

North Rosebery Park

Review of Environmental Factors

On behalf of
City of Sydney Council
November 2021



Project Director

Tom Cook

Contributors

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* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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Table of Contents

1	Introduction	1
1.1	Proposal background and need.....	1
1.2	Scope of this Review of Environmental Factors.....	1
1.3	Proponent and determining Authority	2
1.4	Proposal Identification.....	2
1.5	Project Team	3
1.6	Environmental Assessment and Approvals Process	3
2	Subject Site	4
2.1	Site Location and Context	4
2.2	Site Descriptions	5
3	Project Description	6
3.1	Project Overview.....	6
3.2	Detailed Description of Works.....	6
3.2.1	Design Influence	6
3.2.2	Landscape Design.....	7
3.2.3	Design Principles	11
4	Legislation and Planning Framework.....	12
4.1	Environmental Protection and Biodiversity Conservation Act 1999.....	12
4.2	Native Title Act 1993	12
4.3	Environmental Planning & Assessment Act 1979	12
4.4	Biodiversity Conservation Act 2016.....	13
4.5	State Environmental Planning Policies.....	13
4.5.1	State Environmental Planning Policy (Infrastructure) 2007	13
4.5.2	State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	14
4.5.3	State Environmental Planning Policy 55 – Remediation of Land.....	15
4.6	Local Environmental Plans	15
4.6.1	Sydney Local Environmental Plan 2012.....	15
4.7	Development Control Plans	16
4.7.1	Sydney Development Control Plan 2012	16
4.8	Other NSW Legislation and regulations relevant to the proposal....	21
4.8.1	National Parks and Wildlife Act 1974	22
4.8.2	Heritage Act 1977	22

4.8.3	Protection of the Environment Operations Act 1997	22
4.8.4	Roads Act 1993	23
5	Stakeholder and Community Consultation	24
5.1	Consultation Requirements under the Infrastructure SEPP	24
5.2	Consultation to Date	24
6	Environmental Assessment	25
6.1	Environmental Contamination.....	25
6.1.1	Existing Environment	25
6.1.2	Impact	25
6.1.3	Mitigation	25
6.2	Heritage	25
6.2.1	Existing Environment	25
6.2.2	Impact	26
6.2.3	Mitigation	26
6.3	Noise and Vibration	26
6.3.1	Existing Environment	26
6.3.2	Impact	26
6.3.3	Mitigation	27
6.4	Traffic and Access	27
6.4.1	Existing Environment	27
6.4.2	Impact	28
6.4.3	Mitigation	28
6.5	Air Quality	29
6.5.1	Existing Environment	29
6.5.2	Impact	29
6.5.3	Mitigation	29
6.6	Accessibility	29
6.7	Social and Visual	30
6.7.1	Existing Environment	30
6.7.2	Impact	32
6.7.3	Mitigation	32
6.8	Socio-Economic Impacts	33
6.9	Future Land Use.....	33
6.10	Ecologically Sustainable Development and Sustainability.....	33

6.11	Other Environmental Impacts	34
6.12	Cumulative Environmental Impacts	35
7	Environmental Factors Considered	36
7.1	Consideration of Clause 228 Factors.....	36
7.2	Consideration of National Environmental Significance	39
8	Conclusion	40
8.1	Justification	40
8.2	Objectives of the EP&A Act 1979	40
8.3	Conclusion.....	41
9	Certification	42
10	Terms and acronyms used in this REF	44

Schedule of Figures and Tables

Figure 1. Proposed works	1
Figure 2. Site Aerial Map	4
Figure 3. North Rosebery Park – Concept Design.....	8
Figure 4. North Rosebery Park – Structure Plan.....	8
Figure 5. North Rosebery Park – Tree Types.....	9
Figure 6. North Rosebery Park – Pedestrian Circulation	9
Figure 7. North Rosebery Park - Zones.....	10
Figure 8. North Rosebery Park - Lightning.....	10
Table 1 – Project team.....	3
Table 2 – Site Description.....	5
Table 3 – Sydney Local Environmental Plan 2012.....	15
Table 4 – Assessment against SDCP2012.....	16
Table 5 – Assessment of Ecologically Sustainable Development	33
Table 6 – Clause 228 Factors	36
Table 7 – Assessment against the objectives of Clause 1.3 of the EP& A Act	40

Appendices

- **Appendix 1.** Landscape Plan
- **Appendix 2.** Aboriginal Community Engagement Narratives Report
- **Appendix 3.** NSW EPA Site Audit Statement
- **Appendix 4.** Access Review

1 Introduction

1.1 Proposal background and need

The site, located at the corner of Crewe Place and Rosebery Avenue, form part of the Green Square Urban renewal area within the City of Sydney.

A Preliminary Concept Design for the Park and Green Link was prepared by JILA Landscape Architects in 2016 as part of the VPA Planning Agreement for the subject site.

In late 2019, the developer (Meriton) undertook remediation of the site and basic works comprising turfing, footpaths and some planting. The park has since been dedicated to Council as a public asset with further improvement works sought to create a desirable park which will function as a place of respite, passive recreation and play within a dense urban setting. The park will compliment a range of recently constructed and proposed public open spaces in the locality.



Figure 1. Proposed works

Source: Gallagher Studio's Plans

1.2 Scope of this Review of Environmental Factors

This *Review of Environmental Factors (REF)* has been prepared by Mecone NSW Pty Ltd on behalf of the City of Sydney Council (the City). For the purposes of the proposal, the City of Sydney Council is the 'proponent' and the 'determining authority' under Part 5 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**).

This REF assesses the potential environmental impacts associated with the construction and operation of the North Roseberry Park (the '**proposal**') and identifies safeguards that avoid or minimise potential impacts.

This REF ensures that the environmental legislative requirements have been addressed in accordance with Part 5 of the EP&A Act. The description of the proposal and its associated environmental impacts have also been undertaken in context of Clause 228 of the *Environmental Planning and Assessment Regulation 2000 (EPA Regulation)*. In doing so, the REF helps to fulfil the requirements of Section 5.5 of the EP&A Act, that the City examines and takes into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of the activity.

The proposed design in this REF is indicative and based on the latest concept design at the time of writing this document (29 October 2021), and therefore the final design may be subject to change based on detailed design and/or construction planning. Should design or construction methodology described in this assessment vary significantly, a supplementary environmental assessment must be prepared for the amended components. An addendum would not be required if the scope:

- Remains within the study area of the REF and has no net additional environmental impact; or
- Is outside the study area of the REF but reduces the overall environmental impact of the proposal, as per Section 5.4 of the EP&A Act;

Changes to the proposal outside the scope of this REF can only occur unless a new REF is prepared:

- To reduce impacts to biodiversity, heritage or human amenity; or
- To avoid engineering (for example, geological or topographical), constraints; and
- After consultation with any potentially affected landowners and relevant agencies.

The Delivery Contractor would be required to demonstrate in writing how any changes meet these requirements, and the City of Sydney Council Project Manager would review the request, in consultation with the environmental and communication representatives.

1.3 Proponent and determining Authority

Pursuant to and within the meaning of Clause 1.4(1) and 5.1 of the EP&A Act, the City is a 'public authority' for the purpose of being a 'determining authority', but is only where development is permitted without consent by *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)*.

Therefore, for the purposes of the proposed development, the City is both the 'proponent' and 'determining authority' for the prescribed activities.

1.4 Proposal Identification

The preliminary concept design was prepared by JILA Landscape Architects in 2016 where they aimed to develop a unique high-quality public space for North Rosebery. The design provided an exciting destination point for active and passive recreation, play, native habitat and community uses, suitable for higher density urban living.

In 2019, the developer of the site, Meriton, then undertook remediation of the site and basic works such as turfing, footpath and planting.

New plans have now been prepared by Gallagher Studio in order to review and evolve the early concepts in response to Indigenous community input, and to provide simple, robust and cost-effective solutions to improve the North Rosebery Park subject to this application.

The City is committed to respectfully promoting cultural knowledge and understanding. As such, the City has undertaken engagement with local Indigenous community groups to inform the design outcomes for the site. This engagement process aims to recognise the City's Indigenous heritage, celebrate Aboriginal and Torres Strait Islander cultures in the public domain, and enrich local knowledge about the cultural landscape.

Further to the above, the City has undertaken engagement with the community from 5 March to 6 April 2021. Feedback from the community was sought on the concept plans and naming proposals for the park. Consultation on the plan provided an opportunity for stakeholders and the community to review and comment on the design and proposed names. Consultation activities included online engagement, a pop-up stall in the park, a letter to residents and project signage at the park.

1.5 Project Team

The project team is shown in the table below:

Table 1 – Project team	
Area	Consultant
Landscape	<i>Gallagher Studio</i>
Aboriginal Community Engagement Narratives Report	<i>Old Ways, New</i>
Access Review	<i>Morris Goding Access Consulting</i>
Play Certifier	<i>Kidsafe NSW</i>
Urban Planning Assessment	<i>Mecone NSW Pty Limited</i>

This report is accompanied by a number of supplementary reports included as appendices as follows;

- **Appendix 1.** Landscape Plan
- **Appendix 2.** Aboriginal Community Engagement Narratives Report
- **Appendix 3.** NSW EPA Site Audit Statement
- **Appendix 4.** Access Review

1.6 Environmental Assessment and Approvals Process

The EP&A Act provides the statutory planning context for environmental assessment of the proposed works.

Under Clause 65 of the Infrastructure SEPP, the proposed works would be undertaken by the City on the land for the purposes of 'parks and other public reserves' which is under the control of Council and therefore may be carried out without development consent and is eligible to be assessed as an 'activity' in accordance with Part 5 of the EP&A Act.

