CM13.3. Sarvaas Park Building Upgrade Contract No. 23/01042

DATE	16 May 2024	**FIL REFERENCE**	FIL23/01042-02
CONFIDENTIAL	No		
FURTHER ENQUIRIES	Andrew Lawson City Projects	**PHONE**	6023 8111
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Purpose of Report

To recommend to Council a preferred contractor for the Sarvaas Park Building Upgrade, through a qualitative and quantitative assessment.

Background

Sarvaas Park is a local rugby field in North Albury and is the home of the Albury Thunder Junior Rugby League Club. As a large open sporting field, it offers a range of activities and is also used by other sporting organisations and schools.

The existing amenities building consists of two change rooms, a canteen, and public toilets. With the increase in female participation, the Club identified the need for additional separate change rooms and a referees' room. Additionally, the requirement for a community room, a new canteen and storage room have been highlighted.

The existing facilities have met the needs of the user groups in the past and will require partial demolition and refurbishment as part of this project, while a new building is to be constructed to address the shortfall of amenities.

The canteen in the existing building will be relocated to the new building so that the space can be repurposed for public toilets, and the current entrance, at the rear of the building, will be relocated to the sports field side of the building to improve passive surveillance. The toilets will be upgraded to be gender neutral, including a new accessible toilet. There will be some remaining space in this location that will be utilised for referee change rooms.

The construction of a new sports pavilion aims to provide for full community participation and sporting club needs. The design includes a new sports pavilion building that considers the identified amenity deficiencies such as lack of female change facilities, storage, community space and a new canteen area that will service game day and the catering needs of the community space.

In the draft 2024/25 budget, there is a total allocation of $2,805,000 (including GST) for the project, including two grants secured for the project, with the Albury Thunder Rugby League Football Club also contributing to the project. The income received is outlined below:

- $350,000 – NSW Government Election Commitment – improve local sporting facilities for young women and girls in the region;
- $250,000 – Australian Government Election Commitment – redevelopment of the women's change rooms at the Albury Thunder Rugby League Club grounds at Sarvaas Park; and
- $50,000 – Donation – Albury Thunder Junior Rugby League Football Club.

Objectives

The objectives of this procurement activity are strategic in nature. The planned outcomes seek to address the following considerations that align with the themes within AlburyCity's Community Strategic Plan – Towards Albury 2050:

- *Economic Impact*

  This project identifies with the Towards Albury 2050, Outcome 1.1, *"Albury is a liveable city supporting sustainable population growth through the provision of high-quality infrastructure, industry-leading services and high levels of amenity"* and Outcome 1.3, *"Albury will offer diverse and innovative tourism experiences to attract new and repeat visitation"*.

  The delivery of this project will improve user experiences at Sarvaas Park, with user participation from junior rugby league teams age groups 5-9 years from Albury and Wodonga City Councils and older age groups who play across Group 9, which includes Wagga Wagga, Gundagai, Tumut, Tumbarumba, and Junee Local Government Areas.

- *Social Impact*

  This project identifies with the Two Cities One Community Strategic Plan, community aspiration of "Our Community" and specifically, with Outcome 3.4 "*our community is healthy and has a strong sense of wellbeing"*.

- *Strategic Alignment*

  This project delivers on Sarvaas Park Master Plan commitments, which were endorsed by Council in March 2022.

Scope

The scope of the works included in this contract includes:

- Demolition and refurbishment of the bathrooms and canteen in the existing building to provide upgraded facilities, including new public toilets with a designated disabled toilet and hand

basins. The alterations will also include provision for a referee change room and associated facilities consisting of two separate gender-neutral referee toilet and shower rooms.
- A new awning that will extend along the northern side of the existing and the proposed building.
- The new amenities building comprising of two change rooms at the eastern portion of the building, which will include their own independent amenities rooms consisting of toilets, showers and hand basins allocated to each changeroom. An office will be located beside these two change rooms and face outwards onto the adjoining sports fields.
- The western portion of the new building will comprise of a function room, canteen, food store, bin store and mechanical plant room. The proposed community room and canteen will front onto the sports fields.
- Demolition of the existing toilets on the north side of the sports fields on Kestrel Street, upon completion of the new facilities.

Invitation to Tender

Tenders were invited by Council for Contract No. 23/01042 Sarvaas Park Building Upgrade, and advertised in the Border Mail, Sydney Morning Herald and via Tenderlink. Tenders closed at 12 noon on 4 April 2024.

The contract duration is estimated at 28 weeks and will be completed in the 2024/25 financial year.

Relevant documentation including Site Plan (Attachment 1) and Determined Review of Environmental Factors (Attachment 2) have been provided for further information.

At the close of tenders, submissions were received from the following companies:

- Binding Building Pty Ltd (Lavington, NSW);
- Colin Joss & Co Pty Ltd t/as Joss Facility Management (Albury, NSW);
- G & P Connelly Pty Ltd Trading as Connelly Construction Services (Wodonga, VIC);
- Monarch Building Solutions (Aust) Pty Ltd (Fyshwick, ACT);
- Premier Building Constructions Pty Ltd (Wodonga, VIC); and
- Q1 Constructions Pty Ltd (Wodonga, VIC);

All tenders were received and evaluated in accordance with the local government legislation of NSW, and Council's Social and Sustainable Procurement Policy and Guidelines.

The assessment panel for the tender comprised of Project Lead/Team Leader Parks and Recreation – David Armstrong, Sourcing Coordinator – Paul Dwyer, Senior Project Engineer – Clenisa Canafe, Senior Design Architect – Douglas Howard and Building Projects Officer – Catherine Trinnick.

Conformity Check

A conformity assessment was undertaken to ensure all submissions received were in accordance with the contract documentation and specification.

Company	Schedules returned with supporting information	WHS & Insurance Documentation accepted	Conformity Status
Binding Building Pty Ltd	Yes	Yes	Conforming
Colin Joss & Co Pty Ltd (trading as Joss Facility Management)	Yes	Yes	Conforming
G & P Connelly Pty Ltd (trading as Connelly Construction Services)	Yes	Yes	Conforming
Monarch Building Solutions Australia Pty Ltd	Yes	Yes	Conforming
Premier Building Constructions Pty Ltd	Yes	Yes	Conforming
Q1 Constructions Pty Ltd	Yes	Yes	Conforming

All submissions were assessed as conforming tenders, and all companies are either WHS registered with Council or demonstrate the capacity to achieve this status.

Qualitative Assessment

A qualitative assessment considered a range of criterion including:

- **Experience** – relevant experience in performing same or similar projects; developing experience including research and innovation.
- **Methodology/program of work** – work methods, project/scope understanding, proposed product, program and timeline.
- **Capacity** – availability of resources, current and future commitments, and workload.
- **Capability** – skills, specialisation, certification, business systems to deliver required goods/services/works, contract management capabilities; and
- **Benefit to the region and Australian manufacturing** – local impact on social, economic and community outcomes to benefit the Albury/Wodonga region.

Company	Experience (30%)	Methodology/ Program (30%)	Capacity (20%)	Capability (10%)	Local Benefit (10%)	Total (100%)
Binding Building Pty Ltd	27	26	10	8	8	79
G & P Connelly Pty Ltd (trading as Connelly Construction Services)	20	20	16	8	7	71
Colin Joss & Co Pty Limited (trading as Joss Facility Management)	24	23	16	9	8	80
Monarch Building Solutions (Aust) Pty Ltd	27	29	18	9	7	90

Company	Experience (30%)	Methodology/ Program (30%)	Capacity (20%)	Capability (10%)	Local Benefit (10%)	Total (100%)
Premier Building Constructions Pty Ltd	23	23	16	9	8	79
Q1 Constructions Pty Ltd	21	23	14	8	8	74

Binding Building Pty Ltd is a family-owned locally based company (Lavington, NSW). They operate as a licensed builder primarily in the residential sector, but also undertake commercial projects. They have completed several construction and renovation projects throughout Albury-Wodonga, including successful work for AlburyCity.

Binding Building Pty Ltd recently completed construction of the new amenities building at the Albury Regional Skate Park for AlburyCity. Additional completed projects include heritage renovations at the Regent Cinemas Albury, Wodonga Racecourse Exhibition Centre Redevelopment – Stages 1 and 2, as well as numerous public amenities for Wodonga City Council.

Binding Building Pty Ltd's current work commitments include the $370K Mulga Car Park Bike Hub for Wodonga City Council and the $624K works at the Wodonga Sports and Leisure Centre, both due for completion by the end of June 2024.

This project would be of a scale considerably larger than any other contracts undertaken/completed by Binding Building Pty Ltd (by up to $1.6M), which presents a risk to both AlburyCity and Binding Building Pty Ltd with regard to their financial capacity to undertake the contract.

Referee information indicated that Binding Building Pty Ltd is a reliable contractor that consistently achieves project milestones within advised timeframes. This referee experience was supported by AlburyCity's own assessment of Binding Building Pty Ltd who demonstrated high levels of co-operation and delivery performance on the Albury Regional Skate Park Amenities project.

The company utilises an online WHS system to manage and maintain records of safety compliance and quality on site.

Binding Building Pty Ltd's work methodology and program are logical, with consideration given to site management, environmental and waste management. Their indicative program was the shortest received at 26 weeks for on-site activities with completion due by the end of November 2024.

Binding Building Pty Ltd employs locals, with the majority of subcontractors and materials proposed for this project to be sourced locally. Binding Building Pty Ltd also provides local sponsorship to sporting groups, as well as donations to charities.

Colin Joss & Co Pty Ltd (trading as Joss Facility Management) is a locally based company (Albury, NSW) with experience in undertaking similar projects in the past. The Facility Management division of Colin Joss & Co Pty Ltd typically undertakes smaller construction projects as well as providing facility management services across numerous contracts.

Joss Facility Management's current work commitments include the $1.87M Goulburn Government Office Block for NSW Public Works, the $1.76M Myrtleford Savoy Soccer Club for Alpine Shire Council, the $443K Oakland CS-Integration Works for NSW Department of Education and the $199K Myrtleford Transfer Station, all of which are due for completion this financial year.

Referee information indicated that the contractor performs above expectations and delivers superior project outcomes. AlburyCity has no previous experience with the Joss Facility Management division however has previously worked with the Joss Construction division with co-operative and well delivered results.

The company's work health safety, quality and environmental systems are well developed and ensure appropriate management of these risks.

The methodology provided by Joss Facility Management was comprehensive and the program nominated 32 weeks for on-site activities.

Joss Facility Management nominated both local labour and subcontractor involvement, as well as local materials to be used in the delivery of this project. Colin Joss & Co Pty Ltd sponsors local sporting teams and donates to community organisations.

G & P Connelly Pty Ltd (trading as Connelly Construction Services) is a locally based construction company (Wodonga VIC).

Reference projects included within their submission demonstrated capability and capacity to deliver a project of this size and complexity. Connelly Construction Services has previously worked for AlburyCity on the Noreuil Park Amenities Upgrade.

Current work commitments include three projects all due for completion this financial year with one project valued at $2.9M for St Monica's Public School.

As demonstrated in their methodology and program, it is evident that Connelly Construction Services have a full appreciation of the construction scope. They also indicated that an experienced project delivery team would be assigned to this project. The program provided indicated 29 weeks for on-site activities with an expected completion prior to Christmas 2024.

Community participation was demonstrated through sponsorship and donations, with Connelly Construction Services demonstrating support provided to the Albury Wodonga Cancer Centre, Wellspring Healing Centre, New Life Chapel Community Church and food programs. The list of subcontractors and material suppliers indicated most trades and materials would be sourced locally.

Monarch Building Solutions (Aust) Pty Ltd is based in Fyshwick ACT, with an established local office and presence in Albury. They have a substantial portfolio of recently completed projects for local government, ACT government and federal government bodies, along with two recent projects for AlburyCity.

A comprehensive list of sporting facility upgrades, and new constructions were provided as reference projects within their submission, demonstrating an excellent capability and capacity to deliver this project. These previously completed projects range in value between $700K and $12M, with a significant portion being delivered across regional NSW and in the ACT.

Monarch Building Solutions (Aust) Pty Ltd's current commitments include the, $7.8M Bolton Park Stage 1 (expected completion October 2024) $6.7M Southside Hydrotherapy Pool (expected completion April 2025) and the $25.8M "The Crossing" in Coombs (expected completion June 2024).

Monarch Building Solutions (Aust) Pty Ltd provided a detailed methodology and program and outlined an experienced project delivery team, backed by a senior management team with demonstrated large capital infrastructure delivery experience. Their program indicated 27 weeks for on-site activities with anticipated completion prior to Christmas 2024.

Referee information also indicated that Monarch Building Solutions (Aust) Pty Ltd is a high performing contractor with demonstrated project management capabilities and can achieve quality outcomes and timely milestone delivery.

Monarch Building Solutions (Aust) Pty Ltd recently completed the construction of the new Public Amenities at Hovell Tree Park for AlburyCity, with the engagement considered positive, with effective communication, project management and delivery experience applied.

Monarch Building Solutions (Aust) Pty Ltd participate in community organisations through sponsorship and donations, with funding support provided to a local junior rugby league club. The list of subcontractors nominated suggests between 90-100% of the trades would be local. Local material was also nominated for most items of supply.

Premier Building Construction Pty Ltd is a locally based company (Wodonga, VIC) and has completed a range of similar projects throughout Albury Wodonga region and further afield.

Premier Building Construction Pty Ltd is currently engaged to deliver projects of a similar, to larger scale, with several of them nominated to be running in parallel to the Sarvaas Park Building Upgrade project. These projects include the recently awarded $2.6M Melrose Park Sports Pavilion for AlburyCity (expected completion October 2024), the $19M ANZAC Parade project for a private client (expected completion March 2025) and the $12.5M Beyond Housing Youth Foyer for Beyond Housing/Homes Victoria (expected completion April 2025).

Premier Building Construction Pty Ltd demonstrated that they have the required past experience, capability and capacity to deliver a project of this scale and complexity and provided a detailed methodology. The program provided indicated 34weeks for on-site activities.

