



REVIEW OF ENVIRONMENTAL FACTORS

CONSTRUCTION OF AN ADDITIONAL HALF SIZE SYNTHETIC FIELD WITH ASSOCIATED LANDSCAPING, FENCING, ACCESS, SEATING AND THE CONSTRUCTION OF A NEW AMENITIES BUILDING AT MAJORS BAY RESERVE, CONCORD (STAGE 2 WORKS)

LOT 1 DP 909052

LOT 1 DP 327309

LOT 6 DP 217073

JUNE 2019

Prepared by
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FOREWORD

Milestone (AUST) Pty Limited (Milestone) has prepared this Review of Environmental Factors (REF) for the City of Canada Bay Council. This REF assesses the potential environmental impacts that could arise from the proposed additional half size synthetic field with associated landscaping, fencing, access, seating and the construction of a new amenities building at Majors Bay Reserve, Norman Street, Concord (Lot 1 DP 909052, Lot 1 DP 327309 and Lot 6 DP 217073).

The REF has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

On the basis of site inspection by the authors of the REF completed on 25 February 2019, consideration of key environmental, economic and community aspects, and the information presented in this REF, it is concluded that by adopting the mitigation measures and recommendations contained in this assessment it is unlikely that there would be any significant adverse environmental impacts associated with the proposed works.

CERTIFICATION

This REF provides a true and fair assessment of the proposed activity in relation to its potential effects on the environment. It addresses all matters affecting or likely to affect the environment as a result of the proposed activity.

Name of the person(s) and who prepared the REF: Lisa Bella Esposito and Kira Liu
Position of the person(s) who prepared the REF: Director and Town Planner

Signature:



Lisa Bella Esposito
Director



Kira Liu
Town Planner

Date: 17 June 2019

I have examined this REF and the certification and accept the REF on behalf of City of Canada Bay Council.

Name of the Reviewing Officer:
Position of the Reviewing Officer:

Signature:

Date:

PART 5 DETERMINATION

City of Canada Bay Council as the determining authority determines that the Proposal can proceed as described in the REF.

Name of City of Canada Bay Council Delegated Officer:
Designation:

Signature:

Date:

TABLE OF CONTENTS

1	INTRODUCTION	1
2	PROPOSED ACTIVITY	2
	2.1 Project Objectives.....	2
	2.2 Location of Activity.....	2
	2.3 Description of the Activity.....	3
	2.4 Licenses	6
	2.5 Reasons for the Activity and Consideration of Alternatives	6
	2.6 Crown Ownership.....	7
	2.7 Stakeholder Consultation.....	7
3	THE SITE	8
	3.1 The Site and its Context.....	8
4	PLANNING CONTEXT	12
	4.1 Environmental Planning Assessment Act 1979	12
	4.2 Threatened Species Conservation Act 1995.....	13
	4.3 Contaminated Land Management Act 1997	13
	4.4 Protection of the Environment Operations Act 1997.....	14
	4.5 Waste Avoidance and Resource Recovery Act 2001.....	14
	4.6 Coastal Management Act 2016	15
	4.7 State Environmental Planning Policy (Infrastructure) 2007	15
	4.8 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	16
	4.9 State Environmental Planning Policy No. 55 – Remediation of Land	16
	4.10 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	17
	4.11 Canada Bay Local Environmental Plan 2013	18
	Zoning and Permissibility.....	18
	Height of Building and Associated Structures.....	19
	Heritage	19
	Terrestrial biodiversity.....	20
	Acid Sulphate Soils.....	21
	4.12 Canada Bay Development Control Plan 2013.....	22
5	ENVIRONMENTAL IMPACTS AND MANAGEMENT	25
	5.1 Visual Amenity.....	25
	5.2 Acoustic and Air Quality Amenity.....	26
	5.3 Traffic and Transport.....	27
	5.4 Heritage.....	28
	5.5 Flora and Fauna	28
	5.6 Flooding and Stormwater	28
	5.7 Socio Economic Impacts.....	29
	5.8 Soils and Geotechnical Impacts.....	29
	5.9 Environmental Planning and Assessment Regulation 2000.....	29
6	CONCLUSION.....	30
	6.1 Summary of Impacts.....	30
	6.2 Summary of Recommendations	31

APPENDICES

- Appendix A: Development Plans prepared by Sporteng
- Appendix B: Concept Plans for the Amenities Building prepared by Ausco Modular dated May 2015 for Adelaide United Football Club
- Appendix C: Construction Environmental Management Plan prepared by Zoic Environmental Pty Ltd, dated 25 March 2019
- Appendix D: Resource Recovery Order (Recovered Aggregate Order 2014)
- Appendix E: Resource Recovery Exemption (Recovered Aggregate Exemption 2014)
- Appendix F: Obtrusive Light Compliance Report and drawing prepared by Gary Roberts & Associates Pty Ltd provided by Canada Bay Council on 20 May 2019
- Appendix G: Parking Assessment prepared by Complete Urban dated 29 March 2019
- Appendix H: Community Engagement Report prepared by Canada Bay Council dated 15 May 2019
- Appendix I: Concept Design of Hydraulic Services prepared by Harrison Friedmann & Associates Pty Ltd, dated 20 March 2019
- Appendix J: Geotechnical Investigation, prepared by Geotechnique Pty Ltd, dated 21 August 2015
- Appendix K: Assessment of proposal pursuant to the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, prepared by Milestone (Aust) Pty Ltd dated May 2019
- Appendix L: Acoustic Analysis prepared by Blackett Acoustics dated 17 June 2019
- Appendix M: Flood Impact Assessment Report prepared by HydroSpatial Pty Ltd, dated March 2019

1 INTRODUCTION

1.1 Brief Description of The Proposed Activity

This Review of Environmental Factors (REF) has been prepared by Milestone (AUST) Pty Limited for the City of Canada Bay Council (Council) to assess the likely environmental impacts associated with the proposed additional half size synthetic field, associated landscaping, fencing, access, seating and the construction of a new amenities building at Majors Bay Reserve, Norman Street, Concord (Lot 1 DP 909052, Lot 1 DP 327309 and Lot 6 DP 217073).

The proposed additional half sized synthetic field is predominantly covering the existing open grassed recreation area to the north east of the existing Sid Richards Field 3 (approved by Council under Development Consent No. DA2015/0413 dated 26 May 2016) within Majors Bay Reserve (refer to **Figure 1**). The proposed amenities building will be located adjoining the north west boundary of the existing Sid Richards Field 3.

The proposal assessed within this REF represents Stage 2 works. The development plans the subject of this REF represent a revision of the original concept plans for Stage 2 works. Stage 1 works comprising the construction of a full sized synthetic field over the existing natural field and relocation of four sports field lighting fixtures has been assessed by a separate REF prepared by Milestone dated March 2019. Construction of Stage 1 works are currently underway by Council and expected to be completed in late 2019. It is proposed for Stage 2 works to be delivered concurrently by Council with Stage 1.

This Stage 2 REF also proposes revised hours of use and illumination for both Stage 1 and 2 fields, which will be Monday to Sunday 8am to 10pm (Stage 1, Field 3) and Monday to Sunday 8am to 9pm (Stage 2). There will be no additional light poles proposed in Stage 2 around the half size field however there will be light fittings attached to two of the four light poles on Stage 1, which will illuminate Stage 2 to 50 lux (reduced from 100 lux).

The proposal will not result in any change of use (i.e. existing open grassed recreation area will continue to be used for public recreation purpose as sports field) and will result in a change to the intensity of the site (i.e. an additional half sized soccer field is proposed and extended hours of use).

1.2 Permissibility and Type of Approval Sought

This REF has been prepared in accordance with the requirements of Clause 5.5 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act). It includes an analysis of the subject site and the proposed activity in the context of the relevant State and local planning policy and instruments. It also identifies potential environmental impacts including integration with existing land use and infrastructure and details mitigation measures proposed.

1.3 Supporting Documentation

This report has been prepared with reference to the following:

- Development Plans prepared by Sporteng (**Appendix A**) including:
 - Majors Bay Reserve Synthetic Soccer Pitch
 - Cover Sheet, Drawing No. F000-B, Issue T3, dated 21 May 2019.
 - Existing Site Layout Plan, Drawing No. F050-B, Issue T1, dated 12 April 2019.
 - General Arrange Layout Plan, Drawing No. F200-B, Issue T3, dated 21 May 2019.
 - Stormwater Drainage Layout Plan, Drawing No. F300-B, Issue T3, dated 21 May 2019.
 - Pavement Plan, Drawing No. F600-B, Issue T3, dated 21 May 2019.
- Concept Plans for the Amenities Building prepared by Ausco Modular dated May 2015 for Adelaide United Football Club (**Appendix B**).
- Construction Environmental Management Plan prepared by Zoic Environmental Pty Ltd, dated 25 March 2019 (**Appendix C**).
- Resource Recovery Order (Recovered Aggregate Order 2014) (**Appendix D**).

- Resource Recovery Exemption (Recovered Aggregate Exemption 2014) (**Appendix E**).
- Obtrusive Light Compliance Report and drawing prepared by Gary Roberts & Associates Pty Ltd provided by Canada Bay Council on 20 May 2019 (**Appendix F**).
- Parking Assessment prepared by Complete Urban dated 29 March 2019 (**Appendix G**).
- Community Engagement Report prepared by Canada Bay Council dated 15 May 2019 (**Appendix H**).
- Concept Design of Hydraulic Services prepared by Harrison Friedmann & Associates Pty Ltd, dated 20 March 2019 (**Appendix I**).
- Geotechnical Investigation, prepared by Geotechnique Pty Ltd, dated 21 August 2015 (**Appendix J**).
- Assessment of proposal pursuant to the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, prepared by Milestone (Aust) Pty Ltd dated May 2019 (**Appendix K**).
- Acoustic Analysis prepared by Blackett Acoustics dated 17 June 2019 (**Appendix L**).
- Flood Impact Assessment Report prepared by HydroSpatial Pty Ltd, dated March 2019 (**Appendix M**).

2 PROPOSED ACTIVITY

2.1 Project Objectives

The main objective of the proposal is to provide an additional half sized synthetic field to allow for use throughout the year to complement the use of the full size synthetic field (Field 3) in Majors Bay Reserve to ensure a consistent surface is provided increasing user safety across the subject site for use by sporting clubs and the general public using the recreation area. The proposal also includes the construction of a new amenities building within Majors Bay Reserve for sporting club and the local community.

