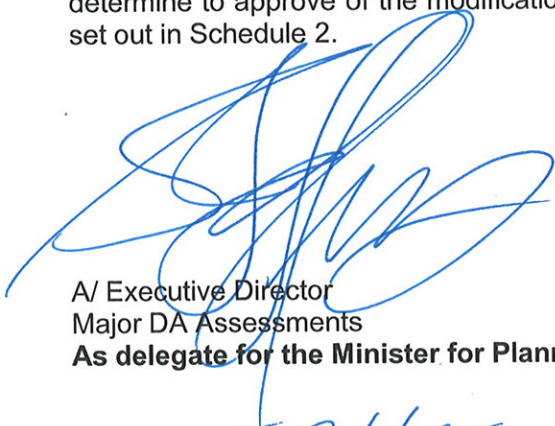


Modification of Minister's Approval

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

I, the A/Executive Director, Major DA Assessments of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 4 March 2009, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



A/ Executive Director
Major DA Assessments
As delegate for the Minister for Planning

Sydney, 15 October 2009

SCHEDULE 1

Project Approval:	granted by the Minister for Planning on 26 February 2009
For the following:	Pacific Highway Upgrade - Banora Point (07_0059)
Modification:	modification to the Minister's approval in relation to stakeholder consultation and community interest groups.

SCHEDULE 2

The approval is modified by:

1. Deleting condition 5.4.

2. Replacing condition 5.5 with the following:

- 5.5 The Proponent shall prepare and implement a Community Communication Strategy for the project. This Strategy shall be designed to provide mechanisms to facilitate communication between the Proponent, the Contractor, the Environmental Representative, Council and local community (broader and local stakeholders) on the detailed design, progress and the related environmental management of the project. The Strategy shall include, but not necessarily limited to:
- a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners;
 - b) procedures and mechanisms for the regular distribution of information to stakeholders on the progress of the project, detailed design and matters associated with environmental management;
 - c) procedures and mechanisms through which stakeholders can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management, detailed design and delivery of the project;
 - d) the formation of community-based forums (focus groups) that focus on key design and environmental management issues for the project. The Strategy shall provide detail on the structure, scope, objectives and frequency of the community-based forums;
 - e) procedures and mechanisms through which the Proponent can respond to any enquires or feedback from stakeholders in relation to the environmental management, detailed design and delivery of the project; and
 - f) procedures and mechanisms that would be implemented to resolve any issues/disputes that may arise between parties on the matters relating to environmental management and the delivery of the project. This may include the use of an appropriately qualified and experienced independent mediator.

Key issues that should be addressed in the Community Communication Strategy should include (but not necessarily be limited to):

- i) traffic management (including property access, pedestrian and cycleway access);
- ii) property acquisition;
- iii) landscaping/urban design matters;
- iv) heritage;
- v) construction activities; and
- vi) noise and vibration mitigation and management.

The Proponent shall maintain and implement the Strategy throughout construction. The Strategy shall be approved by the Director General prior to the commencement of any construction associated with the project.

3. Replacing condition 6.2 with the following:

- 6.2 Prior to the commencement of construction of the project, or as otherwise agreed by the Director-General, the Proponent shall prepare an Urban Design and Landscape Plan in consultation with relevant Council, relevant Government agencies and other stakeholders, as identified in the Community Communication Strategy (required under condition 5.5 of this approval). The Plan shall include, but not necessarily be limited to:

- a) sections and perspective sketches;
- b) location and identification of existing and proposed vegetation including use of indigenous and endemic species where possible (including enhancement of local access roads);
- c) location of mounds, bunds, structures (noise walls, bridges) or other proposed treatments, finishes of exposed surfaces (including paved areas) and form and fabric (noise walls);
- d) pedestrian and cycle elements including footpaths and paving, pedestrian crossings and fixtures (e.g. tree guards, seating, lighting, fencing and signage);
- e) progressive landscaping strategies incorporating other environmental controls such as erosion and sedimentation controls, drainage, noise mitigation; and
- f) monitoring and maintenance procedures.

The Plan shall be submitted for the approval of the Director-General no later than one month prior to the commencement of construction, or within such period otherwise agreed by the Director-General. Construction works shall not commence until written approval has been received from the Director-General.