

HEALTH INFRASTRUCTURE

Eurobodalla – Soil Conservation Works

Yuin Nation

Decision Statement for Review of Environmental Factors –
Prepared by Ethos Urban

19/01/2023

Version Number: 1

	Health Infrastructure
<i>DETERMINED – APPROVAL</i>	
REF Approval No: 05/2023	
Date: 03/02/2023	
Signed by: 	



Project Details

Project Name	Eurobodalla – Soil Conservation Works
Project Location	Princes Highway, Moruya - Lot 2 DP 1281576
REF Prepared by	Ethos Urban, dated 11/1/2023
Activity Description	<p>The undertaking of soil conservation works to facilitate the ongoing management of the greenfield lot. The proposed activity comprises the following:</p> <ul style="list-style-type: none">- Construction of three erosion and sediment basins, ranging between 507m² and 990m² in area.- Construction of an ancillary road into the site to facilitate construction access into the site.

Decision Statement

Based on the REF document, the Recommendation report and any other information and any advice from other relevant determining authorities:

- the proposed activity is not likely to have a significant impact on the environment and therefore an EIS is not required.
- the proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats or impact biodiversity values, meaning a SIS and/or BDAR is not required.
- the proposed activity may proceed subject to the mitigation measures in Schedule 1 below that are required to eliminate, minimise or manage environmental impacts.

Determination

Acting as a delegate of the Health Administration Corporation, and, in accordance with Section 5.5 of the *Environmental Planning and Assessment Act 1979*, having taken into account to the fullest extent possible all matters likely to affect the environment as a result of the proposed activity, and having regard to the Assessment Report, the Statement of Compliance and the Review of Environmental Factors prepared by Ethos Urban dated 11 January 2023, I hereby determine the Review of Environmental Factors by granting approval subject to the Mitigation Measures in Schedule 1 below.



3 February 2023

Rebecca Wark

Date

Chief Executive Health Infrastructure

Schedule 1

Mitigation measures

The following Mitigation Measures have been imposed to ensure that any development activity is carried out in accordance with the plans/documentation and any amendment approved under Part 5 of the *Environmental Planning and Assessment Act 1979*.

General measures

1. Development in Accordance with Plans and Documentation

The proposal must be carried out generally in accordance with the Review of Environmental Factors dated 11/01/2023 and prepared by Ethos Urban on behalf of NSW Health Infrastructure (including accompanying appendices A - Q) and generally in accordance with the following plans/documentation as modified below and by any of the under-mentioned measures:

Drawing Title	Drawing Ref	Revision	Date	Prepared by
Drawing Register and Locality Plan	DD-01-PW-501	B	November, 2022	Meinhardt Bonacci
Construction Notes	DD-01-PW-502	B	November, 2022	Meinhardt Bonacci
Sediment & Erosion Control Plan	DD-01-PW-507	B	November, 2022	Meinhardt Bonacci
Bulk Earthworks Plan	DD-01-PW-510	B	November, 2022	Meinhardt Bonacci
Bulk Earthworks Site Sections	DD-01-PW-521	B	November, 2022	Meinhardt Bonacci
Site Works Plan	DD-01-PW-530	B	November, 2022	Meinhardt Bonacci

2. Crown Certificate

A Certificate under Section 6.28 of the *Environmental Planning and Assessment Act 1979* is to be obtained prior to any work commencing.

3. Building Code of Australia

All building work is to be undertaken in accordance with the Building Code of Australia and referenced Australian Standards, including the requirements of AS 1428.1 General Requirements for Access.

4. Approvals

These conditions do not remove any obligation to obtain all other licences, permits, approvals and land owner consents from all relevant authorities and land owners as required under any other legislation for the Project. The terms and conditions of such licences, permits, approvals and permissions must be complied with at all times. A copy of all approvals is to be kept on site.

5. Long Service Levy

The Crown Certificate must not to be issued unless the Crown Certifier is satisfied the required levy payable under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid. The levy must be paid by the person liable, as specified in Section 38 of the *Building and Construction Industry Long Service Payments Act 1986*. For further information contact the Long Service Payments Corporation on their Helpline 131441.

