

# **ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

## **DETERMINATION OF A DEVELOPMENT APPLICATION PURSUANT TO SECTIONS 89 AND 101(8) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

I, the Minister for Planning, in pursuance of sections 89 and 101(8) of the Environmental Planning and Assessment Act, 1979, determine the development application referred to in Schedule 1 by granting consent to that application subject to the conditions set out in Schedule 2 (File P94/00056/4).

The reason for the imposition of the conditions are to protect the environment and minimise the adverse impacts on the existing and future amenity of the neighbourhood, to modify details of the development the subject of the development application, and to provide for environmental monitoring and reporting of the future performance of the development.

**Minister for Planning**

Sydney, 16 Aug 1994

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

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

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application made by:</b>	NSW BHP Steel Pty
<b>To:</b>	Minister for Planning
<b>In respect of:</b>	Lot 7, DP 701186, at 22 Kellogg Road, Rooty Hill, City of Blacktown
<b>For the following:</b>	Upgrade and Expansion of the existing Sydney Mini Mill
<b>Development Application:</b>	The development application DA No. 11/94 lodged with the Department of Planning on 16 May 1994 accompanied by the environmental impact statement (EIS) entitled "Environmental Impact Statement For Sydney Mini Mill Upgrade For NSW BHP Steel Pty Ltd", May 1994 prepared by BHP Engineering Pty Ltd
<b>Determination:</b>	<p>(1) To ascertain the date upon which the consent became effective, refer to section 93 of the Act.</p> <p>(2) To ascertain the date upon which the consent is liable to lapse, refer to section 99 of the Act.</p>

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## SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
DA11/94-Mod-1	26 SEPTEMBER 2005	Then Deputy Director-General	increase flexibility in the operating capacity of the mill from 5% to 10% above the maximum capacity.
DA11/94-Mod-2	16 NOVEMBER 2007	Then Executive Director, Major Project Assessment	<ul style="list-style-type: none"> <li>- increase the maximum production rate of steel billet from 550,000 tpa to 570,000 tpa</li> <li>- increase truck movements</li> <li>- extend collection hours of baghouse dust</li> <li>- amend transport routes to include the M7</li> </ul>
DA11/94-Mod-3	21 MAY 2008	Then Executive Director, Major Project Assessment	<ul style="list-style-type: none"> <li>- use of alternate carbon injectants at the mill.</li> </ul>
DA11/94-Mod-4	19 SEPTEMBER 2008	Then Executive Director, Major Project Assessment	<ul style="list-style-type: none"> <li>- increase the maximum production rate of steel billet from 570,000 tpa to 750,000 tpa</li> <li>- increase the maximum production rate of rolled product from 310,000 tpa to 400,000 tpa</li> </ul>
DA11/94-Mod-5	29 OCTOBER 2015	Planning Assessment Commission	<ul style="list-style-type: none"> <li>- increase production at the rolling mill from 400,000 tpa to 500,000 tpa</li> </ul>
DA11/94-Mod-6	9 DECEMBER 2021	Team Leader, Industry Assessments	Storage and Transformer Changes
DA11/94-Mod-7	19 October 2023	Team Leader, Industry Assessments	Installation of concrete spill containment tank
DA11/94-Mod-8	27 November 2024	Team Leader, Industry Assessments	Installation of STATCOM equipment and demolition of existing portable office building.
DA11/94-Mod-9	4 March 2025	Team Leader, Industry Assessments	Correction to misdescription in conditions of consent relating to biodiversity offsets.

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## DEFINITIONS

AEMR	Annual Environmental Management Report
Alternate Carbon Injectants	High-density polyethylene and crumb rubber which are used as a substitute for coke in the Electric Arc Furnace as outlined in the SEE titled <i>Sydney Steel Mill Alternate Carbon Injectant Use dated April 2008</i> .
BCA	Building Code of Australia
<b>CEMP</b>	<b>Construction Environmental Management Plan</b>
<b>Commissioning</b>	The process of installing and testing equipment, prior to the commencement of operations
Council	Blacktown City Council
DA	Development Application DA 11/94
Day	The period from 7 am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
DECC	Department of Environment and Climate Change
Department	Department of Planning
<del>Director-General</del>	<del>Director-General of the Department (or delegate)</del>
DWE	Department of Water and Energy
<u>EIS</u>	<u>Environment Impact Statement For “Sydney Mini Mill Upgrade for NSW BHP Steel Pty Ltd”, May 1994 prepared by BHP Engineering Pty Ltd and the Environmental Impact Statement dated May 1994</u>
Finished Steel Products	Steel billets and rolled steel products which are processed on and exported from the site
SEE	<i>Proposed Production Limit Increase Sydney Steel Mill, Rooty Hill</i> and dated July 2008
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning &amp; Assessment Regulation 2000</i>
EPL	Environmental Protection Licence
Evening	The period from 6pm to 10pm
Minister	Minister for Planning
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Project	A steel recycling and manufacturing facility and associated infrastructure
Applicant	OneSteel NSW Pty Ltd, <b>or successor in title</b>
<u>Secretary</u>	<u><b>Secretary of the Department or nominee/delegate</b></u>
Site	Land to which the project application applies

