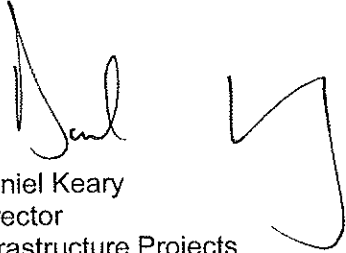


Modification of Minister's Approval

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

I, the Director, Infrastructure Projects of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 25 January 2010, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Daniel Keary
Director
Infrastructure Projects
As delegate for the Minister for Planning

Sydney, 13 JULY 2010

SCHEDULE 1

Proponent: NSW Roads and Traffic Authority

Approval: MP 07_0051 granted by the Minister for Planning on 29 January 2010 under Section 75J of the *Environmental Planning and Assessment Act 1979*

For the following: Pacific Highway Upgrade - Tintenbar to Ewingsdale

Modification: Modification to Minister's Condition of Approval No. 2.12 (construction activities) to extend construction hours between the hours of 7am and 4pm on Saturdays

SCHEDULE 2

The approval is modified by:

1. Replacing existing condition 1 with a new condition 1, as follows:

1.1 The Proponent shall carry out the project generally in accordance with:

- (a) Major Projects Application 07_0051;
- (b) *Tintenbar to Ewingsdale – Upgrading the Pacific Highway - Environmental Assessment* (volumes 1, 2, 3 and 4), prepared by the RTA and dated August 2008;
- (c) *Tintenbar to Ewingsdale – Upgrading the Pacific Highway – Environmental Assessment Submissions Report and Preferred Project Report*, prepared by the RTA and dated May 2009, including the revised Statement of Commitments contained therein; and
- (d) the RTA's modification request dated 17 June 2010 and assessment information supplemented by correspondence from the RTA on 18 June 2010 (07_0051 MOD 1);
- (e) the conditions of this approval.

2. Replacing existing condition 1.2, with a new condition 1.2, as follows:

1.2 In the event of an inconsistency between:

- (a) the conditions of this approval and any document listed from condition 1.1(a) to 1.1(d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
- (b) any document listed from condition 1.1(a) to 1.1(d) inclusive, and any other document listed from condition 1.1(a) to 1.1(d) inclusive, the most recent document shall prevail to the extent of the inconsistency.

3. Replacing existing condition 2.12, with a new condition 2.12, as follows

2.12. Construction activities associated with the project shall only be undertaken during the following hours:

- (a) 7:00 am to 6:00 pm, Mondays to Fridays, inclusive;
- (b) 8:00 am to 1:00 pm on Saturdays; and
- (c) at no time on Sundays or public holidays.

Notwithstanding the above, construction activities are permitted between the hours of 7:00am and 4:00pm on Saturdays between chainages 134810 and 136000, and including the operation of the Cumbalum and Ross Lane ancillary facilities for Stage 1.

This condition does not apply to:

- (i) any works that do not cause construction noise to be audible at any sensitive receiver; or
- (ii) for delivery of materials required outside these hours by the police or other authorities for safety reasons; or
- (iii) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm.