wentworth deviation* of this writer at the November 2009 AusRail Plus conference in Adelaide follows.

In 1983, work commenced on a Maldon - Port Kembla Railway. This was in two sections being a new 35 km link from Maldon (on the Main South line) to Dombarton (located on the Unanderra Moss Vale line) and upgrading the existing 15 km line from Dombarton to Port Kembla. Significant construction work was undertaken during the 1980s on both sections, and studies were undertaken during the 1990s on completing the Maldon to Dombarton section.

Following the release in 2007 of an AusLink Sydney - Wollongong corridor strategy and a House of Representatives Standing Committee report on rail freight noting capacity constraints on the existing Sydney Wollongong railway, the Australian Government commissioned in 2008 a pre-feasibility study. This study was released in July 2009 with a commitment to proceed to a full feasibility study.

With expansion of Port Kembla and increased demand for passenger train services on the existing South Coast railway, the paper concludes that completion of the Maldon - Dombarton link could now be regarded as a “not if, but when” investment.

The paper also notes the future option of connecting a Maldon Dombarton link to a proposed 39 km rail deviation from Menangle to Aylmerton (the Wentworth route) on the Main South line.

The EA appears not to have mentioned the promised Waterfall -Thirroul route with a long tunnel or even partial realignment of this winding track. The Waterfall – Thirroul route was quoted in a consultants report for the NSW Government (2003) as costing about \$1.4billion  $\pm$  30 per cent. In addition, triplication or quadruplication (has appeal but is more costly) of the Hurstville – Sutherland line. This section of track will see more trains following duplication of Cronulla – Sutherland and improving Loftus - Sutherland - Oatley signalling noted in the Premier's media statement of 23 April 2010 **FASTER, MORE FREQUENT TRAINS: CRONULLA LINE DUPLICATION** as costing \$436million.

The completion of the Maldon Dombarton rail link would be a much less expensive option than improving rail capacity on the existing line.

On 30 May 2008, a joint \$500 million Federal - Victorian North West Rail Revitalization project was announced with \$170 million from the Victorian government to improve rail and passenger services between Melbourne and Sydney. It is submitted that expansion of Port Kembla should be conditional on the Maldon Dombarton rail link proceeding. This could be expedited with some financial support from the NSW Government.

Dr Philip Laird, FCILT, Comp IE Aust, Transport Energy Studies Pty Ltd 7 May 2010

## APPENDIX A      Re road pricing for heavy trucks

i. From the website of the National Transport Commission (NTC) accessed 13 October 2008.

The NTC was directed by the Australian Transport Council (ATC) to update heavy vehicle charges after the Productivity Commission's *Road & Rail Freight Infrastructure Pricing Inquiry* (2007) concluded: "*Substantial increases in road investment in the past couple of years make it likely that heavy vehicle charges would have to rise to maintain cost recovery.*"

In April 2007, the Council of Australia Governments' (COAG) endorsed the charges review as the first 'building block' of broader road pricing reform.

*Why are large increases proposed for B-doubles?* Bigger trucks are currently cross-subsidised by smaller trucks. COAG's pricing principles require those cross-subsidies to be removed.

B-doubles have benefited significantly from higher road spending; particularly improved access around ports, urban arterials, grain silos, sale yards etc. The number of B-doubles has increased by 267% to 9,564 vehicles since 2000.

Governments have little incentive to further extend the B-double (and other high productivity vehicles) network if they don't pay their way. The Business Council of Australia's Infrastructure Roadmap for Reform (September 2007) recently concluded: "We need to ensure that high productivity (that is, larger and longer travelling) trucks are charged appropriately. Not only will this help road/rail neutrality, it will facilitate having B Doubles and B Triples on our roads." - (BCA 2007)

*Is the NTC calculation accurate?* "The Productivity Commission independently audited and endorsed NTC's charges methodology noting that it is "conservative" by international standards (i.e. resulting in lower charges)."

ii. As noted by the 2006 Productivity Commission Road/rail freight infrastructure pricing report (on page 125), the recent annual subsidy paid for the operation of a 9 axle B - Doubles hauling the 75 th Percentile distance (227 500 km) is \$23,000. This was under National Transport Commission (NTC) charges and methodology, based on revenue of \$34,200 and an allocated cost of \$57,200.

iii. There appears to be three notable broad groups of estimates for road system costs attributable to heavy trucks<sup>1</sup>:

- **Conservative or NTC** - as per the National Road Transport Commission (NRTC) first and second determinations and the NTC third determination.

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<sup>1</sup> *Road pricing in Australia – too much or too little*, P Laird, Australian Road Summit, February 2007

- **Intermediate** - including the former Inter-State Commission findings<sup>2</sup> during the 1980s, the 1990-91 Over-Archiving Group (OAG) recommendations and NSW permit fees for heavier semitrailers and all B Doubles in use to 30 June 1996.
- **High, or "user pays"** - including the Bureau of Transport and Communications Economics (BTCE) 1988 report<sup>3</sup> noted in the draft report of the Productivity Commission, McDonnell's methodology (NSW) (see for example<sup>4</sup>), and ongoing New Zealand Road User Charges.

