



Wingecarribee Shire Council Environmental Assessment Form

FRM-ENV-ALL-001

Old South Road – proposed shoulder widening and rehabilitation works

Final REF- Stage 1



ENVIRONMENTAL ASSESSMENT FORM

For Council Activities/actions within Wingecarribee Shire Local Government Area
under:

Part 5 of the *Environmental Planning Assessment Act 1979*;
Environment Protection and Biodiversity Conservation Act 1999; and
SEPP Sydney Drinking Water Catchment 2011

Introduction

1. [Part 5 Environmental assessment](#) of the [Environmental Planning and Assessment Act 1979](#) (EP&A Act) deals with activities that do not require consent under [Part 4](#) of the EP&A Act, and where an approval is required from a determining authority. These are often infrastructure proposals approved by local councils or State agencies. Part 5 provides for the environmental impact assessment (EIA) obligations of determining authorities to carry out, or approval of others carrying out activities. Part 5 does not apply to exempt or complying development. This form applies to the identification of exempt development and the assessment requirements under Division 5.1 of Part 5.
The [State Environmental Planning Policy \(SEPP\) Sydney Drinking Water Catchment 2011](#) applies to activities undertaken within the boundary of the Sydney Drinking Water catchment. Under this SEPP Public authorities are to consider whether a proposed activity to which Part 5 of the EP&A Act applies would have a neutral or beneficial effect on water quality. Public authorities are to use the [Neutral or Beneficial Effect on Water Quality Assessment Tool](#) (NorBE Tool) but are not required to obtain concurrence.

Council has a legal duty to consider environmental impact of activity

2. Although development consent under Part 4 may not be required, the environmental impacts of the proposal still need to be assessed. Environment is defined in s.1.4 of the EP&A Act as including 'all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings'.
3. When deciding whether to grant approval for an activity under Division 5.1, a determining authority is obliged under section 5.5 of the EP&A Act to examine all matters that affect or are likely to affect the environment because of the activity. The authority must take these into account 'to the fullest extent possible'.
4. Section [5.7](#) also requires the determining authority to determine whether an activity is likely to significantly affect the environment. If so, further EIA will be required to be prepared and considered by the determining authority.

What is an 'activity'?

5. For the purposes of Part 5 of the EP&A Act, an activity is defined as:
 - The use of land
 - The subdivision of land
 - The erection of a building
 - The carrying out of work
 - The demolition of a building or work
 - Anything else referred to in section 3.14 that is prescribed by the Regulations.

Activity does not mean:

- Anything for which development consent under Part 4 is required or has been obtained
- Anything that is prohibited under an Environmental Planning Instrument
- Exempt development
- Development carried out in compliance with a development control order
- Any development prescribed by the Regulations for the purposes of this definition.

Matters that do not require Part 5 assessment

6. Section 5.4 of the EP&A Act expressly provides the following matters do not require consideration of environmental impact under Part 5:
 - Modifications of an activity where:
 - i. The environmental impact of the activity has already been considered, and
 - ii. The modification will reduce its overall environmental impact.
 - Routine activities (such as the maintenance of infrastructure) that the Minister for Planning has determined has a low environmental impact and that are carried out in accordance with a code approved by the Minister.
 - Activities (or parts of activities) that have been approved, or are to be carried out, by another determining authority after environmental assessment under Part 5.
7. In addition, some environmental planning instruments (EPIs) identify certain types of 'exempt development' because of its minor impact. Under section 1.6 of the EP&A Act, exempt development may be carried out without the need for development consent under Part 4 of the EP&A Act and Part 5 of the EP&A Act does not apply to exempt development. The *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* makes clear that development described in that SEPP will not be exempt if it is carried out in declared areas of outstanding biodiversity value, wilderness areas or on land on which there is State Heritage.¹
8. Similarly, the Courts have also found that an activity such as herbicide spraying is not an activity under the EP&A Act (*Rundle v Tweed Shire Council* (1989) 68 LGRA 308).
9. When completing this form, the allocation of responsibilities to Council staff needs to be reasonable in the circumstances of the case. Staff members should be provided with access to appropriate resources to ensure that their assessment is adequate and accurate. The staff member may need to seek additional guidance from appropriate experts.

Table of changes

Version	Brief Description
V2	Formatting, review wording relating to Native Title; and strengthening of sign-off
V3	Review considering legislation changes relating to <i>Biodiversity Conservation Act 2016</i> , <i>Local Land Services Act 2013</i> , <i>Biosecurity Act 2015</i> and <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> .
V3	Update text to improve usability; and reference to delegated authority for sign-off.
V4	Reference to change in EP&A Act section no. & ISEPP exempt development criteria
V5	Modification throughout after legal review
V6	Review and additions to Part A4; and formatting and update hyperlinks throughout.

¹ Note that the EP&A Act no longer specifies these restrictions and any restrictions therefore depend on the terms of the relevant EPI.

Details of Activity

Refer to Council's **Environmental Assessment Procedure under Part 5 of the Environmental Planning and Assessment Act** for procedural detail (see Intranet)

<p>Description of activity:</p>	<p>The Proposed Activity for the purposes of this REF is road rehabilitation and widening between Merrigang Street, Bowral and Range Road, Mittagong. The proposed works include:</p> <ul style="list-style-type: none"> • Excavation of the existing dilapidated road pavement to subgrade before being replaced as select subgrade / fill. Materials excavated from the road shoulder are to be exported from the site. • Tree removal and vegetation clearing is required to accommodate the new road design. • Relocation of existing power poles and other services is required to accommodate the new road design, unless other safety measures are proposed. • A new pavement will be built on top of existing materials and will range from 3.5 to 5.0 metres wider than the original road. • Reshaping works will be conducted on the existing shoulders to accommodate new table drains and compliant batters. • Appropriate revegetation and site rehabilitation measures will be implemented following road construction.
<p>Reason for activity:</p>	<p>Old South Road acts as a local distributor road connecting the Old Hume Highway to rural and residential areas west of the Mittagong and Bowral town centres. The road presents as a rural road with large private holdings. Traffic volumes have increased in recent years as users have sought to avoid increasing congestion of town centres. The current annual average daily traffic estimate for Old South Road as 5,966 vehicles, and this is only expected to increase given significant land releases proposed or being developed in Mittagong, Bowral and Moss Vale.</p>
<p>Alternative options: Describe alternative routes, locations or sites that would avoid or minimise environmental impact. Comment why these were not the preferred option.</p>	<p>No route alternatives exist, as Old South Road is already a highly used rural road. It was the first road leading into the Southern Highlands and the aim of this project is to improve road safety. Other proposed project alternatives include road safety treatments such as wire rope barriers (which can no longer be installed), and guard rails</p>

	which would potentially reduce the scale of works, but would need to be installed with flares and may not meet Austroads compliance requirements. The clearzone for the road is approximately 10 metres (meaning guardrails are going to be required for a large portion of the road in any case) and the shy line (distance from edge of travel lane to guardrail) is 2.2m, meaning that the road needs to be much wider than currently.
Location:	Old South Road, between Merrigang Street, Bowral and Range Road, Mittagong, NSW- see maps 1 to 8 attached.
Proposed hours of work: Inform/consult community outside normal hours – normal hours are 7am to 5pm Monday to Friday and 8am to 1pm Saturday. Excludes Sunday or public holidays.	Normal Council Work Hours. 7am-5pm Monday-Friday, 8:30am-1pm Saturday. No work on Sunday and Public Holidays.
Land Owner: <i>check</i> Environmental Impact Assessment Map set	The proposed activity is located within the existing road reserve which is Council owned/managed land. Contractor's Proposed Compound is on privately owned land and subject to the Contractor's arrangement with the land owner
Land Zone: <i>check</i> Environmental Impact Assessment Map set	Land Zoning according to <i>Wingecarribee LEP 2010</i> is E3 Environmental Management along the majority of the subject road. There is a small section at the southern most end which is zoned R5 Large Lot Residential.
Estimated Commencement Date:	Estimated commencement and completion date for the road works is within the 2021-22 financial year.
Estimated Completion Date:	End of FY 22/23.
Project Manager:	James Knight, Wingecarribee Shire Council
Materials to be used: List supplier and volumes of materials likely to be used. Ensure Safety Data Sheets have been provided. Ensure any waste material proposed to be used as a resource is identified and complies with a current resource recovery order & exemption (if applicable).	Pavement materials <ul style="list-style-type: none"> • Approximately 10,000 cubic meters of pavement materials will be imported to site. • All basecourse material shall be igneous rock quarried material to comply with TFNSW form 3051 (unbound), TFNSW form 3052 (bound). • All sub-base course material shall be igneous rock quarried material to comply with TFNSW form 3051 • 2 coat seal shall conform to TFNSW form R106 and Wingecarribee shire council construction specification C09.

	<ul style="list-style-type: none"> The contractor is responsible to supply safety data sheets provided by the supplier of the pavement materials. Geotechnical supervision and inspections required to be in accordance with Council specifications. <p>Other materials include the supply and installation of stormwater pipes, rip rap, guardrails, sub soil lines and linemarking.</p>
<p>Work equipment and machinery: List all work equipment and machinery required– including contractor’s equipment and machinery.</p>	Excavators, rollers, graders, trucks, scrapers, bull dozer, paver, dump truck, track loaders.
<p>List all applicable ancillary works and their location: Ancillary works include temporary stockpiles, temporary lay-down areas for materials or equipment, hoardings or temporary structures.</p>	All works, material and structures are expected to be accommodated within the road reserve and nominated site compounds
<p>Vegetation impacts: Describe the proposed impacts – and provide specific details on impacts to;</p> <ul style="list-style-type: none"> Mapped threatened ecological communities, flora threatened species, threatened species habitat – also identify if impacts are proposed to SAIL² entities Vegetation within heritage items or heritage conservation areas Trees with a trunk diameter greater than 500mm (measured at 1.4m above ground) Hollow bearing trees³ Tree roots within structural root zone of trees (see Australian Standard 4970-2009) 	<p>Vegetation impacts have been detailed in a Flora and Fauna Assessment report prepared by EcoPlanning for the original scope of works, being shoulder widening and rehabilitation of Old South Road between Merrigang Street and Aylmerton Road.</p> <p>A field survey was conducted by an ecologist from EcoPlanning and Environmental Scientist from EMAP Consulting of the site on 9th of December 2020.</p> <p>The assessment below refers to findings for the Proposed Activity, being Stage 1 of works:</p> <p>Vegetation impacts</p> <p>Field validated vegetation was mapped, and within Stage 1, comprises horticultural and exotic plantings, characterized by linear areas of hedge rows. Commonly planted species include <i>Alnus jorullensis</i> (Mexican Alder) and <i>Pyrus ussuriensis</i> (Manchurian Pear) with other species including <i>Prunus</i> species (Plums), <i>Liquidambar styraciflua</i> (Liquidambar), <i>Cotoneaster glaucophyllus</i> (Cotoneaster), <i>Malus florentina</i> (Hawthorn-leaved Crab</p>

² SAIL is an acronym for *serious and irreversible impact*. Some threatened species or ecological communities are listed as SAIL entities in Appendix 2 or 3 of [Guidance to assist a decision-maker to determine a serious and irreversible impact](#). If impacts on SAIL entities are proposed, consider if there are any additional and appropriate measures that will minimise those impacts.

³ Hollow bearing trees includes living or dead trees with a diameter at breast height (DBH) of greater than 500mm; and/or where hollow entrances can be seen and are greater than 20mm; and the hollow appears to have depth. Trees must be examined from all angles. Note: Council has a draft procedure for managing impacts to hollow bearing trees.

Apple) less frequent. The understorey is dominated by exotic grasses and forbs and mown grass.

The total area of validated vegetation to be impacted within the project footprint is 0.70ha.

Threatened Flora

According to NSW Bionet Atlas (search conducted 5th July 2021), there are 80 records of *Eucalyptus macarthurii* (Paddys River Box, Camden Woollybutt) within 2km of the study area. However no threatened flora species or populations listed under the BC Act or EPBC Act were recorded during field survey.

Hollow Bearing Trees / Significant Trees (over 500mm diameter)

One hollow bearing tree was discovered in the vicinity of the Stage 1 study area. This is located on the north side of Murrumbidgee Street, approximately 50 metres west of the proposed road widening works on Old South Road (see Map 1). It will not be impacted by the proposed activity.

Fish and riparian habitat

The Wingecarribee Roadside Management Plan identifies an area of fish habitat in Mittagong Creek, which is located at the southern end of the proposed road widening works (see Map 1 attached). Field survey by Ecoplanning (2020) determined that this section of the watercourse is unlikely to provide fish habitat due to high presence of weeds and exotic species and low water levels at time of survey. The existing culvert at this location will not be modified as part of the proposed works, therefore any direct impacts to riparian and aquatic habitat is unlikely. Indirect impacts to this and other riparian areas are addressed further in this REF.

Vegetation within heritage items or heritage conservation areas

The road itself is the only heritage item in the REF study area for Stage 1, with the survival of the alignment and the reservation width being the key features. As noted here and throughout the REF, vegetation to be cleared for Stage 1 is exotic and horticultural plantings.

<p>Waste treatment: Is there any proposal to generate waste⁴? If yes, complete Appendix A - Waste Treatment Planning See definition of waste in dictionary of Protection of the Environment Operations Act 1997.</p>	<p>Yes. The primary 'waste' on site is ENM and the intention is to reuse all other pavement materials on site. See additional details in appendix A.</p>
<p>Environmental Management Describe (list) the measures proposed to protect the environment (e.g. site delineation; erosion and sediment control, rehabilitation and revegetation; selection of materials; maintenance and monitoring) or attach the relevant Environmental Management Plan. Describe efforts to reduce the footprint of the proposal – including efforts to avoid and minimise impacts on clearing of native vegetation and habitat. <i>For example locating the works in areas where there are no biodiversity values; or the habitat is in the poorest condition; or avoiding threatened ecological communities; or maintaining connectivity.</i> Where connectivity barriers or hostile gaps have been created, identify structures provided to enable species and genetic material to maintain connectivity.</p>	<p>Pre-Construction:</p> <ul style="list-style-type: none"> - A Vegetation Management Plan must be prepared and implemented to (i) Delineate the project footprint; (ii) Identify weed management strategies; and (iii) provide recommendations for restoration of the site following construction completion. - All personnel working on site will receive training to ensure awareness of environment protection requirements to be implemented during the project. This is to include site induction and regular 'toolbox' briefings. <ul style="list-style-type: none"> - Site specific training to include management of any unexpected native flora or fauna located at any time during construction. In this scenario, works are to cease immediately, Council's Environment Officer notified, and a suitably qualified ecologist engaged to determine if any further assessment or management plans are required. - An Erosion and Sediment Control Plan must be prepared to outline best practice protocols such as those documented in Landcom (2004) and any guidelines developed by Wingecarribee Shire Council. These may include use of linear silt fencing to be installed down slope of all affected areas and stockpiles; and Sandbags, hay bales wrapped in geotextile fabric etc. will be used to slow water flow and trap sediment. No straw bales are to be used. <p>During Construction:</p> <ul style="list-style-type: none"> - Implement measures documented in the Vegetation Management Plan throughout the construction phase.

