

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED

Revitalisation of Bigge Park



At
Bigge Park Liverpool

August 2015

Prepared by Urban City Planning
Reference 150380

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1.0 INTRODUCTION

This report constitutes a Statement of Environmental Effects and accompanies the submission of a Development Application for the revitalization of Bigge Park to Liverpool City Council.

1.1 SCOPE

The purpose of this statement is to indicate the following matters:

1. Describe the site features and surrounding area.
2. Describe the potential environmental impacts of the development,
3. Identify measures to be taken to protect the environment or lessen any potential or expected impact to the environment and the surrounding area,

To discuss the relevant issues pertaining to the proposed development, the following matters will be raised;

1. The subject site and the existing development
2. Detailed description of the proposed development
3. The locality in which the proposed development is to be situated,
4. The relevant Statutory Controls including State, Regional and Local EPI's
5. Assessment of the likely environmental factors that has potential to impact on the locality.
6. Identify any proposed measures to be implemented to reduce potential environmental impact on the locality and environment. .

1.2 ANNEXURES

This report is to be read in conjunction with the following supporting documentation.

- ✓ Landscape Demolition Plans prepared by Urbis.

Title	Drawing No.	Revision
Cover sheet and Drawing Register	BP-000-CS	D
Cover sheet Legends	BP-001-CS	D
Landscape Demolition Plan	BP-150-DE	D
Landscape Demolition Plan	BP-151-DE	D
Landscape Demolition Plan	BP-152-DE	D
Landscape Demolition Plan	BP-153-DE	D
Landscape Demolition Plan	BP-154-DE	D
Landscape Furniture and Playground Plan	BP-600-FU	D

Landscape Furniture and Playground Plan	BP-601-FU	D
Landscape Furniture and Playground Plan	BP-602-FU	D
Landscape Furniture and Playground Plan	BP-603-FU	D
Landscape Furniture and Playground Plan	BP-604-FU	D

- ✓ Liverpool City Centre Revitalisation Macquarie Street Mall and Bigge Park prepared by Urbis/Lava/WAX Issue D 04.08.2014.
- ✓ Draft Conservation Management Plan for Bigge Park Liverpool prepared by Chris and Margaret Betteridge (Betteridge Consulting Pty Ltd).
- ✓ Heritage Impact Statement Bigge Park Liverpool prepared by OCP Architects issued B August 2015.
- ✓ Aboriginal Due Diligence Assessment.

1.3 BACKGROUND

Liverpool City Council has engaged Urbis with LAVA and WAX to develop urban concepts for Macquarie Mall and Bigge Park precincts.

The design theme will:

- *Generate a monumental sense of place- a destination which befits the location and history within Liverpool*
- *Create a optimistic and playful, public open space for the people of Liverpool with distinct landscape themes- active promenades, contemplation walkways, recreational gardens, play spaces, cafes, and entertainment and cultural destinations.*
- *Connect the park to the broader context.*

The key design principles include the following;

- *Reclaim the historic park boundaries*
- *Celebrate local heritage*
- *Respond to the park role as a major civic space.*

- Provide an opportunity for a range of:

*Cultural
Recreational
Social/Leisure
Environmental Events and Activities to take place*