2.2 Location of Activity

The proposed additional half size synthetic field covers the existing open grassed recreation area to the north east of the existing Sid Richards Field 3 within Majors Bay Reserve, Concord (Lot 1 DP 909052, Lot 1 DP 327309 and Lot 6 DP 217073). The proposed amenities building will be located adjoining the north west boundary of the existing Sid Richards Field 3 (refer to **Figure 1**). Majors Bay Reserve currently accommodates three rectangular playing fields (identified as Fields '1', '2' and '3'), the Ron Routley Oval, and general open grassed recreation areas. The reserve also encompasses a portion of land identified as road reserve, under the control of Council, to the south east of the site (refer to **Figure 4**).

Refer to the Development Plans held at **Appendix A** and **Appendix B** for further details.



Figure 1: Proposed Development Site Plan
Source: Sporteng, 2019

2.3 Description of the Activity

The proposed activity includes the construction of an additional half size synthetic field with associated landscaping, fencing, access, seating and the construction of a new amenities building.

The proposed activity also includes the extension of use for Field 3 to 8am-10pm Monday to Sunday and use of the new half size field from 8am-9pm Monday to Sunday.

No tree removal is proposed as part of Stage 2 works.

The proposed activity comprises the following physical works:

Half Sized Synthetic Field

Construction of Synthetic Field

Construction of one half size synthetic field covering the existing open grassed recreation area to the north east of the existing Field 3 including:

- Additional planting and landscaping buffer incorporated at the east corner of the field.
- Installation of 1.8m high chain mesh fence around the field.
- Installation of 6m high nets behind mini-goals located on north and south sides of the field only.

Management of the process of placing, spreading and compacting of aggregate, as well as the construction of the synthetic facility (Stage 1) is currently being undertaken subject to the site specific Construction Environmental Management Plan (CEMP) held at **Appendix C**. On completion, this capping layer will be up to 600mm thick and will cover the area shown on the Development Plans (**Appendix A**).

Over the capping layer will be a shock pad layer and synthetic grass layer which will form the playing surface. All disturbed areas will be restored by levelling, adding topsoil and then turf, or where appropriate planting.

The permission to reuse aggregate is through the EPA's Resource Order and Exemption held at **Appendix D** and **Appendix E**.

Amenities Building

Construction of a new single storey amenities building, including:

- Male, female and accessible toilets;
- Two Change Rooms;
- One Cleaners' Room;
- Two Store Rooms;
- One Canteen;
- One Medical Room;
- One Referee's Change Room; and
- One Committee Room.

The final design detail of the amenities block is currently being prepared and will be finalised in October 2019. The proposed structure will incorporate a flat roof, has an area of approximately 500m² and a maximum height of approximately 4.5 metres.

The proposed building foundation, materials and colours will be similar in concept and design to the amenities building completed for Adelaide United Football Club in Ridley Reserve, City of Playford, South Australia (refer to **Photo 1** and **Photo 2**, and Plans held at **Appendix B** for further details).



Photo 1: Example of proposed amenities building foundation - blockwork piers on compacted ground



Photo 2: Example of proposed finishes for the amenities building

Hours of Operation of Half Size Synthetic Field

The proposed new half size field will be used between 8am to 9pm Monday to Sunday.

No additional light poles are proposed as part of Stage 2 and two of the existing approved light poles related to Field 3 will illuminate the half size field to 50 lux.

Hours of Operation and Illumination Field 3

The illumination of playing field 3 will be restricted to the following hours:

- Monday to Sunday: 8:00pm to 10:00pm.

The obtrusive light of the existing lighting poles incident on nearby residential dwellings to the east of the proposed half sized synthetic field complies with AS/NZS 4282 - 2019. The average luminance observed on the half size field is 50 lux with a maximum of 0.2 lux light spillage at

the property boundary (refer to Obtrusive Light Compliance Report and drawing prepared by Gary Roberts & Associates Pty Ltd held at **Appendix F**).

The proposed amenities building will be open during the above listed hours of use of fields.

Parking

Majors Bay Reserve, including existing playing fields, currently utilises a large dedicated car park to the west of the site, accessible from Nullawarra Avenue (refer **Figure 3**). This car park holds capacity for approximately 177 unrestricted public spaces. The proposed additional playing field seeks to utilise the existing car parking provisions and does not include any modification to existing car parking infrastructure.

Proposed works have been accompanied by traffic monitoring data to and from the site for Saturday 15th August 2015 and Tuesday 18th August 2015, prepared by Tracsis Traffic Data Australia. A review of this traffic data has also been undertaken by a suitably qualified traffic engineer, provided by Complete Urban dated 29 March 2019 (refer to **Attachment G**).

Having regard to this review of traffic data, the following conclusions are noted in relation to parking:

“a. Based on the received car park count data, the highest demand currently observed is 77 vehicles in the Concord RSL. With a capacity of 177 spaces, this leaves an additional 100 spaces at the peak time that are available;

b. Further, there is approximately 75 car parking spaces available on Norman Street adjacent to the reserve which are largely underutilised;

c. In consideration of the above, it is expected that the existing car park and kerbside parking on Norman Street has the capacity to accommodate the generated parking numbers. The assessed spare capacity is 175 spaces (being 100 in the car park and 75 on Norman Street). The expected parking demand in the worst case development situation being an additional 132 cars. This equates to the development utilising 75% of the spare car parking capacity in the area, and will result in a spare capacity of 43 (or 25%) of the currently available car parks;

d. In addition, should Council wish to provide additional car parking to reduce impact on the main car park and the driveway access, the opportunity exists to develop the existing gravel car park and/or provide additional signposting to direct motorists to it.’

Whilst the proposed additional half size field will result in additional vehicular movements to the site, by virtue of the increase in intensity of the use of the site, that existing site infrastructure, including dedicated parking facilities within Majors Bay Reserve, hold sufficient capacity for the anticipated additional loading by proposed half size field and therefore will not present an unreasonable impact to traffic or parking within the locality.

Further, the demand for the increased use of the new synthetic field (Stage 1) to capture evenings on weekends is able to be accommodated within existing car parking facilities and will not present an unreasonable impact to traffic or parking within the locality.

Access and Waste Management

All machinery and equipment to be utilised for the proposed works will be transported to the location of the proposed synthetic half field via a temporary vehicle access point along Norman Street to the south east of the site to avoid conflict with the existing public access (refer to **Figure 3**). The number of vehicles, vehicle movements and specific quantities of waste and recycling materials generated by the proposed works will be determined prior to the commencement of the works and upon the successful appointment of a qualified contractor.

It is understood from Council that free and full public access to all other areas of Majors Bay Reserve not subject to the proposed works, including the Kokoda Track Memorial Walkway, is to be maintained during the course of construction works.

Construction Hours and Timeframe

The proposed works are scheduled to commence in July 2019 and will occur between standard construction hours of 7:00am and 5:00pm, Monday to Friday. Works are not proposed on Saturday, Sunday or Public Holidays. It is understood that the new half size synthetic playing field and amenities building will commence operation in mid-2020.

2.4 Licenses

The site is not known to contain any species or endangered communities classified under the *Threatened Species Conservation Act 1995* and therefore the proposed activity does not require a Section 91 licence from the NSW Office of Environment and Heritage prior to the commencement of works.

The proposed activity is located within proximity (approximately 100m) from Majors Bay /Yaralla Bay and is classified as waterfront land. Pursuant to Section 38 of the *Water Management (General) Regulation 2011* however:

"A public authority is exempt from section 91E (1) of the Act in relation to all controlled activities that it carries out in, on or under waterfront land."

Under the Water Management Act 2000, Council is classified as a 'public authority' and proposed works therefore do not require any controlled activity approval or license from the NSW Office of Water.

On this basis, no licences are required to be obtained for the proposed activity.

2.5 Reasons for the Activity and Consideration of Alternatives

The proposed half size synthetic playing field and new amenities building will assist to meet the targets contained within the Canada Bay Local Planning Strategy (2010), including, however not limited to, provision of facilities and increased utilisation of and visitation to parks, sporting and recreation facilities. The proposed works are also consistent with the Management Action Plan and Landscape Master Plan for Majors Bay and Arthur Walker Reserves, prepared by Parkland Environmental Planners, dated November 2000, which provides overall objectives including, however not limited to:

- *"Reflect community values and expectations for future use of the reserves, and;*
- *Cater for the diverse recreation needs of the local community in an efficient and effective way."*

Having regard to the objectives of these plans, converting the existing open grassed recreation area within Majors Bay Reserve to a half size synthetic field and construction of a new amenities building will provide a tangible benefit to the local community and regional sporting groups.

Accordingly, the only alternative to the proposed activity is to take no further action. This would result in the continued use of the existing open grassed recreation area which is not available in all seasons (except the new synthetic Field 3) and continued use of the existing amenities building between Field 1 and 2 which is not sufficient nor convenient, and poor management of key public assets, and would be contrary to the objectives of the EP&A Act to achieve orderly, economic and sustainable development and use of land. This alternative would also be contrary to the objectives of the Local Government Act 1993 (LG Act) for the provision, management, improvement and development of goods, services and facilities, appropriate to the current and future needs of local communities and of the wider public, as well as contrary to the objectives of the Canada Bay Local Planning Strategy and Management Action Plan for the reserve.

The proposal to proceed results in positive safety conditions with consistent playing surfaces between the new synthetic Field 3 and Stage 2, the ability to use the fields in all weather maximising the use of the public asset.

Following community consultation carried out by Council in April 2019, the proposal was revised to reduce overall environmental impacts as outlined in Section 2.7 of this report.

2.6 Crown Ownership

The proposed activity and subject land covers three lots as follows:

Lot 1 DP 909050;
Lot 1 DP 327308; and
Lot 6 DP 217073.

Lot 1 DP 909052 and Lot 1 DP 327309 are Crown Land owned by the Roads and Maritime Services (refer to **Figure 2**). Lot 6 DP 217073 is owned by Council.

The subject site is under the care and control of Council who is able to undertake the proposed development works. The proposed works are consistent with Section 3.4 of the Management Action Plan & Landscape Master Plan for Majors Bay & Authur Walker Reserves dated November 2000.