⁴ Review Council's *Infrastructure Construction & Maintenance Waste and Resource Recovery Options* for relevant works.

- A qualified ecologist to be engaged to manage any potential impacts to native fauna throughout construction;
- Implement measures documented in the Erosion and Sediment Control Plan throughout the construction phase;
- Implement measures from the Construction Environmental Management Plan that document requirements for ongoing monitoring and recording of all direct and indirect environmental impacts.

Post-Construction:

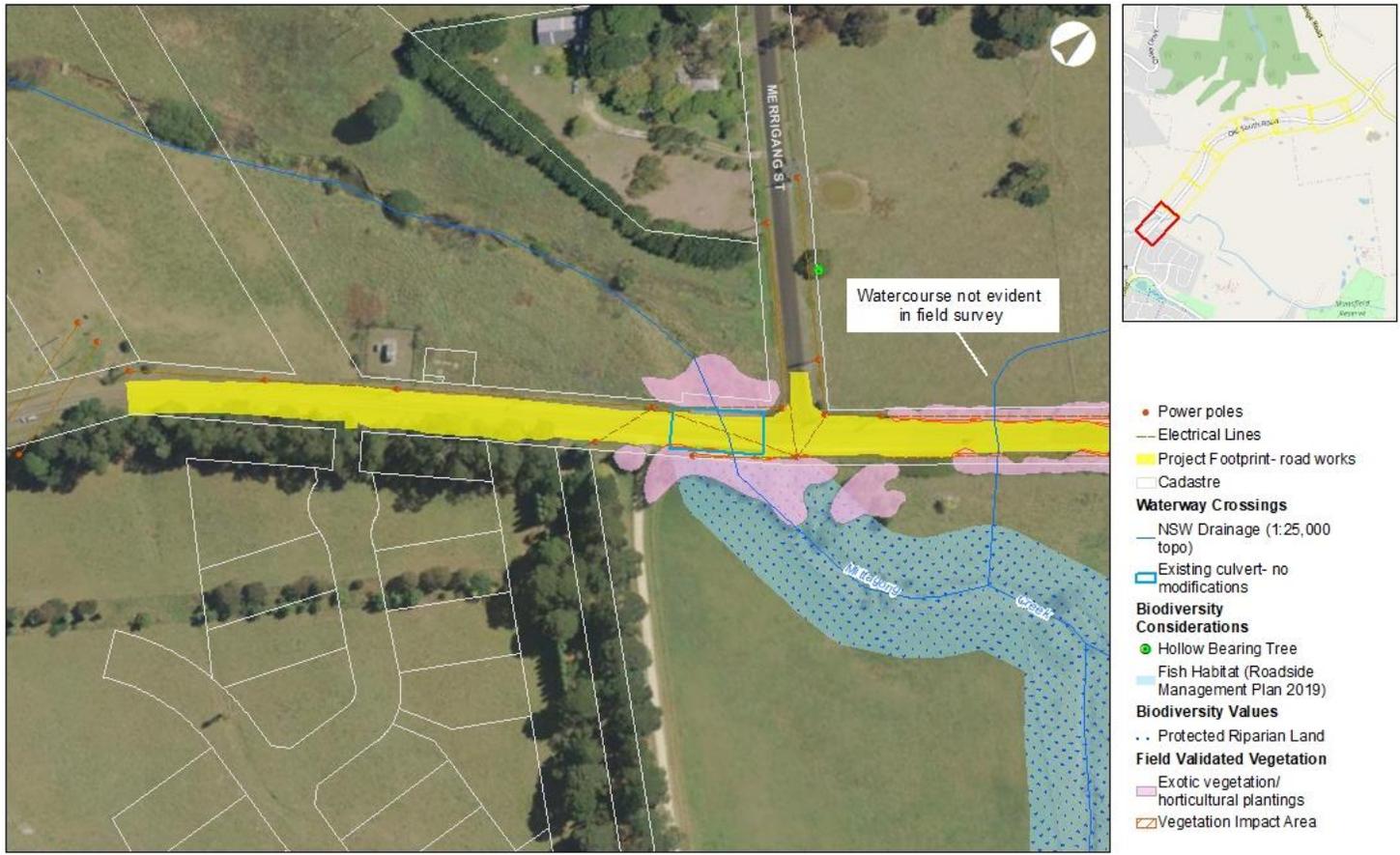
- The rehabilitation of disturbed areas will be carried out progressively as construction stages are completed, and in accordance with the Erosion and Sediment Control Plan and the Vegetation Management Plan.

Attach map and/or plans:

The following maps have been prepared to document all findings of the literature review, database audits and field survey undertaken to inform this REF, and to identify potential impacts within the project footprint.

Map layers include:

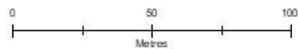
1. The project footprint for road works, which includes road widening, guard rails, verges and swales, temporary access road and site compound- as provided by Maker ENG in CAD format on 1st July 2021, and Contractors nominated compound at 1220 Old South Road;
2. Field validated vegetation mapping following field survey by Elizabeth Norris (Ecologist from Eco Planning) and Dr Emma McIntyre (Environmental Scientist from EMAP Consulting);
3. The vegetation impact area, which is an inteseect of the validated vegettaion mapping with the project footprint;
4. NSW Biodiversity Values Map;
5. Hollow bearing tree;
6. Natural Drainage from NSW 1:25,000 topographic map;
7. Watercourse crossings and proposed stormwater infrastructure;
8. Cadastre lot boundaries from NSW digital cadastral database;
9. Imagery sourced from Nearmap.

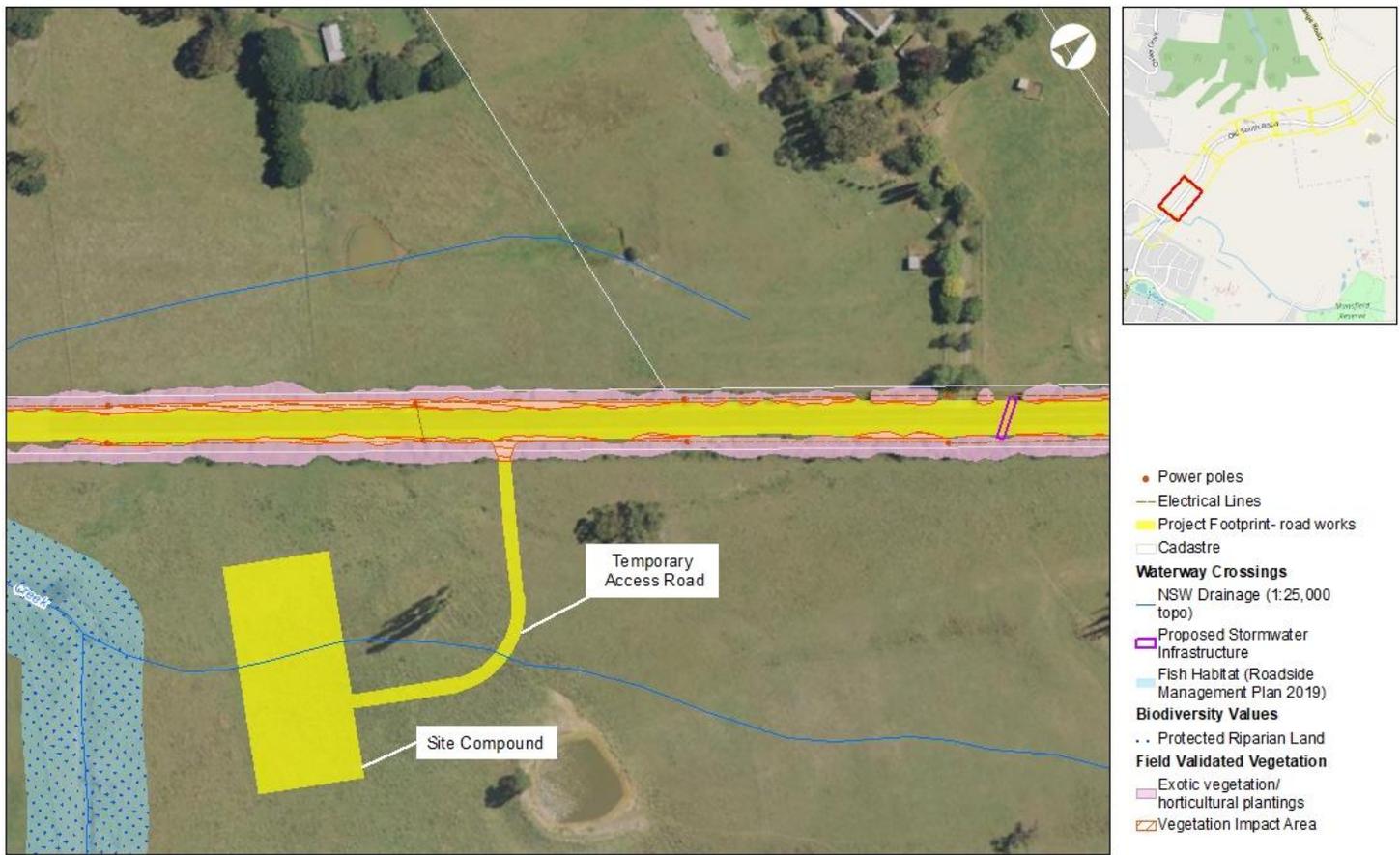


REF for Old South Road- Road widening works: Stage 1

Map 1 of 8

Coordinate System: GDA 2020 Zone 55
Created by EMAP Consulting on 05/07/2021 for Maker ENG

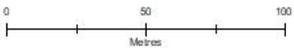




REF for Old South Road- Road widening works: Stage 1

Map 2 of 8

Coordinate System: GDA 2020 Zone 55
 Created by EMAP Consulting on 05/07/2021 for Maker ENG



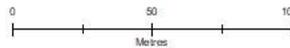


- Power poles
- Electrical Lines
- Project Footprint- road works
- Cadastre
- Waterway Crossings**
- NSW Drainage (1:25,000 topo)
- Proposed Stormwater Infrastructure
- Field Validated Vegetation**
- Exotic vegetation/ horticultural plantings
- Vegetation Impact Area

REF for Old South Road- Road widening works: Stage 1

Map 3 of 8

Coordinate System: GDA 2020 Zone 55
Created by EMAP Consulting on 05/07/2021 for Maker ENG

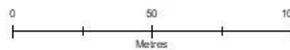


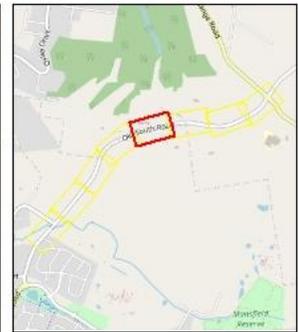


REF for Old South Road- Road widening works: Stage 1

Map 4 of 8

Coordinate System: GDA 2020 Zone 55
Created by EMAP Consulting on 05/07/2021 for Maker ENG

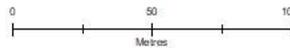




- Power poles
- Electrical Lines
- Project Footprint- road works
- Cadastre
- Waterway Crossings**
- NSW Drainage (1:25,000 topo)
- Proposed Stormwater Infrastructure
- Field Validated Vegetation**
- Exotic vegetation/ horticultural plantings
- Vegetation Impact Area

REF for Old South Road- Road widening works: Stage 1

Map 5 of 8



Coordinate System: GDA 2020 Zone 55
Created by EMAP Consulting on 05/07/2021 for Maker ENG



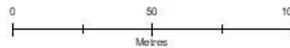


- Power poles
- Electrical Lines
- Project Footprint- road works
- Cadastre
- Waterway Crossings**
- NSW Drainage (1:25,000 topo)
- Proposed Stormwater Infrastructure
- Biodiversity Values**
- Threatened species or communities with potential for serious and irreversible impacts
- Field Validated Vegetation**
- E. teret - E. ovata
- Exotic vegetation/ horticultural plantings
- Vegetation Impact Area

REF for Old South Road- Road widening works: Stage 1

Map 6 of 8

Coordinate System: GDA 2020 Zone 55
 Created by EMAP Consulting on 05/07/2021 for Maker ENG



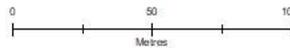


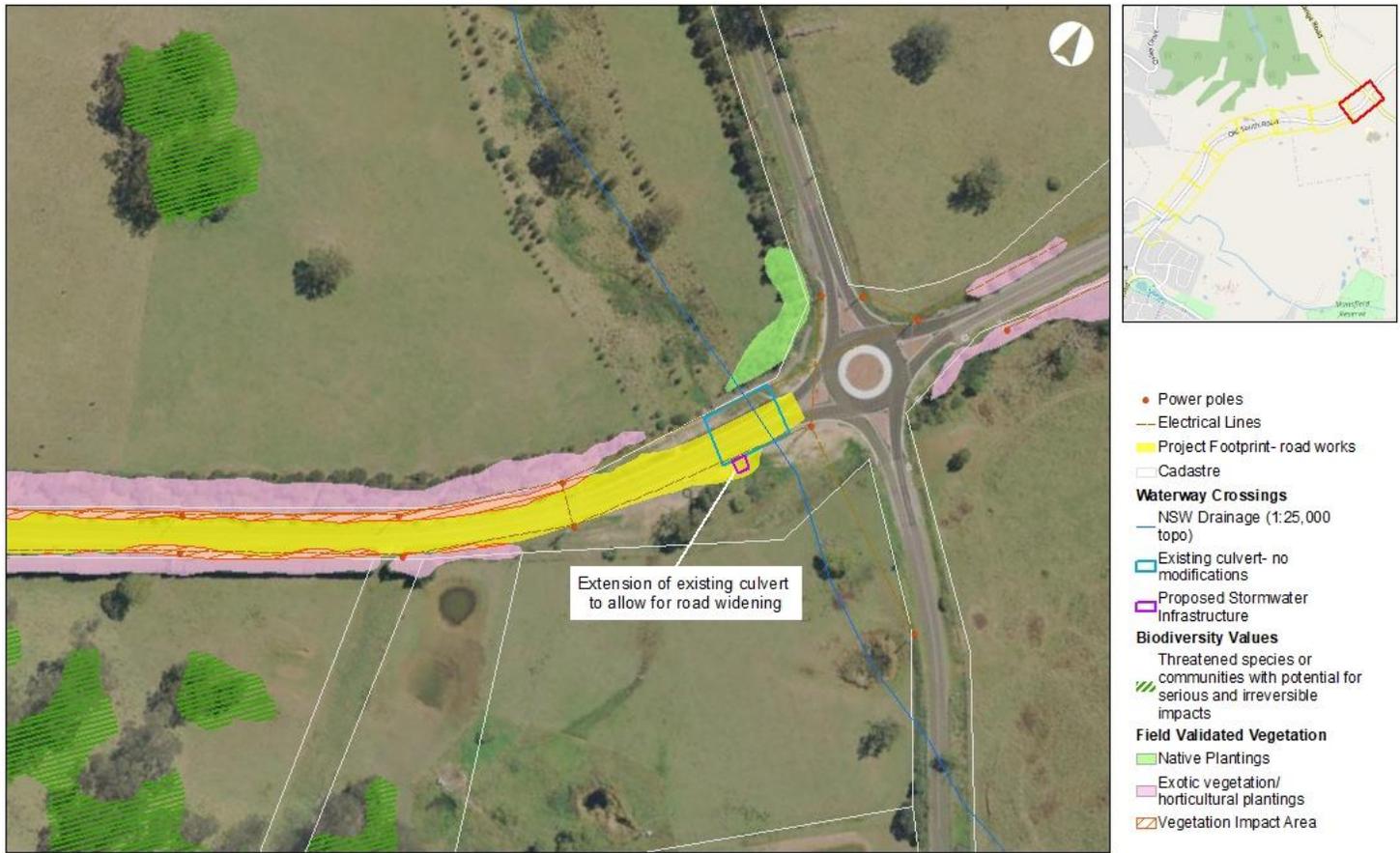
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- Cadastre
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- Field Validated Vegetation**
- E. teret - E. ovata
- Exotic vegetation/ horticultural plantings
- Vegetation Impact Area

REF for Old South Road- Road widening works: Stage 1

Map 7 of 8

Coordinate System: GDA 2020 Zone 55
Created by EMAP Consulting on 05/07/2021 for Maker ENG





REF for Old South Road- Road widening works: Stage 1

Map 8 of 8

Coordinate System: GDA 2020 Zone 55
Created by EMAP Consulting on 05/07/2021 for Maker ENG





Contractors Nominated Compound



Part A

Use **Part A** to assess whether the development is excluded from [Part 5 Environmental Assessment](#) of the EP&A Act.

