

HUME HIGHWAY DUPLICATION STURT HIGHWAY TO HOLBROOK

CONSISTENCY ASSESSMENT LITTLE BILLABONG PROJECT APPROVAL 06_0247

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Table of Contents

1	Introduction.....	3
1.1	Background	3
1.2	Description of Changed Alignment.....	3
2	Consistency Assessment	4
2.1	Assessment of consistency against Minister's Conditions of Approval – Concept Approval 06_0314	4
2.2	Assessment of consistency against Minister's Conditions of Approval – Project Approval –Little Billabong 06_0247.....	19
2.3	Assessment of consistency against RTA Statement of Commitments	38
2.4	Final Assessment of Consistency	54
3	Conclusion of Consistency	55

1 Introduction

1.1 Background

Following approval of the Concept and Little Billabong Projects, the Northern Hume Alliance (on behalf of the RTA) have gone through a process of detailed design development.

As a result, NHA have carried out a consistency assessment to assess the consistency of the changed NHA alignment with the Approved N3 Project. This document details the assessment and conclusion of consistency.

Where the impact of the changed alignment is deemed inconsistent with the Approved Project(s), an assessment of the identified environmental impacts will be prepared as part of a modification request to the Director General of the Department of Planning.

1.2 Description of Changed Alignment

The changed NHA alignment consists of the following features at the following chainages (indicating distance in metres south of Gundagai) where, following detailed design work, the design could be construed as being slightly different to that of the Approved Project(s):

- Southbound carriageway upgrade (including and drainage design)- chainage 84600 – 88900 – footprint extend to the east to compass the existing highway;
- Chainage 87500 – 88100 – wider footprint on the western side of the Highway;
- Chainage 88180 – intersection and local road upgrade at Westby Lane;
- Chainage 88750 – intersection design at Little Billabong Road (MR284);
- Chainage 85550 – additional property access on eastern side of the Highway;
- Chainage 86050 - additional property access on western side of the Highway;
- Chainage 86150 - additional property access on eastern side of the Highway;
- Chainage 87050 - additional property access on western side of the Highway;
- Chainage 88600 - additional property access on western side of the Highway;
- Chainage 89400 – 90300 – shift of alignment (dual carriageway) to the west, approximately 20-100 metres;
- Chainage 90200 - additional property access on western side of the Highway;
- Chainage 90500 – 93150 – shift of footprint to the west, approximately 30-60 metres;
- Chainage 90750 - additional property access on eastern side of the Highway;
- Chainage 91300 - additional property access on eastern side of the Highway;
- Chainage 92150 - additional property access on eastern and western side of the Highway; and
- Chainage 93250 - additional property access on eastern side of the Highway.

2 Consistency Assessment

The changed design, as detailed in **Section 1.2**, has been assessed for consistency against the Concept Approval (06_0314), Project Approval – Little Billabong (06_0247) and the RTA Statement of Commitments.

2.1 Assessment of consistency against Minister’s Conditions of Approval – Concept Approval 06_0314

Ref	Terms of Concept Approval	Comments on Consistency
1.1	The Proponent shall carry out the concept plan and all related projects generally in accordance with the:	
	a) Concept Plan Application 06_0314;	Determined to be consistent
	b) Sturt Highway to Mullengandra Hume Highway Duplication Concept Plan Environmental Assessment, dated 9 March 2007 and prepared by Connell Wagner Pty Ltd and Parsons Brinckerhoff Pty Ltd;	Determined to be consistent
	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; and	Determined to be consistent
	d) the conditions of this approval.	Not Applicable
1.2	In the event of an inconsistency between:	
	a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and	Not Applicable

Ref	Terms of Concept Approval	Comments on Consistency
	b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.	Not Applicable
1.3	If there is any inconsistency between this concept plan approval and any project approval, this concept plan approval shall prevail to the extent of the inconsistency.	Not Applicable
1.4	The Proponent shall comply with any reasonable and feasible requirement(s) of the Director-General arising from the Department's assessment of:	
	a) any reports, plans or correspondence that are submitted in accordance with this approval; and	Not Applicable
	b) the implementation of any actions or measures contained in these reports, plans or correspondence	Not Applicable
	Limits of Approval	
1.5	This concept approval shall lapse ten years after the date on which it is granted, unless works the subject of any related project approval are physically commenced on or before that date.	Not Applicable
1.6	To avoid any doubt, this concept approval does not permit the construction of any aspect of the proposal which will be subject to separate project approvals.	Not Applicable
2. Project Applications and Specific Requirements		
2.1	Pursuant to section 75P(1)(a) of the Environmental Planning and Assessment Act 1979, the following environmental assessment requirements apply with respect to the Hume Highway duplication project:	

Ref	Terms of Concept Approval	Comments on Consistency
	a) the environmental assessment requirements issued for the Sturt Highway to Tarcutta Project Application 06_0245 by the delegate of the Director-General, dated 9 October 2006;	Not Applicable
	b) the environmental assessment requirements issued for the Kyeamba Hill Project Application 06_0246 by the delegate of the Director-General, dated 9 October 2006;	Not Applicable
	c) the environmental assessment requirements issued for the Little Billabong Project Application 06_0247 by the delegate of the Director-General, dated 9 October 2006;	Not Applicable
	d) the environmental assessment requirements issued for the Yarra Yarra to Holbrook Project Application 06_0248 by the delegate of the Director-General, dated 9 October 2006; and	Not Applicable
	e) the environmental assessment requirements issued for the Woomargama to Mullengandra Project Application 06_0249 by the delegate of the Director-General, dated 9 October 2006.	Not Applicable
	Note: At the time of this approval, the environmental assessment for the above project applications had been accepted by the Director-General and made publicly available for the purposes of section 75H of the Environmental Planning and Assessment Act 1979.	
3. Compliance Monitoring and Tracking		
	Compliance Tracking Program	
3.1	The Proponent shall develop and implement a Compliance Tracking Program to track compliance with the requirements of this approval and the requirements of any approval granted for the project(s) subject to this concept plan. The Program shall be submitted to the Director-General for approval prior to the commencement of construction of any project associated with this concept plan approval. The Program shall relate to both construction and operational stages of the projects associated with this concept approval, and shall include, but not necessarily limited to:	

Ref	Terms of Concept Approval	Comments on Consistency
	a) provisions for periodic review of the compliance status of the project against the requirements of this approval and any relevant conditions of approval, the Statement of Commitments (as referred to in condition 1.1c) of this approval), and any relevant conditions of approval granted for the projects associated with the concept plan;	Not Applicable
	b) provisions for the notification of the Director-General prior to the commencement of construction and prior to the commencement of operation of projects associated with this concept plan;	Not Applicable
	c) provisions for periodic reporting of compliance status to the Director-General;	Not Applicable
	d) a program for independent environmental auditing in accordance with <i>ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing</i> ;	Not Applicable
	e) mechanisms for recording incidents and actions taken in response to those incidents; and	Not Applicable
	f) provisions for reporting environmental incidents to the Director-General during construction and operation;	Not Applicable
	g) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance.	Not Applicable
	Nothing in this approval restricts the Proponent from developing a single compliance tracking program for each project or consolidated compliance tracking program for multiple projects associated with this concept plan	
4	Community Information, Consultation And Involvement	
	Provision of Information	

Ref	Terms of Concept Approval	Comments on Consistency
4.1	Prior to the commencement of construction of any project related to this concept approval, the Proponent shall establish and maintain a new website, or dedicated pages within its existing website, for the provision of electronic information associated with the projects subject to this concept approval. The Proponent shall publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:	
	a) a copy of the documents referred to under condition 1.1 of this approval, and any documentation supporting modifications to this concept approval or related project approvals that may be granted from time to time;	Should a modification be granted, any relevant documentation will be uploaded onto the website.
	b) a copy of this concept approval and all related project approvals;	Not Applicable
	c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the development;	Not Applicable
	d) a copy of each current strategy, plan and program required under this concept approval or any related project approval; and	Not Applicable
	e) the outcomes of compliance tracking in accordance with the requirements of any related project approval.	Not Applicable
4.2	The proponent shall make all documents required to be provided under condition 4.1 of this approval available for public inspection on request.	Not Applicable
	Complaints and Enquires Procedure	
4.3	Prior to the commencement of construction of any project associated with this concept approval, the Proponent shall ensure that the following are available for community complaints and enquires during the construction of each of the projects:	

