

# Independent Audit Program

Newcastle Inner City Bypass –  
Rankin Park to Jesmond

Transport for NSW | March 2022






## Document control

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## Approval and authorisation

Reviewed by:	Reviewed by:	Reviewed by :
		
01/07/2019	08/08/2019	12/08/2019
Roads and Maritime Senior Environment Officer	Roads and Maritime Project Manager	Environmental Representative

## Revision history

Revision	Date	Description
0	01/07/2019	Draft for Roads and Maritime review
1	08/08/2019	Draft for ER review
2	12/08/2019	For submission to Department of Planning, Industry and Environment for information
3	23/02/2022	Updated in line with commencement of construction
4	16/03/2022	Updated following DPE comments

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# Glossary / Abbreviations

Term	Expanded text
CEMP	Construction Environmental Management Plan
CoA	Condition of Approval
Construction	<p data-bbox="544 501 1342 622">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 <b>low impact work</b> which is completed prior to approval of the <b>CEMP</b>:</p> <ul style="list-style-type: none"> <li data-bbox="544 633 1374 786">(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 data-bbox="544 797 1273 853">(b) investigations including investigative drilling, contamination investigations and excavation;</li> <li data-bbox="544 864 1353 954">(c) operation of ancillary facilities if the <b>ER</b> has determined the operational activities will have minimal impact on the environment and community;</li> <li data-bbox="544 965 1342 1021">(d) minor clearing and relocation of native vegetation, as identified in the documents listed in <b>Condition A1</b>;</li> <li data-bbox="544 1032 1369 1122">(e) installation of mitigation measures including erosion and sediment controls, exclusion fencing, hoardings and temporary or at property acoustic treatments;</li> <li data-bbox="544 1133 1305 1223">(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 data-bbox="544 1234 1337 1323">(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 <b>ER</b>;</li> <li data-bbox="544 1335 1374 1514">(h) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW</i> (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 <b>A1, E17 and E18</b>;</li> <li data-bbox="544 1525 1353 1648">(i) other activities determined by the <b>ER</b> 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 data-bbox="544 1659 1289 1715">(j) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI.</li> </ul> <p data-bbox="544 1727 1374 1995">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, BCD or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>

Term	Expanded text
DAWE	Commonwealth Department of Agriculture, Water and the Environment administering the EPBC Act, and includes the Minister for the DAWE (Formerly Department of the Environment and Energy, DoEE)
DPE	Former NSW Department of Planning and Environment, now NSW Department of Planning, Industry and Environment
DPE	NSW Department of Planning and Environment
EIS	The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the development described in it, as revised if required by the Planning Secretary under the EP&A Act, and including any additional information provided by the Proponent in support of the application for approval of the project
EMS	Environmental Management System
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>
EPL	NSW Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>
IAP	Independent Audit Program
Operation	The carrying out of the SSI (whether in full or in part) upon the completion of construction, except the operation of Bridge 7 <i>Note: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction</i>
Planning Secretary	Planning Secretary of the NSW Department of Planning, Industry 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 and modified on 7 January 2022
RP2J	Rankin Park to Jesmond Bypass
SPB	Shared Path Bridge (Bridge 7)
SPIR	Submissions and Preferred Infrastructure Report submitted to the Planning Secretary of the DPE under the EP&A Act
SSI	State Significant Infrastructure
Works	All physical activities to construct or facilitate the construction of the SSI, including environmental management measures and utility works. however, does not include work that informs or enables the detailed design of the SSI and generates noise that is no more than 5 dB(A) above the rating background level at any residence

# 1 Introduction

## 1.1 Background

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

Transport for NSW (Transport) is planning and delivering the Project. The Project will be constructed in two separate stages under separate construction contracts.

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

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

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

Approval for the Project was granted by the NSW Minister for Planning on 15 February 2019 and by the Commonwealth Department of the Environment and Energy (DoEE) on 5 April 2019 and modified on 7 January 2022.

## 1.2 Purpose of this report

This Independent Audit Program (IAP) describes the approach to be adopted for independent auditing of the Project in accordance with the requirements of the NSW Infrastructure Approval SSI 6888 (Project Approval) and the Federal EPBC 2015/7550 Approval. The IAP has been prepared in accordance with the *Independent Audit – Post Approval Requirements* (DPE, 2018) and with regard to the *AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems*.

This IAP has been prepared to address the requirements of Condition of Approval (CoA) A34, which requires the preparation of an Independent Audit Program prior to the commencement of the first stage of Construction.

The requirements of the NSW conditions of approval which apply to the IAP are listed in Table 1-1 below, together with the cross-reference to where the requirements are addressed in this IAP. Further details of how the conditions are addressed are provided in the sections below.

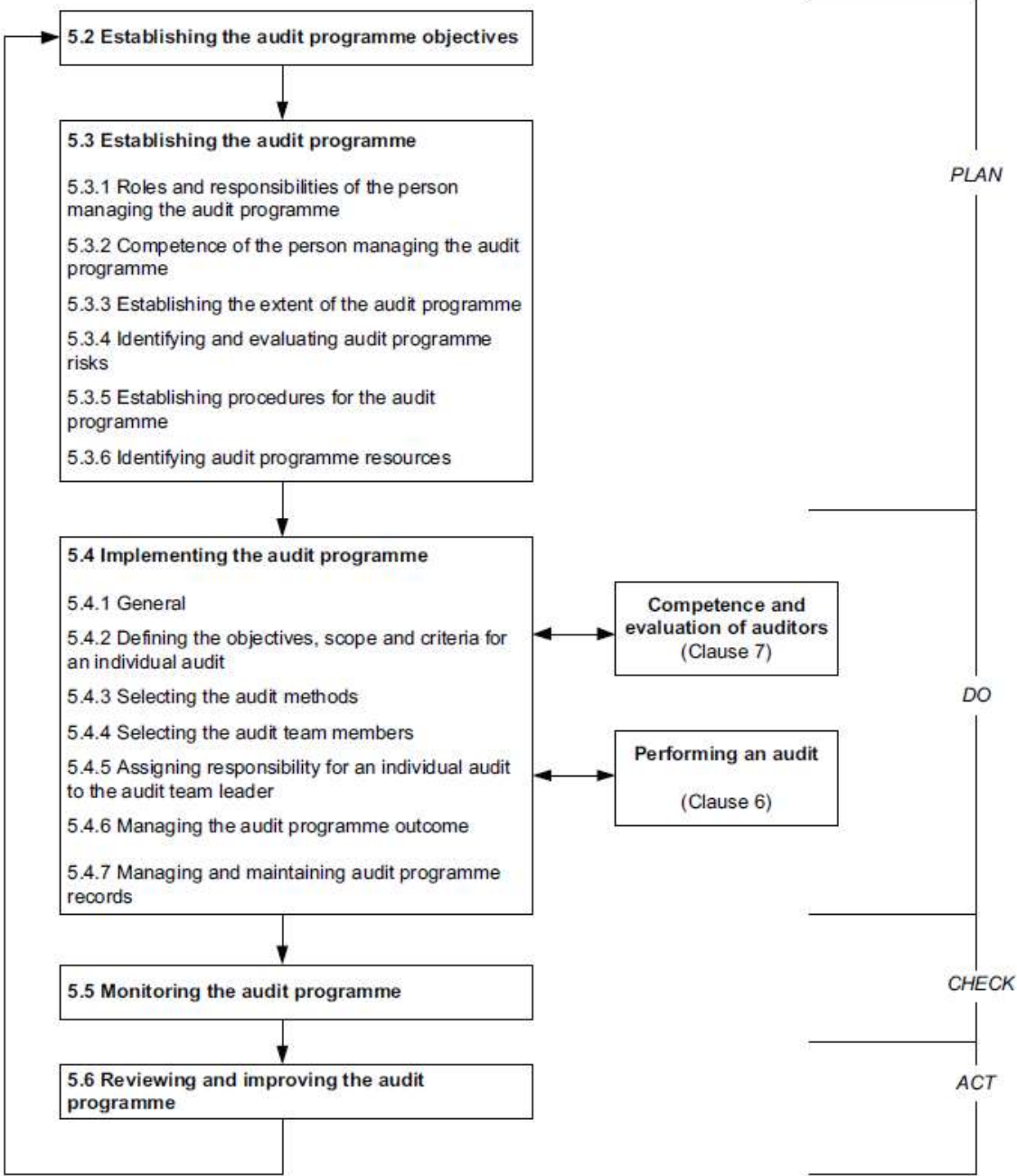
**Table 1-1: Conditions of approval applicable to the IAP**

