

Infrastructure Approval

Section 5.19 of the *Environmental Planning and Assessment Act 1979*

I grant approval to the application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

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

The Hon. Anthony Roberts MP
Minister for Planning

Sydney

20 September 2022

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

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

SCHEDULE 1

Application Number:	SSI-22545215
Proponent:	BlueScope Steel (AIS) Pty Ltd
Approval Authority:	Minister for Planning
Land:	Lot 1 DP 606434, Lot 1 DP 606432, Lot 1 DP595307 and Lot 1 DP 606430
Development:	Blast Furnace No.6 Reline
Critical State Significant Infrastructure:	Port Kembla Steelworks Blast Furnace No.6 Upgrade project as described in Clause 26 of Schedule 5 of State Environmental Planning Policy (Planning Systems) 2021

FOR INFORMATION

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSi-22545215-MOD-1	17 October 2023	Director, Industry Assessments	Modification to slag handling area to remove 2.5 ha of vegetation

FOR INFORMATION

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DEFINITIONS

Alternative fuels	Includes hydrogen and coke ovens gas
ANZG	Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018
BCA	Building Code of Australia
BF5	Blast Furnace No.5
BF6	Blast Furnace No.6
Certifier	A council or an accredited certifier (including principal certifiers) who is authorised under section 6.5 of the EP&A Act to issue Part 6 certificates
CEMP	Construction Environmental Management Plan
Commissioning	Bringing all services to BF6 into live condition, testing and verifying the integrity of the control, monitoring and safety systems, pressure and leak testing, and ramping up to full production capacity
Conditions of this approval	The conditions contained in Schedule 2
Construction	The carrying out of works for the purpose of the project, including removal of the blast furnace lining, repairs and installation of new equipment and infrastructure permitted by this approval
Council	Wollongong City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The controlled process of safely retiring a facility from service, including a rundown and make safe operation when the blast furnace reaches the end of its operating life
Department	NSW Department of Planning and Environment
EIS	The Environmental Impact Statement titled <i>Blast Furnace No.6 Reline Project Environmental Impact Statement</i> , prepared by BlueScope Steel (AIS) Pty Ltd dated 7 March 2022, submitted with the SSI application
ENM	Excavated Natural Material
Environment	As defined in section 1.4 of the EP&A Act
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2021
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this approval
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this approval
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all

	reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning (or delegate)
Mitigation	Activities associated with reducing the impacts of the project prior to or during those impacts occurring
Modifications	The document assessing the environmental impact of a proposed modification of this consent and any other information submitted with the following modification applications made under the EP&A Act: <ul style="list-style-type: none"> a) SSI-22545215 MOD-1, accompanied by '6BF Reline Project Modification Request SSD-22545215' prepared by BlueScope dated 26 July 2023 and 'BlueScope Blast Furnace No.6 Modification Biodiversity Development Assessment Report' prepared by niche Environment & Heritage dated 1 September 2023
Monitoring	Any monitoring required under this approval must be undertaken in accordance with section 9.40 of the EP&A Act
NCC	National Construction Code
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval
NSW Water Quality Objectives	Includes the ANZG 2018
OEMP	Operational Environmental Management Plan
Operation	Receipt and processing of raw materials, production of molten iron, transfer of molten iron to other plant within the steelworks for steelmaking, collection and formation of slag into rock and granulated slag, capture and reuse of blast furnace gas as described in the EIS and RTS
Principal Certifier	The certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act
Project	The project described in Schedule 1, the EIS and RTS, including the works and activities comprising relining, commissioning and operation of Blast Furnace No.6 at the Port Kembla Steelworks, as modified by the conditions of this approval and the Modifications
Project layout	The plans at Appendix 1 of this approval
Proponent	BlueScope Steel (AIS) Pty Ltd, or any person carrying out any development to which this approval applies
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Registered Aboriginal Parties	Means the Aboriginal persons identified in accordance with the document entitled " <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> " (DECCW)
Response to submissions	The Proponent's response to issues raised in submissions received in relation to the application for approval for the project under the EP&A Act and includes the document titled <i>Blast Furnace No.6 Reline Project Response to Submissions</i> , prepared by GHD and dated 6 July 2022
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1 of this approval
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
Year	A period of 12 consecutive months

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance measures and criteria in this approval, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction, commissioning and operation of the project.

TERMS OF APPROVAL

- A2. The project may only be carried out:
- (a) in compliance with the conditions of this approval;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and RTS;
 - (d) in accordance with the Modifications; and
 - (e) in accordance with the Project Plans in Appendix 1.
- A3. Consistent with the requirements in this approval, the Planning Secretary may make written directions to the Proponent 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 approval, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a).
- A4. The conditions of this approval and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(e). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(e), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

LIMITS OF APPROVAL

Lapsing

- A5. This approval lapses five years after the date from which it operates, unless the project has physically commenced on the land to which the approval applies before that date.

Operation

- A6. The Proponent must not operate BF5 and BF6 concurrently.
- A7. The Proponent must not inject alternative fuels into the BF6 tuyere zone.

Note: The use of alternative fuels in BF6 must be subject to separate assessment and approval.

NOTIFICATION OF COMMENCEMENT

- A8. The date of commencement of each of the following phases of the project must be notified to the Department in writing, at least one month before that date:
- (a) construction;
 - (b) commissioning;
 - (c) operation; and
 - (d) decommissioning.
- A9. If the construction, commissioning, operation or decommissioning of the project is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

SURRENDER OF EXISTING CONSENTS OR APPROVALS

- A10. Within 12 months of the date of commencement of development to which this approval applies, or within another timeframe agreed by the Planning Secretary, the Proponent must surrender the existing development consent for Blast Furnace No.6 (DA93/16 dated 27 July 1993) in accordance with the EP&A Regulation.
- A11. Upon the commencement of development to which this approval applies, and before the surrender of existing development consents required under condition A10, the conditions of this approval prevail to the extent of any inconsistency with the conditions of those consents.

Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under Part 6 of the EP&A Act. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

EVIDENCE OF CONSULTATION

- A12. Where conditions of this approval require consultation with an identified party, the Proponent must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Proponent and how the Proponent has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A13. With the approval of the Planning Secretary, the Proponent may:
- (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the project to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the project).
- A14. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.
- A15. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A16. Before the commencement of construction, the Proponent must consult with the relevant owner and provider of services that are likely to be affected by the project to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure.
- A17. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the project; and
 - (b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the project.

DEMOLITION

- A18. All demolition required for the project must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures* (Standards Australia, 2001).

STRUCTURAL ADEQUACY

- A19. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the project, must be constructed in accordance with the relevant requirements of the NCC.

Note:

- Under Part 6 of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

COMPLIANCE

- A20. The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval relevant to activities they carry out in respect of the project.

OPERATION OF PLANT AND EQUIPMENT

- A21. All plant and equipment used on site in relation to the project, or to monitor the performance of the project, must be:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

COMMUNITY CONSULTATIVE COMMITTEE

A22. The Proponent must keep the community regularly informed about construction, commissioning and operation of the project through the existing BlueScope Community Consultative Committee (CCC).

UTILITIES AND SERVICES

A23. Before the construction of any utility works associated with the project, the Proponent must obtain relevant approvals from service providers.

A24. Before the commencement of operation of the project, the Proponent must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

APPLICABILITY OF GUIDELINES

A25. References in the conditions of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this approval.

A26. However, consistent with the conditions of this approval and without altering any limits or criteria in this approval, the Planning Secretary may, when issuing directions under this approval in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

ADVISORY NOTES

AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the project. No condition of this approval removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

PART B SPECIFIC ENVIRONMENTAL CONDITIONS

WATER QUALITY

Erosion and Sediment Control

- B1. Prior to the commencement of any construction or other surface disturbance for the project, the Proponent must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline and the Erosion and Sediment Control Plan included in the CEMP required by Condition C2.

Stormwater Management Plan

- B2. Prior to the commencement of operation, the Proponent must prepare a Stormwater Management Plan (SMP) for the project. The SMP must:
- (a) be prepared by a suitably qualified and experienced person(s);
 - (b) describe the stormwater management system including:
 - (i) compliance with applicable Australian Standards;
 - (ii) details of the system capacity that has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines;
 - (iii) details of the design to contain the first 10 millimetres of a rainfall event at the BF6 process area (a first flush system);
 - (c) detail water use, disposal and management on-site, including any licence requirements;
 - (d) detail monitoring requirements; and
 - (e) include a protocol for the investigation and mitigation of identified exceedances of relevant criteria.
- B3. The Proponent must install the stormwater management system detailed in Condition B2 before commencing operation.

Discharge Limits

- B4. The project must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

BF6 Treatment System Design

- B5. Prior to the commencement of construction of the BF6 wastewater treatment system, the Proponent must design the wastewater treatment system/s to manage discharges directly from BF6, in consultation with the EPA and to the satisfaction of the Planning Secretary. The wastewater treatment system design must:
- (a) incorporate the outcomes of Pollution Reduction Program 182 (PRP 182) and other current environmental improvement projects relevant at BF5, prescribed by EPL 6092;
 - (b) target achieving the NSW Water Quality Objectives and/or best available management practices for discharges directly from BF6;
 - (c) be consistent with the wastewater treatment options in Table 5.9 of the RTS;
 - (d) include a cyanide monitoring and treatment system;
 - (e) exclude wastewater dilution as a mitigation measure;
 - (f) include discharge guarantees and/or calculations that detail the performance of the system, including details of the discharge reductions and performance criteria that would be achieved;
 - (g) compare the system performance with the current performance of BF5 and the previous operation of BF6.
- B6. The Proponent must:
- (a) not commence construction of the wastewater treatment system until the design required by condition B5 is approved by the Planning Secretary; and
 - (b) implement the wastewater treatment system approved by the Planning Secretary prior to the commencement of operation.

