

1 Introduction

1.1 Background

In January 1996 the NSW and Australian Governments announced their joint commitment to a 10-year program to upgrade the Pacific Highway between Hexham and the Queensland border. As of the end of July 2007, 263 kilometres of the highway are now double-lane divided road. A further 78 kilometres of highway is under construction or has had a construction contract awarded, with the remaining kilometres either approved for construction or have had a preferred route identified.

The Pacific Highway is an AusLink National Network road. Its upgrading is jointly funded by NSW and Australian Governments. For the 10 years to June 2006, some \$2.3 billion has been invested. The NSW Government has contributed around \$1.66 billion and the Australian Government has contributed around \$660 million.

In December 2005, the NSW and Australian Governments announced a jointly funded program of \$960 million for the three years to 2009. In May 2006, the NSW and Australian Governments announced an additional \$320 million in joint funding for the period to the end of 2009.

Both governments are jointly examining how the entire length of the highway can be upgraded to dual carriageway by the end of 2016.

As part of the Pacific Highway Upgrading Program, the NSW Roads and Traffic Authority (RTA) is undertaking project development activities for the upgrade of a 45 kilometre section of the Pacific Highway between the northern end of the existing Allomera deviation, south of Warrell Creek and the southern end of the existing Raleigh deviation, north of Urunga. The project (hereafter referred to as the 'Warrell Creek to Urunga Upgrade') combines the Warrell Creek and Macksville to Urunga Upgrades. The study team involved in the project is outlined in **Appendix A**.

Since planning for the upgrade of the Macksville to Urunga section of the highway began in June 2003, a wide range of potential route options have been investigated. These have included options developed by the project team and options put forward by the community. Details of the route options considered are contained in the *Macksville to Urunga Draft Route Options Development Report* (RTA November 2004).

In November 2005, the NSW Minister for Roads announced the preferred route for the upgrade of the Pacific Highway between Macksville and Urunga. The announced preferred route involves:

- Options 1c and 2a to the east of Macksville.
- An upgrade of the existing highway between Nambucca Heads and Mines Road south of Urunga.
- The Option 4b bypass of Urunga.

Details of the announced preferred route are contained in the *Macksville to Urunga Preferred Route Report* (RTA November 2005).

Following the announcement of the preferred route for the upgrade of the highway between Macksville and Urunga, a review was carried out on the 5 kilometre section of highway between the southern end of the upgrade and the northern end of the Allomera deviation (the 5 kilometre section is referred to in this report as the Warrell Creek section).

The preferred route for the Warrell Creek section was selected and designed in the 1990s to an earlier standard than that proposed for current upgrades of the Pacific Highway. The route and design for the Warrell Creek section was reviewed in 2006 to determine if it provides an appropriate connection between the existing Allgomera deviation and the Macksville to Urunga Upgrade, as well as meeting current design and environmental standards. The review found that the 1990s route and design for the upgrade would need to be modified to meet current design standards for the Pacific Highway. The review also found that the design would have significant noise impacts on the village of Warrell Creek and would need to be substantially modified to meet current noise guidelines.

In response to the outcomes of the review, a number of options for the Warrell Creek section were developed. The new route options were assessed against a range of functional, environmental, social, economic and cost considerations. Comments received from government agencies, Nambucca Shire Council and the community were considered during the identification of the options.

The assessment identified a shortlist of the four most feasible options. Based on the investigations undertaken to date, one of the four options (the Purple Option) is considered to be one of the best performing options overall and provides the best value for money. On balance, the Purple Option is considered to have more merit than the other options developed.

Details of the review of the Warrell Creek section, including the community consultation undertaken and the issues raised, are provided in the *Draft Warrell Creek Review Report* (RTA July 2007).

