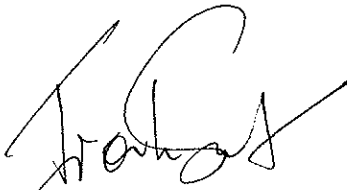


Concept Approval

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

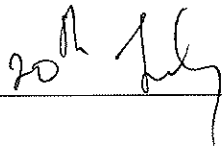
I, the Minister for Planning, under the *Environmental Planning and Assessment Act 1979* determine:

- a) to approve the concept plan referred to in Schedule 1, subject to the modifications in Schedule 2; and
- b) pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the further environmental assessment requirements for approval to carry out the Hume Highway duplication project, as detailed in paragraph 2 in Schedule 2.



Frank Sartor MP
Minister for Planning

Sydney



2007

File No: 9043171

SCHEDULE 1

Application No: 06_0314

Proponent: NSW Roads and Traffic Authority

Approval Authority: Minister for Planning

Land: Land generally following the current alignment of the Hume Highway between the junction of the Sturt Highway and Mullengandra, specifically being:

- a) Sturt Highway to Tarcutta, from approximately 37 kilometres south of Gundagai to approximately 43 kilometres south of Gundagai;
- b) Kyeamba Hill, from approximately 67 kilometres south of Gundagai to approximately 76 kilometres south of Gundagai;
- c) Little Billabong, from approximately 85 kilometres south of Gundagai to approximately 93 kilometres south of Gundagai;
- d) Yarra Yarra to Holbrook, from approximately 98 kilometres south of Gundagai to approximately 110 kilometres south of Gundagai; and
- e) Woomargama to Mullengandra, from approximately 131 kilometres south of Gundagai to approximately 141 kilometres south of Gundagai.

Proposal:	The upgrade of five separate segments of the Hume Highway totalling 45 kilometres to achieve four lanes of dual carriageway (the 'Hume Highway Duplication').
Part 3A Project:	The proposal was declared to be project to which Part 3A of the <i>Environmental Planning and Assessment Act 1979</i> (the Act) applies by virtue of an Order made by the Minister for Planning and gazetted on 8 September 2006 under section 75B(1) of the Act.
Concept Plan Authorisation:	On 12 October 2006, the Minister for Planning required the submission of a concept plan for the proposal.
Critical Infrastructure:	The proposal was declared as critical infrastructure under section 75C of the <i>Environmental Planning and Assessment Act 1979</i> by virtue of a declaration made by the Minister for Planning and gazetted on 8 December 2006.

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SCHEDULE 2

Act, the	<i>Environmental Planning and Assessment Act 1979</i>
Ancillary Facility	Temporary facility for construction. Examples are an office and amenities compound, construction compound, batch plant (concrete or bitumen), materials storage compound, stockpile areas.
Conditions of Approval	The Minister's conditions of approval for the project.
Construction	Includes all work in respect of the Project other than survey, acquisitions, fencing, investigative drilling or excavation, building/road dilapidation surveys, minor clearing (except where threatened species, populations or ecological communities would be affected), establishing ancillary facilities such as site compounds (in locations meeting the criteria of the Conditions), or other activities determined by the Environmental Representative to have minimal environmental impact (e.g. minor access roads, minor adjustments to services / utilities, etc.).
DECC	Department of Environment and Climate Change
Department, the	Department of Planning.
Director-General, the	Director-General of the Department of Planning (or delegate)
DEW	Commonwealth Department of Environment and Water Resources
DWE	Department of Water and Energy
EA	<i>Sturt Highway to Mullengandra Hume Highway Duplication Concept Plan Environmental Assessment</i> , dated 9 March 2007 and prepared by Connell Wagner Pty Ltd and Parsons Brinckerhoff Pty Ltd.
Minister, the	Minister for Planning
Proponent	The NSW Roads and Traffic Authority, or any party acting under authorisation from and on behalf of the NSW Roads and Traffic Authority
Proposal	Development for the purposes of upgrading five separate segments of the Hume Highway, totalling 45 kilometres to achieve four lanes of dual carriageway.
Reasonable and Feasible	Consideration of best practise taking into account the benefit of proposed measures and their technological and associated operational application in the NSW and Australian context. Feasible relates to engineering considerations and what is practical to build. Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and nature and extent of potential improvements.
Site	Land to which Concept Plan Application 06_0314 applies

