

01 February 2024

[REDACTED]

Secretary  
Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
Parramatta NSW 2124

Attention: [REDACTED]

**Submission of Pre-Construction Compliance Report - water and wastewater services for Package 3 WDURA (MP09\_0189)**

In accordance with MCoA 3.6(a) of the Concept Approval, please find attached the pre-construction compliance report (PCCR) for Package 3 WDURA.

The PCCR identifies compliance with the relevant MCoA obligations prior to the commencement of construction of Package 3. Compliance with the remaining MCoA will be reported in accordance with Section 3 of the *Compliance Tracking Program*.

If you require additional information please contact [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]

[REDACTED]

Sydney Water Project Manager, WDURA West Dapto Package 3

Attachment: PCCR – West Dapto Package 3




Sydney Water Corporation

**West Dapto Package 3**

Pre-Construction Compliance Report


January 2024 Revision 0.1

## West Dapto Package 3 Pre-Construction Compliance Report

<b>Prepared by:</b>	 Environment Lead, South Program Delivery, Sydney Water	<b>Date:</b> 01/02/2024
<b>Endorsed by:</b>	 Delivery Services Lead, West Program Delivery, Sydney Water	<b>Date:</b> 01/02/2024
<b>Approved by:</b>	 Senior Project Manager Program Delivery, Sydney Water	<b>Date:</b> 01/02/2024

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## Revision Control Chart

Revision Number	Date Revised	Approved by	Endorsed by	Amended page(s)	Change request number	Description of change
0.1	01 February 2021			N/A	N/A	N/A

# Contents

1.	Context	4
2.	Outcomes	6
2.1	Concept Approval	6
2.2	Project Approval	6

## Tables

Table 1	Evidence for completion of pre-construction compliance obligations	8
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## 1. Context

On 14 June 2013, under Part 3A of the *Environmental Planning and Assessment Act 1979*, the Minister for Planning and Infrastructure granted Sydney Water:

- concept approval to provide water and wastewater services for the West Dapto Urban Release Area (WDURA) and Adjacent Growth Areas (AGAs)
- project approval to provide water and wastewater services for the WDURA first release precincts (Kembla Grange, Sheaffes/Wongawilli and West Horsley) (MP09\_0189).

On 6 January 2016, the Minister for Planning and Infrastructure granted a modification to the concept approval that enabled the boundary of the concept approval to be aligned with the boundary of the project approval area. The modification also had the effect of removing equivalent or duplicate Minister's Conditions of Approval (MCoA). The project was then named "Water and Wastewater Servicing of the West Dapto Urban Release Area precincts of Kembla Grange, Sheaffes/Wongawilli and West Horsley".

Sydney Water nominated Program Delivery (PD), an asset delivery branch of Sydney Water, as the Delivery Agent (DA) to project manage and deliver WDURA Package 3 (Figure 1). In 2023, the DA appointed D4C (John Holland, Servicestream, WSP JV) to design and construct West Dapto Package 3 for Sydney Water. Construction of Package 3 is expected to commence from January 2024. WDURA Package 3 involves the construction and operation of approximately 5.5 km of wastewater and 4 kms of watermain pipelines (Figure 2) in the West Horsley precinct. Both the modified Concept and Project approvals apply to Package 3.

In accordance with Condition 3.6 of the Concept Approval, Sydney Water developed a *Compliance Tracking Program* to track and report compliance against the Minister's Conditions of Approval (MCoA). Section 3 of the *Compliance Tracking Program* specifies that Sydney Water will coordinate a Pre-construction Compliance report (PCCR) for submission to the Planning Secretary (formerly the Director General). Sydney Water, the DA and D4C have MCoA compliance responsibilities prior to the commencement of construction.

This PCCR identifies relevant MCoA to the phase of pre-construction (covering the period up to January 2024), and demonstrates compliance. Compliance with the remaining MCoA will be reported in accordance with Section 3 of the *Compliance Tracking Program*.