A1. IS PART 5 EXCLUDED?				
For Questions 1 – 5:				
<ul style="list-style-type: none"> If 'yes' is answered to ANY of the questions, Part 5 of the Act will not apply (see instruction in 'Note'). If 'no' is answered to ALL of the questions, go to A3 PART A DETERMINATION and complete PART B. 				
	Tick Yes or No	Yes	No	Note
1.	Is the work being conducted as a result of a development control order issued under Division 9.3 of the EP&A Act ? ⁵ E.g. an order issued by the state government to demolish a structure.		✓	If yes, the development can be carried out without Part 5 assessment. Refer to conditions of the order.
2.	Does the project only involve the demolition of a temporary structure? ⁶		✓	If yes, the development can be carried out without Part 5 assessment.
3.	Is the development "exempt development"? To be considered exempt development the activity must be listed in the Wingecarribee LEP or a SEPP (e.g. SEPP Infrastructure (2007)) as "exempt development" plus meet additional requirements for exempt development outlined in the Part A2 Exempt Development Form.		✓	If yes, the development can be carried out without Part 5 assessment IF it meets the general requirements for exempt development outlined in A2 EXEMPT DEVELOPMENT CHECKLIST of this form.
4.	Is development consent (i.e. a DA or Complying Development Certificate) required under the Wingecarribee LEP or a SEPP e.g. SEPP Infrastructure (2007)		✓	If yes, development consent is to be obtained and Part 5 does not apply. Refer to Development Assessment.
5.	Is the development prohibited under the Wingecarribee LEP or SEPP Infrastructure (2007)		✓	If yes, the development cannot be carried out and Part 5 does not apply. Revisit scope of project/ investigate further.

⁵ To be assessed under Part 5, the proposed development must fall within the definition of an 'Activity' under s.110(1) of the EP&A Act (see commentary above on "what is an activity"). The above questions are designed to check whether the proposed development constitutes an 'Activity'.

Section 5.1 of the EP&A Act provides that if the development is carried out in compliance with a development control order then it is not an Activity. In Council's case, such orders would be made by the Minister or Director-General on an infrequent basis.

⁶ If the proposed development is prescribed under 227AA of the EP&A Regulation 2000 as being development for the purpose of s.5.1(1) then it is also not an Activity. At last review of this form, demolition of temporary structure was the only development prescribed under the regulation as 'not' to be considered an Activity.

A2. EXEMPT DEVELOPMENT CHECKLIST

Use this **A2 EXEMPT DEVELOPMENT CHECKLIST** only if selected 'YES' in **Q. 3**.

Answer **Q. 6 – 12** for all exempt development – and then:

Only answer **Q. 13 – 16** for exempt development under [SEPP \(Infrastructure\) 2007](#)

Only answer **Q. 17 – 31⁷** for exempt development under [SEPP \(Exempt and Complying Development Codes\) 2008](#)

Only answer **Q. 17 – 35** for exempt development under [Wingecarribee Local Environmental Plan 2010](#)

If "TRUE" is answered to ALL of the following applicable questions, the development may be carried out as exempt development. If "FALSE" is answered to ANY OF the following applicable questions, the development may NOT be carried out as exempt development.

Answer questions **6 – 12** for all exempt development

	Tick True or False	True	False
6.	The development is not on land that comprises areas of outstanding biodiversity value under the Biodiversity Conservation Act 2016 or critical habitat under the Fisheries Management Act 1994 . <i>check Environmental Impact Assessment Map set</i>		
7.	The development is not on land that is a wilderness area under the Wilderness Act 1987 . <i>check Environmental Impact Assessment Map set</i>		
8.	The development meets relevant deemed-to-satisfy provisions of the <i>Building Code of Australia</i> , or if there are no such relevant provisions, the development is structurally adequate (Note: answer true if this question is not applicable)		
9.	The development does not cause a building to contravene the <i>Building Code of Australia</i> or compromise the fire safety of the building or affect access to any fire exit (Note: answer true if this question is not applicable)		
10.	The development is not designated development by way of its listing under Schedule 3 Designated development of the EP&A Regulation or by nomination under the Wingecarribee LEP or a SEPP e.g. SEPP Infrastructure (2007)		
11.	The development will not be installed contrary to manufacturers specifications which apply.		
12.	The development does not involve removal or pruning of a tree or other vegetation that requires a permit or development consent, unless that removal or permit is undertaken in accordance with a permit or development consent. Note. A permit for the removal or pruning of a tree or other vegetation may be granted under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 . Development consent for the removal of native vegetation may		

⁷ Note: only specified types of development cannot occur as 'exempt development' in environmentally sensitive areas: that is, the development referred to in Div 1, subdiv 9, 14-16, 21AA, 32-33 & 39B; and Div 3, subdiv 4 of the [SEPP \(Exempt and Complying Development Codes\) 2008](#). Therefore, Q. 20-31 have limited application for the A2 checklist.

be granted under the Local Land Services Act 2013 . check Environmental Impact Assessment Map set			
Answer questions 13 – 16 for exempt development covered by SEPP (Infrastructure) 2007			
Tick True or False		True	False
13.	The development will be carried out in accordance with relevant requirements of <i>Managing Urban Stormwater: Soils & Construction</i> (4th edition, Landcom, 2004), commonly referred to as the “Blue Book”. If unsure see http://www.environment.nsw.gov.au/resources/water/BlueBookVol1.pdf		
14.	The development will not have a more than minimal impact on the heritage significance of a state or local listed heritage item or conservation area; and will not involve the demolition of a building or work that is, or is part of, a State or local heritage item. Refer to State Heritage Register for listings and Environmental Impact Assessment Map set for local conservation items and areas.		
15.	The development complies with applicable exempt development criteria at i. Part 3 Development controls of SEPP Infrastructure (2007) and ii. Schedule 1 of SEPP Infrastructure (2007)		
16.	The development will not involve the removal of asbestos, unless that removal is undertaken in accordance with Working with Asbestos: Guide 2008 (ISBN 0 7310 5159 9) published by the WorkCover Authority; and if it involves the demolition of a building, will be carried out in accordance with Australian Standard AS 2601—2001 <i>The demolition of structures</i> (contact Administration Officer (Assets and Project Delivery) for access to Australian Standards)		
Answer questions 17 – 32 for exempt development covered by Part 2 of SEPP (Exempt and Complying Development Codes) 2008			
Answer questions 17 – 36 for exempt development covered by Part 3 of Wingecarribee Local Environmental Plan 2010			
Tick True or False		True	False
17.	The development is not on land that contains an item on the State Heritage Register or is subject to an interim heritage order under the Heritage Act 1977 . Refer to State Heritage Register for listings ⁸		
18.	The development is for a class 1b or 2-9 building under the BCA, requires fire safety measures and the building has a current fire safety certificate or fire safety statement (Note: answer true if this question is not applicable)		
19.	The development meets the applicable exempt development criteria under Part 2 of SEPP (E&CD) 2008 (excludes that covered by WLEP 2010)		
20.	The land does not contain coastal waters	✓	
21.	The land does not contain a coastal lake	✓	
22.	The land is not identified as “coastal wetlands” on the Coastal Wetlands and Littoral Rainforests Area Map or is not within 100m of such land. ⁹	✓	

⁸ Note that cl 1.16(1A)-(1C) of *SEPP (Exempt and Complying Development Codes) 2008* has some exceptions with respect to heritage land.

⁹ Land is currently identified in Council’s mapping by reference to the repealed *SEPP 14 – Coastal Wetlands* and *SEPP 16 – Littoral Rainforests*. That mapping has been retained by the new *SEPP (Coastal Management) 2018*.

23.	The land is not identified as “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map or is not within 100m of such land. ¹⁰	✓	
24.	The land is not an aquatic reserve under the <i>Fisheries Management Act 1994</i> or is not within 100m of such land	✓	
25.	The land is not a marine park under the <i>Marine Parks Act 1997</i> or is not within 100m of such land	✓	
26.	The land is not within a wetland of international significance declared under the Ramsar Convention on Wetlands or is not within 100m of such land	✓	
27.	The land is not within a world heritage area declared under the World Heritage Convention or is not within 100m of such land. <i>check</i> Environmental Impact Assessment Map set		
28.	The land has not been identified in a LEP or SEPP as being of high Aboriginal cultural significance		
29.	The land has not been identified in a LEP or SEPP as being of high biodiversity significance		
30.	The land is not reserved under the <i>National Parks and Wildlife Act 1974</i> . <i>check</i> Environmental Impact Assessment Map set		
31.	The Minister for the Environment is not in the process of acquiring the land under Part 11 of the <i>National Parks and Wildlife Act 1974</i>		
32.	The land is not reserved or dedicated under the <i>Crown Lands Act 1989</i> for the preservation of flora, fauna, geological formations or for other environmental protections purposes. <i>check</i> Environmental Impact Assessment Map set		
Answer questions below for exempt development covered by Part 3 of Wingecarribee Local Environmental Plan 2010			
Tick True or False		True	False
33.	The development is not on land within 50 metres from the top of bank of Category 1 streams (as per WSC LEP Natural Resources Sensitivity Map). <i>check</i> Environmental Impact Assessment Map set		
34.	The development is not on land within 30 metres from the top of bank of Category 2 streams (as per WSC LEP Natural Resources Sensitivity Map). <i>check</i> Environmental Impact Assessment Map set		
35.	The development is not on land that forms part of the “Regional Wildlife Habitat Corridor” mapped on the WSC LEP Natural Resources Sensitivity Map. <i>check</i> Environmental Impact Assessment Map set		
36.	The development is not on land that is declared to be a special area under the Water NSW Act 2014 <i>check</i> Environmental Impact Assessment Map set		

¹⁰ Land is currently identified in Council’s mapping by reference to the repealed SEPP 14 – Coastal Wetlands and SEPP 16 – Littoral Rainforests. That mapping has been retained by the new SEPP (Coastal Management) 2018.

A3. PART A DETERMINATION

	Tick yes or no	Yes	No
Is the proposal exempt development ?			✓

If **'No'** – 'False' has been selected to one or more questions in the A2 EXEMPT DEVELOPMENT CHECKLIST; you cannot claim works as exempt development and **Part B of this form must be completed**. Go to A4 APPROVALS, LICENCES & PERMITS CHECKLIST.

If **'Yes'** – 'True' has been selected to all applicable questions in the A2 EXEMPT DEVELOPMENT CHECKLIST and you are claiming works are exempt development and therefore not completing Part B of this form. Please summarise (below) the reasons for reaching this determination. Include details of the applicable Environmental Planning Instrument and clause under which the development is proposed. Then go to A4 APPROVALS, LICENCES & PERMITS CHECKLIST.

Development is permitted without consent in accordance with State Environmental Planning Policy (Infrastructure) 2007, Division 17 Roads and Traffic:

Section 94(1) *Development for the purpose of a road or road infrastructure facilities may be carried out by or on behalf of a public authority without consent on any land.*

and (2) *In this clause and clause 96, a reference to development for the purpose of **road infrastructure facilities** includes a reference to development for any of the following purposes if the development is in connection with a road or road infrastructure facilities-*

(c) alterations or additions to an existing road (such as widening, narrowing, duplication or reconstruction of lanes, changing the alignment or strengthening of the road).

A4. APPROVALS, LICENCES & PERMITS CHECKLIST

Exempt Development or the preparation and approval of an environmental impact assessment does not negate the need for other NSW or Commonwealth approvals, licences and permits (as may be required under Part 4 of the EP&A Act).

The following checklist contains a non-exhaustive list of the more common approvals, licences and permits that *may* be required. It is the responsibility of Council as the determining authority to ensure all approvals, licences and permits are obtained.

Consultation with the appropriate approval bodies should occur as early as possible. Talk to Council's environmental staff if you are unsure if any of the following will apply.

Triggers	Approval	Approval body & legislation	Does mapping identify the site is subject to this trigger? Y/N	Does the approval, licence or permit apply? Y/N	Provide justification for your selection
Threatened Species	A licence to harm or pick threatened species, or ecological communities or damage habitat or areas of outstanding biodiversity value. ¹¹ <i>check Environmental Impact Assessment Map set</i>	Office of Environment & Heritage Biodiversity Conservation Act 2016	Y	N	The Flora and Fauna Assessment for both Stage 1 and Stage 2 of the proposed works identified the following threatened species of flora and fauna as having a moderate likelihood of occurrence: <p style="text-align: center;">(i) Threatened Flora</p> <ul style="list-style-type: none"> • <i>Eucalyptus macarthurii</i> (Paddys River Box, Camden Woollybutt) <p style="text-align: center;">(i) Threatened Fauna</p> <ul style="list-style-type: none"> • Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>)- 14 records; • Koala (<i>Phascolarctos cinereus</i>)- 87 records.

¹¹ At the most recent review of this document, there were no declared AOBVs in the Wingecarribee local government area.

