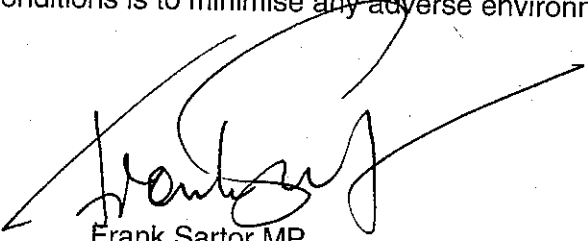


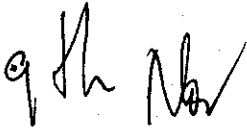
**DETERMINATION OF A DEVELOPMENT APPLICATION
FOR STATE SIGNIFICANT, INTEGRATED DEVELOPMENT
UNDER SECTION 80 OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

I, the Minister for Planning, pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*, determine the development application referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to minimise any adverse environmental impacts associated with the development.


Frank Sartor MP
Minister for Planning

Sydney,

 2005

File No. 9036366

SCHEDULE 1

Application made by: BlueScope Steel (AIS) Pty Ltd ("the Applicant");

To: The Minister for Planning ("the Minister");

In respect of: Lot 1, DP 606434, Five Islands Road, Port Kembla, Wollongong local government area.

For the following: the upgrade and increase in capacity of the existing Cold Mill and Pickle Line in the Port Kembla Steelworks, increasing the total production capacity from approximately 480,000 tonnes per annum (current) to approximately 850,000 tonnes per annum (proposed). This increase includes an increase in Hot Rolled Pickle Oiled coil dispatch (from current 45,000 to proposed 148,000 tonnes per annum), the production of Cold Rolled Full Hard Coil (400,000 tonnes per annum) and a reduction in Tin Plate production (from current 435,000 to proposed 242,000 tonnes per annum).

The Pickle Line Upgrade will include: increased level of automation throughout the process; reduction in cycle times to enable higher throughput; addition of a tension leveler to improve pickling efficiency; replacement of existing pickle tanks, rinse tank, steering rolls and associated installations including hoods and heating equipment; addition of a reverse rinse tank to enable elimination of rinse stains; and addition of a Hot Rolled Pickle Oiled coil dispatch facility. The Cold Mill Upgrade will include: upgrading automation to achieve higher rolling capacity, necessitating the installation of new mechanical equipment; demolition and removal of

the existing once-through coolant system; installation of a new recirculating coolant system; and changes to fume exhaust system.

Development Application:

Integrated development application DA-139-6-2005-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 2 June 2005, accompanied by *Cold Mill Pickle Line Upgrade Proposal: Statement of Environmental Effects* (two volumes), dated May 2005, and prepared by CH2M HILL Australia Pty Ltd;

State Significant Development

Under Section 76A(7) of the Act, the development is classified as State Significant development because it meets the criteria of *State Environmental Planning Policy No. 34 – Major Employment Generating Industrial Development*.

Appeal Rights

If the Applicant is dissatisfied with this determination, section 97 of the *Environmental Planning and Assessment Act 1979* grants it a right of appeal to the Land and Environment Court, which is exercisable within 12 months of receiving notice of this determination. There are no appeal rights for an objector under section 98 of the Act because the development does not constitute designated development.

Commencement of Consent

Pursuant to section 83 of the *Environmental Planning and Assessment Act 1979*, this consent operates from the date endorsed on the notice of determination given to the Applicant.

Lapse of Consent

Pursuant to section 95 of the *Environmental Planning and Assessment Act 1979*, this development consent is liable to lapse five years after the date from which the consent operates, unless the use of any land, building or work the subject of the consent is actually commenced before the date on which the consent would otherwise lapse.