Referee information indicated that the company is willing to look at ways to improve communication when projects fall behind or when key staff changes occur. In other projects they have sought to understand the client requirements and deliver over and above expectations.

AlburyCity has previous experience working with Premier Building Construction Pty Ltd and most recently with the Melrose Park Sports Pavilion Construction, with engagement on this project being collaborative and constructive to date.

Premier Building Construction Pty Ltd nominated 100% of labour and subcontractors from the Albury Wodonga region as well as mostly locally sourced construction materials to deliver this project. Premier Building Construction Pty Ltd provides sponsorship to various local sporting clubs and detailed that they work closely with TAFE organisations across the border in training new construction apprentices.

Q1 Constructions Pty Ltd is a locally based construction company (Wodonga, VIC). Q1 Constructions Pty Ltd has delivered a range of projects for local government, state government and private industry.

Their recently completed projects include the Wodonga Institute of TAFE Trade Training Hub, Hungry Jacks in Lavington NSW, New Learning Centre at St Patrick's Primary School and contracts for Victorian School Building Authority and Victoria Police.

The company's current work commitments include the $1.9M Hungry Jacks Griffith (expected completion, July 2024), the $500K Adroit Office Fit-Out (expected completion, August 2024), and $2.3M works at Latrobe University (expected completion, February 2025).

The company has demonstrated experience in delivering projects for public sector clients including Bright and Corryong Police Stations and the Victorian School Building Authority.

Referee information indicated that Q1 Constructions Pty Ltd consistently delivers a quality outcome. Management of project timelines and subcontractors was above average, and they have demonstrated a good project management capability. Referees stated that they would have no objection to working with Q1 Constructions Pty Ltd again, with one referee indicating an ongoing business relationship. AlburyCity has no previous experience with Q1 Constructions Pty Ltd.

The tender submission provided by Q1 Constructions Pty Ltd included a construction methodology and associated program. Their construction methodology was basic, however covered all major construction activities within the project. The program provided indicated 28 weeks for on-site activities.

Q1 Constructions Pty Ltd nominated that most labour, subcontractors, and materials would be from the local Albury-Wodonga region.

From the information provided, all companies demonstrated that they have the required management systems, experience, capacity, plant and equipment, resources, and availability to provide AlburyCity with a quality product and meet project objectives. The submission from Binding Building Pty Ltd, however, presents concerns regarding demonstrated financial capacity to undertake a project of this scale, with this project being of greater value than any previously undertaken (by approximately $1.6M).

Quantitative Assessment

The contract was issued seeking lump sum tenders from suppliers to complete the project.

The tendered prices and ratings relative to the lowest price are tabulated below.

Company	Contract Value (incl GST)	Rating (100)
Binding Building Pty Ltd	$2,563,837	100
Premier Building Constructions Pty Ltd	$2,601,185	99
Colin Joss & Co Pty Ltd (trading as Joss Facility Management)	$2,617,903	98
Q1 Constructions Pty Ltd	$2,763,111	93
G & P Connelly Pty Ltd (trading as Connelly Construction Services)	$2,830,501	91
Monarch Building Solutions (Aust) Pty Ltd	$3,026,540	85

The budget allocation for the project is $2,805,000 (including GST), with four submissions being within the allocated budget.

As detailed above, the submission from Binding Building Pty Ltd was the most favourable from a cost perspective, being $37K (1%) more favourable than Premier Building Constructions Pty Ltd, $54K (2%) more favourable than Colin Joss & Co Pty Limited (trading as Joss Facility Management) and between $199K (8%) and $462K (18%) more favourable than the other submissions.

Risk

- **Business Risk** – financial risks during construction are possible if latent/unknown conditions are encountered. To mitigate this risk, a previous procurement process was completed for the engagement of a lead architect to complete the comprehensive design as well as provide ongoing construction phase services for the project.

- **Corporate Risk** – the existing facilities are not meeting the needs of participants, spectators, or community demands. Establishing a quality facility that meets the requirements of all participants, spectators and the general community will mitigate this risk and provide a positive image for AlburyCity.

- **WHS and Public Risk** – WHS risks due to the construction works will be controlled in accordance with AlburyCity procedures. The contractor will be WHS registered with AlburyCity and will be required to implement relevant Safe Work Method Statements and safety inspections.

- **Environmental Risk** – a Review of Environmental Factors (REF) has been undertaken to identify any environmental risks and suitable measures to mitigate them (see Attachment 2). It was determined that one tree will be removed and that all predicted environmental and cultural heritage impacts can be avoided and/or managed such that the project will not lead to significant impact to the environment.

- **Delivery Program Risk** – standard delivery program risks are possible, such as delays due to inclement weather, supply chain lead times, or adverse site conditions and contractor caused delays. Geotechnical investigations have been undertaken to mitigate some of these risks.

Engagement

The Sarvaas Park Master Plan was endorsed by Council in March 2022. The development of the Master Plan involved extensive community engagement, with significant input by the Albury Thunder Junior Rugby League Football Club. The Master Plan identified an indicative footprint for the expanded amenity buildings.

The Albury Thunder Junior Rugby League Football Club also had significant input into the building design process.

The project is consistent with several themes and strategic actions identified within Towards Albury 2050, which is Albury's Community Strategic Plan that underwent extensive community consultation prior to adoption.

In addition, this project was also identified as an individual action in the Four-Year Delivery Program, which was also placed on public exhibition.

To keep the community informed on the progress of construction, the project will also be included on the Major Projects section of Albury City Council's website, with construction updates also provided via social media.

Summary

The scoring for the qualitative and quantitative assessment is summarised in the following table:

Company	Qualitative (Non-Price Score)	Quantitative (Price Score)
Binding Building Pty Ltd	79	100
Premier Building Constructions Pty Ltd	79	99
Colin Joss & Co Pty Ltd (trading as Joss Facility Management)	80	98
Q1 Constructions Pty Ltd	74	93
G & P Connelly Pty Ltd (trading as Connelly Construction Services)	71	91
Monarch Building Solutions (Aust) Pty Ltd	90	85

From a qualitative perspective all companies demonstrated that they have the required management systems, experience, capacity, plant and equipment, resources, and availability to provide AlburyCity with a quality product.

The submission from Binding Building Pty Ltd, however presents concerns regarding financial capacity to complete this project, presenting a risk, not only to AlburyCity, but also to Binding Building Pty Ltd.

From a quantitative perspective, the submission from Binding Building Pty Ltd was assessed as being the most advantageous being $37K (1%) more favourable than Premier Building Constructions Pty Ltd, $54K (2%) more favourable than Colin Joss & Co Pty Limited (trading as Joss Facility Management) and between $199K (8%) and $462K (18%) more favourable than the other submissions.

The budget allocation for the project is $2,805,000 (including GST), with four submissions being within the allocated budget.

Considering the abovementioned risk, and based on the qualitative and quantitative assessments, it is deemed that the submission from Premier Building Constructions Pty Ltd provides the best value for Council to deliver this project. Although their submission is $37K (1%) higher than the lowest tender (Binding Building Pty Ltd), their financial capacity, capability, relevant experience, detailed methodology and program, as outlined in the submission, provides AlburyCity with the confidence that they can provide a quality outcome.

Conclusion

The existing amenities at Sarvaas Park do not meet the current needs of the sporting groups that utilise the sports ground. This scope of works for the project involves part demolition of the existing building and repurposing the area for upgraded gender neutral and accessible toilets as well as a referees' room, construction of a new building that includes two change rooms, a community room and new canteen facilities, and demolition of the existing small toilet block.

The upgraded and new building will address the shortfall in change rooms to meet the female participation demands, as well as meeting the existing and future needs of the Albury Thunder Rugby League Football Club, other community/sporting groups, schools and the general community.

Council invited tenders for the Sarvaas Park Building Upgrade and received six submissions.

A quantitative and qualitative assessment indicated that Premier Building & Construction Pty Ltd was the most favourable submission. Their tendered price of $2,601,184.64 (including GST) is within the budget allocation of $2,805,000 (including GST).

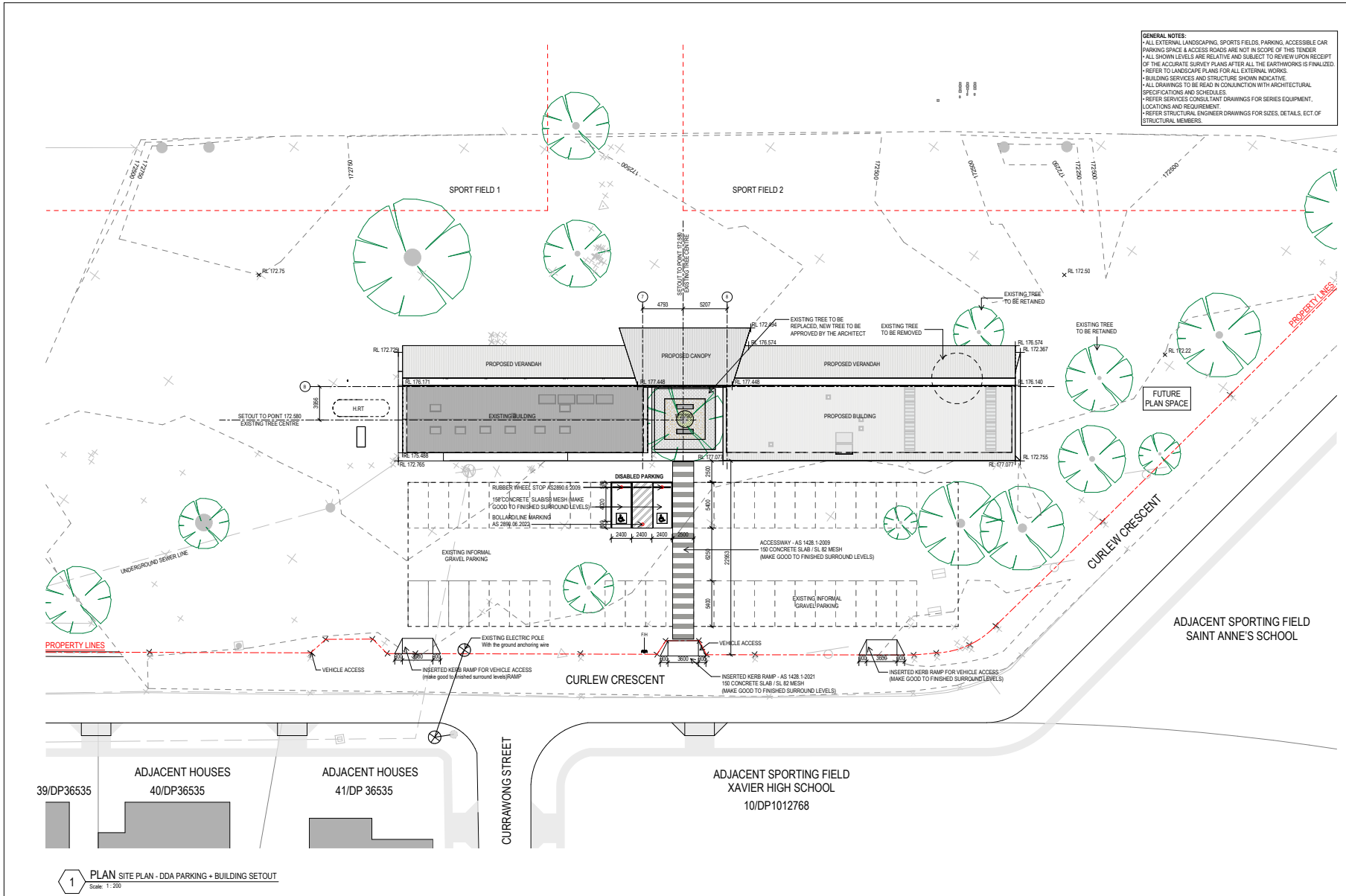
Recommendation

That Council, pursuant to section 178 (1)(a) of the *Local Government (General) Regulation 2021* NSW, resolves to accept the tender from Premier Building & Construction Pty Ltd and awards the contract for FIL23/01042 - Sarvaas Park Building Upgrade for the tendered lump sum price of $2,601,184.64 (including GST).

