

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 executed on 1 October 2011, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.

Felicity Greenway

A/Director, Infrastructure Projects

Sydney *6th November*

2012

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, preferred to as the Pacific highway Upgrade – 'Tintenbar to Ewingsdale' Project.

Modification:

07_0051 MOD 3: Modification of the definition of an ancillary facility and the approval process for minor ancillary facilities.

SCHEDULE 2

The approval is modified by:

1. Replacing the definitions for "ancillary facility", "DECCW", "Department, the", "DEWHA", "Director General, the", "I&I", "Minister, the", and "Proponent" with the following:

Ancillary facility	Temporary facility for construction, including for example an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, maintenance workshop, or testing laboratory.
Department, the	NSW Department of Planning and Infrastructure
DPI	NSW Department of Primary Industries (includes divisions such as Agriculture, Forestry, Fisheries and Minerals)
Director-General, the	Director-General of the NSW Department of Planning and infrastructure (or nominee)
DSEWPaC	Commonwealth Department of Sustainability, Environment, Water, Population and Communities
EPA	Environment Protection Authority
Minister, the	The Minister for Planning and infrastructure
OEH	Office of Environment and Heritage
Proponent	Roads and Maritime Services

2. Deleting the definition of "DECCW", "DEWHA" and "&I NSW".
3. Replacing all references to "DECCW" with "EPA" except in conditions 2.23 and 2.24 where it is replaced with "OEH".
4. Replacing all references to "I&I NSW" with "DPI".
5. Replacing the words "Department's Heritage Branch and the DECCW" with "Office of Environment and Heritage and the Heritage Branch of the Office of Environment and Heritage" in condition 6.5(c).
6. Relacing condition 1.1 with new condition 1.1 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 Roads and Traffic Authority and dated August 2008;
 - (c) Tintenbar to Ewingsdale - Upgrading the Pacific Highway Environmental Assessment Submissions Report and Preferred Project Report, prepared by the Roads and Traffic Authority and dated May 2009, including the revised Statement of commitment contained therein;
 - (d) The Roads and Traffic Authority modification request dated 17 June 2010 and assessment information supplemented by correspondences from the Roads and Traffic Authority on 18 June 2010 (07_0051 MOD1);
 - (e) The Roads and Traffic Authority modification request and letter dated 2 November 2010 (07_0051 MOD 2);
 - (f) The Roads and Maritime Services modification request and letter dated 4 October 2012 (07_0051 MOD4);
 - (g) The Roads and Maritime Services modification request and letter 4 October 2012 (07_0051 MOD3) and additional information dated 25 October 2012; and
 - (h) The conditions of the approval.

7. Replacing condition 1.2 with 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(g) 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(g) inclusive, and any other document listed from condition 1.1(a) to 1.1(g) inclusive, the most recent document shall prevail to the extent of the inconsistency.

8. Inserting new condition 2.27 after condition 2.26:

2.27 The Director General's approval is not required for minor ancillary facilities (e.g. lunch sheds, office sheds, and portable toilet facilities, etc.) that do not comply with the criteria set out in condition 2.26 of this approval and which:

- (a) are located within an active construction zone within the approved project footprint; and
 - (b) have been assessed by the Environmental Representative to have:
 - (i) minimal amenity impacts to surrounding residences, with consideration to matters such as noise and vibration impacts, traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and
 - (ii) minimal environmental impact in respect to waste management, and no impacts on flora and fauna, soil and water, and heritage beyond those approved for the project; and
 - (c) have environmental and amenity impacts that can be managed through the implementation of environmental measures detailed in a Construction Environment Management Plan for the project.
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