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Review of Environmental Factors Part 5 Assessment EP&A Act 1979



REPLACEMENT OF PUBLIC AMENITIES ULLADULLA HARBOUR NEAR SEA POOL

1. PROPOSED ACTIVITY

1.1 Description of the Proposed Activity

The proposed activity is the replacement of the existing 50+ year old public amenities at the Ulladulla Sea Pool (Figure 1). Plans of the new amenities are provided as Appendix A.

The existing toilets are to be demolished with the new facilities to be built at the same location of the existing female toilets. The amenities would have a similar design as the new amenities at Moona Moona Creek Huskisson with two single and two for persons with disabilities. The activity would also involve construction of new concrete paths to connect to the sea pool.

The proposed activity would commencement after ANZAC long weekend (*i.e.* after 26th April 2016) when the pool is scheduled to close for winter.

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.

1.2 Purpose

The purpose of the activity is to replace and enhance the public amenities at the Sea Pool in accordance with the *Shoalhaven City Council Asset Management Plan – Public Amenities* adopted in 2005 and reaffirmed 2012 (POL12/48) and in accordance with contemporary building and access standards.





1.3 Location

Ulladulla Harbour near Sea Pool

Lot 2 DP 759018 Section 1

50 Wason Street, Ulladulla

Owner: Shoalhaven City Council (Community Land – Sportsground)

Figure 1 Approximate location of proposed activity



1.4 Environmental safeguards and measures to minimise impacts

- Sediment and erosion control measures shall be applied in accordance with the 'Blue Book' (Landcom 2004). This is to include provision for delineating 'no-go' areas, rapid re-establishment of groundcover, and sediment fences and diversion drains for any stockpiles (of soil) in accordance with Figure 2 below.
- All operators involved in excavation works shall be informed of their obligations under the NSW National Parks and Wildlife Act 1974 with respect to Aboriginal

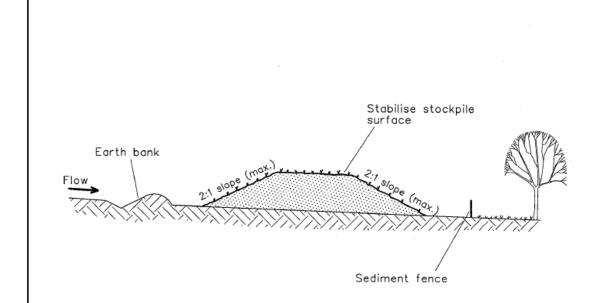


objects. If any Aboriginal objects are found, works shall stop and the Office of Environment and Heritage (ph: 131 555) shall be notified.

- If bones or other body parts that may be human are found, works are to stop, the site secured and the Office and Environment and Heritage (ph: 131 555) and the Police are to be notified.
- Signs, providing directions to the nearest public toilets (Apex park), shall be installed on the construction fencing (each direction).



Figure 2 Erosion and sediment control for stockpiles



Construction Notes

- Place stockpiles more than 2 (preferably 5) metres from existing vegetation, concentrated water flow, roads and hazard areas.
- Construct on the contour as low, flat, elongated mounds.
- 3. Where there is sufficient area, topsoil stockpiles shall be less than 2 metres in height.
- Where they are to be in place for more than 10 days, stabilise following the approved ESCP or SWMP to reduce the C-factor to less than 0.10.
- Construct earth banks (Standard Drawing 5-5) on the upslope side to divert water around stockpiles and sediment fences (Standard Drawing 6-8) 1 to 2 metres downslope.

STOCKPILES

SD 4-1



2. EXISTING ENVIRONMENT

The new amenities would be located on a grassy public reserve associated with the Ulladulla Sea Pool.

Immediately behind the amenities is an area of bushland that has been mapped as the endangered ecological community (EEC) *Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions.*

For the purposes of this assessment the site of the proposed activity:

- is not mapped as having the potential for acid sulphate soils
- · is not mapped as being potentially contaminated
- is above the 1:100 year floodline
- is not mapped as an area to which State Environmental Planning Policy No.14 Coastal Wetlands applies
- · does not have any recorded or observed threatened fauna and flora
- does not have any recorded Aboriginal heritage objects
- is not mapped as a coastal hazard area.