Attachments

1. Sarvaas Park Building Upgrade – Site Plan and 3D Views (DOC24/105961).

2. Determined Review of Environmental Factors (REF) Report - Sarvaas Park Building Upgrade (DOC24/105926).



1 PLAN SITE PLAN - DDA PARKING + BUILDING SETOUT
Scale: 1 : 200

REV	DESCRIPTION	AUTH	CHK	DATE
A	ISSUE FOR TENDER	HK	MW	28.11.2023

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STATUS: ISSUE FOR TENDER

NORTH

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DRAWING TITLE: SITE PLAN

DRAWN: HK
CHECKED: MW
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PROJECT No: 22174
STAGE: TD
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NOTE: ALL 3D VIEW ARE INDICATIVE ONLY.
REFER TO THE DRAWINGS FOR DETAILS



3D VIEW LOOKING SOUTH (INDICATIVE ONLY, REFER TO DRAWINGS OVER 3D VIEWS)



3D VIEW LOOKING NORTH (INDICATIVE ONLY, REFER TO DRAWINGS OVER 3D VIEWS)



3D VIEW LOOKING NORTH - EAST (INDICATIVE ONLY, REFER TO DRAWINGS OVER 3D VIEWS)



3D AERIAL VIEW (INDICATIVE ONLY, REFER TO DRAWINGS OVER 3D VIEWS)

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A	ISSUE FOR TENDER	HK	MW	28.11.2023

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DRAWING TITLE
3D VIEWS

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DRAWING No	AR-8000
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habitat

Review of Environmental Factors

Sarvaas Park, 316 Curlew Crescent, North Albury

JUNE 2021

Construction of New Public Amenities Building (Clubrooms) & New Awnings, and Demolition of Existing Toilet Block

Lot A DP36535

Prepared for

Albury City Council

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Contents

1. Introduction 7
1.1. Overview 7
1.2. Supporting Plans and Documentation 7
1.3. Background 7

2. Site Analysis 9
2.1. Site Location and Context 9
2.2. Site Description 9
2.3. Existing Conditions 10
2.4. Vegetation 10
2.5. Heritage & Aboriginal Archaeology 10
2.6. Surrounding Development 13

3. Description of Proposal 14
3.1. Project Objectives 14
3.2. Project Alternatives 14
3.3. Project Overview 14
3.4. Vegetation Removal 15
3.5. New Public Amenities Building & Retrofit Area 17
3.6. Construction Activities 20

4. Planning Assessment 23
4.1. Environment Protection and Biodiversity Conservation Act 1999 23
4.2. Environmental Planning and Assessment Act 1979 23
4.3. Environmental Planning and Assessment Regulation 2000 24
4.4. Biodiversity Conservation Act 2016 24
4.5. National Parks and Wildlife Act 1974 25
4.6. Heritage Act 1977 26
4.7. Protection of the Environment Operations Act 1997 26
4.8. Biosecurity Act 2015 26
4.9. State Environmental Planning Policy (Infrastructure) 2007 26
4.10. Albury Local Environmental Plan 2010 27
4.11. Albury Development Control Plan 2010 28

5. Community and Stakeholder Consultation 29
5.1. Notification Requirements under SEPP Infrastructure 29

6. Environmental Impact Assessment 31
6.1. General 31
6.2. Air Quality 31
6.3. Biodiversity 32
6.4. Soils 33
6.5. Noise and Vibration 34
6.6. Visual Amenity/Landscape 35
6.7. Waste Disposal 36
6.8. Traffic and Access 37
6.9. Land Contamination 37
6.10. Socio-economic Impacts 38
6.11. Aboriginal Heritage 38
6.12. Non-Aboriginal Heritage 38
6.13. Water 39
6.14. Natural Hazards 39
6.15. Matters of National Environmental Significance 39

7. Summary of Mitigation Measures 40

8. Conclusion 44

List of Figures

Figure 1 Context Map (Source: NSW Six Maps, 2021) 9
Figure 2 Aerial view of the subject site (zoomed out) (red outline) 11
Figure 3 Aerial view of the subject site (zoomed in) 11
Figure 4 View looking northeast towards the existing amenities building 12
Figure 5 View looking southwest towards the existing amenities buildings 12
Figure 6 View looking west towards playground 12
Figure 7 View looking west across towards the existing building 12
Figure 8 View of Sarvaas Park looking north across the western sports field 12
Figure 9 View of Sarvaas Park looking northeast across the eastern sports field 12
Figure 10 View looking south down Currawong Street away from the existing building site 13
Figure 11 View looking east across the proposed new building site 13
Figure 12 Proposed plan with tree removal indicated (note: eastern tree is already removed) 15
Figure 13 Picture of tree to be removed, facing north 16
Figure 14 View of the proposed tree to be removed, facing west 16
Figure 15 Proposed site plan 17
Figure 16 Perspective view of both buildings 17
Figure 17 Proposed retrofitted floor plan (existing amenities building) 18
Figure 18 Proposed building elevations (existing) 18
Figure 19 Perspective view of existing building (retrofit) 19
Figure 20 Proposed floor plan (new building) 19
Figure 21 Proposed building elevations (new proposed building) 20
Figure 22 Perspective view of new proposed building 20
Figure 23 Extract from demolition plan, with the location of the proposed facility to be demolished indicated 21
Figure 24 View of the existing amenities building proposed for removal 22

List of Tables

Table 1 Extract of Public Toilet Strategy 2020 to 2030 8
Table 2 Assessment of Section 5.5 of the EP&A Act 23
Table 3 Aboriginal archaeology due diligence assessment 25
Table 4 LEP Assessment Summary 27
Table 5 Summary of applicable requirements of the DCP 28
Table 6 Summary of consultation requirements under SEPP Infrastructure 29
Table 7 Summary of mitigation measures 40
Table 8 Compliance table for Part 6 Planning for Hazards (adapted from the ADCP 2010) 50
Table 9 Compliance table for Part 13 Development in the Recreation Zones (adapted from the ADCP 2010) 51

List of Appendices

Appendix A – Building Plans
Appendix B – Environmental Impact Assessment
Appendix C – Planning Compliance Tables
Appendix D – REF Checklist

Abbreviations

Abbreviation	Description
AoS	Assessment of Significance (FM Act)
BC Act	Biodiversity Conservation Act 2016
BCD	Biodiversity Conservation Division
CEMP	Construction Environmental Management Plan
CAA	Controlled Activity Approval
DCP	Development Control Plan
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC	Environment Protection and Biodiversity Conservation Act 1999
FM Act	Fisheries Management Act 1994
LEP	Local Environmental Plan
LGA	Local Government Area
MNES	Matters of National Environmental Significance
NRAR	Natural Resource Access Regulator
NPW Act	National Parks and Wildlife Act 1974
POEO	Protection of the Environment Operations Act 1997
REF	Review of Environmental Factors
SEPP	State Environmental Planning Policy
ToS	Test of Significance (BC Act)

REF Determination Page

Proponent Declaration

This REF provides a true and fair review of the activity in relation to its likely effects on the environment. It addresses to the fullest extent possible all matters affecting or likely to affect the environment as a result of the project, and provides sufficient information to determine whether there is likely to be a significant impact on the environment as a result of the Project.

I have considered all environmental impacts and safeguards to the best of my knowledge and have sought advice where required.

Project Name: Sarvaas Park Public Amenities Building	
REF prepared by: Name: Thomas Crowe Title: Town Planner, Habitat Planning Phone: (02) 6021 0662	Signature: Date: 22 June 2021
REF reviewed by: Name: Matt Johnson Title: Senior Town Planner, Habitat Planning Phone: (02) 6021 0662	Signature:  Date: 22 June 2021

Determiner Declaration & Approval

I have reviewed the document and consider that the project will not have a significant impact. The project can proceed, subject to the controls outlined in this REF and the conditions listed under separate cover.

Project Name: Sarvaas Park Public Amenities Building	
REF review by Council officer: Name: Title: Phone:	Signature: Date:

1. Introduction

1.1. Overview

This Review of Environmental Factors ("REF") has been prepared by Habitat Planning on behalf of Albury City Council for the construction of a new public amenities building (clubroom), construction of new shelters and demolition of an existing public toilet block at Sarvaas Park. The purpose of the REF is to describe the proposal, to document the likely impacts of the proposal on the environment, and to detail protective measures to be implemented.

The description of the proposed works and the associated environmental impacts have been undertaken in context of Clause 228 of the *Environmental Planning and Assessment Regulation 2000*, and *State Environmental Planning Policy (Infrastructure) 2007*. In doing so, the REF fulfils the requirements of Section 5.5 (duty to consider environmental impact) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The findings of the REF will be considered when assessing:

- Whether the proposal is likely to have a significant impact on the environment and therefore require that an environmental impact statement be prepared and approval be sought from the Minister for Planning, Infrastructure and the Environment under the EP&A Act.
- The significance of any impact on threatened species as defined by the *Biodiversity Conservation Act 2016* (BC Act) and the EP&A Act.
- The potential for the proposal to significantly impact a Matter of National Environmental Significance in accordance with the requirements of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- The potential for the proposal to have an impact on sites of Aboriginal, and non-Aboriginal heritage.
- The potential for the proposal to have any other environmental and social impacts.

1.2. Supporting Plans and Documentation

This application is accompanied by:

- Building Plans.
- Environmental Impact Assessment.
- Planning Compliance Tables.
- REF Checklist.

1.3. Background

This REF has been prepared in response to the recommendations of Albury City Council's Public Toilet Strategy that was endorsed in August 2020. The vision of the strategy was:

> *To ensure that we provide an accessible, sustainable, safe and clean public toilet network that meets the current and future needs of our growing community.*

To achieve this vision, five strategic objectives have been developed. They are:

1. *Ensure that public toilets are distributed throughout the city to meet the community needs;*
2. *Provide aesthetically pleasing public toilets that incorporate Crime Prevention Through Environmental Design (CPTED) and Ecologically Sustainable Design (ESD) principles;*
3. *Inclusive access to public toilets that consider the needs of different ages, gender, abilities and culture using universal design principles;*
4. *Ensure the cleaning and maintenance of public toilets is undertaken to an acceptable service level; and*
5. *Identify ancillary public toilet infrastructure in the strategy.*

Of relevance to the proposal is the list of priority actions to be completed in relation to the construction of new change room facilities and the existing toilet block facilities.

Specifically, the public toilet strategy identifies the following:

Table 1 Extract of Public Toilet Strategy 2020 to 2030

Facility Name	Address	Condition	Comments	Priority	Priority No.
Sarvaas Park – Change Rooms	Curlew Crescent & Kestrel & Swan Streets	Good	A building design process has commenced which will include additional change rooms and reviewing the public toilets	High	4
Sarvaas Park – Standalone public toilet	Cnr Kestrel & Swan Streets	Poor	This toilet block can be demolished when the redevelopment of the main building has been undertaken	N/A	N/A

2. Site Analysis

2.1. Site Location and Context

The subject land to which this application relates is described as Lot A in DP36535 and addressed 316 Curlew Crescent, North Albury. It forms part of an embellished sportsground reserve more commonly known as Sarvaas Park. The subject land is located south of the Lavington CBD and is bordered by Curlew Crescent, Kestrel Street and Swan Street.

The location of the site is shown at **Figure 2**.



Figure 1 Context Map (Source: NSW Six Maps, 2021)

2.2. Site Description

The subject land is generally square in shape and forms a parcel with a total area of 3.77 hectares. The area of works is limited to the southern portion of the site adjacent to an existing gravel parking area at the site's frontage at Curlew Crescent.

The land is surrounded by urban roads, with Curlew Crescent wrapping the sites southern and eastern boundaries, Kestrel Street along the west, and Swan Street to the north.

2.3. Existing Conditions

The subject land is presently used as a sportsground consisting of two large rugby and soccer pitches running parallel in a north-south direction. An associated sports pavilion building, consisting of changeroom and toilet facilities is located towards the south of the site. This building adjoins a gravel car parking area between this building and Curlew Crescent. A playground area adjoins the car parking area immediately to the west. The playground and pitches are bordered by low level fencing, which extends around the perimeter of the site. A small toilet block is located at the northwest corner of the site.

The topography of the site is generally flat, however consists of formalised constructed drainage lines which convey stormwater to the existing infrastructure network. Vehicular access is provided to the site directly to the car parking area via two existing crossovers. The site is in an established urban area and connections to reticulated sewer and water is available.

2.4. Vegetation

Aside from lawn grasses on the pitches and generally disturbed and compacted conditions, the site consists of linear planted strips of native trees around the perimeter. Several other planted trees are planted in the central area between the two pitches. There are also larger older remnant trees on the site, with one located between the existing building and the western pitch, and the other located between this pitch and the northern boundary of the site.

2.5. Heritage & Aboriginal Archaeology

There are no nearby identified heritage items or heritage conservation areas as listed on the NSW heritage inventory or within Schedule 5 of the *Albury Local Environmental Plan 2010*.

A search of the Aboriginal Heritage Information Management System (AHIMS) database recorded no Aboriginal sites recorded within a 200 metre buffer of the site. Additionally, the extent of works will only affect a highly disturbed area with the site of the new proposed building being managed lawned areas. There are trees within proximity to the new amenities building. Consequently, the risk of disturbing items of Aboriginal cultural heritage is considered unlikely.

A plan showing the existing conditions of the site is provided in **Appendix A** of this report and an aerial image and photographs of the property are provided below.



Figure 2 Aerial view of the subject site (zoomed out) (red outline)



Figure 3 Aerial view of the subject site (zoomed in)



Figure 4 View looking northeast towards the existing amenities building



Figure 5 View looking southwest towards the existing amenities buildings



Figure 6 View looking west towards playground



Figure 7 View looking west across towards the existing building



Figure 8 View of Sarvaas Park looking north across the western sports field



Figure 9 View of existing public toilet block to be demolished

2.6. Surrounding Development

The subject site is located within an established part of North Albury. Surrounding development comprises a variety of uses including educational, residential and recreational.

Curlew Crescent forms the southern and eastern boundaries of the site. Lowry Street runs west-east and intersects with Curlow Crescent at the east, and Currawong Street runs north-south and intersects at the south. Land to the southeast of the site, between Lowry Street and Currawong Street consists of schools, including Saint Anne's Primary School and Xavier High School. Land extending south, to the west of Currawong Street, comprises residential development Land further south opposite Fallon Street comprises the Albury North Public School and the Albury showgrounds.

Land to the east, to the north of Lowry Street, comprises residential development. Land further east consists of light industrial development along the Hume Highway.

Land to the west predominantly consists of residential development opposite Kestrel Street. Other land uses to the west include various commercial development along the nearby Mate Street and the Sacred Heart Church. Land further west includes the James Fallon High School and the Pioneer Cemetery.

Land to the north comprises mostly residential development extending towards the Lavington CBD, located approximately 750 metres from the subject site.

Photographs of the surrounding context are provided below.



Figure 10 View looking south down Currawong Street away from the existing building site



Figure 11 View looking east across the proposed new building site

3. Description of Proposal

3.1. Project Objectives

The works are sought in response to a review of Council's public amenities buildings as part of the Public Toilet Strategy. The purpose of the works is to ensure that Council's facilities meet user group requirements and comply with current day health and safety and disability access requirements. The existing toilet block, identified as being in poor condition, will be demolished.

This objective will be achieved by the construction of a new public amenities building that complies with current day standards and user requirements.

3.2. Project Alternatives

Public amenities are available to the site, which includes those within the existing sports pavilion comprising changerooms and toilets, and the small toilet block to the northwest. These facilities are dated and in need of upgrade and expansion to suit the user requirements of Sarvaas Park. Sarvaas Park is used by a large number of people annually and, in the absence of a new facility, members of the public will have to either continue to have limited access to public toilets and changerooms or will require ongoing use of the existing undersized facilities.