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## ADMINISTRATIVE CONDITIONS

### OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

1. The Applicant shall implement all practicable measures to prevent and/or minimise any harm to the environment that may result from the construction and/or operation of the project.

### TERMS OF APPROVAL

2. The development shall be carried out generally in accordance with:
  - a. Development Application DA 11/94;
  - b. the plan numbered SMMSK317(D) and the Environmental Impact Statement (EIS) dated May 1994 and supporting documents submitted as part of the subject Development Application;
  - c. the EIS dated September 1987;
  - d. MOD 117-8-2005 prepared by OneSteel dated 22 July 2005;
  - e. MOD 79-9-2007 prepared by OneSteel dated August 2007;
  - f. DA 11/94 MOD 3 and supporting Statement of Environmental Effects titled *Sydney Steel Mill Alternate Carbon Injectant Use* dated April 2008;
  - g. DA 11/94 MOD 4 and supporting Statement of Environmental Effects titled *Proposed Production Limit Increase Sydney Steel Mill, Rooty Hill* and dated July 2008;
  - h. DA 11/94 MOD 5 and supporting Environmental Assessment titled *Proposed Production Limit Increase 500ktpa Rolling Mill Sydney Steel Mill* dated June 2015; ~~and~~  
~~i) the conditions of this consent.~~
  - i. DA11/94-Mod-6 and supporting Environmental Assessment prepared by EMM Consultants, titled *Modification Report Sydney Steel Mill (DA 11/94 Modification 6)*, dated September 2021 and letter by EMM Consultants, titled *Sydney Steel Mill Mod 6 - DA11/94-Mod6*, dated 4 November 2021;
  - j. Transformer Layout Plans (Appendix A); ~~and~~  
~~k. the conditions of this consent.~~
  - k. DA11/94-Mod-7 and supporting Environmental Assessment prepared by EMM Consultants, titled *Statement of Modification Report - DA 11/94 Modification 7 (Tank Installation)*, dated 6 July 2023; ~~and~~  
~~l. the conditions of this consent.~~
  - ~~l.~~ DA11/94-Mod-8 and its supporting documentation, including the Environmental Assessment prepared by EMM Consultants, titled *Sydney Steel Mill Modification Report - DA 11/94 Modification 8 (STATCOM)*, dated 9 April 2024; ~~and~~  
~~m. the conditions of this consent.~~
  - ~~m.~~ DA11/94-Mod-9 and its supporting documentation, including the Environmental Assessment prepared by EMM Consultants, titled *Sydney Steel Mill Modification Report – DA 11/94 Modification 9*, dated 3 February 2025; ~~and~~  
~~n. the conditions of this consent.~~

In the event of an inconsistency between any document listed in 2a) to 2m) inclusive, the most recent document shall prevail to the extent of the inconsistency, and in the event of an inconsistency between the conditions of this consent and any document listed in 2a) to 2m) inclusive, the conditions of this consent shall prevail to the extent of the inconsistency.

3. If there is any inconsistency between the above, the conditions of this approval shall prevail to the extent of any inconsistency.

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4. The Applicant shall comply with any reasonable requirement/s of the [Secretary Director-General](#) arising from the Department's assessment of:
  - a. any reports, plans, strategies, programs or correspondence that are submitted in accordance with this approval; and
  - b. the implementation of any actions or measures contained in these reports, plans, strategies, programs or correspondence.

### Limits on Approval

5. The Applicant shall not produce at the site more than 750,000 tonnes per annum (tpa) of steel billet and ~~400,000~~ [500,000](#) tpa of rolled product. The number of truck movements shall not exceed 600 per day.

