

Annual Environmental Management Report 2018

InfraBuild Recycling, Hexham

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Client: InfraBuild Recycling Pty Ltd

Prepared by

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Glossary of Terms

AEMR	Annual Environmental Management Report
DA	Development Application
DC	Development Consent
DECC	Department of Environment and Climate Change
DECCW	Department of Environment, Climate Change and Water
DIPNR	Department of Infrastructure Planning and Natural Resources
DoP	Department of Planning
DPIE	Department of Planning, Industry and Environment (formerly DPI and previously DoP and DIPNR)
DLWC	Department of Land and Water Conservation
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EPA	Environmental Protection Authority
EPL	Environmental Protection Licence
HAZOP	Hazards and Operability Study
INP	Industrial Noise Policy
OEH	Office of Environment and Heritage (formerly DECCW and DECC)
OEMP	Operation Environmental Management Plan

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1.0 Introduction

1.1 November 2019 Updated Report

The 2018 Annual Environment Management Report (AEMR) has been updated to include additional information requested by NSW Planning Industry and Environment (PI&E) in letter reference DA 345-7-2003-i dated 12th August 2019.

Table 1 of this updated report details the sections of this report updated with the requested additional information.

Table 1 Additional Items Requested to be Included in the 2018 AEMR

PI&E Request	Request	AEMR Section
1.	a. Include a Statement of Compliance Table to identify any conditions of the consent that were not with during the reporting to satisfy Schedule 2, Condition 8.3 of the consent	Section 1.7
	Include a figure in the Introduction section of the report showing the location of the site, the development consent boundary and disturbance footprint	Section 1.3.2
2.	In the Statement of Compliance table, also include commitments of the Operational Environment Management Plan (OEMP) and sub-plans that were not complied with during the reporting period	Section 1.7
3.	Include a discussion on complaints trends and a comparison of the number and type of complaints received in the previous five years	Section 3.0
4.	Update the Corrective Action Plan (Appendix D) to include: <ul style="list-style-type: none"> a. The additional dust and sediment control actions as per correspondence to the Department dated 9 January 2019; b. The agreed due date for each action listed; c. The actual completion date for all completed items; and d. Details on how the completion of actions was achieved. 	Appendix D

1.2 July 2019 Report

2018 Annual Environmental Management Report (AEMR) has been prepared by AECOM Australia Pty Ltd (AECOM) on behalf of InfraBuild Recycling Pty Ltd (formerly Liberty Recycling, OneSteel Recycling, Smorgon Steel Recycling, MetalCorp Recyclers) for the metal recycling facility located at 107 Sparke Street, Hexham NSW.

InfraBuild Recycling is required under Schedule 2, Condition 8.3 of the Development Consent (Integrated Development Application No.345-7-2003-i MOD-49-3-2005-i) to prepare an AEMR each year throughout the life of the project. Each report must outline the environmental compliance and performance of the metal recycling facility in relation to the conditions of the Development Consent (DC) and other licences and approvals issued for the facility.

Specifically, this AEMR provides details as required under Schedule 2, Condition 8.3 of the DC, which states:

The Applicant shall, throughout the life of the development, prepare and submit for the approval of the Director-General, an Annual Environmental Management Report (AEMR). The AEMR shall review the performance of the development against the Operation Environmental Management Plan (refer to Condition 7.4 of this consent), the conditions of this consent and other licences and approvals relating to the development. The AEMR shall include, but not necessarily be limited to:

- a. details of compliance with the conditions of this consent;*
- b. a comparison of the environmental impacts and performance predicted in those documents listed under condition 1.2 of this consent;*

- c. *details of any complaints received in relation to the operation, an overview of how these complaints were handled, and the results of any actions taken by the Applicant to address the complaint;*
- d. *results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person; and*
- e. *a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet goals and the action taken to prevent recurrence of that type of incident.*

The period of reporting covered by this AEMR is between 19 December 2017 and 18 December 2018, which corresponds to the reporting period for the Environment Protection Licence (EPL 5345, Notice no. 1504637 – 11 October 2013) issued by the NSW EPA.

This report also contains details of potential environmental targets and strategies for the following 12 month period, which take into account monitoring trends observed to date.

1.3 Facility Background

1.3.1 Overview of Operations

InfraBuild Recycling recycles ferrous and non-ferrous metals via shredding, separation and collection. The shredder process currently comprises a LYNXS 4900 kW TMR 270 * 270 Heavy Duty Scrap Shredder that includes an in-feed conveyor, entry conveyor, entry chute, shredder (hammer mill), discharge conveyor, drum magnet ferrous separator, picking conveyors, non-ferrous enrichment and separator. The shredder operates up to 11 hours per day (7am to 6pm) and on Saturdays when required. The shredder produced 230,777 tonnes of shred during the 2018 Calendar year, which is indicative of this reporting period.

1.3.2 Site Location and Development Consent Boundary

The InfraBuild recycling Hexham facility is located at 107 Sparke St Hexham as shown in **Figure 1**. The site is located in approximately 10 kilometres northwest of Newcastle bounded by the Main Northern Railway line to the west, Maitland Road (the Pacific Highway) and the Hunter River to the east and Ironbark Creek to the south. The residential areas of St Joseph's Retirement Community and Shamrock Street Hexham are located approximately 500 metres southeast and north respectively from the site.

Figure 2 shows the extent of the Development Consent boundary which is also the extent of the disturbance footprint.



Figure 1 Site Location



Figure 2 Development Consent Boundary

1.4 Scope of Annual Environmental Management Report

The AEMR describes the environmental compliance and performance of InfraBuild Recycling compared to DC conditions, predicted outcomes in the DA process, the EPL, the OEMP and, where conditions are not specified, appropriate NSW or national guidelines. The documents of reference are as follows:

- SMEC Australia Ltd, July 2003, Metal Shredding Facility at Hexham NSW - Environmental Impact Statement (Volumes 1, 2 and 3) ("the EIS");
- Smorgon Steel Recycling, 2005, *Operational Environmental Management Plan Shredder Plant Operation*, Smorgon Steel Recycling, NSW;
- NSW Government, Department of Infrastructure, Planning and Natural Resources, *The conditions of Development Consent* (File No. S03/00986), NSW Government, Sydney; and
- NSW Environment Protection Authority, *Smorgon Steel Recycling, Hexham NSW, Environment Protection License* No. 5345 Licence Variation Notice no. 1504637, 11 Oct 2013, NSW EPA, Sydney.

1.5 Contacts

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1.6 Environmental Management Plans

In 2005, an Operational Environmental Management Plan (OEMP) for the operation of the shredder plant was developed and approved by the Director-General of the Department of Infrastructure, Planning and Natural Resources (DIPNR) now Department of Planning, Industry and Environment (DPIE). This OEMP was required under Section 7 of the DC conditions and has been incorporated into the management of the site at Hexham.

The OEMP was reviewed and updated (Version 3) in November 2019.

1.7 Corrective Action Plan Summary

Table 2 provides a summary of the conditions of consent and commitments of the OEMP and sub plans for which the Corrective Action Plan status remains open at the end of the reporting period as detailed in the **Appendix D**.

Table 2 Statement of Compliance Summary

Consent Condition	Consent Condition Requirements
1.1	The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation and where relevant, the decommissioning of the development.
1.2	The Applicant shall carry out the development generally in accordance with the Development Application documentation and conditions of this consent.
2.5	The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.2 of this consent.
5.11	Prior to the commencement of operations at the site, the Applicant shall submit for the approval of the director-General, a Stormwater Quality Monitoring Program.
7.1	Prior to the commencement of construction of the development, the Applicant shall nominate a suitably qualified and experienced Environmental Representative. The Applicant shall employ the Environmental Representative on a full-time basis during the construction, commissioning and operation of the development.
7.5d	As part of the Operational Environment Management Plan (OEMP) the Applicant shall prepare and implement a Stormwater Management Plan to outline measures to mitigate impacts of stormwater run-off from and within the premises.

2.0 Compliance Review

A copy of the Development Consent (DC) is provided in **Appendix A**. A copy of the Environment Protection Licence (EPL) is provided in **Appendix B**.

A detailed assessment of the compliance of the facility in relation to the conditions of the DC and the Environment Protection Licence (EPL) was undertaken during the most recent Independent Environmental Audit (Coffey Corporate Services Pty Ltd - 6 June 2017).

A detailed assessment of the compliance of the facility in relation to the Environmental Impact Statement (EIS) was also undertaken during the most recent Independent Environmental Audit (Coffey 2017).

The Audit report detailing compliance is provided as **Appendix C** with a list of associated actions and progress against these actions provided as **Appendix D**.

It is noted that this appraisal of compliance with regulatory requirements relates only to environmental performance.

3.0 Complaints

In accordance with Schedule 2, condition 6.3 of the DC, InfraBuild Recycling maintained a Complaints Register throughout the reporting period to record details of all complaints received regarding the Hexham facility. No complaints were recorded over the reporting period 19 December 2017 to 18 December 2018.

A summary of complaints with a breakdown by type for the current year and the past five years is provided in **Table 3**.

Total complaints have reduced year on year over the past five years with earlier complaints in 2013 and 2014 predominantly made in regard to odour while more recent (2015 to 2017) complaints have been in regard to noise or stormwater. Overall the total number of complaints each year has been relatively low.

Table 3 Complaints Summary

Year	Total Number	Air Quality	Noise	Odour	Stormwater
2013	2	-	-	2	-
2014	6	1	-	5*	-
2015	4	1	2	1	-
2016	3	-	1	-	2
2017	2	-	1	-	1
2018	0	-	-	-	-

*All odour complaints from same complainant

4.0 Monitoring Results

InfraBuild Recycling conducts a comprehensive environmental monitoring program consisting of water, noise, meteorology and air quality monitoring. The following parameters were monitored over the reporting period for the facility in accordance with the conditions of the DC, the site EPL or for InfraBuild Recycling's corporate due diligence purposes.

- DC compliance stormwater quality (two locations, Site 1 down gradient & Site 2 up gradient):
 - pH;
 - conductivity;
 - suspended solids; and
 - total and dissolved metals (arsenic, cadmium, chromium, copper, lead, nickel, zinc and mercury).
- EPL 5345 compliance noise emissions monitoring (any residence in Shamrock Street, St. Joseph's Retirement Village and any associated residence in Old Maitland Road, and any operating industrial premises affected by noise):
 - $L_{Aeq}(15 \text{ minute})$ noise.
- EPL 5345 compliance stack emission testing (one location; shredder bag house):
 - lead;
 - mercury;
 - total solid particulate; and
 - fine particulate (PM_{10}).
- Due diligence ambient air quality (five locations; DG1-4 within InfraBuild Recycling facility boundary, DG5 located near residences at 37 Old Maitland Road, Hexham):
 - total insoluble matter;
 - combustible matter;
 - ash content;
 - total solids; and
 - metals (arsenic, cadmium, calcium, chromium, copper, iron, lead, magnesium, manganese, nickel and zinc).
- EPL 5345 compliance meteorological monitoring (one location; InfraBuild Recycling Hexham facility):
 - Rainfall;
 - wind speed at 10 metres;
 - wind direction at 10 metres;
 - temperature at 10 metres;
 - temperature at 2 metres; and
 - sigma theta at 10 metres.

4.1 Stormwater

InfraBuild Recycling has no assessment criteria for discharges to water stipulated in Environmental Protection Licence (no. 5345) and hence, as stated in the licence, InfraBuild Recycling must comply with Section 120 of the Protection of the Environment Operations Act 1997 (POEO Act) for any water discharge.

In compliance with the Development Consent (DC), a Stormwater Management Plan was established which stipulates that stormwater monitoring is to be conducted immediately after rainfall greater than 15 mm in a 24 hour period, at two monitoring locations as follows:

- Site 1 – discharge into Ironbark Creek; and
- Site 2 – outlet from first flush tank to the drain on south-western boundary.

Stormwater quality monitoring locations are shown in **Figure 3** below.



Figure 3 InfraBuild Recycling Depositional Stormwater Sampling Locations

During the 2018 reporting period, stormwater monitoring was conducted on 26 February, 22 March, 5 June, 18 June and 4 September.

Samples were analysed for pH, conductivity, suspended solids, and heavy metals (arsenic, cadmium, chromium, copper, lead, nickel, zinc and mercury).

The following guidelines have been adopted to assess stormwater quality data:

- The assessment criteria for toxicants (metals) were derived from Table 3.4.1 ANZG (2018) trigger values for marine water ecosystems with 95% species level of protection; and
- The assessment criteria for pH were derived from Table 3.3.2 of ANZG (2018) for estuaries (slightly disturbed systems) in South-Eastern Australia.

Stormwater monitoring results are displayed in **Table 4** to **Table 8**.

Only dissolved metals have been included in these tables as they are considered to be the most appropriate for comparison with the guidelines.

Table 4 Surface Water Quality Monitoring Results, 26 February 2018

Analyte	Units	Location 1	Location 2	ANZG (2018) Marine Water
pH	-	8.61	7.40	7.0 - 8.5 [^]
EC	µs.cm ⁻¹	586	713	NC
TSS	mg.L ⁻¹	259	30	NC
Dissolved arsenic	mg.L ⁻¹	<0.001	<0.001	NC
Dissolved cadmium	mg.L ⁻¹	<0.0001	0.0002	0.0007
Dissolved chromium	mg.L ⁻¹	0.002	<0.001	0.0044
Dissolved copper	mg.L ⁻¹	0.016	0.006	0.0013
Dissolved lead	mg.L ⁻¹	<0.001	0.004	0.0044
Dissolved nickel	mg.L ⁻¹	0.006	0.006	0.07
Dissolved zinc	mg.L ⁻¹	0.023	0.605	0.015
Dissolved mercury	mg.L ⁻¹	<0.0001	<0.0001	0.0001

Bold = Exceedance of marine water assessment criteria

NC = No criteria available

Table 5 Surface Water Quality Monitoring Results, 22 March 2018

Analyte	Units	Location 1	Location 2	ANZG (2018) Marine Water
pH	-	8.38	7.82	7.0 - 8.5
EC	µs.cm ⁻¹	791	514	NC
TSS	mg.L ⁻¹	26	118	NC
Dissolved arsenic	mg.L ⁻¹	0.001	0.001	NC
Dissolved cadmium	mg.L ⁻¹	<0.0001	<0.0001	0.0007
Dissolved chromium	mg.L ⁻¹	0.008	<0.001	0.0044
Dissolved copper	mg.L ⁻¹	0.001	0.007	0.0013
Dissolved lead	mg.L ⁻¹	0.001	0.005	0.0044
Dissolved nickel	mg.L ⁻¹	0.004	0.005	0.070
Dissolved zinc	mg.L ⁻¹	0.033	0.104	0.015
Dissolved mercury	mg.L ⁻¹	<0.0001	<0.0001	0.0001

Bold = Exceedance of marine water trigger value

NC = No criteria available

Table 6 Surface Water Quality Monitoring Results, 5 June 2018

Analyte	Units	Location 1	Location 2	ANZG (2018) Marine Water
pH	-	7.95	7.68	7.0 - 8.5
EC	$\mu\text{s.cm}^{-1}$	910	942	NC
TSS	mg.L^{-1}	70	34	NC
Dissolved arsenic	mg.L^{-1}	0.001	0.002	NC
Dissolved cadmium	mg.L^{-1}	0.0003	0.0012	0.0007
Dissolved chromium	mg.L^{-1}	0.002	0.006	0.0044
Dissolved copper	mg.L^{-1}	0.019	0.037	0.0013
Dissolved lead	mg.L^{-1}	0.009	0.094	0.0044
Dissolved nickel	mg.L^{-1}	0.009	0.010	0.070
Dissolved zinc	mg.L^{-1}	0.558	1.33	0.015
Dissolved mercury	mg.L^{-1}	<0.0001	<0.0001	0.0001

Bold = Exceedance of marine water trigger value

NC = No criteria available

Table 7 Surface Water Quality Monitoring Results, 18 June 2018

Analyte	Units	Location 1	Location 2	ANZG (2018) Marine Water
pH	-	8.66	8.07	7.0 - 8.5
EC	$\mu\text{s.cm}^{-1}$	798	1060	NC
TSS	mg.L^{-1}	284	119	NC
Dissolved arsenic	mg.L^{-1}	0.001	<0.001	NC
Dissolved cadmium	mg.L^{-1}	<0.0001	<0.0001	0.0007
Dissolved chromium	mg.L^{-1}	<0.001	<0.001	0.0044
Dissolved copper	mg.L^{-1}	0.005	0.002	0.0013
Dissolved lead	mg.L^{-1}	0.002	0.008	0.0044
Dissolved nickel	mg.L^{-1}	0.006	0.006	0.070
Dissolved zinc	mg.L^{-1}	0.047	0.115	0.015
Dissolved mercury	mg.L^{-1}	<0.0001	<0.0001	0.0001

Bold = Exceedance of marine water trigger value

NC = No criteria available

Table 8 Surface Water Quality Monitoring Results, 4 September 2018

Analyte	Units	Location 1	Location 2	ANZG (2018) Marine Water
pH	-	7.7	7.6	7.0-8.5
EC	$\mu\text{s.cm}^{-1}$	1230	1720	NC
TSS	mg.L^{-1}	171	61	NC
Dissolved arsenic	mg.L^{-1}	0.003	<0.001	NC
Dissolved cadmium	mg.L^{-1}	0.0012	0.0019	0.0007
Dissolved chromium	mg.L^{-1}	0.014	0.008	0.0044
Dissolved copper	mg.L^{-1}	0.100	0.027	0.0013
Dissolved lead	mg.L^{-1}	0.144	0.129	0.0044
Dissolved nickel	mg.L^{-1}	0.025	0.014	0.070
Dissolved zinc	mg.L^{-1}	1.65	2.07	0.015
Dissolved mercury	mg.L^{-1}	<0.0001	<0.0001	0.0001

Bold = Exceedance of marine water trigger value

NC = No criteria available

As Ironbark Creek floodgates have now been permanently opened, comparison of surface water results to the Marine Water ANZG guidelines has been considered to be most appropriate. A review of the InfraBuild Recycling surface water monitoring data for the reporting period reveals the following:

26 February 2018

- pH assessment:
 - The marine water guideline was exceeded at Location 1;
- Assessment of metal concentrations:
 - The marine water guidelines for Copper and Zinc were exceeded at both Locations;
 - All other results were within marine water guideline criteria.

22 March 2018

- Assessment of metal concentrations:
 - The marine water guideline for Zinc was exceeded at both locations;
 - The marine water guideline for Chromium was exceeded at Location 1;
 - The marine water guidelines for Copper and Lead were exceeded at Location 2; and
 - All other results were within marine water guideline criteria.

5 June 2018

- Assessment of metal concentrations:
 - The marine water guidelines for Copper, Lead and Zinc were exceeded at both Locations;
 - The marine water guidelines for Cadmium and Chromium were exceeded at Location 2; and
 - All other results were within marine water guideline criteria.

18 June 2018

- pH assessment:
 - The marine water guideline was exceeded at Location 1;
- Assessment of metal concentrations:
 - The marine water guidelines for Copper and Zinc were exceeded at both Locations;
 - The marine water guideline for Lead was exceeded at Location 2;
 - All other results were within marine water guideline criteria.

4 September 2018

- Assessment of metal concentrations:
 - The marine water guidelines for Cadmium, Chromium, Copper, Lead and Zinc were exceeded at both locations.

Results are discussed further in **Section 5.1**.

4.2 Noise and Overpressure/Vibration Monitoring**4.2.1 Noise Monitoring**

Under the EPL 5345, Condition M7.2, InfraBuild Recycling is required to conduct quarterly noise compliance assessments.

Noise assessment criteria are detailed in EPL Condition L4 and are presented in **Table 9**.

Table 9 EPL Noise Limits for InfraBuild Recycling

Location	Noise Limit dB(A)			
	Day	Evening	Night	
	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{Aeq} (15min)	L _{A1} (1min)
Any residence in Shamrock Street, Hexham, affected by noise from the premises	47	48	45	55
St Joseph's Retirement Village and any associated residence in Old Maitland Road, Hexham, affected by noise from the premises	53	42	41	56
Any operating industrial premises affected by noise from the premises	70	70	70	N/A

Attended surveys conducted to assess the noise impact of operations from the InfraBuild Recycling, Hexham facility were performed by AECOM for the quarter 1, 2, 3 and 4 monitoring periods.

The results of these surveys were consistently influenced by extraneous noise, predominately consisting of:

- Freight and passenger trains;
- Heavy trucks and traffic on Maitland Road; and
- Birds and crickets.

Where direct measurement of noise contribution from an industrial facility is not possible due to persistent extraneous noise sources, the Environment Protection Authority's NSW Industrial Noise Policy (INP) makes an allowance for assessment by other methods. Section 11.1.2 of the policy states:

"When compliance is being measured it may be found that, in many cases, existing noise levels are higher than noise level from the source, making it difficult to separate out the source noise level. When this happens, it may not be feasible to measure compliance at the specified location, and other methods will be needed. In these cases, measurements may be taken closer to the source and then calculated back to the specified location."

Therefore, for each quarter as per L4.2 of InfraBuild Recycling's EPL and Section 11.1.2 *Notes on noise monitoring* of the Environment Protection Authority's NSW Industrial Noise Policy (INP); attended noise monitoring at the northwest and southeast boundaries of the InfraBuild Recycling site was conducted in order for results to be calculated at the Shamrock St and Calvary St Joseph's Retirement Community locations.

Measurements were conducted during daytime operation of the site, with trucks, excavators and the shredder operating on site along with monitoring of noise levels during evening and night times.

For each receiver location the predicted noise levels from the InfraBuild Recycling facility were estimated using a 'flat ground' model based on hemispherical spreading, conservatively assuming no topographical shielding, ground or air absorption, directivity or meteorological effects.

Predicted noise levels at each receiver location are presented in **Table 10 - Table 13**.

Table 10 Q1 Calculated Noise Levels – 21/02/2018 & 22/02/2018

Receiver Location	Time	Calculated noise impact, dB(A)	EPL noise limit, dB(A)	Comply
R1 – 15 Shamrock Street, Hexham	Day	47	47	Yes
	Evening	32	48	Yes
	Night	28	45	Yes
R2 – Calvary St Joseph's Retirement Community	Day	42	53	Yes
	Evening	39	42	Yes
	Night	35	41	Yes

Table 11 Q2 Calculated Noise Levels – 29/05/2018 & 14/06/2018

Receiver Location	Time	Calculated noise impact, dB(A)	EPL noise limit, dB(A)	Comply
R1 – 15 Shamrock Street, Hexham	Day	44	47	Yes
	Evening	34	48	Yes
	Night	35	45	Yes
R2 – Calvary St Joseph's Retirement Community	Day	52	53	Yes
	Evening	40	42	Yes
	Night	40	41	Yes

Table 12 Q3 Calculated Noise Levels – 13/09/18

Receiver Location	Time	Calculated noise impact, dB(A)	EPL Noise Limit, dB(A)	Comply
R1 – 15 Shamrock Street, Hexham	Day	47	47	Yes
	Evening	30	48	Yes
	Night	25	45	Yes
R2 – Calvary St Joseph's Retirement Community	Day	41	53	Yes
	Evening	39	42	Yes
	Night	36	41	Yes

Table 13 Q4 Calculated Noise Levels – 06/11/2018

Receiver Location	Time	Calculated noise impact, dB(A)	EPL noise limit, dB(A)	Comply
R1 – 15 Shamrock Street, Hexham	Day	46	47	Yes
	Evening	42	48	Yes
	Night	32	45	Yes
R2 – Calvary St Joseph's Retirement Community	Day	45	53	Yes
	Evening	40	42	Yes
	Night	40	41	Yes

A review of the InfraBuild Recycling noise monitoring data reveals the following:

- Ambient noise levels above the EPL L_{Aeq} limits were measured at the majority of the designated EPL receptors during the daytime, evening and night periods.
- It was noted that extraneous noise sources such vehicle traffic (including heavy trucks) along Maitland Road as well as freight and passenger train noise from the nearby Hunter Railway Line contributed significantly to these noise levels.
- Calculated receiver noise levels using boundary noise measurements were below relevant EPL criteria at all sites and times.

Further review of noise monitoring is given in **Section 5.2**.

4.2.2 Overpressure and Vibration Monitoring

Under the EPL No. 5345, Condition M7.1, InfraBuild Recycling is required to ensure that suitable instrumentation is maintained and operated in compliance with AS 2187.2(1993) (superseded in 2006), to monitor overpressure and vibration caused by explosions on the premises.

Monitoring of the overpressure & vibration instrumentation to determine the impact of operations at the InfraBuild Recycling Hexham facility was performed by RCA Acoustics.

There were no blasts measured during the time periods that the monitoring equipment was operational for the 2018 reporting period.

4.3 Stack Emissions

Under EPL 5345, InfraBuild Recycling is required to conduct quarterly monitoring of emissions from the Baghouse Stack as per Condition M2.2 of EPL 5345.

Stack emissions testing during 2018 was performed by AECOM Australia (NATA accreditation No. 2778 (14391)). Samples were analysed by Steel River Testing (NATA Accreditation number 18079) and SGS (NATA accreditation number 14429). Results are detailed in **Table 14** to **Table 17**.

Table 14 Emission Measurement Results for 28 March 2018

Parameter	Emission Concentration	Regulatory Limit
Total Particulate (TP) (mg/m ³)	36	100
Fine Particulate (PM ₁₀) (mg/m ³)	2.4	NA
Lead (mg/m ³)	0.0064	5.0
Mercury (mg/m ³)	<0.000082	1.0
Total Hazardous Substances (Metals) (mg/m ³)	0.048	NA

Table 15 Emission Measurement Results for 29 June 2018

Parameter	Emission Concentration	Regulatory Limit
Total Particulate (TP) (mg/m ³)	7.4	100
Fine Particulate (PM ₁₀) (mg/m ³)	0.74	NA
Lead (mg/m ³)	0.12	5.0
Mercury (mg/m ³)	0.000047	1.0
Total Hazardous Substances (Metals) (mg/m ³)	0.16	NA

Table 16 Emission Measurement Results for 18 September 2018

Parameter	Emission Concentration	Regulatory Limit
Total Particulate (TP) (mg/m ³)	31	100
Fine Particulate (PM ₁₀) (mg/m ³)	2.1	NA
Lead (mg/m ³)	0.054	5.0
Mercury (mg/m ³)	0.000062	1.0
Total Hazardous Substances (Metals) (mg/m ³)	0.077	NA

Table 17 Emission Measurement Results for 13 December 2018

Parameter	Emission Concentration	Regulatory Limit
Total Particulate (TP) (mg/m ³)	44	100
Fine Particulate (PM ₁₀) (mg/m ³)	3.9	N/A
Lead (mg/m ³)	0.35	5.0
Mercury (mg/m ³)	0.00044	1.0
Total Hazardous Substances (Metals) (mg/m ³)	0.55	N/A

The InfraBuild Recycling stack emission monitoring results for 2018 indicate the following:

- Total Particulate, Lead and Mercury concentrations were below their respective regulatory limits as stipulated in the site's EPL for each sampling event.

Further review of air emission performance is given in **Section 5.3**.

4.4 Ambient Air

As part of InfraBuild Recycling's due diligence program, an ambient air quality monitoring network has been established. The network consists of five dust deposition gauges (DG1 to DG5) positioned to enable an evaluation of air quality along the dominant northwest-southeast wind axis. Dust deposition gauges were installed in accordance with AS 3580.1.1 (2007) with 2018 monitoring performed for one month during each quarter by AECOM. The location of dust deposition gauges are shown in **Figure 4** below.

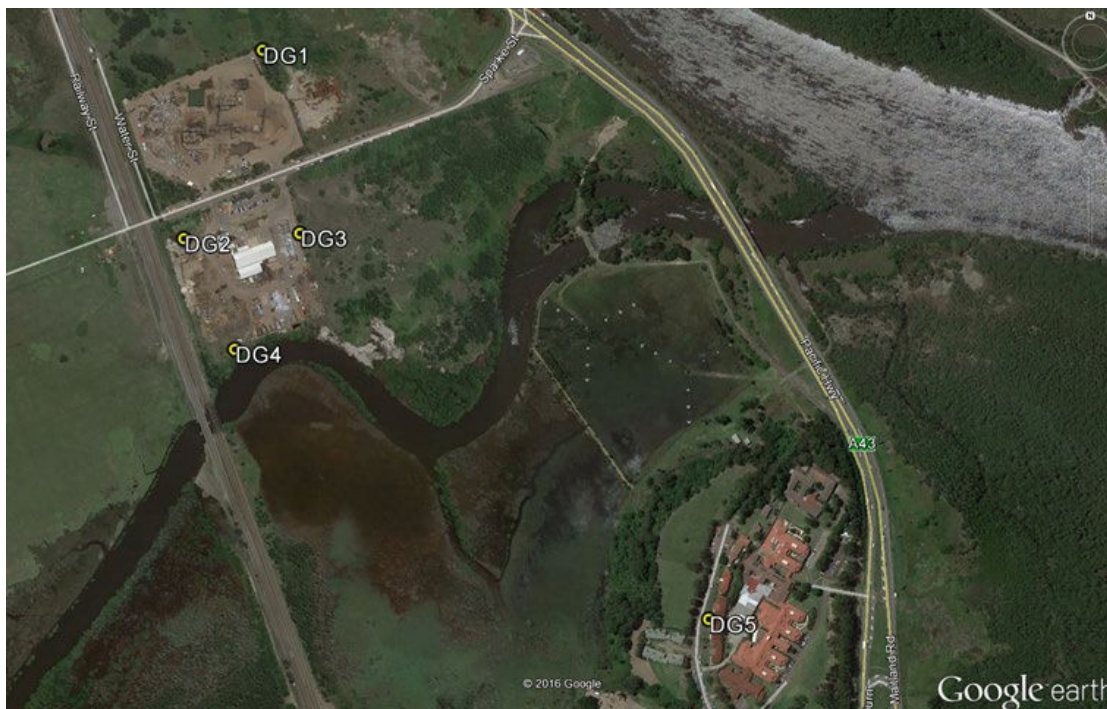


Figure 4 InfraBuild Recycling Depositional Dust Gauge Sampling Locations

The purpose of this monitoring program is to assess the air quality at residences and compare the results to ambient air quality at the facility. It is also designed to characterise the dust fallout in the vicinity of the plant. Monitoring is conducted in accordance with AS 3580.10.1(2014). Samples were collected over an exposure period of one month (30 ± 2 days) on a quarterly basis.

Samples were analysed by a NATA-certified laboratory (ALS Laboratory Group) for the following parameters:

- Total solids, insoluble matter, ash residue and combustible matter; and
- Selected heavy and alkali metal contaminant concentrations (determined from the total solids laboratory preparation), including Arsenic, Cadmium, Calcium, Chromium, Copper, Iron, Lead, Magnesium, Manganese, Nickel, and Zinc.

Dust deposition monitoring results are detailed below in **Table 18** to **Table 22** and **Figure 5** and **Figure 6**.

Table 18 Depositional Dust Gauge Results

Gauge	Month	Insoluble Matter (g/m ² .month)	Ash Content		Combustible Matter (g/m ² .month)
			(g/m ² .month)	% of Insoluble Matter	
DG1	20 Feb – 20 Mar	7.9	5.2	66	2.7
DG2		4.4	3.6	82	0.8
DG3		7.1	5.9	83	1.2
DG4		3.6	3.2	89	0.4
DG5		1.0	0.8	80	0.2
DG1	4 May – 5 June	13.8	10.6	77	3.2
DG2		5.8	3.9	67	1.9
DG3		12.3	9.9	80	2.4
DG4		24.6	22.8	93	1.8
DG5		3.2	2.6	81	0.6
DG1	3 Aug – 4 Sep	10.0	7.6	76	2.4
DG2		9.3	4.3	46	5.0
DG3		15.1	12.4	82	2.7
DG4		12.9	11.8	91	1.1
DG5		2.2	1.5	68	0.7
DG1	31 Oct – 30 Nov	NA*	NA*	NA*	NA*
DG2		7.6	6.2	82	1.4
DG3		16.6	14.3	86	2.3
DG4		9.7	8.8	91	0.9
DG5		2.2	1.6	73	0.6

* DG1 dust results deemed invalid following storm damage.

Dust gauges DG1 to DG4 are located on site (refer **Figure 4**) and provide an indication of on-site dust deposition only. These gauges have the potential to be impacted heavily by on site activities carried out in close proximity to the sampling locations. The results from these gauges therefore do not reflect the impact at the nearest receptor and should not be used as a measure of dust deposition at the nearest offsite receptor.

Dust gauge DG5 is located within the nearest neighbour's property (St Joseph's Retirement Village) which is the nearest off site receptor and is considered to provide a representative background sample. InfraBuild Recycling therefore believes that only results from DG5 should be assessed against the guideline criteria.

DG1 Sample results were discounted during November sampling following storm damage to this sample.

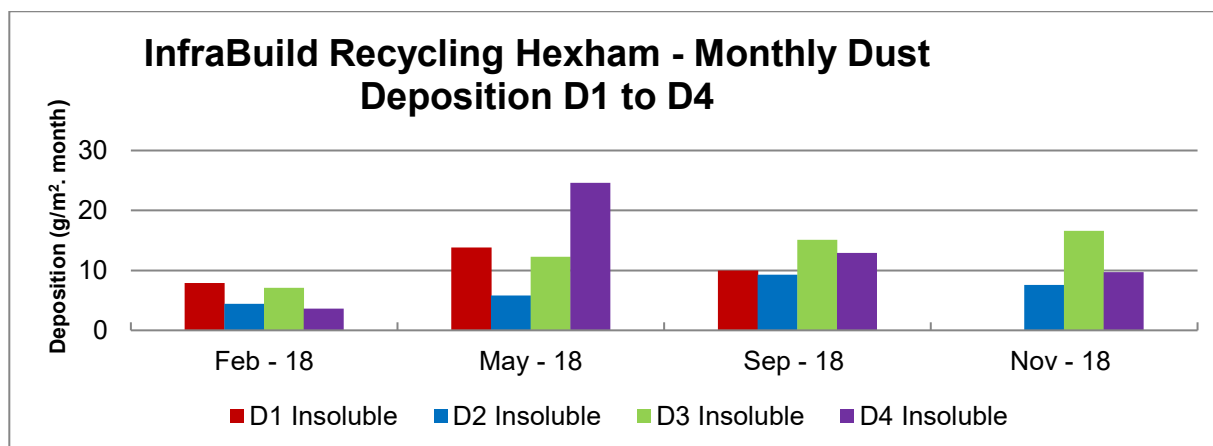


Figure 5 Dust Deposition for Sites DG1 to DG4 (On-Site Gauges)

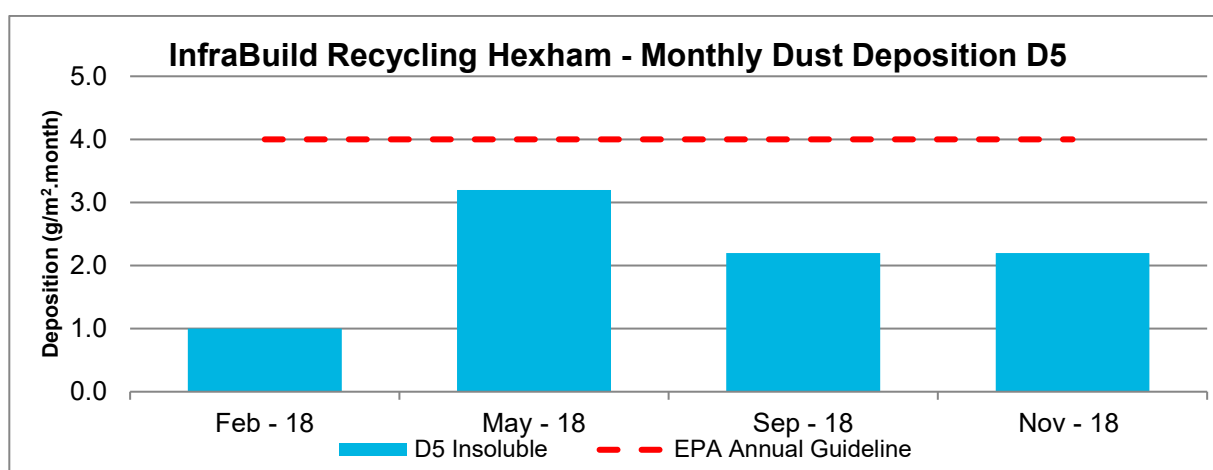


Figure 6 Dust Deposition for Site DG5 (Off-Site Gauge)

The EPA guideline value for insoluble solids of 4 g/m².month is expressed as an annual average. Results for dust gauge DG5 for each month sampled were all below the annual average guideline value.

Table 19 Metal Concentrations for Quarter 1 Depositional Dust Gauges (20 February – 20 March 2018)

Metal (mg/m ² .month)	DG1	DG2	DG3	DG4	DG5
Arsenic	<0.9	<1.0	<0.9	<1.0	<1.1
Cadmium	<0.5	<0.5	<0.5	<0.5	<0.5
Calcium	280	293	473	101	<106
Chromium	6.5	<1.0	<0.9	<1.0	<1.1
Copper	49.5	17.6	11.4	33.2	90.3
Iron	399	279	300	86.5	17.0
Lead	9.3	2.0	3.8	<1.0	<1.1
Magnesium	<93.4	<97.7	<94.6	<101	<106
Manganese	10.3	12.7	16.1	3.0	1.1
Nickel	3.7	<1.0	<0.9	<1.0	<1.1
Zinc	178	27.4	34.1	11.1	10.6

Table 20 Metal Concentrations for Quarter 2 Depositional Dust Gauges (4 May – 5 June 2018)

Metal (mg/m ² .month)	DG1	DG2	DG3	DG4	DG5
Arsenic	<0.6	<0.7	<0.8	<0.8	<0.8
Cadmium	<0.3	<0.4	<0.4	<0.4	<0.4
Calcium	389	219	481	318	<80.1
Chromium	1.3	<0.7	1.6	3.2	<0.8
Copper	14.9	17.5	28	11.9	27.2
Iron	508	285	672	2019	60.9
Lead	14.3	3.7	8	4.8	<0.8
Magnesium	64.8	<73.1	80.1	79.5	<80.1
Manganese	13.6	8	20.8	29.4	2.4
Nickel	1.9	<0.7	1.6	5.6	<0.8
Zinc	333	61.4	149	50.1	13.6

Table 21 Metal Concentrations for Quarter 3 Depositional Dust Gauges (3 August – 4 September 2018)

Metal (mg/m ² .month)	DG1	DG2	DG3	DG4	DG5
Arsenic	<0.8	<0.8	<0.8	<0.8	<0.7
Cadmium	<0.4	<0.4	<0.4	<0.4	<0.4
Calcium	316	236	576	158	70.6
Chromium	1.6	<0.8	0.8	<0.8	<0.7
Copper	22.1	91.8	39.5	33.1	35.3
Iron	771	154	278	191	97.4
Lead	15.8	3.1	11.5	2.4	1.4
Magnesium	<79	78.5	<82.3	<78.9	<70.6
Manganese	18.2	7.8	18.9	7.1	3.5
Nickel	2.4	<0.8	0.8	1.6	<0.7
Zinc	248	32.2	115	30.8	25.4

Table 22 Metal Concentrations for Quarter 4 Depositional Dust Gauges (31 October – 30 November 2018)

Metal (mg/m ² .month)	DG1	DG2	DG3	DG4	DG5
Arsenic	NA*	<0.8	<0.7	<0.6	<0.7
Cadmium	NA*	<0.4	<0.4	<0.3	<0.4
Calcium	NA*	328	574	178	<74.7
Chromium	NA*	0.8	2.2	<0.6	<0.7
Copper	NA*	12.3	11.5	6.5	14.2
Iron	NA*	320	407	98.7	26.1
Lead	NA*	4.9	11.5	1.8	<0.7
Magnesium	NA*	<82	71.7	<59.5	<74.7
Manganese	NA*	12.3	21.5	4.8	1.5
Nickel	NA*	<0.8	1.4	<0.6	<0.7
Zinc	NA*	45.9	97.5	15.5	15.7

* DG1 result was deemed invalid following storm damage.