An alternative option could be to construct new public amenities facilities elsewhere in the city at a different location, however this is not preferred as it will not cater for the needs of the users of Sarvaas Park.

The location of the proposed development is considered to be the most appropriate location as it represents a logical extension to the existing sports pavilion on the site and allows for the continued access to the sports fields. It will also be located adjacent to the existing gravel car park area, ensuring a high level of access. It is also located in a visually prominent location addressing Curlew Crescent, improving passive security to the site and reducing graffiti and vandalism.

Similarly, the proposed site is relatively cleared land and is located above the relevant flood level and is also in an area that can be serviced given the conditions of the land and the availability of reticulated infrastructure. The proposal includes the removal of two trees, however these trees are not large old remnant trees.

3.3. Project Overview

The proposal involves the construction of a new public amenities (clubroom) building. More specifically, the proposal will consist of the following works:

- Removal of two trees to the east of the existing sports pavilion.
- Retrofit existing sports pavilion with upgrades to include:
  - Five (5) new public toilets including a designated disabled toilet and handbasins opening outwards onto the reserve
  - An umpires room and associated showers and toilets.
- Construction of new public amenities (clubroom) building to include:
  - Two (2) player changerooms and associated player amenity (toilets, shower) facilities.
  - Office.
  - A 30.62m^2 canteen.
  - A 12.18m^2 store room.
  - An approximate 75m^2 function room.

- Construction of two covered awnings extending from the northern, exterior of both the existing sports pavilion building and the new proposed sports pavilion.
- Connection and extension of existing infrastructure to service the new building.
- Demolition of small public toilet building at the northwest of the park.

Further details regarding the proposed activities and works are outlined below:

3.4. Vegetation Removal

The proposed works requires the removal of a single native trees to establish the construction area. These trees include a medium-sized eucalyptus species. The removal of this tree is required to establish the new proposed amenities building.



Figure 12 Proposed plan with tree removal indicated (note: eastern tree is already removed)



Figure 13 Picture of tree to be removed, facing north



Figure 14 View of the proposed tree to be removed, facing west

3.5. New Public Amenities Building & Retrofit Area

The application seeks approval to retrofit the existing amenities building and construct a new public amenities building. The new proposed amenities building will be constructed adjacent to the existing amenities building. Each of these buildings will remain single storey and front onto the adjoining sportsground, with rear access provided from the established car parking area to the south.

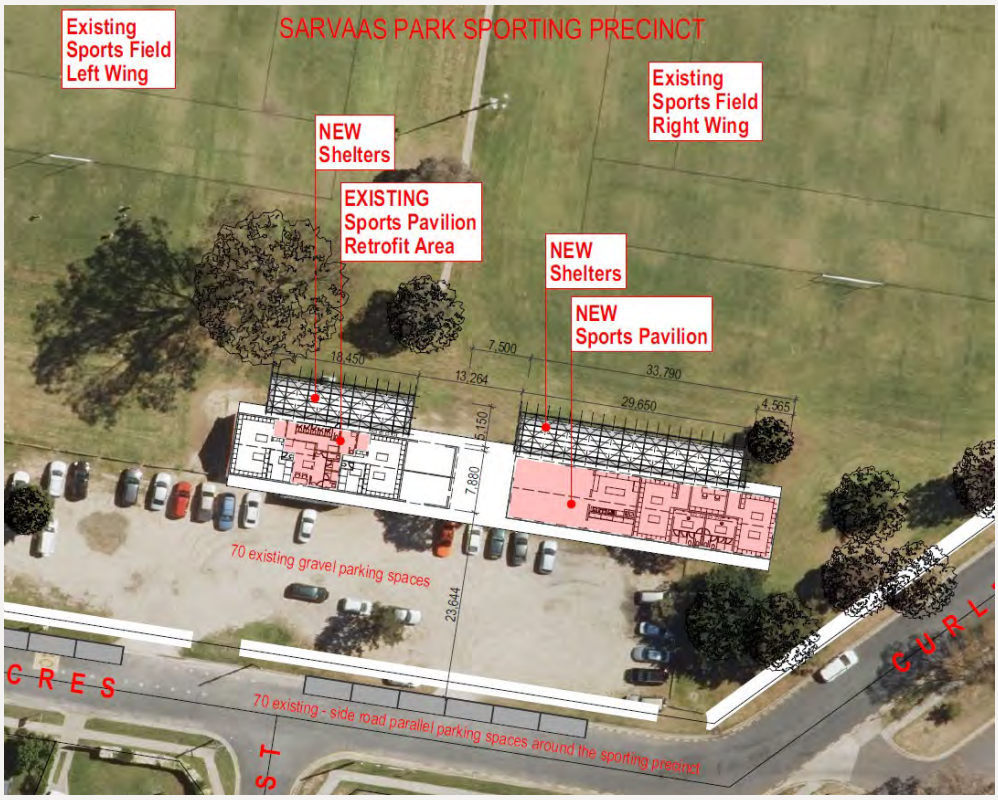

Figure 15 Proposed site plan



Figure 16 Perspective view of both buildings

The existing building will be retrofitted to include upgraded facilities including five new public toilets including a designated disabled toilet and handbasins. These toilets will face outwards to the north, onto the reserve. The alterations will also include provision for an umpire's room and associated facilities including two toilet and shower rooms.

Additionally, a new awning will be constructed that will extend from the northern elevation of the building. This structure will have a length of 18.2 metres and depth of 2.9 metres, with a total area covering 52.8m^2.

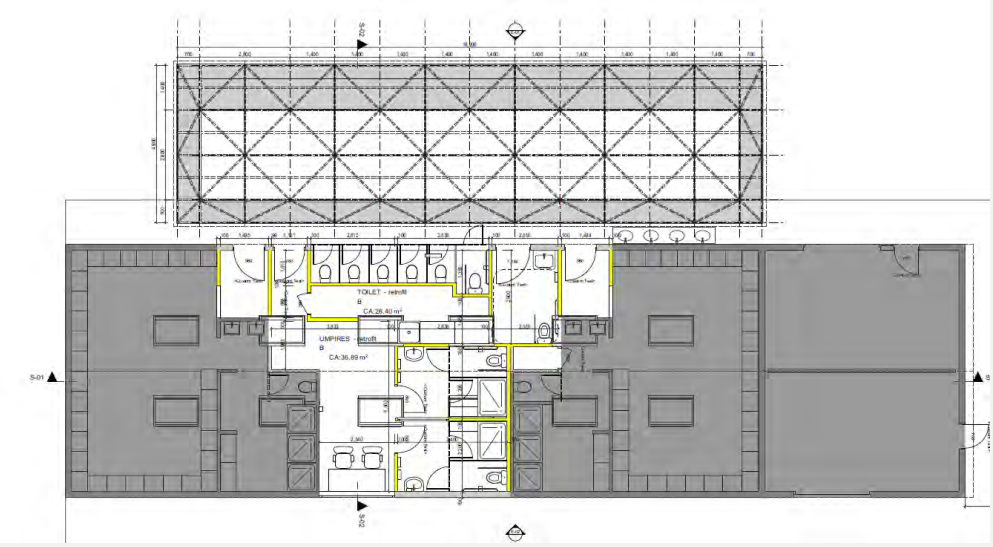

Figure 17 Proposed retrofitted floor plan (existing amenities building)



Figure 18 Proposed building elevations (existing)



Figure 19 Perspective view of existing building (retrofit)

The new proposed amenities building will comprise two 39.82m^2 changerooms at the eastern portion of the building, which will include their own independent amenities rooms including two toilets, showers and hand basins allocated to each changeroom. An office will be located between these two changerooms and face outwards onto the adjoining sports fields.

The western portion of this new building will comprise a canteen area, store and function room. The proposed canteen will have an area of 30.62m^2 and will front onto the sports ground, whilst the 74.88m^2 function room and associated store room will also be located within this building.

The building will have a dimensions of 33.79 metres long and 7.88 metres deep with a total area of approximately 266.13m^2.

Additionally, a new awning will be constructed that will extend from the northern elevation of the building. This structure will have a length of 29.4 metres and depth of 2.9 metres, with a total area covering 85.26m^2.

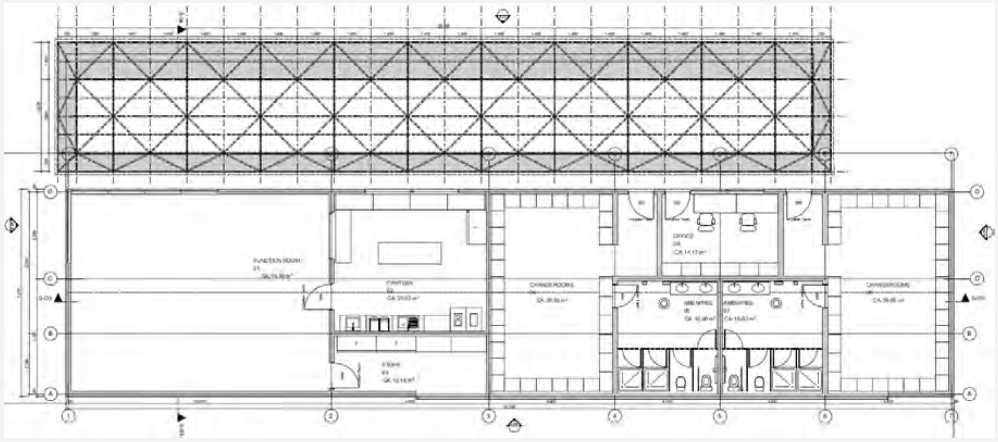

Figure 20 Proposed floor plan (new building).

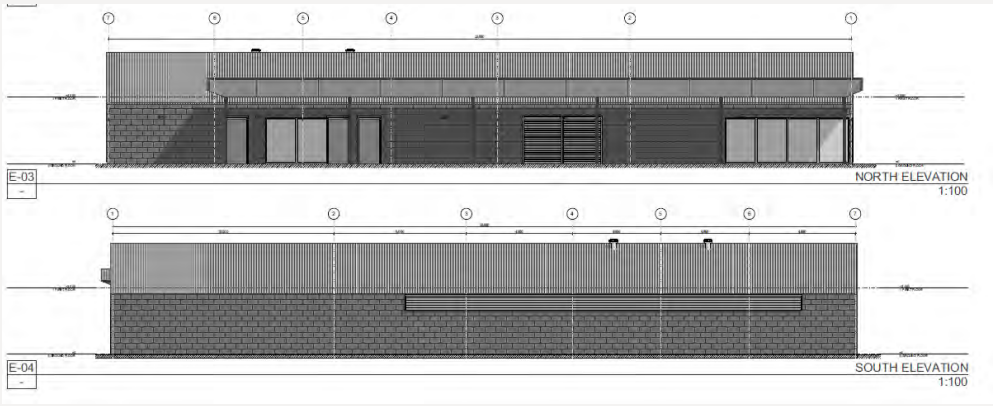

Figure 21 Proposed building elevations (new proposed building)



Figure 22 Perspective view of new proposed building

3.6. Construction Activities

3.6.1 Site Establishment

Site establishment will comprise delivery of small-scale plant and machinery to the site and the establishment of a secured work site. Temporary fencing will be established around the proposed construction site. Appropriate sediment control measures will be implemented at the impacted areas, to reduce the likelihood of contamination of the drainage infrastructure to the west. Access to the area of the works for the required vehicles and machinery will be provided via the existing sealed Webb Street.

Tree Protection Zones incorporating the drip line of trees will also be established at the site establishment phase and will be maintained throughout the life of the project for the retention of trees not proposed to be removed and in proximity to the proposed works area.

A site office (where necessary) and construction laydown areas will utilise the existing gravel car parking area located immediately adjacent to the proposed area of works.

3.6.2 Demolition works

Demolition of the existing public amenities facility in the northwest corner of the site will be undertaken after the construction of the new proposed facility so as to minimise disruptions for user groups. The existing building will be both manually deconstructed using hand tools to remove fittings, roofing and cladding, and be demolished using machinery including a backhoe or excavator as required. The waste materials derived from the demolition will be sorted and processed on site and taken to facilities where they can be further processed for recycling or disposed of as solid waste.



Figure 23 Extract from demolition plan, with the location of the proposed facility to be demolished indicated



Figure 24 View of the existing amenities building proposed for removal

3.6.3 Construction works

Initial excavation of the proposed new building site will be undertaken by machinery to establish a base for a new reinforced concrete slab on ground. The proposed building shall be constructed in accordance with the submitted plans. Connection between the new building and essential services present within the site and nearby will also be established and may include under-boring of the existing roadway.

3.6.4 Machinery and Equipment

Proposed works will be undertaken predominantly using heavy machinery such as excavators, backhoe loader, rigid truck, mobile crane and compactors. Specific equipment to be used will be determined by the appointed contractors.

3.6.5 Demolition and Construction hours and duration

Works will occur between standard construction hours of 7:00am to 6:00pm, Monday to Friday and 8:00am to 1:00pm Saturdays. Works are not proposed on Sundays or Public Holidays. The overall duration of works will be determined by the appointed contractor.

3.6.6 Traffic management and access

All machinery and equipment to be utilised for the installation of proposed works will be transported to the site via Curlew Crescent.

The number of vehicles and vehicle movements will be determined prior to the commencement of the works and upon the successful appointment of a qualified contractor.

3.6.6 Post construction

At the completion of works, construction fencing will be dismantled and removed from the site along with all remaining construction plant and equipment.

Disturbed areas of the site are to be graded and lightly compacted where appropriate. Soils are to be backfilled around the concrete slab of the facility to ensure appropriate site drainage away from the building. Disturbed areas will be top-dressed and landscaping will be established around the new building where appropriate to restore some of the remaining area of lawn. These restoration works will include the reinstatement of the existing building site to park land.

4. Planning Assessment

This section considers the planning issues relevant to the proposed development and provides an assessment of the relevant matters.

