

Major Project Approval

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

I, the Minister for Planning approve under s.75J of the *Environmental Planning and Assessment Act 1979* the Project referred to in Schedule 1, subject to the conditions in Schedule 2.

SIGNED

Frank Sartor MP
Minister for Planning

Dated 21 December 2005 S99/00179

SCHEDULE 1: DESCRIPTION OF TUGUN BYPASS

The Project is the TUGUN BYPASS as described in the:

1. 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
2. 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
3. revised Statement of Commitments in Attachment 1 to Schedule 2.

1. SCHEDULE 2: CONDITIONS OF APPROVAL – TUGUN BYPASS

The Conditions of Approval provided in this Schedule provide a framework to govern the implementation of the Statement of Commitments in Attachment 1 and must be read in conjunction with that Statement of Commitments.

It should be noted that a number of commitments included in the Submissions Report for the Tugun Bypass have been withdrawn from the revised Statement of Commitments. These are identified in Attachment 2 with reasons for their withdrawal.

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

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DEFINITIONS

Term	Definition
Ancillary Facility	Temporary facility for Construction that does not form part of the Project. Examples are an office and amenities compound, batch plant (concrete or bitumen), materials storage compound
Conditions of Approval	The Minister's Conditions of Approval for the Project.
Construction	Includes all work in respect of the Project other than 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 determined by the EMR to have minimal environmental impact (e.g. minor access roads, minor adjustments to services/utilities, etc.).
Department, the	Department of Planning.
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 75I of the EP&A Act.
EIS	Means the <i>Tugun Bypass, Stewart Road to Kennedy Drive EIS</i> (Parsons Brinckerhoff 2004).
Minister, the	Minister for Planning.
Operation	Means the Operation of the Project, but does not include commissioning trials of equipment or temporary use of parts of the Project during Construction.
Project	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

Term	Definition
	October 2005 and the revised Statement of Commitments in Attachment 1 to Schedule 2
Proponent	Means QDMR for commitments that would be undertaken within Queensland, and the RTA for commitments that would be undertaken within NSW and Commonwealth Airport land.
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. Feasible relates to engineering considerations and what is practical to build. Reasonable 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.
Relevant Councils	Means the Gold Coast City Council in Queensland and Tweed Shire Council in NSW.
Relevant Government Departments	Generally means one or more of the, DoP, DEC (including EPA and NPWS functions), Department of Primary Industries (including NSW Fisheries), Commonwealth DEH and Queensland EPA depending on jurisdiction.
Submissions Report	Means the <i>Tugun Bypass Submissions Report / Supplement to the Draft EIS</i> (RTA 2005).
River	Has the meaning given under the NSW <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”.
Statement of Commitments	The revised Statement of Commitments in Attachment 1 to this Schedule.
Sensitive Receiver	Residence, education institution (e.g. school, TAFE college), health care facility (e.g. nursing home, hospital) and religious facility (e.g. church).
SIS	Means the <i>Tugun Bypass, Stewart Road to Kennedy Drive Species Impact Statement</i> (Parsons Brinckerhoff 2004).
SIS Addendum	Means the <i>Tugun Bypass, Stewart Road to Kennedy Drive Species Impact Statement Addendum</i> (Parsons Brinckerhoff 2005).
Stages	Stages refers to the: <ul style="list-style-type: none"> • division of an Project into multiple contract packages; and/or • Construction or Operation of a Project in discrete sections.
Structure	Residence, farm shed or other building.

ADMINISTRATIVE CONDITIONS

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.

2. These Conditions of Approval do not relieve the Proponent of its obligations under any other Act.

Compliance

General

3. The Proponent must notify in writing the Director-General, Relevant Government Departments and Relevant Councils of the start of the Project'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 bring to the Director-General's attention any matter that may require further assessment by the Director-General.
6. The Proponent must comply with any requirements of the Director-General arising from the Director-General'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.

Pre-Construction Compliance Report

7. The Proponent must submit a Pre-Construction Compliance Report to the Director-General at least four weeks before Construction commences (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 time when each relevant Condition of Approval was complied with, 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 commences (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 time when each relevant Condition of Approval was complied with, 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 Project's Operation.

Construction Compliance Reports

9. The Proponent must provide the Director-General, Relevant Councils 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 (or at any other time interval agreed to by the Director General). The second, and subsequent, Construction Compliance Reports must be submitted at maximum intervals of six months from the date of submission of the first Construction Compliance Report (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 Construction;
- (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 recurring complaints;
- (f) details of any review and amendments to the CEMP resulting from Construction during the reporting period; 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 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 Construction is complete (or at any other time interval agreed to by the Director-General). The Environmental Impact Audit Report – Construction must also be submitted to other Relevant 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 Activities.

