



**MODIFICATION REQUEST (MOD 8):
Pacific Highway Upgrade
Warrell Creek to Urunga**



North Macksville Ramps (MP 07_0112 MOD 8)

Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

June 2016

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1. BACKGROUND

The Pacific Highway Upgrade Warrell Creek to Urunga project was approved by the then Minister for Planning and Infrastructure on 19 July 2011 under Part 3A of the *Environmental Planning and Assessment Act 1979* (the Act). The approved project involves the construction and operation of approximately 42 kilometres of a four lane divided road carriageway. The project is located within Bellingen Shire Council and Nambucca Shire Council areas. The location of the project is shown in **Figure 1**.



Figure 1: Project location (Source: Roads and Maritime Services, January 2010)

The project is being constructed in two stages. The Proponent (Roads and Maritime Services) has engaged Lend Lease to construct the Nambucca Heads to Urunga section of the project. Pacifico (an Acciona and Ferrovial Joint Venture) is constructing the Warrell Creek to Nambucca Heads section.

The project approval has been modified seven times under section 75W of the Act. A summary of these modifications is provided below:

- **Modification 1** (November 2012) to allow minor ancillary facilities which do not comply with condition C27 of the original approval to be assessed by the Environmental Representative;

- **Modification 2** (December 2012) to correct minor reference errors relating to minor ancillary facilities;
- **Modification 3** (February 2013) to correct minor reference errors in relation to the project documents;
- **Modification 4** (March 2013) to amend the definition of construction to exclude establishing ancillary facilities in locations meeting the locational criteria of condition C27;
- **Modification 5** (December 2013) to amend management measures for heritage items impacted by the project;
- **Modification 6** (March 2014) to correct minor reference errors in relation to non-Aboriginal heritage items; and
- **Modification 7** (January 2015) to correct inconsistencies relating to impacted Aboriginal cultural sites.

Roads and Maritime Services (RMS) are now seeking to modify the project approval to provide improved access to the motorway for the residents of North Macksville.

2. PROPOSED MODIFICATION

2.1 Modification Description

RMS has submitted a request (07_0112 MOD 8) under section 75W of the Act to modify the Minister's approval to refine the project design to include additional on and off ramps at North Macksville. On and off ramps are short roads which provide direct access from local roads to the motorway. The key aspects of the proposed modification are outlined in **Table 1**.

Table 1: Key Proposed Modifications

| Aspect | Description |
|---|--|
| <i>Northbound ramp</i> | Construction of a northbound on-ramp 500 metres along from the intersection with realigned Old Coast Road. The ramp consists of a 3.5 metre lane with a 2 metre left hand shoulder and a 1 metre right hand side shoulder at a 0.9 percent down-grade. Old Coast Road would be realigned to provide connection to the on-ramp. |
| <i>Southbound ramp</i> | Construction of a southbound off-ramp 350 metres from the realigned Old Coast Road. The off-ramp would consist of a 3.5 metre lane with a 2 metre left hand side shoulder and a 1 metre right hand side shoulder at a 3 percent climbing grade. The southbound off-ramp would connect to Old Coast Road and Letitia Close at a roundabout. |
| <i>Upgrade of existing highway intersection</i> | Upgrade to the intersection at Old Coast Road and existing Pacific Highway and revised line marking along existing Pacific Highway to allow southbound traffic to safely merge after exiting Old Coast Road south. |
| <i>Emergency U-turn facility</i> | Relocation of an approved median cross-over, emergency U-turn and heavy vehicle stopping bay 500 metres to the north of the ramp merge. |
| <i>Property access adjustments</i> | New paved property access, with a hardstand area to provide space for 8 garbage bins, 4 letter boxes and a single street light, for 4 properties on the north section of the realigned Old Coast Road. |

Adjustments to local roads, including Letitia Close and Old Coast Road, were included in the approved project. Design refinements have been made to works at Letitia Close and Old Coast Road since the project was approved. These refinements have been identified as being consistent with the project approval. Therefore as described in Table 1, the modification primarily relates to the addition of the on and off ramps and associated works. The ramps did not form part of the approved project and are therefore not considered consistent. The proposed layout of the modification and consistent components are shown in **Figures 2 and 3**.

