

# Internal Memo



**TO:** Executive Manager Project Management Office  
**CC:** Planning Advisor  
**FROM:** Dean MacMillan - Project Manager  
**DATE:** 14 August 2024  
**SUBJECT:** Review of Environmental Factors – Memorial Drive The Hill - Road Embankment - Addendum

Memorial Drive - Road Embankment at The Hill is subject to Part 5 of *Environmental Planning and Assessment Act 1979*, and therefore requires the preparation of a Review of Environmental Factors (REF).

An REF has previously been approved however the working hours have since been amended and therefore an approval to this addendum is required.

The attached project REF has been prepared by Tam Durney dated 9 May 2023. I certify that to the best of my knowledge, the attached REF:

- accurately describes the proposed project works
- has been prepared by suitably qualified and competent people
- meets the requirements of section 5.5 and 5.7 and Part 5 of the *Environmental Planning and Assessment Act 1979*, and section 171 of the *Environmental Planning and Assessment Regulation 2021*.


 _____ Project Manager	<u>14/08/24</u> Date
 _____ Snr Project Manager	<u>04/09/24</u> Date

Should you have further questions regarding the determination of the project please contact me on 02 4974 2921.

Dean MacMillan  
**PROJECT MANAGER**

## Delegated Officer Determination of REF

Under delegated authority, as City of Newcastle's representative as a determining authority under Part 5 of the *Environmental Planning and Assessment Act 1979*, I determine the proposed *Memorial Drive - Road Embankment at The Hill* **will not** significantly impact the environment, and the proposal can proceed subject to the mitigation measures outlined in the attached REF and the conditions of any relevant approvals, licences or permits.

 _____ Executive Manager Project Management Office	<u>05/09/2024</u> Date
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# PLANNING APPROVAL CONSISTENCY ASSESSMENT

Memorial Drive Embankment Remediation Works



5941  
29 August 2024

## REPORT

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### Document status

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Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
0.1	Draft for client review	Tam Durney	Natalie Green	Natalie Green	29/08/2024

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### Approval for issue

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Natalie Green



29 August 2024

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#### Prepared by:

##### RPS

Durney, Tam  
Environmental Scientist

Unit 2A, 45 Fitzroy Street  
Carrington NSW 2294

T +61 2 4940 4200  
E tam.durney@rpsconsulting.com

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#### Prepared for:

##### City of Newcastle

Dean MacMillan  
Project Manager

12 Stewart Avenue  
Newcastle West NSW 2300

T +61249742921  
E dmacmillan@ncc.nsw.gov.au

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# 1 DETAILS OF THE EXISTING APPROVED PROJECT

A summary of the project details and approval history are outlined in **Table 1—1**.

**Table 1—1 Project details**

Project	Details
Project name	Memorial Drive Embankment Remediation Works
Planning documentation	Memorial Drive Embankment Remediation Works, Review of Environmental Factors (REF) dated 3 April 2024.
Date of Project determination	City of Newcastle (CN) 23 February 2024
Type of planning approval	Development without consent under Part 5, Division 1 of the EP&A Act under the provisions of Section 2.109 and 2.137 of the Transport and Infrastructure SEPP
The Approved Project	<p>The project is for the stabilisation of the road embankment along the nominated section of Memorial Drive (see <b>Figure 1-1</b>). It involves the construction of a retaining wall, re-establishment of the footpath, kerb and guttering, installation of a handrail along the full length of the retaining wall, road pavement renewal and the removal and reinstallation of the existing guardrail along Memorial Drive. It also involves the extension of the existing stormwater pit and pipe system into Nesca Park Reserve (Lot 4 DP 222421) and the construction of a rock lined channel at the open end of the extended stormwater pipe. The rock lined channel will create a meandering low-flow channel and connect with the existing natural water channel immediately below.</p> <p>Under Section 3.4 of the approved REF dated 3 April 2024 the construction hours proposed were as follows:</p> <ul style="list-style-type: none"> <li>Monday to Friday 7 am to 6 pm.</li> <li>Saturdays 8 am to 1 pm.</li> </ul> <p>No work to occur on Sundays or public holidays.</p>



Figure 1-1 Project area (red)

## 1.1 Description of proposed change

RPS understands CN is proposing to complete out of hours works which would be outside the approved project hours as summarised in **Table 1—1**, and further defined in Section 3.4 the RPS REF dated 3 April 2024.

