

Infrastructure Approval

Section 5.19 of the *Environmental Planning and Assessment Act 1979*

I grant approval to the application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



The Hon Paul Scully MP
Minister for Planning and Public Spaces

Sydney

24th MAY 2023

SCHEDULE 1

Application Number:	SSI-36408005
Proponent:	BlueScope Steel (AIS) Pty Ltd
Approval Authority:	Minister for Planning and Public Spaces
Land:	Part Lot 1 DP 606434, Part Lot 71 DP1182824
Development:	Commodity Logistics and Import Project
Critical State Significant Infrastructure:	Commodity Logistics and Import Project as described in Clause 26 (1A) of Schedule 5 of <i>State Environmental Planning Policy (Planning Systems) 2021</i>

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DEFINITIONS

Conditions of this approval	The conditions contained in Schedule 2
Construction	All physical works associated with the development, including but not limited to demolition and removal of buildings or works, erection or installation of buildings and infrastructure, road upgrades, and the carrying out of works; but excludes minor preconstruction and preliminary works such as road dilapidation surveys, installation of fencing, geotechnical drilling and/or surveying)
Council	Wollongong City Council
Day	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
Decommissioning	The demolition and/or removal of buildings, infrastructure and works installed for the development and/or rehabilitation of the site
Department	NSW Department of Planning and Environment
Development	The development as described in the EIS
Development area	The area subject to disturbance and/or development, as shown on the development layout plans and depicted in the EIS
Development layout plans	The plans depicted on the figures in Appendix 1
EIS	The Environmental Impact Statement titled <i>Commodity Logistics & Import Project Environmental Impact Statement</i> dated 9 November 2022 and the Submissions Report titled <i>Commodity Logistics & Import Project Environmental Response to Submissions</i> dated 14 February 2023
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2021</i>
EPL	Environment Protection Licence under the POEO Act
Evening	The period from 6 pm to 10 pm
Feasible	Feasible relates to engineering considerations and what is practical to build or to implement
Heritage NSW	Heritage NSW within the Department
Incident	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none">• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Maximise	Implement all reasonable and feasible measures to achieve the specified outcome
Minimise	Implement all reasonable and feasible measures to reduce the impacts of the development
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NCC	National Construction Code
Night	The period from 10 pm to 7 am on Monday to Saturday, and 10 pm to 8 am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this approval

Operation	The operation of the development, but does not include commissioning, trials of equipment or the use of temporary facilities
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Proponent	BlueScope Steel (AIS) Pty Ltd, or any person carrying out any development to which this approval applies
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Rehabilitation	The restoration of land disturbed by the development to a good condition, to ensure it is safe, stable and non-polluting
Site	All land to which the development application applies as shown in Appendix 1

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT

- A1. In addition to meeting the specific performance criteria established under this approval, the Proponent must implement all feasible and reasonable measures to prevent, and if prevention is not feasible and reasonable, minimise any material harm to the environment that may result from the construction, operation, decommissioning or rehabilitation required under this approval.

TERMS OF APPROVAL

- A2. The development must be carried out:
- (a) in compliance with the conditions of this approval;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) generally in accordance with the EIS;
 - (d) generally in accordance with the development layout plans in Appendix 1.
- A3. If there is any inconsistency between the documents in condition A2 above, the most recent document must prevail to the extent of the inconsistency. However, the conditions of this approval prevail to the extent of any inconsistency.
- A4. The Proponent must comply with any reasonable requirement/s of the Planning Secretary arising from the Department's assessment of:
- (a) any strategies, plans, programs, reviews, audits, reports or correspondence that are submitted in accordance with this approval;
 - (b) any reports, reviews or audits undertaken or commissioned by the Department regarding compliance with this approval; and
 - (c) the implementation of any actions or measures contained in these documents.
- A5. Any document that must be submitted within a timeframe specified in or under the terms of this approval may be submitted within a later timeframe with the agreement of the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under condition 1 of Appendix 3.

