

A Appendix

Draft Statement of Commitments

The following table is a draft Statement of Commitments and is presented with the environmental assessment for the Pacific Highway Upgrade: Sapphire to Woolgoolga. These commitments have been refined from those presented in the project application report and incorporate measures identified through various investigations undertaken as part of the environmental assessment phase.

The RTA has considered the advice of all its specialists in their working papers and from this has developed the draft statement of commitments. The RTA proposes to comply with those environmental management and mitigation measures identified in the draft statement of commitments.

Should the Proposal be approved, the RTA would implement the environmental management measures outlined in the draft Statement of Commitments. Any contractor selected to undertake further planning, design or construction of the proposed project would be required to undertake all works in accordance with these commitments.

The following definitions apply in relation to this draft Statement of Commitments:

Pre-construction

Work in respect of the Proposal that includes design, survey, acquisitions, fencing, investigative drilling or excavation, building / road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing ancillary facilities such as site compounds (in locations meeting the criteria identified in section 8.4.4 of the Environmental Assessment) or other relevant activities determined to have minimal environmental impact (e.g. minor access roads).

Construction

All work in respect of the Proposal other than that defined as a pre-construction activity / work.

Operation

The operation of the activity, but not including commissioning trials of equipment, or temporary use of parts of the Proposal during construction.

OBJECTIVE	REF NO.	COMMITMENT	TIMING	REFERENCE DOCUMENT
Environmental management				
Manage the potential environmental impacts of the project.	EM1	A construction environmental management plan will be prepared and implemented to guide project delivery.	Pre-construction and Construction.	Department of Planning <i>Guideline for the Preparation of Environmental Management Plans</i> (2004). RTA <i>QA Specification G36</i> , Section 4.1.1.1.
Communication and consultation				
Pro-active consultation with the community.	C1	Newsletters and media coverage will be used regularly to outline the proposed works schedule, areas in which works are proposed and the construction hours of those works. The newsletters and media coverage will provide contact names and phone numbers of relevant staff.	Pre-construction and Construction.	RTA <i>Community Involvement Practice Notes and Resource Manual</i> (RTA 1998).
	C2	An internet site which contains periodic updates of work progress, consultation activities and proposed work schedules will be established and maintained regularly. The internet site will also provide a description of relevant approval authorities and their areas of responsibility and contact names and phone numbers of relevant staff.	Pre-construction and Construction.	RTA <i>Community Involvement Practice Notes and Resource Manual</i> (RTA 1998).
Responsive and pro-active management of complaints.	C3	A 24 hour, toll free complaints telephone number will be established for the Proposal and advertised.	Pre-construction and Construction.	RTA <i>Community Involvement Practice Notes and Resource Manual</i> (RTA 1998). AS 4269 <i>Complaints Handling</i> .
	C4	A system to receive, record, track and respond to complaints within a specified timeframe will be established.	Pre-construction and Construction.	RTA <i>Community Involvement Practice Notes and Resource Manual</i> (RTA 1998). AS 4269 <i>Complaints Handling</i> .
Pro-active consultation with directly affected property owners.	C5	Property owners will be consulted about the implementation of mitigation measures that affect their property and any issues raised will be considered where reasonable and feasible.	Pre-construction and Construction.	RTA <i>Community Involvement Practice Notes and Resource Manual</i> (RTA 1998).

OBJECTIVE	REF NO.	COMMITMENT	TIMING	REFERENCE DOCUMENT
Traffic and access				
Resolution of damage to roads as a result of construction.	T1	Pre-construction road condition reports will be prepared for all non-arterial roads likely to be used by construction traffic.	Pre-construction.	
	T2	Post-construction road condition reports will be prepared for the roads assessed prior to construction. Copies of the reports will be provided to the relevant roads authority. Any damage resulting from construction, (not normal wear and tear), will be repaired at the RTA's cost, unless an alternative arrangement for road damage is agreed with the relevant roads authority.	Operation.	
Maintain traffic movements on the road network through all phases of construction.	T3	Construction vehicle movement arrangements will be developed to limit impacts on other road users (including pedestrians, vehicles, cyclists and disabled persons), with specific regard to other road works in the area, local traffic movement requirements and peak traffic volumes, including long weekends and holiday periods.	Pre-construction and Construction.	RTA <i>Traffic Control at Work Sites.</i> RTA QA <i>Specification G10 Control of Traffic.</i>
Manage property access.	T4	Where any legal property access is temporarily or permanently affected by the project, alternative access to an equivalent standard will be provided where feasible and reasonable or other alternative arrangements agreed in consultation with the property owner.	Construction and Operation.	RTA <i>Traffic Control at Work Sites.</i> RTA QA <i>Specification G10 Control of Traffic.</i> <i>Land Acquisition (Just Terms Compensation) Act 1991.</i> RTA <i>Land Acquisition Policy.</i>
	T5	In consultation with the Department of Primary Industries (Forests), access to and within State Forest lands adjacent to the Proposal will be retained for forestry operations, fire management activities and recreation purposes.	Construction and operation.	

OBJECTIVE	REF NO.	COMMITMENT	TIMING	REFERENCE DOCUMENT
<p>Construction noise and vibration</p> <p>Establish baseline noise conditions prior to the start of construction.</p> <p>Minimise the effects of construction noise and vibration on surrounding sensitive uses and on the community.</p>	CN1	Pre-construction noise monitoring will be undertaken in locations used to identify the background noise levels for the environmental assessment and/or at representative noise sensitive locations.	Pre-construction.	<p>RTA <i>Environmental Noise Management Manual</i> (2001).</p> <p>NSW <i>Industrial Noise Policy</i> (EPA 1999).</p>
	CN2	Construction activities will be restricted to construction hours for the Proposal. The hours will be 7.00am to 7.00pm Monday to Friday; 7.00am to 4.00pm Saturdays and no work on Sunday or public holidays except in accordance with commitment CN4 below.	Construction.	
	CN3	Rock breaking, rock hammering, sheet piling, pile driving and any similar project activity will be scheduled only between the hours of 9 am to 12 pm and 2 pm to 5 pm, Monday to Friday; and 9 am to 12 pm, Saturday except in accordance with commitment CN4 below.	Construction.	
	CN4	Works outside standard construction hours will be limited to: <ul style="list-style-type: none"> i. Any works that do not cause construction noise to be audible at any sensitive receivers. ii. The delivery of materials required outside these hours by the Police or other authorities for safety reasons. iii. Emergency work to avoid the loss of lives, property and/or to prevent environmental harm. iv. Any other work as agreed after appropriate consultation with affected residents, the Department of Environment and Climate Change, and local council. 	Construction.	RTA <i>Environmental Noise Management Manual</i> (2001).
	CN5	All plant and equipment will be well maintained and fitted with adequately maintained silencers which meet the vehicle design specifications.	Construction.	AS 2436-1981 <i>Guide Noise Control on Construction, Maintenance and Demolition Sites</i> .
	CN6	Prior consultation and notification will be undertaken with nearby residents that may be affected by noise or vibration generating activities.	Construction.	Refer to commitments P2 to P5 below.
	CN7	Public address systems used at any construction site will not be used outside normal construction hours except in accordance with commitment CN4 above. Public address systems will be designed to limit noise spillage off-site.	Construction.	AS 2436-1981 <i>Guide to Noise Control on Construction, Maintenance and Demolition Sites</i> .

OBJECTIVE	REF NO.	COMMITMENT	TIMING	REFERENCE DOCUMENT
Minimise the effects of any required blasting on surrounding sensitive uses and on the community.	CN8	Blasting trials will be undertaken if blasting is to be used, with results from the trials used to determine site-specific blast designs to satisfy relevant performance criteria.	Construction.	Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration (ANZECC). German Standard DIN 4150 Part 3 Structural Vibration in Buildings (Effects on Structures). Assessing Vibration: A Technical Guideline NSW DECC (2006).
	CN9	All reasonable attempts will be made to contact sensitive receivers located within 500 metres of a blast location. The contact will be made at least 48 hours before a blast and advice given to the receiver will include a schedule of blast time(s) and a telephone number and contact name.	Construction.	RTA Community Involvement Practice Notes and Resources Manual (1998).
	CN10	Noise and vibration monitoring will be undertaken during construction to determine the effectiveness of mitigation strategies.	Construction.	RTA Environmental Noise Management Manual (2001). NSW Industrial Noise Policy (EPA 1999).
Operational noise Minimise the operational noise impact on existing surrounding sensitive receivers.	ON1	A reasonable and feasible approach will be adopted to limit operational noise impacts in accordance with the NSW Government's <i>Environmental Criteria for Road Traffic Noise</i> . The approach to operational noise impacts will be developed further during detailed design and in consultation with relevant property owners.	Pre-construction and Construction.	NSW Government's <i>Environmental Criteria for Road Traffic Noise</i> . RTA's <i>Environmental Noise Management Manual</i> .
	ON2	Low-noise pavement will be utilised from the southern limit of works at Sapphire to approximately 700 metres north of Bark Hut Road, Woolgoolga.	Construction.	

