

Modification of Minister's Approval

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

I, the Minister for Planning and Infrastructure, approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Brad Hazzard MP
Minister for Planning and Infrastructure

22 MAR 2012

Sydney

2012

SCHEDULE 1

Project Approval:

Granted by the Minister for Urban Affairs and Planning on 9 December 1997

For the following:

M5 East Motorway

Modification:

Modification 06_0290 Mod 2 of the project approval for the establishment of a permanent maintenance compound for the M5 East Motorway at Kingsgrove

SCHEDULE 2 CONDITIONS

The approval is modified by:

1. replacing existing condition 1 with new condition 1 as follows:

1. The proposal shall be carried out in accordance with:
 - a) the original request for approval of the proposal, including:
 - i) *Proposed M5 East Motorway* (Manidis Roberts, June 1994);
 - ii) *Supplement to the M5 East Motorway Environmental Impact Statement* (Manidis Roberts, December 1996);
 - iii) the modifications made to the project in Part 6 of *Representations Report* (RTA, August 1997);
 - iv) *M5 East Property Value Guarantee Procedure* (RTA, 1 December 1997);
 - v) Appendix B of *Proposed M5 East Motorway – Fairford Road, Padstow to General Holmes Drive, Kyeemagh: Director-General's Report* (DUAP, November 1997), hereafter referred to as 'the Director-General's Report';
 - b) the filtration trial modification request (06_0290 Mod 1), including:
 - i) *M5 East Tunnel – Partial Portal Emissions and Trial of Tunnel Filtration Technology, Environmental Assessment Report: Application for Modification of the Approval* (Maunsell Australia Pty Ltd, October 2006);
 - ii) correspondence from the RTA to the Department, dated 25 June 2007, amending the modification request to be confined solely to the trial of filtration technology; and
 - iii) *M5 East, Air Quality Improvement Program: Filtration Trial Submissions Report* (RTA, July 2007);
 - c) the Kingsgrove Road Compound modification request (06_0290 MOD 2), including:
 - i) *M5 East Motorway Compound Kingsgrove Road, Kingsgrove – Modification Assessment Report, prepared by Stuart J Hill Pty Ltd and dated May 2011; and*
 - d) the conditions of this approval.

2. replacing existing condition 1A with new condition 1A as follows:

- 1A. In the event of an inconsistency between:
 - a) the conditions of this approval and any document listed from condition 1a) to 1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1a) to 1c) inclusive, and any other document listed from condition 1a) to 1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.

3. inserting new headings and new conditions 151A to 151P immediately after existing condition 150, as follows:

Site Compound at 197-201 Kingsgrove Road, Kingsgrove

- 151A. The Proponent is permitted to establish and operate a site compound at 197-201 Kingsgrove Road, Kingsgrove, as generally described in the document

referred to under condition 1c) of this approval. Only conditions 1 to 1A, 5, 6 and 151A to 151P inclusive apply to the site compound.

- 151B. The Proponent shall comply with the reasonable requirements of the Director-General arising from the Department's assessment of:
- a) any reports, plans or correspondence that are submitted in accordance with the site compound modification; and
 - b) the implementation of any actions or measures contained in the reports, plans or correspondence.

Construction Hours

- 151C. Construction activities associated with the compound site shall only be undertaken during the following hours:
- a) 7:00am to 6:00pm, Mondays to Fridays, inclusive;
 - b) 8:00am to 1:00pm on Saturdays; and
 - c) at no time on Sundays or public holidays.

Activities resulting in impulsive or tonal noise emission shall be limited to 8:00am to 12:00pm, Monday to Saturday and 1:00pm to 5:00pm Monday to Friday. The Proponent shall not undertake such activities for more than three continuous hours and must provide a minimum one-hour respite period between each three hour block.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.

Dust Impacts

- 151D. The Proponent shall undertake all construction works associated within the compound site in a manner that minimises dust emissions, including wind-blown and traffic-generated dust.

Water

- 151E. The Proponent shall ensure that construction and operation of the compound site complies with section 120 of the *Protection of the Environment Operations Act 1997*, which prohibits the pollution of waters.

Waste Management

- 151F. Where opportunities exist and spoil quality permits, the Proponent shall preferentially reuse spoil generated during construction works associated with the compound site, rather than directing those materials to a waste management facility.
- 151G. The Proponent shall ensure that all spoil and other waste materials generated during construction and operation of the site compound are assessed and classified in accordance with *Waste Classification Guidelines – Part 1: Classifying Waste and Part 2: Immobilisation of Waste* (DECCW, 2008). Waste materials directed off-site for disposal shall only be directed to a waste management facility lawfully permitted to accept those materials.

Lighting

- 151H. The Proponent shall ensure that all external lighting installed as part of the site compound is mounted, screened, and directed in such a manner so as to minimise light spillage and/or glare to surrounding land uses. The lighting shall be the minimum level of illumination necessary, and generally in

accordance with the latest version of AS 4282 – 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.

Visual Amenity

151I. The Proponent shall, prior to the commencement of construction, or unless otherwise agreed by the Director-General, prepare and implement a Landscape Plan for the site.

In preparing the Plan, the Proponent shall consult with Canterbury City Council and local residents.

The Plan shall detail landscaping measures to minimise the impacts of the site compound on receptors in the vicinity of the site.

The Plan shall include, but not necessarily be limited to:

- a) details of fencing;
- b) details of landscaping, including screening of the fence and the use of locally native species; and
- c) measures to monitor and maintain landscaping (including weed control) including responsibilities, timing, duration and contingencies where landscaping measures fail.

