

Appendix 3 Relevant approval requirements

Condition of Approval 53

In addressing NPWS's Condition of Concurrence No. 3, the Proponent shall employ an independent road design specialist and independent qualified ecologist to review and report on the detailed design of the proposal prior to construction. The aim of the review is to establish whether additional measures can be incorporated in the detailed design, to reduce the direct and/or indirect impacts on threatened species, populations and ecological communities and their habitats, and to improve the effectiveness of proposed mitigation measures. The review and report shall include, but not be limited to:

- i) an investigation to demonstrate that the proposed multi-function fauna overpass¹ is an effective and appropriate design; and*
- ii) identification of measures to further reduce the amount of clearing of native vegetation.*

The Proponent shall submit the report to the NPWS and the Director-General, and comply with all reasonable requirements of the Director-General and the NPWS and other relevant authorities with respect to any reasonable measure arising from, or recommendations in, the report.

Note 1: Currently proposed to include a corridor for a gas pipeline, extension of Stockrington Road over the proposal, and a fauna overpass

Condition of Approval 54

The Proponent shall provide a dedicated fauna overpass¹ unless the review and report referred to in Condition of Approval No. 53 identifies:

- i) that it is not possible to do this; or*
- ii) the proposed multi-function fauna overpass is an effective and appropriate design*

Note 1: Dedicated for the exclusive use of fauna crossing over the highway and not incorporating any other uses such as road access, or utility corridors (except where these do not require cleared easements).

Condition of Approval 60

The Proponent must not clear more than 168 hectares of native vegetation subject to any changes identified and accepted in Condition of Approval No. 53.

Condition of Approval 61

The Proponent must not clear more than 33.7 ha of Kurri Sand Swamp Woodland subject to any changes identified and accepted in Condition of Approval No. 53.

Condition of Concurrence 2

The RTA must notify the Manager, Conservation Programs and Planning Division (CPPD), NPWS Central Directorate in writing of any proposed variations to the alignment, design or construction of the activity not considered in the EIS/FIS/Representations Report or the subsequent amending documentation noted above, which may impact on threatened species, populations or endangered ecological communities, before the commencement of clearing for construction. The NPWS must be given the opportunity to inspect the final route and any such variations can then only proceed if approved in writing by the Manager, CPPD, Central Directorate. The NPWS must be allowed a minimum of fifteen working days to consider these variations and to provide advice on the appropriate measures required to mitigate their impact.

Reason: To ensure that such alterations to the activity do not increase the adverse impacts on threatened species, populations and endangered ecological communities or lessen the protection provided to threatened species, populations and endangered ecological communities by the conditions contained within the Representations Report, as modified by the subsequent documentation noted above and these conditions of concurrence.

Condition of Concurrence 3

The RTA should give consideration to modifying or refining the design and alignment of the activity in consultation with the Manager CPPD Central Directorate prior to construction to further reduce the direct and/or indirect impacts on threatened species, populations and endangered ecological communities or to improve the effectiveness of ameliorative measures. This could include the re-design of interchanges/intersections; fauna under- and overpasses; tunnels; median widths, bridgeworks; batters or similar modifications to reduce the footprint of the activity (see section 2.3 of this report).

Reason: The NPWS was unable to independently assess the feasibility of modifying the design of the activity so as to reduce its footprint from the level of design detail provided in the EIS/FIS/Representations Report, together with the amending supplementary documentation.

Condition of Concurrence 4

Without further environmental assessment, no clearing for ancillary infrastructure or associated works including permanent or temporary detention or sediment control basins; materials stores; access roads; utility corridors; works areas; depots or any other activity or development (as defined by the Environmental Planning and Assessment Act 1979) shall be carried out, or be allowed to be carried out, within areas shown as habitat for endangered ecological communities or threatened species in any of the documents (see section 2 of this Concurrence Report) received by the NPWS in assessing the concurrence proposal.

Reason: The location of ancillary infrastructure was not identified, nor were the impacts assessed, in the EIS, FIS or any of the subsequent documentation received by the NPWS. Therefore this concurrence cannot give approval to clear any threatened species, population or endangered ecological community habitat for ancillary infrastructure or associated works. This will require further assessment under Part 5 of the Environmental Planning and Assessment Act 1979.