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PROJECT APPLICATION & PRELIMINARY ENVIRONMENTAL ASSESSMENT

For a Project Application pursuant to Part 3A of the
Environmental Planning and Assessment Act, 1979
**North Nowra Link Road,
North Nowra**

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JOB NO.07004
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GLOSSARY and ABBREVIATIONS

DEC	Department of Environment and Conservation
DGR	Director Generals Requirements
DOP	Department of Planning
EA	Environmental Assessment under Part 3A of the EP&A Act 1979
EP&A Act	<i>Environmental Planning and Assessment Act, 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
LGA	Local Government Area
EIS	Environmental Impact Statement
NPWS	National Parks and Wildlife Service
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
REP	Regional Environmental Plan
RTA	Roads and Traffic Authority
SCC	Shoalhaven City Council
SEPP	State Environmental Planning Policy

1.0 INTRODUCTION

This Preliminary Environmental Assessment (PEA) has been prepared for Shoalhaven City Council (Council) by Gary Shiels & Associates Pty Ltd – (GSA Planning). GSA Planning has expertise in Urban Design, Heritage, Environmental & Traffic Planning.

In accordance with the order gazetted by the Minister for Planning on 15 December 2006, pursuant to Section 75B(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the PEA will consider three (3) identified options for the North Nowra Bomaderry Link Road. These options identified in the order include:

- The Northern Option - West Cambewarra Road;
- The Central Option - Pitt Street – Narang Road; and,
- The Southern Option - Illaroo Road – West Bunberra Street.

In our submission, each of the proposed Link Road options provide for a general road alignment corridor to allow for the adjustment of the road and associated infrastructure location to minimise environmental impacts on the natural and built environment.

1.1 Background

The need for an additional road to provide for the future development areas of North Nowra with an alternate means of access to the Princes Highway, in addition to Illaroo Road, was first identified as part of the initial Nowra-Bomaderry Structure Plan process in 1979.

On 28 August 1991, Council lodged a Development Application (DA91/2595) for the construction of an east-west road and bridge linking North Nowra to the Princes Highway at Bomaderry.

In March 1993, Shoalhaven Council subsequently issued development consent for the proposed link road (between Illaroo Road at Pitt Street North Nowra and Narang Road, Bomaderry). The development approval was conditional upon the NSW National Parks & Wildlife Service (NPWS) issuing a licence to kill threatened or endangered species under Section 120 of the NPWS Act 1974. The concurrence of the then Director-General of the NPWS was given to enable the project to proceed.

The decision to provide Council with the required licence that would allow construction of the Link Road to commence was subsequently challenged by an individual and as a result was the subject of a successful appeal in the Land & Environment Court – Hearing No. 10376 of 1993. As a result of the Court challenge, the consent was not able to be acted upon and has now expired.

In delivering the Court judgment, Justice Stein concluded that based on the evidence available at the time, that a licence under the NPWS Act 1974 was not justified. One of the key comments from Justice Stein in his judgment was that the decision not to issue a licence should not be interpreted as being that a licence could never be issued for the construction of the road along the Pitt Street to Narang Road alignment. The need for the link road was accepted by the Court, however Justice Stein acknowledged that at that point in time, based on evidence available, he was not satisfied that Council had adequately investigated alternative routes and on those grounds could not accept that a licence was justified at that time.

As a result of the Land & Environment Court judgment, ongoing community pressure and the desire to resolve the situation, more detailed environmental investigations have been undertaken for the Crown and Council-owned lands in the area.

On 15 December 2006, the Minister for Planning gazetted an order under Section 75B(1) of the EP&A Act declaring that the proposed North Nowra Link Road Project would be assessed in accordance with Part 3A of the EP&A Act (See Annexure A).

In early 2007, Mounsell Australia prepared a Draft Link Roads Options Study which considered the Traffic, Economic and Acoustic implications of the three proposed options for the Link Road.

1.2 Purpose of this Report

This Preliminary Environmental Assessment (PEA) report is to accompany an application to the Minister for Planning for the construction of the North Nowra Link Road, North Nowra. The proposal is an Infrastructure Project under Part 3A of the Environmental Planning and Assessment Act (EP&A) 1979 and **Council seeks concept and project approval for the North Nowra Link Road. The Council formally request that both concept and project approval be granted by the Minister under Part 3A.**

This PEA will also assist the Planning Focus Meeting (PFM) by providing background information for all of the agency representatives attending that meeting.

