

Newcastle Inner City Bypass – Rankin Park to Jesmond




Pre-Construction Compliance Report

September 2019

Document control

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Approval and authorisation

Plan reviewed by:	Plan reviewed by:	Plan endorsed by:
		
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Roads and Maritime Senior Environment Officer	Roads and Maritime Project Manager	Environmental Representative

Revision history

Revision	Date	Description
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Glossary / Abbreviations

Term	Expanded text
CoA	Condition of Approval
Construction	<p data-bbox="459 439 1417 568">Includes all works required to construct the SSI, including commissioning trials of equipment and temporary use of any part of the SSI, but excluding the following low impact work which is completed prior to approval of the CEMP:</p> <ul style="list-style-type: none"> <li data-bbox="459 580 1417 745">(a) survey works including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; <li data-bbox="459 757 1417 824">(b) investigations including investigative drilling, contamination investigations and excavation; <li data-bbox="459 835 1417 936">(c) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; <li data-bbox="459 947 1417 1014">(d) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1; <li data-bbox="459 1025 1417 1126">(e) installation of mitigation measures including erosion and sediment controls, exclusion fencing, hoardings and temporary or at property acoustic treatments; <li data-bbox="459 1137 1417 1238">(f) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; <li data-bbox="459 1249 1417 1339">(g) relocation and connection of utilities where the relocation or connection has a minor impact to the environment and sensitive receivers as determined by the ER; <li data-bbox="459 1350 1417 1552">(h) archaeological testing under the Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010) or archaeological monitoring undertaken in association with (a)-(g) and (i) to ensure that there is no impact on Aboriginal artefacts or objects, and archaeological salvage works in accordance with A1, E17 and E18; <li data-bbox="459 1563 1417 1686">(i) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and <li data-bbox="459 1697 1417 1765">(j) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI. <p data-bbox="459 1776 1417 1998">However, where heritage items or threatened species or threatened ecological communities (within the meaning of the <i>NSW Threatened Species Conservation Act 1995</i> or <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with the relevant heritage authority, OEH or DPI Fisheries (in the case</p>

Term	Expanded text
	of impact upon fish, aquatic invertebrates or marine vegetation)
DoEE	Commonwealth Department of the Environment and Energy administering the EPBC Act, and includes the Minister for the DoEE.
DPE	NSW Department of Planning and Environment
EIS	The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the development described in it, as revised if required by the Planning Secretary under the EP&A Act, and including any additional information provided by the Proponent in support of the application for approval of the project
Environmental Representative (ER)	A suitably qualified and experienced person independent of project design and construction personnel employed for the duration of Construction. The principal point of advice in relation to all questions and complaints concerning environmental performance
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
Planning Secretary	Planning Secretary of the NSW Department of Planning and Environment (or nominee, whether nominated before or after the date on which the Project Approval was granted)
Project, the	Rankin Park to Jesmond Bypass
Project Approval	The Infrastructure Approval for Newcastle Inner City Bypass, Rankin Park to Jesmond, issued by the New South Wales Government on 15 February 2019
RP2J	Rankin Park to Jesmond Bypass
SPB	Shared Path Bridge (Bridge 7)
SPIR	Submissions and Preferred Infrastructure Report submitted to the Planning Secretary of the DPE under the EP&A Act
SSI	State Significant Infrastructure
Works	All physical activities to construct or facilitate the construction of the SSI, including environmental management measures and utility works. however, does not include work that informs or enables the detailed design of the SSI and generates noise that is no more than 5 dB(A) above the rating background level at any residence

1 Introduction

1.1 Background

The Rankin Park to Jesmond (RP2J) Bypass Project (the Project) involves the construction of 3.4 kilometres of new four lane divided road between Lookout Road, New Lambton Heights and Newcastle Road, Jesmond. The Project is located in the Newcastle local government area, about 11 kilometres west of the Newcastle central business district and about 160 kilometres north of Sydney.

Roads and Maritime Services is planning and delivering the Project. The Project will be constructed in two separate stages under separate construction contracts.

The Project has been assessed under both State and Federal planning approval pathways. The Project was declared by the NSW Minister for Planning to be State significant infrastructure (SSI) development under Schedule 5.1 of the State Environmental Planning Policy (State and Regional Development) 2011 on 3 March 2015. The Project was assessed under Part 5.1 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act).

Matters of National Environmental Significance relevant to the Project comprise listed threatened species and communities (section 18 and 18A of the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)) and wetlands of international importance (sections 16 and 17B of the EPBC Act). The Project was declared by the Federal Minister for the Environment and Energy to be a 'controlled action' under the EPBC Act on 15 October 2015.

An Environmental Impact Statement (EIS) was prepared for the Project to satisfy the environmental assessment requirements of Part 5.1 of the EP&A Act and Part 8 of the EPBC Act. A Submissions and Preferred Infrastructure Report (SPIR) was prepared to provide responses to issues raised during exhibition of the EIS, to propose Project design refinements and to provide revised environmental management measures for the Project and submitted to the NSW Minister for Planning.

Approval for the Project was granted by the NSW Minister for Planning on 15 February 2019 and by the Commonwealth Department of the Environment and Energy (DoEE) on 5 April 2019.

1.2 Purpose of this report

The purpose of this Pre-Construction Compliance Report (PCCR) is to implement the requirements established in the RP2J Compliance Monitoring and Reporting Program (CMRP). The CMRP was established in accordance with the *Compliance Reporting – Post Approval Requirements* (DPE, 2018).

Table 1 lists the NSW Conditions of Approval relevant to the Compliance Monitoring and Reporting Program and this Stage 2 Pre-construction Compliance Report.

Table 1.

NSW-CoA	Requirement	Reference
A29	The No later than four (4) weeks before the commencement of any work, a Compliance Monitoring and Reporting Program prepared in accordance with the <i>Compliance Reporting – Post Approval Requirements (DPE, 2018)</i> must be endorsed by the ER and submitted to the Planning Secretary for information.	RP2J Construction Compliance Monitoring and Reporting Program
A30	Compliance Reports of the SSI must be prepared and carried out in accordance with the <i>Compliance Reporting – Post Approval Requirements (DPE 2018)</i> . The Department must be notified of the commencement dates of construction and operation of the SSI in the pre-construction and pre-operational compliance reports.	This document Section Error! Reference source not found..2
A31	The compliance report must provide details of any review of, and minor amendments made to, the CEMP (which must be approved by the ER), resulting from construction carried out during the reporting period.	N/A at the time of submission of this report
A32	The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done.	N/A at the time of submission of this report
A33	The Compliance Monitoring and Reporting Program in the form required under Condition A29 of this approval must be implemented for the duration of works and for a minimum of one (1) year following commencement of operation, or for a longer period as determined by the Planning Secretary based on the outcomes of independent audits, Environmental Representative Reports and regular compliance reviews submitted through Compliance Reports. If staged operation is proposed, or operation is commenced of part of the SSI, the Compliance Monitoring and Reporting Program must be implemented for the relevant period of each stage or part of the SSI.	This document. N/A at the time of submission of this report

1.3 Project staging

Roads and Maritime Services (RMS) has elected to stage the delivery of the Project in four stages.

- Stage 1 Geotechnical investigations and other *low impact works*
- Stage 2 Shared path bridge over Newcastle Road
- Stage 3 Southern interchange utility package

- Stage 4 Main bypass construction

Each stage will be delivered in separate construction packages that will include all activities needed to complete the stage. Details of the proposed Project staging, including construction activities and submission of corresponding environmental plans, strategies and protocols, is documented in the Project Staging Report prepared in accordance with NSW CoA A10.

The stages are summarised in the Staging Report.

1.4 Construction commencement – Stage 2 - shared path bridge over Newcastle Road

The Stage 2 of the Project is described and assessed in the project environmental assessment and involves the construction of the shared path bridge over Newcastle Road and includes:

- a new span steel tied arch bridge over Newcastle Road with elevated reinforced concrete approach ramps and stairs on each side. The bridge and ramps are suitable for shared cyclist and pedestrian use
- a ramp providing pedestrian connection from Coles Street to the eastbound bus stop on Newcastle Road.
- upgrades to Coles street to provide connection from the new bridge to the existing pedestrian / cyclist network at the western end of Coles Street inclusive of retaining wall on Newcastle Road
- connection to existing shared paths from the bridge to the south through Jesmond Park
- relocation of utilities, including water and power.
- removal of the existing mid-block signalised pedestrian crossing located on Newcastle Road near Hill Street
- establishment and use of Ancillary Facilities D and E.

The works described above do not conform with the definition of low impact works established in table 1 of the NSW approval instrument, and hence, Stage 2 work is considered as construction and triggers the need for this pre-construction compliance report as per the CMRP.

Documentation relevant to construction of the shared path bridge includes:

- Newcastle Inner City Bypass – Rankin Park to Jesmond, Environmental Impact Statement (EIS) (Roads and Maritime, November 2016).
- Newcastle Inner City Bypass – Rankin Park to Jesmond, Submissions and Preferred Infrastructure Report (SPIR) (Roads and Maritime, June 2018).
- NSW Infrastructure Approval SSI-6888 (approved by the Minister for Planning on 15 February 2019)
- EPBC Approval 2015/7550 (approved by the delegate for the Commonwealth Minister of Environment and Energy on 15 April 2019).

2 Pre-construction compliance

2.1 Compliance table

Details of how each NSW CoA and Federal CoA applicable to Stage 2 of the Project has been complied with are provided in the Compliance Table provided at Appendix A and Appendix B. The Compliance Table has been established in accordance with the requirements of the DP&E guideline *Compliance Reporting Post Approval Requirements* and identifies:

- each condition of approval
- the relevant project phase applicable to each condition
- the methodology for monitoring compliance with the condition
- the compliance status of each CoA.
- the evidence of compliance with each condition.

The evidence presented in Appendix A and Appendix B describes the status of all Conditions of Infrastructure Approval SSI-6888 as being:

- Compliant
- Non-compliant
- Not triggered

2.2 Date of commencement of construction

The date of commencement of Construction for Stage 2 of the Project is 14 October 2019.

Construction will not commence until this PCCR and all other requisite documentation has been submitted to the Secretary in accordance with SSI-6888.

Appendix A.NSW CoA Compliance Tracking Table

CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment	
		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
PART A - ADMINISTRATIVE CONDITIONS								
GENERAL								
A1	The SSI must be carried out in accordance with the terms of this approval and the description of the SSI in the <i>Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental impact statement (RMS, 2016)</i> (the EIS) and the <i>Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS, 2018)</i> (the SPIR).	Yes	Yes	No	No	No	Compliant	Compliance Monitoring and Reporting Program sent to DPIE on 13.8.19
A2	The SSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures as identified in the documents listed in Condition A1 unless otherwise specified in, or required under, this approval.	Yes	Yes	No	No	No	Compliant	Compliance Monitoring and Reporting Program sent to DPIE on 13.8.19
A3	In the event of an inconsistency between the documents listed in Condition A1 , or any other document required under this approval, and a term of this approval, the term of this approval prevails to the extent of the inconsistency. Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.	Yes	Yes	No	No	No	Compliant	Terms presented in the approval instrument are used in CEMPP and other pre-construction documentation.
A4	The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to: (a) the environmental performance of the SSI; (b) any document or correspondence in relation to the SSI; (c) any notification given to the Planning Secretary under the terms of this approval; (d) any audit of the construction or operation of the SSI; (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); (f) the carrying out of any additional monitoring or mitigation measures; and (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.	Yes	Yes	No	No	No	Not triggered	No written requirements or directives received by the Secretary prior to commencement of construction
A5	Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include: (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval; (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them; (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations; (d) outline of the issues raised by the identified party and how they have been addressed; and (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.	Yes	Yes	No	No	No	Compliant	CEMPP reviewed by NCC by 27 .7.19. No comments raised. A9, A10, A29, E31, E15, E59 reviewed and endorsed by ER between 30.7.19 and the 16.9.19. Refer to Post Approval Tracking Register and Pre-construction Compliance Report for evidence of documents submitted to the Secretary.
A6	This approval lapses five (5) years after the date on which it is granted unless works are physically commenced on or before that date.	Yes	Yes	No	No	No	Compliant	The NSW Minister approved the project on 15 February 2019. Construction of Bridge 7 to commence in 14 October 2019
A7	References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this approval.	Yes	Yes	No	No	No	Compliant	Documents in force at date of approval utilised for CEMPP and other pre-construction documentation.
A8	Any document that must be submitted within a timeframe specified in or under the conditions of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under Condition A37 .	Yes	Yes	No	No	No	Compliant	Refer to this Compliance Monitoring and Report Program for evidence of compliance.
SHARED PATH BRIDGE OVER NEWCASTLE ROAD (BRIDGE 7)								

