



Our Reference: 11/12460
Your Reference: DA12/0553 LN9170

1 February 2013

Major Projects Assessment
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2001

Attention: Director Infrastructure Projects

Dear Sir/ Madam,

Re: Woolgoolga to Ballina Pacific Highway Upgrade SSI-4963 – Environmental Impact Statement

NSW Trade & Investment – Crown Lands (Crown Lands) has reviewed the Environmental Impact Statement (EIS) for the proposed Woolgoolga to Ballina Pacific Highway Upgrade (SSI-4963), as lodged by NSW Transport - Roads and Maritime Services (the Proponent). Crown Lands supports the proposal detailed in the EIS in principle and offers the following comments:

1. A number of Crown lands, including Crown reserves, Crown waterways and Crown public roads will be impacted upon by the proposed development. The EIS identifies 22 parcels of Crown land affected by the proposed upgrade. Crown Lands records indicate 22 *Crown reserves* are affected by the proposal. A number of Crown waterways and Crown public roads held under enclosure permits (a tenure under the *Crown Lands Act 1989*) will also be affected.
2. It is claimed on Page 2-6 of the EIS that approvals under the *Crown Lands Act 1989* may be required in relation to the occupation and use of Crown lands as part of the proposed upgrade (that is, planning for and construction of the upgrade). It is Crown Lands understanding that the *Roads Act 1993*, in particular Section 175 of the Act, negates the requirement for approvals to be obtained under the *Crown Lands Act 1989* when it comes to carrying out “road work” on a road or a proposed road. In the interests of streamlining processes in relation to the upgrade, the Proponent is encouraged to utilise its existing powers under the *Roads Act 1993* when it comes to dealing with affected Crown lands.
3. It is claimed on Page 16-25 of the EIS “The management of Crown land in NSW is the responsibility of the Crown Lands Division within the NSW Department of Primary Industries”. As a point of clarification, Crown Lands is responsible for the administration and management of Crown Lands in partnership with reserve trusts, local councils and tenure holders. Where individual Crown land parcels are affected by the proposed upgrade, all stakeholders in the management of the individual parcels must be appropriately consulted and the views of the stakeholders given due consideration.

4. The EIS identifies a number of Crown public roads that are proposed to be constructed or partly constructed, including to provide access to ancillary sites. Responsibility for roads constructed and proposed to remain open upon completion of the upgrade will transfer to the Proponent or the relevant local council (that is, Crown Lands will not resume responsibility for upgrades Crown public roads). Crown public roads that are not proposed to remain open and are not proposed to be transferred must be restored to conditions existing prior to the commencement of construction associated with the upgrade.
5. It is acknowledged the concept design allows for sufficient space to accommodate a six-lane dual carriageway at some point in the future. It is considered important the widened medians proposed to be retained during the construction of the four-lane dual carriageway, where identified as a refuge for native fauna and to provide for arboreal animal movements, are retained in any future upgrade so they continue to provide these important ecological functions.
6. It is acknowledged the location, design and number of dedicated and combined fauna crossings will be further developed to in consultation with the NSW Office of Environment and Heritage. Ultimately, these crossings should be located to optimise their use by targeted species and compatibility with proximate land uses, and minimise the distance to be crossed (that is, the width of road or the number of lanes to be crossed). Crown Lands draws specific attention to the following cases:
 - a. A highly modified area, consisting of a service station and associated parking and infrastructure, lies to the immediate east of the rope or timber pole crossing (for arboreal fauna) at Station 17.0. It is recommended this crossing be relocated.
 - b. The rope or timber pole crossing at Station 140.6 terminates on its western side on Crown land reserved for Rubbish Depot (being Reserve 53201, Lot 10 DP868045). It is recommended this crossing be moved, as the Reserve may be used for its notified purpose at some stage in the future.
 - c. The one cell culvert crossing at Station 143.8 terminates on its western end at or in close proximity to Broadwater Quarry, activity and disturbance from which may dissuade fauna from utilising the crossing.
7. Crown Lands suggests dedicated and combined fauna crossings should not co-located with roads (for example, the crossings associated with Somervale Road underpass and Minyumai Road overpass).
8. Given the upgrade will sever two Crown reserves gazetted for the purpose of Refuge in Time of Flood (i.e. reserves used predominantly for grazing), the under/ overpasses connecting the severed portions of Crown Reserve 53804 (Lot 121 DP751378 at Station 48.8), and Crown Reserve 36645 (Lot 7001 DP92573 and Lot 130 DP751389 at Station 64.9) must be wide enough to accommodate cattle movements. This is particularly relevant for R36645 as only one overpass is proposed to be provided to link the severed portions of the Reserve. The Proponent is encouraged to discuss appropriate requirements with the relevant reserve trusts.

Please feel free to contact me on 02 6640 3436 or at ian.hanson@lands.nsw.gov.au if you have any questions or concerns in relation to this matter.

Yours sincerely,



Ian Hanson
Group Leader Property Management
Crown Lands