

## Activity Approval

Section 115B of the *Environmental Planning & Assessment Act 1979*

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration) approve under s.115B of the *Environmental Planning and Assessment Act 1979* the Activity referred to in Schedule 1, subject to the conditions in Schedule 2.

Diane Beamer MP  
Minister Assisting the Minister for  
Infrastructure and Planning  
(Planning Administration)

Dated this                      20                      day of                      July                      2004                      S01/00191

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## SCHEDULE 1: DESCRIPTION OF ACTIVITY

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The Activity is the Newell Highway bypass of Moree Town Centre as described in the:

1. environmental impact statement (EIS) for the Proposed Newell Highway bypass of Moree Town Centre prepared by egis Consulting dated, August 2003; as modified by the
2. Representations Report for the Newell Highway bypass of Moree Town Centre prepared by the Roads and Traffic Authority (RTA), dated October 2003.

The Activity does not include any remediation works required on land previously zoned as Special Uses (Railways) under the *Moree Plains Local Environmental Plan (LEP) 1995*.

## SCHEDULE 2: CONDITIONS OF APPROVAL – NEWELL HIGHWAY BYPASS OF MOREE TOWN CENTRE

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## ABBREVIATIONS

ARI	Average Recurrence Interval
CLG	Community Liaison Group
CEMP	Construction Environmental Management Plan
dB(A)	Decibel, "A" weighted scale
DECCW	Department of Environment, Climate Change and Water
ECRTN	Environmental Criteria for Road Traffic Noise (EPA 1999)
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMR	Environmental Management Representative
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPA	Former Environmental Protection Authority (now Department of Environment and Conservation).
GHIC	Gwydir Highway Interim Connection
I&I NSW	Industry and Investment New South Wales
L <sub>A90</sub>	The noise level exceeded for 90% of a monitoring period, also referred to as the background noise level
L <sub>Aeq</sub> (9hour)	Equivalent continuous (constant) sound pressure level over a 9 hour period from 10pm to 7am
L <sub>Aeq</sub> (15 hour)	Equivalent continuous (constant) sound pressure level over a 15 hour period from 7am to 10pm
L <sub>Aeq</sub> (15 mins)	Equivalent sound pressure level over a 15 minute interval
L <sub>A1</sub> (1 minute)	Sound pressure level exceeded for 1 per cent of the time measured over a 1 minute interval
L <sub>A10</sub> (15 mins)	Sound pressure level exceeded for 10 per cent of the time over a 15 minute period
NRMA	The National Roads and Motorists Association
NoW	New South Wales Office of Water
OEMP	Operation Environmental Management Plan
PAD	Potential Archaeological Deposit
RTA	Roads and Traffic Authority

## DEFINITIONS

Activity	The activity described in Schedule 1 of this Approval.
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.
Ancillary Facility	Temporary facility for Construction such as office and amenities compound, concrete batch plant, materials storage compound.
Approved Activity Area	The footprint of the Activity covered by the Conditions of Approval.
Carbeen Open Forest	Areas identified in the EIS as the endangered ecological community 'Carbeen Open Forest in the Darling Riverine Plains and Brigalow Belt South Bioregions' under the <i>Threatened Species Conservation Act</i>

	1995.
Conditions of Approval	The Minister's Conditions of Approval for the Activity
Construction	Includes all work in respect of the Activity <b>other than</b> survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing site compounds (in locations meeting the criteria of the Conditions), or other activities certified by the EMR to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc.).
<b>Council</b>	<b>Moree Plains Shire Council</b>
Definition of times	Daytime is 7am to 6pm Monday to Saturday, and 8am to 6pm Sundays and Public Holidays Evening is 6pm to 10pm Night-time is 10pm to 7am Monday to Saturday, and 10pm to 8am Sundays and Public Holidays
<b>Department, the</b>	<b>Department of Planning</b>
Director General, the	Director General of the Department or delegate
Director General's Agreement	A written advice from the Director General (or delegate).
Director General's Approval	A written approval from the Director General (or delegate).  Where the Director General's Approval is required under a Condition the Director General will endeavour to provide a response within one month of receiving an approval request. The Director General may ask for additional information if the approval request is considered incomplete. When further information is requested the time taken for the Proponent to respond in writing will be added to the one month period.
Director General's Report	The report provided to the Minister by the Director General of the Department under section 115C of the <i>Environmental Planning and Assessment Act 1979</i> .
EIS	Means the environmental impact statement (EIS) for the Proposed Newell Highway bypass of Moree Town Centre prepared by egis Consulting dated, August 2003
<b>Gwydir Highway Interim Connection</b>	<b>The project 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></b>
Minister, the	Minister for Infrastructure and Planning.

