



northern  
beaches  
council

## **Annam Road Reserve, Bayview**

### **Proposed Community Garden**

# **Environmental Approval Checklist & Draft Review of Environmental Factors**

(EP&A Act - Part 5, Div 5.1)

#### **Notes:**

1. This document includes a **MANDATORY** checklist for ALL Capex projects.
2. This document includes an REF template (should this be required – as identified in the checklist).
3. Ensure that all licenses and approvals are received prior to the undertaking of any works.
4. Ensure all mandatory sections are completed prior to signature.
5. Make sure to provide necessary supporting evidence where applicable.

TRIM FOLDER / NUMBER C001799, 2022/524171

#### **SECTION 1 - Details**

**(MANDATORY)**

PROPOSAL TITLE: Annam Road Reserve, Bayview Proposed Community Garden

PROJECT OFFICER [REDACTED]

BUSINESS UNIT PROPOSING ACTIVITY: Parks & Recreation

Is the proposed work a routine activity?

*Where a routine activity is - simple, small-scale activities associated with regular (daily, weekly, monthly, etc.) and general upkeep or maintenance of a building, plant, or structure against normal wear and tear.*

~~YES~~ / NO

If Yes, activity can be undertaken without assessment but must be in line with relevant standards and assessment recorded in the appropriate location.

If No proceed to Section 3.

**Note 1:** must ensure “minimal” environmental impact by use of one of the following:

- *Standard operating procedure;*
- *relevant Australian Standards;*
- *the Building Code of Australia;*
- *any relevant NSW Roads and Traffic Authority design guidelines;*
- *Ausspec;*
- *Northern Beaches Councils standard operating procedure;*
- *Northern Beaches Councils Pesticide notification plan;*
- *All product labels and warnings;*
- *Works that have previously been approved.*

**Note 2:** *If any Aboriginal cultural material or heritage constraints are found on any job site, all work should cease and the Office of Environment and Heritage and the Metropolitan Local Aboriginal Land Council notified immediately in accordance with the National Parks and Wildlife Act. An assessment can be undertaken by the Aboriginal Heritage Officer via Aboriginal Heritage Office.*

Please attach any additional information to support the assessment

### DESCRIPTION OF ACTIVITY:

A group of residents (the garden group) have applied to Council to establish a community garden at Annam Road Reserve which is located at 13 Annam Road, Bayview (Figure 1).



Figure 1. Annam Road Reserve, Bayview

The garden group are intending to grow organic produce (fruit and vegetables), flowering plants, promote sustainable lifestyles, provide a neighbourhood meeting place with opportunities for social interactions and to promote physical activity. Their objectives are:

- *To create a unique, safe, and supportive garden within the suburb of Bayview for the local community.*
- *To promote a sense of community where trust, effort, knowledge, skills, and responsibility are shared, where creativity and the environment are nurtured, and where philanthropy can flourish.*
- *To become a happy, enjoyable meeting place for the local community. A place where shared ideas of organic food growing, food preparation and eating become the norm and where education, peer learning and sustainable use of land as a valuable food resource is shared with the local community.*
- *To facilitate recreational activities that contribute to the physical and mental health and well-being of the local community as well providing environmental, social, and educational benefits.*
- *To work collaboratively with the community, government and businesses to establish a network to facilitate the establishment and on-going support of the Bayview Community Garden to make it a successful social activity for the local community.*



The garden group have developed a concept plan for a garden of approximately 450m<sup>2</sup> in size located on the eastern part of the reserve (Figure 2). The reserve is approximately 4,220m<sup>2</sup> in size with no park infrastructure.



Figure 2. Proposed garden location in Annam Road Reserve, Bayview

Their concept plan (Figure 3) is a formal layout which includes a covered gazebo, table and seats, shed, work bench, water tank, bbq, paths, stepping stones, raised garden beds, compost receptacles and worm farms, water feature, sculptures, large pots or urns, stone or timber block seats and a bike rack. The garden group have also asked about a driveway from Annam road to the proposed garden and access to water.

