





## Synopsis

The Pre-Construction Compliance Report has been prepared by Advisian to provide details of how the conditions of the State Significant Infrastructure (SSI) Approval granted under the *Environmental Planning & Assessment Act 1979* will be addressed during Construction of the Eden Breakwater Wharf Extension (the Project). The Project is to be carried out by NSW Department of Industry – Lands and Forestry (the Principal).

Specifically, this Report has been prepared to address the requirements in **Conditions A19, A20** and **A22** of the Infrastructure Approval (SSI 7734).

## Disclaimer

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## Project No: 301311-13734-EN-REP-0011 – Pre-construction Compliance Report: Eden Breakwater Wharf Extension

Rev	Description	Author	Review	Advisian Approval	Date
A	Draft for Internal Review	C. Steele	C. Jones	N/A	N/A
0	For Submission to the Secretary	C. Steele	<i>S. Mason-Jones</i> S. Mason-Jones	<i>S. Mason-Jones</i> S. Mason-Jones	21/07/17



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## Acronyms and Terms

Acronym/Term	Definition
Ancillary facility	A temporary facility for construction of the project including an office and amenities compound, construction compound, material crushing and screening plant, materials storage compound, maintenance workshop, testing laboratory and material stockpile area
CEMP	Construction Environmental Management Plan
Completion of construction	The date upon which all construction works and activities described in the EIS/Submissions Report are completed, all requirements of the Secretary (if any) have been met and the whole of the SSI has been constructed to the appropriate standard for operation
Consistency assessment	An assessment of whether a proposed activity for the purpose of the SSI is consistent with the terms of approval
Construction	<p>Includes all physical work required to construct the SSI, other than the following low impact work:</p> <ul style="list-style-type: none"> <li>a. Survey works including carrying out general alignment survey, installing survey controls (including installation of global positioning system (GPS)), installing repeater stations, carrying out survey of existing and future utilities and building and road dilapidation surveys, and hydrographic survey;</li> <li>b. Background and/or baseline monitoring works;</li> <li>c. Investigations including investigative drilling and excavation;</li> <li>d. Establishment of ancillary facilities in approved locations or in locations meeting the criteria identified in <b>Conditions A9</b> and <b>Condition A11</b> of the approval including constructing ancillary facility access roads and providing utilities to the facility;</li> <li>e. Operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community;</li> <li>f. Minor clearing and relocation of native vegetation, as identified in the EIS/Submissions Report;</li> <li>g. Installation of mitigation measures including erosion and sediment controls, temporary exclusion fencing for sensitive areas and acoustic treatments;</li> <li>h. Relocation and connection of utilities where the relocation or connection does not present a significant risk to the environment as determined by the ER;</li> <li>i. Archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW</i></li> </ul>



Acronym/Term	Definition
	<p>(DECCW 2010) or archaeological monitoring undertaken in association with [a]-[i] above to ensure that there is no impact on heritage items;</p> <p>j. Other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and</p> <p>k. Maintenance of existing buildings and structures required to facilitate the carrying out of the SSI.</p> <p>However, where heritage items, or threatened species, populations or ecological communities (within the meaning of the EP&amp;A Act) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Secretary in consultation with OEH or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation). The low impact work described in this definition becomes construction with the approval of a Construction Environmental Management Plan.</p>
Department	NSW Department of Planning and Environment
Department of Industry	Including NSW Department of Industry – Lands & Forestry
DECC	Former NSW Department of Environment and Climate Change
DECCW	Former NSW Department of Environment, Climate Change and Water
DISRD	(former) NSW Department of Industry, Skills and Regional Development. Now Department of Primary Industries – Lands & Forestry
DPI	NSW Department of Primary Industries including DPI Agriculture, DPI Biosecurity and Food Safety, DPI Water and DPI Fisheries
EIS	The <i>Eden Breakwater Wharf Extension State Significant Infrastructure – Environmental Impact Statement</i> , dated 3 November 2016, submitted to the Secretary seeking approval to carry out the SSI and as revised if required by the Secretary under the EP&A Act
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	NSW Environment and Protection Authority
EPL	Environmental Protection Licence under the POEO Act
ER	The Environmental Representative for the SSI
Heritage item	A place, building, work, relic, archaeological site, tree, moveable object or precinct of heritage significance, that is listed or may be eligible to be listed under one or more of the following registers: the State Heritage Register under the <i>Heritage Act 1977</i> (NSW), a state agency heritage and conservation register under section 170 of the <i>Heritage Act 1977</i> (NSW), a Local Environmental Plan under the EP&A Act, the World, National or Commonwealth Heritage lists



