

# Notice of decision

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

<b>Application type</b>	Critical State significant infrastructure
<b>Application number and project name</b>	SSI-7666 Coffs Harbour Bypass
<b>Proponent</b>	Transport for NSW
<b>Approving authority</b>	Minister for Planning and Public Spaces

### Decision

The [Minister for Planning and Public Spaces has, under s.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

2/11/2020

### 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:

- Key benefits provided by the project include:
  - provision of free-flowing dual carriageway conditions between Hexham and the Queensland border as part of the Pacific Highway Upgrade
  - improved reliability of journey times, particularly during peak travel periods
  - improved road safety by removing through traffic and some local traffic from the existing road network
  - provision of increased road capacity to cater for increasing traffic volumes and future traffic volumes
  - improved accessibility of and amenity along the existing Pacific Highway.
- the project has been endorsed by the NSW Government by being a key component of:
  - *Future Transport Strategy 2056*;
  - *NSW State Infrastructure Strategy (Infrastructure NSW 2018)*;
  - *Making it Happen in the Regions: Regional Development Framework (DPI 2017)*;
  - *National Road Safety Strategy 2011 – 2020 (Australian Transport Council 2011)*;
  - *North Coast Regional Plan 2036*;
  - *Coffs Harbour 2030 Plan (CHCC 2009a)*;
  - *Coffs Harbour City Council Bike Plan 2014 – 2019 (CHCC 2014)*; and
  - *NSW Freight and Ports Plan 2018-2023*.
- 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 was publicly exhibited from 11 September 2019 until 27 October 2019 (47 days) and 186 submissions were received from 182 submitters, of which nine were from State and local agencies, one from the Greens political party, nine from special interest groups, organisations and Aboriginal groups, three from peak bodies and 160 from community submitters.

The Department also undertook the following consultation activities:

- five site visits
- attended four Community Consultative Committee meetings
- held three meetings with community members that lodged submissions.

The key issues raised by the community (including in submissions) and considered in the Planning Secretary's Assessment Report and by the decision maker include construction and operational noise impacts (including noise modelling and heavy vehicle noise impacts), Aboriginal cultural heritage, traffic and access, including dangerous goods vehicles in tunnels, biodiversity and project design. Other issues raised are addressed in detail in the Planning Secretary's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Operational Traffic Noise</i></p> <ul style="list-style-type: none"> <li>• The project will introduce a new and increased source of noise to western Coffs Harbour.</li> <li>• Additional noise mitigation required to address high noise levels.</li> <li>• Further assessment and consideration of truck noise during the night-time.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Residential properties in some sections of the project experience low levels of noise associated with their rural or suburban setting and others are exposed to high levels of noise due to their proximity to the existing highway (which generally exceed the relevant operational noise goals or experience acute noise levels (equal to or greater than 60 dB(A))). Depending on their location, receivers in these areas may experience an increase or decrease in noise levels or would be exposed to new noise levels associated with the construction and operation of the project.</li> <li>• To mitigate and manage traffic noise impacts the Proponent has proposed noise mitigation measures, including low noise pavement, noise barriers and at-property architectural treatment.</li> </ul> <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> <li>• A two-stage approach is recommended to address operational noise impacts, with the submission of a review of the mitigation measures based on an updated noise model of the detailed design within six months of the commencement of construction, and a review of operational noise compliance within twelve months and ten years of the commencement of operation.</li> <li>• The operational noise review would assess compliance with the predicted noise levels and any additional mitigation measures that may be required to address non-compliance with the operational noise criteria in the <i>NSW Road Noise Policy</i> (2011, EPA)</li> </ul>
<p><i>Construction Noise Impacts</i></p> <ul style="list-style-type: none"> <li>• Construction noise impacts including impacts from blasting causing structural damage to properties.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Construction noise and vibration impacts are consistent with projects of this scale and will be managed through standard practices and the early application of operational noise mitigation.</li> <li>• The construction noise assessment predicted exceedances of the noise management levels at sensitive receivers adjacent to the alignment. The closest receivers are predicted to exceed the <i>Interim Construction Noise Guideline's</i> highly noise affected noise management level (equal to or greater than 75 dB(A)). The Proponent has committed to manage noise and vibration impacts through the implementation of a Construction Noise and Vibration Management Sub-plan.</li> <li>• Excavation of tunnels is proposed to be undertaken 24 hours a day, seven days a week under controlled drilling and blasting methods. Daytime activities will include blasting and spoil removal, while blast preparation, ground support and tunnel fit out will occur during the night time period.</li> </ul> <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> <li>• Preparation of a Noise and Vibration Management Sub-plan to detail how construction noise and vibration impacts will be minimised and managed.</li> <li>• Preparation of a Blast Management Strategy to manage impacts associated with the excavation of cuttings and tunnels by blasting.</li> <li>• 24/7 works can only occur within enclosed acoustic sheds at the tunnel portals.</li> </ul>