Ref	Terms of Concept Approval	Comments on Consistency
	a) a telephone number on which complaints and enquires about construction and operational activities may be registered;	Not Applicable
	b) a postal address to which written complaints and enquires may be sent; and	Not Applicable
	c) an email address to which electronic complaints and enquires may be transmitted.	Not Applicable
	The telephone number, the postal address and the email address shall be published in a newspaper circulating in the local area prior to the commencement of construction and prior to the commencement of operation for each project. The above details shall also be provided on the website (or dedicated pages) required by this approval.	Not Applicable
4.4	The Proponent must prepare and implement a Construction Complaints Management System consistent with <i>AS 4269 Complaints Handling</i> prior to the commencement of construction activities for a project associated with this concept approval and maintain the System for the duration of those construction activities.	Not Applicable
	Information on all complaints received, including the means by which they were addressed and whether resolution was reached and whether mediation was required or used, must be maintained by the Proponent and included in a complaints register. The information contained within the System must be made available to the Director-General on request.	Not Applicable
	For the purposes of this condition, the Proponent may choose to maintain a separate or a consolidated Complaints Register for the projects associated with this concept approval.	
	Community Consultation	

Ref	Terms of Concept Approval	Comments on Consistency
4.5	The Proponent shall prepare and implement a Community Communication Strategy for the projects associated with this concept approval. This Strategy shall be designed to provide mechanisms to facilitate communication between the Proponent, the Constructor, the Environmental Representative and the local community (particularly adjoining landowners) on the progress and the related management of the projects. The Strategy shall include, but does not necessarily be limited to:	
	a) identification of community stakeholders to be consulted as part of the Strategy, including affected landowners;	Not Applicable
	b) procedures and mechanisms for the regular distribution of information to the community and adjoining land owners on the progress of each project and matters associated with environmental management of the project;	Not Applicable
	c) procedures and mechanisms through which the community and/or adjoining landowners can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management and delivery of the project(s) and final project design. This may include focused discussion forums and site inspections;	Not Applicable
	d) procedures and mechanisms through which the Proponent can respond to any enquires or feedback from the community and/or adjoining landowners in relation to the environmental management and delivery of the projects.	Not Applicable
	e) procedures and mechanisms that would be implemented to resolve any issues/ disputes that may arise between parties on the matters relating to environmental management and the delivery of the project(s). This may include the use of an appropriately qualified and experienced independent mediator.	Not Applicable

Ref	Terms of Concept Approval	Comments on Consistency
	Issues that should be addressed through the Community Communication Strategy may include (but not necessarily be limited to): traffic management (including property access), property acquisition, landscaping/urban design matters, noise and vibration mitigation and management.	Not Applicable
	The Proponent shall maintain and implement the Strategy throughout construction. The Strategy and the Independent Community Liaison Representative(s) shall be approved by the Director-General prior to the commencement of any construction work associated with a project subject to this Concept approval to which this Strategy applies.	Not Applicable
	For the purposes of this condition, the Proponent may choose to develop a separate or a consolidated Community Consultation Strategy for the projects associated with this concept approval.	
5. Environmental Management		
	Biodiversity Offset Strategy and Package	
5.1	The Proponent shall develop and submit for the approval of the Director-General, a Biodiversity Offset Strategy to detail how the ecological values lost as a result of the projects associated with this concept approval will be off-set. The Strategy shall provide a detailed framework that will dictate the final composition of the Biodiversity Offsets Package and shall be developed in consultation with DECC and DEW. The Strategy shall include, but not necessarily be limited to:	Not Applicable
	a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final detailed design of the road alignment;	Not Applicable
	b) the objectives and biodiversity outcomes that would be achieved through the final biodiversity offset package;	Not Applicable

Ref	Terms of Concept Approval	Comments on Consistency
	c) details of the available offset measures that have been selected to provide compensatory habitat within the region to offset the loss of White Box-Yellow Box-Blakely's Red Gum woodland and the loss of habitat for threatened fauna species, as a result of the projects. This may include one or more of the following measures to collectively deliver a neutral or net beneficial outcome for the region:	Not Applicable
	i) land offsets;	Not Applicable
	ii) funding contributions towards revegetation programs in the region, such as revegetation programs coordinated by the Murray CMA and Murrumbidgee CMA;	Not Applicable
	iii) funding contributions to research programs for the management of the threatened species, populations and communities;	Not Applicable
	iv) any other accepted form of offset measures:	Not Applicable
	d) the decision-making framework that would be used to select the final suite of offset measures to achieve the objectives and outcomes established within the Strategy, including the ranking of offset measures.	Not Applicable
	The Biodiversity Offset Strategy shall be approved by the Director-General prior to the commencement of any construction activity for any project associated with this concept approval that would result in the disturbance of White Box- Yellow Box-Blakely's Red Gum woodland or threatened fauna species habitat.	
5.2	Within 12 months of the approval of the Biodiversity Offset Strategy, the Proponent shall submit the Biodiversity Offset Package for the approval of the Director-General, unless otherwise agreed by the Director General. The package shall be developed in consultation with the DECC and DEW and shall include, but not necessarily be limited to:	

Ref	Terms of Concept Approval	Comments on Consistency
	a) the final suite of the biodiversity offset measures selected in accordance with the Biodiversity Offset Strategy;	Not Applicable
	b) the monitoring requirements for compensatory habitat works and other ecological amelioration measures proposed under the Biodiversity Offset Package. This shall include:	Not Applicable
	i) the monitoring of the condition of vegetation communities and the monitoring of threatened species populations at all offset locations;	Not Applicable
	ii) the methodology for the monitoring program(s), including the number and location of offset monitoring sites, and the sampling frequency at these sites;	Not Applicable
	iii) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with DECC and DEW; and;	Not Applicable
	iv) timing and responsibilities for the implementation of the provisions of the Package.	Not Applicable
	Construction Water Management Strategy	
5.3	The Proponent shall prepare a Construction Water Management Strategy to ensure the coordinated management and minimisation of water use across the projects associated with this concept approval during construction activities. The strategy shall be prepared in consultation with DEW and shall include but not necessarily be limited to:	Not Applicable
	a) the water use performance targets established for the total concept corridor and projects, and the water minimisation measures that would be implemented;	

Ref	Terms of Concept Approval	Comments on Consistency
	b) details of the intended water sources for the projects and the conditions associated with the supply of water to the projects from these sources. Where applicable, these conditions shall reflect the requirements of any Water Sharing Plan and licence(s) issued by DWE;	
	c) where surface water extraction would occur in accordance with the Water Sharing Plan, a review of that resource shall be included to report on current condition of that resource and the predicted capacities of that resource to cater for project(s) demands without placing adverse pressure on the resource and other users;	
	d) framework in which water use and water extraction rates would be monitored and reported across the concept plan corridor;	
	e) procedures in which the volume of water extracted for the projects would be monitored and managed as to ensure that the activity does not adversely impact on the water source(s) and/or other existing water users;	
	f) strategies in which water extraction and/or use would be reviewed and revised to ensure the effectiveness of water use management and minimisation controls; and	
	g) contingency measures that would be implemented in an event where the above reporting indicates undue pressure on water sources and/or other users, or where continued water supply to the projects would be at risk.	
	This Strategy shall be approved by the Director-General prior to the commencement of construction work associated with any project subject to this concept approval.	
	The Director General may issue a staged approval of the Strategy to reflect the construction program for the projects associated with the concept approval.	
	Ancillary Facilities	

