ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

APPROVAL UNDER SECTION 115B(2) IN RELATION TO THE PROPOSED NEW SECTION OF NATIONAL HIGHWAY BETWEEN ALBURY AND WODONGA

I, the Minister for Urban Affairs and Planning after:

1) examining and considering various matters including:

   a) the environmental impact of the proposed new section of National Highway between Albury and Wodonga under Section 111 of the *Environmental Planning and Assessment Act 1979*;

   b) the environmental impact statement / environment effects statement (EIS/EES) for the proposed new section of National Highway between Albury and Wodonga dated October 1995 prepared by Gutteridge Haskins & Davey Pty Ltd;

   c) representations made in respect to the exhibition of the EIS/EES for the proposed new section of National Highway between Albury and Wodonga;

   d) the Panel Report of the Public Inquiry into Albury Wodonga Potential National Highway Routes held under Victorian Environment Effects Act 1979 dated August 1996 prepared by Commissioners H. Gibson, R. Calvert and K. Cleland;

   e) submissions from the Roads and Traffic Authority;

   f) the report from the Director-General of the Department of Urban Affairs and Planning dated December 1997 in respect of the EIS/EES for the proposed new section of National Highway between Albury and Wodonga; and

2) consulting the Minister for Transport, and Roads,

pursuant to Section 115B(2) of the *Environmental Planning and Assessment Act 1979*, give approval for the Roads and Traffic Authority to carry out the proposed new section of National Highway between Albury and Wodonga subject to the conditions stated in Schedule 1 to this approval. The reasons for the imposition of these conditions are set out in the Director-General's report.

Dated this 23rd. day of January 1998

Paul Whelan LLB, MP
Acting Minister for Urban Affairs and Planning

SCHEDULE 1

PROPOSED NEW SECTION OF NATIONAL HIGHWAY BETWEEN ALBURY AND WODONGA

CONDITIONS OF APPROVAL

The following acronyms and abbreviations are used in this section:

Department, The	Department of Urban Affairs and Planning
Director-General, The Affairs and	Director-General of the Department of Urban Planning (or nominee)
DLWC	Department of Land and Water Conservation
DoT	Department of Transport
EES	Environment Effects Statement
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EMR	Environmental Management Representative
EP&A Act	*Environmental Planning and Assessment Act 1979*
EPA	NSW Environment Protection Authority
MDBC	Murray Darling Basin Commission
Minister, The	Minister for Urban Affairs and Planning
NPWS	National Parks and Wildlife Service
RTA	Roads and Traffic Authority
The Proponent	Roads and Traffic Authority

General

1. The proposal must be carried out in accordance with:

   - the proposal contained in the environmental impact statement/environment effects statement prepared for the RTA and VicRoads by Gutteridge Haskins & Davey Pty Ltd. dated October 1995, *Proponent's Final Submissions to Panel Inquiry* prepared by Freehill Hollingdale & Page for the RTA and VicRoads dated 13 June 1996, subject to modifications as described in Chapter 4.3 of the RTA's *Representations Report* dated September 1997;
   - all identified procedures, safeguards and mitigation measures identified in the EIS; and
   - the conditions of approval granted by the Minister.

   Despite the above, in the event of any inconsistency the conditions of this approval shall prevail.

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

It shall be the ultimate responsibility of the Roads and Traffic Authority to ensure compliance with all conditions of approval granted by the Minister.

Commencement of Operation

2. Except as provided below, the whole proposal must commence operation at the same time, unless the prior approval of the Director-General has been obtained for staged opening.

   Prior to seeking approval for staged construction, the Proponent must consult with the relevant council(s) and any other relevant agency nominated by the Director-General. Any request for approval must be made at least one month prior to the commencement of operation. In seeking approval, the Proponent must provide a report on the traffic implications of opening that stage prior to the remainder of the proposal. The report must also address the impacts of any changes to traffic patterns on noise, amenity and local traffic movements.

Compliance

3. The Proponent shall comply or ensure compliance with all requirements of the Director-General in respect of the implementation of any measures arising from the conditions of this approval, including the implementation of works and actions detailed in plans, procedures and statements prepared in accordance with this approval. The Proponent shall bring to the attention of the Director-General any matter that may require further investigation and the issuing of instructions from the Director-General. The Proponent shall ensure that these instructions are implemented to the satisfaction of the Director-General within such time that the Director-General may specify.

   For the purposes of this approval the date of commencement shall be from the date that the RTA determines to proceed with the proposal. The Director-General shall be provided with the date of commencement prior to commencement together with notification of all matters required to be complied with before construction can commence.

Dispute Resolution

4. The Proponent shall endeavour as far as possible to resolve any dispute with relevant public authorities arising out of the implementation of the conditions of this approval. Should this not be possible the matter shall be referred to the Minister for resolution. The Minister's determination of the disagreement shall be final and binding on all parties.

Complaints Telephone Number

5. Prior to commencement of construction, the Proponent shall institute and publicise a 24 hour complaints contact telephone number to enable any member of the general public to reach a person who can arrange appropriate response action to the complaint.

Complaints Register

6. A Complaints Register shall be maintained and used to record details of all complaints received and actions taken during the construction stage. The Complaints Register shall be available to all relevant government agencies and relevant council(s) upon request.