LIMITS OF APPROVAL

Lapsing

- A6. This approval will lapse five years after the date on which it is granted, unless construction has physically commenced on or before that time.

NOTIFICATION OF COMMENCEMENT

- A7. The date of commencement of each of the following stages of the development must be notified to the Department in writing prior to the commencement of each stage:
- (a) construction;
 - (b) commissioning;
 - (c) operation; and
 - (d) decommissioning.
- A8. If the construction, commissioning, operation or decommissioning of the development is to be staged, the Department must be notified in writing of the date of commencement and the development to be carried out in each stage.

EVIDENCE OF CONSULTATION

- A9. Where conditions of this approval require consultation with an identified party, the Proponent must:
- (a) consult with the identified party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the identified party consulted and the Proponent and how the Proponent has addressed the matters not resolved.

STAGING, COMBINING AND UPDATING STRATEGIES, PLANS OR PROGRAMS

- A10. With the approval of the Planning Secretary, the Proponent may:
- (a) prepare and submit any strategy, plan or program required by this approval on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
 - (b) combine any strategy, plan or program required by this approval (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
 - (c) update any strategy, plan or program required by this approval (to ensure the strategies, plans and programs required under this approval are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).
- A11. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this approval.
- A12. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

PROTECTION OF PUBLIC INFRASTRUCTURE

- A13. Before the commencement of construction, the Proponent must consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure.
- A14. Unless the Proponent and the applicable authority agree otherwise, the Proponent must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out 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.

DEMOLITION

- A15. The Proponent must ensure that all demolition work on site is carried out in accordance with *AS 2601-2001: The Demolition of Structures*, or its latest version.

STRUCTURAL ADEQUACY

- A16. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the NCC.

Notes:

- *Under Part 6 of the EP&A Act, the Proponent is required to obtain construction and occupation certificates for the proposed building works.*
- *Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.*

COMPLIANCE

- A17. The Proponent must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this approval that are relevant to activities they carry out in respect of the development.

OPERATION OF PLANT AND EQUIPMENT

- A18. All plant and equipment used on site in relation to the development, or to monitor the performance of the development, must be maintained in proper condition and operated in a proper and efficient manner.

PART B ENVIRONMENTAL CONDITIONS – GENERAL

WATER QUALITY

Erosion and Sediment Control

- B1. Prior to the commencement of any construction or other surface disturbance for the development, the Proponent must install and maintain suitable erosion and sediment control measures on-site, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction - Volume 1: Blue Book* (Landcom, 2004) guideline.

Note: The development must also comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.

AIR QUALITY

Dust Minimisation

- B2. The Proponent must take all reasonable and feasible steps to minimise dust generated by the development.
- B3. During construction, the Proponent must ensure that:
- (a) all trucks associated with the development entering or leaving the site with loads have their loads covered; and
 - (b) trucks associated with the development do not track material onto the public road network.

GREENHOUSE GAS

- B4. The Proponent must implement all reasonable and feasible measures to minimise the Scope 1 and Scope 2 greenhouse gas emissions generated by the development.