Deposition of metal species in the dust was assessed through analysis of the total solids component. Gauges were treated with an algaecide solution rather than the standard copper sulphate solution to provide an accurate indication of copper levels.

Monitoring results from the off-site gauge DG5 generally showed a much lower concentration of metal species compared to the results of the onsite dust gauges (DG1 to DG4). See **Section 5.4** for further comments.

4.5 Meteorology

Under EPL 5345, Condition M4.1 specifies requirements for the meteorological monitoring. InfraBuild Recycling conducted meteorological monitoring during the reporting period as required.

Where no site data exists, rainfall and temperature data has been sourced from the (BOM) station at Newcastle University (Station No. 061390) where data is publicly available.

Rainfall and temperature (at 2m) data for the 2017/18 reporting period are provided in **Figure 7**. Monthly wind roses presenting wind speed and wind direction for the reporting period are shown in **Figure 8** to **Figure 14**.

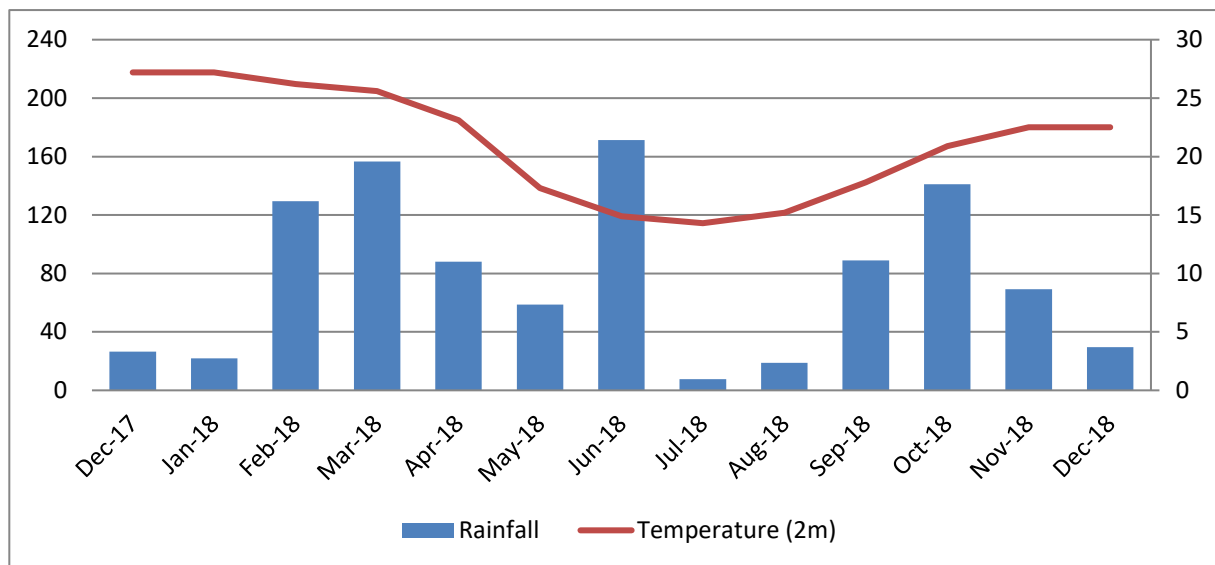


Figure 7 Monthly Rainfall and Temperature Data (19 December 2017 – 18 December 2018)

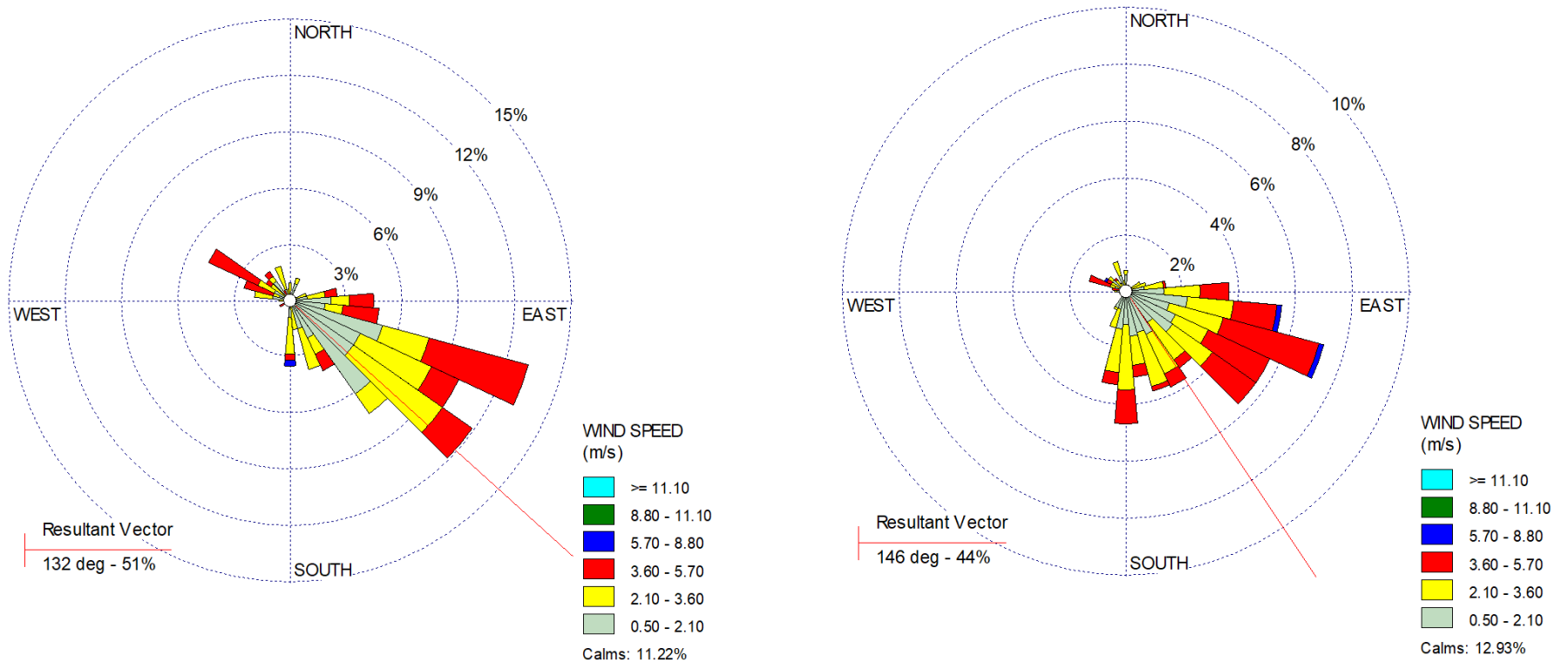


Figure 8 Wind Speed and Wind Direction (December 2017 (19th to 31st) and January 2018)

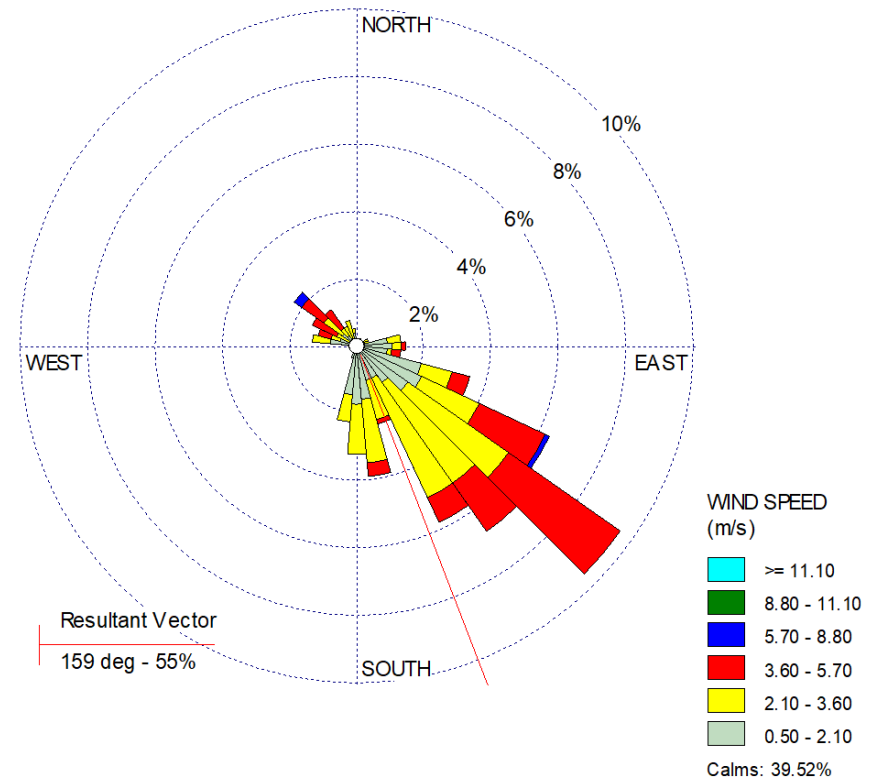
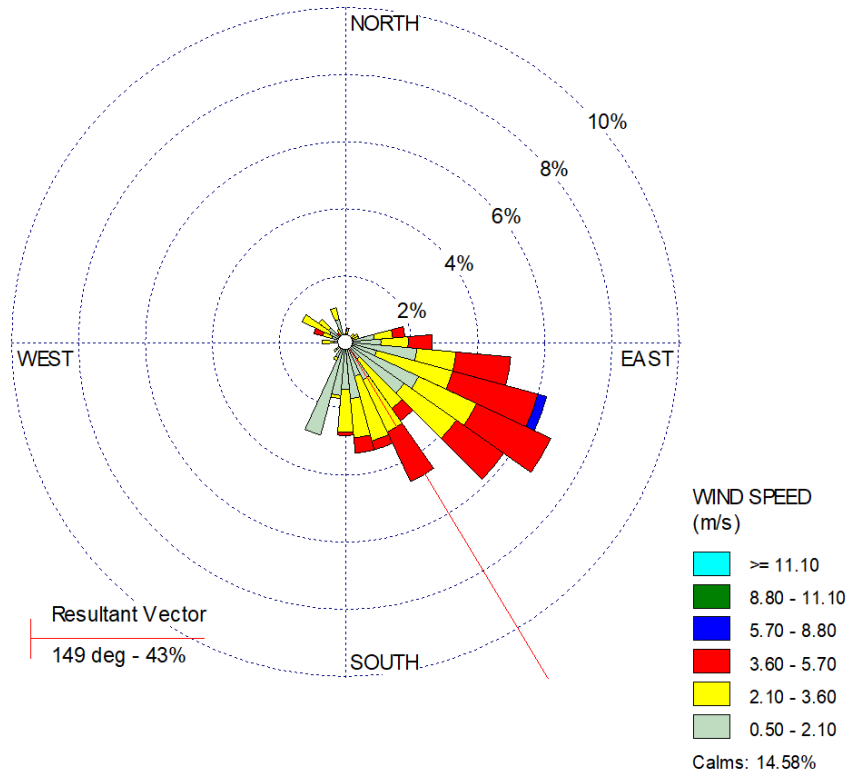


Figure 9 Wind Speed and Wind Direction (February 2018 and March 2018)

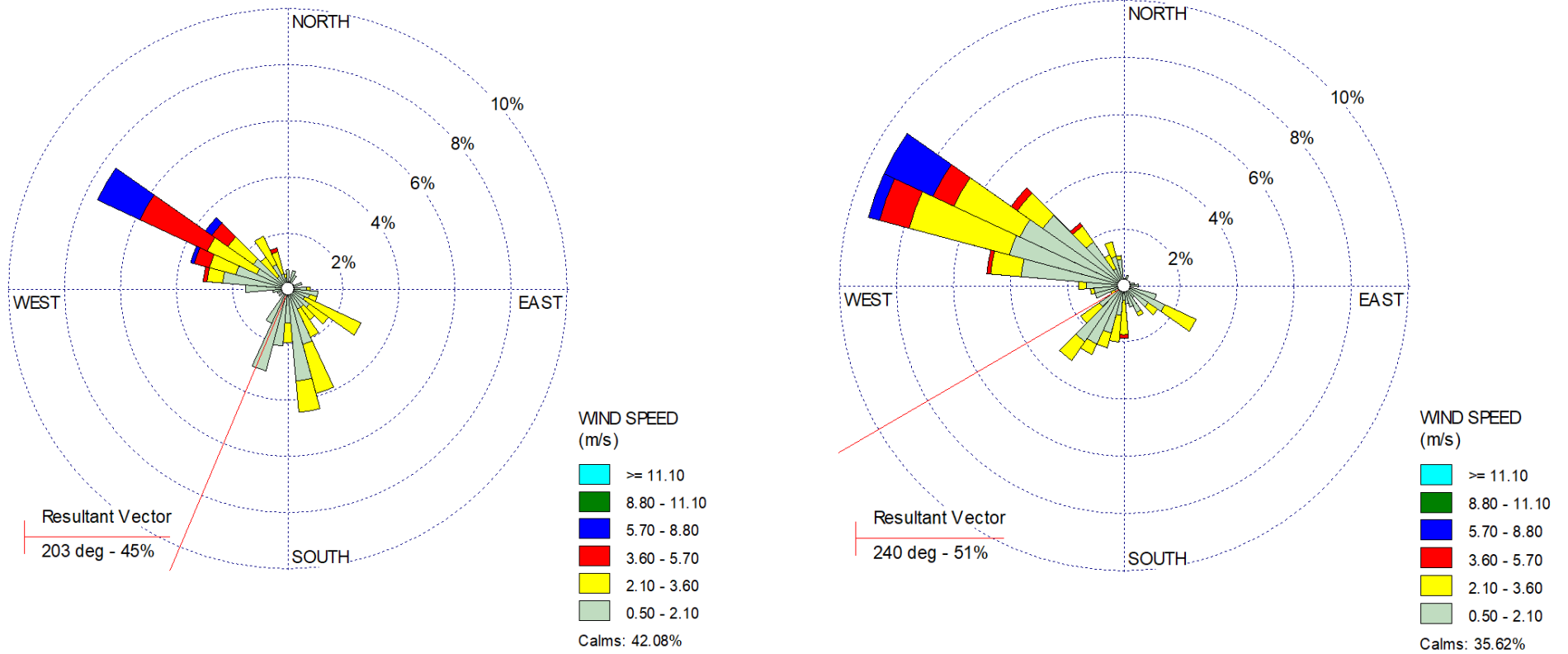


Figure 10 Wind Speed and Wind Direction (April 2018 and May 2018)

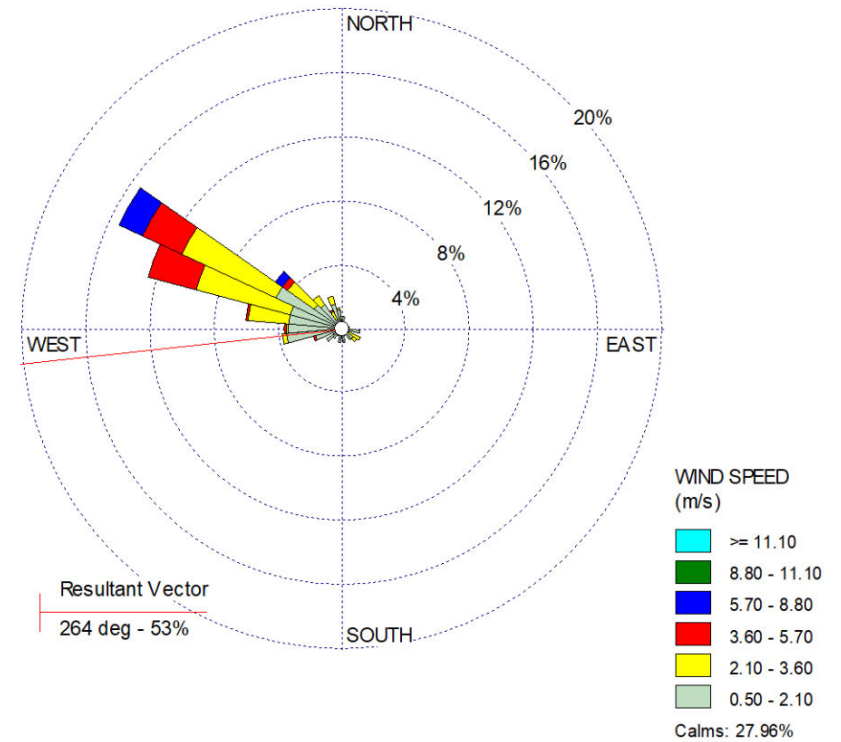
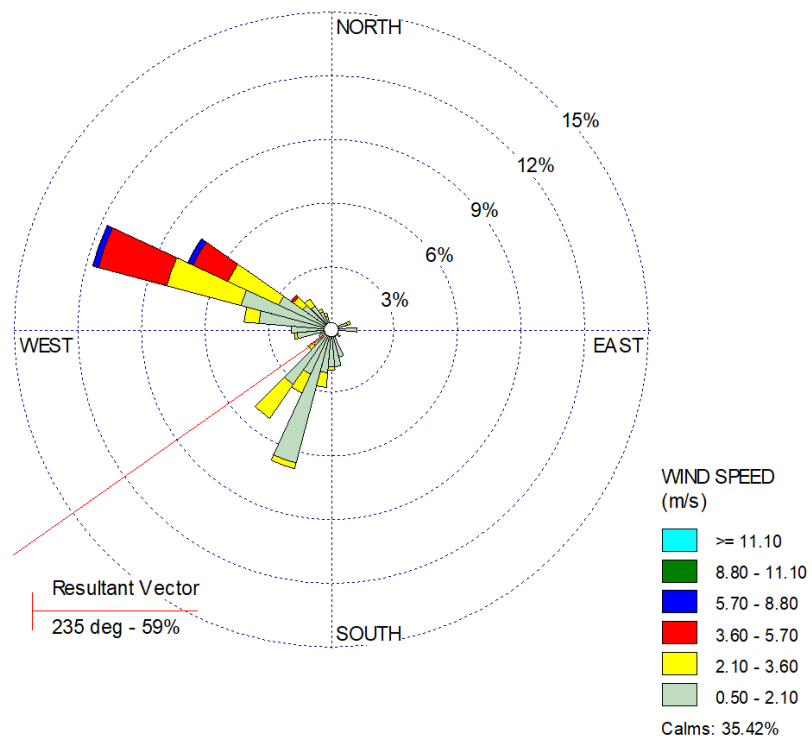


Figure 11 Wind Speed and Wind Direction (June 2018 and July 2018)

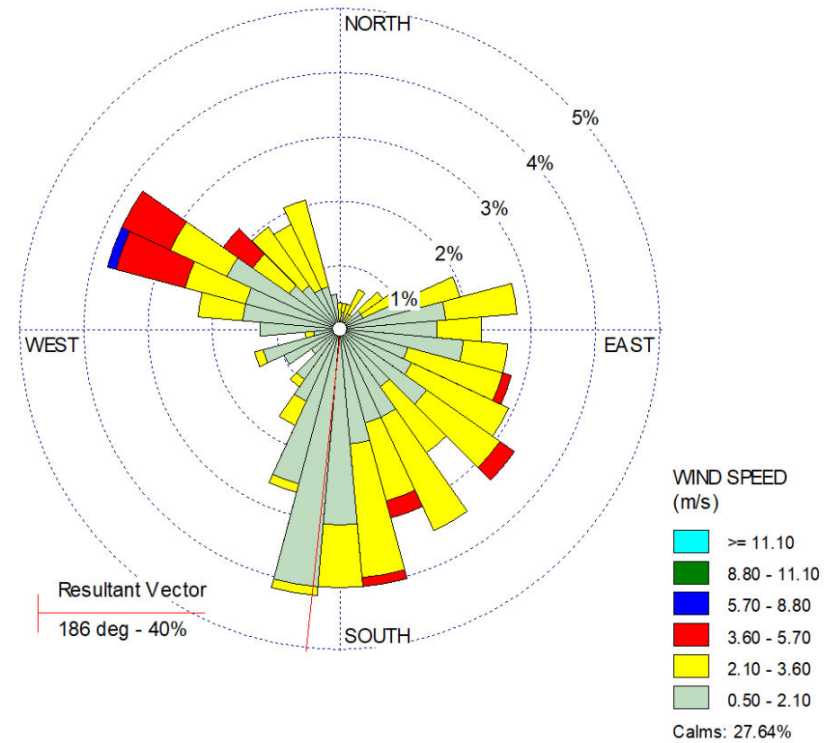
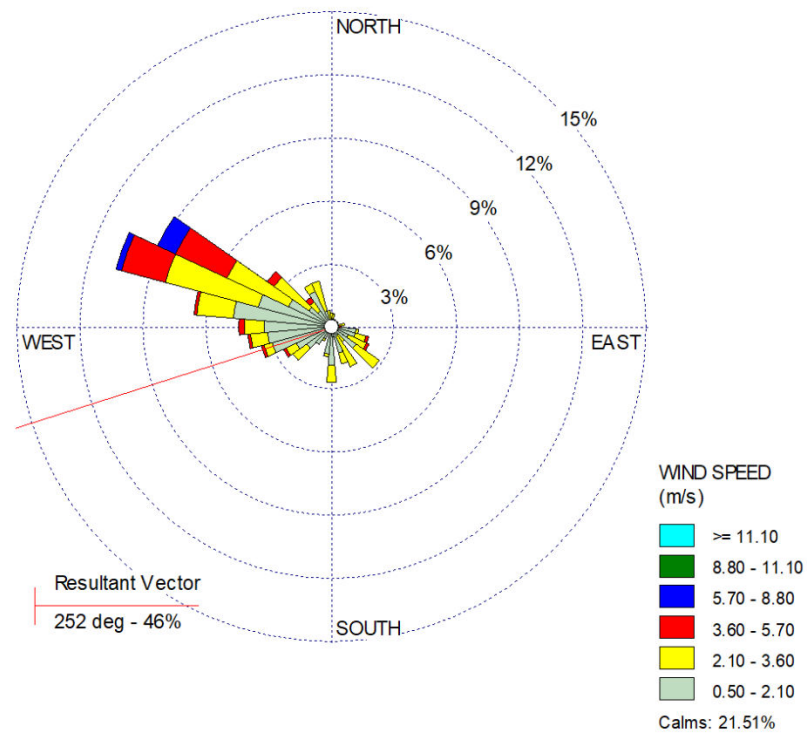


Figure 12 Wind Speed and Wind Direction (August 2018 and September 2018)

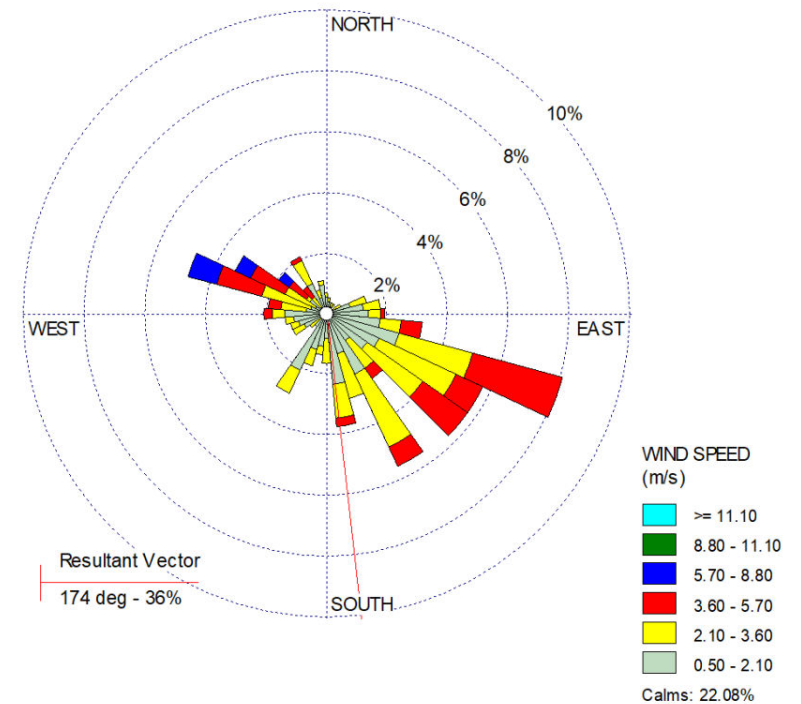
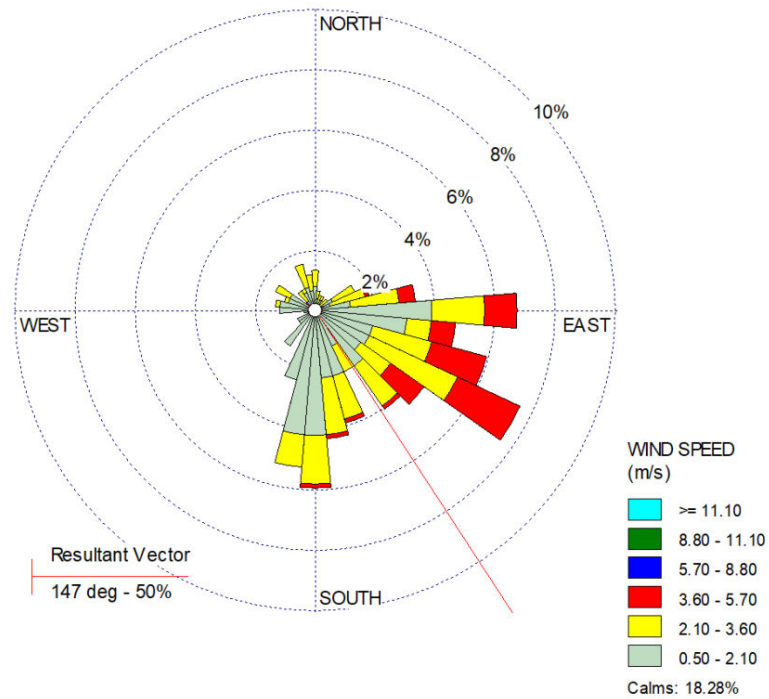


Figure 13 Wind Speed and Wind Direction (October 2018 and November 2018)

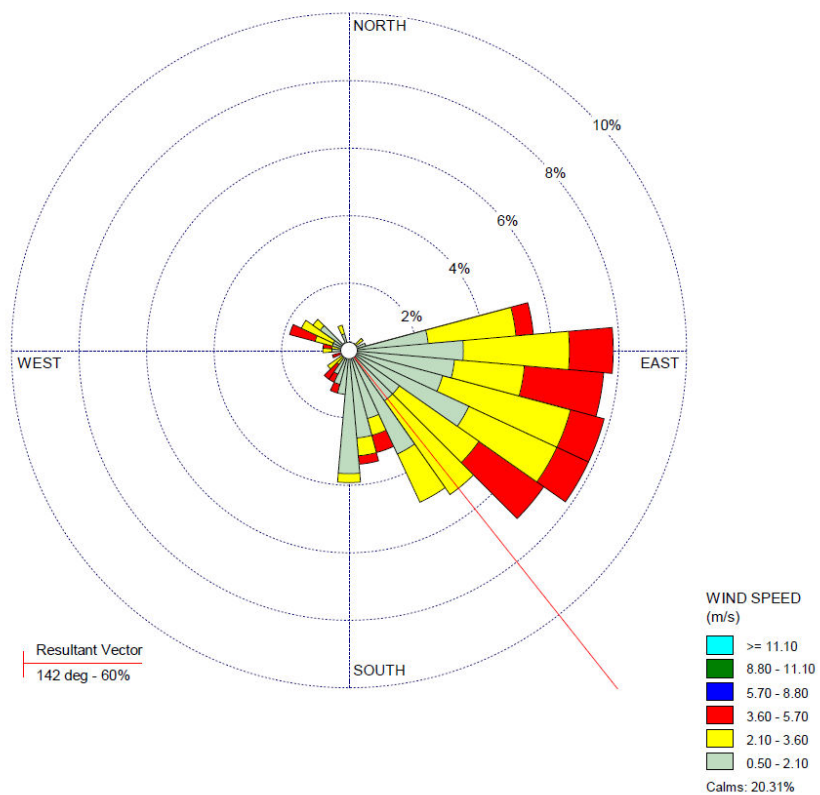


Figure 14 Wind Speed and Wind Direction (December 2018 – 1st to 18th)

Review of the monthly wind roses reveals the following typical seasonal pattern:

- December 2017 through to March 2018 predominantly from the south east;
- April 2018 predominately North West with minor south to south east component;
- May through to August 2018 predominantly from the north west;
- September strong winds from the north west with significant east to south components;
- October winds ranging from east through to south;
- November predominately from the north west with a minor but strong west north west component; and
- December predominately ranging from the east to south east.

Further comments regarding meteorological monitoring are made in the **Section 5.5**.

5.0 Environmental Impacts and Performance

The predicted environmental impacts specified in the EIS were used as a guide for the assessment of environmental impacts and performance of the facility. As such, the assessment is limited to ambient air, stormwater quality, stack emissions and noise performance.

A summary of conformance with predictions made in approval documents is provided in **Appendix C**.

5.1 Stormwater

InfraBuild Recycling's EIS did not specify predicted concentrations of possible contaminants. It did, however identify previous testing that occurred at Site 1, downstream of Site 2, where surface water runoff would be discharged. The measurement included testing for pH, dissolved oxygen and electrical conductivity. These results were generally indicative of lowland river systems, with the exception of conductivity which was found to be higher than the guidelines due to tidal influence.

The data collected during the reporting period was compared against relevant ANZG (2018) guideline criteria (**Section 4.1**). Reported values for some metals (copper, chromium, cadmium, lead and zinc) were outside the adopted water quality guidelines. These results however remain consistent with previous reporting periods.

5.2 Noise and Overpressure/Vibration Monitoring

The InfraBuild Recycling EPL Condition M7.2 specifies that quarterly noise monitoring is required to ensure compliance with condition L4.1 regarding noise limits around the site. InfraBuild Recycling is required to supply a quarterly noise compliance assessment report to be submitted in conjunction with the annual return document, in compliance with EPL condition R3.5. Quarterly monitoring was performed by AECOM in February, May/June, September and November 2018, representing the first, second, third and fourth quarters respectively. Monitoring was conducted at St. Joseph's Retirement Village and Shamrock St. during daytime, evening and night time periods as per EPL requirements.

Ambient noise levels at the two EPL receptors, for the majority of the time, have been found to be dominated by sources external to site operations. Major external noise contributions which have been recorded include:

- Light and heavy vehicles travelling along Maitland Road;
- Passenger and freight trains travelling along the Main Northern Railway line; and
- Noise from the natural environment, predominantly from crickets, frogs and birds.

The impact from these external sources makes it difficult to directly measure the noise contribution of the facility at the nominated monitoring locations. An alternative method of determining compliance, in accordance with the NSW EPA Industrial Noise Policy (INP), was conducted during each quarter. This alternate method utilises site boundary measurements to predict noise levels at each receptor location. The resulting predicted noise levels indicated compliance with the EPA noise limits at both EPL locations, demonstrating compliance with EPL conditions for all quarter periods.

InfraBuild Recycling Hexham provided suitable instrumentation that was maintained and operated in compliance with AS 2187.2 (1993) (superseded in 2006) to monitor overpressure & vibration caused by explosions on the premises. No blasts were recorded during this reporting period.

5.3 Stack Emissions

Condition M2.2 of the InfraBuild Recycling EPL specifies that stack emissions for key pollutants be monitored on a quarterly basis. Monitoring during the 2018 period was performed by AECOM and samples were analysed by Steel River Testing and SGS Leeder Consulting.

All quarterly stack emission test results were below the EPL limit of emission concentrations for total solid particles (total particulates), lead and mercury.

5.4 Ambient Air

The InfraBuild Recycling EIS does not make predictions regarding ambient air quality. It identified traffic and other industrial facilities nearby which may impact on the local ambient air quality.

The 2018 due diligence ambient air quality monitoring program was performed on behalf of InfraBuild Recycling by AECOM in each of the four quarters. The results of the monitoring found elevated levels of insoluble solids in the dust gauges located onsite (DG1 to DG4).

DG1 Sample results were discounted for Quarter 4 following storm damage to this sample.

Results from dust gauge DG5, located off site at the nearest receptor, show that the individual monthly levels recorded are well below the EPA annual average criteria of 4g/m².month for insoluble solids.

Mitigation strategies identified in the EIS to minimise the dust contribution to ambient air quality include daily road sweeping, water sprays on hardstand areas and the reduction of stored or stockpiled materials.

5.5 Meteorology

Condition M4 of the InfraBuild Recycling EPL specifies monitoring requirements for meteorological parameters. Monthly trend graphs for rainfall and temperature, along with wind roses depicting wind direction and wind speed are provided in **Section 4.5, Figures 5 to 12**.

Meteorological monitoring is used to assist in assessing other environmental monitoring results. During the 2018 reporting period some meteorological sensors experienced data capture issues. During these periods missing or invalid data has been substituted with meteorological data sourced from the University of Newcastle Bureau of Meteorology station.

6.0 Environmental Targets and Strategies

InfraBuild Recycling is committed to further improve its performance in minimising potential pollution impacts and public complaints. In light of this, AECOM recommends the following actions be considered during the next 12 month period as strategies for continuous improvement.

6.1 Stormwater

Continuation of the monitoring required as part of the InfraBuild Recycling Stormwater Quality Monitoring Program, and continued inspection and maintenance of water quality improvement devices located on-site. Complete surface water characterisation requirements as specified in condition U1 of the updated (May 2019) EPL.

6.2 Noise and Overpressure/Vibration Monitoring

Continuation of the use of the boundary calculation methodology as performed for the 2018 quarterly monitoring program, with monitoring performed at both site boundary and EPL locations each quarter.

Continuation of noise and overpressure / vibration monitoring in accordance with EPL requirements; and operation of plant equipment in accordance with operating conditions outlined in the EPL.

6.3 Stack Emissions

Stack emission testing results indicate that the emission concentrations for total solid particulate (TP), lead and mercury were below the EPL limit of emission concentrations. InfraBuild Recycling will continue to monitor stack emission concentrations on a quarterly basis over the next 12 months.

6.4 Ambient Air

Continuation of the due diligence depositional dust monitoring program is recommended to ascertain the concentration of airborne particulates both onsite and offsite at the nearest receptor. Complete the Dust Mitigation Study requirements as specified in condition U3 of the updated (May 2019) EPL.

6.5 Meteorology

Continue to monitor meteorological conditions at the site including regular inspection and maintenance of meteorological station sensors to minimise loss of data due to malfunction or obstruction.

6.6 Soil / Groundwater

Complete soil and groundwater assessment requirements as specified in condition U2 of the updated (May 2019) EPL.

6.7 Corrective Action Plan

InfraBuild Recycling Hexham has established a Corrective Action Plan (**Appendix D**) to follow up non compliances identified in the 2017 Environmental Audit. Progress against these actions is also detailed.

7.0 Conclusion

An assessment of compliance for the 2018 reporting period (19 Dec 2017 to 18 Dec 2018) found that all environmental monitoring results comply with the conditions of the Development Consent (345-7-2003-i MOD-49-3-2005-i) and EPL no. 5345.

Environmental impacts are also demonstrated to be generally consistent with those predicted in the EIS. InfraBuild Recycling is committed to further improve its performance in minimising potential pollution impacts and public complaints.

8.0 References

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Appendix A

Development Consent

Appendix A Development Consent

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

I, the Minister for Infrastructure and Planning, under Section 80 of the *Environmental Planning and Assessment Act 1979* ("the Act"), determine the development application ("the Application") referred to in Schedule 1 by granting consent subject to the conditions set out in Schedule 2.

The reason for the imposition of conditions is to:

- i) minimise any adverse environmental impacts associated with the development;
- ii) provide for on-going environmental management of the development; and
- iii) provide for regular monitoring and reporting on the development.

Consolidated consent as modified by:

MOD-32-3-2004-i – approved 24 March 2004

MOD-37-3-2004-i – approved 1 April 2004

MOD-45-4-2004-i – approved 25 June 2004

MOD-111-11-2004-i – approved 16 February 2005

MOD-49-3-2005-i – approved 17 May 2005

Craig Knowles MP

**Minister for Infrastructure and Planning
Minister for Natural Resources**

Sydney, 2 February 2004

File No. S03/00986

SCHEDULE 1

Application made by:	Metalcorp Recyclers Pty Ltd ("the Applicant");
To:	The Minister for Infrastructure and Planning ("the Minister");
In respect of:	Lots 29-31 DP803794 and Lot 1 DP874409, Sparke Street, Hexham
For the following:	Construction and operation of a metal recycling facility ("the development"), as described in <i>Metal Shredding Facility at Hexham - Environmental Impact Statement</i> (three volumes) prepared by SMEC Australia Ltd and dated July 2003;
Development Application:	Integrated DA No. 345-7-2003-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 25 July 2003;
State Significant Development	The proposal is classified as State significant development under section 76A(7)(d) of the <i>Environmental Planning and Assessment Act 1979</i> (the Act).

Integrated Development

The proposal requires additional approvals from the Department of Environment and Conservation under the *Protection of the Environment Operations Act 1997*, the Department of Infrastructure, Planning and Natural Resources under the *Rivers and Foreshores Improvement Act 1948*, and the Roads and Traffic Authority and Newcastle City Council under the *Roads Act 1993*. Consequently, the proposal is classified as Integrated Development under Section 91 of the *Environmental Planning and Assessment Act 1979*.

Designated Development:

The proposed development satisfies the criteria for mineral processing or metallurgical works under Part 1, Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*, and is therefore classified as Designated Development.