					<ul style="list-style-type: none"> Greater Broad-nosed Bat (<i>Scoteanax rueppellii</i>) – 5 records; Impact Assessments by Eco Planning concluded that the proposed activity (defined in their assessment as Stage 1 and Stage 2) is not a significant impact to these species and no further assessment is required. Further, in Stage 1, the vegetation to be impacted by the proposed activity is exotic vegetation that does not represent ideal habitat for these species. Therefore it is considered that a revised likelihood of occurrence for these and other threatened species within the REF study area for Stage 1 is LOW.
Protected Animals	A licence to control or harm protected animals identified in Schedule 5 of the <i>Biodiversity Conservation Act 2016</i> . For example: handling or eviction of Wombat from burrow, or animal from tree hollow, or birds from nest.	Office of Environment & Heritage Biodiversity Conservation Act 2016	Y	N	Given the type and area of vegetation to be impacted by the proposed activity, it is unlikely that protected animals will be harmed or impacted in any way. As previously outlined, site specific training of all personnel is to include management of any unexpected native flora or fauna located at any time during construction. In this scenario, works are to cease immediately, Council's Environment Officer notified, and a suitably qualified ecologist engaged to determine if any further assessment or management plans are required.

<p>Fish and Marine Vegetation</p>	<p>Section 144 requires an aquaculture permit. Section 200 requires a permit to carry out dredging or reclamation work. (<i>Note this includes the removal of any in stream material including vegetation</i>) <i>check</i> Environmental Impact Assessment Map set Section 205 requires a permit to cut, remove, damage or destroy <u>marine vegetation on public water land</u> or an aquaculture lease, or on the foreshore of any such land or lease. Section 219 requires a permit to: set a net, netting or other material, or construct or alter a dam, floodgate, causeway or weir, or otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat. The Minister is to be notified under s.218(5) where a public authority proposes to construct, alter or modify a dam, weir or reservoir on a waterway where the passage of fish may be affected. If the proposed works constitute a key threatening process, as defined under the Act, notification or permits are required under section 220. Section 220ZW provides for a licence to harm threatened species, populations or ecological community or damage habitat</p>	<p>Department of Primary Industries Fisheries Management Act 1994</p>	<p>N</p>	<p>N</p>	<p>An area of key fish habitat is identified by the Wingecarribee Roadside Vegetation Management Plan, along Mittagong Creek at the southern end of the proposed road works. Field survey by Ecoplanning determined that it was unlikely that this section of the creek provided fish habitat due to the prevalence of exotic species and low water levels at time of survey. This culvert will not be modified as part of the proposed activity. One culvert adjacent to Range Road will be extended in order to allow for road widening works. However it is not anticipated that the proposed works will result in dredging or reclamation works and will not damage marine vegetation. The site compound and temporary access road in map 2 crosses a mapped drainage line according to NSW 1:25,000 topographic map, however this is not a well defined waterway and is not an area of fish habitat. It is no longer proposed to use this site.</p>
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Matters of National Environmental Significance	<p>Division 1 of Part 3 Environmental Approval to carry out work that is likely to have a significant effect on matters of national environmental significance, including:</p> <ul style="list-style-type: none"> World Heritage properties National Heritage places Wetlands of International significance (listed under the RAMSAR Convention) Commonwealth listed threatened species or ecological communities Commonwealth listed migratory species Nuclear actions Commonwealth marine areas. <p>[Use EPBC Act Protected Matters Report generated from Protected Matters Search Tool]</p>	<p>Department of Sustainability, Environment, Water, Population and Communities</p> <p>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</p>	Y	N	<p>Results of the EPBC Protected Matters search identified the following Matters of National Environmental Significance within 5km of the subject site:</p> <ul style="list-style-type: none"> 6 listed threatened ecological communities; 53 listed threatened species; 15 listed migratory species. <p>As above, two species listed as vulnerable under the EPBC Act- Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) and Koala (<i>Phascolarctos cinereus</i>)- are considered to have a LOW likelihood of occurrence in the Stage 1 study area. In addition, the proposed activity will impact exotic vegetation that is not considered ideal habitat for this species. Therefore the project is unlikely to harm or impact on these species , or other matters of national environmental significance, in any way.</p>
National Parks	<p>Working within an area that is subject to any plan of management under the <i>National Parks and Wildlife Act 1974</i>. check Environmental Impact Assessment Map set</p>	<p>Office of Environment & Heritage</p> <p>National Parks and Wildlife Act 1974</p>	N	N	<p>The proposed activity is not in the vicinity of any NPWS Estate, and is not subject to any plan of management under the <i>National Parks and Wildlife Act 1974</i>.</p>
Aboriginal artifacts or sites	<p>Section 90 grant of Aboriginal heritage impact permit where working near known Aboriginal relics or places or where an Aboriginal relic is likely to be discovered.</p>	<p>Office of Environment & Heritage</p>	N	N	<p>An extensive search of the AHIMS database was conducted on 7th December 2020, for a 50 metre buffer of the REF Study Area. The search revealed that there are 0 Aboriginal</p>

	<i>[Contact E&S Branch for assistance in locating Aboriginal relics and places]</i>	National Parks and Wildlife Act 1974			sites recorded in or near the REF study area, and 0 Aboriginal places declared in or near the REF study area. Mitigation measures for avoiding potential impacts to Aboriginal sites and objects will be included in this REF.
Heritage	Section 58 approval in respect of the doing or carrying out of an act, matter or thing referred to in s.57(1). <i>Refer to State Heritage Register.</i>	Heritage Council Heritage Act 1977	N	N	There are no items on the State Heritage Register located in the vicinity of the Stage 1 works.
Works in mines subsidence area	Section 22 approval to alter or erect improvements, or to subdivide land, within a mine subsidence district. <i>check Environmental Impact Assessment Map set</i>	Mines Subsidence Board Coal Mine Subsidence Compensation Act 2017	N	N	The proposed activity is not in the vicinity of a mine subsidence district.
Emissions into air, water, land	Environment protection licence to authorise carrying out of scheduled development work at any premises , scheduled activities at any premises , or to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	Environment Protection Authority Protection of the Environment Operations Act 1997	N	N	The proposed activity will not result in emissions into air, water or land, and as such an Environmental Protection Licence is not required.
Clearing non-rural areas	Permit if vegetation preserved under Vegetation SEPP (i.e. land within the following zones in Wingecarribee LEP: R2, R3,R5, B1, B2, B4, B5, B7, IN1, IN2, IN3, SP1, SP2, SP3, RE1, RE2, E2, E3 and E4).	Council (Tree & Vegetation Assessment Officer) State Environmental Planning Policy (Vegetation in	Y	Y	The proposed activity is in land zoned E3 Environmental Management. Confirmation is required from Council's Environmental Officer as to whether a permit is required for tree clearing for the purposes of the proposed activity. No EEC within Stage 1, under BOS thresholds. Council to provide the

		<u>Non-Rural Areas) 2017</u>			permit, so further issues to be raised by Council Environmental Officer.
Clearing rural areas	Approval for clearing native vegetation in rural areas (i.e. land within the following zones in Wingecarribee LEP: RU1, RU2, RU3 and RU4).	<u>Local Land Services</u> <u>Local Land Services Act 2013</u>	N	N	The proposed activity is not located on land in rural zones.
State Forest	Working within a State Forest. <i>check</i> <u>Environmental Impact Assessment Map set</u>	Department of Primary Industries <u>Forestry Act 2012</u>	N	N	The proposed activity is not within a State Forest.
Crown Lands	Working on Crown Lands not under Council control. <i>check</i> <u>Environmental Impact Assessment Map set</u>	Department of Primary Industries <u>Crown Lands Act 1989</u>	N	N	The proposed activity is not in the vicinity of Crown land.
Crown Lands	Working on land subject to Native Title claims. Contact Council's Native Title Manager.	<u>Native Title (New South Wales) Act 1994</u>	N	N	A search of the Register of Native Title Claims conducted on 17 th August indicated that the proposed activity is not in the vicinity of land subject to Native Title claims.
Roads	Working on Classified Roads not under a current maintenance program. <i>check</i> <u>Environmental Impact Assessment Map set</u>	Roads and Traffic Authority <u>Roads Act 1993</u>	N	N	The proposed activity is located within road reserves of Local Roads.
Extraction of Water	Taking water without, or otherwise than authorised by, an access licence.	Department of Primary Industries Office of Water <u>Water Management Act 2000</u>	N	N	The proposed activity does not require extraction of water for any purpose.

Use of fire	A fire permit is required during the Bush Fire Danger Period . If use of fire is proposed, also discuss with Council's Bushland Project Officer if a Hazard Reduction Certificate is applicable.	NSW Rural Fire Service Rural Fires Act 1997	Y	Y	The use of fire is not anticipated to be required for the works. In the case that the contractor requires the use of fire (unlikely – can be used to assist in laying asphalt), the statutory Bushfire Danger Period runs from 1 October to 31 March. If the proposed activity construction period occurs within this timeframe, contact NSW RFS and Council's Bushland Project Officer to confirm if a fire permit and/or Hazard Reduction Certificate is required.
Special and controlled areas	Approval is required for works in Schedule lands that are also Crown or Water NSW lands. Notification is required in Schedule lands on private land i.e. other than Crown or Water NSW lands. <i>check</i> Environmental Impact Assessment Map set	Water NSW Water NSW Act 2014	N	N	The proposed activity is not located within special and controlled areas under the Water NSW Act 2014.
Railway	Accessing the Rail Corridor controlled by Australian Rail Track Corporation (ARTC)	ARTC Transport Administration Act 1988	N	N	The proposed activity does not require access to any rail corridor.
Wilderness Areas	Consent to carry out development in a wilderness area subject to a wilderness protection agreement or a conservation agreement <i>check</i> Environmental Impact Assessment Map set	Office of Environment and Heritage Wilderness Act 1987	N	N	The proposed activity does not occur in the vicinity of any wilderness areas as per <i>Wilderness Act 1987</i> .

PART A Sign-off

As the determining authority, Council has a legal duty under the EP&A Act to examine to the fullest extent possible all matters that affect or are likely to affect the environment by reason of the proposed activity.

We declare that the information contained in Part A of this form is neither false nor misleading.

Prepared by (1):

Signature



Date __07__ / __09__ / 2021__

Name

Dr Emma McIntyre

Title

Director and Environmental Scientist,
EMAP Consulting

Prepared by (2):

Signature



Date 12 /12 /2022

Name

James Knight

Title

WSC Project Manager

Delegated Authority Sign-Off

PART A must be approved (signed) by staff with delegated authority under Part 5 of the *Environmental Planning and Assessment Act 1979*. The delegate must be confident that the **PART A Determination** is supported by references to the applicable legislation and that it was made by staff with the training and/or experience to do so. The approving manager must also ensure that the **A4 APPROVALS, LICENCES & PERMITS CHECKLIST** has been completed.

Delegate Approval:  _____ Date 13/12/2022

The Environmental Assessment process is not complete until the signed form is registered on Dataworks File 5609/1.

This must be done prior to works commencing.



Part B Review of Environmental Factors

What is a REF?

- (ii) Part B contains a Review of Environmental Factors (REF). Whilst an REF is not specified in Division 5.1 of the EP&A Act, its purpose is to inform the determining authority, by addressing all environmental impacts associated with a proposed activity in accordance with the requirements of section [5.5](#) of the EP&A Act and Clause [228](#) of the EP&A Regulation.
- (iii) The outcome of a REF will enable the determining authority to determine:
- whether the proposal is likely to significantly affect the environment;
 - whether the proposal should proceed based on this assessment; and
 - the proposed measures to avoid, minimise or manage environmental impacts associated with the proposal.
- (iv) If after completing the REF, the conclusion is made that the proposed activity is *not* likely to significantly affect the environment, Council may determine that the activity may proceed.
- (v) If after completing the REF, it is considered likely that the proposed activity will significantly affect the environment including:
- if it is likely to significantly affect listed threatened species, or ecological communities or their habitats under the *Biodiversity Conservation Act 2016*, or
 - If it will be carried out in a declared area of outstanding biodiversity value, or
 - if it is likely to significantly affect critical habitat, threatened species, ecological communities or their habitats under the *Fisheries Management Act 1994*
- further environmental assessment in the form of an environmental impact statement (EIS) and/or a species impact statement (SIS) - or a biodiversity development assessment report (BDAR) in relation to matters under the *Biodiversity Conservation Act* - will need to be prepared and considered by Council, and concurrence obtained from the relevant department, should it wish to proceed with the proposal.
- (vi) If the proposal or action is likely to have a significant impact on a matter of national environmental significance contact the Commonwealth Department of the Environment under the EPBC Act to confirm that environmental assessment under PART 5 of the EP&A Act is sufficient.

Note: On 26 February 2015, the Commonwealth and New South Wales Governments signed a new Bilateral Agreement under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) relating to environmental [assessment](#). The agreement allows the Commonwealth Minister for the Environment to rely on specified environmental impact assessment processes of NSW in [assessing](#) actions under the EPBC Act. The current agreement will replace the previous agreement that operated from 20 December 2013 to 25 February 2015. As of 14 September 2017, there is an [intention to develop a draft bilateral agreement](#) in accordance with subsection 45(3) to amend the current bilateral agreement. There is no [approval](#) bilateral agreement currently in place. The statutory public comment period on the NSW draft [approval](#) bilateral agreement closed on Friday, 13 June 2014.

Impact level

- (vii) Each impact should be categorised as having a negligible, low, medium or high adverse impact or positive impact. The below Table 1 may be useful in estimating the impact of each of the items listed in the first column. For example, impacts should be ranked as having high adverse impact if they affect a large area or relatively significant numbers of individuals or species over a long period of time. An impact level should only be categorized as low if a low or minimal adverse impact is assessed for all items in column 1 of Table 1.
- (viii) Impacts of activities that adversely affect threatened species or environmentally significant areas should also be ranked having a high adverse impact.
- (ix) The impacts of the activity should be considered at all phases of the project cycle, including construction, routine operation, start-up operations, rehabilitation, and decommissioning if relevant.

Table 1 – Categorising impacts (DECCW Proponents Guidelines for Review of Environmental Factors)

Analysis of impact	Low adverse Minimal	High adverse Significant
Size	Small scale size/volume	Large scale/volume
Scope	Localised	Extensive
Intensity	Small impact dispersed over a long period	Large impact over a short or long period
Duration	Short term	Long term
Level of confidence in predicting impacts	High confidence/knowledge and past experience	Low confidence, numerous uncertainties and unknowns
Level of reversibility of impacts	Impacts are reversible and rehabilitation likely to be successful	Reversibility impossible or unlikely due to cost or other factors
Ability to manage or mitigate the impacts	Effective mitigation measures available	Mitigation measures untested or unavailable
Ability of the impacts to comply with standards, plans or policies	Total compliance	Uncertain or part compliance
Level of public interest	Low interest and predictable impacts on community	High interest and uncertain impacts on community
Requirement for further information on the impacts of the activity or mitigation	High level of understanding and information on the impact	Low level of information on and understanding of key issues

Note: An impact level should only be categorized as low if a low or minimal adverse impact is assessed for all items in column 1 of Table 1.

Safeguards / Mitigation Measures

- (x) In this column, state the mitigation measures and management options proposed to:
- prevent, control, abate or mitigate identified environmental impacts associated with the activity;
 - reduce risks to human health; and
 - prevent the degradation of the environment.
- (xi) The effectiveness and reliability of the measures and residual impacts after the measures are implemented should be included in the assessment of impacts.

Evaluating the likely environmental significance of the impacts

- (xii) Council must decide whether or not there is 'likely' to be a 'significant effect' on the environment and thus whether an environmental impact statement must be prepared.¹² The courts have interpreted the word 'likely' to mean 'a real or not remote chance'; not 'more probable than not' (see eg, *Jarasius v Forestry Commission of NSW* (1988) 71 LGRA 79; *Drummoyne Municipal Council v Roads and Traffic Authority of NSW* (1989) 67 LGRA 155).
- (xiii) The word 'significant' means 'important', 'notable', 'weighty' or 'more than ordinary' (see eg *Drummoyne Municipal Council v Maritime Services Board* (1991) 72 LGRA 186; *Oshlack v Richmond River Council* (1993) 82 LGERA 222).
- (xiv) The definition of 'environment' is not limited to the natural environment; it includes the built and social environment. Impacts can thus include social impacts on people, changes to infrastructure, impact on future use of developed land.
- (xv) When considering the likely environmental significance of the impacts associated with the proposed activity, the following should be considered:
- How extensive are the impacts?
 - How adverse are the impacts on environmentally sensitive areas?
 - How acceptable are the impacts considering the nature of the impacts?
- (xvi) The following extract from DECCW Proponents Guidelines for Review of Environmental Factors provides useful guidance:

Extensive impacts – in deciding if the impacts of an activity are likely to significantly affect the environment, the type, degree and range of each impact must be considered on its merits. If an impact is extensive in terms of spatial or time dimensions and intensity or severity, there is potentially a high risk to the environment.

¹² Note that under s.7.8 of the *Biodiversity Conservation Act 2016*, if the **only** significant effect is on threatened species, Council may dispense with an EIS and require only an SIS or BDAR. The equivalent provision under s.221ZX of the *Fisheries Management Act 1994* requires only an SIS.

Impacts which adversely impact on environmentally sensitive areas are likely to be significant – the impacts of activities undertaken in environmentally sensitive areas are more likely to be significant than similar activities proposed in other locations. Relatively small activities carried out in environmentally sensitive areas can result in substantial impacts on the environment. A precautionary approach should be adopted for activities proposed in environmentally sensitive areas, including careful investigation of alternatives and mitigation strategies. Activities that are likely to indirectly affect environmentally sensitive areas may also be considered to significantly affect the environment. Environmentally sensitive areas can be defined in section 1.5 of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#). Relevant examples in Wingecarribee LGA include: World heritage areas, areas of high Aboriginal cultural significance or high biodiversity significance, land reserved under the [National Parks and Wildlife Act 1974](#) and land reserved or dedicated under the [Crown Lands Act 1989](#) for the preservation of flora, fauna, geological formations or for other environmental protection purposes.

Impacts with a low level of acceptability because of the nature of the impacts are likely to be significant – when considering the impacts of an activity, the extent of the potential impacts is only one factor to be considered. Impacts that are not very extensive may still significantly affect the environment.

Any impact that results in a threat to the health or safety of individuals or the community has a low acceptability level. In considering the risks to the community, particular attention should be given to the welfare of children, the aged or any disadvantaged group. Any impact that threatens biodiversity also has a low level of acceptability and has the potential to significantly affect the environment.

Activities that will adversely affect a community's amenity, or unacceptably change or transform a locality, or place at risk items, buildings or localities that are particularly valued by the community will be considered significant. It can also be expected that the community will have a low acceptance of impacts that threaten property values or decrease the options for a secure livelihood of individuals or the community generally.

Consultation & Concurrence

- (xvii) Public consultation in the assessment of an activity under Part 5 of the EP&A Act is required only where an EIS is required. However, it is necessary to check whether consultation or concurrence is required under other legislation or the relevant EPI under which the activity is proposed. For example, clauses 13 – 17 of SEPP Infrastructure 2007 provide for mandatory consultation in some circumstances.
- (xviii) Further, as Council has a commitment to keep the community and ratepayers informed, community consultation and/or public notification of activities under Part 5 is encouraged to be undertaken in some form for all but the most minor proposed activities. You should consider informing Councillors via the weekly circular or Councillor briefing session process. It should be noted that weekly circulars are also available to the public.

REVIEW OF ENVIRONMENTAL FACTORS

- For each row in the below table – if select ‘Yes’, then complete the ‘Impact Level’, ‘Reasons’ and ‘Safeguards/Mitigation Measures’ columns for the row; if select ‘No’, write ‘N/A’ in the ‘Impact Level’ and ‘Reasons’ columns for the row.
- For guidance on ‘Impact level’ see points 6, 7 and 8 at beginning of Part B.
- For guidance on ‘Safeguards/Mitigation Measures’ see points 9 and 10 at beginning of Part B.

Physical and chemical impacts during construction and operation				
	Is this applicable?*	Impact level	Reasons	Safeguards/Mitigation Measures
	Write Yes or No	low, medium or high adverse or positive or N/A	Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in areas with Environmentally Sensitive features, strong justification must be provided.	
SOIL QUALITY & LAND STABILITY				
<p>P1. Is the proposal likely to impact on soil quality or land stability?</p> <p>Include impacts such as erosion, soil and contamination. Consider geotechnical/engineering reports.</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	<p>The proposed activity will involve some soil disturbance to allow for road widening and rehabilitation works.</p> <p>Disturbance will be short term (during construction only), and all disturbed areas will be rehabilitated immediately following construction.</p>	<p>Site management will incorporate best management erosion and sediment control practices such as those found in the Department of Housing’s “Blue Book” (4th Edition) on erosion and sediment control.</p> <p>All erosion and silt control devices will be visually inspected weekly as well as after each rainfall event.</p> <p>Stockpiles will be designed, established, operated and decommissioned in accordance with the RMS Stockpile Site Management Guidelines 2015.</p> <p>The rehabilitation of disturbed areas will be carried out progressively as construction stages are completed, and in accordance with:</p> <ul style="list-style-type: none"> * Landcom’s “Blue Book” (4th Edition) on sediment and erosion control * RMS Landscape Guidelines

Physical and chemical impacts during construction and operation

	Is this applicable? * Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in areas with Environmentally Sensitive features, strong justification must be provided.	Safeguards/Mitigation Measures
WATER QUALITY				
<p>P2. Is the activity likely to affect a waterbody, watercourse, wetland or natural drainage system?</p> <p>Consider types of impact on water – redirection of flow, changes to the area, volume or flow of a waterbody, & actual or likely pollution of waters. Refer to s.120 and dictionary of <i>Protection of the Environment Operations Act 1997</i> for definition of water pollution</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>LOW ADVERSE</p>	<p>The subject road alignment crosses 3 watercourses mapped in the 1:25,000 NSW Topographic Map. Two of these watercourses were verified during field survey. One mapped watercourse, to the north of Merrigang Street, could not be located during field survey (see note on Map 1).</p> <p>The existing culvert at Mittagong Creek (on Map 1) will not be modified as part of the proposed activity.</p> <p>The existing culvert on the waterway adjacent to range Road will be extended to allow for road widening (see note on Map 8) however will not obstruct or redirect flow of water in any way.</p> <p>The site compound and temporary access road crosses a mapped watercourse according to NSW 1:25,000 topographic map, however this is not a well-defined watercourse.</p> <p>There is also stormwater infrastructure proposed at 11 locations along the road alignment. All stormwater crossings will comprise of Class 2 or Class 3 reinforced concrete (RCP) pipes or reinforced concrete box culverts which will tie in to prefabricated concrete headwalls. Stormwater crossings comprise of one of the following types</p> <ul style="list-style-type: none"> • Crossings which match existing conditions (some crossing are realigned to ensure proper function); and 	<p>Water quality control measures are to be used to prevent any materials (eg. concrete, grout, sediment, etc) entering drain inlets or waterways.</p> <p>Prevent sediment moving off-site and sediment laden water entering any water course, drainage lines, or drain inlets.</p> <p>Store fuels, chemical and hazardous materials in secure, bunded areas within temporary construction ancillary facilities, and at least 40m from all waterways.</p>

Physical and chemical impacts during construction and operation

	Is this applicable? * Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in areas with Environmentally Sensitive features, strong justification must be provided.	Safeguards/Mitigation Measures
			<ul style="list-style-type: none"> Crossings implemented to reduce the size of table drains, and retain power poles where effected. <p>There is the potential for erosion and subsequent sedimentation of receiving waters as part of the proposed activity.</p> <p>There is also a small risk of pollution of receiving water environments in the case of a spill of any fuels, chemicals or hazardous materials from the site.</p> <p>This risk is considered low due to the use of mitigation measures to contain all potential pollutants within the site of the proposed works.</p>	
P3. Is the activity likely to have a neutral or beneficial effect on water quality? Refer to NorBE assessment (Appendix B).	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Neutral	The proposal will have a neutral impact on water quality- see NorBE Assessment	See NorBE Assessment.
P4. Is the activity likely to change flood or tidal regimes, or be affected by flooding?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	<p>The proposed activity is not anticipated to have any impact on flood or tidal regimes.</p> <p>It is understood that the Retford park detention basin has already been designed with any such constraints for this site already known to council.</p> <p>Parts of Stage 1 are affected by flooding as identified in the Nattai River Flood Study and Wingecarribee River Flood Study. The existing crossing of the Wingecarribee</p>	N/A

Physical and chemical impacts during construction and operation

	Is this applicable? * Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in areas with Environmentally Sensitive features, strong justification must be provided.	Safeguards/Mitigation Measures
			River is not proposed to be adjusted as part of the works. The proposed works are not expected to change flood regimes in the Wingecarribee River catchment. The Nattai River crossing is to be adjusted as part of the works, with the existing culverts extended to match the revised roadway. The extension will not alter the conveyance of the existing structure significantly so there is not expected to be a significant change to flood regimes on the Nattai River from the proposed works	

CHEMICAL & HAZARDOUS SUBSTANCES

<p>P5. Does the activity involve the use, storage, or transport of hazardous substances or the use or generation of chemicals, which may build up residues in the environment? Consider the level of information/degree of confidence regarding the potential impact on the environment of the hazardous substances & degree of community interest/concern with respect to transport, use or generation of the substances.</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	<p>The proposed activity requires the use of fuels and oils in machinery and equipment used to undertake road widening works.</p> <p>The potential impact is considered low because of the safeguards and mitigation measures that will be implemented to contain all potential contaminants within the project site.</p>	<p>Store fuels, chemical and hazardous materials in secure, bunded areas within temporary construction ancillary facilities, and at least 40m from all waterways.</p> <p>Capture and dispose of spill and contaminated materials from temporary construction ancillary facilities at a licensed facility.</p> <p>Provide spill kits around temporary construction ancillary facilities.</p>
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Physical and chemical impacts during construction and operation

	Is this applicable? * Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in areas with Environmentally Sensitive features, strong justification must be provided.	Safeguards/Mitigation Measures
WASTE, NOISE, VIBRATION & AIR QUALITY				
P6. Does the activity involve the generation or disposal of gaseous, liquid or solid wastes or emissions?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	The proposed activity is not expected to generate wastes, however a Waste Management Plan should be prepared for handling of any unanticipated wastes generated during construction. The potential impact is low because the safeguards and mitigation measures will present these waste materials from leaving the site	A Waste Management Plan will be prepared as part of the CEMP which will detail capture, storage, treatment and disposal of any waste that may be generated during the construction process (see above).
P7. Will the activity involve the emission of dust, odours, noise, vibration or radiation in the proximity of residential or urban areas or other sensitive locations?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	The proposed activity has the potential to create emissions of dust, odour and noise during construction. Potential impacts are considered low because of safeguards and mitigation measures that will be implemented.	Air/ dust/ odour: - Measures to minimise or prevent air pollution or dust are to be used including watering or covering exposed areas. - Works are not to be carried out during strong winds or in weather conditions where high levels of dust or air borne particulates are likely - Vehicles and vessels transporting waste or other materials that may produce odours or dust are to be covered during transportation - Vehicles and equipment are to be maintained in good working order and not left idling. - Monitor work areas and stockpiles for dust generation and seed/cover/spray to suppress if necessary. Noise: - All sensitive receivers (eg local residents) likely to be affected will be notified at least five working days prior to

Physical and chemical impacts during construction and operation

	Is this applicable? * Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in areas with Environmentally Sensitive features, strong justification must be provided.	Safeguards/Mitigation Measures
				<p>the start of any works associated with the activity that may have an adverse noise or vibration impact.</p> <ul style="list-style-type: none"> - Works to be carried out during normal work hours (i.e. 7am to 6pm Monday to Friday; 8am to 1pm Saturdays). <p>Any work that is performed outside normal work hours or on Sundays or public holidays may not be permitted and, if permitted, works are to minimise noise impacts.</p>

Community impacts during construction and operation

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
C1. Is the activity likely to affect community services or infrastructure? (infrastructure includes roads, bus route, power, water, drainage, waste management, educational, medical or social services)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	<p>The proposed activity may cause some disruption to road users and residents along the affected road during the construction phase.</p> <p>It is not anticipated that there will be any disruption to power supply, drainage, waste management, bus routes, educational, medical or social services.</p>	<p>Property access is to be maintained during the works. Old South road will be close to traffic in sections with detours in place.</p> <p>Traffic disturbance is unavoidable, a Traffic Management Plan (TMP) will be prepared.</p> <p>Comply with Council requirements regarding traffic control, access and road/ pedestrian access.</p> <p>Erect signs regarding proposed works, temporary road closures, diversions, etc.</p>
C2. Does the activity affect sites of importance to local or broader community for their recreational or other values or access to these sites? (including places of conservation, heritage or cultural significance)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	<p>Old South Road is identified as a local heritage item. The Old South Road Heritage Item Report (attached) identifies key features of which being the alignment and reservation width.</p>	<p>The proposed works will not significantly change the road alignment and will be within the existing road reserve.</p> <p>The road has been updated with modern materials over its life to the extent that no remnants of the original road are visible. Mitigation of potential impacts to physical heritage items will be managed by following the Archaeological Relics Protection Protocol attached, prepared by Council's Heritage advisor. This document is to be referenced in the CEMP and implemented during the construction works.</p>
C3. Is the activity likely to affect economic factors, including employment, industry and property value?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	<p>It is not anticipated that road widening will have any impact on economic factors for the local community.</p>	Nil

Community impacts during construction and operation

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
C4. Is the activity likely to have an impact on the safety of the community? Consider applicable: Australian Standards, Building Code of Australia, geotechnical/engineering reports, or safe systems of work.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	All works will be undertaken by suitably qualified contractors who work to Australian Standards to ensure that there is no impact on the safety of the community.	Nil
C5. Is the activity to be carried out on land that is in a bushfire prone area?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	The subject road traverses land that has been mapped by RFS as bushfire prone land. The proposed activity is not anticipated to have any impact on bushfire prone land. All safeguards and mitigation measures to prevent potential spark or other cause of bushfire will be implemented.	Traffic management to maintain access routes for any bushfire management activities during construction works.
C6. Will the activity affect the visual or scenic landscape?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	The proposed activity will have a temporary impact on the visual amenity of the landscape in the immediate vicinity of the subject road, during construction works. At completion of the construction phase, the site will be rehabilitated.	Contain all work within the boundaries designated on the site plan. Restore work sites to as close to their original condition as possible.