6. Tree Management and Landscape

- 6.1 Trees not proposed to be removed are to be protected in accordance with AS 4970 -2009 Protection of Trees on Development Sites.

- 6.2 No building materials, builder sheds and the like are permitted to be stored under the canopy of existing trees.
- 6.3 Prior to Commencement of works, a Vegetation and Fauna Management Plan must be prepared by a suitably qualified ecologist and implemented throughout the course of the project.
- 6.4 Engage a Level 5 Qualified arborist to ensure and certify that tree protection measures are satisfactorily implemented and to provide advice as applicable. The arborist will inspect the site at least once every six months during construction, and once upon completion of construction.
- 6.5 Advice must be sought by an arborist wherever roots over 40mm diameter are encountered during excavation.
- 6.6 Engage a qualified ecologist to inspect hollow-bearing trees before they are removed.
- 6.7 Potential habitat trees are to be inspected for hollows by a qualified ecologist before removal.
- 6.8 Trees removed are to be replaced at a replacement ratio of at least 3:1, as detailed in the Arboricultural Impact Assessment and Prescribed Ecological Activity Report, both prepared by Abel Ecology and dated 13 December 2022.
- 6.9 All landscaping or gardening must use species that are native to the *Grassy Woodland in the Southeast Corner Bioregion* vegetation community.

7. Prior Notice of Category 2 Remediation Work

- 7.1 Where relevant, all required regulatory notifications and permits are to be obtained including Notification of Category 2 remediation Works to Council for the remedial work at least 30 days before the commencement of the work. Notice must be given in accordance with cl 4.13 of the *State Environmental Planning Policy (Resilience and Hazard) 2021*.

Prior to commencement of works

Note: The following Measures are to be complied with prior to the commencement of works on the subject site, and at other stages where stated.

8. Community Notification

- 8.1 Prior to commencement of work, the proponent must notify in writing Council and the occupier of any land within 40 metres of the boundary of the site works. The notification should outline the project, the expected timing for commencement and completion of construction works.
- 8.2 Complaints received prior to and during the undertaking of works shall be recorded and attended to promptly. On receiving a complaint, works shall be reviewed to determine whether issues relating to the complaint can be avoided or minimised. Feedback shall be provided to the complainant explaining what remedial actions were taken.
- 8.3 The proponent shall develop a complaints management system and record details of all complaints received and the means of resolution of those complaints. The Complaints Register shall be made available on request.
- 8.4 A site notice board must be located at the entrance or other appropriate location on the site in a prominent position and must including the following:
 - a. 24-hour contact person for the site;
 - b. Telephone, facsimile numbers and email addresses;
 - c. Site activities and time frames.
- 8.5 The site notice must be erected no less than 2 days prior to the commencement of works.

9. Geotechnical

- 9.1 Further geotechnical sampling and laboratory testing is to be undertaken to assess the suitability of the existing site soils for use in water retaining embankments used in the sediment basin construction.
- 9.2 All temporary excavations are to be inspected by the geotechnical engineers at not greater than 1.5m depth intervals and if there is any concern about the stability of excavations. The geotechnical engineers can provide specific advice during excavation. Geotechnical inspection of excavations is essential to identify any adverse defects present and to provide advice on stabilisation measures where required.
- 9.3 To avoid the need for completing engineered earthworks to construct the embankments for the sediment basins, basins should be designed as 'in-cut' only. Should embankments be required, these will need to be appropriately designed by the civil engineers or embankment designer, and the design must include earthworks and compaction recommendations, material types, and assessment of embankment stability. Further geotechnical and laboratory testing will be required to identify the suitability of existing site materials for embankment construction.

