

**DETERMINATION REPORT
BLUESCOPE STEEL WASTE GAS CLEANING PLANT MODIFICATION
WOLLONGONG LGA**

About the Proposal

BlueScope Steel Pty Ltd (proponent) is the owner and operator of the BlueScope Steelworks at Port Kembla in the Wollongong Local Government Area. The proponent has requested amendments to a number of conditions of approval relating to the upgrade of the Waste Gas Cleaning Plant (WGCP) within the steelworks.

On 1 August 2001, the Minister for Planning granted consent for the construction and operation of the WGCP. The WGCP cleans gas emissions from the adjoining Sinter Plant using carbon absorption technology. Since 2004, the WGCP has reduced dust emissions by 80% and dioxins by 97%.

On 27 June 2014, the proponent submitted a modification request (DA 26-02-01 MOD 2) under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify the 2001 approval to:

- remove conditions that it considers are no longer relevant to its operations, especially those that are related to construction, commissioning or verification activities;
- remove any air, noise and water monitoring and reporting requirements from the consent which are duplicated in the Environmental Protection Licence, regulated by the Environment Protection Authority; and,
- rationalise and streamline its annual reporting requirement from annually to triennially.

Consultation

Under Section 75W of the EP&A Act, the Department of Planning and Environment (the Department) was not required to notify or exhibit the modification and determined further consultation was not necessary. Notwithstanding, the Department sought comments from the Environmental Protection Authority (EPA) and Wollongong City Council. Neither Wollongong City Council nor the EPA raised objection to the modification. The EPA did however request the retention of a condition 6.25 to provide the proponent with the option to pursue fertilizer based operations in the future, after consultation with the relevant agencies.

Delegation to the Commission

The Commission received the referral to determine the modification under Ministerial delegation dated 14 September 2011, as reportable political donations have been declared by the proponent.

The Commissioner responsible for determining this application is Mr Joe Woodward PSM.

Secretary's Environmental Assessment Report

The proposal has been assessed by the Department in the Assessment Report. The Department's report assesses the three main components of the proponent's modification.

In considering the removal or amendment of conditions, especially those that relate to construction, commissioning or verification activities, the Department provided a detailed table evaluating each proposed condition amendment and how it would impact on the consent.

The Department reviewed the proponent's request to remove certain air, noise and water monitoring and reporting requirements from the consent. It was considered that the requirements were no longer necessary as they were a duplication of the Environmental Protection Licence requirements. The Department addressed the EPA's request to retain requirements relating to fertilizer operations by inserting condition 4.20.

In considering the reporting frequency requirements, the Department agreed they could be changed from annually to triennially as sufficient monitoring and reporting is required by the EPA license requirements.

The Department came to the conclusion that *it is satisfied the proposed modification is minor, is in the public interest and should be approved subject to some minor amendments to the existing conditions of approval.*

Commission's Consideration

Having carefully considered the information available to it, the Commission identifies the following issues for consideration:

- removal of irrelevant conditions;
- removal of air, noise and water monitoring and reporting requirements; and
- rationalisation of reporting requirements.

The Commission agrees with both the proponent and Department that the removal of air, noise, water monitoring, reporting requirements and irrelevant conditions will not impact on site operations or environmental protection. Consultation with the EPA has confirmed to the Commission that sufficient regulation will be maintained through the Environmental Protection License. In addition, the Commission is satisfied that reporting on a three year basis, as proposed by the proponent, will ease reporting requirements for the proponent whilst maintaining environmental protection standards.

The Commission is satisfied that the information provided by the proponent is sufficient for making a determination and that no additional studies, reports or site visits are required to make a determination.

Commission's Determination

The Commission has carefully considered the proposal, the Secretary's assessment of the proposal, the recommended conditions and the advice from relevant government agencies. The Commission is satisfied that the proposed modification would not adversely alter the operation of the site or compromise environmental monitoring or performance standards. Consequently, the Commission has approved the modification, as recommended by the Department.



Joe Woodward PSM
Member of the Commission