



# INDEPENDENT AUDIT NO. 4 – AUDIT REPORT

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NEWCASTLE INNER CITY BYPASS – RANKIN PARK TO  
JESMOND – SSI 6888

JUNE 2024

## Authorisation

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**Report Name:** Newcastle Inner City Bypass – Rankin Park to Jesmond SSI688 | Audit 4

**Project No.:** 1071

**Prepared for:**  
Transport for NSW

**Prepared by:**  
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## EXECUTIVE SUMMARY

Transport for New South Wales (the Proponent, TfNSW) is responsible for the delivery of the Rankin Park to Jesmond (RP2J) Newcastle Inner City Bypass Project (the Project). The Project is located between Lookout Road, Rankin Park and Newcastle Road, Jesmond, New South Wales. The Project involves the construction of 3.4 kilometres (km) of new four lane divided road between Rankin Park and Jesmond, to the west of John Hunter Hospital.

This Audit Report presents the findings from the fourth audit for the Project covering the period from 26 May 2023 to 25 May 2024 (audit period). The audit was undertaken in accordance with the Stage Significant Infrastructure SSI-6888 Schedule 2, Conditions of Approval A34-A36 in accordance with the *Independent Audit Post Approval Requirements 2018*.

Futon Hogan was engaged by TfNSW as the principal contractor. Works conducted during the audit period include:<sup>1</sup>

- At property treatment for eligible properties
- Site clearing and grubbing across most of the alignment
- Installation and maintenance of sediment and erosion control measures
- Traffic and pedestrian access realignment
- Bulk earthworks and including cut to fill and spoil haulage on site and off site, and blasting activities
- Mine grouting
- Installation of permanent noise walls
- Dark Creek diversions and culvert construction
- Bridge structures including piling, concrete formwork, reinforcement and pouring, erection of piers and retaining walls on the northern interchange.
- Utility adjustments.

The overall outcome of the audit was very positive. Compliance records were organised and available at the time of the site inspection and interviews with Project personnel from TfNSW and Fulton Hogan. Relevant environmental and compliance monitoring records were being collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements.

Detailed findings against each requirement are presented in Appendix A. The findings are summarised as follows:

- A total of 163 conditions were assessed.
- 118 conditions were considered to be compliant.
- Two (2) non-compliances were identified, one of which was identified and self-reported by the auditee during the audit period. These relate to heavy vehicles

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<sup>1</sup> As noted in the Environmental Representative Monthly Reports June 2023 – March 2024 and observed on site.

using a local road that was not approved for use, and preparation of a dilapidation report for the use of a local road by heavy vehicles.

- 43 conditions were considered not triggered.
- In addition to the above, one (1) observation was identified in relation to erosion and sediment controls.

There were no findings considered by the Auditor to be open at the time of finalising the third Audit Report.

Erosion and sediment control has been a key issue on the Project due to consistent wet weather, the large disturbance footprint and challenging gradients. The Department requested focus be applied to this aspect during the audit. The Auditor notes (in Section 3.5) that

- Fulton Hogan appears to have implemented all the actions required by the EPA's recent prevention notice (including having a CPESC verify the adequacy of controls at Cut 5).
- The ER has periodically identified that erosion and sediment controls require maintenance or upgrades, but has not identified any serious deficiencies or breaches.
- The sighted Monthly Water Quality Monitoring Reports (Kleinfelder), indicate that water quality criteria has not been met on a regular basis following significant periods of rain and that this is relatively consistent with the baseline data. The Auditor has not verified the degree of consistency or otherwise.
- Verification of the adequacy of erosion and sediment controls in the audit is highly limited due to the finite time spent on site (one day). Notwithstanding this, the controls sighted on the day of the inspection, during wet weather, appeared to be in place as per the ESCPs and functioning as intended.

The Auditor acknowledges the auditees' exceptional level of organization, collaboration, and assistance during this audit.

# 1. INTRODUCTION

## 1.1 Project overview

TfNSW is responsible for the delivery of the RP2J Project. The Project is located between McCaffrey Drive, Rankin Park and Newcastle Road, Jesmond, New South Wales (Figure 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.

The Project is State Significant Infrastructure by virtue of Schedule 3, clause 1 of State Environmental Planning Policy (State and Regional Development) 2011 and was approved by the Department on 15 February 2019. The approved Project includes:

- A northern interchange providing access to Newcastle Road and the existing Jesmond to Shortland section of the Newcastle Inner City Bypass
- A full interchange providing access between the John Hunter Hospital precinct and the Newcastle Inner City Bypass
- A southern interchange providing access to Lookout Road and the existing Kotara to Rankin Park section of the Newcastle Inner City Bypass
- Tie in and upgrades to connecting roads, including Lookout Road, McCaffrey Drive and Newcastle Road
- Structures along the road to allow for drainage, animal and pedestrian access
- Pedestrian and cycling facilities, including a shared path bridge over Newcastle Road and grade separation of the existing east west Jesmond Park shared path at the northern interchange
- Operational noise mitigation measures; and
- Permanent operational water quality treatment measures.

The Department approved Modification 1 on 7 February 2022 to add four construction ancillary sites at Peattie's Road, Cardiff Road, Lookout Road and Astra Street to support the construction of the project and updated compliance monitoring and reporting conditions to align with recent approvals.

The Project has been broken into four stages:

- Stage 1: Detailed design investigations (geotechnical and utility investigations) and low impact works (house demolition, heritage investigations, at-house noise treatment works, access, installation of environmental controls), these works (excluding at-house treatment works) were completed June 2021, with the at-house treatments predicted to be completed by the end of 2024.
- Stage 2: Shared Path Bridge (completed March 2021).
- Stage 3: Southern Interchange Utilities relocation works (completed August 2022).
- Stage 4: RP2J construction work (on-going and the subject of this fourth audit).

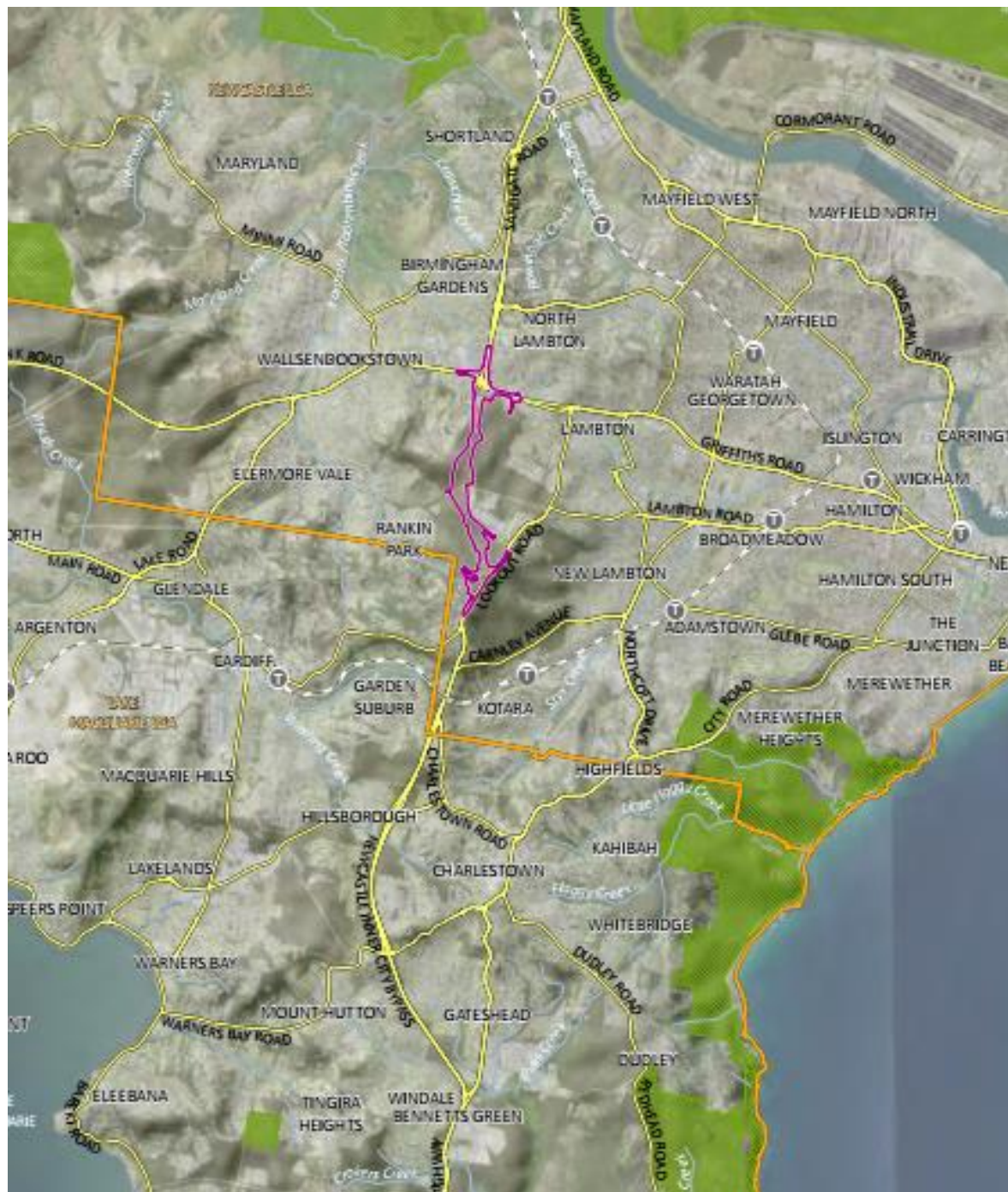


Figure 1: Location Map (Source: EMM 2019; DFSI 2017; ASGC 2006)



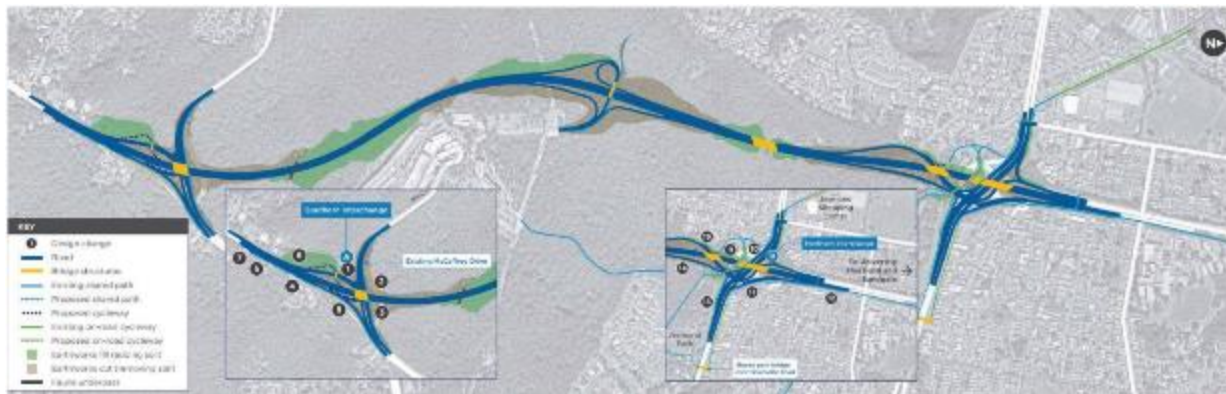


Figure 2: Rankin Park to Jesmond Project Design Map

The RP2J component of the Project will provide improved traffic flows across the western suburbs of Newcastle and connectivity to Bennetts Green, Charlestown and Jesmond shopping centres, the John Hunter Hospital precinct at New Lambton Heights and the University of Newcastle at Callahan with connections to the Pacific Highway.

TfNSW engaged Fulton Hogan as the principal contractor delivering the RP2J. Construction of RP2J commenced on 6 March 2023. Works conducted during the audit period (i.e.: between May 2023 and May 2024) include:<sup>2</sup>

- At property treatment for eligible properties
- Site clearing and grubbing across most of the alignment
- Installation and maintenance of sediment and erosion control measures
- Traffic and pedestrian access realignment
- Bulk earthworks and including cut to fill and spoil haulage on site and off site, and blasting activities
- Mine grouting
- Installation of permanent noise walls
- Dark Creek diversions and culvert construction
- Bridge structures including piling, concrete formwork, reinforcement and pouring, erection of piers and retaining walls on the northern interchange.
- Utility adjustments.

## 1.2 Approval requirements for Audit

Conditions A34 – A36 set out the requirements for undertaking audits. The conditions give effect to the Department's *Independent Audit Post Approval Requirements 2018 (IAPAR)*.

<sup>2</sup> As noted in the Environmental Representative Monthly Reports June 2023 – March 2024 and observed on site.

## 1.3 The audit team

In accordance with Section 3.1.1 of the IAPAR 2018, Auditors must be suitably qualified, experienced, and independent of the Project, and appointed by the Planning Secretary. The list of Auditors who performed the auditing works are shown on Table 2.

Table 2: Audit Team

Name	Company	Participation	Certification
Derek Low	WolfPeak	Lead Auditor	Exemplar Global Certified Environmental Lead Auditor - Certificate No 114283
Ricardo Prieto Curiel	WolfPeak	Peer review	Exemplar Global Certified Environmental Lead Auditor - Certificate No 15160

Approval of the audit team was provided by the Department on 2 April 2024. The letter of approval is presented in Appendix B and auditor's independence declarations are attached in Appendix E.

## 1.4 The audit objectives

The objective of this Audit is to satisfy the requirements of CoC A35 which states:

*Audits of the development must be carried out in accordance with:*

- *the Audit Program submitted to the Planning Secretary and the Certifier under condition A34 of this consent; and*
- *the requirements for an Audit Methodology and Audit Report in the Audit Post Approval Requirements (Department 2018).*

The Audit Program was developed in 2022<sup>3</sup> and it sets out the timing of each of the audits. IAPAR sets out the scope, methodology and reporting requirements for the audit.

## 1.5 Audit scope

This audit covers construction works on Stage 4 of the Project from 26 May 2023 to 25 May 2024 (the audit period). The scope of the audit comprises:

- An assessment of compliance with:
  - all conditions of consent applicable to the phase of the development that is being audited.
  - all post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans, and
- a review of the environmental performance of the development, including but not necessarily limited to, an assessment of:

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<sup>3</sup> Independent Audit Program Newcastle Inner City Bypass – Rankin Park to Jesmond Transport for NSW | July 2022

- actual impacts compared to predicted impacts documented in the environmental impact assessment
  - the physical extent of the development in comparison with the approved boundary
  - incidents, non-compliances and complaints that occurred or were made during the audit period
  - the performance of the development having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit, and
  - feedback received from the Department, and other agencies and stakeholders, including the community or Community Consultative Committee, on the environmental performance of the project during the audit period.
- a review of the status of implementation of previous Audit findings recommendations and actions (if any)
  - a high-level assessment of whether Environmental Management Plans and Sub-plans are adequate, and
  - any other matters considered relevant by the auditor or the Department, considering relevant regulatory requirements and legislation, knowledge of the development's past performance and comparison to industry best practices.

## 2. AUDIT METHODOLOGY

### 2.1 Audit process overview

The Audit was conducted in a manner consistent with AS/NZS ISO 19011:2019 – Guidelines for Auditing Management Systems (AS/NZS ISO 19011) and the methodology set out in the Department's IAPAR 2018.

### 2.2 Audit process detail

#### 2.2.1 Audit initiation and scope development

Prior to the commencement of the audit the following tasks were completed:

- Established initial contact with the Auditee
- Confirmed the audit team
- Confirmed the audit purpose, scope and criteria.

#### 2.2.2 Preparing audit activities

The Auditor performed a document review, prepared an audit plan, and prepared work documents (audit checklists) and distributed to the Project team in preparation for the audit.

#### 2.2.3 Consultation

On 12 – 19 April 2024, WolfPeak consulted with the Department to obtain their input into the scope of the Audit, and other agencies and organisations to be consulted with, in accordance with Section 3.2 of the IAPAR. A summary of the key issues and areas of focus raised by the stakeholders is presented in Table 3. The consultation records are attached in Appendix C.

*Table 3: Key issues and areas of focus raised during consultation*

Agencies / Stakeholder	Issues and Focus	How Addressed
Department of Planning Housing and Infrastructure	Noting the large rain events that the Project has experienced to date, the Department requested that the audit have a focus on compliance with the erosion and sediment control aspects of any plans.	Compliance with the erosion and sediment controls formed a key focus. Refer to Section 3.5 and Appendix A (conditions C8, C14, E57, E85 and E86).
	The Department also requested that all parties consulted with on the previous audit be consulted again.	All other parties were consulted with, as noted in this Table and Appendix C.



Agencies / Stakeholder	Issues and Focus	How Addressed
NSW Department of Climate Change, Energy, the Environment and Water - Water Group	<p>The Water Group requested the audit assess compliance with conditions relating to:</p> <ul style="list-style-type: none"> <li>Preparation and implementation of water management plans</li> <li>Preparation and implementation of trigger action response plans for water resources</li> <li>Water supply, Water Access Licences, Water Metering and Annual Reporting on these.</li> </ul>	Refer Section 3.5 of this Report and Appendix A conditions C4, C8, C9, C14, E57, E85 and E86).
NSW Environment Protection Authority (EPA)	<p>The EPA stated that it maintained its previous position that its role does not involve providing input into the audit.</p> <p>The EPA did draw attention to the issue of two prevention notices on Fulton Hogan regarding erosion and sediment controls and construction water leaving the site.</p>	Compliance with the erosion and sediment controls formed a key focus as per the Department's request. Refer to Section 3.5 and Appendix A (conditions C8, C14, E57, E85 and E86).
NSW Biodiversity Conservation Trust (BCT)	BCT stated that it had no concerns or key issues to be examined as part of the audit.	N/A
NSW Department of Primary Industries   Fisheries	Fisheries reviewed the conditions and confirmed that they have no additional key issues to raise for examination.	N/A
Lake Macquarie City Council	Council stated that it has no key issues that need to be addressed as part of the audit.	N/A
Health Infrastructure NSW (John Hunter Hospital)	No response was provided.	N/A
City of Newcastle	No response was provided.	N/A

## 2.2.4 Meetings

Opening and closing meetings were held on 21 May 2024 at the RP2J Site Office - Platt Street, Waratah with Project personnel and the WolfPeak auditor.