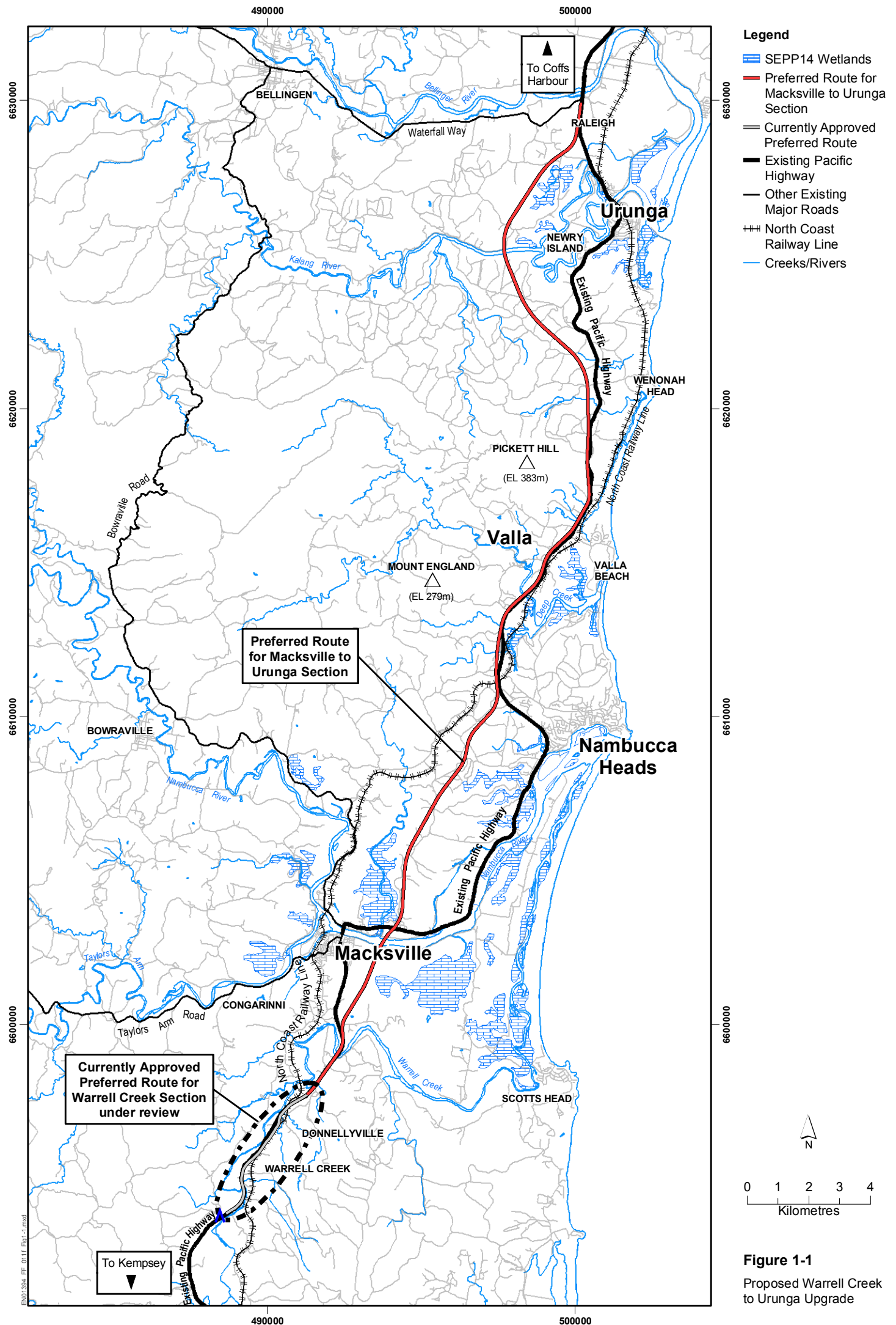
The RTA is seeking community comment on the new options before making a final decision on the outcomes of the review of the Warrell Creek Upgrade.

The environmental assessment (EA) for the Warrell Creek to Urunga Upgrade Project will assess the combined outcomes of the review of the Warrell Creek Upgrade and the preferred route for the Macksville to Urunga Upgrade. The location of the proposed upgrade is shown in **Figure 1-1**.

1.2 Purpose of the report

This Project Application Report has been prepared for the Director-General of the Department of Planning (DoP) under Section 75E of Part 3A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The Report accompanies a project application and includes the following information:

- Identification of the Proposal as a project to be assessed under Part 3A of the EP&A Act and declared to be Critical Infrastructure under Section 75C of the EP&A Act.
- Need for and description of the Proposal.
- A summary of the studies, investigations and stakeholder involvement that has been conducted to date as part of the project development and the rationale for the selection of the preferred route.
- A preliminary assessment of key environmental issues associated with the Proposal.
- A preliminary list of environmental management measures that are expected to form part of the Proposal.
- The proposed scope of further design and investigations that the RTA would complete as part of the subsequent environmental assessment for the Proposal.



