

Review of Environmental Factors

**Boronia Park Facilities Maintenance Shed
Hunter's Hill Council**

Boronia Park, Hunters Hill

6 September 2024
Prepared by Chapman Planning
Member PIA

Chapman Planning Pty Ltd
8/88 Mountain Street, ULTIMO NSW
Phone: 9560 1718
www.chapmanplanning.com.au

NOTE: The information and concepts in this document are the property of Chapman Planning Pty Ltd. Apart from any fair dealings for the purpose of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Chapman Planning – 8/88 Mountain Street, Ultimo.

Table of Contents

1.0 EXECUTIVE SUMMARY	6
2.0 INTRODUCTION	7
2.1 Scope of the REF	8
2.2 Proponent details.....	8
2.3 Summary of the proposed activity.....	8
2.4 Removal of Trees	9
2.5 Proposed Development	10
3.0 DESCRIPTION OF THE EXISTING ENVIRONMENT	13
3.1 Existing Site and Immediately Adjoining Development.....	13
3.2 Site Description	15
3.3 Neighbouring Development and Locality	15
4.0 PERMISSIBILITY and ASSESSMENT PATHWAY	17
4.1 Zoning and Permissibility under NSW legislation – Hunters Hill LEP 2012	17
4.2 Permissibility under NSW legislation – SEPP (Transport and Infrastructure) 2021	18
4.3 Consistency with Boronia Park Plan of Management.....	21
5.0 PLANNING and DESIGN FRAMEWORK	28
5.1 National and State Legislation	28
5.2 Local Planning Controls.....	36
6.0 NOTIFICATION, CONSULTATION & CONSIDERATION OF RESPONSE	39
6.1 Consultation with Government Agencies	39
6.2 Notification of Occupiers of Adjoining Land and Other Persons	40
6.3 Publishing of the Review of Environmental Factors	41
7.0 REASONS FOR ACTIVITY & CONSIDERATION OF ALTERNATIVES	42
7.1 Objectives and need for the proposal	42
7.2 Consideration of alternatives	42
7.3 Justification for preferred option.....	43
8.0 REVIEW OF ENVIRONMENTAL FACTORS	44
8.1 Environmental Factors – Section 171(2) Matters for consideration	44
8.2 Activities in catchments – Section 171A Matters for consideration.....	49

- 8.3 Visual Impact.....56
- 8.4 Solar Access / Overshadowing56
- 8.5 Traffic & Parking.....56
- 8.6 Tree, Landscape, and Coastal Impacts56
- 8.7 Threatened Species57
- 8.8 Heritage (European / Indigenous).....59
- 8.9 Acid Sulfate Soils / Contamination / Excavation.....61
- 8.10 Drainage / Flooding / Hydrology / Water Quality62
- 8.11 Bushfire Prone Land.....62
- 8.12 Noise and Vibration62
- 8.13 Air Quality.....62
- 8.14 Waste Minimisation63
- 8.15 Resource Use & Availability.....63
- 8.16 Community / Social Effects63
- 8.17 Economic Impact.....63
- 8.18 Cumulative Impact Assessment.....64
- 9.0 CONCLUSION 65**
- 9.1 Justification.....65
- 9.2 Summary of impacts65
- 9.3 Decision Statement / Objects of the EP&A Act 197966
- 10.0 CERTIFICATION and PROPONENT DETAILS 68**

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.

Name: Jason Lambropoulos

Designation: Senior Town Planner – Chapman Planning

Signature: 

Date: 06.09.24

Peer Reviewed by:

Name: Garry Chapman

Designation: Director – Chapman Planning

Signature: 

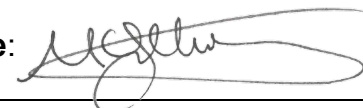
Date: 06.09.24

REF Reviewed & Endorsed by:

I certify that I have reviewed and endorsed the contents of this Review of Environmental Factors document and, to the best of my knowledge, it is in accordance with the Environmental Planning and Assessment Act 1979, the Environmental Planning and Assessment Regulation 2021 and the Guidelines approved under section 170 of the Environmental Planning and Assessment Regulation 2021, and the information it contains is neither false nor misleading.

Name: Mitchell Murphy

Designation: General Manager

Signature: 

Date: 6/09/2024

REF Authorised for Issue by:

Having endorsed 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.

Name: Mitchell Murphy

Designation: General Manager

Signature: 

Date: 4/9/2024

1.0 EXECUTIVE SUMMARY

This Review of Environmental Factors has been prepared for Hunter's Hill Council for a proposed activity – construction of access road and maintenance shed at Boronia Park, Hunters Hill, legally known as Lot 7352 in DP 1156319 (the subject site), located within the Hunter's 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 Hunter's Hill Council without consent. Hunter's Hill Council is a Crown Land manager of Boronia Park and pursuant to Section 2.73(2)(3)(a)(i) and (a)(viii) of the Infrastructure SEPP development for the purposes of a *maintenance depot* (maintenance shed) and *road* can be carried out without consent on land controlled by a public authority.

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

- The proposed activity is for development permitted without consent under the Infrastructure SEPP by Hunter's Hill Council as Crown land manager of Boronia Park.
- The proposed development is a permitted purpose within the park pursuant to Part 5.1 of the Boronia Park Plan of Management and is identified as an illustrative/example activity envisioned for the park pursuant to Table 10 – Part 5.1 of the PoM.
- 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 does not result in unreasonable loss of significant trees, impact on the landscape setting or function of Boronia Park;
- 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 Hunter's 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. 4/9/2024
- Hunter's Hill Council have previously exhibited 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:

- Regrading of an existing access road
- Grading works
- Construction of a new access road from Princes Street
- Construction of a maintenance shed adjacent to Oval 3, with a fenced outdoor storage area and mulch bay with besser block wall.
- Construction of batters and swales

The activity will be carried out by, Hunter's 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*.

The proposed maintenance shed will be accessed by a new road from Princes Street running east-west through the site. In accordance with the Arboricultural Impact Assessment prepared for the activity, the proposal will require removal of one (1) tree within proximity of the proposed access road, with this tree being of low landscape significance and allocated a Retention Value of '*consider for removal*'.

The activity presents encroachment into the protection zones of trees to be retained which presents potential for adverse impact upon these trees. In accordance with the Arboricultural Impact Assessment prepared for the activity, minimisation of impacts is possible through the preparation of a detailed Tree Protection Plan and implementation of tree protection measures. These measures have been included in the mitigation measures contained in Section 8.6 of this REF and the environmental impact of this portion of the activity has been considered.

The aim of the project is to provide a maintenance shed to facilitate Council's management and care for the Boronia Park sportsground areas in accordance with the Permitted Park Purposes within Part 5.1 of the Boronia Park Plan of Management, which identifies "*storage areas/buildings and other facilities to support the Park's management*" as an example activity that is a permitted purpose within the park.

The activity seeks to improve Council's ability to effectively manage the Park through a centrally located storage facility that includes outdoor storage area for maintenance vehicles, indoor storage area for maintenance plant and equipment, and a mulch bay.

2.1 Scope of the REF

Hunter's 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 Hunter's 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, Hunter's 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).

2.2 Proponent details

Hunter's Hill Council is the proponent and the determining authority for the proposed activity.

Table 1 Proponent details

Contact name	Mitchell Murphy
Position	General Manager, Hunter's Hill Council
Address	22 Alexandra Street, Hunters Hill
Contact number	9879 9431
Email	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:

- *Survey Plan – Part of Lot 7532 in DP 1156319 prepared by Chami & Associates dated 6 June 2023; (Appendix A)*

- *Architectural Plans dated 17 June 2024, drawings 2024-02-A00 – 2024-02-A03 Revision B; (Appendix B)*
- *Civil & Structural Plans dated 21 August 2024, drawings C01-C20, Revision 5, prepared by Thomas Lau and Associates; (Appendix C)*
- *Hydraulic Services Plans dated 5 July 2024, drawings HY-001-HY-400, Revision B, prepared by Northrop; (Appendix D)*

Specialist Reports

The activity is supported by the following specialist reports:

- *Statement of Heritage Impact, dated 23 August 2024, Revision 3, prepared by Heritage 21; (Appendix E)*
- *Native Title Advice, dated 30 May 2024, prepared by LANDSAS; (Appendix F)*
- *Arboricultural Impact Assessment, dated 21 May 2024, prepared by Tree IQ; (Appendix G)*
- *Addendum to Arboricultural Impact Assessment, dated 27 August 2024, prepared by Tree IQ; (Appendix H)*
- *Geotechnical Investigation Report, dated 4 September 2024, prepared by GeoEnviro Consultancy; (Appendix I)*

AHIMS

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

Section 10.7 Planning Certificate

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

2.4 Removal of Trees

In accordance with the Arboricultural Impact Assessment prepared for the activity, the proposal will require removal of one (1) tree within proximity of the proposed access road, with this tree being of low landscape significance and allocated a Retention Value of '*consider for removal*'.

