NGH

Prepared for Eurobodalla Shire Council

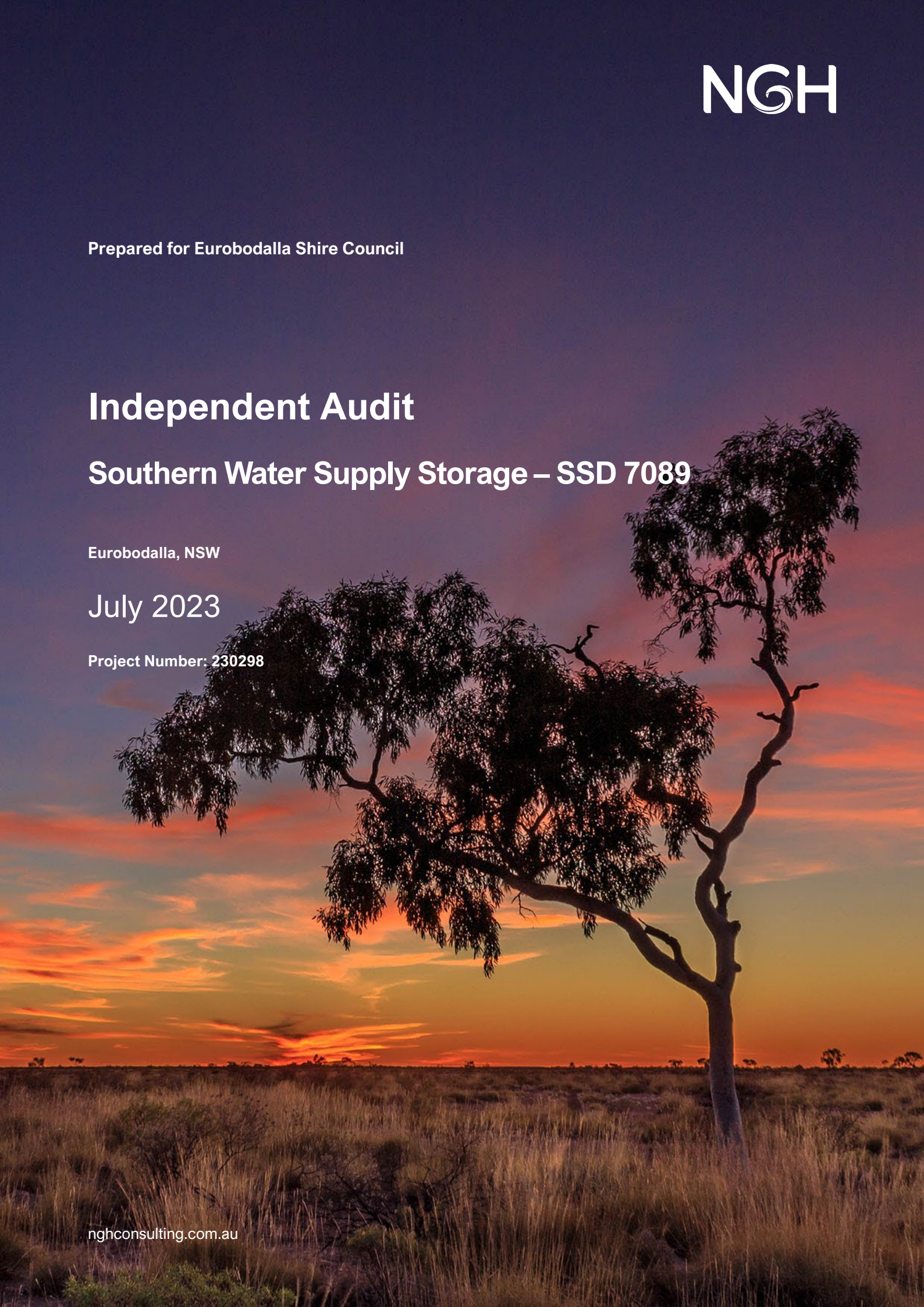
Independent Audit

Southern Water Supply Storage – SSD 7089

Eurobodalla, NSW

July 2023

Project Number: 230298



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Final v1	13/06/2023	O. Merrick	N. Arens	N. Arens
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Acronyms and Abbreviations

ASL	Above sea level
AS/NZS	Australian Standard/New Zealand Standard
AQMP	Air Quality Management Plan
BOM	Australian Bureau of Meteorology
CEMP	Construction environmental management plan
Cwth	Commonwealth
DA	Development Application
dBA	Decibel adjusted measurement of noise
DPE	Department of Planning and Environment (NSW)
EIS	Environmental impact statement
EPA	Environmental Protection Authority (NSW)
EP&A Act	*Environmental Planning and Assessment Act 1979* (NSW)
ESC	Eurobodalla Shire Council
FFMP	Flora and Fauna Management plan
ha	hectares
IA	Independent Audit
km	kilometres
m	metres
ML	megalitres
NGH	NGH Consulting
NSW	New South Wales
NVMP	Noise and Vibration Monitoring Plan
SSD	State Significant Development
SWMP	Soil and Water Management Plan
TMP	Traffic Management Plan

Executive summary

The Southern Water Supply Storage project (the Project) is located in Bodalla, approximately 30 km south of Moruya within the Eurobodalla Shire Local Government Area, New South Wales (NSW). The Project involves constructing a 3,000 megalitre (ML) off-river water storage dam and associated infrastructure, situated next to the Tuross River. A new pump station will transfer water from the Tuross River into the storage dam. The Project's purpose is to improve the security of water supply in Eurobodalla Shire.

Eurobodalla Shire Council (ESC) submitted a development application along with an environmental impact statement (EIS) in 2018, seeking Department of Planning and Environment (DPE) approval for the Project. The DPE reviewed the EIS and approved the Project (SSD – 7089) in October 2019, subject to Conditions of Consent. Construction works for the Project commenced in 2020 and are estimated to be complete in 2024.

In February 2023, ESC were directed by a nominee of the Planning Secretary, to undertake an Independent Environmental Audit for the Council managed Southern Water Supply Storage project. This direction came about due to compliance reporting requirements having transitioned to the updated Independent Audit, Post Approval Requirements (2020), after the Project was determined, therefore the updated Post Approval Requirements were not reflected in conditions of consent for the Project (SSD-7089).

This direction specified that Eurobodalla Shire Council was required undertake the IEA for the audit period March 2020 to 13 February 2023. NGH Consulting (NGH) were engaged by ESC in May 2023 to undertake the Independent Environmental Audit.

Based on the strategic sequency of the development (Project), works were packaged into discrete Stages and executed under either Council works (Council managed subcontracted work), or tendered construction contracts managed by the Shire's Public Works Advisory. The five stages comprised Clearing of Tuross River Intake Pump Station (TRIPS, Stage 1); Construction of TRIPS (Stage 2); Partial construction of Storage Access Road (Stage 3); Harvesting of timber from water storage supply (3 ML dam site clearing by Forestry Corporation NSW); and construction of the water storage supply (3 ML dam construction, Stage 5).

All Stages had commenced during the audit period with Stage 1, Stage 3 and Stage 4 completed and demobilised. Stage 2 (TRIPS) had been constructed, however was awaiting an instrumentation component to allow for full commissioning.

Eurobodalla Shire Council nominated Natascha Arens as the Independent Auditor for this project, with support from Olivia Merrick and Will Weir. Natascha's CV and independence declaration was provided to DPE on 2nd May 2023. Natascha was approved by DPE as the Independent Auditor on the 11th May 2023. The audit was conducted shortly thereafter in May 2023 with the site component being undertaken 25th May 2023.

The audit comprised a desktop document review; site inspection, key personnel interviews and onsite document review; and post- site inspection follow-up meeting, data analysis and reporting.

A review of the complaints register found that there had been no complaints for the audit period. Aside from the direction to undertake this audit from DPE, there were no agency notices, orders, penalty notices or prosecutions within the audit period. There were no reportable environmental incidents for the audit period.

Environmental performance was largely measured by regular environmental inspections. The audit found these to have occurred. Noise verification monitoring was undertaken during the audit period and no exceedances were reported. Construction water quality monitoring had been carried out throughout the audit period. No results were reported outside the adopted criteria for the audit period.

Results from the audit found five (5) non-compliances.

Proposed responses to these five non-compliances are provided in the Summary section (Section 4).

1. Introduction

Eurobodalla Shire Council (ESC) were required to undertake an Independent Environment Audit of the Council managed Southern Water Storage Supply project, commensurate with Independent Audit Post Approval Requirements (Department of Planning and Environment, 2020). NGH Pty Ltd (NGH) was engaged to undertake the initial construction-phase Independent Audit (IA) on behalf of Eurobodalla Shire Council.

1.1. Background

In February 2023, ESC were directed by a nominee of the Planning Secretary, to undertake an Independent Environmental Audit for the Council managed Southern Water Supply Storage project (refer Appendix A). This direction came about due to compliance reporting requirements having transitioned to the updated Independent Audit, Post Approval Requirements (NSW Department of Planning, Industry and Environment, 2020) after the Project was determined, therefore the updated Post Approval Requirements were not reflected in conditions of consent for the Project (SSD-6624).

This direction specified that Eurobodalla Shire Council is required undertake the IEA for the audit period March 2020 to 13 February 2023. NGH were engaged by ESC to undertake the Independent Audit in May 2023.

1.1.1. Project information

The Project will construct a 3,000 megalitre storage capacity dam, inclusive of a 370 metre long embankment (39 metres in height with a crest width of 20 metres) located adjacent to a tributary of the Tuross River. Once complete the project will provide a water supply storage asset (dam). To enable the water supply storage (dam) to function as a usable water resource, a number of ancillary structures and services are also required:

- a new river intake pump station (Tuross River Intake Pump Station, TRIPS):
- installation of a pipeline (26 megalitres per day capacity) to transfer raw water from TRIPS to the storage (dam) inlet chute;
- installation of a cross connection pipeline, connecting the water storage (dam) inlet pipeline to the balance tank of the existing Water Treatment Plant (WTP);
- installation of a connecting pipeline from the existing bore field to the river intake pump station;
- a new access road (Storage Access Road), approximately one kilometre in length and extends from Eurobodalla Road opposite the existing WTP to the embankment crest;
- upgrades to Eurobodalla Road to accommodate a basic right-turn and basic left-turn at the intersection of the Storage Access Road and Eurobodalla Road;
- a new access road that would provide a route for vehicles to access the TRIPS; and
- power supply including the construction of new sub-stations located near the storage (dam) and the river intake pump station (TRIPS).

Due to the strategic sequency of the development (Project), works were packaged into discrete Stages and executed under either Council works (Council managed subcontracted work), or tendered construction contracts managed by the Shire's Public Works Advisory. The stages are described in more detail below:

1.1.1.1. Clearing of Tuross River Intake Pump Station (TRIPS): Stage 1

Clearing for Tuross River Intake Pump Station was undertaken during May through July 2020 and is now complete. The works involved slashing undergrowth down to ground level with either a slasher or mower,

with the mulch material being left in place on site. Larger trees were cut down, with trunks and roots left in situ to minimise of soil erosion. Some larger tree canopies (heads) were mulched on site to construct mulch berms to control potential run off and also spread over disturbed earth as groundcover, to minimise soil erosion. Stage 1 did not involve any construction activities in the Tuross River, and did not involve any earthworks or excavation.

1.1.1.2. Construction of Tuross River Intake Pump Station: Stage 2

Construction for the TRIPS commenced in July 2020 by Quay Civil, managed by Council's Public Works Advisory and is mostly complete with supply chain issues affecting delivery of one electrical component to allow for full commissioning.

Once operational, the TRIPS will extract water and convey it across to the water supply storage facility (dam). It will consist of a 4.5 m diameter, 18 m deep concrete wet well with three submersible Flygt pumps that will receive water from an inlet screen installed in the flowing river. This screen will be protected by marine piles. Associated ancillary infrastructure will include concrete structures used in the operation and maintenance of the pump station, flow control and sampling instrumentation and all associated electrical works. Power will be fed by a new transformer, and power and water flow will be provided by new in ground services. Control of the new infrastructure will take place remotely, with a SCADA system being developed to monitor, control and report fault status of the new infrastructure.

1.1.1.3. Construction of Storage Access Road: Stage 3

The Storage Access Road was constructed in December 2021 through to February 2022 and is now complete. The Storage Access Road is required to provide vehicular access to the water storage supply site. The design of the Storage Access Road and intersection with Eurobodalla Rd was developed based on a variety of design standards inclusive of Eurobodalla Shire Council Infrastructure Design Standard, Roads and Maritime Services (now Transport for NSW) Supplement to Austroads, and Austroads Design Guidelines.

The Storage Access Road has been designed and constructed with a maximum longitudinal grade of 12.5%, with a maximum 3% crossfall. The width of the Storage Access Road is 6.5 meters sealed, comprising two, 3.25 metre sealed lanes, plus a 0.75 metre unsealed shoulder. The pavement treatment for the Storage Access Road and shoulder widenings consists of a thin wearing course over a granular base. Temporary pavement was placed during construction to suit construction vehicle loading.

The construction works for the Storage Access Road also included new stormwater drainage infrastructure, installed under the Storage Access Road. This was done to follow the existing valleys along the embankment. Swales along the high side of the Storage Access Road have been installed to capture stormwater from the upper catchments created by the new works. The swales are typically trapezoidal, 0.6 metres deep and 4.2 metres wide with a base width of 0.5 metres. The drainage pipes under the Storage Access Road are typically 450 millimetre diameter Reinforced Concrete Pipe (RCP) with headwall outlets and either headwall or grated pit inlets.

Intersections upgrades were also required for the Eurobodalla Road and Storage Access Road / TRIPS site intersection. This intersection upgrade is required to facilitate safe access and egress to both the TRIPS and Storage sites. The intersection of the Storage Access Road/ TRIPS site with Eurobodalla Road have been designed and constructed per the geometry requirements of Austroads Guide to Road Design Part 4 and 4A.

1.1.1.4. Harvesting of timber from Storage site: Stage 4

The harvesting of timber was undertaken by Forestry Corporation of NSW (Forestry) and an independent arborist contractor, spanning February to June 2022, and is now complete. The timber harvesting works

occurred early 2022 and concluded June 2022, with clearing of habitat trees occurring in February 2020 and the first two weeks of March 2022, to minimise disturbance to breeding of threatened fauna.

Clearing of other non-habitat trees was undertaken outside of this February-early March 2022 period (i.e. mid-March to end of June 2022).

Forestry accessed site to clear harvestable timber for sawmill and pulpwood, through selective clearing of trees greater than 15cm in diameter, as well as all hollow-bearing Trees (HBTs) within the clearing boundary. The independent arborist contractor cleared HBTs for the purpose of repurposing hollows into nest boxes for fauna mitigation measures.

Within the permanent works design area, trees greater than 30cm in diameter were cleared and the areas surrounding these were grubbed with stumps, roots and organic material spread over the disturbed area to provide soil and erosion stability. No grubbing occurred within gullies.

The inundation area was selectively harvested for harvestable timber material only, with stumps left in situ, along with unsuitable timber, saplings, undergrowth and groundcover.

In addition to the clearing activities of the above two area classifications, localised grubbing and clearing was undertaken to establish loading areas in support of the clearing works. Loading areas were strategically placed in flat areas to maximise efficiency of the timber harvesting works and minimise the number and size of loading areas required. Non-commercially viable timber, saplings, undergrowth and organic matter were retained as much as was practicable. This was done in order to minimise erosion potential.

1.1.1.5. Construction of Storage: Stage 5

Site works for Stage 5 commenced in June 2022. The anticipated completion of Stage 5 is mid-late 2024. This stage includes the removal of the remaining vegetation within the water supply storage area (i.e. that vegetation not removed by Stage 4 works), construction of the embankment wall, spillway, permanent erosion control measures and all remaining works on site to enable the project to become operational.

1.2. Audit team

Eurobodalla Shire Council nominated Natascha Arens as the Independent Auditor for this project and provided her CV and independence declaration to DPE on 2nd May 2023. Natascha was approved by DPE as the Independent Auditor on the 11th May 2023 (refer Appendix B).

The audit team comprised these members:

- Natascha Arens – Technical and QA Review, Lead Auditor
- Olivia Merrick – Auditor
- Will Weir – Support Auditor

1.3. Audit objectives

The objective of this Independent Audit is to assess compliance with the conditions of consent.

1.3.1. Audit scope and period

The scope of the audit will include:

- An assessment of compliance of all the conditions of consent relevant to the works at the time of the audit (as detailed in Appendix C).
- An assessment of the adequacy and implementation of the site environmental management plans including:

  - B3 – Flora and Fauna Management Plan (FFMP)
  - B13 – Soil and Water Management Plan (SWMP)
  - B20 – Emergency Response Procedure (to be included in the CEMP)
  - B28 – Traffic Management Plan (TMP)
  - B34 – Noise and Vibration Management Plan (NVMP)
  - C2 – Construction Environmental Management Plan (CEMP).
- An assessment of performance of the project in relation to implementation of environmental plans.

The audit scope was developed by reviewing the SSD-7089 Conditions, EPL 21767 and the Independent Audit Post Approval Requirements (2020).

The audit period covered March 2020 to 13 February 2023.

2. Audit Methodology

2.1. Selection of the Audit Team

Eurobodalla Shire Council nominated Natascha Arens as the Independent Auditor for this project and provided her CV and independence declaration to DPE on 2nd May 2023. Natascha was approved by DPE as the Independent Auditor on the 11th May 2023 (refer Appendix B).

The audit team comprised these members:

- Natascha Arens – Technical and QA Review, Lead Auditor
- Olivia Merrick – Auditor
- Will Weir – Support Auditor
- Jane Love - Observer

2.2. Independent Audit scope development

The audit scope was developed by reviewing the SSD-7089 Conditions, EPL 21767 and the Independent Audit Post Approval Requirements (2020).

The audit comprised of offsite document review; site inspection, onsite document review; and offsite audit analysis and reporting.

An audit plan was provided to the auditee prior to the site audit detailing the timing of the audit and requirements regarding accessing the site and documentation.

2.3. Compliance evaluation

The audit consisted of desktop document review undertake offsite, onsite document review, site inspection and interviews. The offsite document review was undertaken prior to the site component of the audit with further request for information following the site inspection. The site component of the audit included:

- Opening meeting to introduce all parties and discuss the scope and objectives of the audit
- Document and records review to check compliance with conditions
- Interviews with staff including construction site personnel
- Site inspection
- Closing meeting to summarise the findings of the site audit and to discuss additional audit evidence required.

The document review included a review of the Conditions of Approval relevant to the stage of works of the Project and all management plans and sub plans. The audit table (checklist) was developed and refined and submitted to ESC (Appendix C).

An Opening Meeting was held on 25 May 2023 at 08:50am.

Present at the opening meeting were:

- Harvey Lane (Project Engineer, Eurobodalla shire Council)
- Ross Bailey (Principal Authorised Person, Public Works Advisory)
- Justin McCarthur (Project Manager, Haslin)
- Karen McCann (Environmental Advisor, Haslin)
- Olivia Merrick (NGH Auditor); and
- Jane Love (NGH, Audit Observer)

Document review occurred throughout the day and offsite over the course of the next five working days.

2.4. Site interviews

Interviews with staff were undertaken throughout the course of the site audit and the following three working days to gather evidence during offsite document review including:

- Harvey Lane (ESC Project Engineer); and
- Karen McCann (Stage 5 Construction Contractor Environmental Advisor)

2.5. Site inspection

A site inspection was undertaken at 09:15 on the 25 May 2023. The inspection viewed the water supply storage construction site area including, ancillary facilities, sediment basins, coffer dam construction, environmental protection (No Go) zones, site muster points/ emergency assembly areas, hazardous material storage containers, ingress and egress points, site sheds, storage areas, laydown areas, notice boards and spill response kits.

The site inspection also included the constructed TRIPS site.

Photos of the inspection are provided in Appendix D and audit findings are detailed below.

