

Review of Environmental Factors

Lilyfield Skate Plaza



REVIEW OF ENVIRONMENTAL FACTORS

Proposed Lilyfield Skate Plaza

Prepared by SJB Planning (NSW) Pty Ltd

On behalf of Inner West Council

**Final
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1. INTRODUCTION

1.1 OVERVIEW

This Review of Environmental Factors (REF) has been prepared to assess the potential impacts of the proposed Lilyfield Skate Plaza at the southern end of Leichhardt Oval No.3, Leichhardt Park, 70 Mary Street, Lilyfield ('the site').

The Proposed Works have been assessed in a REF under Part 5 of the *Environmental Planning and Assessment (EP&A) Act 1979*. The REF has been prepared on behalf of Inner West Council ('Council') who are the proponents for the activity and the determining authority under Part 5 of the *EP&A Act 1979*.

The proposed activity involves the construction of a skate plaza with ancillary seating, shade structures and landscaping and upgrades to existing parking spaces. The proposed activity will provide substantial public benefit. It involves the creation of a new recreation facility that will provide a space for active recreation for all ages and abilities, is accessible for persons with a disability, allows a high level of passive surveillance and improves the amenity of the area.

The works will be undertaken on behalf of Council, a public authority.

The proposed upgrade has been considered in terms of the provisions of Clause 5.5 of the *EP&A Act 1979* and Clause 228 of the *Environmental Planning and Assessment (EP&A) Regulation 2000*.

The proposed works are considered to be an activity permitted without consent pursuant to Clause 65 of *State Environmental Planning Policy (Infrastructure) (ISEPP) 2007*.

The consideration of the potential impacts has been undertaken against the relevant planning framework addressing the relevant environmental impacts.

Following analysis of the potential impacts associated with the proposal, it was determined that an environmental impact statement is not required as the proposal does not significantly affect the environment.

Undertaking the activity will provide several positive outcomes, including the provision of accessible recreational facilities, parking upgrades and the overall improvement of community infrastructure for the public benefit.

Approval to proceed with the activity is recommended.

1.2 BACKGROUND

The proposed activity forms part of the Plan of Management and Master Plan for Leichhardt Park, a guideline released in 2020 to inform the development of the park and to direct the future vision, planning, management and use of the park over the next ten years.

The Master Plan identified the southern end of Leichhardt Oval No. 3 as the preferred site for the Lilyfield Skate Plaza and listed it as a high priority item for development. The key objectives and performance targets of the skate plaza are to provide for general community use and to provide facilities which cater for a range of ages, abilities and interests.

2. SITE ANALYSIS

2.1 SITE LOCATION AND CONTEXT

The site is located at the southern end of Leichhardt Oval No. 3, within Leichhardt Park, Lilyfield on the eastern foreshore of Iron Cove within the Inner West Council local government area.

Leichhardt Park has an area of approximately 14ha and is home to Leichhardt Oval, Leichhardt Aquatic Centre and Leichhardt Rowing Club and includes associated sports fields, community facilities, playgrounds, fitness equipment, walkways and associated roads and car parking.

The site of the proposed works is relatively centrally located on the western side of the Park, approximately 23m from the foreshore and on the eastern side of Maliyawul Street. The site of the works is bordered by Maliyawul Street, the popular Bay Run shared pedestrian/cycle path and the foreshore of Iron Cove to the west, Leichhardt Park to the north and east, low density residential development to the south-east and the 'La Montage' function centre to the south. Development to the south and south-east of the site is separated from the site by the Park Link Road, and the Car Park Link Road.



Figure 1: Cadastral view of the subject site (Source: SIX Viewer – Land & Property Management Authority)

2.2 LAND OWNERSHIP AND LEGAL DESCRIPTION

Leichhardt Park is identified as Crown Reserve D500207 and is dedicated for public ownership under the land management of Inner West Council. It was gazetted for the purpose of Public Recreation on 9 December 1977, with additional Community Purposes incorporated on 25 January 2013.

The proposed activity will be located to the south of Leichhardt Oval 3 in Leichhardt Park, 70 Mary Street, Lilyfield ('the site') and is legally described as part of Lot 6643 in DP 1137663.

The proposed Lilyfield Skate Plaza is located on Crown Land identified in the Leichhardt Park Plan of Management as being categorised as general community use.

2.3 EXISTING ENVIRONMENT

The site of the proposed works is an area of approximately 1,900m² (0.19ha) that is irregular in shape and is located on the western side of Leichhardt Park.

An aerial view of the Leichhardt Park, which includes the subject site is shown in Figure 2.



Figure 2: Aerial view of the subject site (Source: SIX Viewer – Land & Property Management Authority)

The topography of the site is relatively level, with a slight fall from east to west from RL3.29 to RL1.77. The site is predominantly comprised of reclaimed land and was devoid of vegetation until 1982. The site is currently vegetated with turf and sixty-eight (68) trees have been identified in the vicinity of the proposed work. This vegetation comprises a mix of

locally indigenous, Australian native and exotic species. The majority are River She Oak *Casuarina cunninghamiana* (49), with some other Swamp Mahogany *Eucalyptus Robusta* (7), Bangalay *Eucalyptus botryoides* (5), Tallowwood *Eucalyptus microcorys* (2), one (1) Sydney Red Gum *Angophora constata* and four dead trees. The trees are generally grouped in clusters are identified by the project arborist as being not well maintained.

The site also contains fitness equipment, taps and waste facilities and is bounded by timber and sandstone block barriers.

Parking is currently provided on Maliyawul Street to the west of the site and on the Car Park Link Road to the south of the site.

Figures 3 to 10 illustrate the existing site conditions.



Figure 3: Image of the site looking south from Leichhardt Oval No. 3.



Figure 4: Eastern edge of the site looking south west with Iron Cove and La Montage in the background.



Figure 5: North-eastern corner of the site looking west across the site.



Figure 6: Western edge of the site looking east from the Bay Run.



Figure 7: View of the northern edge of the site looking south-east from the Bay Run



Figure 8: View looking north along Frazer Street along the eastern edge of the site



Figure 9: View looking west along the Car Park Link Road along the southern edge of the site



Figure 10: View looking south along Maliyawul Street along the western edge of the site

2.4 SURROUNDING DEVELOPMENT

The site is located within a recreational setting with some nearby commercial and residential development. Public toilets, the Hippo Park playground and Leichhardt Aquatic Centre bound the site to the north. The Bay Run lies directly opposite the site to the west and is bordered by Iron Cove and parking on Maliyawul Street. La Montage is a commercial function centre with a restaurant and café that lies to the south. Further south of the site is characterised by low to medium density residential development between one (1) and three (3) storeys. Vacant reserve, the Mary Street Car Park, the Leichhardt Park Children's Centre and Leichhardt Oval, the home of the Wests Tigers Rugby League Club, are all located to the east of the site.

Figures 11 to 14 illustrate the surrounding streets and locality around the site.



Figure 11: View of Leichhardt Oval No. 3 to the north of the site



Figure 12: View of Iron Cove looking west from the site.



Figure 13: View from site looking south east towards residential development.



Figure 14: View of the Le Mirage development directly opposite the site.

3. PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The proposed skate plaza with associated planting and seating is identified in Council's Leichhardt Park Plan of Management and accompanying Master Plan, which is a 10-year plan for development and management activities within Leichhardt Park.

The skate plaza will include a skate plaza with bowls, ramps, rails, various other technical park elements and ancillary facilities such as seating, a shelter, a water fountain, two bike racks and associated lighting, landscaping and drainage. The project also includes the resurfacing and line marking of ten (10) existing car parking spaces adjacent to the site

The provision of a skate plaza will cater for a range of diverse users. An excerpt from the Master Plan depicting the Lilyfield Skate Plaza is provided in Figure 15.



Figure 15: Excerpt from the Leichhardt Park Master Plan depicting the proposed Lilyfield Skate Plaza (06).

3.2 PROJECT JUSTIFICATION

The Leichhardt Park Plan of Management identifies the provision of the Lilyfield Skate Plaza as a strategy to improve inclusivity in the park. The justification under the Plan is as follows:

“The proposed skate plaza will assist in meeting the need for a skate facility within the LGA as identified by the Recreational Needs Study. The facility will cater to a range of age groups, including older children and teenagers who are often under-represented in the provision of public park facilities outside of organised sports.

The design of the skate plaza should also be welcoming to parents and members of the community who wish to spectate, and offer shaded seating. Bubbler facilities are recommended to be located within the plaza or close by. It is suggested that targeted lighting is provided so that the plaza can be used during the day and after normal working hours, to ensure that older visitors are able to make use of the facility during week nights, up until a specified time. It is recommended that the design incorporates green spaces for planting to mitigate the hard surfaces. It is recommended that the design responds to other measures within this master plan, including the provision of a more generous connection between the foreshore and pathways to the east which lead to the LPAC and Leichhardt Oval."

The Lilyfield Skate Plaza will deliver these aspirations of the Plan of Management Strategy and will meet the key objectives. Furthermore, significant community consultation has been undertaken to ensure that the final design is reflective of both community and council needs and aspirations.

3.3 DETAILED DESCRIPTION OF PROPOSED ACTIVITY

The proposed Lilyfield Skate Plaza, as outlined in the construction drawings prepared by ENLOCUS Landscape Architects, includes:

(a) Preparatory site works including:

- Demolition or removal of fencing, bitumen and asphalt surfacing, signage, electrical line, water-meter and chin-up bar from the site.
- Removal of forty-four (44) trees.

(b) Construction of a skate park with integrated planting and seating including:

- Entrance signage.
- Concrete and metal skating structures including rails, ramps, roll-overs, moguls, a dish, quarter pipes, wallrides, flatrides, hubbas and stairs.
- Two tiered seating structures beneath shade structures.
- Three (3) security dual bin stands.
- Two (2) bike racks each with four (4) rails.
- A drinking fountain.
- Handrails and balustrades

(c) Landscaping works including:

- Planting of ten (10) native replacement trees including four (4) Black She-Oak, four (4) Water Gum and two (2) Coastal Banksia.
- Construction of a concrete retaining wall of height ranging from 1.1m to 2.4m above ground level (existing) to support the elevation of the skate park.
- New garden beds planted with native Eskdale, Christmas Bells and Blue Flax Lilies and exotic Giant Turf Lilies.
- A peripheral pathway.
- Seating blocks.
- Placement of rolled turf on disturbed areas adjoining the playing fields.

(d) Resurfacing and line marking of existing car parking

- Line marking of ten (10) new car parking spaces.
- Installation of ten (10) concrete wheel-stops.

(e) Lighting:

- Four (4) 5.5m high, We-ef luminaire, circular poles for pedestrian level lighting.
- Two (2) 12m high, Clearflood LED luminaire, octagonal light poles for sports level lighting.
- Retention of two (2) existing street lights over car parking.

An excerpt from the final construction plans prepared by ENLOCUS for Inner West Council is shown at Figure 16. For greater detail, please refer to the complete set of construction drawings that accompany the development application. Two (2) x three dimensional concept plans of the proposal prepared by EI are provided at Figures 17 and 18.

3.4 OPERATIONS AND CAPACITY

Leichhardt Park is open to the public at all times. Therefore, the skate plaza will be open to the public at all times, however typically it will be used between 7:00am – 9:00pm.

Lighting is proposed to be installed and will enable the plaza to be used until 9pm.

The plaza typically has the capacity to accommodate approximately 40-50 persons at any one time, including spectators either seated or around the periphery of the facility. Due to the physical constraints of the plaza and its associated skate obstacles typically a maximum of 15 persons are actually skating at any one time.



SITE LEGEND:

	PROPOSED SKATEPARK - FLAT BANK.
	PROPOSED SKATEPARK - TRANSITION (QUARTER PIPE).
	PROPOSED SKATEPARK - ROLL OVER.
	PROPOSED LIGHT POLES, SHOWN INDICATIVE ONLY. REFER TO ELECTRICAL ENGINEERING DRAWINGS.
	PROPOSED TREES. REFER TO PLANTING PLAN CD400.
	PROTECT AND RETAIN ALL NOMINATED VEGETATION (TREES AND SHRUBS) FOR THE DURATION OF WORKS ON SITE. CONTRACTOR TO SUBMIT A WORKS METHOD STATEMENT FOR THE PROTECTION OF TREES AND ROOT ZONES MARKED ON SITE PLAN AS 'SIGNIFICANT'.
	EXISTING SPOT LEVEL PROPOSED SPOT LEVEL
	EXISTING CONTOUR - MAJOR PROPOSED CONTOUR - MAJOR
	EXISTING CONTOUR - MINOR PROPOSED CONTOUR - MINOR
	EXTENT OF WORKS.
	UNDERGROUND TELECOM
	WATER MAIN
	POWER LINE
	OVERHEAD POWER LINE
	STORMWATER LINE
	SEWER MAIN
	GAS LINE
	FENCE LINE
	LOT BOUNDARY
	SET OUT OF GRID POINT 142 FROM KNOWN B.M. OR CORNER OF NOMINATED PERMANENT INFRASTRUCTURE.
	TELECOM PIT
	TELECOM PILLAR
	ELECTRICAL PIT
	POWER POLE
	LIGHT POLE
	STORMWATER MANHOLE

Figure 16: Proposed Lilyfield Skate Plaza (Source: Enlocus)



Figure 17: Proposed Lilyfield Skate Plaza – 3D Aerial Concept looking west (Source: Enlocus)



Figure 18: Proposed Lilyfield Skate Plaza – 3D Aerial Concept looking east (Source: Enlocus)

3.5 CONSTRUCTION METHODOLOGY OVERVIEW

The works will involve:

- Demolition of existing fencing, fitness equipment, asphalt surfaces, existing electrical conduits and similar;
- Stripping of grasses, removal of vegetation and similar;
- Minor excavation works;
- Installation of concrete structures, surfaces and paved and asphalt surfaces;
- Installation of sub-surface utilities, including drainage and electrical;
- Associated landscaping works.

The construction will be undertaken in accordance with the following:

- Relevant legislation would be complied with, such as the *Protection of the Environment Operations Act 1997*;
- Best management practices would be implemented as specified by any codes of practice or guidelines that are recognised by Council;
- Traffic control measures would be incorporated into the worksite guidelines;
- Works to be undertaken during permitted work hours;
- Prepare work as per executed plans and documentation;
- Complete certification of all works as required i.e. installation of hand rails, etc to relevant Australian Standards;
- Reinstate areas of park affected by works; and
- The contractor is to meet all workplace safety legislation.

3.5.1 CONSTRUCTION MEASURES

- Works are to be implemented and executed as per final construction plans and documentation;
- Plant and machinery is to be moved on-site without damaging other park elements, as well as the public domain, including footpaths, street kerbs and stormwater pits; and
- Minor construction work to be carried out by manual methods.

3.5.2 TREE PROTECTION

- Trunk protection around all existing trees to be retained to be installed prior to any works in accordance with Arborist recommendations and to Superintendent's approval;
- Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) to be applied in conformance with Arboricultural Impact Assessment (see Figure 19);
- Hand excavation as required within Structural Root Zones (SRZ) and in conformance with Arborist recommendations;

- Works within the TPZ to be in accordance with Arborist recommendations and to Superintendent's approval; and
- Excavation, concrete/sandstone walls, paving and footpaths within SRZ to be in conformance with Council design plans.



Figure 19: Tree Protection Plan (Source: Moore Trees)

3.5.3 SITE MANAGEMENT

- A Site Management Plan (SMP) is to be prepared by the contractor for Council approval;
- The contractor is responsible for ensuring all requirements of the SMP are met;
- All equipment, materials and works to be contained within the extent of the works boundary;
- The contractor is to retain and protect all park elements outside of works boundary;
- The contractor is responsible for making good any damage to park elements outside of the scope;
- A Traffic and/or Pedestrian Management Plan will be required to be prepared and approved by Council prior to the commencement of works;
- The contractor is responsible for correct storage of equipment and materials on site; and
- Works construction fencing to be installed in agreed locations prior to commencement of works.