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SCHEDULE 2

In this consent, except in so far as the context or subject-matter otherwise indicates or requires, the following terms have the meanings indicated:

Act	<i>Environmental Planning and Assessment Act, 1979</i>
Applicant	BlueScope Steel (AIS) Pty Ltd
Council	Wollongong City Council
Department	NSW Department of Planning
development	the development to which this consent applies
Director-General	Director-General of the NSW Department of Planning, or nominee
dust	any solid material that may become suspended in air
EPA	NSW Environment Protection Authority (part of the Department of Environment and Conservation)
EPL	Environment Protection Licence issued under the <i>Protection of the Environment Operations Act 1997</i>
Minister	Minister for Planning, or nominee
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
site	the land to which this consent applies
Steelworks	the Port Kembla Steelworks

1. GENERAL

Scope of Development

- 1.1 ¹The Applicant shall carry out the development generally in accordance with:
- DA-139-6-2005-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 2 June 2005;
 - Cold Mill Pickle Line Upgrade Proposal: Statement of Environmental Effects* (two volumes), dated May 2005, and prepared by CH2M HILL Australia Pty Ltd; and
 - the conditions of this consent.
- 1.2 In the event of an inconsistency between any of the documents listed under condition 1.1, the conditions of this consent shall prevail to the extent of any inconsistency.

Statutory Requirements

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

2. COMPLIANCE

- 2.1 The Applicant shall put in place a management system, and take reasonable steps, to ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.
- 2.2 The Applicant shall be responsible for the works the subject of this consent and the environmental impacts that may result from those works, and shall put in place an environmental management system governing the conduct of all persons on the site, including contractors, subcontractors and visitors.
- 2.3 Prior to each of the events listed below, or within such period otherwise agreed by the Director-General, the Applicant shall certify in writing to the satisfaction of the Director-General, that it has complied with all conditions of this consent applicable prior to that event. Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Director-General, stage the submission of compliance certification consistent with the staging of activities relating to that event.
- commencement of construction of the development; and
 - commencement of operation of the development.
- 2.4 Notwithstanding condition 2.3 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.
- 2.5 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.1 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

¹ Incorporates an EPA General Term of Approval (1.1)

3. ENVIRONMENTAL PERFORMANCE

Air Quality Impacts

Dust Emissions

- 3.1 ²The Applicant shall undertake the development in a manner that minimises or prevents dust emissions from the site, including wind-blown and traffic-generated dust.

Odour Emissions

- 3.2 ³The Applicant 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 Steelworks as a result of undertaking the development.

Discharge Limits

- 3.3 ⁴The Applicant shall design, construct, operate and maintain the development to ensure that emissions of solid particles from the Cold Mill Ventilation Stack (EPL identification number 54) does not exceed 50mgm^{-3} at any time (as at reference conditions: dry, 273K, 101.3 kPa and 7% O₂). The monitoring location and test method applicable when determining compliance with this condition shall be as required by the EPA, and as may be specified in an Environment Protection Licence applicable to the development.
- 3.4 ⁵The Applicant shall design, construct, operate and maintain the development to ensure that emissions of hydrogen chloride from the Pickle Line Stack (EPL identification number 53) does not exceed 100mgm^{-3} at any time (as at reference conditions: dry, 273K, 101.3 kPa and 7% O₂). The monitoring location and test method applicable when determining compliance with this condition shall be as required by the EPA, and as may be specified in an Environment Protection Licence applicable to the development.

Soil and Water Quality Impacts

- 3.5 The Applicant shall manage surface water and stormwater to ensure that run-off generated from disturbed areas is segregated from any water that is actually or potentially contaminated or laden with sediment as a result of activities associated with the development. Surface water and stormwater from undisturbed areas shall be managed in accordance with *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004).
- 3.6 ⁶The Applicant shall ensure that section 120 of the *Protection of the Environment Operations Act 1997* (prohibition of pollution of waters) is complied with in and in connection with the carrying out of the development.

Noise Impacts

Restriction to Hours

- 3.7 ⁷Unless otherwise agreed in writing by the EPA, the Applicant shall only undertake construction activities associated with the development, which 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.

² Incorporates an EPA General Term of Approval (9)

³ Incorporates an EPA General Term of Approval (6)

⁴ Incorporates EPA General Terms of Approval (1.4 and 3)

⁵ Incorporates EPA General Terms of Approval (1.4 and 3)

⁶ Incorporates an EPA General Term of Approval (2.1)

⁷ Incorporates EPA General Terms of Approval (4.2 and 4.3)

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

- 3.8 To avoid any doubt, nothing in this consent restricts the hours of operation of the development, subject to compliance with the conditions of this consent.

