



Mr Sam Haddad
Director-General
Department of Planning and Infrastructure
GPO Box 39
SYDNEY NSW 2009

Attention: Michael Young

**PACIFIC HIGHWAY UPGRADE – OXLEY HIGHWAY TO KEMPSEY (MP 07_0090)
MODIFICATION REQUEST**

Dear Mr Haddad,

As you are aware, the Pacific Highway Upgrade between Oxley Highway and Kempsey (“the project”) is an important project to the State and will deliver major improvements to road safety and traffic efficiency.

The Minister for Planning and Infrastructure approved the project on 8 February 2012. In accordance with transitional provisions included in Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Project is characterised as a transitional Part 3A project. It is noted that despite its repeal, Part 3A of the EP&A Act continues to apply in respect of transitional Part 3A projects.

Following approval on 8 February 2012, Roads and Maritime Services (RMS) awarded a design contract for the project in April 2012 which included the requirement to undertake a concept design review for the entire alignment as well as progress detailed design to facilitate staged construction from mid 2013. In preparation for the construction phase of the project RMS has commenced preparing preliminary environmental management documentation.

As part of that process, RMS has identified that while minor ancillary facilities will present negligible risk to the environment with appropriate controls in place, they will in many cases still require your approval under the current terms of the planning approval. This would include facilities such as office sheds, portable toilet facilities and lunch sheds that do not meet the location criteria currently prescribed by the planning approval.

The relevant approval condition is C28 and it is reproduced below:

C28. Unless otherwise approved by the Director General in accordance with this condition, the sites for ancillary facilities (except stockpiles) associated with the construction of the project shall:

- (a) be located more than 50 metres from a waterway;*
- (b) have ready access to the road network or direct access to the construction corridor;*
- (c) be located in areas of low ecological significance and require minimal clearing of native vegetation (not beyond that already required by the project);*

Roads & Maritime Services

- (d) be located on relatively level land;
- (e) be separated from the nearest residences by at least 200 metres (or at least 300 metres for a temporary batching plant);
- (f) not unreasonably affect the land use of adjacent properties;
- (g) be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;
- (h) provide sufficient area for the storage of raw materials to minimise, to the greatest extent practical, the number of deliveries required outside standard construction hours; and
- (i) be located in areas of low heritage conservation significance (including identified Aboriginal cultural value) and not impact on heritage sites beyond those already impacted by the project.

Ancillary sites identified that do not meet the above criteria shall be assessed against this criteria to demonstrate how any impacts can be mitigated and managed to acceptable standards (including demonstrating consistency with project impacts identified in the documents listed under condition A1, to the satisfaction of the Director General. Such assessment(s) can be submitted separately or as part of the Construction Environmental Management Plan required under condition B30.

Following discussions with Departmental staff undertaken regarding the Warrell Creek to Urunga Pacific Highway Upgrade project (MP 07_0112), RMS has decided to address this issue by seeking modification to approval MP 07_0090 in accordance with section 75W of the EP&A Act. It is requested that an additional condition, in the following terms or similar, be included in the approval:

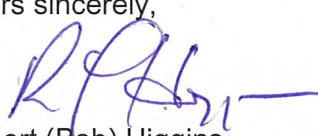
CXX The Director General's approval is not required for minor ancillary facilities (e.g. lunch sheds, office sheds, and portable toilet facilities) that do not comply with the criteria set out in condition C28 of this approval and:

- (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 Environmental Management Plan for the project.

RMS is of the view that the above additional condition would allow important flexibility while still ensuring the required environmental outcomes. It is also noted that similar provisions have been used in approvals for other road projects, notably the M5 West Widening (MP 10_0052).

I would like to thank the Department for assistance on this project to date and look forward to continued cooperation to assist the delivery of this important infrastructure project. Please do not hesitate to contact Andrew Cook on 6560 2508 should you require additional information or require clarification on any of the above.

Yours sincerely,


Robert (Bob) Higgins
General Manager, Pacific Highway

23/10/12