BCA Classification:

Class 5, Class 7, Class 8, Class 10

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SCHEDULE 2

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

Act	<i>Environmental Planning and Assessment Act, 1979</i>
AEMR	Annual Environmental Management Report
Applicant	Metalcorp Recyclers Pty Ltd
BCA	Building Code of Australia
construction	any activity requiring a Construction Certificate, any road works, or any construction related activity as described in the application for this development
Council	Newcastle City Council
Department	NSW Department of Infrastructure, Planning and Natural Resources
development	the development to which this consent applies
Director-General	Director-General of the NSW Department of Infrastructure, Planning and Natural Resources, or delegate
dust	any solid material that may become suspended in air
EPA	NSW Department of Environment and Conservation (incorporating the Environment Protection Authority)
Minister	Minister for Infrastructure and Planning, or delegate
operation	the period commenced by the commissioning of any stage of the works as described in the application for this development
Principal Certifying Authority	the Minister or an accredited certifier, appointed under section 109E of the Act, to issue a Part 4A Certificate as provided under section 109C of the Act
Regulation	<i>Environmental Planning and Assessment Regulation, 2000</i>
RIC	Rail Infrastructure Corporation
RTA	NSW Roads and Traffic Authority
POEO Act	<i>Protection of the Environment Operations Act, 1997</i>
site	the land to which this consent applies

1. GENERAL

Obligation to Minimise Harm to the Environment

- 1.1 The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation and where relevant, the decommissioning of the development.

Scope of Development

- 1.2 The Applicant shall carry out the development generally in accordance with:
- a) Development Application No. 345-7-2003-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 25 July 2003, as amended by:
 - i) MOD-32-3-2004-i, in relation to modification of the consent to require the construction of an acoustic barrier, the conditional restriction of activities and deliveries at the site and a requirement to establish a Community Consultative Committee;
 - ii) MOD-37-3-2004-i, in relation to modification of the consent with respect to the timing of approvals for certain pre-construction compliance reports to enable the staged commencement of construction works;
 - iii) MOD-45-4-2004-i in relation to modification of the consent with respect to the timing of approvals for certain pre-construction compliance reports to enable the commencement of construction works, and to provide for an alternative U-Turn facility;
 - iv) MOD-111-11-2004-i, in relation to modification of the development consent with respect to altering the timing for the completion of roadworks;
 - v) MOD-49-3-2005-i, in relation to modification of the consent with respect to removing the requirement to provide an acoustic barrier at St Josephs Catholic Care for the Aged facility;
 - b) *Metal Shredding Facility at Hexham – Environmental Impact Statement* (Volumes 1, 2 and 3), prepared by SMEC Australia Ltd and dated July 2003;
 - c) *Proposed Metal Recycling Facility, Sparke Street, Hexham – Response to DIPNR fax dated 2 October 2003*, prepared by SMEC Australia Pty Ltd and dated 23 October 2003;
 - d) *Traffic Analysis, Intersection of Pacific Highway and Sparke Street, Hexham*, prepared by Terra Consulting Australia Pty Ltd and dated 26 November 2003;
 - e) Correspondence titled *Re: Existing – V – Predicted Noise Levels* from Peter Karantonis of Renzo Tonin and Associates Pty Ltd to Jim Clarence of the EPA and dated 24 September 2003;
 - f) Revised plans accompanying the DA, numbered 0321-03-04A and 0321-03-02;
 - g) correspondence titled *Metalcorp Recyclers DA 345-7-2003-i – Shredder development of Lots 29 & 30 Sparke Street Hexham*, from Smorgon Steel Recycling to the Department, dated 16 March 2004;
 - h) correspondence titled *Metalcorp Recyclers proposed development of Lots 29 & 30 Sparke Street, Hexham, DA 345-7-2003-i Section 96 Modification application* (with addendum) from Smorgon Steel to the Department, dated 23 April 2004;
 - i) correspondence titled *Metalcorp Recyclers Pty Ltd – Applicant for modification of consent DA 345-7-2003-i: Lots 29 & 30 Sparke Street, Hexham* (with attachments) from Smorgon Steel to the Department, dated 15 March 2005;
 - j) the conditions of this consent.

1.3 In the event of an inconsistency between:

- a) the conditions of this consent and any document listed from condition 1.2a) to 1.2i) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and
- b) any document listed from condition 1.2a) to 1.2i) inclusive, and any other document listed from condition 1.2a) to 1.2i) inclusive, the most recent document shall prevail to the extent of the inconsistency.

1.4 The Applicant shall not concurrently operate the shredder the subject of this development consent, with the existing shredder located and operating on the site (as in existence at the time of granting this consent).

Statutory Requirements

1.5 The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.

Note: A Part 3A permit under the *Rivers and Foreshores Improvement Act 1948* must be obtained from the Department (Hunter Region) prior to the commencement of the proposed intersection works on the Pacific Highway and the proposed drainage channel construction works on Lot 1 DP874409.

Dispute Resolution

1.6 In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.

Note: Section 121 of the *Environmental Planning and Assessment Act 1979* provides mechanisms for resolution of disputes between the Department, the Director-General, Councils and public authorities.

2. COMPLIANCE

2.1 The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

2.2 The Applicant shall be responsible for environmental impacts resulting from the actions of all persons on the site, including contractors, subcontractors and visitors.

2.3 Prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the Director-General, the Applicant shall certify in writing to the satisfaction of the Director-General that it has complied with all conditions of this consent applicable prior to that event. Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Director-General, stage the submission of compliance certification consistent with the staging of activities relating to that event.

- a) commencement of construction of the development; and
- b) commencement of operation of the development;

- 2.4 Notwithstanding condition 2.3 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.
- 2.5 The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.

3. CONSTRUCTION AND PART 4A CERTIFICATION

- 3.1 In relation to the construction and occupation of the development, the Applicant shall provide to the Director-General and Council the following:
- a) written notification of the appointment of a Principal Certifying Authority;
 - b) copies of all Construction Certificates issued for the development;
 - c) written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification shall be provided prior to the commencement of construction the subject of each Certificate;
 - d) copies of all Occupation Certificates issued for the development; and
 - e) written notification of the intention to occupy the development, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification shall be provided prior to the occupation the subject of each Certificate;
- 3.2 Prior to the commencement of any construction activities associated with the development, the Applicant shall erect at least one sign at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:
- (a) the name, address and telephone number of the Principal Certifying Authority;
 - (b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
 - (c) a statement that unauthorised entry to the construction site is prohibited.

The sign(s) shall be maintained for the duration of construction works, and shall be removed as soon as practicable after the conclusion of the construction works.

4. ENVIRONMENTAL PERFORMANCE

Noise Impacts

Construction Noise

- 4.1 The Applicant shall ensure that all construction activities associated with the development do not exceed the criteria at the nominated locations specified in Table 1.

Table 1 – Construction Noise Criteria

Locations	Day
	L_{Aeq}(15 minute) (dB(A))
Shamrock Street (Hexham) residences	47
St. Joseph's Retirement Village (Hexham)	53

- 4.2 Construction activities associated with the development shall only be conducted between 7:00 am and 6:00 pm from Monday to Friday inclusive, and from 8:00 am to 1:00 pm on Saturdays. No construction activity is permitted on a Sunday or a public holiday.

Note: This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, or to avoid the loss of life, property or damage to the environment.

Operation Noise

- 4.3 ¹The Applicant shall design, construct, operate and maintain the development to ensure that noise generated during the operation of the development does not exceed the noise limits specified in Table 2, at those locations and during those periods indicated. The maximum allowable noise contributions apply under:
- wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level); and
 - temperature inversion conditions up to 3°C per 100 metres.

Table 2 - Operation Noise Limits

Location	Day 7:00am to 6:00pm Monday to Saturday 8:00am to 6:00pm Sundays and Public Holidays	Evening 6:00pm to 10:00pm on any day	Night 10:00pm to 7:00am Monday to Saturday 10:00pm to 8:00am Sundays and Public Holidays	
	L_{Aeq} (15 minute)	L_{Aeq}(15 minute)	L_{Aeq}(15 minute)	L_{A1}(1 minute)
Any residence in Shamrock Street, Hexham, affected by noise from the premises	47	48	45	55
St Joseph's Retirement Village and any associated residence in Old Maitland Road, Hexham, affected by noise from the premises	53	42	41	56
Any operating industrial premises affected by noise from the premises	70	70	70	N/A

Note: 5dB(A) shall be added to the measured level should the noise be substantially tonal or impulsive in character.

- 4.4 ²For the purpose of assessment of noise impacts specified under condition 4.3 of this consent, noise from the development shall be measured within one metre of the boundary of any affected residential or industrial premises.

¹ Incorporates a EPA General Term of Approval (L6.1, L6.2 and L6.3)

² Incorporates a EPA General Term of Approval (L6.1)

Operating Hours

- 4.5 ³The Applicant shall only operate the metal shredder between 7:00am and 6:00pm Monday to Saturday, and at no time on Sunday or Public Holidays.
- 4.6 ⁴Notwithstanding condition 4.5, the Applicant may operate the metal shredder between the hours of 6:00pm and 10:00pm, Monday to Friday, where the following requirements are complied with:
- a) an unplanned and unforeseeable situation arises at the premise by which the operation of the NSW remelt steel industry is at risk of being negatively impacted by a shortage of shredded scrap;
 - b) the Director-General, EPA and noise receptors within 1.5km radius of the metal shredder are informed, in writing, at least 24 hours prior to commencing outside the permitted hours of operation; and
 - c) that an officer appointed by the Applicant will be on site at all times during the extended hours of operation, solely for the purpose of ensuring compliance with noise limits at various locations.

Note: For the purposes of the above condition, 'all noise receptors within a 1.5km radius of the metal shredder' is limited to:

- a) the noticeboards of St Joseph's Retirement Village, Hexham.
- b) the residences on Old Maitland Road, west of St. Joseph's Retirement Village
- c) the residences on Pacific Highway and intersecting streets between Ironbark Creek and No.59 Pacific Highway, Hexham.

- 4.7 ⁵The Applicant may seek approval from the EPA to extend the hours of operation for the metal shredder, as specified in condition 4.5, incrementally to 10:00pm Monday to Friday. In seeking this approval, the Applicant shall submit to the EPA the necessary information in order to determine that the activities undertaken during the varied operating hours will not have an adverse impact on the acoustic amenity of receptors within the vicinity of the site. Any request to the EPA to extend the operating hours specified in condition 4.5 shall be accompanied by:
- a) at least six months of noise monitoring data of the shredder plant operating at design capacity and conducted in accordance with the *New South Wales Industrial Noise Policy* guideline (EPA, 2000);
 - b) evidence demonstrating full compliance with all noise limits since commissioning the shredder plant;
 - c) evidence that the plant would be able to comply with the evening noise limits specified in condition 4.3 during the proposed extended hours of operation; and
 - d) demonstration that the potential for explosions can be suitably managed at the site (and the associated potential impacts mitigated) during the proposed extended hours of operation.

Any approval by the EPA in accordance with the above condition shall be forwarded to the Director-General by the Applicant immediately.

- 4.8 ⁶Any extension in the shredder plant operating hours granted by the EPA under condition 4.7 shall be on the condition that the Applicant is able to demonstrate on-going compliance with the noise limits specified in condition 4.3. Should the noise limits specified in condition 4.3 be regularly exceeded and/or if explosions become

³ Incorporates a EPA General Term of Approval (L7.1)

⁴ Incorporates a EPA General Term of Approval (L7.1)

⁵ Incorporates a EPA General Term of Approval (L7.1)

⁶ Incorporates a EPA General Term of Approval (L7.1)

unmanageable at the site, and if the impacts have not been mitigated by the Applicant to the satisfaction of the EPA, the EPA may withdraw its approval under condition 4.7 at any time.

Operation Hours – Ancillary Activities

- 4.8A Further to conditions 4.5 to 4.8 of this consent, the Applicant shall only undertake activities ancillary to the operation of the metal shredder, including the operation of all associated plant, equipment and machinery, loading/unloading of materials, materials handling and ingress/egress of heavy vehicles to/from the site, between 7:00am and 10:00pm Monday to Saturday, and at no time on Sunday or Public Holidays
- 4.8B Notwithstanding condition 4.8A of this consent, the Applicant may seek the Director-General's approval to alter the hours of operation for ancillary activities specified under condition 4.8A. In seeking the Director-General's approval, the Applicant shall provide the following information:
- (a) an appropriate level of noise assessment for activities to be undertaken within extended operation hours, prepared in accordance with the relevant guidance in the *Industrial Noise Policy* (EPA, 2000) and *Environmental Criteria for Road Traffic Noise* (EPA, 1999). The assessment shall also demonstrate compliance and consistency of the proposed extended activities with relevant noise limits and noise management criteria specified under this consent and the Environment Protection Licence for the site;
 - (b) details of consultation(s) with the EPA in relation to the proposed extended operation hours, with a demonstration that EPA requirements have been addressed; and
 - (c) details of community consultation(s) undertaken in relation to the proposed extended operation hours, with a demonstration that issues identified through community consultation have been addressed. Community consultation shall include, but not necessarily be limited to representative(s) of the St Josephs Catholic Care of the Aged facility, and the Shortland and Birmingham Residents' Action Group.

Acoustic Barrier

4.8C Deleted*

4.8D Deleted.†

- 4.8E The Applicant shall install noise monitoring equipment at the St Josephs Catholic Care of the Aged facility, in consultation with the owners of that property, and to the satisfaction of the Director-General. The Applicant shall operate the noise monitoring equipment on an on-going basis, as may be agreed with the St Josephs Catholic Care of the Aged facility, to monitor noise impacts from the development on that property. All monitoring data shall be made available to the St Josephs Catholic Care of the Aged facility. The Applicant may only cease noise monitoring in accordance with this condition, after having consulted with the St Josephs Catholic Care of the Aged facility, and only with the agreement of the Director-General.

Plant Retrofit

- 4.9 ⁷ As may be directed by the EPA to address noise emissions from the development, the Applicant shall undertake the following works:
- a) installation of additional noise controls to the shredder and associated plant;
 - b) installation of noise controls to the scrap loading and unloading facilities;
 - c) implementation of noise controls to ensure compliance with noise limits at adjoining industrial properties when operations on those properties commence; and
 - d) installation of appropriate controls on the shredder stack out conveyor and associated area to reduce noise emissions.

Traffic and Transport

Sparke Street Intersection

- 4.10 ⁸The Applicant shall construct, and pay the full cost of, traffic control signals at the Sparke Street/Pacific Highway intersection. These traffic signals shall be installed as a two-phase system to control northbound Pacific Highway, right turn in and left turn out movements only. The signals shall be coordinated with Shamrock Street signals and shall prohibit all right-hand turn movements out of Sparke Street. In association with these signals, the Applicant shall also undertake the following works:
- a) relocation of the Sparke Street/Pacific Highway intersection approximately 70-80 metres north of the current intersection and at right angles to the Pacific Highway;
 - b) construction of an indented right turn lane into Sparke Street within the central median that accommodates two B-Double vehicles and a deceleration lane;
 - c) provision of a left turn deceleration lane into Sparke Street;
 - d) provision of a left turn out of Sparke Street under signalisation;
 - e) construction of appropriate physical barriers to prevent right-hand turn movements out of Sparke Street, with suitable signage reinforcing this ban;
 - f) provision of flashing warning lights in advance of the northbound approach to Sparke Street to advise motorists of the traffic control signals;
 - g) construction of a roadway (new Sparke Street alignment) from the Pacific Highway to the existing Sparke Street;
 - h) closure of the median at the existing Sparke Street intersection, including the removal and making good of the obsolete part of Sparke Street;
 - i) ⁹removal of vegetation to maintain appropriate sight distances as required by RTA standards.

These roadworks shall be at the full cost of the Applicant and shall be completed to RTA's and Council's satisfaction within three months of the commencement of operations at the site, unless otherwise agreed by the RTA and Council.

⁷ Incorporates a EPA General Term of Approval (E1.8)

⁸ Incorporates a RTA General Term of Approval (1)

⁹ Incorporates a Newcastle City Council General Term of Approval (1)

- 4.11 ¹⁰The Applicant shall design the work specified in condition 4.10 in accordance with the RTA's *Road Design Guide*, AUSTROAD guidelines and relevant Australian Standards, as directed by the RTA. This shall include:
- a) construction of auxiliary lanes for the 80 kph speed limit or the 85th percentile speed, whichever is the greater;
 - b) provision for B-Doubles vehicle movements and storage;
 - c) provision for on-road cyclists through the realigned Sparke Street intersection; and
 - d) street lighting, sign posting and line marking along the realigned Sparke Street intersection and roadway.

- 4.12 ¹¹Prior to the commencement of any construction work associated with the development, the Applicant shall obtain the RTA's and Council's approval of the concept design of the road work specified in condition 4.10 and condition 4.11, and shall enter into a Works Authorisation Deed, detailing the timeframe for obtaining a final approval of these works, with the RTA under the section 138 of the *Roads Act 1993*.

The Applicant shall forward the Director-General written evidence demonstrating that an approval of the concept design has been issued by the RTA and Council, and that a Works Authorisation Deed for the development has been accepted by the RTA prior to the commencement of construction work.[‡]

- 4.13 ¹²Should the Applicant commence construction activities at the site prior to the completion of the work specified under condition 4.10, the Applicant shall implement measures to the satisfaction of Council and RTA to control traffic movements to and from the site to ensure that the efficiency and safety of the surrounding road network is not affected. The Applicant shall install these measures prior to the commencement of construction works at the development site and shall maintain the measures until the realigned intersection is fully operational.

- 4.13A Should the Applicant intend to commence operation of the development prior to the completion of the road works required under condition 4.10, 4.18 and 4.19 of this consent, the Applicant shall prepare and submit for the approval of the RTA and Council a Traffic Management Protocol. The Protocol shall be submitted to the RTA and Council no later than one month prior to the intended commencement of operation, unless otherwise agreed to by the RTA and Council. The Protocol shall detail measures to manage traffic and potential conflict between roadworks, heavy vehicles associated with the development and existing traffic. The Protocol shall include, but not necessarily be limited to:

- a) procedures, systems and protocols for the management of operational traffic from the development; its interaction with intersection (and any other roadworks) construction; and its interaction with Pacific Highway traffic during all stages of intersection (and any other roadworks) construction;
- b) details of how Pacific Highway traffic priority will be maintained; and
- c) details of how operational traffic will be eliminated during peak traffic periods.

The Applicant shall not commence operation of the development until it has received written approval of the Protocol from both the RTA and Council, and shall implement the Protocol to the satisfaction of the RTA and Council until the roadworks required under this consent are completed.

¹⁰ Incorporates a RTA General Term of Approval (1 & 3) and Newcastle City Council General Term of Approval (1)

¹¹ Incorporates a RTA General Term of Approval (6)

¹² Incorporates a RTA General Term of Approval (4)

- 4.14 ¹³Land occupied by the realigned and widened intersection shall be dedicated as a road reserve at no cost to Council or the RTA prior to the commencement of operations at the site.

Southbound U-Turn Facility

- 4.15 ¹⁴All southbound vehicles associated with the development departing the site shall not be permitted to undertake right-hand turn movements onto the Pacific Highway. These vehicles shall only utilise the U-turn facility located on the Applicant's property at the corner of New England Highway and Pacific Highway, Hexham (378 Maitland Road, Hexham). No other U-turn facility shall be used for this purpose, unless otherwise approved by the RTA and Council in accordance with condition 4.15(A).

At no time shall southbound vehicles associated with the development use any street in a residential area for the purpose of conducting a U-turn. This includes Shamrock Street, Hexham.

- 4.15A Should the U-turn facility specified in condition 4.15 become no longer available for the purposes of the condition, the Applicant shall construct an alternative U-turn facility under the Hexham Bridge with access to/from the highway to be provided via the Oak traffic control signals at a location and standard to be determined by the RTA and Council. This U-turn facility shall be constructed at the full cost to the Applicant and to the satisfaction of the RTA and Council.

The alternative facility shall be fully operational prior to any restriction of access to the U-turn facility specified in condition 4.15 (or as otherwise required by the RTA and Council).

- 4.16 ¹⁵B-Doubles shall not utilise the U-turn facility located on Applicant's property at the corner of New England Highway and Pacific Highway, Hexham, without the prior approval of the RTA and Council.

Northbound Vehicle Movements

- 4.17 Heavy vehicle movements associated with the development travelling to and from the site to the Sydney Greater Metropolitan area shall only access the F3 via the New England Highway.

Sparke Street

- 4.18 ¹⁶Prior to the commencement of any construction work associated with the development, excluding works associated with piling activities at Lots 29-30 DP 803794, the Applicant shall submit for the approval of Council a pavement design report investigating the suitability of the existing road pavement of Sparke Street from the realigned Sparke Street to the north-eastern boundary of Lot 30 DP803794. This report shall:
- (a) be prepared and certified by a suitably qualified geotechnical engineer;
 - (b) be based on the anticipated vehicular traffic volumes and loadings associated with the development; and
 - (c) identify any pavement areas damaged as a result of the Applicant's operations that require rehabilitation to accommodate the increase traffic movements generated by the development.

¹³ Incorporates a RTA General Term of Approval (1) and Newcastle City Council General Term of Approval (1)

¹⁴ Incorporates a RTA General Term of Approval (2 & 4) and Newcastle City Council General Term of Approval (3)

¹⁵ Incorporates a RTA General Term of Approval (2)

¹⁶ Incorporates a Newcastle City Council General Term of Approval (5)

Should any rehabilitation be required, these works shall be at the full cost of the Applicant and shall be completed to the satisfaction of Council within three months of the commencement of operations at the site, or as otherwise agreed to by Council.^{§**}

- 4.19 ¹⁷Within three months of the commencement of operations at the site, the Applicant shall reconstruct, to Council's satisfaction and at the full cost of the Applicant, the full width of Sparke Street from the north-eastern boundary of Lot 30 DP803794 to the south-western boundary of Lot 29 DP803794. The design of these works shall meet Council's requirements and shall include:
- (a) road pavement;
 - (b) road shoulder pavement;
 - (c) footway formation;
 - (d) associated drainage works; and
 - (e) reconstruction of the three existing vehicular driveway crossings to the existing operations located at Lot 1 DP874409.

Construction works associated with the development shall not commence until the Applicant has obtained Council's approval of the concept design plans for the above work. A copy of this approval shall be submitted to the Director-General prior to the commencement of any construction work.

Prior to the commencement of the road works specified in the condition, the Applicant shall obtain Council's approval of the final design plans for these works.^{†††}

Site Access, Internal Roads and Parking

- 4.20 The Applicant shall ensure that all heavy vehicles enter and leave the site in a forward direction.
- 4.21 Vehicles associated with the construction or operation of the development shall be accommodated on site at all times.
- 4.22 Landscaping and any other obstructions to visibility shall not affect driver sight distance for vehicles entering and exiting the site.
- 4.23 Prior to the commencement of any transport to the site involving B-double vehicles, the Applicant shall demonstrate to the satisfaction of the Director-General that the B-double reclassification of Sparke Street has been approved by the RTA in association with Council.
- 4.24 The Applicant shall design and construct all internal road works, including the associated parking facilities, line marking (or similar) and loading bays, in accordance with the relevant RTA and Council standards and codes, including AS 2890.1-1993 and AS 2890.2-2002.
- 4.25 Internal roads, driveways, parking areas, loading bays and vehicular turning areas shall be maintained clear of obstruction and used exclusively for the purposes of parking, vehicle access and loading and unloading respectively. Under no circumstances shall these areas be used for the storage of goods or waste materials or any other purpose.

¹⁷ Incorporates a Newcastle City Council General Term of Approval (16)

- 4.26 The Applicant shall ensure that there is sufficient carparking facilities provided on site to cater for the maximum number of employees, customers/visitors, service vehicles and heavy vehicles associated with the operation of the development at any one time.
- 4.27 The Applicant shall clearly mark all visitor, disabled, and service vehicle parking areas.
- 4.28 The Applicant shall install signage to demarcate all vehicle movements within and between Lots 29-30 DP803794 and Lot 1 DP874409.

Air Quality Impacts

Dust Emissions

- 4.29 The Applicant shall design, construct, commission, operate and maintain the development in a manner that minimises dust emissions from the site. All activities undertaken on the site shall be carried out in a manner that minimises the generation of dust, and emission of dust from the site, including wind-blown and traffic-generated dust.

Plant Retrofit

- 4.30 ¹⁸As may be directed by the EPA to address dust emissions from the development, the Applicant shall undertake the following works:
- a) installation of appropriate litter controls on the shredder stack out conveyor and associated area to minimise the possibility of dust emissions;
 - b) installation of dust controls on plant conveyors and floc storage; and
 - c) implementation of dust and water quality controls at the site and any part of Sparke Street that is under the control of the Applicant.

Shredder

- 4.31 The Applicant shall design, construct, commission and operate the development to ensure that the concentrations of Total Solid Particles, lead (Pb), and mercury (Hg) discharges from the shredder plant do not exceed the limits specified in Table 3.

Table 3 – Maximum Allowable Discharge Concentration Limits (Air)

Pollutant	Maximum Allowable Discharge Concentration Limit	Reference Conditions
Lead (Pb)	5.0mg/m ³	dry, 273K, 101.3kPa
Mercury (Hg)	1.0mg/m ³	dry, 273K, 101.3kPa
Total Solid Particles	100/m ³	dry, 273K, 101.3kPa

- 4.32 ¹⁹The Applicant shall ensure that all process related fabric filters installed on the site are fitted with a bag leak detection and alarm system to the satisfaction of the EPA.

Soil and Water Quality Impacts

- 4.33 The Applicant shall take all reasonable measures to minimise soil erosion and the discharge of sediments and pollutants from the site during construction and operation.

¹⁸ Incorporates a EPA General Term of Approval (E1.8)

¹⁹ Incorporates a EPA General Term of Approval (E1.7)

Stormwater

- 4.34 ²⁰The stormwater management infrastructure shall be designed, where practicable, to ensure that the time of concentration is limited to 10 minutes in the design storm event. Interception pits shall be installed where required to ensure that contaminated stormwater does not reach the first flush pit once it has reached its maximum capacity.
- 4.35 During the construction and operation of the development, the Applicant shall prevent the discharge of stormwater originating from the site onto the neighbouring railway corridor (unless otherwise approved by State Rail).

Acid Sulfate Soils

- 4.36 Prior to the commencement of construction of the development, the Applicant shall undertake acid sulfate soil testing for areas of the site to be disturbed during site construction. Acid sulfate soil testing shall be consistent with the EPA's Environmental Guideline *Assessing and Managing Acid Sulfate Soil* and the Acid Sulfate Soil Management Advisory Committee (ASSMAC) document *Acid Sulfate Soil Manual*. Should testing indicate that any potential or actual acid sulfate soils may be disturbed during site preparation works or the construction of the facility, the Applicant shall prepare an Acid Sulfate Soil Management Plan (refer to condition 7.3).

Waste Management

- 4.37 The Applicant shall not receive waste at the site for storage, treatment, processing or reprocessing, and shall not dispose of waste generated by the development on the site, except as may be expressly permitted by an Environment Protection Licence for the development under the *Protection of the Environment Operations Act 1997*.
- 4.38 ²¹The Applicant shall ensure that uncompacted motor vehicles are only received, stored, drained of fluids and decontaminated in a dedicated area that is separately bunded to contain and store liquids drained from vehicles before they are forwarded to the main scrap receival area.

Visual Amenity

- 4.39 The Applicant shall ensure that all new external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with *AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting*.
- 4.40 The Applicant shall not utilise Lot 31 DP 803794 for the purposes of temporary or permanent storage of waste material or any item of equipment.
- 4.41 All containers used for the transportation of scrap metal shall be contained on-site at all times.
- 4.42 Nothing in this consent allows the Applicant to erect or display any advertising structure(s) or advertisements associated with the development.

Note: The Applicant must seek development consent from Council for the erection of advertising structures.
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²⁰ Incorporates a EPA General Term of Approval (E1.2)

²¹ Incorporates EPA General Term of Approval (E1.5)

Landscaping

- 4.43 Prior to the commencement of operations at the site, where practicable, dense screen planting shall be undertaken by the Applicant at all locations where the works associated with the development will be visible, using native tree and shrub species endemic to the area, suited to local soil conditions and consistent with those in the surrounding landscape.
- 4.44 The Applicant shall landscape the site in accordance with condition 4.43 and the Landscape Management Plan referred to under condition 7.4e) for the development, and maintain this landscaping for the full life of the development. Landscaping works shall not commence until the Director-General has approved the Landscape Management Plan.
- 4.45 Within 90 days of completing the landscape works outlined in the Landscape Management Plan (refer to condition 7.5d)), the Applicant shall submit a Landscape Completion Report to the Director-General, which demonstrates that the landscaping works have been completed in accordance with the approved Plan.

Dangerous Goods

- 4.46 All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. Bunds shall be designed and installed in accordance the requirements of the EPA's *Environmental Protection Manual Technical Bulletin Bunding and Spill Management*.

Flood Work

- 4.47 Prior to the commencement of any construction work at the site, the Applicant shall obtain necessary approvals from the Department (Hunter Region) under section 256 of the *Water Management Act 2000*.
- 4.48 The development shall be carried out strictly in accordance with the recommendations of the Flood Report, titled *Rationalisation of Floodways connecting Hexham Swamp to the Hunter River (Issue 2)* prepared by Patterson Britton and dated July 2003.

Railway Corridor

- 4.49 Prior to the commencement of any construction work at the site within 50 metres of the neighbouring railway corridor at the site, the Applicant shall submit to RIC a Risk Assessment/Management Plan and detailed Work Method Statement to ensure construction activities do not impact on the integrity of the railway corridor.

The Applicant shall obtain the approval from RIC prior to the commencement of any construction activities within the above 50 metres buffer area and shall implement any conditions imposed by RIC as part of these approvals.

- 4.50 Any use of a crane, plant or machinery on site shall comply with the RIC's *Electrical Safety Manual* and all relevant RIC standards and guidelines. The Applicant shall not operate any crane, plant or machinery within three metres (horizontally) of any electrified infrastructure, or within a distance that has the potential to reach over the rail corridor at any time.
- 4.51 The Applicant shall ensure that no metal ladders, scaffolding, plant/machinery or conductive material is used on site within 6 horizontal metres of any live electrical equipment associated with the rail corridor infrastructure.

- 4.52 The Applicant shall not undertake any work within the rail corridor or its easements at any time unless prior approval has been granted by State Rail or an Access Deed has been entered into between the Applicant and State Rail. Should work be required in these areas, the Applicant shall bear the full cost associated with obtaining the approval or Access Deed and any required supervision, design checks, meetings and/or service searches.

Should the Applicant require access to the rail corridor prior to gaining the above approval or Access Deed, the Applicant shall be required to enter into a Release and Indemnity agreement prior to accessing the rail corridor or associated easements.

- 4.53 Prior to the commencement of operations at the site, the Applicant shall install appropriate fencing along the common boundary of the site and the adjoining railway corridor at Lot 29 DP803794 and lot 1 DP 874409 to the satisfaction of State Rail and at the full cost of the Applicant. The design of the fencing shall be approved by State Rail prior to the installation of the fencing.

5. ENVIRONMENTAL MONITORING AND AUDITING

Noise Monitoring and Auditing

- 5.1 ²²Within 90 days of commencement of operation of the development, and during a period in which the development is operating under design loads and normal operating conditions, the Applicant shall conduct a **Noise Audit** of its operations. This Audit shall:
- (a) be undertaken by a suitably qualified and experienced person;
 - (b) assess whether the development is complying with the intrusive and amenity noise criteria, and the predicted noise levels detailed in documents specified in condition 1.2b) and condition 1.2e) of this consent;
 - (c) identify what additional measures could be implemented to ensure compliance should any non-compliance be detected; and
 - (d) provide details of any complaints received relating to noise generated by the development, and action taken to respond to those complaints.
- 5.2 ²³Within 28 days of conducting the Audit referred to under condition 5.1 of this consent, the Applicant shall provide the Director-General and EPA (Hunter) with a copy of the Noise Audit report. If the Audit identifies any non-compliance with the noise limits imposed under this consent, the Applicant shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General and the EPA.

²² Incorporates a EPA General Term of Approval (E1.9.1)

²³ Incorporates a EPA General Term of Approval (E1.9.2)

- 5.3 The Applicant shall prepare and implement a **Noise Monitoring Program** to monitor noise impacts associated with the development. The Program shall be consistent with guidelines provided in *New South Wales Industrial Noise Policy* (EPA, 2000) and shall include, but not necessarily be limited to:
- identification of noise monitoring locations, with relevant noise limits for each location provided;
 - noise monitoring frequencies; and
 - methodologies for noise monitoring.

The Noise Monitoring Program shall be submitted for the approval of the Director-General prior to the commencement of operation of the development, or within such period as the Director-General may agree.

Overpressure and Vibration Monitoring

- 5.4 ²⁴The Applicant shall install, maintain and operate suitable instrumentation, in accordance with Australian Standard 2187.2-1993, to monitor overpressure and vibration caused by explosions on the site to the satisfaction of the EPA.

Air Quality Monitoring

Shredder Stack Emissions

- 5.5 ²⁵All air emission stacks shall be fitted with sampling points which comply with the *Clean Air (Plant and Equipment) Regulation 1997* and Australian Standard 4323.1-1995.
- 5.6 The Applicant shall periodically determine the pollutant concentrations specified in Table 4, as discharged from the shredder plant employing the sampling and analysis method specified and at the frequency indicated in the table. All monitoring shall be carried out strictly in accordance with *Approved Methods for the Sampling and Analysis of Air Pollutants in NSW* (EPA 2001).

Table 4 – Periodic Pollutant Monitoring (Air)

Pollutant	Method	Frequency
Lead	TM-12, TM-13 & TM-14	Post commissioning, annually
Mercury	TM-12, TM-13 & TM-14	Post commissioning, annually
Total solid particles	TM-15	Post commissioning, annually

- 5.7 The Applicant may seek the approval of the Director-General to alter the frequency of the pollutant/parameter monitoring required under condition 5.6 of this consent. Any request for approval shall only be provided if:
- pollutant/parameter monitoring has been undertaken for a period of no less than 12 months (measures from the commencement of operation of the development);
 - there has been no exceedence of any limit placed on the subject pollutant or parameter through this consent within the preceding 12-month period; and/or
 - if there is a relevant Environment Protection Licence for the development that requires air pollutant monitoring which is inconsistent with the requirements under condition 5.6.

²⁴ Incorporates a EPA General Term of Approval (M8.1)

²⁵ Incorporates a EPA General Term of Approval (E1.6)

Performance Monitoring

- 5.8 Within 90 days of commencement of operation of the development, and during a period in which the facility is operating under design loads and normal operating conditions, the Applicant shall undertake an air quality audit for the development and undertake dispersion modelling for all air pollutants identified in condition 4.31 to confirm the air emission performance of the facility.
- 5.9 Within 28 days of conducting the Audit, referred to under condition 5.8 of the consent, the Applicant shall provide the Director-General with a copy of the Air Quality Audit report. If the Audit identifies any non-compliance with the air quality limits or performance measures specified in the EIS, condition 4.31 of this consent, and the EPA's Impact Assessment Criteria described in *Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW*, then the Applicant shall undertake a Air Quality Mitigation Study to provide details of remedial measures that the Applicant will implement to reduce air quality impacts to the levels required, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.

Meteorological Monitoring

- 5.10 ²⁶The Applicant shall monitor the parameters specified in Table 5, using the specified units of measure, averaging period, frequency, and sampling method in the table.

Table 5 – Meteorological monitoring

Parameter	Units of Measure	Averaging Period	Frequency	Method
Rainfall	mm	1 Day	Daily	AM-4
Wind Speed @ 10m	m/s	15 minute	Continuous	AM-2 and AM-4
Wind Direction @ 10m	°	15 minute	Continuous	AM-2 and AM-4
Temperature @ 10m	°C	15 minute	Continuous	AM-4
Temperature @ 2m	°C	15 minute	Continuous	AM-4
Sigma Theta @ 10m	°	15 minute	Continuous	AM-4
Additional Requirements - Siting - Measurement				AM-1 & AM-4 AM-2 and AM-4

Water Quality Monitoring

- 5.11 Prior to the commencement of operations at the site, the Applicant shall submit for the approval of the Director-General, a Stormwater Quality Monitoring Program. This program shall form part of the Stormwater Operational Environmental Management Plan required by condition 7.5d). The Program shall include but not necessarily be limited to:
- (a) identification of contaminants to be tested;
 - (b) monitoring frequencies; and
 - (c) methodologies for stormwater quality monitoring.

The Stormwater Quality Monitoring Program shall be submitted for the approval of the Director-General prior to the commencement of operation of the development.

²⁶ Incorporates a EPA General Term of Approval (M7.1)

Independent Environmental Auditing

5.12 Within two years of the commencement of construction of the development, and then as may be directed by the Director-General, the Applicant shall commission an independent person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Audit shall:

- a) be carried out in accordance with *ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing*;
- b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;
- c) assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition 1.2 of this consent; and
- d) review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.

An **Environmental Audit Report** shall be submitted to the Director-General within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Applicant to any of the recommendations contained in the Report.

6. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

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

Complaints Procedure

6.2 Prior to the commencement of operations at the development site, the Applicant shall ensure that the following are available for community complaints:

- a) a 24-hour, toll-free telephone number on which complaints about the development may be registered;
- b) a postal address to which written complaints may be sent; and
- c) an email address to which electronic complaints may be transmitted.

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

6.3 The Applicant shall record details of all complaints received through the means listed under condition 6.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:

- a) the date and time, where relevant, of the complaint;
- b) the means by which the complaint was made (telephone, mail or email);
- c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;
- d) the nature of the complaint;
- e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and
- f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.

The Complaints Register shall be made available for inspection by the Director-General upon request.

Community Consultative Committee

- 6.4 Prior to the commencement of construction of the development, the Applicant shall establish a Community Consultative Committee for the development to provide a forum for the discussion of the environmental performance of the development, provision of relevant data, and the receipt of community complaints and concerns. The Committee shall include, but not necessarily limited to representatives from the St Josephs Catholic Care of the Aged facility and the Shortland and Birmingham Residents' Action Group. The Applicant shall ensure that the Committee meets on at least one occasion prior to the commencement of construction of the development to establish arrangements for the location, timing and operation of the Committee. The Committee shall meet at least monthly during the first six months of operation of the development, after which meeting frequency shall be by agreement between the Applicant and the Committee, and for the approval of the Director-General.

7. ENVIRONMENTAL MANAGEMENT

Environmental Representative

- 7.1 Prior to the commencement of construction of the development, the Applicant shall nominate a suitably qualified and experienced Environmental Representative(s). The Applicant shall employ the Environmental Representative(s) on a full-time basis during the construction, commissioning and operation of the development. The Environmental Representative shall be:
- a) the primary contact point in relation to the environmental performance of the development;
 - b) responsible for all Management Plans and Monitoring Programs required under this consent;
 - c) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the development;
 - d) responsible for receiving and responding to complaints in accordance with condition 6.2 and condition 6.3 of this consent; and
 - e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.

