



Sydney Steel Mill Modification 6

Storage and Transformer Changes
State Significant Development Modification Assessment
(DA11/94-Mod-6)

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Glossary

Abbreviation	Definition
Applicant	Infrabuild NSW Pty Ltd
BDAR	Biodiversity Development Assessment Report
Council	Blacktown City Council
Department	Department of Planning, Industry and Environment (DPIE)
EES	Environment, Energy and Science Group, DPIE
EAF	Electric Arc Furnace
EPL	Environment Protection Licence
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
LF	Ladle Furnace
Minister	Minister for Planning and Public Spaces
Planning Secretary	Secretary of the Department
RtA	Response to Advice letter, dated 4 November 2021
SSD	State Significant Development
SSM	Sydney Steel Mill
tpa	tonnes per annum

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for Sydney Steel Mill (SSM) (DA11/94). The modification application seeks consent to use an existing bunker for the storage of alloys and fluxes, and the construction of two bunds for storage of four spare transformers. The Applicant is proposing these changes to improve operating reliability and for more secure storage of the alloys and fluxes.

The application was lodged on 13 October 2021 by Infrabuild NSW Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 Background

The Applicant operates a steel mill at 22 Kellogg Rd, Rooty Hill in the Blacktown local government area (see **Figure 1**). The Mill currently operates under 2 development consents: one granted by the Land and Environment Court in April 1989 for the establishment of the mill, and the other granted by the Minister in August 1994 for the subsequent upgrade of the mill, of which this modification application relates to.

