CONSULTING PLANNERS

REVIEW OF ENVIRONMENTAL FACTORS

Shell Cove Sporting Fields and Recreation Facilities

Prepared for
Shellharbour City Council

Prepared by
BBC Consulting Planners

24-079-A
REF. F
March 2026

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Document Control Register

The following register documents the preparation and issue of this Review of Environmental Factors ("REF") under Division 5.1 of the *Environmental Planning and Assessment Act 1979* prepared by BBC Consulting Planners on behalf of Shellharbour City Council ("Council").

No	Date	Version	Change since last version	Page
1	12/11/2025	1.0	Draft	All
2	13/03/2026	2.0	Final	All

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Declaration

This Review of Environmental Factors ("REF") has been prepared by BBC Consulting Planners on behalf of Shellharbour City Council ("Council"). The REF is an assessment of potential environmental impacts relating to the implementation of the Shell Cove Sporting Fields and Recreation Facilities project which is one of the nominated major infrastructure projects in the area alongside the continued development of the "Waterfront Shell Cove" residential subdivision, a major coastal master-planned residential, tourist and commercial development. The Sporting Fields and Recreation Facilities project will be comprised of high-quality, versatile, natural turf sports fields, cricket training nets, amenities building, viewing terrace, paths and connections, at grade parking and access, boundary treatments, landscaping, tree planting and associated works located on land situated to the south of Harbour Boulevard and to the north of Bass Point Quarry Road.

Shellharbour City Council is a public authority and a determining authority as defined in the *Environmental Planning & Assessment Act 1979* ("EP&A Act"). The proposal satisfies the definition of an "activity" under the EP&A Act, and as such Council must assess and consider the environmental impacts of the proposal before determining whether to proceed.

This REF has been prepared in accordance with Division 5.1 of the EP&A Act and Section 171 of the *Environmental Planning and Assessment Regulation 2021* ("the Regulation"). It addresses all matters affecting, or likely to affect, the environment as a result of the proposed activity. This REF has been prepared having regard to *Guidelines for Division 5.1 assessments* prepared by Department of Planning Housing and Infrastructure ("DPHI") (June 2022) referred to in Section 170 of the Regulation.

This REF has concluded that the project would not have a significant negative impact on the environment and, therefore, it is considered that no additional environmental assessment is required.

The proposed activity is recommended for approval subject to implementation of mitigation measures to avoid, minimise or manage environmental impacts listed in this REF.

Document Authorisation

Authorised for issue by:

Name: [redacted]

Designation:

Signature:

Date: 13/03/2026

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Certification

I certify that I have reviewed and endorsed the contents of this REF document, and, to the best of my knowledge, it is in accordance with the EP&A Act, the Regulation and the Guidelines approved under Section 170 of the Regulation, and the information it contains is neither false nor misleading.

Certified for issue by:

Name:

Designation:

Signature:

Date: 13/03/2026

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Environmental Review – SCC Environmental Officer	
I have reviewed the document in full and consider the project is unlikely to have significant impact on the environment. The Review of Environmental Factors (REF) has been prepared to thoroughly assess the potential environmental consequences of the works and has addressed, to the fullest extent practicable, all relevant matters that may affect or be affected by the proposed works. *This REF has been completed to the best of my knowledge in accordance with Part 5 of the Environmental Planning and Assessment Act 1979 and Guidelines approved under section 171 of Environmental Planning and Assessment Regulation 2021.*	
Name:	[redacted]
Position:	
Date:	
Signature:	

Environmental Review – SCC Environmental Officer	
I have reviewed the document in full and consider the project is unlikely to have significant impact on the environment. The Review of Environmental Factors (REF) has been prepared to thoroughly assess the potential environmental consequences of the works and has addressed, to the fullest extent practicable, all relevant matters that may affect or be affected by the proposed works. *This REF has been completed to the best of my knowledge in accordance with Part 5 of the Environmental Planning and Assessment Act 1979 and Guidelines approved under section 171 of Environmental Planning and Assessment Regulation 2021.*	
Name:	[redacted]
Position:	

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Date:	[redacted]
Signature:	
Project Approval – SCC Executive Director or Executive Manager	
I have reviewed the document in full and consider the project is unlikely to have significant impact on the environment, I endorse the recommendation – this provides project approval, and the project can proceed.	
Name:	[redacted]
Position:	
Date:	
Signature:	

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1. INTRODUCTION

1.1 Proposed Activity

The proposed Shell Cove Sporting Fields and Recreation Facilities project is located on the southern edge of Shellharbour to the south of Harbour Boulevard and to the north of Bass Point Quarry Road, Shell Cove ("the site"). The site is bounded by Rangoon Avenue (west), a planned employment precinct/ business park (east) and Bass Point Quarry Road (south).

The site forms part of the "Waterfront Shell Cove", a major coastal master-planned residential, commercial and tourist development located within the Shellharbour City Council Local Government Area ("LGA"). The flagship centrepiece of the project is the man-made, in-shore Harbour and its surrounding waterfront precincts including a 270 berth Marina. This unique and high profile project is being delivered by Shellharbour City Council ("Council") and Frasers Property Australia. The Waterfront Shell Cove development is focused on creating a new vibrant town centre, boasting a large supermarket, retail shops, restaurants, food and drink premises, library, community centre, tourist office, hotel accommodation, parklands, promenades and boardwalks hosting public art and play spaces.

To support the growth of Shell Cove, one of the major projects in the Waterfront Shell Cove development is the delivery of the Shell Cove Sporting Fields and Recreation Facilities project located on the southern edge of the town centre. The project will provide a modern and accessible space that caters to the community's needs and will provide a new, high-quality sporting facility and associated recreation facilities for the LGA ("the proposed activity").

The proposed activity will provide greater recreational opportunities for the residents of Shell Cove through the development of a comprehensive sports precinct which will include amenities, car parking, sports fields, walking tracks, comprehensive landscaping and planting, informal play areas, seating and a viewing platform.

The proposed activity will be constructed in two stages.

Stage 1 (Early Works) include:

- Site establishment and bulk earthworks comprising 11,143m^2 of cut, 16,860m^2 of fill and importation of an additional 5,720m^2 of fill to provide a base for the ovals and construction benches for buildings and structures;
- Construction of substation pad and vehicular access (substation only) to finished surface level;
- Construction of above ground and below ground stormwater drainage and erosion and sedimentation control infrastructure;
- Construction of sports fields and cricket pitches to finished surface level including integrated slit drainage and irrigation, including irrigation tank and pump house;
- Construction of 8 metre tall ball-stop fencing and 5 metre chain wire fencing;
- Installation of field light poles and 35 metre flood light poles;

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- Provision of electrical and communication services including substation pits;
- Grass seed sewing to all other areas unaffected by Stage 1 works; and
- Removal, relocation and consolidation of gas leachate risers.

Stage 2 (Main Works) include:

- Construction of carpark, including retaining walls, access paths, driveway and stormwater drainage;
- Construction of amenities building, sports fields retaining walls, footpaths and concrete pads to finished surface level;
- Construction of stairways, sheltered tiered seating and viewing terrace;
- Construction of cricket training nets; and
- Associated site works including minor earthworks, tree planting, lighting, utility services, handrails, and boundary treatments.

1.2 The Waterfront Shell Cove

In 1996, the former Minister for Urban Affairs and Planning, approved DA95/133, which included plans for a boat harbour and marina to be situated south east of the Shellharbour City Centre. This was followed by a Concept Plan Application for the Shell Cove Boat Harbour Precinct (MP07_0027) submitted in February 2010 under Part 3A of the EP&A Act.

The Concept Plan Application requested approval for the development of a 100 hectare area around the Shell Cove Boat Harbour and Marina, known as Shell Cove Boat Harbour Precinct. This development encompasses residential, commercial, and community components, including retail spaces, hotel accommodations, a business park, dry boat storage, open spaces and wetlands.

On 18 March 2019, the Department of Planning Housing and Infrastructure ("DPHI") approved a modification to the concept plan (MP07_0027 MOD 1). The area subject to the Concept Plan (MOD 1) is illustrated in **Figure 1** below. The approval granted consent to the following modifications, including:

- Increasing the maximum number of dwellings to 1,566;
- Revising housing densities and types throughout the site;
- Removing the cap on the residential gross floor area of 150,000m^2;
- Reconfiguring the town centre layout;
- Raising the maximum building heights in certain areas;
- Introducing a maximum building height in meters;

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- Allowing ‘serviced apartments’ and ‘residential accommodation’ as permissible uses within the hotel building;
- Adding 8,280m^2 to the site area;
- Altering the road pattern and layout;
- Replacing landscape moulds around the marina commercial area with acoustic walls; and
- Updating the Statement of Commitments.

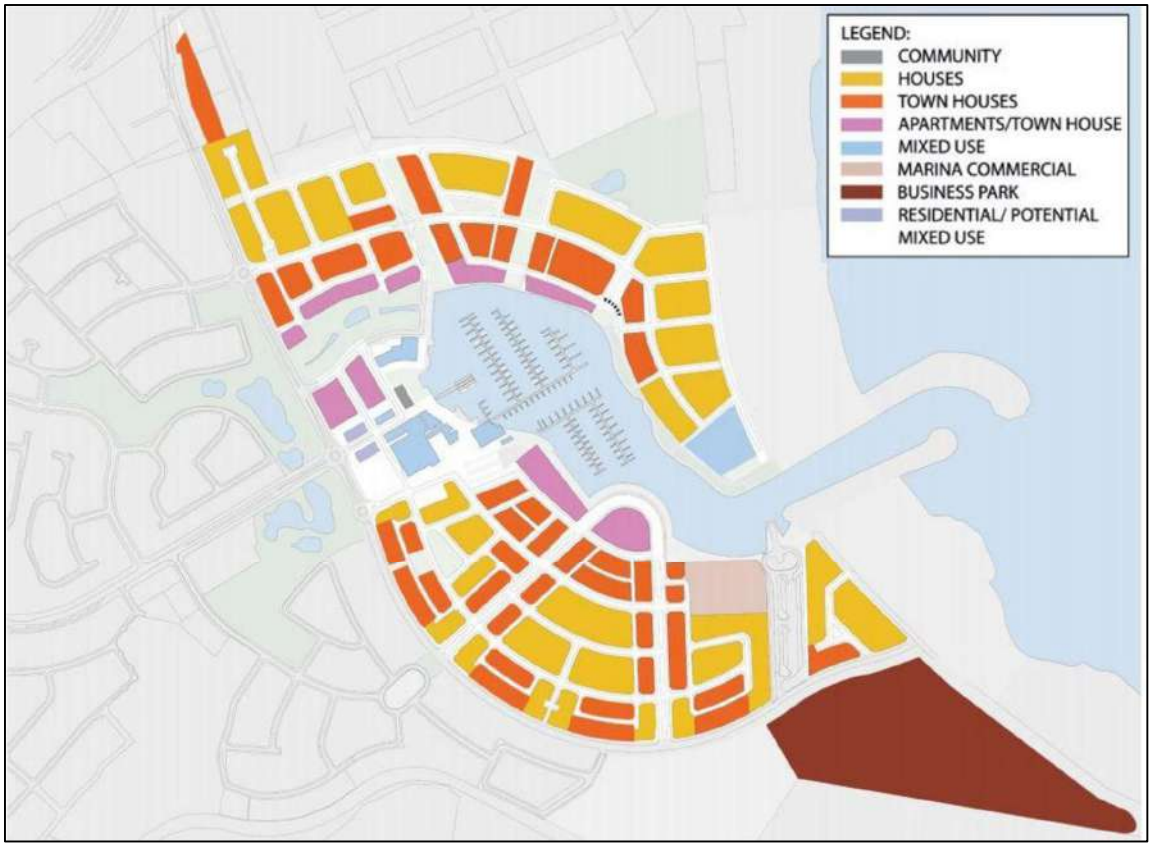

Figure 1: Approved Concept Plan (MOD 1) (Source: *Frasers Property/ Cox Architecture*)

1.3 Purpose of this Report

BBC Consulting Planners has been engaged by Taylor Brammer Landscape Architects (“TBLA”) as the Head Design Consultant (“HDC”) on behalf of Council to undertake this Review of Environmental Factors (“REF”) to investigate the potential environmental impacts associated with the detailed design and implementation of the Shell Cove Sporting Fields and Recreation Facilities project. The purpose of this REF is to:

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- describe the land to which the proposed activity relates;
- describe the characteristics of the surrounding locality;
- define the statutory planning framework within which the proposal is to be assessed and determined;
- describe the proposal;
- assess the proposal in light of any impact of the activity on the environment; and
- identify means to mitigate and manage environmental impacts and risks.

Throughout this assessment, where potential environmental impacts have been identified, these impacts have been analysed, evaluated and appropriate mitigation measures have been developed to minimise the extent of impact.

1.4 Legislative Framework

The site is owned by Shellharbour City Council and is intended for use as public open space and is to be classified as community land eventually managed under the *Local Government Act 1993* ("LG Act"). Council owned land which is classified as "community" land must be managed and kept for the purposes of the community in accordance with the provisions of the LG Act and the *Local Government (General) Regulation 2005* ("LG Regulation"). Council has no power to sell, exchange or otherwise dispose of community land, except for the purpose of enabling that land to become, or be added to, a Crown Reserve or land reserved or dedicated under the *National Parks and Wildlife Act 1974* ("NP&W Act").

Community land must be categorised as either Park, Sportsground, Area of Cultural Significance, Natural Area, or General Community Use. A category assigned to community land, using the guidelines for categorisation in the LG Regulation reflects Council's intentions for future management and use of the land. Shellcove Sporting Fields and Recreation Facilities will be categorised as:

- Sportsground – football fields, cricket pitches, oval and amenities buildings; and
- Park – informal recreation areas and parkland.

1.5 Approval Pathway

This REF has been prepared in accordance with Division 5.1 of Part 5 of the EP&A Act, which requires Council as a self-determining authority, to consider to the fullest extent possible the potential environmental impacts of any proposed activity.

This REF has also been prepared in accordance with sections 170 and 171 of the Regulation which details elements to be considered when assessing the potential impact of an activity on the environment. This includes consideration of the Guidelines for Division 5.1 Assessments made under clause 170 of the Regulation.

The proposed activity may be carried out by, or on behalf of a public authority without consent, on the land owned or controlled by the public authority pursuant to Section 2.73 and Section 2.74 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* ("TI SEPP") as discussed in Section 4 below.

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1.6 Community Consultation

Council engaged with targeted clubs and project stakeholders to gather feedback about the outcomes for the site from November 2023 to March 2024. Community consultation with the allocated club users has been undertaken over the master planning period for the site. The adjoining residents directly impacted by the development have been informed of the project and will be provided a copy of the masterplan as detailed design progresses. The community will be constantly informed throughout the critical milestones of the project.

The Shellharbour Open Space & Recreation Needs Study 2020 engaged in extensive consultation with sporting groups and identified the need to provide AFL pitches, cricket facilities, soccer pitches and an amenities building for multi-purpose sports use.

1.7 Reports and Technical Information

The following list of reports and technical information were relied upon in the preparation of the REF.

Table 01: Reports and Technical Information

Appendix	Title	Prepared by	Date
1	Certificates of Title and Deposited Plans	NSW Land Registry Services	14/08/2024
2	Site Survey Plan	GEO POS	24/07/2020
3	Section 10.7 Certificate	Shellharbour City Council	30/08/2024
4	Geotechnical Investigation	JK Geotechnics	1/08/2025
5	AHIMS Search – 200 metre buffer area	AHIMS Web Services	31/10/2025
6	AHIMS Search – 1km buffer area	AHIMS Web Services	31/10/2025
7	Landscape Plans	Taylor Brammer Landscape Architects	19/09/2025
8A	Civil Plans (Early Works)	Enspire Solutions	10/10/2025
8B	Civil Plans (Main Works)	Enspire Solutions	10/10/2025
9	Architectural Plans (Amenities Building)	Welsh + Major	25/09/2025

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2. THE SITE AND CONTEXT

2.1 Location and Context

2.1.1 Overview

The proposed Shell Cove Sporting Field and Recreation Facility is located on the southern edge of Shellharbour to the south of Harbour Boulevard and to the north of Bass Point Quarry Road, Shell Cove. It is bounded by Rangoon Avenue (west) and a planned employment/ business park precinct to the north east and Bass Point Reserve to the south east (**Figure 2**). The site will be accessible by vehicle via an access handle from Rangoon Avenue and by pedestrians from Harbour Boulevard. The site is bounded by residential dwellings to the north along Harbour Boulevard and west along Rangoon Avenue. The general relationship between the site and the surrounding area is evident from the aerial photographs in **Figure 3**. The surrounding area is largely comprised of recent (in the last 10 years) residential subdivisions within the Shellcove locality (see **Figure 4**).

2.1.2 Surrounding Development

Immediately to the north of the site is Harbour Boulevard, a sweeping road which encloses the newly constructed dwellings in the Waterfront Shell Cove development connecting Shellharbour Road (north west) to Bass Point Tourist Road (south east). Immediately to the east of the site is a quarry stockpile site associated with the Shell Cove Marina development and currently being developed as a business park. To the south of the site on the opposite side of Bass Point Quarry Road is Killalea Regional Park and Bass Point Reserve. To the west of the site are residential dwellings located along Rangoon Avenue (see **Figure 5**).

2.2 Site Characteristics

2.2.1 Real Property Description and Dimensions

The proposed sports fields comprises Lot 9015 in DP1302001 and Lot 9014 in DP1302001 (see **Figure 6**) and is owned by Shellharbour City Council. This site has been the subject of a recent subdivision. A certificate of title and deposited plan for the site is provided in **Appendix 1**. This is a large site with an area of 7.016 hectares, with the proposed sports fields being located at the centre of this lot. A Site Survey is provided in **Appendix 2**.

