

Port Kembla Bitumen Import and Dispatch Facility

Scoping Report

Simosa Oil Pty. Ltd

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Contents

| | | |
|----------|---|-----------|
| 1 | Introduction | 1 |
| 1.1 | Overview | 1 |
| 1.2 | Project background..... | 1 |
| 1.3 | Justification and need..... | 1 |
| 1.4 | Purpose of this document..... | 1 |
| 2 | Subject Site | 3 |
| 2.1 | Local context | 3 |
| 2.2 | Site details | 4 |
| 2.2.1 | Surrounding context | 5 |
| 3 | Project..... | 7 |
| 3.1 | Project description | 7 |
| 3.1.1 | Wharfline | 8 |
| 3.1.2 | Parking and vehicular access..... | 8 |
| 3.1.3 | Road tanker operations | 8 |
| 4 | Statutory context | 10 |
| 4.1 | Commonwealth..... | 10 |
| 4.1.1 | Environment Protection and Biodiversity Conservation Act 1999 | 10 |
| 4.2 | State | 10 |
| 4.2.1 | Environmental Planning and Assessment Act 1979 | 10 |
| 4.2.2 | Environmental Planning and Assessment Regulation 2000 | 12 |
| 4.2.3 | State Environmental Planning Policy (Three Ports) 2013 | 13 |
| 4.2.4 | Protection of the Environment Operations Act 1997 | 14 |
| 4.3 | Local | 14 |
| 4.3.1 | Wollongong Local Environmental Plan 2009 | 14 |
| 4.3.2 | Port Kembla Development Code | 14 |
| 4.4 | Other approvals | 14 |
| 4.4.1 | Port Kembla Outer Harbour Development Approval | 14 |
| 4.5 | Summary of statutory context..... | 15 |
| 5 | Engagement | 18 |
| 5.1 | Consultation undertaken..... | 18 |
| 5.2 | Consultation to be undertaken | 18 |
| 6 | Proposed assessment of impacts | 19 |
| 7 | References..... | 31 |

Appendices

Appendix A – Project Plans

Appendix B – Consistency with the Outer Harbour Concept Plan



Figures

| | |
|---|---|
| Figure 2-1 Site context | 3 |
| Figure 2-2 Project site (source Google Maps)..... | 5 |
| Figure 2-3 Surrounding land uses | 6 |
| Figure 3-1 Proposed facility layout plan | 7 |
| Figure 3-2 Proposed wharfline alignment..... | 8 |

Tables

| | |
|--|----|
| Table 1 Site details | 4 |
| Table 2 Summary of section 4.41 and 4.42 approvals | 10 |
| Table 3 Summary of statutory context..... | 15 |
| Table 4 Proposed assessment of impacts in the EIS..... | 20 |



1 Introduction

1.1 Overview

Simosa, a private company incorporated under the laws of Taiwan, Republic of China, is proposing to develop a bitumen import and dispatch facility (Project) located at Foreshore Road, Port Kembla, described as Lot 6 on DP1236743 and Lot 2 on DP1182823.

The Project is located in the suburb of Port Kembla, approximately 70 kilometres (km) south of the Sydney Central Business District (CBD) within the Illawarra region of New South Wales (NSW). The suburb of Port Kembla is approximately 3 km south of the Wollongong CBD and is wholly located within the City of Wollongong Local Government Area (LGA).

Simosa proposes to export approximately 100,000 tonnes (t) of bitumen (called C450 and C170) annually from their Taiwan production plants via tankers to berthing facilities located within the Outer Harbour of Port Kembla. The bitumen would then be transferred via an electrically heated pipeline to two bulk liquid storage tanks and dispatched to the market via the existing road network.

1.2 Project background

The proposal was previously determined to be Complying Development. A Complying Development Certificate (CDC) application was prepared for Wollongong City Council for the purpose of bulk storage liquid tanks.

An amendment was made to the State Environmental Planning Policy (Three Ports) 2013 (SEPP Three Ports) Clause 25(7) on 12 November 2021 prohibiting development within Port Kembla to be considered Complying Development and therefore the Project is now considered State Significant Development (SSD) as per Clause 27 of the SEPP (Three Ports). As such, the Project now requires an Environmental Impact Statement (EIS) to be prepared, with this Scoping Report being the request for the Secretary's Environmental Assessment Requirements (SEARs) to complete the EIS.

As the CDC application has been previously prepared, several specialist investigations have already been undertaken, including the hazard analysis and fire safety study. These assessments will be updated as required and are identified in Table 4.

1.3 Justification and need

Due to the growing demand for bitumen in the southern region, there is a need for a local supply source. The Project would contribute to meeting this demand. This will reduce the requirement for transport of the bitumen across large areas, therefore reducing truck journey lengths, associated costs as well as the environmental impact of transporting the bitumen. Currently, bitumen is transported primarily from Sydney to Wollongong for projects in the region. This creates congestion on the roads and greater chance of high impact crashes with heavy vehicles.

The Project would benefit infrastructure development in the area by creating a local bitumen source for projects within the region. The facility would be developed on a currently underutilised site, creating employment without affecting the amenity of the surrounding area and ensuring a secure source of bitumen for construction projects in the region.

1.4 Purpose of this document

Aurecon Australasia Pty Ltd (Aurecon) has prepared this Scoping Report on behalf of Simosa, as a request for the SEARs for the proposed Port Kembla Bitumen Import and Dispatch Facility, located at Lot 6



Foreshore Road, Port Kembla. The proposal is classed as State Significant Development (SSD) subject to Clause 27 of the SEPP (Three Ports).

On 16 December 2021, Simosa attended a pre-lodgement meeting with the Department of Planning, Industry and the Environment (DPIE) to discuss the requirements of this Scoping Report. It is considered that all matters raised during this meeting have been appropriately addressed within this report.



2 Subject Site

2.1 Local context

The Port Kembla area is recognised as the major industrial precinct within the Illawarra region, with the Port being a key driver of industrial development within the area and region. Port Kembla is the largest motor vehicle importation terminal in NSW, the principal grain export port for southern and south western NSW and facilitates the region's significant steel and mining industries.

Port Kembla operates across two precincts, the Inner Harbour and the Outer Harbour. The Project site is located within the Outer Harbour, in the south eastern extent of the Port. The Outer Harbour, is comprised of eastern extent of the Port Kembla Harbour, enclosed on the south and west by natural foreshore, and on the north and east by man-made breakwaters. Key features of the Outer Harbour and associated land include:

- Dry Bulk and Break Bulk Facilities consisting of berths 202, 203, 204 and 205
- Bulk liquids facilities consisting of Berth 201 and Berth 206
- Port Kembla Heritage Park located on the southern headland, directly south of the eastern breakwater
- A recreational boat harbour and boat ramp located adjacent to the eastern breakwater.

The site context is illustrated in Figure 2-1.

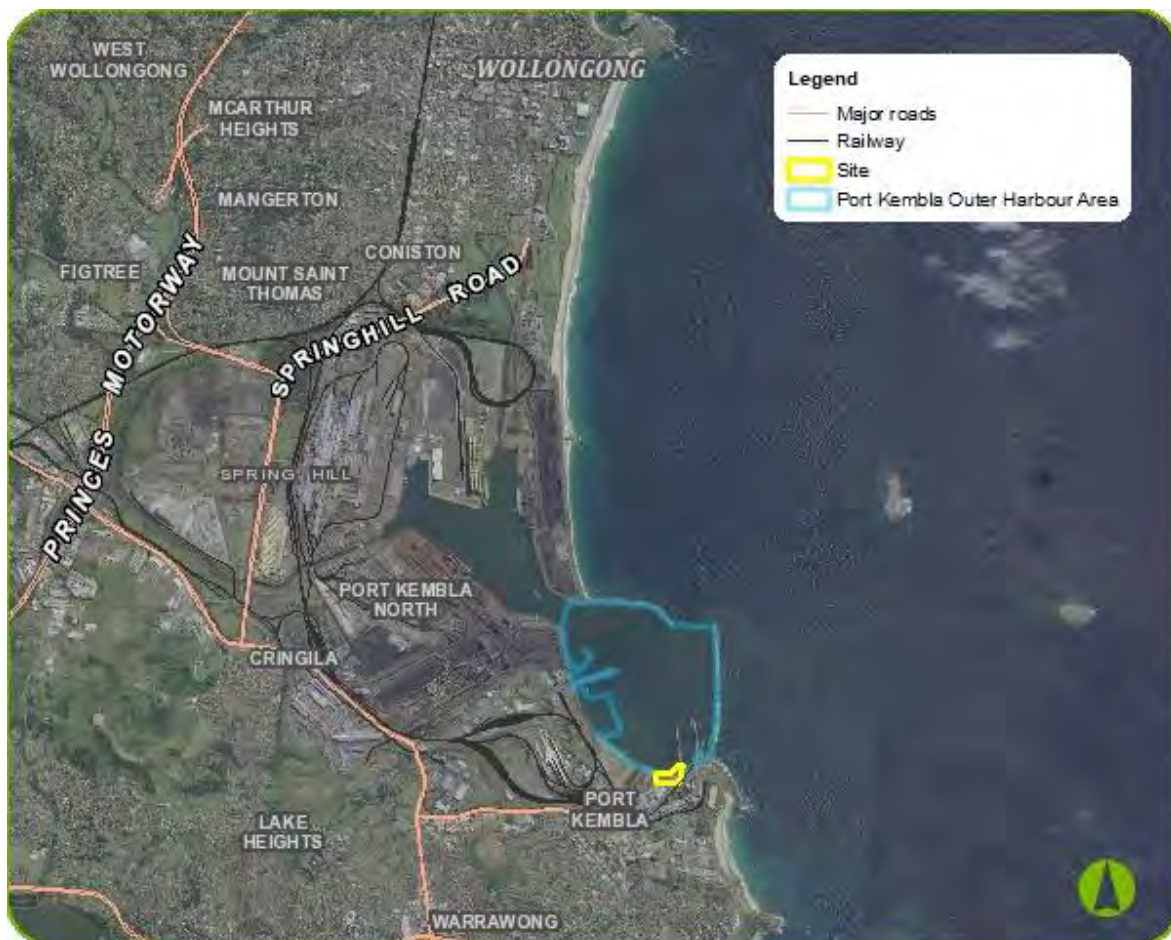


Figure 2-1 Site context



2.2 Site details

The proposed Project site, hereafter referred to as the 'site', is summarised in Table 1 and illustrated in Figure 2-2.

Table 1 Site details

| Item | Comment |
|-----------------------------------|--|
| Site identification | Foreshore Road, Port Kembla, NSW 2505 |
| Legal property description | Part of Lot 6 DP1236743 and Part of Lot 2 on DP1182823 |
| Landowner | Port Lessor |
| Approximate site area | 14,866 square metres (m ²) |
| Zoning | The site is zoned as SP1 – Special Activities under the SEPP (Three Ports) |
| Current land use | The site is currently undeveloped and contains a large stockpile of rock material in the western portion. The proposed wharfline will traverse predominantly undeveloped land adjacent to Port Kembla Outer Harbour to the north and storage facilities and Marine Rescue Port Kembla to the south. |
| Access | Access to the site is provided in the east from Foreshore Road. |
| Environment | The site has been predominantly cleared of vegetation with a limited number of small trees and shrubs located within the existing stockpile of rock material. No threatened ecological communities or threatened flora and fauna species have been identified during desktop assessments, which is likely due to the high level of alteration from the site's natural state. |
| Topography | The site is cleared and generally flat, with an average elevation of approximately 3 metres (m) Australian Height Datum (AHD). There is a gradual increase in elevation to the east of the site to 4 m AHD. A large stockpile is located within the western portion of the site and has not been surveyed. |
| Acid sulphate soils | The acid sulphate soils mapping identified the site as 'Low' probability of acid sulphate soils occurrence. |



Figure 2-2 Project site (source Google Maps)

2.2.1 Surrounding context

The land surrounding the site is characterised by cleared and undeveloped land, open space and recreation, industrial and bulk cargo uses. Land uses in proximity to the site also include:

- **North:** The Port Kembla Outer Harbour and Harbour entrance is located to the north of the site. Bulk liquids Berth 206 is located to the north east and Cement Australia is located to the north west.
- **East:** An access road to the former No. 3 Jetty is evident along the eastern boundary of the site. Port Kembla Outer Harbour Boat Ramp, Breakwater Battery Museum and Port Kembla Heritage Park are located further to the east.
- **South:** Foreshore Road runs immediately to the south of the site. The Morgan Cement International Pty Ltd cement grinding facility is located on the opposite side of Foreshore Road to the south. The closest residential dwellings to the site are located approximately 800 m to the south.
- **West:** The land immediately to the west of the site is undeveloped and contains a large stockpile of rock material. Further west, the land is comprised of railway infrastructure and industrial land uses.

Land uses in proximity to the site are illustrated in Figure 2-3.



Figure 2-3 Surrounding land uses

3 Project

3.1 Project description

The Project proposes to develop a bitumen import and dispatch facility with a maximum annual throughput of approximately 100,000 t.

The proposed facility will transfer bitumen from ships docked at Berth 206, located immediately to the north east, through an electrically heated pipeline which connects into the north eastern corner of the site. Once at the site, the bitumen will be stored, blended and loaded onto road tankers.

Key elements of the Project include:

- Two bulk 10,000 cubic metre (m³) tanks with a height of 20 m located in the north eastern portion of the site
- Two 750 m³ gross day tanks with a height of 18 m located to the south of the bulk tanks
- A two storey site control office located adjacent to Foreshore Road of approximately 7 m height and 220 m² gross floor area
- A single compound containing oil heater shed, transfer pumps, hot oil pumps and gantry pumps
- A wharf truck garage
- Intermediate bund walls with a height of 1 m separating the bulk storage tanks, day tanks and oil heater shed, transfer pumps, hot oil pumps and gantry pumps
- A 5.5 m wide access road around the compound providing access to Foreshore Road
- A 5 m landscaped area along the site's boundary with Foreshore Road
- Perimeter fencing and landscaping along the Foreshore Road frontage.

The proposed facility layout is illustrated Figure 3-1 and project plans are provided in Appendix A – Project Plans.

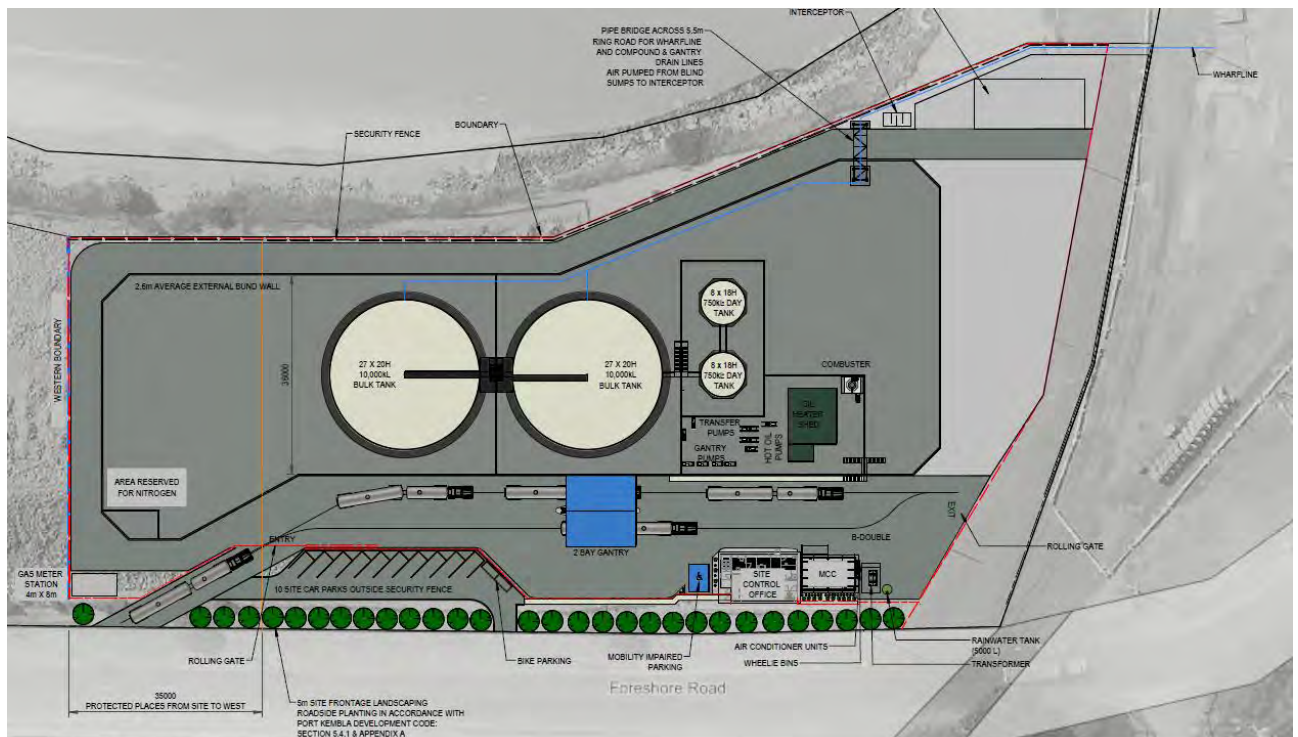


Figure 3-1 Proposed facility layout plan

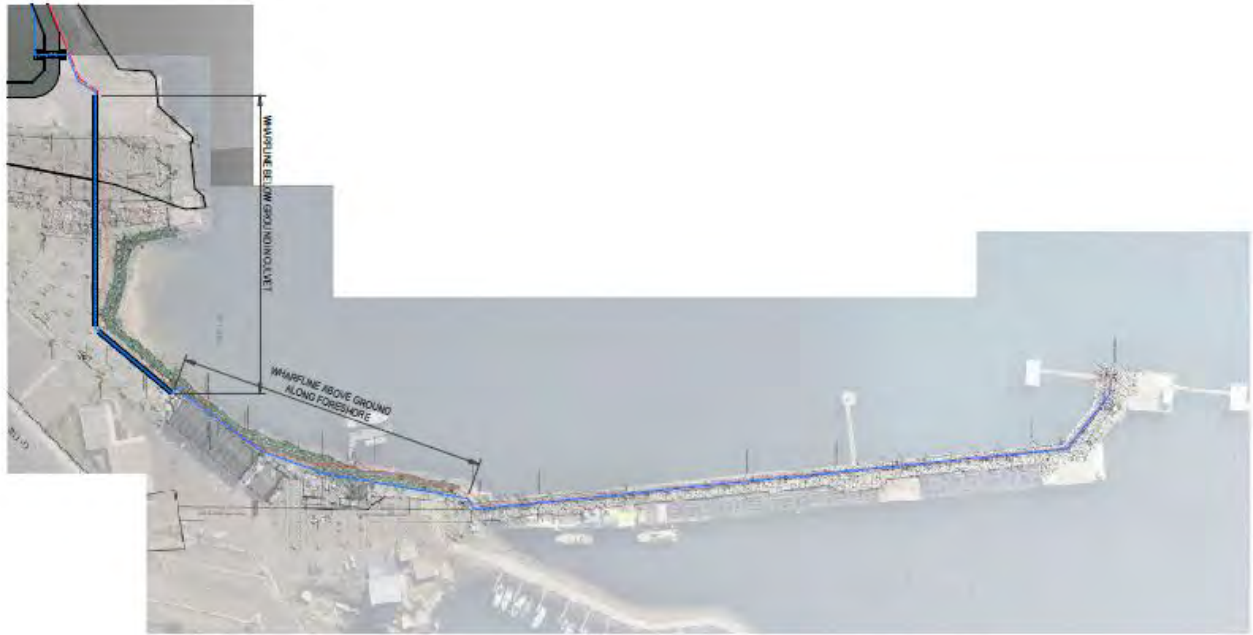


Figure 3-2 Proposed wharfline alignment

3.1.1 Wharfline

The facility will receive product via a DN250 insulated and electrically heat traced wharfline from Berth 206 as illustrated in Figure 3-2. The ship discharge rate is assumed to be 500 t per hour at a temperature of between 140°C and 150°C. The two grades of bitumen imported via the wharfline will be C450 and C170.

