

CONSOLIDATED CONSENT

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

DETERMINATION OF A DEVELOPMENT APPLICATION UNDER SECTION 80 OF THE ACT

I, the Minister for Urban Affairs and Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), and Clause 8 of *State Environmental Planning Policy No. 34 - Major Employment-Generating Industrial Development*, determine the development application ("the Application") referred to in Schedule 1 by granting consent to the application subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions generally is to minimise any adverse effects from the development, consistent with the objectives of the Act. These conditions are set out in detail in Schedule 2.

CONSOLIDATED INSTRUMENT – Mod 5 - 2025

Andrew Refshauge MP
Deputy Premier
Minister for Urban Affairs and Planning
Minister for Aboriginal Affairs
Minister for Housing

Sydney, 10 August 2000

File No. S99/00871

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

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

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- To:** The Minister for Urban Affairs and Planning ("the Minister")
- In respect of:** Lot 1 DP 606434, Flinders Street, Port Kembla, Wollongong City Council
- For the following:** A Pulverised Coal Injection (PCI) Facility involving the construction and operation of a heavy industrial building and pipework for crushing and grinding coal, and transporting ground coal for injection into existing blast furnaces.
- Development Application:** Integrated DA No. 154-05-00, lodged with the Department of Urban Affairs and Planning on 15 May 2000, accompanied by the *Port Kembla PCI Project Statement of Environmental Effects* prepared by Sinclair Knight Merz, dated May 2000, and the *Hazard Analysis Report - Pulverised Coal Injection Plant* prepared by Broadleaf Capital International Pty Ltd, dated May 2000.
- BCA Classification:** Class 8 - Production Plant

- 1) To ascertain the date upon which the consent becomes effective, refer to Section 83 of the Act.
- 2) To ascertain the date upon which the consent is liable to lapse, refer to Section 95 of the Act.
- 3) Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the Land and Environment Court, exercisable 12 months after receipt of notice.

Note: Attachment 1 to this consent does not form part of the consent. Rather, it is included to indicate the general and mandatory conditions for all Environment Protection Licences under the Protection of the Environment Operations Act 1997.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
DA-154-05-00-Mod-1 (s96(1A))	2002	Minister for Planning	Removal of radial stacker and replaced by three yard conveyors
DA-154-05-00-Mod-2 (s96(1A))	2008	Executive Director	Removal of PCI limit on each blast furnace
DA-154-05-00-Mod-3 (s75W)	2017	PAC	Amendment to Condition 19 (coal source types) and environmental reporting requirements

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DA-154-05-00 -Mod-4 (s4.55(1A))	December 2022	Team Leader	Trial and permanent use of biochar
DA-154-05-00 -Mod-5 (s4.55(1A))	Sept 2025	Acting Director	Trial and permanent use of Activated Char Undersize

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SCHEDULE 2

ABBREVIATIONS AND INTERPRETATION

The Department	Department of Planning and Environment or its successors
The Minister	Minister for Planning
The Secretary	Secretary of the Department of Planning and Environment, or nominee
The Applicant	BHP Steel (AIS) Pty Ltd
ACU	Activated Char Undersize, which is a type of waste by-product generated at the Sinter Plant Waste Gas Cleaning Plant
Council	Wollongong City Council
Biochar	a carbon-enriched biomaterial generated from biomass through a process called pyrolysis
BCA	Building Code of Australia
SEE	Statement of Environmental Effects
PCI	Pulverised Coal Injection
PCI Facility construction	the development to which this consent applies any activity requiring a Construction Certificate, the laying of a slab or significant excavation work
cold commissioning	the period commenced by the operation of any component of the development to which this consent applies, not involving the injection of pulverised coal into the No. 5 or the No. 6 Blast Furnace, and ending with the injection of pulverised coal into the No. 5 or the No. 6 Blast Furnace
EPA	Environment Protection Authority
hot commissioning	the period commenced by the injection of pulverised coal into the No. 5 or the No. 6 Blast Furnace, and ending once all components of the development to which this consent applies have been operated
operation	the period commenced once all components of the development to which this consent applies have been operated
feed coal	coal obtained with the intention of processing the coal in the PCI Facility
Steelworks	the Port Kembla Steelworks
EPL	Environment Protection Licence No. 722, issued under the <i>Protection of the Environment Operations Act 1997</i> and when conversion is undertaken, Environment Protection Licence No. 6092
gm ⁻³	grams per cubic metre
MOD 3	Modification request DA 154-05-00 MOD 3, accompanied by the letter dated 24 February 2017 from BlueScope Steel
MOD 4	Modification application DA-154-05-00-Mod-4, including the Modification Report titled 'PCI Facility Modification Application Environmental Assessment DA 154-05-00', prepared by BlueScope Steel (AIS) Pty Ltd and dated 18 October 2022, and request for information response letter prepared by BlueScope Steel (AIS) Pty Ltd and dated 16 November 2022.

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MOD 5

Modification application DA-154-05-00-Mod-5, including the Modification Report titled 'PCI Facility Modification Application Statement of Environmental Effects DA 154-05-00', prepared by BlueScope Steel (AIS) Pty Ltd.

NO_x

oxides of nitrogen

SO₂

sulphur dioxide

PRP

Pollution Reduction Program, detailed in the EPL

LA10(15 minute)

the sound pressure level exceeded 10 percent of the time when measured over a 15-minute period

kL h⁻¹

kilolitres per hour

coal handling modification

the modification to the PCI Facility (154-05-00 M1) lodged by BHP (AIS) Pty Ltd with the Department of Planning on 15 February 2002

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- 1) Development shall be carried out as described in:
 - a) Development Application No. 154-05-00, lodged with the Department of Urban Affairs and Planning on 15 May 2000;
 - b) *Port Kembla PCI Project Statement of Environmental Effects*, prepared by Sinclair Knight Merz, dated May 2000;
 - c) *Hazard Analysis Report - Pulverised Coal Injection Plant*, prepared by Broadleaf Capital International Pty Ltd, dated May 2000;
 - d) Modification Application 154-05-00 M1, lodged with the Department of Planning on 15 February 2002, and accompanied by *Submission to DUAP - December/ January 2002 - Changes to Coal Handling at PCI Facility*; and
 - e) the report titled "*Proposed Modification – Pulverised Coal Injection Facility, Port Kembla Steel Works, Wollongong (DA 154-05-00)*", dated 19 May 2008, and prepared by BlueScope Steel;
 - f) MOD 3;
 - g) MOD 4; ~~and~~
 - h) MOD 5; ~~and~~
 - i) conditions of this consent.
- 2) If there is any inconsistency between the above documents in Condition 1, the most recent document shall prevail to the extent of the inconsistency. However, the conditions of this consent shall prevail to the extent of any inconsistency.
- 3) The Applicant shall comply with any reasonable requirement of the [Secretary](#) in respect of the implementation of any measure arising from reports submitted in accordance with the conditions of this consent, within such time as the [Secretary](#) may agree.
- 4) The Applicant shall comply with all relevant conditions prescribed in Clause 78 of the *Environmental Planning and Assessment Regulation 1994*, as required by Section 80A(11) of the Act.
- 5) ¹The Applicant shall provide any information necessary for the [EPA](#) to determine whether the Applicant is a "fit and proper person", having regard to the matters in Section 83 of the *Protection of the Environment Operations Act 1997*.
- 6) The Applicant shall notify the [Secretary](#), Council and the [EPA](#), of the events listed in a) to d). Notification shall be in writing and received at least two working days prior to the particular event.
 - a) Commencement of construction. In the event that construction is staged, notification shall be undertaken at the commencement of each stage;
 - b) Commencement of cold commissioning;
 - c) Commencement of hot commissioning involving the No.5 Blast Furnace;
 - d) Commencement of hot commissioning involving the No.6 Blast Furnace.
 - e) Commencement of construction of the works the subject of the coal handling modification.
- 6A) Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
 - (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and