The site is bounded by Harbour Boulevard to the north, Rangoon Avenue to the west, Bass Point Quarry Road to the south and Bass Point Reserve to the east. The site also adjoins the Shell Cove Business Park currently under construction.

The site is affected by restrictions on the use of land as shown on the certificate of title.

2.2.2 Site Area and Frontages

The site has an area of approximately 7.016 hectares and frontages of approximately 258 metres to Harbour Boulevard, approximately 129 metres to Rangoon Avenue and approximately 326 metres to Bass Point Quarry Road.

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2.2.3 Land Zoning

The site is located in land zoned RE1 Public Recreation pursuant to Shellharbour Local Environmental Plan ("SLEP") 2013 (see **Figure 7**).

2.2.4 Trees and Vegetation

The site currently comprises a large area of vacant land, with a centrally located and partially vegetated landscaped mound sitting atop an existing capped waste cell. The northern boundary of the site is enclosed by a range of low lying shrubs and grasses as well as sporadic tree planting concentrated in the north-eastern corner of the site along the southern side of Harbour Boulevard (see **Figure 3**).

2.2.5 Earthworks

The site has been the subject of earthworks undertaken in accordance with the consent to DA0187/2021 approved on 6 December 2021 ("the earthworks consent"). This includes the cut and fill bulk earthworks on the site with importation of fill from the excavation works associated with other elements of the Waterfront Shell Cove development. The works also include stormwater management infrastructure. The area subject to these works is outside the landfill containment cell. Where spoil placed on the site may have contained Acid Sulfate Soils, such spoil was to be neutralised and validated prior to placement.

The earthworks consent approved works comprising:

- Cut and fill bulk earthworks on the site with importation of fill from the excavation works associated with Concept Plan Approval (MP_0027 MOD1) and DA 95/133
- Total cut volume: 47,858m^3
- Total fill volume: 169,885m^3

The fill material comprises a range of Virgin Excavated Natural Material (VENM), excavated natural material (ENM), actual acid sulphate soils (AASS) and potential acid sulphate soils (PASS) acquired from cut material from the adjacent boat harbour precinct.

The levels of the site will change following completion of the earthworks consent. The site for the purposes of this REF is the site in its condition following completion of the earthworks consent.

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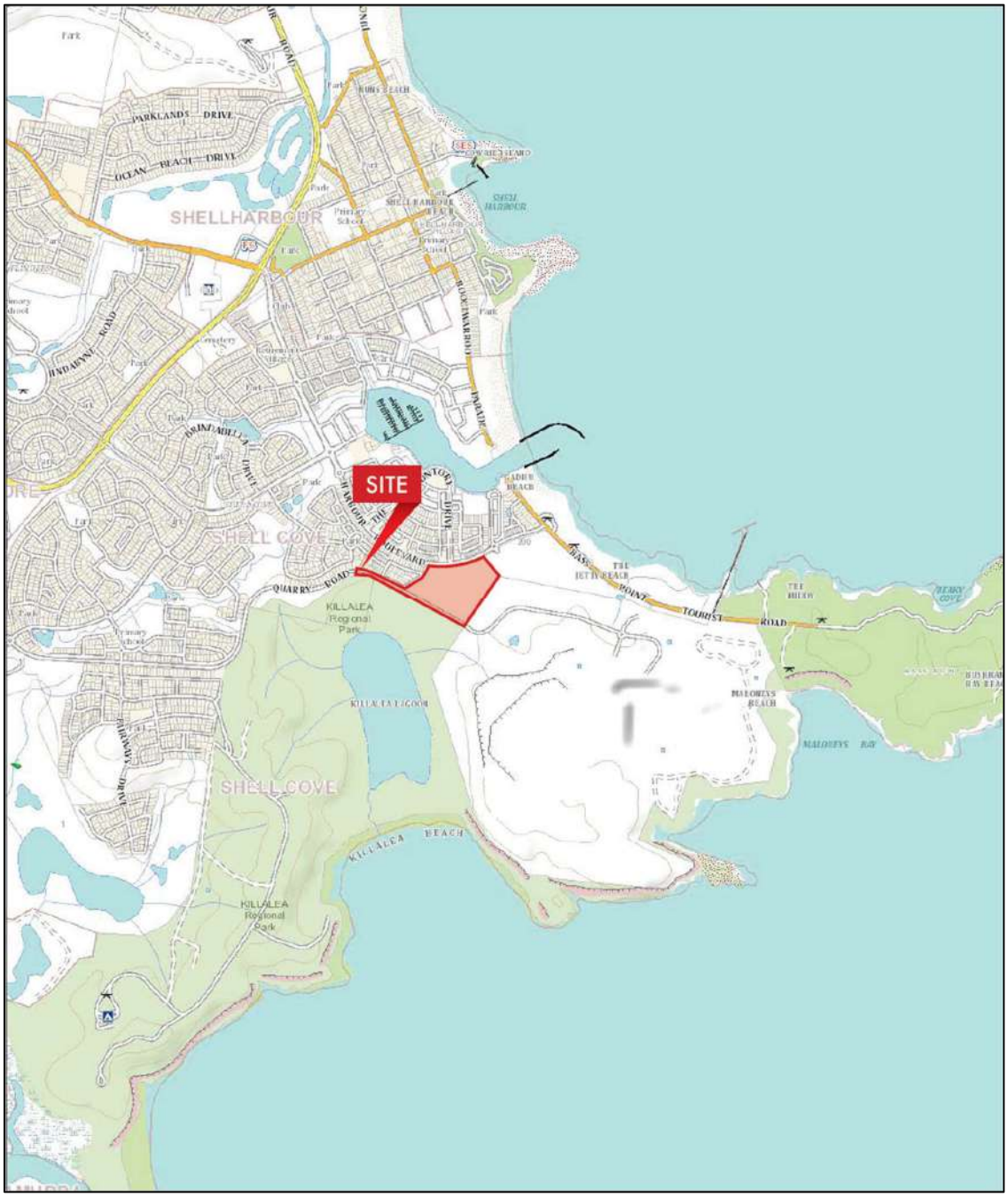

Figure 2: Location (source: *Sixmaps – NSW Explorer*)

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Figure 3: Aerial Image (source: *Nearmap*)

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Figure 4: Aerial Image (source: *Nearmap*)

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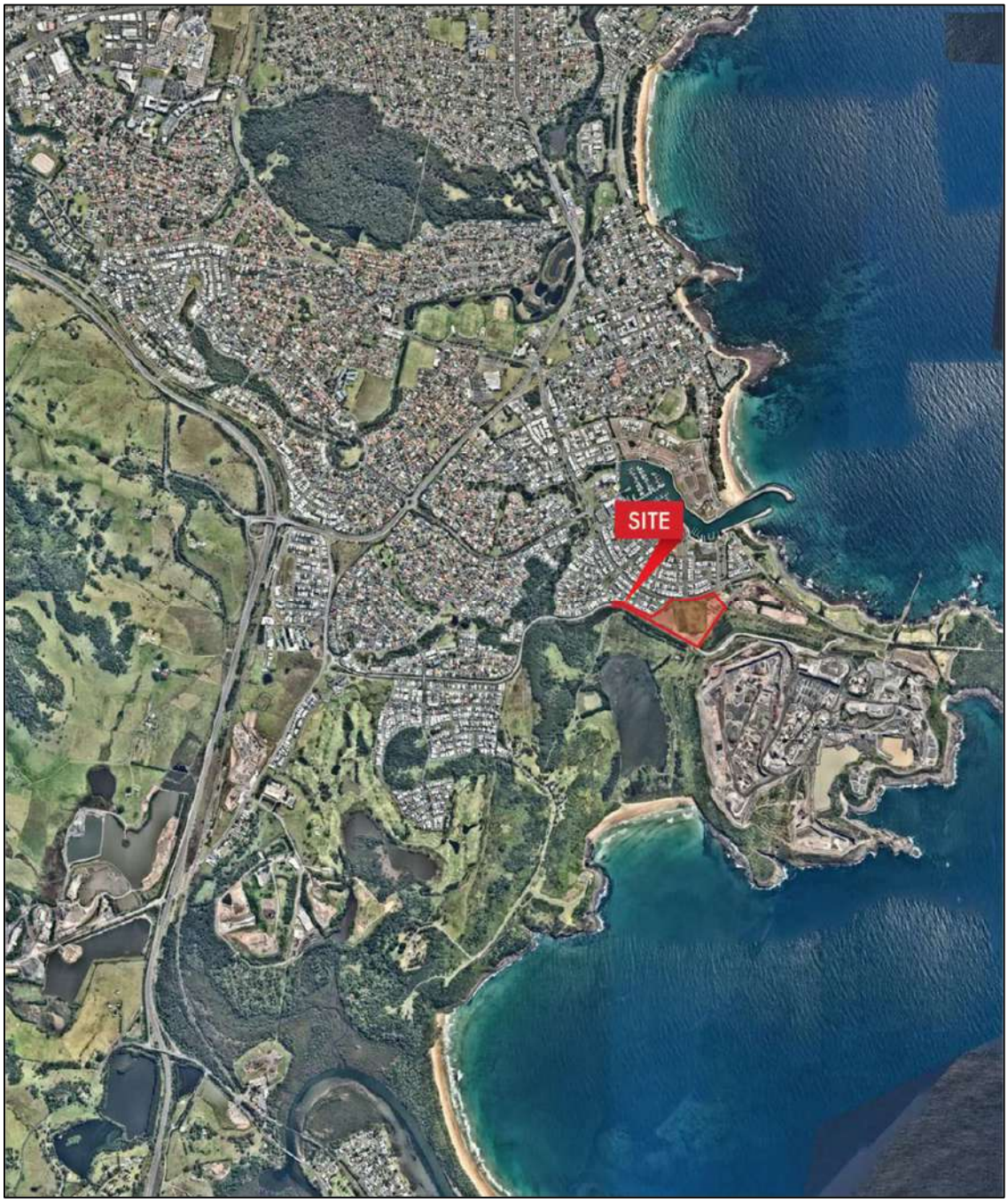

Figure 5: Aerial Image (source: *Nearmap*)

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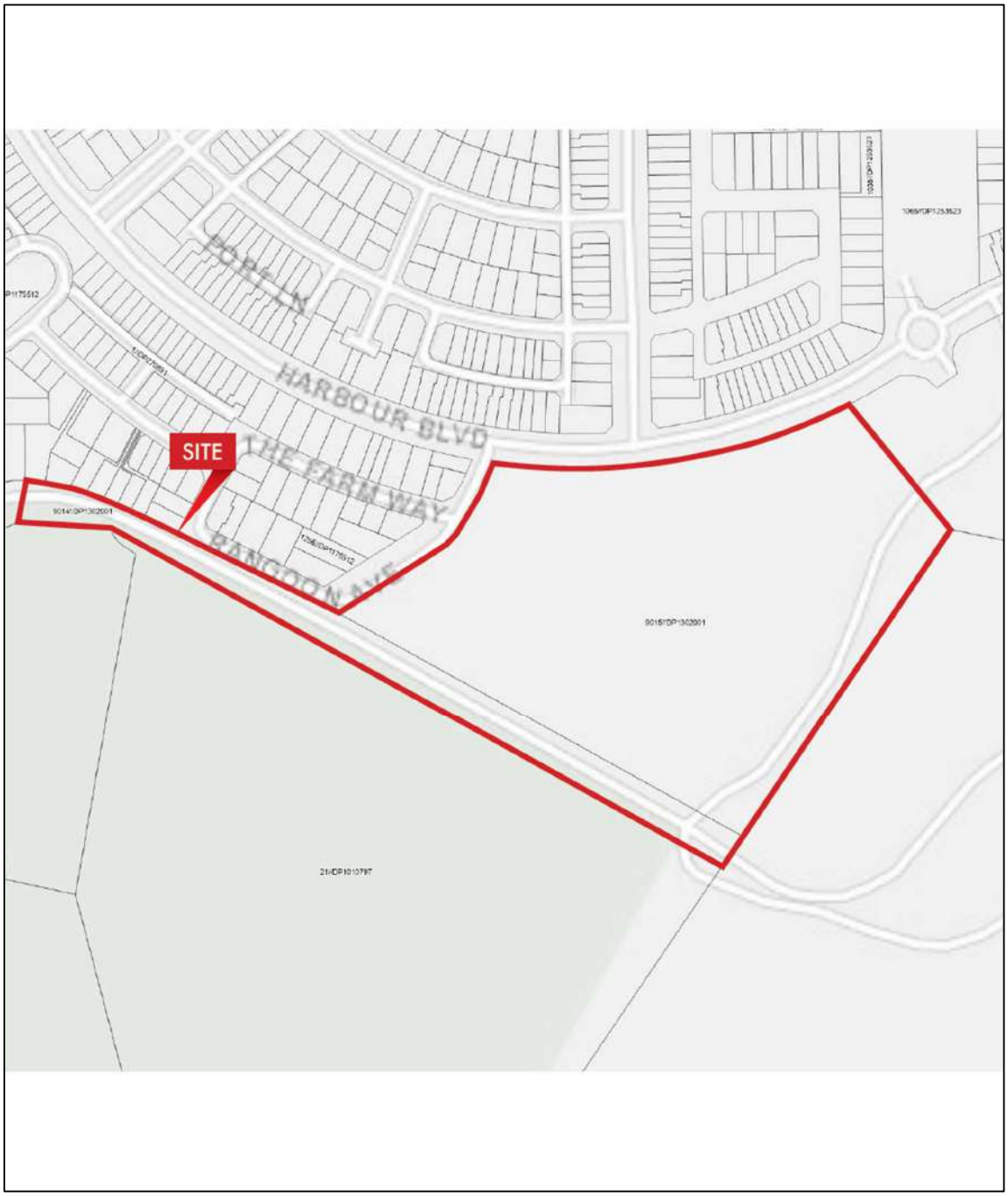

Figure 6: Site (source: *Sixmaps – NSW Explorer*)

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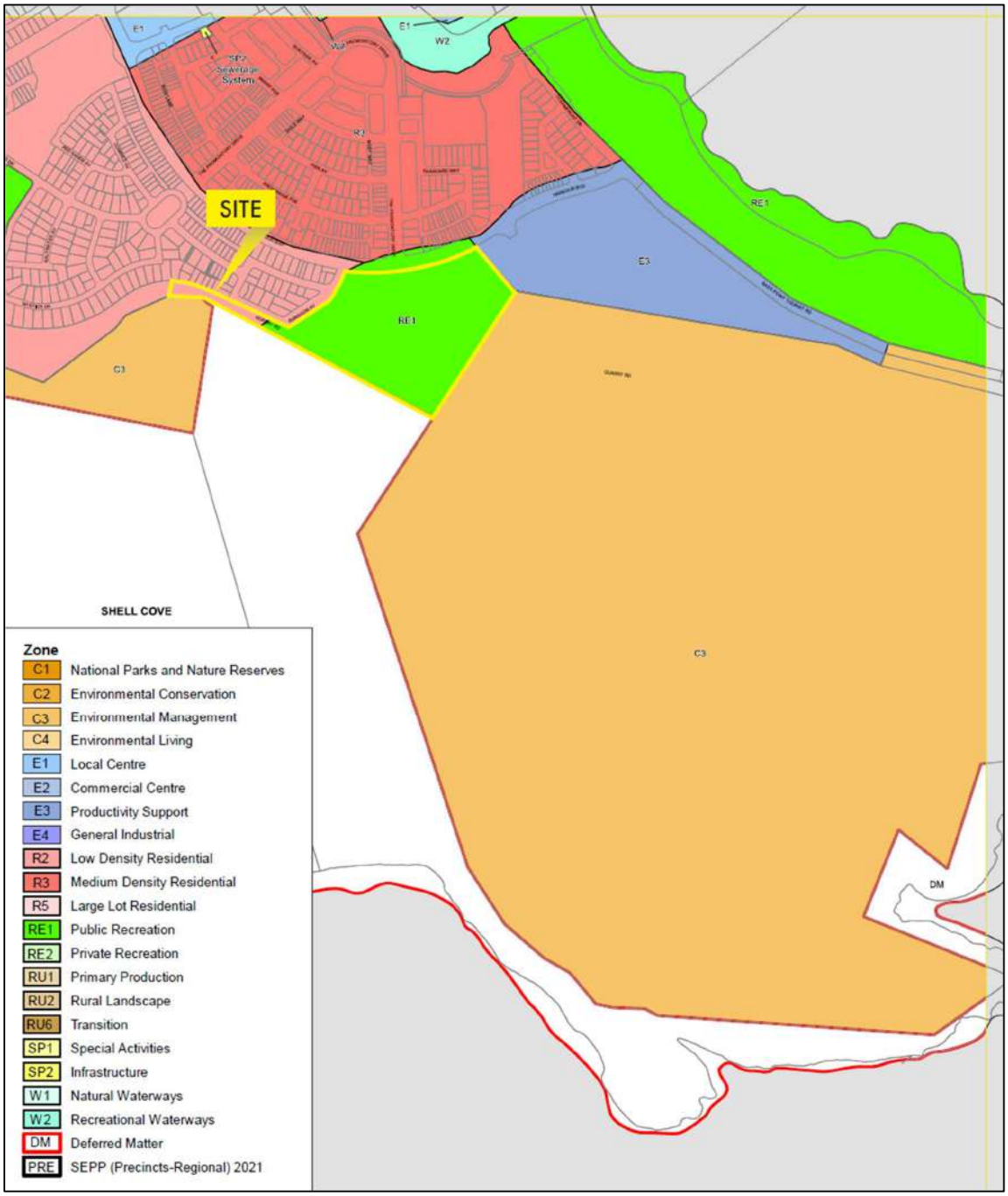

Figure 7: Land Zoning Map (source: *NSW Planning Portal – Spatial Viewer*)

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2.2.6 Landfill Cell

The site sits almost entirely atop a landfill cell approved in June 2004 by way of a Section 96 Modification Application to DA 95/133. The extent of the landfill cell is identified (by orange dashed line) on the Landscape Plans (see **Appendix 7**) and is easily identifiable on the aerial images provided in **Figure 3 – Figure 5**. The original DA for the Waterfront Shell Cove development (DA 95/133) approved the excavation of material from a former Council rubbish tip as part of the construction of the boat harbour and the relocation of contaminated waste to a new containment cell in the Shell Cove site. The landfill cell (see **Figure 8** and **Figure 9** below) occupies an area of approximately 4.5 hectares and, as approved, comprises the following characteristics:

- Roughly triangular in shape with aerial dimensions of approximately 310 metres x 330 metres x 210 metres;
- Central area of 134 metres x 158 metres dedicated to the placement of waste with remaining areas to the south and west comprising clean fill;
- Capacity for 120,000m^3 of waste;
- Dimensions and grades of final surface adequate for end use as playing fields;
- Internal liner surface to slope towards a low point to accommodate a leachate collection sump;
- Waste thickness limited to less than 8 metres to minimise future waste settlements;
- Perimeter berm batters to be no steeper than 3H:1V on internal slopes to facilitate liner construction, and no steeper than 4H:1V on external slopes to promote slope stability;
- Excavation depth limited to 2 metres maximum to avoid excavation of rock (latite);
- Cell maintains physical separation from the Pioneer stockpile mound to immediate south of the QBZ to allow space for construction of a future shallow;
- Excavated clay from the site reused for cell floor and wall linings with a minimum dimension of 900mm;
- Leachate drainage layer of 300mm constructed above the base layer with integrated perforated collection pipes routed to a collection sump and leachate riser pipe;
- Gas drainage layer of a minimum thickness of 200mm;
- Clay sealing layer of minimum thickness of 500mm;
- Infiltration drainage layer of minimum thickness of 200mm;
- Revegetation growth layer of minimum thickness of 500mm to provide for the growth of grass to accommodate future playing fields;
- Grass cap provides for the removal of excess water via plant evapotranspiration, reducing the potential for infiltration and leachate generation; and
- Combined thickness of approximately 1400 mm for entire capping system.

