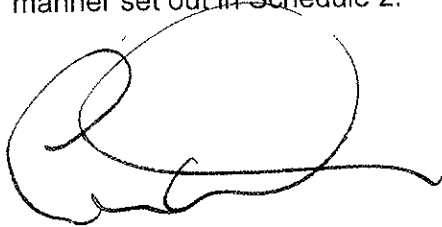


Modification of Minister's Approval

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.



12.02.09

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

Sydney, 12 February 2009

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:	Development of the following an earthworks site for the purposes of providing construction material for the Ballina Bypass segment of Pacific Highway Upgrade.

SCHEDULE 2

The approval is modified by:

1. inserting the following definitions in alphabetical order:

Extraction Component	The component of the Project involving the development of the Ross Lane Earthworks.
Road Component	The component of the Project not involving the development of the Ross Lane Earthworks.

2. replacing existing condition 1 with new condition 1, as follows:

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);
 - e) the RTA's modification request and assessment information dated 25 August 2008 and 9 December 2008 supplemented by correspondence the RTA provided between 28 August and 8 January 2009 (08_0019 MOD 3);
 - f) the Conditions of Approval granted by the Minister; and
 - g) the Conditions of this Approval.

In the event of an inconsistency between the conditions of this approval and any document listed from condition 1(a) to 1(g) 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(g) 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. inserting new condition 14A immediately after existing condition 14, as follows:

- 14A. Where the project is modified, any additional construction environmental management plans or updates, prepared or amended to meet the requirements of the project approval as modified, must be approved by the Director-General prior to the commencement of substantial construction in relation to the modification.

4. inserting new condition 27A immediately after existing condition 27, as follows:

- 27A. The Sub Plan should detail how a) to d) above have been considered in relation to the Ross Lane earthworks site. In addition how extraction activities at the site, would be managed to minimise impacts to groundwater resources. This shall include but not be limited to procedures to be implemented in the case that

groundwater is intercepted, and measures for minimising, mitigating and or offsetting impacts to groundwater users, groundwater quality and groundwater dependent species.

5. inserting new condition 45A immediately after existing condition 45, as follows:

45A Within one month of the commencement of extraction at the Ross Lane Earthworks, the Proponent shall monitor noise levels generated by extraction activities at the sites, consistent with the *NSW Industrial Noise Policy* (DECC, 2000), at sensitive receivers identified in Table 1 of the Environmental Assessment (for the modification of Ross Lane).

Where exceedances of the levels specified in Table 1 of the Environmental Assessment (for the modification of Ross Lane) are identified, the Proponent shall identify and assess the activities resulting in the noise exceedances and any additional mitigation measures to be implemented with the objective of meeting the criteria identified in Table 1 of the Environmental Assessment (for the modification of Ross Lane), when these measures would be implemented and how their effectiveness would be measured and reported to the Director-General and the DECC.

6. inserting new condition 50A immediately after existing condition 50, as follows:

50A. For the Ross Lane Earthworks site the Proponent blasting shall be limited to to comply with the criteria outlined in Table 1 and Table 2 below, when measured at the most affected sensitive receiver (subject to the provisions of condition 45A).

Table 1 - Airblast Overpressure Criteria

Airblast Overpressure (dB(Lin Peak))	Allowable Exceedance
115	5% of total number of blasts over a 12 month period
120	Never

Table 2 – Peak Particle Velocity Criteria

Peak Particle Velocity (mms ⁻¹)	Allowable Exceedance
5	5% of total number of blasts over a 12 month period
10	Never

7. inserting new condition 71A immediately after existing condition 71, as follows:

71A. The Landscaping and Rehabilitation plan shall incorporate rehabilitation of the Ross Lane earthworks site. This shall include but not be limited to the construction of a mound on the western boundary of the works, stabilisation of the landform, sediment and erosion control and revegetation.

8. inserting new conditions 76A and 76B immediately after existing condition 76, as follows:

76A. Prior to the commencement of any construction for the Ross Lane Earthworks the Proponent shall:

- i) identify the area containing the potential hut site (as identified in Appendix 1) and exclude from any construction impacts until the completion of any required archaeological excavations; and

- ii) provide the Department of Planning with the process to be implemented if previously unidentified heritage items are located during construction (outside of the area identified in Condition 76A i) above).

76B. Prior to the commencement of any construction activities within the potential 'hut' site (identified in Condition 76A i)) the Proponent shall undertake an archaeological testing program of this area, and any salvage excavations, if required. The Proponent shall ensure that these works are carried out in accordance with a valid approval obtained under the *Heritage Act 1977*.

9. **inserting a new heading and new conditions 86A and 86B immediately after existing condition 86, as follows:**

Ross Lane Earthworks

86A. The Proponent shall ensure that material extracted from the extraction component of the project is only used for the construction of the road component of the project subject to this approval and no other section of the Pacific Highway or other works.

86B. The Proponent shall ensure that extraction at the Ross Lane Earthworks site is limited to 390,000m³ for the project.

10. **inserting a new Appendix 1 immediately after new condition 86B, as follows:**

Appendix 1

Heritage area to be excluded under Condition 76B ii) shaded in red (Source: RTA 2009)