The activity presents encroachment into the tree protection zones of some trees which presents potential for adverse impact upon these trees. In accordance with the Arboricultural Impact Assessment prepared for the activity, minimisation of impacts is possible through the preparation of a detailed Tree Protection Plan and implementation of tree protection measures. These measures have been included in the mitigation measures contained in Section 8.6 of this REF and the environmental impact of this portion of the activity has been considered.

2.5 Proposed Development

The proposed development is described as follows:

- Grading works
- Renovation of access road from Princes Street accessing the proposed maintenance shed, including associated:
 - Paving
 - Drainage infrastructure, and
 - Kerbs
- Construction of a Maintenance shed – colorbond shed above new concrete slab north-west of Oval 3, comprising:
 - 6.4m height maintenance shed with two (2) south-facing roller doors and one (1) west-facing roller door, containing maintenance plant and equipment storage areas.
 - Outdoor paved storage area for maintenance vehicles adjoining proposed maintenance shed to the west, enclosed by retaining walls and chain link fencing at a height of 1.8m, with lockable sliding gate
 - Mulch bay adjoining the maintenance shed to the east, with besser block partition above 125mm reinforced concrete slab
- Construction of retaining walls, batters, and swales, including:
 - Minor cut and fill to accommodate proposed access road, with swale channels and batters adjacent to road and proposed maintenance shed slab
 - Blockwork retaining walls at a maximum height of 1.4m at the north-western, western, and south-western edges of the maintenance shed and access road
- Hydraulic services:
 - Installation of one (1) external hose tap with vacuum breaker and emergency shower/eyewash unit internally to the maintenance shed
 - Extension of water supply to service proposed facilities within the maintenance shed from existing water supply on the site via new 40mm PE Cold Water service connection adjacent to the western edge of Oval 3

The upgrades are made pursuant to the Permitted Park Purposes within Part 5.1 of the Boronia Park Plan of Management, which identifies “*storage areas/buildings and other facilities to support the Park’s management*” as an example activity that is a permitted purpose within the park.

The works will not have a significant adverse visual impact upon the appearance of the Boronia Park or surrounding landscape context, with adequate setbacks to Princes Street and surrounding canopy trees identified for retention by the supporting Arboricultural Impact Assessment.

The use of simplistic materials and low-profile roof form, and bulk and scale of the proposal would not dominate the existing character and setting of Boronia Park. The muted colour scheme of the development is in keeping with the surrounding landscape setting.

Minor excavation is proposed to accommodate the activity – renovation of existing paved road and replacement with access road, grading and swales/kerb.

The proposed roller doors, sloped paving, and access road will provide vehicular and equipment access to the maintenance shed and outdoor storage areas allowing the shed to improve the maintenance and care capacity of Council’s ground staff in managing Boronia Park.

Stormwater will be collected via the proposed swale channels of the access road, with surface run-off to flow in the same direction as the current slope of the land. Drainage from the proposed maintenance shed and access road will be adequately managed in accordance with the gutter, inlet pits, and swales designed to mitigate adverse stormwater runoff.

Figures 1-4 include extracts from the architectural and structural plans illustrating the proposed development:

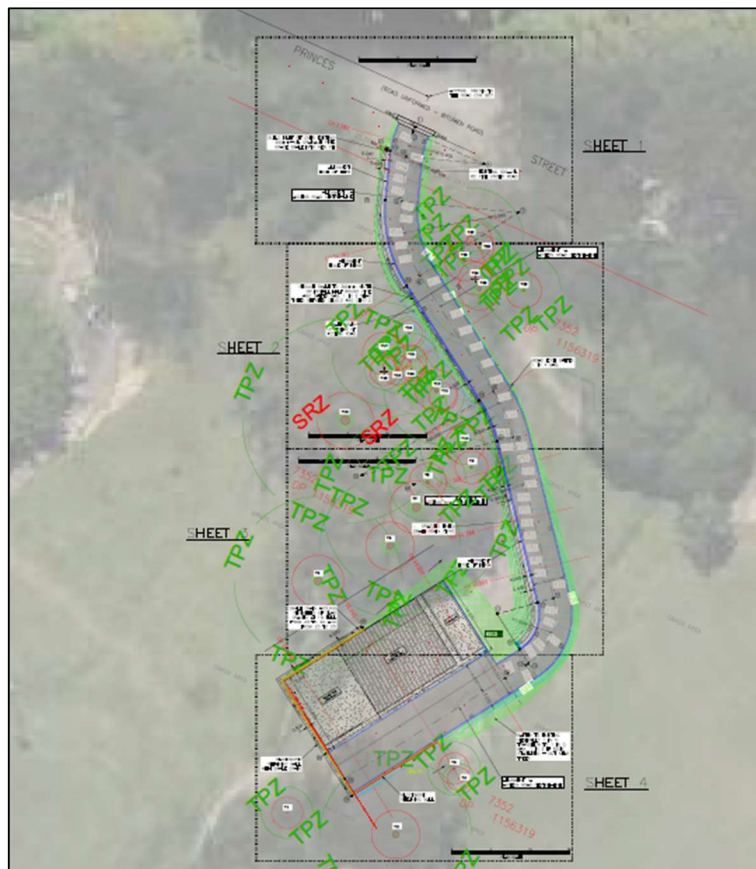


Figure 1 Site plan extract

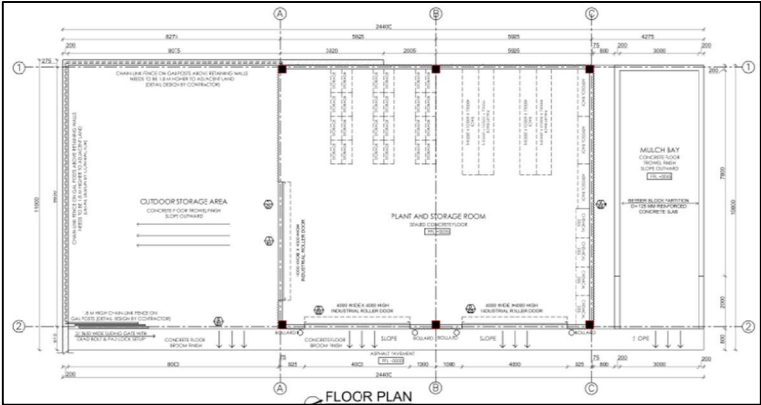


Figure 2 Proposed Maintenance Shed Floor Plan Extract

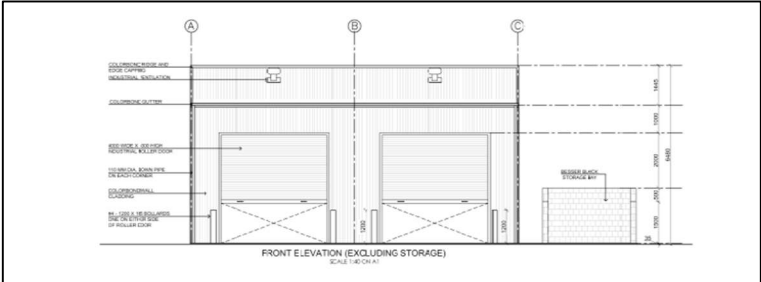


Figure 3 Proposed front and side elevation plan extract

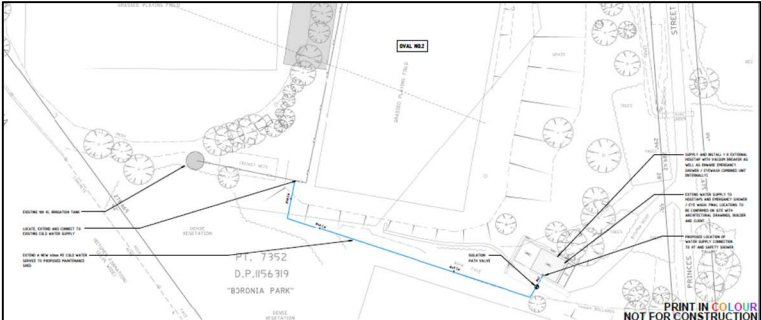


Figure 4 Proposed hydraulic services connection plan extract

3.0 DESCRIPTION OF THE EXISTING ENVIRONMENT

3.1 Existing Site and Immediately Adjoining Development

The site (Boronia Park) is located in the Hunter’s 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 area subject of the proposed activity – maintenance shed is located at the central to the park adjoining the southern side of Princes Street between Ovals 2 & 3 on the site, and directly adjacent to Oval 3 to the north-west as depicted in **Figure 6** below:



Figure 6 Proposed Maintenance Shed Location Aerial Map – SIX Maps

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

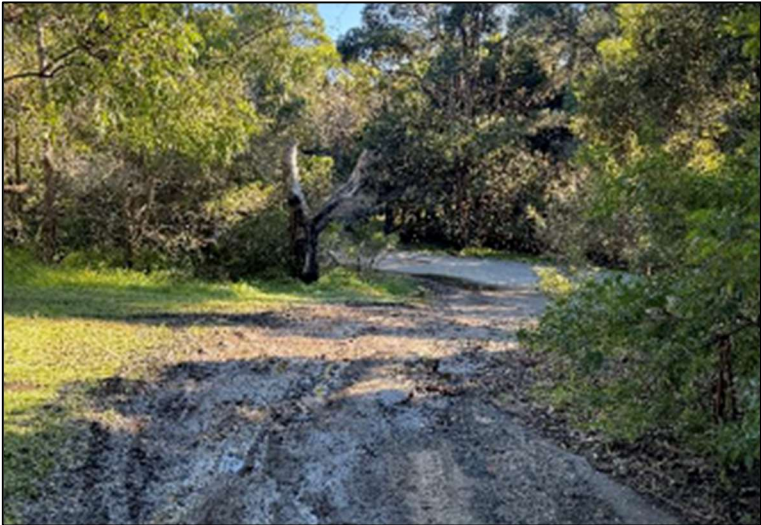


Figure 7 Existing access road as viewing towards Prince Street, looking north



Figure 8 Existing access road looking south towards Oval 3



Figure 9 View of proposed maintenance shed location looking east towards the northern-end of Oval 3

The immediate surrounds of the park are characterised by low-density residential development opposite the park boundaries 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 – maintenance shed is central to the park, south of Prince Street and located between the north-eastern rugby fields – Ovals 2 & 3.

The location 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 location of the activity 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.

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 Park 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 a maintenance shed and access road being within the RE1 zoned portion of the site, and ancillary building defined as a ‘recreation area’ which is a permissible form of development in the zone. It is noted ‘roads’ are permitted without consent within this 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:

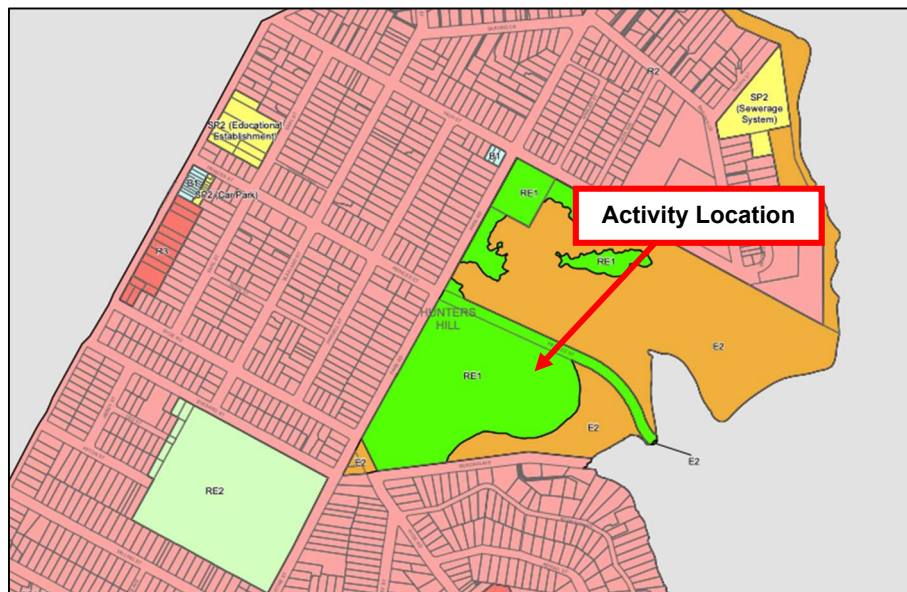


Figure 13 – Extract of zoning map from HHLEP 2012

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 capacity and function of Council’s ground staff in maintaining, caring and cleaning within Boronia Park supporting its continued use for recreational purposes;
- will provide improved maintenance capacity supporting 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 Hunter’s Hill Council without consent.

Hunter’s Hill Council is a Crown land manager of Boronia Park and pursuant to Section 2.73(3)(a)(i) & (a)(viii) of the Infrastructure SEPP development for the purposes of a *maintenance depot* (maintenance shed) and *road* can be carried out without consent on land controlled by a public authority. The subject site is land controlled by the public authority (Council), being Crown Land under Council’s care, control and management pursuant to the Boronia Park Plan of Management.

The renovation of the existing informal built access road and its replacement is an identified planned action PDFL 9 within the Boronia Park Plan of Management and this work can be carried out being for the purposes of implementing the PoM under Section 2.73(2)(c) of the SEPP.

Section 2.73(3) of the Infrastructure SEPP states (bold emphasis added):

“2.73 Development permitted without consent

(3) Any of the following development may be carried out by or on behalf of a public authority without consent on land owned or controlled by the public authority—

(a) development for any of the following purposes—

- (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,**
- (ii) recreation areas and recreation facilities (outdoor), but not including grandstands,**
- (iii) visitor information centres, information boards and other information facilities,**

(iv)	<i>lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,</i>
(v)	<i>landscaping, including landscape structures or features (such as art work) and irrigation systems,</i>
(vi)	<i>amenities for people using the reserve, including toilets and change rooms,</i>
(vii)	<i>food preparation and related facilities for people using the reserve,</i>
(viii)	<i>maintenance depots,</i>
(ix)	<i>portable lifeguard towers,</i>
(b)	<i>environmental management works,</i>
(c)	<i>demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area).</i>
Note— <i>The term building is defined in the Environmental Planning and Assessment Act 1979 as including any structure.</i>	

Maintenance depots (maintenance sheds) are not defined by the Hunters Hill LEP 2012 or Standard Instrument Principal LEP. A depot is defined under the LEP as:

*“**depot** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.”*

The proposed structure is to be used as a maintenance shed for Council’s maintenance vehicles and equipment when not required for use in the maintenance of Boronia Park. The structure is therefore permitted without consent as a *maintenance depot* (maintenance shed) pursuant to Section 2.73(3)(a)(viii) of the SEPP.

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 Hunter’s Hill Council is the Crown land manager of the land.

The proposed activity is to be undertaken on community land 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”*

Section 5.1 *Permitted Park Purposes* of the Plan of Management states that according to S36(3A) of the Local Government Act, "organised, and informal, sporting activities and games and associated facilities or infrastructure" are permitted purposes within the park as depicted in the extract at **Figure 14** below:

5.1 PERMITTED PARK PURPOSES

The purposes for which Boronia Park – including the land as well as existing and future buildings and improvements – will be permitted to be used (specified in accordance with Section 36(3A) of the *Local Government Act 1993*) are:

- bushland, biodiversity and native flora and fauna preservation;
- environmental protection and sustainable land management;
- organised, and informal, sporting activities and games and associated facilities or infrastructure;
- community and sporting club facilities;
- recreation, leisure and other passive activities or pastimes and casual games and associated furniture, facilities or infrastructure;
- playgrounds;
- school use;
- cultural, social and educational pastimes and activities;
- health, physical, cultural, social and intellectual welfare or development of the community and community members;
- community events, celebrations and commemorations;
- local scenic, visual, amenity and climatic amelioration functions and benefits;
- protection of cultural heritage features;
- permissible leases, licences or other estates to meet the current and future needs of the local community and wider public; and
- carparking and other utilities/services, to support the area's access, use and management.

These permitted purposes are elaborated by the descriptive, and "illustrative" or "example", activities or uses listed in Table 10.

Table 10 lists some – but not all – of the wide range of activities or uses that are consistent with the Park's permitted purposes.

They have been drawn from observations of those activities/uses (and management operations or activities) now occurring in Boronia Park, possible other or additional activities/uses that are consistent with the permitted purposes and Park values, and activities/uses that can or do typically occur on Parks of a similar scale or nature and having comparable attributes and values as Boronia Park. This list is not intended to be exhaustive, and so is not prohibitive in terms of excluding any "illustrative" or "exemplar" activities or uses not included (where these can be shown to be consistent with the Park's permitted purposes).