Subsequent modifications to the consent may have changed some of these approved characteristics.

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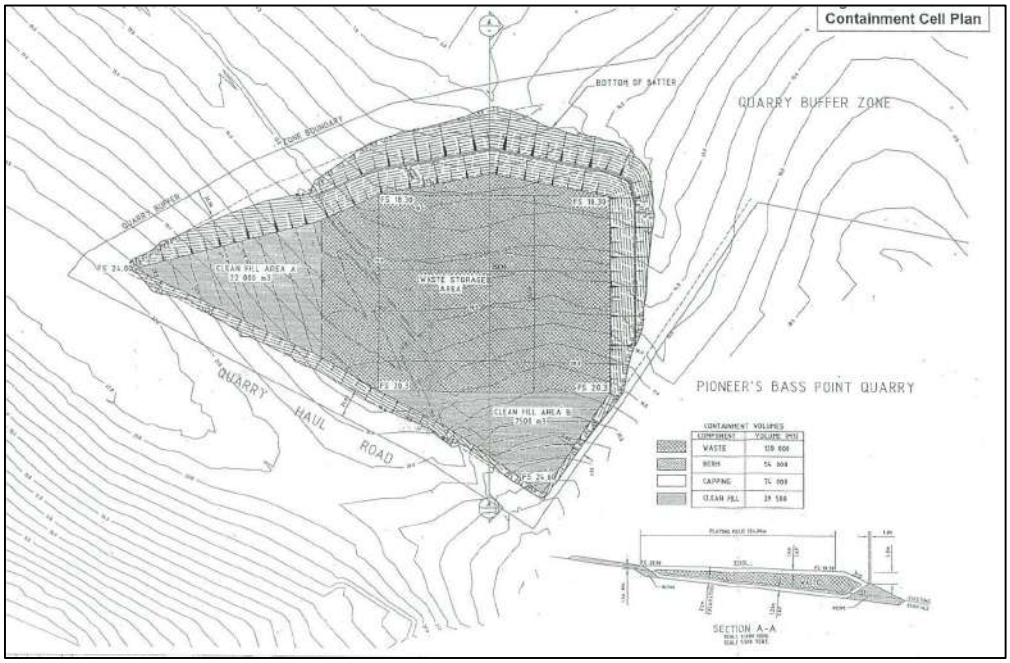

Figure 8: Approved Waste Containment Cell (*Source: Waste Containment Cell Engineering Approach – URS November 2003*)

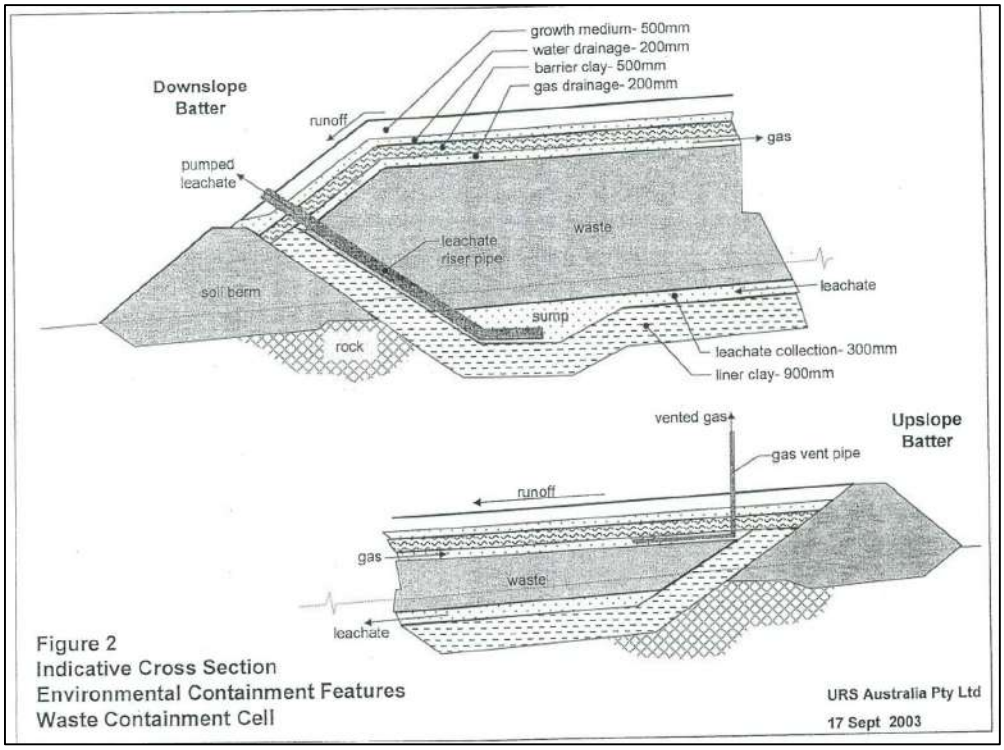

Figure 9: Approved Waste Containment Cell (*Source: Waste Containment Cell Engineering Approach – URS November 2003*)

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2.2.7 Access

The site has a frontage to Bass Point Quarry Road and Harbour Boulevard Road. There is currently no formal pedestrian access to the site. Vehicle access for plant and machinery is currently provided to the south off the site from Bass Point Quarry Road (see **Figure 4**).

2.2.8 Parking

There is no formal vehicle parking on the site. On-street car parking is available on both sides of Harbour Boulevard.

2.2.9 Stormwater Management

The earthworks consent included the construction of stormwater infrastructure in the form of a headwall/culvert and pipe system constructed at the southern edge of the site adjacent to Bass Point Quarry Road. This system connects to a riprap/ vegetated swale system in the north-east corner of the site. The general configuration and location of the existing stormwater system is shown on the Survey Plan (see **Appendix 2**). The site generally slopes (downwards) to the north from Bass Point Quarry Road (RL 17.27 metres AHD) to Harbour Boulevard (RL 9.74 metres AHD).

2.2.10 Flooding

All or part of the land has been identified within the Shell Cove Boat Harbour Flooding Assessment as being below the probable maximum flood level in accordance with the Section 10.7 Certificate (see **Appendix 3**).

2.2.11 Acid Sulfate Soils

The site does not contain any Acid Sulphate Soils ("ASS") affected land.

2.2.12 Contaminated Land

The site contains the Shell Cove waste containment cell which is managed (in perpetuity) by Shellharbour City Council. The cell was created from the remediation of the former Council landfill as part of the Shell Cove boat harbour precinct development. Council's Section 10.7 Certificate indicates that there are no records of the land being significantly contaminated (see **Appendix 3**).

An Unexpected Finds Protocol would be developed and included in the CMP that considers asbestos containing materials and other potential soil contaminants. Procedures for handling asbestos containing materials, including licensed contractor involvement as required, record keeping, site personnel awareness and waste disposal to be undertaken in accordance with WorkCover requirements.

2.2.13 Ground Conditions

A Geotechnical Investigation was undertaken to examine the underlying ground conditions on site (see **Appendix 4**). The investigation compiled data from a number of test pits and boreholes (see **Figure 10**) and revealed a subsurface profile comprising fill and residual soils over latite bedrock. Groundwater seepage was encountered at a moderate depths of 2.6 – 3.95 metres.

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Fill comprising predominately silty clays with varying proportions of sand and gravel, and occasional larger latite inclusions (e.g. cobbles and boulders), was encountered from the ground surface in all boreholes, and extended to depths between 0.5 metres and 4.1 metres. The fill was assessed to be variably compacted. Residual silty clays of medium to high plasticity and stiff to hard strength were encountered below the fill.

Latite bedrock of initially high to very high strength was encountered below the fill in BH7 and below the residual silty clay in BH1, BH5, BH6 and BH8, at varying depths. Within BH7, the latite was of medium strength from 6.90 metres to 7.31 metres depth.

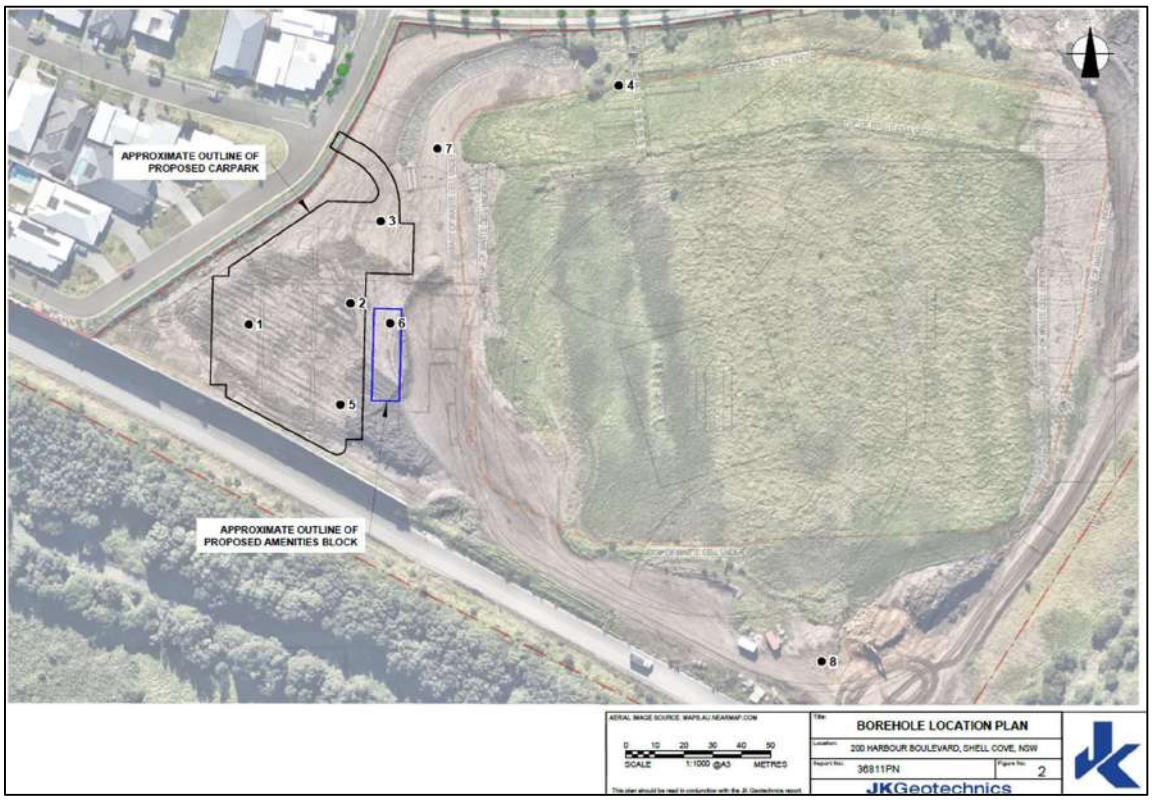

Figure 10: Borehole Location Plan (Source: *JK Geotechnics)*

2.2.14 Heritage

The site is not identified as containing any items of local or state heritage significance. The site is not located within a Heritage Conservation Area ("HCA"). The nearest site of heritage significance is Bass Point Reserve (reference: I056) and US Cities Service Boston Shipwreck Rescue Monument (reference I020) located approximately 1.2km to the east of the site and is a locally listed heritage item pursuant to Schedule 5 of SLEP 2013 (see **Figure 11**). The proposed development will be carefully scaled and will not diminish the heritage values of any heritage item in proximity to the site.

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Figure 11: Heritage Map (site identified in dashed yellow line) (Source: *NSW Planning Portal – Spatial Viewer)*

2.2.15 Aboriginal Heritage

An Aboriginal Heritage Information Management System ("AHIMS") search was undertaken on 31 October 2025 (see **Appendix 5** and **Appendix 6**). Within a radius of 200 metres of the site, there were no aboriginal sites declared (see **Figure 12**). Within a radius of 1km of the site, six (6) aboriginal sites were declared (see **Figure 13**). The potential for aboriginal artefacts and/or sites of historical significance within close proximity to the site is, therefore, very low based on existing spatial data. The four (4) aboriginal sites that were declared are located to the north east and north west of the site within the newly formed Shell Cove Harbour Precinct. Two (2) sites are located in the Killalea Regional Park.

Before carrying out any on-ground work or activity thought must be given to how it might affect Aboriginal sites. For some activities, the NP&W Act requires the exercise of due diligence to see if Aboriginal sites might be harmed by activities. Checking the AHIMS is part of this due diligence.

The site of the proposed works is highly disturbed (as existing) with surfaces graded to suit playing fields use, access and other amenities. As a result, the proposed activity is unlikely to encounter any aboriginal artefacts or sites of significance. However, given the location of proximity sites identified in the AHIMS search, appropriate mitigation measures have been identified.

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Figure 12: AHIMS Search Record – 200 Metre Buffer (source: *AHIMS Web Services)*

Figure 13: AHIMS Search Record – 1km Buffer (source: *AHIMS Web Services)*

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2.3 Site Photos

A selection of site photos is provided below.

Photo 01: View of the western boundary of the site looking north along Rangoon Avenue towards Harbour Boulevard.

Photo 02: View of the northern boundary of the site looking west along Harbour Boulevard towards Rangoon Avenue.

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Photo 03: Internal view from the site looking north towards the intersection of Harbour Boulevard and The Promontory Drive.

Photo 04: Internal view from the site looking east along Harbour Boulevard towards Shell Cove.

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Photo 05: Internal view from the site looking south east towards Bass Point Quarry Road.

Photo 06: Internal view from the site looking north west towards Bass Point Quarry Road. Earthworks are already underway at the site subject to separate approval.

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Photo 07: Internal view from the southern end of the site looking north towards the Waterfront Shell Cove. An existing gas leachate riser associated with the waste cell can be seen on the left on the image.

Photo 08: Internal view from the site looking north west towards Rangoon Avenue. Earthworks and stormwater infrastructure construction activity is underway at the site subject to separate approval.

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3. THE PROPOSAL

3.1 Overview

The prosed activity relates to the development of high quality, multi-purpose sports fields and recreation facilities including amenities building, pedestrian pathways, passive recreation areas, accessible car parking and associated landscaping works (see **Figure 14**).

3.2 Objectives of the Proposal

The intention of the proposed activity is to implement the design documentation prepared by TBLA and other consultants for the Shell Cove Sporting Fields and Recreation Facilities project with the following key objectives underlining the proposed activity:

- Provide new recreational opportunities for the flourishing residential communities of Shell Cove;
- Provide a compliant multi-purpose sports field that caters for local and visiting cricket, soccer and AFL sporting clubs that meets the Australian standards, and guidelines set out by AFL & Cricket Australia;
- Ensure that the proposed works comply with the relevant provisions of the Building Code of Australia ("BCA") and National Construction Code ("NCC");
- Provide a centrally located, accessible sports amenity building that is capable of accommodating AFL, cricket and soccer sports teams of varying ages;
- Set realistic and achievable expectations within the concept design having regard to budgetary limitations and escalation costs in the current market;
- Improve pedestrian connectivity through the site, providing an accessible and pleasant walking environment for all users of the park;
- Ensure high level compliance with Crime Prevention Through Environmental Design ("CPTED") design principles; and
- Provide sufficient on site and accessible car parking to service the site for users and visitors.

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Figure 14: Shell cove Sporting Fields and Recreation Facilities Concept Site Plan (source: *Taylor Brammer Landscape Architects*)

3.3 Summary of Proposed Works

The proposed activity, assessed in this REF will be undertaken in two (2) separate stages identified as Early Works and Main Works on the proposed Landscape Plans (see **Appendix 7**) and the Civil Plans (see **Appendix 8A** and **Appendix 8B**). Architectural plans relating to the proposed amenities building and plaza forecourt are provided in **Appendix 9**.