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	ON3	Noise barriers will be installed at the locations identified in the environmental assessment (subject to detailed design) and to the specifications.	Construction.	Section 7.5.9 of the environmental assessment.
	ON4	Architectural treatments will be provided to properties identified in the environmental assessment as requiring such (subject to further design refinement of the project; and to owner agreement).	Construction.	Table 7.7 of the environmental assessment.
Determine effectiveness of operational noise control measures.	ON5	Monitoring of operational noise will be undertaken between six months and one year after opening along the proposed highway upgrade and within Woolgoolga. Should the monitoring indicate traffic noise levels exceeding the relevant noise level criteria in NSW Government's <i>Environmental Criteria for Road Traffic Noise</i> ; the RTA will investigate and implement further "reasonable and feasible" mitigation measures. The selection of these measures will be undertaken in consultation with affected property owners.	Operation.	NSW Government's <i>Environmental Criteria for Road Traffic Noise</i> . RTA's <i>Environmental Noise Management Manual</i> .
Flora and fauna				
Minimise adverse impacts on aquatic habitat and fish species.	F1	Waterway crossings will be designed to facilitate fish passage where appropriate and in consultation with relevant government agencies.	Pre-construction.	<i>Fishnote: Policy and Guidelines for Fish Friendly Waterway Crossings</i> (NSW Fisheries). <i>Policy and Guidelines for Design and Construction of Bridges, Roads, Causeways, Culverts and Similar Structures</i> (NSW Fisheries 1999). <i>Fish Passage Requirements for Waterway Crossings</i> (Fairfull and Witheridge 2003).

OBJECTIVE	REF NO.	COMMITMENT	TIMING	REFERENCE DOCUMENT	
Avoid or protect individual threatened plant species where possible. Minimise impacts on native fauna during construction.	F2	Threatened plants in proximity to the Proposal to be retained will be identified and protected during construction through exclusion fencing and education of construction workers through the site induction process.	Pre-construction and Construction.		
	F3	The feasibility of relocating individuals of Rusty Plum (<i>Amorphospermum whitei</i>) and, if required, any individuals of the threatened <i>Typhonium sp.</i> directly affected by the Proposal to suitable habitat on nearby land in secure tenure will be investigated and resultant action determined on the basis of expert advice.	Pre-construction.	Australian Network for Plant Conservation 2004 guidelines.	
	F4	Surveys will be undertaken during the flowering period of the Typhonium species recorded in the vicinity of Newmans Road to determine whether individuals present are threatened species. If the species cannot be positively identified prior to construction, then precautionary measures to protect the species during construction (such as exclusion fencing) will be employed.	Pre-construction.	Section 17.3.2 of the environmental assessment.	
	F5	Surveys will be undertaken during the flowering period (September to October) of the Swamp Orchid (<i>Phalus australis</i>) within areas of suitable habitat (Swamp Sclerophyll Forest) within the Arrawarra Interchange area to determine the presence or absence of this species and (if present) to develop appropriate mitigation strategies.		Australian Network for Plant Conservation 2004 guidelines.	
	F6	A suitably qualified ecologist will undertake specific searches for native fauna immediately prior to clearing activities. Searches will include nests and large hollow-bearing trees and target habitats of hollow-dwelling species, koalas and frogs.		Construction.	
	F7	Fauna species found in areas to be cleared prior to clearing activities will be re-located into suitable habitat as close as possible to the area in which they were found.		Construction.	
	F8	Where feasible and reasonable, removal of frog habitat along drainage lines will not be undertaken during periods of wet weather.		Construction.	
	F9	Strategies will be developed to deal with incidents involving individual animals during construction activities in consultation with local Department of Environment and Climate Change officers, WIRES and / or other relevant local wildlife carer groups.		Pre-construction.	
	F10	Surveys will be undertaken for threatened bat species to identify any roosting bats prior to the demolition of the existing highway bridges at Double Crossing, Skimmers and Cunninghams Creeks and the existing Hoys Road bridge over Cunninghams Creek. The surveys will include bridge inspections by a suitably qualified ecologist to identify any roosting bats. If found, any bats will be moved and relocated following consultation with the Department of Environment and Climate Change.		Pre-construction and Construction.	

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	F11	The large nest located approximately 100 metres south of the Wedding Bells State Forest boundary (approximate Chainage 28.700 kilometres) will be inspected to determine if it is being used by an osprey or a White-bellied Sea Eagle. If in use, expert advice will be sought regarding the feasibility of translocation of the nest / tree.	Pre-construction.	
Minimise impacts on fauna habitat	F12	Habitat features and resources for native fauna (such as hollow-bearing trees, hollow logs and bush rocks) will be distributed along the route of the Proposal where feasible and reasonable. Such relocation will be undertaken in a manner to limit damage to existing vegetation and will not occur in high condition remnant vegetation.	Construction.	
	F13	Where feasible and reasonable, nest boxes will be utilised to replace the removal of hollow-bearing trees. If used, nest boxes will be fixed to suitable retained vegetation and in a way that does not damage the tree.	Construction and Operation.	
Maintain terrestrial fauna connectivity	F14	Culverts identified in the environmental assessment as having a potential role in fauna crossing will be designed to facilitate fauna movements.	Pre-construction.	Table 7.5 of the Environmental Assessment.
	F15	Expert advice will be sought to assist in identifying the need and location for crossing points for glider populations. If required, and in consultation with relevant government agencies, the location and design of crossing points will be incorporated into the Proposal.	Pre-construction.	
	F16	Bridges at Double Crossing Creek, Cunninghams Creek, Skinners Creek, Woolgoolga Creek and Arrawarra Creek will be designed to facilitate fauna movements.	Pre-construction.	
Limit opportunities for animals to access the highway and reduce potential for wildlife injury and mortality during operation.	F17	Fauna exclusion fencing (eg. floppy-top fencing) will be erected along the Proposal at appropriate locations to direct fauna movement towards fauna-crossing structures.	Pre-construction.	Table 17.6 of the environmental assessment.
	F18	Flora species used in landscaping will be selected such that wildlife is not attracted for feeding or other purposes.	Pre-construction and Construction.	
	F19	Adjoining vegetation will be maintained to limit overhang of fences or other barriers.	Operation.	
Protect habitats of threatened wetland birds.	F20	Water quality control measures will be installed as early as possible in the construction program and will be designed / selected to meet identified receiving water objectives.	Construction.	Refer SW1 to SW5 below.

OBJECTIVE	REF NO.	COMMITMENT	TIMING	REFERENCE DOCUMENT
Minimise native vegetation disturbance.	F21	The limits of clearing and other native vegetation disturbance will be clearly marked on relevant work plans and on site with temporary fencing installed prior to clearing.	Construction.	RTA QA Specification B30 – Clearing, Excavation & Backfill for Bridgeworks. RTA QA Specification R178 – Vegetation.
Reduce weed invasion as a result of vegetation clearance.	F22	Weeds in areas disturbed by construction activities will be managed for a minimum of two years after construction completion.	Construction and Operation.	NSW Noxious Weeds Act, 1993.
	F23	Native and locally indigenous plants will be used in the landscaping and disturbed areas will be progressively revegetated.	Construction.	Landscape design plans (Chapter 7 of environmental assessment).
	F24	Equipment storage areas and stockpile areas will be located in existing cleared locations or in locations otherwise cleared for the construction of the Proposal.	Construction.	
Offset the residual impacts of the Proposal on key habitat.	F25	A compensatory habitat (or other suitable offset) agreement will be developed in consultation with the Department of Environment and Climate Change.	Pre-construction and Construction.	RTA Compensatory Habitat Policy and Guideline (draft).
Determine effectiveness of flora and fauna mitigation measures.	F26	A monitoring program will be developed to allow the effectiveness of mitigation and offset measures to be assessed and allow for their modification if necessary. The program will be for a minimum of 12 months after construction completion.	Pre-construction, Construction and Operation.	
Aboriginal heritage				
Minimise the impact on Aboriginal heritage.	AH1	Any Aboriginal heritage items directly affected will be managed in consultation with Aboriginal stakeholders and the Department of Environment and Climate Change.	Pre-construction and Construction.	RTA Aboriginal Heritage Guidelines. Aboriginal cultural heritage: standards and guidelines kit (DECC). Protecting Aboriginal objects and places – interim guidelines for community consultation (DECC). National Parks and Wildlife Act, 1979.