An assessment of the impact of the proposal on the environment is provided in Section **Error! Reference source not found.** of this REF





Photo 1: The existing toilets with private pump-house and male toilets in the foreground and female toilets in the background.





Photo 2: The public park with the female toilet in the centre of the photo. The bushland behind the toilets may comprise the EEC Bangalay Sand Forest.

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3. PERMISSIBIILTY

Section 76 (Development that does not need consent) of the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) 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) allows for "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 Council...(a) cycle ways, (b) outdoor recreation facilities, (c) information facilities, (e) landscaping and (f) amenity facilities...". The proposed development is managed by Shoalhaven City Council for the purpose of "public recreation". 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.

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

Table 1 Summary of legislation and permissibility

Table 1 Cultillary of legislation and permissionity			
NSW State Legislation			
Environmental Planning and Assessment Act 1979 (EP&A Act)			
Permissible √ Not permissible □			
Justification:			
 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. 			
State Environmental Planning Policy No.14 – Coastal Wetlands			
Permissible √ Not permissible □			
Justification:			
There are no areas affected by the proposed activity mapped as a coastal wetland to which this SEPP applies.			



State Environmental Planning Policy No. 71 – Coastal Protection			
Permissible √ 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 √ Not permissible □			
Justification: All works would be conducted outside the designated Sydney drinking water catchment. As such, this instument does not apply.			
Shoalhaven Local Environmental Plan 2014			
Permissible √ 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.			
Threatened Species Conservation Act 1995 (TSC Act)			
Permissible √ Not permissible □			
Justification: The proposed development is unlikely to have a significant impact on species and communities listed in the schedules of the Act (refer to Seciton 7.2). A licence to harm, pick, etc, is not required.			
Wilderness Act 1987			
Permissible √ Not permissible □			
Justification: The proposed activity is not located within a wilderness area declared under this Act.			

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)
Review of Environmental Factors



Native Vegetation Act 2003		
Permissible √ 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 in the course of conducting the proposed activity is legislatively excluded from the Native Vegetation Act 2003.		
National Parks and Wildlife Act 1974 (NP&W Act)		
Permissible √ Not permissible □		
 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 knowlingly 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 National Parks and Wildlife Act 1974 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 Practice (DECCW 2010) was followed for the proposed activity (refer to Section 6.1). As there are no recorded sites and as the site is on 'disturbed land', the Due Diligence Guidelines requires no further assessment as it is reasonable to conclude that there is a low probability of objects occurring in the area of the proposed activity. 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 NSW Environmental Planning and Assessment Act 1979 if the determining authority has complied with that part. Although the devleopment 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. 		
Water Management Act 2000		
Permissible √ Not permissible □		
 Justification: Local councils are exempt from s.91E(1) of the Act in relation to all controlled activites 		
that they carry out in, on or under waterfront land (by virtue of clause 39A(1) of the Water Management (General) Regulation 2004.		



 The proposal would not interfere with the aquifer and therefore an interference licence is not required (s.91F)
Heritage Act 1977
Permissible √ Not permissible □
 The proposed activity would not disturb an item of state heritage significance. The Act 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: 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 of the proposed activity has no known archaeological potential and does not fit with the above description, a permit is not required.
Fisheries Management Act 1994
Permissible √ Not permissible □
 Justification: The proposed activity: would not affect declared aquatic reserves (Part 7, Division 2 of the Act) does not involve dredging or reclamation works in 'key fish habitat' (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 Fisheries Management (General) Regulation 2010).
A licence is therefore not required.



Protection of the Environment Operations Act 1997
Permissible √ 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.
Local Government Act 1993
Permissible √ Not permissible □
Justification: The proposed activity is consistent with the reserve plan of management (s.35 of the Act). The proposed activity is consistent with Shoalhaven City Council Asset Management Plan for Public Amenities. The proposed activity does not result in a change in the nature and use of the reserve (s.44 of the Act).
Commonwealth Environment Protection and Biodiversity Conservation Act 1999
Permissible √ 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.

