

enquiries refer
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in reply please quote
Pt V Register No: 22.2018/4



Ballina Shire Council
PO Box 450
BALLINA NSW 2478

**NOTICE TO APPLICANT OF DETERMINATION OF AN
ENVIRONMENTAL ASSESSMENT FOR A PART V "ACTIVITY"**
(Issued pursuant to Section 111 of the Environmental Planning and Assessment Act 1979)

Part V Register No: 22.2018/4

Project File Reference: PF 2018/4

Applicant: Ballina Shire Council

Subject Land: Lot 7017 DP 1064314, Lot 7016 DP 1068899
Compton Drive, East Ballina

Activity Proposal: Shaws Bay Dredging and Foreshore Improvement Works
Including the Installation of a Boardwalk

Determination: The proposed activity has been determined by Ballina Shire Council on 20 August 2018 by way of **the grant of approval subject to the following ameliorative/mitigation measures being implemented to reduce any likely environmental impact:**

GENERAL

1. Works must be carried out generally in accordance with the plans and associated documentation lodged by the applicant, including plans and Recommended Environmental Protection Measures outlined in Section 9 of the Review of Environmental Factors (REF) prepared by Hydrosphere Consulting dated June 2018 (CM 18/40801), Mitigation Measures outlined in the REF Addendum 1 except as modified by any ameliorative measures in this approval. Where there is any inconsistency with the REF and the specific requirements of this approval, the specific requirements within this approval shall prevail.

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2. Prior to the commence of work, a Project Manager is to be appointed, whose name and contact details are to be provided in writing to Council's Development and Environmental Health Group. The Project Manager is to be responsible for ensuring the development is carried out in accordance with the terms of this approval and mitigation measures and safeguards outlined in the REF. The Project Manager is to inform Council's Development and Environmental Health Group in writing of the date of commencement of works on site.

PRIOR TO WORK COMMENCING

The following conditions in this section of the consent must be complied with or addressed prior to commencement of works relating to the approved development.

3. Community notification shall be provided to all potentially impacted premises/community members prior to commencement of construction works. The community notification shall include the following details;
 - Brief summary of approved works
 - Project duration and approved construction hours
 - Contact details for complaints and enquiries, and
 - Any other useful information such as traffic control plans etc.
4. Management Plans to address the requirements of the Review of Environmental Factors prepared by Hydrosphere dated June 2018 shall be submitted to and approved by Council prior to construction works commencing. These plans shall include but not necessarily be limited to:
 - Construction Environmental Management Plan
 - Vehicle Management Plan
 - Erosion and Sediment Control Plan
 - Pollution Spill Management Plan
 - Acid Sulfate Soils Management Plan
 - Marine Vegetation Offset and Monitoring Plan
 - Water Quality Management Plan
 - Geobag Spill Contingency Plan, and
 - Work Health and Safety Plan.
5. **Construction Environmental Management Plan**
A Construction Environmental Management Plan (CEMP) shall be submitted to and be approved by Council prior to works commencing. The CEMP will include but not be limited to the following information:
 - Management Plans referenced in Item 4 of this approval
 - The mitigation measures identified in the REF and Addendum 1 of the REF
 - Hours of work
 - Contact details of site manager
 - Complaints register
 - The location of existing services
 - Separation of work areas and the public including the slurry and filtrate pipelines.
 - Noise, dust and vibration
 - Materials storage and waste management
 - Soil and water management (including erosion and sediment control)



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- Flora and fauna management
- Construction staging plan (where the works will be completed in stages)
- Restoration of damage to public assets
- Any matter prescribed as a condition of approval or concurrency by a Government Agency
- Heavy Vehicle Driver's Code of Conduct
- Any additional matter specified within this approval.

6. Vehicle Management Plan

Prior to works commencing, the applicant is required to submit, to Council, a Vehicle Management Plan. The plan must be in accordance with AS2890.2 and include the following minimum requirements:

- A Traffic Control Plan prepared and certified by a person holding a current "Design & Inspect Traffic Control Plan" (Orange Card) qualification
- The maximum size of vehicles servicing the site
- The service vehicle travel path through the site and associated swept path analysis
- Restrictions on the hours vehicles can service the development
- A Traffic Management Plan for each individual work zone which includes delineation of areas required for material placement/unloading
- Addresses the potential conflict between the public (i.e. pedestrians and cyclists) and vehicle movements within the reserve and how this will be managed
- Consideration of other services such as waste management, gas bottle storage/services etc.