### MANAGEMENT PLANS/MONITORING PROGRAMS

6. With the approval of the [Secretary Director-General](#), the Applicant may submit any management plan or monitoring program required by this approval on a progressive basis.

### STRUCTURAL ADEQUACY

7. The Applicant shall ensure that any new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA.

#### Notes:

- Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the project.

### PROTECTION OF PUBLIC INFRASTRUCTURE

8. The Applicant shall:
  - a. repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by the development; and
  - b. relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.

### OPERATION OF PLANT AND EQUIPMENT

9. The Applicant shall ensure that all plant and equipment used on the site is maintained and operated in an efficient manner, and in accordance with relevant mandatory Australian Standards.

### SURRENDER OF EXISTING DEVELOPMENT CONSENTS

10. Prior to the commencement of any activities associated with 11/94 MOD 4, the Applicant shall surrender all existing development consents (other than DA No. 11/94) for the site in accordance with Clause 97 of the Environmental Planning and Assessment Regulation 2000.

## SCHEDULE 3 SPECIFIC ENVIRONMENTAL CONDITIONS

### Alternate Carbon Injectant Management Plan And Ongoing Use

11. The Applicant shall prepare an Alternate Carbon Injectant Management Plan (ACIMP) in consultation with the [DECC](#). The plan shall incorporate any recommendations from the [Secretary Director-General](#) and the [DECC](#) resulting from the approved Verification Reports, and recommendations from the NSW Fire Brigades resulting from the approved Fire Safety Study report. The ACIMP shall be submitted to and approved by the [Secretary Director-General](#) prior to the commencement of the ongoing use of any approved alternate carbon injectants. The ACIMP shall include:
- methods to receive, store, handle and process the alternate carbon injectants on site;
  - location and quantities of alternate carbon injectants to be stored on site;
  - quantities and specifications of the alternate carbon injectants to be used during operation;
  - the quality control and quality assurance procedure to be implemented by the suppliers and the applicant to ensure compliance with specifications;
  - the requirements of the EPL for the project.

The Applicant may only use carbon in the form of 'coke' in the electric arc furnace at the site until quality controlled polyethylene and/or crumb rubber is approved for use in its ongoing operations following notification from the [Secretary Director-General](#) of approval of the ACIMP.

12. The Applicant shall undertake an Environmental Health Risk Assessment (HRA) of the use of ACI in consultation with NSW Health and the DECC and to the satisfaction of the Director-General. The findings of the HRA shall be implemented to the satisfaction of the Director-General.

### Other Carbon Injectants

13. The Applicant may utilise other carbon injectants, in addition to coke and quality controlled polyethylene and/or crumb rubber subject to:
- obtaining approval from the [DECC](#) and, an amended Environmental Protection Licence should [DECC](#) require; and
  - updating the approved ACIMP, for the information of the Secretary Director-General and the [DECC](#).

### AIR

#### Air Quality Monitoring And Criteria

14. The Applicant shall undertake air emission monitoring as required in the EPL, and shall ensure that the project meets the air quality impact assessment criteria outlined in the EPL.

### Operation

15. The development shall be provided with appropriate air pollution control devices to the satisfaction of the NSW Environment Protection Authority ([DECC](#)). The applicant shall also forward to Blacktown Council details of the [DECC](#)'s requirements and approvals related to such devices.
16. The Applicant shall carry out all reasonable and feasible measures to minimise the dust generated by the construction and operation of the project.

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17. All roads and the truck parking areas on the subject land shall be cleaned weekly or as necessary so as to minimise airborne dust generation.
18. Any additions to the electric arc furnace building shall be designed to the principle of total enclosure so as to prevent the emission of fugitive fume from this building other than to the dust control plant.
19. The applicant shall design all Dust Control Plants (baghouses) so that the average concentration of the particulate material in the total emissions of the plant shall not be greater than 50mg per normal cubic metre at any one time.

### NOISE

#### Operating Hours

20. The Applicant shall comply with the restrictions in Table 1, unless otherwise agreed by the [Secretary Director General](#).

Table 1: Construction and Operation Hours for the Project

Activity	Day	Time
Construction	Monday – Friday	7:00am to 6:00pm
	Saturday	8:00am to 1:00pm
	Sunday and Public Holidays	Nil
Operation	All days	Any time

Note: Construction activities may be conducted outside the hours in Table 1 provided that the activities are not audible at any residence beyond the boundary of the site.

