

Secretary  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Attention: Michael Young

**Pacific Highway Upgrade - Warrell Creek to Urunga Project – Modification to the Condition of Approval instrument – MCoA C14.**

Dear Michael,

I refer to the Minister for Planning and Infrastructure's Instrument of Approval (MP 07\_0112) document ('project approval') for the Warrell Creek to Urunga Pacific Highway Upgrade 19 July 2011.

Further to discussions between the Department's Michael Young and Chris Clark and Shayne Walker from Roads and Maritime Services on the 5 September 2014, I would like to request a modification to the Ministers Condition of Approval (MCoA) C14 due to inconsistencies identified between this condition and the Environmental Assessment (EA) for the project.

The MCoA C14 requires the following –

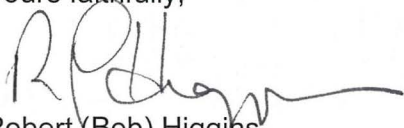
*The Proponent shall not destroy, modify or otherwise physically affect the Aboriginal cultural sites identified in Table 15-3 of the Environmental Assessment (including AHIMS site numbers 21-6-36, 21-6-0287, 21-6-0016, 21-6-0163, 21-6-0039, 21-6-0090, 21-6-0102, 21-6-0141, 21-6-0164, 21-6-0064, & 21-6-0044), Boggy Creek spiritual area, Buchanan Conflict Site at Cow Creek (21-6-00286), burial site, Cabbage tree palm resource site, Aboriginal mirrah (21-3-0034), Rosewood Scarred Tree or potential archaeological deposits (PAD) 31.*

However, Roads and Maritime have recently identified several inconsistencies between the above condition (C14) and the EA for the project. Accordingly, Roads and Maritime requests that the Secretary consider the following amendments to MCoA C14.

Amendment	Justification
AHIMS # 21-6-0141 to be removed	This site number had erroneously been associated with Bellwood Swamp in EA Table 15-3. AHIMS # 21-6-0141 is actually the site named 'Bald Hill Road 1', for which salvage excavation was authorised and completed (see EA Table 15-11 and <i>Warrell Creek to Urunga Pacific Highway Upgrade: Archaeological Salvage Works (Collard et.al 2012)</i> ).
'Cabbage tree palm resource site' to be removed.	EA Table 15-11 states that the project will result in partial impacts to this site (AHIMS # 21-6-0302). Mitigation measures comprised recording of the cultural area, which had been completed. No other mitigation measures were required.
'Boggy Creek spiritual area' to be removed.	EA Table 15-11 states that the project will result in direct impacts to this site. Mitigation measures comprised recording of the cultural area, which had been completed. No other mitigation measures were required.
'potential archaeological deposits (PAD) 31' to be removed	PAD 31 is not a cultural site and is not listed on Table 15-3 of the EA. The addition of this PAD to MCoA C14 precludes further investigation of the PAD if required for project related activities located outside the Approved Project corridor.

Should you require any further information concerning this matter, please contact the Warrell Creek to Nambucca Heads Upgrade Environmental Officer Shayne Walker on 6640 1092 or 0467818189.

Yours faithfully,

  
Robert (Bob) Higgins  
General Manager, Pacific Highway

29/10/14