

Modification of Minister's Approval

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

I, Karen Jones, Director Infrastructure Projects, as delegate of the Minister for Planning under Instrument of Delegation dated 10 November 2014, approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.



Karen Jones
Director, Infrastructure Projects

Sydney

15 January

2015

SCHEDULE 1

Project Approval:

07_0112 granted by the Minister for Planning and Infrastructure on 19 July 2011

For the following:

The construction and operation of an approximately 42 kilometres four lane divided carriageway upgrade of the Pacific Highway between Warrell Creek and Urunga

Modification:

07_0112 MOD 6: Amendment of Condition C14 to delete reference to four cultural heritage sites

SCHEDULE 2 CONDITIONS

1. Replace condition A1 with new condition A1 as follows:

- A1 The Proponent shall carry out the project generally in accordance with the:
- (a) Major Projects Application 07_0112;
 - (b) *Upgrading the Pacific Highway – Warrell Creek to Urunga – Environmental Assessment (Volumes 1 and 2)*, prepared by Sinclair Knight Merz Pty Ltd for the NSW Roads and Traffic Authority and dated January 2010;
 - (c) *Upgrading the Pacific Highway – Warrell Creek to Urunga – Environmental Assessment Submissions and Preferred Project Report*, prepared by the NSW Roads and Traffic Authority and dated November 2010;
 - (d) Letter from the NSW Roads and Traffic Authority titled *Pacific Highway Upgrade – Warrell Creek to Urunga Upgrade Addendum to Submissions Report – Fauna Crossing Structures*, dated 25 May 2011 and accompanying attachments and Letter from the NSW Roads and Traffic Authority titled *Pacific Highway Upgrade – Warrell Creek to Urunga Upgrade Addendum to Submissions Report – Fauna Crossing Structures*, dated 1 June 2011 and accompanying attachment;
 - (e) The Roads and Maritime Services modification request and letter dated 23 October 2012 (07_0112 MOD1);
 - (f) The Roads and Maritime Services modification request and letter dated 23 November 2012 to correct a minor error in condition C28 (07_0112 MOD2);
 - (g) The Roads and Maritime Services modification request and letter dated 18 January 2013 to correct minor errors in condition A1 (07_0112 MOD3);
 - (h) The Roads and Maritime Services modification request and letter dated 13 February 2013 to amend the definition of construction in Schedule 1 (07_0112 MOD4);
 - (i) The Roads and Maritime Services modification request and letter dated 9 September 2013 to amend the heritage management requirements in conditions C16 and C27 (07_0112 MOD5);
 - (j) The Roads and Maritime Services modification request and letter dated 12 February 2014 to delete reference to 'vegetation group remnant forest' conservation area in condition C15 (07_0112 MOD6);
 - (k) The Roads and Maritime Services modification request and letter dated 29 October 2014 to delete reference to four cultural heritage sites in condition C14 (07_0112 MOD7); and
 - (l) The conditions of this approval.

2. Replace condition A2 with new condition A2 as follows:

- A2 In the event of an inconsistency between:
- (a) the conditions of this approval and any document listed from condition A1(a) to A1(k) 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(k) inclusive, and any other document listed from condition A1(a) and A1(k) inclusive, the most recent document shall prevail to the extent of the inconsistency.

3. Replace condition C14 with new condition C14 as follows:

- C14 The Proponent shall not destroy, modify or otherwise physically affect the Aboriginal cultural sites identified in Table 15-3 of the Environmental Assessment (including AHIMS site numbers 21-6-36, 21-6-0287, 21-6-0016, 21-6-0163, 21-6-0039, 21-6-0090, 21-6-0102, 21-6-0164, 21-6-0064, and 21-6-0044), Buchanan Conflict Site at Cow Creek (21-6-00286), burial site, Aboriginal mirrah (21-3-0034) and Rosewood Scarred Tree.