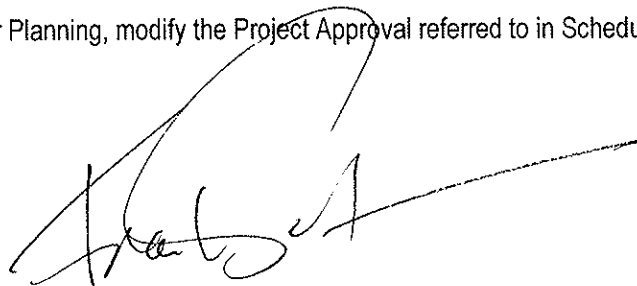


Modification Approval
Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Minister for Planning, modify the Project Approval referred to in Schedule 1 as set out in Schedule 2.



Frank Sartor MP
Minister for Planning

Sydney, 2nd July 2006

File No: 9043333

SCHEDULE 1

Approval for the Cross City Tunnel granted by the Minister for Planning on 3 October 2001 to the Roads and Traffic Authority, as modified on 12 December 2002, 26 February 2004 and 24 September 2004.

SCHEDULE 2

1. Insert the following into the *acronyms and abbreviations* section of Schedule 2 in appropriate alphabetical order:

Modification Report	Report entitled <i>Cross City Tunnel Surface Traffic Modifications</i> , dated June 2006 and prepared by the Roads and Traffic Authority.
Modification Works	Construction and related works which are the subject of the Modification Report.
project	Cross City Tunnel project the subject of this Approval
project works	Construction and related works which were subject to this Approval prior to the modification of this Approval in July 2006
Surface Traffic Modifications	Modifications to the project which are the subject of the Modification Report.

2. Delete condition 1 of Schedule 2 and replace with the following:

General

1. The project shall be carried out in accordance with:
 - (a) the proposal contained in the Environmental Impact Statement (EIS), as modified by the Representations Report and as amended by the Addendum, Supplementary EIS and Supplementary Representations Report, and the Review of Environmental Factors for Modifications to the Tunnel Control Centre;
 - (b) all identified Sub Plans, safeguards and mitigation measures identified in the EIS and Representations Report as amended by the Addendum Supplementary EIS and Supplementary

- Representations Report, and the Review of Environmental Factors for Modifications to the Tunnel Control Centre;
- (c) the Director-General's Report dated September 2001 as amended by the Director-General's report dated December 2002, and the Director-General's report dated January 2004; and
 - (d) the Modification Report, including the associated sub plan, safeguards and mitigation measures.

Despite the above, in the event of any inconsistency with the proposal as described in the documents specified in paragraphs (a) to (d) above and/or the conditions of approval granted by the Minister, the inconsistency shall be resolved by applying the following order of priority:

- Condition 1A of this Approval;
- other Conditions of this Approval;
- the documents described in (a) to (d) above, in each case giving a later document priority over an earlier document to the extent of any inconsistency.

These conditions do not relieve the Proponent of the obligation to obtain all other approvals and licences from all relevant authorities required under any other Act. Without affecting the generality of the foregoing, the Proponent shall comply with the terms and conditions of such approvals and licences.

It shall be the ultimate responsibility of the Proponent to ensure compliance with all conditions of approval granted by the Minister.

- 1A. The following Conditions of this Approval apply, and the other Conditions of this Approval do not apply, to the Surface Traffic Modifications:

1, 2, 5, 6, 7, 8, 9, 10, 15, 22, 25, 26, 27, 28, 36, 55, 61, 63, 64, 66, 69, 71, 118, 122, 123, 126, 128, 129, 131, 134, 135, 137, 139, 146, 147, 152, 179, 180, 187, 190, 194, 217, 220, 221, 222, 224, 228 and 229.

3. Delete condition 5 of Schedule 2 and replace with the following:

Project Commencement

- 5 The Proponent shall notify the Director-General and all relevant authorities in writing of the project commencement both in terms of construction and tunnel operation at least 2 weeks prior to the relevant commencement date, subject to the following paragraph.

