

Director- Resource and Assessments
Department of Planning, Industry and
Environment
LOCKED BAG 5022
PARRAMATTA NSW 2124

APPLICATION

DE-2020/40

Date

22 June 2020

Dear Sir/Madam

Development	Eastern Gas Pipeline - Mod 1- Port Kembla Lateral Pipeline -SSI - 9973 - Mod - 1
Location	Lot 1 Springhill Road, SPRING HILL NSW 2500

I refer to your letter of 18 May 2020 notifying Council of the proposed Modification 1- Port Kembla Lateral Pipeline.

Council is generally supportive of the development and offers the following advice/recommended conditions of approval:

1. Development Engineering Conditions

Prior to Construction

- **Depth and Location of Services:** The depth and location of all services (ie gas, stormwater, water supply, sewer, electricity, telephone, traffic lights, etc) shall be ascertained and reflected on the Construction plans and supporting documentation.
- **Flood Level Requirements:** The following requirements shall be reflected on the Construction plans where above ground infrastructure is affected by mainstream flooding as identified in a Wollongong Council Catchment Wide flood study:
 - a) Any portion of the structure below the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 0.5 metres freeboard must be built from flood compatible materials. Where materials are proposed and not listed in Appendix B of Chapter E13 of the Wollongong DCP2009, relevant documentation from the manufacturer shall be provided demonstrating that the materials satisfy the definition of 'flood compatible materials' as stated in Chapter E13 of the Wollongong DCP2009.
 - b) The proposed structures shall be designed to withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 0.5 metres freeboard
- **Site Filling:** Where works are proposed in locations affected by mainstream flooding as identified in a Wollongong Council Catchment Wide flood study, no net filling within the floodplain is not permitted. No other increases in ground surface levels within the floodplain are permitted unless an equivalent compensatory volume is removed from the floodplain within the confines of the work area. This requirement shall be reflected on the construction plans.

- No Adverse Run-off Impacts on Adjoining Properties

The design of the works shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off.

- Road Occupancy Licence from RMS: Prior to any works commencing, the applicant shall obtain a road occupancy licence from the NSW Roads and Maritime Services in conjunction with Council's permit under Section 138 of the Roads Act 1993.

The contractor shall apply for a Road Occupancy Licence (ROL) from the RMS Traffic Operations Unit (TOU) prior to commencing work within a classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to commencement of work to process the Road Occupancy Licence.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RMS Project Manager.

- Works in Road Reserve – Major Works: Any occupation, use, disturbance or work on the footpath or road reserve for construction purposes, which is likely to cause an interruption to existing pedestrian and / or vehicular traffic flows requires Council consent under Section 138 of the Roads Act 1993. The application form for Works within the Road Reserve – Section 138 Roads Act can be found on Council's website. The form outlines the requirements to be submitted with the application, to give approval to commence works under the roads act. It is advised that all applications are submitted and fees paid, 5 days prior to the works within the road reserve are intended to commence. An application must be submitted must be obtained from Wollongong City Council's Development Engineering Team prior to any works commencing where it is proposed to carry out activities such as, but not limited to, the following:

- (a) Digging or disruption to footpath/road reserve surface;
- (b) Loading or unloading machinery/equipment/deliveries;
- (c) Installation of a fence or hoarding;
- (d) Stand mobile crane/plant/concrete pump/materials/waste storage containers;
- (e) Pumping stormwater from the site to Council's stormwater drains;
- (f) Installation of services, including water, sewer, gas, stormwater, telecommunications and power;
- (g) Construction of new vehicular crossings or footpaths;
- (h) Removal of street trees;
- (i) Carrying out demolition works.

Restoration must be in accordance with the following requirements:

All restorations are at the cost of the Applicant and must be undertaken in accordance with Council's standard document, "Specification for work within Council's Road reserve".

Any existing damage within the immediate work area or caused as a result of the work/ occupation, must also be restored with the final works.

During Works

- **No Adverse Run-off Impacts to Adjoining Neighbours:** The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

Prior to Use

- **Structural Soundness Certification:** Where above ground infrastructure is affected by mainstream flooding as identified in a Wollongong Council Catchment Wide flood study, a report from a suitably qualified and experienced structural engineer must be undertaken, prior to commencement of use. This report is required to verify that the structures can withstand the forces of floodwater, debris and buoyancy up to and including the highest adjacent 100 year flood level as determined by a suitably qualified civil engineer plus 0.5 metres freeboard.

2. Heritage Matters

Non-Aboriginal Heritage and historic archaeology is not addressed in the main report or in any of the constraints maps. It is not clear whether potential heritage impacts have been considered.

