

Modification of Minister's Approval

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

I, the Executive Director, Major Project Assessments Division of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 7 June 2007, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Executive Director, Major Project Assessments
As delegate for the Minister for Planning

Sydney, 20. February 2008

SCHEDULE 1

- Project Approval:** granted by the Minister for Planning on 20 July 2007 (MP06_0245).
- For the following:** The upgrade of approximately five kilometres of the Hume Highway to achieve four lanes of dual carriageway, between approximately 37 kilometres south of Gundagai to approximately 43 kilometres south of Gundagai, in the Wagga Wagga local government area, referred to as 'Sturt Highway to Tarcutta'.
- Modification:** Development of the following extraction site for the purposes of providing construction material for the duplication of the section of the Hume Highway referred to as 'Sturt Highway to Tarcutta':
- N1 Quarry located approximately 8 kilometres north of the Sturt Highway to Tarcutta duplication corridor on the southern/eastern side of the existing Hume Highway in the Gundagai local government area.

SCHEDULE 2

The Approval is modified by:

1. Insert the following definitions in alphabetical order:

Extraction Component	The component of the Project involving the development of the N1 Quarry.
Road Component	The component Project not involving the development of the N1 Quarry.

2. Delete condition 1.1 and replace with the following:

- 1.1 The Proponent shall carry out the project generally in accordance with the:
 - a) Major Projects Application 06_0246;
 - b) *Kyeamba Hill – Hume Highway Duplication – Environmental Assessment* (four volumes), prepared by Sinclair Knight Merz Pty Ltd and Manidis Roberts Pty Ltd and dated March 2007;
 - c) *Hume Highway Duplication Concept Plan, Sturt Highway to Tarcutta, Kyeamba Hill and Little Billabong Environmental Assessments – Submissions Report and Revised Statement of Commitments*, dated 26 April 2007, and prepared by NSW Roads and Traffic Authority and as supplemented by correspondence from the NSW Roads and Traffic Authority dated 16 May 2007;
 - d) the modification request dated 2 November 2007 and accompanying report titled *Hume Highway Duplication Sturt Highway to Holbrook – Modification Report Kyeamba Hill Project Approval 06_0246*, prepared by the Northern Hume Alliance;
 - e) the modification request dated 19 November 2007 and accompanying report titled *Hume Highway Duplication Application for Modification the Approval*, prepared by the Northern Hume Alliance;
 - f) the conditions of approval granted by the Minister for Planning for the Hume Highway Duplication Concept Plan (Application Number 06_0314); and
 - g) the conditions of this approval.

3. Delete condition 1.2 and replace with the following:

- 1.2 In the event of an inconsistency between:
 - a) the conditions of this approval and any document listed from condition 1.1a) to 1.1e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any of the documents listed from condition 1.1a) to 1.1e) inclusive, the most recent document shall prevail to the extent of the inconsistency.

4. Insert the following after condition 1.4:

- 1.4A Approval for the extraction component of the project (excluding rehabilitation activities) shall lapse upon the completion of construction of the road component of the project.
- 1.4B The Proponent shall ensure that material extracted from the extraction component of the project are only used for the construction of the road component of the project subject to this approval and no other section of the Hume Highway.
- 1.4C The Proponent shall limit extraction to 100,000 m³ of material at the N1 Quarry.

1.4D The Proponent shall ensure that the depth of extraction at the extraction component of the project is limited to 290 metres Australian Height Datum.

5. Insert the following after condition 2.5:

2.5A The Proponent shall ensure that the final Biodiversity Offsets Package for the Hume Highway Duplication (required under condition 5.2 of concept plan approval MP 06_0314), includes offsets for ecological values lost as a result of the development of the N1 Quarry, including impacts to threatened fauna habitat.

2.5B The Proponent shall ensure that biodiversity offsets for the N1 Quarry site are not limited to site restoration and revegetation measures undertaken as part of site rehabilitation (in accordance with conditions 2.22), unless it can be demonstrated to the satisfaction of the Director-General that the security of biodiversity values provided through such restoration measures can be protected in the long-term.

