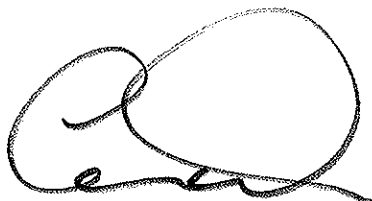


Modification of Minister's Approval

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

I, the Executive Director, Major Projects Assessment, in accordance with the Instrument of Delegation issued by the Minister for Planning on 25 January 2010, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979*, determine to approve the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Chris Wilson
Executive Director
Major Projects Assessment

Sydney,

7 Jun

2010

File No: S09/00936-1
Modification No 08_0117 MOD 1

SCHEDULE 1

Proponent:	NSW Roads and Traffic Authority
Approval:	Granted by the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) on 20 July 2004 under Section 115B of the <i>Environmental Planning and Assessment Act 1979</i>
For the following:	Newell Highway bypass of the Moree Town Centre
Modification:	Modification to, and the use of, the existing Gwydir Highway (Alice Street) to facilitate the staged operation of the Newell Highway bypass of the Moree Town Centre.

SCHEDULE 2

The approval is modified by:

1. Adding the following to the Abbreviations table:

DECCW	Department of Environment, Climate Change and Water
GHIC	Gwydir Highway Interim Connection
NoW	New South Wales Office of Water
NRMA	The National Roads and Motorists Association
I&I NSW	Industry and Investment New South Wales

2. Deleting the following from the Abbreviations table:

DEC	Department of Environment and Conservation
DIPNR	Department of Infrastructure, Planning and Natural Resources

3. Adding and/or modifying the following definitions to the Definitions table:

Affected Landowner	Property owner identified in any of the EIS, Representations Report, GHIC Environmental Assessment, GHIC Submissions Report or CEMP to require a mitigation measure to ameliorate an identified impact to their property.
Council	Moree Plains Shire Council
Department, the	Department of Planning
Gwydir Highway Interim Connection	The project as described in the <i>Moree town centre bypass Gwydir Highway connection, Modification to the Approved Project Environmental Assessment October 2009, RTA/Pub 09.409 prepared by the NSW Roads and Traffic Authority.</i>
Relevant Government Departments	A Government authority with a licensing or approval role of the Activity's construction or operation. These would generally be one or more of I&I NSW, DECCW, NoW or Department of Planning.

4. Replacing all references to DEC to DECCW

5. Replacing all references to NSW Fisheries to I&I NSW, except in condition 42

6. Replacing all references to DIPNR to the Department

7. Replacing all references to Relevant Councils to Council

8. Replacing existing condition 1 with a new condition 1, as follows:

ADMINISTRATIVE CONDITIONS

The Activity

1. The Activity must be carried out consistent with:
 - a) the procedures, safeguards and mitigation measures identified in the EIS, as modified by the Representations Report;
 - b) *Moree town centre bypass Gwydir Highway connection, Modification to the Approved Project Environmental Assessment October 2009, RTA/Pub 09.409 prepared by the NSW Roads and Traffic Authority;*

- c) *Moree town centre bypass Gwydir Highway connection, Modification to the Approved Project Environmental Assessment - submissions report March 2010, RTA/Pub 10.070* prepared by the NSW Roads and Traffic Authority; and
- d) the conditions of this approval.

The conditions of this approval prevail in the event of any inconsistency with the requirements for the Construction and Operation of the Activity arising out of the documents described in (a) to (c) above. Of any of the documents listed from (a) to (c) inclusive, the most recent document shall prevail to the extent of any inconsistency.

9. replacing existing condition 3 with a new condition 3, as follows:

General

- 3. The Proponent must notify in writing the Director General, Relevant Government Departments and Council of the start of each stage of the Activity's Construction and Operation. Such notification must be provided at least four weeks before the relevant start date unless otherwise agreed to by the Director General.