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- (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).

PLANT CAPACITY

7) ²Deleted.

8) ³No later than one month prior to the commencement of cold commissioning, or within such period otherwise agreed by the Secretary, the Applicant shall prepare and submit for approval of the Secretary, a Plant Capacity Monitoring Program (PCMP). The PCMP shall be prepared in consultation with the EPA and Council, and shall meet any requirements or recommendations of the DECC. The PCMP shall include details of, but not necessarily be limited to:

- a) the continuous monitoring of the mass rate of pulverised coal injection into the No. 5 and the No. 6 Blast Furnaces;
- b) correlations between the mass rate of pulverised coal injection into the No. 5 Blast Furnace and the mass rate of hot metal production at the No. 5 Blast Furnace;
- c) correlations between the mass rate of pulverised coal injection into the No. 6 Blast Furnace and the mass rate of hot metal production at the No. 6 Blast Furnace;

Submission of the PCMP to the Secretary shall be accompanied by written evidence of consultation with Council and the EPA.

Note: The specific requirements of the Plant Capacity Monitoring Program may be stipulated in the EPL.

USE OF BIOCHAR

8A) Subject to meeting the requirements of this consent, and the requirements of the EPL for the site, up to 140,000 tonnes per annum of biochar is permitted to be received at the site for use as a feed replacement in the PCI Facility.

8B) Biochar is not permitted to be received at, or used at the development, unless it complies with:

- a) the handling, transporting, sampling, analysis and quality control requirements of this consent; and
- b) any requirements of the EPL.

8C) Prior to the receipt of the first batch of biochar from a supplier, the Applicant shall certify in writing to the Secretary that the supplier has implemented appropriate quality control and quality assurance procedures to ensure the Applicant's responsibilities under this consent can be met. At the request of the Planning Secretary, the Applicant may forward a copy of the supplier's quality control and quality assurance procedures to the Department to demonstrate how those procedures enable the Applicant to meet the requirements of this consent.

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³ DECC General Term of Approval

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Note: Certification of quality control and quality assurance procedures is not required for any subsequent batches received from the same supplier.

STRUCTURAL ADEQUACY

- 9) Detailed plans and specifications relating to the design and construction of relevant structural elements associated with the PCI Facility are to be submitted to the Principal Certifying Authority prior to the commencement of construction works. Such plans and specifications must be accompanied by certification provided by an Accredited Certifier or a practicing professional structural engineer, certifying the structural adequacy of the proposed building design and compliance with the Building Code of Australia.
- 10) The Applicant shall notify Council and the [Secretary](#) of the appointment of a Principal Certifying Authority. The Principal Certifying Authority shall determine when inspections and compliance certificates for the PCI Facility are required, and notify Council and the [Secretary](#) of the timing for inspections and compliance certificates.

VERIFICATION OF CONSTRUCTION

- 11) Upon completion of building works and prior to the issue of an Occupation Certificate, a certificate(s) prepared by a suitably qualified person or a Compliance Certificate(s) issued by an Accredited Certifier, is to be submitted to the Principle Certifying Authority, certifying that the following building components, where relevant, have been completed in accordance with approved plans and specifications:
 - a) footings;
 - b) reinforced concrete structures, including ground floor and any subsequent floors, and retaining walls and columns;
 - c) structural steelwork, framing and roof structure;
 - d) fire protection measures to building elements required to comply with the Building Code of Australia;
 - e) mechanical ventilation;
 - f) wall braces and tie-downs; and
 - g) all proposed essential services.

The certificate(s) shall indicate at which stage of construction inspections were undertaken.

SERVICES

- 12) Prior to the issue of an Occupation Certificate, the Applicant shall obtain written evidence that satisfactory arrangements have been made with Integral Energy, or the relevant energy authority, for the provision of electricity services to the PCI Facility. Any substation(s) existing, or required by Integral Energy, or the relevant energy authority, shall be suitably screened or enclosed.
- 13) Prior to the issue of an Occupation Certificate, the Applicant shall obtain written evidence that satisfactory arrangements have been made with Sydney Water for the provision of water to the PCI Facility.

OBLIGATION TO PREVENT AND MINIMISE HARM TO THE ENVIRONMENT

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- 14) The Applicant shall carry out all practicable measures to prevent and minimise harm to the biophysical or built environments as a result of the construction and operation of the PCI Facility.

COMPLIANCE REPORTS

Pre-Construction

- 15) At least one month prior to the commencement of construction, or within such period otherwise agreed by the [Secretary](#), the Applicant shall submit for the approval of the [Secretary](#) a Pre-Construction Compliance Report, detailing compliance with all relevant conditions that apply prior to the commencement of construction. The Pre-Construction Compliance Report shall include:
- a) the dates of submissions of the various studies and/ or requirements of various conditions of this consent and of their approvals and terms of approvals;
 - b) actions taken or proposed to implement the recommendations made in terms of approvals and/or studies.

Pre-Operation

- 16) At least one month prior to the commencement of operation, or within such period as otherwise agreed by the [Secretary](#), the Applicant shall submit for the approval of the [Secretary](#) a Pre-Operation Compliance Report, detailing compliance with all relevant conditions that apply prior to the commencement of operation. The Pre-Operation Compliance Report shall include:
- a) the dates of submissions of the various studies and/ or requirements of various conditions, and of their approvals and terms of approvals;
 - b) action taken or proposed to implement the recommendations made in terms of approvals and/or studies.