OBJECTIVE	REF NO.	COMMITMENT	TIMING	REFERENCE DOCUMENT
	AH2	Aboriginal heritage sites and potential archaeological deposits will be clearly identified on construction drawings.	Pre-construction.	
	AH3	All construction personnel will receive training on their obligations for protection of Aboriginal cultural materials, including information on site locations, conservation management requirements and legal obligations in regard to Aboriginal cultural materials.	Pre-construction.	<i>National Parks and Wildlife Act, 1979.</i>
	AH4	If any part of the project (such as an ancillary facility) is located in an area which has not been subject to detailed Aboriginal heritage field survey and assessment, additional survey and assessment will be undertaken before that part of the project proceeds.	Pre-construction.	
	AH5	Subsurface investigations will be conducted of identified potential archaeological deposits at sites S2W-1, 4, 5, 6, 8, 9, 10 and 11 with support from the local Aboriginal stakeholders. Any subsequent salvage that may be warranted would occur at that time.	Pre-construction.	Subsurface investigations work method (Appendix D of Working Paper 3).
	AH6	Areas of the artefact scatter sites associated with S2W-4, 5, 6, 10, 11, 13, Site # 22-1-143, Embankment Road historic camp and Arrawarra Creek ceremonial / sacred sites not directly affected by the Proposal will be fenced to avoid any accidental disturbance of these sites.	Pre-construction.	
	AH7	The descendants of the previous property owner(s) will be consulted and a field inspection will be undertaken with the Aboriginal stakeholders to confirm the location of S2W-13.	Pre-construction.	
	AH8	Aboriginal stakeholders will be engaged to salvage surface artefacts identified at sites S2W-2 and 7 and at S2W-12 after removal of the existing building on site.	Construction.	
	AH9	Aboriginal stakeholders will observe initial ground disturbance works / topsoil stripping (regardless of results of potential archaeological deposit investigations) and salvage artefacts identified at sites S2W-1, 4, 5, 10, 11, 12 and 13.	Construction.	
	AH10	If any presently unknown Aboriginal heritage items are uncovered during the works, all works in the vicinity of the find will cease until Aboriginal heritage specialist advice is obtained.	Construction.	
	AH11	The RTA will comply with the NSW Government's <i>Aboriginal Participation in Construction Guidelines</i> .	Pre-Construction and Construction.	NSW Government's <i>Aboriginal Participation in Construction Guidelines</i> (2007).

OBJECTIVE	REF NO.	COMMITMENT	TIMING	REFERENCE DOCUMENT
Non-Aboriginal heritage Minimise impacts on Non-Aboriginal heritage items.	NAH1	An archival record will be prepared and disseminated for the Woolgoolga forest nursery and nursery cottage, the British Australian timber company and Great Northern timber company tramlines and the Postmaster General's department cable by an appropriate heritage expert.	Pre-construction.	RTA Heritage Guidelines. <i>Heritage Act, 1977.</i>
	NAH2	All personnel working on site will receive training in their responsibilities under the <i>Heritage Act, 1977</i> . Site specific training will be given to workers when working in the vicinity of identified heritage items.	Pre-construction and Construction.	
	NAH3	Should any additional heritage items be uncovered during works, all works in the vicinity of the find would cease until specialist heritage advice is obtained.	Construction.	
Soil and water management Minimise water quality impacts.	SW1	Water quality will be monitored upstream and downstream of the project site during construction to determine the effectiveness of mitigation strategies.	Pre-construction and construction.	Draft DECC "Managing Urban Stormwater: Soils and Construction, Volumes 1 and 2, Book 4, Main Road Construction (2006). <i>Managing urban stormwater: soils and construction (Landcom 2006).</i> The RTA's Code of Practice for Water Management – Road Development and Management. RTA QA Specification G38 Soil and Water Management. RTA QA Specification G39 Soil and Water Management (Erosion and Sediment Control Plan).

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	SW2	Where feasible and reasonable, the area of soil exposure during construction will be minimised.	Construction.	RTA QA Specification G40 <i>Clearing and Grubbing</i> .
	SW3	There will be progressive revegetation of earthworks areas and stabilisation and restoration works.	Construction.	RTA QA Specification G38 <i>Soil and Water Management</i> . Draft DECC "Managing Urban Stormwater: Soils and Construction, Volumes 1 and 2, Book 4, Main Road Construction (2006)".
	SW4	Design requirements for construction and operation phase water quality control structures will be determined on the basis of a site-specific investigation that considers the sensitivity of the receiving environment and the proximity of the discharge point to receiving waters.	Pre-construction and Construction.	Chapter 7 of the environmental assessment.
	SW5	Specific construction methods will be developed and implemented for in-stream works in consultation with relevant government agencies to limit water quality impacts.	Pre-construction and construction.	<i>Managing urban stormwater: soils and construction</i> (Landcom 2006). The RTA's Code of Practice for Water Management – Road Development and Management. RTA QA Specification G38 <i>Soil and Water Management</i> .
Minimise impacts on the Solitary Islands Marine Park.	SW6	Site-specific construction methods and water management controls will be developed and implemented where the Proposal crosses the Solitary Islands Marine Park in consultation with relevant government agencies to limit water quality impacts.	Pre-construction and Construction.	
	SW7	Water quality will be monitored at locations where in-stream works are proposed and where the Proposal crosses the Solitary Islands Marine Park to determine the effectiveness of water management controls.	Construction.	See SW1.
Minimise ground water related impacts.	SW8	The potential for changes in the groundwater table in response to significant construction activities that have a likelihood of impact will be investigated. Where a potential for change is identified, the significance of the change and any resultant impacts will be determined and where necessary, measures to manage the changes will be designed and implemented in consultation with relevant government agencies.	Pre-construction.	Refer commitment P6 below.

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Effectively manage known and unknown areas of acid sulfate soils and their exposure (oxidisation).	SW9	Areas of Potential Acid Sulfate Soils and actual Acid Sulfate Soils will be identified and oxidation of acid sulfate soil material will be limited, any exposed acid sulfate soil will be neutralised and surface water drainage and buffer acid runoff will be controlled.	Pre-construction and Construction.	<i>Guidelines for the Management of Acid Sulfate materials: Acid Sulfate Soils, Acid Sulfate Rock and Monosulfidic Black Ooze</i> (RTA 2005).
	SW10	Containment strategies will be identified and implemented to ensure that any acidic leachate associated with the oxidation of acid sulfate soil is contained for treatment or removal and is prevented from entering downstream watercourses.	Pre-construction and Construction.	<i>Guidelines for the Management of Acid Sulfate materials: Acid Sulfate Soils, Acid Sulfate Rock and Monosulfidic Black Ooze</i> (RTA 2005).
Air quality				
Minimise dust generation and monitor effectiveness of air quality management measures.	AQ1	Potential dust sources and dust suppression measures will be identified in consultation with the Department of Environment and Climate Change.	Pre-construction.	
	AQ2	Baseline dust deposition monitoring will be undertaken and dust deposition gauges installed at sensitive locations to determine the effectiveness of dust suppression measures.	Pre-construction and Construction.	AS 3580.10.1-1991 <i>Methods of Sampling Analysis of Ambient Air.</i> DECC guideline <i>Approved Methods for Modelling and Assessment of Air Pollutants in New South Wales.</i> AS 2922 <i>Ambient Air Guide for Siting of Sampling Equipment.</i>
Greenhouse gases and energy				
Minimise energy consumption and the generation of greenhouse gasses as a result of construction.	G1	Energy efficient work practices will be adopted to limit energy use. Measures will include conducting awareness programs for all site personnel regarding energy conservation methods and conducting energy audits during the project to identify and address energy waste.	Pre-construction and Construction.	