The Applicant shall notify the Director-General of the name and contact details of the Environmental Representative upon appointment, and any changes to that appointment that may occur from time to time.

Construction Environmental Management Plan

- 7.2 The Applicant shall prepare and implement a **Construction Environmental Management Plan** to outline environmental management practices and procedures to be followed during the construction of any stage of the development. The Plan shall include, but not necessarily be limited to:
- a) a description of all activities to be undertaken on the site during construction of the development, including an indication of stages of construction, where relevant;
 - b) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - c) specific consideration of measures to address any requirements of Council during construction;

- d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
- e) a description of the roles and responsibilities for all relevant employees involved in the construction of the development;
- f) the Management Plans listed under condition 7.3 of this consent;
- g) arrangements for community consultation and complaints handling procedures during construction.

The Plan shall be submitted for the approval of the Director-General prior to the commencement of construction, or within such period otherwise agreed by the Director-General. Construction shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the Plan to Council, as soon as practicable.

7.3 As part of the Construction Environmental Management Plan for the development, required under condition 7.2 of this consent, the Applicant shall prepare and implement the following Management Plans:

- a) an **Acid Sulfate Soil Management Plan** to detail measures to be implemented in relation to the management and handling of any potential or actual acid sulfate soils identified in accordance with condition 4.36 of this consent. The Plan shall be prepared in accordance with guidance provided in *Acid Sulfate Soil Manual* (Acid Sulfate Soil Management Advisory Committee, 1998) and to meet the requirements of Director-General and Council. The Acid Sulfate Soil Management Plan need only be prepared should potential or actual acid sulfate soils be identified on the site.
- b) ²⁷an **Erosion and Sedimentation Management Plan** to detail measures to minimise erosion during construction of the development. The Plan shall include, but not necessarily be limited to:
 - i) results of investigations into soils associated with the site, in particular the stability of the soil and its susceptibility to erosion;
 - ii) details of erosion, sediment and pollution control measures and practices to be implemented during construction of the development;
 - iii) demonstration that erosion and sediment control measures will conform with, or exceed, the relevant requirements and guidelines provided in the Department's publication *Urban Erosion and Sedimentation Handbook*, the EPA's publication *Pollution Control Manual for Urban Stormwater* and the Department of Housing's publication *Soil and Water Management for Urban Development*;
 - iv) design specifications for diversionary works, banks and sediment basins;
 - v) an erosion monitoring program during construction of the development; and
 - vi) measures to address erosion, should it occur, and to rehabilitate/stabilise disturbed areas of the site.
- c) a **Noise Management Plan** to outline measures to minimise and mitigate noise impacts on surrounding land uses as a result of the construction of the development in association with the continued operations at the adjacent site. The Plan shall include, but not necessarily be limited to:
 - i) identification of the potential sources of noise during the proposed works;
 - ii) specification of the noise criteria for the proposed works;

²⁷ This plan shall be provided when obtaining a Part 3 permit under the *Rivers and Foreshores Improvement Act 1948*.

- iii) a detailed description of what actions and measures would be implemented to ensure that these works would comply with the relevant noise criteria.;
- iv) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating who would conduct the monitoring, how often this monitoring would be conducted, how the results of this monitoring would be recorded; and, if any non-compliance is detected; and
- v) a description of what procedures would be followed to ensure compliance;
- d) ²⁸a **Transport Management Plan** to detail measures to ensure road works and construction activities are undertaken in a manner that does not adversely impact on the performance and safety of the surrounding road network. The Plan shall meet Council and RTA requirements, and shall include, but not necessarily be limited to:
 - (i) details of construction and operation traffic volumes and peak delivery times;
 - (ii) measures to be implemented to adequately mitigate the impact on the performance and safety of the surrounding network during the relocation of the Sparke Street and Pacific Highway intersection;
 - (iii) ²⁹measures to be implemented in accordance with condition 4.13, which shall include the installation of temporary physical barriers to prohibit right-hand turn movements out of Sparke Street; and
 - (iv) provide for the monitoring of the performance of the implemented measures; and
 - (v) details of any additional measures that would be implemented should any non-compliance be detected.

Operation Environmental Management Plan

7.4 The Applicant shall prepare and implement an **Operation Environmental Management Plan** to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The Plan shall include, but not necessarily be limited to:

- i) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;
- ii) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;
- iii) overall environmental policies and principles to be applied to the operation of the development;
- iv) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;
- v) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;
- vi) the Management Plans listed under condition 7.5 of this consent; and
- vii) arrangements for community consultation and complaints handling procedures during construction.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the development, or within such period otherwise agreed by the Director-General. Any stage of the operations

²⁸ Incorporates a RTA General Term of Approval (5)

²⁹ Incorporates a RTA General Term of Approval (4)

shall not be commissioned until the Director-General has approved the OEMP covering the works undertaken in that stage. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the Plan to Council as soon as practicable.

7.5 As part of the Operation Environmental Management Plan for the development, required under condition 7.4 of this consent, the Applicant shall prepare and implement the following Management Plans:

- a) a **Noise Management Plan** to outline measures to manage noise impacts associated with the operation of the development. The Plan shall include, but not necessarily be limited to:
 - i) identification of the potential sources of noise during the site operations;
 - ii) specification of the noise criteria for these operations;
 - iii) a detailed description of what actions and measures would be implemented to ensure that operations would comply with specified noise criteria. This shall include measures to minimise night-time emissions and stringent screening procedures to minimise the potential for overpressure events at the site; and
 - iv) a description of how the effectiveness of actions and measures would be monitored over time; and if any non-compliance is detected what procedures would be followed to ensure compliance;
- b) a **Transport Management Plan** to outline measures to ensure minimal amenity impacts on the locality through the appropriate management of heavy vehicles accessing and departing the development. The Plan shall be prepared in consultation with Council and shall include, but not necessarily be limited to:
 - i) details of the Transport Code of Conduct for the development that outlines the management of traffic impacts associated with heavy vehicles accessing and departing the site;
 - ii) consideration of all possibilities for reducing the required daily heavy vehicle movements and movements during peak or night-time periods;
 - iii) procedures to ensure the safe and efficient movement of vehicles between Lots 29-30 DP803794 and Lot 1 DP874409;
 - iv) procedures to limit the tracking of mud/dirt on the road way between Lots 29-30 DP803794 and Lot 1 DP874409;
 - v) procedures for monitoring the effectiveness and suitability of these measures; and
 - vi) details of additional measures that would be implemented should be non-compliance be detected.
- c) a **Flood Emergency Management Plan** to outline measures that would be implemented in a time of flood. The Plan shall provide detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved. The Plan shall also include, but not necessarily be limited to:
 - i) a detailed description of the likely flood behaviour of the area within the vicinity of the site;
 - ii) identification of the flood warning systems that would be utilised by the proposed operations;
 - iii) details of the workforce education awareness program implemented at the site;
 - iv) details of the evacuation and evasion procedures that would be undertaken in a time of an emergency;
 - v) identification of the designated evacuation routes and flood refuges; and
 - vi) details of flood preparedness and awareness procedures for residents and visitors to the site.

- d) a **Stormwater Management Plan** to outline measures to mitigate impacts of stormwater run-off from and within the premises. This plan shall address the requirements of Council and shall include, but not necessarily be limited to:
 - i) details of all relevant stormwater control infrastructure;
 - ii) procedures for the installation and maintenance of gross pollutant traps to screen stormwater from the site at all major site discharge points to Ironbark Creek;
 - iii) a demonstration of consistency with the stormwater management plan for the catchment and any relevant stormwater guidelines prepared by Council;
 - iv) details of the monitoring program, as required by condition 5.11, to monitor stormwater flows from the site; and
 - v) details of any contingency measures that would be followed to ensure the protection of neighbouring waterways and wetlands should an accident or emergency occur at the site.
- e) a **Landscape Management Plan** to outline measures to ensure appropriate development and maintenance of landscaping on the site. The Plan shall address the requirements of Council and shall include, but not necessarily be limited to:
 - i) details of existing and proposed landscaping to be undertaken on the site with specific reference to the use of vegetation to screen the development from the Pacific Highway, Ironbark Creek, residential receptors and the railway line;
 - ii) details of landscape works to improve the condition of the riparian zone along the boundary of Lot 1 DP 874409 and Ironbark Creek;
 - iii) maximisation of flora species endemic to the locality in landscaping the site;
 - iv) measures to ensure general consistency with the relevant guidance provided in *Planning for Bushfire Protection* (NSW Rural Fire Service and PlanningNSW, 2001);
 - v) a program to ensure that all landscaped areas on the site are maintained in a tidy, healthy state and free of weed species; and
 - vi) a program to ensure that vegetation along the Pacific Highway is appropriately managed to maintain vehicle sight distances in accordance with RTA requirements.
- f) a **Waste Management Plan** to outline measures to minimise the production and impact of wastes generated at the development. The Plan shall include, but not necessarily be limited to:
 - i) identification of the types and quantities of waste that would be generated during operations, and the standards and performance measures for dealing with this waste;
 - ii) ³⁰a description of appropriate procedures that will be implemented to ensure that all scrap, dust and litter is contained within the designated receipt and load out areas;
 - iii) a detailed description of how this waste would be reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the EPA's guidelines on the *Assessment, Classification & Management of Liquid and Non-Liquid Waste*;
 - iv) a description of how the effectiveness of these actions and measures would be monitored over time; and
 - v) a description of what procedures would be followed to ensure compliance if any non-compliance is detected.

³⁰ Incorporates a EPA General Term of Approval (E1.3)

8. ENVIRONMENTAL REPORTING

Incident Reporting

- 8.1 The Applicant shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Applicant shall provide written details of the incident to the Director-General within seven days of the date on which the incident occurred.
- 8.2 The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 8.1 of this consent, within such period as the Director-General may agree.

Annual Performance Reporting

- 8.3 The Applicant shall, throughout the life of the development, prepare and submit for the approval of the Director-General, an **Annual Environmental Management Report** (AEMR). The AEMR shall review the performance of the development against the Operation Environmental Management Plan (refer to condition 7.4 of this consent), the conditions of this consent and other licences and approvals relating to the development. The AEMR shall include, but not necessarily be limited to:
- a) details of compliance with the conditions of this consent;
 - b) a comparison of the environmental impacts and performance of the development against the environmental impacts and performance predicted in those documents listed under condition 1.2 of this consent;
 - c) details of any complaints received in relation to the operation, an overview of how these complaints were handled, and the results of any actions taken by the Applicant to address the complaint;
 - d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person; and
 - e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.

The Applicant shall submit a copy of the AEMR to the Director-General and Council every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation.

- 8.4 The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the development, in response to review of the Annual Environmental Report and any comments received from COUNCIL. Any action required to be undertaken shall be completed within such period as the Director-General may agree.

* Condition 4.8C (as deleted by MOD-49-3-2005-i): Prior to the commencement of operation of the development and with the prior agreement of St Josephs Catholic Care of the Aged, the Applicant shall lodge a development application with the relevant consent authority (if development consent is required under the *Environmental Planning and Assessment Act 1979*) for the construction of a sound barrier of at least three metres in height on the St Josephs Catholic Care of the Aged site to mitigate noise impacts from the development on that land. Any such development application shall reflect the results of consultation(s) with representatives of the St Josephs Catholic Care of the Aged facility, in relation to that group's requirements for the barrier (for example, location, appearance, construction or maintenance requirements).

[†] Condition 4.8D (as deleted by MOD-49-3-2005-i): The Applicant shall bear the full cost of the sound barrier referred to under condition 4.8C of this consent, and shall commence construction of the sound barrier as soon as practicable after obtaining all relevant and necessary development consents and approvals. The Applicant shall complete construction of the sound barrier within six months of commencement of operation of the development, unless otherwise agreed by the Director-General

[‡] Previously modified by MOD-37-3-2004

[§] Previously modified by MOD-37-3-2004

^{**} Previously modified by MOD-37-3-2004

^{††} Previously modified by MOD-37-3-2004

^{‡‡} Previously modified by MOD-45-4-2004-i

Appendix B

Environment Protection
Licence 2013 & 2019

Appendix B Environment Protection Licence 2013 & 2019

Environment Protection Licence

Licence - 5345



Licence Details

Number:	5345
Anniversary Date:	19-December

Licensee

ONESTEEL RECYCLING PTY LIMITED

PO BOX 329

LIVERPOOL NSW 2170

Premises

ONESTEEL RECYCLING PTY LIMITED

14 SPARKE STREET

HEXHAM NSW 2322

Scheduled Activity

Metallurgical activities

Waste Storage

Fee Based Activity

Scale

Metal waste generation	> 100 T generated or stored
Scrap metal processing	> 100000-500000 T processed
Waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste	> 0 T stored

Region

North - Hunter

Ground Floor, NSW Govt Offices, 117 Bull Street

NEWCASTLE WEST NSW 2302

Phone: (02) 4908 6800

Fax: (02) 4908 6810

PO Box 488G NEWCASTLE

NSW 2300

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Information about this licence

Dictionary

A definition of terms used in the licence can be found in the dictionary at the end of this licence.

Responsibilities of licensee

Separate to the requirements of this licence, general obligations of licensees are set out in the Protection of the Environment Operations Act 1997 ("the Act") and the Regulations made under the Act. These include obligations to:

- ensure persons associated with you comply with this licence, as set out in section 64 of the Act;
- control the pollution of waters and the pollution of air (see for example sections 120 - 132 of the Act); and
- report incidents causing or threatening material environmental harm to the environment, as set out in Part 5.7 of the Act.

Variation of licence conditions

The licence holder can apply to vary the conditions of this licence. An application form for this purpose is available from the EPA.

The EPA may also vary the conditions of the licence at any time by written notice without an application being made.

Where a licence has been granted in relation to development which was assessed under the Environmental Planning and Assessment Act 1979 in accordance with the procedures applying to integrated development, the EPA may not impose conditions which are inconsistent with the development consent conditions until the licence is first reviewed under Part 3.6 of the Act.

Duration of licence

This licence will remain in force until the licence is surrendered by the licence holder or until it is suspended or revoked by the EPA or the Minister. A licence may only be surrendered with the written approval of the EPA.

Licence review

The Act requires that the EPA review your licence at least every 5 years after the issue of the licence, as set out in Part 3.6 and Schedule 5 of the Act. You will receive advance notice of the licence review.

Fees and annual return to be sent to the EPA

For each licence fee period you must pay:

- an administrative fee; and
- a load-based fee (if applicable).

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The EPA publication “A Guide to Licensing” contains information about how to calculate your licence fees. The licence requires that an Annual Return, comprising a Statement of Compliance and a summary of any monitoring required by the licence (including the recording of complaints), be submitted to the EPA. The Annual Return must be submitted within 60 days after the end of each reporting period. See condition R1 regarding the Annual Return reporting requirements.

Usually the licence fee period is the same as the reporting period.

Transfer of licence

The licence holder can apply to transfer the licence to another person. An application form for this purpose is available from the EPA.

Public register and access to monitoring data

Part 9.5 of the Act requires the EPA to keep a public register of details and decisions of the EPA in relation to, for example:

- licence applications;
- licence conditions and variations;
- statements of compliance;
- load based licensing information; and
- load reduction agreements.

Under s320 of the Act application can be made to the EPA for access to monitoring data which has been submitted to the EPA by licensees.

This licence is issued to:

ONESTEEL RECYCLING PTY LIMITED
PO BOX 329
LIVERPOOL NSW 2170

subject to the conditions which follow.

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1 Administrative Conditions

A1 What the licence authorises and regulates

- A1.1 This licence authorises the carrying out of the scheduled activities listed below at the premises specified in A2. The activities are listed according to their scheduled activity classification, fee-based activity classification and the scale of the operation.

Unless otherwise further restricted by a condition of this licence, the scale at which the activity is carried out must not exceed the maximum scale specified in this condition.

Scheduled Activity	Fee Based Activity	Scale
Metallurgical activities	Metal waste generation	> 100 T generated or stored
Metallurgical activities	Scrap metal processing	> 100000 - 500000 T processed
Waste Storage	Waste storage - hazardous, restricted solid, liquid, clinical and related waste and asbestos waste	> 0 T stored

A2 Premises or plant to which this licence applies

- A2.1 The licence applies to the following premises:

Premises Details
ONESTEEL RECYCLING PTY LIMITED
14 SPARKE STREET
HEXHAM
NSW 2322
PREMISES AS SHOWN ON PLAN TITLED "PLAN OF CONSOLIDATION OVER LOT 1 DP 1085880, LOT 11 DP 1169199 & LOT 1 DP 874409" PREPARED BY ADAM ORTIGER, REGISTERED DATE OF 27/9/2012 (EPA FILE DOC13/49448), WHICH COMPRISES LOT 1 DP 1176316.

A3 Information supplied to the EPA

- A3.1 Works and activities must be carried out in accordance with the proposal contained in the licence application, except as expressly provided by a condition of this licence.

In this condition the reference to "the licence application" includes a reference to:

- the applications for any licences (including former pollution control approvals) which this licence replaces under the Protection of the Environment Operations (Savings and Transitional) Regulation 1998; and
- the licence information form provided by the licensee to the EPA to assist the EPA in connection with the issuing of this licence.

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2 Discharges to Air and Water and Applications to Land

P1 Location of monitoring/discharge points and areas

- P1.1 The following points referred to in the table below are identified in this licence for the purposes of monitoring and/or the setting of limits for the emission of pollutants to the air from the point.

<i>Air</i>			
EPA identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
1	Discharge to air Discharge quality monitoring	Discharge to air Discharge quality monitoring	Monitoring point located on baghouse stack

3 Limit Conditions

L1 Pollution of waters

- L1.1 Except as may be expressly provided in any other condition of this licence, the licensee must comply with section 120 of the Protection of the Environment Operations Act 1997.

L2 Concentration limits

- L2.1 For each monitoring/discharge point or utilisation area specified in the table below (by a point number), the concentration of a pollutant discharged at that point, or applied to that area, must not exceed the concentration limits specified for that pollutant in the table.
- L2.2 Where a pH quality limit is specified in the table, the specified percentage of samples must be within the specified ranges.
- L2.3 To avoid any doubt, this condition does not authorise the pollution of waters by any pollutant other than those specified in the table.
- L2.4 Air Concentration Limits

POINT 1

Pollutant	Units of measure	100 percentile concentration limit	Reference conditions	Oxygen correction	Averaging period
Total Solid Particles	milligrams per cubic metre	100	Dry, 273 K, 101.3 kPa		1 hour

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Mercury	milligrams per cubic metre	1.0	Dry, 273 K, 101.3 kPa	1 hour
Lead	milligrams per cubic metre	5.0	Dry, 273 K, 101.3 kPa	1 hour

L3 Waste

L3.1 The licensee must not cause, permit or allow any waste to be received at the premises, except the wastes expressly referred to in the column titled "Waste" and meeting the definition, if any, in the column titled "Description" in the table below.

Any waste received at the premises must only be used for the activities referred to in relation to that waste in the column titled "Activity" in the table below.

Any waste received at the premises is subject to those limits or conditions, if any, referred to in relation to that waste contained in the column titled "Other Limits" in the table below.

This condition does not limit any other conditions in this licence.

Code	Waste	Description	Activity	Other Limits
NA	Scrap metal		Waste storage	
NA	Scrap metal		Waste processing (non-thermal treatment)	No more than 500000 Tonnes can be processed per year
J120	Waste oil/hydrocarbons mixtures/emulsions in water		Waste storage	
D220	Lead; lead compounds		Waste storage	

L4 Noise limits

L4.1 Noise from the premises must not exceed the limits specified in the table below:

Location	Day LAeq(15 minute)	Evening LAeq(15 minute)	Night LAeq(15 minute)	Night LA1(1 minute)
Any residence in Shamrock Street, Hexham, affected by noise from the premises	47	48	45	55

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St Joseph's Retirement Village and any associated residence in Old Maitland Road, Hexham, affected by noise from the premises	53	42	41	56
Any operating industrial premises affected by noise from the premises	70	70	70	N/A

- L4.2 The noise limits above comply when measured or computed at any point within one metre of the boundary of any affected residential premises.

5dB(A) must be added to the measured level if the noise is substantially tonal or impulsive in character.

- L4.3 Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays.

Evening is defined as the period from 6pm to 10pm.

Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

- L4.4 The noise emission limits identified in Condition L4.1 apply under the following meteorological conditions;
- Wind speeds up to 3m/s at 10 metres above ground level; and
 - Temperature inversion conditions of up to 3oC/100m.

L5 Hours of operation

- L5.1 The shredder must only be operated between the hours of 0700 and 1800 Monday to Saturday, and at no time on Sundays and Public Holidays, except, where the following requirements are complied with the shredder may be operated between the hours of 1800 and 2200, Monday to Friday:
- an unplanned and unforeseeable situation arises at the premises by which the operation of the NSW remelt steel industry is at risk of being negatively impacted by a shortage of shredded scrap, and
 - the licensee informs the EPA Hunter Office, and all affected noise receptors within a 1.5Km radius of the LYNX shredder, in writing at least 24 hours prior to commencing out of hours operation, and
 - an officer appointed by the licensee is on site, solely for the purpose of ensuring compliance with noise limits at various locations.

Note: (1) This licence does not limit the hours during which any activities, other than shredder operation as above, may be carried out at the premises, provided that full compliance with the noise limits of this licence is maintained.

Note: (2) For the purpose of this licence "All noise receptors within 1.5 Km of the LYNX shredder" is limited to:

- The noticeboards of Saint Joseph's Retirement Village, Hexham.
- The residences on Old Maitland Road, west of Saint Joseph's Retirement Village.
- The residences on Pacific Highway and intersecting streets, Hexham between Ironbark Creek and No

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59 Pacific Highway, Hexham.

Note: (3) The applicant may seek approval of the EPA to extend the hours of operation of the LYNX shredder by increments up to 22:00.

Any request for approval shall only be made provided:

- a) the application is based on 6 months appropriate and adequate data with the plant operating at design capacity.
- b) full compliance with all noise limits has been achieved since commissioning.
- c) the management of explosions can be demonstrated, and impacts have been mitigated.
- d) the data supplied demonstrates the applicant's ability to comply with the evening noise limits set out in this licence.
- e) that the applicant accepts that any extended hours of operation will be withdrawn should the evening noise criteria be regularly exceeded or explosions become unmanageable, and if the impacts have not been mitigated by the licensee.

L6 Potentially offensive odour

L6.1 No condition of this licence identifies a potentially offensive odour for the purposes of section 129 of the Protection of the Environment Operations Act 1997.

Note: Section 129 of the Protection of the Environment Operations Act 1997, provides that the licensee must not cause or permit the emission of any offensive odour from the premises but provides a defence if the emission is identified in the relevant environment protection licence as a potentially offensive odour and the odour was emitted in accordance with the conditions of a licence directed at minimising odour.

4 Operating Conditions

O1 Activities must be carried out in a competent manner

O1.1 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.

O2 Maintenance of plant and equipment

O2.1 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.

O3 Dust

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- O3.1 The premises must be maintained in a condition which minimises or prevents the emission of dust from the premises.
- O3.2 All operations and activities occurring at the premises must be carried out in a manner that will minimise the emission of dust from the premises.
- O3.3 Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

O4 Emergency response

- O4.1 The licensee must maintain, and implement as necessary, a current emergency response plan for the premises. The licensee must keep the emergency response plan on the premises at all times. The emergency response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. If a current emergency response plan does not exist at the date on which this condition is attached to the licence, the licensee must develop an emergency response plan within three months of that date.

O5 Processes and management

- O5.1 Where practicable, the licensee must implement appropriate procedures to ensure that all scrap, dust and litter is contained within the designated receiving and load out areas.
- O5.2 All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in place.
- O5.3 Bunds must:
 - a) have walls and floors constructed of impervious materials;
 - b) be of sufficient capacity to contain 110% of the volume of the tank (or 110% volume of the largest tank where a group of tanks are installed);
 - c) have floors graded to a collection sump; and
 - d) not have a drain valve incorporated in the bund structure,or be constructed and operated in a manner that achieves the same environmental outcome.

O6 Waste management

- O6.1 The licensee must ensure that any liquid and/or non liquid waste generated and/or stored at the premises is assessed and classified in accordance with the EPA's Waste Classification Guidelines as in force from time to time.
- O6.2 The licensee must ensure that waste identified for recycling is stored separately from other waste.

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O7 Other operating conditions

- O7.1 All process related fabric filters installed on the premises shall be fitted with a bag leak detection and alarm system.
- O7.2 There must be no incineration or open burning of any material(s) on the premises, except as specifically authorised by the EPA.
- O7.3 The licensee must ensure that activities undertaken at the premises do not cause visible emissions of smoke or fume beyond the boundary of the premises.
- O7.4 The licensee must ensure that activities are conducted in an environmentally satisfactory manner. So as to minimise and prevent the pollution of air and water the licensee must:
- (a) Ensure that vehicles or containers prior to leaving the premises are clean and sealed in a manner that will not cause materials or wastes used in conducting the activities at the premises to be tracked, thrown from, blown, fall, or cast from any vehicle or container onto a public road.
 - (b) The licensee must have in place and implement procedures to ensure that vehicles and containers exiting the premises are in a condition to ensure that materials are not tracked, thrown, blown, fall or cast onto a public road.

5 Monitoring and Recording Conditions

M1 Monitoring records

- M1.1 The results of any monitoring required to be conducted by this licence or a load calculation protocol must be recorded and retained as set out in this condition.
- M1.2 All records required to be kept by this licence must be:
- a) in a legible form, or in a form that can readily be reduced to a legible form;
 - b) kept for at least 4 years after the monitoring or event to which they relate took place; and
 - c) produced in a legible form to any authorised officer of the EPA who asks to see them.
- M1.3 The following records must be kept in respect of any samples required to be collected for the purposes of this licence:
- a) the date(s) on which the sample was taken;
 - b) the time(s) at which the sample was collected;
 - c) the point at which the sample was taken; and
 - d) the name of the person who collected the sample.

M2 Requirement to monitor concentration of pollutants discharged

- M2.1 For each monitoring/discharge point or utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The licensee must use the sampling method, units of measure, and sample at the frequency, specified opposite in the other columns:
- M2.2 Air Monitoring Requirements

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POINT 1

Pollutant	Units of measure	Frequency	Sampling Method
Lead	milligrams per cubic metre	Quarterly	TM-12
Mercury	milligrams per cubic metre	Quarterly	TM-14
PM10	micrograms per cubic metre	Quarterly	OM-5
Total Solid Particles	milligrams per cubic metre	Quarterly	TM-15

M3 Testing methods - concentration limits

- M3.1 Monitoring for the concentration of a pollutant emitted to the air required to be conducted by this licence must be done in accordance with:
- a) any methodology which is required by or under the Act to be used for the testing of the concentration of the pollutant; or
 - b) if no such requirement is imposed by or under the Act, any methodology which a condition of this licence requires to be used for that testing; or
 - c) if no such requirement is imposed by or under the Act or by a condition of this licence, any methodology approved in writing by the EPA for the purposes of that testing prior to the testing taking place.

Note: The *Protection of the Environment Operations (Clean Air) Regulation 2010* 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 NSW".

M4 Weather monitoring

- M4.1 Suitable instrumentation must be maintained and operated to monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units or measure, averaging period and sample at the frequency, specified opposite in the other columns.

PARAMETER	UNITS OF MEASURE	FREQUENCY	AVERAGING PERIOD	SAMPLING METHOD
Rainfall	mm	Daily	1 hour	AM-4
Wind Speed @ 10 metres	m/s	Continuous	15 minute	AM-2 & AM-4
Wind Direction @ 10 metres	Degrees	Continuous	15 minutes	AM-2 & AM-4
Temperature @ 10 metres	Degrees Celcius	Continuous	15 minutes	AM-4
Temperature @ 2 metres	Degrees Celcius	Continuous	15 minutes	AM-4

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Sigma theta @ 10
metres

Degrees

Continuous

15 minutes

AM-2 & AM-4

M5 Recording of pollution complaints

- M5.1 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.
- M5.2 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.
- M5.3 The record of a complaint must be kept for at least 4 years after the complaint was made.
- M5.4 The record must be produced to any authorised officer of the EPA who asks to see them.

M6 Telephone complaints line

- M6.1 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.
- M6.2 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.
- M6.3 The preceding two conditions do not apply until 3 months after:
- a) the date of the issue of this licence or
 - b) if this licence is a replacement licence within the meaning of the Protection of the Environment Operations (Savings and Transitional) Regulation 1998, the date on which a copy of the licence was served on the licensee under clause 10 of that regulation.
- M6.4 The licensee must nominate to the EPA a representative of the company that is available at all times and is capable of providing immediate assistance or response during emergencies or any other incidents at the premises. The name of the nominated representative and their contact details, including their telephone number, must be current at all times. The nomination and contact details must be provided to the EPA's Regional Manager- Hunter at PO Box 488G, Newcastle NSW 2300.
Note: This condition does not apply until two (2) weeks after the date of issue of the variation notice to include this condition.

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M7 Other monitoring and recording conditions

M7.1 Suitable instrumentation must be maintained and operated, in compliance with Australian Standard 2187.2 of 1993, to monitor overpressure and vibration caused by explosions on the premises.

M7.2 The licensee is required to monitor noise emissions from the premises on a quarterly basis, to demonstrate compliance with the noise limits in Condition L4.1 of this licence.

The licensee must engage a suitably qualified and experienced acoustic consultant to undertake the noise compliance assessments.

6 Reporting Conditions

R1 Annual return documents

R1.1 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.

At 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.

R1.2 An Annual Return must be prepared in respect of each reporting period, except as provided below.

R1.3 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.

R1.4 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.

R1.5 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').

R1.6 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.

R1.7 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.

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R1.8 A person who has been given written approval to certify a certificate 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 of this licence.

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.

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

R2 Notification of environmental harm

R2.1 Notifications must be made by telephoning the Environment Line service on 131 555.

R2.2 The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Note: The licensee or its employees must notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act.

R3 Written report

R3.1 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.

R3.2 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.

R3.3 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.

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- R3.4 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.
- R3.5 The licensee is required to supply a report to be submitted with the annual return, regarding the quarterly noise compliance assessments referred to in Condition M7.2 of this licence.

7 General Conditions

G1 Copy of licence kept at the premises or plant

- G1.1 A copy of this licence must be kept at the premises to which the licence applies.
- G1.2 The licence must be produced to any authorised officer of the EPA who asks to see it.
- G1.3 The licence must be available for inspection by any employee or agent of the licensee working at the premises.

G2 Other general conditions

G2.1 Completed Pollution Studies and Reduction Programs (PRPs)

PRP	Description	Completed Date
PRP 1 - Investigation to Reduce Smoke and Fume	Study smoke and fume reduction techniques when oxyacetylene cutting steel. Reduction of air quality emissions.	21-December-2004
PRP 2 - Investigate alternatives to reduce emissions from premises	Investigate alternatives to reduce emissions from oxy/gas cutting operations to the atmosphere. Prevent smoke and gas emissions into the environment.	01-February-2008
PRP 3 - Noise Reduction Investigation	Licensee to provide details in the form of a report of remediation measures to be implemented to reduce noise impacts to ensure compliance is met. Reduction of noise emissions and compliance with EPL.	02-November-2007

8 Pollution Studies and Reduction Programs

U1 PRP 4 - Stormwater Quality Investigation

- U1.1 The licensee must engage a suitably qualified person to monitor the quality of waters discharging the premises for the purpose of assessing the effectiveness of the site's water management system and demonstrating compliance with section 120 of the *Protection of the Environment Operations Act 1997* (POEO Act).

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Monitoring must be undertaken of discharges from the premises including, but not limited to, that from the oil/water separator and the first flush system, and be undertaken for the parameters detailed in the table below at the frequency specified.

PARAMETER	UNIT OF MEASURE	FREQUENCY	METHOD
Aluminium	milligrams per litre	daily during any discharge	grab sample
Antimony	milligrams per litre	daily during any discharge	grab sample
Arsenic	milligrams per litre	daily during any discharge	grab sample
Barium	milligrams per litre	daily during any discharge	grab sample
Beryllium	milligrams per litre	daily during any discharge	grab sample
Boron	milligrams per litre	daily during any discharge	grab sample
Cadmium	milligrams per litre	daily during any discharge	grab sample
Chromium	milligrams per litre	daily during any discharge	grab sample
Cobalt	milligrams per litre	daily during any discharge	grab sample
Copper	milligrams per litre	daily during any discharge	grab sample
Iron	milligrams per litre	daily during any discharge	grab sample
Lead	milligrams per litre	daily during any discharge	grab sample
Lithium	milligrams per litre	daily during any discharge	grab sample
Manganese	milligrams per litre	daily during any discharge	grab sample
Molybdenum	milligrams per litre	daily during any discharge	grab sample
Nickel	milligrams per litre	daily during any discharge	grab sample
Phosphorus	milligrams per litre	daily during any discharge	grab sample
Selenium	milligrams per litre	daily during any discharge	grab sample
Silicon	milligrams per litre	daily during any discharge	grab sample
Silver	milligrams per litre	daily during any discharge	grab sample
Strontium	milligrams per litre	daily during any discharge	grab sample
Sulphur	milligrams per litre	daily during any discharge	grab sample
Thallium	milligrams per litre	daily during any discharge	grab sample
Tin	milligrams per litre	daily during any discharge	grab sample
Titanium	milligrams per litre	daily during any discharge	grab sample
Vanadium	milligrams per litre	daily during any discharge	grab sample
Zinc	milligrams per litre	daily during any discharge	grab sample
BOD	milligrams per litre	daily during any discharge	grab sample
COD	milligrams per litre	daily during any discharge	grab sample
PCB	milligrams per litre	daily during any discharge	grab sample
TPH	milligrams per litre	daily during any discharge	grab sample
BTEX	milligrams per litre	daily during any discharge	grab sample

Environment Protection Licence

Licence - 5345



Oil and grease	milligrams per litre	daily during any discharge	grab sample
TSS	milligrams per litre	daily during any discharge	grab sample
pH	pH	daily during any discharge	grab sample

- U1.2 By 29 November 2013 the licensee must submit a written report to the EPA's Regional Manager - Hunter at PO Box 488G, Newcastle NSW 2300 that details the findings of monitoring program undertaken under condition U1.1. The report must include:
- (a) An overview of the site's water management system.
 - (b) A drawing detailing the location of all stormwater drains, the site water management systems, and locations where water discharges from the premises.
 - (c) The results of the monitoring undertaken, and an interpretation of the results against appropriate ANZECC water quality guidelines and section 120 of the *Protection of the Environment Operations Act 1997*.

Note: Notwithstanding the above, the licensee must at all times comply with section 120 of the *Protection of the Environment Operations Act 1997*.

Environment Protection Licence

Licence - 5345



Dictionary

General Dictionary

3DGM [in relation to a concentration limit]	Means the three day geometric mean, which is calculated by multiplying the results of the analysis of three samples collected on consecutive days and then taking the cubed root of that amount. Where one or more of the samples is zero or below the detection limit for the analysis, then 1 or the detection limit respectively should be used in place of those samples
Act	Means the Protection of the Environment Operations Act 1997
activity	Means a scheduled or non-scheduled activity within the meaning of the Protection of the Environment Operations Act 1997
actual load	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
AM	Together with a number, means an ambient air monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
AMG	Australian Map Grid
anniversary date	The anniversary date is the anniversary each year of the date of issue of the licence. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
annual return	Is defined in R1.1
Approved Methods Publication	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
assessable pollutants	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
BOD	Means biochemical oxygen demand
CEM	Together with a number, means a continuous emission monitoring method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .
COD	Means chemical oxygen demand
composite sample	Unless otherwise specifically approved in writing by the EPA, a sample consisting of 24 individual samples collected at hourly intervals and each having an equivalent volume.
cond.	Means conductivity
environment	Has the same meaning as in the Protection of the Environment Operations Act 1997
environment protection legislation	Has the same meaning as in the Protection of the Environment Administration Act 1991
EPA	Means Environment Protection Authority of New South Wales.
fee-based activity classification	Means the numbered short descriptions in Schedule 1 of the Protection of the Environment Operations (General) Regulation 2009.
general solid waste (non-putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997

Environment Protection Licence

Licence - 5345



flow weighted composite sample	Means a sample whose composites are sized in proportion to the flow at each composites time of collection.
general solid waste (putrescible)	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
grab sample	Means a single sample taken at a point at a single time
hazardous waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
licensee	Means the licence holder described at the front of this licence
load calculation protocol	Has the same meaning as in the Protection of the Environment Operations (General) Regulation 2009
local authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
material harm	Has the same meaning as in section 147 Protection of the Environment Operations Act 1997
MBAS	Means methylene blue active substances
Minister	Means the Minister administering the Protection of the Environment Operations Act 1997
mobile plant	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
motor vehicle	Has the same meaning as in the Protection of the Environment Operations Act 1997
O&G	Means oil and grease
percentile [in relation to a concentration limit of a sample]	Means that percentage [eg.50%] of the number of samples taken that must meet the concentration limit specified in the licence for that pollutant over a specified period of time. In this licence, the specified period of time is the Reporting Period unless otherwise stated in this licence.
plant	Includes all plant within the meaning of the Protection of the Environment Operations Act 1997 as well as motor vehicles.
pollution of waters [or water pollution]	Has the same meaning as in the Protection of the Environment Operations Act 1997
premises	Means the premises described in condition A2.1
public authority	Has the same meaning as in the Protection of the Environment Operations Act 1997
regional office	Means the relevant EPA office referred to in the Contacting the EPA document accompanying this licence
reporting period	For the purposes of this licence, the reporting period means the period of 12 months after the issue of the licence, and each subsequent period of 12 months. In the case of a licence continued in force by the Protection of the Environment Operations Act 1997, the date of issue of the licence is the first anniversary of the date of issue or last renewal of the licence following the commencement of the Act.
restricted solid waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
scheduled activity	Means an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
special waste	Has the same meaning as in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997
TM	Together with a number, means a test method of that number prescribed by the <i>Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales</i> .

