



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Notification of referral decision – not controlled action if taken in a particular manner

Osborne North Car Park and Grade Separated Road, Outer Harbor, South Australia
(EPBC 2023/09662)

This decision is made under sections 75 and 77A of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).


Proposed Action

person proposing to take the Action	Australian Naval Infrastructure Pty Ltd ABN 45 051 762 639
proposed Action	To construct, operate and maintain a car parking facility, a pedestrian bridge, and a link road, within the existing Osborne Naval Shipyard area, 19 km north of Adelaide, South Australia (see EPBC Act referral 2023/09662).

Referral decision: not a controlled action if taken in a particular manner

status of proposed Action	The proposed Action is not a controlled action provided it is taken in the manner set out in <u>Annexure A</u> .
----------------------------------	--

Person authorised to make decision

name and position	Julie Kennett Acting Branch Head Environment Assessments West Branch
Signature	
date of decision	7 December 2023

Annexure A

Note: Words appearing in **bold** have the meaning assigned to them at **PART B – DEFINITIONS**.

Part A – Particular manners specific to the Action

The following measures must be taken to avoid significant impacts on the **environment**, as the Action is a Commonwealth action (section 28 of the **EPBC Act**):

- 1) To avoid significant impacts to the **environment**, in taking the Action, the person taking the Action must:
 - a) not **clear** outside of the **project area**.
 - b) not **clear** more than 3.50 hectares of vegetation within **Falie Reserve**.
 - c) implement all **management measures**.
-

Part B – Definitions

In these particular manners, any bolded use of a word or term refers to the below definition of that word or term:

Aboriginal Sites, Objects and Ancestral Remains Discovery Procedure means the process described at [Attachment C](#).

Adverse impact on amenity means activities that have an average noise of 45 dB(A) or greater or any singular noise event with a maximum noise level of 60dB(A) or greater at a noise receiver (such as a domestic premise), as defined in the Information Sheet: *Construction noise information sheet*, EPA 425/23, **SA EPA 2023**.

Archaeological monitoring means the continuous, dedicated observation of ground disturbing works.

Class 1 pollutant means any pollutant listed in ‘Schedule 2 – Class 1 pollutants’ of the *Environment Protection (Water Quality) Policy 2015* (SA).

Clear means the cutting down, felling, thinning, logging, removing, killing, destroying, poisoning, ringbarking, uprooting, or burning of vegetation.

Construction means:

- a) the erection of a building or structure that is, or is to be, fixed to the ground and wholly or partially fabricated on-site,
- b) the alteration, maintenance, repair or demolition of any building or structure,
- c) any work which involves breaking of the ground (including pile driving) or bulk earthworks,
- d) the laying of pipes and other prefabricated materials in the ground, and
- e) any associated excavation work.

OFFICIAL

Construction does not include the installation of temporary fences and signage.

Cultural heritage induction means an induction that will provide details of tangible and non-tangible heritage values, mitigation measures and the **Aboriginal Sites, Objects and Ancestral Remains Discovery Procedure**.

Department means the Australian Government agency responsible for administering the **EPBC Act**.

Environment has the meaning given by section 528 of the **EPBC Act**.

EPBC Act means the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

Falie Reserve means the area represented in Attachment A by the zone hatched by black diagonal lines designated as 'Falie Reserve'.

Kaurna Traditional Owner means the Traditional Owners whose traditional lands include the Adelaide Plains of South Australia.

Management measures means all commitments specified in Attachment B.

Project area means the location of the Action, represented in Attachment A by the zone enclosed by the solid red line designated as 'Project Area'.