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment	
		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
A9	Construction of Bridge 7 and its associated components is not subject to Part C and Part D of this approval, however it is subject to: (a) preparation of a Construction Environmental Management Process (Plan) and an Environmental Work Method Statement (EWMS), in consultation with relevant public authorities and Newcastle City Council, and approved by the ER under Condition A26(d) . The Plan must detail how the performance outcomes, commitments, mitigation and monitoring measures specified in the documents listed in Condition A1 will be implemented and achieved during construction; and (b) implementation of the approved Construction Environmental Management Process (Plan) and Environmental Work Method Statement (EWMS).	No	Yes	No	No	No	Compliant CEMPP reviewed and comments provided by 16.8.19. Awaiting any input by delivery contractor prior to final ER approval. EWMS drafted and waiting for any delivery contractor input before approval. NCC review and endorsement of CEMPP on 27.6.19	

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment	
		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
STAGING								
A10	The SSI may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).	Yes	Yes	Yes	Yes	Yes	Compliant	Staging Report sent to DPIE on 13.8.19
A11	The Staging Report must: (a) If staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish; (b) If staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant); (c) Specify how compliance with conditions will be achieved across and between each of the stages of the SSI; and (d) Set out mechanisms for managing any cumulative impacts arising from the proposed staging.	Yes	Yes	Yes	Yes	Yes	Compliant	Staging Report sent to DPIE on 3.8.19
A12	The construction and/or operation of the SSI must be carried out in accordance with the Staging Report, as submitted to the Planning Secretary.	Yes	Yes	Yes	Yes	Yes	Compliant	Staging Report sent to DPIE on 13.8.19
A13	Where staging is proposed, the terms of this approval that apply or are relevant to the work to be carried out in a specific stage, must be complied with at the relevant time for that stage.	Yes	Yes	Yes	Yes	Yes	Compliant	Staging Report sent to DPIE on 13.8.19
ANCILLARY FACILITIES								
Ancillary facilities								
A14	Ancillary facilities that are not identified in the documents listed in Condition A1 can only be established and used in each case if: (a) they are located within or immediately adjacent to the construction boundary; and (b) they are not located next to a sensitive receiver (including where an access road is between the facility and the receiver), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and (c) they have no impacts on heritage items (including areas of archaeological sensitivity), and threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.	No	No	No	No	No	Not triggered	No facilities in addition to those described by A1 required for construction of Stage 1 or Stage 2 prior to the commencement of construction of Bridge 7 (SPB).
ANCILLARY FACILITY ESTABLISHMENT WORKS								
Ancillary Facility Establishment Management Plan								

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment	
		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
A15	<p>Before the establishment of any construction ancillary facilities (excluding minor construction ancillary facilities determined by the ER to have minimal environmental impact and those established under Condition A19), the Proponent must prepare an Ancillary Facility Establishment Management Plan which outlines the environmental management practices and procedures to be implemented for the establishment of construction ancillary facilities. The Ancillary Facility Establishment Management Plan must be prepared in consultation with the Newcastle City Council and relevant public authorities. The Ancillary Facility Establishment Management Plan must be submitted to the Planning Secretary for approval one (1) month before the establishment of any construction ancillary facilities. The Ancillary Facility Establishment Management Plan must detail the management of construction ancillary facilities and include:</p> <p>(a) a description of activities to be undertaken during establishment of the construction ancillary facility (including scheduling and duration of works to be undertaken at the site);</p> <p>(b) figures illustrating the proposed operational site layout, including access roads;</p> <p>(c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment works;</p> <p>(d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:</p> <p>(i) meet the performance outcomes stated in the documents listed in Condition A1, and</p> <p>(ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and</p> <p>(e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of Condition C10.</p> <p>Nothing in this condition prevents the Proponent from preparing individual Ancillary Facility Establishment Management Plans for each construction ancillary facility.</p>	No	Yes	No	No	No	Compliant	Refer to pre-construction compliance with A16 below.
A16	The requirements of Condition A15 in relation to Bridge 7 may be addressed by the documents required under Condition A9 .	No	Yes	No	No	No	Compliant	<p>NCC review and provided no comment on the A9 CEMPP and AREMP on 27.6.19</p> <p>A9 CEMPP and AFEMP reviewed and preliminary endorsed by ER by 16.8.19.</p> <p>Awaiting any input by delivery contractor prior to final ER approval.</p> <p>EWMS drafted and waiting for any delivery contractor input before final ER approval.</p>

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment	
		Low Impact works Stages 1 & 3	Construction		Operation			
			Stage 2	Stage 4	Stage 2			Stage 4
Use of Construction Ancillary Facilities								
A17	The use of a construction ancillary facility must not commence until the CEMP required by Condition C1 , relevant CEMP Sub-plans required by Condition C4 and relevant Construction Monitoring Programs required by Condition C9 have been approved by the Planning Secretary. This condition does not apply to a construction ancillary facility determined by the ER to have minimal environmental impact and those established under Condition A19 .	No	No	No	No	No	Not triggered	Refer to pre-construction compliance with A18 below.
A18	The requirements of Condition A17 in relation to Bridge 7 may be addressed by the documents required under Condition A9 .	No	Yes	No	No	No	Compliant	A9 CEMPP and AFEMP reviewed and preliminarily endorsed by ER by 16.8.19
Minor Construction Ancillary Facilities								
A19	Lunch sheds, office sheds, portable toilet facilities, materials storage, parking and the like, that are not identified as a construction ancillary facility in the documents listed in Condition A1 , can be established where they satisfy the following criteria: (a) are located within the construction boundary; and (b) have been assessed by the ER to have - (i) minimal amenity impact to surrounding residences and businesses, after consideration of matters such as compliance with the Interim Construction Noise Guideline (DECC, 2009), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and (ii) minimal environmental impact with respect to waste management and flooding, and (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.	No	No	No	No	No	Not triggered	No facilities in addition to those described by A1 required for construction of Stage 1 or Stage 2
Boundary screening								
A20	Boundary screening must be erected around all ancillary facilities that are adjacent to sensitive receivers, for the duration of works associated with the SSI, unless otherwise agreed with affected residents, business operators or landowners (including Newcastle City Council where it is the landowner).	No	No	No	No	No	Not triggered	Not able to provide evidence prior to construction. Requirement for screening as per A20 has been included into construction contract for Stage 2 and included in the CEMPP Appendix B4 AFEMP (s7.1)
A21	Boundary screening required under Condition A20 of this approval must reduce visual, noise and air quality impacts on adjacent sensitive receivers.	No	No	No	No	No	Not triggered	Not able to provide evidence prior to construction. Requirement for screening as per A20 has been included into construction contract for Stage 2 and included in the CEMPP Appendix B4 AFEMP (s7.1)
ENVIRONMENT REPRESENTATIVE								
A22	Works must not commence until an ER has been approved by the Planning Secretary and engaged by the Proponent.	Yes	Yes	No	No	No	Compliant	Planning Secretary approval provided on 14.5.19 ER engaged by RMS on 29.05.19
A23	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works.	Yes	Yes	No	No	No	Compliant	Planning Secretary approval provided on 14.5.19
A24	The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the documents listed in Condition A1 , and independent of the design and construction personnel for the SSI and those involved in the delivery of it. <i>Note: Skills and qualifications may include higher education qualifications (generally provided by universities and by other higher education institutions such as Technical and Further Education institutes and Registered Training Organisations) in either science, environmental engineering, environmental management or an equivalent field and including knowledge and experience in noise and vibration assessment and management.</i>	Yes	Yes	No	No	No	Compliant	Planning Secretary approval provided on 14.5.19
A25	The Proponent may engage more than one ER for the SSI, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the SSI.	No	No	No	No	No	Not triggered	N/A

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment	
		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
A26	<p>For the duration of works and 12 months after the commencement of operation, or as agreed with the Planning Secretary, the approved ER must:</p> <p>(a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI;</p> <p>(b) consider and inform the Planning Secretary on matters specified in the terms of this approval;</p> <p>(c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impacts to the environment and to the community;</p> <p>(d) review documents identified in Conditions C1, C4 and C9 and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:</p> <p>(i) Make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or</p> <p>(ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary / Department);</p> <p>(e) regularly monitor the implementation of the documents listed in Conditions C1, C4 and C9 to ensure implementation is being carried out in accordance with the document and the terms of this approval;</p> <p>(f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the SSI commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under Condition A35 of this approval;</p> <p>(g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;</p> <p>(h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by Condition A19 of this approval;</p> <p>(i) undertake the functions as required under the terms of this approval;</p> <p>(j) consider any minor amendments to be made to the CEMP, CEMP Sub-plans and monitoring programs that comprise updating or are of an administrative nature and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and</p> <p>(k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven days following the end of each month for the duration of the ER's engagement for the SSI.</p>	Yes	Yes	No	No	No	Compliant	ER comments on draft Staging Report on 8.8.19 ER review and endorsement of documents associated with A10, A29, E15, E31, A34, B1, B2, B6 / B10. on 13.8.19
A27	<p>The Proponent must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in Condition A26 (including preparation of the ER monthly report), as well as:</p> <p>(a) the complaints register (to be provided on a daily basis); and</p> <p>(b) a copy of any assessment carried out by the Proponent to determine whether proposed work is consistent with the approval (which must be provided to the ER before the commencement of the subject work).</p>	Yes	Yes	No	No	No	Compliant	ER provided access to compliant register in August 2019. No consistency review undertaken to date.
A28	<p>The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under Condition A26. The Proponent must:</p> <p>(a) facilitate and assist the Planning Secretary in any such audit; and</p> <p>(b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.</p>	Yes	Yes	No	No	No	Compliant	No audit requested by Secretary to date. Scope of Services provided to industry for ER tendering purposes included Approval Instrument (hence requirement to assist Secretary with audit).
COMPLIANCE MONITORING AND REPORTING PROGRAM								
A29	No later than four (4) weeks before the commencement of any work, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting - Post Approval Requirements (DPE, 2018) must be endorsed by the ER and submitted to the Planning Secretary for information.	Yes	Yes	No	No	No	Compliant	ER endorsement of CMRP provided on 8.8.19. CMRP forwarded to DPIE on 13.8.19
A30	Compliance Reports of the SSI must be prepared and carried out in accordance with the Compliance Reporting - Post Approval Requirements (DPE 2018). The Department must be notified of the commencement dates of construction and operation of the SSI in the pre-construction and pre-operational compliance reports.	Yes	Yes	No	No	No	Compliant	This report is the first deliverable / evidence after A29. Pre construction compliance report provided to ER for approval and Secretary FYI before 14 September 2019. Construction to commence 14 October 2019.

