

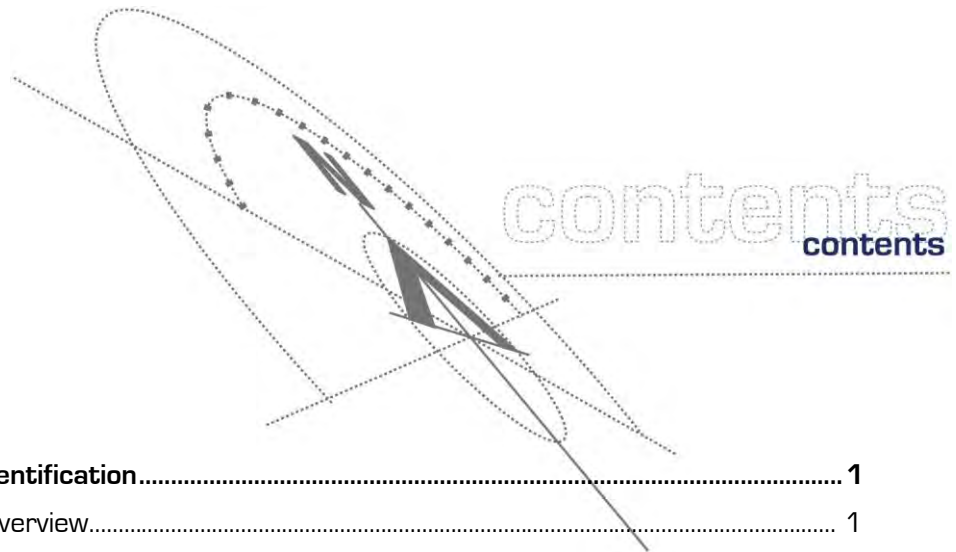
**Review of Environmental Factors
Proposed Redevelopment of Pop Denison Park
at 78 Compton Drive, East Ballina**

ON BEHALF OF
BALLINA SHIRE COUNCIL

Site: Lot 7016 DP 1068899

Date: December 2019





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Attachment 1 – Master Plan

Jackie Amos Landscape Architect

Status	Date
Draft REF	04/12/2019
Final REF	12/12/2019

1 Proposal Identification

1.1 Overview

This Review of Environmental Factors (REF) has been prepared by Newton Denny Chapelle on behalf of Ballina Shire Council. The REF relates to the proposed redevelopment of Pop Denison Park as illustrated in the Landscape Plan Construction Documentation prepared by Jackie Amos Landscape Architect.

State Environmental Planning Policy (Infrastructure) 2007, which commenced on 1 January 2008, is the key environmental planning instrument that determines this proposal is permissible without development consent and therefore is to be assessed under Part 5 of the Environmental Planning and Assessment (EPA) Act.

Clause 65 (Part 3, Division 12) of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) specifies the circumstances under which development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council. The proposed activity qualifies for consideration under the provisions of Clause 65 and therefore does not require development approval from Ballina Shire Council.

Given the above, the project does not require development consent and the works are assessable as an activity under Part 5 of the EPA Act 1979.

The purpose of this REF is to assess the potential degree of environmental impact of the project and, where relevant, identify ameliorative measures to minimise potential impacts. The environmental assessment has been undertaken under the provisions of Clause 228 of the Environmental Planning and Assessment Regulation 2000 (EPA Regulation).

The proponent and the Determining Authority for the project is Ballina Shire Council.

If the findings of the REF indicate that the proposal is likely to result in “significant” impacts, an Environmental Impact Statement (EIS) will be required to be prepared and evaluated prior to the Determining Authority deciding whether or not to proceed with the project.

1.2 Proposal Description

Ballina Shire Council is seeking to expand and improve the recreational facilities at Pop Denison Park to transform the park into a Regional Park. In summary, the works will include the following:

- A central pathway linking Fenwick Drive to Shaws Bay;
- A play area for senior children to the south of the pathway;
- Play areas for junior children to the north of the pathway with play areas located in and around areas of retained vegetation;
- Nature play areas designed for use by junior children;
- A cycle path for junior children sited around the junior play area;
- Picnic seating and BBQ facilities located relative to the playground;
- A new carpark located to the south of the playground;
- Connecting pathways and landscaping to integrate with existing public facilities including the existing public toilet building;
- Retained vegetation integrated around the new playground; and
- New landscaping including tree planting in and around the playground.

The proposed works are described and depicted in the Plan Set prepared by Jackie Amos Landscape Architect attached to this REF.

1.3 Council Area

Ballina Shire Council

1.4 Location and Description

The proposed expansion of Pop Denison Park will occur at Lot 7016 DP 1068899 being 78 Compton Drive, East Ballina.