The proposed out of hours works have been proposed by CN to reduce the impact to traffic during daytime hours, including peak time periods. The contractor is required to close the northbound lane for road works which cannot be completed within the five hour window of 'non-peak' traffic period between 9:30am and 2:30pm. **Table 1—2** outlines the three proposed construction activities related to the road works, along with the equipment required for each activity, number of work shifts, and the approximate duration.

For each of the proposed construction activities listed in **Table 1—2** , two shifts are required over consecutive nights. The total duration of works is six nights, which would be spread across a six week period.

**Table 1—2 Proposed out of hours works details**

Activity	Equipment required	Approximate number of shifts	Shift duration
Barrier moves or removal	Flat bed truck, franna crane (12-15T), lighting towers, site utes (Symal and traffic control)	2 shifts	7pm to 5am
Road line marking	Small truck, lighting tower, site utes (Symal and traffic control)	2 shifts	7pm to 12am
Asphalt / Milling	Body trucks, asphalt paver, multiple rollers, posi track, site utes (Symal and traffic control)	2 shifts	7pm to 5am

## 1.2 Consultation

Section 5.14 of the REF described community consultation efforts to be performed as part of the project. To date CN has completed a letterbox drop to those listed residents, and individually consulted via door knocking and/or a phone call about major construction activities, including piling commencement. However, these consultation efforts have not yet included the addition of out of hours work.

In addition, CN has published a project specific web page to provide status updates to the community (link provided below).

<https://newcastle.nsw.gov.au/about-us/news-and-updates/projects-and-works/memorial-drive-embankment-stabilisation-and-new-footpath>

**Table 1—3: Summary of consultation required or conducted for proposed change**

Stakeholder / Community	Yes	No
Is consultation required for the proposed change?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Has consultation been completed? No – however this has been included as an additional mitigation measure.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is consultation in accordance with <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## 2 IMPACT ASSESSMENT

### 2.1 Construction

An environmental impact assessment associated with the construction of the proposed change is provided in **Table 2—1**.

**Table 2—1: Construction impact assessment for the proposed change**

Aspect	Nature and extent of impacts (negative and positive) during construction (if control measures implemented) of the proposed change, relative to the Approved Project	Proposed control measures (in addition to REF mitigation measures)	Minimal impact (Y/N)
General	NA		NA
Flora and fauna	<p>As noted in the REF dated 3 April 2024, Litoria completed a Biodiversity Report to support the project. The report notes the presence of grey-headed flying fox (<i>Pteropus poliocephalus</i>), which utilise the Date Palm Trees onsite as a food source when foraging.</p> <p>While the REF notes the impacts to grey-headed flying fox are not considered significant, it is understood the former assessments had not considered the impacts of night works on the species. However, as the out of hours works are to take place on six nights over a 5-6 week period, the overall noise impacts to nocturnal fauna, including the grey-headed flying-fox are expected to be minor and would not cause a persistent disruption or impact breeding.</p>	The removal of date palms will take place during daylight hours to avoid unnecessary interactions with the grey-headed flying fox, and any other species that may use these trees at night for foraging.	Y
Water and flooding	NA	NA	NA
Air quality	NA	NA	NA
Soils and contamination	NA	NA	NA
Noise and vibration	<p>The primary source of construction noise and vibration would be from construction machinery associated with the works and from vehicle movements (including reversing alarms). It is noted that intensive noise generating equipment like jackhammers is not proposed.</p> <p>While out of hours works are proposed for a total of six shifts, each of the construction activities would be completed in stages, consisting of two consecutive nights for each of the three activities, as described in Table 1—2 occurring over a 5-6 week period. This scheduling would allow for respite between activities and lead to an overall construction program reduction.</p> <p>Two of the shifts for road line marking would also be completed by midnight, minimising sleep disturbance.</p>	<p>In accordance with the <i>Interim Construction Noise Guideline</i> (DECC, 2009), noise generating works will not occur over no more than two consecutive nights.</p> <p>The following additional controls to reduce sleep disturbance and human comfort impacts will be implemented:</p> <ul style="list-style-type: none"> <li>Vehicles and plant reversing alarms will be fitted with quackers as opposed to beepers. Alternatively, site and vehicle movements will be arranged to ensure vehicles and plant can only move forward;</li> <li>Temporary shrouding will be erected around high noise intensive work areas that are in close proximity to sensitive receivers.</li> </ul>	Y



## REPORT

Overall, noise and vibration impacts over this period would be temporary and managed through the mitigation measures.

