CM13.1. Horseshoe Lagoon Boardwalk Construction Contract No. 22/01111

DATE	10 May 2023	**FIL REFERENCE**	FIL22/01111-02
CONFIDENTIAL	No	**REASON**	
FURTHER ENQUIRIES	Andrew Lawson City Projects	**PHONE**	6023 8111
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Purpose of Report

To recommend a preferred contractor for the construction of the Horseshoe Lagoon Boardwalk, through a qualitative and quantitative assessment.

Background

The scope of this project is for the construction of the Horseshoe Lagoon Boardwalk, which will form part of the recent realignment of the Yindyamarra Sculpture Walk and Wagirra Trail.

The Yindyamarra Sculpture Walk realignment project was conducted in 2021 and included the construction of two 5km loops. The purpose of the project was to improve the visitor experience by improving access points to the trail, in turn facilitating greater visitation to the area. As part of the project, the need for the installation of a small section of boardwalk was identified.

The primary purpose of this boardwalk is to remove the requirement for users to travel behind vehicles parked in the Riverina Highway car park as they traverse the Yindyamarra Sculpture Walk. A small viewing deck and shelter, as well as additional seating and interpretative signage, was also included in the project to improve the user experience and allow for a quiet space close to the water for activities such as bird watching.

In late 2021, Council submitted a proposal for Round 1 of the Regional Tourism Activation Fund for $275K (including GST), including a $55K contribution from Council, to assist with the funding of this component of the Yindyamarra Sculpture Walk realignment project, with notification of the application being successful in February 2022.

The scope of the works included in this contract is summarised below:

- minor earthworks;
- installation of screw pile foundations;
- construction of concrete abutments;
- construction of approximately 110m of elevated boardwalk, with structural steel framing and fibre reinforced composite decking;
- construction of a platform area with covered shelter; and
- installation of timber post balustrade.

Tenders were invited for Contract No. FIL22/01111 – Horseshoe Lagoon Boardwalk Construction, and advertised in the Border Mail, Sydney Morning Herald and on Tenderlink. Tenders closed at 12 noon on Tuesday 21 March 2023.

The contract duration is estimated at 20 weeks and will be commenced in the 2022/23 financial year with completion in the 2023/24 financial year.

Following the completion of the detailed design in November 2022, a cost estimate for the works was completed which indicated that the cost to construct the project was $385K (including GST). Accordingly, allocations for 2022/23 and 2023/24 (draft) budgets include $400K (including GST), to complete the project. The increased cost to complete the project, from the original estimates, can be attributed to significant increases in material and labour costs since the submission of the grant application in 2021.

A locality plan is attached for information (see attachment 1).

Tender Assessment

At the close of tenders, submissions were received from the following companies:

- Binding Building Pty Ltd (Lavington, NSW);
- Ezibuild Pty Ltd (Lavington, NSW);
- Global Factory Maintenance (Wodonga, VIC);
- GR Design & Construct Pty Ltd (Noble Park, VIC); and
- Sustainabylt Pty Ltd (Thurgoona, NSW).

All tenders were evaluated in accordance with Council's Procurement Policy and Guidelines. The assessment panel for the tender comprised of Sourcing Coordinator – Paul Dwyer, Natural Areas Project Coordinator – Rob Sharpe and Senior Project Engineer – Kyal Sharpe.

Conformity Check

A conformity assessment was undertaken to ensure all submissions received were in accordance with the contract documentation and specification.

Company	Pricing Details	Supporting Information	WHS Documentation	Comment
Binding Building Pty Ltd	Yes	Yes	Yes	Conforming
Ezibuild Pty Ltd	Yes	Yes	Yes	Conforming
Global Factory Maintenance	Yes	Yes	Yes	Conforming
GR Design & Construct Pty Ltd	Yes	Yes	Yes	Conforming
Sustainabylt Pty Ltd	Yes	Yes	Yes	Conforming
Sustainabylt Pty Ltd	Yes	Yes	Yes	Alternative Submission

As indicated above, all submissions were assessed as conforming tenders.

Qualitative Assessment

A qualitative assessment considered a range of issues including:

- past performance – including referee checks, relevant experience and expertise in performing same or similar projects;
- methodology and program – project methodology and proposed program;
- capacity – current and future commitments and workload;
- capability – Including availability of resources, equipment and contract management capabilities; and
- benefit to local region – social and community benefit to the Albury/Wodonga region.

Company	Past Performance (30%)	Methodology & Program (30%)	Capacity (15%)	Capability (15%)	Local Benefit (10%)	Total (100%)
Sustainabylt Pty Ltd	24	22	11	12	7	76
Binding Building Pty Ltd	20	24	9	12	8	73
Sustainabylt Pty Ltd (Alternative)	24	18	11	12	7	72
Ezibuild Pty Ltd	18	24	11	11	7	71
GR Design & Construct Pty Ltd	22	20	11	13	3	69
Global Factory Maintenance	16	22	11	10	7	66

Sustainabylt Pty Ltd is a locally based company (Thurgoona, NSW) with experience in a range of commercial construction and shop fit-out projects throughout the region. The company has completed several lookout construction projects for Towong Shire such as the Bethanga Gap Lookout, Tallangatta Lookout and Farrens Lookout. Sustainabylt Pty Ltd completed fit-out of the Burger Urge restaurant in Wodonga, as well as internal upgrades of the Dahlsens complex. Sustainabylt Pty Ltd nominated Sustainable Infrastructure Systems Pty Ltd as a primary subcontractor for this project; Sustainable Infrastructure Systems Pty Ltd has extensive experience in boardwalk construction and related projects.

The company's current work commitments include:

- Biti Motors (anticipated completion, May 2023);
- Private Art Studio (anticipated completion, April 2023);
- Ournie Community Building (anticipated completion, April 2023);
- Hyne Timber (anticipated completion, January 2024); and
- Albury Ski Club, Falls Creek (anticipated completion, February 2024).

The list of projects outlined above indicated that three projects are due for completion prior to the anticipated commencement of the Horseshoe Lagoon Boardwalk Construction project. The assessment panel considered the remaining projects and the company's available resources and deemed that, should Sustainabylt Pty Ltd be awarded this contract, they would have sufficient resources to undertake the project.

Referee information indicated that Sustainabylt Pty Ltd is a capable and cooperative contractor with demonstrated ability to deliver projects to a high standard. The company is competent in managing subcontractors and suppliers. Sustainabylt Pty Ltd has not completed any projects for Council to date.

The tender submission provided by Sustainabylt Pty Ltd included a conforming submission and an alternative submission. The alternative submission proposed the use of fibre-reinforced plastic (FRP) structural materials in-lieu of structural steel members specified in the tender design. The alternative submission maintains the use of steel screw piles for the foundations. The alternative submission was reviewed by the qualified Structural Engineer originally engaged by Council, and it was determined that the FRP alternative generally aligns with the design intent and durability requirements for the project, however it was highlighted that FRP materials have increased vulnerability to vandalism and fire damage. Further, if the submission was deemed successful, the contract would require modification to assign full design and certification responsibility to the contractor; this may result in increased risk of delay and/or reduced quality management.

Sustainabylt Pty Ltd provided a detailed methodology and construction program in their submission. The methodology included an overall summary of the project, as well as detailed information regarding specific construction elements. The construction program indicated a duration of 24 weeks, which is generally consistent with the forecast project duration, with allowance for the additional design tasks associated with the company's alternative submission.

The company indicated that approximately 50% of labour would be sourced locally, and materials would be sourced locally where available. Sustainabylt Pty Ltd provides sponsorship to various local sporting groups and community organisations.