3.5.4 ENVIRONMENTAL IMPACT MITIGATION MEASURES

- Disposal of hazardous materials is the responsibility of the contractor and shall meet relevant standards and procedures;
- The SMP and Construction Environmental Management Plan (CEMP) is to provide for all environmental management and mitigation measures;
- Plant and machinery should be turned off when not in use for prolonged periods;
- The contractor is to implement measures to ensure protection of walls on adjoining properties to the superintendent's approval;
- Soil removed from existing mounds is to be stockpiled on site and re-used where suitable to the superintendent's approval;
- An erosion and sediment control plan is to be prepared by the contractor and submitted to the Superintendent for approval; and
- The erosion and sediment plan is to be implemented on site as part of the works.

3.5.5 CONSTRUCTION TIMETABLE AND STAGING

- Works on the Site are restricted to between 7:00am – 5:30pm, Monday to Fridays only;
- No works are permitted on weekends or public holidays; Note: (COVID -19 extension of construction hours do not apply to 'works without development consent');
- Works outside of these times are only to be permitted with the prior approval from Council;
- Noisy work and the use of machinery is to be scheduled appropriately to minimise impact on residents; and
- The contractor is required to complete the works in accordance with an agreed construction timetable.

4. LEGISLATIVE AND PLANNING FRAMEWORK – PLANNING APPROVAL PATHWAY

4.1 OVERVIEW

The relevant planning controls applying to the Site include:

- *Environmental Planning and Assessment Act 1979*
- Environmental Planning and Assessment Regulation 2000
- Environmental Planning and Assessment Regulation 2021
- State Environmental Planning Policy (Infrastructure) (ISEPP) 2007
- State Environmental Planning Policy No.55 – Site Remediation (SEPP 55)
- State Environmental Planning Policy (Coastal Management) 2018
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy No.64 – Advertising and Signage
- State Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Leichhardt Local Environmental Plan (LLEP) 2013
- Leichhardt Development Control Plan (LDCP) 2013

It is noted that the Environmental Planning and Assessment Regulation (EP&A Regulation) 2000 will be replaced by the EP&A Regulation 2021 on 1 March 2022. For this reason, this REF considers the proposal also under the incoming Regulation and the guidelines for Division 5.1 Assessments (February 2022) prepared by the Department of Planning and Environment.

Pursuant to Clause 65 of ISEPP 2007, certain activities on Crown managed land carried out on behalf of a Crown land manager (i.e. the Council), may be carried out without development consent.

In summary, the proposed works, which are to be carried out on Crown managed land on behalf of Inner West Council (the Crown land manager) do not require development consent under Part 4 of the *EP&A Act 1979*.

4.2 PLANNING AND STATE LEGISLATION

4.2.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposed works has been considered in terms of the provisions of Clause 5.5 of the *EP&A Act 1979* where a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the *EP&A Act 1979*, assess matters affecting or likely to affect the environment by reason of that activity.

Part 5.5 provides the following:

5.5 Duty to consider environmental impact

(cf previous s 111)

“(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.”

4.2.2 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Clause 228 of the Environmental Planning and Assessment (EP&A) Regulation 2000 stipulates the factors that must be taken into account when consideration is being given to the likely impact on the environment.

An assessment of the key issues relating to Clause 228 of the EP&A Reg 2000 is provided in Section 7 of this REF.

4.2.3 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

As identified in Section 4.1 of this report, the EP&A Regulation 2021 will replace EP&A Regulation 2000 on 1 March 2022. For this reason, this REF also includes an assessment pursuant to the EP&A Regulation 2021.

Clause 171 of the EP&A Regulation 2021 is largely the same as Clause 228 of the EP&A Regulation 2000.

An assessment of Clause 171 is included in Section 7 of this REF.

4.2.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) (ISEPP) 2007 provides a consistent planning regime for infrastructure and the provision of services across NSW and identifies the environmental assessment category for different types of infrastructure and services of development. This includes identifying certain development activities of minimal environmental impact as permissible without consent on a public reserve.

Clause 65(2) of ISEPP provides the following:

“(2) Development for any purpose may be carried out without consent—

(a) on Trust lands within the meaning of the Centennial Park and Moore Park Trust Act 1983, by or on behalf of the Centennial Park and Moore Park Trust, or

(b) on trust lands within the meaning of the Parramatta Park Trust Act 2001, by or on behalf of the Parramatta Park Trust, or

(c) (Repealed)

(d) on Crown managed land, by or on behalf of—

(i) the Secretary, or

(ii) a Crown land manager of the land (or an administrator of the manager), or

(iii) the Ministerial Corporation, or

(iv) the Minister administering the Crown Land Management Act 2016,

if the development is for the purposes of implementing a plan of management adopted for the land under the Act referred to above in relation to the land or in accordance with the Local Government Act 1993 in relation to Crown managed land managed by a council.”

The Lilyfield Skate Plaza, which will implement the Leichhardt Park Plan of Management, is located on Crown land and is proposed to be carried out on behalf of the Crown land manager, that being the Council, and is therefore permissible without development consent under Clause 65 of ISEPP 2007. As a result, the works may be carried out without the need for development consent under Part 4 of the Act.

Clause 65(3) of ISEPP relates to works that may be carried out without development consent on a public reserve. In regard to demolition, Clause 65(3)(c) *ISEPP* provides the following:

(c) 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)”.

Leichhardt Park is a heritage item of local significance under LLEP 2013. The proposal involves the demolition of existing fencing, fitness equipment, removal of utilities and asphalt surfaces as shown on the demolition plan (Drawing No. 1821_CD 003). These works do not involve the demolition of a building and, and therefore clause 65(3)(c) would not apply.

4.2.5 STATE ENVIRONMENTAL PLANNING POLICY NO.55 – SITE REMEDIATION

State Environmental Planning Policy No.55 – Site Remediation (SEPP 55) prescribes a statutory process associated with the development of land that is contaminated and requires remediation.

Clause 7 of SEPP 55 provides the following:

“(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

An Assessment of Surface and Sub-surface Conditions has been prepared by CONSARA to evaluate the site with respect to contamination and remediation in light of the proposed works. The analysis, which involved a series of test-pits between 1 to 1.2 metres below ground surface across the site, identified that the site is underlain by fill materials generally comprised of sandy to silty soils that grade with depth to clays to sandy clays. Building, demolition and foreign waste materials were also present, which included carcinogenic PAHs and asbestos. However, there was no evidence of the presence or potential presence of gross or significant chemical contamination, odours, staining, sheens, putrescible waste or perched groundwaters in the fill materials.

Based on the results of their assessment, CONSARA concluded that there is unlikely to be any specific point sources of contamination to the surface and sub-surface environment on the site that are considered to affect the suitability of the site for the proposed Skate Plaza. The potential for risks to workers and the surrounding community and environment during construction of the works is recommended to be managed through a Construction Environmental Management Plan, which has also been prepared and accompanies this application.

CONSARA concluded that the site is considered suitable for proposed works and for ongoing open space and recreational land use. On this basis, the proposal is consistent with the provisions of SEPP 55.

4.2.6 STATE ENVIRONMENTAL PLANNING POLICY (COASTAL MANAGEMENT) 2018

The State Environmental Planning Policy (Coastal Management) (Coastal Management SEPP) 2018 applies to land within the coastal zone and aims to promote an integrated and co-ordinated approach to coastal land use planning to protect coastal assets and guide decision-making. The site is not located within a coastal wetland or littoral rainforest area and is not within the coastal vulnerability zone. Therefore, Parts 2 and 3 of Division 1 to the Coastal Management SEPP do not apply to the activity.

The site is identified within the Coastal Environment Area, as shown in Figure 20, triggering the requirement for the activity to be assessed in regard to the planning controls contained within Division 3 of the Coastal Management SEPP. Notwithstanding, Clause 13(3) states that the planning controls within Division 3 of the Coastal Management SEPP do not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. Assessment under Division 3 of the Coastal Management SEPP is therefore not required. Section 4.2.8 of this document provides an assessment of the proposal against the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.



Figure 20: Excerpt from the Coastal Management SEPP 2018 Coastal Environment Area Map

The site is identified within the Coastal Use Area, as shown in Figure 21, triggering the requirement for the activity to be assessed in regard to the planning controls contained within Division 4 of Coastal Management SEPP. However, Clause 14(2) similarly notes the precedence of development controls for the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and an assessment under Division 4 of Coastal Management SEPP is therefore not required.



Figure 21: Excerpt from the Coastal Management SEPP 2018 Coastal Use Area Map

4.2.7 STATE ENVIRONMENTAL PLANNING POLICY (VEGETATION IN NON-RURAL AREAS) 2017

State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP) 2017 seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This is applicable pursuant to Clause 5(1) of the Vegetation SEPP as the site is both within the Inner West Local Government Area and on land zoned RE1 Public Recreation.

Notwithstanding, Clause 6(1) of the Vegetation SEPP sets the relationship of the Policy to other planning instruments and states that the provisions of the Vegetation SEPP do not affect the provisions of any other State Environmental Planning Policy. As the proposed activity is permissible without development consent under Clause 65 of ISEPP 2007, the provisions of the Vegetation SEPP do not apply.

Notwithstanding this, an Arboricultural Impact Assessment dated February 2022 has been prepared by Moore Trees to address the proposed removal of forty-four (44) trees to accommodate the construction of the Lilyfield Skate Plaza. The Assessment provides recommendations addressing required tree protection zones (TPZ's), construction details and construction methodology to ensure any tree proposed to be retained will not be impacted by the proposed activity.

4.2.8 STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE

State Environmental Planning Policy No.64 – Advertising and Signage (SEPP 64) aims to regulate signage to ensure that it is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations, and is of high quality design and finish.

The proposed activity involves the erection of entrance signage at the southern entry point. The proposed signage will display the text 'Lilyfield Skate Plaza' and will also set out warnings and conditions of use of the skate park as illustrated at Figure 22. The sign will be constructed from galvanised thermoplastic with lazer-cut text and a matte powder coat finish in Dulux 'white' and 'pale eucalypt'.

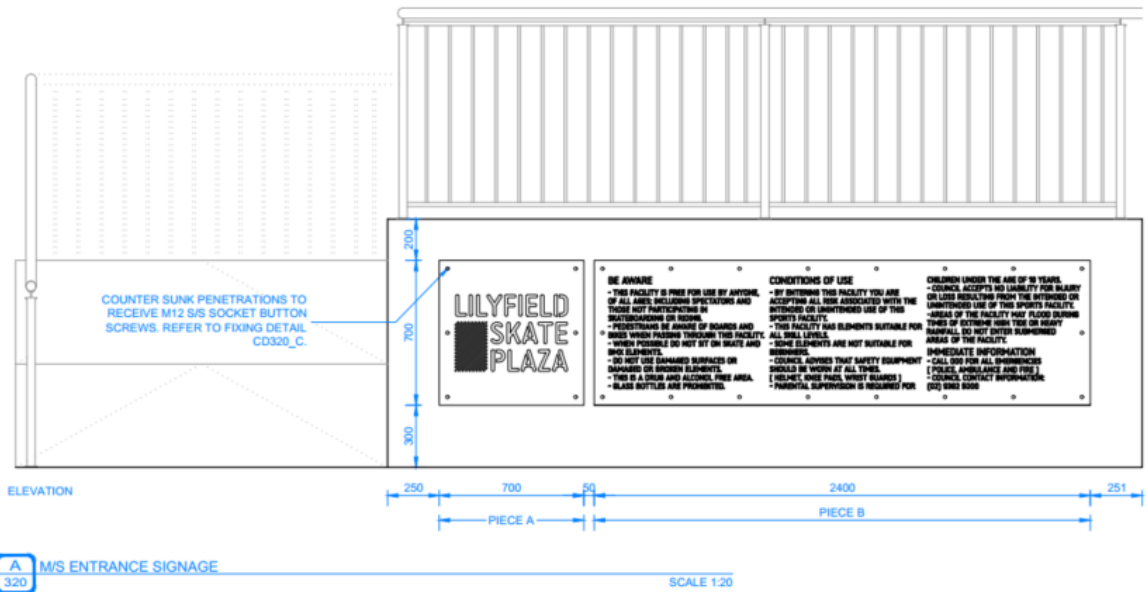


Figure 22: Entrance Signage (Source: Enlocus)

Clause 8 of SEPP 64 states that signage must satisfy the assessment criteria specified in Schedule 1. The proposed signage meets the assessment criteria in Schedule 1 for the following reasons:

- incorporated into a low scale wall;
- will be consistent with the scale and character of the skate park;
- will communicate expectations for park users and safety;
- will contribute to wayfinding within a public open space;
- is not illuminated, and
- will be of high quality design and finish.

4.2.9 SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005

State Regional Environmental Plan (Sydney Harbour Catchment)(Sydney Harbour REP) 2005 requires that certain matters be considered when proposing any activity on land within the Sydney Harbour Catchment. The site is located within the Sydney Harbour Catchment and is also located within the Foreshores and Waterways Area, as illustrated in Figure 23. The site is not a Strategic Foreshore Site, is not part of a Wetlands Protection Area and is not otherwise subject to any special purposes.

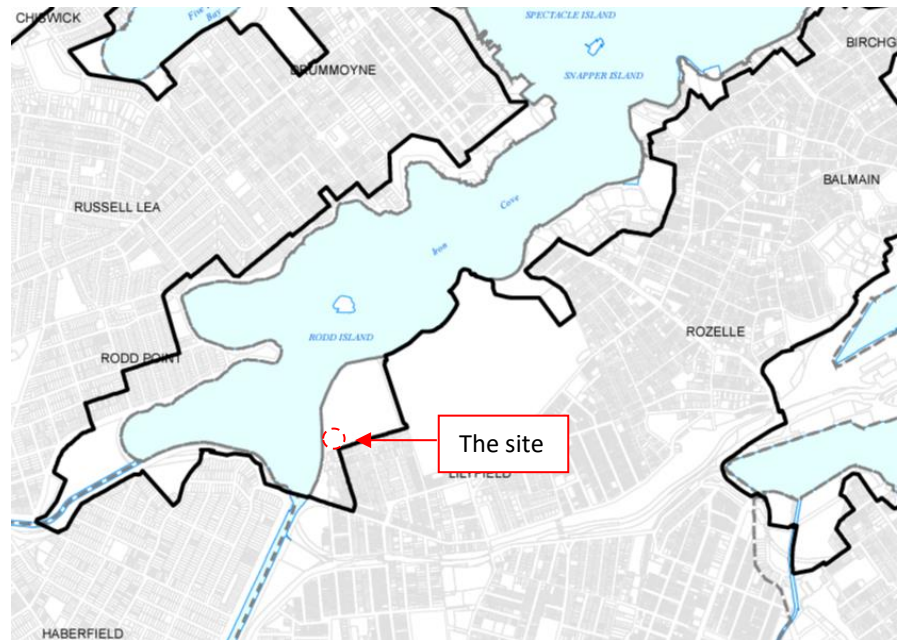


Figure 23: Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Foreshores and Waterways Map (Amendment 2016)

Division 2 Matters for Consideration

Clause 20 - General

Clause 20(b) requires Clauses 21-27B of Division 2 of the Sydney Harbour REP to be taken into consideration by public authorities before they carry out activities to which Part 5 of the Act applies.

The relevant matters to be addressed under Part 3, Division 2 of The Sydney Harbour REP are discussed as follows.

Clause 21 - Biodiversity, ecology and environment protection

Clause 21 of The Sydney Harbour REP sets out matters to be taken into consideration in relation to biodiversity, ecology and environment protection to be taken into consideration. Clause 21 reads as follows:

- (a) development should have a neutral or beneficial effect on the quality of water entering the waterways,*
- (b) development should protect and enhance terrestrial and aquatic species, populations and ecological communities and, in particular, should avoid physical damage and shading of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),*
- (c) development should promote ecological connectivity between neighbouring areas of aquatic vegetation (such as seagrass, saltmarsh and algal and mangrove communities),*
- (d) development should avoid indirect impacts on aquatic vegetation (such as changes to flow, current and wave action and changes to water quality) as a result of increased access,*

- (e) development should protect and reinstate natural intertidal foreshore areas, natural landforms and native vegetation,*
- (f) development should retain, rehabilitate and restore riparian land,*
- (g) development on land adjoining wetlands should maintain and enhance the ecological integrity of the wetlands and, where possible, should provide a vegetative buffer to protect the wetlands,*
- (h) the cumulative environmental impact of development,*
- (i) whether sediments in the waterway adjacent to the development are contaminated, and what means will minimise their disturbance.*

The proposed skate plaza is located approximately 20m from the existing sandstone seawall that lines the foreshore of this part of the Parramatta River and is separated by the Bay Run and car parking along Maliyawul Street. The proposed works will not disturb any aquatic vegetation or affect the tidal foreshore in any way. The works have been engineered to manage drainage and stormwater flows to minimise its impact upon the surrounding marine environment at Iron Cove. To address these issues, a Foreshore and Flood Risk Management Plan and a Biodiversity Assessment Report have been prepared by Rhelm and EcoLogical, respectively.