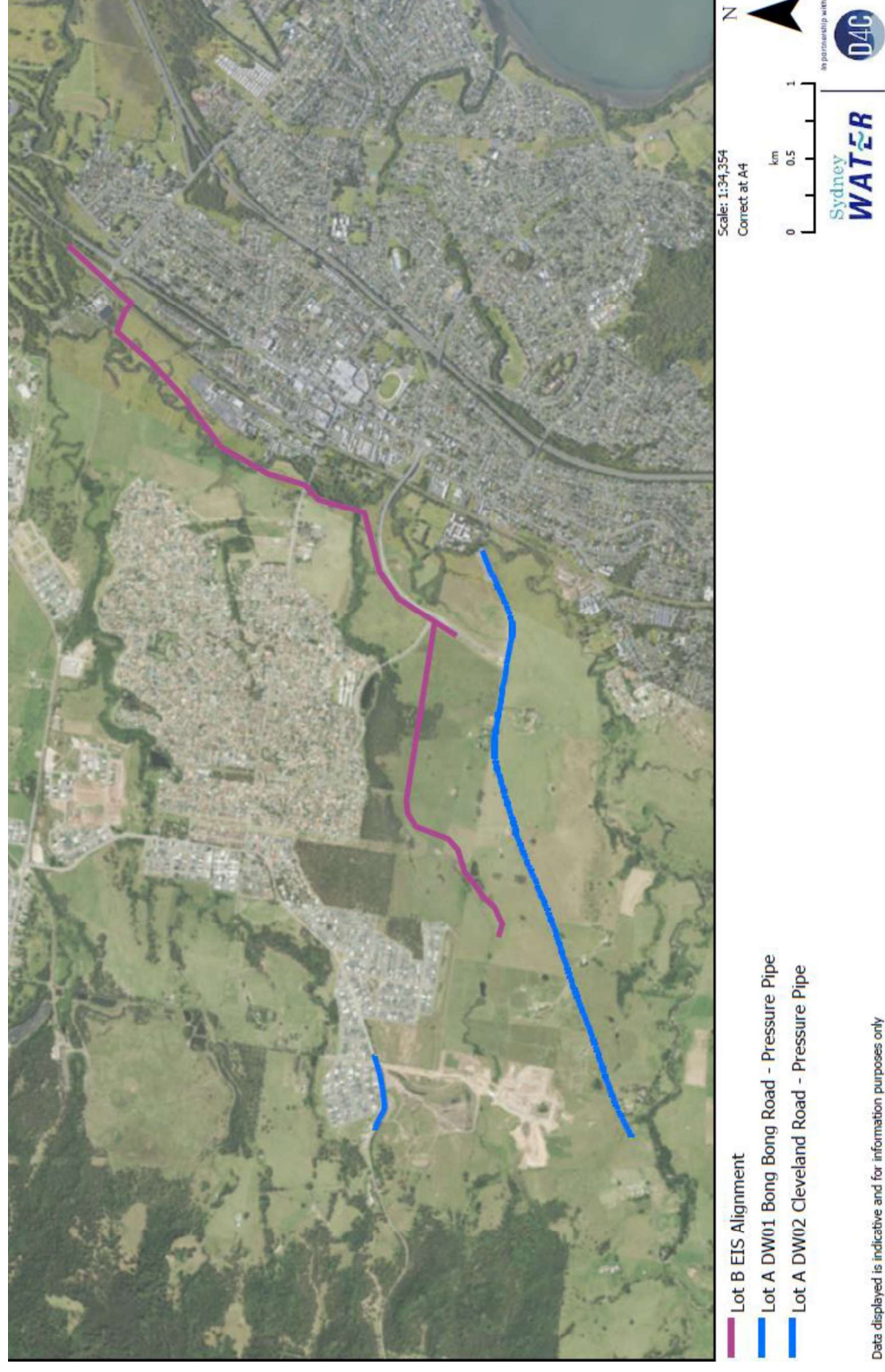


Figure 1: Location of WDURA Package 3 (Source: D4C)

## 2. Outcomes

Sydney Water, the Sydney Water DA and D4C have met all pre-construction compliance obligations relevant to West Dapto Package 3. Evidence of compliance with the conditions relevant to pre-construction of West Dapto Package 3 is presented in Table 1, and outcomes are summarised below. Only Sections and conditions relevant to pre-construction are included in the tables and summary.

### 2.1 Concept Approval

#### 2.1.1 Schedule 2. Terms of Concept Plan Approval

Consistency assessments have been prepared to confirm changes to the design are in accordance with the documents and plans identified in Condition 1.1. Servicing of the WDURA precincts of Kembla Grange, Sheaffes/Wongawilli and West Horsley will take place over a number of years. An updated staging report showing the first stages of work, including Package 3, was approved by the Planning Secretary on 26 September 2023 and management plans etc. were approved 19/01/2024 (Conditions 1.5 and 1.6 and B8 and B9).

#### 2.1.2 Schedule 3. Compliance Monitoring and Tracking

An updated *Compliance Tracking Program* (CTP) has been prepared for Package 3 works and approved by the Planning Secretary on 19 January 2024. Sydney Water, the DA and D4C will review compliance against the MCoA for which they are responsible using their own compliance monitoring systems based on the tables in the CTP. The systems contain provisions for monthly reviews, audits and reporting. Sydney Water will prepare consolidated reports for the Planning Secretary in accordance with Section 3 of the CTP.

### 2.2 Project Approval

#### 2.2.1 Schedule B. Administrative Conditions

See Section 2.1.1 above.

The CTP outlines the provisions for ensuring all workers are aware of, and comply with the conditions of the approval relevant to their respective activities through environmental induction and competency program, the appointment of a Contractor environmental representative, a system to manage and report on non-compliances and environmental incidents as well as a program of compliance inspections, reports and independent audits. These measures are also detailed within the contractor Construction Environmental Management Plan (CEMP).

#### 2.2.2 Schedule C. Environmental Performance

A description of management measures to avoid significant adverse impacts from the project and ancillary construction facilities was included in the CEMP, which was approved on 19 January 2024. A road dilapidation survey was carried out in October 2023, with a road dilapidation report submitted to Wollongong City Council (WCC) for comment on 07 December 2023. The limits of the road dilapidation report have been agreed with Jamie Milner from WCC. This was agreed via email on 22 September 2023. Any comments received from WCC would be considered.

Package 3 works have been designed to minimise impacts on environmentally sensitive areas including areas of Aboriginal heritage and Illawarra Lowland Grassy Woodland (ILGW), an endangered ecological community, including the use of micro-tunnelling construction methodology.

Aboriginal heritage consultants undertook an Aboriginal Archaeological Investigation Program as required by MCoA 36. Consultation was undertaken with Registered Aboriginal Parties (RAPs) and Heritage NSW and the report was submitted to Heritage NSW ACH on 22 October 2023, with no comments received. This was also submitted to the NSW Department of Planning, Housing and Infrastructure (DPHI) on 19 December 2023. Planning Secretary approval was received on 1 February 2023. The Investigation Program Report identified that no further archaeological work is required.

No known items of non-Aboriginal heritage are impacted by Package 3 works.

The CEMP, works corridors and no-go areas as identified in the CEMP and D4C's induction program, further minimise potential impacts to Aboriginal heritage and avoid all areas of ILGW.

### **2.2.3 Schedule D. Community Information, Reporting and Auditing**

Sydney Water prepared a Community Communication Strategy (CS) which was approved by the Director-General on 1 July 2014. Minor amendments were made to the CS for Package 3 to reflect changes in department names and the modified conditions issued in 2016. The revised CS was issued to DPHI for information on 18 January 2024. D4C has prepared a *Community & Stakeholder Action Plan* (CSAP) for Package 3 works, which compliments the CS and contains the consultation timeline for the project.

