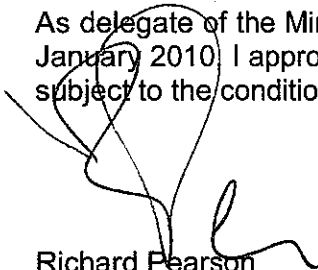


Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation executed on 25 January 2010, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Richard Pearson
Deputy Director-General
Development Assessment and Systems Performance

Sydney

23rd May

2011

SCHEDULE 1

Project Approval:	granted by the then Minister for Urban Affairs and Planning on 7 November 2001
For the following:	F3 to Branxton Highway Link (Hunter Expressway)
Modification:	modification to condition 60 to include a process for the verification and assessment of vegetation clearing limits associated with the project (07_0033 MOD 4).

SCHEDULE 2

The approval is modified by:

1. Replacing the definitions of "DECCW", "Department, the", "Director General, the", "DLWC", "I&I NSW" and "Minister, the" with the following:

DECCW	The former Department of Environment, Climate Change and Water, now the Office of Environment and Heritage (OEH). All references to DECCW in this approval shall be taken as a reference to OEH.
Department, the	The Department of Planning and Infrastructure
Director General, the	The Director General of the Department of Planning and Infrastructure or delegate
DLWC	The former Department of Land and Water Conservation, now the NSW Office of Water (NOW) as part of the Department of Primary Industries (DPI). All references to DLWC in this approval shall be taken as a reference to NOW.
I&I NSW	The former Industry and Investment NSW, now the Department of Primary Industries (DPI). All references to I&I NSW in this approval shall be taken as a reference to DPI.
Minister, the	The Minister for Planning and Infrastructure

2. Deleting condition 1 and replacing with the following:

1. The proposal shall be carried out in accordance with:
 - i. the original request for approval of the proposal, including:
 - *Proposed Highway Link – F3 Freeway to Branxton, Environmental Impact Statement (EIS)* (Connell Wagner, June 1995);
 - *Proposed Highway Link – F3 Freeway to Branxton, Fauna Impact Statement (FIS)* (Connell Wagner, January 1997) and accompanying documentation, *Flora and Fauna Report* (Mount King Ecological Surveys, 1995), *Fauna Survey Greta Deviation* (Connell Wagner, 1996) and *Herptofauna Survey* (Richard Wells, 1995);
 - *Additional Flora and Fauna Assessment (AFFA)* (Connell Wagner, May 2001), to supplement the original FIS;
 - *Representations Report* (three volumes) (RTA, October 2001);
 - *Supplementary Review of Environmental Factors for the Allandale to Illalong Section Comparison of Options (SREF)* (Connell Wagner, August 2000);
 - *Kurri Sand Swamp Woodland Recovery Assessment* (Biosis Research, August 2001), a report commissioned jointly by the RTA and NPWS;
 - *Additional Environmental and Engineering Assessment* (Connell Wagner, May 2001); and
 - *Compensatory Habitat Proposal and Candidate Areas – Stage 2 Report* (Connell Wagner, September 2001);
 - ii. the staged construction modification request (MOD-10-1-2006-i), including:
 - correspondence from the RTA to the Department, dated 20 December 2005, accompanied by *F3 Freeway to Branxton Link – Modification to Permit Staged Construction* (Acacia Environmental Planning Pty Ltd, September 2005);
 - iii. the alignment and ancillary infrastructure modification request (07_0033 Mod 1), including:
 - correspondence from the RTA to the Department, dated 12 March 2007;

- *F3 Freeway to Branxton Link: Modification to the Approved Project Environmental Assessment* (Acacia Environmental Planning Pty Ltd, March 2007);
 - *F3 Freeway to Branxton Link: Threatened Species Assessment for Proposed Design Changes* (Biosis Research, January 2007);
 - *Noise Assessment: National Network, F3 to Branxton Link* (Atkins Acoustics, February 2007);
 - *Socioeconomic Analysis of the Proposed Tuckers Lane to Black Creek Modification* (Centre for International Economics, January 2005); and
 - *F3 Freeway to Branxton Link: Submissions Report* (Stuart J Hill Pty Ltd, June 2007);
- iv. Modification request (07_0033 Mod 2), including:
 - *Hunter Expressway Proposed modification to the project approval* (Bowditch Group, February 2010);
 - v. the modification request dated 27 April 2011 (07_0033 MOD 4) and associated documentation; and
 - vi. the conditions of this approval.

3. Deleting condition 3 and replacing with the following:

3. In the event of an inconsistency between:
- i. the conditions of this approval and any document listed from condition 1i to 1v inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - ii. any document listed from condition 1i to 1v inclusive, and any other document listed from condition 1i to 1v inclusive, the most recent document shall prevail to the extent of the inconsistency.

4. Deleting condition 60 and replacing with the following:

- 60 The Proponent shall limit the clearing of native vegetation to the greatest extent practicable within the approved project footprint. Prior to the commencement of construction of the project (or associated stages), the Proponent shall undertake verification surveys to confirm the extent, type and condition of native vegetation to be cleared. Where the verification surveys identify additional impacts to native vegetation beyond that identified in the documents listed under condition 1iii of this approval, the Proponent shall in consultation with OEH develop appropriate mitigation and/ or compensatory measures to offset the biodiversity values of this additional native vegetation, consistent with current best practice offsetting principles and assessment methodology (such as, but not necessarily limited to *OEH Biodiversity Certification Assessment Methodology* and *OEH BioBanking Assessment Methodology*).

Unless otherwise agreed to by the Director-General in writing, the Proponent shall:

- a) by 30 September 2011, submit a report to the Director-General and OEH confirming the extent, type and condition of any additional native vegetation impacted (beyond that identified in the documents listed under condition 1iii of this approval) based on pre-construction verification surveys;
- b) on a six monthly basis from the submission of the report referred to in condition 60a) and until the lodgement of the final offset package referred to in condition 60c), report to the Director-General on the status of investigations into suitable mitigation and/ or compensatory measures to offset the biodiversity values of native vegetation identified in 60a), including the outcomes of consultation undertaken with OEH to that point; and

- c) by 1 December 2012, submit a report for the Director-General's approval identifying the final mitigation and/ or compensatory measures proposed to offset the biodiversity values of the native vegetation identified in 60a). The report shall identify the responsibility and timeframes for the implementation and delivery of the final proposed mitigation and/ or compensatory measures (including ongoing management, monitoring and maintenance (as relevant) and details of how offset measures would be secured in perpetuity). The report shall also clearly identify consultation undertaken with OEH including clear demonstration of how comments raised by OEH have been addressed.

To avoid any doubt, the mitigation/ offset requirements referred to in this condition only apply to additional native vegetation impacts identified within the approved project footprint beyond that identified in the documents listed under condition 1iii of this approval and which at the date of this modification (07_0033 MOD 4) approval, is not already the subject of an approved compensatory habitat package in accordance with condition 49 and 50 of this approval.

The Proponent shall ensure that the final proposed mitigation and/ or compensatory measures approved by the Director-General in accordance with condition 60 are implemented and delivered within the timeframe identified in the approved report, unless an alternative timeframe is agreed to by the Director-General in writing.