Advertisement of Activities

7. The Proponent shall ensure that on approval the proposed route is publicly exhibited and at three-monthly intervals from commencement of construction, the advertisement in relevant local newspapers of the nature of works proposed for the forthcoming three months, the areas in which these works are proposed to occur, the hours of operation and the contact telephone number. The Proponent shall ensure that the local community is kept informed (by way of local newsletters, leaflets, newspaper advertisements and community notice boards etc.) of the progress of the project including any traffic disruptions and controls, construction of temporary detours and work required outside of the nominated working hours prior to such works being undertaken.

Environmental Management Representative

8. A suitably qualified Environmental Management Representative (EMR) shall be employed throughout the construction stage. The EMR shall be responsible for considering and advising on the implementation of the Environmental Management Plans (EMPs) and on matters specified in the conditions of this approval and compliance with such, and shall facilitate an induction and training program for all persons involved with the construction activities. The EMR shall have the authority to require reasonable steps to be taken to avoid or minimise the environmental impacts and failing the effectiveness of such steps to recommend stopping work immediately if an unacceptable impact is likely to occur.

Environmental Management System

9. The Proponent shall ensure the appointment of contractors who:

    a) have a demonstrated capability and experience in the implementation of an Environmental Management System (EMS) prepared in accordance with AS/NZS ISO 14000 or BS7750-1994 certified by an accredited certifier; and/or

    b) have a proven environmental management performance record.

Environmental Management Plan (Construction Stage)

10. Prior to the commencement of construction works, a project specific EMP shall be prepared to the satisfaction of the Director-General following consultation with relevant approval/consent authorities. Where construction activities may be undertaken in discrete stages (in space and/or time), the Proponent may submit for separate approval those sections of the EMP pertaining to the relevant specific stages.

    The EMP shall be prepared in accordance with the conditions of this approval, all relevant Acts and Regulations and accepted best practice management procedures and shall reference applicable environmental goals and issues set out in the relevant EPA guidelines.

    The EMP must be submitted to the Director-General for approval at least two months prior to the commencement of construction, or within such other time as agreed by the Director-General.

    The EMP shall:

    a) address construction activities associated with all key constructions sites;

    b) cover specific environmental management objectives and strategies for the main environmental system elements and include, but not be limited to: noise and vibration; water; air; erosion and sedimentation; access and traffic; property acquisition and/or adjustments; heritage and archaeology; groundwater; contaminated spoil and material, spoil disposal; waste/resource management; soil and groundwater salinity, flora and fauna; flooding and stormwater control; geotechnical issues; recreational facilities; visual screening, landscaping and rehabilitation; hazards and risks; energy use, resource use and recycling; and utilities.

    c) where separate approvals are sought for discrete stages (in space and/or time), clearly indicate the relationship of each stage to other stages of the EMP and the manner of their integration into the overall EMP.

    d) address, but not be limited to:

        i. identification of the statutory and other obligations which the Proponent is required to fulfil during project construction including all approvals and consultations/agreements required from authorities and other stakeholders, and key legislation and policies which control the Proponent's construction of the project;

        ii. definition of the role, responsibility, authority, accountability and reporting of personnel relevant to the EMP;

        iii. measures to avoid and/or control the occurrence of environmental impacts;

        iv. measures (where possible and cost effective) to provide positive environmental offsets to unavoidable environmental impacts;

        v. the role of the EMR, including the EMR's experience relevant to his/her role;

vi. environmental management procedures for all construction processes which are important for the quality of the environment in respect of permanent and/or temporary works;

vii. monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental management of the project including performance criteria, specific tests, protocols (e.g. frequency and location) and procedures to follow;

viii. environmental management instructions for all complex environmental control processes which do not follow common practice or where the absence of such instructions could be potentially detrimental to the environment;

ix. steps the Proponent intends to take to ensure that all plans and procedures are being complied with;

x. consultation requirements with relevant government agencies; and

xi. community consultation and notification strategy (including local community, relevant government agencies and relevant councils), and complaint handling procedures.

Specific requirements for some of the main environmental system elements referred to in (b) shall be as required under the conditions of this approval and/or as required under any licence or approval.

The EMP (Construction Stage) shall be made publicly available.

Environmental Monitoring - Construction

11. The Proponent shall obtain and make public a report(s) in respect of the environmental performance of the construction works and compliance with the EMP (Construction Stage) and any other relevant conditions of this approval. The report(s) shall be prepared at six monthly intervals or at other such periods as requested by the Director-General to ensure adequate environmental performance over the duration of the construction works. The report(s) shall include, but not be limited to, information on:

a) applications for consents, licences and approvals, and responses from relevant authorities;

b) implementation and effectiveness of environmental controls and conditions relating to the work undertaken;

c) identification of construction impact predictions made in the EIS/EES and any supplementary studies and details of the extent to which actual impacts reflected the predictions;

d) details and analysis of results of environmental monitoring; threatened species management procedure;

e) number and details of any complaints, including summary of main areas of complaint, action taken, response given and intended strategies to reduce complaints of a similar nature; and

f) any other matter relating to the compliance by the Proponent with the conditions of this approval or as requested by the Director-General.

The report(s) shall also be submitted to the EPA, the DLWC, the NPWS, NSW Fisheries, relevant councils and any other relevant government agency nominated by the Director-General. The report(s) shall also be made publicly available.

12. All sampling strategies and protocols undertaken as part of any monitoring program shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only accredited laboratories shall be used for laboratory analysis.

Environmental Management Plan (Operation Stage)

13. An EMP shall be prepared for the operation of the proposal. The Plan shall be prepared to the satisfaction of the Director-General and in consultation with the EPA, the DLWC, NSW Fisheries, relevant councils and any other relevant government agency nominated by the Director-General. The Plan shall be prepared in accordance with the conditions of this approval, all relevant Acts and Regulations and accepted best practice management procedures. The Plan must be submitted to the Director-General for approval at least three months prior to the commencement of operation, or within such other time as agreed to by the Director General.