Water Quality Monitoring Program

- B7. Prior to the commencement of operation, the Proponent must prepare a Water Quality Monitoring Program (WQMP) for the project, in consultation with the EPA and to the satisfaction of the Planning Secretary. The WQMP must:
- (a) be designed to:
 - (i) verify the discharge flow, pollutants (including temperature, cyanide, ammonia, metals, toxicants, flocculants/coagulants and any by-products), concentrations and loads comply with the environmental performance outcomes established in Condition B5;

- (ii) verify discharge concentrations under the full range of operating conditions including median, 80th percentile, 90th percentile and maximum levels of all key pollutants;
- (iii) verify the full range and worst-case operational discharge flow and quality (temperature, cyanide, ammonia, metals, toxicants, flocculants/coagulants) conditions;
- (iv) determine the potential acute toxicity risk in the immediate area around the discharge point and any water quality or ecological risks in that zone;
- (v) inform and develop recommendations for ongoing operational monitoring and management of the discharges;
- (b) detail the locations, frequency and duration of monitoring;
- (c) detail remedial and contingency measures to be implemented if discharges do not meet the environmental performance outcomes specified by the WQMP, or acute toxicity risks are identified;
- (d) include a timetable for implementation of the remedial measures.

B8. The Proponent must:

- (a) not commence operation until the Water Quality Monitoring Program required by condition B7 is approved by the Planning Secretary; and
- (b) implement the Water Quality Monitoring Program approved by the Planning Secretary within 3 months of the commencement of operation.

Water Quality Verification Report

B9. Within 3 months of completion of the monitoring described in Condition B7, the Proponent must provide a Water Quality Verification Report to the Planning Secretary that:

- (a) addresses Condition B7 (a) to (c);
- (b) includes details of the testing and discharge results;
- (c) proposes ongoing limits and monitoring frequencies for discharges from BF6;
- (d) details the remedial measures to be implemented to reduce any identified exceedances of the environmental performance outcomes; and
- (e) includes a program to periodically review BF6 operation with best available technique practices to ensure wastewater treatment achieves the environmental performance outcomes established in Condition B5.

B10. The Proponent must implement the remedial measures identified in Condition B9 in a timeframe agreed with, and to the satisfaction of the Planning Secretary.

AIR QUALITY

Dust Minimisation

B11. The Proponent must take all reasonable steps to minimise dust generated during all works authorised by this approval.

B12. During construction, the Proponent must ensure that:

- (a) exposed surfaces and stockpiles are suppressed by regular watering;
- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the project do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Air Quality Discharges

B13. The Proponent must install and operate equipment in line with best practice to ensure that the project complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL for the project.

B14. The Proponent must implement measures to minimise air emissions for each component of the commissioning phase.

Stove Waste Gas and Slag Granulation Emission Controls

B15. Prior to the commencement of construction of the Stove Waste Gas Heat Recovery System and the Slag Granulation Condensing Unit, the Proponent must prepare an Air Emissions Verification Report (AEVR) to verify the emission performances of the stove waste gas stack and slag granulator condensing unit. The AEVR must:

- (a) for the stove waste gas heat recovery system, include:
 - (i) a detailed description of the final design of the waste gas heat recovery system and the redesigned burners for BF6;

- (ii) emission guarantees and/or emission calculations that detail the emission performance for nitrogen dioxide (NO_x) and sulfur dioxide (SO₂) associated with implementation of the heat recovery system and redesigned burners;
 - (iii) a comparison of the emissions performance with the previous operation of BF6 and prescribed concentrations in the Protection of the Environment Operations (Clean Air) Regulation 2021; and
 - (iv) details of the emission reductions that would be achieved with implementation of the heat recovery system and redesigned burners.
- (b) for the condensing unit on the slag granulator, include:
- (i) a detailed description of the final design of the condensing sprays for the slag granulator;
 - (ii) emission guarantees and/or emission calculations that detail the emission performance for hydrogen sulfide (H₂S) associated with the implementation of the condensing unit;
 - (iii) a comparison of the emissions performance with the previous operation of BF6 slag granulator and prescribed concentrations in the Protection of the Environment Operations (Clean Air) Regulation 2021; and
 - (iv) details of the emission reductions that would be achieved with the implementation of the condensing unit.

B16. The Proponent must provide the AEVR to the Planning Secretary at least two months prior to the commencement of construction of the Stove Waste Gas Heat Recovery System and the Slag Granulation Condensing Unit.

Air Quality Verification Program

- B17. Prior to the commencement of operation, the Proponent must prepare an Air Quality Verification Program (AQVP), in consultation with the EPA and to the satisfaction of the Planning Secretary. The AQVP must:
- (a) include sampling locations in accordance with the *Test Method 1 (TM-1) Selection of sampling positions* of the EPA's *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW*;
 - (b) capture a range of pollutants likely to be emitted from the discharge points, including the stove waste gas stack, cast house dedusting stack and stock house dedusting stack;
 - (c) confirm that the point source pollutant emissions will achieve relevant limits and the Group 6 limits in the *Protection of the Environment Operations (Clean Air) Regulation 2021*; and
 - (d) be of adequate duration and incorporate an appropriate number of sampling events to inform the development of limits for the stove waste gas stack for inclusion in the EPL.

B18. The Proponent must:

- (a) implement the AQVP approved by the Planning Secretary in accordance with Condition B17, within three months of the commencement of operation.