Section 5.5 of the EP&A Act states that the determining authority (in this case the City) must "examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity". Refer to **Section 4** of the REF for detailed discussion.

2 Subject Site

2.1 Site Location and Context

The subject site is located on the corner of Crewe Place and Rosebery Avenue, Rosebery and is legally referred to as 3081/DP1232047. The lot is rectangular in shape and is identified with the green line in Figure 1 below. The site is approximately 5,750 sqm in area and forms part of the Green Square Urban renewal area.

The subject site is located within the *B4 Mixed Use* zone under *Sydney Local Environmental Plan 2012 (SLEP 2012)* and is surrounded by six and seven storey residential apartment buildings.

The proposal will create an improved public open space in the locality and will respond to the needs of the residents, workers and visitors.

Currently, the site contains large turfing, footpaths and planting as well as established trees along the footpath.



Figure 2. Site Aerial Map

Source: *Landscape Plans – Gallagher Studio*

2.2 Site Descriptions

The following table provides an overview of the site and its surrounds.

Table 2 – Site Description	
Item	Detail
Legal Description	3081/DP1232047
Geographical Coordinates	Lat: -33.91310 Long: 151.21192
Total Area	5,750 sqm
Street Frontage	Approx. 10m to Rosebery Avenue, Crewe Place and Confectioners Way.
Site Description	The subject site contains a flat rectangular topography where it is currently all turfed. Footpaths, plantings and established trees are located around the park.
Surrounding Context	The subject site is located in the mixed use zone under SLEP. It is surrounded by mainly residential apartments of medium density to each four side of the site.

3 Project Description

3.1 Project Overview

The City invited tenders to provide Head Design Consultancy Services to undertake all necessary design services for North Rosebery Park Upgrade.

The work comprises the upgrade of North Rosebery Park to improve the quality and amenity of the current park character in order to follow these objectives:

- *create active and engaging spaces that respond to the site, context and place;*
- *ensure all existing significant trees are protected with landscape and tree amenity enhanced;*
- *develop inclusive and universally accessible spaces;*
- *maximise a range of flexible spaces for various recreation opportunities and everyday uses;*
- *integrate with adjacent development site streets, access requirements and through site links;*
- *respond to the precincts-built form interface, site hydrology, street hierarchy and surrounding material palettes;*
- *foster community participation and understanding of the local environment, including influences from the past occupants of the site, natural history and landforms, past uses, location and climate;*
- *contribute to the social and physical well-being of residents, workers and visitors; and*
- *create public spaces that are flexible, adaptive and positively address environmental performance and sustainability.*

3.2 Detailed Description of Works

Gallagher Studio have provided the new concept design for the proposed works in response to the City's requirements. The relevant landscape plans prepared by Gallagher Studio are found at **Appendix 1**. The following should be read in conjunction with the plans that accompanies this report.

3.2.1 Design Influence

Prior to describing the proposed works, it is considered relevant to detail how the landscape design has been influenced and informed through the Connecting to Country design principles and engagement with the Indigenous community. These findings are detailed in the Narrative Report prepared by Old Ways, New at **Appendix 2**.

This process has allowed the cultural themes and principles provided by Indigenous Custodians and knowledge holders to be considered in the design development and evolution of the park. As a result the landscape approach has adopted the following themes:

- **Sand Dune Ridge:** The park has been designed to incorporate the natural sand and sandstone landscaped to reflect the expansive, now largely hidden dune

system, which would have dominated the area, extending from Botany Bay in the south, north toward Sydney Harbour, and east towards the Pacific Ocean.

- **Movement:** As the dune ridge is a place of movement, the park has been designed to reaffirm a place where people pass through and meet daily and captured the idea of change and movement through structure and selection of trees and plants.
- **Nesting:** The precinct would have been extensively covered with Eastern Suburbs Banksia Scrub. This vegetation is an endangered ecological community in NSW and has largely disappeared from the area. The design however reinterprets the idea of nesting as a place for rest and respite for animals and people. The design creates a series of endemic gardens, with flowering species providing habitat for native birds. The elevated plant structures, nestled in the trees and constructed with timber and rope evoke the idea of bird nests and nets. Clusters of seating within the gardens and under shade trees provide places for shelter and protection.

3.2.2 Landscape Design

As aforementioned, the proposed works at the North Rosebery Park, comprise a design approach centered around the sand ridge, movement and nesting.

The park has been designed as follows:

- Zone A: Dune Garden – 6 Plants per 1m²
- Zone B: Garden Edge – 6 Plants per 1m²
- Zone C: Rain Garden – 6 Plants per 1m²
- Zone E: Turf

The proposed works include the following:

- Incorporation of the ridge terrace to create a threshold space between the street, apartments and park
- Planting of new native plantings areas dispersed throughout the ridge terrace
- Incorporation of native gardens and crushed sandstone
- New pockets of play and seating in concentrated zones, set within planting
- New play elements for children
- New play themes of exploration, climbing, nesting and seasonality
- New gathering spaces
- Microclimate benefits where shade areas are included and sun to lawn zones
- New design that identifies the ecological character and place
- Park lighting pole around the park area
- New cycle racks
- New benches and picnic tables