Environmental Management - Construction

151J. The Proponent shall, prior to the commencement of construction of the site compound, prepare and implement a **Construction Environmental Management Plan**. The Plan shall outline the environmental management practices and procedures that are to be followed during construction and shall be prepared in accordance with the *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004). The CEMP shall include, but not necessarily be limited to:

- a) a description of all relevant activities to be undertaken during construction;
- b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) a description of the roles and responsibilities for all relevant employees involved in the construction of the site compound; and
- d) details of how the environmental performance of the construction works will be managed and monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) noise impacts generally consistent with the requirements of the *Interim Construction Noise Guidelines* (Department of Environment and Climate Change 2009);
 - ii) soil erosion and the discharge of sediment and other pollutants to surrounding lands;
 - iii) air quality and dust impacts;
 - iv) waste management;
 - v) ecological and landscape impacts; and
 - vi) a contingency plan in the case of unanticipated discovery of contaminated material during construction.

The Plan shall be submitted to the Director-General prior to the commencement of construction, or as otherwise agreed to by the Director-General.

Environmental Management - Operation

151K. The Proponent shall, prior to the commencement of operation of the site compound, prepare and implement an **Operation Environmental Management Plan** that details the environmental management framework, practices and procedures to be followed during its operation. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004) to provide a clear environmental management framework. The Plan shall include, but not necessarily be limited to:

- a) a description of all relevant activities to be undertaken during operation of the project;
- b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
- c) a description of the roles and responsibilities for all relevant employees involved in the operation of the site compound;
- d) processes for consulting and/or notifying sensitive receivers of the operation of the site compound in the night time period during planned/unscheduled freeway closures;
- e) details of how the project's environmental performance at the compound will be managed and monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) noise impacts, including measures to manage noise from staff parking and vehicle movements;
 - ii) landscape maintenance;
 - iii) vehicle movements including parking, delivery of material, dedicated vehicle turning areas and ingress and egress points; and
 - iv) waste and operational hazards.
- f) a Complaints Register used to record details of all complaints received and actions taken in response to complaints. The Complaints Register shall be made available to the Director-General on request.

Nothing in this condition precludes the Proponent from updating an existing Operation Environmental Management Plan to meet this requirement, providing the Operation Environmental Management Plan demonstrates where the relevant conditions of this approval have been addressed.

The Plan shall be submitted to the Director-General prior to the commencement of operation, or as otherwise agreed to by the Director-General.

Operational Noise

151L. The Proponent shall operate the project with the objective of ensuring that noise levels at sensitive receivers are consistent with the *New South Wales Industrial Noise Policy* (EPA, 2000) and do not exceed the project noise limits specified in Table 2 below during the periods indicated. The noise limits apply under the following meteorological conditions:

- a) wind speeds up to 3 m/s at 10 metres above ground; and/or
- b) temperature inversion conditions of up to 3°C/100m and source to receiver gradient winds of up to 2 m/s at 10 metres above ground level.

Table 2: Maximum Allowable Noise Levels

Location	Day L _{Aeq} 15 mins, dBA	Day L _{Aeq} 11 hr, dBA	Evening L _{Aeq} 15 mins, dBA	Evening L _{Aeq} 4 hr, dBA	Night L _{Aeq} 15 mins, dBA	Night L _{Aeq} 9 hr, dBA	Night L _{A1} , 1 min dBA
Forrester Street (north of site)	54	39	54	39	51	39	59
Karingal Street (west of site)	50	35	50	35	48	35	55

For the purpose of Table 2:

- i) Day is defined as the period from 7am to 6pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays;
- ii) Evening is defined as the period from 6pm to 10pm; and
- iii) Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

151M. Noise mitigation measures contained within the report in the document referred to under condition 1c) of this approval shall be implemented, and during night operations, the use of truck mounted cranes for loading and unloading operations shall only be undertaken in the area shielded by site buildings only.

151N. The Proponent shall undertake an **Operational Noise Review** to confirm the operational noise impacts of the compound site. The Review shall be undertaken within six months of the commencement of operation, or as directed by the Director-General.

The Review shall include, but not necessarily be limited to:

- a) noise monitoring, consistent with the guidelines provided in the *New South Wales Industrial Noise Policy (EPA, 2000)*, to assess compliance with the operational noise levels identified in Table 2 of this approval;
- b) a description of the methodology, locations and frequencies for operational noise monitoring;
- c) the operational noise levels (including the night-time use of the compound site and activities undertaken) as ascertained by the noise monitoring program;
- d) an assessment of the performance and effectiveness of the applied noise mitigation measures;
- e) details of any complaints received relating to operational noise and vibration impacts; and
- f) identification of any additional feasible and reasonable noise mitigation measures necessary to ensure compliance with operational noise levels, and when these measures would be implemented.

A copy of the Review shall be submitted to the Director-General and Office of Environment and Heritage within 28 days of the report's completion.

Community Information, Consultation and Involvement

Access to Information

151O. Subject to confidentiality, the Proponent shall make all documents required under conditions 151I to 151K (inclusive) and 151N of this approval available for public inspection on request.

151P. Prior to the commencement of construction, the Proponent shall, establish and maintain a new website, or dedicated pages within an existing website, for the provision of electronic information associated with the compound site. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on the website or dedicated pages including, but not necessarily limited to:

- a) a copy of the documents referred to under condition 1c) of this approval, and any documentation supporting modifications to this approval that may be granted from time to time;
- b) a copy of this approval;
- c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the compound site; and
- d) a copy of each current plan, review or other document required under this approval.