The EMP shall address at least the following issues:

a) identification of the statutory and other obligations which the Proponent is required to fulfil including all licences/approvals and consultations/ agreements required from authorities and other stakeholders, and key legislation and policies which control the Proponent's operation of the project;

b) requirements of and compliance with relevant approval and licences;

c) sampling strategies and protocol to ensure the quality of the monitoring program including specific requirements of the EPA, DLWC, NPWS and NSW Fisheries; inclusion of the threatened species management procedure;

d) monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental performance of the project during its operation including description of potential site impacts, performance criteria, specific tests and monitoring requirements, protocols (e.g. frequency and location) and procedures to follow;

e) steps the Proponent intends to take to ensure that all plans and procedures are being complied with;

f) consultation requirements including relevant government agencies, the local community and relevant councils and complaint handling procedures; and

g) procedures for the main environmental system elements and include, but not be limited to: noise and vibration; water; air; erosion and sedimentation; access and traffic; property acquisition and/or adjustments;

heritage and archaeology; groundwater; settlement; contaminated spoil; waste/resource management/removal/ disposal; flora and fauna; hydrology and flooding; land management; recreational facilities; visual screening, landscaping and rehabilitation; hazards and risks; energy use, resource use and recycling; and utilities.

Specific requirements for some of the main environmental system elements referred to in (g) shall be as detailed under the conditions of this approval and/or as required under any licence or approval.

The EMP (Operation Stage) shall be made publicly available.

14. All sampling strategies and protocols undertaken as part of the EMP (Operation Stage) shall include a quality assurance/quality control plan and shall require approval from the relevant regulatory agencies to ensure the effectiveness and quality of the monitoring program. Only accredited laboratories shall be used for laboratory analysis.

Environmental Impact Audit Report

15. An environmental impact audit report shall be submitted to the Director-General, the EPA, the DLWC, the NPWS, NSW Fisheries and relevant councils upon request by the Director-General to any other relevant government agency 12 months after commissioning of the project and at any additional periods thereafter as the Director-General may require. The Report shall be prepared by an independent person to be appointed by the Director-General and at the Proponent's expense. The report shall assess the key impact predictions made in the EIS and any supplementary studies and detail the extent to which actual impacts reflect the predictions. In particular the report shall provide details on actual versus predicted traffic volumes, groundwater changes, settlement, noise and air emissions, accidents involving transportation of hazardous goods, water quality and flooding and all other key impact issues identified in the EIS/EES. Suitability of implemented mitigation measures and safeguards shall also be assessed. The report shall detail recommended works or other actions to ensure compliance with the predicted impacts. It shall also assess compliance with the Environmental Management Plan (Operation Stage).

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

The Report shall be made publicly available.

Community Liaison Group(s)

16. A Community Liaison Group or Groups including the EMR, representatives from the RTA, the contractor, relevant local community and business groups and relevant councils, must be formed prior to the commencement of construction to

discuss detailed design issues and methods for minimising the impact on the local community and businesses, including but not limited to: local vehicle, pedestrian and cyclist access requirements; construction stage traffic diversions; groundwater control; settlement; noise barriers and other noise mitigation measures, air quality; water quality; flooding; landscaping requirements (including design of noise barriers, urban parklands design); and any other issues as considered relevant by the Group. Appropriate facilities and information shall be provided by the Proponent to assist the Group in carrying out its functions. The Group may make comments and recommendations about the design and implementation of the proposal which shall be considered by the Proponent.

Traffic Management

Construction Stage

17. As part of the EMP referred to in Condition 10, a detailed Construction Traffic Management Procedure must be prepared, prior to the commencement of construction, for various affected sites. The Procedure must assess the impacts and management of any temporary road closures, detours or other major disruptions to traffic flows and pedestrian/cyclist access during the construction of the scheme. The Procedure shall be prepared in consultation with the relevant local council(s). The Procedure shall provide details on but is not limited to: traffic management principles; timing of road disturbance; measures so as not to discourage public transport; modifications to existing roads and intersections; truck manoeuvring and access to construction sites; spoil and material disposal routes; implications and arrangements for bus and taxi stops; pedestrian/cyclist management; and requirements for adequate signage; public notification of proposed road changes; signposting and markings; lighting; speed limiting devices and any other relevant matters. No traffic changes including lane and road closures, detours, intersection changes or the like shall occur without prior consultation with the relevant council(s).

18. A road dilapidation report must be prepared for all non-State roads likely to be used by construction traffic prior to their use by construction traffic and then after construction is complete. Copies of the report shall be provided to all relevant councils. Any road/footpath damage, aside from that resulting from normal wear and tear, shall be repaired to a standard at least equivalent to that existing prior to any disturbance at the cost of the Proponent or as otherwise agreed with the relevant local council(s).

19. Monitoring of any local roads affected by the proposal to be used by heavy vehicle traffic to the satisfaction of the local council(s) shall be undertaken in consultation with the relevant council(s) to develop measures to minimise and/or restrict the use of local roads by heavy vehicle traffic. Details on the intervals and duration for monitoring shall be developed in consultation with the relevant local council(s).

20. No local roads shall be used by construction traffic until consultation with the relevant local council(s).

Operational Stage

21. Prior to commencement of operation, a Technical Advisory Committee shall be established to oversee the preparation of the Local Traffic Management Program (LTMP). The Committee shall include representatives from the RTA, the NSW Police Service, the State Rail Authority, relevant councils, local and interstate bus services, and any other relevant road user groups.

