

# Newcastle Inner City Bypass – Rankin Park to Jesmond

Six Monthly Construction  
Compliance Report 3

November 2020 – April 2021

## Document control

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File name:

NICB RP2J 6 monthly construction compliance report November – April 2021

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Report name:

Newcastle Inner City Bypass – Rankin Park to Jesmond

Six Monthly Construction Compliance Report: November – April 2021

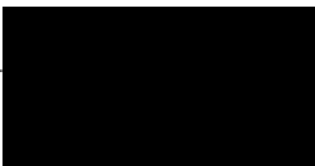


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## Revision history

Revision	Date	Description
0	10.06.21	For ER endorsement



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## Approval and authorization

Plan reviewed by:	Plan reviewed by:	Plan endorsed by:
		
TfNSW Environment Officer	TfNSW Project Manager	Environmental Representative

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## Compliance report declaration signatory



21/06/2021
Hub Lead Regional

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## Contents

Document control.....	2
1. Executive Summary.....	6
2. Introduction.....	6
2.1. Project name and project application number .....	6
2.2. Purpose of this report .....	6
2.3. Project address.....	7
2.4. Compliance reporting period .....	7
2.5. Date of commencement of construction .....	7
2.6. Project phase and description .....	8
2.7. Project activity summary.....	8
2.7.1. Stage 1 .....	8
2.7.2. Stage 2 .....	10
2.8. Out of Hours works.....	11
2.8.1. Emergency out of hours works .....	12
2.9. Key project personnel.....	12
3. Compliance for the reporting period .....	12
3.1. Compliance status summary .....	12
3.2. Non-compliance summary.....	13
3.3. Previous Report actions .....	13
3.3.1. Stage 2 Construction Compliance Report (CCR) .....	13
3.3.2. Independent Audit Report (IAR) .....	13
3.4. Incidents .....	13
3.5. Complaints.....	15
3.6. CEMP Reviews and Amendments .....	16
Appendix A.....	17
Appendix B.....	19
Appendix C .....	50

## Glossary / Abbreviations

Term	Expanded text
CoA	Condition of Approval
Construction	<p>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>(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> <li>(b) investigations including investigative drilling, contamination investigations and excavation;</li> <li>(c) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community;</li> <li>(d) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1;</li> <li>(e) installation of mitigation measures including erosion and sediment controls, exclusion fencing, hoardings and temporary or at property acoustic treatments;</li> <li>(f) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity;</li> <li>(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> <li>(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> <li>(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> <li>(j) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI.</li> </ul> <p>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 of impact upon fish, aquatic invertebrates or marine vegetation)</p>



Term	Expanded text
CCR	Construction Compliance Report
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, Now Department of Planning, Industry and Environment (DPIE)
DPIE	Department of Planning, Industry 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>
IAR	Independent Audit Report
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
RAR	Response to Audit Recommendations
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
TfNSW	Transport for New South Wales
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. Executive Summary

This six-month Construction Compliance Report (CCR) has been prepared for Transport for New South Wales - Rankin Park to Jesmond project (SSI 6888). It was prepared and carried out in accordance with NSW CoA A30 – A33 and the Department of Planning and Environment’s Compliance Reporting – Post Approval Requirements (DPE 2018) publication.

The CCR demonstrates that for the reporting period 1 November 2020 to 30 April 2021 this project is compliant with the NSW and Commonwealth conditions of approval, has no outstanding report/audit non-compliances and has no unresolved community complaints.

## 2. Introduction

### 2.1. Project name and project application number

The name of the project that is the subject of this CCR is Newcastle Inner City Bypass – Rankin Park to Jesmond (RP2J), herein referred to as the Project. The proponent is Transport for New South Wales (TfNSW).

The State Significant Infrastructure application number for the project is SSI 6888.

The project was approved by the NSW Minister of Planning under the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act) on 15 February 2019.

The project was approved by the Commonwealth Minister for Environment under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) on 15 April 2019

### 2.2. Purpose of this report

This CCR has been prepared to comply with CoA A30-A32 for the six-month reporting period (1 November 2020 – 30 April 2021) in accordance with approved RP2J Compliance Monitoring and Reporting Program. The relevant NSW-CoAs are listed in Table 1 below.

Table 1 relevant NSW-CoAs

CoA	Requirement	Reference
A29	No later than four (4) weeks before the commencement of any work, a <b>Compliance Monitoring and Reporting Program</b> prepared in accordance with the <i>Compliance Reporting – Post Approval Requirements</i> (DPE, 2018) must be endorsed by the <b>ER</b> and submitted to the Planning Secretary for information.	Approved Compliance Monitoring and Reporting Program (CMRP)
A30	<b>Compliance Reports</b> of the SSI must be prepared and carried out in accordance with the <i>Compliance Reporting – Post Approval Requirements</i> (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.	This compliance report  Section 2.5

CoA	Requirement	Reference
A31	The compliance report must provide details of any review of, and minor amendments made to, the <b>CEMP</b> (which must be approved by the <b>ER</b> ), resulting from construction carried out during the reporting period.	Section 3.6
A32	The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done.	<a href="https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html">https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html</a>
A33	The <b>Compliance Monitoring and Reporting Program</b> in the form required under <b>Condition A29</b> 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, <b>Environmental Representative Reports</b> and regular compliance reviews submitted through <b>Compliance Reports</b> . If staged operation is proposed, or operation is commenced of part of the SSI, the <b>Compliance Monitoring and Reporting Program</b> must be implemented for the relevant period of each stage or part of the SSI.	This compliance report
B13	A website providing information in relation to the SSI must be established before commencement of work and maintained for the duration of works 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: (f) a copy of the compliance reports required under <b>Condition A30</b> and independent audit reports under <b>Condition A36</b> of this approval.	<a href="https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html">https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html</a>

Table 1 Footnote: The Commonwealth conditions of approval are not listed above as they are limited in scope to directly referring and aligning with the NSW conditions of approval only. The Commonwealth approval conditions are detailed in Appendix B.

### 2.3. Project address

The Project does not have a Lot and Deposited Plan address as it is lineal road infrastructure that extends over multiple lots of land.

The Project road corridor generally is State Highway 23 (HW23) and involves the construction of 3.4 kilometres of a 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.

### 2.4. Compliance reporting period

This CCR reporting period is 1 November 2020 to 30 April 2021.

### 2.5. Date of commencement of construction

Construction commenced on RP2J (Stage 2) on 25 November 2019.

## 2.6. Project phase and description

The approved Staging Report described four stages of work:

- Stage 1 – low impact works - such as geotechnical and heritage investigations, house demolition, at-property noise treatments
- Stage 2 – construction of the Bridge 7 / Shared Path Bridge over Newcastle Road
- Stage 3 – low impact works – relocation of existing utilities at the southern end of the Project
- Stage 4 – Construction of the 3.4km bypass.

## 2.7. Project activity summary

The following works were completed during the reporting period. No Stage 3 or Stage 4 works were underway or completed during the reporting period.

### 2.7.1. Stage 1

Stage 1 low impact works in planning, underway or completed during this reporting period include Aboriginal heritage salvage, Non-Aboriginal heritage investigation and salvage and house demolition works.

#### Aboriginal heritage salvage

Aboriginal heritage salvage was completed between 22 February and 5 March 2021 by a team of archaeologists and Aboriginal site officers. Artefacts uncovered are currently being analysed and a cultural Heritage Salvage Report will be prepared in accordance with Condition of Approval E19. The Aboriginal heritage salvage involved the following:

- Surface collection of two isolated artefacts
- Surface collection at one site
- Open area salvage excavation at one site.



Figure 1: Open area salvage excavation works



## Non-Aboriginal heritage investigation

Planning and initial investigation work in accordance with the Historical Archaeological Research Design and Excavation Methodology developed in response to CoA E21 and E22 was underway during the reporting period. This work included:

- Archaeological testing was undertaken between 19 and 30 April 2021.
- A total of 15 test trenches were excavated in four areas across the project area.
- The archaeological work revealed evidence of:
  - Structural remains such as posts holes as well as reused and salvaged building materials used to erect structures.
  - Related infrastructure (drains, tracks, paths etc.) all of which enhance the overall understanding of use of space.
  - Artefacts providing insight into daily life like writing nibs and make-up bottles.

It is anticipated that salvage work will commence during the next reporting period.

## House demolition works

House demolition works involve the removal of nine residential properties on the western side of Lookout Road (refer to Figure 1). The sequence of work involves:

- Pre-construction, administrative and survey activities including dial-before-your-dig (DBYD)
- Establishing site access
- Disconnecting services
- Installing perimeter fence
- Removing and/or adjusting retaining walls as required
- Clearing primarily landscape vegetation as required
- Demolishing existing residential dwellings and associated structures
- Undertaking minor earthworks to level and shape the site to minimise potential erosion
- Securing and demobilisation from site.



Figure 2 house demolition work

The house demolition work commenced in the second half of February 2021 and is expected to be completed by mid-2021. Work underway or completed during the reporting period included:

- Demolition of all dwellings, buildings and vegetation and removal of associated waste from site
- Identification of asbestos materials and asbestos containing soils in buildings and other structure such as behind retaining walls, footings and swimming pools. Loading out of asbestos with a hygienist on site was ongoing and will continue during the subsequent reporting period to ensure full site clearance is achieved
- Permanent perimeter fencing commenced along the north and northwest boundary of the properties, however was suspended while asbestos clean-up activities were underway nearby.