NSW-CoA	Requirement	Reference
A4	The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to d) any audit of the construction or operation of the SSI	Section 3.7
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.	This document Section 2
A35	Independent Audits of the development must be carried out in accordance with: <ul style="list-style-type: none"> <li>(a) the Independent Audit Program submitted to the Department under Condition A34 of this approval; and</li> <li>(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the <i>Independent Audit – Post Approval Requirements</i> (DPE 2018)</li> </ul>	This document  Section 3, Appendix C
A36	In accordance with the specific requirements in the <i>Independent Audit – Post Approval Requirements</i> (DPE 2018), the Proponent must: <ul style="list-style-type: none"> <li>(a) review and respond to each Independent Audit Report prepared under Condition A35 of this approval;</li> <li>(b) submit the response to the Department; and</li> <li>(c) make each Independent Audit Report and response to it publicly available and notify the Department in writing when this has been done.</li> </ul>	Section 3.6  Section 3.7 Section 3.7
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.	Section 3.7



# 2 Independent Audit Program

This IAP has been prepared in accordance with the DPE’s *Independent Audit –Post Approval Requirements* and with regard to *AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems*. Section 5 of the standard provides recommendations for the approach to the management of the IAP, as summarised in Figure 2-1.



Source: AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems

Notes:

1. This figure illustrates the application of the Plan-Do-Check-Act cycle in this International Standard.
2. Clause/subclause numbering refers to the relevant clauses/subclauses of this International Standard

**Figure 2-1: Process flow for the management of the Audit Program**



## 2.1 IAP Submission

This IAP was submitted to the Planning Secretary for information on 13 August 2019, four weeks prior to commencement of the first stage of Construction of the Project. The IAP was reviewed by the independent Environmental Representative (ER) prior to being submitted to the Planning Secretary. The IAP was updated to align with the commencement of Stage 4 construction works and resubmitted to the Planning Secretary on 23 February 2022.

## 2.2 IAP Review

Transport will review the IAP as part of the environmental management system review process to assess whether its objectives are being achieved. Lessons learned from the IAP review will be used as inputs for the continual improvement process. The IAP review will consider:

- results from IAP monitoring
- conformity with IAP procedures
- IAP records
- alternative or new auditing methods
- effectiveness of the measures to address the risks associated with the IAP
- confidentiality and information security issues relating to the IAP.

Revisions to this IAP will be undertaken in accordance with the process outlined in the CEMP documentation. Updates to the IAP will be provided to the DPE for information.

## 2.3 IAP Implementation

This IAP will be implemented for the duration of Construction and for one year after the commencement of Operation of Stage 4 of the Project. Transport will implement this IAP by:

- ensuring the selection of independent auditor/s with the necessary competence (Section 3.2)
- coordinating and scheduling audits and ensuring the conduct of audits in accordance with this IAP and the timeframes identified in Table 3-1 and Figure 3-1
- defining objectives, scope and criteria for the independent audits (Section 3.4)
- ensuring that audit activities are recorded and records are properly managed, maintained and outcomes communicated to the relevant parties (Section 3.7).

The IAP will be implemented in accordance with the DPE's *Independent Audit – Post Approval Requirements* and with regard to *AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems*.

## 2.4 Monitoring of the IAP

Transport will monitor the implementation of this IAP considering the need to evaluate:

- conformity with this IAP, including the schedule and objectives
- the performance of the independent auditor/s
- the ability of the independent auditor/s to implement the audit schedule
- Feedback from DPE, the Construction Contractors and auditors.

Factors which may determine the need to modify the IAP include:

- audit findings
- demonstrated level of management system effectiveness
- changes to Transport or the Construction Contractor's environmental management system
- changes to project approval(s), standards, legal and other requirements to which Transport is committed.

## 3 Independent Audits

### 3.1 Independent Audit schedule

CoA A33 requires that the Compliance Monitoring and Reporting Program (CMRP) be implemented for the duration of Construction and for a minimum of one year following commencement of Operation of the final stage of the Project, or for a longer period as determined by the Planning Secretary based on the outcomes of independent environmental audits, ER Reports and the regular compliance reviews to be submitted in accordance with this CMRP. The same period has been adopted for the implementation of the IAP.

The proposed audit schedule has been developed in accordance with the requirements of the DPE's *Independent Audit – Post Approval Requirements* and CoA A34 is and is provided in Table 3-1 and Figure 3-1.

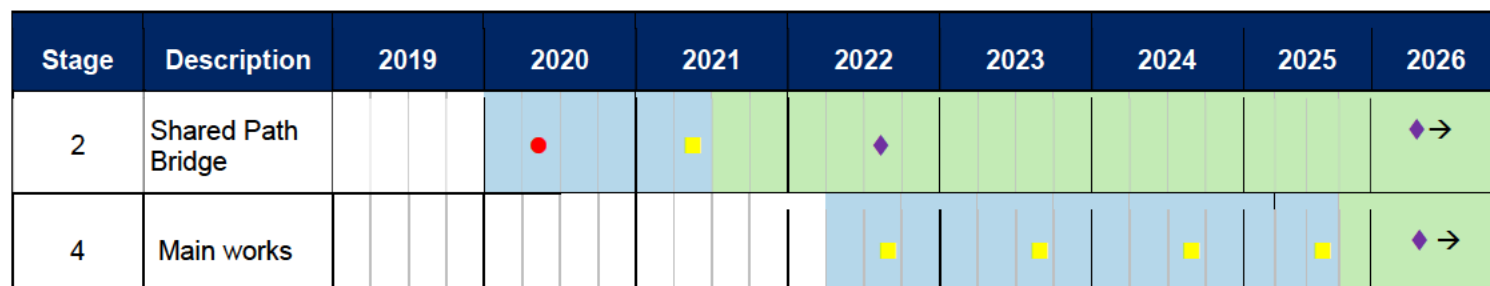
**Table 3-1: Independent audit schedule**

Project phase	Initial Independent Audit	Ongoing Independent Audits
Construction	Within 20 weeks of the commencement of the first stage of Construction	Annually from the date of the initial Independent Audit
Operation	Within one year of the commencement of Operation of Stage 4	At intervals, no greater than three years from the date of the last operational audit*






*\*Transport may request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.*

DPE's *Independent Audit – Post Approval Requirements* specifies that only one initial independent audit is required at the commencement of Construction and at the commencement of Operation. Initial audits of the commencement of Construction and Operation of each subsequent stage of the Project are not required.

The RP2J Staging Report provides details of the Construction and Operation stages of the Project and identifies the applicability of individual CoAs to each stage. The indicative timing of the Construction and Operation stages of the Project together with the IAP reporting completed for SPB and proposed reporting schedule for main works is provided in Figure 3-1 below.



#### Legend

	Construction		Operation		Initial Independent Audit (Construction)		Ongoing Independent Audit (Construction)		Independent Audit (Operation)
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### Figure 3-1: Indicative Timeframe for independent Audits

Stages 1 and 3 of the Project comprise low impact works as defined by the Project Approval and therefore do not require auditing. Refer the RP2J Staging Report for further details.

## 3.2 Auditor selection

The Project Auditor will have:

- certification (or other suitable qualifications, training and experience) as a lead or principal environmental auditor with a relevant industry body
- Experience in relation to developments that have been subject to environmental impact assessment, environmental management, compliance and auditing in the relevant industry.