22. The LTMP shall include a comprehensive consultation process, including the agencies represented in (Condition 21) as well as community, business and bicycle groups.

23. The LTMP should identify the potential to introduce traffic calming measures brought about by the opening of the proposal. It should also identify any additional traffic that may be generated on local roads as a consequence of the opening, and propose mitigation measures. The Proponent shall be responsible for funding any measures required to mitigate adverse impacts resulting from the proposal.

24. Prior to the implementation of the LTMP, the Proponent shall ensure that there is appropriate environmental impact assessment of any measures to be implemented and adequate involvement of the local council(s), community and local business groups.

25. As part of the LTMP, the Proponent must specifically identify roads where traffic is likely to increase as a consequence of the opening of the proposal. Consideration must be given to the impacts on local amenity and traffic conditions, particularly heavy vehicle impacts. The LTMP must contain a detailed strategy for addressing these impacts.

26. Prior to the commencement of the operation of the proposal, the Proponent shall have in place to the greatest extent practicable and have agreed on all funding requirements for the necessary LTMP measures.

Noise and Vibration

Noise and Vibration Management Procedure

27. A detailed Noise and Vibration Management Procedure must be prepared as part of the EMPs referred to in Conditions 10 and 13 to the satisfaction of the EPA. The Procedure must provide details of noise and vibration control measures to be undertaken during both the construction and operation stages sufficient to address the technical requirements for any EPA approvals/licences, including a Noise Impact Report required in Condition No. 34.

    The Procedure must include, but not be limited to, tests for ascertaining acoustic parameters; anticipated airborne noise and vibration for all major noise and vibration generating activities and locations and duration of these activities; impacts from site compounds/construction depots; location, type and timing of erection of temporary and permanent noise barriers; specific physical and managerial measures for controlling noise and vibration; noise and vibration control equipment to be fitted to machinery; predicted noise and vibration levels at

sensitive receivers; noise and vibration monitoring and reporting procedures (including monitoring locations, techniques and relevant criteria); measures for dealing with exceedances; arrangements to inform residents of construction activities likely to affect their noise amenity; contact point for residents; complaints handling systems; reporting of complaints and response actions.

The Procedure must be prepared prior to the construction and operation (as appropriate) of the proposal and must be made publicly available.

Construction Noise and Vibration

Construction Hours

28. All construction activities including entry and departure of heavy vehicles are restricted to the hours 7.00 am to 6.00 pm (Monday to Friday); 8.00 am to 1.00 pm (Saturday) and at no time on Sundays and public holidays.

    The following works may be permitted outside these hours, providing the prior approval of the EPA is obtained:

    - any works which do not cause noise emissions to be audible at any nearby residential property;
    - the delivery of materials which is required outside these hours as requested by police or other authorities for safety reasons;
    - emergency work to avoid the loss of lives property and/or to prevent environmental harm.

    Other works may be undertaken outside the specified hours, providing the prior approval of the EPA is obtained. The EPA must be satisfied, before it grants any approval for such works, that there is a demonstrated genuine need to undertake the work and all reasonable measures will be taken to minimise noise impacts.

    Public notification shall be in a manner to the satisfaction of the EPA.

Construction Noise Impact Assessment

29. A specific noise impact report must be prepared for each stage of construction consistent with the noise management procedure identified above. The statement must include:

    a) description of proposed processes and activities;

    b) valid background levels;

    c) examination of alternative methods that would potentially reduce noise impact;

    d) assessment of potential noise from proposed construction methods;

    e) description and commitment to work practices which limit noise;

    f) description of specific noise mitigation treatments and time restrictions, and consideration of their effectiveness;

    g) justification for any activities outside the normal hours;

    h) consideration of construction vehicle movements;

i) noise impacts of traffic diversions;

j) compliance with EPA criteria;

k) monitoring of construction activities; and,

l) community consultation and notification.

The statement must ensure that construction noise will be within the following criteria unless otherwise agreed with the EPA:

- For a construction period of four weeks and under, the L_{10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- For a construction period of greater than four weeks and not exceeding 26 weeks, the L_{10} level measure over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).
- For a construction period greater than 26 weeks, the L_{10} level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background noise level by more than 5 dB(A).

Each noise impact statement shall be prepared in consultation with the relevant council(s) and be subject to the approval of the EPA as part of the information required to obtain a Pollution Control Approval.

Construction Noise Level Monitoring

30. Construction noise levels must be monitored to verify compliance with the requirements specified in the Noise and Vibration Management Procedure and in the noise impact statements. The Proponent must submit to the EPA, at intervals specified by the EPA, monitoring reports that outline environmental performance and compliance with conditions of approval. Should monitoring indicate exceedance, the Proponent must ensure consultation with the EPA and must ensure the implementation of any additional mitigation measures as required.

Blasting

31. Prior to any blasting being undertaken a Blasting Management Strategy must be prepared in accordance with Chapter 154 of the EPA's ENCM to the satisfaction of the EPA.

32. Blasting can only be undertaken between the hours of 9.00 am and 5.00 pm (Monday to Friday) and 9.00 am to 1.00 pm on Saturdays and at no time on Sundays or public holidays, unless otherwise approved by the EPA.

Vibration/Structural Borne Noise

33. The vibration level due to construction activities including both above ground and underground work must meet the requirements of the EPA as specified in its pollution control approval. In general the EPA's noise control manual dealing with Vibration in Buildings in Chapter 174 of the ENCM shall be applied for all buildings potentially affected unless otherwise agreed to by the EPA.

