

To: Ron De Rooy, Project Development Officer
Erica Adamson, General Manager, Environment Branch
Simon Cusack, General Manager, Development Program



CC:

From: Graham Roche, Senior Environment Officer, Southern **Date:** 5 November 2010

Ref: **Pages:** 7 and attachments

File no: I/236.1516 Vol 1

Subject: Gerringong Upgrade, Princes Highway Mount Pleasant to Toolijooa Road, Gerringong

REF DECISION MEMO

Project

Gerringong Upgrade

Location

From Mount Pleasant to Toolijooa Road, Princes Highway, Gerringong NSW

Discussion

The REF and submissions report has been reviewed and 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. Having regard to the safeguard and management measures proposed, this assessment has considered that these impacts are unlikely to be significant and therefore an approval for the proposal does not need to be sought under Part 3A of the *Environmental Planning and Assessment Act 1979*.

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 proposal described in the REF and submissions report will not affect declared critical habitat. The activity described in the REF and submissions report will not significantly affect threatened species, populations or ecological communities or their habitats. Therefore a species impact statement is not required.

This template should be used in conjunction with procedure EIA-P05-2

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EIA-P05-G07-T01 Issue 1

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The assessment has also addressed the potential impacts on the activity on matters of national environmental significance and any impacts on Commonwealth land and concluded that there will be no significant impacts. Therefore there is no need for a referral to be made to the Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) for a decision by the Commonwealth Minister for the Environment, Heritage and the Arts on whether assessment and approval is required under the *Environment Protection and Biodiversity Conservation Act 1999*.

The REF and submissions report is considered to be of adequate quality and meets all relevant requirements. The completed *Pre-project decision checklist* is attached.

Recommendation

It is recommended that the proposal to undertake works between Mount Pleasant and Toolijooa Road, Gerringong with the following key features:

- Widening the Princes Highway to a four lane highway with median separation between Mount Pleasant and Toolijooa Road (7.5 kilometres in length)
- Grade-separated interchange at Rose Valley Road incorporating four-way traffic access to and from Gerringong via a bridge over the highway, a two-way service road and overbridge spanning the south coast railway line at Fern Street
- Grade-separated interchange at Belinda Street providing four-way, flood free traffic access to and from Gerringong and incorporating a two-way service road running under the highway connecting to Willowvale Road
- Bridge structure spanning a realigned Crooked River, incorporating Bailey's Road and an existing cattle underpass
- Northbound climbing lane between Rose Valley Road and the top of Mount Pleasant
- Southbound climbing lane for approximately 800 metres from Belinda Street on ramp
- Property acquisition and the setting of corridor boundaries for the provision of future widening to six lanes (three in each direction)
- Extensive drainage structures maintaining cross drainage flow in the low lying area of Omega Flat
- Future augmentation to six lanes by widening to the outside of the carriageway at Omega Flat, Rose Valley Road interchange and north of Toolijooa Road

as described in the *Gerringong upgrade Princes Highway review of environmental factors* (RTA/Pub. 10.117) dated June 2010 and any changes or additions as described in the *Gerringong upgrade submissions report* dated November 2010 proceed subject to the implementation of all safeguards identified in the REF 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.

The REF and submissions report determination will remain current for five years until November 2015 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:



5.11.10

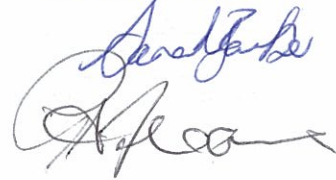
a/ Graham Roche
Senior Environmental Officer
Southern Region

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*.



Ron De Rooy
Development Project Manager
Southern Region
Date:

Endorsed



Erica Adamson 5.11.10
General Manager
Environment Branch
Date:



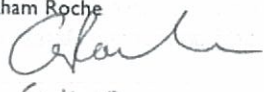
a/ Simon Cusack
General Manager
Acting Development Program
Date: 12-11-10

Attachments


1. Pre-project decision checklist
2. *Gerringong upgrade review of environmental factors and Gerringong upgrade submissions report*

Attachment 1: Pre-project decision checklist


1. Confirmation of EP&A Act Part 5 position

Does Part 5 of the EP&A Act apply to the proposal?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Have you considered the likely environmental effects and formed a view that they will not be significant? Comment: <i>Considered through detailed REF, associated reports and public comment submissions report.</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Name: Graham Roche Signed:  Date: 5.11.10 Documentation (attached) REF <input checked="" type="checkbox"/> Statutory/legal advice <input type="checkbox"/> Other <input checked="" type="checkbox"/> (specify): REF Submissions Report		

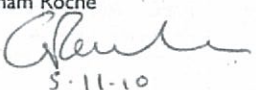
2. ISEPP consultation process

Do ISEPP consultation requirements apply to the proposal?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Indicate relevant authorities	<input checked="" type="checkbox"/> Local council <input type="checkbox"/> DECCW <input type="checkbox"/> Marine Parks Authority	<input type="checkbox"/> Maritime Authority of NSW <input type="checkbox"/> Sydney Harbour Foreshores Authority <input type="checkbox"/> NSW Rural Fire Service	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Has the consultation process been completed?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Have concerns raised by relevant authorities been documented and addressed in the REF?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If consultation has not yet been completed, detail when completion is expected and how comments received will be documented and addressed:			
Name: Graham Roche Signed:  Date: 5.11.10			