2.6. Consultation

As part of the audit and in accordance with the Independent Audit, Post Approval Requirements (2020) Section 3.2, NGH and ESC consulted with the Department of Planning and Environment (DPE), to ascertain if there were any specific environmental issues that should be investigated during the IEA; and also to establish from DPE which other parties or agencies should be consulted (refer Appendix E for consultation request).

Relevant regulatory stakeholders were also contacted, those approached were Departments required to be consulted or to review and approve management plans required in the conditions of consent for the site. Specifically:

- Department of planning and Environment;
- Department of Primary Industries and Environment – Fisheries;
- Office of Environment and Heritage (now NSW Environment and Heritage); and
- NSW Environmental Protection Agency.

Email response from the EPA consultative process is included in Appendix E and summarised in Section 3.7.

No response from DPE or NSW Environment and Heritage were provided at the time of reporting.

2.7. Compliance status descriptors

It should be noted that the Conditions of Consent for the Project do not reference the Independent Audit Post Approval requirements (DPIE 2020). However, the compliance status descriptors from DPIE (2020) have been used to assess compliance.

Table 2-1: Compliance status descriptors

Status	Description
Compliant (C)	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-compliant (NC)	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not triggered (NT)	A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

3. Audit findings

The following documents were reviewed to check compliance with conditions or for implementation of plans. The documents relevant to this audit included:

Design plans and Approval documentation

- River Intake Pump Station Set-out Plans (30012127-AW-4022 to 4251)
- Southern Storage Design Drawings (30012127-ST-3000 to 3890)
- Conditions of Consent (SSD-7089)

Correspondence

- Letter: Southern Water Supply Storage – ESC to resident re works commencement (ESC Ref 400050, February 2022)
- Letter: Southern Water Supply Storage – ESC to resident re works commencement (ESC Ref 400050, September 2022)
- Email re dam access road construction commencement (7 December 2021)
- Letter: Staging Strategy, Biodiversity Offset Strategy, Stage 1 CEMP – DPE to ESC approving Staging, BOS (TRIPS only) and Stage 1 CEMP (TMP and NVMP not required for Stage 1 CEMP), 11 March 2020
- Letter: Biodiversity Offset Strategy - ESC to DPE (ESC Ref# SO32-T00009) 3 December 2021
- Letter: Stage 4 Partial Clearing of the Permanent Works and Inundation Area (SSD-7089) Construction Flora and Fauna Management Plan – DPE to ESC approving FFMP in accordance withB2-B6; inclusive of satisfactory consultation with DPIE Fisheries as per A13 and B3 (4th February 2022)
- Letter: Stage 5 Eurobodalla Southern Water Supply Storage Project (SSD 7089) - Construction Flora and Fauna Management Plan – DPE to ESC approving FFMP Rev E in accordance with B3, B4 and C1 (13 October 2022)
- Letter: Proposed acquisition of part Lot 2 DP 1168581 for Council's southern water storage facility – land owner to ESC, accepting compensation amount and signing full and final compensation terms (May 2020). Reference Land ID 35158
- Email: DPE to ESC requesting more information prior to approving Staging request (October 2020)
- Email: acknowledgement receipt that DPE received ESC Staging Program (April, 2021).
- Letter: Staging request submitted by ESC to DPE under condition A13 (ESC Ref # SO32-T00009 2 October 2020

- Letter: Eurobodalla Southern Storage SSD 7089 – Stage 4 Partial Clearing of the Permanent Works and Inundation Area – ESC to DPE submitting CEMP (C2); SWMP (A12, B13, B14); FFMP (B3, B6 and DPIE consultation as per A12); ESC Ref: SO32-T00009

Reports and plans

- B3 – Flora and Fauna Management Plan (FFMP)
- B13 – Soil and Water Management Plan (SWMP)
- B20 – Emergency Response Procedure (to be included in the CEMP)
- B28 – Traffic Management Plan (TMP)
- B34 – Noise and Vibration Management Plan (NVMP)
- C2 – Construction Environmental Management Plan (CEMP)
- Eurobodalla Shire Council Southern Storage Site – Timber Harvesting Environmental Operations Plan
- Annual Dams Safety Standards Report (2021) Eurobodalla Southern Storage
- Independent Peer Review of the detailed design of Eurobodalla Southern Storage (Entura, September 2019)
- Eurobodalla Southern Storage - Storage Design Report Prepared for: Eurobodalla Shire Council (Reference No: 30012127_R18_V02 18/06/2019), SMEC 2019
- Biodiversity Offset Strategy (SMEC, 2021)
- ESWSS Main construction earthworks PESCP (Rev 1)
- Community and Stakeholder Engagement (CSE) Plan - Rev 0 (Stage 5)
- Emergency Response Management Plan Rev B (Stage 5)

Design certification, record, monitoring and Inspections

- Tuross River Intake Pump Station 20016 (Contract No. 10018531) Quay Civil Contractor's Construction Report (April 2021)
- Tuross River Intake Pump Station 20016 (Contract No. 10018531) Quay Civil Contractor's Construction Report (January 2021)
- Eurobodalla Southern Storage Construction Fortnightly Report (Contract No. 10018541) Haslin Fortnightly Report (November 2022)
- Photographic log of TRIPS clearing – Stage 1 (22nd May 2021)
- Memorandum of Understanding Eurobodalla Southern Water Supply Storage, Bodalla State Forest (May, 2020)
- Dead of Agreement for Early Access Eurobodalla Southern Water Supply Storage Bodalla State Forest (May, 2020).
- Pre-clearance inspection (Southern Cross Environmental), 28th May 2020 (Stage 1)
- Pre-clearance inspection (Southern Cross Environmental), 28th March 2022 (Stage 3)
- Pre-clearance inspection (Southern Cross Environmental), 13th January 2022 (Stage 4)
- Pre-clearance inspection (Southern Cross Environmental), 13th September 2022 (Stage 4)
- Noise verification 198 Waincourt Rd R3 (6th February 2023)
- Noise verification-530 Eurobodalla Rd R14 (6th February 2023)
- Noise verification 758 Eurobodalla Rd R2 (8th February 2023)
- CSW3 Water sample (14th December 2022)
- CSW1 – CSW 5 Water Quality field samples
- Waste Register (Stage 5)
- Sound Power Level cross check, January 2023 (Stage 5)

3.1. Compliance performance

In summary the audit found 5 non-compliances out of a total 173 Conditions of Approval.

Table 3-1 Tally of audit findings

Condition Part	Compliant	Non-Compliances	Not triggered
A (25)	21	1	3
B (46)	34	-	12
C (15)	9	2	4
Appendix 2 (83)	74	2	7
Appendix 3 (4)	4	-	-

Note: In relation to the tally above whole conditions of consent have been used to generate the tally. i.e. where a condition contains part a), b), c) etc this has been counted as one condition.

3.2. Summary of agency notices, orders, penalty notices or prosecutions

Aside from the notice from the DPE to undertake this Independent Audit, there were no agency notices, orders, penalty notices or prosecutions within the audit period (or at all) at the time of reporting.

3.3. Non-compliances

Five non-compliances were raised in this audit. Refer Table 3-2 below for more detail.

Table 3-2 Conditions of Consent 7089, summary of non-compliances

#	Requirement	Audit finding	Audit classification	Response/ Action
PART A				
A2	The development may only be carried out: a) in compliance with the conditions of this consent	The audit found the Project was non-compliant with: C15 (information not made available) App 2, 4.5 (residents not notified >5 days before commencement of activity) App 2, 10.1 (Hazard and Risk Management Plan not available) App 2, 13.1 (Landscape Management Plan had not been prepared)	Non-compliant	Council to undertake actions listed below relevant to each specific Non-compliant item
PART C Environmental Management and Reporting				
C13	Construction Compliance Reports and a Pre-Operational Compliance Report of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) or any revision as in force from time to time.	The audit found there was no evidence that compliance reports had been prepared	Non-compliant	Condition 13 has been replaced by the notice from the DPE (received by ESC February 2023) to undertake this Independent Audit and subsequent audits in accordance with the Post Approvals, Independent Audit Requirements (2020). Council to undertake the next scheduled IA in accordance with the Post Approval Independent Audit Requirements (2020)

#	Requirement	Audit finding	Audit classification	Response/ Action
C15	At least 48 hours before the commencement of construction until the completion of all works under this consent, including rehabilitation, the Applicant must: (a) make the following information and documents (as they are obtained or approved) publicly available on its website: (i) the documents referred to in Condition A2 of this consent and the final layout plans for the development; (ii) all current statutory approvals for the development; (iii) all strategies, plans and programs required under the conditions of this consent; (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent; (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (vi) contact details to enquire about the	The audit found that archived webpage information held by ESC from 2020, although providing some of the required information to satisfy this Condition, did not post the information at least 48 hours prior to that activity being carried out (Stage 1, clearing for TRIPS site). The website also doesn't not contain a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent/ approved plans and programs (namely, Soil and Water Management Plan water quality sampling results; and Noise and Vibration Management Plan noise monitoring results). The website, although listing details of who to contact within Council regarding the Project, it is not immediately evident how to lodge a complaint.	Non-compliant.	Council website currently (May 2023), whilst having a link to approved plans and procedures to satisfy some components of this condition [i.e. C15 (a-1) (a-iii)], should be updated to include regular environmental performance and monitoring results (C15 a-iv; C15 a-v) with an emphasis on Stage 5 progressing, and monitoring as per the conditions of the EPL being triggered (refer to EPL 21767 for these requirements). This should be reported on as per frequencies of monitoring programs in question and uploaded to Council's website at least bi-annually. Council website to be amended under Project contact details "for further details or to lodge a complaint about the project, please contact…"

#	Requirement	Audit finding	Audit classification	Response/ Action
	development or to make a complaint; (vii) the Compliance Reporting of the development; (viii) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.			
APPENDIX 2: Applicant's Revised Management and Mitigation Measures				
4.5	Local residents would be notified at least five days prior to works commencing and would be kept regularly informed of construction activities during the construction process.	The audit found that Council have notified residents regarding project updates by letterbox drops. Documented evidence of these notifications being provided at least 5 days prior to works commencing, however was not readily available at the time of audit. No community complaints regarding noise were reported for this Project at the time of reporting.	Non-compliant	Council to provide more regular updates (monthly information displayed on the website at least bi-annually) in the notification section of ESC webpage.
13.1	A Landscape Management Plan (LMP) will be prepared during the detailed design phase of the project and implemented as part of the CEMP. The LMP will present an integrated landscape and urban design for the project, providing practical detail on the application of design principles and objectives identified in the environmental assessment. The Plan will include design treatments for: • location and identification of existing	The audit found that a Landscape Management Plan had not been prepared. It is Council's intention that such requirements are reflected in the Project's Rehabilitation Plan.	Non-compliant	Council to seek DPE approval for this change (with associated level of justifiable reasoning).

#	Requirement	Audit finding	Audit classification	Response/ Action
	vegetation and proposed landscaped areas, including species to be used, density and size • hydro mulch seed mix designs and locations • built elements including any retaining walls and bridge walls • fixtures such as lighting, fencing and signs • details of the staging of landscape works taking account of related environmental controls such as erosion and sedimentation controls and drainage • procedures for monitoring and maintaining landscaped or rehabilitated areas.			

3.4. Previous audit recommendations

This is the first audit of the Project. No annual reviews have been undertaken to date and Compliance reports have now been replaced with the independent audit requirements.

3.5. Environmental plans, sub plans and post approval documents

A summary of the implementation of key management plans relevant to this stage of works is provided below.

The suite of environmental management plans includes:

- B3 – Flora and Fauna Management Plan (FFMP)
- B13 – Soil and Water Management Plan (SWMP)
- B20 – Emergency Response Procedure (to be included in the CEMP)
- B28 – Traffic Management Plan (TMP)
- B34 – Noise and Vibration Management Plan (NVMP)
- C2 – Construction Environmental Management Plan (CEMP).

3.5.1. Flora and Fauna Management Plan (FFMP) B3

Prior to clearing or ground disturbance works for each Stage, Construction Flora and Fauna Management Plan (FFMPs) were reviewed and approved by DPE. The FFMPs included demarcation of site boundaries and the establishment of environmental protection (No Go) zones as key mitigation measures. These activities were found to have been implemented for the audit period as evidenced by historical photographs, weekly environmental inspections and subcontractor monthly environmental reports. biodiversity mitigation measures pertaining to a two-phased (non-hollow bearing tree removal; followed by hollow bearing tree removal) pre-clearance survey to be undertaken by a qualified and experienced ecologist.

Pre-clearance surveys were completed for the Project as required with no fauna mortalities or injuries reported.

Nest boxes were also installed associated with the TRIPS vegetation clearing works (as required under the Nest Box Strategy contained within the TRIPS FFMP) as evidence by a survey letter reports in conjunction with physically observing the nest boxes in the field.

Weed management is also provided for within the FFMPs either as sections of the Plans or discrete Subplans to the FFMPs. The TRIPS site (Stages 1 and Stage 2 works) allows for maintenance weeding following construction completion to target weed cover of 10% exotic species or less and details weed management methods for removal. Weed cover at the TRIPS site at the time of audit was being treated with herbicide.

For the water storage supply (3ML dam) site, equivalent to the remaining three Stages, Eurobodalla Shire Council has identified twelve (12) vegetation retention zones (VRZs) that are beyond the construction boundary of the project which contain dedicated to long term management measures in each zone. The main management objective is the prevention of weeds and invasive species colonising the revegetation and recolonization zones following vegetation clearing works. The key management measure is ongoing monitoring for weeds every six months, for a duration of 5 years.

The VRZs correspond to the no-go (exclusion) zones for Stage 5 works and management responsibility of these areas (and therefore subsequent weed monitoring and removal) was finalised within the last stage of the construction sequence, Stage 5.

3.5.2. Soil and Water Management Plan (CEMP) B13

Erosion and sediment control mitigation measures were captured in management planning documentation for Stage 1 to Stage 5. Implementation of these Plans is via environmental inspections and contractor monthly reporting. The audit found that these inspections and reporting were occurring. No reportable environmental incidents were noted nor were there any complaints received in relation to environmental matters (e.g. mud tracking) during the audit period.

3.5.2.1. Surface Water Quality Monitoring

Soil and Water Management Plans (SWMP) for Stage 1 to Stage 5 also identify Water Quality Objectives (WQO) for the Tuross River (to maintain the existing water quality of the river). Construction water quality monitoring has been carried out throughout the construction of the Project, enabling a comparison of water quality during construction to the pre-construction baseline water quality data. Results were viewed for the TRIPS wors package (Stage 2) and these results were within criteria.

No results were reported outside the adopted criteria for the audit period.

3.5.3. Emergency Response Procedure (ERP) B20

The audit found that the CEMPs for Stage 1 to Stage 5 to include Emergency Response Procedures in accordance with this condition. The audit found that the ERP including training and awareness programs and Project personnel trained in the below were recorded in monthly/ fortnightly environmental reports:

- Training, Awareness and Competency Procedure HR-P-001
- Incident Management Procedure SE-P-002
- Emergency Preparedness Procedure SE-P-003
- Confined Space Procedure SE-P-021
- Working Over Water Procedure SE-P-042
- Incident Report & Investigation Form SE-F-003
- Confined Space Permit Form SE-F-039 Confined Space Rescue Plan

3.5.4. Traffic Management Plan (TMP) B28

The audit found that mitigation measures identified in the TMPs for the relevant stages, were generally implemented. Mitigation measures pertaining to limiting damage on roads, maintaining property access and minimising the delays to local traffic form Project plant and vehicles were presented in inductions and/ or captured in weekly and monthly reports.

3.5.5. Noise and Vibration Management Plan (NVMP) B34

Noise and Vibration Management Plans (NVMPs) for all Stages were reviewed and approved by DPE prior to works commencing on site for each Stage. The NVMPs reflected mitigation measures identified in the Conditions of Consent to control any nuisance noise on site and/ or reflected best practice noise mitigation.

The audit found that these controls were generally verified by Contractor's weekly inspections and associated monthly reporting data.

In May 2021 a supplementary acoustic assessment was undertaken for the Stage 2 works (TRIPS), which presented an alternative noise management level for the works, justified by Australian Standard ratings (AS 2107) which detail a maximum acceptable internal noise level for living areas of 45dBA. This equates to approximately 55dBA - 65dBA measured externally; with a conservative noise management level of 55dBA

adopted. Noise verification monitoring was undertaken weekly for Stage 2 works and the results were below this amended noise criteria level (maximum 49dBA) at the nearest sensitive receiver.

Noise levels are not predicted to exceed the highly noise affected noise level of 75 dB(A) at any receiver for any of the construction scenarios modelled. The predicted noise levels indicated that the primary contributors to exceedances are combined noise impacts when all plant are operating concurrently such as concrete batching, dozers and heavy vehicles.

During the audit period, onsite concrete batching did not occur. Heavy vehicle activity was sporadic and lower frequency than predicted in the EIS (which assumed Stage 5 storage facility heavy haulage activity, which would commence later in 2023 and in to 2024; and therefore outside the audit period).

Noise verification monitoring was also undertaken associated with the Stage 5 works (September 2022) at sensitive receivers. Quarterly attended noise monitoring is also being undertaken by the Stage 5 construction contractor and bi-annual sound power level checks also performed to verify these levels. Noise data records inspected during the audit were within criteria.

No noise complaints were made in the audit period.

3.5.6. Construction Environmental Management Plan (CEMP) C2

A review of CEMPs for the five Stages (1 to 5) found that CEMPs are generally compliant with the requirements of this condition. The audit found that for certain Stages not all the subplans listed in Condition B13 were required, due to the reduced scope of the activities pertaining to that stage (for example, Stage 1 clearing works for the TRIPS site was not required to prepare a Traffic Management Plan or a Noise and Vibration Management Plan).

The audit found that the requirements of the CEMP were largely implemented and compliance checked via regular inspections. Stages 1 to 4 had demobilised at the time of inspection, however Contractor Monthly Reports were viewed which detailed inspections and environmental activities. The contractor monthly reports also included complaints register and environmental incidents, for which there were nil complaints and some minor environmental incidents (no reportable environmental incidents).

3.5.6.1. Hazard and Risk Management Plan (Appendix 2, 10.1)

It was noted that in accordance with Appendix 2, item 10.1 of the consent conditions, a Hazard and Risk Management Plan (HRMP) is required to be prepared and implemented as part of the CEMP. The Rural Fire Service is required to be consulted to determine the appropriate level of management measures (and that the catchment perimeter roads for construction and operation will be accessible for the Rural Fire Service). The HRMP is required to include:

- details of hazards and risks associated with the activity including bushfire management
- measures to be implemented during construction and operation of the storage facility to minimise these risks
- record keeping arrangements, including information on the materials
- present on the site, material safety data sheets, and personnel trained and authorised to use such materials
- a monitoring program to assess performance in managing the identified risks
- contingency measures to be implemented in the event of unexpected hazards or risks arising, including emergency situations

The audit noted that the CEMP for Stage 5 did not contain a Hazard and Risk Management Plan. An Emergency Response & Evacuation Plan was available, which appears to include most requirements of this condition - however omits bushfire management, and also lacks the inclusion of any relevant Safe Work

Australia Codes of Practice, EPA, Rural Fire Service or Environment and Heritage publications. Anecdotal evidence was obtained during interviews held with the primary construction contractor and ESC project engineer with regard to RFS being consulted regarding level of management measures included in the Emergency Response & Evacuation Plan (the Plan), with RFS allegedly being satisfied with the contents of the Plan. No meeting minutes could be produced to verify this.

Regardless, the audit found verification that the CEMP for Stage 5 had been reviewed and approved by DPE, despite not containing the required HRMP.

The audit therefore recommends that the existing Emergency Response & Evacuation Plan is updated to include this detail (detail required as per Appendix 2, item 10.1) for the water supply storage (dam) site (Stage 5). Refer to Section 3.12 for more detail.

3.5.7. Site Inspections, incidents and other records

The audit found Stage 5 weekly inspections were being carried out regularly for the audit table period of the Stage 5 works (September 2022 to February 2023). There was evidence that actions were being tracked through to close out by the Stage 5 construction contractor's environmental site representative.