Following the import transfer, the wharf hose will be purged with compressed air to clear the line of bitumen. The wharfline will rest on cold bitumen following a ship discharge as confirmed with the Port Authority.

The wharfline will run above ground from the berth along the foreshore. The line will transition to a below ground culvert from downstream of the Yacht Club building to the facility boundary. The supply line terminates at the DN250 product receipt manifold. Two DN250 lines branch off the product receipt manifold via new double block and bleed valves, one to each bulk storage tank.

Emergency shut-down (ESD) switches will be located at the office which will activate a sounder and beacon system at the wharf line manifold. The wharfline will have to be manually isolated at the wharf with the activation of an ESD. The berth will be manned while transferring product to the terminal.

3.1.2 Parking and vehicular access

Vehicular access is proposed from Foreshore Road via a driveway located in the south western corner of the site. Road tankers will exit the site to Foreshore Road via a driveway located in the eastern corner. A separate egress to Foreshore Road is proposed to accommodate staff and visitor vehicles, minimising the risk of vehicular conflict.

Staff and visitor car parking is proposed adjacent to Foreshore Road in the south of the site and seeks to accommodate 10 vehicles, including one mobility impaired space.

3.1.3 Road tanker operations

Road tankers will enter the site via the access-controlled entry gate from Foreshore Road. The road tanker will then proceed via the road tanker driveway to an available loading bay within the gantry. The gantry will be able to accommodate two trucks and consist of top loading, a roof and tanker pad containment for a spill event.



The tanker loading gantry will be designed in accordance with AS1940 and will be controlled via a computerised loading system. All loading operations will be monitored from the control room by closed circuit television. Each loading bay will incorporate a “dead-man” switch that requires regular acknowledgement by the driver, otherwise loading operations will cease.

The gantry will have an ESD switch at both the entrance and exit which will shut down all tanker unloading operations if triggered.

Once the facility has been constructed, road tanker operations will be carried out 24 hours per day, seven days per week.



4 Statutory context

4.1 Commonwealth

4.1.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is the relevant Commonwealth environment and heritage legislation applicable to matters of national environmental significance (MNES). The EPBC Act requires approval from the Department of Agricultural, Water and Environment (DAWE) for any action that has, will have or is likely to have a significant impact on the eight listed MNES, which are:

- World Heritage properties
- National Heritage places
- Wetlands of international importance
- Threatened species and ecological communities
- Migratory species
- Commonwealth marine or land areas
- The Great Barrier Reef Marine Park
- Nuclear actions (including uranium mining).

The location of the site is not within a World Heritage site, a National Heritage place, a wetland or a Commonwealth marine or land area. The site is an existing industrial premise and has been subject to extensive earthworks limiting the potential for Aboriginal heritage items to be found during works. As such, a referral to the DAWE under the EPBC Act is not required for the Project.

4.2 State

4.2.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the legislative framework for the assessment and determination of the development. Section 4.36 of the EP&A Act identifies SSD, which due to their size or level of impact are potentially of State significance. Subject to Section 4.36(2): "A State environmental planning policy may declare any development, or any class or description of development, to be State significant development".

The Project is defined as SSD as it meets the requirements of the SEPP (Three Ports), Clause 27, as discussed in Section 4.2.3 of this report. Section 4.12(8) of the EP&A Act requires an SSD application to be accompanied by an EIS for approval by the Minister.

Division 4.7 of the EP&A Act outlines relevant assessment requirements. Section 4.41 outlines approvals that do not apply to SSD and section 4.42 outlines approvals that cannot be refused where required to complete the SSD. Table 2 outlines the approvals listed under these sections of the EP&A Act and their relevance to the Project.

Table 2 Summary of section 4.41 and 4.42 approvals

| Approval | Relevance |
|--------------|-----------|
| Section 4.41 | |



| Approval | Relevance |
|--|---|
| a permit under section 201, 205 or 219 of the Fisheries Management Act 1994 | Not applicable The proposal does not involve work within a marine environment. |
| an approval under Part 4, or an excavation permit under section 139, of the Heritage Act 1977 | Not applicable No heritage items have been identified at the proposal site. |
| an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974 | Not applicable No heritage items have been identified at the proposal site. |
| a bush fire safety authority under section 100B of the Rural Fires Act 1997 | Not applicable The proposal site is not located on bushfire prone land. |
| a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the Water Management Act 2000 | Applicable The proposal site is defined as controlled activity and located on waterfront land, therefore would require a section 91 approval. |
| Section 4.42 | |
| an aquaculture permit under section 144 of the Fisheries Management Act 1994, | Not applicable An aquaculture facility is not proposed. |
| an approval under section 15 of the Mine Subsidence Compensation Act 1961 | Not applicable There are no mining activities proposed. |
| a mining lease under the Mining Act 1992 | Not applicable There are no mining activities proposed. |
| a production lease under the Petroleum (Onshore) Act 1991 | Not applicable There are no petroleum activities proposed. |
| an environment protection licence under Chapter 3 of the Protection of the Environment Operations Act 1997 (for any of the purposes referred to in section 43 of that Act) | Applicable An environmental protection licence will be required. |
| a consent under section 138 of the Roads Act 1993 | Applicable A section 138 approval will be required from Wollongong City Council. |



| Approval | Relevance |
|--|---|
| a licence under the Pipelines Act 1967 | <p>Not applicable</p> <p>In accordance section 5, clause 1 (e) of the <i>Pipelines Act 1967</i>, a licence is not required for a,</p> <p><i>a pipeline of the prescribed class, constructed or to be constructed for the conveyance of dangerous goods within the meaning of the Dangerous Goods (Road and Rail Transport) Act 2008.</i></p> <p>Section 5, subclause 7 defines a 'pipeline of the prescribed class' as a pipeline of a length less than 10 kms. The proposed pipeline will be less than 10 kms in length and as such a pipeline licence under the <i>Pipelines Act 1967</i> is not required.</p> |

4.2.2 Environmental Planning and Assessment Regulation 2000

Designated Development is defined in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg). Under this schedule, 'Chemical Storage Facilities' and 'Shipping facilities' is identified as designated development where exceeding the thresholds identified below.

Chemical Storage Facilities:

(a) that store or package chemical substances in containers, bulk storage facilities, stockpiles or dumps with a total storage capacity in excess of—

- (i) 20 tonnes of pressurised gas, or
- (ii) 200 tonnes of liquefied gases, or
- (iii) 2,000 tonnes of any chemical substances, or

(b) that are located—

- (i) within 40 metres of a natural waterbody or wetland, or
- (ii) in an area of high water table or highly permeable soil, or
- (iii) in a drinking water catchment, or
- (iv) on a floodplain.

Shipping Facilities:

Wharves or wharf-side facilities at which cargo is loaded onto vessels, or unloaded from vessels, or temporarily stored, at a rate of more than –

- (a) 150 tonnes per day, or 5,000 tonnes per year, for facilities handling goods classified in the *Australian Dangerous Goods Code*, or
- (b) 500 tonnes per day or 50,000 tonnes per year

The Project is determined to constitute Designated Development in accordance with Schedule 3 of the EP&A Reg as:

- The total storage capacity of the facility would be approximately 20,000 tonnes of chemical material
- The subject site is located adjacent to the Port Kembla Outer Harbour
- The facility will have an annual throughput of approximately 100,000 t per year.

Given the above, it is determined that the Project would be classified as Designated Development in accordance with Part 4 of the EP&A Act.



4.2.3 State Environmental Planning Policy (Three Ports) 2013

The SEPP (Three Ports) is the principle EPP that sets out the land use and planning assessment framework for development at Port Kembla.

Part 1, clause 10 of the SEPP (Three Ports) defines the requirements for development to consider impacts on any existing agreements, covenants or other similar instruments. The proposed facility and associated pipeline infrastructure will not contravene the existing covenants in proximity to the site. The Project site is located within land zoned SP1 Special Activities. As per the SEPP (Three Ports), the objectives of this zone are:

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
- To maximise the use of waterfront areas to accommodate port facilities and industrial, maritime industrial, freight and bulk storage premises that benefit from being located close to port facilities.
- To enable the efficient movement and operation of commercial shipping and to provide for the efficient handling and distribution of freight from port areas through the provision of transport infrastructure.
- To provide for port related facilities and development that support the operations of Port Botany, Port Kembla and the Port of Newcastle.
- To facilitate development that by its nature or scale requires separation from residential areas and other sensitive land uses.
- To encourage employment opportunities.

The Project meets all of the above objectives.

Land use

Part 2 of the SEPP (Three Ports) outlines permitted or prohibited development for each land use zone. The Project is defined as “port facilities” under the SEPP (Three Ports). This is defined as:

facilities on land in the Lease Area used in connection with the carrying of freight and persons by water from one port to another for business or commercial purposes, and includes any of the following—

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,*
- (b) facilities for the loading or unloading of freight onto or from vessels and freight receipt, processing, land transport and storage facilities,*
- (c) wharves for commercial fishing operations,*
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,*
- (e) sea walls or training walls,*
- (f) administration and port operations buildings and facilities,*
- (g) communication, security and safety facilities,*
- (h) utilities and services, road and rail infrastructure, pipelines and car parks.*

Development for this purpose is identified as being “permitted with consent” within the SP1 Special Activities Zone.

State Significant Development

Part 4, clause 27 of the SEPP outlines the criteria for development to be classified as SSD as follows:

- (1) Development is declared to be State significant development for the purposes of the Act if—*



- (a) it is carried out on land within the Lease Area or on unzoned land under this Policy, and*
- (b) it is, by operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and*
- (c) it has a capital investment value of more than \$100 million or it is designated development (other than development specified in clause 28 (c) or 30 (shipping facilities) of Schedule 3 to the Environmental Planning and Assessment Regulation 2000)*

The Project is consistent with all of the above criteria, therefore is determined to be classified as SSD and requires an EIS to be prepared in accordance with the EP&A Act.

4.2.4 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) establishes the NSW environmental regulatory framework and includes a licensing requirement for undertaking certain activities. The POEO Act is administered by the Environment Protection Authority (EPA).

Schedule 1 of the POEO Act identifies activities which require an environmental protection licence. It is likely that the Project will require a licence under Schedule 1 of the POEO Act for Chemical Storage and Petroleum Products Storage. As part of this application process, Simosa will be required to address potential air quality, odour, water quality, noise and vibration, traffic and transport, and waste management issues.

4.3 Local

4.3.1 Wollongong Local Environmental Plan 2009

The Wollongong Local Environmental Plan (WLEP) 2009 applies to the majority of the Wollongong LGA. However, it does not apply to the land associated with Port Kembla as the land is subject to the controls contained within the Three Ports SEPP. Consequently, the provisions of the WLEP do not apply.

4.3.2 Port Kembla Development Code

The Port Kembla Development Code (Development Code) provides the design and operational requirements for all new development at Port Kembla. The design and siting of the Project has been undertaken in accordance with the provisions of the Development Code and as such is considered to comply with the Development Code. A detailed assessment of the Project against the Development Code will be provided as part of the EIS.

4.4 Other approvals

4.4.1 Port Kembla Outer Harbour Development Approval

In 2011, the then Minister approved a project application for the Outer Harbour Development, which includes the majority of the dredging and reclamation activities, as well as the construction and operation of a new multi-purpose terminal. The Project would be located within this approval area and must be consistent with the concept plan.

Appendix B summarises the conditions and requirements relevant to assessing the Project's consistency with the Outer Harbour Concept Plan. The assessment provided confirms that the Project is considered to be consistent with the terms of the Outer Harbour Concept Plan as the proposal complies with the:

- Opinion Letter, as the Project involves a bulk liquid storage facility for bitumen which has the potential to be defined as a terminal (referenced as a future land use within the Opinion Letter)



- Outer Harbour Concept Plan, as the Project will not restrict the future delivery of infrastructure or staging (i.e. land reclamation, berthing facilities) proposed as part of the Outer Concept Harbour Plan and associated Environmental Assessment Report, and Revised Submissions Report, submitted as part of the Major Project Application
- Future development (i.e. bulk liquid storage tanks) considered within the Environmental Assessment and Revised Submissions Report, submitted as part of the Major Project Application.

4.5 Summary of statutory context

The legislative and environmental planning instruments determined to be relevant to the Project are summarised in Table 3.

Table 3 Summary of statutory context

| Approval | Relevance |
|--|--|
| Legislation | |
| <i>Environmental Planning and Assessment Act 1979</i> | Applicable The Project is subject to assessment under this legislation. |
| <i>Environmental Planning and Assessment Regulation 2000</i> | Applicable The Project is subject to assessment under this legislation. |
| <i>Coastal Management Act 2016</i> | Applicable The Project site is located within the Coastal Use and Coastal Environmental area under this act. Consideration is therefore determined to be required for the purpose of part 2 of the act. |
| <i>Biodiversity Conservation Act 2016</i> | Applicable As the site does not contain significant vegetation, it is not considered that there would be any potential for threatened flora or fauna to be located on the site. Therefore, it is determined that the Project would seek a waiver to biodiversity assessment under this act, as: <ul style="list-style-type: none">■ The site would be classified as a brownfield site; and■ Minimal scattered vegetation requires removal for the purpose of the Project. |
| <i>Protection of the Environment Operations Act 1997</i> | Applicable As the Project will have scheduled activities an environmental protection licence is required under this act. |
| <i>Water Management Act 2000</i> | Applicable The proposal site is defined as a controlled activity and located on waterfront land, therefore would require a section 91 approval. |
| <i>Mining Act 1992</i> | Not applicable No mining activities are proposed. |



| Approval | Relevance |
|--|---|
| <i>Petroleum (Onshore) Act 1991</i> | Not applicable No petroleum activities are proposed. |
| <i>Pipelines Act 1967</i> | Not applicable In accordance section 5, clause 1 (e) of the <i>Pipelines Act 1967</i> , a licence is not required for a, <i>a pipeline of the prescribed class, constructed or to be constructed for the conveyance of dangerous goods within the meaning of the Dangerous Goods (Road and Rail Transport) Act 2008.</i> Section 5, subclause 7 defines a 'pipeline of the prescribed class' as a pipeline of a length less than 10 kms. The proposed pipeline will be less than 10 kms in length and as such a pipeline licence under the <i>Pipelines Act 1967</i> is not required. |
| <i>Contaminated Land Management Act 1997</i> | Applicable A contaminated land assessment will be completed in accordance with SEPP 55 to determine the level of contamination on site. |
| <i>Roads Act 1993</i> | Applicable A section 138 approval will be required from the Wollongong City Council. |
| Environmental planning instruments | |
| <i>Illawarra Shoalhaven Regional Plan 2041</i> | Applicable The EIS will consider the Illawarra Shoalhaven Regional Plan 2014. |
| <i>Wollongong Local Environmental Plan 2009</i> | Not Applicable The proposal site is subject to assessment against the Three Ports SEPP and is therefore not applicable to the Wollongong LEP. |
| <i>State Environmental Planning Policy (Three Ports) 2013</i> | Applicable The Project is located in an area assessed under this SEPP. |
| <i>State Environmental Planning Policy (State and Regional Development) 2011</i> | Applicable In accordance with subclause (2) of section 27 of the Three Ports SEPP, the State and Regional Development SEPP applies to State Significant Development declared under the Three Ports SEPP as though it was declared under the State and Regional Development SEPP. |
| <i>State Environmental Planning Policy (Coastal Management) 2018</i> | Applicable The Project site is located within the Coastal Environment Area and Coastal Use Area under this SEPP. |



| Approval | Relevance |
|---|---|
| <i>State Environmental Planning Policy (Infrastructure) 2007</i> | Applicable The Project is determined to be of a type described under section 69, subsection (1) of the SEPP (Infrastructure), therefore requiring assessment against this policy. |
| <i>State Environmental Planning Policy No. 33 - Hazardous and Offensive Development</i> | Applicable All hazard assessments will be prepared in accordance with this SEPP. |
| <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> | Applicable The Project site is determined to be subject to assessment against this SEPP. A contaminated land assessment will be prepared in accordance with this SEPP. |
| <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> | Not applicable Section 6 of SEPP 64 specifies that all signage displayed is subject to assessment against this SEPP, unless characterised as being exempt development. Therefore, in accordance with Section 30 of Schedule 1 of the SEPP (Three Ports), all signage (Other than advertising structures) are classified as exempt development to the extent that compliance with Section 24 of the SEPP (Three Ports) can be achieved. |



5 Engagement

5.1 Consultation undertaken

Key stakeholders were identified as those that may be interested in or may be affected by the Project. The Port Kembla Harbour Environment Group was identified as being a group of interest. This group includes:

- Department of Planning, Industry and Environment (DPIE)
- NSW Ports
- Manildra Group
- Port Kembla businesses
- Local community members
- Wollongong City Council
- NSW EPA
- Port Authority of NSW
- University of Wollongong
- Department of Agriculture.

Consultation during scoping consisted of a presentation with the identified key stakeholder parties. This took place on 4 August 2021. Key issues that were raised during this meeting included:

- The need for an EPL
- Transport planning process
- Truck numbers and cumulative impacts
- Infrastructure considerations for key truck routes
- Use of certain roads and routes
- Volatile industries in the area
- Cumulative impacts due to the proximity of the Manildra development (food grade ethanol producer)
- Landscaping plans for the development.

As discussed in Section 1.1, the Project was previously identified as Complying Development under the Three Ports SEPP. Ongoing consultation with DPIE has been undertaken to determine the appropriate planning pathway.

5.2 Consultation to be undertaken

Ongoing consultation will occur during the preparation and exhibition of the EIS. This consultation will include meetings with key stakeholders, phone calls and emails, as required. Key stakeholders include:

- Community members
- Nearby local businesses
- Government agencies.