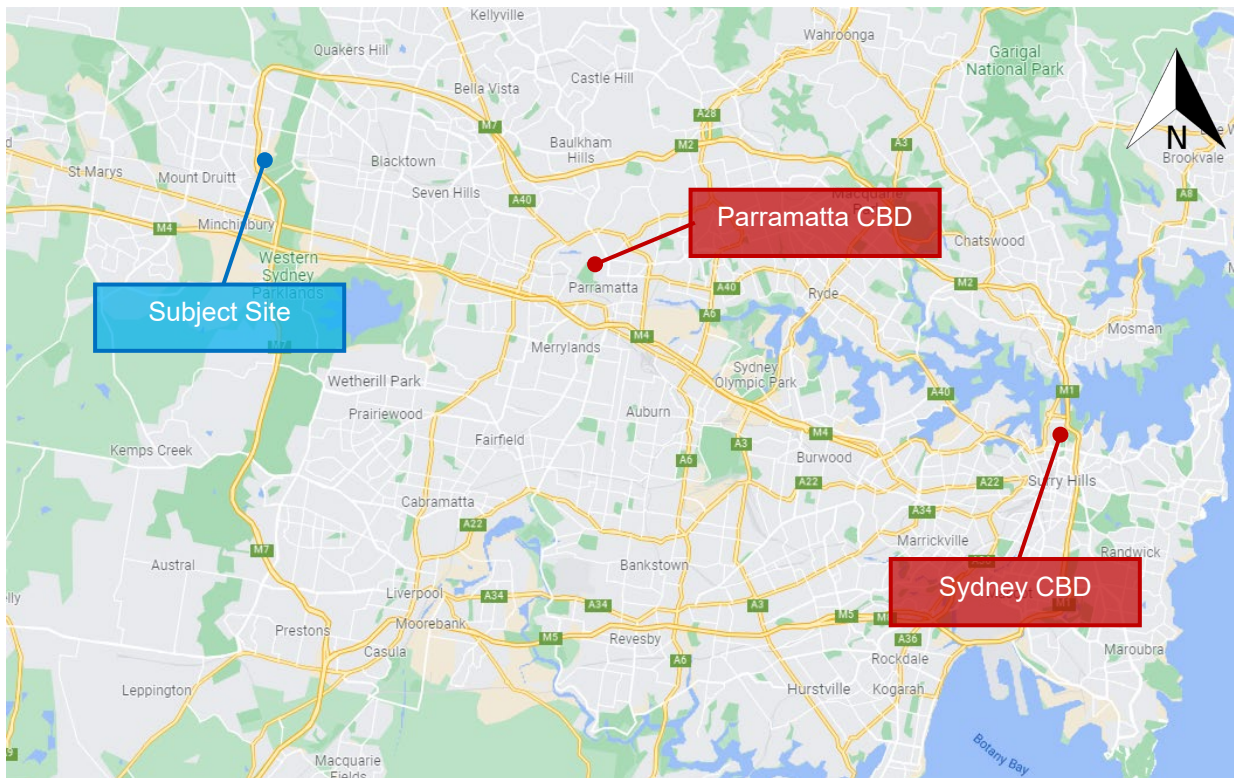


Figure 1 | Regional Context Map

The site is located in an industrial precinct of Rooty Hill (**Figure 2**), to the east of the M7 Motorway and to the north of the Main Western Railway. It is approximately 3 kilometres (km) east of Mount Druitt, and approximately 5 km west of Blacktown. The nearest residences to the site are located approximately 300 metres (m) to the west on Station Street in the suburb of Rooty Hill. The site currently has a significant vegetation buffer on its interface with the M7 Motorway and railway.