21. The Applicant shall ensure that the following hours of operation are strictly adhered to for the following activities:
  - a. The delivery of scrap to the external scrap storage area shall be confined to the hours of 7.00am to 5.00pm Monday to Friday. No such deliveries shall be permitted on weekends or public holidays.
  - b. The removal of scrap from the external scrap storage areas shall be confined to the hours of 7.00am to 5.00 pm daily.
  - c. Baghouse dust may be discharged from the site 24 hours per day.
  - d. The processing of slag and slag treatment area and dispatch of slag and other waste products from the site shall be limited to the hours between 7am and 7pm daily.

#### Noise Limits

22. The Applicant shall ensure that the noise from the operation of the project does not exceed the noise limits presented in Table 2.

Table 2: Project Noise Limits (dB(A))

Location	Day 7am to 10pm	Night 10pm to 7am
	L <sub>A10</sub> (15 minute)	L <sub>A10</sub> (15 minute)
Residential Receivers	55	45
Industrial Receivers	70	65

Notes:



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- Noise from the premises is to be measured or computed at any point within one metre of any residential boundary or other noise sensitive areas in the vicinity of the premises to determine compliance with the noise limits in the above table.
- 5dB(A) must be added to the measured noise levels if the noise is substantially tonal or impulsive in character.

## Operating Conditions

23. The Applicant shall ensure trucks associated with the project are operated at low speed or power and are turned off when not being used. Vehicles are not to be left idling for prolonged periods.
24. The Applicant shall ensure that sirens or PA systems are not audible at nearby residential premises or at the Nurragingy Recreation Area in accordance with [DECC](#) requirements.

## Noise Monitoring

25. On an annual basis, the Applicant shall conduct a Noise Audit of its operations. This Audit shall:
  - a. be undertaken by a suitability qualified and experienced person;
  - b. assess whether the development is complying with the criteria specified in Table 2 of this schedule;
  - c. identify what additional measures would be implemented to ensure compliance should any non-compliance be detected and clearly indicate 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-General; and
  - d. provide details of any complaints received in the preceding year relating to noise generated by the development, and action taken to respond to those complaints.

The Applicant shall provide the [Secretary Director-General](#) and the [DECC](#) with a copy of the annual Noise Audit report as part of the AEMR.

## Vibration

26. The Applicant shall ensure that any vibration at residential boundaries due to the construction and/or operation of the upgraded plant is in accordance with relevant [DECC](#) requirements.

## TRANSPORT

### Traffic Management Plan

27. The Applicant shall implement the Traffic Management Plan as indicated in Appendix B of the OneSteel Statement of Environmental Effects August 2007. The Applicant shall divert heavy vehicles to and from the site to use the M7 Motorway.
28. The applicant shall update the Traffic Management Plan referred to in condition 27 as required by the [Secretary Director-General](#).
29. The Applicant shall, as required, provide a traffic management report to the satisfaction of the [Secretary Director-General](#). The report shall be produced in consultation with Blacktown City Council, Roads and Traffic Authority and the Department of Planning. The report shall be made available to the [Secretary Director-General](#) and Council and shall document traffic monitoring data.

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After reviewing the traffic management report, the Secretary Director-General may require the Applicant to undertake works to address the findings or recommendations presented in the report plan. Any such works shall be completed within such time as the Secretary Director-General may require.

30. The traffic routes used by heavy vehicles regularly servicing the site shall be in accordance with Figure B1 in Appendix C of the OneSteel Statement of Environmental Effects, dated August 2007. The applicant shall seek adherence to heavy vehicles under the applicants control to use such routes. The applicant shall enter into contractual agreements with operators of heavy vehicles which are to regularly service the site. The contract shall require the adherence by the operators of heavy vehicles to use such routes at all times.