Air Quality Verification Report

- B19. Within 3 months of completion of the monitoring described in Condition B17, the Proponent must provide an Air Quality Verification Report to the Planning Secretary that:
- (a) addresses condition B17 (a) to (d);
 - (b) includes details of the testing and emission results;
 - (c) details remedial measures to be implemented to reduce any exceedances of predicted discharge quality (flow, concentration or load) or emission standards and include a timetable for implementation; and
 - (d) proposes ongoing limits and monitoring frequencies for monitored pollutants for the stove waste gas stack, cast house dedusting stack and stock house dedusting stack.
- B20. The Proponent must implement the remedial measures identified in Condition B19, in a timeframe agreed with, and to the satisfaction of the Planning Secretary.

Odour Management

B21. The Proponent must ensure the project does not cause or permit the emission of any offensive odour (as defined in the POEO Act).

GREENHOUSE GAS

- B22. The Proponent must implement best practice measures to minimise the Scope 1 and Scope 2 greenhouse gas emissions generated by the project which are feasible, including in the context of any concurrent programs for the steelworks.
- B23. Within three years of the commencement of operation, and every three years thereafter, or at such intervals as the Planning Secretary may agree, the Proponent must provide a Greenhouse Gas Abatement Report to the Planning Secretary. The report must include:
- (a) a review of the abatement technologies relevant to the project; and

- (b) details of the feasibility of the abatement technologies to minimise the greenhouse gas emissions from the project and a plan to implement any abatement technologies which are feasible, including in the context of any concurrent programs for the steelworks.

HAZARDS AND RISK

Pre-construction

- B24. At least one month prior to the commencement of construction of the project (except for construction of those preliminary works that are outside the scope of the hazard studies), or within such further period as the Planning Secretary may agree, the Proponent must prepare and submit for the approval of the Planning Secretary the studies set out under subsections (a) to (d) below (the pre-construction studies). Construction, other than of preliminary works, must not commence until approval has been given by the Planning Secretary and, with respect to the Fire Safety Study, approval has also been given by Fire and Rescue NSW.
- (a) A **Fire Safety Study** for the project. This study must cover the relevant aspects of 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* (NSW HMPCC, 1994). The study must also be submitted to Fire and Rescue NSW.
 - (b) A **Hazard and Operability Study** for the project, chaired by a qualified person, independent of the project, approved by the Planning Secretary prior to the commencement of the study. The study must be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 8, 'HAZOP Guidelines'. The study report must be accompanied by a program for the implementation of all recommendations made in the report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented.
 - (c) A **Final Hazard Analysis** of the project, prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.6, 'Hazard Analysis'*.
 - (d) A **Construction Safety Study** for the project prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 7 'Construction Safety'*. For projects in which the construction period exceeds six months, the commissioning portion of the Construction Safety Study may be submitted two months prior to commencement of commissioning.

Pre-commissioning

- B25. The Proponent must develop and implement the plans and systems set out under subsections (a) to (b) below. No later than two months prior to the commencement of commissioning of the project, or within such further period as the Planning Secretary may agree, the Proponent must submit for the approval of the Planning Secretary documentation describing those plans and systems. Commissioning must not commence until approval has been given by the Planning Secretary.
- (a) a comprehensive **Emergency Plan** and detailed emergency procedures for the project. The Emergency Plan must include consideration of the safety of all people outside of the project who may be at risk from the project. The plan must be prepared in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1, 'Emergency Planning'*.
 - (b) a document setting out a comprehensive **Safety Management System** for the project, covering all on-site operations and associated transport activities involving hazardous materials. The document must clearly specify all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to the procedures. Records must be kept on-site and must be available for inspection by Planning Secretary upon request. The Safety Management System must be developed in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 9, 'Safety Management'*.

Pre-startup

- B26. One month prior to the commencement of operation of the project, the Proponent must submit to the Planning Secretary, a Pre-Startup Compliance Report detailing compliance with conditions B24 and B25, including:
- (a) dates of study/plan/system submission, approval, commencement of construction and commissioning;
 - (b) actions taken or proposed, to implement recommendations made in the studies/plans/systems; and
 - (c) responses to any requirement imposed by the Planning Secretary under condition B30.

Post-startup

- B27. Three months after the commencement of operation of the project, the Proponent must submit to the Planning Secretary, a Post-Startup Compliance Report verifying that:
- (a) the Emergency Plan required under condition B25(a) is effectively in place and that at least one emergency exercise has been conducted; and
 - (b) the Safety Management System required under condition B25(b) has been fully implemented and that records required by the system are being kept.

Hazard Audit

- B28. Twelve months after the commencement of operation and every five years thereafter, or at such intervals as the Planning Secretary may agree, the Proponent must carry out a comprehensive Hazard Audit of the project and within two months of each audit submit a report to the satisfaction of the Planning Secretary for approval. The audits must:
- be carried out at the Proponent's expense by a qualified person or team, who have been approved by the Planning Secretary prior to the commencement of the audit;
 - be carried out in accordance with the Department's *Hazardous Industry Planning Advisory Paper No.5, 'Hazard Audit Guidelines'*; and
 - include a review of the site Safety Management System and a review of all relevant entries made in the incident register in relation to the project since the previous audit.
- B29. The audit report must be accompanied by a program for the implementation of all recommendations made in the audit report. If the Proponent intends to defer the implementation of a recommendation, reasons must be documented.