Acronym/Term	Definition
	under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth), and an Aboriginal object or Aboriginal place as defined in Section 5 of the <i>National Parks and Wildlife Act 1974</i> (NSW).
Highly noise affected	As defined in the <i>Interim Construction Noise Guideline</i>
Incident	<p>An occurrence or set of circumstances that:</p> <ul style="list-style-type: none"> <li>▪ Causes, or threatens to cause, material harm to the environment, community or any member of the community, being actual or potential harm to the health or safety of human beings or to threatened species, endangered ecological communities or ecosystems that is not trivial; or</li> <li>▪ Results in non-compliance with the approval.</li> </ul> <p><i>Note: this meaning of “material harm” applies for the purpose of the approval only</i></p>
Land	Has the same meaning as in the EP&A Act
Landowner	Has the same meaning as “owner” in the <i>Local Government Act 1993</i> and in relation to a building means the owner of a building
Minister	NSW Minister for Planning
Minor ancillary facilities	Facilities such as lunch sheds, office sheds and portable toilets
NO <sub>2</sub>	Nitrogen dioxide
NSW Heritage Council	Heritage Council of NSW
OEH	NSW Office of Environment and Heritage
OEMP	Operational Environmental Management Plan
Offensive noise	Has the same meaning as in the POEO Act
Offensive odour	Has the same meaning as in the POEO Act
Operation	<p>The operation of the SSI (whether in full or in part) for its intended purpose, excluding the following activities carried out during construction:</p> <ul style="list-style-type: none"> <li>▪ Commissioning trials of equipment;</li> <li>▪ Temporary use of any part of the SSI; and</li> <li>▪ Maintenance works</li> </ul>
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Ports NSW	Port Authority of NSW
Proponent	The person identified as such in Schedule 1 of the SSI approval and any other person carrying out any part of the SSI from time to time
Proposed Mitigation Measures	As detailed in the Summary of Proposed Mitigation Measures, contained in <i>Response to Submissions Report Eden Breakwater Wharf Extension</i> , dated 24 February 2017.
Relevant Maritime Authority	Harbour Master of authorised officer as defined in the <i>Marine Safety Act 1998</i> , or authorised officer or inspector under the <i>Marine Pollution Act 2012</i>



Acronym/Term	Definition
Secretary	Secretary of the NSW Department of Planning and Environment (or nominee, whether nominated before or after the date in which the SSI approval was granted)
Sensitive receivers	Includes residences, educational institutions (including preschools, schools, universities, TAFE colleges), health care facilities (including nursing homes, hospitals), religious facilities (including churches), child care centres, passive recreation areas (including outdoor grounds used for teaching), active recreation areas (including parks and sports grounds), commercial premises (including film and television studios, research facilities ,entertainment spaces, temporary accommodation such as caravan parks and camping grounds, restaurants, office premises, retail spaces and industrial premises), and others as identified by the Secretary
Submissions Report	<i>Response to Submissions Report Eden Breakwater Wharf Extension, dated 24 February 2017, including the Summary of Proposed Mitigation Measures.</i>
SSI	The State Significant Infrastructure, as generally described in Schedule 1 (SSE 7734), the carrying out of which is approved under the terms of the approval
Threatened Flora and Fauna	Threatened species, populations and ecological communities listed under the NSW <i>Threatened Species Conservation Act</i> , NSW <i>Fisheries Management Act</i> and Commonwealth <i>Environment Protection and Biodiversity Conservation Act</i>
Unexpected find	Any unexpected find that has consequences for the project and/or requires further assessment including unexpected services, contaminated soil or sediments, threatened or thought to be extinct flora and fauna species and heritage items
Unexpected heritage find	An unexpected heritage find is a potential heritage item that is discovered (usually during construction), where further assessment is required to determine if the item has heritage significance, or is an Aboriginal object, and the Proponent does not have approval o impact the item or object. Unexpected heritage finds do not include human remains, which are dealt with separately.



# 1 Introduction

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Advisian has been engaged by the NSW Department of Industry – Lands & Forestry (the Principal) to prepare the Pre-Construction Compliance Report (PCCR) for the Eden Breakwater Wharf Extension (the Project).

## 1.1 Purpose and Content of this Report

This report addresses **Conditions A19, A20** and **A22** of the Infrastructure Approval (SSI 7734).

The above-mentioned conditions require a PCCR be prepared and submitted to the Secretary for information no later than one month prior to the commencement of Construction or within another timeframe agreed with the Secretary.

This PCCR includes the following, as required by **Condition A22**:

- a) Details of how the terms of the approval that must be addressed prior to the commencement of Construction has been complied with (Section 2);
- b) In the event of a non-compliance with the terms of the approval that must be addressed prior to the commencement of Construction, details of the non-compliance and action taken to rectify the non-compliance (Section 2); and
- c) The commencement date for Construction (Section 3).





## 1.2 Project Description

The Project comprises the extension of the existing Eden Breakwater Wharf and dredging of the approach channel and berth pocket with offshore disposal, to accommodate the berthing of cruise ships of up to 325m in length.

Key features of the Project include:

- Extension of the existing wharf by approximately 95m;
- Installation of three mooring dolphins and two berthing dolphins;
- Installation of new landside bollards to restrain the ship's bow;
- Capital dredging of approximately 231,500m<sup>3</sup> of in-situ material (including over-dredging allowance);
- Transport and placement of the dredge material at an offshore disposal site;
- Installation of minor services (lighting, power, potable water and emergency water); and
- Installation of navigational aids.

The Eden Breakwater Wharf is located in Snug Cove, Eden, New South Wales and the proposed offshore dredge disposal site is approximately 6 nautical miles offshore from Twofold Bay.