### Road Network And Parking

31. The Applicant shall ensure that all vehicles enter and depart the site in forward direction. The internal road network and parking works carried out after the commencement of operation under DA 11/94 MOD 4 shall be designed, constructed and maintained in accordance with the latest versions of the Australian Standards AS 2890.1:2004, AS 2890.2:2002 and AUSTROADS.
32. The Applicant shall ensure that all parking generated by the project is accommodated on site. No staff vehicles associated with the project shall park or queue on the public road system at any stage. Trucks may park on Kellogg Road in accordance with the existing traffic and parking laws.
33. The Applicant shall implement a training and awareness program incorporating a driver code of conduct for vehicles travelling to, from and within the site during operation. The training program shall cover speed limits within the site, restrictions on vehicle idling and queuing on local roads.
34. The existing staff and visitor parking spaces are to be maintained to the satisfaction of Council.
35. The applicant shall ensure that all car parking areas, driveways, internal roads and manoeuvring areas are constructed from hard standing all weather material and that appropriate sign posting and line marking are included in accordance with the requirements of Council. All work is to be maintained to the satisfaction of the Council's Secretary Director-General of Development Services.
36. All vehicle loading and unloading operations are to take place entirely within the site grounds of the approved development.
37. The applicant shall maintain appropriate signs at the vehicle entrance to the development from Kellogg Road and on site to ensure that vehicles are directed to their appropriate destinations.
38. All vehicles carrying goods or materials for receipt or dispatch other than finished steel products shall be subject to checks at the existing weighbridge. The weighbridge facilities and records are to be made available for checking by Council officers upon request.

### Road Maintenance

39. The Applicant shall provide an equitable contribution in consultation with Council and/or the RTA towards the maintenance of Kellogg Road and the upgrade of the

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intersection of Woodstock Avenue and Kellogg Road due to future development to the satisfaction of the [Secretary Director-General](#).

## WASTE

### Operating Conditions

40. The Applicant shall ensure that all waste generated on the site during construction and operation of the project is classified in accordance with the [DECC's Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes](#) and disposed of to a facility that may lawfully accept the waste.
41. Except as expressly permitted by an EPL, the Applicant shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the site to be disposed of at the site.

### Waste Management Plan

42. The Applicant shall update their existing Waste Management Plan for the site in consultation with [DECC](#) and to the satisfaction of the [Secretary Director-General](#). This plan must:
  - a. be submitted to the [Secretary Director-General](#) within 6 months of the approval of 94/11 MOD 4;
  - b. be prepared in accordance with condition L5 of Environment Protection Licence 6125 and to the satisfaction of the [DECC](#);
  - c. include details of the key legislative and regulatory requirements to ensure that procedures reflect current applicable requirements;
  - d. characterise all waste imported, exported and re-used on site according to the current waste classification guidelines, and include procedures for classifying each of the waste materials;
  - e. include details of the quantities and destinations of all waste materials; and
  - f. include a statement that all waste materials are sent to sites that can lawfully accept the waste.

The Applicant shall continue to liaise with the [DECC](#) in regard to its commitment to waste reduction and its investigations of alternative methods for the disposal of baghouse dust.

## HAZARDS

### Fire Safety Study

43. Prior to the commencement of ongoing use of the two alternate carbon injectants that have been trialled by the Applicant, the Applicant shall prepare and implement an updated Fire Safety Study for the OneSteel site, including existing operations and Modification Application DA 94/11 MOD 3 to the satisfaction of the Director-General and the NSW Fire Brigades. The study shall cover the relevant aspects detailed in the Departments Hazardous Industry Planning Advisory Paper No.2 – Fire Safety Study Guidelines and shall include:
  - i. [the maximum quantities and specifications of the alternate carbon injectants to be stored and used on site;](#)
  - ii. [the design and location of storage facilities for the alternate carbon injectants; and](#)
  - iii. [fire fighting requirements as specified by the NSW Fire Brigade.](#)

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In the event that fire fighting water is likely to be contaminated, a retention system should be constructed in accordance with the New South Wales Government's Best Practice Guidelines for Contaminated Water Retention and Treatment Systems.

44. The Applicant shall ensure that the increased water use associated with DA 11/94 MOD 4 shall not adversely affect the water supply available to the site's hydrant system.

### SAFETY STUDIES

45. The Applicant shall prepare an updated Safety Management System (SMS) report covering all operations on site and associated transport activities involving hazardous materials associated with the development, in accordance with Hazardous Industry Planning Advisory Paper Number 9, "Safety Management". The system should include:
- all safety related procedures, responsibilities and policies, along with details of mechanisms for ensuring adherence to procedures;
  - a review of the likelihood of iron dust explosions, particularly during furnace maintenance, and include appropriate management procedures; and
  - details for following the Management of Change (Modification Control) Code of Practice (Document No. OST-MOD-COP-001) in carrying out the work related to each stage/phase of the changes or improvements. The Applicant should provide written confirmation to the Department that this occurred at each stage.