Further Requirements

- B30. The Proponent must comply with all reasonable requirements of the Planning Secretary in respect of the implementation of any measures arising from the reports submitted in respect of Conditions B24 to B28 inclusive, within such time as the Planning Secretary may agree.
- B31. The Proponent must store all chemicals, fuels and oils that are brought onto and used on-site in accordance with:
- the requirements of all relevant Australian Standards; and
 - the NSW EPA's *Storing and Handling of Liquids: Environmental Protection – Participants Manual* if the chemicals are liquids.
- B32. In the event of an inconsistency between the requirements of conditions B31(a) and B31(b), the most stringent requirement must prevail to the extent of the inconsistency.

NOISE

Hours of Work

- B33. The project must comply with the hours detailed in Table 1, unless otherwise agreed in writing by the Planning Secretary.

Table 1 Hours of Work

Activity	Day	Time
Construction	Monday – Friday	7 am to 6 pm
	Saturday	8 am to 1 pm
Blasting ¹	Monday – Saturday	9 am to 5 pm
Commissioning	Monday – Sunday	24 hours
Operation	Monday – Sunday	24 hours

¹ Blasting carried out inside the blast furnace structure to remove iron skull, refractories and burden material.

- B34. Construction works outside of the hours identified in condition Table 1 may be undertaken in the following circumstances:
- works that are inaudible at the nearest sensitive receivers;
 - works agreed to in writing by the Planning Secretary;
 - for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
 - where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm.

Construction Noise

- B35. The project must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009) (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the Construction Environmental Management Plan required by Condition C2.

Operational Noise Limits

- B36. The Proponent must ensure that noise generated by operation of the project does not exceed the noise limits in Table 2.

Table 2 Noise Limits dB(A)

Reference	Location	Day, Evening and Night L _{Aeq} (15 minute)	Night L _{AF} (max)
NCA02 (blue)	Most affected residences in Coniston	35	52
NCA03 (yellow)	Most affected residences in Cringila	41	52
NCA04 (green)	Most affected residences in Port Kembla	37	52

Note Noise generated by the project is to be measured in accordance with the relevant procedures and exemptions (including certain meteorological conditions) of the NSW Noise Policy for Industry (EPA, 2017) (as may be updated or replaced from time to time). Refer to the plan in Appendix 2 for the location of residential sensitive receivers.

VIBRATION

Vibration Criteria

B37. The airblast overpressure level from blasting must not exceed the following limits at any sensitive receiver:

- (a) 115 dB (Lin Peak) for more than 10% of the total number of blasts for the project; and
- (b) 120 dB (Lin Peak) at any time.

B38. Ground vibration peak particle velocity from blasting must not exceed the following limits at any sensitive receiver:

- (a) 5 mm/sec for more than 10% of the total number of blasts for the project; and
- (b) 10 mm/sec at any time.

Blast Monitoring

B39. The Proponent must monitor the first two blasting events to determine compliance with conditions B37 and B38, and provide a report to the EPA. Where monitoring has determined that blast impacts are not discernible outside of the site, blasting may be conducted outside the hours listed in Table 1, as agreed with the EPA.

Note: In all cases blasting must not be undertaken on Sundays and public holidays or between the hours of 8 pm and 6 am.

B40.

TRAFFIC AND ACCESS

Construction Traffic Management Plan

B41. Prior to the commencement of construction, the Proponent must prepare a Construction Traffic Management Plan for the project. The plan must form part of the CEMP required by condition C2 and must:

- (a) be prepared by a suitably qualified and experienced person(s);
- (b) detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
- (c) detail heavy vehicle routes, access and parking arrangements;
- (d) include a Driver Code of Conduct to minimise the impacts of construction traffic, ensure drivers adhere to designated routes and on site speed limits and minimise road traffic noise;
- (e) include a program to monitor the effectiveness of these measures; and
- (f) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.

B42. The Proponent must

- (a) not commence construction until the Construction Traffic Management Plan required by Condition B41 is approved by the Planning Secretary; and
- (b) implement the most recent version of the Construction Traffic Management Plan approved by the Planning Secretary.

Parking

B43. The Proponent must provide parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the project does not utilise public and residential streets for parking or public parking facilities.

Oversize or Overmass Vehicles (OSOM)

B44. The Proponent must obtain permits under the Heavy Vehicle National Law (NSW) for each OSOM load on the public road network.

Operating Conditions

B45. The Proponent must ensure:

- (a) the swept path of the longest vehicle entering and exiting the site, as well as manoeuvrability through the site, is in accordance with the relevant AUSTROADS guidelines;
- (b) the project does not result in any vehicles queuing on the public road network;
- (c) heavy vehicles and bins associated with the project are not parked on local roads or footpaths in the vicinity of the site;
- (d) all vehicles are wholly contained on site before being required to stop;
- (e) all loading and unloading of materials is carried out on-site;
- (f) all trucks entering or leaving the site with loads have their loads covered and do not track dirt onto the public road network; and
- (g) the proposed turning areas in the car park are kept clear of any obstacles, including parked cars, at all times.

