



NSW GOVERNMENT
Department of Planning

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Mr Bob Higgins
General Manager, Pacific Highway
NSW Roads and Traffic Authority
PO Box 576
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Our ref: 9037893

Dear Mr Higgins

Director General's Requirements for the Environmental Assessment of Proposed Pacific Highway Upgrade between Tintenbar and Ewingsdale

The Department has received your application for the proposed Pacific Highway Upgrade between Tintenbar and Ewingsdale Project (Application Number: 07_0051).

I have attached a copy of the Director-General's requirements (DGRs) for the environmental assessment of the Project. These requirements have been prepared following the Planning Focus Meeting held on Monday, 16 April 2007 and in consultation with the relevant government agencies.

It should be noted that the Director-General's requirements have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the Project.

I would appreciate it if you could contact the Department at least two weeks before you propose to submit the Environmental Assessment for the Project to determine:

- the fees applicable to the application;
- relevant land owner notification requirements;
- consultation and public exhibition arrangements that will apply;
- options available in publishing the Environmental Assessment via the Internet; and
- number and format (hard-copy or CD-ROM) of the Environmental Assessment that will be required.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the Environmental Assessment does not adequately address the DGRs, the Director-General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent. Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance, it will require an additional approval under the Commonwealth *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any approvals required under NSW legislation and it is your responsibility to contact the Department of Environment and Water Resources to determine if an approval under the EPBC Act is required for your proposal (6274 1111 or <http://www.environment.gov.au>).

Please note that the Commonwealth Government has accredited the NSW environmental assessment process for assessing impacts on matters of National Environmental Significance. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary Director-General's requirements will need to be issued.

If you have any enquiries about these requirements, please contact Dinuka McKenzie, A/Senior Environmental Planning Officer, Major Infrastructure Assessments on 02 9228 6348 or via email (dinuka.mckenzie@planning.nsw.gov.au).

Yours sincerely

Chris Wilson
Executive Director
As delegate for the Director-General

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	07_0051
Project	Pacific Highway Upgrade – Tintenbar to Ewingsdale
Location	Between the Ross Lane and the Ewingsdale Road interchanges of the Pacific Highway within the Byron Shire and Ballina Shire Local Government Areas.
Proponent	NSW Roads and Traffic Authority
Date issued	22 May 2007
Expiry date	22 May 2009
General requirements	<p>The Environmental Assessment (EA) must include the following:</p> <ol style="list-style-type: none"> 1. an executive summary. 2. a detailed description of the Project including: <ul style="list-style-type: none"> ▪ route alignment and corridor width; ▪ design elements (e.g. requirements for LOS, pedestrian and cyclists, rest areas and service centres etc); ▪ differentiate the limits of the Project with respect to the existing Pacific Highway including operational/ maintenance responsibilities; ▪ potential staging; ▪ ancillary facilities (e.g. compound site, batching plants etc); and ▪ resourceing (e.g. construction material needs, spoil disposal, natural resource consumption including water). 3. an assessment of the key issues, with the following aspects addressed for each key issue (where relevant): <ul style="list-style-type: none"> ▪ describe the existing environment; ▪ assess the potential impacts of the proposal at both construction and operation stages, in accordance with relevant policies and guidelines. Both direct and indirect impacts must be considered including potential interactions with the existing Pacific Highway (as relevant); ▪ identify how relevant planning, land use and development matters, (including relevant strategic and statutory matters), have been considered in the impact assessment and/ or in developing management/ mitigation measures; and ▪ describe measures to be implemented to avoid, minimise, manage, mitigate, offset and/or monitor the impacts of the Project and the residual impacts. 4. a draft Statement of Commitments (SoC). The SoC must incorporate or otherwise capture all measures to avoid, minimise, manage, mitigate, offset and/or monitor impacts identified in the impact assessment sections of the EA and ensure that the wording of the SoC clearly articulates the desired environmental outcome of the commitment. The SoC must be achievable, measurable (with respect to compliance), and time specific, where relevant. 5. certification by the author of the Environment Assessment that the information contained in the Assessment is neither false nor misleading.
Key issues	<ul style="list-style-type: none"> ▪ Strategic Justification and Project – outline the strategic outcomes for the Pacific Highway Upgrade Program (PHUP), including with respect to strategic need and justification, the aims and objectives of relevant State planning policies, the principles of Ecologically Sustainable Development, and cumulative and synergistic impacts associated with the Program as a whole. Identify how the project fits within these strategic outcomes and how impacts associated with the project will be considered and managed to achieve acceptable environmental planning outcomes across the PHUP. ▪ Project Justification – describe the need for and objectives of the project; alternatives considered (including an assessment of the environmental costs and benefits of the project relative to alternatives), and provide justification for the preferred project taking into consideration the objects of the <i>Environmental</i>

Planning and Assessment Act 1979.