### 2.7.2. Stage 2

Stage 2 is described and assessed in the approved project Environmental Impact Statement (EIS) and Submissions and Preferred Infrastructure Report (SPIR) and involves the construction of the shared path bridge over Newcastle Road. Stage 2 works were completed during this reporting period on 5 March 2021 and Bridge 7 was open to pedestrians and cyclists on 18 November 2020.

A summary of the Stage 2 construction works completed during this reporting period include:

- Installation and commissioning of bridge street lighting
- Installation of bridge balustrades
- Newcastle Road and Coles Street pavement widenings
- Concrete shared paths and in-situ stairs
- Sandstone Retaining wall and associated drainage
- Landscaping
- Installation of type 5 fencing along Newcastle Road
- Site demobilisation and rehabilitation.



Figure 3: Stage 2 Shared Path Bridge



## 2.8. Out of Hours works

In accordance with CoA E29, monthly consultation with the community regarding out of hours work (OOHW) has been carried out during this reporting period. The consultation completed and the outcomes of the consultation is provided in Table 2.

**Table 2** outcomes of community consultation for out of hour's works

Date of OOHW	Reason	Consultation complete	Issues raised	Respite periods
17-18 and 21 December 2020	Two nights: Removing road surface (milling), asphalting and removing barriers One night: Asphalting and line marking	Distribution of notification letter and individual briefings by phone	None	2 nights of consecutive work, 2 day respite followed by 1 additional night of work.
12-14 January 2021	Digging out existing grass strip and concreting	Combination of emails, SMS messaging and distribution of notification letter	None	3 nights of work

Out of hours works completed during this reporting period and likely out of hours works to be completed in the next reporting period is included in Table 3.

**Table 3** Out of hours work during this reporting period and likely out of hours works in the next reporting period

Indicative date	Duration (nights)	Reason
2 November 2020	4	Asphalt works on Newcastle Road
17 November 2020	2	Barriers relocation, decommission traffic signals, median infill and pram ramp pours
14 December 2020	2	Asphalt works on Newcastle Road
21 December 2020	3	Asphalt, line marking and barrier removal
13 January 2021	3	Concrete verge infill on Newcastle Road
July 2021	2	Crash barrier installation at corner of McCaffery Drive and Lookout Road for under bore launch area
August 2021	8	Street lighting work on Lookout Road and McCaffery Drive, and water main 1 relocation on Lookout Road
September 2021	14	Low and high voltage overhead power, water main 2, communication crossings 1 and 2 on Lookout Road, gas road crossings on Grandview Road and Lookout Road
October 2021	14	Gas along Lookout Road, removal of redundant overhead power on Lookout Road, water main 3 on McCaffery Drive.



### 2.8.1. Emergency out of hours works

There was one event where emergency out of hours works were required in accordance with Condition E27(b). These works were completed by 9:15pm on 16 February 2021 and were required to repair bridge and street lighting on the shared path bridge over Newcastle Road. Urgent completion of the works were required, as there was a risk of injury without adequate lighting given the proximity to the Newcastle Road traffic. The work was required to be completed outside of standard working hours as lane closures of Newcastle Road which are only permissible at night were required.

Notification to the ER and EPA was provided on 15 February 2021 in accordance with Condition E28.

### 2.9. Key project personnel

Key personnel responsible for environmental management on the site are listed below:

**Table 4** key personnel responsible for environmental management

Title	Name	Contact details
TfNSW Project Manager	Michael Edwards	<a href="mailto:Michael.edwards4@transport.nsw.gov.au">Michael.edwards4@transport.nsw.gov.au</a>
TfNSW Environment Officer	Melissa Mayfield-Smith	<a href="mailto:Melissa.mayfield-smith@transport.nsw.gov.au">Melissa.mayfield-smith@transport.nsw.gov.au</a>
TfNSW Surveillance Officer	Neil Gabbey	<a href="mailto:Neil.gabbey@transport.nsw.gov.au">Neil.gabbey@transport.nsw.gov.au</a>
Environment Representative	Simon Williams	<a href="mailto:SWilliams@geolink.net.au">SWilliams@geolink.net.au</a>
<b>Shared Path Bridge (Complete)</b>		
Delivery contractor Project Manager	Sebastian Farrell	<a href="mailto:Sebastian.farrell@daracon.com.au">Sebastian.farrell@daracon.com.au</a>
Delivery contractor Environment Officer	James Douglas	<a href="mailto:James.douglas@daracon.com.au">James.douglas@daracon.com.au</a>
<b>House Demolition Works</b>		
Project Engineer	Adrian Porcu	<a href="mailto:Adrian.porcu@deltagroup.com.au">Adrian.porcu@deltagroup.com.au</a>

## 3. Compliance for the reporting period

### 3.1. Compliance status summary

The compliance status for the reporting period is that the project is compliant with the NSW and Commonwealth approval requirements.

Refer to Appendix A and B for a detailed presentation on the compliance status, in accordance with

*DPIE guideline Compliance Reporting Post Approval Requirements 2018.*

Appendix A and B include tables that list the status of compliance for each condition / requirement as described in the Table 5. The table includes colour coding for ease of reference (green – compliant, red – non-compliant, no colour - not triggered).

**Table 5: Compliance status descriptors**

Status	Description
Compliant	TfNSW has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with.
Non-compliant	TfNSW has identified a non-compliance with one or more elements of the requirement.
Not Triggered	A requirement has an activation or timing trigger that has not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant.

### **3.2. Non-compliance summary**

There were no non-compliances with the NSW or Commonwealth approval requirements recorded during the reporting period.

Refer to Appendix A and B for a detailed presentation on the compliance status presented in accordance with *DPIE guideline Compliance Reporting Post Approval Requirements 2018*.

### **3.3. Previous Report actions**

#### **3.3.1. Stage 2 Construction Compliance Report (CCR)**

The CCR for the period of 1 May until 31 October 2020 was developed and endorsed by the ER in November 2020.

The CCR was sent to DPIE on 2 December 2020 and response received by TfNSW on 24 December 2020. DPIE had no comments on the CCR. In accordance with Schedule 2, Part B, Condition B13 of the approval, a copy of CCR was then made publically available.

#### **3.3.2. Independent Audit Report (IAR)**

The Independent Audit Program was provided to DPIE on 12 August 2019 for information as per CoA A34.

The second independent audit was completed in April 2021. The independent audit found that the Stage 2 construction activities at shared path bridge were being completed generally in compliance with the SSI approval and approved plans. No non-compliances or opportunities for improvement were identified during the audit. The independent Audit Report (IAR) and Response to Audit Recommendations (RAR) are currently being finalised.

### **3.4. Incidents**

There were no incidents on the Project during the reporting period that were considered by TfNSW to have met the definition of an incident within the approval instrument (refer to Table 1 *Material harm – involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial*). However, at the request of the DPIE Compliance Unit representative, one

event was reported formally through the requirements set out in CoA A37 and A38. The event related to over-criteria rain events where erosion and sediment controls were either overtopped or compromised by surface water flows exceeding the design capacity of the controls. These were classified as reportable events under TfNSW Incident Classification and Reporting Procedure.

The incident occurred during a rainfall event between 18 and 23 March 2021. Local rainfall records in the area received about 350 millimetres of rainfall. The incident was initially reported to DPIE on 18 March 2021 when a project team site representative undertook a site inspection of erosion and sediment controls in the area of the Lookout Road house demolition work and observed that controls had exceeded their design capacity. Active maintenance during the event was undertaken to remove excess debris. In addition, existing controls were either augmented or supplemented with additional controls. On 19 March 2021 DPIE requested a detailed report for the incident.

Further, on 19 March 2021 TfNSW received email correspondence from NSW Environmental Protection Authority, advising that the organisation had received a complaint from the member of the public. The complaint related to a small landscaped batter within the completed Rankin Park to Jesmond Shared Path Bridge section of the project that had slumped. It was observed by Transport for NSW contract representatives that a small area of recently installed landscaping comprising mulch and new plantings had slumped (ie about 10 square metres in total) and deposited material in the east bound parking lane of Newcastle Road. The material was removed and additional controls installed.

Both incidents were included in the detailed report submitted to DPIE on 31 March 2021.

Other incidents, which were classified under TfNSW Incident Classification and Reporting Procedure, but did not meet the definition of an incident within the approval instrument are included in Table 6.

**Table 6:** Incidents classified under TfNSW Incident Classification and Reporting Procedure

<b>Date</b>	<b>TfNSW Incident classification</b>	<b>Description</b>	<b>Outcome/ action taken</b>
3.12.20	Category two – mud tracking	Soil was deposited on Robinson Avenue and Newcastle Road (westbound) by a subcontractor who failed to adequately clean their tyres before exiting the site. The subcontractor left the site via a gate that saturated from rain the previous night.	Debris was removed from the roads. Access gate was closed. Toolbox complete.
12.01.21	Category two – diesel spill	About 1 litre of diesel leaked from a tipper truck waiting to be loaded from a loose fuel cap.	A spill kit was immediately applied to contain the spill and all materials were cleaned up. Fuel cap was tightened. Toolbox complete.