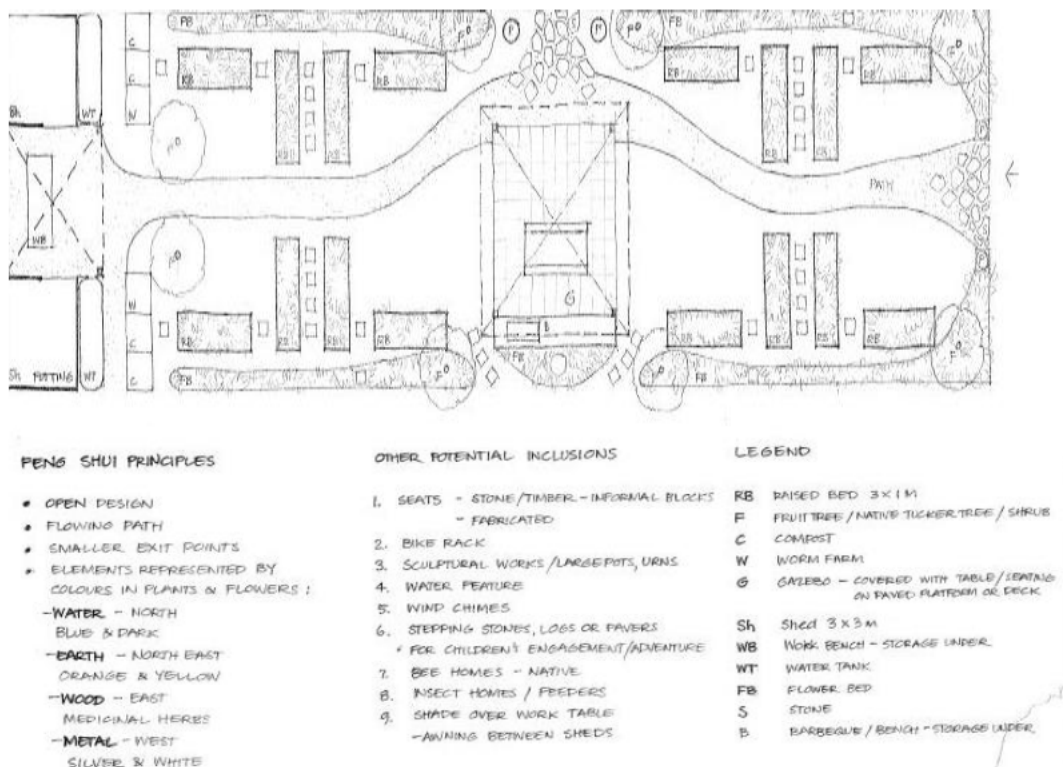


Figure 3. Draft concept plan for a proposed garden at Annam Road Reserve, Bayview

A preliminary review of the concept plan was undertaken and the water feature and wind chimes are not supported. Also, water access close to the garden would be required. Access to and from the road to the garden to be reviewed as part of the finalisation of the concept plan. It is proposed that garden activities are restricted to 7am to 7pm.

**REASON FOR ACTIVITY:** A group of residents (the garden group) have applied to Council to establish a community garden at Annam Road Reserve which is located at 13 Annam Road, Bayview (Figure 1).

**LOCATION:** 13 Annam Road, Bayview

**LAND OWNER:** Annam Road Reserve is community land owned by Council.

**LAND ZONE:** Public Recreation RE1. The proposal is consistent with RE1 and the Pittwater Natural Area Plan of management (which applies to this reserve).

### **TIMING AND DURATION OF WORKS**

The timing and duration of works to establish a community garden in Annam Reserve would be determined once the processes outlined in Council's Community Gardens Policy and Guidelines (2020) are successfully completed - this includes:

- Council approves public exhibition of the proposal to establish a community garden in Annam Reserve
- Publicly exhibit the proposal
- Report to Council about the outcomes of the public exhibition
- Council approves the establishment of a community garden in Annam Reserve
- Garden group enter into an agreement (MoU) with Council for their management and development of the community garden
- Council reviews and agrees on the final garden concept plan, costings and the timing and duration of works to establish the garden
- Garden group acquires funds for the works they are responsible for as outlined in the agreement (MoU). Council approves funding through the usual budget process for work it is responsible for.
- Council reviews and agrees to the final concept plan and provides Owners Consent to commence works

### **APPROXIMATE COST:**

The costs to establish and maintain the community garden will be establish when Council reviews the final garden concept plan (see the section above for more detail).

**SECTION 3 continued (MANDATORY)**

*All Tables below **MUST** be completed*

Table 1 will determine if the activity is Exempt Development. If the activity is Exempt Development, then no further assessment is required (other than sections 1-4).

**Table 1**

Yes	No
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Q1	Is the activity listed as <b>Exempt Development?</b> (within SEPP Transport & Infrastructure 2021) If YES provide details below. For assistance please refer to a Principal Planner from the Development Assessment business unit.	<i>If YES, provide detail below and complete items 2 to 6 to determine if environmental assessment required</i> <i>If NO Continue to Table 2</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>WHY IS ACTIVITY EXEMPT:</b> (provide details here of relevant section from exempt clauses and other relevant detail)				
<b>WILL THE ACTIVITY:</b>				
Q2	Involve the removal or damage to any remnant native vegetation or any construction works within Tree Protection Zones (under the drip line). <b>Note.</b> this excludes issues where there is a significant public risk posed from the vegetation. For assistance please see Natural Environment Officer in Bushland and Biodiversity team.  *The proposal may require an additional tap that is in the canopy zone.	<i>If YES to any of these items, activity is not exempt continue to Table 2- Q7.</i>  <i>If all items are NO, complete Approvals and Licences and Certifications</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Q3	Involve construction within 40 metres of a waterway that will impact geomorphology, groundwater, water quality or appearance of the foreshore or waterway. <b>Note.</b> This excludes the removal of built up sediment and maintenance works within drainage channels to restore the channel. For assistance please talk to the Senior Environment Officer – Catchments in Environment & Sustainability.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Q4	Have a negative impact on amenity in the area either during or post works.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Q5	Be immediately adjacent to or within a Threatened Ecological Community. (Check SEA or for assistance please talk to the Natural Environment Officer in Bushland and Biodiversity team)		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Q6	Disturb more than 40m <sup>2</sup> excluding man-made surfaces (e.g./ road, sportsfield turf) and linear work such as trenching or kerb & gutter.		<input type="checkbox"/>	<input checked="" type="checkbox"/>

..continue to next page for exempt development

### Certification Exempt

I certify that the proposed activity is exempt and will be undertaken in accordance with any relevant environmental controls, standards, procedures, etc. and that any other agency requirements will be met.

Executive Manager	Business Unit	Signature	Date
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**Note 1:** For EXEMPT Activities no further assessment is required. However, licenses or permits from other agencies may be required please complete section 4. If the activity is exempt the Executive Manager for the business unit of the proposal should complete the above certification.

**Note 2:** It is advisable that an informal impact assessment is undertaken as a risk management measure.

**Table 2** will determine if the activity is Permissible Without Consent. If the activity is Permissible Without Consent then no Development Application is required.