COAL SOURCING AND TRANSPORT

- 17) ⁴The sulphur content of coal to be processed in the PCI Facility shall not exceed one percent by weight (air-dried basis).
- 18) ⁵At least one month prior to the first delivery of coal to the PCI Facility, or within such period otherwise agreed by the [Secretary](#), the Applicant shall prepare and submit for the approval of the [Secretary](#), a Coal Monitoring Program (CMP). The Coal Monitoring Program shall be prepared and implemented with an aim to demonstrate that the sulphur content of the PCI Facility feed coal does not exceed one percent by weight (air-dried basis). The CMP shall be prepared in consultation with the [EPA](#) and Council, and shall meet any requirements or recommendations of the [EPA](#). All monitoring data shall be reported as both maximum and average values over a quarterly calendar period, and shall be otherwise reported as specified under condition S13 of the EPL. Submission of the CMP to the [Secretary](#) shall be accompanied by written evidence of consultation with Council and the [EPA](#).

Note: The specific requirements of the Coal Monitoring Program may be stipulated in the EPL.

⁴ [DECC](#) General Term of Approval

⁵ [DECC](#) General Term of Approval

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~~19) Feed coal supplied to the PCI Facility shall be sourced from any combination of collieries listed in a) to c) below.~~

- ~~a) Baal Bone Colliery~~
- ~~b) Clarence Colliery~~
- ~~c) Westcliff Colliery~~

~~The Applicant shall not source coal for processing in the PCI Facility from any colliery other than those listed above, without the prior written approval of the Director General. The approval of the Director General shall only be sought after consultation with Council regarding the proposed coal sourcing option. Written evidence of consultation with Council shall accompany any request made to the Director General for approval of any coal sourcing option other than those listed under this condition.~~

20) Feed coal supplied to the PCI Facility shall meet the requirements listed below:

- a) coal sourced from the Baal Bone Colliery, or the Clarence Colliery, shall be transported to the Steelworks by rail. The Applicant shall determine and fulfil the requirements of the State Rail Authority and Rail Infrastructure Corporation in relation to the transport of coal by rail, prior to any coal being transported in that manner;
- b) coal sourced from the Westcliff Colliery and transported by road shall follow the route indicated in Figure 3.3 of *Port Kembla PCI Project Statement of Environmental Effects*, prepared by Sinclair Knight Merz, dated May 2000; and
- c) all coal transported by road to supply the PCI Facility shall only enter the Steelworks via the Area 21 gate.

20A. Feed coal sourced from locations other than Baal Bone Colliery, Clarence Colliery and Westcliff Colliery must be transported to the Steelworks by rail or ship, unless otherwise agreed to by the Secretary.

21) The Applicant shall haul no more than 550,000 tonnes of coal per annum to the site by road.

Note: condition 21 of this consent does not relieve the Applicant from an obligation to manage traffic impacts associated with the PCI Facility, by minimising the number and frequency of heavy vehicle movements to and from the site, where reasonable and feasible.

BIOCHAR TRIAL REQUIREMENTS

Conduct of Biochar Trial

21A). The Applicant shall undertake a trial for the use of biochar in the PCI facility in accordance with the trial plan titled *Re: Condition U6.2 Trial of Biochar at the PCI Facility* dated 16 November 2022 prepared by BlueScope Steel (AIS) Pty Ltd. The biochar trial shall:

- a) be undertaken by a suitably qualified and experienced person(s);
- b) test performance of all major process components in the PCI facility including emission control systems using no biochar, and representative

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- PCI feedstocks containing biochar designed to cover the range of proportions of biochar in the feed; and
- c) identify changes to the PCI emission control system that may be necessary to achieve compliance with this consent and EPL.

Biochar Trial Verification Report

- 21B). Within three months of the completion of the biochar trial, the Applicant must prepare and submit a Trial Verification Report to the Secretary and the EPA. The Trial Verification Report must include, but not be limited to:
- a) PCI stack emissions monitoring data measured for the duration of the trial;
 - b) details of PCI plant performance, with respect to grind and injection performance;
 - c) blast furnace performance, with specific referent to blast furnace operational stability and heat level control;
 - d) copies of all analytical test reports for all substances sampled and tested; and
 - e) a comparison of monitoring results from the biochar trial with the relevant EPA standards and requirements, as determined by the EPA.

Ongoing use of Biochar

- 21C). Use of biochar is not permitted (outside of the approved biochar trials) until such time as the Secretary has indicated in writing that it is satisfied with the result of the Biochar Trial Verification Report specified under Condition 21B).

ACU TRIAL REQUIREMENTS

Conduct of ACU Trial

- 21D). The Applicant shall undertake a trial for the use of ACU in the PCI facility in accordance with the trial plan titled '*ACU Addition at PCI Plant Detailed Trial Plan*' dated May 2025 prepared by BlueScope Steel (AIS) Pty Ltd. The ACU trial shall:
- a) be undertaken by a suitably qualified and experienced person(s);
 - b) include a sampling program comprising baseline sampling and a staged trial involving the addition of ACU to the PCI feed at a rate limited to 2 % of the PCI feed; and
 - c) identify changes to the PCI emission control system that may be necessary to achieve compliance with this consent and EPL.

ACU Trial Verification Report

- 21E). Within four months of the completion of the ACU trial, the Applicant must prepare and submit an ACU Trial Verification Report to the Secretary and the EPA. The ACU Trial Verification Report must include, but not be limited to:
- a) written evidence of consultation with the EPA;
 - b) verification that monitoring results are below EPA licence limits and health risk assessment criteria; and
 - c) an analysis of the monitoring results against the items listed in section 4 of the *ACU Addition at PCI Plant Detailed Trial Plan*;

Ongoing use of ACU

- 21F). Use of ACU is not permitted (outside of the approved ACU trials) until such time as the Secretary has indicated in writing that it is satisfied with the result of the ACU Trial Verification Report specified under Condition 21E).

HAZARDS STUDIES

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Pre-Construction Studies

- 22) At least one month prior to the commencement of construction of the PCI Facility (except for construction of those preliminary works that are outside the scope of the Hazards Studies), or within such period otherwise agreed by the [Secretary](#), the Applicant shall prepare and submit for the approval of the [Secretary](#) the studies set out under subsections a) to d) (the Pre-Construction Studies). Construction shall not commence until approval has been given by the [Secretary](#) and, with respect to the Fire Safety Study, approval has also been given by the Commissioner of the NSW Fire Brigades.
- a) A Fire Safety Study for the proposed development. The Study shall cover all aspects detailed in the Department's *Hazardous Industry Planning Advisory Paper No. 2 - Fire Safety Study Guidelines* and the New South Wales Government's *Best Practice Guidelines for Contaminated Water Retention and Treatment Systems*. The study shall also be submitted to the NSW Fire Brigades for approval.
 - b) A Hazard and Operability Study for the proposed development, chaired by an independent qualified person approved by the [Secretary](#) prior to the commencement of the Study. The Study shall be carried out in accordance with the Department's *Hazardous Industry Planning Advisory paper No. 8 - HAZOP Guidelines*.
 - c) An Updated Hazard Analysis, in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6 - Guidelines for Hazard Analysis*. The Updated Hazard Analysis shall focus on any changes to the risk assessment detailed in *Hazard Analysis Report - Pulverised Coal Injection Plant*, prepared by Broadleaf Capital International Pty Ltd and dated May 2000.
 - d) A Construction Safety Study prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 - Construction Safety Study Guidelines*. Should the construction period exceed six (6) months, the commissioning portion of the Construction Safety Study may be submitted two months prior to the commencement of cold commissioning.