During the opening meeting the objectives of the audit, the scope of the audit, the resources required and methodology to be applied was discussed.

At the closing meeting, preliminary audit findings were presented, a further Request for Information was discussed and post-audit actions and timing for draft and final reports were confirmed.

## 2.2.5 Interviews

The Auditor conducted interviews on 21 May 2024 with key personnel involved in Project delivery, including those with responsibility for environmental management, to assist with verifying the compliance status of the Project. The names of primary personnel interviewed during the audit are provided in Table 4.

*Table 4: Primary personnel interviewed during the audit.*

Name	Role	Organisation
Simon Williams	Environmental Representative	GeoLink
Lawson Gill	Senior Environment Officer	TfNSW
Rebecca Vaughan	Environment Officer	TfNSW
Nathan Russell	Environmental Manager	Fulton Hogan

## 2.2.6 Site inspection

The on-site audit activities occurred on 21 May 2024. 20.2mm of rain fell on the day of the inspection, with 53.4mm recorded in the five days up to and including the day of the inspection. This limited access for the site inspection, but enabled the assessment of soil and water controls on site. The site inspected included:

- the northern interchange, including compounds B and C, Cut 5 and the Dark Creek adjustments
- George McGregor Park, looking up and down the alignment
- Look Out Road near the southern interchange.

Photos taken during the inspections are presented in Appendix D.

## 2.2.7 Document review

The audit included investigation and review of Project files, records, and documentation that acts as evidence of compliance (or otherwise) with a compliance requirement. The documents sighted are referenced in the compliance table presented in Appendix A.

## 2.2.8 Generating audit findings

Findings were based on verifiable evidence. The evidence included:

- Relevant records, documents and reports
- Interviews of relevant site personnel
- Photographs
- Figures and plans; and
- Site inspection of relevant locations, activities and processes.

## 2.2.9 Compliance evaluation

The Auditor determined the compliance status of each compliance requirement using the descriptors from Table 2 of the IAPAR. These are replicated in Table 5 below.

*Table 5: Compliance status descriptors*

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

Observations and notes may also be made to provide context, identify opportunities for improvement or highlight positive initiatives.

## 2.2.10 Evaluation of post approval documentation

The Auditor assessed whether post approval documents:

- have been developed in accordance with the conditions and all other environmental licences and approvals applicable to the Project (if any) and their content is adequate; and
- have been implemented in accordance with the conditions and all other environmental licences and approvals applicable to the Project (if any).

The adequacy of post approval documents was determined on the basis of whether:

- there are any non-compliances resulting from the implementation of the document; and
- whether there are any opportunities for improvement.

# 3. AUDIT FINDINGS

## 3.1 Approvals and documents audited, and evidence sighted

The documents audited comprised all the conditions from Schedule 2 of SSI 6888 applicable to the works being undertaken.

The primary documents reviewed prior to and after the site visit are listed below. This list is not exhaustive. The full set of documents and evidence sighted against each requirement is detailed within Appendix A. Primary documents reviewed comprised:

- Infrastructure Approval SSI 6888 approved by the Minister for Planning on 15 February 2019

- Environmental Impact Statement (EIS) Nov 2016, RMS Appendix B2. Air Quality Management Plan
- SSI-688-Mod-1 Additional ancillary facilities approved on 07 February 2022
- Construction Environmental Management Plan (CEMP) NICB Rev 5 Stage 4 Main Works 09 February 2023, Fulton Hogan (FH)
- Traffic & Transport Management Sub-Plan (TTMP) Rev 8, 16 February 2024, Fulton Hogan
- Noise & Vibration Management Sub-Plan (NVMP) Rev 8 Stage 4 Main Works 24 February 2023, Fulton Hogan
- Flora & Fauna Management Sub-Plan (FFMP) Rev 6 Stage 4 Main Works 20 February 2023, Fulton Hogan
- Air Quality Management Sub-Plan (AQMP) Rev 5 Stage 4 Main Works 09 February 2023, Fulton Hogan
- Soil and Water Management Sub-Plan (SWMP) for NICB RP2J Stage 4 Rev 4, 20 February 2023, Fulton Hogan
- Staging Report Rev 3 NICB-RP2J 6 July 2022 to include JHH interface
- Consistency Assessment Report No. 10 for NICB RP2J Stage 4 Clearing extension fell Rev 2, 10 June 2023
- Consistency Assessment Report No. 11 for NICB RP2J Stage 4 Signage, traffic barrier, line marking and ancillary facility Rev 4, 31 August 2023
- Consistency Assessment Report No. 12 NICB RP2J Stage 4 Bridge 9 Version 3 (Final) March 2024, TfNSW
- Ancillary Facility Establishment Management Plan (AFEMP) NICB-RP2J Rev 6 18 October 2023, Fulton Hogan
- Minor Ancillary Facility Checklist RP2J – Nth Interchange, 24 May 2023 by Fulton Hogan with ER approval 19 June 2023
- Minor Ancillary Facility Checklist RP2J – Mainline, 24 May 2023 by Fulton Hogan with ER approval on 19 June 2023
- Minor Ancillary Facility Checklist RP2J – Southern Interchange, 11 October 2023 by Fulton Hogan with ER approval on 11 October 2023
- Minor Ancillary Facility Checklist RP2J – Southern Interchange, 26 October 2023 by Fulton Hogan with ER approval on 30 October 2023
- Minor Ancillary Facility Checklist RP2J – Mainline Fill 3, 29 January 2024 by Fulton Hogan with ER approval on 29 January 2024
- ER Monthly Reports, May 2023 – May 2024, GeoLink.

## 3.2 Summary of compliance

### *Compliance findings from this fourth audit*

This section, including Table 6, presents the non-compliances and observations from this audit, along with the recommended actions in response to each of the findings. The status of

open actions from the previous audits are presented in Table 7. Detailed findings against each requirement are presented in Appendix A. The findings are summarised as follows:

- A total of 163 conditions were assessed.
- 118 conditions were considered to be compliant.
- Two (2) non-compliances were identified, one of which was identified and self-reported by the auditee during the audit period. These relate to heavy vehicles using a local road that was not approved for use, and preparation of a dilapidation report for the use of a local road by heavy vehicles.
- 43 conditions were considered not triggered.
- In addition to the above, one (1) observation was identified in relation to erosion and sediment controls.

### ***Status of findings from the third audit***

There were no findings considered by the Auditor to be open at the time of finalising the third Audit Report.<sup>4</sup>

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<sup>4</sup> Newcastle Inner City Bypass Rankin Park to Jesmond - Audit 3 – Audit Report, WolfPeak, 6 July 2023.



Table 6: Findings and recommendation from the third Audit

Item	Ref	Type	Requirement	Finding	Recommended or completed action <sup>5</sup>	Status <sup>6</sup>
IA4_1	C8	Non-compliance (self-reported by auditee during the audit period upon becoming aware)	<i>Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary, or as otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary, including any minor amendments approved by the ER must be implemented for the duration of construction. Where construction of the SSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been approved by the Planning Secretary.</i>	<b>Non-compliance:</b> On 15/01/24 five empty truck and dogs have entered Victory Parade and parked on the shoulder of the local road prior to being inducted on the project. Victory Parade is not an approved local road under E63, nor has it been assessed for use in the documents listed in A1. A non-compliance was identified on the same day and was notified to the Department on 19/01/24. The notification included details of the project, condition, nature of the breach, date, cause and actions.	Fulton Hogan completed the following actions upon becoming aware of the non-compliance:  1. The Vehicle Management Plan was resent to the sub-contractor, reminding them to follow the approved routes and parking locations.  2. The drivers involved in the non-compliance were toolboxed and fully inducted as scheduled on 15/01/24. The induction includes the relevant heavy vehicle requirements for the Project.  3. Fulton Hogan amended the Project's pre-induction material to better highlight the approved heavy vehicle requirements, including haulage routes and parking locations.  The Department issued a warning letter regarding the 15/01/24 non-compliance. There was no direction within the warning letter.	CLOSED
IA4_2	Not used.					
IA4_3	E57	Observation	<i>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.</i>	<b>Observation:</b> The EPA raised a prevention notice on Fulton Hogan on the basis that in March and early April 2024 it considered erosion and sediment control measures to be inadequate at Cut 5 and that construction water was leaving the site at the Cut 5 location into the local catchment.  Refer to sections 3.4 and 3.5 of this Report regarding the details of the prevention notice and the action taken by Fulton Hogan in response to the notice.	Refer to sections 3.4 and 3.5 of this Report regarding the details of the prevention notice and the action taken by Fulton Hogan in response to the notice.	CLOSED
IA4_4	E68	Non-compliance	<i>Before any local road is used by a heavy vehicle for the purposes of construction of the SSI (including the establishment of ancillary facilities), a Road Dilapidation Report must be prepared for the road, unless otherwise agreed by the Planning Secretary. The Road Dilapidation Report 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 Road Dilapidation Report must be provided to the landowner and relevant roads authority within three (3) 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.</i>	<b>Non-compliance:</b> Dent Street was the only local road used during the audit period. According to the auditees, a Road Dilapidation Report was prepared and issued to Council prior to use. The Auditor requested a copy of the dilapidation report and evidence that the report was issued to the landowner / road authority prior to use. This information was not provided. Instead a copy of the updated TTMP and the ER's endorsement of the updated TTMP was provided (as evidence to show that the use of Dent Street did not commence until the road dilapidation report process was satisfied). The updated TTMP does not appear to specifically state that E68 was fulfilled for Dent Street.	Verify that a dilapidation report was prepared for Dent Street and that the dilapidation report was provided to the landowner/road authority prior to the street being used by heavy vehicles.	OPEN
IA4_5	Not used.					
IA4_6	Not used.					

<sup>5</sup> The recommended action does not preclude the need for all non-compliances to be reported by the proponent in accordance with A44/A45 (unless already completed).

<sup>6</sup> Status of finding and action according to the Auditor at the time of finalizing the Report.

### 3.3 Adequacy of Environmental Management Plans, sub-plans and post approval documents

The adequacy of post approval documents must be determined on the basis of whether:

- There are any non-compliances resulting from the implementation of the document
- Whether there are any opportunities for improvement.

A review was conducted of the:

- Construction Environmental Management Plan (CEMP) NICB Rev 5 Stage 4 Main Works 09 February 2023, Fulton Hogan (FH)
- Traffic & Transport Management Sub-Plan (TTMP) Rev 8, 16 February 2024, Fulton Hogan
- Noise & Vibration Management Sub-Plan (NVMP) Rev 8 Stage 4 Main Works 24 February 2023, Fulton Hogan
- Flora & Fauna Management Sub-Plan (FFMP) Rev 6 Stage 4 Main Works 20 February 2023, Fulton Hogan
- Air Quality Management Sub-Plan (AQMP) Rev 5 Stage 4 Main Works 09 February 2023, Fulton Hogan
- Soil and Water Management Sub-Plan (SWMP) for NICB RP2J Stage 4 Rev 4, 20 February 2023, Fulton Hogan
- Waste & Energy Management Sub-Plan (WEMP) NICB-RP2J Stage 4 Main Works Rev 6, 20 February 2023, Fulton Hogan.

The CEMP and Sub-plans were developed in consultation with the ER and the relevant agencies, and approved by the Department prior to commencement of construction. The documents are considered by the Auditor to be adequate, implemented and maintained for the works being undertaken, noting however the self-reported non-compliance relating to heavy vehicles using a local road that was not approved for use (and failure to implement the TTMP).

The Auditor does not consider that implementing the documents would result in a non-compliance, nor are there any opportunities for improvement at this time.

### 3.4 Summary of notices from agencies

The Department issued a warning letter to Fulton Hogan on 11 April 2024 in response to the self-reported non-compliance relating to heavy vehicles using a local road that was not approved for use (and failure to implement the TTMP). There were no directions from the Department within the warning letter.

The EPA raised one prevention notice on Fulton Hogan during the audit period. This was raised on the basis that in March and early April 2024 the EPA considered erosion and sediment control measures to be inadequate at Cut 5 and that construction water was leaving the site at the Cut 5 location into the local catchment. The prevention notice directed Fulton Hogan to engage a Certified Professional in Erosion and Sediment Control (CPESC)

to inspect and survey the catchment, prepare an updated Erosion and Sediment Control Plan (ESCP) for Cut 5, submit this information to EPA, and demonstrate implementation of the CPESC's recommendations. Fulton Hogan engaged SEEC and Adapt (qualified CPESCs) to deliver on the required actions. On 4 April 2024 the CPESC confirmed that all controls from the updated ESCP had been implemented and that controls were adequate. This information was provided to the EPA and the Auditor is not aware of EPA having provided a response at the time of drafting this Report.

### 3.5 Consultation and other matters considered relevant by the Auditor or DPHI

Other than the matters raised in Table 2, the Auditor has no additional matters to raise. Matters raised as part of consultation with agencies and interested parties are discussed below.

#### ***Compliance with the erosion and sediment control aspects of any plans***

The Department requested that focus be applied on compliance with the erosion and sediment control aspects of any plans.

As noted in Section 3.4, the EPA raised a prevention notice on Fulton Hogan on the basis it considered erosion and sediment control measures to be inadequate at Cut 5 and that construction water was leaving the site at the Cut 5 location into the local catchment. This was following several inspections and conducting water samples with elevated turbidity levels.

The Auditor notes the following:

- In response to the directions in the prevention notice, Fulton Hogan engaged a CPESC to inspect and survey the catchment, prepare an updated ESCP for Cut 5, and verify that all controls had been implemented and that controls were adequate. This was completed in early April 2024 and the CPESC confirmed that they were satisfied with the standard of controls implemented on site.
- The ER has identified in the ER Monthly Reports that erosion and sediment controls require maintenance or upgrades, but has not identified any serious deficiencies or breaches.
- The sighted surface water monitoring results (as presented in the Monthly Water Quality Monitoring Reports (Kleinfelder), and summarised for the Environmental Review Group each month) indicates that water quality criteria has not been met on a regular basis following significant periods of rain. Kleinfelder indicates in its reports that *'the water quality results are relatively consistent with the summary provided in the SWGWCMP for the baseline data, which has detected analytes to be above the performance criteria, attributed to ambient background concentrations for the urban setting of the site.'* The Auditor has not verified the degree of consistency or otherwise.
- Verification of the adequacy of erosion and sediment controls in the audit is highly limited due to the finite time spent on site (one day) and the dynamic nature of the Project works and weather over the audit period. Notwithstanding this, 20.2mm of rain fell on the day of the audit site inspection (with 53.4mm recorded in the five days up to and including the day of the inspection) and the



controls were overtopping, but appeared in place as per the ESCPs and to be functioning as intended.

### ***Preparation and implementation of water documentation***

The Water Group requested that the audit assess compliance with conditions relating to water management plans and related documents and processes.

The Auditor draws attention to the Water Group's letter in Appendix C and the generic references to compliance with conditions and legislative requirements relating to:

- Preparation and implementation of water management plans
- Preparation and implementation of trigger action response plans for water resources
- Water supply, Water Access Licences, Water Metering and Annual Reporting on these.

The Water Group was consulted for the development of the Soil and Water Management Sub-plan and the Surface and Groundwater Monitoring Program as per conditions C4 and C9 and their comments were addressed prior to the Department ultimately approving each.

The Auditor draws attention to the findings for conditions C8, C14, E57, E85 and E86, each of which are considered to be compliant (for water related requirements), and demonstrating that the relevant documents have been prepared and implemented in accordance with the conditions.

There are no conditions requiring preparation and implementation of trigger action response plans for water resources specifically, but the CEMP, Soil and Water Management Sub-plan and the Surface and Groundwater Monitoring Program do have sections on corrective actions in response to departures from expected results or deficiencies in controls. The Auditor is not aware of corrective actions needing to be applied beyond implementing maintenance and improvements to erosion and sediment controls.

There are no conditions relating to Water supply, Water Access Licences, Water Metering and Annual Reporting on these (excluding the submission of the Water Quality Monitoring Report in line with condition C10). Any legislative requirements associated with these activities would be incorporated into SSI conditions if they were relevant or required by the Department or relevant agencies.

## **3.6 Complaints**

Details of how to make a complaint are provided on the RP2J project webpage, on Project updates issued to the community and on site signage / shade cloth.

All community complaints relating to the RP2J project are recorded in a Consultation Manager (CM) database system. CM is used to track the recording, investigation and handling of all community and stakeholder complaints relating to the works. The ER has access to the CM portal and can sight complaints received at any time.

Evidence was provided indicating that complaints are reviewed by TfNSW and the FH Community Relations Manager, allocated to the appropriate personnel for response and corrective or preventative action initiated.

During the audit period 114 complaints were recorded on the CM complaints register provided by the auditee (refer Figure 4). These related to noise, soil and water, dust, traffic

and access, vibration, property damage and soil water. The complaints register sighted indicates that complaints were responded to in a timely manner. All complaints were addressed and are considered closed by the Project team.

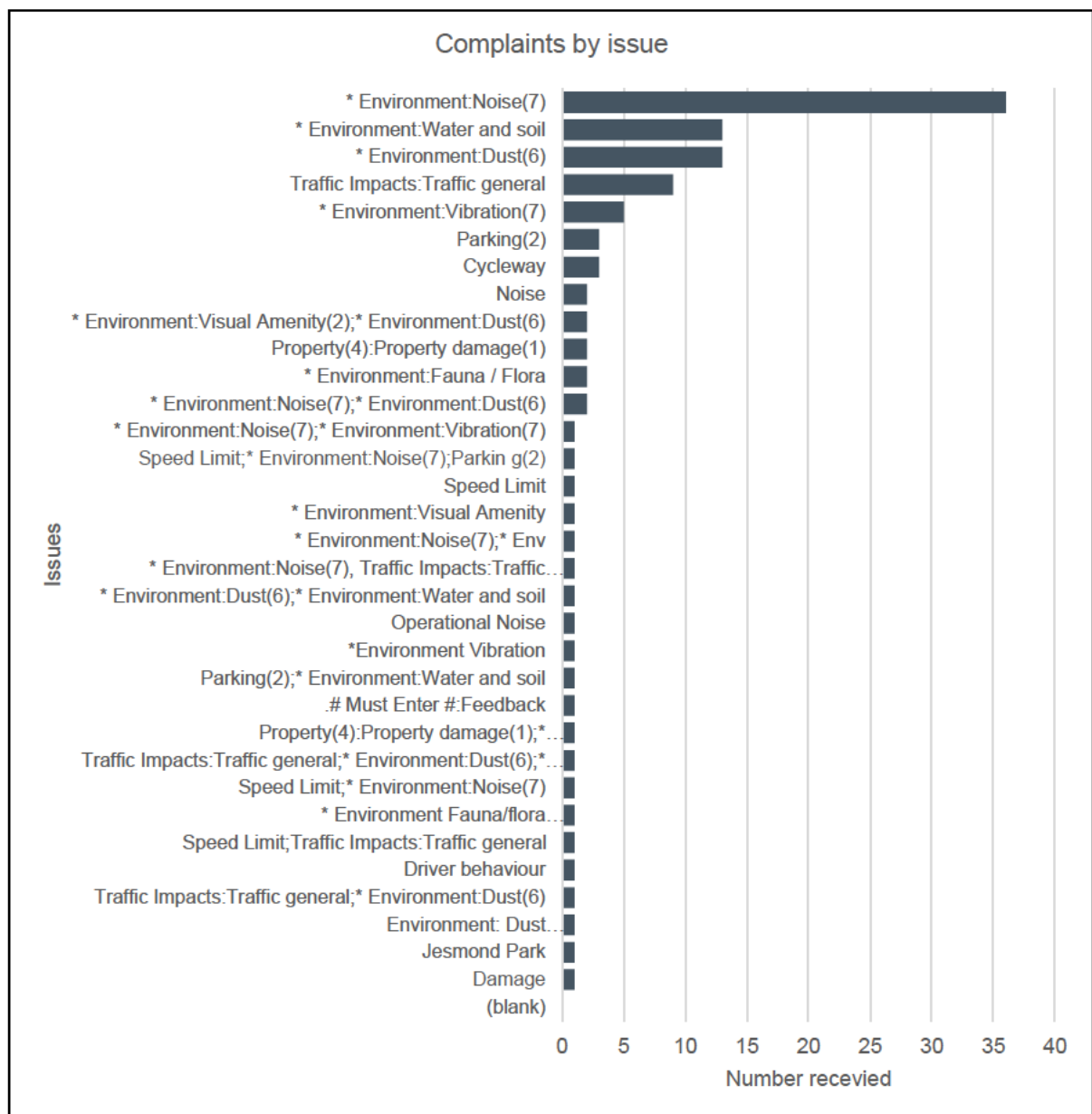


Figure 4: Complaints received during the audit period by issue. Note that nomenclature used for issue type has been transferred direct from the complaints register (i.e.: not altered or collated).

### 3.7 Incidents

Three reportable incidents occurred during the audit period. These involved a fire at Fill 3 (not caused by project works) and two construction water incidents involving discharges during high rainfall event. These were reported to the Department in accordance with conditions A37 and A38. The Auditor is not aware of any outstanding issues / directions from the Department in relation to these reported events.

### 3.8 Actual versus predicted impacts

Predicted outcomes associated with construction are described in:

- Section 7 of the Newcastle Inner City Bypass (NICB) – Rankin Park to Jesmond (RP2J) Environmental Impact Statement Volume 1, RMS, November 2016
- Section 6 of the Newcastle Inner City Bypass (NICB) – Rankin Park to Jesmond (RP2J), Submissions and Preferred Infrastructure Report, TfNSW, June 2018; and
- Section 7 of the Modification Report Newcastle Inner City Bypass (NICB) – Rankin Park to Jesmond (RP2J) Modification Report: additional construction compounds, TfNSW, May 2021.

Together, and for the purposes of this section, the aforementioned documents are referred to here as the EIS.

The EIS include a voluminous number of studies and predictions that relied on observation, measurement and modelling of the existing environments and potential outcomes arising from the Project (including mitigation measures). Full assessment of the accuracy of these predictions would also require a significant number of studies involving measurement and modelling using actual data points as inputs.

Other than the requirements specified in the conditions and identified mitigation measures, to the Auditor's knowledge there are no requirements to undertake such studies, and doing so does not form part of this Audit.

We have provided an overview of the actual versus predicted impacts in Table 7 below.

Table 7: Summary of predicted versus actual impacts.

Issue	Summary of Key Potential Impacts (Construction)	Summary of Actual Impacts During Audit Period	Consistent with predicted (Yes / No)
<b>Biodiversity</b>	<p>Clearance of about 39.2 hectares of native vegetation including 4.1 hectares of EEC.</p> <p>Removal of about 846 clumps of <i>Tetratheca juncea</i> and the removal of fauna (including threatened species) habitat.</p> <p>Fragmentation of habitat creating a potential barrier for fauna movement.</p> <p>Potential for water quality impacts to ephemeral watercourses in the study area and sensitive wetlands (including Ramsar) downstream.</p>	<p>Refer Appendix A E2 – E11A.</p> <p>Clearance of native vegetation continued during the audit period with most of the alignment now cleared.</p> <p>Offsets had been retired and pre-clearance surveys completed.</p> <p>Effective site boundary demarcation in place to prevent unauthorised clearing.</p> <p>Erosion and sediment controls were well established.</p> <p>Impacts no greater than predicted.</p>	Yes
<b>Traffic, Transport and Access</b>	<p>Construction:</p> <ul style="list-style-type: none"> <li>• Temporary disruptions and delays to road users, pedestrians and cyclists</li> <li>• Temporary disruptions to property access</li> <li>• Temporary relocation and/or closure of bus stops</li> <li>• Access changes in bushland areas and closure of east-west access across the construction footprint in the bushland area.</li> </ul>	<p>Refer Appendix A E62 – E74.</p> <p>Traffic, transport and access impacts are occurring as expected.</p> <p>Traffic complaints have been received but these do not indicate any impacts beyond that contemplated.</p> <p>Refer to Table 6 regarding the findings around use of local roads and dilapidation reports.</p>	Yes
<b>Noise and Vibration</b>	<p>Construction noise and vibration (including potential blasting) impacts to sensitive receivers.</p>	<p>Refer Appendix A E25 – E53.</p> <p>Noise was the greatest issue associated with complaints during the audit period.</p> <p>The relevant teams were notified about these complaints, and monitoring conducted thus far has not detected any instances of noise estimates being exceeded.</p> <p>OOHW permits are being prepared and implemented for the relevant works.</p> <p>The complaints do not indicate that the works were not approved.</p> <p>Level of impacts no greater than predicted.</p>	Yes

Issue	Summary of Key Potential Impacts (Construction)	Summary of Actual Impacts During Audit Period	Consistent with predicted (Yes / No)
<b>Air Quality</b>	Generation of dust from construction activities and exposed surfaces impacting on sensitive receivers including those in the John Hunter Hospital precinct.	Refer Appendix A E1. Several dust complaints received during the audit period associated with material handling and vehicle movements. The complaints register indicates that these were responded to quickly. The ER Monthly Reports do not identify dust as a material issue of concern.	Yes
<b>Soils and water quality</b>	Potential for ecological and health impacts due to disturbance of localised contaminated soils. Potential for water quality impacts to ephemeral watercourses in the study area and sensitive wetlands (including Ramsar) downstream.	Refer Appendix A E57 – E60. Unexpected finds procedure activated in relation to ACM finds. Records show proper implementation of the procedure and proper disposal. Erosion and sediment controls were well established and appeared to be of a high quality during the site inspection. Refer to Section 3.5 of this Report regarding the level of controls during the audit period and offsite flows of construction water.	Yes
<b>Flooding</b>	Potential flooding and drainage risks during construction, including loss of materials.	Refer Appendix A E12 – E13. Whilst significant rain has been recorded, no flooding was reported to have occurred during the audit period.	Yes
<b>Groundwater</b>	Groundwater inflows into cuttings, drawdown of aquifers, changes to groundwater flow paths and impacts to groundwater dependent ecosystems. Construction activities would result in increased levels of run off pollution.	The Monthly Water Quality Monitoring Reports (Kleinfelder), indicate that groundwater results exceeded the default trigger values for a range of contaminants throughout the period, but states that the results are generally consistent with pre-construction baseline data.	Yes
<b>Non-Aboriginal Heritage</b>	Loss of the Hollywood shanty town area and impact to a section of the Wallsend Plattsburg tramway embankment that have been assessed as having potential local significance. Disturbance or destruction of previously unidentified historic heritage (relics).	Refer Appendix A E14 – E16, E21 – E24. Qualified archaeologist oversaw works impacting on historic heritage including Hollywood shanty town area. The final Archaeological Excavation Report is due in October 2024.	Yes



Issue	Summary of Key Potential Impacts (Construction)	Summary of Actual Impacts During Audit Period	Consistent with predicted (Yes / No)
<b>Aboriginal Heritage</b>	Disturbance or destruction of previously unidentified Aboriginal heritage sites or artefacts. The nearest sites are about 375 metres to the south-east in Blackbutt Reserve.	Refer Appendix A E17 – E20. No unexpected Aboriginal heritage finds to date indicating impacts no greater than predicted at this stage. The salvage works are complete and on 08/02/24 Artefact requested approval to transfer all artefacts to the LALC for ongoing retention / use. The transfer has yet to occur. The Cultural Heritage Salvage Report was submitted to the Department, Heritage NSW, relevant councils and RAPs.	Yes
<b>Bushfire risk</b>	Accidental ignition from the use of plant and fuels and chemicals during construction. Access for emergency services will be provided during construction.	Refer Appendix A E74. No incidents related to accidental fires reported to date.	Yes
<b>Land use and socio-Economic Impacts</b>	<ul style="list-style-type: none"> <li>Property acquisition impacts to private and public land owners</li> <li>Temporary disruptions and delays to road users, pedestrians and cyclists</li> <li>Access changes in bushland areas and closure of east-west access across the construction footprint in the bushland area</li> <li>Potential temporary disruption to utilities</li> <li>Temporary amenity impacts on nearby businesses and residences</li> <li>Use of the compounds would result in reduced amenity associated with construction noise, visual and traffic impacts for nearby residential receivers.</li> </ul>	During the audit period 114 complaints were recorded on the CM complaints register provided by the auditee (refer Figure 4). These related to noise, soil and water, dust, traffic and access, vibration, property damage and soil water. The complaints register sighted indicates that complaints were responded to in a timely manner. All complaints were addressed and are considered closed by the Project team.	Yes
<b>Visual Amenity, built form and urban design</b>	Temporary visual impacts associated with construction activities including compounds, machinery, temporary structures and physical impacts on existing public open space and use of land.	These impacts are being realised due to the major cuttings, interchange works and general earthworks.	Yes

Issue	Summary of Key Potential Impacts (Construction)	Summary of Actual Impacts During Audit Period	Consistent with predicted (Yes / No)
<b>Resource use and waste management</b>	Resource use and generation and disposal of waste from construction activities.	Refer Appendix A E8, E81 – E84. Suitable cleared timber being recycled. Beneficial reuse of spoil and mulch occurred during the audit period. GSW and Special Waste has been disposed to licenced waste facilities. Refer to Section 3.2 of this Report regarding the completeness of waste records.	Yes
<b>Greenhouse gas emissions</b>	Greenhouse gas emissions during construction from vegetation clearing, operation of construction machinery and production of construction materials.	Not able to be assessed	Yes
<b>Climate change risks</b>	Potential risk of increased rainfall, temperature changes and sea level rise.	Not able to be assessed.	Yes
<b>Cumulative construction impacts</b>	Potential cumulative impacts arising from interaction with other projects during the construction period including traffic disruption, general amenity, waste generation and resource demand.	No significant interaction between this Project and others under construction in the area was observed.	

### 3.9 Key strength and environmental performance

The Project demonstrated a high degree of compliance with their environmental obligations under the SSI-6888 Approval, with the following key strengths observed by the Auditor:

- Environmental records were well-organised and readily available during the site inspection and interview with key Project personnel. The CEMP and associated sub-plans appear to have been implemented.
- Despite the significant surface water risks posed by construction water runoff during high rain events, the Project appears to have applied great effort in installing and maintaining controls. This includes the area subject to the EPA prevention notice (Cut 5) and at the John Hunter Hospital upgrade interface.
- Separation of traffic and access to the northern interchange (including the use of a slip lane for construction vehicles) was well organised.
- Operational noise walls have been largely erected adjacent properties at the northern interchange assisting with noise attenuation during construction.
- The ER has not identified any serious environmental impacts or non-conformities in the Monthly Reports for the audit period.



## 4. CONCLUSION

This Audit Report presents the findings from the fourth audit for the Stage 4 construction, covering the period 26 May 2023 to 25 May 2024.

The overall outcome of the audit was very positive. Compliance records were organised and available at the time of the site inspection and interviews with Project personnel from TfNSW and Fulton Hogan. Relevant environmental and compliance monitoring records were being collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements.

Detailed findings against each requirement are presented in Appendix A. The findings are summarised as follows:

- A total of 163 conditions were assessed.
- 118 conditions were considered to be compliant.
- Two (2) non-compliances were identified, one of which was identified and self-reported by the auditee during the audit period. These relate to heavy vehicles using a local road that was not approved for use, and preparation of a dilapidation report for the use of a local road by heavy vehicles.
- 43 conditions were considered not triggered.
- In addition to the above, one (1) observation was identified in relation to erosion and sediment controls.

There were no findings considered by the Auditor to be open at the time of finalising the third Audit Report.

Erosion and sediment control has been a key issue on the Project due to consistent wet weather, the large disturbance footprint and challenging gradients. The Department requested focus be applied to this aspect during the audit. The Auditor notes (in Section 3.5) that

- Fulton Hogan appears to have implemented all the actions required by the EPA's recent prevention notice (including having a CPESC verify the adequacy of controls at Cut 5).
- The ER has periodically identified that erosion and sediment controls require maintenance or upgrades, but has not identified any serious deficiencies or breaches.
- The sighted Monthly Water Quality Monitoring Reports (Kleinfelder), indicate that water quality criteria has not been met on a regular basis following significant periods of rain and that this is relatively consistent with the baseline data. The Auditor has not verified the degree of consistency or otherwise.
- Verification of the adequacy of erosion and sediment controls in the audit is highly limited due to the finite time spent on site (one day). Notwithstanding this, the controls sighted on the day of the inspection, during wet weather, appeared to be in place as per the ESCPs and functioning as intended.

The Auditor acknowledges the auditees' exceptional level of organization, collaboration, and assistance during this audit.

## 5. LIMITATIONS

This Document has been provided by WolfPeak Pty Ltd (WolfPeak) to the Client and is subject to the following limitations:

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With respect to conditions relating to compliance with the design, Building Codes of Australia (BCA) or satisfaction of the Independent Verifier / Certifier / Certifying Authority, the Audits relied on confirmation from the Independent Verifier / Certifier / Certifying Authority that this is the case. The Audits do not extend to an assessment of the works against the design or BCA requirements themselves, nor did they examine the steps the Independent Verifier / Certifier / Certifying Authority has taken to verify that the design is compliant.

The assessment of actual impacts and those predicted in the Environmental Impact Assessment(s) was a high-level assessment qualitative assessment only. The Environmental Impact Assessment(s) include a voluminous number of studies and predictions that relied on observation, measurement and modelling of the existing environments and potential outcomes arising from the Project (including mitigation measures). Full assessment of the accuracy of these predictions would also require a significant number of studies involving measurement and modelling using actual data points as inputs. Other than the requirements specified in the, to the Auditor's knowledge there are no requirements to undertake such studies and doing so does not form part of this Audit.

Audits of all post approval documents prepared to satisfy the conditions, including an assessment of the implementation of Environmental Management Plans and Sub-plans, adopts a Judgement Based Sampling approach. Judgement Based Sampling is the process of selecting a sample of commitments and evidence from within the total available data set (population) to obtain and evaluate evidence about some characteristic of that population, in order to form a conclusion concerning the population.