7. Heavy Vehicle Driver's Code of Conduct

Prior to the works commencing a Heavy Vehicle Driver's Code of Conduct shall be submitted to and approved by Council. This Code of Conduct should include the following:

- A driver induction procedure
- Procedures to ensure all loads are covered when vehicles exit the site
- Procedures to ensure vehicles exiting the site do not convey sediment, debris or other material onto the external road network
- Measures to ensure haulage vehicles are operated in a professional manner that minimises impacts on road users and adjoining properties and residents
- Details of how the code of conduct will be enforced.

8. Notice of commencement of civil works

Prior to the commencement of construction, the contractor must submit a completed copy of the "Notice of Commencement of Civil Development Work" form and a copy of their \$20M Public Liability Insurance Policy to Council. Copies of the form are available from Council's website.

DURING WORKS

The following conditions in this section of the consent must be complied with or addressed during the course of carrying out the works relating to the approved development.

9. Management Plans

The Management Plans approved by Council and referenced in Item 4 of this approval are to be implemented in full during the construction phase.



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10. Construction

The hours of operation for any noise generating construction activity (including the delivery of materials to and from the site) on the proposed development are to be limited to within the following times:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm

No noise generating construction activities are to take place on Sundays or public holidays.

11. Upon discovery of any Aboriginal relics within the meaning of the National Parks and Wildlife Act, 1974 within the subject site, the Project Manager shall immediately notify the National Parks and Wildlife Service (NPWS) and the Jali Local Aboriginal Land Council and shall cease operations within the vicinity thereof until such time as the consent from the NPWS is obtained for the destruction, removal or protection thereof and the Project Manager has complied with the direction of the Service in that respect.

12. Compliance Report

The Project Manager is to submit a report to Council within four weeks of commencement of works detailing how all ameliorative/mitigation measures of this approval are being complied with.

13. Any new information which comes to light during construction works which has the potential to alter previous conclusions about the site contamination must be immediately notified to Council.
14. All work, including demolition, excavation and building work must generally comply with Australian Standard AS 2436:1981 Guide to Noise Control on Construction, Maintenance and Demolition Sites and NSW Interim Construction Noise Guidelines (DECC 2009).
15. The export of waste (including fill or soil) from the site must be in accordance with:
- the provisions of the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the Environment Protection Authority 'Waste Classification Guidelines', which may require laboratory testing in accordance with NSW EPA and Council requirements; or
 - current Resource Recovery Orders and Exemptions.

It is an offence to transport waste to a place that cannot lawfully be used as a waste facility.

16. Traffic Control

All traffic control during construction shall be in accordance with the Roads and Maritime Services - Traffic Control at Work Sites Manual and the certified traffic control plan. At least one person at the site must be qualified to "Apply Traffic Control Plans" (Yellow Card).

17. Damage to Council infrastructure

Damage to any grass verge, footpath, kerb and guttering, utility services or road within the road reserve as a result of construction works related to the development shall be immediately reinstated to a satisfactory and safe condition. Council's Engineer must be contacted on telephone 1300 864 444 at the time any damage occurs to ensure appropriate reinstatement works are undertaken.

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18. Shake Down Grid

The construction access to the site shall have a shake-down grid or equivalent to minimise the transportation of material onto the road network via vehicular movements from the site.

19. Revegetation

All disturbed and exposed areas shall be revegetated. Revegetation of such areas shall be implemented as soon as construction works end in each area of the development.

20. The applicant shall ensure that any fill material imported to the site for the proposed development is obtained from fill sources that have an approved testing regime. Fill imported to be used for erosion control and sink hole backfill shall be certified clean sand (or other suitable low nutrient, low fines content material). The supplier of the fill material must certify to Council at the completion of construction of the development that the material was free of contaminants, being natural or otherwise.

21. Completion

The Project Manager is to submit a report to Council upon completion of the following components of the project:

- Dredging including a hydrosurvey
- Foreshore improvement works
- Installation of boardwalk.

22. Monitoring Reports

Monitoring Reports are to be implemented for the ecological enhancement works at the northern end of Shaws Bay. The reports should set out the objectives and timeframes for this area, monitor whether the objectives and timeframes are being met, and provide a contingency plan for instances where the objectives are not met.

Monitoring reports are to be submitted to Council at the completion of ecological enhancement works and annually, for the following three years.

Signed:

Lucy Bennett
Graduate Town Planner

20 August 2018

Signed:

Matthew Wood
**Group Manager
Development and Environmental Health**

20 August 2018



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Assessment Officer

