

## Review of Environmental Factors

**Boronia Park Pavilion Office Upgrade  
Works – Hunter’s Hill Council**

Boronia Park, Hunters Hill

30 August 2024  
Prepared by Chapman Planning  
Member PIA

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**DOCUMENT REFERENCE:**

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1	7.8.2024	v1	First draft REF for Council Review
2	30.8.2024	v2	Final REF

**DOCUMENT SIGN-OFF****REF Prepared & Peer Reviewed by:**

Having prepared the Review of Environmental Factors:

- I have declared any possible conflict of interests (real, potential or perceived) to Hunter's Hill Council.
- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform Hunter's Hill Council as soon as I become aware of a possible conflict of interest.

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**Signature:**



**Date:** 30.08.24

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**Designation:** Director – Chapman Planning

**Signature:**



**Date:** 30.08.24

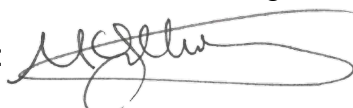
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I certify that I have reviewed and endorsed this Review of Environmental Factors:

**Name:** Mitchell Murphy

**Designation:** General Manager - Hunter's Hill Council

**Signature:**



**Date:** 4/9/2024

**REF Authorised for Issue by:**

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- I do not consider I have any personal interests that would affect my professional judgement.
- I will inform Hunter's Hill Council as soon as I become aware of a possible conflict of interest.

**Name:** Mitchell Murphy

**Designation:** General Manager

**Signature:** 

**Date:** 4/9/2024

## 1.0 EXECUTIVE SUMMARY

This Review of Environmental Factors has been prepared for Hunters Hill Council for a proposed activity – internal upgrade works within the Boronia Park Pavilion at Boronia Park, Hunters Hill, legally known as Lot 7352 in DP 1156319 (the subject site), located within the Hunters Hill Local Government Area.

The proposed activity is permitted on the site under the provisions of Chapter 2, Part 2.3, Division 12 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Infrastructure SEPP) and can therefore be carried out by Hunters Hill Council without consent.

Hunters Hill Council is a Crown land manager of Boronia Park which is subject of the Boronia Park Plan of Management that has identified necessary upgrade works to the Pavilion Building.

Pursuant to Section 2.73(2)(c)(ii) of the Infrastructure SEPP Council is permitted to carry out development on land without consent where it is for the purposes of implementing a plan of management for the land.

The Review of Environmental Factors (REF) demonstrates the following:

- The proposed activity is for the purposes of implementing a plan of management adopted for Boronia Park as Crown land manager of the land, as the planned upgrade and refurbishment of the pavilion has been identified under the Boronia Park Plan of Management.
- An analysis of the potential environmental impacts associated with the proposed activity, it is concluded that the preparation of an Environmental Impact Statement is not required;
- Based on a review of the potential environmental impacts resulting from the proposed activity it has as been determined that, subject to implementation of mitigation measures to be incorporated as identified requirements, the activity will not have any significant adverse impact on the environment;
- The proposed activity will not have any effect on matters of national significance and its approval under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* is not required;
- The design of the proposed activity has adequately taken into account the heritage significance of the site being identified as Local Heritage item I86 pursuant to the Hunters Hill LEP 2012;
- The design of the proposed activity does not contravene the applicable local environmental planning and development controls of Hunters Hill Council;
- there are no separate approvals, authorisations or notifications required in relation to the proposed activity prior to determination under Part 5 of the EP&A Act or under any other Acts.
- Hunters Hill Council have previously identified the proposed activity as a 'high priority' action under the Boronia Park Plan of Management which underwent community and government agency consultation and was developed in accordance with feedback from this engagement.

The proposed activity, when carried out in accordance with the environmental mitigation measures outlined in the REF, will not result in any significant and long-term negative impacts on the environment and can proceed subject to the

implementation of the Identified Requirements of determination contained in the *Activity Determination*.

## 2.0 INTRODUCTION

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving alterations and additions to the existing Boronia Park Pavilion structure including:

- replacement of the main entry door,
- accessibility and amenities upgrades,
- internal alterations, and
- minor repair and maintenance works.

The activity will be carried out by, Hunters Hill Council and is 'development permitted without consent' under the Infrastructure SEPP. As the proposed development is permitted without consent it is therefore subject to environmental impact assessment as an 'activity' under Part 5 of the *Environmental Planning and Assessment Act 1979*.

No change is proposed to the existing pavilion building footprint, with external elements of the pavilion to be demolished (existing pathway adjacent to main entry) to be replaced with an accessible ramp. The activity does not include any tree removal or significant impacts upon existing vegetation on the site.

The aim of the project is to upgrade the Boronia Park Pavilion in accordance with the planned actions for the building pursuant to Part 6.5 of the Boronia Park Plan of Management, which identifies the refurbishment and alterations to the Pavilion as a high priority action required to achieve the management objectives of the Park.

The activity seeks to improve the accessibility and amenity of the existing sports facilities, whilst minimizing heritage impacts through the retention of the existing footprint and envelope of the building. The activity will transform the ground floor area of the existing Pavilion from its current use as a storage area into a functional sports facility space restoring its historic use.

### 2.1 Scope of the REF

Hunters Hill Council is the proponent and the determining authority for the proposed activity pursuant to Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act). The environmental assessment of the proposed activity and associated environmental impact has been undertaken pursuant to Clause 171 of the *Environmental Planning and Assessment Regulation 2021*, and in accordance with the Department of Planning and Environment *Guidelines for Division 5.1 assessments* dated June 2022.

This Review of Environmental Factors (REF) fulfils the requirements of Section 5.5 of the Act that Hunters Hill Council examine and take into account to the

fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed activity.

Guided by this REF, Hunters Hill Council will determine if the proposal should proceed in accordance with its authority under Division 5.1 of the EP&A Act 1979. The REF has been prepared to address the factors set out under Section 171 of the supporting *Environmental Planning and Assessment Regulation 2021* and the objects of the EP&A Act.

The assessment has also been undertaken in accordance with the requirements of all relevant State and Commonwealth legislation including the *NSW Biodiversity Conservation Act 2016* (BC Act), the *NSW Fisheries Management Act 1994* (FM Act) and the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act).

The findings of this REF will be considered when assessing the significance of the proposal’s impact. Specifically, where there is expected to be a significant environmental impact:

- Then the Minister of Planning would need to approve the proposal in accordance with Division 5.2 of the EP&A Act. This would require Hunters Hill Council making a development application to the Minister as supported with an environmental impact statement.
- If there is a significant impact on a threatened species listed (and protected) under the *BC Act* or *FM Act*, then Hunters Hill Council would need to prepare either a species impact statement pursuant to section 1.7 of the EP&A Act or a Biodiversity Development Assessment Report pursuant to section 7.8 of the BC Act. The species impact statement would be prepared in accordance with section 7.6 of the Biodiversity Conservation Regulation 2017 and any specific requirements set out by the Office of Environment and Heritage. The species impact statement would need approving (agreeing) by the Office of Environment and Heritage.
- On a matter of national environmental significance then Hunters Hill Council would need to refer the proposal to the Commonwealth Department of Agriculture, Water and the Environment for a decision as to whether assessment and approval is needed under the EPBC Act.

## 2.2 Proponent details

Hunters Hill Council is the proponent and the determining authority for the proposed activity.

**Table 1** Proponent details

<b>Contact name</b>	Mitchell Murphy
<b>Position</b>	General Manager
<b>Address</b>	22 Alexandra Street, Hunters Hill
<b>Contact number</b>	9879 9431
<b>Email</b>	gm@huntershill.nsw.gov.au



## 2.3 Summary of the proposed activity

The proposal is detailed in the following plans, drawings and specialist reports and supporting information:

### Plans, Drawings & Supporting Document Details

The development is outlined in the following plans and drawings:

- *Architectural Plans dated 9 July 2024, drawings 2024-01-A01, Revision E; (Appendix A)*
- *Structural Detail Plans dated 19 June 2024, drawings SK10-SK13, Revision A, prepared by Northrop; (Appendix B)*
- *Mechanical Services Plans dated 5 July 2024, drawings M00.00-M10.01, Revision A, prepared by Northrop; (Appendix C)*
- *Hydraulic Services Plans dated 5 July 2024, drawings HY-001-HY-400, Revision B, prepared by Northrop; (Appendix D)*
- *Electrical Services Plans dated 25 June 2024, drawings E00.00-E60.00, Revision A, prepared by Northrop; (Appendix E)*

### Specialist Reports

The activity is supported by the following specialist reports:

- *Statement of Heritage Impact, dated 10 July 2024, Revision 1, prepared by Heritage 21; (Appendix F)*
- *Native Title Advice, dated 30 May 2024, prepared by LANDSAS; (Appendix G)*
- *Building Code of Australia & Access Compliance Assessment Report, dated 5 July 2024, prepared by Murrow Consulting; (Appendix H)*

### AHIMS

- *AHIMS Search Result – Boronia Park, dated 30 July 2024 (Appendix I)*

### Section 10.7 Planning Certificate

- *Planning Certificate No. 24482, issued by Hunters Hill Council on 21 August 2024 (Appendix K)*

## 2.4 Demolition

Internal demolition is required as part of the activity to accommodate the proposed amenities and facilities upgrade of the Pavilion. The handling and removal of any potential asbestos contained within the building is to be carried out by a licensed contractor that has a current SafeWork NSW accreditation in asbestos removal, and the other relevant mitigation measures identified within Section 8.9 of this REF.

## 2.5 Removal of Trees

There are four (4) trees located within the vicinity of the Pavilion building and the proposal does not seek the removal of any trees. Trees on the site are to be retained and protected.

## 2.6 Proposed Development

The proposed development is described as follows:

- Alterations and additions to the existing Boronia Park Pavilion structure including:
  - Demolition of existing internal walls and fittings, and demolition of bitumen pathways at the north-western and south-eastern corners of the Pavilion structure
  - Replacement of the main entry door and internal doors
  - Amenities upgrades including new male/female changerooms and toilets, new office facilities (including manager's office, lunchroom and kitchen), new accessible toilet, renovation of existing male and female toilets, and new storage areas
  - Accessibility upgrade – replacement of bitumen pathways with new 1350mm wide concrete ramp, and new concrete pathway (grade 1:20) providing accessible path of travel to the proposed accessible toilet
  - Minor repair and maintenance works
  
- Upgrade to building services including:
  - Mechanical services upgrade within the Pavilion including air conditioning system, exhaust system and associated electrical installations and ductwork.
  - Hydraulic services upgrade including new external hose tap and bathroom fittings, fixtures and pipework to service proposed new and renovated toilets.
  - Electrical services upgrade consisting of new lighting systems, emergency lighting/signage, new and upgraded submains to service panels and installation of new General Purpose Outlets (GPOs) and Isolators within the Pavilion.
  - Relocation of existing Pavilion Gas Meter to north-western corner of the building

The upgrades are made pursuant to the planned '*park developments, facilities and modified landscapes – actions*' for the building pursuant to Part 6.5 of the Boronia Park Plan of Management.

The works will not have a significant impact upon the external appearance of the existing Pavilion building noting the external works are confined to the replacement of the exiting main entry doors, replacement of existing bitumen pathways, and changes to external service locations.

The use of lightweight and modern materials for the proposed internal works will not compromise the existing character of the building with respect to its heritage significant fabric.

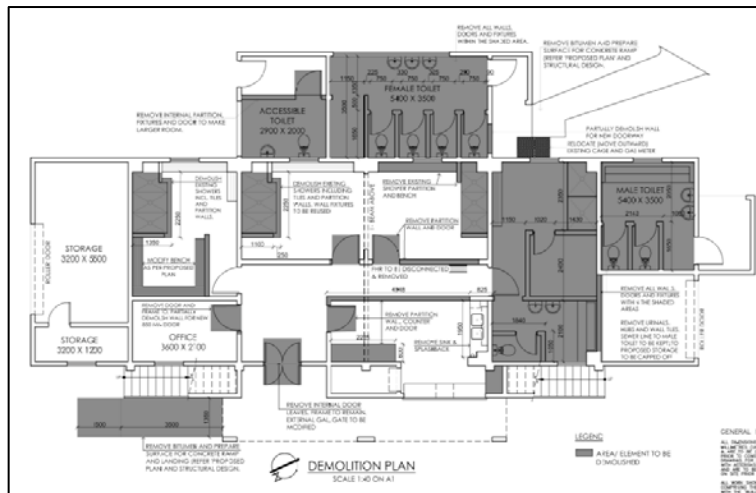
Minor excavation is proposed to accommodate the activity – demolition of existing bitumen pathways and replacement with access ramp and graded pathway.