Community impacts during construction and operation

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
<p>C7. Is the activity likely to cause noise, pollution, visual impacts, loss of privacy, glare or overshadowing to members of the community, particularly adjoining landowners?</p>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	<p>The proposed activity will have noise impacts for landowners and residents in the immediate vicinity of the subject road, during construction phase.</p> <p>The revised road design prioritizes being closer to the existing pavement levels to minimize the footprint of the project and as a result the number of trees within the road reserve required to be removed. It is not anticipated that there will be a significant reduction in privacy as lots adjoining the road are generally large in size with dwellings set well back from the road. The removal of trees is required for road safety on a road which approximately 2 million cars traverse per year. The land use for the site does not change.</p>	<p>All sensitive receivers (eg local residents) likely to be affected will be notified at least five working days prior to the start of any works associated with the activity that may have an adverse noise or vibration impact.</p> <p>- Works to be carried out during normal work hours (i.e. 7am to 6pm Monday to Friday; 8am to 1pm Saturdays). Any work that is performed outside normal work hours or on Sundays or public holidays may not be permitted and, if permitted, works are to minimise noise impacts.</p>
<p>C8. Is the activity likely to affect the use of, or the community's ability to use, natural resources?</p> <p><i>A natural resource includes our land, soil, water, plants, animals, minerals and air and also includes timber or a mineral deposit, that occurs in a natural state and has economic value, or is necessary/useful to</i></p>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	<p>The proposed activity will not have any impact on the community's ability to use natural resources.</p>	Nil

Community impacts during construction and operation

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
<i>humans</i>				
C9. Is the activity likely to affect traffic around the site? (including number and type of construction vehicles, number of heavy vehicle trips made to and from the site, disruption to traffic flow, partial or complete road closures)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	MEDIUM ADVERSE	<p>The proposed activity will cause some disruption to road users and residents along the subject road during the construction phase. Road closures will be in place during construction. It is anticipated that the level of disruption is lowered due to the implementation of a Traffic Management Plan as required.</p> <p>Number of heavy vehicle movements to and from the site each day would be maximum of 10, allowing for 2 x trucks per day for delivery, 3 x trucks for machinery and 5 x trucks for haulage and backfill.</p>	<p>Property access are to be maintained during the works. Old South road will be close to traffic in sections with detours in place.</p> <p>Traffic disturbance is unavoidable, a Traffic Management Plan (TMP) will be prepared.</p> <p>Comply with Council requirements regarding traffic control, access and road/ pedestrian access.</p> <p>Erect signs regarding proposed works, temporary road closures, diversions, etc.</p>

Natural resource impacts during construction and operation

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
N1. Is the activity likely to involve the use, wastage, destruction or depletion of natural resources including water, fuels, and timber or extractive materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	The proposed activity will require the use of fuels and oil to operate machinery. The anticipated volume is very minor, and there will be no wastage of any natural resources.	Plan for equipment and machinery that will be required to construct the road, and allow volume of fuels and oils required for construction phase. Such planning will minimize any wastage.
N2. Does the activity incorporate measures for the sustainable and efficient use of water and energy?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	The proposed activity will be conducted in a staged fashion and incorporate measures for sustainable and efficient use of water and energy.	Incorporate measures for sustainable and efficient use of water and energy to all works.

Aboriginal cultural heritage impacts during construction and operation

Addressing Qs 1-5 will assist in complying with the DECCW's *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. The Code is to assist people to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether an Aboriginal Heritage Impact Permit (AHIP) is required. A person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP (s80 of *National Parks and Wildlife Act 1974*).

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
<p>A1. Will the activity disturb the ground surface or any culturally modified trees^?</p> <p>NB. If answer is no, the Code provides an AHIP will not be necessary.</p> <p><i>^a tree that has been scarred, carved or modified by an Aboriginal person by the deliberate removal, by traditional methods of bark or wood from the tree, or the deliberate modification, by traditional methods, of the wood of the tree</i></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<p>LOW ADVERSE</p>	<p>The ground will be disturbed to allow for widening of the road. The vegetation to be cleared in Stage 1 works does not include any significant trees. Vegetation to be cleared is mostly exotic plantings. Therefore it is considered highly unlikely that culturally modified trees will be impacted by the Stage 1 works</p> <p>The proposed activity constitutes a low impact activity in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. This is because the proposed activity is maintenance of an existing utility on or under land that has been previously disturbed.</p> <p>Safeguards and mitigation measures have been put in place for any unanticipated finds.</p>	<p>If unforeseen Aboriginal objects are uncovered during development, or items or places suspected of being of Aboriginal heritage significance, work should cease and Wingecarribee Shire Council notified. In consultation with Council, an archaeologist, the OEH and the NLALC should also be contacted for further direction prior to recommencement of construction activities. If human remains are found, work should cease, the site should be secured and the NSW Police and the OEH should be notified.</p>
<p>A2. Does the activity affect known Aboriginal objects or Aboriginal places?</p> <p>Include all known sources of information on likely presence of Aboriginal objects or places, including</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>	<p>N/A</p>	<p>An extensive search of the AHIMS database conducted on 7th December 2020 found 0 Aboriginal sites and 0 Aboriginal places in the vicinity of the subject road.</p>	<p>As above.</p>

Aboriginal cultural heritage impacts during construction and operation

Addressing Qs 1-5 will assist in complying with the DECCW's *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. The Code is to assist people to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether an Aboriginal Heritage Impact Permit (AHIP) is required. A person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP (s80 of *National Parks and Wildlife Act 1974*).

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
AHIMS search results				
<p>A3. Is the activity located within, or will it affect, areas containing the following landscape features AND is located on land that is not "disturbed land" as defined in the Due diligence Code of Practice definition?</p> <ul style="list-style-type: none"> • within 200m of waters*; • within a sand dune system*; • on a ridge top, ridge line or headland; • within 200m below or above a cliff face; or • within 20m of or in a cave, rock shelter or a cave mouth. 	Yes ✓ No	LOW ADVERSE	<p>The site:</p> <ul style="list-style-type: none"> - IS within 200m of waters; - is not within a sand dune system; - is not on a ridge top or headland; - is not within 200m below or above a cliff face; - is not within 20m of a rock shelter, cave or cave mouth; <p>AND</p> <ul style="list-style-type: none"> - is located on land that is disturbed land as defined in the Due Diligence Code of Practice. 	<p>Safeguards and Mitigation measures will be put in place to avoid impacts to landscape features including waterways along the road alignment.</p> <p>According to the generic due diligence process, an AHIP application is not necessary if impacts to landscape features (in this case waterways) can be avoided.</p>

Aboriginal cultural heritage impacts during construction and operation

Addressing Qs 1-5 will assist in complying with the DECCW's *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. The Code is to assist people to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether an Aboriginal Heritage Impact Permit (AHIP) is required. A person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP (s80 of *National Parks and Wildlife Act 1974*).

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
*see Due Diligence Code of Practice for requirements.				
A4. If Aboriginal objects or landscape features are present, can impacts be avoided?	Yes <input checked="" type="checkbox"/> No	LOW ADVERSE	The road alignment crosses two waterways which constitute landscape features.	The subject waterways are already highly disturbed and are crossed by the existing road alignment. Therefore any further impacts of the proposed road widening are expected to be minimal.
A5. Does the activity affect areas subject to Native Title claims? If on Crown Land check with Council's Native Title Manager.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	Not on Crown Land	Nil

Biological impacts during construction and operation (excluding Matters of National Environmental Significance)

Reference may be made to the NSW [Threatened species test of significance guidelines](#) and [Threatened species guidelines](#) for assistance.

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
<p>B1. Is any vegetation (dead or alive) to be cleared or modified? Provide specific details on impacts to;</p> <ul style="list-style-type: none"> Mapped threatened ecological communities, flora threatened species, threatened species habitat – also identify if impacts are proposed to SAI¹³ entities Vegetation within heritage items or heritage conservation areas Trees with a trunk diameter greater than 500mm (measured at 1.4m above ground) Hollow bearing trees¹⁴ Tree roots within 	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	<p>Clearing of 0.70ha of exotic vegetation will be cleared or impacted in some way to allow for road widening works.</p> <p>Field survey confirmed there are no Endangered Ecological Communities in the project footprint.</p> <p>Likelihood of occurrence for threatened fauna and flora species is low, and the vegetation to be impacted does not represent ideal habitat for any threatened flora or fauna species.</p> <p>There are no trees with a trunk of greater than 500mm in the project footprint for Stage 1.</p> <p>One hollow bearing tree was found near the intersection with Merrigang Street, but will not be impacted by the proposed activity.</p>	<p>Mitigation measures and safeguards are as follows are to be documented in a Vegetation Management Plan (VMP) to be prepared by a qualified ecologist prior to any works commencing. The contractor is responsible for the preparation of, and implementation of the VMP. The VMP must be approved by Council's Environmental Officer prior to works commencement.</p> <p>The VMP will detail at a minimum:</p> <p><u>1. Mark out Exclusion Zones</u></p> <ul style="list-style-type: none"> Mark out exclusion areas. In these areas, all measures will be taken to avoid unnecessary vegetation clearing and disturbance. Training provided to all staff and contractors. <p><u>2. Minimise Vegetation removal:</u></p> <ul style="list-style-type: none"> Remove the minimum required vegetation and minimise disturbance to remaining vegetation. <p><u>3. Weed Management Strategies</u></p> <p>There are a number of high threat exotic weed species and other weed species in the study area. To avoid the further</p>

¹³ SAI is an acronym for *serious and irreversible impact*. Some threatened species or ecological communities are listed as SAI entities in Appendix 2 or 3 of [Guidance to assist a decision-maker to determine a serious and irreversible impact](#). If impacts on SAI entities are proposed, consider if there are any additional and appropriate measures that will minimise those impacts.

¹⁴ Hollow bearing trees includes living or dead trees with a diameter at breast height (DBH) of greater than 500mm; and/or where hollow entrances can be seen and are greater than 20mm; and the hollow appears to have depth. Trees must be examined from all angles. Note: Council has a draft procedure for managing impacts to hollow bearing trees.

Biological impacts during construction and operation (excluding Matters of National Environmental Significance)

Reference may be made to the NSW *Threatened species test of significance guidelines* and *Threatened species guidelines* for assistance.

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
structural root zone of trees (see Australian Standard 4970-2009)				<p>spread of weed seeds, propagules and pathogens, the following mitigation measures are recommended:</p> <ul style="list-style-type: none"> • Plant, equipment and stockpiles should be placed in lay down areas avoiding areas of native vegetation. • All exotic biomass cleared within the impact area should be removed from the study area and disposed of at an approved facility. • All equipment and plant brought into the impact area is to be washed/cleaned so that it is free of soil, mud debris or vegetation which may inadvertently introduce weeds and/or other pathogens into the study area. • Measures should be taken to prevent tracking of soils/sediments from the work sites to other roadways as a result of work vehicle/machinery movement. <p>4. Site Restoration: Following construction, and return of the site to its original condition, weed-free topsoil should be used in landscaping and any disturbed sites revegetated with locally indigenous species.</p>

Biological impacts during construction and operation (excluding Matters of National Environmental Significance)

Reference may be made to the NSW [Threatened species test of significance guidelines](#) and [Threatened species guidelines](#) for assistance.

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
				Additionally, all works to be in accordance with Wingecarribee Shire Council Specification C29 and AS4970-2009. Contractor to engage arborist to assess all trees with works encroaching on the structural root zone, and arborist to confirm all trees to be retained and removed.
B2. Is the activity likely to have a significant effect on threatened species, ecological communities or their habitats listed (schedule 1 or 2) in the Biodiversity Conservation Act 2016? Refer to Appendix C.	Yes No ✓	N/A	The road widening works will result in clearing of 0.70 ha of exotic vegetation. Field survey confirmed there are no endangered ecological communities located in the study area for Stage 1. The proposed activity is unlikely to have any impact on threatened flora or fauna species because the vegetation in the study area does not represent ideal habitat for any of these species.	See above- mitigation measures and environmental safeguards to be documented in a Vegetation Management Plan to be prepared by a qualified ecologist.
B3. Is the activity likely to have a significant effect on threatened species, populations, or their habitats listed (schedule 4, 4A or 5) in the Fisheries Management Act 1994? Refer to Appendix C.	Yes No ✓	N/A	An area of potential fish habitat at Mittagong Creek is mapped in the Roadside Vegetation Management Plan, however upon inspection during field survey the creek was dry in the vicinity of Old South Road. Vegetation consisted of weedy aquatic species such as Typha sp. and habitat overall was very poor condition. There are no threatened species, populations or habitats listed under the <i>Fisheries Management Act</i> within the study area for the proposed activity.	Standard environmental safeguards to prevent erosion and sedimentation of waterways during road widening works.

Biological impacts during construction and operation (excluding Matters of National Environmental Significance)

Reference may be made to the NSW [Threatened species test of significance guidelines](#) and [Threatened species guidelines](#) for assistance.

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
B4. Is the activity likely to have an effect on areas of outstanding biodiversity values listed in the Biodiversity Conservation Act 2016? Refer to Appendix C.	Yes No <input checked="" type="checkbox"/>	N/A	There are no areas of outstanding biodiversity value in the REF study area.	Nil
B5. Is the activity likely to have an effect on critical habitat listed in the Fisheries Management Act 1994? Refer to Appendix C.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	The proposed activity is not in an area of critical habitat listed in the <i>Fisheries Management Act 1994</i> .	Nil
B6. Does the activity have the potential to endanger, displace or disturb any protected fauna or protected native plants within the meaning (schedule 5 or 6) of the Biodiversity Conservation Act 2016?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	The potential for protected fauna and flora species to be impacted by the proposed activity is minimal due to the area of vegetation to be cleared, habitat loss and loss of fauna linkages.	Safeguards and mitigation measures as per the Vegetation Management Plan. Site specific training to include management of any unexpected native flora or fauna located at any time during construction. In this scenario, works are to cease immediately, Council's Environment Officer notified, and a suitably qualified ecologist engaged to determine if any further assessment or management plans are required.
B7. Is the activity likely to cause a threat to the biological diversity or ecological integrity of an ecological community?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	There are no ecological communities in the REF study area,	Nil

Biological impacts during construction and operation (excluding Matters of National Environmental Significance)

Reference may be made to the NSW [Threatened species test of significance guidelines](#) and [Threatened species guidelines](#) for assistance.