SOILS AND CONTAMINATION

Imported Soil

B46. The Proponent must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill used in relation to the project; and
- (c) make these records available to the Planning Secretary upon request.

Unexpected Finds Procedure

B47. Prior to the commencement of construction, the Proponent must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated is classified under the EPA's Waste Classification Guidelines and if required, disposed off-site, with the disposal location and results of testing submitted to the Planning Secretary, prior to its removal from the site.

Acid Sulfate Soils

B48. The Proponent must ensure that any construction activities in identified areas of acid sulfate soil risk are undertaken in accordance with the *Acid Sulfate Soil Manual* (Acid Sulfate Soil Management Advisory Committee, 1998).

WASTE MANAGEMENT

Statutory Requirements

- B49. All waste materials removed from the site must only be directed to a waste management facility or premises lawfully permitted to accept the materials.
- B50. The Proponent must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's *Waste Classification Guidelines Part 1: Classifying Waste* (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.
- B51. Waste generated outside the site must not be received at the site for storage, treatment, processing, reprocessing, or disposal, except as expressly provided for in an EPL.

HERITAGE

Unexpected Finds Protocol

- B52. If any item or object of Aboriginal heritage significance is identified on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - (c) the OEHL must be contacted immediately.
- B53. Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.
- B54. If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the requirements of Heritage NSW.

BIODIVERSITY

B55. The Proponent must implement relevant measures from the Proponent's Green and Golden Bell Frog Management Procedure, to protect the Green and golden bell frog population on site.

B55A. The Proponent must implement the mitigation measures included in Table 9 in the Biodiversity Development Assessment Report prepared by niche Environment and Heritage dated 1 September 2023.

B55B. The Proponent must complete compensatory planting for the vegetation removed as part of SSI-22545215-MOD-1, in accordance with the Proponent's Vegetation Management Plan for the site.

VISUAL AMENITY

Lighting

B56. The Proponent must ensure the lighting associated with the project:

- (a) complies with the latest version of AS 4282-1997 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

PART C ENVIRONMENTAL MANAGEMENT, REPORTING AND AUDITING

ENVIRONMENTAL MANAGEMENT

Management Plan Requirements

- C1. Management plans required under this approval must be prepared in accordance with relevant guidelines, and include:
- (a) details of:
 - (i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - (ii) any relevant limits or performance measures and criteria; and
 - (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the project or any management measures;
 - (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - (c) a program to monitor and report on the:
 - (i) impacts and environmental performance of the project; and
 - (ii) effectiveness of the management measures set out pursuant to paragraph (c) above;
 - (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - (e) a program to investigate and implement ways to improve the environmental performance of the project over time;
 - (f) a protocol for managing and reporting any:
 - (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - (ii) complaint;
 - (iii) failure to comply with statutory requirements; and
 - (g) a protocol for periodic review of the plan.

Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- C2. The Proponent must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C3. As part of the CEMP required under Condition C2 of this approval, the Proponent must include the following:
- (a) Erosion and Sediment Control Plan;
 - (b) Construction Traffic Management Plan (see Condition B41);
 - (c) Noise and vibration management measures;
 - (d) Unexpected Contamination Procedure (see Condition B47); and
 - (e) Community Consultation and Complaints Handling.
- C4. The Proponent must:
- (a) not commence construction of the project until the CEMP is approved by the Planning Secretary; and
 - (b) carry out the construction of the project in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.

OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

- C5. The Proponent must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of condition C1 and to the satisfaction of the Planning Secretary.
- C6. As part of the OEMP required under Condition C5 of this approval, the Proponent must include the following:
- (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the project;
 - (b) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the project;
 - (ii) receive, handle, respond to, and record complaints;
 - (iii) resolve any disputes that may arise;

- (iv) respond to any non-compliance;
- (v) respond to emergencies; and
- (c) include a Stormwater Management Plan (see Condition B2).

C7. The Proponent must:

- (a) not commence operation until the OEMP is approved by the Planning Secretary; and
- (b) operate the project in accordance with the OEMP approved by the Planning Secretary (and as revised and approved by the Planning Secretary from time to time).

REVISION OF STRATEGIES, PLANS AND PROGRAMS

C8. Within three months of:

- (a) the submission of a Compliance Report under condition **Error! Reference source not found.;**
- (b) the submission of an incident report under condition C10;
- (c) the approval of any modification of the conditions of this approval; or
- (d) the issue of a direction of the Planning Secretary under condition A2(b) which requires a review,

the strategies, plans and programs required under this approval must be reviewed.

C9. If necessary to either improve the environmental performance of the project, cater for a modification or comply with a direction, the strategies, plans and programs required under this approval 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.

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 project.

REPORTING AND AUDITING

Incident Notification, Reporting and Response

C10. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Proponent becomes aware of an incident related to the project. The notification must identify the project (including the application number and the name of the project if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 3.

Non-Compliance Notification

C11. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Proponent becomes aware of any non-compliance.

