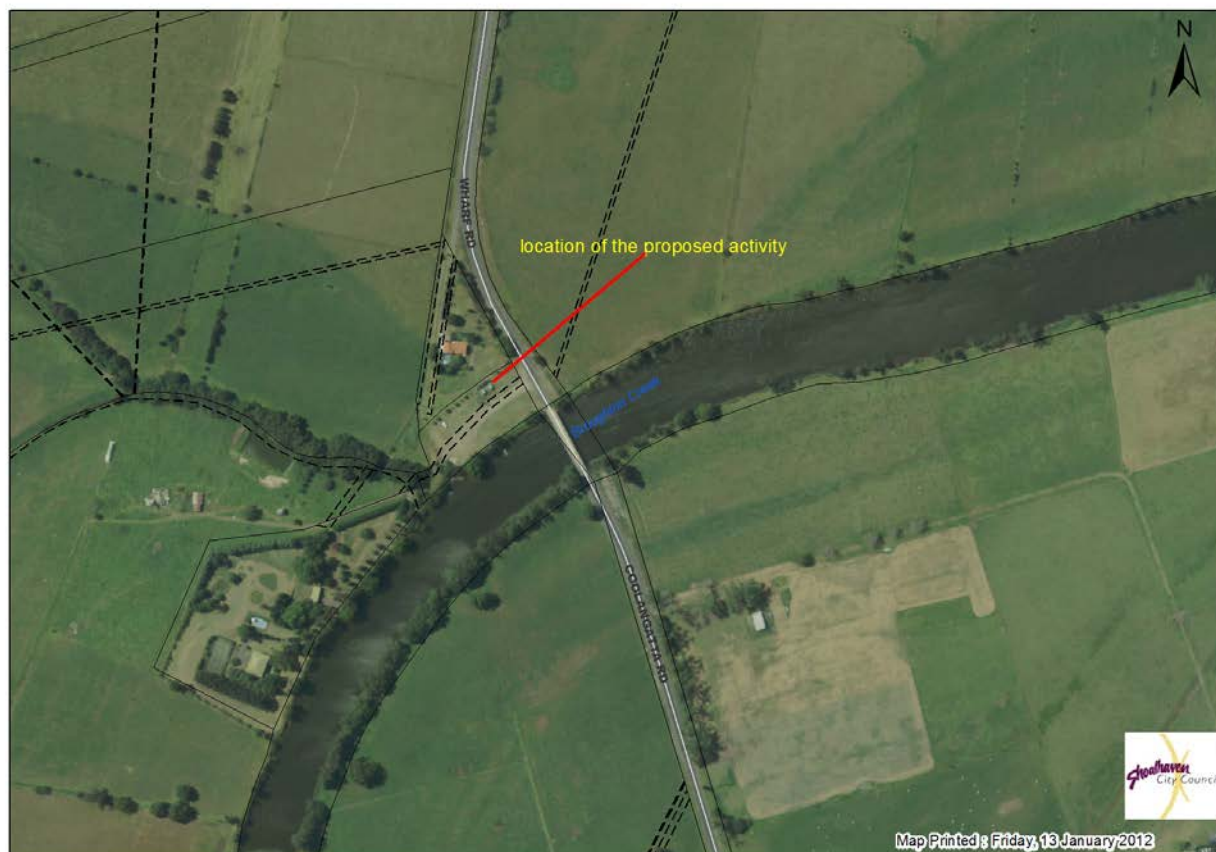


1. PROPOSED ACTIVITY

Decommissioning and demolition of public amenities and associated rehabilitation, Wharf Rd, Berry Lot 2 DP56943.



2. REASON FOR THE ACTIVITY

The public amenities have been identified for disposal in the Council's *Asset Management Plan – Public Amenities*. The amenities have been selected for disposal primarily due to low usage rate and maintenance costs. The amenities also do not comply with current accessibility legislation and standards.

The septic system also appears to be damaged and failing with effluent on the surface regularly reported. Council's approval to operate the facility states that the "*landowner/occupier must ensure that the system does not cause sewage or treated effluent to be discharged into any watercourse or on land other than its related effluent application area*". To comply with the approval and retain the public amenities would require a complete upgrade of the septic system or connection to the 50 mm rising main located along Wharf Road. The costs associated with this work were considered not justifiable considering the amenities' low patronage.