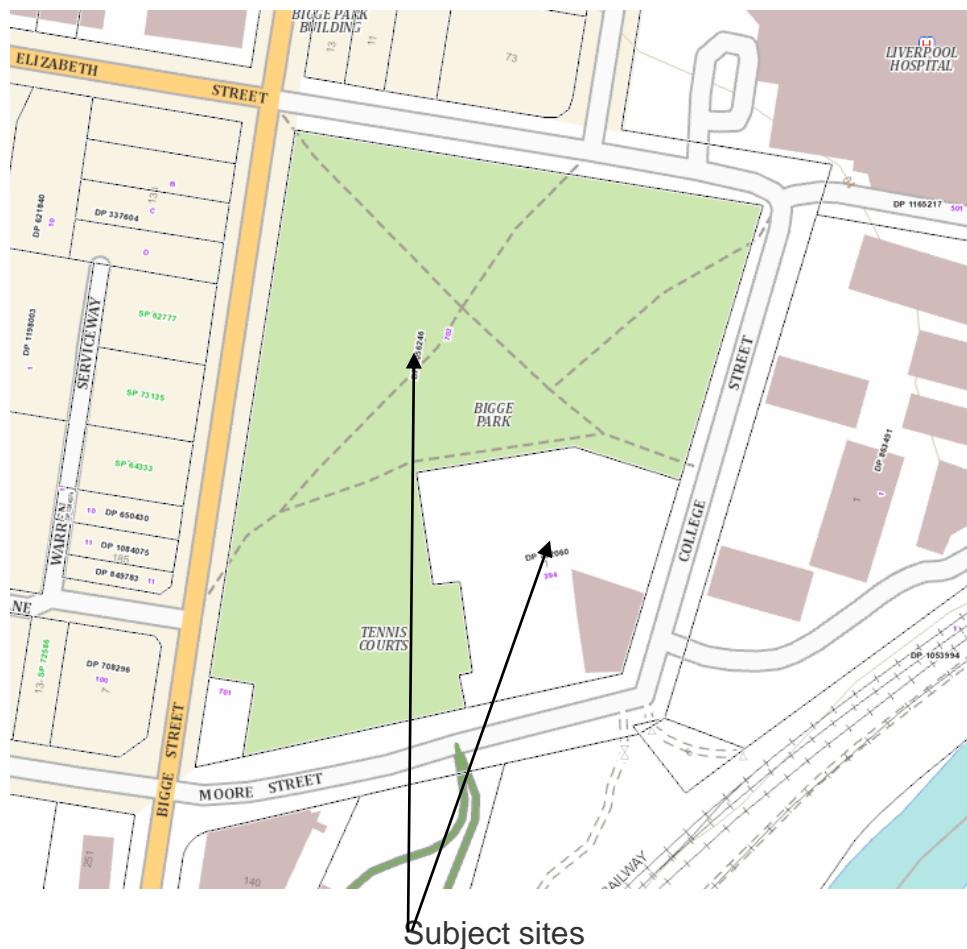
2. DESCRIPTION

2.1 Legal Description

The site is known as:
Lot 702 DP1056246 and Lot 394 DP 752060

2.2 Site Location

Bigge Park is bounded by Elizabeth Street to the north, Moore Street to the south, College Street to the east and Bigge Street to the west (Refer to map below below).



2.3 Zoning

The property is zoned RE 1 (Private Recreation) under Liverpool Local Environmental Plan 2008



Subject Site

Extract from Liverpool LEP 2008

2.4 PHYSICAL DESCRIPTION

The site is regular in shape with a road frontage to Elizabeth, Bigge, College and Moore Streets

The site is used for passive and active recreation.

The topography of the site slopes gently towards the north (Elizabeth Street). The site contains a number of areas of existing vegetation as well as park furniture including a number of paths and a range of other structures such as

playground equipment, tennis courts and war memorial area and central clock monument.

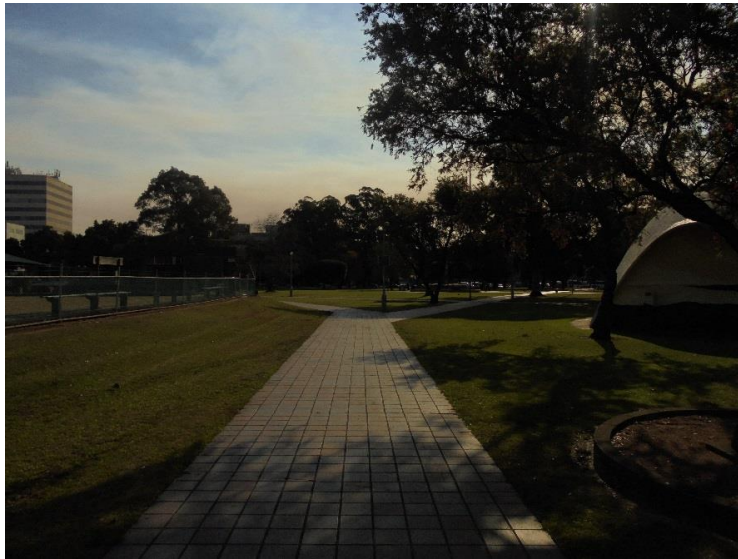
The former bowling club building and lawn bowl areas are located in the south eastern corner of the site.

The community centre building is located in the south western corner of the site.

The aerial photo of the site and photos of the site below shows the above features.