The two stages are:

Stage 1 (Early Works) include:

- Site establishment and bulk earthworks comprising 11,143m^2 of cut, 16,860m^2 of fill and importation of an additional 5,720m^2 of fill to provide a base for the ovals and construction benches for buildings and structures;

- Construction of substation pad and vehicular access (substation only) to finished surface level;

- Construction of above ground and below ground stormwater drainage and erosion and sedimentation control infrastructure;

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- Construction of sports fields and cricket pitches to finished surface level including integrated slit drainage and irrigation, including irrigation tank and pump house;
- Construction of 8 metre tall ball-stop fencing and 5 metre chain wire fencing;
- Installation of field light poles and 35 metre flood light poles;
- Provision of electrical and communication services including substation pits;
- Grass seed sewing to all other areas unaffected by Stage 1 works; and
- Removal, relocation and consolidation of gas leachate risers.

Stage 2 (Main Works) include:

- Construction of carpark, including retaining walls, access paths, driveway and stormwater drainage;
- Construction of amenities building, sports fields retaining walls, footpaths and concrete pads to finished surface level;
- Construction of stairways, sheltered tiered seating and viewing terrace;
- Construction of cricket training nets; and
- Associated site works including minor earthworks, tree planting, lighting, utility services, handrails, and boundary treatments.

A detailed schedule of the proposed works is provided in **Table 02** below:

Table 02: Schedule of Proposed Works

Area	Key Elements
Playing Fields	
Multi-purpose Playing Field	- Multi-purpose natural turf - AFL pitch - Cricket wicket and oval - Viewing terrace - Auskick mini AFL field (110 metres x 60 metres) - Picket fence to perimeter of playing area with multiple access points - Associated 8 metre high ball stop fencing with integrated sight screens to Cricket NSW guidelines
Cricket nets	- Cricket practice nets to the south of the playing fields.
Amenities Building	
	- A fully functioning amenities building with changing rooms for men and women and associated toilet and storage facilities including canteen and meeting room opening to a plaza area. - The amenities building will be single storey construction.

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Area	Key Elements
Viewing terraces	
	- A viewing terrace on the northern side of the sports fields - Tiered seating to the south east of the sports fields.
Access and Parking	
Vehicle Access and Car Park	- Car parking area with approximately 80 spaces accessed from Rangoon Avenue. - Pedestrian pathways.
Pedestrian / cycle Access	- Footpaths to the perimeter of the park and within the park including accessible paths from Rangoon Avenue and Harbour Boulevard.
General Construction, Engineering and Demolition	
Demolition	- Nil
Earthworks	- Bulk earthworks are proposed as part of these works construct the sporting fields.
Stormwater	- Stormwater drainage measures will be incorporated into the design to collect and manage runoff from buildings, car parking areas and other hard standing areas as required. This will include water quantity and water quality controls.
Electrical Works	- New electrical substation and access via Rangoon Avenue. - Electrical services will be provided to the site. - Pole mounted flood lighting to the permitter of the playing fields. - Task lighting as required.
Waste Management	- Waste receptacles will be provided in the vicinity of publicly accessible areas.
Fencing	
	- Existing acoustic screen along the northern side of Bass Point Quarry Road to be retained. - New chain wire fencing to be provided in addition to ballstop fencing and picket fencing as shown on the landscape drawings.
Landscaping	
	- Screen and buffer planting within car parking area and around the site as shown on the landscape drawings.
Landfill Cell Management	
	- The existing gas vents will be consolidated into one vent and located to the south east of the site - Existing leachate tank and pump equipment will be retained and protected with access provided for maintenance. - Cell capping layer will be retained and protected. - Monitoring points will be retained and adjusted as required.

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3.4 Construction Management and Staging

Project staging will generally be carried out in accordance with the Staging Plan in **Appendix 8A**. Two stages are proposed identified as “Early Works” and “Main Works”.

The project stages are to be undertaken in accordance with a detailed construction management plan (“CMP”) developed and endorsed by Council prior to the commencement of works on the site.

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4. STATUTORY REQUIREMENTS

4.1 Environmental Planning and Assessment Act 1979

The EP&A Act establishes the legislative system for environmental planning and assessment in NSW. Part 5 of the EP&A Act specifies the environmental impact assessment requirements for activities which are permissible without development consent and, therefore, do not require an approval under Part 4 of the EP&A Act.

Section 5.5 of the EP&A Act states:

> *"**5.5 Duty to consider environmental impact***
>
> *(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.***
>
> *(2) (Repealed)*
>
> *(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.*
>
> *(4) (Repealed)"* (**Our emphasis**).

For the purposes of Section 5.5(3), there are no wilderness areas in the locality of the proposed Shell Cove sports fields.

Accordingly, a REF is to be prepared in consideration of the activity's impact. Consideration must also be given to the factors listed under sections 170 and 171 of the Regulation.

A determining authority shall not carry out an activity or grant an approval in relation to an activity that is likely to significantly affect the environment, or a prescribed activity unless an environmental impact statement in respect of the activity has been examined and considered.

Under the EP&A Act, "determining authority" means:

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

"Proponent" in relation to an activity is defined in the EP&A Act as:

> "*the person proposing to carry out the activity, and includes any person taken to be the proponent of the activity by virtue of section 5.3*."

As such, the proponent of the proposal, Shellharbour City Council, is the determining authority for the works.

Section 5.7 of the EP&A Act provides that a determining authority shall not carry out an activity or grant an approval in relation to an activity that is likely to significantly affect the environment, or a prescribed activity unless an environmental impact statement in respect of the activity has been obtained, examined and considered in accordance with the EP&A Act and the Regulation.

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4.2 Environmental Planning and Assessment Regulation 2021

Section 170 of the Regulation provides that the Planning Secretary may issue guidelines in relation to:

(a) the factors to be taken into account by a determining authority when considering the likely impact of an activity (the environmental factors); and

(b) the form of the document required to be prepared by a determining authority under section 171.

Guidelines for Division 5.1 assessments ("Guidelines") were prepared by DPHI in June 2022 and have guided the preparation of this REF.

Section 171 of the Regulation prescribes the factors which must be considered when determining if an activity is likely to have a significant impact on the environment. Section 171 relevantly states:

"171 Review of environmental factors—the Act, s 5.10(a)

(1) When considering the likely impact of an activity on the environment, the determining authority must take into account the environmental factors specified in the environmental factors guidelines that apply to the activity.

(2) If there are no environmental factors guidelines in force, the determining authority must take into account the following environmental factors—

(a) the environmental impact on the community,

(b) the transformation of the locality,

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

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

(e) the effects on any locality, place or building that has—

(i) aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or

(ii) other special value for present or future generations,

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

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

(h) long-term effects on the environment,

(i) degradation of the quality of the environment,

(j) risk to the safety of the environment,

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

(l) pollution of the environment,

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

(n) increased demands on natural or other resources that are, or are likely to become, in short supply,

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

(p) the impact on coastal processes and coastal hazards, including those under projected climate change conditions,

(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,

(r) other relevant environmental factors.

(3) A determining authority must prepare a review of the environmental factors that demonstrates how the environmental factors specified in the environmental factors guidelines, or the environmental factors specified in subsection (2) if no guidelines are in force, were taken into account when considering the likely impact of an activity."

The Guidelines referred to in Section 171(1) include matters to be considered in relation to the likely impact of an activity on the environment. These are the same matters as referred to in Section 171(2).

Section 5 of this REF provides an assessment of the environmental impacts of the proposal. The factors prescribed in sections 171 of the Regulation and described in the Guidelines are considered in Section 6 of this REF.

4.3 Biodiversity Conservation Act 2016

Part 7 of the *Biodiversity Conservation Act 2016* ("BC Act") contains provisions for biodiversity assessment under the EP&A Act and requires consideration of whether development is likely to significantly affect threatened species or ecological communities, or their habitats.

Section 7.8 of the BC Act applies to environmental assessment under Part 5 of the EP&A Act and states that an activity is to be regarded as an activity likely to significantly affect the environment if it is likely to significantly affect threatened species.

The site is located on land adjacent to the north-eastern boundary of Killalea Regional Park, parts of which are mapped as containing biodiversity values (see **Figure 15** below). No part of the site is mapped as containing biodiversity values.

As stated in Section 7.2(1) of the BC Act, an activity is likely to significantly affect threatened species if—

*"**7.2 Development or activity "likely to significantly affect threatened species"***

*(1) For the purposes of this Part, development or an activity is **likely to significantly affect threatened species** if—*

(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or

(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or

(c) it is carried out in a declared area of outstanding biodiversity value."

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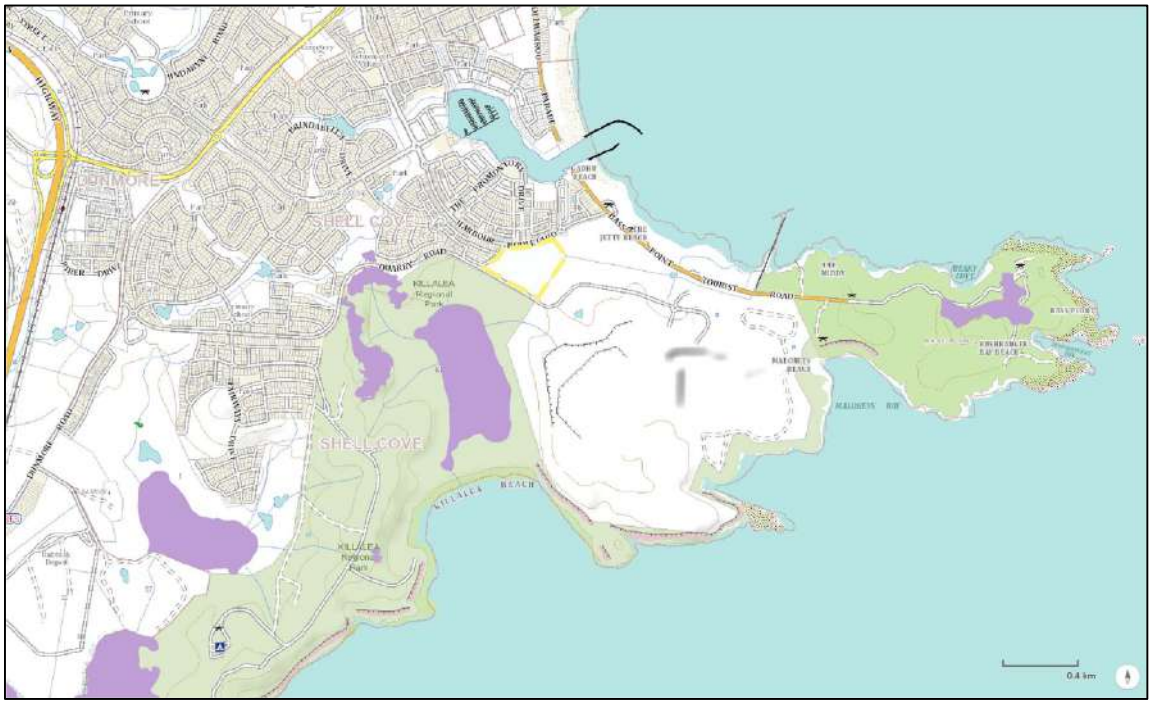

Figure 15: Biodiversity Values Map (source: *NSW Planning Portal – Spatial Viewer*)

As stated in Section 7.2(1) of the BC Act, an activity is likely to significantly affect threatened species if—

> *"**7.2 Development or activity "likely to significantly affect threatened species"***
>
> *(1) For the purposes of this Part, development or an activity is **likely to significantly affect threatened species** if—*
>
> *(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
>
> *(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
>
> *(c) it is carried out in a declared area of outstanding biodiversity value."* (**Our emphasis**).

However, Section 7.2(2) states that subsection (b) above does not apply to development that is an activity subject to environmental impact assessment under Part 5 of the EP&A Act.

Section 7.3 of the BC Act states:

> ***"7.3 Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats***
>
> *(1) The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats—*
>
> *(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

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(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

(c) in relation to the habitat of a threatened species or ecological community—

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

(2) The Minister may, by order published in the Gazette with the concurrence of the Minister for Planning, issue guidelines relating to the determination of whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats. Any such guidelines may include consideration of the implementation of strategies under the Biodiversity Conservation Program." (**Our emphasis**).

The site has been the subject of disturbance resulting from the establishment of the landfill containment cell and more recently earthworks associated with the Shell Cove Business Park development and other developments in the Shell Cove area. Vegetation on the site comprises planted grasses on the containment cell and adjoining area maintained by slashing. Shrubs have regrown along site boundaries (see **Figure 3 – Figure 5**).

The areas of land in Killalea Regional Park identified as Biodiversity Value land pursuant to the BC Act are located approximately 180 metres to the southwest of the boundary of the site (see **Figure 15**). A BioNet species sighting search was undertaken, it identified three (3) recorded species including Eastern Dwarf Tree Frog (Litoria Fallax) in May 2022; short beaked echidna (Tachglossus aculeatus) in June 2006 and Common Eastern Froglet (Crinia Signifera) in 2022. The only threatened species recorded on Killalea Regional Park was a Square Tailed Kite (Lophoictnia Isura) in August 2018 and some 600 metres to the south of the site.

In accordance with the tests for determining whether a proposed development activity is likely to affect threatened species or ecological communities as set out in Section 7.3 of the BC Act, it can be reasonably concluded that the proposed development works and ongoing use of the Shell Cove sports fields will have a negligible impact on threatened species, their habitats and endangered ecological communities.

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4.4 State Environmental Planning Policies

4.4.1 State Environmental Planning Policy (Transport and Infrastructure) 2021

The aim of *State Environmental Planning Policy (Transport and Infrastructure) 2021* ("TI SEPP") is to facilitate the effective delivery of infrastructure across the state by improving greater regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services.

Development Permitted without Consent

Section 2.73 of TI SEPP identifies development that is permitted without development consent. Section 2.73(3) states:

> *"**2.73 Development permitted without consent***
>
> *(3) Any of the following development may be carried out by or on behalf of a public authority without consent on land owned or controlled by the public authority—*
>
> *(a) development for any of the following purposes—*
>
> *(i) **roads, pedestrian pathways**, cycleways, single storey car parks, ticketing facilities, **viewing platforms** and pedestrian bridges,*
>
> *(ii) **recreation areas and recreation facilities (outdoor), but not including grandstands,***
>
> *(iii) visitor information centres, **information boards** and other information facilities,*
>
> *(iv) **lighting**, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard,*
>
> *(v) **landscaping, including landscape structures or features (such as art work) and irrigation systems,***
>
> *(vi) **amenities for people using the reserve, including toilets and change rooms**,*
>
> *(vii) **food preparation and related facilities for people using the reserve**,*
>
> *(viii) maintenance depots,*
>
> *(ix) portable lifeguard towers,*
>
> *(b) environmental management works,*
>
> *(c) demolition of buildings (other than any building that is, or is part of, a State or local heritage item or is within a heritage conservation area)."* (**Our emphasis**).

Exempt Development

Section 2.74 of TI SEPP identifies certain development that can be undertaken as exempt development if it meets the general requirements for exempt development specified in Section 2.20 of the TI SEPP. Section 2.74 states:

> *"(1) Development for any of the following purposes that is carried out in the prescribed circumstances is exempt development—*
>
> *(a) construction or maintenance of—*

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(i) ***walking tracks, raised walking paths (including boardwalks), ramps, stairways or gates****, or*

(ii) bicycle-related storage facilities, including bicycle racks and other bicycle parking facilities (except for bicycle paths), or

(iii) ***handrail barriers or vehicle barriers****, or*

(iv) ticketing machines or park entry booths, or

(v) ***viewing platforms with an area not exceeding 100m2****, or*

(vi) sporting facilities, including goal posts, sight screens and fences, if the visual impact of the development on surrounding land uses is minimal, or

(vii) play equipment if adequate safety measures (including soft landing surfaces) are provided and, in the case of the construction of such equipment, so long as the equipment is situated at least 1.2m away from any fence, or

(viii) ***seats, picnic tables, barbecues, bins (including frames and screening), shelters or shade structures, or***

(ix) portable lifeguard towers if the footprint of the tower covers an area no greater than 20 square metres, or

(x) temporary structures,

(b) routine maintenance of playing fields and other infrastructure, including landscaping,

(c) routine maintenance of roads that provide access to or within those playing fields, including landscaping,

(d) environmental management works.

(2) Development is carried out in the prescribed circumstances if the development is carried out—

(c) on land owned or controlled by a public authority by or on behalf of the public authority, or

(3) Development is exempt development under this section only if the development—

(a) complies with section 2.20, and

(b) involves no greater disturbance of native vegetation than necessary, and

(c) does not result in an increase in stormwater run-off or erosion.

(**Our emphasis**)

Section 2.21 of TI SEPP provides that certain development can be undertaken as exempt development, being development that does not require any form of approval under Part 4 or Part 5 of the EP&A Act. Development carried out by, or on behalf of a public authority, that meets the general requirements for exempt development in section 2.20 of TI SEPP, is specified in Schedule 1 of TI SEPP (see **Table 03** below) and meets the development standards also specified in Schedule 1 is considered to be exempt development and requires no further form of approval under the EP&A Act.

