

Modification of Minister's Approval

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

As delegate of the Minister for Planning and Infrastructure under delegation from the Minister enforced from 1 October 2011, I approve the modification of the project application referred to in Schedule 1, subject to the conditions in Schedule 2.



Glenn Snow
A/Director, Infrastructure Projects

Sydney

1 March

2012

SCHEDULE 1

Project Approval:

Granted by the Minister for Planning on 22 May 2003 under Section 115B of the *Environmental Planning and Assessment Act 1979*.

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:

08_0019 MOD 6: Amendment of condition 17 to allow for submission of the Environmental Impact Audit Report within 6 months of the completion of the audit.

SCHEDULE 2 CONDITIONS

ADMINISTRATIVE CONDITIONS

Delete condition 1.1 and replace with the following:

1. The Proponent shall carry out the project generally in accordance with the:
 - (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);
 - (h) the RTA's modification request and assessment information dated 1 October 2010 to correct a minor error in approved chainages to allow an extension of construction hours on Saturdays between the hours of 7am and 4pm within the area defined as SP1 (08_0019 MOD 5); and
 - (i) the Roads and Maritime Services modification request dated 19 December 2011 to allow for an extension of time for the submission of the Environmental Impact Audit Report (08_0019 MOD 6); and
 - (j) 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(i) 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(i) 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.

Delete condition 17 and replace with the following:

17. The Proponent shall commission an independent and suitably qualified person to undertake an Environmental Impact Audit of the project within 12 months of completion of construction. The Audit shall:
 - (a) assess the key impact predictions made in the documents referred to under condition 1 of this approval, and detail the extent to which the actual impacts reflect the predicted impacts;
 - (b) assess the suitability of implemented mitigation measures and safeguards;
 - (c) assess compliance with the Operational Environmental Management Plan; and
 - (d) discuss results of consultation with the local community in terms of feedback/ complaints on the operational phases of the project and issues of concern raised by the community.

An Environmental Impact Audit Report shall be submitted to the Director General, the DECC and other relevant government authorities within 6 months of the completion of the Audit, unless otherwise agreed by the Director General. The Proponent shall comply with all reasonable requirements of the Director General, DECC and other relevant government authorities with respect to any reasonable measure arising from the report, including the recommendations.

The report shall be made publicly available.