

RECEIVED AM

Department Urban Affairs and Planning (Sydney)
PO Box 3927
Sydney 2001

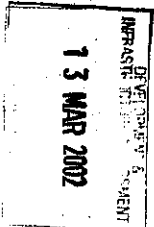
13 MAR 2002

**OCSU RECORDS
MANAGEMENT**



08 March 2002

Attention: Ms. Cariln Richards



Our Ref: ER3397

Dear Madam

PACIFIC HIGHWAY UPGRADE - BULAHDELIAH BYPASS - EIS ISSUES.

I refer to the PFM of 07 March 2002 in regard to the above matter. The Department of Land and Water Conservation (DLWC) provides the following comments for your consideration.

LAND STATUS

The EIS/SEE should identify the location and status of any Crown land included or directly affected by the proposal. A detailed status search is required to confirm whether Crown land, as defined by the Crown Lands Act, 1989 is involved and to identify any other interests in the land. It should be noted that Crown land includes the State's territorial waters (i.e. 3 nautical miles out to sea, generally measured from the low water mark).

Native Title

The Commonwealth Native Title Act, 1993 has had far reaching implications for the administration and management of Crown land. Generally, any dealing in Crown land cannot proceed unless native title in respect of that land has been extinguished or it is established that native title does not exist. Where this is not the case the provisions of the Native Title Act relating to future acts needs to be addressed

Access to Crown Lands

The department requests that due consideration be given in the design and location of highway upgrading/deviations to ingress and egress from any Crown public roads and any other Crown lands that may about the proposed carriageways.

Tenured Lands

Where Crown land included in the proposal, is held under a tenure or there is a use-right to occupy the land, the interests of the department and the holder(s) must be addressed.

SOIL CONSERVATION

The Department advises that the Environmental Impact Statement (EIS) should address at least, but not be limited to the following issues: -

- topography and landform
- soil type and soil erodibility
- effect on habitat and endangered species

- cumulative impact of habitat destruction within and adjacent to the area
- likely size and slope of road batters resulting from the works
- acid sulfate/potential acid sulfate soils management strategies
- vegetation management and the Native Vegetation Conservation Act (1997), if applicable
- Protected Land, if applicable
- drainage works and erosion and sediment control strategies
- revegetation strategy, including, the comment on possibility of endemic seed or vegetative material collection and the final site rehabilitation

RIVERS AND FORESHORES IMPROVEMENT ACT, 1948

It is noted that the proposed route for the Bulahdelah Upgrade of the Pacific Highway will involve the construction of at least two bridges and a number of major culverts at a numerous locations within the identified Upgrade Study Area.

The Department of Land and Water Conservation has a statutory responsibility under the Rivers and Foreshores Improvement Act, 1948, to ensure the stability of river and estuarine systems.

Development in areas requiring excavation and removal of vegetation adjacent to watercourses can destabilise banks and increase sedimentation. However, the RTA is exempt under section 22H of the Act from having to obtain a permit for the proposed works. Nevertheless, the Department of Land and Water Conservation requests that you consider the following in undertaking the construction of the proposed works. In this regard, the Environmental Impact Statement should consider the following aspects:

- * A full project description, including details of all proposed clearing, draining, excavation and filling and discussion of the environmental implication of these activities.
- * Any proposed changes to any existing natural flow path should be assessed with respect to changes to the hydraulic behaviour, tidal range, sedimentation and pollution of the watercourse.
- * The potential impacts of the construction, the proposed safeguards and the management procedures to reduce any adverse impacts on habitats should be detailed.
- * Outline a management plan that minimises the amount of silt, rubbish, debris and pollutants entering the watercourse.
- * Scour analysis should be undertaken on any structure which will be spanning any watercourse to ensure that there is no significant scour around piers, abutments or wing-walls during a flood which would cause siltation downstream and undermine the structure.
- * A description of the design features to be incorporated into the proposed development to guard against long term actual and potential environmental disturbances, particularly in respect of maintaining the natural hydrological regime.
- * A description of any proposed measures or practices to be taken to guard against actual and potential environmental disturbances to the water quality and hydrological regime during the construction of the proposal. This should include likely impacts caused during flood events.
- * A description of the reinstatement plans.
- * An examination of flooding impacts of the proposal on adjacent properties.
- * A description of expected alteration of sediment movement patterns as a result of the proposal, (that is, what changes will occur to the natural erosion and accretion rates).
- * A full description of the methods of excavation, construction and material placement.
- * Details of embankment design

Furthermore, during concept development and the preparation of the EIS, careful attention will need to be paid to the quality and treatment of runoff from the road and bridges. The

establishment and maintenance of screening vegetation, surface treatments and appearance of structural elements including the abutments scour protection, habitat restoration and if required, the creation of compensatory habitats should be addressed in respect to the proposed alignments of the upgrade.

GROUNDWATER

The proponent must identify sensitive groundwater aquifers of the area and potential changes to groundwater regime and quality as a result of the development. All groundwater works ie. bores and excavations below groundwater must be licensed with the DLWC prior to construction.

WETLANDS

The area to the south of Buladelah contains SEPP 14 wetland 698, named Buladelah floodplain. This wetland includes extensive areas of fresh water reed beds, grading into salt marsh. A gallery of remnant floodplain rainforest trees flanks the bank of the Myall River. Should the highway diversion route cross the wetland, or intrude into a defined buffer around the wetland extending for 100 metres around it snapped fringe, an assessment of the leve and range of impacts on the wetland system must be undertaken.

This assessment must include direct impacts from disturbance and dredging, with consequent disturbance to Potential Acid Sulphate Soils (PASS) on the floodplain. In addition, indirect impacts, including weed invasion within the buffer zone and water quality changes both during construction and in the operational phase of the development must be addressed in the assessment.


In addition, non-SEPP 14 wetlands have been identified to the north of Buladelah township. The EIS must identify the range of impacts likely on these discrete wetlands and justify the choice of management options for these wetlands as part of the environmental management plan for the site.

WATER SUPPLY

If the proponent intends to extract water for construction purposes it may require a water licence to do so.

Should there be any further enquiry in this matter, please contact Lance Watt, Environmental Review Coordinator on (02) 49299847.

Yours faithfully



Lance Watt
Environmental Review Co-ordinator
Hunter Region

FIG NO.				
ACT NO.				
MAP SHEET				
LOCATION				