

**REVIEW OF ENVIRONMENTAL FACTORS (REF)  
DEMOLITION – ULLADULLA GAME FISHING CLUB ASSOCIATED  
STRUCTURES  
ULLADULLA HARBOUR**


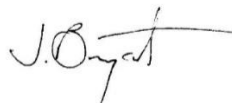
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## Document control

Item	Details
Project	Demolition of Ulladulla Game Fishing Club (UGFC) associated structures
Client/Proponent	Economic Development, City Futures, Shoalhaven City Council
Prepared By	City Services, Shoalhaven City Council

## Document status

Version	Author / Reviewer*	Name	Signed	Date
V1.0	Author	Geoff Young		24/6/2022
	Reviewer	Jeff Bryant		29/06/2022

\*Review and endorsement statement:

"I certify that I have reviewed and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the EP&A Act, the EP&A Regulation and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading".

## Assessment and approvals overview

Item	Details
Assessment type	Division 5.1 (EP&A Act) - Review of Environmental Factors (REF)
Proponent	Shoalhaven City Council
Determining authority / authorities	Shoalhaven City Council
Required approvals (consents, licences and permits)	Nil
Required publication	Yes – as a matter of public interest

## 1. PROPOSAL AND LOCATION

### 1.1 Overview

The proposed activity is the demolition of Ulladulla Game Fishing Club (UGFC) associated structures on the southwestern side of the Ulladulla Harbour (Photo 1 below).

**Photo 1: Structures proposed to be demolished**



The demolition would proceed as follows:

1. The A-frame building (timber frame clad with metal sheeting with metal-framed glass windows)
  - a. Isolate then disconnect electrical service to main structure
  - b. Disassemble front verandah along with sponsor signage board
  - c. Remove windows
  - d. Disassemble metal sheet cladding
  - e. Deconstruct all timber substructure
  - f. Demolish all concrete style concrete pad footing
  - g. Load all components into mobile waste bin for off-site disposal to licenced waste facility
2. Weigh-in Station (galvanised metal)
  - a. Break down structure via bolt attachments noting some element of grinding may be required
  - b. Demolish all concrete style concrete pads and supporting structure

- c. Load direct onto truck or skip bin for off-site disposal at licenced waste facility.
3. Signage – metal signage to be deconstructed and stored off-site.
4. Clear site of all remaining materials and make good with adjoining environment.

Works would also involve the implementation of prescribed safeguards and mitigation measures (refer to Section 7).

After demolition, the site would be utilised partly as an extension to the carpark and pedestrian access around the upgraded carpark, and part landscaping associated with the Ulladulla Harbour elevated boardwalk extension (stages 3, 4, and 5). Further information on these projects can be found in Section 2 of this REF.

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 171 of the *Environmental Planning and Assessment Regulation 2021*. In doing so, this Review of Environmental Factors (REF) helps to fulfil the requirements of Section 5.5 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 Background, need, and alternatives

Demolition is to allow the upgrade of the carpark and the construction of Stages 3, 4 and 5 of the elevated boardwalk which would sit above the subject structures.

All structures appear to lack planning permission, are not compliant with contemporary building standards, and are in a dilapidated condition.

There are no alternatives to the proposal other than not proceeding with the carpark upgrade and boardwalk extension.

### 1.3 Location

The proposed activity would be undertaken on Lot 2 DP526958 which is owned by SCC in freehold title. The lot is community land categorised as 'park' under the NSW *Local Government Act 1993*.

The site is accessed from the southwestern carpark of the Harbour via Wason Street (Figure 1).



**Figure 1 Location of proposed activity (red polygon)**





## 2. EXISTING ENVIRONMENT

The proposed activity would be undertaken on the edge of the carpark in the south-western area of the Ulladulla harbour. Behind the structures is a steep vegetated slope with Bangalay *Eucalyptus botryoides*, Coastal Banksia *Banksia integrifolia*, Cheese Tree *Glochidion ferninandi*. The site is not on marine or aeolian sand and therefore does not comprise the endangered ecological community *Bangalay Sand Forest of the Sydney Basin and South East Corner Bioregions*.