As required by DPE's *Independent Audit – Post Approval Requirements*, the Auditor will be independent from the Project and free from any actual, potential or perceived conflicts of interest. The Auditor will provide a written declaration of their independence.

Independent Audits will not commence until the proposed auditor has been agreed to in writing by the Planning Secretary. The document agreeing to the auditor will be appended to the Independent Audit Report (refer Section 3.5).

Transport may engage a different independent Auditor for each stage of the Project. Where there has been a change in proposed auditors, Transport will seek further approval in accordance with DPE's *Independent Audit – Post Approval Requirements 2018*.

## 3.3 Independent Audit process and timeframe

Table 3-2 summarises the audit submission process, responsibilities and schedule for the regular routine independent audits specified in Table 3-1.

**Table 3-2: Independent audit process**

Role	Responsibility
Independent Auditor	Undertakes the audit and submits the draft Independent Audit Report to Transport within four weeks of the Audit
Transport	Reviews and responds to the Auditor's draft Independent Audit Report by providing any additional information and comments to the auditor for consideration before finalisation of the report.
ER	ER reviews the Auditor's draft Independent Audit Report
Independent Auditor	Signs the Auditor Declaration Form (refer Appendix C) Finalises the Independent Audit Report and submits the Independent Auditor Declaration Form and Independent Audit Report to Transport
Transport	Prepares and submits to DPE a separate response to the final Independent Audit Report within eight weeks of the Audit (refer Section 3.6)
DPE	Separately reviews submitted documentation and notifies Transport of any deficiencies (where required)

Role	Responsibility
Transport	Makes the Audit Report, response to audit findings and Independent Auditor Declaration Form publicly available in accordance with CoA A36(c) and posted on the Project website in accordance with CoA B13.

### 3.4 Audit Scope

The purpose of an independent audit as described in the DPE’s *Independent Audit – Post Approval Requirements* is to obtain an independent and objective assessment of the environmental performance and compliance status of a project.

Independent audits of the Project will be undertaken in accordance with the methodology in the DPE’s *Independent Audit – Post Approval Requirements* and cover the areas listed in Appendix C (under Audit Methodology and Audit Findings) of this IAP.

Prior to undertaken the audit, the Auditor will further develop the audit scope in consultation with DPE and other agencies and stakeholders. Comments received during the consultation will be reported in the Independent Audit Report. Specific environmental issues raised during consultation will be investigated and findings of the investigation reported in the Independent Audit Report.

#### **Opening and closing meetings**

Independent audits will commence with an opening meeting and conclude with a closing meeting. The meetings will be attended by a representative of Transport (at manager level or above), a suitably authorised Contractor representative and the Auditor. During the opening meeting the objectives of the audit, the scope of the audit, the resources required and methodology to be applied will be discussed. At the closing meeting, preliminary audit findings will be presented, recommendations (if appropriate) will be made, and any post-audit actions will be confirmed.

#### **On-site interviews**

Independent audits will include interviews with key personnel involved in Project delivery, including those with responsibility for environmental management, to assist with verifying the compliance status of the development. Auditors will be provided with reasonable access to the key site personnel as required by the Independent Audit scope.

#### **Site inspections**

Independent audits will include a physical site inspection. The site inspection will cover relevant project areas being audited and environmental aspects that form part of the scope of the audit. Transport will provide the auditor with reasonable access to all requested Project areas and activities.

#### **Evidence-based evaluation**

Independent Audit findings will be based on verifiable evidence. The evidence used to verify compliance with each requirement will be documented in the Audit Tables (refer Appendix A and B of this IAP) together with any relevant observations and notes.

### 3.5 Independent Audit Reports

The results of the independent audits identified in Table 3-1 will be documented by the Auditor in Independent Audit Reports. The Independent Audit Reports will be prepared in accordance with DPE's *Independent Audit – Post Approval Requirements*. Appendix C of this IAP summarises the required format and content of the reports.

Evidence of the audits will be presented in Audit Tables and included as appendices to the Audit Reports. Appendix A and Appendix B of this IAP contain the template Audit Tables for the NSW and Federal CoA respectively.

The tables identify the applicability of each condition to the Project stages based on a number of factors including whether the condition applies during Construction or Operation, geographic location of the works, impact of the works, the location of sensitive areas in relation to the works or due to the nature of the requirement. The tables are based on the requirements in the DPE's *Independent Audit – Post Approval Requirements* and include:

- a unique identification number (CoA ID)
- the exact wording of the compliance requirement
- a blank column to record the evidence used to assess and determine whether each requirement has been complied with
- a blank column for commentary on findings and recommendations
- a blank column for recording the status of compliance.

The compliance status of each requirement will be determined using the following descriptors:

- **Compliant** - the auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit
- **Non-compliant** - the auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit
- **Not triggered** - a requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

The terms partial compliance, partial non-compliance or administrative non-compliance or other similar terms will not be used.

### 3.6 Transport response to audit findings

Transport will prepare and submit a response to the audit findings to DPE in a separate document to the final Independent Audit Report. The response will:

- provide a response to each audit finding
- set out the actions and the timing of such actions to be taken in response to each non-compliance
- In relation to observations and opportunities identified for improvement, provide reasons if Transport propose not to implement any recommended measures or make any changes in response.



## 3.7 Submission of Audit Reports

The final Independent Audit Report and Transport response to the audit findings will be submitted to DPE within the timeframes set out the Independent Audit Submission Schedule (refer Table 3-1).

In accordance with CoA A4, Transport will comply with all written requirements or directions of the Planning Secretary in relation to any audits of the Construction or Operation of the Project.

In accordance with CoA B13, the finalised Audit Reports will be made publicly available on the Project website and Transport will notify DPE in writing once this has been done.

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# Appendix A: NSW CoA template audit table

RP2J Compliance Table - NSW Conditions of Approval

Audit Report

CoA #	Requirement	Low Impact works	Development phase				Compliance Status (Compliant/Non-compliant/Not triggered)	Evidence collected	Independted audit findings/recommendations
			Construction		Operation				
			Stages 1 & 3	Stage 2	Stage 4	Stage 2			
<b>PART A - ADMINISTRATIVE CONDITIONS</b>									
<b>GENERAL</b>									
A1	The SSI must be carried out in accordance with the terms of this approval and the description of the SSI in the: <i>(a) Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental impact statement (RMS, 2016) (the EIS) (</i> <i>b) Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS, 2018) (the SPIR).</i> <i>(c) Newcastle Inner City Bypass – Rankin Park to Jesmond Modification Report: additional construction compounds (TfNSW, May 2021); and</i> <i>(d) Newcastle Inner City Bypass – Rankin Park to Jesmond Modification Report: additional construction compounds Submissions Report (TfNSW, September 2021).</i>	Yes	Yes	Yes	Yes	Yes			
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	Yes	Yes	Yes	Yes			
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	Yes	Yes	Yes	Yes			
A4	The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to: <i>(a) the environmental performance of the SSI;</i> <i>(b) any document or correspondence in relation to the SSI;</i> <i>(c) any notification given to the Planning Secretary under the terms of this approval;</i> <i>(d) any audit of the construction or operation of the SSI;</i> <i>(e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);</i> <i>(f) the carrying out of any additional monitoring or mitigation measures; and</i> <i>(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.</i>	Yes	Yes	Yes	Yes	Yes			
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:  <i>(a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;</i> <i>(b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;</i> <i>(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;</i> <i>(d) outline of the issues raised by the identified party and how they have been addressed; and</i> <i>(e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.</i>	Yes	Yes	Yes	Yes	Yes			
A6	This approval lapses five (5) years after the date on which it is granted unless works are physically commenced on or before that date.	Yes	Yes	Yes	Yes	Yes			

