


# Modification of Minister's Approval

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

I, Karen Jones, Director Infrastructure Assessments, as delegate of the Minister for Planning under Instrument of Delegation dated 16 February 2015, 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

31 July 2015

### SCHEDULE 1

**Project Approval:**

MP 10\_0240 granted by the Minister for Planning and Infrastructure on 22 July 2013.

**For the following:**

The construction and operation of approximately 11.6 kilometres of two lane divided carriageways (with the exception of the cutting through Toolijooa Ridge which comprises two lanes plus a climbing lane in each direction), with provisions for the possible future widening to three lanes within the road corridor (if required in the future).

The project is referred to as the Princes Highway Upgrade – Foxground and Berry Bypass Project.

**Modification:**

10\_0240 MOD 2: Amendment of Out-Of-Hours-Work Process in line with current practice.

## **SCHEDULE 2 CONDITIONS**

1. Delete Condition B36(c)(iv);
2. Replace condition C4 with new condition C4 as follows:

### **C4.**

Works outside of the standard construction hours identified in condition C3 may be undertaken in the following circumstances:

- (a) works that generate noise that is:
  - (i) LA<sub>eq</sub>(15 minute) noise levels no more than 5 dB(A) above rating background level at any residence in accordance with the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009); and
  - (ii) LA<sub>eq</sub>(15 minute) noise levels no more than the noise management levels specified in Table 3 of the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009) at other sensitive receivers; or
- (b) where a negotiated agreement has been reached with affected receivers, where the prescribed noise levels cannot be achieved; or
- (c) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons; or
- (d) for the area between Toolijooa Road and Tindalls Lane, encompassing Toolijooa cut, Broughton Creek floodplain and major bridge works (outside of Berry Township) low noise impact activities and works as follows:
  - (i) between 6.00am and 7.00am Monday to Friday; and
  - (ii) between 6.00pm and 7.00pm Monday to Friday; and
  - (iii) 1.00pm and 5.00pm on Saturdays; and
  - (iv) at no time after 6pm on a day preceding a public holiday long weekend; and
- (e) where it is required in an emergency to avoid injury or the loss of life, property and/or to prevent environmental harm; or
- (f) works approved through an EPL, including for works identified in an out of hours procedure.

3. Delete Condition C6.