

Independent Audit – Proponent Response Report

Newcastle Inner City Bypass –
Rankin Park to Jesmond
June 2020

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Glossary / Abbreviations

Term	Expanded text
CEMP	Construction Environmental Management Plan
CEMPP	Construction Environmental Management Process (Plan)
CoA	Condition of Approval
Construction	<p>Includes all works required to construct the SSI, including commissioning trials of equipment and temporary use of any part of the SSI, but excluding the following low impact work which is completed prior to approval of the CEMP:</p> <ul style="list-style-type: none"> (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; (b) investigations including investigative drilling, contamination investigations and excavation; (c) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; (d) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1; (e) installation of mitigation measures including erosion and sediment controls, exclusion fencing, hoardings and temporary or at property acoustic treatments; (f) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; (g) relocation and connection of utilities where the relocation or connection has a minor impact to the environment and sensitive receivers as determined by the ER; (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 A1, E17 and E18; (i) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and (j) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI. <p>However, where heritage items or threatened species or threatened ecological communities (within the meaning of the <i>NSW Threatened Species Conservation Act 1995</i> or <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with the relevant heritage authority, OEH or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>

Term	Expanded text
DoEE	Commonwealth Department of the Environment and Energy administering the EPBC Act, and includes the Minister for the DoEE.
DPE	NSW Department of Planning and Environment (former title)
DPIE	NSW Department of Planning, industry and Environment (current title)
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 and Environment (or nominee, whether nominated before or after the date on which the Project Approval was granted)
Project, the	Rankin Park to Jesmond Bypass
Project Approval	The Infrastructure Approval for Newcastle Inner City Bypass, Rankin Park to Jesmond, issued by the New South Wales Government on 15 February 2019
RP2J	Rankin Park to Jesmond Bypass
SPB	Shared Path Bridge (Bridge 7)
SPIR	Submissions and Preferred Infrastructure Report submitted to the Planning Secretary of the DPE under the EP&A Act
SSI	State Significant Infrastructure
TfNSW	Transport for New South Wales
Works	All physical activities to construct or facilitate the construction of the SSI, including environmental management measures and utility works. however, does not include work that informs or enables the detailed design of the SSI and generates noise that is no more than 5 dB(A) above the rating background level at any residence

1 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 New South Wales (TfNSW) is the proponent for the Project.

An Environmental Impact Statement (EIS) was prepared for the Project to satisfy the environmental assessment requirements of Part 5 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 (SSI 6888) and by the Commonwealth Department of the Environment and Energy (DoEE) on 5 April 2019.

1.2 Purpose of this report

This report has been prepared to address the requirements of Condition of Approval (CoA) A36 (a-b) prescribed by the Project's NSW Infrastructure Approval.

The requirements of the CoA which apply to Independent Audit Report and associated reports are listed in Table 1-1 below, together with the cross-reference to where the requirements are addressed in this report.

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
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.	Independent Audit Program. Provided to DPIE Secretary for information on 12 August 2019
A35	Independent Audits of the development must be carried out in accordance with: (a) the Independent Audit Program submitted to the Department under Condition A34 of this approval; and	Provided to DPIE Secretary for information on 12 August 2019

NSW-CoA	Requirement	Reference
	(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the <i>Independent Audit – Post Approval Requirements</i> (DPE 2018)	Section 2.1
A36	<p>In accordance with the specific requirements in the <i>Independent Audit – Post Approval Requirements</i> (DPE 2018), the Proponent must:</p> <ul style="list-style-type: none"> (a) review and respond to each Independent Audit Report prepared under Condition A35 of this approval; (b) submit the response to the Department; and (c) make each Independent Audit Report and response to it publicly available and notify the Department in writing when this has been done. 	<p>Appendix A</p> <p>This report</p> <p>Section 2.1</p>
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 Condition A30 and independent audit reports under Condition A36 of this approval.	Section 2.1

2 Independent Audit Program

The IAP was prepared in accordance with the DPE's *Independent Audit – Post Approval Requirements (2018)* and with regard to *AS/NZS ISO 19011:2014 - Guidelines for Auditing Management Systems*.

2.1 IAP implementation

The IAP was implemented to deliver the Independent Audit Report.

DPIE approval for a suitably qualified, experienced and independent auditor was gained in April 2020 prior to the commencement of the audit.

The Independent Audit Report was completed in accordance with the *Independent Audit – Post Approval Requirements (2018)* and provided to TfNSW in May 2020.

In accordance with CoA B13, the final Independent Audit Report and this Proponent Response Report will be made publicly available on the Project website and TfNSW will notify DPIE in writing once this has been done.

3 TfNSW Response to Independent Audit Findings

3.1 Audit findings and response

TfNSW has prepared a response to the Independent Audit Report findings.

The response is table in Appendix A of this report.

3.2 Submission of Proponent Audit Response Reports

The TfNSW Audit Response Report submission schedule is set out within the IAP (refer **Error! Reference source not found.**).

TfNSW was granted an extension of time by DPIE for the submission of the Independent Audit Report and Proponent Audit Response Report on 11 June 2020.

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Appendix A: TfNSW response to audit findings

TfNSW response to Independent Audit Report

Audit date - May 2020

	Audit finding	Audit recommendation	Audit Improvement Opportunity	Non - compliance	TfNSW Response	TfNSW Response Status
1	nil	nil	<p><i>A review of Erosion and Sediment Controls (ESC) during the site inspection identified additional controls to minimise potential offsite discharge of sediment laden water during rainfall events, on the corner of Newcastle Road and Coles St. These controls were discussed in the field and were identified with the TfNSW Environmental Officer in attendance.</i></p>	nil	<p>Audit Improvement opportunity transferred to TfNSW Inspection Report and archived in TfNSW Environmental Performance System</p> <p>Delivery contractor addressed issue via revising the area specific Progressive Erosion and Sediment Control Plan and subsequently implimented enhanced controls.</p>	Closed
2	nil	nil	nil	nil	nil	
3						
4						
5						

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