1. ADMINISTRATIVE CONDITIONS

Terms of Concept Approval

- 1.1 The Proponent shall carry out the concept plan and all related projects generally in accordance with the:
 - a) Concept Plan Application 06_0314;
 - b) *Sturt Highway to Mullengandra Hume Highway Duplication Concept Plan Environmental Assessment*, dated 9 March 2007 and prepared by Connell Wagner Pty Ltd and Parsons Brinckerhoff Pty Ltd;
 - c) *Hume Highway Duplication Concept Plan, Sturt Highway to Tarcutta, Kyeamba Hill and Little Billabong Environmental Assessments – Submissions Report and Revised Statement of Commitments*, dated 26 April 2007 and prepared by NSW Roads and Traffic Authority and as supplemented by correspondence from the NSW Roads and Traffic Authority dated 16 May 2007; and
 - d) the conditions of this approval.
- 1.2 In the event of an inconsistency between:
 - a) the conditions of this approval and any document listed from condition 1.1a) to 1.1c) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
 - b) any document listed from condition 1.1a) to 1.1c) inclusive, and any other document listed from condition 1.1a) to 1.1c) inclusive, the most recent document shall prevail to the extent of the inconsistency.
- 1.3 If there is any inconsistency between this concept plan approval and any project approval, this concept plan approval shall prevail to the extent of the inconsistency.
- 1.4 The Proponent shall comply with any reasonable and feasible requirement(s) of the Director-General arising from the Department's assessment of:
 - a) any reports, plans or correspondence that are submitted in accordance with this approval; and
 - b) the implementation of any actions or measures contained in these reports, plans or correspondence

Limits of Approval

- 1.5 This concept approval shall lapse ten years after the date on which it is granted, unless works the subject of any related project approval are physically commenced on or before that date.
- 1.6 To avoid any doubt, this concept approval does not permit the construction of any aspect of the proposal which will be subject to separate project approvals.

2. PROJECT APPLICATIONS AND SPECIFIC REQUIREMENTS

- 2.1 Pursuant to section 75P(1)(a) of the *Environmental Planning and Assessment Act 1979*, the following environmental assessment requirements apply with respect to the Hume Highway duplication project:
 - a) the environmental assessment requirements issued for the Sturt Highway to Tarcutta Project Application 06_0245 by the delegate of the Director-General, dated 9 October 2006;
 - b) the environmental assessment requirements issued for the Kyeamba Hill Project Application 06_0246 by the delegate of the Director-General, dated 9 October 2006;
 - c) the environmental assessment requirements issued for the Little Billabong Project Application 06_0247 by the delegate of the Director-General, dated 9 October 2006;

- d) the environmental assessment requirements issued for the Yarra Yarra to Holbrook Project Application 06_0248 by the delegate of the Director-General, dated 9 October 2006; and
- e) the environmental assessment requirements issued for the Woomargama to Mullengandra Project Application 06_0249 by the delegate of the Director-General, dated 9 October 2006.

Note: At the time of this approval, the environmental assessment for the above project applications had been accepted by the Director-General and made publicly available for the purposes of section 75H of the *Environmental Planning and Assessment Act 1979*.

3. COMPLIANCE MONITORING AND TRACKING

Compliance Tracking Program

- 3.1 The Proponent shall develop and implement a **Compliance Tracking Program** to track compliance with the requirements of this approval and the requirements of any approval granted for the project(s) subject to this concept plan. The Program shall be submitted to the Director-General for approval prior to the commencement of construction of any project associated with this concept plan approval. The Program shall relate to both construction and operational stages of the projects associated with this concept approval, and shall include, but not necessarily limited to:
- a) provisions for periodic review of the compliance status of the project against the requirements of this approval, the Statement of Commitments (as referred to in condition 1.1c) of this approval) and any relevant conditions of approval granted for the projects associated with the concept plan;
 - b) provisions for the notification of the Director-General prior to the commencement of construction and prior to the commencement of operation of projects associated with this concept plan;
 - c) provisions for periodic reporting of compliance status to the Director-General;
 - 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 recording incidents and actions taken in response to those incidents; and
 - f) provisions for reporting environmental incidents to the Director-General during construction and operation;
 - g) procedures for rectifying any non-compliance identified during environmental auditing or review of compliance.

