

# REVIEW OF ENVIRONMENTAL FACTORS

## TN18 – PROPOSED SPORTSFIELD

18 SUNCROFT AVENUE, CHISHOLM NSW 2322



**CLIENT:** MAITLAND CITY COUNCIL

**DATE:** 5 MARCH 2025

**PREPARED BY:**



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# ENVIRONMENTAL ASSESSMENT DECLARATION

## Review of Environmental Factors (REF)

Prepared under Part 5 of the *Environmental Planning and Assessment Act 1979*

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Proposed project	TN18 – Chisholm Sportsfield
Certification	I certify that I have prepared and endorsed the contents of this REF document and, to the best of my knowledge, it is in accordance with the <i>Environmental Planning and Assessment Act 1979</i> , the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and the Guidelines approved under clause 170 of the EP&A Regulation, and the information it contains is neither false nor misleading.

Reviewed by	Released by
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# ENVIRONMENTAL ASSESSMENT DETERMINATION

## Certification by Maitland City Council

This Review of Environmental Factors is an appropriate assessment of the TN18 – Chisholm Sportsfield and has considered all matters affecting or likely to affect the environment. The environmental assessment encompasses all proposed activities. I have reviewed and am aware of the mitigation measures relevant to the proposal to be incorporated into the Construction Environmental Management Plan and will undertake all possible action to ensure effective communication of the mitigation measures to the project manager for implementation.

**Signed**

Name

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Position

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Date

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# CONTENTS

<b>1.</b>	<b>INTRODUCTION .....</b>	<b>7</b>
<b>1.1.</b>	<b>PROPOSAL IDENTIFICATION .....</b>	<b>7</b>
<b>1.2.</b>	<b>THE PROPONENT .....</b>	<b>7</b>
<b>1.3.</b>	<b>PURPOSE OF REPORT .....</b>	<b>7</b>
<b>1.4.</b>	<b>SITE AND SURROUNDING AREA .....</b>	<b>8</b>
1.1.1	SITE SUMMARY .....	8
1.1.2	SITE AND SURROUNDING AREA .....	8
1.4.1.	LAND OWNERSHIP .....	10
1.4.2.	SITE PHOTOS .....	10
<b>2.</b>	<b>NEEDS AND OPTIONS CONSIDERED .....</b>	<b>13</b>
<b>2.1.</b>	<b>STRATEGIC NEED FOR THE PROPOSAL .....</b>	<b>13</b>
<b>2.2.</b>	<b>PROJECT OBJECTIVES .....</b>	<b>14</b>
<b>2.3.</b>	<b>ALTERNATIVES AND OPTIONS CONSIDERED .....</b>	<b>15</b>
2.3.1.	ANALYSIS OF OPTIONS .....	15
2.3.2.	PREFERRED OPTION .....	16
<b>3.</b>	<b>DESCRIPTION OF THE PROPOSAL .....</b>	<b>17</b>
<b>3.1.</b>	<b>SCOPE DETAIL AND EXTENT OF WORKS .....</b>	<b>17</b>
3.1.1.	PLANT AND EQUIPMENT .....	18
3.1.2.	POST-CONSTRUCTION REHABILITATION .....	18
3.1.3.	CONSTRUCTION TRAFFIC .....	18
3.1.4.	TIMING AND HOURS OF WORK .....	19
<b>4.</b>	<b>STATUTORY PLANNING CONTROLS .....</b>	<b>20</b>
<b>4.1.</b>	<b>LOCAL ENVIRONMENTAL PLAN .....</b>	<b>20</b>
<b>4.2.</b>	<b>STATE ENVIRONMENTAL PLANNING POLICIES .....</b>	<b>21</b>
4.2.1.	STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 .....	21
4.2.2.	OTHER APPLICABLE SEPPS .....	22
<b>4.3.</b>	<b>ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 .....</b>	<b>23</b>
<b>4.4.</b>	<b>ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021 .....</b>	<b>24</b>
<b>4.5.</b>	<b>NSW STATE LEGISLATION .....</b>	<b>24</b>
4.5.1.	RELEVANT NSW STATE LEGISLATION .....	24
<b>4.6.</b>	<b>COMMONWEALTH LEGISLATION .....</b>	<b>29</b>
<b>4.7.</b>	<b>STRATEGIC FRAMEWORK .....</b>	<b>29</b>
4.7.1.	HUNTER REGIONAL PLAN 2041 .....	29
4.7.2.	GREATER NEWCASTLE PLAN 2036 .....	30
4.7.3.	MAITLAND LOCAL STRATEGIC PLANNING STATEMENT .....	31
<b>4.8.</b>	<b>CONFIRMATION OF PART 5 ASSESSMENT .....</b>	<b>31</b>
<b>5.</b>	<b>CONSULTATION .....</b>	<b>32</b>
<b>5.1.</b>	<b>INTRODUCTION .....</b>	<b>32</b>
<b>5.2.</b>	<b>SEPP TRANSPORT AND INFRASTRUCTURE CONSULTATION .....</b>	<b>32</b>
<b>5.3.</b>	<b>COMMUNITY CONSULTATION .....</b>	<b>36</b>
<b>6.</b>	<b>ENVIRONMENTAL ASSESSMENT .....</b>	<b>38</b>
<b>6.1.</b>	<b>LAND USE .....</b>	<b>38</b>
6.1.1.	EXISTING ENVIRONMENT .....	38
6.1.2.	POTENTIAL IMPACTS .....	38

6.1.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	38
<b>6.2.</b>	<b>CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN .....</b>	<b>39</b>
6.2.1.	EXISTING ENVIRONMENT .....	39
6.2.2.	POTENTIAL IMPACTS .....	39
6.2.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	42
<b>6.3.</b>	<b>TRAFFIC AND ACCESS .....</b>	<b>44</b>
6.3.1.	EXISTING ENVIRONMENT .....	44
6.3.2.	POTENTIAL IMPACTS .....	44
6.3.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	45
<b>6.4.</b>	<b>NOISE AND VIBRATION .....</b>	<b>45</b>
6.4.1.	EXISTING ENVIRONMENT .....	45
6.4.2.	POTENTIAL IMPACTS .....	45
6.4.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	46
<b>6.5.</b>	<b>SOILS AND GEOLOGY .....</b>	<b>47</b>
6.5.1.	EXISTING ENVIRONMENT .....	47
6.5.2.	POTENTIAL IMPACTS .....	48
6.5.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	48
<b>6.6.</b>	<b>AIR QUALITY .....</b>	<b>49</b>
6.6.1.	EXISTING ENVIRONMENT .....	49
6.6.2.	POTENTIAL IMPACTS .....	49
6.6.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	49
<b>6.7.</b>	<b>WATER QUALITY AND HYDROLOGY .....</b>	<b>49</b>
6.7.1.	EXISTING ENVIRONMENT .....	49
6.7.2.	POTENTIAL IMPACTS .....	50
6.7.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	50
<b>6.8.</b>	<b>FLORA, FAUNA AND BUSHFIRE.....</b>	<b>50</b>
6.8.1.	EXISTING ENVIRONMENT .....	50
6.8.2.	POTENTIAL IMPACTS .....	51
6.8.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	51
<b>6.9.</b>	<b>HERITAGE - ABORIGINAL.....</b>	<b>52</b>
6.9.1.	EXISTING ENVIRONMENT .....	52
6.9.2.	POTENTIAL IMPACTS .....	52
6.9.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	52
<b>6.10.</b>	<b>HERITAGE – NON-ABORIGINAL .....</b>	<b>53</b>
6.10.1.	EXISTING ENVIRONMENT .....	53
6.10.2.	POTENTIAL IMPACTS .....	53
6.10.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	53
<b>6.11.</b>	<b>VISUAL IMPACTS.....</b>	<b>53</b>
6.11.1.	EXISTING ENVIRONMENT .....	53
6.11.2.	POTENTIAL IMPACTS .....	53
6.11.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	54
<b>6.12.</b>	<b>SOCIAL AND ECONOMIC .....</b>	<b>54</b>
6.12.1.	EXISTING ENVIRONMENT .....	54
6.12.2.	POTENTIAL IMPACTS .....	55
6.12.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	55
<b>6.13.</b>	<b>WASTE.....</b>	<b>55</b>
6.13.1.	EXISTING ENVIRONMENT .....	55
6.13.2.	POTENTIAL IMPACTS .....	55
6.13.3.	ENVIRONMENTAL MANAGEMENT MEASURES .....	56

6.14.	CUMULATIVE IMPACTS.....	56
7.	CHECKLISTS.....	58
7.1.	ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2021 (CLAUSES 170 AND 171) 58	
7.2.	COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (EPBC ACT).....	59
8.	COMPILATION OF MITIGATION MEASURES.....	62
8.1.	CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP).....	62
8.2.	DECISION STATEMENT .....	62
8.3.	LAND USE .....	62
8.4.	CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN .....	63
8.5.	TRAFFIC AND ACCESS .....	64
8.6.	NOISE AND VIBRATION .....	64
8.7.	SOILS AND GEOLOGY .....	66
8.8.	AIR QUALITY .....	66
8.9.	WATER QUALITY AND HYDROLOGY .....	66
8.10.	FLORA, FAUNA AND BUSHFIRE.....	67
8.11.	HERITAGE - ABORIGINAL.....	67
8.12.	HERITAGE – NON_ABORIGINAL.....	68
8.13.	VISUAL IMPACT .....	68
8.14.	SOCIAL AND ECONOMIC .....	68
8.15.	WASTE.....	68
9.	CONCLUSION AND JUSTIFICATION FOR THE PROPOSAL.....	70

## APPENDICES

<b>Appendix 1:</b>	Architectural Plans prepared by Maitland City Council - 9.12.24
<b>Appendix 2:</b>	Civil Design Plans prepared by Maitland City Council - 11.02.2025
<b>Appendix 3:</b>	Lighting Plan prepared by Norwich Group - 28.03.2024
<b>Appendix 4:</b>	Environmental Assessment prepared by AEP - 02.05.2024
<b>Appendix 5:</b>	Geotechnical Investigation prepared by Hunter Civilab - 11.03.2024
<b>Appendix 6:</b>	Acoustic Assessment prepared by RAPT Consulting - 30.04.2024
<b>Appendix 7:</b>	Aboriginal Due Diligence Assessment prepared by Eco Logical - 02.05.2024
<b>Appendix 8:</b>	AHIMS Search Result - 23.02.2024
<b>Appendix 9:</b>	AHIP #4157 - 10.11.2017
<b>Appendix 10:</b>	MNES Protected Matters Search - 06.03.2024
<b>Appendix 11:</b>	Project Management Plan prepared by Maitland City Council - 28.11.2023
<b>Appendix 12:</b>	Access Report (Draft) prepared by Purple Apple Access - 3.01.2025
<b>Appendix 13:</b>	Traffic Impact Assessment prepared by Intersect Traffic - 24.01.25
<b>Appendix 14:</b>	TN18 Sportsground - Sophia Waters Chisholm Notification



## 1. INTRODUCTION

### 1.1. PROPOSAL IDENTIFICATION

Maitland City Council (Council) has requested de Witt Consulting to undertake the required environmental assessment for works at 15 Suncroft Street, Chisholm NSW 2322 (Lot 3156 DP1267803) (the site). The proposed works consist of a neighbourhood sportsground, cricket nets, amenities building, car parking, pathways, fencing, landscaping, revegetation, stormwater management and associated infrastructure. The project is known as “TN18”.

The works are within the ambit of development permitted without consent under Section 2.73 of the State Environmental Planning Policy (SEPP) (Transport and Infrastructure) 2021, where the works are undertaken on behalf of Council as the determining authority. Council is obligated under Section 5.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of the proposed works.

This Review of Environmental Factors (REF) will document likely impacts of the proposed sportsground works on the environment and address the environmental management requirements in relation to the proposed works, as required.

### 1.2. THE PROPONENT

Maitland City Council is the landowner, proponent and determining authority for the proposed activity under Part 5 of the EP&A Act. Council must make a determination of the REF in accordance with Part 5.1 of the EP&A Act, certified in their decision statement (or similar).

### 1.3. PURPOSE OF REPORT

The purpose of this REF is to fulfil duties under Section 5.5 of the EP&A Act 1979 to consider, to the *fullest extent possible*, all matters affecting or likely to affect the environment, for the purpose of protection and enhancement of the environment and to address the environmental management requirements in relation to the proposed works.

The description of the proposed works and assessment of associated environmental impacts have been documented in this REF having regard to Section 170 and 171 of the Environmental Planning and Assessment Regulation 2021, the *Biodiversity Conservation Act 2016* (BC Act), the *Fisheries Management Act 1994* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The findings of the REF have been considered to assess:

- Whether the proposal is likely to have a significant impact on the environment and therefore the necessity for an environmental impact statement (EIS) to be prepared and approval to be sought from the Minister for Planning and Public Spaces;
- The significance of any impact on threatened species as defined by the BC Act in Section 1.7 of the EP&A Act and therefore the requirement for a Species Impact Statement (SIS) and/or a Biodiversity Development Assessment Report (BDAR); and
- The potential for the proposal to significantly impact a matter of national environmental significance or Commonwealth land and the need to make a referral to the Commonwealth Government Department of Climate Change, Energy, the Environment and Water for a decision by the Australian Minister for the Environment and Water on whether assessment and approval is required under the EPBC Act.

It is the finding of this report that the proposed activity can proceed subject to any mitigation measures and/or conditions listed in Section 8 of this REF, Compilation of Mitigation Measures.



## 1.4. SITE AND SURROUNDING AREA

### 1.1.1 Site Summary

<b>Address</b>	15 Suncroft Street, Chisholm NSW 2322
<b>Lot and DP</b>	Lot 3156 DP1267803
<b>Zone</b>	R1 General Residential, RU2 Rural Landscape
<b>Land Area</b>	5.1592 hectares (ha) (approximately)
<b>Existing Structures</b>	No existing structures on the site

### 1.1.2 Site and Surrounding Area

The site is located on the southern side of Suncroft Street, within the Sophia Waters residential land release of Chisholm. The site itself has a frontage to Suncroft Street of approximately 230m (north), and secondary frontages to Mayo Crescent of approximately 160m (east) and Trampoline Esplanade of approximately 96m (west). The site has a depth of 200m, and a total area of approximately 5.1592ha, approximately. The site slopes down from the north to the south, with the most notable elevation change at the northern side where the site drops away from Suncroft Street. The site's southern boundary is Raymond Terrace Road.

The site itself does not contain any built structures, and is currently cleared of any significant vegetation, resultant from the constructed residential subdivision in which it sits. Vegetation at site is disturbed previously cleared pasture lands, being managed grass, kept short by constant mowing and maintenance.

Referring to **Appendix 5**, it is understood that buried asbestos exists at the north-western portion of the site, which was subsequently backfilled to a maximum depth of 7.03m with site won material. The backfill consisted of a cell of material at the base considered to be contaminated up to 3.78m thick which was capped with uncontaminated fill material up to 3.25m thick.

Low density residential housing is located to the north, east, and west of the subject site. The greater area that the site is located in is the Sophia Waters urban release estate, as previously mentioned. This forms part of an urban release area that extends out west to the 'Waterford' and 'Harvest' urban release estates of Chisholm. Overall, the site is located within the Thornton North Section 94 Contributions Plan area. This is an area that was formerly rural and identified for residential development through prior strategic planning.

More generally, the suburb of Chisholm is located to the north of Thornton, with Metford and the new Maitland Hospital being located to the site's south-west. East Maitland is located to the site's west, as is Stockland Greenhills, a major shopping centre within the Maitland LGA. The site is approximately 9.6km south-east of the Maitland central business district (CBD) and 21km north-west of the Newcastle CBD.

*Figure 1* below provides a general aerial perspective of the site, *Figure 2* provides an immediate location plan while *Figure 3* provides a larger 3-5km radius location plan.

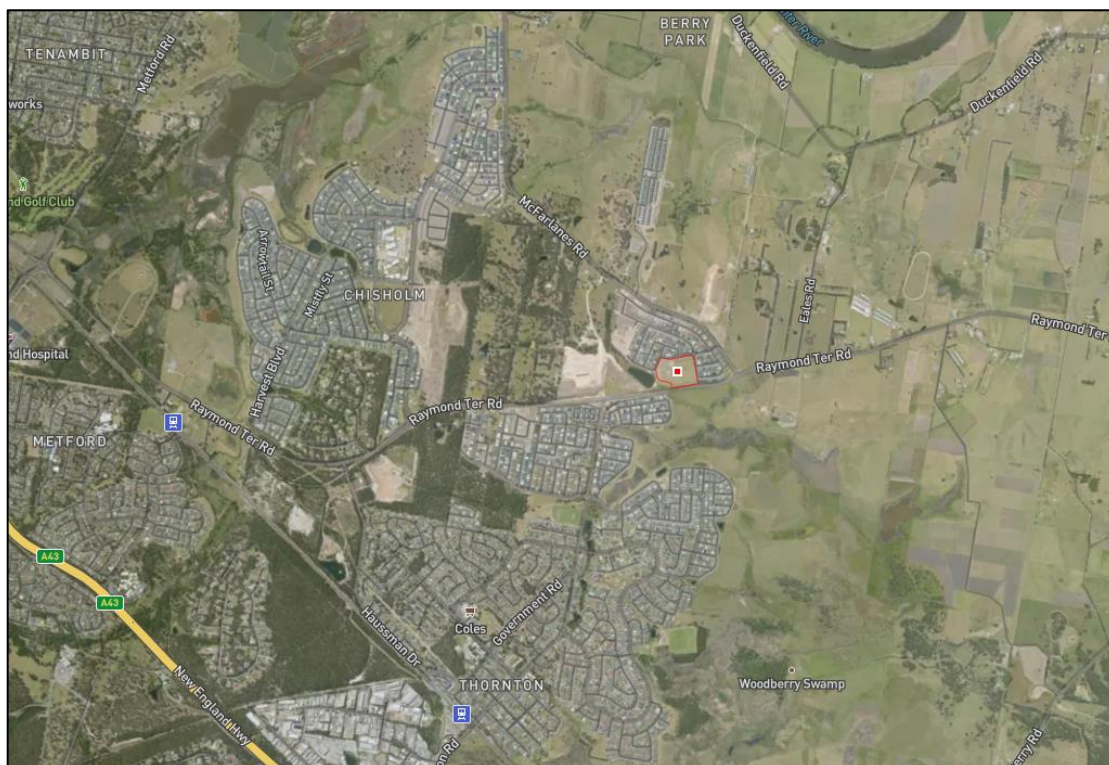


**Figure 1:** Aerial view of site (aerial © Aerometrex 2024)



**Figure 2:** Immediate location plan of site (aerial © Aerometrex 2024)





**Figure 3:** 3-5km radius location plan (aerial © Aerometrex 2024)

#### 1.4.1. Land Ownership

The site comprises Lot 3156 DP1267803, which is land owned and managed by Maitland City Council.

#### 1.4.2. Site Photos

The following site photos were obtained by de Witt Consulting during a visual site inspection and walkover with a Maitland City Council representative on 27/02/2024.



**Image 1:** View of footpath on northern side of project area, looking east toward residential development



**Image 2:** View of project area towards the southeast, Raymond Terrace Road obscured development



**Image 3:** View of project area towards the southwest.



**Image 4:** View of project area to the west, Raymond Terrace Road visible in the distance



**Image 5:** View of existing pathway infrastructure and car parking on the north side of the site.



**Image 6:** View of south-eastern corner of project area.



**Image 7:** View of typical residential development surrounding the project area. This example is located on the eastern side, on Mayo Crescent



**Image 8:** Pedestrian infrastructure, including pathway, pedestrian crossing opportunity and refuge island.



**Image 9:** Roundabout located north-east



**Image 10:** Roundabout, with landscaping shown





**Image 11:** View of project area from the north, looking out south-west.



**Image 12:** View of existing electricity servicing box on project area, located to the west



**Image 13:** View of project area from the south, looking north. Slope of site is shown



**Image 14:** View of project area from the south, looking north-west



**Image 15:** View of project area from the south, looking west



**Image 16:** View of project area from the eastern boundary, looking north.



**Image 17:** View of project area from the eastern boundary, looking west



**Image 18:** View of project area from the eastern boundary, looking south-west

## 2. NEEDS AND OPTIONS CONSIDERED

### 2.1. STRATEGIC NEED FOR THE PROPOSAL

Outdoor recreation encourages communities to gather, socialise and build relationships with one another, creating a sense of belonging in growing communities. Outdoor recreation facilitates activated open spaces and provide opportunities for enjoyment and interaction with the natural environment. They support the health and wellbeing of residents by providing places to be physically active and to engage in shared activity and foster stronger community connection. Without the appropriate infrastructure and facilities to support sport, many of the associated benefits would be left unrealised.