The updated SMS report describing the system shall be submitted and approved by the ~~Secretary Director-General~~ prior to the increase in production limit of the rolled mill above 400,000 tpa commencement of operation under DA 11/94 MOD 5-4.

Records must be kept on site and should be available for inspection by the Secretary Director-General upon request.

### Emergency Studies

46. Prior to an increase in the production limit of the rolled mill above 400,000 tpa under ~~Within 6 months of approval of DA 11/94 MOD 5-4 or within a further period as the Director-General may agree~~, the applicant shall prepare and submit, for the approval of the ~~Secretary Director-General~~, the following updated information which takes into account the proposed upgrade:

#### a. Emergency Plan

A comprehensive emergency plan and detailed emergency procedures for the existing and proposed development. This plan should include detailed procedures for the safety of people in areas outside the development. The plan should be in accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 1 – Industry Emergency Planning Guidelines*.

### Hazard Audit

47. Twelve months after the commencement of operations associated with DA 11/94 MOD 4, or within further period as the ~~Secretary Director-General~~ may agree, the applicant shall carry out a comprehensive hazard audit of the site and submit a report on the audit to the ~~Secretary Director-General~~. This audit is to be carried out at the applicant's expense by a duly qualified independent person or team to be approved by the ~~Secretary Director-General~~. Further audits will be required every three years or as may be requested by the ~~Secretary Director-General~~. Hazard audits shall be carried out in accordance with the Department's Hazardous Industry Planning Advisory Paper No. 5 – Hazard Audit Guidelines.

## Shut-off Systems

48. The applicant shall adjust and continue its operation of monitoring and plant shut-off systems for the air filtration systems incorporated in the upgraded development to the satisfaction of the secretary director-general and generally in accordance within the revised HAZOP study.

## SOIL AND WATER

### Discharge Limits

49. Except as may be expressly provided in an EPL for the project, the Applicant shall comply with Section 120 of the Protection of the Environment Operations Act 1997.

### Erosion and Sediment Control

50. Prior to the construction of any utility works, the Applicant shall obtain the relevant approvals from service providers, including Sydney Water.

## SOIL AND WATER MANAGEMENT

51. For any relevant works carried out after commencement of operation in reliance upon DA 11/94 MOD 4, the Applicant shall implement erosion and sediment controls in accordance with the Department of Housing and Landcom's Managing Urban Stormwater: Soils and Construction.
52. The Applicant shall ensure any relevant Stormwater management works carried out after commencement of operation under DA 11/94 MOD 4:
- a. is consistent with the guidance in the latest version of Managing Urban Stormwater: Council Handbook (DECC);
  - b. mitigate the impacts of stormwater run-off from and within the site; and
  - c. include detailed plans of the stormwater system.

## Water and Wastewater Treatment Plants

53. The existing water treatment plant is to be provided with any additional cooling tower, filters and oil separation unit required to maintain the quality of water for reuse within the plant.

## Water Settlement Pit

54. Hard standing areas (including The melt shop courtyard is )are to be drained to the water settlement pit provided with an oil/grease separation mechanism in accordance with the requirements of the DECC.

## Potential Site Flooding

55. The Water settlement pit and slag treatment areas are to be constructed so as to be free of any potential site flooding. These areas are to be suitably bunded or otherwise protected to ensure that flood and drainage waters will not enter these areas at any time.

## Flood Emergency Response Plan

- 55A. Prior to the commissioning of the electrical components associated with DA11/94-Mod-8, the Applicant must prepare a Flood Emergency Response Plan for the site, to the satisfaction of the Secretary. The Plan must include details of:

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- i. the flood emergency responses for both construction and operation phases of the development;
- ii. predicted flood levels;
- iii. flood warning time and flood notification;
- iv. assembly points;
- v. evacuation and refuge protocols; and
- vi. awareness training for employees and contractors.

**Note:** The Flood Emergency Response Plan may be incorporated into the Emergency Plan required by condition 46 of this consent.

**55B. The Applicant must:**

- a. not commission the electrical components associated with DA11/94-Mod-8 until the Flood Emergency Response Plan required by condition 55A is approved by the Secretary; and
- b. implement the most recent version of the Flood Emergency Response Plan approved by the Secretary for the duration of the development.

**55C.** All floor levels associated with DA11/94-Mod-8 must be no lower than the 1% Annual Exceedance Probability flood plus 500mm of freeboard.