Upgrading the Pacific Highway Warrell Creek to Urunga Project Application Report

In accordance with Section 75F(2) of the *EP&A Act*, it is anticipated that the information in this Project Application Report will be used by the DoP to prepare formal requirements for the environmental assessment for the Proposal.

As the RTA intends to proceed to implementation of the Warrell Creek to Urunga Upgrade as soon as funding is committed, a Project Approval (as distinct from a Concept Approval) is being sought.

1.3 Planning and development process

1.3.1 Project development process

Planning for this section of the Pacific Highway commenced in June 2003. Ongoing community and stakeholder consultation has strongly influenced the area investigated as part of the project and has resulted in the identification and assessment of additional route options. A summary of the key milestones in the project development process is presented in **Table 1-1**.

Table 1-1: Project milestones

Date	Milestone
2001	RTA identifies a broad study area for the proposed upgrading of the Pacific Highway between Macksville and Urunga.
August 2002	RTA holds a planning workshop with representatives from Bellingen and Nambucca Shire Councils and NSW Government agencies to discuss key constraints to the development of route options. The key objective of the workshop was to "refine the study area based on the interests and issues of the participants". The refined study area formed the Investigation Area for the project.
September 2002	RTA calls for proposals for the development of the upgrading of the Pacific Highway between Macksville and Urunga.
March 2003	Contract awarded to Sinclair Knight Merz (SKM) to assist RTA with the development and assessment of feasible route options.
June 2003	Planning focus meeting No. 1 held with representatives of NSW Government agencies and the two councils to outline the project objectives and characteristics of the investigation area.
July 2003	Community Update No. 1 released: ■ Pacific Highway Upgrading Program outlined. ■ Study area identified. ■ Community comment invited.
July 2003	Advertisements placed in local newspapers inviting community to Community Information Sessions. Three sessions held in Macksville, Nambucca Heads and Urunga during July 2003.
July 2003	Advertisements placed in local newspapers inviting community representatives to form community liaison groups for the duration of the project. Three community liaison groups established based in Macksville, Nambucca Heads and Urunga.
July 2003	An Aboriginal Sub-committee is formed with representatives from Coffs Harbour, Nambucca and Unkya Local Aboriginal Land Councils and Aboriginal Elders. The first meeting is held to discuss the project and to obtain an understanding of Aboriginal cultural heritage issues.
August 2003	Each community liaison group meets for the first time. The meetings outlined: ■ Background to project. ■ Role of community liaison groups in overall consultation process. ■ Project objectives and design criteria. ■ Constraints mapping. ■ Issues for discussion at subsequent meetings.

**Upgrading the Pacific Highway
Warrell Creek to Urunga Project Application Report**

Date	Milestone
November 2003	Community liaison group meeting No. 2 held with each of the three groups. The meetings outlined: ■ Issues raised at last meeting. ■ Study progress. ■ Constraints mapping completed. ■ Initial field investigation. ■ Traffic counts and accident statistics.
December 2003	RTA agrees to investigate options to the west of Macksville in response to requests from sections of the Macksville community.
March 2004	Community liaison group meeting No. 3. The meetings outlined: ■ Issues raised at the last meeting. ■ Study progress. ■ Assessment and selection criteria. ■ Noise impact assessment.
June 2004	Planning focus meeting No. 2 held with key stakeholders from government agencies, Nambucca and Bellingen Shire Councils and representatives of local community organisations to discuss potential route options (including west of Macksville options) and key constraints.
August 2004	Meetings held with representatives of each Local Aboriginal Land Council and Elder groups to provide an update on the progress of the study and identify any additional issues of concern.
November 2004	Community Update No. 2 released: ■ Options to the east and west of Macksville identified. ■ Options to the west of Urunga identified. ■ Comparison of short-listed options. ■ Announced that the option of upgrading the existing highway through Macksville, Nambucca Heads and Urunga would not be considered further due to the impacts on these townships. ■ Community comment invited.
November 2004 to February 2005	Route options displayed at various locations within the Investigation Area between 30 November 2004 and 2 February 2005. Staffed displays and meetings with owners of properties potentially directly affected by the route options held.
December 2004	Community liaison group meeting No. 4. The meetings outlined: ■ Updates on study progress. ■ Update on release of route options. ■ More detailed field investigations undertaken for biodiversity and heritage. ■ Future CLG membership. ■ Route selection process.
March 2005	Community liaison group meeting No. 5. The meetings outlined: ■ Introduction of new CLG members ■ Route options display and submission update. ■ Key issues raised. ■ Social impacts. ■ Review of selection criteria. ■ Value management process and CLG representation.
March 2005	Meeting held with representatives of each Local Aboriginal Land Council and Elders to discuss short-listed route options east and west of Macksville.
April 2005	Value management workshop held 12, 13 and 14 April 2005 for the Macksville to Urunga section. Participants included nominated CLG members and representatives of community groups, NSW Government agencies, the two councils, Aboriginal community and the project team.
April 2005	Internal project team workshop held to review the recommended preferred route and to discuss refinements requested as a result of recommendations made at the value management workshop.
June 2005	Community liaison group meeting No. 6 held – combined meeting of the three groups. The meeting outlined: ■ Value management workshop process and recommendations. ■ RTA property acquisition process. ■ Next steps in the development of the project.
November 2005	Preferred Route for the Macksville to Urunga Upgrade announced. The Preferred Route involves options 1c and 2a to the east of Macksville, an upgrade of the existing highway between Nambucca