Ref	Terms of Concept Approval	Comments on Consistency
5.4	The sites for ancillary facilities for the projects associated with this concept approval shall satisfy the following criteria unless otherwise approved by the Director-General:	Not Applicable
	a) be located more than 100 metres from a waterway;	
	b) have ready access to the road network;	
	c) be located in areas of low ecological and heritage conservation significance, and will not require any significant clearing of native vegetation beyond that already required by the projects;	
	d) be located on relatively level land;	
	e) be separated from the nearest residences by at least 200 metres (or at least 250 metres for a temporary batching plant and stockpiling sites);	
	f) be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;	
	g) shall not unreasonably affect the land use of adjacent properties; and	
	h) shall not impact on heritage sites beyond those already impacted by the projects.	
	The location of ancillary facilities shall be identified within the relevant Construction Environmental Management Plan for the project(s) that the facilities would service.	
	Construction Environmental Management Plan	

Ref	Terms of Concept Approval	Comments on Consistency
5.5	Prior to the commencement of construction work for a project associated with this concept approval, the Proponent shall prepare and implement a Construction Environmental Management Plan (CEMP) for that project. The CEMP shall outline the environmental management practices and procedures that are to be followed during construction of that project, and shall be prepared in accordance with <i>Guideline for the Preparation of Environmental Management Plans</i> (DIPNR, 2004). The CEMP for each project shall include, but not necessarily be limited to:	Not Applicable
	a) a description of all relevant activities to be undertaken during construction of the project including an indication of stages of construction, where relevant;	
	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 project;	
	d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;	
	e) a Construction Traffic Management Plan , prepared in accordance with the RTA's QA Specifications G10 - Control Traffic and <i>Traffic Control at Work Sites Manual</i> (2003) to manage disruptions to highway and local traffic movements as a result of concurrent construction activities (and associated construction traffic) across the concept plan corridor;	
	f) any additional construction environmental management plans required to meet the requirements of the relevant project approval and the relevant Statement of Commitments as modified by these conditions; and	

Ref	Terms of Concept Approval	Comments on Consistency
	g) complaints handling procedures during construction.	
	The Construction Environmental Management Plan for each project associated with this concept approval shall be approved by the Director-General prior to the commencement of any construction work associated with that project.	
5.6	Nothing in this approval restricts the Proponent from developing a single construction environmental management plan for each project or consolidated environmental management plans for multiple projects associated with this concept approval.	Not Applicable
	Operational Environmental Management Plan	
5.7	The Proponent shall prepared and implement an Operational Environmental Management Plan for the projects associated with this concept approval that details the environmental management framework, practices and procedures to be followed during the operation of the projects. The Plan shall be consistent with the Department's <i>Guideline for the Preparation of Environmental Management Plans</i> (DIPNR 2004), and shall be structured to provide a single, consistent environmental management framework across the projects associated with this concept approval. The Plan shall be prepared in consultation with the relevant Government agencies and shall include, but not necessarily be limited to:	Not Applicable
	a) a description of all relevant activities to be undertaken during operation of the project including an indication of stages of operation, where relevant;	
	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;	

Ref	Terms of Concept Approval	Comments on Consistency
	c) details of how the environmental performance of the operations will be 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) measures to monitor and manage ecological factors, including effectiveness and maintenance of fauna crossings and rehabilitation measures;	
	ii) measures to monitor and manage heritage sites within the road reserve;	
	iii) measures to monitor and manage noise impacts;	
	iv) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters;	
	v) measures to monitor and maintain landscaping undertaken along the project corridors until the vegetation has sufficiently been established.	
	d) any additional operational environmental management plans required to meet the requirements of the relevant project approval;	
	e) a description of the roles and responsibilities for all relevant employees involved in the operation of the project; and	
	f) complaints handling procedures during operation.	
	The Operational Environmental Management Plan shall be approved by the Director-General prior to the commencement of operation for any of the projects associated with this concept approval.	

Ref	Terms of Concept Approval	Comments on Consistency
5.8	Nothing in this approval restricts the Proponent from incorporating the above operational environmental management plan into existing management systems administrated by the Proponent.	Not Applicable

2.2 Assessment of consistency against Minister's Conditions of Approval – Project Approval –Little Billabong 06_0247

Ref	Terms of Approval	Consistency Assessment
1.1	The Proponent shall carry out the project generally in accordance with the:	
	a) Major Projects Application 06_0247;	Not Applicable
	b) <i>Little Billabong – Hume Highway Duplication – Environmental Assessment</i> (four volumes), prepared by Sinclair Knight Merz Pty Ltd and Manidis Roberts Pty Ltd and dated March 2007;	Determined to be consistent
	c) <i>Hume Highway Duplication Concept Plan, Sturt Highway to Tarcutta, Kyeamba Hill and Little Billabong Environmental Assessments – Submissions Report and Revised Statement of Commitments</i> , 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;	Determined to be consistent. SoCs will be updated to reflect any additional impacts that arise out of the changed design.
	d) the conditions of approval granted by the Minister for Planning for the Hume Highway Duplication Concept Plan (Application Number 06_0314); and	Determined to be consistent
	e) the conditions of this approval.	Where the changed alignment results in impacts on heritage that differ to the conditions of this approval, the proposed changes to these conditions will be outlined in a Modification request to the Department of Planning.

Ref	Terms of Approval	Consistency Assessment
1.2	In the event of an inconsistency between:	
	a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and	Not Applicable
	b) any document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.	Not Applicable
1.3	The Proponent shall comply with any reasonable and feasible requirement(s) of the Director-General arising from the Department's assessment of:	
	a) any reports, plans or correspondence that are submitted in accordance with this approval; and	Not Applicable
	b) the implementation of any actions or measures contained in these reports, plans or correspondence.	Not Applicable
	Limits of Approval	
1.4	This approval shall lapse ten years after the date on which it is granted, unless the works the subject of this approval are physically commenced on or before that time.	Not Applicable
	Statutory Requirements	
1.5	The Proponent shall ensure that all licences, permits and approvals are obtained as required by law and maintained as required with respect to the project. No condition of this approval removes the obligation for the Proponent to obtain, renew or comply with such licences, permits or approvals.	Not Applicable

Ref	Terms of Approval	Consistency Assessment
	Note: This includes any necessary licences required under the Water Act 1912 for any activity associated with the installation of groundwater bores and the extraction of groundwater for the project, and the necessary licences for ancillary activities (concrete batching plants, crushing plants) that require a licence to operate under the Protection of the Environment Operations Act 1997.	
2. Specific Environmental Conditions		
Ecological Impacts		
2.1	The design of all fauna or waterway crossings must be undertaken in consultation with the DPI.	Determined to be consistent
2.2	Prior to the commencement of construction, the Proponent shall obtain advice from a suitably qualified and experienced ecologist on the need, number, location and design of:	
	i) fauna underpasses along the project alignment. Any required underpasses shall be designed to extend beneath both carriageways and shall cater for the Pink-tailed Worm-Lizard and Striped Legless Lizard species, as appropriate;	Determined to be consistent.
	ii) aerial crossing measures for the Squirrel Glider align the project alignment	Determined to be consistent
	The above advice shall be provided to the DECC, with the final number, location and design of the required underpasses/crossings to be decided in consultation with the DECC prior to the construction of the underpass/crossing.	Determined to be consistent

Ref	Terms of Approval	Consistency Assessment
	The required underpasses and/or aerial crossings shall be designed to extend beneath/across both carriageways. The Proponent shall arrange to bear the full cost of installing and maintaining the aerial crossing points.	Determined to be consistent
2.3	Prior to the commencement of construction, the Proponent shall obtain advice from a suitably qualified and experienced ecologist on the following;	Determine to be consistent
	a) the identification of key areas along the project alignment where threatened woodland bird species would likely frequently cross the project corridor;	Determined to be consistent.
	b) the need location and design objectives of aerial crossing measures for threatened woodland bird species within the identified areas; and	Determined to be consistent.
	c) the methodology and timing for the monitoring of woodland bird species within these areas.	Determined to be consistent.
	The above advice shall be provided to the DECC, with the identified crossing areas to be decided in conjunction with the DECC prior to the commencement of any construction work associated with the project.	Determined to be consistent.
	Construction work shall not commence in the agreed identified areas, unless as otherwise agreed by the Director-General, until the need (and design objectives) of the crossing points and the monitoring methodology (including timing) has been decided in consultation with the DECC. The above agreed identified areas where construction work cannot commence shall include an appropriately sized buffer area to ensure any necessary design pre-construction monitoring requirements are not unduly restricted or impacted by construction work occurring within the adjoining areas.	Determined to be consistent

