

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	Critical State significant infrastructure
Application number and project name	SSI 7319 M1 Pacific Motorway Extension to Raymond Terrace
Proponent	Transport for NSW
Approval Authority	Minister for Planning

Decision

The Minister for Planning has, under section 5.19 of the *Environmental Planning and Assessment Act 1979* (the Act) approved the infrastructure application subject to the recommended conditions.

A copy of the infrastructure approval and conditions is available [here](#).

A copy of the Planning Secretary's Assessment Report is available [here](#).

Date of decision

8 November 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the matters listed in the statutory context section of the Planning Secretary's Assessment Report
- the objects of the Act
- all information submitted to the Department during the assessment of the application
- the findings and recommendations in the Planning Secretary's Assessment Report
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Planning Secretary's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the application are as follows:

- the project would:
 - provide improved route reliability along the M1 Pacific Motorway by reducing congestion
 - improve travel time and road network efficiency at the junction of the M1 Pacific Motorway, the New England Highway and Pacific Highway
 - reduce freight congestion on the Hexham Bridge
 - improve road safety for all road users and conditions for pedestrians and cyclists
 - provide improved access to facilitate economic growth for the Lower Hunter and key regional employment areas such as the Port of Newcastle, Newcastle Airport, Tomago, Beresfield and Black Hill
 - improve flood immunity of the road network
- the project has been endorsed by the NSW Government and is a key component of:
 - *Future Transport Strategy 2056*
 - *State Infrastructure Strategy 2018-2038*
 - *NSW Freight and Ports Plan 2018-2023*
 - *Lower Hunter Regional Strategy 2006-2031*
 - *Hunter Regional Plan 2036*
 - *Hunter Regional Transport Plan*
 - *Greater Newcastle Future Transport Plan*
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through the Proponent's response to submissions and environmental management commitments, and the recommended conditions of approval
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Environmental Impact Statement (EIS) was publicly exhibited from Wednesday 28 July 2021 until Tuesday 24 August 2021 (a total of 28 days) on the Department's website. During the exhibition period, the Department received a total of 49 unique submissions on the project. Of the submissions received, one was from a State-owned corporation, three were from local councils, 10 were from special interest groups and 35 were from community members. Seventeen submissions were in support of the project, seven submissions objected to the project, and 25 submissions provided comments. None of the councils objected to the project. Seven government agencies provided advice.

The Department also undertook the following consultation activities:

- attendance at the three online forums held by the Proponent during EIS exhibition;
- held a range of discussions with various State agencies during assessment;
- held a Planning Focus Meeting; and
- attended meetings and held discussions with local councils.

The key issues raised by the community and considered in the Planning Secretary's Assessment Report and by the decision maker include flooding and hydrology, traffic and transport, noise and vibration, social and economic issues, land and property use, and biodiversity.

Issue	Consideration
<u>Flooding and Hydrology</u>	<u>Assessment</u> • Concern that the project will increase flooding impacts on adjoining properties and increase the duration of flood events • The need to design the project to provide flood-free access, noting that some parts of the carriageway and connecting ramps may be inundated in a 1% AEP flood event (i.e. a flood with a one in 100 chance of being exceeded in any one year) • The project is located in the lower portion of the Hunter River catchment. The catchment area is comprised of a range of land uses including agricultural, industrial, commercial, residential and environmental conservation (wetlands and national parks) The project's footprint intercepts waterways within the suburbs of Black Hill, Beresfield, Tarro, Heatherbrae and Raymond Terrace. • The Hunter River Floodplain is a sensitive catchment and new development, structures or landforms will impact on hydrology and flooding. The proposed viaduct over the Hunter River will have flooding impacts, with the piers causing hydraulic energy losses to flood flows and reducing floodplain storage due to the number of piers within the floodplain. Modelling indicates that the new Hunter River viaduct will increase existing flood levels upstream of the project for all flood events up to and including the 1% annual exceedance probability (AEP) event by between 0.01 to 0.02 metres. • The Department engaged Bewsher Consulting to undertake an independent and expert peer review of the flooding assessment (Appendix H). <u>Recommended Conditions/Response</u> • Quantitative design limits (QDLs) have been recommended aimed at minimising flood impacts beyond those proposed by the Proponent. • Additional flood modelling and property surveys will be required to confirm the properties that will experience increased above floor level flooding as a result of the project. • Where QDLs cannot be met, mitigation measures need to be implemented with the agreement of the impacted landowner. • An Independent Flood Impact Advisory Panel is to be established to aid in the identification of the type of mitigation measures provided to offset flood impacts on property owners.
<u>Traffic and Transport</u>	<u>Assessment</u> • <u>Construction</u> • Concern over the access arrangements to construction ancillary facilities • Concern over potential property access impacts • Location of material haulage routes and local traffic congestion • The project will provide a new motorway corridor between the M1 at Black Hill and the Pacific Highway at Raymond Terrace and will provide benefits across the traffic network through decreased travel times and increased reliability and network safety. The project would reduce pinch points in the regional road network by bypassing five sets of traffic lights between the intersection of the M1 Pacific Motorway / Weakleys Drive / John Renshaw Drive at Black Hill and the intersection of Pacific Highway / Hank Street at Raymond Terrace. • The project has been designed in consideration of surrounding residents and the local environment and will provide a safer local road network through the transfer of traffic onto the motorway and off State roads used by locals to traverse the local suburbs of Beresfield, Tarro, Tomago, Hexham, Heatherbrae and Raymond Terrace. • Construction traffic impacts are considered acceptable as the majority of construction traffic movements would be along the existing arterial road network, except for a few