The lands form the north eastern portion of the broader public recreation area known as Shaws Bay. The park is Crown Land managed by Ballina Shire Council as the appointed Reserve Trust manager of the “Ballina Shaws Bay Reserve Trust.” Pop Denison Park is currently designated as a ‘District Level Park’.

The Park has frontage to both Compton Drive to the north and Fenwick Drive to the east with vehicular access provided off Compton Drive. Shaws Bay forms the western boundary whilst East Ballina Caravan Park (Discovery Parks) forms the southern boundary.

The land is currently utilised for recreation purposes associated with Shaws Bay and contains a number of picnic tables, amenities and kids playground. Car parking is also provided via various car parking locations.

1.5 Source of Funding

It is estimated that the total estimated Capital Cost of this project is approximately \$2,000,000. The funding source is identified as Ballina Shire Council and State Government grants.

2 Strategic Stage

2.1 Relationship to Planning and Environmental Background

2.1.1 State Legislation Plans and Policies

Environmental Planning and Assessment Act 1979

The applicable Environmental Planning Instrument for the works is State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) which removes the requirement to obtain development consent.

Therefore, the proposal has been assessed under Part 5 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and a Review of Environmental Factors (REF) has been prepared.

This REF has been prepared in accordance with Section 5.5 of the Act, which requires that the proponent take into account to the fullest extent possible all matters affecting or likely to affect the environment due to the proposed activity. Consideration of the factors listed under Clause 228 of the EP&A Regulation 2000 has been used to assist in assessing the significance of the project, and is provided in Section 9.

Environmental Planning and Assessment Regulation 2000

This REF has been prepared in accordance with the general requirements of the Environmental Planning and Assessment Regulation 2000. The Review of Environmental Factors has had regard to Clause 228(2) of the Regulations and in doing so addresses the factors that must be taken into account when considering the likely impact of an activity on the environment.

Under the EP&A Regulation 2000, the proposal must justify the principles of ecologically sustainable development. In this regard, the reasons justifying the carrying out of the development or activity in the manner proposed, having regard to biophysical, economic and social considerations, including the following principle of ecologically sustainable development:

- the precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and an assessment of the risk-weighted consequences of various options;
- inter-generational equity, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations;
- conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration; and
- improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as:
 - polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement;
 - the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural

resources and assets and the ultimate disposal of any waste; and

- environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.

The assessment provided within this REF concludes that the works associated with the redevelopment of Pop Denison Park are considered to be a cost effective and environmentally responsible method by which to improve community recreation facilities for the broader local government area of Ballina. The redevelopment of Pop Denison Park will upgrade the park to a 'Regional Facility'.

State Environmental Planning Policy (Infrastructure) 2007

The provisions of Part 3 Division 12 Clause 65 – Development permitted without consent relates directly to the proposal.

Clause 65(3) states:

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

(a) development for any of the following purposes:

- (i) roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,*
- (ii) recreation areas and recreation facilities [outdoor], but not including grandstands,*
- (iii) visitor information centres, information boards and other information facilities,*
- (iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,*
- (v) landscaping, including landscape structures or features [such as art work] and irrigation systems,*
- (vi) amenities for people using the reserve, including toilets and change rooms,*
- (vii) food preparation and related facilities for people using the reserve,*
- (viii) maintenance depots,*
- (ix) portable lifeguard towers,*

The proposal is defined as a '*Recreation Area*' in accordance with the Ballina Local Environmental Plan 2012:

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).

Clause 65(3)(a)(ii) of the ISEPP permits the development of recreational areas and recreational facilities [outdoor] by or on behalf of Council without consent on a Public Reserve under the control of or vested in the Council.

The proposed works will be undertaken on Lot 7016 DP 1068899 which is a Public reserve under the control of Ballina Shire Council. The works will also be undertaken on behalf of Ballina Shire Council being a public authority.

Based on the above, NDC are of the view that the development constitutes development permitted without consent pursuant to Clause 65 of the ISEPP.

Notification and Public Consultation

Part 2 Division 1 of the ISEPP provides triggers when written notice is required to be given to Ballina Shire Council of the intention to carry out the development. Any response received within 21 days is to be taken into consideration during the works. As outlined in Section 2.1.3, the notification requirements are not triggered by the proposal.

Notwithstanding the above, Ballina Shire Council undertook extensive stakeholder and community consultation in the preparation of the Master Plan for Pop Denison Park. A full outline of this consultation is provided in the Pop Denison Park Master Plan prepared by Jackie Amos Landscape Architect provided in Attachment 1 of this report. In summary, the consultation included:

- Consultation with key stakeholders including (but not limited to):
 - NSW DPI – Fisheries;
 - Crown lands;
 - NSW Police;
 - Lakeside Holiday Park (now Discovery parks);
 - Existing park users;
 - Adjoining and nearby residents; and
 - Youth Council meeting.
- Community consultation at a half day event that included a feedback form; and
- Consultation at a local school where the average age was 12 years; and
- Public Notification of the draft Master Plan.