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Table 03: Schedule 1 Exempt Development – Chapter 2 – Transport and Infrastructure SEPP 2021

Development Purpose	Development Standards
General Provisions	
Access ramps for persons with a disability	• Ramps must provide access to public transport, outdoor recreational areas or the ground floor of buildings or car parks. • Grade must not exceed 1:14 and must comply with AS 1428.1–2001, Design for access and mobility—General requirements for access—New building work. • Ramp structures must not create a traffic or pedestrian hazard or be part of a State or local heritage item.
Air conditioning units	• Must have a Minimum Energy Performance Standard consistent with AS/NZS 3823.2:2013*, Performance of electrical appliances—Airconditioners and heat pumps, Part 2: Energy labelling and minimum energy performance standards (MEPS) requirements*. • Noise level must not exceed 5dB(A) above ambient background noise level measured at property boundary.
Awnings, canopies, pergolas and storm blinds	• Surface area must not exceed 20m^2. • Height must not exceed 2.4m above ground level (existing). • Must maintain all required boundary setbacks for the associated building and no part of structure must be within 900mm of any property boundary.
Building external alterations including re-cladding roofs or walls	• Must involve only repair or renovation, or painting, plastering or other decoration, of building. • Must not result in enlargement or extension of building or increase in load-bearing capacity of any load-bearing component of building. • Must not involve the use of external combustible cladding within the meaning of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. • Any re-cladding must— I. not involve structural alterations, and II. involve only replacing existing materials with similar materials unless the use of those materials is a breach of these development standards.
Building internal alterations	• Must be non-structural alterations to existing building only, such as— I. replacement of doors, wall, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials, or II. inclusion of built-in fixtures. • Must not affect load-bearing capacity of any load-bearing component of building.
Bush regeneration works	• May involve the installation of temporary fencing. • Must not involve— (a) the creation of access tracks, or (b) the use of machinery, or (c) works involving significant soil disturbance.
Car parks—at grade car parks only	• Must be open (unenclosed) car parking (but may include associated gates including security booths and boom gates). • Must not be carried out on land within a growth centre (within the meaning of State Environmental Planning Policy (Sydney Region Growth Centres) 2006) that is not

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	subject land within the meaning of clause 17 of Schedule 7 to the Threatened Species Conservation Act 1995. • Must not exceed 200 spaces for a site with access to any road or 50 spaces for a site with access to a classified road or to a road that connects to a classified road (if the access is within 90m of that connection, measured along the alignment of the connecting road).
Carports associated with an existing building	• Floor area must not exceed 36m2. • Height must not exceed 3.5m above ground level (existing) and external wall height must not exceed 3m above ground level (existing). • Must be located behind any relevant building setback. • Must be no part of structure within 500mm of any side or rear boundary. • Stormwater drainage or run-off must be via connection to existing stormwater system.
Decks (unroofed and attached to a building that is not located on bush fire prone land)	• Surface area must not exceed 10m2. • Finished surface level must not be more than 1m above ground level (existing). • Boundary setbacks for existing building to be maintained.
Demolition of buildings or structures (including sheds, kiosks, ceilings, partitions, stairs, ducts, fencing, flagpoles and advertising structures) the erection of which is exempt development under Chapter 2	• Building or structure must not be a heritage item or within a heritage conservation area. • Must be carried out in accordance with AS 2601—2001, *Demolition of structures* and must not cover an area of more than 250m^2.
Fences—erection of security fences	• Must be on land owned or controlled by a public authority. • Height must not exceed 3m above ground level (existing).
Fences (other than security fences or fences covered by the *Swimming Pools Act 1992*)	• Must be constructed so as not to prevent natural flow of stormwater drainage or run-off. • Height of boundary fence must not exceed 1.8m above ground level (existing) if behind front building line, or 1.2m if forward of that line, in any of the following land use zones or a land use zone that is equivalent to any of those zones— (i) Zone R1 General Residential, (ii) Zone R2 Low Density Residential, (iii) Zone R3 Medium Density Residential, (iv) Zone R4 High Density Residential, (v) Zone R5 Large Lot Residential, (vi) Zone RU5 Village. • Must not include masonry construction to a height of more than 900mm above ground level (existing).
Fire fighting emergency equipment—construction or maintenance of emergency equipment including replacement or augmentation of fire systems and fire water tanks	
Flagpoles	• Height must not exceed 6m above ground level (existing) or above an existing building. • Must not display commercial advertising.

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	• Flagpole structure and any attached flag must not project over public road.
Hoardings to restrict unauthorised entry to construction sites—erection in conjunction with erection or demolition of, or carrying out of alterations or additions to, a building or carrying out of maintenance (for which, in each case, any required consent has been obtained)	• Must be in accordance with AS 4687—2007*, Temporary fencing and hoardings*. • Must not encroach onto footpath or public thoroughfare. • Must be removed immediately on completion of work if removal will not give rise to safety risk.
Investigations (including geotechnical and other testing, surveying and the placement of survey marks, and sampling) relating to proposed development or for the purposes of system development or determining the safety or condition of infrastructure	• Must not involve any greater disturbance of the ground or vegetation than is necessary. • Must not result in an increase in stormwater drainage or run-off from the site concerned.
Landscaping (including paving and turfing and access tracks) carried out in conjunction with other development which is exempt under Chapter 2	
Lighting—construction or maintenance	• Construction and maintenance of external lighting if light spill is contained within site and in accordance with AS 4282–1997*, Control of the obtrusive effects of outdoor lighting*. • Construction and maintenance of lighting at or in vicinity of air transport facilities if consistent with *Manual of Standards (MOS)—Part 139—Aerodromes* published by the Civil Aviation Safety Authority (established under *Civil Aviation Act 1988* of the Commonwealth).
Offices—portable	• Height must not exceed 1 storey. • Setbacks must be in accordance with any applicable setback provisions of development control plan applying to site. • Must not be carried out on land within a growth centre (within the meaning of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*) that is not ***subject land*** within the meaning of clause 17 of Schedule 7 to the *Threatened Species Conservation Act 1995*.
Rainwater and bore water tanks	• Height (including any stand) must not exceed 2.4m above ground level (existing). • No part of structure must be within 450mm of any property boundary or situated no closer to street than any associated building. • Rainwater tank must be fitted with first-flush device that causes initial run-off of any rain to bypass tank to reduce pollutants entering tank. • Installation must not involve excavation of more than 1m from ground level (existing), or filling of more than 1m above ground level (existing). • Must not be installed over any structure or fittings used by public authority to maintain water or sewer main. • Must be sign affixed to tank, clearly stating that water in tank is rainwater or bore water (as appropriate).
Retaining walls	• Must not provide for retaining of fill to height above ground level (existing) of more than 2m or excavation to depth below ground level (existing) of more than 1m. • Must not prevent the natural flow of stormwater drainage/run-off.
Scaffolding—erection in conjunction with erection or demolition of, or carrying out of alterations or additions to, a	• Must not encroach onto footpath or public thoroughfare. • Temporary fencing must be provided to restrict unauthorised access to site if scaffolding is within 3m of any boundary.

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building or carrying out of maintenance (for which, in each case, any required consent has been obtained)	• Must be in accordance with AS/NZS 1576.1:2010, *Scaffolding, Part 1: General Requirements*. • Must be removed immediately on completion of work if removal will not give rise to safety risk.
Security cameras—installation for security purposes	
Sheds	• Must be free-standing, prefabricated and constructed of non-reflective materials. • Development must not result in shed with a total floor area exceeding 30m^2. • Height must not exceed 2.5m above ground level (existing). • Must be located in rear of infrastructure facility.
Skylight or roof windows	• Area of skylight must not exceed 2m2. • Must not be located within 900mm of any property boundary or within 900mm of any wall separating attached dwellings. • Work must not reduce structural integrity of building or involve structural alterations.
General Provisions: Signs	
Existing signs—maintenance, replacement or change in display if existing sign is exempt under Chapter 2	• Must not involve a change in area, form or shape.
Identification, directional, community information or safety signs but not including roof-top signs or commercial advertising or signs associated with the use of road infrastructure (including signs associated with level crossings)	• Surface area must not exceed 3.5m^2. • Must be located wholly within property boundary or be attached to existing boundary fence and not projecting more than 100mm from fence. • Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, *Control of the obtrusive effects of outdoor lighting*
Identification, directional, community information or safety signs associated with the use of road infrastructure	• Must be consistent with road safety policies and guidelines on outdoor advertising approved by the Planning Secretary for the purpose of this provision and published in the Gazette.
Temporary signs advertising an event and associated relevant details including sponsorship of the event	• Surface area must not exceed 3.5m^2. • Must be located wholly within property boundary. • Must not be displayed earlier than 28 days before event and must be removed within 14 days after event. • Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997 *Control of the obtrusive effects of outdoor lighting*.
General Provisions: Subdivision	
Boundaries—adjustment to the boundary of a lot (including to widen a public road or create a public reserve)	• Must not result in— (i) creation of any additional lot or legal right to erect dwelling, or (ii) creation of lot that depends on use of services provided to, or utilities of, another lot, or (iii) change in area of any lot by more than 10 per cent, or (iv) increased bush fire risk to existing buildings.

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Planning Approval Pathway

Based on the relevant sections of TI SEPP as identified above, the proposed works are either exempt development or development that is permissible without consent. Exempt development does not require approval or assessment under Part 4 or Part 5 of the EP&A Act. This REF acknowledges that some of the proposed works would be exempt development but are nonetheless considered in this assessment.

4.4.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 of *State Environmental Planning Policy (Resilience and Hazards) 2021* ("RH SEPP") contains controls relating to coastal management which aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the *Coastal Management Act 2016* ("CM Act"), including the management objectives for each coastal management area, by:

> *"(a) managing development in the coastal zone and protecting the environmental assets of the coast, and*
>
> *(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and*
>
> *(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016."*

Coastal Wetlands Area

The site is located adjacent to Killalea Regional Park which contains land mapped as a Coastal Wetlands Area pursuant to RH SEPP (see **Figure 16**). The site is located approximately 180 metres from the Coastal Wetlands Area and 85 metres from the Coastal Wetlands Proximity Area. Given the separation of the site from these environmentally sensitive areas, the proposed activity will have no adverse impacts on the biophysical, hydrological or ecological integrity of the Coastal Wetland Area and will have no adverse impacts on the quantity and quality of surface and ground water flows to and from the area.

Coastal Environment Area

The majority of the site contains land that is mapped as coastal environment pursuant to RH SEPP (see **Figure 17**). Section 2.10 of RH SEPP states as follows:

> ***"2.10 Development on land within the coastal environment area***
>
> *(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—*
>
> > *(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,*
> >
> > *(b) coastal environmental values and natural coastal processes,*
> >
> > *(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,*
> >
> > *(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,*

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(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(f) Aboriginal cultural heritage, practices and places,

(g) the use of the surf zone.

(2) Development consent must not be granted to development on land to which this section applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

(3) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6."

The proposed activity will have no adverse impacts on the coastal environment, its natural processes, the hydrological conditions, marine biodiversity, Aboriginal heritage or the water quality of the costal environment area and, therefore, complies with Section 2.10 of RH SEPP.

Coastal Use Area

The site contains land to the north-east that is mapped as coastal use pursuant to RH SEPP (see **Figure 18**). Section 2.11 of RH SEPP states as follows:

"2.11 Development on land within the coastal use area

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

(b) is satisfied that—

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and

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(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

(2) This section does not apply to land within the Foreshores and Waterways Area within the meaning of State Environmental Planning Policy (Biodiversity and Conservation) 2021, Chapter 6."

The proposed activity will have no adverse impacts in terms of access to the foreshore; will not result in the loss of views from public places to the foreshore, will not impact on the visual amenity and scenic qualities of the coast; will have no impact on Aboriginal cultural heritage or built environment heritage. The proposed sporting fields and recreation facilities are of a suitable scale and size in the context of the surrounding built environment and is sited to avoid any adverse impacts on the natural coastal environment of Shell Cove. The proposed activity, therefore, complies with Section 2.11 of RH SEPP.

Figure 16: Coastal Wetlands Area Map (source: *NSW Planning Portal – Spatial Viewer*)

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Figure 17: Coastal Environment Area Map (source: *NSW Planning Portal – Spatial Viewer*)

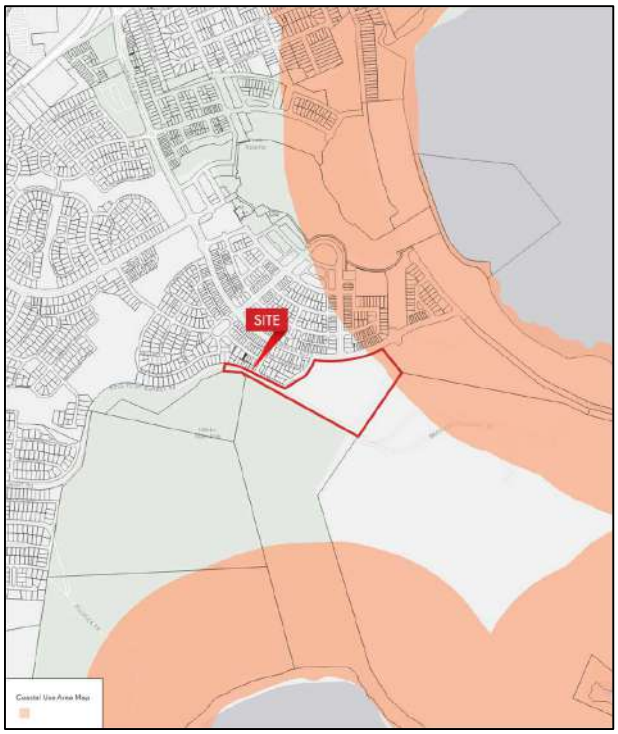

Figure 18: Coastal Use Area Map (source: *NSW Planning Portal – Spatial Viewer*)

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Contaminated Land

Chapter 4 of RH SEPP deals with the remediation of land. The aims of this Chapter are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—

(a) by specifying when consent is required, and when it is not required, for a remediation work, and

(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and

(c) by requiring that a remediation work meet certain standards and notification requirements.

Clause 4.6(1) of the RH SEPP states:

"(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."

In 2021 Development Application No. 0187/2021 was approved by Shellharbour City Council for *"Bulk earthworks to establish preliminary ground levels for the subject lot prior to the preparation and lodgement of a future civil works and subdivision development application. Proposed works in this application includes cut to fill, fill import, fill export, construction of stormwater infrastructure"*.

The DA was accompanied by a Contaminated Land Report prepared by Douglas Partners (ref: Project 78599.62 R.001.Rev0) dated 22 February 2021.

The report relies on Douglas Partners in-house contaminated land records for the site and previous contaminated land investigations prepared for the Shell Cove Boat Harbour Precinct prepared in 2010 (ref: Project 40999.26). Based on the findings of this report, the results indicated that there are no major contamination issues within the boat harbour precinct for the then proposed residential development (this development has now been largely completed). However, it was recommended that further site investigations be undertaken in the south east portion of the boat harbour precinct to establish if any heavy metals and asbestos was present. The site to which this REF relates is located in the south east portion of the boat harbour precinct.

This report concluded the following:

"As such, given that the location of the former farm building in the south eastern portion of the site is not currently accessible for further investigation and that the proposed land use for the site has changed from residential to commercial (i.e. a less sensitive land use), it is recommended that further investigation of the former farm building should be undertaken once access is available.

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Further investigation of the former farm buildings should include reassessment of the existing data against currently applicable site assessment criteria for the newly proposed commercial land use; intrusive investigation once the temporary soils stockpile has been removed to within 0.3 m of the original surface; and inspection of site surface once all stockpiled soils have been removed and further intrusive investigation if considered warranted.

It is further noted that given the recent use of the site as the earthworks contractors compound (including heavy plant maintenance and storage), it is further recommended that an investigation of the site compound footprint should be undertaken once it has been demobilised or moved to an alternate location."

The sporting field is to be constructed on top of the Shell Cove Waste Containment Cell ("SCWCC"). The SCWCC is understood to comprise the following:

- A leachate barrier and leachate collection and disposal system;
- A capping system to prevent stormwater penetration in to the cell;
- A land fill gas collection and venting system; and
- A monitoring system including testing points for groundwater monitoring, landfill gas monitoring and leachate monitoring.

It is important to ensure that construction and operation of the sports fields enables all statutory obligations for maintaining and monitoring the containment cell to continue to be observed. This includes ensuring that earthworks for the sports field, amenities buildings and other structures maintains the integrity of the cell capping system.

The site is not identified as land containing Acid Sulphate Soils. The proposed activity is unlikely to involve works more than two metres below natural ground surface or works which will lower the water table more than two metres below the natural ground surface.

No significant change in the quality or quantity of stormwater flows at the site is considered likely because of the application of erosion and sediment control measures during construction. An Erosion and Sediment Control Plan ("ESCP") and stormwater management plan is provided in the set of Civil Plans (see **Appendix 8A** and **Appendix 8B**).

The proposed construction activity will be undertaken in a manner which is cognisant of the site constraints and suitable mitigation measures have been identified. As the site has been vacant (absent the landfill cap) for many decades, the risk of contamination is very low, and Council can therefore be satisfied that the site is suitable for the continued use which is proposed.

An Unexpected Finds Protocol would be developed and included in the CMP that considers asbestos containing materials and other potential soil contaminants. Procedures for handling asbestos containing materials, including licensed contractor involvement as required, record keeping, site personnel awareness and waste disposal to be undertaken in accordance with WorkCover requirements.

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4.5 Shellharbour Local Environment Plan ("SLEP") 2013

The site is located within the area covered by *Shellharbour Local Environmental Plan 2013* ("SLEP") which contains the statutory planning controls for development in the LGA.

The proposed activity is subject to Division 12, Section 2.73 and Section 2.74 of TI SEPP, therefore, the provisions of this policy prevail over the requirements of SLEP.

4.5.1 Land Use Zoning

The site is located on land mostly zoned RE1 Public Recreation. A small part of the site along Bass Point Quarry Road is zoned R2 Low Density Residential (see **Figure 7**). SLEP provides objectives for the RE1 Public Recreation zone:

> *"1 Objectives of zone*
>
> - *To enable land to be used for public open space or recreational purposes.*
> - *To provide a range of recreational settings and activities and compatible land uses.*
> - *To protect and enhance the natural environment for recreational purposes."*

The proposal is consistent with the objectives of the RE1 Public Recreation zone.