Subject Site



Existing pathway near the former music bowl now demolished



Existing pathway looking towards the Café and hospital



Existing pathway from main entry Bigge Street



Existing pathway at the corner of Elizabeth and Bigge Streets



Existing pathway looking towards the main entry from Bigge Street



Main entry from Bigge Street



War memorial area adjacent to tennis courts



War memorial area adjacent to tennis courts



Existing mature trees along the perimeter of the park in Elizabeth Street



Existing café building on the corner of Elizabeth and College Streets



Existing café and outdoor eating area on the corner of Elizabeth and College Streets



Existing clock tower



Exisitng clock tower



Exisitng clock tower



Existing playground area



Dr James Pirie Memorial Community Centre



Tennis court club house and Café in Moore Street

3.0 EXISTING DEVELOPMENT

3.1 NEIGHBOURHOOD CHARACTER

There surrounding development involves a combination of commercial, medical and educational uses.

Liverpool Hospital is located directly to the north east of the site.

A range of commercial and retail uses are located to the west and south of the site.

To the east of the site is the TAFE.

Refer to the aerial photo and photos below.



Subject Site



TAFE buildings opposite the site in College Street



TAFE buildings opposite the site in College Street



TAFE buildings opposite the site in College Street



Commercial and residential development opposite the site in Elizabeth Street



Commercial and residential development opposite the site in Elizabeth Street



Hospital and residential development opposite the site in Elizabeth Street



Liverpool hospital opposite the site in Elizabeth Street



Commercial development opposite the site in Bigge Street



Commercial development opposite the site in Bigge Street

4.0 PROPOSED DEVELOPMENT

4.1 Details of Proposed Development

The proposed development involves the following:

Revitalisation works to Bigge Park involving the following:

- *Replacement and realignment of internal pathways.*

The pathways in many places in the park are uneven, and represent a safety hazards to the public and have generally reached the end of their useful life.

The replacement of some of the paths will allow for minor realignment to provide a more direct link to key destinations that surround the park such as the TAFE, Hospital, and Rail and Bus interchange.

The new realignment of the paths will also allow for the paths to be moved away from the impact of tree roots and reduce the potential future safety hazards caused by the uneven path surface.

- *Replacement and realignment of internal park lighting.*

The majority of the existing park lighting in the park require retrofitting as the age of the light assembly no longer accept the new forms of light fittings.

The current lighting levels in the park needs to be upgraded to meet current Australian Standards for lighting levels which will improve the safety for the members of the public and reduce the potential for criminal activities occurring in the park.

The local energy supplier (Endeavour Energy) have raised concerned that in future they will not be able to maintain the current lighting and that is needs to be upgraded and replace with more current park lighting.

- *Removal of trees*

A number of existing trees in the park will require removal due to their poor condition, showing signs of stunted development and epicormic growth indication the tree is under stress.

This has the potential to cause a safety issue for the public and a public liability issue for Liverpool City Council if these trees remain in the park. The decision on which tree to be removed will be address individually by

Councils tree overseer on an as needs basis, throughout construction. The plans that accompany the application provides details on the trees that are being identified as needing removal and others that further assessment during the construction phase.

- *Replacement of existing retaining wall*

The existing concrete key stone retaining wall along Elizabeth & Bigge Street are to be replaced with a sandstone retaining wall more in keeping with adjacent heritage buildings.



