**Item No:         C0522(1) Item 18**

**Subject:         LILYFIELD SKATE PLAZA PART 5 APPROVAL**

**Prepared By:**Tim Brown - Coordinator Parks Project Delivery

**Authorised By:**Cathy Edwards-Davis - Director Infrastructure

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| **RECOMMENDATION**  **That Council receive and note the report.** |

**DISCUSSION**

On 10 November 2020 council resolved to adopt the Leichhardt Park Plan of Management and Master Plan pursuant to Section 40 of the Local Government Act 1993 in accordance with 3.23(6) of the Crown Lands Management Act 2016. The Plan of Management is a 10-year plan for development and management activities within Leichhardt Park. The Master Plan included future development proposals for Leichhardt Park including a new skate plaza.

 At the 8 December 2020 Council meeting, C1220(1) Item 11, council resolved

*THAT:*

*1.   The Plan of Management for Leichhardt Park be readopted by Council with the requirement that the development assessment of the Skate Park is assessed to the same level as a Development Application. This assessment will require that the environmental assessment and public participation for the skate park assessment must be at least the same as the requirements for a Part 4 Development Application, therefore ensuring the community is consulted and able to make submissions. The location of the Skate Park should be retained in Leichhardt Park; and*

*2.   The matter be reported back to Council after the assessment.*

**ENVIRONMENTAL ASSESSMENT**

 Following on from the December 2020 council resolution, council proceeded to conduct an environmental assessment and public participation for the skate plaza equivalent to the requirements of a Part 4 Development Application. This included the engagement of SJB Planning to prepare a Review of Environmental Effects (REF) and obtain reports to support the REF which included:

·    Foreshore Flood Risk Management Plan

·    Arboricultural Development Assessment

·    Construction Noise & Vibration Assessment

·    Assessment of Surface & Sub-surface Conditions

·    Construction & Demolition Waste management Plan

·    Statement of Heritage Impact

·    Obtrusive Lighting Assessment

·    Construction Environmental Management Plan

·    Disability Access Report

·    Social Impact Assessment

·    Acoustic Assessment

·    Traffic & Parking Assessment

·    Biodiversity Assessment

·    Flood Risk Management Statement.

**PUBLIC PARTICIPATION**

 Council publicly exhibited the Draft REF and supporting draft reports from 1st March 2022 to 4th April 2022. Council exhibited the Draft REF in the following:

·    Your Say Inner West page

·    Announcement on the Inner West Council Website

·    Distribution of notification letter to local residents (200m radius).

·    Hard copies on display in Service Centre’s and Balmain Library

 During the 5-week exhibition council invited the public to make submissions via online, mail and email. Council received a total of 86 submissions which were then forwarded to SJB Planning, along with a DRAFT Engagement Outcomes Report prepared by Council staff. for an independent review to ensure issues raised were addressed in the final REF document.

 The public participation undertaken was planned in consultation with Council’s Development Assessment team to ensure Part 4 requirements were met as a minimum.

**DECISION**

 For the purposes of the Environmental Planning and Assessment Act 1979 (EP&A Act) the Lilyfield Skate Plaza Works are defined as an activity (Activity). The proposed works are considered to be an activity permitted without consent pursuant to Clause 65 of State Environmental Planning Policy (Infrastructure) (ISEPP) 2007 provided the Works are being undertaken by or on behalf of Council. As such, a determination of whether or not the activity is likely to affect the environment is required through the preparation of a Review of Environmental Factors (REF).

Inner West Council is the proponent and determining authority. The General Manager acting as the authorised person by the determining authority may make a determination on the Part V approval under Division 5.1 of the EP&A Act and Part 8, Division 1 of the EP&A Regulation.

 The General Manager acting as the authorised person by the determining authority (Inner West Council) has made the following determination:

 Inner West Council as the determining authority has examined and taken into account to the fullest extent possible all matters affecting or likely to affect the environment and the factors specified in clause 228 (1) and (2) of the Environmental Planning and Assessment Regulation 2000 and clause 171 of the Environmental Planning and Assessment Regulation 2021 relating to the Lilyfield Skate Plaza works and determined the Activity can proceed subject to:

 A.   Adherence to Lilyfield Skate Plaza drawings prepared by ENLOCUS Landscape       Architects (1821\_CD000 - 1821\_CD401)

B.   Meeting the requirements of the environmental control measures detailed in sections 6, 7 and 8 of the Lilyfield Skate Plaza review of environmental factors (REF) prepared by SJB Planning (NSW) Pty Ltd and dated 27 April 2022.

**FINANCIAL IMPLICATIONS**

Council has allocated $1,490,000 in the 2021 budget for the construction of the Lilyfield Skate Plaza