2.1.2 Local Plans and Policies

A. Ballina Local Environmental Plan 2012

Due to the provisions of the ISEPP, consent in accordance with the Ballina Local Environmental Plan 2012 (BLEP) is not required. However, in the interest of providing a robust assessment of the proposed works against all relevant development standards and environmental constraints applying to the land, an assessment against the relevant provisions of the BLEP has been undertaken below.

Zoning

The land the subject of the current REF is zoned RE1 Public Recreation under the BLEP.

Defined Use and Permissibility

The proposal relates to the expansion of the existing Pop Denison Park. As provided above, the proposal is defined as a 'Recreation Area' pursuant to the dictionary contained within BLEP 2012.

Recreation areas are permissible with development consent within the RE1 Public Recreation zone.

Zone Objectives

The zone objectives for the RE1 zone are provided below.

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide for a diversity of development that meets the social and cultural needs of the community.*
- *To provide for public access to open space and natural recreation areas.*
- *To protect and conserve landscapes in environmentally sensitive areas, particularly in foreshore and visually prominent locations.*
- *To provide for development that is consistent with any applicable plan of management.*
- *To encourage development that achieves the efficient use of resources such as energy and water.*

Comment: The proposed redevelopment of Pop Denison Park is proposed to improve the recreation facilities available to residents and visitors of Ballina Shire and directly aligns with the RE1 zone objectives through the provision of additional recreation areas to service the community.

With respect to the enhancement of the natural environment, a number of landscape plantings are proposed within the park whilst existing mature vegetation is proposed to be retained.

The works are somewhat removed from the Shaws Bay foreshore with appropriate

sediment and erosion control measures to be installed and maintained during construction works.

The proposed works associated with the redevelopment of Pop Denison Park are considered to be consistent with the applicable zone objectives listed above.

General Provisions

Clause 4.3 – Height of buildings

The maximum height of buildings specified for the site is 8.5 metres. As indicated in the Landscape Plan set the proposed structures do not exceed 8.5 metres.

Clause 7.1 – Acid Sulfate Soils

Comment: The location of the proposed works are mapped as having the potential for Class 3 Acid Sulfate Soils. Minor earthworks are required to enable the redevelopment of the park. We note that given the scale of the development, the proposed works are unlikely to result in works more than 1 metre below the natural ground surface or works by which the water table is likely to be lowered more than 1 metre below the natural ground surface.

Clause 7.2 – Earthworks

Comment: Minor earthworks are required to enable the redevelopment of the park. We note that given the scale of the development, the proposed works are unlikely to result in the disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality. In addition, sediment and erosion controls will be implemented on site in accordance with the NSW Blue Book.

Clause 7.3 – Flood Planning

Comment: Part of the site is identified as being located within a 'Flood Planning Area' pursuant to mapping held under the BLEP. This area is limited to the area immediately adjacent to the Shaws Bay high water mark. The location of the proposed works are not mapped as being located in the Flood Planning Area.

Clause 7.7 – Essential Services

Comment: The subject land is currently connected to the reticulated urban infrastructure network. These service connections will be maintained and extended as necessary following the redevelopment of the park.

2.1.3 Consultation

The Infrastructure SEPP provides a range of triggers for referrals to various Local and State government agencies. As outlined in **Table 2.1**, the project does not trigger any formal referral requirements with the Local Council or other Government Agencies.

Table 2.1: Consultation Requirements

ISEPP Clause	Service Provider	Trigger for Notification	Consultation Required?
13(1)(a)	Ballina Shire Council	Will have a substantial impact on stormwater management services provided by a Council.	No
13(1)(b)	Ballina Shire Council	Is likely to generate traffic to an extent that will strain the capacity of the road system in a local government area.	No
13(1)(c)	Ballina Shire Council	Involves connection to, and a substantial impact on the capacity of, any part of a sewerage system owned by a Council.	No
13(1)(d)	Ballina Shire Council	Involves connection to, and use of a substantial volume of water from, any part of a water supply system owned by a Council.	No
13(1)(e)	Ballina Shire Council	Involves the installation of a temporary structure on, or the enclosing of, a public place that is under a Council's management or control that is likely to cause a disruption to pedestrian or vehicular traffic that is not minor or inconsequential.	No
13(1)(f)	Ballina Shire Council	Involves excavation that is not minor or inconsequential of the surface of, or a footpath adjacent to, a road for which a Council is the roads authority under the Roads Act 1993 (if the public authority that is carrying out the development, or on whose behalf it is being carried out, is not responsible for the maintenance of the road or footpath).	No
14(1)(a)	Ballina Shire Council	Is likely to have an impact that is not minor or inconsequential on a local heritage item (other than a local heritage item that is also a State heritage item) or a heritage conservation area.	No