Table 2			
	Assessment	Description and References	Tick box
Q7	Permitted Without Consent	The activity is "Permitted Without Consent". Assessment is via Part 5 of the EP&A Act 1979 and <b>Form 1 – Impact Assessment</b> is to be completed, and/or an REF prepared. List the relevant Clause from SEPP Infrastructure or the LEP that determined this outcome below. For assistance please refer to a Principal Planner from the Development Assessment business unit.	<input checked="" type="checkbox"/>
<b>Why is the Activity Permitted Without Consent:</b>  The use/activity can be described as a recreation area and garden landscaping, which does not require development consent by virtue of being development "permitted without consent" under the SEPP 2021 Transport and Infrastructure as follows:  DIVISION 12 PARKS AND OTHER PUBLIC RESERVES  <b>Clause 2.73 DEVELOPMENT PERMITTED WITHOUT CONSENT</b> <i>(3) Any of the following development may be carried out by or on behalf of a council without consent on a public reserve under the control of or vested in the council – (a) development for any of the following purposes –</i> <i>(ii) recreation areas and recreation facilities (outdoor), but not including grandstands. (iv) lighting, if light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard.</i> <i>(v) landscaping, including landscape structures or features (such as artwork) and irrigation systems.</i> <i>(vi) food preparation and related facilities for people using the reserve</i>  <b>Clause 2.74 EXEMPT DEVELOPMENT</b> <i>(1) Development for any of the following purposes that is carried out in the prescribed circumstances is exempt development</i> <i>(a) construction, maintenance and repair of:</i> <i>(i) walking tracks, boardwalks and raised walking paths, ramps, minor pedestrian bridges, stairways, gates, seats, barbecues, shelters and shade structures,</i>			

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

#### Key planning controls

Attributes (Control Codes)		
Class	Type	Description
PlanLand	05AUG17-L	Flood Risk Management Policy 2017 - Low Risk
PlanLand	05AUG17-M	Flood Risk Management Policy 2017 - Medium Risk
PlanLand	3P21	Pittwater 21 Development Control Plan
PlanLand	544	SEPP 44 Koala Habitat Protection
PlanLand	SINFam2016	DRAFT SEPP Infrastructure Amend Review 2016
PlanLand	SMPE	SEPP Mining Petroleum Prod& Extractive Ind 2007
PlanLand	SSR	SEPP (State & Regional Development) 2011
PlanLand	SSSD	SEPP State Significant Precincts 2005
PlanLand	STMP	SEPP Miscellaneous Consent Provisions 2007
PlanLand	SVNRA	SEPP Vegetation in Non-Rural Areas 2017
PlanLand	620	Deemed SEPP - Hawkesbury-Nepean River
PlanLand	986	149 Response - Subject to Acquisition - Negative
PlanLand	989	149 Response - Road Widening - Negative
SILEP	ASS-05	Acid Sulfate Soils Map - Class 5
SILEP	BIO	Biodiversity Map
SILEP	HOB-I	Height of Buildings Map - I Maximum 8.5m
SILEP	LAP	Land Application Map
SILEP	LZN-RE1	Land Zoning Map - RE1 Public Recreation
P21DCP-BC	MDCP001	Pittwater LGA including the Pitt Waterway
P21DCP-BC	MDCP014	Flood Prone Land
P21DCP-BC	MDCP037	NOT the Pitt Waterway or WV Land Release Area
P21DCP-BC	MDCP039	NOT the Pitt Waterway/Scotland Is/Western FS
P21DCP-BC	MDCP047	NOT the Pitt Waterway
P21DCP-BC	MDCP053	NOT PittWway:WVRelease:AdjBushRes:NewpCtr: EHVC
P21DCP-BC	MDCP065	Wildlife Corridor (excl. Cat1/Cat2/Core Species)
P21DCP-BC	MDCP078	NOT Heritage Item/area & NOT in vicinity
P21DCP-BC	MDCP080	Scenic Protection - General
P21DCP-D04	MDCP080d	Church Pt/Bayview - Scenic Protection - General
P21DCP-BC	MDCP081	NOT PittWway / NewpCtr / WV Land Release / EHVC
P21DCP-BC	MDCP082	NOT Newport Commercial Centre / EH Village Centre
P21DCP-BC	MDCP091	NOT Pitt Waterway / WV Land Release Area / EHVC
P21DCP-BC	MDCP092	NOT Pitt Waterway or Elanora Heights Village Centr
P21DCP-BC	MDCP093	Pittwater LGA & the Pitt Waterway NOT incl EHVC
P21DCP-BC	MDCP094	Section 94 - Residential Development
P21DCP-D04	MDCP250	Church Pt/Bayview Locality
P21DCP-D04	MDCP255	Church Pt/Bayview - NOT Flora&Fauna Cat 1/2 Area

Figure 5. Key attributes and planning controls. Ref. Council's Spatially Enabled Application (SEA)

Q8	Permitted With Consent	The activity is Permitted With Consent – a Development Application to be prepared and lodged with Council under Part 4 of the EP&A Act.	<input type="checkbox"/>
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## SECTION 4 – Approvals from other Agencies

(MANDATORY)

Table 3 will identify what approvals, licenses and permits from other Agencies are required to undertake the proposed works. These approvals, permits and licenses MUST be obtained prior to the commencement of works. In some instances the agencies may request an Environmental and/or Species Impact Statement prior to granting approval.