Operation	Means the Operation of the Activity, but <b>does not</b> include commissioning trials of equipment or temporary use of parts of the Activity during Construction.
Proponent	Roads and Traffic Authority (RTA)
Publicly Available	Available for inspection by a member of the general public (for example available on an internet site or at a display centre)
Reasonable and Feasible	Consideration of best practice taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. <b>Feasible</b> relates to engineering considerations and what is practical to build. <b>Reasonable</b> relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements. This definition is consistent with the ECRTN.
Relevant Aboriginal Groups	Moree Local Aboriginal Land Council
Relevant Councils	Moree Plains Shire Council
Relevant Government Departments	A government authority with a licensing or approval role for the Activity's construction or operation. These would generally be one or more of I&I NSW, DECCW, NoW or Department of Planning.
Representations Report	Representations Report for the Newell Highway bypass of Moree Town Centre prepared by the Roads and Traffic Authority (RTA), dated October 2003.
River	Has the meaning given under the <i>Water Management Act 2002</i> .  In summary this is "any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved". A detailed description of river or waterway types is available in the classification provided in the NSW Fisheries Guideline <i>Why Do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings</i> (February 2004)
Sensitive Receiver	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) and religious facility (e.g. church)
Structure	Any fixed, artificial object including residence, farm shed, fence, dam, cable support structure, etc.
Town Centre	The commercial zoned area on either side of Balo Street and Frome Street (north) between the Mehi River Bridge and the Broadwater Bridge

## 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;
- (d) the RTA's modification request and assessment information dated 27 September 2010 supplemented by correspondence the RTA provided on 16 October 2010 to extend construction hours for one month along Alice Street between the Frome Street Roundabout and Morton St (08\_0117 MOD 2); and
- (e) 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 (d) above. Of any of the documents listed from (a) to (d) inclusive, the most recent document shall prevail to the extent of any inconsistency.

2. These Conditions of Approval do not relieve the Proponent of the obligation to obtain all other approvals and licences required under any other Act. The Proponent must comply with the terms and conditions of such approvals and licences.

### Compliance

#### *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.
- 4. It is the responsibility of the Proponent to ensure compliance with all of these Conditions and to implement any measures arising from these Conditions of Approval.
- 5. The Proponent must comply with any requirements of the Director General arising from the Department's assessment of:
  - (a) any reports, plans or correspondence that are submitted to satisfy these Conditions of Approval; and
  - (b) the implementation of any actions or measures contained in such reports, plans or correspondence.

### *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.

### *Pre-Construction Compliance Report*

7. The Proponent must submit a Pre-Construction Compliance Report to the Director General at least four weeks before 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
- (c) details of any approvals or licences required to be issued by Relevant Government Departments before Construction commences.

### *Pre-Operation Compliance Report*

8. The Proponent must submit a Pre-Operation Compliance Report to the Director General at least four weeks before 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.

### *Construction Compliance Reports*

9. The Proponent must provide the Director General, Council and any other government department nominated by the Director General with Construction Compliance Reports. The EMR must review the Construction Compliance Reports before they are submitted to the Director General and bring to the Director General's attention any shortcomings.

The first Construction Compliance Report must report on the first six months of construction and be submitted a maximum six weeks after expiry of that period and subsequent reports at intervals



of a maximum six months thereafter (or at any other time interval agreed to by the Director General) for the duration of Construction.

The Construction Compliance Reports must include information on:

- (a) compliance with the CEMP and the Conditions of Approval;
- (b) compliance with any approvals or licences issued by Relevant Government Departments for the Construction phase of the Activity;
- (c) the implementation and effectiveness of environmental controls. The assessment of effectiveness should be based on a comparison of actual impacts against performance criteria identified in the CEMP;
- (d) environmental monitoring results, presented as a results summary and analysis;
- (e) the number and details of any complaints, including a summary of main areas of complaint, action taken, response given and intended strategies to reduce complaints of a similar nature;
- (f) details of any review and amendments to the CEMP resulting from Construction during the six months; and
- (g) any other matter relating to compliance with the Conditions of Approval or as requested by the Director General.

The Construction Compliance Reports must also be made Publicly Available.

## **Environmental Impact Audits**

### *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 Construction and assess their effectiveness;
- (b) summarise the main environmental management plans and processes implemented during Construction 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 projects.

### *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 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.

## ENVIRONMENTAL MANAGEMENT

### 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.
13. The Director General may at anytime immediately revoke the approval of an EMR appointment by providing written notice to the Proponent. Interim arrangements for EMR responsibility following the cancellation notice must be approved by the Director General.
  14. The EMR is authorised to :
    - (a) consider and advise the Department and the Proponent on matters specified in these Conditions of Approval and compliance with such;
    - (b) determine whether work falls within the definition of Construction where clarification is requested by the Proponent;
    - (c) certify the CEMP;
    - (d) certify the OEMP (if required);

- (e) review the Proponent's induction and training program for Construction personnel and monitor its implementation;
- (f) periodically monitor the Proponent's activities to evaluate compliance with the CEMP. Periodic monitoring must involve site inspections of active work sites at least fortnightly;
- (g) provide a written report to the Proponent of non-compliance with the CEMP. Non compliance must be managed as identified in the CEMP;
- (h) direct the Proponent to stop work immediately if, in the view of the EMR, an unacceptable impact on the environment is occurring or is likely to occur. The stop work notice may be limited to specific activities causing an impact where the EMR can easily identify those activities. The EMR may also require that the Proponent initiate reasonable actions to avoid or minimise adverse impacts;
- (i) review corrective and preventative actions to ensure the implementation of recommendations made from audits and site inspections;
- (j) certify that minor revisions to the CEMP are consistent with the approved CEMP; and
- (k) provide regular (as agreed with the Department) reports to the Department on matters relevant to carrying out the EMR role including notifying the Director General of any stop work notices.