Existing retaining wall along Elizabeth Street to be replaced



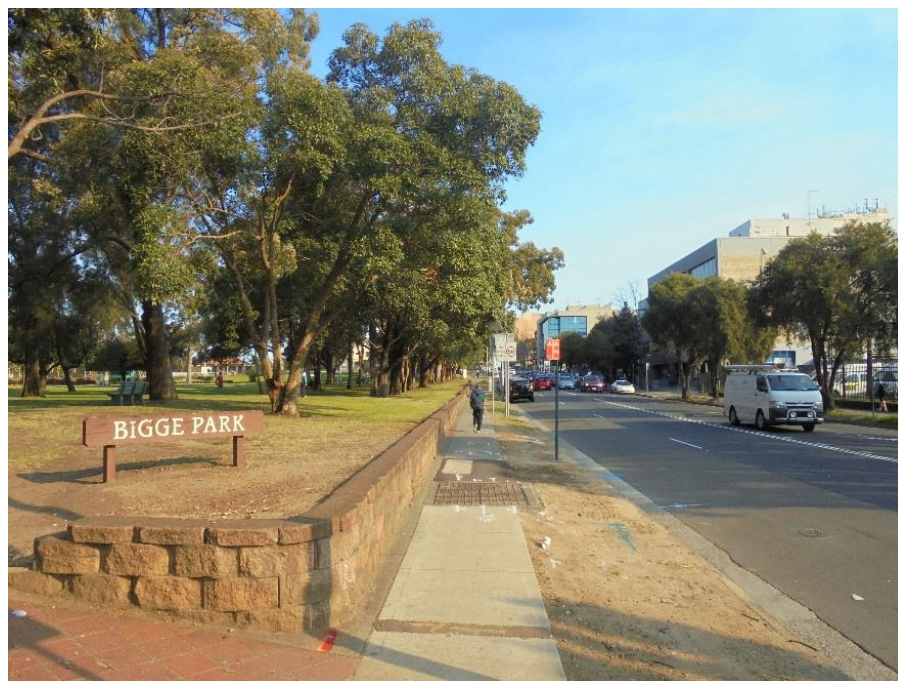
Existing retaining wall along Elizabeth Street to be replaced



Existing retaining wall along Elizabeth Street to be replaced



Existing retaining wall along Elizabeth Street to be replaced



Existing retaining wall along Bigge Street to be replaced

- *Demolition*

The demolition works involve the following: .

The Liverpool Club bowling greens as part of this development turning the area of the bowling club site back into part of Bigge Park.

A separate Development Application was lodged and approved for the demolition of the existing buildings on the bowling club site and music bowl.



Existing lawn bowl green area to be removed



Existing lawn bowl green area to be removed

- *Accessibility*

All entry points into the park will be designed so the park is accessible to all the community and complies with the current requirements under the premises standard and the relevant Australian Standard.



Existing entry from Elizabeth Street



Existing entry from the corner of Elizabeth and Bigge Streets

- *Footpaths* .

As part of the upgrade works in Bigge and Elizabeth Streets side of the park the footpaths will be renewed by replacing the existing concrete kerb, gutter and footpath in bluestone kerb and granite foot paving.

Plans of the proposed development accompany the development application.

5.0 PLANNING LEGISLATION AND DEVELOPMENT CONTROLS

The following planning legislation and development controls apply to the subject site;

5.1 Liverpool Local Environmental Plan 2008

5.2 Liverpool Development Control Plan. (DCP)

5.3 State Environmental Planning Policies

5.3 Environmental Planning & Assessment Act.1979 & Regulation 2000.

5.1 LIVERPOOL LOCAL ENVIRONMENTAL PLAN 2008

The following clauses are applicable to the proposed development and have been considered in the preparation of this application;

2.3 Zone objectives and Land Use Table

- (1) *The Land Use Table at the end of this Part specifies for each zone:*
 - (a) *the objectives for development, and*
 - (b) *development that may be carried out without development consent, and*
 - (c) *development that may be carried out only with development consent, and*
 - (d) *development that is prohibited.*
- (2) *The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.*
- (3) *In the Land Use Table at the end of this Part:*
 - (a) *a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and*
 - (b) *a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.*
- (4) *This clause is subject to the other provisions of this Plan.*

Land Use Table

The proposed development is defined as the following uses under Liverpool LEP 2008

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

RE 1 Public Recreation

<i>Primary Matters</i>	<i>Comment</i>
1 Objectives of zone <ul style="list-style-type: none">• <i>To enable land to be used for public open space or recreational purposes.</i>• <i>To provide a range of recreational settings and activities and compatible land uses.</i>• <i>To protect and enhance the natural environment for recreational purposes.</i>• <i>To provide sufficient and equitable distribution of public open space to meet the needs of residents.</i>• <i>To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land</i>	<p>The proposed development of the land is for uses associated with open space and recreational purposes.</p> <p>The proposed development provides a range of recreational facilities and activities for the community that is compatible with the use of the property for recreation purposes.</p> <p>The proposed development has considered the existing natural and historic features of the site. The various reports that have assessed the development against these areas have concluded the development will have no significant impact on these features.</p> <p>The proposed development will meet the recreational needs of the local community and residents.</p> <p>The proposed development has considered the existing sensitive natural features of the site including environmental and historic items. These areas have been preserved in the design and development and will be</p>

	<p>maintained and in most cases improved</p> <p>The design of the development on the site has respected these features.</p> <p>The various reports that have assessed the development against these areas have concluded the development will have no significant impact on these features</p>
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RE1 Public Recreation

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures

4 Prohibited

Any development not specified in item 2 or 3

Comment:

All the proposed works are permissible with consent in the zone.