The Proponent investigated and developed three options for the design of the proposed modification and a preferred option was selected. The Preferred Option Report was publicly exhibited in September and October 2015 to present the proposed ramp options. Further design refinements were made to the preferred option in response to public feedback. The proposed modification alignment was selected based on safety and improvements to the functionality of the road.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

In accordance with clause 3 of schedule 6A of the Act, section 75W of the Act as in force immediately before its repeal on 1 October 2011 and as modified by schedule 6A, continues to apply to transitional Part 3A projects. Section 75W of the Act provides that a Proponent may request the Minister to modify the approval of a transitional Part 3A project. The Minister's approval is not required if the project, as modified, will be consistent with the original approval.

As previously stated, the on and off ramps are not consistent with the approval and therefore a modification in accordance with section 75W of the Act is considered appropriate.

3.2 Delegated Authority

On 16 February 2015, the Minister delegated powers and functions under section 75W of the Act to Executive Directors, who report to the Deputy Secretary, Planning Services, for instances where the relevant local council has not made an objection and there are less than 10 submissions in the nature of objections in respect of the modification request.

As two public submissions in the nature of objections were received, the Executive Director Priority Projects Assessments, may determine the modification request under delegated authority.

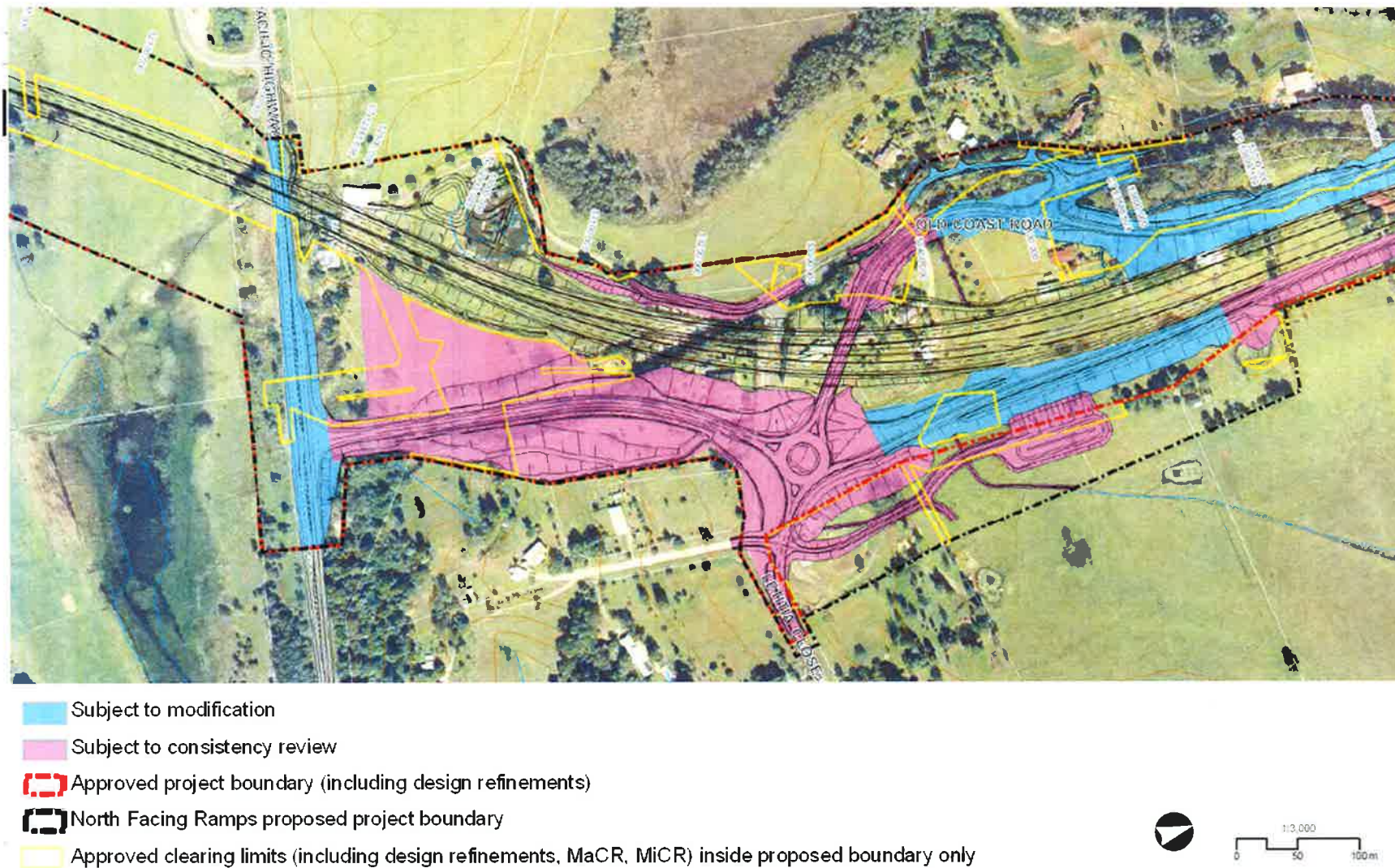
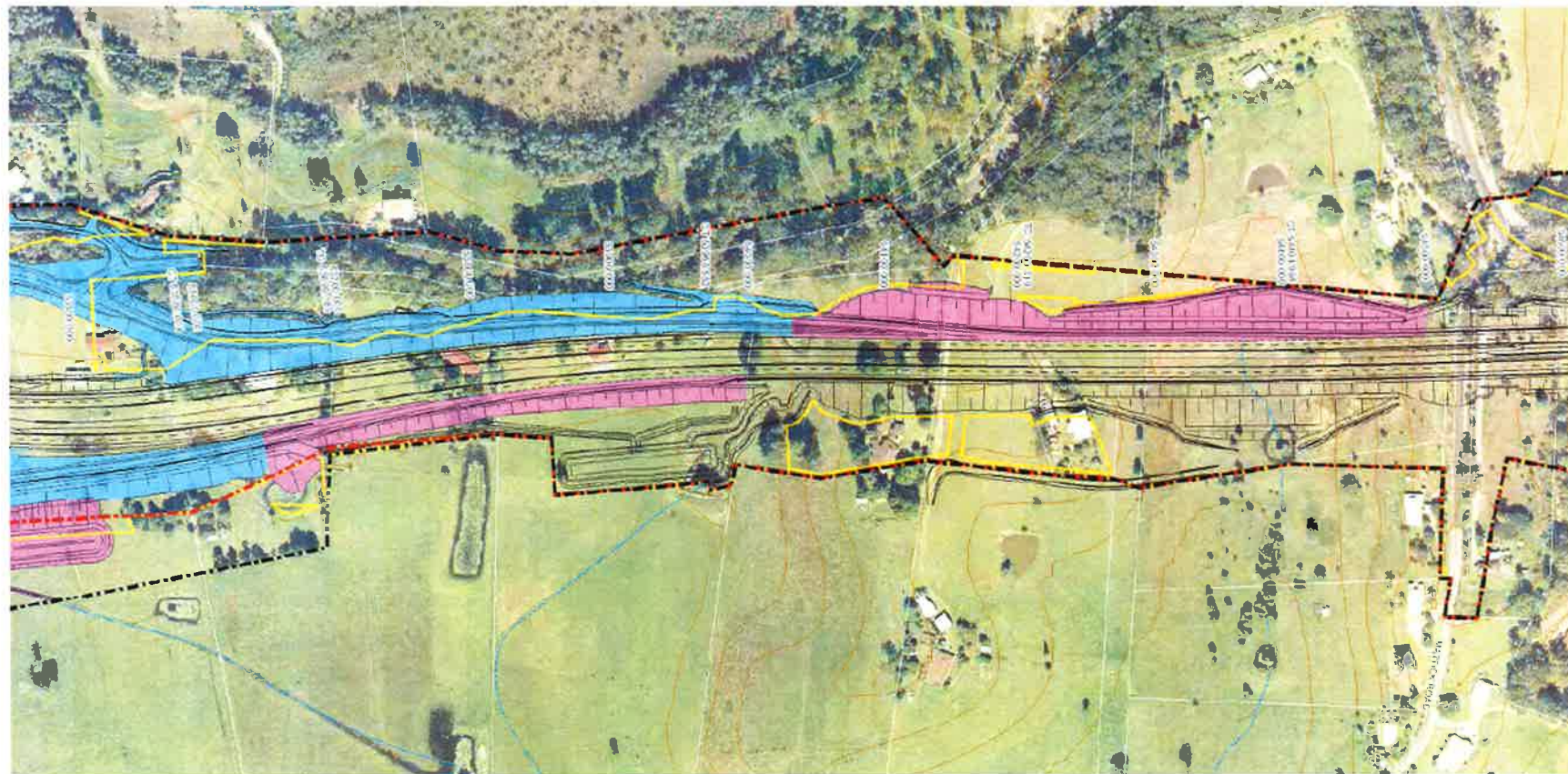