Construction of the Project will be delivered in two stages under two separate contracts by a Dredging Contractor (Stage 1) and Marine Structures Contractor (Stage 2).

The following approvals, permits and licences have been obtained and apply to the Project:

- Infrastructure Approval (SSI 7734) issued by the Executive Director, Priority Projects Assessment (as delegate of the Minister for Planning) DP&E under Section 115ZB of the *Environmental Planning and Assessment Act 1979* (EP&A Act), dated 5 July 2017.
- EPBC Referral Decision (EPBC 2016/7828), issued by the Commonwealth Department of the Environment and Energy (DoEE), dated 13 April 2017.
- Sea Dumping Permit (SD2015/3102) Variation issued by DoEE under the *Environment Protection (Sea Dumping) Act 1981*, dated 27 April 2017.
- Environmental Protection Licence (EPL) for 'water-based extractive activity' issued by the NSW Environment Protection Authority (EPA) under the *Protection of the Environment Operations Act 1997* (POEO Act), dated 14 July 2017.
- Harbour Master Approval issued by the Port Authority of NSW under Clause 67ZN of the *Ports and Maritime Administration Regulation 2012* dated 14 June 2017.



## 2 Compliance Status

The following table lists the approval conditions that must be addressed prior to the commencement of Construction, the compliance status of that condition, and any relevant details pertaining to the status that condition with respect to either Stage 1 or Stage 2 or both.

### 2.1 Infrastructure Approval (SSI 7734)

Condition No.	Condition	Status	Details / Reference
A2	The SSI must be carried out generally in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the EIS and Submissions Report unless otherwise specified in, or required under, this approval.	<i>In progress</i>	A Construction Environmental Management Plan (CEMP) for the Project (both Stage 1 and 2) and Contractor Environmental Management Plan (EMP) and Sub-plans (relevant to Stage 1 scope of works) have been developed, or are in the process of being developed, and shall be in place and have the required approval, if any, prior to the commencement of Construction for Stage 1. A Contractor EMP and Sub-plans, relevant to Stage 2 scope of works will be developed and shall be in place and have the required approval, if any, prior to the commencement of Construction for Stage 2.
A3	The SSI must be carried out in accordance with the terms and conditions of all other approvals, permits and licences.	Compliant	The Construction Compliance Tracking Program, as submitted to the Secretary, provides for the tracking of all conditions and terms of approvals, permits and licences for both Stage 1 and Stage 2.



Condition No.	Condition	Status	Details / Reference
A5	The Proponent must comply with all requirements of the Secretary in relation to: (a) the environmental performance of the SSI; (b) any document or correspondence; (c) any notification given to the Secretary under the terms of this approval; (d) any audit of the construction or operation of the SSI; (e) compliance with the terms of this approval (including anything required to be done under this approval); and (f) the carrying out of any additional monitoring or mitigation measures.	<i>In progress</i>	CEMP, Contractor(s) EMPs and Sub-plans have been developed, are in the process of being developed, or will be developed with respect to the relevant Construction Stage and shall be in place and have the required approval, if any, prior to the commencement of that Stage of construction.  The Construction Compliance Tracking Program, as submitted to the Secretary 19/07/17, provides for the tracking of all conditions and terms of approvals, permits and licences.
A7	Where the terms of this approval require consultation with identified parties, details of the consultation undertaken, matters raised by the parties, and how the matters were considered must accompany the strategies, plans, programs, reviews, audits, protocols and the like submitted to the Secretary.	<i>In progress</i>	Consultation with identified parties is ongoing, including during preparation of the CEMP, CEMP Sub-plans and Construction Monitoring Programs for both Stage 1 and Stage 2 as required. A workshop was held with Community Consultative Committee (CCC) 19/07/17 to discuss Stage 1 of Construction. Details of relevant consultation and correspondence will accompany the applicable CEMP, CEMP Sub-plan and Construction Monitoring Program as required.
A12	Boundary screening must be erected around all Ancillary Facilities (including Minor Ancillary Facilities) that are adjacent to Sensitive Receivers for the duration of Construction unless otherwise agreed with Council, and affected residents, business operators or landowners.	Compliant	Boundary screening shall be erected around all ancillary facilities adjacent to sensitive receivers, unless agreed with Council, affected residents, business operators or landowners.
A14	A suitably qualified and experienced ER who is independent of the construction personnel must be nominated by the Proponent, approved by the Secretary and engaged for the duration of Construction of the SSI. Additional ERs may be engaged for the purpose of this condition, in which case the obligations to be carried out by an ER under the terms of this approval may be satisfied	Compliant	Approval of Sofie Mason-Jones and Simon Wakefield received from the Secretary 14/07/17 and 20/07/17 respectively.