The amenity and function of the Pavilion structure will be improved by the proposed activity as the building is currently used for storage and bathrooms associated with the existing sports ovals, and will be restored to its historic use as a functional sports facility space.

The proposed new entry door, accessible entry ramp and pathways, and accessible toilet will provide safe and universal access to the Pavilion ensuring the building is accessible to all members of the community, enhancing its inclusivity and functionality.

Stormwater will be collected as existing on the site noting no change is proposed to the Pavilion’s footprint.

**Figures 1-5** include extracts from the architectural and structural plans illustrating the proposed development:



**Figure 1 Demolition Plan Extract**

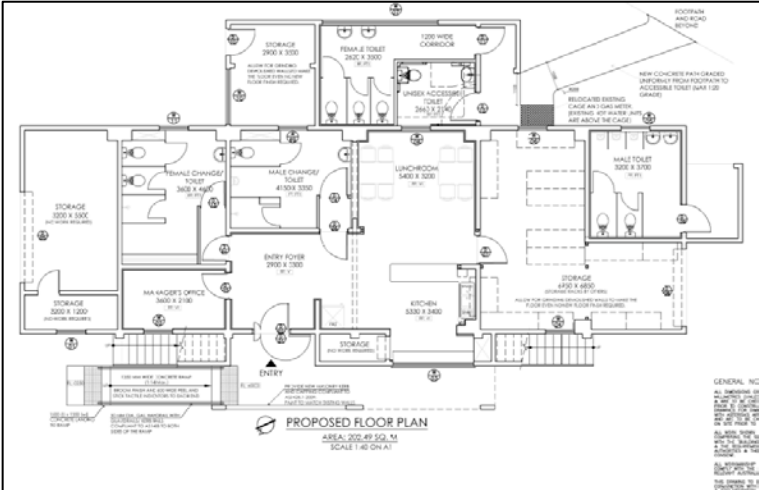


Figure 2 Proposed Floor Plan Extract

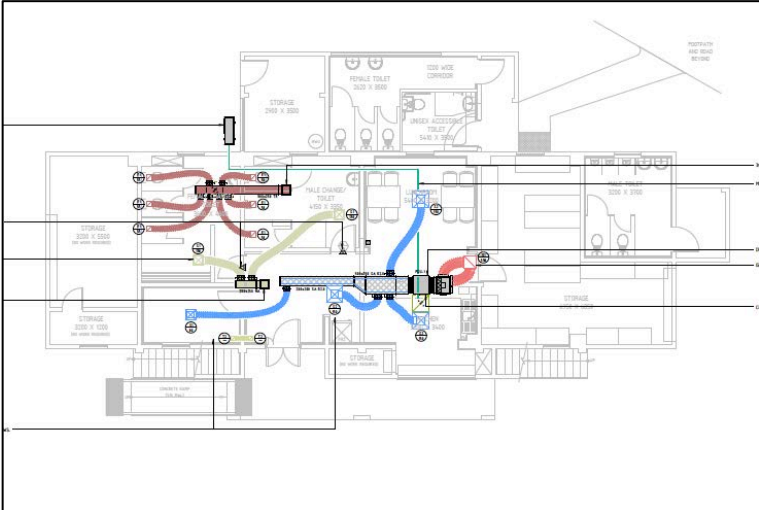


Figure 3 Proposed mechanical services plan extract

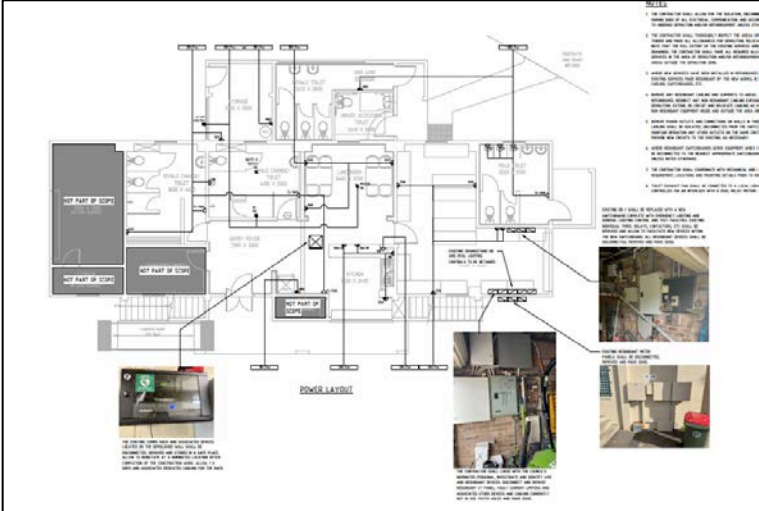
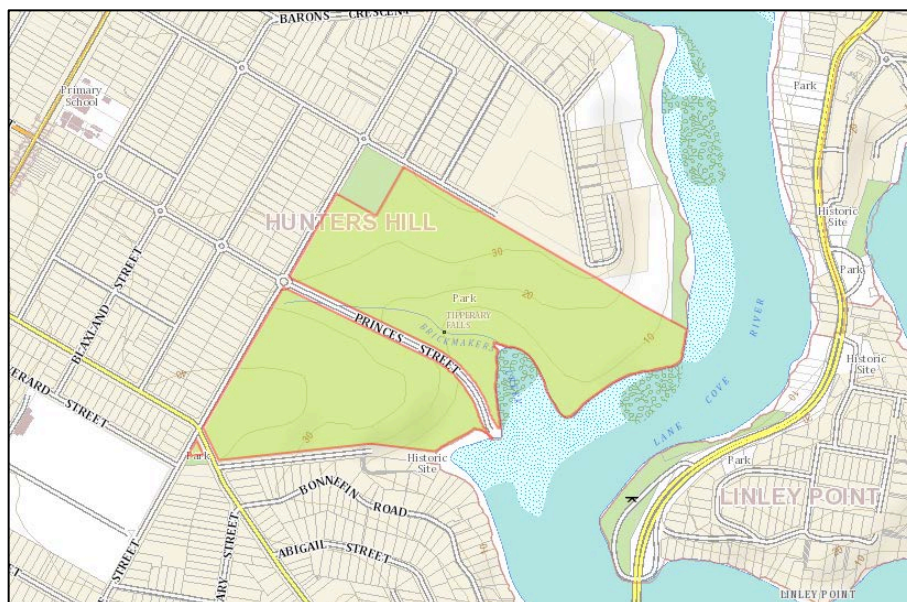


Figure 4 Proposed electrical services upgrade plan extract

### 3.0 DESCRIPTION OF THE EXISTING ENVIRONMENT

#### 3.1 Existing Site and Immediately Adjoining Development

The site (Boronia Park) is located in the Hunters Hill Council Local Government Area (LGA) and comprises a large irregular shaped lot divided by the Princes Street road reserve running east-west through the central portion of the park. The location of the site is depicted in **Figure 5** below:



**Figure 5** Location Map – SIX Maps

The Boronia Park Pavilion subject of the proposed activity is located at the south-western corner of the park adjacent to Park Road frontage of the site, and adjoining the Park's Cricket Oval as depicted in **Figure 6** below:



**Figure 6** Pavilion Location Aerial Map – SIX Maps

The Pavilion building as viewed from the public domain and surrounding context is depicted in **Figures 7-9** below:



*Figure 7 Pavilion Building – rear elevation as viewed from Park Road, looking east*



*Figure 8 Pavilion Building – side elevation as viewed from Park Road, looking south-east*



*Figure 9 Boronia Park south-western entry sign and pathway as viewed from Park Road, looking north-east*

The immediate surrounds of the site are characterised by low-density residential development opposite the Pavilion building to the west and south of the site.

### **3.2 Site Description**

The site (Boronia Park) is a large irregular shaped lot, bound by Park Road to the west, Ryde Road and Boronia Avenue to the south, High Street to the north, and the Lane Cove River to the east. The park has a total site area of 24.2ha, with 24ha provided to public open space.

The portion of the site subject of the proposed activity – Boronia Park Pavilion was constructed in 1928 in dedication to Charles Fairland of the Hunters Hill Rugby Union Football Club. The building consists of storage areas, change rooms, toilets, kitchen facilities and a small office at the ground floor, and a grandstand seating area above. The Pavilion as viewed from internal to Boronia Park is depicted in the below photographs:



**Figure 10** Boronia Park Pavilion – front elevation as viewed from the Park Cricket Oval



**Figure 11** Boronia Park Pavilion – western elevation storage room as viewed from the Park Cricket Oval





**Figure 12** Boronia Park Pavilion – eastern elevation storage room as viewed from adjacent to Park Entry

The Pavilion building subject of the proposed activity is not within an area declared to be of ‘outstanding biodiversity value’ as defined in the EP&A Act and is not identified as an area on the Biodiversity Values Map pursuant to the NSW Department of Planning and Environment – Biodiversity Values Map and Threshold tool.

The Pavilion Building is not identified as riparian land or Terrestrial Biodiversity mapped land pursuant to the Hunters Hill LEP. The site is mapped as Class 5 on the Acid Sulfate Soils Map of the LEP.

There are no encumbrances on the Section 10.7 certificates or indicated on the Detail and Survey Plan that affect the proposal.

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### **3.3 Neighbouring Development and Locality**

The site is within the catchment of an established residential area adjoining the park to the north, west and south, which is characterised by older style single storey detached dwelling houses interspersed with some examples of contemporary two storey dwellings south of the Pavilion building.

The Hunters Hill Local centre is located approximately 900m south-east of the site at the intersection of Ryde Road and Gladesville Road. Linley Point and the Lane Cove LGA is located across the Lane Cove River frontage of Boronia Park to the east.

The Boronia Park Pavilion is not located within a heritage conservation area but is mapped as part of heritage item *186 Boronia Park* within Schedule 5 of the *Hunters Hill LEP 2012*. The south-western most corner of the Boronia Park site identified as ‘St Johns Park’ opposite Ryde Road is mapped as being within the Hunter’s Hill Conservation Area No. 1 (C1).

## 4.0 PERMISSIBILITY and ASSESSMENT PATHWAY

### 4.1 Zoning and Permissibility under NSW legislation – Hunters Hill LEP 2012

The site is zoned RE1 Public Recreation and C2 Environmental Conservation under the *Hunters Hill Local Environmental Plan 2012* (HHLEP 2012).

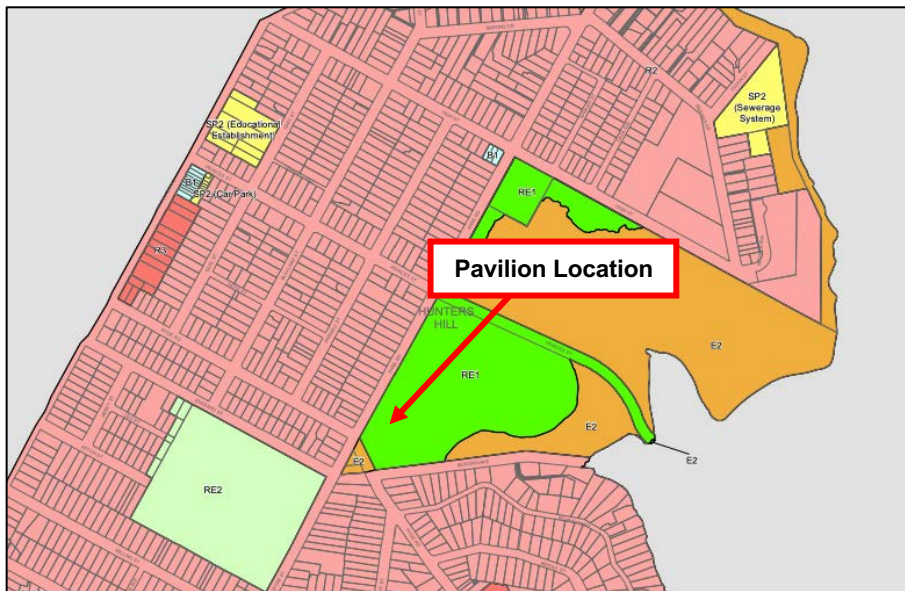
The proposed development is for alterations and additions to the Pavilion building being within the RE1 zoned portion of the site, defined as a ‘recreation area’ which is a permissible form of development in the zone.

