

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation from the Minister enforced from 1 October 2011, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Glenn Snow
A/Director, Infrastructure Projects

Sydney

10/1/

2012

SCHEDULE 1

Project Approval:

06_0224 granted by the Minister for Planning on 10 July 2008.

For the following:

Construction and operation of an approximately 41 kilometre dual carriageway, comprising three interchanges and a bypass of Kempsey and Frederickton, referred to as the Pacific Highway – 'Kempsey to Eungai' Project.

Modification:

06_0224 MOD 3: Amendment of condition 6.6 to remove the requirement to prepare an operational environmental management plan and instead require the project to be integrated into an existing environmental management system.

SCHEDULE 2 CONDITIONS

ADMINISTRATIVE CONDITIONS

Delete condition 1.1 and replace with the following:

- 1.1 The Proponent shall carry out the project generally in accordance with the:
- a) Major Projects Application 06_0224;
 - b) *Kempsey to Eungai – Upgrading the Pacific Highway: Environmental Assessment* (Volumes 1 and 2), prepared by Parsons Brinckerhoff Australia Pty Limited and dated July 2007;
 - c) *Kempsey to Eungai – Upgrading the Pacific Highway: Submissions Report*, prepared by Parsons Brinckerhoff Australia Pty Ltd and dated March 2008, including the Statement of Commitments contained therein;
 - d) Modification Application 06_0224 MOD 1 and request for modification dated 5 February 2010;
 - e) Modification Application 06_0224 MOD 2, request for modification dated 1 October 2010 and additional information provided to the Department on 1 November 2010, 3 November 2010 and 17 November 2010;
 - f) Modification Application 06_0224 MOD 3 and request for modification dated 7 November 2011; and
 - g) the conditions of this approval.

Delete condition 1.2 and replace with the following:

- 1.2 The Proponent shall carry out the project generally in accordance with the:
- a) the conditions of this approval and any document listed from condition 1.1a) to 1.1f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1f) inclusive, and any other document listed from condition 1.1a) to 1.1f) inclusive, the most recent document shall prevail to the extent of the inconsistency.

ENVIRONMENTAL MANAGEMENT

Delete condition 6.6 and replace with the following:

- 6.6 Prior to the commencement of operation, the Proponent shall incorporate the project into its existing environmental management systems and shall ensure that key operational environmental impacts are monitored and managed, including but not limited to:
- a) ecological factors, including effectiveness of fauna crossings;
 - b) noise impacts;
 - c) soil erosion and the discharge of sediment and other pollutants to lands and/or waters; and
 - d) landscaping and urban design.