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	G2	Plant and office-based equipment (including lights and computers) will be operated in an efficient manner and regularly maintained. If economically available, electrical energy derived from a renewable energy source accredited by the National Green Power Accreditation Steering Group (or equivalent) will be used for the supply of at least 50 per cent of the on-site electrical energy required during construction.	Construction.	
	G3	The energy saving measures implemented will be monitored to determine their effectiveness.	Construction.	
Contaminated soil management				
Manage known and previously unknown areas of contaminated material.	CS1	Areas of potential soil contamination will be identified, investigated and appropriately managed.	Pre-construction and Construction.	DECC (1999) <i>Environmental Guidelines – Assessment, Classification and Management of Liquid and non-liquid Waste.</i> <i>Contaminated Land Management Guideline</i> (RTA 2005) DECC Guidelines for NSW Site Auditor Scheme. <i>Contaminated Land Management Act, 1997.</i>
	CS2	If contamination is found to pose unacceptable risk to either the environment or human health receptors a remedial action plan will be developed and remediation works will be undertaken.	Pre-construction and construction.	SEPP 55 – Remediation of Land.
Urban design and landscaping				
Introduce an integrated urban design scheme for the project, applying established urban design principles.	UD1	Urban design treatments will reflect the urban design and landscape objectives and principles identified in the environmental assessment.	Pre-construction.	Chapter 19 of the environmental assessment.

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Minimise the visual impact of the Proposal.	UD2	The schedule of species to be used in the landscaping treatments will include native and locally indigenous plants selected in consultation with a qualified landscape officer.	Pre-construction and construction.	Chapter 19 of the environmental assessment.
	UD3	Disturbed areas will be progressively revegetated with consideration to related controls such as erosion and sedimentation controls and drainage and future road user safety requirements.	Pre-construction and construction.	RTA QA Specification DCM R179 – Landscape Planting. RTA QA Specification DCM R178 – Vegetation.
	UD4	Landscape and rehabilitation works will be subject to monitoring and any remedial measures where required for a minimum of two years.	Construction and operation.	
Hazard and risk				
Minimise the risk of an incident during construction.	HR1	Bunded storage areas will be located away from watercourses and will be established for oils and other hazardous liquids in accordance with Australian Standards. Any spillages will be contained and collected for appropriate disposal.	Construction.	AS 1940 The Storage and Handling of Flammable and Combustible Liquids.
	HR2	Activities with the potential for spillage such as refuelling, maintenance of equipment, mixing of cutting oil and bitumen will be conducted in bunded areas or in other areas where suitable containment measures are in place to prevent discharge into watercourses.	Construction.	AS 1940 The Storage and Handling of Flammable and Combustible Liquids.
	HR3	Potentially hazardous and contaminating activities (such as washing construction plant and handling hazardous chemicals) will be conducted in bunded areas away from watercourses or in other areas where suitable containment measures are in place.	Construction.	AS 1940 The Storage and Handling of Flammable and Combustible Liquids.
Waste and resource management				
Reduce creation of waste and maximise re-use and recycling.	WR1	The waste minimisation hierarchy principles of avoid / reduce / re-use / recycle / dispose will be applied to all aspects of the Proposal.	Pre-construction and construction.	Waste Avoidance and Resource Recovery Act 2001.

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	WR2	Waste will be handled, stored and disposed of in accordance with relevant guidelines.	Pre-construction and construction.	NSW Government's <i>Waste Reduction and Purchasing Policy</i> . <i>Waste Avoidance and Resource Recovery Strategy</i> (DECC 2006). DECC (1999) <i>Environmental Guidelines – Assessment, Classification and Management of Liquid and non-liquid Waste</i> .
Reduce demand on resources.	WR3	Secondary waste materials, such as fly ash and steel slags will be used in construction materials where reasonable and feasible.	Construction.	
Agricultural property impacts				
Minimise impacts on Agricultural properties.	AG1	Negotiations for agricultural property acquisition will include consultation on property adjustments where required to limit impact on farm management practices.	Pre-construction.	
	AG2	At the request of agricultural landowners whose properties are severely or critically affected (as defined in Section 15.2 of the environmental assessment) by the Proposal, specialist consultants will be engaged to provide assistance to owners in assessing opportunities for agricultural diversification.	Pre-construction.	Section 15.3 of the environmental assessment.
	AG3	At the request of agricultural landowners whose properties are severely or critically affected (as defined in Section 15.2 of the environmental assessment) by the Proposal, specialist consultants will be engaged to provide assistance to the owners in deciding whether to seek a purchase of available residual agricultural land.	Pre-construction.	Section 15.3 of the environmental assessment.
Minimise the spread of agricultural diseases.	AG4	Panama disease and banana bunchy top virus will be identified and appropriately managed in consultation with the NSW Department of Primary Industries (Agriculture) on all ex-banana farms acquired as part of the Proposal.	Pre-construction and construction.	DECC <i>Guidelines on the Assessment and Management of Banana Plantations</i> .

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Minimise impacts on highway users as a result of spray drift.	AG5	Consultation will be undertaken with individual blueberry farmers regarding provision of a suitable vegetation buffer to manage pesticide spray drift from farms onto the highway. The vegetation buffer will be developed for all blueberry farms adjacent to the highway alignment and, subject to agreement by the property owner, will be located within the farm properties.	Pre-construction and construction.	
Minimise impacts on permanent springs.	AG6	The integrity of water flows from permanent springs in the foothill region will be preserved.	Pre-construction and construction.	Refer commitment P6 below.
Maximise use of existing forestry resources.	AG7	The Department of Primary Industries (Forests) will have access to areas of State Forest land identified for acquisition by the RTA to remove any harvestable timber within the footprint of the Proposal.	Pre-construction.	
Property impacts				
Provide appropriate level of compensation in relation to property acquisitions.	P1	All property acquisitions will be negotiated in accordance with the RTA <i>Land Acquisition Policy</i> and compensation will be assessed under the provisions of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .	Pre-construction.	RTA <i>Land Acquisition Policy</i> . <i>Land Acquisition (Just Terms Compensation) Act 1991</i> .
Identify and inspect structures or properties potentially affected by construction.	P2	A risk assessment will be undertaken to determine which structures or properties may be affected by construction activities and therefore need to be inspected. The risk assessment will be undertaken by geotechnical and construction engineering experts with appropriate registration on the National Professional Engineers Register.	Pre-construction.	
	P3	Property inspections will be conducted, subject to landowner agreement, on all structures within 200 metres of proposed blasting locations, within 50 metres of construction activities that generate vibration impacts and at any other locations identified in the risk assessment.	Pre-construction.	AS 4349.1 <i>Inspection of Buildings</i> .
	P4	The owners of all properties on which property inspections are to be conducted will be advised of the inspection, its scope and methodology and of the process for making a property damage claim at least two weeks prior to the inspection. The owners of all properties on which property inspections are to be conducted will be given a copy of the property inspection report at least three weeks prior to the commencement of any construction that could affect the property.	Pre-construction.	

OBJECTIVE	REF NO.	COMMITMENT	TIMING	REFERENCE DOCUMENT
Manage potential impacts on structures or properties affected by construction.	P5	Where liable, any property damage caused directly or indirectly by the project's construction or operation will be rectified at no cost to the property owner(s). Alternatively the RTA may negotiate compensation for the property damage with the property owner.	Construction and operation.	ISO 4866 <i>Mechanical Vibration & Shock – Guidelines for the Management of the Vibrations and Effects on Buildings.</i>
Maintain water supply to properties.	P6	Where a licensed bore, dam or other property water supply is adversely affected by the project, water supply of equivalent quality and quantity will be reinstated. Alternatively the RTA may negotiate compensation for the loss with the landowner.	Construction and operation.	
Miscellaneous issues				
Utilities and services Minimise disruption to utilities and services.	US1	Utilities and services potentially affected by construction will be identified and requirements for their diversion, protection and / or support identified. Alterations to services will be determined in negotiation with the service providers and will ensure that disruption to services resulting from the project are limited and advised to customers.	Pre-construction.	
Ancillary facilities Minimise environmental and social impacts from the construction of temporary ancillary facilities.	AF1	Sites chosen for ancillary facilities will satisfy the criteria provided in the environmental assessment.	Pre-construction.	Section 8.4.4 of the environmental assessment.

D Appendix

RTA Land Acquisition Policy

Land Acquisitions



Roads and Traffic Authority
New South Wales
www.rta.nsw.gov.au

2nd Edition
3 February 1999

Policy Statement

LAND ACQUISITIONS

The Road and Traffic Authority (RTA) is responsible for providing a safe and efficient road transport system in NSW.

Often it is necessary to acquire land to upgrade existing roads or construct new roads.

This document is a general guide to the procedures that are followed when the RTA acquires land and while it provides a comprehensive overview of the essential elements of the RTA's acquisition policy is not intended as a complete statement on the subject.

Throughout this document the term "affected" means affected by the acquisition or proposed acquisition of land. Payment of compensation only takes place where land is acquired.

Owners of property, that is affected by the acquisition of land required for roadworks, are generally aware of roads proposals either through enquiries made when purchasing the property, from proposals shown on Local Planning Schemes or through the RTA's community consultation for new projects.

(New road proposals are made public as soon as possible. It should be noted that the RTA is not required to acquire more land than is necessary for roadworks).

The Roads Act 1993 authorises the RTA to acquire land and payment for land is assessed in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991.

The Roads Act 1993 and other legislation allows the RTA to enter land to carry out investigations. Consideration of those powers is outside the scope of this document.

One objective of the Land Acquisition (Just Terms Compensation) Act 1991, referred to throughout this document as the Act, is to encourage the acquisition of land by negotiated purchase in preference to compulsory process. The RTA fully supports this objective.

The RTA generally purchases property as an owner initiated acquisition either under the "hardship" provisions of the Act or its "preferred option" policy (explained on page 2) or as an RTA initiated acquisition in preparation for immediate roadworks. When agreement is reached the purchase is completed by contract and transfer takes place similar to a sale in the open market, however it should be noted that the RTA's solicitor will prepare contracts.

Owner Initiated Acquisition under the provisions of the Act

Owners may experience difficulty in selling their property if part or the whole is designated for acquisition for roadworks. If an owner is unsuccessful in attempting to sell a designated property and is experiencing hardship, then a written application can be made to the RTA requesting acquisition under the “hardship” provisions of the Act. To be eligible for consideration for “hardship” acquisition a property must be designated for acquisition within the meaning of the Act. Land is designated for acquisition if:

- (a) the RTA has, in connection with an application for development consent or building approval, given written notice that the land has been designated for road and future acquisition by the RTA ; or
- (b) the land is reserved for a public purpose (road) indicated in an environmental planning instrument and the RTA is specified as the body responsible for acquiring the property.

To meet the Act’s criteria for “hardship” acquisition an owner must demonstrate that it has become necessary to sell for pressing personal, domestic or social reasons or to avoid a loss in income and that attempts to sell the property have been unsuccessful because of the designation for acquisition by the RTA. If an owner meets the hardship criteria to the RTA’s satisfaction, the RTA will agree to purchase the property and in effect becomes the purchaser that cannot be found in the market place. While it is the RTA’s preference to complete hardship acquisitions by negotiated agreement, the compulsory process is also available to the land owner if preferred.

The RTA’s basis of assessing payment in hardship matters is market value unaffected by road proposals. No other payments in addition to the unaffected market value are made as the owner’s willingness to sell the property in the market place is taken as a preparedness to accept the normal costs associated with selling a property. It should be noted that in most circumstances an owner will not be responsible for a sales commission that would otherwise be payable if the property had been successfully marketed and sold through a real estate agent.

Owner Initiated Acquisition under the “Preferred Option” Policy

In the process of considering the location of a new road the RTA may examine several possible routes and a preferred option may be selected from those routes for further environmental impact study. As a result of community consultation the location of the preferred option will become known. This public knowledge could frustrate attempts by owners to sell properties potentially affected by the taking of land. Properties potentially affected by a preferred option proposal are not designated land because the actual route has not been finalised. Consequently the owners of such properties are not eligible for consideration to have their property acquired under the owner initiated acquisition provisions of the Act. The RTA is however prepared to consider the acquisition of such property outside the provisions of the Act.

The RTA will consider a request for acquisition if an owner can demonstrate hardship using the criteria specified in the Act. The acquisition will be at the discretion of the RTA and subject to the availability of funds with each party being responsible for all their own costs. The basis of the purchase price will be the assessment of market value unaffected by the road proposal.

Where an acquisition is proceeding on this basis, compulsory acquisition is not an option. Where an agreement cannot be reached on the purchase price, the following procedure is available:

- The offer is withdrawn
- The owner to choose a valuer from a panel of independent valuers nominated by the Australian Property Institute and referred to the owner by the RTA for selection. In this way the valuer chosen is mutually acceptable to both the owner and the RTA.
- The selected valuer will act as an independent expert and will be commissioned by the RTA to carry out a valuation of the subject property.
- Each party is to be responsible for the payment of 50% of the valuation fee.
- The owner or the RTA may make written submissions to the valuer within the first seven (7) calendar days after the valuer is instructed.
- The independent expert's determination will be binding on both parties if the owner wishes to proceed.
- No further valuations will be obtained and the offer to acquire at the determined value will remain open for a period of three (3) months, after which time the offer will lapse.

If the offer lapses and a subsequent decision is made to proceed with the preferred option and the property remains affected, the RTA will recommence negotiations to acquire that part of the property required for roadworks when road construction is imminent.

Programmed Acquisition (RTA initiated)

When land is required for road construction the RTA will initiate acquisition by way of a letter to owners of property affected by the taking of land. The letter will advise the owner that a valuer representing the RTA will make arrangements to inspect the property and carry out a valuation for the purpose of submitting a formal offer for the owner's consideration. The letter invites land owners to submit an asking price, if that is desired, and also advises, that if the owner engages a registered valuer to value the property, the RTA will reimburse fees to the maximum amount specified in the letter.

Reimbursement of valuation fees is subject to the conditions contained in Appendix “A”. The valuation report is to be in accordance with the “Basic Content of Valuation Reports” contained in Appendix “B”. It is expected that the valuer will act as an expert and not an advocate.

Division 3 of Part 4 of the Act, in particular Section 55, details the relevant matters to be considered when assessing payment and can be summarised as follows:

- Market Value. (unaffected by road proposals)
- Special Value.
- Severance.
- Disturbance.
- Solatium, and
- Any increase or decrease in the value of adjoining or severed land.

For a fuller understanding, refer to Sections 55 - 62 of the Act which are reproduced in Appendix “C”. The heads of compensation to be considered are the same whether the acquisition is a negotiated purchase or is completed by compulsory process.

Following assessment, the RTA will submit written conditions of acquisition to owners for their consideration. One of those conditions will specify the maximum amount that the RTA is prepared to reimburse in respect to conveyancing costs. If the conditions of acquisition are acceptable, the matter will proceed to exchange of contracts and settlement. If the RTA’s offer is not acceptable, it is suggested that the services of a registered valuer be engaged to carry out an assessment on the owner’s behalf. If there is a difference between valuations, negotiations will take place in an attempt to resolve the matter. Every effort will be made to negotiate a mutually acceptable agreement.

Depending on the RTA’s requirements it may be necessary to acquire the whole of a property or only part of a property. The terms “total” or “partial” are used to describe these situations.

Total Acquisition

There are additional considerations peculiar to total acquisitions:

It is strongly recommended to the property owner, that no commitment be made to purchase a replacement property until contracts are exchanged on the sale to the RTA.

If a deposit on a replacement property is required, the RTA will make an advance payment of up to 10% of the value of the property being acquired by the RTA. The advance payment will be made at the time of or after the exchange of contracts and will be subject to conditions required by the RTA’s solicitor.

The market value of the property will be assessed having regard to the prime cost items and inclusions at the time of inspection. If it is the owner’s intention to retain

any item, it is necessary to indicate to the valuer at the time of inspection that an item is to be excluded so that a correct assessment can be made. Requests made after the valuation inspection may be refused or the valuation reduced by the value of the item.

The property must be left in a clean and tidy condition. In accordance with standard real estate transactions, vacant possession will be required on the date of settlement. The RTA will carry out an inspection on the date of settlement to ensure compliance and that all inclusions are intact.

Swimming pools should be clean on the day of settlement and should comply with any relevant statutory or Council requirements including fencing and signage.

Partial Acquisition

If only part of a property is required by the RTA, the letter opening negotiations will include a plan showing the new road boundary and the area and dimensions of that part of the property to be acquired.

The method of assessing the amount to be paid for the land is the “Before and After” method which requires two valuations to be carried out. The first valuation is of the property unaffected by road proposals. The second valuation, as at the same date, is of the residue land on the basis that the new road construction has been completed and the road in use. The difference between the two valuations is the payment for the land to be acquired.

The RTA will, at its own cost prior to or during roadworks, adjust services and public utilities as required, relocate fencing and reinstate access to the new road boundary. It should be noted that fencing will be relocated to the new road boundary to a standard similar to that existing. If considered necessary, the RTA will prepare a plan detailing property adjustments for consideration by the land owner and if acceptable that plan may form part of the contract for sale.

On occasion, the RTA may acquire the whole of a property if the effect of roadworks on the residue land is considered to warrant total acquisition. This applies if the owner purchased the property prior to the RTA formally indicating that the property is to be affected by the acquisition of land, or if the already affected property is to be further adversely affected by the acquisition of additional land. All relevant elements of compensation within section 55 of the Act will be considered.

Where an owner purchased the property in knowledge of the RTA’s requirement, the RTA may acquire only that part required for road. If an owner purchased in knowledge of a road affectation and has requested the RTA to acquire the whole property the RTA may agree to total acquisition. However, if a decision is made to acquire the whole property compensation will be limited to market value unaffected by road proposals together with reasonable conveyancing and valuation costs. If an agreement cannot be reached on conditions of total acquisition, the RTA may elect to proceed with only the acquisition of the land required for road.

Entry for Roadworks

Once an acquisition has been settled, entry for roadworks can take place. On occasion, the RTA's road construction program requires entry prior to completion of the acquisition and in such matters the RTA relies on the owner's cooperation. If required and the owner is agreeable, the RTA may arrange formal right of entry on exchange of contracts or, entry by way of lease.

If an agreement cannot be reached to ensure the RTA's timely entry onto the required land for roadworks, the Minister may approve the issue of a written Proposed Acquisition Notice to compulsorily acquire the land.

COMPULSORY ACQUISITION

Compulsory Acquisition is a statutory process under the Act available to the RTA to acquire land. It also provides the means for resolving disputes about the amount of compensation payable if an agreement cannot be reached in a negotiated purchase. Generally the process is as follows:

The RTA seeks the Minister's approval to compulsorily acquire land.

- If the Minister approves, the RTA issues a Proposed Acquisition Notice to each party with a known legal or equitable interest in the land, (eg a registered proprietor, mortgagee, lessee, trustee) or with a right or privilege over the land, or in connection with it (eg, easement beneficiary, occupant, licensee, etc). The Notice advises of the RTA's intention to acquire the land after 90 days. However, a shorter period can be agreed by the owner and RTA, or can be approved by the Minister. A Proposed Acquisition Notice is accompanied by a Compensation Claim Form.
- The issue of a Proposed Acquisition Notice is recorded on the relevant Title registers at the Land Titles Office.
- During the 90 day (or shortened) period after the issue of the Proposed Acquisition Notice, negotiations may continue in an effort to purchase the land.
- During the 90 day (or shortened) period after the issue of the Proposed Acquisition Notice, the RTA seeks the Governor's approval to compulsorily acquire the land.
- If contracts for purchase have not been exchanged within the minimum Notice period and if the Governor approves, an Acquisition Notice is published in the

Government Gazette within 120 days of the issue of the Proposed Acquisition Notice unless a longer period is agreed to in writing by the owner and the RTA.

- An extract of the Acquisition Notice is also published in a local newspaper.
- The RTA owns the land from the date of publication of the Acquisition Notice in the Gazette. The former owner's legal and equitable interests in the land are converted to an entitlement to compensation.

Advance Payment

Following the publication of the Acquisition Notice the RTA advises affected owners of the acquisition. It is generally prepared to offer to pay 90% of the RTA's purchase offer, in return for vacant possession of the land.

Terms of Continued Occupation

The RTA is entitled to charge rent for the land from the date of notification in the Gazette until possession is obtained. The terms of rental are, in the absence of an agreement, such reasonable terms as the RTA may determine. Unpaid rent may be deducted from compensation payable. Parties entitled to compensation are paid statutory interest on the amount of compensation such interest being calculated from the date of gazettal up until the date of payment.

Compensation

Each recipient of a Proposed Acquisition Notice is entitled to lodge a claim for compensation with the RTA. Also, anyone else who considers that they are entitled to compensation but did not receive a Proposed Acquisition Notice may lodge a claim. Claims must be on the prescribed form. Compensation is not paid until a properly completed claim has been lodged. If agreed, compensation may comprise land or works in whole or part settlement of a claim.

The Valuer General determines the amount of compensation (including legal and valuation costs) to be offered by the RTA in a Compensation Notice.

A Compensation Notice is issued within 30 days after notification of the compulsory acquisition in the Gazette. This Notice is issued whether or not a claim for compensation has been lodged. However, the Minister may approve delay in the issue of a Compensation Notice by up to an extra 60 days. In the case of competing claims the RTA may not issue a Compensation Notice until entitlement is resolved.

If the amount of compensation is accepted, and the necessary settlement papers and claim form are returned to the RTA properly completed, the RTA will pay the

compensation within 28 days of receipt of those papers. Interest is paid on the compensation from the date of acquisition to the date of payment.

If the amount of compensation is not accepted, the claimant may lodge an objection with the Land and Environment Court. The objection should be lodged within 90 days of receiving the Compensation Notice. This ensures that the Court will hear the objection and determine the amount of compensation to be paid. Within 28 days after it is given notice of the institution of proceedings, the RTA will pay the claimant 90% of the compensation offered in the Compensation Notice as an advance on account of compensation, if that is acceptable to the claimant. Interest is also paid on the advance for the period from gazettal to the date that the advance is made. If it is not accepted, the advance and interest will be deposited into a trust account pending the Court decision.

If, within 90 days of a Compensation Notice issuing, the amount offered in that Notice has not been accepted and an objection has not been lodged with the Land and Environment Court, the offer is deemed to have been accepted. The RTA then deposits the amount offered plus interest into the trust account where it is held until it is accepted or until an objection is lodged with the Court. Money earned by the trust account deposit becomes part of the compensation.

If compensation is in the trust account six years after the date of acquisition and a claim has not been received, the compensation is paid to the State Treasurer and held in the Treasury until paid to an entitled claimant. Interest is not paid on the compensation for the time that it is held in the Treasury.

Occupation

People in lawful occupation of land compulsorily acquired and to whom compensation is payable are entitled to remain in occupation as tenants of the RTA until:

- (a) the compensation is paid; or
- (b) an advance payment of not less than 90% of the amount offered in the Compensation Notice is paid; or
- (c) not less than 90% of the amount offered in the Compensation Notice is deposited into the trust account due to a deemed acceptance, Court action, or competing claims;

whichever occurs first.

Furthermore, people lawfully occupying any building which is their principal place of residence or place of business are entitled to remain in occupation as tenants of the RTA for three months after it is compulsorily acquired, regardless of whether any of the abovementioned payments have been made. However, the Minister may shorten that period.

The terms of occupancy, including rent, in the absence of an agreement with the claimant are determined by the RTA on reasonable terms and any unpaid rent can be offset against any compensation payable by the RTA.

Once the RTA is entitled to vacant possession, it may request the Sheriff to deliver possession of the land to the RTA. The Sheriff's costs may be recovered as a debt or deducted from any compensation payable.

APPENDIX “A”

REIMBURSEMENT OF VALUATION FEES – CONDITIONS OF PAYMENT

The purpose of the reimbursement of valuation fees is to provide the owner with the opportunity to obtain an independent valuation report from a Registered Valuer. The role of the Valuer is to provide a valuation report as to the owner’s entitlement to compensation in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. In some cases the valuation will form the owners claim to the Roads and Traffic Authority (RTA) and in other cases the valuation report may act to verify that the compensation offered by the RTA is fair and reasonable. The Valuer is to act as an expert not as an advocate for the owner. The valuation must comply with professional standards.

The RTA is prepared to reimburse a fee incurred in obtaining a valuation report up to the maximum amount specified in the letter opening negotiations and subject to the following conditions:-

1. The Valuer engaged must be registered to carry out valuations for that particular type of property and preferably be a current member of the Australian Property Institute.
2. The Valuation Report shall be in accordance with Appendix “B” Basic Contents of Valuation Reports. The Valuer should be prepared to support the valuation in discussions with the RTA’s Valuers.
3. A copy of the report in its final form signed by the valuer is to be supplied with and in support of the asking price.
4. Reimbursement will take place upon settlement of the acquisition, however the RTA will, under direction from the land owner, make a payment of 50% of the fee directly to the valuer following the valuation report being made available to the RTA.

Owners are advised to ensure that the Valuer is prepared to provide the valuation in accordance with the conditions outlined above and is also prepared to accept a fee to the maximum amount specified in the letter opening negotiations.

In the event that it is considered necessary to engage some other consultants such as Accountants, Town Planners, Surveyors, etc., prior approval in writing must be obtained if it is intended to seek reimbursement of these fees from the RTA.

APPENDIX 'B'

BASIC CONTENT OF VALUATION REPORTS

1. Evidence that the valuation was undertaken by the valuer who signed the report and disclosed his/her registration number together with a statement that he/she is registered to value the subject class of property.
2. Date of valuation and date of inspection.
3. Areas/dimensions and legal particulars of the land. Any legal constraints which would restrict development should be noted.
4. A description of the improvements.
5. A site plan showing position of improvements in relation to boundaries.
6. A floor plan showing accurate areas, date and the north point.
7. Specific list of inclusions
8. An outline of permitted land use under current relevant environmental planning instrument and/or local government codes.
9. A description of the class of land valued and the current or potential use of the land together with its location.
10. Details of the sales/rental information relied upon to arrive at the valuation, together with analysis and calculations.
11. Photographs of sales evidence.
12. Valuation rationale
13. Assessment of all individual Heads of Compensation as detailed in Land Acquisition (Just Terms Compensation) Act 1991.
14. The rental value of the property

APPENDIX “C”

EXTRACT FROM THE LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Relevant matters to be considered in determining amount of compensation.

55

In determining the amount of compensation to which a person is entitled, regard must be had to the following matters only (as assessed in accordance with this Division):

- (a) the market value of the land on the date of its acquisition;
- (b) any special value of the land to the person on the date of its acquisition;
- (c) any loss attributable to severance;
- (d) any loss attributable to disturbance;
- (e) solatium;
- (f) any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.

Market value

56. (1) In this Act:

“**market value**” of land at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid):

- (a) any increase or decrease in the value of the land caused by the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired; and
 - (b) any increase in the value of the land caused by the carrying out by the authority of the State, before the land is acquired, of improvements for the public purpose for which the land is to be acquired; and
 - (c) any increase in the value of the land caused by its use in a manner or for a purpose contrary to law.
- (2) When assessing the market value of land for the purpose of paying compensation to a number of former owners of the land, the sum of the market values of each interest in the land must not (except with the approval of the Minister responsible for the authority of the State) exceed the market value of the land at the date of acquisition.

Special value

57. In this Act:

“special value” of land means the financial value of any advantage, in addition to market value, to the person entitled to compensation which is incidental to the person’s use of the land.

Loss attributable to severance

58. In this Act:

“Loss attributable to severance” of land means the amount of any reduction in the market value of any other land of the person entitled to compensation which is caused by that other land being severed from other land of that person.

Loss attributable to disturbance

59. In this Act:

“loss attributable to disturbance” of land means any of the following:

- (a) legal costs reasonably incurred by the persons entitled to compensation in connection with the compulsory acquisition of the land;
- (b) valuation fees reasonably incurred by those persons in connection with the compulsory acquisition of the land;
- (c) financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs);
- (d) stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land compulsorily acquired);
- (e) financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage);
- (f) any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition.

Solatium

60. (1) In this Act:

“**solatium**” means compensation to a person for non-financial disadvantage resulting from the necessity of the person to relocate his or her principal place of residence as a result of the acquisition.

- (2) The maximum amount of compensation in respect of solatium is:
- (a) except as provided by paragraph (b)-\$15,000; (*see note at end of Extract*) or
 - (b) such higher amount as may be notified by the Minister by notice published in the Gazette.
- (3) In assessing the amount of compensation in respect of solatium, all relevant circumstances are to be taken into account, including:
- (a) the interest in the land of the person entitled to compensation; and
 - (b) the length of time the person has resided on the land (and in particular whether the person is residing on the land temporarily or indefinitely); and
 - (c) the inconvenience likely to be suffered by the person because of his or her removal from the land; and
 - (d) the period after the acquisition of the land during which the person has been (or will be) allowed to remain in possession of the land.
- (4) Compensation is payable in respect of solatium if the whole of the land is acquired or if any part of the land on which the residence is situated is acquired.
- (5) Only one payment of compensation in respect of solatium is payable for land in separate occupation.
- (6) However, if more than one family resides on the same land, a separate payment may be made in respect of each family if:
- (a) the family resides in a separate dwelling-house; or
 - (b) the Minister responsible for the authority of the State approves of the payment
- (7) If separate payments of compensation are made, the maximum amount under subsection (2) applies to each payment, and not to the total payments.

Special provision relating to market value assessed on potential of land

- 61.** If the market value of land is assessed on the basis that the land had potential to be used for a purpose other than that for which it is currently used, compensation is not payable in respect of:
- (a) any financial advantage that would necessarily have been forgone in realising that potential; and
 - (b) any financial loss that would necessarily have been incurred in realising that potential.

Special provision relating to acquisition of easements or rights, tunnels etc.

- 62.** (1) If the land compulsorily acquired under this Act consists only of an easement, or right to use land, under the surface for the construction and maintenance of works (such as a tunnel, pipe or conduit for the conveyance of water, sewage or electrical cables), compensation is not payable except for actual damage done in the construction of the work or caused by the work.
- (2) If land under the surface is compulsorily acquired under this Act for the purpose of constructing a tunnel, compensation is not payable (subject to subsection (1)) unless:
- (a) the surface of the overlying soil is disturbed; or
 - (b) the support of that surface is destroyed or injuriously affected by the construction of the tunnel; or
 - (c) any mines or underground working in or adjacent to the land are thereby rendered unworkable or are injuriously affected.
- (3) If the land compulsorily acquired under this Act consists of or includes an easement or right to use the surface of any land for the construction and maintenance of works (such as canals, drainage, stormwater channels, electrical cables, openings or ventilators), the easement or right is (unless the acquisition notice otherwise provides) taken to include a power, from time to time, to enter the land for the purpose of inspection and for carrying out of any additions, renewals or repairs. Compensation under this Part is payable accordingly.

Note in respect to Solatium

In accordance with Section 60(2)(b) the maximum amount of Solatium was increased to \$16,821 effective from the 1 July 1998. There may be further increases in the maximum amount of Solatium from time to time and it is suggested that you speak with the RTA's Property Acquisition staff for the latest information.

B Appendix

Environmental assessment requirements checklist

ITEM	SECTION IN THIS REPORT
General requirements	
<p>1. An executive summary</p>	Executive summary
<p>2. A detailed description of the project including the:</p> <ul style="list-style-type: none"> ■ Need for and objectives for the project. ■ Alternatives considered and justification for the preferred option (including an assessment of the environmental costs and benefits of the project relative to alternatives). ■ Various components and potential staging of the project. 	Chapter 1, Chapter 7 Chapter 2, Chapter 3 Chapter 6, Chapter 22 Chapter 7, Chapter 8
<p>3. An environmental risk analysis identifying the potential environmental impacts associated with the project and taking into account issues raised during consultation (Note: where the risk analysis identifies additional key issues, an appropriately detailed impact assessment of these additional key environmental impacts must be included in the EA).</p>	Chapter 9
<p>4. An assessment of the key issues specified below, with the following aspects addressed for each key issue (where relevant):</p> <ul style="list-style-type: none"> ■ Describe the existing environment. ■ An assessment of the potential impacts of the proposal (at both construction and operation stages). ■ Identify any planning, land use, development related assumption or modelling used in impact prediction and/ or developing management and mitigation commitments. ■ Describe measures to be implemented to avoid, minimise, manage, mitigate, offset and/or monitor the impacts of the project and the residual impacts. 	Chapters 10 to 19 inclusive
<p>5. A draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures.</p>	
<p>6. A conclusion justifying the project taking into consideration the environmental, social and economic impacts of the proposal; the suitability of the site; and whether or not the project is in the public interest.</p>	Appendix A Chapter 22