3. DESCRIPTION OF THE PROPOSAL

The proposal would involve the following activities:

- disconnection of water and electricity
- removal of roof sheeting and timber support for reuse at other locations in the city
- removal of fittings that could be used elsewhere
- demolition of concrete wall panels and removal to recycling facilities
- capping of holes in the concrete slab floor
- removal of the contents within the septic tank
- decommissioning of the septic tank, including disinfection, demolishing and covering to ground level
- rehabilitation of any disturbed areas.

Clean fill may be also brought into and spread over the site to ensure the retained concrete slab floor is at ground level.

4. THE PROPOSAL'S ENVIRONMENTAL SAFEGUARDS AND MEASURES TO MINIMISE IMPACTS

- Works shall be conducted between the hours of 7:00 am and 5:00 pm Monday to Friday.
- The occupants of 96 Wharf Road shall be provided with at least two days notice prior to the commencement of works.
- Sediment and erosion controls shall be installed and maintained in accordance with the relevant requirements of the Blue Book, in particularly:
 - installation of sediment fences and diversion drains around any stockpile areas
 - rapid rehabilitation of disturbed and exposed areas.
- Rehabilitation of the site shall utilise an appropriate mix of grass seeds (depending on the season).
- The contents of the septic tank are to be removed in consultation with Shoalhaven Water (ext 3343).
- The sides, lid, baffle (if fitted) and square junctions of the tank shall be hosed down as the waste is being removed.
- The tank shall be disinfected by broadcasting builders (hydrated) lime over the exposed surfaces.
- Several holes shall be punched into the base of the tank. The lid and those parts of the walls, baffle and square junctions above the ground shall be demolished and collapsed into the tank and the tank filled with clean soil or rubble and topped with clean soil.

- When the public amenities have been decommissioned, SCC Environmental Services shall be notified to allow an inspector to confirm that the facilities have been decommissioned satisfactorily.
- Components of the demolished amenities shall be processed in accordance with SCC waste minimisation policies, including:
 - the recycling of the concrete panels
 - the reuse of doors, wash basins, and other fittings as second hand building materials where appropriate.
 - the reuse of sheet roofing.

Although unlikely, the cisterns may contain asbestos. If this is found to be the case, the removal and disposal of the material shall be undertaken in accordance with SCC Policy POL07/35 and the Asbestos Management Plan.

5. PERMISSIBILITY:

Section 76 (*Development that does not need consent*) of the NSW *Environmental Planning and Assessment Act 1979* states that:

“If an environmental planning instrument provides that specified development may be carried out without the need for development consent, a person may carry the development out, in accordance with the instrument, on land to which the provision applies.”

In this regard, clause 65(3) of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) states that “*development for any of the following purposes 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...(f) amenity facilities...*”. The proposed development is managed by Shoalhaven City Council for the purpose of “boat launching ramp and reserve”. Clause 65(3) of the Infrastructure SEPP therefore applies and the proposed development does not require development consent.

As the proposal does not require development consent, and as it constitutes an ‘activity’ for the purposes of Section 110 of the EP&A Act, being carried out by (or on behalf of) a public authority, environmental assessment under Part 5 of the EP&A Act is required. This REF provides this assessment.

Shoalhaven City Council (SCC) is the proponent and the determining authority under Part 5 of the EP&A Act. The environmental assessment of the proposed activity and associated environmental impacts has been undertaken in the context of Clause 228 of the *Environmental Planning and Assessment Regulation 2000*. In doing so, the REF helps to fulfil the requirements of Section 111 of the Act that SCC examine and take into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity.

The proposed activity is permissible under relevant environmental legislation (Table 1 below).

Table 1 Summary of legislation and permissibility

NSW State Legislation	
<i>Environmental Planning and Assessment Act 1979 (EP&A Act)</i>	
Permissible ✓	Not permissible
Justification:	
<ul style="list-style-type: none"> • The Infrastructure SEPP provides for this work to be undertaken without development consent (refer above) • In circumstances where development consent is not required, the environmental assessment provisions outlined in Part 5 of the Act are required to be complied with. This REF fulfils this requirement. 	
<i>State Environmental Planning Policy No.14 – Coastal Wetlands</i>	
Permissible ✓	Not permissible
Justification:	
The proposed activity is now within an area mapped under this SEPP. Concurrence with the Minister for Planning is therefore not required.	