10. Contamination and Hazardous Materials

- 10.1 Either an Intrusive Acid Sulphate Soils (ASS) Investigation should be undertaken, or an ASS Management Plan should be implemented for the proposed soil conservation works, given that a small portion of the site is within an ASS risk area and this encroaches into the footprint of one of the sediment basins.
- 10.2 An unexpected finds procedure is to be included in an overarching Construction Management Plan (CMP) for the work, in the event that other contamination is encountered which have not been identified during this assessment.
- 10.3 Waste must be transported by an appropriately licensed transporter, and disposed to a facility that is licensed to receive that class of waste. It is recommended that this report is sent to the proposed receiving facility to confirm their acceptance of the material prior to off-site disposal. If the description of the soil differ from that described within, then further assessment for waste classification purposes may be required prior to off-site disposal.
- 10.4 SafeWork NSW is to be notified in accordance with the relevant policy prior to work involving asbestos material being undertaken.
- 10.5 Air monitoring devices shall be put in place, around the site, during the demolition. A qualified environmental hygienist shall be on site to supervise the work to ensure the safety of workers and the public are not compromised in anyway. Daily monitoring and results will be taken and analysed to ensure safe air quality levels ensue.

11. Dilapidation Report

Prior to construction, a dilapidation report is to be prepared for any assets within the zone of influence of the work.

12. Construction Management

A detailed Construction Environmental Management Plan (CEMP) is to be prepared prior to the commencement of works and implemented during the undertaking of works. The CEMP must be prepared having regard to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects (2020)* prepared by the Department of Planning and Environment, and is to include (where relevant), but not be limited to, the following:

- (a) Details of:
 - i. hours of work;
 - ii. 24-hour contact details of site manager;
 - iii. management of dust and odour;
 - iv. stormwater control and discharge;
 - v. measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
 - vi. any other specific environmental construction mitigation measures detailed in this REF;

- vii. any requirements outlined in any relevant approvals, permits or licences.
- viii. community consultation and complaints handling.

- (b) Construction traffic and pedestrian management plan;
- (c) Construction noise and vibration management;
- (d) Construction waste management, including contaminated waste;
- (e) Construction soil and water management;
- (f) Flood management;
- (g) Tree protection;
- (h) Air quality and dust management measures;
- (i) Demolition work plans;
- (j) Unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;
- (k) Unexpected finds protocol for historical heritage;
- (l) Unexpected finds protocol for contamination; and
- (m) Emergency Management Plan.
- (n) Training of responsibilities under *National Parks and Wildlife Act 1975*, *Heritage Act 1977* and any other relevant legislation.

13. Construction Waste Management Plan

- 13.1 A Construction Waste Management Plan shall be prepared by an appropriately qualified contractor prior to the commencement of works. The Waste Management Plan should be prepared in accordance with DECCW's "Waste Classification Guidelines (2008)" and the Protection of the Environment Operations Act 1997.
- 13.2 The Construction Waste Management Plan is to include the following requirements and details:
- a. The type and volume of all waste materials (e.g. excavation material, green waste, bricks, concrete, timbers, plasterboard and metals) is to be estimated prior to the commencement of works, with the destination for each waste identified. Waste should be re-used or recycled as much as practicable. Where not practicable, the location of a suitable waste disposal facility is to be identified.
 - b. Cleaning out of batched concrete mixing plant is not permitted within any construction compound.
 - c. Non-recyclable waste and containers are to be regularly collected and disposed of at a licensed disposal site. Frequency of collection should be identified.
 - d. No burning or burying of waste is permitted on the site.
 - e. Any bulk garbage bins delivered by authorised waste contractors are to be placed and kept within the property boundary.
- 13.3 The following mitigation measures will be implemented in order to prevent adverse impacts in relation to waste generated by the proposed works:
- a. No materials will be used in a manner that will pose a risk to public safety and waste generated from the proposed works will be recycled where possible.
 - b. Unnecessary resource consumption will be avoided.
 - c. Non-recyclable wastes will be collected and disposed of or recycled in accordance with Office of Environment and Heritage (OEH) guidelines.