The EMR must immediately advise the Proponent and the Director General of any incidents relevant to these Conditions resulting from the Construction or Operation of the Activity that were not dealt with expediently or adequately by the Proponent.

### 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;
  - iv CEMP review procedures.

## 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;
  - iv measures to avoid and/or control environmental impacts;
  - v 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.

## COMMUNICATION AND CONSULTATION

### Advice of Construction Activities

17. Before Construction commences, and then at maximum three monthly intervals, the Proponent must advertise in relevant newspapers the: nature of the works proposed for the next three months; areas in which these works are proposed; Construction hours; and a contact telephone number.

The Proponent must ensure that the local community and businesses are advised of Construction activities that could cause disruption. Methods to disseminate this information must be identified in the CEMP. Information to be provided must include:

- (a) details of any traffic disruptions and controls;
- (b) construction of temporary detours; and
- (c) work approved to be undertaken outside the normal Construction hours, in particular noisy works, before such works are undertaken.

18. The Proponent must establish an Activity internet site before construction commences and maintain the internet site until 12 months after opening the Activity. This internet site must contain:

- (a) periodic updates of work progress, consultation activities and planned work schedules. The site must indicate the date of the last update and the frequency of the internet site updates;
- (b) a description of relevant approval authorities and their areas of responsibility;
- (c) a list of reports and plans that are publicly available under this Approval and details of how these can be accessed;
- (d) meeting notes of community liaison group meetings;
- (e) contact names and phone numbers of the Activity communications staff; and
- (f) the 24 hour toll-free complaints contact telephone number.

Updates of work progress, construction activities and planned work schedules must be provided where significant changes in noise or traffic impacts are expected.

- 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 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.

## Community Liaison Group

19. A Community Liaison Group (CLG) must be formed and hold its first meeting before Construction commences. The CLG must include the EMR and representatives from the Proponent and its contractor. Community representatives should be identified and selected from relevant community and business groups, individual members of the community adjoining the Activity and representatives from **Council**. The Director General must be advised of the CLG membership following its formation.

The Proponent must, at its own expense:

- (a) nominate a chairperson for the CLG. The chairperson must be independent of the Proponent;
- (b) nominate two (2) representatives to attend all CLG meetings;
- (c) provide to the CLG regular information on the progress of work and monitoring results;
- (d) promptly provide to the CLG such other information as the Chair of the CLG may reasonably request concerning the environmental performance of the Activity;
- (e) provide access for site inspections by the CLG;
- (f) provide meeting facilities for the CLG, and take meeting notes of CLG meetings. These meeting notes, once endorsed by the Chair, must be available to CLG members within 14 days of the meeting;
- (g) where reasonably required by the Chair, arrange consultant(s) to explain technical information to the CLG; and
- (h) where reasonably required by the Chair, invite representatives from relevant Government departments or other individuals to attend CLG meetings.

Issues for discussion may include, but not be limited to detailed design, the CEMP, Construction activities and any other issue considered relevant by the CLG.

The CLG may make comments and recommendations about the design and implementation of the Activity, which must be considered by the Proponent. The Proponent must report back to the CLG on its considerations. In the event of any dispute between the CLG and the Proponent, the Proponent's decision is final provided it is consistent with these Conditions of Approval.

- 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. 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.

## Complaints Management System

21. The Proponent must implement a Complaints Management System before Construction commences. The System must include:
- (a) the name and contact details of the person(s) responsible for implementing and maintaining the Complaints Management System;

- (b) adequate resources including people, communication facilities, transport etc.;
- (c) a 24 hour, toll free telephone number listed with a telephone company and advertised. This telephone number must enable any member of the public to reach a person who can arrange a response to their complaint;
- (d) a system to receive, record, track and respond to complaints within the specified timeframe. When a complaint cannot be responded to immediately, a follow-up verbal response on what action is proposed must be provided to the complainant within two hours during night-time works and 24 hours at other times;
- (e) a process for the provision of a written response to the complainant within 10 days, if the complaint cannot be resolved by the initial or follow-up verbal response; and
- (f) a mediation system for complaints unable to be resolved. Where external or independent mediation is required the mediator must be approved by the Director General.

Information on all complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation, must be included in the Construction Compliance Reports and must be made available to the Director General on request.

## FLORA AND FAUNA

### Construction

22. A Flora and Fauna Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with **DECCW** and **Council** and include:
  - (a) methods to reduce and manage impacts on flora and fauna species (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the Activity;
  - (b) performance goals against which to measure the success of the methods;
  - (c) ecological details including:
    - i any necessary licences required from **DECCW**;
    - ii plans showing: vegetation communities highlighting important fauna habitat areas and threatened species locations; areas to be cleared; and a clearing program. The plan must cover the Approved Activity Area and extend to vegetation in adjoining areas where this is both contiguous with the Construction footprint and contains important fauna habitat areas and/or threatened species;
    - iii procedures for vegetation clearing and soil management during Construction;
    - iv strategies for minimising vegetation clearance within the Approved Activity Area and protection of vegetated areas outside that area;
    - v methods to ensure topsoils, and where relevant subsoils, are stripped, stored and placed back in their original sequence;
    - vi a habitat tree management program including fauna recovery procedures, potential for relocation of hollow bearing trees, compensatory management measures (such as replacement of lost hollows with nesting boxes);
    - vii where possible, strategies for re-using in rehabilitation works individuals or populations of any threatened plant species that would be otherwise be destroyed by the Activity;
  - (d) a Weed Management Plan including:
    - i weed identification;
    - ii weed eradication methods and protocols for the use of herbicides;
    - iii methods to treat and re-use weed infested topsoil;
    - iv strategies to control seed invasion (such as vehicle wash down);



- (e) a program for reporting on the effectiveness of terrestrial and aquatic flora and fauna management measures against performance goals. Management methods must be reviewed where found to be ineffective.
23. Cleared vegetation must not be bulldozed into adjacent bushland.
  24. The Proponent must ensure that vegetation disturbance below the bridge deck, between the piers, is consistent with Figure 9.7 of the EIS.
  25. If during the course of Construction, the Proponent becomes aware of the presence of threatened species not identified and assessed in the EIS or Representations Report and which are likely to be affected, the Proponent must:
    - (a) immediately cease all work likely to affect the threatened species;
    - (b) inform the Director General of the **DECCW** and/or **I&I NSW** as relevant; and
    - (c) not recommence work likely to affect the threatened species until receiving advice from the **DECCW** and/or **I&I NSW** to do so.

## NOISE AND VIBRATION

### Construction Noise and Vibration Management Sub Plan

26. A Construction Noise and Vibration Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with the **Council** and the CLG and include:
  - (a) education of Construction personnel about noise minimisation.
  - (b) identification of each Construction site and Ancillary Facility;
  - (c) identification of the specific activities that will be carried out and associated noise sources for each Construction site and Ancillary Facility;
  - (d) identification of all potentially affected Sensitive Receivers;
  - (e) the Construction noise objective specified in the Conditions of Approval;
  - (f) the Construction vibration criteria specified in the Conditions of Approval;
  - (g) determination of appropriate noise and vibration objectives for each identified Sensitive Receiver;
  - (h) noise and vibration monitoring, reporting and response procedures;
  - (i) assessment of potential noise and vibration from the proposed Construction methods including noise from Construction vehicles and any traffic diversions;
  - (j) analysis of reasonable and feasible noise mitigation measures such as:
    - i maximising the offset distance between noisy plant items and Sensitive Receivers;
    - ii Construction timetabling, in particular for works outside standard hours, to minimise noise impacts. This may include time and duration restrictions and respite periods;
    - iii avoiding using noisy plant simultaneously and/or close together, adjacent to Sensitive Receivers;
    - iv orienting equipment away from Sensitive Receivers;
    - v carrying out loading and unloading away from Sensitive Receivers;
    - vi use of dampened tips on rock breakers;
    - vii use of portable enclosures around mobile and fixed plant where noise impacts are likely to exceed noise objectives;



- viii using noise source controls, such as the use of residential class mufflers, to reduce noise from all plant and equipment including bulldozers, cranes, graders, excavators and trucks;
- ix selection of plant and equipment based on noise emission levels;
- x use of alternative Construction methods;
- xi alternative arrangements with Affected Landowners (or residents of such properties) such as temporary relocation;
- xii selecting site access points and roads as far as possible away from Sensitive Receivers; and
- xiii use of alternatives to reversing alarms such as spotters, closed circuit television monitors and 'smart' reversing alarms;
- (k) a description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during Construction;
- (l) justification for any activities outside the Construction hours specified in the Conditions of Approval. This includes identifying areas where Construction noise would not be audible at any Sensitive Receiver;
- (m) procedures for notifying residents of Construction activities that are likely to affect their noise and vibration amenity; and
- (n) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

### Construction Hours

27. All construction activities, including entry and departure of heavy vehicles are restricted to the hours of 7:00 am to 6:00 pm (Monday to Friday); 8:00 am to 1:00 pm (Saturday) and at no time on Sundays and public holidays.

Notwithstanding the above, construction activities are permitted between the hours of 7:00am and 8:00pm Monday to Friday and 7:00am and 4:00pm on Saturday and Sunday along Alice Street between the Frome Street Roundabout and Morton Street, for a period one month from the date of this approval, or as otherwise agreed by the Director-General.

Works outside these hours that may be permitted include:

- (a) any works which do not cause noise emissions to be audible at any nearby residential property;
- (b) the delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons;
- (c) emergency work to avoid the loss of lives, property and/or to prevent environmental harm; and,
- (d) any other work as agreed through the Construction Noise and Vibration Management Sub Plan Process.