### 3.5. Complaints

There has been seven complaints received within the reporting period, as detailed in Table 7.

**Table 7:** Complaints received during the reporting period

<b>Date received</b>	<b>Issue description</b>	<b>Comment</b>	<b>Outcome / action taken</b>	<b>Status</b>
13.11.20	Damage to vehicle	Coles Street resident regarding damaged vehicle ball joints due to changed access conditions to property on Coles Street.	Customer informed of process for claim and contractor requested more information. Customer did not follow through with information/engage in process.	Closed
09.12.20	Property access	Coles Street resident regarding the impacts to property access from partial road closures.	Apology given and accepted by resident. Information provided to contractors at pre-start about minimising impacts/disruption when possible.	Closed
01.12.20	Property access	Hill Street resident regarding truck parking outside property and restricting access.	Sub-contractor immediately moved vehicle to restore access. Contractor advised resident of two further disruptions to access.	Closed
21.01.21	Trip hazard	Complaint received regarding the level difference of the path across Coles Street. This was due to preparing for pavement works.	Temporary cold mix ramp installed. Removed when pavement work was completed.	Closed
10.02.21	Vehicle damage due to hitting traffic island	Complaint received following driver hitting traffic island on Coles Street.	Raised incident. Investigation to be completed. Followed up with resident. Referred to insurance company.	Closed
19.03.21	Landscaping material on Newcastle Road	Complaint received by EPA regarding slump in recently installed landscaping including mulch and plantings. This slump deposited in the parking lane on Newcastle Road. The slump was caused during a rainfall event where the site received over 350mm of rainfall.	Immediate action took place to remove material from road, and install temporary controls including the installation of a cold-mix asphalt diversion and coir log retaining structures to base of landscape batter. Ongoing monitoring took place.	Closed
08.03.21	Water pooling and graffiti on shared path bridge	Complaint received about water pooling on shared path bridge during major rain event and graffiti on bridge.	Inspection carried out. Limited pooling on bridge. Graffiti noted and escalated with maintenance team. Customer informed that inspection had been carried out and conditions continued to be monitored.	Closed



### **3.6. CEMP Reviews and Amendments**

As per section 2.2.1 of the RP2J Compliance Monitoring and Reporting Program, this section summarises the review process of the Stage 2 CEMPP and sub plans completed during the reporting period.

The Stage 2 delivery contractor CEMPP / sub plans were not reviewed during this reporting period.

Appendix A  
Compliance Report Declaration Form

## Compliance Report Declaration Form

<b>Project Name:</b>	Newcastle Inner City Bypass - Rankin Park to Jesmond
<b>Project Application Number:</b>	SSI 6888
<b>Description of Project:</b>	Section of Newcastle Inner City Bypass about 3.4 km in length between Rankin Park and Jesmond
<b>Proponent:</b>	TfNSW
<b>Title of Compliance Report:</b>	RP2J 6 Month Construction Compliance Report (November - April 2021)
<b>Date:</b>	10.06.21

I declare that I have reviewed relevant evidence and prepared the contents of the attached Compliance Report and to the best of my knowledge:

- the Compliance Report has been prepared in accordance with all relevant conditions of consent
- the Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements
- the findings of the Compliance Report are reported truthfully, accurately and completely
- due diligence and professional judgement have been exercised in preparing the Compliance Report
- the Compliance Report is an accurate summary of the compliance status of the development.

### Notes:

- Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000
- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

<b>Name of Authorised Reporting Officer:</b>	Melissa Mayfield-Smith
<b>Title:</b>	Environment Officer (RP2J)
<b>Signature:</b>	
<b>Qualification:</b>	MEM, BEnvSci
<b>Company:</b>	TfNSW
<b>Company address:</b>	L7. 266 King Street, Newcastle. 2300.



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Appendix B  
Compliance Register – NSW Conditions of Approval

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
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) (the EIS) and the Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS, 2018) (the SPIR)</i> .	Yes	Compliant	ER approved Compliance Monitoring and Reporting Program on 8.8.19 and send to DPIE on 13.8.19 (FYI)
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 <b>Condition A1</b> unless otherwise specified in, or required under, this approval.	Yes	Compliant	ER approved Compliance Monitoring and Reporting Program on 8.8.19 and send to DPIE on 13.8.19 (FYI)
A3	In the event of an inconsistency between the documents listed in <b>Condition A1</b> , 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	Compliant	Terms presented in the approval instrument are used relevant project 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	Not triggered	N/A
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	Compliant	Consultation completed during this reporting period include: - Table 1 – Low impact works for non-Aboriginal heritage investigations – consultation with BCD and Heritage NSW. Submitted and approved by DPIE - E8 – consultation with landcare, DPI and Local Land Service regarding the reuse of timber and rootballs removed by house demolition works. - E32 - Out of Hours Works applications records of consultation sent to ER. - E38 - Operational Noise Mitigation Review (ONMR) was prepared in consultation with the ER, EPA and Newcastle City Council. Consultation records provided to DPIE. ONMR approved 28 April 2021.

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
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	Compliant	The NSW Minister approved the project on 15 February 2019. Construction (Stage 2 - Bridge 7) commenced 25 November 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	Compliant	Source documents utilised for CEMPP and other pre-construction documentation based on project approval date validity.
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 <b>Condition A37</b> .	Yes	Compliant	DPIE approved the exemption to the commencement of E8 consultation for stage 2 works and stage 1 work (unless the scope changes) on 12 August 2019.  DPIE approved an extension for the submission of Independent Audit Report - May 2020 to 26 June 2020 on 11 June 2020. IAR submitted 24 June 2020.
<b>SHARED PATH BRIDGE OVER NEWCASTLE ROAD (BRIDGE 7)</b>				
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 <b>Condition A26(d)</b> . The Plan must detail how the performance outcomes, commitments, mitigation and monitoring measures specified in the documents listed in <b>Condition A1</b> will be implemented and achieved during construction; and  (b) implementation of the approved Construction Environmental Management Process (Plan) and Environmental Work Method Statement (EWMS).	Yes	Compliant	NCC review and endorsement of CEMPP on 27 June 19. ER approval of CEMPP and sub plans on 26 November 19.  ER approval of EWMS progressively after CEMPP endorsement
<b>STAGING</b>				
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	Compliant	Staging Report endorsed by ER on 30 July 19. Staging Report submitted to DPIE on 12 August 19 for information

CoA #	Requirement	Compliance Status (Compliant/Non-compliant/ Not triggered)		Evidence of Compliance /Comment
		Construction		
		Stage 2		
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	Compliant	Staging Report endorsed by ER on 30 July 19. Staging Report submitted to DPIE 12 August 19 for information.  a & b) Chapter 2 of the Staging report identifies how staged construction and operation is proposed, including timings. c) Section 3 and Appendix A and B specifies how compliance will be achieved d) Section 4 details mechanisms for managing cumulative Impacts.
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	Compliant	Approved Staging Report describes construction commenced prior to this CCR - Stage 2 construction
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	Compliant	This CCR demonstrates compliance with staged requirements relevant for works completed prior to this CCR ( Stage 2 / Bridge 7)
<b>ANCILLARY FACILITIES</b>				
<b>Ancillary facilities</b>				
A14	Ancillary facilities that are not identified in the documents listed in <b>Condition A1</b> 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.	Yes	Compliant	Planning / consistency assessment for additional ancillary facility located outside/adjacent to the boundary approved on 26 November 19.  Approval for additional areas for the main SPB compound (more space is Jesmond Park near carpark and also use of the NICB stub road for spoiling) gained by ER under A14 on 21 November 19.

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
	<b>ANCILLARY FACILITY ESTABLISHMENT WORKS</b>			
	<b>Ancillary Facility Establishment Management Plan</b>			
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 <b>Condition A19</b>), 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);  (b) figures illustrating the proposed operational site layout, including access roads;  (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;  (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:  (i) meet the performance outcomes stated in the documents listed in <b>Condition A1</b>, and  (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and  (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of <b>Condition C10</b>.</p> <p>Nothing in this condition prevents the Proponent from preparing individual Ancillary Facility Establishment Management Plans for each construction ancillary facility.</p>	Yes	Compliant	<p>Newcastle City Council acceptance of Stage 2 AFEMP completed on 27 July 19.</p> <p>As per A16 / A9, ER approved Stage 2 AFEMP on 11 November 19</p>
A16	The requirements of <b>Condition A15</b> in relation to Bridge 7 may be addressed by the documents required under <b>Condition A9</b> .	Yes	Compliant	As per A16 / A9, ER approved Stage 2 AFEMP on 11 November 19
	<b>Use of Construction Ancillary Facilities</b>			
A17	<p>The use of a construction ancillary facility must not commence until the CEMP required by <b>Condition C1</b>, relevant CEMP Sub-plans required by <b>Condition C4</b> and relevant Construction Monitoring Programs required by <b>Condition C9</b> have been approved by the Planning Secretary.</p> <p>This condition does not apply to a construction ancillary facility determined by the ER to have minimal environmental impact and those established under <b>Condition A19</b>.</p>	No	Not triggered	Refer to A18 below.
A18	The requirements of <b>Condition A17</b> in relation to Bridge 7 may be addressed by the documents required under <b>Condition A9</b> .	Yes	Compliant	ER approval for CEMPP on 26 November 19



CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
	<b>Minor Construction Ancillary Facilities</b>			
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 <b>Condition A1</b> , 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	Compliant	The ER considered the following minor construction ancillary facility to have minimal environmental impact and meet this definition:  - House demolition works on 28 October 2020  - Southern Utility works on 17 November 2020  - Hollywood shanty town investigations on ER 9 April 2021
	<b>Boundary screening</b>			
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).	Yes	Compliant	Screening included in Stage 2 CEMPP and implemented for works to date (Stage 2 ancillary facility).
A21	Boundary screening required under <b>Condition A20</b> of this approval must reduce visual, noise and air quality impacts on adjacent sensitive receivers.	Yes	Compliant	Screening implemented for works to date (Stage 2 ancillary facility). No complaints received on this matter to date.
	<b>ENVIRONMENT REPRESENTATIVE</b>			
A22	Works must not commence until an ER has been approved by the Planning Secretary and engaged by the Proponent.	Yes	Compliant	Planning Secretary approval provided on 14 May 19 ER engaged by RMS on 29 May 19
A23	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works.	Yes	Compliant	Planning Secretary approval provided on 14 May 19 construction commenced 25 November 2019
A24	The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the documents listed in <b>Condition A1</b> , 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	Compliant	Planning Secretary approval provided on 14 May 19

CoA #	Requirement	Compliance Status (Compliant/Non-compliant/ Not triggered)		Evidence of Compliance /Comment
		Construction		
		Stage 2		
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.	Yes	Not triggered	N/A
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 <b>Conditions C1, C4 and C9</b> 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 <b>Conditions C1, C4 and C9</b> 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 <b>Condition A35</b> 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 <b>Condition A19</b> 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	Compliant	<p>Refer to ER review and endorsement of various documents.</p> <p>Refer to monthly meetings with DPIE and TfNSW.</p> <p>Refer to ER monthly inspections and reports.</p>
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 <b>Condition A26</b> (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	Compliant	<p>ER provided access to Compliant Register in August 2019.</p> <p>A consistency report for Package 1 detail design changes was provided to the ER on 9 October 2020.</p>



CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
A28	The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under <b>Condition A26</b> . The Proponent must: (a) facilitate and assist the Planning Secretary in any such audit; and (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.	Yes	Not triggered	No audit requested by Secretary to date. ER Scope of Services included this provisional audit item
<b>COMPLIANCE MONITORING AND REPORTING PROGRAM</b>				
A29	No later than four (4) weeks before the commencement of any work, a <b>Compliance Monitoring and Reporting Program</b> prepared in accordance with the <b>Compliance Reporting - Post Approval Requirements</b> (DPE, 2018) must be endorsed by the ER and submitted to the Planning Secretary for information.	Yes	Compliant	ER endorsement of CMRP provided on 8 August 19. CMRP forwarded to DPIE on 13 August 19 for information. construction commenced 25 November 2019
A30	<b>Compliance Reports</b> of the SSI must be prepared and carried out in accordance with the <i>Compliance Reporting - Post Approval Requirements</i> (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	Compliant	DPIE was notified of the intended commencement of construction on 20 September 19. Intended commencement of construction date was 14 October 19.  Further notification to DPIE of actual commencement of construction on 1 April 20. Commencement of construction was 25 November 19.  PCCR approved by ER on 20 September 19 CCR endorsed by ER on 25 May 19.  Notification of operation of Stage 2 is included within this CCR
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	Compliant	Section 3.6 of this CCR described Stage 2 CEMPP revision and amendments
A32	The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done.	Yes	Compliant	Pre-Construction Compliance Report (PCCR) and Construction Compliance Report (CCR) 1 and 2 are on TfNSW project website. <a href="https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html">https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html</a>  - TfNSW notified DPIE on 8 September 2020 for PCCR and CCR1 - TfNSW notified DPIE on 13 January 2021 for CCR2

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
A33	The <b>Compliance Monitoring and Reporting Program</b> in the form required under <b>Condition A29</b> 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, <b>Environmental Representative Reports</b> and regular compliance reviews submitted through <b>Compliance Reports</b> . If staged operation is proposed, or operation is commenced of part of the SSI, the <b>Compliance Monitoring and Reporting Program</b> must be implemented for the relevant period of each stage or part of the SSI.	Yes	Compliant	Requirement included within endorsement CMRP
<b>AUDITING</b>				
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.	Yes	Compliant	Date of notified commencement of construction in pre-construction compliance report is 20 September 19. Independent Audit Program submitted to the Secretary on 13 August 19.
A35	Independent Audits of the development must be carried out in accordance with:  (a) the Independent Audit Program submitted to the Department under <b>Condition A34</b> 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).	Yes	Compliant	IAP required initial audit within 20 weeks of the commencement of the first stage of Construction.  Independent Audits will not commence until the proposed auditor has been agreed to in writing by the Planning Secretary. DPIE approved audit team on 9 April 2020.  IN accordance with <i>Independent Audit - Post Approval Requirements</i> , the final Independent Audit Report and the proponent's response to audit findings must be submitted to the Department within 2 months of undertaking the independent audit site inspection, unless otherwise agreed by the Department  The initial independent audit completed 16 March 2020. Extension of time for submission of Independent Audit Report submitted to DPIE on 26 May 20. DPIE approved extension until 26 June 2020  IAR was submitted to DPIE on 26 June 2020. DPIE approved IAR on 21 July 2020.  The second independent Audit was completed in April 2021. The IAR is currently being finalised.
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 <b>Condition A35</b> 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.	Yes	Compliant	See above for a) and b)  c) Independent audit reports are available at the following link  <a href="https://www.rms.nsw.gov.au/projects/01documents/newcastle-inner-city-bypass/rankin-park-to-jesmond/nicb-rankin-park-jesmond-independent-audit-report-2020-05.pdf">https://www.rms.nsw.gov.au/projects/01documents/newcastle-inner-city-bypass/rankin-park-to-jesmond/nicb-rankin-park-jesmond-independent-audit-report-2020-05.pdf</a> DPIE was notified on 18 July 2020 of availability of the IAR to the public.

CoA #	Requirement	Compliance Status (Compliant/Non-compliant/ Not triggered)		Evidence of Compliance /Comment
		Construction		
		Stage 2		
<b>INCIDENT NOTIFICATION AND REPORTING</b>				
A37	The <b>Planning Secretary</b> must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> 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.	Yes	Compliant	There were no incidents on the Project during the reporting period that were considered by TfNSW to have met the definition of an incident within the approval instrument (refer to Table 1 Material harm – involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial). However, at the request of the DPIE Compliance Unit representative, one event were reported formally through the requirements set out in CoA A37 and A38 during this reporting period. See section 3.4 of this CCR for details
A38	Subsequent notification must be given, and reports submitted in accordance with the requirements set out in <b>Appendix A</b> of this approval.	Yes	Compliant	refer to A37
<b>PART B - COMMUNITY INFORMATION AND REPORTING</b>				
<b>COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT</b>				
<b>Communication Strategy</b>				
B1	A <b>Community Communication Strategy</b> must be prepared to provide mechanisms to facilitate communication between the Proponent, the <b>ER</b> , 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	Compliant	CCS submitted to the Secretary on 2 August 19
B2	The <b>Community Communication Strategy</b> 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	Compliant	CCS submitted to the Secretary on 2 August 19
B3	The <b>Community Communication Strategy</b> must be submitted to the Planning Secretary for approval no later than one month before commencement of any work.	Yes	Compliant	Secretary approval of CCS on 26 September 19

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
B4	Work for the purposes of the SSI must not commence until the Community Communication Strategy has been approved by the Planning Secretary.	Yes	Compliant	Secretary approval of CCS on 26 September 19
B5	The <b>Community Communication Strategy</b> , 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	Compliant	Secretary approval of CCS on 26 September 19
<b>COMPLAINTS MANAGEMENT SYSTEM</b>				
B6	A <b>Complaints Management System</b> 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	Compliant	CMS prepared and submitted to the Secretary on 2 August 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 <b>Complaints Management System</b> must be provided to the Planning Secretary prior to any work commencing.	Yes	Compliant	CMS submitted to the Secretary on 2 August 19. Construction commenced 25 November 2019  Refer to project website; <a href="https://www.rms.nsw.gov.au/projects/hunter/newcastle-inner-city-bypass/rankin-park-to-jesmond/index.html">https://www.rms.nsw.gov.au/projects/hunter/newcastle-inner-city-bypass/rankin-park-to-jesmond/index.html</a>
B8	The telephone number, postal address and email address required under <b>Condition B7</b> 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 <b>Condition B13</b> of this approval.	Yes	Compliant	Telephone and email addresses established 2015. Newspaper advertisement occurred on the 31 August 2019 in the Newcastle Herald. Commencement of construction of SPB was 25 November 2019. Signage is also provided on the site hoarding of the SPB construction site.  information available at the following link: <a href="https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/rankin-park-to-jesmond.html">https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/rankin-park-to-jesmond.html</a>
B9	A <b>Complaints Register</b> 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 <b>Complaints Register</b> 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	Compliant	Complaints Register established for project in August 2019.
B10	The <b>Complaints Register</b> 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	Compliant	ER provided with read only access to Complaints Register in August 2019



CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
B11	The independent mediation process required under <b>Condition B7(d)</b> 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	Compliant	Secretary approval of CCS (incl of process) on 26 September 19
B12	The independent mediation process required under <b>Condition B7(d)</b> must: (a) Review any unresolved disputes if the procedures and mechanisms under <b>Condition B2(e)(iii)</b> 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	Compliant	Secretary approval of CCS (incl of process) on 26 September 19
<b>PROVISION OF ELECTRONIC INFORMATION</b>				
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 <b>Condition A1</b> and <b>Condition A2</b> 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 <b>Conditions A30</b> and independent audit reports under <b>Condition A36</b> of this approval.	Yes	Compliant	Website updated on 6 September 19 to demonstrate requirements and is being updated as required under this condition. Advertisement in local newspaper completed on 31.08.19
<b>PART C - CONSTRUCTION ENVIRONMENTAL MANAGEMENT</b>				
<b>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</b>				
C1	A <b>Construction Environmental Management Plan (CEMP)</b> must be prepared to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in <b>Condition A1</b> will be implemented and achieved during construction.	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment																								
		Stage 2																										
C2	<p>The CEMP must provide:</p> <p>(a) a description of activities to be undertaken during construction (including the scheduling of construction);</p> <p>(b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI;</p> <p>(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;</p> <p>(d) details of how the 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 <b>Condition A1</b>; and</p> <p>(ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;</p> <p>(e) an inspection program detailing the activities to be inspected and frequency of inspections;</p> <p>(f) a protocol for managing and reporting any:</p> <p>(i) incidents; and</p> <p>(ii) non-compliances with this approval or statutory requirements;</p> <p>(g) procedures for rectifying any non-compliance with this approval identified during compliance reporting and auditing, incident management or at any time during construction;</p> <p>(h) a list of all the <b>CEMP Sub-plans</b> required in respect of construction, as set out in <b>Condition C4</b>. Where staged construction of the SSI is proposed, the CEMP must also identify which <b>CEMP Sub-plan</b> applies to each of the proposed stages of construction;</p> <p>(i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the ER;</p> <p>(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</p> <p>(k) for periodic review and update of the CEMP and all associated plans and programs.</p>	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period.																								
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	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period																								
C4	<p>The following <b>CEMP Sub-plans</b> must be prepared in consultation with the relevant public authorities identified for each <b>CEMP Sub-plan</b>:</p> <p style="text-align: center;"><b>Table 3. CEMP Sub-plan and relevant public authorities</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <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)</td> <td>Traffic and transport</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(b)</td> <td>Noise and vibration</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(c)</td> <td>Flora and Fauna</td> <td>DPI Fisheries and Newcastle City Council</td> </tr> <tr> <td>(d)</td> <td>Air quality</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(e)</td> <td>Soil and water</td> <td>Newcastle City Council, DPI Fisheries, DoI Water,</td> </tr> <tr> <td>(f)</td> <td>Aboriginal cultural heritage</td> <td>OEH and Registered Aboriginal Parties</td> </tr> <tr> <td>(g)</td> <td>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	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period
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CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment		
		Stage 2				
C5	The <b>CEMP Sub-plans</b> must state how:  (a) the environmental performance outcomes identified in the documents listed in <b>Condition A1</b> and terms of this approval will be achieved; (b) the mitigation measures identified in the documents listed in <b>Condition A1</b> and terms of this approval will be implemented; (c) the relevant terms of this approval will be complied with; and (d) issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period		
C6	The <b>CEMP Sub-plans</b> must be developed in consultation with the relevant public authorities specified in <b>Table 3</b> . Details of all information requested by an authority to be included in a <b>CEMP Sub-plan</b> as a result of consultation, including copies of all correspondence from those authorities, must be provided with the relevant <b>CEMP Sub-Plan</b> .	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period		
C7	Any of the <b>CEMP Sub-plans</b> may be submitted along with, or subsequent to, the submission of the <b>CEMP</b> but in any event, no later than one (1) month before construction for approval by the Planning Secretary.	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period		
C8	Construction must not commence until the <b>CEMP</b> and all <b>CEMP Sub-plans</b> have been approved by the Planning Secretary, or otherwise agreed by the Planning Secretary. The <b>CEMP</b> and <b>CEMP Sub-plans</b> , as approved by the Planning Secretary, including any minor amendments approved by the <b>ER</b> must be implemented for the duration of construction. Where construction of the SSI is staged, construction of a stage must not commence until the <b>CEMP</b> and <b>sub-plans</b> for that stage have been approved by the Planning Secretary.	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period.		
<b>CONSTRUCTION MONITORING PROGRAMS</b>						
C9	The following <b>Construction Monitoring Programs</b> 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 <b>Condition A1</b> or in the <b>CEMP</b> :		No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period.	
	<b>Table 4: Construction Monitoring and relevant public authorities</b>					
		<b>Required Construction Monitoring Programs</b>				<b>Relevant public authorities to be consulted for each Construction Monitoring Program</b>
	(a)	Surface and Ground Water Quality				DPI Fisheries, DoI 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				



CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
C10	Each <b>Construction Monitoring Program</b> must provide: (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.	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period.
C11	The <b>Construction Monitoring Programs</b> must be developed in consultation with the relevant public authorities specified in <b>Table 4</b> . 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 <b>Construction Monitoring Program</b> .	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period.
C12	The <b>Construction Monitoring Programs</b> 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.	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period.
C13	Construction must not commence until the Planning Secretary has approved, or as otherwise agreed by the Planning Secretary, all the required <b>Construction Monitoring Programs</b> , and all relevant baseline data for the specific construction activity has been collected.	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period.
C14	The <b>Construction Monitoring Programs</b> , 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.	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period.
C15	The results of the <b>Construction Monitoring Programs</b> must be submitted to the Planning Secretary, and relevant public authorities for information, in the form of a <b>Construction Monitoring Report</b> at the frequency identified in the relevant <b>Construction Monitoring Program</b> .  Where a relevant <b>CEMP</b> Sub-plan exists, the relevant <b>Construction Monitoring Program</b> may be incorporated into that <b>CEMP Sub-plan</b> .	No	Not triggered	As per A9, Section C of approval instrument does not apply to works completed during this reporting period.

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
	<b>PART D - OPERATIONAL ENVIRONMENTAL MANAGEMENT</b>			
	<b>OPERATIONAL ENVIRONMENTAL MANAGEMENT</b>			
D1	An <b>Operational Environmental Management Plan (OEMP)</b> 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 ( <b>Condition D1</b> ) does not apply if <b>Condition D2</b> of this approval applies.	No	Not triggered	As per A9, Section D of approval instrument does not apply to works completed during this reporting period .
D2	An <b>OEMP</b> is not required for the SSI if the Proponent has an <b>Environmental Management System (EMS)</b> or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the <b>EMS</b> or equivalent:  (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in <b>Condition A1</b> 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	Not triggered	As per A9, Section D of approval instrument does not apply to works completed during this reporting period.
D3	The <b>OEMP</b> or <b>EMS</b> 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	Not triggered	As per A9, Section D of approval instrument does not apply to works completed during this reporting period.
D4	The <b>OEMP</b> or <b>EMS</b> or equivalent as agreed to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the <b>OEMP</b> or <b>EMS</b> must be made publicly available before the commencement of operation.	No	Not triggered	As per A9, Section D of approval instrument does not apply to works completed during this reporting period.
	<b>PART E - KEY ISSUE CONDITIONS</b>			
	<b>AIR QUALITY</b>			
E1	In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in <b>Condition A1</b> , all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants from work associated with the SSI.	Yes	Compliant	Stage 2 Construction work implements the approved Air Quality Management Plan. AQMP includes all relevant controls from EIS/SPIR (A1).
	<b>BIODIVERSITY</b>			
E2	Any work associated with the SSI must limit the clearing of native vegetation to the greatest extent practicable.	Yes	Compliant	Clearing of native vegetation for works completed to date has been contained within the approved project boundary. Clearing is described and controlled within approved CEMPP / EWMS and has been minimised as practicable.
E3	Impacts to plant community types must not exceed those identified in the SPIR.	Yes	Compliant	Impacts to PCTs has been contained to approved project boundary and PCTs.

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		Stage 2																																
E4	<p>The <b>Biodiversity Offset Strategy (BOS)</b> detailed in the SPIR must be implemented. The credits specified in the BOS and detailed in <b>Table 5</b> 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><b>Table 5: Biodiversity Credits to be Retired</b></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 heathy 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 heathy 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 heathy 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 heathy 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	Not Triggered.	Commencement of construction has not been triggered
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E5	The Proponent must submit to the Planning Secretary a copy of the <b>Credit Retirement Report</b> issued by the OEH once the offsets are secured, within one month of receiving the report.	No	Not triggered	Not relevant to 6 Month CCR.																														
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	Not triggered	Not relevant to 6 Month CCR.																														

