

# Project Approval

## Section 75J of the *Environmental Planning and Assessment Act 1979*

I, the Minister for Planning, approve the project referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Frank Sartor MP  
Minister for Planning

Sydney

3 July

2007

File No: S06/00556

### SCHEDULE 1

**Application No:** 06\_0229

**Proponent:** BlueScope Steel (AIS) Pty Ltd

**Approval Authority:** Minister for Planning

**Land:** Lot 1 DP 606434

**Project:** Upgrade and increase in the production capacity of the Sinter Plant from 5.5 million tonnes to 6.6 million tonnes per annum. The upgrade to the Sinter Plant includes construction of new infrastructure to improve operational efficiencies.

**Major Project:** The proposal is declared a Major Project under section 75B(1)(a) of the *Environmental Planning and Assessment Act 1979*, because it is a development of a kind that is described in clause 9(a) of Schedule 1 to *State Environmental Planning Policy (Major Projects) 2005*.

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## SCHEDULE 2

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Conditions of Approval</b>	The Minister's conditions of approval for the project.
<b>Council</b>	Wollongong City Council
<b>Day</b>	the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>DECC</b>	Department of Environment and Climate Change
<b>Department, the</b>	Department of Planning
<b>Director-General, the</b>	Director-General of the Department of Planning (or delegate)
<b>Director-General's Approval</b>	<p>A written approval from the Director-General (or delegate).</p> <p>Where the Director-General's Approval is required under a condition the Director-General will endeavour to provide a response within one month of receiving an approval request. The Director-General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.</p>
<b>EA</b>	<i>Ore Preparation Upgrade Project – Environmental Assessment</i> , dated February 2007, and prepared by CH2M HILL Australia Pty Ltd
<b>EPA</b>	Environment Protection Authority as part of the Department of Environment and Climate Change
<b>EPL</b>	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
<b>Minister, the</b>	Minister for Planning
<b>Mtpa</b>	Million tonnes per annum
<b>Night</b>	the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
<b>Proponent</b>	BlueScope Steel (AIS) Pty Ltd, or any party acting under authorisation from and on behalf of BlueScope Steel (AIS) Pty Ltd
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
<b>RTA</b>	NSW Roads and Traffic Authority
<b>Sensitive Receiver</b>	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) or religious facility (e.g. church).
<b>site</b>	Land to which Major Projects application 06_0229 applies.
<b>Steelworks</b>	the Port Kembla Steelworks

## **1. ADMINISTRATIVE CONDITIONS**

### **Terms of Project Approval**

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- a) Major Project Application 06\_0229;
  - b) *Ore Preparation Upgrade Project – Environmental Assessment* dated February 2007, and prepared by CH2M HILL Australia Pty Ltd;
  - c) Correspondence titled *BlueScope Steel's Proposed Ore Preparation Plant Upgrade – Reference: 06-0229* dated 2 May 2007 and containing *Attachment 1: Response to Issues Raised in Submissions and Additional Statement of Commitments*; and
  - d) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:
- a) any reports, plans or correspondence that are submitted in accordance with this approval; and
  - b) the implementation of any actions or measures contained in these reports, plans or correspondence.

### **Limits of Approval**

- 1.4 This approval shall lapse five years after the date on which it is granted, unless the works the subject of this approval are physically and substantially commenced on or before that time.
- 1.5 The maximum production capacity from the upgraded Sinter Plant shall be limited to 6.6 million tonnes per annum.

### **Statutory Requirements**

- 1.6 The Proponent shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals. The Proponent shall ensure that a copy of this approval and all relevant environmental approvals are available on the site at all times during the project.

## **2. SPECIFIC ENVIRONMENTAL CONDITIONS**

### **Air Quality Impacts**

#### ***Odour***

- 2.1 The Proponent shall not permit any offensive odour, as defined under section 129 of the *Protection of the Environment Operations Act 1997*, to be emitted beyond the boundary of the site.

#### ***Dust Emissions***

- 2.2 The Proponent shall design, construct, commission, operate and maintain the project in a manner that minimises or prevents the emission of dust from the site including wind blown and traffic generated dust.
- 2.3 The Proponent shall take all practicable measures to ensure that all vehicles entering or leaving the site, carrying a load that may generate dust, are covered at all times, except

during loading and unloading. Any such vehicles shall be covered or enclosed in a manner that will prevent emissions of dust from the vehicle at all times, to the extent practicable.

- 2.4 All activities on the site shall be undertaken with the objective of preventing visible emissions of dust beyond the boundary of the site. Should such visible dust emissions occur at any time, the Proponent shall identify and implement all practicable dust mitigation measures, including cessation of relevant works, as appropriate.
- 2.5 The Proponent shall control dust emissions on all internal roads, trafficable areas and manoeuvring areas to minimise the potential for dust generation by sealing, or otherwise treating surfaces in a manner acceptable to the Director-General.