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## **APPENDIX A - SSI 6888 CONDITIONS OF APPROVAL**

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
<b>SCHEDULE 2</b>				
<b>PART A - ADMINISTRATIVE CONDITIONS</b>				
<b>General</b>				
A1	<p>The SSI must be carried out in accordance with the terms of this approval and generally in accordance with the description of the SSI in the:</p> <ul style="list-style-type: none"> <li>(a) Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental impact statement (RMS, 2016) (the EIS);</li> <li>(b) Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS, 2018) (the SPIR);</li> <li>(c) Newcastle Inner City Bypass – Rankin Park to Jesmond Modification Report: additional construction compounds (TfNSW, May 2021); and</li> <li>(d) Newcastle Inner City Bypass – Rankin Park to Jesmond Modification Report: additional construction compounds Submissions Report (TfNSW, September 2021).</li> </ul>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>SSI-6888 NICB Rankin Park to Jesmond Bypass approved by DPHI on 15/02/2019</p> <p>SSI-6888-Mod-1 Additional ancillary facilities approved by DPHI on 07/02/2022</p> <p>Environmental Impact Statement (EIS) Nov 2016, RMS</p> <p>Evidence referred to elsewhere in this audit table.</p>	<p>The Project has demonstrated that it is complying with the terms of the approval. The Design documents appear to show that the Project is being developed in accordance with the EIS, RtS, Mod 1.</p>	C
A2	<p>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 Condition A1 unless otherwise specified in, or required under, this approval.</p>	<p>SSI-6888 NICB Rankin Park to Jesmond Bypass approved by DPHI on 15/02/2019</p> <p>SSI-6888-Mod-1 Additional ancillary facilities approved by DPHI on 07/02/2022</p> <p>Evidence referred to elsewhere in this audit table</p>	<p>The evidence provided demonstrates that all necessary steps have been taken to ensure compliance with the specified procedures, commitments, preventative actions, performance criteria, and mitigation measures.</p> <p>Refer to conditions C8, C13 and E1 – E89. For evidence showing that the mitigation measures have been implemented.</p>	C
A3	<p>In the event of an inconsistency between the documents listed in Condition A1, 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.</p> <p>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.</p>	<p>Consistency Assessment Report No. 10 for NICB RP2J Stage 4 Clearing extension fell 4, August 2023 Rev 2, 10/06/2023</p> <p>Email 17/08/2023 TfNSW-ER re: Submission of Consistency Assessment Report No. 10 Rev 3 to ER (Simon Williams)</p> <p>Consistency Assessment Report No. 11 for NICB RP2J Stage 4 Signage, traffic barrier, line marking and ancillary facility August 2023 Rev 4, 31/08/2023</p> <p>Email 11/03/2024 TfNSW-ER re: Submission of Consistency Assessment Report No. 11 Rev 4 to ER (Simon Williams)</p> <p>Consistency Assessment Report No. 12 NICB RP2J Stage 4 Bridge 9 Version 3 (Final) March 2024, TfNSW</p> <p>Email 7/03/2024 TfNSW-ER re: Submission of Consistency Assessment Report No 12 Version 3 to ER (Simon Williams)</p>	<p>Consistency Assessment Reports were prepared and submitted to ER for review.</p> <p>Consistency Assessment Reports confirmed that the project aligns with Division 5.2 requirements and complies with the EPBC approvals.</p> <p>Consistency Assessments have been undertaken and provided to the ER in accordance with A27.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A4	<p>The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to:</p> <ul style="list-style-type: none"> <li>(a) the environmental performance of the SSI;</li> <li>(b) any document or correspondence in relation to the SSI;</li> <li>(c) any notification given to the Planning Secretary under the terms of this approval;</li> <li>(d) any audit of the construction or operation of the SSI;</li> <li>(e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);</li> <li>(f) the carrying out of any additional monitoring or mitigation measures; and</li> <li>(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.</li> </ul>	<p>Interview with auditees 21/05/2024</p> <p>Letter DPHI to Transport, 11/04/24 (warning letter re non-compliance with C8 – failure to implement the TTMP)</p>	<p>No written directions have been received from the Department during the audit period.</p> <p>Environmental Review Group meets monthly, this allows for open discussion on the environmental performance. No direction given.</p> <p>The Department issued a warning letter regarding the 15/01/24 non-compliance involving the use of an unapproved local road for heavy vehicles, reported as a breach against B8 for failing to implement the TTMP. There was no direction within the warning letter.</p>	C



A5	<p>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:</p> <ul style="list-style-type: none"> <li>(a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval;</li> <li>(b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them;</li> <li>(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;</li> <li>(d) outline of the issues raised by the identified party and how they have been addressed; and</li> <li>(e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.</li> </ul>	<p>Construction Environmental Management Plan (CEMP) NICB Rev 5 Stage 4 Main Works 09/02/23, Fulton Hogan (FH)</p> <p>Traffic &amp; Transport Management Sub-Plan (TTMP) Rev 8 16/02/24, Fulton Hogan</p> <p>Email 28/10/22 Fulton Hogan (FH)-Newcastle City Council (NCC) re: Submission of TTMP</p> <p>Email 4/11/22 NCC-FH re: Final review of TTMP with comments</p> <p>Email 4/11/22 FH-NCC re: Specific infrastructure requirements for CoN</p> <p>Email 7/11/22 TfNSW-HNSW re: FH responses to HAC's comments of the TTMP</p> <p>Email 08/11/22 Newcastle City Council (NCC)-FH re: Approval of CEMP/TTMP for RP2J</p> <p>Email 10/11/22 TfNSW-HealthNSW re: Confirmation HAC approval for TTMP</p> <p>Email 10/11/22 Health NSW-TfNSW re: Acceptance of comments for TTMP</p> <p>Email 10/11/22 TfNSW-FH re: Comments close out for TTMP</p> <p>Noise &amp; Vibration Management Sub-Plan (NVMP) Rev 8 Stage 4 Main Works 24/02/23, Fulton Hogan</p> <p>Email 7/11/22 FH-NCC re: Submission of NVMP RP2J to Council</p> <p>Email 8/11/22 NCC-FH re: Acknowledgement receipt of NVMP RP2J</p> <p>Email 1/12/22 FH-NCC re: NVMP RP2J- FH response to Council comments</p> <p>Email 5/12/22 NCC-FH re: NVMP RP2J reviewed and approved by Council</p> <p>Email 8/11/22 TfNSW-HealthNSW re: Submission of NVMP RP2J to Health NSW</p> <p>Email 9/12/22 TfNSW-HealthNSW re: NVMP RP2J FH review</p> <p>Email 2/12/22 HealthNSW-FH re: Health NSW approval for NVMP RP2J</p> <p>Flora &amp; Fauna Management Sub-Plan (FFMP) Rev 6 Stage 4 Main Works 20/02/23, Fulton Hogan</p> <p>Email 2/11/22 FH- DPHI/Fisheries re: Submission of FFMP to Fisheries</p> <p>Email 3/11/22 FH- DPHI/Fisheries re: follow up on the approval of FFMP from Fisheries</p> <p>Email 10/11/22 DPHI/Fisheries-TfNSW re: Approval of FFMP</p> <p>Email 18/10/22 FH-NCC re: Submission of FFMP to NCC</p> <p>Email 2/11/22 NCC-FH re: Approval of FFMP from the Newcastle City Council</p> <p>Air Quality Management Sub-Plan (AQMP) Rev 5 Stage 4 Main Works 09/02/23, Fulton Hogan</p> <p>Email 21/09/22 FH-NCC re: Submission of AQMP to NCC</p>	<p>The monitoring program was prepared and undertaken in consultation with identified parties. Evidence of consultation was submitted along with the CEMP and Sub-plan.</p> <p>The evidence sighted complies with the a) – e) requirement of this condition. No change for the current audit period.</p>	C
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Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
		<p>Email 5/10/22 FH-valleyelcorp re: Confirmation on the approval of ACHMP</p> <p>Email 5/10/22 KDuncan-FH re: Approval of ACHMP by Kevin Duncan</p> <p>Email 14/10/22 FH- Wonnarua Elder LHWCS re: Follow up on the approval of ACHMP from Wonnarua Elder LHWCS</p> <p>Email 17/08/22 FH- Wonnarua Elder LHWCS re: Submission of ACHMP to Wonnarua Elder LHWCS</p> <p>Email 6/10/22 Widescope-FH re: Approval of ACHMP</p> <p>Email 17/10/22 FH-Amanda Hickey re: Follow up on the approval for the submitted ACHMP</p> <p>Email 17/10/22 FH-Cazadirect re: Follow up on the approval for the submitted ACHMP</p> <p>Email 5/10/22 LowerHunter-FH re: Approval of ACHMP</p> <p>Email 14/10/22 FH-Wonn1 re: Confirmation of ACHMP approval from Wonn1 (Entity of Kauwul Pty Ltd)</p> <p>Email 14/10/22 FH- didgengunawalclan re: Follow up on the approval for the submitted ACHMP</p> <p>Email 17/10/22 FH- murrabidgeemullangari re: Follow up on the approval for the submitted ACHMP</p> <p>Email 14/10/22 FH- dontminemeay re: Follow up on the approval for the submitted ACHMP</p> <p>Email 14/10/22 FH- Awabakal descendants re: Follow up on the approval for the submitted ACHMP</p> <p>Email 18/10/22 NCC-FH re: Approval of FMP from Newcastle City Council</p>		
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.	<p>Infrastructure Approval SSI 6888 approved by the Minister for Planning on 15 February 2019</p> <p>Stage 4 construction commenced on Mon 6 March. Included in Pre Construction Compliance Report and in monthly ERG meeting minutes for relevant period</p>	Works commenced within the required timeframe.	C
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.	The documents referred to elsewhere in this Audit Table	The documents prepared under the consent appear to refer to the standards and guidelines that are applicable to the document to which they relate.	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
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 Condition A37.	<p>Interview with auditees 21/05/2024</p> <p>Letter 22/04/24 TfNSW-DPHI re: Request for time extension for submission of Archaeological Excavation Report under condition E23</p> <p>Post Approval Submission (DPHI portal) re: submission of request for submission of Archaeological Excavation Report</p> <p>Email 22/04/24 DPHI-TfNSW re: DPHI acknowledgement receipt for submission of time extension</p> <p>Letter DPHI to Transport, 15/05/24 (approval of extension request)</p> <p>Letter DPHI to Transport, 08/05/24 (approval of updated compliance monitoring reporting program, including the delayed submission of the Compliance report 3 beyond the 6 month timeframe).</p>	<p>Letter dated 22/04/24 was provided by TfNSW requesting a time extension for submitting the Archaeological Excavation Report from 31/05/24 to 31/10/24. This extension will allow the project's archaeologist sufficient time to conduct a thorough analysis of the over 1600 artefacts discovered during salvage.</p> <p>The Department approved the extension, requiring the submission of the E23 Archaeological Excavation Report by 31/10/24.</p> <p>The Department also approved a delay to the submission of Construction Compliance Report #3. This was still yet to be finalised / submitted at the time of the audit interview and inspections.</p>	C
<b>BRIDGE 7 – SHARED PATH BRIDGE OVER NEWCASTLE ROAD (BRIDGE 7)</b>				
A9	<p>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:</p> <p>(a) preparation of a Construction Environmental Management Process (Plan) and an Environmental Work Method Statement (EWMS), in consultation with relevant public authorities and City of Newcastle and approved by the ER under Condition A26(d). The Plan must detail how the performance outcomes, commitments, mitigation and monitoring measures specified in the documents listed in Condition A1 will be implemented and achieved during construction; and</p> <p>(b) implementation of the approved Construction Environmental Management Process (Plan) and Environmental Work Method Statement (EWMS).</p>	Site inspection and interview with auditees 21/05/2024	Construction of Bridge 7 was completed outside the audit period.	NT
<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).	<p>Email 30/07/2019 RMSNSW-Geolink re: RP2J Review of Compliance Documents required prior to construction</p> <p>Email 8/08/2019 Geolink-RMSNSW re: ER acceptance &amp; endorsement of staging report</p> <p>Staging Report Rev 2 NICB-RP2J 8/08/2019, RMS</p> <p>Letter 12/08/2019 TRMS-DPHI re: Submission of Staging Report - A10</p> <p>Memo 6/07/2022 TfNSW-DPHI re: Staging Report update to include interface with John Hunter Hospital Innovation Precinct</p> <p>Staging Report Rev 3 NICB-RP2J 6/07/2022 to include JHH interface</p>	<p>The Staging Report was prepared and submitted to the Department on 8/08/2019.</p> <p>The Staging Report has been updated to version 3 and submitted on 6/07/2022. No change for current audit period.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A11	<p>The Staging Report must:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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);</li> <li>(c) Specify how compliance with conditions will be achieved across and between each of the stages of the SSI; and</li> <li>(d) Set out mechanisms for managing any cumulative impacts arising from the proposed staging.</li> </ul>	<p>Staging Report Rev 2 NICB-RP2J 8/08/2019, RMS</p> <p>Staging Report Rev 3 NICB-RP2J 6/07/2022 to include JHH interface</p>	<p>The requirements of a) to d) are covered in the Staging Report as follows:</p> <ul style="list-style-type: none"> <li>a. Sections 2.2 &amp; 2.4</li> <li>b. Sections 2.3 &amp; 2.4</li> <li>c. Section 3, Appendix A &amp; B</li> <li>d. Section 4</li> </ul>	C
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.	Staging Report Newcastle Inner City Bypass – Rankin Park to Jesmond Transport for NSW   July 2022	Compliant as project timing was provided as indicative dates and construction staging is consistent with these	C
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.	Staging Report Newcastle Inner City Bypass – Rankin Park to Jesmond Transport for NSW   July 2022	Compliant as project timing was provided as indicative dates and construction staging is consistent with these	C
<b>ANCILLARY FACILITIES</b>				
<b>Ancillary Facilities</b>				
A14	<p>Ancillary facilities that are not identified in the documents listed in Condition A1 can only be established and used in each case if:</p> <ul style="list-style-type: none"> <li>(a) they are located within or immediately adjacent to the construction boundary; and</li> <li>(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</li> <li>(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</li> <li>(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.</li> </ul>	<p>Ancillary Facility Establishment Management Plan (AFEMP) NICB-RP2J Rev 6 18/10/23, FH</p> <p>Letter 18/10/2023 TfNSW-DPHI re: Ancillary Facility Establishment Management Plan (AFEMP) NICB-RP2J Rev 6</p> <p>Email 18/10/2023 DPHI-ER re: AFEMP - Lookout Road - please review and endorse if adequate</p> <p>Email 19/10/2023 DPHI-TfNSW re: DPHI approval for AFEMP NICB-RP2J Rev 6</p>	Ancillary facilities established under this condition are included in the AFEMP under A15. Each facility meets the requirements of A14.	C
<b>ANCILLARY FACILITIES ESTABLISHMENT WORKS</b>				
<b>Ancillary Facility Establishment Management Plan</b>				



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A15	<p>Before the establishment of any construction ancillary facilities (excluding minor construction ancillary facilities determined by the <b>ER</b> 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 <b>Ancillary Facility Establishment Management Plan</b> must be prepared in consultation with the relevant councils 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:</p> <ul style="list-style-type: none"> <li>(a) a description of activities to be undertaken during the establishment of the construction ancillary facility (including scheduling and duration of works to be undertaken at the site) and its decommissioning and rehabilitation;</li> <li>(b) figures illustrating the proposed operational site layout, including access roads and parking;</li> <li>(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;</li> <li>(d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to: <ul style="list-style-type: none"> <li>i. meet the performance outcomes stated in the documents listed in Condition A1, and</li> <li>ii. (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and</li> </ul> </li> <li>(e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of Condition C10.</li> </ul> <p>Nothing in this condition prevents the Proponent from preparing individual Ancillary Facility Establishment Management Plans for each construction ancillary facility.</p>	<p>Ancillary Facility Establishment Management Plan (AFEMP) NICB-RP2J Rev 6 18/10/23, FH</p> <p>Letter 18/10/2023 TfNSW-DPHI re: Ancillary Facility Establishment Management Plan (AFEMP) NICB-RP2J Rev 6</p> <p>Email 18/10/2023 DPHI-ER re: AFEMP - Lookout Road - please review and endorse if adequate</p> <p>Email 19/10/2023 DPHI-TfNSW re: DPHI approval for AFEMP NICB-RP2J Rev 6</p>	<p>AFEMP was initially prepared and approved in 2022 in accordance with this condition. Compliance with a) to e) is provided in the following AFEMP sections:</p> <ul style="list-style-type: none"> <li>a. Section 5</li> <li>b. Section 5</li> <li>c. Section 8.5</li> <li>d. i Section 5.5/CEMP</li> <li>d. ii Section 7</li> <li>e. Section 8.4 &amp; NVMP</li> </ul> <p>AFEMP was updated to revision 6 on 18/10/23 by TfNSW to include details on:</p> <ul style="list-style-type: none"> <li>- about 30 additional light vehicle parking spaces to be provided</li> <li>- up to 6 temporary sheds and crib rooms are required/proposed</li> <li>- boundary screening will be installed around additional area near Grandview Avenue</li> <li>- updated Section 1.3 to align with CoA</li> </ul> <p>Updated AFEMP Rev 6 was approved by the Department on 19/10/2023.</p>	C
A16	The requirements of Condition A15 in relation to Bridge 7 may be addressed by the documents required under Condition A9.	Site inspection and interview with auditees 21/05/2024	Construction of Bridge 7 was completed outside the audit period.	NT
<b>Use of Construction Ancillary Facilities</b>				
A17	<p>The use of a construction ancillary facility must not commence until the <b>CEMP</b> required by Condition C1, relevant <b>CEMP</b> Sub-plans required by Condition C4 and relevant Construction Monitoring Programs required by Condition C9 have been approved by the Planning Secretary.</p> <p>This condition does not apply to a construction ancillary facility determined by the <b>ER</b> to have minimal environmental impact and those established under Condition A19.</p>	<p>Construction Environmental Management Plan (CEMP) and Sub-Plans NICB Rev 5 Stage 4 Main Works 09/02/23, Fulton Hogan (FH)</p> <p>Letter 02/03/2023 DPHI-FH re: Approval of CEMP Rev 5 and Sub-Plans for NICB-RP2J Stage 4 Main Works</p> <p>Site inspection and interview with auditees 21/05/2024</p>	The use of the main construction ancillary facility at the Northern Interchange did not commence until the Construction Environmental Management Plan (CEMP) and sub-plans as required by Condition C1, C4 and C9 were approved by the Planning Secretary.	C
A18	The requirements of Condition A17 in relation to Bridge 7 may be addressed by the documents required under Condition A9.	Site inspection and interview with auditees 21/05/2024	Construction of Bridge 7 was completed outside the audit period.	NT
<b>Minor Construction Ancillary Facilities</b>				

