

Modification of Minister's Approval

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

I, the Director, Infrastructure Projects of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 25 January 2010, 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.



Daniel Keary
Director
Infrastructure Projects
As delegate for the Minister for Planning

Sydney, 13 JULY 2010

SCHEDULE 1

Proponent:	NSW Roads and Traffic Authority
Approval:	Granted by the Minister for Infrastructure and Planning on 22 May 2003 under Section 115B of the <i>Environmental Planning and Assessment Act 1979</i>
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:	Modification to Minister's Condition of Approval No. 43 (construction hours) to extend construction hours between the hours of 7am and 4pm on Saturdays

SCHEDULE 2

The approval is modified by:

1. Replacing existing condition 1 with a 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 2008 and 8 January 2009 for the Ross Lane Earthworks (08_0019 MOD 3);
- f) the RTA's modification request dated 25 August 2008 and Environmental Assessment ('Modification of the Ballina Bypass Environmental Assessment Report' (August 2008)), supplemented by correspondence the RTA provided between 18 February and 24 February 2009 for the design modifications between the Bruxner Highway Interchange and the Teven Road Interchange (08_0019 MOD 2);
- g) the RTA's modification request dated 17 June 2010 and assessment information supplemented by correspondence the RTA provided on 18 June 2010 for extension of construction hours on Saturdays between the hours of 7am and 4pm within the area defined as SP1 (08_0019 MOD 4); and
- h) 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(ih) 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(h) 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.

2. Replacing existing condition 3 with a new condition 3, as follows:

3. The Proponent may elect to construct and operate the project in discrete work packages or defined stages. In that situation the Conditions of Approval must be complied with separately for each discrete work package or defined stage.

3. Replacing existing condition 43 with a new condition 43, as follows:

43. All construction activities, including entry and departure of heavy vehicles are restricted to the hours of 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.

Notwithstanding the above, construction activities are permitted between the hours of 7:00am and 4:00pm on Saturdays between chainage 130100-134800, including the operation of the Cumbalum and Ross Lane ancillary facilities.

Works outside these hours that may be permitted include:

- (a) any works which do not cause noise emissions to be audible at any nearby residential property;
- (b) the delivery of materials which is required outside these hours as requested by Police or other authorities for safety reasons;
- (c) emergency work to avoid the loss of lives, property and/or to prevent environmental harm; and,
- (d) any other work as agreed through the Construction Noise and Vibration Management Sub Plan Process.

Local residents should be informed of the timing and duration of works covered under clause (d) at least 48 hours prior to commencement.