Sydney Water has established dedicated page on its website [www.sydneywatertalk.com.au](http://www.sydneywatertalk.com.au) for the provision of electronic information associated with the project. The website also contains links to the where the public can view relevant documents and how to contact the project team to express their views on the project. Sydney Water's corporate system will be used for managing complaints.

### **2.2.4 Schedule E. Construction Environmental Management**

The CEMP was approved by the Planning Secretary on 19 January 2024, to address the environmental management aspects outlined in Schedule E, including the Rehabilitation and Landscape Plan.

A suitably qualified and experienced Environmental Representative has been engaged by Sydney Water. The ER was approved by the Planning Secretary on 19 December 2023.



**Table 1** Evidence for completion of pre-construction compliance obligations

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>CONCEPT APPROVAL</b>					
<b>Terms of the Concept Approval</b>	1.1	<p>The Proponent shall carry out the project generally in accordance with:</p> <p>Major Project Application 09_0189;</p> <p>a. the Water and wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas Environmental Assessment, SW92 11/11, dated September 2012, prepared by Sydney Water Corporation;</p> <p>b. the Water and wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas Submissions Response Report, SW 260 02/13, dated February 2013, prepared by Sydney Water Corporation;</p> <p>c. Updated Appendix 1 of Appendix G: Non-Aboriginal Heritage Assessment, Volume 3 of EA, dated 11 March 2013, prepared by Sydney Water Corporation;</p> <p>d. the terms of this approval; and</p> <p>e. The Modification request from Sydney Water dated 18 December 2015.</p>	Consistency assessments prepared during concept and detailed design. No modifications considered necessary.	N/A	N/A
	1.4	<p>The Proponent shall comply with any reasonable requirement(s) of the Director-General arising from the Department's assessment of:</p> <p>a. any reports, plans or correspondence that are submitted in accordance with this Concept Plan approval or any related approvals; and</p> <p>b. the implementation of any actions or measures contained in these reports, plans or correspondence.</p>	<p>Email correspondence with DP&amp;E 11 March 2014 confirming 'agreed understanding' regarding 3 minor errors in wording of Conditions.</p> <p>Request for Additional Information from DPHI, 30 November 2023 to update the CEMP. CEMP approved by DPHI 19 January 2024.</p>	N/A	N/A
	1.5	The Proponent may, with the Director-General's agreement, elect to meet the conditions of approval of multiple projects associated with this Concept Plan in a single, consolidated manner (including through a consolidated plan or other document). In this case, the Proponent shall clearly demonstrate how the requirements of each project approval, as well as the requirements of this Concept Plan approval have been addressed in the consolidated plan or document.	<p>Staging report describes staged provision of water and wastewater infrastructure (MCoA B8 and B9). Report also describes how programs and strategies will be consolidated or prepared progressively (MCoA 1.5 and 1.6). Staging Report for Package 1 submitted on 14 March 2014 and approved by DP&amp;E on 2 May 2014. Revised Staging Report for Package 2 submitted on 16 September 2020 and approved by DPHI on 22 October 2020.</p> <p>Revised Staging Report for Package 3 submitted on 08 September 2023 and approved by DPHI on 26 September 2023.</p>	08 Sept 2023	26 Sep 2023

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>Compliance Monitoring and Tracking - Compliance Tracking Program</b>	3.6a-g	<p>Prior to the commencement of construction of any project related to the Concept Plan Approval, the Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval during the construction and operation of any project related to this Concept Plan Approval and shall include, but not necessarily be limited to:</p> <ol style="list-style-type: none"> <li>provisions for the periodic reporting of compliance status to the Director-General including at least prior to the commencement of construction of the project (Pre-Construction Compliance Report), prior to the commencement of operation of the project (Pre-Operation Compliance Report), including prior to each stage, where works are being staged, and within two years of operation commencement</li> <li>provisions for periodic review of the compliance status of the project against the requirements of this approval</li> <li>a programme for independent environmental auditing in accordance with AS/NZ ISO 19011:2003 - Guidelines for Quality and/or Environmental Management Systems Auditing, for construction and operation</li> <li>mechanisms for recording environmental incidents during construction and actions taken in response to those incidents</li> <li>provisions for reporting environmental incidents to the Director-General and relevant public authorities</li> <li>procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or incident management, and</li> <li>provisions for ensuring all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities.</li> </ol>	<p>Sydney Water's Compliance Tracking Program for Package 2 prepared and submitted to DPHI on 06/12/2023. DPHI issued approval letter 19 January 2024.</p> <p>This report is the Pre-Construction Compliance Report (PCCR) submitted prior to construction.</p>	06 Dec 2023	19/01/2024
<b>PROJECT APPROVAL</b>					