14. Noise Management Measures

- 14.1 Identify feasible acoustic controls or management techniques (use of screens, scheduling of noisy works, notification of adjoining land users, respite periods) when excessive noise levels may occur.
- 14.2 For activities where acoustic controls and management techniques still cannot guarantee compliant noise levels, implement a notification process whereby nearby development is made aware of the time and duration of noise intensive construction processes.

15. Erosion and Sediment Control

- 15.1 Erosion and sediment controls will be implemented in accordance with the Landcom/ Department of Housing Managing Urban Stormwater, Soils and Construction Guidelines (the Blue Book) and ensure any water diversion or control outlets associated with the works do not result in scouring.
- 15.2 Works will only commence once all erosion and sediment controls have been established. The controls will be maintained in place until the works are complete and all exposed erodible materials are stable.
- 15.3 Erosion and sedimentation controls will be checked and maintained (including clearing of sediment from behind barriers) on a regular basis (including after any precipitation events) and records kept and provided on request.

16. Salinity

- 16.1 The aggressivity results of the soils and groundwater outlined in the Preliminary Salinity Assessment Result prepared by JK Environments should be reviewed and incorporated into the design of the proposal by the project team.
- 16.2 In the event that the proposed development includes excavation, crushing and re-use of excavated bedrock as fill on site as part of the development, the salinity/aggressivity conditions within the bedrock should be checked so that findings can be considered in the context of the earthworks and the built form of the development.

17. Services and Utilities

Prior to the commencement of works, any services and utilities that may be impacted by the works are to be appropriately relocated.

18. Construction Traffic Management

A Construction Traffic Management shall be prepared in consultation with Council prior to commencement of works.

19. Aboriginal Heritage – Archaeological Salvage

- 19.1 No work that “breaks the natural ground” on site is permitted to be undertaken under this approval until an Aboriginal Heritage Impact Permit (AHIP) with testing and salvage is obtained from Heritage NSW.
- 19.2 Undertake Aboriginal consultation and prepare an Aboriginal Cultural Heritage Assessment Report. Ongoing consultation with the Registered Aboriginal Parties (RAPs) identified in the Aboriginal Cultural Heritage Assessment Report prepared is to continue during the works.
- 19.3 Implement measures to actively manage and protect the three scarred trees on the site.
- 19.4 Undertake Archaeological salvage in consultation with the Cobowra Local Aboriginal Land Council, the South Coast People and other Registered Aboriginal Parties. A program of Aboriginal archaeological testing and salvage will be undertaken in association with the RAPs and in accordance with an approved AHIP in all areas where the natural ground surface will be disturbed.
- 19.5 At the completion of the excavations the relevant parties, including the RAPs, are to determine appropriate artefact management once the quantity and nature of the artefacts is known.
- 19.6 Prepare and implement an Interpretation Plan and Strategy which details the Aboriginal and non-Aboriginal history of Moruya and the site.

During construction/undertaking of work

Note: The following Conditions are to be complied with during the approved construction/the undertaking of works.

20. Construction Site Management

- 20.1 Construction site fencing is to be installed around the construction site. Vehicle and workforce access points and roads to the construction compounds are to be clearly designated and controlled for authorised access only. Vegetation clearance is to be minimised.
- 20.2 The worksite should be left tidy and rubbish free each day prior to leaving the site and at the completion of works.
- 20.3 The use and storage of hazardous materials and dangerous goods, including petroleum, distillate and other chemicals, shall be in accordance with the relevant legislation including, but not limited to:
- Protection of the Environment Operations Act 1997
 - Work Health and Safety Regulation 2017
 - AS 1940 The storage and handling of flammable and combustible liquids
 - Safe Work NSW Code of Practice – Managing Risks of Hazardous Chemicals in the Workplace.
- 20.4 All materials on-site or being delivered to the site must be wholly contained within the site. The requirements of the Protection of the Environment Operations Act 1997 are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.
- 20.5 The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.
- 20.6 All equipment and machinery should be secured against vandalism outside of working hours.
- 20.7 No batching plant is permitted on the site.
- 20.8 A copy of the approved and certified plans, specifications and documentation shall be kept on site at all times and shall be available for perusal by any officer of Council.
- 20.9 Any contractor(s) must meet all workplace safety legislation and requirements.
- 20.10 No vehicle maintenance is permitted in the demolition and construction areas except in emergencies.
- 20.11 Any loose material stockpiles are to be stored within the temporary construction compound(s) and are to be protected from possible erosion.