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4. CONSULTATION WITH OTHER GOVERNMENT AGENCIES

The 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
- 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.



5. COMMUNITY ENGAGEMENT

In relation to the proposed activity the community has been engaged through Council's webpage, the community consultative body (Ulladulla and Districts Community Forum), and surveys of the patrons who use the facility. Discussions with relevant Council staff, NSW Police (for safer by design principles and crime prevention through design), Marine Rescue, and Crown Lands also occurred. A history of communication events is provided below:

- D14/107089 02/05/2014 Initial email of proposal seeking feedback to internal staff
- D14/107810 05/05/2014 excel spreadsheet of feedback received from internal staff
- D14/108643 06/05/2014 email to NSW police seeking feedback on proposal
- D14/108926 06/05/2014 email to CCB advising of initial investigation and seeking feedback
- D14/114356 12/05/2014 Notice to patrons seeking feedback on proposal
- D14//114389 12/05/2014 Project brief issued to internal staff
- D14/114406 12/05/2014 Feedback to internal staff on proposed location and other factors to consider.
- D14/115153 13/05/2014 Feedback to CCB on internal investigations
- D14/116317 16/05/2014 Investigate public toilets in Marine rescue building and confirm onsite meeting with CCB
- D14/119607 16/05/2014 email to Marine rescue of proposal.
- D14/119807 16/05/2014 Email CCB investigate options
- D14/121528 20/05/2016 Feedback and options from site meeting 16/05/2016
- D14/121624 19/05/2016 Feedback from Police not supporting construction at current site due to safer by design principles and known social issues at the site.
- D14/121630 & D14/124343 22/05/2016 Response and request feedback from Police.
- D14/135227 22/05/2014 Police not supporting location
- D14/137460, D14/144105,,D14/144781 D14/155467, D14/14/160979,
 D14/188317, D14/188323 Public submissions multiple from same persons
- D14/177198 18/07/2014 Request feedback from Dept. of Lands on relocating toilet into Harbour on Crown Land – due to Police concerns. Public wish reinstatement
- D14/215131 25/08/2014 Dept. of Lands not supporting options of foreshore, offering near electrical subs station which adjoins a special lease for the former abalone building toilet on their land, advising marine rescue do not support near them. Acknowledging police concerns with current location.
- D14/215184 28/04/2014 Advice to CCB advising budget has been relocated to Kids Korner project – thus on hold funds wise.



- D14/218270 27/08/2014 advice from CCB of marine recuse building confirmation of no space available to build toilet near.
- D14/218901 29/08/2014 Email to Dept. of Land requesting further details to investigate detailed options of location of toilet in harbour
- D14/218907 29/08/201 email to CCB identifying the option of land available is too far from the central point for greater good and closer to existing toilets at Apex par on western side of harbour
- D14/219816 29/08/2014 Re confirmation from CCB after further detailed investigation to rebuild in current location.
- D14/219996 29/08/2014 Email to Dept. of Commerce Marine rescue building and seek opportunity to incorporate public toilet into marine rescue building.
- D14/228587 08/09/2014 Advice from electrical on sight distance from Electrical substation.
- D14/229265 Detailed distance investigation show preference for site of former abalone building as the greater good. Request status of licence. Advice Aquatics level of commitment
- D14/229269 09/09/2014 Advice to Dept. of Lands
- D14/234205 09/09/2014 advice from Dept. of Lands
- D14/234207 12/09/2014 Advice to dept. of Lands concluding detailed investigation concludes no preferred location found to construct complaining toilet in Harbour
- D14/237106 15/09/2014 Confirmation that former abalone site is proposed to be developed
- D14/237108 15/09/2014 Request meeting with Lessee of former abalone site
- D14/254655 02/10/2014 No response from Leasee of former abalone site
- D14/290272 07/11/2014 Survey form on unisex public toilet
- D14/290315 07/11/2014 To whom it may concern
- D14/290485 07/11/2014 details of survey questions
- D14/297218 14/11/2014 Survey results purpose of visit, should toilets be replaced and if so where. Result – mainly non-pool users yes replace within 5 years at same location.
- D15/36880 10/02/2015 email of survey results
- D15/368523 11/12/2015 Update project brief for design
- D16/90867 31/03/2016 Email confirm onsite meeting with CCB and proposal for works to occur School term 2 of 2016
- D16/90938 31/03/2016 Response from CCB supporting proposal.
- D16/95958 05/04/16 email to CCB final comment on proposal
- D16/95964 05/04/16 Response from CCB with final requests
- D16/113835 21/04/2016 Notice to patrons during construction



The level of community engagement has been extensive and at an appropriate level for the proposal which would be considered local area – low impact project as described by SCC's Community Engagement Policy.