A7	References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this approval.	Yes	Yes	Yes	Yes	Yes			
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	Yes	Yes	Yes	Yes			
<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 <b>Environmental Work Method Statement (EWMS)</b> , in consultation with relevant public authorities and the <b>City of Newcastle</b> , and approved by the <b>ER</b> 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 <b>Construction Environmental Management Process (Plan)</b> and <b>Environmental Work Method Statement (EWMS)</b> .	No	Yes	No	No	No			
<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	Yes	Yes	Yes	Yes			
A11	The Staging Report must:  (a) If staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish; (b) If staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant); (c) Specify how compliance with conditions will be achieved across and between each of the stages of the SSI; and (d) Set out mechanisms for managing any cumulative impacts arising from the proposed staging.	Yes	Yes	Yes	Yes	Yes			
A12	The construction and/or operation of the SSI must be carried out in accordance with the Staging Report, as submitted to the Planning Secretary.	Yes	Yes	Yes	Yes	Yes			
A13	Where staging is proposed, the terms of this approval that apply or are relevant to the work to be carried out in a specific stage, must be complied with at the relevant time for that stage.	Yes	Yes	Yes	Yes	Yes			
<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	Yes	Yes	No	No			

ANCILLARY FACILITY ESTABLISHMENT WORKS										
Ancillary Facility Establishment Management Plan										
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 <b>Ancillary Facility Establishment Management Plan</b> which outlines the environmental management practices and procedures to be implemented for the establishment of construction ancillary facilities. The <b>Ancillary Facility Establishment Management Plan</b> must be prepared in consultation with the <b>relevant councils</b> and relevant public authorities. The <b>Ancillary Facility Establishment Management Plan</b> must be submitted to the Planning Secretary for approval one (1) month before the establishment of any construction ancillary facilities. The <b>Ancillary Facility Establishment Management Plan</b> must detail the management of construction ancillary facilities and include:</p> <p>(a) a description of activities to be undertaken during the establishment of the construction ancillary facility (including scheduling and duration of works to be undertaken at the site) <b>and its decommissioning and rehabilitation</b>;</p> <p>(b) figures illustrating the proposed operational site layout, including access roads <b>and parking</b>;</p> <p>(c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment works;</p> <p>(d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:</p> <p>(i) meet the performance outcomes stated in the documents listed in <b>Condition A1</b>, and</p> <p>(ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and</p> <p>(e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of <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	Yes	Yes	No	No				
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> .	No	Yes	No	No	No				
Use of Construction Ancillary Facilities										
A17	<p>The use of a construction ancillary facility must not commence until the <b>CEMP</b> 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>	Yes	No	Yes	No	No				
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> .	No	Yes	No	No	No				
A18A	The Peatties Road ancillary facility must not be used to store/stockpile earthworks material, including dirt, topsoil, rock, rubble, quarry materials, waste concrete or asphalt, bricks, and excavated material	No	No	Yes	No	No				
Minor Construction Ancillary Facilities										
A19	<p>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:</p> <p>(a) are located within the construction boundary; and</p> <p>(b) have been assessed by the ER to have -</p> <p>(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</p> <p>(ii) minimal environmental impact with respect to waste management and flooding, and</p> <p>(iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.</p>	Yes	Yes	Yes	No	No				
Boundary screening										











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 <b>ER</b> on a daily basis.	Yes	Yes	Yes	Yes	Yes			
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	Yes	Yes	Yes	Yes			
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	Yes	Yes	Yes	Yes			
<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	Yes	Yes	Yes	Yes			
<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	No	Yes	No	No			

C2	<p>The <b>CEMP</b> 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 <b>CEMP</b> 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 <b>ER</b>;</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 <b>CEMP</b> and all associated plans and programs.</p>	No	No	Yes	No	No																														
C3	The <b>CEMP</b> must be endorsed by the <b>ER</b> and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction.	No	No	Yes	No	No																														
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><b>Table 3. CEMP Sub-plan and relevant public authorities</b></p> <table border="1"> <thead> <tr> <th colspan="3">Table 3: CEMP Sub-plan and relevant public authorities</th> </tr> <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>Relevant council and Health Administration Corporation</td> </tr> <tr> <td>(b)</td> <td>Noise and vibration</td> <td>Relevant council and Health Administration Corporation</td> </tr> <tr> <td>(c)</td> <td>Flora and Fauna</td> <td>DPI Fisheries and Relevant council</td> </tr> <tr> <td>(d)</td> <td>Air quality</td> <td>Relevant council and Health Administration Corporation</td> </tr> <tr> <td>(e)</td> <td>Soil and water</td> <td>Relevant council, DPI Fisheries and DPE Water,</td> </tr> <tr> <td>(f)</td> <td>Aboriginal cultural heritage</td> <td>Heritage NSW and Registered Aboriginal Parties</td> </tr> <tr> <td>(g)</td> <td>Flood management</td> <td>Relevant council</td> </tr> </tbody> </table>	Table 3: CEMP Sub-plan and relevant public authorities				Required CEMP Sub-plan	Relevant public authorities to be consulted for each CEMP Sub-plan	(a)	Traffic and transport	Relevant council and Health Administration Corporation	(b)	Noise and vibration	Relevant council and Health Administration Corporation	(c)	Flora and Fauna	DPI Fisheries and Relevant council	(d)	Air quality	Relevant council and Health Administration Corporation	(e)	Soil and water	Relevant council, DPI Fisheries and DPE Water,	(f)	Aboriginal cultural heritage	Heritage NSW and Registered Aboriginal Parties	(g)	Flood management	Relevant council	No	No	Yes	No	No			
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C5	<p>The <b>CEMP Sub-plans</b> must state how:</p> <p>(a) the environmental performance outcomes identified in the documents listed in <b>Condition A1</b> and terms of this approval will be achieved;</p> <p>(b) the mitigation measures identified in the documents listed in <b>Condition A1</b> and terms of this approval will be implemented;</p> <p>(c) the relevant terms of this approval will be complied with; and</p> <p>(d) issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed</p>	No	No	Yes	No	No																														
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	No	Yes	No	No																														
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	No	Yes	No	No																														



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	No	Yes	No	No																					
<b>CONSTRUCTION MONITORING PROGRAMS</b>																											
C9	<p>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>:</p> <p style="text-align: center;"><b>Table 4: Construction Monitoring and relevant public authorities</b></p> <table border="1"> <thead> <tr> <th colspan="3">Table 4: Construction Monitoring and relevant public authorities</th> </tr> <tr> <th></th> <th>Required Construction Monitoring Programs</th> <th>Relevant public authorities to be consulted for each Construction Monitoring Program</th> </tr> </thead> <tbody> <tr> <td>(a)</td> <td>Surface and Ground Water Quality</td> <td>DPI Fisheries, <b>DPE Water</b> and <b>Relevant council</b></td> </tr> <tr> <td>(b)</td> <td>Air Quality</td> <td><b>Relevant council</b> and Health Administration Corporation</td> </tr> <tr> <td>(c)</td> <td>Noise and vibration</td> <td><b>Relevant council</b> and Health Administration Corporation</td> </tr> <tr> <td>(e)</td> <td>Flora and fauna</td> <td>DPI Fisheries and <b>Relevant council</b></td> </tr> </tbody> </table>	Table 4: Construction Monitoring and relevant public authorities				Required Construction Monitoring Programs	Relevant public authorities to be consulted for each Construction Monitoring Program	(a)	Surface and Ground Water Quality	DPI Fisheries, <b>DPE Water</b> and <b>Relevant council</b>	(b)	Air Quality	<b>Relevant council</b> and Health Administration Corporation	(c)	Noise and vibration	<b>Relevant council</b> and Health Administration Corporation	(e)	Flora and fauna	DPI Fisheries and <b>Relevant council</b>	No	No	Yes	No	No			
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C10	<p>Each <b>Construction Monitoring Program</b> must provide:</p> <p>(a) details of baseline data available;  (b) details of baseline data to be obtained and when;  (c) the parameters of the project to be monitored;  (d) the frequency of monitoring to be undertaken;  (e) the location of monitoring;  (f) the reporting of monitoring results;  (g) procedures to identify and implement additional or alternative mitigation measures where results of monitoring are unsatisfactory; and  (h) any consultation to be undertaken in relation to the monitoring programs.</p>	No	No	Yes	No	No																					
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	No	Yes	No	No																					
C12	The <b>Construction Monitoring Programs</b> must be endorsed by the <b>ER</b> and then submitted to the Planning Secretary for approval at least one (1) month before the commencement of construction.	No	No	Yes	No	No																					
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	No	Yes	No	No																					
C14	The <b>Construction Monitoring Programs</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 and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.	No	No	Yes	No	No																					
C15	<p>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>.</p> <p>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>.</p>	No	No	Yes	No	No																					
<b>PART D - OPERATIONAL ENVIRONMENTAL MANAGEMENT</b>																											
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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	No	Yes	No	Yes			
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	No	Yes	No	Yes			
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	No	Yes	No	Yes			
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	No	Yes	No	Yes			
<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	Yes	Yes	No	No			
<b>BIODIVERSITY</b>									
E2	Any work associated with the SSI must limit the clearing of native vegetation to the greatest extent practicable.	Yes	Yes	Yes	No	No			
E3	Impacts to plant community types must not exceed those identified in the documents listed in <b>Condition A1</b> .	Yes	Yes	Yes	No	No			