Council has undertaken significant strategic planning work in order to determine the future recreation and open space requirements to cater for the incoming population. The findings of these investigations have been detailed in the document “City Wide Section 94 Contributions Plan (2006/2016) Review of Open Space and Recreation” and translated into the open space and recreation works schedules.

As noted in Section 1.2.1, the site is part of the Thornton North Section 94 Contribution Plan 2008 (the Plan). New residential development in the Thornton North will result in a clear demand for the provision of a range of Council-provided open space and recreation facilities. These facilities will service the Thornton North area and are not provided to benefit existing communities in Maitland. The Open Space and Recreation Services to be provided under the Plan are intended to be fully funded from Section 94 contributions (i.e., 100% apportionment to development).

The Plan has adopted standards (qualitative and quantitative) for the provision of open space facilities. As noted, the site is included as line item *TN18 – Neighbourhood Sportsground*, also shown as no.17 in the Recreation and Open Space and Community Facilities map extract at *Figure 4* below. Line item TN18 is noted as having a total cost of \$4,415,125 under the Plan.

The following standard is applicable to this site:

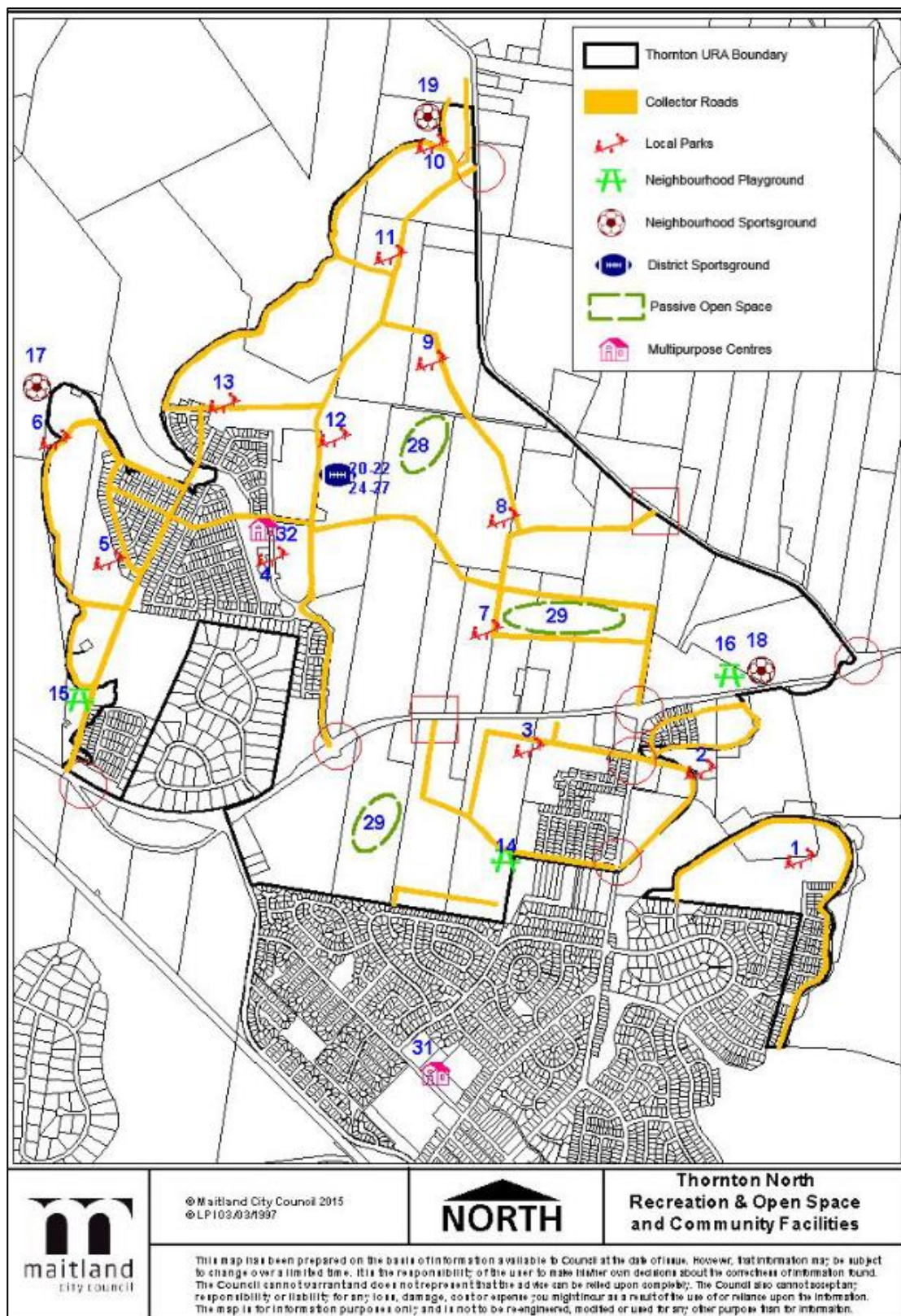
***“Neighbourhood Sportsground*** – *A neighbourhood sportsground will primarily provide sport and recreation opportunities for residents within a planning precinct and cater for senior and junior competition. It should be a minimum 4.2 hectares and provided for approximately 3,000 – 5,000 people. It contains a double playing field and associated facilities such as lighting, carparking and landscaping.”*

Council has provided a network of community facilities in areas throughout the city, which generally meet the needs of the current population. The Community Facilities and Services Strategy (2012) review indicated that existing community facilities are well utilised and are operating at capacity (i.e., no practical spare capacity). Council will therefore need to provide additional community facilities space, commensurate with the projected growth within the Thornton North release area. The Plan has calculated a total of 3 Neighbourhood Sportsgrounds as being required to serve the expected population increase.

As the works are to support the future sportsground at the site, the essential strategic need for the works are to facilitate recreation and open space and community facilities to support the needs of the growing Thornton North population.

The scope of works considered are provided in detail in Section 3 of this REF.





**Figure 4:** Extract from Thornton North Section 94 Contributions Plan (site numbered 17 and shown as “Neighbourhood Sportsground”) (Maitland City Council, 2008)

## 2.2. PROJECT OBJECTIVES

The purpose of the project is to facilitate a future Neighbourhood Sportsground which will support the clear demand for Council provided open space and recreational facilities within the growing urban release areas of Thornton North.

The following objectives of the overall project have been assumed in this regard:

- Encourage community interaction and development and the enhancement of community wellbeing.
- Cater for the open space and recreational needs of the growing Thornton North population as development occurs and at reasonable cost.
- Retain the existing identity of Maitland with a relative abundance of recreation and natural areas.
- Primarily provide sport and recreation opportunities for residents within the Thornton North precincts to cater for senior and junior competition.
- Ensure that the existing communities of Maitland are not burdened by the provision of public services and amenities which are needed as a result of ongoing development and redevelopment of Thornton North.
- Promote environmental sustainability and environmental management, as well as incorporating strategies to ease environmental impact.
- Encourage and celebrate equitable and diverse participation of the community regardless of age, gender, ability, culture and any other human distinctions. Provide no exclusionary areas.
- Foster welcoming and equitable spaces to transcend socio-economic disparities, promoting a sense of belonging and strengthening community resilience.
- Recognise and respect the local character, community identity and cultural connections to foster a sense of ownership of the future facilities.
- Cohesively integrate the facilities into the surrounding urban context to create a vibrant, inclusive, safe and socially connected space. Design with CPTED principles.
- Planning with Country prioritised with local character, culture and identity to inform the facilities and spaces.

### 2.3. ALTERNATIVES AND OPTIONS CONSIDERED

The options are as follows:

1. Undertake environmental assessment of works to deliver a neighbourhood sportsground including playing fields, amenities and parking.
2. Do nothing.

#### 2.3.1. Analysis of Options

##### **Option 1: Undertake environmental assessments to deliver a neighbourhood sportsground.**

This option undertakes a comprehensive environmental assessment of the proposed neighbourhood sportsground. This option would fulfil Council's statutory obligations under the EP&A Act. In addition to this, it would provide a new sporting facility that would meet the demands of a growing population in a significant urban release area. It would also indicate a realisation of Council's strategic planning for the area, which has been undertaken over a number of years.

##### **Option 2: Do nothing.**

Do not proceed with the detailed environmental assessment of the works currently completed on the premises.

This option would not achieve the project objectives or ensure the project realises its strategic need. Importantly, this option would not fulfil Council's requirements under the EP&A Act 1979.

Do nothing is not the preferred option.

### 2.3.2. Preferred Option

Option 1 is the preferred option based on the following reasons:

- It will fulfil Council's requirements under the EP&A Act 1979.
- It delivers the works to meet the strategic need and objectives outlined above.
- It ensures that appropriate environmental assessment will be undertaken for the works already completed on site, including provision of any mitigation measures or conditions. This will ensure that Council considers to the fullest extent possible, all matters affecting or likely to affect the environment, for the purpose of protection and enhancement of the environment and to address the environmental management requirements in relation to the works.

The REF considers potential environmental impacts of Option 1.

### 3. DESCRIPTION OF THE PROPOSAL

#### 3.1. SCOPE DETAIL AND EXTENT OF WORKS

The project involves the following key elements:

- Site and ground preparation works, including earthworks and ground levelling works to accommodate the works, sub-soil drainage, irrigation, topsoil and dressing.
- A single-storey amenities building in the northern part of the site with covered spectator seating area on the south side. The amenities building includes:
  - Four (4) separate change rooms with associated seating, lockers, showers and toilets.
  - Shared public amenities room with Male (M) and Female (F) cubicles and shared hand washing basins, and separate accessible shower/WC.
  - Canteen with various appliances and adjoining storeroom.
  - Various club storage rooms adjacent the covered entry area. Metal gates are provided on either side of this covered area to prevent access after hours.
  - Two (2) x referee rooms including bathroom (shower, toilet and hand basin).
  - Bin store and plant room on the north side of the building.
- Two (2) uncovered turfed playing fields south of the amenities, centrally located with automatic irrigation system with rainwater tanks (*location unknown at this stage*).
- Cricket practice nets in the western part of the site, adjacent the playing fields including cricket storage shed.
- External, uncovered carking for 83 vehicles including 4 accessible shared spaces and associated shared zone with bollard in the western part of the site. Bike racks are provided just south of the car park.
- Existing on-street car parking (north side) to remain, with conversion of space to include an additional two (2) accessible spaces with a shared zone and bollard.
- Concrete pedestrian pathways linking infrastructure through the site from the car park (main pathway) and from Suncroft Street (secondary pathway) through to the amenities building, cricket nets and playing fields, as well as a continuous pedestrian path provided around the playing fields.
- Landscaping treatments including turfed lawns throughout, planter beds located at the entry point and throughout the car park, as well as shade and amenity trees throughout, site signage at the principal entry point off Suncroft Street.
- 8m high black chain link metal fencing to the south field perimeter and 900mm high black weldmesh fence to the north, east and west field perimeters.
- Service road proposed from the car park to the playing fields including gates at the playing fields, providing emergency / service access.
- Bins located at entry near car park (2 x 240L enclosures) and near the future playground (separate cover) (2 x 240L enclosures). Waste receptacles will also be provided as part of the amenities building.
- New kerb ramps on Mayo Crescent.
- Field lighting throughout the site.
- Subsoil drainage system to direct water from playing field to retention basin on the south side of the sportsfields. Basin includes top of bank and within basin planting. Water from amenities building and car park directed to existing basin on west side.

The Architectural and Landscape Plans provided in **Appendix 1** and Civil Plans provided at **Appendix 2** detail the proposed development inclusions, as well as the area of impact and will be referenced throughout this report.

In the event construction parameters or ancillary works are proposed to be changed and these changes are considered significant, this REF will need to be reviewed and updated to ensure the environmental measures are adequate.



### 3.1.1. Plant and Equipment

Equipment and plant expected to be used during the works would include, but is not limited to, the following:

- Excavator
- Concrete truck
- Light vehicles
- Medium to heavy rigid vehicles (delivery trucks for materials and equipment)
- Generators
- Power tools

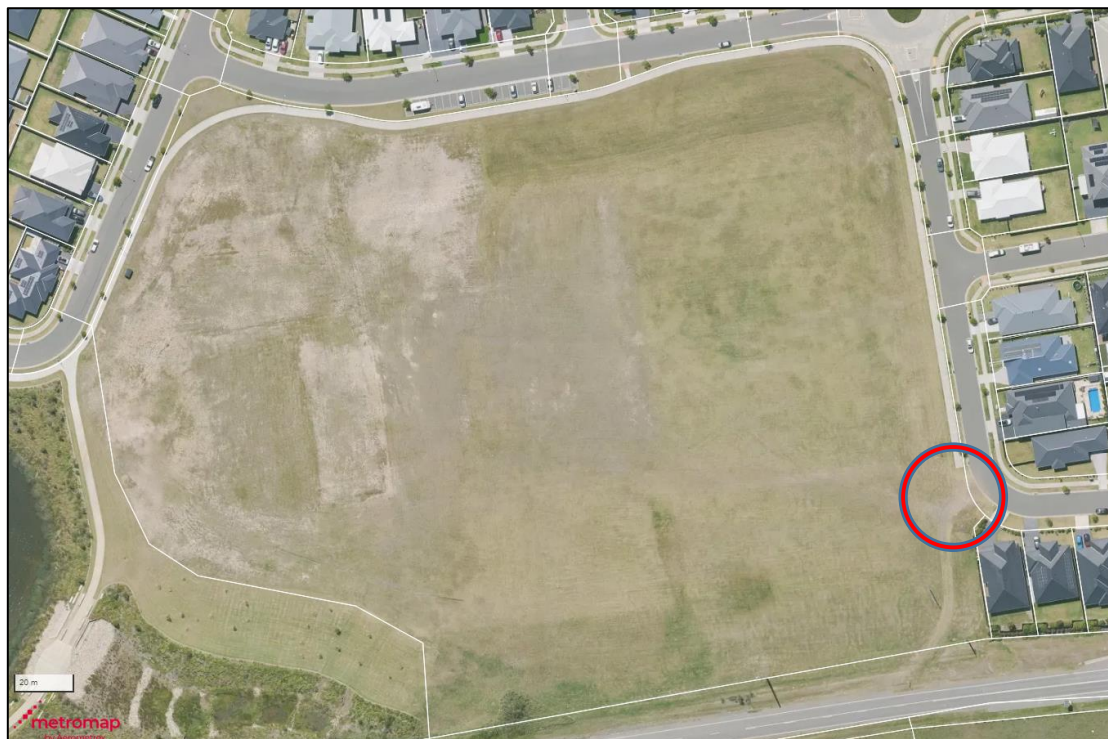
### 3.1.2. Post-Construction Rehabilitation

With regards to green infrastructure, any damage to existing grassed areas and similar green elements caused by construction plant / traffic will be repaired by re-turfing / seeding or resurfacing upon completion. Turfed and seeded areas will be watered until established as part of the turfed landscaping proposed under the project scope.

With regards to other infrastructure, a Dilapidation Report should be prepared by the relevant contractor prior to the works occurring on site. The report should capture the condition of local government assets around the site prior to any works in order to serve as a record for future reference should any damage be flagged during or post works. These assets can include road and footpath pavements, stormwater infrastructure, and the like.

### 3.1.3. Construction Traffic

It is noted that construction traffic will enter the site at the south-eastern corner, on Mayo Crescent, shown at *Figure 5*. The number of vehicle movements would fluctuate throughout the construction program with the maximum daily vehicle movements occurring during construction of the sports field and its ancillary elements such as the playground (subject to separate approval) and the amenities building.



**Figure 5:** Aerial showing construction access site (aerial © Aerometrex 2024)

General mitigation measures are included in Section 6.2 of this report to ensure traffic and pedestrian issues can be safely and efficiently managed during the works.

#### 3.1.4. Timing and Hours of Work

Construction will occur during standard construction hours as recommended by the NSW Environment Protection Authority (EPA) in the Interim Construction Noise Guideline published by the Department of Environment and Climate Change NSW in July 2009:

- Mondays to Fridays: 7:00am to 5:00pm
- Saturdays: 8:00am to 1:00pm
- Sundays and public holidays: No work

Construction is expected to commence in April 2025, following the determination of the works by Maitland City Council. The works once commenced are expected to last no longer than 2 years, to April 2027, per the Project Management Plan at **Appendix 11**.

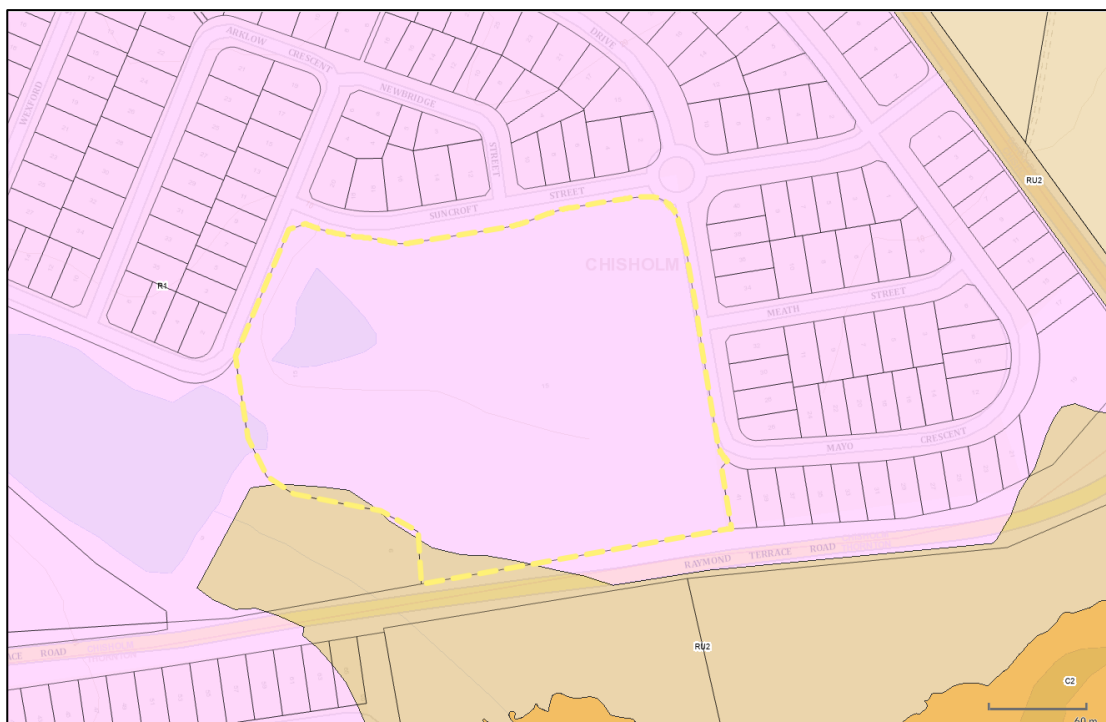
The construction duration and construction hours are currently unknown and would be confirmed by Council prior to works commencing. A construction program should be determined upon appointment of the contractor(s). This program is indicative and may be refined as part of the detailed construction programming.



## 4. STATUTORY PLANNING CONTROLS

### 4.1. LOCAL ENVIRONMENTAL PLAN

The Maitland Local Environmental Plan (LEP) 2011 applies to the study area. The site is zoned R1 General Residential, along with part of the site being zoned RU2 Rural Landscape pursuant to the LEP 2011. Refer to *Figure 6* below.