4.1. Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places. These matters are referred to as Matters of National Environmental Significance (MNES).

The EPBC Act requires as assessment as to whether the proposal is likely to significantly impact on MNES or Commonwealth land. Following a review of the proposed works and the subject site, the development will not have an impact on a MNES. Accordingly, a referral to the Commonwealth Minister for the Environment is not required.

4.2. Environmental Planning and Assessment Act 1979

The EP&A Act provides a framework for the assessment of environmental impacts associated with development. Part 5 of the EP&A Act obliges approval authorities to undertake an assessment of the environmental impacts of activities not requiring development consent.

Council is classified as a proponent and a determining authority under Part 5 and must assess an activity if it may be carried out without development consent. The project is unlikely to have a significant impact on the environment and consequently an environmental impact statement is not required pursuant to Section 5.7 of the EP&A Act.

Section 5.5 of the EP&A Act requires that a determining authority in its consideration of an activity has a duty to consider the environmental impacts of the activity. Clause 228 of the *Environmental Planning Assessment Regulation 2000* lists those factors that must be taken into account when considering the likely impact of an activity on the environment. The REF, and the impact assessment at Section 6 and Attachment B serves as an assessment of development under Part 5 of the EP&A Act.

In addition, the REF has considered the requirements of Section 5.5 of the EP&A Act in Table 2 below:

Table 2 Assessment of Section 5.5 of the EP&A Act

Consideration	Response	Satisfied
(1) For the purpose of attaining the objects of this Act relating to the protection and enhancement of the environment, a determining authority in its consideration of an activity shall, notwithstanding any other provisions of this Act or the provisions of any other Act or of any instrument made under this or any other Act, examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of that activity.	Noted. See this report for further details.	Yes
(3) Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on.	No wilderness areas are located within or adjacent to the site.	Yes

4.3. Environmental Planning and Assessment Regulation 2000

Considerations that must be made when assessing the environmental impact of an activity are nominated in clause 228(2) of the *Environmental Planning and Assessment Regulation 2000*. These factors are as follows:

a) *any environmental impact on a community,*
b) *any transformation of a locality,*
c) *any environmental impact on the ecosystems of the locality,*
d) *any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a 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,*
f) *any impact on the habitat of protected animals (within the meaning of the Biodiversity Conservation Act 2016),*
g) *any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air,*
h) *any long-term effects on the environment,*
i) *any degradation of the quality of the environment,*
j) *any risk to the safety of the environment,*
k) *any reduction in the range of beneficial uses of the environment,*
l) *any pollution of the environment,*
m) *any environmental problems associated with the disposal of waste,*
n) *any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply,*
o) *any cumulative environmental effect with other existing or likely future activities,*
p) *any impact on coastal processes*

The matters listed above are addressed through the preparation of this REF document and in **Attachment B**.

4.4. Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* ("the BC Act") sets out a number of specific objects relating to the conservation of biological diversity and the promotion of ecologically sustainable development. Importantly, the BC Act establishes a scientific method for assessing the likely impacts on biodiversity values of proposed development and land use change, for calculating measures to offset those impacts and for assessing improvements in biodiversity value.

Notwithstanding, advice provided from the NSW Biodiversity Conservation Division is that participation in the Biodiversity Offset Scheme (including consideration of the Biodiversity Values Map and Biodiversity Thresholds) is not required for Part 5 works.

There is however, still a requirement to demonstrate that the project/activity will not significantly impact upon threatened species, ecological communities or their habitats, which can be addressed via the preparation of a test of significance under Section 7.3 of the BC Act.

If the Test of Significance then finds that the activity would be likely to impact on a threatened species or that the works are to be carried out in a declared area of outstanding biodiversity value then Council has the option of either preparing a Biodiversity Development Assessment Report (BDAR) or preparing a Species Impact Statement seeking approval from the Environmental Agency Head.

It is confirmed that the area of works is not identified as an 'Area of Outstanding Biodiversity Value'. However, the development does not require the removal of a native tree. Consideration of the impact of the removal of this tree is provided at Section 6.3 of this REF.

4.5. National Parks and Wildlife Act 1974

Sections 86, 87 and 90 of the *National Parks and Wildlife Act 1974* (NPW Act) requires consent from the NSW Department of Planning, Infrastructure and Environment – Biodiversity Conservation Division (BCD) for the destruction or damage of Indigenous objects.

Part 6 of the NP&W Act provides specific protection for Aboriginal objects and places by making it an offence to harm them and includes a 'strict liability offence' for such harm. Defences against the 'strict liability offence' in the NP&W Act include the demonstration of 'due diligence'. It is noted this is not a requirement of the EP&A Act or any environmental planning instrument.

Consequently, as part of the development application process it is appropriate to consider the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales ("the Code") to ascertain the potential for items of Aboriginal cultural heritage being present.

As outlined above, the subject land has been previously disturbed as part of its use, development and embellishment works and contains no modified trees and is therefore not expected to contain any items of Aboriginal cultural significance.

A review of the Aboriginal Heritage Information Management System (AHIMS) was undertaken to identify all recorded Aboriginal sites on or within a 200 metre radius of the subject land. It is noted that no sites were identified during this process.

Notwithstanding, it is still appropriate to consider the potential impacts on Aboriginal heritage and an assessment has been undertaken as outlined in Table 2 below.

Table 3 Aboriginal archaeology due diligence assessment

Due diligence steps	Response
1. **Will the activity disturb the ground surface or any culturally modified trees?**	Yes, there will be some minor ground disturbance associated with construction of the development and demolition of the existing toilet building. There are no culturally modified trees on the subject land.
2. **Are there any:** **a) relevant confirmed site records or other associated landscape feature information on AHIMS? and/or** **b) any other sources of information of which a person is already aware? and/or** **c) landscape features that are likely to indicate presence of Aboriginal objects?**	There are no recorded archaeological sites on the AHIMS database or on the Heritage Map in the LEP within or near the subject land. The subject land is located in proximity to a nearby constructed drainage channel, however this is highly modified, so it is not considered an identified landscape feature that may indicate previous occupation by traditional landowners. Additionally, the area of proposed works has been previously disturbed and is not expected to contain any items of Aboriginal cultural significance.
3. **Can harm to Aboriginal objects listed on AHIMS or identified by other sources of information and/or can the carrying out of the activity at the relevant landscape features be avoided?**	As outlined above, the development site is not expected to contain any items of Aboriginal cultural significance that warrant avoiding.
4. **Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?**	No, see above for further details.
5. **Further investigation and impact assessment**	Not required having regard for the response to Steps 2-4 above.

Notwithstanding, if any unexpected archaeological items or artefacts of Indigenous heritage significance are discovered during construction works, all works will cease, and appropriate advice will be sought from NSW BCD.

4.6. Heritage Act 1977

The objects of the *Heritage Act 1977* include amongst other things the identification and protection of items of heritage significance. Following a review of the federal and state heritage register, as well as Schedule 5 of the LEP, it is confirmed that the subject land is not identified as a heritage item nor as a heritage conservation area. Similarly, the area of works does not adjoin land that is identified as being of heritage significance.

4.7. Protection of the Environment Operations Act 1997

The *Protection of the Environment Operations Act 1997* (POEO Act) provides the statutory framework for managing pollution and waste in NSW, including the procedures for issuing licences for environmental protection on aspects such as waste, air, water and noise pollution control. Companies and property owners are legally bound to control emissions (including particulates and deposited dust) from construction sites under the POEO Act. Activities undertaken onsite must not contribute to environmental degradation, and pollution and air emissions must not exceed the standards. Where an environment protection licence applies, waste management requirements and air quality requirements (including criteria) may be specified by the licence.

It is confirmed that the proposed public amenities building and associated work does not require the issuing of an EPA licence.

4.8. Biosecurity Act 2015

The *Biosecurity Act 2015* outlines biosecurity risks and impacts and introduces the concept of 'priority weeds'. A priority weed is any weed that is or should be prevented, managed, controlled or eradicated in the region.

It is confirmed that the subject land does not contain any priority weeds and therefore further consideration under this act is not required in this instance.

4.9. State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 ("ISEPP") aims to facilitate the effective delivery of infrastructure and facilities. It establishes a planning regime that aims to provide regulatory certainty and efficiency by identifying the environmental assessment category into which development falls and identifying matters to be considered in the assessment of development.

Clause 65 of ISEPP refers to development without consent for 'parks and public reserves'. Subclause 3 of Clause 65 states (emphasis added):

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

a) development for any of the following purposes:

i. roads, pedestrian pathways, cycleways, single storey car parks, ticketing facilities, viewing platforms and pedestrian bridges,
ii. recreation areas and recreation facilities (outdoor), but not unclading 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 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).

The proposal comprises the provision of new amenities on behalf of Council on land which is a public reserve and the scope of works also includes the demolition of Accordingly, the works are able to proceed without consent pursuant to Clause 65(3) of the ISEPP.

4.10. Albury Local Environmental Plan 2010

The *Albury Local Environmental Plan 2010* ("the LEP") is the principal planning instrument that guides development within the Albury City Local Government Area (LGA). The table below provides an overview of consistency and compliance of the proposal against the LEP provisions.

Table 4 LEP Assessment Summary

Planning Controls	Compliance
Clause 2.3 Land Use	The subject site is zoned RE1 Public Recreation under the LEP. The objectives of this zone that are relevant to the proposed development are: ▪ To enable land to be used for public open space or recreational purposes. ▪ To provide a range of recreational settings and activities and compatible land uses. ▪ To protect and enhance the natural environment for recreational purposes. ▪ To protect and improve open space areas within the area of the City of Albury, including the Albury-Wodonga Regional Parklands. ▪ To offer opportunities for tourism development. The proposed development is generally consistent with these objectives as it will result in an overall improvement to the quality and accessibility of a public park and will not detract from this use or affect the amenity of the area.
Clause 2.7 Demolition requires development consent	Clause 2.7 of the LEP stipulates that demolition works require demolition where they are not classified as exempt or complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The demolition works are not classified as exempt or complying, the works are subject to approval under Part 5 of the EP&A Act.
Clause 5.10 Heritage Conservation	The objectives of Clause 5.10 are to conserve the environmental heritage of Albury, as well as areas of archaeological significance and Aboriginal heritage. As outlined above, the subject land is not identified as an item of environmental heritage as contained within Schedule 5 of the LEP. Similarly, the subject land is not expected to contain any items of Aboriginal cultural significance following consideration of the NPW Act.
Clause 7.1 Earthworks	Clause 7.1 of the LEP relates to earthworks and seeks to ensure that earthworks will not have a detrimental impact on the environment.

	Whilst it is acknowledged that the development will involve minor establishment earthworks, these works will not adversely affect the environmental values of the area, nearby waterways or the amenity of adjoining lands. As part of the proposed works, appropriate sediment and erosion control measures will be implemented and maintained prior to works commencing on-site.
Clause 7.6 Essential Services	Clause 7.6 of the LEP seeks to ensure that any services that are essential for the proposed development are available or that adequate arrangements have been made to make them available. The development satisfies this requirement as the proposed new amenities building will be connected to reticulated infrastructure and services including water, sewerage, electricity and roads.

4.11. Albury Development Control Plan 2010

The *Albury Development Control Plan 2010* ("the DCP") provides specific requirements for development within the Albury City LGA, including the subject site. A compliance table is included in Appendix C and is summarised in the table below.

Table 5 Summary of applicable requirements of the DCP

Chapter	Response
Chapter 13 – Development in the Recreation Zones	
13.2 Development in the Recreation Zones	The DCP requires that the following relevant consideration are made: ▪ The need for the development of the land ▪ The impact of the development on the existing and likely future use of the land ▪ The physical characteristics of the land, including slope, aspect, topography, land capability, drainage, vegetation and landscape attributes. ▪ Whether any environmental resources, including riparian and floodplain ecosystems, will be jeopardised by the development. ▪ Any other relevant circumstances, including the need to retain the land for its existing or likely future use. The development is considered necessary as it seeks to construct a new public amenities building for persons using Sarvaas Park. The lands' physical characteristics have been considered in this REF report and are regarded as capable of sustaining the proposed development. Environmental impacts have also been considered in Section 6 of this report. As the location of the development is on disturbed ground, there will be minimal harm on the environment.

5. Community and Stakeholder Consultation

This section discusses the consultation undertaken to date for the proposal and the consultation proposed for the future. It also discusses the consultation strategy adopted for the proposal and the results of consultation with the community, relevant government agencies and stakeholders.

5.1. Notification Requirements under SEPP Infrastructure

Part 2, Division 1 of SEPP Infrastructure contains provisions for public authorities to consult with local council and other public authorities prior to the commencement of certain types of development. Clauses 13 to 16 of SEPP Infrastructure requires that consultation be undertaken with councils and other agencies, where proposing to carry out certain development without consent.

Table 5 provides details of the consultation requirements under SEPP Infrastructure as they relate to the proposed development.

Table 6 Summary of consultation requirements under SEPP Infrastructure

Clause	Requirement	Compliance
Clause 13 – Consultation with Councils – development with impacts on council related infrastructure and services	Consultation is required where the proposed works would result in: ▪ Substantial impact on stormwater management services; ▪ Generating traffic that would place a local road system under strain; ▪ Involve connection to or impact on a council owned sewerage system; ▪ Involve connection to and substantial use of council owned water supply; ▪ Involve significant excavation to a road surface or footpath for which council has responsibility.	This is not applicable in this instance as the proposed works are not considered to represent a type or scale which would have significant impacts on Council related infrastructure. The subject works have been proposed following a review of current public amenity facilities across Albury and will not adversely impact upon Council's infrastructure. Being a Council led project, communication between departments has been undertaken in relation to the works and the need for new facilities.
Clause 14 – Consultation with councils – development with impacts on local heritage	Consultation is required where the proposed works: ▪ substantially impact on local heritage items (if not also a state heritage item); ▪ substantially impact on a heritage conservation area.	Not applicable as the proposed works do not impact on any heritage items or areas.
Clause 15 – Consultation with councils – development with impacts on flood liable land	Consultation is required where the proposed works: ▪ impact on land that is susceptible to flooding and classified as *'flood liable land' as set out in the Floodplain Development Manual: the management of flood liable land*.	Not applicable as the area or works is not classified as flood liable.