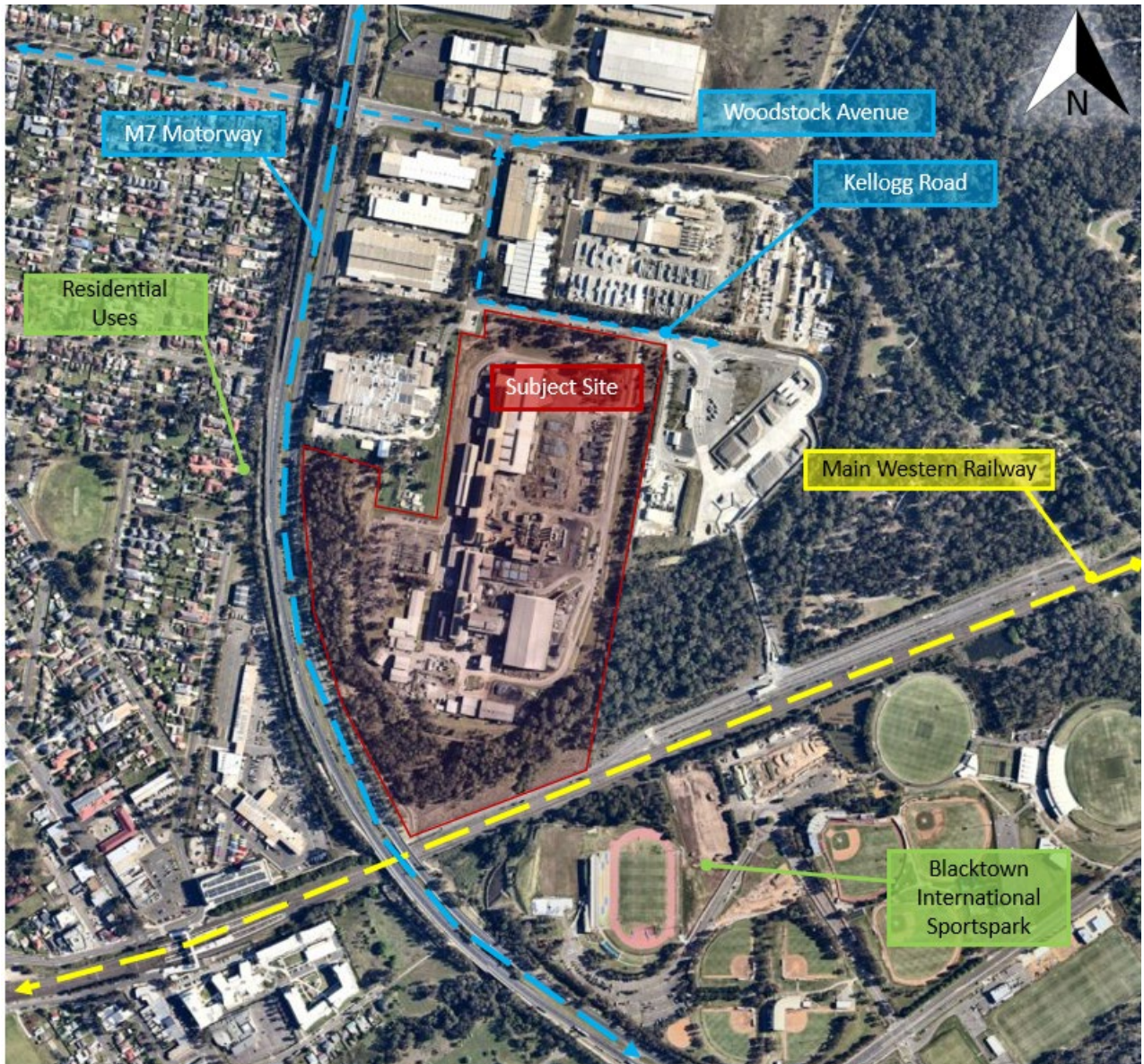


Figure 2 | Local Context Map

1.2 Approval History

The SSM currently operates under two development consents. The first was granted by the Land and Environment Court in April 1989 for the establishment of the mill and the second was granted by the then Minister for Planning on 16 August 1994 (DA11/94) for the subsequent upgrade of the mill. The subject modification application relates to the latter.

The current operations approved under the 1994 approval, as modified, allows the Applicant to:

- operate 24 hours per day, 7 days per week
- produce up to 750,000 tonnes per annum (tpa) of steel billet from scrap metal
- produce up to 400,000 tpa of rolled steel products consisting of approximately 180 different 'finished' steel products.

The development consent has been modified on five occasions (see **Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	<ul style="list-style-type: none"> increase flexibility in the operating capacity of the mill from 5% to 10% above the maximum capacity. 	Department	then s96(1A)	26 September 2005
MOD 2	<ul style="list-style-type: none"> increase the maximum production rate of steel billet from 550,000 tpa to 570,000 tpa increase truck movements extend collection hours of baghouse dust amend transport routes to include the M7. 	Department	then s96(1A)	16 November 2007
MOD 3	<ul style="list-style-type: none"> use of alternate carbon injectants at the mill. 	Department	then s96(1A)	21 May 2008
MOD 4	<ul style="list-style-type: none"> increase the maximum production rate of steel billet from 570,000 tpa to 750,000 tpa increase the maximum production rate of rolled product from 310,000 tpa to 400,000 tpa. 	Department	then s92(2)	19 September 2008
MOD 5	<ul style="list-style-type: none"> increase production at the rolling mill from 400,000 tpa to 500,000 tpa 	Planning Assessment Commission	then s75w	29 October 2015

Building Information Certificate

As discussed in **Section 2**, the Applicant had unlawfully constructed a bunker structure on site to store alloy and fluxes. On 26 March 2021, Blacktown City Council (Council) issued a Building Information Certificate (BIC) (BC-20-000120) for the bunker structure and associated infrastructure. The bunker structure is 18 m by 14 m and 11.5 m tall at its peak.

2 Proposed Modification

2.1 Proposed Modification

The Applicant has lodged a modification application under section 4.55(1A) of the EP&A Act to modify DA11/94. The modification is described in full in the Modification Report included in **Appendix A** and is illustrated in **Figure 3** to **Figure 6**

The proposal seeks three main components, being the construction of two bunds and the change of use of an existing bunker structure on site. These are explained in greater detail below.

The construction of the modification is expected to take four weeks.

Switchyard Transformer Storage Bund

The site currently has two transformers and a spare transformer located in the switchyard at the western part of the site, adjoining the carpark. One of these transformers is nearing end of life and requires replacement. As part of this project, the Applicant proposes to keep the transformer as a spare, resulting in two operating transformers and two spares. The existing bund for the spare transformer is not large enough to hold both spare transformers and as such, the Applicant proposes the construction of a concrete bund to the west of the existing switch yard to house both of these spares. The bund is proposed to be 16.4 m by 6.9 m and 113.2 square metres (m²) in area. The bund is required to capture potential oil leaks from the transformers.

