

# Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure, the Planning Assessment Commission of New South Wales (the Commission) approves the modification of the concept plan referred to in Schedule 1, subject to the conditions in Schedule 2.



**Janet Thomson**  
Member of the Commission

Sydney

8 September 2011



**John Court**  
Member of the Commission

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## SCHEDULE 1

**Concept Plan Approval:**

08\_0249 granted by the Minister for Planning on 3 March 2011

**For the following:**

The staged development of the land in the Port Kembla Outer Harbour, Port Kembla.

**Modification:**

(08\_0249 MOD 1): adjustment of the operational traffic movement cap for Stage 1 and the entire Concept Plan area of the Outer Harbour development.

## SCHEDULE 2

### CONDITIONS

1. In the Proposal section of Schedule 1, delete the words "three stages as follows: Stage 1" and insert:

three key stages as follows:

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

2. In the Proposal section of Schedule 1, immediately after "civil works for construction of terminal facilities including services." insert:

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), which includes a number of monitoring and reporting requirements which are the responsibility of Cement Australia.

3. Delete the definitions for "DECCW", "NOW", "Department", "Director-General" and "Minister" and insert in alphabetical order the following:

CGM	Cement Australia Grinding Mill Project (10_0102)
Department	Department of Planning and Infrastructure
Director-General	Director-General of the Department of Planning and Infrastructure (or delegate)
DPI	Department of Primary Industries
Minister	Minister for Planning and Infrastructure
OEH	Office of Environment and Heritage

4. Delete all references to "DECCW" and replace with "OEH".
5. Delete all references to "Department (Heritage Branch)" and replace with "OEH".
6. Delete all references to "NOW", and replace with "DPI".
7. In Requirement 1.1 of Schedule 2, delete all words after "27 October 2010;" and insert:
  - (d) modification application 08\_0249C MOD 1, cover letter dated 4 May 2011 and the accompanying Traffic Impact Assessment titled: *Port Kembla Grinding Mill Traffic Impact Assessment*, dated 21 January 2011; and
  - (e) the terms of this approval.
5. In Requirement 1.5 of Schedule 2 immediately after "Schedule 1 to this approval" insert "(including Stages 1A, 1B, 1C and Cement Australia Grinding Mill)".
6. Delete Requirement 2.3 of Schedule 3 and the accompanying note.
7. In Requirement 2.4 of Schedule 3, delete the text in point b) and insert:

road traffic generation, is generally consistent with the forecast levels contained in Requirement 2.7.

8. In Requirement 2.5 of Schedule 3, delete subsection (a) and insert:

2.5(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.

9. In Requirement 2.6 of Schedule 3, delete “and the road volume limits set under condition 2.7 and Table 4.4 of Appendix I (Volume 6) of the Environmental Assessment” and insert: “set out in Table 4.4 of Appendix I (Volume 6) of the EA and the road volume limits set under requirement 2.7”

10. In Requirement 2.7 of Schedule 3, delete the last two rows of Table 1 and insert:

<b>Total for Stage 1</b>	<b>70 vehicle movements per hour (62 trucks + 8 employees)</b>
<b>Total for Concept Plan</b>	<b>121 vehicle movements per hour (102 trucks + 19 employees)</b>
<b>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.</b>	

11. In Requirement 2.8 of Schedule 3 after the words “concept plan approval,” insert “including the CGM,”.

12. In Requirement 2.19 of Schedule 3 after the words “each stage of the project” insert “as relevant”.

13. In Requirement 2.20 of Schedule 3 delete “The Proponent shall design, construct, and operate any projects associated with this concept plan approval” and replace with:

Projects associated with this concept plan approval shall be designed and operated

14. In Requirement 2.24 of Schedule 3 delete “The Proponent shall design and operate any projects associated with this concept plan approval” and replace with:

Projects associated with this concept plan approval shall be designed and operated

15. In Requirement 2.25 b) of Schedule 3 delete the words “and project specific”.

16. Replace Requirements 2.27 and 2.28 with:

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 *Port Kembla Outer Harbour Development Preliminary Hazard Analysis*, dated 4 March 2010.

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.

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, ‘*Hazard Audit Guidelines*’.

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.

17. In Requirement 2.29 after the words "Prior to commencement of construction of" insert "stage 1 (Cement Australia Grinding Mill),".
18. In Requirement 2.29 delete all words after "identified to be high risk;" and replace with:
  - c) management procedures to allow for the cooperation between project Environmental Representatives;
  - d) procedures for periodic review of the Protocol.
19. Delete Requirement 3.1 of Schedule 3.
20. Replace Requirements 4.1 to 4.3 of Schedule 3 with:
  - 4.1 Subject to confidentiality, the Proponent shall make documents required under this concept plan approval available for public inspection on request.

#### **Provision of Electronic Information**

- 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:
  - 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.

#### **Community Communication Strategy**

- 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:
  - 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.

Key issues that should be addressed in the Community Communication Strategy include (but not necessarily be limited to):

- 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.

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.

21. Replace Requirement 5.1 of Schedule 3 with:

- 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:
- 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 *ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing*; and
  - e) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance.

22. Delete section 6 of Schedule 3 (Requirements 6.1 to 6.4).

*End of Schedule*