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment	
		Low Impact works Stages 1 & 3	Construction		Operation			
			Stage 2	Stage 4	Stage 2			Stage 4
A31	The compliance report must provide details of any review of, and minor amendments made to, the CEMP (which must be approved by the ER), resulting from construction carried out during the reporting period.	Yes	Yes	No	No	No	Compliant	This report
A32	The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done.	No	No	No	No	No	Not triggered	To be completed after Secretary approval of this report .
A33	The Compliance Monitoring and Reporting Program in the form required under Condition A29 of this approval must be implemented for the duration of works and for a minimum of one (1) year following commencement of operation, or for a longer period as determined by the Planning Secretary based on the outcomes of independent audits, Environmental Representative Reports and regular compliance reviews submitted through Compliance Reports . If staged operation is proposed, or operation is commenced of part of the SSI, the Compliance Monitoring and Reporting Program must be implemented for the relevant period of each stage or part of the SSI.	No	No	No	No	No	Not triggered	Refer to CMPR approved by the Secretary XXXX . Program developed to ensure compliance with the duration requirements
AUDITING								
A34	No later than four (4) weeks before the date notified for the commencement of construction (in the pre-construction compliance report), an Independent Audit Program prepared in accordance with the <i>Independent Audit - Post Approval Requirements</i> (DPE 2018) must be submitted to the Planning Secretary.	No	Yes	No	No	No	Compliant	Refer to Independent Audit Program submitted to the Secretary on 13.8.19
A35	Independent Audits of the development must be carried out in accordance with: (a) the Independent Audit Program submitted to the Department under Condition A34 of this approval; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the <i>Independent Audit - Post Approval Requirements</i> (DPE 2018).	No	No	No	No	No	Not triggered	To be completed after the commencement of construction and submitted in accordance with the IAP
A36	In accordance with the specific requirements in the Independent Audit Requirements (DPE 2018), the Proponent must: (a) review and respond to each Independent Audit Report prepared under Condition A35 of this approval; (b) submit the response to the Department; and (c) make each Independent Audit Report and response to it publicly available and notify the Department in writing when this has been done.	No	No	No	No	No	Not triggered	To be completed after the commencement of construction and submitted in accordance with the IAP
INCIDENT NOTIFICATION AND REPORTING								
A37	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident. The notification must identify the SSI (including the application number and the name of the SSI if it has one), and set out the date, location and nature of the incident.	No	No	No	No	No	Not triggered	No incidents occurred prior to construction. To be completed after incident .
A38	Subsequent notification must be given, and reports submitted in accordance with the requirements set out in Appendix A of this approval.	No	No	No	No	No	Not triggered	N/A
PART B - COMMUNITY INFORMATION AND REPORTING								
COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT								
Communication Strategy								
B1	A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Proponent, the ER , relevant public authorities and the community (including adjoining affected landowners and occupiers, and others directly impacted by the SSI), during the design and works associated with the SSI and for a minimum period of 12 months following the completion of construction of the SSI.	Yes	Yes	No	No	No	Compliant	Refer to CCS submitted to the Secretary on 2.8.19

Notes:

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CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment	
		Low Impact works Stages 1 & 3	Construction		Operation			
			Stage 2	Stage 4	Stage 2			Stage 4
B2	The Community Communication Strategy must: (a) identify people and organisations to be consulted during the design and work phases; (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI including use of construction hoardings to provide information regarding construction. The information to be distributed must include information regarding current site construction activities, schedules and milestones at each construction site; (c) identify opportunities and make provision for the community to visit construction sites (taking into consideration workplace, health and safety requirements); (d) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities; and (e) set out procedures and mechanisms: (i) through which the community can discuss or provide feedback to the Proponent; (ii) through which the Proponent will respond to enquiries or feedback from the community; and (iii) to resolve any issues or disputes that may arise in relation to construction of the SSI, including disputes regarding rectification or compensation.	Yes	Yes	No	No	No	Compliant	Refer to CCS submitted to the Secretary on 2.8.19
B3	The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before commencement of any work.	Yes	Yes	No	No	No	Compliant	Refer to CCS submitted to the Secretary on 2.8.19
B4	Work for the purposes of the SSI must not commence until the Community Communication Strategy has been approved by the Planning Secretary.	Yes	Yes	No	No	No	noted	DPIE and RMS working through revisions and approval. No works commenced to date.
B5	The Community Communication Strategy , as approved by the Planning Secretary, must be implemented for the duration of the works and for a period of 12 months following the completion of construction.	Yes	Yes	No	No	No	Not triggered	Not relevant for the pre construction compliance stage
COMPLAINTS MANAGEMENT SYSTEM								
B6	A Complaints Management System must be prepared and implemented before the commencement of any work and maintained for the duration of construction and for a minimum of 12 months following completion of the SSI.	Yes	Yes	No	No	No	Compliant	Refer to CMS submitted to the Secretary on 2.8.19
B7	The following must be available, to facilitate community enquiries and manage complaints, one (1) month before the commencement of work and for 12 months following the completion of construction: (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI; (b) a postal address to which written complaints and enquires may be sent; (c) an email address to which electronic complaints and enquiries may be transmitted; and (d) a mediation system for complaints unable to be resolved (including access to an independent mediation process and mediator). This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level. The Complaints Management System must be provided to the Planning Secretary prior to any work commencing.	Yes	Yes	No	No	No	Compliant	Refer to CMS submitted to the Secretary on 2.8.19 Refer to project website ; https://www.rms.nsw.gov.au/projects/hunter/newcastle-inner-city-bypass/rankin-park-to-jesmond/index.html
B8	The telephone number, postal address and email address required under Condition B7 of this approval must be published in a newspaper circulating in the relevant local area and advertised on site hoardings at each construction site, before the commencement of any works and published in the same way before the commencement of operation. This information must also be provided on the website required under Condition B13 of this approval.	Yes	Yes	No	No	No	Compliant	Telephone and email addresses established 2015. Newspaper advertisement occurred on the 31 August 2019. Information on hoardings to be completed after compound establishment
B9	A Complaints Register must be maintained recording information on all complaints received about the SSI during the carrying out of any work and for a minimum period of 12 months following the completion of construction. The Complaints Register must record the: (a) number of complaints received; (b) number of people affected in relation to a complaint; and (c) means by which the complaint was addressed and whether resolution was reached, with or without mediation.	Yes	Yes	No	No	No	Compliant	Complaints Register established for project in August 2019. Consultation Manager database is the platform used.
B10	The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request, and made available to the ER on a daily basis.	Yes	Yes	No	No	No	Compliant	ER provided with read only access to complaints register in August 2019

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		Low Impact works Stages 1 & 3	Construction		Operation			
			Stage 2	Stage 4	Stage 2			Stage 4
B11	The independent mediation process required under Condition B7(d) must detail how members of the public, who are not satisfied by the Proponent's response to a complaint, has the ability to have the Proponent's response reviewed. Any application made under the independent mediation process for a review of a community complaint must be responded to within 28 days of the request being made or other specified timeframe agreed with the member of the public.	Yes	Yes	No	No	No	Compliant	Refer to CMS submitted to the Secretary on 2.8.19
B12	The independent mediation process required under Condition B7(d) must: (a) Review any unresolved disputes if the procedures and mechanisms under Condition B2(e)(iii) do not satisfactorily address complaints; and (b) Make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes.	Yes	Yes	No	No	No	Compliant	Refer to CMS submitted to the Secretary on 2.8.19
PROVISION OF ELECTRONIC INFORMATION								
B13	A website providing information in relation to the SSI must be established before commencement of works and maintained for the duration of work, and for a minimum of 24 months following the completion of construction of the SSI. Up-to-date information (excluding confidential, private, commercial information, or other documents as agreed to by the Planning Secretary) must be published before the relevant works commencing and maintained on the website or dedicated pages including: (a) information on the current implementation status of the SSI; (b) a copy of the documents listed in Condition A1 and Condition A2 of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval; (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval; (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI; (e) a current copy of each document required under the terms of this approval, which must be published before the commencement of any work to which they relate or before their implementation, as the case may be; and (f) a copy of the compliance reports required under Conditions A30 and independent audit reports under Condition A36 of this approval.	Yes	Yes	No	No	No	Compliant	Website updated on 6.9.19 to demonstrate requirements Advertisement in local newspaper completed on 31.08.19
PART C - CONSTRUCTION ENVIRONMENTAL MANAGEMENT								
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN								
C1	A Construction Environmental Management Plan (CEMP) must be prepared to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1 will be implemented and achieved during construction.	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.
C2	The CEMP must provide: (a) a description of activities to be undertaken during construction (including the scheduling of construction); (b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI; (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of construction of the SSI; (d) details of how the activities described in subsection (a) of this condition will be carried out to: (i) meet the performance outcomes stated in the documents listed in Condition A1 ; and (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; (e) an inspection program detailing the activities to be inspected and frequency of inspections; (f) a protocol for managing and reporting any: (i) incidents; and (ii) non-compliances with this approval or statutory requirements; (g) procedures for rectifying any non-compliance with this approval identified during compliance reporting and auditing, incident management or at any time during construction; (h) a list of all the CEMP Sub-plans required in respect of construction, as set out in Condition C4 . Where staged construction of the SSI is proposed, the CEMP must also identify which CEMP Sub-plan applies to each of the proposed stages of construction; (i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the ER ; (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; and (k) for periodic review and update of the CEMP and all associated plans and programs.	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.

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CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment																	
		Low Impact works	Construction		Operation																			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4																
C3	The CEMP must be endorsed by the ER and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction.	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.																
C4	<p>The following CEMP Sub-plans must be prepared in consultation with the relevant public authorities identified for each CEMP Sub-plan:</p> <table border="1"> <caption>Table 3. CEMP Sub-plan and relevant public authorities</caption> <thead> <tr> <th>Required CEMP Sub-plan</th> <th>Relevant public authorities to be consulted for each CEMP Sub-plan</th> </tr> </thead> <tbody> <tr> <td>(a) Traffic and transport</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(b) Noise and vibration</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(c) Flora and Fauna</td> <td>DPI Fisheries and Newcastle City Council</td> </tr> <tr> <td>(d) Air quality</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(e) Soil and water</td> <td>Newcastle City Council, DPI Fisheries, DoI Water,</td> </tr> <tr> <td>(f) Aboriginal cultural heritage</td> <td>OEH and Registered Aboriginal Parties</td> </tr> <tr> <td>(g) Flood management</td> <td>Newcastle City Council</td> </tr> </tbody> </table>	Required CEMP Sub-plan	Relevant public authorities to be consulted for each CEMP Sub-plan	(a) Traffic and transport	Newcastle City Council and Health Administration Corporation	(b) Noise and vibration	Newcastle City Council and Health Administration Corporation	(c) Flora and Fauna	DPI Fisheries and Newcastle City Council	(d) Air quality	Newcastle City Council and Health Administration Corporation	(e) Soil and water	Newcastle City Council, DPI Fisheries, DoI Water,	(f) Aboriginal cultural heritage	OEH and Registered Aboriginal Parties	(g) Flood management	Newcastle City Council	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.
Required CEMP Sub-plan	Relevant public authorities to be consulted for each CEMP Sub-plan																							
(a) Traffic and transport	Newcastle City Council and Health Administration Corporation																							
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(f) Aboriginal cultural heritage	OEH and Registered Aboriginal Parties																							
(g) Flood management	Newcastle City Council																							
C5	<p>The CEMP Sub-plans must state how:</p> <p>(a) the environmental performance outcomes identified in the documents listed in Condition A1 and terms of this approval will be achieved;</p> <p>(b) the mitigation measures identified in the documents listed in Condition A1 and terms of this approval will be implemented;</p> <p>(c) the relevant terms of this approval will be complied with; and</p> <p>(d) issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed</p>	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.																
C6	The CEMP Sub-plans must be developed in consultation with the relevant public authorities specified in Table 3 . Details of all information requested by an authority to be included in a CEMP Sub-plan as a result of consultation, including copies of all correspondence from those authorities, must be provided with the relevant CEMP Sub-Plan .	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.																
C7	Any of the CEMP Sub-plans may be submitted along with, or subsequent to, the submission of the CEMP but in any event, no later than one (1) month before construction for approval by the Planning Secretary.	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.																
C8	Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary, or otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans , as approved by the Planning Secretary, including any minor amendments approved by the ER must be implemented for the duration of construction. Where construction of the SSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been approved by the Planning Secretary.	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.																
CONSTRUCTION MONITORING PROGRAMS																								

