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| Panel Reference | PPSSTH-282 | |
| DA Number | DA-2023/595 | |
| LGA | Wollongong City Council | |
| Proposed Development | Conversion of a decommissioned 12 MW steam turbine blower machine into a 12 MW steam turbine/alternator and ancillary works | |
| Street Address | Five Islands Road PORT KEMBLA | |
| Applicant/Owner | BlueScope Steel | |
| Date of DA lodgement | 7 August 2023 | |
| Total number of Submissions  Number of Unique Objections | NIL  NIL | |
| Recommendation | Approval | |
| Regional Development Criteria (State Environmental Planning Policy (Planning Systems) 2021 – Schedule 6 Regionally significant development) | Schedule 6 Clause 5 Private infrastructure and community facilities over $5 million  Under Schedule 6, electricity generating works with a capital investment value (CIV) of more than $5 million is identified as regionally significant development. The CIV values the proposed development at $21,690,251 (excluding GST). | |
| List of all relevant s4.15(1)(a) matters | **s4.15(1)(a)(1) any relevant environmental planning instruments:**  State Environmental Planning Policies (SEPPs):   * SEPP (Transport and Infrastructure) 2021 * SEPP (Resilience and Hazards) 2021 * SEPP (Planning Systems) 2021   Local Environmental Planning Policies:   * Wollongong Local Environmental Plan (WLEP) 2009   Other policies   * Wollongong Development Control Plan 2009 (WDCP 2009) * Wollongong City-Wide Development Contributions Plan (2021)   **s4.15(1)(a)(ii) (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority:**  N/A  **s4.15 (1)(a)(iii) Any development control plan:**   * Wollongong Development Control Plan (WDCP) 2009   **s4.15 (1)(a)(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**  N/A  **s4.15 (1)(a)(iv) the relevant regulations**   * Clause 61 (1) demolition   **s4.15(1)(a)(v) any coastal zone management plan:**  There is no Coastal Zone Management Plan currently applicable to the land | |
| List all documents submitted with this report for the Panel’s consideration | 1 Aerial photograph  2 Zoning map  3 Full set of plans  4 Statement of Environmental Effects  5 WDCP compliance table  6 Draft conditions of consent | |
| Clause 4.6 requests | N/A | |
| Summary of key submissions | None of significance | |
| Report prepared by | Brad Harris – Development Project Officer | |
| Report date | 11 October 2023 | |
| Summary of s4.15 matters  Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | | Yes | |
| Legislative clauses requiring consent authority satisfaction  Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* | | Yes | |
| Clause 4.6 Exceptions to development standards  If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | | Not applicable | |
| Special Infrastructure Contributions  Does the DA require Special Infrastructure Contributions conditions (S7.24)?  *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* | | No | |
| Conditions  Have draft conditions been provided to the applicant for comment?  *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council’s recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report* | | Yes | |

executive summary

Reason for consideration by Southern Regional Planning Panel

The proposal has been referred to Southern Regional Planning Panel as it involves electricity generating works with a capital investment value (CIV) of more than $5 million

Proposal

Conversion of a decommissioned 12 MW steam turbine blower machine into a 12 MW steam turbine/alternator and ancillary works

Permissibility

The proposal is considered to be ancillary to an industry which is a permissible use which is a permissible use in the IN3 Heavy Industrial zone under the State Environmental Planning Policy (Transport and Infrastructure) 2021

**Consultation**

The proposal notified in accordance with Council’s Community Participation Plan 2019 and did not received any submissions.

**Key assessment issues**

* None of significance

**RECOMMENDATION**

It is recommended that the application be conditionally approved.

1. Application overview

The following planning controls apply to the proposal:

State Environmental Planning Policies:

* SEPP (Transport and Infrastructure) 2021
* SEPP (Resilience and Hazards) 2021
* SEPP (Planning Systems) 2021

Local Environmental Planning Policies:

* Wollongong Local Environmental Plan (WLEP) 2009

(Note: The subject site is shown as an excluded area on the WLEP 2009 Land Application Map and therefore the LEP has no statutory effect)

Development Control Plans:

* Wollongong Development Control Plan 2009

(Note: As Wollongong DCP 2009 only applies to land to which WLEP 2009 applies, the DCP has no statutory effect. However, this report considers the provisions of the DCP in relation to Industrial Development for guidance purposes.)

