

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status
AC1	<p>The proposal shall be carried out consistent with:</p> <p>Sub Conditions below;</p> <p>Despite the above, in the event of any inconsistency, the conditions of approval by the Minister shall prevail.</p> <p>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.</p> <p>It shall be the ultimate responsibility of the RTA to ensure compliance with all conditions of approval granted by the Minister.</p>		Satisfied
AC1 a	<p>the proposal contained in the environmental impact statement 'Proposed Duplication of the Brunswick Heads Bypass and Upgrade of the Pacific Highway Brunswick River to Yelgun' dated 14 July 1998, (the EIS), prepared for the Roads and Traffic Authority (RTA) by Sinclair Knight Merz Pty Ltd, subject to modifications to the proposal as described in the 'Representations Report Duplication of Brunswick Heads Bypass and Pacific Highway Upgrade Brunswick River to Yelgun' (the Representations Report) prepared for the RTA by RTA Technology, dated 24 February 1999;</p>	<p>The Construction EMP, Work Method Statements and the Operational EMP document the measures and the safeguards to which this condition refers. Refer to other conditions within this Compliance Table and also tables for the EIS and the Representations Report for other specific compliance status.</p>	Satisfied
AC1 b	<p>the proposal as modified in the Environmental Impact Assessment 'Brunswick Heads to Yelgun Upgrade, Modifications to Approved Project', dated 1 November 2002, prepared for the RTA by Connell Wagner, the 'Submissions Report' prepared for the RTA by RTA Environmental Technology Branch, dated 1 April 2003, and the RTA's 'Decision Report', approved on 6 May 2003;</p>	<p>The Construction EMP, Work Method Statements and the Operational EMP document the measures and the safeguards to which this condition refers. Refer other conditions within this Compliance Table and also tables for the Modifications and Submissions Report for other specific compliance.</p>	Satisfied
AC1 c	<p>the conditions of concurrence granted by the Director-General of the NPWS;</p>	<p>Refer to the Compliance Table for the status of the DEC(NPWS) Concurrence Conditions.</p>	Satisfied
AC1 d	<p>the conditions of approval granted by the Minister.</p>	<p>This Compliance Table documents the status of the measures and evidence against this condition.</p>	Satisfied
AC2	<p>The Proponent shall comply with, or ensure compliance with all requirements of the Director-General in respect of the implementation of any measures arising from the conditions of this approval. The Proponent shall bring to the attention of the Director-General any matter that may require further investigation and the issuing of instructions from the Director-General. The Proponent shall ensure that these instructions are implemented to the satisfaction of the Director-General within such time that the Director-General may specify.</p>	<p>The Construction and Operation stage EMP and Work Method Statements document the implementation of the measures arising out of the project approvals. This Compliance Table documents the status of compliance with this requirement at this time. There have been no matters to date that require further investigation by the Director-General. Letters from DOP have been received concerning the approval of compounds which relate to Condition AC70. Compliance has been reported progressively through the Six Monthly reports, compliance monitoring and the Pre-Operation Compliance Report.</p>	Satisfied

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AC3	At least one month prior to commencement of substantial construction (or within such period as otherwise agreed by the Director-General), the Proponent shall submit for approval of the Director-General a compliance report detailing compliance with all relevant conditions that apply prior to commencement of substantial construction and shall address: Sub conditions below;	A Pre-construction Compliance Report was drafted on 17 May 05 (and later revised on 27 June 05, and again on 8 July 05). These were all submitted to the RTA, and in turn the RTA submitted to DoP (DIPNR) as part of the CEMP and sub plans submission on the 15 June 05. Comment was received back from DoP (DIPNR) on the plans on the 27 June 05, and the plans and Compliance Report revised. The CEMP and sub plans were then sent back to DoP (DIPNR) on the 05 July 05 by the RTA for DoP(DIPNR) approval. A letter of approval from DoP (DIPNR) dated 15 July 05 was received on the submission of the environmental management plan. The EMR has reviewed this condition and is satisfied that it has been met, however noting that the final revised submission of the document was within one month before the start of substantial construction.	Letter to RTA 20 May 05 Letter to RTA 3 May 05 Pre Construction Compliance 17 May 05 Pre Construction Compliance 2 July 05 Pre Construction Compliance 27 June 05	Satisfied
AC3 i	the dates of submissions of the various studies and/or requirements of various relevant conditions, and their approval and terms of approval; and	The Pre-Construction Compliance Report documents the submission dates of the various studies and requirements and dates of the approvals and consultations required.		Satisfied
AC3 ii	action taken or proposed to implement the recommendations made in terms of approvals and/or studies.	The Pre-construction Compliance Report contains documentation of action taken as a result of the consultations/approvals/studies.		Satisfied
AC4	At least one month prior to commissioning of the proposal, or within such period as otherwise agreed by the Director General, the Proponent shall submit for approval of the DG a compliance report detailing compliance with all relevant conditions that apply prior to commencement of operation.	A site meeting was held with the EMR and RTA officers on 4 April 2007 to review and revise status with all the planning conditions. The revised table of compliance conditions were forwarded to the EMR for certification on 26 April 2007, and thence forwarding to DoP by RTA at end of April 2007. Commissioning of the upgrade occurred on 11 July 2007. DoP acceptance received on 29 June 2007.		Satisfied
AC5	The Proponent shall endeavour, as far as possible, to resolve any dispute with relevant public authorities arising out of the implementation of the conditions of this approval. Should this not be possible, the matter shall be referred to the Minister for resolution. The Minister's determination of the disagreement shall be final and binding on all parties.	No disputes requiring referral have arisen. Satisfied to date.		Satisfied
AC6	Prior to the commencement of construction, the Proponent shall institute, publicise and list with a telephone company a 24 hour complaints contact telephone number, which would enable any member of the general public to reach a person who can arrange appropriate response action to the complaint.	The 1800 number has been publicised in local media, first appearing Saturday 16 April 2005 (RD33). The phone number has been listed with Sensis for the North Coast white and yellow pages since August 2005. The number is 1800 071 144 and has been manned by Wendy Dooley during the construction phase. During the operation phase it is manned by the Maintenance Manager.	First 3 month Update Advertisement	Satisfied

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AC7	<p>The Proponent shall record details of all complaints received during construction and ensure that an initial response to the complaint is provided within one working day and a detailed response within 10 days. Information on all complaints received shall be made available on request to the Director-General and all relevant government agencies. The Proponent shall nominate an appropriate person(s) to receive, log, track and respond to complaints within the specified timeframe. The name and contact details of this person(s) shall be provided to the relevant Council(s) and the Director-General upon appointment or upon any changes to that appointment.</p>	<p>A complaints management system is documented in the Community Implementation Plan for the project. The telephone number is 1800 071 144. An electronic complaints register system has been established and operated. (RD65)</p> <p>A summary of all complaints received has been listed in the Six Monthly Reports.</p> <p>The name of contact persons managing complaints was Wendy Dooley during the construction phase, with a letter sent to Byron Council 24 March 05 and a letter sent to DOP 12 October 2005. An update letter confirming Wendy Dooley as the main contact person was sent to Byron Council and DOP on 24 January 2007.</p> <p>Although this condition relates to the construction phase, the complaints management system continues to be used during the operation phase on site.</p>	<p>Audit Report May06</p> <p>Letter to Byron Council Jan07</p> <p>Letter to Byron Council Mar05</p> <p>Letter to DOP Jan07</p> <p>Letter to DOP Oct05</p>	Satisfied
AC8	<p>The Proponent shall notify the Director-General and all relevant authorities in writing of the project commencement both in terms of construction and operation (i.e. commissioning).</p>	<p>On 27 June 2005 the DG DIPNR and all relevant authorities had been notified that construction commencement was anticipated for 4th July 2005 pending planning approvals (RD93). Letter was sent to DIPNR from RTA. Email was sent to all relevant state authority representatives on 27 June 2005.</p> <p>Representatives of the state agencies were given preliminary advice of the coming operation (ie commissioning) stage at the Environmental Review Group (ERG) meeting held on 2 May 2007, and recorded in the Minutes of Meeting. Notification of operation was provided to DOP and the relevant authorities directly by the RTA. Operation of the highway upgrade commenced on 11 July 2007.</p>	<p>Email State Agencies 27 June05</p>	Satisfied

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<p>AC9</p> <p>Prior to the commencement of construction and then at three-monthly intervals, the Proponent shall advertise in relevant local newspapers the nature of the works proposed for the forthcoming three months, the areas in which these works are proposed to occur, the hours of operation and a contact telephone number.</p> <p>The Proponent shall ensure that the local community is kept informed (by way of local newsletters, leaflets, newspaper advertisements, and community notice boards, etc.) of the progress of the project, including any traffic disruptions and controls, construction of temporary detours and work required outside the nominated working hours, prior to such works being undertaken.</p>	<p>Prior to the commencement of construction an advertisement appeared in the local newspapers on the week beginning Saturday 16 April 2005 (RD33).</p> <p>The second 3 month update appeared week beginning the 19 July 2005.</p> <p>Third 3 month update appeared 26 October 2005.</p> <p>Fourth 3 month update appeared in 23 February 2006.</p> <p>Fifth 3 month update appeared in 1 July 2006.</p> <p>Sixth 3 month update appeared 26 September 2006.</p> <p>Seventh 3 month update appeared 21 December 2006.</p> <p>The eighth 3-month update appeared in April 2007.</p> <p>The final 3-month update appeared in July 2007 and covers construction completion.</p> <p>An example of a leaflet to residents is the notification of nightworks for a culvert installation in December 2005.</p> <p>An example of a detour notification letter to residents is the Banana Road closure in June 2005.</p> <p>Notifications have also appeared in the local press for proposed changed traffic conditions (eg. Rajah Rd and Yelgun in May 2006), and to River navigation users in April 2006.</p> <p>A project newsletter was released in May 2006.</p> <p>Advertisements for the community open day and advertising concerning traffic arrangements for the commencement of highway operations were released in July 2007.</p>	<p>Example of Detour Notification letter</p> <p>Example of Nightworks leaflet</p> <p>Final (Ninth) 3 month update July07</p> <p>First 3 month update April05</p> <p>Second 3 month update July05</p> <p>Third 3 month update October05</p>	Satisfied
<p>AC10</p> <p>A Community Liaison Group shall be formed prior to the commencement of construction to discuss detailed design issues and methods for minimising the impact on the local community and businesses during the construction stage. The Group shall include the Environmental Management Representative, representatives from the RTA, the contractor, relevant local community and business groups, and Byron Shire Council.</p> <p>Issues for discussion shall include, but not be limited to local vehicle, pedestrian and cyclist requirements; construction stage traffic diversions; noise control measures; air and water quality; landscaping requirements; and any other issues considered relevant by the Group.</p> <p>Appropriate facilities and information shall be provided by the Proponent to assist the Group in carrying out its functions. The Group may make comments and recommendations about the design and implementation of the proposal, which shall be considered by the Proponent.</p>	<p>A new Community Liaison Group for the construction stage of the Project has been established from an advertisement that appeared in March 2005.</p> <p>Minutes of Meeting for inaugural meeting held on 20 April 2005 (RD18).</p> <p>Minutes of Meeting for second meeting held on 11 May 2005 (RD19).</p> <p>Meetings generally occurred on a monthly basis eg: 8/6/05, 13/7/05, 3/8/05, 7/9/05, 5/10/05, 2/11/05, 7/12/05, 1/2/06, 1/3/06, 5/4/06, 3/5/06, 7/6/06, 5/7/06, 2/8/06, 6/9/06, 4/10/06, 1/11/06, 14/2/07, 4/4/07 and 13/6/07.</p> <p>Meetings were held in a project meeting room in the Site Compound. Presentations to the CLG have been made during the development of the Urban Design and Landscape Plan, proposed bicycleways, modifications to the Yelgun Rest Area, construction noise, nightworks, flooding, erosion and sediment controls and Operational Noise amongst other issues. An example of where recommendations from the CLG had a big impact is during the development of the landscape plan for the Billinudgel area, and the development of the community Habitat Boxes project.</p> <p>The final meeting of the CLG was held on 13 June 2007.</p>	<p>Advertisement for CLG Members</p> <p>Minutes Meeting 1</p> <p>Minutes Meeting 2</p>	Satisfied

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AC11	<p>A suitably qualified Environmental Management Representative (EMR) shall be available during construction activity at the site and be present on-site during any critical construction activities as defined in the Environmental Management Plan (EMP). The EMR shall have responsibility for considering and advising on matters specified in the conditions of approval and compliance with such and facilitation of an induction and training program for all persons involved with the construction activities. The following information shall be provided to the Director-General: (Refer to Sub Conditions).</p> <p>The appointment of the person nominated to serve as the EMR shall be approved by the Director-General prior to the commencement of construction.</p>	<p>An EMR has been appointed to the project. Letter from DOP approving the role and appointment of Mr Bill Gardyne to act as the EMR on the project. Approval from DOP 7 February 2005. (RD87)</p> <p>The EMR has been present on site regularly throughout the construction phase of the project, including during the commencement of main alignment of clearing, the installation of the rock platforms, attendance at the CLG meetings, during many soil erosion and sediment control field inspections, participated in system audits and contributed during the ERG meetings and inspections.</p> <p>The EMR has commented on the induction training program and assessed the attitudes of work crews during the project.</p>	Letter from DIPNR 7/2/05	Satisfied
AC11 a	appropriateness of the qualifications of the EMR including demonstration of general compliance with the principles of AS/NZS ISO 14012:1996 Guidelines for Environmental Auditing : Qualification criteria for environmental auditors;			Satisfied
AC11 b	role and responsibility of the EMR; and,	Refer to the Project Deed Schedule 46 for roles and responsibilities of the EMR.		Satisfied
AC11 c	authority of the EMR including details of the Proponent's internal reporting structure. This shall include the authority to stop work immediately if in the view of the EMR an unacceptable impact is likely to occur or to require other reasonable steps to be taken to avoid or minimise any adverse impacts	Detailed in the Project Deed Schedule 46.		Satisfied
AC12	The Proponent shall ensure the appointment of contractors that have a demonstrated capability and experience in the implementation of an Environmental Management System prepared in accordance with the AS/NZS ISO 14000 series or BS7750-1994 certified by an accredited certifier and/or have a proven environmental management performance record of a level relevant to the scale of the works being undertaken.	Abigroup Contractors Pty Ltd has a Certified Environmental Management System (RD1). DLIQ Certification re-issued 25 August 2005.	EMS Certification Statement	Satisfied