10. replacing existing condition 6 with a new condition 6, as follows:

Staging Report

- 6. The Proponent may elect to construct and operate the Activity in discrete work packages or defined stages provided that such stages or work packages are consistent with these Conditions of Approval. Where discrete work packages or defined stages are proposed, the Proponent must submit a Staging Report to the Director-General at least four weeks before Construction and/or Operation (or within any other time agreed by the Director General). The Staging Report must:
 - (a) describe the work packages or defined stages; and
 - (b) identify how the Conditions will be addressed in each work package or defined stage.

11. replacing existing condition 7 with a new condition 7, as follows:

Pre-Construction Compliance Report

- 7. The Proponent must submit a Pre-Construction Compliance Report to the Director General at least four weeks before the Construction of each stage (or within any other time agreed to by the Director General).

The Pre-Construction Compliance Report must include:

- (a) details of how the Conditions of Approval required to be addressed before Construction were complied with;
 - (b) the date of compliance with each condition, including dates of submission of any required reports and/or approval dates; and
- details of any approvals or licences required to be issued by Relevant Government Departments before Construction commences.

12. replacing existing condition 8 with a new condition 8, as follows:

Pre-Operation Compliance Report

- 8. The Proponent must submit a Pre-Operation Compliance Report to the Director General at least four weeks before the Operation of each stage (or within any other time agreed to by the Director General).

The Pre-Operation Compliance Report must include:

- (a) details of how the Conditions of Approval required to be addressed before Operation were complied with;
- (b) the date of compliance with each condition, including dates of submission of any required reports and/or approval dates; and
- (c) details of any approvals or licences issued by Relevant Government Departments for the Activity's Operation.

13. replacing existing condition 10 with a new condition 10, as follows:

Environmental Impact Audit Report – Construction

10. An Environmental Impact Audit Report – Construction must be prepared and submitted to the Director General a maximum three months after the Operation of each stage of the Activity. The Environmental Impact Audit Report – Construction must also be submitted to other government departments upon the request of the Director General.

The Environmental Impact Audit Report – Construction must:

- (a) identify the major environmental controls used during each stage of Construction and assess their effectiveness;
- (b) summarise the main environmental management plans and processes implemented during Construction or the Construction Stage and assess their effectiveness;
- (c) identify any innovations in Construction methodology used to improve environmental management; and
- (d) discuss the lessons learnt during Construction, including recommendations for future Stages.

14. replacing existing condition 11 with a new condition 11, as follows:

Environmental Impact Audit Report – Operation

11. An Environmental Impact Audit Report – Operation must be submitted to the Director General a maximum 24 months after the Operation of each stage of the Activity and at any additional periods that the Director General may require. The Environmental Impact Audit Report – Operation must also be submitted to other government departments upon the request of the Director General.

The Environmental Impact Audit Report – Operation must:

- (a) be certified by an independent person at the Proponent's expense. The certifier must be advised to the Director General before the Environmental Impact Audit Report – Operation is prepared;
- (b) compare the Operation impact predictions made in the EIS, Representations Report, GHIC Environmental Assessment, GHIC Submissions Report and any supplementary studies with the actual impacts;
- (c) assess the effectiveness of implemented mitigation measures and safeguards;
- (d) assess compliance with the systems for operational maintenance and monitoring;
- (e) discuss the results of consultation with the local community particularly any feedback or complaints; and
- (f) be made Publicly Available.

15. replacing existing condition 12 with a new condition 12, as follows:

Environmental Management Representative

12. The Proponent must request the Director General's Approval for the appointment of an Environmental Management Representative (EMR) at least three months before each stage of Construction (or within any other time agreed to by the Director General). In its request the Proponent must provide the following information, the:

- (a) qualifications and experience of the EMR including demonstration of relevant Australian standards for environmental auditors;
- (b) role and responsibility of the EMR;
- (c) authority and independence (from the Proponent or its contractors) of the EMR including details of the Proponent's internal reporting structure; and
- (d) resourcing of the EMR role.