Nothing in this approval restricts the Proponent from developing a single compliance tracking program for each project or consolidated compliance tracking program for multiple projects associated with this concept plan.

4. COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT

Provision of Information

- 4.1 Prior to the commencement of construction of any project related to this concept approval, the Proponent shall establish and maintain a new website, or dedicated pages within its existing website, for the provision of electronic information associated with the projects subject to this concept approval. The Proponent shall, subject to confidentiality, publish and maintain up-to-date information on this website or dedicated pages including, but not necessarily limited to:
- a) a copy of the documents referred to under condition 1.1 of this approval, and any documentation supporting modifications to this concept approval or related project approvals that may be granted from time to time;

- b) a copy of this concept approval and all related project approvals;
- c) a copy of each relevant environmental approval, licence or permit required and obtained in relation to the development;
- d) a copy of each current strategy, plan and program required under this concept approval or any related project approval; and
- e) the outcomes of compliance tracking in accordance with the requirements of any related project approval.

4.2 The Proponent shall make all documents required to be provided under condition 4.1 of this approval available for public inspection on request.

Complaints and Enquiries Procedure

- 4.3 Prior to the commencement of construction of any project associated with this concept approval, the Proponent shall ensure that the following are available for community complaints and enquiries during the construction of each of the projects:
- a) a telephone number on which complaints and enquiries about construction and operational activities may be registered;
 - b) a postal address to which written complaints and enquiries may be sent; and
 - c) an email address to which electronic complaints and enquiries may be transmitted.

The telephone number, the postal address and the email address shall be published in a newspaper circulating in the local area prior to the commencement of construction and prior to the commencement of operation for each project. The above details shall also be provided on the website (or dedicated pages) required by this approval.

- 4.4 The Proponent must prepare and implement a Construction Complaints Management System consistent with *AS 4269 Complaints Handling* prior to the commencement of construction activities for a project associated with this concept approval and maintain the System for the duration of those 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, must be maintained by the Proponent and included in a complaints register. The information contained within the System must be made available to the Director-General on request.

For the purposes of this condition, the Proponent may choose to maintain a separate or a consolidated Complaints Register for the projects associated with this concept approval.

Community Consultation

- 4.5 The Proponent shall prepare and implement a Community Communication Strategy for the projects associated with this concept approval. This Strategy shall be designed to provide mechanisms to facilitate communication between the Proponent, the Constructor, the Environmental Representative and the local community (particularly adjoining landowners) on the progress and the related management of the projects. The Strategy shall include, but does not necessarily be limited to:
- a) identification of community stakeholders to be consulted as part of the Strategy, including affected landowners;
 - b) procedures and mechanisms for the regular distribution of information to the community and adjoining land owners on the progress of each project and matters associated with environmental management of the project;
 - c) procedures and mechanisms through which the community and/or adjoining landowners can discuss or provide feedback to the Proponent and/or Environmental Representative in relation to the environmental management and delivery of the project(s). This may include focused discussion forums and site inspections;

- d) procedures and mechanisms through which the Proponent can respond to any enquires or feedback from the community and/or adjoining landowners in relation to the environmental management and delivery of the projects;
- e) procedures and mechanisms that would be implemented to resolve any issues/disputes that may arise between parties on the matters relating to environmental management and the delivery of the project(s). This may include the use of an appropriately qualified and experienced independent mediator.

Issues that should be addressed through the Community Communication Strategy may include (but not necessarily be limited to): traffic management (including property access), property acquisition, landscaping/urban design matters, noise and vibration mitigation and management.

The Proponent shall maintain and implement the Strategy throughout construction. The Strategy shall be approved by the Director-General prior to the commencement of any construction work associated with a project subject to this Concept approval to which this Strategy applies.

For the purposes of this condition, the Proponent may choose to develop a separate or a consolidated Community Consultation Strategy for the projects associated with this concept approval.