Figure 2: Proposed modification layout (Source: Environmental Assessment)



- Subject to modification
- Subject to consistency review
- Approved project boundary (including design refinements)
- North Facing Ramps proposed project boundary
- Approved clearing limits (including design refinements, MaCR, MiCR) inside proposed boundary only

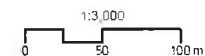


Figure 3: Proposed modification layout (Source: Environmental Assessment)

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under Section 75X(2)(f) of the Act, the Secretary is required to make the modification request publicly available. The Department publicly exhibited the modification request from 30 March 2016 to 13 April 2016 (14 days) on the Department's website and at the following locations:

- **Department of Planning and Environment:** Information Centre, 23-33 Bridge Street, Sydney;
- **Roads and Maritime Services (Pacific Highway Office):** 21 Princes Street, Grafton;
- **Nambucca Shire Council Office:** 44 Prince Street, Macksville;
- **Nambucca Heads Motor Registry:** 11-13 Ridge Street, Nambucca Heads; and
- **Nambucca Shire Council Libraries:** 41 Princes Street, Macksville and 23 Ridge Street, Nambucca Heads.

In addition, the Department advertised the public exhibition in the Kempsey Mid Coast Observer on 30 March 2016 and the Nambucca Guardian News on 31 March 2016. The Department also notified adjoining landowners and relevant State and local government authorities in writing.

4.2 Submissions

The Department received 131 submissions during the exhibition of the modification request. This included 3 submissions from public authorities and 128 submissions from the general public and special interest groups.

The Department received individual submissions from the Department of Primary Industries Water, and Resources and Energy divisions. These divisions did not raise any issues with the proposed modification. The Office of Environment and Heritage provided comments on the proposal and sought clarification in relation to consultation with registered Aboriginal stakeholders and the Aboriginal Cultural heritage assessment.

During the exhibition period, 128 submissions were received from the public. This included submissions from local businesses. Of the 128 public submissions, two objected to the proposed modification, 103 supported the proposed modification and 25 provided comments. Objections raised in the submissions included:

- Headlight intrusion and inadequate visual screening;
- Increased noise and pollution levels at neighbouring residences;
- Perceived increase in risk on local roads;
- Inadequate consultation;
- Lack of compensation to neighbouring residents;
- Insufficient justification for on and off ramps; and
- Increased traffic.

Other submissions provided support for the modification based on improved accessibility to the highway for North Macksville residents, economic benefits to North Macksville residents and businesses, and improved emergency access.

The Department has considered the issues raised in submissions in its assessment of the proposed modification.

5. ASSESSMENT

The Department considers the key issues for the proposed modification to be justification and traffic, visual amenity, biodiversity and noise. The Department's assessment of these issues is provided below.

5.1 Justification for modification and traffic assessment

The roads surrounding the site provide important regional and local connections, with the existing Pacific Highway being the main regional road. In this context, the Proponent has indicated that the proposed modification would:

- improve connectivity between Macksville and areas to the north (including Nambucca Heads);
- improve connectivity to Macksville by allowing north and southbound vehicles, using the upgraded highway to stop at Macksville (as an alternative to the Bald Hill Road interchange);
- improve utilisation of upgraded highway;
- allow safer and faster travel to the north on the upgraded highway; and
- improve emergency service access and reduced emergency response times.

The addition of the ramps would temporarily increase the number of construction vehicles and may increase the duration of construction in the area. However, the Department considers construction related traffic impacts would be adequately addressed through the approved Construction Traffic Management Plan.

The Department notes that public submissions raised concern with local road safety. The Department acknowledges that traffic volumes on the ramps are expected to be relatively low, with an average annually daily traffic count of 875 movements expected in 2036. The operation of the ramps would redistribute traffic on Old Coast Road and the old Pacific Highway. Notwithstanding, the Department accepts that impacts to existing local traffic and local road safety would be minor.

Overall, the Department is satisfied that the modification would have minor impacts on local roads and considers that the modification is adequately justified as it would provide benefits to the residents of Macksville, highway users and it meets the intended objectives of the project.