<i>Operation</i> • Staged opening of the project with the Heatherbrae Bypass opening earlier than the remainder of the project • Concern that there is no dedicated shared path along the viaduct • Removal of the proposed on-ramp from the New England Highway to the new alignment at Tarro and the provision of a new on-ramp at Black Hill from Weakleys Drive to accommodate traffic generated from the Black Hill Industrial Precinct • A full interchange at Masonite Road to be included to accommodate traffic to/from Port Stephens	construction traffic movements associated with works at Anderson Drive, Tarro (which is a residential area) and haulage routes for quarry materials and plant and equipment coming from the north west via Woodbury Road and Adelaide Road which pass through the residential suburbs of Woodbury and Raymond Terrace. These heavy vehicle movements would need to transverse the residential areas since there are no alternatives to these routes and impacts would be managed through a suite of proactive traffic management measures. • There is no provision for dedicated pedestrian or cyclist infrastructure along the viaduct. However, cycling opportunities would be provided along the entire length of the project, including the viaduct, using the road shoulders of the motorway alignment. The proposed motorway will include 2.5-3.0 metre wide sealed shoulders that cyclists can use. In addition, 2.5 metre wide sealed shoulders will be provided on the on/off ramps allowing for cyclists to enter and exit the motorway. A dedicated shared path has not been proposed due to the low pedestrian demand. • The delivery of the project has been amended to a two-stage process to provide initial traffic benefits – Southern (Black Hill to Tomago) and Northern (Heatherbrae bypass) works. The Northern section would likely have a shorter construction duration and could be opened whilst construction of the crossing across the Hunter River is completed. <i>Recommended Conditions/Response</i> • Safe pedestrian and cyclist access must be maintained around construction sites or an alternative route must be provided. • Access to all properties must be maintained during construction, unless otherwise agreed with the landowner or occupier. • The Proponent must seek the Department's approval to use local roads that were not identified in the EIS or Submissions Report. • The future provision of a southern access point to the Emerging Black Hill Precinct is outside of the scope of this project approval. It is a matter for TfNSW, councils (City of Newcastle and Cessnock City Council) and other relevant stakeholders to resolve as the demand will be driven by precinct development. • The Department understands that should staged opening of the project occur, elements of the project will be able to operate safely and efficiently ahead of the southern section of the project opening.
<u>Noise and Vibration</u> <i>Construction</i> • Residents will experience construction noise from high noise-generating activities such as land clearing, piling, utility works, concrete cutting and excavation • Out-of-hours works during the night time (1:00 pm to 7:00 am) have the potential to cause sleep disturbance • Heavy vehicle movements will generate noise <i>Operation</i> • Existing wooden noise barriers should be replaced with new concrete barriers • Increases in operational traffic noise associated with traffic movements moving to and from the Emerging Black Hill Industrial Precinct.	<i>Assessment</i> • Consistent with most major civil projects, the project will exceed noise management levels (NML) set out in the <i>Interim Construction Noise Guideline</i> (ICNG) (DECC, 2009) during construction. Night-time construction noise impacts are unavoidable due to constraints associated with construction activities in active road corridors. • Operation of the project will result in exceedances of operational noise criteria (set out in the <i>Road Noise Policy</i> (DECCW, 2011) at 200 residences and 21 other sensitive receivers. Operational noise impacts that exceed the relevant road traffic noise criteria are predicted in areas where the new alignment is closer to residents and other sensitive receivers, and around the new interchange at Tarro. • To reduce operational traffic noise impacts, the Proponent has proposed to install new and upgraded noise barriers. The New England Highway at Tarro will be upgraded with low noise pavement. At-property architectural noise treatments will be provided at residences and other sensitive receivers where NMLs are exceeded following the implementation of the low noise pavement and barrier treatments. <i>Recommended Conditions/Response</i> • Active and ongoing consultation, flexibility in construction techniques, at source and at property mitigation, and coordinating and scheduling work to provide respite will be applied to manage noise impacts. • The Proponent is required to install at-property architectural noise treatments at eligible residences within 12 months of the commencement of construction. Where this is not possible, temporary acoustic treatments must be installed within six months of commencing construction. • Out-of-hours works would be approved and regulated through an Environment Protection Licence for work that cannot be performed during standard construction hours. • Batching plants cannot be established at construction ancillary facility AS4 in Tarro to prevent additional construction noise impacts.