**Figure 6:** Zoning plan (site outlined in yellow) (NSW Planning Portal Spatial Viewer)

The objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The objectives of the RU2 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between land uses is minimised.

The following uses are permitted with consent in the R1 General Residential zone:

*Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Group homes; Home-based child care; Home industries; Hostels; Hotel or motel accommodation; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Serviced apartments; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4*

The following uses are permitted with consent in the RU2 Rural Landscape zone:

*Agritourism; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Cellar door premises; Dual occupancies; Dwelling houses; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Intensive livestock agriculture; Jetties; Landscaping material supplies; Markets; Open cut mining; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Rural supplies; Signage; Turf farming; Water supply systems*

Subclause (1) of Clause 5.12 *Infrastructure development and use of existing buildings of the Crown* of LEP states:

- (1) *This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Transport and Infrastructure) 2021.*

As such, the proposed activity can proceed without development consent under SEPP (Transport and Infrastructure) 2021 which supersedes the provisions of the LEP (refer to Section 4.2.1 of this report for further detail).

## **4.2. STATE ENVIRONMENTAL PLANNING POLICIES**

### **4.2.1. State Environmental Planning Policy (Transport and Infrastructure) 2021**

SEPP Transport and Infrastructure seeks to facilitate the effective delivery of infrastructure across NSW which improves regulatory processes, certainty and efficiency.

SEPP Transport and Infrastructure facilitates infrastructure in NSW by identifying environmental assessment categories for different types of infrastructure. Chapter 2 relates to various infrastructure categories. Division 12 of this chapter relates to parks and other public reserves. Section 2.73 of the Transport and Infrastructure SEPP identifies development permitted without consent:

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

*(a) on land reserved under the National Parks and Wildlife Act 1974, or acquired under Part 11 of that Act, if the development is for a use authorised under that Act, or*

*(b) on land declared under the Marine Estate Management Act 2014 to be a marine park or an aquatic reserve if the development is for a use authorised under that Act, or*

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

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

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

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

*(i) the Secretary, or*

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

*(iii) the Ministerial Corporation, or*

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

*if the development is for the purposes of implementing a plan of management adopted for the land under the Act referred to above in relation to the land or in accordance with the Local Government Act 1993 in relation to Crown managed land managed by a council.*

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

(a) development for any of the following purposes—

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

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

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

(iv) **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).

Note—

*The term building is defined in the Environmental Planning and Assessment Act 1979 as including any structure.*

The proposed works as described in this REF are consistent with the allowable development under sub section (3), to be carried out by Maitland City Council without consent.

Accordingly, the SEPP Transport and Infrastructure identifies the proposal as development without consent, thereby permitting assessment of the proposal under Part 5.5 of the EP&A Act with Maitland City Council as the determining authority.

#### 4.2.2. Other applicable SEPPs

Table 4.2.2 addresses other SEPPs relevant to the proposal.

**Table 4.2.2: Relevant SEPPs**

SEPP	COMPLIANCE
State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP Resilience and Hazards) <i>Chapter 4 Remediation of land</i>	Section 4.6 of this SEPP sets out that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which development is proposed to be carried out. Chapter

	<p>4 of SEPP Resilience and Hazards does not apply to development permitted without consent.</p> <p>Nevertheless, for abundant caution and to demonstrate that the environmental impacts of the proposal are acceptable, this matter is discussed further within Section 6.4 of this REF. Further, it should be noted that contamination testing has occurred on the site from the DA for the subdivision.</p>
<p>State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP Resilience and Hazards) <i>Chapter 2 Coastal management</i></p>	<p>Chapter 2 of the SEPP aims to promote an integrated and co-ordinated approach to land-use planning in the coastal zone in a manner that is consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area. The SEPP protects vulnerable coastal land including various coastal areas, wetlands and rainforests.</p> <p>While this SEPP does not apply as it is development permitted without consent, it is noted that the site is partially identified as land in proximity to coastal wetlands. This matter is discussed further in within Sections 6.7 and 6.8 of this REF.</p>
<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP Biodiversity and Conservation) <i>Chapter 4 Koala habitat protection</i></p>	<p>The works are being assessed under Part 5 of the EP&amp;A Act and as such is not part of a development application assessed under Part 4 of the EP&amp;A Act. Therefore, there is not a statutory requirement to assess the proposal in accordance with Chapter 4 of this SEPP.</p> <p>The proposed activity is unlikely to impact koala habitat, as the site is entirely cleared.</p>
<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP Biodiversity and Conservation) <i>Chapter 2 Vegetation in non-rural areas</i></p>	<p>Chapter 2 of the SEPP aims to protect biodiversity values of trees and other vegetation and associated amenity in non-rural areas of the State.</p> <p>The proposed activity does not propose any vegetation clearing as the site is already cleared. Notwithstanding, an Environmental Assessment Report at <b>Appendix 4</b> provides an understanding of the proposed activity's potential impacts, while Section 6.8 of this REF provides further analysis on flora and fauna impacts, while providing mitigation measures.</p>

### 4.3. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The EP&A Act is the principal legislation guiding land use development in NSW. Part 5 of the EP&A Act permits activities to be assessed by a determining authority which, in this case, is Maitland City Council. As the proposal is within the definition of an 'activity' under Section 5.1 of the Act, the works can proceed as development without consent. Accordingly, the proposal is required to consider Part 5 of the EP&A Act to determine its potential impact on the environment. Key sections of the Act include:

- Section 1.7 provides effect of the Act subject to the provisions of Part 7 of the BC Act 2016 and Part 7A of the *Fisheries Management Act 1994* that relate to the operation of this Act in connection with the terrestrial and aquatic environment.
- Section 5.5 outlines duty of a determining authority to consider to the fullest extent possible all matters affecting or likely to affect the environment by reason of an activity.
- Section 5.7 outlines an EIS is required when an activity is prescribed or may have a significant impact on the environment.

#### 4.4. ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021

Section 170 and 171 of the *Environmental Planning and Assessment Regulation 2021* identifies factors to be taken into account when considering the impact of an activity on the environment. These factors are also listed in the Department of Planning and Environment's Guidelines for Division 5.1 assessments made under Section 170 of the EP&A Regulation.

An assessment of each factor is provided in Section 7.1.

In accordance with Section 171(4) of the EP&A Regulation, an REF must be published on the determining authority's website or the NSW Planning Portal if:

- a) *The activity has a capital investment value of more than \$5 million, or*
- b) *The activity requires an approval or permit as referred to in any of the following provisions before it may be carried out –*
  - i. *Fisheries Management Act 1994, Sections 144, 200, 205 or 219,*
  - ii. *Heritage Act 1977, Section 57,*
  - iii. *National Parks and Wildlife Act 1974, Section 90*
  - iv. *Protection of the Environment Operation Act 1997, Section 47-49 or 122, or*
- c) *The determining authority considers that it is in the public interest to publish the review.*

Per the Project Management Plan provided at **Appendix 11**, the proposed activity has a total expected expenditure of \$7 million. On this basis, it will need to be published on the determining authority's website or the NSW Planning Portal.

Section 171(5) of the EP&A Regulation goes on to advise:

*(5) The review must be published under subsection (4)—*

- a) *before the activity commences, or*
- b) *if publishing the review before the activity commences is not practicable—as soon as practicable, and no later than 1 month, after the activity commences.*

This requirement may be met through exhibition of the REF before its determination by Council via their website or NSW Planning Portal.

Section 171A of the EP&A Regulation requires the consideration of the impact of an activity on the environment in a regulated catchment. The site is not located within a regulated catchment as defined under Schedule 6 of SEPP Biodiversity and Conservation.

#### 4.5. NSW STATE LEGISLATION

##### 4.5.1. Relevant NSW State Legislation

Table 4.5.1 details relevant legislation, purpose of the legislation and its relevance.

**Table 4.5.1:** Relevant NSW State Legislative Requirements and Approvals


LEGISLATION (RESPONSIBLE AGENCY)	PURPOSE OF LEGISLATION	RELEVANCE TO THE PROPOSAL AND APPROVAL REQUIREMENTS
<i>Biodiversity Conservation Act 2016</i>	Under Section 7.6(2) of the <i>Biodiversity Conservation Act 2016 (BC Act)</i> , an activity under Part 5 of the EP&A Act is to be regarded as an "activity likely to significantly affect the	The site does not contain any BV mapping. An Environmental Assessment Report has been prepared for the proposal at <b>Appendix 4</b> and is further discussed in Section 6.7 of this report.

LEGISLATION (RESPONSIBLE AGENCY)	PURPOSE OF LEGISLATION	RELEVANCE TO THE PROPOSAL AND APPROVAL REQUIREMENTS
	<p>environment if it is likely to significantly affect threatened species”.</p> <p>In that case, an Environmental Impact Statement (EIS) must be prepared and accompanied by a Species Impact Statement (SIS) or (if so elected) a Biodiversity Development Assessment Report (BDAR).</p> <p>If the likely significant effect on threatened species is the only significant effect on the environment, only an SIS or BDAR is required and not an EIS.</p> <p>The test for determining whether the proposed activity is likely to significantly affect threatened species or ecological communities or their habitats is set out in Section 7.3 of the BC Act.</p>	Further, discussion of Protected Matters are in Section 7.2 of this report.
<i>Biosecurity Act 2015</i>	The Act superseded the Noxious Weeds Act in 2015. The Act provides a framework for the prevention, elimination and minimisation of biosecurity risks posed by biosecurity matter, including the management of weeds.	<p>Maitland City Council is required to control priority weeds on land to prevent spread of weeds to adjoining land.</p> <p>Mitigation measures are identified in Section 8 of this REF.</p>
<i>Coal Mine Subsidence Compensation Act 2017</i>	The Act provides for a fair, efficient and sustainable compensation framework for dealing with the impacts of coal mine subsidence.	The proposed works are not mapped within a Mines Subsidence District. The proposal will not be subject to approval under Section 22 of the Act.
<i>Contaminated Land Management Act 1997</i>	<p>The Act establishes a process for investigating and (where appropriate) remediating land that the NSW Environment Protection Authority (NSW EPA) considers to be contaminated significantly enough to require regulation under Division 2 of Part 3.</p> <p>Furthermore, under Section 60 a person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the NSW EPA when</p>	The subject site is not located on the EPA Contaminated Sites Register. Based on previous reporting on the site, it is noted there is a containment cell for asbestos on the site. This is further discussed in Section 6.4 of this report.



LEGISLATION (RESPONSIBLE AGENCY)	PURPOSE OF LEGISLATION	RELEVANCE TO THE PROPOSAL AND APPROVAL REQUIREMENTS
	they become aware of the contamination.	
<i>Dangerous Goods (Road and Rail Transport Act) 2008</i>	The NSW EPA regulates on-road transport of dangerous goods while WorkCover regulates activities prior to transport, including correct classification, packaging and labelling.	No known dangerous goods are required as part of the works. If dangerous goods are to be utilised then a license may be required. The need for a license can be confirmed as part of the CEMP when the relevant contractor is appointed.
<i>Environmentally Hazardous Chemicals Act 1985</i>	The Act regulates use and storage of environmentally hazardous chemicals or declared chemical waste.  The Act provides the NSW EPA with assessment and control mechanisms for chemicals and chemical wastes.	This act will only apply if environmentally hazardous chemicals are used during construction and there is potential for a significant impact on the environment. The need for approval under the Act can be confirmed as part of the CEMP.  It is expected that only standard chemicals will be used, such as petrol/diesel for machinery. These will not be in the quantities that would trigger any significant impact on the environment as the persons responsible for construction on site will be appropriately trained in proper handling and storage of such chemicals in accordance with the relevant safety standards.
<i>Fisheries Management Act 1994</i>	The FM Act applies to all waters within the limits of NSW, except where Commonwealth legislation applies. Section 220ZZ provides that the determining authority must consider whether a proposal will result in a significant impact on threatened species, population or ecological communities, or their habitats.  Under Section 221ZX of the FM Act, an activity under Part 5 of the EP&A Act that is “likely to significantly affect threatened species, populations or ecological communities, or their habitats” or is “carries out in critical habitat” is considered to be an activity that is “likely to significantly affect the environment” in accordance with the test set out in Section 220ZZ of the FM Act. In those circumstances, an SIS is required.	The proposed activity does not occur on any fishery habitat mapping.

LEGISLATION (RESPONSIBLE AGENCY)	PURPOSE OF LEGISLATION	RELEVANCE TO THE PROPOSAL AND APPROVAL REQUIREMENTS
<i>Heritage Act 1977</i>	<p>The NSW Minister for Heritage is responsible for administration of the <i>Heritage Act 1977</i>, supported by the Heritage Council and is the Heritage Division with the Office of Environment and Heritage (OEH).</p> <p>The <i>Heritage Act 1977</i> concerns the protection and restoration and enhancement of State heritage items, historic archaeological relics, maritime archaeology and items subject to an Interim Heritage Order.</p>	<p>The State Heritage Register lists items that are significant for NSW and protected under the Heritage Act 1977. No items or places of heritage are located within the site, based on a search on 28/02/2023.</p> <p>Accordingly, a permit under Section 139 of the Act is not required.</p>
<i>Local Government Act 1993</i>	<p>The Act largely deals with land classified as community land. The Act provides that the use and management of community land is to be regulated by a plan of management. The Act deals with operational land to the extent that reclassification is concerned.</p>	<p>The site is owned and managed by Maitland City Council and will remain under the existing management practices that are currently used for the site.</p>
<i>National Parks and Wildlife Act 1974</i>	<p>The Act aims to conserve nature and objects, places or features of cultural value.</p> <p>An Aboriginal Heritage Impact Permit (AHIP) is required under Section 90 to harm or desecrate Aboriginal objects or places.</p>	<p>An AHIMS Search conducted on 23/02/2024 found that there are 7 total Aboriginal sites within a 200m radius of the project area. Of these 7, 2 are located directly inside of the project area.</p> <p>An Aboriginal Cultural Heritage Assessment has been prepared for the proposed activity at <b>Appendix 7</b>. This matter is further discussed in Section 6.8 of this report. This assessment found that there are Aboriginal items on the site, which have a permit to be destroyed/removed under AHIP #4157.</p>
<i>Protection of the Environment Operations Act 1997 (POEO Act)</i>	<p>The POEO Act primarily regulates pollution control and waste disposal in NSW and is administered by the NSW EPA. It identifies development for which a licence is required.</p>	<p>An environmental protection license is not required as the works are not listed as a scheduled activity in Schedule 1 of the POEO Act.</p>
<i>Protection of the Environment (Noise Control) Regulation 2008</i>	<p>Regulates noise from vehicles, machines and articles.</p>	<p>The use of plant and equipment will be in use in the case of this activity. Users of the equipment should have regard to prescribed noise levels and mitigate where necessary. At this time, we do not consider that a Noise and Vibration Assessment should be required for the works still to be completed.</p>

LEGISLATION (RESPONSIBLE AGENCY)	PURPOSE OF LEGISLATION	RELEVANCE TO THE PROPOSAL AND APPROVAL REQUIREMENTS
		Standard mitigation measures are included in Section 8 to minimise the risk of adverse noise emanating upon the community.
<i>Rural Fires Act 1997</i>	<p>The Rural Fires Act aims to, <i>inter alia</i>, protect infrastructure, persons and property from damage arising from fires.</p> <p>A bushfire safety authority is required for a subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes or development of bushfire prone land for a Special Fire Protection Purpose.</p>	<p>The Bushfire Prone Land Map indicates that the site is bushfire prone (vegetation buffer zone).</p>  <p>Planning For Bushfire Protection (PBP) 2019 states that with respect to development to which the former Infrastructure SEPP 2009 applies to, the consent authority is required to consult with NSW Rural Fire Service (RFS) who will provide advice on the proposal. However, SEPP Transport and Infrastructure 2021 replaced the Infrastructure SEPP 2009 and in accordance with Section 2.16 of the in-force SEPP, consultation with the NSW RFS is not required. As the latest SEPP prevails over the PBP 2019, no further consideration of consultation is required.</p> <p>It is also noted that the works are not considered to be a SFPP for the purpose of section 100b of the Act and a bushfire safety authority is not required.</p>
<i>Water Management Act 2000</i>	<p>Works within 40m of a waterway generally require a Controlled Activity Approval (Section 91).</p> <p>Taking groundwater that is not managed by a water sharing plan requires a groundwater licence under Section 113 of the <i>Water Act 1912</i>.</p>	<p>The proposed works occur nearby Dams identified on the Water Management (General) Regulation 2018 Hydro Line spatial data mapping. Notwithstanding, Clause 41 of the Water Management (General) Regulation 2018 provides that public authorities are exempt from requirement to obtain a CAA.</p>
<i>Waste Avoidance and Resource Recovery Act 2001</i>	<p>Objects of the Act include encouraging efficient use of resources and reducing environmental harm in accordance with the principals of ecologically sustainable development. The Act establishes the waste hierarchy of avoidance, resource recovery and disposal.</p>	<p>Any spoil generated as part of the development in which is intended to be exported from the site must be suitably classified against the NSW EPA (2013) Waste Classification Guidelines Part 1: Classifying Waste.</p> <p>A waste management and minimisation strategy should form part of the contractors CEMP prior to new works occurring.</p>

#### 4.6. COMMONWEALTH LEGISLATION

The EPBC Act provides a national framework for environmental protection and management of nationally and internationally important flora, fauna, ecological communities and heritage places. Part 3 of the Act lists nine matters of National Environmental Significance (NES) that may require approval from the Australian Minister for the Environment. Further details regarding the impact of the development on places or matters of NES is provided in Section 7.2 of this REF.

Additionally, the EPBC Act provides that an action taken by any person on Commonwealth land that is likely to have a significant impact on the environment (Section 26(1) of the Act) or an action taken by any person outside of Commonwealth land that is likely to have a significant impact on Commonwealth land (Section 26(2) of the Act) may require approval from the Australian Minister for the Environment and Water. Commonwealth land will not be affected by the proposal.

The assessment of the proposal found that there is unlikely to be a significant impact on matters of national environmental significance or on the environment of Commonwealth land. Accordingly, the proposal has not been referred to the Commonwealth Minister for the Environment and Water.

Other relevant issues are considered throughout this REF and summarised in Section 7.2.

#### 4.7. STRATEGIC FRAMEWORK

Section 171(2) of the EP&A Regulation and the Division 5.1 Guidelines require applicable local strategic planning statements, regional strategic plans or district plans made under Division 3.1 of the EP&A Act to be taken into account in the determination of the proposal under Part 5. This section of the REF describes the Proposal's compliance with relevant strategic planning policies.

##### 4.7.1. Hunter Regional Plan 2041

The Hunter Regional Plan 2041 (HRP 2041) is a 20-year land use plan prepared under the *Environmental Planning and Assessment Act 1979* (EP&A Act). It applies to the local government areas (LGAs) of Cessnock, Dungog, Lake Macquarie, Maitland, MidCoast, Muswellbrook, Newcastle, Port Stephens, Singleton and Upper Hunter. It draws from each council's local strategic planning statements and acknowledges common interest without duplicating effort and divides the Hunter in six (6) district planning and growth areas with its own planning priorities to assist in shaping the region in a consolidated approach that spans different local government areas. The proposed development is located within the "Greater Newcastle" district, which is described as follows:

*"The Greater Newcastle Metropolitan Plan 2036 built on the dynamic and entrepreneurial city centre, strong industrial employment base, diversified economy and desirable lifestyle. It capitalised on extensive investment from all levels of government and private partners by coordinating and linking places and ideas.*

*At the heart of Greater Newcastle is the Newcastle City Centre, the capital of the Hunter. The revitalisation of the City Centre features the iconic buildings of University of Newcastle NUSpace campus, the Newcastle Law Courts, interchange at Wickham, and the activated waterfront.*

*The University of Newcastle, Newcastle Airport, Port of Newcastle and the John Hunter Hospital are metropolitan assets that could grow the service economy and support ongoing economic diversification.*

*Creating optimal densities in locations with services and infrastructure requires further renewal opportunities within centres and infill sites, including the redevelopment of*

*larger infill sites. Strategic centres such as Charlestown could provide new jobs and housing if development feasibility can be increased.*

*To ensure adequate supply in the medium to longer term, new urban areas are being progressed at North West Lake Macquarie, Wallsend, Eden Estates and at the Hydro site at Kurri Kurri.*

*Greater Newcastle will be Australia's newest and emerging economic and lifestyle city.*

Planning Priority 7 of the Greater Newcastle district ("local open space plans integrate the blue and green grid, extend urban tree canopy and include water management"), states that:

*"As councils continue to develop local strategies for public spaces and/or recreation areas, efforts should be focused on forming a network that creates open spaces near homes, integrating them with and complementing the blue and green grid, and increasing tree canopy in public places., Further, an integrated water management approach should be applied, using recycled water and stormwater to irrigate public places."*

The proposed activity is a realisation of this strategy, in that it is opening up the green grid, and is providing a substantial addition to the open space network within the Greater Newcastle and Hunter area as a whole. It responds to the immediate and future needs of residents and visitors. Additionally, it will increase the tree canopy in the immediate surrounding area, which will aid in mitigating the urban heat island effect, as well as providing a visually cohesive and pleasant outcome.