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AC13	<p>Prior to the commencement of construction, an Environmental Management Plan (EMP) (Construction Stage) shall be prepared, following consultation with the EPA, DLWC, NSW Fisheries, NPWS, other relevant government authorities, and Byron Shire Council. Where construction activities may be undertaken in discrete stages, the Proponent may prepare individual EMPs relating to specific stages of construction. An outline of any proposed staging of EMPs shall require the approval of the Director-General.</p> <p>The EMP (Construction Stage) shall be prepared in accordance with the conditions of this approval, all relevant Acts and Regulations and accepted best practice management procedures. The EMP (Construction Stage) shall require approval by the Director-General prior to substantial construction works or within such time as otherwise agreed to by the Director-General. The EMP shall be certified as being in accordance with the conditions of approval by the EMR prior to seeking approval of the Director-General.</p> <p>The EMP (Construction Stage) shall: (Refer to Sub Conditions) The EMP(s) (Construction Stage) shall be made publicly available.</p> <p>Verification;</p>	<p>DIPNR Letter of Approval</p> <p>EMR Certification of CEMP</p>	Satisfied
	<p>A construction stage Environmental Management Plan has been prepared addressing these items. There is no staging of the EMP. Consultation with agencies has been undertaken with the following stakeholders. The following dates relate to the CEMP Framework document, other sub plans are detailed elsewhere in the Compliance Table.</p> <p>DECC (EPA) sent 8 April 2005 (RD21), Comments received 10 May 05 (RD22), DECC (NPWS) sent 15 April (RD23), Comments received 10 May 05 (RD24), DIPNR (DLWC) sent 22 April (RD25), Comments received 10 May 05 (RD26), DPI (Fisheries) sent 22 April (RD27), Comments received 6 May 05 (RD28), Heritage Office sent 15 April (RD29), Comments received 5 May 05 (RD30), Byron Shire Council sent 15 April (RD31), Comments received 30 May 2005.</p> <p>EMR Certification has been provided for the framework document as well as the separate sub-plan elements. DIPNR approval of the Construction EMP was provided on 15 July 2005.</p> <p>A copy of the Construction EMP has been kept at the site community information centre for the purpose of being available for the public to view throughout the construction phase.</p>		
AC13 1	address construction activities associated with all key construction sites, including staging and timing of the proposed works;	Addressed in the EMP documents (ref CEMP Framework 3.7).	Satisfied
AC13 2	cover specific environmental management objectives and strategies for the main environmental system elements and include, but not be limited to: noise and vibration; air quality; water; erosion and sedimentation; access and traffic; property adjustments; heritage and archaeology; groundwater; contaminated spoil and acid sulfate soils, spoil stockpiling and disposal; waste/resource management; flora and fauna; wetlands; flooding and stormwater control; geotechnical issues (including land slip and settlement); visual screening, landscaping and rehabilitation; hazards and risks; energy use, resource use and recycling; vermin; and utilities; and	Refer to objectives in the CEMP Framework document (Ref 1.5), as well as the strategies in the various management sub-plans. For property adjustments reference is made to SWTC Appendix 3 in Volume 2 of the Deed. For geotechnical results and groundwater refer to Robert Carr and Assoc Geotechnical Report, various SMEC Geotechnical Reports and Section 4 of the Soil and Water Management Plan. For the management of utilities see the Utilities Implementation Schedule.	Satisfied
AC13 3 a	identification of the statutory and other obligations which the Proponent is required to fulfil during project construction, including all approvals and consultations/agreements required from other authorities and stakeholders, and key legislation and policies which control the Proponent's construction of the project;	Addressed in the CEMP Framework document Section 1.6, 1.7, 2.1, 2.2, 2.3 and Annexure C.	Satisfied

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AC13 3 b	definition of the role, responsibility, authority, accountability and reporting of personnel relevant to compliance with the EMP; Specific requirements for some of the main environmental system elements referred to in (b) shall be as required under the conditions of this approval and/or as required under any licence or approval.	Addressed in the CEMP Framework document in Section 3.	Satisfied
AC13 3 f	environmental management procedures for all construction processes which are important for the quality of the environment in respect of permanent and/or temporary works;	Addressed in the CEMP Framework Section 3.7 and Section 4, as well as the various element sub-plans and Work Method Statement documents.	Satisfied
AC13 3 g	monitoring, inspection and test plans for all activities and environmental qualities which are important to the environmental management of the project, including performance criteria, specific tests, protocols (eg. frequency and location) and procedures to follow;	This is addressed in Section 4.2, 4.4 and 4.5 of the CEMP, in the various sub-plans and the Work Method Statements as well as in the project Quality System documents.	Satisfied
AC13 3 h	environmental management instructions for all complex environmental control processes which do not follow common practice or where the absence of such instructions could be potentially detrimental to the environment;	Addressed by Section 3.7.2 of the CEMP Framework document, and the various Work Method Statements that are produced.	Satisfied
AC13 3 j	identification of cumulative impacts and mitigation measures for staged EMPs;	Not applicable. Stage EMPs are not being created for the construction phase of this project, and so cumulative impacts won't need to be separately identified.	Satisfied
AC13 3 k	consultation requirements with relevant government agencies; and	Addressed in section 1.3, 1.7, 3.9.3 and 3.9.4 of the CEMP Framework document.	Satisfied
AC13 3 n	measures to avoid and/or control the occurrence of environmental impacts;	Addressed in section 4.4, 4.5 and 4.6 of the CEMP Framework document.	Satisfied
AC13 3 o	measures (where possible and cost effective) to provide positive environmental offsets to unavoidable environmental impacts;	The RTA has provided a significant compensatory habitat package in liaison with DECC/NPWS for the project. A Translocation Plan has been prepared and implemented in consultation with DECC/NPWS for the translocation and management of threatened flora species associated with the project.	Satisfied
AC13 3 l	steps the Proponent intends to take to ensure that all plans and procedures are being complied with;	Addressed in Section 4 of the CEMP Framework document.	Satisfied
AC13 3 c	the role of the EMR;	Addressed in the CEMP Framework in Section 3.2.4, in the Project Deed Schedule 46, as well as in the EMR Services Implementation Plan.	Satisfied
AC13 3 m	community consultation and notification strategy (including local community, relevant government agencies, and Byron Shire Council), and complaint handling procedures.	Addressed in section 3.9 of the CEMP Framework document and in the Community Involvement Plan for the project.	Satisfied

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<p>AC14 The Proponent shall submit to the Director-General, a report(s) in respect of the environmental performance of the construction works and compliance with the EMP (Construction Stage) and any other relevant conditions of this approval. The reports shall be prepared six months after the start of substantial construction and thereafter at six monthly intervals or at other such periods as requested by the Director-General to ensure adequate environmental performance over the duration of the construction works. The report(s) shall include, but not be limited to, information on:</p> <p>(i) applications for consents, licences and approvals, and responses from relevant authorities;</p> <p>(ii) implementation and effectiveness of environmental controls and conditions relating to the work undertaken;</p> <p>(iii) identification of construction impact predictions made in the EIS and any supplementary studies and details of the extent to which actual impacts reflected the predictions;</p> <p>(iv) details and analysis of results of environmental monitoring;</p> <p>(v) number and details of any complaints, including summary of main areas of complaint, action taken, response given and intended strategies to reduce complaints of a similar nature; and</p> <p>(vi) any other matter relating to the compliance by the Proponent with the conditions of this approval or as requested by the Director-General.</p> <p>The report(s) shall be provided to the EPA, NPWS, DLWC, NSW Fisheries and Byron Shire Council, and any other relevant government agency nominated by the Director-General. The report(s) shall also be made publicly available.</p>	<p>The end of the first six monthly period was up to 20 January 06, and the first report was distributed by the RTA to DoP and the state agencies at end of January 06.</p> <p>The end of the second six monthly period was up to 20 July 06, and this report was finalised and distributed to RTA 20 Sept 2006, and to state agencies at the ERG meeting of 27 Sept 06, posted to DNR and Byron Council on 28 Sept 06, and RTA distributed to DOP.</p> <p>The third six monthly report was prepared in January 07, with RTA comments received at end of February 07. The final copy was distributed to DoP and Agencies by the RTA in March 07.</p> <p>The fourth and final six monthly report was held over until October 2007, with DoP permission, to capture the final stages of project construction. This is the last report for the project.</p> <p>The items (i) to (vi) are addressed in each six monthly report. Copies of the reports were available to the public at the Community Display Centre on site during the construction period, and an electronic copy remains available to the public through the project web site.</p>		Satisfied
<p>AC15 An Environmental Management Plan (Operation Stage) shall be prepared prior to the commencement of operation.</p>	<p>A draft Operational Environmental Management Plan (OEMP) was prepared in November 2006, and distributed to the EMR and all state and local government agency representatives by email on 5 December 2006. Comments were received by the agencies in January and February 2007. The collated OEMP document was finalised in March 2007 for distribution to the EMR for certification. Following a meeting with the EMR to discuss certification on 4 April 2007, the OEMP was revised and updated. With EMR certification received on 24 May 2007, the OEMP was forwarded to DoP by RTA. DoP acceptance received on 29 June 2007.</p>	EMR Certification 24 May 2007	Satisfied
<p>AC16 An Environmental Impact Audit report shall be submitted to the Director General, and the EPA, and upon request by the DG to any other relevant government authority, 12 months after the commissioning of the project.</p>	<p>This is not due until 12 months after the commissioning of the project. This is addressed in the OEMP.</p>		WIP

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AC17	<p>A Soil and Water Management Plan was prepared for the construction phase of the project in consultation with the following Agencies:</p> <p>DECC(EPA) draft sent 15 April 05 (RD71), Comments received 13 May (RD72), DIPNR(DLWC) draft sent 21 April 05 (RD73), Comments received 11 May (RD74), DPI(Fisheries) draft sent on 20 April 05 (RD75), Comments received 6 May (RD76), DECC(NPWS) draft sent 21 April 05, No comments received, Byron Council draft sent on 21 April 05, Comments received on 30 May 05.</p> <p>EMR Certification of the management plan (construction stage) was achieved on 10 June 2005. The sub-plan was prepared with reference to the guideline Managing Urban Stormwater - Soils and Construction (refer to section 3.6 and 6.1). Measures to treat and dispose water as well as water quality monitoring was included.</p> <p>A Soil and Water Management section was included as Appendix 6 to the operational phase Environmental Management Sub Plan (OEMP). This OEMP was submitted for review and comment to all the relevant agencies, RTA and EMR, and completed as part of condition AC15. With EMR certification received on 24 May 2007, the OEMP was forwarded to DoP by RTA.</p>	<p>Agency Comments compilation + response</p> <p>Byron Council Comments</p> <p>DEC(EPA) Comments</p> <p>DIPNR(DLWC) Comments</p> <p>DPI Fisheries Comments</p> <p>EMR Certification</p>	Satisfied

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AC18	<p>The Soil and Water Management Sub-Plan shall incorporate detailed erosion and sedimentation controls and site rehabilitation requirements, which shall be prepared and submitted to the satisfaction of DLWC and EPA and sufficient to address the technical requirements for obtaining relevant EPA approvals/licences.</p> <p>The DLWC, or an appropriately qualified soil conservationist shall be consulted on a regular basis to undertake inspections of temporary and permanent erosion and sedimentation control devices to ensure that the most appropriate controls are being implemented, that they are being maintained in an efficient condition at all times and meet the requirements of any relevant approval/licence condition(s).</p>	<p>Soil erosion and sediment control has been incorporated into the Soil and Water Management Plan (Construction stage), in Section 6 of the CEMP, and has been submitted and commented upon by the state agencies (see condition AC17 above). A DECC/EPA license for the project was issued on 6 June 2005.</p> <p>A series of Progressive Erosion and Sediment Control Plans (PESCPs) were prepared and updated during the construction period on a needs basis. The field advice from a Soil Conservationist was consulted on a regular basis. There has been a regular weekly erosion and sediment control site inspection regime implemented during the construction phase. This inspection regime has been reviewed regularly to ensure its effectiveness on site. Further, at a site meeting with the DNR representative (Josh Chivers) in September 2006, satisfaction was expressed with the standard of controls exhibited on site. Erosion and sediment control was also an issue of constant review at the regular project Environmental Review Group meetings.</p> <p>Soil erosion and sediment control has also been incorporated into the Soil and Water Management Plan (Operational stage), at Section 5 of Appendix 6 of the OEMP. Refer to status in condition AC17 and AC15 above.</p>	<p>Example Soil Conservationist Plan for Sept 2005</p> <p>Letter from DEC June 2005</p> <p>Letter from DNR Sept 2006</p>	Satisfied
AC19	<p>The Proponent shall develop, to the satisfaction of the EPA, procedures to control discharges of water at sites likely to be affected by flooding during the construction stage and to implement and review those procedures to the satisfaction of the EPA.</p>	<p>Procedures have been developed and documented as part of the Soil and Water Management Plan (refer to Section 6), as well as the Flooding and Drainage Management Plan (refer to Section 7). These have been submitted to the DECC for their comment (refer to conditions AC17 and AC23 in this table).</p> <p>Both the Soil and Water Management Plan and the Flooding and Drainage Management and have been site audited during the construction phase (in May/June 2006) and reviewed.</p> <p>Further DECC have been consulted during the development of various Work Method Statements for the project, as well as during regular project Environmental Review Group (ERG) meetings and the numerous site inspections.</p> <p>Regular discussions have been held between Abigroup and DECC concerning the on-going status of this Condition (ref email of 17 May 2006) and discussions on site (Friday 19 May 2006), and by email with Scott Hunter (DECC) on 13 April 2007.</p>	<p>Correspondance with DECC April07</p> <p>Correspondance with EPA May06</p>	Satisfied

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Condition	Verification	Attachments	Status	
AC20	<p>Prior to the commencement of construction, the Proponent shall investigate, in consultation with the NSW Department of Health and the EPA, the feasibility of using treated effluent from the Ocean Shores Sewage Treatment Plant for dust suppression and/or landscaping works. The investigation shall include assessment of the likely effects on surface water quality and groundwater quality from the use of any treated effluent. The results of the investigation shall be included in the Construction EMP referred to in Condition 13.</p>	<p>Reuse of Ocean Shores STP Treated Wastewater Feasibility Report was prepared, and submitted to NSW Health 2 May 05 (RD2) and submitted to DEC 2 May 05 (RD3). A response was received from Health on 30 May 2005, and DECC on 16 June 05. The report is located in Annexure C of the Soil and Water Management Plan (Construction phase) for the project. The groundwater impacts were not investigated as the water quality was unsuitable for public health and human contact.</p>	<p>Email DEC(EPA) Email Department of Health</p>	Satisfied
AC21	<p>All stormwater drainage, erosion, sedimentation and water pollution control systems and facilities of the proposal shall be located, designed, constructed, operated and maintained to meet the reasonable requirements of the relevant authorities including the EPA and DLWC and in consultation with NSW Fisheries. All facilities including wetland filters, grass filter strips, gross pollutant traps and sedimentation basins shall be inspected regularly and maintained in a functional condition for the life of the project by the Proponent unless the responsibilities are transferred to other parties with the approval of the EPA.</p>	<p>Liaison has been undertaken with state agencies during the development of the detailed drainage design. Input was sought during the 15% stage design development released in April 2005, and the 85% stage drainage design distributed on 1 September 2005. DECC(EPA and NPWS) provided combined comments on 19 September 05 on the 85% stage drawings. These comments were responded to on 10 October 05, with DECC confirming the response on 11 October 05. DNR (formerly DIPNR and DLWC) provided comments on 20 October 05 on the 85% stage drawings. These comments were responded to on 10 October 05, with DNR confirming the response on 10 October 05. Final DNR design review and confirmation occurred in September 2006. DPI(Fisheries) provided comments on 16 September 05 on the 15% stage drawings. Final design review and confirmation occurred in August 2006. The full set of final design drawings were handed to Scott Hunter (DECC) on 19 May 2006 for comment. No comment from DECC received, however a follow up email correspondence sent to Scott Hunter (DECC) on 13 April 2007 to confirm closure of this condition. This condition is satisfied for the Construction Stage, but because the condition has a 'maintenance' component it remains WIP into the Operation Phase.</p>	<p>Correspondance with DEC May06 Letter from DNR Sept 2006 Letter from DPI Fisheries August 2006 Letter to DEC Sept 2005 Letter to DLWC Sept 2005 Letter to DPI Fisheries Sept 2005 Teambinder Memo to DEC April 2006</p>	WIP

