

The background of the cover page is a composite image. It features a dark blue diagonal band across the middle. Behind this band and the rest of the page is a light gray image showing a city skyline with various buildings. Overlaid on this background are numerous white, 3D wireframe cubes of different sizes, some of which are partially obscured by the dark blue band.

# **Review of Environmental Factors**



## **Dillon Street Reserve Upgrade**

## **Dillon Street Reserve Upgrade**

Prepared for Woollahra Municipal Council

November 2020

## REPORT REVISION HISTORY

Revision	Date Issued	Revision Description	
01	10/03/2020	Draft for Internal Review	
		<b>Prepared by</b> Theo Wilkinson <i>Project Planner</i>	<b>Verified by</b> David Ryan <i>Executive Director</i>
02	12/03/2020	Draft for Client Review	
		<b>Prepared by</b> Theo Wilkinson <i>Project Planner</i>	<b>Verified by</b> Mark Schofield <i>Director</i>
03	28/05/2020	Final	
		<b>Prepared by</b> Theo Wilkinson <i>Project Planner</i>	<b>Verified by</b> David Ryan <i>Executive Director</i> 
03	05/11/2020	Amended REF	
		<b>Prepared by</b> Theo Wilkinson <i>Project Planner</i>	<b>Verified by</b> David Ryan <i>Executive Director</i> 

**Certification**

This report has been authorised by City Plan Strategy & Development P/L, with input from a number of other expert consultants. To the best of our knowledge the accuracy of the information contained herein is neither false nor misleading. The comments have been based upon information and facts that were correct at the time of writing.

Copyright © City Plan Strategy & Development P/L  
ABN 58 133 501 774

All Rights Reserved. No material may be reproduced without prior permission. While we have tried to ensure the accuracy of the information in this publication, City Plan Strategy & Development P/L accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in information in this publication.

## TABLE OF CONTENTS

<b>1. Declaration .....</b>	<b>6</b>
<b>2. Executive Summary .....</b>	<b>7</b>
<b>3. Site and context.....</b>	<b>8</b>
3.1. Site Identification .....	8
3.2. Ownership and Proponent.....	9
3.3. Site Description .....	9
3.4. Site Context and Surrounding Development .....	13
<b>4. Description of the Development .....</b>	<b>17</b>
4.1. Existing Development and Facilities.....	17
4.2. Background of Development .....	17
4.3. Proposed Works .....	18
<b>5. Consultation .....</b>	<b>21</b>
5.1. Requirements of State Environmental Planning Policy (Infrastructure) 2007 .....	21
5.2. Non-Statutory Consultation .....	22
<b>6. Statutory Planning Framework .....</b>	<b>23</b>
6.1. Overview .....	23
6.2. Part 5 Environmental Planning and Assessment Act 1979 .....	23
6.2.1. Section 5.1 Definitions (cf previous s 110) .....	23
6.2.2. Section 5.5 Duty to consider environmental impact (cf previous s 111) .....	23
6.3. Environmental Planning and Assessment Regulation 2000 .....	24
6.4. State Environmental Planning Policy (Infrastructure) 2007 .....	26
6.4.1. Overview .....	26
6.4.2. Consultation .....	26
6.4.3. Part 3 – Development Controls .....	27
6.5. Additional legislation .....	27
6.6. Additional state environmental planning policies.....	29
6.7. Woollahra Local Environmental Plan 2014 (WLEP).....	30
6.7.1. Zoning .....	30
6.7.2. Objectives .....	30
6.7.3. Clause 5.10 Heritage Conservation.....	31
6.7.4. Clause 6.2 Earthworks .....	32
6.7.5. Clause 6.3 Flood Planning .....	32
6.8. Additional relevant codes .....	32
<b>7. Environmental Impact Assessment .....</b>	<b>33</b>

7.1.	Matters for Consideration .....	33
7.1.1.	Acoustic Impacts.....	33
7.1.2.	Visual Impact .....	33
7.1.3.	Safety and Security .....	33
7.1.4.	Heritage .....	34
7.1.5.	Contamination.....	34
7.1.6.	Flora, Fauna and Ecology .....	35
7.1.7.	Water Management .....	35
7.1.8.	Transport, Traffic and Parking .....	35
7.1.9.	Construction Impacts .....	35
<b>8.</b>	<b>Mitigation measures.....</b>	<b>36</b>
<b>9.</b>	<b>Conclusion .....</b>	<b>38</b>

## FIGURES

Figure 1:	Cadastre Map, approximate location of site outlined in blue (Source: Nearmap) .....	8
Figure 2:	Satellite View, approximate location outlined in red (Source: Nearmap) .....	8
Figure 3:	Dillon Street Reserve Land Survey (Source: Woollahra Council) .....	9
Figure 4:	View of external fence from Stephen St.....	10
Figure 5:	View of gated entrance to site from Stephen St.....	10
Figure 6:	View of gated entrance to gully from Stephen St.....	10
Figure 7:	View of gated entrance to site from Neild Avenue .....	10
Figure 8:	View of existing gully area from Stephen St .....	11
Figure 9:	View of existing gully area from park facing east.....	11
Figure 10:	View of existing pathway and tables facing west .....	11
Figure 11:	View of existing playground equipment .....	11
Figure 12:	View of existing lighting .....	12
Figure 13:	View of existing open lawn area (extended area) .....	12
Figure 14:	Aerial view, regional context. Subject site identified with a red pin (Source: Google Maps) ....	13
Figure 15:	Extract from Woollahra Municipal Council Playspaces Strategy, Dillon Street Reserve is number "24" (Source: Tonkin / Woollahra Municipal Council) .....	14
Figure 16:	View of Stephen Street facing North .....	15
Figure 17:	View of "The Terraces" from the site .....	15
Figure 18:	View of "The Terraces" from the site .....	15
Figure 19:	View of Neild Ave facing North.....	15
Figure 20:	View of 15-17 Neild Avenue from the site .....	16

Figure 21: View of 17 Neild Avenue from the site .....	16
Figure 22: Dillon Street Reserve Upgrade - Site Analysis Plan (Source: Woollahra Council / Thompson Berrill Landscape Design) .....	17
Figure 23: Extracts from Concept Design Plan (Source: Woollahra Council / Thompson Berrill Landscape Architects).....	19
Figure 24: Extracts from Concept Design Sectional Elevations (Source: Woollahra Council / Thompson Berrill Landscape Architects).....	20
Figure 25: Zoning Map, approximate site location outlined in red (Source: WLEP) .....	30

## TABLES

Table 1: Consideration of ISEPP Consultation requirements .....	21
Table 2: Compliance with Section 5.5 (cf previous s 111) of the EP&A Act .....	24
Table 3: Clause 228 EPA Regulation compliance table.....	24
Table 4: Additional legislation.....	27
Table 5: Commonwealth legislation .....	28
Table 6: SEPPs .....	29
Table 7: Mitigation Measures .....	36

## APPENDIX

Appendix	Document	Prepared By
1	Land Survey	Woollahra Municipal Council
2	Site Analysis Plan	Woollahra Municipal Council Thompson Berrill Landscape Design
3	Concept Plans	Woollahra Municipal Council Thompson Berrill Landscape Design
4	Survey Report	Woollahra Municipal Council
5	Remediation Action Plan (RAP)	Environmental Investigation Services
6	Environmental Management Plan (EMP)	Douglas Partners
7	Copy of Voluntary Planning Agreement (VPA)	Colin Biggers & Paisley Lawyers
8	Heritage Impact Statement (HIS)	City Plan Heritage
9	Tree Strategy Plan	Bee & Lethbridge

## 1. DECLARATION

This Review of Environmental Factors (REF) has been prepared for Woollahra Municipal Council (Council) and assesses the potential environmental impacts which could arise from the expansion and upgrade of the Dillon Street Reserve Playground.

This REF has been prepared in accordance with the relevant provisions of *the Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* (the Regulations) and *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

On the basis of the information presented in this REF and with the implementation of the mitigation measures outlined, it is concluded that it is unlikely there would be any significant environmental impacts associated with the proposed.

### Review

I have examined this Review of Environmental Factors and submit it to Woollahra Municipal Council.



**David Ryan**

*Executive Director*

City Plan Strategy & Development P/L

Date: 05/11/2020

### Authorisation

The project meets the requirements under Part 5 of the *Environmental Planning and Assessment Act 1979* and can proceed.

Woollahra Municipal Council

Date: .....

## 2. EXECUTIVE SUMMARY

This Review of Environmental Factors (REF) has been prepared on behalf of Woollahra Municipal Council (Council) and relates to the expansion and upgrade of the Dillon Street Reserve. A description of the site and its context is provided at Section 3 of this report, and a detailed description of the activity is contained in Section 4.

The objectives of this REF are to:

- Satisfy the requirements of relevant NSW environmental legislation, in particular the requirements of the *Environmental Planning and Assessment Act 1979*; and
- Identify, assess and mitigate any environmental impacts that are likely as a result of the development, during construction and/or its operation.

The proposed works constitute "development without consent" under Clause 65 of the *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)* and accordingly approval under Part 4 of the *Environmental Planning and Assessment Act 1979* (the Act) is not required. Notwithstanding this, in accordance with Part 5 of the Act, in deciding whether to grant its approval, Woollahra Municipal Council as the relevant Determining Authority must assess the environmental impacts of the activity.

The matters that must be considered by Council are prescribed in Section 5.5 (previously Section 111) of the EP&A Act and Section 228 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). An assessment of this activity against those considerations, and other relevant matters, is provided at Sections 6 and 7.