To facilitate these work, 10 trees around the carparking area are proposed to be removed (see **Figure 3**) to facilitate construction works.

Eastern Transformer Storage Bund

The Electric Arc Furnace (EAF) and the Ladle Furnace (LF) spare transformers required for the site are currently being stored in temporary storage bunds to the west of the scrap bay (see **Figure 5**). As part of the application, the Applicant proposes to move these to a new permanent bund to the south of the scrap bay, allowing the transformers to be stored in a permanent, secure and safe location. The storage bund for the EAF and LF transformers is proposed to be 15.1 m by 7.7 m and 116.3 m² in area.

Use of Existing Bunker

The Applicant unlawfully constructed a covered bunker structure to the west of the scrap bay in 2019, with a building information certificate issued by Council on 26 March 2021 (see **Figure 6**).

Under existing operations, it is understood alloy and flux materials are stored in outdoor mounds. The Applicant is seeking approval to use this existing structure to store alloy and flux materials in piles, to offer greater protection from the elements and store them in close proximity to the melt shop.

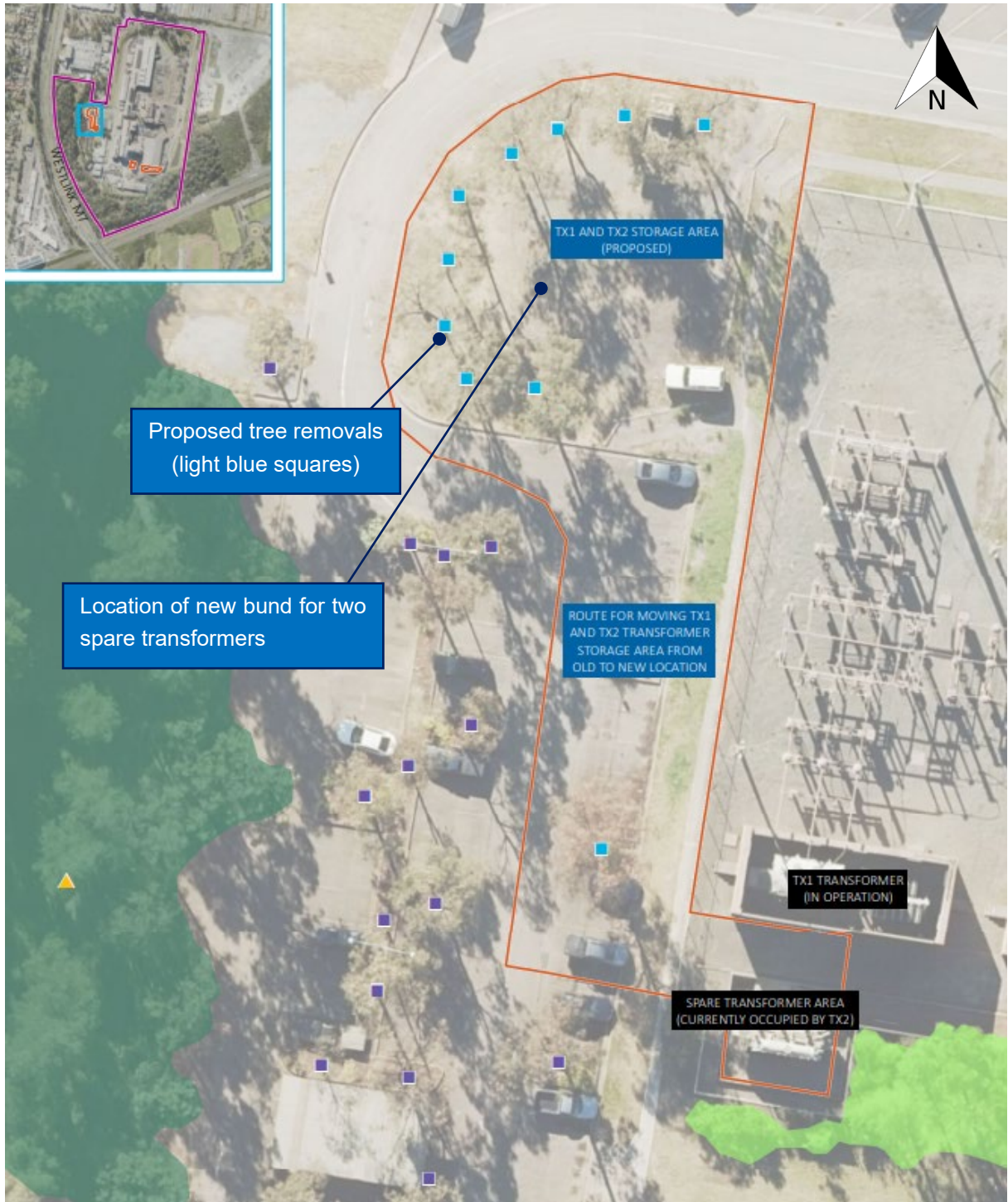


Figure 3 | Proposed Switchyard Transformer and Bund location and Tree Removal



Figure 4 | Existing Transformer to be Moved



Figure 5 | Eastern Transformer Bund and Bunker Location



Figure 6 | Existing Bunker

3 Statutory context

3.1 Scope of Modifications

The Department has reviewed the scope of the modification application and considers it can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not significantly increase the environmental impacts of the development (as last modified under the former section 75W of the EP&A Act)
- the primary function and purpose of the approved development would not change as a result of the proposed modification
- any potential environmental impacts would be minimal and appropriately managed through the existing or modified conditions of consent
- the modification is of a scale that warrants the use of section 4.55(1A) of the EP&A Act.
- is substantially the same development as originally approved.

Therefore, the Department is satisfied the proposed modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

3.2 Consent Authority

The Minister for Planning and Public Spaces (Minister) is the consent authority under section 4.5(a) of the EP&A Act. Under the Minister's delegation of 26 April 2021, the Team Leader, Industry Assessments, may determine the application under delegation as:

- the application has not been made by a person who has disclosed a reportable political donation under section 10.4 of the EP&A Act
- there are no public submissions (other than a council) in the nature of objections, and
- Council has not made a submission by way of objection under the mandatory requirements for community participation listed under Schedule 1 of the EP&A Act.

3.3 Mandatory Matters for Consideration

The Department undertook a comprehensive assessment of the application against the mandatory matters for consideration as part of the original assessment of DA11/94 (under section 90 of the EP&A Act, as in force at the time). This modification application does not result in significant changes that would alter the Department's consideration of the mandatory matters for consideration under section 4.15(1) of the EP&A Act and conclusions made as part of the original assessment.

3.4 Biodiversity Conservation Act 2016

Clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 specifies that if the determining authority is satisfied a modification will not increase the impact on biodiversity values, a biodiversity development assessment report (BDAR) is not required.

The modification seeks to remove 10 trees adjoining the carpark in order to install the new transformer bunds. These trees were planted as part of the original development and no vegetation in its natural

state is proposed to be removed. The subject trees are considered to provide limited biodiversity value and their removal will not increase impacts on biodiversity values, subject to the Applicant being required to replace the trees elsewhere on site. This is discussed in further detail in **Section 6**.

For the reasons discussed above, the Department's assessment concludes a BDAR is not necessary for the proposed modification.

4 Engagement

4.1 Department's Engagement

Clause 117(4) of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) requires a section 4.55(1A) modification application to be notified or advertised if specified by a community participation plan. The Department's Community Participation Plan notes the exhibition requirements for such modifications are discretionary, and based on the urgency, scale and nature of the proposal.

Given the proposed changes would result in minimal environmental impacts (see **Section 3**), the application was not notified or advertised. However, it was made publicly available on the Department's website on 13 October 2021, and was referred to Council, the Environmental Protection Authority (EPA) and the Environment, Energy and Science group (EES) of the Department for comment.