Pre-Commissioning Studies

- 23) No later than two months prior to the commencement of cold commissioning of the PCI Facility, or within such period otherwise agreed the [Secretary](#), the Applicant shall prepare and submit for approval of the [Secretary](#) the studies set out under subsections a) to b) (the Pre-Commissioning Studies). Cold commissioning shall not commence until approval has been given by the [Secretary](#).
- a) ⁶A comprehensive Emergency Plan and detailed emergency procedures for the proposed development, prepared by a duly qualified person or team. This Plan shall include detailed procedures for the safety of all people outside the development who may be at risk from the development. The plan shall be in accordance with the Department's *Hazardous Industry Planning Advisory paper No. 1 - Industry Emergency Planning Guidelines*. The Emergency Plan shall include, but not necessarily be limited to:

⁶ Incorporates the [DECC](#) General Term of Approval in subsections i) to vii)

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- (i) identification of any threat to the environment and/ or public health that could arise from the construction or operation of the PCI Facility, including explosion, difficulties during cold or hot commissioning, condenser circuit overflow, utility failure, natural disaster, etc.;
- (ii) assessment to identify the potential for any internal or external initiator of disruptions to operations at the PCI Facility;
- (iii) determination of the impact of any disruption identified under ii) on the operations at the PCI Facility and the Steelworks;
- (iv) identification of the type and extent of any pollution that may result as a result of a disruption identified under ii), and the effect of any pollution on the environment and public health;
- (v) formulation of response procedures in the event of a disruption identified under ii), with an aim to minimise risk and pollution impacts on the PCI Facility, the Steelworks, the environment and public health;
- (vi) development of a strategy for alerting authorities, relevant agencies and the potentially affected community in the event of a disruption to operations leading to significant pollution or risk;
- (vii) development of a program to ensure that all relevant employees are familiar with the Emergency Plan and emergency procedures.

Should an Emergency Plan for the Steelworks already be in existence, this condition may be satisfied by updating the existing Emergency Plan to include the PCI Facility.

- b) A document setting out a comprehensive Safety Management System, covering all operations on-site and associated transport activities involving hazardous materials. The document shall clearly specify all safety-related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures. Records shall be kept on-site and shall be available for inspection by the [Secretary](#) upon request. The Safety Management System shall be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9 - Safety Management*. Should a Safety Management System for the Steelworks already be in existence, this condition may be satisfied by updating the existing Safety Management System to include the PCI Facility.

Incident Report

- 24) Within 24 hours of any incident or potential incident with actual or potential significant off-site impacts on people or the biophysical environment, a report shall be supplied to the Department outlining the basic facts. A further detailed report shall be prepared and submitted following investigations of the causes and identification of necessary additional preventative measures. The report shall be submitted to the [Secretary](#) no later than 14 days after the incident or potential incident. The Applicant shall maintain a register of accidents, incidents and potential incidents. The register shall be made available, at any time, for inspection by the [Secretary](#).
- 25) ⁷In the event that a disruption to operations results in significant pollution being emitted from the PCI Facility, the Applicant shall, in addition to any reporting requirement under condition 24 of this consent, prepare a report for submission to the [EPA](#) detailing:

⁷ [EPA](#) General Term of Approval

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- a) results of an assessment to determine the potential internal and external causes of the disruption of operations at the PCI Facility;
- b) details of how these disruptions would impact on operations; and
- c) identification of the pollution that would result due to the disruption of operations and what impact the pollution would have on the health of the community and the environment.

Hazard Audit

- 26) Twelve months after the commencement of operation of the proposed development, or within such further period as the [Secretary](#) may agree, the Applicant shall carry out a comprehensive Hazard Audit of the proposed development, and within one month of the Audit submit a report to the [Secretary](#). The Audit shall be carried out at the Applicant's expense by a duly qualified independent person or team, approved by the [Secretary](#), prior to commencement of the Audit. Further Hazard Audits shall be undertaken every three years, or as may be requested by the [Secretary](#). Hazard Audits shall be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 5 - Hazard Audit Guidelines*.

Bunding

- 27) ⁸Impervious bunds shall be constructed around all dangerous goods storage areas. Bund capacity shall be no less than 110% of the volume of the largest storage container located within the bund. The bund shall be designed and installed in accordance with the requirements of the [EPA's](#) Environment Protection Manual Technical Bulletin – *Bunding and Spill Management* and with any Australian Standard relevant to the class of dangerous goods stored.

⁸ [EPA](#) General Term of Approval

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WORKCOVER REQUIREMENTS

- 28) The development shall comply with the requirements of the *Dangerous Goods Act 1975*, as administered by WorkCover NSW, and if necessary be licensed under that Act.
- 29) WorkCover NSW shall be contacted in writing prior to the commencement of construction activities in respect of any demolition or use of any crane, hoist, plant or scaffolding. Any requirements of WorkCover NSW in response to this written advice shall be undertaken at the Applicant's expense.

NOISE MANAGEMENT

- 30) ⁹Any construction activity, including, but not limited to, pile-driving and jack-picking, that may be reasonably considered noisy, shall be restricted to between 7:00 am and 6:00 pm, Mondays to Fridays, and 7:00 am to 1:00 pm on Saturdays. There shall be no construction activities undertaken on Sundays or public holidays.
- 31) The hours of construction specified under condition 30 may be varied with the prior written approval of the [EPA](#). Any request to alter the hours of construction specified in condition 30 shall:
- (i) be approved on a case-by-case basis;
 - (ii) require the Applicant to consult with Council to determine Council's requirements and/or recommendations with respect to the proposed construction activity;
 - (iii) provide any necessary information for the [EPA](#) to reasonably determine that the proposed construction activity will not adversely affect the acoustic amenity of any resident in the vicinity of the PCI Facility.

The Applicant shall notify the [Secretary](#) of any approval to alter the construction times specified under condition 30, accompanied by written evidence of the [EPA's](#) approval of the construction activity.