The EMR must be available:

- i for sufficient time to undertake the EMR role. This timing shall be agreed between the Proponent and the EMR and advised to the Department in the request for approval;
- ii. at any other time requested by the Department; and
- iii. during any Construction activities identified in the CEMP to require the EMR's attendance.

16. replacing existing condition 15 with a new condition 15, as follows:

Construction Environmental Management Plan

15. A Construction Environmental Management Plan (CEMP) must be prepared and implemented in accordance with these Conditions of Approval and all relevant Acts and Regulations. The Proponent must obtain the Director General's Approval for the CEMP before each stage of Construction or within any other time agreed to by the Director General. The CEMP must be certified by the EMR to comply with the Conditions of Approval before the Proponent seeks the Director General's approval for the CEMP.

The Proponent must ensure that the mitigation measures identified in the EIS, Representations Report, GHIC Environmental Assessment, GHIC Submissions Report and in these Conditions are incorporated into the CEMP.

The CEMP must:

- (a) identify the Construction activities associated with the Activity including Construction sites and the staging and timing of proposed works;
- (b) cover any relevant environmental elements identified by the Proponent, or its contractor, from their environmental due diligence investigations;
- (c) contain the Construction Sub Plans required by the Conditions of Approval;
- (d) be prepared following consultation with Relevant Government Departments and Council;
- (e) be Publicly Available;
- (f) include a community consultation and notification strategy (including local community, Relevant Government Departments, Council), and complaint handling procedures;
- (g) include environmental management details such as:
 - i identification of statutory obligations which the Proponent is required to fulfil during Construction, including all approvals and licences;
 - ii an environmental management structure indicating the responsibility, authority and accountability for personnel relevant to the CEMP;
 - iii the role of the EMR and activities requiring EMR attendance;
 - iv details of the Construction personnel induction and training program;
 - v emergency response procedures;
- (h) include implementation details such as:
 - i identification of relevant environmental elements;
 - ii measures to avoid and/or control environmental impacts;
 - iii the tools to be used to implement the CEMP such as plans, schedules and work instructions;
- (i) include monitoring and review details such as:
 - i performance criteria;
 - ii performance criteria monitoring methods for all environmental elements;
 - iii auditing and corrective actions procedures;

17. replacing existing condition 16 with a new condition 16, as follows:

Operation Environmental Management Plan

16. An Operation Environmental Management Plan (OEMP) must be prepared and implemented in accordance with these Conditions and all relevant Acts and Regulations. The Proponent must submit the OEMP to the Director General before the Operation of each stage or within any other time agreed to by the Director General. The OEMP must be certified by the EMR to comply with the Conditions of Approval.

The OEMP must:

- (a) identify the Operation or Operation Stage activities;
- (b) include the Operation Sub Plans required under these Conditions of Approval;
- (c) be prepared in consultation with Relevant Government Departments and Council;
- (d) cover any relevant environmental elements identified by the Proponent either from its environmental due diligence investigations or required to satisfy any other licence or approval;
- (e) be made Publicly Available;
- (f) include environmental management details such as:
 - i identification of statutory obligations which the Proponent is required to fulfil during the Activity's Operation, including all approvals and licences;
 - ii an environmental management structure indicating the responsibility, authority and accountability for personnel relevant to the OEMP;
 - iii details of a personnel induction and training program;
 - iv emergency response procedures;
- (g) include implementation details such as:
 - i identification of relevant environmental elements;
 - ii measures to avoid and/or control environmental impacts;
 - iii the tools to be used to implement the OEMP such as plans, schedules and work instructions;
- (h) include monitoring and review details such as:
 - i performance criteria;
 - ii performance criteria monitoring methods for all environmental elements;
 - iii auditing and corrective actions procedures;
 - iv OEMP review procedures.

If the Proponent has an Operation Environmental Management Plan (or similar system) for its other activities which is applicable to this Activity then that system may be proposed as the OEMP. Details of the existing system must be provided to the Director General demonstrating its application to this Activity.

