

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

24 Aug 2006

File No: S99/01179

SCHEDULE 1

Approval for the Tugun Bypass granted by the Minister for Planning on 21 December 2005 to the Roads and Traffic Authority.

SCHEDULE 2

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

These conditions prevail in the event of any inconsistency with the Statement of Commitments.

2. Delete 'Project' in the *Definitions* section of Schedule 2 and replace with the following:

Project	The Tugun Bypass project described in the environmental impact statement (EIS) for the Tugun Bypass Stewart Road to Kennedy Drive prepared by Queensland Department of Main Roads and the NSW Roads and Traffic Authority, dated December 2004 as modified by the Submissions Report for the Tugun Bypass Stewart Road to Kennedy Drive prepared by the Queensland Department of Main Roads and the NSW Roads and Traffic Authority dated October 2005 and the revised Statement of Commitments in Attachment 1 to Schedule 2.
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3. Delete condition 1 of Schedule 2 and replace with the following:

1. The Project must be carried out to be consistent with:
 - (a) the procedures, safeguards and mitigation measures identified in the EIS, SIS and SIS addendum, as modified by the Submissions Report; and
 - (b) the Statement of Commitments, included as Attachment 1 to the Conditions of Approval; and
 - (c) these Conditions.

These Conditions prevail in the event of any inconsistency with the requirements for the Construction and Operation of the Project arising out of the documents described in (a) and (b) above.

4. Delete condition 13 of Schedule 2 and replace with the following:

13. An Operation Environmental Management Plan (OEMP) must be prepared and implemented in accordance with the Statement of Commitments, in particular Statement of Commitment No. 2, these Conditions, and all relevant Acts and Regulations. The Proponent must obtain the approval of the Director-General for the OEMP before Operation commences or within any other time agreed to by the Director-General.

If the Proponent has an Operation Environmental Management Plan (for example a certified and operating environmental management system) for its other projects which is applicable to this Project 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 Project.

5. Delete condition 23 of Schedule 2 and replace with the following:

- 23 The Proponent must prepare and implement a Community Involvement Plan as soon as is practicable before Construction commences. The Plan must:
- (a) specifically address the requirements of the Conditions of Approval for CLGs, complaints management and display centres; and
 - (b) include:
 - i. identification of the community likely to be affected by the Project including Sensitive Receivers, and commercial and industrial land uses;
 - ii. procedures for informing the local community of investigation and Construction activities;
 - iii. procedures for informing affected road users of temporary traffic changes; and
 - iv. identification of training needs for Proponent employees and contractors on implementing the Community Involvement Plan.

A copy of the Community Involvement Plan must be provided to the Director-General as soon as is practicable before Construction commences.

6. Delete condition 24 (c) of Schedule 2 and replace with the following:

- (c) contain information (written and/or graphics) covering at least:
 - i. Construction activities and programs including temporary works that would affect Sensitive Receivers, commercial and industrial land uses, pedestrians and public transport users;
 - ii. overall architectural and landscape designs with graphics, such as sections, sketches, perspective views etc, for key elements;

7. Delete condition 25 (b) of Schedule 2 and replace with the following:

- (b) methods to manage impacts on flora and fauna species (terrestrial and aquatic) and their habitat which may be directly or indirectly affected by the Project. These must include:
 - i. procedures for vegetation clearing, soil management and managing other habitat damage (terrestrial and aquatic) during Construction;
 - ii. methods to protect vegetation both retained within, and also adjoining, the Project from damage during Construction;
 - iii. a habitat tree management program including fauna recovery procedures and habitat maintenance (e.g. relocating hollows or installing nesting boxes);
 - iv. methods to minimise damage to aquatic habitats;
 - v. where possible, and where consistent with DEC or NSW Fisheries requirements, strategies for re-using in rehabilitation works individuals of any threatened plant species that would be otherwise be destroyed by the Project;
 - vii. performance criteria against which to measure the success of the methods.

8. Delete condition 30 (j) of Schedule 2 and replace with the following:
 - (j) justification for any activities outside the Construction hours specified in the Statement of Commitments. This includes identifying areas where Construction noise would not be audible at any Sensitive Receiver;
9. Delete condition 31 of Schedule 2 and replace with the following:
 - 31 The Proponent must ensure that public address systems used at any Construction site are not used outside the Construction hours detailed in the Statement of Commitments unless otherwise approved through the Construction Noise and Vibration Management Sub Plan. Public address systems must be designed to minimise noise spillage offsite.
10. Delete condition 49 of Schedule 2 and replace with the following:
 - 49 The Construction Environmental Management Plan must identify ancillary facilities required for the construction of the project and include locational criteria for site selection in accordance with Statement of Commitment No. 28.