5. ENVIRONMENTAL MANAGEMENT

Biodiversity Offset Strategy and Package

- 5.1 The Proponent shall develop and submit for the approval of the Director-General, a **Biodiversity Offset Strategy** to detail how the ecological values lost as a result of the projects associated with this concept approval will be off-set. The Strategy shall provide a detailed framework that will dictate the final composition of the Biodiversity Offsets Package and shall be developed in consultation with DECC and DEW. The Strategy shall include, but not necessarily be limited to:
- a) the identification of the extent and types of habitat that would be lost or degraded as a result of the final detailed design of the road alignment;
 - b) the objectives and biodiversity outcomes that would be achieved through the final biodiversity offset package;
 - c) details of the available offset measures that have been selected to provide compensatory habitat within the region to offset the loss of White Box-Yellow-Box-Blakely's Red Gum woodland and the loss of habitat for threatened fauna species as a result of the projects. This may include one or more of the following measures to collectively deliver a neutral or net beneficial outcome for the region:
 - i) land offsets;
 - ii) funding contributions towards revegetation programs in the region, such as revegetation programs coordinated by the Murray CMA and Murrumbidgee CMA;
 - iii) funding contributions to research programs for the management of the threatened species, populations and communities;
 - iv) any other accepted form of offset measures;
 - d) the decision-making framework that would be used to select the final suite of offset measures to achieve the objectives and outcomes established within the Strategy, including the ranking of offset measures.

The Biodiversity Offset Strategy shall be approved by the Director-General prior to the commencement of any construction activity for any project associated with this concept approval that would result in the disturbance of White Box-Yellow Box-Blakely's Red Gum woodland or threatened fauna species habitat.

- 5.2 Within 12 months of the approval of the Biodiversity Offset Strategy, the Proponent shall submit the **Biodiversity Offset Package** for the approval of the Director-General, unless otherwise agreed by the Director-General. The Package shall be developed in consultation with DECC and DEW and shall include, but not necessarily be limited to:
- a) the final suite of the biodiversity offset measures selected in accordance with the Biodiversity Offset Strategy;
 - b) the monitoring requirements for compensatory habitat works and other ecological amelioration measures proposed under the Biodiversity Offsets Package. This shall include:
 - i) the monitoring of the condition of vegetation communities and the monitoring of threatened species populations at all offset locations;
 - ii) the methodology for the monitoring program(s), including the number and location of offsets monitoring sites, and the sampling frequency at these sites;
 - iii) provisions for the annual reporting of the monitoring results for a set period of time as determined in consultation with DECC and DEW; and;
 - iv) timing and responsibilities for the implementation of the provisions of the Package.

Construction Water Management Strategy

- 5.3 The Proponent shall prepare a **Construction Water Management Strategy** to ensure the coordinated management and minimisation of water use across the projects associated with this concept approval during construction activities. The strategy shall be prepared in consultation with DWE and shall include but not necessarily be limited to:
- a) the water use performance targets established for the total concept corridor and projects, and the water minimisation measures that would be implemented;
 - b) details of the intended water sources for the projects and the conditions associated with the supply of water to the projects from these sources. Where applicable, these conditions shall reflect the requirements of any Water Sharing Plan and licence(s) issued by DWE;
 - c) where surface water extraction would occur in accordance with a Water Sharing Plan, a review of that resource shall be included to report on the current condition of that resource and the predicted capacities of that resource to cater for project(s) demands without placing adverse pressure on the resource and other users;
 - d) framework in which water use and water extraction rates would be monitored and reported across the concept plan corridor;
 - e) procedures in which the volume of water extracted for the projects would be monitored and managed as to ensure that the activity does not adversely impact on the water source(s) and/or other existing water users;
 - f) strategies in which water extraction and/or use would be reviewed and revised to ensure the effectiveness of water use management and minimisation controls; and
 - g) contingency measures that would be implemented in an event where the above reporting indicates undue pressure on water sources and/or other users, or where continued water supply to the projects would be at risk.

This Strategy shall be approved by the Director-General prior to the commencement of construction work associated with any project subject to this concept approval.

The Director-General may issue a staged approval of the Strategy to reflect the construction program for the projects associated with the concept approval.