Transport planning was identified as a key concern during consultation in the scoping phase and this would continue to be discussed with stakeholders. The approach to the Project may be refined as the EIS progresses, and feedback is received.

A Project Community and Stakeholder Participation Strategy will be prepared and implemented as part of the EIS.



6 Proposed assessment of impacts

This section provides a review of potential environmental impacts from an initial review of the site, as well as a review of existing environmental studies undertaken. Table 4 outlines these potential impacts and includes the level of detail to be assessed as part of the EIS.



Table 4 Proposed assessment of impacts in the EIS

| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|-----------------------|---------------------|------------------------------|------------|--|---|
| Access | Detailed | Y | Specific | <p>Transport planning was identified as a key issue during consultation. Vehicular access is proposed from Foreshore Road via a driveway located in the south western corner of the site. Road tankers will exit the site to Foreshore Road via a driveway located in the eastern corner. A separate egress to Foreshore Road is proposed to accommodate staff and visitor vehicles, minimising the risk of vehicular conflict.</p> <p>Staff and visitor car parking is proposed adjacent to Foreshore Road in the south of the site and seeks to accommodate 10 vehicles including one mobility impaired space.</p> <p>A quantitative Traffic and Transport Impact Assessment would be undertaken to assess any potential impacts to the surrounding road network and businesses.</p> | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none"> ■ Guide to Traffic Management – Part 3 Traffic Studies and Analysis (Austroads 2017). ■ Guide to Traffic Management – Part 12 Traffic impacts of Developments (Austroads 2019). ■ Guide to Traffic Generating Developments Version 2.2 (RTA 2002). <p>The assessment will include:</p> <ul style="list-style-type: none"> ■ Identification of haulage routes, site access and egress points. ■ Analysis of the existing operational condition of the road network. ■ Determination of the daily and peak traffic movements likely to be generated and the potential impacts on the local and regional traffic network. ■ Identification of measures to minimise or mitigate identified impacts, including an assessment of available options and the expected effect of the measures proposed, in accordance with relevant best practice guidelines. |
| Port Navigation | Standard | Y | General | <p>Minimal impact is expected on port facilities as there is only one ship movement expected a month. Whilst impacts are considered to be minimal a Port Navigation Assessment will be provided as part of the EIS.</p> | |
| Air (including odour) | Detailed | Y | Specific | <p>During the operation of the facility, the main risks to odour and air quality will be from vapour generated during the transfer of material into the facility, storage tanks and into the road tankers. All vapour generated during transfer activities will be captured by a vapour collection system and incinerated in a combustor. The combustor specifications will be similar to units that have been installed in existing</p> | <p>The assessment will be undertaken with reference to the NSW EPA Air Quality Guidance Note for Construction Sites.</p> <p>The assessment will include:</p> |



| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|-------------------------------|---------------------|------------------------------|------------|---|--|
| | | | | <p>terminals such as the Quantem Bulk Liquids facility in Port Botany. This unit discharges a maximum H₂S concentration of 0.003 mg/m³ (2.5ppb w/w), which is well below the EPA maximum limit of 5 mg/m³.</p> <p>The Project will likely require a licence under Schedule 1 of the POEO Act for Chemical Storage and Petroleum Products Storage. As part of this process, Simosa will be required to prepare a quantitative Air and Odour Impact Assessment which will address the Project's odour risks and demonstrate the Project's ability to comply with the relevant regulatory framework.</p> | <ul style="list-style-type: none"> ■ Identification and description of the background air quality environment based on a desktop assessment. ■ Identification of potential sources of air emissions during construction, operation, and decommissioning and rehabilitation. ■ Identification of potential sensitive receivers likely to be impacted by emissions. ■ Identification of mitigation measures to avoid, minimise and/or mitigate potential impacts to air quality. |
| Amenity (noise and vibration) | Detailed | Y | Specific | <p>The noise environment of the Project site and immediate surrounds is characterised by industrial noise from the surrounding industrial land uses and noise associated with marine activities across the Port Kembla Outer Harbour, including commercial shipping, recreational boat users and local vehicle movements. The Project site is located approximately 800 m from residential dwellings.</p> <p>The Project construction works have the potential to generate noise emissions and vibrations, which may impact the amenity of surrounding areas. Potential noise impacts associated with the construction phase will be managed in accordance with mitigation measures contained in a Construction Environmental Management Plan (CEMP). Key mitigation measures during construction may include:</p> <ul style="list-style-type: none"> ■ Signals and reversing alarms will be kept at a low volume or use 'squawkers', where feasible ■ Where possible, construction equipment will be fitted with noise suppression devices | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none"> ■ Noise Policy for Industry (EPA 2017). ■ NSW Road Noise Policy (DECCW 2011). ■ Interim Construction Noise Guideline (DECC 2009). ■ Assessing Vibration: A Technical Guideline (DEC 2006a). <p>The assessment will include:</p> <ul style="list-style-type: none"> ■ Identification of the nature of construction, operation, and decommissioning and rehabilitation activities. ■ Analysis of the intensity and duration of noise and vibration impacts. ■ Correlation between the likely noise impacts and the anticipated duration and timing of the activity. The nature, sensitivity, and impact on potentially affected receivers, including consideration of |



| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|------------------|---------------------|------------------------------|------------|--|---|
| | | | | <ul style="list-style-type: none"> Where necessary, plant and construction equipment will be acoustically treated or housed. <p>During operations the main source of noise will be from road tanker movements. Procedures, monitoring and reporting measures to be implemented during the operational phase of the Project would be detailed within an Operational Environmental Management Plan (OEMP). Mitigation measures which may be implemented during the operational phase include:</p> <ul style="list-style-type: none"> All vehicles will be turned off when not moving through the site Regular maintenance of plant and equipment to ensure plant is kept in good working order and approved for use on-site Maintain a record of all complaints received in relation to noise, including complainant details, nature of the complaint and corrective actions undertaken. <p>A quantitative Noise and Vibration Impact Assessment would be prepared as part of the EIS.</p> | <p>sensitive receivers or sensitive structures, if present within the vicinity.</p> <ul style="list-style-type: none"> Identification of impacts associated with work proposed to be undertaken outside standard daytime hours (if applicable). Identification of measures to address identified construction, operation, or decommissioning and rehabilitation noise and/or vibration impacts. |
| Hazards and risk | Detailed | Y | Specific | <p>A Hazard Analysis has been prepared for the CDC application.</p> <p>The Hazard Analysis:</p> <ul style="list-style-type: none"> Has been prepared in accordance with the Hazardous Industry Planning Advisory Paper No 6, Hazard Analysis Demonstrates that the Project meets the applicable risk criteria set out in the Hazardous Industry Planning Advisory Paper No 4, Risk Criteria for Land Use Safety Planning | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none"> Hazardous and Offensive Development Application Guidelines: Applying SEPP 33 (Department of Planning 2011a). Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis (Department of Planning 2011b). Multi-Level Risk Assessment (DPI 2011). |



| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|--------|---------------------|------------------------------|------------|--|--|
| | | | | <ul style="list-style-type: none"> Does not relate to land at Port Botany Has been prepared having regard to the most hazardous substance proposed to be stored in the tanks. <p>A Fire Safety Study has been prepared in accordance with the <i>Hazardous Industry Planning Advisory Paper No 2, Fire Safety Study Guidelines</i>. A Hazard and Operability Study has been prepared in accordance with the <i>Hazardous Industry Planning Advisory Paper No 8, HAZOP Guidelines</i>.</p> <p>These assessments would be updated for the Project and included in the EIS.</p> | <ul style="list-style-type: none"> Storage and Handling of Dangerous Goods Code of Practice (WorkCover NSW 2005). International Standard (ISO/IEC 31010:2009) Risk Management – Risk Assessment Techniques. <p>The assessment will include:</p> <ul style="list-style-type: none"> Identifying hazards and abnormal operating conditions that could give rise to hazards. Analysing hazards in terms of their consequence (effects) to people, surrounding land uses and the environment and their probability (likelihood) of occurrence. Quantifying the analysis and estimate the resulting risks to surrounding land uses and the environment. Assessing the risks in terms of the location, land use planning implications, and existing criteria and ensuring that the proposed mitigation and management measures are adequate. |
| Water | Detailed | Y | Specific | <p>The water quality assessment below has been undertaken as part of the design process for the Project. The results of this assessment will be included in the EIS. The assessment will be updated during the preparation of the EIS, if required.</p> <p>The potential construction water quality pollutants include:</p> <ul style="list-style-type: none"> Erosion during construction activities resulting in impacts on downstream water quality (elevated turbidity), including the Outer Harbour | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none"> Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom 2004). Managing Urban Stormwater: Soils and Construction Volume 2 (DECC 2008). Guidelines for Groundwater Protection in Australia (ANZECC/ARMCANZ 1995). Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC and NSW EPA 2004). |



| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|--------|---------------------|------------------------------|------------|--|--|
| | | | | <ul style="list-style-type: none"> Fuel, oil leaks and/or spills during construction activities Increase in litter during construction activities. <p>The potential operational water quality pollutants include:</p> <ul style="list-style-type: none"> Sediment, litter, fuel, oil and grease from pavement areas associated with bitumen trucks utilising the site access and loading gantry, and cars utilising the onsite carpark Fuel and oil associated with the bitumen facility equipment (e.g. pumps) <p>Construction water quality impacts will be minimised by implementing a CEMP.</p> <p>Operational water quality mitigation measures include:</p> <ul style="list-style-type: none"> Bitumen storage tanks, oil heater shed and pumps to be contained within a 2.6 m high bunded area with any stormwater discharged controlled via pumping water into a water quality improvement device for treatment in the northeast corner of the site before discharging into the Outer Harbour. Bitumen, fuel, oil and grease spills within the bunded area will not be discharged into receiving environment. Spills will be contained within the bunded area and pollutants removed and disposed offsite in accordance with the Project Emergency Response Plan. Pavement areas outside the bitumen storage tanks bunded area will be directed towards water quality improvement devices that will capture sediment, litter and oils and greases. The device | <ul style="list-style-type: none"> Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC and ARMCANZ 2000). Using the ANZECC Guidelines and Water Quality Objectives in NSW (DEC 2006b). <p>The assessment will include:</p> <ul style="list-style-type: none"> Preparation of site water balance to define site water demands and the expected volume of discharges. This would identify required water supply, storage and management infrastructure. Description of proposed potable and wastewater management systems. Consideration of potential impacts to surface water quality in the Port. Identification of mitigation measures to avoid, minimise and/or mitigate potential impacts to surface water quality |



| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|--------|---------------------|------------------------------|------------|--|---|
| | | | | <p>will be maintained regularly and any pollutants disposed offsite at the relevant waste disposal facility.</p> <ul style="list-style-type: none"> ■ Implementation of an OEMP. <p>The two stormwater discharge points for the Project will be in the northeast corner and south of the site. The volume and frequency will be dependent on the nature and extent of the rainfall event within the Project site catchment.</p> | |
| Land | Detailed | Y | Specific | <p>The proposed development will encompass land located within the SEPP (Three Ports), Schedule 2, clause 32 as 'Outer Harbour Area' on the Outer Harbour Map. Key features of the Outer Harbour and associated land include:</p> <ul style="list-style-type: none"> ■ Dry Bulk and Break Bulk Facilities consisting of berths 202, 203, 204 and 205 ■ Bulk liquids facilities consisting of Berth 201 and Berth 206 ■ Port Kembla Heritage Park located on the southern headland, directly south of the eastern breakwater ■ A recreational boat harbour and boat ramp located adjacent to the eastern breakwater. <p>The Project would be consistent with existing surrounding land use.</p> <p>A contaminated land impact assessment would be prepared in accordance with SEPP 55 and included in the EIS. This assessment will outline the nature and extent of contamination on the site and surrounding areas.</p> | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none"> ■ <i>Acid sulfate soil and rock assessments prepared in accordance with Guidelines for the Management of Acid Sulfate Materials</i> (RTA 2005). ■ <i>NSW Acid Sulfate Soil Manual</i>, ASSMAC 1998. ■ National Environment Protection Council (NEPC) 1999 (updated 2013), <i>National Environment Protection (Assessment of Site Contamination) Measure (NEPM) Amendment Measure (No.1)</i>. ■ <i>Consultants Reporting on Contaminated Land, Contaminated Land Guidelines</i> (NSW EPA 2020). ■ <i>Guidelines for the NSW Site Auditor Scheme (3rd edition)</i> (NSW EPA 2017). ■ <i>Guidelines for the Assessment and Management of Groundwater Contamination</i>, (Department of Environment and Conservation NSW 2007). ■ <i>Guidelines on the Duty to Report Contamination under the Contamination Land Management Act 1997</i> (NSW EPA 2015). |



| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|----------------|---------------------|------------------------------|------------|---|--|
| | | | | Erosion and sedimentation control measures will be considered and implemented during construction, as required. | <ul style="list-style-type: none"> ■ Technical Note: <i>Investigation of Service Station Sites</i> (NSW EPA 2014). ■ <i>PFAS National Environmental Management Plan Version 2.0</i>, Heads of EPA Australia and New Zealand 2020. ■ <i>NSW EPA waste classification guidelines</i> (NSW EPA 2014). ■ <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> <p>The assessment will include:</p> <ul style="list-style-type: none"> ■ Database review and literature review. This will likely include searches and review of State-wide land and soils mapping, soil profiles, soil and land resources mapping, soil landscape mapping, land systems mapping, acid sulphate soil risk mapping, and state-wide land use mapping. ■ Consideration of potential impacts to land (e.g. erosion and sedimentation, contamination, topography, and land use). ■ Identification of mitigation measures to avoid, minimise and/or mitigate potential impacts to land. |
| Socio-economic | Detailed | Y | Specific | The Project is located in an existing industrial area with the closest residential premises 800 m away. A socio-economic impact assessment would be undertaken to quantify the impacts of the Project on the local economies and social environments. | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none"> ■ Social Impact Assessment: <i>Guidance for Assessing and Managing the Social Impacts of Projects</i> (International Association for Impact Assessment 2015). ■ SIA Principles: <i>International Principles for Social Impact Assessment</i> (Vanclay 2003). |



| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|-------------------------|---------------------|------------------------------|------------|---|---|
| | | | | | <ul style="list-style-type: none"> Environmental Planning and Impact Assessment Practice Note: Socio-economic Assessment (Roads and Maritime Services 2013). |
| Cumulative impacts | Detailed | N/A | Specific | <p>Manildra Group, Australia's leading producer of food grade ethanol, are proposing to construct and operate a 20 million litre storage plant at Port Kembla. This development would be in the proximity of the Project and use the same berth 206 at the Port. Cumulative impacts would need to be assessed in the EIS and take into consideration the construction staging, as well as consider the key issues identified such as traffic, noise, air quality and water quality.</p> | This assessment would include information from separate environmental matters and be integrated throughout the specialist reports. |
| Aboriginal heritage | Standard | N | Specific | <p>No heritage items have been identified as known in the area. The Project is located in an existing industrial area and has been subject to extensive earthworks limiting the potential for heritage items to be found during the work.</p> <p>An assessment of cultural values will be undertaken including consultation with the local Aboriginal community. Work previously completed for the Outer Harbour Concept Plan will be used where appropriate.</p> | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none"> Aboriginal community in accordance with the Code of Practice for Archaeological Investigation in NSW (DECCW, 2010), Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH, 2011). <p>Relevant government agencies will be consulted during the preparation of the Aboriginal heritage assessment, including Heritage NSW. Where required, consultation would also be undertaken with Traditional Owners and the Local Aboriginal Land Council</p> |
| Non-Aboriginal heritage | Standard | N | General | <p>No heritage items have been identified as known in the area. The Project is located in an existing industrial area and has been subject to extensive earthworks limiting the potential for heritage items to be found during the work.</p> | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none"> NSW Heritage Manual (NSW Heritage Office and Department of Urban Affairs and Planning 1996). |



| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|------------------|---------------------|------------------------------|------------|---|--|
| | | | | A non-Aboriginal cultural heritage assessment will be completed. Work previously completed for the Outer Harbour Concept Plan will be used where appropriate. | <ul style="list-style-type: none"> Assessing Heritage Significance (NSW Heritage Office 2011a). Statements of Heritage Impact (NSW Heritage Office 2002). Criteria for the Assessment of Excavation Directors (NSW Heritage Council 2011b). Skeletal Remains: Guidelines for the Management of Human Remains under the Heritage Act 1988 (NSW Heritage Office 1998). |
| Biodiversity | Standard | N | General | The Project is located in an existing industrial area and has been subject to extensive earthworks limiting the potential for ecological communities to be impacted during the work. No threatened ecological communities or threatened flora and fauna species have been identified during desktop assessments, which is likely due to the high level of disturbance to the Project site | A BDAR waiver will be submitted for this Project, prepared in accordance with <i>“How to apply for a biodiversity development assessment report waiver a Major Project Application”</i> (DPIE, 2019). |
| Amenity (visual) | Standard | N | General | The Project is located in an existing industrial area with other similar development located within the proximity of the site. The Project consists of built development that would be consistent with the current surrounding land use and is therefore considered to have a minimal impact on the visual amenity of the area. | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none"> Guideline for Landscape Character and Visual Impact Assessment. Environmental Impact Assessment Practice Note EIA-N04 (TfNSW 2020). Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and Institute of Environmental Management and Assessment 2013). Guidance Note for Landscape and Visual Assessment (Australian Institute of Landscape Architects 2018). |



| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|-----------------------------|---------------------|------------------------------|------------|--|---|
| | | | | | <ul style="list-style-type: none"> AS4282-1997 Australian Standard Control of the Obtrusive Effects of Outdoor Lighting. |
| Built environment | Standard | N | General | The Project is located in an existing industrial area with other similar development located within the proximity of the site. The Project will be a built development that would be consistent with the current surrounding land use. It is noted that there is an adjacent development currently seeking approval by Manildra Group. There would be ongoing consultation and cumulative impact assessments completed. | <p>The assessment will include:</p> <ul style="list-style-type: none"> Description of the existing built environment. Identification of impacts to the built environment Identification of measures to avoid, minimise and/or mitigate potential impacts to the built environment. |
| Flooding | Standard | N | General | A quantitative flooding assessment will be completed for the EIS to determine the likelihood of flooding in the area. | N/A |
| Waste management | Standard | N | General | <p>Minimal waste is expected to be generated during the operation of the facility. Potential waste generated will be managed through the following:</p> <ul style="list-style-type: none"> The site will be connected to the sewer network Waste produced by construction and maintenance works will be disposed of off-site at an appropriate disposal facility General waste will be stored on-site and disposed of off-site at an appropriate facility | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none"> <i>Protection of the Environment Operations Act 1997</i> <i>Protection of the Environment Operations (Waste) Regulation 2014</i> <i>Waste Avoidance and Resource Recovery Act 2001</i> |
| Infrastructure requirements | Standard | N | General | The Project is not expected to create a large impact on public infrastructure. It would create minimal traffic movements, is located away from publicly accessible areas and would not put a strain on the resources of the local areas e.g. water supply. | N/A |



| Matter | Level of assessment | Cumulative Impact Assessment | Engagement | Key findings | Relevant government plans, policies and guidelines |
|--------------------------------------|---------------------|------------------------------|------------|---|--|
| Greenhouse gas | Standard | N | General | A Greenhouse Gas Assessment will be prepared in order to assess the potential greenhouse gases produced as a result of the Project. | <p>The assessment will be undertaken with reference to the following guidelines:</p> <ul style="list-style-type: none">■ The Greenhouse Gas Protocol (World Business Council for Sustainable Development 2006). • National Carbon Accounting Toolbox (Australian Government 2005).■ National Greenhouse Accounts Factors (DEE 2019).■ Life Cycle Assessment Principles and Framework (ISO 14040 Series). |
| Ecologically sustainable development | Standard | N | General | The Project is not expected to have an adverse impact on future environmental values of the site and surrounding areas. The future benefits from having a local bitumen source for surrounding projects exceed any minor negative environmental impacts expected. | To assess the impact the Project will have on future environmental values all the matters discussed in this tables will be evaluated. |