The construction and operation of the skate plaza will have a minimal impact upon biodiversity and ecology, subject to the recommendations within the Foreshore and Flood Risk Management Plan and the Biodiversity Assessment Report.

Clause 22 - Public access to, and use of, foreshores and waterways

Clause 22 of the Sydney Harbour REP sets out matters to be taken into consideration in relation to the public use and access along foreshores and to waterways. Clause 22 reads as follows:

- (a) development should maintain and improve public access to and along the foreshore, without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,*
- (b) development should maintain and improve public access to and from the waterways for recreational purposes (such as swimming, fishing and boating), without adversely impacting on watercourses, wetlands, riparian lands or remnant vegetation,*
- (c) if foreshore land made available for public access is not in public ownership, development should provide appropriate tenure and management mechanisms to safeguard public access to, and public use of, that land,*
- (d) the undesirability of boardwalks as a means of access across or along land below the mean high water mark if adequate alternative public access can otherwise be provided,*
- (e) the need to minimise disturbance of contaminated sediments.*

The proposed skate park is a public facility within an existing public park. There is existing public foreshore access along the Bay Run and Maliyawul Street to west of the site which is not altered or affected by the proposal. The proposal does not impact on wetlands,

watercourses, riparian lands or remnant vegetation and will incorporate the stormwater management measures recommended in the Foreshore and Flood Risk Management Plan prepared by Rhelm to minimise sedimentation impacts.

Clause 23 - Maintenance of a working harbour

Clause 23 of The Sydney Harbour REP sets out matters to be taken into consideration in relation to the maintenance of a working harbour. The Lilyfield Skate Plaza does not interfere with the use or maintenance of any working harbour.

Clause 24 - Interrelationship of waterway and foreshore uses

Clause 24 of The Sydney Harbour REP sets out matters to be taken into consideration in relation to the connection between waterway and foreshore uses. Clause 24 reads as follows:

- (a) development should promote equitable use of the waterway, including use by passive recreation craft,*
- (b) development on foreshore land should minimise any adverse impact on the use of the waterway, including the use of the waterway for commercial and recreational uses,*
- (c) development on foreshore land should minimise excessive congestion of traffic in the waterways or along the foreshore,*
- (d) water-dependent land uses should have priority over other uses,*
- (e) development should avoid conflict between the various uses in the waterways and along the foreshores,*
- (f) development on foreshore land should minimise any risk to the development from rising sea levels or changing flood patterns as a result of climate change.*

The Lilyfield Skate Plaza is proposed within an existing public park. The proposed works will not impact on the use of the waterway. The risks associated with rising sea levels or changing flood patterns have been assessed by Rhelm in the Foreshore and Flood Risk Management Plan and deemed acceptable.

Clause 25 - Foreshore and waterways scenic quality

Clause 25 of The Sydney Harbour REP sets out matters to be taken into consideration in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways. Clause 25 reads as follows:

- (a) the scale, form, design and siting of any building should be based on an analysis of—*
 - (i) the land on which it is to be erected, and*
 - (ii) the adjoining land, and*
 - (iii) the likely future character of the locality,*
- (b) development should maintain, protect and enhance the unique visual qualities of Sydney Harbour and its islands, foreshores and tributaries,*

(c) the cumulative impact of water-based development should not detract from the character of the waterways and adjoining foreshores.

The site of the proposed skate plaza is located on the southern side of several groups of trees at the southern end of Leichhardt Oval No.3 and is bounded by streets and associated car parking on three sides. The area is typically a turfed surface with low height timber post and rail fence and stone blocks defining the boundaries of the space. The land falls from east to west towards the foreshore.

The design of the skate plaza comprises the contoured concrete skate plaza with two open form fixed shade canopy structures with associated seating. The plaza will be surrounded by landscaped mounds, low height walls, tree and shrub planting and associated lighting. The concrete skate surface varies in height across width and length of the plaza and with the nature of the skate obstacles. The surface of the skate plaza is typically between 0.5m and 1.5m in height above the existing ground levels within the park, with 3 isolated skate features extending to a maximum height of 3.6m above the existing ground level.

The design of the skate plaza respects the scenic qualities of the Iron Cove foreshore area through the retention of the groups of trees to the north and west of the site, provision of landscaped mounds and replacement tree planting with locally indigenous species. The skate plaza is a minimal form and low scale, comprising low-height walls to the southern and eastern edges and open shade structures. Furthermore, the plaza spills out and integrates with the open space to the north. The form of the plaza enables good sight lines across the plaza to the surrounding open space and foreshore. The design will retain water glimpses through the vegetation across this part of Leichhardt Park. The design is considered to be compatible with the character of the surrounding coastal environment and siting within an existing public recreational area. The proposal is also considered compatible with the scale of surrounding development which comprises low density, predominantly single storey detached dwellings in the vicinity of the site and the larger two storey mass of the La Montage function centre immediately to the south of the site.

The use of this part of Leichhardt Park is consistent with the Leichhardt Park Plan of Management and continues the use of this park for active recreation and creating a sense of place.

Clause 26 – Maintenance, protection and enhancement of views

Clause 26 of The Sydney Harbour REP sets out matters to be taken into consideration in relation to the maintenance, protection and enhancement of views. Clause 26 reads as follows:

- (a) development should maintain, protect and enhance views (including night views) to and from Sydney Harbour,*
- (b) development should minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items,*
- (c) the cumulative impact of development on views should be minimised.*

The proposal is considered to be meet the objectives of Clause 26 of the SREP with respect to the maintenance, protection and enhancement of views. An analysis of the view impacts is addressed in Section 6.18 of this REF.

Clause 27 – Boat storage facilities

This clause is not relevant to the proposal.

Clause 27A – Flying storage platforms

This clause is not relevant to the proposal.

Clause 27B – Mooring pens

This clause is not relevant to the proposal.

Part 5 Heritage Provisions

This Part of the SREP applies to land shown on the Sydney Harbour REP Heritage Map and to the heritage items identified on that map. As shown in Figure 24, there are two heritage items within the vicinity of the site being:

- Item 11 – Leichardt Wharf, Leichardt Park, and
- Item 12 – Stone retaining walls to Iron Cove, Iron Cove.

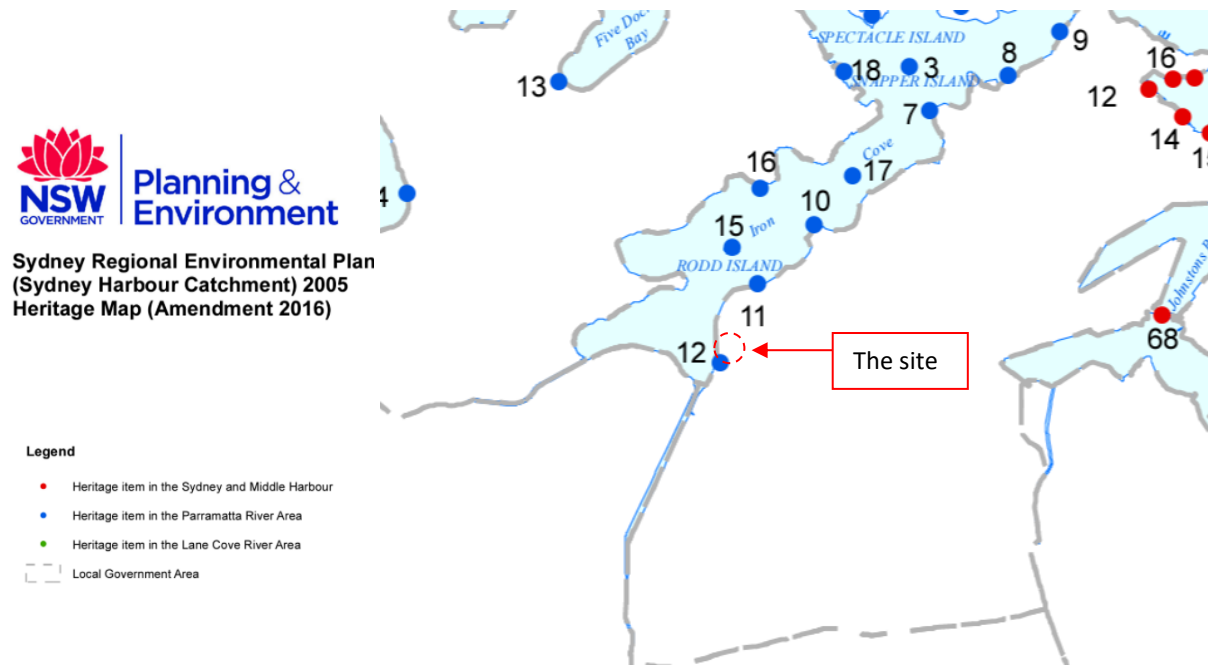


Figure 24: Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Heritage Map (Amendment 2016)

The proposed works are unlikely to affect either of these items given the distance of the works from both such items. A Heritage Impact Assessment accompanies this REF and the conclusions are discussed in relation to Clause 59.

Clause 59 – Development in the vicinity of heritage items

Clause 59 of The Sydney Harbour REP sets out matters to be taken into consideration in relation to the maintenance, protection and enhancement of views. Clause 59 reads as follows:

- (1) Before granting development consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the heritage item.*
- (2) This clause extends to development—*
 - (a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or*
 - (b) that may undermine or otherwise cause physical damage to a heritage item, or*
 - (c) that will otherwise have any adverse impact on the heritage significance of a heritage item.*
- (3) The consent authority may refuse to grant development consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.*
- (4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.*

A Statement of Heritage Impact has been prepared to assess the impact of Lilyfield Skate Plaza upon environmental heritage. The report concludes the following: “

The proposed Lilyfield Skate Plaza can be supported on heritage grounds for several reasons:

- Its location within Leichhardt Park relative to significant components included in the boundaries of the Park, precludes negative impacts on the heritage significance of the place;*
- Site works and landscaping associated with the construction of the Skate Plaza will assist in minimising impacts on its immediate environs and reduce any impacts on views to Leichhardt Park from Iron Cove;*
- Retention of existing trees will provide some screening;*
- The Skate Plaza is consistent with historical development for active and spectator recreation at Leichhardt Park. It will further enhance the amenity of the Park to users and visitors, and generate greater use of this section of the Park.”*

Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (The Sydney Harbour Development Control Plan) applies to the Foreshores and Waterways Area as identified in the Sydney Harbour REP.

As shown in Figure 25, the site is located within a grassland terrestrial ecological community.

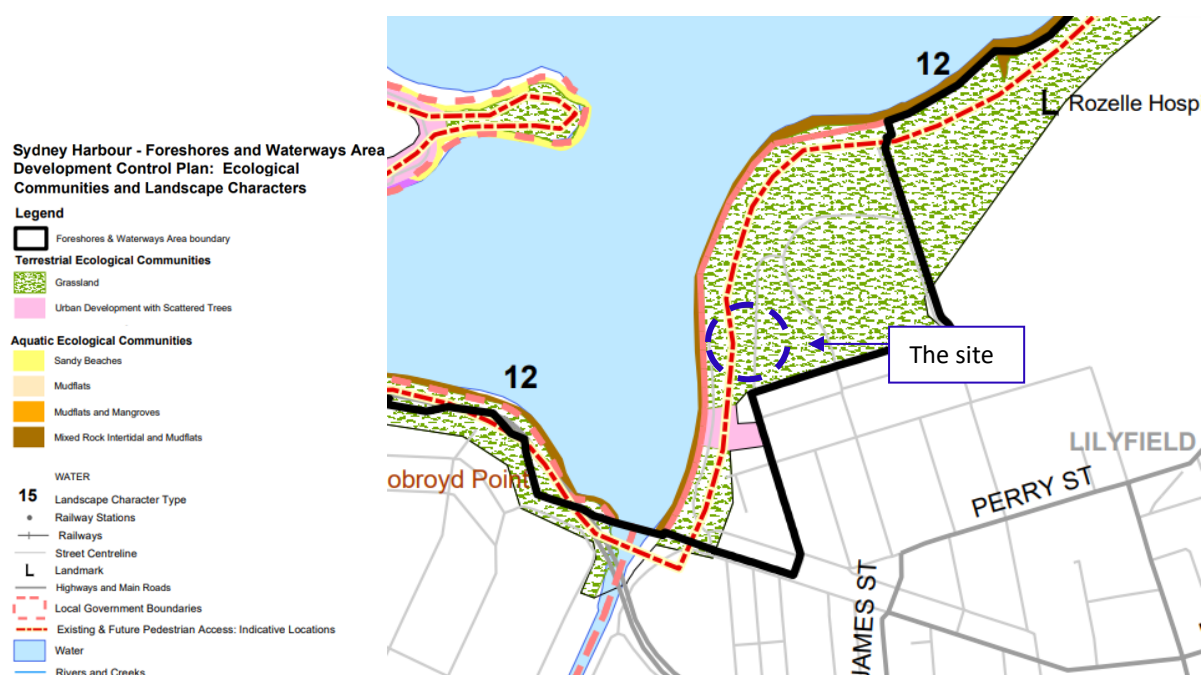


Figure 25: Excerpt from Sydney Harbour Foreshore and Waterways Area Development Control Plan Ecological and Landscape Characters Map

Grassland is identified under the DCP as having low conservation value status. Performance criteria for terrestrial ecological communities of low conservation value are addressed in Table 1.

Performance Criteria	Comment on compliance
Vegetation Protection	
Mature trees containing hollows are preserved where feasible.	No trees with hollows have been identified for removal.
Natural watercourses and any special natural features such as cliff faces and rock outcrops are protected.	The proposed activity will protect and enhance the natural features of the Iron Cove foreshore.
The incremental and cumulative effects of development are considered having regard to the above performance criteria.	The proposed construction and continued use of the skate plaza is a low impact activity that is not expected to have a cumulative detrimental effect on watercourses or habitats. The proposed activity will have a minimal impact as it is sited within existing parklands which are not expected to be developed in the foreseeable future.
Reduce predation pressure	
Fencing to contain domestic pets is provided.	Leashed dogs are currently permitted within the park and the proposed activity will not affect this.

Soil conservation and pollution control	
Measures to minimise soil erosion and siltation during construction and following completion of development are implemented.	Measures to minimise soil erosion, siltation and all other potential pollutants during construction will be implemented in accordance with the Construction Management Plan.
Controls are implemented to prevent pollutants from entering the waterway.	As above.
Any pollutants and any increase in suspended solids is temporary and does not exceed the current pollution and range of turbidity.	As above.

Table 1: Performance criteria for terrestrial ecological communities of low conservation value

The proposed works are therefore considered to be consistent with the Sydney Harbour REP and DCP.

4.2.10 LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013

The Leichhardt Local Environmental Plan (LLEP 2013), which regulates land use and activities in the former Leichhardt LGA, is the Local Environmental Plan that applies to the site.

Land Zoning and Permissibility

The site is zoned RE1 'Public Recreation' under LLEP 2013 (see Figure 26 below).



Figure 26: Extract of Land Zoning Map from LLEP 2013

The objectives of the zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To maximise the quantity and quality of open space areas to meet the existing and future needs of the community.*
- *To ensure the equitable distribution of, and access to, open space and recreation facilities.*
- *To retain, protect and promote public access to foreshore areas and to provide links between open space areas.*
- *To provide opportunities in open space for public art.*
- *To conserve, protect and enhance the natural environment, including terrestrial, aquatic and riparian habitats.*

The proposed Lilyfield Skate Plaza is categorised as a ‘recreation facility (outdoor)’ which is defined as:

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, ***skate board ramp***, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

A ‘recreation facility (outdoor)’ is permissible in the RE1 Public Recreation zone.