C12. A non-compliance notification must identify the project and the application number for it, set out the condition of approval that the project is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

C13. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Independent Audit

C14. Within one year of the commencement of construction of the project, and every five years after, unless the Planning Secretary directs otherwise, the Proponent must commission and pay the full cost of an Independent Environmental Audit (Audit) of the project. Audits must:

- (a) be prepared in accordance with the Independent Audit Post Approval Requirements (Department 2020)
- (b) be led and conducted by a suitably qualified, experienced and independent team of experts whose appointment has been endorsed by the Planning Secretary; and
- (c) be submitted to the satisfaction of the Planning Secretary within three months of commissioning the Audit (or within another timeframe agreed by the Planning Secretary).

C15. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under condition C14 of this approval;
- (b) submit the response to the Planning Secretary and any other NSW agency that requests it, together with a timetable for the implementation of the recommendations;
- (c) implement the recommendations to the satisfaction of the Planning Secretary; and
- (d) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Planning Secretary and notify the Planning Secretary in writing at least 7 days before this is done.

Monitoring and Environmental Audits

C16. Any condition of this approval that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, compliance reporting and independent auditing.

Note: For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the project to provide data on compliance with the approval or on the environmental impact of the project, and an “environmental audit” is a periodic or particular documented evaluation of the project to provide information on compliance with the approval or the environmental management or impact of the project.

ACCESS TO INFORMATION

C17. At least 48 hours before the commencement of construction until the completion of all works under this approval, including decommissioning, the Proponent must:

- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this approval;
 - (ii) all current statutory approvals for the project;
 - (iii) all approved strategies, plans and programs required under the conditions of this approval;
 - (iv) minutes of CCC meetings;
 - (v) regular reporting on the environmental performance of the project in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;
 - (vi) a comprehensive summary of the monitoring results of the project, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
 - (vii) a summary of the current stage and progress of the project;
 - (viii) contact details to enquire about the project or to make a complaint;
 - (ix) a summary of complaints related to the project, updated within 1 month of receiving a complaint associated with the project;
 - (x) the Compliance Report of the project;
 - (xi) audit reports prepared as part of any Independent Audit of the project and the Proponent’s response to the recommendations in any audit report;
 - (xii) any other matter required by the Planning Secretary; and
- (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 PROJECT PLAN