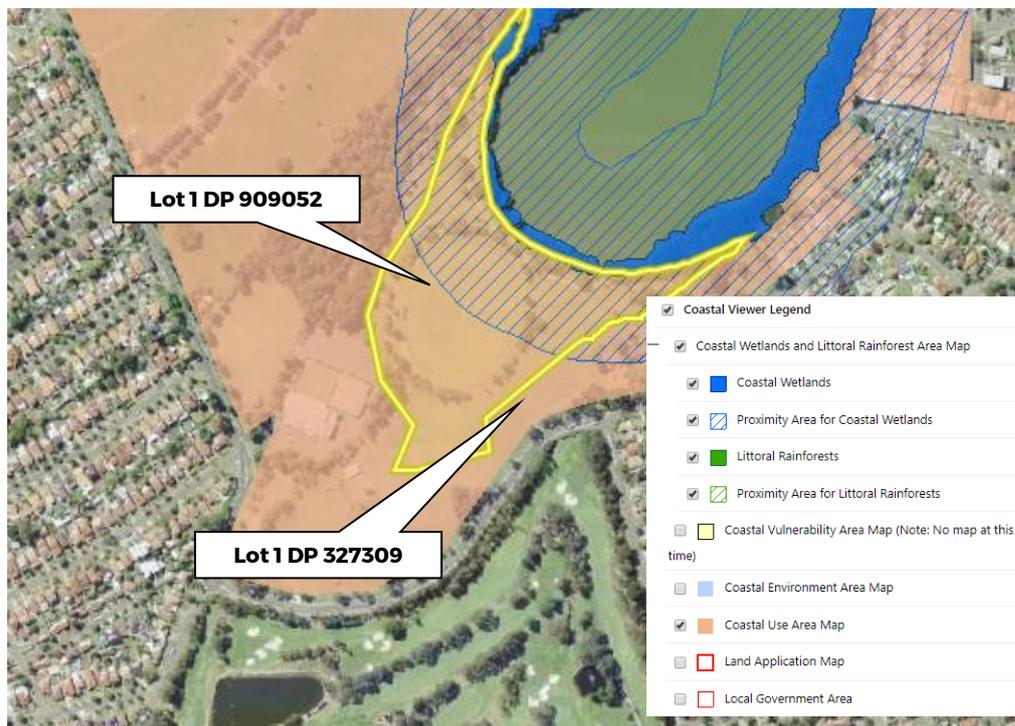


Figure 2: Crown Land (Lot 1 DP 327309 and Lot 1 DP 909052)
Source: State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP)

The site is located wholly within Majors Bay Reserve and does not impact the provision of any existing facilities or infrastructure operated by other Government agencies or utility providers. Liaison with the relevant sewer, electricity and gas providers will be undertaken prior to and during works on the site. Stakeholder consultation with Government agencies is not required for the proposed activity.

2.7 Stakeholder Consultation

Initial Development Plans for Stage 2 works prepared by Sporteng dated February 2019 and March 2019 were prepared to inform stakeholder consultation. These concept plans and an initial REF document dated March 2019 were displayed publicly to gain community feedback on the Stage 2 Proposal from 1 April 2019 to 1 May 2019.

Council has prepared a Community Engagement Report dated 15 May 2019 which outlines how Council engaged with the community members to *inform and consult* (refer to **Appendix H**). This report also summarises the identified issues of concern received from the owners and occupants of the residential property known as 17-19 Norman Street Concord which adjoins the subject site (located to the east).

As a direct result of the feedback received from the owners and occupants of 17-19 Norman Street Concord during the consultation period, the design was revised as follows:

- Deletion of two light poles along the eastern side of the half-size field.
- Reduction of the proposed luminance of the half size field from 100 lux to 50 lux.
- Use and illumination of the half size field from Monday to Sunday, 5pm to 9pm (previously Monday to Sunday 5pm to 10pm).
- Additional landscaping proposed to provide a visual landscape buffer at the interface with the adjoining residential property.
- Reduction of the height of the mesh fencing around the half size field from up to 6m to 1.8m.
- Installation of 6m high nets behind the mini-goals to capture balls and reduce disturbance.

The above design revisions seek to reduce the intensity of use as well as reduce the overall environmental impacts to surrounding residences (in particular for 17-19 Norman Street) in terms of reduced lightspill, acoustic, visual bulk, visual privacy and disturbance.

Should the decision be made to proceed with the Proposal, Council will continue to inform relevant stakeholders as required through the construction phase.

3 THE SITE

3.1 The Site and its Context

The subject site is located within Majors Bay Reserve, Concord NSW 2137 (Lot 1 DP 909052, Lot 1 DP 327309 and Lot 6 DP 217073). The Majors Bay Reserve is bound by, and accessible from Norman Street and Nullawarra Avenue to the south and south west respectively, and forms part of the broader Majors Bay and Arthur Walker Reserve, bound by Majors Bay to the north.

The reserve currently accommodates three grassed multi-sport playing fields to the south of the site and the single separated Ron Routley Oval to the north of the site, as well as a small brick canteen/amenities building between fields '1' and '2'. The reserve also encompasses a portion of land identified as road reserve, under the control of Council, to the south east of the site (refer to **Figure 4**). The reserve also accommodates the Concord RSL and Community Club, to the west of the site, comprising a clubhouse building, two outdoor bowling greens and outdoor carpark. The Kokoda Track Memorial Walkway also passes through the reserve along the north of the site.

boundaries of existing Field 3. There are also four small timber cabana type shelters to the north eastern and south eastern corners of existing Field 1.

Development surrounding the site consists of predominately low density established residential development to the east and west respectively. The site, in particular the location of the proposed half sized synthetic field, is within close proximity to an area of medium density two storey townhouse development adjoining the eastern side of the site, at the intersection of Norman Street and Majors Bay Road, being privately owned residential dwellings numbered 1, 1A, 3, 7-9, 11 and 17-19 Norman Street, Concord (refer to **Figure 5**).



Figure 5: Residential Properties numbered 3 through 19 Norman Street, Concord
 Source: Land and Property Information, SIX Maps 2019

The site is also adjacent to the Concord Golf Club to the south of the site, being also bound by Majors Bay Road to the east, Norman Street to the north and Nullawarra Avenue to the west (refer to **Figure 6**). The site is bound by Majors Bay and foreshore to the north.



Figure 6: Majors Bay Reserve and Concord Golf Course
 Source: Land and Property Information, SIX Maps 2019



Photo 3: View from south western corner of the existing Field 3 eastward towards the eastern boundary of Majors Bay Reserve.



Photo 4: View from north western boundary of the existing Field 3, facing south west towards existing Field 2.



Photo 5: View from the existing Field 3 south east towards dwellings numbered 17 to 19 Norman Street.



Photo 6: View from eastern boundary of Majors Bay Reserve south east towards dwellings numbered 17 to 19 Norman Street.



Photo 7: View from eastern boundary of Majors Bay Reserve south east towards dwellings numbered 17 to 19 Norman Street.



Photo 8: View from eastern boundary of Majors Bay Reserve westward to existing Field 3.



Photo 9: View from north eastern corner of Ron Routley Oval, facing south eastwards towards location of the existing Field 3.



Photo 10: View from eastern side of Ron Routley Oval, facing south eastwards towards location of existing Fields 1, 2 and 3.



Photos 11: View from northern end of Ron Routley Oval, northward toward Kokoda Memorial Walking Track



Photo 12: View from northern end of Ron Routley Oval, north east toward Kokoda Memorial Walking Track.



Photo 13: View from western side of reserve westward towards Concord RSL building and public car park.



Photo 14: View from western side of reserve north west to public car park.

4 PLANNING CONTEXT

The following section provides an appraisal of the proposed activity having regard to the relevant State and any Commonwealth legislation applicable to the proposed activity as well as any provisions in statutory planning instruments that are relevant to the proposed activity.

4.1 Environmental Planning Assessment Act 1979

The EP&A Act establishes a framework for the assessment of environmental impacts associated with development. The EP&A Act establishes Environmental Planning Instruments (EPI) to

control development activities including State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs) some of which include provisions relevant to the proposal. This section addresses the relevant legislation and EPI provisions that are relevant to the proposed development.

Under the EP&A Act, Council is classified as a 'proponent' and 'a determining authority' (under Part 5 of the EP&A Act) and must assess an activity under Part 5 of the EP&A Act if it may be carried out without development consent. The project is unlikely to have a significant impact on the environment and consequently an environmental impact statement is not required pursuant to Section 5.6 of the EP&A Act.

Section 5.5 of the EP&A Act requires that a determining authority in its consideration of an activity has a duty to consider the environmental impacts of the activity. Clause 228 of the EP&A Regulation lists those factors that must be taken into account when considering the likely impact of an activity on the environment. This REF addresses those heads of consideration and meets the requirements of the Act and regulations in relation to the assessment of development under Part 5 of the EP&A Act, contained within Section 5 of this report.

4.2 Threatened Species Conservation Act 1995

The City of Canada Bay Council holds information on flora and fauna in the LGA, contained within the following documents:

- Fauna of the City of Canada Bay LGA 2013-2014, prepared by InSight Ecology, dated August 2014, and;
- City of Canada Bay Flora Inventory, prepared by Gingra Ecological Surveys, dated 3 August 2009.

These reports provide a review of any vulnerable, endangered or critically endangered fauna and flora species in the City of Canada Bay LGA as listed in the Threatened Species Conservation Act 1995 (Threatened Species Act).

The flora inventory indicates elements of estuarine complex vegetation remain on the foreshores of Majors Bay with more extensive patches of Mangrove forest remaining in Yaralla Bay, which is located approximately 475m to the North West of the subject site, however does not specify any area within or surrounding Majors Bay Reserve. No elements of this vegetation are within close proximity to the site, works are to maintain appropriate separation to the foreshore, separated by the Kokoda Memorial Walking Track and will not involve any direct impacts on the estuarine complex vegetation.

The fauna inventory, while providing for a number of bird species, does not indicate any threatened or endangered species are found on, or permanently inhabit the site.

Having regard to these reports, there are no fauna or flora species recorded on the site as being listed as critically endangered under the Threatened Species Act. On this basis a 'Test of Significance' is not required to be prepared for the proposed activity as part of this REF.

Tree removal is not proposed as part of Stage 2 works.

4.3 Contaminated Land Management Act 1997

In NSW, the management of contaminated land is also dealt with under the Contaminated Land Management Act 1997, the major objective of which is to *'establish a process for investigating and (where appropriate) remediating land that the Environmental Protection Authority (EPA) considers to be contaminated significantly enough to require regulation.'*

The site is identified as being contaminated, pursuant to the NSW EPA Contaminated Land Register, with the site subject to a current order (940002 D1 AJR) issued on 10th February 1989 pursuant to Section 35 of the Environmentally Hazardous Chemicals Act 1985, being described as follows:

“Contaminated by the prescribed activity of the disposal of chemical wastes, namely wastes, suspected of being dioxin contaminated, from the manufacture of pesticides.”