6. Insert the following after condition 2.13:

2.13A The Proponent shall ensure that blasting at the N1 Quarry is limited to the minimum charge weights possible and no more than 62 kilograms, unless test blasts and monitoring undertaken in accordance with the Construction Noise and Vibration Management Plan, demonstrates to the satisfaction of the Director-General, that the blasting criteria specified in conditions 2.15 and 2.16 can be achieved under a higher charge weight.

2.13B The Proponent shall ensure that the frequency of blasting at the N1 Quarry is limited to no more than three blasts for the life of the Quarry and no more than one blast per day, with a minimum of two weeks respite between blasts, unless otherwise agreed to by the Director-General in the Construction Noise and Vibration Management Plan.

7. Delete condition 2.14 and replace with the following:

2.14 The construction noise objective for the Project (unless otherwise stated in condition 2.14A), 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 5 dB(A) when measured at the most affected sensitive receiver.

Background noise levels are those identified in the documents referred to in condition 1.1b) and condition 1.1c) of this approval.

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 Plan. 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. The Proponent shall implement all reasonable and feasible noise mitigation measures with the aim of achieving the construction noise objective.

2.14A Subject to the provisions of condition 2.16A, the Proponent shall manage noise generated by the extraction component of the project (excluding noise from haulage on the Hume Highway) so that it does not exceed the noise criteria specified in Table 1 when measured at the most affected sensitive receiver.

Table 1- Noise Criteria for Extraction Component of Project

Day	Evening	Night
L_{Aeq} (15 minute)	L_{Aeq} (15 minute)	L_{Aeq} (15 minute)
35 dB(A)	35 dB(A)	N/A

8. Replace all references to the term "Table 1" in condition 2.15 with "Table 2".
9. Replace all references to the term "Table 2" in condition 2.16 with "Table 3".
10. Insert the following after condition 2.16:

Noise Management at the Extraction Component

- 2.16A Within one month of the commencement of extraction at the N1 Quarry, the Proponent shall monitor noise levels generated by extraction activities, consistent with the *NSW Industrial Noise Policy* (DECC, 2000), at the site at most affected sensitive receivers.

Unless otherwise agreed to by the Director-General, where exceedances of the criteria specified in condition 2.14A are identified, activities resulting in the noise exceedances shall cease immediately, and shall not recommence until such time as a negotiated agreement is reached with the affected property owner regarding noise exceedances in accordance with section 8.3 of the *NSW Industrial Noise Policy* (DECC, 2000), to the satisfaction of the Director-General.

11. Delete conditions 2.18 and 2.19 and replace with the following:

- 2.18 The Proponent shall construct the project in a manner that minimises dust impacts generated by construction works, including wind-blown and traffic-generated dust, on the receiving environment, including sensitive receivers and road users. This shall include progressive rehabilitation measures at the N1 Quarry site.
- 2.19 The Proponent shall take all Reasonable and Feasible measures to prevent soil erosion and the discharge of sediments and pollutants from the project during the construction and operation of the project. This shall include progressive rehabilitation measures at the N1 site.

Note: Section 120 of the Protection of the Environment Operations Act 1997 prohibits the pollution of waters except where expressly provided in an EPL for the project.

- 2.19A The Proponent shall ensure that existing clean water storage environments at the N1 Quarry (including existing farm dams or ephemeral drainage lines) are not used for sediment capture or control at the site.

12. Insert the following after condition 2.21:

Rehabilitation

- 2.22 Within 3 months of the commencement of extractive activities at the N1 Quarry, the Proponent shall in consultation with DWE and DECC, prepare (and following the cessation of extraction activities at the site implement) an **Extractive Site Closure and Rehabilitation Strategy**, to the satisfaction of the Director-General. The Plan shall:
 - a) define the rehabilitation objectives, final landuse and final landform (survey map or similar) for the site;
 - b) describe the measures that would be implemented to manage the ongoing environmental effects at the site (including soil and water management, visual screening, and remnant vegetation and habitat enhancement and conservation works, as relevant);

- c) define the performance and completion criteria for the measures described in b) above; and
- d) describe the procedures that would be implemented to monitor the effectiveness of the measures described in b) above against the performance and completion criteria specified in c) above.

For the purposes of this condition, rehabilitation shall be taken to be satisfactorily completed, once independent auditing (required under condition 3.1 of concept plan approval MP 06_0314) confirms that completion criteria described in clause (c) above has been achieved at the extraction site, to the satisfaction of the Director-General.