Local residents should be informed of the timing and duration of works covered under clause (d) at least 48 hours prior to commencement.

### Construction Noise Objective

28. The Construction noise objective for the Activity is to manage noise from Construction activities (as measured by a  $L_{A10(15\text{minute})}$  descriptor) so it does not exceed the background  $L_{A90}$  noise level by more than 10 dB(A).

Background noise levels are those identified in the EIS or Representations Report or otherwise identified in the Construction Noise and Vibration Management Sub Plan.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the Construction Noise and Vibration Management Sub Plan. The Proponent must implement all Reasonable and Feasible noise mitigation and management measures with the aim of achieving the Construction noise objective.

If the noise from a Construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured Construction noise level when comparing the measured noise with the Construction noise objective.

### Construction Noise Management

29. The Proponent must ensure that public address systems used at any Construction site are not used outside the Construction hours detailed in the Conditions of Approval unless otherwise approved through the Construction Noise and Vibration Management Sub Plan. Public address systems must be designed to minimise noise spillage off-site (for example by using directional speakers, volume control with background noise adjustments, locating and pointing speakers away from Sensitive Receivers etc.).
30. The Proponent must schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Sub Plan:
  - (a) 9 am to 12 pm and 2 pm to 5 pm, Monday to Friday; and
  - (b) 9 am to 12 pm, Saturday.
31. The Proponent must ensure that wherever reasonable and feasible, and where Sensitive Receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Sub Plan.
32. The Proponent must consult with Affected Landowners and, where feasible, erect Operation noise mitigation measures at the start of Construction (or at other times during Construction) to minimise Construction noise impacts.
33. The Proponent must consult with education institutions and minimise the impact of noise generating Construction works in their vicinity. The Proponent must ensure that Construction works audible at an institution are not timetabled during important events, such as major examination periods, unless arrangements acceptable to the affected institutions are made at no cost to the affected institutions.

### Vibration Criteria

34. Vibration caused by Construction and received at any residence or Structure outside the Approved Activity Area boundaries must:

- (a) for structural damage vibration be limited to German Standard DIN 4150 Part 3 *Structural Vibration in Buildings. Effects on Structures*; and
- (b) for human exposure to vibration be limited to the evaluation criteria presented in British Standard BS 6472- *Guide to Evaluate Human Exposure to Vibration in Buildings* (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Sub Plan.

## Operation Noise Management

### *Operational Noise Criteria*

35. Operational traffic noise must aim to achieve the operational noise criteria below, unless otherwise agreed to by the Director General through the Operational Noise Management Report:
- (a) for new freeway or arterial road sections as defined in Section 6.4 of the EIS:
    - i  $L_{Aeq15\text{ hour}}$  55 dB(A) (7:00 am to 10:00 pm);
    - ii  $L_{Aeq9\text{ hour}}$  50 dB(A) (10:00 pm to 7:00 am);
  - (b) for redevelopment of an existing freeway or arterial road as defined in Section 6.4 of the EIS:
    - i  $L_{Aeq15\text{ hour}}$  60 dB(A) (7:00 am to 10:00 pm); and
    - ii  $L_{Aeq9\text{ hour}}$  55 dB(A) (10:00 pm to 7:00 am).

### *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 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.

## *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.

## PHYSICAL ISSUES

### Soil and Water Management

#### *Soil and Water Quality Management Sub Plan*

38. A Soil and Water Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with Relevant Government Departments and Council. The Sub Plan must:
- (a) where relevant, be consistent with the Department of Housing's guideline *Managing Urban Stormwater - Soils and Construction*, the RTA's *Guidelines for the Control of Erosion and Sedimentation in Roadworks* and the DIPNR *Constructed Wetlands Manual*;
  - (b) identify the Construction activities that could cause soil erosion or discharge sediment or water pollutants from the site;
  - (c) describe management methods to minimise soil erosion or discharge of sediment or water pollutants from the site including a strategy to minimise the area of bare surfaces during Construction (such as progressive site rehabilitation and protecting slopes with geotextile fabric), including strategies to address the properties of the 'Moree black soils';
  - (d) describe the location and capacity of erosion and sediment control measures;
  - (e) identify the timing and conditions under which Construction stage controls will be decommissioned;
  - (f) include contingency plans to be implemented for events such as fuel spills; and
  - (g) identify how the effectiveness of the sediment and erosion control system will be monitored, reviewed and updated.

#### *Construction*

39. An appropriately qualified soil scientist must be consulted according to a schedule identified in the Soil and Water Management Sub Plan to:
- (a) undertake inspections of temporary and permanent erosion and sedimentation control devices;
  - (b) ensure that the most appropriate controls are being implemented;
  - (c) check that controls are being maintained in an efficient condition; and

- (d) check that controls meet the requirements of any relevant approval/licence condition(s).

The results of these inspections and any follow-up actions must be reported in the Construction Compliance Reports required by the Conditions of Approval.

40. The Proponent must provide appropriate detention systems for containment of spills and materials consistent with the RTA's *Code of Practice for Water Management – Road Development and Management*.