18. adding a new condition 18A, as follows

- 18A. The Proponent shall report to the Director General and the community at six monthly intervals, on its understanding of the progress by the responsible parties, of the remediation of contaminated land along the southern section of the bypass (south of the Gwydir Highway). The reporting shall include advice on the parties responsible for the remediation, known details of the remediation activities being undertaken, the progress of their activities and the expected timing for the completion of remediation activities. The reporting to the community shall be through updating of the Activity internet site and through the Community Liaison Group. This reporting shall continue until land along the route has been remediated, unless otherwise agreed by the Director General.

19. adding a new condition 19A, as follows:

- 19A. At least four weeks prior to the commencement of operations of the GWIC, the Proponent must notify the community, emergency services and broader road users of changes to access arrangements as a result of the Activity.

20. replacing existing condition 20, with new condition 20, as follows:

20. The Proponent must consult all Affected Landowners regarding the implementation of mitigation measures identified in the EIS or Representations Report, GHIC Environmental Assessment and GHIC Submissions Report (as relevant), and the CEMP. Mitigation measures should be implemented according to a program discussed with the Affected Landowner and the Proponent if consistent with the Conditions of Approval.

21. replacing existing condition 36 with a new condition 36, as follows:

Operational Noise Management Report

36. The Proponent must prepare an *Operational Noise Management Report* detailing its investigation of Reasonable and Feasible Operation noise mitigation methods. The Proponent must obtain the approval of the Director General for the Report before the Construction of each stage or within any other time agreed to by the Director General. The report and investigation must be conducted in accordance with the NSW Government's *Environmental Criteria for Road Traffic Noise* and the RTA's *Environmental Noise Management Manual*. The report must include:
- (a) Identification of operational noise criteria in accordance with the Conditions of Approval;
 - (b) predictions of noise levels at all Sensitive Receivers;
 - (c) details of specific physical and managerial measures that could be used to control Operation noise from the Activity;
 - (d) details of Reasonable and Feasible noise mitigation measures. To assist in selecting noise mitigation options for road traffic noise an analysis for the entire Activity must be undertaken in accordance with Practice Note IV of the RTA *Environmental Noise Management Manual*. The importance applied to aesthetic impacts (visual, shadowing etc.) and noise mitigation along the Activity must be determined in consultation with the CLG and owners of directly affected land;
 - (e) the urban design issues relating to noise control measures;
 - (f) identification of which noise mitigation measures will be implemented, including their location, type and when they are to be implemented; and
 - (g) details of noise monitoring, reporting and complaint response procedures.

22. replacing existing condition 37 with a new condition 37, as follows:

Operational Noise Monitoring

37. Monitoring of Operational noise must be undertaken in accordance with Practice Note VIII of the RTA's *Environmental Noise Management Manual*. The Proponent must assess the adequacy of the implemented traffic noise mitigation measures between six months and one year after the commencement of Operation of each stage of the Activity. Should the assessment indicate traffic noise levels exceeding those predicted in the Operation Noise Management Report, the Proponent must:
- (a) immediately advise the Director General; and
 - (b) investigate and implement further Reasonable and Feasible mitigation measures in accordance with the NSW Government's *Environmental Criteria for Road Traffic Noise* and RTA's *Environmental Noise Management Manual*. The selection of these measures must be undertaken in consultation with Affected Landowners and/or occupiers and be consistent with the Operation Noise Management Report.