21. Erosion and Sediment Control

- 21.1 Disturbance of sediment during the construction phase of the development and the design management and implementation of pollution controls must be consistent with “Managing Urban Stormwater: Soils and Construction” (NSW Landcom, 2004), (Blue Book), and “approved Methods for the Modelling and Assessment of air pollutants in NSW (EPA)”.to ensure containment of sediment to the immediate work site.
- 21.2 All sediment control measures must be regularly inspected and cleaned out and/or repaired as necessary, and all collected silt disposed of appropriately. Stockpiles should also have adequate sediment control measures in place.
- 21.3 Erosion and control measures are not to be removed until disturbed areas have stabilised.

22. Air Quality and Dust Management

- 22.1 Spraying of paint and other materials with the potential to become air borne particulates is only to be undertaken on days with still or light wind conditions.

- 22.2 No burning of materials is permitted.
- 22.3 Dust generated during construction activities is to be controlled to avoid impact on surrounding properties
- 22.4 All necessary maintenance for construction vehicles and equipment is to be undertaken during the construction period.
- 22.5 Excessive use of vehicles and powered construction equipment is to be avoided.
- 22.6 Exposed areas are to be progressively revegetated as soon as practical.
- 22.7 Vehicle wash down areas are to be established to ensure all mud and soil from construction vehicles is not carried onto public roads.
- 22.8 All vehicles involved in any excavation and/or demolition and departing the site with demolition materials, spoil or loose matter must have their loads fully covered before entering the public roadway.
- 22.9 Vehicles, machinery and equipment will be maintained in accordance with manufacturer's specifications in order to meet the requirements of the Protection of the Environment Operations Act 1997 and associated regulations.

23. Services

- 23.1 All services and utilities in the area of construction must be appropriately disconnected and reconnected as required. The contractor is required (if necessary) to consult with the various service authorities regarding their requirements for the disconnection of services.
- 23.2 Where services are found not to be adequate to support the development they shall be appropriately augmented.

24. Traffic Management

Existing traffic access and arrangements should be maintained during construction as much as practicable.

25. Contamination (Unexpected Finds)

- 25.1 Should any new soil contamination information or contaminants be identified during the undertaking of works which have the potential to alter previous conclusions about site contamination, then the Managing Contractor and HI must be immediately notified and works must cease in the location of the contamination.
- 25.2 Works must not recommence until a suitably qualified contaminated land specialist (i.e. a Certified Environmental Practitioner) has investigated and assessed the category of the contamination in accordance with SEPP (Resilience & Hazards) 2021 and if required prepared a Remediation Action Plan (RAP) which details the necessary remedial work or management required to render the site suitable for the proposed development.
- 25.3 Following completion of the remediation, a Site Remediation & Validation Report (SRVR) which documents the completeness of the remedial work is to be submitted to HI and the EPA, if required.
- 25.4 Any contaminated materials or hazardous substances that need to be removed from site are to be classified first and then stored, transported and disposed of in accordance with EPA requirements at an EPA licensed waste facility.
- 25.5 Asbestos removal and management in NSW is regulated under the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017. The handling of asbestos work must be carried out in accordance with Safework Australia Code of Practice "How to Manage and Control Asbestos in the Workplace" February 2016, including being undertaken by contractors who hold a current Safework Asbestos or Demolition Licence and any other current Safework Licence required

- 25.6 If soils are to be disposed offsite during construction, they are required to be disposed in accordance with the waste classification, subject to additional sampling and analysis.
- 25.7 Construction works should not result in the contamination of the site.
- 25.8 A spill containment kit will be available at all times. All personnel will be made aware of the location of the kit and trained in its effective deployment.
- 25.9 The contractor shall develop a procedure for the management of acid sulfate material (ASM) including identification, testing and treatment of ASM encountered during the works and opportunities for reuse of treated ASM within the site.
- 25.10 Materials will be sourced from licensed quarries and operators. All materials will be certified uncontaminated and environmentally safe.