Condition No.	Condition	Status	Details / Reference
	by any ER that is approved by the Secretary. The details of nominated ER(s) must be submitted to the Secretary for approval no later than one month prior to the commencement of works, or within another timeframe agreed with the Secretary.		
A15	Works must not commence until an ER nominated under Condition A14 of this approval has been approved by the Secretary.	Compliant	Approval of Sofie Mason-Jones and Simon Wakefield received from the Secretary 14/07/17 and 20/07/17 respectively.
A17	Construction and Operation Compliance Tracking Programs to monitor compliance with the terms of this approval must be prepared. The Construction Compliance Tracking Program must be endorsed by the ER and then submitted to the Secretary for approval no later than one month prior to the commencement of Construction or within another timeframe agreed with the Secretary. The Operation Compliance Tracking Program must be submitted to the Secretary for approval no later than one month prior to commencement of operation or within another timeframe agreed with the Secretary.	Compliant	The Construction Compliance Tracking Program was endorsed by the ER and submitted to the Secretary on 19/07/17 and provides for the tracking of all conditions and terms of approvals, permits and licences for both Stage 1 and Stage 2..
A19	A Pre-Construction Compliance Report and Pre-Operation Compliance Report must be prepared and submitted to the Secretary for information no later than one month prior to the commencement of Construction and Operation respectively or within another timeframe agreed with the Secretary.	Compliant	This Pre-Construction Compliance Report.
A20	Construction and Operation must not commence until the Pre-Construction Compliance Report and Pre-Operation Compliance Report has been submitted to the Secretary.	Compliant	This Pre-Construction Compliance Report



Condition No.	Condition	Status	Details / Reference
A22	The Pre-Construction Compliance Report must include: (a) details of how the terms of this approval that must be addressed prior to the commencement of Construction and operation respectively have been complied with; (b) in the event of a non-compliance with the terms of this approval that must be addressed prior to the commencement of construction and operation respectively, details of the non-compliance and action taken to rectify the non-compliance; and (c) the commencement date for construction and operation respectively.	Compliant	This Pre-Construction Compliance Report
A30	The following information must be available to facilitate community enquiries and complaints within one (1) month from the date of this approval: (a) a 24 hour telephone number for the registration of complaints and enquiries about the SSI; (b) a postal address to which written complaints and enquires may be sent; (c) an email address to which electronic complaints and enquiries may be transmitted; and (d) a mediation system for complaints unable to be resolved. This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level.	<i>In progress</i>	(a)-(c) is currently being arranged by the Principal. Details will be made available on the website and shall be circulated in the local newspaper in accordance with <b>Condition A31</b> .  The Community Communications Strategy, as submitted to the Secretary on 17/07/17 for approval contains details around complaints handling methodology.
A31	The telephone number, postal address and email address required under Condition A30 of this approval must be published in a newspaper circulating in the local area prior to the commencement of construction and published in the same way again prior to the commencement of	<i>In progress</i>	An advertisement is currently in preparation and will be published in the Eden Magnet prior to the commencement of Construction for Stage 1. Further advertisements shall be circulated periodically throughout the duration of Construction, including prior to



Condition No.	Condition	Status	Details / Reference
	operation. This information must also be provided on the website required under Condition B7 of this approval.		the commencement of Construction for Stage 2. Details will also be made available on the website.
B1	<p>Prior to construction, the Proponent is required to establish a Community Consultative Committee. The Community Consultative Committee is to be established in accordance with the Department's <i>Community Consultative Committee Guidelines for State Significant Projects</i>, dated November 2016 or from an existing group that can be demonstrated to meet the purposes and objectives of the Guidelines as agreed by the Secretary.</p> <p>The committee is to include representatives from port businesses, maritime user groups, residents surrounding the Port and the Relevant Maritime Authority and is to operate during construction and during operation of the SSI for a period as agreed with the Secretary, but not for less than five years from the commencement of operation of the committee.</p>	Compliant	<p>The existing Community Liaison Group (CLG) for the Project has been converted to a CCC in line with the requirements of this condition.</p> <p>Extensive consultation with this group has been undertaken and continues to be undertaken with respect to the Project, including a recent workshop (19/07/17) held in relation to the Noise and Vibration CEMP Sub-plan and Traffic, Transport and Access CEMP Sub-plan for Stage 1 Construction.</p>
B3	A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Proponent, the ER, the relevant Council, the Community Consultative Committee and others directly impacted by the SSI, during construction of the SSI and for a minimum of 12 months following the completion of construction of the SSI.	Compliant	The Community Communication Strategy was submitted to the Secretary for approval on 17/07/17.
B4	The Community Communication Strategy must be submitted to the Secretary for approval no later than one month prior to commencement of any work. (excluding	<i>In progress</i>	The Community Communication Strategy was submitted to the Secretary for approval on 17/07/17.



Condition No.	Condition	Status	Details / Reference
	works described in paragraphs (a) to (c) in the definition of Construction) for the purposes of the SSI, or within another timeframe agreed with the Secretary. Work for the purposes of the SSI (excluding works described in paragraphs (a) to (c) in the definition of Construction) must not commence until the Community Communication Strategy has been approved by the Secretary.		
B5	The Community Communication Strategy must: (a) identify people to be consulted during construction; (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI; (c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the SSI; (d) set out procedures and mechanisms: i. through which the community can discuss or provide feedback to the Proponent; ii. through which the Proponent will respond to enquiries or feedback from the community; and iii. to resolve any issues and mediate any disputes that may arise in relation to environmental management and delivery of the SSI, including disputes regarding rectification or compensation.	Compliant	The Community Communication Strategy was submitted to the Secretary for approval on 17/07/17.
B6	A website providing information in relation to the SSI must be established prior to commencement of Construction and maintained for the duration of Construction and Operation. Up-to-date information (excluding confidential commercial information) must be published and maintained on the website or dedicated	<i>In progress</i>	The Project website is currently being prepared and shall be live prior to commencement of construction (proposed go-live date of 04/08/2017).