### **Retention Basin Capacity**

56. The capacities of the retention basin provided in the slag treatment area and the water settlement pit at the south eastern corner of the site are to be reassessed and modified if necessary in order to take into account the greater amount of stockpiled material stored in the slag processing area. The final design of each retention basin is to ensure that contaminated waters are not discharged to Angus Creek; except in accordance with the EPL for the site.

### **Water Sampling**

57. Water discharged from the settlement pit is to be regularly sampled in accordance with the requirements of the EPL for the site.

### **Water Storage and Effluent Holding Tanks**

58. The provision of on site water storage of potable water to accommodate peak demands and effluent holding tank to ensure that sewer discharges do not exceed the current carrying capacity in accordance with any requirements of the Water Board. Compliance with the Board's requirements is to be achieved prior to the commissioning of equipment associated with the plant upgrade.

## **VISUAL**

### **Lighting**

59. The Applicant shall ensure that ~~the all new lighting installed after commencement of operation under DA 11/94 MOD 4 associated with the project:~~
- a. complies with the latest version of Australian Standard AS 4282(INT) - Control of Obtrusive Effects of Outdoor Lighting; and
  - b. is mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Landscaping**

60. All landscaping work is to be carried out to the satisfaction of Council and effectively maintained at all times to Council's satisfaction in accordance with landscaping plans approved for the existing development.



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60A. No later than 4 months after the commencement of construction works associated with DA11/94-Mod-6, the Applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on site, to the satisfaction of the Secretary. The plan must:

- a) detail the planting of a minimum of 20 new trees on-site;
- b) detail the native species type, location and size of trees;
- c) describe the monitoring and maintenance measures to manage landscaping works; and
- d) detail the timing of the completion of planting works.

60B. No later than four months after the commencement of construction works associated with DA11/94-Mod-7, the Applicant must replant the removed shrub with a similar species elsewhere on the site and submit proof of this (including the location) to the Planning Secretary.

### External Scrap Area

- 61. The scrap steel stock piles in the external scrap storage area shall not be greater than 10m in height.
- 62. Devices to measure scrap height up to 10m shall be installed for the guidance of plant operators.

### Advertising Structures

- 63. No approval is given for any advertising structures and Blacktown Council's separate approval is to be obtained for any proposed advertising signs.

### Biodiversity

63A. Prior to any works associated with DA11/94-Mod-8 being carried out that would directly or indirectly impact the biodiversity values of plant community type 3320, the Applicant must purchase and retire one ~~River Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions~~ Cumberland Plain Woodland in the Sydney Basin Bioregion ecosystem credit to offset the removal of ~~for~~ plant community type (PCT) 3320 at the site.

The ecosystem credit must be retired in accordance with the requirements of the Biodiversity Offsets Scheme and the *Biodiversity Conservation Act 2016*.

### Unexpected Finds Protocol – Contamination

63B. Prior to the commencement of construction works associated with DA11/94-Mod-8, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the updated CEMP (see condition 72) and must ensure any material identified as contaminated is managed in accordance with the *Protection of the Environment Operations Act 1997* and its associated regulations.

Details of the final management approach and the results of any associated testing must be submitted to the Secretary within six weeks of the Applicant becoming aware of the contamination find, or as otherwise agreed to by the Secretary.

## SCHEDULE 4 ENVIRONMENTAL MANAGEMENT AND MONITORING

### ENVIRONMENTAL REPORTING

#### Incident Reporting

64. As soon as practicable following detection of an exceedance of the limits/performance criteria in this approval or the occurrence of an incident that causes (or may cause) harm to the environment, the Applicant shall notify the Department and other relevant agencies of the exceedance/incident.
65. Within 6 days of notifying the Department and other relevant agencies of an exceedance/incident, the Applicant shall provide the Department and these agencies with a written report that:
- describe the date, time, and nature of the exceedance/incident;
  - identify the cause (or likely cause) of the exceedance/incident;
  - describe what action has been taken to date; and
  - describe the proposed measures to address the exceedance/incident.