23. replacing existing condition 42 with a new condition 42, as follows:

Bridge and Culvert Design

42. The Proponent must consult with NoW, DECCW and I&I NSW regarding the design and construction of bridges and culverts. In undertaking bridge design and construction, the Proponent must:

- (a) investigate designing bridge structures suitable for fauna use in consultation with the DECCW;
- (b) not construct earth or rock fill platforms for driving piles unless otherwise agreed by I&I NSW;
- (c) not include street lighting that may disturb fauna movements of nocturnal species along the Mehi River;
- (d) ensure that no temporary or permanent barriers to fish passage are erected across the Mehi River;
- (e) locate bridge abutments located away from the edge of a river unless otherwise agreed by I&I NSW;
- (f) ensure that there is no drop or 'waterfall' effect at the discharge from a structure;
- (g) set the base of culverts into (rather than on) the floodplain so that natural sediments can cover the bottom, providing a less alien habitat for fish passage; and
- (h) provide a 'low flow channel' in the main flow cell of a box culvert to facilitate fish passage during periods of low flow in important (as defined by NSW Fisheries Guidelines) fish streams.

24. replacing existing condition 56 with a new condition 56, as follows:

56. Road dilapidation reports must be prepared for all roads likely to be used by Construction traffic before the Construction of each stage and after the Construction of each stage is complete. Copies of the reports must be provided to Council. Any damage resulting from Construction, except that resulting from normal wear and tear, must be repaired at the Proponent's cost.

Nothing in this Condition shall be taken as restricting the Proponent from negotiating an alternative arrangement for road damage with Council.

25. adding a new condition 58A, as follows:

58A. Prior to the opening of the GHIC, the Proponent shall implement a Local Area Traffic Management scheme for the area bounded by Frome Street, the Mehi River and the rail corridor. The scheme must be consistent with the Phase 1 measures presented in the document listed in condition 1(b).

26. adding a new condition 58B, as follows:

58B. In addition to the requirements identified in condition 57, the Proponent shall undertake monitoring within the area bounded by Frome Street, the Mehi River and the rail corridor to determine the efficacy of the GHIC traffic assessment and the Phase 1 local area traffic management measures. Monitoring shall be undertaken prior to the construction of the GHIC and then one year following operation. This monitoring shall be reported to the Department and should monitoring indicate that measures are inadequate in controlling heavy vehicle through traffic, the Proponent shall install Phase 2 local area traffic management measures in consultation with the community and Council.

27. adding a new condition 58C, as follows:

58C. Prior to the commencement of operations of the southern section of the bypass (south of the Gwydir Highway), the Proponent shall review the need for local area traffic management measures implemented as part of the GHIC in consultation with the community and Council.

28. adding a new condition 59A, as follows:

- 59A. The upgrade of the Frome/Alice Street roundabout, as part of the GHIC, shall be undertaken with due consideration to rectifying the intersection deficiencies as identified in the NRMA Motoring and Services Report, Newell Highway Route Performance Review by PB, reference 2112664APR_2071RevB and dated October 2008.

29. replacing existing condition 61 with a new condition 61, as follows:

61. All sections of State Highway transferred to Council must:
- (a) be provided to a standard negotiated with Council; and
 - (b) have a negotiated arrangement covering maintenance costs.

30. replacing existing condition 67 with a new condition, as follows:

Local Streets Strategy

67. The Proponent must prepare a **Local Streets Strategy** as part of the *Urban Design and Landscape Report*. The Strategy must:
- (a) investigate landscaping and urban design elements consistent with the existing street beautification program on Frome Street and Balo Street to be implemented prior to being transferred to Council;
 - (b) describe landscaping elements required on local streets that intersect with the Activity between the Southern Interchange and the Northern Interchange to ensure the Activity is integrated with landscaping and urban design being undertaken by Council.

31. adding a new condition 72A, as follows:

- 72A. The Proponent shall install directional signage on Alice Street, in consultation with affected businesses to inform, and direct traffic along Warialda, River and Gosport Streets (north of Alice Street), to those businesses impacted by the turning restrictions arising from the GHIC.

32. adding a new condition 72B, as follows:

- 72B. The Proponent shall, in consultation with Council, review the adequacy of signage for the Moree Spa complex along Alice Street and Frome Street as part of the GHIC Phase 1 local area traffic management measures. Should deficiencies be identified, the Proponent shall install replacement signage in consultation with Council, and to an equivalent or higher standard.