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment																
		Low Impact works	Construction		Operation																		
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4															
C9	<p>The following Construction Monitoring Programs must be prepared in consultation with the relevant public authorities identified for each to compare actual performance of construction of the SSI against the performance predicted in the in the documents listed in Condition A1 or in the CEMP:</p> <p>Table 4: Construction Monitoring and relevant public authorities</p> <table border="1"> <thead> <tr> <th></th> <th>Required Construction Monitoring Programs</th> <th>Relevant public authorities to be consulted for each Construction Monitoring Program</th> </tr> </thead> <tbody> <tr> <td>(a)</td> <td>Surface and Ground Water Quality</td> <td>DPI Fisheries, Dol Water and Newcastle City Council</td> </tr> <tr> <td>(b)</td> <td>Air Quality</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(c)</td> <td>Noise and vibration</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(e)</td> <td>Flora and fauna</td> <td>DPI Fisheries and Newcastle City Council</td> </tr> </tbody> </table>		Required Construction Monitoring Programs	Relevant public authorities to be consulted for each Construction Monitoring Program	(a)	Surface and Ground Water Quality	DPI Fisheries, Dol Water and Newcastle City Council	(b)	Air Quality	Newcastle City Council and Health Administration Corporation	(c)	Noise and vibration	Newcastle City Council and Health Administration Corporation	(e)	Flora and fauna	DPI Fisheries and Newcastle City Council	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.
	Required Construction Monitoring Programs	Relevant public authorities to be consulted for each Construction Monitoring Program																					
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(b)	Air Quality	Newcastle City Council and Health Administration Corporation																					
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(e)	Flora and fauna	DPI Fisheries and Newcastle City Council																					
C10	<p>Each Construction Monitoring Program must provide:</p> <p>(a) details of baseline data available; (b) details of baseline data to be obtained and when; (c) the parameters of the project to be monitored; (d) the frequency of monitoring to be undertaken; (e) the location of monitoring; (f) the reporting of monitoring results; (g) procedures to identify and implement additional or alternative mitigation measures where results of monitoring are unsatisfactory; and (h) any consultation to be undertaken in relation to the monitoring programs.</p>	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.															
C11	<p>The Construction Monitoring Programs must be developed in consultation with the relevant public authorities specified in Table 4. Where an authority's request(s) has not been included in the Monitoring Program, the Proponent must provide justification to the Planning Secretary as to why it was not included. Details of all information requested by an authority including copies of all correspondence from those authorities, must be provided with the relevant Construction Monitoring Program.</p>	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.															
C12	<p>The Construction Monitoring Programs must be endorsed by the ER and then submitted to the Planning Secretary for approval at least one (1) month before the commencement of construction.</p>	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.															
C13	<p>Construction must not commence until the Planning Secretary has approved, or as otherwise agreed by the Planning Secretary, all the required Construction Monitoring Programs, and all relevant baseline data for the specific construction activity has been collected.</p>	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.															
C14	<p>The Construction Monitoring Programs, as approved by the Planning Secretary including any minor amendments approved by the ER must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.</p>	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.															
C15	<p>The results of the Construction Monitoring Programs must be submitted to the Planning Secretary, and relevant public authorities for information, in the form of a Construction Monitoring Report at the frequency identified in the relevant Construction Monitoring Program.</p> <p>Where a relevant CEMP Sub-plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Sub-plan.</p>	No	No	No	No	No	Not triggered	Section C of approval instrument does not apply to Stage 1 (low impact works) , or Stage 2 construction.															

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CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment	
		Low Impact works Stages 1 & 3	Construction		Operation			
			Stage 2	Stage 4	Stage 2			Stage 4
PART D - OPERATIONAL ENVIRONMENTAL MANAGEMENT								
OPERATIONAL ENVIRONMENTAL MANAGEMENT								
D1	An Operational Environmental Management Plan (OEMP) must be prepared to detail how the performance outcomes, commitments and mitigation measures made in the documents listed in Condition A1 and the terms of this approval will be implemented and achieved during operation. This condition (Condition D1) does not apply if Condition D2 of this approval applies.	No	No	No	No	No	Not triggered Not relevant to pre-construction period	
D2	An OEMP is not required for the SSI if the Proponent has an Environmental Management System (EMS) or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the EMS or equivalent: (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in Condition A1 and specified relevant terms of this approval can be achieved; (b) issues identified through ongoing risk analysis can be managed; and (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.	No	No	No	No	No	Not triggered Not relevant to pre-construction period	
D3	The OEMP or EMS or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one (1) month prior to the commencement of operation.	No	No	No	No	No	Not triggered Not relevant to pre-construction period	
D4	The OEMP or EMS or equivalent as agreed to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the OEMP or EMS must be made publicly available before the commencement of operation.	No	No	No	No	No	Not triggered Not relevant to pre-construction period	
PART E - KEY ISSUE CONDITIONS								
AIR QUALITY								
E1	In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1 , all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants from work associated with the SSI.	No	No	No	No	No	Not triggered Not relevant to pre-construction period Stage 2 CEMPP reviewed and "in-principle approval" provided by ER includes relevant suite of air quality controls ((mitigation measures, supervision, monitoring, inspection). Delivery contract includes requirements to comply with legislation and EIS/SPIR	
BIODIVERSITY								
E2	Any work associated with the SSI must limit the clearing of native vegetation to the greatest extent practicable.	No	No	No	No	No	Not triggered Not relevant to pre-construction period. Planning for Stage 2 works clearing minimised through use of existing access tracks, use of specialist equipment to avoid need for clearing as far as practicable, delineation of access tracks, ecologist pre-clearing inspections. PLanning for Stage 1 works minimised clearing and footprint in consultation with NCC.	
E3	Impacts to plant community types must not exceed those identified in the SPIR.	No	No	No	No	No	Not triggered Not relevant to pre-construction period	

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2. Applies for 2 years after commencement of operation

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		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4																														
E4	<p>The Biodiversity Offset Strategy (BOS) detailed in the SPIR must be implemented. The credits specified in the BOS and detailed in Table 5 must be secured within 12 months of the commencement of construction, or as otherwise agreed to the Planning Secretary. The credits must be retired within 12 months of the securing the credits, or in a time frame agreed to by the Planning Secretary.</p> <p>Table 5: Biodiversity Credits to be Retired</p> <table border="1"> <thead> <tr> <th>Credit Type</th> <th>EPBC Act equivalent EEC or habitat of EPBC Act listed threatened species</th> <th>Number of Credits</th> </tr> </thead> <tbody> <tr> <td colspan="3"><i>Ecosystem Credits</i></td> </tr> <tr> <td>HU833 (PCT 1619) – Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia healthy open forest of coastal lowlands</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>1,182</td> </tr> <tr> <td>HU782 (PCT 1569) – Blackbutt – Turpentine – Sydney Blue Gum mesic tall open forest on ranges of the Central Coast</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>337</td> </tr> <tr> <td>HU806 (PCT 1592) – Spotted Gum – Red Ironbark – Grey Gum shrub – grass open forest on the Lower Hunter</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>399</td> </tr> <tr> <td>HU804 (PCT 1590) – Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest*</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>1,098</td> </tr> <tr> <td>HU841 (PCT 1627) – Smooth-barked Apple – Turpentine – Sydney Peppermint healthy woodland on sandstone ranges of the Central Coast</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>228</td> </tr> <tr> <td colspan="2">Total ecosystem credits required for offsetting</td> <td>3,244</td> </tr> <tr> <td colspan="3"><i>Species Credits</i></td> </tr> <tr> <td colspan="2">Black-eyed Susan</td> <td>12,690</td> </tr> </tbody> </table> <p><i>Note: Credits have been calculated using the Framework for Biodiversity Assessment.</i></p>	Credit Type	EPBC Act equivalent EEC or habitat of EPBC Act listed threatened species	Number of Credits	<i>Ecosystem Credits</i>			HU833 (PCT 1619) – Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia healthy open forest of coastal lowlands	Grey-headed Flying-fox (foraging habitat)	1,182	HU782 (PCT 1569) – Blackbutt – Turpentine – Sydney Blue Gum mesic tall open forest on ranges of the Central Coast	Grey-headed Flying-fox (foraging habitat)	337	HU806 (PCT 1592) – Spotted Gum – Red Ironbark – Grey Gum shrub – grass open forest on the Lower Hunter	Grey-headed Flying-fox (foraging habitat)	399	HU804 (PCT 1590) – Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest*	Grey-headed Flying-fox (foraging habitat)	1,098	HU841 (PCT 1627) – Smooth-barked Apple – Turpentine – Sydney Peppermint healthy woodland on sandstone ranges of the Central Coast	Grey-headed Flying-fox (foraging habitat)	228	Total ecosystem credits required for offsetting		3,244	<i>Species Credits</i>			Black-eyed Susan		12,690	No	No	No	No	No	Not Triggered.	RMS to seek OEH / Secretary endorsement for other timeframe for Stage 1,2,3. due to negligible impact
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E5	The Proponent must submit to the Planning Secretary a copy of the Credit Retirement Report issued by the OEH once the offsets are secured, within one month of receiving the report.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period																														
E6	Plant community types that provide habitat for impacted EPBC Act threatened species must be retired in a manner that achieves "like-for-like" habitat for the species.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period																														
E7	<p>The offsetting of biodiversity impacts must be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> (OEH, 2014) and can be achieved by:</p> <p>(a) acquiring and retiring "biodiversity credits" within the meaning of the <i>Biodiversity Conservation Act 2016</i>; and/or</p> <p>(b) making payments to an offset fund developed by the NSW Government; and/or</p> <p>(c) providing supplementary measures.</p> <p><i>Notes:</i></p> <p>1. Following repeal of the <i>Threatened Species Conservation Act 1995</i> on 25 August 2017, "biodiversity credits" created under that Act are taken to be "biodiversity credits" under the <i>Biodiversity Conservation Act 2016</i> by virtue of clause 19 of the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i>.</p> <p>2. Any residual impact on EPBC Act listed threatened species and ecological communities must be offset in accordance with an offset process endorsed by the DoEE.</p>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period																														
E8	Prior to work that impacts native vegetation the Proponent must consult with local community, landcare groups and relevant public authorities to determine if there is an interest for the reuse of suitable timber and root balls in habitat enhancement and rehabilitation work. Timber and root balls must be retained from the project where there is a demonstrated demand for their reuse.	Yes	Yes	Yes	No	No	Compliant	Not relevant to pre-construction period. RMS sent letter to DPIE seeking endorsement from the Secretary for E8 not to apply to Stage 1, 2, 3 due to works not generating a suitable number of suitable habitat creating rootballs. ER provided advise to DPIE to support the RMS proposal.																														

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		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
E9	<p>The construction of the SSI must demonstrate how:</p> <p>(a) EPBC Act listed threatened species and ecological communities are protected;</p> <p>(b) noxious weeds are managed; and</p> <p>(c) contamination by pathogens, non-indigenous regenerative plant material and seeds can be prevented by the movement of all tools, vehicles, machinery and personnel.</p> <p>Note: These additional requirements must be addressed in the Flora and Fauna Management Sub-plan required under Table 3(c)</p>	No	No	No	No	No	<p>Not triggered</p> <p>Not relevant to pre-construction period.</p> <p>Refer to CEMPP, Flora and Fauna Management Sub Plan approved by the ER on 28.06.19 for Stage 2 works Controls include weed / pathogen control. No EPBC issues.</p> <p>Stage 1 works are not construction, however EWMS approved by the ER include avoidance as the key control, then minimise impact to EPBC listed flora and prohibit any impact to listed fauna. Weed and pathogen control described in EWMS, contract documents and contractors GIP.</p>	