15(2) 15AA	Ballina Shire Council & SES	Development on Flood Liable Land that will change flood patterns other than to a minor extent.	No
15A	Ballina Shire Council	Development on land that is within a coastal vulnerability area and is inconsistent with a certified coastal management program that applies to that land.	No
16(2)(a)	OEH	Land adjacent to a National Park.	No
16(2)(b)	OEH	Development on land zoned E1 or equivalent.	No
16(2)(c)	DPI	Land adjacent to an Aquatic Reserve or Marine Park.	No
16(2)(d)	SHFA	Land within the Sydney Harbour Foreshore Area.	No
16(2)(e)	RMS	Fixed or floating structure in or over navigable waters.	No
16(2)(f)	NSW Rural Fire Service	Educational establishment, health services facility, correctional centre or group home or residential purposes on bush fire prone land	No
16(2)(g)	Director of the Observatory	Development that may increase the amount of artificial light in the night sky and that is on land within the dark sky region as identified on the dark sky region map.	No
16(2)(h)	Secretary of the Commonwealth Department of Defence,	Development on defence communications facility buffer land within the meaning of clause 5.15 of the Standard Instrument.	No
16(2)(i)	Mine Subsidence Board	Development on land in a mine subsidence district within the meaning of the Mine Subsidence Compensation Act 1961.	No

3 Concept Stage

3.1 Objectives and Aims of the Proposal

The primary objectives of the proposal are outlined below:

- To complete the redevelopment of Pop Denison Park to transform it into a Regional facility that will meet the needs of the local community as well as visitors to Ballina.
- To complete works in a manner that is compliant with applicable design and construction standards.
- To ensure that the environmental values of the site are protected.

3.2 Need for the Proposal

The proposal is required to enable the redevelopment of Pop Denison Park to provide improved recreation facilities to cater for the local community as well as visitors to Ballina.

3.3 Justification

The proposed redevelopment will upgrade the existing recreation facilities at Pop Denison Park to enable the park to be a Regional Facility. The works will provide appropriate recreation facilities for use by residents and visitors of the Ballina Shire. The proposed layout is a response to significant consultation undertaken as part of the preparation of the Master Plan for Pop Denison Park. The proposed layout provides for various recreation opportunities for all age groups.

The implementation of the mitigation measures of this REF will ensure that the proposal is unlikely to have any significant environmental impacts.

3.4 Preferred Option

The preferred option is to construct:

- A central pathway linking Fenwick Drive to Shaws Bay;
- A play area for senior children to the south of the pathway;
- Play areas for junior children to the north of the pathway with play areas located in and around areas of retained vegetation;
- Nature play areas designed for use by junior children;
- A cycle path for junior children sited around the junior play area;
- Picnic seating and BBQ facilities located relative to the playground;
- A new carpark located to the south of the playground;
- Connecting pathways and landscaping to integrate with existing public facilities including the existing public toilet building;
- Retained vegetation integrated around the new playground; and
- New landscaping including tree planting in and around the playground.

This option was produced as a result of extensive stakeholder and community consultation as discussed further in the Master Plan document provided in **Attached 1** of this REF.

The proposed works are illustrated within the following plans prepared by Jackie Amos Landscape Architect as contained within this report.

Description	Sheet No.	Issue	Date
Cover Sheet	1735_CD_01	E	April 19
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Notes	1735_CD_03	E	April 19
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Landscape Details	1735_CD_19	E	April 19
Landscape Details	1735_CD_20	E	April 19
Landscape Details	1735_CD_21	E	April 19
Landscape Details	1735_CD_22	E	April 19
Landscape Details	1735_CD_23	E	April 19
Landscape Details	1735_CD_24	E	April 19
Landscape Details	1735_CD_25	E	April 19
Landscape Details	1735_CD_26	E	April 19

4 Assessment Stage

4.1 Summary of Beneficial Effects

The beneficial effects resulting from the proposal include:

- **Social:** The proposed works will provide improved recreation facilities to service both the local residents of Ballina Shire and visitors.
- **Economic:** The redevelopment of Pop Denison Park will attract residents and visitors to the local area where it is expected they will contribute to the local economy.
- **Functionality:** The proposed works will improve the existing recreation facilities available within Pop Denison Park. The redeveloped park will utilise existing green space located adjacent to the existing park infrastructure to provide a functional use of the area.

4.2 Summary of Adverse Effects

No adverse impacts which have an irreversible environmental, social or economic impact have been identified in the assessment of this proposal.