Operation Noise Limits

- 3.9 ⁸The Applicant shall design, construct, operate and maintain the development so that the development does not exceed a noise contribution at the most 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 development.

Hazards and Risk Impacts

- 3.10 The Applicant shall demolish all relevant structures strictly in accordance with *Australian Standard 2601-1991: The Demolition of Structures*, as in force at 1 July 1993.

- 3.11 ⁹The Applicant shall store and handle all dangerous goods, as defined by the Australian Dangerous Goods Code, strictly in accordance with:
- a) all relevant Australian Standards;
 - b) a minimum bund volume requirement of 110% of the volume of the largest single stored volume within the bund; and
 - c) the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.

In the event of an inconsistency between the requirements listed from a) to c) above, the most stringent requirement shall prevail to the extent of the inconsistency.

- 3.12 ¹⁰The Applicant shall design, install and maintain a bund around the Roll Coolant Plant in accordance with the guidance provided in the EPA's Environment Protection Manual Technical Bulletin *Bunding and Spill Management*.
- 3.13 Prior to the commencement of works permitted under this consent, the Applicant shall submit for the approval of the Director-General, a **Hazard and Operability Study (HAZOP)** of the development (and related systems, in so far as those systems may be affected by the works the subject of this consent). The Study shall be chaired by an independent, qualified person or team, approved by the Director-General, and shall be carried out in accordance with the Department's publication *Hazardous Industry Planning Advisory Paper No. 8 - HAZOP Guidelines*.
- 3.14 Prior to the commencement of works permitted under this consent, the Applicant shall submit for the approval of the Director-General, a **Construction Safety Study** for the development, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*. The Study shall specifically identify and address potential hazards associated with the construction of the development and its interaction with other parts of the Steelworks while the works permitted under this consent are undertaken.

⁸ Incorporates an EPA General Term of Approval (4.1)

⁹ Incorporates an EPA General Term of Approval (12.1)

¹⁰ Incorporates an EPA General Term of Approval (12.2)

Waste Generation and Management

- 3.15 ¹¹The Applicant shall maximise the treatment, reuse and/ or recycling on the site of any waste oils, excavated soils, slurries, dusts and sludges associated with development, to minimise the need for treatment or disposal of those materials outside the Steelworks.
- 3.16 ¹²The Applicant shall manage any asbestos or asbestos-contaminated materials that may be uncovered during the construction, commissioning and operation of the development strictly in accordance with the requirements under *Protection of the Environment Operations (Waste) Regulation 2005* and any guidelines or requirements issued by the EPA in relation to those materials
- 3.17 ¹³The Applicant 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.
- 3.18 ¹⁴The Applicant 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.
- 3.19 ¹⁵The Applicant shall implement measures to minimise or eliminate the quantities of non-liquid wastes generated as a result of the development that would otherwise require long-term storage within the Steelworks. In the event that any such waste is generated by the development and stored within the Steelworks for more than six months following the commissioning of the development, the Applicant shall develop and implement, to the satisfaction of the EPA, a management strategy for those wastes. The strategy shall include, but not necessarily be limited to:
- a) characterisation of the wastes, including the types of pollutants and their physico-chemical characteristics;
 - b) identification of options to minimise the quantity of non-liquid wastes requiring long-term storage, including options to maximise the beneficial reuse of the wastes; and
 - c) assessment of the feasibility and cost of the options referred to under b), and selection of preferred option(s) for implementation, including a timetable for implementation.

The Applicant shall submit the management strategy required under this condition to the EPA within twelve months following the commissioning of the development.

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

- 4.1 Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request.

Complaints Procedure

- 4.2 Prior to the commencement works the subject of this consent, the Applicant shall ensure that the following are available for community complaints:

¹¹ Incorporates an EPA General Term of Approval (10.2)

¹² Incorporates an EPA General Term of Approval (11)

¹³ Incorporates EPA General Terms of Approval (5.1 and 5.2)

¹⁴ Incorporates an EPA General Term of Approval (10.1)

¹⁵ Incorporates EPA General Terms of Approval (10.3, 10.3.1 and 10.3.2)

- a) a 24-hour, toll-free telephone number on which complaints about the development 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.

The telephone number, the postal address and the email address shall be advertised on at least one occasion prior to the commencement of construction of the development, through a medium approved by the Director-General. These details shall also be provided on the Applicant's internet site, should one exist.