5.9 Preservation of trees or vegetation

- (1) *The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.*
- (2) *This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.*
Note. *A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.*
- (3) *A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:*
 - (a) *development consent, or*
 - (b) *a permit granted by the Council.*
- (4) *The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.*

- (5) *This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.*
- (6) *This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.*
- (7) *A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:*
 - (a) *that is or forms part of a heritage item or that is within a heritage conservation area, or*
 - (b) *that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,*
unless the Council is satisfied that the proposed activity:
 - (c) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and*
 - (d) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.*

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) *This clause does not apply to or in respect of:*
 - (a) *the clearing of native vegetation:*
 - (i) *that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003, or*
 - (ii) *that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or*
 - (b) *the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the Native Vegetation Act 2003) that is authorised by a development consent under the provisions of the Native Vegetation Conservation Act 1997 as continued in force by that clause, or*
 - (c) *trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the Forestry Act 1916, or*
 - (d) *action required or authorised to be done by or under the Electricity Supply Act 1995, the Roads Act 1993 or the Surveying and Spatial Information Act 2002, or*
 - (e) *plants declared to be noxious weeds under the Noxious Weeds Act 1993.*

Note. Permissibility may be a matter that is determined by or under any of these Acts.

- (9) *[Not adopted]*

Comment:

The development will require the removal of several trees that pose a safety risk to the public.

The removal of these trees forms part of the development application.

The significant trees in the park that contribute to the character will be maintained and incorporated into the works proposed.

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Liverpool,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) a heritage item,*
 - (ii) an Aboriginal object,*
 - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land:*
 - (i) on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*

- (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
- (b) *the development is in a cemetery or burial ground and the proposed development:*
 - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
- (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
- (d) *the development is exempt development.*
- (4) Effect of proposed development on heritage significance**
The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) Heritage assessment**
The consent authority may, before granting consent to any development:
 - (a) *on land on which a heritage item is located, or*
 - (b) *on land that is within a heritage conservation area, or*
 - (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*
- (6) Heritage conservation management plans**
The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) Archaeological sites**
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):
 - (a) *notify the Heritage Council of its intention to grant consent, and*
 - (b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*
- (8) Aboriginal places of heritage significance**
The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:
 - (a) *consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at*

- the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

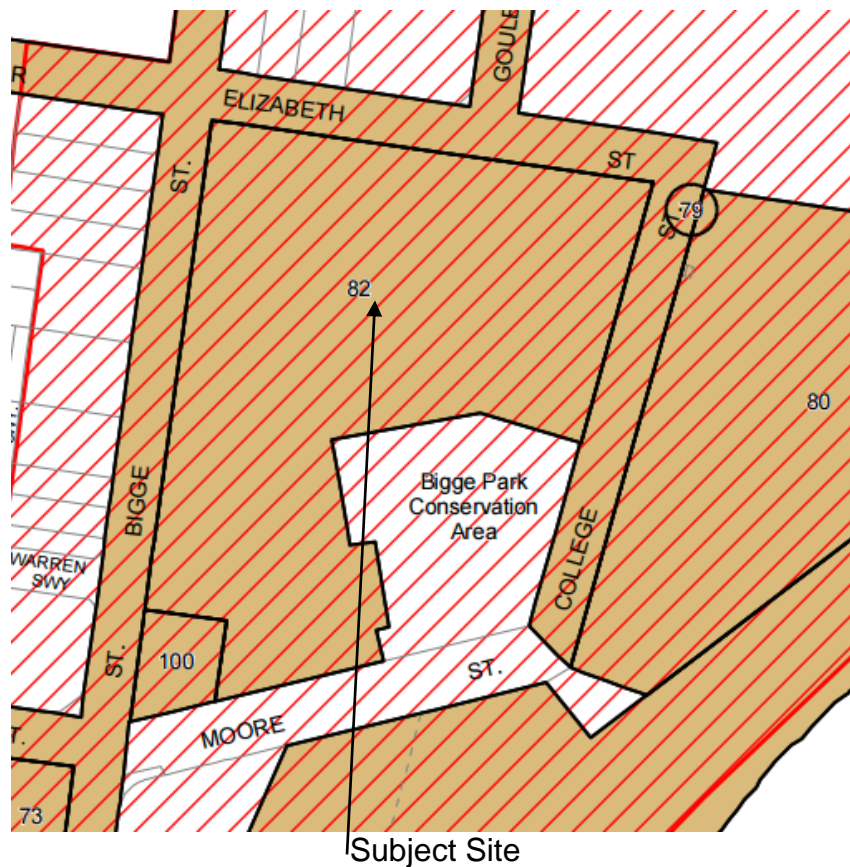
Comment:




The site contains 2 local heritage items (82 & 100) and is also within the Bigge Park Conservation Area.

82 Bigge Park

100 Dr James Pirie Memorial Community Centre

Refer to extract from heritage item map below



-  Conservation Area - General
-  Item - General
-  Item - Landscape

The application for the proposed works are supported by a Conservation Management Plan prepared by Betteridge Consulting Pty Ltd t/a Musecape and Heritage Impact statement prepared by OCP Architects.

The Conservation Management Plan has recommended specific conservation guidelines for the existing significant built and landscape elements within the curtilage of Bigge Park.

A summary of the main elements that relate to the proposed works are shown in the table below.

Element	Conservation management guidelines
Overall park	Retain the curtilage intact and manage to conserve significant elements and enhance heritage values by improved landscaping and development consistent with the CMP.
Path layout	Rationalise and enhance to retain the significant axial paths and enhance significant visual links between Bigge Park and the surround heritage items and public access.
Dr Pirie	Retain and conserve with some recommended improvements.
Tennis Courts and club house/cafe	Retain while viable and manage to minimize visual impact.
Bowling Greens	Remove and return to general park use.
T G Scott Memorial Gateway	Retain and conserve in accordance with the CMP
Liverpool Regional War Memorial	Retain and conserve in accordance with the CMP
Rotary Clock tower	Retain and conserve in accordance with the CMP
Music Shell	Retain or remove and interpret structure and associations
Former Dressing shed/Pump house	Adapt or remove for sympathetic new uses
Children's playground	Retain and manage in accordance with the CMP

The Heritage Impact Statement has assessed the impact of the proposed works on the heritage items.

The statement has assessed the proposed development against the heritage provisions of Liverpool LEP 2008 and Liverpool DCP 2008.

The statement has indicated the following:

“the proposed development of Bigge Park site provides a sensitive response to the heritage significance of the site and it’s locality.”

The statement has identified the following works as having a positive heritage contribution.

- Removal of the music shell/bowl which will re-establish the significant visual link between the Rotary Clock Tower and the Former hospital site.
- Demolition of the redundant Bowling club complex will allow greater area for the park and better contribute to the streetscape.
- The proposed development will facilitate the ongoing historic use of the site as a public park.

The statement has made 3 recommendations to be undertaken to ensure the ongoing conservation of the heritage significance of Bigge Park.

The statement has concluded with the implementation of the recommendations in the statement the proposed development of Bigge Park will not have an unacceptable level of heritage impact.

7.7 Acid sulfate soils

- (1) *The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*
- (2) *Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) *Development consent must not be granted under this clause for the carrying out of works unless:*

- (a) *an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority, and*
- (b) *a copy of the plan and a copy of the development application have been provided to the Director-General of the Department of Environment and Climate Change and the consent authority has considered any comments of the Director-General made within 21 days after those copies were provided to the Director-General.*
- (4) *Development consent is not required under this clause for the carrying out of works if:*
 - (a) *a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan need not be carried out for the works, and*
 - (b) *the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.*
- (5) *Also, development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):*
 - (a) *emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,*
 - (b) *routine management work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),*
 - (c) *minor work, being work that costs less than \$20,000 (other than drainage work).*
- (6) *Development consent is not required under this clause to carry out any works unless:*
 - (a) *the works involve the disturbance of more than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or*
 - (b) *the works are likely to lower the watertable.*
- (7) *Clause 10 of State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development does not apply to development that requires development consent under this clause*

Comment:

The proposed works in Bigge Park will have no impact on lowering the watertable.