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 Project begins Operation 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 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 operation 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

12. A Construction Environmental Management Plan (CEMP) must be prepared and implemented in accordance with these Conditions of Approval, the Statement of Commitments, in particular Statement of Commitments Nos. 2 and 27, and all relevant Acts and Regulations. The Proponent must obtain the Director-General's Approval for the CEMP before Construction commences or within any other time agreed to by the Director-General. The CEMP must be reviewed by the EMR before the Proponent seeks the Director-General's approval for the CEMP. The EMR must bring to the Director-General's attention any shortcomings.

The Proponent must ensure that the mitigation measures identified in the EIS, SIS and SIS addendum, Submissions Report and these Conditions are incorporated into the CEMP.

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

Environmental Management

Environmental Management Representative

14. The Proponent must request the Director-General's Approval for the appointment of an Environmental Management Representative (EMR) at least eight weeks before Construction commences (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 general compliance with relevant Australian Standards for environmental auditors;
 - (b) authority and independence (from the Proponent or its contractors) of the EMR including details of the Proponent's internal reporting structure; and
 - (c) 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 Director-General in the request for approval;
 - ii. at any other time requested by the Director-General;
 - iii. during any Construction activities identified in the CEMP to require the EMR's attendance; and
 - iv. for the duration of Construction.
15. The Director-General may at any time immediately revoke the approval of an EMR appointment by providing written notice to the Proponent. Interim arrangements for EMR responsibility following the revocation must be agreed in writing between the Director-General and the Proponent.
16. The Director-General may at any time conduct an audit of any actions undertaken by the EMR. The Proponent must:
 - (a) facilitate and assist the Director-General in any such audit; and
 - (b) include in the conditions of the EMR's appointment the need to facilitate and assist the Director-General in any such audit.
17. The EMR is authorised to :
 - (a) consider and advise the Director-General and the Proponent on matters specified in the 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) review the CEMP;
 - (d) 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;

- (e) provide a written report to the Proponent of any non-compliance with the CEMP observed or identified by the EMR. Non compliance must be managed as identified in the CEMP;
- (f) issue a recommendation to 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 recommendation may be limited to specific activities causing an impact if the EMR can easily identify those activities. The EMR may also recommend that the Proponent initiate reasonable actions to avoid or minimise adverse impacts;
- (g) review corrective and preventative actions to monitor the implementation of recommendations made from audits and site inspections;
- (h) certify minor revisions to the CEMP where consistent with the approved CEMP; and
- (i) provide regular (as agreed with the Director-General) reports to the Director-General on matters relevant to carrying out the EMR role including notifying the Director-General of any stop work recommendations.

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

COMMUNICATION AND CONSULTATION

Advice of Construction Activities

18. 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 standard Construction hours, in particular noisy works, before such works are undertaken.
19. The Proponent must establish a Project internet site before Construction commences and maintain the internet site until Construction ends. 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) contact names and phone numbers of relevant communications staff; and
 - (e) 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.

20. The Proponent must consult property owners about implementing mitigation measures that affect their property. Mitigation measures should be implemented according to a program derived from that consultation if consistent with the Conditions of Approval.

Construction Complaints Management System

21. The Proponent must prepare and implement a Construction Complaints Management System before Construction commences and maintain the System for the duration of Construction. The Construction Complaints Management System must be consistent with AS 4269 "Complaints Handling" and include:
- (a) a 24 hour, toll free telephone number listed with a telephone company and advertised;
 - (b) a system to receive, record, track and respond to complaints within a 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;
 - (c) 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
 - (d) a mediation system for complaints unable to be resolved.

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.

22. A Community Liaison Group (CLG) must be formed and hold its first meeting as soon as is practicable following Project approval. The CLG must include the EMR and representatives from the Proponent and its head contractor. Community representatives should be identified and selected from relevant community and business groups, individual members of the community adjoining the Project and non-elected representatives from the Gold Coast and Tweed Shire Councils.

