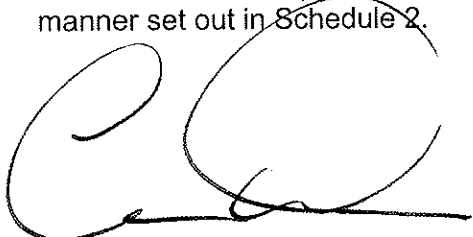


Modification of Minister's Approval

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

I, the Executive Director, Major Project Assessments Division of the Department of Planning, in accordance with the Instrument of Delegation issued by the Minister for Planning, on 7 June 2007, pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* determine to approve of the modification to the approval referred to in Schedule 1 in the manner set out in Schedule 2.



Chris Wilson
Executive Director, Major Project Assessments
As delegate for the Minister for Planning

Sydney, 27 January 2009

SCHEDULE 1

Activity Approval:	granted by the then Acting Minister for Urban Affairs and Planning on 23 January 1998.
For the following:	Proposed new section of the National Highway between Albury and Wodonga.
Modification:	Modification of the Approval to extend the hours of construction.

SCHEDULE 2

The Approval is modified by:

1. Delete the first dot point of condition 1 and replace with the following:
 - the proposal contained in the environmental impact statement/environment effects statement prepared for the RTA and VicRoads by Gutteridge Haskins & Davey Pty Ltd. dated October 1995, *Proponent's Final Submissions to Panel Inquiry* prepared by Freehill Hollingdale & Page for the RTA and VicRoads dated 13 June 1996, subject to modifications as described in Chapter 4.3 of the RTA's *Representations Report* dated September 1997, the RTA's Modification Request (07_0050 Mod 1), dated 2 April 2007, the RTA's Modification Request (07_0050 Mod 2), dated 26 June 2007, the RTA's Modification Request (07_0050 Mod 3), dated 10 December 2007, and the RTA's Modification Request (07_0050 Mod 4), dated 13 November 2008.
2. Delete condition 28 and replace with the following:

Construction Hours

28. The Proponent shall only undertake construction activities associated with the project, other than blasting, during the following hours:
 - a) 6:00 am to 7:00 pm, Mondays to Fridays, inclusive;
 - b) 7:00 am to 4:00 pm on Saturdays; and
 - c) at no time on Sundays or public holidays.

The Proponent may vary the hours of construction in the following circumstances:

- a) any works that do not cause construction noise to be audible at any sensitive receivers; or
- b) for the delivery of materials required outside these hours by the Police or other authorities for safety reasons; or
- c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent environmental harm; or
- d) as approved through the process outlined in condition 28A of this approval.

3. Delete condition 29 and replace with the following:

Construction Noise Impact Assessment

29. A specific noise impact report must be prepared for each stage of construction consistent with the noise management procedure identified above. The statement must include:
 - a) description of proposed processes and activities;
 - b) valid background levels;
 - c) examination of alternative methods that would potentially reduce noise impact;
 - d) assessment of potential noise from proposed construction methods;
 - e) description and commitment to work practices which limit noise;
 - f) description of specific noise mitigation treatments and time restrictions, and consideration of their effectiveness;
 - g) justification for any activities outside the normal hours;
 - h) consideration of construction vehicle movements;
 - i) noise impacts of traffic diversions;
 - j) compliance with EPA criteria;
 - k) monitoring of construction activities; and,
 - l) community consultation and notification.

The construction noise objective for the Project is to manage noise from construction activities (as measured by a $L_{A10(15\text{minute})}$ descriptor) so it does not exceed the

background L_{A90} noise level by more than 5 dB(A) when measured at the most affected sensitive receiver.

Negotiated agreements between the Proponent and affected sensitive receivers must be in place if noise emissions from any stationary activities, including concrete batching plants, exceed 40dB(A) $L_{Aeq (15minute)}$.

Each noise impact statement shall be prepared in consultation with the relevant council(s) and be subject to the approval of the EPA as part of the information required to obtain a Pollution Control Approval.