4.2 Government Advice

Advice was received from two State government authorities and one from the local council. A summary of this advice is provided below.

Council did not support the proposal on the basis of insufficient information. It requested further details on modelling of the development's stormwater quality and requested an arboriculture impact assessment to understand what trees need to be removed and what trees will be retained and how these trees will be protected.

The **EPA** recommended water quality and construction waste management be considered in the assessment of the proposal. The EPA also noted it is working with the Applicant to address uncontrolled discharges into a nearby waterway under the Applicant's Environment Protection Licence (EPL).

EES advised that BDAR waiver requests cannot be issued on modification applications. It advised that the proposal would only impact planted vegetation and no natural state vegetation would be impacted.

4.3 Response to Government Advice

On 4 November 2021, the Applicant submitted a Response to Advice (RtA) relating to the issues raised by Council. The RtA was made publicly available on the Department's website and referred to Council for comment. The RtA included further details relating to the stormwater management system, confirming that the only additional impervious area would be the storage bunds, with stormwater being pumped out on an as needs basis. The Applicant noted that both bunds have a capacity of 32,000 litres (L) to 48,400 L, ensuring adequate capacity for both oil spillage and rainfall events. The Applicant also directed Council to its Modification Report in regard to the number of trees proposed to be removed.

Council reviewed the RtA and advised it no longer had concerns with the proposal. It recommended two conditions to ensure the trees not proposed for removal are protected and retained. It also recommended an arborist mark the trees for removal.

5 Assessment

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- Modification Report and Response to Advice (RtA) provided to support the proposed modification (**see Appendix A**)
- documentation and Department's assessment report for the original development application and subsequent modification application(s) (**see Appendix A**)
- advice from State government authorities and Council (**Appendix A**)
- relevant environmental planning instruments, policies and guidelines
- requirements of the EP&A Act, including the objects of the EP&A Act.

The Department's assessment of issues is provided in **Table 2**.

Table 2 | Assessment of Issues

Findings	Recommendations
Biodiversity	
<ul style="list-style-type: none"> • The modification proposes to remove 10 trees in the existing carpark's vegetation area to install the bunds, which has potential to impact on the biodiversity of the site. • The Applicant assessed biodiversity impacts of the tree removal within its Modification Report. The assessment found that the trees were planted as part of the original steel mill project, are not endemic to the area and concluded provide little biodiversity value. Due to this, the Applicant considered the biodiversity impacts to be in line with that of the original assessment and that a BDAR was not required. • Council and EES both reviewed the modification. • On Council's final review, it raised no concerns and recommended two conditions requiring the retention and protection of the existing trees that are not being removed. • EES advised that the removal of the trees will impact only on planted vegetation, none in its natural state and would have marginal biodiversity impacts. • The Department has reviewed the proposal in relation to the removal of vegetation and acknowledges the trees were planted during construction of the original development. • While the subject trees are not considered to hold great biodiversity value, the removal of any native vegetation would have some impact on biodiversity on the site. As such, the Department has recommended a Landscape Management Condition which would require the Applicant to replace the 10 trees set for removal with other native species at a ratio of 2:1. • The Department also recommends a condition requiring the Applicant prepare a Construction Environmental Management Plan (CEMP) to ensure only trees marked for removal are removed, satisfying the intent behind Council's recommended conditions. • The Department concludes the removal of the 10 trees will have minimal environmental impact, subject to conditions 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> • prepare a Landscape Management Plan to replace the removed vegetation • prepare and implement a CEMP to protect vegetation not set for removal.

Findings

Recommendations

requiring the Applicant to plant further trees elsewhere on site and implementing a CEMP.