4.5.2 Heritage Conservation (Clause 5.10)

Clause 5.10 of SLEP sets out provisions for the conservation of Heritage Items and Heritage Conservation Areas that are listed and described in Schedule 5 of SLEP. The site does not contain any heritage items and is not located in a heritage conservation area. The nearest site of heritage significance is Bass Point Reserve (reference: I056) and US Cities Service Boston Shipwreck Rescue Monument (reference I020) located approximately 1.2km to the east of the site and is a locally listed heritage item pursuant to Schedule 5 of SLEP (see **Figure 11**). The proposed development will be carefully scaled and will not diminish the heritage values of any heritage item in proximity to the site

4.6 Other relevant legislation

Other relevant legislation for consideration includes the following:

Table 04: Other relevant legislation

Legislation	Comment
NSW Legislation	
Local Government Act 1993	The site is owned by Shellharbour City Council and is classified as community land under the Local Government Act 1993.
Local Land Services Act 2013	The objects of the Local Land Services Act include *'to ensure the proper management of natural resources in the social, economic and environmental interests of the State, consistently with the principles of ecologically sustainable development'*. The Act regulates the clearing of native vegetation, however, section 60(O)(b)(ii) excludes the need for consent under the LLS Act where the clearing is an activity carried out by a determining authority within the meaning of Part 5 of the EP&A Act.

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Legislation	Comment
NSW Legislation	
	Review of the transitional native vegetation regulatory map indicates the site is on land excluded from the Act.
Biodiversity Conservation Act 2016	Part 7 of the Biodiversity Conservation Act 2016 requires consideration of whether development is likely to significantly affect threatened species or ecological communities, or their habitats. Where a significant impact is likely to occur, a Species Impact Statement ("SIS") must be prepared in accordance with the Environment Agency Head's requirements, or a Biodiversity Development Assessment Report ("BDAR") must be prepared by an accredited assessor in accordance with the Biodiversity Assessment Method ("BAM") (DPIE, 2020). The proposal will not result in a 'significant impact' on any threatened aquatic entities and therefore the Biodiversity Offset Scheme is not triggered. As such, an SIS or a BDAR is not required. The site is not located within an area of outstanding biodiversity value, nor does it contain any specialised endangered or threatened ecological communities and species. The proposed activity will not have an impact on threatened species or ecological communities or their habitats in accordance with the criteria set out in Section 7.3 of the Biodiversity and Conservation Act 2016. The proposal will have a net positive impact on biodiversity through the inclusion of mass native planting.
National Parks and Wildlife Act 1974	The National Parks and Wildlife Act 1974 regulates the control and management of all national parks, historic sites, nature reserves, and Aboriginal areas. The main aim of the Act is to conserve the natural and cultural heritage of NSW. Where works will disturb Aboriginal objects, an Aboriginal Heritage Impact Permit is required. An Aboriginal Heritage Information Management System ("AHIMS") database search was conducted on 31 October 2025 and six (6) aboriginal sites were recorded within 1km radius of the site. The proposed activity is located at a considerable distance from these sites and the proposed activity will have no discernible impact on any Aboriginal objects or artefacts. A permit under the NPW Act is not required and suitable mitigation measures have been identified.
Contaminated Land Management Act 1997	The general intention of the Contaminated Land Management Act 1997 (CLM Act) is to establish a process for investigating and (where appropriate) remediating the land that the EPA considers to be contaminated significantly enough to require regulation. The site contains a waste containment cell which will be retained and protected.

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Legislation	Comment
NSW Legislation	
Protection of the Environment Operations Act 1997	The project does not include any activity listed under Schedule 1 of the Act and therefore, an Environment Protection Licence is not required. Any licencing conditions relating to the existing waste containment cell will be observed.
Roads Act 1993	Any required approval for roadworks and driveway crossings under S138 of the Roads Act 1993 will be obtained.
Rural Fires Act 1997	The south-west boundary of the site is located in the vegetation buffer on the bushfire prone land map. The activity is not a special fire protection purpose. Buffer planting is proposed along the Bass point Quarry Road frontage.
Waste Avoidance and Resource Recovery Act 2001	The project would be constructed and operated having regard to the requirements of the Act.
Commonwealth Legislation	
Environment Protection and Biodiversity Conservation Act 1999	The Environment Protection and Biodiversity Conservation Act 1999 protects nationally and internationally significant flora, fauna, ecological communities, and heritage places, known as Matters of National Environmental Significance ("MNES"). Actions likely to significantly impact MNES require approval. The proposed activity will have a negligible impact on MNES. Referral to the Australian Government Department of Climate Change, Energy, the Environment and Water under the Act is not required.
Native Title Act 1993	The Native Title Act 1993 recognises and protects native title. The Native Title Act covers actions affecting native title and the processes for determining whether native title exists and compensation for actions affective native title. A Desktop search of the Native Title Tribunal Native Title Vision website was undertaken on 1 July 2025 with no native title holders / claimants identified.

4.7 Statutory Position Conclusion

All relevant statutory planning instruments have been examined for the proposal. Pursuant to Section 2.73 of TI SEPP, the proposal is subject to environmental impact assessment under Part 5 of the EP&A Act. Under Division 5.1 of the EP&A Act, the determining authority, Shellharbour City Council, must consider the potential environmental impact that the development would have. This REF fulfils this requirement and addresses the issues listed under Section 171 of the Regulation. Consideration is given to Section 171 of the Regulation in Section 6.1 of this REF.

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5. REVIEW OF ENVIRONMENTAL FACTORS

The proponent is required to consider the environmental impact of the proposal in accordance with the provisions of Section 5.5 of the EP&A Act and relevant factors listed in Section 171 of the Regulation.

This section of the REF identifies potential environmental impacts, discusses the extent of the impact and recommends suitable mitigation measures in **Table 05** below. Mitigation measures have been compiled and categorised under relevant headings in Section 7 of this report.

Table 05: Review of environmental factors

Existing Environment	Potential Impacts	Discussion	Mitigation
Aboriginal Heritage	Minor	An Aboriginal Heritage Information Management System ("AHIMS") search was undertaken on 31 October 2025 to establish if the site contains any aboriginal archaeological remains or sites of cultural significance. Six (6) Aboriginal sites have been identified in proximity (1km buffer) to the site, however these sites are well separated from the proposed sports fields. No sites are known to be existing on the site which can be expected given the level of previous site disturbance. Before carrying out any on-ground work or activity, consideration must be given to how it might affect Aboriginal sites. For some activities, the *National Parks and Wildlife Act 1974* requires the exercise of due diligence to see if Aboriginal sites might be harmed by activities. Checking the AHIMS is part of this due diligence. The site of the proposed works is highly disturbed (as existing) with surfaces graded to form the existing waste cell cap and bulk earthworks currently underway. As a result, the proposed activity is unlikely to encounter any aboriginal artefacts or sites of significance. However, given the location of proximity sites identified in the AHIMS search, appropriate mitigation measures have been identified. In accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, an Aboriginal Heritage Impact Permit ("AHIP") is not required if the activity is not being carried out in an Aboriginal Place and the proposed activity	(1) The CMP is to include an aboriginal heritage management sub-plan ("AHMSP") comprising an unexpected finds protocol to be implemented for the duration of construction detailing that if any Aboriginal objects are found during works associated with project, works must stop, and Heritage NSW must be notified. If human remains are found, stop work, secure the site and notify the NSW Police and Heritage NSW. (2) Proceed works with caution. (3) Adhere to the Due Diligence Code of Practice for Aboriginal Objects in New South Wales September 2010) (4) If any aboriginal objects are found during works associated with the project, works must stop immediately and the Project Manager and Heritage NSW must be notified. (5) If human skeletal remains are found, works must stop and NSW Police and Heritage NSW must be notified.

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Existing Environment	Potential Impacts	Discussion	Mitigation
		(development) is low impact such is the case with the proposed activity. Due to the limited scope of ground works, and the location of the site, it is not considered that the proposed activity will require an AHIP nor will it have any adverse impact on Aboriginal Heritage. For abundant caution, recognised mitigation measures consistent with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* are recommended.	
Non-Aboriginal Heritage	None	The site is not identified as containing any items of local or state heritage significance. The site is not located within a Heritage Conservation Area ("HCA"). There are no non-aboriginal heritage items in the vicinity of the site. The proposed development will be carefully scaled and will not diminish the heritage values of any heritage item in proximity to the site.	None required.
Arboriculture	None	The site is sparsely populated by trees and shrubs along its northern boundary to Harbour Boulevard. Existing clusters of shrub regrowth will be removed as required for construction. Tree, shrub and ground covering re-planting are proposed (see Landscape Plans in **Appendix 7**) and will have a net positive impact. The proposed planting plan has identified species suitably selected for the prevailing microclimate and will create opportunities for habitat growth. The proposed works will have no direct impacts on ecological communities and no specific mitigation measures are required. Indirect impacts will be managed through erosion and sediment controls and vegetation fencing.	None required.
Flora and Fauna	Minor	The site is not identified as containing any terrestrial biodiversity of any significance. The site is located within a verdant, landscaped setting and adjoins Killalea Regional Park to the south-west. The proposed development will maintain the existing ecological environment of the site by protecting native flora and fauna and mitigating any adverse impacts associated with the construction of the proposed development.	(1) Disturbance to existing vegetation is to be limited to those areas nominated for works in the Landscape Plans (see **Appendix 7**). (2) All workers are to be provided with an environmental induction prior to commencing works on site, including information

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Existing Environment	Potential Impacts	Discussion	Mitigation
		All works are to already disturbed areas. The previously approved earthworks DA cleared the existing vegetation and included the removal of ground level vegetation which was located across the site. The proposed activity, through suitable mitigation measures, will minimise ground disturbance and prevent any impacts on the adjoining wetland (Killalea Regional Park) or its associated riparian vegetation. The proposed development will maintain the current ecological environment of the site and will provide opportunities for improved ecological outcomes, including the creation of new habitats for flora and fauna to develop. A comprehensive planting plan is provided in the Landscape Plans (see **Appendix 7**). The overall environmental impact on flora and fauna would be low as a result of the net increase in native trees and vegetation and no significant change to the use of the park. Construction impacts can be managed in accordance with identified mitigation measures.	to be implemented to protect vegetation. (3) Erosion and sedimentation controls will be implemented and maintained during construction to minimise sediment flows.
Contaminated Land, Geology and Soils	Minor	The site does not contain any Acid Sulphate Soil land. Areas mapped as having a high probability of occurrence are located about 180 metres north of the site. Council Section 10.7 Certificate indicates that there are no records of the land being significantly contaminated (see **Appendix 3**). The site does not contain any (or negligible) known sources of contamination and has been the subject of numerous site investigations throughout the lifetime of the Marina Shell Cove development. The site, however, is located atop a waste containment cell as detailed in section 2.2.6 above. The proposed construction activity will be undertaken in a manner that protects the integrity of the cell capping material and that protects the leachate management system, the gas venting	(1) An Unexpected Finds Protocol would be developed and included in the CMP that considers asbestos containing materials and other potential soil contaminants. Procedures for handling asbestos containing materials, including licensed contractor involvement as required, record keeping, site personnel awareness and waste disposal to be undertaken in accordance with WorkCover requirements. (2) Prior to the commencement of demolition activity, a Hazardous Materials Risk Assessment is to be conducted by a suitably qualified person as per the requirements of AS 2601:

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Existing Environment	Potential Impacts	Discussion	Mitigation
		systems and monitoring equipment and testing points. Construction/ demolition impacts associated with the identification, removal and remediation of potentially hazardous materials can be managed in accordance with identified mitigation measures.	2001 The Demolition of Structures, Part 1.6.1 and Demolition Work Code of Practice (Safe Work Australia, July 2015). (3) Provide Asbestos Awareness training to staff and site personnel in accordance with the requirements of the Code of Practice. (4) Ensure all asbestos-containing materials remaining in-situ are labelled appropriately to warn of the dangers of disturbing these materials, in accordance with the requirements of the Code of Practice. (5) Synthetic Mineral Fibre (SMF) materials should be removed under controlled conditions prior to demolition /refurbishment works, in accordance with the requirements of the Code of Practice for the Safe Use of Synthetic Mineral Fibres [NOHSC:2006(1990)]. (6) An Erosion and Sediment Control Plan ("ESCP") is to be prepared prior to construction commencing. (7) The proposed activity will be carried out in accordance with the site specific Erosion and Sediment Control Plan (ESCP) provided in the Civil Plans (see **Appendix 8A** and **Appendix 8B**). (8) The ESCP will be updated and managed according to the activities occurring during construction. (9) ESCP Measures will be established prior to any site clearing/ grubbing activities and will be maintained and inspected (particularly after rainfall events) to ensure functionality.

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Existing Environment	Potential Impacts	Discussion	Mitigation
			(10) Vehicles and machinery are to be properly maintained and inspected daily to minimise the risk of fuel/oil leaks. (11) Construction plant, vehicles and equipment are to be refuelled offsite, or in a designated refuelling area replete with a fully stocked spill kit. Spill kits would be inspected daily and restocked where necessary. (12) All site personnel and contractors are to be made aware of the location of the spill kits and be trained in how and when to use them. (13) Portable quantities of fuels, chemicals, and hazardous liquids are to be stored away from drainage lines, within a purpose-built storage cabinet. (14) Fill material would be VENM or ENM as defined in the Resource Recovery Order/Exemption issued under the Protection of the Environment Operations (Waste) Regulation 2014, and would be selected so as to comply with Council's urban salinity requirements and Contaminated Land Guidelines. This condition does not include ameliorated soils or processed garden mix materials utilised for the purpose of landscaping and gardening such as topsoils, garden mix, turf underlays, and the like. The suitability of these materials will comply with relevant guidelines such as AS 4419-2018 Soils for Landscaping and Garden Use. (15) Existing fill materials, if used, would be tested and remediated where necessary to meet the National Environmental

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Existing Environment	Potential Impacts	Discussion	Mitigation
			Protection Measure (NEPM, 2013) Health investigation levels for commercial/industrial premises (HIL D). (16) Spoil to be removed from site will be classified in accordance with the NSW Waste Classification Guidelines. (17) Spoil would be disposed of at an appropriate EPA licensed facility. (18) All ground works shall be carried out in accordance with the recommendations of the Geotechnical Investigation (see **Appendix 4**).
Sustainability and Environment	Minor	Shellharbour City Council is committed to ensuring that this project is implemented in a manner consistent with the principles of ecologically sustainable development ("ESD"). These are defined under the provisions of Section 193 of the Regulation. Increased cooling and shading will be achieved throughout the site as a result of additional planting.	(1) Where appropriate, precautionary principles will be adopted. In the unlikely event that there are threats of serious or irreversible environmental damage, works will be postponed, preventing environmental degradation.
Flooding and Stormwater Management	Minor	The site is located to the south of the newly developed Shell Cove residential subdivision in a (now) highly urbanised area with an established drainage network. In accordance with the Section 10.7 Certificate (see **Appendix 3**) the site is located below the probable maximum flood (PMF) level. The part of the site subject of the proposed activity is located outside of the PMF level at the highest point of the development. Furthermore, the site is not located within the draft flood planning area and is not subject to any draft development controls pursuant to the Shellharbour DCP There are no concerns regarding the current stormwater management as the	(1) Erosion and sediment control measures would be established prior to any clearing, grubbing and site establishment activities, and would be left in place until the works are complete and areas are stabilised. (2) Vegetation protection zones would be delineated and fenced with flagging or similar to designate no go areas. (3) A site-specific Soil and Water Management Plan ("SWMP") would be prepared and implemented in accordance with the requirements of Managing Urban Stormwater: Soils and Construction Guidelines (Landcom, 2004) (the Blue

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Existing Environment	Potential Impacts	Discussion	Mitigation
		proposal does not increase runoff through additional hardstand areas.	Book). The SWMP would be included in the CMP and implemented for the duration of construction. (4) Sediment protection filters would be installed on all new and existing stormwater inlet pits in accordance with either the mesh and gravel inlet filter detail SD6-11 or the geotextile inlet filter detail SD6-12 of Landcom (2004). (5) Erosion and sediment control measures would be maintained and regularly inspected (particularly following rainfall events) to ensure their ongoing functionality. (6) The proposed activity will be carried out in accordance with the site-specific Erosion and Sediment Control Plan (ESCP) provided in the Civil Plans (see **Appendix 8A** and **Appendix 8B**). (7) The ESCP will be updated and managed according to the activities occurring during construction.
Vehicular Access, Parking and Traffic Movement	Minor, temporary impacts	The proposed construction activity will create a formal access and parking arrangement for users of the sports fields and recreation facilities. Currently, informal access for construction vehicles is provided from Bass Point Quarry Road to the south of the site and no formal car parking exists. Vehicular access and car parking will be established on the site with access/egress from Rangoon Avenue (west). The Rangoon Avenue car park will have approximately 80 vehicle parking spaces. Improved lighting, grading and appropriately designated vehicle spaces (including for disabled users) will improve the overall safety and	(1) The CMP is to include a Construction Traffic Management Plan ("CTMP") to manage potential traffic impacts associated with construction. The CTMP is to be implemented for the duration of construction. Mitigation measures are listed in Section 5 of this report and include: the provision of adequate road signage; maintain clear vehicle sightlines; temporary car access and parking zones; establish routes for heavy construction related movements; and establish communication channels between residents and project team.

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Existing Environment	Potential Impacts	Discussion	Mitigation
		accessibility of the park. The layout and grading of the newly formed car parks will comply with relevant Australian Standards. There will be a net positive impact on access, parking, and traffic management as a result of the proposed activity. Short term, there will be temporary impacts associated with establishing the new access road and parking area along the western boundary of the site.	(2) Ensure adequate road signage at construction works site to inform motorist and pedestrians of change in conditions and reduce likelihood of accidents (3) Maximise safety and accessibility for pedestrians and cyclists, particularly for children utilising facilities for sports and recreation throughout construction programme. (4) Establish and maintain adequate vehicular sight lines to allow for safe ingress and egress. (5) Temporary access and car parking displaced by proposed activity to be detailed in CMP. (6) Establish routes for heavy construction related vehicles to minimise disturbance to local residents. (7) Establish communication channels with the community and local residents to inform them of changes to vehicular and pedestrian access/ parking. (8) Prepare detailed Plan of Management to consider access and parking demands during "super-peak" periods where parking will be required to be managed. (9) Ensure compliance with Australian Standards AS 2890.1 and AS 2890.6: a. Access driveways and parking aisles to provide a minimum width of 5.8 metres; b. Parking spaces to provide dimensions of 5.4 metres x 2.6 metres; and

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Existing Environment	Potential Impacts	Discussion	Mitigation
			c. Accessible spaces to provide dimensions of 5.4 metres x 2.4 metres adjacent to a shared space with a bollard (i.e. not to be used for parking) with dimensions of 5.4 metres x 2.4 metres. (10) Ensure measures relating to servicing are integrated into the Park Plan of Management. Consider servicing and waste collection to occur outside of peak periods.
Acoustic Impacts (Construction)	Minor, temporary impacts	The proposed activity will result in some minor temporary impacts in terms of construction noise to neighbouring residents to the north, particularly during site establishment works. The proposed development will not require prolonged periods of heavy machinery use such as rock hammers or excavation machinery, however, heavy vehicle movements and the use of power tools is expected. Works will be undertaken during the following hours in accordance the NSW Interim Construction Noise Guideline ("ICNG"): • 7.00am to 6.00pm Monday to Friday; • 8.00am to 1.00pm Saturdays; and • No work on Sundays or public holidays.	(1) Works will be undertaken during standard hours in accordance with the NSW Interim Construction Noise Guideline. A detailed Construction Noise and Vibration Management Plan ("CVMP") would be prepared and implemented throughout the duration of the proposed activity. Mitigation measures are listed in Section 5 of this report and include: staff and contractor training; limitation of noisy equipment operation; avoid deliveries, gathering of workers and general activity during sensitive hours; establish complaint handling process; and limit the use of power tools during certain hours. (2) Construction workers and contractors will be regularly trained on the importance of minimising noise emissions and use of equipment in sensitive ways during pre-start or toolbox sessions. (3) Noise-emitting plant is to be directed away from sensitive receivers and located as far from them as practical.

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Existing Environment	Potential Impacts	Discussion	Mitigation
			(4) Plant and equipment are to be regularly inspected and maintained. (5) Non-tonal reversing alarms are to be used where available for all plant used onsite for more than one day and for any out of hours works. (6) Quieter construction methods are to be used where feasible and reasonable. (7) Plant and equipment not in use for extended periods would be switched off. (8) Delivery drivers are to be informed of designated vehicle routes, parking locations, and acceptable delivery hours for the site. (9) Delivery vehicles would be turned off when not in use and would not be left in idle while waiting at the project site. (10) The simultaneous operation of noisy plant and equipment is to be avoided or limited to those occasions where rescheduling cannot be accommodated. (11) All works would be carried out during standard construction hours (i.e., 7:00am to 6:00pm Monday to Friday; 8:00am to 1:00pm Saturdays), including deliveries to the site. Works undertaken on Saturday will be approved by the Principal Contractor in writing prior to commencement. No works will take place on Sundays. (12) Minimisation of loud talking on site and prohibit playing music. (13) Switching off any equipment when not in use.

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Existing Environment	Potential Impacts	Discussion	Mitigation
			(14) Establish complaint handling process. (15) All cutting of materials will take place within the site and during acceptable construction hours. (16) Disruptive and intrusive noise such as angle grinding, explosive fasteners, floor grinding, cutting of aluminium etc. will not take place outside of standard construction hours.
Acoustic Impacts (Operation)	Minor	Sporting activities will generate noise from players, spectators, whistles and announcements and arriving and departing traffic. This has the potential for a reduction in acoustic amenity for residents nearby including those opposite the park on Rangoon Avenue and Harbour Boulevard. Amenity impacts can be reduced by suitable acoustic mitigations.	(1) Noise from any sports-related PA should be limited by locating and orienting any speakers away from residential areas; (2) Appropriate noise limits on speakers should be set prior to the installation of any PA system; (3) Restrict the use of the sporting field to: a. Between the hours of 7:00am and 10:00pm Mondays to Friday (for training and social recreation activities after 6:00pm). b. Between 8:00am and 6:00pm Saturdays and Sundays for organised events and competitions.
Air Quality	Minor, temporary impacts	The construction of the proposed development has the potential to generate dust and emissions that may impact on local air quality, but that emissions with the potential to occur during construction would be temporary and associated with dust particles, such as PM10, and vehicle, plant, and equipment emissions such as CO, SO2, nitrous oxides, volatile organic compounds (VOC), and polycyclic aromatic hydrocarbons (PAH). The most likely sources of dust and dust-generating activities include:	(1) The CMP would include an air quality management sub-plan ("AQMSP") to be implemented for the duration of construction. Mitigation measures are listed in Section 5 of this report and include: training for staff and contractors; plant and machinery maintenance checks; restriction of construction vehicle movements; covering of stockpiles; and dust minimisation and wheel washing measures.

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Existing Environment	Potential Impacts	Discussion	Mitigation
		• Delivery and transfer of construction materials to the site; • Dispatch of wastes and recyclable materials from the site; • Stockpiling; and • General construction works.	(2) Training would be provided to workers and contractors on the importance of minimising dust and air emissions, and how to use equipment in ways to minimise emissions in accordance with the NSW Dust Strategy (Safe Work NSW). (3) Plant and machinery would be regularly checked and maintained in a proper and efficient condition. (4) Construction vehicle movements would be restricted to designated trafficable areas and sealed/compacted surfaces where practical. (5) A water cart or sprinkler device would be available during construction for dust suppression on unpaved roads, stockpiles, hardstand areas and other exposed surfaces. (6) Stockpiles would be covered with tarpaulins, spray grass, or spray film, when not in use in accordance with best practice recommendations specified in the Blue Book. (7) Truck loads would be appropriately covered when transporting material to and from the construction site, and tailgates would be securely fixed. (8) A shaker grate and wheel wash would be installed at the access point to the project. The access point would be defined in the SWMP. (9) Mud and dirt tracked onto sealed road surfaces would be minimised, and a street sweeper employed to clean up any mud and dirt that has been tracked.

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Existing Environment	Potential Impacts	Discussion	Mitigation
Public Safety	Minor, temporary impacts	The proximity of the site to the adjoining Hanson Quarry site located on the southern side of Bass Point Quarry Road, may have some temporary impacts in relation to public safety on days on which quarry blasting is to occur. The quarry is permitted to operate on the site until 2044. As extraction activities move further to the north-west (closer to the site), there is expected to be some minor impacts on users of the sporting fields during quarry blasting. Quarry blasting is only allowed to occur on the site between the hours of 8:00am – 5:00pm (Monday to Friday) and no more than once a day. Whilst no immediate threat to users of the park in terms of serious injury or death is anticipated during any blasting activity, certain safety protocols are to be complied with including the imposition of a blast radius zone which may (depending on the location of extraction) include parts of the sporting fields.	(1) A Blast Management Plan should be prepared as part of the Operational Plan of Management to ensure activities relating to blasting (or similar) on the adjoining Hanson Quarry site are managed and mitigated. The Blast Management Plan will identify an annual schedule of blast activities and clearly identify the blast radius/ personnel clearances for this type of activity. (2) Establish an incident register in relation to any blast related impacts from the adjoining Hanson Quarry site for users of the Sports Fields. (3) Provide regular updates to local sports groups, residents and users of the park through Council media channels one month and one week in advance of any blasting activity. (4) Establish a booking system for local sports groups to ensure that sports fields are not made available on days when blasting activity occurs. (5) Install permanent signage and an information board warning users of the park of the impacts of blasting activity on the adjoining site. (6) Install temporary signage and close any gates/barriers to pedestrian and car park entrances on days when blasting events occur. (7) Council Ranger's/ staff should periodically inspect the park before and after any blasting activity has occurred to ensure there are no park users within the personnel clearance blast radius.

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Existing Environment	Potential Impacts	Discussion	Mitigation
Waste Management	Minor, temporary impacts	The construction of the proposed development has the potential to generate some waste materials, including the following: • Excavated spoil • Asphalt and concrete • Surplus building materials and building waste • Hazardous waste • Green waste • General waste	(1) Prepare Waste Management Plan as part of the CMP. (2) Identify all potential waste streams associated with the works and outline methods of disposal. (3) Prior to construction all site personnel would be trained in the principles of avoid, reuse, recycle and the appropriate disposal of demolition, construction, and general waste. (4) The project site would be maintained free of litter at all times. (5) Self-contained portable toilets would be installed at the work site and maintained by a licensed contractor. (6) The bulk of waste generated by the works could include glass, and some architectural ceramic, concrete, metal, paint and paper/plastic packaging from manufactured and shipped items. It is likely that construction waste would be placed directly into a skip bin before being taken off site for recycling (where practicable) or disposal. In the event that any waste receptacles need to be placed in public areas, a permit would be sought from Council by the contractor as required. The successful contractor, once appointed will prepare a detailed CMP and will identify waste storage areas, access, sediment control and site safety requirements. (7) Specify controls and containment procedures for hazardous waste. (8) During construction works, the contractor should follow resource management hierarchy principles,

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Existing Environment	Potential Impacts	Discussion	Mitigation
			particularly in relation to the disposal of the building elements to be removed. This would entail the following, in order of priority, **Avoid** unnecessary consumption, **Reduce**, reuse, reprocess, and recycle **Recover**, and conserve (e.g. energy, water and by-products) **Dispose** to incineration or landfill as the last resort, but according to EPA waste regulations and classification.

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6. ASSESSMENT OF IMPACTS

6.1 Environmental Planning and Assessment Regulation 2021

6.1.1 Section 171 Considerations

The following table provides a summary of the environmental implications of the proposal and provides an assessment against the factors referred to in section 171 of the Regulation.

Table 06: Section 171 (EP&A Regulations 2021) considerations

Environmental Factors	Impact(s)	Significance of Impact(s)
(a) the environmental impact on the community,	The proposal may have some minor temporary impacts on nearby landholders through localised construction works (for instance traffic generation, noise and dust pollutants). However, the implementation of mitigation measures and the enforcement of a detailed CEMP would address these impacts. Longer term operational impacts are expected to be negligible and will comply with relevant planning and design criteria in areas such as noise, traffic management and stormwater management. Long term benefits of the proposal would include new formalised public recreational and sports facilities, employment opportunities and economic opportunities for the surrounding community and sports groups in the Shellharbour region.	Short term minor negative / long term positive
(b) the transformation of the locality,	There will be a positive transformation of the locality as a result of the proposed activity. The proposed works will activate sports and recreation facilities, creating a new destination and a focal point within the recently established Shell Cove community. The formalisation of car parking, entry points, navigable perimeter pathways, lighting, passive surveillance and sports facilities will have a net positive impact on the locality, providing a desirable community asset.	Positive
(c) the environmental impact on the ecosystems of the locality,	The proposed activity will have an inconsequential impact on threatened species and ecological communities. The site is not identified as containing any terrestrial biodiversity including sensitive species or protected habitats. Construction impacts including erosion and sediment control will be managed and mitigated through the implementation of a detailed CMP. The proposed activity will have an overall net positive environmental impact through the removal of invasive tree and plant species and the introduction of native trees and shrubs. A comprehensive planting plan is provided in the	Short term minor negative; long term minor positive impacts through the provision of additional landscaping.

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Environmental Factors	Impact(s)	Significance of Impact(s)
	Landscape Plans (see **Appendix 7**) and includes planting of mostly native tree species and shrubs. Large quantities of grasses and ground coverings are also proposed.	
(d) reduction of the aesthetic, recreational, scientific or other environmental quality or value of the locality	The proposal may have some minor temporary impacts relating to noise and dust which will be suitably mitigated. There would be no significant aesthetic/visual impact as the development is consistent with the character of the area and would add considerable visual interest to the surrounding locality. There would be no recreational, scientific or other environmental impacts associated with the development.	Short term minor negative, long term positive
(e) the effects on any locality, place or building that has— *(i) aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance, or* *(ii) other special value for present or future generations,*	There would be negligible aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance effects on the locality. The site is not identified as an item of local or state heritage significance. There are no heritage items (Aboriginal or European) located in close proximity to the site. The proposed development will be carefully scaled and will not diminish the heritage values of any nearby heritage items.	No impact.
(f) the impact on the habitat of protected animals, within the meaning of the Biodiversity Conservation Act 2016,	There would be no significant impact on threatened species, populations or ecological communities or their habitat. Native planting will be introduced throughout the site, providing opportunities for improved biodiversity and habitat formation.	Positive impact.
(g) the endangering of a species of animal, plant or other form of life, whether living on land, in water or in the air,	There would be no significant impact on threatened species, populations or ecological communities or their habitat.	Low impact.
(h) long-term effects on the environment,	There will be no long-term effects on the environment.	No impact.
(i) degradation of the quality of the environment,	The proposal may have some minor temporary impacts relating to noise, dust and emissions during the construction phase. Long term impacts during operation will be negligible.	Minor short term impacts
(j) risk to the safety of the environment,	There will be negligible risk to the safety of the environment. The mitigation measures outlined in Section 5 and Section 7 would be implemented to manage environmental risk.	Low impact.

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Environmental Factors	Impact(s)	Significance of Impact(s)
(k) reduction in the range of beneficial uses of the environment,	There will be no reduction in the range of beneficial uses of the environment.	Low impact.
(l) pollution of the environment,	There will be no significant environmental pollution. The proposal may result in minor temporary impacts during construction in terms of dust and noise pollution. The mitigation measures outlined in Section 5 and Section 7 would be implemented to manage environmental risk.	Minor short term negative impacts.
(m) environmental problems associated with the disposal of waste,	There will be no environmental problems associated with the disposal of waste. Waste would be managed through the project specific waste management plan provided and the mitigation measures outlined in Section 5 and in accompanying reports. The project is unlikely to result in environmental problems associated with the disposal of waste. Operationally, waste will be managed in accordance with a site specific Waste Management Plan, prepared and implemented by Shellharbour City Council.	Minor short term impacts.
(n) increased demands on natural or other resources that are, or are likely to become, in short supply,	The proposal will require construction materials that are readily available. The project is unlikely to increase demands on resources that are or are likely to become in short supply.	Minor short term impacts.
(o) the cumulative environmental effect with other existing or likely future activities,	As the residual impacts of the proposal are nil or minor, the cumulative impacts of the project during construction and operation would be negligible, provided that the mitigation measures in Section 5 and section 7 are implemented.	Low impact.
(p) the impact on coastal processes and coastal hazards, including those under projected climate change conditions,	The proposal would not affect or be affected by coastal processes or hazards.	Low impact.
(q) applicable local strategic planning statements, regional strategic plans or district strategic plans made under the Act, Division 3.1,	The proposal is consistent with the desired future use of the site which is for public recreation in the RE1 zone. By 2041, the Shellharbour LSPS estimates the population of the LGA will increase to 102,950 compared to a population of 74,622 in 2021. Therefore, the growing population will require a variety of new amenities and services including green spaces and community facilities such as organised sports facilities. The proposed activity will help to achieve these strategic objectives.	Long term positive
(r) other relevant environmental factors.	There will be no long-term effects on the environment.	N/A

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7. ENVIRONMENTAL MANAGEMENT

7.1 Environmental Management Plans

Under the State Government's policy to improve the performance of the NSW construction industry, preparation of a Construction Management Plan ("CMP") is mandatory for all projects undertaken by or on behalf of government agencies or where funding is being provided by the government.

The review of environmental factors/impacts set out in Section 5 of this report includes mitigation measures designed to avoid and reduce the potential environmental impacts associated with the construction and operation of the proposed works.

A CMP will be prepared prior to the commencement of construction work and will incorporate the mitigation measures identified in this REF and associated specialist reports.

The CMP ensures that the safeguards identified in this REF, as well as any others that are considered relevant, are effectively translated into actual construction techniques and environmental management activities, controls and monitoring/verification to prevent or minimise environmental impacts. The CMP identifies the requirements for compliance with relevant legislation and other regulatory any requirements to ensure environmental safeguards described throughout this REF are implemented.

A Construction Noise and Vibration Management Plan ("CNVMP") prepared by a suitably qualified person must be prepared. Other management plans will be implemented as required by the recommended mitigation measures.

7.2 Mitigation measures

Mitigation measures for the project as identified in Section 5 of this REF are summarised in **Table 07**. These measures have been recommended following detailed environmental assessment to minimise the potential adverse impacts of the project.

Table 07: Mitigation Measures

Pre- Construction	
Construction Management Plan (CMP)	
1.	A CMP will be prepared by the Contractor to manage the construction impacts of the project. It is to be prepared prior to any works commencing and must be implemented throughout the construction period. The CMP will be regularly reviewed by the Principal Contractor and updated accordingly.
Aboriginal Heritage	
2.	The CMP is to include an aboriginal heritage management sub-plan ("AHMSP") comprising an unexpected finds protocol to be implemented for the duration of construction detailing that if any Aboriginal objects are found during works associated with project, works must stop, and Heritage NSW must be notified. If human remains are found, stop work, secure the site and notify the NSW Police and Heritage NSW.
3.	Proceed works with caution.
4.	Adhere to the Due Diligence Code of Practice for Aboriginal Objects in New South Wales September 2010)
5.	If any aboriginal objects are found during works associated with the project, works must stop immediately and the Project Manager and Heritage NSW must be notified.

