



Mr Ron Zahorodny
Principal Manager, Princes Highway and South
Roads and Maritime Services
PO Box 477
WOLLONGONG NSW 2500

Att: Scott Lawrence

Dear Mr Zahorodny

**Princes Highway Upgrade – Foxground to Berry Bypass (10_0240)
Determination of Modification Request 1**

I refer to your correspondence of 13 November 2014 requesting modification of the Minister's approval for the Princes Highway Upgrade – Foxground to Berry Bypass project. The request proposes to modify condition C13 to remove the final paragraph to permit an increase in blasting limitations for non-Aboriginal heritage items.

I wish to advise you that the modification has been approved in accordance with section 75W of the *Environmental Planning and Assessment Act 1979*. A copy of the approval is enclosed for your records.

The Instrument of Approval, the consolidated approval and the Secretary's Report are also available on the Department's website, go to: www.majorprojects.planning.nsw.gov.au.

Should you require any additional information on this matter please contact Joe Gillies on (02) 9228 6114.

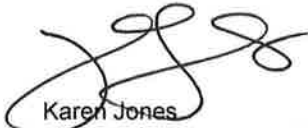
Yours sincerely


Karen Jones 28.1.15
Director
Infrastructure Projects

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

28 January

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).

Modification:

10_0240 MOD 1: Amendment of Condition C13 to delete the final paragraph and add a requirement for non-Aboriginal heritage assessment.

SCHEDULE 2 CONDITIONS

1. Replace condition C13 with new condition C13 as follows:

C13.

The blasting criteria identified in conditions C10 and/or C11 may be exceeded where the Proponent has written approval from the Director General. In obtaining the Director General's approval for any such exceedance the Proponent shall submit to the Director General:

- (a) a written agreement from the EPA and the relevant landowner to exceed the criteria;
- (b) details of the proposed blasting program and justification for the proposed increase to blasting criteria including alternatives considered (where relevant);
- (c) an assessment of the environmental impacts of the increased blast limits on the surrounding environment and most affected residences or other sensitive receivers including, but not limited to noise, vibration and air quality and any risk to surrounding utilities, services or other structures;
- (d) in relation to any identified non-Aboriginal heritage items in the vicinity of blasting works, an assessment of heritage impacts;
- (e) details of the blast management, mitigation and monitoring procedures to be implemented;
- (f) details of consultation undertaken (including clear identification of proposed blast limits and potential property impacts) and agreement reached with the relevant landowners and EPA (including a copy of the agreement in relation to increased blasting limits).

Unless otherwise agreed by the Director General, the following exclusions apply to the application of this condition:

- (a) any agreements reached may be terminated by the landowner at any time should concerns about the increased blasting limits be unresolved; and
- (b) the blasting limit agreed to under any agreement can at no time exceed a maximum Peak Particle Velocity vibration level of 25 mm/s or maximum Airblast Overpressure level of 125 dBL.