

# Independent Audit – Proponent Response Report

Newcastle Inner City Bypass –  
Rankin Park to Jesmond  
July 2023




## Document control

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## Approval and authorisation

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| Reviewed by:  | Reviewed by:  | Endorsed by:  |
|  |  |  |
| 07/07/23  | 17/07/23  | 17/07/23  |
| Environment and<br>Sustainability Officer   | Environment and Sustainability<br>Manager   | Transport<br>Project Manager  |

## Revision history

| Revision | Date     | Description                         |
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| 0        | 07/07/23 | For internal review and endorsement |
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# Contents

- 1 Introduction .....1**
  - 1.1 Background ..... 1
  - 1.2 Purpose of this report ..... 2
- 2 Independent Audit Program .....3**
  - 2.1 IAP implementation ..... 3
- 3 Transport Response to Independent Audit Findings.....4**
  - 3.1 Audit findings and response..... 4

# Tables

- Table 1-1: Project stages as described in the Staging Report..... 1
- Table 1-2 - Conditions of approval applicable to the Independent Audit Program (IAP) ..... 2
- Table 3-1 Proponent Response to Independent Audit Report July 2023 findings..... 5

# Glossary / Abbreviations

| Term         | Expanded text   |
|--------------|---|
| CEMP         | Construction Environmental Management Plan  |
| CoA          | Condition of Approval   |
| Construction | <p>Includes all works required to construct the SSI, including commissioning trials of equipment and temporary use of any part of the SSI, but excluding the following <b>low impact work</b> which is completed prior to approval of the <b>CEMP</b>:</p> <ul style="list-style-type: none"> <li>(a) survey works including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys;</li> <li>(b) investigations including investigative drilling, contamination investigations and excavation;</li> <li>(c) operation of ancillary facilities if the <b>ER</b> has determined the operational activities will have minimal impact on the environment and community;</li> <li>(d) minor clearing and relocation of native vegetation, as identified in the documents listed in <b>Condition A1</b>;</li> <li>(e) installation of mitigation measures including erosion and sediment controls, exclusion fencing, hoardings and temporary or at property acoustic treatments;</li> <li>(f) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity;</li> <li>(g) relocation and connection of utilities where the relocation or connection has a minor impact to the environment and sensitive receivers as determined by the <b>ER</b>;</li> <li>(h) archaeological testing under the <i>Code of practice for archaeological investigation of Aboriginal objects in NSW</i> (DECCW, 2010) or archaeological monitoring undertaken in association with (a)-(g) and (i) to ensure that there is no impact on Aboriginal artefacts or objects, and archaeological salvage works in accordance with <b>A1, E17 and E18</b>;</li> <li>(i) other activities determined by the <b>ER</b> to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and</li> <li>(j) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI.</li> </ul> <p>However, where heritage items or threatened species or threatened ecological communities (within the meaning of the <i>NSW Threatened Species Conservation Act 1995</i> or <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with the relevant heritage authority, OEH or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p> |
| DPE          | NSW Department of Planning and Environment  |

| Term                              | Expanded text  |
|-----------------------------------|--|
| EIS                               | The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the development described in it, as revised if required by the Planning Secretary under the EP&A Act, and including any additional information provided by the Proponent in support of the application for approval of the project  |
| EMS                               | Environmental Management System  |
| Environmental Representative (ER) | A suitably qualified and experienced person independent of project design and construction personnel employed for the duration of Construction. The principal point of advice in relation to all questions and complaints concerning environmental performance   |
| EP&A Act                          | <i>NSW Environmental Planning and Assessment Act 1979</i>  |
| EPBC Act                          | <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>  |
| EPL                               | NSW Environment Protection Licence under the <i>Protection of the Environment Operations Act 1997</i>  |
| IAP                               | Independent Audit Program  |
| Operation                         | The carrying out of the SSI (whether in full or in part) upon the completion of construction, except the operation of Bridge 7<br><i>Note: There may be overlap between the carrying out of construction and operation if the phases of the development are staged. Commissioning trials of equipment and temporary use of any part of the SSI are within the definition of construction</i> |
| Planning Secretary                | Planning Secretary of the NSW Department of Planning and Environment (or nominee, whether nominated before or after the date on which the Project Approval was granted)  |
| Project, the                      | Newcastle Inner City Bypass: Rankin Park to Jesmond  |
| Project Approval                  | The Infrastructure Approval for Newcastle Inner City Bypass, Rankin Park to Jesmond, issued by the New South Wales Government on 15 February 2019  |
| RP2J                              | Rankin Park to Jesmond Bypass  |
| SPIR                              | Submissions and Preferred Infrastructure Report submitted to the Planning Secretary of the DPE under the EP&A Act  |
| SSI                               | State Significant Infrastructure   |
| Transport                         | Transport for NSW  |
| Works                             | All physical activities to construct or facilitate the construction of the SSI, including environmental management measures and utility works. however, does not include work that informs or enables the detailed design of the SSI and generates noise that is no more than 5 dB(A) above the rating background level at any residence   |

# 1 Introduction

## 1.1 Background

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

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

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

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

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

The RP2J project Staging Report identified and defined four stages generally categorised as construction or low impact work as shown in Table 1-1. Stage 4 construction, as per the Staging Report, commenced on the 6 March 2023.

**Table 1-1: Project stages as described in the Staging Report**

| Stage | Stage Details      | Definition   | Commencement Date | Completion Date |
|-------|--------------------|--------------|-------------------|-----------------|
| 1     | Early Works        | Low impact   | Q3 2019           | Q4 2023*        |
| 2     | Shared path bridge | Construction | 25 November 2019  | 5 March 2021    |
| 3     | Southern utilities | Low impact   | 23 July 2021      | August 2022     |
| 4     | Main bypass work   | Construction | 6 March 2023      | Q3 2025*        |

\*Commencement/completion timing is indicative

## 1.2 Purpose of this report

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

The requirements of the CoA which apply to Independent Audit Report and associated reports are listed in Table 1-2 below, together with the cross-reference to where the requirements are addressed in this report.

Further details of how the conditions are addressed are provided in the sections below.

**Table 1-2 - Conditions of approval applicable to the Independent Audit Program (IAP)**

| NSW-CoA | Requirement  | Reference  |
|---------|--|--|
| A34     | No later than four (4) weeks before the date notified for the commencement of construction (in the pre-construction compliance report), an Independent Audit Program prepared in accordance with the <i>Independent Audit – Post Approval Requirements</i> (DPE 2018) must be submitted to the Planning Secretary.   | Independent Audit Program. Provided to DPE Secretary for information on 2 May 2023 |
| A35     | Independent Audits of the development must be carried out in accordance with: <ul style="list-style-type: none"> <li>(a) the Independent Audit Program submitted to the Department under Condition A34 of this approval; and</li> <li>(b) the requirements for an Independent Audit Methodology and Independent Audit Report in the <i>Independent Audit – Post Approval Requirements</i> (DPE 2018)</li> </ul>  | Provided to DPE Secretary for information on 2 May 2023<br>Section 2.1             |
| A36     | In accordance with the specific requirements in the <i>Independent Audit – Post Approval Requirements</i> (DPE 2018), the Proponent must: <ul style="list-style-type: none"> <li>(a) review and respond to each Independent Audit Report prepared under Condition A35 of this approval;</li> <li>(b) submit the response to the Department; and</li> <li>(c) make each Independent Audit Report and response to it publicly available and notify the Department in writing when this has been done.</li> </ul>   | Section 3.1<br><br>This report<br>Section 2.1                                      |
| B13     | A website providing information in relation to the SSI must be established before commencement of work and maintained for the duration of works and for a minimum of 24 months following the completion of construction of the SSI. Up-to-date information (excluding confidential, private, commercial information, or other documents as agreed to by the Planning Secretary) must be published before the relevant works commencing and maintained on the website or dedicated pages including: (f) a copy of the compliance reports required under <b>Condition A30</b> and independent audit reports under <b>Condition A36</b> of this approval. | Section 2.1  |

## 2 Independent Audit Program

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

### 2.1 IAP implementation

The IAP was implemented to deliver the Independent Audit Report.

DPE approval for a suitably qualified, experienced and independent auditor was granted in August 2022 prior to the commencement of the audit.

The Independent Audit Report was completed in accordance with the *Independent Audit – Post Approval Requirements (2018)* and provided to Transport in July 2023.

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



# 3 Transport Response to Independent Audit Findings



## 3.1 Audit findings and response



Transport has prepared a response to the Independent Audit Report findings. The findings are summarised as follows:

- The previous audit (Audit Report No. 2) prepared by EMM Consulting dated 3 June 2021 made no findings.
- In regard to the findings from this IA3:
  - A total of 163 conditions were assessed,
  - One hundred five (105) were found to be compliant,
  - Fifty eight (58) were not triggered,
  - Two (2) observations were identified, one under condition E57, related to a breach in a mulch and earth bund, and one under condition E81, concerning housekeeping at one of the site compounds.
- A positive observation was noted relating to erosion and sediment controls which were found overall to be of a very high standard across the project.

The Proponents (Transport) response is provided in Table 3-1 of this report and aligns with Table 6 of Independent Audit Report July 2023.

**Table 3-1 Proponent Response to Independent Audit Report July 2023 findings**

| Item ID | Ref. | Category    | Condition / Requirement  | Finding / Recommendation  | Auditee Response  | Status |
|---------|------|-------------|--|---|---|--------|
| IA3-01  | E57  | Observation | 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 Managing Urban Stormwater series must be considered. | <p><b>Observation:</b><br/>Breach in mulch, earth bund noted at Cut 3 carpark.</p>  <p><b>Recommendations:</b><br/>The breach in the mulch and earth bund should be promptly repaired to prevent sediment runoff outside the project boundary.<br/>Ensure ongoing monitoring and inspection of erosion and sediment controls.</p> | <p>The bund was repaired shortly after the audit site inspection. Regular inspections and maintenance have been carried out to maintain its integrity.</p> <p>Photos provided post audit site inspection verify the actions taken.</p>  | Closed |

| Item ID | Ref. | Category    | Condition / Requirement  | Finding / Recommendation   | Auditee Response  | Status |
|---------|------|-------------|--|--|---|--------|
| IA3-03  | E81  | Observation | <p>Waste generated during works and operation of the SSI must be dealt with in accordance with the following priorities:</p> <ul style="list-style-type: none"> <li>(a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced;</li> <li>(b) where avoiding or reducing waste is not possible, waste is to be re-used, recycled, or recovered; and</li> </ul> <p>where re-using, recycling or recovering waste is not possible, waste is to be treated or disposed of.</p> | <p><b>Observation:</b></p> <p>Broken (hardened) concrete bags were noted at the Northern Interchange compound.</p>  <p><b>Recommendations:</b></p> <p>Immediately clean up the broken concrete bags and dispose of appropriately.</p> <p>Ensure that concrete bags are stored in a manner that prevents breakage.</p> | <p>The concrete has been removed, and the area cleaned up.</p> <p>Photos provided post audit site inspection verify the actions taken.</p>  | Closed |