Operational Noise

34. A noise impact report, on the operation of the proposal, must be prepared as part of the Noise and Vibration Management Procedure. The report must be prepared in consultation with the local community, relevant councils and must be to the satisfaction of the EPA. The report must include the following:

    a) identification of noise catchments and predicted noise levels;

    b) specific consideration of noise sensitive receptors;

    c) relationship of predicted noise levels to the environmental criteria for road traffic noise endorsed by the EPA;

    d) available noise control measures and those proposed to be used including consideration of their likely effectiveness. The urban design principles identified in Condition No. 40 must be addressed in the assessment of noise control measures.

    The report must address traffic noise associated with the proposal, including the traffic noise on Hume Highway and local streets affected by traffic redistribution as a result of the proposal. The report should demonstrate that the proposal will comply with the environmental criteria for road traffic noise endorsed by the EPA in all areas, unless the EPA agrees otherwise taking into account community views, and the practicality of achieving the noise criteria.

35. Monitoring of the operational traffic noise on both the proposed highway and the affected local roads must be undertaken as part of the Noise and Vibration Management Procedure. A monitoring program for at least 12 months from commencement of operation should be established. The monitoring program shall include measuring background noise (both Leq 15 hr and Leq 9 hr) immediately before construction begins and traffic noise levels of normal operational traffic flows. The Proponent must, in consultation with the EPA, assess the adequacy of the traffic noise mitigation measures. Should the assessment indicate a clear trend in traffic noise levels which are higher than the general predictions made in the noise impact report, the Proponent must ensure the implementation of further noise mitigation measures if practicable and cost effective to the satisfaction of the EPA, and after community consultation.

36. Prior to installation of permanent noise control measures the Proponent shall, in consultation with the EPA and the community, ensure that further investigations are conducted into the feasibility and cost effectiveness of additional noise mitigation measures using the EPA's noise criteria as the target.

Air Quality

Construction Stage

37. As part of the EMP referred to in Condition No. 10, a specific Construction Stage Air Quality Management Procedure must be prepared to the satisfaction of the EPA. The Procedure shall provide details of all dust control measures to be implemented during the construction stage sufficient to address the technical requirements for any EPA approvals/licences. The Procedure must include measures to reduce dust from stockpiles and cleared areas or other exposed

surfaces. Measures such as temporary planting of stockpiles and progressive rehabilitation of any exposed areas should be designed to achieve EPA local air quality protection goals. The Procedure must also identify the potential for odours and incorporate strategies for dealing with this issue.

Air quality at construction stage must be monitored to verify compliance with the requirements specified in the Air Quality Management Procedure. Should monitoring indicate exceedance, the Proponent must ensure consultation with the EPA and must ensure the implementation of any additional mitigation measures as required.

38. All construction vehicles shall be maintained and covered to prevent any loss of load whether in the form of dust, liquid, solids or otherwise and shall be maintained in such a manner that they will not track mud, dirt or other material onto any street which is opened and accessible to the public. Without limiting the generality of this requirement, the Proponent shall install and maintain a wheel wash facility for effective wheel cleaning of construction equipment prior to it leaving construction areas and/or other such devices to ensure that material from construction vehicle tyres is not deposited on nearby streets.

Operation Stage

39. As part of the EMP referred to in Condition No. 13, a detailed Air Quality Management Procedure shall be prepared to the satisfaction of the EPA. The Procedure shall provide details of air quality control measures to be undertaken during the operation stage and shall reference health-based regional ambient air quality goals.

Urban Design/Landscaping

Urban design and landscape plan for the overall route

40. Prior to the commencement of construction, a detailed urban design and landscape plan for the entire proposal shall be prepared to the satisfaction of the Director-General. The plan must be submitted for approval at least two months prior to the commencement of construction, or as otherwise agreed by the Director-General. The plan must be prepared by a qualified urban designer.

The plan must:

a) be presented as an integrated proposal with the final Albury-Wodonga National Highway road design;

b) be in consultation with the community, all relevant land owners, and councils to the satisfaction of the Director-General; and

c) consist of a report with accompanying annotated plans, sections and perspective sketches at a scale and level of detail which is adequate to convey the nature of the proposed work.

The plan(s) shall include but not be limited to:

Urban Design Issues

- proposed structures or fixtures pedestrian bridges, noise walls, cycle ways,

interchanges, overpasses, paving materials and lane barriers;

- emergency phone locations;
- street furniture and fixtures including planter boxes, lighting, fencing, signage;
- footpaths and pedestrian crossings;
- proposed treatments, finishes and materials of exposed surfaces. Colours, specifications and samples should be detailed;
- proposals if any for community art or interpretation in public spaces along the proposal;
- measures proposed to ameliorate visual impact along the route should be highlighted; and,
- the location and design of road and pedestrian/cycle signage.

Landscape Issues

- the location and type of new and existing plants and details of hard and soft landscaping features including mounds, terraces and retaining walls, road medians and roadside planting; and,
- timing and staging of works; monitoring and maintenance.

Management, Implementation and Maintenance Issues

41. The Plan should include a Management, Implementation and Maintenance Strategy. The Strategy should:

- clearly indicate the extent of work to be undertaken;
- provide indicative costings of the proposed urban design and landscape works and funding commitments;
- set out responsibilities for implementing all the urban design and landscape works, and expected dates for completion.
- set out arrangements and responsibilities for on-going maintenance of all urban design and landscape works.