Ref	Terms of Approval	Consistency Assessment
	The agreed monitoring methodology shall be suitably incorporated in the Threatened Species Monitoring Program required by condition 3.1 of this approval.	Determined to be consistent
2.4	The Proponent shall install nest boxes and relocated hollows to offset the loss of tree hollows/habitat. Structures to replace hollows shall be installed prior to or during the early stages of clearing (except where threatened species, populations or communities would be impacted).	Determined to be consistent
	The location and/or guiding criteria for the selection of locations for the above nest boxes and relocated hollows shall be specified within the Construction Flora and Fauna Environmental Management Plan, as required by condition 4.2a) of this approval.	Determined to be consistent
2.5	The relocation of any cleared timber within terrestrial habitats shall be undertaken in a manner that:	Not Applicable
	a) provides priority supporting areas of retained native vegetation that is of moderate condition; and	
	b) avoids any additional negative impacts upon the retained native vegetation.	Not Applicable
	Heritage Impacts	
	Aboriginal Heritage	
2.6	The Proponent shall not destroy, modify or otherwise physically affect scarred tree LB1.	Determined to be consistent

Ref	Terms of Approval	Consistency Assessment
2.7	The Proponent shall salvage, through surface collections, identified artefacts from sites LB2 in consultation with the DECC and the relevant Aboriginal stakeholders prior to the commencement of construction works that may impact on this site	Determined to be consistent
2.8	Prior to the commencement of construction, the Proponent shall undertake subsurface testing for sites LB-3, LB4, LB-PAD-1 and LB-PAD-3, and shall investigate the options to design and construct the project as to avoid these sites in consultation with the DECC.	Subsurface testing for sites LB-3, LB4, LB-PAD-1 and LB-PAD-3 has been completed. The revised design (resulting from the southbound carriageway upgrade, between chainages 88750 – 88950 presents a new impact on Aboriginal heritage, at LB-PAD-2 which is not identified in the MCoA.
	Where these sites cannot be avoided, the Proponent shall implement the mitigation and management measures detailed within the Construction Heritage Management Plan required under this approval.	Determined to be consistent
	Any salvage (by either surface collection or archaeological excavation) of artefacts detected at these sites shall be conducted in the same manner as required under condition 2.7 of this approval.	Determined to be consistent
2.9	The Proponent shall forward the results of the above subsurface testing and excavation as well as the details of the relocation of any Aboriginal item to the DECC to allow the entry of this information onto the Aboriginal Heritage Information Management System.	Determined to be consistent
	Non-Aboriginal Heritage	

Ref	Terms of Approval	Consistency Assessment
2.10.	Prior to commencement of construction, the Proponent shall complete the site specific heritage investigations for Item L002 (church) and Item L004 (Little Billabong historic settlement), and shall investigate the options to avoid or minimise the impacts on these sites in the final design of the alignment.	Determined to be consistent
	Should excavation and/or archival recordings be required for this site as a result of the investigation, the Proponent shall undertake these works in the same manner as required by condition 2.11 of this approval.	Determined to be consistent
2.11	Prior to the commencement of construction work in proximity to the following items, the Proponent shall complete all excavations and/or archival recordings, including photographic records, for L001, L006, L008, L011, L012, L013 and L303. This shall be undertaken and completed in accordance with the guidelines issued by the Heritage Council of NSW. The areas containing these items shall be clearly identified and fenced until the completion of the archaeological excavations and/or archival recordings.	Determined to be consistent
	Any excavation work required for these items shall be overseen by a suitably qualified archaeologist and in accordance with the research design and archaeological excavation methodology that have been developed in consultation with the NSW Heritage Office prior to commencing any archaeological excavation.	Determined to be consistent
	Within six months of completing the above work, the Proponent shall submit a report containing the findings of the excavations and archival recordings to the Heritage Council of NSW, the local Council and the local Historic Society. This report shall nominate an agreed repository for the relics salvaged from any excavations along the proposed corridor.	Not Applicable
	Noise Impacts	
	Construction and Blasting Restrictions	
2.12	The Proponent shall only undertake construction activities associated with the project, other than blasting, that would generate an audible noise at any sensitive receiver	Not Applicable

Ref	Terms of Approval	Consistency Assessment
	during the following hours:	
	a) 7:00 am to 7:00 pm, Mondays to Fridays, inclusive;	
	b) 7:00 am to 4:00 pm on Saturdays; and	
	c) at no time on Sundays or public holidays.	
	The Proponent may vary the hours of construction in the following circumstances:	
	a) any works that do not cause construction noise to be audible at any sensitive receivers;	
	b) for the delivery of materials required outside these hours by the Police or other authorities for safety reasons; or	
	c) where it is required in an emergency to avoid loss of lives, property and/ or to prevent environmental harm; or	
	d) as approved through the process outlined in condition 2.13 of this approval.	
2.13	The hours of construction activities specified under condition 2.12 of this approval may be varied with the prior written approval of the Director-General. Any request to alter the hours of construction specified under condition 2.12 shall be:	Not Applicable
	a) considered on a case-by-case or activity specific basis;	

Ref	Terms of Approval	Consistency Assessment
	b) accompanied by details of the nature and need for activities to be conducted during the varied construction hours;	
	c) accompanied by written evidence of the DECC and the Director-General that activities undertaken during the varied construction hours are justified, appropriate consultation with potentially affected receivers and notification of Council has been undertaken and all practicable and reasonable mitigation measures have been put in place; and	
	d) evidence of consultation with the DECC on the proposed variation in construction times.	
2.14	The Proponent shall only undertake blasting activities associated with the project during the following hours:	Not Applicable
	a) 9:00 am to 5:00 pm, Mondays to Fridays, inclusive;	
	b) 9:00 am to 1:00 pm on Saturdays; and	
	c) at no time on Sundays or public holidays.	
	This condition does not apply in the event of a direction from police or other relevant authority for safety reasons.	
	Construction and Blasting Limits	
2.16	The Proponent shall ensure that airblast overpressure generated by blasting associated with the project does not exceed the criteria specified in Table 1 when measured at the most affected sensitive receiver.	Not Applicable

Ref	Terms of Approval	Consistency Assessment						
	Table 1 - Airblast Overpressure Criteria							
	<table><tr><th>Airblast Overpressure (dB(Lin Peak))</th><th>Allowable Exceedance</th></tr><tr><td>115</td><td>5% of total number of blasts over a 12 month period</td></tr><tr><td>120</td><td>Never</td></tr></table>	Airblast Overpressure (dB(Lin Peak))	Allowable Exceedance	115	5% of total number of blasts over a 12 month period	120	Never	
Airblast Overpressure (dB(Lin Peak))	Allowable Exceedance							
115	5% of total number of blasts over a 12 month period							
120	Never							
2.17	The Proponent shall ensure that ground vibration generated by blasting associated with the project does not exceed the criteria specified in Table 2 when measured at the most affected sensitive receiver.							
	Table 2 – Peak Particle Velocity Criteria							
	<table><tr><th>Peak Particle Velocity (mms⁻¹)</th><th>Allowable Exceedance</th></tr><tr><td>5</td><td>5% of total number of blasts over a 12 month period</td></tr><tr><td>10</td><td>Never</td></tr></table>	Peak Particle Velocity (mms ⁻¹)	Allowable Exceedance	5	5% of total number of blasts over a 12 month period	10	Never	Not Applicable
Peak Particle Velocity (mms ⁻¹)	Allowable Exceedance							
5	5% of total number of blasts over a 12 month period							
10	Never							
	Operation Noise							