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
		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  (b) making payments to an offset fund developed by the NSW Government; and/or  (c) providing supplementary measures.</p> <p>Notes:  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>.  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>	
E8	<p>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.</p>	Yes	Compliant	<p>TfNSW wrote to DPIE on 12 August 2019 stating that it was considered that these works are not triggered for stage 1 and 2 works.</p> <p>DPIE approval for non-applicability for Stage 2 works date gained on 11 May 20.</p> <p>TfNSW has completed consultation with local community, landcare groups and relevant public authorities regarding timber and rootball's from stage 1 and stage 4 works. Some timber from Stage 1 works was provided to local community groups for beneficial waste reuse.</p> <p>Consultation is ongoing regarding timber and rootball's to be removed from Stage 4 works.</p>
E9	<p>The construction of the SSI must demonstrate how:</p> <p>(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.</p> <p>Note: These additional requirements must be addressed in the <b>Flora and Fauna Management Sub-plan</b> required under <b>Table 3(c)</b></p>	Yes	Compliant	<p>Approved CEMPP/Flora and Fauna Management Sub Plan includes weed / pathogen control.</p> <p>No EPBC Act impacts for Stage 2 and Stage 1 works completed during this reporting period.</p>



CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
	<b>Pre-clearing Surveys</b>			
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 <b>Construction Flora and Fauna Management Sub-plan</b> required under <b>Condition C4</b> and the documents required under <b>Condition A9</b> in relation to <b>Bridge 7</b> .	Yes	Compliant	During this reporting period, pre-clearing inspections were completed by an ecologist for the house demolition works. No habitat trees were impacted by the works.
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 <b>Condition E4</b> , 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.	Yes	Compliant	Stage 2 works design (inclusive of temporary works) was reduced as far as practicable and trees retained in consultation with Newcastle City Council.  Landscaping plans for Stage 2 were consulted with NCC. Replacement trees are within the project footprint.
	<b>FLOODING</b>			
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.	Yes	Compliant	Stage 2 works located outside of 20yr ARI flood levels and consultation completed with relevant land owner on 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	Not triggered	WAE drawings not available at the time of this 6 month CCR.
	<b>HERITAGE</b>			
E14	An <b>Unexpected Heritage Finds and Human Remains Procedure</b> 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	Compliant	RMS procedure <i>Unexpected Heritage Finds and Human Remains Procedure</i> (PN 285 PO1) developed in consultation with heritage agencies and as per agency guidelines and standards

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
E15	The <b>Unexpected Heritage Finds and Human Remains Procedure</b> 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	Compliant	RMS procedure <i>Unexpected Heritage Finds and Human Remains Procedure</i> (PN 285 PO1) developed in consultation with heritage agencies and as per agency guidelines and standards
E16	The <b>Unexpected Heritage Finds and Human Remains Procedure</b> , 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>	Yes	Compliant	RMS procedure <i>Unexpected Heritage Finds and Human Remains Procedure</i> (PN 285 PO1) developed in consultation with heritage agencies and as per agency guidelines and standards
<b>Aboriginal Cultural Heritage</b>				
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	Compliant	Aboriginal Heritage Salvage works completed between 22 February and 5 March 2021
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	compliant	Salvaged items are under temporary storage with the archaeologist.
E19	Following completion of salvage of Aboriginal objects ( <b>Conditions E17</b> ), the Proponent must prepare a <b>Cultural Heritage Salvage Report</b> 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	compliant	Aboriginal Heritage Salvage works completed between 22 February and 5 March 2021. Cultural heritage salvage report currently being prepared.
E20	The <b>Cultural Heritage Salvage Report</b> 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 <b>Condition E17</b> .	No	Not triggered	Aboriginal Heritage Salvage works completed between 22 February and 5 March 2021. Cultural heritage salvage report due 5 March 2022.
<b>Non-Aboriginal Cultural Heritage</b>				
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 <b>Historical Archaeological Research Design and Excavation Methodology</b> generally consistent with the documents listed in <b>Condition A1</b> .	No	Compliant	TfNSW engaged Dr Kylie Seretis via Kelleher Nightingale Consulting PTY LTD on 25 September 2019 to oversee and advise on matters associated with historic archaeology and to prepare the Historical Archaeological Research Design and Excavation Methodology.



CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
E22	<p>The investigation and salvage of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage items must be undertaken in accordance with the <b>Historical Archaeological Research Design and Excavation Methodology</b>. The Proponent must submit the <b>Historical Archaeological Research Design and Excavation Methodology</b> to the Newcastle City Council (or its delegate) for review and comment prior to finalisation. The <b>Historical Archaeological Research Design and Excavation Methodology</b> must:</p> <p>(a) be consistent with the documents listed in <b>Condition A1</b> and <i>NSW Heritage Council's Archaeological Assessments Guideline (1996)</i> or as updated;</p> <p>(b) provide for the detailed analysis of any heritage items discovered during the investigations;</p> <p>(c) include management options for discovered heritage items, whether known or unexpected finds (including options for avoidance, salvage, relocation and display);</p> <p>(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;</p> <p>(e) include procedures for notifying the Planning Secretary and Newcastle City Council of any relic findings; and</p> <p>(f) if the findings of the investigations are significant, provide for the preparation and implementation of a <b>Heritage Interpretation Plan</b>, as required under <b>Condition E24</b>.</p>	No	Compliant	Historical Archaeological Research Design and Excavation Methodology submitted to Council for review on 4 December 2020. Response received 8 February. Minor update made to report..
E23	<p>The Proponent must prepare an <b>Archaeological Excavation Report</b> 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. <b>The Archaeological Excavation Report</b> must also be submitted to Newcastle City Council, the local library and the local Historical Society.</p>	No	Not triggered	Archaeological investigations were completed during this reporting period. Analysis of the findings are currently being completed to determine the need for archaeological salvage.
E24	<p>The Proponent must prepare a <b>Heritage Interpretation Plan</b> 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:</p> <p>(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</p> <p>(b) identification and confirmation of interpretive initiatives implemented to mitigate impacts to archaeological relics, heritage items and conservation areas affected by the SSI.</p> <p>The <b>Heritage Interpretation Plan</b> 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.</p>	No	Not triggered	Works subject to the Historical Archaeological Research Design and Excavation Methodology are still underway.

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
	<b>NOISE AND VIBRATION</b>			
	<b>Land Use Survey</b>			
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 <b>Noise and Vibration CEMP Sub-plan</b> .	Yes	Compliant	Progressive land use survey completed for works to date
	<b>Construction Hours</b>			
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,	Yes	Compliant	Refer to E31
	<b>Variation to Works Hours</b>			
E27	Notwithstanding <b>Conditions E26 and E30</b> work may be undertaken outside the hours specified, in the following circumstances:  (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 <b>Out-of-Hours Work Protocol</b> or <b>Out Of Hours Works Management Process</b> or equivalent (for work not subject to an EPL), under <b>Condition E31</b> ; 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).  <i>Note: Section 5.24(1)(e) of the EP&amp;A Act requires that an EPL be substantially consistent with this approval.</i>	Yes	Compliant	OoHW completed during this 6 month CCR were approved under d) <b>Out of Hours Works Protocol</b> .  E31 Protocol approved by Secretary on 21 November 19 and updated protocol was approved on 29 September 2020

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
E28	On becoming aware of the need for emergency work in accordance with <b>Condition E27(b)</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.	Yes	Compliant	Stage 2 Shared Path Bridge Emergency OOHW completed under E27(b) on 16 February 2021 to repair lighting on bridge and pedestrian ramps. Refer to section 2.8.1 of this CCR.
E29	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:  (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.  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.	Yes	Compliant	All OoHW applications developed during this reporting period included information (b - e).  Item (a) within section 2.8 of this CCR and raised with DPIE and ER at monthly meetings.  EPA will be provided with a copy of this CCR.
<b>Highly Noise Intensive Work</b>				
E30	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:  (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.  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.	Yes	Not triggered	No highly intensive works completed during this reporting period.

CoA #	Requirement	Compliance Status (Compliant/Non-compliant/ Not triggered)		Evidence of Compliance /Comment
		Construction		
		Stage 2		
	<b>Out-of-Hours Work Protocol – Works not subject to an EPL</b>			
E31	<p>An <b>Out-of-Hours Work Protocol</b> must be prepared to identify a process for the consideration, management and approval of work which are outside the hours defined in <b>Condition E26</b>, and that are <b>not</b> 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 <b>ER</b>. 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 <b>Condition E29</b>;</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 style="padding-left: 20px;">(i) low risk activities can be approved by the ER, and</p> <p style="padding-left: 20px;">(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 <b>Out-of-Hours Work Protocol</b> is not required if the Proponent has an existing <b>Out of Hours Work Management Process</b> or equivalent that addresses <b>Condition E31 (a) to (e)</b> and has been approved by the Planning Secretary prior to the commencement of work.</p>	Yes	Compliant	<p>Stage 2 works do not require an EPL. OoHW Protocol developed for Stage 2 works implemented during this reporting period.</p> <p>Consultation with EPA demonstrated their input to works under E31 are limited to responding to nuisance based community complaints and legislative breaches.</p> <p>Consultation and review by ER on E31 completed on 8 August 19.</p> <p>Planning Secretary approval for Protocol on 21 November 19</p> <p>An updated OoHW Protocol (Revision 7) was submitted to DPIE on 28 July 20. DPIE approved Revision 7 on 29 September 2020.</p>
	<b>Utility Coordination and Respite</b>			
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 <b>Condition E29</b>; 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 <b>ER</b> in support of any decision made by the Proponent in relation to respite or mitigation.</p>	Yes	Compliant	<p>Stage 2 CEMPP and CNVMP (s7.3) includes third party co-ordination.</p> <p>OoHW Protocol and associated applications to DPIE included third party respite co-ordination.</p>
	<b>Noise and Vibration Mitigation</b>			
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>	Yes	Compliant	<p>No works above NML at critical working areas occurred to date</p> <p>Noise generating work in the vicinity of Stage 2 religious institution (Jesmond Uniting Church) scheduled to avoid religious services.</p>



CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
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 <b>Out-of-Hours Work Protocol</b> or <b>Out of Hours Work Management Process</b> or equivalent, required by <b>Condition E31</b>, and in relation to Bridge 7 the documents required by <b>Condition A9</b>.</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>	Yes	Compliant	Mitigation measures contained in CEMPP / Noise and Vibration Management Plan, EWMS, Out of Hours Protocol / Applications approved by the ER or DPIE (respectively) meet requirements a - e.
E35	<p>Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:</p> <p>(a) evening (6:00 pm to 10:00 pm) — internal <math>LA_{eq(15\text{minute})}</math>: 40 db(A); and</p> <p>(b) night (10:00 pm to 7:00 am) — internal <math>LA_{eq(15\text{ minute})}</math>: 35dB(A).</p> <p>The mitigation measures must be outlined in the Noise and Vibration CEMP Sub-plan, including in any <b>Out-of-Hours Work Protocol</b>, or <b>Out of Hours Work Management Process</b> or equivalent, required by <b>Condition E31</b>, and in relation to Bridge 7 the documents required by <b>Condition A9</b>.</p>	Yes	Compliant	Mitigation measures contained in CEMPP / Noise and Vibration Management Plan, EWMS, Out of Hours Protocol / Applications approved by the ER or DPIE (respectively) include thresholds a - b.
E36	<p>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 <b>Out-of-Hours Work Protocol</b> or <b>Out of Hours Work Management Process</b> or equivalent, required by <b>Condition E31</b>, and in relation to Bridge 7 the documents required by <b>Condition A9</b>.</p> <p><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></p>	Yes	Compliant	At risk receivers limited to Stage 2 works prior to this CCR. Notification provided. Attended monitoring completed and no exceedances recorded.
E37	<p>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.</p>	Yes	Not triggered	No potential for vibration impacts to heritage items to date

CoA #	Requirement	Compliance Status (Compliant/Non-compliant/ Not triggered)		Evidence of Compliance /Comment
		Construction		
		Stage 2		
	<b>Noise Mitigation - Operational Noise Mitigation Measures</b>			
E38	<p>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:</p> <p>(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);</p> <p>(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);</p> <p>(c) where necessary, investigate and identify additional noise mitigation measures to achieve the noise criteria outlined in the NSW Road Noise Policy (DECCW, 2011)</p> <p>(d) measures to address heavy vehicle compression (engine) braking noise; and</p> <p>(e) procedures for the management of operational noise complaints.</p> <p>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.</p> <p>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.</p>	No	Compliant	ONMR sent to ER, EPA and CN Council on 3 March 2021 for comment. ONMR submitted to DPIE for approval on 12 April 2021. DPIE approval received on 28 April 2021.
E39	Operational noise mitigation measures identified in <b>Condition E38</b> 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 <b>Noise and Vibration CEMP Sub-plan</b> .	No	Not triggered	Refer to E43. Stage 2 / Bridge 7 works not relevant
E40	Where operational noise mitigation measures are not proposed to be implemented in accordance with <b>Condition E39</b> , 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 <b>Condition E38</b> are implemented. The report must be endorsed by the ER and submitted to the Planning Secretary within six months of construction commencing.	No	Not triggered	Refer to E43. Stage 2 / Bridge 7 works not relevant

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
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 <b>Condition E38</b>.</p> <p>The Proponent must prepare an <b>Operational Noise Compliance Report</b> 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 <b>Condition E38</b>;</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	Not triggered	Refer to E43. Stage 2 / Bridge 7 works not relevant
E42	The <b>Operational Noise Compliance Report</b> 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	Not triggered	Refer to E43. Stage 2 / Bridge 7 works not
E43	The construction and operation of Bridge 7 and its associated components do not trigger the requirements of <b>Conditions E38, E39, E40 and E41</b> .	No	Not triggered	Noted
<b>Construction Vibration</b>				
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>	Yes	Compliant	Mitigation measures contained in CEMPP / Noise and Vibration Management Plan, EWMS, Out of Hours Protocol / Applications approved by the ER or DPIE (respectively) aim to achieve a - c.

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment														
		Stage 2																
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;  (b) 9:00am to 1:00pm on Saturday; and  (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  (b) an agreement has been made with potentially affected receivers.</p>	No	Not triggered	No blasting for works to date														
E46	<p>Airblast overpressure generated by blasting associated with the SSI must not exceed the criteria specified in <b>Table 6</b> when measured at the most affected residence or other sensitive receiver.</p> <p><b>Table 6: Airblast overpressure limits for human comfort</b></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><b>Source – Table J5.4(A) – AS 2187.2 – 2006</b></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	Not triggered	No blasting to date
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CoA #	Requirement	Construction		Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment																								
		Stage 2																											
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><b>Table 7: Ground vibration limits for human comfort</b></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 rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting more than 12 months or more than 20 blasts</td> <td colspan="2">5 mm/s for 95% of blasts per year</td> </tr> <tr> <td colspan="2">10 mm/s maximum limit</td> </tr> <tr> <td>Sensitive site</td> <td>Blasting operations lasting less than 12 months or less than 20 blasts in total</td> <td colspan="2">10 mm/s maximum limit</td> </tr> <tr> <td>Occupied non-sensitive sites, such as factories and commercial premises</td> <td>All blasting</td> <td colspan="2">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><b>Source – Table J4.5(A) – AS 2187.2 – 2006</b>  <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		Not triggered	No blasting to date						
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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																											
	<p><b>Table 8: Ground vibration limits for control of damage to structures</b></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 construction <sup>1</sup></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 buildings <sup>2</sup></td> <td>All blasting</td> <td colspan="2">50 mm/s at 4 Hz and above</td> </tr> <tr> <td>Unreinforced or light framed structure. Residential or light commercial type building <sup>2</sup></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><b>Source: Table J4.5(B) – AS 2187.2 – 2006 and Table J4.4.2.1 – AS 2187.2 – 2006 (BS 7385-2)</b></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 <sup>1</sup>		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 <sup>2</sup>	All blasting	50 mm/s at 4 Hz and above		Unreinforced or light framed structure. Residential or light commercial type building <sup>2</sup>	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			
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CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
E48	<p>The blasting criteria specified in the tables in <b>Conditions E46 and E47</b> 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	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 <b>Conditions E46 and E47</b> 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	Not triggered	No blasting to date
<b>Blasting Management Strategy</b>				
E50	<p>A <b>Blast Management Strategy</b> 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	Not triggered	No blasting to date
E51	The <b>Blast Management Strategy</b> must be endorsed by a suitably qualified and experienced independent person.	No	Not triggered	No blasting to date
E52	The <b>Blast Management Strategy</b> 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	Not triggered	No blasting to date
E53	The <b>Blast Management Strategy</b> 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	Not triggered	No blasting to date

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
	<b>SOCIO-ECONOMIC, LAND USE AND PROPERTY</b>			
	<b>Building Condition Survey</b>			
E54	<p><b>Pre-construction Building and Structure Condition Surveys</b> must be undertaken of all buildings, structures, and utilities and the like, identified in the documents listed in <b>Condition A1</b>, 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 <b>Pre-construction Building and Structure Condition Survey Report</b> for each building, structure and utility surveyed. Copies of the <b>Pre-construction Building and Structure Condition Survey Reports</b> 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>	Yes	Compliant	<p>Survey condition assessment reports completed for relevant (Stage 2) structure/assets prior to works occurring. Reports provided to owners.</p> <p>Note that multiple requests for access were not responded to for several relevant residential properties.</p>
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 <b>Post-construction Building and Structure Condition Survey Report</b> for each building, structure and utility surveyed. Copies of the <b>Post-construction Building and Structure Condition Survey Reports</b> must be provided to the owners of the buildings, structures and utilities surveyed no later than three months following the completion of construction.	No	Not triggered	Not relevant for this reporting 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	Not triggered	Not relevant for this reporting period
	<b>SOILS</b>			
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.	Yes	Compliant	<p>Stage 2 works include approved CEMPP / Soil and water Management Plan / Soil conservationist endorsed ERSED plans.</p> <p>Weekly contractor inspections, fortnightly TfNSW inspections, monthly ER inspections to monitor compliance.</p>
	<b>Contaminated Sites</b>			

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
E58	Areas of soil contamination identified within the documents referred to in <b>Condition A1</b> must be managed in accordance with Management Measure SW04 and SW05 as described in the SPIR.	Yes	Compliant	Stage 2 work include CEMPP / contamination management plan.  Lead paint identified in the Stage 2 bus stop structure described and managed by CEMPP and sub plan
E59	An <b>Unexpected Contaminated Land and Asbestos Finds Procedure</b> 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	Compliant	Procedure provided to Secretary on 23 August 19
E60	The <b>Unexpected Contaminated Land and Asbestos Finds Procedure</b> must be implemented for the duration of work.	Yes	Compliant	Implemented during unexpected finds during the reporting period for asbestos found during house demolition works and for a minor quantity of bonded asbestos found during the shanty town archaeological investigations
<b>SUSTAINABILITY</b>				
E61	A <b>Sustainability Strategy</b> must be prepared and submitted to the Planning Secretary for information before the commencement of construction (except Bridge 7 works). The <b>Sustainability Strategy</b> 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	Not triggered	Not relevant for works completed to date
<b>TRAFFIC AND TRANSPORT</b>				
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 <b>Construction Traffic and Transport Management Sub-plan</b> .	Yes	Compliant	Refer to E64.
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 <b>Construction Traffic and Transport Management Sub-plan</b> (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.	Yes	Not triggered	Works completed during this reporting period were addressed by EIS/SPIR.