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		Low Impact works Stages 1 & 3	Construction		Operation			
			Stage 2	Stage 4	Stage 2			Stage 4
	Pre-clearing Surveys							
E10	Before the removal of any vegetation, or the demolition of structure identified as potential roosting sites for microbats commences, pre-clearing/demolition inspections for the threatened species must be undertaken. The inspections, and any subsequent relocation of fauna and associated management/offset measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist. Survey and relocation methodologies must be incorporated into the Construction Flora and Fauna Management Sub-plan required under Condition C4 and the documents required under Condition A9 in relation to Bridge 7 .	No	No	No	No	No	Not triggered A9 Stage 2 Construction shall not affect any potential roosting sites for microbats and CEMPP and Flora and Fauna Management Plan does include unexpected fauna finds and handling process, but does not comprehensively address bat management . Stage 1 is not construction (hence C4 is not triggered), however EWMS and works process includes pre-clearing survey (and relocation where required).	
E11	The SSI must be designed to retain as many trees as possible in Jesmond Park. Where trees are to be removed and those trees are not required to be offset under Condition E4 , the proponent must provide an net a increase in the number of replacement trees. Replacement trees must be planted within an on public land within 500 metres of the SSI boundary. Replacement tree planting may be undertaken beyond 500 metres on public land within the Newcastle City Council area if planting within 500 metres of the SSI boundary is not practicable. The location of the replacement tree plantings must be determined in consultation with Newcastle City Council, and undertaken prior to the commencement of operation.	No	Yes	Yes	No	No	Compliant Stage 2 works footprint was reduced as far as practicable and trees retained in consultation with NCC. Landscaping plans for Stage 2 were consulted with NCC. Replacement trees are at approx 1:5 ratio and are within the project footprint.	
	FLOODING							
E12	Measures to manage pre-existing flood characteristics must be incorporated into the detailed design of the SSI, following consultation with directly affected landowners, NSW State Emergency Service (SES) and Newcastle City Council.	No	No	Yes	No	No	Compliant Concept design improves flood characteristics in flood affected area (nth interchange). Further consultation is occurring with stakeholders to manage flood characteristics for detailed design.	
E13	Flood information including flood reports, models and geographic information system outputs, and works as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to Newcastle City Council, OEH and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the SSI. The Newcastle City Council, OEH and the SES must be notified in writing no later than one month following the completion of construction that the information is available. Information requested by the Newcastle City Council, OEH or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the Newcastle City Council, OEH and the SES.	No	No	No	No	No	Not triggered Not relevant to pre-construction period.	
	HERITAGE							
E14	An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected Aboriginal and Non aboriginal heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW and OEH.	Yes	Yes	Yes	No	No	Compliant Stage 1 and 2 has a Unexpected Heritage Finds and Human Remains Procedure developed in general accordance with the agency guidelines and standards	
E15	The Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in consultation with OEH and the Heritage Council of NSW (or its delegate) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of any work.	Yes	Yes	Yes	No	No	Compliant Stage 1 and 2 has a Unexpected Heritage Finds and Human Remains Procedure reviewed and endorsed by OEH and NSW Heritage Council.	
E16	The Unexpected Heritage Finds and Human Remains Procedure , as submitted to the Planning Secretary, must be implemented for the duration of work. <i>Note: Human remains that are found unexpectedly during works are under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.</i>	No	No	No	No	No	Not triggered Not relevant to pre-construction period.	
	Aboriginal Cultural Heritage							
E17	The surface salvage of sites RP2J AFT3, RP2J AFT 4, RP2J IF 1 and RP2J IF 2, and the subsurface salvage of RP2J AFT3, must be undertaken in accordance with the salvage methodology described in the <i>SPiR, Appendix H - Technical Paper 10 – Aboriginal Cultural Heritage Assessment Report, April 2018</i> .	No	No	No	No	No	Not triggered Stage 1 works developed to avoid known aboriginal cultural heritage sites at this time. Stage 2 and 3 works do not impact known heritage sites	

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		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
E18	The management of any salvaged of Aboriginal objects must be undertaken in accordance with the documents identified in Condition A1 and in consultation with the Registered Aboriginal Parties.	No	No	No	No	No	Not triggered Not relevant to pre-construction period. Stage 1 works developed to avoid known aboriginal cultural heritage sites at this time. Stage 2 and 3 works do not impact known heritage sites.	
E19	Following completion of salvage of Aboriginal objects (Conditions E17), the Proponent must prepare a Cultural Heritage Salvage Report which includes details of any archival recording, further archaeological research either undertaken or to be carried out, and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by OEH.	No	No	No	No	No	Not triggered Not relevant to pre-construction period. Stage 1 works developed to avoid known aboriginal cultural heritage sites at this time. Stage 2 and 3 works do not impact known heritage sites	
E20	The Cultural Heritage Salvage Report must be submitted to the Planning Secretary, OEH, Newcastle City Council and RAPs, where relevant, for information no later than 12 months after the completion of the salvage work referred to in Condition E17 .	No	No	No	No	No	Not triggered Not relevant to pre-construction period. Stage 1 works developed to avoid known aboriginal cultural heritage sites at this time. Stage 2 and 3 works do not impact known heritage sites	
Non-Aboriginal Cultural Heritage								
E21	Before any direct impact on the Hollywood shanty town site and the Wallsend Plattsburg tramway, the Proponent must engage a suitably qualified archaeologist whose experience complies with the <i>Heritage Council of NSW's Criteria for Assessment of Excavation Directors</i> (July, 2011) (referred to as the Excavation Director) to oversee and advise on matters associated with historic archaeology and to prepare an Historical Archaeological Research Design and Excavation Methodology generally consistent with the documents listed in Condition A1 .	No	No	No	No	No	Not triggered Stage 1 geotechnical investigation works developed to avoid known non- aboriginal cultural heritage sites at this time. Suitable contractor has been selected and engagement is progressing	
E22	The investigation and salvage of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage items must be undertaken in accordance with the Historical Archaeological Research Design and Excavation Methodology . The Proponent must submit the Historical Archaeological Research Design and Excavation Methodology to the Newcastle City Council (or its delegate) for review and comment prior to finalisation. The Historical Archaeological Research Design and Excavation Methodology must: (a) be consistent with the documents listed in Condition A1 and <i>NSW Heritage Council's Archaeological Assessments Guideline (1996)</i> or as updated; (b) provide for the detailed analysis of any heritage items discovered during the investigations; (c) include management options for discovered heritage items, whether known or unexpected finds (including options for avoidance, salvage, relocation and display); (d) for unexpected finds that are determined to be relics, set out the assessment process that will determine an appropriate archaeological response to managing their significance; (e) include procedures for notifying the Planning Secretary and Newcastle City Council of any relic findings; and (f) if the findings of the investigations are significant, provide for the preparation and implementation of a Heritage Interpretation Plan , as required under Condition E24 .	No	No	No	No	No	Not triggered Not relevant to pre-construction period.	
E23	The Proponent must prepare an Archaeological Excavation Report containing the findings of any excavations, including artefact analysis and the identification of a final repository of any finds. The report must be submitted to the Planning Secretary within 12 months of completing all archaeological investigations. The Archaeological Excavation Report must also be submitted to Newcastle City Council, the local library and the local Historical Society.	No	No	No	No	No	Not triggered Not relevant to pre-construction period.	
E24	The Proponent must prepare a Heritage Interpretation Plan which identifies and interprets the key heritage values and stories of heritage items and heritage conservation areas impacted by the SSI. The Heritage Interpretation Plan must include, but not be limited to: (a) a discussion of the key interpretive themes, stories and messages proposed to interpret the history and significance of the affected heritage items and sections of heritage conservation areas including, but not limited to, Hollywood shanty town site and the Wallsend Plattsburg tramway in Jesmond Park; and (b) identification and confirmation of interpretive initiatives implemented to mitigate impacts to archaeological relics, heritage items and conservation areas affected by the SSI. The Heritage Interpretation Plan must be prepared in consultation with the Newcastle City Council. A copy of the Plan must be provided to the Planning Secretary, Newcastle City Council, the local library and the local Historical Society, before operation of the SSI commences.	No	No	No	No	No	Not triggered Not relevant to pre-construction period.	

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		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
	NOISE AND VIBRATION							
	Land Use Survey							
E25	A detailed land use survey must be undertaken to confirm sensitive receivers and landuses (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of works which generate audible construction or operational noise, or do not meet safe working buffer distances for vibration or ground-borne noise in that area. With the exception of works associated with Bridge 7, the results of the survey must be included in the Noise and Vibration CEMP Sub-plan .	No	No	Yes	No	No	Compliant	Stage 2 CEMPP and CNVMP includes details of Stage 2 receivers and provided for appropriate mitigation
	Construction Hours							
E26	Work must only be undertaken during the following construction hours: (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; (b) 8:00am to 5:00pm Saturdays; and (c) at no time on Sundays or public holidays,	No	No	No	No	No	Not triggered	Not relevant to pre-construction period. Addressed in Stage 1 EWMS Addressed in Stage 2 CEMPP and Noise and Vibration management Sub Plan

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		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
	Variation to Works Hours							
E27	<p>Notwithstanding Conditions E26 and E30 work may be undertaken outside the hours specified, in the following circumstances:</p> <p>(a) for the delivery of materials where required by the NSW Police Force or other authority for safety reasons; or (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or (c) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or (d) work approved under an Out-of-Hours Work Protocol or Out Of Hours Works Management Process or equivalent (for work not subject to an EPL), under Condition E31; or (e) work that causes: (i) no more than 5 db(A) above the rating background level at any residence in accordance with the <i>Interim Construction Noise Guideline</i> (DECC, 2009), and (ii) no more than the 'Noise affected' noise management levels specified in Table 3 of the <i>Interim Construction Noise Guideline</i> (DECC, 2009) at other sensitive land uses, and (iii) continuous or impulsive vibration values, measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.2 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006), and (iv) intermittent vibration values measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.4 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006).</p> <p><i>Note: Section 5.24(1)(e) of the EP&A Act requires that an EPL be substantially consistent with this approval.</i></p>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period. Addressed in Stage 1 EWMS Addressed in Stage 2 CEMPP and Noise and Vibration management Sub Plan. Refer to Out of Standard Hours Works Protocol submitted to Secretary as per condition E31 on 13.8.19
E28	On becoming aware of the need for emergency work in accordance with Condition E27(b) , the Proponent must notify the ER and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those works.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
E29	<p>In order to undertake out-of-hours work, the Proponent must identify appropriate respite periods for the out-of-hours works in consultation with the community at each affected location on a monthly basis. This consultation must include (but not be limited to) providing the community with:</p> <p>(a) a schedule of likely out-of-hours work for a period of no less than three (3) months in advance; (b) potential work, location and duration; (c) proposed respite periods (d) noise characteristics and likely noise and vibration levels; and (e) likely mitigation and management measures.</p> <p>The outcomes of the community consultation, the identified respite periods and the scheduling of likely out-of-hour work must be provided to the ER, EPA and the Planning Secretary.</p>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period. Addressed in Stage 1 EWMS Addressed in Stage 2 CEMPP and Noise and Vibration management Sub Plan. Refer to Out of Standard Hours Works Protocol submitted to Secretary as per condition E31 on 13.8.19
	Highly Noise Intensive Work							
E30	<p>Except as permitted by an EPL, highly noise intensive works exceeding 75dB(A) LAeq(15 minute) noise descriptor at a sensitive receiver must only be undertaken:</p> <p>(a) between 8:00 am to 6:00 pm Monday to Friday; (b) between 8:00 am to 1:00 pm Saturday; and (c) if continuously, then not exceeding three (3) hours, with a minimum respite from those activities and works of not less than one (1) hour.</p> <p>For the purposes of this condition, 'continuous' includes any period during which there is less than one (1) hour between ceasing and recommencing any of the work.</p>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period. Addressed in Stage 1 EWMS Addressed in Stage 2 CEMPP and Noise and Vibration management Sub Plan. Refer to Out of Standard Hours Works Protocol submitted to Secretary as per condition E31 on 13.8.19

