


Modification of Minister's Approval

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

As delegate of the Minister for Planning under delegation dated 16 February 2015, I approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.


Karen Jones
Director
Infrastructure Projects

Sydney

19 August

2015

SCHEDULE 1

Project Approval:

MP10_0192 granted by the Minister for Planning and Infrastructure on 19 March 2013.

For the following:

Homebush Bay Bridge, including:

- main bridge over Homebush Bay, between abutments at Wentworth Point and Rhodes.
- approach roads at Wentworth Point and Rhodes; and
- associated public domain works at Wentworth Point and Rhodes

at Homebush Bay, between Wentworth Point and Rhodes.

Modification:

MP10_0192 MOD 2: Certifying authority responsibilities and western boundary modification

SCHEDULE 2

CONDITIONS

- 1. Replace all references to 'Department of Planning and Infrastructure' with 'Department of Planning and Environment'.**
- 2. Replace all references to 'Minister for Planning and Infrastructure' with 'Minister for Planning'.**
- 3. Replace all references to 'Director General' with 'Secretary'.**
- 4. Replace condition A1 with the following:**
 - A1. The Proponent shall carry out the project generally in accordance with the:
 - (a) Major Project Application MP10_0192;
 - (b) *Homebush Bay Bridge – Draft Environmental Assessment for Public Exhibition (Volumes 1, 2, 3 and 4)*, prepared by ARUP Pty Ltd for Fairmead Business Pty Ltd and dated February 2012;
 - (c) *Homebush Bay Bridge - Revised Submissions Report*, prepared by ARUP Pty Ltd and dated 1 February 2013, including the revised Statement of Commitments contained therein;
 - (d) *Homebush Bay Bridge Minor Modification to Project Approval Environmental Assessment*, prepared by Scott Carver Pty Ltd and dated December 2013 and *Design Revisions Report*, prepared by Scott Carver Pty Ltd and dated November 2013;
 - (e) *Homebush Bay Bridge Minor Modification to Project Approval Amendment to Conditions*, prepared by Scott Carver Pty Ltd and dated December 2014, and correspondence from Rick Graf, dated 12 February 2015; and
 - (f) conditions of this approval.
- 5. Replace condition A2 with the following:**
 - A2. In the event of an inconsistency between:
 - (a) the conditions of this approval and any document listed from condition A1(a) to A1(e) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - (b) any document listed from condition A1(a) to A1(e) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 6. Replace the heading to Part B with 'PART B – DESIGN REQUIREMENTS'**
- 7. Replace condition B1 with the following:**
 - B1. Access for people with disabilities shall be provided in accordance with the *Disability Discrimination Act 1992* (Commonwealth). Verification of compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority and the Secretary upon request.
- 8. Replace condition B2 with the following:**
 - B2. A detailed plan prepared by a suitably qualified lighting engineer in consultation with City of Canada Bay Council, Auburn City Council and RMS must be submitted to the Certifying Authority two months prior to the installation of lighting for the project, and include, but not be limited to:
 - (a) Adequate lighting of the pedestrian underpasses at Wentworth Point and Rhodes;
 - (b) All lighting in public domain areas is to comply with the relevant Council requirements and Australian Standard AS1158 for Street Lighting Applications;
 - (c) The lighting plan should include lighting designs, supported by luminance calculations and luminance plots, and is to be of a high standard and Energy Australia compatible; and
 - (d) All outdoor lighting (excluding street lighting) shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

9. Replace condition B4 with the following:

- B4. The Proponent shall engage a suitably qualified person to prepare a pre-construction dilapidation report. This report to ascertain the structural condition of:
- (a) local roads likely to be used by the project's construction traffic identified in the Traffic, Pedestrian and Cyclist Management Sub-plan required under condition C17(b); and
 - (b) seawalls, cycleways, footpaths, buildings and other utilities in the vicinity of the development.

A copy of the report shall be submitted to City of Canada Bay Council, Auburn City Council, and the Secretary.

10. Replace condition B10 with the following:

- B10. The Proponent shall ensure that the following RMS requirements have been satisfied:
- (a) RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
 - (b) Copies of civil design plans shall be submitted to RMS for consideration and approval;
 - (c) A swept path analysis shall be submitted to RMS for consideration and approval;
 - (d) The bus only lanes shall be marked "Bus Only Lane", to ensure Taxis and Hire Cars are prevented from using the bridge;
 - (e) The bridge shall be designed in accordance with Austroads, RMS' supplements and relevant Australian Standards and design drawings be endorsed by a suitably qualified chartered Engineer, registered with the Institute of Engineers, Australia.