Table 3			
Is the activity:	Approval required		If Yes
	YES	NO	



Working within or impacting on Threatened Species/Populations and/or Threatened Ecological Communities and/or causing any possible damage to those threatened species or communities. For assistance check SEA or for assistance please talk to the Natural Environment Officer in Environment & Sustainability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Must complete an REF and depending on the assessment the proposed works may require a license from Office of Environment & Heritage (OEH).
Working near Aquatic Reserves, Aquatic Habitat or damaging any marine vegetation such as sea grass, mangroves, etc. For assistance please talk to the Senior Environment Officer in Environment & Sustainability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Permit from the Department of Primary Industries is required.
Dredging of water or banks of creeks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Permit from the Department of Primary Industries is required
Working within the 'place' of a Heritage Item identified under the NSW Heritage Act	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refer to Councils Heritage Officer
Working near known aboriginal relics, places, or potential Aboriginal relics or places – Check with the Aboriginal Heritage Office. see APPENDIX 2 Aboriginal heritage potential desktop assessment checklist	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Must notify the Office of Environment and Heritage prior to commencing works
Working on vacant Crown Lands not under Council Control and/or Council not Trustee - check with the property office.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Permission must be sought from the Department of Primary Industries
Working on a Classified Roads – not under a current maintenance program	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approval required from NSW Roads and Maritime Services
If polluting a waterway ie. dewatering, herbicide application, etc	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Licence from the Office of Environment and Heritage
Check Dial Before You Dig to identify any services that may be impacted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contact the relevant service authority
On the open coast or estuary. Assistance can be provided from the Coast & Catchments team in Environment & Climate.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approval from the Office of Environment and Heritage may be required.
On land which is not owned or controlled by Council.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contact the landowner to obtain approval

#### ***Certification Sections 1-4***

I certify that the above information in **Sections 1 to 4** is correct and I have endeavoured to clarify that all requirements have been met.

<b>Project Officer</b>	<b>Business Unit</b>	<b>Signature</b>	<b>Date</b>
██████████	Parks & Recreation	██████████	██████████

**SECTION 5 – Form 1-REF - Consideration of Impacts of the Activity (MANDATORY if Q7 in Table 2 is YES)**

**Notes:**

1. This Form 1 & Form 2 must be completed and evidence provided (you can refer to and attach additional documents to this assessment)
2. Assessment of all impacts must be provided; reason and justification for answers must be provided.
3. For all construction impacts of Minor or greater possible impacts, mitigation measures must be included and a final Impact determined. Additional information detailing justification and/or mitigation of the impact may need to be referenced, provided and attached to the assessment.
4. Possible impact is to be determined utilising the descriptions in the table below.
5. Construction impact - refer to all activities of undertaking the works, ongoing impacts, cumulative impacts, maintenance and permanent impacts.

<b>1 - Negligible</b>	<b>2 - Minor</b>	<b>3 - Moderate or Greater</b>
Does not create a nuisance	Creates a temporary nuisance	Creates a continuous or ongoing nuisance
Impacts contained within work site	Impact short term/localised, for life of project	Impact ongoing/long term or widespread impact
No detectable/noticeable change	Measurable change/may be offensive	Obvious change/offensive
Complies with industry guidelines	Exceeds industry guidelines (minor)	Exceeds industry guidelines (major)
Reasonable inconvenience/financial loss	Sustained/short term inconvenience/financial loss	Unacceptable inconvenience/financial loss
Change but similar to original land use	Slight or temporary change to land use	Transforms a locality permanently
No damage to heritage items or native flora or fauna	Heritage items or native flora and fauna able to be repaired/rehabilitated	Permanent damage/loss of a heritage item/flora or fauna from an area
No foreseen increase to risk from natural hazards	Slight increase to risk from natural hazards	Major increase to risk from natural hazards
Waste disposed/recycled of at licensed waste facility or reused immediately	Waste stockpiled with end use unknown, potential for temporary impact to air, soil, water	Long term contamination of air, soil or water due to waste disposal
No remediation required following work to prevent/remove pollution	Minor /short term site remediation required at completion of work to prevent/remove pollution	Extensive site remediation required over extended timeframe to prevent/remove pollution (e.g. soil or water contamination, severe soil erosion, large scale revegetation)

**FORM 1 - IMPACT ASSESSMENT**

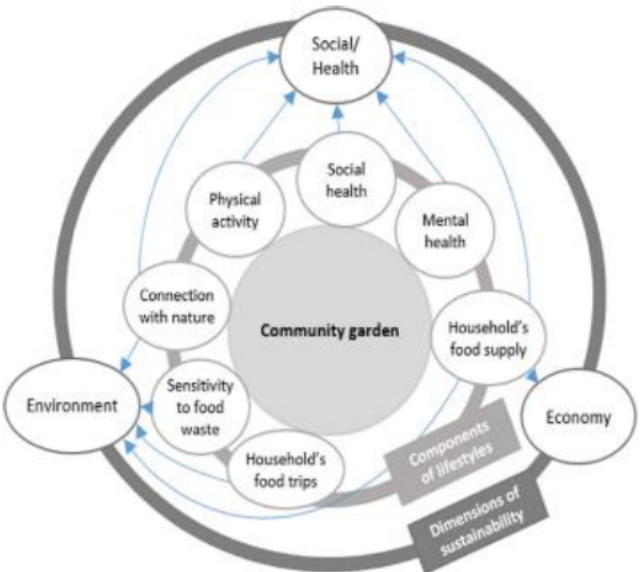
	Description	Construction Impact			Mitigation Measures (detail measures)	Ongoing Impact		
A	<b>Any environmental impact on a community</b> <i>eg Social, economic and cultural impacts</i>							
	<p>Impacts of the activity are considered minor: impacts are localised and will extend for the life of the project.</p> <p>The community garden and its activities may have some impact on adjoining residences e.g. from noise</p> <p>Overall the activity is anticipated to have a positive impact socially, culturally, economically and culturally.</p>	1	2	3	<p>The project will be presented to the Council for consideration for public exhibition. Neighbours will be notified via a letter box drop. Feedback received will be taken into consideration prior to approving the creation of the garden.</p> <p>Should the proposal be approved by the Council, noise will be managed in accordance with the Protection of the Environment Operations Act, 1997 No 156.</p> <p>It is proposed that garden activities are restricted to 7am to 7pm.</p> <p>A minimum of a 15m buffer between the community garden and reserve boundary fence of the nearest residences.</p>	1	2	3
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
B	<b>Any transformation of a locality</b> <i>eg . Human and non-human environment</i>							
	<p>Impacts of the activity are considered minor: the activity will change the use of a portion of the locality/Reserve from turf into a community garden and related activities.</p>	1	2	3	<p>To minimise transformation of the locality, the community garden has been located at the eastern side of the Reserve. This retains the majority of the open space for the wider community.</p>	1	2	3
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
C	<b>Any environmental impact on the ecosystems of the locality</b> <i>Flora, fauna, ecological integrity, biological diversity, connectivity/fragmentation, air, water including hydrology, soil</i>							