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
B8. Is the activity likely to introduce or create favourable conditions for biosecurity threats (e.g. pest, diseases or weeds as defined in Biosecurity Act 2015) into an area?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	LOW ADVERSE	There is a high prevalence of weeds and exotic species in the vicinity of the proposed activity.	The Vegetation Management Plan will address measures to reduce spread of weeds during construction. For example: Construction machinery should be washed prior to entering and leaving site to ensure weed propagules are not transported. Use weed-free topsoil in landscaping and revegetate disturbed sites with locally indigenous species.
B9. Is the activity likely to affect any wilderness area within the meaning of the Wilderness Act 1987? E.g. in Wingecarribee Shire does it have an impact on any land in the Blue Mountains National Park? check Environmental Impact Assessment Map set	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	The activity is not within a Wilderness Area	Nil

Biological impacts during construction and operation (excluding Matters of National Environmental Significance)

Reference may be made to the NSW [Threatened species test of significance guidelines](#) and [Threatened species guidelines](#) for assistance.

	Is this applicable? Write Yes or No	Impact level low, medium or high adverse or positive or N/A	Reasons Justify impact level. Describe the type, nature and extent of impact, taking into account the receiving environment & any proposed safeguards which will limit the impact. If you determine the impacts are not medium or high adverse in Areas with Environmentally Sensitive Features, strong justification must be provided.	Safeguards/Mitigation Measures
B10. Is the activity consistent with any conservation agreements and plans of management adopted under the <i>National Parks and Wildlife Act 1974</i>?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	(N/A)	The activity is confined to the road reserve.	Nil
B11. Is the activity likely to affect any joint management agreements under the <i>Threatened Species Conservation Act 1995</i> or Biodiversity Conservation Act 2016?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	N/A	The activity is not likely to affect any joint management agreements under the <i>Biodiversity Conservation Act 2016</i> .	Nil
B12. Is the activity likely to affect any biobanking agreement entered into under Part 7A of <i>Threatened Species Conservation Act 1995</i> or biodiversity stewardship agreement under the <i>Biodiversity Conservation Act 2016</i> that applies to the land? Check BioBanking Register	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	NA	The activity is not likely to affect any biobanking agreements under the <i>Biodiversity Conservation Act 2016</i> .	Nil

Matters of national environmental significance (MNES) under the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*

Refer to EPBC Act, '*Significant Impact Guidelines 1.1: Matters of National Environmental Significance*', December 2009 produced by the Commonwealth Department of the Environment, Water, Heritage and the Arts. <http://www.environment.gov.au/epbc/publications/nes-guidelines.html>

This assessment can only be used within Wingecarribee LGA as other MNES occur outside the LGA.

<p>M1. Are there any matters of national environmental significance located in the area of the proposed action?</p> <p>Note: Refer to Biological Impact section generated during the REF process.</p>	<p>Results of EPBC Protected Matters Search:</p> <p>World Heritage properties: None</p> <p>National Heritage places: None</p> <p>Wetlands of International Importance: None</p> <p>Commonwealth listed threatened species or ecological communities: 6 listed TECs and 53 listed threatened species within 5.0km search</p> <p>Commonwealth listed migratory species: 15 listed migratory species within 5.0km search</p> <p>Nuclear actions: None</p>
<p>M2. Considering the proposed action at its broadest scope, is there potential for impacts on matters of national environmental significance?</p>	<p>The proposed works includes clearing of 0.70ha of exotic vegetation.</p> <p>Two threatened species listed as "Vulnerable" under the EPBC Act- <i>Phascolarctos cinereus</i> (Koala) and <i>Pteropus poliocephalus</i> (Grey-headed Flying-Fox)- occur within 2km of the study area. However potential for these species to be impacted by the proposed activity is LOW due to the poor quality of vegetation to be impacted, and the availability of better quality habitat for these species nearby.</p>
<p>M3. Are there any proposed measures to avoid or reduce impacts on matters of national environmental significance?</p>	<p>As per the safeguards and mitigation measures outlined in this REF for avoiding impacts to all threatened species and ecological communities.</p>

M4. Are any impacts of the proposed action on matters of national environmental significance likely to be significant impacts?

If 'yes' is answered in Question M4, the matter needs to be referred to the Environment & Health Systems Coordinator for additional Government requirements and notification process.

See [Significant Impact Guidelines](#) significant impact criteria for relevant matters of national environmental significance.

No



Considerations of cumulative environmental impacts & effects

- (a) Consider the cumulative impacts of the activity for each category. In addition to medium and high impacts, it is necessary to consider the overall effects of the low impacts. Although impacts may be of only low to medium concern when considered individually, the cumulative effect of the impacts could be substantial.

Category of Impact	Significance of impacts		
	Describe the extent of impact as negligible, low, medium or high adverse or positive or N/A	Describe the nature of impact	List any environmentally sensitive features
Physical and Chemical	N/A	N/A	Nil
Community	Low Adverse	Noise, visual impacts	Impacts of noise and visual impacts on local residents during construction
Natural Resources	N/A	N/A	Nil
Cultural Heritage	N/A	N/A	Nil
Biological	High Adverse	Vegetation clearing, loss of habitat and fauna linkages	EEC vegetation Other native vegetation Fauna species and habitat
Matters of National Environmental Significance	High Adverse	Clearing of EEC vegetation, potential impacts to Grey-headed Flying-Fox and Koala.	Commonwealth listed Critically Endangered Ecological Community and two fauna species listed as "Vulnerable"

- (b) Consider any cumulative environmental effect the activity will have with other existing or likely future activities. Cumulative effect is the compound effect of the proposed activity on the environment in addition to existing activities and proposed activities. These activities are not restricted to Council's proposals.

The Retford Park Detention Basin project is in close proximity to the site. Other proposed activities in close proximity include the subsequent construction of Stage 2 works on Old South Road, between Old South Road / Range Road Roundabout and Aylmerton Road. It is not anticipated that these project stages will be constructed in the short – medium term. Cumulative impacts are anticipated to be minimal.

PART B DETERMINATION

See points 2 to 5 and 11 to 15 at beginning of Part B for guidance on evaluating the likely environmental significance of the impacts.

	Tick Yes or No	Yes	No
A. The cumulative impact of the activity as a whole is of a low level. The activity is not likely to have a significant effect on the environment.		✓	
B. The cumulative impact of the activity as a whole is of a medium or high level of impact.			✓
i. It is concluded that the activity is likely to have a significant effect on the environment. An Environmental Impact Statement (EIS) is required.			✓
ii. It is concluded that the activity is likely to have a significant effect on threatened species, populations, ecological communities or their habitats. A Species Impact Statement (SIS) or BDAR is required.			✓
C. The activity is in respect of land that is, or is part of, critical habitat or areas of outstanding biodiversity value. A Species Impact Statement (SIS) or BDAR is required.			✓

NOTE: If a SIS/BDAR or EIS is required please consult with Environment & Health Systems Coordinator for additional State Government requirements and notification process.

Provide reasons and attach any supporting documents for reaching the above determination:

See Appendix D – Results of 10km search of NSW Bionet Atlas and Protected Matters Search Tool, an assessment of the likelihood of occurrence based on number of records within 5km of the subject site, Tests of Significance, Flora and Fauna Assessment.

- All environmental impacts associated with the proposed road widening works for Old South Road (Stage 1) have been addressed in accordance with the requirements of section 5.5 of the EP&A Act and Clause 228 of the EP&A Regulation, via use of Council's environmental assessment form;
- Environmental safeguards and mitigation measures have been outlined in this REF document, including preparation of a Vegetation Management Plan, a Waste Management Plan and Erosion and Sediment Control Management Plan. These documents must be prepared and approved by Council prior to road works commencing.

If all environmental safeguards and mitigation measures are followed, the proposed activity may proceed without any further assessment (EIS or SIS) or permits or other licenses

As the determining authority, Council has a legal duty under the EP&A Act to examine to the fullest extent possible all matters that affect or are likely to affect the environment by reason of the proposed activity.

We declare that the information contained in this form is neither false nor misleading.

Prepared by (1):

Signature



Date __ 07 __ / __ 09 __ / __ 2021 __

Name

Dr Emma McIntyre

Title

Director and Environmental Scientist

EMAP Consulting

Prepared by (2):

Signature



Date 12 /12 /2022

Name

James Knight

Title

WSC Project Manager

Delegated Authority Sign-Off

PART B must be approved (signed) by staff with delegated authority under Part 5 of the *Environmental Planning and Assessment Act 1979* for Council works not subject to the lodgment and determination of

a development application under part 4 of the Act. Staff positions with this delegation are identified in Council's Delegation Manual. The approving delegate must check that the form has been completed, with all sections addressed (including the appendices). The approving delegate must be confident that the **PART B Determination** has been made by staff with the training and/or experience to do so.

Delegated Authority Approval:  Date 13/12/2022

The Environmental Assessment process is not complete until the signed form is registered on Dataworks File 5609/1. This must be done prior to works commencing.



Appendix A – Waste Treatment Planning

All projects must complete Appendix A if waste is to be generated. **Step 1** - Identify and tick all types of waste likely to be generated. **Step 2** - Indicate the waste volume likely to be generated for each waste. **Step 3** - Indicate how this waste will be treated. **Step 4** - If sending to an EPA licensed facility or other facility that can lawfully accept it; or treating as per a resource recovery order and/or exemption; please identify the facility or resource recovery order or exemption.

STEP 1 Identify and select (✓) all types of waste likely to be generated		STEP 2 Indicate the waste volume (tonnes or cubic metres whichever is larger)	STEP 3 Please indicate (✓) how each identified waste type will be treated		
For definitions see Waste Classification Guidelines Part 1: Classifying Waste (December 2009)			Send to an EPA licensed facility or other facility that can lawfully accept it ²	Treat as per a resource recovery order & exemption ³	Obtain an EPA licence ⁴
Special waste (e.g. clinical & related waste, asbestos waste, waste tyres) If yes, please list:					
Liquid waste If yes, please list:					
Hazardous waste If yes, please list:					
Restricted solid waste If yes, please list:					
General solid waste (putrescible) If yes, please list:					
General solid waste (non-putrescible) If yes, please list. Some predicted non-putrescible wastes have been included below;					
<ul style="list-style-type: none"> • Asphalt 	To be avoided, use as			x	

	select fill				
• Building and demolition waste (e.g. Concrete and brick)	Yes	5 tonnes	x		
• Containers, previously containing dangerous goods, from which residues have been removed by washing or vacuuming					
• Empty paint tins					
• Green waste – including noxious weeds ¹					
• Green waste – not included as above					
• Metal	Yes	5 tonnes	x		
• Oil containers and lead acid batteries					
• Packaging materials	Yes	3 cubic meters			
• Paper and cardboard	Yes	3 cubic meters			
• Plastics (recycle nos. 1, 2, 3, 4, 5, 6, 7)	Yes	3 cubic meters			
• Road millings, shoulder waste, trench waste	To be avoided, use as select fill or reuse on site			x	
• Stormwater grit, sediment, litter and gross pollutants (excluding free liquids)					
• Street sweepings					
• Virgin extracted natural material	Yes	10,000-15,000 tonnes	x	X (more likely than sending to waste facility)	
• Water reticulation plant grit and screenings					
• Wood waste					
• Please identify any other waste not included in this list:					

STEP 4

If sending to an EPA licensed facility or recycling business, please identify the facility: Resource Recovery Centre, Moss Vale. Bowral Waste Centre PTY LTD, Bowral.

If treating as per a [resource recovery order & exemption](#), please list the specific exemption and location where the resource is to be used:

The excavated natural material order 2014.

- Contractor must allow to coordinate the location for the resource to be reused (site with fill excess requirement).

The excavated public road material exemption 2014.

¹Noxious weeds can be brought to the Moss Vale Resource Recovery Centre, but it is important they are not dropped off in the garden organics pile. Please advise the gatehouse operator if you are disposing of noxious weeds. See [list of noxious weeds in the Wingecarribee LGA](#).

² See [list of activities licensed by the Environment Protection Authority](#) (EPA) under Schedule 1 of the *Protection of the Environment Operations Act 1997*. Also consider other recycling businesses using the [PlanetArk Business Recycling search tool](#).

³ In some cases, a [resource recovery order & exemption](#) may require testing. For example, the *Excavated Natural Material Order 2014* outlines the testing regime including NATA or equivalent laboratory results. Allow enough time and resources to comply with the relevant order and/or exemption requirements.

⁴ If you intend to obtain an EPA licence, check if development consent is required.

Appendix B – NorBE Assessment

NorBE Assessment for proposed activities by public authorities that will be assessed under Part 5 of the EP&A Act, 1979, as specified in Cl 12 of [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#)

NorBE assessment – will there be a neutral or beneficial effect on water quality? <i>(Assessment must consider surface & ground waters and must consider construction & operational stages.)</i>	
<p>Are there any identifiable potential impacts on water quality?</p> <p>What pollutants are likely?</p> <p><i>Major potential pollutants are sediments (fine & coarse), nitrogen, phosphorus, pathogens and hazardous chemicals and contaminants such as oil/fuel.</i></p> <p>During construction and/or post construction?</p>	<p>Potential impacts are:</p> <p>Sediments, hazardous chemicals from use of horizontal directional drilling equipment, and fuels and oil.</p> <p>Impacts are during construction only, as all materials and equipment will be removed from site following construction, and any disturbed areas will be remediated.</p>
<p>For each pollutant list the safeguards needed to prevent or mitigate potential impacts on water quality (<i>these may be SCA endorsed current recommended practices (CRPs) and/or equally effective other practices</i>)?</p>	<p>1. Sediments:</p> <ul style="list-style-type: none"> - Site management will incorporate best management erosion and sediment control practices such as those found in Landcom’s “Blue Book” on erosion and sediment control, which is SCA CRP. - Linear silt fencing to be installed down slope of all affected areas and stockpiles. Silt fencing will be installed before excavation begins. - Sandbags, hay bales wrapped in geotextile fabric etc. will be used to slow water flow and trap sediment. No straw bales are to be used. - All erosion and silt control devices will be visually inspected weekly to ensure effectiveness as well as after each rainfall event. - The rehabilitation of disturbed areas will be carried out progressively as construction stages are completed, and in accordance with Landcom’s “Blue Book” on sediment and erosion control. <p>2. Fuels, oils, chemicals and hazardous materials:</p> <ul style="list-style-type: none"> - Store fuels, chemical and hazardous materials in secure, bunded areas within temporary construction ancillary facilities, and at least 40m from all waterways. - Capture and dispose of spill and contaminated materials from temporary construction ancillary facilities at a licensed facility. <p>Visual monitoring of local water quality (ie turbidity, hydrocarbon spills/slicks) is to be undertaken on a regular basis to identify any potential spills or deficient erosion and sediment controls.</p>
<p>Will the safeguards be adequate for the time required? How will they need to be maintained?</p>	<p>Construction phase controls will be designed for the duration of the proposed activity, and will be maintained as per Blue Book (Landcom 2004) guidelines.</p>

NorBE assessment – will there be a neutral or beneficial effect on water quality? <i>(Assessment must consider surface & ground waters and must consider construction & operational stages.)</i>	
<p>Will all impacts on water quality be effectively contained on the site by the identified safeguards (above) and not reach any watercourse, waterbody or drainage depression?</p> <p>Or will impacts on water quality be transferred outside the site for treatment? How? Why?</p>	<p>All potential impacts on water quality will be contained on site by the safeguards listed above. The identified pollutants will not reach any watercourse, waterbody or drainage depression.</p> <p>No impacts on water quality are to be transferred off site for treatment.</p>
<p>Is it likely that a neutral or beneficial effect on water quality will occur? Why?</p>	<p>The proposed activity is likely to have a neutral effect on water quality. The activity is not anticipated to provide any improvement in water quality in the local area, but it will not adversely effect water quality in the local area.</p>
<p>PREPARED BY/ DATE:</p>	<p>EMAP Consulting 13th July 2021</p>

Appendix C – Threatened Species Assessment of Significance

The threatened species assessment of significance is used to decide whether the activity is likely to have a significant effect on threatened species, populations, ecological communities or their habitats [Biodiversity Conservation Act 2016](#) and [Fisheries Management Act 1994](#).

