

# Modification of Minister's Approval

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

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



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

Sydney, **5 FEBRUARY** 2008

---

### SCHEDULE 1

**Project Approval:**

granted by the Minister for Planning on 22 May 2003.

**For the following:**

The upgrade of a 12.5 kilometre section of the Pacific Highway to four-lane dual carriageway, between approximately 600 metres south of the Bruxner Highway and 400 metres north of Ross Lane, bypassing the township of Ballina, in the Ballina Shire local government area.

**Modification:**

Proposed amendments to the wording of conditions 8, 11 and 85, in relation to complaints management, community engagement and the location of compound sites and concrete batching plants.

---

## SCHEDULE 2

### **The Approval is modified by:**

1. Delete the following from the acronyms and abbreviations:

CLG	Community Liaison Group
-----	-------------------------

2. Delete condition 1 and replace with the following:

- 1 The project shall be carried out consistent with:

- (a) the proposal contained in the Environmental Impact Statement (EIS 'Pacific Highway Ballina Bypass' prepared for the Roads and Traffic Authority (RTA) by Connell Wagner and dated February 1998 and the Representations Report 'Pacific Highway Ballina Bypass' prepared by RTA Environmental Technology for the RTA and dated December 2001;
    - (b) all identified procedures, safeguards and mitigation measures identified in the EIS and Representations Report;
    - (c) the Director-General's Report;
    - (d) the RTA's modification request dated 18 January 2008 (08\_0019 MOD 1); and
    - (e) the Conditions of Approval granted by the Minister.

In the event of an inconsistency between the conditions of this approval and any document listed from condition 1(a) to 1(d) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency. In the event of an inconsistency between any documents listed from condition 1(a) to 1(d) inclusive, the most recent document shall prevail to the extent of the inconsistency.

These conditions do not relieve the Proponent of the 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 shall comply with the terms and conditions of such approvals and licences.

It shall be the ultimate responsibility of the RTA to ensure compliance with all conditions of approval granted by the Minister.

3. Delete condition 8 and replace with the following:

- 8 The Proponent shall implement a Complaints Management System prior to the commencement of construction, which ensures all complaints received during construction are recorded and managed as expeditiously as possible. Minimum requirements of the Complaints Management System shall include:
    - (a) a 24 hour, toll free telephone number that is listed with a telephone company and advertised by means (e.g. newspapers, site signage etc) that would maximise public awareness of the number. This telephone number shall enable any member of the public to reach a person who can arrange appropriate response(s) to the complaint(s);
    - (b) adequate resourcing to implement the Complaints Management System including human resources, communication and transport etc.;
    - (c) an appropriate person(s) to receive, log, track and respond to complaints within the specified timeframe. The name and contact details of the nominated person(s) shall be provided to Ballina Shire Council, relevant authorities and the Director-General upon appointment, or upon any changes to that appointment;
    - (d) details of all complaints received during construction shall be recorded, in accordance with (c) above and at least a verbal response on the action

undertaken or proposed to be undertaken shall be provided to the complainant within two hours of the complaint in the case of night-time works (or within an alternate time agreed to by the complainant) and within 24 hours of the complaint in the case of standard construction hours or non-construction times;

- (e) a process for the provision of a more detailed response to the complainant within 10 days, if additional information exists (over and above that provided in the initial response);
- (f) appropriate management structures to allow effective resolution of complaints; and,
- (g) a mediation system to ensure that all complaints are satisfactorily addressed to the greatest extent practicable. Where external or independent mediation is required, the mediator is to be approved by the Director-General.

Information on all complaints received, including the means by which they were addressed and whether resolution was reached with or without mediation, shall be included in the six-monthly Construction Compliance Report required by Condition 15 and shall be made available to the Director-General upon request.

4. Delete condition 11 and replace with the following:

11 The Proponent shall, prior to the commencement of substantial construction, prepare a Community Engagement Strategy for the project. This Strategy shall provide mechanisms to facilitate communication between the Proponent, the constructor, the Environmental Management Representative and the local community (including adjoining landowners, businesses and Council, as relevant) on the progress and the related environmental management of the project. The Strategy shall include, but not be limited to:

- (a) identification of community stakeholders to be consulted as part of the Strategy;
- (b) procedures and mechanisms for the regular distribution of information to the community on the progress of the project and matters associated with environmental management of the project;
- (c) procedures and mechanisms through which the community can discuss or provide feedback to the Proponent and/or Environmental Management Representative in relation to the environmental management and delivery of the project. This may include focused discussion forums and site inspections;
- (d) procedures and mechanisms through which the Proponent can respond to any enquiries or feedback from the community in relation to the environmental management and delivery of the project;
- (e) procedures and mechanisms to be implemented to resolve issues/disputes that may arise between community and the Proponent on matters relating to environmental management and delivery of the project. This may include the use of an appropriately qualified and experienced independent mediator.

Issues that may be addressed through the Community Engagement Strategy include: flora and fauna controls, noise control measures, property access arrangements, air and water quality, and landscaping requirements.

A copy of the Strategy shall be provided to the Director-General prior to the commencement of substantial construction and the Proponent shall maintain and implement the Strategy during the construction stage.

5. Delete condition 85 and replace with the following:

85 Unless otherwise agreed to by the Director-General, the Proponent shall only construct concrete batching plants and construction compounds required for the construction of the project, in those locations that satisfy the following criteria:

- (a) sites to be located within the road corridor assessed in the EIS and Representations Report to the greatest extent possible;
- (b) sites to be located with ready access to the local road network;
- (c) sites to be located to minimise the need for heavy vehicles to travel through Ballina;
- (d) sites on relatively level land;
- (e) sites to be separated from nearest residences by at least 200 m unless It can be demonstrated to the satisfaction of the Director-General that there will be no adverse noise, visual and air quality impacts;
- (f) sites are not to be permitted within 100 m of, or drain directly to, SEPP 14 wetlands;
- (g) sites are not to be located within 100 m of waterways unless adequate erosion and sediment controls are implemented to protect water quality;
- (h) sites must be above the 20 ARI flood level unless a contingency plan to manage flooding issues is prepared and implemented;
- (i) sites are to have low conservation significance for flora, fauna or heritage and they are not to require any clearing of native vegetation beyond that which must be cleared for the project in any case; and,
- (j) sites are to be selected so that the operation of the plant or compound does not impact on the land use of adjacent properties.

The location of any concrete batching plants/construction compounds considered under these Conditions of Approval shall be detailed in the Construction EMP and shall demonstrate that the above criteria have been met.