E4	<p>The <b>Biodiversity Offset Strategy (BOS)</b> detailed in the <b>documents listed in Condition A1</b> must be implemented. The credits specified in the <b>BOS</b> 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> <table border="1" data-bbox="216 264 742 808"> <thead> <tr> <th>Credit Type</th> <th>EPBC Act equivalent EEC or habitat of EPBC Act listed threatened species</th> <th>Number of Credits</th> </tr> </thead> <tbody> <tr> <td colspan="3"><i>Ecosystem Credits</i></td> </tr> <tr> <td>HU833 (PCT 1619) – Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia healthy open forest of coastal lowlands</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>1,182</td> </tr> <tr> <td>HU782 (PCT 1569) – Blackbutt – Turpentine – Sydney Blue Gum mesic tall open forest on ranges of the Central Coast</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>337</td> </tr> <tr> <td>HU806 (PCT 1592) – Spotted Gum – Red Ironbark – Grey Gum shrub – grass open forest on the Lower Hunter</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>399</td> </tr> <tr> <td>HU804 (PCT 1590) – Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest*</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>1,098</td> </tr> <tr> <td>HU841 (PCT 1627) – Smooth-barked Apple – Turpentine – Sydney Peppermint healthy woodland on sandstone ranges of the Central Coast</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>228</td> </tr> <tr> <td>Total ecosystem credits required for offsetting</td> <td></td> <td>3,244</td> </tr> <tr> <td colspan="3"><i>Species Credits</i></td> </tr> <tr> <td>Black-eyed Susan</td> <td></td> <td>12,690</td> </tr> </tbody> </table> <p><i>Note: Credits have been calculated using the Framework for Biodiversity Assessment.</i></p>	Credit Type	EPBC Act equivalent EEC or habitat of EPBC Act listed threatened species	Number of Credits	<i>Ecosystem Credits</i>			HU833 (PCT 1619) – Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia healthy open forest of coastal lowlands	Grey-headed Flying-fox (foraging habitat)	1,182	HU782 (PCT 1569) – Blackbutt – Turpentine – Sydney Blue Gum mesic tall open forest on ranges of the Central Coast	Grey-headed Flying-fox (foraging habitat)	337	HU806 (PCT 1592) – Spotted Gum – Red Ironbark – Grey Gum shrub – grass open forest on the Lower Hunter	Grey-headed Flying-fox (foraging habitat)	399	HU804 (PCT 1590) – Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest*	Grey-headed Flying-fox (foraging habitat)	1,098	HU841 (PCT 1627) – Smooth-barked Apple – Turpentine – Sydney Peppermint healthy woodland on sandstone ranges of the Central Coast	Grey-headed Flying-fox (foraging habitat)	228	Total ecosystem credits required for offsetting		3,244	<i>Species Credits</i>			Black-eyed Susan		12,690	No	No	Yes	No	No			
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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 <b>BCD</b> (once the offsets are secured), within one month of receiving the report.	No	No	Yes	No	No																																	
E6	Plant community types that provide habitat for impacted EPBC Act threatened species must be retired in a manner that achieves “like-for-like” habitat for the species.	No	No	Yes	No	No																																	
E7	<p>The offsetting of biodiversity impacts must be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> (OEH, 2014) and can be achieved by:</p> <p>(a) acquiring and retiring “biodiversity credits” within the meaning of the <i>Biodiversity Conservation Act 2016</i>; and/or</p> <p>(b) making payments to an offset fund developed by the NSW Government; and/or</p> <p>(c) providing supplementary measures.</p> <p><i>Notes:</i></p> <p>1. Following repeal of the <i>Threatened Species Conservation Act 1995</i> on 25 August 2017, “biodiversity credits” created under that Act are taken to be “biodiversity credits” under the <i>Biodiversity Conservation Act 2016</i> by virtue of clause 19 of the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i>.</p> <p>2. Any residual impact on EPBC Act listed threatened species and ecological communities must be offset in accordance with an offset process endorsed by the <b>DAWE</b>.</p>	No	No	Yes	No	No																																	
E8	Prior to work that impacts native vegetation the Proponent must consult with local community, landcare groups and relevant public authorities to determine if there is an interest for the reuse of suitable timber and root balls in habitat enhancement and rehabilitation work. Timber and root balls must be retained from the project where there is a demonstrated demand for their reuse.	Yes	Yes	Yes	No	No																																	
E9	<p>The construction of the SSI must demonstrate how:</p> <p>(a) EPBC Act listed threatened species and ecological communities are protected;</p> <p>(b) noxious weeds are managed; and</p> <p>(c) contamination by pathogens, non-indigenous regenerative plant material and seeds can be prevented by the movement of all tools, vehicles, machinery and personnel.</p> <p><b>Note:</b> These additional requirements must be addressed in the <b>Flora and Fauna Management Sub-plan</b> required under <b>Table 3(c)</b></p>	No	Yes	Yes	No	No																																	

Pre-clearing Surveys									
E10	Before the removal of any vegetation, or the demolition of structure identified as potential roosting sites for microbats commences, pre-clearing/demolition inspections for the threatened species must be undertaken. The inspections, and any subsequent relocation of fauna and associated management/offset measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist. Survey and relocation methodologies must be incorporated into the <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> .	No	Yes	Yes	No	No			
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 a net 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 <b>relevant council</b> 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 <b>relevant council</b> , and undertaken prior to the commencement of operation.	No	Yes	Yes	No	No			
E11A	The SSI must not impact street trees in the Peatties Road reservation between Charlestown Road and 5 metres past the Peatties Road ancillary facility entry/exit point, unless the work is required for: (a) the construction of the footpath required under Condition E71A; (b) vehicular access to the Peatties Road ancillary facility; (c) bushfire requirements; and (d) traffic safety requirements. Where trees are to be removed and those trees are not required to be offset under Condition E4, the Proponent must provide a net increase in the number of replacement trees. The replacement trees must be planted along or adjoining Peatties Road in consultation with City of Newcastle.	No	No	Yes	No	No			
FLOODING									
E12	Measures to manage pre-existing flood characteristics must be incorporated into the detailed design of the SSI, following consultation with directly affected landowners, NSW State Emergency Service (SES) and <b>City of Newcastle</b> .	No	No	Yes	No	No			
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 <b>City of Newcastle, BCD</b> 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 <b>City of Newcastle, BCD</b> 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 <b>City of Newcastle, BCD</b> or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the <b>City of Newcastle, BCD</b> and the SES.	No	No	Yes	No	No			
HERITAGE									
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 <b>Heritage NSW</b> .	Yes	Yes	Yes	No	No			
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 <b>Heritage NSW</b> and the Heritage Council of NSW (or its delegate) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of any work.	Yes	Yes	Yes	No	No			
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	Yes	Yes	No	No			
Aboriginal Cultural Heritage									

