

DIRECTOR-GENERAL'S REPORT

Modification to the Minister's Approval for the F3 to Branxton Highway Link

PURPOSE

The NSW Roads and Traffic Authority (RTA) sought a modification to the Minister's approval for the F3 to Branxton highway link road, granted on 7 November 2001.

The modification is sought to enable the staging of the construction works associated with the link road to allow utility relocation and mine stabilisation works to proceed prior to the commencement of substantial construction works.

This report considers the modification request.

ISSUE

Background:

The Minister's approval for the F3 to Branxton highway link road does not contain any provisions for the staging of any works associated with the project. This prohibits the RTA from commencing any preliminary construction components until it has satisfied all pre-construction conditions, including conditions not directly associated with the preliminary components.

The RTA now wishes to insert a condition into the Minister's approval to enable construction to commence in stages so it can undertake preliminary construction works associated with the relocation of utility infrastructure and the stabilisation of areas affected by abandoned mine shafts. This activity will involve the clearing of native vegetation, which does contain Endangered Ecological Communities (EEC) and threatened species.

The RTA states that the modification is required as:

- the lead-times for these works demands a greater flexibility in the scheduling of works associated with the total project. The need to satisfy road-related conditions to commence any non-road related works would limit this flexibility; and
- the completion of these works prior to full road construction works would limit the potential for disruptions and safety risks that can occur if these works were to be undertaken concurrently.

The RTA has subsequently recommended a standard Department condition to be inserted into the approval, with minor definition changes to reflect the proposed staging.

It is highlighted that the funding for the roadworks has not been allocated, and a construction start date has not been set. The RTA states that the delays are a result of the continuing extensive environmental, engineering and design works for the project. The Federal Government is still committed to the project, and has allocated a further \$10 million in the 2006/2007 budget for the continuation of pre-construction studies and utility infrastructure relocations.

Department's Consideration

The Minister's approval for the project prohibits the operational staging of the project, due to the potential impacts associated with an incomplete and operational link road (Condition 2). The absence of any provisions within the consent to enable the construction of the link road in stages can be attributed to this condition and approach.

Typically, there are limited issues associated with the staging of construction work, given it does not remove a Proponent's responsibility in satisfying the relevant provisions in the Minister's consent, such as the habitat compensation conditions imposed on this project. But in this instance, given full funding for the works has not been secured, the Department was initially concerned that the staging of construction work could result in the unnecessary clearance of EECs and threatened species located along the highway corridor should the link road not proceed.

Given this concern, the Department has carefully reviewed the potential impact that the staging could have on the EECs and other threatened species and considers that the proposed staging should be approved given:

- the majority of the utility and mine stabilisation works would be within existing cleared areas, with only approximately 3.1 hectares to be cleared for the utility relocations and mine stabilisation works;
- the impact of the clearing required for the preliminary works would be minimal when compared to the total predicted impact of the road works, in which a maximum 168 hectares of native vegetation would be permitted to be cleared under the Minister's approval; and
- although the majority of the vegetation to be cleared would consist of EECs (2.6 hectares), the modification would not negate the RTA's responsibilities in mitigating this impact in accordance with the Minister's approval.

Consequently, the Department recommends that the Minister approve the modification, subject to the following:

- the insertion of a condition to enable construction staging, subject to the provision of a Staging Report to outline how the conditions of approval would be addressed for each stage; and
- minor modifications to the definitions and wording within conditions to reflect the approved staging.

CONCLUSION

The Department considers that the proposed modification would not alter the impacts of the total project or affect the outcomes of the Minister's approval conditions. It is recommended that the Minister approve the modification, subject to the conditions provided in the attached instrument.

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Department of Planning