#### *Operation*

41. All Operation stage controls for stormwater drainage and water pollution must be located, designed, constructed, operated and maintained to meet the requirements of Relevant Government Departments and Council. All controls, including wetland filters, grass filter strips and gross pollutant traps must be inspected regularly and maintained in a functional condition for the life of the Activity.

#### **Bridge and Culvert Design**

42. The Proponent must consult with DECCW and NSW Fisheries 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 NSW Fisheries;
  - (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 NSW Fisheries;
  - (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.

#### **Flooding**

43. The Proponent must endeavour to resolve amicably any dispute between itself and any landowner about alterations to flooding characteristics caused by the Activity. If the parties cannot reach a mutually satisfactory resolution then the dispute resolution requirements of the Conditions of Approval (the complaints management system) shall apply.

#### **Spoil and Fill Management**

44. A Spoil and Fill Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must include:

- (a) details of the movement of site generated spoil and fill within the Activity;
- (b) the source of imported fill material and where it will be stockpiled and used; and
- (c) methods to re-use or dispose excess or unsuitable spoil material including volumes and disposal sites.

45. All material excavated from the Construction must be re-used or recycled unless otherwise approved in the Spoil and Fill Management Sub Plan. The Proponent must ensure that the re-use of material generated from Construction is maximised in preference to importing fill.

### **Air Quality**

46. A Dust Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must identify:

- (a) potential sources of dust;
- (b) dust management objectives consistent with EPA guidelines;
- (c) a monitoring program to assess compliance with the identified objectives;
- (d) mitigation measures to be implemented, including measures during weather conditions where high level dust episodes are probable (such as strong winds on hot, sunny days); and
- (e) a progressive revegetation strategy for exposed surfaces with the aim of minimising exposed surfaces.

47. Construction vehicles using public roads must be maintained to prevent any loss of load, whether dust, liquid or soils. Facilities must be provided at exit points of all Construction sites/compounds to minimise tracking mud, dirt or other material onto a public road or footpath. In the event of any spillage, the Proponent must remove the spilled material as soon as practicable within the working day of the spillage.

48. The Proponent must ensure that all Construction plant and equipment are:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

### **Greenhouse Gases and Sustainable Energy**

49. The Proponent must promote the reduction of greenhouse gases during Construction by adopting energy efficient work practices including:

- (a) developing and implementing procedures to minimise energy use;
- (b) conducting awareness programs as part of induction for all site personnel regarding energy conservation methods; and
- (c) conducting regular energy audits during the Activity to identify and address energy waste.

50. The Proponent must use electrical energy derived from a renewable energy source accredited by SEDA for the supply of at least 50% of the electrical energy requirements for the Activity's Construction. Power consumption (green power or other) must be reported in the Construction Compliance Reports.

### **SOCIAL AND ECONOMIC ISSUES**

## Property Damage and Access

51. Subject to landowner agreement, building condition surveys must be conducted on all Structures within:
- (a) 200 metres of blasting;
  - (b) 30 metres of the Activity; or
  - (c) any other locations identified by the EMR.

Building condition surveys must be undertaken at least 30 days before Construction occurs within the distance limits described in this condition.

The owners of all properties on which building condition surveys are to be conducted must be advised at least 14 days before the survey of its scope and methodology and of the process for making a property damage claim. A copy of the survey must be given to each affected owner at least three weeks before Construction that could affect the property commences. A register of all properties surveyed must be maintained by the Proponent indicating whether the owner accepted or refused the offer. A copy of the register must be provided to the Director General upon request.

52. Building condition surveys need not be undertaken if a risk assessment indicates structures will not be affected. The risk assessment must be undertaken before Construction commences by geotechnical and construction engineering experts with appropriate registration on the National Professional Engineers Register.
53. Any property damage caused directly or indirectly by the Activity's construction (including vibration and groundwater changes) must be rectified at no cost to the owner(s).
54. Where a licensed bore, dam or other property water supply is adversely affected by the Activity the Proponent must reinstate a water supply of equivalent quality and quantity. Alternatively the Proponent may negotiate compensation for the loss with the landowner.
55. The Proponent must ensure that access to properties is maintained throughout Construction. The Proponent must ensure that any legal property access affected by the Activity is reinstated to an equivalent standard or that alternative arrangements are negotiated with the relevant landowner(s).

## Traffic

56. Road dilapidation reports must be prepared for all roads likely to be used by Construction traffic before Construction of each stage and after 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.

57. The Proponent must undertake full classified traffic counts in the Moree Town Centre (at the locations described in Attachment 1) and on Alice Street (west of the rail line) before the opening of the Activity to traffic; and then six months and twelve months from opening the Activity to traffic. Monitoring must be undertaken for a minimum of one week outside of school holidays,



cotton and wheat harvests. The results of monitoring must be compared to levels predicted in Attachment 1. The results must be forwarded to the Department within one month of each monitoring period and be made publicly available.

58. Should the monitoring required as part of Condition 57 indicate actual articulated heavy vehicle traffic levels within the town centre are above those shown in Attachment 1, the Proponent must develop and implement measures, in consultation with Moree Plains Shire Council, that aim to achieve the predicted outcomes to the satisfaction of the Director General.