The requirements in the preceding paragraph do not apply to the Surface Traffic Modifications. However, the Proponent shall notify the Director-General in writing prior to the commencement of the Modification Works.

4. Delete conditions 7 to 10 of Schedule 2 and replace with the following:

Contact Telephone Number

- 7 Prior to the commencement of construction, the Proponent shall institute, publicise and list with a telephone company a 24 hour toll-free complaints contact telephone number, which would enable any member of the general public to reach a person who can arrange appropriate response action to the complaint within two hours.

A separate telephone number(s) shall be instituted, publicised and listed for the Modification Works.

Complaints Register

- 8 The Proponent shall record details of all complaints received during construction and ensure that at least a verbal response on what action is to be undertaken is provided to the complainant within 2 hours (unless the complainant agrees otherwise) and a detailed written response within seven (7) calendar days. Information on all complaints received and response times shall be made available to the EMR at the end of day and to the Director-General every three months or any other time specified during construction. This information shall be made available to all relevant government agencies on request. The Proponent shall nominate an appropriate person(s) to receive, log, track and respond to complaints within the specified timeframe. The name and contact details of this person(s) shall be provided to the relevant Council(s) and the Director-General upon appointment or upon any changes to that appointment, but at least one week prior to the commencement of substantial construction (for the project works) and at least 1 day prior to the commencement of substantial construction (for the Modification Works).

Separate records shall be kept for the project works and the Modification Works.

Advertisement of Activities

- 9 Prior to the commencement of construction of the project works, and then at three-monthly intervals, the Proponent shall advertise in relevant local newspapers, the nature of the works proposed for the forthcoming three months, the areas in which these works are proposed to occur, the hours of operation, a contact telephone number and internet site. This requirement does not apply to the Modification Works.

The Proponent shall ensure that the local community and businesses are kept informed (by appropriate means such as: local newsletters, leaflets, newspaper advertisements, and community notice boards, etc.) of the progress of the project, including any traffic disruptions and controls, construction of temporary detours and work required outside the nominated working hours, including noisy works, prior to such works being undertaken.

The Proponent shall comply with this Condition independently of the remainder of the project, in so far as the Condition applies to the Modification Works.

- 10 The Proponent shall establish a project internet site prior to the commencement of construction and maintain the internet site until 12 months after commencement of operation of the project, except as stated otherwise in this Condition. This internet site shall contain monthly updates of work progress and consultation activities, including but not limited to:
- (a) a description of relevant approval authorities and their areas of responsibility;
 - (b) a list of environmental management reports that are publicly available and the executive summaries of those reports;
 - (c) minutes of community liaison group meetings;
 - (d) bi-monthly newsletters;
 - (e) contact names and phone numbers of the project communications staff; and
 - (f) 24 hour toll-free complaints contact telephone number.

Updates of work progress and construction activities shall be provided more frequently where significant changes in the noise impacts are expected.

The Proponent shall use the RTA website (www.rta.nsw.gov.au) for the Modification Works, and provide updates on that website until the Modification Works are completed.

5. Delete condition 15 of Schedule 2 and replace with the following:

Environmental Management

Environmental Management Representative

- 15 Prior to the commencement of construction, the Director- General shall approve the appointment of the person nominated to serve as the Environmental Management Representative (EMR). In considering the appointment, the Director- General shall take into account:
- (a) the qualifications and experience of the EMR including demonstration of general compliance with the principles of AS/NZS ISO 14012:1996 *Guidelines for Environmental Auditing : Qualification criteria for environmental auditors*;
 - (b) the role and responsibility of the EMR; and,
 - (c) the authority and independence of the EMR including details of the Proponent's internal reporting structure. This shall include the authority to stop work immediately if, in the view of the EMR, an unacceptable impact is likely to occur or to require other reasonable steps to be taken to avoid or minimise any adverse impacts.