**Upgrading the Pacific Highway
Warrell Creek to Urunga Project Application Report**

Date	Milestone
	Heads and Mines Road south of Urunga and the option 4b bypass of Urunga. Review of the previously approved preferred route for the Warrell Creek Upgrade announced.
November 2005	Macksville to Urunga Preferred Route display at various locations throughout the investigation area between 30 November 2005 and 31 January 2006. Staffed displays and meetings held with property owners potentially affected by the preferred route for the Macksville to Urunga Upgrade. November 2005 Community Update published
December 2005	Information evening held with residents in the Warrell Creek area to inform them of the review of the Warrell Creek Upgrade and enable community members to obtain additional information from the study team and to provide input to the review.
February 2006	Planning focus meeting for Review of Warrell Creek Upgrade.
February 2006	Workshop held with representatives of Nambucca and Bellingen Shire Councils to consider options for highway interchange locations and layouts.
March 2006	Letters sent to residents within the Warrell Creek area to inform them of progress with the review.
March 2006 to February 2007	Review of Warrell Creek Upgrade – including development and assessment of new route options. Review of submissions received following announcement of preferred route for the Macksville to Urunga Upgrade. Preparation of project application report for Warrell Creek to Urunga Upgrade.
December 2006	The Minister for Planning under 75B(1) of the <i>Environmental Planning and Assessment (EP&A) Act 1979</i> ordered that 13 projects on the Pacific Highway, including the Warrell Creek and Macksville to Urunga Upgrades, be projects to which Part 3A of the EP&A Act applies. Having formed the opinion that the 13 projects, including the Warrell Creek and Macksville to Urunga Upgrades, were essential for the State for economic and social reasons, the Minister for Planning also declared the projects to be Critical Infrastructure under Section 75C of the <i>Environmental Planning and Assessment (EP&A) Act 1979</i> .
July 2007	Project application report for Warrell Creek to Urunga Upgrade lodged with Department of Planning. Display of project application report for Warrell Creek to Urunga Upgrade, Macksville to Urunga Preferred Route Submissions Report and Draft Warrell Creek Review Report.

1.3.2 Project approval process

Under the provisions of the *Environmental Planning and Assessment (EP&A) Act 1979* the RTA is required to undertake an environmental assessment (EA) of highway upgrade projects. The *Environmental Planning and Assessment Amendment [Infrastructure and other Planning Reform] Act 2005* amends the EP&A Act to require major infrastructure projects (including major road infrastructure projects) to be assessed under Part 3A of the EP&A Act. Part 3A applies to all infrastructure projects that would have otherwise required an environmental impact statement (under Part 5 of the EP&A Act, most development previously classified as State significant and other projects, plans or programs of works as ordered by the Minister for Planning.

On 5 December 2006, the Minister for Planning under 75B(1) of the *Environmental Planning and Assessment (EP&A) Act 1979* ordered that 13 projects on the Pacific Highway, including the Warrell Creek and Macksville to Urunga Upgrades, be projects to which Part 3A of the EP&A Act applies.

Having formed the opinion that the 13 projects, including the Warrell Creek and Macksville to Urunga Upgrades, were essential for the State for economic and social reasons, the Minister for Planning also declared on 5 December 2006, the projects to be Critical Infrastructure under Section 75C of the *Environmental Planning and Assessment (EP&A) Act 1979*.

The order and declaration were gazetted in the NSW Government Gazette No. 175 on 8 December 2006.