The assessment conducted within this REF concludes that the activity is not likely to have an adverse impact on the environment and does not cause any unacceptable environmental risks to the site and surrounding locality. On this basis, the proposed works can be approved to proceed subject to the recommended mitigation measures in Section 8. No Environmental Impact Statement (EIS) is required in our opinion.



### 3. SITE AND CONTEXT

#### 3.1. Site Identification

Dillon Street Reserve Playground (the site) is located between Neild Avenue and Stephen Street in Paddington. This REF relates to the whole site, as shown in Figure 1, Figure 2 and Figure 3.



Figure 1: Cadastre Map, approximate location of site outlined in blue (Source: Nearmap)



Figure 2: Satellite View, approximate location outlined in red (Source: Nearmap)

### 3.2. Ownership and Proponent

The site is under the ownership of Woollahra Municipal Council. Woollahra Municipal Council received a 1,366.10m<sup>2</sup> parcel of land from Presbyterian Aged Care (PAC), the owners of the adjoining Old Scottish Hospital Site. A copy of the Voluntary Planning Agreement (VPA) is provided with this REF at **Appendix 7**. This parcel of land is located to the north of “The Terraces” and brings the total area of the site to approximately 3,400m<sup>2</sup>.

### 3.3. Site Description

Refer to the Land Survey (Figure 3) for a detailed description of the physical characteristics of the site. As shown on the Land Survey, the northern section of the site is heavily vegetated, with large areas of overgrown ivy covered land and comprises of a steep embankment towards the grotto area. The parcel of land donated to Woollahra Municipal Council is the southern portion of the site labelled “additional land currently open lawn”. This area is mostly flat and comprises of an open lawn.

As detailed in the Heritage Impact Statement (**Appendix 8**), the site includes *“An intact section of sandstone retaining wall and steps constructed c1911 as part of the extension of Dillon Street between Neild Avenue and Stephens Street is located in the northwest section of the site”*.

The Bondi Ocean Outfall Sewer is located several metres below the Dillon Street Reserve.

Further description of the existing development and facilities is provided at Section 4 of this REF, and the site photos (Figure 4 - Figure 13).

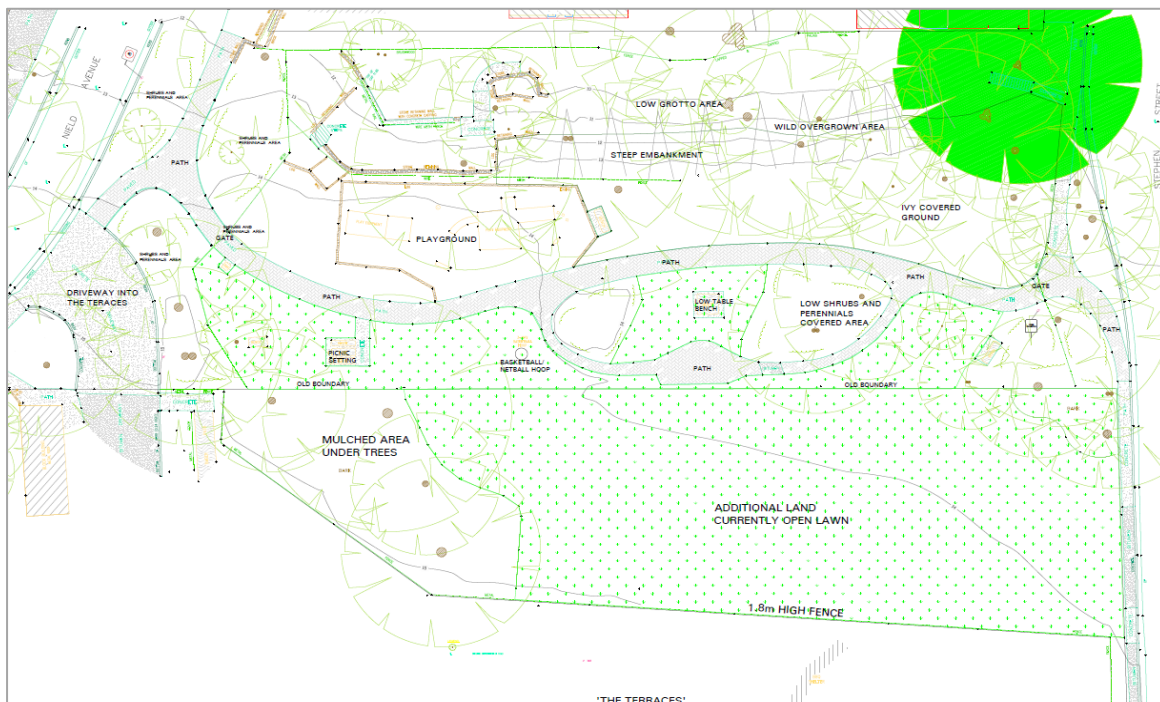


Figure 3: Dillon Street Reserve Land Survey (Source: Woollahra Council)



## Photos of the Site



Figure 4: View of external fence from Stephen St

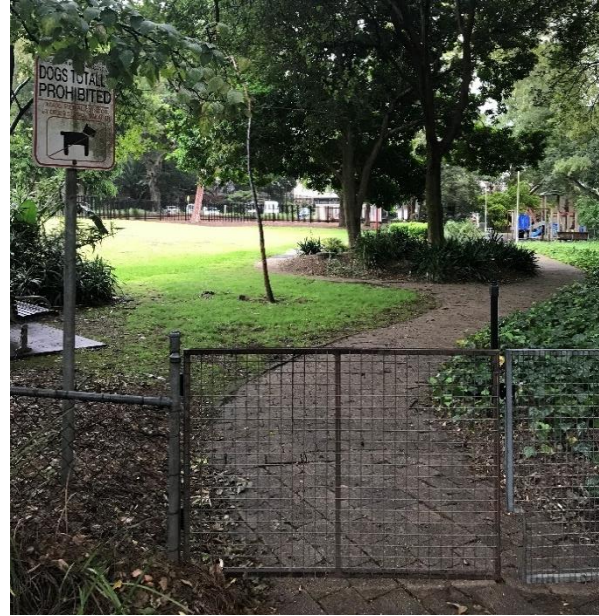


Figure 5: View of gated entrance to site from Stephen St



Figure 6: View of gated entrance to gully from Stephen St



Figure 7: View of gated entrance to site from Neild Avenue





*Figure 8: View of existing gully area from Stephen St*



*Figure 9: View of existing gully area from park facing east*



*Figure 10: View of existing pathway and tables facing west*



*Figure 11: View of existing playground equipment*





*Figure 12: View of existing lighting*



*Figure 13: View of existing open lawn area (extended area)*

### 3.4. Site Context and Surrounding Development

The site is within the suburb of Paddington, located approximately 2km east of Sydney Central Business District (CBD) (Refer to Figure 14). Paddington is part of the Woollahra Council Local Government Area (LGA). Paddington comprises a mix of low-medium density residential dwellings, shops and restaurants.

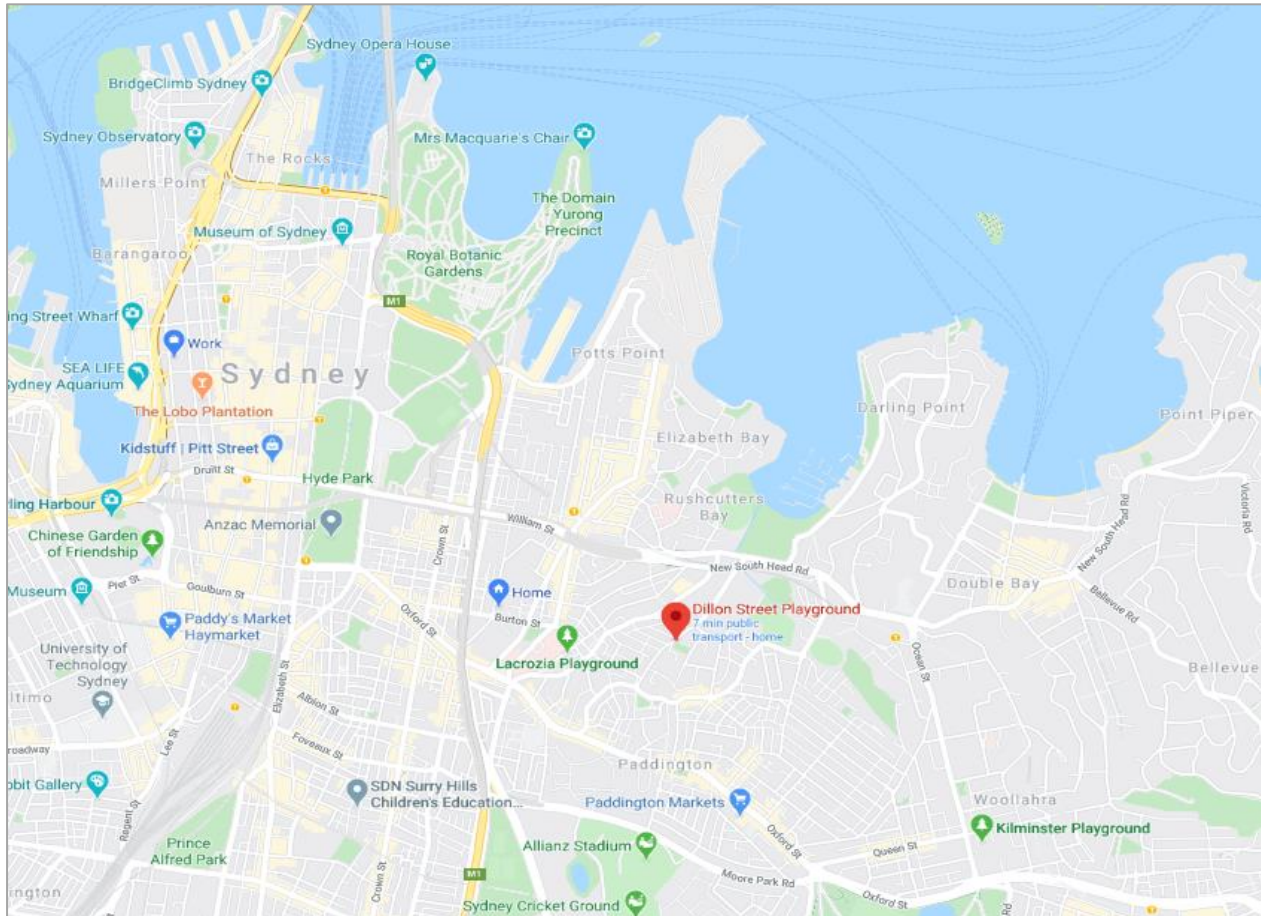


Figure 14: Aerial view, regional context. Subject site identified with a red pin (Source: Google Maps)

The following features are located in close proximity to Dillon Street Park:

- 250m south west of the site are various shops and restaurants at the Fiveways Roundabout Paddington.
- 500m to the west of the site is St Vincent's Hospital.