7 References

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Appendix A – Project Plans





PLAN VIEW
SCALE 1 : 4000



| REV | DATE | REVISION DETAILS | APPROVED |
|-----|------|------------------------|----------|
| A | | ISSUED FOR INFORMATION | |
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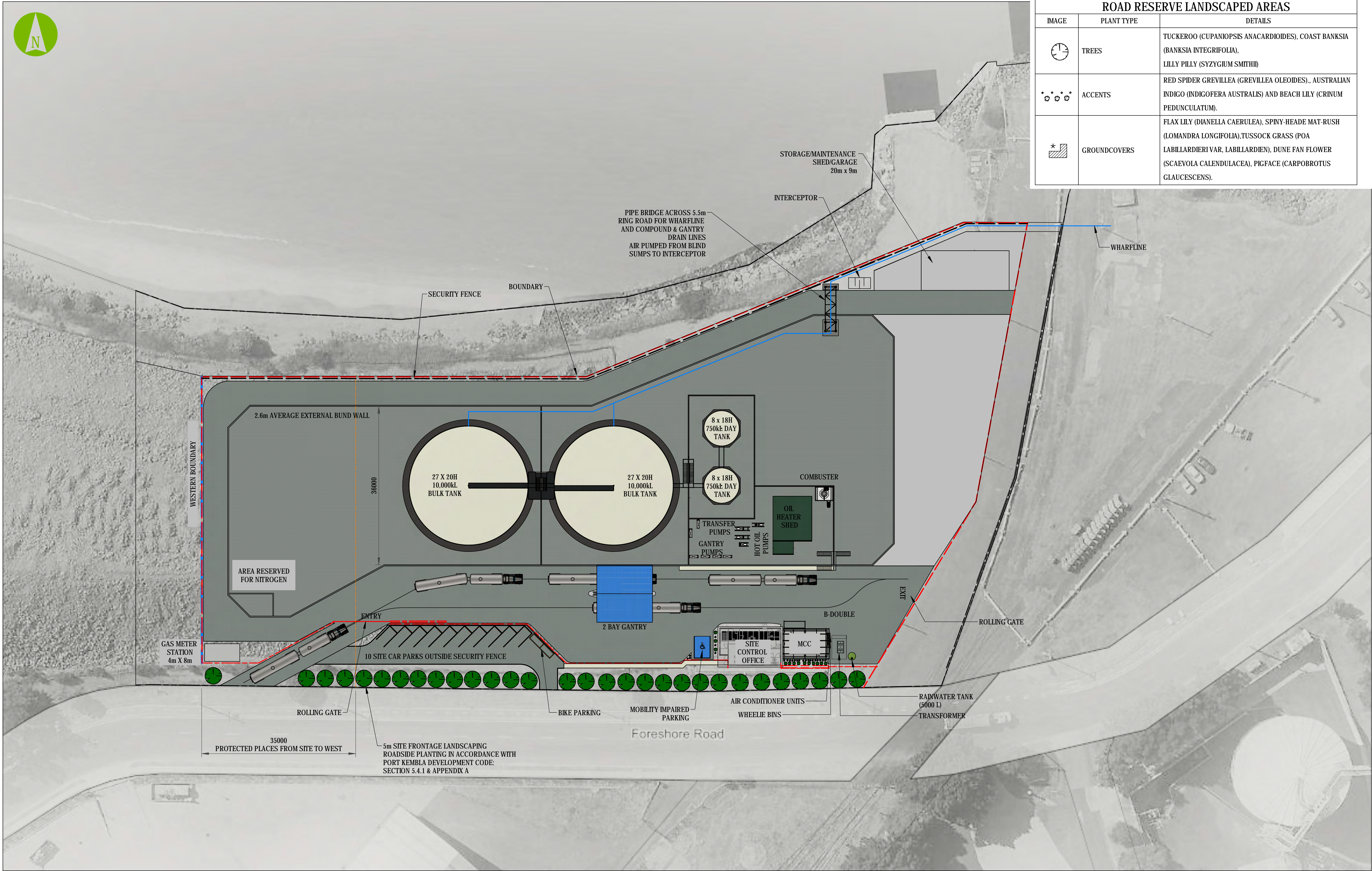
| SCALE | SIZE |
|------------------|------|
| AS SHOWN | A1 |
| DRAWN LSHANKS | |
| DESIGNED | |
| CHECKED | |

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| PRELIMINARY NOT FOR CONSTRUCTION | |
| APPROVED | DATE |
| S.DAWSON | |
| SIMON DAWSON | |

| PROJECT | SIMOSA PORT KEMBLA BITUMEN FACILITY | | | | | | | | | | |
|-------------|--|------|------|------|--------|-----|--|--|--|--|--|
| TITLE | LOT 6 | | | | | | | | | | |
| DRAWING No. | PROJECT No. | WBS | TYPE | DISC | NUMBER | REV | | | | | |
| | 510032 | 0000 | DRG | LAY | 0017 | A | | | | | |



| ROAD RESERVE LANDSCAPED AREAS | | |
|-------------------------------|--------------|--|
| IMAGE | PLANT TYPE | DETAILS |
| | TREES | TUCKEROO (CUPANIOPSIS ANACARDIOIDES), COAST BANKSIA (BANKSIA INTEGRIFOLIA), LILLY PILLY (SYZYGIUM SMITHII) |
| | ACCENTS | RED SPIDER GREVILLEA (GREVILLEA OLEOIDES), AUSTRALIAN INDIGO (INDIGOFEA AUSTRALS) AND BEACH LILY (CRINUM PEDUNCULATUM). |
| | GROUNDCOVERS | FLAX LILY (DIANELLA CAERULEA), SPINY-HEADE MAT-RUSH (LOMANDRA LONGIFOLIA),TUSSOCK GRASS (POA LABILLARDIERI VAR. LABILLARDIEN), DUNE FAN FLOWER (SCAEVOLA CALENDULACEA), PIGFACE (CARPOBROTUS GLAUCESCENS). |



| REV | DATE | REVISION DETAILS | APPROVED |
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| A | 02.06.21 | ISSUED FOR INFORMATION | S.DAWSON |
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| SCALE | SIZE |
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| 1:400 @ A1 | A1 |
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| LSHANKS | |
| DESIGNED | |
| CHECKED | |
| S.DAWSON | |

| PRELIMINARY NOT FOR CONSTRUCTION | |
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| APPROVED | DATE |
| S.DAWSON | |
| S.DAWSON | |

| PROJECT | SIMOSA PORT KEMBLA BITUMEN FACILITY | | | | |
|-------------|--|-----|------|------|--------|
| TITLE | LAYOUT&LANDSCAPE PLAN | | | | |
| DRAWING No. | PROJECT No. | WBS | TYPE | DISC | NUMBER |
| 510032 | 0000 | DRG | LAY | 0020 | REV |
| | | | | | A |



| REV | DATE | REVISION DETAILS |
|-----|----------|-------------------------|
| B | 25.05.21 | ISSUED FOR INFORMATION |
| A | 11.11.20 | PRELIMINARY FOR COSTING |
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| APPROVED |
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| S.DAWSON |
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| SCALE | SIZE |
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| 1:1000 @ A1 | A1 |
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| DESIGNED | |
| H.LAING | |
| CHECKED | |
| M.PELSER | |

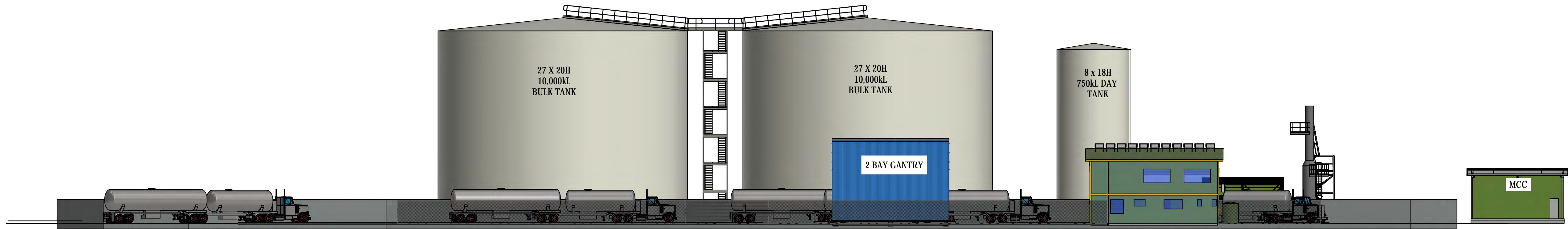
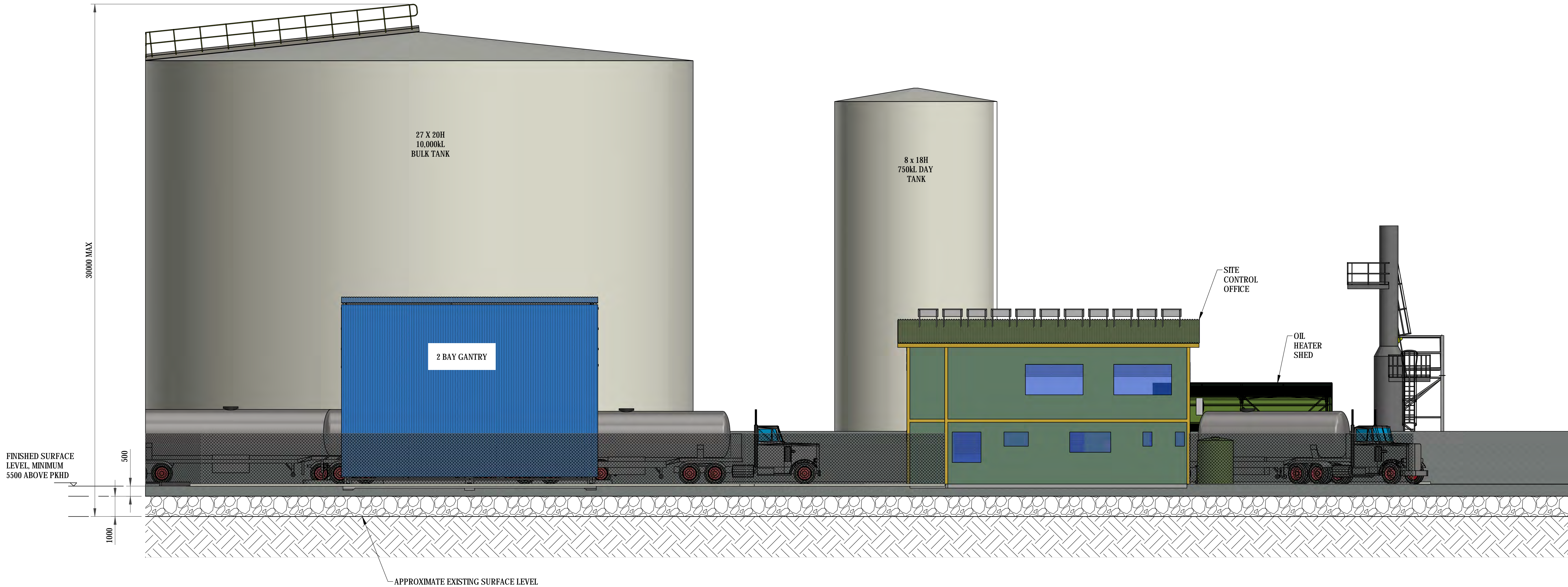
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| PRELIMINARY NOT FOR CONSTRUCTION | |
| APPROVED | DATE |
| S.DAWSON | 11.11.20 |
| S.DAWSON | |

| PROJECT | SIMOSA PORT KEMBLA BITUMEN FACILITY | | | | | | | | | | | |
|-------------|-------------------------------------|--------|-----|------|------|-----|------|-----|--------|------|-----|---|
| TITLE | WHARFLINE SITE TO WHARFHEAD LAYOUT | | | | | | | | | | | |
| DRAWING No. | PROJECT No. | 510032 | WBS | 0000 | TYPE | DRG | DISC | LAY | NUMBER | 0002 | REV | A |

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FILE LOCATION: C:\pw_work\comrad\four\audc1_01\d0595966\Inventor\Simosa_EastTanks\Modelling\Drawings\510032-0000-DRG-LAY-0013.dwg

OFFICE: NZWLG



ELEVATION FROM SOUTH SIDE
SCALE 1 : 250



aurecon
www.aurecongroup.com

CLIENT
SIMOSA **SIMOSA GROUP**

| REV | DATE | REVISION DETAILS | APPROVED |
|-----|----------|------------------------|----------|
| B | 30.04.21 | ISSUED FOR INFORMATION | S.DAWSON |
| A | 20.04.21 | ISSUED FOR INFORMATION | S.DAWSON |
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| SCALE | SIZE |
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| CHECKED | S.DAWSON |

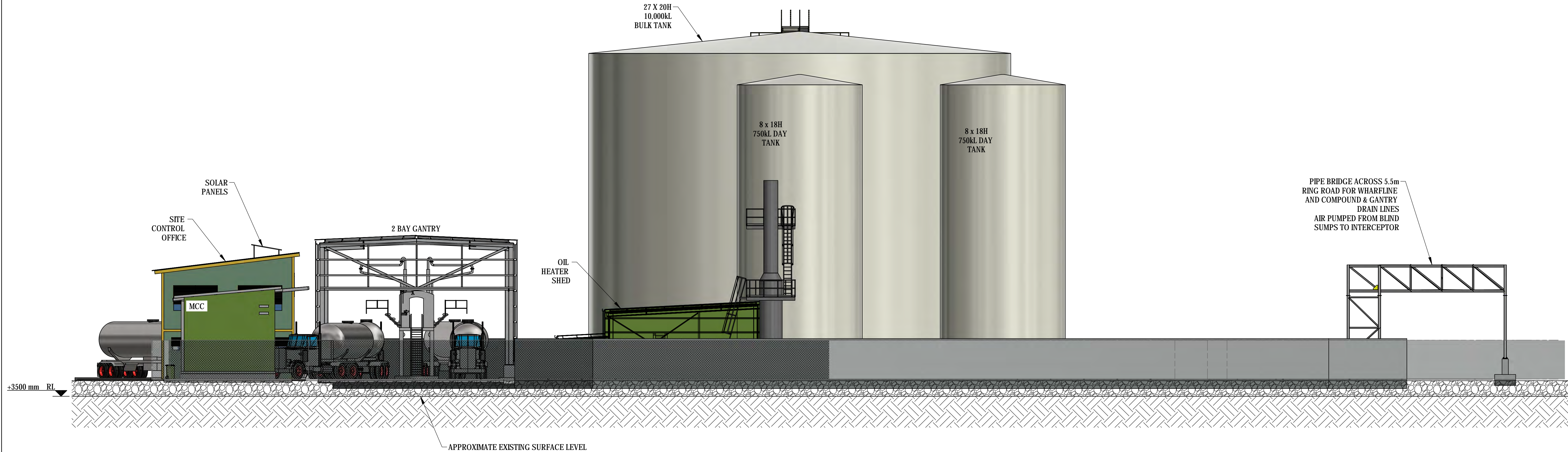
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| NOT FOR CONSTRUCTION | |
| APPROVED | S.DAWSON |
| | S.DAWSON |

| PROJECT | SIMOSA PORT KEMBLA BITUMEN FACILITY | | | | | | | | | | | | | | | | |
|-------------|--|--------|---|-----|------|---|------|-----|---|------|-----|---|--------|------|---|-----|---|
| TITLE | SITE ELEVATIONS 2 BULK TANKS SOUTH ELEVATION | | | | | | | | | | | | | | | | |
| DRAWING No. | PROJECT No. | 510032 | – | WBS | 0000 | – | TYPE | DRG | – | DISC | LAY | – | NUMBER | 0013 | – | REV | B |

ALL DIMENSIONS IN mm UNLESS OTHERWISE STATED

FILE LOCATION: C:\Users\Zane.gillbee\OneDrive - Aurecon Group\Desktop\2021\Simosaeasttanks\Inventor\Simosa EastTanks\Modelling\Drawings\510032-0000-DRG-LAY-0015.idw