#### 4.7.2. Greater Newcastle Plan 2036

Greater Newcastle is a key element in the future productivity of the Hunter Region and critical to it being the leading regional economy in Australia. It comprises of the closely connected urban communities of Cessnock, Lake Macquarie, Maitland, Newcastle and Port Stephens LGAs. Presently, Greater Newcastle is home to around 475,000 people but it is expected to grow to around 600,000 over the next 20 years. The Greater Newcastle Metropolitan Plan 2036 (GNMP 2036) is a strategic long term plan that sets out strategies and actions that will drive sustainable growth to ensure that homes, jobs and infrastructure are delivered in the right locations, and that the region's competitive advantages, environmental assets and natural resources are safeguarded and maximised. Further, GNMP 2036 sets five (5) elements to shape Greater Newcastle into a *"dynamic and entrepreneurial city with a globally competitive economy and a great lifestyle, framed by wineries to the waterfront."* Element 3 "Metro Frame" are applicable to the proposed activity. In particular, Element 3 states:

*"Greater Newcastle is framed by an arc of cities and towns from southern Lake Macquarie to Cessnock, Branxton, Maitland and Raymond Terrace. These centres are located by the water or the bush and have a strong identity, high amenity and a sense of place. They will become more closely connected with each other, to the metro core and metro heart.*

*It is also home to Central Maitland, - a growing administrative centre for the metro frame, and East Maitland – an emerging health and retail service centre. These strategic centres are some of the fastest growing in regional NSW that will continue to provide housing, jobs and services for communities across the metro frame.*

*Cessnock, Kurri Kurri, Morisset and Raymond Terrace will also provide local housing and jobs opportunities and will be designed to maintain the coastal and green outlooks, improve access to open space and retain the identity of places that collectively form Greater Newcastle."*

The proposed activity is consistent with Strategy 11, in that active and passive recreation is being provided. More specifically, the proposed activity is consistent with action item 11.1 *“enhance community access to sporting, recreational, cultural and community services and facilities.”* The proposed activity is lessening the distance that local residents need to travel to access sport and recreational facilities. This will encourage social cohesion and improve the health and wellbeing outcomes of local residents. It also shows a commitment from Council to appropriately address current and future demand for sport and recreation facilities within the LGA.

#### 4.7.3. Maitland Local Strategic Planning Statement

The Maitland Local Strategic Planning Statement (LSPS) sets out a 20 year plan integrating land use, transport and infrastructure planning for the growth of the city. It outlines how growth is managed sustainably over this period and has been informed by the community and other stakeholders.

The proposed activity is consistent with Local Planning Priority 17 (*“Provide good quality, accessible and appropriate infrastructure across the city”*). This priority identifies that as population grows in the LGA demand on existing infrastructure and demand for additional community infrastructure will only grow. Additionally, the priority notes that most open spaces within the LGA are at or near capacity with limited scope for growth. The proposed activity directly addresses this current and future need for sport and recreation facilities within the Thornton North urban release area.

#### 4.8. CONFIRMATION OF PART 5 ASSESSMENT

Part 5 of the EP&A Act permits activities to be assessed by a determining authority and pursuant to Section 5.1 of the EP&A Act, the proposal is an “activity”. For the purposes of the proposal, Maitland City Council is the proponent and determining authority.

Under Section 5.5(1) of the EP&A Act the determining authority, Maitland City Council, is required to *“examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity”*.

The proposal is identified as development permitted without consent under section 2.73 of the State Environmental Planning Policy (Transport and Infrastructure) 2021.

Maitland City Council is the landowner and land manager, proponent and public authority in this instance.



## 5. CONSULTATION

### 5.1. INTRODUCTION

Consultation is a key component of the environmental assessment. Relevant stakeholders have been consulted as part of preparing this REF to determine their requirements in relation to the proposal. Section 5 of this REF outline consultation that has occurred and how it has been considered in this REF.

### 5.2. SEPP TRANSPORT AND INFRASTRUCTURE CONSULTATION

Part 2.2 and 3.2 (Divisions 1) of the SEPP Transport and Infrastructure provides provisions for public authorities to consult with local councils and other public authorities prior to undertaking some development activities. If any of the items listed in Table 5.2 of this REF are triggered, then the public authority, or person acting on behalf of the public authority, will not be able to carry out the development unless the authority or the person has:

- (a) given written notice of the intention to carry out the development to the council for the area in which the land is located (or other relevant public authority as the case may be), and*
- (b) taken into consideration any response to the notice that is received from the council (or other relevant public authority as the case may be) within 21 days after the notice is given.*

**Table 5.2:** Assessment of Items of Sections 2.10-2.17 of SEPP (Transport and Infrastructure).

CLAUSE	IS NOTIFICATION REQUIRED
<b>2.10 Consultation with councils—development with impacts on council-related infrastructure or services</b>	
<p>(1) This clause applies to development carried out by or on behalf of a public authority that this Policy provides may be carried out without consent if, in the opinion of the public authority, the development:</p> <ul style="list-style-type: none"> <li>(a) will have a substantial impact on stormwater management services provided by a council, or</li> <li>(b) is likely to generate traffic to an extent that will strain the capacity of the road system in a local government area, or</li> <li>(c) involves connection to, and a substantial impact on the capacity of, any part of a sewerage system owned by a council, or</li> <li>(d) involves connection to, and use of a substantial volume of water from, any part of a water supply system owned by a council, or</li> <li>(e) involves the installation of a temporary structure on, or the enclosing of, a public place that is under a council's management or control that is likely to cause a disruption to pedestrian or vehicular traffic that is not minor or inconsequential, or</li> <li>(f) involves excavation that is not minor or inconsequential of the surface of, or a footpath adjacent to, a road for which a council is the roads authority under the <a href="#">Roads Act 1993</a> (if the public authority that is carrying out the development, or on whose behalf it is being carried out, is not responsible for the maintenance of the road or footpath).</li> </ul> <p>(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies unless the authority or the person has:</p> <ul style="list-style-type: none"> <li>(a) given written notice of the intention to carry out the development (together with a scope of works) to the council for the area in which the land is located, and</li> </ul>	<p>Not applicable. Council is the public authority in question and is also the 'applicant'. Appropriate stormwater management controls will be put in place.</p>

<p>(b) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.</p>	
<b>2.11 Consultation with councils—development with impacts on local heritage</b>	
<p>(1) This clause applies to development carried out by or on behalf of a public authority if the development:</p> <p>(a) is likely to affect the heritage significance of a local heritage item, or of a heritage conservation area, that is not also a State heritage item, in a way that is more than minor or inconsequential, and</p> <p>(b) is development that this Policy provides may be carried out without consent.</p> <p>(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies unless the authority or the person has:</p> <p>(a) had an assessment of the impact prepared, and</p> <p>(b) given written notice of the intention to carry out the development, with a copy of the assessment and a scope of works, to the council for the area in which the heritage item or heritage conservation area (or the relevant part of such an area) is located, and</p> <p>(c) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.</p>	<p>No.</p> <p>No local heritage items will be impacted due to the proposed activity.</p>
<b>2.12 - Consultation with councils—development with impacts on flood liable land</b>	
<p>(1) (Repealed)</p> <p>(2) A public authority, or a person acting on behalf of a public authority, must not carry out, on flood liable land, development that this Policy provides may be carried out without consent and that will change flood patterns other than to a minor extent unless the authority or person has:</p> <p>(a) given written notice of the intention to carry out the development (together with a scope of works) to the council for the area in which the land is located, and</p> <p>(b) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.</p>	<p>No.</p> <p>Council is the applicant and determining authority in this instance. It is noted that the site is flood prone.</p>
<b>2.13 - Consultation with State Emergency Service—development with impacts on flood liable land</b>	
<p>(1) A public authority, or a person acting on behalf of a public authority, must not carry out development on flood liable land that may be carried out without development consent under a relevant provision unless the authority or person has:</p> <p>(a) given written notice of the intention to carry out the development (together with a scope of works) to the State Emergency Service, and</p> <p>(b) taken into consideration any response to the notice that is received from the State Emergency Service within 21 days after the notice is given.</p> <p>(2) Any of the following provisions in Part 2.3 is a <b>relevant provision</b>:</p> <p>(a) Division 1 (Air transport facilities),</p> <p>(b) Division 2 (Correctional centres and correctional complexes),</p>	<p>It is noted that part of the site is flood prone, but given the siting of the development, the location of the flood prone land and the amount of earthworks proposed, it is not considered necessary to consult with the SES in this instance.</p>

<p>(c) Division 6 (Emergency services facilities and bush fire hazard reduction),</p> <p>(d) Division 10 (Health services facilities),</p> <p>(e) Division 14 (Public administration buildings and buildings of the Crown),</p> <p>(f) Division 15 (Railways),</p> <p>(g) Division 16 (Research and monitoring stations),</p> <p>(h) Division 17 (Roads and traffic),</p> <p>(i) Division 20 (Stormwater management systems).</p> <p>(3) This clause does not apply in relation to the carrying out of minor alterations or additions to, or the demolition of, a building, emergency works or routine maintenance.</p> <p>(4) (Repealed)</p>	
<b>2.14 - Consultation with councils—development with impacts on certain land within the coastal zone</b>	
<p>(1) This clause applies to development on land that is within a coastal vulnerability area and is inconsistent with a certified coastal management program that applies to that land.</p> <p>(2) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies, which this Policy provides may be carried out without development consent, unless the authority or person has:</p> <p>(a) given written notice of the intention to carry out the development to the council for the local government area in which the land is located, and</p> <p>(b) taken into consideration any response to the notice that is received from the council within 21 days after the notice is given.</p> <p>(3) In this clause:</p> <p><b>certified coastal management program</b> has the same meaning as in <a href="#">State Environmental Planning Policy (Coastal Management) 2018</a>.</p> <p><b>coastal vulnerability area</b> has the same meaning as in the <a href="#">Coastal Management Act 2016</a>.</p>	<p>Not applicable. Site is not located within the coastal zone.</p>
<b>2.15 - Consultation with public authorities other than councils</b>	
<p>(1) A public authority, or a person acting on behalf of a public authority, must not carry out specified development that this Policy provides may be carried out without consent unless the authority or person has:</p> <p>(a) given written notice of the intention to carry out the development (together with a scope of works) to the specified authority in relation to the development, and</p> <p>(b) taken into consideration any response to the notice that is received from that authority within 21 days after the notice is given.</p> <p>(2) For the purposes of subclause (1), the following development is <b>specified development</b> and the following authorities are <b>specified authorities</b> in relation to that development:</p> <p>(a) development adjacent to land reserved under the <a href="#">National Parks and Wildlife Act 1974</a> or to land acquired under Part 11 of that Act—the Office of Environment and Heritage,</p> <p>(b) development on land in Zone C1 National Parks and Nature Reserves or in a land use zone that is equivalent to that zone—the Office of Environment and Heritage,</p>	<p>The proposed activity does not meet the requirements for consultation in this section.</p>

<p>(c) development comprising a fixed or floating structure in or over navigable waters—Transport for NSW</p> <p>(d) 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—the Director of the Observatory,</p> <p>(e) development on defence communications facility buffer land within the meaning of clause 5.15 of the Standard Instrument—the Secretary of the Commonwealth Department of Defence,</p> <p>(f) development on land in a mine subsidence district within the meaning of the <a href="#">Mine Subsidence Compensation Act 1961</a>—the Mine Subsidence Board.</p> <p>(g) development on, or reasonably likely to have an impact on, a part of the Willandra Lakes Region World Heritage Property—the World Heritage Advisory Committee and Heritage NSW,</p> <p>(h) development within a Western City operational area specified in the <a href="#">Western Parkland City Authority Act 2018</a>, Schedule 2 with a capital investment value of \$30 million or more—the Western Parkland City Authority constituted under that Act.</p>	
<b>2.16 - Consideration of Planning for Bush Fire Protection</b>	
<p>(1) This section applies to development for the following purposes that this Chapter provides may be carried out without development consent—</p> <p>(a) health services facilities,</p> <p>(b) correctional centres,</p> <p>(c) residential accommodation.</p> <p>(2) A public authority, or a person acting on behalf of a public authority, must consider Planning for Bush Fire Protection before carrying out the development in an area that is bush fire prone land.</p> <p>(3) In this section—</p> <p><b>bush fire prone land</b> means land recorded for the time being as bush fire prone land on a map certified under the Act, section 10.3(2).</p> <p><b>Planning for Bush Fire Protection</b> means the document prescribed by the <a href="#">Environmental Planning and Assessment Regulation 2021</a>, section 271.</p>	<p>It is noted that the southern edge of the site is mapped as ‘vegetation buffer’ for the purposes of bushfire prone land mapping. No development is proposed on this part of the land, and no additional reports are required for the proposed development with respect to bushfire risk. Additionally, the proposed activity is not one listed in 2.16(1).</p>
<b>2.17 - Exceptions</b>	
<p>(1) Sections 2.10-2.15 do not apply with respect to development to the extent that:</p> <p>(a) they would require notice of the intention to carry out the development to be given to a council or public authority from whom an approval is required in order for the development to be carried out lawfully, or</p> <p>(b) they would require notice to be given to a council or public authority with whom the public authority that is carrying out the development, or on whose behalf it is being carried out, has an agreed consultation protocol that applies to the development, or</p> <p>(c) they would require notice to be given to a council or public authority that is carrying out the development or on whose behalf it is being carried out, or</p>	<p>Not applicable in this instance, since Council is the applicant and determining authority.</p>

<p>(d) the development is exempt development or complying development under any environmental planning instrument (including this Chapter), or</p> <p>(e) the development comprises emergency works, or</p> <p>(f) the development is carried out in accordance with a code of practice approved by the Minister for the purposes of this clause and published in the Gazette.</p> <p>(2) In this clause:</p> <p><b>approval</b> means any licence, permission or any form of authorisation, other than development consent, under any other law.</p> <p><b>consultation protocol</b> means an arrangement that:</p> <p>(a) is about when and how the parties to the arrangement will consult one another about proposed development, and</p> <p>(b) is recorded in writing, and</p> <p>(c) is approved in writing on behalf of any public authority that is a party to the arrangement by a person who is authorised to do so.</p>	
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### 5.3. COMMUNITY CONSULTATION

Community engagement is a process of involving people that are affected by or interested in a decision. It enables good governance, problem solving and decisions that are balanced and informed, resulting in better outcomes. It supports transparency, builds trust in the decision making process and an understanding of decisions. The purpose of community engagement is not to gain consent from the affected community, but to provide an opportunity to identify potential and actual social impacts associated with the proposal.

The requirement for, or level of, engagement required for projects will depend on the proposal. In undertaking consultation, the proponent must provide sufficient information about the activity to allow the organisation or person being consulted to fully understand what is being proposed. This may include making available a copy of a draft REF, copy of plans, and any other supporting information. The form of consultation may include a stakeholder meeting or workshop, consultation letters, pamphlets in letter boxes, posters in public spaces or a publicly advertised and exhibited draft REF.

As noted elsewhere, the site is included as line item *TN18 – Neighbourhood Sportsground* in the *City-Wide Section 94 Contributions Plan (2006/2016) Review of Open Space and Recreation*. Further, anecdotal evidence supplied by Council suggest that at the time of the Sophia Waters estate development and during sale of urban lots, purchasers were advised that there were sporting fields delivered as part of the estate. We cannot confirm the accuracy of this information, nor can we confirm if all residents were advised the same. Moreover, not all nearby residents would have been the original land purchaser, and may have bought land and moved into the area after the original land release, so did not benefit from the same information being shared. This is not critical, but worth noting as we cannot assume that all residents would already be aware of the intention to deliver sportsfield here.

Notwithstanding, based on the scale of the works, types of works proposed being commensurate with a residential land release, and history of the site and associated land release, and alignment with an established contribution plan, it is considered that community consultation and stakeholder engagement at the inform level is suitable. This type of engagement is designed to inform the community of the upcoming works so they can understand the proposal and provide a point of contact to answer any questions or concerns. The following has been undertaken as part of the REF process:

- Issue of pamphlets via letter box drop to nearby residents. The correspondence includes the location of the works, a description of the works, project timeframe,

concept plan and Council's contact. A copy of the letter (Notification of upcoming works) is included at **Appendix 14** for reference. The letter was issued 11/02/2025.

- Maitland City Council social media release of the project on 7 February 2025. The media release included a concept plan of the works and brief description.
- Social media release shared by Maitland's Mayor, Philip Penfold. The release included the concept plan and details of the project inclusions. The release was posted to several local community groups including:
  - "Harvest Chisholm Community" (4.3k users) on 13/02/2025
  - "Thornton/Chisholm/Woodberry Group" (11.7k users) on 13/02/2025
  - "Waterford County Chisholm (3.2k users) on 15/02/2025

Please note that the above Appendices to consultation relate to preliminary consultation during the preparation of an REF. This preliminary consultation does not replace any statutory requirement for consultation or notification under any required concurrence or approval. Note that under Section 171 of the EP&A Regulations, the REF must also be published on the determining authority's website or the NSW Planning Portal (see Section 4.4 of this REF).

Additionally, nearby residents along Suncroft Avenue, Arklow Crescent and Mayo Crescent are to be informed of the construction works that are to take place, including duration and timeframes, as well as a contact detail for the relevant persons. Standard mitigation measures are included in Section 8 of this report to this effect.



## 6. ENVIRONMENTAL ASSESSMENT

### 6.1. LAND USE

#### 6.1.1. Existing Environment

As previously discussed, there are no built structures on the site. The site is almost entirely grassed, with each frontage within the Sophia Waters estate containing concrete footpaths.

The site is within a now semi-suburban but former rural context. The site is zoned R1 General Residential for the most part, with pockets of RU2 Rural Landscape. A dam and associated waterway are located to the west and south-west of the site. Low density residential development can be found on the north, east and western side of the site, while Raymond Terrace Road is to the southern boundary.

#### 6.1.2. Potential Impacts

As discussed throughout this assessment, the works aim to facilitate the use of land as a sportsground and recreational area, which will provide substantial improvements in the accessibility of public space and recreational and sports facilities for residents within the catchment area (Thornton North). As noted, outdoor recreation facilities provide activation of public spaces and provide opportunities for the enjoyment and interaction of people with the natural environment. They support the health and wellbeing of residents by providing places to be physically active and to engage in shared activity and foster stronger community connection. Without the appropriate infrastructure and facilities to support sport, many of the associated benefits would be left unrealised. The proposed development enables this recreational infrastructure and is therefore a positive land use impact.

The proposed works have the potential to create short term construction impacts on the adjoining residential uses to the north, east and west, such as noise and vibration during construction works (discussed further in Section 6.3). Other short term construction impacts resulting from this land use can include dust, traffic impacts, and access impacts to the surrounding open space areas. Suitable mitigation measures for these impacts are included in Section 8 to manage adverse impacts.

Pedestrians have the potential to be impacted if there is impact on the pedestrian footpaths and public domain at the site frontage as a result of the construction works.