Condition No.	Condition	Status	Details / Reference
	<p>pages including:</p> <ul style="list-style-type: none"> <li>(a) information on the current implementation status of the SSI;</li> <li>(b) a copy of the documents listed in Condition A1 and Condition A2 of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval;</li> <li>(c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval;</li> <li>(d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI including Commonwealth permits or approvals;</li> <li>(e) a current copy of each document required under the terms of this approval and any endorsements, approvals or requirements from the ER and Secretary, all of which must be published prior to the commencement of any works to which they relate or prior to their implementation as the case may be; and</li> <li>(f) the outcomes of compliance tracking required under this approval.</li> </ul> <p>Information relating solely to construction may be removed from the website 12 months following completion of construction.</p>		
C1	<p>A Construction Environmental Management Plan (CEMP) must be prepared to detail how the performance outcomes, commitments and mitigation measures specified in the EIS and Submissions Report will be implemented and achieved during Construction.</p>	Compliant	CEMP submitted to the Secretary for approval on 14/07/17.





Condition No.	Condition	Status	Details / Reference
C2	<p>The CEMP must provide:</p> <p>(a) a description of activities to be undertaken during Construction (including the scheduling of construction). Where the CEMP covers construction to be carried out under other approvals, licences and permits, the CEMP must clearly identify which activities are to be carried out under this approval;</p> <p>(b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI;</p> <p>(c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of construction of the SSI;</p> <p>(d) a list of all the CEMP Sub-plans required in respect of construction, as set out in Condition C3.</p> <p>(e) details of how the activities described in subsection (a) of this condition will be carried out under the CEMP and Sub-plans to:</p> <ul style="list-style-type: none"> <li>(i) achieve the environmental performance outcomes identified in the EIS/Submissions Report;</li> <li>(ii) implement the mitigation measures identified in the EIS/Submissions Report;</li> <li>(iii) comply with the relevant terms of this approval; and</li> <li>(iv) manage issues during construction, as identified through the ongoing environmental risk analysis referred to in subsection (c) of this condition,</li> </ul> <p>(f) an inspection program detailing the activities to be inspected and frequency of inspections;</p>	Compliant	CEMP submitted to the Secretary for approval on 14/07/17.



Condition No.	Condition	Status	Details / Reference
	<p>(g) a description of the roles and environmental responsibilities for relevant employees and their relationship with the ER including for management of any matters which are to be reported in the Construction Compliance Reports required under Condition A21.</p> <p>(h) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval;</p> <p>(i) a description of the categories of minor amendments that may be considered by the Environmental Representative under condition A16(j); and</p> <p>(j) for periodic review and update of the CEMP and all associated plans and programs.</p>		
C3	<p>The following CEMP Sub-plans must be prepared in consultation with the relevant government agencies and stakeholders identified for each CEMP Sub-plan and in consideration of the relevant requirements in this approval and the Proposed Mitigation Measures:</p> <p>a) Traffic, Access and Transport in consultation with the Council and Community Consultative Committee required under condition B1</p> <p>b) Noise and Vibration in consultation with Council, EPA and Community Consultative Committee required under condition B1</p> <p>c) Aquatic Ecology in consultation with DPI and OEH</p> <p>d) Water Quality in consultation with Council, EPA and DPI</p>	<i>In progress</i>	<p><i>Stage 1:</i> The draft Traffic, Access and Transport CEMP Sub-plan has been prepared and submitted to the Council and the CCC. A workshop was held with the CCC on 19/07/17 to discuss the Sub-plan.</p> <p>The draft Noise and Vibration CEMP Sub-plan has been prepared and submitted to the Council, EPA and CCC. A workshop was held with the CCC on 19/07/17 to discuss the Sub-plan.</p> <p>The draft Aquatic Ecology CEMP Sub-plan has been prepared and submitted to DPI Fisheries and OEH for comment.</p> <p>The draft Water Quality CEMP Sub-plan has been prepared and submitted to the Council, EPA and DPI Fisheries for comment.</p> <p><i>Stage 2:</i> CEMP Sub-plans relevant to Stage 2 Construction activities</p>