A key characteristic of the site is that it is dog exclusive. As shown in Figure 15, there are numerous parks located in close proximity to the site that are dog friendly, including Rushcutters Bay Park (600m north), Royal Hospital for Women Park (250m south), and Trumper Park (500m east).

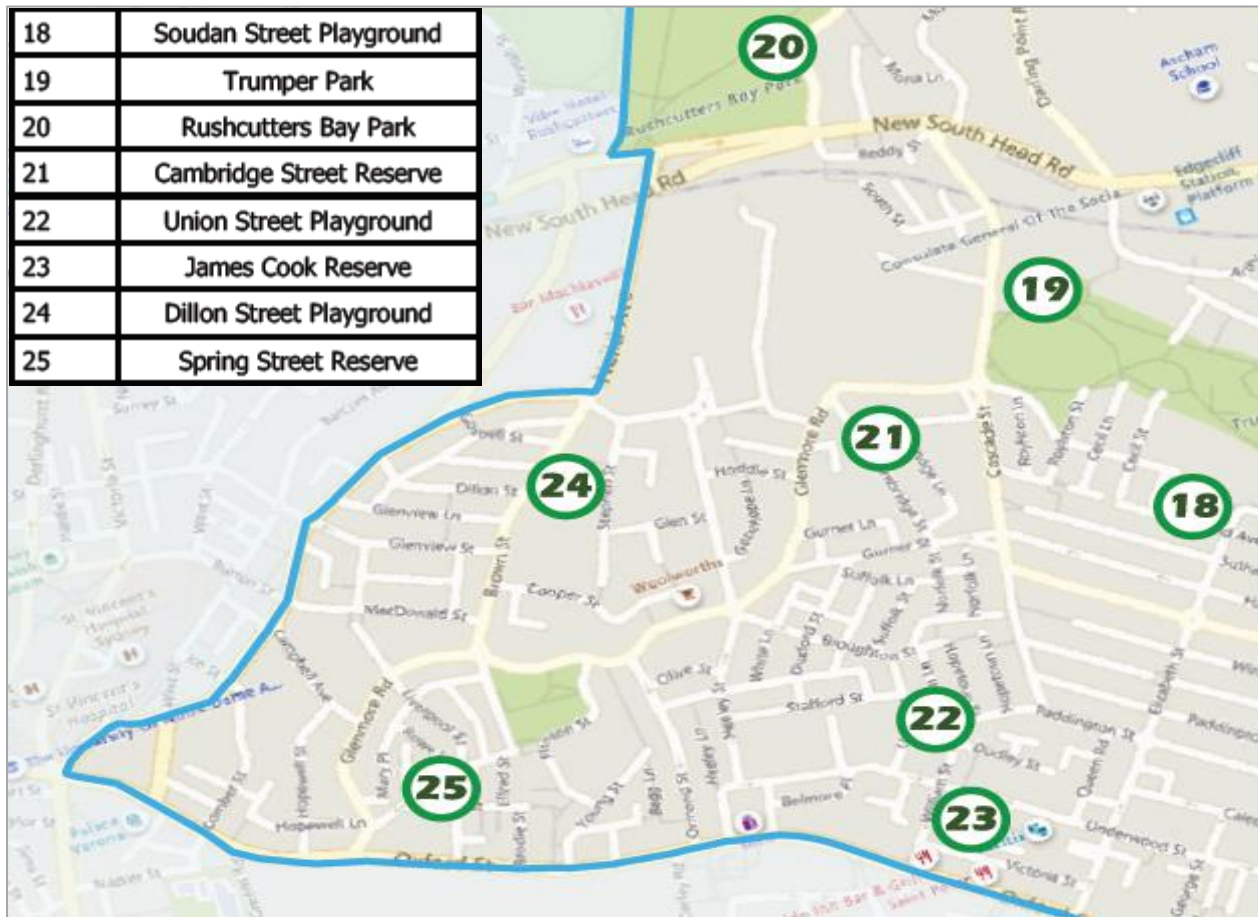


Figure 15: Extract from Woollahra Municipal Council Playspaces Strategy, Dillon Street Reserve is number “24” (Source: Tonkin / Woollahra Municipal Council)

The site is bordered by “The Terraces” residential care home owned by Presbyterian Aged Care to the south, Neild Avenue to the west, Stephen Street to the east, and two (2) storey residential dwellings known as 13 Stephen Street, and 17 Neild Avenue to the west. Further description of the surrounding development is provided in the site photos (Figure 16 - Figure 21).



## Photos of Surrounding Development



Figure 16: View of Stephen Street facing North



Figure 17: View of "The Terraces" from the site



Figure 18: View of "The Terraces" from the site



Figure 19: View of Neild Ave facing North





*Figure 20: View of 15-17 Neild Avenue from the site*



*Figure 21: View of 17 Neild Avenue from the site*

## 4. DESCRIPTION OF THE DEVELOPMENT

### 4.1. Existing Development and Facilities

This REF relates to the whole site. The existing site features are detailed below in the Site Analysis Plan (Figure 22).

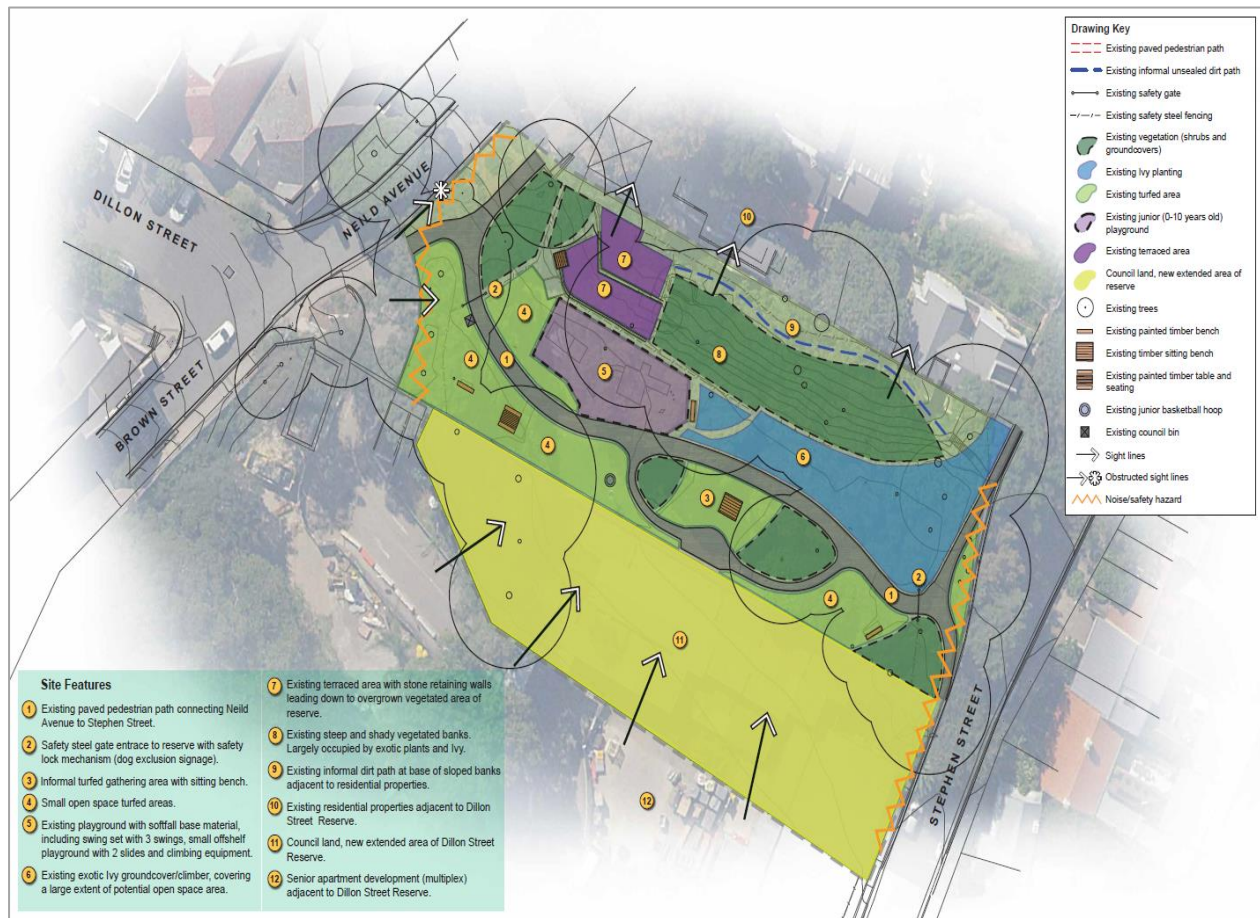


Figure 22: Dillon Street Reserve Upgrade - Site Analysis Plan (Source: Woollahra Council / Thompson Berril Landscape Design)

### 4.2. Background of Development

Woollahra Municipal Council received a 1,366.10m<sup>2</sup> parcel of land from PAC, owners of the former old Scottish Hospital Site to expand the area of the Dillon Street Reserve. This provides an opportunity to redesign the space to reflect the needs of the local community.