NOISE

Construction Noise Criteria

- B5. Other than in accordance with conditions B6 and B7, construction of the development must only be undertaken on Mondays to Fridays between the hours of 7:00 am and 6:00 pm and on Saturdays between the hours of 8:00 am and 1:00 pm. Construction must not occur at any time on Sundays or Public Holidays unless the Planning Secretary agrees otherwise.
- B6. The following activities may be carried out outside the hours in condition B5:
- (a) construction that causes noise levels that are:
 - (i) no more than 5 dB $L_{Aeq(15\ min)}$ above the Rating Background Level in accordance with the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version) at any residence;
 - (ii) no more than the Noise Management Levels in Table 3 of the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version) at other sensitive land uses; and
 - (iii) construction that causes L_{AFmax} noise levels less than 52 dB(A) during the night period; or
 - (b) delivery of plant, equipment and materials which is required to be delivered outside standard construction hours by Police and/or other authorities for safety reasons; or
 - (c) emergency work to avoid loss of life, damage to property and/or environmental harm; or
 - (d) works approved under an Out of Hours Work Protocol in accordance with condition B7.
- B7. Apart from the activities permitted under condition B6, if the Proponent proposes to undertake any other construction works outside the hours specified in condition B5, then the Proponent must prepare and implement an Out of Hours Work Protocol for these works to the satisfaction of the Planning Secretary. This protocol must be prepared in consultation with the EPA and the residents who would be affected by the noise generated by these works, and must be consistent with the requirements of the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version). The Proponent must not carry out any out of hours construction works before this protocol has been approved by the Planning Secretary.
- B8. All reasonable and feasible noise mitigation measures must be implemented to achieve the construction noise levels detailed in the *Interim Construction Noise Guideline* (DECC, 2009) (or its latest version). Any activities that could exceed the construction noise management levels must be identified and managed in accordance with the Environmental Management Strategy required under condition C1 of this approval.

TRAFFIC AND PARKING

Parking

- B9. The Proponent must provide parking facilities on-site, including for heavy vehicles and for site personnel, to ensure that traffic associated with the development does not utilise residential streets for parking or public parking facilities.

WASTE

WASTE MANAGEMENT

- B10. The Proponent must:
- (a) minimise the waste generated by the development;
 - (b) classify all waste generated on site in accordance with the EPA's *Waste Classification Guidelines 2014* (or its latest version);
 - (c) store and handle all waste on site in accordance with its classification;
 - (d) not receive or dispose of any waste on site, other than in as expressly provided for in an EPL; and
 - (e) remove all waste from the site as soon as practicable, and ensure it is reused, recycled or sent to an appropriately licensed waste facility for disposal.

HERITAGE

Unexpected Finds Protocol

- B11. If any Aboriginal object is identified during construction or operation on site:
- (a) all work in the immediate vicinity of the suspected Aboriginal object must cease immediately;
 - (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and
 - (c) Heritage NSW must be contacted immediately.

Work in the immediate vicinity may only recommence if:

- (a) the potential Aboriginal object is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal Place; or
- (b) the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object or Aboriginal place and makes a written direction in that regard.

Note: Aboriginal objects are defined by the National Parks and Wildlife Act 1974.

- B12. If any non-Aboriginal heritage items are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the requirements of Heritage NSW.

Note: Non-Aboriginal heritage items are defined by the Heritage Act 1977.

FLOODING

Flood Emergency Response Plan

- B13. Prior to the commencement of construction, the Proponent must prepare a Flood Emergency Response Plan in consultation with Biodiversity and Conservation Division within the Department.

PART C ENVIRONMENTAL MANAGEMENT AND REPORTING

ENVIRONMENTAL MANAGEMENT STRATEGY

- C1. Prior to commencing construction, the Proponent must prepare an Environmental Management Strategy for the development to the satisfaction of the Planning Secretary. This strategy must:
- (a) provide the strategic framework for environmental management of the development;
 - (b) identify the statutory approvals that apply to the development;
 - (c) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development;
 - (d) describe the procedures that would be implemented to:
 - (i) keep the local community and relevant agencies informed about the operation and environmental performance of the development;
 - (ii) receive, handle, respond to and record complaints;
 - (iii) resolve any disputes that may arise;
 - (iv) respond to any incidents, non-compliances or exceedances of any impact assessment criterion or performance measure; and
 - (v) respond to emergencies;
 - (e) include an environmental risk assessment and a description of the measures that would be implemented to manage the identified risks, including commitments in the document(s) listed in condition A2(c). The environmental risk assessment must:
 - (i) consider the environmental factors assessed in the EIS and any other environmental risks identified by the Proponent; and
 - (ii) include the mitigation measures identified in the EIS and any other mitigation measure required to manage the risks identified by the environmental risk assessment;
 - (f) include a process to review the environmental risk assessment annually and determine whether the measures implemented to manage the risks identified are effective;
 - (g) include an adaptive management process to be implemented if the review of the risk assessment required by condition C1(f) indicates that a measure implemented is not effective in managing the identified risk(s); and
 - (h) includes the following subplans:
 - (i) a **Traffic Management Plan** prepared in consultation with TfNSW and Council that includes:
 - details of the transport route(s) to be used for all construction traffic;
 - details of the measures that would be implemented to minimise traffic safety issues and disruption to local users of the transport route/s;
 - details about oversize/overmass vehicle requirements and management; and
 - a driver's code of conduct; and
 - (ii) a **Green and Golden Bell Frog Management Procedure** including measures to protect the on-site green and golden bell frog population
- C2. The Proponent must implement the approved Environmental Management Strategy.