Condition No.	Condition	Status	Details / Reference
			shall be prepared in consultation with the relevant government agencies and stakeholders, endorsed by the ER and submitted to the Secretary at least one month prior to the commencement of Stage 2 Construction.
C4	The CEMP Sub-plans must include, to the written satisfaction of the Secretary, details of all information requested by an agency to be included in a CEMP Sub-plan, including copies of all correspondence from those agencies.	<i>In progress</i>	Correspondence (and workshop minutes where relevant) shall be appended to the relevant CEMP Sub-plan.
C5	The Aquatic Ecology CEMP Sub-plans is to make reference to management measures and requirements of the Australian Government specified in the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth) referral decision EPBC 2016/7828 and <i>Environment Protection (Sea Dumping) Act 1981</i> (Commonwealth) sea dumping permit no. DS2015/3102.	<i>In progress</i>	<i>Stage 1</i> The draft Aquatic Ecology CEMP Sub-plan for Stage 1 Construction contains the requirements of Condition C5. <i>Stage 2:</i> The Aquatic Ecology CEMP Sub-plan for Stage 2 will also address the requirements of Condition C5.
C6	Any of the CEMP Sub-plans may be submitted along with, or subsequent to, the submission of the CEMP but in any event, no later than one month prior to construction.	<i>In progress</i>	CEMP Sub-plans are currently in preparation for Stage 1 construction and shall be submitted to the Secretary as they are finalised and within one month prior to the commencement of construction or within another timeframe agreed with the Secretary. CEMP Sub-plans, relevant to Stage 2 Construction, will be prepared and have the required approval prior to the commencement of Construction for Stage 2.
C7	The CEMP must be endorsed by the ER and then submitted to the Secretary for approval no later than one month prior to the commencement of construction or within another timeframe agreed with the Secretary.	Compliant	The CEMP was endorsed by the ER and submitted to the Secretary for approval on 14/07/17.
C9	Construction must not commence until the CEMP and all	<i>In progress</i>	The CEMP was endorsed by the ER and submitted to the



Condition No.	Condition	Status	Details / Reference
	CEMP Sub-plans have been approved by the Secretary. The CEMP and CEMP Sub-plans, as approved by the Secretary, including any minor amendments approved by the ER in accordance with Condition A16, must be implemented for the duration of construction.		Secretary for approval on 14/07/17. CEMP Sub-plans, relevant to the applicable Construction Stage, will be prepared and have the required approval, prior to the commencement of Construction for that Stage.
C10	The following Construction Monitoring Programs must be prepared in consultation with the relevant government agencies identified for each Construction Monitoring Program to compare actual performance of construction of the SSI against performance predicted in the EIS/Submissions Report or in the CEMP a) Noise Monitoring if triggered by Condition E11 in consultation with Council and EPA b) Marine Ecology Monitoring in consultation with DPI and OEH c) Water Quality (Turbidity) Monitoring in consultation with DPI and EPA.	<i>In progress</i>	Construction Monitoring Programs have been prepared for Stage 1 and form part of the CEMP Sub-plans which will be submitted to the Secretary for review and approval within one month of the commencement of Construction. Construction Monitoring Programs for Stage 2 will be prepared and have the required approval, prior to the commencement of Stage 2 Construction.
C11	Each Construction Monitoring Program must provide: (a) details of baseline data available; (b) details of baseline data to be obtained and when; (c) details of all monitoring of the project to be undertaken; (d) the parameters of the project to be monitored; (e) the frequency of monitoring to be undertaken; (f) the location of monitoring; (g) the reporting of monitoring results; (h) procedures to identify and implement additional mitigation measures where results of monitoring are unsatisfactory; and (i) any consultation to be undertaken in relation to the monitoring programs.	<i>In progress</i>	Construction Monitoring Programs for Stage 1 have been prepared and form part of the CEMP Sub-plans which will be submitted to the Secretary for review and approval within one month of the commencement of construction.  Construction Monitoring Programs for Stage 2 will be developed and shall be in place and have the required approval, if any, prior to the commencement of Stage 2 Construction.



Condition No.	Condition	Status	Details / Reference
C12	The Construction Monitoring Programs must include, to the written satisfaction of the Secretary, information requested by an agency to be included in a Construction Monitoring Program including copies of all correspondence from those agencies.	<i>In progress</i>	Correspondence (and workshop minutes where relevant) shall be appended to the relevant CEMP Sub-plan.
C13	The Construction Monitoring Programs must be endorsed by the ER and then submitted to the Secretary for approval at least one month prior to the commencement of construction or within another timeframe agreed with the Secretary.	<i>In progress</i>	The Construction Monitoring Programs will be endorsed by the ER prior to being submitted to the Secretary for approval.
C14	Construction must not commence until the Secretary has approved the required Construction Monitoring Programs, and all relevant baseline data for the specific construction activity has been collected.	<i>In progress</i>	Construction Monitoring Programs for Stage 1 have been prepared and form part of the CEMP Sub-plans which will be submitted to the Secretary for approval. Commencement of Construction for Stage 1 will not commence until the Secretary has approved the Construction Monitoring Programs for Stage 1. Construction Monitoring Programs for Stage 2 will be prepared and approved by the Secretary prior to the commencement of Stage 2 Construction.
E3	A Road Dilapidation Report must be prepared for all local roads proposed to be used by heavy vehicles prior to the commencement of use by such vehicles. Copies of the Road Dilapidation Report must be provided to Council within three weeks of completing the surveys and no later than one month prior to the commencement of construction of the SSI.	<i>In progress</i>	A dilapidation survey was undertaken on the 3 <sup>rd</sup> and 4 <sup>th</sup> July 2017. The report is being finalised and will be provided to Council on 21/07/17. Any further dilapidation surveys conducted between Stage 1 and Stage 2 shall also be provided to the Council within three weeks of completing the survey.