Figure 3. North Rosebery Park – Concept Design

Source: Gallagher Studio's Plans

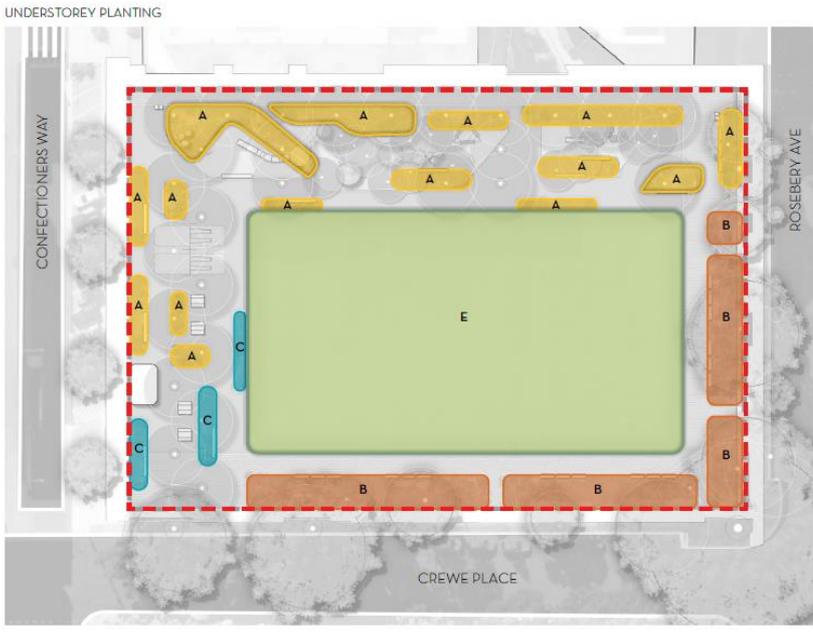


Figure 4. North Rosebery Park – Structure Plan

Source: Gallagher Studio's Plans

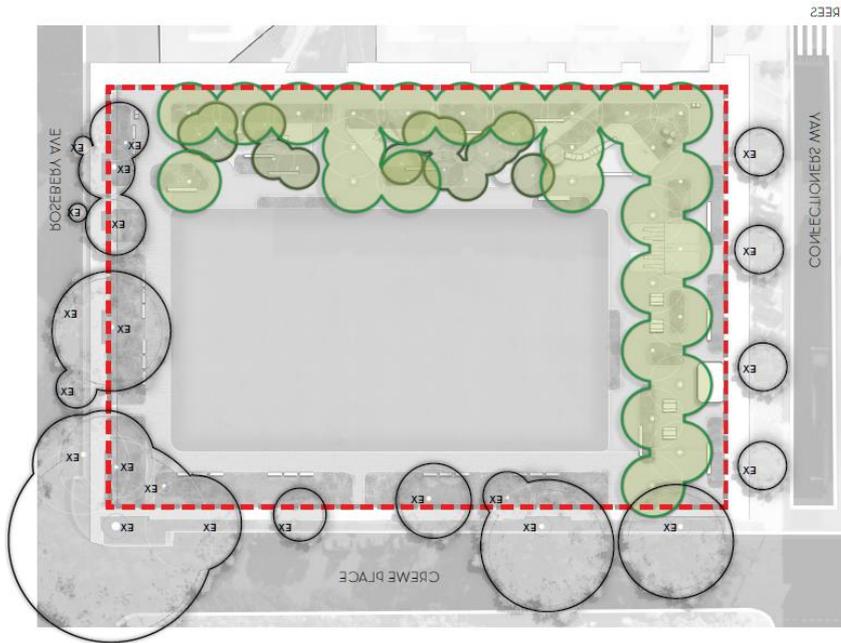


Figure 5. North Rosebery Park – Tree Types

Source: Gallagher Studio's Plans

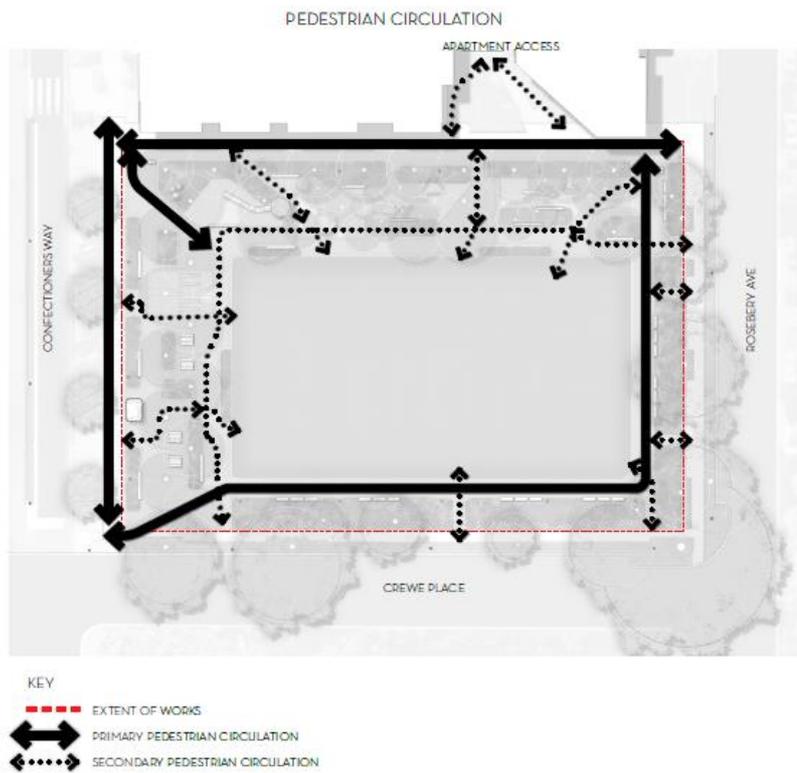


Figure 6. North Rosebery Park – Pedestrian Circulation

Source: Gallagher Studio's Plans

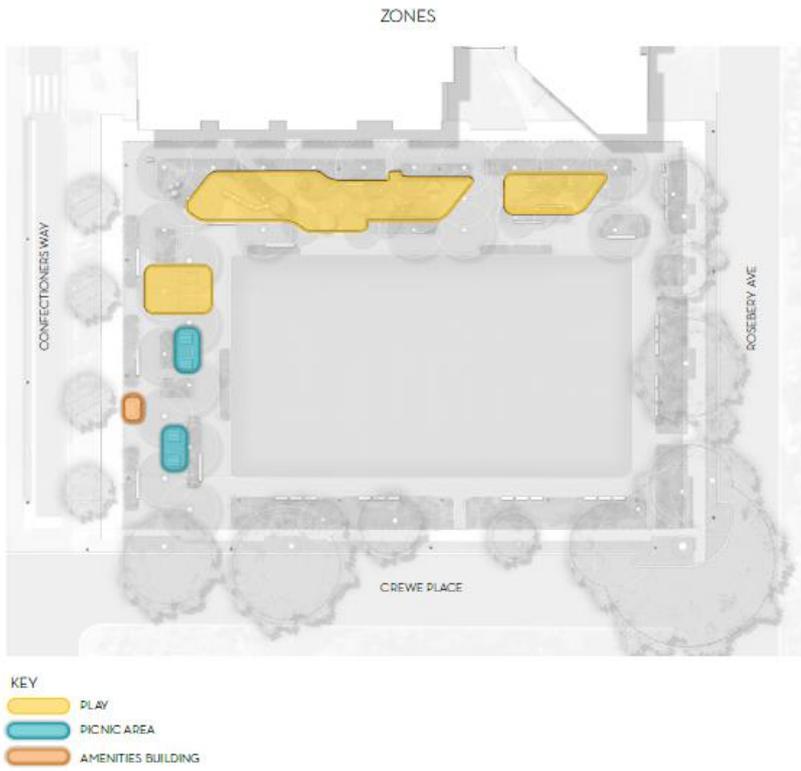


Figure 7. North Rosebery Park - Zones

Source: Gallagher Studio's Plans

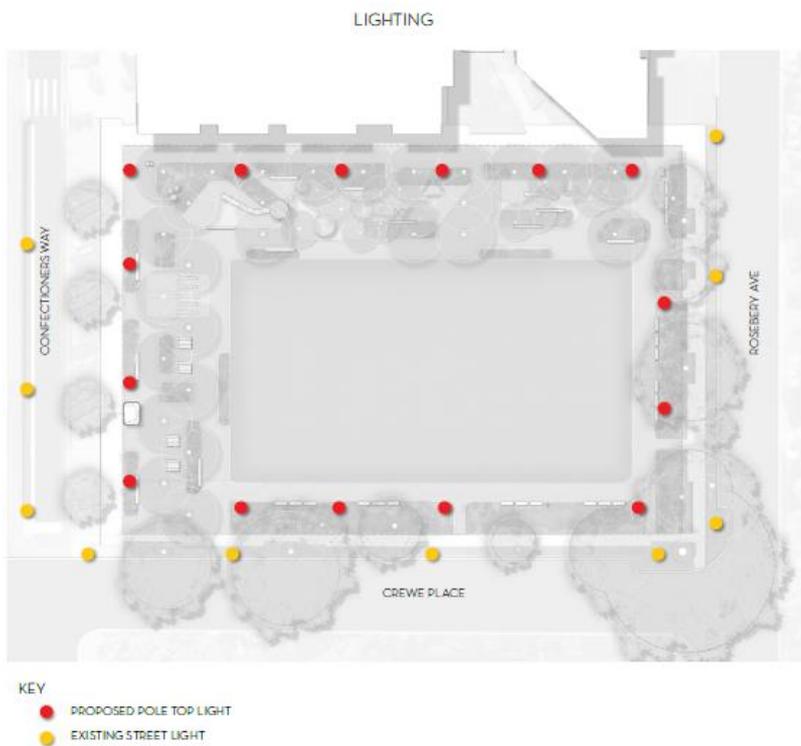


Figure 8 North Rosebery Park - Lightning

Source: Gallagher Studio's Plans

3.2.3 Design Principles

The proposed landscape design has been prepared with consideration of the following design excellence principles:

- Contextual, local and of its place (relevant and resonant with local character, heritage and communal aspirations);
- Sustainable, efficient and durable (meet high standards and create functional, liveable design);
- Equitable, inclusive and diverse (address social and economic inequity and create engaging places);
- Enjoyable, safe and comfortable (encourage usage to create vibrant public space);
- Functional, responsive and fit for purpose (reflect a considered, tailored and adaptive response to the requirements of the space to meet usage demands);
- Value-creating and cost effective (generate ongoing value and reduce costs over time); and
- Distinctive, visually interesting and appealing (convey quality, character and community identity).

4 Legislation and Planning Framework

This section of the report provides an overview of the relevant development assessment frameworks and application environmental planning instruments applicable to the project and subject site.

This includes the following:

- Environmental Protection and Biodiversity Conservation Act 1999;
- Native Title Act 1993;
- Environmental Planning & Assessment Act 1979;
- Biodiversity Conservation Act 2016;
- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
- State Environmental Planning Policy 55 – Remediation of Land;
- Sydney Local Environmental Plan 2012; and
- Sydney Development Control Plan 2012.

4.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (**EPBC Act**) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, defined in the EPBC Act as 'matters of National Environmental Significance (**NES**)'.

A referral to the Australian Government is required under the EPBC Act for actions that have the potential to have a significant impact on matters of NES or the environment of Commonwealth land. The proposed works do not have the potential to have significant impact on matters of NES or the environment of Commonwealth and therefore, referral is not required.

4.2 Native Title Act 1993

The *Native Title Act 1993* provides for the recognition and protection of Native Title. Native Title refers to the recognition that Indigenous people, through their traditional laws and customs, continue to hold rights to their land with the exception of land where Native Title has been previously 'extinguished' by previous Acts.

Where a Native Title claimant application is made with the National Native Title Tribunal, the Federal Court or High Court of Australia make a determination of whether native title does or does not exist in relation to the claim. A search of the National Native Title Tribunal did not identify any Native Title Claims within the proposal area.

4.3 Environmental Planning & Assessment Act 1979

The EP&A Act is the primary piece of legislation regulating land use planning and development assessment in NSW and outlines the planning approval pathway and environmental impact assessment requirements for the proposal. This proposal is subject to the environmental impact assessment and planning approval requirements of Part 5 of the EP&A Act.

Part 5 of the EP&A Act specifies the environmental impact assessment for activities undertaken by public authorities, such as the City of Sydney Council, which do not require development consent under Part 4 of the Act. It also provides for the making of the Environmental Planning Instruments, including the Infrastructure SEPP, which defines the permissibility of the proposed development.

Under Division 5.1, Clause 5.5 and 5.6 of the EP&A Act, the City as the 'proponent' and 'determining authority', must examine and take into account the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposal.

Clause 228(2) of the EP&A Regulation outlines the factors which must be considered when determining if an activity assessed under Part 5 of the EP&A Act would have a significant impact on the environment. Refer to **Section 6** and **7** of this REF for detailed discussion on the environmental impact assessment of the proposal and specifically Section 7.1 for the response to the factors for consideration under Clause 228.

4.4 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016 (BC Act)* protects threatened species, endangered ecological communities (**EECs**), and areas of outstanding biological value.

The proposal would mostly involve the protection and retention of most vegetation within the proposal site. It is considered that the turf and vegetation to be removed on site would be replaced with modern additions to improve the site by providing additional urban design infrastructure and native species.

4.5 State Environmental Planning Policies

4.5.1 State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State through increased regulatory certainty, improved efficiency and flexibility in the location of infrastructure and service facilities, whilst still providing adequate stakeholder consultation. It is the key environmental planning instrument which determines the permissibility of the proposal. Additionally, the ISEPP succeeds all other environmental planning instruments, including the *Sydney Local Environmental Plan 2012*.

Division 12, Clause 65 'Development permitted without consent' of Part 3 of the ISEPP permits the following developments to 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:

5.7 Decision of determining authority in relation to certain activities (EP&A Act)

65 Development permitted without consent

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

(a) development for any of the following purposes—

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

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

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

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

...