This order subsequently contains directions to:

*“(a) reducing the contamination of the premises;
(b) restoring or rehabilitating the premises; or
(c) removing, or disposing of, any soil, sand, rock, water or other solid or liquid material of any kind from the premises, which would result in the disturbance of any land on the premises below a depth of one half (0.5) metre, shall be carried out only after notice to the Commission and in accordance with an approval in writing given by the Commission”.*

The Commission referred to in this direction was the State Pollution Control Commission, which was absorbed into the NSW EPA in 1992.

The proposed works will not involve any excavation activities except the connection point of service trenching and the service pits (refer to **Appendix I**, Concept Design of Hydraulic Services prepared by Harrison Friedmann & Associates Pty Ltd dated 20 March 2019). Where other excavation activities are undertaken which extend beyond 0.5m in depth, all works must be strictly undertaken in accordance with the site specific CEMP.

4.4 Protection of the Environment Operations Act 1997

The *Protection of Environment and Operations Act 1997* (POEO Act) addresses water, land, air and noise pollution and waste management, making it illegal to pollute or cause or permit pollution of waters, and an offence to wilfully or negligently cause any substance to leak, spill or otherwise escape in a manner that harms or is likely to harm the environment. If a pollution incident occurs during an activity and it causes or threatens ‘material harm’ to the environment, by law the appropriate regulatory authority – either the local council or the EPA must be notified. Refer to existing known environmental contamination matters discussed within Section 4.3 of this report.

4.5 Waste Avoidance and Resource Recovery Act 2001

The *Waste Avoidance and Resource Recovery Act 2001* (WARR Act) provides the following objectives to moderate and reduce the impacts of waste on the environment:

- a) *“To encourage the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development,*
- b) *To ensure that resource management options are considered against a hierarchy of the following order:*
 - i. *Avoidance of unnecessary resource consumption,*
 - ii. *Resource recovery (including reuse, reprocessing, recycling and energy recovery),*
 - iii. *Disposal,*
- c) *To provide for the continual reduction in waste generation,*
- d) *To minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste,*
- e) *To ensure that industry shares with the community the responsibility for reducing and dealing with waste,*
- f) *To ensure the efficient funding of waste and resource management planning, programs and service delivery,*
- g) *To achieve integrated waste and resource management planning, programs and service delivery on a State-wide basis,*
- h) *To assist in the achievement of the objectives of the Protection of the Environment Operations Act 1997.”*

A site specific CEMP has been prepared by Zoic Environmental Pty Ltd for the proposed activity prior to the commencement of work to ensure that no offensive noise, spills, leaks or discharge to the stormwater occurs as a result of the proposed activity and to ensure that all waste recovered from the site will be managed appropriately.

4.6 Coastal Management Act 2016

The Coastal Management Act 2016 replaces the Coastal Protection Act 1979 and establishes a new strategic framework and objectives for managing coastal issues in NSW. The Coastal Management Act 2016 comprises four coastal management areas:

- Coastal wetlands and littoral rainforests area; areas which display the characteristics of coastal wetlands or littoral rainforests, that were previously protected by SEPP14 and SEPP 26
- Coastal vulnerability area; areas subject to coastal hazards such as coastal erosion and tidal inundation
- Coastal environment area; areas that are characterised by natural coastal features such as beaches, rock platforms, coastal lakes and lagoons and undeveloped headlands. Marine and estuarine waters are also included
- Coastal use area; land adjacent to coastal waters, estuaries and coastal lakes and lagoons.

The proposal is partly located in the Coastal Use Area, which focuses on the integration of urban development in coastal areas, as defined in the Coastal Design Guidelines for NSW (refer to **Figure 2**).

The State Environmental Planning Policy (Coastal Management) 2018 (Coastal Management SEPP) gives effect to the objectives of the Coastal Management Act 2016 from a land use planning perspective, by specifying how development proposals are to be assessed if they fall within the coastal zone.

In accordance with Division 4 Coastal Use Area Clause 14 (2) of the Coastal Management SEPP development on land within the coastal use area does not apply to land within the Foreshores and Waterways Area within the meaning of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

4.7 State Environmental Planning Policy (Infrastructure) 2007

The State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) seeks to facilitate the efficient development of infrastructure and service facilities. It establishes a planning regime that aims to provide regulatory certainty and efficiency by identifying the environmental assessment category into which development falls and identifying matters to be considered in the assessment of development.

The proposed development comprises the construction of an additional half size synthetic field with associated landscaping, fencing, access, seating and the construction of a new amenities building on land operated by Council. The proposed works can proceed without development consent pursuant to Clause 65(3) of the Infrastructure SEPP and Part 5 of the EP&A Act 1979 as follows:

'(3) Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council:

(a) development for any of the following purposes:

(i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,

(ii) recreation areas and recreation facilities (outdoor), but not including grandstands,

(iii) visitor information centres, information boards and other information facilities,

(iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,

(v) landscaping, including landscape structures or features (such as art work) and irrigation systems,

(vi) amenities for people using the reserve, including toilets and change rooms,

(vii) food preparation and related facilities for people using the reserve,

(viii) maintenance depots,

(ix) portable lifeguard towers,

(b) environmental management works,

(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).

Note.

*The term **building** is defined in the Environmental Planning and Assessment Act 1979 as including any structure.'*

Clause 5(4) *“Interpretation – General”* of the Infrastructure SEPP permits removal of trees as *“routine maintenance works”*. Routine maintenance works do not fall under Clause 65(3) of the Infrastructure SEPP and therefore the removal of trees cannot be carried out as *“routine maintenance works”* pursuant to Clause 65(3) of the Infrastructure SEPP. The proposed Stage 2 works do not include tree removal.

4.8 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 stipulates that Council may issue a permit for clearing of vegetation. Stage 2 works do not include the removal of any trees.

Clause 7 of the Vegetation in Non-Rural Areas SEPP states:

*“7 The clearing of vegetation in non-rural areas that requires authority under this Policy
(1) A person must not clear vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.”*

Clause 9 in Part 3 of the Vegetation in Non-Rural Areas SEPP states:

*“Vegetation to which Part applies
9(1) This Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.”*

Section *“C5.1 Pruning and removal of trees”* in the Canada Bay Development Control Plan (adopted 2017) refers to the repealed Clause 5.9 of the Canada Bay Local Environmental Plan 2013. Section C5.1 of DCP 2013 therefore requires revision to remove reference to the repealed LEP 2013 clause and refer to the Vegetation in Non-Rural Areas SEPP. Notwithstanding, DCP 2013 states certain trees may be removed without requiring a permit to be obtained if Council establishes that:

- The tree was dead or that the works were limited to the removal of dead branches;
- The tree was one of the exempt species provided in the DCP (provided the tree is not listed as a Heritage Item in an environmental planning instrument – in which case the prohibition applies).

The two circumstances where tree removal can proceed without a permit granted by Council under the Vegetation in Non-Rural Areas SEPP is as follows:

*“(2) An authority is not required under this Policy for the removal of vegetation that the council or Native Vegetation Panel is satisfied is dying or dead and is not required as the habitat of native animals.
(3) An authority is not required under this Policy for the removal of vegetation that the council is satisfied is a risk to human life or property.”*

Although the proposed activity does not require tree removal as part of Stage 2 works, any tree removal carried out as part of the proposed activity requires a permit issued by Council prior to removing the trees or confirmation from Council’s Co-ordinator Tree Services that the trees to be removed are classified as exempt from requiring a permit under the Vegetation in Non-Rural Areas SEPP or the Council’s DCP.

4.9 State Environmental Planning Policy No. 55 – Remediation of Land

The State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) seeks to ensure that the potential for contamination of land is considered by the Consent Authority through the rezoning or Development Application process. It establishes a planning regime that aims to provide regulatory certainty and efficiency by requiring the consideration of a preliminary contamination assessment. SEPP 55 requires that the Consent Authority needs to be satisfied that any contaminated land will be remediated and made suitable for the purpose for which the development is proposed to be carried out, before the land is used for that purpose.

Pursuant to Clause 7(1) and 7(2) of SEPP 55 the provisions of SEPP 55 are only applicable to development that requires the consent of a consent authority. The provisions of SEPP 55 are

therefore not required to be considered for the proposed works or activity under Part 5 of the EP&A Act.

Having regard to Section 4.3 of this report, the site is identified as being contaminated, pursuant to the NSW EPA Contaminated Land Register, with the site subject to a current order (940002 D1 AJR) issued 10 February 1989.

A Geotechnical Investigation Report prepared by Geotechnique Pty Ltd (held at **Appendix J**) provides an understanding of the sub-surface soil conditions of the site. The report concludes that whilst elements of rubbish were identified at individual bore locations that the site is suitable for proposed works and activity, subject to the recommendations for construction detail contained within the report.

This Geotechnical Investigation does not provide any reference to, or analysis of, known contamination at the site. Council has confirmed that the amenities building foundations will be blockwork piers on compacted ground or screw piles, which are displacement methods that do not result in the generation of material above ground. Further, the service pits will be backfilled with clean material if the pits were installed post-landfill.

The site specific CEMP has been prepared with specific reference to previous contamination assessments to inform the construction of the proposed activity. The CEMP provides the overarching management of all potential environmental risks associated with the project.

4.10 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005) applies to the site and is a deemed SEPP. Portions of Majors Bay are zoned W2 Environmental Protection under SREP 2005 (refer **Figure 7**). The proposed development will satisfy the aims of the SREP 2005 and support the W2 zone objectives and will not result in any significant adverse heritage, environmental, social or economic impacts on the site or the locality.

The proposed development is for minor works to a “*land/water interface development*” which is defined by SREP 2005 as follows:

“land/water interface development means development for any of the following purposes:

- (a) *boat repair facilities,*
- (b) *boat launching ramps,*
- (c) *commercial marinas,*
- (d) *water-based restaurants and entertainment facilities,*
- (e) *water recreational facilities,*
- (f) *when carried out wholly or partly in the waterway:*
 - (i) *dwelling of any type (including serviced apartments),*
 - (ii) *commercial premises,*
 - (iii) *tourist facilities,*
 - (iv) *shops and retailing,*
 - (v) *restaurants,*
 - (vi) *recreational or club facilities (whether used for activities based on land or on water),***
 - (vii) *car-parking,*

and includes land-based development and water-based development when carried out as part of development for a purpose referred to above.”