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6.	If human skeletal remains are found, works must stop and NSW Police and Heritage NSW must be notified.
Ecology	
7.	Disturbance to vegetation is to be limited to those areas nominated for works in the Civil and Landscape Plans (see **Appendix 7**).
8.	All workers are to be provided with an environmental induction prior to commencing works on site, including information to be implemented to protect vegetation.
9.	Erosion and sedimentation controls will be implemented and maintained during construction to minimise sediment flows.
Air Quality	
10.	The CMP would include an air quality management sub-plan ("AQMSP") to be implemented for the duration of construction. Mitigation measures are listed in Section 5 of this report and include: training for staff and contractors; plant and machinery maintenance checks; restriction of construction vehicle movements; covering of stockpiles; and dust minimisation and wheel washing measures. Mitigation measures in relation to air quality during the construction phase are set out below.
Noise and Vibration	
11.	Works will be undertaken during standard hours in accordance with the NSW Interim Construction Noise Guideline. A detailed Construction Noise and Vibration Management Plan ("CVMP") would be prepared and implemented throughout the duration of the proposed activity. Mitigation measures are listed in Section 5 of this report and include: staff and contractor training; limitation of noisy equipment operation; avoid deliveries, gathering of workers and general activity during sensitive hours; establish complaint handling process; and limit the use of power tools during certain hours. Mitigation measures in relation to noise and vibration during the construction phase are set out below.
Soils and Contamination	
12.	An Unexpected Finds Protocol would be developed and included in the CMP that considers asbestos containing materials and other potential soil contaminants. Procedures for handling asbestos containing materials, including licensed contractor involvement as required, record keeping, site personnel awareness and waste disposal to be undertaken in accordance with WorkCover requirements.
13.	Prior to the commencement of demolition activity, a Hazardous Materials Risk Assessment is to be conducted by a suitably qualified person as per the requirements of AS 2601: 2001 The Demolition of Structures, Part 1.6.1 and Demolition Work Code of Practice (Safe Work Australia, July 2015).
14.	Provide Asbestos Awareness training to staff and site personnel in accordance with the requirements of the Code of Practice.
15.	Ensure all asbestos-containing materials remaining in-situ are labelled appropriately to warn of the dangers of disturbing these materials, in accordance with the requirements of the Code of Practice.
16.	Synthetic Mineral Fibre (SMF) materials should be removed under controlled conditions prior to demolition /refurbishment works, in accordance with the requirements of the Code of Practice for the Safe Use of Synthetic Mineral Fibres [NOHSC:2006(1990)].
17.	An Erosion and Sediment Control Plan ("ESCP") is to be prepared prior to construction commencing.

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Containment Cell	
18.	Additional localised geotechnical investigation may be required for structures such as the amenities buildings, storage buildings and car parking areas to ensure that building foundations are appropriately designed having regard to the need to manage the integrity of the landfill containment cell.
Traffic and Access	
19.	The CMP is to include a Construction Traffic Management Plan ("CTMP") to manage potential traffic impacts associated with construction. The CTMP is to be implemented for the duration of construction. Mitigation measures are listed in Section 5 of this report and include: the provision of adequate road signage; maintain clear vehicle sightlines; temporary car access and parking zones; establish routes for heavy construction related movements; and establish communication channels between residents and project team. Communication channels should be established with the adjoining quarry site to ensure that the use of Bass Point Quarry Road for the purpose of construction activity does not conflict with regular truck movements associated with quarrying activity. Mitigation measures in relation to traffic and access during the construction phase are set out below.
Utilities and Infrastructure	
20.	Approval is to be obtained Sydney Water as required for the provision of water and sewer services to the development. Approval is to be obtained from Endeavor Energy for the provision of electricity to the site.
Controlled Activity	
21.	Arrangements are to be made with the energy authorities for the supply of energy to the development (where required).
Protection of Council Assets	
22.	To assist with an assessment of damage to surrounding land, a dilapidation report is to be undertaken and submitted to Council. The report must document and provide photographs that clearly depict any existing damage to the road, kerb, gutter, footpath, driveways, street trees, street signs or any other Council assets in the vicinity of the development.
Waste Management	
23.	A CMP would be prepared by the Contractor to manage the impacts of the project. The CMP would include a waste management sub-plan ("WMSP") to be implemented for the duration of construction. Operational waste management procedures will be managed in accordance with an Operational Waste Management Plan.
Stormwater	
24.	Erosion and sediment control measures would be established prior to any clearing, grubbing and site establishment activities, and would be left in place until the works are complete and areas are stabilised.
25.	Vegetation protection zones would be delineated and fenced with flagging or similar to designate no go areas.
Quarry Activities	
26.	The design of all structures is to have regard to any potential impacts from scheduled blasting activities on the adjoining quarry site and suitable solutions are to be incorporated into the design of these structures.
27.	Council is to engage with the operators of the adjoining quarry site to ensure that appropriate measures are taken to minimise risks to users of the park including members of the public and maintenance staff from any scheduled blasting activities.

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Construction	
Communications	
28.	A communications strategy will be prepared outlining how the community will be informed during the construction process. This strategy should include: • A complaints handling process including 24 hour contact numbers for works manager; • Inclusion of project on Council's website; and • Work scheduling updates notifying adjoining and adjacent residents and occupants of work schedules.
Air Quality	
29.	Training would be provided to workers and contractors on the importance of minimising dust and air emissions, and how to use equipment in ways to minimise emissions in accordance with the NSW Dust Strategy (Safe Work NSW).
30.	Plant and machinery would be regularly checked and maintained in a proper and efficient condition.
31.	Construction vehicle movements would be restricted to designated trafficable areas and sealed/compacted surfaces where practical.
32.	A water cart or sprinkler device would be available during construction for dust suppression on unpaved roads, stockpiles, hardstand areas and other exposed surfaces.
33.	Stockpiles would be covered with tarpaulins, spray grass, or spray film, when not in use in accordance with best practice recommendations specified in the Blue Book.
34.	Truck loads would be appropriately covered when transporting material to and from the construction site, and tailgates would be securely fixed.
35.	A shaker grate and wheel wash would be installed at the access point to the site at Bass Point Quarry Road. The access point would be defined in the SWMP.
36.	Mud and dirt tracked onto sealed road surfaces would be minimised, and a street sweeper employed to clean up any mud and dirt that has been tracked.
Demolition	
37.	Demolition works Must be carried out in accordance with AS 2601—2001, Demolition of structures.
Noise and Vibration	
38.	Construction workers and contractors will be regularly trained on the importance of minimising noise emissions and use of equipment in sensitive ways during pre-start or toolbox sessions.
39.	Noise-emitting plant is to be directed away from sensitive receivers and located as far from them as practical.
40.	Plant and equipment are to be regularly inspected and maintained.
41.	Non-tonal reversing alarms are to be used where available for all plant used onsite for more than one day and for any out of hours works.
42.	Quieter construction methods are to be used where feasible and reasonable.
43.	Plant and equipment not in use for extended periods would be switched off.
44.	Delivery drivers are to be informed of designated vehicle routes, parking locations, and acceptable delivery hours for the site.
45.	Delivery vehicles would be turned off when not in use and would not be left in idle while waiting at the project site.

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46.	The simultaneous operation of noisy plant and equipment is to be avoided or limited to those occasions where rescheduling cannot be accommodated.
47.	All works would be carried out during standard construction hours (i.e. 7:00am to 6:00pm Monday to Friday; 8:00am to 1:00pm Saturdays), including deliveries to the site. Works undertaken on Saturday will be approved by the Principal Contractor in writing prior to commencement. No works will take place on Sundays.
48.	Minimisation of loud talking on site and prohibit playing music.
49.	Establish complaint handling process.
50.	All cutting of materials will take place within the site and during acceptable construction hours.
51.	Disruptive and intrusive noise such as angle grinding, explosive fasteners, floor grinding, cutting of aluminium etc. will not take place outside of standard construction hours.
Soils and Contamination	
52.	The proposed construction activity will be carried out in accordance with a site specific Erosion and Sediment Control Plan ("ESCP").
53.	The ESCP will be updated and managed according to the activities occurring during construction.
54.	ESCP Measures will be established prior to any site clearing/ grubbing activities and will be maintained and inspected (particularly after rainfall events) to ensure functionality.
55.	Vehicles and machinery are to be properly maintained and inspected daily to minimise the risk of fuel/oil leaks.
56.	Construction plant, vehicles and equipment are to be refuelled offsite, or in a designated refuelling area replete with a fully stocked spill kit. Spill kits would be inspected daily and restocked where necessary.
57.	All site personnel and contractors are to be made aware of the location of the spill kits and be trained in how and when to use them.
58.	Portable quantities of fuels, chemicals, and hazardous liquids are to be stored away from drainage lines, within a purpose-built storage cabinet.
59.	Fill material would be VENM or ENM as defined in the Resource Recovery Order/Exemption issued under the Protection of the Environment Operations (Waste) Regulation 2014, and would be selected so as to comply with Council's urban salinity requirements and Contaminated Land Guidelines. This condition does not include ameliorated soils or processed garden mix materials utilised for the purpose of landscaping and gardening such as topsoils, garden mix, turf underlays, and the like. The suitability of these materials will comply with relevant guidelines such as AS 4419-2018 Soils for Landscaping and Garden Use.
60.	Existing fill materials, if used, would be tested and remediated where necessary to meet the National Environmental Protection Measure (NEPM, 2013) Health investigation levels for commercial/industrial premises (HIL D).
61.	Spoil to be removed from site will be classified in accordance with the NSW Waste Classification Guidelines.
62.	Spoil would be disposed of at an appropriate EPA licensed facility.
63.	All ground works shall be carried out in accordance with the recommendations of the Geotechnical Investigation (see **Appendix 4**).

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Traffic and Access	
64.	Vehicular access and traffic movement associated with the proposed construction activity will be managed in accordance with Council guidelines in relation to the establishment of a works zone and in accordance with the CMP.
65.	Ensure adequate road signage at construction works site to inform motorist and pedestrians of change in conditions and reduce likelihood of accidents.
66.	Construction phase deliveries would be scheduled where possible to avoid peak times.
67.	Maximise safety and accessibility for pedestrians and cyclists, particularly for children utilising facilities for sports and recreation throughout construction programme.
68.	Establish and maintain adequate vehicular sight lines to allow for safe ingress and egress.
69.	Temporary access and car parking displaced by proposed activity to be detailed in CMP.
70.	Establish routes for heavy construction related vehicles to minimise disturbance to local residents.
71.	Establish communication channels with the community and local residents to inform them of changes to vehicular and pedestrian access/ parking.
72.	Ensure compliance with Australian Standards AS 2890.1 and AS 2890.6.
73.	Access driveways and parking aisles to provide a minimum width of 5.8 metres.
74.	Parking spaces to provide dimensions of 5.4 metres x 2.6 metres.
75.	Accessible spaces to provide dimensions of 5.4 metres x 2.4 metres adjacent to a shared space with a bollard (i.e. not to be used for parking) with dimensions of 5.4 metres x 2.4 metres.
Waste Management	
76.	Prepare and implement Waste Management Plan as part of the CMP.
77.	Identify all potential waste streams associated with the works and outline methods of disposal.
78.	Prior to construction all site personnel would be trained in the principles of avoid, reuse, recycle and the appropriate disposal of demolition, construction, and general waste.
79.	The project site would be maintained free of litter at all times.
80.	Self-contained portable toilets would be installed at the work site and maintained by a licensed contractor.
81.	The bulk of waste generated by the works could include glass, and some architectural ceramic, concrete, metal, paint and paper/plastic packaging from manufactured and shipped items. It is likely that construction waste would be placed directly into a skip bin before being taken off site for recycling (where practicable) or disposal.
82.	Specify controls and containment procedures for hazardous waste.
83.	During construction works the contractor should follow resource management hierarchy principles, particularly in relation to the disposal of the building elements to be removed. This would entail the following, in order of priority: Avoid unnecessary consumption, Reduce, reuse, reprocess, and recycle Recover, and conserve (e.g. energy, water and by-products) Dispose to incineration or landfill as the last resort, but according to EPA waste regulations and classification.

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Stormwater	
84.	A site-specific Soil and Water Management Plan ("SWMP") would be prepared and implemented in accordance with the requirements of Managing Urban Stormwater: Soils and Construction Guidelines (Landcom, 2004) (the Blue Book). The SWMP would be included in the CMP and implemented for the duration of construction.
85.	Sediment protection filters would be installed on all new and existing stormwater inlet pits in accordance with either the mesh and gravel inlet filter detail SD6-11 or the geotextile inlet filter detail SD6-12 of Landcom (2004).
86.	Erosion and sediment control measures would be maintained and regularly inspected (particularly following rainfall events) to ensure their ongoing functionality.
87.	The proposed activity will be carried out in accordance with the site-specific Erosion and Sediment Control Plan (ESCP) provided in the Civil Plans (see **Appendix 8A** and **Appendix 8B**).
88.	The ESCP will be updated and managed according to the activities occurring during construction.
Water (generally)	
89.	Material stockpiles would be constructed and maintained in accordance with detail SO4-1 of Landcom (2004).
90.	Material stockpiles would not exceed 2.0 metres high and would be protected from wind and rain in accordance with Landcom (2004).
91.	A water cart or sprinkler device would be available during construction for dust suppression.
92.	Disturbed areas that are not being worked on would be re-vegetated as soon as is practical.
93.	The manufacturers' instructions would be followed for the use of any chemical agents used on-site.
94.	Sediment basins would be dewatered as soon as practical, once captured water achieves Council's water quality objectives.
95.	Sediment basins would be inspected after each rainfall event and on a weekly basis. The inspection will include the function of the basin, the sediment storage zone, and outlet and emergency spillway works. Maintenance would be carried out where required to ensure basins are maintained in a fully operational condition at all times.
96.	The contractor would keep a detailed written record of all erosion and sediment controls on-site during the construction period. This record would be updated on a daily basis and will contain details on the condition of controls and any maintenance, cleaning, and breaches. This record would be kept on-site at all times and will be made available for inspection by the principal certifying authority and the superintendent during normal working hours.
97.	Groundwater seepage into footings and piles, if encountered, would be removed by pumping prior to placing concrete.
Sustainability	
98.	Where appropriate, precautionary principles will be adopted. In the unlikely event that there are threats of serious or irreversible environmental damage, works will be postponed to prevent environmental degradation.
Operation	
Containment Cell	
99.	Monitoring air quality on a quarterly basis to ensure that landfill gas is not escaping from the capping containment system.

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100.	Monitoring of leachate quality according to the agreed list of parameters. The chemical make-up of the leachate will be required should it become necessary to dispose of leachate quantities to an outside disposal site and/or to allow irrigation of excess leachate on the playing fields.
101.	Periodic inspection of the final cell surface to identify and repair any areas with excessive settlement or damage to capping system layers.
Quarry Activities	
102.	A Blast Management Plan should be prepared as part of the operational Plan of Management to ensure activities relating to blasting (or similar) on the adjoining Hanson Quarry site are managed and mitigated. The Blast Management Plan should be developed in accordance with adjoining landowners and other interested parties to identify an annual schedule of blast activities and clearly identify the blast radius/ personnel clearances for this type of activity.
103.	Establish an incident register in relation to any blast related impacts from the adjoining Hanson Quarry site for users of the Sports Fields.
104.	Provide regular updates to local sports groups, residents and users of the park through Council media channels one month and one week in advance of any blasting activity.
105.	Establish a booking system for local sports groups to ensure that sports fields are not made available on days when blasting activity occurs.
106.	Install permanent signage and an information board warning users of the park of the impacts of blasting activity on the adjoining site.
107.	Install temporary signage and close any gates/barriers to pedestrian and car park entrances on days when blasting events occur.
108.	Council Ranger's/ staff should periodically inspect the park before and after any blasting activity has occurred to ensure there are no park users within the personnel clearance blast radius.
109.	Operate park in accordance with a detailed Plan of Management which has been prepared in consultation with Hanson and Frasers to ensure that adjoining land users do not bear any undue risks as a result of the use of the site for recreational activities.
Lighting	
110.	Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, Control of the obtrusive effects of outdoor lighting.
Noise and Vibration	
111.	Noise from any sports-related PA should be limited by locating and orienting any speakers away from residential areas.
112.	Appropriate noise limits on speakers should be set prior to the installation of any PA system.
113.	Restrict the use of the sporting field to: a) Between the hours of 7:00am and 10:00pm Mondays to Friday (for training and social recreation activities after 6:00pm). b) Between 8:00am and 6:00pm Saturdays and Sundays for organised events and competitions.
Traffic and Access	
114.	Operate park in accordance with detailed Plan of Management to consider access and parking demands during "super-peak" periods where parking will be required to be managed.
115.	Ensure measures relating to servicing are integrated into the Park Plan of Management. Consider servicing and waste collection to occur outside of peak periods.

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Waste Management	
116.	Operationally, waste will be managed in accordance with a site specific Waste Management Plan, prepared and implemented by Shellharbour City Council.

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8. CONCLUSION

This REF has been prepared in accordance with Section 5.5 of the *Environmental Planning and Assessment Act 1979* and sections 170 and 171 of the *Environmental Planning and Assessment Act Regulation 2021*. It provides an assessment of the proposed activity in relation to its likely effects on the environment. It addresses matters affecting or likely to affect the environment as a result of the proposed activity.

The proposed activity will provide new modern sports and recreation facilities including high quality sports fields, cricket training nets, accessible public toilets, amenities and car parking, which will provide an inclusive and safe community environment.

The proposed activity would result in some minor, temporary environmental impacts during the demolition, construction and operational phases, which are unavoidable for this type of development. However, through the adoption of appropriate and targeted environmental mitigation measures these impacts would be suitably mitigated. These mitigation measures are identified in Section 7 of this REF.

The Section 171 checklist in Section 6 of this report has concluded that the project would not have a significant negative impact on the environment and therefore it is considered that no additional environmental assessment is required.

The proposed activity is recommended for approval subject to implementation of the measures to avoid, minimise or manage environmental impacts listed in this REF.

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