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BONDI JUNCTION NSW 2022
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Dear Arusha,

PEER REVIEW – CURLEWIS STREET UPGRADE - REVIEW OF ENVIRONMENTAL FACTORS

1. INTRODUCTION AND BACKGROUND

Purpose of Report

Gyde Consulting has been engaged by Waverley Council to undertake an independent review of the draft Review of Environmental Factors (draft REF) prepared by Mecone for upgrades to the Curlewis Street Road reserve, including installation of a bicycle path. The purpose of the review is to inform Council's determination process for the proposed streetscape upgrades and bicycle pathway.

Site Description

The aerial image below outlines the full length of Curlewis Street, as well as its broader context (Figure 1).



Figure 1: Aerial Image of Curlewis Street and locality (Source: SixMaps/Gyde)

Curlew Street extends from Campbell Parade/Bondi Beach to the intersection of Blair Street/Birriga Rd/O'Sullivan Road. It currently accommodates pedestrian and vehicular activity. Development on either side of the road corridor is characterised by small-medium scale mixed use commercial and residential developments, and residential accommodation.



Figure 2: Typical existing streetscape at south eastern end of Curlew Street, towards Bondi Beach (Source: Google Street View)



Figure 3: View from north western end of Curlew Street (Source: Google Street View)

Project Description

In accordance with the draft architectural plans prepared by Northrop and the Draft REF prepared by Mecone, the proposal includes the following:

- Repaving approximately 900m of the existing Curlew Street roadway, which includes retaining the existing 2 way, single lanes for vehicles. The existing parking lanes will also be retained.
- Modifications to the existing Old South Head Road/Birriga Street/Curlew Street intersection. Specifically, the existing left turn slip lane from Old South Head Road to Curlew Street will be removed for the purposes of facilitating the installation of a separated cycleway as described below, but a left turn option will be retained.
- Inclusion of a new 2 way, single lane dedicated bicycle lane for the full length of the Curlew Street road reserve. The bicycle lane is proposed on the northern side of the Curlew Street road reserve.
- Upgrading approximately 900 lineal metres of existing pedestrian footpaths within the Curlew Street road reserve.
- New and/or upgraded pedestrian crossings along the Curlew Street road reserve, including:
 - New raised pedestrian crossing across Wellington Street to the north of the roundabout.

- Reconstruction of existing pedestrian islands to suit new levels.
- Reconstruction of raised pedestrian crossing across Curlewis Street immediately west of Gould Street.
- New continuous footpath treatment across Gould Street on both sides of intersection.
- Removal of approximately 20 existing street trees and addition of approximately 50 new street trees along the Curlewis Street road reserve.
- Installation of new multi-function (MP) light poles with electric vehicle (EV) chargers along the Curlewis Street road reserve. New lighting provided as part of the light poles is proposed in accordance with the relevant Australian Standards.

2. PEER REVIEW OF DRAFT REF

The key statutory requirements of a REF are found in Part 5 (Division 5.1) of the Environmental Planning and Assessment Act 1979 (the EP&A Act) and Part 8 (Division 1) of the Environmental Planning and Assessment Regulation 2021 (the Regulation). Our review considers the draft REF against these requirements in order to assist Council, when determining the REF, in satisfying its statutory obligations.

The REF also addresses other matters that, whilst not statutory requirements for a REF, are typically and appropriately included. We have also reviewed these elements of the draft REF and commented where relevant.

In this section, we address the general content of the Draft REF, the manner in which it addresses the statutory obligations, as well as other relevant matters as raised in the draft REF. Subsequently, we provide our conclusions and recommendations. Each section of the draft REF is addressed in turn.

Section 1 - Introduction

It is recommended that some further details of the proposal be included in the introduction section. This would be for the purpose of assisting stakeholders gain a suitable understanding of the proposal at a preliminary stage, particularly if the matter is to be the subject of any further public consultation. Specifically, we recommend:

- Including reference to replacement of the existing left turn slip lane from Old South Head Road into Curlewis Street. It should be clarified that a left turn option will be retained, but without the existing left turn slip lane.
- Adding further detail in relation to on street parking. For example, will the proposal reduce or increase the amount of on street parking.
- Making reference to the removal of existing street trees rather than the planting of new trees only. Subsequently, reference can be made to the resultant net increase in street trees.