When announcing the NRTC first generation charges in 1992, the chairman, the late Gordon Amadee, conceded they would not be "user pays" as this would not be tenable<sup>5</sup>. The costs to the NSW Government of implementing the then new NRTC charges (as of 1 July 1996) was over \$60 million per year and NSW annual permit and registration fees of \$12,650 a year in 1989 for an 8 axle B-Double were slashed to \$5500. With Consumer Price Indexation, the 1989 NSW B-Double fee would in 2007 be about \$20,775. This is more than two and a half times more than July 2008 NTC charge for an 8 axle B Double of \$8041.

Subsidies are one reason why the number of large B-Doubles has grown so rapidly in recent years, as noted in the draft report of the Productivity Commission - up from about 700 in 1997 to more than 6000 now. The difference between road system costs attributable to articulated trucks under the 2005 NTC model and using Macdonell's Methodology is approximately \$1.5 billion per year.

iv.. New Zealand has had in successful use, since 1978, a system of mass-distance pricing for heavy trucks. These charges for the heavier articulated trucks hauling long distances are appreciably higher levels than the combined annual registration charges and fuel road user charges that apply in Australia. These were recently increased in July 2008, and for a 9 axle B-Double operating at 62.5 tonnes Gross Vehicle Mass with 22.5 tonnes on the prime mover and 20 tonnes on each of triaxle trailers would amount to \$NZ942 per 1000 km (taking the prime mover at the average of charges of \$452.03 for 22 tonnes and 523.33 for 23 tonnes plus \$227.19 for each trailer to 20 tonnes).

From the above 2006 Productivity Commission report, a 9 axle B - Double hauling the 75 th Percentile distance of 227 500 km) in a year would pay \$34,200 and have, under the NTC's 'conservative' methodology, an allocated cost of \$57,200. Yet, the same B-Double in New Zealand would pay \$NZ214,305 in road user charges. Even allowing for currency conversion, GST, the New Zealand charges being current, and the NTC ones being c2005, there is a large difference. The ratio between New Zealand and Australian road user charges for a heavy 9 axle B-Double hauling long annual distances is at least four to one. For heavily laden semitrailers hauling long annual distances, the ratio between the New Zealand user pays charges and the recent NTC charges are about three to one.

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<sup>2</sup> Inter-State Commission (1986) Cost recovery arrangements for interstate transport, to (1990) Road use charges and vehicle registration: a national scheme Canberra

<sup>3</sup> BTCE (1988) *Review of road cost recovery*, Canberra

<sup>4</sup> Laird PG *Freight transport cost recovery in Australia*, Australasian Transport Research Forum, Gold Coast

<sup>5</sup> Sydney Morning Herald April 13, 1992 "Recession puts truck plan off road."

## APPENDIX B      Land Freight External Costs

Executive Summary of an Australasian Transport Research Forum Paper *Revised Land Freight External Costs in Australia* Sydney September 2005 Philip Laird, University of Wollongong

This paper outlines some estimates of external costs of land freight transport published in Australia since 1990. The earlier reports include those of the former Inter-State Commission, the National Transport Planning Taskforce, the Victorian Environment Protection Authority and the Bureau of Transport and Regional Economics with its 1999 report *Competitive Neutrality between road and rail*.

With the increasing land freight task and projections for future growth, estimates of external land transport costs have been of increasing interest to government. Recent examples include Queensland Transport, the Victorian Department of Infrastructure, the NSW Department of Transport study of grain transport options, the Australian Transport Council's 2004 *National Guidelines for Transport System Management*, and, the 2003 Austroads report *Valuing Environmental and Other Externalities*. A New Zealand Ministry of Transport *Surface Transport Cost and Charges* study released in 2005 is also of note.

The paper gives particular attention to six external costs of road and rail freight operations in both metro and non-urban areas identified for the Australian Rail Track Corporation's 2001 Track Audit. These external costs are accidents, air pollution, noise pollution, greenhouse gas emissions, congestion, and incremental road damage. The results of two studies conducted for Queensland Transport in 2001 and 2004 that provided updated estimates for each of the Track Audit externalities are discussed. The revised estimates of unit costs include:

1. Australia wide accident costs of 0.6 cents per net tonne kilometre (ntkm) for road freight moved by articulated trucks and 0.03 cents per ntkm for rail freight.
2. An average cost of air pollution in capital cities of 0.65 cents per ntkm for freight moved by articulated trucks and 0.22 cents per ntkm for rail freight moved by diesel electric locomotives. These estimates are based on PM10 emissions as discussed in two BTRE reports *Health Impacts of transport emissions in Australia: Economic costs* (2005) and *Urban pollutant emissions from motor vehicles: Australian trends to 2020* (2003).
3. Noise in capital cities - 0.22 cents per ntkm for road, 0.12 cents per ntkm for rail.
4. A greenhouse gas cost (based on \$25 per tonne of carbon dioxide) of 0.18 cents per ntkm for road freight moved by articulated trucks and 0.06 cents per ntkm for rail freight.
5. Road congestion (metro only) 0.10 cents per ntkm for road. -
6. Pending the third determination of road user charges for heavy vehicles of the National Transport Commission, under-recovery of road system costs from articulated trucks at 1.0 cents per ntkm.