This submission will also assist with the issuing of the Director General's Requirements (DGRs) under Section 75F of the EP&A Act by the Director General of the Department of Planning (DOP) for the preparation of the Environmental Assessment (EA). The report identifies key issues associated with the project and also supports an application to the Minister for Planning under Section 75M(1) requesting the authorisation to proceed with a concept plan for the project.

1.3 Project Objectives

The proposed project involves the construction of a new road (referred to as North Nowra Link Road) linking Illaroo Road, North Nowra to the Princes Highway at Bomaderry. This will also involve the construction of a bridge across Bomaderry Creek.

The primary objectives of the proposed Link Road are :

- To improve the road network and reduce delays in North Nowra by providing a direct road link between Illaroo Road and the Princes Highway;
- To improve the capacity of existing Princes Highway infrastructure, including major Shoalhaven River crossings, and delay the need for significant upgrading of that infrastructure;
- To reduce the number of accidents occurring on the surrounding road network and improve safety for vehicular travel in the locality; and,
- To provide essential road infrastructure that will cater for the population growth planned for in the Nowra-Bomaderry Structure Plan.

1.4 Previous Studies

A complete list of all the studies undertaken in relation to the Link Road is included in Annexure B. The most relevant studies undertaken which have been referred to in the preparation of this PEA include:

- North Nowra-Bomaderry Link Road Review of Environmental Factors Volumes 1 and 2 – ERM Mitchell McCotter, 1991;
- Fauna Impact Study – Mitchell McCotter, 1992;
- North Nowra Bridge Study – Patterson Britton, 1995;
- Assessment of Options for North Nowra Link Road – ERM, 1995;
- Preliminary North Nowra Link Road Species Impact Statement – Mills, 1999;
- Options Review for Proposed Link Road & Consultation – Brown & Root, 2001;
- Draft Link Roads Options Study - Mounsell, 2007; and,
- Preliminary Flora & Fauna Assessment – Kevin Mills, 2007.

1.5 Report Structure

This document is divided into six (6) sections. The first section of this report provides background to the proposal, details of the purpose of the report, objectives and previous studies undertaken and routes considered. The second section of the report provides a site analysis including details of the locality, site description as well as the details of land tenure in respect to three options. Section 3 relates to the planning process and discusses the proposed Link Road in light of various strategic, state and commonwealth legislation. Section 4 will discuss the three options for the proposed Link road. Section 5 will provide a preliminary environmental assessment of the proposed Link Road options. Section 6 will conclude the findings of this report.

2.0 SITE ANALYSIS

2.1 The Locality

The subject site is located approximately 5km north of the Nowra CBD, 150km from Sydney and is located within the North Nowra-Bomaderry locality in the Local Government Area (LGA) of Shoalhaven City Council (see Figure 1).

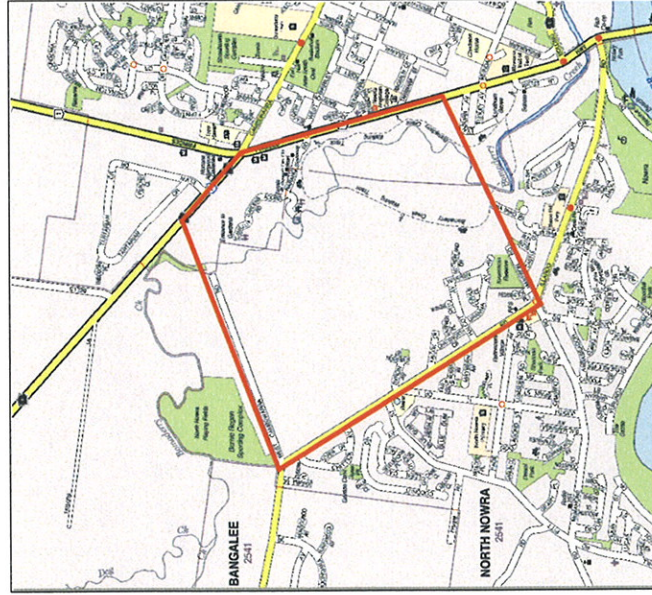


Figure 1:
Location Plan

Job No.07004
North Nowra Link Road



2.2 Site Description

The subject site is generally located in the area bounded by West Cambewarra Road to the north, Princes Highway to the east, Jamison Road and the southern extremity of the Crown Land and private land and Illaroo Road to the West.

