

<b>DATE OF DETERMINATION</b>	12 October 2023
<b>DATE OF PANEL DECISION</b>	12 October 2023
<b>DATE OF PANEL MEETING</b>	11 October 2023
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown
<b>APOLOGIES</b>	Mark Carlon
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 5 October 2023.

#### **MATTER DETERMINED**

PPSSTH-282 - Wollongong - DA-2023/595 at Five Islands Road PORT KEMBLA – Conversion of a decommissioned 12 MW steam turbine blower machine into a 12 MW steam turbine/alternator and ancillary works (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at the briefing listed at item 8 in Schedule 1.

#### **Development application**

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

In making its decision, the Panel noted the zoning of the site “IN3 Heavy Industry” and considered the objectives of the zone as identified in Chapter Five of State Environmental Planning Policy (Transport and Infrastructure) 2021. The Panel noted that consultation had occurred with the Environmental Protection Authority which was satisfied that the current Environmental Protection Licence applying to the site was adequate and did not require amendment.

The Panel considered a number of issues in making its determination including environmental management systems applying to the site, the management of Green and Golden Bell Frogs, land use safety and contamination, the need for a site emergency response plan and hours of construction.

The Panel noted the benefits of the proposal in meeting BlueScope’s carbon abatement commitments and Wollongong City Council’s net zero target.

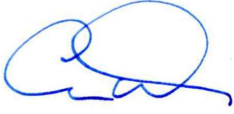



#### **CONDITIONS**

The Development Application was approved subject to the conditions in the Council Assessment Report with the following minor administrative amendments, which are contained in the final conditions found attached in Schedule 2.

- The reference to Council's DCP in reasons for conditions throughout the schedule was replaced with specific reference to the objectives of the relevant condition.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Christopher Wilson (Chair)	 Juliet Grant
 Grant Christmas	 David Brown

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-282 - Wollongong - DA-2023/595
2	PROPOSED DEVELOPMENT	Conversion of a decommissioned 12 MW steam turbine blower machine into a 12 MW steam turbine/alternator and ancillary works
3	STREET ADDRESS	Five Islands Road PORT KEMBLA
4	APPLICANT/OWNER	BlueScope Steel
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>◦ State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>◦ State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>◦ State Environmental Planning Policy (Planning Systems) 2021</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>◦ Wollongong City-Wide Development Contributions Plan (2021)</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Coastal Use and Coastal Environment Area</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 5 October 2023</li> <li>• Written submissions during public exhibition: 0</li> <li>• Total number of unique submissions received by way of objection: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 11 October 2023 <ul style="list-style-type: none"> <li>◦ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas, David Brown</li> <li>◦ <u>Council assessment staff</u>: Brad Harris</li> <li>◦ <u>Applicant representatives</u>: Paolo Dametto (Bluescope Steel), Anita Rojas (Bluescope Steel)</li> <li>◦ <u>Other</u>: Amanda Moylan (DPE), Tim Mahoney (DPE)</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report

1. **Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision No	Plan Title	Drawn By	Dated
		No.23 Turbo Alternator Location		
548646	C	No.2 Blower Station No.23 Turbo Alternator Turbine 23 Turbine and Alternator Arrangement	Peter Ellsmore & Associates	13.07.23
548532	M	No.2 Blower Station No.23 Turbo Alternator Structures 23TA Transformer Layout Plan and Sections	Peter Ellsmore & Associates	07.07.23
548566	L	No.2 Blower Station No.23 Turbo Alternator Foundations Proposed Cable Room and Cable Tunnel Cable Tunnel and Pit – General Arrangement	Peter Ellsmore & Associates	28.06.23
548567	L	No.2 Blower Station No.23 Turbo Alternator Foundations 23TA Transformer Cable Room and Tunnel Cable Pit - Arrangement	Peter Ellsmore & Associates	29.06.23
548531	K	No.2 Blower Station No.23 Turbo Alternator Structures Proposed Transformer Layout General Arrangement – Plan and Elevation	Peter Ellsmore & Associates	31.05.23
DA001	A	No.2 Blower Station No.23 Turbo Alternator General Council Development Application General Arrangement	Bluescope	06.07.23

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

**Reason:** To ensure all parties are aware of the approved plans and supporting documentation.

## **General Conditions**

### **2. Compliance with the Building Code of Australia (BCA)**

Building work must be carried out in accordance with the requirements of the BCA.