	<ul style="list-style-type: none"> <li>• Haulage of material and deliveries is not permitted during the night-time period.</li> <li>• Provision of operational noise treatments within six (6) months of the commencement of construction in the vicinity of the impacted receiver(s), to minimise construction noise impacts.</li> <li>• Condition survey of buildings and structures at risk of damage to be undertaken before and after construction, and damage caused by the project to be rectified.</li> </ul>
<p><i>Aboriginal Cultural heritage impacts</i></p> <ul style="list-style-type: none"> <li>• Registered Aboriginal Parties (RAP) requested more involvement in future site investigations to record previously unidentified potential archaeological deposits (PADs) and in determining the cultural values of impacted sites.</li> <li>• RAPs requested to review relevant construction management documentation.</li> <li>• The RAPs recommended that all Aboriginal artefacts within the construction footprint be salvaged.</li> <li>• RAPs also requested the ongoing engagement, or employment of Aboriginal Cultural Compliance Safety Officers, additional surveys, monitoring and salvage.</li> <li>• RAPs noted the potential for burial sites along the project corridor.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The project will directly impact Aboriginal archaeological sites and sites with intangible cultural significance within the project corridor. Whilst the revised design of the project has minimised these impacts, particularly in relation to cultural pathways, residual impacts are required to be managed in collaboration with the Aboriginal community.</li> <li>• Four of the five cultural sites are located partially within the construction footprint and would be impacted to varying extents. The archaeological sites (with potential archaeological deposits (PAD)) assessed as having moderate heritage significance will be subject to archaeological salvage.</li> <li>• Impacts to cultural sites have been reduced with the use of tunnels and the Proponent has committed to minimising the extent of impact through detailed design and managing residual impacts by the salvage of items and artefacts, archival recording and providing interpretive signage.</li> </ul> <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> <li>• Preparation of a Heritage Management Sub-plan and requirement that the Proponent offer RAPs the opportunity to inspect the project corridor and determine which areas should be subject to cultural salvage.</li> <li>• Allow the RAPs to undertake cultural salvage at sites they have identified and be given custody of salvaged cultural artefacts and relics.</li> <li>• Inclusion in the Heritage Management Sub-plan of procedures that would be implemented should unexpected human remains be discovered during the construction of the project.</li> </ul>
<p><i>Biodiversity</i></p> <ul style="list-style-type: none"> <li>• Concerns were raised regarding the provision of fauna crossings and monitoring of their usage, impacts on the biodiversity of the area, use of local native species for landscaping and revegetation works, and fauna corridors and connectivity</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The project will result in impacts to the biodiversity values of the project area. The Proponent has identified direct impacts to threatened ecological communities under the <i>Biodiversity Conservation Act 2016</i> (BC Act) and threatened species under the BC Act and the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act) within and adjoining the road alignment.</li> <li>• The project has avoided impacts to biodiversity where possible, however, impacts could be further reduced during the detailed design of the project.</li> <li>• Impacts to biodiversity values will be offset under the NSW Biodiversity Offsets Policy for Major Projects, including the acquisition and retirement of ecological and species credits through biodiversity stewardship agreements, and management of land added to the National Parks estate.</li> <li>• The Proponent has committed to manage construction impacts through a Biodiversity Management Sub-plan and prepare a threatened species management plan to manage the project's impacts on the Koala and Giant Barred Frog.</li> </ul> <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> <li>• The preparation of a Biodiversity Management Sub-plan to manage impacts on biodiversity during the construction of the project.</li> <li>• Requirement to retire ecological and species credits to offset impacts to biodiversity values. 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.</li> <li>• Restoration of koala habitat on the regional koala corridors on top of the Roberts Hill and Gatelys Road tunnels required on remnant land not required for the project, and mechanisms for the in-perpetuity protection and maintenance.</li> </ul>