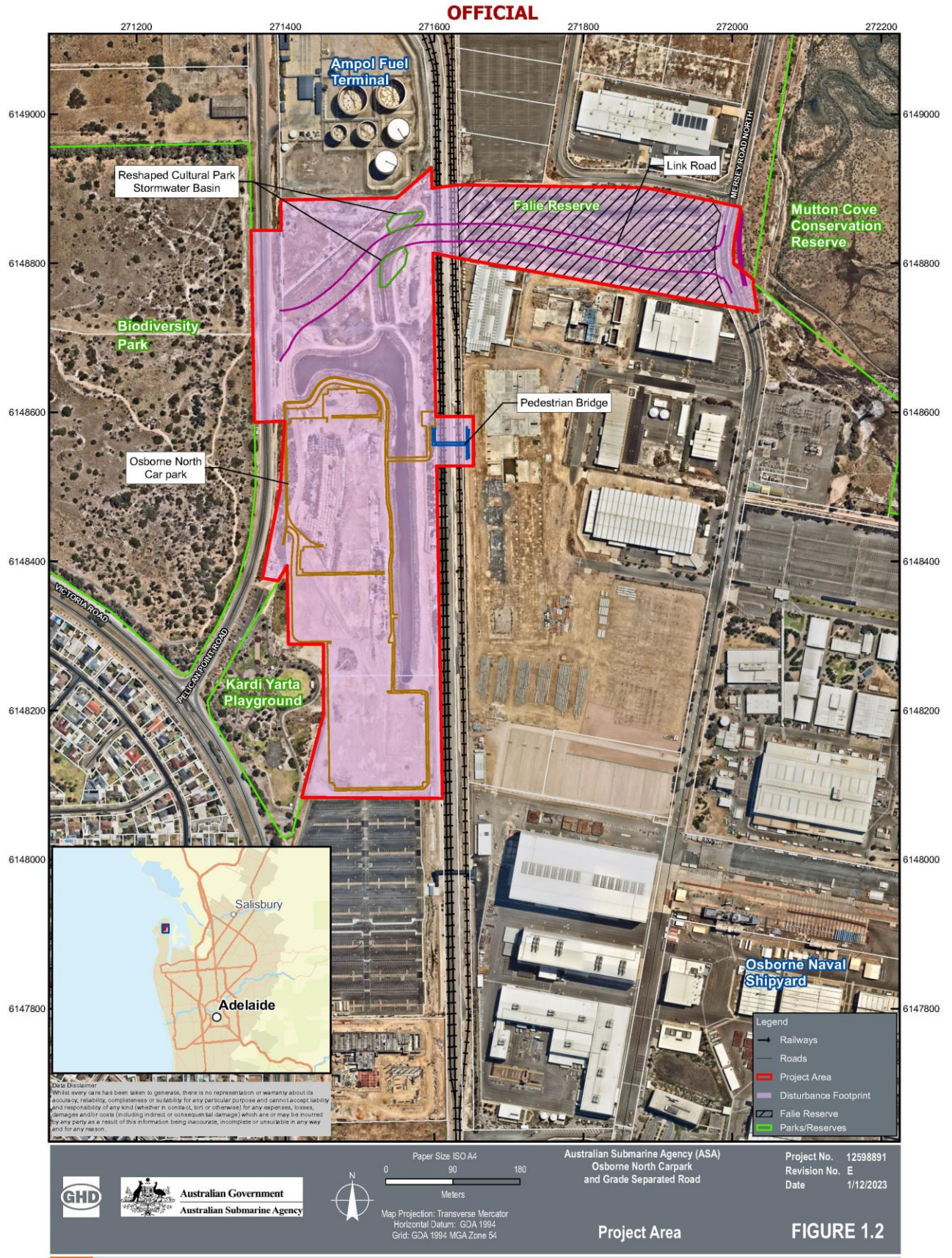
SA EPA means the South Australian Environment Protection Authority.

Waste soil has the meaning given by the *Standard for the production and use of Waste Derived Fill*, **SA EPA 2013**.

Attachments

- 1) Attachment A – Project Area
- 2) Attachment B – Management Measures
- 3) Attachment C – Aboriginal Sites, Objects and Ancestral Remains Discovery Procedure

Attachment A – Project Area



C:\temp\11111_Defence\GIS\Map\12598891_Referral\Stage_EHA_ach\REF_002_ASA_ProjectArea_AAP1
Print date: 01 Dec 2023 - 05:45

Source: Location SA (<https://location.sa.gov.au/viewer/>), World Street Map: Esri, HERE, Garmin, Fransquare, FAO, METINASA, USGS, Neimap WMS Server, GHD field surveys. Created by: morfiane



Attachment B – Management measures (note: words appearing in bold have the meaning assigned to them at PART B – DEFINITIONS)

Element	Management measures
Soil	<ul style="list-style-type: none"> ● In taking the Action, the person taking the Action must do so in accordance with the: <ul style="list-style-type: none"> ○ Guidelines: <i>Site contamination – acid sulfate soil materials</i>, EPA 638/07, SA EPA 2007, ○ <i>Standard for the production and use of Waste Derived Fill</i>, SA EPA 2013, ○ <i>Guidelines for the assessment and remediation of site contamination</i>, SA EPA, 2019, and ○ <i>National Environment Protection (Assessment of Site Contamination) Measure 1999</i>, Commonwealth of Australia 1999 (as amended 11 April 2013). ● If waste soil is generated, the person taking the Action must confirm whether it is suitable for reuse in accordance with the <i>Standard for the production and use of Waste Derived Fill</i>, SA EPA 2013. ● If waste soil is found to not meet the <i>Standard for the production and use of Waste Derived Fill</i>, SA EPA 2013, the person taking the Action must store, treat, or dispose of the material at an SA EPA authorised waste management facility.
Surface water, stormwater basins	<ul style="list-style-type: none"> ● In taking the Action, the person taking the Action must do so in accordance with the: <ul style="list-style-type: none"> ○ Guidelines: <i>Environmental management of dewatering during construction activities</i>, EPA 1093/21, SA EPA 2021, <ul style="list-style-type: none"> ▪ The person taking the Action must only undertake dewatering in accordance with the process detailed in Figure 2 of the Guidelines: <i>Environmental management of dewatering during construction activities</i>, EPA 1093/21, SA EPA 2021.