Stormwater

- The modification seeks to install two concrete bunds (113.2 m² and 116.3 m² in size) in areas that are currently pervious. The increase in impervious area on the site has potential to impact on the stormwater output of the development.
 - In its Modification Report, the Applicant advised that stormwater collected within the bunds will be managed through a manual pump out system, as any stormwater collected is considered classified waste and must be removed as such. This is due to the bunds being installed primarily to collect any potential transformer oil spillage.
 - Both Council and the EPA provided comments on the site's stormwater management. Council requested stormwater modelling be undertaken to ensure the development would meet its water quality targets. The EPA noted it is working with the Applicant regarding existing stormwater issues as part of the EPL on the site and recommended water quality issues be considered in the assessment, however raised no concerns with stormwater management in the context of this modification.
 - In its RtA, the Applicant provided further details on the stormwater management of the bund. It advised the bunds would not be connected to the existing stormwater system and therefore have no impact on stormwater quality or quantity.
 - The Applicant also noted the bunds will have a significant storage capacity for any oil spills or rainfall events. Stormwater collected in the bunds would be removed through a vacuum vehicle already in place and removed to an off-site facility.
 - The Applicant noted existing operation practices see the bunds inspected for water after rain events.
 - Council reviewed the RtA and raised no further issues.
 - The Department has reviewed the information provided by the Applicant and Council and notes that several conditions in the existing conditions of consent require the Applicant to remain consistent with the document *Managing Urban Stormwater: Council Handbook*, mitigate any runoff impacts and ensure waste is classified and disposed of lawfully.
 - The Department is satisfied the bunds will be appropriately designed and operated to isolate water captured in the bunds and dispose of it through classified waste processes. As such, while the impervious area of the site is increasing through the construction of the bunds, it will not add to or impact on the site's existing stormwater quantity or quality.
 - The Department concludes that the modification will have minimal impacts on stormwater quality or production from the site, and the site's stormwater can continue to be managed through existing conditions of consent.
- No amended conditions required.

Noise

- Changes to storage areas have potential to impact on the noise generated by the development, especially through the loading and unloading of raw materials in this area.
- In its Modification Report, the Applicant provided noise monitoring data from 2020, demonstrating the development as a whole is meeting existing noise limits. Operations currently see the alloy and flux materials loaded and unloaded in open pits. The Applicant concluded that moving these operations to a semi enclosed bunker will assist in noise attenuation and as such will not increase noise impacts generated by the site.
- The EPA and Council did not raise any concerns relating to noise generated by the modification.
- The Department has reviewed the modification application in conjunction with the existing conditions of consent and notes the Applicant is required to abide by noise limits, requiring noise levels at residential premises of 55 decibels during the day and 45 decibels at night. The Applicant is also required to undertake annual noise monitoring to ensure the operations of the development meet these thresholds and set out a plan of mitigation if it is found there is non-compliance, which the Applicant has demonstrated existing operations meet. Construction hours are also limited to daylight hours Monday to Saturday.
- Given the existing conditions of consent set firm noise limits, and the Applicant has demonstrated they are meeting these, the Department considers the enclosing of the metal material storage will not impact on noise impacts generated by the facility. Further, the Applicant is also required to abide by construction hours while constructing the transformer storage bunds.
- The Department concludes the modification will have minimal impact on noise levels to the surrounding environment. Noise impacts can continue to be monitored through existing conditions of consent.

No changes to conditions required.

Traffic, Access, and Parking

- Given the modification does not seek to increase operations on the site, it is not expected the proposal will impact on operational traffic or parking. However, the construction and movement of the bunds and additional transformers may have a short term impact on traffic.
- In its Modification Report, the Applicant advised the proposal would generate approximately 5 extra vehicle movements a day, over the four week construction period. The Applicant noted these movements are well within the movements considered in the original assessment, concluding construction would have little impact due to this.
- Council raised no comments relating to traffic or parking.
- The Department has reviewed the proposal and concurs that five additional vehicle movements a day over the four week construction period would have minimal impact on the road network.

Require the Applicant to:

- prepare and implement a CEMP.

Findings

Recommendations

- Regardless, to manage construction traffic impacts on site, the Department has recommended a condition requiring the Applicant to prepare and implement a CEMP, detailing the measures to ensure road safety and network efficiency during construction.
- The Department concludes that the modification will have minimal impact on the efficiency of the surrounding road network, subject to the implementation of a CEMP.