There were no reportable environmental incidents for the audit period.

3.5.8. Stakeholder, Community engagement and complaints

The Council website is the key location for the community to access information on the Project with information on who to contact within the ESC organisation also found clearly on the website. The website is updated approximately annually, with the last project update on the website being March 2023.

A non-compliance has been raised associated with Condition C15 (refer below for more detail), whereby the required project information was not present on the website, nor was it posted at least 48 hours prior to the commencement of that construction as per the terms of Condition C15.

It is further noted that the website although listing details of who to contact within Council regarding the Project, it is not immediately evident how to lodge a complaint when viewing the website. Adding detail on who to contact within Council for more information and/ or to lodge a complaint, is recommended, associated with Condition C15 (vi) *contact details to enquire about the development or to make a complaint*. A review of the complaints register found that there have been no complaints in this audit period.

3.6. Environmental performance

Environmental performance was largely measured by regular environmental inspections. Stage 1 to Stage 4 were complete for the audit period, and personnel had demobilised. Contractor monthly reports however, were reviewed for these Stages and were found to included weekly environmental inspection references, waste registers, monitoring results, environmental management activities undertaken and tallies of environmental inductions completed. Complaints registers and action lists were also included in the contractor monthly reports.

Stage 5 activities for the audit period (site mobilisation of Stage 5 until 13th February 2023), involved predominantly site establishment and some vegetation clearing. Environmental performance of Stage 5 is measured via weekly and monthly inspections and reporting. The audit found that these inspections are occurring.

3.7. Consultation outcomes

Relevant regulatory stakeholders were contacted, those approached were Departments required to be consulted or to review and approve management plans required in the conditions of consent for the site. Specifically:

- Department of Planning and Environment;
- Department of Primary Industries and Environment – Fisheries;
- Office of Environment and Heritage (now NSW Environment and Heritage); and
- NSW Environmental Protection Agency.

Consultation was initiated in May 2023 during the preparatory phase of the IA with the DPE, Fisheries, NSW Environment and Heritage and the EPA to obtain feedback and draw attention to any key issues, within the agreed scope of the audit (i.e. Consolidated Consent SSD-6624). In each case either and email and/ or a phone conversation was made to representatives of each agency requesting feedback on those issues considered most relevant by their department at the time of the audit. At the time of reporting, responses had been received from:

- Environmental Protection Authority NSW:
    - Given the receiving environment for the project is the Tuross River, which forms part of the high conservation value Batemans Bay Marine Park, the EPA indicated that a high standard of sediment and erosion controls would need to be implemented and maintained to protect the NSW Water Quality Objectives of Tuross River and Tuross Lake, during construction.
    - **IA response:** the audit period concluded February 2023, at which point the supply storage (dam) site was predominantly still vegetated. Construction of the supply storage area (bulk earthworks) commenced outside the audit period. Due to this fact, and given the progressive nature of erosion end sediment control measures (to be updated with the change in construction activity), the erosion and sediment control measures inspected at the time of site visit (May 2023), were no longer reflective of what was in place for the audit period (March 2020 to 13 February 2023).
      Irrespective, a review of water quality records and monitoring results for the audit period, were within relevant parameters. This therefore indicated that erosion and sediment control measures would have been implemented and maintained at a satisfactory standard, in order to retain water quality during the previous Stages of the project (2022 to February 2023), therefore protecting the NSW Water Quality Objectives of Tuross River and Tuross Lake.

No response from DPE or any other stakeholders was provided at the time of reporting.

3.8. Complaints

A review of the complaints registers for Stage 1 to Stage 5 found that there had been no complaints in this audit period.

3.9. Incidents

There were no reportable environmental incidents for the audit period.

3.10. Actual versus predicted impacts

The Eurobodalla Southern Water Supply Project, Environmental Impact Statement (EIS) provides an assessment of the environmental impacts of the Project (SMEC, 2018) covering these main areas:

- water resources and geomorphology;

- water quality and flows;
- biodiversity;
- socio-economic;
- aboriginal heritage;
- historic heritage;
- traffic and transport;
- noise and vibration;
- soils, contamination and spoil management;
- bushfire planning and management;
- greenhouse gas and climate change;
- air quality; and
- landscape character and visual impact.

In general terms, the actual environmental impact from the Project for the audit period is far less than predicted in the EIS, mainly due to the fact the TRIPS had not been commissioned nor had the water supply storage been completed (at the time of reporting).

In relation to Tuross River water quality, the construction methodology for the TRIPS was rationalised such that works were undertaken form a barge. This significantly reduced any potential impacts to stream water quality and aquatic biodiversity as disturbance to beds and banks was removed.

In general, the impacts from the Project have been assigned mitigation measures to reduce or remove such impacts and are summarised in Table 20-2 of the EIS. The mitigation measures developed in the EIS (Table 20-2) have been carried over into Conditions of Consent (Appendix 2) requirements and these conditions of consent (Appendix 2 requirements) have been directly assessed in this audit as they form part of the scope of this audit.

3.11. Site inspection

The site inspection found the TRIPS site to be well maintained. Weed cover appeared to be greater than 10% from cursory visual inspection, however this was had been sprayed at the time of audit.

The water supply storage site was also inspected; however the date of the site inspection was outside the audit period. Irrespective, the site compound and amenities were generally well maintained. During the site inspection, the audit found that key environmental controls were in place at the water supply storage area (dam construction area) including:

- Erosion and sediment controls were in place and maintained, commensurate with the stage of works, though due to the progressive nature of the site and associated ESCPs, the state of the site at the time of inspection, did not reflect the state of the site for the audit period (i.e. audit period ceased 13th February 2023, some 3 months prior to the site inspection)
- Waste management including waste separation and appropriate disposal of waste
- Hazardous material segregation
- Wildlife management - whereby a wallaby entered the disturbance footprint, and although the date of the site inspection was outside the audit period, the measures that were established at mobilisation of Stage 5 in the FFMP which was within the audit period (September 2022), were observed being implemented adequately and sufficient to deal with the situation
- Dust suppression with a water cart as needed
- Clearly delineated site boundaries, clearing boundaries and environmental protection (No Go) zones.

3.12. Site Interviews

Site interviews occurred with staff from ESC and Haslin (construction contractor) during the course of the audit. The interviews found that staff understood the requirements of the plans.

3.13. Improvement opportunities

The audit found that the Construction Environmental Management Plans for all Stages of the Project had been reviewed and approved by the DPE. The DPE approved the Stage 5 CEMP, however the audit noted that it does not contain all the requirements for a Hazard and Risk Management Plan, as stipulated by Appendix 2, item 10.1.

The audit therefore recommends that ESC updates the existing Stage 5 Emergency Response & Evacuation Plan to include:

- details of hazards and risks associated with the activity including bushfire management
- measures to be implemented during construction and operation of the storage facility to minimise these risks
- record keeping arrangements, including information on the materials
- present on the site, material safety data sheets, and personnel trained and authorised to use such materials
- a monitoring program to assess performance in managing the identified risks
- contingency measures to be implemented in the event of unexpected hazards or risks arising, including emergency situations
- inclusion of any relevant Safe Work Australia Codes of Practice, EPA, Rural Fire Service or Environment and Heritage publications.
- consultation with the Rural Fire Service to determine the appropriate level of management measures (and that the catchment perimeter roads for construction and operation will be accessible for the Rural Fire Service).

Aside from the above and closing out of the non-compliance raised in this audit, no further improvement opportunities are identified.

3.14. Key strengths

The key strength of this project is the committed and knowledgeable site team. Council and the primary construction contractor (Stage 5) have a good understanding of the conditions and have dedicated sufficient resources to manage the site. There also appears to be a sound working relationship between Council and the primary construction contractor such that the collaborative approach that exists between the two parties at the time of audit, appeared capable of resolving any site issues relevant to environmental management as and if they arise.

4. Recommendations

Non compliances are summarised below. Section 3.13 above includes an opportunity for improvement, which should also be considered a recommendation.

4.1. Summary of compliance and non-compliances against conditions

Five non-compliances were raised in this audit.

Table 4-2 Conditions of Consent 7089, summary of non-compliance

#	Requirement	Audit finding	Audit classification	Response/ Action
PART A				
A2	The development may only be carried out: a) in compliance with the conditions of this consent	The audit found the Project was non-compliant with: C15 (information not made available) App 2, 4.5 (residents not notified >5 days before commencement of activity) App 2, 10.1 (Hazard and Risk Management Plan not available) App 2, 13.1 (Landscape Management Plan had not been prepared)	Non-compliant	Council to undertake actions listed below relevant to each specific Non-compliant item
PART C Environmental Management and Reporting				
C13	Construction Compliance Reports and a Pre-Operational Compliance Report of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) or any revision as in force from time to time.	The audit found there was no evidence that compliance reports had been prepared	Non-compliant	Condition 13 has been replaced by the notice from the DPE (received by ESC February 2023) to undertake this Independent Audit and subsequent audits in accordance with the Post Approvals, Independent Audit Requirements (2020). Council to undertake the next scheduled IA in accordance with the Post Approval Independent Audit Requirements (2020)

#	Requirement	Audit finding	Audit classification	Response/ Action
C15	At least 48 hours before the commencement of construction until the completion of all works under this consent, including rehabilitation, the Applicant must: (a) make the following information and documents (as they are obtained or approved) publicly available on its website: (ix) the documents referred to in Condition A2 of this consent and the final layout plans for the development; (x) all current statutory approvals for the development; (xi) all strategies, plans and programs required under the conditions of this consent; (xii) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent; (xiii) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (xiv) contact details to enquire about the	The audit found that archived webpage information held by ESC from 2020, although providing some of the required information to satisfy this Condition, did not post the information at least 48 hours prior to that activity being carried out (Stage 1, clearing for TRIPS site). The website also doesn't not contain a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent/ approved plans and programs (namely, Soil and Water Management Plan water quality sampling results; and Noise and Vibration Management Plan noise monitoring results). The website, although listing details of who to contact within Council regarding the Project, it is not immediately evident how to lodge a complaint.	Non-compliant.	Council website currently (May 2023), whilst having a link to approved plans and procedures to satisfy some components of this condition [i.e. C15 (a-1) (a-iii)], should be updated to include regular environmental performance and monitoring results (C15 a-iv; C15 a-v) with an emphasis on Stage 5 progressing, and monitoring as per the conditions of the EPL being triggered (refer to EPL 21767 for these requirements). This should be reported on as per frequencies of monitoring programs in question and uploaded to Council's website at least bi-annually. Council website to be amended under Project contact details "for further details or to lodge a complaint about the project, please contact…"

#	Requirement	Audit finding	Audit classification	Response/ Action
	development or to make a complaint; (xv) the Compliance Reporting of the development; (xvi) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.			
APPENDIX 2: Applicant's Revised Management and Mitigation Measures				
4.5	Local residents would be notified at least five days prior to works commencing and would be kept regularly informed of construction activities during the construction process.	The audit found that Council have notified residents regarding project updates by letterbox drops. Documented evidence of these notifications being provided at least 5 days prior to works commencing, however was not readily available at the time of audit. No community complaints regarding noise were reported for this Project at the time of reporting.	Non-compliant	Council to provide more regular updates (monthly information displayed on the website at least bi-annually) in the notification section of ESC webpage.
13.1	A Landscape Management Plan (LMP) will be prepared during the detailed design phase of the project and implemented as part of the CEMP. The LMP will present an integrated landscape and urban design for the project, providing practical detail on the application of design principles and objectives identified in the environmental assessment. The Plan will include design treatments for: • location and identification of existing	The audit found that a Landscape Management Plan had not been prepared. It is Council's intention that such requirements are reflected in the Project's Rehabilitation Plan.	Non-compliant	Council to seek DPE approval for this change (with associated level of justifiable reasoning).

#	Requirement	Audit finding	Audit classification	Response/ Action
	vegetation and proposed landscaped areas, including species to be used, density and size • hydro mulch seed mix designs and locations • built elements including any retaining walls and bridge walls • fixtures such as lighting, fencing and signs • details of the staging of landscape works taking account of related environmental controls such as erosion and sedimentation controls and drainage • procedures for monitoring and maintaining landscaped or rehabilitated areas.			

5. Conclusion

The audit found five (5) non-compliances with the Conditions of Approval. The document review found that Environmental Management Plans and sub plans are relevant to the site and are being implemented.

Table 5-1 Statutory instrument (Conditions of Consent 7098) audit classification status

Condition Part	Compliant	Non-Compliances	Not triggered
A (25)	21	1	3
B (46)	34	-	12
C (15)	9	2	4
Appendix 2 (83)	74	2	7
Appendix 3 (4)	4	-	-

Appendix A Independent Audit: direction from DPE

Our ref: IRF23/320

The General Manager
Eurobodalla Shire Council
PO Box 99
MORUYA NSW 2537

Attention: Harvey Lane

By email: Harvey.lane@esc.nsw.gov.au

Eurobodalla Southern Storage (SSD-7089)
Independent Environmental Audit

NSW Planning (within the Department of Planning and Environment cluster) notes that Stage 5 *Main Storage Construction* has commenced on the Eurobodalla Southern Storage Project (the **Project**). The project was determined under SSD 7089 (the **Consent**). This work includes the removal of the remaining vegetation within the clearing boundary, construction of the embankment wall, spillway, permanent erosion control measures and all remaining works.

Previous works on site include the construction of the Tuross River Intake Pump Station (TRIPS), a site access road and inlet pipeline to the forestry boundary.

Given the progress on site since construction commenced on the TRIPS in March 2020, NSW Planning is of the opinion an Independent Environmental Audit (IEA) is required.

Part C Condition 13 of SSD 7089 (the Consent)
Part C, Condition 13 of the Consent states '*Construction Compliance Reports and a Pre-Operational Compliance Report" of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) or any revision as in force from time to time'.*

Post Approval Requirements (PAR) documents
NSW Planning has two PAR documents which are to be implemented together being the Compliance Reporting PAR (**CR PAR**) and the Independent Audit PAR (**IA PAR**).

As the Project was approved in October 2019 the compliance reporting requirements transition to the updated Compliance Reporting Post Approval Requirements 2020 (CR PAR).

The Compliance PAR 2020 removes the requirement for construction compliance reporting however the CR PAR is to be read in conjunction with the IA PAR which requires an independent audit to be conducted within 12 weeks of the commencement of construction and at intervals no greater than 26 weeks from the date of the initial audit.

Further information on the requirements of the Independent Audit Post Approval Requirements 2020 can be found at:
https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Inspections-and-enforcements/Independent-audit-post-approval-requirements

Consideration
NSW Planning is of the view that given substantial works have occurred on the Project since March 2020 an IEA is required.

Direction
Considering the above, and in accordance with Part C, Condition 13 of the Consent, as delegate of the Planning Secretary, I direct Eurobodalla Shire Council to undertake an IEA of Eurobodalla Southern Storage Project for the period from March 2020 to 13 February 2023.

The independent audit is to be completed no later than **13 June 2023**.

The IEA must be undertaken in accordance with the Consent and the specific requirements within the Independent Audit Post Approval Requirements (2020) including:

- *the proposed independent auditor/s must be agreed to, in writing, by the Planning Secretary prior to the commencement of the Independent Audit.*
- *review and respond to each Independent Audit Report and submit the response to the Planning Secretary; and*
- *make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary.*

If you wish to discuss the matter further, please contact Katrina O'Reilly on 0429 400 261 or via email at Katrina.OReilly@planning.nsw.gov.au.

Yours sincerely

13.2.2023

Ben Harrison
Director Compliance
As nominee of the Planning Secretary

Appendix B Audit team approval

Department of Planning and Environment

Mr Harvey Lane
Vulcan Street
Moruya NSW 2537
11/05/2023

Dear Mr Lane

Eurobodalla Water Supply – SSD-7089
Independent Environmental Audit (IEA) - Auditor approval

I refer to your request (SSD-7089-PA-21) for the Secretary's approval of suitably qualified persons to undertake the Independent Environmental Audit (IEA) prepare the IEA report for the Eurobodalla Water Supply SSD-7089 (the consent), submitted to the Department of Planning and Environment (the department) on 2 May 2023.

The department has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, in accordance with Schedule 2 C13 of the Consent and the Independent Audit Post Approval Requirements, the Secretary has agreed to the following audit team from NGH Pty Ltd to undertake the IEA and prepare the IEA report:

- Natascha Arens (lead auditor)
- Will Weir
- Olivia Merrick

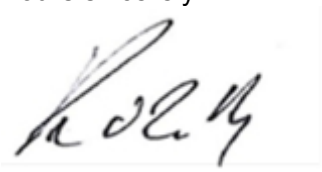
Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the Independent Audit Post Approval Requirements. Failure to meet these requirements will require revision and resubmission.

The department reserves the right to request an alternate auditor or audit team for future audits. Please note that this approval of the above audit team is conditional upon them maintaining certification as a lead or principal auditor with a relevant industry body and being independent of the project.

Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

Should you wish to discuss the matter further, please contact Michael Wood on 0459890661 or compliance@planning.nsw.gov.au\
Yours sincerely



Katrina O'Reilly
Team Leader - Compliance
Compliance
As nominee of the Planning Secretary