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC22	<p>The Proponent shall provide appropriate detention systems for containment of spills and materials arising from accidents and install appropriate detention systems to the satisfaction of the EPA. Lockable shut-off valves shall be provided at all points that discharge directly to natural watercourses.</p>	<p>This is included in specification for Water Quality Control Structures in SWTC Appendix 4 Section 4.16, and has been addressed by Abigroup's designers. Early drainage design drawings were released at the 15% detailed design stage in April 2005 for DECC comment, and again at 85% stage for comment in September 2005. Comments from DECC (combined EPA & NPWS response) received on 19 September 05 (see condition AC21 above).</p> <p>An email was sent to DECC indicating the general approach to be taken on the project 9 November 2005. The full set of final design drawings were handed to Scott Hunter (DECC) on 19 May 2006 for comment. No comment from DECC received, however a follow up email correspondence sent to Scott Hunter (DECC) on 13 April 2007 to confirm closure of this condition. Operational stage management was documented in the OEMP (operational stage) distributed to DECC (along with other state agencies), and finalised in accordance with condition AC15. Lockable shut-off valves have been provided on all spill basins.</p>	<p>Correspondence with DECC April07</p> <p>Email to DEC 19 May 2006</p> <p>Email to DEC 5 December 2006</p> <p>Email to DEC 9 November 2005</p> <p>Letter to DEC Sept 2005</p> <p>Memo Teambinder April 2006</p>	Satisfied
AC23	<p>As part of the EMP (Construction Stage) a detailed Flood/Drainage Management Sub-plan shall be prepared in consultation with EPA, DLWC and Byron Shire Council. The Sub-plan shall provide details on catchment analysis (including localised flooding as recognised by the Council), existing drainage systems and capacity, drainage changes resulting from the proposal and implications for the system, detention requirements and their environmental impacts.</p>	<p>This is addressed in the Flooding and Drainage Management Plan. Consultation with agencies has been undertaken with the following stakeholders</p> <p>DECC (EPA) sent 26 May, Comments received 17 June 2005 (RD96), Also letter received from DECC on 20 June 2005.</p> <p>DNR(DIPNR/DLWC) sent 26 May, Comments received 7 June 2005 (RD97),</p> <p>Byron Shire Council sent 26 May, Comments received 20 June 2005 (RD98).</p> <p>A technical presentation on flooding to Byron Shire Council with the EMR, RTA and DNR/DIPNR present occurred on 8 July 2005.</p> <p>Since the initial issue of the Flooding and Drainage Management Plan, the hydraulic designers (SMEC) have undertaken more detailed flood modelling and released this information in their specialist "Hydrologic and Hydraulic Study at Billinudgel" report in October 2005. The results of this study have been included in the revised and updated EMP sub-plan which was distributed to all state agencies at the ERG meeting of 27 September 2006. An extra copy was provided to the RTA to forward to DOP at this time.</p>	<p>Council Comments June 2005</p> <p>EMR Correspondance Tech Meeting 2005</p> <p>Letter from DECC 20 June 2005</p>	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC24	<p>The proponent shall ensure that tests are carried out in advance of excavation to test for the presence of acid sulphate soils in all areas to be disturbed by the proposal where acid sulphate soils have the potential to be present. These tests shall be undertaken in accordance with a strategy prepared to the satisfaction of EPA and DLWC.</p> <p>Should acid sulphate soils be found, a detailed Acid Sulphate Soil Management Sub-plan shall be prepared to the satisfaction of the EPA and DLWC prior to any additional construction activity taking place in the area affected. The Sub-plan shall include reference to the water quality monitoring program contained in the Soil and Water Quality Management Sub-plan. The Sub-plan shall be prepared in accordance with the Acid Sulphate Soils Manual (ASSMC, 1998). As part of the Sub-plan, a Contingency Plan to deal with the unexpected discovery of actual or potential acid sulphate soils shall be prepared to the satisfaction of the EPA and DLWC.</p>	<p>Tests have been carried out by Robert Carr and Associates July 2004 for the RTA.</p> <p>An Acid Sulphate Soils Management Plan has been prepared. Consultation with agencies has been undertaken with the following stakeholders:</p> <p>DECC (EPA) sent 27 April 05 (RD36), Comments received 12 May 05 (RD37)</p> <p>DNR(DIPNR/DLWC) sent 27 April 05, Comments received on 3 May 05.</p> <p>Consultation summary letter received from DECC on 20 June 2005.</p> <p>EMR Certification received on 10 June 2005.</p>	<p>EMR Certification ASS</p> <p>Letter from DECC 20 June 2005</p>	Satisfied
AC25	<p>As part of the EMP (Construction Stage), the Proponent shall identify the location of any cattle tick dip sites likely to be affected by the proposed works (including the Hainsville Dip) and details of appropriate management measures. These are to be developed in consultation with the EPA and NSW Agriculture.</p>	<p>This is addressed in the Spoil and Fill Management Plan. Consultation with state agencies has been undertaken with the following stakeholders:-</p> <p>DECC sent 27 April 05 (RD39), Comments received 12 May 05 (RD40), DPI(Agriculture) sent 27 April 05 (RD88), Comments received from DPI on 16 August 05.</p> <p>Byron Shire Council sent 27 April 05 (RD43), 30 May 2005.</p> <p>EMR Certification for the sub-plan received 10 June 2005.</p> <p>A remediation action plan has been developed for the site and submitted for consultation to:</p> <p>DECC - with comments received back on 27 September 05.</p> <p>DPI(Agriculture) - with comments back on 16 August 05.</p> <p>EPA Accredited Auditor- with comments back on 16 September 05.</p> <p>The site remediation took place on site from September 2005 to January 2007, and a Validation Report was prepared in January 2007 and has been completed and submitted to an EPA Accredited Auditor.</p>	<p>EMR Certification SFP</p> <p>RAP Cattle Tick AttA</p> <p>RAP Cattle Tick AttB</p> <p>RAP Cattle Tick AttC</p> <p>RAP Cattle Tick Dip Site</p> <p>RAP Cattle Tick Report Cover</p>	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status
<p>AC26 A detailed Noise and Vibration Management Sub-plan shall be prepared as part of the EMP (Construction Stage) to the satisfaction of the EPA. The Sub-plan shall provide details of noise and vibration control measures to be undertaken during the construction stage, sufficient to address the technical requirements for any EPA approvals/licences. The Sub-plan shall include, but not be limited to:</p> <ul style="list-style-type: none"> (i) tests for ascertaining acoustic parameters; (ii) identification of noise and vibration catchments and predicted noise and vibration levels; (iii) impacts from site compounds/construction depots; (iv) location, type and timing of erection of temporary and permanent noise barriers and/or other noise mitigation measures; (v) specific physical and managerial measures for controlling noise and vibration; (vi) noise and vibration monitoring, reporting and response procedures; and (vii) the urban design issues relating to noise and vibration control measures. <p>With respect to sub-clause (iv), the Proponent shall consider the use of a range of structural and non-structural noise mitigation measures including barriers, acoustic treatment of residences, scheduling of construction activities and temporary relocation of affected residents.</p>	<p>The Noise and Vibration Management Plan has been prepared in consultation with DECC, sent on 15 April 05 (RD66), and comments received 26 May 05 (RD67).</p> <p>EMR Certification received 10 June 2005. (RD68)</p> <p>Noise and vibration control monitoring requirements are included in the Environmental Protection Licence issued to the project on 6 June 2005.</p> <p>As part of the annual review of the CEMP, a revised Noise and Vibration Management Plan was distributed at the ERG meeting of 27 September 2006.</p>	EMR Certification NVP	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC27	<p>The Proponent must prepare an Operation Noise Management Report detailing its investigation of reasonable and feasible operation noise mitigation methods. The Proponent must obtain the approval of the Director General for the Report prior to construction commencing or within any other time agreed to by the DG. The report and investigation must be conducted in accordance with the NSW Government's Environmental Criteria for Road Traffic Noise and the RTA's Environmental Noise Management Manual. The report and investigation must include the following:</p> <ul style="list-style-type: none"> a) identification of operation noise criteria; b) predictions of noise levels at noise sensitive locations; c) location, type and timing of erection of permanent noise barriers and/or other noise mitigating circumstances; d) details of specific physical and managerial measures for controlling noise; e) details of reasonable and feasible noise mitigation measures. To assist in selecting noise mitigation options for road traffic an analysis for the entire Project must be undertaken in accordance with Practice Note IV of the RTA Environmental Noise Management Manual. The importance applied to aesthetic impacts (visual, shadowing, etc) and noise mitigation along the Project must be determined in consultation with the CLG and owners of noise affected, noise sensitive land uses. Among other options considerations should be given to the inclusion of clear panels within noise barriers to reduce visual and overshadowing impacts; f) the urban design issues relating to noise control measures; g) details of noise monitoring, reporting and complaint response procedures; h) consideration of noise mitigation for sensitive receptors predicted to have "future existing" noise levels in the year 2016 at an acute level or above. Acute noise levels are 65dBA Leg15hr(day) and 60dBA Leq9hy (night). <p>The Proponent must install all reasonable and feasible noise mitigation measures identified in the Operation Noise Management Report to the satisfaction of the Director General.</p>	<p>A 15% design stage Operating Noise Management Report was prepared and submitted to RTA and RTA forwarded to DOP for review in June 2005.</p> <p>An 85% design stage Operating Noise Management Report was prepared and distributed for comment in December 2005. The 85% stage report was revised following receipt of comments and (Version 9) was released in April 2006. RTA submitted this to DOP.</p> <p>A presentation of the ONMR was delivered at the CLG meeting of 7 December 2005.</p> <p>The 85% report covers all the listed included items:</p> <ul style="list-style-type: none"> a) in Section 3.5 b) in Section 5.3 & Annexure E c) in Section 5.4 & Annexure C d) in Section 5.4 e) in Section 3.4 & 5.4 f) in Section 6.0 g) in Section 7.0 & Annexure K h) in Section 5.3.1 <p>A final 100% stage ONMR was issued to the RTA in December 2006. The RTA have made comments on this report and Abigroup's consultants revised this report by responding to RTA comments. A revised 100% report was completed in March 2007 and submitted to the RTA. Following review by the project independent verifier (Hyder P/L), a certificate of verification was provided on 2 April 2007 for RTA, and the complete report has been forwarded by RTA to DoP. DoP acceptance received on 29 June 2007.</p>	<p>Email RTA on 15 percent June05</p> <p>Email RTA on ONMR completion 2 April 07</p> <p>Project Verification of ONMR 2 April 07</p>	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC28	<p>All construction activities, including entry and departure of heavy vehicles are restricted to the hours of 7.00am to 6.00pm (Monday to Friday); 8.00am to 1.00pm (Saturday) and at no time on Sundays and public holidays. Works outside these hours that may be permitted include:</p> <p>(i) any works which do not cause noise emissions to be audible at any nearby residential property;</p> <p>(ii) the delivery of materials which is required outside these hours as requested by police or other authorities for safety reasons;</p> <p>(iii) emergency work to avoid the loss of lives, property and/or to prevent environmental harm; and</p> <p>(iv) any other work as approved by the EPA. Any work outside the hours specified shall be subject to approval from the EPA. Public notification shall be in a manner to the satisfaction of the EPA.</p>	<p>This is addressed in the CEMP Framework document in Section 3.7.4 and in the Environmental Protection Licence (EPL) issued by DECC(EPA).</p> <p>In accordance with the conditions in the licence issued by the DECC Clause L7.1, and upon agreement with the CLG, numerous out of hours works have been proposed and agreed to, including Saturday hours which were extended from 7am to 3pm. Other out of hours works are discussed and recorded in the Minutes of Meetings with the CLG.</p> <p>The Community Relations staff undertake notifications to potentially affected residents for out of hours works, and manage any complaints. Some examples are attached, such as the nightworks for culvert excavation and installation works across the Pacific Highway on 7 December 2005. As part of the Environmental Protection Licence issued by DECC out-of-hours approvals are managed in consultation with the CLG, and the DECC are also informed of public notification of out of hours work.</p> <p>Toolbox training in working hours have been delivered as reminders to all field crews and subcontractors in October/November 2006 and further series of reminders in January and May 2007.</p>	<p>Example of Sunday Work permission</p> <p>Example of Toolbox Training Jan07</p> <p>Example of Toolbox Training Oct06</p> <p>Night Works Notification Example</p> <p>Saturday Hours Notification Example</p>	Satisfied
AC29	<p>The Proponent shall ensure that construction noise is within the following criteria unless otherwise agreed by the EPA: Refer to subconditions.</p> <p>Construction noise levels shall be monitored to verify compliance with the requirements specified in the Noise and Vibration Management sub-plan and where relevant the Noise Impact Statements. Should monitoring indicate exceedance the Proponent shall ensure consultation with the EPA and implement any additional mitigation measures as required.</p>	<p>This is addressed in the construction-stage Noise and Vibration Management Plan.</p> <p>The results of construction stage noise level monitoring are listed in the monthly monitoring reports that are forwarded to the DECC(EPA) every month. These are also contained in the appendix to the Six Monthly Report.</p> <p>The monthly monitoring reports also document any noise mitigation or follow up actions resulting from the noise monitoring. Reasonable and feasible noise mitigations are identified and implemented by the relevant engineers before predicted noisy activities are due to commence. Where monitoring indicates noisy activity from the construction site that exceeds the levels predicted in the Noise and Vibration Management Plan, these are discussed at the Community Liaison Group meetings, in accordance with the requirements of the DECC(EPA) Environmental Protection Licence. An example is bridge piling at Billinudgel for Bridge 8, discussed at the CLG meeting of 7 June 2006. Noisy activities that are sensitive, such as the February 2006 night pour for the Brunswick River Bridge, were planned with a special Work Method Statement developed in consultation with the DECC(EPA).</p>		Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status
AC29 a	for a construction period of four weeks or less, the L10 level measured over a period of not less than 15 minutes when the construction site is in operation shall not exceed the background level by more than 20dB(A);	This is addressed as Construction Noise Level Goals in Table 4.2 in the Noise and Vibration Management Plan.	Satisfied
AC29 b	for a construction period of greater than four weeks but less than 26 weeks, the L10 level measured over a period of not less than 15 minutes when the construction site is in operation shall not exceed the background level by more than 10dB(A); and	This is addressed as Construction Noise Level Goals in Table 4.2 in the Noise and Vibration Management Plan.	Satisfied
AC29 c	for a construction period greater than 26 weeks, the L10 level measured over a period of not less than 15 minutes when the construction site is in operation shall not exceed the background level by more than 5dB(A).	This is addressed as Construction Noise Level Goals in Table 4.2 in the Noise and Vibration Management Plan.	Satisfied
AC30	As far as practicable, vibratory compactors shall not be used closer than 15 m from residential buildings and the use of rock breakers no closer than 25 m from residential buildings. Should it be necessary to use vibratory compactors closer than these limits, building condition surveys of all buildings and structures likely to be affected shall be undertaken before and after use of this type of equipment.	<p>This is addressed in the construction stage Noise and Vibration Management Plan at section 3.7.3.</p> <p>Dilapidation surveys have been undertaken for all buildings within close proximity to the project, in reference to RTA's G36 requirements.</p> <p>There were no rock breakers on site closer than 25 metres to neighbouring buildings.</p> <p>Field tests with vibration monitoring equipment at nearby residents was undertaken in October and December 2005 to assess and provide feedback on the effects of vibration from compaction equipment. Further vibration monitoring has also been undertaken in response to community complaints at residents located beside the Rajah Noise Wall and elsewhere during March, May and November 2006. The results are included in the monthly monitoring reports. Vibratory roller restrictions occur on the project next to residents, and also outside the Billinudgel industrial area (even though this is not strictly a residential area).</p>	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status
<p>AC31</p> <p>The Proponent shall ensure that the noise mitigation measures described in Appendix E of the Director-General's Report are implemented prior to the commencement of substantial construction unless otherwise agreed by the EPA.</p> <p>All other noise mitigation measures, including those referred to in Condition 33, shall be implemented prior to the commencement of construction where practical.</p>	<p>The following 'at residence' measures have been completed by the RTA with the following residences:</p> <p>1 & 2 Rajah Rd 2, 3, 5, 7 Arika Ave 1 & 2 Oola Close 1 & 2 Oba Place 23 Weeronga Way.</p> <p>Treatment was completed by the RTA prior to January 2005 on all except 1 & 2 Rajah Rd where treatment was completed by June 2005.</p> <p>Included in Operational Noise Management Report.</p> <ol style="list-style-type: none"> 1. RTA purchased and treated 1 & 2 Oba Place and 1 & 2 Oola Close. At 3 Oola Close, treatment was provided (reglazing and ducted air conditioning). 2. Road side noise barriers have been constructed at this location. 3. RTA purchased Villa Ruidosa, which has been demolished as part of construction works. 4. RTA has completed treatment to 19 and 21 Gilba Ave, 121 Balemo and 123 Balemo Drive. 5. Industrial air conditioning units have been installed in the Christian Life Centre. 6. Treatment has been completed on 171 Billinudgel Rd and Lot 3 (Stock Route Rd) Billinudgel Rd. 7. Treatment has been completed on 170 and 175 Billinudgel Rd as well as Lot 2 (22) and Lot 2 (24) (Stock Route Rd) Billinudgel Rd. <p>The permanent noise wall from Rajah Road was the subject of a separate agreement with DECC(EPA) because of the constructability of this structure due to its proximity to a neighbouring retaining wall. Where there was a delay in the construction of the final Noise Wall, a temporary noise curtain was installed. This Noise Wall was completed in March 2006.</p>	<p>Meeting with DECC on Noise Wall Aug05</p>	<p>Satisfied</p>
<p>AC32</p> <p>Blasting shall only be undertaken between 9am and 3pm, Monday to Friday and not on Saturdays, Sundays or public holidays unless otherwise agreed by the EPA.</p>	<p>There has been no blasting on ther project. Addressed in the Noise and Vibration Management Plan in Section 3.6.</p>		<p>Satisfied</p>