The Proponent must, at its own expense:

- (a) maintain the CLG for the duration of Construction unless otherwise approved by the Director-General;
- (b) provide a chairperson for the CLG. The chairperson must be independent of the Proponent and may be elected from the CLG membership;
- (c) nominate two representatives to attend all CLG meetings;
- (d) provide to the CLG regular information on the progress of Construction and related environmental performance;
- (e) promptly provide to the CLG information that the CLG Chair may reasonably request concerning the Project's environmental performance;
- (f) provide access for site inspections by the CLG;
- (g) provide meeting facilities for the CLG, and take notes of CLG meetings. These meeting notes must be available to CLG members within 14 days of the meeting and should be endorsed by the Chair;
- (h) where reasonably required by the Chair, arrange consultant(s) to explain technical information to the CLG; and
- (i) where reasonably required by the Chair, invite representatives from Relevant Government Departments or other individuals to attend CLG meetings.

Issues for discussion by the CLG include the dissemination of information to the community, design issues related to the Conditions or mitigation measures, the CEMP and Construction activities. The CLG may make comments about these issues which must be considered by the Proponent. The Proponent must report back to the CLG on its considerations of the comments.

The Proponent may review a CLG's membership and/or the need for the CLG at any time during Construction. The Proponent must seek the Director-General's approval to dissolve a CLG. Any request for dissolution must demonstrate why the CLG is no longer required.

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.

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.

24. Display centre(s) must be established, staffed and maintained as identified in the Community Involvement Plan and agreed by the Director-General. Where required, display centre(s) must:

- (a) provide facilities to enable the Community Relations Manager to discuss the Project with members of the community;
- (b) be open during times identified in the Community Involvement Plan and advised to the community;
- (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;
- (d) provide a computer with internet access to the Project's internet site; and
- (e) provide a phone line that allows the community to contact the Proponent and the Community Relations Manager.

FLORA AND FAUNA

25. A Flora and Fauna Management Sub Plan must be prepared prior to commencement of construction and implemented as part of the CEMP and approved by the Director-General. The Sub Plan must be prepared in accordance with the DIPNR *Guideline for the Preparation of Environmental Management Plans* and Statements of Commitment No. 7 to 16 inclusive. The Sub Plan must be prepared in consultation with Relevant Government Departments and Relevant Councils and include:

- (a) plans showing:
 - i. terrestrial vegetation communities; important flora and fauna habitat areas; locations where threatened species, populations or ecological communities were recorded; and areas to be cleared. The plans must also identify

- vegetation adjoining the Project where this contains important habitat areas and/or threatened species, populations or ecological communities;
 - ii. aquatic vegetation communities; important habitat areas; locations where threatened species, populations or ecological communities were recorded; and areas to be cleared. The plans must also identify vegetation adjoining the Project where this contains important habitat areas and/or threatened species, populations or ecological communities;
 - (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;
 - vi. performance criteria against which to measure the success of the methods
 - (c) rehabilitation details including:
 - i. identification of locally native species to be used in rehabilitation and landscaping works, including flora species suitable as a food resource for threatened fauna species;
 - ii. methods to remediate affected aquatic habitats or fish passages;
 - iii. the source of all seed or tube stock to be used in rehabilitation and landscaping works including the identification of seed sources within the Project. Seed of locally native species within the Project should be collected before Construction commences to provide seed stock for revegetation;
 - iv. methods to re-use topsoil (and where relevant subsoils) and cleared vegetation;
 - v. measures for the management and maintenance of all preserved, planted and rehabilitated vegetation (including aquatic vegetation);
 - (d) a Weed Management Strategy including:
 - i. identification of weeds within the Project and adjoining areas;
 - 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 the spread of weeds during Construction;
 - (e) a program for reporting on the effectiveness of terrestrial and aquatic flora and fauna management measures against the identified performance criteria. Management methods must be reviewed where found to be ineffective.
26. The Proponent must provide compensatory offset measures summarised in Table 1 and as described in Tugun Bypass Stewart Road to Kennedy Drive – Compensatory Habitat (Appendix H of the Submissions Report) and Statement of Commitment No. 17, prior to the Project opening to traffic, unless otherwise agreed by the Director-General following consultation with the DEC.