State Environmental Planning Policy No. 71 – Coastal Protection
Permissible <input checked="" type="checkbox"/> Not permissible
Justification: Matters of consideration apply only when council prepares a draft LEP and when a consent authority considers a development application ¹ to carry out development on land to which this Policy applies. As this is neither a draft LEP nor a development application, the matters of consideration within this SEPP do not apply.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
Permissible <input checked="" type="checkbox"/> Not permissible
Justification: All works would be conducted outside the designated Sydney drinking water catchment. As such, this instrument does not apply.
Shoalhaven Local Environmental Plan 1995 (SLEP)
Permissible <input checked="" type="checkbox"/> Not permissible
Justification: Under the development control tables within the SLEP the proposed development would normally require development consent. The provisions of SEPP Infrastructure, however, prevail over the SLEP where there is an inconsistency by virtue of Section 36 of the EP&A Act. Consequently development consent is not required.
Local Government Act 1993 (LG Act)
Permissible <input checked="" type="checkbox"/> Not permissible
Justification: The land on which the public amenities are located is 'public land'. Under the Act all 'public land' under the control of Councils has to be classified as either 'community' or 'operational' land. The <i>Local Government Act 1993</i> (LG Act) spells out the ground rules for the use of public land managed by councils. These rules cannot be set aside under Section 28 of the EP&A Act by virtue of Section 52 of the LG Act. Under the Act, plans of management must be prepared for community lands and once a plan is in place, the land must be managed in accordance with it (Section 35 of the Act). In addition, there is an absolute ban on changing " <i>the nature and use</i> " of the land until a plan of management is in place (s.44 of the Act). As such, if plans of management do not exist for the site. The public land on which the public amenities are located, however, is classified as 'operational' as such no plans of management are required and s.44 does not apply. The proposed activity is therefore permissible under the Act.
Threatened Species Conservation Act 1995 (TSC Act)
Permissible <input checked="" type="checkbox"/> Not permissible
Justification: The proposed development is unlikely to have a significant impact on species and communities listed in the schedules of the Act. A licence to harm, pick, etc, is not required.

¹ Development application means "*an application for consent under Part 4 of the EP&A Act to carry out development.*" (s.6 of the EP&A Act)

Wilderness Act 1987
Permissible <input checked="" type="checkbox"/> Not permissible
Justification: The proposed activity is not located within a wilderness area declared under this Act.
National Parks and Wildlife Act 1974 (NP&W Act)
Permissible <input checked="" type="checkbox"/> Not permissible
Justification: <ul style="list-style-type: none"> The Act provides the basis for the legal protection and management of Aboriginal sites in NSW. Under Sections 86 and 90 of the Act it is an offence to disturb an Aboriginal object or knowingly destroy or damage, or cause the destruction or damage to, an Aboriginal object or place, except in accordance with a permit or consent under section 87 and 90 of the Act. The <i>National Parks and Wildlife Act 1974</i> provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an Aboriginal Heritage Impact Permit (AHIP). The Due Diligence Code of Practice¹ was followed for the proposed activity. The results were as follows: <p>Step 1: the proposed activity would disturb the ground surface. GO TO STEP 2</p> <p>Step 2A: A search of the AHIMS database indicates there are no Aboriginal sites or places known for the site or within 200 m of the site. GO TO STEP 2B</p> <p>Step 2B: Although the site of the proposed activity constitutes a landscape feature that would indicate the likely existence of Aboriginal objects, the site is on 'disturbed land' as it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable. In regard to 'disturbed land' the Guidelines state that "it is reasonable to conclude that there are no known Aboriginal objects or a low probability of objects occurring in the area of the proposed activity". The proposed activity can proceed with caution without applying for an AHIP² as the proposed activity is unlikely to disturb an Aboriginal object or place. A permit or consent under Sections 87 and 90 of the Act is therefore not required.</p> Part 8A of the Act lists offences relating to harming or picking threatened species or damaging their habitat. However it is a defence to a prosecution for an offence under this Part if the work was essential for the carrying out of an activity by a determining authority with the meaning of Part 5 of the <i>NSW Environmental Planning and Assessment Act 1979</i> if the determining authority has complied with that part. Although the development is unlikely to harm threatened species or endangered ecological communities, the activity is considered permissible as this REF has been prepared and determined in accordance with Part 5 of the EP&A Act.

