

# 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 dated 14 September 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 *22 March*

2013

---

### **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 4: Amendment of the definition of construction in Schedule 1

## SCHEDULE 2 CONDITIONS

1. Replacing 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); and
  - (i) The conditions of this approval.

2. Replacing definition of “construction” in the Definitions table in Schedule 2, with the following:

<b>Construction</b>	Includes all work in respect of the project other than survey; acquisitions; fencing; investigative drilling or excavation; building/road dilapidation surveys; minor clearing or translocation (except where heritage, threatened species, populations or endangered ecological communities would be affected, unless otherwise approved by the Director General in consultation with OEH); establishing ancillary facilities in locations meeting the criteria stated in condition C27; or other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads and adjustments for services/utilities, etc).
---------------------	--