

# MEMO



To Michael McCabe, Director City Futures cc  
From Alexandra Vandine, Coordinator Policy and Strategy  
Date 1 April 2020 File No SC18/1079

## **Re: Approval for Recreation Facilities at Rockdale and Brighton-Le-Sands Review of Environmental Factors**

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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.

The construction of these compensatory facilities needs to be assessed under Division 5.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) with Bayside Council functioning as the determining authority.

The Review of Environmental Factors (REF) prepared by Transport NSW 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 REF, Submissions Report 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).

### **Discussion**

#### ***Significance of impact on the environment***

The proposal described in the REF and Submissions Report 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 safeguards and management measures are proposed.

#### ***Significance of impact on NSW-listed biodiversity matters***

The assessment has considered the potential impacts of the proposal on critical habitat and on threatened species, populations or ecological communities or their habitats for both

terrestrial and aquatic species as defined by the *Biodiversity Conservation Act 2016* (BC) and the *Fisheries Management Act 1994*.

The proposal described in the REF and Submissions Report will not affect declared critical habitat.

The proposal described in the REF and Submissions Report will not significantly affect threatened species, populations or ecological communities or their habitats.

Therefore the concurrence of the Chief Executive of the Office of Environment and Heritage and a species impact statement is not required.

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 BC Act and the *Fisheries Management Act 1994*.

The proposal described in the REF and Submissions Report will not affect areas of outstanding value or significantly affect other biodiversity values listed under the BC Act. Therefore the concurrence of the Chief Executive of the Office of Environment and Heritage 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 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 REF***

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

#### ***Recommendation***

It is recommended that the proposal to construct recreational facilities at Ador Park precinct and McCarthy Reserve, Rockdale and Brighton Memorial Playing Fields at Brighton Le Sands as described in the Recreation facilities at Rockdale and Brighton-Le-Sands Review of Environmental Factors dated November 2019 and Recreation facilities at Rockdale and Brighton-Le-Sands Submissions Report dated March 2020 proceed subject to the implementation of:

- All safeguards identified in the REF and Submissions Report
- 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 19 March 2025 at which time it shall lapse if works have not been physically commenced.

Council is aware the 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 as described in the Recreation facilities at Rockdale and Brighton-Le-Sands Review of Environmental Factors will be provided to Council to determine if the assessment decision needs to be reviewed.

Recommended by

*Alexandra Vandine*

1/4/2020

Alexandra Vandine  
**Coordinator Policy and Strategy**

**Date**

*Clare Harley*

1/4/2020

Clare Harley  
**Manager Strategic Planning**

**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:



Michael McCabe  
**Director City Futures**

*01/04/2020.*

**Date**

**Attachments:**

- Final Recreational facilities at Rockdale and Brighton-Le sands Review of Environmental Factors
- Final Recreational facilities at Rockdale and Brighton-Le sands Submission Report
- Attachment 1 Conditions of Approval



## Attachment 1 Conditions of Approval

- Any remediation or management proposed as part of any Remedial Action Plan must ensure that all attempts must be made to remediate the site so that there is no need for Long Term Environmental Management Plans. Any Remediation Action Plan (RAP) needs to be reviewed and approved by Council to ensure that any remediation method proposed is consistent with Council's ability to manage any long-term management measures.
- That the minor changes highlighted in bold in the below table are incorporated into the environmental management measures of this project

CON1	Contamination Investigation	<p>Further preliminary and detailed site contamination investigations <b>would be undertaken</b> are required to:</p> <ul style="list-style-type: none"> <li>determine the extent of contamination present</li> <li>identify potential impacts on workers during construction</li> <li>assess the suitability of the fill to be reused on the site</li> <li>identify if capping layers are required</li> <li>develop management strategies for the identified contamination including methods for classification and disposal.</li> </ul> <p>Investigations would be completed by an appropriately qualified and experienced environmental consultant and be completed in accordance with the State Environmental Planning Policy 55 (SEPP 55), relevant NSW EPA Guidelines, and the National Environment Protection Measure (Assessment of Site Contamination) 1999 (revised 2013).</p>	Transport for NSW/Contractor	Detailed design/Pre-construction
CON2	Exposure of acid sulfate soils	The CEMP would include an Acid Sulfate Soils Management Plan (ASSMP), prepared in accordance with the Roads and Maritime Services Guidelines for the Management of Acid Sulfate Materials, 2005The ASSMP would be prepared by an appropriately qualified and experienced consultant, prior to the works commencing, and would be informed by further contamination investigations undertaken for detailed design.	Contractor	Pre-construction
CON3	Erosion and sedimentation	Erosion and sedimentation control measures would be outlined in an ESCP and implemented for the proposed works.	Contractor	Pre-construction & <b>Construction</b>
CON4	Contaminated land	A Soil Contamination Management sub-plan would be prepared as part of the CEMP, prior to the commencement of works, which documents specific	Contractor	Pre-construction &

		soil contamination mitigation and management measures to be employed during the construction of the proposed works.		<b>Construction</b> /detailed design
CON5	Contaminated land	If contaminated areas are encountered during construction, appropriate control measures would be implemented to manage the immediate risks of contamination. All other works that may impact on the contaminated area would cease until the nature and extent of the contamination has been confirmed and any necessary site-specific controls or further actions identified in consultation with the Transport for NSW Environment Manager and/or EPA.	Contractor	Construction
CON6	Human health related impacts	Where excavation works at McCarthy Reserve/Ador Park Precinct uncovers previous landfill material, and that material is to be reused on site, an assessment of the material against the Health-based investigation levels (mg/kg) for Recreational C sites as defined in Schedule B 1 of the Guideline on Investigation Levels for Soil and Groundwater (NEPC, 2011) would be undertaken to determine the suitability of the material for recreational land use purposes. This assessment would be undertaken prior to the reuse of this material on site.	Contractors	Construction
CON7	Exposure of contaminated soils	Reinstatement of an appropriate capping layer on any exposed land fill material would be required on a progressive basis and as soon as practicable as part of the proposed works.	Contractors	Construction
CON8	Disturbance of asbestos containing material	If asbestos is identified during excavation, the <b>contaminated</b> material would be managed as Special Waste (containing asbestos) and disposed of an appropriately licenced waste facility.	Contractors	Construction
CON9	Accidental spill	A site-specific emergency spill plan would be developed, which would include spill management measures in accordance with the Roads and Maritime <i>Code of Practice for Water Management</i> (RTA, 1999) and relevant EPA guidelines. The plan would address measures to be implemented in the event of a spill, including initial response and containment, notification of emergency services and relevant authorities (including Transport for NSW and EPA officers).	Contractor	Pre-construction
CON10	Contaminated land	If a Remediation Action Plan is required (to be determined through the contamination assessment report), it would be provided to Bayside Council to review and provide input.	<b>Transport</b> Designer/Contractor	Detailed design/ Pre-Construction & <b>Construction</b>

	<p>Contractor is to undertake their own Remediation Action Plan upon contract award and implement any of the actions from the findings of their report. Contractor is to also action any of the previously supplied Remedial Action Plan identified by Transport for NSW.</p>		
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End of Conditions of Approval