Clause 65(3) of the Infrastructure SEPP permits development by or on behalf of a public authority (Council) on any land for the purposes of 'parks and other public reserves' to be carried out without development consent.

The proposed works for the North Rosebery Park is within the scope of Clause 65. Such works can be undertaken by the City on a public reserve under the control of Council and may be carried out without consent. The proposal is therefore eligible to be assessed as an 'activity' in accordance with Part 5 of the EP&A Act.

Additionally, the proposal is not located on land reserved under the *National Parks and Wildlife Act 1974* and does not affect land or development regulated by *State Environmental Planning Policy (Coastal Management) 2018*, *State Environmental Planning Policy (State and Regional Development) 2011* or *State Environmental Planning Policy (Major Development) 2005*.

Part 2 of the Infrastructure SEPP details the provisions for community consultation prior to the commencement of certain types of development. Refer to **Section 5** of the REF on detailed discussion of the consultation undertaken in alignment with the Infrastructure SEPP.

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

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (**Vegetation SEPP**) aims to protect the biodiversity values of trees and other vegetation in non-rural areas of NSW and preserve the amenity of non-rural areas through the preservation of vegetation. The Vegetation SEPP applies to land within the City of Sydney LGA as well as land zoned *RE1 Public Recreation* and *B4 Mixed Use*.

Under Clause 8 of the Vegetation SEPP, clearing of vegetation is authorised under section 60O of the *Local Land Services Act 2013*, where clearing is authorised when carried out by a determining authority within the provisions of Part 5 of the EP&A Act.

All existing trees and vegetation on site are to be protected and retained as shown on the landscape plans.

4.5.3 State Environmental Planning Policy 55 – Remediation of Land

The aim of *State Environmental Planning Policy No. 55 (SEPP 55)* is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. In accordance with Section 7(1) of SEPP55, a consent authority must not consent to the carrying out of development on land unless:

- “(a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose”.

The proposed works do not change the current use of the site as a public park and area of recreation. The application is supported by a *Site Audit Statement (EPA)* prepared by *Zoic Environmental Pty Ltd* Refer to **Section 6** of the REF for detailed discussion.

4.6 Local Environmental Plans

4.6.1 Sydney Local Environmental Plan 2012

Sydney Local Environmental Plan 2012 (SLEP 2012) is the primary local planning instrument applying to the site.

The subject site is within the *B4 Mixed Use* zone which enables and preserves land to be used for public open space and recreational purposes to facilitate public enjoyment of these areas.

The proposed works are classified as permitted with consent. However, as these works would be undertaken by a public authority (the City), they are considered permitted without consent under the Infrastructure SEPP (refer to Section 4.5.1 for detailed discussion) and therefore development consent under the SLEP2012 is not required.

For completeness, the table below provides a summary of the key development standards under the SLEP2012.

Table 3 – Sydney Local Environmental Plan 2012	
Item	
<i>Part 2 – Permitted or prohibited development</i>	The land is identified as B4 – Mixed Use . Recreational facilities (outdoor) are permitted in this zone as they are not listed as prohibited.
<i>Clause 4.3 – Height of Buildings</i>	The site mapping specifies a maximum permissible height ranging from 3m, 22m and 24m
<i>Clause 4.4 – Floor Space Ratio</i>	The site mapping specifies a maximum Floor Space Ratio of 1:1.
<i>Clause 5.10 – Heritage Conservation</i>	The site does not sit within a heritage area nor does it contain any heritage items. A Preliminary Heritage Assessment has therefore not been prepared.

Table 3 – Sydney Local Environmental Plan 2012

<p>Clause 7.14 – Acid Sulfate Soils</p>	<p>The site is mapped as having the following class of acid sulphate soils:</p> <p>Class 5 - works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m AHD and by which the water table is likely to be lowered below 1m AHD on adjacent Class 1, 2, 3 or 4 lands.</p> <p>No works will occur below the 1m natural ground level and no works will alter the water table.</p>
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4.7 Development Control Plans

4.7.1 Sydney Development Control Plan 2012

The Sydney Development Control Plan 2012 (**SDCP 2012**) is the primary Development Control Plan that applies to the sites and sets out the core controls for the sites.

Though the proposed development is not technically subject to the requirements of the SDCP2012, the table below provides a brief assessment of the development's compliance with the SDCP2012.

Table 4 – Assessment against SDCP 2012

Clause	Provision	Assessment
Part 3.1 - Public Domain Elements		
<p>3.1.1 Streets, lanes and footpaths</p>	<p>3.1.1.1 General</p> <p>(1) <i>New streets, lanes and footpaths are to be constructed in accordance with the Sydney Streets Design Code.</i></p> <p>(2) <i>Where new streets and lanes are required by Council, they are to be provided in the locations identified in the Proposed streets and lanes map.</i></p> <p>(3) <i>Street trees are to be provided in accordance with the Street Tree Master Plan.</i></p> <p>(4) <i>Street furniture is to be consistent with the Sydney Streets Design Code and relevant Council public domain plans.</i></p> <p>3.1.1.4 Footpaths</p> <p>(1) <i>Footpaths are to be designed:</i></p> <p style="padding-left: 20px;">(a) <i>in accordance with the Sydney Streets Design Code;</i></p> <p style="padding-left: 20px;">(b) <i>so that pedestrians, regardless of mobility impairments, are able to move comfortably and safely; and</i></p> <p style="padding-left: 20px;">(c) <i>to allow planting, including trees consistent with the Street Tree Masterplan.</i></p>	<p>Complies</p> <p>The proposed works include the upgrade of and construction of new footpaths within the sites. All footpaths are able to be constructed in accordance with Sydney Streets Design Code.</p> <p>All furniture will be in accordance with the Sydney Streets Design Code.</p>

Table 4 – Assessment against SDCP 2012

	<p>(2) Streets are to include footpath extensions at corners, pedestrian refuges and mid-block zebra crossings on raised thresholds, where appropriate.</p> <p>(3) The Council may require a different design treatment for certain streets and footpaths.</p>	
<p>3.1.4 Public open space</p>	<p>(1) Public open space is to be provided and designed in accordance with the Public open space map and in Schedule 5 Public open space dedication and design criteria.</p> <p>(2) Public open space is to accommodate a range of uses that meet the needs of the present and future residents and workers population of the City.</p> <p>(3) In relation to parks (i.e. non-linear public open space):</p> <p>(a) 50% of the total area is to receive sunlight for 4 hours from 9am to 3pm on 21 June;</p> <p>(b) protection from direct sun is to be available on 21 December for a minimum of 20% of the area used for passive recreation; and</p> <p>(c) protection from strong winds is to be provided, where practicable.</p> <p>(4) Landscape design is to be high quality and create interest and character through measures such as indigenous tree species, well integrated public art, pavement design and other appropriate elements to the satisfaction of the consent authority.</p> <p>(5) Public open space is to include native vegetation that connects native fauna habitat corridors to major open spaces and water bodies.</p> <p>(6) Public open space is to be primarily soft landscaping except for civic spaces, pathways and small areas ancillary to activity areas (recreational, retail or commercial).</p> <p>(7) Public open space is to provide for deep soil planting and must not have car parking or access located underneath.</p> <p>(8) Public open space is to be irrigated with recycled water or harvested rainwater sources wherever possible.</p> <p>(9) The design of public open space is to include native drought-tolerant plants and grasses and sub-surface drip irrigation systems controlled by timers using soil moisture or rainfall sensors.</p> <p>(10) Pervious paving is to be generally used for low traffic and pedestrian areas.</p> <p>(11) Landscape design is to be compatible with flood risk. Dense planting, fences and walls are not to be located within a floodway.</p>	<p>Complies</p> <p>The public open space accommodates a range of uses within the parks. The works are compliant with the solar access requirements.</p> <p>All landscape designs are of high quality and create interest and character and integrate interpretation of Aboriginal themes.</p> <p>The proposed park upgrade works include the integration of indigenous vegetation species and will comprise predominantly of soft landscaping.</p> <p>Some of the existing paving will be retained and use for pedestrian areas.</p> <p>The park is proposing shade areas and sun to most lawn zones.</p>

Table 4 – Assessment against SDCP 2012

	<p>(12) Landscaping, plant species and structures such as walls are to be designed and constructed to withstand temporary flood inundation.</p> <p>(13) Dedicated children's playgrounds are to be fenced to the satisfaction of the consent authority.</p> <p>(14) Public spaces are to have clearly defined pedestrian entries and movement routes, appropriate seating, and zones for activities that are clearly defined and encourage use.</p> <p>(15) Public open space is to be accessible from a variety of points within the wider public domain and located along major existing or proposed pedestrian and cycleways throughout the area.</p> <p>(16) Where land use zoning permits, buildings that directly adjoin public open space are to contain predominantly active uses for the full extent of the ground floor (where practicable). Refer to Section 3.2.3 Active frontages for more details.</p> <p>(17) Public open space is to be designed to be safe and secure for all users by providing:</p> <ul style="list-style-type: none"> (a) open sightlines and landscaping that allows high levels of public surveillance; (b) a clear distinction between private and public open space; (c) lighting in accordance with Council's Lighting Design Code and designs out any potential 'hiding spots'; and (d) legible entrances to encourage public use of the open space. 	
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Part 3.2 - Defining the Public Domain