Section 2 - Site Analysis

The site and locality description are comprehensive. They are likely to be particularly useful during any public consultation phase.

Section 3 – Description of the activity

3.1 – Overview

As indicated in Section 2.1 of this report above, we recommend elaborating the overview's reference to street trees, road closures and on street parking provisions.

There is a typographical mistake in caption to Figure 9.

3.2 – Separated cycleway

We suggest describing each of the existing road corridors that are currently relied on to provide the Bay to Beach Pop-up Cycleway. That is, it may be confusing to stakeholders during any consultation phase as to whether the cycleway proposed as part of the Draft REF will rely on Old South Head Road, or O'Sullivan Road to connect to Rose Bay.

It is also suggested that the proposed cycleway's dimensions are included with the draft REF document itself so as to clearly describe the proposal during any consultation phase. The dimensions are not easily legible on the detailed plans prepared by Northrop due to the small font size and the plan being provided across several sheets

as a result of Curlewis Street's length.

3.4 – Amenities Improvements

This section states that approximately 900m of the Curlewis Street roadway will be repaved. The roadway is approximately 900m in length. In this case, it may be worthwhile stating that the repaving will apply to all or most of the road corridor so as to avoid possible confusion from stakeholders about how much of the roadway will be repaved.

This section states that approximately 900m of pedestrian footpaths will be “refreshed” as part of the proposal. It is recommended that a detailed explanation of “refreshed” be provided. That is, stakeholders may be uncertain whether this means full or partial replacement, repair, or re-topping, for example.

When referring to the removal and replanting of trees, it is suggested that the Draft REF describes the approximate location of such trees. This is because it is not likely to be particularly easy for stakeholders to identify the trees in question on the detailed plans provided by Northrop. This is because the area in question is lengthy and the details are provided over several sheets.

If known at this stage, it may pre-empt some stakeholders' questions to provide some information in relation to the operation of the proposed EV chargers. For example, will they be available for ratepayers only in accordance with existing resident's parking schemes, and how will equitable access to such chargers be provided?

It is suggested that the dimensions of the upgraded roadway be provided in the Draft REF document, as they can be difficult to determine on the Northrop plans due to the size and number of plan sheets. Specifically, it is recommended that dimensions of the vehicular roadway, parking aisles, pedestrian pathways, and bicycle lanes are provided in the Draft REF document itself.

3.5 – Construction

It is recommended that clarification is provided in relation to whether the proposed works will be undertaken in stages or not. This is likely to be key information for stakeholders during any consultation phase. If the works will be undertaken in stages, it is recommended that the order and location of any stages are outlined in plan as well as in the REF document itself.

Section 3.6 – Analysis of alternatives

No comment - Satisfactory.

Section 4 – Strategic context

No Comment – Satisfactory

Section 5 – Statutory context

The draft REF identifies all of the relevant legislation and environmental planning instruments relevant to the assessment and determination of REFs. However, it is considered that some of those relevant items warrant further attention as outlined in the table below.

Section	Gyde Comments
Part 5 Infrastructure and Environment Impact Assessment	
Division 5.1 Environmental impact assessment	
Subdivision 1 Preliminary	
5.1 Definitions	It is recommended that the REF is amended to specially identify which activity the proposal is consistent with. The following definitions from Section 5.1 are likely to apply: <i>(d) the carrying out of a work, and (e) The demolition of a building or work.</i> Confirm that proposed works do not include any of the exclusions in paragraphs (g) – (k).