Minimum Lot Size (Clause 4.1)

This development standard is not relevant to the proposed activity.

Height of Buildings (Clause 4.3)

Clause 4.3 of LLEP 2013 establishes the maximum height of buildings to protect access to sunlight and provide appropriate transitions in built form and land use intensity. Under Clause 4.3, a maximum building height of 20m applies to the site. The shelters will reach a maximum height of 5.7m above the existing ground level. The sport level lighting poles will be 12m in height. These elements are not enclosed structures and thus will have a minimal impact on solar access.

The Lilyfield Skate Plaza is therefore consistent with Clause 4.3 of LLEP 2013.

Floor Space Ratio (Clause 4.4)

This development standard is not relevant to the proposed activity.

Heritage Conservation (Clause 5.10)

Leichhardt Park is identified on the LLEP 2013 Environmental Heritage Schedule as Landscape Heritage Item 716 '*Leichhardt Park includes Leichhardt Ovals and Aquatic Centre, including interiors*' and shown on the Heritage Map (refer to Figure 27). Landscape Heritage Item 831 '*4 fig trees*', which relates to the Leichhardt Park entrance on Mary Street, is also in close proximity to the site.

Given the site of the proposed activity is located within Leichhardt Park, the impact of the proposed activity on the heritage significance of Leichhardt Park and 4 fig trees is required to be considered.

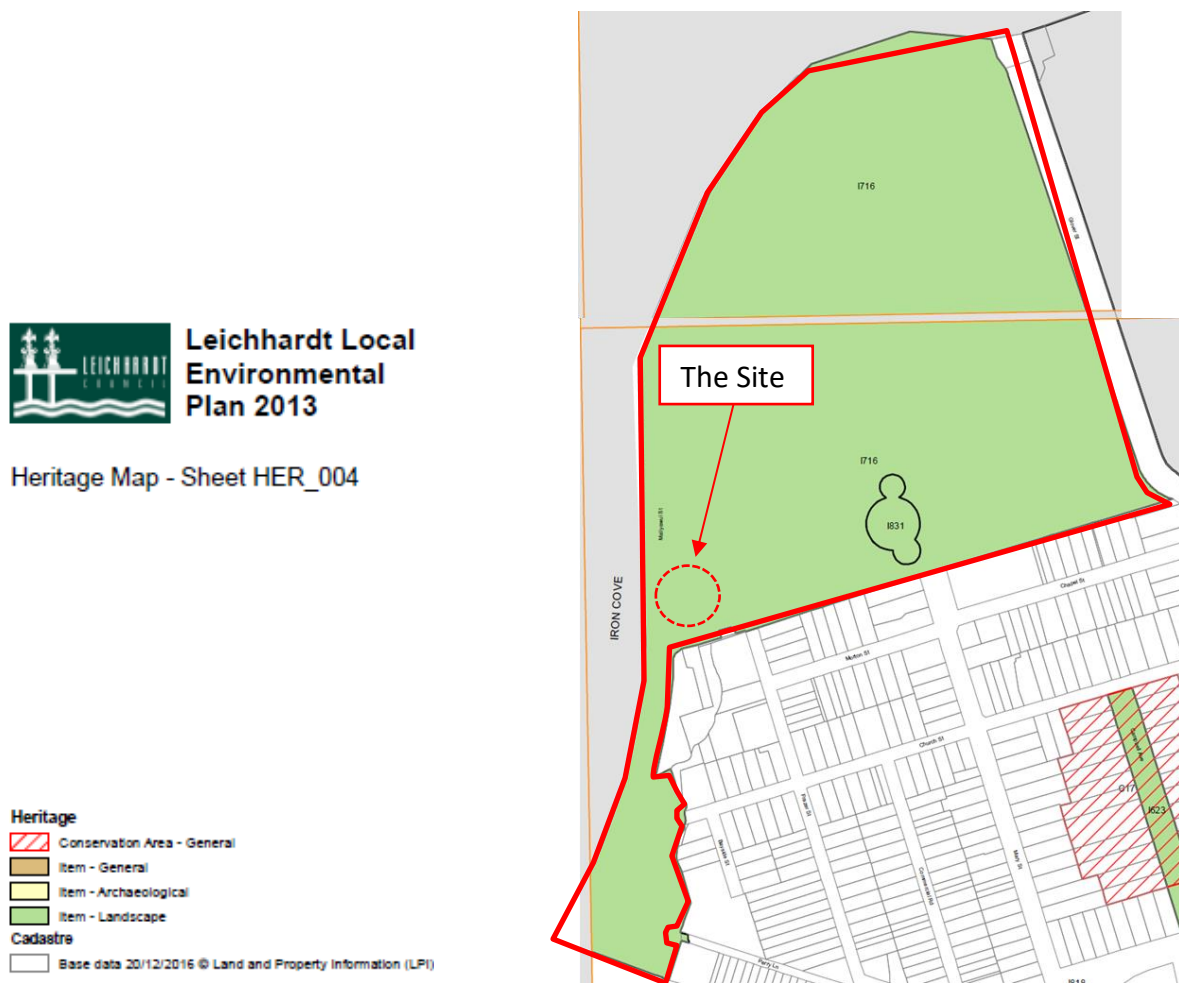


Figure 27: Extract of Heritage Map from LLEP 2013.

A Statement of Heritage Impact prepared by TKD Architects provides an assessment of the proposal and concludes that the Lilyfield Skate Plaza does not have a negative impact on the heritage significance of the park and that the Skate Plaza is consistent with historical development for active and spectator recreation at the park. The Statement of Heritage Impact found that the Skate Plaza would have low environmental impact, would preserve views of Iron Cove, will retain trees for screening, will further enhance the amenity of the Park and will generate greater use of the area.

Acid Sulfate Soils (Clause 6.1)

The LLEP 2013 identifies that the site of the proposed activity is located in an area classified as 'Class 2' and 'Class 5' Acid Sulfate Soils (refer to Figure 28) and therefore may contain acid sulfate soils.

Clause 6.1(2) of the LLEP 2013 identifies that development consent is required on land classified as Class 2 for the carrying out of works below the natural ground surface or by which the watertable is likely to be lowered. For land classified as Class 5, development consent is required where works are within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

An Acid Sulfate Soils Management Plan has been prepared for the proposed activity by iEnvi Environmental Australia. The Plan identifies the surface elevation of the site to be approximately 3m AHD and a groundwater depth of approximately 3m to 4m below the existing ground level. The maximum depth of excavation will be approximately 2m below surface level.

The plan identifies a program of management and maintenance to ensure that the surrounding environment is protected from acidic leaching and the other potential impacts of possible acid sulfate soils.

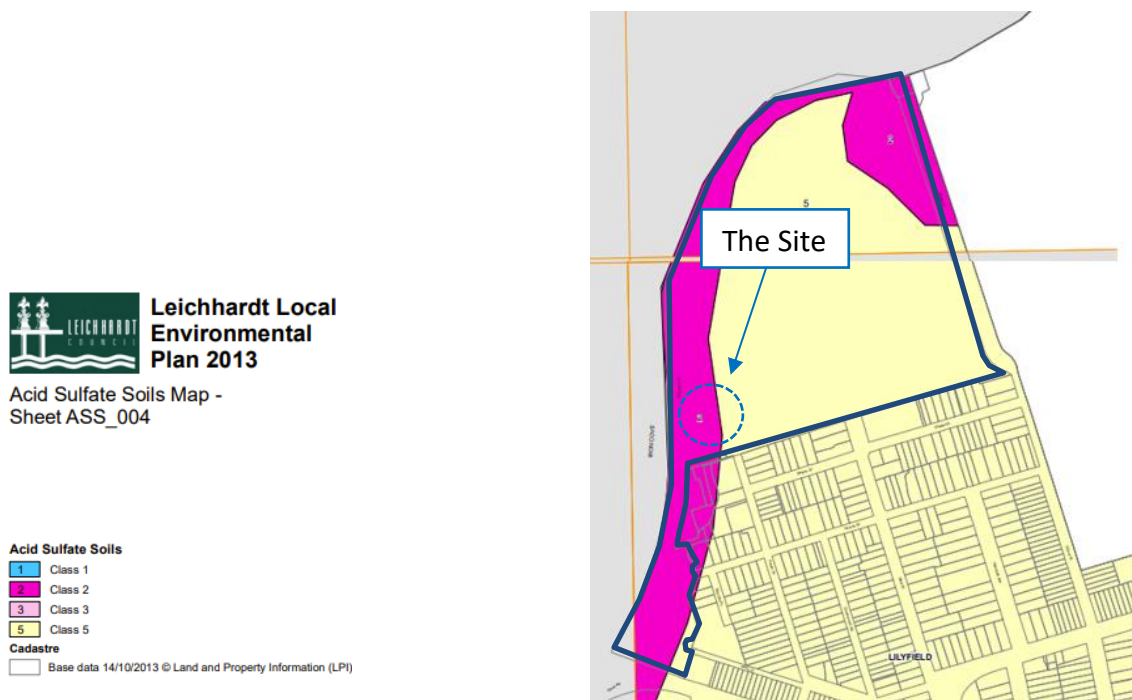


Figure 28: Extract of Acid Sulfate Soils Map from LLEP 2013

Foreshore development (Clause 6.5)

The Lilyfield Skate Plaza is located in close proximity to and partly within the foreshore area and building line, as depicted in Figure 29.

Clause 6.5 of LLEP 2013 states:

- (1) The objective of this clause is to ensure that development in the foreshore area will not adversely impact on natural foreshore processes or affect the significance and amenity of the area.*
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes—*
 - (a) the alteration or rebuilding of an existing building wholly or partly in the foreshore area,*
 - (b) boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that—*
 - (a) the development will contribute to achieving the objectives for the zone in which the land is located, and*
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*
 - (c) the development will not cause environmental harm such as—*
 - (i) pollution or siltation of the waterway, or*
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*
 - (iii) an adverse effect on drainage patterns, and*
 - (d) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*
 - (e) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*
 - (f) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*
 - (g) sea level rise or change of flooding patterns as a result of climate change has been considered.*

As identified in relation to relation to land zoning and permissibility the proposed activity is defined as a “recreation facility outdoor” and is therefore permitted within the foreshore area pursuant to Clause 6.5(2)(b).

The proposed Lilyfield Skate Plaza will not adversely impact on natural foreshore processes and will improve amenity through the provision of a useable recreational facility.

Council can be satisfied that the proposed Lilyfield Skate Plaza is an acceptable activity on the site for the following reasons:

- The Skate Plaza is consistent with the objectives of the RE1 zone and with Council’s Plan of Management for Leichhardt Park;

- The Skate Plaza has a low visual impact being a relatively low level structure, facilitates views to Iron Cove and utilises landscaping for integration with the surrounding area;
- The construction and management of the Skate Plaza will ensure that there will be no adverse impacts upon the waterway or surrounding uses;
- Appropriate stormwater management practices will ensure that no drainage issues arise;
- The Skate Plaza is accessible to all members of the public and supports the provision of public access along the adjacent foreshore by increasing the amenity of the area;
- The significance of the land will not be compromised as a result of the activity; and
- The impacts of sea level rise and changes to flooding patterns have been assessed in the Flood Risk and Foreshore Management report and are able to be managed.

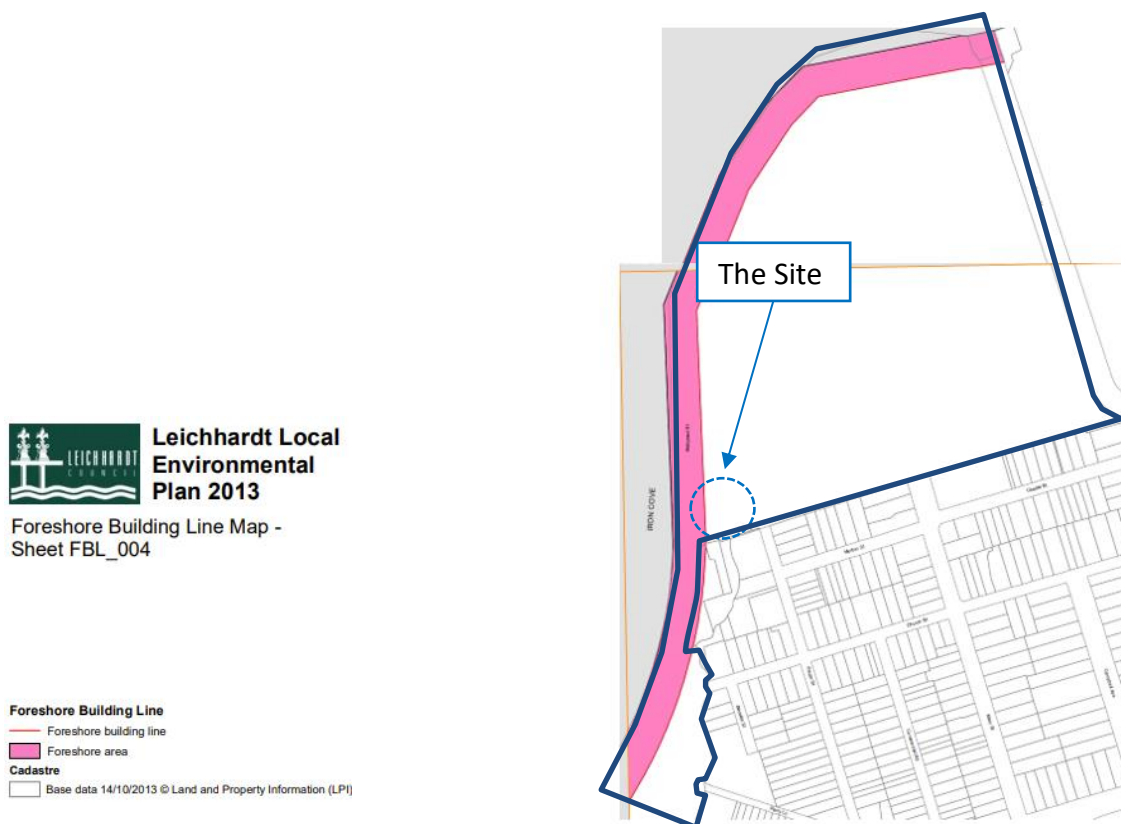


Figure 29: Extract of Foreshore Building Line Map from LLEP 2013

4.2.11 LEICHHARDT DEVELOPMENT CONTROL PLAN 2013

Due to the nature of the proposed activity, the majority of the provisions of the Leichhardt Development Control Plan (LDCP) 2013 are not applicable. The relevant provisions are addressed below.

Connections and Active Living (Part B)

The Lilyfield Skate Plaza is designed to support the wider social, physical and economic needs and community aspirations of the community, including the special and individual needs of the old, young, disabled, indigenous and those from diverse cultural backgrounds.

In relation to Part B1.1 of the LDCP, the following objectives and controls are relevant:

O10 *Provide quality open space, sporting and recreation facilities that are accessible for people of all ages, ethnicities, ability levels and socio-economic groups and which optimise opportunities for people to connect to each other and to place through active living activities.*

O11 *Promote safety in the public domain.*

O13 *Improve social inclusion to foster equity and social justice and to support people from diverse backgrounds to engage in accessible community, creative and recreational programs and activities.*

O15 *Enhance active and passive recreation opportunities, enjoyment of places of cultural and environmental significance and beauty.*

O16 *Enhance access to the public domain for all people.*

C1 *Council encourages urban design that accommodates active travel options such as walking, cycling and public transport between homes, workplaces, centres and attractions.*

The following objectives and controls of Part B1.2 of the LDCP are also relevant:

O1 *To establish Council's position regarding urban design to support opportunities for diverse active living in the municipality.*

C1 *Council supports the provision of quality open space, sporting and recreation facilities that are accessible for all.*

C2 *Council supports urban design that accommodates active travel options such as walking, cycling and public transport between homes, workplaces, centres and attractions.*

The proposed Skate Plaza improves the amenity of the public domain, is accessible and will provide opportunities for individuals in the community to foster connections to place and to each other. It will encourage improved social and physical health and will be a positive social investment for the local community.