5.2 Visual amenity

The area surrounding the proposed modification is predominantly semi-rural and rural residential properties. The Proponent has indicated that the proposed modification would cause some additional visual impacts to surrounding residences due to the introduction of a roundabout on the east side of the upgraded highway. Further, street lighting would be required at the roundabout, the ramp intersection with the realigned Old Coast Road and at the Old Coast Road intersection with the existing Pacific Highway. The addition of the ramps would also cause headlight intrusion to a number of residences.

The Department considers the proposed mitigation measures including visual mounds and landscaping will reduce amenity related impacts. These mitigation measures would be included as part of an updated Urban Design and Landscape Plan.

In addition, the Proponent has committed to implementing visual barriers to minimise headlight intrusion, subject to ongoing consultation with affected property owners. The Department is satisfied that these mitigation measures would further minimise amenity impacts associated with the proposed ramps, and recommends that the Urban Design and Landscape Plan condition be amended to specifically address headlight intrusion.

5.3 Biodiversity

The land subject to the modification is generally comprised of cleared and modified lands, historically used for agricultural purposes, with isolated paddock trees and small patches of native vegetation. The Proponent has indicated that the proposed modification would require clearing of an additional 1.401 hectares of native vegetation, including 0.077 hectares of Swamp Sclerophyll Forest EEC and 1.324 hectares of Moist Open Forest – White Mahogany Grey Gum (non-EEC vegetation). The proposed modification may also impact upon a number of hollow-bearing trees and additional trees supporting nest boxes.

Field surveys identified one threatened flora species; the Slender Marsdenia (*Marsdenia longiloba*); listed as endangered under the *Threatened Species Conservation Act 1995*. Slender Marsdenia is also listed as a vulnerable species under the *Environment Protection and Biodiversity Conservation Act 1999*. Where impacts to *Marsdenia longiloba* are unavoidable, impacted individuals would be translocated in accordance with the requirements of the approved Threatened Species Management Plan.

The EPA (acting on behalf of the OEH) has advised that the modification would have negligible habitat and connectivity implications at this location. Given this, the Department considers that biodiversity impacts would be adequately managed by the proposed mitigation measures including relocation of impacted nest boxes, translocation of affected *Marsdenia longiloba* and compensatory offsetting in accordance with the current Biodiversity offset conditions.

5.4 Noise and Vibration

The Proponent has assessed construction and operational noise impacts associated with the proposed modification. The modification would result in additional construction activities and extend the construction period at Letitia Close and Old Coast Road. The greatest construction impact would be experienced by sensitive receivers west of the upgraded highway along Old Coast Road. Operation of the proposed modification is expected to increase noise levels at five sensitive receivers.

Given that construction would be undertaken within the immediate vicinity of the approved project boundary, it is not anticipated that the proposed modification would increase the number sensitive receivers predicted to experience exceedances to the construction noise criteria. The noise impacts would primarily be limited to the construction phase of the project and would be adequately addressed through the Construction Noise and Vibration Management Plan.

In regards to operational noise, predicted noise levels would not increase for most sensitive receivers and no sensitive receivers would experience increases greater than 1 dB(A). In addition, the Department notes sensitive receivers which would be subject to increased noise levels have already been identified as requiring at-house noise treatment as part of the approved project, which would address this minor noise increase. Therefore, the Department is satisfied that the proposed modification would not have an unacceptable noise impact.

5.5 Other issues

In relation to other issues such as heritage, landscaping, hydrology and land use, the Department is satisfied that the minor impacts can be appropriately managed through detailed design and existing conditions of approval.

6. CONCLUSION AND RECOMMENDATIONS

The Department has considered the modification request and supports the proposal as it would provide an alternate entry and exit to Macksville for vehicles travelling from and to the north. The Department has considered the key issues associated with the modification request including traffic, biodiversity, noise and amenity impacts. The Department considers that the proposed modification would have minor and manageable impacts beyond those already approved.

Overall, the Department is satisfied that the mitigation and management measures identified in the project Environmental Assessment and the proposed mitigation measures would minimise additional impacts associated with the modification.

Therefore, it is recommended that the proposed modification be approved.



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APPENDIX A MODIFICATION REQUEST

See the Department's website at <http://majorprojects.planning.nsw.gov.au/>

APPENDIX B SUBMISSIONS

See the Department's website at <http://majorprojects.planning.nsw.gov.au/>

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