6. HERITAGE ISSUES

6.1 Indigenous

In accordance with the Due Diligence Guidelines a search on the Aboriginal Heritage Information Management System (AHIMS) indicated that no Aboriginal object is known within the vicinity of the site (refer TRIM D16/70971). The site is also on 'disturbed land' as defined by the Due Diligence Guidelines *i.e.*:

"Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks."

The proposed activity is considered within "disturbed land" as it has been subject to human activity through park amenities construction and maintenance activities as well as the construction of the sea pool.

As the site is on 'disturbed land', the Due Diligence Guidelines requires no further assessment as it is reasonable to conclude that there is a low probability of objects occurring in the area and the proposed activity can proceed with caution (refer to Section 1.4) without an AHIP.

6.2 Non-Indigenous

The only heritage listing in the vicinity of the proposed activity location is the "495 - Ulladulla Seawater Pool" and the "494 - Ulladulla Harbour including old pier, steps and wall" (Figure 3 below). The existing amenities are not included within these listing descriptions.

As the proposed activity would not have any effect on these heritage items, referral to Council or a permit under the NSW Heritage Act is not required.



Figure 3 Location of heritage listed locations in the vicinity of the proposed activity (shaded in brown)





7. 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.

7.1 Section 111 matters of consideration

Table 2: Section 111 (EP&A Act) 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</i> Conservation Act 1995 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 Wilderness Act 1987) 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.	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 at the



Matter to be considered	Comments
	preparation of this assessment, critical habitat has been declared for:
	Gould's Petrel
	 Little penguin population in Sydney's North Harbour
	 Mitchell's Rainforest Snail in Stotts Island Nature Reserve
	Wollemi Pine
	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.
In the case of threatened species, populations 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.	The 7-part test of significance (see Section 7.2 below) concludes that a significant effect is considered unlikely for any threatened species or ecological communities.
	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.
Any other protected fauna or protected native plants within the meaning of the National Parks and Wildlife Act 1974.	All native fauna is 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.
	There are no protected native plants (as listed in Schedule 13 of the Act) in the area that would be affected by the proposal.
	The 7-part test of significance (see section 7.2 below) conducted for the proposed activity concludes that a significant effect is unlikely for threatened flora and fauna.



7.2"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) matters listed above.

No species listed under the schedules of the NSW *Fisheries Management Act 1994* are expected to occur on the site or be affected by the proposed activity.

A search on Council's and the Office of Environment and Heritage's database and a site assessment indicated that there would be no threatened species or threatened population or endangered ecological communities in the area that would be affected by the proposed activity. The presence of transient and far-ranging species such as migratory birds is possible from time to time it they were to fly over or rest briefly at the site. The site, however, is not considered useful or important habitat and these species would likely to vacate the area as works commence and not be harmed. A species impact statement is therefore not required.

7.3 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.

Table 3 Clause 228 (EP&A Act) matters

DOES THE PROPOSAL:	ASSESSMENT	REASON
a) Have any environmental impact on a community?	positive	The proposed activity would benefit the community through the provision of the refurbished toilet facilities. The proposed activity would not have any impact on other community services and infrastructure such as power, water, drainage, waste management, educational, medical or social services.
b) Cause any transformation of a locality?	Positive	There would be minimal modification to people movements and the current uses of