Detailed Urban Design Guidelines

42. Detailed urban design guidelines for the following components of the proposal must be prepared by a qualified urban designer:

- noise amelioration and edge conditions;
- pedestrian circulation;
- built elements;
- finishes and materials;
- signage and advertising; and
- lighting.

Specific Urban Design and Landscape plans for Key Areas

43. As part(s) of the Urban Design and Landscape Plan for the overall route, specific urban design and landscape plan(s) are to be prepared by a qualified urban designer, at least two months prior to commencement of construction, or as otherwise agreed by the Director-General, in consultation with councils and local community to the satisfaction of the Director-General, for the following sections of the proposal:

City/East Albury Precinct

A specific plan to provide design details of, including but not limited to the pedestrian bridges, interchanges, overpasses, gateway treatment, footpaths and lighting in City/East Albury precinct; details should include the exact locations, designs, colour, finishes and materials proposed for the structures. The plan should provide details of landscaping, furniture and fixtures in the proposed urban park and landscaped areas along the route between Borella and Bridge Streets and include the integration with the existing pedestrian network; details should include location and types of plants, details of landscaping features including mounds and terraces; park boundary definition, security fencing/landscaping and proposed gateway treatments.

Corrys Hill Precinct

A specific plan to provide design details of, including but not limited to the overpasses, footpaths, landscaping including types of plants proposed and their location, landscape vista and gateway treatment.

Bells Road Precinct

A specific plan to provide design details of, including but not limited to the bridges, landscaping including types of plants proposed and their location, landscape vista and gateway treatment.

Monitoring of Implementation

44. Monitoring of the implementation of the urban design and landscape plans and urban design guidelines must be undertaken by a qualified urban designer during construction. Regular progress reports must be provided to the Director-General. The Proponent must comply with any reasonable requirements of the Director-General arising from her consideration of these reports.

Heritage and Archaeology

Heritage

45. As part of the EMPs referred to in Conditions 10 and 13, the Proponent must prepare a Conservation Management Plan, to the satisfaction of the Director-General, which identifies, and presents management options, for heritage items. In preparing this plan the Proponent must consult with the Heritage Council and the relevant councils. Particular attention must be given to: Hanel and Kenilworth Street Conservation Area, the remains of the plough found 650m north of Thurgoona Road, the railway gatekeeper's cottage and remnants of a cellar

associated with Murray Valley vineyards in Dallinger Road, and the buildings of heritage significance in Albury Railway Station Yard.

The procedure shall include the need to provide specific plans for any item to be relocated or resited, assessment and archival recording of items to be demolished and procedures for carrying out detailed assessment.

46. Prior to commencement of substantial construction activities in areas where heritage buildings may be affected, building surveys shall be undertaken for any heritage items identified in the Plan. The Proponent shall ensure that all damages occurring as a result of the construction are fully rectified at no cost to the owner.

Archaeology

47. As part of the EMPs referred to in Conditions 10 and 13, the Proponent must prepare a Procedure, to the satisfaction of the Director-General, which identifies, and presents management options, for archaeological sites/items. In preparing this Procedure, the Proponent must consult with the relevant councils, the NPWS, the Heritage Council and the relevant Local Aboriginal Land Council(s).

48. The Proponent must obtain necessary permits or consents from the NPWS prior to causing affectation, disturbance, or destruction to any archaeological heritage identified in the Procedure.

49. If, during the course of construction, the Proponent becomes aware of any heritage or archaeological material, all work likely to affect the site(s) must cease immediately and the relevant authorities including the NPWS, the Heritage Council and the relevant Local Aboriginal Land Council(s) shall be consulted in terms of an appropriate course of action prior to recommencement of work. Any required permits/consents shall be obtained and shall be accompanied by appropriate supporting documentation.

Threatened Species

50. Additional surveys shall be undertake for threatened bat species which were considered undersampled by the NPWS during initial surveys and the two threatened flora species: Austral Toad Flax *Thesium australe, Amphibromus fluitans, Brachyscome muelleroides,* and *Swainsona recta* and any other threatened species as deemed appropriate.

The above surveys should also include three regionally significant eucalypts *Eucalyptus sideroxylon, E. blakelyi* and *E. microcarpa* and mitigation measures propose to minimise the impact on any of these species.

51. A part of the EMPs referred to in Conditions 10 and 13, the Proponent shall prepared a detailed threatened Species Management Procedure(s) to the satisfaction of the NPWS and the Director-General. The Procedures for the construction EMP shall be prepared prior to commencement of construction activities and shall identify requirements for minimising habitat disturbance, appropriate remediation of degraded habitat, monitoring procedures, training of construction personnel, etc.

All reasonable measures shall be taken to ensure minimal harm and/or risk to threatened species during both construction and operation of the line.

52. Immediately prior to the commencement of construction activities, an inspection shall be made by a suitably qualified specialist of all habitat to be disturbed.

53. If, during the course of construction any threatened flora or fauna species are encountered, the Director-General of the NPWS shall be advised immediately. No activity which places any of these species at risk shall be undertaken until advice has been received from the NPWS. All recommendations by the NPWS shall be complied with prior to any works being undertaken which are likely to affect any threatened species.

Fish

54. In consultation with NSW Fisheries and the MDBC, further investigations shall be undertaken on the possible impacts on fish an appropriated construction design of watercourses shall be selected to minimise impacts on fish.

55. Habitat restoration shall be undertaken to the satisfaction of NSW Fisheries and a five year annual monitoring program implemented to determine the success of the restoration works.

Flooding and Water Quality

Flooding and Stormwater Management

56. A detailed Stormwater Management Procedure shall be prepared in consultation with the DLWC and the relevant councils. The Procedure shall provide details on catchment analysis (including localised flooding as recognised by the relevant local councils), existing drainage systems and capacity, drainage changes resulting from the proposal and implications for the system, detention requirements and environmental impacts of such. Agreement shall be reached with the relevant government agencies and council(s) on appropriate and specific measures to be implemented at various locations.

57. All stormwater flows from the proposed highway shall be detained through appropriate measures to ensure that there is no exacerbation of existing flooding to the satisfaction of DLWC. Agreement shall be reached with the relevant councils on appropriate and specific measures to be implemented at various locations.

Soil and Water Management Procedure

58. As part of the EMPs referred to in Conditions 10 and 13, a detailed Soil and Water Quality Management Procedure shall be prepared to the satisfaction of the EPA and in consultation with the DLWC, and the relevant councils. The Procedure shall provide details of pollution control measures to be undertaken during both the construction and operation stages sufficient to address the technical requirements for obtaining relevant EPA approvals/licences.

The Soil and Water Quality Management Procedure shall include, but not be limited to: identification of baseline stream water quality monitoring;

environmental limits/criteria; performance objectives; measures to handle and dispose of stormwater; effluent and contaminated water and soil; the capacity of the proposed on-site detention systems to contain all runoff; procedures for analysing the degree of contamination of potentially contaminated water; sedimentation and control measures to prevent erosion and pollution; measures of dealing with overland flow; measures for the use of water reclaimed or recycled on-site; monitoring program including monitoring of baseline stream water quality at locations potentially affected by the construction and operation of the proposal shall form part of the soil and water management procedure

The Procedure shall have regard to the criteria and principles detailed in the *Managing Urban Stormwater* series prepared by the EPA for the State Stormwater Coordinating Committee and the Department of Housing's *Soil and Water Management for Urban Development.*

Bells Road Interchange

59. The hydrological, flooding, salinity and water quality impacts resulting from the modified design of the Bells Road interchanges shall be assessed and appropriate mitigation measures implemented to the satisfaction of the DLWC.

Construction Stage Water Pollution Control Measures

60. The Soil and Water Management Procedure shall incorporate a detailed Erosion and Sediment Control Plan and Site Rehabilitation Plan which shall be prepared and submitted to the satisfaction of the DLWC and the EPA to satisfy the technical information requirements for issuing of all relevant pollution control approvals and licences. The Plan shall include details of the location and design criteria for erosion and sediment control measures and shall specifically address measures for treatment of stormwater before disposal including performance objectives as required in the EPA Pollution Control Approval. The use of vegetated treatments systems shall be maximised. The measures shall follow the RTA's *Guidelines for the Control of Erosion and Sedimentation in Roadworks* and DLWC's *Urban Erosion and Sediment Control.*

61 Control of river bank and bed sediment within the Murray River, with measures such as silt curtains, drying basins, testing and treatment procedures must be provided and implemented to the satisfaction of the EPA. Details of the type of mitigation measures to be installed, maintained and replacement strategies must also be addressed.

62. The Proponent shall ensure that all soil and erosion and sediment control works are completed and in place prior to the commencement of any works that may have the potential to generate soil erosion or sediment. Erosion and sediment protection measures shall also be in place before the commencement of any stockpiling activities.

63. At construction depots the Proponent shall install appropriate bunding of storage areas for all liquid materials with a potential to harm the environment.

Operational Stage Water Pollution Control Measures

64. All stormwater and wastewater systems of the proposal shall be designed, constructed, operated and maintained to meet the requirements of the relevant authorities including the EPA, the DLWC and relevant councils.

Groundwater

Groundwater Management Plan

65. A detailed Groundwater Management Plan shall be prepared to meet the requirements of the DLWC and the EPA. The Plan shall cover the complete proposal and shall provide details of groundwater control measures to be undertaken during both the construction and operation stages and include but not be limited to: impacts on nearby structures from potential settlement; impacts on existing authorised groundwater users; impacts on salinity, groundwater inflow control; handling; treatment and disposal of contaminated groundwater; monitoring; auditing; mitigation measures; and response actions.

Hazards, Risks and Safety

Emergency Planning

66. At least 6 months prior to commissioning the proposal an Emergency Response Plan for urban areas shall be prepared to the satisfaction of the NSW Fire Brigades, the NSW Police Service and the State Emergency Services. Two months prior to commissioning of the proposal there shall be a thorough testing of emergency procedures and evacuation systems to the satisfaction of the NSW Police Service and the NSW Fire Brigades. Testing thereafter shall be at least annually, or as requested by the relevant authorities.

67. Within twelve months of the date of determination or within such time as the Director-General agrees, a final hazard analysis shall be completed by the proponent, to the satisfaction of the Director-General. This study shall be accordance with the Department's *Hazardous Industry Planning Advisory Paper No. 6: Hazard Analysis Guidelines* and in consultation with the Department. The Proponent shall comply with all reasonable requirements of the Director-General in respect of the implementation of any measures arising from the study within such time as the Director-General may agree.

Dangerous Goods

68. An oil and chemical spill collection and treatment system shall be installed at watercourse crossings nominated by the EPA and where the Highway is in close proximity to any water storage for human consumption. The system shall be designed in consultation with the EPA, DLWC, MDBC and relevant councils and landowners and shall be in accordance with the current technologies and best practices.