Acid Sulfate Soils

1	Class 1
2	Class 2
3	Class 3
4	Class 4
5	Class 5

7.31 Earthworks

- (1) *The objectives of this clause are as follows:*
 - (a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*
 - (b) *to allow earthworks of a minor nature without requiring separate development consent.*
- (2) *Development consent is required for earthworks unless:*
 - (a) *the work is exempt development under this Plan or another applicable environmental planning instrument, or*

- (b) the work is ancillary to other development for which development consent has been given.*
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:*
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
 - (c) the quality of the fill or the soil to be excavated, or both,*
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
 - (e) the source of any fill material and the destination of any excavated material,*
 - (f) the likelihood of disturbing relics,*
 - (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

Note. *The National Parks and Wildlife Act 1974, particularly section 86, deals with disturbing or excavating land and Aboriginal objects.*

Comment:

The development involves minor earthworks which as part of the development application.

The documentation that accompanies the development application has plans that shows the proposed earth works associated with the development of the site for the recreation area.

The proposed earth works will have no significant impact on the locality and the amenity of the surrounding land uses.

5.2 Liverpool Development Control Plan

The following chapters are applicable to the proposed development

- Tree Preservation
- Landscaping and incorporating existing trees
- Erosion and Sediment control
- Acid Sulfate risk

Tree Preservation

DCP Requirements	Comments
<p>Objectives</p> <p>a) <i>To ensure the protection of trees that are contributing to the ecological and aesthetic values of the Liverpool LGA.</i></p> <p>b) <i>To protect the integrity of heritage items through preservation of all trees occurring within the heritage place, precinct or land.</i></p> <p>c) <i>To ensure trees are maintained in an appropriate manner as not to cause harm or damage to the tree or community.</i></p> <p>d) <i>To ensure that construction works and the ultimate design treatments protect the identified trees.</i></p> <p>e) <i>To ensure that trees that provide high ecological or amenity benefits are protected wherever possible.</i></p>	<p>The proposed development involves the removal of several trees and this matter has been previously discussed in the statement in section 5.1</p>

Landscaping and incorporating existing trees

DCP Requirements	Comments
<p>Objectives</p> <p>a) <i>Promote landscape planning and design as part of a fully integrated approach to site development.</i></p> <p>b) <i>Assist in improving the climate of the local environment.</i></p> <p>c) <i>Retain as many existing trees as possible.</i></p> <p>d) <i>To provide habitat for locally indigenous plants and animals and contribute to biodiversity.</i></p> <p>e) <i>To encourage landscaping that is appropriate to the natural, cultural, built and heritage characteristics of its locality.</i></p>	<p>The proposed development has incorporated the majority of the existing trees on the site and added suitable supplementary plantings.</p> <p>.</p> <p>The trees to be retained will be protected during construction.</p>

<p>f) Improve the amenity of developments and adjoining areas by ensuring proposals adequately complement the proposed building forms and surrounding streetscape.</p> <p>g) Ensure that the proposed landscape designs provide functional attributes such as privacy, shade and wind protection, while discouraging the opportunity for crime and vandalism</p>	
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Erosion and Sediment Control

DCP Requirements	Comments
<p>Objectives</p> <p>a) To avoid soil erosion through the use of effective erosion and sediment control measures both during and following any works.</p> <p>b) To reduce pollution by avoiding land degradation and disturbance of vegetation on site, hence reducing pollution impact to downstream areas and receiving waters and their ecosystem.</p> <p>c) To minimise costs involved in unblocking drains and water bodies, cleaning of roads and compensating for the loss of topsoil through improved sedimentation and erosion control.</p> <p>d) To improve water quality by reducing sedimentation.</p>	<p>The development will implement suitable controls during the construction stages to protect the existing sensitive areas on the site during construction.</p>

Acid Sulfate Soil Risk

DCP Requirements	Comments
<p>Objectives</p> <p>a) To provide regulation on the procedures involved in the assessment and management of activities within areas affected by acid sulfate soils.</p> <p>b) To identify areas of acid sulfate soil risk to prevent any unnecessary impact to the environment.</p> <p>c) To ensure that preliminary acid sulfate soil assessment is undertaken prior to development consent being granted to determine the level of risk proposed by the activity/development.</p> <p>d) To ensure that acid sulfate soil management plans are prepared when an activity or development is associated with an acid sulfate soil risk.</p> <p>e) To provide effective management of areas where acid sulfate soils are identified.</p>	<p>The proposed works are minor and will have no impact on the acid sulfate soils.</p>

