

Consolidated Approval

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.

Sydney

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 <i>Environmental Planning and Assessment Act 1979</i> , because it is a development of a kind that is described in clause 9(a) of Schedule 1 to <i>State Environmental Planning Policy (Major Projects) 2005</i> .

MOD 1 – April 2016

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act, 1979</i>
Conditions of Approval	The Minister's conditions of approval for the project.
Council	Wollongong City Council
Day	the period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment, or its successors in title
Secretary's Approval	A written approval from the Secretary (or delegate). Where the Secretary's Approval is required under a condition the Secretary will endeavour to provide a response within one month of receiving an approval request. The Secretary 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.
EA	<i>Ore Preparation Upgrade Project – Environmental Assessment</i> , dated February 2007, and prepared by CH2M HILL Australia Pty Ltd
EPA	Environment Protection Authority
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Minister, the	Minister for Planning
MOD 1	Modification request MP 06_0229 MOD 1, accompanied by the letter dated 27 June 2014 from David Bell, Manager Cokemaking and Ironmaking and detailing the proposed amendments to conditions of approval and the amendment of environmental reporting requirements
Mtpa	Million tonnes per annum
Night	the period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Proponent	BlueScope Steel (AIS) Pty Ltd, or any party acting under authorisation from and on behalf of BlueScope Steel (AIS) Pty Ltd
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre).
RMS	NSW Roads and Maritime Services
Secretary	Secretary of the Department, or nominee
Sensitive Receiver	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) or religious facility (e.g. church).
site	Land to which Major Projects application 06_0229 applies.
Steelworks	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:
- Major Project Application 06_0229;
 - Ore Preparation Upgrade Project – Environmental Assessment* dated February 2007, and prepared by CH2M HILL Australia Pty Ltd;
 - 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
 - MOD 1.
- 1.2 In the event of an inconsistency between:
- the conditions of this approval and any document listed in condition 1.1 inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - any document listed in condition 1.1 inclusive, and any other document listed in condition 1.1 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 Secretary arising from the Department's assessment of:
- any reports, plans or correspondence that are submitted in accordance with this approval; and
 - 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 **Secretary**.

Discharge Limits

- 2.6 **The Proponent shall install and operate equipment in line with best practice to ensure that the project complies with all load limits, air quality criteria and air quality monitoring requirements as specified in the EPL for the site.**
- 2.7 **Deleted**

Noise Impacts

- 2.8 **Deleted**

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:
- 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;
 - measured at one metre from the dwelling façade to determine compliance with $L_{A1(1 \text{ minute})}$ noise limits; and
 - 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 **Secretary** 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 All liquid and/or non-liquid waste on the site shall be assessed and classified in accordance with *Waste Classification Guidelines* (Department of Environment, Climate Change and Water, 2009), or any superseding document.

3. Deleted

4. INDEPENDENT ENVIRONMENTAL AUDIT

- 4.1 Within three years of the last Independent Environmental Audit in June 2013, and every three years thereafter, unless the Secretary directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
- be conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Secretary;
 - include consultation with the relevant agencies;
 - assess the environmental performance of the project and assess whether it is complying with the requirements in this approval and any other licences or approvals;
 - review the adequacy of any approved strategy, plan or program required under the approvals identified in part c); and, if appropriate
 - recommend measures or actions to improve the environmental performance of the project, and/or any strategy, plan or program required under this approval.
- 4.2 Within three months of commissioning this audit or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

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 telephone number on which complaints and enquiries about construction and operational activities at the site may be registered;
 - a postal address to which written complaints and enquiries may be sent; and
 - 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 **Secretary** upon request.

Provision of Electronic Information

- 5.4 The Proponent shall publish and maintain up-to-date information on its website 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 any modification to it 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 any audit 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 **Secretary** 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 **Secretary**. Construction works shall not commence until written approval has been received from the **Secretary**.

- 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 **Secretary** 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 **Within 24 hours of the occurrence of an incident that causes (or may cause) harm to the environment, the Proponent shall notify the Secretary and any other relevant agencies of the incident.**

Within seven (7) days of the detection of the incident, the Applicant shall provide the Secretary and any relevant agencies with a detailed report on the incident.

Environmental Management Report

- 7.2 By 31 October 2017 and every three years thereafter, unless otherwise agreed by the Secretary, the Proponent shall review and report on the environmental performance of the project to the satisfaction of the Secretary. This review must:
- a) describe the project that was carried out during the reporting period and the project that is proposed to be carried out over the next three years;
 - b) include a comprehensive review of the monitoring results and complaints records of the project during the reporting period, which includes a comparison of these results against the:
 - i) the relevant statutory requirements, limits or performance measures/criteria;
 - ii) requirements of any plan or program required under this approval;
 - iii) the monitoring results of previous years; and
 - iv) the relevant predictions in the EA and any modification request documentation;
 - c) identify any non-compliance during the reporting period and describe what actions were (or are being) taken to ensure compliance;
 - d) identify any trends in the monitoring data over the life of the project;
 - e) identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause; and
 - f) describe what measures will be implemented during the reporting period to improve the environmental performance of the development.
- 7.3 After reviewing the report submitted under condition 7.2, the Secretary may require the Proponent to address certain matters identified in the report. The Proponent must comply with any reasonable requirements of the Secretary.