The EMR shall have responsibility for:

- (d) Consideration and advice on matters specified in the conditions of approval;
- (e) Compliance with these conditions; and
- (f) Facilitation of an induction and training program for all persons involved with the construction works.

The EMR shall immediately advise the Proponent and the Director-General of any major issues resulting from the construction of the project that have not been dealt with expediently or adequately by the Proponent.

The EMR shall be available during construction activities at the site and be present on-site during any critical construction activities as defined in the relevant Environmental Management Plan (EMP) or Construction Method Statements (CMSs).

The Proponent shall appoint a separate EMR for the Modification Works.

6. Delete condition 22 of Schedule 2 and replace with the following:

Environmental Impact Audit Report

- 22 An Environmental Impact Audit Report shall be submitted to the Director-General, 2 and 7 years from the start of operations or at any time as requested by the Director-General within the first 10 years of operation. The environmental impact audit report shall be undertaken by an independent person(s) or organisation approved by the Director-General and paid for by the Proponent. The Report shall assess the key impact predictions made in the EIS, Representations Report and as updated by the Supplementary EIS, Supplementary Representations Report, the Review of Environmental Factors for Modifications to the Tunnel Control Centre, the Modification Report (in respect of operational impacts only) and any supplementary studies and detail the extent to which actual impacts reflect the predictions during the first 12 months of operation and any other periods as required. The Report shall provide details on actual versus predicted impacts for all key issues identified in the EIS, Representations Report and as updated by the Supplementary Representations Report and Supplementary EIS. The suitability of implemented mitigation measures and safeguards shall also be assessed. The Report shall also assess compliance with the Operational EMP.

The Report shall discuss results of consultation with the local community in terms of feedback/complaints on the construction and operation phases of the project and any issues of concern raised. The Proponent shall comply with all reasonable requirements of the Director-General, EPA and other relevant authorities with respect to any reasonable measure arising from, or recommendations in, the report.

The Report shall be made publicly available.

7. Delete conditions 27 & 28 of Schedule 2 and replace with the following:

27 Prior to commencement of any substantial construction in relation to the project works the Proponent shall establish a Cross-City Tunnel Public Transport Committee (PTC) to be chaired by the DoT. The key role of the PTC shall be to:

- (a) co-ordinate the concerns and interests of relevant local and state transport agencies relating to the proposal;
- (b) ensure adverse impacts of the construction and operation of the CCT on public transport are minimised;
- (c) identify opportunities and develop plans and strategies for maximising short and long term public transport opportunities during construction, including but not limited to: education programs for the public and affected businesses; public transport improvements beyond those already identified as part of these conditions of approval including but not limited to: bus only routes, bus signals, bus priority lanes, enhanced bus and rail services; public transport incentives such as free bus and train travel days particularly during peak disturbance periods; giving due consideration to pedestrians and cyclists and other users of the city; and,
- (d) ensure that any plans and strategies are implemented to ensure that potential benefits to public transport are captured and maintained throughout the construction and operational life of the project.

The Proponent shall following consultation with the DoT, submit a detailed set of requirements for constituting and funding the operations of the PTC for approval by the Director-General, within 6 months of this approval.

The PTC shall invite representatives from at least the RTA, NSW Police Service, STA and DoT. The PTC shall also consult with the relevant Council(s) on a regular basis and shall consider any issues, advice and submissions from the relevant Council(s). The PTC shall provide the relevant Council(s) with written advice within a reasonable time-frame on how any issues raised have been addressed.

The Proponent shall provide appropriate funding assistance to ensure appropriate facilities for and resourcing of the PTC.

The PTC shall continue for at least 3 years after opening of the tunnel unless otherwise agreed by the Director-General.

The Proponent shall prepare a bi-annual report to the Director-General on the progress and outcomes of the PTC process, including results of communications with relevant local Council(s) and the application of these conditions of approval (where relevant) and shall make the report publicly available. The PTC shall take into account any comments/requirements raised by the Director-General.