Environment Protection Licence

Licence - 5345



TSP	Means total suspended particles
TSS	Means total suspended solids
Type 1 substance	Means the elements antimony, arsenic, cadmium, lead or mercury or any compound containing one or more of those elements
Type 2 substance	Means the elements beryllium, chromium, cobalt, manganese, nickel, selenium, tin or vanadium or any compound containing one or more of those elements
utilisation area	Means any area shown as a utilisation area on a map submitted with the application for this licence
waste	Has the same meaning as in the Protection of the Environment Operations Act 1997
waste type	Means liquid, restricted solid waste, general solid waste (putrescible), general solid waste (non - putrescible), special waste or hazardous waste

Mr Tim Gilbert

Environment Protection Authority

(By Delegation)

Date of this edition: 31-March-2000

Environment Protection Licence

Licence - 5345



End Notes

- 1 Licence transferred through application 140291, approved on 09-Apr-2001, which came into effect on 19-Dec-2000.
- 2 Licence varied by Admin corrections to archived record, issued on 04-Dec-2002, which came into effect on 04-Dec-2002.
- 3 Licence varied by notice 1030201, issued on 31-Aug-2004, which came into effect on 25-Sep-2004.
- 4 Licence varied by notice 1061534, issued on 23-Feb-2007, which came into effect on 23-Feb-2007.
- 5 Licence varied by notice 1071271, issued on 30-Mar-2007, which came into effect on 30-Mar-2007.
- 6 Licence varied by notice 1078548, issued on 06-Nov-2007, which came into effect on 06-Nov-2007.
- 7 Licence varied by notice 1081261, issued on 17-Dec-2007, which came into effect on 17-Dec-2007.
- 8 Condition A1.3 Not applicable varied by notice issued on <issue date> which came into effect on <effective date>
- 9 Licence varied by notice 1504637 issued on 11-Oct-2013

Appendix C

Independent
Environmental Audit
2017

Appendix C Independent Environmental Audit 2017

OneSteel Recycling Hexham

Independent Environmental Compliance Audit

Report

6 June 2017



When you
think with a
global mind
problems
get smaller

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Independent Environmental Compliance Audit

Prepared for
OneSteel Recycling Hexham

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6 June 2017

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Table 4 Summary of non compliances

Table 5 Non-compliances identified in the Annual Returns since 2006.

Appendices

Appendix A - Independent Audit Certification Form

Appendix B – CoA Checklist

Appendix C – EIS Checklist

1. Introduction

OneSteel Recycling Pty Ltd (OneSteel) commissioned Coffey Corporate Services Pty Ltd (Coffey) to undertake an independent environmental compliance audit. The audit was required in response to a direction to undertake an independent environmental audit (IEA) from the NSW Department of Planning and Environment (DPE).

The objective of the audit was to:

- Assess compliance with the conditions of consent for DA No. 345-7-2003-I dated 2 February 2004 and subsequent modifications.
- Prepare a report on compliance for submission to the NSW Department of Planning and Environment (this report).

OneSteel recycles ferrous and non-ferrous metals via shredding, separation and collection. The shredder process comprises a Heavy Duty Scrap Shredder that includes an in feed conveyor, entry conveyor, entry chute, shredder (hammer mill), discharge conveyor, drum magnet ferrous separator, picking conveyors, non-ferrous enrichment and separator. The shredder operates up to 11 hours per day (7am to 6pm) and on Saturdays as required.

The shredder processes up to 200 tonnes per hour, usually averaging about 150 tonnes per hour. Approximately 20% of material received is sent to landfill.

OneSteel, alongside 93 other subsidiaries of Arrium Limited, entered into Voluntary Administration on 7 April 2016. Grant Thornton was originally appointed as Administrators for the Group, however, KordaMentha was subsequently appointed a short time later. At the second creditors meeting, the creditors voted for the group to move to a Deed of Company Arrangement which OneSteel are currently operating under. There are approximately 60-70 employees at the OneSteel site.

1.1. Background

The DPE investigated non-compliances identified in the Annual Environmental Management Report (AEMR) issued to the DPE in 2016, more specifically, non-compliances with DA 345-7-2003-i, as modified (the Approval).

This included five occasions where daytime noise criteria was exceeded in the AEMR period (between 19 December 2014 and 18 December 2015) and two occasions where stormwater quality criteria was exceeded. The AEMR also outlined instances where evening and night time noise monitoring was not undertaken to determine compliance with Condition 4.3.

The outcome of the investigation was that the Secretary of the DPE directed OneSteel to undertake the IEA in accordance with Schedule 2, Condition 5.12 of the Approval.

2. Methodology

The Secretary required that the audit be undertaken in accordance with Condition 5.12 in its entirety as follows:

Independent Environmental Auditing

5.12 Within two years of the commencement of construction of the development, and then as may be directed by the Director-General, the Applicant shall commission an independent person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Audit shall:

- a) be carried out in accordance with ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing;*
- b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development;*
- c) assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition 1.2 of this consent; and*
- d) review the effectiveness of the environmental management of the development, including any environmental impact mitigation works.*

An Environmental Audit Report shall be submitted to the Director-General within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Applicant to any of the recommendations contained in the Report.

The independent environmental compliance audit was conducted at the OneSteel Recycling facility located at 107 Sparke Street Hexham, NSW and followed the process outlined below.

2.1. Audit process

An Audit Plan was developed and provided to OneSteel for comment one week before the audit. The audit consisted of the tasks shown in Table 1.

Table 1 Audit tasks

Task	Details
Opening meeting	<ul style="list-style-type: none"> An audit opening meeting was held at 0900hrs on 19 December 2016. The opening meeting was attended by: <ul style="list-style-type: none"> Glen Schrader (Arrium) (Operator) Brad Sobczak (Arrium) Paul Thomas (Arrium) Kathryn Burton (Lead Auditor - Coffey) Raghuram Muguli (Noise and air quality specialist – Coffey)
Site inspection	<p>A site inspection of the facility was conducted that included the following:</p> <ul style="list-style-type: none"> Ferrous and non-ferrous metals via shredding, separation and collection. The perimeter to observe potential runoff discharge locations. Dangerous goods storage. Weather station.

Task	Details
Interviews with key personnel	<ul style="list-style-type: none"> Interviews were conducted with key personnel throughout the organisation to ascertain their understanding of the conditions of approval and their relevance to their position, as well as implementation. The following personnel were interviewed: <ul style="list-style-type: none"> Jamie Vanderclay (Maintenance Planner) Glen Schrader (Shredder Manager) Brad Sobczak (NSW Transport Manager & ex. Hexham Site Manager) George Zulumovski (Contractor Coordinator) Shane Madden (Shredder Team Leader during plant tour).
Closing meeting	<ul style="list-style-type: none"> A closing meeting was held with Brad Sobczak and Glen Schrader at 1100hrs on 20 December 2016 which was chaired by Kathryn Burton. At this meeting, an overview of the audit findings was presented and discussed, as well as the format for the final report.

The IEA was conducted generally in accordance with AS/NZS ISO 19011:2014 – Guidelines for quality and/or environmental management systems auditing and the Independent Audit Guideline (DPE, 2015) by the following personnel:

- Kathryn Burton (Environmental Principal) – Lead Auditor
- Raghuram Muguli - noise and air quality specialist.

The audit team were approved by the DPE, as notified by OneSteel on 22 November 2016, prior to conducting the audit.

A checklist, consistent with the requirements of the DPE Independent Audit Guideline was developed to structure the audit process and record the audit findings. The assessment of compliance was conducted by reviewing aspects of OneSteel's operations relevant to the conditions of approval using the categories contained in the Independent Audit Guideline (DPE, 2015) as shown in Table 2.

Table 2 Audit compliance assessment criteria

Assessment	Criteria
Compliant	Sufficient verifiable evidence has been obtained to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit.
Not verified	Sufficient verifiable evidence was not able to be obtained to demonstrate that the intent and all elements of the requirement of the regulatory approval have been complied with within the scope of the audit. In the absence of sufficient verification the auditor may in some instances be able to verify by other means (visual inspection, personal communication, etc.) that a requirement has been met. In such a situation, the requirement should still be assessed as not verified. However, the auditor could note in the report that they have no reasons to believe that the operation is non-compliant with that requirement.
Non-compliant	Sufficient verifiable evidence has been obtained to demonstrate that the intent of one or more specific elements of the regulatory approval have not been complied with within the scope of the audit.

Assessment	Criteria
Administrative non-compliance	A technical non-compliance with a regulatory approval that would not impact on performance and that is considered minor in nature (e.g. report submitted but not on the due date, failed monitor or late monitoring session). This would not apply to performance-related aspects (e.g. exceedance of a noise limit) or where a requirement had not been met at all (e.g. noise management plan not prepared and submitted for approval).
Not triggered	A regulatory approval requirement has an activation or timing trigger that had not been met at the time of the audit inspection, therefore a determination of compliance could not be made.
Observation	Observations are recorded where the audit identified issues of concern which do not strictly relate to the scope of the audit or assessment of compliance. Further observations are considered to be indicators of potential non-compliances or areas where performance may be improved.
Note	A statement or fact, where no assessment of compliance is required.

Any non-compliances identified were assigned a colour-coded risk ranking using the risk levels for non-compliances contained in the Independent Audit Guideline (DPE, 2015) as shown in Table 3.

Table 3 Risk levels for non-compliances

Risk level	Colour code	Description
High		Non-compliance with potential for significant environmental consequences, regardless of the likelihood of occurrence
Medium		Non-compliance with: <ul style="list-style-type: none"> Potential for serious environmental consequences, but is unlikely to occur. Potential for moderate environmental consequences, but is likely to occur.
Low		Non-compliance with: <ul style="list-style-type: none"> Potential for moderate environmental consequences, but is likely to occur. Potential for moderate environmental consequences, but is unlikely to occur.
Administrative non-compliance		Only to be applied where the non-compliance does not result in any risk of environmental harm (e.g. submitting a report to government later than required under approval conditions)

A draft of this report was issued to OneSteel for review prior to finalisation and issue of the final report. This report has been updated in response to DPE comments detailed in a letter dated to OneSteel on 22 February 2017. In response to discussions with the DPE in March / April 2017, a further site visit was conducted by Kathryn Burton on 27 April 2017 and this report updated accordingly.

2.2. Audit scope

The scope of the audit included reviewing records and documents associated with implementation of the Conditions of Consent DA No. 345-7-2003-I dated 2 February 2004 and subsequent modifications including (but not limited to):

- Operation Environmental Management Plan (OEMP) and sub-plans
- Annual Environmental Management Reports
- Environment Protection Licence
- Annual Returns
- Environmental monitoring records
- Environmental incident reporting
- Environmental Impact Statement.

3. Audit findings

3.1. Consultation

The IEA was requested by DPE, due to concerns arising from noise compliance issues documented in the AEMR (RCA Australia April 2016). The DPE requested that the proposed audit team include an appropriately qualified noise specialist to specifically audit the noise related conditions of the Approval and associated plans and programs. DPE also approved the audit team submitted by OneSteel.

The audit team consulted the NSW Environment Protection Authority (EPA), Newcastle City Council (NCC) and Australian Rail Track Corporation (ARTC).

The EPA advised that they do not offer specific advice or information on proponents and referred the audit team to the EPA website where public registers are maintained under the *Protection of the Environment Operations Act 1997* (POEO Act).

NCC did not have any specific issues and ARTC did not respond.

3.2. Follow up from previous audit

The last IEA was conducted by HLA Envirosiences in 2007 which found compliance with all conditions except condition 4.14 which required:

Land occupied by the realigned and widened intersection shall be dedicated as a road reserve at no cost to Council or the RTA prior to the commencement of operations at the site.

The 2007 IEA found that the road reserve dedication was awaiting completion of the subdivision plan. This has now been closed out as documented in the audit findings.

3.3. Conditions of approval

A total of 15 non-compliances were found and are summarised in Table 4.

Risk levels for non-compliances are also provided according to the colour coded risk rankings provided in Table 3.

Recommendations for addressing non-compliances are also provided in Table 4. Further details are provided in the site checklist in Appendix B.

Table 4 Summary of non compliances

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
1	General		
1.1	The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation and where relevant, the decommissioning of the development.	Not all practicable measures have been implemented as documented throughout this checklist and the audit report.	Non-compliant NC01
1.2	<p>The Applicant shall carry out the development generally in accordance with:</p> <ul style="list-style-type: none"> a) Development Application No. 345-7-2003-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 25 July 2003, as amended. b) Metal Shredding Facility at Hexham - Environmental Impact Statement (Volumes 1, 2 and 3), prepared by SMEC Australia Ltd and dated July 2003; c) Proposed Metal Recycling Facility, Sparke Street, Hexham - Response to DIPNR fax dated 2 October 2003, prepared by SMEC Australia Pty Ltd and dated 23 October 2003; d) Traffic Analysis, Intersection of Pacific Highway and Sparke Street, Hexham, prepared by Terra Consulting Australia Pty Ltd and dated 26 November 2003; e) Correspondence titled Re: Existing - V - Predicted Noise Levels from Peter Karantonis of Renzo Tonin and Associates Pty Ltd to Jim Clarence of the EPA and dated 24 September 2003; f) Revised plans accompanying the DA, numbered 0321-03-04A and 0321-03-02; g) Correspondence titled Metalcorp Recyclers DA 345-7-2003-i - Shredder development of Lots 29 & 30 Sparke Street Hexham, from Smorgon Steel Recycling to the Department, dated 16 March 2004; h) Correspondence titled Metalcorp Recyclers proposed development of Lots 29 & 30 Sparke Street, Hexham, DA 345-7-2003-i Section 96 Modification application (with addendum) from Smorgon Steel to the Department, dated 23 April 2004; i) Correspondence titled Metalcorp Recyclers Pty Ltd - Applicant for modification of consent DA 345-7-2003-i: Lots 29 & 30 Sparke Street, Hexham (with attachments) from Smorgon Steel to the Department, dated 15 March 2005; j) The conditions of this consent. 	Not all documentation requirements have been implemented as documented throughout this checklist and the audit report.	Non-compliant NC02

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
2	Compliance		
2.1	The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.	<p>Employees, contractors and sub-contractors undergo a site induction and records were sighted.</p> <p>There were no environmental requirements included in the site induction.</p> <p>There is an Environmental Awareness training program. The last refresher training was conducted in March 2015.</p> <p>There was no evidence of monitoring of compliance with conditions of consent.</p> <p>Senior personnel interviewed are aware of environmental requirements when asked by the auditor.</p>	<p>Non-compliant</p> <p>NC03</p> <p>R1 Include relevant environmental requirements contained in the conditions of consent in the site induction for all employees, contractors and sub-contractors.</p> <p>R2 Record all monitoring of compliance carried out by site or other personnel.</p>
2.5	The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.	Not all measures have been implemented as documented in this checklist and audit report.	<p>Non-compliant</p> <p>NC04</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
3	Construction and Part 4A Certification		
	Noise Impacts – Operation Noise		
4.3	<p>The Applicant shall design, construct, operate and maintain the development to ensure that noise generated during the operation of the development does not exceed the noise limits specified in Table 2, at those locations and during those periods indicated. The maximum allowable noise contributions apply under:</p> <p>a) wind speeds up to 3 ms⁻¹ (measured at 10 metres above ground level); and</p> <p>b) temperature inversion conditions up to 3°C per 100 metres.</p>	<p>First quarter 2016 noise monitoring was not conducted.</p> <p>Reports for monitoring conducted by AECOM in Q2, Q3 and Q4 2016 and Q1 2017 were sighted.</p> <p>Exceedances were noted in Q2 monitoring. The source of the noise exceedances were difficult to determine.</p> <p>An exceedance was also noted in the Q3 report which also said that extraneous noise sources contributed significantly.</p> <p>Exceedances were also noted in the Q4 report. Extraneous noise sources were noted to contribute significantly to overall noise levels.</p> <p>Results for Q1 2017 were compliant.</p>	<p>Non-compliant</p> <p>NC05</p> <p>R3 Ensure quarterly noise monitoring is conducted and any exceedances followed up.</p> <p>R4 Due to the long period of time since the last background levels were conducted i.e. 2005 and considering the increase in volume of freight train and other nearby noise generating activities, it is recommended that the background levels are reviewed prior to the next periodic noise monitoring.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
5	Environmental Monitoring and Auditing		
	Noise Monitoring and Auditing		
5.3	<p>The Applicant shall prepare and implement a Noise Monitoring Program to monitor noise impacts associated with the development. The Program shall be consistent with guidelines provided in New South Wales Industrial Noise Policy (EPA, 2000) and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) identification of noise monitoring locations, with relevant noise limits for each location provided; b) noise monitoring frequencies; and c) methodologies for noise monitoring. <p>The Noise Monitoring Program shall be submitted for the approval of the Director-General prior to the commencement of operation of the development, or within such period as the Director-General may agree.</p>	<p>A Noise Management Plan (Hunter Acoustics, January 2005) (NMP) exists for the site detailing all the monitoring locations, limits, monitoring frequencies & methodology.</p> <p>Under the NMP quarterly noise monitoring is required. Over the last five years this has occurred consistently. In 2016, first quarter 2016 noise monitoring was not conducted.</p> <p>Reports for monitoring conducted by Aecom in Q2, Q3 and Q4 2016 and Q1 2017 were sighted.</p> <p>Exceedances were noted in Q2 monitoring however it was noted that the source of the noise exceedances are difficult to determine.</p> <p>An exceedance was also noted in the Q3 report which also said that extraneous noise sources contributed significantly.</p> <p>Exceedances were also noted in the Q4 report which also said that extraneous noise sources contributed significantly.</p> <p>Results for Q1 2017 were compliant.</p>	<p>Non-compliant</p> <p>NC06</p> <p>R4 Due to the long period of time since the last background levels were conducted i.e. 2005 and considering the increase in volume of freight train and other nearby noise generating activities it is recommended that the background levels are reviewed prior to the next periodic noise monitoring.</p> <p>R5 The noise monitoring program should be updated accordingly, in consultation with the EPA and DPE.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		OEMP (April 2005) approval, including the NMP, issued by DIPNR dated 22 April 2004 (the letter clearly refers to the OEMP as April 2005 however is dated 2004 – this must be dated incorrectly as 2004 not 2005).	
	Water Quality Monitoring		
5.11	<p>Prior to the commencement of operations at the site, the Applicant shall submit for the approval of the Director-General, a Stormwater Quality Monitoring Program. This program shall form part of the Stormwater Operational Environmental Management Plan required by condition 7.5d). The Program shall include but not necessarily be limited to:</p> <p>(a) identification of contaminants to be tested;</p> <p>(b) monitoring frequencies; and</p> <p>(c) methodologies for stormwater quality monitoring.</p> <p>The Stormwater Quality Monitoring Program shall be submitted for the approval of the Director-General prior to the commencement of operation of the development.</p>	<p>A Stormwater Management Plan (Wade Consulting Group, February 2005)) exists for the site. This notes that part of the SWP (the monitoring program) is contained within the OEMP. The OEMP refers to a monitoring program developed by HLA-Envirosciences, however this document could not be located.</p> <p>The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references: copy of the stormwater monitoring program as per DA condition 5.11, dated 2 May 2005.</p> <p>OEMP (April 2005) approval issued by DIPNR dated 22 April 2004 (the letter clearly refers to the OEMP as April 2005 however is dated 2004 – this must be dated incorrectly as 2004 not 2005).</p> <p>The monitoring program consists of conducting water quality testing after a significant rainfall event (>15mm rainfall within the site catchment over 24 hours). While rainfall is monitored on site, there was no</p>	<p>Non-compliant</p> <p>NC07</p> <p>R6 A review of water quality monitoring results is suggested to determine the baseline so that criteria can be specified so that exceedances are only shown for criteria above the baseline.</p> <p>R7 The water quality monitoring program should be updated accordingly, in consultation with the EPA and DPE.</p> <p>R8 Records of reviewing the rainfall data to determine if monitoring is provided should be maintained.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>evidence that the results are used to inform stormwater monitoring.</p> <p>The original locations of the water quality monitoring did not include an upstream site so it could not be ascertained if any exceedances were due to the OneSteel facility or were background levels.</p> <p>Exceedances (pH and EC) are noted however there are no criteria specified in the EPL or CoA. There have also been exceedances of other criteria including metals. The source of these metals was not determined.</p>	
7	Environmental Management		
	Environmental Representative		
7.1	<p>Prior to the commencement of construction of the development, the Applicant shall nominate a suitably qualified and experienced Environmental Representative(s). The Applicant shall employ the Environmental Representative(s) on a full-time basis during the construction, commissioning and operation of the development. The Environmental Representative shall be:</p> <p>a) the primary contact point in relation to the environmental performance of the development;</p> <p>b) responsible for all Management Plans and Monitoring Programs required under this consent;</p>	<p>Vince Chaplin was the Environmental Representative (ER) during construction and operation until Brad Sobczak became the ER in 2015? Glen Schrader, the Shredder Manager, is now the ER and is responsible for environmental matters. An email to David Bell of the EPA advising of the change was provided but it could not be verified if this information has been provided to the DG.</p>	<p>Non-compliant</p> <p>NC 08</p> <p>R9 The responsibilities for implementation of all environmental requirements should be clearly documented in the OEMP and consideration given to engaging a dedicated Environmental Representative.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>c) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the development;</p> <p>d) responsible for receiving and responding to complaints in accordance with condition 6.2 and condition 6.3 of this consent; and</p> <p>e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.</p> <p>The Applicant shall notify the Director-General of the name and contact details of the Environmental Representative upon appointment, and any changes to that appointment that may occur from time to time.</p>		
	Operation Environmental Management Plan		
7.4	<p>The Applicant shall prepare and implement an Operation Environmental Management Plan to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The Plan shall include, but not necessarily be limited to:</p> <p>i) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations;</p> <p>ii) a description of the roles and responsibilities for all relevant employees involved in the operation of the development;</p> <p>iii) overall environmental policies and principles to be applied to the operation of the development;</p>	<p>An Operation Environmental Management Plan (OEMP) was prepared in April 2005 that does not address all the requirements listed as follows:</p> <ul style="list-style-type: none"> • Identification of all statutory and other obligations that the Applicant is required to fulfil. • Management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent. • Aspects of other requirements. 	<p>Non-compliant</p> <p>NC09</p> <p>R10 The OEMP needs to be updated to include all conditions, EPL and other requirements. The OEMP needs to be implemented.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>iv) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate;</p> <p>v) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent;</p> <p>vi) the Management Plans listed under condition 7.5 of this consent; and</p> <p>vii) arrangements for community consultation and complaints handling procedures during construction.</p> <p>The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the development, or within such period otherwise agreed by the Director-General. Any stage of the operations shall not be commissioned until the Director-General has approved the OEMP covering the works undertaken in that stage. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the Plan to Council as soon as practicable.</p>	<p>The OEMP has not been updated since 2005 and is not implemented in its entirety.</p> <p>OEMP (April 2005) approval issued by DIPNR dated 22 April 2004 (the letter clearly refers to the OEMP as April 2005 however is dated 2004 – this must be dated incorrectly as 2004 not 2005).</p>	
7.5	As part of the Operation Environmental Management Plan for the development, required under condition 7.4 of this consent, the Applicant shall prepare and implement the following Management Plans:	See comments below	

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
7.5a	<p>Noise Management Plan to outline measures to manage noise impacts associated with the operation of the development. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) identification of the potential sources of noise during the site operations; ii) specification of the noise criteria for these operations; iii) a detailed description of what actions and measures would be implemented to ensure that operations would comply with specified noise criteria. This shall include measures to minimise night-time emissions and stringent screening procedures to minimise the potential for overpressure events at the site; and iv) a description of how the effectiveness of actions and measures would be monitored over time; and if any non-compliance is detected what procedures would be followed to ensure compliance; 	<p>A Noise Management Plan (prepared by Hunter Acoustics, 2005) exists for the site detailing all the monitoring locations, limits, monitoring frequencies and methodology.</p> <p>Under the NMP quarterly noise monitoring is required. Noise monitoring results for the period 2012 to 2015 are included on the company website until 2015 and the reported sighted by the auditor.</p> <p>First quarter 2016 noise monitoring was not conducted.</p> <p>Reports for monitoring conducted by Aecom in Q2, Q3 and Q4 2016 and Q1 2017 were sighted.</p> <p>Exceedances were noted in Q2 monitoring however it was noted that the source of the noise exceedances are difficult to determine.</p> <p>An exceedance was also noted in the Q3 report which also said that extraneous noise sources contributed significantly.</p> <p>Exceedances were also noted in the Q4 report which also said that extraneous noise sources contributed significantly.</p> <p>Results for Q1 2017 were compliant.</p>	<p>Non-compliant</p> <p>NC10</p> <p>R4 Operation Noise Limits specified in the noise management plan are based on the background levels measured in 2005. Due to the long period of time since the last background levels were conducted and considering the increase in volume of freight train and other nearby noise generating activities it is recommended that the background levels are reviewed prior to the next periodic noise monitoring.</p> <p>R11 The NMP has not been updated since 2005 and requires updating and implementation.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
7.5b	<p>Transport Management Plan to outline measures to ensure minimal amenity impacts on the locality through the appropriate management of heavy vehicles accessing and departing the development. The Plan shall be prepared in consultation with Council and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) details of the Transport Code of Conduct for the development that outlines the management of traffic impacts associated with heavy vehicles accessing and departing the site; ii) consideration of all possibilities for reducing the required daily heavy vehicle movements and movements during peak or night-time periods; iii) procedures to ensure the safe and efficient movement of vehicles between Lots 29-30 DP803794 and Lot 1 DP874409; iv) procedures to limit the tracking of mud/dirt on the road way between Lots 29-30 DP803794 and Lot 1 DP874409; v) procedures for monitoring the effectiveness and suitability of these measures; and vi) details of additional measures that would be implemented should be non-compliance be detected. 	<p>The OEMP contains an Operations Traffic Management Plan (OTMP) but this is not up to date and does not address all the requirements.</p>	<p>Non-compliant</p> <p>NC11</p> <p>R12 The OTMP has not been updated since 2005 and requires updating and implementation. It is recommended to include a Figure of the site showing traffic requirements.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
7.5c	<p>Flood Emergency Management Plan to outline measures that would be implemented in a time of flood. The Plan shall provide detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved. The Plan shall also include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) a detailed description of the likely flood behaviour of the area within the vicinity of the site; ii) identification of the flood warning systems that would be utilised by the proposed operations; iii) details of the workforce education awareness program implemented at the site; iv) details of the evacuation and evasion procedures that would be undertaken in a time of an emergency; v) identification of the designated evacuation routes and flood refuges; and vi) details of flood preparedness and awareness procedures for residents and visitors to the site. 	<p>A Flood Emergency Management Plan (FEMP) exists for the site.</p> <p>It does not address all the requirements listed including:</p> <ul style="list-style-type: none"> i) a detailed description of the likely flood behaviour of the area within the vicinity of the site; ii) identification of the flood warning systems that would be utilised by the proposed operations; iii) details of the workforce education awareness program implemented at the site. 	<p>Non-compliant</p> <p>NC12</p> <p>R13 The FEMP has not been updated since 2005 and requires updating and implementation.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
7.5d	<p>Stormwater Management Plan to outline measures to mitigate impacts of stormwater run-off from and within the premises. This plan shall address the requirements of Council and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) details of all relevant stormwater control infrastructure; ii) procedures for the installation and maintenance of gross pollutant traps to screen stormwater from the site at all major site discharge points to Ironbark Creek; iii) a demonstration of consistency with the stormwater management plan for the catchment and any relevant stormwater guidelines prepared by Council; iv) details of the monitoring program, as required by condition 5.11, to monitor stormwater flows from the site; and v) details of any contingency measures that would be followed to ensure the protection of neighbouring waterways and wetlands should an accident or emergency occur at the site. 	<p>A Stormwater Management Plan (Wade Consulting Group, 2005) exists for the site. This notes that part of the SWP (the monitoring program) is contained within the Operation Environmental Management Plan (OEMP). The OEMP refers to a monitoring program developed by HLA-Envirosciences (Stormwater Quality Monitoring Program, Metal Shredding Facility, Sparke Street Hexham, 23 November 2004)</p> <p>Exceedances (pH and EC) in the AEMR (2015-2016) were noted, although no criteria for these parameters are specified in the EPL or CoA.</p> <p>The AEMR uses the following assessment criteria:</p> <ul style="list-style-type: none"> • Heavy metals (dissolved) is derived from Table 3.4.1 ANZECC (2000) trigger values for freshwater and marine water ecosystems with 95% species level of protection. • pH is derived from Table 3.3.2 of ANZECC (2000) for lowland rivers and estuaries (slightly disturbed systems) in South-Eastern Australia. The trigger values for estuaries were adopted for marine water criteria. • Conductivity is derived from Table 3.3.3 of ANZECC (2000) for lowland rivers 	<p>Non-compliant</p> <p>NC13</p> <p>R6 A review of water quality monitoring results is recommended to identify any trends in the data and to better specify criteria for all key parameters. Exceedances of other criteria were also noted in the AEMR (2015-2016), including for metals. The source of these elevated levels could not be determined.</p> <p>R14 The Stormwater Management Plan has not been updated since it was prepared in February 2005. It should be updated and implemented.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>(slightly disturbed systems) in South-Eastern Australia</p> <p>There was no evidence of stormwater monitoring since the results shown in the 2015-2016 AEMR.</p> <p>The original locations of the water quality monitoring did not include an upstream site so it could not be ascertained if any exceedances of the criteria were due to the OneSteel facility, another source, or were background levels.</p> <p>Originally, monitoring was conducted at two locations, however, an additional location upstream has been incorporated since 2014.</p>	

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
7.5e	<p>Landscape Management Plan to outline measures to ensure appropriate development and maintenance of landscaping on the site. The Plan shall address the requirements of Council and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) details of existing and proposed landscaping to be undertaken on the site with specific reference to the use of vegetation to screen the development from the Pacific Highway, Ironbark Creek, residential receptors and the railway line; ii) details of landscape works to improve the condition of the riparian zone along the boundary of Lot 1 DP 874409 and Ironbark Creek; iii) maximisation of flora species endemic to the locality in landscaping the site; iv) measures to ensure general consistency with the relevant guidance provided in Planning for Bushfire Protection (NSW Rural Fire Service and PlanningNSW, 2001); v) a program to ensure that all landscaped areas on the site are maintained in a tidy, healthy state and free of weed species; and vi) a program to ensure that vegetation along the Pacific Highway is appropriately managed to maintain vehicle sight distances in accordance with RTA requirements. 	<p>The OEMP contains a Landscape Management Plan (LMP) but this is not up to date and there was no evidence that landscaping works are maintained.</p> <p>Landscape Management Plan, Appendix E of OEMP, approval by DIPNR for Lots 29-30, subject to providing to DIPNR landscaping details of areas along the boundary of Lot 1 and neighbouring property by 26 April 2005. Approval dated 11 April 2005.</p> <p>The Independent Environmental Audit conducted by HLA Envirosciences (2007) states: <i>OEMP submitted to DIPNR dated 18 April 2005. DIPNR approved OEMP letter dated 22/4/05. Certified in Interim Occupation Certificate dated 5 May 2005 by TRH & Associates.</i></p> <p>The Fire Brigade attended the site to conduct an inspection and to familiarise themselves with the site's operational activities and layout. The Fire Brigade also visited to inspect the site in relation to an "approved total fire ban exemption" – to enable continued operation under total fire bans.</p>	<p>Non-compliant</p> <p>NC14</p> <p>R15 The LMP has not been updated since 2005 and requires updating and implementation.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
7.5f	<p>Waste Management Plan to outline measures to minimise the production and impact of wastes generated at the development. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) identification of the types and quantities of waste that would be generated during operations, and the standards and performance measures for dealing with this waste; ii) a description of appropriate procedures that will be implemented to ensure that all scrap, dust and litter is contained within the designated receival and load out areas; iii) a detailed description of how this waste would be reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the EPA's guidelines on the Assessment, Classification & Management of Liquid and Non-Liquid Waste; iv) a description of how the effectiveness of these actions and measures would be monitored over time; and v) a description of what procedures would be followed to ensure compliance if any non-compliance is detected. 	<p>The OEMP contains a Waste Management Plan (WMP) but this is not up to date and not implemented in its entirety.</p> <p>The following waste records were sighted:</p> <ul style="list-style-type: none"> • Cleanaway services disposal of waste fluids from site. Most often this is waste oil from machinery services. • EnviroKing disposes of septic tank contents. • JR Richards and Sons collects and disposes of mixed waste. This is for general mixed waste such as broken wood pallets, rags, bagged rubbish from the offices etc. <p>Waste records were also sighted for 16 to 20 December 2016 for the flocculant material.</p>	<p>Non-compliant</p> <p>NC15</p> <p>R16 The WMP has not been updated since 2005 and requires updating and implementation.</p>

3.4. Compliance with management plans

A review of the effectiveness of the environmental management of the facility, including any environmental impact mitigation works is provided in the checklist. In summary, while environmental management and monitoring is generally implemented for air and dust monitoring, there have been instances over the years of non-compliance with the management plans, particularly in relation to noise and water.

The OEMP has not been updated since it was prepared in 2005 and should be updated to include all environmental compliance requirements. The noise monitoring and water quality monitoring programs need to be reviewed and updated. The OEMP revision also requires procedures to ensure the OEMP are implemented and records maintained.

3.5. Environment Protection Licence and Annual Returns

OneSteel operates under Environment Protection Licence (EPL) 5345 which requires that Annual Returns be submitted to the EPA every year.

A search of the *Protection of the Environment Operations Act 1997* (POEO Act) public register found that there were no non-compliances reported in the Annual Returns submitted for the period 2000 to 2006. There were also no non-compliances reported in the 2014 Annual Return.

Non-compliances were identified in the 2007, 2010, 2011, 2012, 2013 and 2015 Annual Returns, with details provided in Table 5.

Table 5 Non-compliances identified in the Annual Returns since 2006.

Annual Return Year	Licence condition number	Non-compliance	Action specified in Annual Return
2007	M2.1	Quarterly monitoring of air emissions not undertaken at the monitoring point on the baghouse stack.	EPA to monitor future compliance with this condition.
2010	L6.1	Exceedance of noise limits on 23 March 2010, 26 June 2010 and 4 December 2010	Appropriate action taken by OneSteel.
2010	R4.1	Failure to provide the Quarterly Noise Monitoring Assessment Report with the Annual Return	Appropriate action taken by OneSteel.
2011	L6.1	Noise level exceeded limits. Wind speed and direction enhanced levels. Annual Return did not report exceedances from 2008-2009.	Consulted with Hunter Acoustics. EPA wrote to OneSteel regarding non-compliance and appropriate action.
2011	R4.1	Annual Returns for 2008 and 2009 failed to include quarterly noise compliance assessments	Appropriate action taken by OneSteel
2011	O2.1	Plume of smoke observed by OEH officers extending across vacant land, plume had odour. Failure of water supply control.	Review maintenance plans to include water valve inspection. Review the procedure for mill emissions containment and response. PRP to address non-compliances.

Annual Return Year	Licence condition number	Non-compliance	Action specified in Annual Return
2012	L6.1	Noise limit exceeded by 4.8dB on 19 April 2012 due to shredding activities. No adverse effects. Continual monitoring.	EPA wrote to OneSteel regarding non-compliance and appropriate action.
2013	L4.1	On one occasion the noise limit was exceeded. Mobile machinery operating on site boundary.	Mobile machinery not to operate on site boundary. EPA has written to OneSteel regarding action.
2015	L4.1	Minor exceedances with noise limits on five occasions. Wind conditions from OneSteel recycling to noise receivers at Shamrock Street resulted in increased noise levels being experienced at Shamrock Street.	Under investigation.

3.6. Complaints and reportable incidents

OneSteel maintain a complaints register which was sighted by the auditor. Community complaints have included noise, odour and sediment-laden stormwater. These have been followed up and closed out, as documented in the register.

Community noise complaints have been investigated by the EPA and according to OneSteel, were determined not to be caused by the OneSteel facility, for those complaints, as documented in the complaints register.

There was a reportable incident that occurred on 5 January 2016, regarding water discharge from the site. An R3 Report was prepared for the EPA. This is the only R3 incident report that has been required to date.

A search of the POEO Public Register (11 May 2017) did not reveal any penalty notices having been issued to OneSteel.

3.7. Environmental performance

A detailed assessment of the environmental performance of the development against the predictions made and conclusions drawn in the *Metal Shredding Facility at Hexham – Environmental Impact Statement* (Volumes 1, 2 and 3) (EIS), prepared by SMEC Australia Ltd and dated July 2003 was undertaken during the 2007 IEA.

The environmental performance of the facility was further assessed against the predictions made and conclusions drawn in the EIS (SMEC, 2003). The findings (see checklist in Appendix C) show that the commitments made in the EIS were adhered to however the updating and implementation of the management plans did not occur and this resulted in non-compliances with the conditions of approval (Section 3.3).

The noise audit conducted in 2005 reviewed the Noise Management Plan (NMP) and the results showed good agreement with the original model assumptions. The surveys at the receptors indicate that compliance was achieved for daytime operations under both neutral and northwest wind enhancing conditions. As noted previously, a noise assessment should be conducted so that the noise monitoring program contained in the NMP can be updated. This supports the recommendation that the noise monitoring program be reviewed and updated.

3.8. Opportunities for improvement

Due to the long period of time since the OEMP and associated sub-plans and monitoring programs were prepared, mitigation measures for noise and water quality exceedances cannot be accurately determined until a review of the monitoring programs is conducted. The following recommendations are provided to address this and other non-compliances.

R1 Include relevant environmental requirements contained in the conditions of consent in the site induction for all employees, contractors and sub-contractors.

R2 Record all monitoring of compliance carried out by site or other personnel.

R3 Ensure noise monitoring is conducted and exceedances investigated.

R4 Due to the long period of time since the last background levels were conducted i.e. 2005 and considering the increase in volume of freight train and other nearby noise generating activities it is recommended that the background levels and methodologies for noise monitoring are reviewed prior to the next periodic noise monitoring.

R5 The noise monitoring program should be updated accordingly, in consultation with the EPA and DPE.

R6 A review of water quality monitoring results is suggested to determine baseline water quality. Criteria can then be specified so that exceedances are only shown for results above the baseline water quality.

R7 The water quality monitoring program should be updated accordingly, in consultation with the EPA and DPE.

R8 Records of reviewing the rainfall data to determine if monitoring is provided should be maintained.

R9 The responsibilities for implementation of all environmental requirements should clearly documented in the OEMP and consideration given to engaging a dedicated Environmental Representative.

R10 The OEMP should be updated to include all conditions, EPL and other requirements. The OEMP should be fully implemented.

R11 The NMP has not been updated since 2005 and requires updating and implementation.

R12 The OTMP has not been updated since 2005 and requires updating and implementation. A figure of the site should be included showing traffic requirements.

R13 The FEMP has not been updated since 2005 and requires updating and implementation.

R14 The Stormwater Management Plan has not been updated since it was prepared in February 2005 and should be updated and implemented.

R15 The LMP has not been updated since 2005 and requires updating and implementation.

R16 The WMP has not been updated since 2005 and requires updating and implementation.


4. Conclusion

The audit focused on an assessment of compliance of OneSteel operations at the site with all conditions of approval, with a focus on noise and water quality monitoring as exceedances were noted by the DPE in the Annual Environmental Management Report 2015.

The findings of the audit showed that OneSteel are generally complying with the conditions of approval except where noted in Table 3. This includes 15 non-compliances identified relating to monitoring of environmental requirements, including noise and stormwater.