4.3 Crime Prevention through Environmental Design

Crime Prevention Through Environmental Design (CPTED) principles seek to ensure that buildings and spaces are designed and constructed in a manner which minimises future risks of crime and undesirable behaviour.

There are four principles that need to be considered in the assessment of development applications to minimise the opportunity for crime. These are as follows:

- surveillance;
- access control;

- territorial reinforcement; and.
- space management.

Table 4.1 summarises the recognised CPTED Principles and design approach to responding to these Principles.

Table 4.1 - CPTED Design Response	
Natural Surveillance	
<ul style="list-style-type: none"> • Existing residential buildings overlook the park on two sides (i.e. from Fenwick Drive and from the caravan park) • Public road system extends around two sides of the site • The park can be clearly seen from adjoining streets • Clear sightlines between public and private places and across the site • Landscaping throughout the park provides a high quality aesthetic and maintains sight lines across the park or into adjoining areas. • Multiple uses occur in the park contributing to it remaining active throughout the day and early evening. 	
Lighting	
<ul style="list-style-type: none"> • Streets around the site have street lighting. • Path linking to Fenwick Drive will be lit at night. • Low level lighting will be provided to the park at night • Lighting will be provided to the toilet block and picnic facilities. 	
Access Control & Territorial Reinforcement	
<ul style="list-style-type: none"> • The parkland contains clearly defined entry and exit points which will be clearly visible from the street and from within the parkland. • The space will be attractive and provide shaded areas to encourage use and gathering around nodes (e.g. play equipment, exercise, picnic) • The design includes a diversity of features to encourage active use across a range of interest groups. • Carparking is integrated into the public street network and readily visible to persons both internal and external to the site. 	
Space Management	
<ul style="list-style-type: none"> • The toilets will be locked at night. • Public areas are clearly separate from private areas. • The parkland will be maintained by Council in a tidy condition. • Public infrastructure (seats, artwork, BBQ's etc) will be maintained and in good working order to portray a high quality aesthetic environment. 	

5 Implementation Stage

5.1 Safeguards Process

Infrastructure Design

- All works must be constructed in accordance with the Landscape Plans contained within this REF.
- All play equipment is to be designed and installed in accordance with relevant Australian Standards.
- Prior to the commencement of works, an underground services survey is to be conducted to ensure the works will not impact on any underground assets.

Construction Management

- A separate S68 approval is to be obtained from Ballina Shire Council (prior to works proceeding) to authorise any water and sewer works that are not undertaken by Ballina Shire Council.
- All waste materials generated from construction works shall only be disposed at licensed waste management facilities capable of receiving the waste as classified under the NSW Department of Environment and Climate Change (EPA) guideline document 'Waste Classification Guidelines: Part 1 Classifying Waste 2014'.
- All working areas are to be maintained and kept free of rubbish and cleaned up at the end of each working day.

Lighting

- The installation of court lighting is required to be constructed in accordance with Australian Standard 4282 – Control of the obtrusive effects of outdoor lighting.

Earthworks

- Any fill material required must be certified to be free of contaminants.
- Erosion and sediment controls are to be implemented in accordance with the Landcom/Department of Housing Managing Urban Stormwater, Soils and Construction Guidelines (the blue book).
- No works are to commence prior to installation of appropriate sediment control structures.
- All erosion and sediment controls are to be regularly inspected, especially when rain is expected and directly after significant rain events.
- Workers are to be made aware of the provisions of Section 120 of the POEO Act which specifies that any person who pollutes waters is guilty of an offence under the Act with regard to water pollution.
- All construction vehicles and equipment are to be maintained in designated areas away from watercourses or drainage areas.

Vegetation Removal

- The work area will be clearly delineated to minimise the extent of vegetation removal by trimming and/or trampling.
- Any tree removal must be carried out by a competent person in accordance with AS 2762.2-2004 "Chainsaws – safety requirements – chainsaws for tree service" and NSW WorkCover publication Amenity Tree Industry: Code of Practice 1998.
- Prior to the removal of the trees an inspection shall be completed to ensure that no Koalas, roosting birds or birds nest are present.

OH&S

- The appointed building contractor is to comply with the NSW Government Work Health and Safety Management Systems and Auditing Guidelines, the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2017.

Heritage

- In the event that any Aboriginal or non-indigenous items of significance are located during the works, all work would cease in the vicinity of the artefact and the Councils Heritage Officer and Office of Environment and Heritage would be contacted immediately.

Noise & Vibration

- Construction works shall be limited to:
 - Monday to Friday: 7am to 6pm.
 - Saturday: 8am to 1pm.
 - Sundays, Public Holidays: No work permitted.

