

# Modification of Minister's Approval

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

As delegate for the Minister for Planning under delegation executed on 14 September 2011, the Planning Assessment Commission of New South Wales (the Commission) modifies the project approval referred to in Schedule 1, subject to the conditions outlined in Schedule 2.



Joe Woodward PSM  
**Member of the Commission**

Sydney

12 May 2016

### SCHEDULE 1

<b>Project approval:</b>	MP 06_0229 granted by the Minister for Planning on 3 July 2007
<b>For the following:</b>	Upgrade and increase in the production capacity of the Sinter Plant, including construction of new infrastructure to improve operational efficiencies
<b>On land comprising:</b>	Lot 1 DP 606434
<b>Modification number:</b>	MP 06_0229 MOD 1
<b>Modification:</b>	This modification relates to the deletion of conditions and amendment of reporting conditions

### SCHEDULE 2

The project approval is modified as follows:

In Schedule 2:

1. Delete the definitions for DECC, Department, Director-General, EPA, RTA and insert the following definitions in alphabetical order:

Department	Department of Planning and Environment, or its successors in title
EPA	Environment Protection Authority
Secretary	Secretary of the Department, or nominee

MOD 1                      Modification request MP 06\_0229 MOD 1, accompanied by the letter dated 27 June 2014 from David Bell, Manager Cokemaking and Ironmaking and detailing the proposed amendments to conditions of approval and the amendment of environmental reporting requirements

2. Replace all references to the word “Director-General” and replace with “Secretary”.
3. Delete condition 1.1(d) and replace with the following:  

(d) MOD 1.
4. Delete the words “from condition 1.1(a) to 1.1(c)” wherever occurring in condition 1.2 and replace with the words “in condition 1.1”.
5. Delete condition 2.6, Table 1, Table 2 and the accompanying note and replace with the following:  

2.6 The Proponent shall install and operate equipment in line with best practice to ensure that the project complies with all load limits, air quality criteria and air quality monitoring requirements as specified in the EPL for the site.
6. Delete condition 2.7 and the heading “Sinter Cooler Waste Gases”.
7. Delete condition 2.8, the heading “Construction Noise” and the accompanying note.
8. Delete condition 2.15 and replace with the following:  

2.15 All liquid and/or non-liquid waste on the site shall be assessed and classified in accordance with *Waste Classification Guidelines* (Department of Environment, Climate Change and Water, 2009), or any superseding document.
9. Delete Chapter 3 and the headings and conditions therein.
10. Delete Chapter 4 and the headings and conditions therein and replace with the following:

#### **4. INDEPENDENT ENVIRONMENTAL AUDIT**

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

11. Insert condition 4.2 after condition 4.1 with the following:

- 4.2 Within three months of commissioning this audit or as otherwise agreed by the Secretary, the Proponent shall submit a copy of the audit report to the Secretary, together with its response to any recommendations contained in the audit report.

12. Delete condition 5.4 and replace with the following:

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

13. Delete conditions 7.1, 7.2 and 7.3.

14. Insert new condition 7.1 as follows:

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

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

15. Insert condition 7.2 after condition 7.1 with the following:

#### **Environmental Management Report**

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

- f) describe what measures will be implemented during the reporting period to improve the environmental performance of the development.

16. Insert condition 7.3 after condition 7.2 with the following:

- 7.3 After reviewing the report submitted under condition 7.2, the Secretary may require the Proponent to address certain matters identified in the report. The Proponent must comply with any reasonable requirements of the Secretary.

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