The proposal includes construction of an additional half size synthetic field with associated landscaping, fencing, access, seating and the construction of a new amenities building. Pursuant to Clause 20(b) of the SREP 2005, the provisions SREP 2005 must be considered for the proposed works or activity under Part 5 of the EP&A Act.:

“(b) Are to be taken into consideration by public authorities and others before they carry out activities to which Part 5 of the Act applies”

An assessment of matters for consideration within Division 2 have been addressed in detail and are held at **Appendix K**. The assessment concludes that the proposed half size synthetic field

and amenities building will not adversely impact on the quality and amenity of Sydney Harbour Catchment and will achieve a high level of compliance with the requirements of SREP 2005. Although fencing is proposed around Stage 2 for management purposes, general access along the foreshore and through the reserve is maintained.

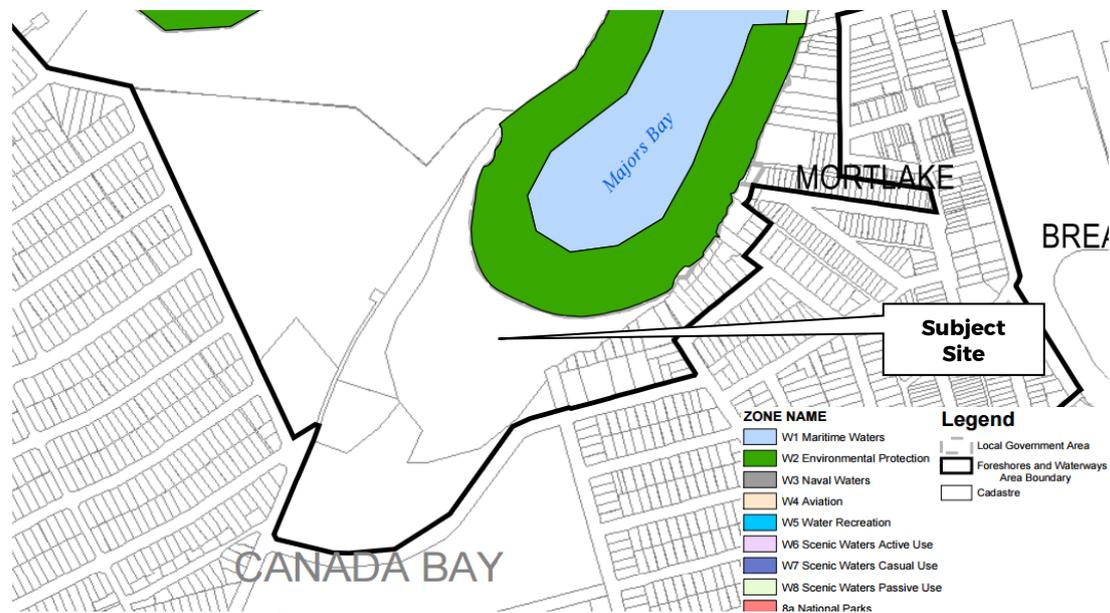


Figure 7: SREP 2005 Zoning Map
Source: SREP 2005

4.11 Canada Bay Local Environmental Plan 2013

Zoning and Permissibility

The site is predominately zoned RE1 Public Recreation pursuant to Canada Bay Local Environmental Plan 2013 (LEP 2013) (refer to **Figure 8**). The objectives of the RE1 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 facilitate public access to and along the foreshore.*
- *To conserve public open space that enhances the scenic and environmental quality of Canada Bay.”*

The proposal satisfies the objectives of the RE1 Public Recreation Zone by upgrading Majors Bay Reserve Sporting Precinct and providing increased opportunities to play and train on the synthetic full field (Stage 1) and proposed half size field (Stage 2). The proposal increases the intensification of use as well as the proposed hours of operation for Stage 1 works sustaining higher use of the site for recreational purposes.

The proposed works which comprise the construction of an additional half size synthetic field with associated landscaping, fencing, access, seating and the construction of a new amenities building are permitted in the RE1 Public Recreation Zone under the “*recreation area*” land use definition as follows:

“Recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) *A children’s playground, or*
- (b) *An area used for community sporting activities, or*
- (c) *A public park, reserve or garden or the like,*

And any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).”

The proposed new amenities building is deemed as *ancillary buildings* in relation to “(c) *A public park, reserve or garden or the like...*” and is permitted development in the RE1 Zone pursuant under LEP 2013.

The site also contains a portion of land identified as road reserve, under the control of Council, to the south east of the site (refer to **Figure 4**). This portion of the site is zoned R2 Low Density Residential pursuant to the LEP 2013 (refer to **Figure 8**). The proposed works will not fall within this road reserve land.

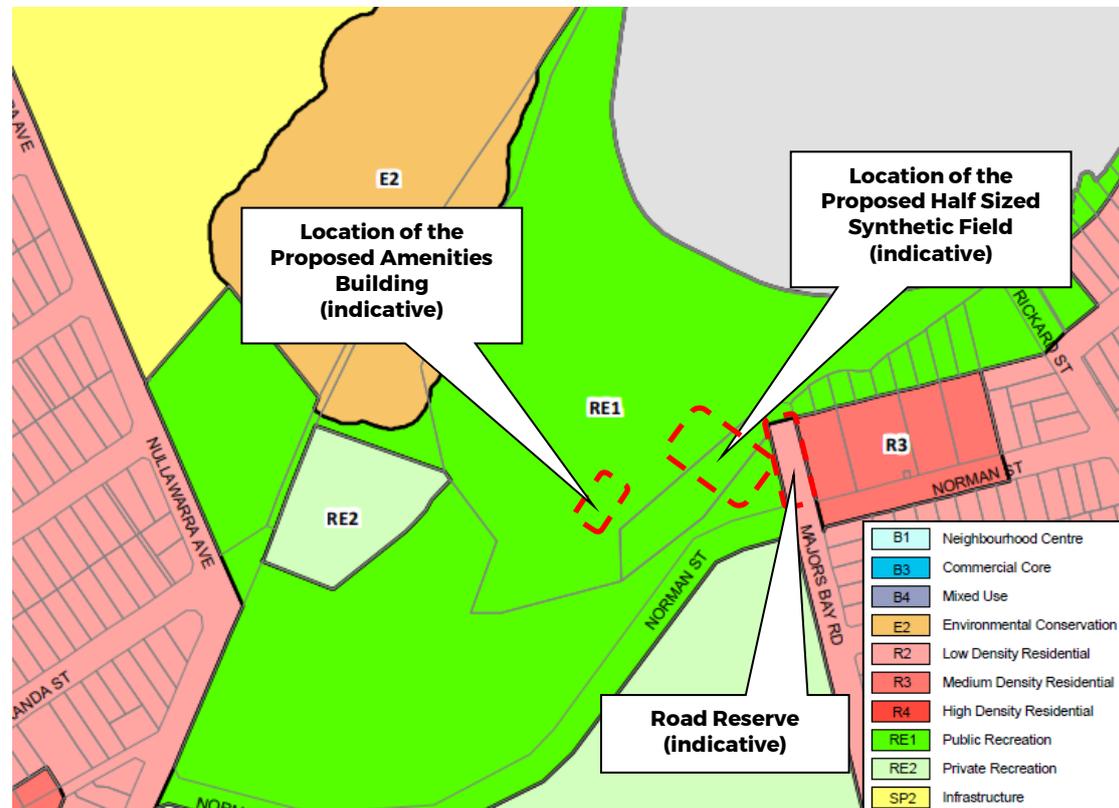


Figure 8: Zoning Map
Source: LEP 2013

Height of Building and Associated Structures

There are no maximum building heights applicable to the site under LEP 2013.

The proposed amenities building has a maximum height of 4.23m. The proposed building is set back from residential dwellings to the east by approximately 187m and will have a minimal impact in terms of visual amenity, overshadowing and visual bulk.

The other structures forming part of the proposal which result in a visual impact and height relate to:

- Height of the open mesh fencing around the half size field being 1.8m.
- Height of nets behind the mini-goals to capture balls and reduce disturbance being 6m.

Additional landscaping is proposed to provide a suitable buffer to ensure that the proposed perimeter fencing and goal nets provide a minimal impact in terms of visual amenity, overshadowing and visual bulk.

Heritage

The Majors Bay Reserve is not identified as a heritage item pursuant to Clause 5.10 of the LEP 2013. The site is however within proximity to a number of heritage items, provided in **Table 1** below. The site is not located within, nor within proximity to, any Heritage Conservation Area.

The site is located within vicinity of biodiversity land as shown in LEP 2013 refer to **Figure 10**.

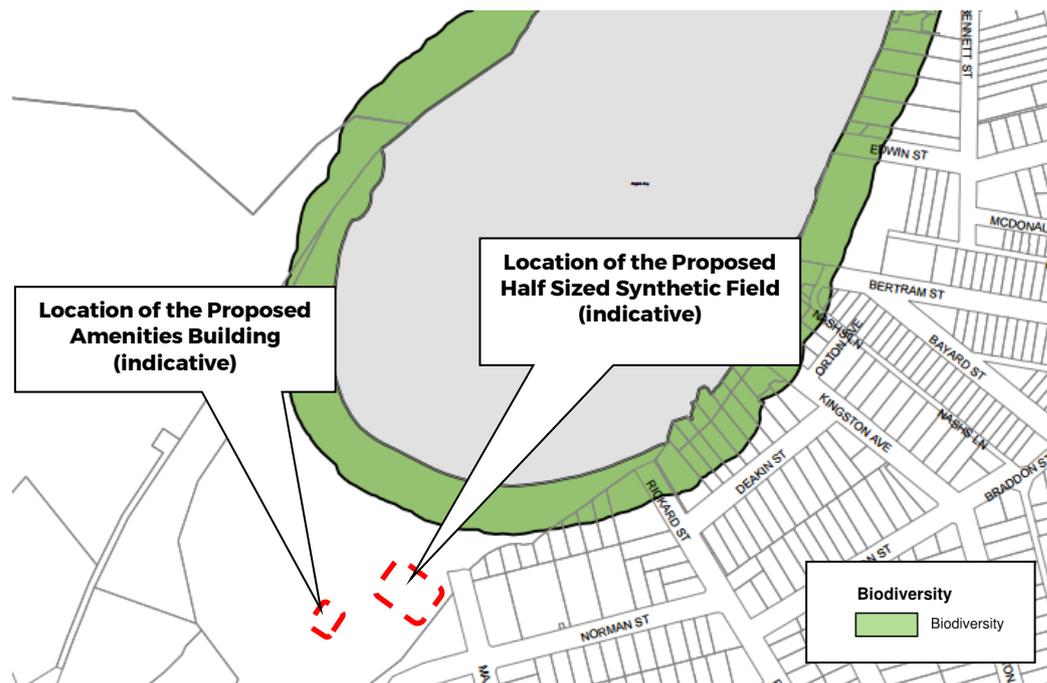


Figure 10: Biodiversity map
Source: LEP 2013

The biodiversity area in the LEP 2013 relates to the coastal mangrove environment north of the site (refer to **Figure 10**). Clause 6.3(4) of the LEP 2013 refers to matters to be considered prior to Council granting consent to a DA and the matters in Clause 6.3(4) must be addressed prior to development consent being granted by Council, including:

- "(a) whether the development is likely to have:*
- (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
 - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
 - (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development."*

The proposed works are generally located away from biodiversity areas in **Figure 10** above. As the location of the proposed half size synthetic field and amenities building is currently used for public recreation, the continued use of the subject field for this purpose is not anticipated to have any adverse impact on the biodiversity at the site.

