

Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 16 February 2015, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Executive Director

PRIORITY PROJECTS ASSESSMENTS

Sydney 3rd June 2016

SCHEDULE 1

Project Approval:

07_0112 granted by the Minister for Planning on 19 July 2011

For the following:

The construction and operation of an approximately 42 kilometre four lane divided carriageway upgrade of the Pacific Highway between Warrell Creek and Urunga.

Modification:

07_0112 MOD 8: Construction of northbound and southbound on ramps onto the upgraded Pacific Highway at North Macksville, connection of the ramps, intersection upgrades and a median crossover facility.

SCHEDULE 2 CONDITIONS

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

- A1. The Proponent shall carry out this 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 A1 (07_0112 MOD2);
 - (g) The Road and Maritime Services modification request and letter dated 18 January 2012 to correct minor errors to 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 condition C16 and C27 (07_0112 MOD5);
 - (j) The Roads and Maritime Services modification request and letter dated 12 February 2014 to delete reference to 'vegetation group remnant forest' conservation area in condition C15 (07_0112 MOD6);
 - (k) The Roads and Maritime Services modification request and letter dated 29 October 2014 to delete reference to four cultural sites in condition C14 (07_0112 MOD7);
 - (l) The Roads and Roads and Maritime Services modification request and letter dated 21 March 2016 and *Pacific Highway Upgrade – Warrell Creek to Nambucca Heads North Macksville Ramps – Modification Environmental Assessment*, prepared by Arup Aurecon Design Joint Venture and dated March 2016; and
 - (m) The conditions of this approval.

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

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

3. Replace condition B21 with new condition B21 as follows:

- B21. Prior to the commencement of construction (unless otherwise agreed to by the Director General), the Proponent shall prepare and implement an **Urban Design and Landscape Plan** for the project.

The plan shall be prepared in consultation with the relevant Council and shall present an integrated urban design for the project. The plan shall include, but not necessarily be limited to:

- (a) a principle goal of achieving the urban design objectives outlined in Section 13.4 of Volume 1 of the Environmental Assessment;
- (b) sections and perspective sketches;
- (c) locations along the project corridor directly or indirectly impacted by the construction of the project (e.g. temporary ancillary facilities, access tracks, watercourse crossings, etc.) which are proposed to be actively rehabilitated, regenerated and/ or revegetated to promote biodiversity outcomes and visual integration. Details of species to be replanted/ revegetated shall be provided, including their appropriateness to the area and considering existing vegetation and habitat for threatened species;
- (d) location of existing vegetation and proposed landscaping, including use of indigenous and endemic species where possible. The plan shall assess the visual screening affects of existing vegetation and the proposed landscaping at residences and businesses, which have been identified as likely to experience high visual impact as a result of the project. Where high residual impacts are identified to remain (including in relation to headlight intrusion), the plan shall in consultation with affected receptors, identify opportunities for providing at-receptor landscaping to further screen views of the project. Where agreed to with the landowner, these measures shall be implemented during the construction of the project;
- (e) strategies for progressive landscaping incorporating other environmental controls such as erosion and sedimentation controls, drainage, noise mitigation;
- (f) location and design treatments for built elements including retaining walls, cuttings, bridges, and noise barriers;
- (g) location and design treatments for any associated footpaths and cyclist elements, and other features such as seating, lighting (in accordance with *AS 4282-1997 Control of the Obtrusive Effect of Outdoor Lighting*), fencing, and signs;
- (h) evidence of consultation with the community on the proposed urban design and landscape measures prior to its finalisation; and
- (i) monitoring and maintenance procedures for the built elements and landscaping (including weed control) including responsibilities, timing and duration and contingencies where landscaping measures fail.

The Plan shall be submitted for the approval of the Director General prior to commencement of construction of the project. The Plan may be submitted in stages to suit the staged construction program of the project.