Condition No.	Condition	Status	Details / Reference
E5	The SSI must be constructed so that it does not adversely impact on the safety and efficiency of the transport system (road and maritime) in the vicinity of the SSI or businesses within the Port.	Compliant	<p>A CEMP for the Project (both Stages 1 and 2), a Contractor Environmental Management Plan (EMP), Port Operations Management Plan (or equivalent) and Traffic, Transport and Access CEMP Sub-plan (relevant to Stage 1 scope of works) have been prepared, and will be implemented (and approved where required) prior to the commencement of Stage 1 Construction.</p> <p>A Contractor EMP, Port Operations Management Plan (or equivalent) and Traffic, Transport and Access CEMP Sub-plan, relevant to Stage 2 Construction will be developed and will be in place and have the required approval, prior to the commencement of Construction for Stage 2.</p>
E6	<p>The Traffic, Transport and Access CEMP Sub-plan must include the following</p> <ul style="list-style-type: none"> <li>(a) identify roads to be utilised as part of construction and measures to ensure construction vehicles follow this route;</li> <li>(b) identify marine construction and vessel mooring zones and measures to delineate these areas;</li> <li>(c) measures to maintain access to the multi-purpose wharf or other arrangements for vessels utilising this wharf;</li> <li>(d) measures for safe passenger access, if cruise ships moor in Twofold Bay and tenders to and from the Port operated during construction;</li> <li>(e) measures to minimise disruptions to Port businesses including maintenance of pedestrian and vehicle access and parking and provision of directional signage.</li> <li>(f) measures to physically separate pedestrian and construction vehicle movements, such as</li> </ul>	<i>In progress</i>	<p>The draft Traffic, Transport and Access CEMP Sub-plan for Stage 1 has been submitted to the Council and CCC. A workshop was held on the 19/07/17 to discuss the Sub-plan. The Sub-plan contains all items as required by <b>Condition E6</b>.</p> <p>A Transport and Access CEMP Sub-plan, relevant to Stage 2 Construction will be prepared and approved prior to the commencement of Construction for Stage 2. The Sub-plan will contain all items as required by <b>Condition E6</b>.</p>



Condition No.	Condition	Status	Details / Reference
	temporary barriers.		
E13	<p>The Night Dredging Protocol must provide for:</p> <ul style="list-style-type: none"> <li>(a) Noise monitoring at a representative number of sensitive receivers (including closest and furthest) to confirm the predicted noise levels;</li> <li>(b) Targeted consultation with the noise affected sensitive receivers;</li> <li>(c) timeframes and methods for investigation of noise complaints;</li> <li>(d) operation of a 24-hour complaints line;</li> <li>(e) mitigation measures (such as respite periods, additional control of noise at the source, staging of works to locate noise equipment further away from noise affected sensitive receivers, negotiated agreements etc.);</li> <li>(f) submission of weekly complaints reports for the life of dredging activities between 10pm and 7am;</li> <li>(g) continual refinement of mitigation measures based on consultation with the noise affected sensitive receivers; and</li> <li>(h) implementation of work practices set out in section 5.2 of the Interim Construction Noise Guideline.</li> </ul>	<i>In progress</i>	<p>The draft Night Dredging Protocol (which forms part of the Noise and Vibration CEMP Sub-plan for Stage 1) has been submitted to the Council and CCC. A workshop was held on the 19/07/17 to discuss the Protocol. The Protocol contains all items as required by <b>Condition E13</b>.</p> <p>No dredging is required for Stage 2 and therefore a Night Dredging Protocol for Stage 2 is not required.</p>
E14	<p>The Night Dredging Protocol must provide for a three-week assessment period, during the first three weeks of dredging activities between 10pm and 7am. The purpose of the three-week assessment period is to evaluate night time noise impacts from dredging, determine noise levels when the dredge is operating at different distances from</p>		<p>The draft Night Dredging Protocol (which forms part of the Noise and Vibration CEMP Sub-plan for Stage 1) has been submitted to the Council and CCC. A workshop was held on the 19/07/17 to discuss the Protocol. The Protocol contains provisions for a three-week assessment period including the requirements detailed in <b>Condition E14</b>.</p>



