

MEMO



To Phoebe Mikhiel, A/Director City Futures cc

From Alexandra Vandine, Coordinator Policy and Strategy

Date 3 August 2020 File No 20/159771

Re: Approval for Recreation facilities at Rockdale and Brighton Le Sands Addendum Review of Environmental Factors August 2020 V5

Transport NSW, in consultation with Bayside Council, propose to upgrade the existing recreational facilities at McCarthy Reserve/Ador Park Precinct, Rockdale and Brighton Memorial Fields, Brighton-Le-Sands. The upgrades would offset the temporary loss of similar facilities within Rockdale Bicentennial Park, during the period of construction for the M6 Stage 1 project.

A review of environmental factors (REF) was prepared for the Recreation facilities at Rockdale and Brighton-Le-Sands in November 2019 (the project REF). The project REF was placed on public display between Monday 2 December 2019 and Friday 20 December 2019 for community and stakeholder comment. A submissions report was prepared and published and Bayside Council approved the REF 1 April 2020.

Transport for NSW (TfNSW) proposes to implement a number of modifications to the Recreation facilities at Rockdale and Brighton-Le-Sands project to support the successful delivery of the project.

The proposed modifications would be located at McCarthy Reserve/Ador Park Precinct at Rockdale and Brighton Memorial Fields at Brighton-Le-Sands.

The key features of the proposed modifications are detailed below.

McCarthy Reserve/Ador Park Precinct

- Trimming of street trees on Bay Street and installation of root zone protection devices to mitigate vegetation removal and to accommodate the approved construction site access driveway
- Modifications to allow for the construction of the cyclist bridge over Muddy Creek next to West Botany Street (as described in the project REF), including:
- Moving the project boundary about 40 metres north to provide the space required for construction of the cyclist bridge
- Removal and reinstatement of the boundary fencing
- De-energising overhead powerlines during the lifting and placing of the bridge deck structure (up to two days)
- Relocating a private power pole away from the modified project boundary, to allow for the safe construction and operation of the cyclist bridge. The private power pole would be reinstated following the completion of the construction of the cyclist bridge

Brighton Memorial Fields

- Site offices would be established at 65, 67 and 69 O'Neill Street, Brighton-Le-Sands for TfNSW and the Principal Contractor management and administrative support activities
- The project boundary would be modified to include Sybil Lane to accommodate the demolition and make-good works at the southern end of the existing tennis court on Sybil Lane (as described in the project REF) as well as the proposed water connection and road line marking works described below. The project boundary would also be modified along the proposed alignment of the stormwater drainpipe and scour protection outlet to facilitate its construction.
- A new connection to the Sydney Water watermain in Sybil Lane would be established.
- Two sets of piano key road markings would be repainted on speed humps located in Sybil Lane
- A stormwater drainpipe and scour protection outlet would be constructed from the north western corner of Brighton Memorial Fields, extending about 40 to 45 metres west towards Scarborough Ponds.

The project REF was based on a concept design. As noted in the project REF, the project design would be further refined and confirmed during the process of detailed design development, in consultation with key stakeholders (including Bayside Council and Sydney Water). Since the publication of the project REF a number of design refinements and changes have been identified as required for the construction and operation of the project that were not assessed in the REF.

The proposed modifications described and assessed in this addendum REF are consistent with the strategic need for the Recreation facilities at Rockdale and Brighton-Le-Sands, as described above. The proposed modifications are required to support the successful delivery of the Recreation facilities at Rockdale and Brighton-Le-Sands project.

Division 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) applies to the proposal. The addendum review of environmental factors (REF) has been reviewed and considered against the requirements of sections 5.5 and 5.7 of the EP&A Act.

In considering the proposal this assessment has examined and taken into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of that activity as addressed in the addendum REF and associated information. This assessment is considered to be in accordance with the factors required to be considered under clause 228 of the Environmental Planning and Assessment Regulation 2000.

In addition, this assessment has considered impacts to threatened species, ecological communities and migratory species listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The consideration of these matters is in accordance with the strategic assessment approval granted under the EPBC Act in September 2015.

Discussion

Significance of impact on the environment

The proposal described in the addendum REF will have some environmental impacts which can be ameliorated satisfactorily. This assessment has considered that these impacts are unlikely to be significant and therefore an environmental impact statement does not need to be prepared and approval for the proposal does not need to be sought under Division 5.2 of the EP&A Act. Various safeguard and management measures are proposed

Significance of impact on NSW-listed biodiversity matters

The assessment has considered the potential impacts of the proposal on areas of outstanding value and on threatened species, ecological communities or their habitats for both terrestrial and aquatic species as defined by the *Biodiversity Conservation Act 2016* (BC Act) and the *Fisheries Management Act 1994* (FM Act).