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC33	<p>The Proponent shall consult with those landowners on Bashforth Lane on the western side of the Brunswick Bypass for whom noise mitigation measures are proposed to be implemented.</p>	<p>This has all been managed by the RTA. Agreement was reached on the form of treatment in August 2004. Refer to signed Deed of Release 14 December 2004. Negotiations commenced in February 2004. Type of treatment agreed as: * ducted fresh air and air conditioning in the upstairs residence. * split air conditioner in the one bedroom facing the highway in the downstairs area. * reglazing (6.38mm) of all bedroom windows and doors in upstairs residence. Works were undertaken during January 2005 and completed as per the agreed treatment. Refer to B2Y Noise Contact List. Documented by Isabel Borrelli 21.4.2005.</p>		Satisfied
AC34	<p>Monitoring of noise when operational shall be undertaken as part of the Noise and Vibration Management Plan.</p>	<p>Monitoring of noise when operational commenced on 22 October 2007. This was addressed in section 7 of the Operation Noise Management Report for the project.</p>		Satisfied
AC35	<p>The Proponent shall implement the conditions contained in Section 10 of 'Concurrence Report for the Proposed Upgrading of the Pacific Highway from Brunswick to Yelgun and the Duplication of the Brunswick Heads Bypass' (NPWS, 1999) unless otherwise agreed by the NPWS.</p>	<p>The DEC(NPWS) Concurrence Conditions are addressed in the Flora and Fauna Management Plan, part of the CEMP, in Table 3.2. Also refer to separate compliance table for status of the NPWS Concurrence Conditions.</p>		Satisfied
AC36	<p>As part of the EMP the Proponent shall prepare in consultation with NPWS a detailed Flora and Fauna Management Sub-plan. The Sub-plan shall be prepared prior to construction and shall identify requirements for seed collection, strategies for minimising vegetation clearance and protection of vegetated areas outside the direct impact zone, controlling impacts due to spillages, spread of debris and refuse, movement and storage of materials and equipment, clearance of vegetation and soil for construction, revegetation of cleared areas, weed control including aquatic species, handling of any fauna and measures to manage drainage from the project in the vicinity of SEPP 14 wetlands.</p>	<p>The issues are documented in the Flora and Fauna Management Plan, which has been prepared in consultation with: DECC(NPWS) sent 21 April 05, Comments received 10 May 05. DPI(Fisheries) sent 22 April 05, Comments received 6 May 05. EMR Certification received 15 June 2005.</p>	EMR Certification FFP	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC37	<p>The proponent shall identify the position of all threatened flora species within or close to the road footprint to sub-metre accuracy and demonstrate in the Pre-Construction Compliance Report how the detailed design of the proposal has been developed to minimise impacts on these species.</p>	<p>Addressed in Annexure A to the Pre-Construction Compliance report.</p> <p>There exists a 1 to 3 metre Construction Buffer Zone along most of the project alignment, which is designed to limit the extent of vegetation clearing.</p> <p>A Threatened Species Translocation Plan, along with four addenda, has been prepared for the project by both the RTA (which undertook the bulk of the translocation prior to the commencement of construction) and Abigroup, and actioned in consultation with DECC(NPWS).</p> <p>The protection afforded to the Hairy Joint Grass (<i>Arthraxon</i>) on an adjoining property is a good example of the protection measures used on site:</p> <ul style="list-style-type: none"> •Maintain a fenced off 15m buffer (parraweb fencing) of surrounding vegetation. •Install parraweb fencing along the freshwater wetland (allowing a 30m buffer from the EEC) •Deliver Toolbox training to field personnel working in the vicinity •Install vegetation protection signage on the parrawebbing surrounding the <i>Arthraxon</i> and adjacent to the EEC. •RTA prepared a population management plan for the long term management of the Hairy Joint Grass. 		Satisfied
AC38	<p>The Flora and Fauna Management Sub-Plan shall contain mitigation measures to protect trees during construction. Consideration shall be given to the recommendations contained in Section 11.0 of 'Review of Ecological Aspects - Proposed Brunswick to Yelgun Pacific Highway Upgrade Routes A2 and J1' (Payne, 1999).</p>	<p>These mitigation measures were addressed in the Flora and Fauna Management Plan section 5.2.</p>		Satisfied
AC39	<p>A qualified ecologist shall be consulted on the location of individual rare or threatened plants or communities, to ensure minimal disturbance to native vegetation, to provide direction on methods for relocation and/or replacement plantings, and to ensure implementation of rehabilitation works as soon as practicable.</p>	<p>This has been addressed in the Flora and Fauna Management Plan section 5.2 and 5.3.</p> <p>A project flora ecologist was employed by the project team to provide ecological guidance, and has prepared the Threatened Species Translocation Plan and overseen its implementation and of its addenda. Details of some of the consultation is documented in the six monthly reports.</p>		Satisfied
AC40	<p>If, during the course of construction, the Proponent becomes aware of the presence of any threatened species which are likely to be significantly affected and are not recognised in an existing concurrence from NPWS for the proposal under the Threatened Species Conservation Act 1995, the Proponent shall immediately advise the Director-General of the NPWS. No activity which places any of these species at risk shall be undertaken until advice has been received from the NPWS. All recommendations by the NPWS shall be complied with prior to any works likely to affect any threatened species.</p>	<p>This has been addressed in the Flora and Fauna Management Plan. When new threatened species plants were found, DECC were contacted, and if requested an addendum to the Threatened Species Translocation Plan was prepared. Some examples were the plants discovered adjacent to Fill 4, with DECC notified by Abigroup email on 28 October 2006, and approval to the addenda given by DECC on 14 November 2006. Another example is the Hairy Joint Grass that was discovered on adjacent land near Fill 8C, and managed by the RTA. For more details see the NPWS Concurrence Condition.</p>		Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC41	<p>Seed of locally endemic species shall be collected prior to the commencement of construction to provide seed stock for revegetation purposes to the satisfaction of a appropriately qualified specialist. Topsoil and leaf mulch shall be stripped and stored for placement back in the vegetation zone from where it was removed.</p>	<p>This has been addressed in the Flora and Fauna Management Plan in Section 5.2.6, and also in the Urban Design and Landscape Plan for the project.</p> <p>Local native seed has been collected by the project ecologist, Dr Andrew Benwell, since the early stages of the project. Likewise, topsoil and mulch has been stockpiled and reused on the project.</p> <p>On 12 December 2005 the bulk of the locally collected native seed was delivered by Dr Benwell to a local native nursery for propagation in preparation for the landscaping component of the project. That seed has been grown, and the tubestock planting program began in August 2006 and continued in stages through to October 2007 as part of a progressive revegetation program.</p>	<p>Photo Plant Propagation Feb06</p> <p>Photo Seed Collection July05</p>	Satisfied
AC42	<p>Weed infested topsoil as identified by a qualified ecologist shall not be used in the rehabilitation works unless it is to be sterilised or treated as specified by the ecologist. Measures to control invasion of weeds during operation of the proposal, including aquatic weed species, shall also be addressed.</p>	<p>Initially addressed in the Flora and Fauna Management Plan section 5.2.5.</p> <p>A Weed Management Strategy was prepared by the project ecologist, Dr Andrew Benwell, to the satisfaction of DEC(NPWS) Letter dated 1 Aug 2005 - refer to NPWS Concurrence Conditions. As part of the strategy, prior to clearing in the worst weed infested areas the field operators were toolbox trained. In accordance with the Weed Management Strategy, weed infested topsoil was buried within the project corridor so the weeds won't become a problem and only good topsoil was stockpiled for reuse.</p> <p>Weed management during the maintenance (operational) phase of the project is detailed in the EMP(Operational) in Section 3.5.</p>	<p>DEC Letter 1 August 2005</p> <p>Weed Field Checklist Example</p> <p>Weed Management Strategy July 2005</p> <p>Weed Management Strategy Plan2</p> <p>Weed Management Strategy Plan3</p> <p>Weed Management Strategy Plan4</p> <p>Weed Management Strategy Plan5</p> <p>Weed Management Strategy Plan6</p> <p>Weed Management Toolbox Example</p>	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status
<p>AC43 Unless otherwise approved by the EPA, cleared vegetation shall not be burnt. Rather, as much as possible shall be mulched and stored for use in rehabilitation. All reasonable measures to use any surplus vegetation shall be undertaken including donation to community groups, distribution to the local community, etc.</p>	<p>No cleared vegetation was burnt on the project. During the clearing and mulching operations, significant quantities of mulch have been made available to community and community groups. See letters of appreciation for mulch donations. Timber has been either mulched or stockpiled for reuse. Mulch ha been also stockpiled for reuse in final landscaping. Some mulch has also been used on the project as an alternative form of sediment control.</p> <p>Some large logs were used by DPI Fisheries in a river re-snagging program in March 2006.</p> <p>This is also addressed in the operational phase OEMP Waste and reuse Management SubPlan section 4.7.</p>	<p>Mulch Donation Letter of Appeciation</p> <p>Mulch Donation Letter of Offer</p>	<p>Satisfied</p>

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC44	<p>Prior to the commencement of construction, a detailed Urban Design and Landscape Sub-plan shall be prepared in consultation with Byron Shire Council and the Community Liaison Group. The Sub-plan shall include sections and perspective sketches. The Sub-plan shall include the location and names of existing and proposed tree and shrub species, mounds, bunds, structures or any other proposed treatments, finish of exposed surfaces (including paved areas), use of public art, measures to preserve biodiversity along the roadside, colours and specifications, staging of works, methodology of landscaping works, monitoring and maintenance. The Sub-plan shall also include landscape strategies incorporating other environmental controls such as erosion and sedimentation controls, drainage, noise mitigation, lighting etc.</p>	<p>An Urban Design and Landscape Plan was prepared before the start of substantial construction and distributed for comment.</p> <p>The plan has been developed in consultation with the Community Liaison Group, RTA and Byron Shire Council. The following chapters/sections of the plan address the requirements of this condition,</p> <ul style="list-style-type: none"> * Sections and perspective sketches are addressed in chapter, B, C, D, E, F and I. * Location and names of existing trees and shrub species are addressed in chapter A and Appendix 1. * Location and names of proposed trees and shrub species are addressed in chapters F and H. * Mounds and Bunds are addressed in chapters D, E and F. * Structures are addressed in chapters B, C and D. * Materials, finishes and colour are addressed in chapter J. * Public Art has been developed for the BH north area. * Biodiversity preservation is addressed in chapter F. * Staging of works is addressed in chapter K. * Methodology of landscape works is addressed in chapter F. * Monitoring and maintenance are addressed in chapter F. * Landscape strategies: Erosion and Sedimentation is addressed in chapter F. * Noise mitigation is addressed in chapter D, and Lighting is addressed in chapter G. <p>The Community Liaison Group (Refer Minutes of first Meeting). Follow up presentation to the Community Liaison Group in November 2005 and May 2006. Numerous follow up presentations to the CLG have occurred - Refer to summary sheet attached. Copies sent to Byron Council in June 2005.</p> <p>Certification has been provided by the EMR on 19 July 05. 100% design stage landscape design drawings have since been issued in July 2006. Certification has also been provided by the EMR for the detailed design stage of the urban and landscape design for the project on 20 April 2007, and RTA have sent the 100% stage UDLP to DoP. A letter indicating satisfaction of the UDLP by DoP is dated 8 May 2007.</p>	<p>EMR Certification UDLP April07</p> <p>EMR Certification UDLP July05</p> <p>Summary against requirements</p>	Satisfied
AC45	<p>All landscaping works undertaken outside the road reserve shall be monitored and maintained by a suitably qualified landscape specialist for a period of not less than three years from commissioning of the road unless otherwise agreed with relevant landowners.</p>	<p>The monitoring and management of the landscaping will be on-going during the maintenance phase of the project. This has been detailed in the operational phase Maintenance Manual (the OEMP Section 3.5), for the project. This is also addressed in the Landscape Management Report. This condition is not part of the Pre-Operation Compliance Report. This work will remain WIP through the operational phase of the project.</p>		WIP