<p>5.2 Nomination of nominated determining authority</p>	<p>It is recommended that clarification is obtained as to whether Council is the only determining authority in this case. Specifically, it is understood that Curlew Street and Old South Head Road are regional and state roads, respectively. As such, clarification should be sought as to whether approval is required from Transport for NSW (TfNSW). Section 61 of the Roads Act 1993 suggests that approval may be required from TfNSW for works on Old South Head Road, for example.</p> <p>Alternatively, Section 5.2 in Part 5 of the EP&A Act 1979 provides that the Minister may nominate the determining authority in the event the approval of more than one determining authority is required.</p>
<p>Subdivision 2 Duty of determining authorities to consider environment impact of activities</p>	
<p>5.5 Duty to consider environmental impact</p>	<p>This section of the Regulation prescribes that a determining authority must <i>“examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment”</i>, when considering an REF (emphasis added). This section has also been reviewed with regard to the possible environmental impacts as outlined in the NSW Department of Planning’s Guideline for Division 5.1 assessments 2022.</p> <p><u>Traffic Impacts</u></p> <p>It is acknowledged that the Draft REF includes an analysis of the proposal’s impacts on existing intersections. Prior to determining the REF, however, it is recommended that further traffic impact assessment is undertaken. This is to consider network related impacts, whilst the current analysis only considers impacts to individual intersections. This is particularly recommended as the current intersection analysis determines that most of the intersections in question already operate at full capacity and that the proposal will only decrease their performance, albeit marginally. There may be cumulative network related impacts if the performance of each intersection decreases further, as a result of the proposal.</p> <p><u>Road Geometry (Traffic Impacts)</u></p> <p>The assessment should also consider whether the proposal results in narrow lanes for vehicles, and whether this is likely to have any impacts on congestion or safety. Vehicular accessibility to residential lots by service vehicles to commercial premises should also be considered as the proposal appears to reduce the width of the road laneway.</p> <p>A safety assessment is also recommended to assess any impacts associated with the width of the traffic lane and changes to parking spaces.</p> <p><u>Economic Impacts</u></p> <p>Similarly, it is recommended that some assessment of economic impacts is undertaken, (consistent with the example given in Chapter 3 of the Department’s Guideline in relation to addressing Clause 171(2)(a) of the Regulation. Currently the REF does not consider the proposal’s impacts on the various commercial operations towards the southern end of Curlew Street in particular. There may be positive or beneficial impacts associated with the proposal’s loss of parking, improved streetscape outcomes, potentially reduced road transport speeds, any increase in traffic congestion, any possible reduction in accessibility by service vehicles, or construction related activity.</p> <p><u>Assessment of Equitable Access</u></p> <p>As raised earlier, if known at this stage, it is suggested that an assessment be undertaken in relation to the operation of the EV chargers proposed as part of the new multi-function poles. For example, will the chargers have a dual role as a parking space and what measures will be in place to ensure the equitable availability of such chargers?</p> <p><u>Climate Change Impacts</u></p>

	<p>Some comments could be included on the source of electricity for such chargers and whether such a source assists in mitigating climate impacts. Any impacts may be offset by increased bicycle usage.</p> <p><u>Cost Impacts</u> If known, some comments could be included on the manner in which electricity for the proposed EV charges will be paid for, to pre-empt questions that may arise from stakeholders. Is it proposed to adopt a 'user pays' system, or will costs be shared across all landowners within the Local Government Area?</p> <p><u>Streetscape Impacts</u> The streetscape impacts of the proposal have not been specifically considered within the REF document. Table 2 of the REF states that there is 'nil' transformation of the locality (Cl. 171(2)(b) in Table 2), whereas there could reasonably be considered to be some positive impact. There appears to be adequate information to enable such an assessment, however. This includes perspective images as well as a landscape plans.</p> <p><u>Contamination</u> Given the age of the materials within the existing road reserve, it is considered that a some further contamination assessment is warranted, or at least some comment other than 'nil' against the consideration of Cl. 171(2)(m) in Table 2.</p> <p>The draft REF has not addressed Clause 5.5(3), which states that: <i>"Without limiting subsection (1), a determining authority shall consider the effect of an activity on any wilderness area (within the meaning of the Wilderness Act 1987) in the locality in which the activity is intended to be carried on".</i> It is expected that this matter could be easily addressed, however.</p>
5.6 Regulations for environmental impact assessment by prescribed determining authorities	The draft REF has considered the matters prescribed under Section 170 – 171A of the Regulation. See our comments below in relation to the adequacy of that assessment.