Binding Building Pty Ltd is a local company based in Lavington (NSW) with extensive experience in small to medium commercial construction projects for public and private sector clients. The company has completed various projects for City of Wodonga, as a subcontractor, including the Martin Park No. 2 Pavilion, the Racecourse Exhibition Centre Redevelopment, and a timber deck replacement at Belvoir Park. Binding Building Pty Ltd recently completed refurbishment and restoration of Cinema 1 and foyer at Regent Cinemas Albury.

The company's current work commitments include:

- private carport & deck (anticipated completion, April 2023);
- private extension/renovation (anticipated completion, October 2023);
- private extension/renovation (anticipated completion, August 2023); and
- Racecourse Exhibition Centre Redevelopment Stage 2 (anticipated completion, April 2023).

The list of projects outlined above indicated that three projects are due for completion prior to the anticipated commencement of the Horseshoe Lagoon Boardwalk Construction project. The assessment panel considered the remaining project and the company's available resources and deemed that, should Binding Building Pty Ltd be awarded this contract, they would have sufficient resources to undertake the project.

Referee information indicated that the company is highly cooperative and competent in undertaking various construction works. Binding Building Pty Ltd was described as proactive in managing all aspects of their projects.

Binding Building Pty Ltd submitted a detailed methodology and construction program in their submission. The methodology explained key elements of construction including testing and certification of the screw piles. The construction methodology indicated a duration of 12 weeks which is considered advantageous.

The company indicated that 100% of labour and subcontractors would be sourced locally, and all materials would be sourced locally unless specified products are unavailable locally. Binding Building Pty Ltd provide local sponsorship to various local sporting organisations and events including local football/netball and the Albury Wodonga 24-hour Sunshine Ride.

Ezibuild Pty Ltd (T/A Struktis Steel) is a local company based in Thurgoona (NSW), specialising in structural steel and related projects. The company has demonstrated experience in the construction of pedestrian bridges and boardwalks, having recently delivered the Euroa Pedestrian Bridge for Strathbogie Shire, the Diamond Creek Pedestrian Bridges for Nillumbik Shire, and a boardwalk at Yackandandah for North East Civil Construction. Ezibuild Pty Ltd has not previously undertaken a project for Council, however, has delivered projects for other local Councils including Towong Shire.

The company's current commitments include:

- Lake Talbot Skywalk (anticipated completion, May 2023);
- Holsworthy Bridge (anticipated completion, April 2023); and
- Walwa Bridges (anticipated completion, April 2023).

The list of projects outlined above indicated that all projects currently being delivered by Ezibuild Pty Ltd are due for completion prior to the anticipated commencement of the Horseshoe Lagoon Boardwalk Construction project. Based on this information it was deemed that, should Ezibuild Pty Ltd be awarded this contract, they would have sufficient resources to undertake the project.

Referee information indicated that the company is capable of delivering a high-quality project. It was noted that Ezibuild Pty Ltd could make improvements to their site management and documentation, which is reflected in the qualitative scoring for this company.

Ezibuild Pty Ltd provided a construction program with a duration of 13 weeks which is considered advantageous. The program was logically sequenced and included all key activities. The methodology provided by Ezibuild Pty Ltd addressed key elements of the project, including design and certification of the screw pile foundations.

Ezibuild Pty Ltd indicated that 90% of labour and subcontractors would be sourced from the Albury Wodonga region, and the majority of materials, plant and equipment will be sourced or manufactured locally. The company provides sponsorship to the Rapid Relief Team.

GR Design and Construct Pty Ltd is a company based in Noble Park (VIC) with extensive experience in boardwalks, pedestrian bridges and related structures. The company has previously undertaken projects such as the Spry Street Boardwalk for Evergreen Civil, the Wachter Reserve Boardwalk for the City of Dandenong, and the Yarunga Pedestrian Bridge replacement for Maroondah City Council.

The company's current commitments include:

- Brannock Park Drive (anticipated completion, April 2023);
- The Point Pedestrian Bridges (anticipated completion, June 2023);
- Olio Estate Pedestrian Bridges (anticipated completion, April 2023); and
- Peacock Avenue Pedestrian Bridge (anticipated completion, April 2023).

The list of projects outlined above indicated that all projects currently being delivered by GR Design and Construct Pty Ltd are due for completion prior to the anticipated commencement of the Horseshoe Lagoon Boardwalk Construction project. Based on this information it was deemed that, should GR Design and Construct Pty Ltd be awarded this contract, they would have sufficient resources to undertake the project.

References for GR Design and Construct Pty Ltd indicated that the company is highly competent and cooperative, with demonstrated experience delivering projects to a high standard. A referee indicated that the company performed well, delivering a project with significant site constraints, which is considered relevant to this project. GR Design and Construct Pty Ltd has not completed any previous projects for Council.

GR Design and Construct Pty Ltd provided a detailed methodology that addressed key elements of the project, demonstrating strong understanding of the project requirements. The construction program provided in the tender submission was suitably detailed and logical, indicating a duration of 21 weeks.

The company indicated that should they be awarded this tender, only 10% of labour and subcontractors and 5% of materials would be sourced locally. GR Design and Construct Pty Ltd does not provide any sponsorship to local sporting groups or organisations, as the company is not based in the local area. The limited local benefit indicated by the company's tender submission is reflected in the qualitative scoring.

Global Factory Maintenance is a local company based in Wodonga (VIC), specialising in engineering and fabrication of steel structures, and large-scale factory maintenance. Recent projects completed by Global Factory Maintenance include subcontractor packages for the Level Crossing Removal Project at Fitzgeralds Road and Robertsons Road, a demister platform for APA Group, and an anti-flake furnace for Overall Forge. The company has recently commenced a project for Council undertaking repair works on Water Reservoirs 22A and 22B, however, the company does not have demonstrated experience in projects similar to the Horseshoe Lagoon Boardwalk Construction.

The company's current commitments include:

- APA Group pipe sleeving (anticipated completion, April 2023);
- Water Reservoir Repair Works for Albury City Council (anticipated completion May 2023); and
- Logyard Crane (anticipated completion, April 2023).

The list of projects outlined above indicated that all projects currently being delivered by Global Factory Maintenance are due for completion prior to the anticipated commencement of the Horseshoe Lagoon Boardwalk Construction project. Based on this information it was deemed that, should Global Factory Maintenance be awarded this contract, they would have sufficient resources to undertake the project.

Referee information for Global Factory Maintenance indicated the company is competent and cooperative. Referees indicated they would engage Global Factory Maintenance again for future projects.

The methodology provided by Global Factory Maintenance included a detailed breakdown of the project elements, which demonstrates that the company understands the requirements of this project. The program included in the tender submission indicated a construction duration of 18 weeks, which is consistent with the forecast project duration.

Global Factory Maintenance indicated that should they be awarded this project, 100% of labour and subcontractors would be sourced locally. The company indicated that all materials would be sourced through local suppliers, other than those not available in the local region. Global Factory Maintenance indicated that sponsorship is provided to four local sporting clubs, as well as local RSLs.

From the information provided, all companies demonstrate the required management systems, experience, construction plant, resources, and availability to provide AlburyCity with a quality product.

Quantitative Assessment (100%)

The lump sum tender prices and ratings relative to the lowest price are tabulated below.

Company	Estimated Contract Value (including GST)	Rating (100)
Ezibuild Pty Ltd	$388,283.50	100
Sustainabylt Pty Ltd (alternative tender)	$418,148.76	93
Binding Building Pty Ltd	$478,100.00	81
Sustainabylt Pty Ltd	$495,198.19	78
GR Design & Construct Pty Ltd	$667,577.38	58
Global Factory Maintenance	$671,495.47	58

The budget allocation for the project is $400K (including GST), which is consistent with the pricing received from Ezibuild Pty Ltd and Sustainabylt Pty Ltd (alternative tender).

As detailed in the previous table, the submission from Ezibuild Pty Ltd was the most favourable from a cost perspective, being $29.9K (8%) more favourable than Sustainabylt Pty Ltd (alternative tender), $89.8K (23%) more favourable than Binding Building Pty Ltd and between $106.9K (28%) and $283.2K (73%) more favourable than the other submissions.

Risk

- **Business Risk** – financial risks during construction are possible if latent/unknown conditions are encountered. Risks during construction have been mitigated through an extensive site investigation, which informed detailed requirements within the contract. Based on the financial statements submitted, no tenderers show any signs of material concern or any issue that would preclude them from an ongoing business relationship.
- **Corporate Risk** – this project is located adjacent to the Riverina Highway within West Albury and as such, will be visible to the community. The completion of this project will provide improved safety and amenity to users of the Yindyamarra Sculpture Walk and Wagirra Trail. The risk in this area is considered low.
- **WHS and Public Risk** – WHS risks due to the construction works will be controlled in accordance with AlburyCity procedures. The contractor will be WHS registered by AlburyCity and will be required to implement a WHS management plan, including relevant Safe Work Method Statements and safety inspections.
- **Environmental Risk** – a Review of Environmental Factors and supporting investigations have been completed for this project to identify any potential risks and suitable mitigation measures. The successful contractor will be required to submit a Construction Environmental Management Plan with Environmental Control Plans, addressing specific environmental measures to be implemented; in particular, erosion and sediment control, noise, and air quality.
- **Delivery Program Risk** – this project is included in Council's Project Management Framework and adopted budgets. Standard delivery program risks are possible, such as delays due to inclement weather, supply chain long lead times, or adverse site conditions and contractor caused delays. Extensive investigations have been undertaken during the design and planning phase, with results indicating the risk to delivery is low.

Community Engagement

The project is consistent with various themes within the Towards Albury 2050 community strategic plan, which has undergone extensive community consultation prior to adoption.

The project aligns with several outcomes contained within Albury 2050 including:

2.4 Albury is a recognised leader in the protection, conservation and management of our natural assets.

2.4.3 Acknowledge our connection to the natural environment by providing opportunities for the community to connect and respectfully enjoy our natural surroundings.

3.5 Albury is a safe, inclusive and accessible region for our entire community.

3.5.2 Our buildings and spaces are designed to be accessible to all community members.

The project was also included in the 2022/23 Delivery Program, which was endorsed by Council following extensive community consultation.

Further to this, community consultation for the Horseshoe Lagoon Boardwalk was undertaken as part of the Yindyamarra Sculpture Walk realignment project, this involved consultation with the Aboriginal community and Wiradjuri elders to confirm the alignment of the trail around the lagoon.

Summary

The scoring for the qualitative and quantitative assessment is summarised in the following table:

Company	Quantitative	Qualitative
Ezibuild Pty Ltd	100	71
Sustainabylt Pty Ltd (alternative tender)	93	72
Binding Building Pty Ltd	81	73
Sustainabylt Pty Ltd	78	76
GR Design and Construct Pty Ltd	58	69
Global Factory Maintenance	58	66

From the qualitative assessment, all companies have the required management systems, experience, resources, and availability to successfully undertake this project.

From a quantitative perspective, the submission from Ezibuild Pty Ltd was assessed as being the most advantageous. The submission was between $29.9K (8%) and $283.2K (73%) more favourable than the other submissions.

Therefore, based on the qualitative and quantitative assessments, it is deemed that the submission from Ezibuild Pty Ltd provides the best value for Council to deliver this project.

Conclusion

Council invited tenders for the Horseshoe Lagoon Boardwalk Construction and received six submissions.

The Horseshoe Lagoon Boardwalk project forms part of the recent realignment of the Yindyamarra Sculpture Walk and Wagirra Trail. The main purpose for this boardwalk is to reduce the need for users to travel behind vehicles parked in the Riverina Highway car park as they traverse the Yindyamarra Sculpture Walk. Included is the addition of a small viewing deck and shelter to improve the user experience and allow for a quiet space close to the water for activities such as bird watching.

The scope of works of this project includes construction of approximately 110 metres of steel boardwalk structure on screw pile foundations, including a platform area with covered shelter, and timber balustrade where required. The structure is designed to be accessible to all members of the community.

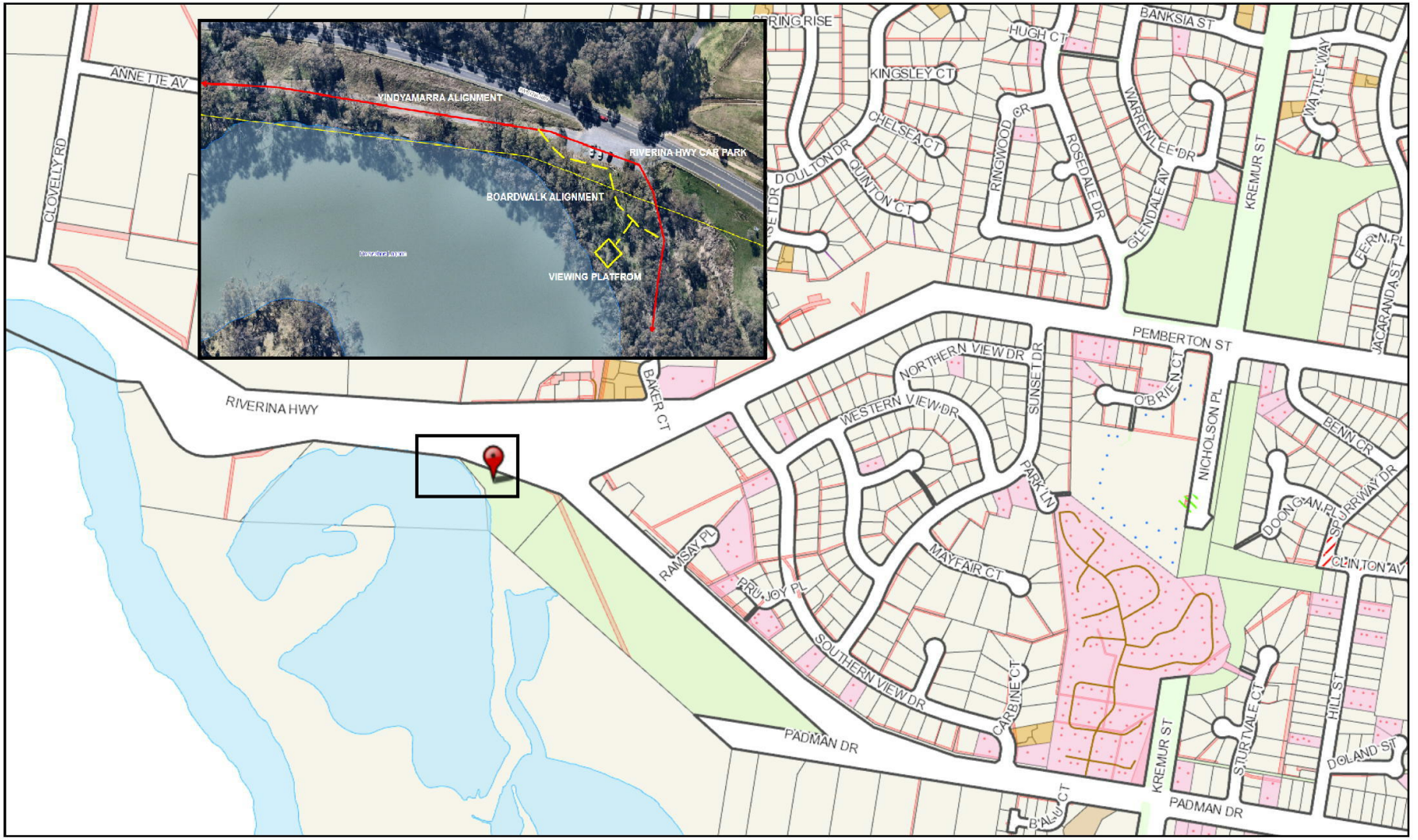
A quantitative and qualitative assessment indicated that Ezibuild Pty Ltd was the most favourable submission. Their tendered price of $388,283.50 (including GST) is within the budget allocation of $400K and represents the best value for Council to deliver this project.

Recommendation

That Council accepts the tender from Ezibuild Pty Ltd for Contract No. 22/01111 – Horseshoe Lagoon Boardwalk Construction, for the lump sum amount of $388,283.50 (including GST).

Attachments

1. Locality Plan (DOC23/225682).
2. Review of Environmental Factors Report (DOC21/68269)



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Proposed Horseshoe Lagoon Boardwalk and Shelter

Locality Plan

N

MAP GRID AUSTRALIA, ZONE 55
TRANSVERSE MERCATOR PROJECTION
HORIZONTAL DATUM: GEODETIC DATUM AUSTRALIA 1994
VERTICAL DATUM: AUSTRALIAN HEIGHT DATUM 1972

SCALE:	1:7481 @ A4L
GENERATED BY:	Rob.Sharpe
DATE:	May 9, 2023, 4:08 PM

Metres 100 200 300 400 500

AlburyCity

AlburyCity

Project: Yindyamarra Sculpture Walk Re-alignment

Review of Environmental Factors (REF)

Prepared by: Nerilee Kerslake

Date: 11 March 2021

This format is the AlburyCity standard template for preparing a Review of Environmental Factors (REF) for activities undertaken in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979 (*EP&A Act). AlburyCity staff preparing the REF template should refer to the *Guidelines for preparing a Review of Environmental Factors* and discuss project requirements with the Environmental Planner.

This document was adapted from the REF template developed by Eco Logical Australia for local councils in NSW as part of the Local Government NSW (LGNSW) Council Roadside Reserve Project (CRR). The CRR project is funded by the NSW Environmental Trust to build the capacity of councils and to improve the management of roadside environmental values in NSW.

Contents

Section 1 ..... **4**

1 Introduction **5**

1.1 Project Description and Background 5

1.2 Project Location and Context 6

1.2.1 Project Justification and Consideration of Alternatives 7

Section 2 ..... **8**

2 Statutory and Planning Context **14**

Section 3 ..... **19**

3 Environmental Assessment **20**

3.1 Consideration of Environmental Factors 20

4 Environmental Impacts and Mitigation Measures **22**

5 Conclusion **31**

Section 4 ..... **32**

6 REF Determination Page **33**

6.1 Proponent Declaration 33

6.2 Determiner Declaration & Approval 33

7 Conditions **34**

References **36**

Appendix A **37**

List of tables

Table 1: Project Details 5

Table 2: Location details 6

Table 3: Need for the project 7

Table 4: Consideration of environmental factors 20

Table 5: Environmental impact assessment 22

Table 6: Mitigation measures 27

Abbreviations

Abbreviation	Description
AoS	Assessment of Significance (FM Act)
BC Act	*Biodiversity Conservation Act 2016*
CEMP	Construction Environmental Management Plan
EP&A Act	*Environmental Planning and Assessment Act 1979*
EP&A Regulation	*Environmental Planning and Assessment Regulation 2000*
EPBC	*Environment Protection and Biodiversity Conservation Act 1999*
FM Act	*Fisheries Management Act 1994*
LEP	Local Environmental Plan
MNES	Matters of National Environmental Significance
NPW Act	*National Parks and Wildlife Act 1974*
OEH	Office of Environment and Heritage
POEO	*Protection of the Environment Operations Act 1997*
REF	Review of Environmental Factors
SEPP	State Environmental Planning Policy
ToS	Test of Significance (BC Act)

Section 1

1 Introduction

The environmental assessment and determination of the proposal has been undertaken in accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). For this proposal, Albury City Council is both a public authority proponent (EP&A Act s.4) and the determining authority (EP&A Act s.5.1). The REF has been prepared in accordance with Clause 228 of the EP&A Regulation (2000).

1.1 Project Description and Background

Table 1: Project Details

Project Name	Yindyamarra Sculpture Walk Re-Alignment
Project Manager *(include contact details)*	Nerilee Kerslake Team Leader Natural Areas 0439 495 602
Description of work to be undertaken including construction methods and ancillary works *(Include pre-construction activities, site set up, construction works, new access tracks, stockpiles, lay-down areas, and post-construction activities or operational phase)*	The proposed works involve the consolidation of the existing 10-kilometre-long Yindyamarra Sculpture walk into a five-kilometre figure of eight including approximately 2.1 kilometres of trail preparation works, 2.1 kilometres of asphalt overlay installation, installation of an elevated boardwalk, car park improvements, vegetation removal and signage and art work installation. The proposed construction works would be undertaken within a construction corridor of approximately 1 metre either side of the existing 2.5 m wide gravel trail network (Wagirra Trail and gravel trail network linking Wagirra trail to Riverina Highway). Total footprint of work is approximately 4.5 metres. (See Figure 2 for existing conditions) Construction of the trail realignment would involve the following as required: • Identification and marking of any vegetation to be removed, protected (Tree Protection Zones) and No-Go Zones as required • Location of existing services • Removal of vegetation • Establishment of temporary erosion and sediment control measures as required • Minor site preparation (grading and leveling) and excavation works to facilitate the installation of the asphalt overlay • Earthworks associated with the car park upgrade (excavation, backfill and sealing) • Backfilling, shaping and topsoiling of the upgraded trail • Vegetation establishment post construction using local native species • Art work installation Ancillary facilities to the proposed works such as vehicle parking areas, and stockpile and equipment lay down areas are to be established on existing hard stand disturbed areas.

Total number of trees to be removed	**60 (see Figures 4,5,6 and 7)** Please note that all trees proposed for removal are either less than 10cm DBH of have clear defects in structure such as bification of the trunk or poor growth structure or form. This includes a 10% buffer should machinery on site need pruning to occur. This also includes a total of 5 willow and elm trees in the creek adjacent to the car park that require removal to facilitate improved driver sight lines onto Riverina Highway as a part of the car park upgrade.
Total area of native vegetation to be removed (hectares)	Approximately less than 0.01 hectare of mixed native and exotic grass.
Plant / vehicles to be used	• Hand tools • Light Vehicles (work utes) • Excavators • Bobcat • Asphalt truck • MR trucks • Rollers Approximately three light vehicles would be required for the movement of site personnel, including contractors, traffic controllers and Council staff. Between two and four heavy vehicles would be required for the duration of the construction.
Construction commencement	It is anticipated that construction would commence in early – mid 2021. Project completion by 30 June 2021 as directed by the Regional Deal requirements
Work duration	Approximately 8 weeks (weather permitting)
Work hours *(Change if not standard hours)*	Work hours are in accordance with the Interim Construction Noise Guidelines (DECC 2009): • Monday to Friday 7.00 am to 6.00 pm • Saturday 8.00 am to 1.00 pm No work on Sunday or Public Holidays

1.2 Project Location and Context

Table 2: Location details

Address	1101 Padman Drive West Albury 329 Kremur Street West Albury

Lot / DP	PLT: 663 DP: 753326
Land tenure	Part of Kremur Street Waste Water Treatment Plant (Being West Albury Wildlife Refuge)
Zoning	RE1 – Public Recreation Zone RU2 – Rural Landscape Zone SP2 - Infrastructure
What is the surrounding land use? (E.g. bushland, housing, farmland)	The proposed works area is located in West Albury and encompasses the area of land surrounding Horseshoe Lagoon. The project aims to formally extend and tie in with the existing Wagirra Trail. The surrounding area is predominately non-urban natural Council land with limited interface to residential land. The area surrounding the site is vegetated with a mix of exotic and native species. It has been significantly modified as a result of past disturbances including grazing, settlement and sewer infrastructure.

1.2.1 Project Justification and Consideration of Alternatives

Table 3: Need for the project

Project objective/s	To consolidate the existing Yindyamarra Sculpture Walk from a long linear track into two loops forming a basic figure of eight. This will provide better access to the sculptures and provide a consolidated location. The installation of 3 Public Art sculptures along the length of the trail. This will provide the community with better links to both the Wagirra Trail and the Yindyamarra Sculpture Walk
Alternatives considered	• Option 1: **Informal Connections.** Leave the existing gravel trail and car park as is but install new art work and signage only. This would means the trail does not get sealed and the car park does not get delineated. Not a preferred option as existing trail is too long, not accessible to all due to its surface treatment (Elderly, kids on bikes, prams) and the car park is 'unsafe' due to lack of line marking and delineation. • Option 2: **Alternative alignment.** Deviate away from the existing trail adjacent to the pontoon jetty access up the gated old road. This alignment was determined not to be the preferred alignment as it would impact more mature native vegetation

	and add an incline and decline that would not meet DDA compliance. • 'Do nothing': This option would involve leaving the Wagirra Trail and Yindyamarra Sculpture Walk as is with poor connections, extensive distance and substandard linkages



Figure 1: Aerial image of proposed work location.



Figure 2: existing site conditions



Figure 3: location of new trail section shown in green



Figure 4: 6 trees proposed for removal in vicinity of Kremur Street (trees only – no native vegetation)



Figure 5: example of native vegetation proposed for removal – note poor form and bifurcation



Figure 6: example of native trees proposed for removal (flagged in pink)



Figure 7: example of willow and elm trees for removal

Section 2

To be completed with the Environmental Planner following a site visit.

2 Statutory and Planning Context

Indicate whether the proposed works are permissible under the relevant legislation. Include an explanation where necessary.

***Environmental Planning and Assessment Act 1979* (EP&A Act)**

Consider objectives of the relevant environmental planning instruments (e.g. State Environmental Planning Policies (SEPPs), Albury Local Environmental Plan 2010 (LEP), zoning and permissible uses, development controls etc.

SEPP (Infrastructure) 2007

Are the proposed works exempt development? ☐ Yes ☒ No

(If yes, no statutory consultation required)

Are the proposed works complying development? ☐ Yes ☒ No

(If yes, no statutory consultation required)

Are the proposed works permitted without consent? ☒ Yes ☐ No

Are the proposed works permitted with consent? ☐ Yes ☒ No

Relevant SEPP clause/s: Clause 65 3(a) Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council -
(a) development for any of the following purposes -
(i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges

Biodiversity Certification of the Albury Local Environmental Plan 2010

Are the proposed works located in a Biodiversity Certification Exclusion area? ☒ Yes ☐ No

As identified via the Weave layer

***Biodiversity Conservation Act 2016* (BC Act)**

The BC Act provides for the protection and conservation of threatened species, ecological communities and their habitats and lists key threatening processes to biodiversity in NSW. Impacts to threatened species, communities and their habitat are assessed under s7.3 of the BC Act and in accordance with s1.7 of the EP&A Act.

Are any threatened species, ecological communities or their habitats located in the area? ☒ Yes ☐ No

Are the proposed works likely to impact on any threatened species, ecological communities or their habitats? ☒ Yes ☐ No

Given previous records of significant species, minor vegetation removal works and works are close to a waterway – a Test of Significance was be undertaken. It determined that there is not likely to be any impact to any threatened species, ecological communities or their habitats.

If yes, undertake a Test of Significance for any threatened species or ecological communities that may be impacted.

***Fisheries Management Act 1994* (FM Act)**

The FM provides for the protection and conservation of aquatic species and their habitat throughout NSW.

Are the proposed works located in or adjacent to a water course? ☒ Yes ☐ No

Are the proposed works located in key fish habitat? ☒ Yes ☐ No

If yes, a Part 7 Permit may be required.

Notification will be provided to Fisheries prior to works commencing.

As there are no in stream works, reclamation or dredging occurring as a part of these works it has been determined that no permit is required for these works.

Are the proposed works likely to impact on any threatened species, populations or ecological communities? ☐ Yes ☒ No

If yes, undertake an Assessment of Significance for any threatened species, populations or ecological communities that may be impacted.

Biosecurity Act 2015

The Biosecurity Act outlines biosecurity risks and impacts and introduces the concept of priority weeds. A priority weed is any weed that is or should be prevented, managed, controlled or eradicated in the region.

Are any priority weeds for Murray Local Land Services region located in or adjacent to the works area? ☒ Yes ☐ No ☐ Unknown

Three Priority Weeds for the Murray LLS region have been recorded within the broader study area:

- *Rubus fruticosus* (Blackberry)
- *Asparagus asparagoides* (Bridal Creeper)
- *Genista monspessulana* (Cape Broom)

These species have a General Biosecurity Duty of *Mandatory Measure: A person must not import into the State or sell.*

No priority weeds are known within the proposal area, however all practical steps are currently taken to control and eradicate the weeds from broader the study area.

Water Management Act 2000

Controlled activity approval is generally required for work within 40 metres of a water course. Under section 37 of the *Water Management (General) Regulation 2011*, public authorities are exempt from obtaining a controlled activity approval. The objectives of protecting water sources are still relevant and must be met.

Are the proposed works located in or adjacent to a water course? ☒ Yes ☐ No

National Parks and Wildlife Act 1974 (NPW Act)

The NPW Act aims to conserve the natural and cultural heritage of NSW. It is an offence to knowingly destroy, deface, damage or desecrate, or cause or permit the destruction, defacement, damage or desecration of an Aboriginal object or Aboriginal place without prior written consent.

Will the proposed works disturb the ground surface? ☒ Yes ☐ No

Will the proposed works disturb any culturally modified trees? ☐ Yes ☒ No

Will the proposed works affect known Aboriginal objects or Aboriginal places? ☐ Yes ☒ No

Are the proposed works located within, or will it affect areas within 200 metres of a water course, within a sand dune system, on a ridge top, within 20 metres of a rock shelter? ☒ Yes ☐ No

If yes, an Aboriginal Cultural Heritage Due Diligence Assessment, Aboriginal Cultural Heritage Assessment Report and / or Aboriginal Heritage Impact Permit may be required.

An Aboriginal Cultural Heritage Due Diligence Assessment was undertaken and it has been determined that impact to cultural heritage impacts are unlikely to occur as a part of these works. Contingency recommendations have been provided in the assessment and these mitigation measures will be in place for the duration of the works. It has been determined that no further assessment is required.

Heritage Act 1977

The Heritage Act makes provisions to conserve the environmental heritage of NSW.

Will any historical cultural heritage items listed on the following registers be impacted by the proposed works?

☐ Schedule 5 of the Albury LEP

☐ NSW State Heritage Inventory

☐ NSW State Heritage Register

☐ Commonwealth Heritage List

☐ National Heritage List

If yes, additional approvals may be required.

All relevant databases have been searched and no records or listings were found for any of the above legislation.

***Protection of the Environment Operations Act 1997* (POEO Act)**

The POEO Act is the key environmental protection and pollution statute in NSW. Through the EPA, the POEO Act establishes a licencing regime for waste, air, water and pollution.

Will the proposed works involve generation of waste? ☒ Yes ☐ No

Will the proposed works involve discharge of water to any water courses? ☐ Yes ☒ No

These works will see only minor works in terms of earthworks occurring on site so minimal waste will be produced as well as minor vehicle emissions.

***Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)**

The EPBC Act protects matters of National Environmental Significance (NES), such as threatened species and ecological communities, migratory species (protected under international agreements), and National Heritage places (among others).

Any actions that will, or are likely to have a significant impact on the matters of NES require referral and approval from the Australian Government Environment Minister.

Are there any matters of NES located in the area? ☒ Yes ☐ No

Will any matters of NES be potentially impacted by the proposed works? ☐ Yes ☒ No

If yes, undertake a Significant Impact Criteria assessment.

A Test of Significance has determined that there will be no impact to any EPPBC protected species or ecological communities.

Section 3

3 Environmental Assessment

Under Part 5 of the EP&A Act, a determining authority has a duty to consider environmental impacts of activities in relation to threatened species, threatened species habitat and threatened ecological communities.

3.1 Consideration of Environmental Factors

Clause 228 of the EP&A Regulation describes the factors that should be considered for environmental assessment under Part 5 of the EP&A Act. For the purposes of Part 5 of the Act, the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment are listed in Table 4.

Table 4: Consideration of environmental factors

Is the project likely to cause?	Yes/No	Comment
a) Any environmental impact on a community	Yes	This proposal requires both minimal earthworks and immature vegetation removal and in most part is sealing an existing gravel path to asphalt. Impacts considered minimal and not long term
b) A transformation of a locality	No	The proposed works are short term and minor in nature, and are unlikely to transform the locality however will provide better community access to the Trail and sculpture walk
c) Any environmental impact on the ecosystem of the locality	No	No works in waterways and no significant vegetation removal
d) Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality	Yes	During construction there will be a temporary reduction in the quality and value of the area but the site will be reinstated to match existing conditions. Only minor vegetation removal is
e) Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations	Yes	This project will install new community artwork and a trail network making the site more accessible to the community
f) Any impact on the habitat of protected fauna (within the meaning of the NPW Act)	Yes	Works are only minor in extent so not considered long term or significant
g) Any endangering of any species of animal, plant or other form of life,	No	Works minor in nature and only short term. Area already disturbed with existing trail

Is the project likely to cause?	Yes/No	Comment
whether living on land, in water or in the air		
h) Any long-term effects on the environment	No	No works in waterway and majority of works is sealing existing gravel path
i) Any degradation of the quality of the environment	No	The site will be maintained on a more frequent basis once the trail and artwork are installed an operational
j) Any risk to the safety of the environment	No	The site will be inspected and maintained on a more frequent basis once the trail and artwork are installed an operational
k) Any reduction in the range of beneficial uses of the environment	No	The proposed works would not reduce the range of beneficial uses of the environment.
l) Any pollution of the environment	Yes	Short term during construction from machinery but no long-term pollution
m) Any environmental problems associated with the disposal of waste	No	There are no anticipated problems associated with the disposal of waste as a result of the project.
n) Any increased demands on resources (natural or otherwise) that are, or are likely to become in short supply	No	The project would not increase the demand on resources that are likely to become in short supply.
o) Any cumulative environmental effect with other existing or likely future activities	No	No cumulative impacts are expected.
p) Any impact on coastal processes and coastal hazards, including those under projected climate change conditions	No	The project is not located within a coastal area and would not impact coastal processes.

4 Environmental Impacts and Mitigation Measures

This section identifies the potential impacts of proposed works on the ecological values of the project area and includes recommendations to avoid, minimise and mitigate these impacts.

The proposed works present various risks to, and impacts on environmental components such as soils, hydrology, ecology, air quality, Aboriginal and cultural heritage, among others. The main risks are described in Table 5. To reduce potential impacts associated with these risks (as well as other, minor risks), the mitigation measures presented in Table 6 will be implemented.

Table 5: Environmental impact assessment

Environmental component	Summary of potential impacts
Biodiversity	Vegetation within the proposed works areas is relatively modified and disturbed with the dominant over storey species being River Red Gum (*Eucalyptus camaldulensis*). Understorey is primarily made up of introduced pasture grasses such as Kikuyu (*Cenchrus clandestinus)*, Paspalum (*Paspalum dilatatum)*, and Toowoomba Canary Grass (*Phalaris aquatic).* The proposed works area would provide habitat for a range of locally common bird, marsupial, reptile and bat species. There is a known camp of Grey Headed-Flying-foxes (GHFF) adjacent to the Murray River, approximately 2 kilometres east of the proposal area in Padman Park and records of the Barking Owl, Freckled Duck and Brown Treecreeper. **Potential Impacts** The ecology report advises that minimal impacts will occur to biodiversity as a result of this project. The works footprint is primarily within an existing trail area and trees proposed for removal are in most instances classified as small or introduced offering minimal habitat and foraging opportunities.
Soil *(including contaminated land, acid sulfate soils, salinity etc.)*	The proposed works area occurs on relatively flat floodplain area with minimal signs of erosion. A search of the Australian Soil Resource Information System (ASRIS, 2014) found that the proposal area has a low probability (low confidence) of acid sulphate soil formation. A search of the NSW and Contaminated Land record and list of notified contaminated sites indicated that there were no listed contaminated sites within 500 metres of the proposal area.

Environmental component	Summary of potential impacts
Water	Groundwater within the project area is expected to be localised, seasonal, and heavily influenced by topography. Flow would be downslope in the direction of the Murray River. The proposal area is located in a “Sensitive Area” as defined by Schedule 7.2 of the Albury LEP. The objective of a Sensitive Area is to maintain the hydrogeological functions of the riparian land waterways and aquifers. **Potential impacts** During construction there is a potential that sediment and erosion runoff could lead to impacts to water quality within Horseshoe lagoon and the Murray River. Impacts in the construction phase are expected to be minimal following the implementation of the mitigation measures described in Table 6 below.
Aboriginal cultural heritage	European (post settlement) activities have resulted in substantial modifications to the natural landscape within the study area. Past land use practices such as vegetation removal, the installation of the existing drain, sewer infrastructure, landscaping and installation of access roads and the Wagirra Trail, have caused extensive ground disturbances within the proposal area. **Potential impacts** Works will involve impacts to the ground surface in the form of soil excavation during construction. The Due Diligence study determined a high percentage of works will occur on imported soil and that no impact to Cultural Heritage will occur. Works will proceed with caution with a mitigation plan in place should any aboriginal heritage matters arise during construction.
Historic heritage	Parish Maps of the Albury district in 1956 indicate that as early as 1919 sections of the proposed work site were being set aside for Public Recreation purposes, Albury Sewerage works, and Animal and Bird sanctuaries. All relevant databases were searched with regards to potential impacts to historic heritage. No records or listings were found for any of the relevant heritage legislation.
Noise and vibration	The existing noise and vibration environment around the proposed works area is consistent with recreational parkland, where recreational users along the Wagirra Trail create low levels of noise. Ancillary noise is currently created from traffic using the Riverina Highway. The nearest sensitive receivers are businesses and residences along Riverina Highway (Albury Wodonga Private Hospital) approximately 300 metres to the north and north east of the proposed works area. The noise environment at the hospital and residential properties is expected to be dominated by road noise from the Riverina Highway, which is major arterial road in the area.

Environmental component	Summary of potential impacts
	Potential impacts Construction of the proposal is expected to generate noise and vibration that are uncharacteristic of the existing environment, particularly when earthworks are being undertaken. Noise impacts at sensitive receivers are expected to be minor, short term in nature, and similar to those expected for standard road works. Construction works would be undertaken during recommended standard construction hours. The proposal would not result in noise or vibration or impacts on sensitive receivers during in its operation.
Air quality	The nearest sensitive receivers to the proposed works area are Albury Wodonga Private Hospital and residents located approximately 300 m to the north and north east of the site. Existing air quality within the area is likely to be influenced primarily by local traffic emissions. **Potential impacts** General construction impacts such as emissions from machinery and dust generation may have an impact on the localised sensitive receivers. This impact is expected to be short term in nature and marginal if mitigation measures outlined in Table 6 are employed.
Waste	**Existing environment** Within the area surrounding the proposal, the only waste producing activities currently being undertaken are routine parkland maintenance by AlburyCity. A negligible amount of general waste may be produced by users of the Wagirra Trail. **Potential impacts** Minor quantities of construction waste may be generated by the proposed works, in the form of excess spoil and workers wastes such as packaging, containers, food scraps, etc. Any waste generated during construction would be managed in accordance with the waste management hierarchy. This provides that waste avoidance is a priority, followed by reuse and recycling/reprocessing, with disposal as a last resort. All waste would be managed in accordance with the EPA's Waste Classification Guideline (EPA, 2014). Wherever possible, suitable excavated spoil would be re-used on site. If, in the unlikely event that re-use opportunities are unable to be identified, or the spoil is unsuitable for re-use due to its geotechnical or contamination characteristics, spoil would be tested

Environmental component	Summary of potential impacts
	and classified according to the EPA Guidelines (2014) and disposed of at an appropriately licensed facility. The operational phase of the proposal would not have any ongoing waste generating impacts
Visual amenity/ landscape	**Existing environment** The existing environment of the proposal site is a moderately flat with partially closed vistas. The Murray River and lagoons are all visible along various sections of the proposed work site. Some the area is characterised by dense native vegetation and bounded by the Murray River. **Potential impacts** The site will have an increased visual amenity post project given landscaping and artwork installation currently proposed. Construction of the proposal would have a temporary, minor impact on visual amenity within the proposal area from earthworks and construction machinery
Traffic	The proposed work site is located adjacent to the Riverina Highway which is a sealed declared arterial road that receives a moderate amount of traffic and runs east west along the site. The site also includes the Wagirra and Yindyamarra Trail, which is utilised as a public recreational resource and is subject to moderate amounts of pedestrian and bicycle traffic. Access to the construction site is proposed to be via the existing car parks off Riverina Highway, Kremur Street and along existing access trails. During construction it is expected that two to five light and heavy vehicles would be required to access the proposal area per day. **Potential impacts** Users of Kremur Street and the Riverina Highway should experience negligible traffic impacts as a result of the works. This would most likely occur within peak times or when machinery or materials are being delivered to the site. It is expected that a road occupancy permit will be required for works adjacent to Horseshoe Lagoon and a reduced speed limit will temporarily be put in place. There are expected to be minimal impacts to users of the Wagirra and Yindyamarra trail during the construction. If required a detour can be putin place however as this existing trail section I sgravel – tends to get far less

Environmental component	Summary of potential impacts
	usage as the existing asphalt section. These impacts will be short term and occur mid-week only, when the recreational use of the trail is as its lowest. The proposal is expected to have no impact on traffic in its operational phase.
Socio-economic	**Existing environment** The proposal lies in the suburb of West Albury. Profile ID advises that the usual resident population of West Albury in 2016 was 3,849, living in 1,733 dwellings with an average household size of 2.23. The wider AlburyCity LGA spans from Splitters Creek to the west, Table Top to the north, Lake Hume to the east and the Murray River to the south. The estimated resident population in 2019 was 54,353 people of which 51.5% were male and 48.5% were female. More West Albury residents work in health care and social assistance that any other industry in 2016 (Profile ID). **Potential impacts** The proposal is likely to have a minor positive impact as a result of construction, as it will provide employment for the AlburyCity and supplier workforce. The proposal will have no socio-economic impact during operation, other than to support the safe and efficient use of the Trail for residents and visitors.

Table 6: Mitigation measures

Environmental component	Potential impact	Mitigation Measures	Likely impact level after mitigation
General	Noncompliance with mitigation measures below	• Prior to any works commencing, prepare a Construction Environmental Management Plan (CEMP) that includes mitigation measures from this REF. • As part of the 'site induction' all workers are to be provided access to the CEMP and made aware of the site sensitivities identified in this REF.	Minimal
Biodiversity	Removal of native vegetation Removal of/ damage to habitat Damage to mature trees Weed and pathogen spread	• Clearly define work zones with no disturbance beyond the edge of these zones (e.g. plans marked as "no-go zones", flagging and pickets on site as required). • Trees that are to be trimmed (or removed if necessary) will be clearly marked. Exclusion fencing may be placed at or beyond the drip lines of the retained vegetation so as to prevent damage to their root systems as required. • Only remove minimum required vegetation and minimise disturbance to retained vegetation. • If the roots of retained trees are disturbed or damaged during works, roots should be cleanly cut to minimise damage to the health of the tree as a result. • Do not remove any trees that contain hollows unless specific approval has been granted. • Any trees with hollows are to be checked for native fauna by a suitably qualified ecologist prior to being removed. • If any damage occurs to vegetation in no-go zones as a result of the works the Project Manager will be notified and will establish strategies for mitigation of impacts and site restoration. • Construction machinery should be washed prior to entering and leaving site to ensure weed propagules are not transported. • The site shall be reinstated with local native vegetation as close as practicable to its original condition.	Minimal as no remnant vegetation

Environmental component	Potential impact	Mitigation Measures	Likely impact level after mitigation
Soil	Erosion of banks and sedimentation of waterway Accidental pollution of soil or waterbody Incidental discovery of soil contamination	• Erosion and sediment control is to be implemented if required or directed in accordance with the 'Blue book' – Managing Urban Stormwater: Soils and construction • Retain vegetation where practicable. • Linear silt fencing to be installed down slope of all affected areas and stockpiles as required. Silt fencing will be installed before excavation begins. • Do not undertake works during heavy rain periods or flooding. • Locate stockpiles and construction materials away from vegetation, waterways and drainage lines, implement bunding practices. • No hay 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. • Store all chemicals (e.g. fuel, oil) offsite or away from sensitive areas such as waterways or native vegetation. • Ensure appropriate spill kits are present onsite. • Ensure all equipment is in good working order. • Stop works and notify Council if any contamination (e.g. asbestos, discoloured soil, chemical or petrol odours, refuse or leachate) is discovered.	Minimal, Site contains high proportion of imported soil and has no direct aces to the river. Works do not involve major earthworks
Water	Sedimentation and increased turbidity of nearby watercourses	• No water may be discharged into drainage lines and/or waterways. • Visual monitoring of local water quality (i.e. turbidity, hydrocarbon spills/slicks) is to be undertaken on a daily basis to identify any potential spills or deficient erosion and sediment controls. • Locate stockpiles and construction materials away from waterways and drainage lines, implement bunding practices. • Prevent sediment moving off-site and sediment laden water entering any water course, drainage lines, or drain inlets. • Reduce water velocity and capture sediment on site. • Minimise the amount of material transported from site to surrounding pavement surfaces.	Minimal with controls in place

Environmental component	Potential impact	Mitigation Measures	Likely impact level after mitigation
Aboriginal heritage	Accidental discovery of heritage items	• If Aboriginal heritage items are uncovered during the works, all works in the vicinity of the find must cease and the Environmental Planner contacted immediately. • The find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object, the archaeologist will provide further instruction. • If any suspected ancestral human remains are discovered during works: o Immediately cease all work at that location. o Notify NSW Police and NSW DPIE Environmental Line 131 555. o Do not recommence work at that location unless authorised in writing by NSW DPIE. • Works to be carried out in accordance with any applicable Aboriginal Cultural Heritage Due Diligence Assessment, or Aboriginal Cultural Heritage Assessment and/or Aboriginal Heritage Impact Permit.	Minimal
Historic heritage	Accidental discovery of heritage items	• Should any unexpected historical heritage items be uncovered during works, works should cease immediately and an archaeologist contacted. The Heritage Branch should also be notified.	Minimal
Noise and vibration	Excess noise and vibrations resulting from excavation works	• 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. • If applicable, measures such as allowing adequate distance that rollers can operate near adjacent buildings and/or using non vibrating rollers are to be used to minimise or prevent vibration impacts.	Minimal

Environmental component	Potential impact	Mitigation Measures	Likely impact level after mitigation
Air quality	Emissions from machinery Excessive dust emissions due to earthworks	• 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. • Vegetation or other materials are not to be burnt on site. • Vehicles transporting waste or other materials that may produce odours or dust are to be covered during transportation. • Maintain all machinery in good working order to reduce emissions. • Avoid idling machinery unless in use.	Minimal
Waste	Waste generation such as excess fill	• Waste generation should be minimised. • Waste material, other than vegetation and tree mulch, is not to be left on site once the works have been completed. • All surplus material, off cuts, and other debris resulting from the work shall be removed from site and disposed of by a licensed contractor to a licensed waste management facility. Recycle / reuse waste where appropriate (e.g. mulch, fill). • Working areas are to be maintained, kept free of rubbish and cleaned up at the end of each working day.	Minimal
Visual amenity / landscape	Temporary construction site activities	• Reinstate disturbed areas as soon as possible. • Engage with neighbouring landholders and wider community where appropriate.	Improved
Traffic		• Where possible, current traffic movements and property accesses are to be maintained during the works. Any disturbance is to be minimised to prevent unnecessary traffic delays.	Improved with new sightlines and car park

5 Conclusion

Brief summary:

This REF has been prepared in accordance with the provisions of Section 5.5 of the EP&A Act, considering all matters affecting or likely to affect the environment as a result of the proposal. It has examined the potential impacts of the proposed works across a range of environmental values and the overall environmental impact of the proposed works is considered negligible.

This project is part of AlburyCity's Wagirra Trail Upgrade and now forms a part of the 'Regional Deal' group of projects.

The project allows for installation of 3 pieces of artwork and looks to seal approximately 2km of existing gravel path into a more user-friendly asphalt overlay. The works footprint is expected to extend to a total of 4.5 metres in width. In addition, if funding permits the existing gravel car park at Horseshoe Lagoon will be upgraded.

Due to the location of existing vegetation and its close proximity to the trail proposed for upgrade, some removal will be required. Approximately 0.01 hectares of native and exotic vegetation (which includes 60 small trees) will be removed/disturbed as a part of this project. Of these trees, 5 are introduced willow and elm species.

The proposed works are not likely to have a significant impact on the environment. No further assessment is required.

The proposed works are not likely to have a significant impact on threatened species, communities or their habitat. No further assessment is required.

Section 4

6 REF Determination Page

6.1 Proponent Declaration

This REF provides a true and fair review of the activity in relation to its likely effects on the environment. It addresses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the project and provides sufficient information to determine whether there is likely to be a significant impact on the environment as a result of the Project.

I have considered all environmental impacts and safeguards to the best of my knowledge and have sought advice where required.

Project Name: Yindyamarra Sculpture Walk	
REF prepared by: Name: Nerilee Kerslake Title: T/L Natural Areas Phone: 6023 8714	Signature: Date: 22/3/21

6.2 Determiner Declaration & Approval

I have reviewed the document and consider that the project will not have a significant impact. The project can proceed, subject to the controls outlined in this REF and the conditions listed in Section 7.

Name: Rebecca Redman Title: Environmental Planner Phone: 02 6023 8310	Signature: Date: 22/03/2021

7 Conditions

In addition to the mitigation measures described in this REF, the following conditions must be adhered to:

1. The proposed works are to be undertaken as described in this REF and in accordance with the design plans submitted with this REF. Should there be a design change, further assessment will be required.

2. Prior to any works commencing, prepare and submit a Construction Environmental Management Plan (CEMP) for consideration and approval that includes mitigation measures and conditions from this REF.

3. As part of the site induction, all workers are to be made aware of site sensitivities including tree protection for retained vegetation, no-go zones, potential to uncover unexpected items of Cultural Heritage significance and provided access to the CEMP, this REF, conditions and mitigation measures.

4. Prior to any works commencing, implement erosion and sediment control that includes soil and erosion protection measures in accordance with AlburyCity's Good Practice in Erosion and Sediment Control Guidelines.

5. Prior to works commencing clearly define no-go zones and tree protection zones. This is to be delineated using at minimum flagging / bunting.

6. Establish clearly defined tree protection zones and protect all retained vegetation in accordance with Australian Standard 4970-2009 Protection of trees on development sites for any trees not included in the no-go zones.

7. Vehicle movements around the site should be restricted to the alignment only and away from any existing trees, exclusion fencing is to be installed around the entire construction footprint to ensure no encroachment into surrounding areas.

8. Only vegetation identified for removal in this REF (the 5 willow and elm species in the creek area adjacent to the carpark and the smaller red gum suckers along the path alignment (identified as being up to 60 trees all <10cm DBH) is to be removed and disturbance to retained vegetation must be avoided. No additional clearing is permitted. In the event that any further tree or native vegetation removal is required please contact the Environmental Planners as further approvals may be required.

9. Following completion of the trail construction works- site revegetation and enhancement plantings are to be undertaken at suitable locations along the path alignment using a variety of local native understory and ground cover species. The location of these plantings is to be determined in consultation with the Environment Team.

10. Erosion and sediment control measures are to be implemented and maintained throughout the duration of works. These are to include soil and erosion protection measures in accordance with AlburyCity's Good Practice in Erosion and Sediment Control Guidelines.

11. All erosion and silt control devices will be visually inspected, cleaned and repaired (if required) weekly to ensure effectiveness as well as after each rainfall event.

12. When rain is predicted, an assessment should be made by the site manager prior to works. If rain is predicted, work is not to be commenced, and all erosion and sediment controls to be implemented.

13. No stockpiles will be established under native vegetation in any area onsite.

14. If works result in damage to any retained vegetation, contact Councils Horticulture Team (Stephen Wilson) immediately. If roots of retained trees are disturbed or damaged during works, roots should be cleanly cut to minimise damage to the health of the tree as a result.

15. Any fauna that is encountered shall be protected and, where required, relocated by a qualified and licenced ecologist or wildlife handler to a suitable habitat. In the event that any threatened species are discovered during construction, work will stop immediately, and Council's Environment Team is to be contacted. If any fauna is injured, it is to be protected and WIRES contacted immediately on 1300 094 737 and Council's Environmental Team are to be notified.

16. All waste generated by the project is to be disposed of at a licensed waste management facility. The area is to be maintained and kept free of rubbish at all times. Strict controls are to be implemented to prevent waste entering any waterways.

17. Chemicals (including fuels and oils) are not to be stored on site. Any refuelling or other such activities that need to occur shall be carried out well away from any waterway. Spill kits are to be available at all times.

18. In the event that any object suspected of being of Aboriginal origin or significance is discovered and/or harmed in, or under the land, while undertaking development activities, the proponent must:

- Not harm/further harm the object;
- Immediately cease all work at the particular location;
- Secure the area to avoid further harm to the Aboriginal object;
- Notify the Environmental Planner and NSW DPIE as soon as practical, providing any details of the Aboriginal object and its location, and
- Not commence any work at the particular location unless authorised in writing by Heritage NSW.

In the unlikely event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

If the scope of works from what has been stated within the REF changes and/or further vegetation removal is necessary, additional approval will be required.

References

Appendix A

Have you attached / included the following:	Check-box
Maps:	
• project location (including alignment details	☒ Yes ☐ No ☐ N/A
• stockpile sites and laydown areas	☐ Yes ☒ No ☐ N/A
• no-go zones	☐ Yes ☒ No ☐ N/A
Design Plans	☒ Yes ☐ No ☐ N/A For the carpark
Supporting technical reports	
• Test of Significance / Environmental Assessment	☒ Yes ☐ No ☐ N/A
• Aboriginal Cultural Heritage Assessment / Due Diligence Assessment	☒ Yes ☐ No ☐ N/A
• Geotechnical investigations	☐ Yes ☐ No ☒ N/A
Any other approvals (e.g. Part 7 Fisheries Permit)	☐ Yes ☐ No ☒ N/A
Any other relevant supporting material	☐ Yes ☐ No ☐ N/A