#### Annual Reporting

66. Within 12 months of this approval, and annually thereafter, the Applicant shall submit an AEMR to the [Secretary Director General](#). This report must:
- identify the standards and performance measures that apply to the project;
  - include a summary of the complaints received during the year, and compare this to the complaints received in the previous years;
  - include a summary of the monitoring results for the project during the past year;
  - include an analysis of these monitoring results against the relevant:
    - impact assessment criteria/limits specified in this consent and the EPL;
    - monitoring results from previous years; and
    - predictions in the SEE supporting DA 11/94 MOD 4;
  - identify any trends in the monitoring results over the life of the project;
  - identify any non-compliance during the previous year;
  - describe what actions were, or are being, taken to ensure compliance;
  - must include a copy of:
    - the Noise Audit Report;
    - the Energy Savings Action Plan Report;
    - the Energy Efficiency Opportunities Government Report;
    - the DECC EPL Annual Return;
    - the NPI report;
    - the external audits of the Environmental Management System against AS/NZS ISO14001; and
    - third party audits of the Safety/Hazard Management System against NSW WorkCover's self insurers requirements.

#### INDEPENDENT ENVIRONMENTAL AUDIT

67. Within 12 months of the commencement of DA 11/94 MOD 4, and every 3 years thereafter, unless the [Secretary Director General](#) directs otherwise, the Proponent shall commission and pay the full cost of an Independent Environmental Audit of the project. This audit must:
- be conducted by a suitably qualified, experienced, and independent team of experts whose appointment has been endorsed by the [Secretary Director General](#);
  - be undertaken in consultation with DECC and Council;



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- c. assess whether the project is being carried out in accordance with industry best practice;
  - d. assess the environmental performance of the project, and its effects on the surrounding environment and sensitive receivers;
  - e. assess whether the project is complying with the relevant standards, performance measures, and statutory requirements;
  - f. review the adequacy of any strategy/plan/program required under this approval; and, if necessary,
  - g. recommend measures or actions to improve the environmental performance of the project, and/or any strategy/plan/program required under this approval.
68. Within 6 weeks of completing this audit, or as otherwise agreed by the [Secretary Director-General](#), the Proponent shall submit a copy of the audit report to the [Secretary Director-General](#) with a response to any recommendations contained in the audit report.
69. Within 3 months of submitting an audit report to the [Secretary Director-General](#), the Proponent shall review and if necessary revise the strategy/plans/programs required under this approval to the satisfaction of the [Secretary Director-General](#).

### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

70. Prior to the commencement of construction works associated with DA11/94-Mod-6, the Applicant must prepare a Construction Environmental Management Plan (CEMP) for the development which must be submitted to the Secretary for approval. The CEMP must include, but not be limited to, the following:
- a. detail the measures that are to be implemented to ensure road safety and network efficiency during construction;
  - b. detail heavy vehicle routes, access and parking arrangements;
  - c. detail measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
  - d. detail management of noise, dust and odour to protect the amenity of the sensitive receivers (see Condition 20);
  - e. detail procedures for achieving the noise management levels in the Environment Protection Authority's Interim Construction Noise Guideline (DECC, 2009) (as may be updated or replaced from time to time);
  - f. detail the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;
  - g. detail measures to manage and control stormwater discharge;
  - h. detail measures to ensure any vegetation or trees within proximity to the work area are suitably protected, including no parking of cars or equipment against them; and
  - i. details of community consultation and complaints handling.
71. The Applicant must:
- a. not commence construction until the CEMP required by Condition 70 is approved by the Secretary; and
  - b. implement the most recent version of the CEMP approved by the Secretary for the duration of construction
72. Prior to the commencement of construction works associated with DA11/94-Mod-7, or any subsequent modifications, the Applicant must:
- a. review the CEMP required by Condition 70;
  - b. if necessary, update the CEMP to cater for the approved modification; and
  - c. gain approval from the Planning Secretary for any updates necessary.

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73. As part of the updated CEMP for the construction works associated with DA11/94-Mod-8 (see condition 72), the Applicant must include the following:
- a. details of the suitable erosion and sediment control measures which will be installed for the duration of construction, designed in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline; and
  - b. an unexpected finds protocol for contaminated material (see condition 63B).

FOR INFORMATION

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## APPENDIX A TRANSFORMER LAYOUT PLANS

Project No.	Drawing No.	Rev.	Date	Title
2021-058	21058-CVL-GA-001	B	18/11/2021	Bunded Slab for Spare Transformer Storage Site Plan
2021-058	21058-CVL-GA-002	1	23/03/2021	General Arrangement & Details
163/33353	100672-0001	B	14/05/2021	Layout
2019-143	19143-CVL-GA-001	0	28/08/2019	Transformers Bund Site Plan
2019-143	19143-CVL-DE-001	0	23/08/2019	Transformers Bund Arrangement & General Notes