Woollahra Municipal Council has provided multiple opportunities for community involvement, starting with a meet and greet that was held at the site on Saturday 27 July 2019. The information from this day was used to help shape the survey and receive some additional feedback from the community. Design Workshops were then undertaken with Council and Landscape architects, which resulted in a concept design for the park. Refer to the Survey Report (**Appendix 4**) for further information on community consultation, which directly influenced the concept design.

### 4.3. Proposed Works

This REF relates to a proposal to expand and upgrade Dillon Street Park Reserve, inclusive of both the existing reserve and the additional 1366.10m<sup>2</sup> parcel of land received from PAC, bringing the total site area to approximately 3,400m<sup>2</sup>.

As shown in Figure 23 and Figure 24, the proposed work will not include major building works, and instead incorporate design and landscaping improvements primarily into the Reserve's 'gully' area, which will encourage the activation of the space, thus increasing its community usage.

As part of the concept design minor demolition works are proposed, to enable the replacement and upgrade of fencing, play equipment, lighting and paving.

In summary, the works are limited to the upgrading of the Dillon Street Reserve, including:

- Relocate section of boundary fence to incorporate Lot 20 of DP 12555181.
- Replace wire mesh fences and self-closing gates.
- Replace and upgrade existing playground equipment.
- Retain surviving section of sandstone wall.
- Construct new adventure play area in the northern section of the reserve including low-level rope net structure.
- Install a new swing set unit in western end of new open space area.
- Replace paving and construct a new pedestrian concrete path 2.8 metres wide. New secondary paths are to incorporate crushed sandstone.
- Replace existing lights and install new lighting along main pathway.
- Construct new garden areas.
- Remove seven (7) Celtis trees and one (1) small poorly formed Eucalyptus tree
- Retain two (2) Celtis tree located immediately behind the existing playground
- Plant a Port Jackson Fig and Jacaranda trees. New trees will be advanced stock (minimum of 2m at the time of planting).
- Prune remaining trees for deadwood and safety.

For a detailed description of the proposed works refer to the Concept Design Plan (Figure 23), the Concept Design Sectional Elevations (Figure 24) and the Tree Strategy Plan at **Appendix 9**.





#### SHORT TERM RECOMMENDATIONS

- |  |   |  |
|--|---|--|
| 1 Double self-closing gate for pedestrian and maintenance vehicle access, and dog exclusion signage  | 10 Proposed access circulation sandstone stairs   | 19 Tree trunk balancing logs and stepping stones adjacent to native grasses and groundcovers     |
| 2 Relocate fence and garden bed for additional open space area west of existing play facility  | 11 Proposed rope net climb up sloped bank with grasses and groundcovers underneath                                  | 20 Retain entry gate location and replace with new self-closing gates and dog exclusion signage  |
| 3 Proposed 2.8m wide vehicle loaded concrete pedestrian path to accommodate for council maintenance vehicles. With new vehicle ramp access from Neild Avenue | 12 Proposed crushed sandstone and buffer planting to bottom of bank   | 21 Low grasses as vegetative boarder between central path adjacent to open space                 |
| 4 Proposed bins to both entrances  | 13 Proposed large natural boulder climb to bank and adjacent flat nature play area above bank                       | 22 Proposed crushed sandstone surface with concrete footing base and two timber picnic tables    |
| 5 New sandstone stairs for safe accessibility to existing terraced area with replaced timber stepping posts adjacent to stairs                               | 14 Proposed concrete access ramp with playful stepping stones for alternative route                                 | 23 Proposed deciduous trees (Jacaranda species) to corner of open space                          |
| 6 Informal vertical logs at varying heights proposed for lower terraced accessibility  | 15 Closure of existing informal gate to Stephen Street with path link back into play area with new sandstone stairs | 24 Large turfed open space area for ball games informal play and gathering, including irrigation |
| 7 Existing playground equipment to be retained and cleaned   | 16 Informal crushed sandstone paths throughout the design connecting nature play zones                              | 25 Proposed planted boarder shrubs and groundcovers with adjacent timber bench seating           |
| 8 Replace existing pedestrian barrier fence to top of terraced wall  | 17 Remove existing ivy species and install native groundcovers and grasses to informal play zone                    | 26 Proposed swings (one basket swing and two typical swings) with softfall surface               |
| 9 Proposed large bending slide with safe landing zone at bottom of bank  | 18 Proposed large log climbing structure  | 27 Proposed drinking fountain and timber seating bench   |
|  |   | 28 Proposed native trees (Angophora costata) to the western boundary of site                     |

#### LONG TERM RECOMMENDATION

- 29 Replace reserve fencing to west and east with robust and high quality fencing
- 30 Replace and upgrade playground with new contemporary equipment
- 31 Replace existing central paved path with new path
- 32 Upgrade lighting to central pedestrian path from Neild Avenue through to Stephen Street

Figure 23: Extracts from Concept Design Plan (Source: Woollahra Council / Thompson Berrill Landscape Architects)

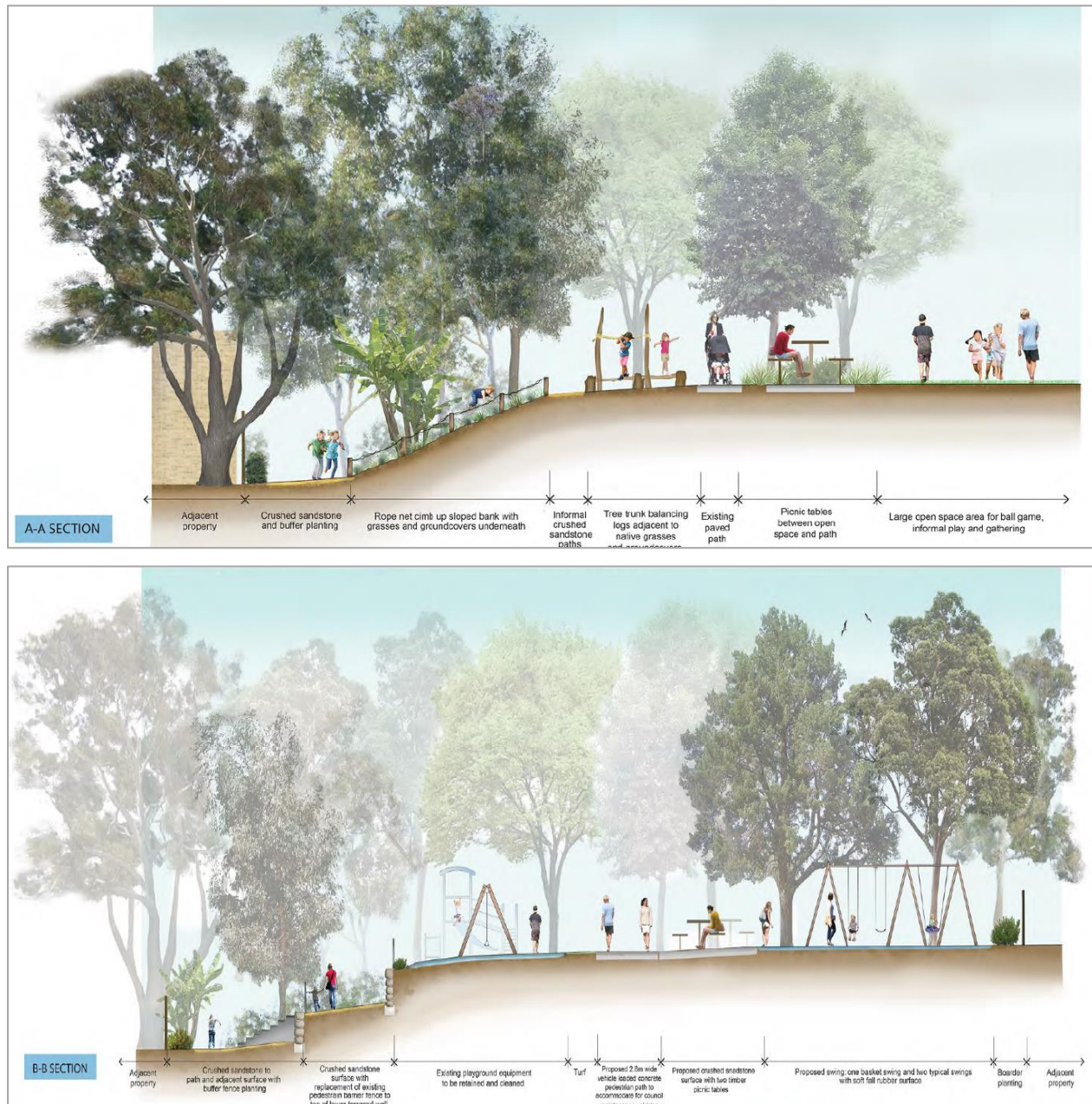


Figure 24: Extracts from Concept Design Sectional Elevations (Source: Woollahra Council / Thompson Berrill Landscape Architects)



## 5. CONSULTATION

### 5.1. Requirements of State Environmental Planning Policy (Infrastructure) 2007

The ISEPP requires consultation with Councils and Public Authorities under certain circumstances. Specifically, these requirements are set out by clauses 13-17. Consideration of these clauses, as applicable to the proposed upgrade of the park, is provided in Table 1. As this activity is being undertaken by Woollahra Municipal Council, the proposal is only bound to undertake the consultation requirements in clause 16. Nonetheless, all the matters that might trigger consultation are addressed.