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		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
	Out-of-Hours Work Protocol – Works not subject to an EPL							
E31	<p>An Out-of-Hours Work Protocol must be prepared to identify a process for the consideration, management and approval of work which are outside the hours defined in Condition E26, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before the commencement of the work. The Protocol must be prepared in consultation with the EPA and the ER. The Protocol must:</p> <p>(a) provide a process for the consideration of out-of-hours work against the relevant noise and vibration criteria, including the determination of low and high-risk activities;</p> <p>(b) provide a process for the identification of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location, consistent with the requirements of Condition E29;</p> <p>(c) identify procedures to facilitate the coordination of out-of-hours work permitted by an EPL to ensure appropriate respite is provided;</p> <p>(d) undertake a risk analysis that considers the risk of activities, proposed mitigation, management, and coordination, including where:</p> <p>(i) low risk activities can be approved by the ER, and</p> <p>(ii) any other activity approved by the Planning Secretary; and</p> <p>(e) identify Department, EPA and community notification arrangements for approved out of hours work, which maybe detailed in the Communication Strategy.</p> <p>The Out-of-Hours Work Protocol is not required if the Proponent has an existing Out of Hours Work Management Process or equivalent that addresses Condition E31 (a) to (e) and has been approved by the Planning Secretary prior to the commencement of work.</p>	Yes	Yes	No	No	No	Compliant	<p>OOHW sent to the Secretary on 13.8.19 for review</p> <p>Stage 1,2,3 do not require an EPL. Consultation with EPA demonstrated their input to works under E31 are limited to repounding to nuisance based community complaints and legislative breaches.</p> <p>Consultation and review by ER on E31 completed on 8.8.19.</p>
	Utility Coordination and Respite							
E32	<p>All work undertaken for the delivery of the SSI, including that undertaken by third parties (such as utility relocation), must be coordinated to ensure respite periods are provided. The Proponent must:</p> <p>(a) schedule any work to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with Condition E29; or</p> <p>(b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and</p> <p>(c) provide documentary evidence to the ER in support of any decision made by the Proponent in relation to respite or mitigation.</p>	No	No	No	No	No	Not triggered	<p>Not relevant to pre-construction period.</p> <p>Stage 2 CEMPP and CNVMP (s7.3) includes third party co-ordination</p>
	Noise and Vibration Mitigation							
E33	<p>Noise generating work in the vicinity of sensitive receivers and landuses (including community, religious, educational institutions and noise and vibration-sensitive businesses, medical facilities, and the John Hunter Hospital) resulting in noise levels above the NMLs at critical working areas (such as operating theatres and precision laboratories) must not be timetabled within sensitive periods, unless other reasonable arrangements with the affected receivers are made at no cost to the affected receivers.</p>	No	No	No	No	No	Not triggered	<p>Not relevant to pre-construction period.</p> <p>Stage 2 CEMPP and CNVMP (s7.4) includes sensitive period respite</p>
E34	<p>Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:</p> <p>(a) construction 'Noise affected' noise management levels established using the <i>Interim Construction Noise Guideline</i> (DECC, 2009);</p> <p>(b) vibration criteria established using the <i>Assessing vibration: a technical guideline</i> (DEC, 2006) (for human exposure);</p> <p>(c) <i>Australian Standard AS 2187.2 - 2006 "Explosives - Storage and Use - Use of Explosives"</i>;</p> <p>(d) BS 7385 Part 2-1993 "<i>Evaluation and measurement for vibration in buildings Part 2</i>" as they are "applicable to Australian conditions"; and</p> <p>(e) The vibration limits set out in the <i>German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures</i> (for structural damage).</p> <p>Any work identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol or Out of Hours Work Management Process or equivalent, required by Condition E31, and in relation to Bridge 7 the documents required by Condition A9.</p> <p><i>Note: The Interim Construction Noise Guideline identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction Noise Management Level.</i></p>	No	No	No	No	No	Not triggered	<p>Not relevant to pre-construction period.</p> <p>Addressed in Stage 1 EWMS</p> <p>Addressed in Stage 2 CEMPP and Noise and Vibration management Sub Plan</p> <p>Addressed in OOHW protocol</p>

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		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
E35	Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded: (a) evening (6:00 pm to 10:00 pm) — internal $LA_{eq(15\text{ minute})}$: 40 dB(A); and (b) night (10:00 pm to 7:00 am) — internal $LA_{eq(15\text{ minute})}$: 35 dB(A). The mitigation measures must be outlined in the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol , or Out of Hours Work Management Process or equivalent, required by Condition E31 , and in relation to Bridge 7 the documents required by Condition A9 .	No	No	No	No	No	Not triggered Not relevant to pre-construction period. Addressed in Stage 1 EWMS Addressed in Stage 2 CEMPP and Noise and Vibration management Sub Plan Addressed in OOHW protocol	
E36	Landowner(s) and occupier(s) of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before works that generate vibration commences near those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, landowner(s) and occupier(s) must be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the landowner and occupier. These properties must be identified and considered in the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol or Out of Hours Work Management Process or equivalent, required by Condition E31 , and in relation to Bridge 7 the documents required by Condition A9 . <i>Note: Condition E54 requires Pre-construction Building and Structure Condition Surveys of buildings and structures of risk of damage to be undertaken prior to the commencement of work in the vicinity of the buildings or structures.</i>	No	No	No	No	No	Not triggered Not relevant to pre-construction period. Addressed in Stage 1 EWMS Addressed in Stage 2 CEMPP and Noise and Vibration management Sub Plan	
E37	The Proponent must conduct vibration testing before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.	No	No	No	No	No	Not triggered Not relevant to pre-construction period. Addressed in Stage 1 EWMS Addressed in Stage 2 CEMPP and Noise and Vibration management Sub Plan	
Noise Mitigation - Operational Noise Mitigation Measures								
E38	The Proponent must prepare an Operational Noise Mitigation Review (ONMR) to confirm noise mitigation measures that would be implemented for the operation of the SSI. The ONMR must be prepared in consultation with the ER, EPA and Newcastle City Council and must: (a) confirm the operational noise predictions based on the final design of the SSI. The operational noise assessment must be based on an appropriately calibrated noise model (which has incorporated additional noise monitoring, and concurrent traffic counting, where necessary for calibration purposes); (b) review the suitability of the operational noise mitigation measures identified in the documents listed in Condition A1. The review must take into consideration the detailed design of the SSI, with the objective of achieving the noise criteria outlined in the NSW Road Noise Policy (DECCW, 2011); (c) where necessary, investigate and identify additional noise mitigation measures to achieve the noise criteria outlined in the NSW Road Noise Policy (DECCW, 2011) (d) measures to address heavy vehicle compression (engine) braking noise; and (e) procedures for the management of operational noise complaints. The ONMR is to be verified by a suitably qualified and experienced noise and vibration expert and undertaken at the Proponent's expense. The ONMR must be submitted to the Planning Secretary for approval before the implementation of operational noise mitigation measures. The Proponent must implement the identified noise mitigation measures, and following its approval, make the ONMR publicly available and provide a copy to the EPA and Newcastle City Council.	No	No	No	No	No	Not triggered Not relevant to pre-construction period.	
E39	Operational noise mitigation measures identified in Condition E38 that will not be physically affected by work must be implemented within six (6) months of the commencement of construction in the vicinity of the impacted receiver(s), to minimise construction noise impacts. These measures must be detailed in the Noise and Vibration CEMP Sub-plan .	No	No	No	No	No	Not triggered Not relevant to pre-construction period.	
E40	Where operational noise mitigation measures are not proposed to be implemented in accordance with Condition E39 , the Proponent must submit to the Planning Secretary a report providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures identified in Condition E38 are implemented. The report must be endorsed by the ER and submitted to the Planning Secretary within six months of construction commencing.	No	No	No	No	No	Not triggered Not relevant to pre-construction period.	

Notes:

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		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
E41	<p>Within 12 months of the commencement of operation of the SSI, the Proponent must undertake monitoring of operational noise to compare the actual noise performance of the SSI against the noise performance predicted in the review of noise mitigation measures required by Condition E38.</p> <p>The Proponent must prepare an Operational Noise Compliance Report to document this monitoring. The Report must include, but not necessarily be limited to:</p> <p>(a) noise monitoring to assess compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under Condition E38;</p> <p>(b) a review of the operational noise levels in terms of criteria and noise goals established in the <i>NSW Road Noise Policy</i> (DECCW, 2011);</p> <p>(c) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which SSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers;</p> <p>(d) details of any complaints and enquiries received in relation to operational noise generated by the SSI between the date of commencement of operation and the date the report was prepared;</p> <p>(e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions;</p> <p>(f) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and</p> <p>(g) identification of additional measures to those identified in the review of noise mitigation measures required by Condition E38, that are to be implemented with the objective of meeting the criteria outlined in the <i>NSW Road Noise Policy</i> (DECCW, 2011), when these measures is to be implemented and how their effectiveness would be measured and reported to the Planning Secretary and the EPA.</p>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
E42	The Operational Noise Compliance Report must be verified by a suitably qualified and experienced independent noise and vibration expert, made publicly available and submitted to the Planning Secretary and the EPA within 60 days of completing the operational noise monitoring.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
E43	The construction and operation of Bridge 7 and its associated components do not trigger the requirements of Conditions E38, E39, E40 and E41 .	No	No	No	No	No	Not triggered	Noted
Construction Vibration								
E44	<p>The SSI must be delivered with the aim of achieving the following vibration goals:</p> <p>(a) for structural damage to heritage structures, the vibration limits set out in the <i>German Standard DIN 4150-3: Structural Vibration – Part 3 Effects of vibration on structures</i>;</p> <p>(b) for damage to other buildings and/or structures, the vibration limits set out in the <i>British Standard BS 7385-1:1990 – Evaluation and measurement of vibration in buildings—Guide for measurement of vibration and evaluation of their effects on buildings (and referenced in Australian Standard 2187.2 – 2006 Explosives – Storage and use – Use of explosives)</i>; and</p> <p>(c) for human exposure, the acceptable vibration values set out in <i>Assessing Vibration: A Technical Guideline</i> (Department of Environment and Conservation, 2006).</p>	No	No	No	No	No	Not triggered	Addressed in Stage 1 EWMS Addressed in Stage 2 CEMPP and Noise and Vibration management Sub Plan
E45	<p>Blasting associated with the SSI must only be undertaken during the following hours:</p> <p>(a) 9:00am to 5:00pm, Monday to Friday, inclusive;</p> <p>(b) 9:00am to 1:00pm on Saturday; and</p> <p>(c) at no time on Sunday or public holidays.</p> <p>This condition does not apply in the event of a direction from the NSW Police Force or other relevant authority for safety or emergency reasons to avoid loss of life, property loss and/or to prevent environmental harm.</p> <p>Blasting may be undertaken outside the above hours where:</p> <p>(a) no sensitive receivers would be impacted by blasting; or</p> <p>(b) an agreement has been made with potentially affected receivers.</p>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.

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E46	<p>Airblast overpressure generated by blasting associated with the SSI must not exceed the criteria specified in Table 6 when measured at the most affected residence or other sensitive receiver.</p> <p>Table 6: Airblast overpressure limits for human comfort</p> <table border="1"> <thead> <tr> <th>Receiver</th> <th>Type of blasting operations</th> <th>Airblast Overpressure Limit</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting more than 12 months or more than 20 blasts</td> <td>115 dBL for 95% of blasts per year</td> </tr> <tr> <td>120 dBL maximum limit</td> </tr> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting less than 12 months or less than 20 blasts in total</td> <td>120 dBL for 95% of blasts per year</td> </tr> <tr> <td>125 dBL maximum limit</td> </tr> <tr> <td>Occupied non-sensitive sites, such as factories and commercial premises</td> <td>All blasting</td> <td>125 dBL maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation</td> </tr> </tbody> </table> <p>Source – Table J5.4(A) – AS 2187.2 – 2006</p> <p><i>Note: a sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied by people</i></p>	Receiver	Type of blasting operations	Airblast Overpressure Limit	Sensitive site	Blasting operations lasting more than 12 months or more than 20 blasts	115 dBL for 95% of blasts per year	120 dBL maximum limit	Sensitive site	Blasting operations lasting less than 12 months or less than 20 blasts in total	120 dBL for 95% of blasts per year	125 dBL maximum limit	Occupied non-sensitive sites, such as factories and commercial premises	All blasting	125 dBL maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
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E47	<p>Ground vibration generated by blasting associated with the SSI must not exceed the criteria specified in Table 7 and Table 8 when measured at the most affected residence or other sensitive receiver.</p> <p>Table 7: Ground vibration limits for human comfort</p> <table border="1"> <thead> <tr> <th>Receiver</th> <th>Type of blasting operations</th> <th>Peak component particle velocity (mm/s)</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting more than 12 months or more than 20 blasts</td> <td>5 mm/s for 95% of blasts per year</td> </tr> <tr> <td>10 mm/s maximum limit</td> </tr> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting less than 12 months or less than 20 blasts in total</td> <td>10 mm/s maximum limit</td> </tr> <tr> <td></td> </tr> <tr> <td>Occupied non-sensitive sites, such as factories and commercial premises</td> <td>All blasting</td> <td>25 mm/s maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation</td> </tr> </tbody> </table> <p>Source – Table J4.5(A) – AS 2187.2 – 2006</p> <p><i>Note: A sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied by people</i></p>	Receiver	Type of blasting operations	Peak component particle velocity (mm/s)	Sensitive site	Blasting operations lasting more than 12 months or more than 20 blasts	5 mm/s for 95% of blasts per year	10 mm/s maximum limit	Sensitive site	Blasting operations lasting less than 12 months or less than 20 blasts in total	10 mm/s maximum limit		Occupied non-sensitive sites, such as factories and commercial premises	All blasting	25 mm/s maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
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		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4																								
	<p>Table 8: Ground vibration limits for control of damage to structures</p> <table border="1"> <thead> <tr> <th>Receiver</th> <th>Type of blasting operations</th> <th colspan="2">Peak component particle velocity (mm/s)</th> </tr> </thead> <tbody> <tr> <td>Other structures or architectural elements that include masonry, plaster and plasterboard in their construction¹</td> <td></td> <td>15 mm/s 4 Hz to 15 Hz, except for heritage structures where a frequency dependent vibration criteria would be determined in accordance with AS 2187.2 – 2006.</td> <td>20 mm/s 15 Hz and above</td> </tr> <tr> <td>Reinforced or framed structures. Industrial and heavy commercial buildings²</td> <td>All blasting</td> <td>50 mm/s at 4 Hz and above</td> <td></td> </tr> <tr> <td>Unreinforced or light framed structure. Residential or light commercial type building²</td> <td>All blasting</td> <td>15 mm/s at 4 Hz increasing to 20 mm/s at 15 Hz</td> <td>20 mm/s at 15 Hz increasing to 50 mm/s at 40 Hz and above</td> </tr> <tr> <td>Unoccupied structures of reinforced concrete or steel construction</td> <td>All blasting</td> <td colspan="2">100 mm/s maximum, where agreed with the structure owner.</td> </tr> <tr> <td>Infrastructure service structures, such as pipelines, powerlines, cables and reservoirs.</td> <td>All blasting</td> <td colspan="2">Limits to be determined by structural design methodology in consultation with the infrastructure service provider.</td> </tr> </tbody> </table> <p>Source: Table J4.5(B) – AS 2187.2 – 2006 and Table J4.4.2.1 – AS 2187.2 – 2006 (BS 7385-2)</p>	Receiver	Type of blasting operations	Peak component particle velocity (mm/s)		Other structures or architectural elements that include masonry, plaster and plasterboard in their construction ¹		15 mm/s 4 Hz to 15 Hz, except for heritage structures where a frequency dependent vibration criteria would be determined in accordance with AS 2187.2 – 2006.	20 mm/s 15 Hz and above	Reinforced or framed structures. Industrial and heavy commercial buildings ²	All blasting	50 mm/s at 4 Hz and above		Unreinforced or light framed structure. Residential or light commercial type building ²	All blasting	15 mm/s at 4 Hz increasing to 20 mm/s at 15 Hz	20 mm/s at 15 Hz increasing to 50 mm/s at 40 Hz and above	Unoccupied structures of reinforced concrete or steel construction	All blasting	100 mm/s maximum, where agreed with the structure owner.		Infrastructure service structures, such as pipelines, powerlines, cables and reservoirs.	All blasting	Limits to be determined by structural design methodology in consultation with the infrastructure service provider.		No	No	No	No	No		
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Infrastructure service structures, such as pipelines, powerlines, cables and reservoirs.	All blasting	Limits to be determined by structural design methodology in consultation with the infrastructure service provider.																														
E48	<p>The blasting criteria specified in the tables in Conditions E46 and E47 may be exceeded where the Proponent has obtained the written agreement of the landowner and occupier to increase the relevant criteria. In obtaining the agreement, the Proponent must make available to the landowner and occupier:</p> <p>(a) details of the proposed blasting program and justification for the proposed increase in blasting criteria including alternatives considered (where relevant); (b) an assessment of the environmental impacts of the increased blasting criteria on the surrounding environment and most affected residences or other sensitive receivers including, but not limited to noise, vibration and air quality and any risk to surrounding utilities, services or other structures; and (c) details of the blast management, mitigation and monitoring procedures to be implemented.</p>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.																								
E49	<p>The Proponent must provide a copy of the landowner and occupier written agreement to the Planning Secretary and the EPA, including details of the consultation undertaken (with clear identification of proposed blast limits and potential property impacts), before commencing blasting at the higher limits.</p> <p>Unless otherwise agreed by the Planning Secretary, the following exclusions apply: (a) the landowner and occupier may terminate at any time an agreement made with the Proponent to increase the blasting criteria, should concerns made by the landowner and occupier about the blasting criteria be unresolved. Where an agreement is terminated, the Proponent must not exceed the criteria specified in the tables in Conditions E46 and E47 for future blasting that affects the property; and (b) the blasting limit agreed to under any agreement must not exceed a maximum Peak Particle Velocity vibration level of 25 mm/s or maximum Airblast Overpressure level of 125 dBL.</p>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.																								
Blasting Management Strategy																																
E50	<p>A Blast Management Strategy must be prepared and must include:</p> <p>(a) sequencing and review of trial blasting to inform blasting; (b) regularity of blasting; (c) intensity of blasting; (d) periods of relief; and (e) blasting program.</p>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.																								
E51	The Blast Management Strategy must be endorsed by a suitably qualified and experienced independent person.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.																								
E52	The Blast Management Strategy must be prepared in accordance with relevant guidelines in order to ensure that all blasting and associated activities are carried out so as not to generate unacceptable noise and vibration impacts or pose a significant risk to sensitive receivers.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.																								

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		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
E53	The Blast Management Strategy must be submitted to the Planning Secretary for information no later than one month before the commencement of blasting. The Strategy as submitted to the Planning Secretary, must be implemented for all blasting activities.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.

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		Low Impact works Stages 1 & 3	Construction		Operation			
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SOCIO-ECONOMIC, LAND USE AND PROPERTY								
Building Condition Survey								
E54	<p>Pre-construction Building and Structure Condition Surveys must be undertaken of all buildings, structures, and utilities and the like, identified in the documents listed in Condition A1, as being at risk of damage from the works associated with the SSI.</p> <p>The surveys must be undertaken by a suitably qualified structural engineer before the commencement of any work that could cause damage to buildings, structures and utilities. The results of the surveys must be documented in a Pre-construction Building and Structure Condition Survey Report for each building, structure and utility surveyed. Copies of the Pre-construction Building and Structure Condition Survey Reports must be provided to the owners of the buildings, structures and utilities surveyed, and no later than one (1) month before the commencement of work the vicinity of the impacted buildings, structures and utilities</p>	No	No	No	No	No	Not triggered	This condition is included in the SPB delivery contract. Reports shall be forwarded to the Secretary one month prior to construction in the affected areas
E55	After completion of construction of the SSI, a follow-up condition survey of all items for which building and structure condition surveys were undertaken in accordance with Condition E54, must be undertaken by a suitably qualified structural engineer. The results of the surveys must be documented in a Post-construction Building and Structure Condition Survey Report for each building, structure and utility surveyed. Copies of the Post-construction Building and Structure Condition Survey Reports must be provided to the owners of the buildings, structures and utilities surveyed no later than three months following the completion of construction.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
E56	The Proponent, where liable, must rectify any damage caused directly or indirectly (for example from vibration or from groundwater change) by the construction or operation of the SSI at no cost to the landowner. Alternatively, the Proponent may pay compensation for the property damage as agreed with the landowner.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
SOILS								
E57	All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to prevent water pollution. When implementing such controls, any relevant guidance in the <i>Managing Urban Stormwater</i> series must be considered.	No	No	No	No	No	Not triggered	Blue Book compliance is a delivery contract specification. RMS has engaged a Soil Conservationist to review Stage 1 and Stage 2 ERSED control plans to ensure Blue Book Compliance.
Contaminated Sites								
E58	Areas of soil contamination identified within the documents referred to in Condition A1 must be management in accordance with Management Measure SW04 and SW05 as described in the SPIR.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period. No soil contamination identified for SPB, however lead paint identified in the Stage 2 bus stop is described and managed in the CEMPP and sub plan
E59	An Unexpected Contaminated Land and Asbestos Finds Procedure must be prepared before the commencement of work and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during work.	Yes	Yes	Yes	No	No	Compliant	Procedure forwarded to Secretary on 23.08.19
E60	The Unexpected Contaminated Land and Asbestos Finds Procedure must be implemented for the duration of work.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
SUSTAINABILITY								
E61	A Sustainability Strategy must be prepared and submitted to the Planning Secretary for information before the commencement of construction (except Bridge 7 works). The Sustainability Strategy must include: (a) details of achieving an As Built rating under the Infrastructure Sustainability Council of Australia (ISCA) infrastructure rating tool or other justified rating mechanism; (b) details of the sustainability initiatives which will be implemented; and (c) a description of how the strategy will be implemented for the SSI	No	No	No	No	No	Not triggered	Noted
TRAFFIC AND TRANSPORT								
E62	All road roads within one (1) kilometre of the SSI (including construction ancillary facilities) proposed to be used by heavy vehicles used for the SSI must be identified in the Construction Traffic and Transport Management Sub-plan .	No	Yes	Yes	No	No	Compliant	Refer to Stage 2 CEMPP , CTMP approved by the ER. Local roads shown in figure 1.1 and described in s4.1.3. Delivery contractor may ammend plan where required.

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E63	Local roads proposed to be used by heavy vehicles for the SSI works that were not assessed in the EIS or SPIR, must be approved by the Planning Secretary through the Construction Traffic and Transport Management Sub-plan (including any revisions to the sub-plan that identify additional local roads). The request to the Planning Secretary must include a traffic and pedestrian impact assessment, and a swept path analysis, if required. The traffic and pedestrian impact assessment must: (a) demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts; (b) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and (c) describe the measures that will be implemented to minimise safety and amenity impacts to any schools, aged care facilities and child care facilities during their peak operation times.	No	Yes	Yes	No	No	Compliant	Refer to Stage 2 CEMPP , CTMP approved by the ER. Local roads shown in figure 1.1 and described in s4.1.3. Delivery contractor may ammend plan where required. .
E64	The requirements of Conditions E62 and E63 in relation to Bridge 7 may be addressed by the documents required under Condition A9 .	No	Yes	No	No	No	Compliant	Refer to Stage 2 CEMPP , CTMP approved by the ER. Local roads shown in figure 1.1 and described in s4.1.3. Delivery contractor may ammend plan where required. .
E65	Heavy vehicles must only use Construction Access Road 2 (as shown in Appendix B) in the John Hunter Hospital precinct for the establishment of Construction Compound A, unless otherwise agreed by the Health Administration Corporation. <i>Note: Heavy vehicles movements associated with Condition E65 must comply with the construction hours specified in Conditions E26 and E27.</i>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
E66	Heavy vehicle movements through the John Hunter Hospital precinct must be identified in the Construction Traffic and Transport Management CEMP Sub-plan . The Construction Traffic and Transport Management CEMP Sub-plan must include the following: (a) number of heavy vehicle movements; (b) frequency of heavy vehicle movements; (c) deliveries outside the construction hours identified in Condition E26 ; and (d) governance arrangements to address acute traffic management issues. <i>Note: These requirements are additional to the requirements of Part C of this approval.</i>	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
E67	At no time must heavy vehicles associated with the construction of the SSI, travel through the John Hunter Hospital precinct, except as permitted in Condition E65 .	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
E68	Before any local road is used by a heavy vehicle for the SSI, a Road Dilapidation Report must be prepared for the road, unless otherwise agreed by the Planning Secretary. The Road Dilapidation Report must be prepared by a suitably qualified person before the commencement of works that have the potential to damage local roads (and associated infrastructure). A copy of the Road Dilapidation Report must be provided to the landowner and Newcastle City Council within three weeks of completion of the surveys and no later than one (1) month before the use of local roads by heavy vehicles for the construction of the SSI.	No	No	No	No	No	Not triggered	Thei requirement is included in the Stage 2 delivery contract and shall be completed at relevant times and with the works program
E69	If damage to roads or road related structures occurs as a result of the construction of the SSI, the Proponent must either (at the landowner discretion): (a) compensate the landowner for the damage so caused. The amount of compensation may be agreed with the landowner, but compensation must be paid even if no agreement is reached; or (b) rectify the damage to restore the road or road related structure to at least the condition it was in pre-construction.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.