OFFICE: NZWLG



ELEVATION FROM EAST SIDE
SCALE 1 : 125

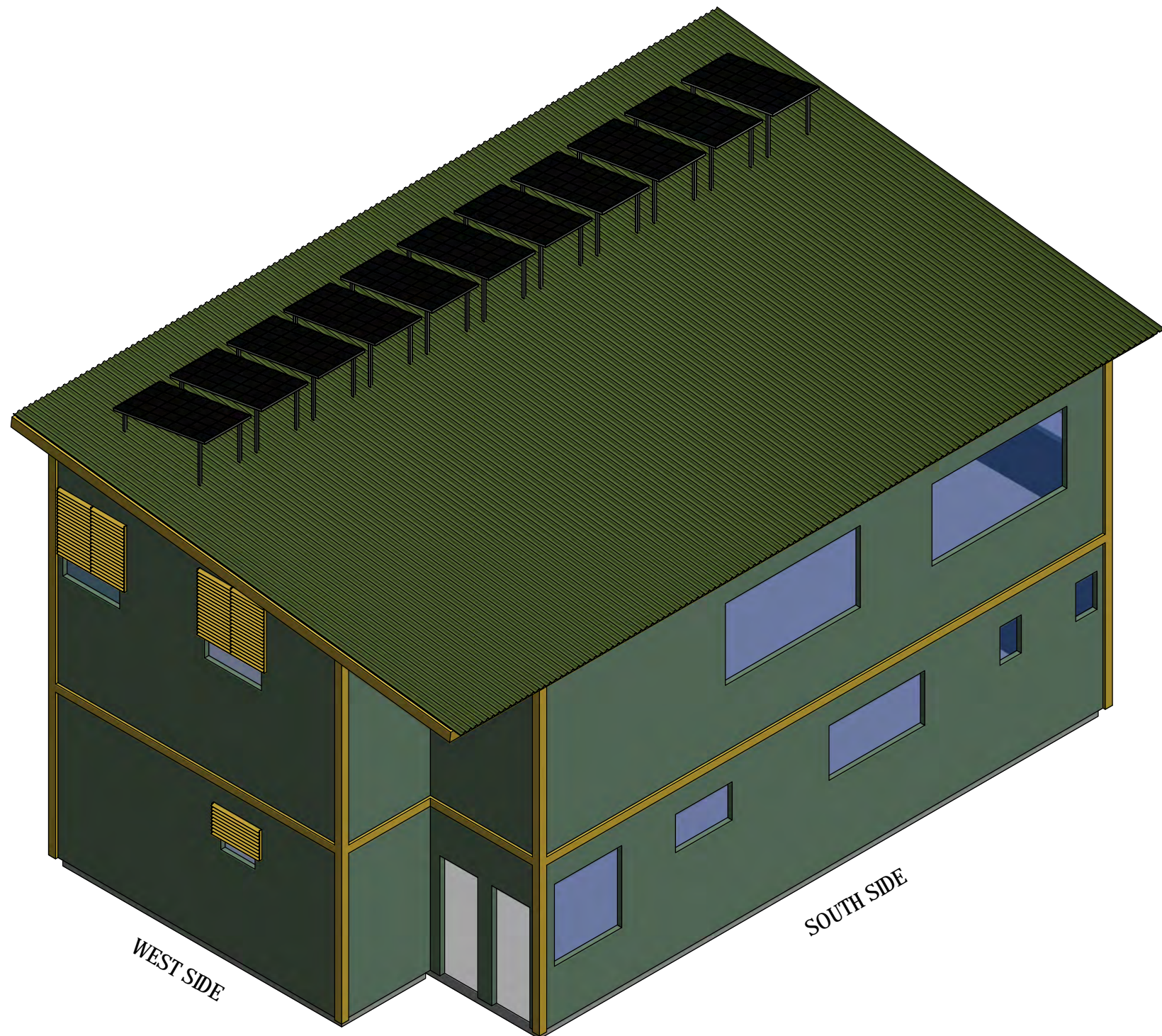


| REV | DATE | REVISION DETAILS | APPROVED |
|-----|----------|------------------------|----------|
| A | 30.04.21 | ISSUED FOR INFORMATION | S.DAWSON |
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| SCALE | SIZE |
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| 1:125 @ A1 | A1 |
| DRAWN | Z.GILLBEE |
| DESIGNED | |
| CHECKED | S.DAWSON |

| PRELIMINARY NOT FOR CONSTRUCTION | |
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| APPROVED | |
| S.DAWSON | DATE |
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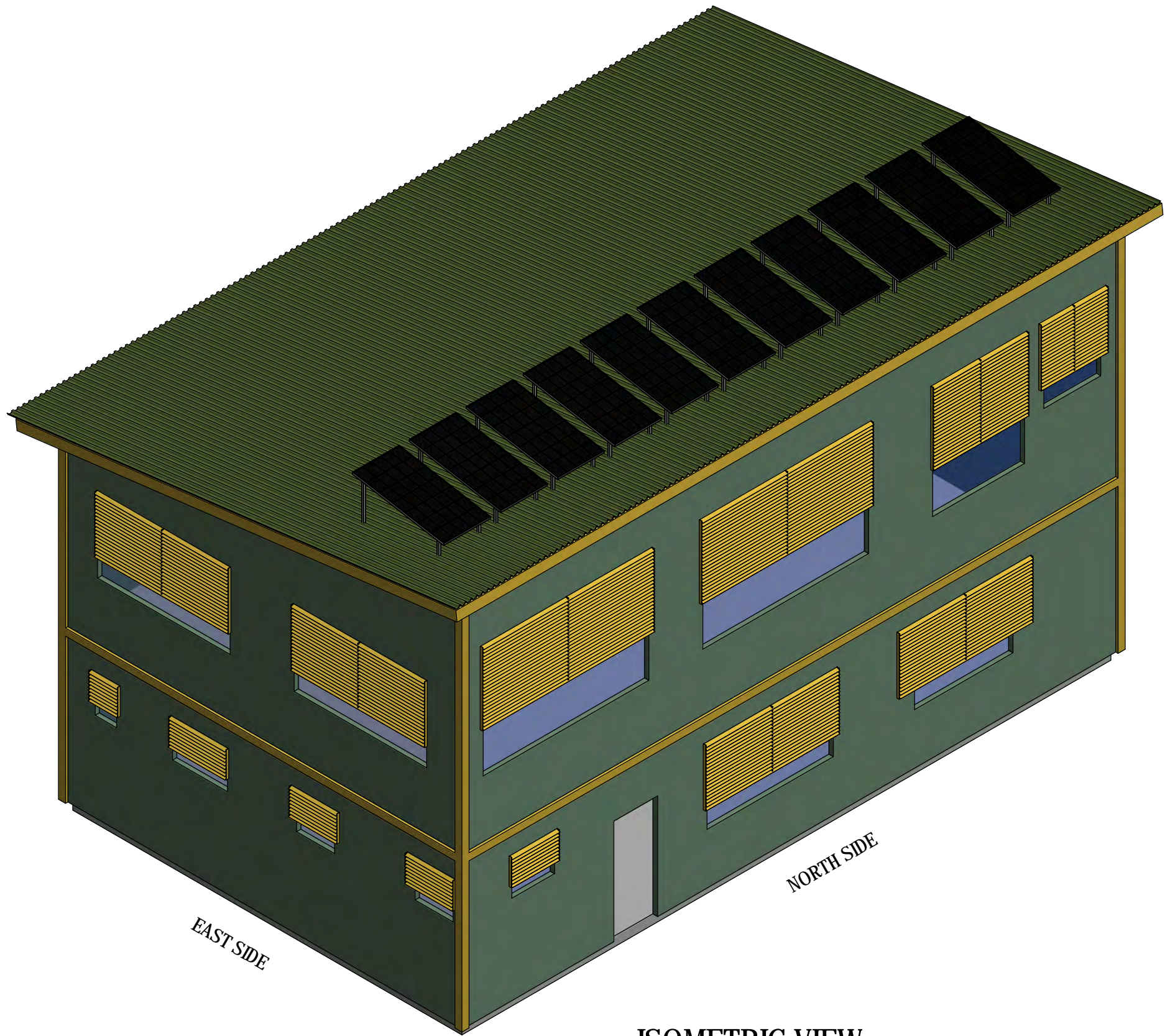
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|-------------|---|--------|---|-----|------|---|------|-----|---|------|-----|---|--------|------|---|-----|---|
| TITLE | SITE ELEVATIONS 2 BULK TANKS EAST ELEVATION | | | | | | | | | | | | | | | | |
| DRAWING No. | PROJECT No. | 510032 | — | WBS | 0000 | — | TYPE | DRG | — | DISC | LAY | — | NUMBER | 0015 | — | REV | A |



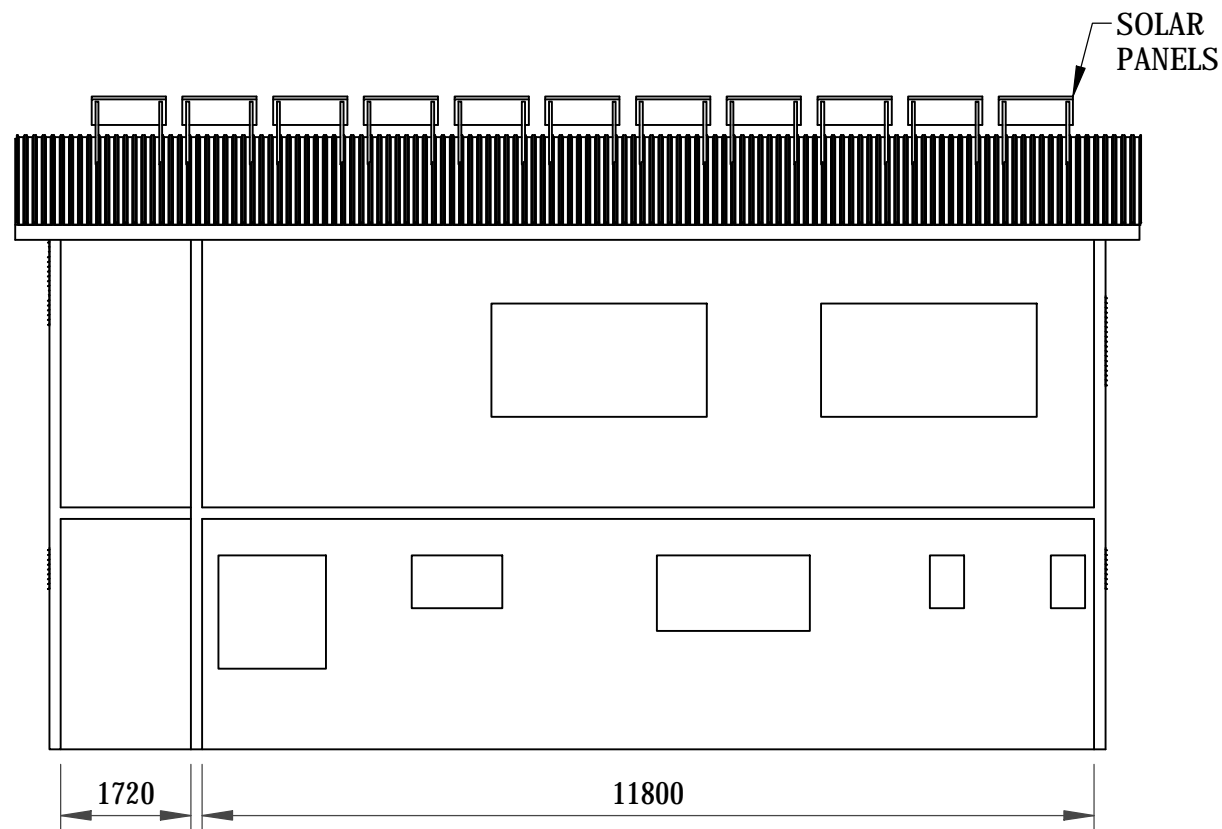
ISOMETRIC VIEW



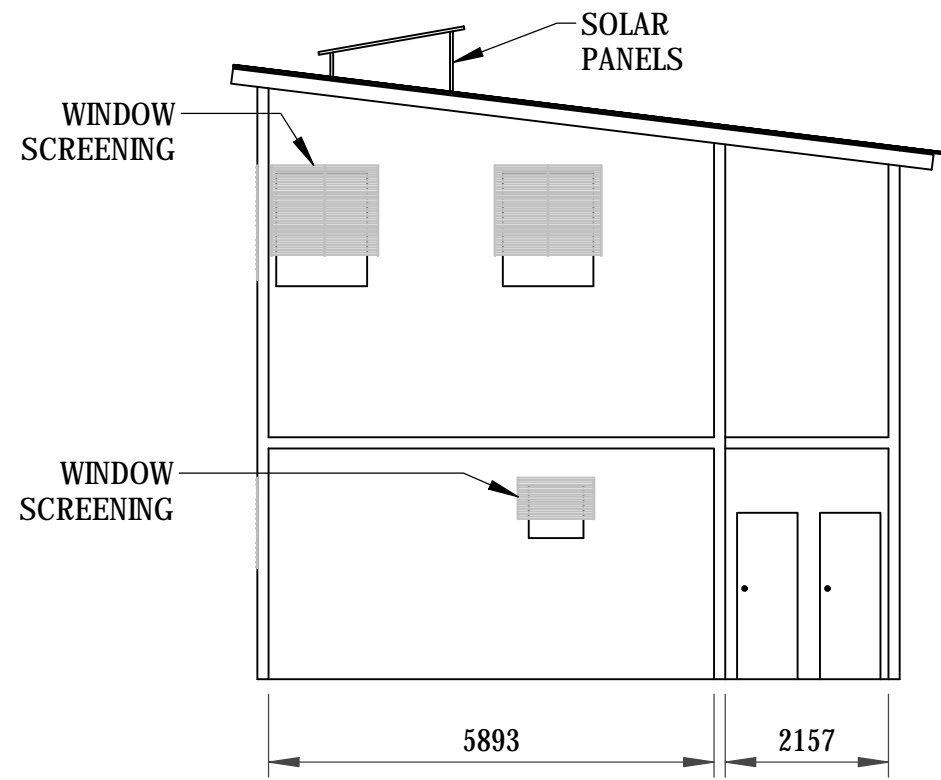
TOP FLOOR
SCALE 1 : 50



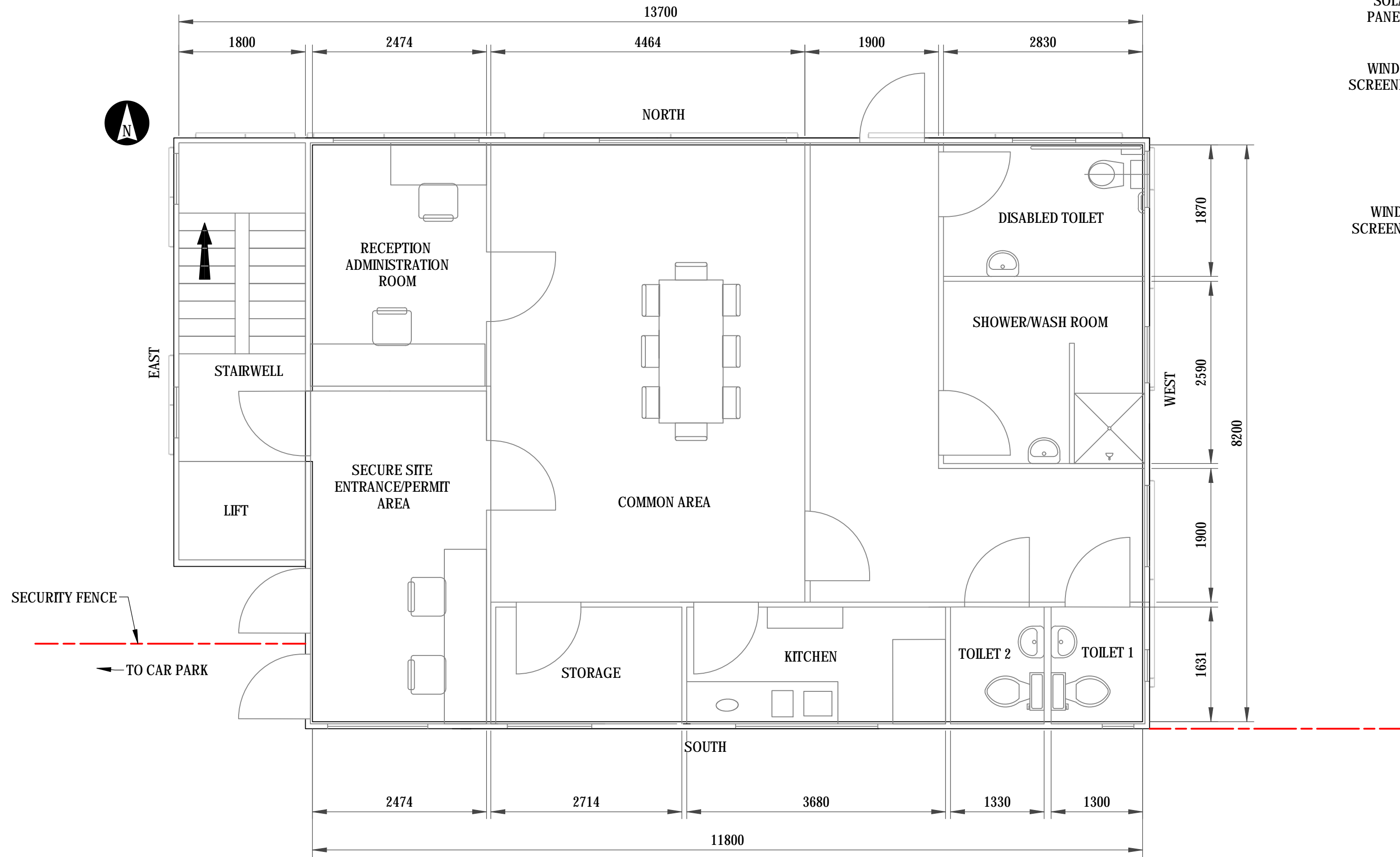
ISOMETRIC VIEW



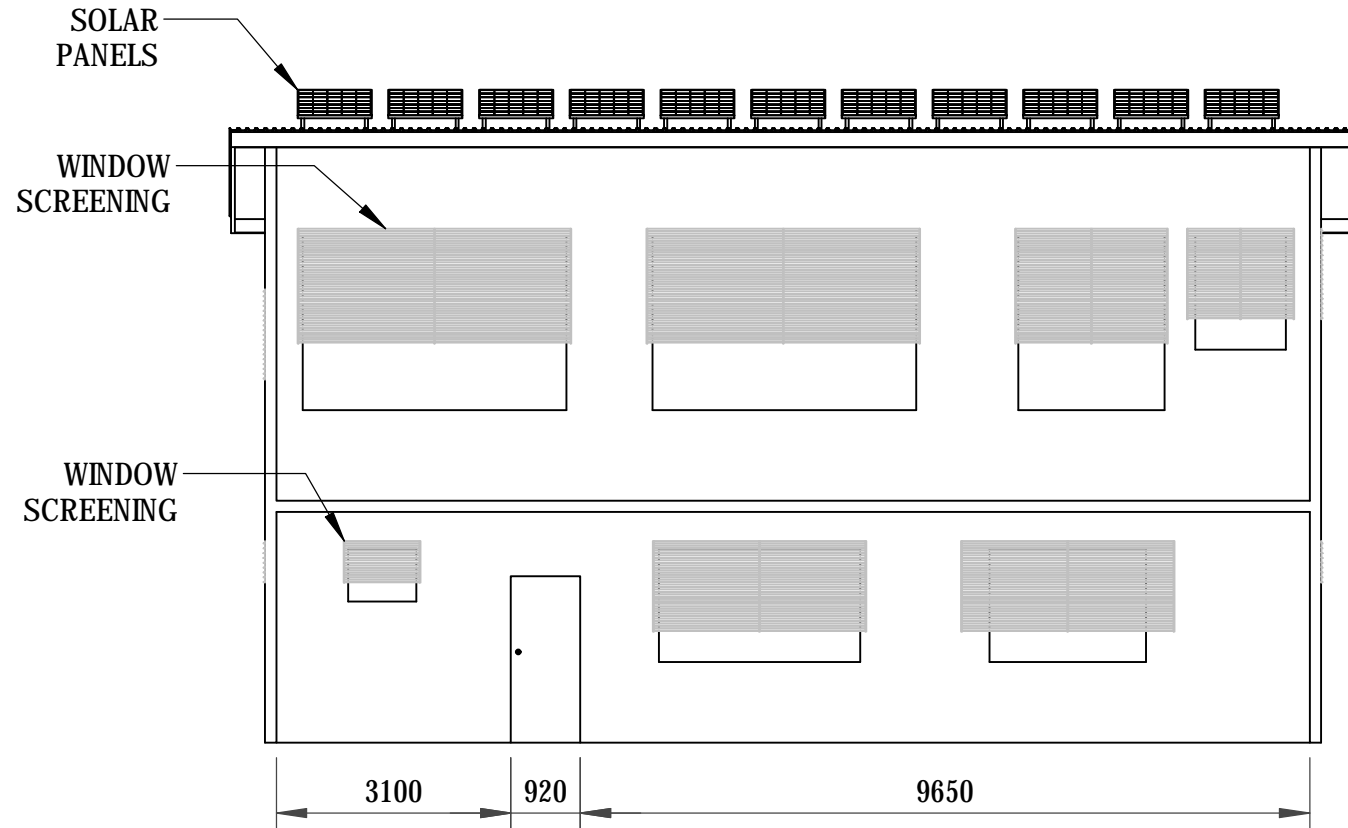
VIEWED FROM SOUTH (STREET)
SCALE 1 : 100



