

## APPENDIX

# A

### CONSIDERATION OF CLAUSE 228(2)

Table A1 Factors for consideration under Clause 228

Factor for Consideration	Impact Assessment
Any environmental impact on a community	<b>Section 6</b> provides an environmental assessment of the development. Subject to the implementation of mitigation measures identified for each environmental matter, the proposal will not result in any adverse environmental impacts on the community.
Any transformation of a locality	<p>The project involves the development of TWE in Albion Park.</p> <p>As a result of the project there would be significant impacts on the local environment along Tripoli Way which includes an increase in noise and traffic and visual impacts for all landholders. These impacts are discussed further in <b>Chapter 6</b> of the REF.</p> <p>The project is justified as it will benefit future generations by improving traffic flow, road safety and reducing the potential number of crashes in Albion Park Town Centre. The project will also reinvigorate amenity and ambience of the Albion Park Town Centre by replacing the Town Centre as the primary thoroughfare.</p> <p>Implementation of the safeguards contained in this REF (see <b>Section 7.2</b>) will ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.</p>
Any environmental impact on the ecosystems of the locality	<b>Section 6.3</b> outlines the proposal's impact on biodiversity within the subject site. The specified mitigation measures are intended to reduce the impact on native plant species and indirect offsite impacts during construction. The mitigation measures will be implemented to ensure that the proposal has minimal environmental impact on the ecosystems of the locality. It should be noted that the majority of the construction footprint falls within highly disturbed localities and significant impacts to biodiversity are unlikely.
Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality	<p>The proposal will facilitate commuting, recreation and tourism by improving traffic flow, road safety and reducing the potential number of crashes in Albion Park Town Centre and beyond. <b>Section 6.7</b> identifies mitigation measures to minimise any adverse impacts on the visual amenity of the subject site.</p> <p>The project will also reinvigorate amenity and ambience of the Albion Park Town Centre by replacing the Town Centre as the primary thoroughfare.</p>
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><b>Section 6.8</b> and <b>Section 6.9</b> outline the proposal's impact on Aboriginal and Non-Aboriginal heritage within the Study Area.</p> <p>An Aboriginal Due Diligence Assessment was conducted for the project. The assessment identified areas of moderate archaeological potential and one Aboriginal site within the study area (<b>Appendix I</b>).</p> <p>The Assessment recommended Council secures an Aboriginal Heritage Impact Permit prior to any excavation works on the Aboriginal site [Tulkeroo ISO (AHIMS 52-5-0961)], that an Aboriginal Cultural Heritage Assessment be conducted prior to the commencement of works (in the three areas of moderate potential only), and implementation of an unexpected finds protocol during any works. No further archaeological work is required in the remaining areas being of 'low' potential.</p> <p>A Statement of Heritage Impact (<b>Appendix J</b>) identified a number of non-Aboriginal heritage items and areas of archaeological potential within the Study Area.</p>

Factor for Consideration	Impact Assessment
	<p>The statement concludes that the proposed works will result in significant direct physical impacts to the heritage listed Albion Park Butter Factory (former), as well as to the area of high archaeological potential beneath and surrounding the structure. The removal of the Albion Park Butter Factory (Former) would have a significant and detrimental effect on the heritage significance of the item as a whole, and represents a considerable loss to Shellharbour's local heritage. The proposed works will also result in direct physical impacts to the area of high archaeological potential beneath and surrounding the structure. Due to the heritage significance of Tulkeroo and the Albion Park Butter Factory (former), the impacts that would occur as a result of the works are considered significant.</p> <p>The primary recommendation of the SOHI is to avoid impacts to Tulkeroo and the Albion Park Butter Factory (former) and areas of high and moderate archaeological potential through further design development.</p> <p>As Council has determined that alternative options to avoid or minimise impacts to the former Butter Factory are not feasible, the report recommends the following measures where impacts cannot be avoided:</p> <ul style="list-style-type: none"> <li>- Minimise indirect impacts to Tulkeroo and the heritage item setting</li> <li>- Archival recording</li> <li>- Reassessment of the heritage item's heritage and curtilage significance</li> <li>- Archaeological investigation required prior to works for areas of High potential (at Butter Factory building site)</li> </ul> <p>Having regard to the significant potential impacts to the Albion Park Butter Factory it is necessary for an environmental impact statement (EIS) to be prepared for consideration prior to the relevant determining authority granting an approval for the project from under Division 5.1 of the EP&amp;A Act.</p>
Any impact on the habitat of protected animals (within the meaning of the <i>Biodiversity Conservation Act 2016</i> )	<b>Section 6.3</b> outlines the proposal's effect on biodiversity within the subject site. The Ecological Assessment in <b>Appendix D</b> determined that the study area had little to no habitat suitable for threatened species. Therefore, the proposal will have minimal impact on any habitat of threatened species.
Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air	<b>Section 6.3</b> outlines the proposal's effect on biodiversity within the subject site. Though desktop studies revealed up to nine threatened species have a moderate or high likelihood to use the study area for foraging or nesting, field surveys did not record any threatened flora or fauna species present listed under the EPBC Act or BC Act. Therefore, the project is considered unlikely to endanger any species of animal, plant or other form of life.
Any long-term effects on the environment	Subject to the implementation of mitigation measures outlined in <b>Section 7.2</b> , the project will not result in any long-term effects on the environment.
Any degradation of the quality of the environment	Subject to the implementation of mitigation measures outlined in <b>Section 7.2</b> , the project will not result in any degradation of the quality of the environment.
Any risk to the safety of the environment	Subject to the implementation of mitigation measures outlined in <b>Section 7.2</b> , the project will not result in any risk to the safety of the environment.

Factor for Consideration	Impact Assessment
Any reduction in the range of beneficial uses of the environment	The TWE will provide a beneficial use by improving traffic flows within the Albion Park Town Centre. This would primarily be achieved by reducing congestion along Tongarra Road.
Any pollution of the environment	<p><b>Section 6.12</b> specifies mitigation measures that will be implemented to minimise general and construction waste on the site.</p> <p><b>Section 6.4</b> specifies mitigation measures that will be implemented to minimise noise pollution.</p> <p><b>Section 6.5</b> specifies mitigation measures that will be implemented to minimise or prevent air pollution and dust resulting from the project.</p> <p>Mitigation measures described in <b>Section 7.2</b> will mitigate and manage any potential water pollution caused by the TWE project.</p>
Any environmental problems associated with the disposal of waste	<b>Section 6.12</b> outlines the existing waste sources at the subject site and identifies mitigation measures to be implemented to ensure that construction waste, general waste and waste fluids (from spills / machinery maintenance) are managed appropriately and do not cause any adverse environmental impacts.
Any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply	Where possible, throughout the design of the proposal, management and conservation of natural resources has been incorporated. This has included minimised vegetation removal as far as possible to reduce the potential impact on the natural environment.
Any cumulative environmental effect with other existing or likely future activities	<b>Section 6.16</b> discusses any cumulative impacts of the project.
Any impact on coastal processes and coastal hazards, including those under projected climate change conditions	The proposal is located away from the coast and is therefore not expected to result in any impacts to coastal processes and coastal hazards. As part of this environmental assessment an air quality assessment has been prepared ( <b>Appendix G</b> ). <b>Section 6.5</b> discusses the results of the air quality assessment and concludes that subject to the implementation of mitigation measures, there will be minimal impact from emissions of particulate matter on air quality and projected climate change conditions.