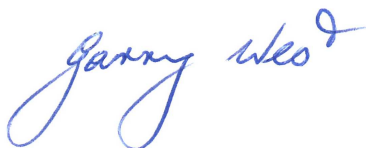


# Concept Approval

## Section 75O of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 14 September 2011, the Planning Assessment Commission of NSW determine:

- (a) to approve the Concept Plan referred to in Schedule 1, subject to the terms of approval in Schedule 2 and the future assessment requirements in Schedule 3, pursuant to Section 75O of the *Environmental Planning and Assessment Act 1979*;
- (b) under section 75P(1)(b) of the *Environmental Planning and Assessment Act 1979* that approval to carry out the development the subject of the Concept Plan is to be subject to Part 5 of the Act, where that part of the development is a type of activity within the meaning of Part 5; and
- (c) under section 75P(2)(c) of the *Environmental Planning and Assessment Act 1979* where development is subject to Part 5 of the Act, that development is subject to the future assessment requirements specified in Schedule 3 of this approval.



Member of the Commission



Member of the Commission

Sydney 20 December 2012

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### SCHEDULE 1

<b>Application No.:</b>	MP07_0037
<b>Proponent:</b>	Shoalhaven City Council
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Land located generally between Illaroo Road and the Princes Highway and comprising part of the Bomaderry Creek Regional Park, North Nowra and Bomaderry
<b>Project:</b>	<p>The Concept Plan involves three options for a road corridor (known as the North Nowra Link Road) connecting Illaroo Road, North Nowra with the Princes Highway, Bomaderry:</p> <ul style="list-style-type: none"><li>• <b>the northern option</b>, linking the existing Illaroo Road / West Cambewarra Road with the existing Moss Vale Road / Elvin Drive intersection;</li><li>• <b>the central option</b>, linking the existing Illaroo Road / Pitt Street intersection with the existing Narang Road / Princes Highway intersection; and</li><li>• <b>the southern option</b>, linking Illaroo Road between Falcon Crescent and Byron Avenue with the existing West Bunberra Street / Princes Highway intersection.</li></ul>

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**DEFINITIONS**

<b>Act, the</b>	<i>Environmental Planning and Assessment Act, 1979</i>
<b>Concept Plan</b>	The concept plan the subject of this approval
<b>Concept Plan Approval</b>	Approval granted for development in accordance with the <i>Environmental Planning and Assessment Act, 1979</i>
<b>Concept Plan Site</b>	Land as described in Schedule 1 of this approval.
<b>Department, the (DP&amp;I)</b>	Department of Planning and Infrastructure
<b>Director-General, the</b>	Director-General of the Department of Planning and Infrastructure (or delegate)
<b>DPI</b>	Department of Primary Industries: <ul style="list-style-type: none"> <li>• Fishing and Aquaculture</li> <li>• Office of Water</li> <li>• Catchments and Lands</li> </ul>
<b>DSEWPaC</b>	Commonwealth Department of Sustainability, Environment, Water, Population and Communities
<b>EPA</b>	Environment Protection Authority
<b>NOW</b>	NSW Office of Water
<b>OEH</b>	Office of Environment and Heritage
<b>Project</b>	Development as described in the Concept Plan (including development to be assessed under Part 5 of the Act)
<b>Proposal</b>	North Nowra Link Road
<b>Proponent</b>	Shoalhaven City Council
<b>Publicly Available</b>	Available for inspection by a member of the general public (for example available on an internet site or at a display centre)
<b>Regulation, the</b>	<i>Environmental Planning and Assessment Regulation, 2000</i>
<b>RMS</b>	Roads and Maritime Services

## SCHEDULE 2

### 1. TERMS OF CONCEPT PLAN APPROVAL

- 1.1 The Concept Plan approval shall be undertaken generally in accordance with:
- a) Major Project Application 07\_0037;
  - b) the *North Nowra Link Road Concept Plan Environmental Assessment Report*, Volumes 1 and 2, prepared by JBA Planning Pty Ltd and dated February 2011;
  - c) the *North Nowra Link Road Concept Plan Response to Submissions Report* (including final Statement of Commitments), prepared by JBA Planning Pty Ltd and dated December 2011; and
  - d) the terms of this approval.
- 1.2 In the event of an inconsistency between:
- a) the terms of this Concept Plan approval and any document listed from term 1a) and 1c) inclusive, the terms of this Concept Plan approval shall prevail to the extent of the inconsistency; and
  - b) any document listed from terms 1a) and 1c) inclusive, and any other document listed from terms 1a) and 1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 If there is any inconsistency between this Concept Plan approval and any related approvals (being those approvals subject to the requirements of this Concept Plan), this Concept Plan approval shall prevail to the extent of the inconsistency.

