



## Office of Water

Major Development Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Contact: Christie Jackson  
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3 November 2010

Our ref: ER21045  
Your ref: 9036869

**Attention: Michael Young**

Dear Mr Young

**Subject: Environmental Assessment – Pacific Highway Upgrade – Oxley Highway to Kempsey – MP07\_0090**

I refer to your letter dated the 13 September, 2010 seeking the NSW Office of Water's (NOW) comments and recommended conditions on the Environmental Assessment (EA) for the Pacific Highway Upgrade Oxley Highway to Kempsey.

NOW has reviewed the Environmental Assessment and identified a number of environmental issues that require consideration by the Department of Planning in its assessment of the project application. These issues are outlined in Attachment A.

NOW also provides recommended conditions of approval for consideration in Attachment B, should the Minister for Planning determine the application by granting project approval.

If you require further information please contact Christie Jackson on (02) 6701 9652.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "M. Mignanelli".

**Mark Mignanelli**  
Manager, Major Project Assessment  
NSW Office of Water  
Newcastle

**MP07 0090 – OXLEY HIGHWAY TO KEMPSEY**  
**NSW OFFICE OF WATER COMMENTS ON ENVIRONMENTAL ASSESSMENT**

**Groundwater**

The EA has outlined the main groundwater impacts associated with the Oxley Highway to Kempsey Pacific Highway upgrade.

The main impacts on groundwater associated with the project appear to be the impacts of the cuttings in Cooperabung Hill and Maria River State Forest areas. At least four cuttings are expected to intercept groundwater and may therefore impact on groundwater flows. It is expected there would be a drawdown of between 1 metre and up to 5 metres within these cuttings. The impacts are likely to be localised.

Dewatering would also be required during the construction of cuttings through Cooperabung Hill and Maria River State Forest areas and for the construction of fill embankments across the Hastings and Wilson River floodplains. As dewatering is required the proponent will be required to obtain a groundwater licence from NOW under the *Water Act 1912/ Water Management Act 2000*, prior to the works being undertaken.

It is unclear in the EA if other bores are located nearby which could be impacted on by any of the works associated with the project. The EA does mention that an unlicensed bore will need to be removed. This bore would need to be decommissioned to the appropriate standards.

The EA states the impacts on the groundwater resource in the area would be limited by the detailed design and chosen construction methods. It is important the Statement of Commitments includes a key action for groundwater in case of any adverse impacts, in particular on other groundwater users in the locality, groundwater dependent ecosystems and the National Parks in the area. NOW would also like the opportunity to review information produced as part of Statement of Commitment SGW6.

The EA states further groundwater modelling will be undertaken and a Water Management Plan will be developed at a later stage. Any further work undertaken during the detailed design stage on potential groundwater impacts must be undertaken by a suitably qualified groundwater consultant.

**Riparian Issues**

The project involves the construction of two major bridge structures across the Hastings River and Wilson River and 15 crossings of minor watercourses. The EA outlines the impacts from the works will be mitigated by providing scour protection, minimising in stream and bank disturbance, erosion and sediment control measures, revegetate disturbed areas, install sediment basins and monitor bed and banks and water quality.

Whilst approvals under Part 3A of the *Environmental Planning and Assessment Act 1979* do not require a separate Controlled Activity Approval under the *Water Management Act 2000*, any works within 40 metres of a watercourse should be consistent with State Policy and Guidelines. The former Department of Water and Energy's 'Guidelines for Controlled Activities (2008)' outline the management requirements for works within 40 metres of a watercourse.

It is expected all works within the riparian areas are undertaken with minimal disturbance, erosion and sediment control measures, provide adequate drainage, maintain natural hydrological flow regimes and all disturbed areas are revegetated and rehabilitated appropriately.

**Water Licencing**

The EA has outlined water is required for road construction, dust suppression, vegetation watering, concrete mixing and human consumption. The water sources proposed include recycled water, potable water, surface water and groundwater and water collected in sedimentation basins. The RTA must ensure there is an adequate and secure water supply for the proposal. The RTA is not exempt from obtaining

water licences for surface water or groundwater extraction. All existing and proposed water licencing requirements for groundwater or surface water must be in accordance with the *Water Act 1912*.

The project involves the provision of two rest area stops however the EA does not outline how water will be supplied to the rest area.

There is currently an embargo on any further applications for sub surface water licences for the 'Coastal Floodplain Alluvial Groundwater Sources and Highly Connected Alluvial Groundwater Sources of Coastal Catchments – Regional NSW'. However, there are exemptions under this embargo which may be applicable during construction such as new applications for licences under the *Water Act 1912* for Industrial (road construction/ dust suppression) purposes. There may be limits placed on the volume extracted, once assessed.

A dewatering licence will be required prior to works being undertaken if groundwater will be intercepted during any part of construction of the rest area or associated roads. Any structures such as dams, ponds, detention basins must be constructed above the watertable and lined with impermeable material.

The EA outlines a number of sediment basins will be constructed as part of the proposal. All sediment basins constructed as part of the proposal must be in accordance with the Farm Dams Policy and the Harvestable rights order published under section 54 of the *Water Management Act 2000*.

All works that intersect the water table require a licence under the *Water Act (1912)*. The proponent may need to drill monitoring bores within the area to ascertain the depth of the watertable, if unknown. All monitoring bores, if any, associated with the development must also be licenced with NOW.

It is recommended the RTA contact Peter Hackett on (02) 6641 6563 at the Grafton office of NOW to discuss licencing requirements for the proposal to ensure they are adhering to the legislative requirements outlined in the *Water Act 1912*.

**Attachment A Ends**

**2 November 2010**

**MP07 0090 – OXLEY HIGHWAY TO KEMPSEY**  
**NSW OFFICE OF WATER RECOMMENDED CONDITIONS OF APPROVAL**

**Water Licencing**

1. The proponent must ensure that it has sufficient water supply for the project and obtain all appropriate water licences/ approvals as required under the *Water Act 1912* and/ or *Water Management Act 2000* prior to the commencement of works.
2. All dams associated with the project must be in accordance with any Harvestable Right Order published under section 54 of the *Water Management Act 2000*. If the dams exceed the Maximum Harvestable Rights, then appropriate applications must be submitted to NOW.
3. The proponent must ensure all monitoring bores and works that intersect the watertable are licensed with the NSW Office of Water. All Form A's associated with the bores must be submitted to the NSW Office of Water at the time drilling is undertaken.

**Groundwater**

4. A dewatering licence must be obtained for all works that intercept the watertable. A groundwater management plan must accompany the licence application for approval by NOW.
5. All sediment basins must be constructed above the watertable or lined with impermeable material.
6. All information produced as part of Statement of Commitment SGW6 should be forwarded to the NSW Office of Water for review and comment.

**Monitoring Network**

7. A monitoring program must be implemented to monitor impacts of the development on surface water resources, groundwater resources and wetlands.

**Riparian Works**

8. All works within riparian areas must be undertaken in accordance with industry best practice in order to maintain and conserve the geomorphic integrity of the watercourse and natural hydrologic flow regimes.
9. All disturbed areas must be revegetated and rehabilitated immediately after works are completed.
10. Works within riparian areas, including drainage lines, need to give consideration to NOW's Guidelines for Controlled Activities 2008.

Attachment B Ends  
2 November 2010

TO: DEPARTMENT OF PLANNING - MICHAEL YOUNG 92286355  
FROM: FRANK ERITICK KUNDABUNG GEN STORE (BP) 65615014

PACIFIC HIGHWAY UPGRADE - OXLEY HIGHWAY  
TO KEMPSEY

FOLLOWING OUR CONVERSATION FRIDAY 29 OCT 10,  
MY MAJOR CONCERNS ARE AS FOLLOWS:-

IF BOTH MY ENTRANCES ARE REMOVED, WHO  
COMPENSATES ME FOR LOSS OF BUSINESS?

THE BRIDGES PROPOSED TO ACCESS MY BUSINESS,  
ARE THEY 'B' DOUBLE RATED?

WHY HAVE THREE BRIDGES IN KUNDABUNG IE  
(KUNDABUNG RD, WHARF RD & MINGALETTA RD) WHEN  
TWO WOULD SUFFICE IE MINGALETTA RD &  
NORTH END OF RAJENSWOOD RD, SOUTH OF SPEED  
CAMERA WHERE THE HILL IS ALREADY 2 SEMI  
TRAILERS HIGH

ACCESS TO HIGHWAY SOUTH WOULD BE MINGALETTA  
RD & NORTH WOULD BE SMITHS CREEK ROAD

THANKING YOU

Frank  
3-11-10

**From:** [REDACTED]  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 2/11/2010 6:47 pm  
**Subject:** FW: Oxley Highway to Kempsey Project

From [REDACTED]  
To: michael.young@planning.nsw.gov.au  
Subject: RE: Oxley Highway to Kempsey Project  
Date: Tue, 2 Nov 2010 18:43:20 +1100

Dear Michael,

Contained within this email is my submission to the Director, Infrastructure Projects. Unfortunatley, the format has coloured the font. I will also format this into a word document, which should fix up the varients in font colour and email it as an attachment, in a following email and also, fax it later tonight [Tuesday, 2nd November 2010].

Could you please send me a confirming return email, that you have received all of the above.

Thank you

Regards  
[REDACTED]

Dear Sir/Madam

Please find below our submission regarding the Pacific Highway upgrade from Oxley Highway to Kempsey. We live at [REDACTED] Rodeo Drive, Kundabung and portion of the bottom of our 20 acre property will be acquired by the RTA in the upgrade.

Please note that we attended a meeting with an RTA representative on 13 October 2010 where there was an extensive display and video presentation etc. During our one-on-one meeting with Roger Fenner, extensive notes on our situation were taken, we were told that those notes would be typed up and sent to us. We have not yet received them. We were told by the RTA representative that everything we said regarding our property and our exceptional circumstances had be noted, but we were encouraged to also write to the Director of Planning.

As a preliminary matter we reserve our right to make further comment regarding the proposal and how it may impact on our lives and our property. Particularly as new information comes to our attention. This submission is to introduce you to the parameters of the significant and unacceptable impact that the proposed upgrade will have on us.

We have exceptional circumstances in regards to the effect the upgrade will have on our privacy, health and psychological circumstances. We are at present in a secluded Dead End street with tree barriers that protect our privacy from both the Pacific Highway and Rodeo Drive. [REDACTED]  
[REDACTED]

[REDACTED]

I am concerned about the increase in pollution due to the increase in traffic of both Pacific Highway and the Service Road and the loss of our natural tree and plant barrier, where our property borders the Pacific Highway and Rodeo Drive. But also the stress of the increase noise will cause physiological and biological effects [REDACTED]

[REDACTED] We are greatly concerned that our private cul-de-sac is about to be turned into six lanes of traffic [two lanes when our road turns from a cul-de-sac and joins Ravenswood to become the Service Road; and the four lanes of the Pacific Highway]and the effect [REDACTED]

1. Increased noise levels will be physically and emotionally distressing [REDACTED]

2. [REDACTED]

[REDACTED] The increased noise will reduce the amount of time [REDACTED] can safely spend outside, [REDACTED]

Keeping doors and windows shut to reduce the noise will cut-off the cool cross flow breeze we get through our home [in a house that can be quite stifling in hotter weather]. [REDACTED]

4. We also have an outdoor swimming pool, which at present given our cul-de-sac status, is secluded and private. This will not be the case when the Service Road runs through [REDACTED]

At present our road, Rodeo Drive, is a No Through Road. We are the last property on the road and therefore get no more than a handful of cars a week travelling down our road - these people tend to be lost and u-turn and reverse their journey out of our street.

1. The RTA quoted a present figure of around 10 plus vehicles a day travelling along our road - this figure is ridiculous and testing would prove this.

The proposal is for our road, Rodeo Drive, to join with Ravenswood Drive, and that we would become the "SERVICE ROAD" from as far south as the Oxley Highway right through to Kempsey, with an 80 to 100kph traffic flow [yet to be determined]. At the RTA meeting we attended with Roger Fenner? the figures we were shown said there would be only a small increase in traffic past our property once this service road and joining of our cul-de-sac [Rodeo Drive] to Ravenswood Drive was established. This is also a disputed point for us for the following reasons.

1. Everyone in Kundabung, except those whose properties front the Pacific Highway, do NOT get a mail delivery service. The mail of all Kundabung residents, is delivered to the petrol station in Ravenswood Drive, which also serves as a local Post Office/Agency. As we will become the only road for residents to access collection of their mail, the traffic passing our property will be increased by the number of Kundabung residents and their to and from journey to collect their daily mail. THIS WAS NOT REFLECTED IN THE REPORT WE SAW AT TELEGRAPH POINT. Anyone with any sense would be able to see, that every resident within the Kundabung area would therefore be increasing the flow of traffic [which at present is practically nonexistent] past our property, with the simple act of collecting their mail.

This has not been taken into account with any accuracy, which I have seen.

Also Pipers Creek runs along the border of our property. The existing bridge will be demolished and 3 new bridges erected. We are unsure of the effect this will have on the land on our property and would request that some sort of report or analysis be undertaken and presented to us.

We have also noticed cracks and subsidence in parts of the property and wonder what the cumulative effect of increased vibration and traffic flow would have on our property

Thank you for your attention to this matter.

[REDACTED]

Date: Tue, 26 Oct 2010 11:55:59 +1100  
From: Michael.Young@planning.nsw.gov.au  
To: [REDACTED]  
Subject: Oxley Highway to Kempsey Project

[REDACTED]

The address for the Department of Planning is:

Director, Infrastructure Projects  
Department of Planning  
GPO Box 39  
Sydney 2001

email - plan\_comment@planning.nsw.gov.au

fax - (02) 9228 6355

Regards

Michael Young  
Senior Planning Officer  
Infrastructure Projects  
Department of Planning  
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