- 32) The Applicant shall comply, at its own expense, with any reasonable request made by the [EPA](#) or Council to notify residents of construction activities, that the [EPA](#) or Council may reasonably consider noisy, outside the times specified in condition 30, and approved under condition 31.
- 33) ¹⁰Noise from the PCI Facility shall not exceed an $L_{A10(15 \text{ minute})}$ noise pressure criterion of 75 dB(A) when measured at the monitoring sites nominated in plan titled *PCI Plant Noise Monitoring Locations* dated 29 June 2000. The $L_{A10(15 \text{ minute})}$ noise pressure criterion shall be measured or computed at the nominated sites over a period of 15 minutes using "FAST" response on a sound level meter. The noise pressure measured or computed shall be increased by 5 dB(A) if the noise is substantially tonal or impulsive in character.

⁹ [EPA](#) General Term of Approval

¹⁰ [EPA](#) General Term of Approval

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- 34) ¹¹Noise impacts that may be enhanced by temperature inversions shall be addressed by:
- a) documenting noise complaints received to identify any higher level of impacts or patterns of temperature inversions; and
 - b) where levels of noise complaints indicate a higher level of impact, then actions to quantify and ameliorate any enhanced impacts under temperature inversion conditions shall be developed and implemented.

Construction Noise Management Plan

- 35) ¹²At least one month prior to the commencement of construction, or within such period otherwise agreed by the [Secretary](#), the Applicant shall prepare and submit for the approval of the [Secretary](#), a Construction Noise Management Plan (CNMP). The CNMP shall be prepared and implemented with an aim to reduce noise impacts on surrounding land uses during the construction of the PCI Facility. The CNMP shall be prepared in consultation with the [EPA](#) and Council, and shall meet any requirements or recommendations of the [EPA](#). The CNMP shall include, but not necessarily be limited to, details regarding:

- a) compliance standards;
- b) community consultation;
- c) complaints handling/ monitoring system;
- d) contact details for a person responsible for following-up complaints;
- e) noise mitigation measures;
- f) the design/ orientation of the proposed noise mitigation measures, demonstrating best practice;
- g) construction times;
- h) contingency measures in the event that noise complaints are received;
- i) monitoring methods and programs.

The Construction Noise Management Plan shall specifically address large concrete pours that may commence in the early morning and be completed in the late evening, or any other construction activity that is likely to require [EPA](#) approval under condition 31, for variation of the construction times specified under condition 30. Submission of the CNMP to the [Secretary](#) shall be accompanied by written evidence of consultation with Council and the [EPA](#).

Operational Noise Management Plan

- 36) ¹³ At least one month prior to the commencement of cold commissioning, or within such period otherwise agreed by the [Secretary](#), the Applicant shall prepare and submit for the approval of the [Secretary](#), an Operational Noise Management Plan (ONMP). The ONMP shall be prepared and implemented with an aim to confirm performance and assess compliance with condition 33 of this consent. The ONMP shall be prepared in consultation with the [EPA](#) and Council, and shall meet any requirements or recommendations of the [EPA](#). The ONMP shall include, but not necessarily be limited to, details regarding:

- a) methodologies for noise monitoring;

¹¹ [EPA](#) General Term of Approval

¹² [EPA](#) General Term of Approval

¹³ [EPA](#) General Term of Approval

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- b) location of noise monitoring. For the purpose of ascertaining compliance with noise impact goals, monitoring sites shall include noise monitoring locations at both industrial sites and nearest, most affected residential sites;
- c) frequency of noise monitoring during cold commissioning, hot commissioning and operation;
- d) identification of noise monitoring sites; and
- e) a commitment to undertake noise reduction strategies, if monitoring indicates non-compliance with noise limits or planning goals, including a time frame for implementation to achieve compliance, if required.

Submission of the ONMP to the [Secretary](#) shall be accompanied by written evidence of consultation with Council and the [EPA](#).

Note: *The specific requirements of the Operational Noise Monitoring Program may be stipulated in the EPL.*

AIR QUALITY MANAGEMENT

- 37) ¹⁴The works required by PRP 53 of EPL 722 shall achieve the following minimum annual emissions reductions from the Steelworks Sinter Plant Stack, in both annual mass emissions and emissions per tonne of sinter produced:

- a) a minimum reduction in NO_x emissions of 10 percent, with an aim to reduce emissions of NO_x up to 20 percent; and
- b) a minimum reduction in emissions of SO₂ of 58 percent;

These reductions are to be calculated using a methodology approved by the [EPA](#).

Note: *The [EPA](#) has assessed the likely mass emissions of NO_x and SO₂ as a result of the operation of the PCI Facility, in conjunction with PRP 53 for the Sinter Plant Gas Cleaning Project. Any increases in NO_x and SO₂ emissions from the PCI Facility will be offset by decreases in emissions from the Sinter Plant following completion of PRP 53 in year 2002.*

The minimum percentage reduction specified in condition 37 of this consent ensures that mass emissions of NO_x will be reduced below a NO_x-neutral level with the aim to reduce NO_x emissions to 1998 levels to meet the actions specified in the NSW Government's 25-Year Air Quality Management Plan. While the NSW Government's 25-Year Air Quality Management Plan does not specifically detail actions to deal with SO₂ emissions, the [EPA](#) supports the Applicant's initiative to reduce mass emissions of SO₂ to 1998 levels as indicated in the percentage reduction levels specified in condition 37.

While there will be increases in NO_x and SO₂ emissions for a one-year period until the completion of PRP 53, these increases are not expected to cause exceedances of NEPM goals. The Air Quality Monitoring Program required under condition 40 aims to assess compliance with the specified percentage reductions.

- 38) ¹⁵Should the works required by PRP 53 of EPL 722 not be undertaken, emissions reductions of 314 tonnes per year of NO_x and 736 tonnes per year of SO₂ shall be achieved at other emissions sources at the Steelworks.

¹⁴ [EPA](#) General Term of Approval

¹⁵ [EPA](#) General Term of Approval

CONSOLIDATED CONSENT

- 39) ¹⁶For each discharge point specified in the tables below, the concentration of a pollutant discharged at that discharge point shall not exceed the concentration limit specified for that pollutant. The averaging period shall be undertaken in accordance with the Test Methods specified in the *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales*. All monitoring shall be conducted in strict accordance with the requirements outlined in that document.

Discharge Point - PCI Facility Hot Gas Exhaust Stack

Pollutant	100% Concentration Limit	Reference Conditions	Averaging Period
Total NO _x (as NO ₂)	0.2 gm ⁻³	273K, dry, 101.3 kPa 7% O ₂ by weight	As per Test Method
Solid Particles	0.02 gm ⁻³	273K, dry, 101.3 kPa	As per Test Method

Stacks Serving the Depressurising Bag Filters

Pollutant	100% Concentration Limit	Reference Conditions	Averaging Period
Solid Particles	0.02 gm ⁻³	273K, dry, 101.3kPa	As per Test Method

- 40) ¹⁷At least six months prior to cold commissioning, or within such period as otherwise agreed by the [Secretary](#), the Applicant shall prepare and submit for the approval of the [Secretary](#), an Air Quality Monitoring Program (AQMP). The AQMP shall be prepared and implemented with the aims to:
- demonstrate the reductions in SO₂ and NO_x emissions required under condition 37 of this consent;
 - assess ambient air quality, with respect to SO₂ and NO_x, in the context of NEPM goals;
 - demonstrate compliance with the discharge point quality criteria specified under condition 39 of this consent.