Longer term impacts could include acoustic impacts associated with the operational phase, traffic and access impacts. Suitable mitigation measures for these are included in Section 8 to manage any adverse impacts.

#### 6.1.3. Environmental Management Measures

Environmental management measures to minimise impact on land use are:

- Nearby residents and other stakeholders should be informed of proposed construction and timing on an ongoing basis. Construction is to take place during standard construction hours only. (Monday to Friday 7am-6pm, Saturday 8am-1pm, no works on Sundays or public holidays)
- Installation and maintenance of site fencing and appropriate signage to restrict access to the construction area, plant and equipment.
- Installation and maintenance of appropriate wayfinding signage for pedestrians using the footpath along the frontage.
- Contact details of the site supervisor or relevant contact person(s) to be displayed on site at all times.
- A construction compound is to be located within a suitable location on site.

- A Dilapidation Report is to be prepared by a relevant contractor prior to further works commencing to ensure that the public domain can be restored to an appropriate level should any damage occur.
- Access to Suncroft Street, Arklow Crescent and Mayo Crescent and nearby properties are to be maintained at all times.
- All mitigation measures identified in this REF are to be implemented in a CEMP prepared in relation to the activity. The contractor is to adhere to all environmental management measures in the CEMP.

## 6.2. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Fear of crime is an emotional reaction, which is difficult to measure. Partly it is due to general factors (media reports on crime, violence in movies, anxiety due to economic conditions) that are not linked to the local environment but depend on broader conditions. Environmental planning and design cannot directly affect this type of fear, although an environment that does not generate anxiety can contribute positively to reduce fear.

Many studies have shown that there is a strong correlation between criminal acts and antisocial behaviour and the specific features of the built environment. Fear of crime and feeling insecure or uneasy are also strongly related to the character of the environment

### 6.2.1. Existing Environment

The site has good opportunity for passive and natural surveillance. The site is open, with generally wide and clear sightlines along the frontage and towards adjoining land uses. There are minimal obstructions present. Residential dwellings opposite the site to the north, east and west for passive surveillance and increased activity within the area. The areas to the southwest, including future play area, parkland and the adjoining shared pathway that runs along the detention basin provides for additional activity and passive surveillance, with the area expected to see high levels of recreational activity. The site's position bounded by a busy road to the south will further ensure a good level of vehicle activity and passive vehicle surveillance of the area.

There are existing streetlights and proposed sportsground lights to provide lighting during the nighttime, enhancing surveillance. The site and surrounds are generally well maintained, particularly with regards to landscaping and infrastructure within the public domain. There are good sightlines along street frontages.

The development should focus on providing appropriate surveillance and space management in particular, as well as access control and territorial reinforcement to minimise the opportunity for offences to occur within the site and to flow out onto neighbouring areas.

### 6.2.2. Potential Impacts

As noted, the immediate area has been undergoing transition from farmland to a low-density urban settlement, as part of the Chisholm URA. Importantly, the conditions observed during the fieldwork will continually evolve as the surrounding residential land is released and developed further. As such, we would expect as more housing is developed, pedestrian and vehicle presence will also increase. Further, once the site itself is developed with formalised recreational facilities, this will significantly increase the use of the site and area, increasing risk to offenders and the effort required to commit crime as the streets will become more active and passive / natural surveillance will be higher.

The 'Crime Prevention and the Assessment of Development Applications: Guidelines under Section 79C (s4.15) of the *Environmental Planning and Assessment Act 1979*' state that "Crime prevention through environmental design (CPTED) seeks to influence the design of buildings and places by:

- increasing the perception of risk to criminals by increasing the possibility of detection, challenge and capture
- increasing the effort required to commit crime by increasing the time, energy or resources which need to be expended
- reducing the potential rewards of crime by minimising, removing or concealing 'crime benefits'
- removing conditions that create confusion about required norms of behaviour."

Importantly, design alone cannot eliminate the risk of crime and the application of the principles and strategies of Safer by Design, including the particular outcomes identified in this report, will mitigate the risk of the offences occurring. In considering mitigation strategies and remedial actions there are four basic CPTED principles: **surveillance**, **access control**, **territorial reinforcement**, and **environmental (space and activity) management**.

### Surveillance

As noted above, the surrounding dwellings, shared pathways and recreational open spaces all offer good opportunity for passive surveillance of the site, and there is good visibility / clear sightlines with generally limited obstructions.

### **Landscaping**

Landscaping appears well designed, allowing amenity and shade trees which are well spaced along road frontages and within the open space on the north and southwest side of the site. The landscaping therefore has been designed to provide visual relief and positive site greening when viewing the new development from the adjoining roadways and residential properties, and has been designed in a way that allows views to and from the site and doesn't provide entrapment, visual obstructions or hiding spaces. Standard management of trees and ground covers will be appropriate, included below.

### **CCTV**

CCTV should be provided externally on each corner of the amenity building facing outwards. This is deemed suitable to cover off all approaches. The cameras should be kept high (out of reach). Further, any camera's pointed outward should not be aimed directly at the adjoining residential dwelling houses windows or areas of private open space and should be focused on public space areas such as the fields, car park, footpaths, street and site approaches.

### **Lighting**

Lighting should be in accordance with relevant Australian Standards. Lighting should help maintain sightlines and illuminate potential concealment areas. Poorly illuminated spaces or even the colour of lighting can negatively affect spaces and discourage users, which increases risk of crime, as well as poorly lit spaces providing opportunities for concealment or vandalism. Recreational reserves/parks, and playgrounds are valuable community hubs that will be better utilised and accessed with the addition of lighting. This promotes an energetic, safe, and inclusive community and is particularly beneficial during colder months when the sun sets earlier. This is particularly important for girls, who are often designed out of play spaces, even during the daytime. Access to nature and community is proven to affect mental wellbeing and development positively, so designing outdoor public spaces where all community members, including women and girls, feel welcomed is paramount.

Lighting for the site has only been viewed for the sportsfields themselves, being field lighting and cricket net lighting on poles. Under awning lights should also be provided to the amenity building for even and well-lit spaces at night. We'd expect that pole mounted lights along the pedestrian footpaths and car park would also be provided at appropriate heights to light up walkways and user areas after dark. The lights should be evenly distributed and placed,

ensuring that the area is lit and sightlines to and from the site are also available after dark. Generally, cool-white tones should be chosen for bulbs.

Lighting should be designed to ensure no impact on wildlife occurs, with most wildlife being more sensitive to light. Light should provide sufficient light for safety and amenity, encourage active outdoor exercise and extend the functioning hours of public sporting assets, while minimising the impact on wildlife. A lighting consultant should be engaged for the detailed design of the development.

#### Access control

Confusion resulting from ambiguous entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. There is no proposed 'boundary' fencing as part of this development, and is not considered a necessary element, considering the public to semi-public nature of the space. It is expected that existing footpaths around the site, and those proposed as part of the development, including a 1.5m wide walkway around the field, will channel users around the site, to and from the amenities and parking areas, ensuring there is no ambiguity of space and all areas are accessible. Notwithstanding, there is proposed fencing around the playing fields, which are 900mm high at the north end and 8m high at the southern end (for road safety on Raymond Terrace Road), but these maintain accessibility to the sportsfields at all times. This fencing is not a type that would restrict access – discussed further under *Territorial reinforcement*.

Conversely, access control measures to the amenities building are required and proposed. Specifically, there are lockable doors to all internal change rooms and referrer rooms, the plant room and bin store, which we understand will be locked by Council after hours (referring to the PoM). Furthermore, the amenities (toilets) also feature a metal security gate for further security. Lastly, the covered walkways area which has access to the club store rooms, canteen and canteen store is provided with a metal gate on both sides, to further restrict access to this area after hours. This will also assist with the management of space in that this walkway cannot be used as an area of entrapment and victimisation. We have not been advised about alarms, but would recommend that an alarm system be installed to the internal areas of the amenities, which are triggered via unauthorised access.

Access to the amenities building is therefore considered to be appropriated controlled.

Locks should be provided to the cricket storage shed, and external bin enclosures.

The emergency service vehicle access gate should be fitted with a lock. We note the locked gate from the car park is suitable.

#### Territorial reinforcement

Generally, people recognise areas that are well used and cared for, and those that are not. Research shows that public areas displaying strong ownership (territorial) cues are less likely to be improperly used than those that don't. Similarly, people are commonly attracted to vibrant public areas; well used areas are made safer by natural community supervision. Given the shared nature of the sportsfield and amenities, a sense of communal responsibility for maintaining this space will be present, which will ensure that the spaces feel cared for and are used well. The nature of the site will then be one where there are higher levels of activity, creating a space that is well used, increasing offender risk of detection.

The proposed landscaping and the proposed playing field fencing will be the predominant form of territorial reinforcement on site. This landscaping and fencing are more symbolic than a physical barrier, but will let people know that they are moving from one area to another (i.e., public to semi-public). The concrete footpaths surrounding the site and verandah of the amenities building will provide an additional cue, being distinctive space transition cues promoting clear and legible access points.

Full details of signage have not been provided, but there will be site signage at the principal entry point on the northern side of the site. We would suggest that appropriate wayfinding signage is provided at the site entrances (off pedestrian pathways from surrounding streets on the east and west side, the main site entrances on the north side and also at the car park). Linemarking signage to the car park will be required, to designate spaces, as well as the emergency point to avoid ambiguity and guide users. Directional signage at key junctions should be used to guide users around and through the site, including off the car park, at the principal site entrance and at the amenities building. This will concentrate pedestrian movements, limited unwanted access and reduce any excuse making behaviours and any ambiguity of space. Details of any public hours of operation (and similar) for the amenities should be provided at the site, as well as emergency/maintenance contact details. Signage should be used to indicate any restricted areas (such as waste storage rooms).

#### Environmental (space and activity) management

Good consistent management of the premises will contribute to natural surveillance and guardianship to reduce the overall risk of crime. We also note that the site being in proximity to residential dwellings offers more activity and adds to a sense of 'around the clock usage' of the area. Further, the actual land use, being a neighbourhood sporting field and facilities, will contribute to feelings of ownership and therefore generally promote a well-cared for and appropriately used space/s.

The presence of rubbish signals a lack of care and guardianship. This may stimulate interest in potential offenders and avoidance behaviour in others. In this regard, the development should include appropriate measures for waste management and minimisation. Waste storage areas should also be kept clean and well managed. Details of waste management and storage have not been confirmed, but we would recommend that any waste is kept contained within the designated waste storage areas and waste receptacles across the site, and all be secured. Regular maintenance of waste receptacles should be undertaken to ensure waste does not build up / overflow.

The site will need to be operated under a suitable Plan of Management (PoM). The PoM is to ensure the facility functions in a safe and socially responsible manner, and the document is an essential part of the ongoing management requirements of the site. The PoM covers ownership and management details including hours, peak times, Council's and users arrangements and responsibilities; user groups and programmes; accidents and emergency; security and CPTED considerations; noise management; complaints, registers and grievances; cleaning and waste management; and lists any Council established policies and procedures with regards to management of recreational space. This document suitably outlines the practices to ensure appropriate security and risk measures are implemented and continuously monitored for a safe operation.

#### **6.2.3. Environmental Management Measures**

Environmental management measures to minimise crime risk are:

- CCTV should be provided externally on each corner of the amenity building facing outwards. CCTV cameras are kept high (out of reach and vandal resistant). Further, any camera's pointed out should not be aimed directly at the adjoining residential dwelling houses windows or areas of private open space and should be focused on public space areas such as the laneway, carpark, street and site approaches.
- Landscaping should be managed to ensure views to and from the site are maintained and entrapment opportunities are avoided. Any trees should be appropriately spaced and maintained / pruned up to a height of 2m to avoid concealment opportunities or comprised sightlines and ground covers maintained to no higher than 600mm.

- All windows and doors associated with the amenities are to be secured and lockable via either or a combination of key-lockable devices and/or electronic alarmed keypads / swipe card systems (or similar).
- An alarm system for the amenities building be implemented.
- Locks should be provided to the cricket storage shed, and external bin enclosures.
- The emergency service vehicle access gate should be fitted with a lock.
- Signposting is required to enhance wayfinding and prevent excuse making behaviour, as well as create a sense of ownership. All internal and external signage and directions should be installed in accordance with the relevant Australian Standards.
- Signage should be provided at the site entrances (off pedestrian pathways from surrounding streets on the east and west side, the main site entrances on the north side and also at the car park).
- Line marking signage to the car park will be required, to designate spaces, as well as the emergency point to avoid ambiguity and guide users.
- Directional signage at key junctions should be used to guide users including off the car park, at the principal site entrance and at the amenities building.
- Details of any public hours of operation (and similar) for the amenities should be provided at the site, as well as emergency/maintenance contact details.
- Signage should be used to indicate any restricted areas (such as waste storage rooms).
- Lighting (in addition to any decorative lighting) should be provided in accordance with relevant Australian Standards and should be installed high to avoid vandalism. A lighting consultant should be engaged for the detailed design of the development.
- Under awning lights should also be provided to the amenity building for even and well-lit spaces at night. Pole mounted lights along the pedestrian footpaths and car park would also be provided at appropriate heights to light up walkways and user areas after dark. The lights should be evenly distributed and placed, ensuring that the area is lit and sightlines to and from the site are also available after dark. Generally, cool-white tones should be chosen for bulbs.
- Lighting should be designed to ensure no impact on wildlife occurs, with most wildlife being more sensitive to light. Light should provide sufficient light for safety and amenity, encourage active outdoor exercise and extend the functioning hours of public sporting assets, while minimising the impact on wildlife.
- The site should be clean and well-maintained to encourage regular use and reinforce strong community territorial cues.
- Prompt rubbish removal should occur to reinforce strong territorial cues, which can be achieved via regular surveillance / maintenance checks of the site throughout the day. Waste should be kept contained with designated waste storage areas.
- Provisions to promptly replace any vandalised, damaged, or defective equipment / property – to avoid what is known as the “broken windows theory”. Graffiti and other forms of vandalism fall into this same category and should be managed effectively and quickly through ‘rapid removal’.
- Consideration should be given to the use of graffiti resistant materials and surface treatments which are easy to clean / remove graffiti.
- Hardened glass should be employed to prevent breakage.
- Any items outside secured areas or any miscellaneous items (such as seats, pot plants or any bins) should be secured where possible. If they cannot be secured, they should be brought inside the various store rooms after hours.
- A Plan of Management is required. The PoM is to ensure the facility functions in a safe and socially responsible manner. The PoM covers ownership and management details including hours, peak times, Council’s and users arrangements and responsibilities; user groups and programmes; accidents and emergency; security and CPTED considerations; noise management; complaints, registers and grievances; cleaning



and waste management; and lists any Council established policies and procedures with regards to management of recreational space. This document suitably outlines the practices to ensure appropriate security and risk measures are implemented and continuously monitored for a safe operation.

### 6.3. TRAFFIC AND ACCESS

#### 6.3.1. Existing Environment

The site has multiple frontages, along Suncroft Street (230m), Mayo Crescent (160m), and Arklow Crescent (96m). These are formalised local roads with a speed limit of 50km/h, with kerb and gutter. There are pedestrian footpaths along both sides of Suncroft Street, Mayo Crescent and Arklow Crescent within proximity of this site. It should be noted that a roundabout is located to the north-east of the site, for access to Mayo Crescent, Suncroft Street and Greystones Drive. Relevant pedestrian crossing spaces are provided for each segment of the roundabout.

There is currently no vehicular access to the site, only being lawfully accessed as a pedestrian. On the northern boundary of the site, along Suncroft Street, are 20 dedicated car parking spaces, in a north-south direction. These provide parking for visitors to Sophia Waters. Six (6) vehicles had used the parking spaces at the time of the site visit, including a caravan parked on the western car parking spaces.

#### 6.3.2. Potential Impacts

Construction access will be via an informal access point located on the south-eastern corner of the site. There will be a slight increase in traffic during the construction of the proposed sports field and associated amenities. Construction vehicles will generally include light vehicles up to heavy vehicles. Construction vehicles and deliveries of materials are not likely to result in any adverse short-term access issues or disruptions along Suncroft Avenue or Arklow Crescent noting the dedicated ingress and egress point at Mayo Crescent. Access from the sealed roadway will not impact on residents accessing their sites along Suncroft Avenue, Mayo Crescent or Arklow Crescent, with all driveways and the main roadway to be kept clear at all times. All construction vehicles should park within the site boundaries and not out within Suncroft Avenue, Mayo Crescent or Arklow Crescent.

Pedestrian impact along the footpaths of Suncroft Avenue, Mayo Crescent or Arklow Crescent may be impacted during the works stage, depending on the extent of the site fencing and timing of the works. Any impact is expected to a minor extent; should they need to wait for vehicles entering or exiting the site. The preference should be for pedestrians to utilise the footpath, and then vehicles make their turn into and out of the site. The pedestrian footpath itself should be kept clear at all times and not hinder access. Notably though, if access is impacted for any reason (i.e. damage to the footpath or the site fencing extends out beyond the footpath during any construction), then alternative pedestrian access will remain on the opposite sides of Suncroft Street, Mayo Crescent and Arklow Crescent. Directional signage for pedestrians should be provided to direct pedestrians.

Exclusionary barriers and construction fencing should be implemented to reasonably prohibit pedestrian and vehicle access to this area during construction works as required. Wayfinding signage should also be used to direct people.

There will also be additional construction traffic experienced within the greater suburb / traffic network, however it is not expected to be significant or to a degree that would impact other motorists, the capacity of the network or residents, and will be temporary in nature.

In addition to the construction phase, there will be additional traffic impacts during the ongoing operational phase of the project. The Traffic Impact Assessment prepared for the proposed activity at **Appendix 13** notes that the activity will generate an additional 72 vehicles

travelled per hour (vtpH) during the weekday PM peak, and 80 vtpH during the weekend peak traffic period, which was based on a first principles assessment of the local traffic generation for the site. Overall, it is concluded that the proposed development, does not adversely impact on the local and State road network.

Further, the site generates a peak parking demand of 80 vehicles. A total of 83 car spaces within the on-site car park and 20 vehicles off Suncroft Street are provided, being sufficient to meet expected demands.

The report found that the local and state road network have sufficient available two-way mid-block capacity to cater for the development without the need to further upgrade the local road network.

### 6.3.3. Environmental Management Measures

Environmental management measures to minimise impact on traffic and access are:

- During construction, the contact details of the site supervisor or primary contact are to be available on site at all times.
- Park all construction vehicles in a designated construction compound nominated in a CEMP, to be located off the public domain and within the site boundaries.
- No on-street parking of construction vehicles should occur. Vehicles should not encroach or be parked within the internal roads or impact on resident driveways and access.
- Provide signposting to direct traffic and to minimise traffic disruption and improve wayfinding during construction for both pedestrians and motorists.
- Ensure access to and along Suncroft Street, Mayo Crescent and Arklow Crescent is maintained for all residents and visitors.
- Utilise appropriate exclusionary fencing / signs to limit access to the site while under construction.
- Workers to only attend the site during construction hours, and where practical and relevant to limit unnecessary vehicle movements.
- Subject to a minimum 6-metre-wide combined entry / exit driveway being provided to the on-site car parking area off Suncroft Street, the development is compliant with the requirements of Australian Standard *AS2890.1-2004 Parking facilities – Part 1 – Off street car parking facilities* in regard to width of the access and sight lines.
- Car parking be constructed to AS2890.1-2004 Parking facilities – Part 1 – Off street car parking facilities.

## 6.4. NOISE AND VIBRATION

### 6.4.1. Existing Environment

Main sources of ambient noise within the immediate area include vehicles, typical residential and recreational noises, noting walking paths in the area. Broader noise impacts include traffic along surrounding roads (particularly Raymond Terrace Road), small residential power tools and gardening equipment, pets and wildlife (such as birds, foxes, cats and dogs). Sensitive land uses (residents in their homes are located in proximity of the site, with occupied residents to the immediate north, east and west).