No threatened flora nor suitable habitat for locally occurring threatened orchid species was identified on site during onsite examinations.

No Glossy Black Cockatoo *Calyptorhynchus lathami* feed trees (e.g. *Allocasuarina littoralis* with characteristic chewed cones), nor Yellow-bellied Glider *Petaurus australis* feed trees (e.g. *Corymbia gummifera* or *Eucalyptus punctata* with v-shaped feeding scars) occur within or in close proximity to the site. No signs of potential threatened fauna use of the site (e.g. bandicoot diggings, owl white-wash or other threatened fauna scats) were noted.

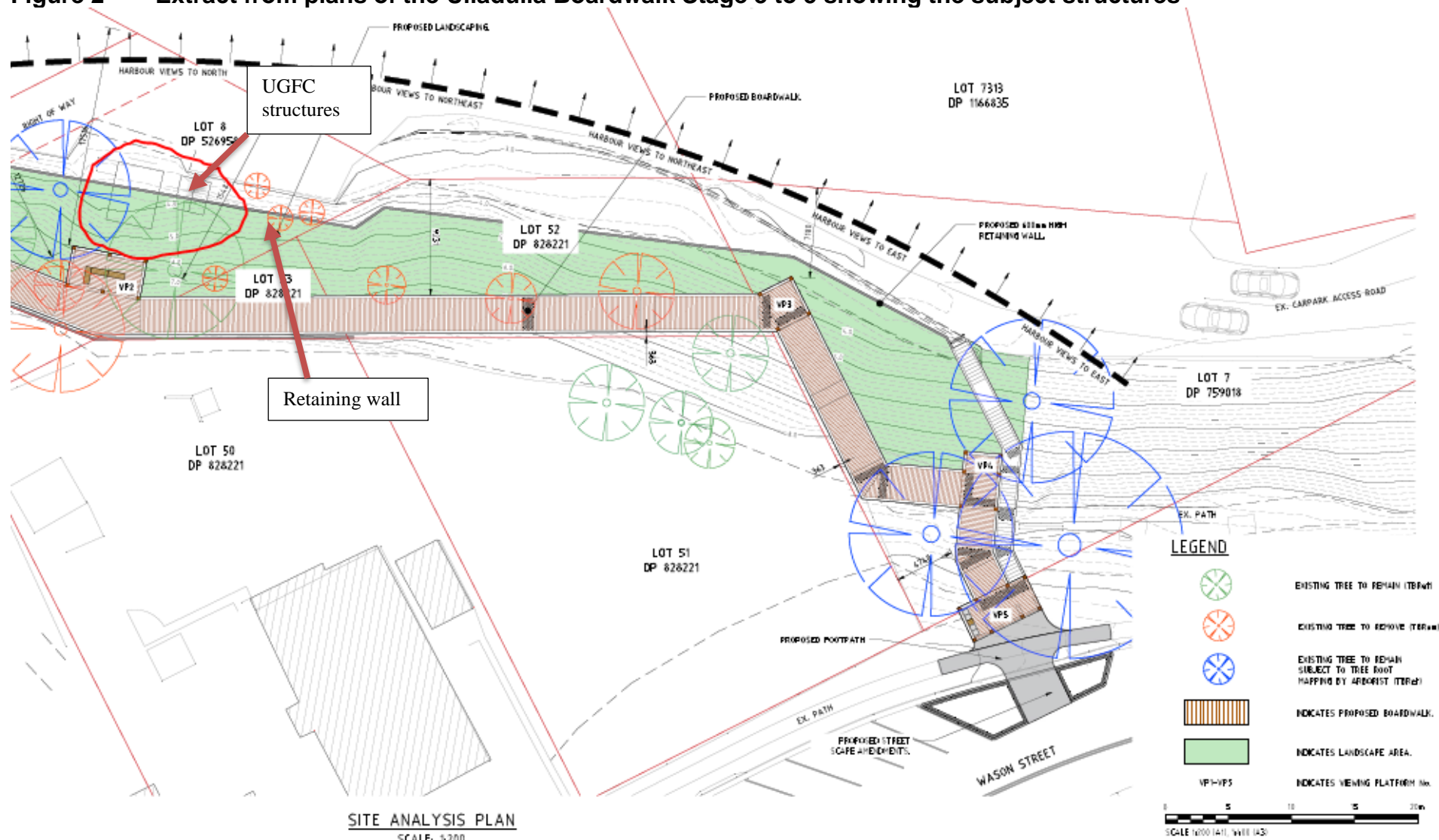
There are no hollow-bearing trees in the area that would be affected by the proposed activity.