Table 1 Summary of Key Compensatory Habitat Measures

Land Description	Management Measures	Security/Protection
Block A / E ~ 70 hectares	Develop plan of management	Located in NSW. Land transfer to DEC
	Upgrading of perimeter fencing and Anconia Drive access at Block E	
	Implementation of erosion controls within areas at risk	
	Removal of stock	
	Intensive weed eradication of areas	
	Burning of sclerophyll vegetation to promote seed germination	
	Broad scale restoration planting of cleared areas with endemic species	
	Continuation of feral animal control	
	Removal of chain mesh fencing from between Blocks A/e	
	Removal of fencing between the north western boundary of Block A and the adjoining parcel of Crown Land	
	Installation of medium to large hollows, nest or roost boxes	
	Assignment of an onsite caretaker	
Block F ~ 11 hectares	Integration within Cudgen Nature Reserve Plan of Management	Located in NSW. Land transfer to DEC
Block P ~ 1 hectare	Management of declared pests as applicable	Located in Queensland. Retention by QDMR and declared as a 'Significant Environmental Area' under QDMR Policy
	Perimeter fencing at embankment toe of Tugun Bypass	
	Mosaic patch burns in accordance with Potoroo Management Plan	

LANDSCAPE

27. The Proponent must prepare and implement a Landscape Plan to enhance the landscape of the Project and provide a balance between aesthetics, safety and the natural environment in accordance with Statement of Commitment No. 3.

HERITAGE

Indigenous Heritage Management

28. An Indigenous Heritage Management Sub Plan must be prepared as part of the CEMP and submitted to the Director-General for approval. The Sub Plan must be prepared in consultation with all relevant Aboriginal groups and the DEC and in accordance with Statement of Commitment No. 23 to include:
- details of the archaeological investigations to be undertaken and any associated licences or approvals required;
 - procedures to be implemented if previously unidentified Aboriginal objects are discovered during Construction. If such objects are discovered all work likely to affect the object(s) must cease immediately and the DEC informed in accordance with the *National Parks and Wildlife Act 1974*; and
 - an education program for Construction personnel on their obligations for Aboriginal cultural materials.

Historical Relics

29. If during the course of Construction the Proponent becomes aware of any unexpected historical relic(s), all work likely to affect the relic(s) must cease immediately and the Heritage Council notified in accordance with the Heritage Act 1977.

NOISE AND VIBRATION

Construction Noise and Vibration Management Sub Plan

30. A Construction Noise and Vibration Management Sub Plan must be prepared as part of the CEMP and submitted to the Director-General. The Sub Plan must be prepared in consultation with the Relevant Councils and include:
- (a) an education program for Construction personnel about noise minimisation.
 - (b) identification of each Construction activity, including Ancillary Facilities, and their associated noise sources;
 - (c) identification of all potentially affected Sensitive Receivers;
 - (d) the Construction noise objective specified in the Conditions of Approval;
 - (e) the Construction vibration criteria specified in the Conditions of Approval;
 - (f) determination of appropriate noise and vibration objectives for each identified Sensitive Receiver;
 - (g) noise and vibration monitoring, reporting and response procedures;
 - (h) assessment of potential noise and vibration from each Construction activity including noise from Construction vehicles and any traffic diversions;
 - (i) a description of management methods and procedures and specific noise mitigation treatments that will be implemented to control noise and vibration during Construction;
 - (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;
 - (k) procedures for notifying residents of Construction activities that are likely to affect their noise and vibration amenity; and
 - (l) contingency plans to be implemented in the event of non-compliances and/or noise complaints.

Construction Noise Management

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 off-site.
32. The Proponent must, where Reasonable and Feasible, erect Operation noise mitigation measures at the start of Construction (or at other times during Construction) to minimise Construction noise impacts.

PHYSICAL ISSUES

Soil and Water Management

Soil and Water Quality Management Sub Plan

33. The Proponent must prepare and implement a Soil and Water Management Sub Plan as part of the CEMP in accordance with Statement of Commitments Nos 5 and 19 – 21 inclusive. The Sub Plan must be prepared in consultation with Relevant Government Departments and Relevant Councils and submitted to the Director-General for approval. 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;
- (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.

Operation

- 34. All Operation stage controls for stormwater drainage and water pollution must be located, designed, constructed, operated and maintained to meet the requirements of the RTA's "Code of Practice for Water Management – Road Development and Management". These controls must be designed in consultation with Relevant Government Departments and Relevant Councils.

Acid Sulfate Soils Management

- 35. The Proponent must prepare and implement an Acid Sulfate Soil Management Sub Plan as part of the CEMP in accordance with Statement of Commitment No. 22. The Sub Plan must be prepared in consultation with Relevant Government Departments. The Sub Plan must:
 - (a) be consistent with the "Acid Sulfate Soils Manual" (Acid Sulfate Soil Management Advisory Committee, 1998) or update;
 - (b) include a contingency plan to deal with the unexpected discovery of actual or potential acid sulphate soils; and
 - (c) include a water quality monitoring program.