#### **Limits of Approval**

- 1.4 Pursuant to section 75O(4) of the Act this Concept Plan is modified to exclude the central option (option 1) and southern option (option 2) road corridors.
- 1.5 Pursuant to section 75Y(1) of the Act this Concept Plan approval shall lapse ten years after the date on which it is granted, unless construction works are physically commenced on or before that date.
- 1.6 To avoid any doubt, this Concept Plan approval does not permit the construction or operation of any part of this project, which will be subject to separate approval(s) under the Act.

#### **Statutory Requirements**

- 1.7 This Concept Plan approval does not remove any obligation to obtain, renew, or comply with licences, permits or approvals as required by law associated with any project subject to this Concept Plan approval.

**Note:** Pursuant to Part 5 of the Act, the determining authority must consider whether an Environmental Impact Statement (EIS) is required to carry out the project. Should it be determined that an EIS is required to be obtained and considered, a written application to the Director-General must be made for the environmental assessment requirements with respect to the proposed EIS.

## SCHEDULE 3

### 2. FUTURE ASSESSMENT REQUIREMENTS

#### Project Stages Subject to Other Provisions of the Act

2.1 Under section 75P(2)(c) of the Act, the following environmental assessment requirements apply with respect to future development that is subject to Part 5 of the Act:

#### General Requirements

Any future application shall:

- a) demonstrate that the project is generally consistent with the requirements of this Concept Plan approval and with the scope and intent of the Concept Plan outlined in the documents under condition 1.1, as modified by condition 1.4, of this Concept Plan approval;
- b) include a detailed project description, including construction, operation, maintenance, and staging;
- c) include details of measures to be implemented to avoid, minimise, manage, mitigate, offset and/or monitor the impacts of the project (including for the following listed issues); and
- d) include details of the consultation process and outcomes with relevant stakeholders, including (but not limited to):
  - i. relevant government authorities, such as OEH, EPA, DPI, RMS, NOW and DSEWPaC;
  - ii. service and infrastructure providers; and
  - iii. special interest groups and the public, including adjoining and affected landowners.

#### Biodiversity

Any future application shall include a Species Impact Statement (SIS). The SIS shall:

- a) assess impacts on the biodiversity values of the site and adjoining areas, including Endangered Ecological Communities and threatened flora and fauna species and their habitat, impacts on wildlife and habitat corridors, and habitat fragmentation and details of mitigation measures, having regard to the range of fauna species and opportunities for connectivity (terrestrial, arboreal and aquatic) across the project;
- b) include targeted surveys of threatened flora and fauna species and their habitat, that are known or likely to occur within the project's study area based on the presence of suitable habitat. The targeted surveys shall include (but not be limited to) the following species:
  - i. *Genoplesium baueri* during the recognised flowering period;
  - ii. Glossy Black-cockatoo (*Calyptorhynchus lathamii*), Gang-gang Cockatoo (*Callocephalon fimbriatum*), Masked Owl (*Tyto novaehollandiae*), Sooty Owl (*Tyto tenebricosa*) and Powerful Owl (*Ninox strenua*) during their recognised breeding seasons;
  - iii. Giant Burrowing Frog (*Heleioporus australiacus*);
  - iv. Spotted-tailed Quoll (*Dasyurus maculatus maculates*);
  - v. Eastern Pygmy-possum (*Cercartetus nanus*); and
  - vi. Grey-headed Flying-fox (*Pteropus poliocephalus*).
 Details of the survey methodology employed, including survey effort and timing and representativeness for the species targeted, shall be identified;
- c) predictive modelling to identify and quantify the potential impacts of fauna injury/ death from vehicle strike; and
- d) the details of available offset measures to compensate the biodiversity impacts of the proposal where offset measures are proposed to address residual impacts.