The AQMP shall be prepared in consultation with the [EPA](#) and Council, and shall meet any requirements or recommendations of the [EPA](#). The AQMP shall be in accordance with *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*. Submission of the AQMP to the [Secretary](#) shall be accompanied by written evidence of consultation with Council and the [EPA](#).

Note: The specific requirements of the Air Quality Monitoring Program may be stipulated in the EPL.

¹⁶ [EPA](#) General Term of Approval

¹⁷ [EPA](#) General Term of Approval

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41) ¹⁸In regard to condition 40(b) of this consent, the Air Quality Monitoring Program shall include, but not necessarily be limited to, details of:

- a) the monitoring methodologies and standards to be employed to assess any changes in ambient air quality both pre- and post- PCI and Sinter Plant Gas Cleaning Project development;
- b) monitoring location(s);
- c) frequency of monitoring;
- d) reporting and assessment of monitoring results;
- e) opportunities to integrate the Air Quality Monitoring Program with other monitoring programs.

42) ¹⁹In regard to condition 40 c) of this consent, the Applicant shall monitor the concentration of each of the pollutants specified in the tables below, at the discharge points indicated. The applicant shall use the sampling methods and units of measure specified in the tables. Sampling methods shall be those specified in *Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales*.

Discharge Point - PCI Facility Hot Gas Exhaust Stack

Pollutant	Unit of Measure	Sampling Method
Total NO _x (as NO ₂)	gm ⁻³	TM-11
Solid Particles	gm ⁻³	TM-15

Stacks Serving the Depressurising Bag Filters

Pollutant	Unit of Measure	Sampling Method
Solid Particles	gm ⁻³	TM-15

43) ²⁰Monitoring for the concentration of a pollutant emitted to the air, required to be conducted under this consent, or the EPL, in relation to the PCI Facility, or in order to comply with a relevant local calculation protocol must be performed in accordance with:

- a) any methodology which is required by or under the *Protection of the Environment Operations Act 1997* to be used for the testing of the concentration of the pollutant; or
- b) if no such requirement is imposed by or under the *Protection of the Environment Operations Act 1997*, any methodology which this consent or a condition of the EPL or a local calculation protocol (as the case may be) requires to be used for that testing; or
- c) if no such requirement is imposed by or under the *Protection of the Environment Operations Act 1997*, or this consent, or a condition of the EPL or a local calculation protocol (as the case may be), any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The Clean Air Act (Plant and Equipment) Regulation 1997 requires testing for certain purposes to be conducted in accordance with test methods contained in the publication *Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales*.

¹⁸ EPA General Term of Approval

¹⁹ EPA General Term of Approval

²⁰ EPA General Term of Approval

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DUST MANAGEMENT

- 44) ²¹Activities undertaken during the construction of the PCI Facility shall be carried out in a manner that will minimise the generation of dust.
- 45) ²²The PCI Facility shall be designed, installed and operated with the objective of no visible dust emissions from the plant, equipment and associated activities. This shall include:
- a) All conveyor systems and transfer points associated with the PCI Facility being designed, maintained and operated to achieve no visible dust emissions; and
 - b) All conveyor systems associated with the PCI Facility being fully enclosed with the aim of preventing visible dust emissions; and
 - c) Effective cleaning devices being installed on the return sides of all conveyor systems.
- 46) ²³At least six months prior to the commencement of cold commissioning, or within such period otherwise agreed by the [Secretary](#), the Applicant shall prepare and submit for the approval of the [Secretary](#), a Dust Management Plan (DMP). The DMP shall be prepared and implemented with an aim to achieve no visible dust emissions from the plant, equipment and associated activities. The DMP shall be prepared in consultation with the [EPA](#) and Council, and shall meet any requirements or recommendations of the [EPA](#). Submission of the DMP to the [Secretary](#) shall be accompanied by written evidence of consultation with Council and the [EPA](#).
- 47) ²⁴The Dust Management Plan required under condition 46 of this consent shall include details of a Dust Suppression Management System, developed in consultation with Council and the [EPA](#). The Dust Suppression Management System shall have an aim of preventing visible dust emissions at all times from sealed and unsealed areas that are the subject of this consent. Unsealed areas shall include the Feed Coal Stockpile, associated coal handling areas and radial stacker. The Dust Suppression Management System shall be integrated into the BHP High Wind Early Warning System.
- 48) ²⁵Waste oils, or any medium other than water, shall not be applied to the PCI Facility Feed Coal Stockpile for any reason.
- 49) ²⁶The Applicant shall ensure that all vehicles leaving the unsealed areas of the PCI Facility pass through the No. 3 Truck Wheel Washer.

SOIL AND WATER MANAGEMENT

- 50) ²⁷The site and activities carried out therein must not pollute the surface or groundwater.
- 51) ²⁸The volumetric flowrate of blowdown from the No. 6 Blast Furnace Gas Cleaning Recirculating System, with which the PCI Condenser Circuit blowdown has been combined, shall not exceed 30kL h⁻¹.

²¹ [EPA](#) General Term of Approval

²² [EPA](#) General Term of Approval

²³ [EPA](#) General Term of Approval

²⁴ [EPA](#) General Term of Approval

²⁵ [EPA](#) General Term of Approval

²⁶ [EPA](#) General Term of Approval

²⁷ [EPA](#) General Term of Approval

²⁸ [EPA](#) General Term of Approval

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Note: The volumetric flowrate of blowdown from the No. 6 Blast Furnace Gas Cleaning Recirculating System will not increase as a result of the addition of blowdown from the PCI Condenser Circuit. The EPA is satisfied that make-up water to the No. 6 Blast Furnace Gas Cleaning Recirculating System, can be replaced with PCI Condenser Circuit blowdown.

In relation to the No. 5 Blast Furnace, PRP 54 of the EPL requires BHP to undertake an investigation to upgrade the Gas Cleaning System, with completion of the investigation in December 2001. The aim of PRP 54 is to investigate options to replace the once-through salt-water cleaning system to reduce mass loads of pollutants discharged from the No. 5 Blast Furnace Drain.