Figure 14 – Extract of Section 5.1 of PoM

Further, Table 10 within this Section includes a list of illustrative/example activities that elaborate permitted purposes for the park. The list of example uses includes 'storage areas/buildings and other facilities to support the Park's management' as depicted in the extract at **Figure 15** below:

"Exemplar" Activities or Uses (cont'd)
Passive leisure and recreation activities – walking/strolling, walking babies in prams, "kick-about" and casual ball games, informal games, children "burning off energy", kite flying or playing Frisbee, children learning to ride bicycles or similar, sitting, relaxing, laying in the sun/on the grass/in the shade, reading or studying, listening to music, daydreaming, and other casual/informal independent leisure and recreation activities, etc.
Personal training, fitness groups and other commercial fitness or well-being activities such as Tia chi (with approval)
Photography (personal)
Picnicking and barbecues (with controls on the size and type of portable barbecues if necessary)
Premises providing community focused food and refreshments, in both indoor or outdoor settings (subject to leases, licences or other approvals as required)
Premises providing outdoor (and indoor) recreation and leisure activities, from organised sports to passive leisure activities (subject to leases, licences or other approvals as required)
Protection/management of cultural or historic heritagematerial (including salvage) – with any necessary approvals
Provision, upgrading and maintenance of essential services/utilities
Public gatherings (with approval)
Running, jogging and independent fitness training
Sale of food and drink, light refreshments, etc. (mobile)
School use (with approval) – educational, sporting, health and well-being, leisure/recreation uses
Skateboarding, riding scooters, in-line skating or similar "small wheel" activities (approved areas only)
Sightseeing and scenic viewing and visiting lookouts or vantage points
Site management, safety, enforcement and regulation activities
Socialising and social activities, groups and gatherings (independent/informal activities and in approved facilities/premises)
Storage areas/buildings and other facilities to support the Park's management
Storage by sporting groups or other approved Park users (with approval and arrangements)
Stormwater management and water quality improvement works – including cleaning/maintenance
Sustainable land management activities/operations
Tree and vegetation management activities/works (including isolating/falling hazardous trees)
Volunteer activities (with approval, and in support of or associated with Park management)
Walking – for pleasure or fitness
Watching organised sports and other activities/events
Watercraft activities – launching/retrieving/boarding small (non-motorised) craft (no vehicle access)
Weddings and large family/social events (with approval)
Weed and pest animal control activities

Figure 15 – Extract of Section 5.1 of PoM

The proposed maintenance shed is an activity that has been considered by the Plan of Management, being within the list of uses within Table 10, and the requirements of Section 35 of the Local Government Act 1993 are satisfied as the community land – Boronia Park is being used and managed in accordance with the PoM.

4.3 Consistency with Boronia Park Plan of Management

Based on the previous assessment, the development is to be carried out by a public authority (Council) without consent on land controlled by the public authority (Boronia Park – Crown Land) for purposes identified Section 2.73(3)(a)(i) roads & (viii) maintenance depots (maintenance shed) of the Infrastructure SEPP.

Maintenance depots (maintenance shed) are not defined by the *Hunters Hill LEP 2012* or Standard Instrument Principal LEP. A *depot* is defined within the standard instrument as:

“depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.”

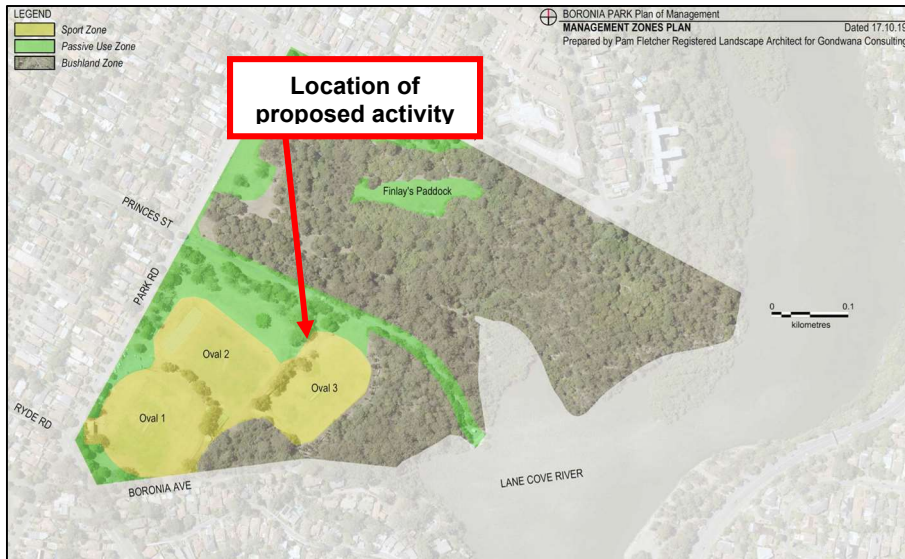
The proposed activity is therefore for the purpose of a maintenance depot being a maintenance shed for Council’s maintenance vehicles and equipment as specified by subclause (a)(viii) of Section 2.73(3) of the SEPP. The proposed construction of new access road would be for a purpose specified by subclause (a)(i) of Section 2.73(3) of the SEPP

The activity is consistent with the relevant management criteria of the PoM, which provides a *sportsground* categorization for the location of the maintenance shed, and a *park* categorization for the location of the access road 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 maintenance shed location is identified within the *sport* management zone, and access road is identified within the *passive use* 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 sport zones of the park is detailed as follows:

“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 maintenance shed is not identified within the envisioned forms of development within the sport zone, noting site hardening or sealing for access can be provided. Nevertheless, as detailed previously the maintenance shed is identified as a permitted purpose within Section 5.1 *Permitted Park Purposes* of the PoM. This part of the PoM states:

“In considering the appropriateness of a future, previously unforeseen, activity or use of the Park (of the land or buildings and improvements) Council will consider:

- *compliance or consistency of the activity or use with the Park’s permitted purposes (as above, and in the Table 10 descriptions/examples);*
- *consistency with the management objectives for the relevant community land category(s) (as described in Section 4);*
- *consistency with the management objectives for the relevant management zone(s) (as described in Section 4);*
- *the extent to which the activity or use will increase the Park’s intensity of use, congestion or competition for space, or “busyness”;*
- *the potential for significant adverse impacts on the Park’s bushland, “green open space”, and scenic values;*
- *likely impacts on the experiences of other Park users, and any adverse impacts on nearby residences;*
- *Council’s ability to effectively manage the proposed activity or use and any management, maintenance or resourcing implications for Council;*
- *permitted land uses under the current Hunters Hill Local Environmental Plan 2012 (as described in Section 3);*
- *the Park’s “public purpose”, as land reserved for public recreation;*
- *relevant legislation, notably the Local Government Act 1993 and Crown Land Management Act 2016;*
- *the conditions of any applicable approved (or permissible) lease, licence or estate (also see Section 6.7); and*
- *known community values, views and objectives for the Park;”*

The activity is consistent with the above considerations based on the following assessment:

- The activity is consistent with the permitted purposes within the park as detailed previously.
- The activity – maintenance shed improving Council’s capacity for maintenance and care of the park is consistent with the management objectives for the sports ground community land category being to *“encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games”* pursuant to Table 9 of the PoM;
- The activity – maintenance shed improving Council’s capacity for maintenance and care of the park is consistent with the management objectives for the sport zone being to *“offer high standard and well-*

maintained sporting ground and associated facilities” and “to accommodate the use/enjoyment of grounds and facilities by the wider community, when not allocated to organised sports” pursuant to Section 4.7.3 of the PoM.

- The activity will not increase the Parks intensity of use, congestion or busyness but rather would improve Council’s existing maintenance and care processes.
- The activity will not have a significant adverse impact upon the Park’s bushland, green open space, or scenic values as detailed within this REF.
- The activity will not adversely impact upon the experiences of Park users and nearby residences as detailed within this REF.
- The activity will improve Council’s ability to manage Boronia Park
- The activity is a permissible land use within the RE1 Public Recreation zone pursuant to the Hunters Hill LEP 2012 and achieves the objectives of the zone.
- The park will continue to be used for a public purpose.
- This REF addresses the provisions of the LG Act and CLM Act.
- The activity does not contravene any conditions of a lease, license or estate.
- The activity is consistent with the community values, views and objectives for the park.

The proposed access road is located within the *Passive use zone* of the park pursuant to the PoM. 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:

“Passive Use Zone

No new buildings are proposed within the Passive Use Zone, during the life of this Plan.

However, a number of other infrastructure items (other than enclosed structures) may be developed within the Passive Use Zone, as shown on the Landscape Concept Plan, as follows:

- *upgrades and possible extensions to the Park’s two existing playgrounds (see Actions PDFL41, PDFL42 and PDFL44);*
- *upgrading of the basketball half-court at the High Street playground (see Action PDFL43);*
- *one, or more, small clusters of outdoor fitness equipment (see Action PDFL49);*
- *stabilised/permeable carparking bays (for controlled access, temporary use) along the south side of Princes Street (see Action PDFL7) (and similar parking bays spaced along a 190 metre section of Park Road, sited entirely or predominantly in the road reserve – see Action PDFL4);*
- *sealed carparking bays spaced along a 60 metre section of Park Road (see Action PDFL5); and*
- ***formalisation and upgrading of the service road from Princes Street up to Oval 3 (for authorized vehicle access only) (see Action PDFL9).***

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

Subject to demonstrable demand an array of earth mounds, banked curves, jumps, cycle tracks and other elements (including seating, shelter, drinking water and signage) may be developed as part of the possible BMX circuit/facility (see Action PDFL50, and as shown on the Landscape Concept Plan) within the Passive Use Zone below, north of, Oval 2.