Ref	Terms of Approval	Consistency Assessment
2.18	Unless otherwise agreed to by the Director-General the Proponent shall submit for the approval of the Director-General a Review of the operational noise mitigation measures for the project within six months of commencing the construction of the project. The review shall take into account the detailed design of the project and shall be prepared in consultation with the DECC. Consideration of the operational noise mitigation measures shall include, but not necessarily be limited to, consideration of noise-reducing road surfaces, noise barriers and acoustic treatments of residences.	
	For the purpose of this condition, the Proponent is only required to consider Reasonable and Feasible noise mitigation measures to meet the noise criteria stipulated in the <i>Environmental Criteria for Road Traffic Noise</i> (EPA 1999).	
	Air Quality Impacts	
2.19	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.	Not Applicable
	Soil and Water Quality Impacts	
2.20	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.	Not Applicable
	Note: Section 120 of the <i>Protection of the Environment Operations Act 1997</i> prohibits the pollution of waters except where expressly provided in an EPL for the project.	
	Hydrology	

Ref	Terms of Approval	Consistency Assessment
2.21	Prior to the commencement of construction of drainage structures, road embankments and other works associated with the project that may result in changes to the afflux and flooding behaviour, the Proponent shall submit for the approval of the Director-General a hydraulic investigation report confirming that the final project alignment and associated drainage structures are designed to minimise any changes to afflux and flooding behaviour. The report shall be prepared in consultation with the DWE and shall specifically address the changes in afflux of Little Billabong Creek (in proximity to chainage 89700) and flooding behaviour of the adjacent areas.	Determined to be consistent
	Visual	
2.23	In consultation with the owners of the residence located at chainage 92200, the Proponent shall provide reasonable and feasible landscaping measures to provide visual screening to the residence which has been identified as likely to experience visual impact as a result of the Little Billabong Road cutting.	Not Applicable
3. Environmental Monitoring and Auditing Ecological Monitoring		
3.1	Prior to the commencement of construction of the project, the Proponent shall develop and implement a Threatened Species Monitoring Program for the project, to detail how the impacts of the project on threatened species and populations and to monitor the effectiveness of mitigation measures (including offsets located within the project corridor) implemented for these species as part of the project. The program shall include (but not necessarily be limited to) the monitoring of populations of the Squirrel Glider (<i>Petaurus norfolcensis</i>), the Purple Spotted Gudgeon (<i>Morgurnda adspersa</i>) and the Southern Pygmy Perch (<i>Nannoperca australis</i>). The Program shall be developed in consultation with the DECC and DPI (where relevant) and shall include, but not necessarily be limited to	Not Applicable

Ref	Terms of Approval	Consistency Assessment
	a) the monitoring of a representative sample of threatened species and populations in and adjacent to the footprint of the project ⁵ prior to the commencement of construction. The methodology, such as monitoring technique, number and location of study populations shall be decided in consultation with the DECC and DPI;	
	b) a program for monitoring the health (mortality) and habitat utilisation of populations before the construction of the project during the construction of the project and for a period of not less than three years after the commencement of operation of the project, unless otherwise agreed by the Director-General. The monitoring intervals for the sample populations shall be decided in consultation with the DECC and DPI;	
	c) provision for the assessment of the data for each sample population to identify the changes in population health (mortality) or habitat over time or individual numbers over time and possible causes for these changes in the event of an identified decline;	
	d) details of the contingency measures that would implement in the event of an identified decline in population health (mortality) as a direct result of construction and operation of the project; and	
	e) provision for annual reporting of monitoring results to the Director-General, the DECC and DPI, or as otherwise agreed by those agencies.	
	The Program shall be submitted to the Director-General prior to the commencement of construction and shall be updated to incorporate the monitoring methodology for threatened woodland bird species once agreed to in accordance with the condition 2.3 of this approval.	
	Noise Auditing	

Ref	Terms of Approval	Consistency Assessment
3.2	Within one year of commencement of operation of the project, or as otherwise agreed by the Director-General, and during a period in which the project is operating under normal operational traffic conditions, the Proponent shall undertake an operational noise monitoring program to confirm the noise performance of the project and prepare an Operational Noise Report. The Report shall include, but not necessarily be limited to:	Not Applicable
	a) noise monitoring to assess compliance with the operational noise outcomes predicted in the operational noise Review required under condition 2.18 of this approval;	
	b) methodologies, locations and frequencies for noise monitoring, to be undertaken in accordance with the <i>Environmental Noise Management Manual</i> (RTA 2001);	
	c) identification of monitoring sites at which background noise and project noise levels can be ascertained, with specific reference to locations indicative of impacts on residential receptors and sensitive land uses;	
	d) details of any complaints and enquiries received in relation to noise generated by the project within the year of operation;	
	e) an assessment of the performance and effectiveness of applied noise mitigation measures; and	
	f) any additional noise mitigation measures and timetables for implementation.	

Ref	Terms of Approval	Consistency Assessment
3.3	Within 60 days of completing the operational noise monitoring referred to under condition 3.2 of this approval, the Proponent shall provide the Director-General and the DECC with a copy of the Operational Noise Report. If the report identifies any non-compliance with the noise objectives specified in the <i>Environmental Criteria for Road Traffic Noise</i> (EPA 1999), the Proponent shall detail what additional measures would be implemented to ensure compliance, clearly indicating who would implement these measures, when these measures would be implemented, and how the effectiveness of these measures would be measured and reported to the Director-General.	Not Applicable
4. Environmental Management		
Environmental Representative		
4.1	Prior to the commencement of construction of the project, or otherwise agreed by the Director-General, the Proponent shall nominate for the approval of the Director-General a suitably qualified and experienced Environmental Representative(s) independent of the design and construction personnel. The Proponent shall employ the Environmental Representative(s) for the duration of construction, or as otherwise agreed by the Director-General. The Environmental Representative(s) shall:	Not Applicable
	a) be the principal contact point of advice in relation to all questions and complaints concerning the environmental performance of the project;	
	b) monitor the implementation of all environmental management plans and monitoring programs required under this approval and any relevant plans required by the Concept Plan approval;	
	c) monitor the outcome of all environmental management plans and advise the Proponent upon the achievement of all Project environmental outcomes;	

Ref	Terms of Approval	Consistency Assessment
	d) have responsibility for considering and advising the Proponent on matters specified in the conditions of this approval and the conditions of the Concept Plan approval, and all other licences and approvals related to the environmental performance and impacts of the project;	
	e) ensure that environmental auditing is undertaken in accordance with the requirements of the Concept Plan approval and all relevant project Environmental Management System(s);	
	f) given the authority and independence to require reasonable steps be taken to avoid or minimise unintended or adverse environmental impacts, and failing the effectiveness of such steps, to direct that relevant actions be ceased immediately should an adverse impact on the environment be likely to occur.	
	The Proponent may choose to nominate an Environmental Representative to be responsible for a number of projects associated with the Concept Plan. In doing so, the Proponent shall demonstrate to the Director-General that the nominated Environmental Representative is capable to carrying out the required duties across multiple projects.	
	Construction Environmental Management Plan	
	As part of the Construction Management Plan for the project as required under by the Minister for Planning's approval of Concept Plan 06_0314, the Proponent shall prepare and implement the following:	
4.2		
	a) a Construction Flora and Fauna Management Plan to detail how construction impacts on terrestrial and aquatic ecology will be minimised and managed. The Plan shall be developed in consultation with the DECC and DPI and shall include, but not necessarily be limited to:	Not Applicable

Ref	Terms of Approval	Consistency Assessment
	i) details of work practices (such as fencing and construction worker education) to minimise the potential for damage to vegetation (particularly EECs) and native fauna during construction. Measures shall also be included to ensure the extent of soil disturbance during construction work is minimised;	
	ii) weed management measures focusing on early identification of invasive weeds and determining effectiveness of management controls;	
	iii) details of the mitigation measures that would be implemented and the associated procedures for the installation and monitoring of these measures, for example the location, maintenance and monitoring of nest boxes, relocated hollows and fauna fencing; and	
	iv) a procedure detailing the timing for the implementation and monitoring of the mitigation and management measures; and	
	v) a description of how the effectiveness of the mitigation and management measures would be monitored during the proposed works and, if any non-compliance is detected, how any non-compliance would be rectified.	
	b) a Construction Heritage Management Plan to detail how construction impacts on Aboriginal and non-Aboriginal heritage will be minimised and managed. The Plan shall be developed in consultation with the NSW Heritage Office, the DECC and shall include, but not necessarily be limited to:	Determined to be consistent
	i) the recommendations arising from the cultural heritage assessment report prepared in consultation with the relevant Aboriginal stakeholders following investigations into the Potential Archaeological Deposits and other sites as required by condition 2.9 of this approval;	

