



**Environment,
Climate Change
& Water**

Your reference:

Our reference:

Contact:

FIL09/2935:DOC11/22264:PW
Paul Wearne, (02) 4224 4100

Wollongong City Council
(Attention: Nigel Lamb)
Locked Bag 8821
WOLLONGONG NSW 2500

Dear Sir

**ADDITIONAL INFORMATION
PROPOSED REFRACTORY DEVELOPMENT - LOTS 101, 102 AND 103
DP 839149 GLOUCESTER BOULEVARD, PORT KEMBLA – DA 2010/1707**

I am writing to provide comments regarding the additional information that was received by Office of Environment and Heritage (OEH) on the 10 May 2011 in relation to the proposed exhibited refractory development to be located at Lots 101, 102 and 103 Gloucester Boulevard, Port Kembla.

The OEH has undertaken a review of the submitted additional information to date and considers that this information has adequately addressed the matters raised in our response dated the 2 March 2011. The additional information has also confirmed previous verbal advice from the proponent that the proposed activity will not require licensing under the Protection of the Environment Operations Act 1997 (POEO Act). In this regard Council will be the appropriate regulatory authority for matters under the POEO Act.

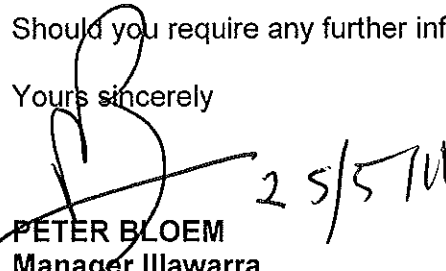
OEH has also provided some additional comments including recommended consent conditions (Attached) for consideration by Council. These relate to the following matters:

- Noise Impact Assessment
- Air Impact Assessment
- Waste; and
- Threatened Species - Green and Golden Bell Frog.

OEH also draws Councils attention to the surface water and dust environmental performance outcomes addressed in our previous letter dated 2 March 2011. These outcomes should also be considered when determining the application.

Should you require any further information please contact the designated officer.

Yours sincerely


PETER BLOEM
Manager Illawarra
Environment Protection and Regulation
Att

(N:\2011\PLANNING\GENERAL\PW DOC11-22264 PORT KEMBLA REFRACTORY PLANT1.DOC)

The Department of Environment, Climate Change and Water is now known as the Office of Environment and Heritage, Department of Premier and Cabinet

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Attachment

Office of Environment and Heritage Review of Additional Information

1. Noise Impact Assessment

Office of Environment and Heritage (OEH) has undertaken a review of the Noise Impact Assessment (NIA) prepared by Wilkinson and Murray Report No 11098 Version A. OEH considers this assessment is an adequate assessment in terms of satisfying the requirements in the NSW *Industrial Noise Policy*. Further OEH also agrees with the conclusions of the report that the predicted noise levels at receivers will not exceed the established daytime, evening and night time noise criteria. However we note that the predicted noise levels have been assessed on a change to the Tap Hole Clay vibrator process where the Tap Hole Clay Bin has been replaced by a bag process. OEH also noted that the conclusions of the report also state that the findings of the report are contingent on the replacement to a bag processing system. To address this conclusion we recommend this process change be secured as either a condition of consent or a commitment sought from the proponent.

In addition we also recommend that the noise predictions be validated post commissioning. In this regard we recommend the following condition:

No later than three months following the commencement of operations the proponent must submit a report of a noise monitoring program to confirm the findings of the NIA. The assessment must be prepared by a suitably qualified and experienced person and undertaken in accordance with the NSW Industrial Noise Policy.

If the noise monitoring identifies any non-compliance with the noise predictions identified in the NIA, the proponent must detail what additional measures will 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.

OEH also recommends that a condition be also required for the proponent to prepare a Construction Noise Management Plan, incorporating all feasible and reasonable mitigation measures to minimise construction noise from the site (including construction traffic noise to and from the site). In addition we also recommend that the proposal be conditioned to allow construction during standard construction hours as outlined in the DECC *Interim Construction Noise Guideline* (2009).

2. Air Impact Assessment

In response to concerns raised by OEH an Odour Impact Assessment has been undertaken for the site. In general, OEH considers this assessment adequate, however as previously recommended in our response dated 2 March 2011 we recommend the following consent condition:

The development must be designed, operated and maintained so that there are no offensive odours beyond the boundary of the site.

Note: For the purpose of this condition "offensive odour" has the same meaning as the definition in the Protection of the Environment Operations Act 1997.

3. Waste

OEH met with the proponent and Council on Monday 23 May 2011 in relation to whether waste being received at the site would require licensing under the Protection of the Environment and Operations Act (POEO Act). OEH has also undertaken a review of further additional information received on the 24 May 2011 regarding this matter. This additional information has confirmed licensing under the POEO Act is not required. Irrespective, as discussed with Council representatives, OEH recommends that appropriate consent conditions should be included on waste quality and quantity that can be received at the site. Suggested consent conditions were provided at this meeting for Council's consideration.

4. Threatened Species - Green and Golden Bell Frog

OEH has reviewed the reports undertaken by Lesrk Environmental Consultants dated 8 December 2010 and 18 April 2011. OEH is satisfied with the recommended changes proposed in the report dated 18 April 2011 in particular we support the recommendation that a dedicated area for the management of Green and Golden Bell Frog (GGBF) be established in the north eastern corner of the site. This would involve the installation of a larger pond which is appropriately vegetated and monitored, rather than two to three smaller isolated structures around the boundary of the site as was proposed in 8 December 2010 report.

OEH also supports the specific recommendations in both reports in relation to the management of GGBF at the site. In this regard we recommend that this information should be used to inform the development of a GGBF Management Plan for the site. As previously recommended by OEH, we recommend the following condition:

Prior to the commencement of construction the Proponent must prepare and implement a GGBF Management Plan for the site.

The Plan must:

- a) be prepared in consultation with OEH by a suitably qualified person*
- b) be prepared in accordance with the Draft Recovery Plan: GGBF Recovery Plan (DECCW 2005) and the Best Practice Guidelines: GGBF Habitat (DECCW 2008;*
- c) address the recommendations provided in Lesrk Environmental Consultants Reports dated 8 December 2010 and 18 April 2011; and*
- d) aim to manage GGBF and its habitat across the site.*

The Plan must also include but not necessarily be limited to the following information:

- i. measures to manage GGBF encountered on site during construction and operation where there is risk to animal welfare*
- ii. identification of threats and priority of actions to address threats*
- iii. Identification of mechanisms where possible to secure the habitat*
- iv. monitoring and reporting program*
- v. GGBF awareness program with employees and contractors.*