E17	The surface salvage of sites RP2J AFT3, RP2J AFT 4, RP2J IF 1 and RP2J IF 2, and the subsurface salvage of RP2J AFT3, must be undertaken in accordance with the salvage methodology described in the <i>SPiR, Appendix H - Technical Paper 10 – Aboriginal Cultural Heritage Assessment Report, April 2018</i> .	Yes	No	Yes	No	No			
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.	Yes	No	Yes	No	No			
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 <a href="#">Heritage NSW</a> .	Yes	No	Yes	No	No			
E20	The <b>Cultural Heritage Salvage Report</b> must be submitted to the Planning Secretary, <a href="#">Heritage HSW</a> , <a href="#">relevant councils</a> 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> .	Yes	No	Yes	No	No			
<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> .	Yes	No	Yes	No	No			
E22	The investigation and salvage of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage items must be undertaken in accordance with the <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 <a href="#">relevant council</a> for review and comment prior to finalisation. The <b>Historical Archaeological Research Design and Excavation Methodology</b> must:  (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; (b) provide for the detailed analysis of any heritage items discovered during the investigations; (c) include management options for discovered heritage items, whether known or unexpected finds (including options for avoidance, salvage, relocation and display); (d) for unexpected finds that are determined to be relics, set out the assessment process that will determine an appropriate archaeological response to managing their significance; (e) include procedures for notifying the Planning Secretary and Newcastle City Council of any relic findings; and (f) if the findings of the investigations are significant, provide for the preparation and implementation of a <b>Heritage Interpretation Plan</b> , as required under <b>Condition E24</b> .	Yes	No	Yes	No	No			
E23	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. The <b>Archaeological Excavation Report</b> must also be submitted to Newcastle City Council, the local library and the local Historical Society.	Yes	No	Yes	No	No			

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 (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 <b>relevant council</b>. A copy of the Plan must be provided to the Planning Secretary, <b>relevant council</b>, the local library and the local Historical Society, before operation of the SSI commences.</p>	Yes	No	Yes	No	No			
<b>NOISE AND VIBRATION</b>									
<b>Land Use Survey</b>									
E25	<p>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>.</p>	No	No	Yes	No	No			
<b>Construction Hours</b>									
E26	<p>Work must only be undertaken during the following construction hours:</p> <p>(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,</p>	Yes	Yes	Yes	No	No			
<b>Variation to Works Hours</b>									
E27	<p>Notwithstanding <b>Conditions E26</b> and <b>E30</b> work may be undertaken outside the hours specified, in the following circumstances:</p> <p>(a) for the delivery of materials where required by the NSW Police Force or other authority for safety reasons; or (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or (c) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or (d) work approved under an <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).</p> <p><i>Note: Section 5.24(1)(e) of the EP&amp;A Act requires that an EPL be substantially consistent with this approval.</i></p>	Yes	Yes	Yes	No	No			
E28	<p>On becoming aware of the need for emergency work in accordance with <b>Condition E27(b)</b>, the Proponent must notify the <b>ER</b> 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.</p>	Yes	Yes	Yes	No	No			



E29	<p>In order to undertake out-of-hours work, the Proponent must identify appropriate respite periods for the out-of-hours works in consultation with the community at each affected location on a monthly basis. This consultation must include (but not be limited to) providing the community with:</p> <p>(a) a schedule of likely out-of-hours work for a period of no less than three (3) months in advance;  (b) potential work, location and duration;  (c) proposed respite periods  (d) noise characteristics and likely noise and vibration levels; and  (e) likely mitigation and management measures.</p> <p>The outcomes of the community consultation, the identified respite periods and the scheduling of likely out-of-hour work must be provided to the ER, EPA and the Planning Secretary.</p>	Yes	Yes	Yes	No	No			
<b>Highly Noise Intensive Work</b>									
E30	<p>Except as permitted by an EPL, highly noise intensive works exceeding 75dB(A) LAeq(15 minute) noise descriptor at a sensitive receiver must only be undertaken:</p> <p>(a) between 8:00 am to 6:00 pm Monday to Friday;  (b) between 8:00 am to 1:00 pm Saturday; and  (c) if continuously, then not exceeding three (3) hours, with a minimum respite from those activities and works of not less than one (1) hour.</p> <p>For the purposes of this condition, 'continuous' includes any period during which there is less than one (1) hour between ceasing and recommencing any of the work.</p>	Yes	Yes	Yes	No	No			
<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 ER. The Protocol must:</p> <p>(a) provide a process for the consideration of out-of-hours work against the relevant noise and vibration criteria, including the determination of low and high-risk activities;  (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>;  (c) identify procedures to facilitate the coordination of out-of-hours work permitted by an EPL to ensure appropriate respite is provided;  (d) undertake a risk analysis that considers the risk of activities, proposed mitigation, management, and coordination, including where:  (i) low risk activities can be approved by the ER, and  (ii) any other activity approved by the Planning Secretary; and  (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	Yes	Yes	No	No			
<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  (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and  (c) provide documentary evidence to the ER in support of any decision made by the Proponent in relation to respite or mitigation.</p>	Yes	Yes	Yes	No	No			
<b>Noise and Vibration Mitigation</b>									



E33	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.	Yes	Yes	Yes	No	No			
E34	Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:  (a) construction 'Noise affected' noise management levels established using the <i>Interim Construction Noise Guideline</i> (DECC, 2009); (b) vibration criteria established using the <i>Assessing vibration: a technical guideline</i> (DEC, 2006) (for human exposure); (c) <i>Australian Standard AS 2187.2 - 2006 "Explosives - Storage and Use - Use of Explosives"</i> ; (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 (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).  Any work identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the Noise and Vibration <b>CEMP</b> 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> .  <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>	Yes	Yes	Yes	No	No			
E35	Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:  (a) evening (6:00 pm to 10:00 pm) — internal LAeq(15 minute): 40 db(A); and (b) night (10:00 pm to 7:00 am) — internal LAeq(15 minute): 35 dB(A).  The mitigation measures must be outlined in the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol or Out of Hours Work Management Process or equivalent, required by Condition E31, and in relation to Bridge 7 the documents required by Condition A9.	Yes	Yes	Yes	No	No			
E36	Landowner(s) and occupier(s) of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before works that generate vibration commences near those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, landowner(s) and occupier(s) must be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the landowner and occupier. These properties must be identified and considered in the Noise and Vibration <b>CEMP</b> 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> .  <i>Note: <b>Condition E54</b> 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>	Yes	Yes	Yes	No	No			
E37	The Proponent must conduct vibration testing before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.	Yes	Yes	Yes	No	No			
<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 <b>the relevant council</b> 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 <b>relevant council</b>.</p>	No	No	Yes	No	No			
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	No	Yes	No	No			
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	No	Yes	No	No			
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	No	No	No	Yes			
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	No	No	No	Yes			
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	Yes	No	Yes	No			