Having regard to Clause 65(3) of the Infrastructure SEPP, whilst the proposed works do not require development consent, the proposal is considered to be consistent with the objectives of the clause, and is not considered to result in any adverse impacts to flora, fauna, biodiversity or other environmental impacts contained within the matters in Clause 6.3(4) of the LEP 2013.

Acid Sulphate Soils

The site is located wholly within a Class 2 Acid Sulphate Soils (ASS) area under LEP 2013 (refer to **Figure 11**). The proposal includes construction of a half size synthetic field above the existing ground level without excavation works. The proposed amenities building will be constructed above blockwork piers on compacted ground without excavation works. Therefore, it is considered that the proposed construction works is unlikely to result in the lowering of the water table pursuant to Clause 6.1(2) of the LEP 2013 below.

"(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulphate Soils Map as being of the class specified for those works.

Class 2 -Works below the natural ground surface; Works by which the watertable is likely to be lowered."

The Geotechnical Investigation (**Appendix J**) provides an understanding of the soil sub-surface conditions. Given that Council intends to utilise blockwork piers on compacted ground or screw piles as the foundation of the amenities building, no additional excavation will be undertaken. Where excavation deeper than 0.5 metres below ground surface may be needed due to revised construction method, an Acid Sulphate Soils Management Plan is required to be prepared by Council in accordance with the Acid Sulphate Soils Manual, as per Cl.6.1(3) of the LEP 2013 below:

"(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulphate soils management plan has been prepared for the proposed works in accordance with the Acid Sulphate Soils Manual and has been provided to the consent authority."

Proposed construction activities will result in minimal soil erosion as no additional excavation activities are planned to be undertaken. As part of the Stage 1 works, Council will import road aggregate generated from roads program which will be used to establish the subgrade for the synthetic field. Despite the absence of any earthworks, given the importation of road aggregate to the subject site, Council will mitigate the potential risk of erosion in accordance with the recommendations in the site specific CEMP (**Appendix C**).

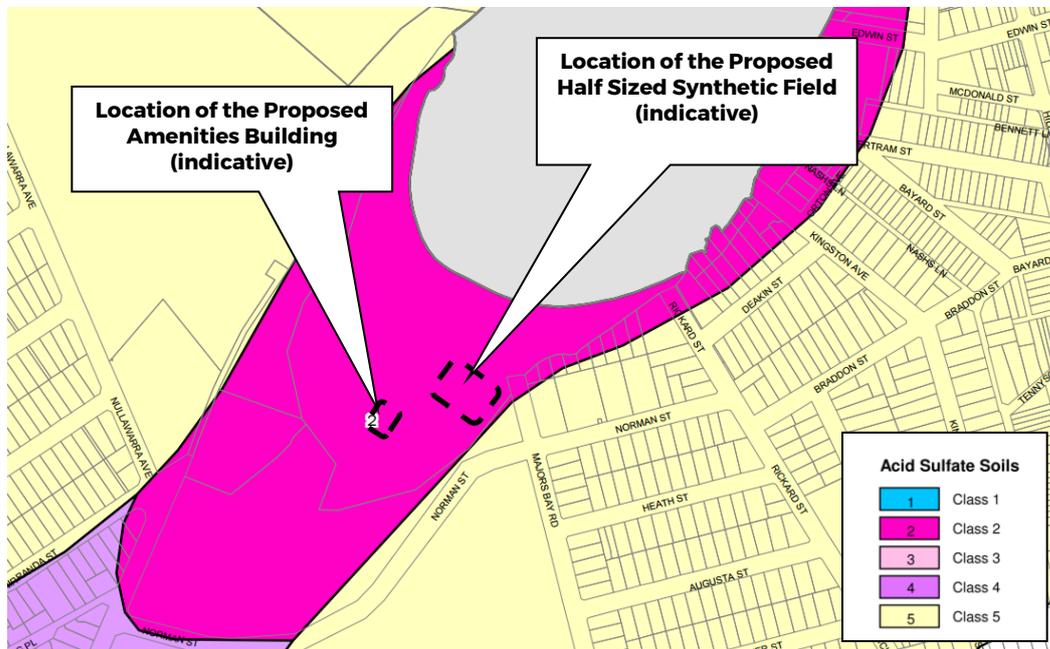


Figure 11: Acid Sulfate Soils
Source: LEP 2013

4.12 Canada Bay Development Control Plan 2013

The following sections of DCP 2013 are relevant to the proposal:

Part 3 (Section 3.3) - Stormwater, Detention and Sediment control

Part 3 (Section 3.3) of the DCP 2013 relates to stormwater, detention and sediment control, and provides the following controls which have been reviewed.

Undertaking the activity will create the possibility for the sedimentation of waterways or water bodies in the locality. These impacts will be minimised by implementing the recommendations as detailed in the site specific CEMP (held at **Appendix C**) and associated Erosion and Sedimentation Control Plan as prepared by the successful contractor engaged to undertake the construction works. Further, regular audits will be undertaken throughout the duration of the project to ensure the strict compliance with the CEMP.

The proposed activity will affect the runoff and drainage in the area. To maintain the natural drainage system as far as possible the following structures will be installed:

- Catch drains to intercept surface water.
- Diversion channels and banks to control runoff.
- Provision of inlet filter.

There will be minimal waste or surplus material produced during the period of the activity. As the half size synthetic field and amenities building is to be built above the existing ground level, no waste will be generated by the site in this regard. Further, any excess material associated with the construction of the half size synthetic field (e.g. installation of shock pads, synthetic carpet etc.) will be taken away by the contractor to be used on another site or recycled.

Part 3 (Section 3.4) - Contamination

Part 3 (Section 3.4) of the DCP 2013 relates to contamination and provides the following controls

Control	Proposal
<p>C1 For all development applications involving industrial, commercial, more than 2 residential dwellings or major redevelopment of sites, an initial evaluation for potential contamination must occur. The evaluation must address the following:</p> <p>(a) was or is the site currently zoned for industrial or defence purposes;</p> <p>(b) Do existing records held by Canada Bay Council show an activity listed in Table 2;</p> <p>(c) Is the site currently used for an activity listed in Table 2; and</p> <p>(d) Is Council aware of information concerning contamination impacts on land immediately adjacent the site which could affect the subject land? If after carrying out the above initial evaluation none of the enquiries suggest that the land might be contaminated, the planning process should continue in the normal way. If contamination is, or may be present, the applicant must investigate the site and provide Council with the information it needs to carry out its planning functions. It should be noted that Council may at any stage in the process, require a preliminary investigation to be undertaken if Council believes there is a possibility of contamination on the site.</p>	<p>Having regard to Sections 4.3 and 4.7 of this report, the site is identified as being contaminated, pursuant to the NSW EPA Contaminated Land Register, with the site subject to a current order (940002 D1 AJR) issued 10 February 1989.</p> <p>Whilst the proposal is not currently zoned for industrial purposes, the site is within proximity to the former Mortlake AGL Gas Works (now redeveloped as Breakfast Point), identified in Table 2 of DCP 2013.</p> <p>Council intends to utilise blockwork piers on compacted ground as the foundation of the amenities building, therefore no additional excavation will be undertaken. Where excavation deeper than 0.5 metres below ground surface may be needed due to revised construction methods, a further Contamination Assessment may be required to be undertaken by a suitably qualified person and all works and management measures must be conducted in accordance with the site specific CEMP.</p>

Part 3 (Section 3.5) - Acid Sulphate Soils

Part 3 (Section 3.5) of the DCP 2013 relates to acid sulphate soils and provides the following controls:

Control		Proposal
C1	If your property is within a potential acid sulphate area (Check Council's Acid Sulphate Soil Maps) and you intend to undertake building works that could disturb acid sulphate soils (i.e. if excavation at or below the ground water table is required) an evaluation of whether or not acid sulphate soils are present will need to be undertaken. Where acid sulphate soils are found to exist, an acid sulphate soils management plan will be required detailing the means which will be employed to minimise the impacts of the development on the wider environment from the soil.	Council will utilise blockwork piers on compacted ground or screw piles for construction therefore no excavation will be undertaken. Where excavation deeper than 0.5 metres below ground surface may be needed due to a revised construction method, an Acid Sulphate Soils Management Plan is required to be prepared prior to these works.

Part 3 (Section 3.8) - Preservation of Trees and Vegetation

Part 3 (Section 3.8) of the DCP 2013 relates to the preservation of trees and vegetation and provides the following controls:

Control		Proposal
C1	A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which this development control plan applies if: (a) The tree has a height of, or greater than, four (4) metres; (b) The tree has a trunk girth of, or greater than, 500mm at any point; or (c) The tree is a cycad or mangrove, irrespective of its dimensions without a permit granted by the Council.	This item is acknowledged.
C2	If the tree or other vegetation is or forms part of a Heritage Item or is within a Heritage Conservation Area, then development consent is required.	Having regard to Part 4.1 of this report proposed works do not require development consent.
C3	The prohibition does not apply to with respect to the following works: (a) Emergency Works - any works carried out by Council, the State Emergency Services, the Rural Fire Service of NSW, or a public authority in response to an emergency; (b) Works carried out by State and Federal Government departments or Authorities under current legislative requirements; (c) Tree works carried out by Council or its agents on land owned or under the care and control of Council, provided that assessment of the tree work has been carried out in accordance with this DCP.	Proposed works are not applicable to provisions (a) and (b) of this clause, however require assessment against this section of the DCP 2013. Pursuant to Clause 65 of the SEPP (infrastructure), tree removal cannot be undertaken via the REF process. The proposal does not include removal of any trees located within the Majors Bay Reserve.

Having regard to the structure of the DCP 2013, being specific development types on private land, given proposed works are located wholly on public land, no other sections are relevant to the proposal.

5 ENVIRONMENTAL IMPACTS AND MANAGEMENT

5.1 Visual Amenity

Having regard to the assessment of the proposed works, matters relating to visual privacy, lightspill and views relating to the construction of the amenities building and use of proposed new half size field are provided below.