<p>3.2.1 Improving the public domain</p>	<p>3.2.1.1 Sunlight to publicly accessible spaces</p> <p>(1) Overshadowing effects of new buildings on publicly accessible open space are to be minimised between the hours of 9am to 3pm on 21 June.</p> <p>(2) Shadow diagrams are to be submitted with the development application and indicate the existing condition and proposed shadows at 9am, 12 noon and 2pm on 14 April and 21 June. If required, the consent authority may request additional detail to assess the overshadowing impacts.</p> <p>3.2.1.2 Public views</p> <p>(1) Buildings are not to impede views from the public domain to highly utilized public places, parks, Sydney Harbour, Alexandra Canal, heritage buildings and monuments including public statues, sculptures and art.</p> <p>(2) Development is to improve public views to parks, Sydney Harbour, Alexandra Canal, heritage</p>	<p>Sunlight</p> <p>The proposed works do not involve the construction of large built form structures. The proposed landscaped elements will maintain compliant solar access to the neighbouring properties and on site whilst creating pockets of shade for park users. Design utilises shadows cast by apartment buildings in order to still provide shade to playground areas whilst trees establish.</p>
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Table 4 – Assessment against SDCP 2012

	<p><i>buildings and monuments by using buildings to frame views. Low level views of the sky along streets and from locations in parks are to be maintained.</i></p>	<p>Public Views</p> <p>The proposed works are not considered to impede or impact views to key public spaces. The proposed landscaping will improve sight lines to the parks.</p>
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Part 3.5 – Urban Ecology

<p>3.5.1 <i>Biodiversity</i></p>	<p>(1) Development is to be consistent with the Street Tree Master Plan, Park Tree Management Plans and the Landscape Code.</p> <p>(2) Existing habitat features including cliff lines, rocky outcrops, waterbodies, trees, shrubs and groundcover vegetation are to be retained.</p> <p>(3) New habitat features including trees, shrubs and groundcover vegetation, waterbodies, rockeries and green roofs and walls are to be included, wherever possible.</p> <p>(4) Link and enhance existing and potential biodiversity corridors wherever possible.</p> <p>(5) Landscaping is to comprise a mix of locally indigenous tree, shrub and groundcover species as outlined in City's Landscape Code. Where this is not possible it is preferred that plants native to Australia are used.</p> <p>(6) Shrubs are to be densely planted and trees are to be well-spaced, as outlined in the City's Landscape Code.</p>	<p>Complies</p> <p>The site contains no significant biodiversity. The proposed works will include the retention of the viable trees and vegetation on site.</p> <p>Removal of some and replanting of new native species. The selection of species will include local indigenous trees, shrubs, grasses etc.</p>
<p>3.5.2 <i>Urban Vegetation</i></p>	<p>(1) Development applications are to include a Landscape Plan, except where they are for single dwellings, terraces and dual occupancies.</p> <p>(2) Provide at least 15% canopy coverage of a site within 10 years from the completion of development.</p> <p>(3) Appropriate plant species are to be selected for the site conditions with consideration given to trees providing shade in summer and allowing sunlight in winter, or to provide habitat. Appropriate tree species include any tree (excluding noxious weed trees) that are not prone to drop fruit, seedpods, gumnuts, branches, sap and or bark.</p> <p>(4) Locally indigenous species are to be used where possible and in accordance with the City's Landscape Code.</p> <p>(5) Understorey plantings comprising locally-indigenous shrubs and groundcovers are encouraged.</p>	<p>Not Applicable</p> <p>The REF is supported by Landscape Plans.</p>

Table 4 – Assessment against SDCP 2012

	<p>(6) Provide soft landscaping between 1.5m and 3m in plan depth to the perimeter of ground level car parking areas to screen the car parking area from the street and integrate with streetscape planting.</p> <p>(7) One tree per 4 car spaces is to be provided within ground level parking areas in addition to perimeter planting. This planting is to:</p> <ul style="list-style-type: none"> (a) be planted in bays with a minimum dimension of 2m and soil depth of 1m unencumbered deep soil. The bays are to be provided with a raised kerb barrier and native ground cover planting; (b) be planted in soil with a suitable rooting volume for the required number of trees; (c) use trees that develop a clean trunk height greater than 4.5m and a crown canopy of at least 50sqm to provide adequate shade and vehicle clearance; (d) improve pedestrian amenity; (e) not to hinder the visibility of either drivers or pedestrians, with open sightlines maintained between parking areas, public streets and paths; (f) not conflict with lighting and services; and (g) break up large areas of impervious surfaces. <p>(8) Car parking areas and access aisles should be designed, surfaced and graded to reduce run-off, allow stormwater to be controlled within the site, and provide for natural infiltration of stormwater runoff through landscaping.</p>	
Part 3.9 – Heritage		
<p>3.9.1 Heritage Impact Statements</p>	<p>(1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting:</p> <ul style="list-style-type: none"> (a) heritage items identified in the Sydney LEP 2012; or (b) properties within a Heritage Conservation Area identified in Sydney LEP 2012 	<p>Not Applicable</p> <p>The site is not located within a heritage conservation area nor does it contain any heritage items. The proposed development does not affect a heritage item.</p>
Part 3.14 – Waste		
<p>3.14.1 Waste Management Plans</p>	<p>(1) A waste management plan is to be submitted with the Development Application and will be used to assess and monitor the waste management process within a development. The waste management plan is to be consistent with</p>	<p>Complies</p> <p>All waste will be disposed of in accordance with the respective Environmental Reports.</p>

Table 4 – Assessment against SDCP 2012

	the City of Sydney Policy for Waste Minimisation in New Developments 2005.	
3.14.2 <i>Construction and demolition waste</i>	<p>(1) The waste management plan is to address construction and demolition waste and include:</p> <p>(a) details regarding how waste is to be minimised within a development;</p> <p>(b) estimations of quantities and types of materials to be re-used or left over for removal from the site;</p> <p>(c) details regarding the types of waste and likely quantities of waste to be produced;</p> <p>(d) a site plan showing storage areas away from public access for reusable materials and recyclables during demolition and construction and the vehicle access to these areas;</p> <p>(e) details of reusing or recycling methods for waste either on-site or off-site;</p> <p>(f) targets for recycling and reuse;</p> <p>(g) nomination of the person responsible for ensuring targets are met and the person responsible for retaining waste dockets from facilities appropriately licensed to receive the development's construction and demolition waste;</p> <p>(h) confirmation that all waste going to landfill is not recyclable or hazardous; and (i) measures to reuse or recycle at least 80% of construction and demolition waste, either on site or diverted for reuse and recycling with receipts sufficient to demonstrate the target will be achieved.</p>	<p>Complies</p> <p>All waste will be disposed of in accordance with the respective Environmental Reports.</p>
3.17 - Contamination		
3.17.1	Each development application is to include information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination.	<p>Complies</p> <p>The proposal is accompanied by a Site Audit Statement (Appendix 3) which identifies the site as being suitable for the proposal.</p>

4.8 Other NSW Legislation and regulations relevant to the proposal

Other NSW legislation and regulations relevant to the proposal, and any permits or approvals required for the construction and operation of the proposal, are described below.

4.8.1 National Parks and Wildlife Act 1974

The objectives of the *National Parks and Wildlife Act 1974* aim to:

- Conserve nature, including habitat, ecosystems and ecosystem processes, biological diversity at the community, species and genetic levels, and landforms of significance, including geological features and processes, and landscapes and natural features of significance including wilderness and wild rivers;
- Conserve objects, places or features (including biological diversity) of cultural value within the landscape; and
- Foster public appreciation, understanding and enjoyment of nature and cultural heritage and their conservation.

The objectives of the Act are to be achieved by applying the principles of ecologically sustainable development.

The impacts of the project on native flora and fauna are covered in **Section 6.12** of this report. In short, the impacts on native flora and fauna are nil.

4.8.2 Heritage Act 1977

The objectives of the *Heritage Act 1977* aim to:

- *To promote an understanding of the State's heritage,*
- *To encourage the conservation of the State's heritage,*
- *To provide for the identification and registration of items of State heritage significance,*
- *To provide for the interim protection of items of State heritage significance,*
- *To encourage the adaptive reuse of items of State heritage significance,*
- *To constitute the Heritage Council of New South Wales and confer on it functions relating to the State's heritage,*
- *To assist owners with the conservation of items of State heritage significance.*

In summary, the subject property is not listed on the State Heritage Register and therefore, a heritage impact statement has not been prepared for this application.

4.8.3 Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997 (POEO Act)* aims:

- *To protect, restore and enhance the quality of the environment in New South Wales, having regard to the need to maintain ecologically sustainable development,*
- *To provide increased opportunities for public involvement and participation in environment protection,*
- *To ensure that the community has access to relevant and meaningful information about pollution,*
- *To reduce risks to human health and prevent the degradation of the environment by the use of mechanisms that promote the following—*
 - *Pollution prevention and cleaner production,*
 - *The reduction to harmless levels of the discharge of substances likely to cause harm to the environment,*

- *The elimination of harmful wastes,*
- *The reduction in the use of materials and the re-use, recovery or recycling of materials,*
- *The making of progressive environmental improvements, including the reduction of pollution at source,*
- *The monitoring and reporting of environmental quality on a regular basis,*
- *To rationalise, simplify and strengthen the regulatory framework for environment protection,*
- *To improve the efficiency of administration of the environment protection legislation,*
- *To assist in the achievement of the objectives of the Waste Avoidance and Resource Recovery Act 2001.*

Clause 43 of the POEO Act authorises issuance of environment protection licenses for certain scheduled activities (under Schedule 1). The proposed upgrade to plans and associated works are not named as a 'scheduled activity' in the POEO Act, so no environment protection license is sought.