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).

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.

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.

59. During detailed design of the Gwydir Highway/Bypass/railway crossing intersection, the Proponent must consider and document consideration of the recommendations of the Australian Transport Safety Bureau Investigation report into the Salisbury Interchange Level Crossing Accident (Report No. 2002/002). A copy of the document must be submitted to the Director General.

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.

60. A Construction Traffic Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with Council and include:

- (a) identification of all public roads to be used by Construction traffic, in particular roads proposed to transport large quantities of Construction materials. The timing and duration of road usage must be stated;
- (b) management methods to ensure Construction traffic uses identified roads;
- (c) identification of all public roads that may be partially or completely closed during Construction and the timing and duration of these closures. Consideration must be given to programming Construction works to minimise road closures during peak hours and/or holiday periods;
- (d) impacts on existing traffic (including pedestrians, vehicles, cyclists and disabled persons);
- (e) temporary traffic arrangements including property access;



- (f) access to Construction sites including entry and exit locations and measures to prevent vehicles queuing on public roads;
- (g) a response plan for any Construction traffic incident; and
- (h) monitoring, review and amendment mechanisms.

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.

## Urban Design and Landscaping

### *Pre-Construction Report*

62. The Proponent must prepare an *Urban Design and Landscape Report* in consultation with Council and the CLG before Construction commences. The Report must present an integrated urban design for the Activity, applying design principles established in the EIS and Representations Report. The Proponent must obtain the approval of the Director General for the Report before Construction commences or within any other time agreed to by the Director General. The Report must:

- (a) identify the location and type of existing vegetation and proposed landscaped areas;
- (b) describe built elements including retaining walls, bridges and noise walls;
- (c) describe pedestrian and cyclist elements including footpath location, paving types and pedestrian crossings;
- (d) describe fixtures such as seating, lighting, fencing and signs;
- (e) be consistent with the Moree Township Street Tree Planting Sketch Plan and any other relevant Council policies or plans. The Proponent must justify in the report any inconsistency with relevant plans or policies in consultation with Council;
- (f) describe signage and gateway treatments at the new Frome Street/Gosport Street intersection and the intersection of the Activity with the Old Newell Highway (Boggabilla Road);
- (g) include graphics for key elements such as sections, sketches, perspective views etc.;
- (h) be integrated with and include:
  - i a Heritage Precinct Strategy (Condition 63);
  - ii an Indigenous Heritage Strategy (Condition 64);
  - iii a Pedestrian Access Strategy (Condition 65);
  - iv a Revegetation Strategy (Condition 66); and
  - v a Local Streets Strategy (Condition 67).

### *Heritage Precinct Strategy*

63. The Proponent must prepare a **Heritage Precinct Strategy** as part of the *Urban Design and Landscape Report*. The Strategy must define the boundaries of the Heritage Precinct and identify:

- (a) landscaping and urban design elements;
- (b) signage and/or interpretive information; and
- (c) integration with pedestrian routes.

### *Indigenous Heritage Strategy*

64. The Proponent must prepare an **Indigenous Heritage Strategy** in consultation with Local Aboriginal Groups as part of the *Urban Design and Landscape Report*. The Strategy must identify:
- (a) the proposed landscaping elements for the Steel Camp area;
  - (b) signage and/or interpretive information;
  - (c) an implementation strategy detailing funding for maintenance and ongoing consultation with **Council** and Relevant Aboriginal Groups.

### *Pedestrian Access Strategy*

65. The Proponent must prepare a **Pedestrian Access Strategy** as part of the *Urban Design and Landscape Report*. The Strategy must identify and describe:
- (a) key origins and destinations;
  - (b) the formal and informal pedestrian routes in the vicinity of the Activity and use of these routes;
  - (c) the pedestrian facilities to be provided as part of the Activity and how they relate to key origin and destinations; and
  - (d) pedestrian safety and crime prevention measures.

### *Revegetation Strategy*

66. The Proponent must prepare a **Revegetation Strategy** as part of the Urban Design and Landscape Report. The Strategy must be prepared by a suitably qualified ecologist or experienced bush regenerator and include:
- (a) principles for revegetation and restoration of riparian vegetation and Carbeen Open Forest;
  - (b) identification of the locally native species to be used in rehabilitation and landscaping works, including flora species suitable as a food resource for threatened fauna species;
  - (c) the source of all seed or tubestock to be used in revegetation works including the identification of seed sources within the Approved Activity Area. Seed of locally native species within the Approved Activity Area should be collected before Construction commences to provide seed stock for revegetation;
  - (d) methods to re-use topsoil and cleared vegetation; and
  - (e) a program for the active management and maintenance of all preserved, planted and rehabilitated vegetation (including aquatic vegetation) including watering regimes, fencing, replacement of vegetation that may have died and weed management.