Appendix C Audit table

Development Consent and EPL Compliance Status - May 2023

Reference	Approval or licence requirement	Evidence collected	Audit Finding	Compliance status
Development Consent SSD 7089				
Schedule 2 - Part A Administrative Conditions				
Obligation to minimise harm to the environment				
A1.	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.	Site inspection of Stages 1-4 (works complete) and Stage 5 works underway, interview with Council Engineer, inspection records, no reportable environmental incidents for the audit period; all suggest material environmental harm prevented for works undertaken during the audit period.	Council have prevented any material harm to the environment that may result from the construction of the development to date at the time of the audit.	Compliant
Terms of consent				
A2.	The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) in accordance with the EIS and response to submissions; (d) in accordance with the Development Layout in Appendix 1; . (e) and in accordance with the revised management and mitigation measures in Appendix 2	Development has generally been carried out in compliance with the conditions of consent, noting non-conformances from the IEA for the audit period relate to documentation and procedural breaches. Council have undertaken works in accordance with written direction of the Secretary, evidenced by this IEA being undertaken as per Secretary direction (letter). Mitigation measures identified in EIS and Submission report are reflected in the CEMP and associated subplans for the Stages relevant to audit period. Works confined to disturbance footprint/ clearing limits in accordance with Development Layout. Refer Appendix 2 section below	The Development had been carried out in accordance with all written directions of the Planning Secretary, in accordance with the EIS and Submissions Report, in accordance with development layout and in accordance with Appendix 2 Mitigation Measures. The development was carried out generally in compliance with this consent, except for the additional four Non-compliances noted as a result of this Audit (C15; App 2, 4.5; App 2, 10.1; App 2, 13.1).	Not-compliant
A3.	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and (b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a).	noted, was not applicable for the audit period.	noted, was not applicable for the audit period.	Compliant
A4.	The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c) and the revised management and mitigation measures in Appendix 2. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c) and the revised management and mitigation measures, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict. *Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.*	noted, was not been applicable for the audit period.	noted, was not been applicable for the audit period.	Compliant
Limits of consent				
A5.	This consent lapses five years after the date from which it operates, unless the development has physically commenced on the land to which the consent applies before that date.	noted, development commenced 2019.	Development has commenced	Compliant
A6.	Clearing of vegetation is not permitted outside the construction boundaries shown in Appendix 1.	Inspected on site, yellow bunting installed by surveyor (Stage 5); interview with Council Engineer and GPS on machines for Stage 4 installation of flagging tape for Stage 1.	Clearing has not exceeded allowable limits as noted at time of audit.	Compliant
A7.	The volume of water extracted from the Tuross River and Tuross River bore field must be in accordance with surface and groundwater access licences.	not triggered for audit period	TRIPS had not been commissioned during the audit period (or at the time of reporting).	Not triggered
A8.	Water extraction from the Tuross River intake must only occur at flow levels specified in the water access licence or when river flows are at or above 20Ml\day at the reference point, whichever is highest.	not triggered for audit period	TRIPS had not been commissioned during the audit period (or at the time of reporting).	Not triggered
A9.	The full supply water level must not exceed 47.7m AHD.	Not triggered for audit period as supply storage not yet constructed; design reviewed and spill way below 47.7m AHD. Water supply storage (dam) physically can not hold this amount once constructed.	Water Supply Storage (dam) had not been constructed during the audit period (or at time of reporting), however it is noted that compliance with this would be achieved based on design (spill way below 47.7m AHD hence water supply storage physically can not hold water levels greater than 47.7m AHD)	Compliant
Notification of commencement				
A10.	The date of commencement of each of the following phases of the development must be notified to the Department in writing, at least one month before that date: (a) construction; (b) operation; and (c) cessation of operations.	Letter from Council sent to DPE dated 19 December 2019. Stage 1 works commenced May 2020. Noted, construction phase for the audit period Noted, construction phase for the audit period	Compliant	Compliant
A11.	If the construction or operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	Letter dated 11th March 2020 received by Council giving approval for staging submissions. Stage one commenced May 2020. Further staging notification sent to DPE October 2020 (Staging Program inc. Stage 2, 3, 4 and 5). Final staging notification sent to DPE 13th April 2021 (DPE acknowledgement email held on file)	Approval letter form DPE received March 2020 confirming staging; construction commencement for Stage 1 began May 2020. DPE notified October 2020 (Staging Program provided for Stage 2, 3, 4 and 5). Stage 2 commenced July 2020, Stage 3 commenced Dec 2021. DPE further notified April 2021, Stage 4 commenced February 2022; Stage 5 commenced June 2022.	Compliant
Evidence of consultation				
A12.	(a) Where conditions of this consent require consultation with an identified party, the Applicant must: (b) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and (c) provide details of the consultation undertaken including: (I) the outcome of that consultation, matters resolved and unresolved; and details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	Noted, subject documents reviewed (refer consent conditions relevant to management plans for further detail) and such documents contain required level of consultation	Subject documents (management plans) detail consultation information.	Compliant
Staging, combining and updating strategies, plans or programs				
A13.	With the approval of the Planning Secretary, the Applicant may: (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program); (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).	Letter dated 11th March 2020 received by Council from Karen Harragon (Director, Social And Infrastructure Assessments Social & Infrastructure Assessments, as nominee of the Planning Secretary) giving approval for staging submissions. Stage 1 CEMP submitted and approved at that time also. Submission of management plans for stages 2 through 5 and subsequent DPE approval of subject documents.	Water Storage Supply Project has been constructed in five distinct stages of development. DPE have been notified of the stages via initial staging request, supplemented with regular updates to staging program via direct emails and/ or submissions of draft CEMPs and associated subplans, for each stage.	Compliant
A14.	If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	noted (Stage 1 CEMP was approved by Secretary referencing Condition A14).		Compliant
A15.	If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.	noted		Compliant
Protection of public infrastructure				
A16.	Before the commencement of construction, the Applicant must consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;	Acquisition of part Lot 2 DP 1168581 in entirety by financial agreement, May 2020. Deed of Agreement for early access into Forestry land (majority of Project site)May 2020. Further Memorandum of Understanding between ESC and Forestry which details terms, responsibilities, environmental mitigation measures required and dispute resolution (amongst other items).	Project occupies Council owned and/ or Forestry land with agreements with Forestry, in place.	Compliant
A17.	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and	Noted, was not applicable for works undertaken during audit period	No repairs or relocation of public services required during the audit period	Compliant

	(b) relocate, or pay the full costs associated with relocating, any public infrastructure that needs to be relocated as a result of the development.			
Demolition				
A18.	All demolition must be carried out in accordance with *Australian Standard AS 2601-2001 The Demolition of Structures (Standards Australia, 2001).*	Noted, demolition is not required as part of the scope of works for the Project.	No demolition required during audit period	Compliant
Structural adequacy				
A19.	All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.	TRIPS design drawings reviewed, General Note (G6) requires all workmanship and materials to be in accordance with relevant standard association of Australian Codes. The as built structure visited during site inspection.	Tuross River Intake Pump Station design drawings reviewed that detail construction in accordance with relevant codes.	Compliant
A20.	The development must comply with Dam Safety Committee guidance.	Dam design was peer reviewed by Entura ("*Independent Peer Review of the detailed design of Eurobodalla Southern Storage* " September 2016)confirming this to be the case	Development complies with Dam Safety Committee (NSW DSC) guidance , the recommendations provided in the Australian National Committee on Large Dams (ANCOLD) guidelines, as well as other Australian and international dam publications that represent current practice in dam engineering	Compliant
Compliance				
A21.	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	Stage 1, Stage 3 and Stage 4: Interview with Council Engineer, 'Environmental Operations Plan' was provided to contractors - this was viewed and contains consent conditions compliance requirements. Stay 2: Quay civil induction viewed, Management Plan Awareness and Training detail. Stage 5: Haslin induction viewed (and audit team signed on to also, in order to access site), Management Plan Awareness and Training detail.	Project employees, contractors (and their sub-contractors) were made aware of, and were instructed to comply with, the conditions of this consent relevant to activities of their scope during the audit period.	Compliant
Operation of plant and equipment				
A22.	All plant and equipment used on site, or to monitor the performance of the development must be: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	Stages 1-4, interview with Council Engineer. Contractor monthly reports were viewed. These contain plant and machinery operating details, reference weekly inspections and specific "Inspections of plant and equipment maintenance records to ensure all plant and equipment is being maintained to ensure optimum running conditions." Stage 5, interview with construction contractor environmental representative: CEMP and AQMP identify mitigation measures, these are reflected in Induction process, "Vehicles, equipment, machinery used and all facilities – designed, operated and maintained to control the	Controls/ mitigation measures were found to be in place in order to monitor plant and equipment to ensure they were maintained in a proper and efficient manner and operated in a proper and efficient manner.	Compliant
Applicability of Guidelines				
A23.	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	noted		Compliant
A24.	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	*Compliance Reporting Post Approval Requirements* (Department 2018) was superseded during the course of the development and the requirement for construction phase compliance reporting was removed. The Planning Secretary issued ESC with a direction to instead undertake an Independent Audit under the newly created *Independent Audit Post Approval Requirements* (Department 2020) in February 2023.	ESC were issued a direction by the Planning Secretary in February 2023 to comply with the management obligations under the revised/ updated version of the *Independent Audit Post Approval Requirements* (2020) document (i.e. undertake an Independent Audit in accordance with this 2020 Requirement).	Compliant
Advisory notes				
ANI	All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.	noted - EPL for quarrying received December 2022, no quarry activity in audit period	EPL has been issued to construction contractor for the on-site quarry. Works on the quarry had not commenced at time out audit	Compliant
Part B Specific Environmental Conditions				
Biodiversity				
Water Intake				
B1.	The water intake must be designed to reduce the potential uptake of fish by ensuring the flow velocity 8 cm from the intake screen is no greater than 0.1 m/sec, using intake screens with apertures no larger than 3 mm and/or other measures as agreed in consultation with DPIE Fisheries.	Intake Screen General Arrangement Design viewed, Flow control embedded in design for inlet screen.	The water intake is designed to reduce the potential uptake of fish (inlet screen Quay Civil proprietary screen in accordance with technical specifications, flow control embedded in design)	Compliant
Construction Flora and Fauna Management				
B2.	No more than 54.61 ha of native vegetation is to be cleared.	Interview with Council Engineer: drone photography utilised, GPS layers used to ratify total area cleared. Based on design changes, the final design is an area less than assessed in the EIS and therefore less than 54.61ha at the time of audit.	Vegetation clearing extent at the time of audit, was within the permitted 54.61 ha.	Compliant
B3.	Prior to clearing of native vegetation, the Applicant must prepare a Construction Flora and Fauna Management Plan (CFFMP) in consultation with DPIE Fisheries and to the satisfaction of the Planning Secretary.	Documented evidence viewed pertaining to CFFMP approvals by DPE for all Stages. These approval dates were cross referenced against clearing commencement dates to assess if compliance with this condition was achieved.	Approval of CFFMPs by DPE for all stages occurred prior to clearing commencement.	Compliant
B4.	The CFFMP must form part of the CEMP required by Condition C2 and, in addition to the general management plan requirements listed in Condition Cl , the CFFMP must include the following: (a) measures to ensure biodiversity values not intended to be impacted are delineated by mapping of 'no-go areas' and the installation of on-site measures such as temporary exclusion fencing prior to clearing; (b) measures to minimise the risk of introducing weed species via construction vehicles, plant and equipment and control of pest and weed species existing at the site; (c) method of vegetation removal and measures to minimise impacts outside the water storage facility construction boundary and within the perimeter road construction boundary as a result of the equipment used for clearing and general access for heavy vehicles and construction plant and equipment; (d) options to reuse cleared vegetation, in preference to burning, such as relocation of hollow logs for habitat and mulch for use in areas to be revegetated within the site and use elsewhere within the local area; measures to minimise the impacts on fauna within the site including the installation of nest boxes prior to clearing, relocation of fauna to adjacent habitat (including any fish during dewatering of the cofferdam), staged clearing and timing of clearing outside breeding seasons; and (f) details on rehabilitation and revegetation including: (I) use of locally indigenous plant species including collection of seed prior to clearing for this purpose; for construction areas outside the full supply level including the construction compounds, on-site quarry areas and the new storage access road batters; (ii) for construction areas outside the full supply level including the construction compounds, on-site quarry areas and the new storage access road batters; (iii) for the construction area at the existing water treatment plant (WTP) including for the bed and banks of the Tuross River affected by the temporary cofferdam.	CFFMPs were approved by DPE for all Stages	CFFMPs were approved by DPE for all Stages	Compliant
B5.	Prior to removing/clearing any vegetation or any demolition, pre-clearing surveys and inspections for threatened species must be undertaken. The surveys and inspections, and any subsequent relocation of species and associated management measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist.	Stage 1: Southern Cross Environmental ecology survey was completed 13th May 2020; 22nd May 2020; 28th May 2020 and fauna species considered possible to occur (inclusive of threatened specs) were searched for. This survey was competed prior to and during vegetation removal. Stage 3: Southern Cross Environmental ecology survey was completed 10th January 2022. Stage 4: Southern Cross Environmental ecology survey was completed 9th, 24th, 25th, 28th and 29th of January and 1st, 2nd and 10th of February. Stage 5 FFMP provides for pre-clearance checklist to be completed prior to clearing	Prior to vegetation removal preclearance surveys were undertaken by suitably qualified and experienced ecologist.	Compliant
B6.	The Applicant must: (a) not commence any clearing work until the CFFMP is approved by the Planning Secretary; and (b) implement the most recent version of the CFFMP approved by the Planning Secretary for the duration of works.	Stage 1 CFFMP approved March 2020; clearing commenced May 2020; Stage 2 submitted to DPE November 2020 (no clearing works undertaken, Stage 2 commenced July 2020); Stage 3 notified 3 December 2021, clearing works commenced later in December 2021; stage 4 approved 4 February 2021, clearing works commenced later in February 2021; Stage 5approved by DPE 13 October 2022, clearing works commenced November 2022	Clearing works did not commence until after CFFMPs were approved by DPE for all stages that included vegetation removal. Latest CFFMP revisions were available at time of audit	Compliant
Biodiversity Offsets				
B7.	Before any clearing or construction works, the Applicant must submit a Biodiversity Offset Strategy to the Planning Secretary for approval.	Biodiversity Offset Strategy document viewed (SMEC, 2021 V04.4). Revision History commenced February 2019 (Rev 1) through to October 2021 (Rev 4.4). Approval letter from DPE (11th March 2020) approving BOS Rev 3 in relation to TRIPS site only. ESC letter to Planning (Ref: SO32-T00009) dated 3 December 2021, relating to ESC submitting a revised BOS in relation to Biodiversity Conservation Division comments re updated BOS.	Biodiversity Offset Strategy submitted to Planning for approval (TRIPS, March 2020) before clearing or construction commenced for TRIPS (May 2020). Updated BOS submitted to Planning for approval prior to 19 November 2021, clearing and construction works (Stage 3) commenced December 2021.	Compliant

B8.	Within 24 months of approval of the Biodiversity Offset Strategy, or another timeframe agreed to by the Planning Secretary, the Applicant must prepare and implement a Biodiversity Offset Package which outlines how the retirement of credits will be achieved in accordance with the NSW Biodiversity Offsets Policy for Major Projects, i.e. by: (a) acquiring or retiring credits under the Biobanking scheme established under the-then *Threatened Species Conservation Act 1995* ; (b) making payments into an offset fund that has been established by the NSW Government; or (c) providing suitable supplementary measures.			Not triggered
B9.	Before commencement of operation of the water storage, the Applicant must retire the biodiversity credits of a number and class specified in Tables 1 and 2.			Not triggered
B10.	The retirement of credits must be determined in accordance with the OEH's *Framework for Biodiversity Assessment (FBA) and the Biobanking Assessment Methodology 2014 (BBAM).* *Note: If the Applicant seeks a variation to the offset rules, the Applicant must demonstrate that reasonable steps have been taken to find like-for-like offsets in accordance with Section 10.5.4.2 of the FBA and Appendix A of the OEH's NSW Biodiversity Offsets Policy for Major Projects 2014*			Not triggered
Operational Flora and Fauna Management				
B11.	The OEMP required under Condition C5, must include details on: (a) management and maintenance of revegetated areas until vegetation is established; (b) fauna habitat maintenance and nest box maintenance and monitoring; and (c) control of pest and weed species.			Not triggered
SOILS, WATER QUALITY AND HYDROLOGY				
Imported Soil				
B12.	The Applicant must: (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site; (b) keep accurate records of the volume and type of fill to be used; and (c) make these records available to the Department upon request.	material volumes register viewed noted, these were readily available at time of audit	material volumes register readily available	Compliant
Construction Soil and Water Management Plan				
B13.	Prior to commencement of any surface disturbance the Applicant must prepare a Construction Soil and Water Management Plan (SWMP) as part of the CEMP required by Condition C2. The Construction Soil and Water Management Plan must be prepared by a suitable qualified person(s) in consultation with the EPA and include: (a) guidelines and procedures to reuse dirty water collected in sediment basins with reuse prioritised over discharge to receiving waters; (b) an assessment of cumulative risks associated with sediment pond settling agents; (c) discharge criteria based on an assessment of potential impacts against the NSW Water Quality Objectives (WQO) for receiving waters; (d) identification and implementation of mitigation measures to avoid pollution including, but not limited to, dosing procedures, discharge procedures, direct ecotoxicology testing; a detailed Erosion and Sediment Control Plan prepared in consultation with DPIE Fisheries and Water (in addition to the EPA); and (e) evidence of consultation with the EPA and DPIE Fisheries and Water.	Stage 1 clearing commenced May 2020, management plans approved March 2020; Stage 2 works commenced July 2020 (clearing works for TRIPS SWMP approved March 2020); Stage 3 December 2021; stage 4 February 2021; Stage 5, November 2022. SWMP subplans have been prepared to the satisfaction DPE and approved. For the purposes of this audit and compliance with consent conditions, a high level review of management plans was undertaken. Given Stages 1 through 5 developed SWMPs and these were submitted to and approved by DPE prior to commencement of any surface disturbance for the area in question, the management plans required under these consent conditions would appear to comply.	SWMP (subplans) were reviewed and approved by DPE.	Compliant
B14.	Erosion and sediment control measures must: (a) be in accordance with the relevant requirements of *Managing Urban Stormwater: Soils and Construction* Volume 1 (Landcom, 2004) and mitigation measures outlined in the *Policy and guidelines for fish habitat conservation and management (DPI 2013);* and (b) have sediment basins sized to a 90th or 95th percentile 5-day rainfall depth or as otherwise agreed with the EPA during the preparation of the Erosion and Sediment Control Plan referred to in Condition B13(e).	Stages 1 - 5 SWMP contain erosion and sediment control measures that reference the requirements of Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom, 2004); and reference the requirement to have sediment basins sized to a 90th or 95th percentile 5-day rainfall depth.	SWMPs identify erosion and sediment control measures that comply what this condition.	Compliant
Pollution				
B15.	The development must comply with section 120 of the POEO Act, which prohibits the pollution of waters, except as expressly provided for in an EPL.	Interview with Council Engineer, no reportable incidents from the audit period (or at all) indicates development complies with section 120 of the POEO Act.	Development complies with section 120 of the POEO Act.	Compliant
B16.	The Applicant must store all chemicals, fuels and oils used on-site in accordance with: (a) the requirements of all relevant Australian Standards; and (b) the NSW EPA's *Storing and Handling of Liquids: Environmental Protection — Participants Manual*' if the chemicals are liquids.	Interview with Council Engineer, minimal products for Stages 1 through 4. CEMP and subplans identify requirements for hazardous materials storage. Further, no environmental incidents for the audit period suggest storage of chemicals from 2020 through to February 2023 was adequate. Interview with Stage 5 construction contractor environmental representative, hazardous materials sea container in place, minimal products on site for the audit period however process and system for sufficient storage evident.	Storage of chemicals fuels and oils used on site compliant for the audit period	Compliant
B17.	In the event of an inconsistency between the requirements Conditions Bl 6(a) and B16(b), the most stringent requirement must prevail to the extent of the inconsistency.	Noted		Compliant
Stormwater Management				
B18.	The Applicant must: (a) design and manage stormwater runoff from access roads so that it does not result in erosion and pollution of receiving waters; (b) maintain erosion control measures downstream of the spillway, storage outlet works and at the river intake; and (c) use natural materials, such as rock rip rap, for erosion and river bank protection.	SWMPs contain mitigation measures to minis/ prevent stormwater runoff from access roads, maintain erosion control measures downstream and usage of natural materials for erosion and river bank protection	Compliant	Compliant
B19.	Stormwater design must be in accordance with *Australian Rainfall and Runoff (Engineers Australia, 2016)* and *Managing Urban Stormwater: Council Handbook (EPA, 1997).*	Stages 1 - 5 excoriated the use of Soil Conservation Consultants in the preparation of Erosion and Sediment Control Plans, which were developed in accordance with the principles and practices detailed in Managing Urban Stormwater Soils and Construction (the Bluebook) (Landcom, 2004), Volume 2D: Main Road construction (DECC 2008). Mitigation measures to control storm water flows through the site are identified.	Compliant	Compliant
Operational Flora and Fauna Management				
B20.	The CEMP required by Condition C2 and OEMP required by Condition C5 must include emergency response procedures in the event of flooding or bushfire.	Emergency Response Procedures included in CEMP. CEMP for all stages were reviewed and approved by DPE		Compliant
Water Storage Emergency				
B21.	Prior to the commencement of operation, the Applicant must prepare a Water Storage Emergency Plan complying with the *State Emergency and Rescue Management Act 1989.*			Not triggered
Water Management				
B22.	Prior to the commencement of operation, the Applicant must prepare a Water Management Plan for the Planning Secretary's approval. The Water Management Plan must form part of the OEMP required by Condition C4. The Water Management Plan must: (a) be prepared by a suitably qualified and experienced person(s); (b) be prepared in consultation with DPIE Water and Fisheries; (c) detail the water access licence requirements for the development; (d) include details of existing baseline river water quality and groundwater quality and levels; (e) set out water and groundwater quality and river flow objectives; (f) detail criteria and triggers for: (I) transfer of water from the river intake to the water storage; (iii) transfer of groundwater from the bore field to the water storage; (iii) transfer of groundwater from the bore field directly to the WTP; (iv) transfer of water from the storage to the WTP including draw-off level; (v) discharge of water from the storage outlet works to the unnamed stream; (vi) operation of the water storage thermal mixing system; (vii) operation of the water storage spillway; (g) contain a program (including sampling locations, parameters, frequency and duration) to monitor: (I) changes to channel morphology in the vicinity of the river raw water intake; (ii) water quality and river flows at the raw water intake; (ii) water storage surface levels; (iv) water quality within the storage water column; (ii) the effectiveness of the thermal mixing system; (vi) water quality of storage water transferred to the WTP; (iii) seepage through the water storage embankment; (viii) groundwater levels at the forefield near the WTP;			Not triggered