Taken in total these proposed developments are unlikely to markedly detract from or alter the overall parkland setting and green open space character of this zone.

Pursuant to the above, the proposed formalization of the service road from Princes Street up to Oval 3 (for authorized vehicle access only) as proposed under the activity is envisioned for this area and is “*unlikely to markedly detract from or alter the overall parkland setting and green open space character of this zone*”.

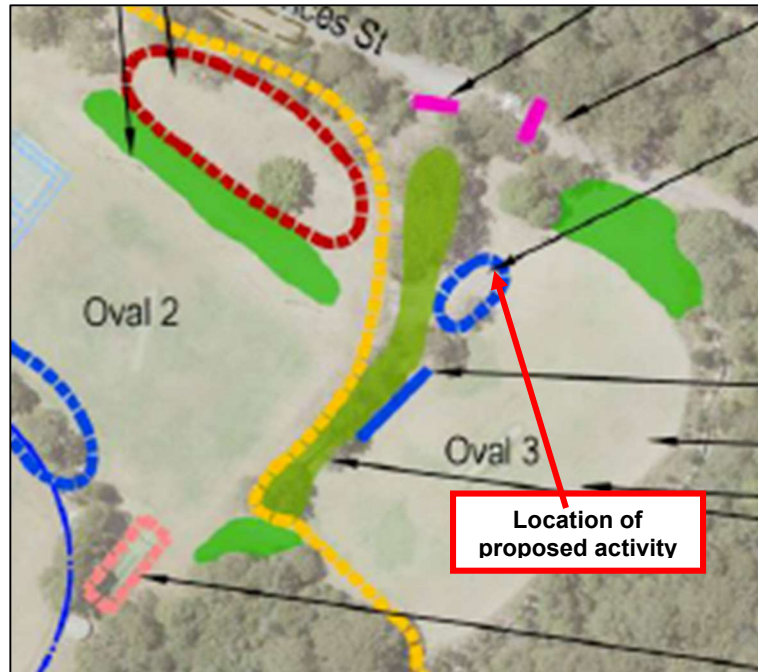
In addition, Section 5.3 of the PoM details a landscape concept plan for the park which states:

“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 does not identify the proposed maintenance shed, noting as detailed previously the maintenance shed is a separate permitted park purpose that is consistent with the considerations for example activities contained within Part 5.1 of the PoM. As such, the maintenance shed has been designed to be consistent with the envisaged additional amenities/storage building depicted in Figure 11 of the PoM to ensure that this structure is not compromised by the proposal:



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

Based on the above, the proposed development is permitted without consent pursuant to Section 2.73(3)(a)(i) & (viii) of the Infrastructure SEPP. In accordance with the requirements of Section 35 of the *Local Government Act 1993* the activity is in accordance with the plan of management adopted for the land being a permitted park purpose and consistent with example actions for the park, and achieves the Park’s management objectives for development in the Passive Use and Sport Zones.

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

Matters for consideration under Section 5.5(3) of the EP&A Act	
Matter for consideration	Effect of Activity
<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 Wilderness Act 1987) 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 proposed location of the activity – maintenance shed 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. Further, the site is not identified as a biodiversity stewardship site or biodiversity certified land under the BC Act pursuant to the Section 10.7 certificate for the land.

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 maintenance shed location 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)

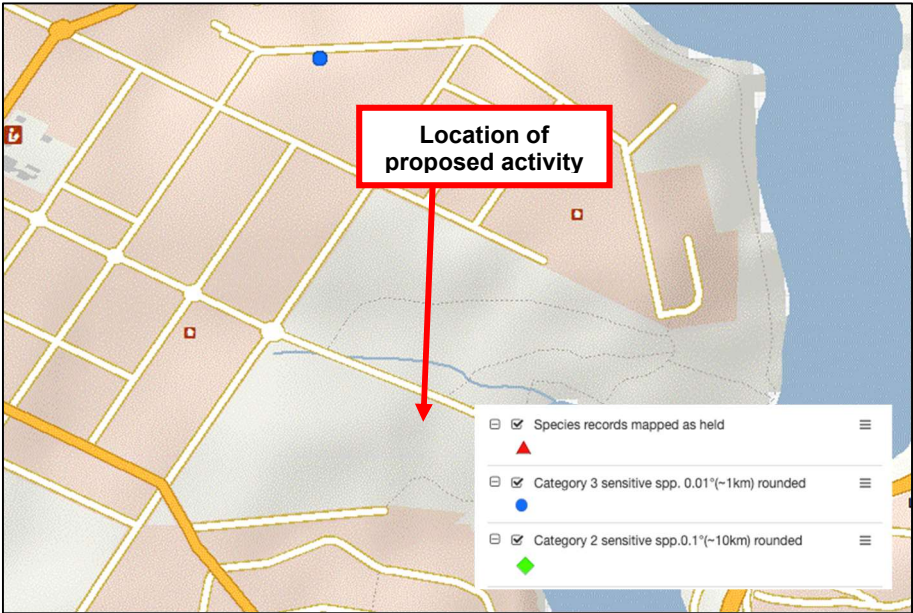


Figure 15 – NSW BioNet Atlas map extract (Accessed 30 July 2024)

Pursuant to the supporting Arboricultural Impact Assessment (AIA) (**Appendix F**) the mapped vegetation community surrounding the proposed activity location is identified as 'planted woodland'. Section 2.2 of the AIA confirms that the trees proposed to be removed to accommodate the activity are “*relatively small, low value specimens with African Olive, Cassia and Native Daphne species being environmental weeds*”. The trees within the vicinity of the proposed activity which have been assigned a 'high' landscape significance by the Project Arborist will be subject to only minor encroachments within their Tree Protection Zones, and subject to mitigation measures identified by the AIA the activity does not present a likely significant effect upon threatened species.

The activity is not within mapped area declared to be of outstanding biodiversity value, and is adequately separated from patches of Sydney Turpentine Ironbark Forest vegetation community at the north-western portion of the park as identified by the Hunters Hill LEP 2012 biodiversity mapping.



Figure 16 – Hunters Hill LEP 2012 Biodiversity Map

The mitigation measures within this REF as provided by the Project Arborist, and scale of the proposed activity 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 and scope of the proposed works 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 proposed activity south of Prince Street, 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 proposed activity and an AHIP is not required.

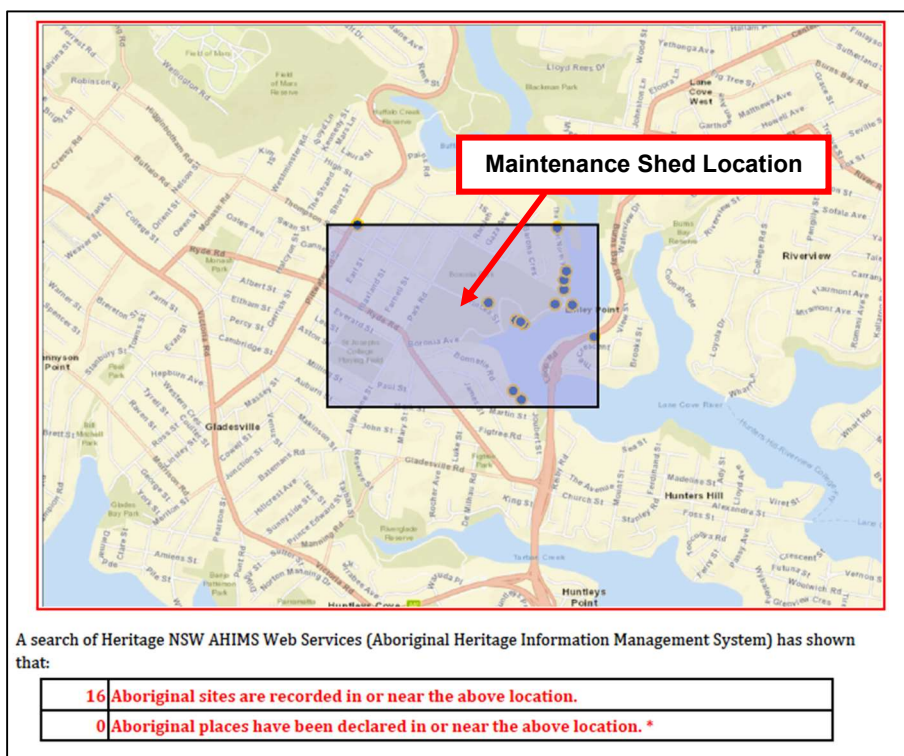


Figure 15 AHIMS Search Extract

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 adjacent to existing sports fields which have 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 and scope of the proposed works 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 water land 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 requires 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”*

The site of the proposed activity is adjacent to existing sports fields which have 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 and 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 on a public road noting the proposed driveway crossing is to Princes Street being an unmeasured Council public road part of the Reserve.