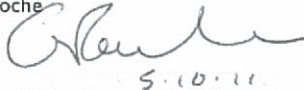
3. Threatened species concurrence (EP&A Act Section 112C)

Does the proposal require concurrence from DECC (terrestrial flora and fauna) or DPI (fish and marine vegetation) due to likely significant impacts on threatened species, populations, ecological communities or their habitats?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If so, has concurrence been obtained? (documentation must be attached)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, summarise the key concurrence conditions: <i>Note: Notification to the DPI (Fisheries) Minister will be required for dredging and reclamation work proposed.</i>		
Name: Graham Roche Signed:  Date: 5.11.10		


4. SEPP 14 or SEPP 26 consent/concurrence requirements

Does the proposal require consent from the local council/concurrence from DECCW due to development within a listed SEPP 14 wetland, within a listed SEPP 26 littoral rainforest or on land within 100 metres of an identified littoral rainforest?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If so, has consent/concurrence been obtained? (documentation must be attached)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, summarise the key consent/concurrence conditions: <i>Note: SEPP14 occurs immediately adjacent to the proposal and the REF identifies relevant safeguards.</i>		
Name: Graham Roche Signed:  Date: 5.11.10		

5. Commonwealth requirements

Does the proposal require referral under the EPBC Act due to likely significant impacts on matters of national environmental significance?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Was approval under the EPBC Act required and if so, has it been obtained? (documentation must be attached)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, summarise key approval conditions: If relevant, briefly explain how Commonwealth matters regulated by the approval will be managed:		
Name: Graham Roche Signed:  Date: 5.10.11		

6. Heritage

Does the proposal affect any heritage item(s)?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No												
List any affected items: <i>Renfrew Park – Listed under the Kiama LEP</i> <i>Homeleigh Homestead – identified archaeological deposit</i>														
Has the Heritage Branch (Department of Planning) been consulted?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No												
Indicate relevant listings	<table border="0"> <tr> <td>RTA s.170 Register (See(a))</td> <td><input type="checkbox"/></td> <td>National Heritage place (See 5)</td> <td><input type="checkbox"/></td> </tr> <tr> <td>State Heritage Register (See(b))</td> <td><input checked="" type="checkbox"/></td> <td>Other (please state)</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Interim Heritage Order (See(b))</td> <td><input type="checkbox"/></td> <td></td> <td></td> </tr> </table>		RTA s.170 Register (See(a))	<input type="checkbox"/>	National Heritage place (See 5)	<input type="checkbox"/>	State Heritage Register (See(b))	<input checked="" type="checkbox"/>	Other (please state)	<input type="checkbox"/>	Interim Heritage Order (See(b))	<input type="checkbox"/>		
RTA s.170 Register (See(a))	<input type="checkbox"/>	National Heritage place (See 5)	<input type="checkbox"/>											
State Heritage Register (See(b))	<input checked="" type="checkbox"/>	Other (please state)	<input type="checkbox"/>											
Interim Heritage Order (See(b))	<input type="checkbox"/>													
(a) Has the Heritage Council been given written notice where the RTA intends to transfer ownership or demolish a heritage item on the s.170 register? Written notice attached <input type="checkbox"/> Acknowledgement of receipt attached <input type="checkbox"/> Comment:	<input type="checkbox"/> Yes	<input type="checkbox"/> No												
(b) Is approval required as a result of an Interim Heritage Order or a listing on the State Heritage Register (s.60 approval)? Documentation and approval instrument attached <input type="checkbox"/>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No												
Name: Graham Roche Signed:  Date: 5.10.11														

6. Approvals/authorisations/notifications post-determination

The following approvals/authorisations/notifications have been identified as *potentially required* prior to or during construction. (see Pre-construction Checklist)


Heritage Act s.140 permit	<input checked="" type="checkbox"/>	CP Act concurrence	<input type="checkbox"/>	Water Act water management approvals & access licences	<input type="checkbox"/>
NPW Act s.87 permit	<input type="checkbox"/>	LG Act s.68 approval	<input type="checkbox"/>	Water Act Part 2 licence/permit	<input checked="" type="checkbox"/>
NPW Act s.90 consent	<input checked="" type="checkbox"/>	FM Act permits & notifications	<input checked="" type="checkbox"/>	PoEO Act Environmental Protection License	<input checked="" type="checkbox"/>
Heritage Act s.170A notification (if has not occurred at 4(a) above). Transferring ownership or demolishing a heritage item on the s.170 register		<input type="checkbox"/>			

Other (please specify, eg EMP review, Roads Act s138; Council DA; Part 4 of the Crown Lands Act):

Have any of these approvals been obtained already? If so, provide details

A recent amendment to the NPW Act s. 87 and 90 has resulted in a change to the approval process. An Aboriginal Heritage Impact Permit under the NPW Act has been obtained. A modification of that permit may be required to include additional sites.

Name: Graham Roche

Signed: 

Date: 5.10.11

Attachment 2: Gerringong upgrade review of environmental factors and Gerringong upgrade submissions