*Table 1: Consideration of ISEPP Consultation requirements*

Matter to be addressed	Comment
Clause 13 Consultation with councils - impacts on council-related infrastructure or services	<p>The works will have no impacts on Council infrastructure as follows:</p> <ul style="list-style-type: none"> <li>▪ No substantial impact on stormwater management is anticipated;</li> <li>▪ No additional traffic to the site is expected to be generated that will strain the road capacity;</li> <li>▪ No impacts arise for any stormwater or sewerage system;</li> <li>▪ No major or consequential disruption is likely to be caused to pedestrian or vehicular traffic, and</li> <li>▪ No excavation of, or in proximity to, a public road or footpath is required.</li> </ul>
Clause 14 Consultation with councils - impacts on heritage	<p>A Heritage Impact Statement (HIS) (<b>Appendix 8</b>) has been prepared by City Plan Heritage to assess the potential impact the proposed works may have on the known heritage values of the Dillon Street Reserve, the Paddington Heritage Conservation Area and the heritage items located in the vicinity. The Heritage Impact Statement concludes that:</p> <div style="background-color: #f0f0f0; padding: 10px;"> <ol style="list-style-type: none"> <li>1. <i>The works would not involve the removal of significant heritage fabric located within the boundary of the Dillon Street Reserve.</i></li> <li>2. <i>An intact section of sandstone retaining wall and steps constructed c1911 as part of the extension of Dillon Street between Neild Avenue and Stephens Street is located in the northwest section of the site and is to be retained in situ. Individual sandstone blocks scattered throughout the northern section of the site are to be salvaged and reused as part of the upgrading and interpretation of the site.</i></li> <li>3. <i>The construction of the Bondi Ocean Outfall Sewer in the 1880s is likely to have compromised archaeological evidence of previous occupation of the site and there is low potential for unstratified finds associated with infill soil within the boundary of the Dillon Street Reserve.</i></li> <li>4. <i>The proposed works will not reduce or alter the heritage significance of the Bondi Ocean Outfall Sewer, which is located below the Dillon Street Reserve.</i></li> <li>5. <i>The consolidation of Lot 20 of DP 125181 will not reduce or alter the heritage significance of the former Scottish Hospital Grounds or the former Scottish Hospital Building.</i></li> </ol> </div>

Matter to be addressed	Comment
	<p><i>6. The works are compatible with the established landscape character of the Dillon Street Reserve and will maintain existing views within the Paddington Heritage Conservation Area.</i></p> <p>The Heritage Impact Statement also includes mitigation measures which are provided at Section 8 of this REF.</p>
Clause 15 Consultation with councils - flood liable land	The site is not located within any flood planning area nominated by the WLEP.
Clause 16 Consultation with public authorities other than councils	<p>The development is not specified development.</p> <p>The proposal is not known to be:</p> <ul style="list-style-type: none"> <li>Development adjacent to land reserved under the <i>National Parks and Wildlife Act 1974</i> or to land acquired under Part 11 of that Act;</li> <li>Development on land in Zone E1 National Parks and Nature Reserves or in a land use zone that is equivalent to that zone;</li> <li>Development adjacent to an aquatic reserve or marine park declared under the <i>Marine Estate Management Act 2014</i>;</li> <li>Development in the foreshore area within the meaning of the <i>Sydney Harbour Foreshore Authority Act 1998</i>;</li> <li>Development comprising a fixed or floating structure in or over navigable waters;</li> <li>Development in an area that is bush fire prone land;</li> <li>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;</li> <li>Development on defence communications facility buffer land within the meaning of clause 5.15 of the Standard Instrument;</li> <li>Development on land in a mine subsidence district within the meaning of the <i>Mine Subsidence Compensation Act 1961</i>.</li> </ul> <p>To this end, consultation under Clause 16 (2) is not required.</p>
Clause 17 Exceptions	Not applicable.

## 5.2. Non-Statutory Consultation

No consultation was required pursuant to the ISEPP.

Nonetheless, extensive community consultation was undertaken which informed the development of the concept design. Refer to <https://yoursay.woollahra.nsw.gov.au/dillonstreserve> and the Survey Report at **Appendix 4** for further information.

## 6. STATUTORY PLANNING FRAMEWORK

### 6.1. Overview

The provisions of the ISEPP enable this activity to be undertaken as “*development without consent*”.

While this removes the activity from the provisions of Part 4 of the EP&A Act, it remains necessary for the Determining Authority (Woollahra Municipal Council) to consider the environmental impact of the proposal, consistent with requirements of Part 5 of the EP&A Act and this requires a consideration of the project against relevant statutory planning provisions. This is undertaken in the following sections of this REF.

### 6.2. Part 5 Environmental Planning and Assessment Act 1979

#### 6.2.1. Section 5.1 Definitions (cf previous s 110)

This section of the Act defines an “activity” for the purposes of Part 5 of the Act, as being:

- (a) *the use of land, and*
- (b) *the subdivision of land, and*
- (c) *the erection of a building, and*
- (d) ***the carrying out of a work, and***
- (e) ***the demolition of a building or work, and***
- (f) *any other act, matter or thing referred to in section 3.14 that is prescribed by the regulations for the purposes of this definition,*
- (g) *But does not include:*
- (h) *any act, matter or thing for which development consent under Part 4 is required or has been obtained, or*
- (i) *any act matter or thing that is prohibited under an environmental planning instrument, or*
- (j) *exempt development, or*
- (k) *development carried out in compliance with a development control order, or*
- (l) *any development of a class or description that is prescribed by the regulations for the purposes of this definition.*

The proposed works involve “*the carrying out of a work*”, and “*the demolition of work*” which does not require development consent under Part 4 of the EP&A Act in accordance with Clause 58 of the ISEPP. Accordingly, the requirements of Part 5 of the EP&A Act are considered in this REF.

This section of the Act also provides a definition for “*determining authority*” being:

*“a Minister or public authority and, in relation to any activity, means the Minister or public authority by or on whose behalf the activity is or is to be carried out or any Minister or public authority whose approval is required in order to enable the activity to be carried out”.*

Woollahra Municipal Council is a public authority and is the Determining Authority for this REF.

#### 6.2.2. Section 5.5 Duty to consider environmental impact (cf previous s 111)

Section 5.5 of the EP&A Act (previously Section 111) identifies the matters for consideration for the determining authority. An assessment of this activity against those matters is provided in Table 2.



Table 2: Compliance with Section 5.5 (cf previous s 111) of the EP&A Act

Clause	Comment
(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.	This REF examines and addresses all possible matters affecting or likely to affect the environment by reason of the proposed development.
(2) (Repealed)	N/A
(3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the <i>Wilderness Act 1987</i> ) in the locality in which the activity is intended to be carried on.	The site is not classified as “wilderness” under the <i>Wilderness Act 1987</i> or under the <i>NPW Act</i> .
(4) (Repealed)	N/A

### 6.3. Environmental Planning and Assessment Regulation 2000

Clause 228 of the EP&A Regulation prescribes the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment for the purposes of Part 5 of the EP&A Act. The prescribed matters and an assessment of the proposed activity against those matters is outlined in the Table 3 below.

Table 3: Clause 228 EPA Regulation compliance table

Matter to be addressed	Comment
1. For the purposes of Part 5 of the Act, the factors to be taken into account when consideration is being given to the likely impact of an activity on the environment include –	
(a) For activities of a kind for which specific guidelines are in force under this clause, the factors referred to in those guidelines, or	No specific guidelines are in force for the proposed activity.
(b) For any other kind of activity - (i) the factors referred to in the general guidelines in force under this clause, or (ii) if no such guidelines are in force, the factors referred to subclause (2).	Not applicable.
2. The factors referred to in subclause (1)(b)(ii) are as follows –	
(a) Any environmental impact on a community	Subject to the mitigation measures set out in Section 8 of this REF, the proposed works will not

Matter to be addressed	Comment
	result in any environmental impact on the community.
(b) Any transformation of a locality	The scale of the proposed works as well as its operation, is minor. Therefore, the proposal would not result in any transformational change to the subject locality.
(c) Any environmental impact on the ecosystems of the locality	<p>Seven (7) <i>Celtis</i> spp are proposed to be removed which are listed as noxious species and exempt under E.3.4.1 of the Woollahra Development Control Plan 2015. In addition, one (1) small poorly formed <i>Eucalyptus</i> is to be removed.</p> <p>There is no listed protected fauna in Dillon Street Reserve.</p> <p>The proposed works are minor and will not result in any other environmental impacts that would prevent the proposed works being carried out as nominated by this REF.</p>
(d) Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality	<p>The proposal will improve the aesthetic quality of the locality by upgrading the landscaping and fencing and weed removal of exotic species.</p> <p>The recreational quality of the site will also be improved, by providing more play spaces within the gully area, tables for socialising, and a large open space area specifically for recreation.</p>
(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	As detailed in the Heritage Impact Statement ( <b>Appendix 8</b> ), the proposed mitigation measures included at Section 8 ensure that any potential adverse impacts to the heritage significance of the place and adjacent items are mitigated.
(f) Any impact on the habitat of protected fauna (within the meaning of the <i>National Parks and Wildlife Act 1974</i> )	No - there is no listed protected fauna in Dillon Street Reserve.
(g) Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air	No - there is no listed protected fauna in Dillon Street Reserve. Regardless, the proposed works are minor and will have no impact in endangering any species.
(h) Any long-term effects on the environment	No adverse impacts identified.
(i) Any degradation of the quality of the environment	The proposal will improve the quality of the environment by improving landscaping.
(j) Any risk to the safety of the environment	Subject to the mitigation measures set out in Section 8 of this REF, the proposed works will not result in any risk to the safety of the environment.