### 6.4.2. Potential Impacts

The proposed activity would involve the use of construction plant and equipment discussed in Section 3. Mobilisation of construction vehicles may also generate additional road traffic noise on the external road network. Construction activity has a high potential to generate noise noticeable at the closest sensitive receivers due to their proximity to the site, being those along Suncroft Street, Arklow Crescent, and Mayo Crescent. It should be noted that the majority of the works would be undertaken during the daytime and standard working hours,

so the impacts on any nearby receivers would be minimal. Construction noise is only temporary in nature and is therefore not expected to impact on sensitive receivers in the long term.

The Acoustic Assessment prepared for the proposed activity (**Appendix 6**) found that construction works have the potential to exceed recommended noise management levels, depending on work activity and location. However, the 'highly affected' noise level is expected to be complied with in all situations. The Acoustic Assessment recommends a construction noise management plan be implemented as part of the proposal to minimise noise emanating upon the community.

The Acoustic Assessment found that given the distance between expected construction works and nearest receptors, the risk of vibration impacts are very low. Additionally, while significant vibration activities are not expected as part of the proposal, during construction it is recommended that if any of the activities identified on p21 of the Acoustic Assessment are planned, the contractor should use the table on p21 as a guide for selecting equipment and informing buffer distances between the activity and nearby sensitive receptors.

Advance warning of works and potential disruptions can assist in reducing the impact on the community and provide for acceptable vibration levels for human comfort.

As a further precaution, neighbours and other stakeholders will be notified prior to construction activities taking place and a complaints register will be established to manage any noise issues. Further assessment or mitigation measures may be required should noise or vibration issues arise.

In addition to the construction phase, there will be additional acoustic impacts during the ongoing operational phase of the project. The Acoustic Assessment found that operational noise levels were in compliance with the Noise Policy for Industry and Local Government. It found that predicted noise from the sporting fields was generally not offensive. It recommended that management of noise, particularly any excessive noise generated by individuals, be included in any site management plan. By managing excessive noise being generated by individuals, it is viewed site noise levels can be managed and while not mandatory can comply with Noise Policy for Industry project noise trigger levels.

#### 6.4.3. Environmental Management Measures

Environmental management measures to minimise noise and vibration impacts are:

- The proponent should apply all feasible and reasonable work practices to reduce acoustic impacts.
- Affected neighbours to the construction works would be advised in advance of the proposed construction period at least 1 week prior to the commencement of works.
- Consultation and communication between the site and neighbours to the site would assist in minimising uncertainty, misconceptions and adverse reactions to noise.
- All site workers (including subcontractors and temporary workforce) should be familiar with the potential for noise impacts upon residents and encouraged to take all practical and reasonable measures to minimise noise during their activities.
- The constructor or site supervisor (as appropriate) should provide a community liaison phone number and permanent site contact so that the noise related complaints, if any, can be received and addressed in a timely manner.
- The constructor (as appropriate) should establish contact with the residents and communicate, particularly when noisy activities are planned.
- Construction works should adopt Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) practices as addressed in the DECCW Interim Construction Noise Guidelines (ICNG).

- Ensure that all construction works scheduled for standard construction hours comply with the standard construction hours comply with the start and finish time.
- Where practical, simultaneous operation of dominant noise generating plant should be managed to reduce noise impacts, such as operating at different times or increase the distance between plant and the nearest identified receiver.
- High noise generating activities such as jack hammering should only be carried out in continuous blocks, not exceeding 3 hours each, with a minimum respite period of one hour between each block.
- Where possible, reversing beepers on mobile equipment would be replaced with low-pitch tonal beepers (quackers). Alternatives to reversing beepers include the use of spotters and designing the site to reduce the need for reversing may assist in minimising the use of reversing beepers.
- Equipment which is used intermittently should be shut down when not in use.
- All engine covers should be kept closed when equipment is operating.
- The construction site would be arranged to minimise noise impacts by locating potentially noisy activities away from the nearest receivers wherever possible.
- To minimise heavy equipment handling noise, material stockpiles should be located as far as possible from the nearest receptors.
- Loading and unloading areas should be located as far as possible from the nearest receptors.
- Where possible trucks associated with the work area should not be left standing with their engine operating in a street adjacent to a residential area.
- All vehicular movements to and for the site should comply with the appropriate regulatory authority requirement for such activities.
- Regarding complaint handling:
- If valid noise and/or vibration data for an activity is available for the complainant property, from works of a similar severity and location, it is not expected that monitoring will be repeated upon receipt of repeated complaints for these activities, except where vibration levels are believed to be potentially damaging to the building.
- Any noise and/or vibration monitoring should be undertaken by a qualified professional and with consideration to the relevant standards and guidelines. Attended noise and/or vibration monitoring should be undertaken upon receipt of a noise and/or vibration complaint. Monitoring should be undertaken and reported within a timely manner (3-5 working days). If exceedance is detected, the situation should be reviewed to identify means to reduce the impact to acceptable levels.
- Regarding operational noise:
- Site management plans should have measures to limit excessive noise generated by individuals.

## 6.5. SOILS AND GEOLOGY

### 6.5.1. Existing Environment

The subject site is not located within a mine subsidence district, nor is it identified as any class of land for acid sulfate soils. Hunter Environmental Consulting (HEC) provided a Geotechnical Assessment for the proposed activity at **Appendix 5**. The assessment noted that the site is undeveloped and predominantly flat with localised steep batters along the northern and south-western site boundaries. It noted that existing vegetation on the site consisted of skort kept grass with exposed soil in some places, with some isolated small and growing trees along the northern and south-western site boundaries. The report noted that

*“Buried asbestos exists at the north-western portion of the site, which was subsequently filled through Level 1 earthworks, as detailed in the Level 1 Observation and Testing Summary report by Coffey Testing.”*



The report further found:

*“The subsurface profile generally consisted of a thin layer of topsoil underlain by clayey / sandy fill of varying thickness across the site. The fill is underlain by a stiff to very stiff / medium dense residual layer. Highly weathered SANDSTONE and CLAYSTONE rock with inferred very low strength was encountered in one borehole in Zone B at a depth of 2.9 m and in one borehole within Zone D at a depth of 1.1 m.*

*A site classification was undertaken at Zone A and Zone B based on the laboratory testing results and the subsurface profile encountered at the time of investigation. The results indicated site reactivities of Class M at Zone A and H1 at Zone B, having characteristic free surface movements of 20-40mm and 40-60mm respectively. Therefore, a site classification of Class M-P and Class H1-P is recommended for site areas in Zone A and B respectively.*

### 6.5.2. Potential Impacts

The proposed activity is for the proposed sports field, including an amenities building, car parking, landscaping, essential services and lighting. This means that there is potential for contamination to be introduced.

Through the construction stage, there is potential for construction work to disturb the existing cell containing the asbestos material in the north-western portion of the site.

### 6.5.3. Environmental Management Measures

Environmental management measures to minimise impact on soils and geology are:

- Appropriate erosion and sediment control measures should be put in place and maintained for the duration of works to limit the potential for erosion or the travel of the soils.
- Implement Erosion and Sediment Control Plans in accordance with the Managing Urban Stormwater: Soils and Construction “The Blue Book” (4th edition, Landcom 2004).
- Equipment will be serviced and maintained to minimise potential for loss of fluids.
- Keep the soils damp to ensure that potential dust impacts are limited, which will also ensure the minimisation of soil leaving the site.
- The CEMP will include details on waste management and provide a spill management procedure.
- Any excess soil or material will be tested and classified prior to leaving the site. For any excess spoil material classed as contaminated, disposal of this material will be at an appropriately licensed landfill in accordance with the EPA (2014) waste classification guidelines.
- In the unlikely event that contaminated soils or unobserved waste deposition are uncovered during the works, all works within the vicinity must cease immediately and Maitland City Council’s project manager be notified immediately.
- Unexpected Finds: The presence of any unexpected finds would be highlighted during development works by the observation of any unusual physical (e.g. staining, ACM) or sensory characteristics of the soil. In the event that any significant unknown type of material is identified, site works should be stopped in that area and an assessment of the material and its likely impact on sensitive human or ecological receptors would be undertaken by an appropriately qualified environmental consultant immediately to prepare a suitable response to the occurrence. All additional works should be documented and detailed within subsequent reports.
- It should be noted that **Appendix 5** provides additional recommendations relating to the footings for the amenities block, lighting tower and car park.

## 6.6. AIR QUALITY

### 6.5.1. Existing Environment

Table 6.5.1 below is a summary of the rainfall and temperatures collected by the Bureau of Meteorology for Maitland Airport AWS (temperature data) and Maitland Belmore Bridge AWS (rainfall), 13.4km (Maitland Airport AWS) and 6.95km (Maitland Belmore Bridge AWS) away. In summer the mean daily temperatures average 28.9 °C. In winter mean daily temperatures average 19.2 °C. Rainfall is generally higher in later summer early-mid Autumn.

**Table 6.5.1:** Summary of the climate at the abovementioned stations (Mean 2022-2023) (Bureau of Meteorology)

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Rainfall (mm)												
Mean	90.8	119.5	85.5	72.0	33.8	7.3	161.5	35.3	53.8	93.0	45.5	44.5
Temperature (°C)												
Mean	29.6	29.6	28.0	24.3	20.9	18.3	18.5	20.7	23.6	24.0	25.8	27.6

Urban activities in the local area can affect air quality, generally through the use of vehicles and power tools all year and wood fires utilised during winter months. The site is proximate to local roads where public transport and traffic on these roads can affect air quality through vehicle emissions.

### 6.6.1. Potential Impacts

Construction of the proposed sports field, amenities building, and associated parking and infrastructure may generate wind borne dust from exposed soil and the cutting of building materials on site (if proposed). Dry and windy conditions will generate additional dust from exposed soil and movement of vehicles and wind conditions should be monitored. Exhaust from heavy machinery and other vehicles may also impact on local air quality.

### 6.6.2. Environmental Management Measures

Environmental management measures to minimise impact on air quality are:

- Reduce vehicle traffic speed in and around the site where dust could be generated.
- Use water to dampen exposed soil and stockpiles if exposed to air for long periods.
- Maintain vehicle and machinery to minimise emissions.
- Where wind causes off-site emission of soil then work may cease for a short time or dust control measures put in place.
- Implement erosion and sediment control measures to prevent any contaminants entering the local waterways.

## 6.7. WATER QUALITY AND HYDROLOGY

### 6.7.1. Existing Environment

To the south-west of the site is a coastal wetland, per the State Environmental Planning Policy (Resilience and Hazards) 2021. Subsequently, part of the site is mapped as proximity area for the adjacent coastal wetland. Further, the site is considered to be flood prone, being mapped on the former LEP 2011 Flood Planning Area maps. Council records indicate that the site has a 1% AEP flood event height of 4.4m AHD, in relation to flooding from the Hunter River.

### 6.7.2. Potential Impacts

The proposed activity has the potential to cause adverse runoff impacts into the adjacent coastal wetland. Silt and sedimentation could flow from the site to the aforementioned waterways and cause contamination and/or a reduction in water quality. Additionally, through poor maintenance, there is potential for plant and equipment to leak fuel, oils and/or chemicals, which could create the potential for contamination into the waterway.

It is not considered that there will be flood risks for the proposed activity, due to the amount of earthworks proposed on the site. The Site Plan at **Appendix 2** shows that the general RL of the proposed activity will range from 10m to 14m AHD. This is well above the 1% AEP event flood level assigned to this site, rendering the site safer in the event of a flood.

### 6.7.3. Environmental Management Measures

Environmental management measures to minimise impact are:

- Appropriate erosion and sediment control measures should be put in place to limit the amount of sedimentation or erosion into the waterways.
- Regular servicing and maintenance of plant and equipment to minimise fluid loss.
- Ensure any storage of oil, fuels or chemicals are stored in a locked bund within the compound.
- Maintain existing road access away from the site for evacuation and emergency management.
- Minimise increases in impervious areas within the catchment by reducing impervious footprint across the site. Apply on-site detention and water sensitive urban design measures to reduce potential impacts associated with the proposal.
- Adopt appropriate flood related development requirements for flood planning levels associated with non-residential (but not special use) properties and use appropriate building materials within flood prone areas.

## 6.8. FLORA, FAUNA AND BUSHFIRE

### 6.8.1. Existing Environment

The Environmental Assessment at **Appendix 4** conducted ground truthing to determine the vegetation type and condition on the subject site. The site survey, review of the BAM calculator found that threatened ecological communities were not associated with the PCT on the subject site. As shown on the site photos, the site is mostly cleared grassed land, being maintained on a regular basis via lawn mowing. This indicates a highly disturbed ecological area, that is not likely to be conducive to thriving habitats for endangered or non-endangered species.

Part of the site is mapped as a proximity area for the adjacent coastal wetland, per the State Environmental Planning Policy (Resilience and Hazards) 2021.

The site is comprised of disturbed previously cleared pasture lands dominated by *Cynodon dactylon* with a cover of nearly half of the ground stratum, sparse amounts of single shrubs. There are no existing dwellings on the site. Habitat values were considered to be highly marginal for mobile species only. There are no hollow-bearing trees, thick leaf litter or fallen logs that could provide any habitat or foraging opportunities. It is noted that off-site vegetation is likely to offer more optimal foraging and nesting habitat for bats, birds and arboreal animals.

Regarding flora, surveys were undertaken and found that there were 22 species within the subject site, including 7 native species and 15 exotic species. The previously mentioned *Cynodon dactylon* is considered to be a native non-endemic species that was previously planted for pasture. No threatened flora species were recorded on the subject site.

Fauna surveys were carried out and found 6 species of birds. No listed threatened fauna species were detected within the subject site. The Environmental Assessment noted that the site does not act as a key area within the broader context that fauna would rely on, and as such it is not expected that the subject site would be utilised by threatened fauna species to any significant degree.

#### 6.8.2. Potential Impacts

The Environmental Assessment at **Appendix 4** used the '5-part test' from Section 7.3 of the *Biodiversity Conservation Act 2016* to determine if the proposed works will have a significant impact upon threatened species listed under the Act that was identified to potentially occur within the site during their survey period. The assessment found that that PCT 3446 – *Lower North Foothills Ironbark-Box-Gum Grassy Forest* was unlikely to be significantly impacted by the proposed activity, due to the already disturbed and highly modified nature of the site and surrounds.

In addition to the above, the proposed activity's impact on the adjacent coastal wetland has been assessed, per requirements under the State Environmental Planning Policy (Resilience and Hazards) 2021. It was found that the proposal is unlikely to impact the integrity and resilience of the surrounding biophysical, hydrological and ecological environment of the adjacent coastal wetlands. Additionally, it was found that there is unlikely to be significant impacts to the quality and quantity of surface and groundwater flows to and from the adjacent coastal wetland, subject to erosion and sediment controls.

In relation to bushfire prone land, it is unlikely that the proposed activity will increase the risk to life or property if carried out. As shown in Section 4.5.1 of this report, part of the site is mapped as 'vegetation buffer'. The built aspect of the proposed activity will be well clear of this area, and the amount of land classed as 'vegetation buffer' within the subject area is inconsequential.

#### 6.8.3. Environmental Management Measures

The Environmental Assessment prepared by AEP at **Appendix 4** provides recommendations on minimising impacts to the environment. Environmental management measures to minimise impacts on flora and fauna as well as mitigate bushfire risks are:

- An Erosion and Sediment Control Plan (ESCP) should be prepared for the proposal following guidelines from Landcom (2004), as well as a Stormwater Management Plan (SMP).
- Best practice erosion and sediment controls should be put in place to limit offsite movement of materials into the adjacent vegetation.
- Erosion and sediment controls should be checked daily and maintained in working order especially after rain events.
- Establish and maintain appropriate erosion and sediment controls during construction and thereafter.
- Effective weed control should be used on site, ensuring that appropriate methods are used to eliminate and dispose of high threat exotic weeds and highly competitive weeds.
- Undertake ongoing weed management within close proximity to the works.
- Equipment should be cleaned thoroughly and disinfected before entering and exiting site to prevent weed and disease introduction such as *phytophthora cinnamomi* (Root-rot fungus), *Puccinia psidii* (Myrtle Rust) and others.
- If any fauna is injured during vegetation clearing, they are to be taken promptly to a nearby veterinarian or suitable wildlife carer contact.
- Landscaping should incorporate species that are endemic to the area.

- Artificial lighting should be implemented using Best Practice Lighting Design and incorporating landscape and urban design, including sympathetic lighting strategies including timers, lighting directional away from potential habitat, dark zone between light source and habitat, using recommended lighting types for use near potential migratory shorebird habitat, and utilisation of natural barriers such as vegetations screening.

## 6.9. HERITAGE - ABORIGINAL

### 6.9.1. Existing Environment

An Aboriginal Heritage Information Management System (AHIMS) basic search was conducted by de Witt Consulting on 23 February 2024 and returned 7 records of Aboriginal sites, 2 of which are located within the study area (**Appendix 8**).

An Aboriginal Cultural Heritage Assessment (ACHA) had been previously prepared by RPS Australia (2016) for the proposed subdivision and associated works. The overall findings of that report was that three new Aboriginal sites were identified, and that an Aboriginal Heritage Impact Permit (AHIP) was required for the disturbance of those item.

An Aboriginal Due Diligence Assessment (ADDA) was prepared by Eco Logical, at **Appendix 7** to assist Council in exercising due diligence in determining whether the project will involve activities that may harm Aboriginal objects and to determine whether consent in the form of an AHIP is required.

### 6.9.2. Potential Impacts

The ADDA undertook a visual inspection, and found the following:

*“The development of the ‘Sophia Waters’ residential estate and the construction and widening of Raymond Terrace Road have significantly disturbed the Study Area. The Study Area currently comprises a flat field approximately 250 metres in length and 140 metres wide. The northern portion of the Study Area is bordered by a steep north-south sloping gradient up to Suncroft Street (Figure 8). Apart from several eroded exposures in the northern and northwestern portion, visibility across the Study Area was inhibited by thick grass coverage (Figure 7 and Figure 12-13).*

*To the south, a steep gradient drops down towards Raymond Terrace Road. Ground visibility was limited to eroded exposures, predominantly comprised of construction aggregate (Figure 12-13). The irregular gradients across the Study Area are the result of earthworks and ground disturbance through levelling and the displacement of soil from the surrounding construction (Figure 6 and Figure 7). The artificial dam to the southwest of the Study Area provides further evidence of ground impacts and the degree of disturbance in the area (Figure 9).*

*Several services, such as a sewerage manhole cover adjacent to Mayo Crescent and two (2) electrical services along Trampore Esplanade, account for further ground disturbance in the Study Area (Figure 10 and Figure 11). The location of AHIMS ID 38-4-0749 and AHIMS ID 38-4-1955 were inspected for any silcrete fragments. No further Aboriginal sites or objects were identified during the visual inspection.” (Eco Logical, 2024).*

The ADDA further stated that no further assessment and mitigation measures will be required for the study area. It notes that AHIP #4157 was issued for harm to Aboriginal objects within the study area, which includes mitigation measures. All impacts to Aboriginal objects within the study area are permitted under AHIP #4157, and that the study area was substantially modified as part of activities covered under the AHIP.

### 6.9.3. Environmental Management Measures

Environmental management measures to minimise impact on Aboriginal heritage are:



- Works may proceed with caution, any impacts to Aboriginal objects are covered by AHIP #4157. This AHIP does not cover human remains, however, and if suspected human remains are uncovered during works then the below procedure must be followed.
- If any human remains are disturbed in, on or under the land, you must:
- Not further disturb or move these remains.
- Immediately cease all work at the particular location.
- Notify NSW Police.
- Notify Heritage NSW Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location.
- Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

## 6.10. HERITAGE – NON-ABORIGINAL

### 6.10.1. Existing Environment

The State Heritage Inventory was searched on 5 March 2024. No State heritage items or locally listed items were identified within proximity of the site. The site is not listed within a Heritage Conservation Area.

### 6.10.2. Potential Impacts

The proposed activity is contained wholly within the site and does not impact any items of non-Aboriginal heritage. There are no impacts to non-Aboriginal heritage as a result of the proposed activity.