REVISION OF STRATEGIES, PLANS AND PROGRAMS

- C3. Within three months of:
- (a) the submission of a compliance report under conditions C8 to C11;
 - (b) the submission of an incident report under condition C4;
 - (c) the approval of any modification of the conditions of this approval; or
 - (d) the issue of a direction of the Planning Secretary under condition A2(b);

The Proponent must review and, if necessary, revise the studies, strategies or plans required under the conditions of approval to the satisfaction of the Planning Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Planning Secretary for approval, unless otherwise agreed with the Planning Secretary.

Note: *This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*

COMPLIANCE

Incident Notification, Reporting and Response

- C4. The Planning Secretary must be notified in writing via the Major Projects website immediately after the Proponent becomes aware of an incident related to the development. The notification must identify the development (including the application number and the name of the development if it has one) and set out the location and nature of the incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 2.

Non-Compliance Notification

- C5. The Planning Secretary must be notified in writing to the Major Projects website within seven days after the Proponent becomes aware of any non-compliance.
- C6. A non-compliance notification must identify the development and the application number for it, set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- C7. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Compliance Reporting

- C8. Compliance reports on the development must be carried out in accordance with the compliance reporting requirements outlined in the *Compliance Reporting Post Approval Requirements (2020)* or its latest version.
- C9. Compliance reports must be submitted to the Department in accordance with the timeframes set out in the *Compliance Reporting Post Approval Requirements (2020)* or its latest version, unless otherwise agreed to by the Secretary.
- C10. The Proponent must make each compliance report publicly available within 60 days of submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.
- C11. Notwithstanding the requirements of the *Compliance Reporting Post Approval Requirements (2020)* or its latest version, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

ACCESS TO INFORMATION

- C12. Prior to the commencement of construction until the completion of all works under this approval, including decommissioning, the Proponent must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - (i) the documents referred to in condition A2 of this approval;
 - (ii) all current statutory approvals for the development;
 - (iii) all approved strategies, plans and programs required under the conditions of this approval;
 - (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this approval;
 - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this approval, or any approved plans and programs;
 - (vi) a summary of the current stage and progress of the development;
 - (vii) contact details to enquire about the development or to make a complaint;
 - (viii) a summary of complaints related to the development, updated within 1 month of receiving a complaint associated with the development;
 - (ix) compliance reports of the development;
 - (x) any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