**“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).”

An extract of the land zoning map is at **Figure 13** below:



**Figure 13** – Extract of zoning map from HHLEP 2012

The objectives for development in the RE1 zone as set out in the HHLEP 2012 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.

The proposed activity is consistent with the above objectives because it:

- will improve the amenity and functionality of an existing ancillary building within Boronia Park – Pavilion Grandstand for recreational purposes;
- will contribute to the range of recreational settings within the park; and
- will not have a significant adverse impact upon the natural environment as detailed within the environmental assessment conducted within this REF;

#### **4.2 Permissibility under NSW legislation – SEPP (Transport and Infrastructure) 2021**

Whilst *Recreation areas* are permitted with consent in the RE1 zone pursuant to the HHLEP 2012, the proposed activity is permitted without consent on the site under the provisions of Chapter 2, Part 2.3, Division 12 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Infrastructure SEPP) and can therefore be carried out by Hunters Hill Council without consent.

Hunters Hill Council is a Crown land manager of Boronia Park which is subject of the Boronia Park Plan of Management, which has identified necessary upgrade works to the Pavilion Building. Pursuant to Section 2.73(2)(c)(ii) of the Infrastructure SEPP Council is permitted to carry out development on land without consent where it is for the purposes of implementing a plan of management for the land.

Section 2.73(2) of the Infrastructure SEPP states (bold emphasis added):

**“2.73 Development permitted without consent**

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

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

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

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

(i) the Secretary, or

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

(iii) the Ministerial Corporation, or

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

**if the development is for the purposes of implementing a plan of management adopted for the land under the Act referred to above in relation to the land or in accordance with the Local**

**Government Act 1993 in relation to Crown managed land managed by a council.”**

The *Boronia Park Plan of Management* prepared by *Gondwana Consulting* and adopted by Council at its Ordinary Meeting held on 4 May 2020, applies to the subject site following consent being granted for its adoption by the Department of Planning and Environment – Crown Lands.

The subject site is identified as Crown managed land subject to *Boronia Park Plan of Management* (PoM), and Hunters Hill Council is the Crown land manager of the land.

*Section 6 – Management Actions* of the PoM details the management actions including planned development for Boronia Park. *Section 6.5 – Park Developments, Facilities and Modified Landscaped* of the PoM identifies the proposed activity – PDFL22 as a planned development as depicted in the **Figure 14** below:

Action No.	Park Developments, Facilities and Modified Landscapes - Actions	Implementation			
		Priority	Resource Estimation	Performance Target	Means of Assessment
PDFL21	Continue to implement the "Integrated Water Management Plan" focussed on the Sports Zone. Irrigation of the Park's ovals are the priority for the re-use of harvested water and other recovered/reclaimed on-site water assets. Run-off and water requirements of the Park's bushland area will be acknowledged and protected in this process. (Also see Action PDFL20 above.)	Low	Moderate	Improved on-site water harvesting and reuse. Reduced future irrigation costs.	CW&MR. On-going (post implementation) irrigation costs.
PDFL22	Upgrade and refurbish the existing historic grandstand adjacent to Oval 1, while retaining the heritage character and architectural/functional style of this original (late 1920s) pavilion.  This pavilion will continue to provide: <ul style="list-style-type: none"> <li>▪ male and female public toilets (including accessible facilities, or a separate accessible toilet);</li> <li>▪ player changeroom(s), potentially unisex to cater for both male and female teams, and including toilets and showers;</li> <li>▪ a Council storage area, to support the Park's maintenance; and</li> <li>▪ covered tiered spectator seating (upgraded to improve user amenity/comfort).</li> </ul> The sealed area in front of the grandstand, and access to the playing area of Oval 1, will be upgraded and the oval entry made more durable/resilient.  Other facilities that may be provided by the reconfiguration/refurbishment of the internal spaces of this pavilion will be determined in conjunction with design of the proposed sports/community facility (see Action PDFL32), and may include elements such as: <ul style="list-style-type: none"> <li>▪ officials/umpires' room/changeroom;</li> <li>▪ an accessible changeroom/space;</li> <li>▪ canteen;</li> <li>▪ storage space for sports clubs, or other approved Park users (such as schools or personal trainers);</li> <li>▪ meeting or club room(s); or</li> <li>▪ a multi-purpose, general access, community space available for wide community use/bookings.</li> </ul>	HIGH	High	Refurbished grandstand available, with upgraded and additional facilities. Sympathetic to existing structure's heritage character.	CW&MR. Sporting groups and Park user feedback.

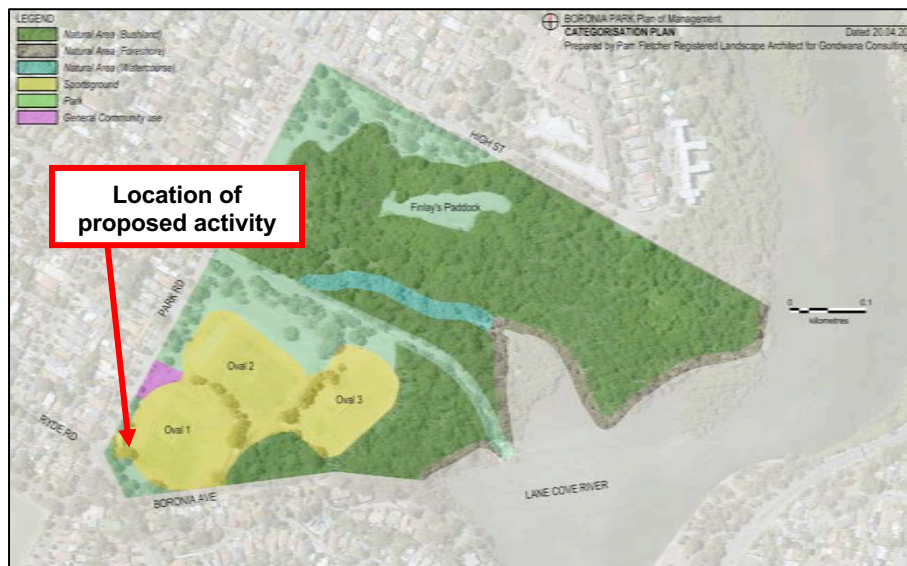
**Figure 14 – Extract of Section 6.5 of PoM**

High priority development is defined by the PoM under Section 6 as “**essential to achievement of the Park’s management objectives**, or where there is potential for the public to be exposed to an unacceptable level of risk, or there is potential for a serious threat to Park values or the environment and warranting funding consideration until achieved (or to sustain on-going management activities)”.

### 4.3 Consistency with Boronia Park Plan of Management

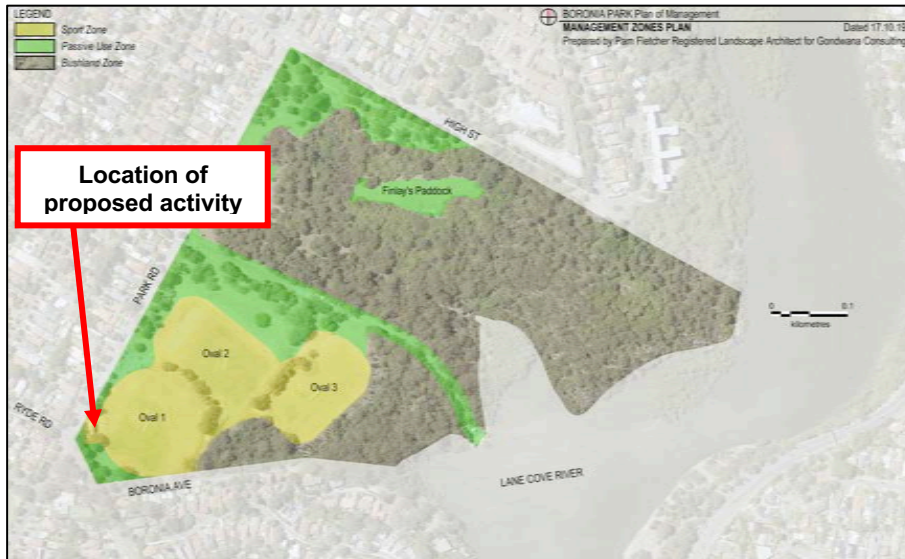
Based on the previous assessment, the development is for the purposes of implementing the plan of management through the carrying out of planned activity PDFL22 being a high priority development that is ‘essential to achievement of the Park’s management objectives’. As such the proposal is permitted without consent under Section 2.73(2)(c)(ii) of the Infrastructure SEPP.

The activity is consistent with the relevant management criteria of the PoM, which provides a *sportground* categorization for the Boronia Park Pavilion as depicted in Figure 9 of the PoM below:



Source: Figure 9 – Boronia Park Plan of Management Page 62

Beyond the above categorization, the PoM provides management zones to provide a framework for the Park’s future management and development which are consistent with the Park’s categorisations. The subject site is identified within the *sport* management zone pursuant to Figure 10 of the PoM:



Source: Figure 10 – Boronia Park Plan of Management Page 67

Section 5.2.2 – *Scale and Intensity of Development* of the PoM, the form of development envisioned for the passive use zones of the park is detailed as follows (bold emphasis added):

**“Sport Zone**

**Within the Sport Zone the following new buildings, site hardening, or major infrastructure elements may be developed during the life of this Plan:**

- a new sport/community facility, as shown on the Landscape Concept Plan, with a building footprint of no larger than 450 square metres (excluding surrounding paved areas, rainwater tanks, and other ancillary elements) and potentially double storey to a maximum height of 8 metres above surrounding ground levels (see Action PDFL32);
- a new amenities and storage building, as shown on the Landscape Concept Plan, as a low-profile single storey building with a footprint of no larger than 80 square metres (excluding surrounding paved areas and other ancillary elements) (see Action PDFL35);
- **possible additions/extensions to the understorey areas of the existing grandstand, but not increasing this structure’s building footprint by any more than 15% of its current extent (see Action PDFL22);**
- development of an additional sealed netball court, and possible realignment of all sealed netball courts (see Action PDFL26), as shown on the Landscape Concept Plan;
- the possible installation of floodlighting at Oval 3 (see Action PDFL29); and
- a rebound wall (see Action PDFL51), as shown on the Landscape Concept Plan.

*Specific site hardening or sealing, chiefly for paths and access, and the provision of park or spectator furniture and other low-key leisure and recreation facilities may also be provided across the Sport Zone.*

***These developments are consistent with the purposes and character of this zone.***

The proposed development is for alterations and additions to the understorey areas – ground floor of the Boronia Park Pavilion (Grandstand) as identified within action PDFL22 of the PoM.

The activity does not increase the structure’s building footprint and as such is consistent with the scale and intensity of development envisioned for the sport zone management area.

In addition, Section 5.3 of the PoM details a landscape concept plan for the park which states:

*“The Landscape Concept Plan for Boronia Park, see Figure 11, provides an overview of this Plan of Management’s broad management directions and key on-ground actions, and the area’s intended layout or configuration, for the future use and development of the Park. The Landscape Concept Plan is a guiding document and should be read in conjunction with this Plan.*

*As the Landscape Concept Plan depicts, the existing overall broad layout of the Park will be retained – in terms of the general location of facilities/developments, activity spaces and usage areas, presentation and appearance, entry points and movement routes. This is also consistent with the categorisation of the area and management zones (as described in Section 4).*

*The Landscape Concept Plan’s elements would be implemented over time, as resources become available (see Section 7).*

The landscape concept plan for the park identifies the internal refurbishment of the grandstand in a manner sympathetic to the heritage values/character and with a maximum 15% increase in the building footprint. The activity will be sympathetic to the heritage values of the Pavilion as detailed within Section 8.10 of this REF and does not result in an increase to the building footprint. The relevant landscape concept plan extract is depicted below:



**Source:** Figure 11 – Boronia Park Plan of Management Page 76

Based on the above, the proposed development is for the purposes of implementing a plan of management adopted for the land being consistent with the planned actions for the park, envisioned scale and intensity of development within the park, and achieving the Park’s management objectives being a high priority activity.