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>Administrative Conditions- Terms of Approval</b>	B2	The Proponent shall carry out the project generally in accordance with the: a. Project Application MP 09_0189; b. the Water and Wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas Environmental Assessment, SW92 11/11, dated September 2012, prepared by Sydney Water Corporation; c. the Water and Wastewater servicing of the West Dapto Urban Release Area and Adjacent Growth Areas Submissions Response Report, SW 260 02/13, dated February 2013, prepared by Sydney Water Corporation; d. Updated Appendix 1 of Appendix G: Non Aboriginal Heritage Assessment, Volume 3 of EA, dated 11 March 2013, prepared by Sydney Water Corporation; and e. conditions of this approval.	See 1.1 in Concept approval	N/A	N/A
<b>Administrative Conditions- Terms of Approval</b>	B4	The Proponent shall comply with the reasonable requirements(s) of the Director-General arising from the Department's assessment of: a. any reports, plans or correspondence that are submitted in accordance with this approval; and b. the implementation of any actions or measures contained within these reports, plans or correspondence	See 1.4 in Concept approval	N/A	N/A
<b>Administrative Conditions- Terms of Approval</b>	B5	Subject to confidentiality, the Proponent shall make all documents required under this approval publicly available.	See D5 below	N/A	N/A
<b>Administrative Conditions- Statutory Requirements</b>	B7	The Proponent shall ensure that all licences, permits and approvals are obtained as required by law and maintained as required throughout the life of the project. No condition of this approval removes any obligation for the Proponent to obtain, renew or comply with any licences, permits or approvals required by any other legislation.	Noted	N/A	N/A
<b>Administrative Conditions- Staging</b>	B8	The Proponent may elect to construct and/ or operate the project in stages. Where staging is proposed, the Proponent shall submit a Staging Report to the Director-General prior to the commencement of the first proposed stage. The Staging Report shall provide details of: a. how the project would be staged, including general details of works associated with each stage and the general timing of when each stage would commence ; and b. details of the relevant conditions of approval, which would apply to each stage and how these shall be complied with across and between the stages of the project. Where staging of the project is proposed, these conditions of approval are only required to be complied with at the relevant time and to the extent that they are relevant to the specific stage(s).  The Proponent shall ensure that an updated Staging Report (or advice that no changes to staging are	Staging report describes staged provision of water and wastewater infrastructure (MCoA B8 and B9). Report also describes how programs and strategies will be consolidated or prepared progressively (MCoA 1.5 and 1.6). Staging Report for Package 1 submitted on 14 March 2014 and approved by DP&E on 2 May 2014. Revised Staging Report for Package 2 submitted on 16 September 2020 and approved by DPHI on 22 October 2020. Revised Staging Report for Package 3 submitted	08 Sep 2023	26 Sep 2023

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
		<p>proposed) is submitted to the Director-General prior to the commencement of each stage, identifying any changes to the proposed staging or applicable conditions.</p> <p>The Proponent shall ensure that all plans, sub-plans and other management documents required by the conditions of this approval and relevant to each stage (as identified in the Staging Report) are submitted to the Director-General no later than one month prior to the commencement of the relevant stages, unless otherwise agreed by the Director-General.</p>	on 08 September 2023 and approved by DPHI on 26 September 2023.		
<b>Administrative Conditions- Compliance</b>	B9a&b And notes	<p>With the approval of the Director-General, the Proponent may:</p> <ol style="list-style-type: none"> <li>submit any strategy, plan or program required by this consent on a progressive basis; and</li> <li>combine any strategy, plan or program required by this consent with any similar strategy, plan or program required.</li> </ol> <p>While any strategy, plan or program may be submitted on a progressive basis, the Proponent will need to ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times.</p>	See B8 above		
<b>Administrative Conditions- Compliance</b>	B10	<p>The Proponent shall:</p> <ol style="list-style-type: none"> <li>ensure that employees, contractors and sub-contractors are aware of, and comply with, the conditions of this approval relevant to their respective activities; and</li> <li>be responsible for environmental impacts resulting from the actions of all persons that it invites onto the site, including contractors, sub-contractors and visitors.</li> </ol>	<p>Refer to the CTP required by Concept MCoA 3.6. Commitment to be responsible for environmental impacts described in CEMP and contract documentation.</p> <p>D4C have prepared induction material (West Dapto Package 3 Site Specific Induction), and inductions will commence at project site mobilisation. The induction material includes project specific environmental induction and questionnaire setting out the environmental controls in place for the project, associated risks, obligations, conditions of approval and liability for not following the guidelines. Completion of the induction questionnaire confirms the workers awareness of the environmental risks and obligations.</p>	N/A	N/A



Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>Environmental Performance – Biodiversity</b>	C3	The proponent shall include in the Rehabilitation and Landscape Plan, required by condition E7, measures to offset the impacts of clearing 0.15 ha of Illawarra Lowland Grassy Woodland resulting from the wastewater pipeline construction. Demonstration of how the measures meet the objective of maintain or improve shall be provided and consideration of the efficacy of the measures proposed.	No ILGW to be impacted for Package 3 works.	N/A	N/A
	C4	The proponent shall continue to consult with Wollongong City Council with regards to the proposed road network along which the water pipeline will be located with the aim of encouraging vegetation avoidance wherever possible. Impacts of vegetation clearing shall be offset with measures to be undertaken included in the Rehabilitation and Landscape Plan required by condition E7 unless biodiversity certification of the WDURA and AGA is implemented and the impacts accounted for through this process. Should biodiversity certification be implemented, the proponent shall demonstrate, to the satisfaction of the Director General, that the impacts have been appropriately addressed.	Consultation with Council was undertaken by Sydney Water in March 2023. A response was received from Council in which Council's specifications for restoration of road pavement and road verges was distributed. Council confirmed that biodiversity certification has not been implemented.	N/A	N/A
<b>Environmental Performance – Ancillary Construction Facilities</b>	C12	<p>Unless otherwise approved by the Director General, the location of Ancillary Construction Facilities shall:</p> <ol style="list-style-type: none"> <li>be located more than 50 metres from a waterway;</li> <li>be located within or adjacent to land where the project is being carried out;</li> <li>have ready access to the road network;</li> <li>be located to minimise the need for heavy vehicles to travel through residential areas;</li> <li>be sited on relatively level land;</li> <li>be separated from nearest residences by at least 200 metres (or at least 300 metres for a temporary batching plant);</li> <li>not require vegetation clearing beyond that already required by the project;</li> <li>not impact on heritage items (including areas of archaeological sensitivity) beyond those already impacted by the project;</li> <li>not unreasonably affect the land use of adjacent properties;</li> <li>be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented; and</li> <li>provide sufficient area for the storage of raw materials to minimise, to the greatest extent practical, the number of deliveries required outside standard construction hours.</li> </ol> <p>Where any of the criteria cannot be met for any proposed ancillary construction facility, the Proponent shall demonstrate to the satisfaction of the Director General that there will be no significant adverse impact from the facility(ies)'s construction or operation. The location of and proposed measures to manage the ancillary construction facilities shall be identified in the CEMP required by condition E5.</p>	Proposed ancillary construction facilities have been described in the CEMP. The facilities are consistent with the Project Approval.	08 Nov 2023	19 Jan 2024