² DECCW (NSW Department of Environment, Climate Change and Water 2010. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. DECCW 2010/798, ISBN 978 1 74232 941 3

Heritage Act 1977
Permissible <input checked="" type="checkbox"/> Not permissible
<p>Justification:</p> <ul style="list-style-type: none"> • The proposed activity would not disturb an item of state heritage significance. • The Act, however, also provides statutory protection to relics, archaeological deposits artefacts or deposits. Section 139 to 146 of the Act require that excavation that is likely to contain, or is believed may contain, archaeological relics is undertaken in accordance with an excavation permit issued by the Heritage Council. The Act defines an archaeological relic as “any deposit, artefact, object or material evidence that: <ul style="list-style-type: none"> a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement; or b) is of state and local heritage significance • As the site has little to no archaeological research potential a permit is not warranted.
Fisheries Management Act 1994
Permissible <input checked="" type="checkbox"/> Not permissible
<p>Justification: The proposed activity:</p> <ul style="list-style-type: none"> • would not affect declared aquatic reserves (Part 7, Division 2 of the Act) • does not involve dredging or reclamation works (Part 7, Division 3) • would not impact mangroves and marine vegetation (Part 7, Division 4) • would not involve disturbance to gravel beds where salmon or trout spawn (s.208 of the Act) • does not involve the release of live fish (Part 7, Division 7) • does not involve the construction of dams and weirs (s.218) • would not result in the blocking of the passage of fish (s.219) • would not impact declared threatened species of endangered ecological communities (Part 7A) • does not constitute a declared key threatening process (Part 7A) • would not use explosives in a watercourse (Clauses 70 and 71 of the <i>Fisheries Management (General) Regulation 2010</i>). <p>A licence is therefore not required.</p>
Water Management Act 2000
Permissible <input checked="" type="checkbox"/> Not permissible
<p>Justification:</p> <ul style="list-style-type: none"> • Local councils are exempt from s.91E(1) of the Act in relation to all controlled activities that they carry out in, on or under waterfront land (by virtue of clause 39A(1) of the <i>Water Management (General) Regulation 2004</i>). • The proposal would not interfere with the aquifer and therefore an interference licence is not required (s.91F)

Protection of the Environment Operations Act 1997
Permissible <input checked="" type="checkbox"/> Not permissible
Justification: The proposed activity does not constitute scheduled development work or scheduled activities as listed in Schedule 1 of the Act. The proposed activity therefore does not require an environmental protection licence.
Native Vegetation Act 2003
Permissible <input checked="" type="checkbox"/> Not permissible
Justification: The Act does not apply to “any clearing that is, or is part of, an activity carried out by a determining authority within the meaning of Part 5 of the EPA Act if the determining authority has complied with that Part”. As the SCC will comply with Part 5 (Environmental Assessment) of the EP&A Act, SCC is legislatively excluded from the <i>Native Vegetation Act 2003</i> .
Environmental Protection and Biodiversity Conservation Act 1999 (EP&BC Act)
Permissible <input checked="" type="checkbox"/> Not permissible
Justification: The proposed activity would not be undertaken on Commonwealth land and no matters of National Environmental Significance are known for the site. The proposed activity is therefore not a controlled action and does not require commonwealth referral.

6. CONSULTATION WITH OTHER GOVERNMENT AGENCIES:

Consultation requirements specified in Part 2 Division 1 of the Infrastructure SEPP do not apply as the proposed activity:

- does not impact local heritage items
- would not be undertaken adjacent to land reserved under the *National Parks and Wildlife Act 1974*
- would not be undertaken adjacent to a marine park declared under the *Marine Parks Act 1997*
- would not be undertaken adjacent to an aquatic reserve declared under the *Fisheries Management Act 1994*
- would not be undertaken in the foreshore area within the meaning of the *Sydney Harbour Foreshore Authority Act 1998*
- does not comprise a fixed or floating structure in or over navigable waters

Consultation with other government agencies is, therefore, not required.

7. DESCRIPTION OF THE EXISTING ENVIRONMENT

Existing facilities

The public amenities to be decommissioned comprise a septic system, male and female toilets with washing facilities. The toilet and washroom facilities are constructed of concrete panelling and sheet metal roofing with timber supports. The floor and the majority of aboveground septic system are concrete with a number of plastic inspection caps.



The amenities have low use rates. The public amenities were identified as asset for disposal in the SCC's Asset Management Plan in 2005. During the community consultation process undertaken as part of the 2005 Plan's preparation, no unfavourable comment was received in relation to the disposal proposal. Recently, SCC Strategic Planning and Infrastructure Group conducted further consultation in relation to the disposal proposal involving:

- the display of notices (Appendix A) within the toilets for a period of two months leading up to the 2011/12 Christmas/ New Year period

- correspondence with the Berry Alliance (Trim documents D11/204048, D11/225323D11/225980, D11/267003, D11 276530) who advertised the decommissioning and disposal proposal in the June 2011 edition of the *Berry Crier* (Appendix B).