Appendix A - Independent Audit Certification Form

Appendix A Independent Audit Certification Form

Independent Audit Certification Form	
Development Name	OneSteel Recycling
Development Consent No.	345-7-2003-i
Description of Development	Metal recycling facility
Development Address	Sparke Street, Hexham
Operator	OneSteel Recycling
Operator Address	Sparke Street, Hexham
Independent Audit	
Title of Audit	Independent Environmental Audit OneSteel Recycling, Hexham
<p><i>I certify that I have undertaken the independent audit and prepared the contents of the attached independent audit report and to the best of my knowledge:</i></p> <ul style="list-style-type: none"> <i>The audit has been undertaken in accordance with relevant approval condition(s) and in accordance with the auditing standard AS/NZS ISO 19011:2014 and Post Approval Guidelines – Independent Audits</i> <i>The findings of the audit are reported truthfully, accurately and completely;</i> <i>I have exercised due diligence and professional judgement in conducting the audit;</i> <i>I have acted professionally, in an unbiased manner and did not allow undue influence to limit or over-ride objectivity in conducting the audit;</i> <i>I am not related to any owner or operator of the development as an employer, business partner, employee, sharing a common employer, having a contractual arrangement outside the audit, spouse, partner, sibling, parent, or child;</i> <i>I do not have any pecuniary interest in the audited development, including where there is a reasonable likelihood or expectation of financial gain or loss to me or to a person to whom I am closely related (i.e. immediate family);</i> <i>Neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the lead regulator prior to the audit; and</i> <i>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair payment) from any owner or operator of the development, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.</i> <p>Note.</p> <p>a) <i>The Independent Audit is an 'environmental audit' for the purposes of section 122B(2) of the Environmental Planning and Assessment Act 1979. Section 122E provides that a person must not include false or misleading information (or provide information for inclusion in) an audit report produced to the Minister in connection with an environmental audit if the person knows that the information is false or misleading in a material respect. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000.</i></p> <p>b) <i>The Crimes Act 1900 contains other offences relating to false and misleading information: section 192G (Intention to defraud by false or misleading statement—maximum penalty 5 years imprisonment); sections 307A, 307B and 307C (False or misleading applications/information/documents—maximum penalty 2 years imprisonment or \$22,000, or both).</i></p>	
Signature	
Name of Lead / Principal Auditor	Kathryn Burton
Address	Level 19, Tower B, Citadel Towers799 Pacific Highway Chatswood, NSW 2067 Australia
Email Address	Kathryn.burton@coffey.com
Auditor Certification (if relevant)	
Date:	6 June 2017

Appendix B – CoA Checklist

OneSteel Recycling Independent Environmental Compliance Audit Checklist

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
1	General		
1.1	The Applicant shall implement all practicable measures to prevent or minimise any harm to the environment that may result from the construction, operation and where relevant, the decommissioning of the development.	Not all practicable measures have been implemented as documented throughout this checklist and the audit report.	Non-compliant NC01
1.2	<p>The Applicant shall carry out the development generally in accordance with:</p> <ul style="list-style-type: none"> a) Development Application No. 345-7-2003-i, lodged with the Department of Infrastructure, Planning and Natural Resources on 25 July 2003, as amended. b) Metal Shredding Facility at Hexham - Environmental Impact Statement (Volumes 1, 2 and 3), prepared by SMEC Australia Ltd and dated July 2003; c) Proposed Metal Recycling Facility, Sparke Street, Hexham - Response to DIPNR fax dated 2 October 2003, prepared by SMEC Australia Pty Ltd and dated 23 October 2003; d) Traffic Analysis, Intersection of Pacific Highway and Sparke Street, Hexham, prepared by Terra Consulting Australia Pty Ltd and dated 26 November 2003; e) Correspondence titled Re: Existing - V - Predicted Noise Levels from Peter Karantonis of Renzo Tonin and Associates Pty Ltd to Jim Clarence of the EPA and dated 24 September 2003; f) Revised plans accompanying the DA, numbered 0321-03-04A and 0321-03-02; g) correspondence titled Metalcorp Recyclers DA 345-7-2003-i - Shredder development of Lots 29 & 30 Sparke Street Hexham, from Smorgon Steel Recycling to the Department, dated 16 March 2004; h) correspondence titled Metalcorp Recyclers proposed development of Lots 29 & 30 Sparke Street, Hexham, DA 345-7-2003-i Section 96 Modification 	Not all documentation requirements have been implemented as documented throughout this checklist and the audit report.	Non-compliant NC02

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>application (with addendum) from Smorgon Steel to the Department, dated 23 April 2004;</p> <p>i) correspondence titled Metalcorp Recyclers Pty Ltd - Applicant for modification of consent DA 345-7-2003-i: Lots 29 & 30 Sparke Street, Hexham (with attachments) from Smorgon Steel to the Department, dated 15 March 2005;</p> <p>j) the conditions of this consent.</p>		
1.3	<p>In the event of an inconsistency between:</p> <p>a) the conditions of this consent and any document listed from condition 1.2a) to 1.2i) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency; and</p> <p>b) any document listed from condition 1.2a) to 1.2i) inclusive, and any other document listed from condition 1.2a) to 1.2i) inclusive, the most recent document shall prevail to the extent of the inconsistency.</p>	Noted.	N/A
1.4	The Applicant shall not concurrently operate the shredder the subject of this development consent, with the existing shredder located and operating on the site (as in existence at the time of granting this consent).	An Independent Environmental Audit was conducted in 2007 by HLA Envirosiences which stated that the shredders did not operate concurrently.	Compliant.
1.5	<p>The Applicant shall ensure that all licences, permits and approvals are obtained and kept up-to-date as required throughout the life of the development. No condition of this consent removes the obligation for the Applicant to obtain, renew or comply with such licences, permits or approvals.</p> <p>Note: A Part 3A permit under the Rivers and Foreshores Improvement Act 1948 must be obtained from the Department (Hunter Region) prior to the commencement of the proposed intersection works on the Pacific Highway and the proposed drainage channel construction works on Lot 1 DP874409.</p>	<p>The EPL and conditions of approval were sighted. There was awareness of the EPL and conditions of approval.</p> <p>Approval to Operate a System of Sewage Management has been issued by City of Newcastle Council and is valid until 30 June 2017. An application for renewal has been prepared.</p> <p>A Part 3A permit under the <i>Rivers and Foreshores Improvement Act 1948</i>, dated 10 June 2004, was sighted. This permit is dated prior to the intersection works commencing on the Pacific Highway and the drainage</p>	Compliant.

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>channel construction work on Lot 1 DP874409.</p> <p>The Independent Environmental Audit conducted in 2007 by HLA Envirosiences stated compliance with this condition.</p> <p>A Certificate of Consent was also issued under the <i>Water Management Act 2000</i> (Consent No: 2003/4435A), dated 19 February 2004.</p>	
1.6	In the event that a dispute arises between the Applicant and Council or the Applicant and a public authority other than the Department, in relation to a specification or requirement applicable under this consent, the matter shall be referred by either party to the Director-General, or if not resolved, to the Minister, whose determination of the dispute shall be final and binding on all parties. For the purpose of this condition, "public authority" has the same meaning as provided under section 4 of the Act.	There was no evidence that a dispute had arisen.	Not triggered.
2	Compliance		
2.1	The Applicant shall ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.	<p>Employees, contractors and sub-contractors undergo a site induction and records were sighted.</p> <p>There were no environmental requirements included in the site induction.</p> <p>There is an Environmental Awareness training program. The last refresher training was conducted in March 2015.</p> <p>There was no evidence of monitoring of compliance with conditions of consent.</p>	<p>Non-compliant</p> <p>NC03</p> <p>Include relevant environmental requirements contained in the conditions of consent in the site induction for all employees, contractors and sub-contractors.</p> <p>Record all monitoring of compliance carried out by site or other personnel.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		Senior personnel interviewed are aware of environmental requirements when asked by the auditor.	
2.2	The Applicant shall be responsible for environmental impacts resulting from the actions of all persons on the site, including contractors, subcontractors and visitors.	<p>The actions of contractors and subcontractors are controlled through the permit-to-work system which includes a specific environmental risk assessment. Permits to work were sighted that included environmental risk assessments.</p> <p>The sign in procedure for visitors includes a requirement for always being accompanied on site.</p> <p>OneSteel maintains responsibility for environmental impacts through this system.</p>	Compliant
2.3	<p>Prior to each of the events listed from a) to b) below, or within such period otherwise agreed by the Director-General, the Applicant shall certify in writing to the satisfaction of the Director-General that it has complied with all conditions of this consent applicable prior to that event. Where an event is to be undertaken in stages, the Applicant may, subject to the agreement of the Director-General, stage the submission of compliance certification consistent with the staging of activities relating to that event.</p> <p>a) commencement of construction of the development; and</p> <p>b) commencement of operation of the development.</p>	<p>Prior to commencement of construction, the following documents relating to the conditions of consent were approved:</p> <ul style="list-style-type: none"> • Construction Safety and Environment Plan – Shredder Plant Installation 2003/2004 and sub plans (DIPNR). • RTA (RMS) major works authorisation deed (WAD) (undated). Attachment B of the WAD lists the description of works which is consistent with the conditions of approval. • Construction certificate for plant room building, issued 24 March 2004, states the works were completed in accordance with the Development Consent. • RTA acceptance of concept design, works authorisation deed and traffic management plan for the Pacific 	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>Highway / Sparke Street intersection, dated 28 June 2004.</p> <ul style="list-style-type: none"> • Newcastle City Council acceptance of traffic management plan for the Pacific Highway / Sparke Street intersection, dated 9 July 2004. • Newcastle City Council approval for works in the public road reserve Ch 160 to Ch 534.525m on Sparke Street, Hexham received 13 September 2004. • Newcastle City Council approval for works in the public road reserve Ch 00 to Ch 160m at the intersection of Maitland Road and Sparke Street, Hexham received 29 November 2004. • RTA acknowledgement and acceptance of all pre-construction documentation and authorisation for road works to commence in the State Road reserve, dated 8 December 2004. • RTA approval, with concurrence from Newcastle City Council, for use of an alternative truck route until the U-turn under Hexham Bridge constructed, dated 20 April 2005. • Construction Certificate issued 5 May 2005, stating works completed in accordance with approved documentation. • Construction Certificate for modification works 4.8C and 4.8D issued 23 June 2006, stating works completed in accordance with approved documentation. • RTA approval to construct U-turn facility under Hexham Bridge, dated 10 May 2005. 	

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<ul style="list-style-type: none"> Acid Sulfate Soil Management Plan (ASSMP) approval by DIPNR for drainage line works, dated 11 November 2004. <p>Prior to commencement of operation, the following documents relating to the conditions of consent were approved:</p> <ul style="list-style-type: none"> Interim Occupation Certificate (excluding water tank), dated 5 May 2005. Final Occupation Certificate, dated 5 July 2006. Granting of Practical Completion under the WAD by RTA for intersection of Sparke Street, Hexham and U-turn facility under Hexham Bridge, dated 2 August 2005 (also acknowledging arrangements for return of Bank Guarantee of \$900,000). Certificate of site filling works, issued by Patterson Britton on 10 May 2005 stating that the site was constructed in accordance with the report titled <i>Rationalisation of Floodways Connecting Hexham Swamp to the Hunter River (Issue 2, July 2003)</i>. Final occupation certificate issued to DIPNR (Dept of Planning), Newcastle City Council, Metalcorp. OEMP (April 2005) approval issued by DIPNR dated 22 April 2004 (the letter clearly refers to the OEMP as April 2005 however is dated 2004 – this must be dated incorrectly as 2004 not 2005). 	

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
2.4	Notwithstanding condition 2.3 of this consent, the Director-General may require an update report on compliance with all, or any part, of the conditions of this consent. Any such update shall meet the requirements of the Director-General and be submitted within such period as the Director-General may agree.	There was no evidence that an updated report has been requested.	Not triggered
2.5	The Applicant shall meet the requirements of the Director-General in respect of the implementation of any measure necessary to ensure compliance with the conditions of this consent, and general consistency with the documents listed under condition 1.2 of this consent. The Director-General may direct that such a measure be implemented in response to the information contained within any report, plan, correspondence or other document submitted in accordance with the conditions of this consent, within such time as the Director-General may agree.	Not all measures have been implemented as documented in this checklist and audit report.	Non-compliant NC04
3	Construction and Part 4A Certification		
3.1	<p>In relation to the construction and occupation of the development, the Applicant shall provide to the Director-General and Council the following:</p> <p>a) written notification of the appointment of a Principal Certifying Authority;</p> <p>b) copies of all Construction Certificates issued for the development;</p> <p>c) written notification of the intention to commence construction work, to be received at least two working days prior to the commencement of construction. In the event that more than one Construction Certificate is issued, notification shall be provided prior to the commencement of construction the subject of each Certificate;</p> <p>d) copies of all Occupation Certificates issued for the development; and</p> <p>e) written notification of the intention to occupy the development, to be received at least two working days prior to occupation. In the event that more than one Occupation Certificate is issued, notification shall be provided prior to the occupation the subject of each Certificate;</p>	<p>a) The Principal Certifying Authority was Trevor R Howse and Associates (TRH).</p> <p>b) The following construction certificates were sighted:</p> <ul style="list-style-type: none"> Construction certificate for plant room building, issued 24 March 2004, states the works were completed in accordance with the Development Consent. RTA acknowledgement and acceptance of all pre-construction documentation and authorisation of for road works to commence in the State Road reserve, dated 8 December 2004. Construction Certificate issued 5 May 2005, stating works completed in accordance with approved documentation. Construction Certificate for modification works 4.8C and 4.8D issued 23 June 2006, stating works completed in 	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>accordance with approved documentation.</p> <p>c) Written notification of the intention to commence construction work, was provided.</p> <p>d) The following occupation certificates were sighted:</p> <ul style="list-style-type: none"> Interim Occupation Certificate (excluding water tank), dated 5 May 2005. Final Occupation Certificate, issued to DIPNR (Dept of Planning), Newcastle City Council, Metalcorp, dated 5 July 2006. Granting of Practical Completion under the WAD by RTA for intersection of Sparke Street, Hexham and U-turn facility under Hexham Bridge, dated 2 August 2005 (also acknowledging arrangements for return of Bank Guarantee of \$900,000). Certificate of site filling works, issued by Patterson Britton on 10 May 2005 stating that the site was constructed in accordance with the report titled Rationalisation of Floodways Connecting Hexham Swamp to the Hunter River (Issue 2, July 2003). <p>e) Written notification of the intention to occupy the development, was provided.</p>	
3.2	Prior to the commencement of any construction activities associated with the development, the Applicant shall erect at least one sign at the construction site and in	Construction Safety and Environment Plan – Shredder Plant Installation 2003/2004 and sub plans section 26.3 states:	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:</p> <p>(a) the name, address and telephone number of the Principal Certifying Authority;</p> <p>(b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and</p> <p>(c) a statement that unauthorised entry to the construction site is prohibited.</p> <p>The sign(s) shall be maintained for the duration of construction works, and shall be removed as soon as practicable after the conclusion of the construction works.</p>	<p>Prior to the commencement of any “construction activities” associated with the development, Project Management and the Contractor shall ensure that suitable signage is erected in a prominent position at the Construction site boundary where it can be viewed from the nearest “public place”. The Signage shall advise;</p> <p>i. The name, address and telephone number of the Principal Certifying Authority.</p> <p>ii. The name of the person in charge of the Construction Site and a telephone number on which, that person may be contacted outside of working hours.</p> <p>iii. A statement that Unauthorised Entry to the Construction Site is prohibited.</p> <p>Note: Signage required in compliance with 26.3 shall be maintained for the duration of the Construction works and shall be removed as soon as practicable after the conclusion of the Construction work.</p> <p>The Independent Environmental Audit conducted in 2007 by HLA Envirosiences stated that signage had been erected.</p>	
4	Noise Impacts – Construction Noise		
4.1	The Applicant shall ensure that all construction activities associated with the development do not exceed the criteria at the nominated locations specified in Table 1.	The Independent Environmental Audit conducted in 2007 by HLA Envirosiences stated that noise limits during construction had not been exceeded.	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
4.2	Construction activities associated with the development shall only be conducted between 7:00 am and 6:00 pm from Monday to Friday inclusive, and from 8:00 am to 1:00 pm on Saturdays. No construction activity is permitted on a Sunday or a public holiday.	The Independent Environmental Audit conducted in 2007 by HLA Envirosciences stated that hours of operation during construction had been complied with.	Compliant
Noise Impacts – Operation Noise			
4.3	<p>The Applicant shall design, construct, operate and maintain the development to ensure that noise generated during the operation of the development does not exceed the noise limits specified in Table 2, at those locations and during those periods indicated. The maximum allowable noise contributions apply under:</p> <p>a) wind speeds up to 3 ms-1 (measured at 10 metres above ground level); and</p> <p>b) temperature inversion conditions up to 3°C per 100 metres.</p>	<p>First quarter 2016 noise monitoring was not conducted.</p> <p>Reports for monitoring conducted by AECOM in Q2, Q3 and Q4 2016 and Q1 2017 were sighted.</p> <p>Exceedances were noted in Q2 monitoring. The source of the noise exceedances were difficult to determine.</p> <p>An exceedance was also noted in the Q3 report which also said that extraneous noise sources contributed significantly.</p> <p>Exceedances were also noted in the Q4 report. Extraneous noise sources were noted to contribute significantly to overall noise levels.</p> <p>Results for Q1 2017 were compliant.</p>	<p>Non-compliant</p> <p>NC05</p> <p>Ensure quarterly noise monitoring is conducted and any exceedances followed up.</p> <p>Due to the long period of time since the last background levels were conducted i.e. 2005 and considering the increase in volume of freight train and other nearby noise generating activities, background levels should be reviewed prior to the next periodic noise monitoring.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
4.4	For the purpose of assessment of noise impacts specified under condition 4.3 of this consent, noise from the development shall be measured within one metre of the boundary of any affected residential or industrial premises.	Noise monitoring conducted by AECOM in Q2, Q3 and Q4 2016 and Q1 2017 confirms that noise monitoring is being conducted at the affected residential/industrial premises. The report includes a map showing that monitoring locations are within one metre from the boundary of the affected premises.	Compliant
Operating Hours			
4.5	The Applicant shall only operate the metal shredder between 7:00am and 6:00pm Monday to Saturday, and at no time on Sunday or Public Holidays.	A computer generated log is completed daily when the shredder is utilised and was sighted during the site visit. The log for the dates sighted (13/5; 11/7; 18/8;20/10;16/11) showed that the metal shredder operates between 7:00am and 3:00pm Monday to Friday and on Saturdays occasionally as required.	Compliant
4.6	Notwithstanding condition 4.5, the Applicant may operate the metal shredder between the hours of 6:00pm and 10:00pm, Monday to Friday, where the following requirements are complied with: <ul style="list-style-type: none"> a) an unplanned and unforeseeable situation arises at the premise by which the operation of the NSW remelt steel industry is at risk of being negatively impacted by a shortage of shredded scrap; b) the Director-General, EPA and noise receptors within 1.5km radius of the metal shredder are informed, in writing, at least 24 hours prior to commencing outside the permitted hours of operation; and c) that an officer appointed by the Applicant will be on site at all times during the extended hours of operation, solely for the purpose of ensuring compliance with noise limits at various locations. 	The computer generated log is completed daily when the shredder is utilised. The log was sighted and showed that the shredder has only been operated within the hours specified in Condition 4.5. The operator also stated that at no point have they have operated the shredder beyond 6:00pm and never on Sundays.	Compliant
4.7	The Applicant may seek approval from the EPA to extend the hours of operation for the metal shredder, as specified in condition 4.5, incrementally to 10:00pm Monday to Friday. In seeking this approval, the Applicant shall submit to the EPA the necessary information in order to determine that the activities undertaken during the varied	The metal shredder operating hours are generally between 7:00 am and 3:00pm Monday to Friday and on Saturdays occasionally as required. The operator was	Not triggered.

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>operating hours will not have an adverse impact on the acoustic amenity of receptors within the vicinity of the site. Any request to the EPA to extend the operating hours specified in condition 4.5 shall be accompanied by:</p> <ul style="list-style-type: none"> a) at least six months of noise monitoring data of the shredder plant operating at design capacity and conducted in accordance with the New South Wales Industrial Noise Policy guideline (EPA, 2000); b) evidence demonstrating full compliance with all noise limits since commissioning the shredder plant; c) evidence that the plant would be able to comply with the evening noise limits specified in condition 4.3 during the proposed extended hours of operation; and d) demonstration that the potential for explosions can be suitably managed at the site (and the associated potential impacts mitigated) during the proposed extended hours of operation. <p>Any approval by the EPA in accordance with the above condition shall be forwarded to the Director-General by the Applicant immediately.</p>	able to explain the process to be followed (as set out in this condition) if extended hours of operation for the shredder is required.	
4.8	Any extension in the shredder plant operating hours granted by the EPA under condition 4.7 shall be on the condition that the Applicant is able to demonstrate on-going compliance with the noise limits specified in condition 4.3. Should the noise limits specified in condition 4.3 be regularly exceeded and/or if explosions become unmanageable at the site, and if the impacts have not been mitigated by the Applicant to the satisfaction of the EPA, the EPA may withdraw its approval under condition 4.7 at any time.	No extension for shredder plant operating hours has been sought, as advised by OneSteel.	Not triggered
Operation Hours – Ancillary Activities			
4.8A	Further to conditions 4.5 to 4.8 of this consent, the Applicant shall only undertake activities ancillary to the operation of the metal shredder, including the operation of all associated plant, equipment and machinery, loading/unloading of materials, materials handling and ingress/egress of heavy vehicles to/from the site, between 7:00am and 10:00pm Monday to Saturday, and at no time on Sunday or Public Holidays	As per the conditions set out in 4.5 to 4.8 the operator undertakes ancillary activities i.e. associated plant, loading/unloading of materials etc. between 7:00am to 10:00pm Monday to Friday. Employee sign-on sheets were sighted for October 2016 to confirm working hours. Maintenance and related	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		activities do take place outside of standard operational hours including some Sundays and public holidays.	
4.8B	<p>Notwithstanding condition 4.8A of this consent, the Applicant may seek the Director-General's approval to alter the hours of operation for ancillary activities specified under condition 4.8A. In seeking the Director-General's approval, the Applicant shall provide the following information:</p> <p>(a) an appropriate level of noise assessment for activities to be undertaken within extended operation hours, prepared in accordance with the relevant guidance in the Industrial Noise Policy (EPA, 2000) and Environmental Criteria for Road Traffic Noise (EPA, 1999). The assessment shall also demonstrate compliance and consistency of the proposed extended activities with relevant noise limits and noise management criteria specified under this consent and the Environment Protection Licence for the site;</p> <p>(b) details of consultation(s) with the EPA in relation to the proposed extended operation hours, with a demonstration that EPA requirements have been addressed; and</p> <p>(c) details of community consultation(s) undertaken in relation to the proposed extended operation hours, with a demonstration that issues identified through community consultation have been addressed. Community consultation shall include, but not necessarily be limited to representative(s) of the St Josephs Catholic Care of the Aged facility, and the Shortland and Birmingham Residents' Action Group.</p>	No alteration for hours of operation for ancillary activities has not been sought, as advised by OneSteel.	Not triggered.
	Acoustic Barrier		
4.8E	The Applicant shall install noise monitoring equipment at the St Josephs Catholic Care of the Aged facility, in consultation with the owners of that property, and to the satisfaction of the Director-General. The Applicant shall operate the noise monitoring equipment on an on-going basis, as may be agreed with the St Josephs Catholic Care of the Aged facility, to monitor noise impacts from the development on that property. All monitoring data shall be made available to the St Josephs Catholic Care of the Aged facility. The Applicant may only cease noise monitoring in accordance with this condition, after having consulted with the St Josephs Catholic Care of the Aged facility, and only with the agreement of the Director-General.	<p>Reports for monitoring conducted by Aecom in Q2, Q3 and Q4 2016 and Q1 2017 were sighted and include monitoring at the Aged Care Facility.</p> <p>Results are made available through the Community Consultative Committee and Minutes of meeting held in August 2015, and</p>	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		9 February, 14 June and 13 December 2016 were sighted.	
	Plant Retrofit		
4.9	<p>As may be directed by the EPA to address noise emissions from the development, the Applicant shall undertake the following works:</p> <p>a) installation of additional noise controls to the shredder and associated plant;</p> <p>b) installation of noise controls to the scrap loading and unloading facilities;</p> <p>c) implementation of noise controls to ensure compliance with noise limits at adjoining industrial properties when operations on those properties commence; and</p> <p>d) installation of appropriate controls on the shredder stack out conveyor and associated area to reduce noise emissions.</p>	The EPA have not directed further plant retrofit for noise emission reduction.	Not triggered
	Traffic and Transport		
	Sparke Street Intersection		
4.10	<p>The Applicant shall construct, and pay the full cost of, traffic control signals at the Sparke Street/Pacific Highway intersection. These traffic signals shall be installed as a two-phase system to control northbound Pacific Highway, right turn in and left turn out movements only. The signals shall be coordinated with Shamrock Street signals and shall prohibit all right-hand turn movements out of Sparke Street. In association with these signals, the Applicant shall also undertake the following works:</p> <p>a) relocation of the Sparke Street/Pacific Highway intersection approximately 70-80 metres north of the current intersection and at right angles to the Pacific Highway;</p> <p>b) construction of an indented right turn lane into Sparke Street within the central median that accommodates two B-Double vehicles and a deceleration lane;</p> <p>c) provision of a left turn deceleration lane into Sparke Street;</p>	<p>Road upgrades have been conducted and traffic control signals have been installed at the Sparke Street intersection. These upgrades were sighted by the auditor.</p> <p>The following documentation provides evidence that demonstrates the works were completed to RTA's and Council's satisfaction according to condition 4.10 within three months of the commencement of operations at the site:</p> <ul style="list-style-type: none"> RTA acceptance of concept design, works authorisation deed and traffic management plan for the Pacific 	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>d) provision of a left turn out of Sparke Street under signalisation;</p> <p>e) construction of appropriate physical barriers to prevent right-hand turn movements out of Sparke Street, with suitable signage reinforcing this ban;</p> <p>f) provision of flashing warning lights in advance of the northbound approach to Sparke Street to advise motorists of the traffic control signals;</p> <p>g) construction of a roadway (new Sparke Street alignment) from the Pacific Highway to the existing Sparke Street;</p> <p>h) closure of the median at the existing Sparke Street intersection, including the removal and making good of the obsolete part of Sparke Street;</p> <p>i) removal of vegetation to maintain appropriate sight distances as required by RTA standards.</p> <p>These roadworks shall be at the full cost of the Applicant and shall be completed to RTA's and Council's satisfaction within three months of the commencement of operations at the site, unless otherwise agreed by the RTA and Council.</p>	<p>Highway / Sparke Street intersection, dated 28 June 2004.</p> <ul style="list-style-type: none"> • Newcastle City Council acceptance of traffic management plan for the Pacific Highway / Sparke Street intersection, dated 9 July 2004. • Newcastle City Council approval for works in the public road reserve Ch 160 to Ch 534.525m on Sparke Street, Hexham received 13 September 2004. • Newcastle City Council approval for works in the public road reserve Ch 00 to Ch 160m at the intersection of Maitland Road and Sparke Street, Hexham received 29 November 2004. • RTA acknowledgement and acceptance of all pre-construction documentation and authorisation of for road works to commence in the State Road reserve, dated 8 December 2004. • RTA approval, with concurrence from Newcastle City Council, for use of an alternative truck route until the U-turn under Hexham Bridge constructed, dated 20 April 2005. • Granting of Practical Completion under the WAD by RTA for intersection of Sparke Street, Hexham and U-turn facility under Hexham Bridge, dated 2 August 2005 (also acknowledging arrangements for return of Bank Guarantee of \$900,000). • Certificate of site filling works, issued by Patterson Britton on 10 May 2005 stating that the site was constructed in accordance with the report titled Rationalisation of Floodways Connecting 	

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>Hexham Swamp to the Hunter River (Issue 2, July 2003).</p> <ul style="list-style-type: none"> Final occupation certificate issued to DIPNR (Dept of Planning), Newcastle City Council, Metalcorp dated 5 July 2006. 	
4.11	<p>The Applicant shall design the work specified in condition 4.10 in accordance with the RTA's Road Design Guide, AUSTROAD guidelines and relevant Australian Standards, as directed by the RTA. This shall include:</p> <ol style="list-style-type: none"> construction of auxiliary lanes for the 80 kph speed limit or the 85th percentile speed, whichever is the greater; provision for B-Doubles vehicle movements and storage; provision for on-road cyclists through the realigned Sparke Street intersection; and street lighting, sign posting and line marking along the realigned Sparke Street intersection and roadway. 	<p>Road upgrades have been conducted at the Sparke Street intersection and these were sighted by the auditor and appear to be in compliance with CI 4.11. Design verification includes:</p> <ul style="list-style-type: none"> Granting of Practical Completion under the WAD by RTA for intersection of Sparke Street, Hexham and U-turn facility under Hexham Bridge, dated 2 August 2005 (also acknowledging arrangements for return of Bank Guarantee of \$900,000). 	Compliant
4.12	<p>Prior to the commencement of any construction work associated with the development, the Applicant shall obtain the RTA's and Council's approval of the concept design of the road work specified in condition 4.10 and condition 4.11, and shall enter into a Works Authorisation Deed, detailing the timeframe for obtaining a final approval of these works, with the RTA under the section 138 of the Roads Act 1993.</p> <p>The Applicant shall forward the Director-General written evidence demonstrating that an approval of the concept design has been issued by the RTA and Council, and that a Works Authorisation Deed for the development has been accepted by the RTA prior to the commencement of construction work.</p>	<p>The following documents were sighted that verify compliance:</p> <ul style="list-style-type: none"> RTA (RMS) major works authorisation deed (WAD) (undated). Attachment B of the WAD lists the description of works which is consistent with the conditions of approval. RTA acceptance of concept design, works authorisation deed and traffic management plan for the Pacific Highway / Sparke Street intersection, dated 28 June 2004. 	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<ul style="list-style-type: none"> Newcastle City Council acceptance of traffic management plan for the Pacific Highway / Sparke Street intersection, dated 9 July 2004. Newcastle City Council approval for works in the public road reserve Ch 160 to Ch 534.525m on Sparke Street, Hexham received 13 September 2004. Newcastle City Council approval for works in the public road reserve Ch 00 to Ch 160m at the intersection of Maitland Road and Sparke Street, Hexham received 29 November 2004. RTA acknowledgement and acceptance of all pre-construction documentation and authorisation of for road works to commence in the State Road reserve, dated 8 December 2004. RTA approval, with concurrence from Newcastle City Council, for use of an alternative truck route until the U-turn under Hexham Bridge constructed, dated 20 April 2005. Granting of Practical Completion under the WAD by RTA for intersection of Sparke Street, Hexham and U-turn facility under Hexham Bridge, dated 2 August 2005 (also acknowledging arrangements for return of Bank Guarantee of \$900,000). Newcastle City Council were also provided with this letter. Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references compliance with DA condition 4.12 (16 January 2004 and 25 August 2004). 	

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
4.13	Should the Applicant commence construction activities at the site prior to the completion of the work specified under condition 4.10, the Applicant shall implement measures to the satisfaction of Council and RTA to control traffic movements to and from the site to ensure that the efficiency and safety of the surrounding road network is not affected. The Applicant shall install these measures prior to the commencement of construction works at the development site and shall maintain the measures until the realigned intersection is fully operational.	The final occupation certificate issued to DIPNR (Dept of Planning), Newcastle City Council, Metalcorp, dated 5 July 2006, acknowledges compliance with this condition.	Compliant
4.13A	<p>Should the Applicant intend to commence operation of the development prior to the completion of the road works required under condition 4.10, 4.18 and 4.19 of this consent, the Applicant shall prepare and submit for the approval of the RTA and Council a Traffic Management Protocol. The Protocol shall be submitted to the RTA and Council no later than one month prior to the intended commencement of operation, unless otherwise agree to by the RTA and Council. The Protocol shall detail measures to manage traffic and potential conflict between roadworks, heavy vehicles associated with the development and existing traffic. The Protocol shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) procedures, systems and protocols for the management of operational traffic from the development; its interaction with intersection (and any other roadworks) construction; and its interaction with Pacific Highway traffic during all stages of intersection (and any other roadworks) construction; b) details of how Pacific Highway traffic priority will be maintained; and c) details of how operational traffic will be eliminated during peak traffic periods. <p>The Applicant shall not commence operation of the development until it has received written approval of the Protocol from both the RTA and Council, and shall implement the Protocol to the satisfaction of the RTA and Council until the roadworks required under this consent are completed.</p>	<p>OneSteel advised the auditor that they did not commence operation prior to the completion of these road works as there was no alternative access to the site.</p> <p>Documents to support this statement could not be provided.</p>	Not verified
4.14	Land occupied by the realigned and widened intersection shall be dedicated as a road reserve at no cost to Council or the RTA prior to the commencement of operations at the site.	The land has been dedicated as a road reserve (Newcastle Local Environmental Plan, 2012). The following approvals were also sighted:	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<ul style="list-style-type: none"> Newcastle City Council approval for works in the public road reserve Ch 160 to Ch 534.525m on Sparke Street, Hexham received 13 September 2004. Newcastle City Council approval for works in the public road reserve Ch 00 to Ch 160m at the intersection of Maitland Road and Sparke Street, Hexham received 29 November 2004. 	
Southbound U-Turn Facility			
4.15	<p>All southbound vehicles associated with the development departing the site shall not be permitted to undertake right-hand turn movements onto the Pacific Highway. These vehicles shall only utilise the U-turn facility located on the Applicant's property at the corner of New England Highway and Pacific Highway, Hexham (378 Maitland Road, Hexham). No other U-turn facility shall be used for this purpose, unless otherwise approved by the RTA and Council in accordance with condition 4.15(A).</p> <p>At no time shall southbound vehicles associated with the development use any street in a residential area for the purpose of conducting a U-turn. This includes Shamrock Street, Hexham.</p>	<p>No provision to turn right is available at this intersection. Vehicles can only turn left onto the Pacific Highway, as sighted by the auditor. Vehicles were observed using the appropriate U-turn facility. The following documents were also sighted:</p> <ul style="list-style-type: none"> RTA approval, with concurrence from Newcastle City Council, for use of an alternative truck route until the U-turn under Hexham Bridge constructed, dated 20 April 2005. Granting of Practical Completion under the WAD by RTA for intersection of Sparke Street, Hexham and U-turn facility under Hexham Bridge, dated 2 August 2005 (also acknowledging arrangements for return of Bank Guarantee of \$900,000). 	Compliant
4.15A	Should the U-turn facility specified in condition 4.15 become no longer available for the purposes of the condition, the Applicant shall construct an alternative U-turn facility under the Hexham Bridge with access to/from the highway to be provided via the Oak traffic control signals at a location and standard to be determined by the RTA and	The U-turn facility is available.	Not triggered

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>Council. This U-turn facility shall be constructed at the full cost to the Applicant and to the satisfaction of the RTA and Council.</p> <p>The alternative facility shall be fully operational prior to any restriction of access to the U-turn facility specified in condition 4.15 (or as otherwise required by the RTA and Council).</p>		
4.16	B-Doubles shall not utilise the U-turn facility located on Applicant's property at the corner of New England Highway and Pacific Highway, Hexham, without the prior approval of the RTA and Council.	No evidence was available to the auditor on the use, or not, of the Applicant's property for B-double U-turns.	Not verified
Northbound Vehicle Movements			
4.17	Heavy vehicle movements associated with the development travelling to and from the site to the Sydney Greater Metropolitan area shall only access the F3 via the New England Highway.	No evidence was available to the auditor on vehicle access routes to the F3.	Not verified
4.18	<p>Prior to the commencement of any construction work associated with the development, excluding works associated with piling activities at Lots 29-30 DP 803794, the Applicant shall submit for the approval of Council a pavement design report investigating the suitability of the existing road pavement of Sparke Street from the realigned Sparke Street to the north-eastern boundary of Lot 30 DP803794. This report shall:</p> <p>(a) be prepared and certified by a suitably qualified geotechnical engineer;</p> <p>(b) be based on the anticipated vehicular traffic volumes and loadings associated with the development; and</p> <p>(c) identify any pavement areas damaged as a result of the Applicant's operations that require rehabilitation to accommodate the increase traffic movements generated by the development.</p> <p>Should any rehabilitation be required, these works shall be at the full cost of the Applicant and shall be completed to the satisfaction of Council within three months of the commencement of operations at the site, or as otherwise agreed to by Council</p>	<p>The pavement design report was not sighted. The following documents were sighted and accepted as evidence that this condition was met:</p> <ul style="list-style-type: none"> • RTA (RMS) major works authorisation deed (WAD) (undated) Attachment B of the WAD lists the description of works which is consistent with the conditions of approval. • RTA acceptance of concept design, works authorisation deed and traffic management plan for the Pacific Highway / Sparke Street intersection, dated 28 June 2004. • Newcastle City Council acceptance of traffic management plan for the Pacific Highway / Sparke Street intersection, dated 9 July 2004. • Newcastle City Council approval for works in the public road reserve Ch 160 	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>to Ch 534.525m on Sparke Street, Hexham received 13 September 2004.</p> <ul style="list-style-type: none"> Newcastle City Council approval for works in the public road reserve Ch 00 to Ch 160m at the intersection of Maitland Road and Sparke Street, Hexham received 29 November 2004. RTA acknowledgement and acceptance of all pre-construction documentation and authorisation of for road works to commence in the State Road reserve, dated 8 December 2004. Interim Occupation Certificate (excluding water tank), dated 5 May 2005, referenced the pavement report dated 10 October 2003. 	
4.19	<p>Within three months of the commencement of operations at the site, the Applicant shall reconstruct, to Council's satisfaction and at the full cost of the Applicant, the full width of Sparke Street from the north-eastern boundary of Lot 30 DP803794 to the south-western boundary of Lot 29 DP803794. The design of these works shall meet Council's requirements and shall include:</p> <p>(a) road pavement;</p> <p>(b) road shoulder pavement;</p> <p>(c) footway formation;</p> <p>(d) associated drainage works; and</p> <p>(e) reconstruction of the three existing vehicular driveway crossings to the existing operations located at Lot 1 DP874409.</p>	<p>The following documents were sighted that verify compliance:</p> <ul style="list-style-type: none"> RTA (RMS) major works authorisation deed (WAD) (undated). Attachment B of the WAD lists the description of works which is consistent with the conditions of approval. RTA acceptance of concept design, works authorisation deed and traffic management plan for the Pacific Highway / Sparke Street intersection, dated 28 June 2004. Newcastle City Council acceptance of traffic management plan for the Pacific Highway / Sparke Street intersection, dated 9 July 2004. Newcastle City Council approval for works in the public road reserve Ch 160 	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>Construction works associated with the development shall not commence until the Applicant has obtained Council's approval of the concept design plans for the above work. A copy of this approval shall be submitted to the Director-General prior to the commencement of any construction work.</p> <p>Prior to the commencement of the road works specified in the condition, the Applicant shall obtain Council's approval of the final design plans for these works</p>	<p>to Ch 534.525m on Sparke Street, Hexham received 13 September 2004.</p> <ul style="list-style-type: none"> • Newcastle City Council approval for works in the public road reserve Ch 00 to Ch 160m at the intersection of Maitland Road and Sparke Street, Hexham received 29 November 2004. • RTA acknowledgement and acceptance of all pre-construction documentation and authorisation of for road works to commence in the State Road reserve, dated 8 December 2004. • RTA approval, with concurrence from Newcastle City Council, for use of an alternative truck route until the U-turn under Hexham Bridge constructed, dated 20 April 2005. • Granting of Practical Completion under the WAD by RTA for intersection of Sparke Street, Hexham and U-turn facility under Hexham Bridge, dated 2 August 2005 (also acknowledging arrangements for return of Bank Guarantee of \$900,000). Newcastle City Council were also provided with this letter. • Interim Occupation Certificate (excluding water tank), dated 5 May 2005, referenced a copy of the RTA approved report as per DA condition 4.19 dated 29 November 2004. 	
	Site Access, Internal Roads and Parking		
4.20	The Applicant shall ensure that all heavy vehicles enter and leave the site in a forward direction.	The Hexham Traffic Management Plan (HEX-OPS-PC-SOP-602) shows the direction of traffic flow. An SOP details sign off for employees and contract drivers who	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>have separate inductions including traffic management and a copy of this was sighted.</p> <p>All vehicles were sighted entering and leaving the site in a forward direction. Several traffic controllers were observed coordinating and monitoring traffic.</p>	
4.21	Vehicles associated with the construction or operation of the development shall be accommodated on site at all times.	All vehicles associated with operation were observed to be accommodated on site.	Compliant
4.22	Landscaping and any other obstructions to visibility shall not affect driver sight distance for vehicles entering and exiting the site.	No obstructions to visibility for vehicles were observed. The need to maintain visibility for drivers is included in the Landscape Management Plan.	Compliant
4.23	Prior to the commencement of any transport to the site involving B-double vehicles, the Applicant shall demonstrate to the satisfaction of the Director-General that the B-double reclassification of Sparke Street has been approved by the RTA in association with Council.	<p>Approval from the RTA was not sighted however, given that over ten years have passed since construction commenced, the following document was accepted as evidence that this was done:</p> <ul style="list-style-type: none"> Interim Occupation Certificate (excluding water tank), dated 5 May 2005, referenced a copy of the RTA approval report as per DA condition 4.23 dated 16 January 2004 and 21 March 2005. 	Compliant
4.24	The Applicant shall design and construct all internal road works, including the associated parking facilities, line marking (or similar) and loading bays, in accordance with the relevant RTA and Council standards and codes, including AS 2890.1-1993 and AS 2890.2-2002.	<p>The following documents were sighted that verify compliance:</p> <ul style="list-style-type: none"> RTA (RMS) major works authorisation deed (WAD) (undated). Attachment B of the WAD lists the description of works which is consistent with the conditions of approval. 	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<ul style="list-style-type: none"> • RTA acceptance of concept design, works authorisation deed and traffic management plan for the Pacific Highway / Sparke Street intersection, dated 28 June 2004. • Newcastle City Council acceptance of traffic management plan for the Pacific Highway / Sparke Street intersection, dated 9 July 2004. • Newcastle City Council approval for works in the public road reserve Ch 160 to Ch 534.525m on Sparke Street, Hexham received 13 September 2004. • Newcastle City Council approval for works in the public road reserve Ch 00 to Ch 160m at the intersection of Maitland Road and Sparke Street, Hexham received 29 November 2004. • RTA acknowledgement and acceptance of all pre-construction documentation and authorisation of for road works to commence in the State Road reserve, dated 8 December 2004. • RTA approval, with concurrence from Newcastle City Council, for use of an alternative truck route until the U-turn under Hexham Bridge constructed, dated 20 April 2005. • Granting of Practical Completion under the WAD by RTA for intersection of Sparke Street, Hexham and U-turn facility under Hexham Bridge, dated 2 August 2005 (also acknowledging arrangements for return of Bank Guarantee of \$900,000). Newcastle City Council were also provided with this letter. 	