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>Environmental Performance – Transport and Access</b>	C27	The project shall be designed with the objective of minimising adverse changes to existing access arrangements and transport services, including school bus services. Any need to alter public transport services or their routes shall be discussed with the provider and suitable alternative arrangements agreed.	Construction will not impact upon bus services or public transport. A traffic management plan has been developed to outline management controls for access of vehicles from public roads to the construction corridor, including any necessary traffic or pedestrian controls to ensure public safety.	N/A	N/A
<b>Environmental Performance – Transport and Access</b>	C28	All landowners or residents whose access will be affected during construction shall be notified a minimum of 48 hours in advance. Access to a property that is physically affected by the project shall be reinstated to an equivalent standard, in consultation with the property owner.	A broad community newsletter was distributed to the wider community (5,365 residents) on 23 October 2023 advising of the upcoming project, project website and contact details.  Landowners will be given 7 days' notice prior to mobilisation to site. Restoration with residents will be agreed upon in the Home Plans and Restoration and Landscaping Plan.	N/A	N/A
<b>Environmental Performance- Road Dilapidation</b>	C29	Upon determining the haulage route(s) for construction vehicles associated with the project, and prior to construction, an independent and qualified person or team shall undertake a Road Dilapidation Report. The report shall assess the current condition of the road. The Report shall be submitted to the relevant road authority for review and comment prior to the commencement of haulage.	The required extent of the road dilapidation report was discussed with WCC and agreed on 22/09/2023.  A Road Dilapidation Report was completed and submitted to WCC on 06/10/2023. A revised version was provided to WCC on 07/12/2023 prior to wider mobilisation to site and the start of the works.	N/A	N/A
<b>Environmental Performance - Heritage</b>	C32	Impacts to Aboriginal heritage identified in tables 25 and 26 of Appendix F in the document listed under condition B2(b) shall be minimised to the greatest extent practicable through both detailed design and construction. Where impacts are unavoidable, works shall be undertaken in accordance with condition C36 and the actions to manage construction Aboriginal heritage required by condition E6(b).	Package 3 is partially located within an area identified in Table 26. Impacts to this area were minimised through microtunnelling sections of the alignment and the CEMP outlines additional measures to be implemented during construction. Some residual impacts were assessed in accordance with C36 and actions to manage construction required by E6(b) are outlined in the CEMP.	N/A	N/A

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>Environmental Performance - Heritage</b>	C36	<p>Prior to the commencement of pre-construction and construction activities affecting the Aboriginal archaeological sites identified in Table 25 and Table 26 of Appendix F in the document listed under condition B2(b), the Proponent must:</p> <p>(a) undertake an Aboriginal archaeological investigation program using a methodology prepared, in consultation with the OEH (Aboriginal heritage) and the Registered Aboriginal Stakeholders, and to the satisfaction of the Director-General.</p> <p>(b) report on the results of the Aboriginal archaeological investigation program, including recommendations (such as for further archaeological work), in consultation with the Registered Aboriginal Stakeholders, the OEH and to the satisfaction of the Director General, and shall include, but not necessarily be limited to:</p> <p>(i) consideration of measures to avoid or minimise disturbance to Aboriginal objects where objects of moderate to high significance are found to be present;</p> <p>(ii) where it cannot be avoided, recommendations for any further investigations; and</p> <p>(iii) management and mitigation measures to ensure there are no additional impacts due to pre-construction and construction activities.</p> <p>(c) Undertake any further archaeological excavation works recommended by the results of the Aboriginal archaeological investigation program.</p> <p>Within twelve months of completing the above work, unless otherwise agreed by the Director General, the Proponent shall submit a report containing the findings of the excavations, including artefact analysis, and the identification of final storage place for Aboriginal objects, prepared in consultation with the Registered Aboriginal Stakeholders, the OEH (Aboriginal objects) and to the satisfaction of the Director-General.</p>	<p>Kelleher Nightingale Consulting Pty Ltd completed an Aboriginal archaeological investigation in line with the requirements of C36(a)&amp;(b) (KNC, Aboriginal Archaeological Assessment Test Excavation report, January 2024).</p> <p>The Report was provided to the Registered Aboriginal Stakeholders and Heritage NSW for consultation and submitted to DPHI for approval on 19 December 2023. The report recommended that avoidance or impact minimisation is not recommended on archaeological grounds and no further archaeological work is recommended with regards to C36(c). Minor updates were made to the report in January 2024 to clearly show that all conditions of the MCoA had been met.</p> <p>The report was approved by DPHI on 01/02/2024.</p>	19 Dec 2023	01/02/2024

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>Community Information, Reporting and Auditing – Community Information, Consultation and Involvement</b>	D1	<p>Prior to the commencement of construction, a Community Communication Strategy shall be prepared and implemented to provide mechanisms to facilitate communication between the Proponent (and its contractor(s)), the Environmental Representative required by condition 3.9, the Relevant Council(s) and community stakeholders (particularly adjoining landowners) on the construction environmental management of the project. The Strategy shall be prepared to the satisfaction of the Director-General, and include, but not be limited to:</p> <ol style="list-style-type: none"> <li>identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners;</li> <li>procedures and mechanisms for the regular distribution of information to community stakeholders on construction progress and matters associated with environmental management;</li> <li>procedures and mechanisms through which the community stakeholders can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management and delivery of the project;</li> <li>procedures and mechanisms through which the Proponent can respond to enquiries or feedback from the community stakeholders in relation to the environmental management and delivery of the project;</li> <li>procedures and mechanisms that would be implemented to resolve issues/disputes that may arise between parties on the matters relating to environmental management and the delivery of the project. This may include the use of an appropriately qualified and experienced independent mediator; and</li> <li>ongoing consultation throughout the life of the project.</li> </ol> <p>Issues that shall be addressed through the Community Communication Strategy include (but are not necessarily limited to) finalisation of pipeline alignment and associated infrastructure and the finalisation of measures to mitigate and/or minimise human amenity and environmental impacts, consistent with the management measures proposed in the documents referred to in Condition 1 and the requirements of this approval.</p> <p>The Proponent shall maintain and implement the strategy throughout construction of the Project. The Strategy shall be approved by the Director General prior to the commencement of construction, or as otherwise agreed by the Direct General.</p>	<p>Community Communication Strategy (CS) submitted and approved by the DG.</p> <p>CS updated prior to Package 3 works, updating terminology e.g. updated references to names of infrastructure, position titles etc in accordance with latest Sydney Water structure; changed all references of contractor to D4C as they are now Sydney Water's delivery partner in the South Region for the next eight years; removed overlapping in roles and responsibilities tables and removed duplication of activities; update reference to organisation names.</p> <p>Minor changes submitted to DPHI for information on 18 January 2024.</p> <p>D4C prepared Community &amp; Stakeholder Action Plan (CSAP) for Package 3 in accordance with the CS. CSAP accepted by Sydney Water, October 2023.</p>	4 June 2014	14 July 2014