The following guidelines must be taken into account:

- Biodiversity Conservation Act 2016 [Threatened species test of significance guidelines](#)
- Fisheries Management Act 1994 [Threatened species guidelines](#).

When you have completed the assessment of significance, include the findings in the Biological Impacts section.

If it is found that a significant effect is likely the preparation of a Species Impact Statement (SIS) or a Biodiversity Development Assessment Report (BDAR) will be required.

List the species, populations and ecological communities, or their habitats which are likely to be affected by activity. Refer to any list of species, populations, ecological communities, or their habitats which are likely to be affected by the activity as generated during the REF process.

The Flora and Fauna Assessment conducted by Ecoplanning (2021) for both Stages 1 and 2 of the proposed road widening project, found that:

* There is a total of 2.279 ha of field validated *Sydney Peppermint – White Stringybark moist shrubby forest on elevated ridges, Sydney Basin Bioregion* (PCT1254) in the project footprint. This PCT is a component of *Southern Highlands Shale Woodland endangered ecological community in the Southern Basin Bioregion* listed under the *BC Act*, and *Southern Highlands Shale Forest and Woodland endangered ecological community in the Sydney Basin Bioregion* under the *EPBC Act*.

NOTE: the 2.279 ha of this vegetation type to be cleared occurs within the Stage 2 project area, and therefore does not need to be addressed in Stage 1. The impact to EEC vegetation will be addressed in Stage 2 and will require a detailed Biodiversity Development Assessment Report (BDAR) as there is likely to be a significant impact on this EEC.

* Three fauna species that are listed under the *EPBC Act* and/or the *BC Act* were assessed as having a ‘moderate’ likelihood of occurrence, these are *Pteropus poliocephalus* (Grey-headed Flying-fox), *Phascolarctos cinereus* (Koala) and *Scoteanax rueppellii* (Greater Broad-nosed Bat). Further assessment against the Significant Impact Guidelines and impact assessments in accordance with Part 5 of the EP&A Act and Part 7.3 of the BC Act found were undertaken. The assessments found that the proposed development was unlikely to have a significant impact on these species and thus no further assessment is required for these species.

* No threatened flora are likely to occur in the study area.

* The loss of trees, in particular HBTs in the northern section of the road alignment represents a loss of foraging, roosting and potential breeding habitat for a range of fauna including birds, microbats and reptiles. This impact type occurs within the alignment for Stage 2 and will be addressed as part of the Stage 2 REF.

The table below uses the information available in the Flora and Fauna Assessment to address impacts to EECs and threatened species, namely Southern Highlands Shale Woodland EEC, *Pteropus poliocephalus* (Grey-headed Flying-fox), *Phascolarctos cinereus* (Koala) and *Scoteanax rueppellii* (Greater Broad-nosed Bat).

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction
<p>Assessment by Eco Planning states that the proposal will result in removal of 2.297 ha of SHSW (Stage 2 alignment) and 11.066 ha of horticultural plantings and exotic dominated grasses (Stage 1 and Stage 2 alignment) and that:</p> <ul style="list-style-type: none"> - Grey-headed Flying-fox could continue to utilise vegetation in adjacent areas for foraging, and therefore the proposal is unlikely to have an impact on the life cycle of this species to the extent that it will be placed at risk of extinction, given the large amount of foraging resources available in the locality and that a local population is not present in the study area; - It is unlikely that the study area is used by Koala often. It is possible the study area is utilised as foraging habitat by Koala, but is unlikely to support a breeding population. The vegetation to be removed is generally unsuitable for Koala and therefore the proposal is unlikely to place a viable local population of Koala at risk of extinction, given the discontinuous area of foraging habitat. - Habitat for Greater Broad-nosed Bat is within the northern section of the road alignment (Stage 2). The proposal is unlikely to significantly reduce foraging and roosting resources for a viable population of this species. It is unlikely the proposal would place a local population of any of the bat species at risk of extinction.
(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:
i. is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
The EEC will not be impacted in Stage 1 of works. This impact will be addressed in the REF for Stage 2.
ii. is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,
The EEC will not be impacted in Stage 1 of works. This impact will be addressed in the REF for Stage 2.
(c) in relation to the habitat of a threatened species or ecological community:
i. the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
A total of 13.145 ha of native and exotic trees, shrubs and ground layer species will be removed (for total alignment of Stage 1 and Stage 2).
ii. whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
Eco Planning determined that the vegetation to be removed for Stage 1 and Stage 2 is a relatively small area, and the proposal will not remove habitat to an extent that it will modify the habitat or cause it to become fragmented or isolated.
iii. the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality
Given there is a large amount of extensive foraging resources available to Grey-headed Flying-fox in the local area, and ability of GHFF to travel large distances, the small area of foraging habitat within the study area is unlikely to be important to the long-term survival of this species.

The vegetation to be removed is already fragmented and represents potential, albeit marginal, foraging habitat for the Koala. The proximity of habitat to the road means that any habitat in the area is dangerous for Koala and may draw them to an environment where they may be struck by vehicles. The vegetation has been disturbed in the past, with a high abundance and cover of exotic grasses and herbaceous weeds. The study area otherwise consists of managed grasslands and horticultural plantings forming hedgerows within the road corridor, which may prevent or impede the dispersal of Koala, or increase its exposure to threats. The habitat is of low importance for the long-term survival of the species in the local area, given the amount of vegetation being removed, its disturbed condition and the narrow and linear nature of the habitat within the road corridor.

With regards to Greater Broad-nosed Bat, the proposal is in a fragmented landscape and is unlikely to be important to the long-term survival of the species given the availability of similar habitat throughout adjoining areas and water catchment to the east.

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value or critical habitat (either directly or indirectly)

This is not a declared area of outstanding biodiversity value.

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

The subject site does not support a GHFF roosting colony and so is not part of a key threatening process to this species.

Key threatening processes in relation to Koala that may arise from the proposal include:

- Clearing of native vegetation and habitat loss

There are two key threatening processes relevant to Greater Broad-nosed Bat:

- Clearing of native vegetation
- Loss of hollow bearing trees

Additional assessment for Fisheries Management Act 1994

in the case of an endangered population, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction

At date of issue of this form, there are no endangered population within the Wingecarribee LGA listed under part 2 of schedule 4 of the Fisheries Management Act 1994.

whether the proposed development or activity is consistent with a [Priorities Action Statement](#)

The NSW DPI Priorities Action Statement (PAS) is a statutory, non-regulatory document addressing each threatened species, population, ecological community and key threatening process (KTP) listed on the schedules of the Fisheries Management Act 1994. This does not apply to the proposed activity.

Summary and conclusions

The proposed activity is unlikely to significantly impact Grey-headed Flying-fox as:

- the area of native vegetation within the subject site is small and the relatively large amount of foraging resources available in the locality, including extensive native vegetation in the surrounding Blue Mountains National Park

- Grey-headed Flying-fox are highly mobile and are able to seek resources in the landscape.

The proposed activity is unlikely to significantly impact the Koala as:

- The area of native vegetation within the subject site is small and the relatively large amount of foraging resources available in the locality, including extensive native vegetation in the nearby Upper Nepean State Conservation Area
- Koala are a mobile species and able to seek resources across the landscape.

The proposed development is unlikely to have a significant impact on Greater Broad-nosed Bat, as:

- a small amount of potential foraging, roosting and breeding habitat is proposed for removal,
- the vegetation proposed for removal is likely to be of low importance, given the large amount of native vegetation adjoining the site and within the locality, and
- the proposal is unlikely to affect the life cycle of the species such that a viable population will be placed at risk of extinction.

From the review of the Flora and Fauna Assessment conducted for Stage 1 and Stage 2 of the proposed road widening project, it can be concluded that there are no significant impacts of the Stage 1 works to endangered ecological communities, threatened species, populations or their habitats.

The anticipated impacts to the EEC will be addressed in a separate REF to be prepared for Stage 2 works.

Appendix D – Identification of candidate species and ecological communities for impact assessment (from Ecoplanning 2021).

Scientific Name (Common Name)	Legal Status	No. of records	Closest record and date	Most recent and proximity	Likelihood of occurrence	
					Before (survey)	After (survey)
KINGDOM: Animalia; CLASS: Amphibia						
<i>Pseudophryne australis</i> (Red-crowned Toadlet)	BC Act = V	2	(30/03/2016) 5.6 km	5.6 km (30/03/2016)	Low	Low
KINGDOM: Animalia; CLASS: Aves						
<i>Artamus cyanopterus cyanopterus</i> (Dusky Woodswallow)	BC Act = V,P	2	(15/01/2020) 0.2 km	0.2 km (15/01/2020)	Low	Low
<i>Callocephalon fimbriatum</i> (Gang-gang Cockatoo)	BC Act = V,P	32	(17/08/2016) 1.4 km	4.6 km (18/03/2020)	Moderate	Low
<i>Calyptorhynchus lathami</i> (Glossy Black-Cockatoo)	BC Act = V,P	15	(09/08/2012) 1 km	4.3 km (16/09/2020)	Moderate	Low
<i>Daphoenositta chrysoptera</i> (Varied Sittella)	BC Act = V,P	8	(23/06/2015) 1 km	3.4 km (26/06/2015)	Moderate	Low
<i>Hieraaetus morphnoides</i> (Little Eagle)	BC Act = V,P	2	(13/02/2018) 0.8 km	3.6 km (05/08/2018)	Moderate	Low
<i>Ninox connivens</i> (Barking Owl)	BC Act = V,P	1	(19/01/2014) 2.4 km	2.4 km (19/01/2014)	Low	Low
<i>Ninox strenua</i> (Powerful Owl)	BC Act = V,P	7	(23/06/2015) 1 km	2.9 km (17/06/2020)	Moderate	Low
<i>Oxyura australis</i> (Blue-billed Duck)	BC Act = V,P	1	(23/09/2004) 3.1 km	3.1 km (23/09/2004)	Low	Low
<i>Petroica boodang</i> (Scarlet Robin)	BC Act = V,P	12	(28/02/2012) 3.1 km	4.8 km (19/12/2018)	Moderate	Low
<i>Petroica phoenicea</i> (Flame Robin)	BC Act = V,P	1	(10/10/2019) 4.4 km	4.4 km (10/10/2019)	Low	Low
KINGDOM: Animalia; CLASS: Mammalia						
<i>Cercartetus nanus</i> (Eastern Pygmy-possum)	BC Act = V,P	1	(15/07/2013) 0.7 km	0.7 km (15/07/2013)	Low	Low
<i>Dasyurus maculatus</i> (Spotted-tailed Quoll)	BC Act = V,P EPBC Act = E	2	(08/07/2018) 0.7 km	0.7 km (08/07/2018)	Low	Low
<i>Falsistrellus tasmaniensis</i> (Eastern False Pipistrelle)	BC Act = V,P	5	(18/12/2012) 1.5 km	1.8 km (15/03/2018)	Low	Low
<i>Miniopterus orianae oceanensis</i> (Large Bent-winged Bat)	BC Act = V,P	7	(15/11/2012) 1.4 km	1.8 km (15/03/2018)	Moderate	Low

Scientific Name (Common Name)	Legal Status	No. of records	Closest record and date	Most recent and proximity	Likelihood of occurrence	
					Before (survey)	After (survey)
<i>Petauroides volans</i> (Greater Glider population in the Mount Gibraltar Reserve area)	BC Act = E2,P EPBC Act = V	18	(23/06/2015) 1 km	1.6 km (02/09/2020)	Low	Low
<i>Petauroides volans</i> (Greater Glider)	BC Act = P EPBC Act = V	39	(07/08/2013) 0.7 km	1.6 km (02/09/2020)	Moderate	Low
<i>Petaurus norfolcensis</i> (Squirrel Glider)	BC Act = V,P	2	(04/12/2018) 1.7 km	1.7 km (04/12/2018)	Low	Low
<i>Phascolarctos cinereus</i> (Koala)	BC Act = V,P EPBC Act = V	172	(13/10/2017) 0.1 km	1.9 km (19/08/2020)	Moderate	Moderate
<i>Pteropus poliocephalus</i> (Grey-headed Flying-fox)	BC Act = V,P EPBC Act = V	44	(11/01/2018) 0 km	0.7 km (13/03/2019)	Moderate	Moderate
<i>Scoteanax rueppellii</i> (Greater Broad-nosed Bat)	BC Act = V,P	5	(16/11/2012) 1.4 km	3.2 km (22/01/2014)	Moderate	Moderate
FLORA						
<i>Acacia pubescens</i> (Downy Wattle)	BC Act = V EPBC Act = V	3	(01/08/2006) 4.2 km	4.3 km (03/02/2016)	Low	Not present
<i>Eucalyptus macarthurii</i> (Paddys River Box, Camden Woollybutt)	BC Act = E1 EPBC Act = E	306	(22/12/2017) 0.4 km	4.9 km (01/09/2020)	Moderate	Low
<i>Grevillea raybrownii</i>	BC Act = V	1	(31/10/2002) 4.8 km	4.8 km (31/10/2002)	Low	Not present
<i>Helichrysum calvertianum</i>	BC Act = V	39	(01/11/2004) 2.1 km	3.8 km (31/07/2020)	Low	Not present
<i>Persoonia glaucescens</i> (Mittagong Geebung)	BC Act = E1,P EPBC Act = V	69	(29/03/2007) 3.8 km	4.8 km (16/09/2020)	Low	Not present
<i>Persoonia mollis</i> subsp. <i>revoluta</i>	BC Act = V,P	2	(18/09/2000) 4 km	4.6 km (09/03/2016)	Low	Not present
<i>Pomaderris brunnea</i> (Brown Pomaderris)	BC Act = E1 EPBC Act = V	6	(01/05/2011) 3.1 km	3.2 km (06/02/2014)	Low	Not present
<i>Pterostylis ventricosa</i>	BC Act = E4A,P,2	1	(01/04/2017) 2.6 km	2.6 km (01/04/2017)	Low	Not present