**Photo 1: Structures to be demolished**



The structures require demolition for the proposed Ulladulla Boardwalk Stages 3 to 5 (Figure 2 below) and the proposed upgrade and reconstruction of the carpark in this location (Figure 3 below).

Figure 2 Extract from plans of the Ulladulla Boardwalk Stage 3 to 5 showing the subject structures





[illegible]

### 3. ASSESSMENT OF LIKELY IMPACTS ON THE ENVIRONMENT

#### 3.1 Threatened species impact assessment (NSW)

Section 1.7 of the EP&A Act 1979 applies the provisions of Part 7 of the NSW *Biodiversity Conservation Act 2016* and Part 7A of the *NSW Fisheries Management Act 1994* that relate to the operation of the Act in connection with the terrestrial and aquatic environment. Each are addressed below.

##### 3.1.1 Part 7A Fisheries Management Act 1994

As the proposed activity does not affect waterways and waterland, consideration and assessment under this Part is not necessary.

##### 3.1.2 Part 7 Biodiversity Conservation Act 2016

In consideration of the disturbed and denuded nature of the site, no threatened species are likely to occur or rely on the site. Further assessment under this Part is not necessary.

#### 3.2 Indigenous heritage

Under Section 86 of the NSW *National Parks and Wildlife Act 1974* (NPW Act) it is an offence to disturb, damage, or destroy any Aboriginal object without an Aboriginal Heritage Impact Permit (AHIP). The Act, however, provides that if a person who exercises 'due diligence' in determining that their actions will not harm Aboriginal objects has a defence against prosecution if they later unknowingly harm an object without an AHIP (Section 87(2) of the Act). To effect this, the NSW Department of Environment, Climate Change and Water have prepared the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (hereafter referred to as the 'Due Diligence Guidelines') (DECCW 2010) to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for an AHIP.

An on-site search of the proposed work conducted on the 4 June 2022 site did not locate any aboriginal objects.

A search on the Aboriginal Heritage Information Management System (AHIMS) on 23 June 2022 indicated that there are no recorded Aboriginal sites or places in the vicinity of the proposal (refer to AHIMS report below in Figure 4 below).

The Due Diligence Guidelines define disturbed land as follows:

*"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 site of the proposed works is within a disturbed and modified public reserve which has been subject to clearing and development of the subject structures and carpark. As such, it is reasonable to conclude that there is a low probability of objects occurring in area.

As the proposal would occur on disturbed land and would not impact any recorded Aboriginal sites or places, the Due Diligence Guidelines requires no further assessment. An AHIP is not required, and the activity can proceed with caution.

#### Figure 4 Results of AHIMS Aboriginal heritage search



#### AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : UGFC demolition

Client Service ID : 694966

Shoalhaven City Council - Nowra

Date: 23 June 2022

PO Box 42 Bridge Rd

Nowra New South Wales 2541

Attention: Geoffrey Young

Email: geoff.young@shoalhaven.nsw.gov.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 2, DP:DP526958, Section : - with a Buffer of 50 meters, conducted by Geoffrey Young on 23 June 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



### 3.3 Non-indigenous heritage

There are no heritage items or heritage conservation areas identified in the State Heritage Register or Shoalhaven Local Environmental Plan that would be directly impacted by the proposed demolition works.