<p>The key site attributes and the associated planning controls are provided in Table 2, Figure 5. The most relevant controls are summarised below:</p> <p>Impacts of the activity are considered minor.</p> <p>The Reserve contains stands of canopy trees particularly Turpentine trees (<i>Syncarpia glomulifera</i>) along the northern and eastern boundaries. However, the proposed community garden consists mostly of soft landscaping located on turf and distanced four metres from the tree trunks on the eastern side of the Reserve. See Figure 1 on page 3. The construction of the community garden by the group and their ongoing activities are not expected to impact negatively on the site ecosystems.</p> <p>The Reserve is mapped as Biodiversity under the Pittwater LEP 2014. (See Figure 9). A portion of the site is mapped as Littoral Rainforest Proximity area under the Coastal Management SEPP.</p> <p>The site is mapped as a Wildlife Corridor (excl. Cat1/Cat2/Core Species) under the Pittwater 21 DCP.</p> <p>The site is not mapped as having any threatened native vegetation communities, and there are no previous records of threatened species at the site.</p> <p>There is potential fauna and threatened species associated with the adjoining bushland within the neighbouring golf course and Barkala estate lands.</p> <p>A locally significant species that may frequent the site is the long-nosed bandicoot and perhaps other ground fauna such as blue tongued lizards or water dragons etc.</p> <p>The site is listed as Koala Habitat Protection in the SEPP 44. (Ref. SEA).</p>	<p>1</p> <input type="checkbox"/>	<p>2</p> <input checked="" type="checkbox"/>	<p>3</p> <input type="checkbox"/>	<p>An agreement with Council will require the community garden be located on the turf area, away from the canopy trees.</p> <p>Council's arborists suggested a four-metre buffer between the eastern boundary of the garden and the existing canopy trees. They also suggested that the northern boundary of the community garden be located clear of the canopy to provide solar access.</p> <p>Council's arborists will comment on the location of a tap within the canopy zone and supervise this work if required. Canopy trees will be protected in accordance with AS4970-2009.</p> <p>Water quality – the agreement with the garden group will specify that stockpiles of soil will be covered with fabric.</p> <p>The site's acid Sulphate Class 5 does not require any risk mitigation measures as advised by Northern Beaches Council Environment Health department.</p> <p>No poisons are to be used on the site that might impact native fauna. Should plantings need to be protected from herbivory then a physical exclusion measure such as mesh or wire is to be used to keep native animals out of the vegetable patches or the like.</p> <p>All existing canopy trees will be retained. This is consistent with the principles of the Koala SEPP 2021 which requires koala habitat to be properly considered during the development process and for council's to strategically manage koala habitat through koala plans of management.</p>	<p>1</p> <input checked="" type="checkbox"/>	<p>2</p> <input type="checkbox"/>	<p>3</p> <input type="checkbox"/>
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Annam Road Reserve is not impacted by flooding. Although the northern and southern boundaries may be subject to flooding.									
D	<b>Any reduction of the aesthetic, recreational, scientific or other environmental quality or value of a locality</b> <i>eg Visual, recreational, scientific and other</i>								
	<p>Impacts of the activity are considered minor.</p> <p>The existing visual amenity of the Reserve is characterised as a large area of parkland (4234m<sup>2</sup>) with canopy trees lining the boundaries. It is anticipated that the community garden will not be visually prominent from the street.</p> <p>The community garden will change the aesthetic and visual quality of the Reserve from within and for adjoining properties - from turf / parkland to part developed garden.</p> <p>The applicant's members include landscapers and artists. Their vision is to create a formal garden as a place for gardening and socialising.</p>	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	<p>The location of the proposed garden is such that it does not abut neighbouring resident's fences and a minimum 15m buffer is allowed for. The concept plan will consider a design that is sympathetic to its location. The garden group will be required to ensure the garden is appropriately maintained to ensure visual amenity is not unreasonably impacted. Council will inspect the garden regularly.</p>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	
E	<b>Any effect on a locality, place or building having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations</b> <i>eg Aboriginal heritage (including intangible cultural significance), architectural heritage, social/community values and identity, scenic values and other</i>								
	<p>Cultural, historical, archaeological etc values are considered negligible.</p> <p>There are no recorded Aboriginal heritage sites located within the Reserve.</p> <p>The parkland has recreational and aesthetic value for local residents. Much of the original parkland would be retained for other uses.</p>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	<p>The proposal and the concept plan has been developed to enhance the visual amenity, aesthetic values and recreational opportunities of the park. Council is required to approve the final concept plan and will monitor the ongoing management of the garden to ensure Council's requirements are met.</p>	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	