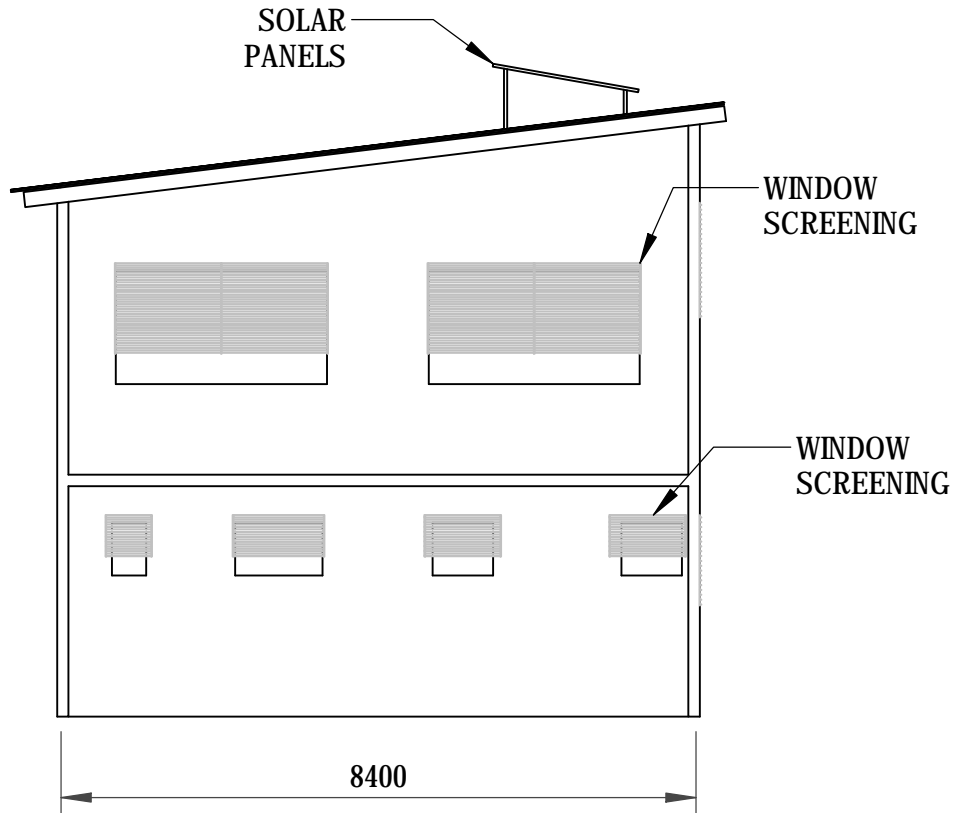
VIEWED FROM EAST
SCALE 1 : 100



GROUND FLOOR
SCALE 1 : 50



VIEWED FROM NORTH (SITE)
SCALE 1 : 100



VIEWED FROM WEST
SCALE 1 : 100



| REV | DATE | REVISION DETAILS |
|-----|----------|------------------------|
| C | 30.04.21 | ISSUED FOR INFORMATION |
| B | 20.04.21 | ISSUED FOR INFORMATION |
| A | 08.03.21 | ISSUED FOR COMMENT |

| APPROVED | SCALE | SIZE |
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| S.DAWSON | AS SHOWN | A1 |
| S.DAWSON | DRAWN | L.SHANKS |
| S.DAWSON | DESIGNED | L.SHANKS |
| | CHECKED | M.PELSER |

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| PRELIMINARY NOT FOR CONSTRUCTION |
| APPROVED |
| S.DAWSON |
| S.DAWSON |

| PROJECT | SIMOSA PORT KEMBLA BITUMEN FACILITY | | | | | | | | | | | | | | | | |
|-------------|--|--------|---|-----|------|---|------|-----|---|------|-----|---|--------|------|---|-----|---|
| TITLE | SITE OFFICE CONCEPT PLAN | | | | | | | | | | | | | | | | |
| DRAWING No. | PROJECT No. | 510032 | – | WBS | 0000 | – | TYPE | DRG | – | DISC | LAY | – | NUMBER | 0030 | – | REV | C |

Appendix B – Consistency with the Outer Harbour Concept Plan





| Reference | Conditions or requirements | Assessment of Project consistency |
|-----------------------------------|---|---|
| Opinion Letter | | |
| | <p>I, the Director-General of the Department of Planning, as delegate of the Minister for Planning under delegation executed on 26 February 2007, have formed the opinion that the development described in the Schedule below, is development of a kind that is described in Schedule 1, Group 8, clause 22 of the State <i>Environmental Planning Policy (Major Projects) 2005</i> namely development for the purpose of shipping berths or terminals or wharf-side facilities (and related infrastructure) that has a capital investment value of more than \$30 million. It is therefore declared to be a project to which Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> applies for the purpose of section 75B of that Act.</p> <p style="text-align: center;">Schedule</p> <p>A proposal by Port Kembla Port Corporation to develop cargo handling facilities in the Outer Harbour of Port Kembla (within the Wollongong LGA) and generally comprising of: land reclamation and associated dredging, terminals (dry bulk/multi-purpose/container), berthing facilities, truck loading and unloading facilities, and road and rail infrastructure.</p> | <p>On 10 October 2008, the Director-General of the Department of Planning, as delegate of the Minister, formed the opinion that the proposal to develop cargo handling facilities in the Outer Harbour of Port Kembla, generally comprising of land reclamation and associated dredging, terminals (dry bulk/multi-purpose/container), berthing facilities, truck loading and unloading facilities, and road and rail infrastructure is development of a kind described in Schedule 1, Group 8, clause 22 of the SEPP (Major Projects) (i.e. development for the purpose of shipping berths or terminals or wharf-side facilities (and related infrastructure) that has a capital investment value of more than \$30 million).</p> <p>The Project is for the purpose of transferring bitumen from ships docked at a berth, transfer of bitumen via pipeline infrastructure to bulk liquid storage tanks and loading bitumen onto trucks. A bulk liquid storage facility for bitumen has the potential to be defined as a terminal and has similar operational characteristics to a dry bulk terminal categorised in the Opinion Letter.</p> <p>Therefore, the Project may be considered generally consistent with the development considered in the Opinion Letter.</p> |
| Outer Harbour Concept Plan | | |





Schedule 1
Proposal:
Stage 1

The Port Kembla Outer Harbour Development is comprised of **three key stages as follows:**

Stage 1 (1A, 1B and 1C)

- demolition of No.3 and No. 4 Jetties;
- reclamation and dredging for the footprint of the total development (except for the northern area of the multi-purpose terminal);
- construction and operation of one new multi-purpose terminal (central area);
- construction of first container berth;
- extension of Salty Creek and Darcy Road drain, through the reclamation area, to the Outer Harbour;
- relocation of utilities for import of sulphuric acid (currently at Berth 206) to the multi-purpose terminal;
- new road link from Christy Drive;
- rail infrastructure upgrade in South Yard, including extension of No.13 siding; and
- civil works for construction of terminal facilities including services.

Stage 1 (Cement Australia Grinding Mill)

- establishment of a processing plant including transfer hoppers, storage bins, grinding mill and storage silos for dispatch;
- a materials transfer system, incorporating extensive covered and closed conveyor systems, transfer chutes, dust suppression system and bag house;
- clinker storage shed;
- truck and ship loading and unloading facilities;
- internal road systems and parking;
- temporary covered stockpile for raw product; and
- associated office amenities, workshop and substation.

Note: The Cement Australia Grinding Mill is subject to its own project approval (10_0102), including a number of monitoring and reporting requirements which are the responsibility of Cement Australia.

The Project location does not restrict reclamation or infrastructure works associated with Stage 1(1A,1B and 1C). Furthermore, the Cement Australia Grinding Mill is currently in operation and will not be impacted upon by the Project.

Therefore, the Project is consistent with this clause of the approved concept plan.





| Reference | Conditions or requirements | Assessment of Project consistency |
|------------------------------------|---|--|
| Schedule 1 Proposal: Stage 2 | <p><u>Stage 2</u></p> <ul style="list-style-type: none"> • reclamation for the northern area of the multi-purpose terminals; • operation of the first container berth; • construction and operation of second container berth; • construction and operation of second multi-purpose terminal; • extension of new road link from Christy Drive (and option for a new parallel road to Foreshore Road); • new road link from Darcy Road to the recreational boat harbour; • new rail overbridge across Foreshore Road; and • new rail link and siding to the container terminals. | <p>The Project location does not restrict the reclamation works and the construction and operation of the new rail overbridge and rail link and siding to the container terminals as the reclamation works and rail infrastructure are likely to occur post 2040 based on advice from NSW Ports on 11 November 2020. NSW Ports also advised that a liquid berth, similar to the existing berth 206, would be provided in the Stage 2 development to allow the bitumen facility to continue.</p> <p>Furthermore, it is anticipated that the Project pipeline and vessel berthing location can be relocated in the future to accommodate the reclamation works and rail infrastructure proposed in Stage 2.</p> <p>Therefore, the Project is consistent with this clause of the approved concept plan.</p> |
| Schedule 1 Proposal: Stage 3 | <p><u>Stage 3</u></p> <ul style="list-style-type: none"> • demolition of No. 6 Jetty; • reclamation and dredging for northern area for the multi-purpose terminals and berth; • dredging to widen swing basin in northern Outer Harbour; • construction and operation of second and third multi-purpose berth and terminal; <ul style="list-style-type: none"> • construction and operation of the eastern container terminals; (including third and fourth container berths); and • construction of the container terminal northern piled structure. | <p>The Project location does not restrict the construction and operational areas for the Stage 3 land uses as these land uses are likely to occur within the 2026 to 2037 timeframe (as specified in the Environmental Assessment). NSW Ports advised on the 11 November 2020 that the Stage 3 development is likely to occur post 2040.</p> <p>Furthermore, the Project pipeline and vessel berthing location can be relocated in the future to accommodate Stage 3 land uses if required.</p> <p>Therefore, the Project is consistent with this clause of the approved concept plan.</p> |





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| <p>Schedule 2 Clause 1.1</p> | <p>The Proponent shall carry out the project generally in accordance with:</p> <ul style="list-style-type: none">a) Major Project Application 08_0249;b) the <i>Port Kembla Outer Harbour Development Environmental Assessment Report</i>, Volumes 1 to 7, prepared by AECOM Australia Pty Ltd and dated March 2010;c) the <i>Revised Port Kembla Outer Harbour Development Submissions Report</i>, prepared by AECOM Australia Pty Ltd and dated 27 October 2010;d) <i>modification application 08_0429C MOD 1, cover letter dated 4 May 2011 and the accompanying Traffic Assessment titled: Port Kembla Grinding Mill Traffic Assessment, dated 21 January 2011; and</i>e) <i>the terms of this approval.</i> | <p>Major Project Application 08_0249</p> <p>The Major Project Application describes the development as, 'Concurrent Concept Plan Approval for Stage 1, Stage 2 and Stage 3, and Major Project Approval for Stage 1.'</p> <p>The Major Project Application provides a high-level description of the development and does not identify the types of development or land uses to be located within Outer Harbour area. The Project location does not restrict the staged delivery of the approved concept plan or the Major Project Approval for Stage 1. Therefore, the Project is consistent with the Major Project Application.</p> <p>The Environmental Assessment contains numerous references to the following that demonstrate that the Project (bitumen/bulk liquid facility/terminal) was considered in future development that forms part of the Port Kembla Outer Harbour Concept Plan:</p> <ul style="list-style-type: none">■ The Port Kembla Outer Harbour Development area will cater for a number of new trades already under consideration and future opportunistic trades■ Identifies that the proposed Outer Harbour development would offer significant backup land and deep-water access for a more diverse range of trades■ Future trades include bulk liquid cargoes utilising the multipurpose terminals and berths. <p>Therefore, the Project is consistent with the Environmental Assessment as the Project is consider one of the range of import, storage and loading of bulk liquids that could occur in the future within the Outer Harbour Development area, and the Project does not restrict the future Stage 2 and Stage 3 land uses and infrastructure occurring generally in accordance with the document requirements referenced in this clause.</p> <p>Port Kembla Outer Harbour Development: Revised Submissions Report (AECOM, October 2010)</p> <p>The key issues addressed in the Revised Submissions Report are described below.</p> |
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- Traffic and transport. Key issues raised in the Submissions Report relate to traffic impacts to the local and regional road infrastructure due to increased heavy and light vehicle movements associated with the concept plan. While the Project will generate additional traffic movements, these movements will still be within the limits conditioned in Clause 2.7 and generally consistent with the forecast traffic levels contained in Table 4.4 of Appendix I (Volume 6) of the Environmental Assessment.
- Rail infrastructure. Key issues raised in the Submissions Report relate to capacity issues with the existing rail infrastructure and doubts over the modal split forecasted for container movements (90% by rail). The Project will not prevent NSW Ports from upgrading the existing rail infrastructure proposed as part of the concept plan.
- Air quality. Key issues raised in the Submissions Report relate to the modelling undertaken in the Air Quality Impact Assessment Port Kembla Outer Harbour (dated 10 September 2010) and whether best practice principles will be adopted to manage dust impacts. The Project design, construction and operation will comply with the relevant pollutant assessment criteria described in Section 3 of the Air Quality Impact Assessment Port Kembla Outer Harbour (dated 10 September 2010).
- Terrestrial and aquatic ecology. Key issues raised in the Submissions Report relate to impacts to the Green and Golden Bell Frog (GGBF) and potential impacts to aquatic habitat and fauna species. The Project is located on existing disturbed land, and no GGBF habitat was identified within the Project location during surveys undertaken as part of the Environmental Assessment. The Project will be located entirely on existing Port land and infrastructure and is not expected to impact upon aquatic habitat or fauna species.
- Noise and vibration. Key issues raised in the Submissions Report relate to noise impacts generated from construction and



| Reference | Conditions or requirements | Assessment of Project consistency |
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| | | <p>traffic associated with infrastructure and land uses approved in the concept plan. The Project design, construction and operation will comply with the relevant noise limits as described in the Noise Policy for Industry 2017 which replaced the NSW Industrial Noise Policy (2000).</p> <ul style="list-style-type: none">■ Heritage. Key issues raised in the Submissions Report relate to the heritage listed Mobile Block Setting Steam Crane and the potential for unexpected discovery of shipwrecks or European heritage items. The Project location does not contain any existing known heritage items and any unexpected finds will be managed in accordance with the NSW Heritage Act 1977. <p>Given the above, the Project is consistent with Revised Submissions Report as Project impacts will be within the scope of impacts considered during the assessment of the concept plan.</p> <p>Modification application 08_0249 MOD 1, Cover Letter – Proposed Grinding Mill Facility (Port Kembla Port Corporation, May 2011) and Port Kembla Grinding Mill Traffic Assessment (Bitzios, January 2011)</p> <p>The Project is not expected to impact the current operations of the Grinding Mill Facility. Furthermore, the Project will comply with the updated vehicle movements as proposed by the Port Kembla Grinding Mill Traffic Assessment and referenced in Clause 2.7 of the concept plan. Therefore, the Project is consistent with the abovementioned documents relating to the Grinding Mill Facility modification application.</p> |





| Reference | Conditions or requirements | Assessment of Project consistency |
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| Schedule 2, Clause 1.2 | <p>1.2 In the event of an inconsistency between:</p> <ul style="list-style-type: none">a) the terms of this approval and any document listed from term 1.1a) and 1.1c) inclusive, the terms of this approval shall prevail to the extent of the inconsistency; andb) any document listed from terms 1.1a) and 1.1c) inclusive, and any other document listed from terms 1.1a) and 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency. | <p>The Project location does not restrict works or land uses described in the application and approval documents referenced in clause 1.1.</p> <p>Therefore, the Project is consistent with this clause of the approved concept plan.</p> |
| Schedule 2, Clause 1.3 | <p>1.3 If there is any inconsistency between this concept plan approval and any related approvals, this concept plan approval shall prevail to the extent of the inconsistency.</p> | <p>The Project location does not restrict works or land uses described in the application and approval documents referenced in clause 1.1.</p> <p>Therefore, the Project is consistent with this clause of the approved concept plan.</p> |
| Schedule 2, Clause 1.4 | <p>1.4 The Proponent shall comply with any reasonable requirement(s) of the Director General arising from the Department of Planning's assessment of:</p> <ul style="list-style-type: none">a) any reports, plans or correspondence that are submitted in accordance with this concept plan approval or any related approvals; andb) the implementation of any actions or measures contained in these reports, plans or correspondence. | <p>The Project will not prevent the Proponent (NSW Ports) from complying with any reasonable requirement(s) of the Director General (now Secretary) referenced in clause 1.4. Therefore, the Project is consistent with this clause of the approved concept plan.</p> |





| Reference | Conditions or requirements | Assessment of Project consistency |
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| Schedule 2, Clause 1.5 | <p>1.5 For the purpose of this concept plan approval and any approval granted under it, the concept plan shall be defined in components as follows:</p> <p>a) Stage 1, being the development as generally described in Schedule 1 to this approval (including Stages 1A, 1B, 1C and Cement Australia Grinding Mill);</p> <p>b) Stages 2 and 3 being the balance of the development required for the concept plan, as generally described in Schedule 1 to this approval, other than those defined as Stage 1 development.</p> | The Project will not impact how the concept plan components are defined and therefore the Project is consistent with this clause of the approved concept plan. |
| Schedule 2, Clause 1.6 | <p>1.6 With the approval of the Director General, the Proponent may prepare and submit any management plan or monitoring program required by this approval on a progressive basis. Where a management plan and monitoring program is required before carrying out any development or stage of development, the plans/programs may be prepared and submitted in relation to either discrete components of the project or for a specified time period.</p> | <p>The Project will not trigger the requirement for any management plans or monitoring programs to be submitted to the Director General (now Secretary) under the terms of the concept plan approval.</p> <p>Therefore, the Project is consistent with this clause of the approved concept plan.</p> |
| Schedule 3, Clauses 2.1 and 2.2 | <p>2. MODIFICATIONS TO THE CONCEPT PLAN</p> <p>Limits of Approval</p> <p>2.1 This concept plan approval shall lapse ten years after the date on which it is granted, unless the works that are the subject of this approval are physically commenced on or before that time.</p> <p>2.2 This concept plan approval does not apply to the proposed new tug facilities wharf, which will be subject to separate assessment under the Act.</p> <p>2.3 <i>Deleted</i></p> | Clauses 2.1 and 2.2 are not relevant to the Project and therefore the Project is consistent with this clause of the concept approval. |





| Reference | Conditions or requirements | Assessment of Project consistency |
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| Schedule 3, Clause 2.4 | <p>Future Projects and Further Requirements</p> <p>2.4 The construction and operation of Stage 2 and Stage 3 are subject to further assessment under Part 3A of the Act, except as excluded by the terms of this approval.</p> <p>This assessment shall clearly demonstrate, prior to the construction and operation of Stages 2 and 3, that the following requirements are able to be met:</p> <ul style="list-style-type: none"> a) adequate rail infrastructure and intermodal capacity is in place or will be provided in a timely manner to accommodate the transport of the projected volumes of bulk, general and container cargo by rail, including the ability to achieve the transport modal split contained in Table 4.4, Appendix I (Volume 6) of the Environmental Assessment for bulk, general and container cargo; and b) road traffic generation, is generally consistent with the forecast levels contained in Requirement 2.7. | <p>The need to demonstrate adequate rail infrastructure and intermodal capacity is not relevant for the Project as these requirements are not needed for the operation of the Project.</p> <p>Road traffic generation for the Project involves average truck movements through the facility of approximately 7 trucks/day with a maximum usage of 26 trucks/day. Table 4.4 of Appendix I (Volume 6) of the Environmental Assessment shows the road traffic generation vehicles serving the Outer Harbour for bulk materials as 166 trucks per day (average). Therefore, Project daily truck numbers are within and generally consistent with the forecast traffic levels contained in Table 4.4 of Appendix I (Volume 6) of the Environmental Assessment.</p> <p>Therefore, the Project is consistent with this clause of the approved concept plan.</p> |