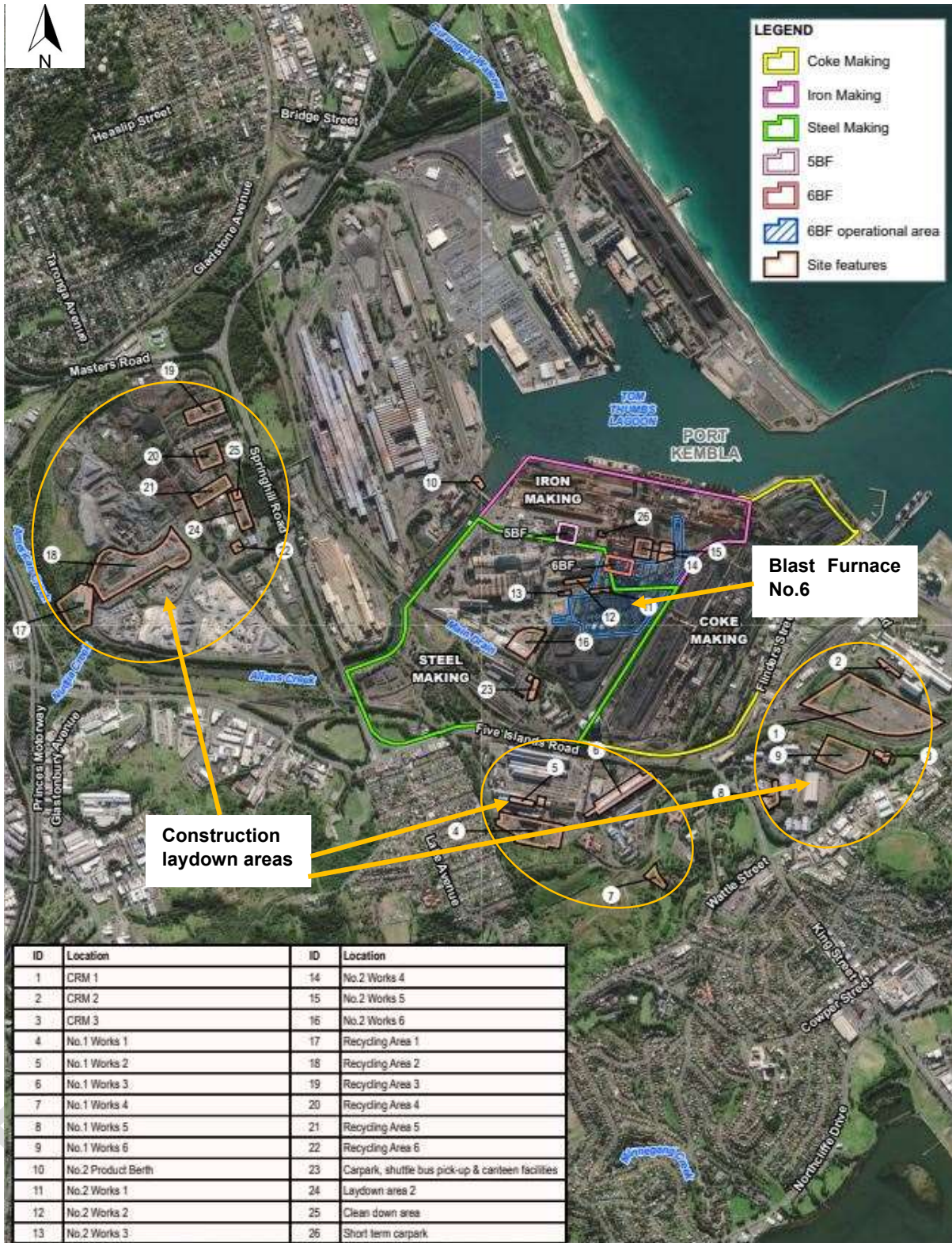
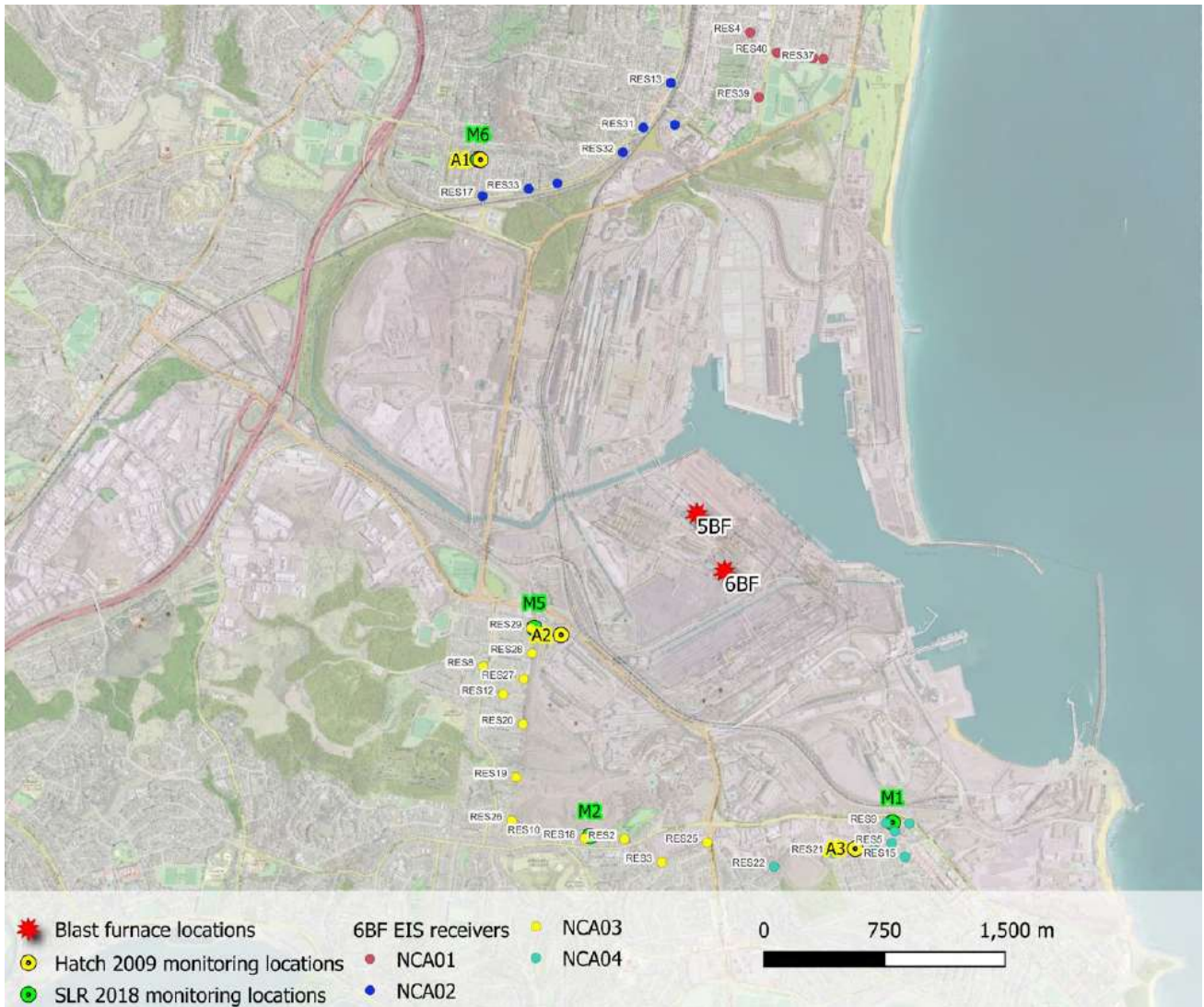


Figure 1: Site Plan

APPENDIX 2 NOISE RECEIVER LOCATIONS



- NCA02 – Most affected residences in Coniston
- NCA03 – Most affected residences in Cringila
- NCA04 – Most affected residences in Port Kembla

APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition C10 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the project and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of approval;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.