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 provided a *sportsground* categorization for the location of the maintenance shed, and a *park* categorization for the location of the access road as depicted in Figure 9 of the Plan of Management.

The core objectives for land categorized as ‘park’ and ‘sportsground’ (Section 36F of the LG Act) are 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.*

36G Core objectives for management of community land categorised as a park

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

- (a) to encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities, and*
- (b) to provide for passive recreational activities or pastimes and for the casual playing of games, and*
- (c) to improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.”*

The proposal achieves the core objectives of these land categorisations as it will encourage and facilitate recreational activities within the park by improving Council’s capacity for maintenance, upkeep, and management of the park. The activity is located central to the park 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 H**) 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

SEPP	Applicability
<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(3) as addressed previously. 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.
<i>SEPP (Biodiversity and Conservation) 2021</i>	This Biodiversity and Conservation SEPP provides planning controls related to conservation and management, to ensure protection of the natural environment. 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

	<p>addressed previously, the activity does not present a likely significant impact upon endangered species.</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>
<i>SEPP (Resilience and Hazards) 2021</i>	<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 supporting Geotechnical Report (Appendix I) states that no visible indicators of previous landfill at the location of the activity was identified during site investigation.</p>
<i>SEPP (Planning Systems) 2021</i>	<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
Hunters Hill LEP 2012			
Clause 4.3 Height of Buildings	6.48m	N/A	N/A
Clause 4.4 Floor Space Ratio	No FSR control for the site	N/A	N/A
Clause 5.10 Heritage	Maintenance facility and access road proposed	The objectives of this clause are as follows—	Yes Refer Statement of

Relevant Provision/Standard	Proposed	Standard	Compliance
		(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.	Heritage Impact (Appendix E)
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	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
Clause 6.1 Acid Sulfate Soils	Activity 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 water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2a, 2b, 3 or 4 land.	Yes Activity location is >500m from adjacent Class 2 land mapped under the LEP.
Clause 6.4 Terrestrial biodiversity	Boronia Park is mapped as area of biodiversity significance. Activity location not mapped. 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 and scope	(1) The objective of this clause is to protect, maintain and improve the diversity and condition of native vegetation and habitat, including the following— (a) protecting biological diversity of native fauna and flora, (b) protecting the ecological processes necessary for their continued existence, (c) encouraging the recovery of threatened species,	Yes

Relevant Provision/Standard	Proposed	Standard	Compliance
	<p>of the proposed works is unlikely to impact threatened species, endangered ecological communities or constitute the habitat of threatened species or ecological communities.</p> <p>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>communities, populations and their habitats, (d) protecting, restoring and enhancing biodiversity corridors.</p>	
Clause 6.5 Riparian land and adjoining waterways	<p>Activity location is not mapped within riparian land area.</p>	<p>(1) The objective of this clause is to protect and maintain the following— (a) water quality within any adjoining waterway, (b) the stability of the bed and banks of any adjoining waterway, (c) aquatic and riparian habitats, (d) ecological processes within any adjoining waterway and riparian areas.</p>	<p>Yes</p>
Clause 6.7 Development on river front areas	<p>Boronia Park mapped as river front area. The Maintenance Shed will not be 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— (a) to identify river front areas that have scenic value when viewed from waterways and adjacent foreshore areas, (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, (c) to maintain existing views and vistas towards waterways from public places.</p>	<p>Yes</p>

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 proposed activity 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 refer Statement of Heritage Impact (**Appendix E**) which concludes that the activity is appropriately sited and does not impact primary sightlines to and from Boronia Park, would not overwhelm the heritage context of the park, and does not remove or impact upon significant features of the park. 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 with the proposal unlikely to alter overland flow paths across the site and as such the proposal will not have a significant flood impact. 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 – maintenance facility and access road are carried out as a permitted park purpose identified within the Boronia Park Plan of Management – Section 5.1. The PoM has been subject of comprehensive community engagement during its drafting and finalization as detailed within Section 4.2 of the PoM. Further, the refurbishment of the existing informal access road from Princes Street to Oval 3 on the site was identified by the PoM as a planned action – PDFL9.

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 preparation 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 and permitted park purposes for the park, and the activity is consistent with these purposes as detailed previously.

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 includes refurbishment of the access road from Prince Street to Oval 3 being an identified 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 \$500,000 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 provide a maintenance shed to facilitate Council's management and care for the Boronia Park sportsground areas in accordance with the Permitted Park Purposes within Part 5.1 of the Boronia Park Plan of Management, which identifies "*storage areas/buildings and other facilities to support the Park's management*" as an example activity that is a permitted purpose within the park.

The activity seeks to improve Council's ability to effectively manage the Park through a centrally located storage facility that includes outdoor storage area for maintenance vehicles, indoor storage area for maintenance plant and equipment, and a mulch bay.

7.2 Consideration of alternatives

This section describes the alternatives considered by Hunter's 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 informal access road and undeveloped area adjacent to Oval 3 which is currently used as irregular informal parking. Whilst this would avoid any environmental impact, it is considered that this option does not achieve the aims of the project noting the activity is consistent with the provisions of the Boronia Park Plan of Management – planned action PDFL9

This option has been considered and has been rejected as it is concluded that any development impact would be minimal noting the require tree removal impacts a low-value tree, with potential impacts upon valuable trees to be retained able to be managed to minimize impacts to an acceptable level against the benefit of carrying out the works.

- **Do something options:** The option to carry out the activity was developed for consideration having regard to community consultation and engagement received during the preparation of the Boronia Park Plan of Management, and Council's management needs for improved facilities maintenance and storage for Boronia Park.

The service road access was previously identified as an envisioned form of development within the Passive Use zone of the park:

"Formalisation and upgrading of the service road from Princes Street up to Oval 3 (for authorized vehicle access only) (see Action PDFL9)."

Further, the proposed maintenance facility is a permitted park purpose identified under Section 5.1 of the PoM, being for facilities/infrastructure

associated with the management of the Park's sporting and recreation areas, as well as landscape and vegetation management.

Having consideration to the above alternatives, the 'do something' option and associated plan addresses Councils objectives for the project. 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 relevant project consultants to minimise and manage potential impacts of the activity.

The matters raised by the community during notification of the Plan of Management were incorporated into the permitted park purposes identified within Part 5.1 of the PoM and addressed through the carrying out of the development.

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 improve Council’s ability to effectively manage the Park through a centrally located storage facility that includes outdoor storage area for maintenance vehicles, indoor storage area for maintenance plant and equipment, and a mulch bay. 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. As such, the net environmental impact of the activity on the community is considered positive.</p>
(b) the transformation of the locality,	Low	<p>The locality will remain as RE2 Public Recreation zoned land, and the maintenance shed being designed with a low-profile roof form and in a muted colour scheme is not highly visible from primary lines of sight within the park and therefore will not transform the locality.</p>

<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 by the activity and no significant impact upon 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>The impacts of the activity upon trees surrounding the proposed maintenance shed have been addressed within the Arboricultural Impact Assessment for the project (Appendix F). The mapped vegetation community surrounding the proposed activity location is identified as 'planted woodland' and the tree proposed to be removed to accommodate the activity being a low value specimen in accordance with the supporting Arborist report. The trees within the vicinity of the proposed activity which have been assigned a 'high' landscape significance by the Project Arborist will be subject to only minor encroachments within their Tree Protection Zones, and subject to mitigation measures that will ensure the activity does not present a likely significant effect upon threatened species</p> <p>The activity is not within mapped area declared to be of outstanding biodiversity value, and is adequately separated from patches of Sydney Turpentine Ironbark Forest vegetation community at the north-western portion of the park as identified by the Hunters Hill LEP 2012 biodiversity mapping. The proposed activity therefore is considered to present a low overall impact upon ecosystems of the locality.</p>
<p>(d) reduction of the aesthetic, recreational, scientific or other</p>	<p>Nil</p>	<p>Recreational and environmental quality values of the locality will be enhanced by the activity improving Council's capacity for maintenance and care of Boronia Park through a centralised maintenance shed facility.</p>

<p>environmental quality or value of the locality,</p>		<p>Visual impact of the proposal is minimal as detailed within the Statement of Heritage Impact (Appendix E).</p> <p>Scientific and environmental qualities of the site would not be affected, as the activity does not present significant adverse impacts upon significant trees 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 3.</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 (ii) other special value for present or future generations,</p>	<p>Neutral</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 (Appendix E) the activity would have a Neutral impact on the heritage significance of Boronia Park Pavilion. The proposed structure would not impact primary sightlines to or from the park, would not overwhelm the heritage curtilage of the park, and is of muted materiality and colours ensuring that the landscape character of the park is maintained.</p>
<p>(f) the impact on the habitat of protected animals, within the meaning of the Biodiversity Conservation Act 2016,</p>	<p>Unlikely</p>	<p>The NSW Biodiversity Values Map and Threshold Tool and NSW Bionet Atlas do not indicate that the maintenance shed location is within the vicinity of any biodiversity mapped vegetation or identified species of protected animals within the meaning of the Biodiversity Conservation Act 2016.</p> <p>The activity does not involve the removal of any trees which have been identified by the Arboricultural Impact Assessment (Appendix F) as containing habitat hollows.</p>

Chapman Planning Pty Ltd

(g) the endangering of a species of animal, plant or other form of life, whether living on land, in water or in the air,	Unlikely	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 activity location. The activity is not within mapped area declared to be of outstanding biodiversity value, and is adequately separated from patches of Sydney Turpentine Ironbark Forest vegetation community at the north-western portion of the park as identified by the Hunters Hill LEP 2012 biodiversity mapping.
(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 potentially hazardous waste encountered during construction 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	The proposal will support the range of beneficial uses of Boronia Park through the proposed centralised maintenance shed.
(l) pollution of the environment,	Negligible	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

Chapman Planning Pty Ltd

		<p>have a significant adverse effect 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 are not required noting the activity is unlikely to disturb acid sulfate soils.</p>
(m) environmental problems associated with the disposal of waste,	Low	<p>The handling and removal of soil and other waste is to be carried out by a licensed contractor.</p> <p>The proposed facility 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	<p>The number 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.</p>
(o) the cumulative environmental effect with other existing or likely future activities,	Low	<p>The proposed maintenance shed will not result in adverse environmental effects 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 in combination with the REF for internal refurbishment works to the existing Pavilion building at the south-western corner of Boronia Park.</p>
(p) the impact on coastal processes and coastal	Nil	<p>The proposal is unlikely to cause any impacts on coastal processes and coastal hazards, and any related climate change impacts.</p>

hazards, including those under projected climate change conditions,		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.
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Positive	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. <ul style="list-style-type: none"> ▪ 1. Provide services and facilities within Hunters Hill to meet community needs and aspirations now and into the future by 2040. ▪ 2. Provide infrastructure to support community needs and aspirations. ▪ 8. Maintain and enhance the natural and built heritage character of Hunters Hill.
(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 being the improvement in maintenance and care capacity of Council grounds staff through a centralised storage structure.

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>6 Water quality and quantity This clause requires the consent authority to consider whether the development will:</p> <ul style="list-style-type: none"> ▪ have a neutral or beneficial effect on the quality of water entering a waterway; ▪ have an adverse impact on water flow in a natural waterbody; ▪ increase the amount of stormwater run-off from a site, and ▪ Incorporate on-site stormwater retention, infiltration or reuse. ▪ The consent authority is also required to assess the impact of the development <ul style="list-style-type: none"> ▪ on the level and quality of the water table; ▪ the cumulative environmental impact of the development on the regulated catchment: ▪ and whether the development makes adequate provision to protect the quality and quantity of ground water. <p>Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:</p>	<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> <p>The structure 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).</p> <p>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>

<ul style="list-style-type: none"> ▪ the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and ▪ the impact on water flow in a natural waterbody will be minimised. 	
<p>6.7 Aquatic ecology This clause requires the consent authority to consider whether the development:</p> <ul style="list-style-type: none"> ▪ will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation, ▪ involves the clearing of riparian vegetation and, if so, whether the development will require either a 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. <p>Further this clause also requires that consent is not issued unless the consent authority is satisfied the development ensures:</p>	<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>

<ul style="list-style-type: none"> ▪ 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, ▪ the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised. 	
<p>6.8 Flooding</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"> ▪ 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 ▪ have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems. 	<p>The activity is unlikely to result in the release of pollutants that may have an impact on water quality in the case of flood.</p>
<p>6.9 Recreation and public access</p> <p>This clause requires the consent authority to consider:</p> <ul style="list-style-type: none"> ▪ the likely impact of the development on recreational land uses in the regulated catchment, and, 	<p>The proposed activity will positively impact the recreational land use within Boronia Park.</p> <p>The activity will improve maintenance and care capacity for recreational land through the provision of the proposed centralised storage facility.</p>

<ul style="list-style-type: none"> ▪ whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation. <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"> ▪ 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, ▪ new or existing points of public access between natural waterbodies and the site of the development will be stable and safe, ▪ 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. 	<p>The activity will not impact access to the foreshore.</p>
<p>6.28 General</p> <p>This clause requires the consent authority to consider:</p> <ul style="list-style-type: none"> ▪ whether the development is consistent with the following principles— <ul style="list-style-type: none"> ○ (i) Sydney Harbour is a public resource, owned by the public, to be protected for the public good, ○ (ii) the public good has precedence over the private good, 	<p>The activity does not present any significant adverse impacts upon the Foreshores and Waterways Area of the Sydney Harbour Catchment.</p>

- (iii) the protection of the natural assets of Sydney Harbour has precedence over all other interests,

- whether the development will promote the equitable use of the Foreshores and Waterways Area, including use by passive recreation craft,
- 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,
- whether the development promotes water-dependent land uses over other land uses,
- 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,

- | | |
|--|--|
| <ul style="list-style-type: none">▪ 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—<ul style="list-style-type: none">○ (i) the Foreshores and Waterways Area, and○ (ii) public places, landmarks and heritage items. | |
|--|--|

8.3 Visual Impact

The proposed activity would not impact upon any significant structures or landscape elements within Boronia Park. The structure is a single-storey lightweight maintenance shed that is adequately separated from significant sightlines to and from the park, and is located within a landscaped setting serving to minimise its visual impact upon the nearby sports ovals on the site.

The bulk, form and massing of the structure would not overwhelm the existing character and setting of the park, and the activity incorporates a muted colour scheme and sympathetic materials.

- **Mitigation Measures**

No mitigation measures are required.

8.4 Solar Access / Overshadowing

The proposed structure is located south of existing large canopy trees 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.

The use of the storage structure central to the site for storage of Council maintenance vehicles and equipment will not result in meaningful traffic impacts upon the surrounding locality, noting Princes Street is generally closed off from the public and utilized exclusively by authorised Council vehicles.

- **Mitigation Measures**

No mitigation measures are required.

8.6 Tree, Landscape, and Coastal Impacts

The mapped vegetation community surrounding the proposed activity location is identified as 'planted woodland', and the proposed tree to be removed to accommodate the activity being a low value specimen in accordance with the Arboricultural Impact Assessment supporting the activity (**Appendix F**).

The trees within the vicinity of the proposed activity which have been assigned a 'high' landscape significance by the Project Arborist will be subject to only minor encroachments within their Tree Protection Zones, and subject to mitigation measures below the activity does not present a likely significant effect upon threatened species. The activity is not within mapped area declared to be

of outstanding biodiversity value, and is adequately separated from patches of Sydney Turpentine Ironbark Forest vegetation community at the north-western portion of the park as identified by the Hunters Hill LEP 2012 biodiversity mapping.

The activity does not present a significant impact with respect to tree loss, landscaping, or significant flora and fauna on the site as identified earlier, and subject to the below mitigation measures recommended by the project arborist will have an acceptable impact. The activity will not present impact upon the environmental processes of the coastline or foreshore area of the reserve. The visual qualities of the reserve will be maintained.

- ***Mitigation Measures***

A detailed Tree Protection Plan (TPP) should be prepared based on the final plans and Construction Management Plan. Tree protection measures and sensitive construction methods should be specified within the TPP, including:

- Installation of TPZ fencing
- Demolition methods for existing pavement surfaces within TPZ areas
- Recommendations for preliminary hand excavation and root pruning prior to bulk excavation works within and adjacent to TPZ areas
- Use of a soil with a high porosity (i.e. an 80/20 washed river sand/screened topsoil blend) for any raising of levels within TPZ areas

Where required, Crown Lifting/Reduction Pruning should be undertaken to provide a 4.5m vertical clearance above the access road. Deadwood greater than 30mm should be removed from all trees where there are high value targets within their fall zone. Pruning work should be undertaken in accordance with Australian Standard 4373: Pruning of Amenity Trees (2007), Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016) and other applicable legislation and codes.

Exploratory root investigations to be carried out for Trees 10, 12 and 14 to determine if tree sensitive design/construction methods are required for implementation.

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 proposed location of the activity – maintenance shed 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 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 NSW Biodiversity Values Map and Threshold Tool, and NSW Bionet Atlas do not indicate that the maintenance shed location is within the vicinity of any biodiversity mapped vegetation or identified species.

Pursuant to the supporting Arboricultural Impact Assessment (AIA) (**Appendix F**) the mapped vegetation community surrounding the proposed activity location is identified as 'planted woodland'. Section 2.2 of the AIA confirms that the trees proposed to be removed to accommodate the activity are "*relatively small, low value specimens with African Olive, Cassia and Native Daphne species being environmental weeds*". The trees within the vicinity of the proposed activity which have been assigned a 'high' landscape significance by the Project Arborist will be subject to only minor encroachments within their Tree Protection Zones, and subject to mitigation measures identified by the AIA the activity does not present a likely significant effect upon threatened species. Further, the activity does not involve the removal of any trees which have been identified by the Arboricultural Impact Assessment as containing habitat hollows.

The activity is not within mapped area declared to be of outstanding biodiversity value, and is adequately separated from patches of Sydney Turpentine Ironbark Forest vegetation community at the north-western portion of the park as identified by the Hunters Hill LEP 2012 biodiversity mapping.

The mitigation measures within this REF as provided by the Project Arborist, and scale of the proposed activity 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 and scope of the proposed works 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**

In the instance that fauna habitat is identified during the proposed activity, the construction management and Project Arborist teams are to be advised prior to work continuing.

8.8 Heritage (European / Indigenous)

Aboriginal Heritage

An Aboriginal Heritage Information Management System (AHIMS) search, dated 30 July 2024 (**Appendix J**) 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 works adjacent to existing sports field areas which have been subject of excavation, clearing and fill. 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 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 E**) which confirms that the activity would have a neutral impact on the heritage significance of Boronia Park. The proposed structure is a single-storey lightweight maintenance shed that is adequately separated from significant sightlines to and from the park, and is located within a landscaped setting serving to minimise its visual impact upon the nearby sports ovals on the site.

The bulk, form and massing of the structure would not overwhelm the existing character and setting of the park, and the activity incorporates a muted colour scheme and sympathetic materials.

The Statement of Heritage Impact concludes the following with respect to the impacts of the activity on the heritage significance of Boronia Park:

“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 new maintenance shed would be appropriately sited and set back from Princes Street to ensure that the proposal would not impact primary lines of sight to or from Boronia Park;*
- *The new structure would be a single storey structure and would not overwhelm the heritage context. It would ensure that the park retains its existing presentation/prominence within the public domain;*
- *The proposal would include the demolition of an existing access road and removal and replacement of less significant trees and as such would not include the removal of any significant features from the park;*
- *The new amenities building would be of a simplistic design and would not imitate any heritage details and would easily assimilate within the existing context of the subject site;*
- *The proposed materiality and muted colour scheme would ensure that the new development is compatible with the surrounding development observed in the vicinity of the subject site;*
- *The proposal would maintain the significant Ovals at Boronia Park.*

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, the nearby heritage conservation area 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 have a neutral impact on the heritage significance of the subject site the nearby heritage conservation area and heritage items in the vicinity. We therefore recommend that Hunter’s 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**

The colour scheme of the proposed maintenance shed is to be green to blend with the landscape setting and surroundings of the park.

8.9 Acid Sulfate Soils / Contamination / Excavation

The proposal involves minor excavation to accommodate the proposed access road and maintenance shed slab. As detailed previously, the activity does not require an acid sulfate soils management plan and is unlikely to disturb acid sulfate soils.

The proposal involves the construction of a concrete slab to accommodate the maintenance shed and in accordance with the supporting Geotechnical Investigation Report (**Appendix I**) to mitigate potential risks associated with the earthworks and structural stability, the below mitigation measures are required.

- **Mitigation Measures**

The recommendations within Section 6 of the supporting Geotechnical Investigation Report (**Appendix I**) are to be incorporated into the design with respect to building platform preparation, retaining wall/batter slope/footings design, and pavement construction.

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

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.

Should the site be found to be impacted by landfill, a more detailed investigation should be carried out to assess the extent, depth and type of landfill and further advice be sought from a qualified engineer to ensure the proposed pavements and maintenance shed building are adequately designed to accommodate the site condition. Design considerations may include but not limited to the following;

- Flexible pavements be adopted to accommodate ground movements from ground subsidence. Subgrade bridging layer may be required to bridge soft compressible fill and this may include use of geosynthetic material (e.g. geogrid and geofabric) and crushed rock

- Deep footings for buildings be adopted to transfer building loads to competent foundation material. Deep footings design may need to consider negative skin friction from landfill consolidation.
- Gas vapour emission posing a health hazard and special considerations in building design may need to be considered.

8.10 Drainage / Flooding / Hydrology / Water Quality

Overland flows upstream of the proposed access road will be captured and directed into the drainage line near Princes Street. The swale channels proposed alongside the access road are designed to capture low flows only with higher flows to sheet across the access road. Surface runoff will still flow in the same direction as the slope of the land and as such the proposal will not have a significant flood impact.

The proposed maintenance shed incorporates drainage design to manage stormwater run-off as necessary.

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

8.11 Bushfire Prone Land

The Section 10.7 Planning Certificate issued by Hunter's Hill Council (**Appendix K**) for the subject site advises that the land is bushfire prone, with the location of the activity located within 'vegetation buffer' 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 carrying out of works.

- **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 permitted park purpose and planned action consistent with the management objectives of Boronia Park in accordance with the Boronia Park Plan of Management.
- Improve Council's capacity for maintenance, management and care of the existing sports facilities within Boronia Park and broader park area.

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 park. 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 purposes permitted without consent when carried out by a public authority on land controlled by the authority under Section 2.73(3) of the Infrastructure SEPP. The activity is consistent with the provisions of the Boronia Park Plan of Management – planned action PDFL9 and permitted park purposes within Section 5.1 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 Hunter's Hill Council to carry out an activity identified as a permitted purpose 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 capacity for maintenance, management and care of the sporting, recreation and environmental facilities of Boronia Park. The proposal will have a low and manageable environmental impact noting tree removal is proposed of a low-significance tree and all other trees are to be retained and protected. The activity will not have a significant adverse impact upon threatened species, significant trees, or flora and fauna within the broader Boronia Park site.

The proposal also presents a neutral impact upon the heritage significance of the park. 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 the construction of access road and maintenance shed at Boronia Park, Hunters Hill.

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 Hunter's Hill Council without consent.

Hunter's Hill Council is a public authority and Boronia Park is controlled by Council. Pursuant to Section 2.73(3)(a)(i) & (viii) of the Infrastructure SEPP Council is permitted to carry out development for the purposes of roads and maintenance depots (maintenance shed). The demolition of the existing partly built access road and its replacement is an identified planned action PDFL 9 within the Boronia Park Plan of Management and this work can be carried out being for the purposes of implementing the PoM under Section 2.73(2)(c) of the SEPP.

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, *Hunter's 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:

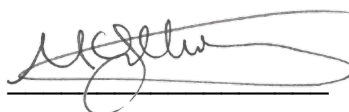
Mitchell Murphy, General Manager

Employee/Agent of determining authority

– Hunter's Hill Council

Date: 4/9/2024

Signature:



10.0 CERTIFICATION and PROPONENT DETAILS

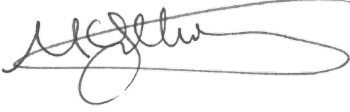
This REF has been prepared on behalf of Hunter's Hill Council. It assesses the potential environmental impacts which could arise from the construction and use of a maintenance shed and road within the boundaries of Boronia Park, Hunters Hill.

This REF has been prepared in accordance with the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, *State Environmental Planning Policy (Transport and Infrastructure) 2021* and other applicable Commonwealth and State Legislation including *Environmental Protection and Biodiversity Conservation Act 1999*.

The REF demonstrates how the environmental factors specified in section 171(2) of the Environmental Planning and Assessment Regulation 2021 were taken into account when considering the impact of the proposed activity.

Based on the information presented in this REF and the mitigation measures indicated, it is considered that the proposed activity is not likely to significantly affect the environment and it is therefore not necessary for the Council to obtain or be furnished with an environmental impact statement in respect of the activity before proceeding to carry out the activity.

This REF provides a true and fair review of the activity in relation to its potential effects on the environment and addresses to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the activity.

Version	Role	Name	Signed	Date
Version 8 – Final REF	Proponent – Employee/Agent of the determining authority	Mitchell Murphy, General Manager		4/9/24