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<ul style="list-style-type: none"> Interim Occupation Certificate (excluding water tank), dated 5 May 2005. Final Occupation Certificate, dated 5 July 2006. 	
4.25	Internal roads, driveways, parking areas, loading bays and vehicular turning areas shall be maintained clear of obstruction and used exclusively for the purposes of parking, vehicle access and loading and unloading respectively. Under no circumstances shall these areas be used for the storage of goods or waste materials or any other purpose.	No internal road obstructions were observed. A dedicated person manages the traffic as it arrives on site and are responsible for ensuring parking areas are maintained.	Compliant
4.26	The Applicant shall ensure that there is sufficient carparking facilities provided on site to cater for the maximum number of employees, customers/visitors, service vehicles and heavy vehicles associated with the operation of the development at any one time.	Approximately 70 carparks are provided, which is adequate to cater for staff and visitors.	Compliant
4.27	The Applicant shall clearly mark all visitor, disabled, and service vehicle parking areas.	These parking areas were clearly marked.	Compliant
4.28	The Applicant shall install signage to demarcate all vehicle movements within and between Lots 29-30 DP803794 and Lot 1 DP874409.	This signage is provided as sighted by the auditor.	Compliant
Air Quality Impacts			
Dust Emissions			
4.29	The Applicant shall design, construct, commission, operate and maintain the development in a manner that minimises dust emissions from the site. All activities undertaken on the site shall be carried out in a manner that minimises the generation of dust, and emission of dust from the site, including wind-blown and traffic-generated dust.	<p>Dust suppression activities are undertaken to minimise dust levels. These include:</p> <ul style="list-style-type: none"> Water trucks: spraying water across the plant area to minimise dust levels; Sweepers – Dust sweepers utilized across the site; Dust suppression unit – installed within the shredder unit to minimize dust emission from the shredder operation. 	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		Quarterly dust monitoring conducted by Aecom (reports sighted) demonstrates compliance with the criteria.	
	Plant Retrofit		
4.30	<p>As may be directed by the EPA to address dust emissions from the development, the Applicant shall undertake the following works:</p> <ul style="list-style-type: none"> a) installation of appropriate litter controls on the shredder stack out conveyor and associated area to minimise the possibility of dust emissions; b) installation of dust controls on plant conveyors and floc storage; and c) implementation of dust and water quality controls at the site and any part of Sparke Street that is under the control of the Applicant. 	<p>The following dust suppression techniques are being used onsite:</p> <ul style="list-style-type: none"> • Litter controls on the shredder stack out conveyor and associated area. • Water trucks: spraying water across the plant area to minimise dust levels; • Sweepers – Dust sweepers utilized across the site; • Dust suppression unit – installed within the shredder unit to minimize dust emission from the shredder operation. 	Compliant
	Shredder		
4.31	The Applicant shall design, construct, commission and operate the development to ensure that the concentrations of Total Solid Particles, lead (Pb), and mercury (Hg) discharges from the shredder plant do not exceed the limits specified in Table 3.	<p>Measurement of Total Solid Particles, lead and mercury discharges from the plant demonstrates that the limits are not exceeded. Monitoring and reporting is conducted by Aecom and reports for 2016 were sighted.</p> <p>This is also reported in the AEMR (2015-2016).</p>	Compliant
4.32	The Applicant shall ensure that all process related fabric filters installed on the site are fitted with a bag leak detection and alarm system to the satisfaction of the EPA.	<p>The baghouse is fitted with an alarmed bag leak detection system located in the main operator panel.</p> <p>The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, referenced a</p>	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		statement of compliance as per DA condition 4.32 dated 2 May 2005.	
	Soil and Water Quality Impacts		
4.33	The Applicant shall take all reasonable measures to minimise soil erosion and the discharge of sediments and pollutants from the site during construction and operation.	<p>Measures that were sighted to prevent the discharge of sediments and pollutants from the site during operation include:</p> <ul style="list-style-type: none"> • Shredder flush pit • Dust suppression water sprays on conveyors • Dust suppression filters on baghouse bin • Waste oil storage bund • Non-ferrous first flush pit and bag • Gross pollutant traps • Detention ponds • Oil water separators <p>Maintenance of the control measures is conducted regularly by Ecosol who conduct regular inspections – Inspection and cleaning record sighted for 26 November 2016 (Cleanout of detention basins and gross pollutant traps (GPTs)).</p>	Compliant
	Stormwater		
4.34	The stormwater management infrastructure shall be designed, where practicable, to ensure that the time of concentration is limited to 10 minutes in the design storm event. Interception pits shall be installed where required to ensure that contaminated stormwater does not reach the first flush pit once it has reached its maximum capacity.	<p>The stormwater management infrastructure was designed by Wade Consulting engineers (February 2005) and includes interception and first flush pits. The design report was sighted.</p> <p>Interim Occupation Certificate (excluding water tank), dated 5 May 2005, referenced a copy of the certification for the stormwater as</p>	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>per DA condition 4.34 dated 19 May 2004 and 28 April 2005.</p> <p>Interception and first flush pits have been installed at the Shredder site and the Administration building site.</p> <p>The Shredder site drains to a first flush pit 20m x 20 m x 2.8 m deep via 3 Ecosol GPT units, which is then pumped through an oily water separator to a holding tank. This is then used primarily for shredder rotor cooling and dust control. GPT 4 is located adjacent to the fence line as final protection. Discharge to the swale only occurs during major rain events.</p> <p>This system was upgraded in early 2013 to include the following:</p> <ul style="list-style-type: none"> • Fox FX10000SS separator • Ecosol RSF 4450 GPT at the fence line. <p>The Administration Building site drains to a first flush pit approximately 10m x 10m x 2 m deep via 2 x retention pits, this is then pumped to an oily water separator then to 2 holding / settling tanks which then drains through a geotextile bag.</p>	
4.35	During the construction and operation of the development, the Applicant shall prevent the discharge of stormwater originating from the site onto the neighbouring railway corridor (unless otherwise approved by State Rail).	There is a stormwater channel between the site and the railway corridor which was sighted. There have not been any reported instances of stormwater entering the railway corridor from the site.	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>The construction certificate, dated 24 March 2004, references certification of the stormwater design.</p> <p>The stormwater management infrastructure was designed by Wade Consulting engineers and includes interception and first flush pits. The design report was sighted.</p>	
	Acid Sulfate Soils		
4.36	<p>Prior to the commencement of construction of the development, the Applicant shall undertake acid sulfate soil testing for areas of the site to be disturbed during site construction. Acid sulfate soil testing shall be consistent with the EPA's Environmental Guideline Assessing and Managing Acid Sulfate Soil and the Acid Sulfate Soil Management Advisory Committee (ASSMAC) document Acid Sulfate Soil Manual. Should testing indicate that any potential or actual acid sulfate soils may be disturbed during site preparation works or the construction of the facility, the Applicant shall prepare an Acid Sulfate Soil Management Plan (refer to condition 7.3).</p>	<p>No evidence of acid sulfate soil testing was not sighted. The following documents have been used to verify compliance:</p> <ul style="list-style-type: none"> Construction certificate, dated 24 March 2004, references certification of the stormwater design. The independent Environmental Audit conducted by HLA Envirosciences (2007) states: <i>Acid Sulphate report by SMEC dated 20 September 2004 approved by DIPNR letter dated 11/11/04. Final Occupation Certificate dated 5 July 2006 issued by TRH & Associates.</i> 	Compliant
	Waste Management		
4.37	<p>The Applicant shall not receive waste at the site for storage, treatment, processing or reprocessing, and shall not dispose of waste generated by the development on the site, except as may be expressly permitted by an Environment Protection Licence for the development under the Protection of the Environment Operations Act 1997.</p>	<p>Recycled waste is received for processing. There was no visual evidence of waste being received that is not specified in the Environment Protection Licence.</p> <p>A Onesteel Unacceptable Scrap Manual (Doc OSTR-OHSE-PC-PRO-056) details the waste that is not accepted and responsibility</p>	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		for implementing. Inspectors were sighted during the audit.	
4.38	The Applicant shall ensure that uncompacted motor vehicles are only received, stored, drained of fluids and decontaminated in a dedicated area that is separately bunded to contain and store liquids drained from vehicles before they are forwarded to the main scrap receipt area.	There is a dedicated area for receipt and processing of motor vehicles.	Compliant
	Visual Amenity		
4.39	The Applicant shall ensure that all new external lighting associated with the development is mounted, screened, and directed in such a manner so as not to create a nuisance to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and be in general accordance with AS 4282 – 1997 Control of the Obtrusive Effects of Outdoor Lighting.	OneSteel advised that the lighting complies with the required standard. Evidence could not be provided. There have not been any complaints to OneSteel from neighbouring land users about excessive illumination. The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references an Artificial Lighting Certificate dated 4 April 2004.	Compliant
4.40	The Applicant shall not utilise Lot 31 DP 803794 for the purposes of temporary or permanent storage of waste material or any item of equipment.	Lot 31 DP 803794 was not observed as being used for storage.	Compliant
4.41	All containers used for the transportation of scrap metal shall be contained on-site at all times.	All containers were observed to be on site.	Compliant
4.42	Nothing in this consent allows the Applicant to erect or display any advertising structure(s) or advertisements associated with the development.	No advertising was observed.	Compliant
	Landscaping		
4.43	Prior to the commencement of operations at the site, where practicable, dense screen planting shall be undertaken by the Applicant at all locations where the works associated with the development will be visible, using native tree and shrub species endemic to the area, suited to local soil conditions and consistent with those in the surrounding landscape.	A landscape management plan (see 7.5e) has been produced for the site and landscaping has been conducted using native species.	Compliant
4.44	The Applicant shall landscape the site in accordance with condition 4.43 and the Landscape Management Plan referred to under condition 7.4e) for the development, and maintain this landscaping for the full life of the development. Landscaping works	The Smorgan Steel Recycling OEMP Shredder Plant Operation Sparke Street	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	shall not commence until the Director-General has approved the Landscape Management Plan.	<p>Hexham April 2005 (OEMP) contains a Landscape Management Plan.</p> <p>OEMP (April 2005) approval issued by DIPNR dated 22 April 2004 (the letter clearly refers to the OEMP as April 2005 however is dated 2004 – this must be dated incorrectly as 2004 not 2005).</p> <p>Landscape Management Plan, Appendix E of OEMP, approval by DIPNR for Lots 29-30, subject to providing to DIPNR landscaping details of areas along the boundary of Lot 1 and neighbouring property by 26 April 2005. Approval dated 11 April 2005.</p> <p>Maintenance is conducted by a contractor.</p>	
4.45	Within 90 days of completing the landscape works outlined in the Landscape Management Plan (refer to condition 7.5d)), the Applicant shall submit a Landscape Completion Report to the Director-General, which demonstrates that the landscaping works have been completed in accordance with the approved Plan.	The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references the Landscaping Certificate and Plans dated 15 April 2005, demonstrates compliance.	Compliant
	Dangerous Goods		
4.46	All chemicals, fuels and oils shall be stored in appropriately bunded areas, with impervious flooring and sufficient capacity to contain 110% of the largest container stored within the bund. Bunds shall be designed and installed in accordance the requirements of the EPA's Environmental Protection Manual Technical Bulletin Bunding and Spill Management.	Chemicals, fuels and oils were observed to be stored in appropriately bunded containers. Storage cupboards were observed in the buildings and a large bunded shed that contained hazardous substances was also observed. The bund and capacity were observed to comply with the EPA's Environmental Protection Manual Technical Bulletin Bunding and Spill Management.	Compliant
4.47	Prior to the commencement of any construction work at the site, the Applicant shall obtain necessary approvals from the Department (Hunter Region) under section 256 of the Water Management Act 2000.	DIPNR issued a Certificate of Consent under Section 256 of the Water Management Act 2000 for the electrical substation.	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references the: Copy of Water Management Approval as per DA condition 4.47, dated 19 February 2004.	
4.48	The development shall be carried out strictly in accordance with the recommendations of the Flood Report, titled Rationalisation of Floodways connecting Hexham Swamp to the Hunter River (Issue 2) prepared by Patterson Britton and dated July 2003.	Certificate of site filling works, issued by Patterson Britton on 10 May 2005 stating that the site was constructed in accordance with the report titled Rationalisation of Floodways Connecting Hexham Swamp to the Hunter River (Issue 2, July 2003).	Compliant
Railway Corridor			
4.49	<p>Prior to the commencement of any construction work at the site within 50 metres of the neighbouring railway corridor at the site, the Applicant shall submit to RIC a Risk Assessment/Management Plan and detailed Work Method Statement to ensure construction activities do not impact on the integrity of the railway corridor.</p> <p>The Applicant shall obtain the approval from RIC prior to the commencement of any construction activities within the above 50 metres buffer area and shall implement any conditions imposed by RIC as part of these approvals.</p>	The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references the: Copy of risk management plan and work method statement as per DA condition 4.49, dated 22 June 2004 and 28 June 2004.	Compliant
4.50	Any use of a crane, plant or machinery on site shall comply with the RIC's Electrical Safety Manual and all relevant RIC standards and guidelines. The Applicant shall not operate any crane, plant or machinery within three metres (horizontally) of any electrified infrastructure, or within a distance that has the potential to reach over the rail corridor at any time.	The crane was observed being used more than 3 m from the boundary. An operating procedure covers use of the crane.	Not verified
4.51	The Applicant shall ensure that no metal ladders, scaffolding, plant/machinery or conductive material is used on site within 6 horizontal metres of any live electrical equipment associated with the rail corridor infrastructure.	No metal ladders, scaffolding, plant/machinery or conductive material was being used on site within 6 horizontal metres of any live electrical equipment associated with the rail corridor infrastructure. An operating procedure covers use of equipment near the rail corridor.	Not verified
4.52	The Applicant shall not undertake any work within the rail corridor or its easements at any time unless prior approval has been granted by State Rail or an Access Deed has	No work has been conducted or has been planned within the rail corridor.	Not triggered

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>been entered into between the Applicant and State Rail. Should work be required in these areas, the Applicant shall bear the full cost associated with obtaining the approval or Access Deed and any required supervision, design checks, meetings and/or service searches.</p> <p>Should the Applicant require access to the rail corridor prior to gaining the above approval or Access Deed, the Applicant shall be required to enter into a Release and Indemnity agreement prior to accessing the rail corridor or associated easements.</p>		
4.53	<p>Prior to the commencement of operations at the site, the Applicant shall install appropriate fencing along the common boundary of the site and the adjoining railway corridor at Lot 29 DP803794 and lot 1 DP 874409 to the satisfaction of State Rail and at the full cost of the Applicant. The design of the fencing shall be approved by State Rail prior to the installation of the fencing.</p>	<p>Appropriate fencing has been installed as sighted during the audit.</p> <p>The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references the Fencing Certificate, dated 15 April 2005.</p> <p>The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references Approval from State Rail relating to condition 4.53, dated 15 April 2005 and 16 April 2005.</p>	Compliant
5	Environmental Monitoring and Auditing		
	Noise Monitoring and Auditing		
5.1	<p>Within 90 days of commencement of operation of the development, and during a period in which the development is operating under design loads and normal operating conditions, the Applicant shall conduct a Noise Audit of its operations. This Audit shall:</p> <ul style="list-style-type: none"> (a) be undertaken by a suitability qualified and experienced person; (b) assess whether the development is complying with the intrusive and amenity noise criteria, and the predicted noise levels detailed in documents specified in condition 1.2b) and condition 1.2e) of this consent; (c) identify what additional measures could be implemented to ensure compliance should any non-compliance be detected; and 	<p>A Noise Audit was conducted within 90 days of commencement of the facility by Hunter Acoustics (Noise Audit For Smorgon Steel Recycling Spark Street Hexham, September 2005).</p> <p>The audit report addresses the criteria.</p>	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	(d) provide details of any complaints received relating to noise generated by the development, and action taken to respond to those complaints.		
5.2	Within 28 days of conducting the Audit referred to under condition 5.1 of this consent, the Applicant shall provide the Director-General and EPA (Hunter) with a copy of the Noise Audit report. If the Audit identifies any non-compliance with the noise limits imposed under this consent, the Applicant shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General and the EPA.	The independent Environmental Audit conducted by HLA Envirosciences (2007) states: Noise Audit dated 18 November 2005 by Hunter Acoustics submitted to DIPNR in accordance with this condition. No non-compliances identified in the report.	Compliant
5.3	<p>The Applicant shall prepare and implement a Noise Monitoring Program to monitor noise impacts associated with the development. The Program shall be consistent with guidelines provided in New South Wales Industrial Noise Policy (EPA, 2000) and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) identification of noise monitoring locations, with relevant noise limits for each location provided; b) noise monitoring frequencies; and c) methodologies for noise monitoring. <p>The Noise Monitoring Program shall be submitted for the approval of the Director-General prior to the commencement of operation of the development, or within such period as the Director-General may agree.</p>	<p>A Noise Management Plan (Hunter Acoustics, January 2005) (NMP) exists for the site detailing all the monitoring locations, limits, monitoring frequencies and methodology.</p> <p>Under the NMP quarterly noise monitoring is required. Over the last five years this has occurred consistently. In 2016, first quarter noise monitoring was not conducted.</p> <p>Reports for monitoring conducted by Aecom in Q2, Q3 and Q4 2016 and Q1 2017 were sighted.</p> <p>Exceedances were noted in Q2 monitoring however it was noted that the source of the noise exceedances are difficult to determine.</p> <p>An exceedance was also noted in the Q3 report which also said that extraneous noise sources contributed significantly.</p>	<p>Non-compliant</p> <p>NC06</p> <p>Due to the long period of time since the last background levels were conducted i.e. 2005 and considering the increase in volume of freight train and other nearby noise generating activities it is recommended that the background levels are reviewed prior to the next periodic noise monitoring.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>Exceedances were also noted in the Q4 report which also said that extraneous noise sources contributed significantly.</p> <p>Results for Q1 2017 were compliant.</p> <p>OEMP (April 2005) approval, including the NMP, issued by DIPNR dated 22 April 2004 (the letter clearly refers to the OEMP as April 2005 however is dated 2004 – this must be dated incorrectly as 2004 not 2005).</p>	
	Overpressure and Vibration Monitoring		
5.4	The Applicant shall install, maintain and operate suitable instrumentation, in accordance with Australian Standard 2187.2-1993, to monitor overpressure and vibration caused by explosions on the site to the satisfaction of the EPA.	<p>Overpressure and vibration monitoring instruments have been installed permanently at the site and monitoring is conducted by consultants. No concerns have been raised by the EPA in response to the Annual Returns submitted.</p> <p>The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references a Statement of Compliance relating to condition 5.4, dated 2 May 2005.</p>	Compliant
	Air Quality Monitoring		
	Shredder Stack Emissions		
5.5	All air emission stacks shall be fitted with sampling points which comply with the Clean Air (Plant and Equipment) Regulation 1997 and Australian Standard 4323.1-1995.	<p>Emission stacks are fitted with sampling points where key pollutants are sampled quarterly by AECOM Australia (NATA accreditation no. 2778).</p> <p>The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references a Statement of Compliance relating to condition 5.5, dated 2 May 2005.</p>	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
5.6	The Applicant shall periodically determine the pollutant concentrations specified in Table 4, as discharged from the shredder plant employing the sampling and analysis method specified and at the frequency indicated in the table. All monitoring shall be carried out strictly in accordance with Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA 2001).	Stack emission sampling is conducted on a quarterly basis by Aecom (Q1 2016 and Q1 2017 sighted) and samples analysed in accordance with Approved Methods for the Sampling and Analysis of Air Pollutants in NSW (EPA 2001) by Steel River Testing (NATA accreditation No. 18079) & SGS Leeder Consulting (NATA Accreditation No. 14429)	Compliant
5.7	<p>The Applicant may seek the approval of the Director-General to alter the frequency of the pollutant/parameter monitoring required under condition 5.6 of this consent. Any request for approval shall only be provided if:</p> <p>a) pollutant/parameter monitoring has been undertaken for a period of no less than 12 months (measures from the commencement of operation of the development);</p> <p>b) there has been no exceedence of any limit placed on the subject pollutant or parameter through this consent within the preceding 12-month period; and/or</p> <p>c) if there is a relevant Environment Protection Licence for the development that requires air pollutant monitoring which is inconsistent with the requirements under condition 5.6.</p>	No approval has been sought.	Not triggered
Performance Monitoring			
5.8	Within 90 days of commencement of operation of the development, and during a period in which the facility is operating under design loads and normal operating conditions, the Applicant shall undertake an air quality audit for the development and undertake dispersion modelling for all air pollutants identified in condition 4.31 to confirm the air emission performance of the facility.	Air monitoring reports supplied during the compliance audit confirm that AECOM Australia (reports sighted) have been conducting air quality monitoring whilst the facility is operating under design loads and normal operating conditions.	Compliant
5.9	Within 28 days of conducting the Audit, referred to under condition 5.8 of the consent, the Applicant shall provide the Director-General with a copy of the Air Quality Audit report. If the Audit identifies any non-compliance with the air quality limits or performance measures specified in the EIS, condition 4.31 of this consent, and the EPA's Impact Assessment Criteria described in Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW, then the Applicant shall	Air quality monitoring is being conducted by AECOM Australia on a regular basis as documented in the Annual Return and Q1 2016 and Q1 2017 reports sighted.	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	undertake a Air Quality Mitigation Study to provide details of remedial measures that the Applicant will implement to reduce air quality impacts to the levels required, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.	The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references: copy of the OEMP relating to condition 5.9, dated 1 February 2005.	
	Meteorological Monitoring		
	Performance Monitoring		
5.8	Within 90 days of commencement of operation of the development, and during a period in which the facility is operating under design loads and normal operating conditions, the Applicant shall undertake an air quality audit for the development and undertake dispersion modelling for all air pollutants identified in condition 4.31 to confirm the air emission performance of the facility.	Air monitoring reports supplied during the compliance audit confirm that AECOM Australia (reports sighted) have been conducting air quality monitoring whilst the facility is operating under design loads and normal operating conditions.	Compliant
5.9	Within 28 days of conducting the Audit, referred to under condition 5.8 of the consent, the Applicant shall provide the Director-General with a copy of the Air Quality Audit report. If the Audit identifies any non-compliance with the air quality limits or performance measures specified in the EIS, condition 4.31 of this consent, and the EPA's Impact Assessment Criteria described in Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW, then the Applicant shall undertake a Air Quality Mitigation Study to provide details of remedial measures that the Applicant will implement to reduce air quality impacts to the levels required, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.	Air quality monitoring is being conducted by AECOM Australia on a regular basis (reports sighted). The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references: copy of the OEMP relating to condition 5.9, dated 1 February 2005.	Compliant
	Meteorological Monitoring		
5.10	The Applicant shall monitor the parameters specified in Table 5, using the specified units of measure, averaging period, frequency, and sampling method in the table.	OneSteel Recycling conducts meteorological monitoring regularly which includes wind direction, temperature and rainfall data. In addition, Aecom has been collecting wind data during noise monitoring surveys at the sampling locations. Meteorological monitoring equipment has been installed on	Compliant Table 5 suggests that temperature should be measured at 10m and 2m.

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		site (this was sighted). Temperature was being measured at 2m.	
	Water Quality Monitoring		
5.11	<p>Prior to the commencement of operations at the site, the Applicant shall submit for the approval of the Director-General, a Stormwater Quality Monitoring Program. This program shall form part of the Stormwater Operational Environmental Management Plan required by condition 7.5d). The Program shall include but not necessarily be limited to:</p> <ul style="list-style-type: none"> (a) identification of contaminants to be tested; (b) monitoring frequencies; and (c) methodologies for stormwater quality monitoring. <p>The Stormwater Quality Monitoring Program shall be submitted for the approval of the Director-General prior to the commencement of operation of the development.</p>	<p>A Stormwater Management Plan (Wade Consulting Group, February 2005) exists for the site. This notes that part of the SWP (the monitoring program) is contained within the OEMP. The OEMP refers to a monitoring program developed by HLA-Envirosciences, however this document could not be located.</p> <p>The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references: copy of the stormwater monitoring program as per DA condition 5.11, dated 2 May 2005.</p> <p>OEMP (April 2005) approval issued by DIPNR dated 22 April 2004 (the letter clearly refers to the OEMP as April 2005 however is dated 2004 – this must be dated incorrectly as 2004 not 2005).</p> <p>The monitoring program consists of conducting water quality testing after a significant rainfall event (>15mm rainfall within the site catchment over 24 hours). While rainfall is monitored on site, there was no evidence that the results are used to inform stormwater monitoring.</p> <p>The original locations of the water quality monitoring did not include an upstream site. Without this baseline data, the cause of any</p>	<p>Non-compliant</p> <p>NC07</p> <p>A review of water quality monitoring results is suggested to determine the baseline so that criteria can be specified and exceedances shown for criteria above the baseline.</p> <p>The Stormwater Management Plan has not been updated since it was prepared in February 2005 and is not implemented in its entirety.</p> <p>Records should be kept of the review of the rainfall data to determine if monitoring is required.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>exceedances (including from the OneSteel facility) cannot be reliably determined.</p> <p>Exceedances (pH and EC) are noted. No criteria for these parameters are specified in the EPL or CoA. Exceedances of other criteria have also occurred including metals. The source of these metals was not determined.</p>	
Independent Environmental Auditing			
5.12	<p>Within two years of the commencement of construction of the development, and then as may be directed by the Director-General, the Applicant shall commission an independent person or team to undertake an Environmental Audit of the development. The independent person or team shall be approved by the Director-General prior to the commencement of the Audit. The Audit shall:</p> <ul style="list-style-type: none"> a) be carried out in accordance with ISO 19011:2002 - Guidelines for Quality and/or Environmental Management Systems Auditing; b) assess compliance with the requirements of this consent, and other licences and approvals that apply to the development; c) assess the environmental performance of the development against the predictions made and conclusions drawn in the documents referred to under condition 1.2 of this consent; and d) review the effectiveness of the environmental management of the development, including any environmental impact mitigation works. <p>An Environmental Audit Report shall be submitted to the Director-General within two months of the completion of the Audit, detailing the findings and recommendations of the Audit and including a detailed response from the Applicant to any of the recommendations contained in the Report.</p>	<p>An independent environmental audit was conducted by HLA Envirosciences, in 2007.</p>	Compliant
6	Community Information, Consultation and Involvement		

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
6.1	Subject to confidentiality, the Applicant shall make all documents required under this consent available for public inspection on request.	Noise monitoring results 2012 to 2015 are provided on the company web site and were sighted by the auditor. Results are made available via the Community Consultative Committee meetings. Minutes of meeting held in August 2015, and 9 February, 14 June and 13 December 2016 were sighted.	Compliant
Complaints Procedure			
6.2	<p>Prior to the commencement of operations at the development site, the Applicant shall ensure that the following are available for community complaints:</p> <ul style="list-style-type: none"> a) a 24-hour, toll-free telephone number on which complaints about the development may be registered; b) a postal address to which written complaints may be sent; and c) an email address to which electronic complaints may be transmitted. <p>The telephone number, the postal address and the email address shall be advertised on at least one occasion prior to the commencement of construction of each stage of the development, through a medium approved by the Director-General. These details shall also be provided on the Applicant's internet site, should one exist. The telephone number, the postal address and the email address shall be maintained throughout the life of the development.</p>	A contact phone number is provided on the perimeter fence and the OneSteel web site. Other contact details including an email address are provided on the internet site.	Compliant
6.3	<p>The Applicant shall record details of all complaints received through the means listed under condition 6.2 of this consent in an up-to-date Complaints Register. The Register shall record, but not necessarily be limited to:</p> <ul style="list-style-type: none"> a) the date and time, where relevant, of the complaint; b) the means by which the complaint was made (telephone, mail or email); 	OneSteel maintains a complaints register which was sighted by the auditor. Community complaints have included noise, odour and sediment-laden stormwater. These have been followed up and closed out, as documented in the register.	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>c) any personal details of the complainant that were provided, or if no details were provided, a note to that effect;</p> <p>d) the nature of the complaint;</p> <p>e) any action(s) taken by the Applicant in relation to the complaint, including any follow-up contact with the complainant; and</p> <p>f) if no action was taken by the Applicant in relation to the complaint, the reason(s) why no action was taken.</p> <p>The Complaints Register shall be made available for inspection by the Director-General upon request.</p>	The complaints register documents that community noise complaints have been investigated by the EPA and determined not to be caused by the OneSteel facility, for those complaints.	
	Community Consultative Committee		
6.4	<p>Prior to the commencement of construction of the development, the Applicant shall establish a Community Consultative Committee for the development to provide a forum for the discussion of the environmental performance of the development, provision of relevant data, and the receipt of community complaints and concerns. The Committee shall include, but not necessarily limited to representatives from the St Josephs Catholic Care of the Aged facility and the Shortland and Birmingham Residents' Action Group. The Applicant shall ensure that the Committee meets on at least one occasion prior to the commencement of construction of the development to establish arrangements for the location, timing and operation of the Committee. The Committee shall meet at least monthly during the first six months of operation of the development, after which meeting frequency shall be by agreement between the Applicant and the Committee, and for the approval of the Director-General.</p>	<p>A Community Consultative Committee (CCC) has been established and meetings usually held on the second Tuesday every second month. Minutes of meeting held in August 2015, and 9 February, 14 June and 13 December 2016 were sighted.</p> <p>OneSteel advised that meetings were previously chaired by the WHSE Manager. This position was made redundant in 2015 and are now chaired by the Shredder Manager.</p>	Compliant
7	Environmental Management		
	Environmental Representative		
7.1	<p>Prior to the commencement of construction of the development, the Applicant shall nominate a suitably qualified and experienced Environmental Representative(s). The Applicant shall employ the Environmental Representative(s) on a full-time basis during</p>	<p>Vince Chaplin was the Environmental Representative (ER) during construction and operation until Brad Sobczak became the ER in 2015? Glen Schrader, the Shredder Manager, is now the ER and is responsible for environmental matters. An email to David</p>	<p>Non-compliant</p> <p>NC 08</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>the construction, commissioning and operation of the development. The Environmental Representative shall be:</p> <p>a) the primary contact point in relation to the environmental performance of the development;</p> <p>b) responsible for all Management Plans and Monitoring Programs required under this consent;</p> <p>c) responsible for considering and advising on matters specified in the conditions of this consent, and all other licences and approvals related to the environmental performance and impacts of the development;</p> <p>d) responsible for receiving and responding to complaints in accordance with condition 6.2 and condition 6.3 of this consent; and</p> <p>e) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.</p> <p>The Applicant shall notify the Director-General of the name and contact details of the Environmental Representative upon appointment, and any changes to that appointment that may occur from time to time.</p>	<p>Bell of the EPA advising of the change was provided but it could not be verified if this information has been provided to the DG.</p>	
	Construction Environmental Management Plan		
7.2	<p>The Applicant shall prepare and implement a Construction Environmental Management Plan to outline environmental management practices and procedures to be followed during the construction of any stage of the development. The Plan shall include, but not necessarily be limited to:</p> <p>a) a description of all activities to be undertaken on the site during construction of the development, including an indication of stages of construction, where relevant;</p>	<p>The Construction Safety and Environment Plan – Shredder Plant Installation 2003/2004 and sub plans was sighted and included all items listed.</p> <p>The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references: correspondence with DIPNR relating to per</p>	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>b) statutory and other obligations that the Applicant is required to fulfil during construction, including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;</p> <p>c) specific consideration of measures to address any requirements of Council during construction;</p> <p>d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;</p> <p>e) a description of the roles and responsibilities for all relevant employees involved in the construction of the development;</p> <p>f) the Management Plans listed under condition 7.3 of this consent;</p> <p>g) arrangements for community consultation and complaints handling procedures during construction.</p> <p>The Plan shall be submitted for the approval of the Director-General prior to the commencement of construction, or within such period otherwise agreed by the Director-General. Construction shall not commence until written approval has been received from the Director-General. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the Plan to Council, as soon as practicable.</p>	<p>DA condition 7.2, dated 1 July 2004 and 6 July 2004.</p> <p>Construction Certificate (24 March 2004) documentation included Erosion and Sediment controls, and construction management plan relating to condition 7.2.</p>	
7.3	<p>As part of the Construction Environmental Management Plan for the development, required under condition 7.2 of this consent, the Applicant shall prepare and implement the following Management Plans:</p> <p>a) an Acid Sulfate Soil Management Plan</p> <p>b) an Erosion and Sedimentation Management Plan</p> <p>c) a Noise Management Plan</p>	<p>The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references: correspondence with DIPNR relating to DA condition 7.3, dated 1 July 2004 and 6 July 2004.</p> <p>The Acid Sulfate Soil Management Plan (ASSMP) was approved by DIPNR for drainage line works, dated 11 November 2004.</p>	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	d) a Transport Management Plan.	Construction Certificate (24 March 2004) documentation included Erosion and Sediment controls, and construction management plan relating to condition 7.3.	
	Operation Environmental Management Plan		
7.4	<p>The Applicant shall prepare and implement an Operation Environmental Management Plan to detail an environmental management framework, practices and procedures to be followed during the operation of the development. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) identification of all statutory and other obligations that the Applicant is required to fulfil in relation to operation of the development, including all consents, licences, approvals and consultations; ii) a description of the roles and responsibilities for all relevant employees involved in the operation of the development; iii) overall environmental policies and principles to be applied to the operation of the development; iv) standards and performance measures to be applied to the development, and a means by which environmental performance can be periodically reviewed and improved, where appropriate; v) management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent; vi) the Management Plans listed under condition 7.5 of this consent; and vii) arrangements for community consultation and complaints handling procedures during construction. <p>The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of operation of the development, or within such</p>	<p>An Operation Environmental Management Plan (OEMP) was prepared in April 2005 that does not address all the requirements listed as follows:</p> <ul style="list-style-type: none"> • Identification of all statutory and other obligations that the Applicant is required to fulfil. • Management policies to ensure that environmental performance goals are met and to comply with the conditions of this consent. <p>Aspects of other requirements.</p> <p>The OEMP has not been updated since 2005 and is not implemented in its entirety.</p> <p>OEMP (April 2005) approval issued by DIPNR dated 22 April 2004 (the letter clearly refers to the OEMP as April 2005 however is dated 2004 – this must be dated incorrectly as 2004 not 2005).</p>	<p>Non-compliant</p> <p>NC09</p> <p>The OEMP needs to be updated to include all conditions, EPL and other requirements. The OEMP needs to be implemented.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	period otherwise agreed by the Director-General. Any stage of the operations shall not be commissioned until the Director-General has approved the OEMP covering the works undertaken in that stage. Upon receipt of the Director-General's approval, the Applicant shall supply a copy of the Plan to Council as soon as practicable.		
7.5	As part of the Operation Environmental Management Plan for the development, required under condition 7.4 of this consent, the Applicant shall prepare and implement the following Management Plans:	See comments below	
7.5a	<p>Noise Management Plan to outline measures to manage noise impacts associated with the operation of the development. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) identification of the potential sources of noise during the site operations; ii) specification of the noise criteria for these operations; iii) a detailed description of what actions and measures would be implemented to ensure that operations would comply with specified noise criteria. This shall include measures to minimise night-time emissions and stringent screening procedures to minimise the potential for overpressure events at the site; and iv) a description of how the effectiveness of actions and measures would be monitored over time; and if any non-compliance is detected what procedures would be followed to ensure compliance; 	<p>A Noise Management Plan (prepared by Hunter Acoustics, 2005) exists for the site detailing all the monitoring locations, limits, monitoring frequencies and methodology.</p> <p>Under the NMP quarterly noise monitoring is required. Noise monitoring results for the period 2012 to 2015 are included on the company website until 2015 and the reported sighted by the auditor.</p> <p>First quarter 2016 noise monitoring was not conducted.</p> <p>Reports for monitoring conducted by Aecom in Q2, Q3 and Q4 2016 and Q1 2017 were sighted.</p> <p>Exceedances were noted in Q2 monitoring however it was noted that the source of the noise exceedances are difficult to determine.</p> <p>An exceedance was also noted in the Q3 report which also said that extraneous noise sources contributed significantly.</p>	<p>Non-compliant</p> <p>NC10</p> <p>Operation Noise Limits specified in the noise management plan are based on the background levels measured in 2005. Due to the long period of time since the last background levels were conducted and considering the increase in volume of freight train and other nearby noise generating activities it is recommended that the background levels are reviewed prior to the next periodic noise monitoring.</p> <p>The NMP has not been updated since 2005 and requires updating and implementation.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		Exceedances were also noted in the Q4 report which also said that extraneous noise sources contributed significantly. Results for Q1 2017 were compliant.	
7.5b	<p>Transport Management Plan to outline measures to ensure minimal amenity impacts on the locality through the appropriate management of heavy vehicles accessing and departing the development. The Plan shall be prepared in consultation with Council and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) details of the Transport Code of Conduct for the development that outlines the management of traffic impacts associated with heavy vehicles accessing and departing the site; ii) consideration of all possibilities for reducing the required daily heavy vehicle movements and movements during peak or night-time periods; iii) procedures to ensure the safe and efficient movement of vehicles between Lots 29-30 DP803794 and Lot 1 DP874409; iv) procedures to limit the tracking of mud/dirt on the road way between Lots 29-30 DP803794 and Lot 1 DP874409; v) procedures for monitoring the effectiveness and suitability of these measures; and vi) details of additional measures that would be implemented should be non-compliance be detected. 	The OEMP contains an Operations Traffic Management Plan (OTMP) but this is not up to date and does not address all the requirements.	<p>Non-compliant</p> <p>NC11</p> <p>The OTMP has not been updated since 2005 and requires updating and implementation. It is recommended to include a Figure of the site showing traffic requirements.</p>
7.5c	<p>Flood Emergency Management Plan to outline measures that would be implemented in a time of flood. The Plan shall provide detailed evacuation procedures to interface with the Bureau of Meteorology's flood warning system and the local State Emergency Services plan (where appropriate) and to include provisions for any third parties likely to be involved. The Plan shall also include, but not necessarily be limited to:</p>	<p>A Flood Emergency Management Plan (FEMP) exists for the site.</p> <p>The FEMP does not address all the requirements listed including:</p>	<p>Non-compliant</p> <p>NC12</p> <p>The FEMP has not been updated since 2005 and</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<ul style="list-style-type: none"> i) a detailed description of the likely flood behaviour of the area within the vicinity of the site; ii) identification of the flood warning systems that would be utilised by the proposed operations; iii) details of the workforce education awareness program implemented at the site; iv) details of the evacuation and evasion procedures that would be undertaken in a time of an emergency; v) identification of the designated evacuation routes and flood refuges; and vi) details of flood preparedness and awareness procedures for residents and visitors to the site. 	<ul style="list-style-type: none"> i) a detailed description of the likely flood behaviour of the area within the vicinity of the site; ii) identification of the flood warning systems that would be utilised by the proposed operations; iii) details of the workforce education awareness program implemented at the site. 	requires updating and full implementation.
7.5d	<p>Stormwater Management Plan to outline measures to mitigate impacts of stormwater run-off from and within the premises. This plan shall address the requirements of Council and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) details of all relevant stormwater control infrastructure; ii) procedures for the installation and maintenance of gross pollutant traps to screen stormwater from the site at all major site discharge points to Ironbark Creek; iii) a demonstration of consistency with the stormwater management plan for the catchment and any relevant stormwater guidelines prepared by Council; iv) details of the monitoring program, as required by condition 5.11, to monitor stormwater flows from the site; and 	<p>A Stormwater Management Plan (Wade Consulting Group, 2005) exists for the site. This notes that part of the SWP (the monitoring program) is contained within the Operation Environmental Management Plan (OEMP).</p> <p>The OEMP refers to a monitoring program developed by HLA-Envirosciences (Stormwater Quality Monitoring Program, Metal Shredding Facility, Sparke Street Hexham, 23 November 2004).</p> <p>Exceedances (pH and EC) in the AEMR (2015-2016) were noted, although no criteria for these parameters are specified in the EPL or CoA.</p>	<p>Non-compliant</p> <p>NC13</p> <p>A review of water quality monitoring results is recommended to identify any trends in the data and to better specify criteria for all key parameters. Exceedances of other criteria were also noted in the AEMR (2015-2016), including for metals. The source of these elevated levels could not be determined.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	v) details of any contingency measures that would be followed to ensure the protection of neighbouring waterways and wetlands should an accident or emergency occur at the site.	<p>The AEMR uses the following assessment criteria:</p> <ul style="list-style-type: none"> Heavy metals (dissolved) is derived from Table 3.4.1 ANZECC (2000) trigger values for freshwater and marine water ecosystems with 95% species level of protection. pH is derived from Table 3.3.2 of ANZECC (2000) for lowland rivers and estuaries (slightly disturbed systems) in South-Eastern Australia. The trigger values for estuaries were adopted for marine water criteria. Conductivity is derived from Table 3.3.3 of ANZECC (2000) for lowland rivers (slightly disturbed systems) in South-Eastern Australia <p>There was no evidence of stormwater monitoring since the results shown in the 2015-2016 AEMR.</p> <p>The original locations of the water quality monitoring did not include an upstream site so it could not be ascertained if any exceedances of the criteria were due to the OneSteel facility, another source, or were background levels.</p> <p>Originally, monitoring was conducted at two locations. An additional location upstream has been incorporated since 2014.</p>	The Stormwater Management Plan has not been updated since it was prepared in February 2005. The plan should be updated and implemented in full.

