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Director Infrastructure Projects
Department of Planning and Infrastructure
G P O Box 39
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Attention: Mr. Michael Young

**HIGHWAY NO 10 – PACIFIC HIGHWAY. BALLINA AND BYRON SHIRE COUNCILS.
DESIGN AND CONSTRUCTION OF PACIFIC HIGHWAY UPGRADE
TINTENBAR TO EWINGSDALE, 13.63KM – 29.95KM NORTH OF BALLINA.**

**REQUEST FOR MODIFICATION TO MINISTER'S CONDITIONS OF APPROVAL – SCHEDULE
2 DEFINITION OF ANCILLARY FACILITY AND MCOA 2.26 ANCILLARY CONSTRUCTION
FACILITIES**

Dear Sir

I refer to the Planning Approval for the Pacific Highway Upgrade, Tintenbar to Ewingsdale of 29 January 2010 from the Minister for Planning received by the then Roads and Traffic Authority (RTA) and in particular the Schedule 2 definition of Ancillary Facility.

Roads and Maritime Services (RMS) has engaged Boulderstone Pty Ltd to design and construct the Pacific Highway upgrade — Tintenbar to Ewingsdale.

The project Construction Environment Management Plan (CEMP) has recently been approved by the Department. The CEMP (and sub-plans) provide details on the locations of ancillary facilities proposed to be used during the construction phase of the project, and associated management measures to ensure that potential environmental and community impacts are minimised. This includes procedures detailing how assessment will be undertaken against the criteria detailed in Minister's Condition of Approval (MCoA) 2.26 for the project. Since the approval of the CEMP and other pre-construction documentation, RMS has identified potential revisions to the conditions that relate to approval requirements for ancillary sites.

The Ancillary Facility definition in Schedule 2 of the Project Approval includes material stockpile areas. This definition requires all material stockpile areas proposed for use during construction to be assessed against the MCoA 2.26 criteria, and in instances where these items do not comply, that the proponent demonstrate how any environmental impacts will be managed and mitigated to the satisfaction of the Director General.

Roads & Maritime Services

The construction of the Tintenbar to Ewingsdale upgrade will require the excavation, temporary storage and movement of approximately three million cubic metres of material. Given the significant amount of material involved there will be the requirement for numerous temporary material stockpiles during construction. There are also a number of bridges being constructed on the project which require temporary laydown areas for materials to be established in the vicinity of the bridges, and ultimately waterways. As currently defined in Schedule 2, and due to the nature of the land use and topography within the project corridor, the majority of these stockpile assessments and minor laydown areas would require referral to the Director General for approval.

A stockpile management protocol has been included in the CEMP which details measures that will be implemented to minimise risk to the environment and community from these stockpiles. Now approved as part of the CEMP, RMS considers that the environmental management measures included in the CEMP would be sufficient to manage the low environmental and community risk from these material stockpile areas.

It is also noted that more recent project approvals for the Warrell Creek to Urunga (07_0112) and Oxley Highway to Kempsey (07_0090) Pacific Highway upgrade projects do not include material stockpiles in the definition of Ancillary Facility.

Accordingly, RMS seeks the following modification to the Schedule 2 definition of an Ancillary Facility in order to remove the need to refer all material stockpile areas to the Director General should they not comply with the MCoA 2.26 criteria: -

<i>Ancillary facility</i>	<i>Temporary facility for construction, including for example an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, maintenance workshop, or testing laboratory.</i>
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In addition to the modification relating to material stockpiles detailed above, RMS also proposes to include additional details in MCoA 2.26 to provide clear guidance for the approval process for minor ancillary facilities such as lunch sheds, office sheds, and portable toilet facilities during the construction phase.

Due to the nature of the construction works there will be a number of minor ancillary sites required within the approved project footprint along the length of the project. Given the proximity to the existing highway, scattered residences, and local watercourses it is likely that a number of these minor ancillary sites would not fully comply with the MCoA 2.26 criteria and would require referral to the Director General for approval. RMS considers that the environmental management measures included in the CEMP documents are sufficient to manage the low environmental and community risk from these minor ancillary facilities.

Accordingly, RMS also proposes the following inclusions to MCoA 2.26:-

The Director General's approval is not required for minor ancillary facilities (e.g. lunch sheds, office sheds, and portable toilet facilities) that do not comply with the criteria set out in MCoA 2.26 of this approval and which:

- a) are located within an active construction zone within the approved project footprint; and*
- b) have been assessed by the Environmental Representative to be –*
 - i. of low amenity risk to surrounding residences, with consideration to matters such as noise and vibration impacts, traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and*

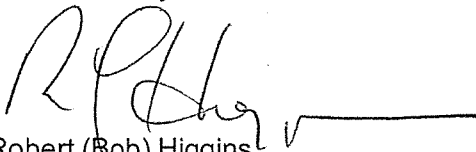
- ii. *of low environmental risk in respect to waste management and impacts on flora and fauna, soil and water, and heritage; and*
- c) *have environmental and amenity impacts that can be managed through the implementation of environmental measures detailed in a Construction Environment Management Plan for the project.*

Overall, it is considered that the modification as detailed above would result in a more streamlined approach to the management of material stockpile and minor ancillary sites proposed during construction and would also reflect the more recent project approvals for road projects undertaken by RMS such as the M5 West Widening approval (MP 10_0052). Such a modification would assist not only RMS and its contractors but also the Department, as it would result in reduced timeframes taken to review and approve a large number of minor activities and thus represent a better utilisation of resources. The potential environmental and amenity impacts of these minor activities can be managed through the implementation of environmental measures detailed in the approved Construction Environment Management Plan.

The proposed modifications to the approval requirements for material stockpiles and minor ancillary facilities are considered to be consistent with current best practice management and would not result in any decrease in the environmental performance or outcomes of the Tintenbar to Ewingsdale project.

Should you require any further information regarding this or any project matter, please contact the RTA's Senior Project Manager, Strategic Projects Mr Peter Borrelli on 02 8874 6763 or 0407 254 363 in the first instance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Higgins', followed by a horizontal line.

Robert (Bob) Higgins
General Manager, Pacific Highway
4 October 2012