Reason: To ensure the development is built in accordance with the Building Code of Australia.

### **3. Construction Certificate**

A Construction Certificate must be obtained from Council or a Registered Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Part 3 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

**Note:** The Certifier must cause notice of its determination to be given to the consent authority, and to the Council, by forwarding to it, within two (2) days after the date of the determination, the plans and documentation referred to in Section 13 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Reason: To satisfy the requirements of the legislation.

## **Before the Issue of a Construction Certificate**

### **4. Flood Level Requirements**

The following requirements shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate:

- a. Any new portions of the building/structures (including electrical and mechanical equipment) below the 1% AEP flood level plus 0.5 metres (freeboard) shall satisfy the requirements for 'Flood Compatible Materials', as listed in Appendix B: Flood Compatible Materials of Chapter E13 of the Wollongong DCP2009. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP 2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP 2009.
- b. The proposed structures shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the 1% AEP flood level plus 0.5 metres (freeboard).

Reason: To ensure flood compatible materials are used and floor levels are maintained to limit flooding impacts

## **Before the Commencement of Building Work**

### **5. Appointment of Principal Certifier**

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- a. appoint a Principal Certifier and notify Council in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and
- b. notify Council in writing of their intention to commence work (at least two [2] days' notice is required).

The Principal Certifier must determine when inspections and compliance certificates are required.

Reason: To satisfy the requirements of the legislation.

## **While Building Work is Being Carried Out**

### **6. Demolition Works**

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS 2601:2001: The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of SafeWork NSW.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifier. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

Reason: To satisfy the requirements of the legislation and Australian Standards.

7. **Open Excavations - Green and Golden Bell Frogs**

If green and golden bell frogs are found at any time during the demolition, excavation or construction phases of the development, work shall cease immediately, and a qualified zoologist experienced in the identification and management of the green and golden bell frog shall be contacted and a report of the find made to Environment Line (telephone 131 555).

Reason: To satisfy the requirements of the legislation.

8. **Site Management**

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material does not spill onto the road pavement and is not placed in drainage lines or watercourses and cannot be washed into these areas.

Reason: To reduce potential for pollution of waterways.

9. **Replacement Vegetation**

Any trees removed to enable the construction of the underground cable duct must be replaced with compensatory planting within the Port Kembla Steelworks in accordance with BlueScope's Vegetation Management Plan (MA-ENV-02-08).

Reason: To ensure appropriate replacement vegetation is proposed.

**Before the Issue of an Occupation Certificate**

10. **Structural Soundness Certification**

The submission of a report from a suitably qualified and experienced structural engineer to the Principal Certifier is required, prior to the issue of the Occupation Certificate and commencement of use. This report is required to verify that the structures constructed as part of the development can withstand the forces of floodwater, debris and buoyancy up to and including the 1 % AEP flood level plus 0.5 metres (freeboard).

Reason: To ensure appropriate construction standards are applied to prevent damage from flood events.

11. **Site Emergency Response Flood Plan**

A Site Emergency Response Flood Plan shall be prepared by an appropriate consulting engineer and submitted to the Principal Certifier prior to the issue of an Occupation Certificate and commencement of use.

Reason: To ensure appropriate response mechanisms to flood events are in place.

**Reasons**

The reasons for the imposition of the conditions are:

1. To minimise any likely adverse environmental impact of the proposed development.
2. To ensure the protection of the amenity and character of land adjoining and in the locality.
3. To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.
4. To ensure the development does not conflict with the public interest.