DOES THE PROPOSAL:	ASSESSMENT	REASON
c) Have any environmental impact on the ecosystem of the locality?	Negligible	the site. Works would not significantly impact scenic qualities. Transformation would be in accordance with the Management Plan for the Reserve and enhance recreational and social values. The locality would remain a recreational park and the activity would complement the locality's current use. No clearing of native vegetation will occur. The site is highly disturbed. Sediment and erosion controls would mitigate potential indirect impacts on surrounding environments. Groundcover will be re established on any disturbed/bare areas of soil.
		The seven-part test of significance (Section 7.2) concludes that the proposed activity would not have a significant impact upon endangered ecological communities. No hollow-bearing trees, threatened flora species, rocky outcrops, water bodies or threatened species will be removed.
d) Cause a diminution of the aesthetic, recreational, scientific or other environmental quality or value of a locality?	Negligible	There would be minimal impact to the recreational use of the site as the pool would be closed as it usually does over the winter period. Toilets would still be provided at the Marine Rescue building within a couple of hundred metres. There would be minimal impact to views. The site has no known significant scientific qualities or values.



DOES THE PROPOSAL:	ASSESSMENT	REASON
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?	Negligible	The only heritage listing in the vicinity of the proposed activity location is the "495 - Ulladulla Seawater Pool" and the "494 - Ulladulla Harbour including old pier, steps and wall" (Figure 3 above). The existing amenities are not included within these listing descriptions. As the proposed activity would not have any effect on these heritage items, referral to Council or a permit under the NSW Heritage Act is not required. The site is not within an Aboriginal Place declared under the National Parks and Wildlife Act 1974. In accordance with the NSW Department of Environment, Climate Change and Water's Due Diligence Code of Practice, the proposed activity does not require an Aboriginal Heritage Impact Permit as the activity is unlikely to harm an Aboriginal artefact (refer to Section 6.1).
f) Have any impact on the habitat of protected fauna (within the meaning of the National Parks & Wildlife Act 1974)?	Negligible	The seven-part test of significance, provided in Section 7.2 above, concludes that the proposed activity would not have a significant impact upon threatened fauna. No Faunal habitat values will be removed by the activity and therefore the potential impact is considered to be insignificant. In regard to faunal habitat, the proposed work would not remove hollow-bearing trees or feed trees for the Glossy Black Cockatoo or Yellow-bellied Glider
g) Cause any endangering of any	Negligible	The seven-part test of significance (Section 7.2) concludes that the proposed activity



DOES THE PROPOSAL:	ASSESSMENT	REASON
species of animal, plant or other form of life, whether living on land, in water or in the air?		would not have a significant impact upon threatened fauna or flora. 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. There are no fauna habitats values that would be removed by the activity and therefore the potential impact is considered to be insignificant.
h) Have any long term effects on the environment?	Negligible	The proposal will not alter hydrological flows into and out of the area. The works would be relatively short term. In the long-term, the construction area will stabilise and revegetate and long term effects are considered unlikely. The proposed activity would not use hazardous substances or use or generate chemicals which may build up residues in the environment.
i) Cause any degradation of the quality of the environment?	Negligible	Impacts will be confined to existing disturbed areas. The proposal would not intentionally introduce noxious weeds, vermin, or feral animals into the area or contaminate the soil. The proposal is unlikely to generate sulfuric acid from the exposure of potential acid sulfate soils, cause degradation in water quality, or impact sensitive environmental areas (e.g. water bodies, watercourses,



DOES THE PROPOSAL:	ASSESSMENT	REASON
		wetlands, erosion prone areas, slopes greater than 18 degrees).
j) Cause any risk to the safety of the environment?	Positive	The proposed activity would not involve hazardous wastes and would not lead to increased bushfire or landslip risks. The activity is not going to change flood of tidal regimes, or be affected by flooding.
k) Cause any reduction in the range of beneficial uses of the environment?	Low adverse short term. Positive long term	The proposal would involve a temporary and local restriction to the recreational use of the site during construction. In the longer term however the project would complement the current use of the site (recreational park).
Cause any pollution of the environment?	Low adverse	The proposal would involve a temporary and local increase in noise during the construction phase due to the use of machinery. However this will not affect any sensitive receivers such as residential areas, schools, childcare centres and hospitals.
		Works are not expected to result in the oxidation of acid sulphate soils and subsequent leaching back into the waterways.
		It is unlikely that the activity (including the environmental impact mitigation measures) would result in water or air pollution, spillages, dust, odours, vibration or radiation. The erosion and sediment control systems (listed in Section 1.4 of this REF) would minimise sediment leaving the site.
		The proposal does not involve the use, storage or transportation of hazardous



DOES THE PROPOSAL:	ASSESSMENT	REASON				
		substances or the use or generation of chemicals which may build up residues in the environment.				
m) Have any environmental problems associated with the disposal of waste?	Negligible	The waste that would be generated by the activity could be recycled, re-used in accordance with resource recovery exemptions, or taken to a local licensed waste facility. There would be no acid sulfate soils, trackable waste, hazardous waste, liquid waste, or restricted solid waste as described in the NSW <i>Protection of the Environment Operations Act 1997</i> .				
n) Cause any increased demands on resources (natural or otherwise) which are, or are likely to become, in short supply?	Negligible	This is a small scale construction project that is unlikely to increase demands on current resources such that they would become in short supply.				
o) Have any cumulative environmental effect with other existing or likely future activities?	Negligible	The proposal is consistent with the Management Plan for the reserve. The assessed low adverse or negligible impacts of the proposal are not likely to interact.				
o) Any impact on coastal processes and coastal hazards, including those under projected climate change conditions	Negligible	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. The proposal site is not located in an identified coastal hazard area.				

8. SIGNIFICANCE EVALUATION

Shoalhaven City Council

The key benefits associated with the proposed activity include:

- implementation of the Shoalhaven City Council Asset Management Plan Public Amenities
- provision of improved public amenities that are accordance with contemporary building and access standards

The proposed activity, which includes the implementation of the environmental safeguards specified in Section 1.4, 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 significant 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.



9. 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 replacement of the public amenities building at the Ulladulla Sea Pool.

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. The proposed safeguards identified in the report shall be adopted and implemented.
- 2. It is unlikely that there will be any significant environmental impact as a result of the proposed work and an Environmental Impact Statement is not required for the proposed works.
- 3. 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.
- 4. No additional NSW or Commonwealth statutory approvals, licences, permits or concurrences are required

Ben Stewart	
Director Assets and Works	
Shoalhaven City Council	
Date:	
The REF has been prepared by: Geoff Young	
Position: Environmental Operations Officer	Date:



9. 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 replacement of the public amenities building at the Ulladulla Sea Pool.

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. The proposed safeguards identified in the report shall be adopted and implemented.
- 2. It is unlikely that there will be any significant environmental impact as a result of the proposed work and an Environmental Impact Statement is not required for the proposed works.
- 3. 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.
- 4. No additional NSW or Commonwealth statutory approvals, licences, permits or concurrences are required

Ben Stewart

Director Assets and Works

Shoalhaven City Council

Date: ...2//4//6...

The REF has been prepared by: Geoff Young

Position: Environmental Operations Officer

Jef Lef Date: 21/4/16



10. REFERENCES

Department of Environment and Climate Change and Water, 2010. *Due Diligence Code of Practice for the Protection of Aboriginal Objects*, State of New South Wales and the Department of Environment and Climate Change and Water, 59-61 Goulburn Street Sydney South 1232.

Shoalhaven City Council, 2012 Asset Management Plan Public Amenities Policy number POL 12/48, Shoalhaven City Council, Bridge Road, Nowra.



Appendix A: The Proposal

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PUBLIC AMENITIES ULLADULLA HARBOUR - SEA POOL STAGE 1 - FOR CONSTRUCTION

DRAWING LIST

Drawing Title
Title Sheet / Locality Plan
Survey Plan
Demolition Plan
Site Layout Plan Floor Plan Elevations Sections
Details - Louvres LVR (Sheet 1) Details - Louvres LVR (Sheet 2) Details - Pathway CON01



LOCALITY PLAN - AERIAL PHOTO

Site Location

Issued For Construction

DESIGNED: K.B	FEB. 2016 SURVEYED:	E. Venhuizen Sept. 2015	ISSUES & AMENDMENTS		CITY	OF SI	IOALHAVE	SCALE: NTS		DIRECTOR	OF ASSETS & WORKS:	DATE:
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