	(ix) groundwater levels and groundwater quality along the unnamed stream channel downstream of water storage embankment, including baseline monitoring; (h) identify mitigation and management measures to address impacts such as: (I) exceedance of water quality criteria; and (ii) drawdown at existing bores.			
B23.	The Applicant must: (a) not commence operation until the Water Management Plan required by Condition B22 is approved by the Planning Secretary; and (b) implement the most recent version of the Water Management Plan approved by the Planning Secretary for the duration of the development.			Not triggered
B24.	Within one month aner the water storage has been operational for 12 months and annually thereafter during operation, or another time period as agreed by the Planning Secretary, the applicant must submit a Site Water Balance Report to the Planning Secretary and NRAR. The Site Water Balance Report must identify all water sources entering and leaving the water storage where practical and as agreed with NRAR.			Not triggered
AIR QUALITY				
Dust Minimisation				
B25.	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	CEMP and subplans for all stages include mitigation measures for dust minimisation. Contractor Monthly reports also viewed that report on monthly dust minimisation activities. Interview with Council Engineer: invoices for water carts hired for use on site viewed (February 2022).	Complaint	Compliant
B26.	During construction, the Applicant must ensure that: (a) unsealed roads used for truck access and exposed surfaces and stockpiles within the construction area are regularly watered to suppress dust; (b) all trucks entering or leaving the site with loads have their loads covered; (c) trucks associated with the development do not track dirt onto the public road network; (d) public roads used by these trucks are kept clean; and (e) measures are implemented to minimise dust from exposed surfaces following vegetation clearing and until transfer of storage water to the WTP.	water cart (hire) invoices viewed, contractor monthly reports viewed that detail water cart activity. Water carts observed Interview with Council Engineer: no significant loads during audit period, however CEMP and subplans for all stages include provisions for this requirement Interview with Council Engineer: Street sweepers are utilised as needed to ensure mud is not tracked on to public roads. Stabilised entry/ exit points observed mitigation measures identified in CEMP/ AQMP for all stages (staged clearing, erosion control measures and water carts)	Compliant	Compliant
Air Quality Discharges				
B27.	The Applicant must install and operate equipment in line with best practice to ensure that the development complies with all load limits, air quality criteria/air emission limits and air quality monitoring requirements as specified in the EPL applicable to the site.	Noted - weekly inspections referenced in Contractor Monthly Reports provide for plant and equipment pre-starts and maintenance logs. No exceedances or reportable incidents, or complaints during audit period	Compliant	Compliant
TRAFFIC AND ACCESS				
Construction Traffic Management Plan				
B28.	Prior to the commencement of construction, the Applicant must prepare a Construction Traffic Management Plan for the development. The plan must form part of the CEMP required by Condition C2 and must: (a) be prepared by a suitably qualified and experienced person(s); (b) include a Road Safety Audit for the Eurobodalla Road/Nerrigundah Mountain Road intersection in accordance with the relevant Austroads guidelines; (c) detail the measures that are to be implemented to ensure road safety during construction; (d) detail heavy vehicle routes, access and parking arrangements; and (e) include procedures for notifying residents of the duration and times when heavy vehicles are accessing the site via particular routes and in particular Waincourt Road.	CEMPs and associated TMPs were submitted to DPE for approval prior to works commencing for all stages. Stage 1 was determined to not require a TMP by the DPE. Not applicable, dam access road will divert all project heavy haul traffic through site and will not impact residential thoroughfare	Compliant	Compliant
B29.	The Applicant must: (a) not commence construction until the Construction Traffic Management Plan is prepared in accordance with Condition B28; and (b) implement the most recent version of the Construction Traffic Management Plan for the duration of construction.	CEMPs and associated TMPs were submitted to DPE for approval prior to works commencing for all stages. Stage 1 was determined to not require a TMP by the DPE. Most recent version of TMP was available for Stage 5 a time of audit	Compliant	Compliant
B30.	The Applicant must ensure that public access is managed to prevent erosion or damage to native vegetation by restricting access through site fencing to pedestrians	noted, and given the sites rural location with no footpaths pedestrians have not been encountered to date. Irrespective, the site is fenced as a construction site	Compliant	Compliant
NOISE				
Hours of Work				
B31.	The Applicant must comply with the hours detailed in Table 3, unless otherwise agreed in writing by the Planning Secretary.	Operating hours have bee in accordance with this requirement	Compliant	Compliant
B32.	Works outside of the hours identified in Condition B31 may be undertaken in the following circumstances: (a) works that are inaudible at the nearest sensitive receivers; or (b) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or (c) where it is required in an emergency to avoid the loss of lives, property or to prevent environmental harm; or (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.	noted, this wasn't required for any activities for the audit period (i.e. no Out of Hours Work required). Mechanisms for OOHW are provided for within CEMP/ associated subplans	Out of hours Works not required for the audit period	Compliant
Construction Noise Limits				
B33	The development must be constructed to achieve the construction noise management levels detailed in the *Interim Construction Noise Guideline (DECC, 2009)* (as may be updated or replaced from time to time). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures in Appendix 2.	Noted, impacts from noise were predicted in the EIS to be low. This is true for site activities with no complaints received. Noise impacts have been adequately mitigated through management measures detailed in CEMP and associated subplans for all Stages (i.e. Noise and Vibration Management plans).	Development (Project) has been constructed to comply with the construction noise management levels detailed in the ICNG (2009) [soon to be superacid when *Draft Construction Noise Guideline* (EPA, 2020) is finalised].	Compliant
Construction Noise and Vibration				
B34.	The Applicant must prepare a Construction Noise and Vibration Management Plan (NVMP) for the development. The Plan must form part of a CEMP in accordance with Condition C2 and must: (a) be prepared by a suitably qualified and experienced noise expert; (b) describe procedures for achieving the noise management levels in *EPA's Interim Construction Noise Guideline (DECC, 2009)* (as may be updated or replaced from time to time); (c) describe the measures to be implemented to manage high noise generating works such as blasting, in close proximity to sensitive receivers; and (d) include strategies that have been developed with the affected sensitive receivers for managing high noise generating works.	NVMP reviewed and approved by DPE for all Stages	Construction Noise and Vibration Management Plan (NVMP) have been prepared for Stages 1 through Stage 5.	Compliant
B35.	The Applicant must: (a) not commence construction of any relevant stage until the Construction Noise and Vibration Management Plan is prepared in accordance with Condition B34; and (b) implement the most recent version of the Construction Noise and Vibration Management Plan for the duration of construction.	NVMP reviewed and approved by DPE for all Stages prior to works commencing in each Stage.	Construction Noise and Vibration Management Plans (NVMP) were approved prior to relevant work stages commencing	Compliant
Blasting Limits				
B36.	The overpressure level from blasting operations must not: (a) exceed 1 15dB (Lin Peak) for more than 5% of the total number of blasts over a period of 12 months; and (b) exceed 120dB (Lin Peak) at any time.	Blasting operations were not undertaken for the audit period (nor at all at the time of audit, May 2023)		Not triggered
B37.	The air blast overpressure values stated above apply when the measurements are performed with equipment having a lower cut-off frequency of 2Hz or less. If the instrumentation has a higher cut-off frequency then a correction of 5dB should be added to the measured value. Equipment with a lower cut-off frequency exceeding 1 OHz should not be used for the purpose of measuring air blast overpressure.			Not triggered
B38.	Ground vibration peak particle velocity from the blasting operations at the premises must not: (a) exceed 5 mm/s for more than 5% of the total number of blasts over a period of 12 months; and (b) exceed 10 mm/s at any time when measured at any point within one metre of any affected residential boundary or other noise sensitive location.			Not triggered
B39.	The hours for blasting operations specified in Condition B31 may be varied if the EPA, having regard to the effect that the proposed variation would have on the amenity of the residents in the locality, gives written consent to the variation.			Not triggered
HERITAGE				
Unexpected Finds				
B40.	If any item or object of Aboriginal heritage significance is identified on site: (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately; (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and (c) the EESG must be contacted immediately.	Noted, these requirements are reflected in the CEMPS and associated subplans (Training and Awareness/ inductions and Tool Box Talk material). Unexpected Finds Procedure also in place for all Stages	Unexpected Finds Procedure for all stages of the Project	Compliant

B41.	Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974.*	Unexpected Finds Procedure in place for all Stages	Unexpected Finds Procedure for all stages of the Project	Compliant
B42.	If any unexpected archaeological relics are uncovered: (a) all work in the immediate vicinity of the find must cease immediately; (b) the Heritage Division DPC must be notified; (c) a suitably qualified and experienced archaeologist must record and assess the significance of the find with the results reported to the Planning Secretary and the Heritage Division DPC; and (d) where required by Heritage Division DPC, a Management Strategy is to be developed and implemented in consultation with the Heritage Division DPC	Unexpected Finds Procedure in place for all Stages	Unexpected Finds Procedure for all stages of the Project	Compliant
B43.	Work in the immediate vicinity of the find may only recommence on the advice of the archaeologist.	Unexpected Finds Procedure in place for all Stages	Unexpected Finds Procedure for all stages of the Project	Compliant
WASTE MANAGEMENT				
B44.	The CEMP required under Condition C2 must detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations.	CEMPs were reviewed and approved by DPE		Compliant
STATUTORY REQUIREMENTS				
B45.	The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of *EPA's Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014)* and dispose of all wastes to a facility that may lawfully accept the waste.	Stage 2: Quay Civil monthly reporting. Stage 5 waste register. Wastes predominantly liquid wastes (Morya Treatment Plant) or general solid waste	All liquid and non-liquid wastes to be taken off site associated with the Project were adequately classified prior to transportation and sent to a facility licenced for that type of waste.	Compliant
B46.	The Applicant must retain all sampling and waste classification data for the life of the development in accordance with the requirements of the EPA.	noted		Compliant
PART C ENVIRONMENTAL MANAGEMENT AND REPORTING				
ENVIRONMENTAL MANAGEMENT				
Management Plan Requirements				
C1.	Management plans required under this consent must be prepared in accordance with relevant guidelines, and include: (a) details of: (I) the relevant statutory requirements (including any relevant approval, licence or lease conditions); (ii) any relevant limits or performance measures and criteria; and (iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures; (b) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria; (c) a program to monitor and report on the: (I) impacts and environmental performance of the development; (ii) effectiveness of the management measures set out pursuant to paragraph (b) above; (d) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible; (e) a program to investigate and implement ways to improve the environmental performance of the development over time; (f) a protocol for managing and reporting any: (I) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); (ii) complaint; (f) failure to comply with statutory requirements; (g) a protocol for periodic review of the plan. *Note: the Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans*	Management Plans required under this consent were reviewed and approved by DPE.	Management Plans required under this consent contain the required detail of this condition.	Compliant
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN				
C2.	The Applicant must prepare a Construction Environmental Management Plan (CEMP) in accordance with the requirements of Condition Cl .	Management Plans required under this consent were reviewed and approved by DPE.	Management Plans required under this consent contain the required detail of this condition.	Compliant
C3.	As part of the CEMP required under Condition C2 of this consent, the Applicant must include the following: (a) Construction Flora and Fauna Management Plan (see Condition B3) (b) Construction Soil and Water Management Plan (see Condition B13); (c) emergency response procedures in the event of flooding or bushfire (as required under Condition B20); (d) Construction Traffic Management Plan (see Condition B2B); and (e) Construction Noise and Vibration Management Plan (see Condition B34).	Management Plans required under this consent were reviewed and approved by DPE.	Management Plans required under this consent contain the required detail of this condition.	Compliant
OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN				
C4.	The Applicant must prepare an Operational Environmental Management Plan (OEMP) in accordance with the requirements of **Condition Cl.**			Not triggered
C5.	As part of the OEMP required under Condition C4 of this consent, the Applicant must include the following: (a) describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the development; (b) describe the procedures that would be implemented to: (I) keep the local community and relevant agencies informed about the operation and environmental performance of the development; (ii) receive, handle, respond to, and record complaints; (iii) resolve any disputes that may arise; (iv) respond to any non-compliance; (v) respond to emergencies; and (c) include the following environmental management plans: (I) flora and fauna management (as required under Condition Bl 1) (ii) emergency response procedures in the event of flooding or bushfire (as required under Condition B20); (iii) Water Management Plan (see Condition B22).			Not triggered
C6.	The Applicant must: (a) not commence operation until the OEMP is prepared; and (b) operate the development in accordance with the OEMP (as revised from time to time).			Not triggered
REVISION OF STRATEGIES, PLANS AND PROGRAMS				
C7.	Within three months of: (a) the submission of an incident report under Condition C9; (b) the approval of any modification of the conditions of this Consent; or (c) the issue of a direction of the Planning Secretary under Condition A2(b) which requires a review, the strategies, plans and programs required under this consent must be reviewed and submitted to the Planning Secretary.	Noted, none of these elements were applicable for the audit period. Interview with Council Engineer: The Project had measures in place to respond to document revisions as required (SMEC Consultants). Interview with Stage 5 construction contractor environmental representative: Document revision and review procedure in place (company	Although not applicable for the audit period, a document review and resubmission to DPE process (as needed) was confirmed.	Compliant
C8.	If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review. *Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.*	Noted, as above	Noted, as above	Compliant
REPORTING AND AUDITING				
Incident Notification, Reporting and Response				
C9.	The Department must be notified in writing to compliance(öplanning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification requirements must be given and reports submitted in accordance with the requirements set out in Appendix 3.	Incident Register, no reportable incidents for the audit period. Stage 5 CEMP includes this requirement in Environmental Non-Compliance and Incident Procedure	No environmental incidents for the audit period	Compliant
Non-Compliance Notification				
C10.	The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance.	No Environmental NCRs noted for Stages 1 - 4. Stage 5 CEMP includes this requirement in Environmental Non-Compliance and Incident Procedure	No environmental incidents for the audit period	Compliant
C11.	A non-compliance notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.			Compliant
C12.	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.			Compliant
Compliance Reporting				
C13.	Construction Compliance Reports and a Pre-Operational Compliance Report of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) or any revision as in force from time to time.	There was no evidence that compliance reports have been prepared.	It is noted that the letter received from Secretary "The Compliance PAR 2020 removes the requirement for construction compliance reporting however the CR PAR is to be read in conjunction with the IA PAR which requires an independent audit to be conducted within 12 weeks of the commencement of construction and at intervals no greater than 26 weeks from the date of the initial audit."	Not-compliant
C14.	The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.			Not triggered

ACCESS TO INFORMATION				
C15.	At least 48 hours before the commencement of construction until the completion of all works under this consent, including rehabilitation, the Applicant must: (a) make the following information and documents (as they are obtained or approved) publicly available on its website: (i) the documents referred to in Condition A2 of this consent and the final layout plans for the development; (ii) all current statutory approvals for the development; (iii) all strategies, plans and programs required under the conditions of this consent; (iv) regular reporting on the environmental performance of the development in accordance with the reporting requirements in any plans or programs approved under the conditions of this consent; (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; (vi) contact details to enquire about the development or to make a complaint; (vii) the Compliance Reporting of the development; (viii) any other matter required by the Planning Secretary; and (b) keep such information up to date, to the satisfaction of the Planning Secretary.	Stage 1 clearing commenced May 2020, ESC website archives were viewed and content on Council's website dated 3 August 2020 included Latest News>> June 2020>>> however not all of the information / documents required under this condition were made available on ESC website (and therefore not made available at least 48 hours before commencement of construction). The ESC website didn't (nor does currently) it include monitoring results required by the management planning documents (a-iv and a-v). Further, the ESC wesbite doesn't explicity list contact details to make a complaint - the Shire's Project Engineer contact details are listed for further details about the Project, who would be capable to lodge a complaint, however this detail is not expressly evident.	Archived webpage information from 2020, didn't list the required detail 48 hours prior to the commencment of construciton as per (a-i) through (a-v). Subsequent to this, the website hasn't complied with conditon (b), with website details as of May 2023 not including updated detail as per (a-iv) and (a-v).	Not-compliant
Appendix 2: Applicant's Revised Management and Mitigation Measures				
1. Environmental Management				
1.1 CEMP	A CEMP would be prepared to detail the approach to environmental management during construction, as described in Section 20.1.1 and in accordance with the conditions of approval.	CEMPs prepared for all Stages of the project, reviewed and approved by DPE		Compliant
1.2 CEMP	The CEMP would include a number of sub plans identified in the safeguards and management measures and include: • Traffic management plan • Flora and fauna management plan • Aboriginal heritage management plan • Noise and vibration management sub plan • Construction erosion and sediment control plan • Air quality management plan • Bush fire management plan • Landscape management plan.	Subplans identified in the parent CEMP management measures have been prepared, reviewed and approved by DPE - where applicable (i.e. not every stage has this full suite of managemnt plans required to be prpared, e.g. Stage 1 TMP and NVMP not required as per written directed from DPE).		Compliant
1.3 CEMP Review	DPI Fisheries requests the opportunity to review and provide comment on the: Construction Environmental Management Plan; Erosion and Sediment Control Plan; and Flora and Fauna Management Plan. DPI Fisheries to be provided with advance notice of the submission of the CEMP for review, as a one week turnaround is required for the Principal Contractor to meet the delivery timeframe.	Fisheries comments considered in revisions of subject management plans and documented in Consultation/ Revision sections of said management plans where relevant.		Compliant
1.4 OEMP	An OEMP would be prepared to describe operational safeguards and management measures identified. The plan would provide a framework for establishing how these measures would be implemented and who would be responsible for their implementation. The plan would be prepared prior to operation and must be reviewed and certified by Council prior to the commencement of any operational work. The OEMP would be a working document, subject to ongoing change and updated as necessary to respond to specific requirements. The OEMP would include: • a description of activities to be undertaken during operation . • an environmental risk analysis to identify the key environmental performance issues associated with the operation phase • statutory and other obligations that the proponent is required to fulfil during operation, including approvals, consultations and agreements required from authorities and other stakeholders under key legislation and policies • roles and responsibilities for relevant employees involved in operation, including relevant environmental training and induction requirements incident and contingency management procedures • details of how environmental performance would be managed and monitored to meet acceptable outcomes, including what actions would be taken to address identified potential adverse environmental impacts			Not triggered
2. Water resources and geomorphology				
2.1 Flooding	A Hydrology and Consequence Assessment would be carried out to inform the detailed design. Consideration of mitigation measures would be carried out in consultation with the relevant local authorities (e.g. NSW State Emergency Service) to ensure that flood related outcomes are consistent with floodplain risk management. This would be detailed in the Dam Safety Emergency Plan.	Hydrology and Consequence Assessment provided in Appendix C of EIS for use in detailed design.		Compliant
2.2 Flooding	Flooding Construction planning would consider flood risk for all compounds and work sites. The site layout and staging of construction activities would avoid or minimise obstruction of overland flow paths and limit the extent of flow diversion required	Site inspection: site compound and ancillary facilities situated at crest of the valley avoiding obstruction of overland flow. Project office occupies existing dwelling on the site further limiting the extent of overland flow diversion required. Works staged in five discreet stages further minimising overlaid flow diversion required.	The site layout and staging of construction activities avoids/ minimises obstruction of overland flow paths and limits the extent of overland surface water flow diversion required	Compliant
2.3 Hydrology	Hydrology Measures to further avoid and minimise the construction footprint will be investigated during detailed design and implemented where practicable and feasible.	Interview with Council Engineer: water storage supply (dam) was designed to hold 3ML of water, based on usage requirements. Statement on Pg 65 of design report details a compromise between optimisation of design regarding bank steepness, and stability. Height of dam and therefore footprint of inundation area is defined by requirement for 3GL storage capacity, which was optimised through strategic planning phase of project.	Complaint	Compliant
2.4 Hydrology	Additional assessment of scour potential would be undertaken as necessary during the detailed design. This would include the development of appropriate mitigation measures.	Final design reviewed, gully, outlet and spillway scour protection mitigation measures provided for (DWGs 3270, 3290, 3300)	Mitigation measures for scour protection detailed in design.	Compliant
2.5 Hydrology	Works within or near watercourses would be undertaken with consideration given to the DPI Water's guidelines for controlled activities.	The project (through DPE reviewed and approved management plans viewed at time of audit) in conjunction with site inspection of TRIPS, considers DPI Waters guidance for controlled activities: "to protect and enhance water flow, water quality, stream ecology and existing riparian vegetation. Impacts on the hydrologic, hydraulic and geomorphic functions of a watercourse should also be minimised. Consultation with relevant government agencies at the concept stage of development and during the design phase is recommended so that good outcomes can be identified, planned for and achieved. The design and construction footprint and the extent of disturbances within waterfront land should be minimised." (amongst other measures)	Works near watercourses have been undertaken with consideration of DPI Water's guidelines for controlled activities.	Compliant
2.6 Water quality	Water quality control systems would be incorporated into the detailed design to ensure that relevant WQOs can be met during water discharge.	Water quality managements primarily for drinking water purposes through destratification. Design requires installation of the Remix 3000	Remix 3000 is incorporated into detailed design (water quality control system).	Compliant
2.7 Water quality	The current WQMSP will be revised (as necessary) and implemented during construction and operation of the proposal. The plan will specify: • sampling locations relevant to assessing potential impacts and / or the effectiveness o control measures the frequency of monitoring and sampling and the triggers for event-based monitoring / sampling • the monitoring and sampling methodology in accordance with relevant guidelines, an the parameters to be monitored and sampled • general and reactive management and mitigation processes • procedures addressing relevant matters specified in relevant legislation and guidelines.	Surface Water Quality Monitoring and Sampling Plan (Rev D, 2022) available at time of audit.		Compliant
2.8 Water quality	Erosion and sediment mitigation measures would be installed and maintained for the duration of the construction period.	ESCPs reviewed for Stages 1 through 4 detail installation and maintenance measures. Contractor Monthly Reports also reference weekly inspections and ESC maintenance activity (as applicable for that month). Progressive ESCPs reviewed for Stage 5.		Compliant
2.9 Water quality	Discharges would be monitored to ensure compliance with WQOs and discharge criteria in the environment protection licence.	Soil and Water Management Plans for each Stage prepared, reviewed and approved by DPE. Stage 5 SWMP Section 6.1.4, Section 6.1.7, Section 7.3 and the Stage 5 SWQMP. Noting that discharge criteria in the EPL wasn't triggered for the audit period.		Compliant

