

Modification of Minister's Approval

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

I, the A/Executive Director, Major DA Assessments of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 4 March 2009, 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.



A/ Executive Director
Major DA Assessments
As delegate for the Minister for Planning

Sydney, **19 NOVEMBER** 2009

SCHEDULE 1

Project Approval:	granted by the Minister for Planning on 26 February 2009
For the following:	Pacific Highway Upgrade - Banora Point (07_0059)
Modification:	modification to the Minister's approval in relation to requirements for staging the project.

SCHEDULE 2

The approval is modified by:

1. Replacing existing condition 1.1 with new condition 1.1, as follows:

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) Modification Application dated 1 October 2009 (7_0059 MOD 1) and request for modification dated 3 September 2009;
- e) Modification Application dated 23 October 2009 (7_0059 MOD 2) and request for modification dated 23 October 2009; and
- f) the conditions of this approval.

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

3. Replacing condition 1.6 with the following:

1.6 The Proponent may elect to construct the Project in stages provided construction is consistent with the conditions of approval. Where stages are proposed, the Proponent shall submit a Staging Report to the Director General eight (8) weeks prior to construction commencing, or as otherwise agreed by the Director General, which:

- a) describes the stages; and
- b) identifies how the conditions of approval will be addressed across and between the stages of the project.