52) ²⁹At least one month prior to the commencement of hot commissioning, or within such period otherwise agreed by the Director, the Applicant shall prepare and submit for the approval of the Secretary a Blowdown Monitoring Program (BMP). The BMP shall be prepared and implemented with an aim to demonstrate that the quality and quantity of blowdown from the No. 6 Blast Furnace Gas Cleaning Recirculating System has not changed as a result of the inclusion of the PCI Facility Condenser Circuit blowdown. The BMP shall be prepared in consultation with the EPA and Council, and shall meet any requirements or recommendations of the EPA. The BMP shall include, but not necessarily be limited to, details regarding:

- a) the monitoring methodologies and standards to be employed to assess any changes in No. 6 Blast Furnace blowdown water quality and quantity;
- b) monitoring frequency;
- c) reporting and assessment of monitoring results;
- d) the parameters and substances which are proposed to be monitored; and
- e) opportunities to integrate the Blowdown Quality Monitoring Program with other monitoring programs.

Submission of the BMP to the Secretary shall be accompanied by written evidence of consultation with Council and the EPA.

Note: The specific requirements of the Blowdown Monitoring Program may be stipulated in the EPL.

53) Temporary sediment fences (eg haybales, geotextile fabric, or other appropriate material) shall be installed on the site prior to the commencement of any excavation activity, in accordance with Council's Guidelines. Upon completion of the PCI Facility, sediment fences shall remain in place until adequate soil erosion measures and sediment control measures are completed to the satisfaction of Council.

54) Drains, gutters, access ways and roadways shall be maintained free of sediment and any other polluting material. Gutters and roadways shall be swept or scraped regularly to maintain them in a clean state.

55) Construction activities such as brick-cutting, the washing of tools or paints brushes, or other equipment, and the mixing of mortar shall not be carried out on any roadway or public footpath or any other location which could lead to the

²⁹ EPA General Term of Approval

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discharge of polluting materials into the stormwater drainage system, or into a natural watercourse.

- 56) The Feed Coal Stockpile area shall be isolated from any clean areas of the PCI Facility and the Steelworks to ensure contaminated surface water from the Stockpile area is collected, treated and beneficially reused at the PCI Facility or the Steelworks.
- 57) All equipment shall be designed, installed and operated to minimise the potential for spillage. Any spillage shall be immediately cleaned up in an appropriate manner.
- 58) Stockpiles of sand, gravel, soil and the like, shall be located to ensure that the stockpiled material:
 - a) does not spill onto the road pavement; and
 - b) is not placed in drainage lines or water courses, and cannot be washed into these areas.

In the event that soil or other stockpiled material is accidentally spilled onto the road or gutter, the material shall be removed prior to the completion of the day's work. In the event of impending wet weather, the material shall be removed immediately.

Soil and Water Management Plan

- 59) ³⁰At least one month prior to the commencement of construction activities, or within such period otherwise agreed by the [Secretary](#), the Applicant shall prepare and submit for the approval of the [Secretary](#), a Soil and Water Management Plan (SWMP). The SWMP shall be prepared and implemented with an aim to detail measures to be employed to minimise soil erosion and the discharge of sediment and any other pollutant to lands and/ or waters during construction. The SWMP shall be prepared in consultation with the [EPA](#) and Council, and shall meet the requirements and recommendations of the [EPA](#). The SWMP shall be prepared in accordance with the Department of Housing's publication *Managing Urban Stormwater: Soils and Construction*. Submission of the SWMP to the [Secretary](#) shall be accompanied by written evidence of consultation with Council and the [EPA](#).
- 60) ³¹The Soil and Water Management Plan required under condition 59 of this consent shall include consideration of dust management during construction of the PCI Facility. Details of measures to prevent wind-blown dust during construction shall be outlined in the SWMP.

STORMWATER MANAGEMENT

Stormwater Management Plan

- 61) ³²At least six months prior to cold commissioning, or the first delivery of coal to the PCI Facility, whichever is the earlier, or within such period otherwise agreed by the [Secretary](#), the Applicant shall prepare and submit for the approval of the [Secretary](#) a Stormwater Management Plan (SMP). The SMP shall be prepared

³⁰ [EPA](#) General Term of Approval

³¹ [EPA](#) General Term of Approval

³² [EPA](#) General Term of Approval

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and implemented with an aim to reduce pollutants discharged from the PCI Facility during wet weather and to meet licence conditions of the EPL relevant to wet weather. The SMP shall be prepared in consultation with the EPA and Council, and shall meet the requirements and recommendations of the EPA. The SMP shall encompass the following environmental objectives and requirements, unless otherwise approved by the EPA:

- a) For paved areas, being essentially an area where first-flush effects occur, all polluted runoff from a storm event shall be collected and treated for beneficial reuse purposes up to a one in ten year Average Return Interval, ten minute rainfall event;
- b) For unpaved area, being essentially an area where the contaminant load carried in runoff from a storm event does not exhibit characteristic first-flush effects, all polluted runoff from a storm event shall be collected and treated for beneficial reuse purposes up to a one in ten year Average Return Interval, two hour rainfall event; and
- c) Upgrade of the stormwater treatment facility known as "7A Settling Basin" to operate to collect and treat polluted runoff for beneficial reuse purposes up to the first 31 minutes of a one in ten year Average Return Interval, two hour rainfall event.

Submission of the SWMP to the Secretary shall be accompanied by written evidence of consultation with Council and the EPA.

WASTE MANAGEMENT

- 62) ³³Any slurries, dusts and sludges associated from the process of materials shall be treated and recycled at the Steelworks in accordance with the requirements of the EPL. Other materials shall be disposed in an environmentally appropriate manner.
- 63) The Applicant shall provide an adequate receptacle to store all waste generated by the PCI Facility, pending disposal. The receptacle shall be regularly emptied and waste shall not be allowed to lie or accumulate on the site, other than in the receptacle. Consideration shall be given to the source-separation of recyclable and reusable materials.

ENVIRONMENTAL MONITORING AND REPORTING

- 64) ³⁴The results of any monitoring required under this consent, or a licence under the *Protection of the Environment Operations Act 1997* in relation to the PCI Facility, or in order to comply with the load calculation protocol, shall be recorded and retained as set out in conditions 65 and 66 of this consent.
- 65) ³⁵The results of any monitoring referred to under condition 64 of this consent shall be:
 - a) in a legible form, or in a form that can be readily reduced to a legible form;
 - b) kept for at least four years after the monitoring or event to which the results relate took place; and
 - c) produced in a legible form to any authorised officer of the EPA who requests to see them, or to the Secretary.