Waverley LEP 2012

We suggest referencing the aims of the Waverley Local Environmental Plan 2012 (WLEP 2012). Objective (I) specifically refers to improving connectivity and accessibility as well as prioritising active transport such as cycling. The proposal is consistent with this objective and consistent with the various objectives of the WLEP 2012 generally.

The Curlewis Street road reserve extends through the R3 – Medium Density, B4 – Mixed Use and B1 – Neighbourhood Centre land use zones. 'Roads' are permitted in each of these zones pursuant to the WLEP 2012. Whilst it is worth noting that the proposal is permissible in the subject land use zones according to the local environmental planning instrument, development consent is not required given Section 2.109(1)(a) of the TISEPP applies as discussed earlier.

Other NSW Legislation

Whilst not essential, it may be appropriate to include in this section the Contaminated Land Management Act 1997 and the Protection of the Environment Operations Act 1997, both of which are referred to in the Preliminary Site Investigation report accompanying the draft REF.

Section 6 – Consultation

This section outlines the extent of previous consultation undertaken for the proposal. It is suggested that a reference to such consultation is provided in the introduction to the REF.

Section 7 – Environmental assessment and mitigation measures

This section identifies that an extensive range of potential environmental impacts have been assessed. Where necessary, a range of mitigation measures has also been outlined, which we consider to be appropriate and satisfactory in relation to the matters addressed.

However, it is considered that some additional impacts require consideration, or that the assessment of some potential items is warrants augmentation, as raised earlier in this review. Specifically, it is considered that the following potential impacts warrant at least some level of identification and assessment, to the extent warranted consistent with the principles outlined in “Stage 2: Assessment and Consultation”, In the Department’s Guidelines:

- Network related traffic impacts.
- Road geometry design and impacts to vehicular accessibility.
- Safety related impacts to road users (e.g. conflicts between pedestrian, bicyclists and/or vehicles).
- Economic impacts, to existing business operators in particular.
- Streetscape impacts.
- Equitable access to EV chargers, and potential costs for the use of EV chargers.
- Climate change impacts.

It is acknowledged that Section 7 of the Draft REF considers contamination. In summary, the Draft REF provides that contamination is not likely to be an impact as there is no history of contamination in the area. In our view, this should be confirmed given the range of existing and historic land uses in the locality, and the age of materials within the road reserve, and at least be subject to a mitigation measure to address it.

Section 8 – Summary of mitigation measures

The mitigation measures outlined, with the exception of contamination and cumulative impacts, are considered to be satisfactory. As indicated earlier, it is recommended that some form of contamination assessment should have been undertaken as part of the Draft REF preparation, or that it should form part of the mitigation measure. Similarly, it is considered difficult to provide traffic related mitigation measures if a cumulative assessment of traffic impacts has not been undertaken. Specifically, the Draft REF reviews impacts to individual intersections, but does not provide a network related impact assessment. This is considered necessary given the intersection analysis provided indicated a decline in the service of such intersections (albeit in marginal), and all such intersections are in close proximity to each other.

As this review has identified other environmental impacts which warrant consideration, other mitigation measures may be required in this section of the draft REF, however.

3. CONCLUSION

Based on our review of the draft REF we conclude as follows:

- The draft REF has identified and addressed most relevant statutory considerations.
- The draft REF has adequately assessed most of the likely impacts, however we have identified some additional matters that we consider warrant further assessment to assist Council in demonstrating to its community that it has met the assessment requirement prescribed in Section 5.5 of the EP&A Act.
- We have made other suggestions within this report that, whilst not affecting the efficacy of the REF in terms of the requirements of the Act, may assist in the community’s understanding of the project and the REF itself.

Yours sincerely,

David Ryan
Executive Director