No responses, negative to the disposal proposal, were received during this consultative process.

Environmental issues

The public amenities are located within an open grassy reserve. There is little fauna habitat value and no threatened species, populations or ecological communities are at the site.

The public amenities are within 40 m of Broughton Creek and as such the proposed activities must be carried out in such a way to minimise the potential for erosion and sediment input into the creek.

The site is not within land identified and mapped within *State Environmental Planning Policy no. 14 Coastal Wetlands*.

The site is mapped as being as having acid sulphate soil (ASS) risks. However it has been mapped as having "*low probability between one and three metres below the ground surface*". As the proposal involves no excavation below one metre, the need to manage for ASS is considered low.

8. ASSESSMENT OF LIKELY ENVIRONMENTAL IMPACTS:

In circumstances where development consent is not required, the environmental assessment provisions outlined in Part 5 (Environmental Assessment) of the EP&A Act are required to be complied with. Part 5 requires Council to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the activity. As a minimum the matters listed in Section 111 and Section 5A of the Act and clause 228(2) of the Regulations must be addressed.

8.1 Section 111 matters of consideration

Matter to be considered	Comments
Any conservation agreement entered into under the <i>National Parks and Wildlife Act 1974</i> and applying to the whole or part of the land to which the activity relates, and any plan of management adopted under that Act for the conservation area to which the agreement relates.	The SCC GIS Enquiry has been examined and there are no conservation agreements applying to the lands affected by the proposed activity.
Any joint management agreement entered into under the <i>Threatened Species Conservation Act 1995</i> .	The SCC GIS Enquiry has been examined and there are no joint management agreements applying to the lands affected by the proposed activity.
Any biobanking agreement entered into under the <i>Threatened Species Conservation Act 1995</i> that applies to the whole or part of the land to which the activity relates	The SCC GIS Enquiry has been examined and there are no biobanking agreements applying to the lands affected by the proposed activity.
Any wilderness area (within the meaning of the <i>Wilderness Act 1987</i>) in the locality in which the activity is intended to be carried on.	There are no declared wilderness areas in the vicinity of the proposed activity.
Critical habitat.	<p>The OEH website was searched for critical habitat in the Register of Critical Habitat kept by the Director General of the Department of Environment and Climate Change. As of April 2011, critical habitat has been declared for:</p> <ul style="list-style-type: none"> • Gould's Petrel • Little penguin population in Sydney's North Harbour • Mitchell's Rainforest Snail in Stotts Island Nature Reserve • Wollemi Pine <p>As these areas do not lie within the area affected by the proposed activity, the proposed activity would not have an adverse effect on critical habitat.</p>
In the case of threatened species, populations	The 7-part test of significance (see below) concludes

Matter to be considered	Comments
and ecological communities, and their habitats, whether there is likely to be a significant effect on those species, populations or ecological communities, or those habitats.	<p>that a significant effect is considered unlikely for any threatened species or ecological communities.</p> <p>A significant effect is not considered likely for any threatened populations due to the absence of such items in the area affected by the proposed activity.</p>
Any other protected fauna or protected native plants within the meaning of the <i>National Parks and Wildlife Act 1974</i> .	<p>All native fauna in NSW is protected. The potential impact on fauna habitat is, however, considered to be insignificant as the activity is unlikely to endanger, displace or disturb fauna or create a barrier to their movement.</p> <p>There are no protected plants (as listed in Schedule 13 of the Act) in the area affected by the proposed activity.</p> <p>The 7-part test of significance (see section 9.2 below) conducted for the proposed activity concludes that a significant effect is unlikely.</p>

8.2 “7-part test” - Section 5A of the EP&A Act 1979

Section 5A of the EP&A Act 1979 identifies a number of factors that must be taken into account to determine whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. These factors, commonly called “7-part test”, must be taken into account when addressing Section 111 (EP&A Act) factors listed above.

As the location of the proposed activity is not within endangered ecological community, has no records on threatened species, and does not contain habitat for threatened species, the 7-part test was considered unnecessary.

8.3 Clause 228 matters of consideration

Clause 228(2) of the *Environmental Planning and Assessment Regulation 2000* lists the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment under Part 5 of the Environmental Planning and Assessment Act 1979. The following assessment deals with each of the factors in relation to the proposal.

DOES THE PROPOSAL:	ASSESSMENT	REASON
a) Have any environmental impact on a community?	Low adverse	The decommissioning of the public amenities would mean there would be no toilets or washbasin facilities at the site. People who may have wanted to use the facilities would be inconvenienced. However the impact is considered low because of the low use rates associated with these amenities.