ITEM	SECTION IN THIS REPORT
<p>Key issues</p>	
<p>Planning and Land Use</p> <ul style="list-style-type: none"> ■ Identification of the potential impacts on existing and future planning, land use and development strategies, including: <ul style="list-style-type: none"> – Property acquisition, changes to access and land configuration, including forestry and agricultural land uses. – Existing and known future residential development and access to surrounding communities. 	<p>Section 7.6, Chapter 14, Chapter 15, Chapter 16, working paper 4</p>
<p>Traffic and Access</p> <ul style="list-style-type: none"> ■ Identification of traffic impacts (construction), changes to regional and local road network and access management, changes in usage characteristics, safety and performance. ■ Identification of provisions relating to truck movements, freight efficiency, pedestrians, cyclists and public transport services. 	<p>Section 8.2.3, Section 8.4.2, Chapter 10, Chapter 7, Chapter 10, working paper 1</p>
<p>Noise and Vibration</p> <ul style="list-style-type: none"> ■ Assessment of construction and operational noise and vibration impacts including a description of the existing environment, identification of noise objectives and methodologies, and a description of project impacts and affected receivers including all sensitive receptors based on appropriate assessment methodologies. ■ Details of the mitigation measures to minimise and manage any noise impacts. 	<p>Sections 11.1, 11.2, 11.4 and working paper 2 Section 7.5.9, 11.5</p>
<p>Biodiversity</p> <ul style="list-style-type: none"> ■ Identification of biodiversity impacts and ecological performance, including direct and indirect impacts on habitat and flora and fauna (including threatened and protected species, populations and Endangered Ecological Communities, and aquatic/riparian habitats); cumulative impacts on regional communities, identification and protection of key habitats and corridors, and riparian zone impacts. 	<p>Chapter 17, Chapter 21 working paper 7</p>
<p>Heritage</p> <ul style="list-style-type: none"> ■ Identify and assess the significance of indigenous and non-indigenous heritage and natural areas impacted directly or indirectly, including potential archaeological deposits. Affected items are to be identified by field survey. ■ Assess potential impacts on identified items and natural areas of heritage significance, and where necessary include a Statement of Heritage Impact Assessment. Particular attention should be given to the Aboriginal heritage sites at the Coffs Harbour Gun Club and the Arrawarra Creek/Embankment Road site. ■ Demonstrate that effective Aboriginal community consultation has been undertaken in determining and assessing impacts, developing options and making final recommendations. 	<p>Chapters 12, 13 and working paper 3 Sections 12.3 and 13.2 Sections 5.4 and 12.1.1</p>
<p>Economic and Social Impacts</p> <ul style="list-style-type: none"> ■ Assess the economic and social impacts on local and regional communities. In particular, consideration is to be given to the: <ul style="list-style-type: none"> – Potential social and economic impacts on the Woolgoolga community, including the local Sikh community; and – Potential impacts on the viability, production and management of agribusinesses due to fragmentation, loss of agricultural land and any potential edge effects of the highway. 	<p>Chapters 15, 16 and working paper 4 Section 16.2 Section 15.2</p>

ITEM	SECTION IN THIS REPORT
<p>Soil and Water</p> <ul style="list-style-type: none"> ■ Identification of impacts on surface water, flows and quantity, with particular reference to any likely direct or indirect impacts on surrounding waterbodies, wetlands and their habitats including the potential indirect impacts on the Solitary Islands Marine Park by works in proximity to Cunningham and Double Crossing Creeks. ■ Identification of flood prone areas along the project corridor, with an assessment of the potential changes to flooding behaviour, such as flood duration, inundation periods and afflux. 	<p>Chapter 18, Section 7.5.4 and Section 13.2.1</p> <p>Sections 18.1.1 and 18.2.1</p>
<p>Urban Design and Landscaping</p> <ul style="list-style-type: none"> ■ Describe the visual significance of the affected landscape. ■ Identification of sources of visual impacts (including bridges, embankments, interchanges and alterations to natural landscape features and their visual impact on affected landscapes. ■ Provide a clear description on how the potential visual impacts would be addressed and / or minimised, such as through road design, particularly in areas along the Woolgoolga bypass route. 	<p>Section 19.1</p> <p>Section 19.3</p> <p>Sections 7.5.10 and 19.4</p>
<p>Key issues</p>	
<p>You should undertake an appropriate and justified level of consultation with relevant parties during the preparation of the EA, including:</p> <ul style="list-style-type: none"> ■ Local, State or Commonwealth government authorities and service providers. ■ The public (including community groups, affected landowners and the Sikh Community) – document all community consultation undertaken or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy. ■ The consultation process and the issues raised should be described in the Environmental Assessment. 	<p>Chapter 5</p> <p>Section 5.2</p> <p>Sections 5.3, 5.4, 5.5 and 5.7</p> <p>Chapter 5</p>

E Appendix

Project team

Project Team

Roads and Traffic Authority

Robert (Bob) Higgins	General Manager, Pacific Highway
Chris Clark	Project Development Manager
Adam Cameron	Project Development Officer
Janice Smith	Communications Manager
Neil Heinze	Project Development Officer
Bob Davis	Technical Project Development Manager
Jamie Kingsley	Communications Co-ordinator
Scott Lawrence	Environmental Advisor
David Corry	Senior Project Development Manager
Steve Summerell	Manager Technical Projects – Development
Bruce McNamara	Project Development Manager

Connell Wagner

Project Management, Environmental Planning & Assessment, Community Consultation

Tim Paterson	Principal
Jesse Death	Senior Environmental Planner
Lucia Coletta	Town Planner
Rosemary Russell	Senior Planner
Martin Russell	GIS
Ross Carey	Graphics
Felicity Meyer	Graphics
Mark Hather	Senior Associate
Katherine Bond	Environmental Engineer
Kelly Wilkinson	Environmental Planner
Nick Hearfield	Environmental Planner
Ben Munro	Senior Environmental Scientist

Engineering Design, Bridges, Drainage, Cost Estimation

Barry Hancock	Senior Associate
Chris Hopkin	Senior Road Designer
Scott O'Connor	Senior Engineer
John Hilton	Principal, Bridge Engineer
Tim Connor	Civil Engineer
Robert Ekert	Civil Engineer
Simon Davies	Technical Officer
Jamie Seddon	Drafter
Ken O'Neill	Senior Engineer

Ecology

Lachlan Sweeney	Senior Environmental Scientist / Ecologist
Anna McConville	Ecologist
Anne Finnegan	Senior Ecologist
Antony von Chrismar	Ecologist

Traffic & Transportation

Para Sangar	Senior Traffic Engineer
Steve Manton	Senior Traffic Engineer

Ground Survey

Graham Tweedie	Survey Manager
Paul Stivano	Senior Surveyor
John Baker	Senior Surveyor
Greg Niland	Surveyor
Dane Preston	Surveyor

Air Quality Monitoring

Michelle Manditch	Chemist
Maurice Stewartson	Senior Technical Officer

Greenhouse Assessment

Neil McKenzie	Senior Associate
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Hydrology & Hydraulics

Darren Lyons	Civil Engineer
Scott Spackman	Civil Engineer

Geotechnical Investigations

Brett Hawkins	Principal, Geotechnical
Charlie Shackell	Associate, Geotechnical
Matt Murphy	Geotechnical Engineer
Nathan Steggles	Geotechnical Engineer
Matt Ludeke	Geotechnical Engineer
Peter Retsos	Geotechnical Engineer

Specialist Sub Consultants

Community Consultation

Andrew Smith	JMS Consulting (formerly Pramax Communications)
Denise Wilson	ID Planning

Aboriginal Heritage

Jacqui Collins	Principal, Jacqueline Collins Consultant Archaeologist
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Urban Design / Landscape

Julianne Boustead	Principal, Hassell
Mal Graham	Principal, Hassell
James Grant	Senior Landscape Architect, Hassell

Noise and Vibration

Neil Gross	Director, Wilkinson Murray
Tim Dean	Senior Engineer, Wilkinson Murray

Value Management

Ross Prestipino	Director, Australian Centre for Value Management
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Agricultural Assessment

Alan Hartley	Director, Hartley Associates International
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John Allen Consultant, Wilkie Fleming

Ecology

Andrew Benwell Principal, Ecos Environmental
Ben Lewis Principal, Lewis Ecological Services

Ground Survey

Michael Lamont Director, RDM
Ross Walker Senior Surveyor, RDM

Sikh Cultural Assessment

Julie Tassone Senior Consultant, Manidis Roberts
David Harrison Planner, Manidis Roberts

Hydrology & Hydraulics

David Allsop Manly Hydraulics Laboratory