4.8.4 Roads Act 1993

The Roads Act 1993 aims:

- *To set out the rights of members of the public to pass along public roads, and*
- *To set out the rights of persons who own land adjoining a public road to have access to the public road, and*
- *To establish the procedures for the opening and closing of a public road, and*
- *To provide for the classification of roads, and*
- *To provide for the declaration of RMS and other public authorities as roads authorities for both classified and unclassified roads, and*
- *To confer certain functions (in particular, the function of carrying out road work) on RMS and on other roads authorities, and*
- *To provide for the distribution of the functions conferred by this Act between RMS and other roads authorities, and*
- *To regulate the carrying out of various activities on public roads.*

Section 138 of the Roads Act 1993 prohibits a number of activities, such as conducting work in, on or over a public road, unless consent has been obtained from the appropriate roads authority. No work is proposed in, on or over a public road and as such, no consent is required from the appropriate roads authority.

5 Stakeholder and Community Consultation

5.1 Consultation Requirements under the Infrastructure SEPP

Part 2, Division 1 of the ISEPP outlines the requirements for consultation with public authorities and other State agencies prior to the commencement of certain types of development. As the proposed works would be undertaken by the City, formal consultation requirements specified by Division 1 are not applicable.

5.2 Consultation to Date

The City is committed to respectfully promoting cultural knowledge and understanding. As such, the City has undertaken engagement with local Indigenous community groups to inform the design outcomes for the site. This engagement process aims to recognise the City's Indigenous heritage, celebrate Aboriginal and Torres Strait Islander cultures in the public domain, and enrich local knowledge about the cultural landscape.

Consultation with Indigenous community groups has been undertaken and a Narratives Report prepared by Old Ways, New produced (**Appendix 2**). The report reflects the Country Centered Design and presents cultural research, the framework and an interpretive strategy as a result of considered engagement with local Indigenous Custodians, community and organisations.

The landscape design has incorporated the findings of the Narratives Report which has informed the current design of the park.

Further to the above, the City has undertaken engagement with the community from 5 March to 6 April 2021. Feedback from the community was sought on the concept plans and naming proposals for the park. Consultation on the plan provided an opportunity for stakeholders and the community to review and comment on the design and proposed names. Consultation activities included online engagement, a pop-up stall in the park, a letter to residents and project signage at the park.

The purpose of the engagement was to:

- gather feedback from stakeholders and the community about the proposals
- determine the level of satisfaction with the revised concept design
- determine the level of satisfaction with the proposed names.

Over 500 pieces of feedback were received during the consultation. Below is a break-down of the feedback received:

- 123 people left a total of 194 comments on our interactive Social Pinpoint map
- 12 naming proposal quick surveys were completed
- 5 park design quick surveys were completed
- 5 email submissions were received
- 80 people (approx.) attended a pop-up in the park

The feedback surrounding the park related primarily to dogs (on-leash or off-leash); sporting provisions; playground equipment; and the naming of the park.

6 Environmental Assessment

6.1 Environmental Contamination

The application is supported by an EPA Site Audit Statement prepared by *Zoic Environmental Pty Ltd* (Zoic) and attached in **Appendix 3**. The investigation sought to assess the contamination status of North Rosebery Park with reference to the proposed works for the upgrade of the whole park.

The scope of works comprised a desktop review of the site history, environmental setting and associated works to manage the proposed investigation to understand if the site is suitable for the proposed park.

6.1.1 Existing Environment

The Survey Plans outlining the site is not deemed to be *asbestos contaminated*. The on-site burial of approx. 3,600m³ of asbestos contaminated fill material below a depth of at least 3m was appropriate to manage potential health risks associated with the asbestos impacted fill material being retained on site.

6.1.2 Impact

Future excavation of the public open space area which would disturb the impacted material is not reasonably foreseeable and the environmental risk posed by the remediated site is negligible. Therefore, an Environmental Management Plan is not warranted.

If the future owner of the property would consider developing the site as a workplace, then the site should be listed on Council's asbestos register to meet WHS regulations.

6.1.3 Mitigation

- Zoic confirm that in response to the investigation, an Environmental Management Plan (EMP) is not required.
- If the land use change in the future, then the site should be reassessed.

6.2 Heritage

6.2.1 Existing Environment

North Rosebery Park forms part of a precinct which is currently light industrial warehouses and offices, undergoing a transformation to residential apartment buildings as part of a Voluntary Planning Agreement (VPA). The proposed park and green link have been included in the VPA.

The established building on site was originally a warehouse which used to form part of the precinct. As part of the VPA, multiple warehouse buildings have been converted into residential buildings, such as the buildings that surround North Rosebery Park.

North Rosebery Park is in the vicinity of heritage items such as the former Wrigley's Factory and the former warehouse National Spring.

The former Wrigley's Factory building faces the Park to the south, located on the corner of Crewe Place and Rosebery Avenue. This heritage item has recently been converted into apartment buildings.

The former warehouse National Spring is located to the north side of the site at 1-3 Rosebery Avenue. This heritage item would be facing the Green Link to the north.

North Rosebery Park:

- Is **not** classified on the Register of the National Trust of Australia (NSW);
- Is **not** individually listed on the *State Heritage Register (SHR)*;
- Is **not** listed on the *State Heritage Inventory (SHI)*; and
- Is **not** listed as a heritage item in Schedule 5, Part 1 of the SLEP2012.

6.2.2 Impact

North Rosebery Park does not have any heritage significance and the proposal will revitalise the site and provide an improved development outcome, an interesting destination for park users and include the interpretation of Indigenous Consultation. The proposed works, due their nature, will not impact on the heritage items located at proximity.

6.2.3 Mitigation

Considering the scale of the likely works and the location of the site, which does not have any heritage significance, no mitigation measures are required due to there being no impacts anticipated.

6.3 Noise and Vibration

6.3.1 Existing Environment

The existing landscape surrounding the proposal site is primarily residential, with a number of residential properties located directly adjacent to the proposal site. The neighborhood is currently a majority of warehouses, offices and commercial buildings which are located within 500m of the site. However, the VPA has an ongoing transformation plan to establish further residential apartments and create this residential precinct around the park.

6.3.2 Impact

The proposal involves the installation of new playground equipment, landscaping and associated works. The construction activities are likely to include excavation and demolition which may generate noise and/or vibration impacts.

During construction, noise would be mitigated where possible. All works and deliveries would be scheduled during the appropriate hours as stipulated by the City with no works to be undertaken on Sunday or public holidays.

Construction activities, such as excavation and tree removal have the potential to exceed the *NSW EPA Noise Policy for Industry (2017)* and subsequently impact on sensitive receivers such as residential properties. It is noted that any such construction activities are considered minimal and will be of a short duration. All reasonable and feasible measures will be implemented to reduce noise impacts during construction.

If any out of hours work is required (such as night works, or delivery of oversize equipment), the will need to approve such works prior commencement.

Low amounts of vibration may be generated during excavation works. These potential vibration impacts are dependent on separation distances, ground surface material, frequencies of vibration and the receiver structure. The proposed construction activities will be of a short duration with minimal and manageable vibration impacts to neighboring properties.

6.3.3 Mitigation

The following mitigation measures may be applied during construction:

- To reduce potential construction noise and vibration impacts as much as feasible, a Construction Noise and Vibration Management Plan will be prepared and included in any future CEMP. This plan will generally follow the Noise Policy for Industry and outlining any measures required to mitigate and manage construction noise and vibration impacts on sensitive receivers as well as a complaints management system/protocol.
- Construction Hours of Work include;
 - 7:30 am to 5:30 pm Mondays to Fridays,
 - 7:30 am to 3:30 pm Saturdays; and
 - No work on Sundays or public holidays.
- All employees, contractors and subcontractors will receive a project induction which explains the project's specific noise mitigation measures, hours of work, delivery and site opening times, any noise limitations, workers parking areas and lay down areas.
- Any associated construction equipment and/or machinery will be maintained (including noise reduction fittings where feasible) and will be turned off when not in use.
- All construction activities, where feasible, will be carried out in alignment with the standard daytime working hours.
- Any rock and/or concrete breaking will be minimised where possible on site.
- All impacted residents and/or industrial properties will be notified in advance of the of the proposed works. These surrounding properties will be issued with details including the type and expected duration of works, expected noise levels and the details of the designated contact person should any issues arise

6.4 Traffic and Access

6.4.1 Existing Environment

The site is located approximately five (5) kilometers south of the Sydney CBD. It is accessed via the Eastern Distributor or Botany Road motorway on both sides of the site. The site is then connected via local roads such as Epsom Road and through Rosebery Avenue. Parking is provided on Rosebery Avenue, Crewe Place and Confectioners Way.

6.4.2 Impact

• **Construction Impacts**

- The proposed construction works will create additional traffic movements related to heavy vehicle movements, construction workforce and parking. These heavy vehicle traffic movements will primarily be associated with the following;
 - Delivery of construction materials;
 - Removal of soil and vegetation;
 - Delivery and removal of construction, machinery and playground equipment; and
 - Movement of construction staff personnel movements and light vehicle traffic generation.
- As the subject site is located in close proximity to bus routes, it is expected that construction staff will utilise public transport and personal vehicles to access the site. It is expected that the on-site construction workers may temporarily impact the availability of on-site parking.
- It is anticipated that any additional construction traffic activities, generated during the construction period will be of low to medium risk with minimal and manageable impacts on the local road network.
- The proposed works will ensure that access to Minogue Reserve (outside of the designated construction area) is maintained during the construction period. It is expected that no impacts to residential property access or pedestrian access will occur as a result of the works.

• **Operational Impacts**

Once completed, the resultant upgrade of works is likely to result in an increase of visitors to North Rosebery Park, especially during the warmer months. Accordingly, some additional traffic is expected during this time, however, this is deemed minimal and manageable with the majority of will accessing the site on foot.