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>Community Information, Reporting and Auditing – Complaints and Enquiries Procedure</b>	D2	<p>Prior to the commencement of construction, or as otherwise agreed by the Director- General, the Proponent shall ensure that the following are available for community enquiries and complaints for the duration of construction:</p> <ol style="list-style-type: none"> <li>a 24-hour telephone number(s) on which complaints and enquiries about construction may be registered;</li> <li>a postal address to which written complaints and enquiries may be sent;</li> <li>an email address to which electronic complaints and enquiries may be transmitted; and</li> <li>a mediation system for complaints unable to be resolved.</li> </ol> <p>The telephone number, postal address and email address shall be published in newspaper(s) circulating in the area of the project on at least one occasion prior to the commencement of construction; at six-monthly intervals during construction; and prior to the commencement of operation. This information shall also be provided on the website (or dedicated pages) required by this approval. At a minimum, the telephone number shall also be displayed on a sign near the entrance to each construction site, in a position that is clearly visible to the public.</p>	<p>Advertisement placed in the Illawarra Mercury on 21 October 2023.</p> <p>The contact details can be found on the dedicated project page: <a href="https://www.sydneywatertalk.com.au/cleveland-development">https://www.sydneywatertalk.com.au/cleveland-development</a></p> <p>Signs will be placed when construction commences.</p> <p>Contact details are:</p> <ul style="list-style-type: none"> <li>1800 006 113</li> <li>Delivering4Customers@sydneywater.com.au</li> <li>The South Region Delivery Team, West Dapto Package 3, Level 3, 261-265 Chalmers Street, Redfern NSW 2016.</li> </ul>	NA	NA

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>3. Community Information, Consultation and Auditing</b> <b>-Provision of Electronic Information</b>	D5	<p>Prior to the commencement of construction of any project related to this concept approval, or as otherwise agreed by the Director-General, the Proponent shall establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the project, for the duration of construction and for 12 months following completion of the project. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:</p> <ol style="list-style-type: none"> <li>information on the current implementation status of the project;</li> <li>a copy of, or a link to the Department website for, the documents referred to under condition 1.1 of the Concept Plan Approval, and any documentation supporting modifications to this approval that may be granted from time to time ;</li> <li>a copy of, or a link to the Department website for, this approval and any future modifications to this approval</li> <li>a description of the current environmental approval, licence or permit required and obtained in relation to the project;</li> <li>a list of each current strategy, plan, program or other document required under this approval;</li> <li>a description of the outcomes of compliance tracking in accordance with condition 3.6 of this approval, including a list of the documents prepared under that condition; and</li> <li>details of contact point(s) to which community complaints and enquiries may be directed , including a telephone number , a postal address and an email address .</li> </ol>	<p>The project webpage is found at: <a href="https://www.sydnewwater.com.au/water-the-environment/what-we-are-doing/current-projects/servicing-growth-areas.html">https://www.sydnewwater.com.au/water-the-environment/what-we-are-doing/current-projects/servicing-growth-areas.html</a></p> <p>Package 3 information is found at: <a href="https://www.sydnewwatertalk.com.au/cleveland-development">https://www.sydnewwatertalk.com.au/cleveland-development</a></p> <p>The dedicated page includes:</p> <ul style="list-style-type: none"> <li>links to DPHI website approvals and assessments</li> <li>management plans and reports</li> <li>details of contact points for enquiries and complaints) as per Concept MCoA 3.2 above)</li> </ul>	N/A	N/A
<b>Construction Environmental Management – Land contamination</b>	E1	<p>Appropriate studies and assessments shall be undertaken prior to construction to identify and manage any localised contaminated soils. Soils shall be analysed for a broad range of potential contaminants to provide an indication of potential waste classification against the Waste Classification Guidelines – Part 1 (DECCW 2009) for off-site disposal purposes and to determine mitigation measures required. Should contaminated soil be encountered, consideration of the provisions of SEPP 55 – Remediation of Land and any relevant guidelines made or approved under the Contaminated Land Management Act 1997 is required.</p>	<p>Appropriate soil testing and waste classification would be carried out upon site mobilisation, prior to the commencement of construction, as well as throughout the construction phase as required. All soil testing and waste classification would be carried out in line with the CEMP to identify and manage any encountered contaminated material.</p> <p>All spoil will be stockpiled until the spoil/waste testing results have been received from a NATA accredited laboratory and classified accordingly. Only once the classification has been received and reviewed, would the spoil/waste be re-used on site or removed from site for disposal at an appropriately licenced waste management facility.</p>	N/A	N/A



Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>Construction Environmental Management - Boring</b>	E2	The Proponent must address management of drilling slurry for all directional drilling sites as part of the Construction Environmental Management Plan (CEMP) required by condition E5 including monitoring of cutting fluid returns and actions to be taken in the event of losses in drilling fluid.	Drilling slurry management addressed in Section ECP-08 of the approved CEMP.	08 Nov 2023	19 Jan 2024
<b>Construction Environmental Management – CEMP</b>	E5	<p>The Proponent shall prepare and implement a Construction Environmental Management Plan for the project in accordance with the Guideline for the Preparation of Environmental Management Plans (Department of Infrastructure, Planning and Natural Resources 2004). No construction associated with the project shall commence until written approval of this plan has been received from the Director-General or his nominee. The Plan must:</p> <ul style="list-style-type: none"> <li>a. be submitted to the Director-General for approval no later than one (1) month prior to the commencement of construction or demolition or with in such period otherwise agreed by the Director-General;</li> <li>b. include actions to manage: <ul style="list-style-type: none"> <li>i. soil and water;</li> <li>ii. flora and fauna;</li> <li>iii. Aboriginal and non-Aboriginal heritage;</li> <li>iv. noise and vibration; and</li> <li>v. traffic and access.</li> </ul> </li> </ul> <p>The guideline provides guidance for preparing environmental management documents for projects of varying scale. The proponent may choose to structure its documentation as appropriate however the content should be consistent with that outlined in the guideline. An existing Construction Environmental Management Plan may be used where that plan meets the requirements of this condition</p>	CEMP approved by the Planning Secretary on 19 January 2024	08 Nov 2023	19 Jan 2024
	E6	As well as the general requirements of an EMP as outlined in condition E5, the following shall be addressed: <ul style="list-style-type: none"> <li>a. Soil and Water</li> <li>b. Aboriginal Heritage</li> <li>c. Non-Aboriginal Heritage</li> <li>d. Noise and Vibration</li> <li>e. Traffic and Access</li> </ul>			

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>Construction Environmental Management - CEMP</b>	E7	<p>A Rehabilitation and Landscape Plan shall be prepared and implemented for the project to manage rehabilitation/revegetation of disturbed areas and landscaping or screening of built features. The Plan shall be prepared by an appropriately qualified person(s) in consultation with the relevant landowner(s) or Council. The Plan shall include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>(a) identification of principles, standards and objectives for rehabilitation and landscaping;</li> <li>(b) the location of vegetation to be cleared, high risk areas experiencing erosion and waterway crossings that have been identified as sensitive and prone to erode if disturbed;</li> <li>(c) proposed rehabilitation or landscaping (including use of indigenous and native species where possible);</li> <li>(d) monitoring and maintenance procedures for the rehabilitated or revegetated areas and landscaping including performance indicators, responsibilities, timing and duration and contingencies where rehabilitation of vegetation and landscaping measures; and</li> <li>(e) provisions for the rectification of any damage caused to property as a result of the construction of the project.</li> </ul> <p>The Plan shall be submitted for the approval of the Director General prior to disturbance of areas requiring rehabilitation or landscaping, unless otherwise agreed by the Director General.</p>	<p>CEMP was approved by the Planning Secretary on 19 January 2024, including the Rehabilitation and Landscape Plan prepared by Element Environmental.</p> <p>Sydney Water's contractor is progressively consulting with all relevant landowners to develop Home Plans. Home Plans are made with the landowners prior to construction to inform them of the project, scope of works, what works will be completed on their property and any restoration requirements. The restoration outlined in the Home Plan will be consistent with the approach outlined in the Rehabilitation and Landscape Management Plan.</p> <p>Consultation with Council was undertaken via regular meetings with Council throughout 2023. A response was received from Council on 1 December 2023, in which Council's specifications for restoration of road pavement and road verges was distributed.</p>	08 Nov 2023	19 Jan 2024
<b>Construction Environmental Management - Heritage Aboriginal</b>	E10	<p>Prior to the commencement of pre-construction and/or construction activities that will impact the Aboriginal archaeological sites identified in Table 6-22 of the document listed under condition B2(b), the Proponent shall undertake an archaeological salvage program using a methodology prepared in consultation with the registered Aboriginal stakeholder, and to the satisfaction of the Director-General. This work shall be undertaken by an appropriately qualified archaeological heritage consultant.</p> <p>Within two years of completing the salvage, unless otherwise agreed by the Director General, the Proponent shall submit a report containing the findings of the salvage, including artefact analysis, and the identification of a final repository for any Aboriginal objects, prepared in consultation with the Aboriginal stakeholders and to the satisfaction of the Director-General.</p>	<p>The project will not impact any of the sites/PADs listed in Table 6-22 of document listed under B2(b). Aboriginal Archaeological Assessment was completed and identified no further archaeological works or salvage is required. Refer MCoA C36.</p>	N/A	N/A



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<b>Construction Environmental Management - Property Impacts</b>	E13	During the detailed design stage of the project, the Proponent shall consult with all landowners of those properties that are to be traversed by the project, for the purposes of ensuring landowner concerns are considered in determining the final project alignment.	<p>All landowners have been consulted during the design phase of the project, and will continue to be consulted during construction, in accordance with the Community and Consultation Plan. Records of consultation are in the projects database in Consultation Manager.</p> <p>Sydney Water's contractor will progressively consult all relevant landowners in advance of construction, with Home Plans in place. The Home Plans are made with the landowners prior to construction to inform them of the project, scope of works, what works will be completed on their property and any restoration requirements.</p>	N/A	N/A