**Discharge Limits**

- 2.6 The Proponent shall design, construct, operate and maintain the project to ensure that emissions from the Sinter Plant Waste Gas Cleaning Plant Exhaust Stack comply with the discharge limits specified in Table 1.

Table 1: Sinter Plant Waste Gas Cleaning Plant Exhaust Stack

Pollutant	Units of measure	100% concentration limit	Method	Frequency
Solid Particles	mg/m <sup>3</sup>	20	TM-15	Commissioning and then Quarterly
Sulfur Dioxide (SO <sub>2</sub> )	mg/m <sup>3</sup>	1000	As approved by the EPA	Commissioning and then Quarterly
Nitrogen Oxides (as NO <sub>2</sub> equivalent)	mg/m <sup>3</sup>	2000	As approved by the EPA	Commissioning and then Quarterly
Sulfuric Acid Mist (H <sub>2</sub> SO <sub>4</sub> ) or Sulfur Trioxide (SO <sub>3</sub> )	mg/m <sup>3</sup>	100	TM-3	Commissioning and then Quarterly
Dioxins/Furans	ng/m <sup>3</sup>	0.3	TM-18	Commissioning and then Quarterly

*Note: In relation to the above dioxin limit the EPA has proposed to the Proponent that upon completion of the current investigations aimed at reducing levels of dioxins in the Sinter Plant Waste Gas Cleaning Plant dust, the above limit will be reviewed with a view to reducing the dioxin limit.*

Table 2: Sinter machine room de-dusting stack

Pollutant	Units of measure	100% concentration limit	Method	Frequency
Solid Particles	mg/m <sup>3</sup>	50	TM-15	Commissioning and then as approved by the EPA

**Sinter Cooler Waste Gases**

- 2.7 The Proponent shall conduct investigations into the use of spare capacity in the room de-dusting system to manage and treat additional dust loads from the Sinter Cooler. Twelve months following recommissioning, the Proponent shall provide the EPA and the Director-General with a report that:
- a) identifies and reviews technically feasible and practicable options for diverting Sinter Cooler waste gases to the room de-dusting system;
  - b) provides a cost benefit analysis to the options identified in 2.7a);
  - c) estimates the reduction in particulate emissions from the sinter cooler and the increase in emissions from the de-dusting stack;

- d) estimates the increase in electrostatic precipitator dust collected from the system; and
- e) if the investigations reveal feasible waste gas management options, then the Proponent must provide recommendations and an implementation program.

## **Noise Impacts**

### **Construction Noise**

- 2.8 The Proponent shall only undertake construction activities associated with the project that would generate an audible noise at any residential premises between the following hours:
- a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
  - b) 8:00 am to 1:00 pm on Saturdays; and
  - c) at no time on Sundays or public holidays.

This condition does not apply in the event of a direction from police or other relevant authority for safety or emergency reasons.

*Note: 'safety or emergency reasons' refers to emergency works which may need to be undertaken to avoid loss of life, property loss and/or to prevent environmental harm.*

### **Operation Noise**

- 2.9 The Proponent shall design, construct, operate and maintain the project so that the project does not exceed a noise contribution at the nearest affected residence of 35 dB(A) when measured as  $L_{Aeq(15 \text{ minute})}$ . Noise monitoring locations and methodologies to establish compliance with this condition shall meet the requirements of the EPA, as may be specified in an Environment Protection Licence applicable to the project.
- 2.10 For the purpose of assessment of noise contributions specified under condition 2.9 of this consent, noise from the project shall be:
- a) measured at the most affected point on or within the site boundary at the most sensitive receiver to determine compliance with  $L_{Aeq(15 \text{ minute})}$  night noise limits;
  - b) measured at one metre from the dwelling façade to determine compliance with  $L_{A1(1 \text{ minute})}$  noise limits; and
  - c) subject to the modification factors provided in Section 4 of the *New South Wales Industrial Noise Policy* (EPA, 2000), where applicable.

Notwithstanding, should direct measurement of noise from the development be impractical, the Proponent may employ an alternative noise assessment method deemed acceptable by the EPA (refer to Section 11 of the *New South Wales Industrial Noise Policy* (EPA, 2000)). Details of such an alternative noise assessment method accepted by the EPA shall be submitted to the Director-General prior to the implementation of the assessment method.

