

09 September, 2013

Director General
NSW Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Attention: Kylie Seretis

**PACIFIC HIGHWAY UPGRADE – WARRELL CREEK TO URUNGA (MP 07_0112)
MODIFICATION REQUEST**

Dear Kylie,

As you are aware, the Minister for Planning and Infrastructure approved the Warrell Creek to Urunga Pacific Highway Upgrade between Warrell Creek and Urunga ('the Project') on 19 July 2011. In accordance with transitional provisions included in Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the Project is characterised as a transitional Part 3A project. It is noted that despite its repeal, Part 3A of the EP&A Act continues to apply in respect of transitional Part 3A projects.

Roads and Maritime Services (RMS) would like to seek the consideration and approval of the following modification(s) for the Project to allow archaeological sub-surface investigation/test excavation and the potential to impact additional Aboriginal heritage if required for the purposes of permanent and/or temporary works such as ancillary facilities, utilities relocations, permanent and temporary fencing and access tracks, design refinements, etc.

The proposed modification has been discussed and considered by RMS, RMS' Contractor, and with the Department, and is proposed to be added to the current wording of Ministers Conditions of Approval C16.

The current wording of the Condition is reproduced below:

Heritage Impacts

C16. The measures to protect any Aboriginal heritage or historic heritage sites near or adjacent to the project during construction shall be detailed in the heritage Management Plan required under condition B31(e).

RMS are seeking the proposed additional wording to the C16 Condition, as suggested below (changes shown in *italics*).

Heritage Impacts

C16. The measures to protect any Aboriginal heritage or historic heritage sites near or adjacent to the project during construction shall be detailed in the heritage Management Plan required under condition B31(e).

(a) For any newly identified PADs outside the project boundary (not previously identified in the Environmental Assessment), archaeological sub-surface investigation/test excavation may be undertaken by the Proponent to confirm the existence or extent of any Aboriginal sites provided:

- (i) The works associated with the proposed impact to the PAD are required for Project MP 07_0112; and*
- (ii) The works are undertaken in accordance with an approved Heritage Management Plan containing methodology that has been prepared in consultation with RAPs and OEH for archaeological sub-surface investigation/test excavation/salvage; or*
- (iii) Archaeological sub-surface investigation/test excavation/salvage is undertaken in accordance with a strategy that has been prepared in consultation with RAPs and OEH and approved by the Director General.*

RMS is of the view that these proposed modifications would allow important flexibility during construction whilst still ensuring the required environmental outcomes to minimise heritage impacts where possible.

In addition to the above proposed modification to the Ministers Conditions of Approval C16, RMS are seeking approval for subsurface testing to be undertaken for potential ancillary facility sites.

The current wording of the Condition is reproduced below:

Ancillary Facilities

C27. Unless otherwise approved by the Director General in accordance with this condition, the sites for ancillary facilities associated with the construction of the project shall:

- (i) be located in areas of low heritage conservation significance (including identified Aboriginal cultural value) and not impact on heritage sites beyond those already impacted by the project.*

RMS are seeking the proposed modified wording to the C27 Condition, as suggested below (changes shown in italics).

Ancillary Facilities

C27. Unless otherwise approved by the Director General in accordance with this condition, the sites for ancillary facilities associated with the construction of the project shall:

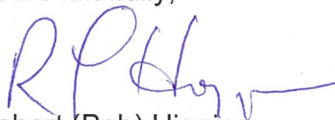
- (i) be located in areas of low heritage conservation significance (including identified Aboriginal cultural value) and not impact on heritage sites beyond those*

already impacted by the project unless for the purposes of archaeological sub-surface investigation/test excavation in accordance with the requirements of C16.

The further modification would allow the archaeological sub-surface investigation/test excavation to confirm the level of heritage significance of any newly proposed ancillary facility sites outside of the Project corridor, and would help to improve stakeholder relationships by building confidence and maintaining expectations that the Project would minimise environmental impacts where possible.

Should you have any questions or require any further information concerning this request for approval, please contact RMS Environmental Officer Belinda Bock on 6640 1033 or 0439 453 279.

Yours faithfully,


Robert (Bob) Higgins 9/9/13
General Manager, Pacific Highway