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A19	<p>Lunch sheds, office sheds, portable toilet facilities, material storage, parking and the like, that are not identified as a construction ancillary facility in the documents listed in Condition A1, can be established where they satisfy the following criteria:</p> <p>(a) are located within the construction boundary; and</p> <p>(b) have been assessed by the ER to have -</p> <ol style="list-style-type: none"> <li>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</li> <li>minimal environmental impact with respect to waste management and flooding, and</li> <li>no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.</li> </ol>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Minor Ancillary Facility Checklist RP2J – Nth Interchange, 24/05/23 by FH with ER approval 19/06/23</p> <p>Minor Ancillary Facility Checklist RP2J – Mainline, 24/05/23 by FH with ER approval on 19/06/23</p> <p>Minor Ancillary Facility Checklist RP2J – Southern Interchange, 11/10/23 by FH with ER approval on 11/10/23</p> <p>Minor Ancillary Facility Checklist RP2J – Southern Interchange, 26/10/23 by FH with ER approval on 30/10/23</p> <p>Minor Ancillary Facility Checklist RP2J – Mainline Fill 3, 29/01/24 by FH with ER approval on 29/01/24</p>	<p>Minor Ancillary Facility Checklists for NICB RP2J for various locations were sighted and each identifies how the site meets the requirements from A19. Each was approved by the ER prior to establishment.</p> <ul style="list-style-type: none"> <li>Nth Interchange, 24/05/23 (general laydown of plant, storage of materials and portable site amenities) approved by ER on 19/06/23</li> <li>Mainline, 24/05/23, (general laydown of plant, storage of materials and portable site amenities) approved by ER on 19/06/23</li> <li>Southern Interchange, 11/10/23, (general laydown of plant, storage of materials, portable site amenities with 1<sup>st</sup> aid room and LV parking) approved by ER on 11/10/23</li> <li>Southern Interchange, 26/10/23, (general laydown of plant, storage of materials, portable site and LV parking) approved by ER on 30/10/23</li> <li>Mainline Fill 3, 29/01/24 (general laydown of plant, storage of materials, portable site amenities and car parking) approved by ER on 29/01/24.</li> </ul>	C
<b>Boundary Screening</b>				
A20	Boundary screening must be erected around 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 the relevant councils where they are the landowner).	<p>Site inspection auditees 21/05/2024</p> <p>Refer to site photos (Appendix F)</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink.</p>	<p>Screening is described in the AFEMP and Minor Ancillary Facility Checklist (if relevant).</p> <p>Boundary screening was observed during the site inspection near receivers. No issues observed. There were no material issues raised by the ER or complaints received about this requirement.</p>	C
A21	Boundary screening required under <b>Condition A20</b> of this approval must reduce visual, noise and air quality impacts on adjacent sensitive receivers.	<p>Site inspection auditees 21/05/2024</p> <p>Refer to site photos (Appendix F)</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink.</p>	<p>Screening is described in the AFEMP and Minor Ancillary Facility Checklist (if relevant).</p> <p>Boundary screening was observed during the site inspection near receivers. No issues observed. There were no material issues raised by the ER or complaints received about this requirement.</p>	C
A21A	The Peatties Road ancillary facility must be located within the boundary line marked in blue in Figure 1 of Appendix A of this approval.	Site inspection auditees 21/05/2024	Not being used by Project	NT
<b>ENVIRONMENT REPRESENTATIVE</b>				
A22	Works must not commence until an ER has been approved by the Planning Secretary and engaged by the Proponent.	<p>Letter 10/05/2019 TRMS-DPHI re: Endorsement of ER - GeoLink</p> <p>Letter 14/05/2019 DPHI-TRMS re: Approval of ER – (Simon Williams &amp; Duncan Thomson of GeoLink)</p> <p>ER engaged on 13/10/22 under Variation of Deed of Appointment and is engaged by Transport and Fulton Hogan</p>	<p>The Environmental Representative (ER) received approval from the Department on 14/05/2019 and was engaged through a variation of the deed of appointment by Transport for NSW and Fulton Hogan.</p> <p>No change during the audit period.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A23	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works.	Letter 10/05/2019 TRMS-DPHI re: Endorsement of ER - GeoLink  Letter 14/05/2019 DEP-TRMS re: Approval of ER – (Simon Williams & Duncan Thomson of GeoLink)  Stage 4 construction commenced on Mon 6 March 2023. Included in Pre Construction Compliance Report and in monthly ERG meeting minutes for relevant period	The approval and engagement of the Environmental Representative was within the required timeframe as specified by this condition.  No change during the audit period.	C
A24	The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the documents listed in Condition A1, and independent of the design and construction personnel for the SSI and those involved in the delivery of it.  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.	Letter 14/05/2019 DEP-TRMS re: Approval of ER – (Simon Williams & Duncan Thomson of GeoLink)	The Department approved Simon Williams & Duncan Thomson of GeoLink as ER for the project.  The Department noted on the approval that the approved ER are appropriately qualified, experienced and independent of the project as required under condition A24.  No change during the audit period.	C
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	Letter 14/05/2019 DEP-TRMS re: Approval of ER – (Simon Williams & Duncan Thomson of GeoLink)  ER engaged on 13/10/22 under Variation of Deed of Appointment and is engaged by Transport and Fulton Hogan	ER was engaged through a variation of the deed of appointment on 13/10/2022 by Transport for NSW and Fulton Hogan.  The Department approved Simon Williams & Duncan Thomson of GeoLink as ER for the project.  No change during the audit period.	C



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> <ul style="list-style-type: none"> <li>(a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI;</li> <li>(b) consider and inform the Planning Secretary on matters specified in the terms of this approval;</li> <li>(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;</li> <li>(d) review documents identified in Conditions C1, C4 and C9 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: <ul style="list-style-type: none"> <li>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</li> <li>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);</li> </ul> </li> <li>(e) regularly monitor the implementation of the documents listed in Conditions C1, C4 and C9 to ensure implementation is being carried out in accordance with the document and the terms of this approval;</li> <li>(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 Condition A35 of this approval;</li> <li>(g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints;</li> <li>(h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by Condition A19 of this approval;</li> <li>(i) undertake the functions as required under the terms of this approval;</li> <li>(j) consider any minor amendments to be made to the <b>CEMP</b>, <b>CEMP</b> 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 <b>CEMP</b>, <b>CEMP</b> 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</li> <li>(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 <b>ER</b>'s engagement for the SSI.</li> </ul>	<p>Site inspection and interview with auditee 21/05/2024</p> <p>ER Monthly Report May 2023 by GeoLink (Reporting period: 1 to 31 May 2023)</p> <p>Email 7/06/2023 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report May 2023</p> <p>ER Monthly Report for NICB RP2J SSI 6888, June 2023 (reporting period 1-30/06/23) by GeoLink</p> <p>Email 6/07/2023 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report June 2023</p> <p>ER Monthly Report for NICB RP2J SSI 6888, July 2023 (reporting period 1-29/07/23) by GeoLink</p> <p>Email 7/08/2023 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report July 2023</p> <p>ER Monthly Report for NICB RP2J SSI 6888, August 2023 (reporting period 1-31/08/23) by GeoLink</p> <p>Email 7/09/2023 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report August 2023</p> <p>ER Monthly Report for NICB RP2J SSI 6888, September 2023 (reporting period 1-30/09/23) by GeoLink</p> <p>Email 6/10/2023 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report September 2023</p> <p>ER Monthly Report for NICB RP2J SSI 6888, October 2023 (reporting period 1-31/10/23) by GeoLink</p> <p>Email 6/11/2023 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report October 2023</p> <p>ER Monthly Report for NICB RP2J SSI 6888, November 2023 (reporting period 1-30/11/23) by GeoLink</p> <p>Email 7/12/2023 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report November 2023</p> <p>ER Monthly Report for NICB RP2J SSI 6888, December 2023 (reporting period 1-21/12/23) by GeoLink</p> <p>Email 21/12/2023 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report December 2023</p> <p>ER Monthly Report for NICB RP2J SSI 6888, January 2024 (reporting period 22/12/23-21/01/24) by GeoLink</p> <p>Email 7/02/2024 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report January 2024</p> <p>ER Monthly Report for NICB RP2J SSI 6888, February 2024 (reporting period 1-29/02/24) by GeoLink</p> <p>Email 7/03/2023 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report February 2024</p> <p>ER Monthly Report for NICB RP2J SSI 6888, March 2024 (reporting period 1-31/03/24) by GeoLink</p> <p>Email 5/04/2023 DPHI-GeoLink re: Acknowledgment receipt for the submission of ER Monthly Report March 2024</p> <p>Letter 13/03/24 Geo Link-TfNSW re: ER endorsement of Traffic and Transport Management Sub-Plan Rev 8</p>	<p>ER site inspections are undertaken on a fortnightly basis.</p> <p>ER inspection report provided the necessary mitigation measures and controls for the Project, along with action taken by the contractor to ensure compliance with the issue.</p> <p>ER monthly reports were submitted to the Department within 7 days of the end of each month.</p> <p>The ER (GeoLink) regularly performed the submission of the ER Monthly Report to the Department.</p> <p>Note the April 2023 ER monthly report submission to DPHI portal failed/delayed due to IT issue.</p> <p>ER satisfied and provided endorsement of the TTMP Rev 8.</p>	C
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Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A27	<p>The Proponent must provide the <b>ER</b> with all documentation requested by the ER in order for the <b>ER</b> to perform their functions specified in Condition A26 (including preparation of the <b>ER</b> monthly report), as well as:</p> <ul style="list-style-type: none"> <li>(a) the complaints register (to be provided on a daily basis); and</li> <li>(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).</li> </ul>	<p>Interview with auditees 25/05/22023</p> <p>Letter 13/03/24 Geo Link-TfNSW re: ER endorsement of Traffic and Transport Management Sub-Plan Rev 8</p> <p>Consistency Assessment Report No. 10 for NICB RP2J Stage 4 Clearing extension fell 4, August 2023 Rev 2, 10/06/2023</p> <p>Email 17/08/2023 TfNSW-ER re: Submission of Consistency Assessment Report No. 10 Rev 3 to ER (Simon Williams)</p> <p>Consistency Assessment Report No. 11 for NICB RP2J Stage 4 Signage, traffic barrier, line marking and ancillary facility August 2023 Rev 4, 31/08/2023</p> <p>Email 11/03/2024 TfNSW-ER re: Submission of Consistency Assessment Report No. 11 Rev 4 to ER (Simon Williams)</p> <p>Consistency Assessment Report No. 12 NICB RP2J Stage 4 Bridge 9 Version 3 (Final) March 2024, TfNSW</p> <p>Email 7/03/2024 TfNSW-ER re: Submission of Consistency Assessment Report No 12 Version 3 to ER (Simon Williams)</p>	<p>ER has access to Consultation Manager</p> <p>Consistency Assessment Reports provided to ER as per A27(b).</p> <p>ER satisfied and provided endorsement of the TTMP Rev</p>	C
A28	<p>The Planning Secretary may at any time commission an audit of an <b>ER's</b> exercise of its functions under Condition A26. The Proponent must:</p> <ul style="list-style-type: none"> <li>(a) facilitate and assist the Planning Secretary in any such audit; and</li> <li>(b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.</li> </ul>	<p>Interview with auditees 21/05/2024</p>	<p>No such audit has been requested</p>	NT
<b>COMPLIANCE MONITORING AND REPORTING PROGRAM</b>				
A29	<p>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 (DPHI, 2018) must be endorsed by the <b>ER</b> and submitted to the Planning Secretary for information.</p>	<p>Compliance Monitoring &amp; Reporting Program (CMRP) Rev 3, 11/03/24</p> <p>Email 30/07/2019 TRMS-GeoLink re: RP2J Review of CMRP</p> <p>Email 08/08/2019 GeoLink-TRMS re: ER acceptance &amp; endorsement of CMRP</p> <p>Letter 12/08/2019 TRMS-DPHI re: Submission of CMRP to DPHI</p> <p>Construction commenced on RP2J (Stage 2) on 25 November 2019</p>	<p>The CMRP was prepared within the required timeframe, endorsed by ER and submitted to the Department on 12/08/2019, with the most recent version (Rev 3) approved in March 2024.</p>	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A30	Compliance Reports of the SSI must be prepared and carried out in accordance with the Compliance Reporting – Post Approval Requirements (DPHI 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.	<p>Pre-Construction Compliance Report September 2019 Rev 2, 30/09/2019, TRMS</p> <p>Compliance Monitoring &amp; Reporting Program (CMRP) Rev 3, 11/03/24</p> <p>Construction commenced on RP2J (Stage 2) on 25 November 2019, TRMS</p> <p>Six Monthly Construction Compliance Report 1 Nov 2019-May 2020 Rev 2, 27/07/2020, TRMS</p> <p>Six Monthly Construction Compliance Report 2 May -Oct 2020 Rev 1, 24/11/2020, TRMS</p> <p>Six Monthly Construction Compliance Report 3 Nov 2020 -Apr 2021 Rev 0, 10/06/2021, TRMS</p> <p>Six Monthly Construction Compliance Report 4 May-Oct 2021 Rev 01 17/11/2021, TRMS</p> <p>NICB RP2J Stage 2 Operational Compliance Report 25/02/2022, TRMS</p> <p>NICB RP2J Stage 4 Pre-Construction Compliance Report Jan 2023 Rev 2 18/01/2023, TRMS</p> <p>Stage 4 construction commenced on Mon 6 March 2023. Included in Pre Construction Compliance Report and in monthly ERG meeting minutes for relevant period</p> <p>NICB-RP2J Stage 4 Construction Compliance Report #1 Rev 1, 06/09/2023 by TfNSW</p> <p>NICB-RP2J Stage 4 Construction Compliance Report #2 Rev 2, 02/02/2024 by TfNSW</p> <p>Letter 27/02/2024 TfNSW-DPHI re: Notification to DPHI CCR#1 and CCR#2 were uploaded in the project website</p> <p>Letter DPHI to Transport, 08/05/24 (approval of updated compliance monitoring reporting program, including the delayed submission of the Compliance Report 3 beyond the 6 month timeframe).</p>	<p>The Pre Construction Compliance Report was prepared and addresses the requirement of this condition.</p> <p>Compliance Reports were prepared in accordance with the requirement under this condition.</p>	C
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 <b>ER</b> ), resulting from construction carried out during the reporting period.	<p>Compliance Monitoring &amp; Reporting Program (CMRP) Rev 3, 11/03/24</p> <p>NICB-RP2J Stage 4 Construction Compliance Report #1 Rev 1, 06/09/2023 by TfNSW</p> <p>NICB-RP2J Stage 4 Construction Compliance Report #2 Rev 2, 02/02/2024 by TfNSW</p> <p>Letter 13/03/24 Geo Link-TfNSW re: ER endorsement of Traffic and Transport Management Sub-Plan Rev 8</p> <p>Letter DPHI to Transport, 08/05/24 (approval of updated compliance monitoring reporting program, including the delayed submission of the Compliance report 3 beyond the 6 month timeframe).</p>	<p>The CRMP was prepared and addresses the requirement of this condition. The Compliance Reports include assessment of this condition noting that it has not been triggered during the previous reporting periods. The TTMP underwent an update following submission of Compliance Report #2. This will be captured in Compliance Report #3.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A32	The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done.	<p>NICB-RP2J Pre-Construction Compliance Report September 2019 Rev 2 30/09/2019, TfNSW</p> <p>NICB-RP2J Compliance Report 1 Nov 2019-May 2020 Rev 2 28/07/2020, TfNSW</p> <p>Letter 08/09/2020 TfNSW-DPHI re: Public display of NICB-RP2J Compliance Report 1 (Nov 2019-May 2020) on project website</p> <p>NICB-RP2J Compliance Report May-Oct 2020 Rev 1 24/11/2020, TfNSW</p> <p>Letter 13/01/2021 TfNSW-DPHI re: Public display of NICB-RP2J Compliance Report 2 (May 2020-Oct 2020) on project website</p> <p>NICB-RP2J Compliance Report 3 Nov 2020-April 2021 Rev0 10/06/21, TfNSW</p> <p>Letter 24/08/2021 TfNSW-DPHI re: Public display of NICB-RP2J pre-operational compliance report and compliance report (Nov 2020-April 2021 on project website</p> <p>NICB-RP2J Compliance Report 4 Nov 2019-May 2020 Rev 2 28/07/2020, TfNSW</p> <p>Letter 04/02/2022 TfNSW-DPHI re: Public display of NICB-RP2J compliance report 2 (May 2021-Oct 2021) on project website</p> <p>NICB-RP2J Stage 2 Operational Compliance Report Rev 0 25/02/2022, TfNSW</p> <p>Letter 16/08/2022 TfNSW-DPHI re: Public display of NICB-RP2J compliance report for Stage 2 Operational on project website</p> <p>NICB-RP2J Stage 4 Construction Compliance Report #1 Rev 1, 06/09/2023 by TfNSW</p> <p>NICB-RP2J Stage 4 Construction Compliance Report #2 Rev 2, 02/02/2024 by TfNSW</p> <p>Letter 27/02/2024 TfNSW-DPHI re: Notification to DPHI CCR#1 and CCR#2 were uploaded in the project website</p>	<p>The Compliance Reports were made publicly available through the project website.</p> <p>The Department was notified in writing on every compliance report that was completed.</p> <p>Compliance Reports were sighted on the project website.</p>	C
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 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.	<p>Compliance Monitoring &amp; Reporting Program (CMRP) Rev 3, 11/03/24</p> <p>NICB-RP2J Stage 4 Pre-Construction Compliance Report January 2023 Rev 2 18/01/2023, TfNSW</p> <p>NICB-RP2J Stage 4 Construction Compliance Report #1 Rev 1, 06/09/2023 by TfNSW</p> <p>NICB-RP2J Stage 4 Construction Compliance Report #2 Rev 2, 02/02/2024 by TfNSW</p> <p>Letter 27/02/2024 TfNSW-DPHI re: Notification to DPHI CCR#1 and CCR#2 were uploaded in the project website</p>	The Project demonstrated compliance with the Compliance Monitoring and Reporting Program. By adhering to the requirements, including Audits, Environmental Representative Reports, and compliance reviews, the project has fulfilled the condition's obligations.	C
<b>AUDITING</b>				