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| Schedule 3, Clause 2.5 | <p>2.5 Pursuant to section 75P(1)(a) and 75P(2)(c) of the Act, the following environmental assessment requirements apply with respect to any project applications or activity undertakings, for Stage 2 and Stage 3, under Part 3A or Part 5 of the Act:</p> <p><u>General Requirements</u></p> <ul style="list-style-type: none">a) demonstration that the project is generally consistent with the requirements of this approval, the scope and intent of the concept plan outlined in the documents under requirement 1.1 of this approval, and that the project will not unduly impact on the ability of the site and future development to meet acceptable environmental limits;b) detailed project description, including construction, operation, maintenance, and staging; and the design and location of ancillary infrastructure;c) details of the consultation process and outcomes with relevant stakeholders potentially impacted by the project;d) updated assessment of relevant statutory matters and issue specific requirements for both construction and operation phases and the identification of mitigation and management measures; ande) detailed project-specific Statement of Commitments, generally consistent with the Statement of Commitments prepared for the concept plan, clearly identifying any new or amended commitments relating to the project. <p><u>Issue-Specific Requirements</u></p> <ul style="list-style-type: none">f) an updated Traffic and Transport Assessment to address the traffic and transport impacts associated with each stage of the project, including:<ul style="list-style-type: none">i. consideration of the findings of the Rail Master Plan required by modification 2.6;ii. the current traffic performance of the local and regional road network;iii. approved and future development that will influence local and regional road network performance;iv. rail and road infrastructure upgrade requirements and associated impacts and the availability of rail paths;v. access changes, including the proposed closure of Foreshore Road, the rail overbridge of Foreshore Road and impacts to the Darcy Road sidings; andvi. construction transport routes and associated traffic impacts, including capacity constraints, changes to access and safety impacts.k) an updated Non-Indigenous Heritage Assessment, including identification of heritage items affected by the project and an assessment of the impact of the project on the heritage significance of the items. The assessment shall be prepared in consultation with the OEH. | <p>An EIS will be prepared for the Project, and it will ensure consistency with this clause.</p> <p>The Project will not prevent NSW Ports from addressing the requirements referenced in clause 2.5 and therefore the Project is consistent with this clause of the approved concept plan.</p> |
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- g) an updated **Noise and Vibration Impact Assessment** addressing both worst case and representative construction and operational noise impacts (including cumulative impacts as relevant). The assessment shall:
- i. identify noise sensitive receivers, baseline conditions, the levels and character of noise, noise criteria and modelling assumptions and outcomes, including on and offsite rail noise impacts;
 - ii. include details of the noise attenuation measures to be implemented should the predicted noise emissions from construction and operation exceed project specific noise criteria, along with a schedule for implementing such works;
 - iii. take into account the following guidelines or any documents that supersede them: *NSW Industrial Noise Policy* (EPA, 2000) for operational noise; *Interim Construction Noise Guideline* (DECC, 2009) for site establishment and construction; *Environmental Noise Management – Assessing Vibration: A Technical Guideline* (DECC, 2006) for vibration; the *Environmental Criteria for Road Traffic Noise* (Environment Protection Authority, 1999) for traffic noise and the *Interim Guideline for the Assessment of Noise from Rail Infrastructure Projects* (DECC and DoP, 2007) for offsite rail noise;
- h) an updated **Air Quality Assessment** that identifies sensitive receptors that may be impacted by particulate matter, total suspended particulates and other air pollutants generated by the project. The assessment shall include specific mitigation and management measures for identified impacts to prevent adverse impact to local and regional air quality and sensitive receptors.
- k) an updated **Non-Indigenous Heritage Assessment**, including identification of heritage items affected by the project and an assessment of the impact of the project on the heritage significance of the items. The assessment shall be prepared in consultation with the **OEH**.
- l) an updated **Hazards and Risks Assessment** that details a hazards assessment and the identification of risk reduction measures to ensure that risk levels for the projects are maintained within acceptable levels, including taking into account *State Environmental Planning Policy No.33 – Hazardous and Offensive Development* and associated guidelines and the recommendations listed in section 13.4.1 of the Environmental Assessment.

The assessments shall include but not be limited to hazard analysis, fire safety, construction safety, transport of hazardous materials and shall include a revised Preliminary Hazard Analysis (PHA) prepared in accordance with the Department of Planning's *Hazardous Industry Planning Advisory Paper No. 6: Guidelines for Hazard Analysis*.

The potential fatality/injury risks from toxic gas release and Ammonium Nitrate explosions shall also be assessed against the Departments criteria set out in *Hazardous Industry Planning Advisory Paper No.4: Risk Criteria for Land Use Safety Planning*.



| Reference | Conditions or requirements | Assessment of Project consistency |
|-----------|---|-----------------------------------|
| | m) an assessment at an appropriate level of detail, of other environmental issues associated with Stages 2 and 3 projects, but not limited to: coastal hydrodynamics; hydrology (including potential water quality impacts and flooding); erosion and sediment control, ecology, climate change adaptation and waste management. The assessment shall identify the measures for managing and mitigating any impacts, consistent with best environmental practice. | |





| Reference | Conditions or requirements | Assessment of Project consistency |
|---------------------------|---|--|
| Schedule 3, Clause 2.6 | <p>Rail Master Plan</p> <p>2.6 The Proponent shall prepare a Rail Master Plan to provide a strategic framework for the development and implementation of the rail infrastructure and upgrades necessary for Stages 2 and 3 of the concept plan and the achievement of the transport mode splits contained in Table 4.4, Appendix 1 (Volume 6) of the Environmental Assessment for bulk, general and container cargo. The plan shall be developed in consultation with transport agencies, rail and intermodal operators, including but not limited to Transport NSW, RailCorp, ARTC, Pacific National and other relevant agencies and corporations. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none">a) the objectives and scope of the plan;b) identification of stakeholders associated with the development of the plan and the consultation undertaken;c) forecast demand for freight movement, including a demand and supply analysis and description of the freight supply chain for the concept plan for a range of growth scenarios;d) consideration of national and state freight and port strategies, including the Maldon to Dombarton Feasibility Study;e) identification and alignment of freight movement volumes with required rail infrastructure upgrades, access paths, intermodal terminals and any other infrastructure or servicing requirements required to meet desired modal splits set out in Table 4.4 of Appendix I (Volume 6) of the EA and the road volume limits set under requirement 2.7, including the consideration of local, regional and state requirements, as relevant;f) the economic feasibility, viability and performance of port freight movements utilising existing and identified infrastructure and service provision measures for the proposal;g) identification of how and when the required infrastructure improvements will be delivered, including bodies responsible for the funding and implementation of the works; andh) a contingency plan in the event that the necessary rail and intermodal infrastructure and capacity for Stages 2 and 3 are not delivered in a timely manner. <p>The Plan shall be submitted to the Director General, consulted agencies and rail operators prior to the construction of Stage 1B and Stage 1C and any project applications relating to Stages 2 and 3 of this concept plan approval, unless otherwise agreed by the Director General, and shall be made publicly available.</p> | <p>The requirement for a Rail Master Plan is not relevant to the Project as the rail infrastructure is not required for the operation of the Project.</p> <p>Therefore, the Project is consistent with this clause of the approved concept plan.</p> |





| Reference | Conditions or requirements | Assessment of Project consistency | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------------------------|---|-----------------------------------|--------------|---------------|------------|-----------------|---------|------|---------------|-------------------------|----------|--------|-------------|---------------------------|-----------|-----------|--------------|-----------------|--------|--------|--------|--------------------------|-----|-----|-----|------------------------|----|----|----|-----------------------------------|----|----|----|--------------------------|--|--|--|-------------------------------|---|--|--|--|
| Schedule 3, Clauses 2.7 and 2.8 | <p>Road Traffic Volume Limits</p> <p>2.7 The total traffic movements associated with the operation of projects associated with this concept plan approval shall be generally consistent with the limits specified in Table 1, as follows:</p> <p>Table 1 - Total Road Traffic Volumes</p> <table><tr><th>Element</th><th>Bulk</th><th>General</th><th>Containers</th></tr><tr><td>Volume per year</td><td>4.25 mt</td><td>2 mt</td><td>1,200,000 teu</td></tr><tr><td>Volume by road per year</td><td>2.125 mt</td><td>1.6 mt</td><td>120,000 teu</td></tr><tr><td>Truck loading (per truck)</td><td>35 tonnes</td><td>25 tonnes</td><td>2 containers</td></tr><tr><td>Trucks per year</td><td>60,714</td><td>64,000</td><td>60,000</td></tr><tr><td>Trucks per day (average)</td><td>166</td><td>175</td><td>164</td></tr><tr><td>Trucks per hour (peak)</td><td>10</td><td>11</td><td>10</td></tr><tr><td>Two-way peak hour truck movements</td><td>21</td><td>22</td><td>21</td></tr><tr><td>Total for Stage 1</td><td colspan="3">70 vehicle movements per hour (62 trucks + 8 employees)</td></tr><tr><td>Total for Concept Plan</td><td colspan="3">121 vehicle movements per hour (102 trucks + 19 employee vehicles)</td></tr></table> <p>Note: The Stage 1 and Concept Plan totals in Table 1, include the 42 truck movements associated with the Stage 1 (Cement Australia Grinding Mill) Project (10_0102). However, the volumes and truck movements for the 'Bulk', 'General' and 'Container' values do not include cargoes and traffic associated with the Stage 1 (Cement Australia Grinding Mill) project.</p> | Element | Bulk | General | Containers | Volume per year | 4.25 mt | 2 mt | 1,200,000 teu | Volume by road per year | 2.125 mt | 1.6 mt | 120,000 teu | Truck loading (per truck) | 35 tonnes | 25 tonnes | 2 containers | Trucks per year | 60,714 | 64,000 | 60,000 | Trucks per day (average) | 166 | 175 | 164 | Trucks per hour (peak) | 10 | 11 | 10 | Two-way peak hour truck movements | 21 | 22 | 21 | Total for Stage 1 | 70 vehicle movements per hour (62 trucks + 8 employees) | | | Total for Concept Plan | 121 vehicle movements per hour (102 trucks + 19 employee vehicles) | | | <p>Road traffic generation for the Project involves average truck movements through the facility of approximately 7 trucks/day with a maximum usage of 26 trucks/day. Schedule 3, clause 2.7, Table 1 total road traffic volumes serving the Outer Harbour for bulk materials is 166 trucks per day (average). The Project will have a maximum of 3 trucks per hour through the facility. Therefore, the Project daily truck numbers and hourly peak truck numbers are within and generally consistent with the forecast traffic levels contained in Table 1.</p> <p>The Project will not limit the NSW Ports ability to undertake periodic monitoring of traffic movements as required in clause 2.8. Given the above, the Project is consistent with clauses 2.7 and 2.8 of the approved concept plan.</p> |
| | Element | Bulk | General | Containers | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Volume per year | 4.25 mt | 2 mt | 1,200,000 teu | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Volume by road per year | 2.125 mt | 1.6 mt | 120,000 teu | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Truck loading (per truck) | 35 tonnes | 25 tonnes | 2 containers | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Trucks per year | 60,714 | 64,000 | 60,000 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Trucks per day (average) | 166 | 175 | 164 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Trucks per hour (peak) | 10 | 11 | 10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Two-way peak hour truck movements | 21 | 22 | 21 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total for Stage 1 | 70 vehicle movements per hour (62 trucks + 8 employees) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total for Concept Plan | 121 vehicle movements per hour (102 trucks + 19 employee vehicles) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <p>2.8 The Proponent shall develop a program of periodic monitoring of the road traffic movements resulting from all projects associated with this concept plan approval, including the CGM, to confirm that the road traffic volumes as presented in Table 1 are not being exceeded. The results of this monitoring shall be submitted to the RTA and the Director General on a six monthly basis, or at such other interval as agreed by the Director-General, and within one month of each six month period of operation. The monitoring and reporting program shall be integrated with the Compliance Tracking Program.</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |





| Reference | Conditions or requirements | Assessment of Project consistency |
|----------------------------------|---|--|
| Schedule 3, Clauses 2.9 and 2.10 | <p>Aquatic Biological Monitoring Program</p> <p>2.9 The Proponent shall develop and implement an Aquatic Biological Monitoring Program including a sessile invertebrate recruitment study to monitor the effects of dredging and dredge spoil emplacement on larval settlement in relation to projects associated with this concept plan approval. The Program shall be developed in consultation with I & I NSW and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none">a) the objectives of the Program;b) baseline data set of sessile invertebrates;c) a timeline for the implementation of the Program;d) a sampling and monitoring program, including methodology and frequency and reporting mechanisms, including annual reporting to I & I NSW;e) responsibilities for the ongoing implementation of the Program; andf) contingency measures to be undertaken should monitoring against the baseline data indicate a detrimental impact to sessile invertebrates. <p>2.10 The Program shall be submitted to the Director General and I&I NSW prior to the commencement of any dredging or dredge spoil emplacement activities for any project associated with this concept plan approval, unless otherwise agreed by the Director General. The monitoring and reporting program shall be integrated with the Compliance Tracking Program.</p> | <p>The need to implement an Aquatic Biological Monitoring Program is not relevant to the Project as no dredging is proposed. The Project will not prevent the NSW Ports from being able to carry out aquatic biological monitoring as required by clauses 2.9 and 2.10.</p> <p>Therefore, the Project is consistent with these clauses of the approved concept plan.</p> |





| Reference | Conditions or requirements | Assessment of Project consistency |
|-----------------------------------|---|--|
| Schedule 3, Clauses 2.11 and 2.12 | <p>Habitat Offsets Package</p> <p>2.11 The Proponent shall develop and submit for the approval of the Director General, a Habitat Offsets Package to detail how the ecological values of the Coastal Saltmarsh and Red Beach soft substrate habitat lost, as a result of the projects associated with this concept plan approval, will be compensated. The Package shall be developed in consultation with OEHS, I & I NSW and Council and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none">a) the identification of the extent of habitat, both terrestrial and aquatic, that would be lost or degraded as a result of the final detailed design of the projects footprint;b) the objectives and biodiversity outcomes that would be achieved through the Package;c) details of the offset measures selected to provide compensatory habitat within the region, including options in Tom Thumb Lagoon and Garungaty Waterway;d) the mechanisms for securing the biodiversity values of the offset measures in perpetuity;e) a timeline for the implementation of the identified measures;f) a monitoring program and performance criteria, including methodology and reporting mechanisms;g) responsibilities for the ongoing management, maintenance and monitoring of offset and rehabilitation measures; andh) contingency measures to be undertaken should monitoring against performance criteria indicate that the offset/rehabilitation measures have not achieved performance outcomes. <p>2.12 The Package shall be approved by the Director General prior to the commencement of any construction activity for any project associated with this concept plan approval that would result in the disturbance of Red Beach and/or Coastal Saltmarsh, unless otherwise agreed by the Director General. The monitoring and reporting program shall be integrated with the Compliance Tracking Program.</p> | <p>The Project will not result in disturbance to Red Beach and/or Coastal Saltmarsh and as such does not trigger the requirement to prepare a Habitat Offsets Package. Furthermore, the Project will not limit NSW Ports ability to comply with this requirement.</p> <p>Therefore, the Project is consistent with clauses 2.11 and 2.12 of the approved concept plan.</p> |





| | | |
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| <p>Schedule 3, Clauses 2.13 and 2.14</p> | <p>Green and Golden Bell Frog Master Plan</p> <p>2.13 The Proponent shall prepare a Green and Golden Bell Frog (GGBF) Master Plan to provide a strategic framework on how GGBF and their habitat will be managed within the working harbour area, and inform the development of GGBF Management Plans for each project associated with this concept plan approval.</p> | <p>Figure 17-2: Location of Known or Potential GGBF Habitat Sites in Close Proximity to the Proposed Outer Harbour Development of the Environmental Assessment does not identify any known or potential GGBF sites within the Project location. Furthermore, the Project will be located within an existing disturbed footprint and is therefore not expected to impact on the GGBF and require the need for a GGBF Master Plan.</p> <p>Therefore, the Project is consistent with clauses 2.13 and 2.14 of the approved concept plan.</p> |
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The Plan shall:

- a) be prepared in consultation with the **OEH** and by a suitably qualified and independent expert whose appointment has been approved by the Director General;
- b) be prepared with consideration of the *Draft Recovery Plan: Green and Golden Bell Frog (Lesson 1829) Recovery Plan* (**OEH**, 2005), *Management Plan for the Green and Golden Bell Frog Port Kembla* (**OEH**, 2007) and the *Best Practice Guidelines: Green and Gold Bell Frog Habitat* (**OEH**, 2008);
- c) include the following performance criteria/objectives:
 - i) the improvement and protection of GGBF habitat and increasing the viability of the GGBF at key sites across the Outer Harbour;
 - ii) the creation of additional habitat components at strategic locations;
 - iii) the reduction of current operating threats at key sites;
 - iv) the establishment of an integrated habitat rehabilitation, creation and management program (involving the community where possible) to address long term on-going management issues at key sites; and
 - v) an increased level of community awareness, knowledge and skills relevant to GGBF conservation issues as well as increased participation by staff and contractors in recovery initiatives.
- d) identify:
 - i) existing and potential threats to GGBF habitat;
 - ii) existing or potential areas to be protected, managed and enhanced as GGBF habitat, including breeding, shelter, refuge and movement habitat, including security mechanisms for key sites
 - iii) actions and measures to be considered to enhance and protect GGBF habitat, including planting and landscaping suitable for GGBF foraging and shelter, and structures to facilitate movement and over wintering habitat;
 - iv) an adaptive monitoring program to measure the success of proposed works and actions and the inclusion of baseline data;
 - v) person(s) responsible for the protection, management, enhancement and monitoring of each GGBF habitat area;
 - vi) resources required for the protection, management and enhancement and monitoring of each GGBF habitat area;
 - vii) legal mechanism(s) and/or instrument(s) to secure each GGBF habitat area in perpetuity; and
 - viii) demarcated Port Kembla Outer Harbour boundary, internal lot boundaries, land title information and environmental zonings on an annotated map or aerial photograph.
- e) include:
 - i) a feasibility assessment of retaining and refurbishing existing or potential habitats, including but not necessarily limited to Sites 6, 8, 17 and 18, as identified in the *Assessment of Habitat, Dispersal, Corridors and Management Actions to conserve the Port Kembla key population of Green and Golden Bell Frog* (Gaia Research, 2008); and
 - ii) a timeline for the implementation of proposed works and actions.