11. Delete condition B12 and heading 'Compliance with the Building Code of Australia (BCA)'.

12. Replace condition C7 with the following:

- C7. Prior to the commencement of construction, the Proponent shall ensure that all easements required by this approval, and other licences, approvals and consents, have been lodged for registration or registered at the NSW Land and Property Information. Evidence of compliance with the requirements of this condition shall be provided to the Certifying Authority upon request.

Note: This condition does not preclude further confirmation of easement boundaries (and adjustment where necessary) and registration of easements as required prior to the operation of the bridge.

13. Replace condition C10 with the following:

- C10. The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval. The Program shall be submitted to the Secretary for approval prior to the commencement of construction and relate to both the construction and operational phases of the project, and include, but not necessarily be limited to:
- (a) provisions for the notification of the Secretary of the commencement of works prior to the commencement of construction and prior to the commencement of operation of the project (including prior to each stage, where works are being staged);
 - (b) provisions for periodic review of project compliance with the requirements of this approval and the documents listed under condition A1, including the Statement of Commitments;
 - (c) provisions for periodic reporting of compliance status against the requirements of this approval and the documents listed under condition A1, including the Statement of Commitments, to the Secretary, including at least one month prior to the commencement of construction and operation of the project and at other intervals during the construction and operation, as identified in the Program;
 - (d) a program for independent environmental auditing in accordance with *ISO 19011:2003 - Guidelines for Quality and/ or Environmental Management Systems Auditing*;
 - (e) mechanisms for reporting and recording incidents and actions taken in response to those incidents;
 - (f) provisions for reporting environmental incidents to the Secretary during construction and operation; and

- (g) procedures for rectifying any non-compliance identified during environmental auditing, review of compliance or incident management.

14. Replace condition C13 with the following:

- C13. The Proponent shall prepare and implement a **Construction Complaints Management System** consistent with *AS 4269 Complaints Handling* prior to the commencement of construction activities and must maintain the System for the duration of construction activities.

Information on all complaints received, including the means by which they were addressed and whether resolution was reached and whether mediation was required or used, shall be maintained by the Proponent and included in a complaints register. The information contained within the System shall be made available to the Environmental Representative and the Secretary on request.

15. Replace condition C14 with the following:

- C14. The Proponent shall prepare and implement a Community Communication Strategy for the project. This Strategy shall be designed to provide mechanisms to facilitate communication between the Proponent, the Contractor, the relevant council, the Environmental Representative and the local community (broader and local stakeholders) on the construction and environmental management of the project. The Strategy shall include, but not necessarily be limited to:

- (a) identification of stakeholders to be consulted as part of the Strategy, including affected and adjoining landowners;
- (b) procedures and mechanisms for the regular distribution of information to stakeholders on the progress of the project and matters associated with environmental management;
- (c) procedures and mechanisms through which stakeholders can discuss or provide feedback to the Proponent and/ or Environmental Representative in relation to the environmental management and delivery of the project;
- (d) procedures and mechanisms through which the Proponent can respond to enquiries or feedback from stakeholders in relation to the environmental management and delivery of the project;
- (e) procedures and mechanisms that would be implemented to resolve issues/ disputes that may arise between parties on the matters relating to environmental management and the delivery of the project. This may include the use of an appropriately qualified and experienced independent mediator; and
- (f) details of any working party to be established including possible key stakeholders (if relevant). The working party would include, but not necessarily be limited to, the Proponent, RMS, SOPA, Auburn City Council and City of Canada Bay Council.
- (g) consultation to be undertaken for the bridge naming process.

Key issues that should be addressed in the Community Communication Strategy should include (but not necessarily be limited to):

- i. traffic management (including property access, pedestrian and cycleway access);
- ii. landscaping/urban design matters;
- iii. construction activities; and
- iv. noise and vibration mitigation and management.

The Proponent shall maintain and implement the Strategy throughout construction of the project. The Strategy shall be approved by the Secretary prior to the commencement of construction, or as otherwise agreed by the Secretary.

16. Replace condition E5 with the following:

- E5. The Proponent shall engage a suitably qualified and experienced person to prepare a post-construction dilapidation report at the completion of the construction works. The report shall identify whether the construction works have resulted in any structural damage to seawalls, cycleways, footpaths, roads, buildings and other utilities in the vicinity of the development.

The report shall:

- i. compare the post-construction dilapidation report with the pre-construction dilapidation report; and
- ii. include written confirmation from the relevant authority or asset owner that there is no adverse structural damage to their assets.

A copy of the report shall be submitted to City of Canada Bay Council, Auburn City Council, and the Secretary.

17. Replace condition E7 with the following:

- E7. External Lighting shall comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Upon installation of lighting, but before it is finally commissioned, the Proponent shall obtain evidence from an independent qualified practitioner that the lighting complies with this condition, and shall submit this evidence to the relevant Council and RMS.