2.10 Water quality	During construction a coffer dam will be in place to cater for medium level events and a sediment and erosion control plan in place to minimise risks of sediment-laden water escaping from the site.	coffer dam under construction. ESCPs provided		Compliant
2.11 Water quality	Several temporary sediment basins (suited to Type D dispersive soils) are proposed to be located in the main storage construction footprint. The location of the basins is down-gradient of ground disturbance areas. These would be operated as 'wet basins' which are designed to retain sediment laden water for extended periods allowing adequate time for the gravitational settlement of fine sediment particles. These basins would rely on chemical dosing to assist flocculation; the basins would not be drained until suitable water quality is obtained. Discharge from the sediment basins to the environment would only occur during: • Uncontrolled discharges following significant wet weather events leading to basi overflow via spillway (incidental frequency) •Controlled discharges following treatment of sediment basin water (periodic frequency).	site inspection, stage 5 SWMP Section 6.1.4 Section 6.1.7, Section 7.3 Daily rainfall records - no above design/ significant rainfall events occurred during auditable period. Eurobodalla BOM n/a		Compliant
2.12 Water quality	The coffer dam would be constructed early in the program, upslope of the main embankment and is designed to capture and divert stormwater runoff (up to approximately 32 megalitre capacity, suited for flood capacity design criteria of 1 in 10 Annual Exceedance Probability) for the duration of construction. The coffer dam is designed to facilitate up-gradient 'clean water' diversion through the site.	site inspection, coffer dam construction underway		Compliant
2.13 Water quality	Discharge of water temporarily stored in sediment basins and/or the coffer dam to the Tuross River would, where practicable, be avoided or minimised through practical reuse such as for on-site dust suppression, irrigation, or discharged to vegetated swales, which would act as a natural filter.	Interview with Council Engineer: sediment basin water used as dust suppression (construction water), Contractor Monthly Reports for stages 1 - 4 that detail dust management measures/ water cart activity. Stage 5: SWMP and ESCPs reviewed, water carts in operation observed (although the observation was outside the audit period), this compliant process was actively visible.4		Compliant
2.14	Sediment basins would discharge soon after rainfall events, avoiding discharges during periods of low flows. Treatment of sediment basins would commence soon after rainfall events using chemical dosing (coagulants and/or flocculants) using either an automatic or manual chemical dosing system. Prior to treatment, jar testing would be used to determine the chemical dosing requirements of the sediment basins.	SWMP and ESCPs for all stages reviewed. Interview with Council Engineer and Stage 5 construction contractor env. Rep: gypsum used as required		Compliant
2.15 Water quality	The water quality of 'clean water' would be maintained through implementation of appropriate erosion and sediment controls and staged vegetation clearing in upslope areas. The coffer dam outlet will connect to the diversion pipe constructed through the base of the embankment, diverting 'clean' flow through the site to the outlet works.	noted, the project has been designed as such		Compliant
2.16 Water quality	Discharges would not occur during the construction of in-stream features within the Tuross River (i.e. intake pump structures). Temporary in stream structures (i.e. temporary coffer dam) would be constructed in accordance with the NSW DPI policy and guidelines and dewatering activities designed to avoid re-enter the waterway.	n/a	design reviewed	Compliant
2.17 Water quality	Water quality impacts from uncontrolled discharges (i.e. significant wet weather) would be reduced by ensuring adequate size, location and operation & maintenance requirements of the temporary sediment basins. This includes: • Sizing of the basins would account for a minimum of 5-day rainfall depth, 80th percentile rain events in accordance with published guidelines for extended construction period (> 6 months) • A series of Progressive Erosion and Sediment Control Plans (PESCP) would be prepared which detail construction sediment basin location and sizing with respect to each individual construction stage • Nomination of an environmental representative on site to complete audits and monitor PESCPs. Independent audits would be carried out by a soil conservationist or accredited erosion and sediment control professional • Operation and maintenance of sediment basins would refer to available guidance within the industry practice (e.g. Blue Book, 2004 and IECA, 2018).	SWMPand associated ESCP prepared for all sage sof the project and basin sizing requirements upheld via review and approval of sch plans by DPE	Erosion and Sediment Control Plans for the Stages contain this detail/	Compliant Compliant
2.18 Water quality	The storage would have continuous de-stratification equipment in place to ensure that water is consistently mixed to avoid issues of de-oxygenated water.	Design drawings reviewed, destratification system incorporated in to design.	design - aeration system 3000.	Compliant
2.19 Water quality	Discharge by either the spillway or outlet works (if it occurs) would have erosion protection (i.e. stabilised outlets consisting of rock rip rap) to reduce water velocities and minimise the risk of additional erosion downstream of the storage.	design drawings reviewed: spillway with stabilised outlet consisting of rock rip rap		Compliant
2.20 Water quality	Water quality impacts from controlled discharges would also be reduced by monitoring adequate selection, dosing and management of chemical coagulants and flocculants. This includes: • Consideration would be given to the selection of suitable chemical coagulants and/or flocculants by the contractor's environmental representative. Reference would be made to Safety Data Sheets for Environmental safeguards • chemical specific ecotoxicity information. The use of biodegradable products and/or non-hazardous would be considered first preference. Chemical dosing and operation of discharges from sediment basins would be managed by suitably qualified and experienced persons. A detailed plan for management, storage and use of chemical coagulants and/or flocculants would be prepared as part of PESCPs • Operation and maintenance of sediment basins would refer to available guidance within the industry practice (e.g. Blue Book, 2004 and IECA, 2018).	SWMPs contain this information (EPA involvement in the selection of coagulants selected provided in appendixes as relevant for each Stage)	No controlled discharges for the audit period.	Compliant
2.21 Sand slug Tuross River	Council will review the need for mitigation works and management of the Tuross River channel, in particular the movement of the sand slug, to ensure it does not encroach on and impact the pumping infrastructure based on previous experience associated with the operation of original intake pump station that had been in operation since the 1950's.	Interview with Council Engineer: this will be included in the Operations Plans. Design S-scour monitoring to ensure intake is effective. Low risk. Once operation, dam will stop well before low flow, so there will be enough/ decent flow.	Condition understood to be compliant when this is applicable	Compliant
2.22 Inlet Screen	DPI recommends that self-cleaning meshed screens are installed around the inlet structure to mitigate the uptake of fish and minimise the uptake of larvae and eggs.	Design reviewed and TRIPS designed as such, approved by DPI		Compliant
2.23 Water flows	Water extraction will be in accordance with the Tuross River WSP	Interview with Council Engineer: this would form part of The Operations Plan, noting the Water Supply Storage project has been developed with specific consideration of the Tuross River WSP.	noted	Not triggered
2.24 Temporary structures	Temporary in stream structures will be constructed in accordance with the NSW structures DPI policy guideline and will: • avoid spanning the full width of the waterway channel • be inserted during low-flow periods with management plans being submitted to NSW DPI detailing how high flow events will be managed. Dewatering of temporary in-stream • NSW DPI is to be notified 7 days prior to any dewatering activities to organise potential fish rescue activities. A separate s.37 permit may be required from NSW DPI to relocate • water is to be pumped a minimum of 30 m away from the waterway and should preferentially not re-enter the waterway. If water is to re-enter the waterway, ANZECC	SWMP reviewed by DPE and approved for Stage 2 (TRIPS) provided this detail, however construction methodology re-worked such that activates were form a barge.	TRIPS (Stage 2) was built of a barge therefore these elements, although provided for by mitigation measures in approved management plans, where not applicable	Compliant
3. Biodiversity				
3.1 Biodiversity - construction	A Flora and Fauna Management Plan will be prepared and implemented as construction part of the CEMP. It will include, but not be limited to: • plans showing areas to be cleared and areas to be protected, including exclusion zones, protected habitat features and revegetation areas • pre-clearing survey requirements • procedures for unexpected threatened species finds and fauna handling • procedures addressing relevant matters specified in the Policy and guidelines for fish habitat conservation and management (DPI Fisheries, 2013).	Flora and Fauna Management Plans were reviewed and approved by DPE for all Stages of the project.	Flora and Fauna Management Plans were reviewed and approved by DPE for all Stages of the project.	Compliant
3.2 Biodiversity - construction	Measures to further avoid and minimise the construction footprint and native vegetation or habitat removal will be investigated during detailed design and implemented where practicable and feasible.	Stage 2: Construction methodology rationalised and works were undertaken off a barge. Disturbance to Tuross River banks and overall disturbance footprint reduced. Stage 5: Design drawings: Statement on Pg 65 of design report details a compromise between optimisation of design regarding bank steepness, and stability. Height of dam and therefore footprint of inundation area is defined by requirement for 3GL storage capacity, which was optimised through strategic planning phase of project.		Compliant
3.3 Biodiversity - construction	Biodiversity offset requirements would be finalised during detailed design based construction on the revised construction footprint. A Biodiversity Offset Strategy would be developed during detailed design to address the obligations identified in the EIS.	BOS reviewed and approved by DPE November 2021		Compliant

3.4 Threatened flora/EEC management	As part of the Flora and Fauna Management Plan (FFMP), a management sub-plan will flora/ EEC be produced to establish pre-construction and construction mitigation measures management to minimise the impacts on River plains EEC.	FFMP reviewed and approved by DPE	approved by DPE so assume so	Compliant
3.5 Threatened flora/EEC management	Monitoring water quality during construction will be evaluated for potential flora/ EEC impacts to on threatened species and EEC, and corrective measures applied in management consultation with Council.	Noted, water quality results were consistently +/- 20% of background (or significantly less). results essentially analogous with background.		Compliant
3.6 Impacts in retained native vegetation adjoining the construction footprint	Pre-clearing surveys are to ensure exclusion zones (at the construction footprint boundary) are established prior to vegetation clearing.	Relevant management plans for the stages (FFMP) includes this detail as mitigation measures. SITE inspection: Stage 5, this was activity visible in the field with No Go (exclusion) zones established.		Compliant
3.7. Establishment and spread of invasive species and pathogens	The Flora and Fauna Management Plan will include a Weed and Pathogens Management Sub-plan which will include, but not be limited to: • weed management controls for construction and post-construction (if required) • protocols to prevent introduction or spread of *Phytophthora cinnamomi* • protocol to manage vehicle cleaning in accordance to reduce the potential for spread of noxious weeds, plant pathogens or animal diseases into retained forested habitats.	FFMPs for the Stages reviewed and approved by DPE		Compliant
3.8 Impact on native fauna and their habitat	The Flora and Fauna Management Plan is to describe a process for: • pre-clearing surveys • supervision of vegetation clearing by a suitably qualified fauna ecologist/spotter • fauna handling including the capture of any injured fauna or fauna that does not naturally relocate, and identifying suitable services for the treatment of injured fauna, for example a local vet or local wildlife carer • identifying opportunities for further minimisation of native vegetation removal when developing construction methodologies, in order to retain the maximum amount of habitat for native fauna possible.	FFMPs for the Stages reviewed and approved by DPE, further pre-clearance survey reports viewed for Stage 1, Stage 3, Stage 4 and Stage 5	approved by DPE	Compliant
3.9 Impact on native fauna and their habitat	The Flora and Fauna Management Plan will: • identify hollow-bearing trees for retention and establish exclusion zones and their habitat which will be mapped and clearly marked out on site prior to construction commencing • outline a staged approach to habitat removal of hollow-bearing trees and other established/ prominent trees that cannot be retained • include a nest box strategy would be implemented prior to vegetation removal.	FFMPs for the Stages reviewed and approved by DPE	approved by DPE	Compliant
3.10 Impact on fish passage	Ensure that fish passage is not blocked during construction. If blockage cannot passage be avoided, gain a permit from Fisheries prior to undertaking any activities that will cause blockage.	Construction methodology rationalised for TRIPS construction (Stage 2) and works were undertaken from a barge. Disturbance to Tuross River banks and overall disturbance banks and watercourse reduced/ removed.		Compliant
3.11 Aquatic biodiversity	Monitoring protocols, if required, will be approved by NSW DPI and must include rigorous experimental designs to allow for thorough statistical analysis, including adequate numbers of control sites, replication and consideration of temporal changes where relevant.	not undertaken		Compliant
3.12 Temporary structures	Temporary in stream structures will be constructed in accordance with the NSW structures DPI policy guideline and will: • avoid spanning the full width of the waterway channel • be inserted during low-flow periods with management plans being submitted to NSW DPI detailing how high flow events will be managed Dewatering of temporary in-stream structures should follow the following guidelines: • NSW DPI is to be notified seven days prior to any dewatering activities in order to organise potential fish rescue activities. A separate s.37 permit may be required from NSW DPI to relocate fish • water is to be pumped a minimum of 30 m away from the waterway and should preferentially not re-enter the waterway. If water is to re-enter the waterway, ANZECC water quality guidelines need to be adhered to with the proponent being required to submit a detailed water quality monitoring program.	Construction methodology rationalised for TRIPS construction (Stage 2) and works were undertaken from a barge. Disturbance to Tuross River banks and overall disturbance banks and watercourse reduced/ removed.		Compliant
3.13 Removal of large woody debris	Should any large woody debris be required to be removed the following large woody debris management guidelines would be followed in accordance with the removal of debris large woody debris from NSW rivers and streams Prime Fact 11 (DPI 2005b): • lopping (trimming) should be considered as a first option; • instream realignment should be considered as the next option; • if realignment is unfeasible, relocation within the river channel is preferable to removal; • removal should be considered as a last resort; . • and removal/relocation of snags would be undertaken so as to cause the least disturbance to the bed or nearby sensitive aquatic habitat. An aquatic ecologist shall be present on site when working with snags that require lopping, realignment, relocation and/or removal	Construction methodology rationalised for TRIPS construction (Stage 2) and works were undertaken from a barge. Disturbance to Tuross River beds and banks/ overall disturbance to the watercourse reduced/ removed.		Compliant
4. Socio-economic				
4.1 Anxiety and uncertainty over property impacts and changes	A Community and Stakeholder Engagement (CSE) Plan will be prepared for the uncertainty over proposal and be inclusive of: • a Construction Communications Plan, identifying when communication impacts and would occur, to whom, the method of communication and timing. Changes • outlining the dedicated service and scope of assistance to be provided to landowners, residents and businesses with the effects of property acquisition and the relocation process. This would be prepared with reference to the NSW Government Land Acquisition Reform 2016.	CEMPs for all stages were reviewed and approved by DPE, noting that this condition is "not applicable to this CEMP" in question for all the stages. CSE prepared for Stage 5.		Compliant
4.2 Proposal communications	The Construction Communications Plan will be prepared and will include (as a communications minimum): • mechanisms to provide details and timing of proposed activities to affected residents, businesses and community facilities, including, but not limited to, changed traffic and access conditions, vegetation clearing • contact name and number for complaints • a complaints-handling procedure and register.	CSE prepared for Stage 5 contains this detail	CSE prepared for Stage 5 contains this detail	Compliant
4.3 Property acquisition and relocation issues	Council would: • identify and categorise affected landowners, residents and businesses and relocation the nature of assistance that may be required issues • establish communication protocols, including an acquisition hotline, requirements for English as a second language assistance with negotiations and communications.	Interview with Council Engineer: none identified nor affected	Not applicable for the audit period	Compliant
4.4 Business and industry impacts	On-going communication and consultation will occur with local business owners located close to construction works about the timing, duration and likely impact of construction activities and to identify appropriate measures to manage potential impacts. A project hotline will be established as a direct contact for businesses to consult with	not applicable		Compliant
4.5 Community values and amenity	Local residents would be notified at least five days prior to works commencing and would be kept regularly informed of construction activities during the amenity construction process.	Stage 1: Provision of notice to local residents of proposed Stage 1 – TRIPS site clearing activities at least 5 days prior to commencement of activities specified within NVMP for Stage 1. Stage 2: At least five days prior to works commencing and regularly during construction, consult with local residents. Stage 3: notice to local residents of proposed construction activities provided at least 5 days prior to commencement of activities. Stage 4 allowed for potentially affected residences to be informed by letterbox drop of the construction works including working hours to be adhered to, and the level and duration of noise to expect during construction. Stage 5 At least 14 days prior to construction, all potentially affected residences will be informed by letterbox drop and/or email of the construction works including working hours to be adhered to, and the level and duration of noise to expect during construction. They will also be informed if there are any changes to construction activities and timing, including out of hours work.	Documented evidence of these notifications was not readily available at the time of audit. This is in part due to Stages 1 to 4 being complete and demobilised, and Council procedure for record retention during Covid 19 pandemic whilst Council staff where working from has not been established. As all stages have commenced now, although a Non-Compliance with this condition, it is regarded as low risk given the updates made to residents (via direct letters and website information) were frequent and regular, in conjunction with no community complaints regarding noise (or at all) have been reported for this project (nil actual impact).	Not-compliant

4.6 Impact of noise on local amenity	The affected community will be consulted regarding the proposed noise mitigation measures for construction.	The EIS was placed on public exhibition between 7 September to 18 October 2018 on the DP&E major projects web site where the project is listed. The EIS Section 13.5 describes the noise mitigation measures for construction. The six week public exhibition period commenced the day after the publication by DP&E of an exhibition notice in the Eurobodalla Shire Independent Thursday newspaper on 6 September 2018. Hard copies of the EIS were available at the following locations: • Moruya Library – Vulcan Street, Moruya • Batemans Bay Library – Hanging Rock Place, Batemans Bay • Narooma Library – Field Street, Narooma • Eurobodalla Shire Council administration building, Moruya. It was also available on Council's website. A community information session was held at Eurobodalla Shire Council Chambers, Vulcan Street Moruya, on Thursday 20 September between 4pm and 8pm. Submissions were invited via use of an online form on the DP&E web site or by written submission to the DPE. No community submissions were made.		Compliant
4.7 Visual impacts	Further opportunities to increase landscaping opportunities to minimise the visual impact of the proposal would be explored during detailed design.	Interview with Council Engineer: Visual amenity considerations will be further refined during the pre-Operations phase and management plan development. The focus would largely been form the river vantage point as the remainder of the project is generally inconspicuous set back form the road and within an otherwise forested valley.		Compliant
5. Aboriginal heritage				
5.1 General Aboriginal impacts	A construction Aboriginal heritage management plan will be prepared for the project. The plan would provide details of management measures and procedures to be carried out during construction to minimise and manage impacts on Aboriginal heritage, and includes an unexpected finds procedure.	AHMP approved by DPE		Compliant
5.2 Awareness of Aboriginal heritage and legislative obligations	Aboriginal cultural awareness training for all relevant staff and contractors would be carried out prior to commencing work onsite. All relevant staff, contractors and subcontractors will be made aware of their legislative statutory obligations for heritage under the National Parks and Wildlife Act 1974. obligations	site inspection: inductions register and induction material viewed		Compliant
6. Historic heritage				
6.1 General historic heritage impact	While impacts to historic heritage items are considered unlikely, the following protocol for unexpected finds would be undertaken in accordance with the requirements of the NSW Heritage Manual (OEH, 1996):	noted, no historical heritage items located during the audit period (or at all at the time of audit)		Compliant
	• should an item of historic heritage be identified, works in the vicinity of the find would cease. The Heritage Division (NSW Office of Environment and Heritage) would be contacted prior to further work being carried out in the vicinity of the find.	noted, no historical heritage items located during the audit period (or at all at the time of audit)		Compliant
7. Traffic and transport				
7.1 Construction traffic impacts	A Construction Traffic Management Plan (TMP) would be prepared prior to traffic impacts construction and would be included in the CEMP. The TMP would: • identify the traffic management requirements during construction • describe the general approach and procedures to be adopted when producing specific traffic control plan • identify designated parking areas for construction workforce • determine temporary speed restrictions to ensure safe driving environment around work zones, including on unsealed roads, and at major intersections (e.g. Nerrigundah Mountain Road and Eurobodalla Road) • identify any high-risk periods (such as during school bus operations), and whether delivery to site, and material haulage can be undertaken outside of these hours • identify opportunities to stagger heavy vehicle arrivals to site (e.g. use of minimum headways between arriving haul trucks), to avoid the potential for heavy vehicle convoys arriving on site • identify and provide temporary works, such as for site access, turn-around bays, parking areas for heavy vehicle dwelling, and minor site distance clearing around local road intersection sites (e.g. at the access points to the construction site) • provide temporary warning and advisory signposting, such as during periods of material haulage, and at major intersections (e.g. Nerrigundah Mountain Road and Eurobodalla Road), where there will be increased traffic activity • where practical, program deliveries of construction plant and materials (such as over-mass and over-dimension vehicles) outside peak traffic periods • identify steps to minimise construction traffic, such as car-pooling by construction staff to site regularly • review and modify the TMP (such as at changes of construction stages), to ensure the TMP remains valid and appropriate • document communication protocols amongst heavy vehicle operators, such as when approaching higher risk areas. This could be through the establishment of a call point system, whereby call point signage is erected on the approach to higher risk areas, such as the intersection of Nerrigundah Mountain Road and Eurobodalla Road, or the single lane Tuross River (Tyrone) bridge, and access points to the construction site • maintain access to private properties (and liaise with property owners), particularly that off Bullockys Hut Road, which may be used as a site access • identify a contact person (and phone number) for liaison and complaints, by project stakeholders and the community. Consultation with various stakeholders will also be undertaken in the development and periodic review of the Construction TMP, including: • ensuring all relevant requirements from emergency service providers are included, including from NSW Rural Fire Service, NSW Ambulance Service and NSW Police • consultation with the respective road authorities including Roads and Maritime Services and Eurobodalla Shire Council • consultation with other relevant parties including school bus operators • periodic notification of construction activities and changes in traffic control arrangements would be publicly notified, including through local newspapers, community noticeboards, and through a letter box drop off for residents in proximity to the construction site as appropriate. Detailed traffic control plans would be developed for each construction phase. These would include: • provision for emergency services passage through construction zones. • Only accredited traffic controllers would be permitted to prepare and implement traffic control plans.	TMP for Stages 1- 5 reviewed and approved by DPE		Compliant
7.2 Impacts to local roads during construction	Council will undertake a photographic inspection of local roads, and undertake roads during a pre-dilapidation survey of local road pavements before construction commences, in order to document the state and condition of local roads. Periodic surveys will be undertaken during construction activities to identify any road damage, with road damage to local roads being repaired by Council as soon as practical. The construction contractor will also monitor the incidence of mud tracking off the construction site and onto local roads, and will sweep or clean local roads to minimise mud tracking. The contractor will preferably install controls to minimise the incidence of mud-tracking in the first instance, such as by use of grids at site access points. Construction personnel will also be encouraged to report road hazards and road damage	Interview with Council Engineer: Council undertook photographic evidence on a periodic basis (phots available to be viewed as evidence), undertaken by Council maintenance team.		Compliant
7.3 Impacts to local roads during operation	Council will develop a traffic plan to show the new storage access road for roads during maintenance purposes which will be provided to the rural fire service.	Operation Phase		Not triggered
8. Noise and vibration				
8.1 Construction noise and vibration	A Construction Noise and Vibration Management Plan (NVMP) will be prepared and implemented as part of the CEMP. The NVMP will generally follow the approach in ICNG (DECC, 2009a) and will consider the following as a minimum: • identify nearby residences and other sensitive land uses • develop noise management levels consistent with the ICNG • assess the potential impact from the proposed construction methods • where management levels are exceeded examine feasible and reasonable noise mitigation and develop associated noise monitoring program • develop reactive and proactive strategies for dealing with any noise complaints • identify a site contact person to follow up complaints.	NVMP for Stages 1- 5 reviewed and approved by DPE		Compliant

8.2 Construction hours	• where feasible and reasonable, works would be undertaken within ICNG hours recommended working hours • where works are required to be undertaken outside of recommended working hours, an Out of Hours procedure as described in the NVMP must be followed and all appropriate approvals would be obtained prior to works, and all affected receivers would be notified of the works • noisy activities that cannot be undertaken during standard construction hours would be scheduled as early as possible during the evening and/or night-time periods • any out of hours works would comply with the Roads and Maritime Construction Noise Guidelines.	Works carried out within required operating hours. Interview with Construction Contractor environmental representative: OOHW for Saturday afternoons, however this was outside the audit period.		Compliant
8.3 Construction noise and vibration	All relevant noise and vibration management measures would be incorporated into site inductions for all employees, contractors and sub-contractors. The environmental component may be covered in toolboxes and should include •relevant licences and approval conditions •permissible hours of work •location of nearest sensitive receivers • construction employee parking areas •designated loading/unloading areas and procedures •site opening/closing times.	Stage 5 Project induction and Environmental management includes this detail		Compliant
8.4 Construction noise and vibration	The environmental induction program would include specific noise and vibration noise issues awareness training including, but not limited to, the following • avoiding use of radios during work outside normal hours • avoiding shouting and slamming doors • where practical, operating machines at low speed or power and switching off when not being used rather than left idling for prolonged periods • minimising reversing • avoiding dropping materials from height and avoiding metal to metal contact.	Stage 5 Project induction and Environmental management includes this detail		Compliant
8.5 Construction noise and vibration	All plant and equipment is to be maintained to ensure optimum running noise and conditions, with periodic monitoring	daily prestart and contractor monthly reports Stages 1- 4 that reference weekly inspections, that include plant prestart.		Compliant
8.6 Construction noise and vibration	Consider construction compound layout so that primary noise sources are at a noise and maximum distance from sensitive receivers (primarily residential receivers), with solid structures (sheds and containers) placed between sensitive receivers and noise sources (and as close to the noise sources as is practical).	noted, utilising existing house		Compliant
8.7 Construction noise and vibration	• locate compressors, generators, pumps and any other fixed plant as far from residences as possible and behind site structures. • alternatives to reversing alarms would be considered for site compound equipment subject to OHS compliance requirements and risk assessments. • avoid and limit the use of engine compression brakes at night and in residential areas • delivery times would be scheduled, where feasible, to the recommended construction hours to minimise noise impacts from heavy vehicle movements.	Fixed plant have been located far from residential dwellings, the site compound and associated facilities (where these items are situated) is some hundreds of metres away form the nearest sensitive receivers. squawkers no night works, non-residential landscape delivery times have only been permissible during operating hours, as the site is locked.		Compliant Compliant Compliant Compliant
8.8 Construction noise and vibration	• use quieter and fess noise/vibration emitting construction methods, where feasible and reasonable • vibration plant and equipment would be selected to ensure only necessary size and power plant and equipment are used • plant used intermittently would be throttled down or shut off when not in use • simultaneous operation of noisy plant within discernible range of a sensitive receiver is to be limited/avoided where possible • the offset distance between noisy plant and adjacent sensitive receivers is to be maximised where practicable. • noise-emitting plant to be directed away from sensitive receivers where possible. • stage work to limit high noise impacts to sensitive receivers.	NVMP reviewed, complaints registers viewed, Contractor Monthly Reports viewed: Noise impacts from the development were assessed based on the assumption that simultaneous operations of plant and equipment were underway at the nearest locations to the relevant sensitive receptors. There is a low to nil probability that all plant and machinery operating simultaneously, within the proximity to each residential receiver, would have occurred. Actual construction noise levels would be less than those predicted, due to this fact. Irrespective, these mitigation measures were listed in the NVMP for applicable stages. Contractor Monthly Reports from the audit period didn't note any noise complaints (or complaints at all), attesting to noise mitigation measures being sufficient/ complied with to render noise impacts not being an issue for local residents.		Compliant
8.9 Construction noise and vibration	The following approach would be adopted with regard to noise monitoring noise and procedures during the construction works: • where potential noise impacts are predicted to be 20 to 30 dB(A) above the RBL, the potential construction noise nuisance is considered to be moderate. Noise monitoring would be carried out to confirm predicted noise impacts within two weeks of commencement of construction. Feasible and reasonable noise reduction measures would be investigated, where necessary. • where potential noise impacts are predicted to be more than 30 dB(A) above the RBL, the potential construction noise nuisance is considered to be high. All feasible and reasonable noise control measures would be implemented prior to the commencement of the noisy activity.	not applicable for the auidt period (criteria not exceeded)		Compliant
8.10 Blasting noise	A blast management plan will be developed prior to construction. The blast management plan will include: • limiting criteria . • identified blast sensitive receivers • performance indicators • monitoring protocols roles and responsibilities • blasting controls protocols for community consultation, incidents and complaints • contingency protocols • reporting requirements	not triggered for audit period		Not triggered
8.11 Blasting vibration	The blast management plan will consider the following with regard to vibration overpressure and ground vibration: restriction of blasting to between the hours of 9.00am to 5.00pm Monday to Fridays, except Public Holidays blast monitoring and inspection including: - blast monitoring at key sensitive sites - trial blasts to assist in the development of "site laws" based on monitoring data.	not triggered for audit period		Not triggered
9. Soils, contamination and spoil management				
9.1 Erosion and sedimentation	A construction erosion and sediment control plan (ESCP) will be prepared for the proposal in accordance with the principles and practices detailed in Managing Urban Stormwater: Soils and Construction (the Bluebook) (Landcom, 2004), Volume 2D: Main Road construction (DECC 2008). The ESCP would form part of the CEMP and would be supported by a qualified and experienced soil conservationist.	CEMPs/ SWMP reviewed and approved by DPE for Stages 1 - 5		Compliant
9.2 Erosion and sedimentation	The ESCP will contain as a minimum the following elements: • site specific ESCMP, including detailed consideration of staging and management at • identification of site conditions or construction activities that could potentially result in erosion and associated sediment runoff • methods to minimise potential adverse impacts of construction activities on the water quality within surrounding waterways • details of measures to minimise any adverse impacts of sedimentation on the surrounding environment • details of measures to minimise soil erosion caused by all construction works including clearing, grubbing and earthworks • details of measures to make site personnel aware of the requirements of the SWMP by providing information within induction, toolbox and training sessions • details of the roles and responsibilities of personnel responsible for implementing the SWMP • details of measures for the inspection and maintenance of construction phase water treatment devices and structures • details of water quality monitoring.	CEMPs/ SWMP reviewed and approved by DPE for Stages 1 - 5 which contained the ESCPs		Compliant
		SWMP for Stages 1 -5 reviewed and approved by DPE, Consultation sections within these documents referenced liaising with DPI Fisheries and NSW Office of Water as relevant.		Compliant
9.4 Management of contaminated wastes	• additional assessment will be undertaken for soils requiring off-site disposal to ensure the correct waste classification is determined. Excavated material waste that is not suitable for on-site reuse or recycling, such as contaminated material should be transported to a site legally able to accept that material • a classification system will be used to control the excavation, stockpiling and disposal of all potentially contaminated materials. Soils should be classified (where possible) in-situ • if groundwater is encountered during construction, it will be managed and disposed of in accordance with legislation.	These measures are identified in the CEMPs/ SWMP for Stages 1 -5, however were not encountered for the audit period.		Compliant Compliant Compliant

9.5 Risk of spills and leaks	• vehicles and machinery will be properly maintained to minimise the risk of fuel/oil leaks. Routine inspections of all construction vehicles and equipment should be undertaken for evidence of fuel/oil leaks • all fuels, chemicals and hazardous liquids will be stored within an impervious bunded area in accordance with Australian standards and EPA guidelines • any on-site refuelling will occur in a designated area with impervious surfaces.	CEMP and subplans (reviewed and approved by DPE) identify these requirements as mitigation measures. Further, no environmental incidents for the audit period suggest storage of chemicals from 2020 through to February 2023 was adequate. Contractor Monthly Reports	pre-start checks, mobile refuelling with drip trays	Compliant
9.6 Construction dewatering	Any dewatering activities will be undertaken in accordance with the Technical dewatering Guideline: Environmental management of construction site dewatering (RTA, 2011 b) in a manner that prevents pollution of waters.	These measures are identified in the CEMPs/ SWMP for Stages 1 -5, however dewatering was not required for the audit period.		Compliant
9.7 Waste management	A waste management plan would be developed as part of the CEMP and will management take into account the waste hierarchy.	CEMPs and associated subplans reviewed and approved by DPE for Stages 1 - 5.		Compliant
9.8 Waste management	Waste management will be incorporated into the operational management plan management	noted		Not triggered
10. Bushfire planning and management				
10.1 Bushfire	A Hazard and Risk Management Plan (HRMP) will be prepared and implemented as part of the CEMP. The Rural Fire Service will be consulted to determine the appropriate level of management measures and the catchment perimeter roads for construction and operation will be accessible for the Rural Fire Service. The HRMP will include, but not be limited to: • details of hazards and risks associated with the activity including bushfire management • measures to be implemented during construction and operation of the storage facility to minimise these risks • record keeping arrangements, including information on the materials • present on the site, material safety data sheets, and personnel trained and authorised to use such materials • a monitoring program to assess performance in managing the identified risks • contingency measures to be implemented in the event of unexpected hazards or risks arising, including emergency situations. The HRMP will be prepared in accordance with relevant guidelines and standards, including relevant Safe Work Australia Codes of Practice, and EPA, Rural Fire Service or Office of Environment and Heritage publications.	DPE reviewed and approved CEMP's for all stages of the Project. Stage 5 CEMP contains Emergency Response & Evacuation Plan, which appears to include most requirements of this condition. Site interview with primary construction contractor and ESC project engineer note RFS consulation via on site meeting		Compliant
11. Greenhouse gas and climate change				
11.1 Greenhouse gas emissions	Greenhouse gas emissions - Equipment will be properly maintained to ensure it is operating efficiently.	Contractor Monthly Reported reviewed for Stages 1 -4, weekly inspections (inclusive of prestart checks) noted; maintenance logs for service vehicles section in monthly reports		Compliant
11.2 Impacts to the proposal as a result of climate change	Opportunities to increase the resilience of the water storage facility to the impacts of climate change would be investigated during detailed design where possible, as new information about the impact of climate change on drainage structures becomes available. The review would aim to identify materials that are less susceptible to degradation impacts of climate change	Interview with Council Engineer, accelerated carbonation tests for concrete undertaken during concrete trial mixes for dam outlet tower/bridge structures. This was done to determine durability of concrete, as atmospheric carbon increases.	Opportunities to increase the resilience of concrete structures to (with the aim they may be less susceptible to degradation from increased carbon in the atmosphere) was undertaken by Council during concrete trail mixes.	Compliant
11.3 Impacts of the proposal on climate change	The construction contractor is to include consideration of the following as a minimum to minimise the potential for GHG emissions: • preferential use of local materials (where feasible and practicable) to reduce quantities of fuel consumption associated with material transportation • delivery of materials with full loads where feasible • ensure that all plant and vehicles are maintained regularly to maintain fuel efficiency • seek opportunities to reduce the quantity of construction materials used through innovative design and construction methodologies • where reasonable and feasible, procure recycled content road construction and maintenance materials such as recycled aggregates in road pavement and surfacing (including crushed concrete, granulated blast furnace slag, glass, slate waste and fly ash). This measure forms part of RMS' implementation of the NSW Government's 'Waste Reduction and Purchasing Policy' (WRAPP).	Stages 1-4): Interview with Council Engineer, local clay used in construction, water used from sediment basins for construction water (dust management) as opposed to freighting water in from Bodalla, intake water used as potable water quality water for cutting/ grinding activities. Stage 5): Interview with Construction Contractor Environmental representative: local clay used in construction, water used from sediment basins for construction water (dust management) as opposed to freighting water in from Bodalla. Stages 1-4): Interview with Council Engineer, material deliveries for the stages of work within the audit period are private companies supplying the required material. As part of freighting process loads would be full as it is not financially viable enterprise to send half loads. Stage 5): Interview with Construction Contractor Environmental representative: Haslin operates under Environmental & Sustainability Policy (SEQ-POL-002) that identifies "• Considering whole of life environmental, social and economic aspects throughout project design, procurement and construction • Applying best practice environmental solutions to the design and construction of building and infrastructure and supporting the principles of Ecologically Sustainable Development. • Managing resources and waste efficiently identifying opportunities to reduce our environmental footprint, minimize and recycle waste, and use recycled and low impact materials, minimizing risks in our supply chain" site inspection, maintenance logs Stages 1-4): Interview with Council Engineer, design was rationalised to require a smaller footprint than the EIS identified/ assessed. This meant less vegetation clearing (less impact and less construction activity), combined with the main construction material for audit period being fill (soil). A reduction in area required to construct the water supply storage (dam) saw a reduction in materials. Interview with Council Engineer, paucity of recycled material reasonably and feasibly available to procure was noted.	Local materials such as clay used in construction of the water supply storage (dam) Full loads generally freighting practice (cost prohibitive to send partial loads) newer model plant and machinery with reasonable fuel efficiency. Process for vehicle/ plant pre0sarts that captures smoke/ emissions design report, less material. Less clearing area than predicted. Dirt main material, design rationalised. Procuring and transporting recycled road materials (e.g. Boral's Innovo product) proved to be non-feasible (unreasonable) due to transport costs and carbon mileage calculations in conjunction with the small amount of ashplant required for the Project.	Compliant
12. Air quality				
12.1 Air quality	Display the name and contact details of person(s) accountable for air quality and dust issues on the site boundary. This may be the environment manager/engineer or the site manager.	site inspection - photograph of this displayed on front entry gate	Front entry signage contains this information for Haslin (Stage 5), Stage 5 works were commenced during the audit period (i.e. before 13th February 2023).	Compliant
12.2 Air quality	A Dust Management Plan will be prepared and implemented as part of the CEMP. The DMP will include, but not be limited to: • potential sources of air pollution and dust • air quality management objectives consistent with any relevant published EPA and/or OEH guidelines . • mitigation and suppression measures to be implemented • methods to manage work during strong winds or other adverse weather conditions • a progressive rehabilitation strategy for exposed surfaces	AQMP for all stages viewed and approved by DPE		Compliant
12.3 Air quality	Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.	no complaints received during audit period (or at all at time of reporting) relevant to airy quality/ dust concerns		Compliant
13. Landscape character and visual impact				
13.1 Landscape character and visual impact	A Landscape Management Plan (LMP) will be prepared during the detailed design phase of the project and implemented as part of the CEMP. The LMP will present an integrated landscape and urban design for the project, providing practical detail on the application of design principles and objectives identified in the environmental assessment. The Plan will include design treatments for: • location and identification of existing vegetation and proposed landscaped areas, including species to be used, density and size • hydro mulch seed mix designs and locations • built elements including any retaining walls and bridge walls • fixtures such as lighting, fencing and signs • details of the staging of landscape works taking account of related environmental controls such as erosion and sedimentation controls and drainage • procedures for monitoring and maintaining landscaped or rehabilitated areas.	Landscape Mazement Plan has not been prepared	Council have not prepared a Landscape Management Plan to date, it is their intention that such requirements are reflected in the Project's Rehabilitation Plan. Recommend DPE approval for this change is pursued by Council (with associated level of justifiable reasoning).	Not-compliant
13.2 Visual impacts of construction activates	To reduce the potential visual impact of construction activities: • work sites will be left tidy at the end of each work day • where appropriate, fencing material attached (e.g. shade cloth) will be provided around the construction compound to screen views from adjoining properties	CEMPs for all stages include these mitigation measures. In addition, no complaint received from the community regarding the project		Compliant