The works are therefore development permitted without consent pursuant to Section 2.73(2)(c)(ii) of the SEPP. The matters contained in the Plan of Management with respect to achieving the relevant core objectives of the Local Government Act, zone objectives, and addressing amenity and character matters have been addressed within this REF.

Section 4.1 (Development that does not need consent) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) states that:

*“If an environmental planning instrument provides that specified development may be carried out without the need for development consent, a person may carry the development out, in accordance with the instrument, on land to which the provision applies.”*

In this regard, the proposed development does not require consent, and as the works constitute an ‘activity’ for the purposes of Part 5 of the EP&A Act, being carried out by (or on behalf of) a public authority, environmental assessment under Part 5 of the EP&A Act is required. This REF provides this assessment.



## 5.0 PLANNING and DESIGN FRAMEWORK

### 5.1 National and State Legislation

#### **5.1.1 Environmental Planning and Assessment Act 1979**

##### **Duty to consider environmental impact [Section 5.5]**

Section 5.5(1) of the EP&A Act states that, for the purpose of attaining the objects of the EP&A Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of the Act or the provisions of any other Act or of any instrument made under the EP&A Act or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.

The table below demonstrates the effect of the proposed development activity on the matters listed for consideration in subsection 3 of Section 5.5.

**Table 1** Compliance with Section 5.5(3) of the EP&A Act 1979

<b>Matters for consideration under Section 5.5(3) of the EP&amp;A Act</b>	
<b>Matter for consideration</b>	<b>Effect of Activity</b>
<i>(3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <a href="#">Wilderness Act 1987</a>) in the locality in which the activity is intended to be carried on.</i>	No effect, as the site and surrounding areas are not within a wilderness area (within the meaning of the Wilderness Act 1987).

In circumstances where development consent is not required, the environmental assessment provisions outlined in Part 5 of the Act are required to be complied with. This REF fulfils this requirement.

#### **5.1.2 Biodiversity Conservation Act 2016 (BC Act)**

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities, or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

The Boronia Park Pavilion is not within an area declared to be of ‘outstanding biodiversity value’ as defined in the EP&A Act and is not identified as an area on the Biodiversity Values Map pursuant to the NSW Department of Planning and Environment – Biodiversity Values Map and Threshold tool.

It is noted that portions of the broader Boronia Park site are mapped on the Biodiversity Values Map, and pursuant to Section 2.3 of the PoM are identified as containing three vegetation communities noted as endangered ecological communities (EECs) which affords them additional conservation significance and legislative protection under the under the Biodiversity Conservation Act

2016, being the Sydney Turpentine Ironbark Forest; the Estuarine Swamp Oak Forest; and the Estuarine Saltmarsh. Further a number of significant native fauna species have been identified within the park as stated within Section 2.3.3 of the PoM.

The below map extracts from the NSW Biodiversity Values Map and Threshold Tool, and NSW BioNet Atlas do not indicate that the Pavilion is within the vicinity of any biodiversity mapped vegetation or identified species.



Figure 15 – Biodiversity Values Map and Threshold Tool map extract (Accessed 30 July 2024)



Figure 15 – NSW BioNet Atlas map extract (Accessed 30 July 2024)

Given the location of the proposed activity within an existing building – Pavilion Grandstand with no works proposed within the vicinity of trees or significant

vegetation the proposed activity would have no effect on potentially occurring species within Boronia Park.

The development is not within an area declared to be of outstanding biodiversity value. The mitigation measures within this REF and scale of the proposed activity (internal works) would ensure that no serious or irreversible impacts on biodiversity values (as defined by the BC Act) occur at the site of the proposed activity. The proposed activity therefore is not deemed to be likely to significantly affect threatened species and an environmental impact statement (EIS) or a Biodiversity Development Assessment Report (BDAR) is not required.

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity will not affect threatened species, ecological communities, or their habitats and therefore no further assessment is necessary. This is because the land subject of the activity (Pavilion) and scope of the proposed works being internal refurbishment is unlikely to impact threatened species, endangered ecological communities or constitute the habitat of threatened species or ecological communities. The proposed activity will not be a key threatening process and this portion of the park is not part of, or in the direct vicinity of, any declared area of outstanding biodiversity value.

#### **5.1.4 National Parks and Wildlife Act 1974**

The proposal is not located on land reserved under the *National Parks and Wildlife Act 1974*. Nevertheless, this Act provides the basis for the legal protection and management of Aboriginal heritage sites in NSW. Under Sections 86 and 90 of the Act it is an offence to disturb an Aboriginal object or knowingly destroy or damage, or cause the destruction or damage to, an Aboriginal object or place, except in accordance with a permit of consent under section 87 and 90 of the Act.

The Act, however, provides that if a person who exercises 'due diligence' in determining that their actions will not harm Aboriginal objects has a defence against prosecution if they later unknowingly harm an object without an AHIP (Section 87(2) of the Act).

Pursuant to the Heritage NSW Aboriginal Heritage Information Management System, Aboriginal sites and places have not been recorded or declared on the subject land as depicted in **Figure 15** below.

As there are no recorded Aboriginal sites within the vicinity of the existing Pavilion structure, the Due Diligence Guidelines requires no further assessment as it is reasonable to conclude that there is a low probability of objects occurring in the area of the proposed activity and an AHIP is not required.

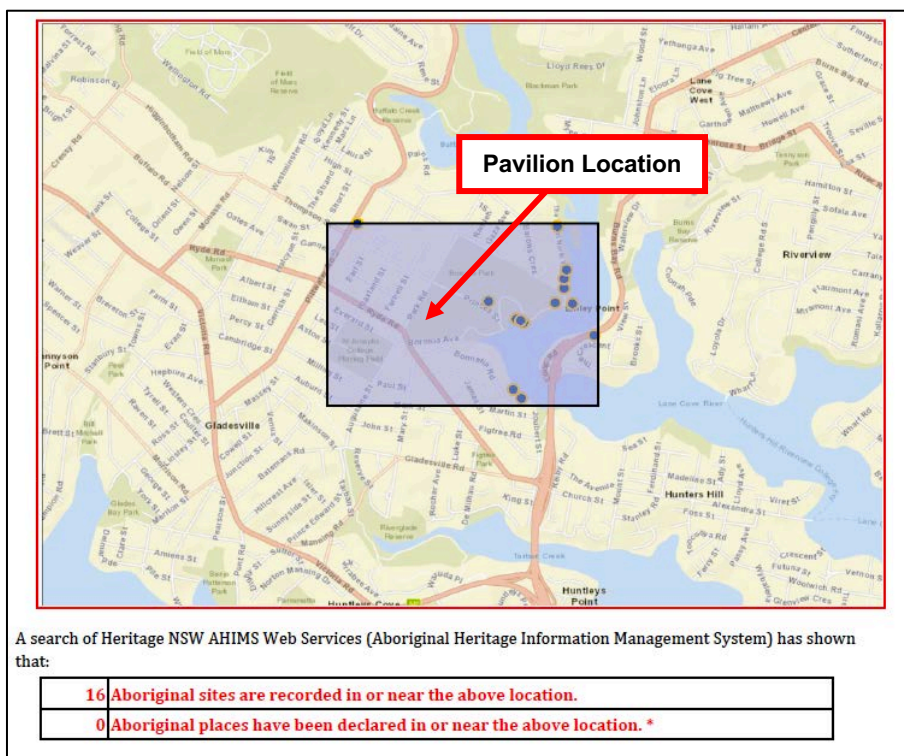


Figure 15 AHIMS Search Extract

The NSW Department of Planning, Infrastructure and Environment have prepared the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* ('Due Diligence Guidelines') to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for an AHIP.

The Due Diligence Guidelines (DECC 2006) define disturbed land as follows:

*“Land is disturbed if it has been the subject of a human activity that has changed the land’s surface, being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.”*

The site of the proposed activity is within an existing building and area which has been subject to clearing, excavation and filling, as well as underground and aboveground services and utilities (electricity and sewer lines). As such, it is reasonable to conclude that there is a low probability of objects occurring in area. As the proposal would occur on disturbed land and would not impact any recorded Aboriginal sites or places, the Due Diligence Guidelines require no further assessment. An AHIP is not required and the activity can proceed.

### **5.1.5 Commonwealth Environment Protection and Biodiversity Conservation Act 1999**

Under this Act, an action requires approval from the Minister if it has, or will have, or is likely to have, a significant impact on a matter of national environmental significance (MNES). MNES includes matters relating to world heritage properties, national heritage places, Ramsar wetlands, Nationally threatened species and ecological communities, migratory species, Great Barrier Reef Marine Park, Commonwealth marine areas, and Nuclear actions.

As detailed previously, the broader Boronia Park site contains Sydney Turpentine Ironbark Forest vegetation community being an endangered ecological community. The Sydney Turpentine Ironbark Forest is listed as a critically endangered ecological community under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* making this community of national conservation significance.

The land subject of the activity (Pavilion) and scope of the proposed works being internal refurbishment is unlikely to impact upon the Sydney Turpentine Ironbark Forest communities within Boronia Park. As such the proposal is unlikely to result in a significant impact upon a matter of national environmental significance (MNES).

### **5.1.6 Protection of the Environment Operations Act 1997**

The proposed activity does not constitute scheduled development work or scheduled activities as listed in Schedule 1 of the Act. The proposed activity therefore does not require an environmental protection licence.

### **5.1.6 Fisheries Management Act 1994**

The proposed activity does not affect waterways and waterland and as such the activity does not require an approval under the FM Act.

### **5.1.7 Heritage Act 1977**

The proposed activity would not disturb an item of state heritage significance and as such does not require approval under this Act. The Act also provides statutory protection to relics, archaeological deposits, artefacts or deposits. Section 139 to 146 of the Act require that excavation that is likely to contain, or is believed may contain, archaeological relics is undertaken in accordance with an excavation permit issued by the Heritage Council. The Act defines an archaeological relic as *“any deposit, artefact, object or material evidence that:*

- a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement; or*
- b) is of state and local heritage significance”*

As the works are limited to internal refurbishment and door replacement, and does not include any subsurface excavation, the proposed activity is unlikely to impact any archaeological deposits and a permit is not required.

### **5.1.8 Roads Act 1993**

Pursuant to Section 138 of the Roads Act 1993, the erection of a structure or carrying out of work in, on or over a public road must not be carried out without the consent of the appropriate roads authority.

The proposed activity does not include the erection of any works or carry a Section 138 Roads Act approval prior to works in the road reserve commencing. This requirement has been incorporated into the identified requirements of the Activity Determination as a condition.

### **5.1.9 Environmental Planning and Assessment Regulation 2021**

#### **Factors that must be taken into account concerning the impact of an activity on the environment [Section 171]**

For the purposes of Part 5 of the EP&A Act, the environmental factors in Section 8.1 of this report have been taken into account in considering the likely impact of the proposed activity on the environment. Having regard to the assessment of the environmental factors and impacts of the activity upon the environment the proposal will not have a significant environmental impact and does not trigger the preparation of an Environmental Impact Statement.

### **5.1.10 Local Government Act 1993**

The proposed activity is to be undertaken within Boronia Park, being Crown Managed land that is dedicated for public recreation, and as such meets the definition of a public reserve as defined by the Local Government Act 1993.

Section 35 of this Act states that “*Community land is required to be used and managed in accordance with the following –*

- *The plan of management applying to the land*
- *Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land*
- *This Division”*

The applicable plan of management to the site is the *Boronia Park Plan of Management* approved by the Department of Planning and Environment – Crown Lands and adopted by Council at its Ordinary Meeting held on 4 May 2020. The portion of the site subject of the proposed activity is land categorized as ‘sportsground’ by the Plan of Management.

The core objectives for land categorized as ‘sportsground’ (Section 36F of the LG Act) as follows:

***“36F Core objectives for management of community land categorised as a sportsground***

*The core objectives for management of community land categorised as a sportsground are—*

*(a) to encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and*

*(b) to ensure that such activities are managed having regard to any adverse impact on nearby residences.”*

The proposal achieves the core objectives of the land categorisation as it will encourage and facilitate organized and informal sporting activities through the refurbishment and upgrade of the existing Boronia Park Pavilion to accommodate greater sports storage areas, and improved accessibility and amenity for users of the park through renovated bathrooms and staff facilities. The works are contained within the existing pavilion building and will not have an adverse impact upon nearby residential properties.