The three (3) proposed link road route options are located within this overall site. The northern option is located in the vicinity of West Cambewarra Road; the central option, described as Pitt Street – Narang Road; and the southern option is described as Illaroo Road – West Bunberra Street. The location of each of these options has been superimposed on an aerial photograph (See Figure 2).



Figure 2:
Aerial photograph showing the
proposed 3 road alignment options

Job No.07004
North Nowra Link Road



2.3 Subject Land and Tenure

The land comprising each of the three (3) options involves a number of land tenures, including Council land, private land, National Parks and Crown land. Lot 7012 in DP 1002215 is known as the Bomaderry Creek Regional Park, and covers and area of approximately 82 hectares was reserved for a Regional Park in the Government Gazette dated 11 December 2003 (See Annexure C). Each of the three (3) options would traverse a section of the Regional Park. A summary of the land tenure of each of these options is as follows:

Northern Option – West Cambewarra Road

This option is heavily vegetated and is in close proximity to West Cambewarra Road and a number of residential dwellings.

This option involves National Parks land, Council owned land and privately owned land comprising Lot 110 in DP 131219, Moss Vale Road, Bomaderry which is zoned Rural 1(b) under Shoalhaven LEP and used for cattle sales yards.

Central Option – Pitt Street – Narang Road

The Central option involves Crown land, National Parks land and Council owned land. The vacant Crown Land, Lot 152 in DP 751258 is subject to Aboriginal Land Claims (ALC's) No's 6379 and 6380 lodged in 2000. The land claims remain to be determined by the Department of Lands.

Council's submissions of October 2000 to the Department of Lands raised no objection to the claims on the basis that the area designated as Central Link Road Option – Pitt Street – Narang Road for possible future infrastructure, should still be able to proceed. The remainder of this land in the vicinity of the Central Option comprises National Parks, Council land and existing road reservation. This option has an area of cleared land approximately 20m wide and has transmission lines and a Council water pipe in close proximity to the proposed alignment. There is not an easement over the land for either of these facilities.

Pl. Lot 7012 DP1002215 and land off Narang Road, Bomaderry is State owned land which forms part of the Bomaderry Creek National Park. The National park comprises 82 hectares of land, which was declared in Government Gazette in December 2002. This land is managed by the Department of National Parks and Wildlife Services.

Lot 108 DP 131083, Narang Road, Bomaderry is Council owned land, which is zoned Residential 2(d) under Shoalhaven LEP 1985. This is currently classified as "operational" land under the provisions of the Local Government Act 1993 and this classification has been in place since 1994 and does not prohibit the construction of the proposed link road.

Southern Option – Illaroo Road – West Bunberra Street comprises Crown land, Council owned land and a number of privately owned properties. This option involves Lot 151 in DP 751258 (Por 151) and is affected by ALC No. 6696, which was lodged in 2002. Council's submission in August 2002 to the Department of Lands raised not objection to the claim subject to allowance being made for future infrastructure. This route also involves an area of high quality/critical habitat, which is owned by Council.

The Council owned land on Narang Road Bomaderry, known as Lot 28 in DP130999 comprises:

- Residential 2(c);
 - Open space6(a); and,
 - Open space 6(c) land.
- The remaining land affected by the southern proposal includes the following:
- Lot 118 DP 751258 (Por118) Jamieson Rd North Nowra - privately owned - Zoned Residential 2(c);
 - Lot 119 DP 751258 (Por119) Jamieson Rd North Nowra - privately owned - Zoned Residential 2(c), Open Space6(c), Environmental Scenic Protection 7(d1); and,
 - Part Lot 18 DP 23459 Lot 7 DP 525880 Lot 6 DP 525880 Lot 5 DP 740466; Princes Highway Bomaderry – private –dwelling - zoned Residential 2(a1).

3.0 THE PLANNING PROCESS

3.1 General

This section will describe the planning process by identifying the applicable Planning Controls and separating the Strategic from the Statutory Legislation. The strategic planning documents provide the framework for development in the region, while the s NSW and Commonwealth Legislation provide the legal parameters that must be satisfied.