APPENDIX 1 DEVELOPMENT LAYOUT PLANS



Figure 1: Project Components

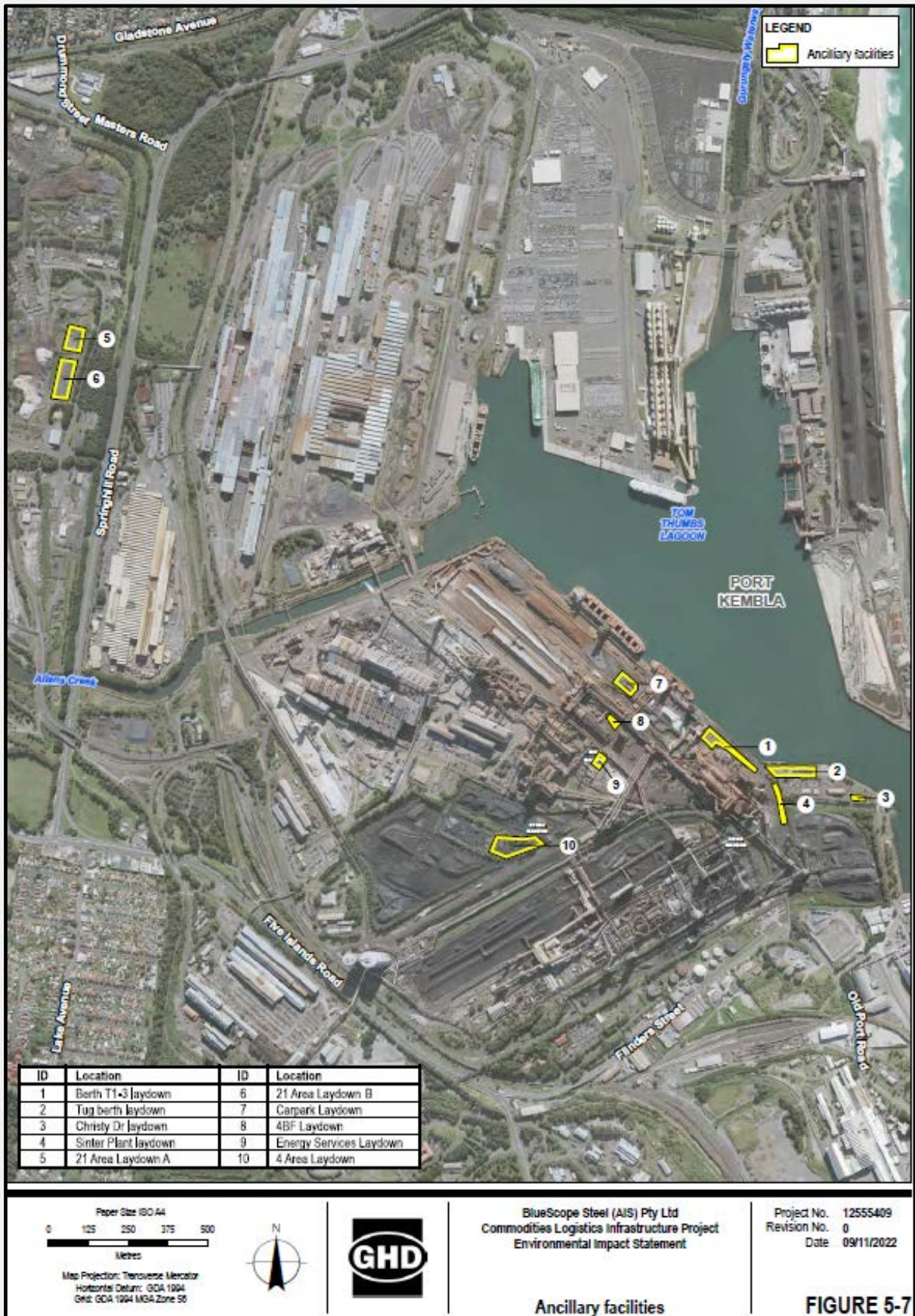


Figure 2: Ancillary Facilities- Laydown Areas

APPENDIX 2 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be submitted to the Planning Secretary via the Major Projects website within seven days after the Proponent becomes aware of an incident.
2. Written notification of an incident must:
 - (a) identify the development and application number;
 - (b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - (c) identify how the incident was detected;
 - (d) identify when the applicant became aware of the incident;
 - (e) identify any actual or potential non-compliance with conditions of approval;
 - (f) describe what immediate steps were taken in relation to the incident;
 - (g) identify further action(s) that will be taken in relation to the incident; and
 - (h) identify a development contact for further communication regarding the incident.

INCIDENT REPORT REQUIREMENTS

3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Proponent must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - (a) a summary of the incident;
 - (b) outcomes of an incident investigation, including identification of the cause of the incident;
 - (c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - (d) details of any communication with other stakeholders regarding the incident.