DOES THE PROPOSAL:	ASSESSMENT	REASON
		<p>SCC conducted a rigorous community consultative process in 2005 and in late 2011 (refer to Section 7). No responses, negative to the proposal, were received.</p> <p>Alternative public amenities are available at the Berry showground, Berry train station, Berry Apex Park, and within the Berry CBD on Alexandra Street. These are within five minutes drive.</p>
<p>b) Cause any transformation of a locality?</p>	<p>low adverse</p>	<p>The proposal would remove the public amenity buildings from the locality. However the impact is considered low because of the low use rates associated with these amenities</p>
<p>c) Have any environmental impact on the ecosystem of the locality?</p>	<p>negligible</p>	<p>The locality where the proposed activity is to take places comprises mown exotic grass and has little value as flora and fauna habitat.</p>
<p>d) Cause a diminution of the aesthetic, recreational, scientific or other environmental quality or value of a locality?</p>	<p>negligible</p>	<p>The public amenities have little value in terms of aesthetic, recreational, scientific or other environmental qualities.</p>
<p>e) Have 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?</p>	<p>Negligible</p>	<p>The site of the proposed activity has no significant aesthetic, architectural, cultural, historical, scientific or social values. As such, the proposed activity would have no impact on these items.</p> <p>There are no items in the vicinity of the work site on the State Heritage Register, the Shoalhaven Local Environmental Plan, and the Illawarra Regional Environmental Plan.</p> <p>The site is not within an Aboriginal Place declared under the <i>National Parks and Wildlife Act 1974</i>.</p> <p>In accordance with the NSW Department of Environment, Climate Change and Water's Due Diligence Code of Practice, the proposed activity is considered a low impact activity on land that has been disturbed and an Aboriginal Heritage Impact Permit is not required (refer to Section 5).</p>

DOES THE PROPOSAL:	ASSESSMENT	REASON
f) Have any impact on the habitat of protected fauna (within the meaning of the National Parks & Wildlife Act 1974)?	Negligible	Faunal habitat values are negligible and therefore the potential impact is considered to be insignificant.
g) Cause any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air?	Negligible	There are no species likely to rely on the site of the proposed works to the extent that modification would put them further in danger.
h) Have any long term effects on the environment?	Positive	The proposed activity will bring to an end the current issues associated with damage to the system and effluent rising to the surface.
i) Cause any degradation of the quality of the environment?	Positive	<p>The proposed activity will bring to an end the current issues associated with damage to the system and effluent rising to the surface.</p> <p>The environmental safeguards (Section 4) to be undertaken would minimise impacts and risks to the quality of the environment.</p>
j) Cause any risk to the safety of the environment?	Negligible	<p>The proposed activity would not involve hazardous wastes (except fuel).</p> <p>The environmental safeguards (Section 4) to be undertaken would minimise impacts and risks associated with the decommissioning of the septic, including disinfection and burial.</p>
k) Cause any reduction in the range of beneficial uses of the environment?	Negligible	The site's main use as a boat launching ramp will be unaffected by the proposed activity.
l) Cause any pollution of the environment?	Low adverse	<p>The proposal would involve a temporary and local increase in noise during the construction phase due to the use of earth-moving machinery. However this will only affect one sensitive receiver (occupants of 96 Wharf Road) who would be given notice prior to works commencing.</p> <p>Works are not expected to result in the oxidation of</p>

DOES THE PROPOSAL:	ASSESSMENT	REASON
		acid sulphate soils and subsequent leaching back into the waterways.
<p>m) Have any environmental problems associated with the disposal of waste?</p>	<p>Negligible</p>	<p>Certainly there would be no trackable waste, hazardous waste, liquid waste, or restricted solid waste as described in the NSW <i>Protection of the Environment Operations Act 1997</i>.</p> <p>Although unlikely, the cistern may contain asbestos fibres. If this is the case the asbestos shall be removed and disposed of in accordance with the SCC Asbestos Management Plan and Policy POL07/35.</p> <p>The sheet metal roofing, timber supports, and fittings would be reused elsewhere in the city and the concrete wall panelling would be taken to a concrete recycling facility</p>
<p>n) Cause any increased demands on resources (natural or otherwise) which are, or are likely to become, in short supply?</p>	<p>Negligible</p>	<p>The amount of resources (essentially fuel for plant and equipment, water, hydrated lime) that would be used are considered insignificant and would not increase demands on current resources such that they would become in short supply.</p>
<p>o) Have any cumulative environmental effect with other existing or likely future activities?</p>	<p>Negligible</p>	<p>The assessed low adverse or negligible impacts of the proposal are not likely to interact.</p>
<p>p) Any impact on coastal processes and coastal hazards, including those under projected climate change conditions</p>	<p>Negligible</p>	<p>The proposed activity would not be influenced by the tide. The proposed activity would have no effect on coastal processes including those projected under climate change conditions.</p> <p>The proposal site is not located in an identified coastal hazard area.</p>

