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Major Projects Northern
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Transport
Roads & Maritime
Services

Daniel Keary
Director Infrastructure Projects
Department of Planning and Infrastructure (DoPI)
G P O Box 39
SYDNEY NSW 2001

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 MINISTERS CONDITIONAL OF APPROVAL 2.22 – SITES
H29 AND H39**

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 Roads and Traffic Authority (RTA) and in particular Ministers Condition of Approval (MCoA) No. 2.22 requiring that the proponent “not destroy, modify or otherwise physically affect sites A8, H18, H29, H30, H38 and H39.” With respect to sites H29 and H39, Roads and Maritime Services (RMS) is seeking to modify this MCoA.

The cultural heritage assessment working paper prepared by Navin Officer Heritage Consultants for the Environmental Assessment identified forty non-Aboriginal heritage sites as being located either within, or in close proximity to, the project footprint. It was identified during the environmental assessment process that some heritage sites would be destroyed as a result of the highway upgrade project, whilst others should be protected, and these sites are addressed by MCoA 2.22.

The two heritage sites H29 and H39 which are in very close proximity to the road foot print, and which are the subject of this modification request, were documented and described in the cultural heritage assessment - Working Paper No. 9 Cultural Heritage Assessment as: -

Site	Description
H29	<i>“A forestry stump, reportedly of a teak tree, located on the Deenford Plantation property on the western side of the Pacific Highway at Knockrow. The stump is in poor condition and is now incorporated into the buttress roots of a large fig and camphor laurel tree. The tree was reportedly felled to provide timber for the floor of a nearby c1910 homestead. One springboard notch is evident on the stump approximately 1.3 m above ground level. The stump is approximately 2.5 m high and had an estimated original diameter of 1.5m.”</i>
H39	<i>“A sparse scatter of late nineteenth and early to mid twentieth century glass and ceramic fragments located in a macadamia plantation on the eastern side of the Pacific Highway about two kilometres north of Newrybar. The material is exposed on the devegetated ground under the macadamia trees. This site is probably the scattered remains of a refuse area for a former farm house residence located nearby and upslope, probably adjacent to the east side of the current highway.”</i>

Roads & Maritime Services

With reference to section 4.4 of the cultural heritage working paper, both sites were assessed as falling beneath the threshold for heritage significance under the NSW Heritage Office guidelines for assessing heritage significance. The close proximity of the sites to the road foot print was also identified in the cultural heritage working paper which specifically stated: -

“Two heritage sites are situated in close proximity to proposed construction works and it may be necessary to remove or destroy them in order to facilitate construction or to comply with occupational health and safety or highway operational standards. These sites are H29 a forestry stump which now supports a living tree, and H39 a scatter of glass and ceramic fragments. Both fall beneath the significance threshold. No further action is required for site H39. In the case of the H29 tree ... there may be enough distance between the tree and the proposed carriageway to enable in situ conservation of the live tree within the highway easement.”

During the preparation of the design for the road, it has been confirmed that these two sites would be damaged or completely destroyed by construction works for the project, given their proximity to, in the case of H29, a fill batter, and in the case of H39, the top of a cut batter. Furthermore, with the passage of time, the condition of these sites, previously in private ownership have deteriorated.

Attachment A shows the location of site H29 relative to the design road footprint. The tree's roots will be cut and damaged in the road construction process, and in the unlikely event that it survives this construction process, it would have a negative impact upon the long term performance of the road pavement if retained in the area and would need to be trimmed, and the canopy would require aggressive pruning (and ongoing maintenance) to retain the required clearance from the highway for safety reasons. The soil around the remaining tree roots would suffer compaction from heavy construction equipment driving around or over them during construction works, which would cause loss of vigour or possibly death of the tree. The live tree has no heritage significance. However, its removal would result in the destruction of the stump.

Attachment B shows the location of site H39 relative to the design road footprint. The location of this site was inspected by Claire Everett, RMS Environmental Officer and qualified archaeologist, on 21 July 2011. A scatter of broken glass and ceramic artefacts was visible on the exposed ground underneath rows of macadamia plantings. During discussions with Mr Rex Harris, former owner of the land, it was determined that the artefacts would have undergone substantial disturbance and breakage during the establishment of the macadamia plantation and regular annual weed removal and soil profiling works, information on which is provided in **Attachment C**. The level of ongoing disturbance and damage that has occurred at this site means that the integrity of any former archaeological deposit has been lost, and the site is no longer of any archaeological value. More detailed and current photographs of sites H29 and H39 are provided in **Attachment D**.