Other policies

* Wollongong City Wide Development Contributions Plan (Note that application was lodged prior to the introduction of the Housing and Productivity Contribution.)
* Wollongong Community Participation Plan 2019

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

Referrals

Council’s Environment. Landscape and stormwater Officers have provided satisfactory referrals. External comments have been provided from the Environment Protection Authority (EPA).

* 1. DETAILED DESCRIPTION OF PROPOSAL

The project will comprise the design, supply and installation of the following major components:

* 18 MVA 6.6 kV Alternator;
* 33/6.6/6.6 kV Transformer and Transformer bay;
* New 33 kV and 6.6 kV cables;
* New 6.6 kV generator circuit breaker & protection panel;
* New in-ground cable tunnel underneath Blast Furnace Road; and
* Fire protection system.

It will also involve the following:

* Modification of existing 33 kV supply circuit breaker & protection panel;
* Remediation of existing 21Turbine Blower (TB) surrounds steel and concrete structures/foundations to accommodate the new Alternator;
* Full instrumentation fit out of the decommissioned 21TB steam, condensate lubrication oil and cooling systems, including expanded or new Control Processors and their coding; and
* Construction of access platforms and stairs associated with the equipment mentioned above.

The proposed works are estimated to take up to 12 months to complete. The works will be carried out in accordance with hours permitted by the EPL Licence issued by the EPA which are:

* 7:00 am to 6:00 pm Monday to Friday;
* 8:00 am to 1:00 pm on Saturday; and
* NO work on Sundays and Public Holidays.
  1. Background

A pre-lodgement meeting was held for the proposal on 4 March 2022 (PL-2022/7).

Customer service actions

There are no outstanding customer service requests of relevance to the development.

* 1. Site description

The subject site is located at Five Islands Road PORT KEMBLA and the title reference is Lot 1 DP 606434. The site comprises the majority of the larger industrial site on which Port Kembla Streel Works (PKSW) operates.

A range of industrial operations occur across the PKSW site, and the generalised areas for these key operations consist of:

* Coal storage and handling;
* Cokemaking;
* Ironmaking;
* Steelmaking;
* Cryogenics Plant; and
* Plate Mill and Hot Strip Mill.

More specifically the site comprises PKSW’s No. 2 Works and is bisected by Allans Creek. The southern half of the Land comprises PKSW’s Cokemaking, Ironmaking and Steelmaking facilities while the northern half of the Land contains the Recycling Area and Rolling Mills. As a multiuse industrial area, the Land more generally includes manufacturing, storage, port berths, private internal roads and offices.

The proposed development will be located on a small portion of the Land within the No.2 Works (Project site). The Project site is approximately 700m2 and is mostly located inside the existing No. 2 Blower Station building which is situated on the southern half of the Land within the Ironmaking facility.

The nearest residential property is situated approximately 1.2km southwest of the Project site. A transformer compound and cable duct will be constructed on a small parcel of land directly northwest of the No. 2 Blower Station building.

The Project site is generally flat and unvegetated and is predominantly located on artificial fill consisting of dredged sand, mud, rocks and local soil materials that were reclaimed to form the area. Springhill Road, Five Islands Road, and Flinders Street provide access to the Project site.

Property constraints

Council records identify the land as being contaminated. No concerns are raised in this regard as discussed below under the heading State Environmental Planning Policy (Resilience and Hazards) 2021

Council records identify the land as being impacted by acid sulphate soils. No significant earthworks are proposed and no concerns are raised in this regard.

The BlueScope site is identified as being variously affected by low, medium and high flood risk. The location of the transformer is within a low flood risk area but does not pose any issues in respect of flooding impacts.

Council records identify the land as being located within the Coastal zone. No impacts are expected on the coastal environment as a result of the development and there are no coastal hazards that affecting the land.

There are no restrictions on the title of relevance to the application.

Figure 1: Site photograph showing location of Proposed Transformer

* 1. Submissions

The application was notifiedin accordance with Council’s Community Participation Plan 2019. No submissions were received following the notification.

* 1. Consultation
     1. Internal consultation

Stormwater Engineer

Council’s Stormwater Officer has reviewed the application and given a satisfactory referral. Conditions of consent have been recommended to address protection of assets during a flood event. recommended.