Ancillary Facilities

- 5.4 The sites for ancillary facilities for the projects associated with this concept approval shall satisfy the following criteria unless otherwise approved by the Director-General:
- a) be located more than 100 metres from a waterway;
 - b) have ready access to the road network;
 - c) be located in areas of low ecological and heritage conservation significance, and will not require any significant clearing of native vegetation beyond that already required by the projects;
 - d) be located on relatively level land;
 - e) be separated from the nearest residences by at least 200 metres (or at least 250 metres for a temporary batching plant and stockpiling sites);
 - f) be above the 20 ARI flood level unless a contingency plan to manage flooding is prepared and implemented;
 - g) shall not unreasonably affect the land use of adjacent properties; and
 - h) shall not impact on heritage sites beyond those already impacted by the projects.

The location of ancillary facilities shall be identified within the relevant Construction Environmental Management Plan for the project(s) that the facilities would service.

Construction Environmental Management Plan

- 5.5 Prior to the commencement of construction work for a project associated with this concept approval, the Proponent shall prepare and implement a **Construction Environmental Management Plan** (CEMP) for that project. The CEMP shall outline the environmental management practices and procedures that are to be followed during construction of that project, and shall be prepared in accordance with *Guideline for the Preparation of Environmental Management Plans* (DIPNR, 2004). The CEMP for each project shall include, but not necessarily be limited to:
- a) a description of all relevant activities to be undertaken during construction of the project including an indication of stages of construction, where relevant;
 - b) statutory and other obligations that the Proponent is required to fulfil during construction including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - c) a description of the roles and responsibilities for all relevant employees involved in the construction of the project;
 - d) details of how the environmental performance of the construction works will be monitored, and what actions will be taken to address identified adverse environmental impacts;
 - e) a **Construction Traffic Management Plan**, prepared in accordance with the RTA's *QA Specification G10 – Control of Traffic and Traffic Control at Work Sites Manual* (2003) to manage disruptions to highway and local traffic movements as a result of concurrent construction activities (and associated construction traffic) across the concept plan corridor;
 - f) any additional construction environmental management plans required to meet the requirements of the relevant project approval and the relevant Statement of Commitments as modified by these conditions; and
 - g) complaints handling procedures during construction.

The Construction Environmental Management Plan for each project associated with this concept approval shall be approved by the Director-General prior to the commencement of any construction work associated with that project.

- 5.6 Nothing in this approval restricts the Proponent from developing a single construction environmental management plan for each project or consolidated environmental management plans for multiple projects associated with this concept approval.

Operational Environmental Management Plan

- 5.7 The Proponent shall prepared and implement an **Operational Environmental Management Plan** for the projects associated with this concept approval that details the environmental management framework, practices and procedures to be followed during the operation of the projects. The Plan shall be consistent with the Department's *Guideline for the Preparation of Environmental Management Plans* (DIPNR 2004), and shall be structured to provide a single, consistent environmental management framework across the projects associated with this concept approval. The Plan shall be prepared in consultation with the relevant Government agencies and shall include, but not necessarily be limited to:
- a) a description of all relevant activities to be undertaken during operation of the project including an indication of stages of operation, where relevant;
 - b) statutory and other obligations that the Proponent is required to fulfil during operation including all approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - c) details of how the environmental performance of the operations will be monitored, and what actions will be taken to address identified adverse environmental impacts. In particular, the following environmental performance issues shall be addressed in the Plan:
 - i) measures to monitor and manage ecological factors, including effectiveness and maintenance of fauna crossings and rehabilitation measures;
 - ii) measures to monitor and manage heritage sites within the road reserve;
 - iii) measures to monitor and manage noise impacts;
 - iv) measures to monitor and minimise soil erosion and the discharge of sediment and other pollutants to lands and/or waters;
 - v) measures to monitor and maintain landscaping undertaken along the project corridors until the vegetation has sufficiently been established.
 - d) any additional operational environmental management plans required to meet the requirements of the relevant project approval;
 - e) a description of the roles and responsibilities for all relevant employees involved in the operation of the project; and
 - f) complaints handling procedures during operation.

The Operational Environmental Management Plan shall be approved by the Director-General prior to the commencement of operation for any of the projects associated with this concept approval.

- 5.8 Nothing in this approval restricts the Proponent from incorporating the above operational environmental management plan into existing management systems administrated by the Proponent.
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