

Request to modify a major project



NSW GOVERNMENT
Department of Planning

Date duly made: 23 / 1 / 10

Modification No. 06-0293 Mod 2

1. Before you lodge

This form is required under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) in order to request the Minister to modify the Minister's approval to carry out a project or concept plan to which Part 3A of the Act applies.

Before making this request, it is recommended that you first consult with the Department of Planning (the Department) concerning your modification. The Director-General may issue environmental assessment requirements that must be complied with before your request will be considered by the Minister. If the changes proposed by the modification will result in a project that is consistent with the existing approval, the Minister's approval for a modification is not required.

Disclosure Statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

Lodgement

All modification requests must be lodged with the Director-General of the Department of Planning, by courier or mail. An electronic copy should also be e-mailed to the assessment contact officer assigned to the project.

NSW Department of Planning
Ground floor, 23-33 Bridge Street, SYDNEY NSW 2000
GPO Box 39 SYDNEY NSW 2001
Phone 1300 305 695

2. Details of the proponent

Company/organisation/agency

ABN

Roads and Traffic Authority

64480155255

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

Family name

Wesley

Stevenson

Position

Acting General Manager, Pacific Highway

STREET ADDRESS

Unit/street no.

Street name

21

Prince Street

Suburb or town

State

Postcode

Grafton

NSW

2460

POSTAL ADDRESS (or mark 'as above')

as above

Suburb or town

State

Postcode

Daytime telephone

Fax

Mobile

66401000

Email

Wesley_Stevenson@rta.nsw.gov.au

3. Identify the land

STREET ADDRESS (where relevant)

Unit/street no.

n/a

Street or property name

Pacific Highway

Suburb, town or locality

Sapphire

Postcode

2450

Local government area(s)

Coffs Habrour

State Electorate(s)

Coffs Harbour

REAL PROPERTY DESCRIPTION

As per S2W Environmental Assessment

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands.

Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposed modification applies to more than one piece of land, please use a comma to distinguish between each real property description.

OR: detailed description of land attached: ☐

MAP: A map of the site and locality should also be submitted with this request.

4. Details of the original major project or concept plan

Briefly describe what the original approval allows

MCoA 2.12:

The Proponent shall develop and submit for the approval of the Director-General, a Biodiversity Offset Strategy. The Strategy shall provide a framework for developing the Biodiversity Offsets Package required by Condition 2.13 and shall be developed in consultation with the DECC. The Strategy shall:

- a) include a minimum requirement to provide 98.8 hectares of native vegetation to offset direct and indirect impacts of the proposal
- b) identify the extent and types of habitat/vegetation communities that would be lost or degraded as a result of the project;
- c) describe the quality of the habitat/vegetation communities identified in point b);
- d) identify the objectives and outcomes to be met by the final Biodiversity Offset Package;
- e) consider the biodiversity management measures or activities identified in the documents set out in condition 1.1 or elsewhere in these Conditions of Approval, including:
 - i. fauna crossing measures, including vegetated medians, fauna structures and associated fauna fencing to be installed as part of the project.
 - ii. revegetation measures.
 - iii. translocation plans.
 - iv. any other fauna mitigation measures such as nest boxes and frog breeding ponds.
 - v. any ongoing biodiversity or threatened species monitoring requirements.
- f) provide details of available compensatory habitat in the region to offset the loss of Endangered Ecological Communities and habitat for threatened fauna species as a result of the project. This may include other non land based management measures or actions to deliver a beneficial outcome for the region;

- g) provide a decision-making framework to be used in selecting the priority ranking of compensatory habitat options available in the region; and
- h) a process to address additional impacts associated with unforeseeable impacts including:
 - i) changes to footprint due to design changes;
 - ii) changes to predicted impacts resulting from changes to mitigation measures; and
 - iii) additional impacts associated with ancillary facilities

Unless otherwise agreed, the Biodiversity Offset Strategy shall be submitted to the Director-General for approval no later than 6 weeks prior to the commencement of any construction that would result in the disturbance of Endangered Ecological Communities or threatened fauna species' habitat or not later than 12 months from the date of this approval. To avoid any doubt, disturbance of Endangered Ecological Communities or threatened fauna habitat cannot commence until the Director-General has approved the strategy.

Nothing in this condition or this approval precludes the Proponent from implementing a suitable offsets package which addresses impacts from multiple Pacific Highway Upgrade Projects (including the Sapphire to Woolgoolga Upgrade) within the North Coast Bio-region. Any such agreement made with the Department of Environment and Climate Change must be made in consultation with the Department and approved by the Director-General.