Works outside the above hours may be undertaken in particular circumstances such as:

- Public infrastructure works that shorten the length of the project and are supported by the affected community, or
- Works where a proponent demonstrates and justifies a need to operate outside the recommended standard hours.

Any works outside of the hours stated above would need to be justified for reasons other than convenience, such as to sustain operational integrity of the utility networks.

Waste Management

- All waste generated by the project, shall be beneficially reused, recycled or directed to a waste facility lawfully permitted to accept the materials in accordance with the NSW EPA “Waste Classification Guidelines” and the *Protection of the Environment Operations Act 1997*.
- No burning or burying of wastes would be permitted on site.
- The workforce would use existing toilet facilities located on-site.
- Non-recyclable waste and containers would be regularly collected and disposed of at a licensed landfill or other licensed disposal sites in the area.
- Any bulk garbage bins delivered by authorised waste contractors would be placed and kept within the property boundary.
- Waste management practices for the Proposal shall follow the resource management hierarchy principles embodied in the *Waste Avoidance and Resource Recovery Act 2001*. These practices include: avoid unnecessary resource consumption; recover resources (including reuse, reprocessing, recycling and energy recovery); and dispose (as a last resort).

Contamination

- Should any new information come to light during construction works which has the potential to alter previous conclusions about site contamination, then the Managing Contractor must be immediately notified and works must cease. Works must not recommence on site until the site is remediated in accordance with an approved Remedial Action Plan, and a Validation and Monitoring Report together with a notice of completion of remediation pursuant to Clause 18 of State Environmental Planning Policy No 55 – Remediation of Land (as if that Policy applied) has been submitted to and approved by DECC.
- Contamination of the site during construction works is to be avoided.

- During any excavation below 1 metre of natural ground level, soils will be examined for potential Acid Sulfate Soils and appropriate mitigation measures based on Ballina Shire Council's "ASS Management Plan for Minor Works" are to be implemented if encountered.

Other Requirements

- The project contractor must, at the completion of the project, submit to Ballina Shire Council documentation and certification which demonstrates that the work as undertaken complies with the terms of this assessment.

Development Plans

- The development is to be carried out to be in accordance with the Construction Documentation Drawings prepared by Jackie Amos Landscape Architect.

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Landscape Details	1735_CD_23	E	April 19

Landscape Details	1735_CD_24	E	April 19
Landscape Details	1735_CD_25	E	April 19
Landscape Details	1735_CD_26	E	April 19

6 Work to Commence

Work will commence during the first half of 2020.

7 Period of Construction

The estimated project construction period is 18- 24 weeks.

8 Attachments

1. Master Plan

Jackie Amos Landscape Architect

9 Consideration of Environmental Factors

Consideration of NSW Environmental Planning and Assessment Regulation 2000

Clause 228 of the EP&A Regulation indicates for the purposes of Part 5 of the Act the factors that must be taken into account when consideration is given to the likely impact of an activity on the environment. The following table cross-references the factors of Section 228 that must be considered with the sections of this REF where impacts are assessed.

Detailed below is an assessment of the proposal against the relevant environmental factors.

- **NA** is used when the factor does not apply to the activity.
- **Negative** is used when the activity has a detrimental impact on the environment.
- **Nil** is used when the impact is neither detrimental nor beneficial.
- **Positive** is used when the activity has a beneficial impact on the environment.

Clause 228 Factors & Assessment	Impacts			
	NA	Min	Nil	+ve
a) Any environmental impact on a community.				
Comments: No Endangered or Threatened Ecological Communities are known to be disturbed as a result of this proposal.			✓	
Comments: Short term increased traffic during construction and short term localised vibration and noise.		✓		
b) Any transformation of a locality.				
Comments: The proposed works will occur within the existing footprint of the current recreation area i.e. 'Pop Denison Park', thereby resulting in minimal modification to the land use context of the site. Extensive landscaping will be provided to minimise any transformation to the locality.			✓	
c) Any environmental impact on the ecosystems of the locality.				
Comments: No impacts to the ecosystem are envisaged having regard to the nature of the project. Appropriate erosion and sediment control measures will be established and maintained during construction activities.			✓	
d) Any diminution of the aesthetic, recreational, scientific or other environmental quality or value of a locality.				
Comments: The proposal seeks to improve the recreation facilities at Pop Denison Park. This will have positive impacts upon recreation activities for the locality.				✓
e) Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations.				
Comments: The location and nature of the project is such that no impacts are envisaged.			✓	