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		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2			Stage 4
E70	During the carrying out of work for the SSI, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with the affected businesses and properties and implemented before the disruption occurs. Signage and directions to businesses must be provided before, and for the duration of, any disruption.	No	No	No	No	No	Not triggered Refer to Stage 2 CEMPP , CTMP (mitigation measures) approved by the ER where this requirement is addressed.	
Pedestrian and Cyclist Access								
E71	Safe pedestrian and cyclist access must be maintained around work sites for the duration of construction. In circumstances where pedestrian and cyclist access are restricted or removed due to construction activities, an alternate route (temporary or permanent) which complies with the relevant standards must be provided and signposted.	No	No	No	No	No	Not triggered Refer to Stage 2 CEMPP , CTMP (mitigation measures) approved by the ER where this requirement is addressed.	
E72	The SSI's shared paths must be designed to discourage pedestrian access onto the bypass. <i>Note: The intention is to discourage pedestrians and/or cyclist from inadvertently accessing the bypass for safety reasons</i>	No	No	No	No	No	Not triggered Detailed design for shared paths has exclusion measures such as signage, barriers.	
E73	The Jesmond Park parking area must be reviewed and optimised to include the replacement of disabled car parking removed by the SSI in consultation with Newcastle City Council. This parking must be provided before the removal of on street parking on Newcastle Road.	No	Yes	Yes	No	No	Compliant Stage 2 works to retain disabled parking in Jesmond Park as the public car park is off site and not intended for the use of the project.	
Fire Trails								
E74	Alternate fire trails must be provided and implemented in consultation with the relevant fire authorities.	No	No	No	No	No	Not triggered Concept design included alternate trails. RMS consulting with relevant parties as detailed design progresses.	

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

CoA #	Requirement	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment	
		Low Impact works Stages 1 & 3	Construction		Operation			
			Stage 2	Stage 4	Stage 2			Stage 4
	URBAN DESIGN AND VISUAL AMENITY							
	Construction Ancillary Facilities							
E75	Construction Ancillary Facilities must minimise visual impacts to adjoining properties, including, providing temporary landscaping and vegetative screening of the construction sites and minimising light spill.	No	No	No	No	No	Not triggered	Stage 2 CEMPP and AFEMP (section 7.1) provides impact mitigation for visual impacts.
	Lighting and Security							
E76	All lighting associated with the construction and operation of the SSI must: (a) operate with the objective to minimising light spill to surrounding properties; and (b) be consistent with the requirements of <i>Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting</i> and relevant Australian Standards in the series <i>AS/NZ 1158 – Lighting for Roads and Public Spaces</i> . Notwithstanding, the Proponent must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the SSI, in consultation with affected landowners.	No	No	No	No	No	Not triggered	Stage 2 CEMPP and AFEMP (section 7.1) provides impact mitigation for visual impacts.
	Bridge Elements							
E77	Bridge 7 and Bridge 8, must be designed in accordance with the following guidelines, as relevant: (a) <i>Beyond the Pavement</i> (RMS 2014); (b) <i>Bridge Aesthetics</i> (RMS 2012); (c) <i>Landscape Design Guidelines</i> (RMS 2008); and (d) designed to incorporate elements which reflect the steel industry heritage of Newcastle. The final design of the bridges must be provided to the Planning Secretary for information prior to construction of these structures. <i>Note: The colour scheme is identified in SPIR, Appendix E - Urban Design and Landscape Character and Visual Impact Assessment.</i>	No	Yes Bridge 7	No	No	No	Compliant	Design scope and reviews included a-e. Package sent to DPIE on 02.08.19
	Structural Adequacy							
E78	The Proponent must ensure that the construction of the SSI, including former mine working remediation activities, are carried out in accordance with the requirements of Subsidence Advisory NSW.	No	Yes Bridge 7	No	No	No	Compliant	Stage 2 works are outside of mine subsidence areas and hence no requirements apply.
	Operational Maintenance							
E79	The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and works implemented as part of this approval must remain the Proponent's responsibility, until satisfactory arrangements have been made for the transfer of the asset to the relevant authority. Prior to the transfer of assets, the Proponent must maintain the items and works.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
	Operational noise barriers design							
E80	Operational noise barriers must be designed to minimise visual and amenity impacts and be designed in accordance with the <i>Noise wall design guideline – Design guideline to improve the appearance of noise walls in NSW</i> (RMS, March 2016).	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.
	WASTE							
E81	Waste generated during works and operation of the SSI must be dealt with in accordance with the following priorities: (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced; (b) where avoiding or reducing waste is not possible, waste is to be re-used, recycled, or recovered; and (c) where re-using, recycling or recovering waste is not possible, waste is to be treated or disposed of.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period. Refer to Stage 2 CEMPP , CRWMP approved by the ER (section 6) Stage 1 EWMS shall include suitable waste management controls

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

CoA #	Requirement	Project Stage					Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Low Impact works	Construction		Operation			
		Stages 1 & 3	Stage 2	Stage 4	Stage 2	Stage 4		
E82	The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the EPL for the SSI, or a Resource Recovery Exemption or Order issued under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> , as the case may be.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period. Refer to Stage 2 CEMPP , CRWMP approved by the ER (section 6) Stage 1 EWMS shall include suitable waste management controls
E83	Waste generated by all activities associated with the works and operation of the SSI must only be: (a) exported to a EPA licensed facility for the storage, treatment, processing, reprocessing or disposal, or to any other place that can lawfully accept such waste, or (b) reused in accordance with a Resource Recovery Exemption or Order issued under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> .	No	No	No	No	No	Not triggered	Not relevant to pre-construction period. Refer to Stage 2 CEMPP , CRWMP approved by the ER (section 6) Stage 1 EWMS shall include suitable waste management controls
E84	All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period. Refer to Stage 2 CEMPP , CRWMP approved by the ER (section 6) Stage 1 EWMS shall include suitable waste management controls

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

CoA #	Requirement	Low Impact works Stages 1 & 3	Project Stage				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
			Construction		Operation			
			Stage 2	Stage 4	Stage 2	Stage 4		
	WATER							
E85	The SSI must be designed, constructed and operated to achieve the outcomes described in the documents listed in condition A1 and/or to maintain the <i>NSW Water Quality Objectives</i> where they are being achieved as at the date of this approval, and contribute towards achievement of the <i>NSW Water Quality Objectives</i> over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the SSI contains different requirements in relation to the <i>NSW Water Quality Objectives</i> , in which case those requirements must be complied with.	No	Yes	No	No	No	Compliant	Approved concept design complied with NSW Water Quality Objectives. Detailed design to comply with Objectives
E86	Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be constructed in accordance with the relevant guidelines and designed by a suitably qualified and experienced person.	No	No	No	No	No	Not triggered	Not relevant to pre-construction period.

Notes:

1. Applies for 1 year after commencement of operation
2. Applies for 2 years after commencement of operation

Appendix B.Federal CoA Compliance Tracking Table

RP2J Compliance Table - Federal Conditions of Approval

Compliance Monitoring Reporting Program

DoEE CoA #	Requirement	Low Impact Works Stages 1 & 3	Development Phase				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
			Construction		Operation			
			Stage 2	Stage 4	Stage 2	Stage 4		
PART A - Conditions specific to the action								
1	The approval holder must comply with the following NSW conditions where they relate to the protection of the Black-eyed Susan (<i>Tetradthea juncea</i>), the Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) and the Hunter Estuary Ramsar site: the terms of this approval and the description of the SSI in the <i>Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental impact statement (RMS, 2016)</i> (the EIS) and the <i>Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS, 2018)</i> (the SPIR);	Yes	No	No	No	No	Compliant	Potential impact to federally listed items has been managed through the preconstruction phase by consultation with OEH and the Secretary to ensure Stage 1 works are low impact
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN								
	NSW condition C4 , requiring a Flora and Fauna Construction Environment Management Plan (CEMP).	No	No	No	No	No	Not triggered	Stage 1 works are low impacts works (ie not construction) asnd do not trigger requirements for a CEMP under section C of the NSW approval instrument.
	NSW condition C5 , requiring the CEMP Sub-plans to state how: (a) environmental performance outcomes will be achieved; (b) how the mitigation measures will be implemented; (c) how the relevant terms of the NSW conditions will be complied with; and (d) how issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed.	No	No	No	No	No	Not triggered	Stage 1 works are low impacts works (ie not construction) asnd do not trigger requirements for a CEMP under section C of the NSW approval instrument.
	NSW condition C8 , construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary.	No	Yes	No	No	No	Compliant	CEMPP and Flora / Fauna Sub Plan developed under NSW CoA A9 to manage construction impacts of Stage 2
BIODIVERSITY								
	NSW condition E2 , limiting the clearing of native vegetation to the greatest extent practicable.	Yes	Yes	No	No	No	Compliant	CEMPP and Flora / Fauna Sub Plan developed under NSW CoA A9 to manage construction impacts of Stage 2. Consultation with Council identified Stage 2 clearing limits and parkland vegetation to be retained. Stage 1 geotech clearing limited to rig footprint. Rig access to be limited to trampling where possible.
	NSW condition E4 , implementing the Biodiversity Offset Strategy.	No	No	No	No	No	Not triggered	Noted
	NSW condition E6 , requiring plant community types that provide habitat for impacted EPBC Act threatened species to be retired in a manner that achieves "like-for-like" habitat for the species.	No	No	No	No	No	Not triggered	Noted
	NSW condition E7 , requiring the offsetting of biodiversity impacts to be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> (OEH, 2014) and to be achieved by: (a) acquiring and retiring "biodiversity credits" within the meaning of the Biodiversity Conservation Act 2016; and/or (b) making payments to an offset fund developed by the NSW Government; and/or (c) providing supplementary measures. Footnote 2 under condition E7 states that: "Any residual impact on EPBC Act listed threatened species and ecological communities must be offset in accordance with an offset process endorsed by the DoEE."	No	No	No	No	No	Not triggered	Noted
	NSW condition E9 , stating that the construction of the bypass must demonstrate how: (a) EPBC Act listed threatened species and ecological communities are protected; (b) noxious weeds are managed; and (c) contamination by pathogens, non-indigenous regenerative plant material and seeds can be prevented by the movement of all tools, vehicles, machinery and personnel. Footnote: These additional requirements must be addressed in the Flora and Fauna Management Sub-plan required under Condition C4 Table 3 (c).	No	Yes	No	No	No	Compliant	Refer to CEMPP, Flora and Fauna Management Sub Plan approved by the ER on XXXX for Stage 2 works. Controls include weed / pathogen control. No EPBC issues.

RP2J Compliance Table - Federal Conditions of Approval

Compliance Monitoring Reporting Program

DoEE CoA #	Requirement	Low Impact Works Stages 1 & 3	Development Phase				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
			Construction		Operation			
			Stage 2	Stage 4	Stage 2	Stage 4		
SOILS								
	NSW condition E57, requiring the proponent to undertake erosion and sediment controls consistent with the Managing Urban Stormwater series.	No	No	No	No	No	Not triggered	Blue Book compliance is a delivery contract condition. RMS has engaged a Soil Conservationist to review Stage 1 and Stage 2 ERSED control plans to ensure Blue Book compliance.
WATER								
	NSW condition E85, requiring the bypass to be designed, constructed and operated to achieve the outcomes described in the documents listed in NSW condition A1 of the NSW Approval.	Yes	Yes	No	No	No	Compliant	Stage 1 and 2 design is compliant with condition A1 . Any changes to design of A1 to be considered for consistency and where required, a modification to the approval shall be sought by the Secretary.
	NSW condition E86, requiring drainage feature crossings and drainage swales and depressions to be constructed in accordance with the relevant guidelines and designed by a suitably qualified and experienced person.	No	No	No	No	No	Not triggered	Not triggered
BIODIVERSITY								
2	The approval holder cannot retire biodiversity credits that relate to EPBC Act listed threatened species and ecological communities by making payments into an offset fund that has been developed by the NSW Government, as referred to in NSW condition E7, unless approved in writing by the Minister.	No	No	No	No	No	Not triggered	Not triggered