Section 47E of the LG Act applies to development of community land. The proposed activity is development without consent pursuant to Part 5 of the EP&A Act 1979 and Section 47E(1) therefore does not apply to the works.

**5.1.11 Commonwealth Native Title Act 1993**

When planning to grant a lease or licence on Crown reserves, the Council must comply with the requirements of the Commonwealth Native Title Act 1993 (NT Act) and have regard for any existing claims made on the land under the NSW Aboriginal Land Rights 1983 (ALR Act).

A Native title Manager has been engaged by Council, and Native Title advice prepared by LANDSAS accompanies the REF (**Appendix G**) which confirms the proposed activity meets the requirements of the Native Title Act 1993 being valid future acts under Section 24JA.

Further, the Native Title advice involved notification of the activity to NTSCORP as the representative aboriginal body for New South Wales under Section 24JB(6) of the Native Title Act 1993. Notification was given on 29 April 2024 - 27 May 2024 and no comments were received regarding the activity.

**5.1.12 Other State Environmental Planning Policies**

Table 2 below outlines the applicability of, and compliance with, other State Environmental Planning Policies (SEPPs).

**Table 2** Compliance with other applicable SEPPS

<b>SEPP</b>	<b>Applicability</b>
<i>SEPP (Sustainable Buildings) 2022.</i>	A BASIX certificate is not required for the proposed activity noting the Sustainable Buildings SEPP provides BASIX certificate and energy performance standards for residential and commercial development only.
<i>SEPP (Transport and Infrastructure) 2021</i>	The proposal is made pursuant to the Infrastructure SEPP - Chapter 2, Part 2.3, Division 12, Section 2.73(2) as addressed previously.

	<p>The activity does not otherwise contravene the remaining relevant standards of the SEPP with respect to traffic generation, proximity to State Classified roads, or other infrastructure provisions.</p>
<p><i>SEPP (Biodiversity and Conservation) 2021</i></p>	<p>This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment.</p> <p>The broader Boronia Park site is identified as biodiversity mapped land pursuant to the NSW Department of Planning and Environment – Biodiversity Values Map and Threshold tool, and contains recognised significant vegetation communities including Sydney Turpentine Ironbark Forest. As addressed previously, the activity does not propose any tree removal, and does not present any impacts upon vegetation on the site.</p> <p>Chapter 6 of the SEPP contains matters to be considered by a determining authority in water catchments. These matters are addressed within this REF – Table 4.</p>
<p><i>SEPP (Resilience and Hazards) 2021</i></p>	<p>The Resilience and Hazard SEPP provides provisions for development in the coastal zone, management of hazardous and offensive development and remediation of contaminated land.</p> <p>Chapter 2 – Coastal Management of this SEPP identifies the broader Boronia Park site as being mapped ‘coastal environment area’ and ‘coastal use area’, with portions of the Park’s eastern foreshore to the Lane Cove River mapped as ‘coastal wetlands’ and ‘proximity area for coastal wetlands’.</p> <p>The activity is not designated development under the Hazards and Resilience SEPP as the portion of the site subject of the activity is not mapped as littoral rainforest or coastal wetland. The site is mapped as coastal use and coastal environment area pursuant to the Hazards and Resilience SEPP and as such the provisions of the SEPP apply to the activity. The development controls relevant to these mapped areas do not apply to development that can be carried out without consent. An assessment of the proposed activity’s potential impacts on coastal matters including visual amenity, biodiversity, and stormwater management are carried out within Section 8.0 of this REF.</p> <p>Chapter 4 – Remediation of Land of this SEPP requires consent authorities to consider whether land is contaminated prior to granting development consent. The proposal does not involve the disturbance of any soil which would present contamination risk noting the works are confined to refurbishment and alterations internal to the existing building.</p>
<p><i>SEPP (Planning Systems) 2021</i></p>	<p>The activity is not state significant infrastructure under Schedule 3 of the Planning Systems SEPP.</p>

## 5.2 Local Planning Controls

### **5.2.1 Hunters Hill Local Environmental Plan 2012 (HHLEP 2012)**

Compliance with the relevant provisions / development standards set out in the HHLEP 2012 is demonstrated in Table 3 below.



Table 3 Hunters Hill Local Environmental Plan 2012

Relevant Provision/Standard	Proposed	Standard	Compliance
<b>Hunters Hill LEP 2012</b>			
<b>Clause 4.3 Height of Buildings</b>	No change – internal works	N/A	N/A
<b>Clause 4.4 Floor Space Ratio</b>	No change to FSR	N/A	N/A
<b>Clause 5.10 Heritage</b>	Alterations and additions to Boronia Park Pavilion	The objectives of this clause are as follows— (a) to conserve the environmental heritage of Hunters Hill, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	Yes  Refer Statement of Heritage Impact <b>(Appendix F)</b>
<b>Clause 5.12 Infrastructure development and use of existing buildings of the Crown</b>	Proposed activity permitted without consent pursuant to Infrastructure SEPP – Chapter 2	(1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2. (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.	Yes
<b>Clause 6.1 Acid Sulfate Soils</b>	Pavilion area is within land identified as Class 5 ASS	Consent must not be granted unless an ASS management plan has been prepared for development on Class 5 land, within 500 metres of adjacent Class 1, 2a, 2b, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2a, 2b, 3 or 4 land.	Yes  Internal works do not disturb soil – no subsurface excavation

Relevant Provision/Standard	Proposed	Standard	Compliance
<p><b>Clause 6.4 Terrestrial biodiversity</b></p>	<p>Boronia Park mapped as area of biodiversity significance. Pavilion building not mapped.</p> <p>Proposed activity will not affect threatened species, ecological communities, or their habitats and therefore no further assessment is necessary. This is because the land subject of the activity (Pavilion) and scope of the proposed works being internal refurbishment is unlikely to impact threatened species, endangered ecological communities or constitute the habitat of threatened species or ecological communities. The proposed activity will not be a key threatening process and this portion of the park is not part of, or in the direct vicinity of, any declared area of outstanding biodiversity value.</p>	<p>(1) The objective of this clause is to protect, maintain and improve the diversity and condition of native vegetation and habitat, including the following—</p> <ul style="list-style-type: none"> <li>(a) protecting biological diversity of native fauna and flora,</li> <li>(b) protecting the ecological processes necessary for their continued existence,</li> <li>(c) encouraging the recovery of threatened species, communities, populations and their habitats,</li> <li>(d) protecting, restoring and enhancing biodiversity corridors.</li> </ul>	<p>Yes</p>
<p><b>Clause 6.5 Riparian land and adjoining waterways</b></p>	<p>Boronia Park Pavilion not mapped within riparian land area.</p>	<p>(1) The objective of this clause is to protect and maintain the following—</p> <ul style="list-style-type: none"> <li>(a) water quality within any adjoining waterway,</li> <li>(b) the stability of the bed and banks of any adjoining waterway,</li> <li>(c) aquatic and riparian habitats,</li> <li>(d) ecological processes within any adjoining waterway and riparian areas.</li> </ul>	<p>Yes</p>
<p><b>Clause 6.7 Development on river front areas</b></p>	<p>Boronia Park mapped as river front area. Pavilion works not visible from waterway and adjacent foreshore areas and will not impact views towards the waterway.</p>	<p>(1) The objectives of this clause are as follows—</p> <ul style="list-style-type: none"> <li>(a) to identify river front areas that have particular scenic value when viewed from waterways and adjacent foreshore areas,</li> <li>(b) to ensure that development in these areas minimises visual impacts by appropriate siting and design of buildings together with the conservation of existing trees,</li> </ul>	<p>Yes</p>

Relevant Provision/Standard	Proposed	Standard	Compliance
		(c) to maintain existing views and vistas towards waterways from public places.	

### **5.2.2 Hunters Hill Development Control Plan 2012 (HHDCP 2012)**

The *Hunters Hill Development Control Plan 2012 (HHCP 2012)* contains controls for various forms of development within the Hunters Hill LGA.

The general controls for all development set out in the *HHDCP 2013* have generally been addressed in the various section of this REF. Controls related to environmental, heritage, and amenity impacts have otherwise also been addressed throughout the assessment of the relevant environmental factors within this report.

## 6.0 NOTIFICATION, CONSULTATION & CONSIDERATION OF RESPONSE

### 6.1 Consultation with Government Agencies

#### 6.1.1 Council Notification

In accordance with Part 2.2, Division 1.1 of the Infrastructure SEPP, the consultation requirements for development permitted without consent are addressed as follows:

- **Section 2.10 – Consultation with councils – development with impacts on council-related infrastructure or services:** The proposed activity will not have a substantial impact upon Council infrastructure and the matters described under Section 2.10(1) of the SEPP. The activity may temporarily impact pedestrian movement directly adjacent to the Pavilion during works, noting Council is undertaking the works and is also the Crown Land manager of the site and as such consultation under Section 2.10 is not required.
- **Section 2.11 – Consultation with councils – development with impacts on impacts on local heritage:** The proposed activity will not detract from the heritage significance of the heritage item – Boronia Park of the significance of the Boronia Park Pavilion refer Statement of Heritage Impact (**Appendix F**) which concludes that the activity will have a neutral impact upon the structure’s scale and form, and will not impact upon significant fabric of the building. Council is the proponent for the works and as such consultation under Section 2.11 is not required.
- **Section 2.12 – Consultation with councils – development with impacts on flood liable land:** The activity is unlikely to change flood patterns noting no change is proposed to the building footprint. Notification to Councils flood engineers is therefore not considered necessary.
- **Section 2.14 – Consultation with councils – development with impacts on certain land within the coastal zone:** The proposed activity is not located within a coastal vulnerability area. Consultation is therefore not required.
- **Section 2.16 – Consideration of Planning for Bush Fire Protection:** The proposed activity is not a development prescribed in this section (*health services facilities, correctional centres, residential accommodation*). Consideration of PBP is therefore not required.

#### 6.1.2 Notification of Specific Public Authorities

Consideration has been given to the need to notify the “specified public authorities” identified in *State Environmental Planning Policy (Transport and Infrastructure) 2021*, sections 2.15 and 2.17. The development is not located in an area that triggers the requirement to notify public authorities other than Council as detailed below:

- **Section 2.13 – Consultation with State Emergency Service (SES) – development with impacts on flood liable land:** The activity is carried out under Division 12 of the SEPP which is not identified as a ‘relevant provision’ under Section 2.13. Notification to SES is therefore not required.
- **Section 2.15 – Consultation with public authorities other than councils:** In consideration of the other consultation requirements specified under Section 2.15 of the SEPP, the proposed activity:
  - would not be undertaken adjacent to land reserved under the National Parks and Wildlife Act 1974 or land acquired under that Act
  - would not be undertaken on land in Zone C1 National Parks and Nature Reserves or in an equivalent land use zone.
  - does not comprise a fixed or floating structure in or over navigable waters
  - would not increase the amount of artificial light in the night sky and located on land within the dark sky region as identified on the dark sky region map
  - would not be undertaken within Defence communications facility buffer (only relevant to the defence communications facility near Morundah)
  - would not be undertaken on land in a mine subsidence district within the meaning of the Mine Subsidence Compensation Act 1961
  - would not impact upon Willandra Lakes Region
  - is not within a Western City operational area

These prescribed consultation requirements therefore do not apply.

## **6.2 Notification of Occupiers of Adjoining Land and Other Persons**

The works to be carried out as part of the proposed activity – refurbishment of the Boronia Park Pavilion are carried out to implement the Boronia Park Plan of Management.- Action PDFL22 as identified within Section 6.5 of the PoM. The PoM has been subject of comprehensive community engagement during its drafting and finalization as detailed within Section 4.2 of the PoM.

The community engagement undertaken by Council to inform the PoM included dispersal of information packages, community engagement kiosks within the park, a stakeholder focus group, and the distribution of a Boronia Park Newsletter. Further, a Community Advisory Group was formed providing expertise and feedback in the preparing of the PoM which included a range of representatives from local community groups, the Boronia Park Public School, local residents, and sport clubs.