Heritage Conservation (Part C1.4)

Part C1.4 of LDCP contains objectives and controls for the development and conservation of heritage-significant buildings. As Leichhardt Park is a landscape heritage item, this Part is not relevant to the proposal. The impact of the proposed Skate Plaza upon the heritage significance of Leichhardt Park is addressed in Section 4.2.6 of this document and in the Statement of Heritage Impact prepared by TKD Architects.

Site Facilities (Part C1.7)

The Lilyfield Skate Plaza will provide one (1) accessible drinking fountain to be located at the southern entry point and is sufficiently integrated into the design of the Plaza entrance. It is considered to be in keeping with the objectives and controls (relevantly, C10) of Part C.17, LDCP.

Contamination (Part C1.8)

Contamination is addressed in Section 4.2.4 of this document.

Safety by Design (Part C1.9)

The design of the Skate Plaza considers CPTED principles such as surveillance, legibility, territoriality, managing vandalism and reducing vulnerability to ensure community safety and deter anti-social behaviour.

The Social Impact Assessment Prepared by Cred Consulting found that crime and safety data from NSW Bureau of Crime Statistics and Research indicates that there is currently a very low rate of incidences of assault and robbery in the area surrounding the subject site. The Lilyfield Skate Plaza will provide activation and social vibrancy, improving safety by having more 'eyes on the street'.

The skate park will deter crime and anti-social behaviour as it has been designed with clear sightlines, will be well lit at night through the use of pedestrian and sports level lighting and the placement of a blue warning light.

The Lilyfield Skate Plaza will also deter crime and anti-social behaviour through its clear, demarcated boundaries creating a sense of place and ownership while retaining accessibility as a public open space. Council is responsible for the continued maintenance and upkeep of the site to ensure it remains a popular and safe place for the community.

Equity of Access and Mobility (Part C1.10)

In line with the aspiration of the Leichhardt Park Plan of Management, the proposed Lilyfield Skate Plaza will enable community members of all ages, abilities and backgrounds to use and benefit from a new, equitable and accessible facility. The facility will rely on four (4) existing disabled parking spaces immediately opposite the site to the west and south.

Equity of access and mobility is addressed in greater detail in the Disability Access Report prepared by Inclusive Places. The report concludes that the proposed activity "can achieve the disability requirements and 'Everyone Can Play' Design principles" and therefore the proposed activity is consistent with Part C1.10.

Parking (Part C1.11)

The proposed Lilyfield Skate Plaza includes the resurfacing and line marking of ten (10) existing car parking spaces along the southern edge of the site. The parking spaces will meet dimensional requirements, will be well-lit, visible and safe. There are in excess of one hundred existing parking spaces along Maliyawal Street that provide additional opportunities for parking in close proximity to the site.

Issues surrounding parking and traffic generation are addressed in the Traffic Assessment Report prepared by Positive Traffic and are discussed in Section 6.13 of this REF.

Part C1.11.3, Table C6 of the LDCP requires a minimum of 2 bicycle spaces, plus 1 space per 100 sqm GFA for recreation areas. Two bike racks, each with four rails and a capacity to hold 16 bicycles in total are proposed to service the skate park and ensure compliance with Part C1.11.3 of the LDCP.

Open Space Design Within the Public Domain (Part C1.13)

The Plan of Management and Master Plan for Leichhardt Park, which includes the Lilyfield Skate Plaza, has been designed with direct reference to the objectives and controls within Part C1.13 of the LDCP for the design of public open space.

On this basis, the design of the Lilyfield Skate Plaza is consistent with Part C1.13 of the LDCP for the following reasons:

- The proposed activity incorporates urban design principles to ensure that it both reflects and enhances the character of the area;
- It is integrated with other parts of the public domain in and around Leichhardt Park and creates links with existing pedestrian and cyclist shared path networks of the Bay Run;
- It is accessible and will facilitate the comfortable gathering and movement of people for the direct and incidental uses of the skate park;
- It involves the planting of ten (10) new locally indigenous trees and incorporates landscaping that prioritises indigenous species;
- It will maximise user safety and will incorporate CPTED principles;
- It is located on a quiet street to ensure protection from traffic noise and the maximise street safety; and
- Existing tree canopies and the proposed shade structures will provide protection from harsh sun and wind and will ensure cross-seasonal comfort.

Tree Management (Part C1.14)

Part C1.14 (or the Inner West Council Tree Management DCP) aims to protect and preserve trees and manage the urban landscape to maintain the quality, character and amenity of the area.

The existing vegetation across the site has been assessed under the following assessments which accompany this REF:

- Arboricultural Development Assessment Report prepared by Moore Trees, and
- Biodiversity Assessment prepared by Eco Logical Australia.

There are sixty-eight (68) trees located within the vicinity of the proposed works. Tree species include Bangalay (*Eucalyptus botryoides*), Sydney red gum (*Angophora costata*),

Swamp mahogany (*Eucalyptus robusta*), River she oak (*Casuarina cunninghamiana*), and two (2) Tallowwood (*Eucalyptus microcorys*).

The proposed activity involves the removal of forty-four (44) trees, comprising:

- 1 x Sydney red gum;
- 2 x Bangalay;
- 7 x Swamp mahogany
- 33 x River she oak
- 1 x Tallowwood

Of the above trees, the Arborist Assessment identifies that the trees are not more than 30 years old, 2 of the trees were dead, one was poor, 11 in fair condition and the remainder in good condition.

The proposed design includes the planting of ten (10) trees and landscaped mounds along the eastern and southern sides of the plaza. Canopy trees are proposed to comprise:

- 2 x Coastal Banksia – *Banksia integrifolia*
- 4 x Water gum – *Tristaniosis Laurina*
- 4 x Black She Oak – *Allocasuarina littoralis*

It is considered that the proposed replacement planting is insufficient to effectively mitigate the impacts generated by the loss of 44 trees from this site. For this reason, it is recommended that a further 32 replacement trees be plant within Leichardt Park to compensate for the loss of tree canopy cover. This recommendation is detailed in Section 8.3 of this document, which contains mitigations measures in regard to tree management.

Signs and Outdoor Advertising (Part C1.15)

The proposed activity includes the erection of integrated entrance signage at the southern entry point to the Skate Plaza, as illustrated in Figure 22. The signage will be compatible with the visual character of the site, will provide legibility and identifiability to the site and will not detract from the heritage significance of the Leichhardt Park landscape.

The entrance signage scaled to assist in wayfinding yet not detract from the visual character of its landscape setting.

Signage is addressed further in Section 4.2.7 of this report.

Development in the Foreshore Area (Part C1.20)

The proposed activity is in close proximity to the mean high water mark at Iron Cove and is located within the Foreshore Area.

Foreshore access and the protection of the Foreshore Area is addressed in Sections 4.2.5 and 4.3.6 of this document, which assess the proposal as being consistent with LLEP 2013

and with SREP 2005. The proposed Skate Plaza will generally follow the topography of the site.

Recreational Facilities (Part C4.16)

Part C4.16 of contains controls for the regulation of recreational facilities. The objectives of Part C4.16 are as follows:

O1 To ensure that development for a recreational facility:

a. does not have a significant adverse amenity impacts on the neighbourhood; and

b. makes a positive contribution to streetscape quality.

O2 Encourage use of sustainable transport modes.

Part C4.16 contains controls to ensure that a development does not significantly impact on the amenity of the neighbourhood or create a nuisance in terms of car parking, traffic generation, noise, vibration or any other emission, intensity of use, hours of operation and light spill.

An assessment of the proposal against the controls contained within Part C4.16 is contained in Table 2 and are addressed in more detail in Section 6 of this REF.

Control	Response
C1 Development does not significantly impact the amenity of the neighbourhood or create a nuisance by way of car parking, traffic generation, noise, vibration or any other emission.	<p>The issues of noise and vibration, light pollution, car parking and traffic generation are addressed in Section 6 of this report, which have concluded that the activity will not have an unacceptable impact on the amenity of the neighbourhood.</p> <p>A Social Impact Assessment Report has also been prepared by Cred Consulting to assess the proposal. The Report concludes that “the proposed skate plaza will have significant positive social impacts for the Lilyfield community that outweigh any potential negative impacts.”</p>
C2 Hours of operation will be established considering the following: <ul style="list-style-type: none"> a. proximity to the R1 Residential Zone; b. impacts on amenity of surrounding areas, including noise and light; c. intensity of the proposed use; and d. accessibility, traffic and parking considerations. 	<p>The Lilyfield Skate Plaza is proposed to include the provision of lighting which will enable the plaza to be used until 9.00pm.</p> <p>The assessment of the impacts has factored in such hours of use.</p>

C3 Adequate car and bicycle parking is provided on site in accordance with the provisions within Part C1.11 – Parking in this Development Control Plan.	An assessment of Part C1.11 is provided above in Section 4.2.7 and Section 6.9 of this document.
C4 Where an application is made for development for the purpose of a Recreation Facility (Outdoors) or for any Recreation Facility with extended hours of operation, a detailed Plan of Management (POM) is to be submitted. The POM shall address at a minimum the following: <ul style="list-style-type: none"> a. proposed hours and days of operation; b. provisions or management to reduce impacts on amenity of surrounding areas, including noise and light; c. intensity of the proposed use; d. numbers of patrons and numbers of staff, including maximum numbers; e. accessibility, traffic and parking considerations; f. proposed facilities (e.g. toilets) to be used; and g. emergency procedures. 	The Lilyfield Skate Plaza lies within Leichardt Park and is subject to the Leichardt Park Plan of Management 2020.
C5 Where for a Recreation Facility (Outdoors), lights incorporate measures to ensure that light spill does not occur on adjoining or nearby land in a residential zone.	An Obtrusive Lighting Assessment report has been Prepared by LA+S and concluded that: “the proposed (lighting) design by Webb Australia meets the lighting criteria requirements of the Australian Standard AS/NZS 4282:2019 for category A3 - Medium District Brightness for suburban areas in towns and cities.”
C6 Where otherwise prohibited, food and drink premises and retail premises are ancillary and subordinate to the primary use of the site for recreational activities.	No food and drink or retail premises are proposed.
C7 The floor area of the premises which can be used for food and drink premises or retail premises shall be no more than 5% of the gross floor area.	Not applicable as no building proposed.

Table 2: Assessment against controls contained within Part C4.16, LDCP

In summary, the Lilyfield Skate Plaza is consistent with the above objectives and is consistent with the amenity controls as demonstrated in the above table.

Distinctive Neighbourhood Character (Part C2.2.4.4)

Locality and neighbourhood statements are descriptive profiles of localised areas within the LGA that outline objectives and controls for their development. The site is located within the Iron Cove Parklands Distinctive Neighbourhood. The LDCP describes the Iron Cove Parklands Distinctive Neighbourhood as the major recreation centre for the Municipality, providing open space, active and passive recreation facilities, remnant bushland and Iron Cove frontage.

The proposed Lilyfield Skate Plaza is consistent with the development principles and suitable in the context of the characteristics of the locality as it retains and enhances the accessibility and opportunity for active and passive recreation, respects the sites heritage values and will implement strategic objectives under the Leichhardt Park Plan of Management and Master Plan 2020.

4.3 RELEVANT POLICIES

4.3.1 NSW GOVERNMENT POLICY

A Metropolis of Three Cities – the Greater Sydney Region Plan

A Metropolis of Three Cities – the Greater Sydney Region Plan (GSRP) was prepared by the NSW Department of Planning, Industry and Environment in 2018 to inform policy and future strategic planning and land use direction across Greater Sydney. The GSRP contains policy objectives including the management of green spaces and landscapes.

The proposed activity is consistent with the visions of the GSRP in maintaining and enhancing public open space.

Eastern City District Plan

The Greater Sydney Commission's Eastern City District Plan directs development and planning across the Eastern City area, which includes the Inner West. The Eastern City District Plan is structured around four themes: Infrastructure and Collaboration, Liveability, Productivity and Sustainability.

The Lilyfield Skate Plaza is consistent with the priorities and directions of the Plan and is specifically aligned with the Liveability priorities 'a city for people' and 'a city of great places' as it is a place designed for the community, is accessible, inclusive, enjoyable and sympathetic to its heritage landscape. It is also consistent with the Plan's priorities for Sustainability 'a city in its landscape' as it enhances the value of Leichhardt Park and provides a facility to support active, healthy communities.

4.3.2 INNER WEST COUNCIL POLICY

Our Inner West 2036 – A Community Strategic Plan

Our Inner West 2036 is a Community Strategic Plan (CSP) for the Inner West Community. The CSP identifies the community's vision for the future, long-term goals, strategies to get there and how to measure progress towards that vision. The significant priorities of the CSP include ecological sustainability, liveability, encouraging creativity and economic strength, happy and healthy communities and progressive leadership.

The Lilyfield Skate Plaza is consistent with the CSP as it respects the unique character and heritage of surrounding parklands, will provide a high-quality public space, will be well connected to surrounding infrastructure, will be a source of activity and entertainment, will be welcoming, accessible and inclusive and transparently reflects the strategic vision for the site.

Our Place Inner West – Local Strategic Planning Statement

Our Place Inner West (the LSPS) was prepared by the Inner West Council in 2018 in accordance with the requirements of the Environmental Planning and Assessment Act 1979, providing a link between the Greater Sydney Commission's Eastern City District Plan and the priorities of Our Inner West 2036 – A Community Strategic Plan for the Inner West Community.

The LSPS sets out the vision for the Inner West local government area in 2036 and the actions that will be taken to achieve this vision. The LSPS aims to assist government agencies, private organisations and other institutions to better co-ordinate future infrastructure such as transport, schools, hospitals and open space to maximise sustainability, resilience, connections and a sense of place.

Drawing on the themes under the Eastern City District Plan, the LSPS identifies six key strategic themes:

- An Ecologically Sustainable Inner West (Sustainability);
- Unique, Liveable, Networked Neighbourhoods (Liveability);
- Sustainable Transport (Productivity/Infrastructure and Collaboration);
- Creative Communities and a Strong Economy (Productivity);
- Caring, Happy, Healthy Communities (Liveability); and
- Progressive Local Leadership (Infrastructure and Collaboration).

The proposed Lilyfield Skate Plaza is consistent with the visions of the LSPS in maintaining and enhancing a rich diversity of public open space, supporting an active, healthy community and providing functional, safe and enjoyable public infrastructure.

Leichhardt Park Plan of Management

The proposed activity forms part of the Plan of Management and Master Plan for Leichhardt Park, a guideline released in 2020 to inform the development of the park and to direct the future vision, planning, management and use of the park over the next ten years.

The Master Plan identified the southern end of Leichhardt Oval No. 3 as the preferred site for the Lilyfield Skate Plaza and listed it as a high priority item for development. The key objectives and performance targets of the skate plaza are to provide for general community use and to provide facilities which cater for a range of ages, abilities and interests.

The Plan of Management identifies the following in relation to the Lilyfield Skate Plaza:

“The proposed skate plaza will assist in meeting the need for a skate facility within the LGA as identified by the Recreational Needs Study. The facility will cater to a range of age groups, including older children and teenagers who are often under-represented in the provision of public park facilities outside of organised sports.

The design of the skate plaza should also be welcoming to parents and members of the community who wish to spectate, and offer shaded seating. Bubbler facilities are recommended to be located within the plaza or close by. It is suggested that targeted lighting is provided so that the plaza can be used during the day and after normal working hours, to ensure that older visitors are able to make use of the facility during week nights, up until a specified time. It is recommended that the design incorporates green spaces for planting to mitigate the hard surfaces. It is recommended that the design responds to other measures within this master plan, including the provision of a more generous connection between the foreshore and pathways to the east which lead to the LPAC and Leichhardt Oval.”

The proposed design meets the key objectives and key strategies outlined in the Plan of Management and will ensure Leichhardt Park is inclusive and caters for a range of abilities.

5. CONSULTATION

5.1 AUTHORITIES

Clause 15AA(1) of the State Environmental Planning Policy (Infrastructure) 2007 identifies that a public authority must not carry out development on flood liable land that may be carried out without development consent under a relevant provision unless the authority or person has:

- (a) given written notice of the intention to carry out the development (together with a scope of works) to the State Emergency Service, and
- (b) taken into consideration any response to the notice that is received from the State Emergency Service within 21 days after the notice is given.