OFFICIAL

	<ul style="list-style-type: none"> ○ Section 5 of the <i>Stormwater pollution prevention code of practice for local, state and federal government, SA EPA 1998</i>, and ○ <i>Environment Protection (Water Quality) Policy 2015 (SA)</i>. ● The person taking the Action must not discharge a Class 1 pollutant directly or indirectly into surface waters, including the stormwater system.
Noise, dust, vibration	<ul style="list-style-type: none"> ● In taking the Action, the person taking the Action must do so in accordance with the: <ul style="list-style-type: none"> ○ Information Sheet: <i>Construction noise information sheet</i>, EPA 425/23, SA EPA 2023, ○ <i>Guideline for the Management of Noise and Vibration: Construction and Maintenance Activities</i>, Government of South Australia 2021, ○ <i>Environment Protection (Air Quality) Policy 2016 (SA)</i>, ○ <i>Environment Protection (Commercial and Industrial Noise) Policy 2023 (SA)</i>, and ○ <i>Local Nuisance and Litter Control Act 2016 (SA)</i>. ● The person taking the Action must only undertake noise generating activities that may have an adverse impact on amenity during the period between 7:00AM and 7:00PM on any given day excluding Sundays, unless otherwise permitted by an exemption or an application approved by the SA EPA.
Outdoor lighting	<ul style="list-style-type: none"> ● In taking the Action, the person taking the Action must do so in accordance with the: <ul style="list-style-type: none"> ○ AS/NZS 1158.3.1:2020: <i>Lighting for roads and public spaces. Part 3.1 Pedestrian area (Category P) lighting – performance and design requirements</i>, Standards Australia and Standards New Zealand 2020, ○ AS/NZS 4282:2023: <i>Control of the obtrusive effects of outdoor lighting</i>, Standards Australia and Standards New Zealand 2023, and ○ <i>National Light Pollution Guidelines for Wildlife</i>, Commonwealth of Australia 2023.
Aboriginal heritage	<ul style="list-style-type: none"> ● In taking the Action, the person taking the Action must do so in accordance with the:

OFFICIAL

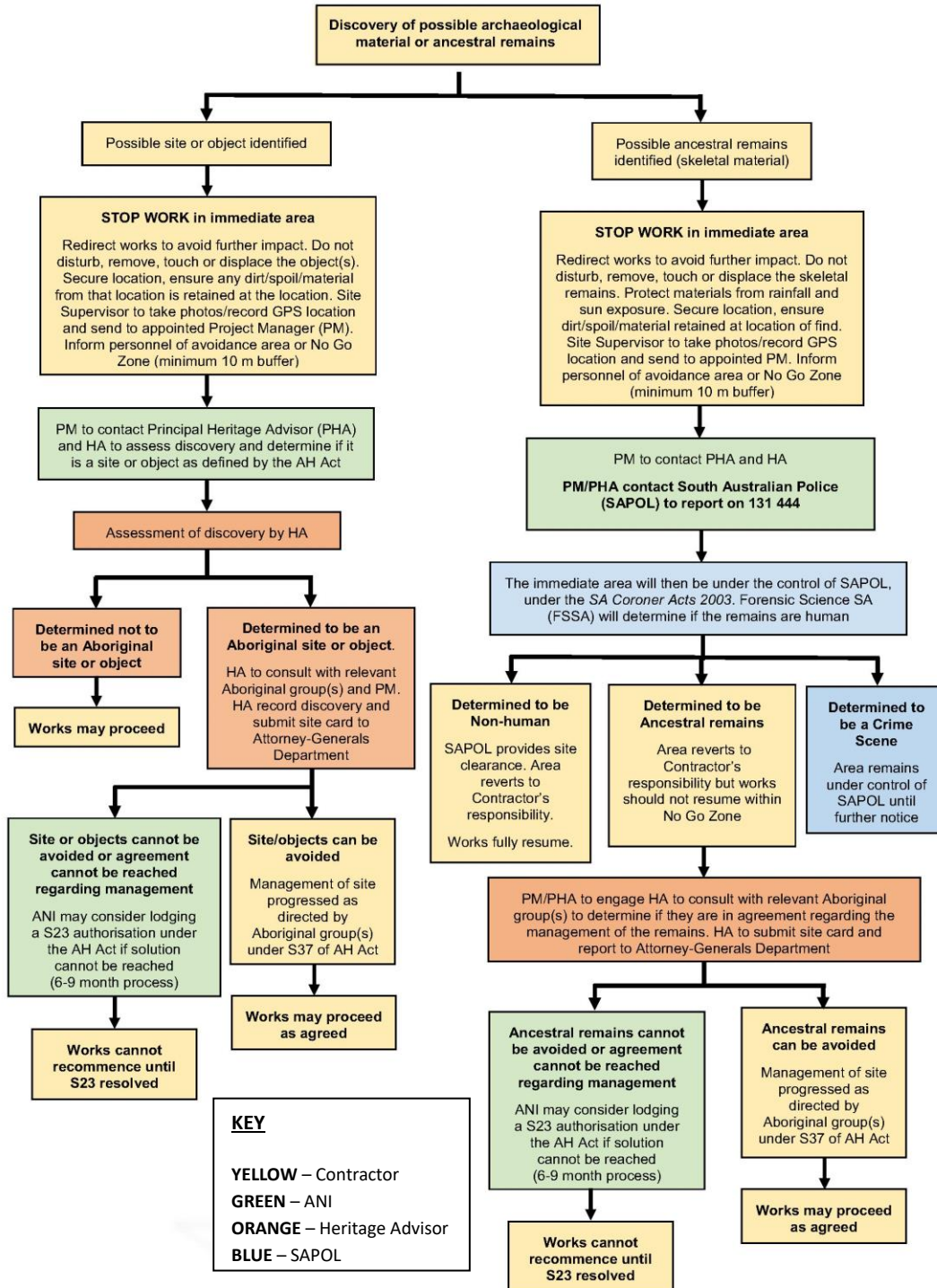
	<ul style="list-style-type: none">○ <i>Aboriginal Heritage Act 1988 (SA),</i>○ <i>Aboriginal Sites, Objects and Ancestral Remains Discovery Procedure, Government of South Australia 2021,</i>○ <i>Discovery of Aboriginal sites and objects fact sheet, Government of South Australia, and</i>○ <i>Managing Aboriginal Heritage in South Australia, Government of South Australia.</i>● The person taking the Action must take the Action in accordance with the Aboriginal Sites, Objects and Ancestral Remains Discovery Procedure during construction.● The person taking the Action must ensure archaeological monitoring by Kurna Traditional Owner representatives during excavations that intersect the natural ground below the fill layer is undertaken.● The person taking the Action must ensure that the Cultural Heritage Manager and/or Cultural Heritage Officers, together with Kurna Traditional Owner representatives:<ul style="list-style-type: none">○ inspect excavated material, and○ document on monitoring or inspection forms, the activity monitored, location, findings and any necessary follow up actions.● The person taking the Action must ensure all personnel that are managing or undertaking ground-breaking works complete a cultural heritage induction.● The person taking the Action must engage with Kurna Traditional Owners throughout the Action, including the sharing of knowledge. The person taking the Action must ensure Kurna Traditional Owners are consulted with respect to the following:<ul style="list-style-type: none">○ landscape design, plant selection, and interpretation associated with the Link Road within Falie Reserve, and○ inspections, monitoring activities, and chance finds (in accordance with the Aboriginal Sites, Objects and Ancestral Remains Discovery Procedure).
--	---



Attachment C – Aboriginal Sites, Objects and Ancestral Remains Discovery Procedure*

Aboriginal Sites, Objects and Ancestral Remains Discovery Procedure

Discovery Procedure Flow Chart without Section 23 Authorisation under the AH Act



KEY
YELLOW – Contractor
GREEN – ANI
ORANGE – Heritage Advisor
BLUE – SAPOL

OFFICIAL

*For the purpose of Attachment C, the following definitions apply:

Term/Acronym	Definition
Aboriginal Group	The Kurna Yerta Aboriginal Corporation
AH Act	<i>Aboriginal Heritage Act 1988 (SA)</i>
Contractor	Contractor engaged by ANI to undertake the planning, design, or construction of the project
ANI	Australian Naval Infrastructure Pty Ltd
HA	Heritage Advisor – suitably qualified archaeologist and/or anthropologist
PHA	ANI’s Principal Heritage Advisor
PM	ANI’s Project Manager
S20	Section 20 of the AH Act – Discovery of sites, objects or remains
S23	Section 23 of the AH Act – Damage etc to sites, objects or remains
S37	Section 37 of the AH Act – Preservation of right to act according to tradition
SAPOL	South Australian Police
Supervisor	Site Supervisor