### **Traffic and Transport**

Any future application shall include a Traffic Assessment that assesses intersection and road network impacts. The traffic assessment shall:

- a) undertake detailed model analysis for the route option pursued, incorporating the 2026 projected traffic volumes (or as required by the RMS), to confirm network operation and identify intersection upgrade requirements;
- b) consider the constructability constraints of proposed upgrade(s) at key intersections, such as vehicle sweep paths, geometry and sight lines;
- c) demonstrate how the proposed route and road design meets the traffic and transport objectives of the project;
- d) assess construction traffic impacts, including:
  - i. the identification of routes and the nature of existing traffic on these routes;
  - ii. an assessment of construction traffic volumes (including spoil haulage/delivery of materials and equipment to the road corridor and ancillary facilities); and
  - iii. potential impacts to the regional and local road network (including safety and level of service) and potential disruption to existing public transport/school bus services and access to properties and businesses.
- e) assess operational traffic and transport impacts to the local and regional road network, including:
  - i. changes to local road connectivity and impacts on local traffic arrangements, road capacity/safety; and
  - ii. traffic capacity of the project and its ability to cater for predicted future growth.
- f) consider the cumulative impacts on traffic resulting from construction and operation of the River Crossing Relief works (local intersection improvements), proposed replacement of the southbound Shoalhaven River bridge, Moss Vale Road Link, Western bypass, Princes Highway upgrade and any other upgrade likely to affect traffic movements.

### **Noise and Vibration**

Any future application shall include an assessment of noise and vibration impacts. The assessment shall:

- a) assess construction noise and vibration impacts, including impacts from construction traffic, ancillary facilities and batch plants. The assessment shall identify sensitive receivers and assess construction noise/ vibration generated by representative construction scenarios focusing on high noise generating works. Where work hours outside of standard construction hours are proposed, clear justification and detailed assessment of these work hours must be provided, including alternatives considered, mitigation measures proposed and details of construction practices, work methods, compound design, etc;
- b) assess the operational road traffic noise impacts of the project on sensitive receivers and users of the Bomaderry Creek Regional Park. The impact of reflective noise from noise mitigation barriers and bridges shall be included in the assessment;
- c) identify feasible and reasonable measures proposed to be implemented to minimise operational noise impacts; and
- d) for the northern option, consider and justify the proposed setbacks required on the southern side of West Cambewarra Road for noise mitigation measures to meet acceptable noise levels at residential receivers, while minimising encroachment into the bushland and resultant impacts on biodiversity.

### **Soil and Water**

Any future application shall include an assessment of soil and water impacts. The assessment shall:

- a) assess impacts on surface and groundwater flows, quality and quantity, with particular reference to any likely impacts on Bomaderry Creek and Groundwater Dependent Ecosystems, in particular the Sandstone Sedgeland Vegetation Community;
- b) assess flooding impacts and characteristics, to and from the project, with an assessment of the potential changes to flooding behaviour (levels, velocities and direction) and impacts on bed and bank stability, through flood modelling, including:
  - i. hydraulic modelling for a range of flood events;
  - ii. description, justification and assessment of design objectives (including bridge, culvert and embankment design);
  - iii. an assessment of afflux and flood duration (inundation period) on property; and
  - iv. consideration of the effects of climate change, including changes to rainfall frequency and/or intensity, including an assessment of the capacity of stormwater drainage structures.
- c) identify and assess the soil characteristics and properties that may impact or be impacted by the project, including acid sulfate soils; and

### **Heritage**

Any future application shall assess heritage impacts of the proposal. The assessment shall:

- a) consider impacts to Aboriginal heritage (including cultural and archaeological significance), in particular impacts to Aboriginal heritage sites identified within or near the project should be assessed. Where impacts are identified, the assessment shall demonstrate effective consultation with Aboriginal communities in determining and assessing impacts and developing and selecting options and mitigation measures (including the final proposed measures);
- b) consider impacts to historic heritage. For any identified impacts, the assessment shall:
  - i. outline the proposed mitigation and management measures (including measures to avoid significant impacts and an evaluation of the effectiveness of the measures);
  - ii. be undertaken by a suitably qualified heritage consultant(s); and
  - iii. include a statement of heritage impact.

