

# Newcastle Inner City Bypass - Rankin Park Jesmond Stage 2 IEA

Prepared for Transport for NSW  
May 2020

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# Newcastle Inner City Bypass - Rankin Park Jesmond Stage 2 IEA

**Report Number**

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H200071 RP1

**Client**

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Transport for NSW

**Date**

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29 May 2020

**Version**

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v1 Final

**Prepared by****Approved by**

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**Brendan Rice**  
Senior Environmental Scientist  
29 May 2020




**David Bone**  
Technical Leader Construction Environmental Management  
29 May 2020

This report has been prepared in accordance with the brief provided by the client and has relied upon the information collected at the time and under the conditions specified in the report. All findings, conclusions or recommendations contained in the report are based on the aforementioned circumstances. The report is for the use of the client and no responsibility will be taken for its use by other parties. The client may, at its discretion, use the report to inform regulators and the public.

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## Independent Audit Declaration Form

<b>Project name</b>	Newcastle Inner City Bypass – Rankin Park to Jesmond IEA – Stage 2
<b>Consent number</b>	SSI 6888
<b>Description of project</b>	3.4km of road from Rankin Park to Jesmond
<b>Project address</b>	Land between McCaffrey Drive, Rankin Park and Newcastle Road, Jesmond
<b>Proponent</b>	Transport for NSW
<b>Title of audit</b>	First Construction Audit – RP2J – Stage 2 Construction Works
<b>Date</b>	29 May 2020
<p>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:</p> <ul style="list-style-type: none"> <li>the audit has been undertaken in accordance with relevant approval condition(s) of consent and in accordance with the <i>Independent Audit Post Approval Requirements</i> (Department 2018);</li> <li>the findings of the audit are reported truthfully, accurately and completely;</li> <li>I have exercised due diligence and professional judgement in conducting the audit;</li> <li>I have acted professionally, objectively and in an unbiased manner;</li> <li>I am not related to any proponent, owner or operator of the project neither as 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;</li> <li>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;</li> <li>neither I nor my employer have provided consultancy services for the audited development that were subject to this audit except as otherwise declared to the Department prior to the audit; and</li> <li>I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from fair 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.</li> </ul> <p>Note:</p> <p>a) Under section 10.6 of the <i>Environmental Planning and Assessment Act 1979</i> a person must not include false or misleading information (or provide information for inclusion in) 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; and</p> <p>b) The <i>Crimes Act 1900</i> 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).</p>	
<b>Name of auditor</b>	Brendan Rice
<b>Signature</b>	
<b>Qualification</b>	BSc (Hons) UoN 2005; Exemplar Global Environmental Auditor #113920
<b>Company</b>	EMM Consulting Pty Limited
<b>Company address</b>	Level 3, 175 Scott Street, Newcastle, NSW 2300

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# 1 Introduction

## 1.1 Background

The Rankin Park to Jesmond (RP2J) Newcastle Inner City Bypass Project (the Project) is located between McCaffrey Drive, Rankin Park and Newcastle Road, Jesmond, New South Wales (refer Figure 1.1) within the Newcastle City Council Local Government Area (LGA). The project involves the construction of 3.4 kilometres (km) of new four lane divided road between Lookout Road, New Lambton Heights and Newcastle Road, Jesmond.

As per the project Staging Report (RMS, August 2019a), Stage 2 of the project is currently being constructed under State Significant Infrastructure (SSI) 6888, which was granted approval by the Minister for Planning on 15 February 2019. The Staging Report outlines that the Project is required to conduct an Independent Environmental Audit (IEA) within six months of the commencement of construction October 2019. Stage 2 of the project is under construction, specifically works for the construction of the Shared Path Bridge at Jesmond, known as 'Bridge 7' within the SSI approval.

In accordance with Section 3.1 of the approved Independent Audit Program for the project (RMS, August 2019b), Stage 1 of the Project does not require auditing and therefore this IEA assesses works completed as part of Stage 2 only. This IEA focuses on pre-construction and initial construction phase of Stage 2 for environmental compliance. Refer to Appendix A for the full compliance checklist. The conditions which have been triggered by Stage 2 works are detailed in Appendix A.

This report details the findings of the IEA commenced in March 2020, with a site inspection and audit being completed on 16 March 2020 by the audit team.

## 1.2 Overview of Stage 2 Construction Activities at the RP2J Project

Construction commenced in November 2019 and at the time of the audit, the project was completing Stage 1 (low impact works) and earthworks for Stage 2, construction of the Shared Path Bridge at Jesmond, NSW 'Bridge 7' (refer to Figure 1.2). The works associated with Stage 2 include:

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

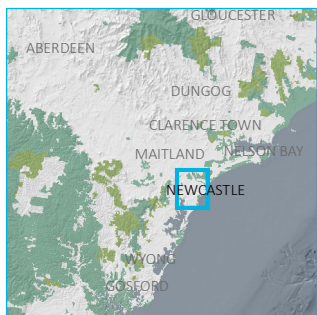
At the time of the audit, preliminary construction work was being undertaken involving earthworks along Newcastle Road, the widening of the road adjacent to Jesmond Park and alternate pedestrian and vehicle access to Coles Street, opposite to Jesmond Park. During the site inspection, pillars were starting to be installed for the preliminary works of the bridge, opposite Jesmond Park along Newcastle Road.

The Ancillary facility for the Stage 2 works had been constructed. Administration buildings and the main construction compound were constructed, with a temporary office, parking and laydown area located adjacent to the carpark in Jesmond Park. In addition, the stockpiling area was inspected, which is located within the median strip of the Newcastle Inner City Bypass north of the Newcastle Road roundabout at Jesmond, NSW.

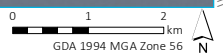




Source: EMM (2019); DFSI (2017); GA (2011); ASGC (2006)



- KEY**
- Construction footprint
  - T Train station
  - Rail line
  - Major road
  - Named watercourse
  - Named waterbody
  - Local government area
  - NPWS reserve
- INSET KEY**
- NPWS reserve
  - State forest

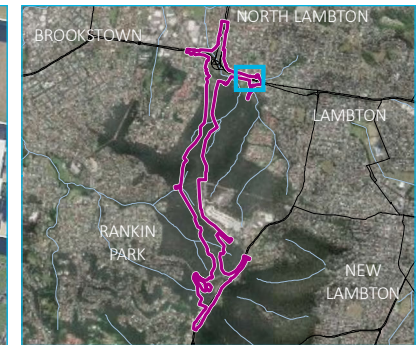


**Project locality**

Transport for NSW  
 Newcastle Inner City Bypass –  
 Rankin Park to Jesmond IEA  
 Figure 1.1



\\emmsvr1\EMM\Jobs\2020\NH\200071 - RP21\EA\GIS\02\_Maps\G001\_ProjectLocality\_20200330\_01.mxd 30/03/2020



- KEY**
- Construction footprint
  - Watercourse/drainage line
  - Cadastral boundary
- Project layout**
- Bus stop to be removed
  - Traffic lights on Newcastle Road to be removed
  - New shared path bridge and ramps
  - Footpath
  - Widening of Coles Street to improve connectivity

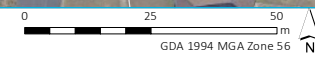
Stage 2 – Jesmond Shared Path Bridge

Transport for NSW  
 Newcastle Inner City Bypass - Rankin Park to Jesmond  
 Figure 1.2



\\lemmsvr1\EMM\Jobs\2020\H200071 - RP21 IEA\GIS\02 - Maps\G002 - Project\layout - 20200330 - 01.mxd 31/03/2020

Source: EMM (2019); RMS (2019); DFSI (2017)



### 1.2.1 Site environmental management

The Shared Path Bridge (SPB) Construction Environmental Management Process Plan (CEMPP) and other plans required by the SSI approval, provide guidance to the Project Manager, Ryan Massurit, employees and contractors on the current environmental requirements of the project. Implementation of environmental management on site is the responsibility of the project manager, with assistance from RMS internal environmental staff.

## 1.3 Audit objectives

The objective of the 2020 IEA is to obtain an independent and objective assessment of Stage 2 construction activities and environmental compliance status of the project over the first six months of construction of Stage 2.

In accordance with the Independent Audit Program for the project and Condition A34, Schedule 2 of SSI 6888, an independent environmental audit is required to be commenced within 20 weeks of the commencement of the first stage of construction, and annually from the date of the initial Independent Audit, unless the Secretary directs otherwise.

## 1.4 Audit scope

The 2020 IEA was undertaken in accordance with the Department of Planning, Industry and Environment (DPIE) *Independent Audit Post Approval Requirements June 2018*. Specifically, the audit must meet the consent conditions detailed in Table 1.1 below.

**Table 1.1 Relevant conditions of the IEA**

Condition number	Condition requirements	Section of document
A35	Independent Audits of the development must be carried out in accordance with:	
	(a) the Independent Audit Program submitted to the Department under <b>Condition A34</b> of this approval; and	This Audit
	b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit – Post Approval Requirements (DPE 2018).	This Audit

The audit team consulted with Newcastle Council to obtain their input into the scope of the IEA. The consultation with CN did not result in the identification of any non-compliances and focussed mainly on ongoing future consultation processes between TfNSW and CN and therefore were outside the scope of this audit report. Further details of this consultation are provided in **Appendix C**.

Specifically, the scope of the IEA considered compliance with:

1. Conditions of the SSI Project Approval:
  - a) Schedule 2: Part A: Administrative conditions (A1- A38);
  - b) Part B: Community Information and Reporting: (B1-B13);
  - c) Part C: Construction Environmental Management Plan (C1-C15); and
  - d) Part E: Key Issues: (E1-E86)
2. Assessment and review of environmental predictions and conclusions in:
  - a) Environmental Impact Statement (EIS) Proposed Development of Rankin Park, Jesmond NSW
3. Review and effectiveness of environmental management against management measures outlined in Rankin Park's site management plans, including:
  - Construction Environmental Management Process Plan (CEMPP), Shared Path Bridge over Newcastle Road, Jesmond (Appendix 1-15) (Daracon, 2019);
  - Construction Air Quality Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, 2019);
  - Construction Flora and Fauna Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, 2019);
  - Construction Noise and Vibration Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, 2019);
  - Construction Traffic Management- Sub Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, 2019);
  - Soil and Water Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, 2019);
  - Ancillary Facility Establishment Management Plan (Daracon, 2019);
  - Compliance Monitoring and Reporting Program, Newcastle Inner City Bypass – Rankin Park to Jesmond (RMS,2019);
  - Community Communication Strategy, Newcastle Inner City Bypass – Rankin Park to Jesmond (RMS 2019);
  - Complaints Management System, Newcastle Inner City Bypass – Rankin Park to Jesmond (RMS, 2019);
  - Independent Audit Program, Newcastle Inner City Bypass – Rankin Park to Jesmond (RMS, 2019);
  - Out of Hours Work Protocol – Works not subject to an EPL, Newcastle Inner City Bypass – Rankin Park to Jesmond (RMS, 2019);
  - Staging Report, Newcastle Inner City Bypass- Rankin Park to Jesmond (RMS, 2019);

- Unexpected Contaminated Land and Asbestos Finds Procedure, Newcastle Inner City Bypass – Rankin Park to Jesmond (RMS, 2019);
- Unexpected Heritage Finds and Human Remains Procedure, Newcastle Inner City Bypass – Rankin Park to Jesmond (RMS, 2019);

## 1.5 Audit period

The 2020 IEA assessed the environmental performance and compliance status of the Construction of Stage 2 of the Project. Stage 2 being the construction of the Jesmond Shared Path Bridge. Construction commenced in November 2019 and was ongoing at the time of the site inspection on 16 March 2020.

## 1.6 Report structure

**Chapter 1** provides an introduction, including an overview of the Rankin Park to Jesmond Project and staging and the activities that have occurred during the audit period. This section also illustrates the audit objectives, scope and auditing period.

**Chapter 2** provides information on the audit methodology, audit team, the approval and documents that have been audited, the audit activities that have occurred and the assessment criteria.

**Chapter 3** provides the findings of the audit with regards to site management, environmental systems and compliance with the development consent.

**Chapter 4** summarises the recommendations of the audit and potential areas for improved performance.

**Appendix A** Independent Audit Compliance Table

**Appendix B** Planning Secretary Endorsement

**Appendix C** Consultation

**Appendix D** Photographs

## 2 Audit methodology

### 2.1 Selection and endorsement of audit team

This is an 'independent' audit, meaning that the auditor must be endorsed by the Secretary of DPIE prior to conduct the audit. Therefore, the auditor's qualifications and statement on their independence from the site were submitted to DPIE and approval was obtained on 9 April 2020 (refer to Appendix B) for Brendan Rice and David Bone.

### 2.2 Independent audit scope development and compliance evaluation

The 2020 IEA of Stage 2 SPB works has been carried out in accordance with the Newcastle Inner city Bypass – Rankin park to Jesmond, Independent Audit Program (RMS, August 2019), *Independent Audit Post Approval Requirements June 2018* (DPIE 2018) and in reference to *AS/NZS ISO 19011.2014- Guidelines for Auditing Management Systems*.

The audit scope has been developed by the auditing team (David Bone and Brendan Rice) with assistance from TfNSW and includes the triggered conditions of SSI 6888 and all associated management plans and approvals relevant to the project.

### 2.3 Site inspection

A site inspection was undertaken on 16 March 2020 by the audit team and the TfNSW Senior Environment Officer. The site inspection covered all active areas of the construction project. The following key works had been undertaken:

- Installation of site compound adjacent to the Jesmond Park carpark on Robinson Avenue, including hoarding, signage;
- Removal of a bus stop and associated infrastructure on Newcastle Road;
- Earthworks for road widening of Newcastle Road, including security fencing and alternative access signage and demarcation for pedestrians on Coles Street;
- Earthworks and commencement of piling for construction of the Shared Path Bridge; and
- Stockpiling of soil materials in the designated stockpiling area to the north of Jesmond roundabout on the Newcastle Inner City Bypass.

Site photographs are included in Appendix D.

### 2.4 Site interviews

Interviews of TfNSW staff directly associated with the construction works occurring on site were interviewed during a workshop following site inspections. Records to support the environmental compliance with the approval, approved plans and strategies were generally supplied during the workshop. Documents not able to be viewed during the workshop were provided separately for review.

## 2.5 Consultation

Consultation with Newcastle City Council (NCC) was undertaken as part of the audit process prior to the site inspection and review of records. NCC requested documents and evidence of consultation in a broad submission to this IEA.

In summary issues raised were:

- Requests for data;
- Consultation process;
- Minimal impact works approval process;
- Site access;
- Specifics regarding approved tree removal and retention
- Ancillary facilities and parking

Feedback from NCC and responses are included in Appendix C.

## 2.6 Compliance status descriptors

The audit has been undertaken in consideration of the following compliance status descriptors, which is consistent with the Independent Audit Post Approval Requirements (DPIE 2018):

- **Compliant** – the auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied 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 within the scope of the audit; and
- **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.

In addition to the compliance status descriptors, the auditor may make such observations and notes, including identifying any opportunities for improvement, as they see fit in relation to any compliance requirement or any other aspect of the development.

# 3 Audit findings

## 3.1 Approvals and documents audited

The following documents have been reviewed in undertaking the audit and in assessing compliance against relevant development consent conditions, approved plans and the performance and effectiveness of environmental management measures implemented during the audit period.

- Infrastructure approval, SSI 6888 issued under Section 5.19 of the EP&A Act;
- Roads and Maritime Services 2016, Environmental Impact Statement, Newcastle Inner City Bypass – Rankin Park to Jesmond, Volume 1 November 2016;
- Environmental management system and plans:
  - Air Quality Management Plan, Shared Path Bridge over Newcastle Road, Jesmond. Daracon November 2019;
  - Ancillary Facility Establishment Management Plan, Daracon November 2019;
  - Construction Environmental Management Process Plan (CEMPP), Shared Path Bridge over Newcastle Road, Jesmond. Daracon November 2019;
  - Construction Flood Risk Management Plan, Shared Path Bridge over Newcastle Road, Jesmond. Daracon November 2019;
  - Construction Flora and Fauna Management Plan, Shared Path Bridge over Newcastle Road, Jesmond. Daracon November 2019;
  - Construction Noise and Vibration Management Plan, Shared Path Bridge over Newcastle Road, Jesmond. Daracon November 2019;
  - Construction Traffic Management- Sub Plan, Shared Path Bridge over Newcastle Road, Jesmond. Daracon November 2019;
  - Soil and Water Management Plan, Shared Path Bridge over Newcastle Road, Jesmond. Daracon November 2019;
  - Community Communication Strategy, Newcastle Inner City Bypass – Rankin Park to Jesmond, RMS, October 2019;
  - Complaints Management System, Newcastle Inner City Bypass – Rankin Park to Jesmond. RMS July 2019;
  - Compliance Monitoring and Reporting Program, Newcastle Inner City Bypass – Rankin Park to Jesmond. RMS, July 2019;
  - Independent Audit Program, Newcastle Inner City Bypass – Rankin Park to Jesmond. RMS July 2019;



- Out of Hours Work Protocol – Works not subject to an EPL, Newcastle Inner City Bypass – Rankin Park to Jesmond. RMS, November 2019;
- Staging Report, Newcastle Inner City Bypass- Rankin Park to Jesmond. RMS August 2019;
- Unexpected Contaminated Land and Asbestos Finds Procedure, Newcastle Inner City Bypass – Rankin Park to Jesmond. RMS July 2019;
- Unexpected Heritage Finds and Human Remains Procedure, Newcastle Inner City Bypass – Rankin Park to Jesmond. RMS July 2019;
- Statutory correspondence:
  - Ausgrid consultation letter to RMS, Interruption to power supply dated 8/1/2020;
  - Daracon email to RMS, Dilapidation Report Letterbox Drop Round 2, dated 18/12/2019;
  - Daracon email to RMS, OOHW Activity 1 - Noise Monitoring Results, dated 5/12/2019;
  - Daracon email to RMS, Jesmond- OOH work schedule, dated 1/11/2019;
  - Daracon email correspondence with RMS, RE: Jesmond Pre condition survey letter - Daracon Update - Round 3, dated 25/2/2020;
  - DPIE letter to RMS, Approval of Community Communication Strategy: condition B3 of the Newcastle Inner City Bypass (SSI 6888) dated 26/9/2019;
  - DPIE letter to RMS, Approval of Out of Hours Protocol: condition E31: Newcastle Inner City Bypass (SSI 6888) dated 21/11/2019;
  - DPIE letter to RMS, Approval of out of hours work application: condition E27: Newcastle Inner City Bypass (SSI 6888), dated 3/12/2019;
  - DPIE letter to RMS, Approval of Out of Hours Work application: condition E27: Newcastle Inner City Bypass (SSI 6888), dated 21/1/2020;
  - DPIE letter to RMS, Approval of Out of Hours Work application: No.5: condition E27(d): Newcastle Inner City Bypass (SSI 6888), dated 6/2/2020;
  - DPIE letter to RMS, Approval of Out of Hours Work application: No.5: condition E27(d): Newcastle Inner City Bypass (SSI 6888), dated 5/2/2020;
  - DPIE letter to RMS, Newcastle Inner City Bypass (condition E27(d), SSI 6888) Approval of Out of Hours Work Application No.7, dated 28/2/2020;
  - DPIE letter to RMS, Newcastle Inner City Bypass (SSI 6888) - Approval of Environmental Representatives, under condition A23, dated 14/5/2019;
  - DPIE letter to RMS, Newcastle Inner City Bypass (condition E27(d), SSI 6888) Approval of Out of Hours Work Application No.8, dated 16/3/2020.

- DPIE email to RMS, 3291 NICB RP2J Environmental Representative Monthly Report: September 2019, dated 19/3/2020;
- DPIE email to RMS, NICB RP2J Stage 2 Pre CCR- amend, dated 20/11/2019;
- DPIE email to RMS, Rankin park to Jesmond - Unexpected Heritage Finds and Human Remains Procedure, dated 9/8/2019;
- DPIE email to RMS, Submission of RMS NCIB document as per approval condition E8- Reuse of tree root balls for Stage 1 and Stage 2 works, dated 14/10/2019;
- DPIE letter to RMS, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Stage 2 Pre-Construction Compliance Report (24 October 2019);
- Geolink email to RMS, NCIB RP2J - OoHW Application 001 Approval (ER), dated 27/11/2019;
- Geolink email to RMS, Resubmission of RMS NICB RP2J document for your review and approval - Pre-Construction Compliance Report rev 2, dated 4/10/2019
- Geolink email to RMS, Resubmission of RMS NICB RP2J document for your review and approval - Pre-Construction Compliance Report rev 2, dated 4/10/2019;
- Geolink email correspondence to RMS, SPB Ancillary Facility Establishment Management Plan, dated 12/11/2019;
- Geolink email to RMS, RP2J Shared Path Bridge - CEMPP, dated 26/11/2019;
- Geolink correspondence to RMS, RE: RP2J Shared Path Bridge - Approval to use local road not assessed in the EIS or SPIR, dated 6/2/2020;
- Geolink correspondence to RMS, RP2J Out of Hours Protocol for review, dated 1/11/2019;
- Geolink email to RMS, RP2J Review of Compliance Documents required prior to works/construction, dated 8/8/2019;
- Newcastle City Council email to RMS, Rankin Park to Jesmond Shared Path Bridge - CEMPP, dated 27/6/2019;
- RMS email to Daracon, 3 month lookahead letter OOHW, dated 4/11/2019;
- RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Condition of Approval E8- Reuse of timber and root balls (Stage 1 and Stage 2 work) dated 12/9/2019;
- RMS letter to DPIE, Newcastle Inner City Bypass- Rankin Park to Jesmond (SSI 6888) Approval condition E15 - Unexpected Heritage Finds and Human Remains Procedure, dated 23/9/2019;
- RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Infrastructure Approval Condition E77 - Design of Bridge 7, dated 31/7/2019;
- RMS letter to DPIE 'Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Staging Report -A10 dated 12/8/2019;

- RMS letter to DPIE 'Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Staging Report -A10 dated 12/8/2020;
- RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Unexpected Contamination Land and Asbestos Finds Procedure- E59, dated 23 August 2019;
- RMS email to DPIE, Submission of RMS NCIB document as per approval condition A29- Compliance Monitoring and Reporting Program dated 13/8/2019;
- RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Independent Audit Program dated 12/8/2019;
- RMS Cover letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Compliance Monitoring and Reporting Program - A29 dated 12/8/2019;
- RMS email to Geolink RE: SPB Ancillary Facility Establishment Management Plan dated 12/11/2019;
- RMS email to Geolink, RE: RPJ2 Review of Compliance Documents required prior to works/construction dated 8/8/2019;
- RMS email to Geolink, RE: Resubmission of RMS NICB RP2J document for your review and approval - Pre-Construction Compliance Report rev 2 dated 4/10/2019;
- RMS email to Geolink, RP2J Review of Compliance Documents required prior to works/construction, dated 13/8/2019;
- RMS email correspondence with Newcastle City Council, RE: Shared Path Bridge Jesmond - Dilapidation Report, dated 21/10/2019;
- RMS email to NSW Heritage Council, Request to comment on Roads and Maritime Services project procedure - SSI Project 6888;
- RMS email correspondence RMS, RP2J Review of Compliance Documents required prior to works/construction, dated 13/8/2019
- RMS letter to OEH, Newcastle Inner City Bypass- Rankin Park to Jesmond (SSI 6888) Approval condition E15 - Unexpected Heritage Finds and Human Remains Procedure, dated 19/7/2019;
- RMS notification, Out of hours work on Newcastle Road and Coles Street at Jesmond on Monday 2 December;
- RMS notification, Out of hours work on Newcastle Road and Coles Street at Jesmond during January and February 2020;
- RMS notification, Start of work on shared path bridge at Jesmond from Monday 11 November 2019;
- Agreements:
  - Daracon letter to Residents, re: Shared Path Bridge over Newcastle Road, Jesmond, Out of Hours Agreement, dated 19/11/2019;

- Daracon letter to Residents, Record of Discussion, Shared Path Bridge over Newcastle Road, dated 16/1/2020;
- Example of RMS Property Access Agreement Form (2019);
- Surveys/boundary evidence:
  - Daracon, Figure: Material Haulage: Plan No. VMP-SPB-HV-001, Rev 1 dated 4/2/2020
  - Figure: City of Newcastle, HW23 Newcastle Inner City Bypass RP2J- Early Works, Shared Path Bridge, Site Tree Clearing Plan, Sheet No. RD-0501, Issue A dated 13/9/2019;
  - Figure: Property Location - R1 (RMS);
  - RMS Figure Newcastle Inner City Bypass - RP2J - Bridge 7 and Landscaping Design Drawings Summary, Issue 5, dated 26/2/2019;
  - RMS, Street View Images;
  - RMS - Photo 1 - Artist's Impression Bridge 7. jpg - dated 7/1/2019
- Complaints and meeting documentation:
  - SPB Complaints Register (2019);
  - Meeting minutes with TfNSW, Daracon and DPIE February 2020;
- Maintenance records and dockets:
  - Remondis invoice to Daracon Group, Services/Site: 113827.076 Daracon - Jesmond Shared Path Bridge (Job #130) - Robinson Ave Jesmond NSW 2299, dated 1/12/19 to 31/12/19;
  - Remondis invoice to Daracon Group, Services/Site: 113827.076 Daracon - Jesmond Shared Path Bridge (Job #130) - Robinson Ave Jesmond NSW 2299, dated 1/1/20 to 31/1/20;
  - Remondis invoice to Daracon Group, Services/Site: 113827.076 Daracon - Jesmond Shared Path Bridge (Job #130) - Robinson Ave Jesmond NSW 2299, dated 1/2/20 to 29/2/20;
  - Tip Dockets:
    - November 2019;
    - December 2019;
    - January 2020; and
    - February 2020
  - RMS Waste Management Register
- Other reports:

- Letter Distribution Map inc OOHW, Daracon dated 4/11/2019;
- SPB - Monitoring Locations;
- Jesmond Shared Path Bridge, Building Condition Inspection Reports (Lindsay Dynan):
  - - 11/1 Steel Street, Jesmond (dated 28/10/2019);
  - 1/3 Kiah Avenue, Jesmond (dated 5/11/2019);
  - 1/8 Coles Street, Jesmond (dated 9/1/2020);
  - 1/10 Coles Street, Jesmond (dated 24/10/2019);
  - 1A Hill Street, Jesmond (dated 28/10/2019);
  - 2 Coles Street, Jesmond, (dated 28/10/2019);
  - 2 Hill Street, Jesmond (dated 19/12/2019);
  - 2/3 Kiah Avenue, Jesmond (dated 5/11/2019);
  - 2/4A Coles Street, Jesmond (dated 14/11/2019);
  - 2/8 Coles Street, Jesmond (dated 9/1/2020);
  - 2A Coles Street, Jesmond (dated 28/10/2019);
  - 2B Coles Street, Jesmond (dated 24/10/2019);
  - 3 Kiah Avenue, Jesmond (dated 5/11/2019);
  - 3/3 Kiah Avenue, Jesmond (dated 5/11/2019);
  - 3/4A Coles Street, Jesmond (dated 24/10/2019);
  - 3/8 Coles Street, Jesmond (dated 9/1/2020);
  - 3/10 Coles Street, Jesmond (dated 24/10/2019);
  - 4 Coles Street, Jesmond (dated 9/1/2020);
  - 4 Hill Street, Jesmond (dated 25/10/2019);
  - 4/3 Kiah Avenue, Jesmond (dated 5/11/2019);
  - 5/3 Kiah Avenue, Jesmond (dated 5/11/2019);
  - 6/3 Kiah Avenue Jesmond (dated 5/11/2019);
  - 7/3 Kiah Avenue, Jesmond (dated 5/11/2019);
  - 8 Coles Street, Jesmond (dated 9/1/2020);

- 8/3 Kiah Avenue, Jesmond (dated 5/11/2019);
- 9/3 Kiah Avenue, Jesmond (dated 5/11/2019);
- 10/3 Kiah Avenue, Jesmond (dated 5/11/2019);
- RMS letter to property owners, Shared Path Bridge, Jesmond - Building condition inspection and report, dated 10/10/2019;
- RMS letter to property owners, Shared Path Bridge, Jesmond - Building condition inspection and report, dated 24/2/2020;
- Website:  
  
<https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html>

### 3.2 Previous audit recommendations

This is the first Independent Environmental Audit that has been required for the project and therefore there are no previous recommendations.

### 3.3 Environmental performance

The 2020 IEA found that the Stage 2 construction activities are being undertaken generally in accordance with the development consent. The TfNSW site team demonstrated a very solid appreciation, knowledge and commitment to the site's statutory obligations and to the implementation of environmental management controls. Evidence of systems to control the construction of the project were observed to be in place.

### 3.4 Complaints

TfNSW stated that when a complaint is received, it is logged electronically in an internal spreadsheet (SPB Complaints Register 2019) and investigated by the Project Manager and provided to relevant agencies where required.

The complaints register was sighted by the audit team. There were two complaints recorded in the register relating to concerns of vibration and property damage and access up to the date of the audit (16 March 2020).

The first complaint was recorded as of 24 February 2020 at 1:30 pm, which was made by a resident concerned about vibration and impacts to house. Ryan Massurit (TfNSW Project Manager) and Louise Neville (Principal contractor Community Manager) met with the resident's daughter, Suzanne and Ruth on the 3 March 2020 to discuss the project. Consequentially, vibration and noise monitoring were undertaken, with no outstanding actions to be required.

The second complaint was recorded as of 27 February 2020, which was made by a resident concerned about a narrow access to her property (10/1 Coles Street) following changes to Coles Street. TfNSW's principal contractor (Daracon) placed asphalt to widen layback to driveway to minimise potential damage to property. No outstanding action is required at this time.

## 3.5 Incidents

### 3.5.1 Notifiable incidents

One water discharge related incident was reported to DPIE on 17 December 2019. The following incident information is noted, as per the ER monthly report for December 2019 -

*‘Whilst undertaking connection of the new water main on Coles Street construction water within the main line was discharged offsite into a stormwater drain. Discharge of water off site ceased immediately and the remaining volume of water was collected and stored within the water cart and relocated to compound area D for discharge within the site boundary. A toolbox talk and review of the EWMS with the project team was undertaken and included discussion on the project requirements in relation to water management and the requirements for water to be discharged off site. Additional corrective actions included; delivery of environmental tool box talks and operational work instructions to the project team, update of the soil and water management plan and revision of the dewatering permit. Incorporation of the RMS golden rules into the site-specific project induction was also undertaken.*

*It is noted that this incident did not trigger the definition of an Incident pertaining that defined under MCoA A37 notification requirements.’*

## 3.6 Actual versus predicted environmental impacts

The documentation sighted by the audit team indicates that the impacts of Stage 2 construction are generally consistent with the predicted environmental impacts identified in the environmental approval documentation. The primary documentation reviewed which supports the audit findings includes the approved management plans and implementation of the plans as identified during the site inspection.

## 3.7 Management Plans

### 3.7.1 Construction Environmental Management Process Plan (CEMPP)

The Construction Environmental Management Process Plan (CEMPP) dated November 2019 was prepared and approved partly, in accordance with Schedule 2, Part A Condition A9 of the infrastructure approval SSI 6888, which requires the following:

Construction of Bridge 7 (the Jesmond SPB) and its associated components is subject to:

(a) preparation of a Construction Environmental Management Process (Plan) and an Environmental Work Method Statement (EWMS), in consultation with relevant public authorities and Newcastle City Council and approved by the ER under Condition A26(d); and

(b) implementation of the approved Construction Environmental Management Process (Plan) and Environmental Work Method Statement (EWMS).

The CEMPP provides the process for community liaison and complaints management, as well as broad features of operational control of environmental aspects. Attached to the CEMPP are specific detailed sub-plans for the management of the following:

- Ancillary Facilities Management
- Air Quality Management
- Construction Community liaison Management;

- Construction Flora and Fauna Management;
- Construction Flood Risk Management;
- Construction Noise and Vibration Management;
- Pollution Incident Response Management;
- Resource and Waste Management;
- Soil and Water Management;
- Unexpected Contaminated Land and Asbestos Finds Management; and
- Environmental Work Methods Statements (EWMS).

This condition was deemed compliant at the time of the audit. There was sighted evidence of prepared and reviewed CEMPP and EWMS strategy in consultation with NCC. NCC did not provide any further comment in email correspondence dated 27/6/2019. EWMS sighted as Appendix 16 to approved CEMPP.

The site inspection did not identify any non-compliances with the approved CEMPP.

Plans and documentation that were assessed as containing information relevant to conditions other than A9 are detailed below.

### 3.7.2 Ancillary Facility Establishment Management Plan

In accordance with Schedule 2, Conditions A15 and A16, TfNSW's principal contractor (Daracon) has prepared an Ancillary Facility Establishment Management Plan (AFEMP) November 2019. The procedure as outlined by SSI 6888, requires the following by the proponent:

**A.15** Before the establishment of any construction ancillary facilities (excluding minor construction ancillary facilities determined by the ER to have minimal environmental impact and those established under **Condition A19**), the Proponent must prepare an **Ancillary Facility Establishment Management Plan** which outlines the environmental management practices and procedures to be implemented for the establishment of construction ancillary facilities. The **Ancillary Facility Establishment Management Plan** must be prepared in consultation with the Newcastle City Council and relevant public authorities. The **Ancillary Facility Establishment Management Plan** must be submitted to the Planning Secretary for approval one (1) month before the establishment of any construction ancillary facilities. The **Ancillary Facility Establishment Management Plan** must detail the management of construction ancillary facilities and include:

- a) a description of activities to be undertaken during establishment of the construction ancillary facility (including scheduling and duration of works to be undertaken at the site);
- b) figures illustrating the proposed operational site layout, including access roads;
- c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment works;



- d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:
  - i) meet the performance outcomes stated in the documents listed in Condition A1, and
  - ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and
- e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of Condition C10.

Nothing in this condition prevents the Proponent from preparing individual Ancillary Facility Establishment Management Plans for each construction ancillary facility.

**A.16** The requirements of Condition A15 in relation to Bridge 7 may be addressed by the documents required under Condition A9.

The AFEMP was sighted and is being implemented as required by Condition A15. It was evident that preparation and implementation had been made regarding the Construction Environmental Management Process Plan (CEMPP) in consultation with Newcastle City Council (NCC) and ER approval of AFEMP.

During the site inspection it was identified that the activities undertaken at Compound D (off Robinson Avenue) and the 'Stockpile Area' north of Jesmond Roundabout were consistent with that approved through the AFEMP.

### 3.7.3 Compliance Monitoring and Reporting Program

In accordance with Schedule 2, Conditions A29 to A33, TfNSW has prepared a Compliance Monitoring and Reporting Program (CMRP) in August 2019. The procedure as outlined by SSI 6888, requires the following:

**A29** No later than four (4) weeks before the commencement of any work, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting – Post Approval Requirements (DPE, 2018) must be endorsed by the ER and submitted to the Planning Secretary for information;

**A30** Compliance Reports of the SSI must be prepared and carried out in accordance with the Compliance Reporting – Post Approval Requirements (DPE 2018). The Department must be notified of the commencement dates of construction and operation of the SSI in the preconstruction and pre-operational compliance reports;

**A31.** The compliance report must provide details of any review of, and minor amendments made to, the CEMP (which must be approved by the ER), resulting from construction carried out during the reporting period;

**A32.** The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done; and

**A33** The Compliance Monitoring and Reporting Program in the form required under Condition A29 of this approval must be implemented for the duration of works and for a minimum of one (1) year following commencement of operation, or for a longer period as determined by the Planning Secretary based on the outcomes of independent audits, Environmental Representative Reports and regular compliance reviews submitted through Compliance Reports. If staged operation is proposed, or operation is commenced of part of the SSI, the Compliance Monitoring and Reporting Program must be implemented for the relevant period of each stage or part of the SSI.

EMMs review undertaken as part of this audit has identified that the plan is being implemented, as per requirements across Stage 1 and Stage 2.

The CMRP is publicly available on the website (<https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html>). No non-compliances were identified, with condition A31 and A33 not triggered.

### 3.7.4 Community Communication Strategy

In accordance with Schedule 2, Part B Conditions B1 to B5, RMS has prepared a Community Communication Strategy (CCS) October 2019. The procedure as outlined by SSI 6888, requires the following by the proponent:

**B1** A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Proponent, the ER, relevant public authorities and the community (including adjoining affected landowners and occupiers, and others directly impacted by the SSI), during the design and works associated with the SSI and for a minimum period of 12 months following the completion of construction of the SSI;

**B2.** The Community Communication Strategy must:

- (a) identify people and organisations to be consulted during the design and work phases;
- (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI including use of construction hoardings to provide information regarding construction. The information to be distributed must include information regarding current site construction activities, schedules and milestones at each construction site;
- (c) identify opportunities and make provision for the community to visit construction sites (taking into consideration workplace, health and safety requirements);
- (d) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities; and
- (e) set out procedures and mechanisms:
  - i) through which the community can discuss or provide feedback to the Proponent;
  - ii) through which the Proponent will respond to enquiries or feedback from the community; and
  - iii) to resolve any issues or disputes that may arise in relation to construction of the SSI, including disputes regarding rectification or compensation.

**B3** The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work;

**B4** Work for the purposes of the SSI must not commence until the Community Communication Strategy has been approved by the Planning Secretary; and

**B5.** The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for the duration of works and for a period of 12 months following the completion of construction.

DPIE reviewed the CCS in August and requested that the updated CCS include mechanisms for resolving any disputes that may arise from the community regarding construction. The updated CCS was resubmitted and approved by DPIE dated 26 September 2019. The plan is made publicly available on website (<https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html>).

EMMs review of the available documentation regarding community consultation identified that this condition was compliant at the time of the audit.

### 3.7.5 Complaints Management System

In accordance with Schedule 2, Part B Conditions B6 to B12, TfNSW has prepared a Complaints Management System. The procedure as outlined by SSI 6888, requires the following:

**B6.** A Complaints Management System must be prepared and implemented before the commencement of any work and maintained for the duration of construction and for a minimum of 12 months following completion of the SSI.

**B7.** The following must be available, to facilitate community enquiries and manage complaints, one (1) month before the commencement of work and for 12 months following the completion of construction:

- (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI;
- (b) a postal address to which written complaints and enquires may be sent;
- (c) an email address to which electronic complaints and enquiries may be transmitted; and
- (d) a mediation system for complaints unable to be resolved (including access to an independent mediation process and mediator).

This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level. The Complaints Management System must be provided to the Planning Secretary prior to any work commencing.

**B8.** The telephone number, postal address and email address required under Condition B7 of this approval must be published in a newspaper circulating in the relevant local area and advertised on site hoardings at each construction site, before the commencement of any work and published in the same way before the commencement of operation. This information must also be provided on the website required under Condition B13 of this approval.

**B9.** A Complaints Register must be maintained recording information on all complaints received about the SSI during the carrying out of any work and for a minimum period of 12 months following the completion of construction. The Complaints Register must record the:

- (a) number of complaints received;
- (b) number of people affected in relation to a complaint; and
- (c) means by which the complaint was addressed and whether resolution was reached, with or without mediation.

**B10.** The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request, and made available to the ER on a daily basis.

**B11.** The independent mediation process required under Condition B7(d) must detail how members of the public, who are not satisfied by the Proponent's response to a complaint, has the ability to have the Proponent's response reviewed.

Any application made under the independent mediation process for a review of a complaint must be responded to within 28 days of the request being made or within other specified timeframe agreed with the member of the public.

**B12.** The independent mediation process required under Condition B7(d) must:

- (a) Review any unresolved disputes if the procedures and mechanisms under Condition B2(e)(iii) do not satisfactorily address complaints; and
- (b) Make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes.

EMMs review of the available documentation regarding complaints management identified that this condition was compliant at the time of the audit.

### 3.7.6 Construction Flora and Fauna Management Plan

Compliance with the Construction Flora and Fauna Management Plan (CFFMP) was assessed for the stage of the project being undertaken at the time of the audit. The Construction Flora and Fauna Management Plan outlines that no threatened species or ecological communities or weeds of national significance under the Biosecurity Act 2015 are recorded in the vicinity of the Shared Path Bridge project location.

One Endangered Ecological Community (EEC) listed under the BC Act (Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion) is located to the west of the SPB footprint (as shown on 'Figure 2- Plant Community Types within the Vicinity SPB Project'). This area has been nominated as a 'No-Go' zone.

No non-compliances were identified, with seven flora and fauna conditions classed as not triggered that relate to the main works area (Stage 4).

### 3.7.7 Unexpected Heritage Finds and Human Remains Procedure

In accordance with Schedule 2, Part E Conditions E14 to E16, RMS has prepared an Unexpected Heritage Finds and Human Remains Procedure, August 2019. The procedure as outlined by SSI 6888, requires the following by the proponent:

**E14.** An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected Aboriginal and non-Aboriginal heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW and OEH.

**E15.** The Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in consultation with OEH and the Heritage Council of NSW (or its delegate) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of any work.

**E16.** The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of work.

*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.*

In accordance with the prescribed conditions, the Proponent has prepared and implemented the procedure. The procedure was reviewed and endorsed by OEH and the NSW Heritage Council dated 15 August 2019, with works commencing in October 2019. No heritage items identified to the date of the audit.

### 3.7.8 Construction Noise and Vibration Management Plan

The Proponent has prepared and implemented a Construction Noise and Vibration Management Plan (Daracon, November 2019). In accordance with Schedule 2, Part E, Condition E25, the Proponent contracted GHD in 2019, to conduct a noise survey assessment, which included sensitive receivers within a radius of approximately 600m of the SPB works. No evidence was sighted of highly intensive works undertaken to date.

In accordance with Schedule 2, part E, Condition E33, the Proponent has conducted noise monitoring in November 2019 and noise monitoring along Coles Street was being undertaken at the time of the audit inspection. Project works have been timetabled to date for works outside of sensitive times for community and Jesmond Church.

To date, noise monitoring completed by the Principal contractor has shown that project works were inaudible from all but one monitoring location. All OOHW's will most likely exceed 5aBA within the predictive noise modelling, elevating the risk category to high. Subsequently OOHW applications require approval from DPIE. OOHW permits have been provided to EMM for review and found that OOHW applications had been approved by DPIE as required.

In accordance with Condition E34 and E35, works completed to date have been in accordance with approved and implemented the OOHW Protocol.

Additionally, it is noted that no blasting has occurred to date and is unlikely to occur during Stage 2 works.

#### i Out-of-Hours Work Protocol

In accordance with Schedule 2, Part E, Conditions E27 to E31, TfNSW has prepared an Out of Hours Work Protocol- Works not subject to an EPL, November 2019. The procedure is required by Conditions E27 to E31 of SSI 6888:

**E27.** Notwithstanding Conditions E26 and E30 work may be undertaken outside the hours specified, in the following circumstances:

- (a) for the delivery of materials where required by the NSW Police Force or other authority for safety reasons; or
- (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or
- (c) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or
- (d) work approved under an Out-of-Hours Work Protocol or Out Of Hours Works Management Process or equivalent (for work not subject to an EPL), under Condition E31; or
- (e) work that causes:
  - i) no more than 5 db(A) above the rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009), and

- ii) no more than the 'Noise affected' noise management levels specified in Table 3 of the Interim Construction Noise Guideline (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 Assessing Vibration: a technical guideline (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 Assessing Vibration: a technical guideline (DEC, 2006).

*Note: Section 5.24(1)(e) of the EP&A Act requires that an EPL be substantially consistent with this approval.*

**E28.** On becoming aware of the need for emergency work in accordance with Condition E27(b), the Proponent must notify the ER and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those works.

**E29.** In order to undertake out-of-hours work, the Proponent must identify appropriate respite periods for the out-of-hours works in consultation with the community at each affected location on a monthly basis. This consultation must include (but not be limited to) providing the community with:

- (a) a schedule of likely out-of-hours work for a period of no less than three (3) months in advance;
- (b) potential work, location and duration;
- (c) proposed respite periods;
- (d) noise characteristics and likely noise and vibration levels; and
- (e) likely mitigation and management measures.

**E.30** Except as permitted by an EPL, highly noise intensive works exceeding 75dB(A) LAeq(15 minute) noise descriptor at a sensitive receiver must only be undertaken:

- (a) between 8:00 am to 6:00 pm Monday to Friday;
- (b) between 8:00 am to 1:00 pm Saturday; and
- (c) if continuously, then not exceeding three (3) hours, with a minimum respite from those activities and works of not less than one (1) hour.

For the purposes of this condition, 'continuous' includes any period during which there is less than one (1) hour between ceasing and recommencing any of the work.

**E31.** An Out-of-Hours Work Protocol must be prepared to identify a process for the consideration, management and approval of work which are outside the hours defined in Condition E26, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before the commencement of the work. The Protocol must be prepared in consultation with the EPA and the ER. The Protocol must:

- (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 Condition E29;
- (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 may be detailed in the Communication Strategy.

As prescribed, all notifications to date were sighted and evidence of approval from DPIE obtained. The procedure and notifications are made publicly available on the project website.

### 3.7.9 Unexpected Contaminated Land and Asbestos Finds Procedure

In accordance with Part E, Condition E59 and E60, TfNSW has prepared an Unexpected Contaminated Land and Asbestos Finds Procedure dated August 2019. The procedure as outlined by SSI 6888, requires the following:

- E58: An Unexpected Contaminated Land and Asbestos Finds Procedure must be prepared before the commencement of work and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during work; and
- E60: The Unexpected Contaminated Land and Asbestos Finds Procedure must be implemented for the duration of work.

The procedure was prepared and submitted to DPIE in August 2019, with works commencing in October 2019. The procedure is publicly available on the website (<https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/rankin-park-to-iesmond.html>). The procedure had not been triggered by activities undertaken onsite to the date of the audit.

### 3.7.10 Construction Traffic and Transport Management Sub-Plan

In accordance with Part E, Condition E62 to E70, RMS has prepared a Construction Traffic and Transport Management Sub-plan. dated November 2019.

Traffic is managed via the Construction Traffic and Transport Management Plan Sub-Plan under CEMPP, which has been approved by DPIE. ER approval has been sought dated 6/2/2020. As condition E64 outlines, Condition E62 and E63 may be addressed under Condition A9. Evidence was sighted of prepared and reviewed CEMPP in consultation with Newcastle City Council (NCC).

### 3.7.11 Other matters

#### a Building Condition Survey

One non-compliance was identified regarding Schedule 2, Part E, Condition E54. As outlined by the SSI 6888, the Proponent must:

**E54.** Pre-construction Building and Structure Condition Surveys must be undertaken of all buildings, structures, and utilities and the like, identified in the documents listed in Condition A1, as being at risk of damage from the works associated with the SSI.

The surveys must be undertaken by a suitably qualified structural engineer before the commencement of any work that could cause damage to buildings, structures and utilities. The results of the surveys must be documented in a Pre-construction Building and Structure Condition Survey Report for each building, structure and utility surveyed. Copies of the Pre-construction Building and Structure Condition Survey Reports must be provided to the owners of the buildings, structures and utilities surveyed, and no later than one (1) month before the commencement of work the vicinity of the impacted buildings, structures and utilities.

Daracon Group carried out building inspections of properties in the vicinity of the works with notifications dated October 2019. Lindsay Dynan, an engineering firm, provided Daracon Group with the listed Building Inspection Reports dating from October 2019 through to January 2020. Building condition reports have been sighted by the audit team. Some occupants of residences in the potential risk of damage zone did not provide feedback or allow access to their properties despite attempts by TfNSW. A record of affected residences, inspections and refusals are maintained at the site.

#### b Soils and Contaminated sites

In accordance with Schedule 2, Part E, Condition E58, the Proponent has outlined in the relevant documents, that no identified soil contamination for Stages 1 and 2. A review of the EIS (Volume 1, RMS 2016) outlined that GHD conducted a contaminated assessment in 2016, which identified that any waste on the site prior to the commencement of works is not expected to have resulted in any significant soil or water contamination issues. A small pile of asbestos waste was identified however, this has now been removed from site to appropriately licensed waste facility.

Based on the site inspection, Erosion and Sediment Controls (ESC) appeared generally well implemented. Some recommendations were made during the site inspection to improve ESC for staging of works.

#### c Waste Management

Waste management is undertaken across the site by a range of subcontractor, including Suresearch, Remondis, EPS, SCE Recycling and SWMC. A Waste Register and relevant dockets were sighted during audit. Waste separation at the source for recycling was evident across the site. No issues were identified with current waste management practices at the site and the conditions of approval (E81 to E84) were considered to be compliant at the time of the audit.



# 4 Recommendations

## 4.1 Compliance performance

This 2020 IEA has found that the Stage 2 construction activities at SPB are being completed generally in compliance with the SSI approval and approved plans. No non-compliances were identified during the audit.

## 4.2 Opportunities for improvement

Based on the site inspection for the audit, and findings in the assessment of the documentation, the following recommendation is made:

- 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.

## 5 Conclusion

The project is considered to be currently operating in accordance with the approval conditions, management plan requirements, licenses and permits.

EMM would like to thank the assistance of TfNSW staff and for the open and prompt provision of information requested to finalise this audit.

## 6 References

Daracon 2019, Air Quality Management Plan, Shared Path Bridge over Newcastle Road, Jesmond November 2019

Daracon 2019 Ancillary Facility Establishment Management Plan, November 2019

Daracon 2019, Construction Environmental Management Process Plan (CEMPP), Shared Path Bridge over Newcastle Road, Jesmond November 2019

Daracon 2019, Construction Flood Risk Management Plan, Shared Path Bridge over Newcastle Road, Jesmond November 2019

Daracon 2019, Construction Flora and Fauna Management Plan, Shared Path Bridge over Newcastle Road, Jesmond November 2019;

Daracon 2019, Construction Noise and Vibration Management Plan, Shared Path Bridge over Newcastle Road, Jesmond November 2019;

Daracon 2019, Construction Traffic Management- Sub Plan, Shared Path Bridge over Newcastle Road, Jesmond November 2019;

Daracon 2020, Soil and Water Management Plan, Shared Path Bridge over Newcastle Road, Jesmond January 2020

RMS 2019, Community Communication Strategy, Newcastle Inner City Bypass – Rankin Park to Jesmond October 2019

RMS 2019, Complaints Management System, Newcastle Inner City Bypass – Rankin Park to Jesmond July 2019

RMS 2019, Compliance Monitoring and Reporting Program, Newcastle Inner City Bypass – Rankin Park to Jesmond July 2019;

RMS 2019, Independent Audit Program, Newcastle Inner City Bypass – Rankin Park to Jesmond July 2019;

RMS 2019, Out of Hours Work Protocol – Works not subject to an EPL, Newcastle Inner City Bypass – Rankin Park to Jesmond November 2019;

RMS 2019, Staging Report, Newcastle Inner City Bypass- Rankin Park to Jesmond August 2019;

RMS 2019, Unexpected Contaminated Land and Asbestos Finds Procedure, Newcastle Inner City Bypass – Rankin Park to Jesmond July 2019;

RMS 2019, Unexpected Heritage Finds and Human Remains Procedure, Newcastle Inner City Bypass – Rankin Park to Jesmond July 2019;

### Correspondence:

- Ausgrid consultation letter to RMS, Interruption to power supply dated 8/1/2020;

- Daracon email to RMS, Dilapidation Report Letterbox Drop Round 2, dated 18/12/2019;
- Daracon email to RMS, OOHW Activity 1 - Noise Monitoring Results, dated 5/12/2019;
- Daracon email to RMS, Jesmond- OOH work schedule, dated 1/11/2019;
- Daracon email correspondence with RMS, RE: Jesmond Pre condition survey letter - Daracon Update - Round 3, dated 25/2/2020;
- DPIE letter to RMS, Approval of Community Communication Strategy: condition B3 of the Newcastle Inner City Bypass (SSI 6888) dated 26/9/2019;
- DPIE letter to RMS, Approval of Out of Hours Protocol: condition E31: Newcastle Inner City Bypass (SSI 6888) dated 21/11/2019;
- DPIE letter to RMS, Approval of out of hours work application: condition E27: Newcastle Inner City Bypass (SSI 6888), dated 3/12/2019;
- DPIE letter to RMS, Approval of Out of Hours Work application: condition E27: Newcastle Inner City Bypass (SSI 6888), dated 21/1/2020;
- DPIE letter to RMS, Approval of Out of Hours Work application: No.5: condition E27(d): Newcastle Inner City Bypass (SSI 6888), dated 6/2/2020;
- DPIE letter to RMS, Approval of Out of Hours Work application: No.5: condition E27(d): Newcastle Inner City Bypass (SSI 6888), dated 5/2/2020;
- DPIE letter to RMS, Newcastle Inner City Bypass (condition E27(d), SSI 6888) Approval of Out of Hours Work Application No.7, dated 28/2/2020;
- DPIE letter to RMS, Newcastle Inner City Bypass (SSI 6888) - Approval of Environmental Representatives, under condition A23, dated 14/5/2019;
- DPIE letter to RMS, Newcastle Inner City Bypass (condition E27(d), SSI 6888) Approval of Out of Hours Work Application No.8, dated 16/3/2020.
- DPIE email to RMS, 3291 NICB RP2J Environmental Representative Monthly Report: September 2019, dated 19/3/2020;
- DPIE email to RMS, NICB RP2J Stage 2 Pre CCR- amend, dated 20/11/2019;
- DPIE email to RMS, Rankin park to Jesmond - Unexpected Heritage Finds and Human Remains Procedure, dated 9/8/2019;
- DPIE email to RMS, Submission of RMS NCIB document as per approval condition E8- Reuse of tree root balls for Stage 1 and Stage 2 works, dated 14/10/2019;
- DPIE letter to RMS, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Stage 2 Pre-Construction Compliance Report (24 October 2019);
- Geolink email to RMS, NCIB RP2J - OoHW Application 001 Approval (ER), dated 27/11/2019;
- Geolink email to RMS, Resubmission of RMS NICB RP2J document for your review and approval - Pre-Construction Compliance Report rev 2, dated 4/10/2019
- Geolink email to RMS, Resubmission of RMS NICB RP2J document for your review and approval - Pre-Construction Compliance Report rev 2, dated 4/10/2019;

- Geolink email correspondence to RMS, SPB Ancillary Facility Establishment Management Plan, dated 12/11/2019;
- Geolink email to RMS, RP2J Shared Path Bridge - CEMPP, dated 26/11/2019;
- Geolink correspondence to RMS, RE: RP2J Shared Path Bridge - Approval to use local road not assessed in the EIS or SPIR, dated 6/2/2020;
- Geolink correspondence to RMS, RP2J Out of Hours Protocol for review, dated 1/11/2019;
- Geolink email to RMS, RP2J Review of Compliance Documents required prior to works/construction, dated 8/8/2019;
- Newcastle City Council email to RMS, Rankin Park to Jesmond Shared Path Bridge - CEMPP, dated 27/6/2019;
- RMS email to Daracon, 3 month lookahead letter OOHW, dated 4/11/2019;
- RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Condition of Approval E8- Reuse of timber and root balls (Stage 1 and Stage 2 work) dated 12/9/2019;
- RMS letter to DPIE, Newcastle Inner City Bypass- Rankin Park to Jesmond (SSI 6888) Approval condition E15 - Unexpected Heritage Finds and Human Remains Procedure, dated 23/9/2019;
- RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Infrastructure Approval Condition E77 - Design of Bridge 7, dated 31/7/2019;
- RMS letter to DPIE 'Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Staging Report -A10 dated 12/8/2019;
- RMS letter to DPIE 'Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Staging Report -A10 dated 12/8/2020;
- RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Unexpected Contamination Land and Asbestos Finds Procedure- E59, dated 23 August 2019;
- RMS email to DPIE, Submission of RMS NCIB document as per approval condition A29- Compliance Monitoring and Reporting Program dated 13/8/2019;
- RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Independent Audit Program dated 12/8/2019;
- RMS Cover letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Compliance Monitoring and Reporting Program - A29 dated 12/8/2019;
- RMS email to Geolink RE: SPB Ancillary Facility Establishment Management Plan dated 12/11/2019;
- RMS email to Geolink, RE: RPJ2 Review of Compliance Documents required prior to works/construction dated 8/8/2019;
- RMS email to Geolink, RE: Resubmission of RMS NICB RP2J document for your review and approval - Pre-Construction Compliance Report rev 2 dated 4/10/2019;
- RMS email to Geolink, RP2J Review of Compliance Documents required prior to works/construction, dated 13/8/2019;
- RMS email correspondence with Newcastle City Council, RE: Shared Path Bridge Jesmond - Dilapidation Report, dated 21/10/2019;

- RMS email to NSW Heritage Council, Request to comment on Roads and Maritime Services project procedure - SSI Project 6888;
- RMS email correspondence RMS, RP2J Review of Compliance Documents required prior to works/construction, dated 13/8/2019
- RMS letter to OEH, Newcastle Inner City Bypass- Rankin Park to Jesmond (SSI 6888) Approval condition E15 - Unexpected Heritage Finds and Human Remains Procedure, dated 19/7/2019;
- RMS notification, Out of hours work on Newcastle Road and Coles Street at Jesmond on Monday 2 December;
- RMS notification, Out of hours work on Newcastle Road and Coles Street at Jesmond during January and February 2020;
- RMS notification, Start of work on shared path bridge at Jesmond from Monday 11 November 2019;
- Agreements:
  - Daracon letter to Residents, re: Shared Path Bridge over Newcastle Road, Jesmond, Out of Hours Agreement, dated 19/11/2019
  - Daracon letter to Residents, Record of Discussion, Shared Path Bridge over Newcastle Road, dated 16/1/2020
  - Example of RMS Property Access Agreement Form (2019)
- Surveys/boundary evidence:
  - Daracon, Figure: Material Haulage: Plan No. VMP-SPB-HV-001, Rev 1 dated 4/2/2020
  - Figure: City of Newcastle, HW23 Newcastle Inner City Bypass RP2J- Early Works, Shared Path Bridge, Site Tree Clearing Plan, Sheet No. RD-0501, Issue A dated 13/9/2019
  - Figure: Property Location - R1 (RMS)
  - RMS Figure Newcastle Inner City Bypass - RP2J - Bridge 7 and Landscaping Design Drawings Summary, Issue 5, dated 26/2/2019
  - RMS, Street View Images
  - RMS - Photo 1 - Artist's Impression Bridge 7. jpg - dated 7/1/2019
- Complaints and Incident documentation:
  - SPB Complaints Register (2019)
- Maintenance records and dockets:
  - Remondis invoice to Daracon Group, Services/Site: 113827.076 Daracon - Jesmond Shared Path Bridge (Job #130) - Robinson Ave Jesmond NSW 2299, dated 1/12/19 to 31/12/19;
  - Remondis invoice to Daracon Group, Services/Site: 113827.076 Daracon - Jesmond Shared Path Bridge (Job #130) - Robinson Ave Jesmond NSW 2299, dated 1/1/20 to 31/1/20;
  - Remondis invoice to Daracon Group, Services/Site: 113827.076 Daracon - Jesmond Shared Path Bridge (Job #130) - Robinson Ave Jesmond NSW 2299, dated 1/2/20 to 29/2/20;

- RMS Tipping Dockets:
  - November 2019;
  - December 2019;
  - January 2020; and
  - February 2020
- RMS Waste Management Register
- Other reports:
  - Letter Distribution Map inc OOHW, Daracon dated 4/11/2019;
  - SPB - Monitoring Locations;
  - Jesmond Shared Path Bridge, Building Condition Inspection Reports (Lindsay Dynan):
    - - 11/1 Steel Street, Jesmond (dated 28/10/2019);
    - 1/3 Kiah Avenue, Jesmond (dated 5/11/2019);
    - 1/8 Coles Street, Jesmond (dated 9/1/2020);
    - 1/10 Coles Street, Jesmond (dated 24/10/2019);
    - 1A Hill Street, Jesmond (dated 28/10/2019);
    - 2 Coles Street, Jesmond, (dated 28/10/2019);
    - 2 Hill Street, Jesmond (dated 19/12/2019);
    - 2/3 Kiah Avenue, Jesmond (dated 5/11/2019);
    - 2/4A Coles Street, Jesmond (dated 14/11/2019);
    - 2/8 Coles Street, Jesmond (dated 9/1/2020);
    - 2A Coles Street, Jesmond (dated 28/10/2019);
    - 2B Coles Street, Jesmond (dated 24/10/2019);
    - 3 Kiah Avenue, Jesmond (dated 5/11/2019);
    - 3/3 Kiah Avenue, Jesmond (dated 5/11/2019);
    - 3/4A Coles Street, Jesmond (dated 24/10/2019);
    - 3/8 Coles Street, Jesmond (dated 9/1/2020);
    - 3/10 Coles Street, Jesmond (dated 24/10/2019);

- 4 Coles Street, Jesmond (dated 9/1/2020);
- 4 Hill Street, Jesmond (dated 25/10/2019);
- 4/3 Kiah Avenue, Jesmond (dated 5/11/2019);
- 5/3 Kiah Avenue, Jesmond (dated 5/11/2019);
- 6/3 Kiah Avenue Jesmond (dated 5/11/2019);
- 7/3 Kiah Avenue, Jesmond (dated 5/11/2019);
- 8 Coles Street, Jesmond (dated 9/1/2020);
- 8/3 Kiah Avenue, Jesmond (dated 5/11/2019);
- 9/3 Kiah Avenue, Jesmond (dated 5/11/2019);
- 10/3 Kiah Avenue, Jesmond (dated 5/11/2019);
- RMS letter to property owners, Shared Path Bridge, Jesmond - Building condition inspection and report, dated 10/10/2019;
- RMS letter to property owners, Shared Path Bridge, Jesmond - Building condition inspection and report, dated 24/2/2020;



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Appendix A

# Appendix A – Audit Checklist

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RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
PART A - ADMINISTRATIVE CONDITIONS					
GENERAL					
A1	The SSI must be carried out in accordance with the terms of this approval and the description of the SSI in the <i>Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental impact statement (RMS, 2016)</i> (the EIS) and the <i>Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS, 2018)</i> (the SPIR).	Yes	EIS (RMS 2016); Compliance Monitoring and Reporting Program (RMS, August 2019); Pre-Construction Report V2 (September 2019); DPIE email to RMS, 3291 NICB RP2J Environmental Representative Monthly Report: September 2019, dated 19/3/2020; Geolink email to RMS, Resubmission of RMS NICB RP2J document for your review and approval - Pre-Construction Compliance Report rev 2, dated 4/10/2019 SPIR (GHD and RMS, April 2018)	Evidence of Pre-Construction Report V2 (September 2019) lodgement to DPIE dated 19/3/2020. At the time of this audit, there was no evidence of comments/requirements made by DPIE.  ER reports did not identify any impact relating to activities onsite.  No material harm incidents. One water incident found to have negligible impact. Reported and sent through DPIE portal in accordance with DPIE requirements. Also reported via ER reports.	Compliant
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	EIS (RMS 2016); Compliance Monitoring and Reporting Program (RMS, August 2019); Pre-Construction Report V2 (September 2019); DPIE email to RMS, 3291 NICB RP2J Environmental Representative Monthly Report: September 2019, dated 19/3/2020; Geolink email to RMS, Resubmission of RMS NICB RP2J document for your review and approval - Pre-Construction Compliance Report rev 2, dated 4/10/2019 SPIR (GHD and RMS, April 2018)	As above.	Compliant
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	EIS (RMS 2016); Construction Environmental Management Process Plan (CEMPP) Rev 2 (Daracon, November 2019); SSI 6888;	No material inconsistencies were sighted. The CEMPP has been developed and reviewed with SPIR and EIS	Compliant

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
A4	The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to: (a) the environmental performance of the SSI; (b) any document or correspondence in relation to the SSI; (c) any notification given to the Planning Secretary under the terms of this approval; (d) any audit of the construction or operation of the SSI; (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); (f) the carrying out of any additional monitoring or mitigation measures; and (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.	Yes	Geolink email to RMS, NCIB RP2J - OoHW Application 001 Approval (ER), dated 27/11/2019; DPIE letter to RMS, Approval of out of hours work application: condition E27: Newcastle Inner City Bypass (SSI 6888), dated 3/12/2019; DPIE letter to RMS, Approval of Out of Hours Work application: condition E27: Newcastle Inner City Bypass (SSI 6888), dated 21/1/2020; DPIE letter to RMS, Approval of Out of Hours Work application: No.5: condition E27(d): Newcastle Inner City Bypass (SSI 6888), dated 6/2/2020; DPIE letter to RMS, Approval of Out of Hours Work application: No.5: condition E27(d): Newcastle Inner City Bypass (SSI 6888), dated 5/2/2020; DPIE letter to RMS, Newcastle Inner City Bypass (condition E27(d), SSI 6888) Approval of Out of Hours Work Application No.7, dated 28/2/2020; and DPIE letter to RMS, Newcastle Inner City Bypass (condition E27(d), SSI 6888) Approval of Out of Hours Work Application No.8, dated 16/3/2020.	Written directions from DPIE have been reviewed and appear to have been followed based on available documentation	Compliant
A5	Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include: (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval; (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them; (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations; (d) outline of the issues raised by the identified party and how they have been addressed; and (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.	Yes	Newcastle City Council email to RMS, Rankin Park to Jesmond Shared Path Bridge - CEMPP, dated 27/6/2019; Geolink email to RMS, RP2J Shared Path Bridge - CEMPP, dated 26/11/2019; CEMPP Document Register- Shared Path Bridge over Newcastle Road (MR82), Jesmond; Shared Path Bridge over Newcastle Road, Jesmond, Construction Traffic Management SubPlan- Figure 1: Key Features of the SPB Project (Daracon, November 2019)	Newcastle City Council (dated 27/6/2019)CC responded with no comment on the plans.	Compliant
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	Infrastructure approval Section 5.19 of the Environmental Planning & Assessment Act 1979, dated 15/2/2019	Approval granted 15/2/2019 Construction of Bridge 7 commenced 14/10/2019	Compliant
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	Construction Environmental Management Process Plan (CEMPP) Rev 2 (Daracon, November 2019); EIS (RMS 2016); Compliance Monitoring and Reporting Program (RMS, August 2019); Pre-Construction Report V2 (September 2019); and SPIR (GHD and RMS, April 2018)	Noted	Compliant
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	Compliance Monitoring and Reporting Program (RMS, August 2019); Pre-construction Compliance Report (PCCR) (RMS, November 2019)	Evidence of compliance sighted for pre-construction documents endorsed	Compliant

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>SHARED PATH BRIDGE OVER NEWCASTLE ROAD (BRIDGE 7)</b>					
A9	Construction of Bridge 7 and its associated components is not subject to Part C and Part D of this approval, however it is subject to:  (a) preparation of a Construction Environmental Management Process (Plan) and an Environmental Work Method Statement (EWMS), in consultation with relevant public authorities and Newcastle City Council, and approved by the ER under <b>Condition A26(d)</b> . The Plan must detail how the performance outcomes, commitments, mitigation and monitoring measures specified in the documents listed in <b>Condition A1</b> will be implemented and achieved during construction; and (b) implementation of the approved Construction Environmental Management Process (Plan) and Environmental Work Method Statement (EWMS).	Yes	Newcastle City Council email to RMS, Rankin Park to Jesmond Shared Path Bridge - CEMPP, dated 27/6/2019; and Geolink email to RMS, RP2J Shared Path Bridge - CEMPP, dated 26/11/2019;	Evidence of prepared and reviewed CEMPP in consultation with Newcastle City Council (NCC). NCC reviewed the plan and had no comments in email correspondence dated 27/6/2019. EWMS sighted as Appendix 16 in approved CEMPP.	Compliant
<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	Staging Report (RMS, August 2019) RMS letter to DPIE 'Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Staging Report -A10 dated 12/8/2019	Staging Report - V2 sighted and evidence of submission to DPIE	Compliant
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	Staging Report (RMS, August 2019); RMS letter to DPIE 'Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Staging Report -A10 dated 12/8/2020; Geolink email correspondence to RMS, SPB Ancillary Facility Establishment Management Plan, dated 12/11/2019	Staging Report (RMS, August 2019); RMS letter to DPIE 'Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Staging Report -A10 dated 12/8/2020; Geolink email correspondence to RMS, SPB Ancillary Facility Establishment Management Plan, dated 12/11/2020 ER sign-off of Staging report sighted	Compliant

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
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	Staging Report (RMS) RMS letter to DPIE 'Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Staging Report -A10 dated 12/8/2021	Staging Report sighted and evidence sent to DPIE dated 13/8/2019	Compliant
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	Staging Report (RMS) RMS letter to DPIE 'Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Staging Report -A10 dated 12/8/2022	No material inconsistencies found with requirement	Compliant
<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.	No	N/A	No additional facilities for construction in Stage 1 or 2, pre-construction.	Not triggered
<b>ANCILLARY FACILITY ESTABLISHMENT WORKS</b>					
<b>Ancillary Facility Establishment Management Plan</b>					
A15	Before the establishment of any construction ancillary facilities (excluding minor construction ancillary facilities determined by the ER to have minimal environmental impact and those established under <b>Condition A19</b> ), the Proponent must prepare an Ancillary Facility Establishment Management Plan which outlines the environmental management practices and procedures to be implemented for the establishment of construction ancillary facilities. The Ancillary Facility Establishment Management Plan must be prepared in consultation with the Newcastle City Council and relevant public authorities. The Ancillary Facility Establishment Management Plan must be submitted to the Planning Secretary for approval one (1) month before the establishment of any construction ancillary facilities. The Ancillary Facility Establishment Management Plan must detail the management of construction ancillary facilities and include:  (a) a description of activities to be undertaken during establishment of the construction ancillary facility (including scheduling and duration of works to be undertaken at the site); (b) figures illustrating the proposed operational site layout, including access roads; (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment works; (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to: (i) meet the performance outcomes stated in the documents listed in <b>Condition A1</b> , and (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of <b>Condition C10</b> .  Nothing in this condition prevents the Proponent from preparing individual Ancillary Facility Establishment Management Plans for each construction ancillary facility.	Yes	Ancillary Facility Establishment Management Plan (Daracon, November 2019) RMS email to Geolink RE: SPB Ancillary Facility Establishment Management Plan dated 12/11/2019	Ancillary Facility Establishment Management Plan (AFEMP) sighted and approved under CEMPP.  a) Section 5 (AFEMP); b) Appendix 1, 2 and 3; c) GRA, Environmental Risk Assessment, Section 6 IPMP; d) Section 2.2 and 8; e) CNVMP and Compound D, E and stockpiling areas.	Compliant

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
A16	The requirements of <b>Condition A15</b> in relation to Bridge 7 may be addressed by the documents required under <b>Condition A9</b> .	Yes	RMS email to Geolink RE: SPB Ancillary Facility Establishment Management Plan dated 12/11/2019	As described in Condition A9, evidence of preparation and implementation of CEMPP in consultation with Newcastle City Council (NCC) and ER approval of AFEMP. NCC had no comment on the documents in email correspondence dated 27/6/2019.	Compliant
<b>Use of Construction Ancillary Facilities</b>					
A17	The use of a construction ancillary facility must not commence until the CEMP required by <b>Condition C1</b> , relevant CEMP Sub-plans required by <b>Condition C4</b> and relevant Construction Monitoring Programs required by <b>Condition C9</b> have been approved by the Planning Secretary.  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> .	No	N/A	N/A	Not triggered
A18	The requirements of <b>Condition A17</b> in relation to Bridge 7 may be addressed by the documents required under <b>Condition A9</b> .	Yes	Staging Report (RMS, August 2019); RMS letter to DPIE 'Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Staging Report -A10 dated 12/8/2019; and RMS email to Geolink RE: SPB Ancillary Facility Establishment Management Plan dated 12/11/2019	CEMPP reviewed and endorsed by ER dated 16/8/2019	Compliant
<b>Minor Construction Ancillary Facilities</b>					
A19	Lunch sheds, office sheds, portable toilet facilities, materials storage, parking and the like, that are not identified as a construction ancillary facility in the documents listed in <b>Condition A1</b> , can be established where they satisfy the following criteria:  (a) are located within the construction boundary; and (b) have been assessed by the ER to have - (i) minimal amenity impact to surrounding residences and businesses, after consideration of matters such as compliance with the Interim Construction Noise Guideline (DECC, 2009), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and (ii) minimal environmental impact with respect to waste management and flooding, and (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.	No	N/A	No additional facilities	Not triggered
<b>Boundary screening</b>					
A20	Boundary screening must be erected around all ancillary facilities that are adjacent to sensitive receivers, for the duration of works associated with the SSI, unless otherwise agreed with affected residents, business operators or landowners (including Newcastle City Council where it is the landowner).	Yes	Site inspection	Boundary screening sighted during audit site inspection. Refer to Appendix D	Compliant
A21	Boundary screening required under <b>Condition A20</b> of this approval must reduce visual, noise and air quality impacts on adjacent sensitive receivers.	Yes	Site inspection	Boundary screening sighted during audit site inspection. Refer to Appendix D	Compliant

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>ENVIRONMENT REPRESENTATIVE</b>					
A22	Works must not commence until an ER has been approved by the Planning Secretary and engaged by the Proponent.	Yes	DPIE letter to RMS, Newcastle Inner City Bypass (SSI 6888) - Approval of Environmental Representatives, under condition A23, dated 14/5/2019	Planning Secretary approval provided on 14.5.19. Pre-construction works commenced October 2019.	Compliant
A23	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works.	Yes	DPIE letter to RMS, Newcastle Inner City Bypass (SSI 6888) - Approval of Environmental Representatives, under condition A23, dated 14/5/2019	Planning Secretary approval provided on 14.5.19. Pre-construction works commenced October 2019. Approval was sought five months prior.	Compliant
A24	The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the documents listed in <b>Condition A1</b> , and independent of the design and construction personnel for the SSI and those involved in the delivery of it.  <i>Note: Skills and qualifications may include higher education qualifications (generally provided by universities and by other higher education institutions such as Technical and Further Education institutes and Registered Training Organisations) in either science, environmental engineering, environmental management or an equivalent field and including knowledge and experience in noise and vibration assessment and management.</i>	Yes	DPIE letter to RMS, Newcastle Inner City Bypass (SSI 6888) - Approval of Environmental Representatives, under condition A23, dated 14/5/2019	Planning Secretary approval provided on 14.5.19 and stated the nominated ERs (Simon Williams and Duncan Thomson) are appropriately qualified, experienced and independent of the project, as required under this condition.	Compliant
A25	The Proponent may engage more than one ER for the SSI, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the SSI.	No	N/A	No additional ER. Simon Williams was approved as ER and Duncan Thomson, as an alternate ER for the project.	Not triggered

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

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
A26	<p>For the duration of works and 12 months after the commencement of operation, or as agreed with the Planning Secretary, the approved ER must:</p> <p>(a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI;                      (b) consider and inform the Planning Secretary on matters specified in the terms of this approval;                      (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impacts to the environment and to the community;                      (d) review documents identified in <b>Conditions C1, C4 and C9</b> and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so:                      (i) Make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or                      (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary / Department);                      (e) regularly monitor the implementation of the documents listed in <b>Conditions C1, C4 and C9</b> to ensure implementation is being carried out in accordance with the document and the terms of this approval;                      (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the SSI commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under <b>Condition A35</b> of this approval;                      (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;                      (h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by <b>Condition A19</b> of this approval;                      (i) undertake the functions as required under the terms of this approval;                      (j) consider any minor amendments to be made to the CEMP, CEMP Sub-plans and monitoring programs that comprise updating or are of an administrative nature and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and                      (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven days following the end of each month for the duration of the ER's engagement for the SSI.</p>	Yes	<p>DPIE letter to RMS, Newcastle Inner City Bypass (SSI 6888) - Approval of Environmental Representatives, under condition A23, dated 14/5/2019;                      DPIE email correspondence to Geolink, FW: Submission of RMS NCIB document as per approval condition E8 - Reuse of tree root balls for Stage 1 and Stage 2 works dated 30/8/2019;                      RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Condition of Approval E8 - Reuse of timber and root balls (Stage 1 and Stage 2 work);                      Geolink Newcastle Inner City Bypass Rankin park to Jesmond, Environmental Representative Monthly Report V2 December 2019;                      Geolink Newcastle Inner City Bypass Rankin park to Jesmond, Environmental Representative Monthly Report V1, January 2020;                      Geolink Newcastle Inner City Bypass Rankin park to Jesmond, Environmental Representative Monthly Report, February 2020; and                      RMS, Shared Path Bridge Construction Site Inspection dated 3/3/2020</p>	Evidence of ER undertaking site visits , review and approval of plans and documents and provision of Monthly Reports generally in accordance with the DPIE protocol.	Compliant
A27	<p>The Proponent must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in <b>Condition A26</b> (including preparation of the ER monthly report), as well as:</p> <p>(a) the complaints register (to be provided on a daily basis); and                      (b) a copy of any assessment carried out by the Proponent to determine whether proposed work is consistent with the approval (which must be provided to the ER before the commencement of the subject work).</p>	Yes	SPB Complaints Register	Complaints register was sighted, ER receives complaints via complaints management system access	Compliant
A28	<p>The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under <b>Condition A26</b>. The Proponent must:</p> <p>(a) facilitate and assist the Planning Secretary in any such audit; and                      (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.</p>	Yes	N/A	No audits commissioned at the time of the audit.	Compliant



RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>COMPLIANCE MONITORING AND REPORTING PROGRAM</b>					
A29	No later than four (4) weeks before the commencement of any work, a <b>Compliance Monitoring and Reporting Program</b> prepared in accordance with the <b>Compliance Reporting - Post Approval Requirements</b> (DPE, 2018) must be endorsed by the ER and submitted to the Planning Secretary for information.	Yes	RMS email to Geolink, RE: RP2J Review of Compliance Documents required prior to works/construction dated 8/8/2019; RMS email to DPIE, Submission of RMS NCIB document as per approval condition A29- Compliance Monitoring and Reporting Program dated 13/8/2019; RP2J A29 - Compliance Monitoring and Reporting Program Rev 2 dated August 2019; and RMS Cover letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Compliance Monitoring and Reporting Program - A29 dated 12/8/2019	Evidence of ER endorsement and DPIE submission.	Compliant
A30	<b>Compliance Reports</b> of the SSI must be prepared and carried out in accordance with the <i>Compliance Reporting - Post Approval Requirements</i> (DPE 2018). The Department must be notified of the commencement dates of construction and operation of the SSI in the pre-construction and pre-operational compliance reports.	Yes	RP2J Pre-Construction Compliance Report V3	Draft report was issued to ER for review on 2/9/2019 and final was approved by ER on 30/9/2019. Version 3 was created and updated to address comments from DPIE dated 18/11/2019.	Compliant
A31	The compliance report must provide details of any review of, and minor amendments made to, the <b>CEMP</b> (which must be approved by the ER), resulting from construction carried out during the reporting period.	No	RP2J Pre-Construction Compliance Report V4	This condition refers to CEMP, no updates have been completed to the originally approved CEMP since the commencement of construction. A CEMPP has been prepared for Bridge 7 see A9.	Not triggered
A32	The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done.	Yes	RP2J Pre-Construction Compliance Report V5	PCCR has been uploaded to website.	Compliant
A33	The <b>Compliance Monitoring and Reporting Program</b> in the form required under <b>Condition A29</b> of this approval must be implemented for the duration of works and for a minimum of one (1) year following commencement of operation, or for a longer period as determined by the Planning Secretary based on the outcomes of independent audits, <b>Environmental Representative Reports</b> and regular compliance reviews submitted through <b>Compliance Reports</b> . If staged operation is proposed, or operation is commenced of part of the SSI, the <b>Compliance Monitoring and Reporting Program</b> must be implemented for the relevant period of each stage or part of the SSI.	No	RMS email to Geolink, RE: Resubmission of RMS NICB RP2J document for your review and approval - Pre-Construction Compliance Report rev 2 dated 4/10/2019; DPIE email to RMS, NICB RP2J Stage 2 Pre CCR- amend, dated 20/11/2019; Letter from DPIE to RMS, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Stage 2 Pre-Construction Compliance Report (24 October 2019)	Operation has not yet commenced	Not triggered

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>AUDITING</b>					
A34	No later than four (4) weeks before the date notified for the commencement of construction (in the pre-construction compliance report), an Independent Audit Program prepared in accordance with the <i>Independent Audit - Post Approval Requirements</i> (DPE 2018) must be submitted to the Planning Secretary.	Yes	Independent Audit Program (RMS 2019); RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Submission of Independent Audit Program dated 12/8/2019	RMS prepared an IAP and submitted to DPIE four weeks before the date notified for the commencement of construction.	Compliant
A35	Independent Audits of the development must be carried out in accordance with:  (a) the Independent Audit Program submitted to the Department under <b>Condition A34</b> of this approval; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the <i>Independent Audit - Post Approval Requirements</i> (DPE 2018).	Yes	As above	This Audit	Compliant
A36	In accordance with the specific requirements in the <i>Independent Audit Requirements</i> (DPE 2018), the Proponent must:  (a) review and respond to each Independent Audit Report prepared under <b>Condition A35</b> of this approval; (b) submit the response to the Department; and (c) make each Independent Audit Report and response to it publicly available and notify the Department in writing when this has been done.	No	As above	This Audit	Not Triggered
<b>INCIDENT NOTIFICATION AND REPORTING</b>					
A37	The <b>Planning Secretary</b> must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> immediately after the Proponent becomes aware of an incident. The notification must identify the SSI (including the application number and the name of the SSI if it has one), and set out the date, location and nature of the incident.	Yes	NCIB RP2J Project meeting – February 2020	One water incident found to have negligible impact. Reported and sent through DPIE portal in accordance with DPIE requirements. DPIE were notified of the incident through the DPIE dedicated non-compliance reporting portal	Compliant
A38	Subsequent notification must be given, and reports submitted in accordance with the requirements set out in <b>Appendix A</b> of this approval.	Yes	NCIB RP2J Project meeting – February 2020	Incident reported in accordance with the details of this condition, via the DPIE incident reporting portal online. There have been no incidents in accordance with DPIE conditions.	Compliant

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>PART B - COMMUNITY INFORMATION AND REPORTING</b>					
<b>COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT</b>					
<b>Communication Strategy</b>					
B1	A <b>Community Communication Strategy</b> must be prepared to provide mechanisms to facilitate communication between the Proponent, the ER, relevant public authorities and the community (including adjoining affected landowners and occupiers, and others directly impacted by the SSI), during the design and works associated with the SSI and for a minimum period of 12 months following the completion of construction of the SSI.	Yes	Community Communication Strategy (CCS) (RMS 2019); DPIE letter to RMS, Approval of Community Communication Strategy: condition B3 of the Newcastle Inner City Bypass (SSI 6888) dated 26/9/2019; and RMS email to Geolink, RP2J Review of Compliance Documents required prior to works/construction, dated 13/8/2019	DPIE approval of CCS	Compliant
B2	The <b>Community Communication Strategy</b> must:  (a) identify people and organisations to be consulted during the design and work phases; (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI including use of construction hoardings to provide information regarding construction. The information to be distributed must include information regarding current site construction activities, schedules and milestones at each construction site; (c) identify opportunities and make provision for the community to visit construction sites (taking into consideration workplace, health and safety requirements); (d) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities; and (e) set out procedures and mechanisms: (i) through which the community can discuss or provide feedback to the Proponent; (ii) through which the Proponent will respond to enquiries or feedback from the community; and (iii) to resolve any issues or disputes that may arise in relation to construction of the SSI, including disputes regarding rectification or compensation.	Yes	Community Communication Strategy (RMS, October 2019); DPIE letter to RMS, Approval of Community Communication Strategy: condition B3 of the Newcastle Inner City Bypass (SSI 6888) dated 26/9/2019; and RMS email to Geolink, RP2J Review of Compliance Documents required prior to works/construction, dated 13/8/2019	The CCS was submitted to DPIE and was reviewed in August 2019. DPIE made the following comments on the CCS: - the CCS is updated to include mechanisms for resolving any disputes that may arise from the community regarding construction. The updated CCS was required to be resubmitted for information by 14 October 2019, prior to the commencement of construction. DPIE approved the final document on 26/9/2019 as per Condition B1. The updated CCS was resubmitted and is made publically available on website ( <a href="https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html">https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html</a> )	Compliant
B3	The <b>Community Communication Strategy</b> must be submitted to the Planning Secretary for approval no later than one month before commencement of any work.	Yes	As above	No material inconsistencies were found	Compliant
B4	Work for the purposes of the SSI must not commence until the Community Communication Strategy has been approved by the Planning Secretary.	Yes	As above	DPIE approval dated September. Works commenced October 2019.	Compliant
B5	The <b>Community Communication Strategy</b> , as approved by the Planning Secretary, must be implemented for the duration of the works and for a period of 12 months following the completion of construction.	No	N/A	N/A	Not triggered

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>COMPLAINTS MANAGEMENT SYSTEM</b>					
B6	A <b>Complaints Management System</b> must be prepared and implemented before the commencement of any work and maintained for the duration of construction and for a minimum of 12 months following completion of the SSI.	Yes	Complaints Management System (CMS) (RMS, July 2019);	Sighted evidence of Complaints Management System (CMS) prepared and implemented July 2019. Works commenced October 2019.	Compliant
B7	The following must be available, to facilitate community enquiries and manage complaints, one (1) month before the commencement of work and for 12 months following the completion of construction: (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI; (b) a postal address to which written complaints and enquires may be sent; (c) an email address to which electronic complaints and enquiries may be transmitted; and (d) a mediation system for complaints unable to be resolved (including access to an independent mediation process and mediator).  This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level. The <b>Complaints Management System</b> must be provided to the Planning Secretary prior to any work commencing.	Yes	Complaints Management System (CMS) (RMS, July 2019);	CMS demonstrates the following: a) Toll-free 24 hour/7 days a week community information line - 1800 818 433; b) A postal address outlined for RP2J project; c) email address - rp2j.community@aurecongroup.com; d) Section 2.4.1  Evidence of submission to DPIE dated 1/7/2019	Compliant
B8	The telephone number, postal address and email address required under <b>Condition B7</b> of this approval must be published in a newspaper circulating in the relevant local area and advertised on site hoardings at each construction site, before the commencement of any works and published in the same way before the commencement of operation. This information must also be provided on the website required under <b>Condition B13</b> of this approval.	Yes	Complaints Management System (CMS) (RMS, July 2019);	Telephone and email addresses established 2015. Newspaper advertisement occurred prior to 16th September 2019.	Compliant
B9	A <b>Complaints Register</b> must be maintained recording information on all complaints received about the SSI during the carrying out of any work and for a minimum period of 12 months following the completion of construction. The <b>Complaints Register</b> must record the: (a) number of complaints received; (b) number of people affected in relation to a complaint; and (c) means by which the complaint was addressed and whether resolution was reached, with or without mediation.	Yes	SPB Complaints Register (RMS, 2019)	Complaints Register sighted which outlines the number of complaints (2), name, date, stakeholder comments, response, action taken and if further action is required.	Compliant
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	SPB Complaints Register (RMS, 2019); RMS email correspondence RMS, RP2J Review of Compliance Documents required prior to works/construction, dated 13/8/2019	No evidence sighted of DPIE requesting access to Complaints Register. Email dated 13/8/2019 provides evidence Complaints Register was provided and reviewed by ER.	Compliant
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	Complaints Management System (CMS) (RMS, July 2019);	Section 2.4.1 of CMS (July 2019) outlines how mediation will be carried out. Section 2.4 outlines that if failure to come to a satisfactory resolution of complaint, a response will be provided to the complainant in writing within five business days. If deemed further advice, it will be escalated to the RMS Project Manager for further advice.	Compliant

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
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	Complaints Management System (CMS) (RMS, July 2019);	The CMS adequately addresses a complaints management system, including facilities for receiving complaints, a register, reporting and escalation.	Compliant
<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	<a href="https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html">https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html</a>	All post approval documents as per requirements are made publicly available on website ( <a href="https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html">https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html</a> ).	Compliant
<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	N/A	Condition does not apply to Stage 2 construction	Not triggered
C2	The <b>CEMP</b> must provide:  (a) a description of activities to be undertaken during construction (including the scheduling of construction); (b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI; (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of construction of the SSI; (d) details of how the activities described in subsection (a) of this condition will be carried out to: (i) meet the performance outcomes stated in the documents listed in <b>Condition A1</b> ; and (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; (e) an inspection program detailing the activities to be inspected and frequency of inspections; (f) a protocol for managing and reporting any: (i) incidents; and (ii) non-compliances with this approval or statutory requirements; (g) procedures for rectifying any non-compliance with this approval identified during compliance reporting and auditing, incident management or at any time during construction; (h) a list of all the <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; (i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the <b>ER</b> ; (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; and (k) for periodic review and update of the <b>CEMP</b> and all associated plans and programs.	No	N/A	See above	Not triggered
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	N/A	See above	Not triggered

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)																											
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> <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>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(b)</td> <td>Noise and vibration</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(c)</td> <td>Flora and Fauna</td> <td>DPI Fisheries and Newcastle City Council</td> </tr> <tr> <td>(d)</td> <td>Air quality</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(e)</td> <td>Soil and water</td> <td>Newcastle City Council, DPI Fisheries, Del Water,</td> </tr> <tr> <td>(f)</td> <td>Aboriginal cultural heritage</td> <td>CEH and Registered Aboriginal Parties</td> </tr> <tr> <td>(g)</td> <td>Flood management</td> <td>Newcastle City 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	Newcastle City Council and Health Administration Corporation	(b)	Noise and vibration	Newcastle City Council and Health Administration Corporation	(c)	Flora and Fauna	DPI Fisheries and Newcastle City Council	(d)	Air quality	Newcastle City Council and Health Administration Corporation	(e)	Soil and water	Newcastle City Council, DPI Fisheries, Del Water,	(f)	Aboriginal cultural heritage	CEH and Registered Aboriginal Parties	(g)	Flood management	Newcastle City Council	No	N/A	See above	Not triggered
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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	N/A	See above	Not triggered																											
C6	<p>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>.</p>	No	N/A	See above	Not triggered																											
C7	<p>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.</p>	No	N/A	See above	Not triggered																											
C8	<p>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.</p>	No	N/A	See above	Not triggered																											

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)															
<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><b>Table 4: Construction Monitoring and relevant public authorities</b></p> <table border="1"> <thead> <tr> <th></th> <th>Required Construction Monitoring Programs</th> <th>Relevant public authorities to be consulted for each Construction Monitoring Program</th> </tr> </thead> <tbody> <tr> <td>(a)</td> <td>Surface and Ground Water Quality</td> <td>DPI Fisheries, Dol Water and Newcastle City Council</td> </tr> <tr> <td>(b)</td> <td>Air Quality</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(c)</td> <td>Noise and vibration</td> <td>Newcastle City Council and Health Administration Corporation</td> </tr> <tr> <td>(e)</td> <td>Flora and fauna</td> <td>DPI Fisheries and Newcastle City Council</td> </tr> </tbody> </table>		Required Construction Monitoring Programs	Relevant public authorities to be consulted for each Construction Monitoring Program	(a)	Surface and Ground Water Quality	DPI Fisheries, Dol Water and Newcastle City Council	(b)	Air Quality	Newcastle City Council and Health Administration Corporation	(c)	Noise and vibration	Newcastle City Council and Health Administration Corporation	(e)	Flora and fauna	DPI Fisheries and Newcastle City Council	No	N/A	Condition does not apply to Stage 2 construction	Not triggered
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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	N/A	See above	Not triggered															
C11	<p>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>.</p>	No	N/A	See above	Not triggered															
C12	<p>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.</p>	No	N/A	See above	Not triggered															
C13	<p>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.</p>	No	N/A	See above	Not triggered															
C14	<p>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.</p>	No	N/A	See above	Not triggered															

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
C15	The results of the <b>Construction Monitoring Programs</b> must be submitted to the Planning Secretary, and relevant public authorities for information, in the form of a <b>Construction Monitoring Report</b> at the frequency identified in the relevant <b>Construction Monitoring Program</b> .  Where a relevant <b>CEMP</b> Sub-plan exists, the relevant <b>Construction Monitoring Program</b> may be incorporated into that <b>CEMP Sub-plan</b> .	No	N/A	See above	Not triggered
<b>PART D - OPERATIONAL ENVIRONMENTAL MANAGEMENT</b>					
<b>OPERATIONAL ENVIRONMENTAL MANAGEMENT</b>					
D1	An <b>Operational Environmental Management Plan (OEMP)</b> must be prepared to detail how the performance outcomes, commitments and mitigation measures made in the documents listed in Condition A1 and the terms of this approval will be implemented and achieved during operation. This condition ( <b>Condition D1</b> ) does not apply if <b>Condition D2</b> of this approval applies.	No	N/A	Condition does not apply to Stage 2 construction	Not triggered
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	N/A	See above	Not triggered
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	N/A	See above	Not triggered
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	N/A	See above	Not triggered
<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	Site inspection	No visible dust sighted during site inspection. Minimal active earthworks being undertaken in current phase of construction.	Compliant
<b>BIODIVERSITY</b>					
E2	Any work associated with the SSI must limit the clearing of native vegetation to the greatest extent practicable.	Yes	Construction Flora and Fauna Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, November 2019); Figure: City of Newcastle, HW23 Newcastle Inner City Bypass RP2J- Early Works, Shared Path Bridge, Site Tree Clearing Plan, Sheet No. RD-0501, Issue A dated 13/9/2019; SPIR	Section 6.2.1 and 7.1 (Figure 5 - SPB Tree Retention and Clearing Plan 1 and Figure 6- SPB Tree Retention and Clearing Plan 2)	Compliant
E3	Impacts to plant community types must not exceed those identified in the SPIR.	Yes	Construction Flora and Fauna Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, November 2019); Figure: City of Newcastle, HW23 Newcastle Inner City Bypass RP2J- Early Works, Shared Path Bridge, Site Tree Clearing Plan, Sheet No. RD-0501, Issue A dated 13/9/2019	Section 6 of CFFMP and review of site clearance during site inspection.	Compliant



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CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)																														
E4	<p>The <b>Biodiversity Offset Strategy (BOS)</b> detailed in the SPIR 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> <p><b>Table 5: Biodiversity Credits to be Retired</b></p> <table border="1"> <thead> <tr> <th>Credit Type</th> <th>EPBC Act equivalent EEC or habitat of EPBC Act listed threatened species</th> <th>Number of Credits</th> </tr> </thead> <tbody> <tr> <td colspan="3"><i>Ecosystem Credits</i></td> </tr> <tr> <td>HU833 (PCT 1619) – Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>1,182</td> </tr> <tr> <td>HU782 (PCT 1569) – Blackbutt – Turpentine – Sydney Blue Gum mesic tall open forest on ranges of the Central Coast</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>337</td> </tr> <tr> <td>HU806 (PCT 1592) – Spotted Gum – Red Ironbark – Grey Gum shrub – grass open forest on the Lower Hunter</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>399</td> </tr> <tr> <td>HU804 (PCT 1590) – Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest*</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>1,098</td> </tr> <tr> <td>HU841 (PCT 1627) – Smooth-barked Apple – Turpentine – Sydney Peppermint heathy woodland on sandstone ranges of the Central Coast</td> <td>Grey-headed Flying-fox (foraging habitat)</td> <td>228</td> </tr> <tr> <td>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>	Credit Type	EPBC Act equivalent EEC or habitat of EPBC Act listed threatened species	Number of Credits	<i>Ecosystem Credits</i>			HU833 (PCT 1619) – Smooth-barked Apple – Red Bloodwood – Brown Stringybark – Hairpin Banksia heathy open forest of coastal lowlands	Grey-headed Flying-fox (foraging habitat)	1,182	HU782 (PCT 1569) – Blackbutt – Turpentine – Sydney Blue Gum mesic tall open forest on ranges of the Central Coast	Grey-headed Flying-fox (foraging habitat)	337	HU806 (PCT 1592) – Spotted Gum – Red Ironbark – Grey Gum shrub – grass open forest on the Lower Hunter	Grey-headed Flying-fox (foraging habitat)	399	HU804 (PCT 1590) – Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest*	Grey-headed Flying-fox (foraging habitat)	1,098	HU841 (PCT 1627) – Smooth-barked Apple – Turpentine – Sydney Peppermint heathy woodland on sandstone ranges of the Central Coast	Grey-headed Flying-fox (foraging habitat)	228	Total ecosystem credits required for offsetting		3,244	<i>Species Credits</i>			Black-eyed Susan		12,690	Yes	N/A	Does not apply to Stage 2 construction.	Not Triggered.
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E5	The Proponent must submit to the Planning Secretary a copy of the <b>Credit Retirement Report</b> issued by the OEH once the offsets are secured, within one month of receiving the report.	No	N/A	N/A	Not triggered																														
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	N/A	N/A	Not triggered																														
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>Notes:  1. Following repeal of the <i>Threatened Species Conservation Act 1995</i> on 25 August 2017, "biodiversity credits" created under that Act are taken to be "biodiversity credits" under the <i>Biodiversity Conservation Act 2016</i> by virtue of clause 19 of the <i>Biodiversity Conservation (Savings and Transitional) Regulation 2017</i>.  2. Any residual impact on EPBC Act listed threatened species and ecological communities must be offset in accordance with an offset process endorsed by the DoEE.</p>	No	N/A	N/A	Not triggered																														

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
E8	<p>Prior to work that impacts native vegetation the Proponent must consult with local community, landcare groups and relevant public authorities to determine if there is an interest for the reuse of suitable timber and root balls in habitat enhancement and rehabilitation work. Timber and root balls must be retained from the project where there is a demonstrated demand for their reuse.</p>	Yes	<p>DPIE email to RMS, Submission of RMS NCIB document as per approval condition E8- Reuse of tree root balls for Stage 1 and Stage 2 works, dated 14/10/2019; and RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Condition of Approval E8- Reuse of timber and root balls (Stage 1 and Stage 2 work) dated 12/9/2019</p>	<p>Email from DPIE dated 14/10/2019 advised RMS of the following: 1. Stage 1: Low Impact Work. Given the amount and nature of clearing is unknown it is challenging to form an opinion on this package of work. This uncertainty could be addressed during RMSs assessment of the low impact works and the ERs subsequent consideration of this work to ensure this condition is addressed. However, I note that if RMS assessment shows that heritage items or threatened species/ecological communities may be affected or potentially affected by the low impact works, the works will need to be assessed to determine if the work is construction, in consultation with OE/IEES and the Department will need to approve the works; 2. Stage 2: Bridge 7 Early Work. On the basis of the proposed construction methodology, there will be no root balls available and therefore consultation would not be necessary.  Community consultation has not been undertaken regarding this condition as per DPIE consultation above.</p>	Compliant
E9	<p>The construction of the SSI 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.  Note: These additional requirements must be addressed in the <b>Flora and Fauna Management Sub-plan</b> required under <b>Table 3(c)</b></p>	Yes	<p>CEMPP (Daracon, November 2019); and Construction Flora and Fauna Management Plan (Daracon, November 2019)</p>	<p>The SPB Construction Flora and Fauna Management Plan outlines that no threatened species or ecological communities are recorded in the vicinity of the SPB project location. One Endangered Ecological Community (EEC) listed under the BC Act (Lower Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion) is located to the west of the SPB footprint (as shown on 'Figure 2- Plant Community Types within the Vicinity SPB Project'). This area has been nominated as a 'No-Go' zone.  No weeds of national significance under the Biosecurity Act were identified in the vicinity of the SPB.  Section 6.2.5 describes the invasion and spread of pathogens and disease. Protocols for preventing or minimising the spread of noxious and environmental weeds will be developed and implemented in accordance with the Roads and Maritime Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (Guide 6: Weed Management) (RTA, 2011). Protocols for preventing the introduction and/or spread of disease-causing agents such as bacteria and fungi will be developed and implemented in accordance with the Roads and Maritime Biodiversity Guidelines: Protecting and managing biodiversity on RTA projects (Guide 7: Pathogen Management) (RTA, 2011).</p>	Compliant

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CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>Pre-clearing Surveys</b>					
E10	Before the removal of any vegetation, or the demolition of structure identified as potential roosting sites for microbats commences, pre-clearing/demolition inspections for the threatened species must be undertaken. The inspections, and any subsequent relocation of fauna and associated management/offset measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist. Survey and relocation methodologies must be incorporated into the <b>Construction Flora and Fauna Management Sub-plan</b> required under <b>Condition C4</b> and the documents required under <b>Condition A9</b> in relation to <b>Bridge 7</b> .	No	CEMPP (Daracon, November, 2019)	Stage 2 Construction shall not affect any potential roosting sites for microbats. CEMPP and Flora and Fauna Management Plan include unexpected fauna finds and handling processes.	Not Triggered
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 Newcastle City Council area if planting within 500 metres of the SSI boundary is not practicable. The location of the replacement tree plantings must be determined in consultation with Newcastle City Council, and undertaken prior to the commencement of operation.	Yes	Figure: City of Newcastle, HW23 Newcastle Inner City Bypass RP2J- Early Works, Shared Path Bridge, Site Tree Clearing Plan, Sheet No. RD-0501, Issue A dated 13/9/2020	A Landscaping plan has been reviewed by CoN and identifies the location of replacement tree plantings. However, tree replacement has not yet been undertaken.	Compliant
<b>FLOODING</b>					
E12	Measures to manage pre-existing flood characteristics must be incorporated into the detailed design of the SSI, following consultation with directly affected landowners, NSW State Emergency Service (SES) and Newcastle City Council.	No	n/a	Pre-existing flood characteristics are unchanged by Stage 2 works completed to date of audit.	Not Triggered
E13	Flood information including flood reports, models and geographic information system outputs, and works as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to Newcastle City Council, OEH and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the SSI. The Newcastle City Council, OEH and the SES must be notified in writing no later than one month following the completion of construction that the information is available. Information requested by the Newcastle City Council, OEH or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the Newcastle City Council, OEH and the SES.	No	n/a	Pre-existing flood characteristics are unchanged by Stage 2 works. Any revised flood data / mapping will be provided to relevant agencies when main works trigger this requirement.	Not Triggered

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<b>HERITAGE</b>					
E14	An <b>Unexpected Heritage Finds and Human Remains Procedure</b> must be prepared to manage unexpected Aboriginal and Non aboriginal heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW and OEH.	Yes	Unexpected Heritage Items- Heritage procedure 02 (November 2015)	An Unexpected Heritage Finds and Human Remains Procedure has been developed in general accordance with the agency guidelines and standards Reviewed and endorsed by OEH and NSW Heritage Council	Compliant
E15	The <b>Unexpected Heritage Finds and Human Remains Procedure</b> must be prepared by a suitably qualified and experienced heritage specialist in consultation with OEH and the Heritage Council of NSW (or its delegate) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of any work.	Yes	RMS letter to OEH, Newcastle Inner City Bypass- Rankin Park to Jesmond (SSI 6888) Approval condition E15 - Unexpected Heritage Finds and Human Remains Procedure, dated 19/7/2019; Roads and Maritime Unexpected Heritage Items – Heritage Procedure 02 (November 2015); RMS letter to DPIE, Newcastle Inner City Bypass- Rankin Park to Jesmond (SSI 6888) Approval condition E15 - Unexpected Heritage Finds and Human Remains Procedure, dated 23/9/2019; RMS email to NSW Heritage Council, Request to comment on Roads and Maritime Services project procedure - SSI Project 6888; DPIE email to RMS, Rankin park to Jesmond - Unexpected Heritage Finds and Human Remains Procedure, dated 9/8/2019; Geolink email to RMS, RP2J Review of Compliance Documents required prior to works/construction, dated 8/8/2019	The Unexpected Heritage Items- Heritage procedure 02 (November 2015) reviewed and endorsed by OEH and NSW Heritage Council. Evidence of ' Unexpected Heritage Finds and Human Remains Procedure', RMS submission to DPIE dated August 2019. Works commenced October 2019.	Compliant
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	N/A	No heritage finds identified to date.	Compliant
<b>Aboriginal Cultural Heritage</b>					
E17	The surface salvage of sites RP2J AFT3, RP2J AFT 4, RP2J IF 1 and RP2J IF 2, and the subsurface salvage of RP2J AFT3, must be undertaken in accordance with the salvage methodology described in the <i>SPIR, Appendix H - Technical Paper 10 – Aboriginal Cultural Heritage Assessment Report, April 2018</i> .	No	N/A	Not relevant to Stage 2 area	Not triggered
E18	The management of any salvaged of Aboriginal objects must be undertaken in accordance with the documents identified in Condition A1 and in consultation with the Registered Aboriginal Parties.	No	N/A	Not relevant to Stage 2 area	Not triggered
E19	Following completion of salvage of Aboriginal objects ( <b>Conditions E17</b> ), the Proponent must prepare a <b>Cultural Heritage Salvage Report</b> which includes details of any archival recording, further archaeological research either undertaken or to be carried out, and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by OEH.	No	N/A	Not relevant to Stage 2 area	Not triggered
E20	The <b>Cultural Heritage Salvage Report</b> must be submitted to the Planning Secretary, OEH, Newcastle City Council and RAPs, where relevant, for information no later than 12 months after the completion of the salvage work referred to in <b>Condition E17</b> .	No	N/A	Not relevant to Stage 2 area	Not triggered

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CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>Non-Aboriginal Cultural Heritage</b>					
E21	Before any direct impact on the Hollywood shanty town site and the Wallsend Plattsburg tramway, the Proponent must engage a suitably qualified archaeologist whose experience complies with the <i>Heritage Council of NSW's Criteria for Assessment of Excavation Directors</i> (July, 2011) (referred to as the Excavation Director) to oversee and advise on matters associated with historic archaeology and to prepare an <b>Historical Archaeological Research Design and Excavation Methodology</b> generally consistent with the documents listed in <b>Condition A1</b> .	No	N/A	Stage 1 geotechnical investigation works developed to avoid known non- aboriginal cultural heritage sites at this time. Suitable contractor has been selected and engagement is progressing Stage 3 works not yet commenced and documentation not yet completed	Not triggered
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 Newcastle City Council (or its delegate) 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> .	No	N/A	Stage 1 geotechnical investigation works developed to avoid known non- aboriginal cultural heritage sites at this time. Suitable contractor has been selected and engagement is progressing Stage 3 works not yet commenced and documentation not yet completed	Not triggered
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. <b>The Archaeological Excavation Report</b> must also be submitted to Newcastle City Council, the local library and the local Historical Society.	No	N/A	Stage 1 geotechnical investigation works developed to avoid known non- aboriginal cultural heritage sites at this time. Suitable contractor has been selected and engagement is progressing Stage 3 works not yet commenced and documentation not yet completed	Not triggered
E24	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:  (a) a discussion of the key interpretive themes, stories and messages proposed to interpret the history and significance of the affected heritage items and sections of heritage conservation areas including, but not limited to, Hollywood shanty town site and the Wallsend Plattsburg tramway in Jesmond Park; and (b) identification and confirmation of interpretive initiatives implemented to mitigate impacts to archaeological relics, heritage items and conservation areas affected by the SSI.  The <b>Heritage Interpretation Plan</b> must be prepared in consultation with the Newcastle City Council. A copy of the Plan must be provided to the Planning Secretary, Newcastle City Council, the local library and the local Historical Society, before operation of the SSI commences.	No	N/A	Stage 1 geotechnical investigation works developed to avoid known non- aboriginal cultural heritage sites at this time. Suitable contractor has been selected and engagement is progressing Stage 3 works not yet commenced and documentation not yet completed	Not triggered
<b>NOISE AND VIBRATION</b>					
<b>Land Use Survey</b>					
E25	A detailed land use survey must be undertaken to confirm sensitive receivers and land uses (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of works which generate audible construction or operational noise, or do not meet safe working buffer distances for vibration or ground-borne noise in that area. With the exception of works associated with Bridge 7, the results of the survey must be included in the <b>Noise and Vibration CEMP Sub-plan</b> .	Yes	CEMPP (Daracon, November 2019); and Construction Noise and Vibration Management Plan (Daracon, November 2019)	GHD conducted a noise assessment in 2019, which included receivers within a radius of approximately 600m of the SPB works, totally 733 potential receivers. (Figure 3- 'Noise and Vibration sensitive receivers and noise monitoring locations'). A summary of these results are provided in Table 8- 'Summary of Background and Ambient Noise Levels (DBA).  Stage 2 CEMPP and CNVMP includes details of Stage 2 receivers and provided for appropriate mitigation	Compliant
<b>Construction Hours</b>					
E26	Work must only be undertaken during the following construction hours:  (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; (b) 8:00am to 5:00pm Saturdays; and (c) at no time on Sundays or public holidays.	Yes	CEMPP (Daracon, November 2019); Out of Hours Work Protocol- Works not subject to an EPL, Newcastle Inner City Bypass- Rankin Park to Jesmond (RMS, November 2019)	Out of Hours Protocol sighted and DPIE approval dated 21/11/2019. All notifications sighted and evidence of approval from DPIE obtained and uploaded to website.	Compliant

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CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>Variation to Works Hours</b>					
E27	<p>Notwithstanding <b>Conditions E26 and 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 SS1; 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:</p> <p>(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	CEMPP (Daracon, November 2019); Construction Noise and Vibration Management Plan (Daracon, November 2019); Out of Hours Work Protocol- Works not subject to an EPL, Newcastle Inner City Bypass- Rankin Park to Jesmond (RMS, November 2019)	Out of Hours Protocol sighted and DPIE approval dated 21/11/2019. All notifications sighted and evidence of approval from DPIE obtained and uploaded to website.	Compliant
E28	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.	No	CEMPP (Daracon, November 2019); Construction Noise and Vibration Management Plan (Daracon, November 2019); Out of Hours Work Protocol- Works not subject to an EPL, Newcastle Inner City Bypass- Rankin Park to Jesmond (RMS, November 2019)	No evidence sighted of triggered emergency work and none reportedly required during the audit period.	Not triggered
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 <b>ER</b>, EPA and the Planning Secretary.</p>	Yes	Daracon email to RMS, Jesmond- OOH work schedule, dated 1/11/2019; Letter Distribution Map inc OOHW, Daracon dated 4/11/2019; RMS email to Daracon, 3 month lookahead letter OOHW, dated 4/11/2019; RMS notification, Start of work on shared path bridge at Jesmond from Monday 11 November 2019; RMS notification, Out of hours work on Newcastle Road and Coles Street at Jesmond on Monday 2 December; RMS notification, Out of hours work on Newcastle Road and Coles Street at Jesmond during January and February 2020;	Evidence of consultation with community, ER and DPIE. There is no written correspondence available. EPA advised that Stages 1-3 (inclusive) are not scheduled activities and hence EPA are not the appropriate regulatory authority and do not have a role in the review of the OoHW Protocol review/approval. Sighted evidence of 3 month look ahead, with potential work location, duration and potential respite periods.	Compliant
<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	CEMPP (Daracon, November 2019); Construction Noise and Vibration Management Plan (Daracon, November 2019); Out of Hours Work Protocol- Works not subject to an EPL, Newcastle Inner City Bypass- Rankin Park to Jesmond (RMS, November 2019)	Based on evidence provided - No highly noise intensive works been undertaken at the time of the audit	Compliant

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CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
	<b>Out-of-Hours Work Protocol – Works not subject to an EPL</b>				
E31	<p>An <b>Out-of-Hours Work Protocol</b> must be prepared to identify a process for the consideration, management and approval of work which are outside the hours defined in <b>Condition E26</b>, and that are <b>not</b> subject to an EPL. The Protocol must be approved by the Planning Secretary before the commencement of the work. The Protocol must be prepared in consultation with the EPA and the <b>ER</b>. The Protocol must:</p> <p>(a) provide a process for the consideration of out-of-hours work against the relevant noise and vibration criteria, including the determination of low and high-risk activities;</p> <p>(b) provide a process for the identification of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location, consistent with the requirements of <b>Condition E29</b>;</p> <p>(c) identify procedures to facilitate the coordination of out-of-hours work permitted by an EPL to ensure appropriate respite is provided;</p> <p>(d) undertake a risk analysis that considers the risk of activities, proposed mitigation, management, and coordination, including where:</p> <p>(i) low risk activities can be approved by the ER, and</p> <p>(ii) any other activity approved by the Planning Secretary; and</p> <p>(e) identify Department, EPA and community notification arrangements for approved out of hours work, which maybe detailed in the Communication Strategy.</p> <p>The <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	<p>DPIE letter to RMS, Approval of Out of Hours Protocol: condition E31: Newcastle Inner City Bypass (SSI 6888) dated 21/11/2019; and Geolink correspondence to RMS, RP2J Out of Hours Protocol for review, dated 1/11/2019</p>	<p>Protocol was approved by DPIE, and all notifications are made publically available on website. The protocol was prepared in consultation with ER, however no sighted evidence of consultation with EPA. EPA approval still outstanding.</p> <p>There is no written correspondence available. EPA advised that Stages 1-3 (inclusive) are not scheduled activities and hence EPA are not the appropriate regulatory authority and do not have a role in the review of the OoHW Protocol review/approval.</p> <p>Consultation with EPA demonstrated their input to works under E31 are limited to responding to nuisance based community complaints and legislative breaches.</p>	Compliant
	<b>Utility Coordination and Respite</b>				
E32	<p>All work undertaken for the delivery of the SSI, including that undertaken by third parties (such as utility relocation), must be coordinated to ensure respite periods are provided. The Proponent must:</p> <p>(a) schedule any work to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with <b>Condition E29</b>; or</p> <p>(b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and</p> <p>(c) provide documentary evidence to the <b>ER</b> in support of any decision made by the Proponent in relation to respite or mitigation.</p>	No	<p>Out of Hours Work Protocol- Works not subject to an EPL, Newcastle Inner City Bypass- Rankin Park to Jesmond (RMS, November 2019); Daracon email to RMS, Jesmond- OOH work schedule, dated 1/11/2019; Letter Distribution Map inc OOHW, Daracon dated 4/11/2019; RMS email to Daracon, 3 month lookahead letter OOHW, dated 4/11/2019; RMS notification, Start of work on shared path bridge at Jesmond from Monday 11 November 2019; RMS notification, Out of hours work on Newcastle Road and Coles Street at Jesmond on Monday 2 December; RMS notification, Out of hours work on Newcastle Road and Coles Street at Jesmond during January and February 2020;</p>	<p>Section 4.5.7 of the Out of Hours Work Protocol. No respite periods required due to lack of consecutive nights.</p>	Not triggered

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CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>Noise and Vibration Mitigation</b>					
E33	Noise generating work in the vicinity of sensitive receivers and land uses (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	Ausgrid consultation letter to RMS, Interruption to power supply dated 8/1/2020; Daracon letter to Residents, Re: Shared Path Bridge over Newcastle Road, Jesmond, Out of Hours Agreement, dated 19/11/2019; Daracon letter to Residents, Record of Discussion, Shared Path Bridge over Newcastle Road, dated 16/1/2020; Daracon email to RMS, OOHW Activity 1 - Noise Monitoring Results, dated 5/12/2019; SPB - Monitoring Locations; Noise Monitoring SPB	Works have been timetabled for outside of sensitive times for community and Jesmond Park Uniting Church which is impacted by the works.	Compliant
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	CEMPP (Daracon, November 2019); Out of Hours Work Protocol - Works not subject to an EPL, Newcastle Inner City Bypass- Rankin Park to Jesmond (RMS November 2019);	Works completed in accordance with approved and implemented OOHW protocol	Compliant
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 $L_{Aeq(15\text{ minute})}$ : 40 dB(A); and (b) night (10:00 pm to 7:00 am) — internal $L_{Aeq(15\text{ minute})}$ : 35 dB(A).  The mitigation measures must be outlined 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> .	Yes	CEMPP (Daracon, November 2019); Out of Hours Work Protocol - Works not subject to an EPL, Newcastle Inner City Bypass- Rankin Park to Jesmond (RMS November 2019);	Works completed in accordance with approved and implemented OOHW protocol	Compliant



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CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
E36	<p>Landowner(s) and occupier(s) of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before works that generate vibration commences near those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, landowner(s) and occupier(s) must be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the landowner and occupier. These properties must be identified and considered in the Noise and Vibration CEMP Sub-plan, including in any <b>Out-of-Hours Work Protocol</b> or <b>Out of Hours Work Management Process</b> or equivalent, required by <b>Condition E31</b>, and in relation to Bridge 7 the documents required by <b>Condition A9</b>.</p> <p><i>Note: Condition E54 requires Pre-construction Building and Structure Condition Surveys of buildings and structures of risk of damage to be undertaken prior to the commencement of work in the vicinity of the buildings or structures.</i></p>	Yes	<p>Daracon email to RMS, Jesmond- OOH work schedule, dated 1/11/2019; Letter Distribution Map inc OOHW, Daracon dated 4/11/2019; RMS email to Daracon, 3 month lookahead letter OOHW, dated 4/11/2019; RMS notification, Start of work on shared path bridge at Jesmond from Monday 11 November 2019; RMS notification, Out of hours work on Newcastle Road and Coles Street at Jesmond on Monday 2 December; RMS notification, Out of hours work on Newcastle Road and Coles Street at Jesmond during January and February 2020;</p>	<p>No evidence through notifications that have occurred regarding potential for cosmetic damage from vibration. There have not been any activities on site which have had the risk of exceeding the screening criteria for cosmetic damage. There has therefore not been any requirement to notify under this condition to date. Pavement construction on Coles St and compaction of fill associated with construction of the retaining wall may trigger this clause, and these had not occurred during the audit period.</p>	Compliant
E37	<p>The Proponent must conduct vibration testing before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.</p>	No	<p>CEMPP (Daracon, November 2019); Construction Noise and Vibration Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (RMS, November 2019)</p>	<p>No evidence of heritage items affected to date</p>	Not triggered
<b>Noise Mitigation - Operational Noise Mitigation Measures</b>					
E38	<p>The Proponent must prepare an Operational Noise Mitigation Review (ONMR) to confirm noise mitigation measures that would be implemented for the operation of the SSI. The ONMR must be prepared in consultation with the ER, EPA and Newcastle City Council and must:</p> <p>(a) confirm the operational noise predictions based on the final design of the SSI. The operational noise assessment must be based on an appropriately calibrated noise model (which has incorporated additional noise monitoring, and concurrent traffic counting, where necessary for calibration purposes); (b) review the suitability of the operational noise mitigation measures identified in the documents listed in Condition A1. The review must take into consideration the detailed design of the SSI, with the objective of achieving the noise criteria outlined in the NSW Road Noise Policy (DECCW, 2011); (c) where necessary, investigate and identify additional noise mitigation measures to achieve the noise criteria outlined in the NSW Road Noise Policy (DECCW, 2011) (d) measures to address heavy vehicle compression (engine) braking noise; and (e) procedures for the management of operational noise complaints.</p> <p>The ONMR is to be verified by a suitably qualified and experienced noise and vibration expert and undertaken at the Proponent's expense. The ONMR must be submitted to the Planning Secretary for approval before the implementation of operational noise mitigation measures.</p> <p>The Proponent must implement the identified noise mitigation measures, and following its approval, make the ONMR publicly available and provide a copy to the EPA and Newcastle City Council.</p>	No	N/A	<p>Not triggered Construction phase for Stage 2</p>	Not triggered
E39	<p>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>.</p>	No	N/A	<p>Not triggered Construction phase for Stage 2</p>	Not triggered
E40	<p>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.</p>	No	N/A	<p>Not triggered Construction phase for Stage 2</p>	Not triggered

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CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
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	N/A	Not triggered Construction phase for Stage 2	Not triggered
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	N/A	Not triggered Construction phase for Stage 2	Not triggered
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	N/A	Not triggered Construction phase for Stage 2	Not triggered
<b>Construction Vibration</b>					
E44	<p>The SSI must be delivered with the aim of achieving the following vibration goals:</p> <p>(a) for structural damage to heritage structures, the vibration limits set out in the <i>German Standard DIN 4150-3: Structural Vibration – Part 3 Effects of vibration on structures</i>;</p> <p>(b) for damage to other buildings and/or structures, the vibration limits set out in the <i>British Standard BS 7385-1:1990 – Evaluation and measurement of vibration in buildings—Guide for measurement of vibration and evaluation of their effects on buildings (and referenced in Australian Standard 2187.2 – 2006 Explosives – Storage and use – Use of explosives)</i>; and</p> <p>(c) for human exposure, the acceptable vibration values set out in <i>Assessing Vibration: A Technical Guideline</i> (Department of Environment and Conservation, 2006).</p>	Yes	CEMPP (Daracon, November 2019); Construction Noise and Vibration Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (RMS, November 2019)	Section 6.4 in CNVMP outlines mitigation measures and goals associated with relevant prescribed standards as required. no vibration exceedances identified up to time of audit	Compliant
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	CEMPP (Daracon, November 2019); Construction Noise and Vibration Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (RMS, November 2019)	No blasting has occurred during construction period	Not triggered

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CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)														
E46	<p>Airblast overpressure generated by blasting associated with the SSI must not exceed the criteria specified in <b>Table 6</b> when measured at the most affected residence or other sensitive receiver.</p> <p><b>Table 6: Airblast overpressure limits for human comfort</b></p> <table border="1"> <thead> <tr> <th>Receiver</th> <th>Type of blasting operations</th> <th>Airblast Overpressure Limit</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting more than 12 months or more than 20 blasts</td> <td>115 dBL for 95% of blasts per year</td> </tr> <tr> <td>120 dBL maximum limit</td> </tr> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting less than 12 months or less than 20 blasts in total</td> <td>120 dBL for 95% of blasts per year</td> </tr> <tr> <td>125 dBL maximum limit</td> </tr> <tr> <td>Occupied non-sensitive sites, such as factories and commercial premises</td> <td>All blasting</td> <td>125 dBL maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation</td> </tr> </tbody> </table>	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	Appendix 3 - Air Quality Management Plan (Daracon, November 2019)	No blasting has occurred during construction period	Not triggered
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																	
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		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																	
	<p><b>Source – Table J5.4(A) – AS 2187.2 – 2006</b></p> <p><i>Note: a sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied by people</i></p>	No	As above	No blasting has occurred during construction period	Not triggered														
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"> <thead> <tr> <th>Receiver</th> <th>Type of blasting operations</th> <th>Peak component particle velocity (mm/s)</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting more than 12 months or more than 20 blasts</td> <td>5 mm/s for 95% of blasts per year</td> </tr> <tr> <td>10 mm/s maximum limit</td> </tr> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting less than 12 months or less than 20 blasts in total</td> <td>10 mm/s maximum limit</td> </tr> <tr> <td></td> </tr> <tr> <td>Occupied non-sensitive sites, such as factories and commercial premises</td> <td>All blasting</td> <td>25 mm/s maximum limit. For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation</td> </tr> </tbody> </table>	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	As above	No blasting has occurred during construction period	Not triggered
Receiver	Type of blasting operations	Peak component particle velocity (mm/s)																	
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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>Source – Table J4.5(A) – AS 2187.2 – 2006</b></p> <p><i>Note: A sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied by</i></p>																		

RP2J Compliance Table - NSW Conditions of Approval

CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)																								
	<p>Table 8: Ground vibration limits for control of damage to structures</p> <table border="1"> <thead> <tr> <th>Receiver</th> <th>Type of blasting operations</th> <th colspan="2">Peak component particle velocity (mm/s)</th> </tr> </thead> <tbody> <tr> <td>Other structures or architectural elements that include masonry, plaster and plasterboard in their 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	As above	No blasting has occurred during construction period	Not triggered
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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	As above	No blasting has occurred during construction period	Not triggered																								
E49	<p>The Proponent must provide a copy of the landowner and occupier written agreement to the Planning Secretary and the EPA, including details of the consultation undertaken (with clear identification of proposed blast limits and potential property impacts), before commencing blasting at the higher limits.</p> <p>Unless otherwise agreed by the Planning Secretary, the following exclusions apply:</p> <p>(a) the landowner and occupier may terminate at any time an agreement made with the Proponent to increase the blasting criteria, should concerns made by the landowner and occupier about the blasting criteria be unresolved. Where an agreement is terminated, the Proponent must not exceed the criteria specified in the tables in <b>Conditions E46 and E47</b> for future blasting that affects the property, and</p> <p>(b) the blasting limit agreed to under any agreement must not exceed a maximum Peak Particle Velocity vibration level of 25 mm/s or maximum Airblast Overpressure level of 125 dBL.</p>	No	As above	No blasting has occurred during construction period	Not triggered																								
<b>Blasting Management Strategy</b>																													
E50	<p>A <b>Blasting Management Strategy</b> must be prepared and must include:</p> <p>(a) sequencing and review of trial blasting to inform blasting;</p> <p>(b) regularity of blasting;</p> <p>(c) intensity of blasting;</p> <p>(d) periods of relief; and</p> <p>(e) blasting program.</p>	No	N/A	As blasting is not proposed as part of Stage 2 - this document has not yet been prepared	Not triggered																								
E51	The <b>Blasting Management Strategy</b> must be endorsed by a suitably qualified and experienced independent person.	No	N/A	As above	Not triggered																								
E52	The <b>Blasting Management Strategy</b> must be prepared in accordance with relevant guidelines in order to ensure that all blasting and associated activities are carried out so as not to generate unacceptable noise and vibration impacts or pose a significant risk to sensitive receivers.	No	N/A	As above	Not triggered																								
E53	The <b>Blasting Management Strategy</b> must be submitted to the Planning Secretary for information no later than one month before the commencement of blasting. The Strategy as submitted to the Planning Secretary, must be implemented for all blasting activities.	No	N/A	As above	Not triggered																								

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CoA #	Requirement	Triggered for Stage 2	Evidence collected	Audit findings and recommendations	EMM Compliance Status (Compliant/Non-compliant/ Not triggered)
<b>SOCIO-ECONOMIC, LAND USE AND PROPERTY</b>					
<b>Building Condition Survey</b>					
E54	<p><b>Pre-construction Building and Structure Condition Surveys</b> must be undertaken of all buildings, structures, and utilities and the like, identified in the documents listed in <b>Condition A1</b>, as being at risk of damage from the works associated with the SSI.</p> <p>The surveys must be undertaken by a suitably qualified structural engineer before the commencement of any work that could cause damage to buildings, structures and utilities. The results of the surveys must be documented in a <b>Pre-construction Building and Structure Condition Survey Report</b> for each building, structure and utility surveyed. Copies of the <b>Pre-construction Building and Structure Condition Survey Reports</b> must be provided to the owners of the buildings, structures and utilities surveyed, and no later than one (1) month before the commencement of work in the vicinity of the impacted buildings, structures and utilities</p>	Yes	<p>Daracon email correspondence to RMS, RLJ, Jesmond - Building Inspections, dated 10/10/2019;</p> <p>Daracon email to RMS, Dilapidation Report Letterbox Drop Round 2, dated 18/12/2019;</p> <p>Example of RMS Property Access Agreement Form (2019);</p> <p>Jesmond Shared Path Bridge, Building Condition Inspection Reports (Lindsay Dynan):</p> <ul style="list-style-type: none"> <li>- 11/1 Steel Street, Jesmond (dated 28/10/2019);</li> <li>- 1/3 Kiah Avenue, Jesmond (dated 5/11/2019);</li> <li>- 1/8 Coles Street, Jesmond (dated 9/1/2020);</li> <li>- 1/10 Coles Street, Jesmond (dated 24/10/2019);</li> <li>- 1A Hill Street, Jesmond (dated 28/10/2019);</li> <li>- 2 Coles Street, Jesmond, (dated 28/10/2019);</li> <li>- 2 Hill Street, Jesmond (dated 19/12/2019);</li> <li>- 2/3 Kiah Avenue, Jesmond (dated 5/11/2019);</li> <li>- 2/4A Coles Street, Jesmond (dated 14/11/2019);</li> <li>- 2/8 Coles Street, Jesmond (dated 04/2020);</li> </ul>	<p>Daracon Group carried out building inspections of properties in the vicinity of the works with notifications dated October 2019. Lindsay Dynan, an engineering firm provided Daracon Group with the listed Building Inspection Reports dating from October 2019 through to January 2020.</p> <p>Building condition reports have been sighted by the audit team. Some occupants of residences in the potential risk of damage zone did not provide feedback or allow access to their properties despite attempts by TNSW. A record of affected residences, inspections and refusals are maintained at the site.</p>	Compliant
E55	<p>After completion of construction of the SSI, a follow-up condition survey of all items for which building and structure condition surveys were undertaken in accordance with Condition E54, must be undertaken by a suitably qualified structural engineer. The results of the surveys must be documented in a <b>Post-construction Building and Structure Condition Survey Report</b> for each building, structure and utility surveyed. Copies of the <b>Post-construction Building and Structure Condition Survey Reports</b> must be provided to the owners of the buildings, structures and utilities surveyed no later than three months following the completion of construction.</p>	No	N/A	Not triggered	Not triggered
E56	<p>The Proponent, where liable, must rectify any damage caused directly or indirectly (for example from vibration or from groundwater change) by the construction or operation of the SSI at no cost to the landowner. Alternatively, the Proponent may pay compensation for the property damage as agreed with the landowner.</p>	No	N/A	No sighted evidence of property damage, or complaints of such matter.	Not triggered
<b>SOILS</b>					
E57	<p>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.</p>	Yes	ER Reports	Based on ER reports and site inspection Erosion and sediment controls have been installed. Some recommendations were made during the site inspection to improve ESC and are included in the EMM report.	Compliant
<b>Contaminated Sites</b>					
E58	<p>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.</p>	Yes	<p>CEMPP (Daracon, November 2019);</p> <p>EIS (RMS 2016);</p> <p>Compliance Monitoring and Reporting Program (RMS, August 2019);</p> <p>Pre-Construction Report V2 (September 2019);</p> <p>SPIR (RMS, April 2018)</p>	<p>No identified soil contamination in CEMPP, Pre-Construction Report or Compliance Monitoring and Reporting Program. SPIR outlines mitigation measures as per SW04 and SW05.</p> <p>No contamination identified during site inspection.</p> <p>Stockpile area contained segregated stockpiles of ENM and waste materials and were inspected as part of the site inspection.</p> <p>ASS soils removed from site and treated / disposed as required</p>	Compliant
E59	<p>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.</p>	Yes	<p>Unexpected Contaminated Land and Asbestos Finds Procedure, Newcastle Inner City Bypass- Rankinn Park to Jesmond (RMS, August 2019)</p>	<p>Unexpected Contaminated Land and Asbestos Finds Procedure prepared and submitted to DPIE in August 2019. Works commenced October 2019.</p>	Compliant

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E60	The <b>Unexpected Contaminated Land and Asbestos Finds Procedure</b> must be implemented for the duration of work.	Yes	Unexpected Contaminated Land and Asbestos Finds Procedure, Newcastle Inner City Bypass- Rankinn Park to Jesmond (RMS, August 2019); and RMS letter to DPIE, Newcastle Inner City Bypass - Rankinn Park to Jesmond (SSI 6888) Submission of Unexpected Contamination Land and Asbestos Finds Procedure- E59, dated 23 August 2019	Evidence of plan and made publically available via webiste.	Compliant
<b>SUSTAINABILITY</b>					
E61	A <b>Sustainability Strategy</b> must be prepared and submitted to the Planning Secretary for information before the commencement of construction (except Bridge 7 works). The <b>Sustainability Strategy</b> must include:  (a) details of achieving an As Built rating under the Infrastructure Sustainability Council of Australia (ISCA) infrastructure rating tool or other justified rating mechanism; (b) details of the sustainability initiatives which will be implemented; and (c) a description of how the strategy will be implemented for the SSI	No	N/A	Construction only for Stages 1 and 2 (Bridge works).	Not triggered
<b>TRAFFIC AND TRANSPORT</b>					
E62	All road roads within one (1) kilometre of the SSI (including construction ancillary facilities) proposed to be used by heavy vehicles used for the SSI must be identified in the <b>Construction Traffic and Transport Management Sub-plan</b> .	No	CEMPP (Daracon, November 2019); Shared Path Bridge over Newcastle Road, Jesmond, Construction Traffic Management SubPlan (Daracon, November 2019)	Addressed via Bridge 7 documentation as per Condition E64	Not triggered
E63	Local roads proposed to be used by heavy vehicles for the SSI works that were not assessed in the EIS or SPIR, must be approved by the Planning Secretary through the <b>Construction Traffic and Transport Management Sub-plan</b> (including any revisions to the sub-plan that identify additional local roads).  The request to the Planning Secretary must include a traffic and pedestrian impact assessment, and a swept path analysis, if required. The traffic and pedestrian impact assessment must:  (a) demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts; (b) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and (c) describe the measures that will be implemented to minimise safety and amenity impacts to any schools, aged care facilities and child care facilities during their peak operation times.	No	CEMPP (Daracon, November 2019); Shared Path Bridge over Newcastle Road, Jesmond, Construction Traffic Management SubPlan (Daracon, November 2019); Geolink correspondence to RMS, RE: RP2J Shared Path Bridge - Approval to use local road not assessed in the EIS or SPIR, dated 6/2/2020; RMS, Street View Images; Daracon, Figure: Material Haulage: Plan No. VMP-SPB-HV-001, Rev 1 dated 4/2/2020	Addressed via Bridge 7 documentation as per Condition E64	Not triggered
E64	The requirements of <b>Conditions E62 and E63</b> in relation to Bridge 7 may be addressed by the documents required under <b>Condition A9</b> .	Yes	CEMPP (Daracon, November 2019); Shared Path Bridge over Newcastle Road, Jesmond, Construction Traffic Management SubPlan (Daracon, November 2019); Geolink correspondence to RMS, RE: RP2J Shared Path Bridge - Approval to use local road not assessed in the EIS or SPIR, dated 6/2/2020; RMS, Street View Images; Daracon, Figure: Material Haulage: Plan No. VMP-SPB-HV-001, Rev 1 dated 4/2/2021	Construction Traffic and Transport Management Plan Sub-Plan is included under the CEMPP, which has been approved by DPIE. ER approval was sought on 6/2/2020. As condition outlines, Condition E62 and E63 may be addressed under Condition A9. Evidence sighted of prepared and reviewed CEMPP in consultation with Newcastle City Council (NCC).	Compliant
E65	Heavy vehicles must only use Construction Access Road 2 (as shown in <b>Appendix B</b> ) in the John Hunter Hospital precinct for the establishment of Construction Compound A, unless otherwise agreed by the Health Administration Corporation.  <i>Note: Heavy vehicles movements associated with <b>Condition E65</b> must comply with the construction hours specified in <b>Conditions E26 and E27</b>.</i>	No	CEMPP (Daracon, November 2019); Shared Path Bridge over Newcastle Road, Jesmond, Construction Traffic Management SubPlan (Daracon, November 2019);	Not relevant to Stage 2	Not triggered

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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	<p>CEMPP (Daracon, November 2019);                      Shared Path Bridge over Newcastle Road, Jesmond, Construction Traffic Management SubPlan (Daracon, November 2019);</p>	<p>CTTMP identifies movements through John Hunter Hospital precinct. However, this condition is not triggered due to only in Stage 2.</p>	Not triggered
E67	<p>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>.</p>	No	<p>CEMPP (Daracon, November 2019);                      Shared Path Bridge over Newcastle Road, Jesmond, Construction Traffic Management SubPlan (Daracon, November 2019);</p>	<p>As above</p>	Not triggered
E68	<p>Before any local road is used by a heavy vehicle for the SSI, a <b>Road Dilapidation Report</b> must be prepared for the road, unless otherwise agreed by the Planning Secretary. The <b>Road Dilapidation Report</b> must be prepared by a suitably qualified person before the commencement of works that have the potential to damage local roads (and associated infrastructure). A copy of the <b>Road Dilapidation Report</b> must be provided to the landowner and Newcastle City Council within three weeks of completion of the surveys and no later than one (1) month before the use of local roads by heavy vehicles for the construction of the SSI.</p>	Yes	<p>Shared Path Bridge over Newcastle Road, Jesmond, Dilapidation Report (Daracon, September 2019);                      RMS email correspondence with Newcastle City Council, RE: Shared Path Bridge Jesmond - Dilapidation Report, dated 21/10/2019;</p>	<p>Evidence of Dilapidation Report prepared and provided to NCC September 2019. NCC commented that a further report would be expected for intended traffic diversions through streets in Jesmond and North Lambton for bridge installation where Newcastle Road closed. Newcastle Road has not been closed at the time of the audit. RMS and Daracon Group to supply further information once this phase of works is triggered, and as per requirement.</p>	Compliant
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>	No	<p>Shared Path Bridge over Newcastle Road, Jesmond, Dilapidation Report (Daracon, September 2019);                      RMS email correspondence with Newcastle City Council, RE: Shared Path Bridge Jesmond - Dilapidation Report, dated 21/10/2019;</p>	<p>No related road infrastructure damaged to date.</p>	Not triggered
E70	<p>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.</p>	Yes	<p>Shared Path Bridge over Newcastle Road, Jesmond, Dilapidation Report (Daracon, September 2019);                      RMS email correspondence with Newcastle City Council, RE: Shared Path Bridge Jesmond - Dilapidation Report, dated 21/10/2019;                      Site inspection</p>	<p>During site inspection, observation of erected signage for pedestrian and vehicular access was being implemented.</p>	Compliant

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<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	Site inspection	As above. EMM observed during the audit site inspection, appropriate erected signage and additionally, traffic controllers in one street, to provide further safety to private residents potentially effected.	Compliant
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>	Yes	CEMPP (Daracon, November 2019); Shared Path Bridge over Newcastle Road, Jesmond, Construction Traffic Management SubPlan (Daracon, November 2019);	Evidence of shared paths designed appropriately for pedestrian access relating to the bypass. Figure 5 and Figure 6 in the Construction Traffic Management Sub Plan illustrates compliance.	Compliant
E73	The Jesmond Park parking area must be reviewed and optimised to include the replacement of disabled car parking removed by the SSI in consultation with Newcastle City Council. This parking must be provided before the removal of on street parking on Newcastle Road.	Yes	Site inspection	Stage 2 works to retain disabled parking in Jesmond Park as the public car park is off site and not intended for the use of the project. Evident during site inspection. No change from project to parking.	Compliant
<b>Fire Trails</b>					
E74	Alternate fire trails must be provided and implemented in consultation with the relevant fire authorities.	No	N/A	Not relevant to Stage 2	Not triggered
<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	AFEMP (Daracon, November 2019); CEMPP (Daracon, November 2019); Site inspection	CEMPP and AFEMPP Section 7.1 provides impact mitigation measures for visual impacts. Site inspection provided evidence that natural screening of vegetation is sufficient, with additional screening evident.	Compliant
<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	AFEMP (Daracon, November 2019); CEMPP (Daracon, November 2019);	Section 7.1 of AFEMP describes visual impact. Night works undertaken have been limited at the time of the audit and have been completed as per OOHW approval requirements	Compliant
<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>	Yes	RMS letter to DPIE, Newcastle Inner City Bypass - Rankin Park to Jesmond (SSI 6888) Infrastructure Approval Condition E77 - Design of Bridge 7, dated 31/7/2019, RMS Figure Newcastle Inner City Bypass - RP2J - Bridge 7 and Landscaping Design Drawings Summary, Issue 5, dated 26/2/2019; RMS - Photo 1 - Artist's Impression Bridge 7. jpg - dated 7/1/2019	Sighted Design scope packages submitted to DPIE dated 31/7/2019	Compliant



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	<b>Structural Adequacy</b>				
E78	The Proponent must ensure that the construction of the SSI, including former mine working remediation activities, are carried out in accordance with the requirements of Subsidence Advisory NSW.	Yes	CEMPP (Daracon, November 2019)	Stage 2 works are outside of mine subsidence areas and hence no requirements apply.	Compliant
	<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	N/A	Not triggered by Stage 2	Not triggered
	<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	N/A	Not triggered by Stage 2	Not triggered
	<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	Resource and Waste Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, November 2019);	Section 7 of the RWMP outlines appropriate waste management measures Additionally, site inspection found no sighted evidence of inappropriate waste management	Compliant
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	Resource and Waste Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, November 2019); Site Inspection	Waste stored in approved storage areas at the site.	Compliant
E83	Waste generated by all activities associated with the works and operation of the SSI must only be: (a) exported to a EPA licensed facility for the storage, treatment, processing, reprocessing or disposal, or to any other place that can lawfully accept such waste, or (b) reused in accordance with a Resource Recovery Exemption or Order issued under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> .	Yes	Resource and Waste Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, November 2019); RMS Waste Management Register	Waste removed from site in accordance with resource recovery exemptions.	Compliant
E84	All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal docketts retained for audit purposes.	Yes	Remondis invoice to Daracon Group, Services/Site: 113827.076 Daracon - Jesmond Shared Path Bridge (Job #130) - Robinson Ave Jesmond NSW 2299, dated 1/12/19 to 31/12/19; Remondis invoice to Daracon Group, Services/Site: 113827.076 Daracon - Jesmond Shared Path Bridge (Job #130) - Robinson Ave Jesmond NSW 2299, dated 1/1/20 to 31/1/20; Remondis invoice to Daracon Group, Services/Site: 113827.076 Daracon - Jesmond Shared Path Bridge (Job #130) - Robinson Ave Jesmond NSW 2299, dated 1/2/20 to 29/2/20; RMS Waste Management Register; RMS Tipping Docketts: - November 2019; - December 2019; - January 2020; and - February 2020	Waste Management Register, records and docketts sighted	Compliant

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<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	EIS (RMS 2016); Compliance Monitoring and Reporting Program (RMS, August 2019); Pre-Construction Report V2 (September 2019); Site Inspection; SPIR (GHD and RMS, April 2018); Soil and water Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, November 2019)	Section 2, 7 and Appendix 6 of SWMP. No EPL applicable to the construction of SPB	Compliant
E86	Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be constructed in accordance with the relevant guidelines and designed by a suitably qualified and experienced person.	No	Site Inspection; Soil and water Management Plan, Shared Path Bridge over Newcastle Road, Jesmond (Daracon, November 2019)	Not triggered by Stage 2	Not triggered

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Appendix B

# Appendix B – DPIE Approval of Team

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Stuart Pigott  
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Cc: [Stuart.PIGOTT@rms.nsw.gov.au](mailto:Stuart.PIGOTT@rms.nsw.gov.au)

Dear Mr Pigott

**Newcastle Inner City Bypass – Rankin Park to Jesmond (SSI 6888)**  
**Stage 1 Independent Audit**

Reference is made to your submissions, dated 4 March 2020 and 8 April 2020, seeking the agreement of the Secretary of the Department of Planning, Industry and Environment (the Department) of a suitability of qualified, experienced and independent audit team to undertake the Newcastle Inner City Bypass, Rankin Park to Jesmond (NCIB RP2J) Stage 1 Independent Audit.

In accordance with Schedule 2, Part A, Condition A35 of SSI 6888 and the *Independent Audit Post Approvals Requirements* (Department 2018), the Secretary has agreed to the following audit team:

- Brendan Rice – Lead Auditor (EMM Consulting);
- David Bone – Strategic Advice (EMM Consulting); and
- Jessica Bowditch – Auditor (EMM Consulting)

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the *Independent Audit Post Approval Requirements* (Department 2018). Failure to meet these requirements will require revision and resubmission.

If you have any questions, please contact Joel Curran on the details listed above.

Yours sincerely

*H Watters 9/4/2020*

Heidi Watters  
**Team Leader – Compliance**  
As nominee of the Secretary

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Appendix C

# Appendix C - Consultation

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**CN Comments Table 1**

A. Works complete to date – Stages 1 and 2	EMM Response
<p><i>Section 2.1.1 on page 10 of the Staging report lists the scope of Stage 1 works. CN notes Stage 1 works will impact on native flora and fauna. CN does not have a complete picture of which works have been completed a part of Stage 1, which have commenced; which are in planning stage.</i></p> <p><i>Has work occurred on or adjacent to Council land? Eg: proposed upgrade of the track across Council land at 140 Birchgrove Drive to a fire trail. Eg: works to install environmental mitigation controls and water quality monitoring</i></p> <p><i>Under Section 4.1.3 ‘General management of cumulative Impacts, it is noted the construction contractor will review environmental impacts before the start of construction and every six months during construction. Any new impacts identified will be addressed appropriately to reduce cumulative effects and reported as part of the Construction Environmental Management Plan.</i></p> <ol style="list-style-type: none"> <li>1. CN requests ongoing information on the scope and location of Stage 1 works commenced, completed and planned (Staging Report indicates 2.5yrs to complete Stage 1). Auditor Question: is this setout in the project’s approved Consultation Plan?</li> <li>2. For Stage 1 and 2 works, CN requests a copy of documents prepared in accordance with Approval Conditions:               <ol style="list-style-type: none"> <li>a. the Construction Establishment Management Process Plan</li> <li>b. Flora and Fauna Management Subplan for Stage 2 – Works (condition A9; E10)</li> <li>c. Pre and post construction Building and Structure Condition Surveys of CN buildings, assets and structures of risk of damage (E54,E55); including damage assessments and make good requirements</li> <li>d. Any local Road dilapidation reports (E68) – not yet provided for Stage 2 Works.</li> <li>e. ER Monthly reports (A26) and other reports prepared in keeping with section 4.1.3 above</li> </ol> </li> </ol>	<p>Stage 1 works are not assessed as part of this audit scope. In accordance with Section 3.1 of the approved Independent Audit Program for the project (RMS, August 2019b), Stage 1 of the Project does not require auditing and therefore this IEA assesses works completed as part of Stage 2 only.</p> <p>The ongoing consultation process is to be discussed between TfNSW and CN and is outside the scope of this audit</p>
<p><b>B. Stage 2 - Approval condition E11 – Trees in Jesmond Park</b></p> <p><i>E11 States: “The SSI must be designed to retain as many trees as possible in Jesmond Park. Where trees are to be removed and those trees are not required to be offset under <b>Condition E4</b>, the proponent must provide an net a increase in the number of replacement trees. Replacement trees must be planted within an on public land within 500 metres of the SSI boundary. Replacement tree planting may be undertaken beyond 500 metres on public land within the Newcastle City Council area if planting within 500 metres of the SSI boundary is not practicable. The location of the replacement tree plantings must be determined in consultation with Newcastle City Council, and undertaken prior to the commencement of operation”</i></p> <ol style="list-style-type: none"> <li>1. CN notes a qualified project Arborist was engaged to prepare a Tree Protection Plan.</li> <li>2. CN requests follow up Arborist reports in relation to the TPP – providing post construction tree condition assessment reports against Stage 2 Tree Protection Plan; including damage assessments to determine make good requirements.</li> <li>3. CN notes the issue of replacement tree plantings in Approval Condition E11 is outstanding at the time of writing.</li> </ol>	<p>The ongoing consultation process is to be discussed between TfNSW and CN and is outside the scope of this audit.</p> <p>Compliance with Condition E11 is discussed in the compliance matrix attached as Appendix A.</p>

<p><b>C. Design information</b>  <i>Thankyou for providing GIS data in July 2019 showing project extent or construction footprint. At this time, the RMS indicated this data would be updated with detailed design drawings.</i></p> <ol style="list-style-type: none"> <li>1. Can CN be provided with most accurate GIS data for the designs?</li> <li>2. CN notes its request to discuss final permanent fire trails/construction access roads is still outstanding – in order to minimise unnecessary track and trail asset maintenance on adjoining land; and minimise impacts to remnant fauna habitat on adjacent bushland.</li> <li>3. What are the construction boundaries used as a basis to calculate hectares of vegetation cleared and associated biodiversity offsets as per section 7 of the SPIR?  Related Conditions A14, E2, E3, and SPIR- Section 7 – modified environmental management measures.</li> </ol>	<p>The ongoing consultation process and provision of documentation is to be discussed between TfNSW and CN and is outside the scope of this audit.</p>
<p><b>D. Approval Condition E12 – Consultation on Flooding for detailed design of Stage 4</b>  <b>1.</b> Please confirm if further consultation with CN on flood risk is anticipated to complete Stage 4 detail designs (E12)?  <b>Auditor Qn:</b> are these details setout in the Project’s approved Consultation plan?</p>	<p>Stage 4 works are not assessed as part of this audit scope.</p> <p>In accordance with Section 3.1 of the approved Independent Audit Program for the project (RMS, August 2019b), this IEA assesses works completed as part of Stage 2 only.</p> <p>The consultation plan has been prepared and approved in accordance with approval conditions and has been deemed compliant for Stage 2 works as part of this audit.</p> <p>The ongoing consultation process is to be discussed between TfNSW and CN and is outside the scope of this audit</p>

<p><b>E. Upcoming Works - advanced notice for effective consultation with Council to meet approval requirements</b></p>	
<p>1. Please ensure CN has sufficient time to provide meaningful and effective consultation feedback to the preparation of required construction documentation; to reduce local social, environmental and economic impacts.</p> <p>Timeframes must allow for securing additional investigations (for example supplementary flood modelling); or local approvals should these be triggered (For example Traffic permits; Road occupancy approvals; and Tree Protection Plans and implementation reports by qualified arborists in keeping with Council's <i>Urban Forest Technical Manual</i> (2018).</p> <p>2. CN notes Approvals require Council consultation for the:</p> <ol style="list-style-type: none"> <li>Stage 4 (Q4, 2021) CEMP; related subplans (C1, C2, C4, E63) and the Construction Monitoring Program (C9, C10, C11)</li> <li>"Minimal impact works" with the capacity to impact on CN land or assets (see rows below).</li> <li>"Ancillary Facilities" (see rows below)</li> <li>Boundary screening and Vegetative screening of ancillary facilities to minimise light spill (E75)</li> <li>Other works with potential to impact on social, economic and environmental issues</li> </ol> <p><i>CN notes works and ancillary works have potential to impact on a range of public assets under its custodianship, including local roads; footways; cycleways; road furniture; retaining walls; park assets; public registered trees; stormwater and open channel-creek assets.</i></p> <p>3. CN welcomes a formalised approach to undertaking these consultations? Please send appendix A for an example</p>	<p>The ongoing consultation process is to be discussed between TfNSW and CN and is outside the scope of this audit.</p>
<p><b>1. Minimal impact works</b></p> <p><i>CN notes the definition of minimal impact given in the Staging Report Glossary includes:</i></p> <ul style="list-style-type: none"> <li>- minor construction and operation of ancillary facilities (A19) such as sheds, material storage</li> <li>- minor clearing and relocation of native vegetation, as listed in the documents in Condition A1.</li> <li>- installation of mitigation controls, including exclusion fencing</li> <li>- Property acquisition adjustment works – including installation of property fencing, relocation and adjustments of utilities to property including water supply and electricity</li> <li>- construction of minor access roads (temporary or permanent?)</li> <li>- temporary relocation of pedestrian and cycle paths</li> </ul> <p><i>CN notes 'minimal impact works' have potential to impact on a range of public assets under its custodianship, including local roads; footways; cycleways; road furniture; retaining walls; park assets; public registered trees; stormwater and open channel-creek assets.</i></p> <p>2. What test criteria and data is used by the Environmental Representative (ER) when determining if works are 'minimal environmental impact'?</p> <p>3. Is the ER relevant spatial data in making this determination? Including environmental spatial data (habitat trees, public trees, creek condition assessments; stormwater assets and flood risk?</p> <p>4. In what instances does the ER plan to consult with CN in arriving at their determination?</p> <p>5. Is the ER across the nature of potential local asset protection plans; approvals or permits that may be required should ancillary works occur or impact on Council land or assets? For example Traffic permits; Road occupancy approvals; and Tree Protection Plans and implementation reports by qualified arborists in keeping with Council's <i>Urban Forest Technical Manual</i> (2018).</p> <p>CN welcomes a formalised approach to undertaking these consultations?</p>	<p>The ongoing consultation process is to be discussed between TfNSW and CN and is outside the scope of this audit.</p> <p>In accordance with Section 3.1 of the approved Independent Audit Program for the project (RMS, August 2019b), this IEA assesses works completed as part of Stage 2 only.</p> <p>Compliance with relevant conditions for the Environmental Representative and ancillary facilities is discussed in the audit report.</p>



<p><b>F. Ancillary Facilities – additional to those identified in Condition A1</b></p> <p><i>CN notes Condition A14- Ancillary facilities not identified in Condition A1 can only be used if they are within or immediately adjacent to the construction boundary; have no impact of heritage items, threatened species, populations etc. beyond terms of approval to date; and meet the environmental, social, economic impacts of this approval.</i></p> <p><i>CN notes Condition A15 requires RMS to consult with Council to prepare Ancillary Facility Establishment Plans – including access road and operational arrangements.</i></p> <ol style="list-style-type: none"> <li>1. CN reiterates its request for accurate spatial data as to the construction boundaries – item C, above</li> <li>2. CN reiterates its request for formalised consultation with regards to <i>Ancillary Facility Establishment Plans and minimal impact works – see items above.</i></li> </ol>	<p>The ongoing consultation process is to be discussed between TfNSW and CN and is outside the scope of this audit.</p>
<p><b>G. Site access - temporary and permanent fire trails</b></p> <p><i>CN notes construction of safe site access for vehicles from the surrounding road network and through the alignment is included in Stage 1 works. It notes the tracks and trails that connect with the project site, as shown in the concept designs provided are not accurate.</i></p> <p><i>CN’s requests the process of implementing the project and Approvals occurs to:</i></p> <ul style="list-style-type: none"> <li>-reduce impacts on adjacent remnant bushland and the flora and fauna within it.</li> <li>-ensure the project’s approved fauna crossings do not become public footways by default.</li> <li>-reduce ongoing cost of managing public assets and land. This includes rationalising tracks, fire trails and asset protection zones within its land parcels.</li> <li>-reduce bush fire risk – including illegal ignition risks that are raised within the Newcastle Bush Fire Risk Management Plan (2018).</li> </ul> <p>CN reiterates its request for consultation with the RMS to determine the final configuration of permanent trails and tracks which are proposed to connect from the SSI into adjacent land parcels - so the residual track network during the Operational phase is clear and ground-truthed.</p>	<p>The ongoing consultation process is to be discussed between TfNSW and CN and is outside the scope of this audit.</p> <p>In accordance with Section 3.1 of the approved Independent Audit Program for the project (RMS, August 2019b), this IEA assesses works completed as part of Stage 2 only.</p>

### EMM Comment –

The following pages were sent as an attachment to CNs comments shown in Table 1 above. A summary of the issues raised in the attachment (shown in full below) and EMMs response is summarised in the following Table 2.

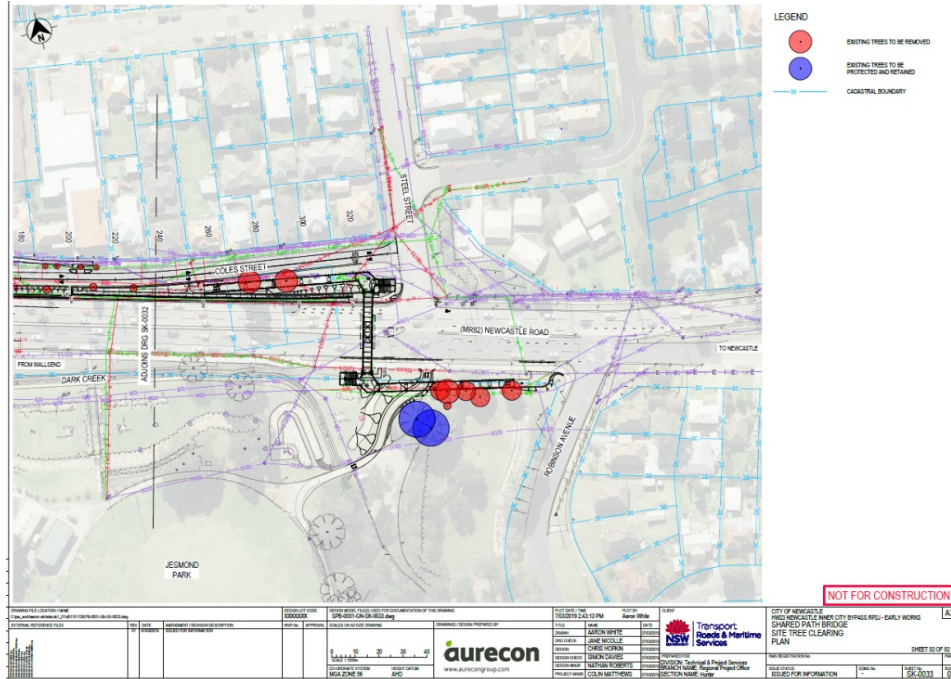
### EMM Table 1 Appendix C

CN Comment	EMM response
Section 1.0 recaps the 3 proposed construction compound/parking sites.	The site compound on CN land (Jesmond Park) is being utilised in accordance with the approved Ancillary Facilities Management Plan requirements. The other sites shown in CN figures are not being used by TfNSW.
Section 2.0 outlines CN's requirements for any and all construction compounds/parking sites.	The site compound on CN land (Jesmond Park) is being utilised in accordance with the approved Ancillary Facilities Management Plan requirements.  The ongoing consultation process is to be discussed between TfNSW and CN and is outside the scope of this audit.
Sections 2.3 and 2.4 suggest alternative sites for compound/parking purposes - for investigation and approval.	The site compound on CN land (Jesmond Park) is being utilised in accordance with the approved Ancillary Facilities Management Plan requirements.  The ongoing consultation process is to be discussed between TfNSW and CN and is outside the scope of this audit.  Additional future compound / parking sites are outside the scope of this audit.

**CN ATTACHMENT -**

**RMS PROJECT – SHARED PATH BRIDGE**

The City of Newcastle (CN) notes the following approvals for tree retention and removal apply:



## 1.0 PROPOSED CONSTRUCTION SITES FOR CN REVIEW

Asset Management notes the request (10/9/2019) to provide licenses for construction related operations on the following 3 additional parcels of CN land - shown in blue in the figures 1.1, 1.2 and 1.3 below.



Figure 1.1 Proposed compound on CN land



Figure 1.2 Proposed additional land – Robinson St - for site facilities



Figure 1.3 Proposed additional construction parking

CN does not approve of the proposed use of the median in Newcastle Road (figure 1.3) for parking or storage.

## 2.0 REQUIREMENTS – ALL SITES

### TREES; TURF AND VEGETATION

CN requires Daracon to engage a suitably qualified Arborist to prepare a Tree Protection Plan that meets all requirements of the [City's Urban Forest Technical Manual](#) (2018).

This draft Plan must consider and ensure that there is no above ground or below ground (compaction) impact from construction activities on existing trees. This includes impacts from: compound buildings; materials management; perimeter fencing and lights; and heavy vehicle parking or movement. The Plan needs to show all proposed activities and construction infrastructure in relation to Tree Protection offsets and zones.

The draft Tree Protection Plan is to be provided to and approved by CN.

Any works done to implement the approved plan must be done by suitably qualified personnel; and must meet all requirements of the Technical Manual and Australian Standards it references.

Tree protection measures are to be constructed in accordance with the approved plan; inspected by CN staff and deemed satisfactory prior to receiving a license to fully occupy the site.

All tree protection measures must be signposted, monitored for the duration of works; and made good if disrupted.

CN staff will inspect the site to ensure both protection measures and monitoring systems are in place.

All turf and garden beds removed or damaged must be reinstated with topsoil, then replanted with the same grass and plant species. These areas will need to be mulched and watered until they are re-established to CNs requirements.

### PARK AND ROAD RESERVE INFRASTRUCTURE

All CN road reserve and park infrastructure and assets that are damaged are to be made good. This includes garden bed edging; bollards; signage; lighting; stormwater; pedestrian footways; pavement; kerb and gutters.

A full dilapidation report will be undertaken and provided to CN before granted occupation in any area designated for use.

### TRAFFIC AND PARKING

Occupation of any Council road reserve for a construction compound or storage will require permission from CN's Transport and Traffic Team. For example:

- A Road Occupancy Application Form
- A Shipping Container Permit
- A Work Zone Application Form.

These are available on Council's website: [www.newcastle.nsw.gov.au/Council/Forms-Publications/Forms](http://www.newcastle.nsw.gov.au/Council/Forms-Publications/Forms)

In addition, a traffic management plan for Robinson Ave will need to be approved by CNs traffic section. This should include any parking or compound elements within the Robinson Ave road reserve area.

A traffic management plan for the intersection of Robinson Ave and Newcastle Road will need to be approved by the RMS, with a copy of the approved plan provided to CN.

RMS permission will be needed if the area off the roundabout on SH23 is to be used (See 2.3).

All residents must be notified of proposed works and traffic disruption management for the duration of the works; and be provided with the site controllers' contacts for enquiries or complaints.

## 2.1 CN COMMENTS ON PROPOSED COMPOUND

### GENERAL

CN is concerned this proposed additional compound area (Figure 1.1) will negatively impact on existing trees in a well used corner of a popular park facility. These trees currently shield an area used for weddings from future RMS bypass works.

Proposed materials storage and temporary site sheds must be located away from all trees in accordance with any approved Tree Protection Plan - See 2.0.

Materials storage and laydown may occur on turf. But all turf is to be reinstated with topsoil and existing grass species; then watered and re-established to CN's requirements. Watering will not be from CN metered sources.

### PROPOSED ENTRY

CN does not approve the proposed location for the compound entry in figure 1.1.

CN suggests Daracon explore an alternate entry point just south of the corner of Newcastle and Robinson Avenue in conjunction with the RMS intersection requirements – see below – figure 2.1



Figure 2-1 Alternative site entrance

### WALLS

The garden bed retaining wall in the vicinity of the Trees to be Protected shown in approved designs must not be disturbed. These areas will form part of the dilapidation report.

Garden infrastructure must be reinstated to CN requirements.

## COMPOUND PERIMETER FENCING

The draft Tree Protection Plan submitted to CN should identify conflicts between trees, plant and machinery usage and storage, materials stockpiling and perimeter fencing. It will propose controls for CN's review.

### **2.2 CN COMMENTS ON PROPOSED ADDITIONAL LAND FOR SITE FACILITIES**

To assess the proposed additional site facilities (figure 1.2) a Tree Protection Plan must be submitted for CN approval - as per requirements in 2.0. See also 2.4.

### **2.3 CN COMMENTS ON ADDITIONAL CONSTRUCTION PARKING**

The use of any portion of CN land (305 Newcastle road. property no 74447 – blue in the image below) for additional 'as needs' parking for the project is not approved.



Figure 2.2: Daracon proposed construction parking

CN suggests Daracon investigate alternative sites for construction parking – see figure 2.3 and 2.4 subject to relevant approvals and traffic control plans being acquired.



Figure 2.3 - RMS land parcels highlighted



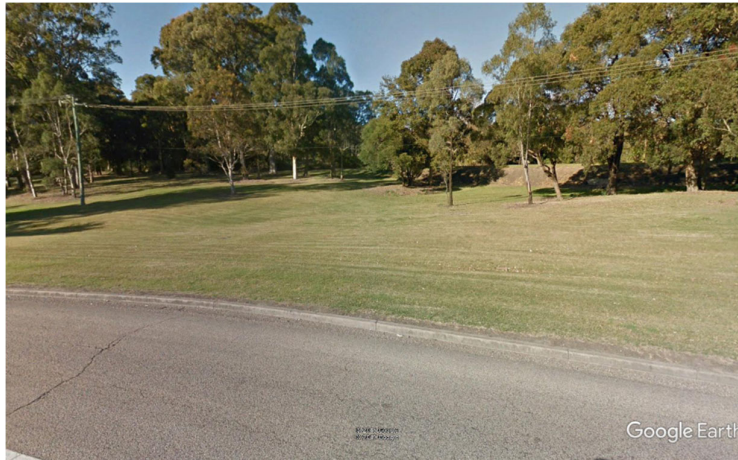


Figure 2.4 – RMS land parcels- street view

#### **2.4 ALTERNATIVE – WESTERN ROAD SHOULDER, ROBINSON AVENUE**

Given the likely conflicts at the three sites in Figures 1.1-1.3 inclusive; Daracon is advised to investigate the feasibility of using the road shoulder and footway on the western side of Robinson Avenue for parking, shed storage and materials stockpiling. An indicative location is shown in Figure 2.5.

This alternative option will still require preparation and implementation of a CN approved Tree Protection Plan; Tree protections; dilapidation testing; Traffic Controls and Approvals and resident notification as per 2.0.

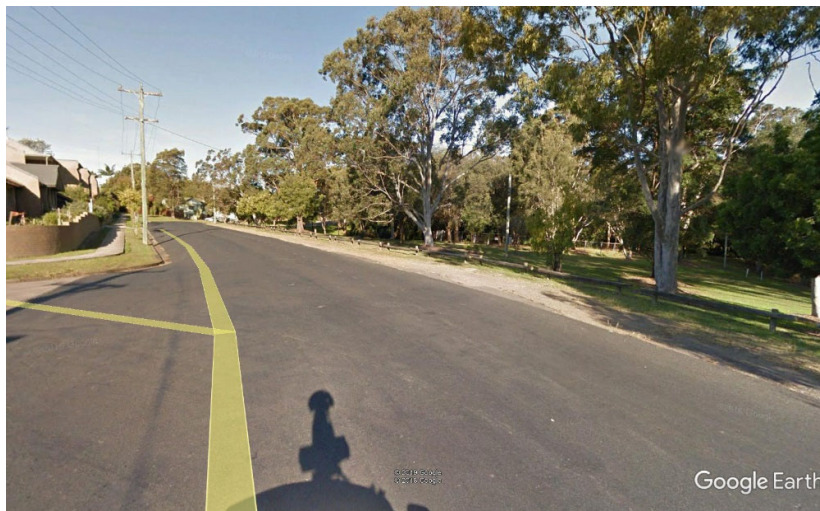


Figure 2.5 – existing road shoulder and footway- west of Robinson Avenue.

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Appendix D

## Appendix D – Inspection photos

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**Photograph D.1** View of construction equipment, heavy vehicles and storage on site (Ancillary Facility)



**Photograph D.2** View of soil stockpiling area in Ancillary Facility



**Photograph D.3** Evidence of appropriately covered stockpiling areas



**Photograph D.4** View of works associated with road realignment and widening



**Photograph D.5** Evidence of appropriate fencing surrounding construction works



**Photograph D.6** View of construction of works along Newcastle Road



**Photograph D.7** Evidence of appropriate fencing around retained trees



**Photograph D.8** Evidence of earthworks and appropriate signage and access controls for pedestrian, cyclists and vehicle access



**Photograph D.9** View of earthworks along Coles Street and residences



**Photograph D.10** View of appropriate bunding and sedimentation controls implemented along Newcastle Road



Photograph D.111 View of area where additional ESC required (Coles St / Newcastle Rd intersection)