- Vibratory plant (such as rollers) will be positioned as far from sensitive receivers as practical to comply vibration criteria for human comfort and structural damage (derived from the German Standard DIN 4150 and the *Environmental Noise Management – Assessing Vibration: a technical guide* (DEC, 2006)).

Aboriginal heritage	NA	NA	NA
Non-Aboriginal heritage	NA	NA	NA
Community, and socioeconomic	As noted in Section 6.12 of the REF there would be minor short term impacts during construction, however the introduction of out of hours works would compress the overall project timeline and in turn alleviate amenity impacts (such as noise, traffic, visual and dust).	A letter box drop with information on the out of hours works proposed, and information on how to make inquiries or issue a complaint will be issued to adjacent receivers at least seven days prior to the first out of hours shift commencing.	Y
Traffic and parking	There would be a minor impact to night time traffic during the proposed shifts, however as night time traffic is considerably less than day time the impacts would be minimal and expected to be managed through the management measures from the REF. By completing out of hours works, the daytime impacts to traffic would be reduced.	No additional controls proposed, refer to Section 6.11 of the REF.	Y
Waste and resource management	NA	NA	NA
Economic	NA	NA	NA
Visual and urban design	The use of lighting towers has the potential for light spill to nearby receivers. However, impacts would be temporary and experienced for a total of six nights.	Lighting towers would be positioned and directed away from sensitive receivers, where practical.	Y
Hazard and risk	NA	NA	NA
Climate change and sustainability	NA	NA	NA
Other	NA	NA	NA

## 2.2 Operations

A review of the proposed night works has determined the proposed activity is unlikely to present a significant risk of harm to the environment during operations.

### 3 CONSISTENCY WITH THE APPROVED PROJECT

Table 3—1 Review of project consistency

Considerations	Yes	No	Comment
Based on a review and understanding of the existing Approved Project and the proposed modifications / change, is there a transformation of the Project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	While the REF had not assessed the impacts of out of hours works, the assessment was broad enough to capture the various potential impacts construction activities may have on the community, environment and other key aspects. Hence the proposed out of hours works is not considered to represent a transformation of the project.
Is the project as modified consistent with the objectives and functions of the Approved Project as a whole?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes, the proposed change would facilitate the project objectives and enable a timely project delivery.
Is the project as modified consistent with the objectives and functions of elements of the Approved Project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	All elements of the proposed change have either been captured in the REF or this assessment.
Are there any new environmental impacts as a result of the proposed change / modifications?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed change would result in temporary noise, vibration, traffic, lighting and socio-economic impacts during out of hours. Provided the mitigation measures proposed in this assessment and the REF are adhered to, impacts are expected to be managed effectively.
Are the impacts of the proposed change / modification known and understood?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Consideration of the noise and vibration impacts has been undertaken for the proposed out of hours works. A quantitative assessment was not considered necessary due to the total number of out of hour shifts not exceeding more than two consecutive nights as detailed in the <i>Interim Construction Noise Guideline</i> (DECC, 2009).
Are the impacts of the proposed change / modification able to be managed so as not to have an adverse impact?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provided the mitigation measures proposed in this assessment and the REF are adhered to, impacts are expected to be managed effectively and be temporary in nature.
Is further consideration of the environmental factors listed in Section 171(2) (of the Environmental Planning & Assessment Regulation 2021) required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Section 171(a) The environmental impact on a community:</i> The original REF noted there would be no out of hours works. However, the proposed change would result in short term negative impacts over the six nights, which has been assess in this consistency assessment as having a short term minor impact.  The assessment against the remaining Section 171 factors remains unchanged from the REF.

## 4 CERTIFICATION

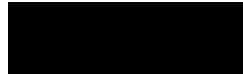
I certify that to the best of my knowledge this consistency checklist:

- examines and takes into account to the fullest extent possible all matters affecting or likely to affect the environment as a result of activities associated with the proposed change;
- examines the consistency of the proposed change / modification with the Approved Project; and
- is accurate in all material respects and does not omit any material information.

RPS AAP Consulting Pty Ltd:

Name Natalie Green

Signature



Title Senior Principal Environmental Consultant

Date

29/08/2024

City of Newcastle:

Name

Signature

Title

Date