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
7.5e	<p>Landscape Management Plan to outline measures to ensure appropriate development and maintenance of landscaping on the site. The Plan shall address the requirements of Council and shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) details of existing and proposed landscaping to be undertaken on the site with specific reference to the use of vegetation to screen the development from the Pacific Highway, Ironbark Creek, residential receptors and the railway line; ii) details of landscape works to improve the condition of the riparian zone along the boundary of Lot 1 DP 874409 and Ironbark Creek; iii) maximisation of flora species endemic to the locality in landscaping the site; iv) measures to ensure general consistency with the relevant guidance provided in Planning for Bushfire Protection (NSW Rural Fire Service and PlanningNSW, 2001); v) a program to ensure that all landscaped areas on the site are maintained in a tidy, healthy state and free of weed species; and vi) a program to ensure that vegetation along the Pacific Highway is appropriately managed to maintain vehicle sight distances in accordance with RTA requirements. 	<p>The OEMP contains a Landscape Management Plan (LMP) but this is not up to date and there was no evidence that landscaping works are maintained.</p> <p>Landscape Management Plan, Appendix E of OEMP, approval by DIPNR for Lots 29-30, subject to providing to DIPNR landscaping details of areas along the boundary of Lot 1 and neighbouring property by 26 April 2005. Approval dated 11 April 2005.</p> <p>The Independent Environmental Audit conducted by HLA Envirosciences (2007) states: <i>OEMP submitted to DIPNR dated 18 April 2005. DIPNR approved OEMP letter dated 22/4/05. Certified in Interim Occupation Certificate dated 5 May 2005 by TRH & Associates.</i></p> <p>The Fire Brigade attended the site to conduct an inspection and to familiarise themselves with the site's operational activities and layout. The Fire Brigade also visited to inspect the site in relation to an "approved total fire ban exemption" – to enable continued operation under total fire bans.</p>	<p>Non-compliant</p> <p>NC14</p> <p>The LMP has not been updated since 2005 and requires updating and implementation.</p>
7.5f	<p>Waste Management Plan to outline measures to minimise the production and impact of wastes generated at the development. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> i) identification of the types and quantities of waste that would be generated during operations, and the standards and performance measures for dealing with this waste; 	<p>The OEMP contains a Waste Management Plan (WMP) but this is not up to date and not implemented in its entirety.</p> <p>The following waste records were sighted:</p> <ul style="list-style-type: none"> • Cleanaway services disposal of waste fluids from site. Most often this is waste oil from machinery services. 	<p>Non-compliant</p> <p>NC15</p> <p>The WMP has not been updated since 2005 and requires updating and implementation.</p>

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>ii) a description of appropriate procedures that will be implemented to ensure that all scrap, dust and litter is contained within the designated receive and load out areas;</p> <p>iii) a detailed description of how this waste would be reused, recycled, and if necessary, appropriately treated and disposed of in accordance with the EPA's guidelines on the Assessment, Classification & Management of Liquid and Non-Liquid Waste;</p> <p>iv) a description of how the effectiveness of these actions and measures would be monitored over time; and</p> <p>v) a description of what procedures would be followed to ensure compliance if any non-compliance is detected.</p>	<ul style="list-style-type: none"> • EnviroKing disposes of septic tank contents. • JR Richards and Sons collects and disposes of mixed waste. This is for general mixed waste such as broken wood pallets, rags, bagged rubbish from the offices etc. • Waste records were also sighted for 16 to 20 December 2016 for the flocculant material. 	
8	Environmental Reporting		
	Incident Reporting		
8.1	The Applicant shall notify the Director-General of any incident with actual or potential significant off-site impacts on people or the biophysical environment as soon as practicable after the occurrence of the incident. The Applicant shall provide written details of the incident to the Director-General within seven days of the date on which the incident occurred.	<p>There is an incident reporting and investigation procedure (OSTR-OHSE-SYS-PRO-029).</p> <p>A Pollution Incident Response Management Plan (PIRMP) has been prepared and is available on the OneSteel internet site.</p> <p>OneSteel should review the definition of pollution incidents and reporting under the PIRMP.</p> <p>An R3 Report was prepared for the EPA for an incident on 5 January 2016. This is the only R3 incident report that has been required to date.</p>	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
		An Emergency Response Plan has been prepared and was sighted.	
8.2	The Applicant shall meet the requirements of the Director-General to address the cause or impact of any incident, as it relates to this consent, reported in accordance with condition 8.1 of this consent, within such period as the Director-General may agree.	<p>An R3 Report was prepared for the EPA for an incident on 5 January 2016. Follow up included reviewing stormwater controls at the site.</p> <p>A Pollution Reduction Program (PRP) was completed as per the Environment Protection Licence in 2013.</p> <p>Internal Monthly Environmental Reporting is conducted on Form OSTR-ENV-SYS-FRM-137 and this includes provision for reporting of any incidents.</p>	Compliant
Annual Performance Reporting			
8.3	<p>The Applicant shall, throughout the life of the development, prepare and submit for the approval of the Director-General, an Annual Environmental Management Report (AEMR). The AEMR shall review the performance of the development against the Operation Environmental Management Plan (refer to condition 7.4 of this consent), the conditions of this consent and other licences and approvals relating to the development. The AEMR shall include, but not necessarily be limited to:</p> <p>a) details of compliance with the conditions of this consent;</p> <p>b) a comparison of the environmental impacts and performance of the development against the environmental impacts and performance predicted in those documents listed under condition 1.2 of this consent;</p> <p>c) details of any complaints received in relation to the operation, an overview of how these complaints were handled, and the results of any actions taken by the Applicant to address the complaint;</p>	AEMRs are submitted annually. The last AEMR was submitted in April 2016 for the period 2015-2016.	Compliant

CoA	Requirements	Evidence Comments	Compliance Status and recommendations
	<p>d) results of all environmental monitoring required under this consent and other approvals, including interpretations and discussion by a suitably qualified person; and</p> <p>e) a list of all occasions in the preceding twelve-month period when environmental performance goals for the development have not been achieved, indicating the reason for failure to meet the goals and the action taken to prevent recurrence of that type of incident.</p> <p>The Applicant shall submit a copy of the AEMR to the Director-General and Council every year, with the first AEMR to be submitted no later than twelve months after the commencement of operation.</p>		
8.4	The Director-General may require the Applicant to address certain matters in relation to the environmental performance of the development, in response to review of the Annual Environmental Report and any comments received from Council. Any action required to be undertaken shall be completed within such period as the Director-General may agree.	This independent environmental compliance audit has been prepared in response to follow up requested from the DPE.	Compliant

Appendix C – EIS Checklist

OneSteel Recycling Independent Environmental Compliance Audit EIS Checklist

EIS Section	Requirements	Evidence Comments	Compliance Status and recommendations
9.1	<p>As part of the design, an EMP for construction would be prepared and implemented to ensure all the management, mitigation and safeguard measures specified in this EIS and the subsequent conditions of consent are implemented. This would ensure the works do not significantly impact on the environment. The EMP would be implemented during the construction installation of the proposal and would include all of the mitigation measures outlined in this EIS, assign responsibility for the implementation of these measures, and provide a program for their implementation.</p> <p>In addition the EMP would provide:</p> <ul style="list-style-type: none"> • A demonstration of sound environmental management practices; • Identification of all licensing and approval requirements; • An outline of a monitoring program; and • Procedures for auditing and reporting results. 	<p>The Construction Safety and Environment Plan – Shredder Plant Installation 2003/2004 and sub plans was sighted and included all items listed.</p> <p>The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references: correspondence with DIPNR relating to per DA condition 7.2, dated 1 July 2004 and 6 July 2004.</p> <p>Construction Certificate (24 March 2004) documentation included Erosion and Sediment controls, and construction management plan relating to condition 7.2.</p>	Compliant
9.2	<p>Various approvals and licences are required prior to the construction and operation phases of the project. These are detailed in other chapters and summarised in Table 9.1:</p> <ul style="list-style-type: none"> • Roads and Traffic Authority Roads Act 1993 Works on public road and classified road Approval under Section 138 of the Roads Act. 	<p>The EPL and conditions of approval were sighted. Staff interviewed as documented in the audit report were aware of the EPL and conditions of approval.</p> <p>The following additional approvals were sighted:</p>	Compliant

EIS Section	Requirements	Evidence Comments	Compliance Status and recommendations
	<ul style="list-style-type: none"> Newcastle City Council Roads Act 1993 Works on a local road Approval under Section 138 of the Roads Act. Scrap metal recovery Variation to existing licence under Schedule 1 of POEO Act. Environment Protection Authority Protection of the Environment Operations Act 1997(POEO Act) Development work for a for a scheduled activity Licence under s.47 of POEO Act. Department of Infrastructure, Planning and Natural Resources Rivers and Foreshores Improvement Act 1948 Works within 40 metres of a river bank (Hunter River) Permit under Part 3A of RFI Act 	<ul style="list-style-type: none"> A Part 3A permit under the <i>Rivers and Foreshores Improvement Act 1948</i>, dated 10 June 2004. This approval is dated prior to the intersection works on the Pacific Highway and the drainage channel construction work on Lot 1 DP874409 commencing. A Certificate of Consent issued under the <i>Water Management Act 2000</i> (Consent No: 2003/4435A), dated 19 February 2004. RTA (RMS) major works authorisation deed (WAD) (undated) Newcastle City Council acceptance of traffic management plan for the Pacific Highway / Sparke Street intersection, dated 9 July 2004. Newcastle City Council approval for works in the public road reserve Ch 160 to Ch 534.525m on Sparke Street, Hexham received 13 September 2004. Newcastle City Council approval for works in the public road reserve Ch 00 to Ch 160m at the intersection of Maitland Road and Sparke Street, Hexham received 29 November 2004. RTA acknowledgement and acceptance of all pre-construction documentation and authorisation of for road works to commence in the State Road reserve, dated 8 December 2004. 	
9.3	<p>One of the components of environmental management is consultation during both construction and operation. The objectives of this would be to provide advice on local issues and utilise community information during the planning and design phases. This would help to maximise community benefits. Components of the strategy would include:</p> <ul style="list-style-type: none"> Providing a telephone service during construction and operation of the facility to report incidents & complaints; Maintaining a complaints register to record details of all complaints received and actions taken; Using community information from local groups to monitor construction and to design mitigation measures; Providing adequate notice via appropriate channels before any construction work begin. 	<p>A community consultative committee has been established and is operating. A Community Consultative Committee (CCC) has been established and meetings usually held on the second Tuesday every second month. Minutes of meeting held in August 2015, and 9 February, 14 June and 13 December 2016 were sighted.</p> <p>A complaints procedure is in place and a register is maintained of all complaints received and this was sighted.</p>	Compliant

EIS Section	Requirements	Evidence Comments	Compliance Status and recommendations
	Construction		
9.4	The construction EMP would incorporate all mitigation measures outlined in this document, as summarised in Table 9.3.	The Construction Safety and Environment Plan – Shredder Plant Installation 2003/2004 and sub plans were sighted.	Compliant
Table 9.4	Operation		
Noise	<p>The design process shall include the following:</p> <ul style="list-style-type: none"> Acoustic treatment as stated in section 7.1.2 , or equivalent, shall be applied to the hammer mill; and Sound power levels for all plant proposed to be used on site shall be measured prior to their use on site to ensure the levels used in the noise impact assessment are not exceeded. An environmental noise management plan for operation shall be prepared and implemented. The existing procedures and manuals would be updated to incorporate the new site and any new requirements. Measures shall include: <ul style="list-style-type: none"> all petrol tanks to be removed from cars at the collection points prior to delivery to the shredder site; all potentially explosive devices, including gas cylinders, shall not enter the shredder; all potentially explosive devices, including gas cylinders, shall be disposed of in an environmentally satisfactory manner; an overpressure (explosion) monitor shall be setup at the northern most boundary of the site to monitor and measure explosion overpressures travelling in a northerly direction towards residences at Shamrock Street; and maintain good quality control for inspection practice. 	<p>Noise mitigation measures have been implemented and a Noise Audit was conducted within 90 days of commencement of the facility by Hunter Acoustics (Noise Audit For Smorgon Steel Recycling Spark Street Hexham, September 2005).</p> <p>The Noise Audit reviewed the Noise Management Plan which provided an estimated Sound Power Level for the new operations. Table 2 of the Noise Management Plan details the major noise sources within the proposed new operations and the assigned sound power levels based on measurements taken from Chipping Norton and the existing Hexham Site at the time of preparation of the noise management plan.</p> <p>The noise audit results showed good agreement with the original model assumptions. The surveys at the receptors indicate that compliance is achieved for daytime operations under both neutral and northwest wind enhancing conditions.</p> <p>A Onesteel Unacceptable Scrap Manual (Doc OSTR-OHSE-PC-PRO-056) details the waste that is not accepted and responsibility for implementing. Inspectors were sighted during the audit.</p>	Compliant

EIS Section	Requirements	Evidence Comments	Compliance Status and recommendations
Traffic	<p>During operation the following management measures would be implemented:</p> <ul style="list-style-type: none"> Restrict heavy vehicles (> five tonnes) right turn movements out of Sparke Street at the Pacific Highway during the afternoon peak period (3:30pm-6:00pm); Heavy vehicles wishing to travel south from the proposed development during the afternoon peak would be required to turn left out of Sparke Street and utilise the existing truck u-turn facility located along the New England Highway to the north of the Pacific Highway intersection; Install signage at the Pacific Highway / Sparke Street intersection reflecting the ban on heavy vehicles undertaking right turn movements out of Sparke Street during the afternoon peak period. This sign would have legal implications. The sign would be installed only with approval from the RTA; A “driver management plan” would be implemented which would include education and enforcement of the right turn ban during the afternoon peak periods. A copy of the SSR Newcastle Shredder Traffic Management Procedure (developed specifically for this proposal) is provided in Appendix C; and Ensure the vegetation south of Sparke Street is maintained in a trimmed fashion, ensuring the sight distances are maintained at 180 metres. In addition SSR would organise for Sparke Street to become licensed to accommodate ‘long vehicles’ (in excess of 19 metres) before any vehicles of that length enters Sparke Street. The licence application would to be lodged with NCC. 	<p>Roadworks were constructed according to the design approved by Roads and Maritime and Newcastle City Council. Prior to commencement of construction, the following documents relating to the conditions of consent were approved:</p> <ul style="list-style-type: none"> Construction Safety and Environment Plan – Shredder Plant Installation 2003/2004 and sub plans (DIPNR). RTA (RMS) major works authorisation deed (WAD) (undated). Attachment B of the WAD lists the description of works which is consistent with the conditions of approval. Construction certificate for plant room building, issued 24 March 2004, states the works were completed in accordance with the Development Consent. RTA acceptance of concept design, works authorisation deed and traffic management plan for the Pacific Highway / Sparke Street intersection, dated 28 June 2004. Newcastle City Council acceptance of traffic management plan for the Pacific Hwy / Sparke Street intersection, 9 July 2004. Newcastle City Council approval for works in the public road reserve Ch 160 to Ch 534.525m on Sparke Street, Hexham received 13 September 2004. Newcastle City Council approval for works in the public road reserve Ch 00 to Ch 160m at the intersection of Maitland Road and Sparke Street, Hexham received 29 November 2004. RTA acknowledgement and acceptance of all pre-construction documentation and authorisation for road works to commence in the State Road reserve, dated 8 December 2004. RTA approval, with concurrence from Newcastle City Council, for use of an alternative truck route until the U-turn under Hexham Bridge constructed, dated 20 April 2005. Construction Certificate issued 5 May 2005, stating works completed in accordance with approved documentation. Construction Certificate for modification works 4.8C and 4.8D issued 23 June 2006, stating works completed in accordance with approved documentation. 	Compliant

EIS Section	Requirements	Evidence Comments	Compliance Status and recommendations
		<ul style="list-style-type: none"> RTA approval to construct U-turn facility under Hexham Bridge, dated 10 May 2005. 	
Air Quality	<p>The management and operation of the proposed site would be incorporated into the existing SSR systems which are applied at the adjacent site. Specific air quality controls would include those listed below:</p> <ul style="list-style-type: none"> The hardstand areas would be regularly washed down to prevent a build up of fine materials. All trafficked surfaces within the site would be vacuum cleaned as required. Shredder residue would not be moved under wind conditions that would be conducive to the generation of dust. All onsite equipment would be maintained so that they are operating efficiently to reduce emissions. A register of complaints would be maintained and reviewed. If complaints regarding air quality are received then dust suppression sprays would be installed on the stockpiles. Dust suppression sprays would be installed on the stockpiles. 	<p>Dust suppression activities are undertaken to minimise dust levels, as sighted. These include:</p> <ul style="list-style-type: none"> Water trucks: spraying water across the plant and hardstand area to minimise dust levels; Sweepers – dust sweepers utilized across the site; Dust suppression unit – installed within the shredder unit to minimize dust emission from the shredder operation. Litter controls on the shredder stack out conveyor and associated area. <p>Quarterly dust monitoring conducted by Aecom (reports sighted) demonstrates compliance with the criteria.</p>	Compliant
Water Quality	<p>An Operations and Maintenance Manual for the first flush and OSD system would be prepared as part of a separate project. The Manual would be implemented during operation of the shredder facility. The first flush pit would be regularly inspected and cleaned out when it is filled to 60 percent of its capacity. Existing site management practices would be extended to include the new site. These practices include:</p> <ul style="list-style-type: none"> All trafficked surfaces within the site would be vacuum cleaned as required. 	<p>The stormwater management infrastructure was designed by Wade Consulting engineers and includes interception and first flush pits. The design report was sighted.</p> <p>Interim Occupation Certificate (excluding water tank), dated 5 May 2005, referenced a copy of the certification for the stormwater as per DA condition 4.34 dated 19 May 2004 and 28 April 2005.</p> <p>Interception and first flush pits have been installed at the Shredder site and the Administration building site. The Shredder site drains to a</p>	Compliant

EIS Section	Requirements	Evidence Comments	Compliance Status and recommendations
	<ul style="list-style-type: none"> All fuels/chemicals would be kept on the existing site within a bunded area. The open drains would be well vegetated with locally occurring native grasses to offer water quality treatment through filtering. The health of this vegetation would be monitored. A hydrocarbon spill kit would be maintained on site to manage spills. In the event of an accident a sand bund would be placed upstream of the culvert beneath the Pacific Highway in the vicinity of the merge lane and the EPA would be notified. Spills occurring on Lots 29 or 30 would be captured in the first flush pit. If, in very rare circumstances (approximately once every 30 years) the spill were to occur after a heavy rainfall event and the first flush pit was full, staff would be trained to block the outlet of the OSD basin to contain the spill. 	<p>first flush pit 20m x 20 m x 2.8 m deep via 3 Ecosol GPT units, which is then pumped through an oily water separator to a holding tank. This is then used primarily for shredder rotor cooling and dust control. GPT 4 is located adjacent to the fence line as final protection. Discharge to the swale only occurs during major rain events.</p> <p>This system was upgraded in early 2013 to include the following:</p> <ul style="list-style-type: none"> Fox FX10000SS separator Ecosol RSF 4450 GPT at the fence line. <p>The Administration Building site drains to a first flush pit approximately 10m x 10m x 2 m deep via 2 x retention pits, this is then pumped to an oily water separator then to 2 holding / settling tanks which then drains through a geotextile bag.</p> <p>There is a stormwater channel between the site and the railway corridor which was sighted. There have not been any reported instances of stormwater entering the railway corridor from the site.</p> <p>The construction certificate, dated 24 March 2004, references certification of the stormwater design. Written measures that were sighted which aim to prevent the discharge of sediments and pollutants from the site during operation include:</p> <ul style="list-style-type: none"> Shredder flush pit Dust suppression water sprays on conveyors Dust suppression filters on baghouse bin Waste oil storage bund Non-ferrous first flush pit and bag Gross pollutant traps Detention ponds Oil water separators 	

EIS Section	Requirements	Evidence Comments	Compliance Status and recommendations
		<p>Maintenance of the control measures is conducted regularly by Ecosol who conduct regular inspections – Inspection and cleaning record sighted for 26 November 2016 (Cleanout of detention basins and gross pollutant traps (GPTs).</p> <p>Fuels and chemicals are stored in a bunded area.</p>	
Flooding	A flood emergency response plan would be developed for implementation during operation of the shredder in accordance with Clause 22 of the Draft Newcastle LEP 2002.	<p>Certificate of site filling works, issued by Patterson Britton on 10 May 2005 stating that the site was constructed in accordance with the report titled Rationalisation of Floodways Connecting Hexham Swamp to the Hunter River (Issue 2, July 2003).</p> <p>A Flood Emergency Management Plan (FEMP) exists for the site.</p>	Compliant
Waste Management	<p>Shredder residue would be removed from site on a daily basis to an approved waste disposal facility, most probably the Erskine Park Landfill.</p> <p>General putrescible and solid waste generated by employees would be collected in waste bins then transferred to skips on the existing site. This waste would be collected approximately every fortnight by a registered contractor.</p> <p>Sludge and oils from the first flush system would be removed as required by a registered contractor.</p> <p>No materials classified as 'Hazardous, Industrial or Group A waste' would be stored on the new site.</p>	<p>Waste management practices have been implemented.</p> <p>The following waste records were sighted:</p> <ul style="list-style-type: none"> • Cleanaway services disposal of waste fluids from site. Most often this is waste oil from machinery services. • EnviroKing disposes of septic tank contents. • JR Richards and Sons collects and disposes of mixed waste. This is for general mixed waste such as broken wood pallets, rags, bagged rubbish from the offices etc. <p>Sludge and oils from the first flush system are removed by a registered contractor.</p> <p>Waste records were also sighted for 16 to 20 December 2016 for the flocculant material.</p>	Compliant
Visual	Landscaping would be undertaken as marked on Figure 3.1 and Plan No. 6 (which has been submitted with the DA).	The Interim Occupation Certificate (excluding water tank), dated 5 May 2005, references the Landscaping Certificate and Plans dated 15 April 2005, demonstrates compliance.	Compliant

EIS Section	Requirements	Evidence Comments	Compliance Status and recommendations
Safety and Hazard	<p>SSR's specific safety management manual and safety management procedures shall be applied to this site.</p> <ul style="list-style-type: none"> No hazardous materials are to be stored on the site. Scrap metal containing dangerous goods shall not be accepted for processing. Petrol tanks shall be removed at collection points prior to delivery to the shredder site. All material shall be visually inspected three times prior to shredding. No LPG gas bottles shall be accepted for shredding. The shredder water spray system would be operated whenever car bodies are shredded. SSR shall ensure that the operation of the new shredder complies with all relevant provisions in the OHS Act 2000 and OHS Regulation 2001. 	<p>Recycled waste is received for processing. There was no visual evidence of waste being received that is not specified in the Environment Protection Licence.</p> <p>There is a Onesteel Unacceptable Scrap Manual (Doc OSTR-OHSE-PC-PRO-056) that details waste that is not accepted and responsibility for implementing. Inspectors were sighted during the audit.</p> <p>There is a dedicated area for receipt and processing of motor vehicles.</p>	Compliant
Ecology	<ul style="list-style-type: none"> Open channels would be vegetated with locally occurring native grasses to provide a filtering function prior to discharge. The first flush system installed within the shredder site would be appropriately maintained and cleaned out as required. 	<p>The Shredder site drains to a first flush pit 20m x 20 m x 2.8 m deep via 3 Ecosol GPT units, which is then pumped through an oily water separator to a holding tank. This is then used primarily for shredder rotor cooling and dust control. GPT 4 is located adjacent to the fence line as final protection. Discharge to the vegetated swale only occurs during major rain events. This system was upgraded in early 2013 to include the following:</p> <ul style="list-style-type: none"> Fox FX10000SS separator Ecosol RSF 4450 GPT at the fence line. <p>The Administration Building site drains to a first flush pit approximately 10m x 10m x 2 m deep via 2 x retention pits, this is then pumped to an oily water separator then to 2 holding / settling tanks which then drains through a geotextile bag.</p> <p>There is a stormwater channel between the site and the railway corridor which is vegetated with grasses.</p>	Compliant

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Appendix D

Corrective Action Plan

Appendix D Corrective Action Plan

Corrective Action Plan - Infrabuild Recycling Hexham

CoA Ref	NC No.	Corrective Action	Details of corrective action	Target Date	Completion Date	Status	Actions Achieved
1.1	NC01	Implement all practicable measures to prevent or minimise harm to the environment	At the completion of all CAs on this list all practicable measures will have been implemented	22-Oct-17	20-Apr-20	Open	Due to changes imposed by EPA regarding Stormwater & Surface Water Management all actions listed below cannot be closed until the requirements outlined in EPA Licence 5345 Section 8 Pollution Studies & Reduction Programs has been completed.
1.2	NC02	Implement all documented requirements	At the completion of all CAs on this list all documented requirements will have been implemented	22-Oct-17	20-Apr-20	Open	Due to changes imposed by EPA regarding Stormwater & Surface Water Management all actions listed below cannot be closed until the requirements outlined in EPA Licence 5345 Section 8 Pollution Studies & Reduction Programs has been completed.
2.1	NC03	Review site inductions to ensure consent requirements are included.	Incorporate relevant consent conditions in the site induction. The site induction is a requirement to be completed by all new employees, contractors and sub-contractors performing work on the site.	22-Aug-17	20-Sep-17	Closed	Personal who interact with the Infrabuild Recycling Hexham location are made aware through various methods of the Environmental requirements for the site. For example new employees are trained in Environmental awareness, Contactors via the Work Safety Permit.
2.5	NC04	Implement all requirements of the Director General	At the completion of all CAs on this list all requirements of the Director-General will have been implemented	22-Oct-17	20-Apr-20	Open	Due to changes imposed by EPA regarding Stormwater & Surface Water Management all actions listed below cannot be closed until the requirements outlined in EPA Licence 5345 Section 8 Pollution Studies & Reduction Programs has been completed.
4.3	NC05	A. Create a system to reduce the likelihood of inadvertently missing quarterly noise monitoring	Formalise triggers such as the safety calendar and prompts from the contractors to ensure quarterly monitoring is completed	31-Aug-17	20-Sep-17	Closed	The appointed contractor used to conduct testing has a program to remind the Hexham facility in relation to when such testing is required. The site also captures this via there own site maintenance program
4.3	NC05	B. Determine the need for a repeat background noise survey	Obtain expert advice on the utility of obtaining such a survey. If it is recommended complete this survey by an assigned due date	31-Aug-17	23-Oct-17	Closed	As per the Noise Management Plan it was agreed with an environmental consultation and management within Infrabuild that a repeat background noise survey would not be required and the plan now captures the use of boundary measurement algorithm
4.3	NC05	C. Review and revise the noise monitoring program	Review and revise the program with a focus on: analysis of historical results, the effect of changes to background levels, the need for change to monitoring methodology, the revised monitoring plan	31-Aug-17	23-Oct-17	Closed	It was agreed with an environmental consultation and management within Infrabuild that a repeat background noise survey would not be required and the plan now captures the use of boundary measurement algorithm
5.3	NC06	This is the same as NC05 A, B & C above	This is the same as NC05 A, B & C above				
5.11	NC07	A. Review water monitoring history and establish meaningful assessment criteria	Review all historical water monitoring results Determine likely impact of site operations Assess the receiving environment against appropriate guidelines Determine appropriate criteria	30-Sep-17	24-Apr-20	Open	Due to amendments to the EPA Licence 5345, new requirements for the Infrabuild Hexham location is to conduct Surface Water Characterisation program which covers off on a Water Balance model, Water Characterisation, Discharge Characterisation , Discharge Impact Assessment & a Surface Water Mitigation & Monitoring Plan. Infrabuild are in the early stages of this program with EPA and continue to work with EPA on this matter.
5.11	NC07	B. Revise and implement the Stormwater Management Plan	Revise and implement the Stormwater Management Plan: - Incorporate the criteria based on the history of local results (i.e.. taking into account background results) - Decide on appropriateness of local rainfall as the trigger - Formalise the upstream (background) monitoring location	30-Sep-17	24-Apr-20	Open	Due to amendments to the EPA Licence 5345, new requirements for the Infrabuild Hexham location is to conduct Surface Water Characterisation program which covers off on a Water Balance model, Water Characterisation, Discharge Characterisation , Discharge Impact Assessment & a Surface Water Mitigation & Monitoring Plan. Infrabuild are in the early stages of this program with EPA and continue to work with EPA on this matter.
7.1	NC08	Revise Roles and Responsibilities Matrix with regard to Environmental Representative.	Revise the Responsibilities Matrix and incorporate into a revised Operations Environmental Management Plan (OEMP)	15-Aug-17	31-Jan-20	Open	Due to changes in management at the site this needs to be updated

7.4	NC09	Review and Update site OEMP and then update induction documents	Update the OEMP and include revised suite of Management Plans as outlined in NC10-15. Changes will then be implemented via updated site induction.	19-Nov-17	21-Nov-19	Closed	The Operational Environmental Management Plan has now been updated and includes the suite of management plans as appendices. Note: The OEMP will need to be updated once the stormwater study has been completed
7.5a	NC10	Review and Update the site Noise Management Plan	Update the Noise Management plan Incorporating findings from NC05 above.	30-Sep-17	21-Nov-19	Closed	The Noise Management Plan has been updated and attached to the OEMP, included in the plan is the items identified from NC05.
7.5b	NC11	Review and Update the site Traffic Management Plan	Update the Traffic Management plan and include latest material from site training documents relating to transport and load restraint.	31-Aug-17	21-Nov-19	Closed	The Traffic Management Plan has been updated and attached to the OEMP. The site holds an independent Traffic Management plan which all employees are trained in and covers Transport as well as load restraint requirements which is Safety focused. The OEMP continues to capture the requirements as apart of the Development Consent and is shared with key contractor transport companies for them to communicate to drivers on the requirements when entering & exiting Sparke Street
7.5c	NC12	Review and Update the site Flood Emergency Management Plan	Flood Emergency Management plan to Include learnings from Jan 2016 1 in 100yr flood event.	22-Aug-17	21-Nov-19	Closed	The Flood Emergency plan has been updated and attached to the OEMP. Learnings from the 2016 Flood at the Hexham facility have not prompted a change to the Flood Management Plan but other areas were identified as maintenance activities now captured within the sites maintenance program. These being the internal inspection of pipes leading from the Shredder First Flush Pit to the Swale discharge point and also the pipe from Sparke Street to Ironbark Creek discharge point.
7.5d	NC13	Review and Update the site Stormwater Management Plan	Update the stormwater Management plan Incorporating findings from NC07 above.	08-Oct-17	20-Apr-20	Open	Due to amendments to the EPA Licence 5345, new requirements for the Infrabuild Hexham location is to conduct Surface Water Characterisation program which covers off on a Water Balance model, Water Characterisation, Discharge Characterisation , Discharge Impact Assessment & a Surface Water Mitigation & Monitoring Plan. Infrabuild are in the early stages of this program with EPA and continue to work with EPA on this matter.
7.5e	NC14	Review and Update the site Landscape Management Plan	Update the Landscape Management plan with focus on noxious weed identification and removal practices.	20-Sep-17	21-Nov-19	Closed	The Landscape Management plan has been updated and attached to the OEMP. The plan covers as apart of the maintenance of landscaping for the site that landscaping will be in a tidy, healthy state and free of weed species
7.5f	NC15	Review and Update the site Waste Management Plan	Update the Waste Management plan. Include a waste stream generation/ flow diagram	30-Sep-17	21-Nov-19	Closed	The Waste Management Plan has been updated and attached to the OEMP. Included in the Waste Management Plan is a waste stream diagram as highlighted from the Audit.
-	-	Additional Dust & Sediment control actions as per correspondence to the Department 9th of January 2019	-	09-Jan-19	09-Oct-19	Closed	As part of the EPA Licence 5345 Pollution Studies & Reduction Programs, Infrabuild Recycling Hexham was required to complete a Dust Mitigation Study and Report. This has been completed and submitted for approval to the EPA. The Sediment part of the program is being captured in the Water Characterisation program which is not due for completion until April 2020.