

To: David Corry
Principal Manager
Project Development
South and Western

Steve Arnold
General Manager
Project Development



Transport
Roads & Maritime
Services

CC:

From: Graham Roche
Environment Manager South

Pages: 3 **Date:** 26/11/13

File no: SF2012/14819

Subject: Princes Highway Upgrade, Dignams Creek

REF DECISION MEMO

Project

Princes Highway Upgrade – Dignams Creek

Location

Dignams Creek, about 20 kilometres south of Narooma.

Discussion

Part 5 of the *Environmental Planning and Assessment Act 1979* applies to the proposal to upgrade the Princes Highway at Dignams Creek. The REF and submissions report have been prepared by Sinclair Knight Merz and reviewed by specialist environment and planning staff within Environment Branch including staff from Southern Region. The assessment has been considered against the requirements of sections 111 and 112 of the *Environmental Planning and Assessment Act 1979*.

In considering the proposal this assessment has examined and taken into account to the fullest extent possible, all matters affecting or likely to affect the environment by reason of that activity as addressed in the REF, submissions report and associated information. This assessment is considered to be in accordance with the factors required to be considered under clause 228 of the *Environmental Planning and Assessment Regulation 2000*.

The proposal described in the REF and submissions report will have some environmental impacts which can be ameliorated satisfactorily. Management measures to minimise and mitigate impacts are identified in the REF and the submissions report. Having regard to the safeguard and management measures proposed, this assessment has considered that potential impacts are unlikely to be significant and therefore an environmental impact statement does not need to be prepared and approval for the proposal does not need to be sought under Part 5.1 of the *Environmental Planning and Assessment Act 1979*.

The assessment acknowledges that the *National Parks and Wildlife Amendment (Adjustment of Areas) Bill 2012* was passed by the NSW Parliament which included the revocation of about 18.28 hectares of Kooraban National Park. The land would be transferred to Roads and Maritime for use as road reserve as part of this proposal following agreement on a compensation package between Roads and Maritime and OEH for the revocation of former national park land.

The assessment has considered the potential impacts of the activity on critical habitat and on threatened species, populations or ecological communities or their habitats for both terrestrial and aquatic species as defined by the *Threatened Species Conservation Act 1995* and the *Fisheries Management Act 1994*.

The conclusions of the assessment are that the proposal described in the REF and submissions report will not affect declared critical habitat and will not significantly affect threatened species, populations or ecological communities or their habitats. Therefore the concurrence of the Director-General of the Department of Premier and Cabinet and a species impact statement is not required.

The assessment has also considered the potential impacts of the proposed activity on matters of national environmental significance and any impacts on Commonwealth land and concluded that there will be no significant impacts. Therefore a referral is not required to the Australian Government Department of the Environment, for a decision by the Commonwealth Minister for the Environment on whether assessment and approval is required under the *Environment Protection and Biodiversity Conservation Act 1999*.

The REF and submissions report are considered to be of adequate quality and meet all relevant requirements.

Recommendation

It is recommended that the proposal to upgrade the Princes Highway at Dignams Creek as described in the Princes Highway Upgrade, Dignams Creek Review of Environmental Factors dated June 2013 and the Princes Highway Upgrade, Dignams Creek Submissions Report dated November 2013 proceed subject to the implementation of all safeguards and environmental management measures identified in the REF and submissions report and compliance with all other relevant statutory approvals, licences, permits and authorisations.

The REF and submissions report have examined and taken into account to the fullest extent possible all matters likely to affect the environment by reason of the activity and established that the activity is not likely to significantly affect the environment. The REF and submissions report have concluded that there will be no significant impacts on matters of national environmental significance or any impacts on Commonwealth land.

This project determination will remain current for five years until November 2018 at which time it shall lapse if works have not been physically commenced. The pre-construction checklist must be completed prior to the commencement of any works.

Recommended by:



Graham Roche
Environment Manager South



David Corry
Principal Manager
Project Development
South and Western

*Impacts re
Federal legislation
noted.*

Determined in accordance with the above recommendation under delegated authority and in accordance with sections 111 and 112 of the *Environmental Planning and Assessment Act 1979*:



29/11/2013

Steve Arnold
General Manager
Project Development

Attachments

1. Princes Highway Upgrade, Dignams Creek REF
2. Princes Highway Upgrade, Submissions Report