Ref	Terms of Approval	Consistency Assessment
	ii) a strategy for the salvage and curation of salvaged objects, giving consideration to measures for managing and housing objects;	
	iii) specific measures to be applied to works undertaken in close proximity to identified Aboriginal and non-Aboriginal heritage items to minimise and avoid impacts on these items. This shall include a component within the site induction program for construction workers on Aboriginal and non-Aboriginal heritage along the project corridor;	
	iv) a program for construction work practices and an auditing program to ensure that there is no impact on heritage items additional to that already permitted; and	
	v) procedures that would be followed should the auditing required in 4.2a)iv) detect an impact on any known and/or any previously unidentified heritage item be discovered during construction.	
	c) a Construction Noise and Vibration Management Plan to detail how construction noise and vibration impacts would be minimised and managed. The Plan shall be developed in consultation with the DECC and shall include, but not necessarily be limited to:	Not Applicable
	i) details of construction activities and an indicative schedule for construction works;	
	ii) identification of construction activities that have the potential to generate noise and/or vibration impacts on surrounding land uses, particularly residential areas;	
	iii) procedures to be undertaken during the execution of blasting activities to ensure overpressure and vibration criteria are met, including the formulation of a suitable blast program that is supported by test blast results;	

Ref	Terms of Approval	Consistency Assessment
	iv) a detailed description of what reasonable and feasible actions and measures would be implemented to ensure that these works would comply with the relevant noise and vibration criteria/objectives;	
	v) procedures for notifying sensitive receivers of construction activities that are likely to affect their noise and vibration amenity, as well as procedures for dealing with and responding to noise complaints; and	
	vi) a description of how the effectiveness of these actions and measures would be monitored during the proposed works, clearly indicating how often this monitoring would be conducted, the locations where monitoring would take place, how the results of this monitoring would be recorded; and, if any non-compliance is detected how any non-compliance would be rectified.	
	d) a Construction Riparian Management Plan to detail how the construction activities and structures within or in proximity to riparian areas would be appropriately designed and managed to ensure the integrity, function and condition of these areas are maintained and/or suitably rehabilitated. This plan shall be developed in consultation with DWE and DPI, and shall include a monitoring program to ensure the effectiveness of any mitigation measures implemented during and following the conclusion of construction.	Not Applicable
	e) a Dust Management Plan to detail how the construction activities would be managed and monitored to mitigate dust emissions and to achieve the requirements of condition 2.19 of this approval. This plan shall be prepared in consultation with the DECC.	Not Applicable

2.3 Assessment of consistency against RTA Statement of Commitments

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
General			
GE1	Ensure the adequacy and compliance of environmental management measures	Environmental Management System(s) will be established and maintained to implement best practice management for environmental impacts.	Not Applicable
GE2		Dedicated environmental personnel appointed to monitor the performance of the environmental management measures of the Proposal.	Not Applicable
Consultation			
C1	Ensure effective and receptive consultation with the community is undertaken	Newsletters and media coverage will be used regularly to cover the proposed works schedule, areas in which these works are proposed and the construction hours. The newsletters and media coverage will provide contact names and phone numbers of relevant staff.	Not Applicable
C2		An internet site which contains periodic updates of work progress, consultation activities and planned work schedules will be established and maintained regularly. The internet site will provide contact names and phone numbers of relevant staff.	Not Applicable
C3	Ensure effective management of complaints	A 24 Hour toll-free complaints contact telephone number will be established for the Proposal.	Not Applicable

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
C4		A system to receive, record, track and respond to complaints within a specified timeframe will be established.	Not Applicable
Biodiversity			
B1	Minimise native vegetation disturbance	The limits of clearing and other native vegetation disturbance will be clearly marked on relevant work plans and on site with temporary fencing installed prior to clearing.	Determined to be consistent
B2		Equipment storage areas and stockpile areas will be located in existing cleared locations.	Determined to be consistent
B3	Minimise weed establishment	Soil containing weeds will be stockpiled at least 25 m away from watercourses and native vegetation. Sediment fences will be erected down slope from stockpiled soil.	Determined to be consistent
B4		Noxious weeds in areas disturbed by construction activities will be managed for a minimum of two years post-construction completion.	Determined to be consistent
B5	Offset the residual impacts of the Proposal on biodiversity, particularly on Box Gum woodland and habitat for threatened species so as to	A biodiversity offset strategy will be developed in consultation with DECC and other relevant government agencies. The offset strategy will include but not be limited to:	Determined to be consistent
		<ul style="list-style-type: none"> • Revegetation within the road corridor 	
		<ul style="list-style-type: none"> • Revegetation on other land • A range of management actions to improve the regional, landscape or site value of native vegetation within the region. 	

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
		The strategy will be developed utilising the relevant principles within the Biometric and threatened species assessment tools outlined within the Native Vegetation Regulation 2005.	
B6	Minimise impacts on hollow dependent fauna species	Disturbed areas will be progressively revegetated using Box Gum woodland plant species of local provenance.	Determined to be consistent
B7		An appropriately qualified person will check tree hollows prior to clearing for hollow-dependent fauna. Fauna found occupying tree hollows will be relocated into suitable available hollows or nesting boxes within adjacent vegetation. The suitability of adjacent vegetation for relocation will be determined on the basis of expert advice.	Determined to be consistent
B8		Stands containing hollow-bearing trees will be cleared using a two stage clearing process with adjacent non-hollow bearing trees to be cleared first.	Determined to be consistent
B9		An appropriately qualified person will provide advice on any relocation of logs and dead trees that are to be cleared to provide habitat in adjacent areas where feasible and practicable. Such relocation will be undertaken in a manner to minimise damage to existing vegetation and will not occur in high condition remnant vegetation.	Determined to be consistent
B10		Nest boxes will be fixed to suitable retained vegetation and in a way that does not damage the tree.	Determined to be consistent
B11	Maintain terrestrial fauna	Drainage culverts will be designed to facilitate movement of fauna species where feasible.	Determined to be consistent

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
B12		Expert advice will be sought to assist in identifying the need and location for crossing points for Squirrel Glider populations. Based on this advice and in consultation with DECC, the location and design of these crossing points will be incorporated into the Proposal.	Not Applicable
B13		Expert advice will be sought to assist in identifying the need and location for crossing points based on the areas of potential habitat for the Pink-tailed Worm-lizard and Striped Legless Lizard. Based on this advice and in consultation with DECC, the location and design of crossing points will be incorporated into the Proposal where feasible.	Not Applicable
B14	Minimise impacts to Pink-tailed Worm-lizard and Striped Legless Lizard	An appropriately qualified person will check Pink-tailed Worm-lizard and Striped Legless Lizard habitat prior to construction. Individuals found in the construction footprint will be relocated into suitable habitat. The suitability of adjacent habitat for relocation will be determined on the basis of expert advice.	Determined to be consistent
B15	Ensure effectiveness of threatened species mitigation measures	A Threatened Species Monitoring Program will be developed to allow the effectiveness of mitigation and offset measures to be assessed and allow for their modification if necessary.	Not Applicable

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
B16	Maintain fish passage	Culverts will be designed to facilitate fish passage where appropriate.	Not Applicable
B17		Fish passage will be maintained during construction.	Not Applicable
B18	Minimise impacts to aquatic habitat	Riparian areas disturbed by the Proposal will be progressively revegetated using plants species of local provenance.	Determined to be consistent
B19		DPI Fisheries will be consulted regarding use of cleared vegetation in re-snagging programs for waterways.	Not Applicable