The consultation and engagement held during the preparation of the PoM is detailed within Section 4.2.8 of the plan has informed the planned actions for the Park, with the relevant community feedback received during engagement summarised below:

- Upgraded and/or additional toilets and change rooms as well as renovations to the grandstand as the most commonly recommended 'solutions' or desired changes at the park.
- The need for club rooms or clubhouse facilities was the most frequently nominated issue to address in the Park's future
- Suggestions for the upgrade and or addition of toilets, provision of female change rooms, improve accessibility, and provide more storage for sports equipment

The proposed activity has been developed in accordance with the relevant community feedback received during the preparation of the Boronia Park Plan of Management and has been identified as a planned 'high-priority' action for the park based on the extensive community consultation carried out previously.

### 6.3 Publishing of the Review of Environmental Factors

Section 171(4) of the Environmental Planning & Assessment Regulation 2021 states:

*(4) The review of environmental factors must be published on the determining authority's website or the NSW planning portal if—*

*(a) the activity has a capital investment value of more than \$5 million, or*

*(b) the activity requires an approval or permit as referred to in any of the following provisions before it may be carried out—*

*(i) Fisheries Management Act 1994, sections 144, 201, 205 or 219,*

*(ii) Heritage Act 1977, section 57,*

*(iii) National Parks and Wildlife Act 1974, section 90,*

*(iv) Protection of the Environment Operations Act 1997, sections 47–49 or 122, or*

*(c) the determining authority considers that it is in the public interest to publish the review.*

Pursuant to Section 171(4)(a) the proposed activity has a capital investment value of \$473,634 and as such the REF does not require publishing on the NSW Planning Portal.

Pursuant to Section 171(4)(b) and the preceding assessment at Section 3.2 of this REF the activity does not require an approval or permit within any of the provisions at Section 171(4)(b)(i)-(iv).

Following review of this REF by the proponent and determining authority, the proponent is to consider the public interest in publishing this report pursuant to Section 171(4)(c).

## 7.0 REASONS FOR ACTIVITY & CONSIDERATION OF ALTERNATIVES

### 7.1 Objectives and need for the proposal

The aim of the project is to upgrade the Boronia Park Pavilion in accordance with the planned actions for the building pursuant to Part 6.5 of the Boronia Park Plan of Management. The Plan of Management identifies the refurbishment and alterations to the Pavilion as a 'high priority' action required to achieve the management objectives of the Park.

The activity seeks to improve the accessibility and amenity of the existing sports facilities, whilst minimizing heritage impacts through the retention of the existing footprint and envelope of the building. The activity will transform the ground floor area of the existing Pavilion from its current use as a storage area into a functional sports facility space restoring its historic use.

### 7.2 Consideration of alternatives

This section describes the alternatives considered by Hunters Hill Council to the proposal and options developed that the proposal is based on:

- **Do nothing:** The option of doing nothing would involve retaining the existing Boronia Park Pavilion building in its current state. Whilst this option would avoid any environmental impact, it is considered that the retention of the building in its current form does not achieve the objectives of the Boronia Park Plan of Management which, as a result of extensive community consultation and engagement, confirmed that the refurbishment and upgrade of the Pavilion was a 'high priority' action to be undertaken.

This option has been considered and has been rejected as it is concluded that any development impact would be minimal noting the scale of the works (internal refurbishment, replacement of doors, and minor external works replacing existing paved areas with no increase to building footprint) could be managed to minimize impacts to an acceptable level against the social benefit of carrying out the works.

- **Do something options:** The option to carry out the activity was developed for consideration based on community consultation and engagement received during the preparation of the Boronia Park Plan of Management.

The options for refurbishment of the pavilion were limited to the described scope of the activity as detailed within Section 6.5 of the Plan of Management which states:

*“Upgrade and refurbish the existing historic grandstand adjacent to Oval 1, while retaining the heritage character and architectural/functional style of this original (late 1920s) pavilion.*

*This pavilion will continue to provide:*

- *male and female public toilets (including accessible facilities, or a separate accessible toilet);*
- *player changeroom(s), potentially unisex to cater for both male and female teams, and including toilets and showers;*
- *a Council storage area, to support the Park's maintenance; and covered tiered spectator seating (upgraded to improve user amenity/comfort).*

*The sealed area in front of the grandstand, and access to the playing area of Oval 1, will be upgraded and the oval entry made more durable/resilient.*

...

*Any reconfiguration/redevelopment of the pavilion's internal spaces will not increase the structure's footprint by more than 15%, will be sympathetic to and in keeping with its (external) heritage character and appearance, and endeavour to retain existing mature trees in this area.*

*A high level of cleaning and maintenance will be provided, especially to the pavilion's external/public areas, to encourage greater use of this facility."*

The design of the proposed refurbishment has been developed in response to the above details, noting the activity does not include the option for the upgrade of the oval entry which may be carried out as exempt development in the future.

Having consideration to the above alternatives, the 'do something' option and associated plan addresses Councils objectives for the project being for a refurbished grandstand with upgraded and additional facilities, whilst also sympathetic to the existing structure's heritage character.

With regards to avoiding and minimising potential adverse environmental impacts, the preferred option was chosen.

### **7.3 Justification for preferred option**

The preferred option has been subject of design and feasibility study and has responded to feedback and recommendations from the community in preparing the Boronia Park Plan of Management which has resulted in its selection as the preferred option.

The matters raised by the community during notification of the Plan of Management were incorporated into the activity description within Part 6.5 of the PoM and addressed through the carrying out of the development in accordance with the planned development for the Pavilion.



## 8.0 REVIEW OF ENVIRONMENTAL FACTORS

### 8.1 Environmental Factors – Section 171(2) Matters for consideration

In considering the likely impacts of the proposed activity on the environment, the following environmental factors have been taken into account in accordance with Section 171(2) of the Environmental Planning & Assessment Regulation 2021. **Table 3** below and the subsequent sections of this report provide an assessment of potential impacts in accordance with the evaluation criteria contained within Attachment A of the DPIE – *Guidelines for Division 5.1 Assessments* with respect to the extent, nature, and mitigation/management of potential impacts.

The table and comments made in this section of the REF are not mutually exclusive and are to be read in conjunction with the other sections of the REF dealing with the environmental impacts of the proposed development activity.

**Table 3** Clause 171(2) Factors for Consideration

Environmental Factor	Extent of Impact / Assessment	Reason
(a) the environmental impact on the community,	Positive	<p>The purpose of the proposed activity is to provide refurbished grandstand with upgraded and additional facilities for the community, whilst also sympathetic to the existing structure's heritage character. The environmental impacts with respect to the natural environment, built form/heritage, visual impacts, and development intensity of the activity are considered negligible or minor as described throughout this REF.</p> <p>The proposed activity would not have any negative impact on community services and infrastructure such as power, waste water, waste management, or social services.</p> <p>As such, the net environmental impact of the activity on the community is considered positive.</p>
(b) the transformation of the locality,	Nil	The locality will remain as RE2 Public Recreation zoned land, and the works being internal to the existing Pavilion will not transform the locality.

<p>(c) the environmental impact on the ecosystems of the locality,</p>	<p>Low</p>	<p>The proposed activity would not have a significant impact upon threatened species or endangered ecological communities within the locality. No significant habitat features would be removed or otherwise impacted. No food resources critical to the survival of a particular species would be removed. Aquatic ecosystems are not likely to be affected by the proposed activity and there is not likely to be any long-term or long-lasting impact through the input of sediment and nutrient into the ecosystem.</p>
<p>(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality,</p>	<p>Nil</p>	<p>Recreational values will be enhanced by the activity through upgrade of the existing Pavilion building's amenities and facilities, as well as its accessibility to all members of the community.</p> <p>Visual impact of the proposal is considered to be minimal as detailed within the Statement of Heritage Impact (<b>Appendix F</b>).</p> <p>Scientific and environmental qualities of the site would not be affected, as the activity is for internal works or replacement of existing paved areas and will not impact upon existing trees within the site subject to mitigation measures. The proposed activity would have no impact on the environmental values of the broader reserve including ecological communities and coastal processes outside of the sport area – Oval 1.</p>
<p>(e) the effects on any locality, place or building that has— (i) aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or</p>	<p>Positive</p>	<p>The proposed activity will not impact upon the historical significance of any archaeologically significant sites or Aboriginal heritage noting the scale of the proposed works.</p> <p>As detailed within the Statement of Heritage Impact (<b>Appendix F</b>) the activity would have a positive impact on the heritage significance of the existing Boronia Park Pavilion. The proposed internal reconfiguration enhances usability, restores its historic use, and improves accessibility. The use of lightweight modern materials internal to the building, and preservation of</p>

(ii) other special value for present or future generations,		external building fabric ensures the grandstand's historic character and visual prominence are maintained.
(f) the impact on the habitat of protected animals, within the meaning of the Biodiversity Conservation Act 2016,	Nil	The Pavilion building internal works will not impact upon the habitat of protected animals within the meaning of the Biodiversity Conservation Act 2016.
(g) the endangering of a species of animal, plant or other form of life, whether living on land, in water or in the air,	Nil	The proposed activity would have no effect on endangered ecological communities (EECs) identified within the broader Boronia Park, noting these communities are adequately separated from the Pavilion building. The proposed internal works to an existing Pavilion with no tree removal proposed would not effect the plant and animal species identified on the Biodiversity Values Map pursuant to the NSW Department of Planning and Environment – Biodiversity Values Map and Threshold tool.
(h) long-term effects on the environment,	Negligible	Based on the assessments completed as part of this REF, no significant long-term effects on the environment are expected from the proposed development.  The proposed activity would not use hazardous substances or use or generate chemicals which may build up residues in the environment.
(i) degradation of the quality of the environment,	Negligible	The quality of the environment is likely to experience some minor disturbance (noise, dust) during the construction period, but is expected to re-establish after this period.
(j) risk to the safety of the environment,	Low	The proposed activity would not lead to increased bushfire or landslip risks. The risk of potential hazardous waste encountered during internal demolition can be managed through the mitigation measures detailed within Section 8.9 of this REF.

		The activity is not going to adversely affect flood behaviour or tidal regimes, or exacerbate flooding risks.
(k) reduction in the range of beneficial uses of the environment,	Positive	<p>The proposal will improve the range of beneficial uses of Boronia Park through the proposed Pavilion internal upgrade works.</p> <p>The refurbishment of existing bathrooms, change rooms, office/kitchen facilities, sports storage areas, internal mechanical/electrical fittings, and new accessibility upgrades (ramp) improve the range of beneficial uses in the park.</p>
(l) pollution of the environment,	Negligible	<p>The proposal would involve a temporary and local increase in noise during the construction phase due to the use of machinery however this will not have a significant adverse affect on any sensitive receivers such as residential areas, schools, childcare centres and hospitals.</p> <p>Sediment and erosion control in accordance with the Blue Book will be implemented to minimise movement of sediment where necessary.</p> <p>It is unlikely that the activity (including the environmental impact mitigation measures) would result in water or air pollution, spillages, dust, odours, vibration or radiation.</p> <p>An acid sulfate soil assessment and management plan is not required noting the activity is unlikely to disturb acid sulfate soils being for internal works.</p>
(m) environmental problems associated with the disposal of waste,	Low	Internal demolition is required as part of the activity to accommodate the proposed amenities and facilities upgrade of the Pavilion. The handling and removal of any potential asbestos contained within the building is to be carried out by a licensed contractor that has a current SafeWork NSW

		<p>accreditation in asbestos removal, and the other relevant mitigation measures identified within Section 8.9 of this REF.</p> <p>The proposed refurbished Pavilion will not generate unreasonable waste.</p>
(n) increased demands on natural or other resources that are, or are likely to become, in short supply,	Low	The amount of resources that would be used are not considered significant and would not increase demands on current resources such that they would become in short supply.
(o) the cumulative environmental effect with other existing or likely future activities,	Low	The proposed upgrade of the existing Pavilion will not result in adverse environmental effects being an internal upgrade of an existing building. In combination with other works planned for the park as detailed within Section 6 of the Plan of Management, the activity does not present any significant cumulative environmental impacts.
(p) the impact on coastal processes and coastal hazards, including those under projected climate change conditions,	Nil	<p>The proposal is unlikely to cause any impacts on coastal processes and coastal hazards, and any related climate change impacts.</p> <p>The proposed activity's potential impacts on coastal matters including visual amenity, biodiversity, and stormwater management are negligible noting the activity is adequately separated from the coast.</p>
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Positive	<p>The proposal is consistent with the applicable strategic plans for the site. In particular, the proposed activity meets the following Planning Priorities of the Hunters Hill Local Strategic Planning Statement.</p> <ul style="list-style-type: none"> <li>▪ 1. <i>Provide services and facilities within Hunters Hill to meet community needs and aspirations now and into the future by 2040.</i></li> <li>▪ 2. <i>Provide infrastructure to support community needs and aspirations.</i></li> </ul>

		<ul style="list-style-type: none"> <li>▪ 8. Maintain and enhance the natural and built heritage character of Hunters Hill.</li> </ul>
(r) other relevant environmental factors.	Low	Environmental factors have been addressed within this table and assessment contained in Section 8 of this REF.