Construction Vibration																							
E44	<p>The SSI must be delivered with the aim of achieving the following vibration goals:</p> <p>(a) for structural damage to heritage structures, the vibration limits set out in the <i>German Standard DIN 4150-3: Structural Vibration – Part 3 Effects of vibration on structures</i>;</p> <p>(b) for damage to other buildings and/or structures, the vibration limits set out in the <i>British Standard BS 7385-1:1990 – Evaluation and measurement of vibration in buildings—Guide for measurement of vibration and evaluation of their effects on buildings (and referenced in Australian Standard 2187.2 – 2006 Explosives – Storage and use – Use of explosives)</i>; and</p> <p>(c) for human exposure, the acceptable vibration values set out in <i>Assessing Vibration: A Technical Guideline</i> (Department of Environment and Conservation, 2006).</p>	Yes	Yes	Yes	No	No																	
E45	<p>Blasting associated with the SSI must only be undertaken during the following hours:</p> <p>(a) 9:00am to 5:00pm, Monday to Friday, inclusive;</p> <p>(b) 9:00am to 1:00pm on Saturday; and</p> <p>(c) at no time on Sunday or public holidays.</p> <p>This condition does not apply in the event of a direction from the NSW Police Force or other relevant authority for safety or emergency reasons to avoid loss of life, property loss and/or to prevent environmental harm.</p> <p>Blasting may be undertaken outside the above hours where:</p> <p>(a) no sensitive receivers would be impacted by blasting; or</p> <p>(b) an agreement has been made with potentially affected receivers.</p>	No	No	Yes	No	No																	
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> <table border="1"> <caption>Table 6: Airblast overpressure limits for human comfort</caption> <thead> <tr> <th>Receiver</th> <th>Type of blasting operations</th> <th>Airblast Overpressure Limit</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting more than 12 months or more than 20 blasts</td> <td>115 dBL for 95% of blasts per year</td> </tr> <tr> <td>120 dBL maximum limit</td> </tr> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting less than 12 months or less than 20 blasts in total</td> <td>120 dBL for 95% of blasts per year</td> </tr> <tr> <td>125 dBL maximum limit</td> </tr> <tr> <td>Occupied non-sensitive sites, such as factories and commercial premises</td> <td>All blasting</td> <td>125 dBL maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation</td> </tr> </tbody> </table> <p>Source – Table J5.4(A) – AS 2187.2 – 2006</p> <p>Note: a sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied by people</p>	Receiver	Type of blasting operations	Airblast Overpressure Limit	Sensitive site	Blasting operations lasting more than 12 months or more than 20 blasts	115 dBL for 95% of blasts per year	120 dBL maximum limit	Sensitive site	Blasting operations lasting less than 12 months or less than 20 blasts in total	120 dBL for 95% of blasts per year	125 dBL maximum limit	Occupied non-sensitive sites, such as factories and commercial premises	All blasting	125 dBL maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation	No	No	Yes	No	No			
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E47	<p>Ground vibration generated by blasting associated with the SSI must not exceed the criteria specified in <b>Table 7</b> and <b>Table 8</b> 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" data-bbox="240 254 1012 548"> <thead> <tr> <th>Receiver</th> <th>Type of blasting operations</th> <th>Peak component particle velocity (mm/s)</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting more than 12 months or more than 20 blasts</td> <td>5 mm/s for 95% of blasts per year</td> </tr> <tr> <td>10 mm/s maximum limit</td> </tr> <tr> <td>Sensitive site</td> <td>Blasting operations lasting less than 12 months or less than 20 blasts in total</td> <td>10 mm/s maximum limit</td> </tr> <tr> <td>Occupied non-sensitive sites, such as factories and commercial premises</td> <td>All blasting</td> <td>25 mm/s maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation</td> </tr> </tbody> </table> <p><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	No	Yes	No	No														
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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" data-bbox="240 835 1012 1213"> <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>50 mm/s at 4 Hz and above</td> <td></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>Source: Table J4.5(B) – AS 2187.2 – 2006 and Table J4.4.2.1 – AS 2187.2 – 2006 (BS 7385-2)</p>	Receiver	Type of blasting operations	Peak component particle velocity (mm/s)		Other structures or architectural elements that include masonry, plaster and plasterboard in their construction <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	No	Yes	No	No			
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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);</p> <p>(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</p> <p>(c) details of the blast management, mitigation and monitoring procedures to be implemented.</p>	No	No	Yes	No	No																											



SOILS									
E57	All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to prevent water pollution. When implementing such controls, any relevant guidance in the <i>Managing Urban Stormwater</i> series must be considered.	Yes	Yes	Yes	No	No			
Contaminated Sites									
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	Yes	Yes	No	No			
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	Yes	Yes	No	No			
E60	The <b>Unexpected Contaminated Land and Asbestos Finds Procedure</b> must be implemented for the duration of work.	Yes	Yes	Yes	No	No			
SUSTAINABILITY									
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	No	Yes	No	No			
TRAFFIC AND TRANSPORT									
E62	All road roads within one (1) kilometre of the SSI (including construction ancillary facilities) proposed to be used by heavy vehicles used for the SSI must be identified in the <b>Construction Traffic and Transport Management Sub-plan</b> .	No	No	Yes	No	No			
E63	Local roads proposed to be used by heavy vehicles for the SSI works that were not assessed in the <b>documents listed in Condition A1</b> 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.	No	No	Yes	No	No			
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> .	No	Yes	No	No	No			
E65	Heavy vehicles must only use Construction Access Road 2 (as shown in <b>Figure 2 in 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	No	Yes	No	No			



E66	<p>Heavy vehicle movements through the John Hunter Hospital precinct must be identified in the <b>Construction Traffic and Transport Management CEMP Sub-plan</b>.</p> <p>The <b>Construction Traffic and Transport Management CEMP Sub-plan</b> must include the following:</p> <p>(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.</p> <p><i>Note: These requirements are additional to the requirements of Part C of this approval.</i></p>	No	No	Yes	No	No			
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	Yes	Yes	No	No			
E68	Before any local road is used by a heavy vehicle for the purposes of the SSI (including the establishment of ancillary facilities), 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 the relevant roads authority 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	Yes	Yes	No	No			
E69	<p>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):</p> <p>(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.</p>	Yes	Yes	Yes	No	No			
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	Yes	Yes	No	No			
E70A	<p>To ensure pedestrian, cyclist and motorist safety on Peatties Road, the Proponent must ensure that traffic control is present to manage:</p> <p>(a) vehicle movements at the entry/exit point to the Peatties Road ancillary facility during the following times:  (i) On school days between 7:00 am to 9:00 am and 2.30 to 4.00pm, if the pedestrian footpath required under Condition E71A crosses the entry/exit point to the Peatties Road ancillary facility; and NSW Government 39 Department of Planning and Environment Conditions of Approval for Newcastle Inner City Bypass Rankin Park to Jesmond SSI 6888 SSI 6888 MOD 1 determined 7 February 2022  (ii) at any time heavy vehicles are entering and leaving the Peatties Road ancillary facility; and  (b) heavy vehicles associated with the construction of the SSI that are entering or exiting Peatties Road.</p>	No	No	Yes	No	No			
<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	Yes	Yes	No	No			
E71A	Before work commences at the Peatties Road ancillary facility, the Proponent must provide a temporary footpath between Charlestown Road and at least 5 metres past the Peatties Road ancillary facility entry/exit point. The Proponent must consult City of Newcastle on the design and location of the path and it must be constructed in accordance with the relevant standards. This condition does not prevent the 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	No	No	Yes	No	No			



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	Yes	Yes	No	No			
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 the <b>City of Newcastle</b> . This parking must be provided before the removal of on street parking on Newcastle Road.	No	Yes	Yes	No	No			
<b>Fire Trails</b>									
E74	Alternate fire trails must be provided and implemented in consultation with the relevant fire authorities.	Yes	No	Yes	No	No			
<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	Yes	Yes	No	No			
<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	Yes	Yes	No	No			
<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> (RMS 2014); (b) <i>Bridge Aesthetics</i> (RMS 2012); (c) <i>Landscape Design Guidelines</i> (RMS 2008); and (d) designed to incorporate elements which reflect the steel industry heritage of Newcastle.  The final design of the bridges must be provided to the Planning Secretary for information prior to construction of these structures.  <i>Note: The colour scheme is identified in SPIR, Appendix E - Urban Design and Landscape Character and Visual Impact Assessment.</i>	No	Yes	Yes	No	No			
<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.	No	No	Yes	No	No			
<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	No	No	Yes	Yes			
<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	No	Yes	No	No			
<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	Yes	Yes	Yes	Yes			
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	Yes	Yes	Yes	Yes			
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 Protection of the Environment Operations (Waste) Regulation 2014.	Yes	Yes	Yes	Yes	Yes			
E84	All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal docket retained for audit purposes.	Yes	Yes	Yes	Yes	Yes			
<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	Yes	Yes	Yes	Yes			
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.	Yes	No	Yes	No	No			
<b>TICKHOLE CREEK</b>									
E87	The Peatties Road ancillary facility must be designed and operated to ensure that no direct flow from within the site flows into Tickhole Creek.	No	No	Yes	No	No			
E88	A minimum 3 metre buffer must be provided between the top bank of Tickhole Creek and the Peatties Road ancillary facility	No	No	Yes	No	No			
E89	The design of the Peatties Road vehicular access must not impact the existing culvert to the west of the proposed access and the downstream drainage line protection area shown in light blue hatching in Figure 3 of Appendix A of this approval	No	No	Yes	No	No			