- **Land Use and Property** - including but not limited to:
 - impacts to directly-affected properties and landuses adjacent to the project, including: impacts to landuse viability and future development potential, including property title impacts; land sterilisation and severance impacts; and impacts to the connectivity and contiguity of small settlements including Newrybar and Knockrow;
 - consideration of project impacts on the attainment of the objectives of *Far North Coast Strategy*; and
 - development of a mitigation strategy aimed at promoting appropriate final land uses on lands subject to partial or full acquisition as a result of the project, in consultation with Ballina and Byron Shire Councils.
- **Social and Economic** - including but not limited to:
 - local community socio-economic impacts associated with landuse, property and amenity related changes;
 - business (including agricultural producers) impacts on a case by case basis including impacts to the overall viability, profitability, productivity and sustainability of businesses;
 - regional economic impacts to the agricultural sector taking into account the total loss of regional and State Significant farmland as identified in the *Northern Rivers Farmland Protection Project* (Department of Planning, February 2005); and
 - regional economic impacts to the tourism sector taking into account agri-tourism impacts and impacts to local amenity, character and scenery.
- **Surface and Ground Water** - including but not limited to:
 - water quality impacts to the catchments of Emigrant Creek and Wilson River, in consultation with Rous Water, taking into account impacts from both accidents and runoff (i.e. acute and chronic impacts) and considering relevant public health and environmental water quality criteria specified in the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000*;
 - groundwater impacts, considering local impacts at each deep cutting and cumulative impacts on regional hydrology. The assessment must consider: extent of drawdown; impacts to groundwater quality; discharge requirements; and implications for groundwater-dependent surface flows (including springs and drinking water catchments), groundwater-dependent ecological communities, and groundwater users including the *Alstonville Basalt Groundwater Source Water Sharing Plan*;
 - flooding impacts, identifying changes to existing flood regimes, in accordance with the *Floodplain Development Manual* (former Department of Natural Resources, 2005) including impacts to existing receivers and infrastructure and the future development potential of affected land; and
 - impacts to waterways to be modified as a result of the project, including ecological, hydrological and geomorphic impacts (as relevant) and measures to rehabilitate the waterways to pre-construction conditions or better.
- **Flora and Fauna** - including but not limited to:
 - consideration of threatened terrestrial and aquatic species, populations, ecological communities and/or critical habitat; and
 - assessment of the following issues: native vegetation loss; weed infestation; habitat fragmentation; impacts to wildlife corridors including riparian corridors; impacts to groundwater-dependent communities, riparian and aquatic habitat; and
 - consideration of regional scale cumulative impacts and identify the significance of the impacts of the project in the context of the PHUP.
- **Noise and Vibration** - including but not limited to:
 - an assessment of operational road traffic noise impacts including consideration of local meteorological conditions (as relevant) and any additional reflective noise impacts from proposed noise mitigation barriers;
 - an assessment of construction noise and vibration including construction traffic noise and blasting impacts; and
 - the assessment(s) must take into account the following guidelines as

	<p>relevant: <i>Environmental Criteria for Road Traffic Noise</i> (EPA 1999), <i>Environmental Noise Management Manual</i> (RTA, 2001), <i>Environmental Noise Control Manual</i> (EPA, 1994), <i>Assessing Vibration: A Technical Guideline</i> (DEC, 2006); and <i>Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration</i> (ANZECC, 1990).</p> <ul style="list-style-type: none"> ▪ Visual Amenity and Urban Design - including but not limited to: <ul style="list-style-type: none"> ▪ consideration of project and urban design (including noise barriers, retaining walls and landscaping) consistent with overall design of the PHUP and the existing (and desired) character of affected localities; and ▪ consideration of the <i>Noise Wall Design Guideline</i> (RTA, 2006). ▪ Traffic - including but not limited to: <ul style="list-style-type: none"> ▪ demonstration of how the project design meets the traffic and transport objectives of the PHUP; ▪ assessment of operational traffic and transport impacts to the local and regional road network, including direct impacts from traffic rerouting and modified access to the upgraded highway, and indirect impacts from the increased accessibility of the Ballina and Byron Shires; and ▪ assessment of construction traffic impacts (including spoil haulage). ▪ Air Quality - including but not limited to: <ul style="list-style-type: none"> ▪ impacts to sensitive receivers (e.g. Newrybar School); consideration of local meteorological conditions; impacts to road users and other receivers at the tunnel section; and consideration of airborne pollutant impacts on drinking water catchments. ▪ Indigenous Heritage – including but not limited to: <ul style="list-style-type: none"> ▪ the consideration of both artefact and landscape scale mitigation measures, where relevant; and ▪ consideration of regional scale cumulative impacts and identify the significance of the impacts of the project in the context of the PHUP. ▪ Environmental Risk Analysis – notwithstanding the above key assessment requirements, the EA must include an environmental risk analysis to identify potential environmental impacts associated with the project (construction and operation), proposed mitigation measures and potentially significant residual environmental impacts after the application of proposed mitigation measures. Where additional key environmental impacts are identified through this environmental risk analysis, an appropriately detailed impact assessment of this additional key environmental impact must be included in the EA.
<p>Consultation</p>	<p>You should undertake an appropriate and justified level of consultation with relevant parties during the preparation of the EA, including:</p> <ul style="list-style-type: none"> ▪ local, State or Commonwealth government authorities and service providers such as Rous Water, the Department of Environment and Climate Change, the Department of Primary Industries, the Department of Water and Energy, the Department of State and Regional Development, Byron Shire Council and Ballina Shire Council; ▪ Specialist Interest Groups including Local Aboriginal Councils; and ▪ the public, including affected landowners. <p>The EA must describe the consultation process, document all community consultation undertaken to date and identify the issues raised (including where these have been addressed in the EA).</p>