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A34	No later than four (4) weeks before the date notified for the commencement of construction (in the pre-construction compliance report), an Audit Program prepared in accordance with the Audit – Post Approval Requirements (DPHI 2018) must be submitted to the Planning Secretary.	<p>Construction commenced on RP2J (Stage 2) on 25 November 2019</p> <p>Audit Program for NICB-RP2J July 2022 Rev 2 12/08/2019 TRMS</p> <p>Letter 12/08/2019 TfNSW-DPHI re: Submission of Audit Program</p> <p>Audit Program for NICB-RP2J July 2022 Rev 5 13/07/2022 TRMS</p> <p>Letter 19/07/2022 DPHI-TfNSW re: Approval of Audit Program Rev 5</p> <p>Audit Program Rev 6, TfNSW</p> <p>Letter 01/05/2023 TfNSW-DPHI re: Submission of Audit Program Revision 6 for NICB-RP2J</p> <p>Construction approval on RP2J (Stage 4) granted on 2 March 2023</p>	The Audit Program was prepared within the required timeframe and submitted to the Department on 12/08/19 for Stage 2 and 02/03/23 for Stage 4.	C
A35	<p>Audits of the development must be carried out in accordance with:</p> <p>(a) the Audit Program submitted to the Department under Condition A34 of this approval; and</p> <p>(b) the requirements for an Audit Methodology and Audit Report in Audit – Post Approval Requirements (DPHI 2018).</p>	<p>Audit Program Rev 5, 13/07/2022., TfNSW</p> <p>Letter 12/08/2019 TfNSW-DPHI re: Submission of Audit Program</p> <p>Audit Program for NICB-RP2J July 2022 Rev 5 13/07/2022 TRMS</p> <p>Audit Program Rev 6, TfNSW</p> <p>Letter 01/05/2023 TfNSW-DPHI re: Submission of Audit Program Revision 6 for NICB-RP2J</p> <p>Letter 09/04/2020 DPHI-TfNSW re: Approval of Auditor for NICB-RP2J Stage 2 – EMM Consulting</p> <p>NICB-RP2J Audit Report No. 1 for Stage 2 IEA June 2021 Rev 1 29/05/2020, EMM Consulting P/L</p> <p>Letter 25/02/2021 DPHI-TfNSW re: Approval of Auditor for NICB-RP2J Stage 2 – EMM Consulting</p> <p>NICB-RP2J Audit Report No. 2 for Stage 2 IEA June 2021 Rev 2 03/06/2021, EMM Consulting P/L</p> <p>Letter 26/08/2022 DPHI-TfNSW re: Approval of Auditor for NICB-RP2J Stage 4 – WolfPeak</p> <p>NICB-RP2J Audit No. 3 Rev 1, 06/07/23 by WolfPeak</p>	<p>The third audit (the first completed by WolfPeak was conducted in accordance with the Audit Program and the IAPAR. The auditees are not aware of the Department raising any issues with the Audit Report.</p> <p>This audit complies with the requirements of this condition, the Audit Program and the IAPAR.</p>	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A36	<p>In accordance with the specific requirements in Audit – Post Approval Requirements (DPHI 2018), the Proponent must:</p> <ul style="list-style-type: none"> <li>(a) review and respond to each Audit Report prepared under Condition A35 of this approval;</li> <li>(b) submit the response to the Department; and</li> <li>(c) make each Audit Report and response to it publicly available and notify the Department in writing when this has been done.</li> </ul>	<p>Letter 05/06/2020 TfNSW-DPHI re: Request for extension of document submission timeframe Audit Report from March 2020 to June 2020</p> <p>Letter 11/06/2020 DPHI-TfNSW re: Approval of extension of time to submit Audit</p> <p>NICB-RP2J Audit Report No. 1 for Stage 2 IEA June 2021 Rev 1 29/05/2020, EMM Consulting P/L</p> <p>Audit Proponent Response Report 24/06/2020, TfNSW</p> <p>Letter 18/07/2020 TfNSW-DPHI re: NICB-RP2J Public display of Audit Report (June 2020) on project website</p> <p>Letter 21/07/2020 DPHI-TfNSW re: Acceptance of NICB-RP2J Audit Report No. 1</p> <p>NICB-RP2J Audit Report No. 2 for Stage 2 IEA June 2021 Rev 2 03/06/2021, EMM Consulting P/L</p> <p>Letter 18/06/2021 TfNSW-DPHI re: Submission of NICB-RP2J Audit Report (June 2021) and Proponent's response</p> <p>Letter 4/08/2021 TfNSW-DPHI re: NICB-RP2J Public display of Audit Report (June 2021) and Proponent's response on project website</p> <p>NICB-RP2J Audit No. 3 Rev 1, 06/07/23 by WolfPeak</p> <p>Proponent response to IA3 Rev 1, 17/07/23 by TfNSW</p> <p>DPHI post approval portal lodgement, 19/07/23 (submission of Audit No. 3 and proponent response)</p> <p>Letter PHI to Transport, 15/08/23 (DPHI acceptance of the audit report and response).</p> <p>DPHI post approval portal lodgement, 18/08/23 (notification of publication of Audit No 3 and response).</p>	<p>The third Audit Report and proponent response were prepared and made available on the Project website. The documents were submitted to the Department and the Department accepted both on 15/08/23. The Department was also notified of the publication.</p> <p>The auditees are not aware of the Department raising any issues with the Audit Report.</p>	C
INCIDENT NOTIFICATION AND REPORTING				

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A37	The Planning Secretary must be notified via the Major Projects website 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.	<p>Interview with auditees 21/05/2024</p> <p>Incident register (FEPMT, and SAI360), 31/05/23 – 21/05/24 (incident register)</p> <p>Letter 17/10/23 TfNSW-DPHI re: Initial Incident Notification – Fire at Fill 3 15/10/23</p> <p>Letter 9/10/23 DHPI-TfNSW re: DPHI response to the reported fire at Fill 3 incident</p> <p>Letter 13/11/23 TfNSW-DPHI re: Initial Incident Notification – high rainfall event over topping site controls and causing loss of material off-site 5/11/23</p> <p>Letter 8/12/23 DHPI-TfNSW re: DPHI response to the reported off site water discharge incident</p> <p>Email 8/04/24 TfNSW-DPHI re: Incident Notification – Rainfall event 5-day period ending 7/04/24</p> <p>Letter 15/04/24 TfNSW-DPHI re: Initial Incident Notification – Stage 4 Show Cause and Rainfall 27/04/24</p> <p>Letter DPHI to TfNSW 18/04/24 (Request to provide additional information regarding EPA inspection).</p>	<p>Three reportable incidents occurred during the audit period. These involved a fire at Fill 3 (not caused by project works) and two construction water incidents involving discharges during high rainfall event. These were reported in accordance with this requirement. There does not appear to be any issues raised by the Department in relation to the reported events.</p> <p>According to the incident register, there have been no other reportable incidents recorded.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
A38	Subsequent notification must be given, and reports submitted in accordance with the requirements set out in Appendix B of this approval.	<p>Interview with auditees 21/05/2024</p> <p>Email 14/04/2023 TfNSW-DPHI(Joel Curran) re: SSI 6888 - Potential incident</p> <p>Post Approval (DPHI portal) TfNSW-DPHI 14/04/2023 re: Submission of initial notification of potential incident</p> <p>Email 14/04/2023 DPHI-Transport re: Acknowledgment of the submission of initial notification of potential incident</p> <p>Letter 12/05/2023 TfNSW-DPHI re: Initial incident notification – sediment laden water leaving site</p> <p>Email 16/05/2023 DPHI-TfNSW re: Communication regarding 230414 McCaffrey Drive water incident SSI-6888-PA-118</p> <p>Letter 17/10/23 TfNSW-DPHI re: Initial Incident Notification – Fire at Fill 3 15/10/23</p> <p>Letter 9/10/23 DHPI-TfNSW re: DPHI response to the reported fire at Fill 3 incident</p> <p>Letter 13/11/23 TfNSW-DPHI re: Initial Incident Notification – high rainfall event over topping site controls and causing loss of material off-site 5/11/23</p> <p>Letter 8/12/23 DHPI-TfNSW re: DPHI response to the reported off site water discharge incident</p> <p>Email 8/04/24 TfNSW-DPHI re: Incident Notification – Rainfall event 5-day period ending 7/04/24</p> <p>Letter 15/04/24 TfNSW-DPHI re: Initial Incident Notification – Stage 4 Show Cause and Rainfall 27/04/24</p> <p>Letter Transport to DPHI, 08/05/24 (30 day notification for the 08/04/24)</p> <p>Letter DPHI to TfNSW 18/04/24 (Request to provide additional information regarding EPA inspection).</p> <p>Letter 15/04/24 TfNSW-DPHI re:</p>	Notifications submitted to the Department during the audit period satisfy this requirement.	C
<b>PART B - COMMUNITY INFORMATION AND REPORTING</b>				
<b>COMMUNITY INFORMATION, CONSULTATION</b>				
<b>Communication Strategy</b>				
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.	<p>Community Communication Strategy NICB-RP2J Rev 5 27/08/2019, TfNSW</p> <p>Letter 26/09/2019 DPHI-TRMS re: Approval of Community Communication Strategy Rev 5</p> <p>Community Communication Strategy NICB-RP2J Rev 7 12/08/2022, TfNSW</p> <p>Letter 28/10/2022 DPHI-TRMS re: Approval of Community Communication Strategy</p>	The CCS was prepared and addresses the requirement of this condition. No change for the current audit period.	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
B2	<p>The Community Communication Strategy must:</p> <ul style="list-style-type: none"> <li>(a) identify people and organisations to be consulted during the design and work phases;</li> <li>(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;</li> <li>(c) identify opportunities and make provision for the community to visit construction sites (taking into consideration workplace, health and safety requirements);</li> <li>(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</li> <li>(e) set out procedures and mechanisms: <ul style="list-style-type: none"> <li>i. through which the community can discuss or provide feedback to the Proponent;</li> <li>ii. through which the Proponent will respond to enquiries or feedback from the community; and</li> <li>iii. to resolve any issues or disputes that may arise in relation to construction of the SSI, including disputes regarding rectification or compensation.</li> </ul> </li> </ul>	<p>Community Communication Strategy NICB-RP2J Rev 5 27/08/2019, TfNSW</p> <p>Community Communication Strategy NICB-RP2J Rev 7 12/08/2022, TfNSW</p>	<p>Requirements a) to e) are addressed in the following sections of the CCS:</p> <ul style="list-style-type: none"> <li>a. Section 2</li> <li>b. Section 5.4</li> <li>c. Section 5.4</li> <li>d. Section 5.4</li> <li>e. Section 6.7, 5.4, 5.5 and refer to the CMS and Consultation Manager</li> </ul>	C
B3	<p>The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work.</p>	<p>Letter 2/09/2019 TRMS-DPHI re: Submission of Community Communication Strategy NICB-RP2J Rev 5</p> <p>Letter 26/09/2019 DPHI-TRMS re: Approval of Community Communication Strategy Rev 5</p> <p>Letter 10/10/2022 TRMS-DPHI re: Submission of Community Communication Strategy NICB-RP2J Rev 7</p> <p>Letter 28/10/2022 DPHI-TRMS re: Approval of Community Communication Strategy</p>	<p>The Community Communication Strategy was submitted to the Department on 10/10/2022 and granted approval on 28/10/2022 more than one month prior to the commencement of Stage 4 works on 6/3/2023.</p>	C
B4	<p>Work for the purposes of the SSI must not commence until the Community Communication Strategy has been approved by the Planning Secretary.</p>	<p>Community Communication Strategy NICB-RP2J Rev 5 27/08/2019, TfNSW</p> <p>Letter 2/09/2019 TRMS-DPHI re: Submission of Community Communication Strategy NICB-RP2J Rev 5</p> <p>Letter 26/09/2019 DPHI-TRMS re: Approval of Community Communication Strategy Rev 5</p> <p>Community Communication Strategy NICB-RP2J Rev 7 12/08/2022, TfNSW</p> <p>Letter 10/10/2022 TRMS-DPHI re: Submission of Community Communication Strategy NICB-RP2J Rev 7</p> <p>Letter 28/10/2022 DPHI-TRMS re: Approval of Community Communication Strategy</p>	<p>Work on Stage 4 did not commence until 6/3/2023 which was well after the Community Communication Strategy was submitted to the Department and granted approval.</p>	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
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.	<p>Community Communication Strategy NICB-RP2J Rev 5 27/08/2019, TfNSW</p> <p>Letter 26/09/2019 DPHI-TRMS re: Approval of Community Communication Strategy Rev 5</p> <p>Community Communication Strategy NICB-RP2J Rev 7 12/08/2022, TfNSW</p> <p>Letter 28/10/2022 DPHI-TRSM re: Approval of Community Communication Strategy</p> <p>Consultation Manager records sighted on day of audit</p> <p><a href="https://caportal.com.au/tfns/rankin-park-to-iesmond">https://caportal.com.au/tfns/rankin-park-to-iesmond</a></p> <p><a href="https://caportal.com.au/tfns/rankin-park-to-iesmond/news-and-notifications">https://caportal.com.au/tfns/rankin-park-to-iesmond/news-and-notifications</a></p> <p>Interview with auditees, 21/05/24 (Angela Corbett (FH Comms Manager))</p> <p>Register Communication Collateral, FH, current to 21/05/24</p> <p>Blasting Slip Notes, x4, FH (notifications for blastings)</p> <p>OOHW 3 month look ahead notifications May 2023 – May 2024</p> <p>ERG Meeting Presentation, May - March 2024</p>	<p>The Community Communication Strategy was approved by the Department on 28/10/2022 with on-going implementation during the audit period evident.</p> <p>The communication collateral register helps track communications requirements and deliveries. The register identifies the notifications, relevant works (including proposed dates), stakeholders and collateral type.</p> <p>Complaints are assessed as being avoidable and unavoidable (avoidable being something that represents a departure from a plan or commitment). Complaints are reviewed by FH, Transport and is discussed at the monthly ERG meetings. No non-compliances have been identified in relation to the complaints.</p> <p>The Project website and Consultation Manager show the routine and ad-hoc consultation with the stakeholders relevant to the project.</p>	C
<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.	<p>Complaints Management System (CMS) NICB-RP2J Rev 2 October 2021, TfNSW</p> <p>Complaints Management System (CMS) NICB-RP2J Rev 3 October 2022, TfNSW</p> <p>Consultation Manager records sighted on day of audit</p>	The CMS was prepared and addresses the requirement of this condition. Consultation Manager records sighted on day of audit.	C
B7	<p>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:</p> <ul style="list-style-type: none"> <li>(a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI;</li> <li>(b) a postal address to which written complaints and enquires may be sent;</li> <li>(c) an email address to which electronic complaints and enquiries may be transmitted; and</li> <li>(d) a mediation system for complaints unable to be resolved (including access to an independent mediation process and mediator).</li> </ul> <p>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.</p>	<p>Complaints Management System (CMS) NICB-RP2J Rev 2 October 2021, TfNSW</p> <p>Letter 21/10/2021 TfNSW-DPHI re: Submission of Complaints Management System (CMS) NICB-RP2J Rev 2</p> <p>Email 26/10/2021 DPHI-TfNSW re: Approval of CMS NICB-RP2J Rev 2</p> <p>Complaints Management System (CMS) NICB-RP2J Rev 3 October 2022, TfNSW</p> <p>Post Approval (DPHI portal) Submission of Complaints Management System (CMS) NICB-RP2J Rev 3 October 2022</p> <p>Email 26/10/2022 DPHI-TfNSW re: Approval of CMS NICB-RP2J Rev 3</p>	<p>The CMS include:</p> <ul style="list-style-type: none"> <li>a. Section 2.1, Table 2.1</li> <li>b. Section 2.1, Table 2.1</li> <li>c. Section 2.1, Table 2.1</li> <li>d. Section 2.2</li> </ul> <p>The CMS Rev 2 and Rev 3 were submitted to the Department and granted approval on 26/10/2021 and 28/10/2022, respectively.</p> <p>Sighted on the Project website the 24- hour telephone number and email address.</p>	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
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.	Newcastle Herald Tuesday 13 September 2022 with advertisement of the NICB RP2J project Complaints Management System (CMS) NICB-RP2J Rev 2 October 2021, TfNSW Complaints Management System (CMS) NICB-RP2J Rev 3 October 2022, TfNSW Project website: <a href="https://www.transport.nsw.gov.au/projects/current-projects/rankin-park-to-jesmond-newcastle-inner-city-bypass">https://www.transport.nsw.gov.au/projects/current-projects/rankin-park-to-jesmond-newcastle-inner-city-bypass</a> <a href="https://caportal.com.au/tfns/rankin-park-to-jesmond/work-updates?view=4fa37edb-e59f-4d14-9fb3-9f93fb8f7432">https://caportal.com.au/tfns/rankin-park-to-jesmond/work-updates?view=4fa37edb-e59f-4d14-9fb3-9f93fb8f7432</a> Postal address is on the Project website. Photo series (provided by FH, no date)	Sighted the Newcastle Herald (local newspaper) dated 13/09/2022, which contained the advertisement of the project with the required details.  The telephone number, postal address and email address was published in the Newcastle Herald newspaper prior to Stage 4 of the RP2J project starting.  Information is provided on the Project website.  Signs are posted around the project alignment and shade cloth has the Project contact details.	C
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.	Site inspection and interview with auditees 21/05/2024 Angela Corbett (FH Comms Manager) Complaints Management System (CMS) NICB-RP2J Rev 3 October 2022, TfNSW Complaints Register 26/05/23 to 25/04/24 ERG slides May 2023 – May 2024, Fulton Hogan.	The Complaint Register is addressed in the CMS under Section 2.1 and 2.2.  Community complaints relating to the RP2J project are recorded in the Consultation Manager (CM) database system. CM is used to track the recording, investigation and handling of all community and stakeholder complaints.  Logged into Consultation Manager and sighted complaints register, statistics etc.  115 complaints were recorded during the audit period. Noise is by far the greatest aspect that generates complaints.	C
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.	Site inspection and interview with auditees 21/05/2024 Complaints Register 26/05/23 to 25/04/24 ERG slides May 2023 – May 2024, Fulton Hogan.	ER has login access to Consultation Manager (CM), receives the complaints register and is part of the ERG, at which the complaints are discussed plus 3 month lookahead consultation.	C
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	Interview with auditees 21/05/2024	To the auditees knowledge, no complaints have needed to be escalated to mediation.	NT
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.	Interview with auditees 21/05/2024	To the auditees knowledge, no complaints have needed to be escalated to mediation.	NT
<b>PROVISION OF ELECTRONIC INFORMATION</b>				

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
B13	<p>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:</p> <ul style="list-style-type: none"> <li>(a) information on the current implementation status of the SSI;</li> <li>(b) a copy of the documents listed in Condition A1 and Condition A2 of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval;</li> <li>(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;</li> <li>(d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI;</li> <li>(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</li> <li>(f) a copy of the compliance reports required under Condition A30 and Audit reports under Condition A36 of this approval.</li> </ul>	<p>Project website:  <a href="https://www.transport.nsw.gov.au/projects/current-projects/project-documents-newcastle-inner-city-bypass">https://www.transport.nsw.gov.au/projects/current-projects/project-documents-newcastle-inner-city-bypass</a></p> <p>Email Transport to Transport, 16/05/24 (request to publish updated blast management strategy following approval on 16/05/24)</p>	<p>The website contains the information required under this condition as follows:</p> <ul style="list-style-type: none"> <li>a. the information is up to date</li> <li>b. all current documentation is available</li> <li>c. copy of approval in original form and current copy of approval sighted</li> <li>d. EPA licence</li> <li>e. CEMP and sub plans, Complaints register (CMS) is maintained electronically and not in document form. Complaints summary is included in ER monthly reports. According to the evidence provided the only document required to be published prior to works commencing this audit period was the blast management strategy, which was published in accordance with this requirement. The Bridge 8 Landscape design Report is published and the relevant works have not commenced.</li> <li>f. Compliance reports sighted</li> </ul>	C
<b>PART C - CONSTRUCTION ENVIRONMENTAL MANAGEMENT</b>				
<b>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN</b>				
C1	<p>A Construction Environmental Management Plan (<b>CEMP</b>) must be prepared to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1 will be implemented and achieved during construction.</p>	<p>Construction Environmental Management Plan (CEMP) NICB-RP2J Stage 4 Main Works Rev 4 09/02/2023, Fulton Hogan</p>	<p>The CEMP was prepared and addresses the requirements in this condition.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
C2	<p>The <b>CEMP</b> must provide:</p> <ul style="list-style-type: none"> <li>(a) a description of activities to be undertaken during construction (including the scheduling of construction);</li> <li>(b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI;</li> <li>(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;</li> <li>(d) details of how the activities described in subsection (a) of this condition will be carried out to: <ul style="list-style-type: none"> <li>i. meet the performance outcomes stated in the documents listed in Condition A1; and</li> <li>ii. manage the risks identified in the risk analysis undertaken in subsection (c) of this condition;</li> </ul> </li> <li>(e) an inspection program detailing the activities to be inspected and frequency of inspections;</li> <li>(f) a protocol for managing and reporting any: <ul style="list-style-type: none"> <li>i. incidents; and</li> <li>ii. non-compliances with this approval or statutory requirements;</li> </ul> </li> <li>(g) procedures for rectifying any non-compliance with this approval identified during compliance reporting and auditing, incident management or at any time during construction;</li> <li>(h) a list of all the <b>CEMP</b> Sub-plans required in respect of construction, as set out in Condition C4. Where staged construction of the SSI is proposed, the <b>CEMP</b> must also identify which <b>CEMP</b> Sub-plan applies to each of the proposed stages of construction;</li> <li>(i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the <b>ER</b>;</li> <li>(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</li> <li>(k) for periodic review and update of the <b>CEMP</b> and all associated plans and programs.</li> </ul>	Construction Environmental Management Plan (CEMP) NICB-RP2J Stage 4 Main Works Rev 4 09/02/2023, Fulton Hogan	<p>The CEMP contains the requirements a) to k) of this conditions as follows:</p> <ul style="list-style-type: none"> <li>a. Section 2.1, 2.3 &amp; 2.4</li> <li>b. Section 3.3, 3.4, 3.5 &amp; 3.6</li> <li>c. Section 3.2 &amp; Appendix A3</li> <li>d. Section 3.2-3.7, Appendix A1, Appendix B1-B9</li> <li>e. Section 8.1</li> <li>f. Chapter 7, Section 8.3 &amp; Chapter 10</li> <li>g. Chapter 10</li> <li>h. Section 3.1.1 &amp; 2.2</li> <li>i. Section 4.1, 4.1.2 &amp; 4.1.4</li> <li>j. Chapter 5</li> <li>k. Section 1.6</li> </ul>	C



C3	<p>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.</p>	<p>Construction Environmental Management Plan (CEMP) NICB-RP2J Stage 4 Main Works Rev 4 09/02/2023, Fulton Hogan</p> <p>Flora &amp; Fauna Management Sub-Plan (FFMP) NICB-RP2J Stage 4 Main Works Rev 6, 20/2/23 Fulton Hogan</p> <p>Letter 8/11/22 GeoLink-TfNSW re: NICB-RP2J Stage 4 Main Works ER endorsement for FFMP</p> <p>Letter 9/11/22 TfNSW-DPHI re: Submission of FFMP to DPHI</p> <p>Noise &amp; Vibration Management Sub-Plan (NVMP) NICB-RP2J Stage 4 Main Works Rev 8, 24/02/23, Fulton Hogan</p> <p>Letter 17/12/22 GeoLink-TfNSW re: NICB-RP2J Stage 4 Main Works ER endorsement for NVMP</p> <p>Letter 9/11/22 TfNSW-DPHI re: Submission of NVMP to DPHI</p> <p>Soil &amp; Water Management Sub-Plan (SWMP) NICB-RP2J Stage 4 Main Works Rev 4, 20/02/23, Fulton Hogan</p> <p>Letter 3/11/22 GeoLink-TfNSW re: NICB-RP2J Stage 4 Main Works ER endorsement for SWMP</p> <p>Letter /11/22 TfNSW-DPHI re: Submission of SWMP to DPHI Rev 2</p> <p>Aboriginal Cultural Heritage Management Sub-Plan (ACHMP) NICB-RP2J Stage 4 Main Works Rev 6, 20/02/23, Fulton Hogan</p> <p>Letter 26/10/22 GeoLink-TfNSW re: NICB-RP2J Stage 4 Main Works ER endorsement for ACHMP</p> <p>Letter 24/10/22 TfNSW-DPHI re: Submission of ACHMP</p> <p>Air Quality Management Sub-Plan (AQMP) NICB-RP2J Stage 4 Main Works Rev 5, 20/02/23, Fulton Hogan</p> <p>Letter 21/10/22 GeoLink-TfNSW re: NICB-RP2J Stage 4 Main Works ER endorsement for AQMP</p> <p>Letter 24/10/22 TfNSW-DPHI re: Submission of AQMP</p> <p>Flood Management Sub-Plan (FMP) NICB-RP2J Stage 4 Main Works Rev 2, 20/02/23, Fulton Hogan</p> <p>Letter 26/10/22 GeoLink-TfNSW re: NICB-RP2J Stage 4 Main Works ER endorsement for FMP</p> <p>Letter 27/10/22 TfNSW-DPHI re: Submission of FMP to DPHI</p> <p>Waste &amp; Energy Management Sub-Plan (WEMP) NICB-RP2J Stage 4 Main Works Rev 6, 20/02/23, Fulton Hogan</p> <p>Letter 9/11/22 TfNSW-DPHI re: Submission of WEMP to DPHI</p> <p>Traffic &amp; Transport Management Sub-Plan (TTMP) NICB-RP2J Stage 4 Main Works Rev 7, 20/02/23, Fulton Hogan</p> <p>Letter 16/11/22 GeoLink-TfNSW re: NICB-RP2J Stage 4 Main Works ER endorsement for TTMP</p> <p>Letter 17/11/22 TfNSW-DPHI re: Submission of TTMP to DPHI</p> <p>Non-Aboriginal Heritage Management Sub-Plan (NAHMP) NICB-RP2J Stage 4 Main Works Rev 2, 20/02/23, Fulton Hogan</p> <p>Letter 9/11/22 TfNSW-DPHI re: Submission of NAHMP to DPHI</p> <p>Ancillary Facilities Establishment Management Plan (AFEMP) NICB-RP2J Stage 4 Main Works Rev 4, 13/12/22, Fulton Hogan</p>	<p>CEMP and Sub-Plans were endorsed by ER and submitted to the Department for approval more than one month prior to construction commencing.</p> <p>The Department granted approval for the CEMP and Sub-Plans on 02/03/2023 for the NICB-RP2J Stage 4 Main Works.</p>	C
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Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
		<p>Letter 24/10/22 TfNSW-DPHI re: Submission of CEMP and Sub-Plans for DPHI approval</p> <p>Letter 02/03/2023 DPHI-FH re: Approval of CEMP Rev 5 and Sub-Plans for NICB-RP2J Stage 4 Main Works</p>		



C4	<p>The following <b>CEMP Sub-plans</b> must be prepared in consultation with the relevant public authorities identified for each <b>CEMP Sub-plan</b>:</p> <p>Table 3: CEMP Sub-plan and relevant public authorities</p> <table><tr><th></th><th>Required CEMP Sub-plan</th><th>Relevant public authorities to be consulted for each CEMP Sub-plan</th></tr><tr><td>(a)</td><td>Traffic and transport</td><td>Relevant council and Health Administration Corporation</td></tr><tr><td>(b)</td><td>Noise and vibration</td><td>Relevant council and Health Administration Corporation</td></tr><tr><td>(c)</td><td>Flora and Fauna</td><td>DPI Fisheries and Relevant council</td></tr><tr><td>(d)</td><td>Air quality</td><td>Relevant council and Health Administration Corporation</td></tr><tr><td>(e)</td><td>Soil and water</td><td>Relevant council, DPI Fisheries and DPHI Water,</td></tr><tr><td>(f)</td><td>Aboriginal cultural heritage</td><td>Heritage NSW and Registered Aboriginal Parties</td></tr><tr><td>(g)</td><td>Flood management</td><td>Relevant council</td></tr></table>		Required CEMP Sub-plan	Relevant public authorities to be consulted for each CEMP Sub-plan	(a)	Traffic and transport	Relevant council and Health Administration Corporation	(b)	Noise and vibration	Relevant council and Health Administration Corporation	(c)	Flora and Fauna	DPI Fisheries and Relevant council	(d)	Air quality	Relevant council and Health Administration Corporation	(e)	Soil and water	Relevant council, DPI Fisheries and DPHI Water,	(f)	Aboriginal cultural heritage	Heritage NSW and Registered Aboriginal Parties	(g)	Flood management	Relevant council	<p>Construction Environmental Management Plan (CEMP) NICB Rev 5 Stage 4 Main Works 09/02/23, Fulton Hogan (FH)</p> <p>Traffic &amp; Transport Management Sub-Plan (TTMP) Rev 8 16/02/24, Fulton Hogan</p> <p>Email 28/10/22 Fulton Hogan (FH)-Newcastle City Council (NCC) re: Submission of TTMP</p> <p>Email 4/11/22 NCC-FH re: Final review of TTMP with comments</p> <p>Email 4/11/22 FH-NCC re: Specific infrastructure requirements for CoN</p> <p>Email 7/11/22 TfNSW-HNSW re: FH responses to HAC's comments of the TTMP</p> <p>Email 08/11/22 Newcastle City Council (NCC)-FH re: Approval of CEMP/TTMP for RP2J</p> <p>Email 10/11/22 TfNSW-HealthNSW re: Confirmation HAC approval for TTMP</p> <p>Email 10/11/22 Health NSW-TfNSW re: Acceptance of comments for TTMP</p> <p>Email 10/11/22 TfNSW-FH re: Comments close out for TTMP</p> <p>Noise &amp; Vibration Management Sub-Plan (NVMP) Rev 8 Stage 4 Main Works 24/02/23, Fulton Hogan</p> <p>Email 7/11/22 FH-NCC re: Submission of NVMP RP2J to Council</p> <p>Email 8/11/22 NCC-FH re: Acknowledgement receipt of NVMP RP2J</p> <p>Email 1/12/22 FH-NCC re: NVMP RP2J- FH response to Council comments</p> <p>Email 5/12/22 NCC-FH re: NVMP RP2J reviewed and approved by Council</p> <p>Email 8/11/22 TfNSW-HealthNSW re: Submission of NVMP RP2J to Health NSW</p> <p>Email 9/12/22 TfNSW-HealthNSW re: NVMP RP2J FH review</p> <p>Email 2/12/22 HealthNSW-FH re: Health NSW approval for NVMP RP2J</p> <p>Flora &amp; Fauna Management Sub-Plan (FFMP) Rev 6 Stage 4 Main Works 20/02/23, Fulton Hogan</p> <p>Email 2/11/22 FH- DPHI/Fisheries re: Submission of FFMP to Fisheries</p> <p>Email 3/11/22 FH- DPHI/Fisheries re: follow up on the approval of FFMP from Fisheries</p> <p>Email 10/11/22 DPHI/Fisheries-TfNSW re: Approval of FFMP</p> <p>Email 18/10/22 FH-NCC re: Submission of FFMP to NCC</p> <p>Email 2/11/22 NCC-FH re: Approval of FFMP from the Newcastle City Council</p> <p>Air Quality Management Sub-Plan (<b>AQMP</b>) Rev 5 Stage 4 Main Works 09/02/23, Fulton Hogan</p> <p>Email 21/09/22 FH-NCC re: Submission of AQMP to NCC</p>	<p>The CEMP and Sub-Plans were prepared in consultation with the following organisations as set out below:</p> <p><b>a. TTMP</b></p> <p>1. City of Newcastle</p> <p>2. Health Administration Corporation</p> <p>3. Emergency Service Providers</p> <p>a. Fire &amp; Rescue</p> <p>b. Newcastle District Police</p> <p><b>b. NVMP</b></p> <p>1. City of Newcastle</p> <p>2. Health Administration Corporation</p> <p><b>c. FFMP</b></p> <p>1. DPI Fisheries</p> <p>2. City of Newcastle</p> <p><b>d. AQMP</b></p> <p>1. City of Newcastle</p> <p>2. Health Administration Corporation</p> <p><b>e. SWMP</b></p> <p>1. City of Newcastle</p> <p>2. DPI Fisheries</p> <p>3. DPHI Water</p> <p><b>f. ACHMP</b></p> <p>1. Heritage NSW</p> <p>2. Registered Aboriginal Parties, including:</p> <p>a. Awabakal Local Aboriginal Land Council</p> <p>b. Wattaka Wonnarua Cultural Consultancy Services</p> <p>c. Awabakal Traditional Owners Aboriginal Corporation</p> <p>d. Kerrie Brauer &amp; Ors on behalf of the Awabakal and Guringai People (Awabakal and Guringai People)</p> <p>e. Hunter Valley Cultural Surveying</p> <p>f. Aboriginal and Native Title Corporation (Valley ELM Corp)</p> <p>g. Kevin Duncan</p> <p>h. Wonnarua Elder LHWCS</p> <p>i. Widescope Indigenous Group</p>	C
	Required CEMP Sub-plan	Relevant public authorities to be consulted for each CEMP Sub-plan																										
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(b)	Noise and vibration	Relevant council and Health Administration Corporation																										
(c)	Flora and Fauna	DPI Fisheries and Relevant council																										
(d)	Air quality	Relevant council and Health Administration Corporation																										
(e)	Soil and water	Relevant council, DPI Fisheries and DPHI Water,																										
(f)	Aboriginal cultural heritage	Heritage NSW and Registered Aboriginal Parties																										
(g)	Flood management	Relevant council																										

