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Our ref: MP07_0112

Mr Robert Higgins
General Manager Pacific Highway
Roads and Maritime Services
PO Box 546
GRAFTON NSW 2460

PACIFIC HIGHWAY OFFICE

20 DEC 2013

Attn: Belinda Bock/Shane Green

ACTION BY:

CR2013/008949

Dear Mr Higgins

Pacific Highway Upgrade—Warrell Creek to Urunga (MP07_0112 MOD 5)

I refer to correspondence requesting modification of the Minister's approval for the Pacific Highway Upgrade – Warrell Creek to Urunga (MP07_0090) to amend heritage management procedures for works and facilities outside the approved project footprint.

I wish to advise you that the modification has been approved in accordance with section 75W of the EP&A Act. A copy of the approval is enclosed for your records.

Should you require any additional information on the above, please do not hesitate to contact Dominic Crinnion on the contact details above.

Yours sincerely

Karen Jones 17.12.13
**Director
Infrastructure Projects**

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 4 April 2013, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Director, Infrastructure Projects

Sydney 17 December 2013

SCHEDULE 1

Project Approval:	07_0112 granted by the Minister for Planning and Infrastructure on 19 July 2011
For the following:	The construction and operation of an approximately 42 kilometres four lane divided carriageway upgrade of the Pacific Highway between Warrell Creek and Urunga
Modification:	07_0112 MOD 5: Amendment of heritage management requirements

SCHEDULE 2 CONDITIONS

1. Insert the following definitions of 'Heritage' and 'Heritage item' in the Definitions table in Schedule 2:

Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement such as a shared associations in pastoral landscapes as well as associations linked with the mission period
Heritage item	An item, as defined under the <i>Heritage Act 1977</i> and assessed as being of local/state and/or National heritage significance, and/or an Aboriginal Object or Aboriginal Place, as defined under the <i>National Parks and Wildlife Act 1974</i>

2. Replace condition A1 with new condition A1 as follows:

- A1 The Proponent shall carry out the project generally in accordance with the:
- (a) Major Projects Application 07_0112;
 - (b) *Upgrading the Pacific Highway – Warrell Creek to Urunga – Environmental Assessment (Volumes 1 and 2)*, prepared by Sinclair Knight Merz Pty Ltd for the NSW Roads and Traffic Authority and dated January 2010;
 - (c) *Upgrading the Pacific Highway – Warrell Creek to Urunga – Environmental Assessment Submissions and Preferred Project Report*, prepared by the NSW Roads and Traffic Authority and dated November 2010;
 - (d) Letter from the NSW Roads and Traffic Authority titled *Pacific Highway Upgrade – Warrell Creek to Urunga Upgrade Addendum to Submissions Report – Fauna Crossing Structures*, dated 25 May 2011 and accompanying attachments and Letter from the NSW Roads and Traffic Authority titled *Pacific Highway Upgrade – Warrell Creek to Urunga Upgrade Addendum to Submissions Report – Fauna Crossing Structures*, dated 1 June 2011 and accompanying attachment;
 - (e) The Roads and Maritime Services modification request and letter dated 23 October 2012 (07_0112 MOD1);
 - (f) The Roads and Maritime Services modification request and letter dated 23 November 2012 to correct a minor error in condition C28 (07_0112 MOD2);
 - (g) The Roads and Maritime Services modification request and letter dated 18 January 2013 to correct minor errors in condition A1 (07_0112 MOD3);
 - (h) The Roads and Maritime Services modification request and letter dated 13 February 2013 to amend the definition of construction in Schedule 1 (07_0112 MOD4);
 - (i) The Roads and Maritime Services modification request and letter dated 9 September 2013 to amend the heritage management requirements in conditions C16 and C27 (07_0112 MOD5); and
 - (j) The conditions of this approval.

3. Replace condition A2 with new condition A2 as follows:

- A2 In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed from condition A1(a) to A1(i) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) any document listed from condition A1(a) to A1(i) inclusive, and any other document listed from condition A1(a) and A1(i) inclusive, the most recent document shall prevail to the extent of the inconsistency.

4. Insert new condition C16A:

- C16A (a) i) Where permanent works (including utilities, services and permanent access and service roads, or similar works required for the project) located outside the approved project footprint and described in the documents listed in condition A1 are required, and those works have the potential to impact upon previously unidentified non-Aboriginal and Aboriginal archaeology, the proponent shall undertake archaeological investigations to determine the impacts of those works.
- ii) The proponent shall undertake the investigations required in accordance with condition C16A(a)(i) consistent with the Construction Heritage Management Plan required under Condition B31(e), or using a methodology prepared in consultation with OEH and approved by the Director General.
 - iii) The proponent shall report on the results of the archaeological investigations prior to commencement of permanent works, and:

- where the potential heritage impacts identified in the report are less than those described in the documents listed in condition A1, the report shall be provided to the Director General;
 - where the potential heritage impacts identified in the report are the same as those described in the documents listed in condition A1, the report shall be prepared in consultation with OEH and submitted to the Director General;
 - where the potential heritage impacts identified in the report are greater than those described in the documents listed in condition A1, the report shall be prepared in consultation with OEH and submitted to the satisfaction of the Director General.
- iv) The report on the results of the archaeological investigation is to include recommendations (such as for further archaeological work) and shall include, but not necessarily be limited to, consideration of measures to avoid or minimise disturbance to Aboriginal objects where objects of moderate to high significance are found to be present.
- (b) i) The proponent shall undertake salvage work with the approval of the Director General, when recommended by the results of the archaeological investigation required under condition C16A.
- ii) In determining whether to approve salvage work, the Director General is to have reference to the results of all relevant archaeological investigations undertaken under condition C16A(a) and the views of OEH.

5. Insert new condition C27A:

- C27A (a) The Proponent may undertake archaeological investigations at ancillary sites that do not meet the criterion set out in condition C27(i) of this approval, where this is required to assess the potential non-Aboriginal and Aboriginal archaeological impacts of the ancillary facility on previously unidentified heritage sites.
- (b) Any archaeological investigations undertaken under this condition must be undertaken consistent with the Construction Heritage Management Plan required under Condition B31(e) or a methodology prepared in consultation with OEH and approved by the Director General.
- (c) The results of any relevant archaeological investigations undertaken under this condition must be described in the assessment of the ancillary facility required under Condition C27.