The Project is located within the Nambucca Shire and Bellingen Shire local government areas. The principal local environmental plans under the EP&A Act controlling development in these local government areas are:

- Nambucca local environmental plan 1995.
- Bellingen local environmental plan 2003.

However, Section 75R of the EP&A Act excludes Critical Infrastructure Projects from the provisions of all environmental planning instruments (other than State Environmental Planning Policy [SEPP]) that specifically relate to the project) and council orders under Division 2A Part 6 of the Act. As no SEPPs that specifically relate to the Warrell Creek to Urunga Upgrade of the highway have been identified, the RTA is of the opinion that the development of the project is not prohibited under any relevant planning instrument.

Consequently, the RTA proposes to submit the Warrell Creek to Urunga Project to the DoP for Project Approval under Part 3A of the Act.

1.3.3 Other project approvals

1.3.3.1 New South Wales legislation

Section 75U of the EP&A Act identifies the legislation and approvals that do not apply to a project approved under Part 3A of the Act and Section 75V identifies the legislation and approvals that cannot be refused if they are necessary for the carrying out of an approved project. For an approved project, the following authorisations are not required and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply:

- The concurrence under Part 3 of the *Coastal Protection Act 1979* of the Minister administering that Part of the Act.
- A permit under Section 201, 205 or 219 of the *Fisheries Management Act 1994*.
- An approval under Part 4, or an excavation permit under Section 139, of the *Heritage Act 1977*.
- A permit under Section 87 or a consent under Section 90 of the *National Parks and Wildlife Act 1974*.
- An authorisation referred to in section 12 of the *Native Vegetation Act 2003* (or under any Act to be repealed by that Act) to clear native vegetation.
- A permit under Part 3A of the *Rivers and Foreshores Improvement Act 1948*.
- A bush fire safety authority under section 100B of the *Rural Fires Act 1997*.
- A water use approval under Section 89, a water management work approval under section 90 or an activity approval under section 91 of the *Water Management Act 2000*.

In accordance with the provisions of the *Environmental Planning Legislation Amendment Act 2006* a reference in Section 75U of the EP&A Act to an approved project includes a reference to any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements under that Part of the Act in connection with an application for approval to carry out the project or of a concept plan for the project.

Other approvals, including licences under Chapter 3 of the *Protection of the Environment Operations Act 1997* and the *Roads Act 1993* will continue to be required and cannot be refused if they are necessary for the carrying out of an approved Part 3A project. These approvals must be substantially consistent with the Part 3A approval.

1.3.3.2 Commonwealth legislation

Under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*, a proposal that is likely to result in a significant impact on a matter of National Environmental Significance must be referred to the Department of Environment and Water Resources. If the Proposal is subsequently determined to be a “Controlled Action”, then approval from the Commonwealth Environment Minister is required. Matters of National Environmental Significance that are potentially relevant to the Warrell Creek to Urunga Proposal include:

- Nationally threatened species and ecological communities.
- Migratory species protected under international agreements.
- Ramsar wetlands.

Based on investigations completed by the RTA to date, the most likely trigger for a referral to the Department of Environment and Water Resources would be a significant impact on nationally listed threatened species or migratory species. If it is determined that a significant impact is likely, the Proposal will be referred to the Department of Environment and Water Resources.

1.4 Consultation

1.4.1 Consultation with the community

From the commencement of investigations for the upgrading of the Pacific Highway between Macksville and Urunga in June 2003, the study team has implemented a variety of actions and initiatives to enable extensive and ongoing two-way communication with communities and stakeholders. Communities and stakeholders included landholders, general community, government agencies, councils and businesses.

A community and stakeholder involvement plan was developed for the project. It involved the implementation of a range of different communication mechanisms to facilitate effective two-way flow of information between the study team and the community. The key aspects of the consultation program included:

- Formation of a contact database on which members of the public were able to register to receive community updates.
- Provision of a freecall telephone enquiry line (1800 800 612) for direct enquiries to the project team.
- Advertised open information sessions and public displays (both staffed and unstaffed).
- Three Community Update Newsletters were widely distributed in July 2003, November 2004 and November 2005. Additionally, a Community Update focusing on the Warrell Creek section was also distributed in November 2005.
- Invitations for written submissions and completion of survey forms by individuals and interest groups.
- A business survey was mailed to 85 businesses in Macksville, Nambucca Heads and Urunga during 2003 to identify socio-economic data and consult businesses over potential impacts.
- Formation of and meetings with three community liaison groups (Macksville, Nambucca/Bellwood and Urunga).
- Formation of and meetings with Aboriginal Sub-committee formed with representatives from Coffs Harbour, Nambucca and Unkya Local Aboriginal Land Councils and Aboriginal Elders.
- Value management workshop with diverse agency and community representation.
- Meetings with and presentations to individuals and local interest groups.
- Interviews / meetings with relevant stakeholders including property owners and local businesses.