The demolition works however is close to two heritage items (Figure 5 below):

- Council Heritage ID 493 on Lot 50 DP828221 (23 Wason Street) which is a Victorian Brick Residence and former Ulladulla Post Office
- Council Heritage ID 494 which is identified as the Ulladulla Harbour including the old pier and stone pier, steps and walls

The heritage impact statement prepared for the boardwalk development concluded the following (Conservation One 2021, p.17-18):

*“There are no heritage items in the area subject to an Interim Heritage order.*

*The proposal to extend the Ulladulla Harbour Boardwalk from the present position generally southwards; and the Car Park improvements proposed (as shown in the drawings) will not have a negative impact on the Heritage Precinct of the Ulladulla Harbour with high Heritage Significance...*

*...The proposal to formalise the car park near the Slipway, or affecting the Fishing club structure does not have a negative effect upon these Items with little heritage significance, or with intrusive qualities.”*

As a result, further consideration is not necessary and can proceed without further assessment and study.

**Figure 5 Non-indigenous heritage in the vicinity of the proposed demolition activity**



### 3.4 EP&A Regulation – Clause 171 matters of consideration

Clause 171(2) of the *Environmental Planning and Assessment Regulation 2021* 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 EP&A Act. The following assessment in Table 1 below deals with each of the factors in relation to the proposed activity.

**Table 1: Clause 171(2) Factors For Consideration**

Does the proposal:	Assessment	Reason
a) Have any environmental impact on a community?	Positive	<p>Consultation with the UGFC has been undertaken and SCC will continue to assist the Club to find an alternative site and facility.</p> <p>The proposed activity would not have any impact on community services and infrastructure such as power, waste water, stormwater, waste management, educational, medical or social services.</p> <p>The proposal would allow the Ulladulla Harbour boardwalk and carpark upgrades to proceed.</p>

Does the proposal:	Assessment	Reason
b) Cause any transformation of a locality?	Negligible	The locality would remain a public carpark with a bushland backdrop.
c) Have any environmental impact on the ecosystem of the locality?	Low adverse	<p>The proposed activity would not have a significant impact upon threatened species or endangered ecological communities.</p> <p>No significant habitat features would be removed or otherwise impacted. No food resources critical to the survival of a particular species would be removed.</p> <p>Aquatic ecosystems are not likely to be affected by the proposed activity and there is not likely to be any long-term or long-lasting impact through the input of sediment and nutrient into the ecosystem.</p> <p>Environmental safeguards and mitigation measures (Section 7) would be employed to minimise risk of impacts.</p>
d) Cause a diminution of the aesthetic, recreational, scientific or other environmental quality or value of a locality?	Low adverse	<p>In the context of the locality, the visual impact of the activity would be minimal.</p> <p>Removal of vegetation will be minimal and associated with the other projects occurring at this location (boardwalk and carpark upgrade).</p> <p>The area that would be affected by the proposed activity has no significant value in terms of science or other environmental qualities. The proposed activity would have no impact on these values.</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?	Negligible	<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>No items in the vicinity of the work site which are listed on the State Heritage Register and the Shoalhaven Local Environmental Plan would be impacted by the proposal.</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 does not require an Aboriginal Heritage Impact Permit as the activity is unlikely to harm an Aboriginal artefact (refer to Section 3.2).</p>



Does the proposal:	Assessment	Reason
f) Have any impact on the habitat of protected fauna (within the meaning of the Biodiversity Conservation Act 2016)?	Low adverse	No important habitat will be removed or otherwise impacted. The potential impact is therefore considered to be insignificant or inconsequential.  The proposed activity would not have a significant impact upon threatened fauna (refer to Section 3.1 of this REF). The specified environmental mitigation measures (Section 7) would mitigate indirect impacts to fauna and habitat.
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?	Low adverse	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?	Negligible	Works would be relatively short term and the noise generated will occur during normal working hours. There are no sensitive receivers in the vicinity of the proposed works.  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?	Low-adverse	Aquatic ecosystems are not likely to be affected by the proposed activity and there is not likely to be any long-term or long-lasting impact through the input of sediment and nutrient into the ecosystem.  The proposal would not intentionally introduce noxious weeds, vermin, or feral animals into the area or contaminate the soil.  Environmental safeguards and mitigation measures (Section 7) would be employed to minimise risk of impacts.
j) Cause any risk to the safety of the environment?	Low-adverse	The proposed activity would not involve hazardous wastes and would not lead to increased bushfire or landslip risks. The activity is not going to adversely affect flood or tidal regimes, or exacerbate flooding risks. The activity is not anticipated to adversely affect flood behaviour or exacerbate flooding risks.
k) Cause any reduction in the range of beneficial	Positive	The site and local environment will remain relatively unchanged.  The site use as a public reserve and carpark would not be affected.