Condition No.	Condition	Status	Details / Reference
	<p>sensitive receivers, and to demonstrate that night time dredging complies with the predicted noise levels. The assessment period must include:</p> <ul style="list-style-type: none"> <li>(a) implementation of the monitoring and mitigation measures set out in the Noise and Vibration CEMP Sub-Plan (including the Night Dredging Protocol);</li> <li>(b) weekly reporting to the Secretary of:               <ul style="list-style-type: none"> <li>(i) the number, nature and time of all complaints relating to dredging activities between 10pm and 7am;</li> <li>(ii) actions taken to address complaints with the objective of resolution, and</li> <li>(iii) in the event that additional noise impacts are identified, how the Proponent has developed additional management and mitigation measures, evaluated their likely effectiveness in reducing noise impacts, and implemented any additional measures; and</li> </ul> </li> <li>(c) a Night Dredging Assessment Period Report, submitted for the approval of the Secretary within one week of the end of the assessment period, providing:               <ul style="list-style-type: none"> <li>(i) an analysis of the effectiveness of the monitoring and mitigation measures set out in the Noise and Vibration CEMP Sub-Plan (including the Night Dredging Protocol);</li> <li>(ii) how mitigation measures have been refined during the assessment period, and/or will be refined following the assessment period; and</li> <li>(iii) how complaints have been resolved,</li> </ul> </li> </ul>		<p>No dredging is required for Stage 2 and therefore a Night Dredging Protocol for Stage 2 is not required.</p>





Condition No.	Condition	Status	Details / Reference
	mediated or otherwise addressed.		

## 2.2 EPBC Referral Decision – EPBC 2016/7828

The EPBC Referral Decision conditions contain no pre-construction activities or requirements.

## 2.3 Sea Dumping Permit Variation (SD2015/3102)

As no dumping is required as part of Stage 2, the Sea Dumping Permit pre-construction requirements relate to Stage 1 only.

Condition No.	Condition	Status	Details / Reference
6	DISRD must develop and submit for the Minister’s approval a Monitoring and Management Plan for managing the impacts on the environment from dumping activities. Dumping activities must not commence until the Monitoring and Management Plan is approved.	<i>In progress</i>	CEMP was endorsed by the ER and submitted to the Minister for approval on 14/07/17.
10	The Monitoring and Management Plan must be made available for the life of the permit (electronically) on DISRD’s website within 30 days of the Monitoring and Management Plan being approved by the Minister.	<i>In progress</i>	Once the CEMP is approved by all required parties, the document will be made available on the Project website.

## 2.4 Environmental Protection Licence (EPL 20942)

Condition No.	Condition	Status	Details / Reference
M5.1	The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any	<i>In progress</i>	1800 number currently being arranged by the Principal and shall be in effect prior to the 12 August 2017, as required by



Condition No.	Condition	Status	Details / Reference
	complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.		<b>Condition M5.3.</b>
M5.2	The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.	<i>In progress</i>	Details of the phone number and email address for the project shall be available on the website and be circulated in the local newspaper prior to the commencement of Construction and August 12, 2017 as required by <b>Condition M5.3.</b> Further advertisements shall be circulated periodically throughout the duration of Construction, including prior to the commencement of Construction for Stage 2.
M5.3	The preceding two conditions do not apply until 12 August 2017, following the date of the issue of this licence.	Compliant	Noted.



## 2.5 Harbour Master Approval

Condition No.	Condition	Status	Details / Reference
4	Domestic biofouling will be managed through Best Practice Industry Guidelines. This will require any vessels, dredges, barges or other floating equipment associated with the proposal to be free of biofouling prior to entry in the Port. The Proponent shall ensure all domestic vessels, dredges, barges or other floating equipment associated with the proposal are compliant with Industry Guidelines.	<i>In progress</i>	A vessel risk assessment and Invasive Marine Species Inspection (including removal of biofouling if required) shall be undertaken by the contractor and statement/certification provided to the Principal prior to any vessel's departing for the Port of Eden.
8	<p>Prior to any vessel or floating equipment associated with the works entering the Port of Eden, the Proponent shall prepare in consultation with Port Authority of New South Wales, a Port Operations Management Plan to the satisfaction of the Harbour Master.</p> <p>The Port Operations Management Plan shall address but not be limited to:</p> <ul style="list-style-type: none"> <li>- Navigation (including movement of barges and interaction with other vessels)</li> <li>- The establishment and marking of a construction zone. Any buoys used to mark plant and equipment are to be special marks in accordance with IALA Buoyage System A. Lateral marks are not to be used unless agreed in advance with the Harbour Master.</li> <li>- Details of any tie-up facilities for floating plant and equipment</li> <li>- Communication (including communication with the Vessel Traffic Information Centre and 24 hour contact details for key personnel during any waterborne phase of works)</li> <li>- Notification requirements</li> <li>- Certification of operators if required</li> </ul>	<i>In progress</i>	<p>A Vessel Interaction Plan for Stage 1 has been prepared and was approved by the Harbour Master 22/06/17.</p> <p>A Port Operations Plan (or equivalent) shall be prepared in consultation with the Port Authority of New South Wales to the satisfaction of the Harbour Master, prior to the commencement of Stage 2 Construction.</p>



Condition No.	Condition	Status	Details / Reference
	<ul style="list-style-type: none"><li>- Risk assessment for maritime activities</li></ul> The Port Operations Management Plan is to be amended as required to the satisfaction of the Harbour Master		



### 3 Date of Commencement

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The commencement of construction activities for Stage 1 – Dredging Contract is scheduled for the 24 August, 2017.

The commencement of construction activities for Stage 2 Marine Structures Contract is currently scheduled for the 19 June, 2018. Any changes to the proposed commencement date will be provided in subsequent Construction Compliance Reports for submission to the Secretary.