### 6.10.3. Environmental Management Measures

Environmental management measures to minimise impact on non-Aboriginal heritage are:

- All on-site personnel are to be made aware of their obligations under the Heritage Act 1977, including the reporting of any archaeological or historic materials, including those suspected to be archaeological or historic. This may be implemented through an on-site induction or another suitable format.
- In the unlikely event that during the course of the proposed works, previously unknown historical archaeological material or heritage items are discovered, all works within the area of the item(s) is to cease immediately and a suitably qualified heritage consultant will be consulted, in accordance with Section 146 of the Heritage Act 1977, to determine an appropriate course of action prior to the recommencement of work in the area of an item, or mitigation and management measures are implemented.

## 6.11. VISUAL IMPACTS

### 6.11.1. Existing Environment

As shown by the site photos in section 1.2.2 of this report, the site is cleared of vegetation and provides an open landscape to the south, towards the wetlands and recent residential development in Thornton.

### 6.11.2. Potential Impacts

Visually, the site is highly visible from surrounding residential streets, as well as Raymond Terrace Road. Residential receptors have a default sensitivity to change in their landscape as high – i.e., the most sensitive visual receptors are residents at home in high proximity and visibility to the proposal. The significance of a visual affect is taken to account for this sensitivity, as well as the magnitude of a given effect. Magnitude relates to the size or scale of the effect from the works, the geographical extent of the area influenced and the duration and reversibility of the effect.

So, the material stockpile has the potential to create visual impacts to nearby residential receptors, as it introduces a moderate degree of contrast to the existing landscape with the addition of new features. For example, the development including hardstand spaces, amenities building, 8m tall fencing, field lighting, and new landscaping is a stark contrast to the natural environment in this location which is plain, open space with some vegetation on boundaries. Also the scale of the works takes up a large footprint on the site.

Notably, many receptors in this area also have a wide view of the landscape, in that they see the sporting field site but also out towards the open spaces further south of Raymond Terrace Road and also across at adjoining residential developments, and so the works would occupy only a portion of their views, albeit for the closest receptors on Suncroft Street, Mayo Crescent and Trampoline Esplanade, where the works are expected to consume a large portion of the front view. Importantly, though, whilst the works will provide a noticeable contrast, the development is a form of development that is compatible with the landscape, in colour (i.e., green fields and ample vegetation planting to boundaries and within) and scale (sympathetically sized amenities building also set lower down from the street level of Suncroft Street) and land use (compatible recreational development).

So overall, the long-term visual significance of the development is not likely to result in adverse changes to the views or landscape including its character or value. In this regard, the current visual impact can be considered appropriate.

There will be short term adverse visual impacts from the presence of construction vehicles and equipment on the site during the construction phase. In the long term the activity is not considered to have an adverse visual impact as it will lead to an aesthetically pleasing sportsground, which will have a positive contribution to the community.

### 6.11.3. Environmental Management Measures

Environmental management measures to minimise impact on the visual environments are:

- Maintain the construction site by removing waste materials, parking in designated areas and storing construction equipment appropriately.
- Remove all waste and material once construction is complete.
- Materials used in the construction of the new facilities should be durable, vandal resistant and require minimal ongoing maintenance.
- A maintenance schedule should be implemented for the site as part of the future operational management, particularly with regards to ongoing maintenance, repairs, waste management, and overall site cleanliness to ensure good site management.
- New landscaping should be of a low-maintenance / drought tolerant species which is also sympathetic with existing vegetation communities in the area and maintained as per the CPTED recommendations.

## 6.12. SOCIAL AND ECONOMIC

### 6.12.1. Existing Environment

The Australian Bureau of Statistics (ABS) website [www.stat.data.abs.gov.au](http://www.stat.data.abs.gov.au) (accessed 5 March 2024) indicates that during the 2021 Census, Chisholm had a population of 4,577, being 49% male and 51% female. The median age of residents was 32 and the median weekly household income was \$2,755. There are 1,319 families in the census area, and on average there are 2 children per family.

It should be noted that the population is expected to be higher as of 2025, with residential land releases and construction of new housing within Chisholm an ongoing feature. As of writing, there are still no neighbourhood sportsgrounds within Chisholm, with existing

recreation offerings being limited to local parks, neighbourhood playgrounds, walking and cycleways, along with general open space. The area is also earmarked (within the Contributions Plan) for a district sportsground, a multipurpose centre and 2 other neighbourhood sportsground, none of which have been constructed to date. There are also a number of local parks yet to be constructed per the Contributions Plan.

#### 6.12.2. Potential Impacts

There may be short term construction impacts such as increased noise and traffic generation as a result of the proposed activity. Consultation with the local community is prudent in that it will provide necessary information to the community and supporting landowners on important site activities including the timing of works, and potential traffic impacts.

The proposed activity, being a sports and recreation facility, will have a substantial positive long-term contribution to the amenity of the surrounding area, and will provide health and recreation benefits to the local residents. The proposed works bring a sport and recreation facility closer to the subject residents, providing an equitable access outcome, ensuring the distance travelled for this kind of facility is minimised.

Construction and supply businesses will benefit from the construction work which creates flow-on benefits for the community.

#### 6.12.3. Environmental Management Measures

Environmental management measures to minimise impact on flora, fauna and bushfire are:

- Preparation of a project consultation strategy prior to construction. This strategy would provide information to the community and surrounding land owners on important construction activities, including timing of works and traffic related impacts, as well as a contact detail for the relevant persons. As described in Section 5.3 of this REF, it is considered that community consultation and engagement for the purposes of informing nearby residents and community are suitable, including the letter box drop and medial releases.
- Additional publishing is required per Section 171 of the EP&A Regulations.
- Maintain access to nearby residences and roadways at all times, unless residents are consulted prior.
- Contact details of the site supervisor to be on site at all times.

### 6.13. WASTE

#### 6.13.1. Existing Environment

As shown in the site photos, no waste was identified on the site. The site is vacant land. Historic contamination and filling has occurred, however the site is understood to be suitably remediated in this regard.

#### 6.13.2. Potential Impacts

Inadequate treatment of waste generated during construction has the potential to impact the environment through the contamination of soils (contamination from spills), water (sedimentation, spills) and air (emissions, dust). The disposal of this material must be in accordance with EPA NSW *Waste Classification Guidelines Part 1: Classifying Wastes (2014)*. The construction crew / builders may generate personal waste in the form of food and food wrappings.

Waste generated through the ongoing use of the area must also be considered to ensure activities do not adversely affect the environment and the site remains safe and hygienic for all users. Bins have been provided throughout the site for users, as well as a dedicated store room. Note we have not considered waste generation volumes or assessed the suitability of

waste storage capacity on site at this time. We understand waste will be managed and collected via Council waste management services as part of an established routine, and would be managed under the site's PoM and updated / made more frequent if necessary.

### 6.13.3. Environmental Management Measures

Environmental management measures to minimise waste impacts are:

- Resource management hierarchy principles are to be followed.
- Avoid unnecessary resource consumption as a priority.
- Avoidance is followed by resource recovery (including reuse of materials, reprocessing and recycling and energy recovery).
- Disposal is undertaken as a last resource (in accordance with the *Waste Avoidance & Resource Recovery Act 2001*).
- All construction waste generated by the proposal will be classified in accordance with the Waste Classification Guidelines Part 1: Classifying Wastes (NSW EPA, 2014).
- Construction waste material is not to be left on site once works have been completed.
- Working areas will be maintained, kept free of rubbish and cleaned up at the end of each working day.
- Ensure compound/stockpile site is located away from any natural vegetation, and made good after works completed.
- Designated and secure waste storage areas are to be provided as part of the ongoing use of the site, and regularly serviced and collected to avoid waste being piled up on site, transported off site or lost into adjoining lands.
- Implement environmental management measures as per CPTED recommendations.

### 6.14. CUMULATIVE IMPACTS

The REF has considered potential cumulative impacts of the proposed sportsfield and associated infrastructure (known as TN18) at 15 Suncroft Street, Chisholm.

Other known projects within the immediate area of Sofia Waters that will occur at the same time as construction of the works include low density residential housing developments. We note that the upgrade of Government Road and Raymond Terrace Road has been recently completed at the time of writing, which will significantly improve road and user safety and efficiency in the immediate transport network, as well as Council resourcing (various departments). We do not consider that the cumulative impacts of small-scale residential projects and the proposal to be significant or adverse. We are aware of another environmental assessment being conducted at the time of writing, for TN17 – Proposed Sportsfield at 70 Billabong Parade, Chisholm, which is progressing. We are also aware of the proposed 'Chisholm Plaza' development occurring off Settlers Boulevard in the Waterford Country estate, including major supermarket retailers, childcare, speciality stores, tavern and the like. We understand construction is being managed by Richard Crooks Construction and is set to commence in April 2025. We do not consider that the cumulative impacts of these two projects to be significant or adverse, being historically planned and outstanding development within the Thornton North urban release areas.

The impact the proposed works will have on the existing road network has been considered (in addition to that above regarding the recent nearby intersection upgrade). There may be temporary disruptions to the flow of the vehicular and pedestrian traffic during the construction, however, this will be minimal given it will be temporary in nature and considering mitigation measures are adhered too. There is sufficient capacity in the local and State networks to cater for the proposed operational traffic generation, and there are sufficient off-street car parking facilities provided to cater for user demand, above the minimum requirements.

There will be some noise impacts due to construction. These impacts are considered to be minimal as they will be temporary during the construction and will be done during standard work hours and suitably separated from adjoining sensitive receivers.

All impacts to Aboriginal objects within the study area are permitted under AHIP #4157, and the study area was substantially modified as part of activities covered under the AHIP. There are no further impacts on Aboriginal heritage, nor non-Aboriginal heritage.

The assessment found that that plant community types are unlikely to be significantly impacted by the proposed activity, due to the already disturbed and highly modified nature of the site and surrounds. In addition to the above, the proposed activity's impact on the adjacent coastal wetland has been assessed, having found that the proposal is unlikely to impact the integrity and resilience of the surrounding biophysical, hydrological and ecological environment of the adjacent coastal wetlands. Additionally, it was found that there is unlikely to be significant impacts to the quality and quantity of surface and groundwater flows to and from the adjacent coastal wetland, subject to erosion and sediment controls.

The development is suitable from a crime risk perspective and has been generally well designed in accordance with the design principles. Recommendations have been made to mitigate the risk of crime, antisocial behaviour and fear of crime for the proposed development, however are generally standard in nature. It is considered that by implementing the recommendations contained in this assessment, criminal activity will be reduced and the safety of visitors and the security of the subject site will be increased. However, it does not guarantee that all risks have been identified or that the area assessed will be free from criminal activity, even if the recommendations are implemented.

It is considered that there will be a degree of visual impact associated with the proposed activity and works. There may be adverse short term visual impacts through the presence of construction vehicles and equipment on the site during the construction phase. The works would present a lower long term visual significant, being not likely to result in adverse changes to the views or landscape including its character of value. In this regard, the proposed activity is not considered to have an adverse visual impact as it will lead to an aesthetically pleasing sportsground with ancillary recreational amenities, landscaping, car parking and community services, which will have a positive contribution to the community and be a sympathetically scaled visual outcome.

It is expected that the proposal will result in positive social impacts and positive long term contributions for the suburb and greater Thornton North catchment. It will provide critical social and recreational infrastructure, new health and recreational opportunities and improved amenity for local residents. Cumulative impact of these issues will be appropriately managed by consulting with local residents and managing the site and construction hours. Maintaining a clean and tidy work site will also minimise potential for significant adverse cumulative impact as a result of the proposal.



## 7. CHECKLISTS

### 7.1. ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2021 (CLAUSES 170 AND 171)

The Division 5.1 factors required to be taken into account under Clauses 170 and 171 of the Environmental Planning and Assessment Regulation 2021 are presented in Table 7.1.1.

**Table 7.1.1:** Division 5.1 Guidelines

FACTOR		ASSESSMENT
a)	Any environmental impact on a community	The proposal has the potential for minor and temporary impacts to the environment, however the design and environmental management measures will ameliorate or reduce the impact. Long term impact will be positive in terms of the provision of new recreational facilities for the Chisholm catchment.
b)	Any transformation of a locality	The proposal will result in a long-term positive impact on the locality by the establishment of a neighbourhood sportsground, improving accessibility of recreational facilities for the community.
c)	Any environmental impact on the ecosystems of the locality	Provided the environmental mitigation measures stipulated in Section 6.8.3 of this REF are adopted it is unlikely that the proposal will have a significant impact on any threatened species, populations and / or ecological communities listed under the BC Act or EPBC Act.
d)	Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality	Provided the environmental mitigation measures are adopted the proposal will not reduce the environmental quality or value of the locality. The proposal will result in an improvement to recreational opportunities in the locality.
e)	Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations	The proposed activity may have an impact on existing Aboriginal artefacts on the project site. However, the proposed activity is within the parameters of the existing AHIP #4157 which has already been considered.
f)	Any impact on the habitat of protected fauna (within the meaning of the <i>Biodiversity Conservation Act 2016</i> )	Providing the environmental mitigation measures are adopted it is unlikely that the proposal will have a significant impact on any threatened species, populations and / or ecological communities under the BC Act.
g)	Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air	Providing the environmental mitigation measures are adopted it is unlikely that the proposal will have a detrimental impact on any species of animal, plant or other form of life.
h)	Any long-term effects on the environment	The proposal is not considered to result in any long term negative effects on the environment, provided that the environmental mitigation measures are adopted.
i)	Any degradation of the quality of the environment	Environmental management measures will avoid or minimise adverse impacts on the environment.
j)	Any risk to the safety of the environment	There may be short term risks during construction, however environmental management measures will ameliorate that risk.

FACTOR		ASSESSMENT
k)	Any reduction in the range of beneficial uses of the environment	The proposal will not result in reducing the range of beneficial uses of the environment.
l)	Any pollution of the environment	There may be short term risks during construction in terms of air and acoustics, however environmental management measures will ameliorate that risk.
m)	Any environmental problems associated with the disposal of waste	Waste generated will be removed from site for appropriate disposal as per the environmental mitigation measures and the CEMP. Maitland City Council must ensure appropriate management of waste associated with the ongoing use of the site.
n)	Any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply.	Additional construction or labour resources required for the project may be affected by standard supply chain resourcing disruptions. Maitland Council will, as part of the construction phase, need to analyse the current supply chain, forecast the required materials and identify a suitable timeline for material purchasing and communicate with construction stakeholders (such as workers) regarding construction timeframes.
o)	Any cumulative environmental effect with other existing or likely future activities	The proposal will improve the quality of recreational facilities in the region.
p)	Any impact on coastal processes and coastal hazards, including those under projected climate change conditions	The proposal will not impact coastal processes or be affected by coastal hazards.
q)	Applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	Strategic need is addressed in Section 2.1 of this REF. Council has undertaken significant strategic planning work in order to determine the future recreation and open space requirements of the area to cater for future populations. The findings of these investigations have been detailed in the document "City Wide Section 94 Contributions Plan (2006/2016) Review of Open Space and Recreation". The site is part of the Thornton North Section 94 Contribution Plan 2008 – line item TN18. As such, as proposed development will facilitate a neighbourhood sportsground at the site, the essential strategic need for the works are to facilitate recreation and open space and community facilities to support the needs of the growing Thornton North population.
r)	Other relevant environmental factors.	No other considerations identified.

## 7.2. COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 (EPBC ACT)

The EPBC Act provides a national framework for environmental protection and management of nationally and internationally important flora, fauna, ecological communities and heritage places. Part 3 of the Act lists nine matters of National Environmental Significance that may require approval from the Australian Minister for the Environment and Water.

A referral is required to the Australian Government for proposed actions taken by any person on Commonwealth land that is likely to have a significant impact on the environment (Section 26(1) of the Act) or an action taken by any person outside of Commonwealth land that is likely to have a significant impact on Commonwealth land (Section 26(2) of the Act) and these actions may require approval from the Australian Minister for the Environment and Water. Commonwealth land would not be affected by the proposal.

An EPBC Act Protected Matters Report (**Appendix 10**) identified matters of NES to be considered as part of this REF. These are presented in Table 7.2.1.

**Table 7.2.1:** Matters of National Environmental Significance (NES)

MATTERS OF NES	OCCURRENCE IN OR NEAR THE SITE (10KM BUFFER)
World Heritage Properties	None.
National Heritage Places	None.
Wetlands of International Significance	1
Great Barrier Reef Marine Park	None.
Commonwealth Marine Areas	None.
Threatened Ecological Communities	9
Threatened Species	96
Migratory Species	63

Other matters protected by the EPBC Act, including Commonwealth land, identified in the search is presented in Table 7.2.2.

**Table 7.2.2:** Other Matters

OTHER MATTERS PROTECTED BY THE EPBC ACT	OCCURRENCE IN OR NEAR THE SITE (10KM BUFFER)
Commonwealth Land	23
Commonwealth Heritage Places	1
Listed Marine Species	73
Whales and Other Cetaceans	None.
Critical Habitats	None.
Commonwealth Reserves Terrestrial	None.
Australian Marine Parks	None.

Commonwealth land would not be affected by the proposal. Other relevant issues have been considered throughout this REF.

Table 7.2.3 provides an assessment of the proposed development against each matter of NES.

**Table 7.2.3:** Matters of NES Assessment

MATTERS OF NES	COMMENT	LIKELY IMPACT
World Heritage	No world heritage properties will be significantly affected by the proposal.	Nil
National Heritage	No national heritage places will be significantly affected by the proposal.	Nil
Wetlands of International Importance	As previously discussed, the proposed activity is unlikely to	Nil

	significantly impact the nearby wetlands.	
Threatened Species and Ecological Communities	The Environmental Assessment at <b>Appendix 4</b> noted that given the severely degraded condition of the subject site, absence of upper stratum species, scarcity of mid stratum species and dominance of <i>Cynodon dactylon</i> in previously cleared pasture lands, no TECs associated with PCT Central Hunter Valley eucalypt forest and woodland are within the subject site.	Nil
Migratory Species	There is potential for some migratory terrestrial species listed within the EPBC act to visit the site on an irregular basis, however the proposal is unlikely to significantly affect the availability of potential habitat for such mobile species, or disrupt their migratory patterns.	Nil
Nuclear Actions	No nuclear actions are proposed.	Nil
Marine Environment	No Commonwealth Marine Areas will be significantly impacted by the proposal.	Nil
Great Barrier Reef Marine Park	The Great Barrier Reef Marine Park will not be impacted by the proposal.	Nil
Protecting Water Sources from Coal Seam Gas and Large Coal Mining Developments	No coal seam gas or coal mines are proposed.	Nil

Referral under the EPBC Act is not required for the proposed activity.

## **8. COMPILATION OF MITIGATION MEASURES**

### **8.1. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)**

A CEMP or equivalent, such as a Site Environmental Plan (SEP) will be prepared for the proposed works. The CEMP or equivalent will include any licences and permits that may be required, environmental management measures outlined in Section 6 of this REF and additional site-specific measures that may be required as part of establishing the construction site or construction methodology. Where construction requires a change of scope to that considered in this REF, then an addendum to the REF will be prepared to consider additional environmental impacts and management measures.

An Environmental Site Induction must be conducted prior to any construction activities commencing on site for all construction personnel working on the site. Records of the induction including content and personnel inducted must be kept.

### **8.2. DECISION STATEMENT**

To allow the proposed activity to proceed, Maitland City Council must make a determination of the REF in accordance with Part 5.1 of the EP&A Act. Specifically, Council are required to determine the proposed activity and issue a Decision Statement to that effect. The objectives of the Decision Statement are to:

- Assess the environmental impacts of the proposed activity and determine the significance of those impacts;
- Document consultation with agencies and the public;
- Explain why the key conclusions in the REF were or were not accepted;
- Document the authorised person's engagement with the REF;
- Make a determination of the proposed activity, or make a decision that there is sufficient information to discharge the duty under Section 111 of the EP&A Act

### **8.3. LAND USE**

Environmental management measures to minimise impact on land use are:

- Nearby residents and other stakeholders should be informed of proposed construction and timing on an ongoing basis. Construction is to take place during standard construction hours only. (Monday to Friday 7am-6pm, Saturday 8am-1pm, no works on Sundays or public holidays)
- Installation and maintenance of site fencing and appropriate signage to restrict access to the construction area, plant and equipment.
- Installation and maintenance of appropriate wayfinding signage for pedestrians using the footpath along the frontage.
- Contact details of the site supervisor or relevant contact person(s) to be displayed on site at all times.
- A construction compound is to be located within a suitable location on site.
- A Dilapidation Report is to be prepared by a relevant contractor prior to further works commencing to ensure that the public domain can be restored to an appropriate level should any damage occur.
- Access to Suncroft Street, Arklow Crescent and Mayo Crescent and nearby properties are to be maintained at all times.
- All mitigation measures identified in this REF are to be implemented in a CEMP prepared in relation to the activity. The contractor is to adhere to all environmental management measures in the CEMP.



