



Mr Sam Haddad
Director-General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2009

Attention: Michael Young

**PACIFIC HIGHWAY UPGRADE – WARRELL CREEK TO URUNGA (MP 07_0112)
MODIFICATION REQUEST**

Dear Mr Haddad,

As you are aware, the Pacific Highway Upgrade between Warrell Creek and Urunga (“the project”) is an important project to the State and will deliver major improvements to road safety and traffic efficiency.

The Minister for Planning and Infrastructure approved the project on 19 July 2011. In accordance with transitional provisions included in Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Project is characterised as a transitional Part 3A project. It is noted that despite its repeal, Part 3A of the EP&A Act continues to apply in respect of transitional Part 3A projects.

Roads and Maritime Services (RMS) are now in the procurement phase for the upgrade and expect to award a design and construct contract for the 22-kilometre section between Nambucca Heads and Urunga by the end of 2012. Construction is then expected to start in 2013. In preparation for the construction phase of the project RMS has prepared preliminary environmental management documentation and has been liaising with the Department so that issues can be identified and addressed as early as possible.

As part of that process, RMS and Departmental staff have identified that while minor ancillary facilities will present negligible risk to the environment with appropriate controls in place, they will in many cases still require your approval under the current terms of the planning approval. This would include facilities such as office sheds, portable toilet facilities and lunch sheds that do not meet the location criteria currently prescribed by the planning approval.

The relevant approval condition is C27 and it is reproduced below:

C27. Unless otherwise approved by the Director General in accordance with this condition, the sites for ancillary facilities associated with the construction of the project shall:

- (a) be located more than 50 metres from a waterway;*
- (b) have ready access to the road network or direct access to the construction corridor;*
- (c) be located in areas of low ecological significance and require minimal clearing of native vegetation (not beyond that already required by the project);*
- (d) be located on relatively level land;*

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- (e) be separated from the nearest residences by at least 200 metres (or at least 300 metres for a temporary batching plant);
- (f) be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;
- (g) not unreasonably affect the land use of adjacent properties;
- (h) provide sufficient area for the storage of raw materials to minimise, to the greatest extent practical, the number of deliveries required outside standard construction hours; and
- (i) be located in areas of low heritage conservation significance (including identified Aboriginal cultural value) and not impact on heritage sites beyond those already impacted by the project.

Ancillary sites identified that do not meet the above criteria shall be assessed against this criteria to demonstrate how any impacts can be mitigated and managed to acceptable standards (including demonstrating consistency with project impacts identified in the documents listed under condition A1, to the satisfaction of the Director General. Such assessment(s) can be submitted separately or as part of the Construction Environmental Management Plan required under condition B30.

Following discussions with Departmental staff, RMS has decided to address this issue by seeking modification to approval MP07_0112 in accordance with section 75W of the EP&A Act. It is requested that an additional condition, in the following terms or similar, be included in the approval:


CXX The Director General's approval is not required for minor ancillary facilities (e.g. lunch sheds, office sheds, and portable toilet facilities) that do not comply with the criteria set out in condition C27 of this approval and:

- (a) are located within an active construction zone within the approved project footprint; and
- (b) have been assessed by the Environmental Representative to be -
 - (i) of low amenity risk to surrounding residences, with consideration to matters such as noise and vibration impacts, traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
 - (ii) of low environmental risk in respect to waste management and impacts on flora and fauna, soil and water, and heritage; and
- (c) have environmental and amenity impacts that can be managed through the implementation of environmental measures detailed in a Construction Environmental Management Plan for the project.

RMS is of the view that the above additional condition would allow important flexibility while still ensuring the required environmental outcomes. It is also noted that similar provisions have been used in approvals for other road projects, notably the M5 West Widening (MP 10_0052).

I would like to thank the Department for assistance on this project to date and look forward to continued cooperation to assist the delivery of this important infrastructure project. Please do not hesitate to contact Scott Lawrence on 6640 1375 should you require additional information or require clarification on any of the above.

Yours sincerely,


Robert (Bob) Higgins
General Manager, Pacific Highway

23/10/12