Clause 228 Factors & Assessment	Impacts			
	NA	Min	Nil	+ve
f) Any impact on the habitat of protected fauna (within the meaning of the National Parks and Wildlife Act 1974)				
Comments: No impacts are envisaged having regard to the nature and location of the project.			✓	
g) Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air.				
Comments: No impacts are envisaged having regard to the nature and location of the project.			✓	
h) Any long-term effects on the environment.				
Comments: No impacts are envisaged having regard to the nature [location/design] of the project.			✓	
i) Any degradation of the quality of the environment.				
Comments: No impacts are envisaged having regard to the nature of the project.			✓	
j) Any risk to the safety of the environment.				
Comments: No impacts are envisaged having regard to the nature of the project.			✓	
k) Any reduction in the range of beneficial uses of the environment.				
Comments: No impacts are envisaged having regard to the nature of the project.			✓	
l) Any pollution of the environment.				
Comments: Sediment and erosion controls would be implemented to protect earthworks from water pollution.			✓	
m) Any environmental problems associated with the disposal of waste.				

Clause 228 Factors & Assessment	Impacts			
	NA	Min	Nil	+ve
Comments: No impacts are envisaged having regard to the nature of the project. The project contractor will be responsible for the disposal of waste to licenced facilities.			✓	
n) Any increased demands on resources, natural or otherwise, which are, or are likely to become in short supply.				
Comments: No impacts are envisaged having regard to the nature of the project.			✓	
o) Any cumulative environmental effect with other existing or likely future activities.				
Comments: No impacts are envisaged having regard to the nature of the project. The proposed works will not result in any negative cumulative environmental effects with other activities.			✓	

10 Conclusion

This report has identified that the proposal is a matter for consideration pursuant to Part 5 of the Environmental Planning and Assessment Act, 1979, with Ballina Shire Council being the proponent.

All matters likely to affect the environment as a result of this proposal have been assessed to the fullest extent possible in this Review of Environmental Factors. In our opinion, an Environmental Impact Statement is not required.

It is concluded that the proposed works as described are not likely to significantly affect the environment within the meaning of Part 5 of the EP&A Act, provided that the following safeguard measures are adhered to.

This report has identified that the proposal is a matter for consideration pursuant to Part 5 of the Environmental Planning and Assessment Act, 1979, with Ballina Shire Council being both the proponent and the determining authority.

Development Plans

- The development is to be carried out to be in accordance with the Construction Documentation Drawings prepared by Jackie Amos Landscape Architect.

Description	Sheet No.	Issue	Date
Cover Sheet	1735_CD_01	E	April 19
Notes	1735_CD_02	E	April 19
Notes	1735_CD_03	E	April 19
Schedule of Play Equipment	1735_CD_04	E	April 19
Finishes Schedule	1735_CD_05	E	April 19
Key Plan	1735_CD_06	E	April 19
Drainage Plan and Details	1735_CD_07	E	April 19
Car Park and Landscape Plan	1735_CD_08	E	April 19
Senior Playground Plan	1735_CD_09	E	April 19
Central BBQ Area	1735_CD_10	E	April 19

Junior Playground SOUTH	1735_CD_11	E	April 19
Junior Playground NORTH	1735_CD_12	E	April 19
Plant Schedule & Images	1735_CD_13	E	April 19
Landscape Details	1735_CD_14	E	April 19
Landscape Details	1735_CD_15	E	April 19
Landscape Details	1735_CD_16	E	April 19
Landscape Details	1735_CD_17	E	April 19
Landscape Details	1735_CD_18	E	April 19
Landscape Details	1735_CD_19	E	April 19
Landscape Details	1735_CD_20	E	April 19
Landscape Details	1735_CD_21	E	April 19
Landscape Details	1735_CD_22	E	April 19
Landscape Details	1735_CD_23	E	April 19
Landscape Details	1735_CD_24	E	April 19
Landscape Details	1735_CD_25	E	April 19
Landscape Details	1735_CD_26	E	April 19

Infrastructure Design

- All works must be constructed in accordance with the Landscape plans contained within this REF.
- All play equipment is to be designed and installed in accordance with relevant Australian Standards.
- Prior to the commencement of works, an underground services survey is to be conducted to ensure the works will not impact on any underground assets.

Construction Management

- A separate S68 approval is to be obtained from Ballina Shire Council (prior to works proceeding) to authorise any water and sewer works that are not undertaken by Ballina Council.
- All waste materials generated from construction works shall only be disposed at licensed waste management facilities capable of receiving the waste as classified under the NSW Department of Environment and Climate Change (EPA) guideline document 'Waste Classification Guidelines: Part 1 Classifying Waste 2014'.
- All working areas are to be maintained and kept free of rubbish and cleaned up at the end of each working day.

Lighting

- The installation of court lighting is required to be constructed in accordance with Australian Standard 4282 – Control of the obtrusive effects of outdoor lighting.