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC46	<p>As part of the EMP(s) (Construction Stage) and (Operation Stage), the Proponent shall prepare an Indigenous Heritage Management Sub-plan. The Sub-plan shall identify archaeological items and present management options. In the preparation of the Sub-plan, the Proponent shall consult with Byron Shire Council, NPWS and the Tweed-Byron Local Aboriginal Land Council.</p>	<p>These items are addressed in a construction stage Heritage Management Plan prepared in consultation with agencies and organisations:</p> <p>DECC (NPWS) sent 15 April (RD46), Comments received 10 May (RD47), TBLALC sent on 15 April (RD48), No comments received, Byron Shire Council sent 15April (RD49), No comments received.</p> <p>EMR Certification received 14 June 2005.</p> <p>An operation stage OEMP has also been prepared with a Heritage Management SubPlan as an appendix to the OEMP (refer to AC15 for consultation with authorities). The OEMP was approved by the DoP.</p>	EMR Certification HMP	Satisfied
AC47	<p>Prior to disturbance of any identified Aboriginal site(s), the Proponent shall, at its own expense, comply with the requirements of the NPWS and where appropriate the relevant Local Aboriginal Land Council(s).</p>	<p>Addressed in the Heritage Management Plan in Section 6.</p> <p>An application to disturb the last remaining Aboriginal heritage site JW-OS-4 (PAD 7) was assessed by DECC(NPWS), with a Consent to Destroy issued 14 December 2005.</p> <p>Representatives of the Tweed Byron Local Aboriginal Land Council (TBLALC) have been on site to inspect initial ground disturbing works. A Final Report has been submitted to the DECC(NPWS) in March 2006 concerning the impacts to the identified sites during the initial site disturbance phase of the construction.</p> <p>During construction when objects were found that were suspected as being items of indigenous heritage significance, further consultation and site visits were developed with representatives of DECC and TBLALC. This occurred in August and November 2006 and reports were submitted to DECC at the time.</p>		Satisfied
AC48	<p>The Proponent shall protect the scarred tree identified as site BH-ST-1 (as defined in the EIS) during construction of the works and shall ensure there is no direct disturbance of this site. Mitigation measures shall be developed in consultation with NPWS and included in the Indigenous Heritage Management Sub- plan to minimise any indirect impacts on this site.</p>	<p>Identified in the Heritage Management Plan and located on the Sensitive Area Plan.</p> <p>This scarred tree has been fenced off on site, and during construction has been inspected by members of the TBLALC.</p> <p>The tree has also been inspected by an arborist in March 2006, and representatives of DECC were kept informed of protection status during construction.</p> <p>The scar tree has also been identified for protection in the OEMP.</p>	<p>Correspondance with DEC March 06</p> <p>Photo 1 after wind in March 06</p> <p>Photo 2 showing fence protection</p>	Satisfied
AC49	<p>Temporary protective fences shall be placed around all sites considered to be archaeologically sensitive.</p>	<p>Sites have been Identified in the Sensitive Area Plan. Protection is addressed in the Heritage Management Plan in Section 6 and the Flora and Fauna Management Plan.</p> <p>Sites have been fenced and maintained on site in accordance with the Management Plan.</p>		Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC49a	<p>The Proponent must ensure that a qualified archaeologist is present prior to and during initial site clearance for construction of the project in the vicinity of SEPP 14 Wetlands Nos. 62 and 65 and the Brunswick Heads Nature Reserve (i.e. between chainages 44600 and 45400 shown on Figure 4.5 of the REF). The Proponent must also ensure that a representative of the Tweed-Byron Local Aboriginal Land Council is invited to be present during the same works.</p>	<p>On numerous occasions the archeologist and representatives of the TBLALC have been on site to witness early clearing and disturbance to nominated areas. This work is now complete.</p>	<p>Aboriginal Presence Summary</p>	Satisfied
AC50	<p>As part of the EMP(s) (Construction Stage) and (Operation Stage) (as applicable), the Proponent shall prepare a Non-Indigenous Heritage Management Sub-plan. The Sub-plan shall identify heritage items and present management options. In the preparation of the Sub-plan, the Proponent shall consult with any local historical societies, relevant Heritage authorities and Byron Shire Council. This Sub-plan shall include consideration of the potential for the development of interpretative facilities in the Brunswick River southern foreshore area (refer Condition 67) and in the vicinity of Salad Bowl Caravan Park in consultation with Council and the Community Liaison Group.</p>	<p>Included in the construction stage Heritage Management Plan. Consultation with agencies has been undertaken:</p> <p>Heritage Office sent 15 April 2005 (RD51), Comments received 13 May (RD52), Brunswick Valley Historical Society sent on 15 April 2005, Comments received on 18 May 2005. Other consultation as per condition AC46.</p> <p>Consideration of the potential for the development of interpretive facilities has occurred through the community liaison group and council at various project CLG meetings (for example CLG meetings No 3 on 8 June 2005, and No 10 on 1 Feb 2006). The RTA has prepared an interpretive facility for the Salad Bowl Caravan Park site which will be erected shortly. The RTA is also preparing an interpretive facility beside the Brunswick River Southern Foreshore Area which will be completed shortly. The operation stage OEMP has also been prepared, with Heritage Management SubPlan as an appendix to the OEMP, refer to AC15 for consultation with authorities. The operation OEMP was approved by DoP on 29 June 2007.</p>		Satisfied
AC51	<p>If during the course of construction the Proponent becomes aware of any heritage items or archaeological material, all work likely to affect the site(s) shall cease immediately and the relevant authority(s) shall be consulted to determine an appropriate course of action prior to the recommencement of work at that site. Appropriate supporting documentation would need to accompany any application for required permit/consent(s).</p>	<p>Procedures for the discovery of relics has been identified in the Heritage Management Plan in Section 6. One such unexpected discovery has been an old jetty in July 2005, and at the request of the Heritage Office (20 July 2005) a heritage assessment report was prepared by the project archaeologist, and sent to the local council and Heritage Office. A stone implement was found on 23 August 2006, and another on 24 November 2006. The TBLALC and DECC were notified on both occasions, with a short report prepared in each case (copy attached). The stone implements were taken away for protection by DECC and TBLAC respectively.</p>	<p>DECC Acknowledge August 06 Report</p> <p>DECC Sent November 06 Report</p> <p>Jetty Find July 2005</p> <p>Stone Object Find August 2006</p> <p>Stone Object Find November 2006</p>	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status
AC52	As part of the EMP(s) (Construction Stage), a specific Construction Stage Air Quality Sub-plan shall be prepared to the satisfaction of the EPA. The Sub-plan shall provide details of dust monitoring locations and all dust control measures to be implemented during the construction stage, sufficient to address the technical requirements for any EPA approvals/licences. The Sub-plan shall include measures to reduce dust from stockpiles and cleared areas or other exposed surfaces.	An Air Quality Management Plan has been prepared in consultation with agencies: DEC(EPA) sent 8 April (RD78), Comments received 6 May (RD79), EMR Certification received 24 May 2005 (RD80).	EMR Certification AQP Satisfied
AC53	The proponent shall ensure dust monitoring is undertaken at the food manufacturing and retail premises located on the corner of Wilfred Street and the Pacific Highway, Billinudgel during construction and shall implement any reasonable additional mitigation measures at this location to reduce dust impacts.	Addressed in the Air Quality Management Plan and the six monthly report. Project dust gauge site number 8 is located directly outside the pie shop at Billinudgel. This gauge is monitored and results released monthly. Reasonable extra mitigation measures was documented in a Billinudgel Work Method Statement. The earthworks batters were sprayed with a soil binder (as an erosion control measure) and the boundary was protected with a shade cloth screen, in consultation with the manager of the food preparation business. The areas have now been landscaped.	Satisfied
AC54	All construction vehicles using public roads shall be maintained and covered as required to prevent any loss of load, whether in the form of dust, liquid, solids.	Addressed in the Air Quality Management Plan. This information is covered in the project site induction. Site personnel have been reminded of this condition in field toolbox sessions. Loaded trucks have their loads covered when travelling on public roads. Toolbox reminder training was delivered concerning this on the project during the construction period.	Example of Toolbox reminder training Satisfied
AC55	No open burning or incineration shall be permitted on site unless otherwise approved by the EPA.	Addressed in the Air Quality Management Plan. No burning has occurred for the duration of the construction period of the project.	Satisfied
AC56	Agreement on the management of construction traffic on local roads shall be reached with the relevant Council prior to commencement of construction. The Proponent shall monitor the use of local roads by heavy vehicle traffic to the satisfaction of the local Council and shall consult with the local Council to develop measures to minimise and/or restrict use of local roads by heavy vehicle traffic involved in project construction if so required. Truck access points from local roads to the site and truck routes on local roads shall be designated prior to commencement of bulk earthworks in consultation with the relevant Council.	A Traffic Management and Safety Plan was developed and forwarded to Byron Shire Council for comment and consultation on 29 April 2005. There has been ongoing correspondence and consultation with Byron Council concerning Traffic Access, and these are indicated in the attached Meeting reports. Traffic access points were planned a designated locations along with traffic management plans. The haulage of all heavy, bulk earthworks was either within the upgrade alignment or on the Pacific Highway. Monitoring, liaison and correspondence with council has been on-going during the construction period with Abigroup and Council officers.	Initial Email Contact with Council April 05 Meet with Council also Oct 05 Meet with Council April 05 Meet with Council April 06 Meet with Council March 06 Meet with Council May 06 Meet with Council Oct 05