	<ul style="list-style-type: none"> <li>• Re-use of root balls and Lowland rainforest plant material for habitat and Landcare restoration works.</li> </ul>
<p><i>Traffic and Transport</i></p> <ul style="list-style-type: none"> <li>• Request for a redesign of the Coramba Road Interchange</li> <li>• The project alignment should be further west</li> <li>• Request for improved cyclist connection to the bypass and along the bypass</li> <li>• A new service road should be provided between Sawtell Road Interchange and Englands Road interchange</li> <li>• Increased traffic on local roads</li> <li>• All Dangerous Goods vehicles must be permitted to use the bypass / tunnels.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Local roads are required to provide access to the construction area. Whilst construction activities will increase daily traffic volumes on local roads potentially causing delays and disruptions to the local road network, these impacts are considered relatively minor. Construction traffic impacts are considered acceptable and will be managed proactively through the implementation of traffic management measures.</li> <li>• Community submissions on the Coramba Road interchange requested that it be redesigned to reduce its overall footprint and noise impact on the Roselands Estate. Council requested the project include improvements to the Sawtell Road on-ramp and additional access to the Stadium precinct.</li> <li>• The transportation of dangerous goods through tunnels is a matter outside the scope of the project and would need to be resolved in consultation with the relevant government agencies that regulate dangerous goods transportation. The Proponent states that it will consult with the regulatory authorities (Fire and Rescue NSW, EPA and SafeWork NSW) on the transportation of dangerous goods through the tunnels.</li> </ul> <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> <li>• Overall the project will provide benefits across the road network, particularly through the removal of through traffic along the existing Pacific Highway and local intersections. The project has been designed in consideration of surrounding residents and schools and it will provide a safer road for motorists, cyclists and pedestrians.</li> <li>• Construction traffic impacts are considered acceptable and will be managed proactively through the implementation of traffic management measures.</li> <li>• Coramba Road interchange was designed to minimise impacts on the Bennetts Road and Spagnolos Road detention basins. In response to the community's concerns, the Proponent has advised that alternative designs would be further investigated during the detailed design stage, a commitment which is supported by the Department.</li> <li>• The key constraints in providing a new service road between Sawtell Road Interchange and Englands Road interchange include the need to reconfigure existing property accesses and changes to the interchange arrangements at Sawtell Road, safety issues with entry and exit ramps spaced closely together and potential impacts on koala habitats and existing koala corridors on both sides of the Pacific Highway. Though these constraints are noted the Proponent has committed to work with Council to deliver this service road in the future.</li> <li>• The project will provide additional active transport networks along the shoulders of the projects, around the Englands Road and Korora Hill interchanges, extension of the Solitary Islands Way cyclist path to James Small Drive and a new Luke Bowen footbridge.</li> <li>• The proponent must engage with Emergency Services, EPA and SafeWork NSW to prepare an Emergency Response Plan, should dangerous goods be permitted to use the project.</li> </ul>
<p><i>Residents preferred option is tunnels over the provision of cutting through major ridge lines</i></p>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• Residents are opposed to a design and construction contract. Residents prefer a construct only contract in fear of tunnels being changed to cuttings following project approval.</li> </ul> <p><i>Conditions/Response</i></p> <ul style="list-style-type: none"> <li>• The current proposal is for three tunnels through ridges ranging from 190 metres to 450 metres in length. Should the Proponent wish to proceed with an inconsistent proposal, a modification request will be required to be assessed under the EP&amp;A Act.</li> <li>• It is noted that the tunnel design does provide benefits compared to a cutting design, including lowering of the vertical alignment of the main carriageways to help reduce noise and visual impacts, reduced biodiversity and Aboriginal cultural heritage impacts.</li> </ul>