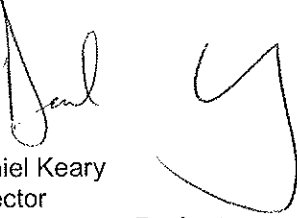


Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation executed on 25 January 2010, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Daniel Keary
Director
Infrastructure Projects

Sydney 18 NOVEMBER 2010

SCHEDULE 1

Project Approval:

07_0051 granted by the Minister for Planning on 29 January 2010

For the following:

The construction and operation of an approximately 17-kilometre four lane divided carriageway, comprising a tunnel, six twin bridges, three underpasses, a half interchange and upgrading an existing interchange, referred to as the Pacific Highway Upgrade - 'Tintenbar to Ewingsdale' Project on land generally in the vicinity of the existing Pacific Highway between Ross Lane to the north east of Tintenbar north to Bangalow, and extending north east to the existing Ewingsdale interchange, west of the town of Ewingsdale within the Ballina and Byron local government areas

Modification:

07_0051 MOD2: modification of the definition of construction in Schedule 2 of the approval

SCHEDULE 2

The approval is modified by

1. Replacing the definition for "construction" with the following:

Construction	Includes all work in respect of the project other than survey; acquisitions; fencing; investigative drilling or excavation; building/road dilapidation surveys; minor clearing (except where heritage would be affected); minor clearing or translocation (except where threatened species, populations or endangered ecological communities would be affected, unless otherwise approved by the Director General in consultation with DECCW and in accordance with a Strategy or Offset Package required by this approval); establishing ancillary facilities in locations meeting the criteria stated in these Conditions; or other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads and adjustments to services / utilities, etc.).
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2. Deleting condition 1 and replacing with the following:

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;
- (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 RTA's modification request and letter dated 8 November 2010 (07_0051 MOD 2); and
- (f) the conditions of this approval.

3. Deleting condition 1.2 and replacing with the following:

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(e) 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(e) inclusive, and any other document listed from condition 1.1(a) to 1.1(e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

4. Deleting condition 2.3 and replacing with the following:

2.3 Prior to the commencement of any construction likely to impact *Macadamia tetraphylla*, *Tinospora tinoporoides*, *Diploglottis camfieldii* and *Syzygium moorei* species, the Proponent shall develop and implement a strategy for the minimisation of impacts to these species. The strategy shall be developed in consultation with DECCW, to the satisfaction of the Director General and includes:

- (a) consideration of options for avoiding direct impacts to known individuals during detailed design of the project, including in relation to ancillary infrastructure and works;
- (b) translocation of affected individuals, where feasible, including identification and assessment of recipient sites, monitoring and maintenance requirements after translocation, and any reporting/ recording of the translocation process; and
- (c) measures to avoid indirect impacts to known individuals in proximity to construction areas, including demarcation of construction zones and staff/ contractor education.

The Director General may approve, in consultation with DECCW, the translocation of any individual, in accordance with an approved Strategy, prior to the commencement of construction.

5. Deleting condition 2.4 and replacing with the following:

- 2.4 Prior to the commencement of construction between Stations 146000 and 148800 the Proponent shall develop a **Hairy Joint Grass Offset Package** in consultation with DECCW and DEWHA, to the satisfaction of the Director General. The Package shall include one or more of the following compensatory measures:
- (a) land offsets intended for the conservation of existing *Arthraxon hispidus* individuals or translocation of individuals affected by the project; and/ or
 - (b) funding contributions towards the development and implementation of recovery plans for *Arthraxon hispidus*; and/ or
 - (c) funding contributions towards the development and implementation of research programs into *Arthraxon hispidus*; and/ or
 - (d) any other form of offset measure agreed by DEWHA.

Implementation of the Package shall commence prior to the disturbance of any *Arthraxon hispidus* individual, unless otherwise agreed by the Director General.

The Director General may approve, in consultation with DECCW, the translocation of any *Arthraxon hispidus* individual in accordance with the Offset Package, prior to the commencement of construction.