

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 20/11/12
A/Director, Infrastructure Projects

Sydney

2012

SCHEDULE 1

Project Approval:

07_0090 granted by the Minister for Planning for Infrastructure on 8 February 2012

For the following:

The construction and operation of an approximately 37.8 kilometre four lane divided carriageway upgrade of the Pacific Highway between the Oxley Highway at Port Macquarie and the Kempsey Bypass.

Modification:

07_0090 MOD 1: Amendment of condition C28 to modify the approval process for minor ancillary facilities.

SCHEDULE 2

1. Replacing the definition of "EPA" in the Definitions table in schedule 2, with the following:

EPA	Environment Protection Authority
------------	----------------------------------

2. Inserting the definition of OEH in the Definitions table in schedule 2, as follows:

OEH	Office of Environment and Heritage
------------	------------------------------------

3. Replacing "EPA" in condition B18 and B31(e) with "OEH".
4. Relacing condition A1 with new condition A1 as follows:

A1 The Proponent shall carry out the project generally in accordance with:

- (a) Major Projects Application 07_0090
- (b) Upgrading the Pacific Highway – Oxley Highway to Kempsey – Environmental Assessment (volumes 1, 2, and 3), prepared by GHD Pty Ltd for the NSW Roads and Traffic Authority and dated September 2010;
- (c) Upgrading the Pacific Highway – Oxley Highway to Kempsey – Environmental Assessment Submissions Report, prepared by the NSW Roads and Traffic Authority and dated March 2011, including the revised Statement of Commitments contained therein;
- (d) Oxley Highway to Kempsey – Pacific Highway Upgrade Ecological Review of Fauna Crossings in the Ballengarra State Forrest, Roads and Maritime Services, dated October 2011;
- (e) The Roads and Maritime Services modification request and letter dated 25 October 2012 (07_0090 MOD1); and
- (f) The conditions of this approval.

5. Replacing condition A2 with new condition A2 as follows:

1.2 In the event of an inconsistency between:

- (a) the conditions of this approval and any document listed from condition A1(a) to A1(e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
- (b) any document listed from condition A1(a) to A1(e) inclusive, and any other document listed from condition A1(a) to A1(e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

6. Inserting new condition C29 after condition C28:

C29 The Director General's approval is not required for minor ancillary facilities (e.g. lunch sheds, office sheds, and portable toilet facilities) that do not comply with the criteria set out in condition C28 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.