Does the proposal:	Assessment	Reason
uses of the environment?		
l) Cause any pollution of the environment?	Low adverse	<p>The proposed activity 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.</p> <p>Sediment and erosion control in accordance with the Blue Book will be implemented to minimise movement of sediment into waterways.</p> <p>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.</p> <p>The proposal does not involve the use, storage or transportation of hazardous substances or the generation of chemicals which may build up residues in the environment.</p> <p>Acid sulfate soils are unlikely at the site.</p>
m) Have any environmental problems associated with the disposal of waste?	Negligible	<p>The waste that would be disposed off-site can be recycled or re-used in accordance with resource recovery exemptions or taken to a licensed waste facility.</p> <p>There would be no trackable waste, hazardous waste, liquid waste, or restricted solid waste as described in the <i>NSW Protection of the Environment Operations Act 1997</i>.</p>
n) Cause any increased demands on resources (natural or otherwise) which are, or are likely to become, in short supply?	Low adverse	<p>The amount of resources that would be used are not considered significant and would not increase demands on current resources such that they would become in short supply.</p>
o) Have any cumulative environmental effect with other existing or likely future activities?	Low adverse	<p>The assessed low adverse or negligible impacts of the proposal are not likely to interact.</p> <p>Mitigation measures (Section 7) shall be implemented to minimise the risk of cumulative environmental effects.</p> <p>The current proposal would not significantly affect habitat connectivity or reduce any significant vegetation.</p>
p) Any impact on coastal processes and coastal hazards, including those under	Low adverse	<p>The proposed activity would have no effect on coastal processes including those projected under climate change conditions.</p>

Does the proposal:	Assessment	Reason
projected climate change conditions		
q) applicable local strategic planning statements, regional strategic plans or district plans made under the Act, Division 3.1	Positive	<p>The proposed activity meets Planning Priority 5 (Ulladulla Town Centre) of the <i>Shoalhaven 2040 Strategic Land-use Planning Statement</i> <a href="https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D20/437277">https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D20/437277</a> particularly CA5.1 which states <i>Work with the NSW Government to maintain and protect the operation of the working harbour and identify opportunities for broader cross-government collaboration to improve infrastructure delivery for the Harbour Precinct</i> noting that funding for the boardwalk and carpark upgrade will be provided by the NSW Government.</p> <p>The proposed activity is not inconsistent with the Illawarra Shoalhaven Regional Plan 2041 <a href="https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/Plans-for-your-area/Regional-plans/Illawarra-Shoalhaven-Regional-Plan-05-21.pdf">https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/Plans-for-your-area/Regional-plans/Illawarra-Shoalhaven-Regional-Plan-05-21.pdf</a></p>
r) other relevant environmental factors	n/a	Environmental factors have been addressed in Section 3 of this REF.



## 4. PERMISSIBILITY

### 4.1 *Environmental Planning & Assessment Act 1979*

Section 4.1 (Development that does not need consent) of the *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, Section 2.73(3) of the NSW *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP) states “any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council...(b) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area)...note- The term building is defined in the *Environmental Planning and Assessment Act 1979* as including any structure”. This section is applicable as the proposed activity:

- the proposal would be undertaken by SCC
- the public reserve is owned by SCC
- the proposal is the demolition of buildings that are not a heritage item or within heritage conservation area (refer to Section 2 of this REF).

Section 2.73 of the Transport and Infrastructure SEPP therefore applies, and the proposal does not require development consent.

As the proposal does not require development consent, and as it constitutes an ‘activity’ for the purposes of Part 5 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.

### 4.2 *NSW Local Government Act 1993*

The proposed activity would be undertaken in a public reserve owned by SCC and classified as Community Land with a “park” category for the purposes of the *Local Government Act 1993* (LG Act). Under Section 35 of the Act, community land is required to be used and managed in accordance with the following:

- The plan of management (PoM) applying to the land.
- Any law permitting the use of land for a specified purpose of otherwise regulating the use of the land.
- Part 2, Division 2 of the LG Act.

The PoM applying to the reserve is *Generic Community Plan of Management – Park* (<https://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=D11/116070> ). The structures proposed to be demolished are not commensurate with the LG Act and the PoM as:

- There appears to be no planning permission (e.g. consent) for these structures

- The UGFC has no licence to occupy the reserve.

The demolition of the structures would meet the PoM objective “*To ensure that leases and licences over community land are granted in accordance with the Local Government Act 1993 and other relevant legislation and policy*” and allow the construction of the elevated boardwalk and upgrade of the carpark, which are more consistent with the core objectives of parks and the PoM.

### 4.3 Other

A summary of other relevant legislation and permissibility is provided in Table 2 below.

**Table 2: Summary of other relevant legislation and permissibility**

<b>NSW STATE LEGISLATION</b>	
<b><i>Environmental Planning and Assessment Act 1979 (EP&amp;A Act)</i></b>	
Permissible	<input checked="" type="checkbox"/> Not permissible <input type="checkbox"/>
Justification: The Transport and Infrastructure SEPP provides for the proposed works to be undertaken without development consent (refer Section 4.1 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.	
<b><i>Shoalhaven Local Environmental Plan 2014 (SLEP)</i></b>	
Permissible	<input checked="" type="checkbox"/> Not permissible <input type="checkbox"/>
Justification: Under the SLEP the proposed activity may have required development consent. The provisions of the Transport and Infrastructure SEPP, however, prevail over the SLEP where there is an inconsistency by virtue of Section 3.28 of the EP&A Act. Consequently, development consent is not required.	
<b><i>Protection of the Environment Operations Act 1997</i></b>	
Permissible	<input checked="" type="checkbox"/> Not permissible <input type="checkbox"/>
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.	
<b><i>National Parks and Wildlife Act 1974 (NP&amp;W Act)</i></b>	
Permissible	<input checked="" type="checkbox"/> Not permissible <input type="checkbox"/>
Justification: <ul style="list-style-type: none"> <li>• The proposed activity would not encroach into National Park estate.</li> <li>• 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</li> </ul>	

object or place, except in accordance with a permit of consent under section 87 and 90 of the Act.

- As there are no recorded sites or visible objects 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 and an AHIP is not required. Refer to Section 3.2 for more information.

### Heritage Act 1977

Permissible ☒ Not permissible ☐

Justification:

- 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 has little to no archaeological potential, a permit is not required.

### Biodiversity Conservation Act 2016

Permissible ☒ Not permissible ☐

Justification:

- The proposed activity is unlikely to have a significant impact on species and communities listed in the schedules of the Act.
- The proposed development is not within an area declared to be of "outstanding biodiversity value" as defined in the Act.
- The design and mitigation measures (Section 7) would ensure that no *serious and irreversible impacts on biodiversity values* (as defined by the BC Act) occur at the site of the proposed activity.

The proposed activity therefore is not deemed to be *likely to significantly affect threatened species* and an environmental impact statement (EIS) or a Biodiversity Development Assessment Report (BDAR) is not required.

It is also a defence to a prosecution for an offence under Part 2 of the Act (harming animals, picking plants, damaging the habitat of threatened species or ecological communities *etc*) if the work was essential for the carrying out of an activity by a determining authority within the meaning of Part 5 of the Environmental Planning and Assessment Act 1979 after compliance with that Part. The activity will not remove vegetation that is listed under Schedule 1 Threatened Species, Schedule 2 Threatened ecological communities and Schedule 6 Protected Plants. Therefore the

activity is considered permissible as this REF has been prepared and determined in accordance with the EP&A Act.

### ***Aboriginal Land Rights Act 1983***

Permissible ☒ Not permissible ☐

Justification:

There are no land claims on the reserve. It is not claimable land as defined in Section 36 of the Act.

### ***State Environmental Planning Policy (Hazards and Resilience) 2021***

Permissible ☒ Not permissible ☐

Justification:

- The site is mapped as Coastal Use Area and Coastal Environment Area for the purpose of the SEPP. The development controls relevant to these mapped areas do not apply to development that can be carried out without consent.
- There are no areas mapped by this SEPP as coastal wetlands, littoral rainforest and coastal vulnerability areas in the proposed activity area.