Landscape Architect

Council’s Landscape Officer has reviewed the application and given a satisfactory referral. It is noted that two raised garden beds containing several trees are located within the Project site, to the south of the proposed transformer location. The vegetation and garden beds need to be removed to make way for the construction of the underground cable duct. BlueScope has indicated that it will undertake compensatory planting within the PKSW for each tree removed in accordance with BlueScope’s Vegetation Management Plan (MA-ENV-02-08). Council’s landscape officer has recommended conditions of consent in respect of compensatory plating for any trees removed as part of the proposal.

Environment

All proposed works/operations are covered by a NSW Environment Protection Licence regulated and monitored by NSW EPA. Councils’ environment officer advises that if there are future environmental issues with the site Council would defer to the NSW EPA for action and remedy.

* + 1. External consultation

Environment Protection Authority (EPA)

The applicant was advised at the Pre-Lodgement meeting that the proposal would require approval from the Environment Protection Authority (EPA) and would therefore be considered Integrated Development under the provisions of the Environmental Planning and Assessment Act (1979). The applicant has provided a copy of a letter from the EPA confirming that the EPA does not believe a variation to existing licence conditions is required for the construction or operation of the project and therefore the EPA proposes no specific general terms of approval.

Notwithstanding the above, Council sent a referral to the EPA and a response was received confirming that they do not require a separate approval and the EPA does not propose to vary the licence conditions for the construction or operation of the 23 TA project. However, the EPA advises that the project is predicted to increase the water discharge temperature in the Number 2 Blower Station Drain by 0.23 degrees but still comply with the associated licence temperature limit. The applicant has proposed a Water Temperature Management Strategy in response which incorporates the installation of real time temperature monitors and comparison of temperature readings against trigger limits which, if exceeded, will initiate an operational response. The EPA proposes to capture this commitment in the licence as part of a broader Number 2 Blower Station Drain program or equivalent programs.

The proposal is not integrated development.

1. Environmental Planning and Assessment Act 1979
   1. Section 4.15(1)(A)(1) any environmental planning instrument

COASTAL MANAGEMENT Amendment Act 2021

The *Coastal Management Amendment Act 2021* commenced on 1 November 2021, to give coastal councils until 31 December 2023 to implement their CZMPs. By effect this enables a continuation of the current certified CZMP (20 December 2017) whilst Council undertakes further studies and community consultation for a transition to a new Coastal Management Plan.

1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the [Biodiversity Conservation Act 2016](https://www.legislation.nsw.gov.au/#/view/act/2016/63) (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (i.e. less than 1 hectare minimum lot size).

No native vegetation is proposed to be cleared for the development. The minimum subdivision lot size for the land under WLEP 2009 is 449sqm. Therefore, the proposal does not trigger the requirement for a biodiversity offset scheme.

The site is not identified as being of high biodiversity value on the [Biodiversity Values Map](https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/entry-requirements/biodiversity-values-map).

The development would therefore not be considered to result in adverse impacts on biodiversity and is consistent with the provisions of the Biodiversity Conservation Act 2016.

* + 1. State Environmental planning policies
    2. STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

**Zone IN3 Heavy Industrial**

**1 Objectives of zone**

* *To provide suitable areas for those industries that need to be separated from other land uses.*
* *To encourage employment opportunities.*
* *To minimise any adverse effect of heavy industry on other land uses.*
* *To provide transport infrastructure and intermodal facilities.*
* *To allow a diversity of activities that will not significantly detract from the operation of existing or proposed industries.*

The proposed development is satisfactory with regard to the zone objectives.

**3 Permitted with consent**

*Depots; Food and drink premises; Freight transport facilities;* ***Heavy industries****; Port facilities; Roads; Transport depots; Warehouse or distribution centres; Waste or resource management facilities*

The proposal is ancillary to an existing heavy industry and therefore permitted in the zone.

* + 1. State Environmental Planning Policy (Resilience and hazards) 2021

Chapter 2 Coastal Management

The site is located within the Coastal Use and Coastal Environment areas in the maps to this policy. The proposed development is minor in nature and will not have adverse impacts on the coastal environment nor be impacted by coastal hazards. It is satisfactory with regard to divisions 3, 4 and 5 of this policy.

Chapter 4 Remediation of land

4.6 Contamination and remediation to be considered in determining development application.

The proposed development does not involve the installation and/or operation of environmental activities that could constitute or result in sources of potential land contamination. The Alternator will be located within an existing building upon existing hardstand concrete floors and structures. The high voltage transformer will be located on a new concrete foundation with a sufficient bund capacity as per the requirements of the relevant Australian Standard.