The proposal described in the addendum REF will not affect areas of outstanding value or significantly affect other biodiversity values listed under the BC Act. Therefore the concurrence of the Coordinator-General Environment, Energy and Science, DPIE and a species impact statement or Biodiversity Development Assessment Report (BDAR) is not required.

Significance of impact on nationally listed biodiversity matters

The assessment has considered the potential impacts of the proposal on threatened species, ecological communities and migratory species as defined in the EPBC Act.

The proposal described in the addendum REF is not likely to significantly impact nationally listed threatened species, ecological communities or migratory species.

Impacts to Commonwealth land and matters of national environmental significance

The assessment has also addressed the potential impacts of the proposal on matters of national environmental significance and any impacts on the environment of Commonwealth land and concluded that there will be no significant impacts. Therefore there is no need for a referral to be made to the Australian Government Department of the Environment and Energy for a decision by the Australian Government Minister for the Environment on whether assessment and approval is required under the EPBC Act.

Quality of the addendum REF

The addendum REF is considered to be of adequate quality and meets all relevant requirements.

Recommendation

It is recommended that the proposal to undertake the proposed modifications at McCarthy Reserve/Ador Park Precinct at Rockdale and Brighton Memorial Fields at Brighton-Le-Sands, as described in the Recreation facilities at Rockdale and Brighton Le Sands Addendum Review of Environmental Factors dated 3 August 2020 Version 5 proceed subject to the implementation of:

- All safeguards identified in the addendum REF
- Conditions of Approval in Attachment 1; and
- Compliance with all other relevant statutory approvals, licences, permits and authorisations.

This project determination will remain current for five years until 3 August 2025 at which time it shall lapse if works have not been physically commenced.

Council is aware the addendum REF contains indicative designs that may be subject to amendments. Any changes to design will be discussed with Council to determine if the assessment decision needs to be reviewed.

Any changes to the proposed works, including construction methodology, as described in the addendum REF will also be provided to Council to determine if the assessment decision needs to be reviewed.



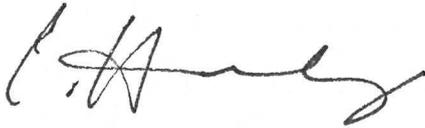
Recommended by



Alexandra Vandine
Coordinator Policy and Strategy

5/8/2020

Date

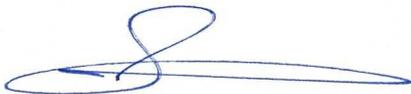


Clare Harley
Manager Strategic Planning

11-8-2020

Date

Determined in accordance with the above recommendation under delegated authority and in accordance with sections 5.5 and 5.7 of the EP&A Act:



Phoebe Mikhiel
A/Director City Futures

Date 11 AUGUST 2020.

Attachments:

- **Recreation facilities at Rockdale and Brighton Le Sands Addendum Review of Environmental Factors**
- **Attachment 1 Conditions of Approval**



Attachment 1 Conditions of Approval

1. The approval for the establishment of site offices at 65, 67 and 69 O'Neill Street, Brighton-Le-Sands for TfNSW and the Principal Contractor management and administrative support activities is only until the practical completion of the recreational facilities
2. That post practical completion of the recreational facilities the properties located at 65, 67 and 69 O'Neill Street, Brighton-Le-Sands shall be maintained in good order until they are removed as part of the construction of the M6 motorway
3. That the endangered ecological communities adjacent to the proposed storm water works at Brighton Memorial Fields shall be protected and for this to be outlined in the Flora and Fauna management plan.
4. That any collection and relocation of the green and golden bell frog shall not be undertaken without approval from NSW Department of Environment, Energy and Science
5. That any tree removed as part of the works identified in the Recreation facilities at Rockdale and Brighton Le Sands Addendum Review of Environmental Factors shall be replaced with at least two new trees
6. As part of any works to de-energising overhead power lines TfNSW shall request Ausgrid to inform affected receivers as part of the approval process
7. That Alligator weed (*Alternanthera philoxeroides*) shall be included as a priority weed species in the Flora and Fauna management plan.
8. The development of the Acid Sulfate Soils Management Plan to include recognition of potential threatened amphibian species for the Brighton Memorial works and include mitigation measure to reduce risk of impact on this species
9. That make good works are undertaken if there is any damage to the swale adjacent to Muddy Creek channel as part of the McCarthy/Ador precinct works
10. That TfNSW shall consult with Bayside Council to identify opportunities for temporary screening if new parking areas are established at 65, 67 and 69 O'Neill Street, Brighton-Le-Sands
11. Hours of operation at the site offices of 65, 67 and 69 O'Neill Street, Brighton-Le-Sands are to be restricted to the below hours:
 - 7am – 6pm Monday to Friday
 - 8am – 1pm Saturdays
 - No work on Sunday or public holidays