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>Construction Environmental Management - Environmental Representative</b>	E15	<p>Prior to the commencement of construction of the project, or as otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) that is independent of the design and construction personnel. The Proponent shall employ the Environmental Representative(s) for the duration of construction, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:</p> <ol style="list-style-type: none"> <li>be the principal point of advice in relation to the environmental performance of the project;</li> <li>monitor the implementation of environmental management plans and monitoring programs required under this approval and advise the Proponent upon the achievement of these plans/programs;</li> <li>have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval, and other licences and consents related to the environmental performance and impacts of the project;</li> <li>ensure that environmental auditing is undertaken in accordance with the project's Environmental Management System(s);</li> <li>be given the authority to approve/reject minor amendments to the Construction Environmental Management Plan. What constitutes a "minor" amendment shall be clearly explained in the Construction Environmental Management Plan required under condition E5;</li> <li>be given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions cease immediately should an adverse impact on the environment be likely to occur; and</li> <li>be consulted in responding to the community concerning the environmental performance of the project where the resolution of points of conflict between the Proponent and the community is required.</li> </ol>	Environmental representative nominated by Sydney Water and approved by DPHI on 19 December 2023.	14 Dec 2023	19 Dec 2023
<b>STATEMENT OF COMMITMENT</b>					

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
<b>SOC</b>	6	Sydney Water will design and construct the Proposal's wastewater pipelines using techniques to minimise inflow/infiltration.	Design and construction of the proposed wastewater pipeline has been certified to; 1) WSA 02-2002-2.2 Part 1 Planning and Design 2) WSA 02-2002-22 Part 3 Construction 3) Sydney Water Technical Specification - CivilV10.0  Certified design and construction to these specifications demonstrate the minimisation of water inflow/ infiltration into the wastewater pipeline.	N/A	N/A
<b>SOC</b>	7	Detailed design will consider how impacts to native vegetation can be avoided or minimised by; - placing pipelines to have the least impact to native vegetation and avoid EECs and significant hollow-bearing trees - using construction methods that avoid and minimise impacts.	The detailed design for Package 3 has been developed to ensure construction methodology which avoids impact to the ILGW EEC and hollow bearing trees. Such design outcomes include implementation of micro-tunnelling rather than open trenching, where practicable, and positioning of access roads and construction compounds outside of mapped EEC areas and riparian corridors.	N/A	N/A

Minister's Conditions of Approval (MCoA)	MCoA #	Description	Evidence of Compliance	Date sent to DPHI	Date approved by DPHI
SOC	10 & 11	Sydney Water is committed to avoiding impacts on items of Aboriginal cultural heritage significance where practicable. Where it is not practicable to avoid impacts, management measures will be implemented to mitigate impacts.	<p>Package 3 is partially located within an area identified in Table 26 of Appendix F of the EA. Impacts were minimised through selection of underpinning construction methodology in sections.</p> <p>Kelleher Nightingale Consulting Pty Ltd completed an Aboriginal archaeological investigation in line with the requirements of C36(a)&amp;(b) (KNC, Aboriginal Archaeological Assessment Test Excavation report, October 2023).</p> <p>The report recommended that avoidance or impact minimisation is not recommended on archaeological grounds and no further archaeological work is recommended with regards to C36(c).</p> <p>The Report was provided to the Registered Aboriginal Stakeholders and OEH Heritage for consultation and submitted to DPHI for approval on 15 December 2020. The report was approved by DPHI on 18 January 2021.</p> <p>Management Measures to mitigate impacts during construction required by E6(b) and SOC 10/11 are outlined in the CEMP.</p>	N/A	N/A

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<b>SOC</b>	28	Appropriate construction methodologies for road crossings will be developed and implemented in consultation with the relevant council and/or the RMS.	<p>The detailed design has incorporated micro-tunnelling under each road crossing to minimise the potential for traffic disruption and road restoration requirements.</p> <p>Specifically, Darks Rd, Bong Bong Rd and Fairwater Drive will be crossed by micro-tunnelling. D4C has managed consistent consultation with Wollongong City Council.</p> <p>Meeting have occurred 3rd March, 5th of May, 6th of June, 6th of July, 6th of September, 13th of October and 15th of Nov 2023.</p> <p>Further meetings with council will occur when the Lot A design has been finalised and methodology is known for the Cleveland Rd crossing.</p>		
<b>SOC</b>	31	Where relevant, soil contamination studies will be carried out prior to construction. Soils will be analysed for a broad range of potential contaminants to provide an indication of potential waste classification Waste Classification Guidelines (DECCW 2009a). Excavated contaminated soil will be disposed of at an appropriately licensed facility.	<p>Appropriate soil testing and waste classification would be carried out upon site mobilisation, prior to the commencement of construction, as well as throughout the construction phase as required. All soil testing and waste classification would be carried out in line with the CEMP to identify and manage any encountered contaminated material. All spoil will be stockpiled until the spoil/waste testing results have been received from a NATA accredited laboratory and classified accordingly. Only once the classification has been received and reviewed, would the spoil/waste be re-used on site or removed from site for disposal at an appropriately licenced waste management facility.</p>		

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SOC	37	Relevant service providers will be consulted during detailed design to identify interactions and develop procedures to be implemented to minimise service interruptions. This will involve confirming any requirements or standards that will apply if it is determined that existing utilities or services need to be temporarily or permanently relocated. Inspections will be undertaken before construction starts in each location to confirm that there are no services in the area that were previously unknown.	<p>During detailed design, consultation was carried out with:</p> <ul style="list-style-type: none"> <li>Transgrid in relation to the overhead services running parallel with the alignment on the eastern side of Shone Avenue. The basis of this consultation was to ascertain the required clearances to the powerlines and cable support structures. Additionally, Transgrid were made aware of the proposed design and the proximity to their assets.</li> <li>Jemena in relation to the crossing of the Eastern Gas Pipeline, south of Fairwater Drive. The basis of this consultation was to agree on a safe methodology for the crossing of their high pressure gas pipeline.</li> </ul> <p>As outlined in the CEMP, final checks for services would be carried out before construction starts in each location to confirm that there are no services in the area that were previously unknown.</p> <p>All services in the vicinity of the works will be located in the field and pegged-out and noted in the work plans prior to excavation works.</p> <p>"BYDA" underground service searches are obtained and reviewed prior to any excavation works. Any services identified within 5m of an excavation are positively identified by Non-destructive techniques. To minimize risk of unknown services, a new BYDA search is undertaken every 28 days for each work area.</p>		