Clause 15AA – Consultation with State Emergency Service – development with impacts on flood liable land	Consultation is required where the proposed works: ▪ impact on land that is classified as 'flood liable land'.	Not applicable as the area of works is not classified as flood liable.
Clause 15A – Consultation with councils – development with impacts on certain land within the coastal zone	Consultation is required where the proposal applies to development on land that is within a coastal vulnerability area and is inconsistent with a certified coastal management program that applies to the land.	Not applicable as the subject land is not located within a coastal vulnerability area.
Clause 16 – Consultation with public authorities other than councils	Consultation is required for specified developments which includes consultation with: ▪ OEH for development that is undertaken adjacent to land reserved under the National Parks and Wildlife Act 1974 or land in Zone E1 National Parks and Nature Reserves ▪ Department of Industry for development adjacent to an aquatic reserve or marine park declared under the Marine Estate Management Act 2014; ▪ Sydney Harbour Foreshore Authority for development in the foreshore area within the meaning of the Sydney Harbour Foreshore Authority Act 1998; ▪ RMS for development comprising a fixed or floating structure in or over navigable waters; ▪ RFS for development for the purposes of a health services facility, correctional centre or group home, or for residential purposes in an area that is bushfire prone; ▪ Director of the Observatory for development that may increase the amount of artificial light in the night sky and that is on land within the dark sky region; ▪ Secretary of the Commonwealth Department of Defence for development on defence communications facility buffer land; ▪ Mine Subsidence Board for development on land in a mine subsidence district.	Not applicable, as the development does not involve development on or adjacent to: ▪ A National Park or land zoned E1 under the Albury LEP; ▪ An aquatic reserve or marine park; ▪ Sydney Harbour Foreshore; ▪ The dark sky region; ▪ Defence communication facility buffer land; ▪ Mine subsidence district. The development also does not involve any of the following activities: ▪ A fixed or floating structure on navigable waters; or ▪ Health services facility, correctional centre or group home, or residential development on bushfire prone land.

6. Environmental Impact Assessment

This section of the REF provides a detailed description of the likely environmental impacts associated with the demolition and construction of public facilities. For each likely impact, the existing environment is characterised and then an assessment is undertaken as to how the proposal would impact on the existing environment.

The environmental impact assessment has been undertaken in accordance with clause 228 of the EP&A Regulation. A checklist of clause 228 factors and how they have been specifically addressed in this REF is included in Appendix B.

6.1. General

The proposed location of the new building is immediately adjacent to the existing building on disturbed ground. The proposal seeks to use a small portion of the reserve for the purposes of a public amenities (toilet and changeroom) building.

Impacts of the Proposal

In the absence of achieving compliance with the mitigation measures outlined in this section, the development has the potential to create environmental harm.

Mitigation and Monitoring Measures

The following mitigation measures are proposed to minimise and manage the impacts of the development:

- Prior to any works commencing, prepare a Construction Environmental Management Plan (CEMP) that includes mitigation measures from this REF.
- As part of the 'site induction' all workers are to be provided access to the CEMP and made aware of the site sensitivities identified in this REF.

6.2. Air Quality

Matters regarding air quality have been investigated in terms of existing conditions, proposed activities and the location of sensitive receptors, including the duration and possible exposure to these receptors.

In this instance, there are residential areas surrounding the site, opposite the adjoining roads.

Impacts of the Proposal

The proposed activities have the potential to generate issues of air quality (dust) resulting from:

- Construction and demolition works, including the excavation of dry soils and the loading and unloading (tipping) of goods and materials.
- Haulage and movement of vehicles and machinery.
- Generation of dust from disturbed/exposed areas of the site, the demolition works as well as from uncovered or unwatered stockpiles.
- Exhaust emissions generated from machinery and transport vehicles.

Notwithstanding the above, it is noted that the demolition and construction activities will occur for only a finite period of time and the impacts of the works will be minimal and short term. Ongoing concerns regarding air quality are also considered low given the nature of the development and the fact that it will not result in a change in use, or a significant influx in users of the reserve, that would alter air quality.

Mitigation and Monitoring Methods

The following mitigation measures are proposed to minimise and manage potential air quality impacts:

- Erect signage at the reserve indicating works are occurring on the land and that users should be aware of potential dust generation.
- Minimise works or utilise a watering truck during windy periods to minimise dust creation to ensure no dust impacts are occurring along public roads surrounding the reserve.
- Measures to minimise or prevent air pollution or dust are to be used including watering or covering exposed areas and stockpiles.
- Works (including the spraying of paint and other materials) are not to be carried out during strong winds or in weather conditions where high levels of dust or air borne particulates are likely.
- Vehicles transporting waste or other materials that may produce odours or dust are to be covered during transportation.
- Ensure all plant and equipment complies with part 4 of the *Protection of the Environment Operations (Clean Air) Regulation 2002*. A breach of part 4 is likely where plant and equipment emissions are visible for more than 10 continuous seconds.
- Avoid idling machinery unless in use.

6.3. Biodiversity

Matters regarding biodiversity (flora and fauna) have been investigated in terms of existing conditions and proposed activities, which includes impacts upon native vegetation and existing conditions of the property.

The subject site contains a number of mature trees (both planted and native) that may provide habitat for threatened species. The area of construction works is generally cleared the ground layer and is sufficiently removed from most trees, aside from the tree proposed for removal.

The tree proposed for removal is a native eucalyptus species and is described in Section 3.4 of this report. This tree is not identified as a large remnant tree and was likely planted as part of the past embellishment of the reserve around the construction period of the existing facilities.

The sites' history of use and disturbance has also resulted in there being no significant groundcover or other habitat features that threatened flora may occupy within the impacted area of the proposed works. The works are not likely to impact on the biodiversity values of the site or surrounding area.

Impacts of the Proposal

The existing tree proposed for removal may provide foraging and roosting habitat to protected bird species. However, this tree is not a large hollow bearing tree, and it is not likely to provide significant nesting habitat. Similarly, the tree is isolated from any habitat networks.

Although some of the other areas within and surrounding the subject site may present biodiversity value, the proposed works will not occur within these areas and no other trees are proposed to be removed or pruned.

Additional impacts include the possibility that the disturbance generated by the construction and demolition works may temporarily displace some fauna species in the area. It is not likely that these will result in long term effects on these potentially affected species. Another potential implication is that the erosion and runoff caused by the works could affect the quality of the adjacent land or waterways.

The adverse impacts on biodiversity should be sufficiently mitigated, providing that the measures outlined below are adhered to, to avoid any adverse impacts.

Mitigation and Monitoring Measures

The following mitigation measures are proposed to minimise and manage potential biodiversity impacts:

- Clearly define work zones with no disturbance beyond the edge of these zones (e.g. cordon off areas as “no-go zones”).
- No trees that are not identified for removal are permitted to be removed and a Tree Protection Zone (TPZ) is to be established around trees within proximity to the works site as part of site establishment works, so as to prevent damage to their root systems.
- Only remove minimum required vegetation and minimise disturbance to retained vegetation.
- If the roots of other trees are disturbed or damaged during works, roots should be cleanly cut to minimise damage to the health of the tree as a result.
- Establish a secure perimeter fence to the proposed work zone, which avoids the TPZ of adjacent trees.
- Establish a secure machinery and equipment compound for storage in an area avoiding the TPZ of existing native vegetation.
- All trees should be protected in accordance with *Australian Standard AS4970-2009 Protection of trees on development sites*, during construction, operation and decommissioning of the site compound.
- If any damage occurs to vegetation in no-go zones as a result of the works the Project Manager will be notified and will establish strategies for mitigation of impacts and site restoration.
- Do not remove any trees that contain hollows unless specific approval has been granted.
- Any trees with hollows are to be checked for native fauna by a suitably qualified ecologist prior to being removed.
- In the unlikely event that unexpected threatened species are identified during the project works should cease and an ecologist contacted.
- Appropriate erosion and sediment control measures should be installed at all sites to avoid sedimentation of receiving water bodies or other indirect impacts to surrounding biodiversity values.
- Construction machinery should be washed prior to entering and leaving site to ensure weed propagules are not transported.

6.4. Soils

The proposed works will include site disturbance in the construction associated with the new building and areas and the demolition of the existing building. These works will be appropriately secured and managed by the appointed contractors to avoid any significant impact on drainage infrastructure.

Potential erosion to exposed areas of the site is low, however will be minimised by use of sediment control and stabilisation, both before and after construction. The potential is limited due to the relatively flat topography of the site and the construction of urban drainage provisions established.

To ensure all potential impacts are minimised, appropriate Soil and Water Management techniques will be implemented during demolition and construction works, in accordance with Council’s guidelines.

Potential Impacts

The proposed development has the potential to have the following soil and water quality impacts:

- Sediment and soil run-off onto adjoining lands and into waterways from uncontrolled construction and demolition works.

- Erosion concerns created from the removal of vegetation and general earthworks, including stripping of topsoil, excavation or filling.
- Stormwater run-off and pollution of downstream users and receiving waters from inappropriate sediment and erosion control measures.
- Potential adverse impacts on the functions of existing waterways and impacts on key fish habitat areas.
- Alterations to existing drainage lines.
- Potential land contamination from activities and works.
- Creation of localised flooding or erosion via uncontrolled stormwater run-off.

Consequently, it is important that a number of sediment and erosion control protection methods are implemented and maintained throughout the project.

Mitigation and Monitoring Measures

The following mitigation measures are proposed to minimise and manage potential water and soil quality impacts:

- Prior to commencing works, prepare an Erosion and Sediment Control Plan and/or Construction Environmental Management Plan that includes soil and erosion protection measures in accordance with *AlburyCity's Good Practice in Erosion and Sediment Control Guidelines* and the technical document, *Landcom (2006) Edition 4 'Managing Urban Stormwater: Soils & Construction'* (the Blue Book).
- Minimise exposure of soils and protect soil surface with some form of ground cover.
- Retain vegetation where practicable.
- Linear silt stop fencing to be installed down slope of all affected areas and stockpiles. Silt fencing will be installed before excavation begins.
- Do not undertake works during heavy rain periods or flooding.
- Locate stockpiles and construction materials away from vegetation, waterways and drainage lines, implement bunding practices.
- Sandbags, straw bales wrapped in geotextile fabric etc. will be used to slow water flow and trap sediment. No hay bales are to be used.
- All erosion and silt control devices will be visually inspected weekly to ensure effectiveness as well as after each rainfall event.
- Visual monitoring of local water quality (ie. turbidity, hydrocarbon spills/slicks) is to be undertaken on a regular basis to identify any potential spills or deficient erosion and sediment controls.
- Water quality control measures are to be used to prevent any materials (eg. concrete, grout, sediment etc) entering drain inlets or waterways.
- No chemicals (e.g. fuel, oil) or other toxic materials are to be utilised or stored on-site.
- Maintain spill kits on site as a precaution to contain spills of fuel and oil from machinery.
- Stop works and notify Council if any contamination (e.g. asbestos, discoloured soil, chemical or petrol odours, refuse or leachate) is discovered.

6.5. Noise and Vibration

Matters regarding noise and vibrations have been investigated as part of this REF.

The existing ambient noise levels are typical of a sportsground, with surrounding roadways and associated traffic contributing to much of the existing noise. The nearest residential areas (dwelling house) is approximately 50 metres away from the site of the new proposed building. Given the nature of

the development (public amenities building) and the presence of the existing facility and use of land, it is not expected to create an excessive increase in levels of noise once works are completed.

Construction works will also include a period of noise generation during establishment. Works will occur over a short period of time, and will be limited to appropriate hours of operation, as determined by Council and expressed through conditions of approval. Noise impacts will be of a minor nature and include predominantly power tools and manual construction, with very limited machinery and vehicle noise expected.

Potential Impacts

Anticipated noise generated from the proposal includes machinery noise during construction and demolition works. The majority of potential noise impacts will be experienced during construction works, by way of operation of machinery. There is not expected to be any significant noise post-construction from the facilities that would be considered significantly greater than the noise generated from the surrounding area.

The initial construction activities will be short term and contained entirely within the subject property. Traffic noise will occur from road use by construction vehicles, but there are no sensitive receptors which are identified in the immediate area.

Mitigation and Monitoring Impacts

Potential mitigation measures that could be undertaken to ensure that the likely impact of noise and vibration is minimal are listed below.

- All plant and machinery will be fitted with a muffler or will other appropriate noise reduction devices. Exhaust emissions shall comply with the requirements of relevant legislation that includes the *Clean Air Act 1961* and the *Protection of the Environment Operations Act 1997*.
- Works to be carried out during normal work hours (i.e. 7am to 6pm Monday to Friday; 8am to 1pm Saturdays).
- Any work that is performed outside normal work hours or on Sundays or public holidays may not be permitted and, if permitted, works are to minimise noise impacts.

6.6. Visual Amenity/Landscape

A simple visual impact assessment has been undertaken to:

- Identify the visual catchment and existing landscape character of viewers.
- Determine the degree of visual change introduced into the landscape by the proposed works.
- Evaluate whether this is a significant level of impact.
- Proposed appropriate mitigation measures to minimise any visual impact.

The aims of this process are to avoid or limit visual exposure and impact, particularly from sensitive public viewpoints and it is well integrated into the visual landscape.

The proposed development involves the establishment of a new building and awnings that will service the needs of users of Sarvaas Park. It will visually integrate with the surrounds and existing development and will be of a high quality design and construction standard. The design and position of the proposed new building is considered to be sympathetic to its surrounds and to the streetscape and will suitably integrate with the existing building on the site.