- Public notices and media coverage (print and electronic).
- Website updates at: www.rta.nsw.gov.au/pacific.htm.

The consultation process has provided the study team with important insight into the key issues raised by the community and other stakeholders. This consultation then became part of the options assessment and route selection processes and has been integral to the development and refinement of the Proposal.

For the review of the Warrell Creek Upgrade section an information evening was held with residents in the area in December 2005 to inform them of the review and enable community members to ask the study team questions and provide input to the review. A Community Update was also published in November 2005 to inform community members about the review. In March 2006, letters were sent to residents within the study area to inform them of progress with the review.

1.4.2 Consultation with government agencies

Consultation with local and NSW Government agencies has been ongoing throughout the project. At the commencement of the project (June 2003) a planning focus meeting was held to provide information about the Macksville to Urunga section of the project to representatives of these agencies and to identify their issues and requirements. A second planning focus meeting was held with representatives of these agencies prior to the display of the route options for the Macksville to Urunga section in November 2004. Submissions relating to issues and requirements were requested from all agencies following planning focus meetings and the display of the route options. In addition, a number of separate meetings have been held with representatives of NSW Government agencies to discuss specific issues relating to their areas of interest and responsibility.

In April 2005, a value management workshop for the Macksville to Urunga section was held, including key government agencies to consider the feasible options and recommend a preferred route.

At the commencement of the Review of Warrell Creek Upgrade (February 2006) a planning focus meeting was held with representatives of NSW Government agencies and Nambucca Shire Council to provide information about the review to and to identify the issues and requirements.

The study team has also had the opportunity to address meetings of Nambucca and Bellingen Councils several times during the course of the study. Meetings have also been held with the executive and staff of both councils to discuss specific issues and council staff have participated as members of the community liaison groups.

1.4.3 Key issues

A number of common issues were raised during community consultation activities for the proposed upgrade between Warrell Creek and Urunga. The key issues raised by respondents included:

- Landuse and property impacts, e.g. area of land required for the Proposal, acquisition arrangements and access arrangements.
- Biodiversity impacts.
- Amenity impacts, e.g. traffic noise, vibration and visual impacts and options to mitigate these impacts.
- Road safety impacts of the proposed upgrade.
- Impacts of the Proposal on flooding of the Nambucca and Kalang River floodplains.

- Impacts on the local economy.
- Impacts on Aboriginal heritage.
- Timing and staging of construction.

1.4.4 How the community influenced the preliminary design

Throughout the consideration of the options and development of the preliminary design, issues, concerns and suggestions raised by the community were considered by the project team and, where considered appropriate, incorporated into the project. The submissions received from the community are documented and addressed in the *Macksville to Urunga Draft Route Options Submissions Report* (RTA April 2005) and the *Macksville to Urunga Preferred Route Submissions Report* (RTA July 2007).

Key influences of the community consultation on the development of the Proposal include:

- Refinement of the Study Area at a planning workshop held with representatives of Bellingen and Nambucca Councils and State government agencies in August 2002. The refined study area identified at the workshop formed the initial investigation area for the project.
- Examination of options to the west of Macksville (outside the original investigation area) in response to requests from sections of the Macksville community.
- Identification of flooding behaviour and drainage issues.
- Identification of a number of significant Aboriginal and non-Aboriginal sites.
- Identification of potential land use and individual property and farm operation impacts.
- An increased understanding of Aboriginal heritage and culture in the area.
- Information in regard to the potential presence and location of threatened flora and fauna species.
- Identification of local road networks and access issues.

Submissions received from the display of the *Draft Warrell Creek Review Report* (RTA July 2007) will be considered before a final decision is made on the outcomes of the review.

The environmental assessment for the Warrell Creek to Urunga Upgrade Project will assess the combined outcomes of the review of the Warrell Creek Upgrade and the preferred route for the Macksville to Urunga Upgrade.