Excavated spoil from earthwork activities to create cable ducts underneath Blast Furnace Road will be subject to waste classification sampling by a NATA certified laboratory. The material will be subject to BlueScope’s ‘Management of Excavated Soil at Port Kembla Steelworks’ procedure (MA-ENV-02-01). The soil will be temporarily stored in holding cell/emplacement area at the Alliance & Recycling area of PKSW until the results are received. The soil will be classified in accordance with the NSW EPA Waste Classification Guidelines and the material will either be used for filling on site if the material is benign, i.e. general solid waste, or sent off-site for disposal if the material has elevated pollutant levels.

Whilst the site is mapped as contaminated land, the proposal does not comprise a change of use and there are no significant earthworks. Council’s environment officer has reviewed the application and has provided a satisfactory referral. A Detailed site investigation or Remediation Action Plan has not been required and the site in its current state is considered suitable for the proposal.

* + 1. State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 State and regional development

Regionally significant Development

Schedule 6 Clause 5 outlines the categories of development which are considered regionally significant. The proposed development is defined as ***electricity generating works*** and has a cost of works exceeding $5 million. It is therefore regionally significant development requiring determination of the Southern Regional Planning Panel.

* + 1. Wollongong Local Environmental Plan 2009

The subject area is excluded from the land application map to which this policy applies.

* 1. Section 4.15(1)(a)(ii) any proposed instrument

Not applicable

* 1. Section 4.15(1)(a)(iii) any development control plan
     1. Wollongong Development Control Plan 2009

Whilst WDCP 2009 does not technically apply to the subject land, this report considers the provisions of the DCP in relation to Industrial Development for guidance purposes. An assessment of the relevant matters is provided at **Attachment 4.**

* + 1. Wollongong City Wide Development Contributions Plan

The cost of works is $23,859,000.00 however Council’s Contributions Officer has confirmed that Contributions are not payable in accordance with Division 2 - Development Contributions and Development Levies of Environmental Planning and Assessment Regulation 2021 - Section 208(4)(g) which sets out how s7.12 development contributions should be calculated:

*(4)  The following costs and expenses must not be included in an estimate or determination of the proposed cost—*

*(g)  the costs of fittings and furnishings, including refitting or refurbishing, associated with the development, except if the development involves an enlargement, expansion or intensification of a current use of land.*

The proposal does not comprise any additional gross floor area and involves replacement of existing infrastructure. Accordingly, a contribution is not payable for the proposed development.

* 1. Section 4.15(1)(a) (iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

* 1. Section 4.15(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

Environmental Planning and Assessment Regulation 2021

2 Savings

Any act, matter or thing that, immediately before the repeal of the 2000 Regulation, had effect under the 2000 Regulation continues to have effect under this Regulation.

6 Determination of BASIX development

Not applicable

61 Additional matters that consent authority must consider

Conditions of consent are recommended with regard to demolition

62 Consideration of fire safety

Not applicable

63 Considerations for erection of temporary structures

Not applicable

* 1. Section 4.15(1)(b) the likely impacts of development

The site is regulated under various EPL and the proposal is considered acceptable regarding the likely impacts.

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* 1. Section 4.15(1)(c) the suitability of the site for the development

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and likely impacts on the locality and adjoining land are acceptable.

Are the site attributes conducive to development?

The proposal suitably responds to the site attributes.

* 1. Section 4.15(1)(d) any submissions made in accordance with this Act or the regulations

No submissions received.

* 1. Section 4.15(1)(e) the public interest

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

1. conclusion

This application has been assessed having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979. The proposed development is permissible with consent and has regard to the objectives of the zone and is consistent with the applicable provisions of the relevant planning instruments including relevant state policies, Council DCPs, Codes and Policies. The design of the development is appropriate regarding the controls outlined in these instruments.

Internal and external referrals are satisfactory, and no submissions were received. The development is not expected to adversely impact on the character or amenity of the surrounding area subject to draft conditions and the EPL.

It is considered that the proposed development is appropriate given the nature and characteristics of the site.

1. RECOMMENDATION

It is recommended that the development application be approved subject to appropriate conditions of consent.

Attachments

1 Aerial photograph

2 Zoning map

3 Full set of plans

4 Statement of Environmental Effects

5 WDCP compliance table

6 Draft conditions of consent