28 The Proponent shall, in consultation with the PTC, develop measurable performance indicators for bus efficiencies (including consideration of bus timetables), occurring as a result of the project taking into account the existing performance and predictions made in the EIS, Representations Report and as updated by the Supplementary EIS and Supplementary Representations Report and, in relation to the Surface Traffic Modifications, as further updated by the Modification Report.

8. Delete condition 55 of Schedule 2 and replace with the following:

55 For the duration of the construction works, the construction sites, site compounds and surrounding areas shall be maintained in a generally clean and tidy condition.

9. Delete condition 61 of Schedule 2 and replace with the following:

61 The Proponent shall, as part of its impact verification required under Condition 22, monitor traffic changes on regional and local roads/streets in Paddington, Ultimo, Pyrmont, Glebe (particularly Cowper Street and Bay Street), Darlinghurst, Bellevue Hill, Double Bay, Edgecliff, Rushcutters Bay, Woollahra (Ocean Street), East Sydney, Wollomooloo, Haymarket (Chinatown) and CBD (St Marys Road, Macquarie Street and Hunter Street). Monitoring shall be undertaken for a representative periods at 1 and 3 years after opening. Should monitoring indicate traffic intrusion on these roads/streets reasonably beyond that predicted in the Supplementary Representations Report as a result of the operation of the project (or beyond that predicted in the Modification Report in the case of the Surface Traffic Modifications), the Proponent shall also prepare and implement traffic management measures to mitigate the impacts of intrusive traffic in the affected areas following consultation and agreement with the relevant Council(s) and consultation with the local communities. In the event of any inconsistency the most recent Assessment Document as modified by the Conditions of Approval shall prevail.

10. Delete Condition 69 of Schedule 2 and replace with the following:

69. The Proponent shall, in consultation with Bicycle NSW, CCS and SSCC and to the satisfaction of the Director-General, develop a Plan and implement the construction of cycle lanes in William Street (except between Palmer Street and McElhone Street, consistent with the Modification Report), Park Street, Kings Cross Road and Craigend Street. The cycle lane on Kings Cross Road shall include an east bound lane that extends to the Roslyn Street/Hickey Lane footbridge. The cycle lane on Craigend Street shall include a west bound link as shown in Figure 2.12 of the Supplementary EIS. The plan and construction shall be in accordance with the Addendum. Appropriate line marking shall be provided at bus stops, bus bays and intersections.

11. Delete condition 71 of Schedule 2 and replace with the following:

71. The Proponent shall undertake a Road Safety Audit during detailed design of the project and prior to commencement of substantial construction, including but not limited to:

- (a) reassessment of the length of the slip lane at the Bourke Street entry to the Eastern Distributor, in relation to the design speed of the entry to ensure acceleration/deceleration distances comply with the *Austroads Guide to Traffic Engineering Practice – Part 5, 1998* and/or the *RTA Road Design Guide (1993)*;
- (b) review of the design of bicycle facilities for compliance with the Austroads design criteria;
- (c) review of the safety implications of the horizontal curves on western approach to the tunnel, and the provision of appropriate sign posting; and
- (d) weaving/merging/diverging manoeuvres at eastern end between tunnel exit and Neild Avenue.

The Proponent shall undertake a separate Road Safety Audit for the Surface Traffic Modifications in accordance with this Condition, to the extent to which this Condition is relevant to the Surface Traffic Modifications.

12. Delete condition 118 of Schedule 2 and replace with the following:

118 Any damage to buildings, structures, lawns, trees, sheds, gardens etc.) shall be fully rectified by the Proponent at no cost to the owner(s). Construction activities undertaken within private property shall be

sympathetic to the specific needs of individual property owners particularly in terms of requirements for temporary facilities such as fencing, access to footpaths/ driveways/garages etc.