Property Matters

69. Structural surveys shall be undertaken for all buildings and major structures located within 50 m of construction works prior to commencement of construction

works or other major vibration inducing construction activities in the vicinity of such buildings/structures. A copy of the survey shall be given to each affected property owner together with information on how to pursue a claim for damage. The Proponent shall ensure that any damages occurring as a result of the construction are fully rectified at no cost to the owner(s).

70. The Proponent shall notify the owner of any property that is to be adjusted, acquired or for which an easement or stratum is to be obtained. This notice shall contain sufficient details to identify the land of interest being adjusted/acquired and is to include dimensions, location with respect to boundaries and any other information necessary to enable the identification of the land in relation to the development. This notification shall be given prior to access for construction purposes.

71. The Proponent must consult with any property owner where temporary access is required over the property. This consultation must occur prior to any access occurring. The Proponent must comply with any reasonable requests of the owner.

72. Alternative access arrangements shall be provided to the reasonable satisfaction of the relevant council, to any property or public area which would otherwise be denied access as a result of the construction or operation of the proposal. Such alternative access shall be provided at an appropriate standard in consultation with the relevant council. Any temporary access road(s) shall be removed and any affected areas reinstated to the reasonable satisfaction of the relevant council when no longer required.

73. All affected property, which is not acquired by the Proponent, (including any affected buildings, structures, lawns, trees, sheds, gardens etc.) shall be fully restored to at least the condition it was in prior to disturbance at no cost to the owner(s). Restoration shall be completed in a timely manner and, unless otherwise agreed to by the owner, within 3 months of completion of works. Construction activities undertaken within private property shall be sympathetic to the specific needs of individual property owners particularly in terms of requirements for temporary facilities such as fencing, access to footpaths/ driveways etc.

74. The acquisition of any land shall be in a responsive and sensitive manner and in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991.*

Concrete Batching plant

75. No concrete batching plant shall be operated without the prior approval of the Director-General (unless the provisions of Part 4 of the EP&A Act apply). In seeking any such approval, the Proponent should submit:

    a) details of the location, hours of operation, scale of production, period for which the plant will operate;

    b) details of potential environmental impacts, particularly noise, water quality, air quality, flora and fauna, and traffic impacts;

c) proposed environmental impact mitigation measures;

d) results of consultation with relevant council(s) and the local community.

Fill Material for Construction

76. If fill material is required from either or both of Brooks Quarry and Airport Hill as proposed in the EIS/EES for the purpose of construction of the Proposal, all necessary environmental assessments and consent(s) must be obtained for the extraction of the required fill material from the proposed quarry/location prior to commencement of construction.

Utilities and Services

77. The Proponent shall ensure the identification of services potentially affected by construction activities to determine requirements for diversion, protection and/or support. This shall be undertaken in consultation with the relevant service authority. Any alterations to utilities and services shall be carried out to the satisfaction of the relevant authority(s), and unless otherwise agreed to, at no cost to the service/utility authority.

78. The Proponent shall be responsible for minimising any disruption to services resulting from such work and shall be responsible for advising local residents and businesses prior to disruption to services.

Pedestrian/Cyclists

Construction Stage

79. Access shall be provided across the route without undue inconvenience to pedestrians and cyclists at all times during the construction stage unless otherwise agreed to by the relevant local council(s).

Operation Stage

80. The Proponent shall ensure consultation with the RTA's Bicycle Coordinator and Bicycle NSW and any other relevant cycling group as identified by Bicycle NSW during the detailed design of the proposal in terms of the design of specific cyclist facilities including, provision of on-road facilities, intersection treatments, linemarking, signposting and stencils, drainage grates, and kerb and gutter treatments.

Spoil Disposal and Waste Management

Spoil Disposal

81. The Proponent shall ensure the preparation of a Spoil Management Plan. This Plan shall identify requirements for handling, stockpiling and disposal of all spoil. The Plan shall be prepared in consultation with the EPA, the DLWC and the relevant councils before the commencement of substantial construction at relevant sites.

82. Prior to commencement of construction at various relevant sites where spoil is to be generated the Proponent shall ensure that the EPA, the DLWC and any other

relevant authority is provided with details of the locations where spoil will be disposed.

83. All clean and/or treated spoil shall be reused or recycled wherever it is possible and cost effective to do so. The Proponent shall ensure that spoil generated from construction activities is maximised in preference to any import of fill.

84. The Proponent shall arrange for the relevant councils to obtain detailed plans for the routes and access points to be used by construction traffic. These shall not be varied unless otherwise agreed to by the relevant council.

Waste Management and/or Recycling

85. As part of the EMP referred to in Conditions 10 and 13, a detailed Waste Management and Reuse Procedure shall be prepared to address the management of wastes during both the construction and operation stages. The Procedure shall be prepared prior to construction and operation as appropriate and shall identify requirements for waste avoidance, reduction, reuse and recycling. It shall also detail requirements for handling, stockpiling and disposal of wastes specifically spoil, concrete, contaminated soil or water, demolition material, cleared vegetation, oils, greases, lubricants, sanitary wastes, timber, glass, metal etc. It shall also identify any site for final disposal of any material and any remedial works required at the disposal site before accepting the material. Any waste material which is unable to be reused, reprocessed or recycled shall be disposed at a landfill licensed by the EPA to receive that type of waste. The Procedure shall be framed using the waste minimisation hierarchy principles of avoid-reuse-recycle-disposal.

86. The demand for water for construction purposes shall be kept to a minimum. The project shall incorporate water use reduction initiatives including reuse of water and recycling to the maximum extent practicably possible.