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
AH1	Minimise impact on Aboriginal heritage items	Any Aboriginal heritage items directly or indirectly impacted will be managed in consultation with Aboriginal stakeholders and DECC including development of the appropriate management and mitigation strategy.	Determined to be consistent
AH2		Test excavation will be undertaken for the following Aboriginal heritage items: T-PAD-I, K3, K10, K-PAD-6, K-PAD-8, K-PAD-9, LB3, LB4, LB-PAD-3, YY7, YY14, YY17, M-PAD-I, M-PAD-3 and LB-PAD-1 and LB-3 (if impacted) and any additional management and mitigation measures will be developed in consultation with Aboriginal stakeholders and DECC.	AH2 does not have provisions for new impacts on LB-PAD-2 that results from the changed alignment at the Little Billabong Road (MR284) intersection (chainage 88750 – 88950). This impact is determined to be inconsistent with this SoC and will be outlined in a Modification request to the Department of Planning.
AH4		Where appropriate through consultation with Aboriginal stakeholders, Aboriginal heritage items within the construction corridor not directly impacted will be marked on construction plans, fenced and signposted where necessary.	Not Applicable
AH5		All personnel working on site will receive training in their responsibilities under the <i>National Parks and Wildlife Act 1974</i> . Site specific training will be developed in consultation with Aboriginal stakeholders and will be given to workers when working in the vicinity of identified heritage items.	Not Applicable

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
AH6		Should any human remains be uncovered during works, all works in the vicinity of the find will cease immediately, the Project Manager/Director and the Environmental Manager will notify the NSW Police, DECC, the RTA's Environmental Officer (Heritage) and the RTA's Senior Environmental Officer and will seek specialist advice if required. Works will not re-commence until appropriate clearance has been received.	Determined to be consistent
Non-Aboriginal Heritage			
H1	Minimise impacts on non-Aboriginal heritage items	Where the Proposal will directly impact heritage items of state and local significance, detailed heritage investigations and/or research will be performed prior to construction. Information collected will be documented in appropriate archival records.	Determined to be consistent
H2		Where heritage items are not directly impacted, care will be taken to not disturb them. This will include briefing of the construction works team to protect such assets during the construction phase, minimising access and clear delineation of items including fencing and signage would be provided where necessary in consultation with a heritage specialist. Identified heritage items will be clearly marked on construction plans.	Determined to be consistent

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
H3		A Non-Aboriginal heritage Management Plan (NAHMP) will be prepared, detailing the proposed mitigation and management strategies for all non-Aboriginal heritage items either impacted directly or indirectly, the proposed management strategy for any new objects uncovered during construction activities and the process for consultation with the Heritage Council of NSW.	Determined to be consistent
H4		All personnel working on site would receive training in their responsibilities under the <i>Heritage Act 1977</i> . Site-specific training will be given to workers when working in the vicinity of identified heritage items.	Determined to be consistent
Resource Management			
RM1	Reduced demand on resources	Geotechnical investigations will be undertaken to identify suitable material on site for any additional fill material requirements.	Not Applicable
RM2		The Proposal will be designed to achieve balanced earthworks where feasible.	Determined to be consistent
RM3		Construction practices to minimise water use including investigating opportunities to reuse and recycle water will be adopted.	Determined to be consistent
RM4		Appropriate water sources for the construction will be investigated and identified in consultation with the relevant government agency.	Not Applicable
RM5	Minimise transport associated with the demand for resources.	Where feasible, suitable materials will be obtained from local existing licensed quarries.	Not Applicable

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
RM6	Managing the sourcing of additional fill material outside of the road corridor should it be required	Only suitably approved and licensed quarries would be used for fill material outside of the road corridor and accordingly environmental impacts from the use of such quarries would be addressed and managed through appropriate licensing and approval processes.	Not Applicable
Hydrology			
G1	Minimise impact on groundwater resources and land capability and manage land degradation relating to waterlogging and salinisation	Strategies will be developed to manage groundwater issues associated with surrounding land uses, including management of recharge areas in consultation with the relevant government agencies.	Not Applicable
G2	Minimise the impact of high water table on road infrastructure.	Appropriate subsurface drainage infrastructure (e.g. blind ditches) will be installed in areas identified as having shallow groundwater levels, to divert groundwater away from pavement sub-grade.	Determined to be consistent
Traffic			
T1	Minimise impact on traffic due to construction	Construction vehicle movement arrangements will be developed to minimise impacts on other road users with specific regard to other road works in the region, local traffic movement requirements (stock or machinery) and peak traffic volumes, including long weekends and holiday periods.	Determined to be consistent

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
T2		Construction will be planned to minimise disruption to traffic including use of road occupancy licences, variable message signage, static signage and coordination between sections as far as feasible through Hume Highway Duplication coordination meetings.	Determined to be consistent
T3		Periodic review and survey of road conditions would be undertaken in consultation with Council(s) and rectification works undertaken as expediently as possible where considered necessary and/or where there are safety concerns.	Determined to be consistent
Social and Economic Considerations			
E1	Minimise property impacts to adjacent landholders	All property will be acquired in accordance with the RTA Land Acquisition Policy.	Determined to be consistent
E2	Minimise impacts to property access following construction	Negotiations for property acquisition will include consultation on property adjustments where required to maintain farm management practices.	Determined to be consistent
E3	Minimise impact to local and regional roads from construction traffic impacts	Dilapidation surveys of regional and local roads used by construction traffic will be undertaken in consultation with the relevant local government authority. The RTA will be responsible for any necessary repair of deterioration attributable to the impacts of construction traffic.	Not Applicable
E4	Minimise the social and economic impact of the construction	Property access will be maintained for the duration of construction with any temporary access requirements being provided in consultation with adjacent landowners where necessary.	Determined to be consistent

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
E5		Advance notification will be given to property owners on project schedules, construction works and access arrangements	Determined to be consistent
Air Quality and Greenhouse Gases			
A1	Minimise generation of dust	Dust will be visually monitored and where necessary best practice mitigation measures will be implemented to minimise the generation of dust.	Determined to be consistent
A2		Dust deposition gauges will be installed at sensitive locations, and the performance of the dust suppression actions will be assessed against the DECC guideline.	Not Applicable
A3	Minimise greenhouse gas emissions and air pollution	Plant and equipment will be maintained in a proper and efficient condition and operated in a proper and efficient manner.	Determined to be consistent
A4		Greenhouse gas emission targets for the construction of the Proposal will be in line with government guidelines.	Not Applicable
A5		There will be no burning of green waste or any other wastes.	Determined to be consistent
A6		Construction will aim to use electrical energy derived from a renewable energy source accredited by the National Green Power Accreditation Steering Group (or equivalent) for the supply of at least 50 per cent of the on-site electrical energy requirement for the Proposal's construction.	Not Applicable
Noise and Vibration			
N1	Establish baseline conditions prior to the start of construction	As necessary, condition surveys will be undertaken on buildings and structures within the potential area of vibration impact prior to commencement of rock-breaking and blasting activities.	Not Applicable

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
N2	Minimise the impact of construction noise and vibration on surrounding residents and where necessary, comply with all relevant standards to reduce noise and vibration to an acceptable level	The standard construction hours for the Proposal will be 7.00am to 7.00pm Monday to Friday; 7.00am to 4.00pm Saturdays and no work on Sundays or public holidays.	Not Applicable
N3		Works required outside of standard construction hours will only be undertaken where the works are essential to be completed in this period and after appropriate consultation with affected residences, the DECC, and local council and would be planned to minimise disruption to freight traffic.	Not Applicable
N4		All plant and equipment will be well maintained and fitted with adequately maintained silencers that meet the vehicle design specifications. At sensitive locations 'broadband' reversing alarms or other alternative vehicle motion warning systems will be considered in lieu of tonal reversing alarms.	Not Applicable
N5		Prior consultation and notification will be undertaken with nearby residences that may be affected by noise or vibration generating activities.	Not Applicable
N6		Construction compounds will be located to limit noise impacts on adjacent residential premises to not more than 5 dB(A) above background.	Not Applicable
N7		Best management practices will be adopted in accordance with the RTA Environmental Noise Management Manual. Inspections and noise monitoring will be undertaken to determine the effectiveness of mitigation strategies.	Not Applicable
N8		Controlled blasting techniques will be employed where feasible. Test	Not Applicable