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC57	<p>A road dilapidation report shall be prepared for all non-arterial roads likely to be used by construction traffic prior to commencement of construction and after construction is complete. Copies of the report shall be provided to all relevant councils. Any damage aside from that resulting from normal wear and tear shall be repaired at the cost of the Proponent.</p>	<p>A dilapidation survey was undertaken prior to construction commencing. The local roads covered by the dilapidation reports include the following:- Bashforth Lane, Bonanza Drive, Lucky Lane, Rajah Road, Saddle Road and Wilfred Street. Copies of the dilapidation report were sent to Byron Shire Council in May 2005, and another copy handed to Brett Lee (Director Infrastructure) on CD on 19 October 2005. In consultation with Council repair works were undertaken on Rajah Road, Coolamon Scenic Drive, Balemo Drive, Wilfred Street and the Tunnel Rd.</p>	EMR Certification SFP	Satisfied
AC58	<p>All local service roads shall be constructed to standards as negotiated with the relevant local Council. The Proponent shall negotiate with the relevant local Council regarding contributions to costs for maintenance and enhancement.</p>	<p>This is an RTA retained responsibility. The Project Deed, SWTC, Appendix 20 s20.1.2(a) provides the agreed (with Byron Council) design criteria for the Service Roads. With regard to other local roads S20.1.2(b) requires that "Local roads and connections to local roads are to be designed to meet the requirements of Byron Shire Council." These requirements were progressively negotiated with Council resulting in the preparation of a document titled "Schedule of Local Roads and Byron Shire Council Requirements". This document was issued to tenderers as Information Document 64. A number of meetings have been held between Byron Shire Council and the RTA (24/11/04, 20/9/05, 18/9/06, 22/3/07, 26/6/07 and 20/9/07), and through negotiation agreement has been reached on extents of responsibility. Council are assessing the financial implications of this, and final resolution is expected by November 2007.</p>		Satisfied
AC59	<p>As part of the EMP(s) (Construction Stage), the Proponent shall prepare a Spoil Management Plan. This Plan shall identify how excavated material would be handled, stockpiled, reused and disposed. The Plan shall be prepared in consultation with the EPA and Council before the commencement of construction at relevant sites.</p>	<p>A Spoil and Fill Management Plan has been prepared. Consultation with: DECC (EPA) sent 27 April 05 (RD55), Comments received 12 May 05 (RD56), DIPNR (DLWC) sent 27 April 05 (RD57), Comments received 3 May 05 (RD58), Byron Shire Council sent 27 April 05 (RD59), Comments received 30 May 2005. Certification from EMR received 10 June 2005.</p>	EMR Certification SFP	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC60	<p>All clean and/or treated excavated material shall be reused or recycled where possible and cost effective to do so. The Proponent shall ensure that the use of excavated material generated from construction activities is maximised in preference to any import of fill.</p>	<p>Addressed in the Spoil and Fill Management Plan in Section 6.</p> <p>No clean material from the site has gone to landfill. Select material has been imported for specialist work on the project, and all clean material has been reused.</p> <p>A mass haul matrix is contained in Annexure C of the Spoil and Fill Management Plan, which was developed as a guide to have a balanced cut/fill earthworks balance.</p> <p>An example of the use of excavated material used in fill operation is the truck loading from Cut 6 to the Brunswick Bypass, and also the use of scrapers in the north.</p> <p>Spoil sites have been created on site or next to site in consultation with RTA and the adjoining landowner allowing surplus material to be reused.</p>		Satisfied
AC61	<p>As part of the EMP(s) (Construction Stage) and (Operation Stage) as relevant, a detailed Waste Management and Reuse Sub-plan shall be prepared to the satisfaction of the EPA. The Sub-plan shall address the management of wastes during the construction and operation stages respectively. It shall be prepared prior to construction, and shall identify requirements for:</p> <p>(i) waste avoidance; (ii) reduction; (iii) reuse; and (iv) recycling,</p> <p>and details of requirements for:</p> <p>(i) handling; (ii) stockpiling; (iii) disposal of wastes: specifically contaminated soil or water, concrete, demolition material, cleared vegetation, oils, grease, lubricants, sanitary wastes, timber, glass, metal, etc.; and (iv) identifying any site for final disposal of any material and any remedial works required at the disposal site before accepting the material.</p> <p>Any waste material that is unable to be reused, reprocessed or recycled shall be disposed at a landfill licensed by the EPA to receive that type of waste.</p>	<p>These items are all addressed in the Waste and Reuse Management Plan prepared for the project. Refer to sections 1.1, 1.2, 1.3, 6.4, 6.6, 6.7, 6.8, Table 4.4 and Annexure B</p> <p>Consultation has been with DECC (EPA) sent 8 April 2005 (RD61), Comments received 13 May 2005 (RD62). Certification from the EMR has been received June 2005.</p> <p>Spoil, topsoil and mulch are the big items that have been reused on the project during the construction phase. Treated contaminated soil from the former Ocean Shores Service Station site was treated and spoiled on site, and when validated, covered with topsoil and revegetated. Debris from the demolition of the old Brunswick River bridge was separated, with steel going to commercial steel recyclers and the concrete crushed and sent to a local quarry for reuse. Used machine oil from the project workshop was directed to a commercial oil recycler. Waste paper and cardboard from the site office was picked up for paper recycling. The remainder of the site waste that was unable to be reused, reprocessed or recycled from the project site was picked up by a commercial waste subcontractor and disposed at a licensed local landfill.</p> <p>The operation/maintenance stage OEMP includes a Waste and Reuse Management SubPlan. This was distributed for comment to the various state agencies on 5 Dec 2006. Comments have been received and responded to finalise the Sub Plan during February 2007. A meeting with the EMR took place on 4 April 2007 to discuss certification, which was received on 24 May 2007, and the OEMP was forwarded to DoP by RTA. DoP acceptance was received on 29 June 2007.</p>	EMR Certification WRP	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status
AC62	As part of the Sub-plan, an Action Plan shall be prepared to promote the use of recycled materials, including construction and landscape materials. The Plan shall detail how the proposal gives consideration and support to the Government's Waste Reduction and Purchasing Policy. The Plan shall also include details on measures to implement energy conservation best practice.	Addressed in the C-EMP Waste and Reuse Management Plan in section 1.3, 1.5 and 6.4. Addressed in the O-EMP Waste and Reuse Management SubPlan in section 5.	Satisfied
AC63	The Proponent shall ensure that any access way affected by the proposal is reinstated to an equivalent standard or that adequate compensation is negotiated with the relevant landowner.	This is a commitment made in the Project Deed, and undergone detailed design. Examples of particular accesses include Holmes, Mudge, Graham and Jagwen, and these have been completed to the satisfaction of the landowner.	Satisfied
AC64	If so requested by any affected landowner, the Proponent shall consider the consolidation of severed parcels of land as part of any compensation package if practical and cost effective.	The RTA has not been requested to implement this by any affected landowner. Land aquisition for the project is complete.	Satisfied
AC65	Prior to any closure of existing access to oyster moorings on the Brunswick River as a result of project construction, the proponent shall agree to the satisfaction of affected lease holders and any other relevant stakeholders including NSW Fisheries, DLWC and the Brunswick Heads Fishing Cooperative (if applicable) regarding alternative arrangements for mooring or storage of vessels. Should agreement on this issue not be reached, the matter shall be referred to the Director-General for resolution.	RTA reached an agreement with oyster growers for the purchase of the oyster leases and signed a Deed of release, 12/3/2001. There will be no closure of existing moorings. (RD 12)	Satisfied
AC66	Prior to the commencement of substantial construction in the vicinity of the Brunswick River, the Proponent shall relocate all affected oyster lease(s) to an appropriate location(s) to be determined in consultation with relevant stakeholders including DLWC, NSW Fisheries and affected lease holders. Relocation of oyster lease(s) shall be undertaken between the months of August and January unless otherwise agreed by the affected lease holder(s).	Letter of 21/5/01 from NSW Fisheries provided the RTA formal agreement to the terms of settlement with the oyster growers. Letter from DLWC 23/5/01 concurred with the terms of settlement as set out in the Deed (RD13) Email from NSW Fisheries 26/10/01 confirms the purchases of the oyster leases (RD14) RTA letter dated 30/11/01 with final Deed. Letter from RTA 7/11/01 to oyster growers representative (Noel Baggaley) completes the terms of agreement. Enclosed cheque for \$25,000 (RD15) Correspondence from the RTA to the oyster leasees. Refer to RTA letters 21 and 22 March 2005 (RD 16)	Satisfied
AC67	The Proponent shall facilitate discussions with Byron Shire Council, DLWC, the Brunswick Estuary Management Committee and community representatives regarding the redevelopment and future management of the southern foreshore area of the Brunswick River in the vicinity of the existing Pacific Highway Bridge. The discussions shall aim to define the level of initial and ongoing responsibility (both financial and otherwise) by the Proponent and other stakeholders for the area. Other issues for consideration shall include noise impacts on the Ferry Reserve Caravan Park (including any further noise investigations required) and the potential for development of an interpretative facility relating to the non-indigenous heritage significance of the area.	This is an RTA retained responsibility. This issue is being addressed by the RTA. The RTA is currently liaising with the relevant agencies on this issue. Meetings took place on 11 May 2007 and 13 September 2007. A further meeting with all agencies is scheduled for 2 November 2007. Noise impacts on the Ferry Reserve Caravan Park are dealt with the the project ONMR. RTA is currently developing the interpretive facility which is expected to be finalised shortly.	WIP

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status	
AC68	<p>The Proponent shall identify the services potentially affected by construction activities to determine requirements for diversion, protection and/or support. This shall be undertaken in consultation with the relevant service provider(s). Any alterations to utilities and services shall be carried out to the satisfaction of the relevant service provider(s), and unless otherwise agreed to, at no cost to the service/utility provider(s) except for services located on the Brunswick River Bridge.</p>	<p>This has been addressed in the Concept Design Utility Coordination Schedule prepared in April 2005.</p> <p>Service authorities include Optus, Telstra, Country Energy, Rous Water and Byron Shire Council.</p> <p>Follow up co-ordination meetings were regularly held with each of the various service authority representatives as the detailed project design progressed. The service authorities were involved and consulted, and utility relocation works took place with their co-operation. Liaison was managed by on site by a dedicated services co-ordination engineer. We understand that service adjustments have been undertaken to the satisfaction of the relevant service providers.</p>	<p>Example of Coordination with Telstra</p> <p>Summary of Co-ordination Meetings</p>	Satisfied
AC69	<p>The Proponent shall ensure that disruption to services resulting from the proposal is minimised and shall be responsible for advising local residents and businesses affected prior to any disruption of service.</p>	<p>The project used a services co-ordination engineer in order to minimise the possible disruption to services during the busiest part of the construction period.</p> <p>A "Permit to Excavate" form was used on the project site to minimise accidental impacts and damage to underground services. An updated set of plans were placed on a rack accessible to all site engineers following an internal site review in March 2007.</p> <p>The community relations team were responsible for liaison with the community in connection with services. On one occasion they arranged for the delivery of fresh water to premises which were affected by the temporary disruption of water supply in 2006.</p>	Internal Review on Service Plans	Satisfied

Compliance Table for DIPNR Minister's Approval Conditions (Original & Modified)

Condition	Verification	Attachments	Status
<p>AC70</p> <p>The Proponent shall only construct concrete batching plants and construction compounds under this approval in those locations identified in Appendix 13, Section 2.2 of the Representations Report or in other locations that satisfy the following, unless otherwise agreed to by the Director-General:</p> <p>§ sites to be located within the road reserve;</p> <p>§ sites to be located with ready access to the local road network;</p> <p>§ sites to be separated from nearest residences by at least 200m unless it can be demonstrated to the satisfaction of the Director-General that there will be minimal adverse effects in terms of noise, visual and air quality impacts;</p> <p>§ sites are not to be permitted within 100m of, or drain directly to, SEPP 14 wetlands or the Brunswick Heads or Billinudgel Nature Reserves;</p> <p>§ sites are not to be located within 100m of waterways unless adequate erosion and sediment controls are implemented to protect water quality;</p> <p>§ sites are to have low conservation significance for flora and fauna and indigenous and non-indigenous heritage and are not to require clearing of any native vegetation beyond that which must be cleared for the proposal in any case; and</p> <p>§ sites are to be selected so that operation of the plants does not impact on the land use of adjacent properties.</p> <p>The location of all concrete batching plants shall be detailed in the EMP (Construction Stage) which shall include demonstration that the above criteria have been met.</p>	<p>Report on the Site office Construction Compound prepared on 14 March 2005 and submitted to DoP(DIPNR) by RTA(RD63). DIPNR response 30 March 2005 for Construction Compound submission. (RD64)</p> <p>The Site Workshop was approved in July 2005, and similarly the Northern, Southern and Orana Road Compound sites have also been assessed and approved by DoP.</p> <p>The location of the project temporary Concrete Batch Plant was the subject of an Environmental Assessment during April/May 2006 which addressed the Condition 70 criteria, and included consultation with all the relevant state agencies. An RTA Decision Report approved the site located within the proposed Yelgun Rest Area in June 2006.</p>	<p>DIPNR Approval for Site office March 05</p> <p>DIPNR Approval for Workshop July 05</p>	Satisfied
<p>AC71</p> <p>As part of the EMP (Construction Stage), the Proponent shall identify parameters to be monitored during construction and operation of the proposal, which have the potential for cumulative effects to occur. The Proponent shall also define the time period for which the identified parameters will be monitored. The results of such monitoring shall then be used as an input to the RTA's Cumulative Impact Assessment Study.</p>	<p>Water Quality Monitoring/ Dust monitoring/ Complaints monitoring/ Traffic monitoring is continuing. The results of this monitoring is included in the six monthly reports. Refer to Appendix 2 of the third six monthly report. Items such as road kill will be monitored for the life of the project.</p> <p>This condition is completed for the construction stage, and will remain as Work In Progress for the maintenance phase of the project.</p>		WIP

Compliance Table for NPWS Concurrence Conditions

Condition	Verification	Attachments	Status
NPWS1	The activity must be undertaken in accordance with conditions outlined in Section 8 of Representations Report unless modified by NPWS concurrence conditions.	Addressed in Flora and Fauna Management Plan Table 3.2 and Section 5. See Separate Compliance Table for the Representations Report.	Satisfied
NPWS2	The RTA must inform the Manager Northern Zone, NPWS of any proposed variation in route, design, structures or construction which may adversely impact on threatened species prior to clearing for construction. Any such variations must be approved in writing by the Manager Northern Zone, NPWS.	The RTA informed the Manager Northern Zone (MNZ) of proposed variations to the route associated with modifications to the approved project in 2002, with the preparation of the EIA documentation. Letter of response provided by DEC/NPWS on 28 November 2002. Minor design modifications around the STP Access Road were undertaken in consultation with DECC/NPWS and resulted in an addendum to the Threatened Species Translocation Plan, which was approved by DECC/NPWS in November 2005. Minor modifications to the Brunswick Heads Nature Reserve Access Road was approved in writing by DECC/NPWS in January 2006.	NPWS 15Nov05 STP Access Road NPWS 16Jan06 BHNH Access Road NPWS 28Nov02 Comments on Modifications Satisfied
NPWS3	The RTA must ensure that the activity is undertaken as describe in the EIS, SIS and subsequent reports and correspondence listed below SIS Addendum Report (Gunnedah Environmental Consultants (GECon) December 1998) SIS Addendum Supplementary Information Report (GECon February 1999); and SIS Addendum – Further Clarification (RTA, 12 April 1999) (Appendix 3) The activity shall incorporate and implement the flora and fauna amelioration measures described in Section 12.1.3 of the SIS, or as amended by the subsequent reports and correspondence listed above or the concurrence conditions.	Activities associated with flora and fauna are addressed in the Flora and Fauna Management Plan, as part of the project EMP. These have been reviewed by the state agencies, and completed with certification by the EMR and DoP. Refer also to separate compliance tables for the other environmental documents listed. Flora and fauna amelioration measures have been implemented on the project and summarised in the six monthly reports.	Satisfied
NPWS4	The RTA must negotiate with the Manager Northern Zone, NPWS a compensation package to be based on lands and funds identified in the RTA's compensatory package proposal to NPWS dated the 12 February 1999, together with further consideration of: additional lands identified in NPWS's response to the RTA dated 21 April 1999; and further lands identified in NPWS's further letter to RTA dated the 14 May 1999. The compensatory habitat package must be formally agreed to by the Manager Northern Zone, NPWS prior to the commencement of construction or clearing for construction.	This is an RTA retained responsibility. An extensive compensatory habitat package was developed during the EIA Modifications to Approved Project in November 2002 and implemented by RTA. Correspondance include: Letter to NPWS from Paul Forward CE RTA dated 6 December 2002 (RD4) Letter from NPWS dated 18 March 2003 (RD5) Letter to NPWS from Paul Forward CE RTA dated 29 April 2003 (RD6)	NPWS Correspondance by RTA Satisfied
NPWS5	RTA must engage an appropriately qualified and experienced rehabilitation specialist/ecologist to provide advice and assist with the implementation and monitoring of mitigation measures for the duration of the project. At the discretion of the RTA, the position may have responsibilities for a number of other highway upgrade projects.	Two project ecologists have been engaged, CVs available, namely Andrew Benwell (for flora) (RD7) and Mark Fitzgerald (for fauna) (RD8). Rehabilitation works have been summarised in the six monthly reports.	Satisfied

Compliance Table for NPWS Concurrence Conditions

Condition	Verification	Attachments	Status	
NPWS6	<p>RTA must undertake a survey prior to final route design to locate the position of threatened flora species within or close to the road footprint to sub-metre accuracy, and plot their locations on a map of suitable scale. The results of this survey must be used to refine the final design of the road footprint to minimise impacts on threatened flora species and must be provided and discussed with the Manager Northern Zone, NPWS. Procedures to ensure the protection of threatened flora individuals which are outside the final design construction area must be included in the Environmental Management Plans (EMPs). This must include visually identifying and protecting threatened flora species from impacts by appropriate fencing during the period of clearing and construction. RTA must provide to the Manager Northern Zone, NPWS a strategy for the provision of fencing of threatened flora. This strategy is to include a buffer of sufficient width, or alternative arrangements which must be approved by the Manager Northern Zone, NPWS to provide protection to threatened flora from direct and indirect impacts.</p>	<p>This was addressed in Section 8.9 of the EIA Modifications to Approved Project in November 2002. Survey data collected in 2002 were derived from sub-metre accuracy location and survey of all threatened plants conducted prior to the final route design.</p> <p>A Construction Buffer Zone of between 1 and 3 metres wide has been in place over much of the alignment.</p> <p>RTA and Abigroup have translocated threatened species to a translocation area with approval from DECC, with the bulk of the transplanting occurring prior to construction commencing. .</p> <p>Procedures to minimise damage to threatened flora species are addressed in Section 5.2 of the Flora and Fauna MP.</p> <p>Induction training for field crews, and flagging tape plus orange plastic protective fencing has been in place to protect selected protected flora. Signs indicating "Protected Vegetation" have also been installed along the alignment.</p>		Satisfied
NPWS7	<p>RTA will contribute up to \$15,000 in total towards the costs incurred by the NPWS in preparation of Recovery Plans, under the Threatened Species Conservation Act 1995, for the endangered plants, Green-leaved Rose Walnut <i>Endiandra muellerii</i> subsp <i>bracteata</i> and Crystal Creek Walnut <i>Endiandra floydii</i>.</p>	<p>This is an RTA retained responsibility.</p> <p>Funds of \$15,000 forwarded to DEC, dated 22 Jan 2004.</p>	NPWS RTA Correspondance	Satisfied
NPWS8	<p>RTA must undertake an assessment and prepare a report and submit the report to the Manager Northern Zone, NPWS detailing the feasibility of translocation of threatened flora plants that may be destroyed during road construction activities. If the results of this assessment show it is not feasible to translocate individual plants, then propagation of a representative selection of these individual plants by methods such as seed, cutting or marcot shall be undertaken. Translocated or propagated plants should be established in a suitable area, as close as possible to their point of origin. Translocation must be undertaken in consultation with the Manager Northern Zone, NPWS.</p> <p>The RTA must submit to the Manager Northern Zone, NPWS all translocation projects proposed for threatened flora species. No translocation may occur until the proposal has been approved in writing by the Manager Northern Zone, NPWS. Relevant issues in the NPWS 'Draft Circular on the Translocation of Threatened Flora' and the Australian Network for Plant Conservation Translocation Working Group 'Guidelines for the Translocation of Threatened Plants in Australia' must be addressed by the RTA in any proposed translocation project.</p>	<p>A Translocation Plan for Threatened Flora has been prepared by Dr Andrew Benwell for the RTA, dated April 2004.</p> <p>Included as project Information Document ID 74.</p> <p>An Addendum to the Translocation Plan was later prepared and sent to DEC/NPWS by Michael Steele on 16/8/05.</p> <p>Response from Kim Forsyth DEC/NPWS on 16/8/05.</p> <p>Further Addendum 2 and 3 sent to DEC/NPWS on 9/11/05, and DEC/NPWS responded with approval on 17/11/05 and email 23/11/05.</p> <p>Note that as part of the translocation plan some threatened species have also been included in the landscape plan for revegetation of the project, and summarised in the six monthly report.</p>	<p>NPWS Letter 12 Aug 05 for Addenda 1</p> <p>NPWS Letter 15 Nov 05 for Addenda 2 & 3</p> <p>Translocation Addenda Approval</p>	Satisfied

Compliance Table for NPWS Concurrence Conditions

Condition	Verification	Attachments	Status	
NPWS9	<p>RTA must mark in the field any new boundary of Brunswick Heads Nature Reserve which may be approved by the Minister for the Environment. Appropriate measures are to be implemented by the RTA to ensure that there are no impacts, direct or indirect, in the Nature Reserve. Sediment control measures and a three metre high shade cloth (or similar) fence are to be placed (as a temporary measure until rehabilitation works are completed) along the boundary of the Nature Reserve to minimise erosion and sedimentation entering the nature reserve and to provide protection from changes to microclimate (increased sunlight and wind) and weed invasion to the edge of vegetation along the Nature Reserve boundary. The Manager Northern Zone, NPWS is to be consulted prior to any works occurring adjacent to the nature reserve.</p>	<p>This action is addressed in Flora and Fauna Management Plan Section 5.1.2.</p> <p>Boundary markers for the BHNr were installed along boundary and inspected on site by Kim Forsyth DECC/NPWS 26 October 2005.</p> <p>A three metre high man-proof fence with a sediment fence and shade cloth was installed along the road alignment Buffer Zone where it aligns with the BHNr, and inspected by Kim Forsyth in October 2005.</p> <p>DECC/NPWS were advised that project works were commencing by email on 27/6/05.</p> <p>DECC/NPWS were further consulted prior to any works occurring adjacent to the BHNr, with the Ranger (Allan Goodwin) on 20/7/05 and 25/7/05, and by email to Kim Forsyth on 26 August and 12 September 2005.</p> <p>DECC participated in Environmental Review Group site meetings that inspected initial works on 25/7/05, 25/8/05, 7/10/05 and on-going over numerous later ERG meetings.</p> <p>Repairs and adjustments to underground services occurred at the boundary and just within the BHNr in late January and February 2006 (refer to letter to DECC/NPWS of 31 January 2006).</p> <p>Abigroup prepared and distributed a Work Method Statement for works adjacent to BHNr in May 2006, and as a courtesy, continue to provide DECC/NPWS with on-going progress updates on works next to the BHNr (eg email updates sent on 4/4/06 and 9/6/06).</p> <p>In February 2006, a sketch was prepared to communicate the relative location of the 3 metre high fence next to Retaining Wall 1, and discussed with DEC at the ERG.</p> <p>A request was made to DECC, Kelly Roche, for partial and staged removal of the 3 metre high fence. DEC approval was received for staged removal on 5 Oct 2006, and along the Brunswick Heads Nature Reserve side on 8 Jan 2007.</p>	<p>DEC approval partial remove fence Jan07</p> <p>DEC approval partial remove fence Oct06</p> <p>DEC consultation timing fence removal Jan07</p> <p>Request for Fence Partial Removal Nov06</p> <p>Sketch for DEC fence next to RW1</p>	Satisfied

Compliance Table for NPWS Concurrence Conditions

Condition	Verification	Attachments	Status	
NPWS10	<p>RTA must undertake a survey to determine the extent of weed infestation in areas within and immediately adjacent to the road corridor. RTA must prepare, in consultation with the Manager Northern Zone, NPWS, a Weed Management Strategy, which is to be included in the EMPs, addressing weed management during both construction and on-going operation of the road. This Strategy is to detail weed species involved, removal methods and disposal methods for the collection and destruction of all weed material. No works are to commence in areas adjacent to Billinudgel Nature Reserve or Brunswick Heads Nature Reserve until written approval is given by the Manager Northern Zone, NPWS. No native plant material, shredded or otherwise, is to be redistributed into the Brunswick Heads Nature Reserve without the written approval of the Manager Northern Zone, NPWS.</p>	<p>A Weed Management Strategy has been addressed in Flora and Fauna Management Plan Section 5.2.5 and 5.1.2.</p> <p>A Weed Management Strategy was developed with the input of the Project Ecologist, Dr Andrew Benwell, by Michael Steele, and revised following feedback from Kim Forsyth of DEC. This outlined the strategy needed to control weeds on the project. Letter of approval from DEC/NPWS given on 1 August 2005.</p> <p>At the request of DEC, a full copy of the Weed Management Strategy was sent to the DPI (Agriculture) weed officer for comment on Sept 2005. No comment was received.</p> <p>Weed infested topsoil has been separated, in accordance with the Weed Management Strategy, and buried. Other top soil has been stockpiled along the project alignment and reused where possible to do so. Machinery that has worked in weed-infested areas have been cleaned prior to leaving the site.</p> <p>Refer to some examples of field compliance documentation: Weed Management Checklist completed by Area Foreman Sept05; Vegetation clearing checklist Hold Point Record 30 Oct 2006, Example of Toolbox Training July 2006 for managing weed infested areas.</p> <p>No mulch material has been redistributed into the Nature Reserve.</p> <p>The EMP for the highway maintenance phase also includes a section on weed management for the operational period.</p>	<p>Clearing Hold Point Oct 2006</p> <p>NPWS Approval Weed Management Strategy 1 Aug 2005</p> <p>Strategy forwarded to DPI Agriculture Sept 2005</p> <p>Toolbox Training near Wetland B July 2006</p> <p>Weed Checklist Sept 2005</p> <p>Weed Management Strategy Jul 06</p>	Satisfied
NPWS11	<p>RTA must provide fauna underpasses, fauna exclusion fencing (as detailed in Appendix 1 of the NPWS Concurrence Report) and appropriate vegetation in rehabilitation areas to encourage fauna usage in accordance with details provided in the SIS and as detailed in Section 1 'Fauna Crossings' and Figures 5.3, 5.4, 5.5, 5.6 and 5.7 of the SIS Addendum Supplementary Information Report (GECon February 1999). The position, design and construction of these measures is to be subject to any refinements as an outcome of the fauna monitoring survey of the existing Brunswick Bypass as required under NPWS General (Section 120) Licence to 'take or kill' (November 1994).</p>	<p>Fauna underpasses and fencing has been addressed in Flora and Fauna Management Plan Section 5.3.3.</p> <p>The fauna survey "Fauna Underpass Monitoring" March 2001 has been undertaken by the RTA.</p> <p>Meeting held on 12/1/06 to review the alignment proposals for the proposed fauna fence. Some identified locations were identified for further site assessment.</p> <p>Correspondence between Abigroup and DEC/NPWS took place concerning the development of furniture for the dedicated fauna underpass at C50.72 during March 2006.</p> <p>A follow up revised set of fauna fence layout plans were prepared by Abigroup in April 2006, and a copy handed to Kelly Roche DECC/NPWS for comment at the ERG Meeting of 19 May 2006. During December 2006, correspondence with DEC closes the design development of the fauna fencing designs.</p> <p>During an inspection with DECC in August 2007, DECC requested further works to fauna culvert C50.35 and to fauna movement under Marshalls Creek bridge. This is currently being undertaken.</p>	<p>DEC Email Confirmation fauna fence Dec 06</p> <p>DEC Meeting Notes December 06</p> <p>Email DEC Close off fence design Dec 06</p> <p>Email DEC confirming details Nov 06</p> <p>Email DEC details of drop downs Dec 06</p> <p>Email DEC fauna underpass drawings Oct 06</p> <p>Email DEC requesting response Dec 06</p>	WIP

Compliance Table for NPWS Concurrence Conditions

Condition	Verification	Attachments	Status	
NPWS12	<p>RTA must undertake a survey, in the area of the Brunswick Heads Bypass Duplication, to identify and locate the position of suitable trees for Squirrel Glider crossing points across the road prior to final design of the road footprint. The results of this survey are to be used to refine the final design and location of the road footprint to further minimise impacts on threatened species, particularly the Squirrel Glider. This work must be undertaken in consultation with the Manager Northern Zone, NPWS.</p>	<p>An assessment of Squirrel Glider trees was undertaken by consultant to the RTA in 2002, and the report included as a project Information Document.</p> <p>This information was used to establish the design through the Bypass Area.</p> <p>Squirrel glider crossing points have been addressed in Flora and Fauna Management Plan Section 5.3.3.</p> <p>The Squirrel Glider trees have been identified on site by the project fauna ecologist and protected by paraweb protective fencing.</p> <p>The final design and location of the Water Quality basins located in the median was subject to careful detailing and locating to minimise damage to the trees. The results of this were discussed at ERG site inspections (e.g. 2 September 2005) and documentation forwarded to DEC/NPWS and DEC/EPA by email on 29 September 2005. Refer also to Condition in Appendix 4 of SWTC.</p>		Satisfied
NPWS13	<p>RTA must ensure that appropriate fauna shelter and refuge structures are installed in the bridges and culverts nominated as incorporating provisions for fauna movement, detailed in Appendix 1 to the NPWS Concurrence Report. RTA must also ensure that the maximum area possible beneath bridges nominated as incorporating provisions for fauna movement are vegetated with local native species to encourage faunal usage. RTA must provide details in the EMPs of the extent and type (species) of vegetation to be utilised, ensuring that revegetation to the maximum extent possible is achieved subject to other site constraints.</p>	<p>Procedures for installation of shelter and refuge structures are addressed in Flora and fauna Management Plan Section 5.3.3.</p> <p>Designs for the management of vegetation details, raised paths, and refuge structures at the fauna underpass structures has been drafted and sent to DEC for comment on 21 August 2006, and discussed on site at the ERG meeting site inspection of 27 September 2006. Email sent to DEC Nov 2006 with further design details at each and every fauna underpass structure on the project, and requested a response again in December 2006. 100% landscaping plans for areas next to the Brunswick Heads Nature Reserve also sent to DEC for comment on 5 Sept 06, with responses received on 14, 22 and 28 September 06. Fauna underpass shelters and refuges have been constructed and inspected with Kelly Roche of DECC.</p>	<p>Email forwarding landscape design plans Sept 06</p> <p>Email to DEC requesting confirmation Dec 06</p> <p>Email to DEC with details Nov 06</p>	Satisfied
NPWS14	<p>RTA must develop a program for the long term monitoring of the impact of the upgrade on flora and fauna, including details on methods, monitoring of road kills, and effectiveness of flora and fauna mitigation measures. This program must be for a minimum period of 3 years after completion of works with on-going monitoring after that time being subject to review between the RTA and the Manager Northern Zone, NPWS. The program, detailing methods and costs and practicality of proposed works, must be approved by the Manager Northern Zone prior to commencement of clearing and construction.</p>	<p>Addressed in Flora and fauna Management Plan Section 5.2.3 and 5.3.3.</p> <p>Final program accepted of program by DEC(NPWS) 20 July 2005. This information has been inserted into the EMP for Operations.</p> <p>The condition is not relevant for the Pre-Operation Compliance Report.</p>	NPWS Approval 14 Letter 20 July 05	WIP

Compliance Table for NPWS Concurrence Conditions

Condition	Verification	Attachments	Status
NPWS15	The final design of the Brunswick Heads Nature Reserve Access Road accepted by DEC-NPWS by letter 5/1/06. Other works within the Brunswick Heads Nature Reserve include the trimming of trees along the boundary, with an REF determined by DEC/NPWS on 8/3/06.	NPWS Letter 050106 BHNR Access Road NPWS Letter 080306 REF Tree Trimming	Satisfied
NPWS16	The Flora and Fauna Management Plan (FFP) has been submitted to DEC(NPWS) for review and comments on 21/4/05. Comments received from DEC-NPWS on 10 May 2005. These specific requirements are addressed in Flora and Fauna Management Plan Sections: 5.2.2 5.2.3 5.3.5 5.3.4 5.2.2 5.3.5 Detailed designs of fauna structures have been developed in regular consultation with DEC/NPWS, including site inspections during numerous Environmental Review Group meetings.		Satisfied
NPWS16 i	Detailed in the Flora and Fauna Management Plan Section 5.2 A two stage clearing and fauna rescue process was used on the project.		Satisfied
	a) Development of 'best practice' pre-clearing guidelines (including survey) for threatened species. The guidelines must specifically address: the requirement for minimal clearing and disturbance of native vegetation which provides habitat for threatened species; procedures, including methods for pre-clearing surveys, for taking account of specific habitat requirements for threatened fauna species identified in the SIS, for example, species' breeding season and species that roost or hibernate in tree hollows; the retention, where possible, of large hollow-bearing trees; procedures for the felling of those large hollow-bearing trees that must be removed, to minimise impacts on native fauna in general and threatened species in particular which may be present in these hollows; management of construction activities near retained large hollow-bearing trees and trees identified as likely crossing points for arboreal fauna; etc		