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# Appendix B: Federal CoA template audit table

RP2J Compliance Table - Federal Conditions of Approval

RP2J Compliance Table - Federal Conditions of Approval							Audit Report		
DoEE CoA #	Requirement	Low Impact Works Early Works Stages 1 & 3	Development Phase				Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence Collected	Independent audit findings / recommendations
			Construction		Operation				
			Stage 2	Stage 4	Stage 2	Stage 4			
<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>Tetradlea juncea</i> ), the Grey-headed Flying-fox ( <i>Pteropus poliocephalus</i> ) and the Hunter Estuary Ramsar site the terms of this approval and the description of the SSI in the <i>Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental impact statement (RMS 2016)</i> (the EIS) and the <i>Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS 2018)</i> (the SPIR)								
<b>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</b>									
	<b>NSW condition C4</b> , requiring a Flora and Fauna Construction Environment Management Plan (CEMP).	No	No	Yes	No	No			
	<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	No	Yes	No	No			
	<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	No	Yes	No	No			
<b>BIODIVERSITY</b>									
	<b>NSW condition E2</b> , limiting the clearing of native vegetation to the greatest extent practicable.	Yes	Yes	Yes	No	No			
	<b>NSW condition E4</b> , implementing the Biodiversity Offset Strategy.	No	No	Yes	No	No			
	<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	No	Yes	No	No			
	<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> (OEHL, 2014) and to be achieved by (a) acquiring and retiring "biodiversity credits" within the meaning of the Biodiversity Conservation Act 2016; and/or (b) making payments to an offset fund developed by the NSW Government; and/or (c) providing supplementary measures. Footnote 2 under <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."	No	No	Yes	No	No			
	<b>NSW condition E9</b> , stating that the construction of the bypass must demonstrate how (a) EPBC Act listed threatened species and ecological communities are protected; (b) noxious weeds are managed; and (c) contamination by pathogens, non-indigenous regenerative plant material and seeds can be prevented by the movement of all tools, vehicles, machinery and personnel. Footnote These additional requirements must be addressed in the Flora and Fauna Management Sub-plan required under Condition C4 Table 3 (c).	No	Yes	Yes	No	No			
<b>SOILS</b>									
	<b>NSW condition E57</b> , requiring the proponent to undertake erosion and sediment controls consistent with the Managing Urban Stormwater series.	Yes	Yes	Yes	No	No			
<b>WATER</b>									
	<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.	Yes	Yes	Yes	Yes	Yes			
	<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.	Yes	No	Yes	No	No			
<b>BIODIVERSITY</b>									
2	The approval holder cannot retire biodiversity credits that relate to EPBC Act listed threatened species and ecological communities by making payments into an offset fund that has been developed by the NSW Government, as referred to in <b>NSW condition E7</b> , unless approved in writing by the Minister.	No	No	Yes	No	No			

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# Appendix C: Independent Audit Report Format and Content including Declaration Form



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# Audit Report Format and Required Content

Audit Report Section	Required Content
Version control	<ul style="list-style-type: none"> <li>• the application number of the Project</li> <li>• each version or revision number of the Report</li> <li>• the date on which the report was prepared and issued</li> <li>• the title and name of the person who provided the certified the Independent Audit Report.</li> </ul>
Introduction	<ul style="list-style-type: none"> <li>• background of the project</li> <li>• the audit team (including qualifications and experience)</li> <li>• the objectives of the audit</li> <li>• the audit scop</li> <li>• the period covered by the audit</li> </ul>
Audit methodology	<ul style="list-style-type: none"> <li>• documentation from the Secretary agreeing to the auditor</li> <li>• how the audit scope was developed</li> <li>• a summary of the audit process adopted to determine the compliance status and assess if post approval documents are adequate</li> <li>• site personnel interviewed (including if access was not granted or possible with any required personnel and why)</li> <li>• details of site inspections undertaken (including any areas where access was not granted or possible and why)</li> <li>• a summary of the consultation undertaken with DPIE, and other agencies and stakeholders including the community and Community Consultative Committee</li> <li>• meanings of compliance status descriptors used, as set out in this IAP</li> </ul>
Audit findings	<ul style="list-style-type: none"> <li>• a list of the approvals and documents audited</li> <li>• a summary of the assessment of compliance ie. comparison between the total number of compliance requirements and any non-compliances identified during the reporting period</li> <li>• a summary of any agency notices, orders, penalty notices or prosecutions issued during the audit period</li> <li>• exception reporting of all non-compliances identified during the audit period for each approval, permit or licence.</li> <li>• a brief discussion or table of the status of actions arising from previous audits and the progress or outcomes of each action</li> <li>• a brief discussion of whether EMPs, Sub-plans and post approval documents are adequate and whether there are any opportunities for improvement</li> <li>• a brief discussion of the Project's EMS</li> <li>• a discussion of other matters considered relevant by the auditor or DPIE taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance</li> <li>• documentation of any feedback received as a result of consultation undertaken with DPIE, and other agencies or stakeholders including the community for the audit and the outcomes of this consultation</li> <li>• a summary of complaints, and the adequacy of the response to, and management of complaints</li> </ul>

Audit Report Section	Required Content
	<ul style="list-style-type: none"> <li>• details of any incidents (including any enforcement action by any agency) and the adequacy of the response to, and management of such incidents</li> <li>• an assessment of the compliance between actual and predicted impacts documented in environmental impact assessment, including an assessment of the physical extent of the Project in comparison with the approved boundary and any potential off-site impacts of the development required under the EP&amp;A Act 1979</li> <li>• evidence collected through site inspections undertaken during the audit</li> <li>• evidence to support compliance assessment provided by the personnel interviewed during the audit</li> <li>• a brief description or table of actions arising from previous annual review and compliance reports (if any) including the status and progress made on addressing each action and the outcomes of each action</li> <li>• a brief discussion of any continual environmental management improvement opportunities identified as part of the audit</li> <li>• key strengths of the Project's environmental management and performance identified by the auditor</li> </ul>
Recommendations and opportunities for improvement	<ul style="list-style-type: none"> <li>• recommended actions to address each non-compliance identified by the auditor</li> </ul>
Appendix A	<ul style="list-style-type: none"> <li>• Independent Audit Table - NSW CoA (refer Appendix C of this IAP)</li> </ul>
Appendix B	<ul style="list-style-type: none"> <li>• Independent Audit Table - Federal CoA (refer Appendix D of this IAP)</li> </ul>
Appendix C	<ul style="list-style-type: none"> <li>• a copy of documentation from the Planning Secretary agreeing to the auditor</li> </ul>
Appendix D	<ul style="list-style-type: none"> <li>• documentation detailing consultation with DPIE, and other agencies or stakeholders including the community and Community Consultative Committee</li> </ul>
Appendix E	<ul style="list-style-type: none"> <li>• completed and signed Independent Audit Declaration Form (refer below)</li> </ul>
Appendix F	<ul style="list-style-type: none"> <li>• site inspection photographs</li> </ul>

## Audit Report Declaration Form Template

Project Name:	Rankin Park to Jesmond Bypass
Project Application Number:	SSI 6888
Description of Project:	Section of Newcastle Inner City Bypass about 3.4 km in length between Rankin Park and Jesmond
Proponent:	Transport
Title of Audit:	
Date:	

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements* (Department 2018)
- the findings of the audit are reported truthfully, accurately and completely
- I have exercised due diligence and professional judgement in conducting the audit
- I have acted professionally, objectively and in an unbiased manner
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child
- neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

### Notes:

- a) 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
- b) 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).

Name of Auditor:	
Signature:	
Qualification:	
Company:	
Company Address:	