The Proponent shall comply with this Condition as a separate matter for the Surface Traffic Modifications. Any requirements of this Condition which arise as a result of the project works shall not affect, or be affected by, any requirements of this Condition which arise as a result of the Modification Works.

13. Delete conditions 122 & 123 of Schedule 2 and replace with the following:

Construction Hours

- 122 All construction activities, including transportation of spoil, shall be 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.

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;
- (d) tunnel excavation and other sub-surface activities providing the criteria in Conditions 123 and 125 can be met;
- (e) transport of spoil between the hours of 6:00pm and 10:00pm Monday to Friday, 1:00pm and 6:00pm Saturday the construction area located on the northern side of William Street and bounded by William Street/Palmer Street/Bourke Street provided the noise criteria of background level plus 5dB(A) ($L_{A10, 15min}$) at any residence or other sensitive receiver can be met.. Trucks must exit the site directly into the Eastern Distributor and must not exceed more than 10 truck movements to and from the site per hour. Trucks entering the site must use the William Street out ramp from the Eastern Distributor, cross William Street turn into Bourke Street to enter the site. All trucks to be loaded underground during this period;
- (f) any other work as agreed by the EPA through the Construction Noise and Vibration Management Sub Plan Process provided local residents are informed of the timing and duration at least 48 hours prior to commencement of the work;
- (g) hoisting to the surface and stockpiling of spoil provided this at the Bourke Street site (compound I) provided this work is carried out within an acoustically treated building and the noise criteria of background level plus 5dB(A) ($L_{A10, 15min}$) at any residence or other sensitive receiver can be met; and
- (h) any out-of hours Modification Works which are carried out in accordance with the Modification Report.

Construction Noise Criteria

- 123 The Proponent shall ensure that noise from construction activities is limited to the L_{10} level measured over a period of not less than 15 minutes not exceeding the background level by more than 5dB(A) at any residence or other sensitive receiver unless specified in the Construction Noise Impact Statement prepared in accordance with Condition 124 or in the Modification Report.

For the purposes of the noise criteria for this condition, 5dB(A) must be added to the measured level if the noise from the activity is substantially tonal or impulsive in nature in accordance with Chapter 4 of the *NSW Industrial Noise Policy*.

14. Delete condition 128 of Schedule 2 and replace with the following:

128 The Proponent shall ensure that rock breaking, rock hammering, sheet piling and any other activities at or near ground level which result in impulsive or tonal noise generation are only scheduled between the following hours unless otherwise permitted under the EPA environment protection licence or (in the case of the Modification Works) by the EMR:

- (a) 8 am to 12 pm, Monday to Saturday; and
- (b) 2 pm to 5 pm Monday to Friday.

Where these activities are undertaken for a continuous three hour periods and are audible to noise sensitive receptors, a minimum respite period of at least one hour shall be scheduled before activities re-commence unless (in the case of the Modification Works) otherwise permitted by the EMR.

15. Delete condition 152 of Schedule 2 and replace with the following:

152 The Proponent shall prepare a separate Operational Noise Management Plan for the Surface Traffic Modifications, which is consistent with the Operational Noise Management Sub Plan which has been prepared under Condition 150, to the satisfaction of the Director-General.

Monitoring of operational noise shall be undertaken in accordance with the Operational Noise Management Sub Plan prepared under Condition 150 and the Operational Noise Management Plan prepared under this Condition 152. The Proponent shall, in consultation with the EPA, assess the adequacy of the traffic noise and ventilation noise mitigation measures after three months of opening the tunnel and one year of opening the tunnel with regard to the criteria specified in those Plans. Should assessment indicate a clear trend in traffic noise levels on surrounding roads which exceed the noise design goals as approved by the EPA and specified in either of those Plans, the Proponent shall implement further reasonable and feasible mitigation measures in consultation with affected landowners and/or occupiers.

16. Delete note after condition 240 of Schedule 2.