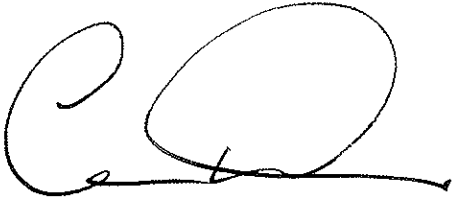


## Modification of Minister's Approval

### 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.



27.1.09

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

Sydney, 27 January 2009

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#### SCHEDULE 1

<b>Project Approval:</b>	Granted by the Minister for Planning on 29 August 2007 (MP06_0249).
<b>For the following:</b>	The upgrade of approximately 10 kilometres of the Hume Highway to achieve four lanes of dual carriageway, referred to as 'Woomargama to Mullengandra'.
<b>Modification:</b>	Modification of the Approval to extend the hours of construction.

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## SCHEDULE 2

### The Approval is modified by:

1. Delete conditions 1.1 and 1.2 and replace with the following:
  - 1.1 The Proponent shall carry out the project generally in accordance with the:
    - a) Major Projects Application 06\_0249;
    - b) *Woomargama to Mullengandra – Hume Highway Duplication – Environmental Assessment* (four volumes), Connell Wagner Pty Ltd and Parsons Brinckerhoff Australia Pty Ltd and dated April 2007;
    - c) *Hume Highway Duplication Yarra Yarra to Holbrook and Woomargama to Mullengandra Environmental Assessments – Submissions Report and Revised Statement of Commitments*, dated June 2007, and prepared by NSW Roads and Traffic Authority and as supplemented by correspondence from the NSW Roads and Traffic Authority dated 27 July 2007;
    - d) *Hume Highway Duplication Project Southern Alliance – Woomargama to Table Top – Modification Report Woomargama to Mullengandra – Project Approval 06\_0249*, Hume Highway Southern Alliance, dated 19 February 2008;
    - e) *Hume Highway Duplication Project Southern Alliance – Woomargama to Table Top – Request for Modifications to Conditions of Approval*, dated 11 November 2008;
    - f) Correspondence from the NSW Roads and Traffic Authority, reference number D/00310/SA/01, and dated 17 December 2008;
    - g) the conditions of approval granted by the Minister for Planning for the Hume Highway Duplication Concept Plan (Application Number 06\_0314) on 20 July 2007;
    - h) the conditions of this approval.
  - 1.2 In the event of an inconsistency between:
    - a) the conditions of this approval and any document listed from condition 1.1a) to 1.1f) inclusive, the conditions of this approval shall prevail to the extent of the inconsistency; and
    - b) any of the documents listed from condition 1.1a) to 1.1f) inclusive, the most recent document shall prevail to the extent of the inconsistency.

2. Delete condition 2.13 and replace with the following:

### **Construction and Blasting Restrictions**

- 2.13 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 of 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 2.14 of this approval.

3. Delete condition 2.16 and replace with the following:

2.16 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.

Background noise levels are those identified in the documents referred to in condition 1.1b) and condition 1.1c) of this approval.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the *NSW Industrial Noise Policy*), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective. The Proponent shall implement all reasonable and feasible noise mitigation measures with the aim of achieving the construction noise objective.

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)  $L_{Aeq(15\text{minute})}$ .