Waste Management

- The construction of additional structures has potential to generate greater waste than normal from the site.
 - In its Modification Report, the Applicant advised any waste generated during construction will be collected and disposed of by licenced contractors.
 - In its advice submission, the EPA recommended waste management be considered during assessment for the construction and operational stages.
 - The Department has reviewed the modification application and existing conditions of consent and notes the Applicant is currently required to ensure any waste generated (during construction or operation) must be classified and disposed of to a lawful facility, in line with the EPA's guidelines.
 - As the modification will not result in process changes or intensification of the site, it is not expected to increase operational waste. The Department considers the existing conditions of consent requiring the classification of waste and the implementation of a waste management plan are sufficient in addressing the EPA's comments.
 - The Department concludes that the modification will have negligible impact on the site's waste generation and can continue to be managed through existing conditions of consent.
- No amended conditions required.

6 Evaluation

The Department has assessed the modification in accordance with the relevant requirements of the EP&A Act. The Applicant is proposing to modify the consent to construct two new bunds for four transformers and to approve the use of an existing bunker for the storage of metals.

The Department understands the modification would assist in operational consistency by increasing the number of spare transformers on site and storing them in fit for purpose bunds to reduce oil spill risk. The existing smelt shop will benefit from moving the raw alloy and flux materials within close proximity.

The Department has found the key issue of the modification relates to vegetation removal and the impacts this has on biodiversity. The Department is satisfied the identified biodiversity concerns can be appropriately managed through the recommended modifying conditions, requiring the Applicant to replant the vegetation elsewhere on site. The Department is also satisfied that construction impacts of the works are negligible and can be appropriately managed through a recommended condition requiring a CEMP be prepared and implemented.

The Department's assessment on these issues concluded that the impacts are negligible and is satisfied that the identified impacts can be successfully mitigated and managed.

As such, the Department considers the proposed modification is appropriate on the basis that:

- the works and operations proposed under modification are such that it remains substantially the same development as that originally approved
- it will not result in additional environmental impacts beyond those already assessed and approved
- it would assist in ensuring operational consistency through the installation of additional back up transformers
- it would add secure and safe storage for existing transformers on site
- it would allow for the metals to be stored in an enclosed building, providing noise attenuation.

Consequently, the Department is satisfied the modification application should be approved, subject to the recommended modifying conditions of consent.

7 Recommendation

It is recommended that the Team Leader, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application DA11/94-Mod-6 falls within the scope of section 4.55(1A) of the EP&A Act
- **forms the opinion** under clause 30A(2)(c) of the Biodiversity Conservation (Savings and Transitional) Regulation 2017 that a BDAR is not required to be submitted with this application as the application will not increase the impact on biodiversity values on the site
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modify** the consent DA11/94
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:



7 December 2021

Thomas Bertwistle
Environmental Assessment Officer
Industry Assessments

8 Determination

The recommendation is **Adopted** by:



9 December 2021

Joanna Bakopanos
Team Leader
Industry Assessments

as delegate of the Minister for Planning and Public Spaces

Appendices

Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

Modification Application

- 'Modification Report Sydney Steel Mill (DA 11/94 Modification 6)' prepared by EMM Consulting dated 14 September 2021 - <https://www.planningportal.nsw.gov.au/major-projects/project/42891>

Government Advice

- <https://www.planningportal.nsw.gov.au/major-projects/project/42891>

Response to Advice

- 'Sydney Steel Mill Mod 6 - DA11/94-Mod6' prepared by EMM Consulting dated 4 November 2021 - <https://www.planningportal.nsw.gov.au/major-projects/project/42891>

Department's Assessment Report for DA11/94-Mod-6

- <https://www.planningportal.nsw.gov.au/major-projects/project/42891>

Appendix B – Instrument of Modification

The recommended modification instrument for DA11/94-Mod-6 can be found on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/project/42891>.

Appendix C – Consolidated Consent

The recommended consolidated consent for DA11/94-Mod-6 can be found on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/project/42891>.