### *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 Ballo 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.

### *Operation*

- 68. Landscape or rehabilitation works which, following Construction, are not the responsibility of the Proponent must be monitored and maintained by a landscape specialist at the Proponent's expense for a period of three years following completion of any landscaping stage or as otherwise identified in the *Urban Design and Landscape Report*. The Proponent must implement any required remedial measures to maintain landscaping works to the design standard established in the *Urban Design and Landscape Report*.
- 69. Any landscaping within the road reserve must be maintained by the Proponent to its design standard for the life of the Activity.

### **Heritage (Construction)**

- 70. An Indigenous Heritage Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with all Relevant Aboriginal Groups and the DECCW and include:
  - (a) details of any archaeological investigations to be undertaken and any associated licences or approvals required;
  - (b) an education program for all personnel on their obligations for Aboriginal cultural materials; and
  - (c) procedures to be implemented if previously unidentified Aboriginal objects are discovered during Construction.
- 71. A Heritage Management Sub Plan must be prepared as part of the CEMP. The Sub Plan must be prepared in consultation with the Heritage Office and Council and include:
  - (a) description of heritage items in the vicinity of the Activity;
  - (b) details of any licences or approvals required;
  - (c) details of management measures to be implemented to prevent Construction impacts on heritage items and sites including the Moree Spa Baths and Victoria Hotel;
  - (d) procedures to be implemented if previously unidentified historical relics are discovered during Construction; and
  - (e) an education program for all personnel on their obligations for historic relics.

### **Business and Tourism**

- 72. No commercial advertising must be allowed within the road reserve during Construction or Operation.
- 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.
- 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.

## MISCELLANEOUS REQUIREMENTS

### Hazards and Risk Management

73. As part of the Construction and Operational EMPs, the Proponent must prepare and implement Hazards and Risk Management Sub Plan(s). These Sub Plans must include:
- (a) details of the hazards and risks associated with the Activity; and
  - (b) pro-active and reactive mitigation measures including contingency plans to be implemented in the event an identified hazard occurs.

### Contaminated Land

74. A Contamination Investigation Report must be prepared in consultation with DECCW and Council to determine the nature, extent and degree of any contamination within the Approved Activity Area. The Report must:
- (a) be prepared in accordance with the EPA Guideline *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non-Liquid Wastes*; and
  - (b) include a contingency plan to be implemented in the case of the unanticipated discovery of contaminated material during Construction.

### Waste Management and Recycling

75. As part of the Construction and Operational EMPs the Proponent must prepare Waste Management and Reuse Sub Plan(s). The Sub Plans must address the management of wastes during the Construction and Operation stages respectively in accordance with the NSW Government's Waste Reduction and Purchasing Policy. The Sub Plan(s) must identify requirements for:
- (a) the application of the waste minimisation hierarchy principles of avoid-reduce-reuse-recycle-dispose;
  - (b) waste handling and storage;
  - (c) disposal of wastes. Specific details must be provided for cleared vegetation, contaminated materials, glass, metals and plastics, hydrocarbons (lubricants and fuels) and sanitary wastes;
  - (d) any waste material that is unable to be re-used, re-processed or recycled must be disposed at a facility licensed by the DECCW to receive that type of waste; and
  - (e) implementation of energy conservation best practice.

### Utilities and Services

76. Alterations to utilities and services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from the Activity are minimised and advised to customers.

## Location of Ancillary Facilities

77. The sites for Ancillary Facilities, such as construction compounds and temporary concrete batching plants, must satisfy the following criteria unless otherwise identified in the CEMP:

- (a) be located within the Approved Activity Area;
- (b) have ready access to the road network;
- (c) be located to minimise the need for heavy vehicles to travel through residential areas;
- (d) be sited on relatively level land;
- (e) be separated from nearest residences by at least 200 m (or at least 250 m for a temporary concrete batching plant);
- (f) not be located within 100 m of a river;
- (g) be located above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;
- (h) have low conservation significance for flora, fauna or heritage and must not require vegetation clearing beyond that already required for the Activity; and
- (i) not affect the land use of adjacent properties.

The location of the Ancillary Facilities must be identified in the CEMP and must include an analysis against the above criteria.

### Attachment 1 – Predicted total daily traffic volumes within the Moree Town Centre

PREDICTED TOTAL DAILY TRAFFIC VOLUMES WITHIN THE MOREE TOWN CENTRE (Vehicles per day)								
<b>Balo Street - North of Heber Street</b>								
Without Bypass					With Bypass			
Year	2005	2010	2015	2020	2005	2010	2015	2020
Cars & Rigid Trucks	10890	11755	12546	13262	8375	8875	9252	9497
Articulated Heavy Vehicles	1448	1631	1839	2072	81	87	95	103
Total	12338	13386	14385	15334	8456	8962	9347	9600
<b>Balo Street - South of Heber Street</b>								
Without Bypass					With Bypass			
Year	2005	2010	2015	2020	2005	2010	2015	2020
Cars & Rigid Trucks	16856	18603	20275	21874	14589	16005	17302	18473
Articulated Heavy Vehicles	1448	1631	1839	2072	81	87	95	103
Total	18304	20234	22114	23946	14670	16092	17397	18576

Notes: Heber Street is the Gwydir Highway west of Moree

Balo Street is the existing Newell Highway through Moree Town Centre