## **COMMONWEALTH LEGISLATION**

### ***Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EP&BC Act)***

Permissible ☒ Not permissible ☐

Justification:

The proposed activity would not be undertaken on Commonwealth land and no matters of National Environmental Significance are likely to be significantly impacted by the proposed activity. The proposed activity is therefore not a controlled action and does not require Commonwealth referral.

### ***Commonwealth Native Title Act 1993***

Permissible ☒ Not permissible ☐

Justification:

Works would occur entirely within a freehold land owned by Shoalhaven City Council. It is anticipated that Native Title has been extinguished as a Past Act (Section 228 and 229). No procedural rights are applicable.



## 5. CONSULTATION WITH GOVERNMENT AGENCIES

### 5.1 Transport and Infrastructure SEPP

#### Section 2.10 – Development with impacts on council-related infrastructure or services

No impacts to roads, sewerage and stormwater systems, water infrastructure, public places, nor excavation of footpaths, such as described under Section 2.10 (1) would occur.

Consultation under Section 2.10 is therefore not required.

#### Section 2.11 – Development with impacts on local heritage

No impacts to any local heritage item would occur. Consultation under Section 2.11 is therefore not required.

#### Section 2.12 – Development with impacts on flood liable land

and

#### Section 2.13 – Consultation with State Emergency Service—development with impacts on flood liable land

The proposed activity would not be on flood liable land. Notification is therefore not considered necessary.

#### Section 2.14 – Development with impacts on certain land within the coastal zone

The proposal would not occur within a coastal vulnerability area. Consultation is therefore not required.

#### Section 2.15 – Consultation with public authorities other than councils

In consideration of the other consultation requirements specified under Section 2.15 of the Transport and Infrastructure SEPP, the proposed activity:

- would not be undertaken adjacent to land reserved under the *National Parks and Wildlife Act 1974* or land acquired under that Act
- would not be undertaken on land in Zone E1 National Parks and Nature Reserves or in an equivalent land use zone.
- would not be undertaken within or adjacent to a marine park or aquatic reserve declared under the *Marine Estate Management Act 2014*
- does not comprise a fixed or floating structure in or over navigable waters
- would not increase the amount of artificial light in the night sky and located on land within the dark sky region as identified on the dark sky region map
- would not be undertaken within Defence communications facility buffer (only relevant to the defence communications facility near Morundah)
- would not be undertaken on land in a mine subsidence district within the meaning of the *Mine Subsidence Compensation Act 1961*

- would not be development on, or reasonably likely to have an impact on, a part of the Willandra Lakes Region World Heritage Property
- would not be development within a Western City operational area specified in the [Western Parkland City Authority Act 2018](#), Schedule 2 with a capital investment value of \$30 million or more.

These prescribed consultation requirements therefore do not apply.

#### Section 2.16 – Consideration of Planning for Bush Fire Protection (PBP)

The proposed activity is not a development prescribed in this section (health services facilities, correctional centres, residential accommodation). Consideration of PBP is therefore not required.

## 6. COMMUNITY ENGAGEMENT

In accordance with Council's Community Engagement Policy, the proposal constitutes a *Local Area – Low Impact* activity.

The proposal had conditional support from the UGFC. The President of the UGFC stated (D22/261477):

*“Due to Shoalhaven City Council needing the space that the Ulladulla Game Fishing Club occupies for the commencement and next stages of the boardwalk, Ulladulla Game Fishing Club has held discussions with Shoalhaven City Council regarding all assets being removed pre relocation of Ulladulla Fishing Club and to another location within Ulladulla harbour.*

*Ulladulla Game Fishing Club Support Development Application being submitted by Shoalhaven City Council for the entire demolition of Club House, Weigh in Station and Scoreboard provided all costs incurred are at Shoalhaven City Council expense under the following provisions:*

- Shoalhaven City Council is to provide Ulladulla Game Fishing Club with written contracts and plans for the relocation of Ulladulla Game Fishing Club house and weigh in facilities to be signed off by both parties.*

*The Ulladulla Game Fishing Club will not be the only non-for-profit organisation that will benefit from these facilities, these facilities will be made available for other community groups to utilise and will be another great incentive for tourism to continue growing in the Ulladulla area and surrounds”*

SCC will undertake the demolition of the structures at its own expense but have made no commitment to relocate the UGFC structures. SCC will, however, continue to assist the Club to pursue an alternative location and facility in the area in consultation with Transport for NSW, Marine Infrastructure Development Office (MIDO), and NSW Crown Lands.