In this clause, ***flood liable land*** means land that is susceptible to flooding by the probable maximum flood event, identified in accordance with the principles set out in the manual entitled Floodplain Development Manual: the management of flood liable land published by the New South Wales Government and as in force from time to time.

A Flood Risk Management Statement prepared by Rhelm and accompanying this REF, identifies that a small portion of the site is affected by flood in the Probable Maximum Flood event.

For this reason, SES will need to be consulted on the proposed activity.

5.2 COMMUNITY

The development of the Plan of Management and Master Plan for Leichhardt Park involved extensive community engagement through drop in sessions and an online survey and was also informed by a community response-based Recreational Needs Study.

The Plan of Management provides that its success will be assessed through engagement with the Aboriginal community, stakeholders and a visitor survey to ensure ongoing community involvement.

Furthermore, the draft REF will be exhibited for a period of 28 days, providing the community an opportunity to review the proposal and make submissions. Post exhibition of the REF, the submissions will be reviewed and considered prior to a final decision being made by Council.

6. ENVIRONMENTAL ASSESSMENT AND MITIGATION MEASURES

6.1 WATER QUALITY AND QUANTITY

No impacts to the water quality and quantity of the site or surrounding area are expected as a result of the proposed activity. The development of the Skate Plaza will not affect surrounding waterways, stormwater drains or groundwater.

Potential water quality impacts arising from the demolition and construction works will be minimised through the following:

- Preparation of an Erosion and Sediment Control Plan

6.2 PREPARATION OF A SITE MANAGEMENT PLAN

A Construction Environmental Management Plan (CEMP) has been prepared by CONSARA and accompanies this REF. The CEMP identifies that soil will be re-used on site where possible, however some soil will be removed. Soil to be removed from site will need be disposed of in line with Council's Waste Management Policy and the CEMP. The contractor is responsible for the preparation of a Waste Management Plan, including the recycling of soil and subsequent reporting.

6.3 ACID SULFATE SOILS

The Site is classified as 'Class 2' and 'Class 5' under LLEP 2013 Acid Sulfate soils categorisation (Clause 6.1). An Acid Sulfate Soils Management Plan has been prepared for the proposed activity by iEnvi Environmental Australia. The Plan identifies the surface elevation of the site to be approximately 3m AHD and a groundwater depth of approximately 3m to 4m below the surface. The maximum depth of excavation will be approximately 2m below surface level.

The plan identifies a program of management and maintenance to ensure that the surrounding environment is protected from acidic leaching and the other potential impacts of possible acid sulfate soils.

6.4 NOISE

An Acoustic Assessment has been prepared by Marshall Day Acoustics (MDA) to assess noise impacts generated by the Lilyfield Skate Plaza.

The MDA report identifies due to the ongoing COVID-19 restrictions, direct measurements of representative background and ambient noise levels at nearby noise sensitive receivers were not practical or feasible. MDA has provided estimates of background noise levels based on data for the locality type and provisions established by the Transport for NSW Construction and Maintenance Noise Estimator. The site is identified as being significantly affected by highway noise from the City West Link and it is expected that typical representative noise levels measured outside of the COVID-19 period are likely to be higher

than that assumed by this assessment. On this basis an assessment considering estimated background noise levels is considered to be conservative.

MDA notes that there is an absence of noise criteria relating to recreation spaces or community sporting facilities. For this reason site specific guidance noise levels were developed for the site to provide context to impacts. The guidance noise levels were developed with reference to the following:

- NSW EPA Noise Policy for Industry (NPfI);
- Guidelines contained in Camden Council Environmental Noise Policy (ENP 2008), and
- Provisions outlined in the World Health Organisation Guidelines on Community Noise (WHO Guideline).

The MDA Assessment notes that while guidance levels have been developed for contextual assistance, such guidance levels do not represent mandatory noise criteria. Evaluation of the acoustic suitability of the proposal remains with Inner West Council and the Project will need to be considered having regard to the overall merit of the proposal.

The MDA Acoustic Assessment then modelled a range of noise levels likely to be generated by the use of the skate plaza based on Low Use and Capacity Use, with an expectation that the noise generated by typical or average usage would be midway between the two.

Results indicate that for typical use of the Skate Plaza (being not Low Use and not Capacity Use), the modelled noise levels are below the guidance noise levels developed for the Project at all receiver locations.

The modelling of noise from Capacity Use of the Skate Plaza in the evening period indicates that these may give rise to noise levels marginally above the guidance noise level at 41 Frazer Street and 43 Frazer Street only. To provide context to this it should be noted that noise level differences in the order of 1 dB. A typical receptor is not likely to perceive a difference between noise at the guidance level or a noise levels 1 dB above the guidance level.

Noise levels associated with use of the skate park at residential receivers, in the order of $L_{Aeq\ 15\ min}$ 37-46 dB, are significantly below the indicative ambient noise levels of $L_{Aeq\ 15\ min}$ 51-56 dB measured on site. Additionally, noise from existing recreation activities are a predominant feature of the proposed Skate Plaza site. Residents close to recreation spaces would be exposed to the noise from existing recreation activities as part of their noise environment.

Based on the assessment and the predicted noise levels detailed in this report, the proposed Skate Plaza is indicated to be acoustically compatible with the surrounding area.

6.5 CONSTRUCTION NOISE

A Construction Noise and Vibration Assessment has also been prepared by Marshall Day Acoustics Pty Ltd (MDA) and accompanies this REF.

Construction noise is likely to be generated from plant and equipment likely to be used for tree removal, demolition of existing structures, minor excavation works and the loading and unloading of construction materials and pouring of concrete for the construction of the Skate Plaza.

The MDA Report identifies that the noise criteria applicable to the proposed construction activities has been derived from the NSW Department of Environment and Climate Change's 'Interim Construction Noise Guideline' (ICNG).

The predictions indicate that noise levels during the proposed construction stages are expected to be up to 19 dB above the applicable noise affected management level, as derived following guidance in the ICNG, but generally remain below the highly noise affected management level indicated in the ICNG, during the longer term "Average" noise emissions at the nearest identified residential receivers.

The "Worst-case" assessment scenario, representing the loudest noise levels likely to be exhibited during the proposed works, are predicted to be up to 25 dB above the noise affected management level and up to 4 dB above the highly noise affected management level. The "Worst-case" assessment scenario comprises the noisiest pieces of equipment (i.e. excavator with hammer) operating at the closest point of the worksite to the subject receiver. In practice, such concurrent works may not actually occur and if they did would only occur for brief periods (hours or days) during the wider works period.

Exceedances of noise affected management levels are typical of demolition and construction sites in close proximity to residential receivers. Further, since all works are restricted to take place only during the daytime, noise impacts will not be experienced during the most sensitive time period i.e. night-time. The ICNG recommends that for situations in which the noise affected noise management levels are exceeded, all feasible and reasonable work practices should be adopted.

Based on the above, proposed construction works have the potential to give rise to adverse noise impacts at residential receivers. As such, in addition to the feasible and reasonable physical noise controls detailed in this report, noise management techniques designed to limit the severity of noise impacts are required to be adopted. Therefore, a detailed Construction Noise and Vibration Management Plan (CNVMP) is required to be prepared such that all feasible and reasonable noise management practices are adopted, including consultation with the community.

A site management plan is to address the works schedule and mitigation measures to adjacent residents.

To minimise the potential impact on residents and park users, hours of construction work is as per Section 3.4.5 of this document. The use of noise generating machinery should be scheduled appropriately to minimise impact on residents and machinery should be turned off when not in use for extended periods.

Notification to residents and parks users is to include a contact number for questions or complaints during the construction period.

6.6 CONSTRUCTION VIBRATION

The Construction Noise and Vibration Assessment prepared by Marshall Day Acoustics Pty Ltd (MDA) identifies the indicative safe working distances from the vibration intensive plant items applicable for cosmetic damage and human comfort. Safe working distances have been developed to establish a trigger point at which further detailed evaluation e.g. vibration monitoring should be implemented.

The MDA Assessment concludes that receivers in the vicinity of the site are sufficiently distant from the proposed vibration intensive work areas for both cosmetic damage and human comfort considerations. Therefore, further vibration monitoring or mitigation is not indicated to be required.

6.7 CONSTRUCTION TRAFFIC NOISE

A Construction Noise and Vibration Assessment prepared by Marshall Day Acoustics Pty Ltd (MDA) identifies that construction traffic on the sounding local roads has been investigated and has been determined to be unlikely to give rise to adverse impacts.

6.8 FLORA AND FAUNA

The development of the Lilyfield Skate Plaza involves the removal of forty-four (44) trees and the planting of ten (10) replacement trees.

An Arboricultural Impact Assessment has been prepared by Moore Trees and provides recommendations addressing required tree protection zones (TPZ's), construction details and construction methodology to ensure any tree proposed to be retained will not be impacted by the proposed activity.

Additionally, a Biodiversity Assessment has been prepared by EcoLogical Australia to assess native vegetation on the site, assign the best fit Plant Community Types and provide a brief assessment of potential impacts of the proposed activity. A survey conducted by EcoLogical Australia found that the vegetation present on the site was not representative of a threatened ecological community and no threatened flora or fauna species nor any habitat was identified. The Assessment concludes that the proposed works are not considered to likely have a significant impact on the ecology of the broader landscape.

6.9 NATURAL HAZARDS

The site is located on the banks of Iron Cove and is therefore at risk of flooding. A Flood Risk Management Statement dated 8 February 2022 has been prepared by Rhelm to assess the proposal with regard to flood risk, the statement concludes the following:

“An assessment of 1% AEP and PMF flood behaviour in the vicinity of the site revealed that the site experiences low hazard 1% AEP inundation and a small area of high hazard PMF inundation in its current state which will be significantly reduced with the proposed development. The site Flood Hazard Category is thus considered low based on 1% AEP results which are more relevant to the site land use than the PMF. Based on the low hazard categorisation and the proposed development being a recreational facility with no habitable floor areas, there is a low flood risk associated with the development.

The elevated area along the eastern boundary of the proposed skate park will cause floodwaters that currently flow through the site to be redirected towards the car parking area to the south. The quantity of redistributed flow is not likely to cause any unacceptable flood impacts on private property to the south of the site.”

Given the low risk, no mitigation measures are required.

6.10 SEA LEVEL RISE

The site is located in the foreshore area and therefore potentially susceptible to sea level rise. A Foreshore Flood Risk Management Plan dated 8 February 2022 prepared by Rhelm to assess the Lilyfield Skate Plaza in relation to sea level rise and foreshore risk. The Plan concludes that the foreshore flood risk associated with the development is considered low and makes the following recommendations:

“It is recommended that the forces of 1% AEP foreshore floodwaters are considered in the design of site structural elements, with the adopted sea level rise scenario to inform calculations aligning with the expected design life of the skate park. The design will require certification by a suitably qualified structural engineer. Certification by a suitably qualified structural or geotechnical engineer will also be required to confirm the proposed works will not have any adverse impact on the stability of the adjacent sea wall during construction or operation.

A number of features are recommended to be incorporated into the design to reduce the impacts of foreshore flooding including flood signage, waterproofing of electrical services and the provision of drainage non-return valves.”

The proposed activity is considered to be acceptable with regard to its ability to respond to and mitigate the impacts of sea level rise, subject to the recommended mitigation measures.

6.11 SPOIL AND WASTE MANAGEMENT

Waste and spoil management should be managed in conjunction with the Construction Environmental Management Plan (refer Section 8.1 of this document). The retention of soil onsite and the reuse of materials where possible should occur as part of the proposed activity. Soil to be removed from site will need be disposed in line with Council's Waste Management Policy. The contractor is responsible for preparation of a Waste Management Plan, including the recycling of soil and subsequent reporting on this.

A Site Management Plan is to be prepared by the contractor and implemented accordingly including the management of spoil, including excess soil and waste onsite.

6.12 CHEMICAL AND HAZARDOUS SUBSTANCE MANAGEMENT

The site is not known to contain chemical and hazardous substances and mitigation measures are not considered to be required. Hazardous substances or chemicals will not be used during construction.

6.13 TRANSPORT AND ACCESS

The site benefits from existing vehicular access via Frazer Street and Maliyawal Street. The City-West Link Road provides connectivity east and west across the city. The Leichardt North light Rail Station lies to the south of the site on the City-West Link Road. The Lilyfield Skate Park is a local attraction and would thus generate some level of impact upon traffic generation, transport and access.

A Traffic Impact Assessment and a Traffic Management Plan has been prepared by Positive Traffic to address this issue in further detail. The Plan concludes the following:

"The traffic generation of the proposal would be supported by the existing road network. The trip generation of the proposal would be supported by the existing network of footways, cycleways, shared paths and the light rail and bus services. However, there is currently a limited supply of formalised bicycle parking in the vicinity of the site.

The parking generated by the proposal would be supported by the existing on-street parking available on Maliyawul Street, Link Road and Car Park Link Road."

The Traffic Management Plan supports the proposal on traffic grounds and makes the following recommendations:

"The proposal should include bicycle parking racks to permit bicycles to be locked in the vicinity of the proposal. This should be two racks that could accommodate 8 bicycles each.

Consideration be given to line marking at the intersection of Frazer Street, Car Park Link Road and Link Road to assist drivers to follow intended paths through the intersection (regardless of whether the proposal proceeded or not).

Consideration should be given to reducing the signposted speed limit from 50km/hr to benefit the mix of road users in the following locations, this is regardless of whether the proposal proceeded or not.

- *Link Road*
- *Northern end of Frazer Street*
- *Maliyawul Street*
- *Southern end of Car Park Link Road*

Directional signposting to the proposal should indicate access as being via Lilyfield Road and Maliyawul Street.”

6.14 CONSTRUCTION TRAFFIC

A draft Construction Traffic Management Plan (CTMP) has been prepared by Positive Traffic Pty Ltd and accompanies this REF.

The draft CTMP identifies the following:

- The successful contractor would be the development of their own CTMP report and construction schedule having regard to a greater understanding of the components of construction following completion of the Construction Certificate drawings.
- All access and egress by construction traffic should be via Lilyfield Road and Maliyawul Street, only.
- Deliveries and major construction activities should not occur on Saturdays or Sundays.
- Traffic function around the site should be retained to facilitate safe and efficient use of the roads, parking, paths and other facilities by all road user groups.
- Both the construction site and any compound should be accessed from Maliyawul Street, north of the Link Road.
- Deliveries should use no vehicle larger than a Heavy Rigid Vehicle as there is no scope to turn or manoeuvre articulated vehicles within the current road network and parking around the site.
- Loading and unloading activities occur within the construction site and should not occur on Maliyawul Street.
- Parking of construction workers' vehicles would occur within the construction site and shall not occur on Maliyawul Street, or Link Road or Car Park Link Road.
- No parking of construction vehicles should occur on any part of Frazer Street, Car Park Link Road, Link Road or Maliyawul Street. An exception may occur during a large concrete pour when the subsequent ready-mix truck might be staged for a short period by standing on Maliyawul Street, awaiting access to the site.

Notification to residents and users of the park of upcoming works and access arrangements to the park during the works period is recommended. Any proposed road closures or

changes to parking arrangements around the site should also be communicated to residents and users of the park.

6.15 INDIGENOUS HERITAGE

A Statement of Heritage Impact (SOHI) prepared by TKD Architects accompanies this REF. The SOHI identifies that the site is located on reclaimed land and appears to have little archaeological potential and therefore is unlikely to contain any items of Indigenous Heritage.

Notwithstanding, if any perceived items of Aboriginal and/or non-indigenous heritage are discovered in the course of development, works should be halted until a qualified heritage consultant (Aboriginal cultural heritage specialist or non-indigenous heritage specialist) has been engaged to assess and provide advice as to the protection and management of the item/s.

6.16 NON-INDIGENOUS HERITAGE

A Statement of Heritage Impact has been prepared by TKD Architects to address the proposed activity and concludes that the Lilyfield Skate Plaza will enhance the amenity of the park, which is a landscape heritage item, will generate greater use and does not detract from the heritage significance of the item.