#### 8.4. CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

Environmental management measures to minimise crime risk are:

- CCTV should be provided externally on each corner of the amenity building facing outwards. CCTV cameras are kept high (out of reach and vandal resistant). Further, any camera's pointed out should not be aimed directly at the adjoining residential dwelling houses windows or areas of private open space and should be focused on public space areas such as the laneway, carpark, street and site approaches.
- Landscaping should be managed to ensure views to and from the site are maintained and entrapment opportunities are avoided. Any trees should be appropriately spaced and maintained / pruned up to a height of 2m to avoid concealment opportunities or comprised sightlines and ground covers maintained to no higher than 600mm.
- All windows and doors associated with the amenities are to be secured and lockable via either or a combination of key-lockable devices and/or electronic alarmed keypads / swipe card systems (or similar).
- An alarm system for the amenities building be implemented.
- Locks should be provided to the cricket storage shed, and external bin enclosures.
- The emergency service vehicle access gate should be fitted with a lock.
- Signposting is required to enhance wayfinding and prevent excuse making behaviour, as well as create a sense of ownership. All internal and external signage and directions should be installed in accordance with the relevant Australian Standards.
- Signage should be provided at the site entrances (off pedestrian pathways from surrounding streets on the east and west side, the main site entrances on the north side and also at the car park).
- Line marking signage to the car park will be required, to designate spaces, as well as the emergency point to avoid ambiguity and guide users.
- Directional signage at key junctions should be used to guide users including off the car park, at the principal site entrance and at the amenities building.
- Details of any public hours of operation (and similar) for the amenities should be provided at the site, as well as emergency/maintenance contact details.
- Signage should be used to indicate any restricted areas (such as waste storage rooms).
- Lighting (in addition to any decorative lighting) should be provided in accordance with relevant Australian Standards and should be installed high to avoid vandalism. A lighting consultant should be engaged for the detailed design of the development.
- Under awning lights should also be provided to the amenity building for even and well-lit spaces at night. Pole mounted lights along the pedestrian footpaths and car park would also be provided at appropriate heights to light up walkways and user areas after dark. The lights should be evenly distributed and placed, ensuring that the area is lit and sightlines to and from the site are also available after dark. Generally, cool-white tones should be chosen for bulbs.
- Lighting should be designed to ensure no impact on wildlife occurs, with most wildlife being more sensitive to light. Light should provide sufficient light for safety and amenity, encourage active outdoor exercise and extend the functioning hours of public sporting assets, while minimising the impact on wildlife.
- The site should be clean and well-maintained to encourage regular use and reinforce strong community territorial cues.
- Prompt rubbish removal should occur to reinforce strong territorial cues, which can be achieved via regular surveillance / maintenance checks of the site throughout the day. Waste should be kept contained with designated waste storage areas.
- Provisions to promptly replace any vandalised, damaged, or defective equipment / property – to avoid what is known as the “broken windows theory”. Graffiti and other

forms of vandalism fall into this same category and should be managed effectively and quickly through 'rapid removal'.

- Consideration should be given to the use of graffiti resistant materials and surface treatments which are easy to clean / remove graffiti.
- Hardened glass should be employed to prevent breakage.
- Any items outside secured areas or any miscellaneous items (such as seats, pot plants or any bins) should be secured where possible. If they cannot be secured, they should be brought inside the various store rooms after hours.
- A Plan of Management is required. The PoM is to ensure the facility functions in a safe and socially responsible manner. The PoM covers ownership and management details including hours, peak times, Council's and users arrangements and responsibilities; user groups and programmes; accidents and emergency; security and CPTED considerations; noise management; complaints, registers and grievances; cleaning and waste management; and lists any Council established policies and procedures with regards to management of recreational space. This document suitably outlines the practices to ensure appropriate security and risk measures are implemented and continuously monitored for a safe operation.

### 8.5. TRAFFIC AND ACCESS

Environmental management measures to minimise impact on traffic and access are:

- During construction, the contact details of the site supervisor or primary contact are to be available on site at all times.
- Park all construction vehicles in a designated construction compound nominated in a CEMP, to be located off the public domain and within the site boundaries.
- No on-street parking of construction vehicles should occur. Vehicles should not encroach or be parked within the internal roads or impact on resident driveways and access.
- Provide signposting to direct traffic and to minimise traffic disruption and improve wayfinding during construction for both pedestrians and motorists.
- Ensure access to and along Suncroft Street, Mayo Crescent and Arklow Crescent is maintained for all residents and visitors.
- Utilise appropriate exclusionary fencing / signs to limit access to the site while under construction.
- Workers to only attend the site during construction hours, and where practical and relevant to limit unnecessary vehicle movements.
- Subject to a minimum 6-metre-wide combined entry / exit driveway being provided to the on-site car parking area off Suncroft Street, the development is compliant with the requirements of Australian Standard *AS2890.1-2004 Parking facilities – Part 1 – Off street car parking facilities* in regard to width of the access and sight lines.
- Car parking be constructed to AS2890.1-2004 Parking facilities – Part 1 – Off street car parking facilities.

### 8.6. NOISE AND VIBRATION

Environmental management measures to minimise noise and vibration impacts are:

- The proponent should apply all feasible and reasonable work practices to reduce acoustic impacts.
- Affected neighbours to the construction works would be advised in advance of the proposed construction period at least 1 week prior to the commencement of works.
- Consultation and communication between the site and neighbours to the site would assist in minimising uncertainty, misconceptions and adverse reactions to noise.

- All site workers (including subcontractors and temporary workforce) should be familiar with the potential for noise impacts upon residents and encouraged to take all practical and reasonable measures to minimise noise during their activities.
- The constructor or site supervisor (as appropriate) should provide a community liaison phone number and permanent site contact so that the noise related complaints, if any, can be received and addressed in a timely manner.
- The constructor (as appropriate) should establish contact with the residents and communicate, particularly when noisy activities are planned.
- Construction works should adopt Best Management Practice (BMP) and Best Available Technology Economically Achievable (BATEA) practices as addressed in the DECCW Interim Construction Noise Guidelines (ICNG).
- Ensure that all construction works scheduled for standard construction hours comply with the standard construction hours comply with the start and finish time.
- Where practical, simultaneous operation of dominant noise generating plant should be managed to reduce noise impacts, such as operating at different times or increase the distance between plant and the nearest identified receiver.
- High noise generating activities such as jack hammering should only be carried out in continuous blocks, not exceeding 3 hours each, with a minimum respite period of one hour between each block.
- Where possible, reversing beepers on mobile equipment would be replaced with low-pitch tonal beepers (quackers). Alternatives to reversing beepers include the use of spotters and designing the site to reduce the need for reversing may assist in minimising the use of reversing beepers.
- Equipment which is used intermittently should be shut down when not in use.
- All engine covers should be kept closed when equipment is operating.
- The construction site would be arranged to minimise noise impacts by locating potentially noisy activities away from the nearest receivers wherever possible.
- To minimise heavy equipment handling noise, material stockpiles should be located as far as possible from the nearest receptors.
- Loading and unloading areas should be located as far as possible from the nearest receptors.
- Where possible trucks associated with the work area should not be left standing with their engine operating in a street adjacent to a residential area.
- All vehicular movements to and for the site should comply with the appropriate regulatory authority requirement for such activities.
- Regarding complaint handling:
  - If valid noise and/or vibration data for an activity is available for the complainant property, from works of a similar severity and location, it is not expected that monitoring will be repeated upon receipt of repeated complaints for these activities, except where vibration levels are believed to be potentially damaging to the building.
  - Any noise and/or vibration monitoring should be undertaken by a qualified professional and with consideration to the relevant standards and guidelines. Attended noise and/or vibration monitoring should be undertaken upon receipt of a noise and/or vibration complaint. Monitoring should be undertaken and reported within a timely manner (3-5 working days). If exceedance is detected, the situation should be reviewed to identify means to reduce the impact to acceptable levels.
- Regarding operational noise:
  - Site management plans should have measures to limit excessive noise generated by individuals.

## 8.7. SOILS AND GEOLOGY

Environmental management measures to minimise impact on soils and geology are:

- Appropriate erosion and sediment control measures should be put in place and maintained for the duration of works to limit the potential for erosion or the travel of the soils.
- Implement Erosion and Sediment Control Plans in accordance with the Managing Urban Stormwater: Soils and Construction “The Blue Book” (4th edition, Landcom 2004).
- Equipment will be serviced and maintained to minimise potential for loss of fluids.
- Keep the soils damp to ensure that potential dust impacts are limited, which will also ensure the minimisation of soil leaving the site.
- The CEMP will include details on waste management and provide a spill management procedure.
- Any excess soil or material will be tested and classified prior to leaving the site. For any excess spoil material classed as contaminated, disposal of this material will be at an appropriately licensed landfill in accordance with the EPA (2014) waste classification guidelines.
- In the unlikely event that contaminated soils or unobserved waste deposition are uncovered during the works, all works within the vicinity must cease immediately and Maitland City Council’s project manager be notified immediately.
- Unexpected Finds: The presence of any unexpected finds would be highlighted during development works by the observation of any unusual physical (e.g. staining, ACM) or sensory characteristics of the soil. In the event that any significant unknown type of material is identified, site works should be stopped in that area and an assessment of the material and its likely impact on sensitive human or ecological receptors would be undertaken by an appropriately qualified environmental consultant immediately to prepare a suitable response to the occurrence. All additional works should be documented and detailed within subsequent reports.
- It should be noted that **Appendix 5** provides additional recommendations relating to the footings for the amenities block, lighting tower and car park.

## 8.8. AIR QUALITY

Environmental management measures to minimise impact on air quality are:

- Reduce vehicle traffic speed in and around the site where dust could be generated.
- Use water to dampen exposed soil and stockpiles if exposed to air for long periods.
- Maintain vehicle and machinery to minimise emissions.
- Where wind causes off-site emission of soil then work may cease for a short time or dust control measures put in place.
- Implement erosion and sediment control measures to prevent any contaminants entering the local waterways.

## 8.9. WATER QUALITY AND HYDROLOGY

Environmental management measures to minimise impact on water quality/hydrology are:

- Appropriate erosion and sediment control measures should be put in place to limit the amount of sedimentation or erosion into the waterways.
- Regular servicing and maintenance of plant and equipment to minimise fluid loss.
- Ensure any storage of oil, fuels or chemicals are stored in a locked bund within the compound.
- Maintain existing road access away from the site for evacuation and emergency management.

- Minimise increases in impervious areas within the catchment by reducing impervious footprint across the site. Apply on-site detention and water sensitive urban design measures to reduce potential impacts associated with the proposal.
- Adopt appropriate flood related development requirements for flood planning levels associated with non-residential (but not special use) properties and use appropriate building materials within flood prone areas.

#### 8.10. FLORA, FAUNA AND BUSHFIRE

Environmental management measures to minimise impact on flora and fauna as well as mitigate bushfire risk are:

- An Erosion and Sediment Control Plan (ESCP) should be prepared for the proposal following guidelines from Landcom (2004), as well as a Stormwater Management Plan (SMP).
- Best practice erosion and sediment controls should be put in place to limit offsite movement of materials into the adjacent vegetation.
- Erosion and sediment controls should be checked daily and maintained in working order especially after rain events.
- Establish and maintain appropriate erosion and sediment controls during construction and thereafter.
- Effective weed control should be used on site, ensuring that appropriate methods are used to eliminate and dispose of high threat exotic weeds and highly competitive weeds.
- Undertake ongoing weed management within close proximity to the works.
- Equipment should be cleaned thoroughly and disinfected before entering and exiting site to prevent weed and disease introduction such as *phytophthora cinnamomi* (Root-rot fungus), *Puccinia psidii* (Myrtle Rust) and others.
- If any fauna is injured during vegetation clearing, they are to be taken promptly to a nearby veterinarian or suitable wildlife carer contact.
- Landscaping should incorporate species that are endemic to the area.
- Artificial lighting should be implemented using Best Practice Lighting Design and incorporating landscape and urban design, including sympathetic lighting strategies including timers, lighting directional away from potential habitat, dark zone between light source and habitat, using recommended lighting types for use near potential migratory shorebird habitat, and utilisation of natural barriers such as vegetations screening.

#### 8.11. HERITAGE - ABORIGINAL

Environmental management measures to minimise impact on Aboriginal heritage are:

- Works may proceed with caution, any impacts to Aboriginal objects are covered by AHIP #4157. This AHIP does not cover human remains, however, and if suspected human remains are uncovered during works then the below procedure must be followed.
- If any human remains are disturbed in, on or under the land, you must:
  - Not further disturb or move these remains.
  - Immediately cease all work at the particular location.
  - Notify NSW Police.
  - Notify Heritage NSW Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location.
  - Not recommence any work at the particular location unless authorised in writing by Heritage NSW.



### 8.12. HERITAGE – NON\_ABORIGINAL

Environmental management measures to minimise impact on non-Aboriginal heritage are:

- All on-site personnel are to be made aware of their obligations under the Heritage Act 1977, including the reporting of any archaeological or historic materials, including those suspected to be archaeological or historic. This may be implemented through an on-site induction or another suitable format.
- In the unlikely event that during the course of the proposed works, previously unknown historical archaeological material or heritage items are discovered, all works within the area of the item(s) is to cease immediately and a suitably qualified heritage consultant will be consulted, in accordance with Section 146 of the Heritage Act 1977, to determine an appropriate course of action prior to the recommencement of work in the area of an item, or mitigation and management measures are implemented.

### 8.13. VISUAL IMPACT

Environmental management measures to minimise impact on the visual environment are:

- Maintain the construction site by removing waste materials, parking in designated areas and storing construction equipment appropriately.
- Remove all waste and material once construction is complete.
- Materials used in the construction of the new facilities should be durable, vandal resistant and require minimal ongoing maintenance.
- A maintenance schedule should be implemented for the site as part of the future operational management, particularly with regards to ongoing maintenance, repairs, waste management, and overall site cleanliness to ensure good site management.
- New landscaping should be of a low-maintenance / drought tolerant species which is also sympathetic with existing vegetation communities in the area and maintained as per the CPTED recommendations.

### 8.14. SOCIAL AND ECONOMIC

Environmental management measures to minimise social and economic impacts are:

- Preparation of a project consultation strategy prior to construction. This strategy would provide information to the community and surrounding land owners on important construction activities, including timing of works and traffic related impacts, as well as a contact detail for the relevant persons. As described in Section 5.3 of this REF, it is considered that community consultation and engagement for the purposes of informing nearby residents and community are suitable, including the letter box drop and medial releases.
- Additional publishing is required per Section 171 of the EP&A Regulations.
- Maintain access to nearby residences and roadways at all times, unless residents are consulted prior.
- Contact details of the site supervisor to be on site at all times.

### 8.15. WASTE

Environmental management measures to minimise waste impacts are:

- Resource management hierarchy principles are to be followed.
- Avoid unnecessary resource consumption as a priority.
- Avoidance is followed by resource recovery (including reuse of materials, reprocessing and recycling and energy recovery).
- Disposal is undertaken as a last resource (in accordance with the *Waste Avoidance & Resource Recovery Act 2001*).



- All construction waste generated by the proposal will be classified in accordance with the Waste Classification Guidelines Part 1: Classifying Wastes (NSW EPA, 2014).
- Construction waste material is not to be left on site once works have been completed.
- Working areas will be maintained, kept free of rubbish and cleaned up at the end of each working day.
- Ensure compound/stockpile site is located away from any natural vegetation, and made good after works completed.
- Designated and secure waste storage areas are to be provided as part of the ongoing use of the site, and regularly serviced and collected to avoid waste being piled up on site, transported off site or lost into adjoining lands.
- Implement environmental management measures as per CPTED recommendations.

## 9. CONCLUSION AND JUSTIFICATION FOR THE PROPOSAL

This REF has considered the proposed works consisting of a neighbourhood sportsground, cricket nets, amenities building, car parking, pathways, fencing, landscaping, revegetation, stormwater management and associated infrastructure at 15 Suncroft Street, Chisholm NSW 2322 (Lot 3156 DP1267803).

This REF is prepared on behalf of Maitland City Council as the proponent and a determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979*. The works are in accordance with Chapter 2, Division 12 of SEPP (Transport and Infrastructure) 2021, which relates to parks and other public reserves.

This REF fulfills Maitland City Council's obligations as the proponent to examine and fully consider possible all matters affecting or likely to affect the environment as a result of the works outlined in Sections 1 and 3.

Council has undertaken significant strategic planning work in order to determine the future recreation and open space requirements to cater for the incoming population. The proposal is located within the Maitland City Council local government area and is known as "TN18", being line item *TN18 – Neighbourhood Sportsground* under the Thornton North Section 94 Contribution Plan 2008. TN18 is noted as having a total cost of \$4,415,125 under the Plan, however this has increased to date.

Based on the information at hand, the proposal is not likely to significantly affect the environment (including critical habitat) or threatened species, populations or ecological communities, or their habitats. The proposal does not require further consideration under the EPBC Act. No further intrusive investigation or analysis of site contamination or geotechnical matters are required at this stage. Further, the Aboriginal archaeological record has been considered as part of this assessment – no further consideration is required. Similarly, the proposal will not impact on an item or area of non-Aboriginal heritage. Visual impacts are suitable, as are social and economic impacts. Suitable community consultation has occurred commensurate with the nature and scale of the project, and considering site history.

The community values an urban lifestyle when it is safe, appropriate, well-designed and well-managed. This report demonstrates that the proposal can achieve the aims and objectives of the strategic and policy context where environmental matters are concerned.

In the event construction parameters or ancillary works are proposed to be changed and these changes are considered significant, this REF will need to be reviewed and updated to ensure the environmental measures are adequate.



## APPENDICES



# APPENDIX 1

ARCHITECTURAL PLANS PREPARED BY MAITLAND CITY COUNCIL - 9.12.24





## APPENDIX 2

CIVIL DESIGN PLANS PREPARED BY MAITLAND CITY COUNCIL - 11.02.2025



## APPENDIX 3

LIGHTING PLAN PREPARED BY NORWICH GROUP - 28.03.2024



## APPENDIX 4

ENVIRONMENTAL ASSESSMENT PREPARED BY AEP - 02.05.2024



## APPENDIX 5

GEOTECHNICAL INVESTIGATION PREPARED BY HUNTER CIVILAB - 11.03.2024



## APPENDIX 6

ACOUSTIC ASSESSMENT PREPARED BY RAPT CONSULTING - 30.04.2024





## APPENDIX 7

ABORIGINAL DUE DILIGENCE ASSESSMENT PREPARED BY ECO LOGICAL - 02.05.2024



## APPENDIX 8

AHIMS SEARCH RESULT - 23.02.2024



## APPENDIX 9

AHIP #4157 - 10.11.2017



## APPENDIX 10

MNES PROTECTED MATTERS SEARCH - 06.03.2024



## APPENDIX 11

PROJECT MANAGEMENT PLAN PREPARED BY MAITLAND CITY COUNCIL - 28.11.2023





## APPENDIX 12

ACCESS REPORT (DRAFT) PREPARED BY PURPLE APPLE ACCESS - 3.01.2025



## APPENDIX 13

TRAFFIC IMPACT ASSESSMENT PREPARED BY INTERSECT TRAFFIC - 24.01.25



## APPENDIX 14

TN18 SPORTSGROUND - SOPHIA WATERS CHISHOLM NOTIFICATION