Visual Privacy and Light Spill

Proposed works are within the vicinity of residential dwellings to the east and south east of the site along Norman Street and Majors Bay Road.

The nearest part of the new half field is a minimum setback distance of approximately 25m from the nearest dwellings on Norman Street (townhouse complex at No 17-19 Norman Street), and approximately 65m from the nearest dwelling on Majors Bay Road (single detached dwelling at 219 Majors Bay Road), to the east of the site, and as noted in **Figure 12** below:

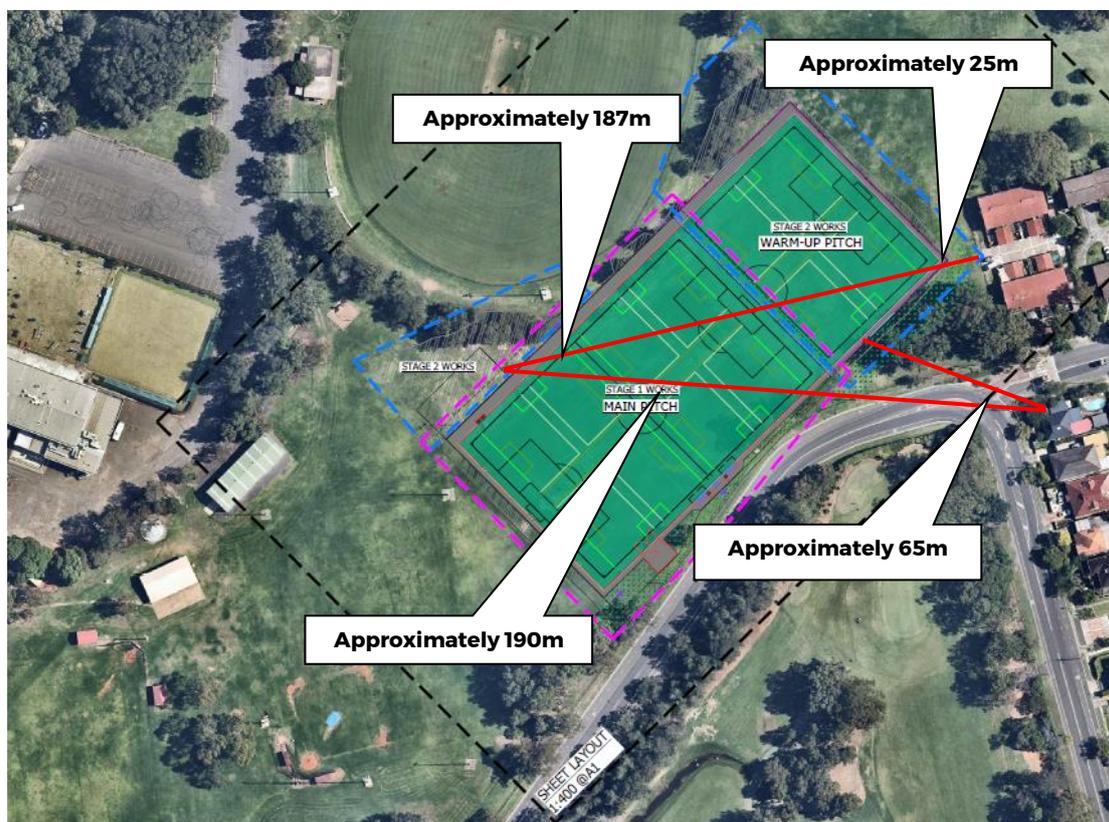


Figure 12: Extract of Proposed Layout Plan showing approximate distances of proposed works from nearby residential development.

The general outlook for these dwellings currently will be maintained i.e an outlook over playing fields, vacant parkland and mangroves. The proposed works will not principally alter the use of the site as a public recreation facility, and the nature and general layout of line marked playing fields is retained. The proposal does however slightly change the intensity of use when compared to the existing soccer field by adding a new half size synthetic field and extending hours of use.

It can reasonably be expected that dwellings adjoining the site will experience some minor visual privacy impacts as a result of increased patronage due to being able to play soccer matches and training more often, however any visual and privacy impacts to surrounding properties is considered to be reasonable due to the following:

- There are no light poles erected as part of the half size field. Lighting is reliant on existing light poles around Field 3 and these poles are setback approximately 45m from No 17-19 Norman Street.
- The proposed luminance levels are reduced from 100 lux to 50 lux for the half size field from 5pm to 9pm Monday to Sunday.
- Additional landscaping is proposed to provide a visual landscape buffer at the interface No 17-19 Norman Street.
- The proposed height of the fencing around the half size field is 1.8m which is reflective of typical boundary fencing.
- The 6m high nets behind the mini-goals will capture soccer balls and reduce disturbance.

To ensure a suitable landscape buffer is provided to the property at No 17-19 Norman Street, a detailed landscape plan nominating tree species is required to be prepared by a qualified landscape architect and any further liaison with the occupants and owners of this property be undertaken by Council as required.

Views

The proposed amenities building has a significant set back from residential dwellings to the east by approximately 187m and 190m. The proposed development will have minimal impact in terms of visual amenity to the residential dwellings given the modest single storey scale of the amenities building. The proposed amenities building will have limited overshadowing impacts on the reserve itself given the single storey nature and is considered to provide a positive overall visual amenity impact when viewed from within Majors Bay Reserve and surrounding properties.

The site and surrounding residential areas are not subject to any iconic or significant views or vistas (refer to **Photo 6**). It is noted that a number of properties to the northern side of Norman Street, specifically dwellings at the rear of these allotments with a northern orientation, currently enjoy an outlook over Majors Bay Reserve, which may be very partially affected by the amenities building. The new amenities building is limited to a single storey structure and is low scale. The proposal will not obscure any views and is considered to be a reasonable form of development for the site.

The proposed 6m high nets behind the mini-goals are setback a minimum of 45m from No 17-19 Norman Street and will have an impact on views from surrounding residential areas to the east however the nets are open and will maintain views through and views will generally be of the nets above the landscape buffer canopy. It is understood that the proposed 1.8m high fence will be of open mesh design to minimise obstruction to views through the reserve.

5.2 Acoustic and Air Quality Amenity

During Construction

The construction works will give rise to minor noise impacts over a short duration of time. Potential localised air quality impacts associated with construction of the proposal include dust and noise emissions from plant and machinery. This impact is considered acceptable given its temporary nature. Construction will occur within standard construction work hours permitted by Canada Bay Council. It is acknowledged that night works could be relied upon to accommodate truck deliveries of fill materials. Any disturbance from night works (if they are required) would be limited to one or two occasions and temporary.

Ongoing Use of Fields

Proposed works are located within the broader Majors Bay Reserve public recreation area, however are within proximity to residential development to the east of the site. It is acknowledged that increased use of the proposed new half size soccer pitch and operating hours to 9pm 7 days will result in additional noise generation to the surrounding residential area.

An Acoustic Analysis prepared by Blackett Acoustics dated 17 June 2019 assesses the potential noise impact associated with ongoing use of the proposed additional half size synthetic field

on surrounding residents located to the east of the Majors Bay Reserve (**Appendix L**). The Acoustic Analysis states that the potential noise as a result of the ongoing use of the proposed half sized synthetic field will achieve compliance with the Environmental Noise Control Manual (ENCM) criteria.

Further, the proposed works will be carried out within noise guidelines for public places and sporting facilities contained within the CEMP, and therefore not present any significant acoustic impact to surrounding residential areas.

5.3 Traffic and Transport

During Construction

All machinery and equipment to be utilised for the proposed works will be transported to the location of the proposed synthetic field via a temporary vehicle access point along Norman Street to the south east of the site to avoid conflict with the existing public access (refer to **Figure 1**). The number of vehicles, vehicle movements and specific quantities of waste and recycling materials generated by the proposed works will be determined prior to the commencement of the works and upon the successful appointment of a qualified contractor.

Ongoing Use of Fields

Majors Bay Reserve, including existing playing fields, currently utilises a large dedicated car park to the west of the site, accessible from Nullawarra Avenue (refer **Figure 3**). This car park holds capacity for approximately 177 unrestricted public spaces. The proposed additional half sized playing field will utilise the existing car parking provisions and does not include any modification to existing car parking infrastructure.

Proposed works have been accompanied by traffic monitoring data to and from the site for Saturday 15th August 2015 and Tuesday 18th August 2015, prepared by Tracsis Traffic Data Australia. A review of this traffic data has also been undertaken by a suitably qualified traffic engineer, provided by Complete Urban dated 29 March 2019.

Having regard to this review of traffic data, the following conclusions are noted in relation to parking:

"a. Based on the received car park count data, the highest demand currently observed is 77 vehicles in the Concord RSL. With a capacity of 177 spaces, this leaves an additional 100 spaces at the peak time that are available;

b. Further, there is approximately 75 car parking spaces available on Norman Street adjacent to the reserve which are largely underutilised;

c. In consideration of the above, it is expected that the existing car park and kerbside parking on Norman Street has the capacity to accommodate the generated parking numbers. The assessed spare capacity is 175 spaces (being 100 in the car park and 75 on Norman Street). The expected parking demand in the worst case development situation being an additional 132 cars. This equates to the development utilizing 75% of the spare car parking capacity in the area, and will result in a spare capacity of 43 (or 25%) of the currently available car parks;

d. In addition, should Council wish to provide additional car parking to reduce impact on the main car park and the driveway access, the opportunity exists to develop the existing gravel car park and/or provide additional signposting to direct motorists to it;

Further, the following comments are made in relation to traffic impacts:

a. High utilisation of kerbside parking on Norman Street may impact on the safety and use of the existing bicycle shoulder lanes on Norman Street. It is suggested that the existing parking lane, bicycle lane and traffic lane widths are calculated to assess impact; and

b. Whilst Norman Street and Majors Bay Road are considered arterial roads which form an important part of the surrounding road network, the 2015 counts indicate approximately 3-4 times more traffic use Nullawarra Avenue over Norman Street. Given the similarity of the roads and their capacity, and excepting some congestion during peak periods which would currently occur, it is considered that the additional traffic resulting from the Stage 2 development works will have a minimal impact on the traffic on Norman Street and Majors Bay Road.

Whilst the proposed additional half size field will result in additional vehicular movements to the site, by virtue of the increase in intensity of the use of the site and hours of operation, the existing site infrastructure, including dedicated parking facilities within Majors Bay Reserve, hold sufficient capacity for the anticipated additional loading by the proposed half size field and therefore will not present any unreasonable impacts to traffic or parking within the locality.