Spoil and Fill Management

- 36. A Spoil and Fill Management Sub Plan must be prepared and implemented as part of the CEMP. The Sub Plan must include:
 - (a) the locations of major (defined as a volume greater than 500 cubic metres) spoil stockpiles;
 - (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 estimated volumes and disposal sites.
- 37. All material excavated from 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

Dust Management Sub Plan

38. A Dust Management Sub Plan must be prepared as part of the CEMP. The sub plan must be prepared and implemented in accordance with Statement of Commitment No. 4. The Sub Plan must identify:
- (a) potential sources of dust;
 - (b) dust management objectives consistent with DEC guidelines;
 - (c) a monitoring program to assess compliance with the identified objectives. Monitoring for dust deposition and particulate concentration must be undertaken according to the DEC Guideline "Approved Methods for Sampling and Analysis of Air Pollutants in New South Wales";
 - (d) mitigation measures to be implemented, including measures during weather conditions where high level dust episodes are probable (such as strong winds in dry weather); and
 - (e) a progressive rehabilitation strategy for exposed surfaces with the aim of minimising exposed surfaces.

Construction

39. 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.
40. The Proponent must ensure that all plant and equipment used in connection with the Project are:
- (a) maintained in a proper and efficient condition; and
 - (b) operated in a proper and efficient manner.

SOCIAL AND ECONOMIC ISSUES

Property Damage and Access

41. Subject to landowner agreement, property inspections must be conducted on all Structures within:
- (a) 200 metres of blasting;
 - (b) 50 metres of Construction activities that generate vibration impacts;
 - (c) any other locations identified by the Proponent; and
 - (d) any other locations identified by the EMR.

The property inspections must be undertaken consistent with AS 4349.1 "Inspection of Buildings".

The owners of all properties on which property inspections are to be conducted must be advised at least two weeks before the inspection of its scope and methodology and of the process for making a property damage claim. A copy of the property inspection report must be given to the owner of each property inspected at least three weeks before Construction that could affect the property commences.

A register of all properties inspected must be maintained by the Proponent indicating whether the owner accepted or refused the property inspection offer. A copy of the register must be provided to the Director-General upon request.

42. Property inspections 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.

Traffic

43. Road dilapidation reports must be prepared for all roads likely to be used by Construction traffic. These reports must be prepared before Construction commences and after Construction is complete. Copies of the reports must be provided to the relevant roads authority. Any damage resulting from Construction, except that resulting from normal wear and tear, must be repaired at the Proponent's cost. Alternatively the Proponent may negotiate an alternative arrangement for road damage with the relevant roads authority.
44. The Proponent must prepare and implement a Construction Traffic Management Sub Plan as part of the CEMP in accordance with Statement of Commitment No. 25. The Sub Plan must be prepared in consultation with the relevant roads authority 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 expected 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 expected 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 Construction vehicles queuing on public roads;
 - (g) a response plan for any Construction traffic incident; and
 - (h) monitoring, review and amendment mechanisms.
45. The Proponent must investigate in accordance with Statement of Commitment No. 26, in consultation with the Gold Coast City Council, Tweed Council and Queensland Transport, opportunities to redistribute road space created by the operation of the Project for pedestrian access, cycleways and public transport opportunities as identified in Technical Paper No. 3 Traffic and Transport (including Figures 4.8 and 8.3). The Proponent must prepare a report, to be submitted to the Director-General which outlines:
- (a) the findings of the investigations;
 - (b) pedestrian access, cycleway and public transport opportunities considered;
 - (c) reasons for adopting or not adopting any such opportunities identified; and
 - (d) for any opportunities to be adopted, timeframes for their construction/installation.

Waste Management and Recycling

46. As part of the Construction and Operation EMPs the Proponent must prepare Waste Management and Re-use Sub Plan(s) in accordance with Statement of Commitment No. 24. 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/re-use/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; and
 - (d) any waste material that is unable to be re-used, re-processed or recycled must be disposed at a facility approved to receive that type of waste.
47. The Proponent must prepare a Hazard and Risk Management Plan, including an Emergency Response Plan to detail safe working practices for construction workers and the strategies for operation of the Bypass in accordance with Statement of Commitment No. 27.

Utilities and Services

48. The Proponent must identify the utilities and services (hereafter “services”) potentially affected by Construction to determine requirements for diversion, protection and/or support. Alterations to 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 Project are minimised and advised to customers.

Construction Facilities

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**.

Bridge and Culvert Design

50. The Proponent must undertake the design and construction of bridges and culverts in consultation with the DEC and NSW Fisheries. The Proponent must ensure the design and construction of bridges and culverts are consistent with NSW Fisheries Guidelines.