	To ensure the effectiveness of proposed operational noise mitigation measures, the Department has recommended the Proponent undertake additional background noise monitoring, review the traffic noise model and mitigation measures during detailed design, and undertake operational noise validations within twelve months and at five years after opening of the project to traffic.
<u>Social and economic, land use and property</u> - Concern of exacerbation of health and social impacts for communities - Impacts of the construction footprint on operation of the Muree Golf Club - Bypass impacts on businesses in Heatherbrae and Raymond Terrace	<i>Assessment</i> - The project will provide local and regional economic benefits through improved amenity in town centres and local access due to traffic being removed from State and regional roads. It would also improve access to key employment areas such as Beresfield, Black Hill, Tomago and the Port of Newcastle for residents and workers in the region. However, it will remove through traffic from the New England Highway and Pacific Highway resulting in less passing trade for local businesses. To address this loss, the Proponent will implement a signage plan that highlights the local centres and departure points to these from the new motorway. - As with all major road projects, there will be direct impacts on some individuals, particularly those who will be affected by land acquisition. Approximately 43 per cent of properties directly located within the construction footprint are currently owned by the Proponent, with the remaining property acquisitions / property adjustments to be carried out in accordance with the requirements of the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>. - The Proponent clarified that the construction footprint does not impact land owned by Muree Golf Club. <i>Recommended Conditions/Response</i> - The Proponent has committed to develop a Directional Signage Plan in accordance with Transport for NSW signage policy. This Plan will be developed, in consultation with stakeholders (typically businesses that associate with passing trade customers), to facilitate signposting for key locations along the project. The signage would inform the travelling public about services in Beresfield and Heatherbrae to promote departure from the highway and continued patronage of local business by Pacific Highway motorists. - To ensure employment and training targets relating to diversity are realised during the construction of the project, the Department has conditioned ongoing reporting by the Proponent throughout construction against the objectives for economic participation and capacity building of Aboriginal people and diversity and gender equity in the workforce.
<u>Biodiversity</u> Concern regarding the project's impact on local wildlife (particularly Koalas), habitats, and fauna movement corridors	<i>Assessment</i> - The project will have direct and indirect impacts to threatened ecological communities and threatened species listed under the <i>Threatened Species Conservation Act 1995</i> (TSC Act) and the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). It will impact on potential foraging habitat of the Koala (around 89.1 hectares) which is listed as Vulnerable under the TSC Act and EPBC Act and of the Australasian Bittern (around 43.7 hectares) which is listed as Endangered under the TSC Act and EPBC Act. - The credits required to offset the residual impacts of the project have been calculated using the BioBanking Assessment Methodology and include 8,111 ecosystem credits and 22,242 species credits. - The project would also impact around 16.1 hectares of coastal wetlands mapped under <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>, including about 3.6 hectares of the saltmarsh and mangrove communities. <i>Recommended Conditions/Response</i> - The approval requires the Proponent to retire ecological and species credits to offset residual impacts to biodiversity values once all measures have been implemented to avoid and/or reduce impacts. The offsets must be retired in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i>, and may include biodiversity stewardship agreements, management of land added to the National Parks estate and supplementary measures. - Offsets for the 3.6 hectares of saline vegetation communities would be provided in accordance with the <i>Policy and Guidelines for Fish Habitat Conservation and Management - Update 2013</i> (DPI Fisheries NSW) as the project has been assessed under the <i>Framework for Biodiversity Assessment</i>.