**Table 1 Recommended revised Australian land freight externality costs**

<b>Externality Measure</b>	<b>Road (c/ntk)</b>	<b>Rail (c/ntk)</b>
Accident Costs	0.60	0.03
Air pollution		
- Metro	0.65	0.22
- Rural	0.13	0.04
Noise pollution		
- Metro	0.22	0.12
- Rural	0.07	0.04
Greenhouse gases	0.18	0.06
Congestion (Metro only)	0.10	-
Increased road maintenance	1.00	
<b>TOTALS</b>		
<b>Metro</b>	<b>2.75</b>	<b>0.43</b>
<b>Rural</b>	<b>1.98</b>	<b>0.17</b>

Reference: As per text. Note that road maintenance costs for roads of light construction are higher, also that any rail track subsidies may need to be taken into account.

It may be noted that, excluding unrecovered road system costs, the metro articulated truck road external cost of about 1.75 cents per net tonne km is less than half the approximate value cited in the above Austroads report of some 4 cents per net tonne km.

Lower unit costs are given for air pollution and noise for road and rail haulage in non-urban areas.

Even if the users of land freight transport are not required to meet their full external costs, such costs should be fully accounted for when major infrastructure investment decisions are being made. Based on the information in this report, the values in Table 1 are recommended.

It is also of note that road vehicle operators using petrol pay an appropriate de facto externalities charge through fuel excise without rebates, and the assigned average health costs from car use (1.3 cents per km) in the state capital cities equates to about 12 cents per litre of petrol used.

However, following introduction of the New Tax System in 2000, the operators of heavy vehicles were granted conditional rebates for the use of diesel, which have since been further extended to effectively require no payment of external costs (cf about 20 cents per litre prior to 2000).

# PORT KEMBLA POLLUTION MEETING

c/- PO Box 85, Port Kembla NSW 2505  
Telephone: (02) 4276 2715  
Email: [pkpm@optusnet.com.au](mailto:pkpm@optusnet.com.au)

10<sup>th</sup> May, 2010

Director, Infrastructure Projects  
Department of Planning  
GPO Box 39  
Sydney NSW 2001  
Email: [rebecca.newman@planning.nsw.gov.au](mailto:rebecca.newman@planning.nsw.gov.au)

## **Re: 08-0249 Port Kembla Outer Harbour Development-Environmental Assessment**

Dear Sir/Madam

Thank you for allowing us extended time to be able to have our membership endorse the following submission at our monthly meeting held last Saturday 8<sup>th</sup> May. This was the first meeting after the presentation by Portcorp was held.

We support the overall concept of Port Kembla Outer Harbour Development proposal. However as the nearest residents to the development we will be the most affected by the expansion of the harbour and its operations. Every effort must be made to limit impact on the surrounding areas by incorporating strict conditions on the development consent. The following are our greatest concerns:-

### **1. Traffic and Transport.**

- We believe there should be a **strict condition** on the road route to service the harbour from the construction phase onwards. Trucks should not be allowed to go through the township or the residential areas of Port Kembla passing the pre-school and schools. The route should be via Christy Drive, Old Port Road and Flinders Street to Five Islands Road. Darcy Road should be avoided until new work is done.
- Downies Bridge on Old Port Road (going into Darcy Road) should be thoroughly investigated and **revamped or eliminated**. No authority will claim responsibility for this trouble spot and 3 authorities share various aspects of this old bridge. It is a serious accident waiting to happen. The bridge is over a defunct railway access and the only remaining dead-end piece of line serves as a parking space for an odd engine before or after servicing or repair work is done. We believe there is an alternate solution with land that appears to be available that could accommodate another route to avoid this dangerous bridge. However this would need to be planned and happen sooner rather than later for several reasons.

---

1/....

Providing an open forum for local community, industry and relevant government agencies to work co-operatively reducing levels of pollution that impact on the health and comfort of the community.

- All cargo **must eventually go by rail** as there are already too many large trucks using the local and intercity roads. The rail system must also be urgently upgraded to deal with present traffic let alone the extra volumes that will eventually occur. One train can transport the load of 20 trucks.

## 2. Noise and Vibration

- Frequency and times of these possible aspects need to be mandated in the conditions. Residents need to be informed before serious noise or vibration events occur.

## 3. Air Quality

- The community has experienced severe air pollution from heavy industry over a period of many decades. Air quality should be monitored and should be a condition in the approval consent.

## 4. Maldon-Dombarton Rail Line

- We fully support the fast tracking of the Maldon- Dombarton Rail Link. It will help to engage Port Kembla and NSW in the grand vision for the future maritime development of the Eastern States of Australia.

## 5. Security

- We believe that the strictest controls are placed on every stage of the development and operations of the Harbour to protect at all times the health, wellbeing and amenity of the workers at the harbour and the nearby residents.

We are available should you wish to obtain a better understanding of our proposal for the elimination of Downies Bridge. We have been concerned and trying to get some action about this dangerous old bridge but with very little result to date. We hope that you may take this aspect of our concerns to the appropriate people to get some action/help before there is a terrible accident.