Earthworks

- Any fill material required must be certified to be free of contaminants.
- Erosion and sediment controls are to be implemented in accordance with the Landcom/Department of Housing Managing Urban Stormwater, Soils and Construction Guidelines (the blue book).
- No works are to commence prior to installation of appropriate sediment control structures.
- All erosion and sediment controls are to be regularly inspected, especially when rain is expected and directly after significant rain events.
- Workers are to be made aware of the provisions of Section 120 of the POEO Act which specifies that any person who pollutes waters is guilty of an offence under the Act with regard to water pollution.
- All construction vehicles and equipment are to be maintained in designated areas away from watercourses or drainage areas.

Vegetation Removal

- The work area will be clearly delineated to minimise the extent of vegetation removal by trimming and/or trampling.
- Any tree removal must be carried out by a competent person in accordance with AS 2762.2-2004 "Chainsaws – safety requirements – chainsaws for tree service" and NSW WorkCover publication Amenity Tree Industry: Code of Practice 1998.

- Prior to the removal of the trees an inspection shall be completed to ensure that no Koalas, roosting birds or birds nest are present.

OH&S

- The appointed building contractor is to comply with the NSW Government Work Health and Safety Management Systems and Auditing Guidelines, the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2017.

Heritage

- In the event that any Aboriginal or non-indigenous items of significance are located during the works, all work would cease in the vicinity of the artefact and the Councils Heritage Officer and Office of Environment and Heritage would be contacted immediately.

Noise & Vibration

- Construction works shall be limited to:
 - Monday to Friday: 7am to 6pm.
 - Saturday: 8am to 1pm.
 - Sundays, Public Holidays: No work permitted.

Works outside the above hours may be undertaken in particular circumstances such as:

- Public infrastructure works that shorten the length of the project and are supported by the affected community, or
- Works where a proponent demonstrates and justifies a need to operate outside the recommended standard hours.

Any works outside of the hours stated above would need to be justified for reasons other than convenience, such as to sustain operational integrity of the utility networks.

Waste Management

- All waste generated by the project, shall be beneficially reused, recycled or directed to a waste facility lawfully permitted to accept the materials in accordance with the NSW EPA "Waste Classification Guidelines" and the *Protection of the Environment Operations Act 1997*.
- No burning or burying of wastes would be permitted on site.
- The workforce would use existing toilet facilities located on-site.
- Non-recyclable waste and containers would be regularly collected and disposed of at a licensed landfill or other licensed disposal sites in the area.
- Any bulk garbage bins delivered by authorised waste contractors would be placed and kept within the property boundary.
- Waste management practices for the Proposal shall follow the resource management hierarchy principles embodied in the *Waste Avoidance and Resource Recovery Act 2001*. These practices include: avoid unnecessary resource consumption; recover resources (including reuse, reprocessing, recycling and energy recovery); and dispose (as a last resort).

Contamination

- Should any new information come to light during construction works which has the potential to alter previous conclusions about site contamination, then the Managing Contractor must be immediately notified and works must cease. Works must not recommence on site until the site is remediated in accordance with an approved Remedial Action Plan, and a Validation and Monitoring Report together with a notice of completion of remediation pursuant to Clause 18 of State

Environmental Planning Policy No 55 – Remediation of Land (as if that Policy applied) has been submitted to and approved by DECC.

- Contamination of the site during construction works is to be avoided.
- During any excavation below 1 metre of natural ground level, soils will be examined for potential Acid Sulfate Soils and appropriate mitigation measures based on Ballina Shire Council's "ASS Management Plan for Minor Works" are to be implemented if encountered.

Other Requirements

- The project contractor must, at the completion of the project, submit to Ballina Shire Council documentation and certification which demonstrates that the work as undertaken complies with the terms of this assessment.

11 Certification

This Review of Environmental Factors (REF) has been prepared for Ballina Shire Council being the proponent. The report presents an assessment of the likely environmental impacts of a proposal to undertake the redevelopment of Pop Denison park as illustrated in plans prepared by Jackie Amos Landscape Architect. The determining authority for the REF is also Ballina Shire Council.

The REF has been prepared with due consideration given to the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

On the basis of the information presented in this REF it is concluded that by adopting the safeguards identified in this assessment it is unlikely that there would be significant environmental impacts associated with the proposed works.

This Review of Environmental Factors provides a true and fair review of the proposal in relation to its potential effects on the environment. It addresses to the fullest extent possible all matters affecting or likely to effect the environment as a result of the proposed activity.

Prepared by:

Name: Damian Chapelle
BTP, MPIA, CPP
Principal Town Planner

Adrian Zakaras
BURP
Town Planner



Signature: 

Signature: 

Date: 09/12/2019

12 Review and Endorsement

Name: _____

Position: _____

Ballina Shire Council

Signature: _____

Date: