4. Context for the Project

4.1 Planning Context

A preliminary review of the statutory position / permissibility of the project under applicable environmental planning instruments has been undertaken. The results of this review are summarised below.

4.1.1 Environmental Planning and Assessment Act 1979

All development in NSW is assessed in accordance with the provisions of the *Environmental Planning* and *Assessment Act 1979* (EP&A Act 1979) and Environmental Planning and Assessment Regulation 2000 (the Regulation).

Changes to Environmental Planning and Assessment Act 1979

The NSW Parliament passed the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005 No 43* on 16 June 2005. This amendment came into force on 1 August 2005.

The amendment introduces a new Part 3A to the EP&A Act 1979 to cover the assessment of major infrastructure development. This type of development was previously assessed under Part 4 and / or Part 5 of the EP&A Act 1979.

Application of Part 3A of the EP&A Act to the Woolgoolga to Wells Crossing Project

By an order gazetted on 29 July 2005, the Minister for Planning declared that Part 3A applies to all projects for which the proponent is also the determining authority and which otherwise would have required an environmental impact statement to be obtained under Part 5.

Within the meaning of Part 5 of the EP&A Act 1979, the RTA is both the proponent and the determining authority for the Woolgoolga to Wells Crossing project. However, the RTA has not yet determined whether an environmental impact statement under Part 5 of the Act would be required for this project, and will not make that decision until a preferred route is selected. It is therefore too early to say whether Part 3A would apply to this project.

If Part 3A does apply, the level of environmental assessment (EA) would be determined by the Director-General of Planning, who issues EA requirements after consultation with the relevant public authorities and local councils. If Part 3A does not apply, the project would be assessed under Part 4 or Part 5 of the EP&A Act 1979.

4.1.2 State Environment Planning Policies

A number of State Environmental Planning Policies (SEPP) are potentially applicable to the project however, the following are directly relevant to the statutory position of the project.

SEPP 4 – Development Without Consent and Miscellaneous Exempt and Complying Development (clause 11C) permits development for the purposes of a "classified road" (as defined under the Roads Act 1993) to be assessed in accordance with Part 5 of the EP&A Act 1979 (i.e. without the need for development consent) where it would have otherwise required development consent.

SEPP 4 (clause 11C) does not apply:

- Where the development is prohibited under an environmental planning instrument local environmental plan, regional environmental plan or SEPP;
- Where the development impacts a SEPP 14 wetland;
- Development comprising "the alteration of or addition to, or the extension or demolition of, a building or work" in the following case (subclause 2(6)):
 - "(a) described in an environmental planning instrument as a heritage item, an item of the environmental heritage or a potential historical archaeological site".

4.1.3 Local Government Authorities

The study area is located within the Coffs Harbour City Local Government Area (LGA) (incorporating part of the former Pristine Waters LGA) and the recently formed Clarence Valley LGA, formed by the amalgamation of Copmanhurst, Grafton, Maclean and Pristine Waters (part) LGAs in February 2004. The former Pristine Waters LGA was created in July 2000 as a result of the amalgamation of Ulmarra and Nymboida LGAs.

To date, there have been no changes to the local environmental plans (LEPs) to reflect the new authority boundaries. Two LEPs apply to the study area:

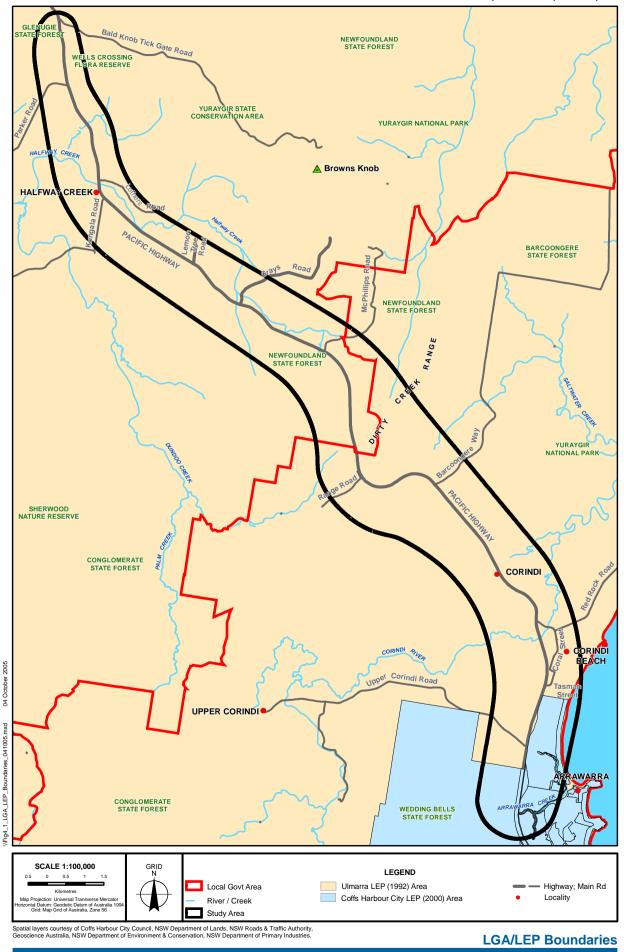
- ▶ The Coffs Harbour City LEP 2000, administered by Coffs Harbour City Council; and
- ▶ The Ulmarra LEP 1992, administered by Coffs Harbour City Council within the Coffs Harbour City LGA and Clarence Valley Council within the Clarence Valley LGA.

The boundaries of the Coffs Harbour City LEP 2000 and Ulmarra LEP 1992, and the Coffs Harbour City LGA and Clarence Valley LGA are shown on Figure 4.1.

The LEPs, land use zones occurring in the study area and the applicable consent authority are summarised in Table 4.1.

Table 4.1 LEPs Applicable to the Study Area

LEP	Consent Authority	Land Use Zones in Study Area	
Coffs Harbour City LEP 2000	Coffs Harbour City Council	Rural 1A Agriculture	
		Rural 1F State Forest	
		Special Uses 5A Community Purposes – Classified Road	
		Open Space 6A Public Recreation	
		Environmental Protection 7A Habitat and Catchment	
		Environmental Protection 7B Scenic Buffer	
Ulmarra LEP 1992	Coffs Harbour City Council (within Coffs Harbour City LGA)	1(a) (General Rural Zone)	
		1(e) (Rural 'E' (Urban Investigation) Zone)	
	Clarence Valley Council (within Clarence Valley LGA)	1(f) (Rural (Forests) Zone)	
		1(h) (Rural (Horticultural Holdings) Zone)	
		2 (Village Zone)	
		6(a) (Open Space Zone)	
		7(f1) (Environmental Protection (Coastal Lands Protection) Zone)	



Coffs Harbour City LEP 2000

Roads are permissible with development consent in all applicable land use zones within the boundaries of the Coffs Harbour City LEP in the study area, except Rural 1F State Forest in which case they are prohibited unless deemed to be "development for the purpose of any activity authorised by or under the Forestry Act 1916".

Under the Coffs Harbour City LEP 2000, the proposal falls within the definition of "*road transport undertakings*" listed in Schedule 1 of the LEP. As such, in zones where the proposal would have otherwise required development consent or been prohibited, Clause 7 of the LEP allows such works to be permissible and to be undertaken without the need for development consent.

Ulmarra LEP 1992

Under the Ulmarra LEP 1992, roads are potentially prohibited in all applicable land use zones except 6(a) (Open Space Zone) and 7(f) (Environmental Protection (Coastal Lands Protection) Zone), in which case they are permissible without consent, and with council consent respectively.

For Zones 1(a) (General Rural Zone), 1(e) (Rural 'E' (Urban Investigation) Zone), 1(h) (Rural (Horticultural Holdings) Zone) and 2 (Village Zone), the LEP confers a discretion on Coffs Harbour City Council or Clarence Valley Council (as applicable) to decide whether a particular use is consistent with one or more of the objectives of these zones. The consequence of either council deciding that the use is inconsistent with the objectives is prohibition.

Roads are prohibited under the Ulmarra LEP 1992 in the 1(f) (Rural (Forests) Zone) unless:

- ▶ Coffs Harbour City Council or Clarence Valley Council (as applicable) decides that the project is consistent with one or more of the objectives of this zone; or
- ▶ The development is "authorised under the Forestry Act 1916"; or
- ▶ The development is considered as a purpose that "will not adversely affect the usefulness of the land for the purposes of forestry".

4.1.4 Summary of Statutory Position

Coffs Harbour City LEP 2000

The combined effects of the savings provisions under the Coffs Harbour City LEP 2000 and *State Environmental Planning Policy – Development Without Consent and Miscellaneous Exempt and Complying Development* (SEPP 4) is that development consent under Part 4 of the EP&A Act 1979 is not likely to be required, unless the project impacts on:

- ▶ A wetland listed under SEPP 14 (Coastal Wetlands); or
- ▶ A heritage item listed under an environmental planning instrument.

Ulmarra LEP 1992

The potential prohibition of roads under the Ulmarra LEP 1992 within many zones could be overcome by:

▶ Both Coffs Harbour City Council and Clarence Valley Council (as applicable) agreeing that the project is consistent with the objectives of the land use zones;

- By an amendment to the Ulmarra LEP 1992;
- ▶ For Department of Planning (DoP) to include the project in Schedule 1 of SEPP 63 (Major Transport Projects); or
- ▶ For DoP to include the project in Schedule 2 or 3 of SEPP (Major Projects) 2005.

Any one of these actions would allow the project to be assessed under Part 5 of the EP&A Act 1979, or in the case of listing under SEPP (Major Projects) 2005, for the project to be assessed under Part 3A of the EP&A Act 1979.

4.1.5 Property Acquisition and Revocation

The project would involve acquisition of property that is privately and / or government owned. Any potential acquisition would be subject to appropriate compensation in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991*. This report contains discussion of the potential impacts of the project on properties and businesses and is based on cadastral information available to the study team, the accuracy of which has not yet been verified by any property survey work. Verification would be undertaken as part of the concept design at which time the property acquisition requirements will be confirmed.

Prior to any acquisition of land dedicated under the *National Parks and Wildlife Act 1974* (e.g. national park or state conservation area), revocation of the land in accordance with the Act must first be effected by an Act of Parliament.

Prior to any acquisition of land dedicated under the *Forestry Act 1916* (e.g. state forest or flora reserve), revocation of the land in accordance with the Act must first be effected by one of the following means:

- ▶ Act of Parliament where the land affected contains lands zoned by Forests NSW for conservation purposes;
- ▶ Resolution of both Houses of Parliament where the land affected is not zoned for conservation purposes and exceeds 20 hectares; or
- ▶ Notice in the Gazette where the land affected is not zoned for conservation purposes and is less than 20 hectares.

Under section 42 of the *Aboriginal Land Rights Act 1983*, land vested in a local Aboriginal land council (LALC) may not be compulsorily acquired except by an Act of Parliament.

However, in certain circumstances a LALC may dispose of land voluntarily and therefore it may by possible for the RTA to negotiate to purchase the land. Prior to the purchase by negotiation of lands vested in a LALC, the following must occur in accordance with section 40D(1) of the *Aboriginal Land Rights Act 1983*:

- "(a) A meeting of the Council specifically called for the purpose (being a meeting at which a quorum was present) not less than 80% of the members of the Council present and voting have determined that the land is not of cultural significance to Aborigines of the area and should be disposed of, and
- (b) the New South Wales Aboriginal Land Council has approved of the disposal, and
- (c) in the case of disposal of land transferred to an Aboriginal Land Council under section 36" (Claims to Crown lands) "both the Crown Lands Minister referred to in that section and the Minister have been notified of the proposed disposal."

4.1.6 Strategic Planning

Strategic planning reports and studies relevant to the study area were reviewed, and the potential implications for the project identified. Table 4.2 summarises the results of this review.

Table 4.2 Strategic Planning

Document	Overview	Implications for the Project		
North Coast Urban Planning Strategy, 1995	Provides a vision for the future of the North Coast region, identifying areas with the potential for future growth.	The strategy does not identify any land within the study area to be set aside for future development.		
Northern Rivers Regional Strategy, 1997	The strategy is based on the principles of sustainable development and builds on the findings of the North Coast Urban Planning Strategy. The strategy does not identify within the study area to be set future development.			
Clarence Valley Settlement Strategy, 1999	A sub-regional joint planning project, forming part of the Northern Rivers Regional Strategy.	No settlement is proposed by the strategy within or in close proximity to the study area.		
		The Pacific Highway is recognised as a national access corridor road and vegetation in the vicinity of Wells Crossing is recognised as being part of a regional greenbelt network.		
Coffs Harbour Urban Development Strategy, 1996	A plan providing for the long-term development of the LGA. Council has recently commenced a review of the strategy, which is due for completion by mid 2005. The new strategy will be known as the "Coffs Harbour Settlement Strategy" and will identify land considered suitable for urban development.	the existing strategy. However, Coffs Harbour City Council has indicated that this land is unlikely to be developed for residential purposes because of		
The Coffs Harbour Rural Residential Strategy 1999	Provides the strategy for rural residential development in the Coffs Harbour LGA.	No land in the study area has been identified for future rural residential development.		
Coffs Harbour City Council Rural Lands Strategic Plan, 2003	al Lands planning of rural land and rural amended to remove the 40 ha subdivision restriction on some la zoned 1A Rural Agriculture in the strip.			
		No land within the study area has been identified for rural / residential purposes.		
Coffs Harbour Draft Vegetation Strategy, 2003	The aim of the strategy is to protect native vegetation in the Coffs Harbour LGA.	The study area contains vegetation classified by the strategy as having very high or high ecological value.		