What was the original project application no.?

06_0293

What was the date of the approval?

13 January 2009

What was the original application fee?

n/a

Note: Clause 245K of the *Environmental Planning and Assessment Regulation 2000* provides information on calculating the maximum fee for a request for modification.

5. Describe the modification you propose to make to the approval

Describe the proposed modification

That CoA 2.12 be amended to allow minor clearing of ECC for utility relocation works associated with the Sapphire to Woolgoolga Pacific Highway Upgrade.

Suggest the following words be included as an amended Condition of Approval 2.12 MCoA 2.12:

The Proponent shall develop and submit for the approval of the Director-General, a Biodiversity Offset Strategy. The Strategy shall provide a framework for developing the Biodiversity Offsets Package required by Condition 2.13 and shall be developed in consultation with the DECC. The Strategy shall:

- a) include a minimum requirement to provide 98.8 hectares of native vegetation to offset direct and indirect impacts of the proposal
- b) identify the extent and types of habitat/vegetation communities that would be lost or degraded as a result of the project;
- c) describe the quality of the habitat/vegetation communities identified in point b);

- d) identify the objectives and outcomes to be met by the final Biodiversity Offset Package;
- e) consider the biodiversity management measures or activities identified in the documents set out in condition 1.1 or elsewhere in these Conditions of Approval, including:
 - i. fauna crossing measures, including vegetated medians, fauna structures and associated fauna fencing to be installed as part of the project.
 - ii. revegetation measures.
 - iii. translocation plans.
 - iv. any other fauna mitigation measures such as nest boxes and frog breeding ponds.
 - v. any ongoing biodiversity or threatened species monitoring requirements.
- f) provide details of available compensatory habitat in the region to offset the loss of Endangered Ecological Communities and habitat for threatened fauna species as a result of the project. This may include other non land based management measures or actions to deliver a beneficial outcome for the region;
- g) provide a decision-making framework to be used in selecting the priority ranking of compensatory habitat options available in the region; and
- h) a process to address additional impacts associated with unforeseeable impacts including:
 - i) changes to footprint due to design changes;
 - ii) changes to predicted impacts resulting from changes to mitigation measures; and
 - iii) additional impacts associated with ancillary facilities

Unless otherwise agreed, the Biodiversity Offset Strategy shall be submitted to the Director-General no later than 6 weeks prior to the commencement construction activities(excluding utility relocation and investigation works) that impact on Endangered Ecological Communities or threatened fauna species' habitat.

Nothing in this condition or this approval precludes the Proponent from implementing a suitable offsets package which addresses impacts from multiple Pacific Highway Upgrade Projects (including the Sapphire to Woolgoolga Upgrade) within the North Coast Bio-region. Any such agreement made with the Department of Environment and Climate Change must be made in consultation with the Department and approved by the Director-General.

Your modification request may need to be accompanied by an Environmental Assessment, including plans. An electronic and hard copy of this document will be required.

ESTIMATED CAPITAL INVESTMENT VALUE

Please indicate the estimated capital investment value (CIV) of the modification to the project approval or concept plan (excluding GST).

\$n/a

FULL TIME EQUIVALENT JOBS

Please indicate the number of jobs created by the proposed modification. This should be expressed as a proportion of full time equivalent (FTE) jobs over a full year.

Construction jobs (FTE) Operational jobs (FTE)

6. Landowner's consent (where required)

As the owner(s) of the above property, I/we consent to this request being made by the proponent:

Land

n/a

Signature

Name

Date

Land

n/a

Signature

Name

Date

Note: Under Clause 8F of the *Environmental Planning and Assessment Regulation 2000* (the Regulation), certain applications for approval under Part 3A of the Act do not require consent of the landowner, however, the proponent is required to give notice of the application (e.g. linear infrastructure, mining & petroleum projects, and critical infrastructure).

7. Political donation disclosure statement

Persons making a request to modify a project or concept plan are required to declare reportable political donations (including donations of or more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

- ☐ Yes
☐ No

Note: For more details about political donations disclosure requirements, including a disclosure form, go to www.planning.nsw.gov.au/donations.

8. Proponent's signature

As the proponent(s) of the project and in signing below, I/we hereby:

- provide a description of the modification to the project approval or concept plan and address all matters required by the Director-General pursuant to Section 75W of the Act, and
- declare that all information contained within this form is accurate at the time of signing.

Signature



Name

Wesley Stevenson

Date

22.1.2010

In what capacity are you signing if you are not the proponent

Name, if you are not the proponent