The proposed activity is not expected to generate any significant or long- term detrimental impacts on the environment. The short-term impacts, during construction, will be managed by construction methods that include environmental protection measures for noise, dust, soil erosion and sediment control, traffic management and site safety, protection of trees and standards for connection of utilities and services. Construction will also have positive economic impacts with the generation of employment. The short term impacts during construction will be offset by positive social outcomes in the long term benefits the refurbishment and upgrade of the existing Pavilion building provides being in accordance with the Boronia Park Plan of Management planned development.

## 8.2 Activities in catchments – Section 171A Matters for consideration

The site is located within a regulated catchment, being the Sydney Harbour Catchment. When considering the likely impact of the environment of an activity proposed to be carried out in a regulated catchment, a determining authority must take into account the matters a consent authority must consider under sections 6.6(1), 6.7(1) and 6.9(1) of *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP)* and the matters of which a consent authority must be satisfied under sections 6.6(2), 6.7(2) and 6.9(2) of the BC SEPP. Further, when considering the impact of an activity to be carried out in the Sydney Harbour Catchment, section 6.28(1) of the BC SEPP is to be considered. These matters are addressed in Table 4 below.

**Table 4** Clause 171A Factors for Consideration

Factors to be taken into account concerning the impact of an activity in a regulated catchment	Response
<p><b>6 Water quality and quantity</b> This clause requires the consent authority to consider whether the development will:</p> <ul style="list-style-type: none"> <li>▪ have a neutral or beneficial effect on the quality of water entering a waterway;</li> </ul>	<p>The proposed activity will not result in any major potential pollutants, however sediments may arise during demolition and construction which can be managed via control measures in accordance with the Blue Book to minimise movement of sediment where necessary.</p>

<ul style="list-style-type: none"> <li>▪ have an adverse impact on water flow in a natural waterbody;</li> <li>▪ increase the amount of stormwater run-off from a site, and</li> <li>▪ Incorporate on-site stormwater retention, infiltration or reuse.</li> <li>▪ The consent authority is also required to assess the impact of the development             <ul style="list-style-type: none"> <li>▪ on the level and quality of the water table;</li> <li>▪ the cumulative environmental impact of the development on the regulated catchment;</li> <li>▪ and whether the development makes adequate provision to protect the quality and quantity of ground water.</li> </ul> </li> </ul> <p>Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:</p> <ul style="list-style-type: none"> <li>▪ the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</li> <li>▪ the impact on water flow in a natural waterbody will be minimised.</li> </ul>	<p>The Pavilion will be maintained by contractors during construction, and the head contractor is to implement environmental site management measures duration of demolition / construction in accordance with Council requirements and/or the guidelines contained in the Blue Book Managing Urban Stormwater: Soils and Construction (4th edition, Landcom, 2004). Subject to the above, erosion, sediment and stormwater runoff will be effectively contained on the site with no impacts on any watercourse, waterbody or drainage depression.</p> <p>As such, it is considered the proposed development will have a neutral effect on water quality. The proposal provides for adequate safeguards for avoiding impacts on water quality and quantity.</p>
<p><b>6.7 Aquatic ecology</b></p> <p>This clause requires the consent authority to consider whether the development:</p> <ul style="list-style-type: none"> <li>▪ will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,</li> <li>▪ involves the clearing of riparian vegetation and, if so, whether the development will require either a</li> </ul>	<p>The proposed activity is not located on riparian land and will not require a controlled activity permit, nor is the site located in the direct vicinity of any wetland or natural waterbody.</p> <p>Suitable erosion and sedimentation controls will be required during works to minimise erosion and maintain water quality.</p>

controlled activity approval under the Water Management Act 2000, or a permit under the Fisheries Management Act 1994,

- will minimise or avoid the erosion of land abutting a natural waterbody, or the sedimentation of a natural waterbody, or will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,
- includes adequate safeguards and rehabilitation measures to protect aquatic ecology,
- if the site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.

Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:

- that the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,
- the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,
- if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,
- the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,



<ul style="list-style-type: none"> <li>▪ the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.</li> </ul>	
<p><b>6.8 Flooding</b></p> <p>This clause relates to flood liable land and requires that the consent authority is satisfied the development will not:</p> <ul style="list-style-type: none"> <li>▪ if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or</li> <li>▪ have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.</li> </ul>	<p>The activity is for internal refurbishment and alterations with no change to existing building footprint.</p>
<p><b>6.9 Recreation and public access</b></p> <p>This clause requires the consent authority to consider:</p> <ul style="list-style-type: none"> <li>▪ the likely impact of the development on recreational land uses in the regulated catchment, and,</li> <li>▪ whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.</li> </ul> <p>Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:</p> <ul style="list-style-type: none"> <li>▪ the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,</li> </ul>	<p>The proposed activity will positively impact the recreational land use within Boronia Park.</p> <p>The activity will improve public access to recreational land through the provision of an accessible ramp and new graded pathway replacing existing entries to the Pavilion.</p> <p>The activity will not impact access to the foreshore.</p>

<ul style="list-style-type: none"> <li>▪ new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,</li> <li>▪ if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.</li> </ul>	
<p><b>6.28 General</b>  This clause requires the consent authority to consider:</p> <ul style="list-style-type: none"> <li>▪ whether the development is consistent with the following principles— <ul style="list-style-type: none"> <li>○ (i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good,</li> <li>○ (ii) the public good has precedence over the private good,</li> <li>○ (iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests,</li> </ul> </li> <li>▪ whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,</li> <li>▪ whether the development will have an adverse impact on the Foreshores and Waterways Area, including on commercial and recreational uses of the Foreshores and Waterways Area,</li> <li>▪ whether the development promotes water-dependent land uses over other land uses,</li> </ul>	<p>The activity does not present any significant adverse impacts upon the Foreshores and Waterways Area of the Sydney Harbour Catchment.</p>

- whether the development will minimise risk to the development from rising sea levels or changing flood patterns as a result of climate change,
- whether the development will protect or reinstate natural intertidal foreshore areas, natural landforms and native vegetation,
- whether the development protects or enhances terrestrial and aquatic species, populations and ecological communities, including by avoiding physical damage to or shading of aquatic vegetation,
- whether the development will protect, maintain or rehabilitate watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity.

Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:

- having regard to both current and future demand, the character and functions of a working harbour will be retained on foreshore sites,
- if the development site adjoins land used for industrial or commercial maritime purposes—the development will be compatible with the use of the adjoining land,
- if the development is for or in relation to industrial or commercial maritime purposes—public access that does not interfere with the purposes will be provided and maintained to and along the foreshore,
- if the development site is on the foreshore—excessive traffic congestion will be minimised in the zoned waterway and along the foreshore,
- the unique visual qualities of the Foreshores and Waterways Area and its islands, foreshores and

tributaries will be enhanced, protected or maintained, including views and vistas to and from—

- (i) the Foreshores and Waterways Area, and
- (ii) public places, landmarks and heritage items.

### 8.3 Visual Impact

The proposed activity is for internal refurbishment and minor external alterations – replacement of main door and renovation of existing entry pathways to improve accessibility and as such does not present any adverse visual impacts.

- **Mitigation Measures**  
No mitigation measures are required.

### 8.4 Solar Access / Overshadowing

The activity involves only internal works and alterations within the footprint of the existing building and will not result in any overshadowing impacts.

- **Mitigation Measures**  
No mitigation measures are required.

### 8.5 Traffic & Parking

The proposed activity will not result in any traffic and parking impacts noting the proposal does not result in an increase in development intensity on the site and will not have any unacceptable implications in terms of road network capacity.

- **Mitigation Measures**  
No mitigation measures are required.

### 8.6 Tree, Landscape, and Coastal Impacts

The activity does not involve the removal of any trees or landscaping, and given the works are confined to the internal refurbishment and door replacement of the existing Pavilion building the activity does not present any risks to trees, landscaping, or significant flora and fauna on the site as identified earlier. The activity will not present impacts upon the environmental processes of the coastline or foreshore area of the reserve. The visual qualities of the reserve will be maintained.

- **Mitigation Measures**  
No mitigation measures are required.

### 8.7 Threatened Species

Part 7 of the BC Act sets out the test for determining whether a proposed development or activity is likely to significantly affect threatened species, ecological communities, or their habitats. For the purposes of Part 5 of the EP&A Act, an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

The Boronia Park Pavilion is not within an area declared to be of 'outstanding biodiversity value' as defined in the EP&A Act and is not identified as an area

on the Biodiversity Values Map pursuant to the NSW Department of Planning and Environment – Biodiversity Values Map and Threshold tool.

It is noted that portions of the broader Boronia Park site are mapped on the Biodiversity Values Map, and pursuant to Section 2.3 of the Boronia Park Plan of Management are identified as containing three vegetation communities noted as endangered ecological communities (EECs) which affords them additional conservation significance and legislative protection under the Biodiversity Conservation Act 2016, being the Sydney Turpentine Ironbark Forest; the Estuarine Swamp Oak Forest; and the Estuarine Saltmarsh. Further a number of significant native fauna species have been identified within the park as stated within Section 2.3.3 of the PoM.

Map extracts from the NSW Biodiversity Values Map and Threshold Tool, and NSW Bionet Atlas do not indicate that the Pavilion is within the vicinity of any biodiversity mapped vegetation or identified species.

Given the location of the proposed activity within an existing building – Pavilion Grandstand with no works proposed within the vicinity of trees or significant vegetation the proposed activity would have no effect on potentially occurring species within Boronia Park.

The development is not within an area declared to be of outstanding biodiversity value. The mitigation measures within this REF and scale of the proposed activity (internal works) would ensure that no serious or irreversible impacts on biodiversity values (as defined by the BC Act) occur at the site of the proposed activity. The proposed activity therefore is not deemed to be likely to significantly affect threatened species and an environmental impact statement (EIS) or a Biodiversity Development Assessment Report (BDAR) is not required.

Based on the criteria set out in Section 7.3 of the BC Act, the proposed activity will not affect threatened species, ecological communities, or their habitats and therefore no further assessment is necessary. This is because the land subject of the activity (Pavilion) and scope of the proposed works being internal refurbishment is unlikely to impact threatened species, endangered ecological communities or constitute the habitat of threatened species or ecological communities. The proposed activity will not be a key threatening process and this portion of the park is not part of, or in the direct vicinity of, any declared area of outstanding biodiversity value.

- ***Mitigation Measures***

No mitigation measures are required.

## **8.8 Heritage (European / Indigenous)**

### **Aboriginal Heritage**

An Aboriginal Heritage Information Management System (AHIMS) search, dated 30 July 2024 (***Appendix I***) did not find any record of Aboriginal Sites or Places on the activity site (Pavilion) or in the surrounding vicinity and the site is

considered to be disturbed land. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, determined that no additional investigation was warranted. The activity is for internal refurbishment and alterations – replacement of door and existing pathways involving no significant subsurface excavation. Discovery of cultural material during development activities cannot be ruled out, however and as such the below mitigation measures are to be implemented during carrying out of the activity.

- **Mitigation Measures**

Historic and indigenous archaeological sites and relics are protected under the Heritage Act 1977 and National Parks and Wildlife Act 1974, respectively. Should any relics be uncovered during the course of the approved works, work must cease immediately in the affected area. Subsequently, in cases where historical items have been uncovered, the Department of Planning and Environment must be contacted, or if Indigenous items have been uncovered, the Department of Planning and Environment, shall be contacted.