³³ EPA General Term of Approval

³⁴ EPA General Term of Approval

³⁵ EPA General Term of Approval

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- 66) ³⁶The following records shall be kept in respect of any samples required to be collected:
- a) the date(s) on which the sample(s) were collected;
 - b) the time(s) at which the sample(s) were collected;
 - c) the point(s) at which the sample(s) were collected; and
 - d) the name of the person(s) who collected the sample(s).
- 67) ³⁷The Applicant shall submit an Annual Return to the EPA in relation to the development as defined, and required, by the EPL under the *Protection of the Environment Operations Act 1997*, in relation to the PCI Facility. In the Return, the Applicant shall:
- a) report on the annual monitoring undertaken (where the activity has resulted in pollutant discharges);
 - b) provide a summary of complaints relating to the PCI Facility;
 - c) report on compliance with EPL conditions; and
 - d) provide a calculation of EPL fees (administrative fees and, where relevant, load-based fees) that are payable. If load-based fees apply to the activity, the Applicant shall be required to submit load-based fee calculation worksheets with the Return.
- 68) By 30 September 2019, and every three years thereafter, unless otherwise agreed to by the Secretary, the Applicant shall review and submit an Environmental Monitoring Report to the Secretary detailing the environmental performance of the PCI Facility to the satisfaction of the Secretary. This review must:
- a) describe the development that was carried out during the reporting period and the development that is proposed to be carried out during the next reporting period;
 - b) include a comprehensive review of the monitoring results and complaints records of the PCI Facility during the reporting period, which includes a comparison of these results against the:
 - (i) relevant statutory requirements, limits or performance measures/criteria;
 - (ii) requirements of any plan or program required under this consent, including but not limited to the following:
 - Plant Capacity Monitoring Program;
 - Coal Monitoring Program;
 - Operational Noise Monitoring Program;
 - Air Quality Monitoring Program;
 - Dust Management Plan;
 - Blowdown Monitoring Program; and
 - Stormwater Management Plan;
 - (iii) monitoring results of previous years; and
 - (iv) relevant predictions in the SEE and any modification documentation;
 - c) include data analysis of any new source coal(s) used in the PCI Facility over the previous reporting period;
 - d) include data analysis of all sources of biochar and ACU used in the PCI Facility over the previous reporting period;
 - e) identify any non-compliance during the reporting period and describe what actions were (or are being) taken to ensure compliance;

³⁶ EPA General Term of Approval

³⁷ EPA General Term of Approval

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- f) identify any trends in the monitoring data over the life of the PCI Facility;
- g) identify any discrepancies between the predicted and actual impacts of the PCI Facility, and analyse the potential cause; and
- h) describe what measures will be implemented during the reporting period to improve the environmental performance of the PCI Facility.

69) After reviewing the report submitted under Condition 68, the Secretary may require the Applicant to address certain matters identified in the report. The Applicant must comply with any reasonable requirements of the Secretary.

GENERAL

- 69) All activities, goods and materials associated with the construction or operation of the PCI Facility shall be performed or stored, wholly within the Site.
- 70) The lighting of the PCI Facility shall be directed so as not to cause nuisance to the owners or occupiers of premises adjoining the Steelworks or to motorists on adjoining or nearby roads.
- 71) The PCI Facility shall be constructed and maintained so that the colours and materials used in the construction are in accordance with the *BHP Environmental Improvement Program - Masterplan* for the Steelworks.
- 72) To prevent any damage by wind uplift, adequate fixing and bracing shall be provided to the PCI Facility roof structure to withstand the loading requirements of Australian Standards AS1170.1 and AS1170.2.
- 73) Any demolition activity shall comply with the requirements of Australian Standard AS2601-1991.
- 74) ³⁸All staff, including contractors and subcontractors, shall be trained in environmental awareness and responsibility, as required under the EPL, both generally and specifically to the Applicant's activities. The training program shall be implemented annually from the commencement of the development and evaluated as part of the EPL review.
- 75) This approval and consent does not relieve the Applicant of any obligation to obtain any other approval under the *Local Government Act 1993*, as amended, the Ordinance made thereunder, or any other Act.

DISPUTE RESOLUTION

- 76) In the event that the Applicant, Council, or a government authority other than the Department cannot agree on the specification or requirements applicable under this consent, the matter shall be referred by either party to the [Secretary](#) or, if not resolved, to the Minister, whose determination of the disagreement shall be final and binding on the parties.

This condition does not apply in relation to any activity authorised or controlled by an Environment Protection Licence issued by the [EPA](#), under the *Protection of the Environment Operations Act 1997*, for the development to which this consent applies.

³⁸ [EPA](#) General Term of Approval

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ENVIRONMENTAL MANAGEMENT AND MONITORING UPDATES

~~77) The Applicant shall ensure that all Management Plans and Monitoring Programs required under this consent are kept up-to-date and any changes to procedures and practices at the PCI Facility that may occur from time to time are fully incorporated into those Plans and Programs. The Applicant shall notify the Secretary, the EPA and Council of any updates of Plans and Programs, other than minor amendments and corrections, and shall provide updated copies of those Plans and Programs to the Secretary, the EPA and Council on request.~~

77) Within three months of:

- (a) the submission of an Environmental Monitoring Report under condition 68;
- (b) the submission of an incident report under condition 24;
- (c) the approval of any modification of the conditions of this consent; or

the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary must be notified in writing of the outcomes of any review.

78) If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review required under condition 77, or such other timing as agreed by the Planning Secretary.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

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Attachment 1

General and Mandatory Conditions for all EPA Licences

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- (a) the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- (b) the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- (a) must be maintained in a proper and efficient condition; and
- (b) must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- (a) the date and time of the complaint;
- (b) the method by which the complaint was made;
- (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least four years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

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The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint

This condition does not apply until three months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the [EPA](#) an Annual Return in the approved form comprising:

- (a) a Statement of Compliance; and
- (b) a Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the [EPA](#) accompanies this licence. Before the end of each reporting period, the [EPA](#) will provide to the licensee a copy of the form that must be completed and returned to the [EPA](#).

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term “reporting period” is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- (a) the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- (b) the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the [EPA](#) or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- (a) in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- (b) in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the [EPA](#) by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the ‘due date’).

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Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the [EPA](#) in writing as soon as practicable, and in any event not later than the due date. The notification must specify:

- a) the assessable pollutants for which the actual load could not be calculated; and
- b) the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the [EPA](#) for a period of at least 4 years after the annual return was due to be supplied to the [EPA](#).

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- (a) the licence holder; or
- (b) by a person approved in writing by the [EPA](#) to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the [EPA](#) of incidents causing or threatening material harm to the environment as soon as practicable after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

Notifications must be made by telephoning the [EPA](#)'s Pollution Line service on 131 555.

The licensee must provide written details of the notification to the [EPA](#) within seven days of the date on which the incident occurred.

Written report

Where an authorised officer of the [EPA](#) suspects on reasonable grounds that:

- (a) where this licence applies to premises, an event has occurred at the premises; or
- (b) where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

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The licensee must make all reasonable inquiries in relation to the event and supply the report to the [EPA](#) within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- (a) the cause, time and duration of the event;
- (b) the type, volume and concentration of every pollutant discharged as a result of the event;
- (c) the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event;
- (d) the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- (e) action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- (f) details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event; and
- (g) any other relevant matters.

The [EPA](#) may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the [EPA](#) within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the [EPA](#) who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant