

[REDACTED]  
Project Manager  
Regional Project Delivery  
Transport for NSW  
Locked Bag 2030  
Newcastle NSW 2300

14/03/2022

Dear [REDACTED]

**NICB Inner City Bypass (SSI-6888)  
Low Impact Work Submission - Dark Creek Culvert**

I refer to your submission received 13 January 2022, requesting the Planning Secretary's consideration of low impact works within the Dark Creek Culvert under the Conditions of Approval for SSI 6888.

The Department has carefully reviewed your request to undertake works which include the infill/sealing of gaps within the Dark Creek culvert - a potential roosting site for microbats. The scope of works proposed will not include clearing or demolition of structures and will only occur when threatened microbats are not present, to be confirmed by a pre-clearing survey.

I note that Transport for NSW (TfNSW) has consulted with the Department's Biodiversity and Conservation Division (BCD) and has satisfied all requests for additional information to date. TfNSW has also made further commitments to implementing management plans and providing monitoring results to BCD as outlined in correspondence dated 14 February 2022. BCD supports the works as 'low impact'.

Accordingly, as nominee of the Planning Secretary, I have determined that the activities as described are not 'construction' for the purpose of the definition under SSI 6888, subject to the works being undertaken in accordance with the information provided in the submission and supporting documentation.

Please ensure that you make the submission and this approval publicly available on the project website in accordance with the requirements of the conditions of approval.

If you wish to discuss the matter further, please don't hesitate to contact Lee McCourt on 8289 6969.

Yours sincerely

[REDACTED]

[REDACTED]  
**Director – Infrastructure Management**

As nominee of the Planning Secretary