## **Surface Water Quality Impacts**

- 2.11 The Proponent shall install stormwater drains, stormwater ponds, settlement ponds and/or storage ponds and other erosion, sediment and pollution controls as may be appropriate to manage stormwater on the site. The Proponent shall maintain all erosion, sediment and pollution control infrastructure at or above design capacity for the duration of construction of the project and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.
- 2.12 Except as may be expressly provided under the provisions of an Environment Protection Licence for the project, the Proponent shall comply with section 120 of the *Protection of the Environment Operations Act 1997* which prohibits the pollution of waters.

## **Waste Generation and Management**

- 2.13 The Proponent shall maximise treatment and/ or beneficial reuse of waste materials associated with the development to ensure minimisation of temporary storage of waste on the site and minimisation of waste volumes requiring disposal.
- 2.14 The Proponent shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing, or disposal on the site, except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997*, if such a licence is required in relation to that waste.
- 2.15 The Proponent shall ensure that all liquid and/ or non-liquid waste generated and/ or stored on the site is assessed and classified in accordance with *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes* (DEC, 2004), or any future guideline that may supersede that document.

## **3. ENVIRONMENTAL MONITORING AND AUDITING**

### **Air Quality Monitoring**

- 3.1 To establish compliance with condition 2.6 of this Approval, the Proponent shall monitor the emissions from the Room De-dusting Stack and the Waste Gas Cleaning Plant Exhaust Stack at the monitoring points listed by the EPA in the existing Environment Protection Licence. Monitoring shall be undertaken within 3 months following recommissioning of the Plant, and then at a frequency specified in the Environment Protection Licence and utilising test methods agreed with the EPA.
- 3.2 Within 28 days of conducting the recommissioning monitoring referred to under condition 3.1 of this approval, the Proponent shall provide the Director-General and the EPA with a copy of the report. If the monitoring identifies significant deviance from the predictions made in the documents referred to under condition 1.1 or any exceedance of limits in accordance with condition 2.6, the Proponent shall detail what additional measures would be implemented to address these exceedances. The Proponent shall clearly indicate who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be assessed and reported to the Director-General.

### **Noise Auditing**

- 3.3 The Proponent shall undertake a program to confirm the noise performance of the project as referred to in condition 2.10. The noise program shall include, but not necessarily be limited to:
- a) noise monitoring, consistent with the guidelines provided in the *New South Wales Industrial Noise Policy* (EPA, 2000), to assess compliance with condition 2.9 of this Approval.
  - b) methodologies, locations and frequencies for noise monitoring;
  - c) identification of monitoring sites at which pre- and post-project noise levels can be ascertained;
  - d) details of any complaints and enquiries received in relation to noise generated by the project within the first three months of operation;
  - e) a statement of whether the site is in compliance with noise limits specified in condition 2.9; and
  - f) any additional noise mitigation measures and timetables for implementation.

The noise program shall be documented in a report which shall be submitted at various times as specified in condition 3.4.

- 3.4 The Proponent shall provide the Director-General and the EPA with a report which includes the noise monitoring procedures and monitoring results referred to under condition 3.3 of this approval. The report is to be provided:
- a) six months prior to commencement of construction (draft monitoring procedures);

- b) four months prior to commencement of construction (final monitoring procedures);
- c) prior to the commencement of construction (monitoring results); and
- d) three months after commissioning of the project (monitoring results).

If the noise monitoring report identifies any non-compliance with the noise limits imposed under this approval (refer to condition 2.9), the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General and EPA.

#### **4. COMPLIANCE MONITORING AND TRACKING**

##### **Compliance Tracking Program**

- 4.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall include, but not necessarily be limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval;
  - b) provisions for periodic reporting of compliance status to the Director-General;
  - c) a program for independent environmental auditing at least annually, or as otherwise agreed by the Director-General, in accordance with *ISO 19011:2002 - Guidelines for Quality and/ or Environmental Management Systems Auditing*; and
  - d) mechanisms for rectifying any non-compliance identified during environmental auditing or review of compliance.

#### **5. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT**

- 5.1 Subject to commercial confidentiality, the Proponent shall make all documents required under this approval available for public inspection on request.

##### **Complaints and Enquiries Procedure**

- 5.2 Prior to the commencement of construction of the project, the Proponent shall ensure that the following are available for community complaints and enquiries for the life of the project (including construction and operation):
- a) a telephone number on which complaints and enquiries about construction and operational activities at the site may be registered;
  - b) a postal address to which written complaints and enquiries may be sent; and
  - c) an email address to which electronic complaints and enquiries may be transmitted.

The telephone number, the postal address and the email address shall be displayed on a sign near the entrance to the site, in a position that is clearly visible to the public, and which clearly indicates the purposes of the sign. This information is also to be provided on the Proponent's website.