All workers / contractors on the site shall be informed of their obligations, under the Heritage Act and National Parks and Wildlife Act 1974, that it is illegal to disturb, damage or destroy a relic without the prior approval of the Department of Planning and Environment.

**European Heritage**

The Boronia Park Pavilion is not located within a heritage conservation area but is mapped as part of heritage item *186 Boronia Park* within Schedule 5 of the *Hunters Hill LEP 2012*. The south-western most corner of the Boronia Park site identified as ‘St Johns Park’ opposite Ryde Road is mapped as being within the Hunter’s Hill Conservation Area No. 1 (C1).

The activity is supported by a Statement of Heritage Impact (**Appendix F**) which confirms that the activity would have a positive impact on the heritage significance of the existing Boronia Park Pavilion. The proposed internal reconfiguration enhances usability, restores its historic use, and improves accessibility. The use of lightweight modern materials internal to the building, and preservation of external building fabric ensures the grandstand’s historic character and visual prominence are maintained.

The Statement of Heritage Impact concludes the following with respect to the impacts of the activity on the heritage significance of the Pavilion Building and broader Boronia Park site:

**7.1 Impact Summary**

*The NSW Department of Planning and Environment’s guidelines require the following aspects of the proposal to be summarised.*

**7.1.1 Aspects of the proposal which respect or enhance heritage significance**

*In our view, the following aspects of the proposal would respect the heritage significance of the subject site:*

- *The proposed works are confined to the internal spaces of the Inter-war style grandstand structure, avoiding any invasive actions to the significant fabric of the subject building.*
- *The reconfiguration works would adopt a minimalistic design approach using materials that complement the existing interiors of the pavilion, ensuring seamless integration with the building's current aesthetics.*
- *The proposal would include minor additions to enhance the usability of the subject building without altering the significant external facades.*
- *All proposed works are internal, thereby preserving the view lines to and from nearby heritage items.*
- *The proposed work would ensure the continued use of the space as a recreation and facility centre for the community, maintaining its historic and existing function.*

#### **7.1.2 Aspects of the proposal which have a detrimental impact on heritage significance**

*In our view, there are no aspects of the proposal which could be detrimental to the significance of the subject site and heritage items in the vicinity. The neutral impacts of the proposal have been addressed above in Section 7.1.1.*

#### **7.2 General Conclusion**

*Heritage 21 is therefore confident that the proposed development complies with pertinent heritage controls and would engender a positive impact on both the heritage significance of the subject site. We therefore recommend that Hunters Hill Council view the activity favourably on heritage grounds."*

Pursuant to the Statement of Heritage Impact prepared for the activity, it is considered that the net impacts of the activity are positive with respect to environmental heritage.

#### **- Mitigation Measures**

No mitigation measures are required.

#### **8.9 Acid Sulfate Soils / Contamination / Salinity**

The proposal does not involve any excavation noting the works are confined to refurbishment of the existing building on the site, and as such the activity will not have any impacts with respect to the disturbance of acid sulfate soils and soil salinity.

The proposal involves the demolition of internal walls of existing internal walls of the Pavilion building. To mitigate potential risks associated with the removal of asbestos-containing materials, the below mitigation measures are required.



- **Mitigation Measures**

Demolition shall be carried out in accordance with the appropriate provisions of AS 2601.

Where materials containing asbestos are to be removed, demolition shall be carried out by a licensed contractor(s) that has a current SafeWork NSW accreditation in asbestos removal.

Removal of asbestos-based thermal, or acoustic insulation such as sprayed asbestos and asbestos-based lagging and including friable asbestos boards, shall be carried out in accordance with the National Occupational Health and Safety Commission's Code of Practice for the Safe Removal of Asbestos, 2nd Edition [NOHSC:2002 (2005)].

Any other hazardous and intractable waste, including all asbestos laden waste arising from the demolition process shall be removed and disposed of in accordance with the requirements of SafeWork NSW.

During demolition, the public footpath and the public road shall not be obstructed by any vehicles. The public road and footpath shall be swept (not hosed) clean of any material, including clay, soil and sand.

### **8.10 Drainage / Flooding / Hydrology / Water Quality**

Stormwater drainage will be retained as existing on the site noting no changes are proposed to the Pavilion roof form or existing drainage infrastructure. Roof water will be collected from existing downpipes.

The proposed activity is for internal refurbishment of an existing building and does not present any flood impacts. The proposed development does not present an adverse impact on the hydrology or water quality within the local area.

- **Mitigation Measures**

No mitigation measures are required.

### **8.11 Bushfire Prone Land**

The Section 10.7 Planning Certificate issued by Hunters Hill Council (**Appendix K**) for the subject site advises that the land is bushfire prone, with the location of the activity located not identified as mapped land. In accordance with Section 2.16 of the Infrastructure SEPP, public authorities must only consider the *Planning for Bushfire Protection* guidelines where development is carried out for *health services facilities, correctional centres, or residential accommodation*.

- **Mitigation Measures**

No mitigation measures are required.

### 8.12 Noise and Vibration

The proposal would involve a temporary and local increase in noise during the construction phase due to the use of machinery however this will not have a significant adverse affect on any sensitive receivers such as residential areas, schools, childcare centres and hospitals.

- **Mitigation Measures**

Demolition/construction noise will be controlled to within acceptable limits by sound attenuation measures and undertaking construction activities within EPA/local council requirements.

### 8.13 Air Quality

Temporary and localised air quality impacts including dust, smoke, and odours might be generated during the demolition of internal walls within the Pavilion Building and construction of the proposed alterations.

- **Mitigation Measures**

Dust generation during demolition / construction shall be controlled using regular control measures such as on-site watering or damp cloth fences as required.

### 8.14 Waste Minimisation

Demolition materials will be stored wholly within the site prior to removal for recycling or disposal. Demolition waste will be removed from the site to an approved waste management facility or will be recycled.

Specific intentions for recycling / re-use / disposal of demolition waste will be determined by the demolition contractor prior to commencement of demolition.

Construction materials must be stored wholly within the site prior to removal for recycling or disposal. Construction materials waste must be removed from the site to an approved waste management facility or shall be recycled.

- **Mitigation Measures**

A waste management plan shall be followed by the building contractor prior to the commencement of demolition/construction detailing the amount of waste material and the destination of all materials, recyclable and non-recyclable.

### 8.15 Resource Use & Availability

The proposed activity will not result in any discernable depletion or degradation of natural resources. The recycling and reuse of materials during demolition, construction and on-going occupation of the proposed development will reduce the consumption of natural resources.

- **Mitigation Measures**

No additional mitigation measures are required.

### 8.16 Community / Social Effects

The proposed development will generate a number of positive community and social effects, including:

- Achieve a 'high priority' action required to achieve the management objectives of Boronia Park in accordance with the Boronia Park Plan of Management.
- Improve the accessibility and amenity of the existing sports facilities within Boronia Park
- Transform the ground floor area of the existing Pavilion from its current use as a storage area into a functional sports facility space restoring its historic use for members of the community

### 8.17 Economic Impact

The proposed development is likely to contribute to a range of economic benefits in the Hunters Hill local government area through:

- efficient use of land resources, existing infrastructure and existing services;
- local sourcing of construction materials, where possible;
- the local sourcing of tradesmen and other construction-related professionals, where possible
- **Mitigation Measures**  
No mitigation measures are required.

### 8.18 Cumulative Impact Assessment

The proposed activity is not likely to have singular or cumulative environmental impacts which would result in unacceptable adverse effects for the following reasons:

- The proposed activity will not result in any adverse cumulative impact when considered in conjunction with any other proposals or developments in the area;
- there will be no synergistic effects of individual project impacts from the proposed activity when considered in combination; and
- there are no known environmental stresses in the area of the proposed activity that would be increased.
- **Mitigation Measures**  
No mitigation measures are required.

## **9.0 CONCLUSION**

### **9.1 Justification**

The proposed activity, given its scale, location and design, will be appropriate for the site and sympathetic to the heritage significance of the existing building. Following a review of the site constraints, it has been determined that the subject land does not contain any significant environmental hazards and that there are no key issues that have been identified that require further assessment.

The proposed activity has been considered in terms of the provisions of Section 5.5 of the EP&A Act and Section 171 and 171A of the EP&A Regulation. Following an analysis of the potential impacts associated with the proposed activity it was determined that an environmental impact statement is not required.

As demonstrated in this REF, the proposed activity is for the purposes of implementing the Boronia Park Plan of Management – planned action PDFL 22 within Section 6.5 and is consistent with the relevant objectives and standards set out in the Infrastructure SEPP, HHLEP 2012, and other relevant planning legislation.

In addition, and as demonstrated by the environmental impact analysis and assessment undertaken in this REF, the proposed activity will have environmental impacts that can be mitigated to an acceptable level in accordance with current applicable standards, will have a number of positive environmental effects in terms of the built environment and will deliver a range of social and economic benefits.

The proposed development will enable Hunters Hill Council to achieve a high priority action identified within the Boronia Park Plan of Management which has been guided by community engagement and consultation. Therefore, the proposed development is clearly in the public interest.

### **9.2 Summary of impacts**

The environmental impacts of the proposed activity have a positive impact with respect to the improved amenities, functionality, and accessibility of the Pavilion building, and negligible environmental impact noting the works are generally internal to the existing building and where external to the building involve the replacement of existing paved areas on the site. The activity will not adversely impact upon threatened species, trees, or flora and fauna within the broader Boronia Park site.

The proposal also presents a net positive impact upon the heritage significance of the Pavilion through the proposed refurbishment. Any minor impacts associated with the carrying out of the activity – demolition and construction can be suitably managed.

### 9.3 Decision Statement / Objects of the EP&A Act 1979

This Review of Environmental Factors (REF) under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is for an activity involving alterations and additions to the existing Boronia Park Pavilion structure including replacement of the main entry flush door, accessibility and amenities upgrades, internal alterations, and minor repair and maintenance works.

The activity is development permitted without consent under the provisions of Chapter 2, Part 2.3, Division 12 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Infrastructure SEPP) and can therefore be carried out by Hunters Hill Council without consent.

Hunters Hill Council is a Crown land manager of Boronia Park which is subject of the Boronia Park Plan of Management, which has identified necessary upgrade works to the Pavilion Building. Pursuant to Section 2.73(2)(c)(ii) of the Infrastructure SEPP Council is permitted to carry out development on land without consent where it is for the purposes of implementing a plan of management for the land.

In consideration of the proposal as described in Section 2.3, in accordance with any design plans and ancillary input referred to in this report, and assuming the implementation of all proposed safeguards and mitigation measures (Section 8), it is determined that:

1. It is unlikely that there will be any significant environmental impact as a result of the proposed activity and an Environmental Impact Statement is not required for the proposed works.
2. The proposed activity will not be carried out in a declared area of outstanding biodiversity value and is not likely to significantly affect threatened species, populations or ecological communities, or their habitats and a Species Impact Statement / BDAR is not required.
3. No additional statutory approvals, licences, permits and external government consultations are required.
4. The proposed activity may proceed.

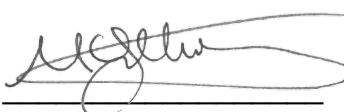
In accepting and adopting this REF, *Hunters Hill Council* commits to ensuring the implementation of the proposed safeguards and mitigation measures identified in this report to minimise and/or prevent detrimental environmental impacts.

#### Determined by:

Mitchell Murphy  
\_\_\_\_\_  
Employee/Agent of determining authority

– **Hunters Hill Council**

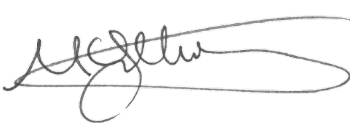
Date: 4/9/2024

Signature:   
\_\_\_\_\_

**10.0 CERTIFICATION and PROPONENT DETAILS**

In accordance with Part 4 – Stage 3: Documentation of the *Guidelines for Division 5.1 assessments*, the following certification statement is provided. It is noted that the review and endorsement of the REF document is to be carried out by an employee/agent of the determining authority.

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

Version	Role	Name	Signed	Date
Version 2 – Final REF	Proponent – Employee/Agent of the determining authority	Mitchell Murphy		4/9/2024