6.17 VISUAL IMPACTS

The proposed site of the Lilyfield Skate Plaza is a turfed area at the southern end of Leichhardt Oval No.3 with clusters of trees along the northern and western sides. The construction of the skate plaza will change the visual appearance and landscaped character of this part of Leichhardt Park through a reduction in the extent of tree canopy and replacement of the turfed area with the active recreation facility.

Notwithstanding this, the design of the facility minimises visual impact through the low scale of construction, the use of low height walls, open form shade structures and the incorporation of native landscaped mounds and tree planting around the perimeter of the plaza. Such elements will assist to integrate the skate plaza with the surrounding coastal environment.

The design of the Skate Plaza will still enable sightlines both from within the park, towards Iron Cove and from the surrounding public domain.

6.18 VISUAL IMPACTS DURING CONSTRUCTION

Any visual impacts resulting from construction will be minimal and short term.

6.19 VIEW LOSS

Public Domain

The site is located on the east foreshore of Iron Cove, on the eastern side of the Bay Run shared pedestrian/cycle path and Maliyawul Street. Therefore water views from the Bay Run and Maliyawul Street will not be obstructed by the proposal.

As evidenced from the photograph of the site at the intersection of Frazer and the Car Park Link Road illustrated in Figure 30 the view west across the site comprises an open expanse of turfed park dominated by clumps of existing canopy trees. It is noted that there are minor water glimpses looking across the site through the existing vegetation, built elements and parked cars. The main water views are in a westerly direction along the Car Park Link Road corridor immediately to the south of the site. This corridor will be unaffected by the proposed development.



Figure 30: View from the intersection of Frazer Street and Link Road looking east across the site

The proposed activity incorporates the construction of a permanent structure being a skate plaza, which will incorporate low height walls, contoured concrete skate structures, lighting, balustrades, and open form shade structures and seating.

The park is surrounded by streets and car parking on three sides. Views across the site are enjoyed primarily from Frazer Street to the east and partly from the Car Park Link Road to the south. These areas are largely associated with access to and from Leichhardt Park and the parking of vehicles associated with visitors to the Park. The elevated position of Frazer Street with regard to the site assists in minimising view impacts. There will be the loss of some vegetation from the site and an area of turf, which will be replaced by the skate plaza. Views over the plaza will generally be retained. There will be a negligible impact on views in this location looking east across Iron Cove from Frazer Street.

Views north from the Car Park Link Road are between the trees and across the turfed field of Leichhardt Oval No.3 to the north of the site (refer to Figure 31). A further row of trees at the northern end of Leichhardt Oval No.3 prevent any views beyond this field.



Figure 31: View looking north through the site from the Car Park Link Road

Private Domain

The proposal is unlikely to result in any significant view loss impacts from the private domain due to the fall in topography of the site and the location and position and height of the surrounding properties.

The nearest residential properties to the site of the proposed skate plaza are Nos. 41 and 43 Frazer Street, which are located to the south-east. Water views from these properties will be limited by the alignment of the La Montage function centre building and a large hedge which stands on the corner of Frazer Street and the Car Park Link Road. The elevated position of Frazer Street with regard to the site also assists in minimising view impact.

The proposed activity incorporates low height walls, steps down with the gradient of the existing ground level and incorporates open structures. The activity will thus have a little impact upon views from private land on Frazer Street.

Water views from the La Montage function centre are unlikely to be affected by the proposal due to the siting of the works and the location of existing vegetation within the

park. In fact, some views may be improved through the removal of certain trees from the site.

These conditions allow the proposed activity to appropriately maintain, protect and enhance views of Iron Cove and minimise view impact.

Views from the Water

The proposed skate plaza is unlikely to have any significant impact on views from the water given the plaza is separated from the foreshore by a distance of approximately 20m which includes the Bay Run, two rows of car parking and existing and proposed vegetation.

6.20 LIGHT POLLUTION

The skate plaza is proposed to incorporate the following lighting:

- Four (4) x 5.5m high, We-ef luminaire, circular poles for pedestrian level lighting.
- Two (2) 12m high, Clearflood LED luminaire, octagonal light poles for sports level lighting.
- Retention of two (2) existing street lights over car parking.

An Obtrusive Light Assessment has been prepared by Lighting, Art & Science Pty Limited and accompanies this REF. The Assessment has reviewed the proposal against the relevant Australian Standard being AS4282:2019 – Control of the obtrusive effects of outdoor lighting.

The Assessment concludes that the proposed design by Webb Australia meets the lighting criteria requirements of the Australian Standard AS/NZS 4282:2019 for category A3 - Medium District Brightness for suburban areas in towns and cities.

6.21 SOCIO-ECONOMIC IMPACT

The Lilyfield Skate Plaza is a public recreation facility which aims to provide greater amenity and opportunity for recreation within the Inner West LGA. A Social Impact Assessment (SIA) has been prepared by Cred Consulting to assess the social impacts of the proposed activity. Cred Consulting conclude that the proposal will have significant positive social impacts for the Lilyfield community.

Potential positive impacts of the proposed skate plaza include:

- Provides increased active recreational space to support the health and wellbeing of Lilyfield's high proportion of children and young people;
- Responds to a forecast undersupply of one skate park across the Inner West LGA to 2026, as identified in the Inner West Recreation Needs Study and based on Parks and Leisure Australia industry benchmarks; and
- Responds to previous and ongoing engagement with local young people who have sought a skate park in this part of the Inner West LGA for almost ten years, and

- Expands the recreational offer and amenity at Leichhardt Park and along the popular Bay Run, further activating the site and providing opportunities for increased sense of place through potential public artworks.

The SIA identifies that skate plazas activate spaces and that a professionally-designed and well maintained skate plaza can bring new life into the community. Facilitating the community to engage in outdoor activities not only adds to a community's social vibrancy but also contributes to safety by having more "eyes on the street".

The development of the Lilyfield Skate Plaza will generate a positive socio-economic impact through the provision of a new recreation facility. Any short-term impacts during construction and the temporary access changes to the site are considered to be outweighed by the long-term positive impacts of improved facilities for residents and users of the reserve, including improved accessibility, safety and amenity options (passive and active).

Additionally, the provision of a skate park is consistent with local and state planning strategies for the locality (see Section 4.3).

6.22 FUTURE LAND USE

The site is an established public open space and a landscape heritage item. The proposal does not seek to alter the land use, rather it provides a recreational facility within an area of existing open space.

As noted in Section 4.3 of this document, maintaining and enhancing existing public open space is a key objective of local and state planning strategies.

6.23 ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND SUSTAINABILITY

Various upgrades to Leichhardt Park under the Plan of Management, such as bush regeneration, tree planting and the introduction of bioswales, all seek to improve the Park in relation to ecological sustainable development.

The Lilyfield Skate Plaza will support these upgrades and will also introduce new furniture, materials and finishes that are of minimal impact to the surrounding natural environment. Landscaping will prioritise the use of locally indigenous species to reduce water consumption and protect the local environment. Where possible, materials should be retained and reused on site.

7. ENVIRONMENTAL FACTORS CONSIDERED

7.1 CONSIDERATION OF CLAUSE 228 FACTORS

Clause 228 of the Environmental Planning and Assessment Regulation 2000 details those factors to be taken into account when assessing the likely effect of an activity on the environment. If after considering the Clause 228 factors, it is still unclear as to whether an EIS is required, the Department of Planning publication 'Is an EIS Required', can be utilised.

Clause 171 of the EP&A Regulation 2021 similarly identifies those factors required to be taken into account. The factors listed in Clause 171 are the same as those listed in Clause 228 of the EP&A Regulation 2000.

Consideration of each of the Clause 228 and Clause 171 Factors are included in Table 3. The impacts have been quantified as:

CLAUSE 228 FACTORS	IMPACT			
	N/A	Negative	Nil	Positive
<i>(a) any environmental impact on a community,</i>				✓
<u>Comment</u> The upgrade of amenity to public infrastructure is a positive impact to the community.				
<i>(b) any transformation of a locality,</i>			✓	
<u>Comment</u> The upgrade to the reserve will improve access and visibility from the street and increased opportunities for active and passive amenity for the community.				
<i>(c) any environmental impact on the ecosystems of the locality,</i>			✓	
<u>Comment</u> No adverse impact to the ecosystem will occur.				
<i>(d) any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,</i>			✓	
<u>Comment</u> Upgrades to the reserve including pathways, seating, access points and fencing will be an improvement to the aesthetic, recreational and environmental quality of the locality.				
<i>(e) any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or</i>				✓

CLAUSE 228 FACTORS	IMPACT			
	N/A	Negative	Nil	Positive
<i>other special value for present or future generations,</i>				
<u>Comment</u> The proposed works to the reserve are consistent with the existing character of the locality and its function as high quality public open space.				
<i>(f) any impact on the habitat of protected fauna (within the meaning of the National Parks and Wildlife Act 1974),</i>	✓			
<u>Comment</u> There is no known habitat of protected fauna on the site.				
<i>(f) any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,</i>			✓	
<u>Comment</u> No expected endangering of species of animals, plants or other form of life.				
<i>(g) any long-term effects on the environment,</i>				✓
<u>Comment</u> The Lilyfield Skate Plaza will upgrade public open space and provide a positive impact to the long-term use of the site by the community.				
<i>(i) any degradation of the quality of the environment,</i>			✓	
<u>Comment</u> The improvement works are not expected to be of degradation to the quality of the environment.				
<i>(j) any risk to the safety of the environment,</i>				✓
<u>Comment</u> The Lilyfield Skate Plaza incorporates methods of safety by design and crime prevention through environmental design. The proposal is therefore expected to improve safety for users of the park.				
<i>(k) any reduction in the range of beneficial uses of the environment,</i>			✓	
<u>Comment</u> The proposal will increase the accessibility to and use of the reserve for all members of the community. There will be no reduction in beneficial uses within the park.				
<i>(l) any pollution of the environment,</i>			✓	

CLAUSE 228 FACTORS	IMPACT			
	N/A	Negative	Nil	Positive
<u>Comment</u> No pollution of the environment is expected.				
<i>(m) any environmental problems associated with the disposal of waste,</i>			✓	
<u>Comment</u> Any waste produced from removal of soil, existing hard landscape elements and construction works are to be removed from site and handled in line with Council policy.				
<i>(n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply,</i>	✓			
<u>Comment</u> Not applicable to the proposal.				
<i>(o) any cumulative environmental effect with other existing or likely future activities,</i>			✓	
<u>Comment</u> No cumulative effect as a result of the works.				
<i>(p) any impact on coastal processes and coastal hazards, including those under projected climate change conditions.</i>			✓	
<u>Comment</u> The Lilyfield Skate Plaza has been assessed with regard to foreshore and flood risk and it has been determined that, subject to recommendations contained within the Foreshore Flood Risk Management Plan and the Flood Risk Management Statement, the activity is able mitigate these risks appropriately.				
<i>(q) applicable local strategic planning statements (LSPS), regional strategic plans, or district strategic plans made under the Act, Division 3.1.</i>			✓	
<u>Comment</u> The relevant LSPS, regional and district strategic plans have been considered in Section 4 of this REF.				
<i>(r) other relevant environmental factors</i>			✓	
<u>Comment</u> No other environmental factors have been identified.				

Table 3: Consideration of Clause 228 Factors

7.2 GUIDELINES

Clause 228(3) of the EP&A Regulation 2000 and Clause 171(3) of the EP&A Regulation 2021 require a determining authority to review and take into accounts any environmental factors specified in the environmental factors guidelines that apply.

The Guidelines for Division 5.1 Assessment were published in February 2022 by the Department of Planning and Environment. The guidelines are a generic document that explain what proponents and determining authorities need to do to undertake a Division 5.1 assessment.

The Guidelines replace the *“Is an EIS required? Best practice guidelines for Part 5 of the Environmental Planning and Assessment Act 1979”* and come into effect from 1 July 2022.

An assessment of the proposal under the Guidelines has been undertaken as part of the preparation of this REF.

7.3 CONSIDERATION OF NATIONAL ENVIRONMENTAL SIGNIFICANCE

Not applicable. The site is not of a national environmental significance.

8. SUMMARY OF MITIGATION MEASURES

8.1 EROSION PREVENTION AND CONTROL

As identified in the CEMP prepared by CONSARA, preparation of and implementation of a Sediment and Erosion Control Plan in accordance with the Construction Environmental Management Plan (CEMP).

It is noted that the construction works on the Site are assessed as being of low erosion hazard due to the very flat gradient across the areas of the Site where the Works are to be undertaken. As such general erosion control measures are considered to be adequate to prevent erosion during construction works as follows:

- Where possible ensure that only minimum areas of land are disturbed at any one time and where disturbed surfaces remain unsealed during the works, ensure that they are left with a scarified surface to inhibit soil erosion;
- Ensuring that during periods of high wind, to prevent wind blown soils and dust, that all disturbed areas and stockpiled materials that may create dust are wetted down or covered;
- Ensuring that during construction that excavations that are deeper than 0.5 m are not left open for a period of more than 12 hours or overnight;
- Ensure stockpiles are:
 - Located only within the designated stockpile area away from the boundaries of the Site;
 - Located on liners or hardstand and any bunding must also be located either within the liner footprint or on hardstand;
- Formed to be protected from run-on water upslope and with sediment filters immediately downslope to protect areas from runoff from the stockpiles; and
- Not greater than 3 metres in height and stabilised by covering or hydro seeding or spraying if retained for longer than 10 days to minimise runoff and sediment transportation.

All erosion prevention and control measures should be implemented for the duration of the works and where physical controls are installed, they need to be regularly checked and immediately after periods of significant rainfall to ensure their effective functioning.

8.2 STORMWATER AND SEDIMENT CONTROL

As identified in the CEMP prepared by CONSARA, Stormwater and sediment control is needed to prevent flows of surface water and/or deposition of sediments offsite either onto neighbouring properties and must include the following:

- Installation and maintenance of perimeter control barrier measures along the boundary of the Site. These control measures must be constructed to minimise migration of sediment and waters, primarily as a component of surface run-off into surrounding areas and roadways and to other parts of the Site. These measures should be

constructed as silt fences constructed of filter fabric or mesh. Should conditions require it, straw bales may also be needed;

- Installation and maintenance of perimeter control barrier measures around designated stockpile areas and water retention areas for the duration of the works. These control measures must be constructed to minimise migration of soils as sediment and waters, primarily as a component of run-off from the surface of the stockpiles to the surrounding areas of the Site. These measures should be constructed as silt fences constructed of filter fabric or mesh. Should conditions require it, straw bales may also be needed surrounding the stockpiles;
- Perimeter control barriers may require scour protection or similar to divert surface runoff away from the boundaries of the Site. The requirement for such measures is to be determined by the Contractor. Surface runoff generated within the Site will be diverted by a series of bunds into temporary stormwater retention areas to be constructed by the Contractor. These retention areas will be located away from the boundaries of the Site and must be constructed with a minimum storage capacity to contain a 10 year ARI storm event of 6 hours duration, as per the recommendation in the CALM Urban Erosion and Sediment Control Guideline (1992) and the 'Blue Book - Managing Urban Stormwater: Soils and Construction, Landcom (2004). Following completion of the earthworks, the retention areas and associated bund structures Council may require that an assessment of these structures be completed by the Environmental Consultant. The Environmental Consultant may collect samples from the floor and walls of the pond and analyse samples for the chemicals of concern.
- All stormwater and sediment control should be checked for damage, regularly and immediately after periods of significant rainfall to ensure their effective functioning. Deposited sediments must be removed by the Contractor and transferred to the designated stockpile area and retained within a separate stockpile to allow for the Environmental Consultant to determine the options for either beneficial re-use or disposal off-site. Accumulated waters outside of the designated stormwater retention areas must be transferred by the Contractor to the retention areas to allow for Council to determine options for how these waters are to be managed.

8.3 EXCAVATION WORKS

As identified in the CEMP prepared by CONSARA, Excavation works are any works that involve the disturbance of the current surface and/or sub-surface of the Site and includes disturbance of fill materials and/or natural soils. The Works on the Site will involve a program where excess soils are not anticipated to be generated.