9. SIGNIFICANCE EVALUATION:

The key benefits associated with the proposed activity include:

- ▶ rectification of current environmental issues associated with the damaged septic system
- ▶ more strategic allocation of Council's resources in the provision of public amenities.

The proposed activity, which includes the implementation of the environmental safeguards, is unlikely to have a significant impact on the environment for the following reasons:

- ▶ An assessment of the statutory matters of consideration reveals no potential medium or high adverse impacts.
- ▶ All identified potential negligible or low adverse impacts are considered acceptable considering the need for the activity.
- ▶ The Section 5A assessment of significance ('7-part test') indicates that the proposed activity is unlikely to have a significance effect on threatened species, populations or ecological communities.

The evaluation of 'not significant' determines that an environmental impact statement and/or species impact statement is not required.

Should the REF be determined, no additional NSW statutory approvals, licences, permits and external consultations are required prior to works commencing.

10. DETERMINATION:

This Review of Environmental Factors has assessed the likely environmental impacts, in the context of Part 5 of the *Environmental Planning and Assessment Act 1979*, of a proposal by Shoalhaven City Council for the decommissioning, demolition and disposal of the existing public amenities at Wharf Road, Berry.

Shoalhaven City Council has considered the potential environmental effects of the proposal and the effectiveness and feasibility of measures for reducing or preventing detrimental effects. It is determined that:

1. It is unlikely that there will be any significant environmental impact as a result of the proposed work.
2. The proposed safeguards identified in the report shall be adopted and implemented.
3. An Environmental Impact Statement is not required for the proposed works.
4. The proposed activity is not likely to significantly affect threatened species, populations or ecological communities, or their habitats and a Species Impact Statement is not required.



Martin Upitis
Planning Infrastructure Manager
Shoalhaven City Council

Date: 13/2/12

The REF has been prepared by: Geoff Young

Position: Environmental Operations Officer

Date: 16th January 2012

Appendix A: Notice to Patrons

Notice to Patrons

Shoalhaven City Council has over 130 public amenities buildings. The provision of public amenities is an integral part of the provision of other services such as

- Sporting Venues
- Beaches
- Commercial/ shopping centres
- Parks/ Reserves

Shoalhaven City Council currently provides 6 public amenities in the Berry precinct – details of locations are available through National Public toilet map link as follows <http://www.toiletmap.gov.au>

Council has an Asset Management Plan (AMP) for all public amenities (toilets).- link to <http://www3.shoalhaven.nsw.gov.au/applications/policyindexinternet/docs/1612289.pdf>.

The Public amenities at Wharf Road, Berry are identified as low use. From the AMP review process in 2005 and identified for asset disposal. No unfavourable comment was received during the community consultation process in relation to the proposed asset disposal in 2005.

Since then

- Council has constructed new public amenities on Alexandria Street, Berry in 2006.
- Corresponded with the Berry Alliance who advertised the proposal on page 7 in the Berry Crier for June 2011 edition. Link - http://www.berryalliance.org.au/town_crier_archive/2011/2011_06_town_crier.pdf

The public Amenities at Wharf Road

- Have very low patronage
- Were constructed in 1974
- They currently require improvements to the sewer retention
- Will require in the near future upgrade of water and power connections
- Do not comply with Accessibility legislation
- Are within a 2 kilometre drive to a number of other public amenities in Berry

Your comments as a patron of this public amenity are appreciated!

Shoalhaven City Council is investigating implementing the proposal as identified in the AMP of Asset disposal.

Council appreciates your time and would request all responses back by the 15th December 2011.

Appendix B: Extract from the Berry Crier



Fire and Rescue New South Wales

The Fire and Rescue New South Wales station 224 Berry are currently recruiting for Retained Fire-fighters. A Retained Fire Station is a Fire Station where part-time, on call retained fire-fighters work. The station is not a permanently staffed station, meaning the retained fire-fighters are 'on call' from home or work rather than on duty at the station. Retained Fire Stations respond to emergencies 24 hours a day.