CoA #	Requirement	Compliance Status (Compliant/Non-compliant/ Not triggered)		Evidence of Compliance /Comment
		Construction		
		Stage 2		
E64	The requirements of <b>Conditions E62 and E63</b> in relation to Bridge 7 may be addressed by the documents required under <b>Condition A9</b> .	Yes	Compliant	Stage 2 CEMPP / CTMP approved by the ER.
E65	Heavy vehicles must only use Construction Access Road 2 (as shown in <b>Appendix B</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 <b>Condition E65</b> must comply with the construction hours specified in <b>Conditions E26 and E27</b>.</i>	No	Not triggered	Not relevant for works to date
E66	Heavy vehicle movements through the John Hunter Hospital precinct must be identified in the <b>Construction Traffic and Transport Management CEMP Sub-plan</b> .  The <b>Construction Traffic and Transport Management CEMP Sub-plan</b> must include the following:  (a) number of heavy vehicle movements; (b) frequency of heavy vehicle movements; (c) deliveries outside the construction hours identified in <b>Condition E26</b> ; 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	Not triggered	Not relevant for works to date
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 <b>Condition E65</b> .	No	Not triggered	Not relevant for works to date
E68	Before any local road is used by a heavy vehicle for the SSI, a <b>Road Dilapidation Report</b> must be prepared for the road, unless otherwise agreed by the Planning Secretary. The <b>Road Dilapidation Report</b> 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 <b>Road Dilapidation Report</b> 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.	Yes	Compliant	Road dilapidation reports completed.
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	Not triggered	Not relevant for works to date

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
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.	Yes	Compliant	The approved Stage 2 CEMPP / CTMP contains mitigation measures to avoid / minimise disruption.
<b>Pedestrian and Cyclist Access</b>				
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.	Yes	Compliant	The approved Stage 2 CEMPP / CTMP contains mitigation measures to avoid / minimise disruption.
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	Not triggered	Not relevant for works to date
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.	Yes	Compliant	Stage 2 works have been optimised to retain existing disabled parking on Newcastle Road and in Jesmond Park.
<b>Fire Trails</b>				
E74	Alternate fire trails must be provided and implemented in consultation with the relevant fire authorities.	No	Not triggered	Not relevant for works completed to date

CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
	<b>URBAN DESIGN AND VISUAL AMENITY</b>			
	<b>Construction Ancillary Facilities</b>			
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.	Yes	Compliant	Stage 2 CEMPP and AFEMP (section 7.1) provides impact mitigation for visual impacts.
	<b>Lighting and Security</b>			
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.	Yes	Compliant	Stage 2 CEMPP and AFEMP (section 7.1) provides impact mitigation for visual impacts.
	<b>Bridge Elements</b>			
E77	Bridge 7 and Bridge 8, must be designed in accordance with the following guidelines, as relevant:  (a) <i>Beyond the Pavement</i> (RMS2014); (b) <i>Bridge Aesthetics</i> (RMS2012); (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>	Yes	Compliant	Bridge 7 design scope and reviews included a-e. Package sent to DPIE on 02 August 2019
	<b>Structural Adequacy</b>			
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.	Yes	Compliant	Stage 2 works are outside of mine subsidence areas and hence no requirements apply.
	<b>Operational Maintenance</b>			
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	Not triggered	Not relevant for works to date

CoA #	Requirement	Compliance Status (Compliant/Non-compliant/ Not triggered)		Evidence of Compliance /Comment
		Construction		
		Stage 2		
	<b>Operational noise barriers design</b>			
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	Not triggered	Not relevant for works to date
	<b>WASTE</b>			
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.	Yes	Compliant	Approved Stage 2 CEMPP / CRWMP includes a - c
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.	Yes	Not triggered	Not relevant for works to date
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> .	Yes	Compliant	Approved Stage 2 CEMPP / CRWMP includes a – b.
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.	Yes	Compliant	Approved Stage 2 CEMPP / CRWMP includes requirement to comply with EPA guideline.  VENM and unexpected find classified in accordance with EPA guideline.



CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
	<b>WATER</b>			
E85	The SSI must be designed, constructed and operated to achieve the outcomes described in the documents listed in <b>condition A1</b> 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.	Yes	Compliant	Approved Stage 2 CEMPP / soil and water management plan for works completed prior to this CCR have included planning and controls to achieve compliance with NSW WQO - inclusive of Soil Conservationist approved ERSED plans, regular inspections and ER inspections.
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	Not triggered	Not relevant for works to date

Appendix C  
Compliance Register – Commonwealth Conditions of Approval

**RP2J Compliance Table - Federal Conditions of Approval**

DoEE CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
<b>PART A - Conditions specific to the action</b>				
1	The approval holder must comply with the following NSW conditions where they relate to the protection of the Black-eyed Susan ( <i>Tetratheca 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 SP R):	No	Compliant	CEMPP / Flora and Fauna Management Sub Plan demonstrate no vegetation clearing or impacts to EPBC listed flora or fauna for Stage 2 works.  CEMPP / Soil and Water sub plan,- soil conservationist endorsed ERSED plans, high risk activity EWMS, hold point review/release of clearing and grubbing to protect surface water quality reporting to Hunter Estuary Ramsar site.
<b>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</b>				
	<b>NSW condition C4</b> , requiring a Flora and Fauna Construction Environment Management Plan (CEMP).	No	Not triggered	Construction work (limited to Stage 2 / Bridge 7) during this reporting period.  ER approval of NSW A9 Stage 2 CEMPP and sub plans on 26 November 19
	<b>NSW condition C5</b> , 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	Not triggered	As per NSW CoA A9, Section C of approval instrument does not apply to construction work (limited to Stage 2 / Bridge 7) prior to the date of this 6 month CCR .
	<b>NSW condition C8</b> , construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary.	No	Not triggered	As per NSW CoA A9, Section C of approval instrument does not apply to construction work (limited to Stage 2 / Bridge 7) prior to the date of this 6 month CCR .
<b>BIODIVERSITY</b>				
	<b>NSW condition E2</b> , limiting the clearing of native vegetation to the greatest extent practicable.	Yes	Compliant	CEMPP and Flora / Fauna Sub Plan developed under NSW CoA A9 to manage construction impacts of Stage 2.  Clearing of native vegetation for works completed to date has been contained within the approved project boundary. Clearing is described and controlled within approved CEMPP / EWMS and has been minimised as practicable and in consultation with NCC.
	<b>NSW condition E4</b> , implementing the Biodiversity Offset Strategy.	No	Not triggered	Not relevant to 6 month CCR
	<b>NSW condition E6</b> , 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	Not triggered	Not relevant to 6 month CCR

**RP2J Compliance Table - Federal Conditions of Approval**

DoEE CoA #	Requirement	Construction	Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Stage 2		
	<p><b>NSW condition E7</b>, 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:</p> <p>(a) acquiring and retiring "biodiversity credits" within the meaning of the Biodiversity Conservation Act 2016; 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>Footnote 2 under <b>condition E7</b> 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."</p>	No	Not triggered	Not relevant to 6 month CCR
	<p><b>NSW condition E9</b>, stating that the construction of the bypass 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>Footnote: These additional requirements must be addressed in the Flora and Fauna Management Sub-plan required under Condition C4 Table 3 (c).</p>	Yes	Compliant	Refer to CEMPP / Flora and Fauna Management Sub Plan for Stage 2 works Controls include weed / pathogen control. No EPBC impacts.
<b>SOILS</b>				
	<p><b>NSW condition E57</b>, requiring the proponent to undertake erosion and sediment controls consistent with the Managing Urban Stormwater series.</p>	No	Not triggered	Approved Stage 2 CEMPP / Soil and water management sub plan includes requirement for compliance with Landcom series. Soil Conservationist review and endorsement of ERSED plans. Weekly contractor inspections, fortnightly TfNSW inspections, monthly ER inspections to monitor compliance
<b>WATER</b>				
	<p><b>NSW condition E85</b>, 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.</p>	Yes	Compliant	Approved Stage 2 CEMPP / soil and water management plan for works completed prior to this 6 month CCR have included planning and controls to achieve compliance with NSW WQO - inclusive of Soil Conservationist approved ERSED plans.  Weekly contractor inspections, fortnightly TfNSW inspections, monthly ER inspections to monitor compliance.
	<p><b>NSW condition E86</b>, 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.</p>	No	Not triggered	Not relevant for works completed to date
<b>BIODIVERSITY</b>				
2	<p>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 <b>NSW condition E7</b>, unless approved in writing by the Minister.</p>	No	Not triggered	Not relevant for works completed to date