### **Visual Amenity, Urban Design and Landscaping**

Any future application shall include an assessment of visual impacts. The assessment shall:

- a) include a description of the visual significance of the affected landscape, including impacts on the Bomaderry Creek Regional Park;
- b) assess the visual impact of the project on the landscape character of the area, including built form (materials and finishes) and the urban design (height, bulk and scale) of key components including bridge crossings, and views to and from the project; and
- c) include details of landscaping treatment and design (including noise barriers, retaining walls and landscaping).

### **Waste**

Any future application shall ensure that liquid and/or non-liquid waste generated on the site is assessed and classified and where removed from the site, is directed to a waste management facility lawfully permitted to accept the materials.

### **Environmental Risk Analysis**

Notwithstanding the above listed issues, the EIS shall 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 environmental impacts are identified through this risk analysis, an appropriately detailed impact assessment of the additional environmental impacts shall be included.

**References**

The environmental assessment of the above listed issues shall take into account relevant policies, guidelines, and plans. Table 1 contains a list of policies, guidelines, and plans that should be considered in the environmental assessment of any future application. Should new or amending policies, guidelines, and plans supersede the policies, guidelines, and plans referred to in Table 1, the new or amending policies, guidelines, and plans shall prevail.



;Table 1 – Policies, Guidelines and Plans

Aspect	Policy /Methodology
<b>Biodiversity</b>	
	Threatened Species Assessment Guidelines: The Assessment of Significance (Department of Environment and Climate Change, 2007)
	Threatened species survey and assessment guidelines ( <a href="http://www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm">http://www.environment.nsw.gov.au/threatenedspecies/surveyassessmentgdlns.htm</a> )
	Principles for the use of biodiversity offsets in NSW ( <a href="http://www.environment.nsw.gov.au/biocertification/offsets.htm">http://www.environment.nsw.gov.au/biocertification/offsets.htm</a> )
	The NSW Groundwater Dependent Ecosystems Policy (Department of Land and Water Conservation, 2002)
	Guidelines for Controlled Activities Watercourse Crossings (Department of Water and Energy, February 2008)
	Policy and Guidelines for Fish Friendly Waterway Crossings (NSW Fisheries, February 2004)
	Policy and Guidelines for Design and Construction of Bridges, Roads, Causeways, Culverts and Similar Structures (NSW Fisheries 1999)
<b>Noise</b>	
	NSW Road Noise Policy (Department of Environment, Climate Change and Water, 2011)
	Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009)
	Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006)
<b>Soil and Water</b>	
<i>Soil</i>	Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land (Department of Urban Affairs and Planning, 1998)
	Acid Sulfate Soil Manual (NSW Acid Sulfate Soil Management Advisory Committee, 1998)
<i>Surface Water</i>	National Water Quality Management Strategy: An Introduction to the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC/ARMCANZ, 2000)
	National Water Quality Management Strategy: Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC/ARMCANZ, 2000)
	Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (Department of Environment and Conservation, 2004)
	Managing Urban Stormwater - Soils and Construction Vols 1 and 2, 4th Edition (Landcom, 2004)
	Managing Urban Stormwater Soils And Construction Vols 2A and 2D Main Road Construction (Department of Environment and Climate Change, 2008)
	Floodplain Development Manual (Department of infrastructure, Natural Resources and Planning, 2005)
<i>Groundwater</i>	National Water Quality Management Strategy: Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC, 1995)
	The NSW Groundwater Quality Protection Policy (Department of Land and Water Conservation, 1998)
<b>Aboriginal Heritage</b>	
	Aboriginal Cultural Heritage Consultation Requirements For Proponents (Department of Environment, Climate Change and Water, 2010)
	Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Department of Environment, Climate Change and Water, 2010)
<b>Waste</b>	
	Waste Classification Guidelines (Department of Environment and Climate Change, 2008)