Impacts of the Proposal

The proposal will alter the visual appearance of the property as it will create a new facility in a visually prominent location adjacent to Douglas Road and Webb Street. The proposed development will replace an existing building. This will alter the visual layout of the reserve and will have a positive visual amenity impact due to the construction of a new high quality building and awnings.

During construction, the use of machinery and groundworks will alter cause temporary visual impacts whilst the works and building are being established.

Mitigation and Monitoring Measures

The following measures are proposed to minimise and manage potential visual impacts on the visual amenity of the area:

- Engage with neighbouring landholders and wider community where appropriate.
- Ensure that storage of vehicles and equipment does not occur in visually prominent locations and is contained within the designated site compound when not in use.
- Landscaping shall be provided where appropriate.
- Areas of disturbance shall be re-established and/or rehabilitated following completion of works.

6.7. Waste Disposal

The *Waste Avoidance and Resource Recovery Act 2001* (WARR Act) promotes waste avoidance and resource recovery in NSW. This Act seeks to achieve the following:

- Waste Avoidance – take action to avoid the generation of waste and to be more efficient in the use of resources. If unable to avoid generating waste, then reduce the amount of waste generated and reduce the toxicity or potential harm associated with its generation and management.
- Resource Recovery – maximise the reuse, re-processing, recycling and recovery of energy from materials; and
- Disposal – disposal is the least desirable options and must be carefully handled to minimise negative environmental outcomes.

The subject site is used as a recreation park and generates any wastes typical of this use.

Impacts of the Proposal

The proposed works have the potential to generate waste streams, including:

- Demolition wastes from the removal of the existing toilet block.
- Excess construction material and off-cuts etc.
- General wastes and sewage from on site compounds and offices; and
- Packaging materials from items delivered to site, such as pallets, crates, cartons, plastic and wrapping materials.

The operation of the proposed building will generate the following waste streams

- Wastewater toilet facilities.

During construction, detailed investigations will be undertaken to ensure that the most accurate amount of materials are ordered to limit excess wastes. Where waste materials cannot be re-used or recycled in accordance with the WARR Act, these will be appropriately disposed of to an approved waste management centre.

The waste materials derived from the demolition will be sorted and processed on site and taken to facilities where they can be further processed for recycling or disposed of as solid waste.

Mitigation and Monitoring Measures

The following mitigation measures are proposed to minimise and manage potential wastes:

- Waste generation should be minimised.
- All waste generated by the proposed work to be classified in accordance with the NSW *Waste Classification Guidelines Part 1: Classifying Wastes* (DECCW 2008).
- Any waste generated on site during demolition and construction is to be collected in appropriate receptacles for transport off site and disposed of at a landfill site approved to accept General Solid Waste (non-putrescible).
- 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 resort (in accordance with the *Waste Avoidance & Resource Recovery Act 2001*).
- Once the works have been completed, all waste material is to be removed from site.
- Working areas are to be maintained, kept free of rubbish and cleaned up at the end of each working day.

6.8. Traffic and Access

The subject land is currently used as part of Sarvaas Park. Primary vehicular access is provided to the park from the southern portions of Curlew Crescent to the existing facility.

Impacts of the Proposal

It is not likely that the proposed development will cause a significant influx in traffic, as the development only seeks to construct an additional public amenities building to cater for the needs of existing user groups (i.e.it will not generate traffic in its own right). Whilst it is acknowledged that the building footprint will be expanded as part of this proposal, this is to provide improved facilities for each user group including dedicated males and female changerooms, umpire rooms and storage areas, which will not generate additional car parking demands.

No works are proposed to the adjoining roadways or existing car parking arrangements.

Mitigation and Monitoring Measures

The following mitigation/management measures shall be adopted as part of the proposed works:

- Establish construction access and apply appropriate signage and access restriction, ensuring that the conflict between recreation and construction access can be avoided.
- Where possible, current traffic movements and property accesses are to be maintained during the works. Any disturbance is to be minimised to prevent unnecessary traffic delays.
- Engage with neighbouring landholders that will be impacted by the works.

6.9. Land Contamination

The subject land is disturbed following previous activities on-site. It has not been used as an area for the storage of potentially hazardous materials, nor is it involved in a use which is potentially contaminating.

A review of the NSW Contaminated Land Register has also been undertaken, which has confirmed that the subject land is not on the EPA register.

Potential Impacts

The subject land is therefore not known to be contaminated and the development of this land as part of this project is not expected to create any adverse environmental impacts with regards to land contamination. Construction works may involve the short term storage of fuels on the property, however in generally lower quantities.

Mitigation and Monitoring Measures

The following mitigation/management measures shall be adopted as part of the proposed works:

- No chemicals or other toxic materials are to be utilised or stored on-site.
- Fuels for use in construction activities must be stored in appropriate moveable tanks, and not contained on the site beyond the period of construction.

6.10. Socio-economic Impacts

The development will provide improved recreational facilities for users of Sarvaas Park and the local community by extension. It will also increase the accessibility and availability of services included through providing facilities for disabled persons which use the site. The amenity of the area will be generally improved via the construction of a new high quality public amenities building.

The construction and works of the proposed development will create an employment opportunity that will have a positive flow on effect to local businesses.

Mitigation and Monitoring Measures

No specific safeguards or mitigation measures are required.

6.11. Aboriginal Heritage

A search of the AHIMS database discovered that no Aboriginal sites were recorded in or around the site at a 200 metre buffer. Notwithstanding, the actual area of works is located on a disturbed portion of the site. Because of this, the discovery of Aboriginal objects is not considered likely.

In the event that the applicant does identify or uncover archaeological items during works, the items will be left in place and appropriate protocols for dealing with such instances will be observed.

Potential Impacts

The works will be undertaken on a disturbed portion of land, which is not considered to represent an area of high density archaeology. The proposed works will require establishment ground works. Although not considered likely, there is potential for the groundworks to disturb artefacts of Aboriginal significance.

Mitigation and Monitoring Measures

The following mitigation measures are proposed to minimise and manage potential biodiversity impacts:

- Disturbance should be minimised as much as practicable and limited only to the defined work zones shown on the approved plan.
- No further archaeological investigations or works are required to be undertaken for the study area.
- All Aboriginal places and objects are protected under the NPW Act. This protection extends to Aboriginal objects and places that have not been identified but might be unearthed during construction.
- If Aboriginal heritage items are uncovered during the works, all works in the vicinity of the find must cease and the Environmental Planner contacted immediately.
- The find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object, the archaeologist will provide further instruction.
- If any suspected ancestral human remains are discovered during works:
  - Immediately cease all work at that location.
  - Notify NSW Police and OEH Environmental Line 131 555.
  - Do not recommence work at that location unless authorised in writing by OEH.
- Works to be carried out in accordance with any applicable Aboriginal Cultural Heritage Due Diligence Assessment, or Aboriginal Cultural Heritage Assessment and/or Aboriginal Heritage Impact Permit.

6.12. Non-Aboriginal Heritage

Matters regarding European heritage have been investigated as part of this REF and are outlined below.

Schedule 5 of the LEP contains a list of all the individual heritage items and heritage conservation areas contained within the Albury City LGA, whilst the State Heritage Register or Australian Heritage Database provides information on heritage items of state and national significance.

A search of the LEP and the NSW heritage register confirmed that there are no recorded heritage items within the vicinity of the development.

Mitigation and Monitoring Measures

- Should any unexpected historical heritage items be uncovered during works, works should cease immediately and an archaeologist contacted. The Heritage Branch should also be notified.

6.13. Water

Matters regarding water have been investigated as part of this REF as the proposal may generate minor runoff and sedimentation that may impact stormwater infrastructure

Potential Impacts

There is potential for stormwater and runoff pollution to the surrounds during demolition, construction and operation.

Mitigation and Monitoring Measures

The following mitigation/management measures shall be adopted as part of the proposed works:

- Measures to control sedimentation and pollutants outlined in Council's Good Practice in Erosion and Sediment Control Guidelines are to be implemented.
- No water may be discharged into drainage lines.
- Locate stockpiles and construction materials away from drainage lines, implement bunding practices.
- Prevent sediment moving off-site and sediment laden water entering any water course, drainage lines, or drain inlets.
- Reduce water velocity and capture sediment on site.
- Minimise the amount of material transported from site to surrounding pavement surfaces.

6.14. Natural Hazards

Natural hazards have been considered as part of this report. However, the subject land is not part of the bushfire prone land map or the Flood Planning Map of the Albury DCP.

Potential Impacts

The works area is not identified as being subject to natural hazards. There are no works which may place the building or users of Sarvaas Park at greater risk of natural hazards.

Mitigation and Monitoring Impacts

No specific safeguards or mitigation measures are required.

6.15. Matters of National Environmental Significance

A search for Matters of National Environmental Significance using the Department of the Environment and Energy Protected Matters Search Tool was completed to determine whether any existed that the proposal may potentially harm.

The requirement for approval under the EPBC Act is triggered by a proposal which has the potential to cover at least one of the criteria showing that they may have an impact on a matter of national environmental significance. The proposal does not require approval under the EPBC Act, as there are no matters of environmental significance which affects the area.

7. Summary of Mitigation Measures

This section of the REF provides a summary of the mitigation measures proposed as part of the subject works.

Table 7 Summary of mitigation measures

Environmental Component	Mitigation Measures
General	▪ Prior to any works commencing, prepare a Construction Environmental Management Plan (CEMP) that includes mitigation measures from this REF. ▪ As part of the 'site induction' all workers are to be provided access to the CEMP and made aware of the site sensitivities identified in this REF.
Air Quality	▪ Erect signage at the reserve indicating works are occurring on the land and that users should be aware of potential dust generation. ▪ Minimise works or utilise a watering truck during windy periods to minimise dust creation to ensure no dust impacts are occurring along public roads surrounding the reserve. ▪ Measures to minimise or prevent air pollution or dust are to be used including watering or covering exposed areas and stockpiles. ▪ Works (including the spraying of paint and other materials) are not to be carried out during strong winds or in weather conditions where high levels of dust or air borne particulates are likely. ▪ Vehicles transporting waste or other materials that may produce odours or dust are to be covered during transportation. ▪ Ensure all plant and equipment complies with part 4 of the Protection of the Environment Operations (Clean Air) Regulation 2002. A breach of part 4 is likely where plant and equipment emissions are visible for more than 10 continuous seconds. ▪ Avoid idling machinery unless in use.
Biodiversity	▪ Clearly define work zones with no disturbance beyond the edge of these zones (e.g. cordon off areas as "no-go zones"). ▪ No trees that are not identified for removal are permitted to be removed and a Tree Protection Zone (TPZ) is to be established around trees within proximity to the works site as part of site establishment works, so as to prevent damage to their root systems. ▪ Only remove minimum required vegetation and minimise disturbance to retained vegetation. ▪ If the roots of retained trees are disturbed or damaged during works, roots should be cleanly cut to minimise damage to the health of the tree as a result. ▪ Establish a secure perimeter fence to the proposed work zone, which avoids the TPZ of adjacent trees.

Biodiversity Cont.	▪ Establish a secure machinery and equipment compound for storage in an area avoiding the TPZ of existing native vegetation; ▪ All other trees should be protected in accordance with Australian Standard AS4970-2009 Protection of trees on development sites, during construction, operation and decommissioning of the site compound; ▪ If any damage occurs to vegetation in no-go zones as a result of the works the Project Manager will be notified and will establish strategies for mitigation of impacts and site restoration. ▪ Do not remove any trees that contain hollows unless specific approval has been granted. ▪ Any trees with hollows are to be checked for native fauna by a suitably qualified ecologist prior to being removed. ▪ In the unlikely event that unexpected threatened species are identified during the project works should cease and an ecologist contacted; ▪ Appropriate erosion and sediment control measures should be installed at all sites to avoid sedimentation of receiving water bodies or other indirect impacts to surrounding biodiversity values. ▪ Construction machinery should be washed prior to entering and leaving site to ensure weed propagules are not transported.
Soils	▪ Prior to commencing works, prepare an Erosion and Sediment Control Plan and/or Construction Environmental Management Plan that includes soil and erosion protection measures in accordance with AlburyCity's Good Practice in Erosion and Sediment Control Guidelines and the technical document, Landcom (2006) Edition 4 'Managing Urban Stormwater: Soils & Construction' (the Blue Book). ▪ Minimise exposure of soils and protect soil surface with some form of ground cover. ▪ Retain vegetation where practicable. ▪ Linear silt stop fencing to be installed down slope of all affected areas and stockpiles. Silt fencing will be installed before excavation begins. ▪ Do not undertake works during heavy rain periods or flooding. ▪ Locate stockpiles and construction materials away from vegetation, waterways and drainage lines, implement bunding practices. ▪ Sandbags, straw bales wrapped in geotextile fabric etc. will be used to slow water flow and trap sediment. No hay bales are to be used. ▪ All erosion and silt control devices will be visually inspected weekly to ensure effectiveness as well as after each rainfall event. ▪ Visual monitoring of local water quality (ie. Turbidity, hydrocarbon spills/slicks) is to be undertaken on a regular basis to identify any potential spills or deficient erosion and sediment controls. ▪ Water quality control measures are to be used to prevent any materials (eg. Concrete, grout, sediment etc) entering drain inlets or waterways. ▪ No chemicals (e.g. fuel, oil) or other toxic materials are to be utilised or stored on-site. ▪ Maintain spill kits on site as a precaution to contain spills of fuel and oil from machinery.