## 7. ENVIRONMENTAL SAFEGUARDS AND MEASURES TO MINIMISE IMPACTS

Safeguard / Measure	Responsibility
1. A competent person shall determine the presence of hazardous substances or conditions in the clubhouse (e.g. lead paint, asbestos). The nature and location of each hazard shall be recorded and both the record and proposed method on controlling the hazards shall be recorded in a Hazardous Substance Management Plan and included in the contract documentation (unless easily removed off-site).	SCC Project Manager and demolition contractor
2. Any removal of asbestos or asbestos containing materials shall be undertaken in accordance with the <i>WorkSafe Code of Practice for the safe removal of asbestos</i> .	SCC Project Manager and demolition contractor
3. Demolition shall be carried out in accordance with <i>AS2601-2001 Demolition of Structures</i> including but not limited to: <ul style="list-style-type: none"> <li>a. provision of fencing and hoarding around the site</li> <li>b. provision of warning notices</li> <li>c. personal protective clothing and devices</li> <li>d. implementation of cutting precautionary measures</li> <li>e. hazardous material assessment and management</li> <li>f. protection of services e.g. electrical services</li> <li>g. preparation of a work plan</li> <li>h. recommended contractual considerations</li> </ul>	SCC Project Manager and demolition contractor
4. Trees are not to be removed unless approved by the SCC Environmental Operations Officer or approved under the Ulladulla Boardwalk development consent.	Demolition contractor
5. As far as practicable, all materials shall be sorted for recycling to minimise disposal into landfill.	Demolition contractor
6. SCC shall continue to assist the UGFC to pursue an alternative location and facility in the area in consultation with Transport for NSW, Marine Infrastructure Development Office (MIDO), and NSW Crown Lands.	SCC Project Manager



## 8. SIGNIFICANCE EVALUATION & DECISION STATEMENT

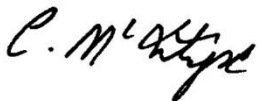
This Review of Environmental Factors has assessed the likely environmental impacts, in the context of Part 5 of the *Environmental Planning and Assessment Act 1979*, of a proposal by Shoalhaven City Council to demolish UGFC structures (clubhouse, weigh-in station and scoreboard) at the Ulladulla Harbour.

In consideration of the proposal as described in Section 1 and assuming the implementation of all proposed safeguards and mitigation measures (Section 7), it is determined that:

1. 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.
2. The proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats and a Species Impact Statement / BDAR is not required.
3. No additional statutory approvals, licences, permits and external government consultations are required.
4. The proposed activity may proceed.

In accepting and adopting this REF, Shoalhaven City Council commits to ensuring the implementation of the proposed safeguards and mitigation measures identified in this report (Section 7) to minimise and/or prevent detrimental environmental impacts.

**Determined by:**



Carey McIntyre  
Director – City Services  
Shoalhaven City Council

Date: 30/11/2023

## 9. REFERENCES

- Conservation One 2021 *Statement of Heritage Impact for Ulladulla Harbour Boardwalk and Car Park Improvements at Ulladulla, New South Wales*. Unpublished report for Shoalhaven City Council (D22/263080)
- DECCW (Department of Environment, Climate Change and Water, NSW) 2010 Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales. Available at: [https://www.dpi.nsw.gov.au/\\_data/assets/pdf\\_file/0005/634694/Policy-and-guidelines-for-fish-habitat.pdf](https://www.dpi.nsw.gov.au/_data/assets/pdf_file/0005/634694/Policy-and-guidelines-for-fish-habitat.pdf)