3.2 Applicable Planning Controls

Strategic Planning Context

1. South Coast Regional Strategy;
 2. Illawarra Regional Strategy;
 3. Nowra-Bomaderry Structure Plan;
- NSW Planning Legislation**
4. Environmental Planning and Assessment Act, 1979;
 5. NSW Native Vegetation Act, 2003;
 6. NSW Threatened Species Act, 1995;
 7. Illawarra Regional Environmental Plan (REP) No.1;
 8. Shoalhaven Local Environmental Plan (LEP) 1985; and,
- Commonwealth Legislation**
9. Environmental Protection & Biodiversity Conservation (EPBC) Act 1999.

3.3 Strategic Planning Context

South Coast Regional Strategy (2006)

The South Coast Regional Strategy, prepared by the NSW Department of Planning was released in February 2007 and presents a planning framework to guide growth/development, environmental conservation and infrastructure investment priorities for the South Coast Region encompassing the Shoalhaven, Eurobodalla and Bega local government areas. This planning framework includes the locations and types of urban centres, housing and employment lands.

The Regional Strategy identifies Nowra-Bomaderry as one of three regional growth centres – the other two being Batemans Bay and Bega. Nowra-Bomaderry is recognised as a rapidly growing regional centre with a strong manufacturing sector that is increasingly linked to the Sydney Metropolitan Region.

Under the Regional Strategy, the Shoalhaven Local Government Area (LGA) is forecast to grow by an additional 34,000 people over the next 25 years (2006-2031), the majority of which will be directed to the Nowra-Bomaderry urban area. It is also indicated that additional jobs will be required in the Region and as such sufficient commercial, retail and employment land will need to be made available.

Thus the Regional Strategy adopts a growth management principle of concentrating growth in existing well serviced centres (e.g. Nowra-Bomaderry) that have the capacity to grow and service future population growth.

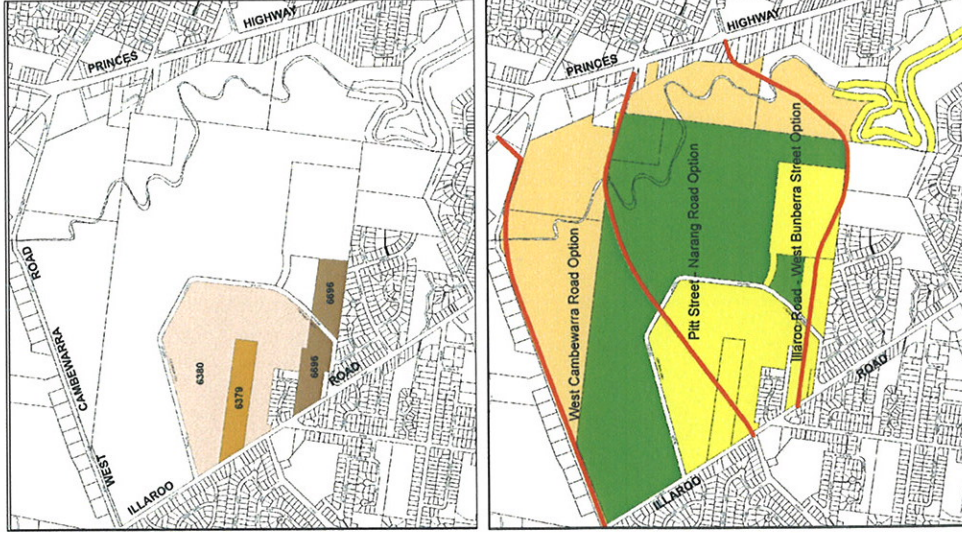


Figure 3: Aboriginal Land Claim sites
&
Figure 4: Alignment Options & Land Tenure.



Job No.07004
North Nowra Link Road

The key outcomes therefore anticipated from the Regional Strategy for Nowra-Bomaderry include:

- By 2031 there will be a clear hierarchy of centres to strengthen the functions and roles of Nowra, Bateman's Bay and Bega as regional centres;
- The sequence of development in growth areas is managed to ensure existing infrastructure and services have the required capacity;
- The provision of new dwellings with a split of 70% low density and 30% medium/high density in Shoalhaven;
- Employment growth is concentrated around existing well serviced South Coast centres that have the ability to develop into larger centres such as Nowra-Bomaderry, Bateman's Bay and Bega;
- Strengthened policy bases to conserve areas of natural and environmental significance.

Illawarra Regional Strategy

The Illawarra Regional Strategy was released in February 2007. Whilst the Shoalhaven LGA is not covered geographically by this Regional Strategy, the Nowra-Bomaderry urban area is identified as an important regional centre which sits outside the Illawarra Region and provides services for the southern parts of the region.