Any excess soils and/or rock generated must be transferred to a designated area for stockpiling for inspection and/or sampling and analysis to be undertaken by the Environmental Consultant to either determine the stockpiled materials suitability for beneficial re-use elsewhere on the Site (preferred) or to determine if they require disposal off-site by the Contractor.

Care should be taken during excavation and stockpiling to ensure that soil materials from distinctly different horizons are not mixed and that different types of materials are

stockpiled separate from each other in order to maximise the potential beneficial re-use and/or minimise the volumes requiring off-site disposal.

Excavation works will require the Contractor to ensure the following:

- Implementation of necessary environmental protection measures in accordance with the requirements of the CEMP; and
- Documenting and recording the works.

8.4 STOCKPILING WORKS

As identified in the CEMP prepared by CONSARA, where stockpiling is required the stockpiling of excavated material will comprise the following:

- Establishment of stockpiles in designated areas;
- Implementation of necessary environmental protection measures in accordance with the requirements of the CEMP;
- Documenting the location and observations of stockpiles and any other activities relevant to the works such as:
 - Following the implementation of any environmental control measures; and
 - Following storm/rainfall events to assess the potential for sediment (and contaminant) laden run-off.

8.5 DUST CONTROL

The Contractor is required to ensure that adequate measures are undertaken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- Physical barriers to be erected at right angles to the prevailing wind direction or being placed around or over dust sources to prevent wind or activity from generating dust emissions;
- Earthworks and scheduling activities shall be managed to ensure that only minimum areas of land are disturbed at any one time and where disturbed surfaces remain unsealed during the works, ensure that they are left with a scarified surface to inhibit soil erosion;
- Ensuring that during periods of high wind, to prevent wind blown soils and dust, that all disturbed areas and stockpiled materials that may create dust are wetted down or covered;
- Vehicles carrying spoil or rubble to or from the Site shall at all times be covered to prevent the escape of dust or other materials;
- All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive through washing bays (if applicable);
- Gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- Cleaning of footpaths and roadways shall be carried out regularly by manual dry sweep or by use of a cleaning vehicle.

8.6 CONTAMINATION SAFEGUARDS PROCESS

The proposed activity will require some disturbance of the fill materials present in the surface and subsurface of the site. Given the identified presence of PAHs and asbestos in the fill materials, there is a risk posed to the surrounding environment, as well as to health of construction personnel, the occupiers of nearby residential and commercial properties and users of the surrounding parklands.

The proponent will be required to manage these potential risks through the implementation of a specific Construction Environmental Management Plan (CEMP).

The CEMP will set out the environmental management measures that are required to be implemented during construction works in order to manage identified risks to Site personnel and the environment to ensure that:

- Comprehensive control measures are implemented to prevent the migration of materials or waters off-site or within the site;
- Works that require disturbance of existing fill materials, natural soils or bedrock are undertaken in a manner that protects the health of the workers and users of the site;
- Any materials excavated from the site are appropriately stored, handled and, where required, either beneficially re-used on the site or disposed of off-site;
- Imported materials can be demonstrated to satisfy the appropriate requirements for use on the site; and
- Any unexpected surface or sub-surface conditions are appropriately managed in accordance with the relevant guidelines, regulation and legislation.

The safeguards to be incorporated into the CEMP will form part of the contractual obligations for the Skate Plaza.

8.7 ODOUR CONTROL

Odour and air quality is to be managed by the Contractor adopting the following procedures:

- If during excavation works odours are noted to be present the Contractor must notify Council who may consult with the Environmental Consultant to determine the requirement for an assessment to be undertaken and to determine the options for a response which may include the following:
 - Minimising the areas of exposed materials within excavations and covering excavated materials with plastic sheeting, etc;
 - Securely covering loads of contaminated or waste materials leaving the Site;
 - Where excavations are open to the environment and odours are being generated such that controls are required, setting the area under direct supervision, with mist sprays and where (and if) required movable mist sprays to be set up on the site boundary fences to provide additional odour suppression;
 - Undertaking excavation activities in favourable weather conditions; and
 - Adequate maintenance of equipment and machinery to minimise exhaust emissions.

Excavations and stockpiled materials that have been confirmed by the Environmental Consultant to have the potential to emit odour must be monitored with a PID unit (equipped with high intensity lamp) on a regular basis. Section 5.2.3 of this CEMP specifies the PID criteria that would require work to cease and additional protective measures to be implemented.

8.8 GENERATION OF ACID SULPHATE SOILS

It is expected that the Works will not require the lowering of the ground surface level or the shallow groundwater table such that dewatering of excavations would be required, or that potential acid sulfate soils will be encountered, or that acid sulphate soils could be generated.

However, notwithstanding the above an Acid Sulfate Soil Management Plan has been prepared for the Works (the ASSMP).

If agree to by Council, the Contractor is required to adopt the ASSMP where it is required to be applied during the Works.

8.9 NOISE AND VIBRATION

The proposed activity involves construction works which will inevitably generate noise and vibration impacts. The "Worst-case" assessment scenario, representing the loudest noise levels likely to be exhibited during the proposed works, are predicted to be up to 25 dB above the noise affected management level and up to 4 dB above the highly noise affected management level.

A full and detailed Construction Noise and Vibration Management Plan (CNVMP) will be required to be prepared by the builder, once appointed, and when construction methods are known. A detailed CNVMP is required to be prepared such that all feasible and reasonable noise management practices are adopted, including consultation with the community.

No mitigation measures are required to manage vibration impacts as neighbouring development is sufficiently distant from the location of works.

No mitigation measures are required to manage the noise impacts generated by the operation of the skate park as modelling has indicated that the proposed Skate Plaza is indicated to be acoustically compatible with the surrounding area.

8.10 TREE MANAGEMENT

The trees that are proposed to be retained are numbered as 1, 3, 4, 5, 14, 15, 16, 27-34, 39, 60, 62-66,68. These trees will require tree protection measures to be implemented prior to works occurring. It is recommended that signage is used for tree protection areas.

The proponent will be required to comply with the following:

- Trees to be protected: Trees 1, 3, 4, 5, 14, 15, 16, 27-34, 39, 60, 62-66, 68 will be required to be fenced for protection. All fencing shall be installed as specified in Section 5.2 (Tree Protection – Implementation of Tree Protection Zone) of the Arboricultural Development Assessment Report prepared by Moore Trees. Indicative locations of the fencing are shown in the Tree Protection Plan (Appendix 1, Arboricultural Development Assessment).
- Implementation of Tree Protection Zone: All tree protection works should be carried out before the start of demolition or building work. It is recommended that chain mesh fencing with a minimum height of 1.8 metres be erected as shown in the Tree Protection Plan (Appendix 1, Arboricultural Development Assessment). Specifications for this fencing are shown in Tree Protection Fencing Specifications (Appendix 5, Arboricultural Development Assessment).
- The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ): The TPZ is implemented to ensure the protection of the trunk and branches of the subject tree. The TPZ is based on the Diameter at Breast Height (DBH) of the tree. The SRZ is also a radial measurement from the trunk used to protect and restrict damage to the roots of the tree.
- The Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) have been measured from the centre of the trunk. The following activities shall be avoided within the TPZ and SRZ of the trees to be retained;
 - Erecting site sheds or portable toilets.
 - Trenching, ripping or cultivation of soil (with the exception of approved foundations and underground services).
 - Soil level changes or fill material (pier and beam or suspended slab construction are acceptable).
 - Storage of building materials.
 - Disposal of waste materials, solid or liquid.
- Tree Damage: If the retained trees are damaged a qualified Arborist should be contacted as soon as possible. The Arborist will recommend remedial action so as to reduce any long term adverse effect on the tree's health
- Signage: It is recommended that signage is attached to the tree protection fencing. A sample sign has been attached in Appendix 6, Arboricultural Development Assessment. This sign may be copied and laminated then attached to any TPZ fencing.
- Root Pruning: If excavations are required within a TPZ this excavation shall be done by hand to expose any roots. Any roots under fifty (50) millimetres in diameter may be pruned cleanly with a sharp saw. Tree root systems are essential for the health and stability of the tree.
- Arborist Certification: It is recommended that the contractor supply Council or the Principal Certifying Authority with certification from the Project Arborist three (3) times during the construction phase of the development in order to verify that retained trees have been correctly retained and protected as per the conditions of consent and Arborist's recommendations. The certification is to be conducted by a Qualified Consulting Arborist with AQF level 5 qualifications that has current membership with either Arboriculture Australia (AA) or Institute of Australian Consulting Arboriculturists (IACA). Arborist certification is recommended:

- (1) Before the commencement of demolition or construction to confirm the fencing has been installed;
- (2) At mid-point of the construction phase;
- (3) At completion of the construction phase.

These “Hold points” should be included in any tender documentation for the project

As part the proposed activity, the proponent is to plant thirty-two (32) replacement trees within Leichardt Park to offset the loss of existing trees.

8.11 BIODIVERSITY

Nevertheless, the proponent will be required to reduce the ecological impacts associated with the proposed works within the subject site through the following measures:

- Protective barrier fencing should be erected pre-construction and during construction to ensure that related impacts are contained within the work areas and trees to be retained are not impacted.
- Erosion/sediment controls should be implemented during any excavation or construction works to avoid offsite impacts or areas of vegetation being retained.
- Establish clearly defined boundaries as the work area and any ‘no-go’ areas adjacent to the boundaries of the work should not be disturbed or damaged, such as vegetation to be retained.
- Fencing must be erected prior to works to prevent access to ‘no-go’ areas.
- A sufficient number of waste receptacles for general waste and recyclable materials are to be provided for disposal of waste on site. The site must be kept free of general litter.
- Equipment must not be used if there are any signs of fuel, oil or hydraulic leaks. Leaks must be repaired immediately, or the equipment must be removed from the site until it is repaired or replaced with a leak-free item.
- Reschedule works during and after periods of heavy rainfall.
- Chemicals and rubbish must not be stockpiled near native vegetation or the waterways.
- No vegetation with signs of disease, pathogens or fungus should be planted on site.
- Any fill brought on to site must be from a reputable supplier and be certified fill.
- Do not allow dirty vehicles to enter the site, ensure vehicles are clean and all mud, dirt or soil is removed before entering the site.

8.12 TRAFFIC AND PARKING

The trip generation of the proposal would be supported by the existing network of footways, cycleways, shared paths and the light rail and bus services. However, there is currently a limited supply of formalised bicycle parking in the vicinity of the site.

The proponent is to provide two bicycle parking racks that could accommodate eight (8) bicycles each to permit bicycles to be locked in the vicinity of the proposal.

Consideration is to be given to line marking at the intersection of Frazer Street, Car Park Link Road and Link Road to assist drivers to follow intended paths through the intersection.

Consideration is to be given to reducing the signposted speed limit from 50km/hr to benefit the mix of road users of Link Road, the northern end of Frazer Street, Maliyawul Street and the southern end of Car Park Link Road, regardless of whether the proposal proceeds or not.

The proponent is to provide directional signposting to the skate park, which should indicate access as being via Lilyfield Road and Maliyawul Street.

8.13 CONSTRUCTION TRAFFIC

All access and egress by construction traffic should be via Lilyfield Road and Maliyawul Street, only.

Deliveries and major construction activities should not occur on Saturdays or Sundays.

Traffic function around the site should be retained to facilitate safe and efficient use of the roads, parking, paths and other facilities by all road user groups.

Both the construction site and any compound should be accessed from Maliyawul Street, north of the Link Road.

Deliveries should use no vehicle larger than a Heavy Rigid Vehicle as there is no scope to turn or manoeuvre articulated vehicles within the current road network and parking around the site.

Loading and unloading activities occur within the construction site and should not occur on Maliyawul Street.

Parking of construction workers' vehicles would occur within the construction site and shall not occur on Maliyawul Street, or Link Road or Car Park Link Road.

No parking of construction vehicles should occur on any part of Frazer Street, Car Park Link Road, Link Road or Maliyawul Street. An exception may occur during a large concrete pour when the subsequent ready-mix truck might be staged for a short period by standing on Maliyawul Street, awaiting access to the site.

Notification to residents and users of the park of upcoming works and access arrangements to the park during the works period.

Any proposed road closures or changes to parking arrangements around the site should also be communicated to residents and users of the park.

8.14 WASTE MANAGEMENT

A Waste Management Plan (WMP) has been prepared by MRA Consulting to address the proposed activity.

The proponent is to ensure that the WMP will be retained on-site during the excavation and construction phases of the development, along with other waste management documentation (e.g., contracts with waste service providers), and that all works carried out re comply with the WMP.

The site manager or builder is to maintain a logbook that records waste management and collection, with entries including:

- Time and date of collections.
- Description of waste and quantity.
- Waste/processing facility that will receive the waste.
- Vehicle registration and company name.

Waste management documentation, the logbook and associated dockets and receipts must be made available for inspection by an authorised Council Officer at any time during site works.

8.15 ACCESSIBILITY

The proposed activity incorporated features which allow it to achieve disability requirements and 'Everyone Can Play' Design principles. Additional measures are recommended to ensure equitable access.

The proponent is to ensure that external accessible pathways, parking and shared zones be constructed in accordance with the relevant Australian Standards.

Tactile indicators are to be installed on at flush levels between roads and pedestrian areas.

The proponent is to provide signage in the following locations:

- Directional signage where the path is not accessible at the northern entry path and western entry path with stairs.
- Ramped divide between Western and Eastern skate bowls with information that there is no accessible exit from eastern skate bowl.

Further assessment of equipment is to be provided prior to the issuing of a construction certificate, to ensure that the facility accords with the 'Everyone Can Play' design guidelines.

8.16 FORESHORE AND FLOOD RISK MANAGEMENT

The foreshore flood risk associated with the development is considered low. Notwithstanding, the following measures are recommended the be undertaken by the proponent in accordance with the Foreshore Flood Risk Management Plan.

The design is required to achieve certification by a suitably qualified structural engineer. Certification by a suitably qualified structural or geotechnical engineer will also be required to confirm the proposed works will not have any adverse impact on the stability of the adjacent sea wall during construction or operation.

A number of features are recommended to be incorporated into the design to reduce the impacts of foreshore flooding including flood signage, waterproofing of electrical services and the provision of drainage non-return valves.

8.17 HERITAGE

The site is located in Leichardt Park, which is a heritage item of local significance. The proposed Lilyfield Skate Plaza ensures that the environmental heritage of Leichardt is conserved as there is no impact on the identified significant components of Leichardt Park due to the location of the proposed Skate Plaza in the grounds of the Park, and there is no impact on other heritage items in the Inner West Council Local Government Area. The proposed development will have little or no impact on the fabric of Leichardt Park, or on views to and from Leichardt Park and its Iron Cove setting.

There are no specific measures proposed in regard to heritage.

9. CONCLUSION AND CERTIFICATION

This Review of Environmental Factors has been prepared in accordance with Part 5 of the *NSW Environmental Planning and Assessment Act 1979* and has assessed those matters listed in Clause 228 of the *NSW Environmental Planning and Assessment Regulation 2000*.

The proposed Lilyfield Skate Plaza is compliant with relevant State and local planning strategies and policies and will directly implement strategic directions under the Leichhardt Park Plan of Management and Master Plan. The Skate Plaza is permissible without development consent under Clause 65 of ISEPP 2007. As a result, the Lilyfield Skate Plaza may be carried out without the need for development consent under Part 5 of the Act.


This REF identifies the likely impacts of the proposal on the environment and details the mitigation measures to be implemented. The assessment has concluded that the proposed activity as described in this REF, including any proposed management measures and safeguards, will not have a significant effect on the environment.

The Lilyfield Skate Plaza will not result in a significant impact on any declared critical habitat, threatened species, populations or ecological communities or their habitats.

The Lilyfield Skate Plaza is consistent with the heritage characteristics of the Leichhardt Park landscape heritage item.

Based on the environmental assessment undertaken in this REF, approval of the proposal is justified, subject to any reasonable conditions based upon the suggested mitigation measures outlined in Section 5.0 of this report.

Prepared and Certified by:

Name of company	SJB Planning (NSW) Pty Ltd
Company details	Town Planning Consultancy
Person writing the report	Michael Baker
Position	Director
Signature	
Date	25 February 2022

Determining officer (print name)

Position

Signature

Date