F	<b>Any impact on the habitat of protected animals (within the meaning of the Biodiversity Conservation Act 2016)</b> <i>eg Listed species and habitat requirements/ critical habitat</i>							
	There are no threatened species recorded at Annam Road Reserve.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	N/A	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
G	<b>Any endangering of any species of animal, plant or other form of life, whether living on land, in water or in the air</b> <i>eg Listed species, non-listed species and key threatening processes</i>							
	Potential impacts are considered minor.	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	Mitigation measures for protecting animals, plants and other forms of life are provided in this Table under Item C.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

<div>H</div> <div>Any long-term effects on the environment eg Ecological, social and economic</div>							
<p>Potential negative impacts of the activity are considered negligible.</p> <p>Some of the positive impacts of a community garden include linking people with nature, growing healthy organic vegetables, growing food locally (avoiding transport footprint), recycling food waste. Opportunities for socialising and connecting people are foreseen which can provide well being benefits.</p> <p>Community gardens promote sustainable lifestyles. See image below.</p>  <p><a href="https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-019-6815-0/figures/1">https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-019-6815-0/figures/1</a></p>	<div>1</div> <div><input checked="" type="checkbox"/></div>	<div>2</div> <div><input type="checkbox"/></div>	<div>3</div> <div><input type="checkbox"/></div>	<p>Any works in the garden would be reversable in that the community garden could be removed in the future and turf reinstated should that be required.</p>	<div>1</div> <div><input checked="" type="checkbox"/></div>	<div>2</div> <div><input type="checkbox"/></div>	<div>3</div> <div><input type="checkbox"/></div>

I	<b>Any degradation of the quality of the environment</b> <i>eg Ecological, social and economic</i>								
	Negative impacts of the activity are considered negligible. The works are aimed at improving the social, recreational and aesthetic values of the park through providing an inclusive garden space for all to enjoy, either as members or as visitors.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	Any works in the garden would be reversible in that the community garden could be removed in the future and turf reinstated should that be required.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	
J	<b>Any risk to the safety of the environment</b> <i>eg Public health, contamination, bushfire, sea level rise, flood, storm surge, wind speeds, extreme heat, urban heat and climate change adaptation</i>								
	Negative impacts of the activity on public health and the environment are considered negligible.  In contrast, positive impacts include: Improved community health, through social and educational opportunities as well as gardening as a form of exercise. Improved sustainability through providing a local healthy food source by organic means and composting food waste.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	N/A	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	
K	<b>Any reduction in the range of beneficial uses of the environment</b> <i>eg Natural resources, community resources and existing uses</i>								
	Negative impacts of the activity are considered negligible.  Much of the original parkland would be retained. The community garden would provide added value by providing food resources for members and education on growing food for visitors.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	A community garden would provide additional resources through the provision of fresh, organic food for families, reduced food transport, sustainable practices such as composting, worm farming, and most community gardens operate a "swap and drop" facility (compost neighbourhood kitchen scraps).  Community gardens offer beneficial social outcomes. They help to build strong communities. They provide opportunities for people with a common interest in gardening and the environment to come together.  Community gardens provide a venue for local schools to meet the requirements of the NSW Government's "Kitchen gardening for sustainability and wellbeing" K to 6 syllabus.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	



L	<b>Any pollution of the environment</b>								
	<i>eg Air (including odours and greenhouse gases); water (including runoff patterns, flooding/tidal regimes, water quality health); soil (including contamination, erosion, instability risks); noise and vibration (including consideration of sensitive receptors); or light pollution</i>								
	Issues relating to air, water, vibration and light are considered minor.	1	2	3	The garden group will need to move materials (manually) from the nature strip / road to their site. In some instances (such as garden soil, compost and mulch), the materials may need to be delivered and stored (short term) on the nature strip. In these situations, the group will be required to apply through the "Place Building Materials on Footpaths Application 20/21" online form and pay the associated fees. Materials that could cause dust will need to be covered by a fabric. Noise mitigation measures are covered in this Table under Item A. All relevant legislation and Council policies and directions are to be adhered to.	1	2	3	
	Soil delivered and stockpiled on the nature strip or site before use could create some dust for neighbouring residences	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Various levels of noise will occur during construction, gardening activities and socialising.									

M	<b>Any environmental problems associated with the disposal of waste</b> <i>eg Transportation, disposal and contamination</i>							
	No environmental problems due to waste disposal are anticipated.	1 <input type="checkbox"/>	2 <input checked="" type="checkbox"/>	3 <input type="checkbox"/>	The garden group will be responsible for the removal of day-to-day waste.  Council can assist with vegetation waste removal for larger amounts as agreed.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
N	<b>Any increased demands on resources (natural or otherwise) that are, or are likely to become, in short supply</b> <i>eg Land, soil, water, air, minerals and energy</i>							
	No demands on resources that are in short supply are anticipated.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	N/A	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
O	<b>Any cumulative environmental effect with other existing or likely future activities</b> <i>eg Existing activities and future activities</i>							
	There are no other future activities proposed for the reserve.  No cumulative environmental effects are anticipated.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	N/A	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>
P	<b>Any impact on coastal processes and coastal hazards, including those under projected climate change conditions</b> <i>eg Coastal processes and hazards (impacts arising from the proposed activity on coastal processes and hazards and impacts on the proposed activity from coastal processes and hazards), climate scenarios</i>							
	The site is not on the coast. No impact on coastal processes and hazards are anticipated.	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	N/A	1 <input checked="" type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>

