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Peter Bonelli (02) 6640 1022
Pacific Highway Office
Peter_Bonelli@rta.nsw.gov.au



23 October 2009

Director General
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Attention: Kylie Seretis

**PACIFIC HIGHWAY UPGRADE, BANORA POINT UPGRADE – REQUEST FOR MODIFICATION
OF MINISTERS CONDITION OF APPROVAL NO. 1.6.**

Dear Kylie,

The Banora Point Upgrade Alliance (BPUA) is currently preparing a Construction Environmental Management Plan (CEMP) for the project. Members of the BPUA met with you on Thursday 17 September 2009 to provide the Department of Planning (DoP) with an understanding of the activities currently being carried out by the Alliance in preparing the CEMP, and to discuss the planned timeframes for deliverables to the DoP.

The project CEMP is currently under development and it is currently intended that this document would be submitted to the DoP in late November 2009. This submission timeframe has been programmed with the intention of seeking CEMP approval by December 2009. This would allow substantial construction to commence in February 2010.

This timeframe is critical to the Alliance as there are two key political commitments which must be delivered on behalf of the Federal Government. These were publicly announced in November 2008 and state that:-

1. the project must have some visual exposure by late 2009;
2. the upgraded highway will be open to traffic by mid 2012.

To meet the first commitment of having visual exposure by late 2009, a number of potential early works activities have been identified. These activities could include:-

- Establishment of the main site compound and ancillary sites;
- Minor clearing and fencing;
- Sedimentation and Erosion Control;
- Utility investigations / adjustments; and
- Building dilapidation surveys.

Achieving these activities as planned is critical to achieving the second political milestone listed above.

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2 Farnham Street, Sydney NSW 2440
GPO Box 396, Sydney NSW 2440
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In planning for the proposed ancillary facility sites, a review of the sites identified in the Environmental Assessment has been undertaken, and subject to the availability of land, RTA and the Alliance are pursuing the use of the land to the northeast of the project (commonly referred to as the Reysson property) as the main ancillary site. In reviewing this (and other) site(s) against the criteria outlined by the DoP in the Ministers Condition of Approval (MCoA) 2.24, it has been confirmed that as per the Environmental Assessment, the requirements of some of the criteria cannot be fully met ie being more than 100m from a watercourse, and being more than 200m from residents.

Therefore, and in accordance with MCoA 2.24, an assessment of all proposed ancillary sites is currently being undertaken against each of the criteria within MCoA 2.24. An Ancillary Facilities Environmental Assessment including the proposed methods to manage and mitigate any environmental impacts, as discussed at the meeting of 17 September 2009 is currently being prepared and is expected to be submitted shortly your review and approval by the Director General.

It is understood that the Department were concerned that the establishment of ancillary sites may trigger the full requirements of Construction, and suggested that due to the required timeframes and milestones, an alternative approach be undertaken to add more certainty to the approval process. This approach would include preparing a Staging Report in accordance with MCoA 1.6. The Report would describe the current stage, and identify how the MCoA would be addressed through a management plan, along with any subsequent stages before obtaining Construction approval to the project CEMP. This staging plan is also currently being prepared and is expected to be submitted as a package with the above mentioned Ancillary Facilities Environmental Assessment and Management Plan, shortly your review and approval by the Director General.

It has been identified that to meet the required timeframes of MCoA 1.6 (*where stages are proposed, the Proponent shall submit a Staging Report to the Director-General at least eight (8) weeks prior to construction...*) sufficient time would not be available to firstly prepare the required documentation and to secondly request and obtain approval. Accordingly there would be a very real risk that the project political commitments would not be met.

It is therefore requested that the MCoA 1.6 be modified to allow sufficient time to prepare, assess and approve the necessary staging works to enable practical commencement of the proposed ancillary sites by November 2009. The proposed modification seeks a reduction of the stated 8 weeks to *4 weeks, or at the discretion of the Director General.*

The RTA notes that the proposed change would be consistent with current timeframes requested on a number of other conditions by the DoP. RTA also acknowledges the importance of the establishment of the ancillary sites to allow better management of the early works, preparation for the commencement of substantial construction and more efficient use of project and public funding.

Should you require further information, please contact the RTA's Senior Project Manager, Strategic Projects Mr Peter Borrelli on 02 6640 1022 in the first instance or the BPUA Stakeholder and Planning Manager Mr Garry McPherson on 0439 494015.

Yours faithfully



Robert (Bob) Higgins
General Manager Pacific Highway