4.1.7 Government Transport Initiatives

Strategic transport planning documents relevant to the project were reviewed, and the potential implications for the project identified. Table 4.3 summarises the results of this review.

Table 4.3 Transport Planning

Document	Overview	Implications for the Project
AusLink: Building our National Transport Future, 2004	The Australian Government's formal policy statement on land transport. Provides a long term plan for funding of transport infrastructure. Under AusLink, the National Highway System and Roads of National Importance will be replaced with a broader and more strategic network of transport corridors. This new AusLink National Network will form the basis of the Australian Government's investment in land transport.	Australian Government funding for Pacific Highway projects is provided under this program.
Pacific Highway Upgrading Program, RTA, 1996	The \$2.2 billion, 10-year upgrading program aims to achieve significant improvements to road conditions, safety and travel times.	The planning of the Woolgoolga to Wells Crossing upgrade is one of the projects being funded under the Pacific Highway Upgrade Program.
Pacific Highway Managing the Impact of Delay, Discussion Paper, RTA, 1999	The paper emphasises the need to coordinate construction activities where delays are likely to occur.	The concept design for the preferred route will take the recommendations of this paper into account.

4.2 Transport Context

4.2.1 Predicted Traffic Volumes and Level of Service

A summary of the predicted traffic volumes at 2016 and 2036 is provided in Table 4.4. The level of service (LoS) projections are based on the assumption that no upgrading has occurred (the "do nothing" scenario).

Table 4.4 Predicted Traffic and Level of Service Summary 2016 and 2036

	At Projected Opening (2016)		At 20 year Horizon (2036)			
Section	AADT ⁽¹⁾	LoS ⁽¹⁾	v/c ⁽³⁾	AADT ⁽¹⁾	LoS ⁽²⁾	v/c ⁽³⁾
Arrawarra Creek to Corindi Beach	14,224	E	0.77	20,983	F	1.14
Corindi Beach to Dirty Creek Range	11,073	E	0.82	16,336	F	1.20
Dirty Creek Range to Halfway Creek	10,639	D	0.58	15,695	F	0.85
Halfway Creek to Wells Crossing	10,204	D	0.56	15,054	F	0.82

Notes: (1) Annual Average Daily Traffic (AADT) – The number of vehicles crossing at a specific site per year and dividing this number by the number of days in the year (366 days in 2004);

⁽²⁾ LoS determined from Austroads Guide to Traffic Engineering Practice - Part 2: Roadway Capacity; and

⁽³⁾ v/c is volume / capacity ratio.

The data in Table 4.4 indicates that the operation of the highway at 2016 would start to show unstable flow conditions. Level of service F at 2036 means that the highway would experience serious queuing and delays as it would be operating over capacity. These dates have been adopted for investigation and concept design purposes.

4.2.2 Intersections

The operation of the at-grade intersections at the design horizon (2036) if no upgrading has occurred (the "do nothing" scenario) is:

- Tasman Street / Pacific Highway unsatisfactory;
- Coral Street / Pacific Highway unsatisfactory;
- Range Road / Pacific Highway (access to the blueberry farms) unsatisfactory;
- Kungala Road / Pacific Highway unsatisfactory; and
- Parker Road unsatisfactory.

As a result, intersection treatments need to be considered. Interchange locations would depend on the location of the preferred route, and the interaction with the adjacent projects – Sapphire to Woolgoolga and Wells Crossing to Iluka Road.

4.2.3 Key Aspects of Preliminary Traffic Investigations

The results of the preliminary traffic investigations indicate that:

- ▶ The Arrawarra Creek to Corindi Beach section and the Dirty Creek Range section will require upgrading prior to 2016;
- ▶ Traffic growth will be defined by the underlying growth in heavy vehicles along the corridor. The growth in heavy vehicles will account for up to four times the growth of other vehicles; and
- Grade separation or alternative access (local access road etc) arrangements will ultimately be required at the following intersections:
 - Tasman Street / Pacific Highway;
 - Coral Street / Pacific Highway;
 - Range Road / Pacific Highway (access to the blueberry farms);
 - Kungala Road / Pacific Highway; and
 - Parker Road / Pacific Highway.

4.2.4 Crash Reduction

Traffic accidents could potentially be reduced to 15.9 accidents per 100 MVK if a Class A upgrade is undertaken over the entire highway. A Class M upgrade for the entire link would achieve an accident rate of 11.5 per 100 MVK. Based on the potential reduction in accident rates only and the resultant costs, the repayment period would be in the range of 23 to 37 years, dependant on the form of the upgrade (Class A or M).

Data indicates that there is a high incidence of fatigue related crashes. The severity of these types of crashes may be reduced by the use of barriers and provision of runoff areas, clear zones, etc.

However, this section of the highway is approximately four to five hours south of Brisbane and as a result, it is within the fatigue zone for long distance travel. During the concept design stage, consideration needs to be given to incorporating rest areas. For this project, there is a requirement to retain or replace rest areas within the study area.

4.2.5 Road User Delay

Road user delays on the highway are due to either construction or operation. Delays are quantified by assigning a cost to the road user.

Construction

In accordance with RTA design standards, alternate routes for use during construction would need to be designed for an 80 km/h design speed with 3.5 metre wide lanes and one metre shoulders. It has also been assumed that the existing highway operates at 100 km/h when the new option deviates from the existing route. Construction immediately adjacent to the existing highway would require the existing highway to operate at 80 km/h during the construction phase.

Operation

Operational delays are associated with the length of the new route and the type of upgrade (refer to Section 4.6 for a description of upgrading scenarios). Operational delays could be attributed to the time required to access a U-Turn facility when an at-grade intersection prohibits a right turn or time required to access a grade separated interchange via a local access road.

4.3 Adjoining Projects

The closest proposed upgrading projects to the north and south of the Woolgoolga to Wells Crossing project are:

- Sapphire to Woolgoolga project to the south; and
- Wells Crossing to Iluka Road project to the north.

Key features of these projects are summarised below.

Sapphire to Woolgoolga Project

The Sapphire to Woolgoolga project is a highway bypass of Woolgoolga. This project is substantially advanced with a preferred route announced.

Wells Crossing to Iluka Road

The Wells Crossing to Iluka Road project would be a Class M upgrade at opening. A grade separated interchange is proposed in the vicinity of the connection between the Wells Crossing to Iluka Road project and the Woolgoolga to Wells Crossing project.

This project is at route options development stage.

4.4 Need for the Project

4.4.1 The Implications of Doing Nothing

If the upgrading of the Woolgoolga to Wells Crossing section of the highway did not occur, it is projected that:

- ▶ By 2016, there would be 29.5 crashes per 100 million vehicle kilometres within the study area. This equates to an average of approximately 1.5 fatal and 16 serious injury accidents per year; and
- ▶ By 2036, there would be an average of approximately 2.5 fatal and 27 serious injury crashes per year.

It is estimated that reducing the number of crashes would save the community in the order of \$6.4 million per annum by 2036, as well as reducing the personal effects of road crash trauma.

A reduction in travel times and freight transport costs would benefit the economy and encourage regional economic development.

4.4.2 Highway Upgrade Timing

Based on traffic demands, the proposed lane configurations for the 2036 horizon are listed in Table 4.5.

Table 4.5 Upgrade Timing

Section	Upgrade Timing ⁽¹⁾	2036 Configuration
Arrawarra Creek to Corindi Beach	2011	Four lanes
Corindi Beach to Dirty Creek Range	2021	Four lanes
Dirty Creek Range	2009	Four lanes ⁽²⁾
Dirty Creek Range to Halfway Creek	2023	Four lanes
Halfway Creek to Wells Crossing	2025	Four lanes

Notes: (1) Timeframe within which initial upgrade may be required; and

Based on a sustained growth of 3%, the modelling indicates that the highway would not need to be upgraded to six lanes until 2045.

4.4.3 Base Case Scenario

The base case scenario is considered for the purposes of economic analysis and comparison. It is assumed that the base case or "do nothing" scenario would be limited to minor upgrades of the existing highway on its current alignment.

The base case assessment has considered the following minimum upgrade works by 2036:

- Sections of highway that will require minor upgrade and / or reconstruction;
- Sections of highway that will require additional overtaking lanes or climbing lanes;

⁽²⁾ Dirty Creek Range would require an additional climbing lane assuming there are no heavy vehicle performance improvements from current situation.

- Provision of additional local access roads;
- Intersections modifications or upgrades; and
- Assessment of bridge structures.

This base case scenario has been considered to determine the extent of works already required along the highway.

During the route options assessment phase, the route options (described in Section 5) will be compared with the base case.

Disadvantages of the base case include:

- The highway would operate over capacity;
- Crashes and crash rates would be substantially higher than what is acceptable;
- Several of the intersections would suffer considerable delays to traffic with an unacceptable level of service; and
- ▶ There would be no access control or management of travel demand.

4.5 Upgrading Scenarios

The upgrade considers two scenarios. These are described below.

4.5.1 Class A Upgrade Scenario

The Class A upgrade scenario would be a four-lane, 100 km/h posted speed, limited access condition roadway with at-grade intersections.

It is anticipated that the highway would be upgraded to a Class A standard initially, and upgraded to a Class M standard ultimately.

This scenario presents several challenges with respect to the rationalisation of accesses. Generally, at-grade intersections would be changed, where suitable, to seagull intersections and in some cases limited to left in / left out only with U-Turn facilities "upstream" to reduce conflict.

Private accesses would also be rationalised wherever possible. This would be achieved by the use of local access roads, partly constructed for the ultimate Class M configuration, to consolidate several accesses into one, or the provision of full local access roads where a cost benefit can be realised.

4.5.2 Class M Upgrade Scenario

Class M highway upgrade scenario would be a four-lane (up to six lanes), 110 km/h posted speed, controlled access roadway with grade separated interchange accesses.

This scenario presents several challenges with respect to the rationalisation of accesses. The spacing between grade separated intersections would be critical to ensure that residents (and visitors) are not forced into long circuitous routes to gain access to their properties via local access roads. Interchange locations would depend on the location of the preferred route and the interaction with the adjacent projects – Sapphire to Woolgoolga and Wells Crossing to Iluka Road.

As a result of the constrained condition of the corridor in some parts of the existing alignment the retrofitting of local access roads to Class M from Class A may be difficult depending on the route option selected for the preferred route. This is particularly evident around the recently completed Halfway Creek duplication where Halfway Creek and the Yuraygir State Conservation Area (National Park) are directly adjacent to the southbound carriageway.

In order to achieve a 110 km/h posted speed, a significant proportion of the existing alignment would require reconstruction.

4.5.3 Property Impact and Access Rationalisation Strategies

As noted above, private accesses would be rationalised wherever possible. Where private accesses cannot be made via a local access road in the Class A scenario, they would be altered to a left in / left out with U-Turn facilities provided "upstream".

The Class M scenario presents several challenges for rationalisation of accesses and rearrangement of access conditions.

The spacing between grade separated intersections in the Class M scenario would be critical to ensure that residents are not forced to drive long circuitous routes to gain access to their properties via local access roads.

4.5.4 Interchange / Intersection Location Strategies

The two upgrade projects adjoining the Woolgoolga to Wells Crossing project involve grade separated interchanges. These interchanges would be considered in the planning for the Woolgoolga to Wells Crossing section.

Provision of a grade separated interchange has been considered in the vicinity of Corindi Beach. Traffic predictions indicate that before 2036, grade separations and / or local access road facilities may also be required on all the other major side roads in the study area. The location of interchanges should take into account the following:

- Spacing with other grade separated interchanges, particularly adjacent interchanges;
- ▶ The traffic generation catchment and the need to capture sufficient traffic to ensure cost effectiveness;
- Opportunities to facilitate commercial development; and
- The visual impact.

Alternative locations for the Corindi Beach interchange have been considered. The grade separated interchange proposed for the northern end of the Sapphire to Woolgoolga project could be combined with the Corindi Beach interchange in the vicinity of Upper Corindi Road (otherwise known as Old Sherwood Road).

The Class A upgrade scenario would require a change of form on many of the side road intersections within the study area. For duplication, right turns at many intersections would be denied. Alternative arrangements would be provided, such as downstream U-Turn facilities.

The locations of interchanges and intersections would be considered in more detail once a preferred route has been selected.

4.5.5 Pedestrian and Public Transport Provisions

Pedestrian access to the carriageways would not be allowed for in the Class M scenario. Separate pedestrian facilities would need to be provided where demand exists.

There are many bus stops located along the existing route which would be rationalised as part of the upgrade. This may be achieved by providing bus stops on side roads with formalised intersections and U-Turn facilities, or through the provision of new local access roads. Provision for cyclists will be on the outer shoulder of each carriageway. These would need to be coordinated with cycleways proposed by council.

Pacific Highway Upgrade – Woolgoolga to Wells Crossing ■ Route Options Development Report

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