6.4.3 Mitigation

- Ensure the necessary care and maintenance of adjacent property facilities;
- For the duration of the construction works, sufficient closure and/or barricading of the area will be in place to ensure public safety;
- Ensure the safety of road users, pedestrians and construction personnel for the duration of works;
- At least 14 days prior to the commencement of construction works, the adjoining landholders will be notified about the proposed works;
- Consideration of adverse traffic conditions on the road network due to dust; and
- All practical measures will be taken to prevent tracking of soil or materials from the worksite onto public roads. If tracking does occur, the effected roads shall be cleaned accordingly.

6.5 Air Quality

6.5.1 Existing Environment

The air quality within the locality of the subject area is of an urban residential and industrial environment, being in close proximity to key roads such as the Eastern Distributor Motorway and Botany Road. Vehicle emissions and various industries in the wider LGA are identified as the primary contributors to reduced air quality in the area.

A few registered industries listed on the National Pollutant Inventory (NPI) are located within the immediate vicinity of the subject site such as the Spotless Facility Services Rosebery and the Monroe Springs Alexandria. The notable sensitive receivers within the locality comprise of road users, residents, pedestrians, nearby properties, and members of the public who utilise the park.

6.5.2 Impact

The proposed works may result in temporary localised air quality impacts during constructions as a result of ground disturbances, demolition of existing infrastructure and removal of vegetation plant machinery and equipment and therefore may result in temporary localised dust and odour impacts associated with the construction plant, machinery and equipment. It is noted that other construction activities in the vicinity of the subject site would also likely to contribute to dust and airborne matter within the proposal area.

Overall, as the proposal does not include odour-generating operations and the site would be revegetated as per the detailed design, it is considered that any associated dust and odor impacts are unlikely as a result of the proposal and will not result in any long term impacts.

6.5.3 Mitigation

- All vehicles/equipment leaving the construction site will be cleared of soil and dust materials to prevent the spread of dust and particles.
- All vehicles, machine and /or equipment used on site will be installed with suitable emissions control mechanisms that will be maintained to manufacturer standard.
- Access to water sprays or watering trucks can be made available (as required) for the watering down of excavation areas and loading of soil to mitigate the creation of dust.
- Any vehicles which transporting waste, spoil or other fill materials will be covered during transport.
- Any future Construction Environmental Management Plan will implement odour control measures such as plastic sheeting or odour masking agents.
- Where possible, vehicles, plant and equipment will be switched off when not in use.

6.6 Accessibility

The application is supported by an Access Review prepared by Morris Goding Access Consulting (MGAC) which has been commissioned to prepare an Access Review for the park. The review and audit aim to provide appropriate access recommendations to the *AS1428 series, Building Code of Australia (BCA), DDA Access to Premises Standards* (including DDA Access Code) and *Commonwealth Disability Discrimination*

Act (DDA). The report details recommendations and strategies to maximize reasonable provisions of access for people with disabilities.

The assessment indicates that accessibility requirements, pertaining to external site linkages and park areas access can be readily achieved. Minor changes regarding width of pathways are to be considered during the design development stage to ensure appropriate outcomes are achieved.

It is understood that Kidsafe NSE will conduct an assessment of the playground once detailed design is completed.

Please find the Access Review report at **Appendix 4**.

6.7 Social and Visual

6.7.1 Existing Environment

The existing environment of North Rosebery Park consists of a large open public space with landscaped areas. The park currently has turf, native species and planting. These works have recently been undertaken by the Meriton in order to create the preliminary park.

The park currently doesn't have any playground for children or infrastructure. The proposal is suggesting to upgrade the park by providing further infrastructure and enhance the vegetation for the needs of the residents, workers and visitors.



Figure 9: Photograph of the park (currently)

Source: Mecone



Figure 10: Photograph of the park (currently)
Source: Mecone



Figure 11: Photograph of the park (currently)
Source: Mecone



Figure 12: Photograph of the park (currently)

Source: Mecone

6.7.2 Impact

The construction process will result in minor temporary visual impacts associated with construction and any excavation or landscaping works, including signage and hoarding/fencing.

The proposed upgrades, however, will result in permanent visual changes. These changes are expected to result in positive outcomes for the immediate and surrounding area.

Upon completion, the proposal will result in a park comprising both passive and active recreation pursuits. Overall, it is considered that the upgrade will result in a substantially improved development outcome over the site compared to the existing.

6.7.3 Mitigation

- The proposal will be designed in such a manner to ensure the forms, lines, colours, and/or textures of the proposed project elements match those of the surrounding landscape;
- The design and layout of the new infrastructure is to be undertaken to minimise visual impacts;
- Temporary fencing and hoarding will be installed for security and to visually delineate the area of construction; and
- Construction site assets such as equipment, temporary fenceings, barriers and signage will be removed at the completion of construction.

6.8 Socio-Economic Impacts

The project is not anticipated to have any notable negative socio-economic impacts. The proposed upgrade of the park and associated works will improve the amenity and usability of the site. The construction process will involve the temporary closure of the public open space for construction, requiring the general public to utilise other parks and recreational areas within the locality.

6.9 Future Land Use

The proposed work is not anticipated to have any adverse impact on future land uses in the vicinity of the subject site. The project enables use of the site for public recreational uses and will create a better-quality open space for everyone to enjoy, keep the city cooler and support biodiversity in local areas. The project will improve the livability, amenity and desirability of the local neighborhood.

6.10 Ecologically Sustainable Development and Sustainability

The table below provides a brief review of the proposals against the key principles of *Ecologically Sustainable Development* as specified in Schedule 2, Part 3, Clause 7(4) of the *Environmental Planning and Assessment Regulation 2000*

Table 5 – Assessment of Ecologically Sustainable Development		
#	ESD Principle	Comment
(a)	<p>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—</p> <ul style="list-style-type: none"> (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and (ii) an assessment of the risk-weighted consequences of various options, 	<p>In accordance with Schedule 2, Part 3, Clause 7(4) of the <i>Environmental Planning and Assessment Regulation 2000</i>, the design phase of the proposal has adopted the precautionary principle. The proposal has been designed to ensure that no serious or irreversible environmental damage would arise from the proposed activities. The proposal design has been designed around any potential environmental impacts. The safeguards that would be implemented to minimise or mitigate any potential impacts provide a high degree of certainty the proposal would not result in significant impacts.</p> <p>Overall, the project is not expected to lead to serious or irreversible environmental damage.</p>
(b)	<p>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,</p>	<p>The project is not expected to have an adverse impact on the environment for future generations.</p> <p>The proposal would improve the local parks and provide for improved amenity for the local community, in response to the growth of the area. The proposal would also improve safety and would have positive impacts and would not adversely impact on the environment such that it would compromise the health, diversity or productivity of the environment to</p>

Table 5 – Assessment of Ecologically Sustainable Development

		unsustainable levels that would impact on present and future generations.
(c)	<p>Conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,</p>	<p>The project is not expected to have any adverse impact on biological diversity and ecological integrity.</p> <p>The proposal would require the removal of some vegetation on site as demonstrated in the landscape plans. The proposal would maintain biological diversity and the ecological integrity of the locality. The existing street trees are to be retained. Planting scheme introduces more endemic species diversifying the current planting and providing more opportunities to support native birds.</p>
(d)	<p>Improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as—</p> <ul style="list-style-type: none"> (i) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, (ii) 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, (iii) 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. 	<p>Given the scope and nature of the works, pricing and incentive mechanism do not apply to the proposed development.</p> <p>The proposal will support future development in the area. This would reduce the need for future work and reduce future costs.</p>

6.11 Other Environmental Impacts

This REF has provided a comprehensive environmental impact assessment of the proposed upgrade of the North Rosebery Park. There are no other known potential or adverse environmental impacts that are likely to prevent the approval of the proposed works.

6.12 Cumulative Environmental Impacts

Cumulative impacts have the potential to arise from the interaction of individual elements within the proposal as well as interaction of the proposal with other projects that may be occurring or planned within the surrounding area. Clause 228(2) of the *Environmental Planning and Assessment Regulation 2000* requires that potential cumulative impacts be considered during the environmental impact assessment process.

There are no known significant development applications for the surrounding area *currently* on exhibition that might interfere with the proposed works, and there are no other known projects that would combine with the proposed works to result in significant cumulative impacts.

The appointed Site Construction Contractor of the proposed works will be informed of other nearby works (if any) and will manage the development to reduce potential conflicts.

7 Environmental Factors Considered

7.1 Consideration of Clause 228 Factors

Clause 228 of the EPA Regulation details those factors to be taken into account when assessing the likely effect of an activity on the environment.

Consideration of each of the Clause 228 Factors is included in the table below. The impacts have been quantified as:

Table 6 – Clause 228 Factors				
Factors	Impact			
	N/A	Negative	Nil	Positive
<i>(a) any environmental impact on a community,</i>			✓	

Comment

As detailed in this document and in the attached specialist reports, the project will have minimal and manageable environmental impacts. All potential impacts have been considered, and mitigations measures are in place. The proposed works are considered to improve the diversity of native species in the area.

<i>(b) any transformation of a locality,</i>				✓
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Comment

The development and upgrades are considered to positively transform the locality. The new park will improve the amenity in the local area for both passive and recreational uses. All landscape designs are of high quality and create interest and character and integrate interpretation of Indigenous themes, pavement design.

<i>(c) any environmental impact on the ecosystems of the locality,</i>				✓
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Comment

The development is not expected to result in any notable impacts on the ecosystem of the locality. The proposed works are considered to improve the local ecosystem with the integration of additional landscaping and trees comprised of native species.