Nowra-Bomaderry is recognised in State Government planning strategies as being the largest service centre south of Wollongong, providing higher level services to the fastest growing local government area in the Illawarra and South Coast and one that is linked to Sydney, Canberra and Melbourne corridor through the Moss Vale road link. Planning for Nowra-Bomaderry therefore, needs to facilitate growth and development and provide the infrastructure capacities and transport connectivity appropriate for a growing regional centre.

Nowra-Bomaderry Structure Plan

Councils Nowra-Bomaderry Structure Plan, was adopted in October 2006 and has been presented to the Department of Planning and is awaiting endorsement.

Population Projections Growth - Population in the Nowra-Bomaderry Structure Plan area has increased from 14,787 persons in 1971 to 28,325 in 2001. The current population is estimated at 31,400 (January 2005). Between 1986 and 2001 the population of Nowra-Bomaderry increased by 41%. The whole of the northern Shoalhaven including the fast growing Jervis Bay and St Georges Basin district is also largely dependent on Nowra-Bomaderry for employment and services/facilities.

Nowra-Bomaderry is projected to increase its population by approximately 20,000 over the next 20-30 years and, to support the population increase, employment growth for the same period is expected to be approximately 8,000. The population growth will be housed in new "greenfield" developments, within new release areas, and infill developments. To enable the projected growth to successfully occur integrated strategic planning is specifically required in relation to infrastructure provision, including transport infrastructure.

The Structure Plan identifies future living areas including existing, undeveloped, residential zoned land and new release areas north of the Shoalhaven River and west of the Princes Highway. This identified, currently undeveloped land, along with developed land that is available for increased densities in the North Nowra Link Road catchment area, represents an approximate potential lot yield of 3500 long term future lots.

Nowra Bomaderry Structure Plan and the North Nowra Link Road

The Structure Plan also identifies a proposed future road network to service the needs of the expanded area.

Four key road projects that should assist capacity issues in the subject areas in the short to medium term are identified in the Structure Plan. These are the North Nowra Link Road, Shoalhaven River/Bridge intersections, East Nowra Sub-Arterial and South Nowra Road Strategy.

In relation to the North Nowra Link Road, the Structure Plan states that this road will provide a much needed alternative route from North Nowra to the Princes Highway, thus taking pressure off the Princes Highway/Illaroo Road and Princes Highway/Bolong Road intersections. This will have the important additional benefit of improving traffic capacity, road safety, and environmental capacity (importantly noise, pedestrian and access concerns) along the length of Illaroo Road south of the link road connection.

The preliminary transport analysis has indicated that, even without considering further development potential, the traffic conditions along Illaroo Road (on the approach to the Princes Highway) will continue to worsen as a result of sustained traffic growth on the Princes Highway. However it is also considered to be an essential additional link to facilitate any new development of new living areas to the north of the Shoalhaven River. The construction of this link road is expected to substantially defer the need for a major infrastructure upgrade (another river crossing - inner western of the Shoalhaven River).

Thus, in order to protect the integrity of the Princes Highway, high priority must be given to the alternative link to North Nowra, irrespective of future development considerations.

Bomaderry Creek

The Structure Plan also seeks to protect (via riparian corridors) the land adjacent to Bomaderry Creek due to the significance of the biodiversity in the Bomaderry Creek Regional Park and its surrounds.