2.14 The GGBF Master Plan shall be submitted to the Director General and **OEH** prior to the commencement of construction for any project associated with this concept plan approval, unless otherwise agreed by the Director General. The monitoring and reporting elements of the Plan shall be integrated with the Compliance Tracking Program. In the event that the Proponent seeks to defer the submission of the GGBF Master Plan, the Director General shall consider the extent to which construction works that may occur prior to submission of the GGBF Master Plan are likely to impact upon existing and potential GGBF habitat areas and movement corridors.



| Reference | Conditions or requirements | Assessment of Project consistency |
|---|---|--|
| Schedule 3, Clause 2.15 | Dredging 2.15 The ongoing operational dredging requirements for Port Kembla, including maintenance dredging do not form part of this concept plan approval and are subject to the assessment requirements of the Act. | The Project does not propose dredging and therefore it is consistent with clause 2.15 of the approved concept plan. |
| Schedule 3, Clauses 2.16, 2.17 and 2.18 | Non- Indigenous Heritage 2.16 The Proponent shall prior to any project applications or activity undertakings, for Stage 2 or Stage 3, under Part 3A or Part 5 of the Act, prepare and implement a Conservation Management Plan for the ongoing management of the Mobile Block Setting Steam Crane and associated components, consistent with recommendation 3 of the <i>Historic Heritage Assessment and Statement of Heritage Impact</i> (Environmental Assessment Appendix M) and shall address requirements of the need to relocate the items as a result of these stages. The Plan shall be prepared by a qualified heritage consultant, in consultation with the OEHL and submitted for approval by the Director General. The relocation of the Mobile Block Setting Steam Crane and associated components shall be consistent with the approved Conservation Management Plan and shall be conserved in accordance with the approved plan prior to any relocation. 2.17 Dredging works shall be subject to a shipwreck mitigation strategy to manage the unexpected discovery of shipwrecks. 2.18 The access road between the Historical Military Museum and gun pill box shall be designed and constructed to minimise impacts on these heritage items. The road shall provide equitable access to and between items for visitors of the Museum and shall be developed in consultation with the Historical Military Museum and the OEHL. | Furthermore, the Project does not: <ul style="list-style-type: none"> Contain any listed or non-listed heritage items and will not impact upon any heritage items during construction or operation Propose dredging Require the construction of the access road between the Historical Military Museum and gun pill box Prevent the proponent from implementing a Conservation Management Plan. Therefore, the Project will be consistent with clauses 2.16, 2.17 and 2.18 of the approved concept plan. |





| Reference | Conditions or requirements | Assessment of Project consistency |
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| Schedule 3, Clause 2.19 | Coastal Hydrodynamics 2.19 The Project and each stage of the project (as relevant) shall be designed and constructed to minimise increases in infragravity (long) wave and gravity (ocean swell) wave parameters within both the inner and outer harbours and not to have a detrimental effect on harbour tidal flushing. | The Project will be located on existing Port land and as such will not impact upon the area's coastal hydrodynamics. Therefore, the Project is generally consistent with clause 2.19 of the approved concept plan. |





Schedule 3,
Clause
2.20, 2.21,
2.22 and
2.23.

Air Quality

2.20 Projects associated with this concept plan approval shall be designed and operated with the objective of meeting the relevant pollutant assessment criteria described in section 3 of the report *Air Quality Impact Assessment Port Kembla Outer Harbour*, dated 10 September 2010, and prepared by AECOM (or as may be updated by the source documents), including in a manner that minimises the potential generation of particulate matter emissions from stockpiles, plant and equipment.

- 2.21 The Proponent shall install, operate and maintain a **meteorological monitoring station** to monitor weather conditions representative of those on the Site, in accordance with:
- AM-1 Guide to Siting of Sampling Units (AS 2922-1987);
 - AM-2 Guide for Horizontal Measurement of Wind for Air Quality Applications (AS 2923-1987); and
 - AM-4 On-Site Meteorological Monitoring Program Guidance for Regulatory Modelling Applications.

The meteorological monitoring station shall be installed at or near the site and the Proponent shall use the meteorological monitoring station to undertake the monitoring required under this approval. This requirement does not preclude the Proponent from reaching agreement with any other relevant party for the installation, operation and maintenance of a shared monitoring station, or shared use of an existing monitoring station representative of the Site, provided the outcomes of this requirement are achieved.

2.22 From the commencement of construction of any project associated with this concept plan approval, the Proponent shall continuously monitor, utilising the meteorological monitoring station required under this approval, for each of the parameters listed in Table 2.

Table 2 – Meteorological Monitoring

| Parameter | Units of Measure | Frequency | Averaging Period | Sampling Method |
|-----------|------------------|------------|------------------|-----------------|
| Rainfall | mm | Continuous | 1 hour | AM-4 |

| | | | | |
|------------------------------|------------------|------------|-----------|---------------|
| Temperature at two metres | °C | Continuous | 15 minute | AM-4 |
| Temperature at ten metres | °C | Continuous | 15 minute | AM-4 |
| Wind speed at ten metres | m/s | Continuous | 15 minute | AM-2 and AM-4 |
| Wind direction at ten metres | ° | Continuous | 15 minute | AM-2 and AM-4 |
| Sigma theta at ten metres | ° | Continuous | 15 minute | AM-2 and AM-4 |
| Solar radiation | W/m ² | Continuous | 15 minute | AM-4 |

The Project design, construction and operation will comply with the relevant pollutant assessment criteria described in Section 3 of the Air Quality Impact Assessment Port Kembla Outer Harbour (dated 10 September 2010). The Project will also not emit 'offensive odours' as required under the NSW EPA Protection of the Environment Operations Act 1997. The Project will also not prevent NSW Ports from undertaking meteorological monitoring.

Therefore, the Project is consistent with clauses 2.20, 2.21, 2.22 and 2.23 of the approved concept plan.



| Reference | Conditions or requirements | Assessment of Project consistency |
|-----------|--|-----------------------------------|
| | <p>2.23 Prior to the commencement of operations for any project associated with this concept plan approval, unless otherwise agreed by the Director General, the Proponent shall develop and submit for the approval of the Director General, an Ambient Dust Monitoring Program, to outline how the particulate matter impacts of the projects associated with this Concept plan approval will be monitored and proactively managed. The Program shall be prepared by an appropriately qualified person(s). The Program shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none">a) identification of an air quality monitoring network and meteorological monitoring,b) locations, frequencies and methods for monitoring total suspended particles, PM₁₀ and deposited particulate matter;c) the use of appropriate sampling or monitoring methods to measure the parameters described above and a meteorological station capable of monitoring wind direction and speed;d) the utilisation of real-time monitoring data to inform environmental management decisions associated with the project;e) a framework for identifying actual and potential particulate matter impacts, and for applying pro-active and reactive mitigation and management measures to address those impacts;f) provisions for reporting monitoring results to OEH and the Department and for independent review and auditing of the Program (to be incorporated into the Compliance Tracking Program); andg) mechanisms for updating the Program as may be required from time to time. | |





| Reference | Conditions or requirements | Assessment of Project consistency |
|-----------------------------------|---|---|
| Schedule 3, Clause 2.24 and 2.25. | <p>Operational Noise</p> <p>2.24 Projects associated with this concept plan approval shall be designed and operated with the objective of meeting noise limits as described in the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000).</p> <p>2.25 Prior to the commencement of operations for any project associated with this concept plan approval, the Proponent shall develop and submit for the approval of the Director General, a Noise Verification Monitoring Program, to outline how the noise impacts of the projects associated with this concept plan approval will be monitored and proactively managed. The Program shall be prepared by an appropriately qualified person(s) and in consultation with OEH. The Program shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) identification of a noise monitoring network, consistent with the guidelines provided in the <i>New South Wales Industrial Noise Policy</i> (EPA, 2000); b) locations, timing and methods for monitoring noise impacts as operations commence for each stage of the concept plan to assess compliance with cumulative operational noise limits, including identification of monitoring sites at which pre- and post-project noise levels can be ascertained; c) a framework for identifying actual and potential noise impacts, and for applying proactive and reactive mitigation and management measures to address those impacts; d) provisions for reporting monitoring results and complaints and enquiries received to the OEH and the Department and for independent review and auditing of the Program (to be incorporated into the Compliance Tracking Program); and e) mechanisms for updating the Program as may be required from time to time including a system that allows for the periodic assessment of Best Management Practices and Best Available Technology Economically Achievable to satisfy operational noise limits. | <p>The Project design, construction and operation will comply with the relevant noise limits as described in the Noise Policy for Industry 2017 which replaced the NSW Industrial Noise Policy (2000).</p> <p>Therefore, the Project is consistent with clauses 2.24 and 2.25 of the approved concept plan.</p> |
| Schedule 3, Clause 2.26. | <p>Shore Side Power</p> <p>2.26 Prior to the completion of the reclamation phase in Stage 1 the Proponent shall prepare a Shore Side Power (cold ironing) Feasibility Report, in consultation with OEH, for shore side power at each berth. The assessment shall be undertaken by an appropriately qualified person(s) and shall include, but not limited to:</p> <ul style="list-style-type: none"> a) a discussion of best management practice for Shore Side Power, including any relevant international standards; b) consideration of all feasible and reasonable measures that could be adopted at the berths, including the consideration and quantification of air quality and noise benefits; and c) potential options and future recommendations. <p>The Proponent shall submit the Report for the Director General's consideration and shall comply with any requirements of the Director General.</p> | <p>The Project does not restrict the reclamation works proposed as part of Stage 1 and as such is consistent with clause 2.26 of the approved concept plan.</p> |





| Reference | Conditions or requirements | Assessment of Project consistency |
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| Schedule 3 Clause 2.27 | <p>Hazards, Dangerous Goods and Chemical Storage</p> <p>2.27 For each project associated with this concept plan approval, the recommendations listed in section 13.4.1 of the Environmental Assessment shall be implemented, as relevant; and shall incorporate the proposed safeguards listed in Appendix A of the report <i>Port Kembla Outer Harbour Development Preliminary Hazard Analysis</i>, dated 4 March 2010.</p> <p>2.28 Twelve months after the commencement of operations of each project associated with this concept plan approval and every three years thereafter, or as otherwise agreed by the Director-General, a comprehensive Hazard Audit of the project, as relevant, shall be carried out.</p> <p>The audits shall be carried out at by a qualified person or team, independent of the project, and shall be consistent with the Department of Planning's Hazardous Industry Planning Advisory Paper No. 5, '<i>Hazard Audit Guidelines</i>'.</p> <p>The Proponent shall ensure that audit reports are submitted to the Director General within one month of each audit being undertaken and ensure that the three yearly site Hazard Audits for each project associated with this concept plan approval are consolidated.</p> | <p>The recommendations listed in Section 13.4.1 of the Environmental Assessment are not relevant to the Project as the bitumen facility is not considered to be a hazardous facility and bitumen is not classified as a hazardous substance according to Safe Work Australia.</p> <p>Therefore, the Project is consistent with clause 2.27 of the approved concept plan.</p> |
| Schedule 3, Clause 2.29 | <p>Cumulative Impacts</p> <p>2.29 Prior to the commencement of construction of stage 1 (Cement Australia Grinding Mill), stage 2 and 3 of the concept plan approval, or as otherwise agreed by the Director General, the Proponent shall prepare and submit for the Director General's approval a Cumulative Impact Protocol, which details the measures to be implemented to manage and monitor the cumulative impacts associated with the concurrent construction and operation of project stages, particularly in relation to road and rail traffic, air quality and noise control. The Protocol shall include:</p> <ul style="list-style-type: none"> a) an environmental risk assessment identifying likely cumulative impacts of activities included within the concept plan approval on neighbouring development during construction and operation; b) management procedures to be implemented during construction and operation where cumulative impacts are identified, specifically focusing on those issues identified to be of high risk; c) management procedures to allow for the cooperation between project Environmental Representatives; and d) procedures for periodic review of the Protocol. | <p>The Project will have minimal additional impacts to that described within the Environmental Assessment. Furthermore, the Project will operate in accordance with the relevant noise, air and traffic standards set out in conditions and requirements of the concept plan approval.</p> <p>Therefore, the Project is consistent with clause 2.29 of the approved concept plan.</p> |





| Reference | Conditions or requirements | Assessment of Project consistency |
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| Schedule 3, Clauses 4.1, 4.2 and 4.3 | <p>4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT</p> <p>4.1 Subject to confidentiality, the Proponent shall make documents required under this concept plan approval available for public inspection on request.</p> <p>4.2 The Proponent shall establish a dedicated website or maintain dedicated pages within its existing website for the provision of electronic information associated with the concept plan approval, subject to confidentiality requirements. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:</p> <ul style="list-style-type: none"> a) information on the statutory context of the concept plan approval and the current implementation status of the project; b) a copy of this concept plan approval, any related project approvals and any future modification to these approvals; and c) details of the outcomes of compliance reviews and audits of the project. <p>Community Communication Strategy</p> <p>4.3 The Proponent shall prepare and implement a Community Communication Strategy for the project. This Strategy shall be designed to provide mechanisms to facilitate communication between the Proponent, Council and the local community (broader and local stakeholders) on the progress of the project. The Strategy shall include, but not necessarily limited to:</p> <ul style="list-style-type: none"> a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners; b) procedures and mechanisms for the regular distribution of information to stakeholders on the progress of the project; c) procedures and mechanisms through which stakeholders can discuss or provide feedback to the Proponent in relation to the progress of the project; d) procedures and mechanisms through which the Proponent can respond to any enquiries or feedback from stakeholders in relation to the progress of the project; and e) procedures and mechanisms that would be implemented to resolve any issues/disputes that may arise between parties on the matters relating to the progress of the project. This may include the use of an appropriately qualified and experienced independent mediator. <p>Key issues that should be addressed in the Community Communication Strategy include (but not necessarily be limited to):</p> <ul style="list-style-type: none"> i) transport and traffic monitoring and management; ii) noise and vibration monitoring and management; iii) air quality and odour monitoring and management; iv) heritage; and v) cumulative impacts. <p>The Proponent shall maintain and implement the Strategy throughout the development of the concept plan. The Strategy shall be submitted to the Director General prior to the commencement of any construction of the projects associated with this concept plan approval.</p> | <p>The Project will be subject to an EIS to DPIE and application material will be available through the Major Projects Portal.</p> <p>The Project will not impact NSW Port's ability prepare a Community Communication Strategy and as such the Project is consistent with clauses 4.1, 4.2 and 4.3 of the approved concept plan.</p> |





| Reference | Conditions or requirements | Assessment of Project consistency |
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| Schedule 3, Clause 4.4 and 4.5 | <p>Complaints and Enquiries Procedure</p> <p>4.4 Prior to the commencement of construction of any projects associated with this concept plan approval, the Proponent shall ensure that the following are available for community complaints for the life of the project (including construction and operation):</p> <ul style="list-style-type: none"> a) a telephone number on which complaints about construction and operational activities at the site may be registered; b) a postal address to which written complaints may be sent; and c) an email address to which electronic complaints may be transmitted. <p>The telephone number, the postal address and the e-mail address must be advertised in a newspaper circulating in the locality on at least one occasion prior to the commencement of construction and at six-monthly intervals thereafter. These details must also be provided on the Proponent's internet site. The telephone number, the postal address and the email address shall be displayed on a sign near the development site and/or main access roads, in a position that is clearly visible to the public.</p> <p>4.5 The Proponent shall record details of all complaints received through the means listed under term 4.4 of this approval in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) the date and time, where relevant, of the complaint; b) the means by which the complaint was made (telephone, mail or email); c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect; d) the nature of the complaint; e) any action(s) taken by the Proponent in relation to the complaint, including any follow-up contact with the complainant; and f) if no action was taken by the Proponent in relation to the complaint, the reason(s) why no action was taken. <p>The Complaints Register shall be made available for inspection by the Director General upon request.</p> | <p>The Project will not restrict the NSW Ports ability to comply with clauses 4.4 and 4.5 and where required Simosa may provide Project details to assist in any complaints.</p> <p>Therefore, the Project is consistent these clauses of the approved concept plan.</p> |





| Reference | Conditions or requirements | Assessment of Project consistency |
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| Schedule 3, Clause 5.1 | <p>5. COMPLIANCE MONITORING AND TRACKING</p> <p>Compliance Tracking Program</p> <p>5.1 The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this concept plan approval. The Program shall be submitted to the Director General for approval prior to the commencement of construction of any project associated with this concept plan approval, unless otherwise agreed by the Director General. The Program shall include, but not necessarily limited to:</p> <ul style="list-style-type: none">a) provisions for periodic review of the compliance status of the project against the requirements of this approval;b) provisions for the notification of the Director General following the determination of, prior to the commencement of construction and prior to the commencement of operation of projects associated with this concept plan approval;c) provisions for periodic reporting of environmental monitoring and compliance status to the Director General;d) a program for independent environmental auditing in accordance with <i>ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing</i>; ande) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance. | <p>Clause 5.1 relates to compliance monitoring and tracking and the preparation and implementation of a Compliance Tracking Program which is the responsibility of NSW Ports.</p> <p>The Project will not restrict NSW Ports ability to comply with clause 5.1 and therefore is consistent with this clause of the approved concept plan.</p> |



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