Compliance Table for NPWS Concurrence Conditions

Condition	Verification	Attachments	Status
NPWS16 2	b) The outcomes derived from the feasibility study relating to translocation or propagation of threatened plants must be detailed and a program developed for undertaking compensatory planting of threatened flora species affected by the construction works.		Satisfied
NPWS16 3	c) The provision of details of treatments for each of the fauna mitigation structures (as detailed in Appendix 1 of the NPWS Concurrence Report). For example, designs, sizes of areas to be revegetated at entrances/exits, plant species to be used in revegetation, the composition and dimensions of any structures to be incorporated with mitigation structures to encourage fauna usage (roosting, nesting, breeding, bat boxes, koala predator retreat poles) and details (design/composition) of the base (floor) of fauna crossing structures to be used.	Email DEC requesting response Dec 06 Email DEC with fauna underpass detail designs	Satisfied
NPWS17	In the event that the RTA and the Manager Northern Zone, NPWS cannot reach agreement on an issue subject to the NPWS concurrence conditions that requires approval from the Manager Northern Zone, NPWS after the granting of the concurrence, the matter shall be referred to the Director-General of the Department of Urban Affairs and Planning for mediation between both parties.		Satisfied

Compliance Table for Byron Shire Council's Concurrence Conditions

Condition	Verification	Attachments	Status
BSC1	Construction and management of the development, including measures to mitigate impacts on the environment, to be in accordance with plans and details provided in the Environmental Impact Statement accompanying the Development Application.	This is an over-arching condition for the project. The measures and commitments this condition refers have been incorporated into the project designs, Environmental Management Plans (EMPs), sub-plans, statements and strategies for the project, and documented in this compliance table.	Satisfied
BSC2	Environmental management plan/s to be prepared in accordance with plans and details provided in the Environmental Impact Statement accompanying the Development Application.	A construction stage Environmental Management Plan has been prepared addressing these items. Consultation with agencies has been undertaken with the following stakeholders: DECC (EPA) sent 8 April 05, Comments received 10 May 05, DECC (NPWS) sent 15 April 05, Comments received 10 May 05, DEC summary received 21 June 05, DNR (DIPNR/DLWC) sent 22 April 05, Comments received 10 May 05, DPI (Fisheries) sent 22 April 05, Comments received 6 May 05, Heritage Office sent 15 April 05, Comments received 5 May 05, Byron Shire Council sent 15 April 05, Email response 2 June 05. CEMP Certified by the EMR and assessed by DIPNR prior to substantial construction. Further, an operation stage EMP was also prepared in consultation with all relevant agencies, finalised and accepted by DoP on 29 June 2007.	Satisfied
BSC3	Works are to be conducted so as to minimise disruption to services carried by the existing and proposed bridge infrastructure, such as water and sewer.	Abigroup has identified the services carried by the bridge, and these were protected to minimise disruption during both temporary and permanent service relocation in consultation with the Service Providers. There were minimal disruption to services when the transfer and relocations were undertaken. The project used the services of a services co-ordination engineer. A "Permit to Excavate" form was used on the project site to ensure that there was minimal accidental damage to underground services. An updated set of plans was placed on a rack accessible to all site engineers following an internal review in March 2007. The community relations team are responsible for liaison with the community in connection with services.	Summary of Service Coordination Meetings Satisfied

Compliance Table for Byron Shire Council's Concurrence Conditions

Condition	Verification	Attachments	Status	
BSC4	<p>Details of any required scour protection in the SEPP 14 wetlands shall be developed as part of the detail design of the Brunswick Heads to Yelgun project at an early stage and shall be determined in consultation with NSW Fisheries and the EPA having reasonable regard for the engineering, hydrological, construction and environmental requirements of the area. Details of any required scour protection must be provided to Council prior to the commencement of construction in the SEPP 14 wetland areas.</p>	<p>Drainage discharge to the SEPP 14 wetlands were shown on the draft drainage drawings made available to Byron Council's representative as part of the Drainage Design Documentation review at the project Environmental Review Group meetings of 2 and 16 June 2005. Comments from Byron Council's representative were received by email on 1 July 2005.</p> <p>Development of details of the outlet scour protection has been provided, and discussed in consultation with the project Environmental Review Group members, (these include the DPI(Fisheries), DECC(EPA and NPWS), BSC and others), at the ERG meeting proposed on 7 July 2005.</p> <p>Further development of the drainage drawings were distributed to Council for comment on 2 September 2005 at the 85% stage design, with comments received related to fauna passage only.</p>		Satisfied
BSC5	<p>A SEPP 14 Compensatory Wetlands Plan for Brunswick River Bridge Works (or similar) is to be prepared and approved by Planning NSW in consultation with Byron Shire Council and submitted to the Byron Shire Council and Planning NSW. The following matters (while not exclusive) need to be addressed in the Compensatory Wetlands Plan:</p> <ul style="list-style-type: none"> a) the composition of the three proposed compensatory wetlands; b) necessary government approvals and provision for ongoing government input; c) a planning program indicating method, species composition and vegetation types to be used at all three sites; d) details of the Saltmarsh Rehabilitation Plan; e) the timeframe for the completion of the three compensatory wetlands areas and for ongoing maintenance; f) future ownership of the three compensatory wetland areas; g) proposed below surface works or other treatments within the three compensatory wetland areas and the possible need to prepare an Acid Sulfate Soils Management Plan; h) monitoring and maintenance programs for the three compensatory wetland areas (to include native flora re-establishment rates and the use of the sites by fauna (including shorebirds)); i) a proposed weed control program; j) benchmarking of the three compensatory wetland areas; k) security issues, such as the fencing of the three compensatory wetland areas; l) proposed interpretative signage for the compensative wetland areas; and m) information to be set out in annual monitoring reports. 	<p>(This is an RTA retained responsibility). A report on Compensatory Habitat was included in the RTA Representation Report for the project 1999 (Exhibit N), and submitted to DoP (DIPNR/Planning). The compensatory habitat package included a wetland component. Refer BSC 9, below for more details.</p> <p>The RTA have prepared a plan of management for the Saltmarsh Area in consultation with relevant state agencies, and submitted this to DoP for approval.</p>		Satisfied

Compliance Table for Byron Shire Council's Concurrence Conditions

Condition	Verification	Attachments	Status
BSC6 The Environmental Management Plans must be prepared in consultation with the National Parks and Wildlife Service and Byron Shire Council.	<p>A construction stage Environmental Management Plan was prepared in consultation with DEC(NPWS), Byron Council and many other state agencies.</p> <p>Consultation with agencies has been undertaken with the following stakeholders, with the dates relating to the CEMP Framework document, other sub plans are detailed elsewhere in the DIPNR Compliance Table.</p> <p>§ DECC (EPA) sent 8 April 2005 (RD21), Comments received 10 May (RD22),</p> <p>§ DECC (NPWS) sent 15 April (RD23), Comments received 10 May (RD24),</p> <p>§ DIPNR (DLWC) sent 22 April (RD25), Comments received 10 May (RD26),</p> <p>§ DPI (Fisheries) sent 22 April (RD27), Comments received 6 May (RD28),</p> <p>§ Heritage Office sent 15 April (RD29), Comments received 5 May (RD30)</p> <p>§ Byron Shire Council sent 15 April (RD31), Comments received 30 May 2005.</p> <p>There was a special meeting between Abigroup Project Director (PW) and Byron Council's Infrastructure Director (BL) on this on 27 May 2005.</p> <p>EMR Certification has been provided for the separate EMP sub plans in May 2005. DoP Approval of the construction stage EMP in July 2005.</p> <p>An operational stage OEMP document was finalised in March 2007 in consultation with all DECC and Byron Council and other relevant agencies. With EMR certification received on 24 May 2007, the OEMP was forwarded to DoP by RTA. DoP acceptance of the OEMP received on 29 June 2007.</p>		Satisfied

Compliance Table for Byron Shire Council's Concurrence Conditions

Condition	Verification	Attachments	Status
BSC7	<p>RTA is to undertake a survey of weed infestation within the road corridor and prepare a Weed Management Strategy for the project and submit it to Byron Shire Council.</p>	Forward WMS To Council	Satisfied
	<p>Addressed in the Flora and Fauna Management Plan in Section 5.2.5 by 17 May 2005. The Weed Management Strategy was prepared in consultation with the project ecologist, Dr Andrew Benwell, and was forwarded to DECC(NPWS) as well as Byron Shire Council on 7 July 2005.</p> <p>Acceptance letter, providing comments on the strategy, was received from DECC(NPWS) on 1 Aug 2005 - refer to NPWS Concurrence Conditions. Comments were addressed and actioned during the construction stage of the project. As part of the strategy, prior to clearing in the worst weed infested areas the field operators were toolbox trained. Care was taken not to transport weeds from different parts of the site by machinery. Weed infested topsoil was buried within the project corridor so the weeds won't become a problem and only good topsoil was stockpiled and reused for revegetation purposes. Follow up hand weeding works have taken place in the later stages of the construction period. Weeding is also addressed in the OEMP.</p>		
BSC8	<p>A three year minimum term monitoring of flora and fauna mitigation measures shall be undertaken. Details of the monitoring plan are to be prepared in consultation with the National Parks and Wildlife Service and submitted to Byron Shire Council.</p>		WIP
	<p>This is addressed in the Flora and Fauna Management Plan in Section 5.2.3 and 5.3.3 prepared on 17 May 2005.</p> <p>This monitoring plan was developed in consultation with DECC (NPWS) and the strategy was submitted to Byron Council on 27 May 05, as well as the whole Flora and Fauna Management Plan on 6 June 2005.</p> <p>During the operational phase of the project monitoring is detailed in the OEMP, and submitted to Council on 5 December 2006. Monitoring for a three year period is on-going.</p>		
BSC9	<p>National Parks and Wildlife Service approval of a negotiated habitat compensation package is to be obtained prior to construction commencing. RTA is to consult with NSW Fisheries in preparing the Saltmarsh Rehabilitation Plan. Outcomes with respect to the compensatory habitat package must be provided to NSW Fisheries when applying for the required permits for work in the SEPP 14 wetland areas.</p>	NPWS Compensation Package	Satisfied
	<p>This is an RTA responsibility. The RTA have negotiated an extensive compensation package with DEC(NPWS). Evidence of this negotiation includes letter from RTA to Director General NPWS confirming the RTA's compensatory habitat package which is inclusive of projects from Ballina to the Queensland border excluding Tugun.</p> <p>Letter from NPSW NSW providing "In-Principle agreement" to the compensatory habitat proposal.</p> <p>Letter from RTA to Director Northern NPWS confirming the RTA's compensatory habitat package.</p> <p>NSW Fisheries have been consulted, and an application granted for works affecting mangroves in the Brunswick River (Permit No 05/249). This has been documented in response to the similar NPWS Concurrence Condition 4.</p> <p>The RTA have consulted with DPI (Fisheries) during the development of the Saltmarsh area, with a workshop session held on 23 April 2007.</p>		

Compliance Table for Byron Shire Council's Concurrence Conditions

Condition	Verification	Attachments	Status
BSC10	<p>A management plan for the control of any acid sulfate soils encountered during construction must be provided to Byron Shire Council as part of the detailed design works. Details are to be prepared in consultation with and in accordance with the Acid Sulfate Soils Manual (ASSMAC, 1998).</p>	<p>This is addressed in the Acid Sulfide Soil Management Plan (See AC25). The plan was submitted to Byron Shire Council for comment in April 2005, with comments received on 30 May 05.</p> <p>EMR Certification received on 10 June 2005. DoP (DIPNR) provided approval of the Environmental Management Plans on 15 July 2005. A final copy was sent to Council on 27 August 2005. A copy of the Construction EMP was kept at the site community information centre for the purpose of being available for the public to view throughout the construction phase.</p>	Satisfied
BSC11	<p>A detailed Soil and Water Quality Management Plan must be prepared in consultation with the DIPNR, NSW Fisheries and EPA and Byron Shire Council to identify comprehensive procedures to satisfy the following criteria: -</p> <ul style="list-style-type: none"> - No increase in untreated stormwater is to be permitted to enter the wetlands or the river. - No alteration to the riverbanks or bed of the river within the SEPP 14 wetlands caused as a result of construction of the upgrade within the SEPP 14 wetlands. - Control of discharge of contaminated water trapped behind the coffer dams or in bore holes to ensure there is no increase in polluted waters leaving the site. - Management of the installation and removal of the temporary rock platforms. 	<p>This is addressed in the Soil and Water Management Sub Plan as part of the EMP (See AC17).</p> <p>DECC were sent a copy on 15 April 05, comments received 13 May 05. DNR (DIPNR/DLWC) were sent a copy on 21 April 05, comments received on 11 May 05.</p> <p>DPI Fisheries were sent a copy on 20 April 05, comments received on 6 May 05.</p> <p>DEC/NPWS were sent a copy on 21 April 05, comments received on 30 May 05.</p> <p>Revised plan received EMR certification 10 June 2005.</p> <p>Work Method Statements were prepared, actioned and audited, which detailed the management of the activities on and removal of the temporary rock platforms, the coffer dams on the bridge site, and works adjacent to the SEPP 14 Area. The design development of the project, in consultation with Council and the state agencies during the Environmental Review Group meetings, directly addressed no increase in untreated stormwater to enter the wetlands or the river, and no alteration to the riverbanks or bed of the river within the SEPP14 wetland areas.</p>	Satisfied

Compliance Table for Byron Shire Council's Concurrence Conditions

Condition	Verification	Attachments	Status
BSC12	All necessary permits from relevant Government authorities including EPA and DIPNR must be obtained.		Satisfied
	<p>All necessary permits have been obtained. These include:- An Environmental Protection License has been issued from DEC (EPA) on 6 June 2005. Permits to extract water has been provided from DIPNR (DLWC) 19 April 2005 and 30 May 2005. A Permit from Fisheries to harm marine vegetation has been issued 4 July 2005. Advice from DIPNR (DLWC) 9 June, that there is no requirement for the RTA (nor its agents) to apply for a Permit under the Rivers and Foreshores Improvement Act. Approval to undertake sea grass translocation under the Brunswick River Bridge site from Fisheries 22 June 2005. Permit to clear Native Vegetation provided by DIPNR(DLWC) 22 July 2005.</p> <p>Updated status of these is listed in the six monthly reports.</p>		
BSC13	An appropriately qualified and experience rehabilitation specialist/ecologist, to the satisfaction of Byron Shire Council, is to be employed for the duration of the construction of the works to provide advice and assist with the implementation and monitoring of mitigation measures.		Satisfied
	<p>Addressed in the Flora and Fauna Management Plan for the project. CV of the specialist ecologists have been forwarded to Byron Council 21 April. Council have responded accepting Abigroup's recommended specialists. Response advised by Brett Lee by email with a Signed Letter received on 31 May 2005. Some of the work and advice provided by the ecologists has been summarised in the six monthly reports.</p>		
BSC14	If during the course of construction the Proponent becomes aware of any heritage items or archaeological material, all work likely to affect the site(s) shall cease immediately and the relevant authority(s) shall be consulted to determine an appropriate course of action prior to the recommencement of work at that site. Appropriate supporting documentation would need to accompany any application for required permit/consent(s).		Satisfied
	<p>Procedures for the discovery of unexpected items is identified in the Heritage Management Plan in Section 6. As an example, during July 2005 an unexpected old wharf was found in the mangrove area. A heritage report was prepared, and a copy sent to Byron Council 16 August 2006 for inclusion in the local studies library.</p>	<p>Distribution of the Jetty Report Jetty Heritage Report</p>	