Yours sincerely  
Port Kembla Pollution Meeting  
per Alice Scott

.....

### Please note

A signed hard copy will follow this email and should be in the mail today.





# RailCorp

**RailCorp Property**  
GPO Box 47  
Sydney NSW 2000  
DX 390 SYDNEY  
Tel: (02) 8922 1987 Fax: (02) 8922 4890  
Email: jim.tsirimiagos@railcorp.nsw.gov.au

13 May 2010

Director  
Infrastructure Projects  
Department of Planning  
GPO Box 39  
Sydney NSW 2001

**ATTENTION: Rebecca Newman**

Dear Ms Newman,

**MAJOR PROJECT APPLICATION MP08\_0249  
Port Kembla Outer Harbour Development**

I refer to your Department's letter dated 23 February 2010 regarding Port Kembla Outer Harbour Development (MP 08\_0249) – Exhibition of Environmental Assessment. RailCorp have reviewed the relevant documents and offer the following comments.

1. In general, the EA is heavily focused on the short term (stage 1), but there is a lack of detailed analysis of medium to long term impacts on capacity and competing future interests, given the large capital investment required (e.g. Additional rail capacity is required post 2020 Stage 2 & 3).
2. The EA confirms that the majority of trade would be transported to and from the port by rail. Therefore detailed analysis of long term rail and infrastructure impacts and needs is critical to the long term success of the project.
3. The proposal includes substantial extension of the Outer Harbour yard trackwork already owned by Port Kembla Ports Corp (PKPC). RailCorp has no involvement in this part of the proposal.
4. The proposal also appears to include unspecified upgrading of the junction between the Port Kembla branch line and the PKPC sidings (refer page 19-7). As yet, no negotiations with RailCorp have been undertaken. It is recommended that in the preparation of designs for the upgrading of this junction, RailCorp be contacted for input.
5. Detailed traffic assessment provided in appendix I is limited to Stage one impacts only.
6. The proposal will also introduce bulk commodity traffic onto the Port Kembla branch line, which does not use that line at the moment. This may require upgrading of the track infrastructure and/or junctions.



# RailCorp

7. The report notes that capacity is unlikely to be available on the Illawarra line between Port Kembla and Sydney for additional freight traffic generated by the port expansion, and therefore assumes that all additional traffic will travel either via the Unanderra-Moss Vale line or a new Unanderra-Dombarton-Maldon line. The report considers capacity on the Unanderra-Moss Vale line, but overlooks the fact that the additional trains will require capacity on the Port Kembla branch line and the single track Allan's Creek Triangle loop which connects the branch line to the Illawarra line, and through Unanderra Junction. The interaction between South Coast passenger and freight trains at Unanderra Junction is already a significant variable in the operation of the South Coast (Wollongong-Dapto-Kiama and Bomaderry) passenger service, and the report appears to propose an additional 20 train movements each way per day through this location.
8. Rail assessment is limited to Stage 1.
9. The assessment of rail capacity is only based on train sizes capable of operating on the moss vale to Unanderra line only.
10. Mode split of cargo impacts and rail is based on PKPC advise and lacks proposed demand and supply analysis. The EA comments that in the long term it is envisaged that the majority of trade at the Outer Harbour would be transported to and from the port by Rail. Existing rail infrastructure upgrades will be required.
11. RailCorp recommends these issues regarding rail operations requires further consideration prior to moving to the next stage of the planning process.
12. RailCorp recognises the potential impacts of port expansion and the subsequent increase in freight traffic which may occur as part of the Port Kembla Outer Harbour Development. As stated in the Environmental Assessment, RailCorp insists on further consultation should any extra need for freight transport by rail be required. This includes access to train paths and any further issues related to the current rail operating patterns. RailCorp also requires further consultation regarding the preparation of the Rail Masterplan as referred to in the Environmental Assessment.
13. The proponent has selected the medium growth rates for bulk and container freight for analysis. However if high growth actually eventuates this could have significant impacts.
14. The modal split assessment is based on conservative figures and not on worst case scenario for RailCorp.
15. Train lengths have been estimated to be 749 meters, is this a certain?
16. Transport of container freight assessment needs further assessment/analysis as no infrastructure is in place to accommodate container freight movement and with an expected modal split of 90% rail and 10% road.
17. The EA is short on design and modeling to determine the best design of infrastructure to provided efficient movements of freight.
18. RailCorp consultation will be required prior to finalization of the stages 2 &3 project application.



# RailCorp

19. The EA makes reference of the use of fill from White Bay as part of the Light Rail (this is an error as this is related to the Metro proposal). However, given the recent Government announcement not pursue the metro proposal at this stage and to extend the light rail from Lilyfield to Dulwich Hill, the proponent will need to address this matter in their Submissions Report (i.e. how will they use this corridor when light rail is in operation and no spoil from White Bay as part of Metro).

If you have any further questions on Stabling & Fleet please contact Colin Hunter on 8922 1004 or email [colin.hunter@railcorp.nsw.gov.au](mailto:colin.hunter@railcorp.nsw.gov.au) or for other matters, please don't hesitate to call me.

Yours sincerely,

*per* Jim Tsirimiagos  
Manager, Land Use & Planning  
RailCorp Property

Our Ref: 497DA429 (09/1418)  
Contact: Chris Millet (4221 2570)  
Your Ref: S08/00337-1



7 MAY 2010

Rebecca Newman  
Infrastructure Projects  
Department of Planning  
GPO Box 39  
SYDNEY 2001

**WOLLONGONG CITY COUNCIL – MAJOR PROJECT APPLICATION MP08\_0249 –  
FORESHORE ROAD, PORT KEMBLA OUTER HARBOUR DEVELOPMENT, PORT  
KEMBLA**

Dear Madam

Reference is made to your letter dated 5 October 2009 regarding the subject major project application forward to the RTA for consideration.

The RTA has reviewed the information provided and notes the predicted traffic volumes outlined in Table 4.4 of Traffic and Transport Report (Appendix I of Environmental Assessment). That is:

- Bulk Trade: 2.2125 mtpa by road;
- General Cargo: 1.6 mtpa by road; and
- Containers: 120,000 TEU (twenty foot equivalent units) by road.

These annual rates are for full development of the Outer Harbour as proposed in the concept plan application. The annual rates equate to a total 84 two way peak hour movements by road, 76% of which are heavy vehicle movements.

The RTA has considered the impact of these predicted traffic volumes. Whilst these volumes are unlikely to have a significant impact on the surrounding State road network, they rely on a number of assumptions. In particular, they rely significantly on a high rate of transportation via rail. Whilst the RTA strongly supports the use of rail, the RTA has concerns that if the predicted rail mode share cannot be achieved, the impact to the road network would be considerably more. In this regard, given the high percentage of heavy vehicles that would be associated with the road transportation of goods from the Outer Harbour, departing from predicted traffic volumes is likely to lead to unacceptable impacts to road safety and traffic efficiency as well as environmental issues such as amenity, noise and air quality.

Based on the above, the RTA does not support the proposal in its current form. However, the RTA would reconsider its position if annual transportation of goods from the proposed Outer Harbour were restricted by the conditions of approval to the levels shown in Table 4.4 of the Traffic and Transport Report. To demonstrate compliance with such restrictions, the RTA would expect an annual report to

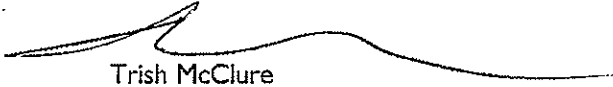
Roads and Traffic Authority



be sent to the RTA detailing the annual transportation by road for the three types of product described above.

The RTA will reconsider the application once the above issues are addressed. If you require any clarification regarding the above please contact Chris Millet on 4221 2570.

Yours faithfully



Trish McClure  
Manager, Road Safety and Traffic Management  
Southern Operations and Engineering Services



# → WOLLONGONG CITY COUNCIL | WORKING WITH YOU

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013

Infrastructure Projects  
 NSW Department of Planning  
 GPO Box 39  
 SYDNEY NSW 2001  
 Attn: Rebecca Newman

**APPLICATION****MP-2008/249**

Date

7 May 2010

Dear Madam

## **MP 08\_0249 - Port Kembla Outer Harbour Development Exhibition of Environmental Assessment**

**Development**

Development of the Outer Harbour of Port Kembla comprising of: 42 hectares of land reclamation and associated dredging; shipping berths and freight terminals (container, dry bulk and multi-purpose); storage and truck loading facilities; and road and rail infrastructure.

**Location**

Lot 1 Christy Drive, PORT KEMBLA NSW 2505, Lot 101 Christy Drive, PORT KEMBLA NSW 2505

I write in reference to the above Part 3A Major Project Application which is currently on exhibition. Council would like to thank you for providing the opportunity to comment on the proposal. The proposal is supported in principle as it brings with it a host of social and economic benefits for the Illawarra region.

The proposal has been considered by officers from various divisions of Council and the following comments have been provided for your consideration in the assessment of the proposal:-

### **1. Traffic & Transport**

The electronic copies of the intersection analysis are to be submitted to the RTA for assessment including the AM and PM peaks for all models and key intersections along the routes proposed. The intersection analysis will show impacts at the intersections modelled, however it will not show re-routing of passenger vehicles to avoid congestion at key intersections which is expected to occur and the overall economic impacts of this on the network.

There will come a time when intersections and carriageways reach capacity and as a result re-routing will occur and impact on the local network capacity and amenity. Council is concerned that the network capacity may be accelerated as a result of this proposal. The Traffic and Transport component of the Environmental Assessment states that improvements 'may' be required as a result of this proposal. It is recommended that these improvements be identified and a commitment from the applicant to complete these works be obtained prior to any consent being issued. Alternatively this may be conditioned on a consent. The works required to be completed as a result of a development should be completed by the applicant and not by a public authority with public money.

Further, Council shares the concerns of Neighbourhood Forum 5 in relation to the adequacy of existing road and rail infrastructure to support the proposed Harbour expansion. It is in the interests of the public to ensure that sufficient infrastructure is in place to support the Harbour prior to further expansion commencing. Specifically, reliance on road transport should be discouraged and greater use of rail

encouraged. Any increase in freight traffic from Port Kembla must be supported by the necessary improvements in road and rail infrastructure.

It is noted that the traffic modelling provided within the EA does not address traffic impacts on either Picton or Appin Roads, including potential road safety impacts. This must be given further consideration by the applicant and the Department prior to consent being granted.

**Recommendation:**

It is recommended that proposed/required improvements are identified and a commitment from the applicant to complete these works is obtained prior to any consent issued or alternatively conditioned on a consent. The works required to be completed as a result of a development should be completed by the applicant and not by a public authority with public money.

Where possible, Council would encourage reclamation material be transported to the site by either barge or rail to reduce truck movements on the local and regional road networks.

Further modelling is required to ensure that any westerly movement of goods from the Harbour will not have adverse cumulative impacts on Appin or Picton Roads, including impacts on road safety.

## **2. Crime Prevention Through Environmental Design**

The Department should undertake a 'Safer by Design' assessment of the proposal. Council's Safer Community Action Team (SCAT) has reviewed the proposal and has commented that there are a number of potential unsafe areas within the development site and security is a major concern given that there will be no natural surveillance of the site.

**Recommendation:**

That conditions be imposed in relation to the following matters:-

- Provision of security fencing to the whole area;
- Implementation of security systems and employment of guards;
- Implementation of CCTV;
- Provision of high standard lighting; and
- Provision of barriers towards open water.

## **3. Environmental Impacts**

Council's Environment Division has reviewed the Environmental Assessment and has provided the following comments for the Department's consideration:-

**Water Pollution**

The EA states that the potential source of land reclamation fill will be locally available uncrushed blast furnace slag (BSF & BOS) and coal wash. The use of BSF and BOS for fill may potentially result in water pollution at least in the short term resulting in:-

- Turbidity;
- High alkalinity caused by emplacement of BSF & BOS;
- High sulphide concentration and H<sub>2</sub>S smell related to the emplacement slag;
- Large quantity of calcium hydroxide discharge, caused by slag reaction with marine water;
- Possibility of acid sulfate soil impacted from dredged sediments; and
- Increased discharge of contaminated groundwater from Port Kembla Copper Site into the inner and outer harbour especially soluble zinc, copper and cadmium.

**Recommendation:**

The Landcom Guidelines do not address the above stated impacts and it is recommended that the applicant provide a Site Environmental Management Plan which addresses all of the above impacts to minimise potential water pollution.

**Flora & Fauna Impacts**

The Flora and Fauna Assessment report on page 54 states:

*The study area does not provide shelter, breeding areas or habitat for most of the species which are potentially found in the area....*

This statement may be inaccurate, as an Eastern Quoll has been recorded within the proposed development area. This species may find appropriate forage and shelter within drainage lines, especially those used by Green & Golden Bell Frog (GGBF).

There are also records of Sooty Oystercatcher within the proposed development area. It is likely that suitable foraging area is available along the shoreline for this species.

Migratory bird species which have been recorded within the proposed development area include Black-tailed Godwit, Black-necked Stork, White Tern, Little Tern and Little Shearwater. Individuals of these species may occasionally rest or forage along the shoreline.

Dugong and Australian Fur-seal have also been recorded in the Outer Harbour and *Syngnathiformes* are known to occur within kelp beds in the harbour. All species of the *Syngnathiformes* families are protected under the NSW Fisheries Management Act 1994.

#### Recommendations:

- Further studies be requested from the applicant to assess the likely impact on fauna species that may utilise the site for resting, shelter or foraging; and
- Preparation and submission of a GGBF Management Plan (page 55 Environmental Assessment) for both the construction and operational stages of the proposed project.

#### **4. Landscaping Works**

Council's Landscape Section has reviewed the proposal and considers it to be satisfactory subject to conditions.

#### Recommendation:

That conditions be imposed in relation to the following matters :-

- The proposed road construction necessitates the installation of street tree planting at 10m centres for the length of the road. Council requires the planting of *Cupaniopsis anacardioides* and *Araucaria heterophylla*;
- It is suggested street tree planting to the New Link Road, species *Cupaniopsis anacardioides* and *Araucaria heterophylla* size 45 litre at 10m centres be provided as part of the road construction; and
- Tree pits must be adequately established with mulching, soil improved with fertilizer and water retention conditioners, planting and staking installed to the satisfaction of WCC Manager City Works. Contact Dial-Before-You-Dig and undertake any necessary pot holing to determine the location of existing services before excavating tree pits.

#### **5. Civil Design, Stormwater and Flooding**

This proposal has been reviewed with respect to civil design, stormwater and flooding and is satisfactory subject to conditions.

#### Recommendations:

The following items should be included in the applicant's Statement of Commitments or should be otherwise addressed by conditions of consent:-

- A detailed civil road design for the proposed access road(s) in accordance with Austroads design standards and Wollongong City Council's Subdivision Policy for road construction.
- A consultation period with the RTA and Wollongong City Council prior to undertaking any works within the public road reserve. The purpose of the consultation is to discuss any relevant issues such as the schedule of inspections, the need for a road occupation or opening permit and the provision of traffic control plans as part of the works.



## 6. Environmental Heritage

The proposal relates to a substantial area of the Outer Harbour, which forms a significant part of the history of the locality.

### Recommendations:

If approved, it is recommended that the following conditions be imposed:-

- Archival and photographic recording of the affected area should be carried out, to record the shoreline, the layout, location and construction of harbour structures. This would contribute to a public record of the historical development of the harbour area over time; and
- Suitable conditions should be included if consent is granted to ensure the recording and protection of potential archaeological relics, particularly in the vicinity of Red Beach and where previous structures were located.

## 7. Visual Amenity – Shipping Container Storage Facilities

Council's City Planning Division has reviewed the Environmental Assessment and notes the western facility will accommodate a large container terminal area. Containers will be stacked 8 high posing a visual impact from residential and public areas to the south and west of the Outer Harbour.

To manage these potential visual impacts in industrial areas, Council's Development Control Plan Vol. 1. Part B5.10 *Shipping Container Storage Facilities* section lists the following objectives:

- To ensure that the storage of shipping containers does not cause any adverse visual impact upon the streetscape or amenity of the surrounding locality.*
- To ensure the storage of shipping containers is restricted to specific designated storage areas only within a site and that the storage areas are well screened from view from any road frontage or any abutting or nearby residential area.*
- To ensure all semi-trailer trucks and trailers carrying shipping containers are contained wholly within the confines of the subject site and not on any public road.*

A summary of visual impacts based on viewing locations (presented under item 23.4.3 of the Environmental Assessment) from the local area is discussed. It is considered views from residential areas to the south and west of the Outer Harbour would likely have glimpses of cranes and ships during the operational phases of the Concept Plan and Major Project. This would be viewed in the context of existing port and industrial development in the foreground and/or background.

However to satisfy the above objectives, it is recommended an appropriate condition be imposed to ensure these potential impacts are mitigated.

### Recommendation:

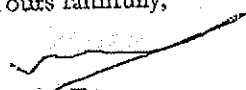
Ensure the proposed Landscape Management Plan noted under proposed Mitigation Measures (item 23.5) incorporate suitable screening of the storage areas viewed from any road frontage or residential area to the south and west of the Outer Harbour.

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Again I would like to thank the Department for providing Council with the opportunity to review and supply comments on the proposed Outer Harbour expansion. The Department's consideration of these issues during the assessment of this Project would be appreciated. If any additional information is supplied by the applicant, Council would appreciate the opportunity to review such information.

Should you require any clarification of the above matters please contact Theresa Whittaker of Council's City Planning Division on (02) 4227 7481.

Yours faithfully,



**David Farmer**  
General Manager  
Wollongong City Council  
Direct Line (02) 4227 7010



**Port Kembla Outer Harbour Development**  
**Construction and Operation of Terminals and Berths, Dredging and Reclamation**

**Submission re Application Number: MP 08-0249**

Seventeen years ago, the Wollongong Transport Coalition (WTC) was formed by local people with the aim of responding to a Commission of Inquiry that examined the impact of the then proposed expansion of the Port Kembla Coal Terminal (PKCT). The expansion was conditionally approved, whilst maintaining a curfew on night, weekend and public holiday export coal truck movements along with the reservation of the transport of coal from some mines to rail. A Commission of Inquiry noted the desirability of the provision of noise walls adjacent to houses near the Mt Ousley Road and these were actually installed in the mid 1990s.

WTC was reactivated in the light of the 2008 formal PKCT proposal for more coal trucks with night operations before the NSW Department of Planning. This was at a time that Wollongong City Council was under Administration and car carriers were starting to arrive at Port Kembla, thus putting additional numbers of heavy trucks on local roads.

Despite numerous objections (over 100), and at least 10 calls for a new Commission of Inquiry to be held to examine the PKCT proposals, the Minister for Planning in 2009 declined to hold public hearings lifted the long standing curfew on night export coal truck movements. In addition, conditional approval was given for road haulage of coal to the PKCT to be lifted from a high level of about 5 million tonnes per annum (mtpa) to 7.5 mtpa and then to as much as a 10 mtpa.

In 2010, Port Kembla Port Corporation (PKPC) has formally proposed additional portside and landside facilities to attract new trades, as well as increasing the volume of existing cargoes. To this end, PKPC has engaged consultants to prepare a large Environmental Assessment (EA) and is seeking concurrent Concept Plan Approval and Major Project Approval from the Minister for Planning for the stage 1 of a three stage development.

The present constraints on Wollongong-Sydney rail and road connections are well known to local residents. For example, passenger train services are limited in number compared with Sydney to Gosford and are slow. The rail and road connections between Wollongong and Sydney are already congested at peak hours. The Picton Road and the Appin Road are dangerous.

The 2007 Sydney-Wollongong AusLink corridor strategy recognized severe constraints on rail and road links. This strategy looks out to 2030, but somehow the EA fails to notice this important and official strategy document. Can this omission be noted in the Submissions Report, and the Director-General's report ?

Since 2007, local people and also those who drive from Norwa to Sydney have had to cope with additional numbers of trucks resulting from the expansion in 2008 of the Inner Harbour to take car carriers and a 2009 approval that may result in a doubling of the numbers of coal trucks.

At the Port Kembla Port Corporation (PKPC) Community Forum held 20 April 2010 at Port Kembla, consultants for the applicant (PKPC) stated that from the point of view of RailCorp there were no further train paths available for freight trains on the existing Sydney-Wollongong railway, and it was proposed to use the Moss Vale Unanderra line for new cargo going into and out of Port Kembla.

Page 19.4 of Appendix I of the voluminous Environmental Assessment (EA) notes the limitations of rail capacity on the existing main line to Sydney, and suggests rerouting freight trains from Sydney via Moss Vale.

This would impose severe penalties on the economic provision of rail freight services; firstly by an excessive extra distance when compared with the existing line, and secondly the difficult nature of the Robertson-Unanderra track with its short crossing loops and its steep grades. Although it did not appear to be mentioned in the EA, safe working requires a maximum speed of 40km/h for most sections, with some sections further constrained to 20km/h operations.

These severe transit time and train load constraints in turn would lead to the choice of using road freight rather than rail freight; quite possibly in excess of claims of 50 per cent rail for bulk cargo, let alone the 65 per cent as noted in Table 19.2 page 19.6, Appendix 1.

The alternative is firm targets - much stronger than the 40 per cent of cargo going to and from Port Botany to go by rail, when rail has for years trying to reach 20 per cent. Or the promise that 20 per cent of car carriers going from Port Kembla would go by rail.

WTC would reiterate the points made at earlier Forums, including on August 2008, identifying critical infrastructure needs (including Maldon-Dombarton and the Picton Road and the Princes Highway, upgrading existing railway to Sydney plus the Princes Highway) and in August 2009 hosted by PKPC.

This 2009 forum noted the increasing potential for Port Kembla to service Western Sydney. This potential however requires much better rail and roads to avoid even more road congestion and increased numbers of road crashes. On the other hand, completion of the Maldon-Dombarton link would do much to enhance the potential for the growth of Port Kembla.

The EA totally fails to note the repeatedly expressed expressions of community concern about the state of the Picton Road, and the number of fatalities from road crashes. By way of example, the Illawarra Mercury has frequently drawn attention to the fact that since the year 2000, no fewer than 21 lives have been lost in road crashes on the Picton. This was noted in a front page and page 2 article on the Illawarra Mercury for 28 April 2010. One week later, the dangerous state of the Picton Road is noted on the front page of the Illawarra Mercury for 5 May 2010.

However, the dangerous nature of this road has been noted for years by the Illawarra Mercury and other local media, but it is downplayed in the EA.

In addition, the EA fails to adequately address cumulative impacts resulting from not only the trucks car carriers and extra coal trucks (there does not seem to be any modelling for either 7.5 million tonnes per annum (mtpa) or 10 mtpa of coal on road as conditional approved in 2009), or the ongoing population increase of Wollongong and Shellharbour (including a new large Calderwood subdivision) with more and more people commuting to Sydney.

A further point of concern is that the EA suggests that barge and rail may be used to move much of the material required for the proposed reclamation. However, the EA does not spell out the means that will ensure that using barge and rail will actually occur, as opposed to over-reliance on trucks operating over public roads.

The EA also tends to treat truck impacts as if one truck was just one vehicle. However, it is well known that trucks occupy more road space (a semitrailer has a factor of at least three and a B-Double at least four), are over-represented in fatal road crashes, and a heavy semitrailer causes at least 10,000 times the road wear and tear that a family car does. In addition, the EA is very light on external costs. It stands as a failure of the assessment process that applicants have not, to date, been required to address in detail such issues.

The possibility of completion of the Maldon-Dombarton rail link is noted in the EA along with the 2009 prefeasibility study and the current feasibility study now underway. However, this feasibility study is not due until mid 2011.

WTC is supportive of the concept of developing seaports to serve their hinterland when the port is supported by good rail and road infrastructure. However, this is not the case with Port Kembla at the present time.

Given these severe constraints on rail and road infrastructure serving Port Kembla and in the absence of plans to upgrade the existing railway or complete the Maldon Dombarton railway, WTC has no option but to object to the present proposals to further expand Port Kembla.

WTC submits that in the absence of any commitment to complete the Maldon-Dombarton link, and given the severe constraints on the existing rail and road networks, that both the Concept and the Stage I application should, if not withdrawn by the proponent, be refused by the Department of Planning.

At the very least, assessment of the current proposals should be put on hold for 18 months, until the current Maldon-Dombarton feasibility study results are released, and the EA revised to incorporate the results of the feasibility study, and the comments made in the various submissions to the EA.

In addition, proposals for further expansion of Port Kembla require that all relevant issues are properly examined and that a Commission of Inquiry with public hearings is held. This goes further than the process adopted by the Department of Planning in 2009 in determining the application for the PKCT.