Matter to be addressed	Comment
(k) Any reduction in the range of beneficial uses of the environment	The proposal will increase the range of beneficial uses of the environment, by upgrading the public facilities in the site. Specifically, increasing the range of recreational uses for the local community.
(l) Any pollution of the environment	Due to the proposal being small scale in terms of built form and operation, likely environmental pollution impacts will be minor. There may be impacts during the construction phase, however, these would be minor and can be mitigated with typical measures as set out in Section 8 of this REF.
(m) Any environmental problems associated with the disposal of waste	The proposal's operation does not result in any waste, or if there is any waste, it would be negligible. There may be waste associated with the construction process, but this would be conventional material which can be managed through typical means.  Further, bins are proposed to both of the site's entrances.
(n) Any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply	The proposal necessitates additional landscaping and building materials for construction purposes, but these are very minor given its scale.
(o) Any cumulative environmental effect with other existing or likely future activities	The proposal is small in scale and operation. In this case, any cumulative environmental impacts would be negligible.
(p) Any impact on coastal processes and coastal hazards, including those under projected climate change conditions	The subject site is located within the Sydney Harbour Catchment but is not located in a foreshore zone. In this case, any potential impacts to a coastal region or in relation to climate change, will be negligible.

## 6.4. State Environmental Planning Policy (Infrastructure) 2007

### 6.4.1. Overview

This Policy simplifies the process for providing essential infrastructure, including provisions which enable certain development to be approved by a public authority under Part 5 of the Act following an environmental assessment (known as 'development without consent'). The relevant provisions of this Policy are considered below.

### 6.4.2. Consultation

Consultation has been addressed in Section 5 of this REF. There is no statutory requirement for consultation in relation to the proposed works.

### 6.4.3. Part 3 – Development Controls

Division 12 in Part 3 of the ISEPP provides provisions for “*Parks and other public reserves*”. Dillon Street Park Reserve is defined as a “*public reserve*” pursuant to Clause 64. Clause 65, extracted below, allows certain activities to be carried out as “development permitted without consent”.

#### **65 Development permitted without consent**

(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,

### 6.5. Additional legislation

The Tables below list additional legislation which has been considered to determine whether or not it is applicable or otherwise relevant to the activity:

Table 4: Additional legislation

NSW Legislation	Comment
Contaminated Land Management Act 1997	No – Refer to Section 7.1.5 of this REF.
NSW Heritage Act 1977	<p>Yes – The Bondi Ocean Outfall Sewer (BOOS) is located under Dillon Street Reserve and is an item on the State Heritage Register (SHR 01623). The NSW Heritage Act has been assessed where appropriate within the Heritage Impact Statement (Appendix 8). In summary, the Heritage Impact Statement concludes that the proposed development will not have any adverse impacts on the state listed BOOS, for the following reasons:</p> <p><i>1. The construction of the Bondi Ocean Outfall Sewer in the 1880s is likely to have compromised archaeological evidence of previous occupation of the site and there is</i></p>

NSW Legislation	Comment
	<p><i>low potential for unstratified finds associated with infill soil within the boundary of the Dillon Street Reserve.</i></p> <p><i>2. The proposed works will not reduce or alter the heritage significance of the Bondi Ocean Outfall Sewer, which is located below the Dillon Street Reserve.</i></p>
Local Government Act 1993	No - Future Use - Accordance with any Plan of Management required under the Local Government Act.
Rural Fires Act, 1997	No
Wilderness Act 1987	No – This act only applies to land identified as wilderness under the <i>Wilderness Act 1987</i> or declared as wilderness under the <i>National Parks and Wildlife Act 1974</i> . Such is not the case in this instance.
Protection of the Environment Operations Act 1997	No – This 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. The activity does not trigger the need for licensing under the Act.
Roads Act 1993	No
Biodiversity Conservation Act 2016	No – The proposed development will not significantly affect threatened species, ecological communities or their habitats as assessed in accordance with Section 7.3
Water Management Act 2000	No - No license or approval is required under this Act.
Fisheries Management Act 1994	No
Mine Subsidence Act 1997	No

Table 5: Commonwealth legislation

Commonwealth Legislation	Comment
Environment Protection Biodiversity Conservation Act, 1999	No – This Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places, which are defined in the Act as matters of national environmental significance. The proposed activity has been assessed in relation to the <i>EPBC Act 1999</i> . The location of the site, the relatively limited nature of the activity and the

	<p>mitigation measures outlined in this report should avoid significant impact on:</p> <ul style="list-style-type: none"> <li>▪ a declared World Heritage Property;</li> <li>▪ a National Heritage place;</li> <li>▪ a declared Ramsar wetland;</li> <li>▪ Commonwealth listed migratory species;</li> <li>▪ Commonwealth listed threatened species or endangered community;</li> <li>▪ Commonwealth marine areas; or</li> <li>▪ Commonwealth land</li> </ul>
--	---

## 6.6. Additional state environmental planning policies

Given the nature of the proposed activity and the location of the subject site, additional SEPPs which have been considered for the purposes of preparing this REF are addressed below:

*Table 6: SEPPs*

SEPP	Comment
<b>SEPP No 19</b> <b>Bushland in Urban Areas</b>	<p>The general aim of this policy is to protect and preserve bushland within the urban areas. The extension of the park promotes the objectives of this policy by protecting its aesthetic value and providing further recreational uses.</p>
<b>SEPP No 55</b> <b>Remediation of Land</b>	<p>The object of this Policy is to provide for a state-wide planning approach to the remediation of contaminated land. Its provisions relate to rezoning and development applications and planning proposals only. However, an evaluation of the potential for land contamination has nevertheless been undertaken. Refer to Section 7.1.5 of this REF.</p>
<b>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</b>	<p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by providing exempt and complying development codes that have State-wide application. This activity is not captured by any of the provisions of this Policy.</p>



## 6.7. Woollahra Local Environmental Plan 2014 (WLEP)

The *Woollahra Local Environmental Plan 2014* (WLEP) is the primary Environmental Planning Instrument (EPI) applying to the site. A review of the provisions that are relevant to the site are provided below.

### 6.7.1. Zoning

The site is zoned RE1 Public Recreation and SP2 Infrastructure pursuant to the WLEP (refer to Figure 25).

Recreation areas are permitted with consent within the RE1 Public Recreation and SP2 Infrastructure zones pursuant to the WLEP.

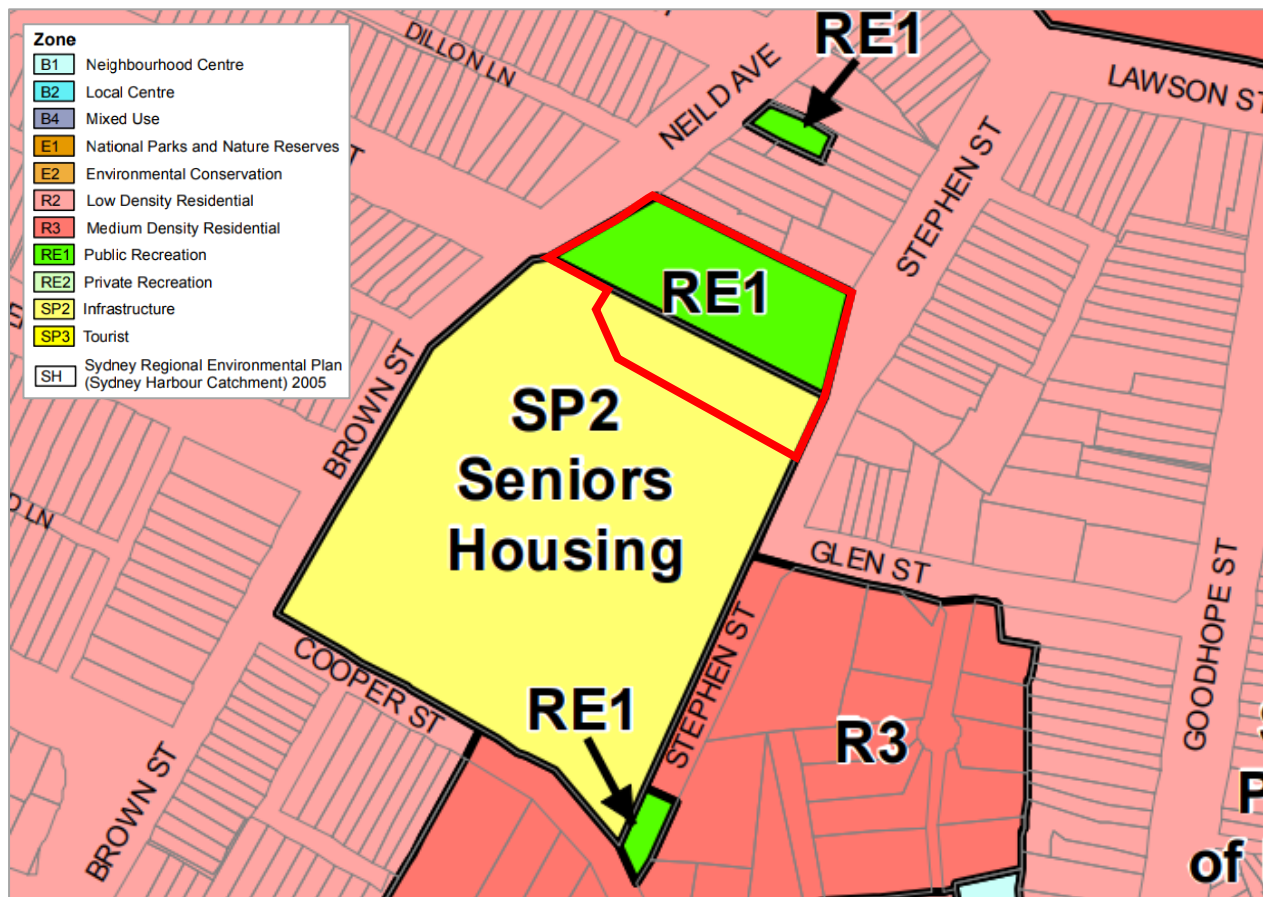


Figure 25: Zoning Map, approximate site location outlined in red (Source: WLEP)

### 6.7.2. Objectives

The objectives of the RE1 Public Recreation Zone are to:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

The proposal promotes the objectives of the RE1 Public Recreation zone by retaining, and upgrading land available for recreational purposes and increasing the range of activities available for the local community.

The objectives of the SP2 Infrastructure (Seniors Housing) zone are to:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The land donated to Woollahra Municipal Council is located within the SP2 Infrastructure (Seniors Housing) zone. The proposed "recreation areas and recreation facilities (outdoor)", are compatible with the adjoining seniors housing, and do not detract from the provision of this infrastructure.

### 6.7.3. Clause 5.10 Heritage Conservation

The *Woollahra Local Environmental Plan 2014* (WLEP) property description for the former Scottish Hospital site is Lot 2 of DP 607572 and a right of way described as Lot 1 of DP 117517. In 2020, as part of the redevelopment of the site, the two allotments were consolidated and re-subdivided as Lot 20 and Lot 21 of DP1255181 (Parish of Alexandra, County of Cumberland). The WLEP is to be amended to reflect the new legal descriptions of the allotments.

Lot 20 of DP 1255181 was formerly located within the property boundary of the heritage-listed Scottish Hospital site and was transferred to Woollahra Municipal Council following the redevelopment of that site. Lot 20 is currently gazetted as part of the Scottish Hospital which is included in Schedule 5 (Heritage Item No. 245) of the WLEP.

The subject site is included as a heritage item on the following heritage instruments. Note the Bondi Ocean Outfall Sewer is located several metres below the Dillon Street Reserve and would not be affected by the proposed works.

NSW Heritage Act, 1977	
State Heritage Register	
▪ <i>BOOS (Bondi Ocean Outfall Sewer), Bondi Street Bondi, Item No. 01623</i>	
S170 Register	
▪ <i>Bondi Ocean Outfall Sewer (BOOS), 312 Blair Street Bondi, NSW, Item No. 4570662</i>	
Environmental Planning and Assessment Act, 1979	
Woollahra Local Environmental Plan (LEP) 2014, Part 1 Heritage items	
▪ <i>Scottish Hospital, 74 Brown Street (also known as 2 Cooper Street), Paddington, Item no. 245 (northeast corner portion only defined as Lot 20 DP1255181)</i>	
Woollahra LEP 2014, Part 2 Heritage conservation areas	
▪ <i>Paddington Heritage Conservation Area, Item No. C8</i>	

The site is also located in proximity to the following heritage items:



#### Environmental Planning and Assessment Act, 1979

##### Woollahra Local Environmental Plan (LEP) 2014, Part 1 Heritage items

- *Scottish Hospital, 74 Brown Street (also known as 2 Cooper Street), Paddington, Item no. 245 (Lot 21 DP1255181)*
- *House, interior and grounds, 8A Cooper Street, Paddington, Item no. 255*

A Heritage Impact Statement (**Appendix 8**) has been prepared by City Plan Heritage consistent with Clause 5.10 Heritage Conservation. The HIS follows the guidelines set out in publications issued by the NSW Heritage Council and the Australia ICOMOS Burra Charter 2013. A detailed assessment of the proposed works has been undertaken against the relevant controls of the Woollahra DCP 2015 within the Heritage Impact Statement.

The Heritage Impact Statement concludes that:

*"the proposed design has balanced the heritage significance of the site, statutory heritage legislation and client requirements to improve the amenity of the space for the local community and visitors. The upgrading and landscaping works are compatible with the established character of the Paddington Heritage Conservation Area and will maintain view corridors along Brown Street, Neild Avenue and Stephens Street. Given the minor nature and location of the proposed upgrading works we conclude the works, subject to the resolution of details, will not diminish the heritage significance of the Bondi Ocean Outfall Sewer, the former Scottish Hospital Grounds or the former Scottish Hospital Building, or the Paddington Heritage Conservation Area. The proposal demonstrates compliance with Woollahra Municipal Council's existing heritage controls and is therefore recommended to Council for approval."*

#### 6.7.4. Clause 6.2 Earthworks

This clause seeks to ensure earthworks would not have a detrimental impact on any environmental functions or existing built environments. The proposal only comprises minor earthworks, which are unlikely to have any detrimental impact on any environmental functions or existing built environments. Refer to Section 8 for mitigation measures including the implementation of the EMP.

#### 6.7.5. Clause 6.3 Flood Planning

The site is not located within the "Flood Planning Area" on the WLEP Flood Planning Map.

#### 6.8. Additional relevant codes

- Building Code of Australia; and
- Australian Standards

Consistency with the BCA and Australian Standards will need to be demonstrated, and this is addressed by mitigation measures at Section 8.

## **7. ENVIRONMENTAL IMPACT ASSESSMENT**

### **7.1. Matters for Consideration**

Consideration has been given to other potential environmental impacts associated with the activity.

#### **7.1.1. Acoustic Impacts**

The usage of the reserve is not expected to increase significantly as it is regarded as a neighbourhood park. The extended area of the park adjoins the recreational open space of "The Terraces" aged care home and therefore is not expected to have any adverse acoustic impacts. Residential development (13 Stephen Street, and 17 Neild Avenue) is located adjacent to the gully area of the park. Although the gully area of the park is being upgraded, the intensity of the use of the park is unlikely to cause any significant increases in acoustic levels.

#### **7.1.2. Visual Impact**

Negligible adverse visual impact outcomes are anticipated given:

- The use of the park will not fundamentally alter;
- The scope of works are minor; and
- The works will not erode any private or public views.

The visual impact of the proposal will be generally positive, and no mitigation measures are required.

#### **7.1.3. Safety and Security**

CPTED is a recognised model which provides that if development is appropriately designed it can reduce the likelihood of crimes being committed. By introducing CPTED measures within the design of the development, it is anticipated that this will assist in minimising the incidence of crime and contribute to perceptions of increased public safety. The proposal has been designed to take into consideration these principles as follows:

Surveillance: This principle provides that crime targets can be reduced by effective surveillance, both natural and technical.

There is sufficient natural surveillance from the site, particularly from "the Terraces" residential care home, which looks onto the new open space area of the park. In addition, the lighting is proposed to be upgraded to central pedestrian path from Neild Avenue to Stephen Street which will increase natural surveillance. The concept design also avoids hiding places and increases the permeability of the gully area of the park.

Access Control: This principle provides that barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime.

The proposed concept design provides double self-closing gate for pedestrian and maintenance vehicle access, and dog exclusion signage at both entry points to the site which will ensure that opportunities for crime are minimised. Woollahra Municipal Council rangers will ensure that dog exclusion and other regulations of the park are enforced.

Territorial Reinforcement: This principle provides that well-used places reduce opportunities for crime and increase risk to criminals.

The proposal will improve the recreational use which will reduce opportunities for crime. The site does not have a history of antisocial behaviour, and the concept design does not provide opportunities for lingering, as minimal seating is proposed.

Space Management: This principle provides that space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour.

The upgrades to the site, will ensure that all spaces of the park are appropriately utilised. This is particularly significant in terms of the weed clearing for the gully area, which is currently underused. The safety and security of the proposal is adequately addressed in the proposed design, ongoing maintenance and upkeep per councils' usual arrangements. To ensure the safety of individuals using the park, all equipment should be installed to Australian Standards.

Considering that the design has taken the above CPTED principles into account, and there is not a history of anti-social behaviour in the park, it is unlikely that safety and security of the park is likely to change, and is more likely to be improved with a better, more open design.

#### **7.1.4. Heritage**

Refer to the Heritage Impact Statement (**Appendix 8**) and Sections 5.1, 6.5 and 6.7.3 of this REF. Mitigation measures are also provided within the Heritage Impact Statement (**Appendix 8**) and **Section 8** of this REF, which ensure that any potential adverse impacts on heritage conservation are mitigated.

#### **7.1.5. Contamination**

Douglas Partners has prepared an Environmental Management Plan (EMP), for the extension to Dillon Street Reserve Playground (**Appendix 7**) as part of a Voluntary Planning Agreement (VPA) between Presbyterian Aged Care (PAC) and Woollahra Municipal Council.

Based on previous contamination investigations, filling material is present at the site. The polycyclic hydrocarbons (PAHs) are due to the presence of ash. Due to the presence of the ash-impacted filling on the site, a Remediation Action Plan (RAP) was prepared by Douglas Partners (Remediation Action Plan Rev1, Scottish Hospital Redevelopment, Project 84361.01 dated 9 September 2015) so that the redevelopment works were undertaken on the hospital site for "The Terraces" development with due consideration to the existing contamination on the wider site. For the VPA area this remediation included the provision of a physical barrier system, the details of which are provided within the EMP (**Appendix 7**). The objective of the RAP was to render the site suitable for its proposed use as a public park.

As stated in the EMP (**Appendix 7**):

*the suitability of this remediation approach was reviewed and endorsed by Mr Graeme Nyland of Ramboll, a Site Auditor accredited by the NSW EPA under the Contaminated Land Management Act 1997. Multiplex had engaged Mr Nyland to provide a Site Audit Statement (SAS) confirming site suitability. Mr Nyland has since been replaced as the Site Auditor by Mr Tom Onus of the same company. It is also noted that asbestos-containing material (ACM) has been encountered as pieces of bonded asbestos-cement sheeting mixed sporadically in the filling in some areas of the wider site. Although a significant proportion of this material has been removed, the remediation approach (i.e. capping of the filling) also manages the ACM risk that has been identified in some areas of the site and may remain.*

Details of the physical barrier system, and the protocol for unexpected finds including Asbestos-Containing Materials are included within the EMP (**Appendix 7**). The mitigation measures included within this EMP should be implemented to ensure the long-term viability of the contaminated soil management, through the physical barrier system.

Refer to Section 8 for mitigation measures to manage contamination soil management.

#### **7.1.6. Flora, Fauna and Ecology**

The existing physical condition of the site is such that it does not have any ecological attributes which, if lost, would impact upon any threatened species, population, ecological community or habitat. The site does not contain any significant flora, fauna or ecology.

There are large expanses of exotic ivy groundcover and climber covering potential open space area. This ivy is not protected fauna and was reported in the community consultation to be attracting mosquitoes. This ivy is to be removed and replaced with the installation of native groundcovers and grasses.

Celtis spp are noxious species and exempt under E.3.4.1 of the Woollahra Development Control Plan 2015 and seven (7) are proposed to be removed. In addition, one (1) small poorly formed Eucalyptus which is of low ecological significance is to be removed.

A Port Jackson Fig and Jacaranda trees are proposed which will improve the ecology and biodiversity of the site. The new trees will be advanced stock (minimum of 2m at the time of planting).

Further, the proposed landscaping is of a high quality and expected to be durable. In this case, no adverse impacts are associated with removing any trees or landscaping at the subject site. The proposed concept design for the park is adequate and does not require any further mitigation measures.

#### **7.1.7. Water Management**

There is currently no irrigation in the reserve and there will be no changes to stormwater infrastructure. The proposal is to irrigate the large turfed open space only. As the proposed works are minor, there is expected to be no adverse water management impacts. Nonetheless, a Construction Management Plan (CMP) will be prepared to ensure there are no adverse construction related water management impacts.

#### **7.1.8. Transport, Traffic and Parking**

Any increase in traffic and parking to the site and locality, due to the proposal is expected to be very minor, as the park is mostly used by local residents who walk to the site or use public transport. The site has excellent public transport connectivity and is located 500m from Kings Cross Train Station and 200-1000m from bus stops providing the following routes:

- 389 - Bondi Junction to Pyrmont;
- 340 - Bondi Junction to Chatswood; and
- 333 - North Bondi to Circular Quay

Given the above, and the minor scale of the proposal, adverse impacts to traffic and parking are considered unlikely, and no mitigation measures are required for the operation of the park. A Construction Management Plan will be prepared which will ensure there are no adverse traffic impacts during construction.

#### **7.1.9. Construction Impacts**

A range of impacts including dust, noise, erosion, waste material and traffic are associated with most developments. It is expected that good building practice will be adopted to minimise such impacts in line with typical expectations. This aside, a CMP will be prepared by the Woollahra Municipal Council. CMP's typically regulate noise and such generation, erosion waste management as well as construction related traffic movements.

## 8. MITIGATION MEASURES

This REF has identified and assessed the key issues arising from the proposed development in accordance with the applicable legislation. On the basis of that assessment, it is concluded that the activity will not have a significant impact on the environment, subject to the mitigation measures outlined below.

The mitigation measures at Table 7 below were prepared having regard to the plans and reports accompanying this REF. The activity is to be completed generally in accordance with these plans.

*Table 7: Mitigation Measures*

Issue	Recommended Mitigation Measure
<b>Heritage Conservation</b>	<p>As detailed in the Heritage Impact Statement (<b>Appendix 8</b>) the following actions are to be undertaken to mitigate potential adverse actions on the heritage significance of the place and adjacent items:</p> <p><b>Prior to Commencement of Construction Works</b></p> <ul style="list-style-type: none"> <li>▪ Prior to excavation works, Council is to co-ordinate with Sydney Water to confirm the depth of the brick drain. Works are to be carried out in a manner to maintain the operation of the Bondi Outfall Sewer as part of the current Sydney metropolitan sewerage system.</li> <li>▪ A built heritage specialist is to identify on site the section of sandstone to be retained and conserved <i>in situ</i>, and where appropriate provide oral and/or written advice to assist in its repair.</li> </ul> <p><b>Temporary Protection</b></p> <ul style="list-style-type: none"> <li>▪ Develop a temporary protection plan that identifies the potential risks and outlines measures to reduce the potential for damage to heritage fabric during the works.</li> <li>▪ Trees, sandstone retaining walls and other elements identified for retention <i>in situ</i> are to be protected throughout the construction phase.</li> </ul> <p><b>Archaeology</b></p> <ul style="list-style-type: none"> <li>▪ Should archaeological relics be uncovered during the course of works, works in the immediate area are to cease work, protect item and inform the site manager and Woollahra Council staff.</li> <li>▪ Contact and engage an archaeologist and complete a preliminary assessment and recording of the item. Following assessment:             <ul style="list-style-type: none"> <li>i) Works can recommence on receipt of written approval from the archaeologist; or</li> <li>ii) Where appropriate the archaeologist will formulate a management plan and notify the regulator by letter. Where required an approved management plan is to be implemented and conditions fulfilled prior to recommencing works. Works can recommence on receipt of written approval from the archaeologist.</li> </ul> </li> </ul> <p><b>Salvage</b></p> <ul style="list-style-type: none"> <li>▪ Prior to commencement of the works, allow the built heritage specialist to identify significant sandstone elements to be retained</li> </ul>

Issue	Recommended Mitigation Measure
	<p>in situ, for salvage and re-use on site, and where appropriate components for off-site disposal. Removal of any items to be carried out in accordance with specific salvage methodologies provided by the built heritage specialist.</p> <p><b>Monitoring</b></p> <ul style="list-style-type: none"> <li>▪ The built heritage specialist is to be on site during all critical processes that require specialist knowledge and methodology. Should any discoveries be made apparent during the absence of the built heritage specialist, they are to be notified immediately and work in that area is to cease.</li> <li>▪ The built heritage specialist is to undertake regular inspections to suit the works. Timing and frequency to be agreed with the contractor.</li> <li>▪ The built heritage specialist is to monitor the works and ensure that compliance conditions pertaining to heritage fabric are met.</li> <li>▪ All junctions between new and original fabric to be reversible and easily identifiable as such.</li> </ul> <p><b>Heritage Interpretation</b></p> <ul style="list-style-type: none"> <li>▪ A built heritage specialist is to develop a heritage interpretation plan for the proposed development in accordance with the Heritage NSW publications, <i>Interpreting Heritage Places and Items (2005)</i> and the Heritage Council of NSW <i>Heritage Interpretation Policy (2005)</i>.</li> </ul>
<b>Certification</b>	Once all works are finalised the activity shall be the subject of certification verifying compliance with the Building Code of Australia and Australian Standards.
<b>Construction Management Plan (CMP) (includes demolition)</b>	A CMP will be prepared, and any construction work will be carried out with this CMP to reduce any dust, noise, erosion, waste, and traffic impacts.
<b>Acoustic (construction) (to form part of the CMP)</b>	<p>All reasonable practical steps are to be undertaken to reduce noise during the construction.</p> <p>All construction work will comply with Australian Standard Noise controls.</p>
<b>Water Management (to form part of the CMP)</b>	All care and due diligence are to be taken to minimise or prevent material during construction entering drain inlets or waterways.
<b>Contamination</b>	<p>Woollahra Municipal Council will ensure ongoing compliance with the EMP prepared by Douglas Partners dated May 2019.</p> <p>Diligent implementation of this EMP should ensure the long-term viability of the contaminated soil management, through the physical barrier system.</p> <p>It is recommended that the EMP be reviewed and updated regularly to document any changes to the physical barrier system (e.g. approved and managed breaches and reinstatement), reflect changes in legislation and industry practice, and to monitor the effectiveness of the physical barrier</p>



Issue	Recommended Mitigation Measure
	system and the implementation of the EMP. Any changes to the EMP should be undertaken by a competent qualified Environmental Consultant.
<b>Flora, Fauna and Ecology</b>	The proposal should be developed in accordance with the Concept Design Plan.
<b>Safety</b>	The proposal should be developed in accordance with the Concept Design Plan which has incorporated CPTED principles.
	All play equipment is to be built to comply with the BCA and Australian Standards
	Lighting and fencing are to be upgraded in accordance with the Concept Design Plan.
	Woollahra Municipal Council rangers will ensure that dog exclusion and other regulations of the park are enforced.
<b>Construction Impacts</b>	<b>Related</b> Preparation of Construction Management Plan (CMP) to ensure there are no construction related impacts.

## 9. CONCLUSION

This Review of Environmental Factors (REF) has been prepared to investigate possible environmental impacts associated with the expansion and upgrade of Dillon Street Reserve Playground.

In accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* (the Act), this REF has determined the activity is not likely to have any adverse effect on the environment and does not cause any unacceptable environmental risks to the land or surrounding area. Where potential impacts have been identified, appropriate mitigation measures have been recommended in Section 8 of this REF. Consequently, an Environmental Impact Statement (EIS) is not required and this REF is an adequate level of impact assessment.

Should Woollahra Municipal Council proceed with this activity, the development should be subject to the mitigation measures listed in Section 8 of this report.