<i>(d) any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,</i>				✓
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Comment

No reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality has been identified. The proposed changes are expected to result in positive outcomes for the immediate and surrounding environment. When completed, the proposed park will be an unstructured public recreational space with increased landscaping and public amenities, where the public can take part both passive and action recreation pursuits.

Table 6 – Clause 228 Factors

The proposal will upgrade weathered recreational facilities within the City of Sydney and integrate additional landscaping which will aid in offsetting the heat island effect experienced in summer and spring months. Further, the proposed upgrades may also attract visitors from outside the City of Sydney region and therefore potentially generating additional revenue for local businesses within Rosebery area.

<i>(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,</i>			✓	
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Comment

No effect on any special value for present or future generations has been identified..

<i>(f) any impact on the habitat of protected fauna (within the meaning of the National Parks and Wildlife Act 1974),</i>	✓			
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Comment

Not Applicable. The site contains no habitat of protected fauna.

<i>(g) any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,</i>			✓	
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Comment

There are no naturally occurring or reconstructed ecological communities on site. As such, no endangering of any species of animal, plant or other form of life is anticipated.

<i>(h) any long-term effects on the environment,</i>			✓	
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Comment

No long-term effects on the environment are anticipated. The proposal will provide a further green open space within the locality and will certainly be beneficial for its environment.

<i>(i) any degradation of the quality of the environment,</i>			✓	
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Comment

No degradation of the quality of the environment is anticipated.

<i>(j) any risk to the safety of the environment,</i>			✓	
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Table 6 – Clause 228 Factors

Comment

No risk to the safety of the environment is anticipated.

<i>(k) any reduction in the range of beneficial uses of the environment,</i>			✓	
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Comment

No reduction in the range of beneficial uses of the environment is anticipated.

<i>(l) any pollution of the environment,</i>			✓	
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Comment

No pollution of the environment is anticipated. The proposal will be beneficial for the environment.

<i>(m) any environmental problems associated with the disposal of waste,</i>			✓	
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Comment

No environmental problems associated with the disposal of waste is anticipated.

<i>(n) any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply,</i>			✓	
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Comment

No resource supply shortfalls are anticipated

<i>(o) any cumulative environmental effect with other existing or likely future activities,</i>			✓	
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Comment

No cumulative environmental effect has been identified

<i>(p) any impact on coastal processes and coastal hazards, including those under projected climate change conditions.</i>			✓	
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Comment

No impact on coastal process has been identified

7.2 Consideration of National Environmental Significance

The site is not classified as of “National Environmental Significance” under the Commonwealth *Environment and Biodiversity Conservation Act 1999*

8 Conclusion

8.1 Justification

The City invited tenders to provide Head Design Consultancy Services to undertake all necessary design services for North Rosebery Park upgrade in accordance with the Government Architect's Strategy and Design Prequalification Scheme. This Review of Environmental Factors report has been prepared to assess the potential environmental impacts associated with the construction and operation of the North Rosebery Park and identifies safeguards that avoid or minimise potential impacts.

While the proposal has the potential to impact on a number of environmental factors including noise and traffic during construction, these impacts will be temporary. The proposal would also require the removal of some existing vegetation. However, these will be augmented with appropriate indigenous species suitable for the locality and uses. Mitigation measures would be implemented to minimise and manage the impacts. It is considered that the long-term benefits of the proposal outweigh any potential environmental impacts. The proposal is therefore justified.

8.2 Objectives of the EP&A Act 1979

Table 7 – Assessment against the objectives of Clause 1.3 of the EP& A Act	
Objective	Comment
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	Complies The proposed works to the new park and green link will provide additional amenity for the locality which is considered to promote the social and economic welfare of the community.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	Complies The proposed works include native species in the design. The upgrades also ensure the longevity and use of the park into the future.
(c) to promote the orderly and economic use and development of land,	Complies The proposed works will promote the orderly and economic use and development of the land.
(d) to promote the delivery and maintenance of affordable housing,	Complies The proposed works provide additional amenity for the locality such as providing free and accessible recreational, play and public open space where people can gather.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants,	Complies No threatened species are identified on the sites. The proposed works include the integration of native species which will

Table 7 – Assessment against the objectives of Clause 1.3 of the EP& A Act

ecological communities and their habitats,	improve the diversity of flora for the local ecological communities, in turn improving habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	Complies The site does not comprise heritage item, nor is located in heritage conservation areas. The design integrates the interpretation of Indigenous themes within the parks.
(g) to promote good design and amenity of the built environment,	Complies The proposal includes great urban design infrastructure such as playground for children, picnic tables, benches, additional trees and vegetation, which will improve the environment in general.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	Complies The proposed works promote the proper construction and maintenance of existing parklands within the LGA, and ensure appropriate consideration of the protection of the health and safety of their users.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	Complies
(j) to provide increased opportunity for community participation in environmental planning and assessment.	Complies Throughout the design process, the City have provided opportunities for community participation such as with the Indigenous Community. Refer to Section 5 for detailed discussion

8.3 Conclusion

The proposed works to North Rosebery Park is subject to assessment under Part 5 of the EP&A Act. The REF has examined and taken into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed activity.

A number of potential environmental impacts from the proposal have been avoided or reduced during the concept design development and options assessment. The proposal as described in the REF best meets the project objectives but would still result in some temporary impacts on noise and traffic. Mitigation measures as detailed in this REF would ameliorate or minimise these expected impacts. Resultingly, the proposal is considered justified.

The proposed works will result in permanent visual changes, however, these changes are expected to result in a positive transformation of the locality for both the immediate and surrounding areas. The works will improve passive surveillance, safety and will revitalise the current public open space. The park will improve the amenity in the local area for both passive and recreational uses. All landscape designs are of high quality and create interest and character and integrate indigenous culture through consultation and design.

The environmental impacts of the proposal are not likely to be significant and therefore it is not necessary for an environmental impact statement to be prepared and approval to be sought for the proposal from the Minister for Planning under Part 5.1 of the EP&A Act. The proposal is unlikely to affect threatened species, populations or ecological communities or their habitats and therefore a Species Impact Statement is not required. The proposal is also unlikely to affect Commonwealth land or have an impact on any matters of national environmental significance.

9 Certification

This *Review of Environmental Factors* (REF) has been prepared in accordance with Part 5 of the *NSW Environmental Planning and Assessment Act 1979* and has assessed those matters listed in Clause 228 of the *NSW Environmental Planning and Assessment Regulation 2000*.

This REF identifies the likely impacts of the proposals on the environment and details the mitigation measures to be implemented to minimise the potential impact to the environment.

This review of REF provides 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 affect the environment as a result of the proposal.

The assessment has concluded that as the proposed works as described in this REF, including any proposed management measures and safeguards, will not result in a significant effect on the environment.

The proposed works will not result in a significant impact on any declared critical habitat, threatened species, populations or ecological communities or their habitats. Therefore, a Species Impact Statement (SIS) is not required.

The proposed works comply with relevant State and local planning strategy and policy including *Sustainable Sydney 2030*. The proposed works are permissible without development consent under Clause 65 of ISEPP 2007. As a result, the works may be carried out without the need for development consent under Part 4 of the EP&A Act.

Based on the environmental assessment undertaken in this REF, approval of the proposal is justified, subject to any reasonable conditions based upon the suggested mitigation measures outlined in **Section 6** of this report.



Tom Cook

Director - Mecone NSW Pty Ltd

Date: 29 October 2021

I have examined this Review of Environmental Factors and the certification by *Mecone NSW Pty Ltd* and accept the Review of Environmental Factors on behalf of the City of Sydney Council.

Signature: _____

Name: _____

Position: _____

Date: _____

10 Terms and acronyms used in this REF

Table 1. List of terms and acronyms used in the REF

Acronym/ Term	Definition
BC Act	<i>Biodiversity Conservation Act 2016</i>
DBYD	Dial Before You Dig
EEC	Endangered Ecological Communities
EIA	Environmental Impact Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i> . Provides the legislative framework for land use planning and development assessment in NSW
EP&A Regulation	<i>Environmental Planning and Assessment Act Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i> . Provides for the protection of the environment, especially matters of national environmental significance, and provides a national assessment and approvals process.
ESD	Ecologically sustainable development. Development which uses, conserves and enhances the resources of the community so that ecological processes on which life depends, are maintained and the total quality of life, now and in the future, can be increased.
Heritage Act	<i>Heritage Act 1977 (NSW)</i>
IDA	<i>Integrated Development Application</i>
Infrastructure SEPP	<i>State Environmental Planning Policy (Infrastructure) 2007</i>
JHA	Job Hazard Assessment
LALC	Local Aboriginal Land Council
LGA	Local Government Area
LEP	Local Environmental Plan. A type of planning instrument made under Part 3 of the EP&A Act.
NES	National Environmental Significance
PESI	<i>Preliminary Environmental Site Investigation</i>
PHA	Preliminary Heritage Assessment
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
REF	Review of Environmental Factors (prepared to satisfy the requirements of Part 5 of the EP&A Act)

Table 1. List of terms and acronyms used in the REF

SDCP2012	<i>Sydney Development Control Plan 2012</i>
SEPP	State Environmental Planning Policy. A type of planning instrument made under Part 3 of the EP&A Act.
SEPP55	<i>State Environmental Planning Policy No. 55 – Remediation of Land</i>
SLEP2012	<i>Sydney Local Environmental Plan 2012</i>
the City	City of Sydney Council – the proponent and determining Authority.
Vegetation SEPP	<i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>



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Appendices