Retained Fire-fighters are men and women who are 'on call' to respond to a range of

emergencies. These may be fires, floods, road traffic accidents or chemical spills. Retained Fire-fighters also visit schools and other community events to provide community education. For a info pack on becoming a Retained Fire-fighter please contact the Fire and Rescue Zone office on 44723042 or if you would like to talk to your local Retained Fire-fighters please call in at the station at 26 Prince Alfred Street Berry, drills are conducted on the first and second Tuesday of each month between 6pm and 8pm.

Is your home 'Winter fire safe'?

We recommend this simple safety checklist to help keep homes fire safe this winter. Make sure you and everyone in your household follows the following safety advice.

- * Most importantly, have an adequate number of suitable smoke alarms installed throughout your home and make sure you test them regularly.
- * Make sure you and all your family know two safe ways out of every room in your house
- * Have a written home escape plan and practiced it regularly?
- * Never leave cooking unattended
- * If you have a fireplace in your home make sure the chimney is clean
- * If you have a fireplace always place a screen in front of it when in use
- * Check electric blankets for damage or frayed cords before placing on the bed
- * Take care to keep curtains, tablecloths and bedding away from portable heaters
- * Keep wet clothing at least 1 metre from heaters or fireplaces and never leave unattended
- * If you use a clothes dryer make sure you clean the lint filter each and every time you use it
- * Only use one appliance per power point and switch off when not in use
- * Always extinguish candles or any other open flames before going to bed
- * Always handle candles or any other open flame with care
- * Store matches or lighters in a secure place not accessible to young children

Rick Guinery- Deputy Captain 224 Berry - PHONE. 0405498974



**Designed by Aussie blokes for Aussie blokes
Monday nights, 7.30pm, starting 30 May.
The Coach House at The Berry Hotel**

What? The Men's Series provides a forum to explore those issues affecting all men but not often discussed. It runs for 10 weeks and covers topics like: **Marriage, Parenting, Faith, Sex & Pornography, Depression & Anxiety, Mid-life, Mates, Money, Health, & Work** from a Christian perspective. Each evening will consist of a DVD screening followed by general discussion.

When & Where? It will be held in the Coach House at The Berry Hotel each Monday from 7.30pm starting 30 May. We'll break for school holidays. Dates are: 30 May, 6 Jun, 13 Jun, 20 Jun & 27 Jun; 18 Jul, 25 Jul, 1 Aug, 8 Aug, & 15 Aug.

Who? Suitable for all blokes regardless of age or background. The Men's Series is hosted by Berry Community Church.

Call Gary Pope on 0403 943 046 or email gary@berrycommunitychurch.org.au to RSVP or find out more.

Public Toilets

Let us know about toilets in and around Berry.

The following letter has been received from Council regarding their forward planning for providing and servicing toilet facilities into the future.

The Berry Alliance will respond to this letter and ask community members to please send us your ideas and opinions on this by email to:

info@berryalliance.org.au before June 9th please.

Berry Alliance



Letter from Council:

Berry Alliance

Dear Mr Gainford

Asset Management Plan – Public Amenities (toilets) – Berry Area

Shoalhaven City Council has over 130 public amenities buildings. The provision of public amenities is an integral part of the provision of other services such as:

- Sporting Venues
- Beaches
- Commercial/ shopping centres
- Parks/ Reserves

Shoalhaven City Council currently provides 6 public amenities in the Berry precinct – details of locations are available through National Public toilet map link as follows <http://www.toiletmapp.gov.au>

Council has an Asset Management Plan (AMP) for all public amenities (toilets). I provide link to AMP - <http://www3.shoalhaven.nsw.gov.au/applications/policyindexinternet/docs/1612289.pdf>. This AMP is due for review in 2012.

Your comments on the Public amenities for Berry are requested prior to this process.

The reason is that Shoalhaven City Council identified the need to review the requirement for public amenities – particularly when they are reaching the end of their serviceable life.

The Public amenities at Wharf Road, Berry are identified in this category from the AMP review process in 2005. No unfavourable comment was received during the community consultation process in relation to this proposal in 2005.

Since then Council has constructed new public amenities on Alexandria Street, Berry in 2006.

The public Amenities at Wharf Road

- Were constructed in 1974
- They currently require improvements to the sewer retention
- Will require in the near future upgrade of water and power connections
- Do not comply with Accessibility legislation
- Have very low patronage

Council appreciates your time and would request a response back by the 12 July 2011

Regards

Brad Davis

Facilities & Asset Manager