Soils cont.	▪ Stop works and notify Council if any contamination (e.g. asbestos, discoloured soil, chemical or petrol odours, refuse or leachate) is discovered.
Noise and Vibrations	▪ All plant and machinery will be fitted with a muffler or with other appropriate noise reduction devices. Exhaust emissions shall comply with the requirements of relevant legislation that includes the Clean Air Act 1961 and the Protection of the Environment Operations Act 1997. ▪ Works to be carried out during normal work hours (i.e. 7am to 6pm Monday to Friday; 8am to 1pm Saturdays). ▪ Any work that is performed outside normal work hours or on Sundays or public holidays may not be permitted and, if permitted, works are to minimise noise impacts.
Visual Amenity/Landscape	▪ Engage with neighbouring landholders and wider community where appropriate. ▪ Ensure that storage of vehicles and equipment does not occur in visually prominent locations and is contained within the designated site compound when not in use. ▪ Landscaping shall be provided where appropriate; and ▪ Areas of disturbance shall be re-established and/or rehabilitated following completion of works.
Waste Disposal	▪ Waste generation should be minimised. ▪ All waste generated by the proposed work to be classified in accordance with the NSW *Waste Classification Guidelines Part 1: Classifying Wastes* (DECCW 2008). ▪ Any waste generated on site during construction is to be collected in appropriate receptacles and for transport off site and disposed of at landfill site approved to accept General Solid Waste (non-putrescible). ▪ 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 resort (in accordance with the *Waste Avoidance & Resource Recovery Act 2001*). ▪ Once the works have been completed, all waste material is to be removed from site. ▪ Working areas are to be maintained, kept free of rubbish and cleaned up at the end of each working day.
Traffic and Access	▪ Establish construction access and apply appropriate signage and access restriction, ensuring that the conflict between recreation and construction access can be avoided. ▪ Where possible, current traffic movements and property accesses are to be maintained during the works. Any disturbance is to be minimised to prevent unnecessary traffic delays. ▪ Engage with neighbouring landholders that will be impacted by the works.
Land Contamination	▪ No chemicals or other toxic materials are to be utilised or stored on-site. ▪ Fuels for use in construction activities must be stored in appropriate moveable tanks, and not contained on the site beyond the period of construction.

Socio-Economic Impacts	No specific safeguards or mitigation measures are required.
Aboriginal Heritage	▪ Disturbance should be minimised as much as practicable and limited only to the defined work zones shown on the approved plan. ▪ No further archaeological investigations or works are required to be undertaken for the study area; ▪ All Aboriginal places and objects are protected under the NPW Act. This protection extends to Aboriginal objects and places that have not been identified but might be unearthed during construction. • If Aboriginal heritage items are uncovered during the works, all works in the vicinity of the find must cease and the Environmental Planner contacted immediately. • The find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object, the archaeologist will provide further instruction. • If any suspected ancestral human remains are discovered during works: o Immediately cease all work at that location. o Notify NSW Police and OEH Environmental Line 131 555. o Do not recommence work at that location unless authorised in writing by OEH. • Works to be carried out in accordance with any applicable Aboriginal Cultural Heritage Due Diligence Assessment, or Aboriginal Cultural Heritage Assessment and/or Aboriginal Heritage Impact Permit.
Non-Aboriginal Heritage	▪ Should any unexpected historical heritage items be uncovered during works, works should cease immediately and an archaeologist contacted. The Heritage Branch should also be notified.
Water	▪ Measures to control sedimentation and pollutants outlined in Council's Good Practice in Erosion and Sediment Control Guidelines are to be implemented. ▪ No water may be discharged into drainage lines and/or waterways. ▪ Visual monitoring of local water quality (i.e. turbidity, hydrocarbon spills/slicks) is to be undertaken on a daily basis to identify any potential spills or deficient erosion and sediment controls. ▪ Locate stockpiles and construction materials away from waterways and drainage lines, implement bunding practices. ▪ Prevent sediment moving off-site and sediment laden water entering any water course, drainage lines, or drain inlets. ▪ Reduce water velocity and capture sediment on site. ▪ Minimise the amount of material transported from site to surrounding pavement surfaces.
Natural Hazards	No specific safeguards or mitigation measures are required.
Matters of National Environmental Significance	No specific safeguards or mitigation measures are required.

8. Conclusion

The proposal seeks approval to retrofit an existing public amenities building (clubroom) and construct a new public amenities building (clubroom) at Sarvaas Park, North Albury, which will improve public facilities for persons using the park and surrounding area. Works also include the demolition of an existing small public toilet building.

The proposed works are permissible without consent under SEPP Infrastructure (i.e. development consent is not required under Part 4 of the EP&A Act). Consequently, the proponent is required to consider the proposal under Part 5 of the EP&A Act.

This REF has been prepared in accordance with the provisions of Section 5.5 of the EP&A Act, taking into account to the fullest extent possible, all matters affecting or likely to affect the environment as a result of the proposal.

The REF has examined the potential impacts of the proposed development across a range of environmental values, as discussed above throughout this report. The net environmental impact of the proposed works is considered to be negligible and the site environment will ultimately be protected and enhanced by the implementation of safeguards.

The requirements from the REF will need to be addressed prior to commencement of construction. These requirements include:

- an Erosion and Sediment Control Plan (ESCP).
- detailed plans showing the methods of construction.
- a landscaping plan.
- a waste management plan.

Mitigation measures outlined in this report should be incorporated into the detailed design, during site establishment works, during demolition, construction and operation of the facility. All staff should be made aware of the site sensitivities and the REF should be available to all staff on site. These mitigation measures will minimise any potential adverse impacts on the surrounding environment.

This REF has considered and assessed the likely impacts of the development in accordance with clause 228 of the EP&A Regulation and the requirements of the EPBC Act. Based on the assessment contained within this REF, it is considered that the proposal is not likely to have a significant impact upon the environment or any threatened species, populations or communities. Accordingly, an Environmental Impact Statement is not required, nor is the approval of the Minister for Planning.

Having regard to the above the proposal therefore warrants approval.

Appendix A: Building Plans

Appendix B: Environmental Impact Assessment

Assessment factors for the environmental impact of an activity in clause 228(2) of the NSW *Environmental Planning and Assessment Regulation 2000*.

a) Any environmental impact on a community,

There will be minimal environmental impact on the community overall, due to the siting of the proposed works within a previously disturbed and cleared area of the subject site, and adherence to the recommended mitigation measures set out within this report.

b) Any transformation of a locality,

The demolition of an existing public amenities building, construction of a new facility and awnings, and the retrofitting of the existing building will not significantly alter the locality. Whilst it is acknowledged that the proposed works will introduce a new building, this is considered appropriate in this instance as it is consistent with the recreational use of the park and other land uses in the surrounds.

c) Any environmental impact on the ecosystems of the locality,

The impacts associated with the proposed works will be contained to the immediate vicinity of the demolition and construction area. The proposed new building will occupy a modified area with an evident history of disturbance as a result of its use as a sportsground. A single tree is proposed for removal however this tree is relatively isolated and is not hollow bearing. It is not considered that this tree presents important ecological value. The environmental impacts that the development will have on this area will therefore be minimal.

d) Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality,

The proposal includes the demolition of an existing dated public amenities building and construction of a new purpose-built public amenities (changeroom, function centre, canteen and toilets) building, and the retrofitting of the existing building that will serve the needs of user groups of Sarvaas Park. The new development will improve the aesthetic of the area, rather than have any detrimental effects on it. The recreational values of the area will be improved as there will be improved facilities to serve recreational purposes. It will also not result on the reduction of scientific or other environmental quality or value of 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,

As stated above, the proposed building is a new building constructed on highly modified land. The land doesn't contain any special features that warrant protecting and the proposed development will not have any effects on anthropological, archaeological, architectural, cultural, historical or scientific values.

f) Any impact on the habitat of protected animals (within the meaning of the Biodiversity Act 2016)

The location of the proposed building is generally on a vacant area and the works will otherwise include the demolition of an existing building. There is the removal of one tree proposed which may provide roosting and foraging habitat to bird species.

g) Any endangering of any species of animal plant or other form of life, whether living on land, in water or in the air,

There is an unlikely chance of the tree to provide habitat to threatened bird species. However, the tree is not a remnant hollow-bearing tree and any birds which may use this tree is highly mobile and will not be impacted by its removal.

The vacant ground layer area of which the proposed building will be constructed on, is disturbed and does not possess any significant vegetation. The development will not remove threatened flora species.

h) Any long-term effects on the environment,

The proposed development will not likely result in any long term environmental effects. Once the building is established and works are completed it will not impact the quality of the environment.

i) Any degradation of the quality of the environment,

The subject land is a site that is disturbed. The impacted area of the proposed new building will not significantly impact the quality of the environment because of this.

j) Any risk to the safety of the environment,

There will be no significant safety risks potentially generated from the proposed development. The site will be secured during demolition and construction works. Similarly, the building has been located on the adjacent to f the existing clubrooms to ensure it is visually prominent and provides better opportunities for passive surveillance of this building.

k) Any reduction in the range of beneficial uses of the environment,

The proposed works will not reduce the range of environmental uses on the land and will provide improved recreational and community facilities.

l) Any pollution of the environment,

During demolition and construction, typical levels of waste will be produced. This waste will be contained using appropriate measures and will not result in significant environmental degradation.

Due to the flat profile of the subject site, there is lower risk of pollution and contamination caused by runoff and erosion. Regardless, the appropriate measures will also be implemented to mitigate these potential impacts.

m) Any environmental problems associated with the disposal of waste,

During the demolition and construction works, the waste will be contained as outlined in **l)** above. There are no environmental problems associated with the disposal measures.

n) Any increase demands on resources (natural or otherwise) that are, or are likely to become, in short supply,

There are no resources that would become of short supply as a result of the proposed development.

o) Any cumulative environmental effect with other existing or likely future activities,

There is not likely to be any cumulative environmental effects. The proposed development will not result in activities that would significantly change its use and result in cumulative environmental effects on the future.

p) Any impact on coastal processes and coastal hazards, including those under projected climate conditions.

Not applicable. The subject site is not located near the coast.

Appendix C: Planning Compliance Tables

Table 8 Compliance table for Part 6 Planning for Hazards (adapted from the ADCP 2010)

Standard	Compliance	Comment
6.3 Contaminated Land	**Complies**	The subject land is not known to be contaminated as outlined in Section 6.9 of this report.

Table 9 Compliance table for Part 13 Development in the Recreation Zones (adapted from the ADCP 2010)

Standard	Complies	Comment
13.2 Development in the Recreation Zones		
In considering a development application within the Recreation Zones, Council will consider the following: ▪ **The need for the development of the land.** ▪ **The impact of the development on the existing and likely future use of the land.** ▪ **The imminence of any acquisition.** ▪ **The costs of reinstatement of the land is to be, or has been acquired.** ▪ **The physical characteristics of the land, including slope, aspect, topography, land capability, drainage, vegetation and landscape attributes.** ▪ **Whether any environmental resources, including riparian and floodplain ecosystems, will be jeopardised by the development.** ▪ **Any other relevant circumstances, including the need to retain the land for its existing or likely future use.** ▪ **Any applicable Plan of Land Management or Masterplan.**	Yes	The points are addressed in order: ▪ The subject development has been proposed in response to Council's ongoing review of its public toilet facilities and the need to replace and improve the open space facilities available within Albury. ▪ The proposed development will not have any significant adverse impacts on the existing or future use of the land. The land is currently developed for the purposes of a sportsground and the proposal seeks to improve current amenity facilities on-site. The proposed new works immediately adjoin the existing public amenities on-site and are well separated from surrounding land uses. ▪ The subject site is not within the acquisition map of the LEP. Acquisition is not imminent. ▪ The land does not require reinstating. ▪ The physical characteristics of the site are addressed in Section 2. ▪ The environmental attributes of the site are addressed in Section 2. ▪ There are no other relevant circumstances that involve the need to retain the land is its existing or likely future use. ▪ The proposed works are consistent with the Plan of Management that applies to the land, which identifies the purpose of this reserve for public recreation.

Appendix D: REF Checklist

Have you attached / included the following:	Check-box
Maps:	
• project location (including alignment details)	☒ Yes ☐ No ☐ N/A
• stockpile sites and laydown areas	☐ Yes ☐ No ☒ N/A
• no-go zones	☐ Yes ☐ No ☒ N/A
Design Plans	☒ Yes ☐ No ☐ N/A
Supporting technical reports	
• Test of Significance / Environmental Assessment	☒ Yes ☐ No ☐ N/A
• Aboriginal Cultural Heritage Assessment / Due Diligence Assessment	☒ Yes ☐ No ☐ N/A
• Geotechnical investigations	☐ Yes ☐ No ☒ N/A
Any other approvals (e.g. Part 7 Fisheries Permit)	☐ Yes ☐ No ☒ N/A
Any other relevant supporting material	☒ Yes ☐ No ☐ N/A

File No: FIL14/00872

26 October 2021

To	David Armstrong
From	Adam Hewitt
Group/Team	Planning & Environment
Subject	DOC21/155664 Review of Environmental Factors - Sarvaas Park Demolition and Construction of Changerooms

Dear David,

After assessing the Review of Environmental Factors (REF) (DOC21/155664). for the proposed works relating to the Melrose Park public amenities building, I am satisfied that adequate steps have been taken to minimise any detrimental environmental impacts associated with these works.

However, in order to satisfy environmental legislative obligations and mitigate environmental impacts, the following conditions must be complied with:

1. All works are to be carried out as indicated in the Review of Environmental Factors with no vegetation to be removed other than the identified tree (*Eucalyptus blakelyi*) and grass/groundcover;
2. All final designs, or amendments to the designs, shall incorporate the mitigation measures outlined in this REF;
3. A Construction Environmental Management Plan (CEMP) is to be prepared and submitted to an Environmental Planner for approval prior to any works commencing. The CEMP shall address all of the mitigation measures included in this REF;
4. The CEMP is to include an Erosion and Sediment Control Plan (ESCP) for the site;
5. As part of the 'site induction' all workers are to be provided access to the CEMP and made aware of the site sensitivities identified in this REF;
6. One tree is approved to be removed. All other trees are to be protected in accordance with Australian Standard AS4970-2009 Protection of trees on development sites.
7. Vehicle and plant/equipment movement is to be limited to avoid disturbance to the minimum necessary. Traffic movement and stockpiling of materials is not to encroach inside of any tree protection zones.

If the scope of works is to change and further vegetation removal is necessary, additional approval will be required.

Adam Hewitt
Environmental Planner

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