The route comes within close proximity to the listed archaeological site for the former Berkeley House (#6519) which it is noted a mapped as an irregular dot rather than being based on previous archaeological investigations. Therefore a Historic Heritage and Archaeological Due Diligence report should be requested.

- **Aboriginal Heritage**

The proposal is accompanied by an Aboriginal Due Diligence Report and archaeological survey prepared by Biosis.

The Report notes that a representative of the ILALC was present during the survey, however it is noted that broader community consultation is not required under the Due Diligence Code.

It is noted that the pipeline will predominantly follow the route of an existing pipe, which has been heavily disturbed during construction, except for in 4 areas. The area has been assessed a low archaeological potential and no further work is recommended.

- **Recommendations:**

The following additional information is sought from the applicant and that it is carefully considered in finalisation of assessment of the application:

1. A Historic Heritage and Archaeological Due Diligence Report should be requested;
2. The advice of the DPIE should be sought in relation to the Due Diligence Report provided;

3. The application should be notified (if it was not already) to the Local Aboriginal Community for comment and input to ensure the Cultural Significance of the area is properly considered in the assessment of the application.

Environment Matters

• Contamination

The Preliminary Site Investigation (Coffey, 16 March 2020) recommends the following:

- i. Confirm the likelihood, nature and extent of contamination along the proposed pipeline and provide recommendations for management/remediation if required.
- ii. Assess whether acid sulfate soils are present along the proposed pipeline in areas mapped as Class 5 for ASS, and provide recommendations for management of ASS, if required.

The recommended Detailed Site Investigation and Acid Sulfate Soils Assessment are to be undertaken prior to commencement of works and appropriate recommendations for management provided in accordance with relevant guidelines.

• Biodiversity

A Biodiversity Development Assessment Report (BDAR) has been undertaken for the project (Biosis, March 10, 2020)

The BDAR found that: *Field investigation, undertaken in accordance with the BAM, recorded three hectares of native vegetation within the study area, representing two threatened ecological communities. Avoidance of native vegetation, threatened ecological communities and threatened species habitat has been undertaken to restrict impacts to 0.37 hectares of native vegetation consisting of two Threatened Ecological Communities (TECs):*

- *0.04 hectares of Coastal Freshwater Wetlands on coastal floodplains of the New South Wales North Coast, Sydney Basin and South East Corner (Endangered, BC Act).*
- *0.33 hectares of Illawarra Lowlands Grassy Woodland in the Sydney Basin bioregion (Endangered, BC Act)*

No threatened species were recorded within the study area. As a result of impacts to native vegetation, and in accordance with Section 10.3 of the BAM, offsets are required to be secured for the proposed development (BDAR pg. vii).

The following deficiencies have been identified in the BDAR and shall be addressed:

- i. Native Vegetation Extent has not been satisfactorily mapped. Figure 3 shows significant discrepancies between mapped vegetation extent and actual vegetation extent, and is significantly out of alignment with the aerial photo. The BDAR is to be revised to include better aerial photo interpretation and assessment of vegetation extent.
- ii. The BDAR has not appropriately assessed and classified the planted native vegetation. Box 1 on pg15-16 of the *BAM Operational Manual - Stage 1* states that if the planted trees are native then they also must be considered as native vegetation and assigned to the most appropriate PCT. The BDAR is to be amended accordingly. Additional survey and assessment may be required.
- iii. Figure 4 is missing.
- iv. The BDAR has not satisfactorily outlined measure to avoid impacts, particularly to Illawarra Lowlands Grassy Woodland. Section 5.1.1 of the BDAR states: *“An area of 0.33 hectares of low condition Illawarra Lowlands Grassy Woodlands (PCT 838) will be removed for open trenching due to the*

required HDD within the public lands northeast of the Wollongong Lawn Cemetery.”, but does not say why it was unable to be avoided. There are large cleared areas immediately adjacent to these patches of vegetation, the proponent is to demonstrate that it has thoroughly considered modifying the path of the pipeline to avoid these patches. A clear description and assessment of all route options and relevant constraints that were considered, is to be included.

- v. The weather observations presented in Table 7 do not match with the weather observations for Albion Park on the BoM website.
- vi. An assessment of the potential for the pipeline to act as a weed, pest animal and pathogen movement corridor, and assessment of associated impacts along with a clear description of how this will be avoided, minimised and managed.
- vii. Illawarra Lowlands Grassy Woodlands is considered a SAI entity. This must be addressed by the BDAR in accordance with the BAM and *BAM Operational Manual - Stage 2*. Further ILGW is listed as Critically Endangered under the EPBC Act, which has not been considered.

Council trusts this information is of assistance and thank you for the opportunity to comment

This letter is authorised by

Vanessa Davis
Senior Development Project Officer
Wollongong City Council
Telephone (02) 4227 7111