

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

MODIFICATION OF APPROVAL UNDER SECTION 115 BAA OF THE ENVIRONMENTAL PLANNING AND  
ASSESSMENT ACT 1979

S03/02765

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I, the Minister for Infrastructure and Planning, after examining and considering the Roads and Traffic Authority's request for modification of the Approval dated 3 December 2002; pursuant to Section 115 BAA of the *Environmental Planning and Assessment Act 1979*, modify the approval referred to in Schedule 1 in the manner set out in Schedule 2.

Dated this \_\_\_\_\_ of 2004

Craig Knowles MP  
Minister for Infrastructure and Planning  
Minister for Natural Resources

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**SCHEDULE 1**

Approval granted by the Minister for Planning on 3 December 2002 to the Roads and Traffic Authority for the Lane Cove Tunnel and Associated Road Improvements.

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**SCHEDULE 2**

The approval is modified as follows:

- (a) in **Condition 117**, replace "shown in Figure 5.7" with "shown in Figure 5.6"
- (b) in **Condition 155**, replace "ventilation stack in accordance with Condition 154" with "ventilation stack with Condition 172"
- (c) in **Condition 164**, replace "Table 1 – Ambient Air Quality Monitoring Methodologies" with "Table 4 – Ambient Air Quality Monitoring Methodologies"
- (d) in **Condition 174**, replace "required under Condition show that" with "required under Condition 172 show that"
- (e) in **Condition 178**, replace "Minimum analytical reporting requirements for air pollution monitoring stations shall be as specified in Section 4 of the EPA's Approved Methods for Modelling and Assessment of Air Pollutants in NSW, 2001" with "Minimum analytical reporting requirements for air pollution monitoring stations"

shall be as specified in Section 4 of the EPA's Approved Methods for Sampling and Analysis for Air Pollutants in NSW."

- (f) in **Condition 226**, replace "consistent with Figure XX of the Director-General's Report" with "consistent with Figure 4.8 of the Director-General's Report"
- (g) in **Condition 95**, replace "prior to construction" with "prior to substantial construction"
- (h) in **Condition 113**, replace "prior to construction" with "prior to substantial construction"
- (i) in **Condition 120**, replace "prior to commencement of construction" with "prior to commencement of substantial construction"
- (j) in **Condition 125**, replace "prior to construction" with "prior to substantial construction"
- (k) in **Condition 207**, replace "prior to commencement of construction" with "prior to commencement of substantial construction"
- (l) in **Condition 86**, replace "prior to commencement of construction" with "prior to commencement of substantial construction"
- (m) in **Condition 87**, replace "prior to commencement of construction" with "prior to commencement of substantial construction"
- (n) in **Condition 208**, replace "prior to commencement of construction works" with "prior to commencement of substantial construction works"
- (o) in **Condition 27**, replace "prior to commencement of construction" with "prior to commencement of substantial construction"
- (p) in **Condition 45**, replace "prior to construction commencing" with "prior to substantial construction commencing"
- (q) in **Condition 67**, replace "prior to commencement of construction" with "prior to commencement of substantial construction"
- (r) in **Condition 134**, replace "prior to commencement of construction" with "prior to commencement of substantial construction"
- (s) in **Condition 188**, replace "prior to construction" with "prior to commencement of substantial construction"
- (t) in **Condition 195**, replace "prior to commencement of construction" with "prior to commencement of substantial construction"
- (u) in **Condition 121**, replace "prior to commencement of construction" with "prior to commencement of substantial construction"
- (v) in **Condition 120**, replace "prepared and approved by the Director-General" with "approved by the Director-General"
- (w) in **Condition 152** replace

"The tunnel ventilation system shall be designed, constructed and operated to avoid emissions of tunnel air from the portals. Portal emissions are not permitted except in the following circumstances:

- (a) Emergency situations and/or where emergency personnel are involved;
- (b) Accidents and genuine breakdowns inside the tunnel;
- (c) Major maintenance periods where it can be demonstrated that the in-tunnel CO requirements specified in Table 2 cannot be met; and
- (d) Any other situations approved by the Director General in consultation with the DoH, EPA and the AQCCC.

If portal emissions are required as a result of any of the above events occurring, all practicable measures shall be taken to minimise duration of portal emissions and from such emissions"

with:

"The tunnel ventilation system shall be designed, constructed and operated to avoid emissions of tunnel air from the portals. Portal emissions are not permitted except in the following circumstances:

- (a) Emergency situations and/or where emergency personnel are involved;
- (b) Accidents and genuine breakdowns inside the tunnel;
- (c) Major maintenance periods where it can be demonstrated that the in-tunnel CO requirements specified in Table 2 cannot be met; and
- (d) Any other situations approved by the Director-General in consultation with the DoH, EPA and AQCCC.

If portal emissions are required as a result of any of the above events occurring, all practical measures shall be taken to minimise air quality impacts and the period (duration) of portal emissions shall be limited to that necessary until normal traffic operations resume.

(x) in **Condition 175** replace:

“Conditions 169 and 170, do not apply:

- (a) in an emergency to prevent damage to life or limb other than an emergency arising from a negligent act or omission from the Proponent. The Proponent shall as soon as reasonably practicable, notify the Director-General and the EPA of any such discharge.
- (b) as a result of an incident (not including congestion in the tunnel), which is beyond the control of the Proponent or the tunnel operator and could not have been prevented by taking those steps which a prudent, experienced and competent operator would have taken.

Condition 160 and 161 apply in (a) but NOT in (b).

The Proponent shall, as soon as reasonably practicable, notify the Director-General and the EPA of any such discharge.

*Note: Any exceedance of the goals or limits in conditions 160, 161, 169 and 170 which result from a negligent act by the Proponent/Company irrespective of potential damage to life or limb is a breach of these Conditions of Approval.*

with:

“Conditions 169 and 170 do not apply:

- (a) in an emergency to prevent damage to life or limb other than an emergency arising from a negligent act or omission from the Proponent or tunnel operator; or
- (b) as a result of an incident (not including congestion in the tunnel), which is beyond the control of the Proponent or the tunnel operator and could not have been prevented by taking those steps which a prudent, experienced and competent operator would have taken.

Condition 160 and 161 apply in (a) but not in a fire emergency attended by the emergency services and in (b) including for situations of congestion in the tunnel.

The Proponent shall, as soon as reasonably practicable, notify the Director-General and the EPA of any such discharge.

*Note: Any exceedance of the goals or limits in conditions 160, 161, 169 and 170 which result from a negligent act by the Proponent/Company irrespective of potential damage to life or limb is a breach of these Conditions of Approval.*