3.4 NSW Planning Legislation

Part 3A of the EP&A Act

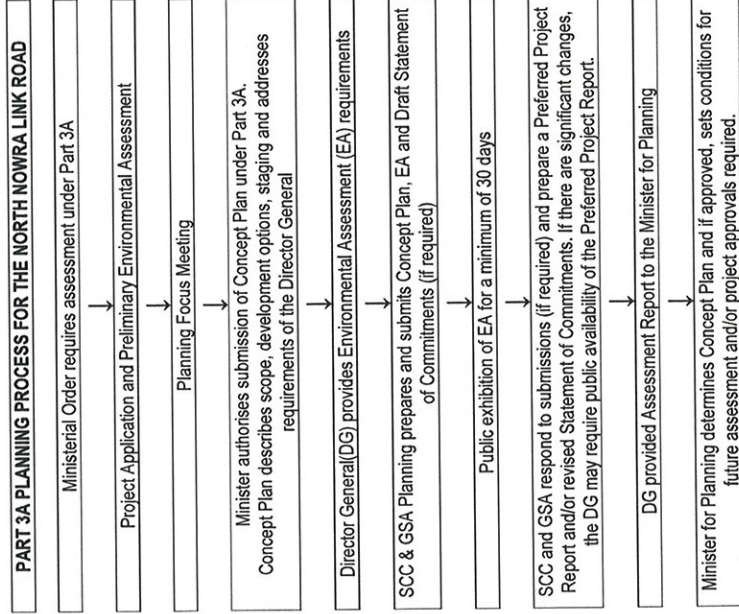
Part 3A of the EP&A Act establishes an assessment and approval regime for essential infrastructure projects. Part 3A applies to development that is declared to be a Part 3A project by either a State Environmental Planning Policy or a Ministerial Order (Section 75B). On 15 December 2006, the Minister for Planning Gazetted an order declaring that the North Nowra Link Road as described in the attached schedule is a project which Part 3A of the Environmental Planning and Assessment Act 1979 applies.

The schedule that forms part of that order stated, inter alia:

"Development for the purposes of the North Nowra Link Road at Bomaderry, in Shoalhaven Local Government Area, at the locations generally shown and identified as the "West Cambewarra Road Option", the "Pitt Street - Narang Road Option" and the "Illaroo Road - West Bunberra Street Option" on the map marked North Nowra Link Road Alignments Option"

"Similarly note: the assessment of the North Nowra Link Road under Part 3A will include the consideration of the three alignments shown on the below map"

A copy of the order is attached to this PEA (See Annexure A). The assessment and approval process under Part 3A is summarised in Figure 5



Figures 5
Part 3A Process
Job No.07004
North Nowra Link Road

NSW Native Vegetation Act 2003

The Native Vegetation Act 2003 aims to promote the management of and control the removal of native vegetation throughout NSW in accordance with the principles of ecologically sustainable development.

Under the Act certain clearing of native vegetation requires either development consent from the State Government or the preparation of a Property Vegetation Plan (PVP). As the construction of the proposed link road alignment options may involve the removal of native vegetation the provisions of the Native Vegetation Act may be relevant. However under Schedule 1 (Land Excluded from Operations of Act) of the Act, land which is zoned "residential", "village", "township", "industrial" or "business" under an Environmental Planning Instrument (EPI) is excluded from the provisions of the Act.

As the proposed alignment options either affect land that is currently zoned Residential 2(c) or Residential 2(d) under the provisions of Shoalhaven LEP 1985, the provisions of the Act are not relevant. However, land zoned Open Space 6(c) under Shoalhaven LEP 1985 may be subject to the provisions of the Act. Given that this zone largely relates to the gorge associated with Bomaderry Creek the potential impact on native vegetation in the 6(c) zone may be minimal. This issue will be considered further as the project advances.

It is however noted in this regard that Schedule 1 of the Act also does not apply to land that is reserved under the National Parks & Wildlife Act 1974. The 6(c) zoned land affected by the proposed alignment are in the National Parks and form part of the Bomaderry Creek Regional Park that was gazetted in 2002.

NSW Threatened Species Act 1995

There are a number of known species in the Bomaderry Creek area that are identified and protected under this Act.

Most significantly the *Zieria baeuerlenii*, is listed as an endangered species on Schedule 1 (Endangered species, populations and ecological communities) of the Act. This species is only currently known to exist in the Bomaderry Creek area and is not known to occur within any conservation reserves. As a result the NSW National Parks & Wildlife Service prepared a Critical Habitat Identification Report in 2002 which recommended identification of the Critical Habitat for the Bomaderry *Zieria baeuerlenii*. In this regard Section 37 of the Act indicates that:

- *The whole or any part or parts of the area or areas of land comprising the habitat of an endangered species, population or ecological community or critically endangered species or ecological community that is critical to the survival of the species, population or ecological community is eligible to be declared under this Part to be the critical habitat of the species, population or ecological community.*
- *The regulations may provide that a specified habitat, or habitat of a specified kind, may, or may not, be declared to be critical habitat for the purposes of this Part.*

The declaration of critical habitat primarily serves as a guide under Part 3 of the NSW Planning & Assessment Act 1979 and ensures appropriate assessment of all proposed activities that have the potential to impact on the declared species or habitat.