- 4.3 The Applicant shall record details of all complaints received through the means listed under condition 4.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:
- 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 Applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request. The Applicant shall also make summaries of the Register, without details of the complainants, available to the public for inspection upon request.

5. ENVIRONMENTAL MONITORING AND AUDITING

- 5.1 ¹⁶The Applicant shall undertake all monitoring, including recording and reporting of monitoring results, as required under this consent and as may be specified in an Environment Protection Licence applicable to the development.

Noise Performance Verification

- 5.2 ¹⁷Within 90 days of the conclusion of commissioning the works, the subject of this consent, or as otherwise agreed by the Director-General, and during a period in which the development is operating under design loads and normal operating conditions, the Applicant shall undertake a program to confirm the noise emission performance of the development. The program shall meet the requirements of the EPA, and 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 3.9 of this consent;
 - b) methodologies for noise monitoring, including monitoring frequencies and durations;
 - c) location of noise monitoring, including identification of monitoring sites at which pre- and post-development noise levels can be ascertained; and
 - d) details of any entries in the Complaints Register (condition 4.3 of this consent) relating to noise impacts.

A report providing the results of the program shall be submitted to the Director-General and the EPA with 30 days of completion of the testing required under a).

¹⁶ Incorporates EPA General Terms of Approval (13.1, 13.2, 13.3 and 15)

¹⁷ Incorporates EPA General Terms of Approval (14.2 and 14.2.1)

- 5.3 ¹⁸In the event that the program undertaken to satisfy condition 5.2 of the consent indicates that the operation of the development, under design loads and normal operating conditions, will lead to greater noise impacts than permitted under condition 3.9 of this consent, then the Applicant shall provide details of remedial measures to be implemented to reduce noise impacts to levels required by that condition. Details of the remedial measures and a timetable for implementation shall be submitted to the Director-General, and be accompanied by evidence that the EPA is satisfied that the remedial measures are acceptable.

Air Quality Monitoring

Discharges to Atmosphere

- 5.4 ¹⁹To establish compliance with condition 3.3 of this consent, the Applicant shall monitor the concentration of solid particles in discharges from the Cold Mill Ventilation Stack (EPL identification number 54), at a monitoring appoint agreed by the EPA and reflected in an Environment Protection Licence applicable to the development. Monitoring shall be undertaken following commissioning of the development, utilising Test Method 15 (TM-15) and reflecting results in mgm^{-3} .
- 5.5 ²⁰To establish compliance with condition 3.4 of this consent, the Applicant shall monitor the concentration of hydrogen chloride in discharges from the Pickle Line Stack (EPL identification number 53), at a monitoring appoint agreed by the EPA and reflected in an Environment Protection Licence applicable to the development. Monitoring shall be undertaken following commissioning of the development, utilising Test Method 8 (TM-8) and reflecting results in mgm^{-3} .

6. ENVIRONMENTAL MANAGEMENT AND REPORTING

Environmental Training

- 6.1 ²¹Prior to the commencement of construction of the development, the Applicant shall develop and implement an **Environmental Training Program**. The Program shall establish a framework in which relevant employees will be trained in environmental management and the operation of major process components, including pollution control equipment for development, where relevant. The Program shall include, but not necessarily be limited to:
- a) identification of relevant employment positions associated with the development that have an operational or management role related to environmental performance;
 - b) details of appropriate training requirements for relevant employees;
 - c) a program for training relevant employees in operational and/ or management issues associated with environmental performance; and
 - d) a program to confirm and update environmental training and knowledge during employment of relevant persons.

Construction Environmental Management Protocol

- 6.2 The Applicant shall prepare and implement a **Construction Environmental Management Protocol** to outline environmental management practices and procedures to be followed during construction works associated with the development. The Plan shall address the requirements of the EPA. The Plan shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during construction of the development, including an indication of stages of construction, where relevant;

¹⁸ Incorporates EPA General Terms of Approval (14.2 and 14.2.1)

¹⁹ Incorporates an EPA General Term of Approval (14.1)

²⁰ Incorporates an EPA General Term of Approval (14.1)

²¹ Incorporates an EPA General Term of Approval (19)