Q	<b>Any applicable local strategic planning statement, regional strategic plan or district strategic plan made under Division 3.1 of the Act (EP&amp;A Act 1979, Part 3.1 Strategic Planning)</b> <i>eg Issues, objectives, policies and actions identified in local, district and regional plans</i>								
	The community garden proposal is consistent with the following outcomes  <b>Towards 2040 – Local Strategic Planning Statement</b>  The community garden is consistent with Priorities under the chapters Sustainability, Efficiency, Liveability and Great places, including the following priorities:  Greener urban environments (Priority 5)  High quality open space for recreation (Priority 6)  Provide community facilities and services that meet changing community need (Priority 11)  An inclusive, healthy, safe and socially connected community (Priority 12)  A community enriched through the arts and connected through creativity (Priority 14)	1	2	3	N/A	1	2	3	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
R	<b>Any other relevant environmental factors</b> <i>eg Any other factors relevant in assessing impacts on the environment to the fullest extent</i>								
	No other relevant environmental factors are anticipated. There is potential for improved vehicle and pedestrian access which would be addressed through a separate process should it be pursued.	1	2	3	There is potential for improved vehicle and pedestrian access which would be addressed through a separate process should it be agreed with Council to consider.	1	2	3	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Declarations	YES	NO
Sustainability Principles have been applied to the assessment of Environmental, Social, and Economic factors of this project. See Item H.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
This Impact Assessment provides a true and fair review of the proposal in relation to its likely affects on the environment. It addresses, as best as possible, the impacts affecting or likely to affect the environment as a result of the activity. It provides sufficient information to determine whether this is likely to be a significant impact on the environment as a consequence of the activity.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alternate methods, activities or designs been investigated for alternate method of delivery for all activities other than Level 1 Impacts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Consultation has been undertaken as per the Community Engagement Framework. * Community consultation will be undertaken should the consultation be endorsed by Council for public exhibition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The implementation of the recommended mitigation measures will minimise the identified impacts/risks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All material supporting the assessment has been detailed in the assessment of the item above with a copy attached to this assessment, this is detailed in Addendum 1.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
A risk assessment will be undertaken to ensure that Work Health and Safety requirements are met on the site at all times.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>This environmental review (and a formal REF if required) must be published on Council's website, before activity commences, if any of the following are true - Environmental Planning and Assessment Regulation 2021 (Part 8, clause 171 (4). Refer to legislation to check other requirements...</b> <a href="https://legislation.nsw.gov.au/view/pdf/asmade/sl-2021-759">https://legislation.nsw.gov.au/view/pdf/asmade/sl-2021-759</a>		
(a) the activity has a capital investment value of more than \$5 million, or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) the activity requires an approval or permit as referred to in any of the following provisions before it may be carried out—		
(i) Fisheries Management Act 1994, sections 144, 201, 205 or 219,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(ii) Heritage Act 1977, section 57,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iii) National Parks and Wildlife Act 1974, section 90,	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(iv) Protection of the Environment Operations Act 1997, sections 47–49 or 122, or	<input type="checkbox"/>	<input checked="" type="checkbox"/>



(c) the determining authority considers that it is in the public interest to publish the review.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<b>SECTION 6 – Assessment Result</b>	<b>(MANDATORY)</b>
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Based on the information in Section 5 (ie Forms 1 and 2), the assessment results in the following LEVEL of impact (tick one of the following):

- ☐ LEVEL 4: All items assessed as 1 Negligible Impact - **NO FURTHER ASSESSMENT REQUIRED - Proceed to Section 7**
- ☒ LEVEL 3: Some items assessed as 2 Minor Impact and others as 1 Negligible with proposed mitigation - **CURRENT ASSESSMENT ADEQUATE – Proceed to Section 7**
- ☐ LEVEL 2: Any item assessed as 3 Moderate or Greater Impact **and/or** any works occurring in Endangered Ecological Communities or impacting species as Scheduled in the Biodiversity Conservation Act – a formal **REVIEW OF ENVIRONMENTAL FACTORS REQUIRED** addressing these issues and attach to this assessment. - **Proceed to Section 7**
- ☐ LEVEL 1 – In the assessment numerous items are assessed as 3 Moderate or Greater Impact and deemed to have environmental **and/or** other impact determined as significant by any consent authority (including Council officers) as determined in Part 5 of the *Environmental Planning and Assessment Act 1979* (listed SECTION 4 – Approvals and Other Agencies) - **ENVIRONMENTAL and/or SPECIES IMPACT STATEMENT REQUIRED.** This requires a report to Council with concurrence of the relevant agency. No self-determination possible. For assistance please speak to a Principal Planner from the Development Assessment unit. - **Proceed to Section 7**

<b>SECTION 7 – Consultation</b>	<b>(MANDATORY)</b>
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The level of consultation and engagement required is to be determined by Council’s community engagement matrix (from Community Engagement Framework).

<https://www.northernbeaches.nsw.gov.au/council/publications/policies/community-engagement-policy>

In accordance with Council’s Community Engagement Matrix, the level of community consultation required for the proposed community garden is assessed as “Level 4. Lower Impact – Local”. This is because, the project involves a small change or improvement to a facility at the local level.