Some users may choose to park in the kerbside parking in Norman Street however the results of the car parking counts demonstrate the kerbside parking is largely occupied by resident parking and therefore the majority of users are expected to park in the nearby car parks. On this basis it is not expected that 17-19 Norman Street will be used as shortcut to gain access to the playing fields.

5.4 Heritage

Aboriginal Heritage

A search of the NSW Office of Environment and Heritage (OEH) Aboriginal Heritage Information Management System (AHIMS) was undertaken on 12 August 2015. This search indicated that no indigenous heritage items have been recorded within the site or immediately adjacent to the site. The proposal is located in an area that has been highly modified for a range of urban and recreational uses and therefore it is considered unlikely that any Indigenous heritage items would be located in the vicinity of the proposal, due to the past history of disturbance.

If previously unidentified Indigenous heritage items are uncovered during the work, all work in the vicinity of the find would cease and appropriate advice be sought from OEH by the contractor in order to mitigate potential impacts.

European Heritage

Having regard to section 4.11 of this report, the subject site is not identified as a heritage item pursuant to Schedule 5 of the LEP 2013, however is within proximity to a number of heritage items, provided within **Table 1**. The site is not located within, nor within proximity to, any Conservation Area. The proposed works involve the adaption of existing outdoor recreational space, will continue to maintain a buffer to the nearest identified heritage item, being Concord Golf Course, across Majors Bay Road, and will not present any detrimental impact to this item.

5.5 Flora and Fauna

The site does not contain significant flora and fauna and consequently the proposed works will not give rise to any adverse impact on flora and fauna. This REF is prepared on a conditional basis that consultation is undertaken with Council's Co-ordinator Tree Services, with appropriate permits obtained if any tree removal involved in the construction phase, prior to the undertaking of tree removal at the site.

5.6 Flooding and Stormwater

A Flood Impact Assessment Report (FIA) prepared by HydroSpatial Pty Ltd, dated March 2019 (**Appendix M**) assesses flooding and stormwater impacts for the proposed works and states that the proposed Stage 2 works will not have an adverse impact on flooding.

The Flood Impact Assessment Report identified the current proposed location of the new half size field as viable for further investigation on the basis of no adverse flood impacts on adjacent land and property.

It is recommended that sediment and erosion control measures be implemented by the principal contractor in accordance with the CEMP during construction works so as to not impact on the water quality of Majors Bay to the north of the site.

5.7 Socio Economic Impacts

Construction

The construction works and associated lighting is unlikely to have an adverse socioeconomic impact. The noise and construction activity generated is temporary and will be generally undertaken during the daytime only during Council's standard construction hours. Council will erect signage prior to the commencement of construction to inform and direct the public.

Public access to all other areas of the reserve not subject to proposed works, including the Kokoda Track Memorial Walkway, is to be maintained during the course of construction works.

Ongoing Use of Fields

The use of the half size synthetic soccer pitch and the new amenities building will have a positive socio-economic impact to Majors Bay Reserve and the surrounding community. Players are able to use the synthetic field in all weather conditions sustaining higher overall use, maximising better utilisation of a public asset. The proposal will contribute to the ongoing and increased use and management of the site, and will provide a safe upgraded and new facility into the future, with minimal overall environmental impact in accordance with the objectives of the Management Action Plan & Landscape Master Plan for Majors Bay & Arthur Walker Reserves and the Canada Bay Local Planning Strategy 2010 - 2031 (June 2010).

The provision of the additional half size synthetic playing field, increased hours of operation (Stage 1 and 2) and a new amenities building will also provide an overall positive contribution to the community by way of the increased usage of Majors Bay Reserve resulting in positive mental and physical health benefits for the community.

5.8 Soils and Geotechnical Impacts

The proposal is accompanied by a Geotechnical Investigation, prepared by Geotechnique Pty Ltd, dated 21 August 2015, held at **Appendix J**.

As discussed within this report, the site is known to contain both Acid Sulphate Soils and long term contamination.

As Council intends to utilise blockwork piers on compacted ground as the foundation of the amenities building, no excavation will be undertaken. It is noted that trenching for services have been designed to be shallower than around 0.5m from the natural ground level. However, in the event that any excavation deeper than 0.5 metres below ground surface may be needed due to a revised construction method, the mitigation measures and recommendations required within the site specific CEMP shall be prepared and carried out.

5.9 Environmental Planning and Assessment Regulation 2000

Division 1 Clause 228 of the Environmental Planning and Assessment Regulation 2000 (the Regulations) provides factors to be taken into account when consideration is being given to the likely impact of an activity on the environment. Pursuant to Clause 228(2) of the Regulation the following matters must be taken into account:

Clause	Matters for Consideration	Section Reference
228(2)(a)	<i>any environmental impact on a community,</i>	5.1 through 5.7
228(2)(b)	<i>any transformation of a locality,</i>	5.1 through 5.3
228(2)(c)	<i>any environmental impact on the ecosystems of the locality,</i>	4.2, 4.9, 4.10, 5.1
228(2)(d)	<i>any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,</i>	4.10, 5.1, through 5.4
228(2)(e)	<i>any effect on a locality, place or building having aesthetic, anthropological, archaeological,</i>	4.10, 5.1, through 5.4

	<i>architectural, cultural, historical, scientific or social significance or other special value for present or future generations</i>	
228(2)(f)	<i>any impact on the habitat of protected fauna (within the meaning of the <u>National Parks and Wildlife Act 1974</u>),</i>	4.2, 4.10, 5.5
228(2)(g)	<i>any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,</i>	4.2, 4.10, 5.5
228(2)(h)	<i>any long-term effects on the environment,</i>	4.1 through 4.3
228(2)(i)	<i>any degradation of the quality of the environment,</i>	4.1 through 4.3
228(2)(j)	<i>any risk to the safety of the environment,</i>	5.1 through 5.8
228(2)(k)	<i>any reduction in the range of beneficial uses of the environment</i>	2.5
228(2)(l)	<i>any pollution of the environment,</i>	5.1 through 5.8
228(2)(m)	<i>any environmental problems associated with the disposal of waste,</i>	4.5
228(2)(n)	<i>any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply</i>	5.1 through 5.8
228(2)(o)	<i>any cumulative environmental effect with other existing or likely future activities,</i>	5.1 through 5.8
228(2)(p)	<i>any impact on coastal processes and coastal hazards, including those under projected climate change conditions.</i>	4.9, 5.8

Having regard to the matters contained within this report, and referenced in the table above, the proposal is considered to comply with the factors to be taken into account, pursuant to Clause 228(2) of the Regulations.

6 CONCLUSION

This REF concludes that the proposed construction of an additional half-size synthetic field with associated landscaping, fencing, access, seating with extended hours of use and the construction of a new amenities building at Majors Bay Reserve, Concord can be undertaken without resulting in significant adverse environmental impacts, subject to the recommendations of this report. In the absence of any significant environmental impacts as a result of the proposed activity and considering the broader social and economic benefits of the proposed works on the site, it is considered a satisfactory proposal overall.

6.1 Summary of Impacts

The proposed activity is considered to be in the public interest, as the provision of a new synthetic soccer half size field to complement Field 3, including associated landscaping, fencing, access, seating and the construction of an amenities building will provide a tangible benefit to the local community and regional sporting groups and contribute to the enhanced management and utilisation of key public assets and Crown Land.

Minor impacts associated with the proposed construction will include noise, dust and limited additional vehicular movements which will be temporary in their duration. During construction works Council will provide information on the hoarding of the site to visitors advising of the location of alternative facilities. It is recommended that free and full public access to all other areas of the reserve not subject to proposed works, including the Kokoda Track Memorial Walkway, is to be maintained during the course of construction works.

All appropriate measures will be implemented during construction and managed by Council to maintain positive community health and safety outcomes. No excavation works are proposed (limited to trenching for services) and the proposed construction works are limited to above ground which minimises overall environmental impacts and risks.

The proposed activity will result in minor visual amenity impacts and loss of visual and acoustic privacy as a result of the increased intensity of the use of the reserve within proximity to residential dwellings, in particular the adjoining property 17-19 Norman Street.

The degree of the impact must be considered in the context of the current and future continued use of the site for public recreation.

To preserve the residential amenity to surrounding properties the following design features form part of the final proposed design:

- Deletion of light poles along the eastern side of the half-size field to reduce light spill impacts.
- Reduction of the proposed luminance of the half size field from 100 lux to 50 lux.
- Use and illumination of the half size field from Monday to Sunday, 5pm to 9pm (previously Monday to Sunday 5pm to 10pm).
- Additional landscaping proposed to provide a visual landscape buffer at the interface with the adjoining residential property 17-19 Norman Street .
- Reduction of the height of the mesh fencing around the half size field from up to 6m to 1.8m.
- Installation of 6m high nets behind the mini-goals to capture balls and reduce disturbance.

The final design details of the amenities building will be reviewed by Milestone prior to construction works commencing to ensure positive design and environmental impacts are provided. Further, a detailed landscape design is required to ensure a suitable visual buffer of appropriate tree species is provided to preserve amenity to surrounding properties including 17-19 Norman Street.

Based on the conclusions of this comprehensive review of environmental impact the overall effect of the proposed activity is considered acceptable in terms of the site and its context, subject to the recommendations provided in Section 6.2.

6.2 Summary of Recommendations

This REF is prepared on the scope of works identified in the accompanying development plans, attached at **Appendix A**, on the conditional basis that the following recommendations are undertaken prior to the commencement of any proposed works at the site and/or during construction:

1. Final design details including materials and finishes of the amenities building to be reviewed by Council Officers and Milestone to ensure that positive visual, design and environmental impacts are provided when viewed from the public domain.
2. BCA Compliance Statement for the new amenities building, fencing and goal nets to be reviewed by Council Officers and Milestone as required to ensure compliance of all relevant development standards and safety.
3. All requirements within the EPA Resource Recovery Order 2014 and Exemption 2014 are complied with.
4. To ensure a suitable landscape buffer is provided adjacent the property at No 17-19 Norman Street, a detailed landscape plan nominating appropriate tree species is required to be prepared by a qualified landscape architect and any further liaison with the occupants and owners of this property be undertaken by Council as required.
5. All requirements and recommendations within the site specific CEMP are complied with at all times.
6. All construction works are to occur between the hours of 7:00am and 5:00pm, Monday to Friday. No construction is to occur on Saturday, Sunday or Public Holidays.

The above recommendations are provided in order to minimise any potential adverse environmental impacts on the site and the surrounding properties and to preserve amenity to the locality.

MILESTONE (AUST) PTY LIMITED