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
N9	Minimise the operational noise impact on existing nearby residences	Mitigation measures implemented in accordance with the RTA Environmental Noise Management Manual. These will be implemented during detailed design and in consultation with relevant property owners.	Not Applicable
Visual			
V1	Minimise visual impact and continue existing landscape and vegetation types	Disturbed areas will be progressively revegetated using plant species of local provenance selected in consultation with a qualified landscape officer.	Determined to be consistent
V2		The landscaping plans for the Proposal will consider the retention of existing views and vistas from the highway having regard to road user safety requirements.	Not Applicable
V3		Cuttings and embankments will be graded out wherever feasible to reflect and best fit the characteristics of the local landform.	Determined to be consistent
Waste Minimisation and Management			

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
W1	Reduce creation of waste and maximise re-use and recycling	Reuse and recycling and avoidance strategies in accordance with the NSW Government's Waste Avoidance and Resource Recovery Strategy 2006 will be adopted.	Not Applicable
W2	Ensure waste generated is managed appropriately	Waste materials will be classified and managed in accordance with DECC Environmental Guidelines: Assessment and Classification & Management of Liquid and Non-Liquid Wastes.	Not Applicable
Geology, Soils and Water Quality			
S1	Minimise scour impacts	Scour protection will be installed in creek/river bank areas at risk of erosion as necessary.	Installation of scour protection at the seven cell outlet is determined to be consistent
S2		Culverts will be installed as early as possible in the construction program to ensure that transverse drainage is in place during early stages of construction. Permanent stream protection measures and other waterway structure requirements will also be established as early as possible.	Determined to be consistent
S3	Minimise the risk of water contamination and pollution of local watercourses	Any construction materials and fuels stored or used on site will be appropriately managed to minimise the risk of water contamination.	Determined to be consistent
S4		Operational stormwater controls will be implemented to meet identified receiving water objectives. These may include dispersed stormwater treatment through grassed swales, constructed treatment measures such as operational stormwater retention basins and the use of gross pollutant traps.	Determined to be consistent
S5		The requirement for spill containment will be made on the basis of a site-specific assessment that considers the following:	Determined to be consistent

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
		• The sensitivity of the receiving environment.	
		• The likelihood of an accident occurring that would result in a spill.	
		• The proximity of the discharge point to the receiving waters.	
		• The condition of the receiving waters.	
S6	Minimise disturbance to landform, geology and soils and prevent erosion and sedimentation	A spoil conservationist will be engaged to provide advice on management of soils through detailed planning and construction.	Determined to be consistent
S7		Erosion and sedimentation controls will be installed, maintained and managed prior to and during construction. The principles in Managing Urban Stormwater: Soils and Construction, Volume 2 Book 4 – Main Road Construction will apply. If any issues are encountered which are not covered by Volume 2, Managing Urban Stormwater: Soils and Construction, Volume I will be used.	Determined to be consistent
S8		Sediment will be cleared from behind barriers on a regular basis and controls will be monitored and maintained to ensure they work effectively at all times.	Determined to be consistent
S9		Site access sediment controls such as hardstand material or rumble grids will be installed at entry and exit points to minimise the tracking of soil and particulates onto pavement surfaces.	Determined to be consistent
S10		Stockpiles will be established on slopes less than 2:1 (horizontal to vertical).	Not Applicable
S11		All stockpiles sites will be designed, established, operated and decommissioned in accordance with RTA Stockpile Management Procedures 2001. Stockpiles will be located not less than 100 metres from the high bank of any rivers or drainage lines.	Not Applicable
S12		Rehabilitation of disturbed areas will be undertaken progressively.	Determined to be consistent
Contaminated Land			

SoC Ref.	SoC Objective	Commitment	Comments on Consistency
CL2	Identification and investigation of potentially contaminated sites	A review will be undertaken of all land impacted by the Proposal to identify potentially contaminated sites. Potentially contaminated sites will be further investigated in accordance with the RTA's Contaminated Land Management Guideline.	Determined to be consistent
CL3	Management of previously unidentified contamination	If site contamination investigations indicate that contaminants are present on the site in concentrations above the intended land use criteria, then an appropriate risk based management plan approach would be developed in accordance with the RTA's Contaminated Land Management Guideline. Where contamination is found to pose unacceptable risk to either the environment or human health receptors a remedial action plan will be developed and remediation works will be undertaken.	Determined to be consistent
Hazard and Risk			
R1	Minimise the risk of an incident during construction	Bunded storage areas will be located away from watercourses and will be established for oils and other hazardous liquids in accordance with Australian Standards. Spillages will be contained and collected any spillages for appropriate disposal.	Determined to be consistent
R2		Activities with the potential for spillage such as refuelling, maintenance of equipment, mixing of cutting oil and bitumen will be conducted in bunded areas to prevent discharge into watercourses.	Determined to be consistent
R3		Potentially hazardous and contaminating activities (such as washing construction plant, concrete mixers, bitumen surfacing equipment and handling hazardous chemicals) will be conducted in bunded areas away from watercourses.	Determined to be consistent

2.4 Final Assessment of Consistency

FACTOR	YES	NO
Fundamental consistency with Approved Project		
<p>Will all proposed changes, considered together, result in a radical change to the activity as approved? (Note – this question is aimed at the fundamental concept of the project, its location and standard.)</p> <p>The proposed changes would not result in a radical change to the activity as approved.</p>		√
Consistency with objectives and functions of Approved Project as a whole		
<p>Will all proposed changes, considered together, result in any substantive change to the objectives and functions of the approved project as a whole?</p> <p>The proposed changes would not result in any substantive change to the objectives and functions of the Approved Project as a whole. The primary objective of the Approved Project remains to duplicate the existing single carriageway sections of the Hume Highway. This objective is still achieved.</p>		√
Consistency with objectives and functions of elements of Approved Project		
<p>Will each separate proposed change result in any substantive change to the objectives and functions of that element of the Approved Project which it modifies AND do so without better satisfying any other Conditions of Approval such that a net improvement in the environment results?</p> <p>As detailed above the functions and objectives of duplicating the existing single carriageway sections of the Hume Highway will not be affected by the proposed changes.</p>		√
Consistency with environmental impact		
<p>Are there any new environmental impacts or changes to environmental impact associated with the proposed change that are not covered by safeguards or mitigation measures identified in the EA or associated documents; or any Minister's Condition of Approval; or which would make safeguards, mitigation measures or Conditions of Approval ineffective?</p> <p>An assessment of the environmental impacts as a result of the proposed changes is provided in this report. There is a changed impact to heritage. Additional mitigation measures have been included to minimise the environmental impact.</p>	√	
Consistency with particular Conditions of Approval		
<p>Will any proposed change, either by itself or in association with any other proposed changes, result in the inability to satisfy any Condition of Approval?</p> <p>The proposed changes would not result in the inability to satisfy any Condition of Approval. However, the proposed changes results in a new impact on heritage that has not been detailed in the MCoA. This new impacts suggest that the proposed modification is inconsistent with the Minister's Conditions of Approval.</p>	√	

3 Conclusion of Consistency

The consistency assessment has determined that the changes to the design of the Little Billabong Project are generally considered to be consistent with the objectives and function of the Hume Highway Duplication Project, as approved by the Minister for Planning (Little Billabong (06_0247)). The proposed design changes are also considered to be generally consistent with the objectives, functions and Conditions of Approval of the Concept Approval (06_0314).

The resulting environmental impacts of the proposed alignment (resulting from design development) are however considered to be inconsistent with those identified in the Environmental Assessment – Little Billabong (SKM & Manidis Roberts, 2007), the revised Statement of Commitments and the Minister's Conditions of Approval (Little Billabong) for particular impacts on heritage, as follows:

- Chainage 88100 – 88700: The proposed changed alignment includes an upgrade of the road formation of the southbound carriageway and a realignment of the creek bank - to address scouring of Little Billabong creek. *Culturally sensitive information excluded.*
- Chainage 88750 – 88950 – wider footprint to the east of the existing highway resulting in impacts on LB-PAD-2.

As such, the specific change to design at these locations in the Little Billabong Project alignment design are considered to be inconsistent with the Approved Project (Little Billabong), and a request to modify the Approved Project should be sought from the Minister of Planning in accordance with Section 75W of the EP&A Act.