Should the project be approved by the Council for public exhibition, the consultation will include:

Public exhibition for a minimum of 28 days and will include:

- Letters to residents and other stakeholders
- On site signs
- On site meeting where the proposed area for the community garden will be pegged out on site as a visual aid
- A Your Say project page with an online submission form
- Submissions will also be accepted via email and post.
- Submissions will be reviewed and reported back to the Council.

## SECTION 8 – Approval (If proposal permissible without consent)

(MANDATORY)

### 8.1 REVIEW OF ENVIRONMENTAL FACTORS

Tick the option which accurately reflects the requirements of a Review of Environmental Factors for the proposal:

- ☒ A formal Review of Environmental factors is not required. This REF document is satisfactory considering the low impact nature of the proposal.
- ☐ A formal Review of Environmental factors is required and has been submitted and is attached.
- ☐ A formal Review of Environmental factors has been submitted, it is considered that the overall impact on the environment is significant. The proposal should not proceed until an Environmental and/or Species Impact Statement is prepared and approved.

Project Officer

██████████

Business

Parks and Recreation

Signature

██████████

Date

██████████

## 8.2 DETERMINATION




For proposal that is “permitted without consent” the following Decision Statement is required.

*The determination is undertaken by an authorised person - an individual authorised by the determining authority to determine the proposal under Division 5.1 of the EP&A Act and Part 8, Division 1 of the EP&A Regulation. That authorised person will produce a decision statement.*

A. For proposal that is “permitted without consent” with Level 3 or 4 impact, under current delegations any Executive Manager in the Transport & Assets directorate may provide determination.

- the proposed activity ~~is~~/is not likely to have a significant impact on the environment and therefore an EIS ~~is~~ / is not required
  - the proposed activity ~~will~~/will not be carried out in a declared area of outstanding biodiversity value and ~~is~~/is not likely to significantly affect threatened species, populations or ecological communities, or their habitats or impact biodiversity values, meaning a Species Impact Statement (SIS) and/or a Biodiversity Development Assessment Report (BDAR) ~~is~~/is not required
  - the proposed activity may/~~may not~~ proceed and the reasons for the decision
  - mitigation measures are/~~are not~~ required to eliminate, minimise or manage environmental impacts, indicating where in the REF document the mitigation measures are set out, as well as any additional mitigation measures and/or conditions required and the reasons for these mitigation measures and conditions. (Note, the mitigation measures relate to impacts are considered either negligible or minor)
  - A determining authority may also choose to note whether referral to the Commonwealth Department of Agriculture, Water and the Environment has been considered.
- If a SIS and/or BDAR is prepared, and the determining authority is a Minister, the decision statement will identify any recommendations from the Environment Agency Head or the Primary Industries Head that have not been accepted.

The proposal has been assessed and can proceed, subject to the inclusion of the stated mitigation measures below (if any):

Executive Manager	Business Unit	Signature	Date
	Parks and Recreation		

- B.** For proposal that is “permitted without consent” with Level 2 (Section 6) proposals, under current delegations endorsement from the **Executive Manager Development Assessment (or delegate)** is required.

**In this case, this completed form is to be forwarded to the Development Assessments team who will review and determine with conditions (as appropriate) by provision of a separate memo.**

NA

## **APPENDIX 1**

### **Biodiversity Conservation Act 2016 – Part 7 Division 1 Section 7.3**

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,
  - 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.

## APPENDIX 2

### Aboriginal heritage desktop assessment checklist (direct reference from Aboriginal Heritage Office)

<b>1. Check Aboriginal heritage potential mapping and Aboriginal site data</b>				
a) What level of potential is the subject area in	<input type="checkbox"/>	Very High		
	<input type="checkbox"/>	High		
	<input checked="" type="checkbox"/>	Moderate		
	<input type="checkbox"/>	Low		
	<input type="checkbox"/>	Very Low		
<b>Comments:</b> The area is mapped as having moderate potential for Aboriginal heritage, however, this is unlikely given that they area is disturbed.				
b) Are there registered Aboriginal site within or within the vicinity of the subject area?	<input type="checkbox"/>	Immediate vicinity		
	<input type="checkbox"/>	Within 100-200m		
	<input checked="" type="checkbox"/>	Not recorded nearby		
<b>Comments:</b> No known Aboriginal sites are recorded within the subject area				
<b>2. Check landscape features present in the subject area</b>				
a) Are any of the following features present in the subject area? No	<input type="checkbox"/>	Watercourses (creek lines, drainage lines even if ephemeral)		
	<input type="checkbox"/>	Foreshore		
	<input type="checkbox"/>	Cliff lines or boulders (higher than 1m)		
	<input type="checkbox"/>	Overhangs or caves		
	<input type="checkbox"/>	Level sandstone outcrops (>2m <sup>2</sup> )		
	<input type="checkbox"/>	Deep sandy deposits		
<b>Comments:</b> The site does not contain these features.				
b) What is the land use history of the subject area? The center of the site has been cleared of vegetation, turfed and maintained as mown parkland. The north, east and western boundary areas contain local native canopy trees.	<input type="checkbox"/>	Heavily modified		
	<input checked="" type="checkbox"/>	Moderately modified		
	<input type="checkbox"/>	Limited modification		
	<input type="checkbox"/>	No known modification		
<b>Aboriginal heritage potential identified:</b>		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> unsure
<b>If yes/unsure, refer to AHO</b>		Date referred:		
<b>If no, works may proceed with caution</b>				



If the garden is supported by Council a Memorandum of Understanding (MoU) between Council and the garden group would be established. The MoU would include, among other things, the mitigation measures listed in this document. The mitigation measures in this document aim to protect the aesthetic values, the natural environment, and the amenity of the Reserve and are supported by the garden group.