26. Noise and Vibration Management

- 26.1 All works will be in accordance with AS2436-1981: Guide to Noise Control on Construction, Maintenance and Demolition Sites.
- 26.2 Building contractors are to implement the requirements of the Office of Environment “Interim Construction Noise Guideline (July 2009)” as far as practicable.
- 26.3 Construction is to be carried out in accordance with the Building Code of Australia deemed-to-satisfy provisions with respect to noise transmission.
- 26.4 All reasonable, practicable steps are to be undertaken to reduce noise and vibration from the site.
- 26.5 Plant and equipment is to be maintained, checked and calibrated in accordance with the appropriate design requirements and to ensure that maximum sound power levels are not exceeded.
- 26.6 Plant and equipment (where possible) is to be strategically positioned on site to reduce the emission of noise from the site to the surrounding area, users of the site and on-site personnel.
- 26.7 Unnecessary noise is to be avoided when carrying out manual operations and operating plant.
- 26.8 Any equipment not used for extended periods is to be switched off.

27. Non Aboriginal Heritage

- 27.1 All personnel working on site will receive training in their responsibilities under the Heritage Act 1977.
- 27.2 If any item of European heritage is discovered during works, work shall cease immediately and the project heritage consultant, the relevant Council and/or Office of Environment and Heritage notified.
- 27.3 Work shall not recommence until the significance of the find is established.

28. Aboriginal Heritage

- 28.1 If suspected Aboriginal material has been uncovered as a result of development activities within the Project Area:
- work in the surrounding area is to stop immediately
 - a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site
 - an appropriately qualified archaeological consultant is to be engaged to identify the material, and

- if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010).
- 28.2 Should Human Remains will be located at any stage during earthworks within the Project Area, all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest police station, the relevant Local Aboriginal Land Council and the OEH Regional Office are all to be notified as soon as possible.
- 28.3 If Aboriginal cultural materials are uncovered as a result of development activities within the Project Area, they are to be registered as Sites in the Aboriginal Heritage Information Management System (AHIMS) managed by the OEH. Any management outcomes for the site will be included in the information provided to the AHIMS.
- 28.4 All effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent, OEH and the Aboriginal community.

29. Restriction on Hours during Construction

- 29.1 The undertaking of any construction activity on the subject site is to be limited to the following hours:
- Monday to Friday inclusive: 7.00am to 6.00pm
 - Saturdays: 8.00am to 1.00pm
 - Sundays and Public Holidays: No work permitted.
- 29.2 Entry and departure of vehicles from the site will be restricted to the imposed work hours.
- 29.3 Activities may be undertaken outside of hours in condition 29.1 and 29.2 if required
- By the police or a public authority for the delivery of vehicles, plant or materials; or
 - in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- 29.4 Consideration will be given to extending these hours to allow for specific work tasks on a case by case basis, subject to approval from Health Infrastructure being sought prior to this occurring and the assessment of any impact of this extension.

30. Access and pedestrian movements

- 30.1 Safe pedestrian access and movement to surrounding buildings and sites shall remain unimpeded at all times.
- 30.2 Appropriate signage and directional information shall be provided.

On completion of Works

Note: The following Conditions are to be complied with prior to commencement of operation of the facility.

31. Works as Executed

“Works as Executed” drawings are to be submitted to HI.

Advisory Notes

AN1 Project Compliance – DGN 40

Health Infrastructure (HI) is responsible for ensuring that the conditions of consent are complied with during the course of the delivery of the project. To ensure that HI is complying with its legal obligations, compliance with the requirements of DGN 40 – Compliance with Planning Approval Conditions is required.

AN2 Ancillary Road Removal

If no further development occurs on the site within 12 months from completion of the subject soil conservation works, the ancillary road is to be removed and the land is to be made good.