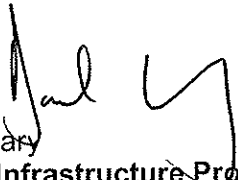


Modification of Minister's Approval

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 12 APRIL 2011

SCHEDULE 1

Project Approval:	07_0059 granted by the Minister for Planning on 26 February 2009.
For the following:	The construction and operation of an approximately 2.5 kilometre six lane divided carriageway, comprising a land bridge, viaduct and two interchanges, referred to as the Pacific Highway Upgrade – 'Banora Point' Project.
Modification:	Modification of condition 2.14 in relation to the approved blasting criteria.

SCHEDULE 2

The approval is modified by:

1. Deleting condition 1.1 and replacing with the following:
 - 1.1 The Proponent shall carry out the project generally in accordance with the:
 - a) Major Projects Application 07_0059;
 - b) *Banora Point – Upgrading the Pacific Highway – Environmental Assessment* (volumes 1, 2 and 3), prepared by Parsons Brinckerhoff Australia Pty Ltd and dated February 2008;
 - c) *Banora Point – Upgrading the Pacific Highway – Environmental Assessment Submissions Report*, prepared by Parsons Brinckerhoff Australia Pty Ltd and dated July 2008, including the revised Statement of Commitments contained therein;
 - d) the RTA's modification request dated 3 September 2009 (07_0059 MOD 1);
 - e) the RTA's modification request dated 26 October 2009 (07_0059 MOD 2);
 - f) the RTA's modification request dated 17 January 2011 (00_0059 MOD 4); and
 - g) the conditions of this approval.
2. 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 1.1a) 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.
3. Deleting condition 2.14 and replacing with the following:
 - 2.14 The Proponent shall ensure that ground vibration generated by blasting associated with the project does not exceed the criteria specified in Table 1 when measured at the most affected residence or other sensitive receiver.

Table 1 – Peak Particle Velocity Criteria

Criteria	Peak Particle Velocity (mm/s)	Allowable Exceedance
Criterion 1 – if no written agreement with the affected receiver	10	Never
Criterion 2 – if a written agreement has been entered into with the affected receiver and the Director General has approved the terms of the written agreement prior to the commencement of any blasting at the higher limits	10	5% of total number of blasts over a 12 month period
	15	Never

The following exclusions apply to the application of this condition:

- a) any agreements reached may be terminated by the landowner at any time should concerns about the increased blasting limits be unresolved;
- b) the blasting limit agreed to under any agreement can at no time exceed a maximum Peak Particle Velocity vibration level of 15 mm/s; and
- c) the provision to increase applicable blast criteria in agreement with the relevant landowner do not apply where the property is a heritage property.

A copy of the written agreement shall be provided to the Department prior to the commencement of any blasting at the higher limits.