Accordingly RMS seeks the following modification to MCoA 2.22 to allow heritage sites H29 and H39 to be practically destroyed: -

2.22 The Proponent shall not destroy, modify or otherwise physically affect sites A8, H18, H29, H30, H38, and H39.

A benefit of the proposed modification to MCoA 2.22 is that it would allow for the unconstrained development of the design and construction of the highway upgrade at these locations and it would allow resources to be refocussed on the protection of heritage sites with a higher heritage significance, and hence ensure the best environmental outcome. RMS remains committed to minimising and managing impacts of construction on non-Aboriginal (and Aboriginal) heritage items. These impacts will be minimised and managed in accordance with the Construction Heritage Management Plan which has been approved by the Department of Planning and Infrastructure (DoPI) as part of the Construction Environment Management Plan. Additionally RMS proposes to undertake a photographic recording of H29 to be sent to the RMS library in Parramatta to serve as a permanent record of the item.

It would be appreciated if the Department could approve this requested modification as soon as possible.

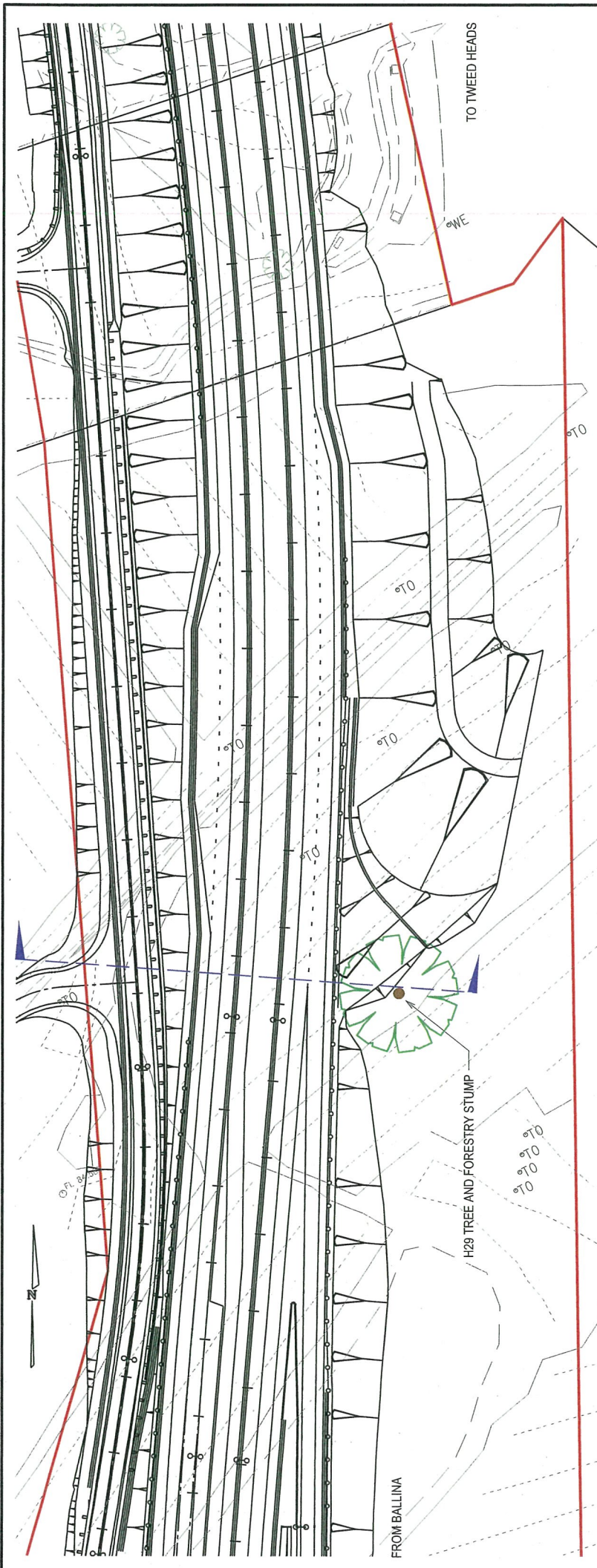
Should you require any further information regarding this or any project matter, please contact RMS' Senior Project Manager, Strategic Projects Mr Peter Borrelli on 0407 254 363 in the first instance.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R Higgins', with a long horizontal line extending to the right.

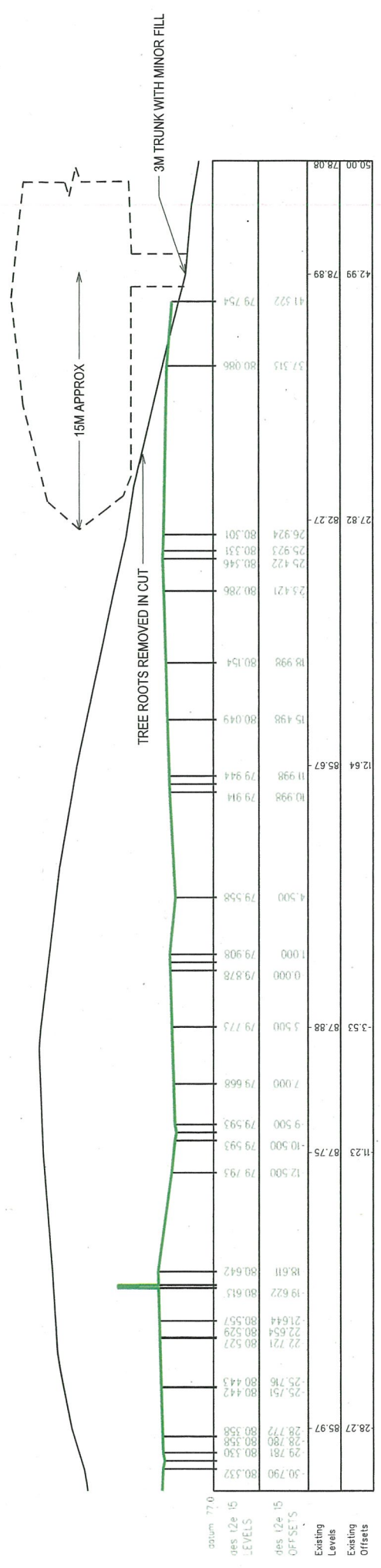
Robert (Bob) Higgins
General Manager, Pacific Highway
4 October 2012

Encl:



H29 HERITAGE TREE PLAN

SCALE 1:1000



ATTACHMENT A - SECTION 14455

SCALE H 1:200, V 1:200

H39 - NOMINAL EXTENT OF NON-
ABORIGINAL HERITAGE SITE

PROJECT BOUNDARY

8.000 TP

TO TWEED HEADS

22360 22360 22360.474 TP
22340 22340
22320 22320
22300 22300
22280 22280
22260 22260
22246.477 TP
22240 22240
22220 22220
22200 22200
22180 22180
22160 22160
22140 22140
22120 22120 2212.349 TP
22100 22100
22080 22080
22060 22060
22040 22040
22020 22020

H39 - NOMINAL EXTENT OF NON-
ABORIGINAL HERITAGE SITE

PROJECT BOUNDARY

PROPOSED NEW DUAL CARRIAGEWAY

DATUM RL = 114.0

DESIGN

EXISTING

OFFSET

121.223	35.908
121.328	27.700
121.298	26.700
121.192	26.000
121.307	25.000
121.487	19.000
121.592	15.500
119.930	12.000
121.697	12.000
121.802	8.500
121.817	8.000
121.847	7.000
121.338	3.934
121.742	1.500
121.712	0.500
121.697	0.000
123.098	-3.500
121.592	-7.000
121.487	-9.571
121.409	-11.214
121.360	-12.214
121.360	-14.214
121.560	-24.145
125.979	-42.720
127.897	-53.024

22180.000

ATTACHMENT B

ATTACHMENT C

EVERETT Claire

From: D Rex Harris [drexharris@bigpond.com]
Sent: Friday, 22 July 2011 8:27 AM
To: EVERETT Claire
Subject: Soil Profiling

Claire,

Further to our site meeting today we are pleased to forward a photos of the Soil Profiler operation

The machine is a rotary hoe which chops up grass & Soil (also all the pottery remnant) and that material goes onto a small conveyor to cover exposed tree roots along the trunk line of the trees.

We plant Sweet Smoother grass and the final result can be seen in the last photo.



Soil Profiler



Washout Dec 05



SG Turf Dec 05



Sweet Smoother Grass Nov 06 98% Shade tolerant

Attachment D













2012/05/09



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