	• lighting for night-time work will comply with relevant Australian Standards, including AS4282-1997 (Control of the obtrusive effects of outdoor lighting).			
13.3 Operational	Vegetation will be maintained to reduce visual impacts from the road	noted, visual impacts from operations are predicted to be minimal due to the existing set back nature of site layout and existing house being utilised for site compound.		Not triggered
13.4 Potential cumulative construction traffic impacts	The Construction TMP for the proposal will be prepared with consideration for cumulative other nearby road upgrade project traffic management plans if still being construction implemented. A coordinated approach to traffic management between the traffic impacts nearby projects will be adopted to minimise travel time and congestion impacts on road users.	TMPs for Stages 1 - 5 reviewed and approved by DPE		Compliant
APPENDIX 3 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS				
WRITTEN INCIDENT NOTIFICATION REQUIREMENTS				
1	A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under Condition C9 or, having given such notification, subsequently forms the view that an incident has not occurred.	No notifiable incidents during the audit period. Stage 5 CEMP includes an Environmental Non-Conformance and Incident Procedure which includes these requirements.		Compliant
2	Written notification of an incident must: a. identify the development and application number; b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident); c. identify how the incident was detected; d. identify when the Applicant became aware of the incident; e. identify any actual or potential non-compliance with conditions of consent; f. describe what immediate steps were taken in relation to the incident; g. identify further action(s) that will be taken in relation to the incident; and h. identify a project contact for further communication regarding the incident.	No notifiable incidents during the audit period. Stage 5 CEMP includes an Environmental Non-Conformance and Incident Procedure which includes these requirements.		Compliant
INCIDENT REPORT REQUIREMENTS				
3	Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.	No notifiable incidents during the audit period. Stage 5 CEMP includes an Environmental Non-Conformance and Incident Procedure which includes these requirements.		Compliant
4	The Incident Report must include: a. a summary of the incident; b. outcomes of an incident investigation, including identification of the cause of the incident; c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and d. details of any communication with other stakeholders regarding the incident.	No notifiable incidents during the audit period. Stage 5 CEMP includes an Environmental Non-Conformance and Incident Procedure which includes these requirements.		Compliant

Appendix D Photos (representative selection)

Stage 5: NO GO Zone delineated, stabilised drain and mulched groundcover (as per FFMP and ESCP)

Required signage on boundary (front) fencing


Intersection upgrade works (complete)

Stage 5: Site compound spill kits and hazardous materials container

Stage 5: Site compound waste management

Stage 2: Tuross River Intake

Sand Slug in Tuross River

Appendix E Consultation

DOC23/555049

Ms Olivia Merrick
Principal Environmental Compliance
NGH Consulting
Unit 17, Level 3, 21 Mary Street
Surry Hills NSW 2010
26 May 2023

By email: olivia.m@nghconsulting.com.au

Dear Ms Merrick

Eurobodalla Southern Water Supply Storage Construction Site- EPL 21767 Independent Environmental Audit

I refer to your email regarding input to the Independent Environmental Audit of Eurobodalla Southern Water Supply Storage Construction Site at Eurobodalla Road, Bodalla, NSW 2545.

The Environment Protection Authority (EPA) encourages independent audit towards proponents improving their environmental performance. We do not provide input as our role is to set environmental objectives for environmental and conservation management and to manage outcomes.

I refer you to the EPA's public register http://www.epa.nsw.gov.au/prpoeo/index.htm where you can search for regulatory activity undertaken by the EPA for Environment Protection Licence 21767 for Eurobodalla Southern Water Supply Storage construction.

However, the EPA recommends that the audit should include the review and assessment of sediment and erosion control at the premises and water quality impacts in detail. As the receiving environment for the project is the Tuross River, which forms part of the high conservation value Batemans Bay Marine Park, the EPA considers that a high standard of sediment and erosion controls be implemented and maintained to protect the NSW Water Quality Objectives of Tuross River and Tuross Lake during construction. Therefore, it would be valuable to assess these areas closely in your audit.

Thank you for discussing the matter with the EPA. If you have any questions or wish to discuss the matter further, please contact Nirmala Dharmarathne on (02) 6229 7002 or at info@epa.nsw.gov.au.

Yours sincerely

Matthew RIZZUTO
Unit Head
Regulatory Operations Regional

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

TTY 133 677, then ask for 131 155

Locked Bag 5022
PARRAMATTA
NSW 2124

6&8 Parramatta Square 10 Darcy Street
PARRAMATTA NSW 2150

info@epa.nsw.gov.au
www.epa.nsw.gov.au
ABN 43 692 285 758

Appendix F Independence Statement and Auditors CVs

6. Appendices

Appendix A – Declaration of Independence Form Template

Declaration of Independence - Auditor
Project Name: Eurobodalla Southern Storage
Consent Number SSD 7089
Description of Project Off river water storage dam adjacent to Tuross River
Project Address Lot 3 DP 438839 + Lot 2 DP 1168581 + Unamed Lot Bullockys Hut Road and Big rock Road Bodalla
Proponent: Eurobodalla Shire
Date 28/4/2023

I declare that:

i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;

ii. I do not have any pecuniary interest in the project, proponent or related entities.Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;

iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;

iv. I am not an Environmental Representative for the project; and

v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of and

b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Proposed Auditor: Natascha Arens

Signature 

Qualification RABQSA Exemplar Global lead environmental auditor BAppSc MBEM

Company: NGH PTY LTD

6. Appendices

Appendix A – Declaration of Independence Form Template

Declaration of Independence - Auditor
Project Name: Eurobodalla Southern Storage
Consent Number SSD 7089
Description of Project Off river water storage dam adjacent to Tuross River
Project Address Lot 3 DP 438839 + Lot 2 DP 1168581 + Unamed Lot Bullockys Hut Road and Big rock Road Bodalla
Proponent: Eurobodalla Shire
Date 02/05/2023

I declare that:

i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;

ii. I do not have any pecuniary interest in the project, proponent or related entities.Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;

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b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Proposed Auditor: Olivia Merrick

Signature
Qualifications RABQSA (Exemplar Global) Leading Management Systems Audits [BSc Cons Biol, BEnvSc (Hons)]
Company: NGH PTY LTD

Natascha Arens

BAppSc, MB&EnvMgt

CEnvP, MEIANZ

GM – Operations

Natascha launched the Sydney Branch of NGH in 2006. She has around 30 years of professional experience in environmental management and impact assessment and began her career as an ecologist in South Eastern NSW.

She has worked in both the public and private sector in a number of senior management and policy roles. Natascha has a wealth of experience in environmental impact assessment for large infrastructure projects. She is an Exemplar Global Principal Environmental Auditor and has extensive auditing experience across a range of industries, with a focus on infrastructure. She has worked across a diverse range of environments from dry arid areas to alpine environments and subtropical areas.

The diversity of her planning experience coupled with her onsite and project management experience has equipped her with an excellent understanding of environmental issues, legislation and planning in regional and urban environments. Natascha gives clients assurance that NGH will use innovation and breadth of company history to drive sustainable outcomes for projects.

Natascha has a leading role in the operational performance of the company. Instigating improved environmental performance is something Natascha pursues with enthusiasm.

Tertiary Qualification

Southern Cross University, Lismore
Bachelor of Applied Science (Conservation Technology and Management) (1991)

University of Newcastle
Master of Business and Environmental Management (2006)

Professional Experience

GM Operations – NGH Pty Ltd

- Maintenance and compliance with the company Quality & OHS&R System
- Review and monitor major projects, including large Pacific Highway Upgrades, Princes Highway Upgrades, Water and energy infrastructure, M2 and M7 upgrades and maintenance, recreation spaces and masterplans, renewable energy projects and Biodiversity Strategies

Manager Environmental Technology Branch – RTA

- Management of the three sections within the branch (up to 18 full time staff)

KEY PROJECTS

Key Road Infrastructure

- Albion Park Rail Bypass
- Heathcote Road
- Empire Bay Road Upgrade
- M7 Motorway & M2 Motorway
- Bringelly Road Upgrade
- Camden Valley Way Upgrade
- Schofields Road Upgrade
- Bega Bypass
- Conjola Mountain – Princes Highway
- Karuah to Bulahdelah Bypass
- Bonville Bypass
- Nabiac Bypass
- Nepean River Green Bridge
- Karuah Bypass
- Liverpool to Parramatta Transitway
- Princes Highway Nowra
- Bangor Bypass
- Northern Hum Alliance
- Woomargama Bypass
- Albury Bypass

Marina's and Wharves

- Elizabeth Bay Marina
- Manly Ferry Wharf
- HMAS Platypus
- National Maritime Museum Wharf
- Balls Head Coal Loader Wharf – historic site
- Church Point Cargo and Ferry wharves
- Stockton Boat Harbour and Swing Mooring

Department of Planning approved independent auditor for:

- St Marys Intermodal
- Sutherland, Griffith Base, New Maitland & Bowral Hospitals
- Campbelltown Hospital redevelopment
- Albury Bypass Post approval
- Bangor Bypass Post approval

- Facilitate improvement of environmental management within the RTA
- Reviewing and overseeing major projects, including major freeway and Highway upgrades. Eg: M7 Motorway, Bulahdelah Bypass

Biodiversity and Sustainability Policy Officer – RTA

- Respond to ministerial enquiries.
- Comment on state and federal legislation changes
- Prepare policy on biodiversity and sustainability
- Prepare and implement RTAs Sustainability Action Plan
- Manage funding for Roadside Environment Committee
- Manage biodiversity related research projects

Environmental Officer, Environmental Projects Section – RTA

- Environmental Management Systems (EMS) auditing
- Preparation of Environmental Management Plans (EMP)
- Review of RTA environmental G specifications and procedures. Update the RMS EMS

Manager Environmental Projects Section (secondment) – RTA

- Maintain registers of projects, financial performance and provide reporting to the branch manager
- Marketing and promotions of services
- Expert Advisor for environmental assessments, management and planning including Pacific Highway Upgrades, and M7 Motorway

Environmental Officer, Environmental Assessments – RTA

- Management and Preparation of Environmental Impact Assessments including Review of Environmental Factors and EIS, including Robinvale Murray River Bridge replacement REF
- Preparation of Representation Reports, proposals and briefing documents, major projects included Liverpool to Parramatta Transitway and Karuah – Bulahdelah EIS and representations report

Environmental Consultant – NGH Pty Ltd

- Species impact statements, design and implementation of fauna and flora survey; Preparation of environmental assessment documents in areas where development may impact on the natural environment

Eden District Technical Officer, Threatened Species Unit – NSW NPWS

- Update Eden District Incident Action Plan; Implement and maintain fauna databases, TSU GIS management; Process data from field surveys, targeting endangered and locally significant fauna; Liaison and negotiation with NSW State Forest regarding data collection and exchange; Provide technical and professional advice to 33 landholders in preparing a Plan of Management for a Voluntary Conservation Agreement (VCA). Flora and fauna surveys

Additional Qualifications and Skills

- Exemplar Global Certified Environmental Management Systems Auditor (ISO 14001)
- Soil and water and erosion and sediment control training
- Certified Environmental Practitioner
- EIANZ Member
- Certificate II in Bush Regeneration
- Senior First Aid Certificate
- Certificate IV in Assessment and Workplace Training

Olivia Merrick

B. Env Sci (Honours)
Law Masters (Construction)

Principal Consultant – Environmental Management

Olivia is environmental management professional, experienced in leading teams to deliver environmental compliance excellence. She has over 20 years consulting, industry and public sector experience. She has delivered complex multidisciplinary projects for major infrastructure construction (rail, highway, pipeline, power transmission); and large-scale resources development (exploration; underground mining; upstream and downstream oil & gas) from a technical base that spans ecology, rehabilitation, acid sulfate soils, contaminated sites, erosion and sediment control and noise management. Olivia has supported clients across Australia.

Her breadth of experience covers heavily scrutinised construction projects. She has been responsible for environmental project management, leading project-scale Management of Change processes (project modifications/ amendments and cascading those to compliance initiatives), developing and implementing compliance tracking programs and establishing environmental management systems. Olivia has also worked extensively on site, developing practical solutions to achieve a best for project result.

Olivia has led audit teams for independent environmental audits in NSW and Western Australia, along with internal environmental due diligence reviews in Victoria and Queensland. She has vast experience in preparing pre-approval environmental assessment documentation; and post-approval Construction and Environmental Management Plans and sub-plans. She has held independent environmental representative roles, overseeing and reviewing the delivery of infrastructure projects against environmental management requirements. Oliva has managed and mentored large and diverse teams of environmental professionals. In her role as Principal Consultant (Compliance) at NGH, Olivia uses her expertise to assist the Environmental Management team to deliver environmental compliance excellence for our clients.

Tertiary Qualification

Murdoch University
Bachelor of Science (Environmental Science), Honours

Melbourne Law School
Law Masters (Construction), graduation expected 2024

KEY PROJECTS

Environmental Management

- Stewardship Maintenance Contract, Sydney West Zone (NSW). Environmental approvals for development, post-approval documentation (CEMP and subplans)
- Woolgoolga to Ballina (W2B) Pacific Highway upgrade New South Wales (WSP/ Transport for NSW). Environmental management for compliant site-based construction activities, post-approval documentation (CEMP and subplans)
- Wheatstone Liquified Natural Gas construction (W.A). Environmental project management, contractor CEMP and subplan approval, contractor Audits and inspections.
- Harcourt Modernisation water pipeline project (Vic). CEMP drafting and implementation, audits and inspections.
- Gladstone LNG Upstream - Roma Coal Seam Gas Compressor station construction (Qlnd). Lead environmental project management and compliance assurance for all construction activities, post-approval documentation (CEMP and subplans)
- Macedon Gas Plant - Onshore Domestic Gas Plant development (W.A.). Lead compliance assurance for all construction activities, post-approval documentation (CEMP and subplans)

Certifications

- Rail Industry Safety Induction (RSN00162392 100 –N.S.W.)
- National OHS General Induction Training – White Card
- Advanced (Level 3) First Aid certification (HLTFA402B)

Professional Experience

Environmental Impact Assessment and Planning

- Review of Environmental Factors (REF) for Transport for NSW – Environmental Manager for Galston Gorge slope remediation and culvert upgrade works. Extensive traffic management planning and community consultation (road closure and associated detour assessment); significant European heritage considerations (circa 1821 sandstone culverts); and biodiversity values (threatened flora species and fauna habitat)
- Review of Environmental Factors (REF) for Transport for NSW – Environmental Manager for Canoelands road upgrade. Extensive government and community consultation (crown lands).
- State Significant Infrastructure (SSI) – Transport for NSW, Pacific Highway Upgrade - Consistency Assessments for Portion D – Environmental Lead
- State Significant Infrastructure (SSI) – Transport for NSW, Ballina Bypass – Environmental Impact Assessment – Environmental Lead
- Petroleum Pipeline Lease (PPL) – Chevron, Wheatstone field – Environmental Impact Assessment – Environmental Lead
- Project Modifications (4) - Gladstone LNG (Qld) – Roma Field – Environmental Lead
- Environmental Impact Assessment (EIS) – Horizontal Directional Drilling and Onshore Pad - Macedon Gas Project – Environmental Lead
- Transmission Line Route Selection Studies and Options Analysis (W.A) – Environmental Manager
- Environmental Impact Assessment (EIS) - Highland Source Project (NSW) – Water pipeline route selection
- Review of Environmental Factors (REF) - Australian Nuclear Science Technology Organisation (NSW), Expansion Project – Environmental Manager

Environmental Representative

- Environmental Representative (ER) for the Coliban Water Harcourt Modernisation Project, Supply and installation of 45km of HDPE pipeline, transfer pump station construction, Vic.
- Support Environmental Management Representative (EMR) for Pacific Highway – Woolgoolga to Ballina, NSW
- Support Environmental Management Representative (EMR) for Pacific Highway – Ballina Bypass, NSW

Key Auditing Roles

- Environmental Audit of Portion C construction, Woolgoolga to Ballina Pacific Hwy Upgrade, NSW
- Environmental Audit of the Ballina Bypass construction, NSW
- Environmental Compliance Audit, Macedon Gas Plant construction, W.A.
- Environmental Compliance Audit, Wheatstone Gas Plant construction, W.A

Key Due Diligence reviews

- Environmental Due Diligence, Fairview Coal Seam Gas Hub, Qld
- Environmental Due Diligence, Roma Coal Seam Gas Hub, Qld
- Environmental Due Diligence, Coliban Water Pipeline, Vic.

NGH Pty Ltd

NSW • ACT • QLD • VIC

ABN 31 124 444 622 ACN 124 444 622

E: ngh@nghconsulting.com.au

GOLD COAST

2B 34 Tallebudgera Creek Road
Burleigh Heads QLD 4220
(PO Box 424 West Burleigh QLD 4219)

T. (07) 3129 7633

SYDNEY REGION

Unit 17, 21 Mary Street
Surry Hills NSW 2010

T. (02) 8202 8333

BEGA

Suite 11, 89-91 Auckland Street
(PO Box 470)
Bega NSW 2550

T. (02) 6492 8333

MELBOURNE

Level 14, 10-16 Queen Street
Melbourne VIC 3000

T: (03) 7031 9123

TOWNSVILLE

Level 4, 67-75 Denham Street
Townsville QLD 4810

T. (07) 4410 9000

BRISBANE

T3, Level 7, 348 Edward Street
Brisbane QLD 4000

T. (07) 3129 7633

NEWCASTLE - HUNTER & NORTH COAST

Level 1, 31-33 Beaumont Street
Hamilton NSW 2303

T. (02) 4929 2301

WAGGA WAGGA - RIVERINA & WESTERN NSW

35 Kincaid Street (PO Box 5464)
Wagga Wagga NSW 2650

T. (02) 6971 9696

CANBERRA

Unit 8, 27 Yallourn Street
(PO Box 62)
Fyshwick ACT 2609

T. (02) 6280 5053

SUNSHINE COAST

Suite 101, Level 2/30 Main Drive
Birtinya QLD 4575

(07) 4410 9000

WODONGA

Unit 2, 83 Hume Street
(PO Box 506)
Wodonga VIC 3690

T. (02) 6067 2533