- 5.3 The Proponent shall record details of all complaints and enquiries received through the means listed under condition 5.2 of this approval in an up-to-date Complaints and Enquiries Register. The Register shall record, but not necessarily be limited to:
- a) the date and time, where relevant, of the complaint and enquiry;
  - b) the means by which the complaint and enquiry was made (telephone, mail or email);
  - c) any personal details of the complainant and/or enquirer that were provided, or if no details were provided, a note to that effect;
  - d) the nature of the complaint and enquiry;
  - e) record of operational and meteorological condition contributing to complaint;
  - f) any action(s) taken by the Proponent in relation to the complaint and enquiry, including any follow-up contact with the complainant and/or enquirer; and



- g) if no action was taken by the Proponent in relation to the complaint and enquiry, the reason(s) why no action was taken.

The Complaints and Enquiries Register shall be made available for inspection by the Director-General upon request.

### Provision of Electronic Information

- 5.4 The Proponent shall establish and maintain a new website, or dedicated pages within its existing website for the provision of electronic information associated with the proposal. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages for the life of the project and include, but not necessarily be limited to:
- a) a copy of the documents referred to under condition 1.1 of this approval, and any documentation supporting modifications to this approval that may be granted from time to time;
  - b) a copy of this approval and each relevant environmental approval, licence or permit required and obtained in relation to the project;
  - c) a copy of each strategy, plan and program required under this approval; and
  - d) the outcomes of compliance tracking in accordance with condition 4.1 of this approval.

## 6. ENVIRONMENTAL MANAGEMENT

### Construction Environmental Management Plan

- 6.1 Prior to the commencement of construction of the project, the Proponent shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during construction of the project. The Plan shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004) and shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during construction including an indication of stages of construction, where relevant;
  - b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - c) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
    - i) measures to monitor and manage dust emissions;
    - ii) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/ or waters during construction activities; and
    - iii) measures to monitor and control noise emissions during construction works.
  - d) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
  - e) the additional studies listed under condition 6.2 of this approval; and
  - f) complaints and enquiries handling procedures during construction.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of any construction works associated with the project, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.

- 6.2 As part of the Construction Environmental Management Plan for the project required under condition 6.1 of this approval, the Proponent shall prepare and implement the following:
- a) where soil testing prior to the commencement of construction identifies the presence of acid sulfate soils, an **Acid Sulfate Soil Management Plan** prepared in accordance with guidance provided in *Acid Sulfate Soil Manual* (Acid Sulfate Soil Management Advisory Committee, 1998);

- b) a **Construction Water Management Plan** to detail how surface water, groundwater and stormwater will be managed on the site during construction. The Plan shall include use of appropriately-sized stormwater controls, in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004) The Plan shall include specific measures to avoid sediment-laden stormwater from entering Port Kembla Inner Harbour, and a monitoring program for stormwater leaving the site;
- c) a **Construction Noise Management Plan** to detail how construction noise and vibration impacts would be minimised and managed, including, but not necessarily limited to:
  - i) details of construction activities and a schedule for construction works;
  - ii) identification of construction activities that have the potential to generate noise and/ or vibration impacts on surrounding land uses, particularly residential areas;
  - iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/ guidelines;
  - iv) procedures for notifying residents of construction activities that are likely to effect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints and enquiries; and
  - v) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected.
- d) a **Construction Traffic Management Plan** to detail how heavy vehicle movements associated with the project would be managed during the construction phase of the development. The Plan shall specifically address the management of construction traffic along the existing heavy vehicle routes within the Wollongong local government area, measures to minimise the impact of construction traffic along the classified road network, restrictions to the hours of heavy vehicle movements to avoid road use conflicts, movement of oversize loads to and from the site, and the transport of construction waste materials. The Traffic Management Plan must be prepared in consultation with the RTA and Council.

### **Operation Environmental Management Plan**

6.3 Prior to the commencement of recommissioning of the Ore Preparation area, the Proponent shall demonstrate to the satisfaction of the Director-General that it has updated environmental and safety management systems for the Steelworks to reflect the works subject of this Approval.

## **7. ENVIRONMENTAL REPORTING**

### **Incident Reporting**

- 7.1 The Proponent shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Proponent shall provide written details of the incident to the Director-General within seven days of the date on which the incident occurred.
- 7.2 The Proponent shall maintain a register of accidents, incidents and potential incidents with actual or potential significant off-site impacts on people or the biophysical environment. The register shall be made available for inspection at any time by the independent qualified person or team conducting the Environmental Audit and/or the Director-General.
- 7.3 The Proponent shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 7.1 of this consent, within such period as the Director-General may agree.