Heritage and Archaeological Sites

DCP Requirements	Comments
<p>Objectives</p> <p>a) to conserve the heritage significance of heritage items and heritage conservation areas of Liverpool including associated fabric, setting, curtilage and views;</p> <p>b) to conserve archaeological sites;</p> <p>c) to facilitate the implementation of the objectives and provisions relating to heritage conservation contained in the Liverpool LEP 2008;</p> <p>d) to promote and encourage heritage conservation and the consideration of the heritage context in development;</p> <p>e) to encourage the retention and appropriate development of significant items;</p> <p>f) to encourage a high standard of contemporary design in the heritage context;</p> <p>g) to encourage the preservation of culturally significant vegetation;</p> <p>h) to enhance the amenity and heritage values of the Liverpool local government area;</p> <p>i) to enable appropriate and expert consideration of proposed development to be made by applicants and the Council; and</p> <p>j) to encourage and promote public awareness, appreciation and knowledge of heritage conservation.</p>	<p>This has been assessed in the Heritage Impact Statement prepared by OCP Architects that accompanies the application.</p>

5.3 Environmental Planning & Assessment Act. 1979

The likely impacts of the development under S79C of the EPA Act as discussed below.

Context & Setting

Bigge Park is surrounded by a range of commercial/retail as well as medical and educational developments.

The park has road frontages to all the boundaries being Elizabeth, Bigge, College and Moore Streets.

The majority of the existing established vegetation in the park will be retained which currently provides a significant visual streetscape for the locality.

The park forms a major recreation hub to service the surrounding areas and the City Centre.

The proposed development which involves works to the existing recreation facility and is considered to be consistent with the context of the current and

future setting of the locality being located in close proximity to Liverpool City Centre and public transport network and bus interchange.

Character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of the development

The proposed development does not involve any new buildings but only works to replace existing pathways and retaining walls.

The development will have no impact on the surrounding area due to the scale, bulk and external appearance.

Access, Transport and Traffic

The proposed development will not generate any additional traffic or requirements for parking in the locality.

Landscaping

The development retains the majority of the existing trees on the site and additional planting are proposed in a number of sections of the park.

Storm water, drainage, construction, and utilities

The site has access to various service utilities such as water, sewer and electricity.

The existing utility services provided to the site are adequate for the proposed development.

Heritage

The Heritage Impact Statement has assessed the impact of the proposed works on the heritage items.

The statement has identified the following works as having a positive heritage contribution.

- Removal of the music shell/bowl which will re-establish the significant visual link between the Rotary Clock Tower and the Former hospital site.
- Demolition of the redundant Bowling club complex will allow greater area for the park and better contribute to the streetscape.
- The proposed development will facilitate the ongoing historic use of the site as a public park.

The statement has concluded with the implementation of the recommendations in the statement the proposed development of Bigge Park will not have an unacceptable level of heritage impact.

The suitability of the site for the development is considered here:

Does the proposal fit into the locality?

The park is located opposite a range of commercial/retail, educational and medical developments.

The proposed works are associated with the existing recreational uses and development proposed is considered to be consistent with the context of the current and future setting of the locality and is appropriate to be located in close proximity to a major commercial centre and public transport network.

The proposed development fits into the locality of the area as outlined above.

Are the site attributes conducive to development?

The site has no constraints that would restrict the development.

The development has considered the heritage importance of the site in the design and siting of the various components of the development.

The development has incorporated the recommendations of the CMP.

The site attributes have been managed and the site is considered to be conducive to the proposed community and recreation development.

The proposed development will not have any significant impact on the site attributes.

6.0 CONCLUSION

The proposed development involves a range of works associated with the revitalisation of Bigge Park

The works are permissible in the zone with the consent of Council and are consistent with the aims of the RE1 zone of Liverpool LEP 2008.

The proposed development is consistent and complies with the relevant sections contained in the Liverpool DCP.

The site is a local heritage item and within the Bigge Park Conservation Area and the Heritage Impact Assessment and Conservation Management Plan

prepared have concluded that the proposed development will not have any impact on the heritage item and conservation area.

As a result it is considered that the site is suitable for the proposed development.

1. The proposed works to the existing recreation area will be consistent with the existing landscape and setting of the locality which is a mixture of commercial/retail, medical and educational uses.