		<p>Email 17/10/22 NCC-FH re: Approval of AQMP from NCC</p> <p>Email 26/09/22 TfNSW-HealthNSW re: Submission of AQMP to Health NSW</p> <p>Email 13/10/22 HealthNSW-TfNSW re: Health NSW comments on AQMP</p> <p>Email 17/10/22 TfNSW-HealthNSW re: Response to Health NSW comment on AQMP</p> <p>Email 19/10/22 TfNSW-HealthNSW re: Follow up on AQMP approval</p> <p>Email 24/10/22 HealthNSW-TfNSW re: Approval of AQMP</p> <p>Soil and Water management Sub-Plan (<b>SWMP</b>) for NICB RP2J Stage 4 Rev 4, 20/02/2023, FH</p> <p>Email 5/10/22 FH-NCC re: Submission of SWMP to NCC</p> <p>Email 25/10/22 FH-NCC re: Follow up on the approval of SWMP from NCC</p> <p>Email 25/10/22 NCC-FH re: Approval of SWMP from NCC</p> <p>Email 28/10/22 TfNSW-Fisheries re: Submission of SWMP</p> <p>Email 10/11/22 Fisheries-TfNSW re: Approval of SWMP from Fisheries</p> <p>Email 5/10/22 FH-DPHIWater re: Submission of SWMP to DPHI Water</p> <p>Email 18/10/22 DPHIWater-FH re: DPHI Water comment on SWMP</p> <p>Letter 18/10/22 DPHI-FH re: NICB-RP2J Stage 4 SWMP – DPHI Water review and comment</p> <p>Email 18/10/22 FH-DPHIWater re: FH response on SWMP from DPHI Water comments</p> <p>Email 19/10/22 DPHIWater-FH re: Approval of SWMP from DPHI Water</p> <p>Aboriginal Cultural Heritage Management Sub-Plan (<b>ACHMP</b>) for NICB RP2J Stage 4 Rev 6, 20/02/2023 by FH</p> <p>Email 19/10/22 Heritage NSW-FH re: Heritage NSW approval on ACHMP</p> <p>Email 17/10/22 FH- Awabakal Local Aboriginal Land Council re: Follow up on the approval of ACHMP</p> <p>Email 7/09/22 FH-Awabakal Local Aboriginal Land Council re: Submission of ACHMP</p> <p>Email 5/10/22 Wattaka-FH re: Approval of ACHMP</p> <p>Email 14/08/22 FH-Awabakal re: Submission of ACHMP</p> <p>Email 13/10/22 FH-Awabakal re: Confirmation of discussed item relating to ACHMP</p> <p>Email 17/08/22 FH-Hunter Valley Cultural Surveying re: Submission of ACHMP</p> <p>Email 17/10/22 FH-Hunter Valley Cultural Surveying re: Follow up on the approval of submitted ACHMP</p> <p>Email 17/08/22 FH-valleyelcorp re: Submission of ACHMP to Aboriginal and Native Title Corporation (Valley ELM Corp)</p>	<p>j. Amanda Hickey Cultural Services</p> <p>k. A1 Indigenous Services</p> <p>l. Lower Hunter Aboriginal Incorporated</p> <p>m. Wonn1 (Entity of Kauwul Pty Ltd)</p> <p>n. Didge Ngunawal Clan</p> <p>o. Murra Bidgee Mullangari Aboriginal Corporation Cultural Heritage</p> <p>p. Yinarr Cultural Services</p> <p>q. Awabakal Descendants Traditional Owners</p> <p><b>g. FMP</b></p> <p>1. City of Newcastle</p>	
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Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
		<p>Email 5/10/22 FH-valleyelcorp re: Confirmation on the approval of ACHMP</p> <p>Email 5/10/22 KDuncan-FH re: Approval of ACHMP by Kevin Duncan</p> <p>Email 14/10/22 FH- Wonnarua Elder LHWCS re: Follow up on the approval of ACHMP from Wonnarua Elder LHWCS</p> <p>Email 17/08/22 FH- Wonnarua Elder LHWCS re: Submission of ACHMP to Wonnarua Elder LHWCS</p> <p>Email 6/10/22 Widescope-FH re: Approval of ACHMP</p> <p>Email 17/10/22 FH-Amanda Hickey re: Follow up on the approval for the submitted ACHMP</p> <p>Email 17/10/22 FH-Cazadirect re: Follow up on the approval for the submitted ACHMP</p> <p>Email 5/10/22 LowerHunter-FH re: Approval of ACHMP</p> <p>Email 14/10/22 FH-Wonn1 re: Confirmation of ACHMP approval from Wonn1 (Entity of Kauwul Pty Ltd)</p> <p>Email 14/10/22 FH- didgengunawalclan re: Follow up on the approval for the submitted ACHMP</p> <p>Email 17/10/22 FH- murrabidgeemullangari re: Follow up on the approval for the submitted ACHMP</p> <p>Email 14/10/22 FH- dontminemeay re: Follow up on the approval for the submitted ACHMP</p> <p>Email 14/10/22 FH- Awabakal descendants re: Follow up on the approval for the submitted ACHMP</p> <p>Flood Management Sub-Plan (FMP) for NICB RP2J Stage 4 – Main Works Rev 4, 20/02/2023, FH</p> <p>Email 18/10/22 NCC-FH re: Approval of FMP from Newcastle City Council</p>		
C5	<p>The CEMP Sub-plans must state how:</p> <ul style="list-style-type: none"> <li>(a) the environmental performance outcomes identified in the documents listed in Condition A1 and terms of this approval will be achieved;</li> <li>(b) the mitigation measures identified in the documents listed in Condition A1 and terms of this approval will be implemented;</li> <li>(c) the relevant terms of this approval will be complied with; and</li> <li>(d) issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed.</li> </ul>	Refer to evidence in Condition C3	The CEMP and Sub-Plans address the requirements of this condition and were endorsed by the ER and approved by the Department as complying with the requirements of this condition.	C
C6	The CEMP Sub-plans must be developed in consultation with the relevant public authorities specified in Table 3. Details of all information requested by an authority to be included in a CEMP Sub-plan as a result of consultation, including copies of all correspondence from those authorities, must be provided with the relevant CEMP Sub-Plan.	Refer to evidence on Condition C4	Refer to C4 findings. Evidence of consultation is provided as appendices to the relevant sub plans.	C
C7	Any of the CEMP Sub-plans may be submitted along with, or subsequent to, the submission of the CEMP but in any event, no later than one (1) month before construction for approval by the Planning Secretary.	Refer to evidence on Condition C3	The CEMP and Sub-Plans address the requirements of this condition and were endorsed by the ER and approved by the Department as complying with the requirements of this condition.	C



C8	<p>Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary, or as otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary, including any minor amendments approved by <b>the 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 CEMP and sub-plans for that stage have been approved by the Planning Secretary.</p>	<p>Refer to evidence on Condition C3</p> <p>Letter, Transport to DPHI 19/01/24 (non-compliance letter, re failure to implement the TTMP)</p> <p>Letter DPHI to Transport, 11/04/24 (warning letter re non-compliance with C8 – failure to implement the TTMP)</p> <p>Surface and Ground Water Quality Construction Monitoring Program NICB-RP2J Rev G, 2311/23, TfNSW</p> <p>Flora and Fauna Construction Monitoring Program NICB-RP2J Rev G, 1/09/2022, TfNSW</p> <p>Letter 06/07/22 DPHI-FH re: Approval of Construction Monitoring Programs for Newcastle Inner City Bypass (SSI-6888)</p> <p>ERG slides May 2023 – May 2024, Fulton Hogan.</p> <p>Flora and Fauna Monitoring Annual Report, Kleinfelder, 24/05/24</p> <p>Water Monitoring Annual Report (DRAFT), Kleinfelder, 15/05/24</p> <p>Water Quality Monitoring Reports, Kleinfelder, May 2023 – April 2024.</p> <p>Noise Register May 2023 – May 2024</p> <p>Vibration Register May 2023 – May 2024</p> <p>Noise check noise model (captures sound power level monitoring data)</p> <p>Dust monitoring register, current to 21/05/24</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink.</p> <p>PESCP 06 NICB South End to McCaffrey Drive 4, Rev 7 21/03/24 by FH</p> <p>PESCP 08 NICB Bridge 9 to Zone 4 Rev 5, 24/04/24 by FH</p> <p>PESCP 09 NICB North Interchange Rev 11, 4/04/24 by FH</p> <p>PESCP Cut 5 East, SEEC, 06/05/24</p> <p>Adapt ERSED inspection report, 15/03/24, 04/04/24</p> <p>Dust monitoring register, current to 21/05/24</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink.</p> <p>Complaints Register 26/05/23 to 25/04/24</p> <p>Clearing footprint register, current to 21/05/24</p> <p>Pre-clearance Assessment Report NICN-RP2J NCA22R148533, 15/02/23, Kleinfelder Pre Clearing Permit TL, 02/06/23, 14/06/23, 19/06/23, 16/08/23, 23/08/23, 14/11/23</p> <p>Email Transport to LALC, 08/02/24 (request to approve transfer of all artefacts to the LALC for ongoing retention / use).</p> <p>Project induction, Rev10, FH (no date) (includes boundary control, heritage, unexpected finds, spill mgt, hours of work and OOHV, permits and hold points, water discharging, erosion and sediment control, noise, vibration and dust, waste management, community engagement).</p> <p>EWMS Structures, 24/04/23, FH</p> <p>EWMS Civil works, 17/04/24, FH</p>	<p>CEMP and Sub-Plans for NICB-RP2J Stage 4 Main Works were endorsed /approved by ER (GeoLink) and approved by the Department on 02/03/2023 prior to construction commencing on 6/3/2023. The evidence sighted indicates that the CEMP and Sub-plans are being implemented.</p> <p><b>Non-compliance: On 15/01/24 five empty truck and dogs have entered Victory Parade and parked on the shoulder of the local road prior to being inducted on the project. Victory Parade is not an approved local road under E63, nor has it been assessed for use in the documents listed in A1. A non-compliance was identified on the same day and was notified to the Department on 19/01/24. The notification included details of the project, condition, nature of the breach, date, cause and actions. The Department issued a warning letter regarding the 15/01/24 non-compliance. There was no direction within the warning letter.</b></p>	NC
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Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
		<p>OOHW Applications, 06/23, 07/23, 08/23, 09/23, 10/23, 11/23, 12/23, 01/24, 03/24</p> <p>NICB blasting vibration review 26/03/24 by Heilig &amp; Partners – with trial blast performed on 20/03/24</p> <p>Unexpected find reports, 27/03/23, 05/04/23, 10/05/23, 19/05/23, 05/10/23, 26/06/23, 06/07/23, 18/07/23, 19/07/23,</p> <p>Waste Consignment, 15/05/23, 28/06/23, 07/07/23</p> <p>Tip records, 15/05/23, 12/05/23</p> <p>Clearance reports (x1), April – October 2023RP2J site wide VMP, Rev 16 RP2J-FH-VMP/TGS-0036</p> <p>NICB RP2J – Mulch Export Management Protocol Rev 1, 28/03/2023, FH.</p> <p>FH VENM certificate for Multiplex, 12/12/23</p> <p>S143 certificate, mulch, 2 Astra Street Shortland, 30/06/23</p> <p>S143 certificate, mulch, Abbotsford Street, 18/04/2023</p> <p>S143 certificate, VENM, M1, 08/12/23</p> <p>S143 certificate, VENM, Nelson Bay Rd, 08/08/23</p> <p>S143 certificate, Mulch, Nelson Bay Rd, 08/08/23</p> <p>S143 certificate, VENM, Elliot Davies, 10/08/23RP2J waste register, current to 27/03/24</p>		
<b>CONSTRUCTION MONITORING PLANS</b>				

C9	<p>The following Construction Monitoring Programs 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 documents listed in Condition A1 or in the CEMP:</p> <p>Table 4: Construction Monitoring and relevant public authorities</p> <table><tr><th></th><th>Required Construction Monitoring Programs</th><th>Relevant public authorities to be consulted for each Construction Monitoring Program</th></tr><tr><td>(a)</td><td>Surface and Ground Water Quality</td><td>DPI Fisheries, DPHI Water and Relevant council</td></tr><tr><td>(b)</td><td>Air Quality</td><td>Relevant council and Health Administration Corporation</td></tr><tr><td>(c)</td><td>Noise and vibration</td><td>Relevant council and Health Administration Corporation</td></tr><tr><td>(e)</td><td>Flora and fauna</td><td>DPI Fisheries and Relevant council</td></tr></table>		Required Construction Monitoring Programs	Relevant public authorities to be consulted for each Construction Monitoring Program	(a)	Surface and Ground Water Quality	DPI Fisheries, DPHI Water and Relevant council	(b)	Air Quality	Relevant council and Health Administration Corporation	(c)	Noise and vibration	Relevant council and Health Administration Corporation	(e)	Flora and fauna	DPI Fisheries and Relevant council	<p>Surface and Ground Water Quality Construction Monitoring Program NICB-RP2J Rev G, 2311/23, TfNSW</p> <p>Email 5/10/22 FH-NCC re: Submission of SWMP to NCC</p> <p>Email 25/10/22 FH-NCC re: Follow up on the approval of SWMP from NCC</p> <p>Email 25/10/22 NCC-FH re: Approval of SWMP from NCC</p> <p>Email 28/10/22 TfNSW-Fisheries re: Submission of SWMP</p> <p>Email 10/11/22 Fisheries-TfNSW re: Approval of SWMP from Fisheries</p> <p>Email 5/10/22 FH-DPHIWater re: Submission of SWMP to DPHI Water</p> <p>Email 18/10/22 DPHIWater-FH re: DPHI Water comment on SWMP</p> <p>Letter 18/10/22 DPHI-FH re: NICB-RP2J Stage 4 SWMP – DPHI Water review and comment</p> <p>Email 18/10/22 FH-DPHIWater re: FH response on SWMP from DPHI Water comments</p> <p>Email 19/10/22 DPHIWater-FH re: Approval of SWMP from DPHI Water</p> <p>Air Quality Construction Monitoring Program NICB-RP2J Rev G, 10/06/2022, TfNSW</p> <p>Email 21/09/22 FH-NCC re: Submission of AQMP to NCC</p> <p>Email 17/10/22 NCC-FH re: Approval of AQMP from NCC</p> <p>Email 26/09/22 TfNSW-HealthNSW re: Submission of AQMP to Health NSW</p> <p>Email 13/10/22 HealthNSW-TfNSW re: Health NSW comments on AQMP</p> <p>Email 17/10/22 TfNSW-HealthNSW re: Response to Health NSW comment on AQMP</p> <p>Email 19/10/22 TfNSW-HealthNSW re: Follow up on AQMP approval</p> <p>Email 24/10/22 HealthNSW-TfNSW re: Approval of AQMP</p> <p>Flora and Fauna Construction Monitoring Program NICB-RP2J Rev G, 1/09/2022, TfNSW</p> <p>Email 2/11/22 FH- DPHI/Fisheries re: Submission of FFMP to Fisheries</p> <p>Email 3/11/22 FH- DPHI/Fisheries re: follow up on the approval of FFMP from Fisheries</p> <p>Email 10/11/22 DPHI/Fisheries-TfNSW re: Approval of FFMP</p> <p>Email 18/10/22 FH-NCC re: Submission of FFMP to NCC</p> <p>Email 2/11/22 NCC-FH re: Approval of FFMP from the Newcastle City Council</p> <p>Operational Noise Mitigation Review Rev 3 19/02/2021, Aurecon</p> <p>Letter 28/04/2021 DPHI-TfNSW re: Approval of Operational Noise Mitigation Review</p>	<p>The Construction Monitoring Programs were prepared and address the requirements in this condition.</p> <p>The Sub-Plans include the monitoring programs and these were endorsed by the ER and approved by the Department as complying with the requirements of this condition</p>	C
	Required Construction Monitoring Programs	Relevant public authorities to be consulted for each Construction Monitoring Program																	
(a)	Surface and Ground Water Quality	DPI Fisheries, DPHI Water and Relevant council																	
(b)	Air Quality	Relevant council and Health Administration Corporation																	
(c)	Noise and vibration	Relevant council and Health Administration Corporation																	
(e)	Flora and fauna	DPI Fisheries and Relevant council																	

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
		Noise and vibration construction monitoring program embedded in the Noise & Vibration Management Sub-Plan		
C10	Each Construction Monitoring Program must provide: <ul style="list-style-type: none"> <li>(a) details of baseline data available;</li> <li>(b) details of baseline data to be obtained and when;</li> <li>(c) the parameters of the project to be monitored;</li> <li>(d) the frequency of monitoring to be undertaken;</li> <li>(e) the location of monitoring;</li> <li>(f) the reporting of monitoring results;</li> <li>(g) procedures to identify and implement additional or alternative mitigation measures where results of monitoring are unsatisfactory; and</li> <li>(h) any consultation to be undertaken in relation to the monitoring programs.</li> </ul>	Air Quality Construction Monitoring Program NICB-RP2J Rev G, 10/06/2022, TfNSW Air Quality Construction Monitoring Program NICB-RP2J Rev h, 9/03/23, FHC Surface and Ground Water Quality Construction Monitoring Program NICB-RP2J Rev G, 23/11/23, TfNSW Flora and Fauna Construction Monitoring Program NICB-RP2J Rev G, 1/09/2022, TfNSW Noise and vibration construction monitoring program embedded in the Noise & Vibration Management Sub-Plan Rev 8, 24/02/2023 Fulton Hogan	All construction monitoring programs address the a) – h) requirements as evidenced in the relevant Sub-Plans which were endorsed by the ER and approved by the Department as complying with the requirements of this condition.	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
C11	The Construction Monitoring Programs must be developed in consultation with the relevant public authorities specified in Table 4. 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 Construction Monitoring Program.	<p>Surface and Ground Water Quality Construction Monitoring Program NICB-RP2J Rev G, 2311/23, TfNSW</p> <p>Email 5/10/22 FH-NCC re: Submission of SWMP to NCC</p> <p>Email 25/10/22 FH-NCC re: Follow up on the approval of SWMP from NCC</p> <p>Email 25/10/22 NCC-FH re: Approval of SWMP from NCC</p> <p>Email 28/10/22 TfNSW-Fisheries re: Submission of SWMP</p> <p>Email 10/11/22 Fisheries-TfNSW re: Approval of SWMP from Fisheries</p> <p>Email 5/10/22 FH-DPHIWater re: Submission of SWMP to DPHI Water</p> <p>Email 18/10/22 DPHIWater-FH re: DPHI Water comment on SWMP</p> <p>Letter 18/10/22 DPHI-FH re: NICB-RP2J Stage 4 SWMP – DPHI Water review and comment</p> <p>Email 18/10/22 FH-DPHIWater re: FH response on SWMP from DPHI Water comments</p> <p>Email 19/10/22 DPHIWater-FH re: Approval of SWMP from DPHI Water</p> <p>Air Quality Construction Monitoring Program NICB-RP2J Rev G, 10/06/2022, TfNSW</p> <p>Email 21/09/22 FH-NCC re: Submission of AQMP to NCC</p> <p>Email 17/10/22 NCC-FH re: Approval of AQMP from NCC</p> <p>Email 26/09/22 TfNSW-HealthNSW re: Submission of AQMP to Health NSW</p> <p>Email 13/10/22 HealthNSW-TfNSW re: Health NSW comments on AQMP</p> <p>Email 17/10/22 TfNSW-HealthNSW re: Response to Health NSW comment on AQMP</p> <p>Email 19/10/22 TfNSW-HealthNSW re: Follow up on AQMP approval</p> <p>Email 24/10/22 HealthNSW-TfNSW re: Approval of AQMP</p> <p>Flora and Fauna Construction Monitoring Program NICB-RP2J Rev G, 1/09/2022, TfNSW</p> <p>Email 2/11/22 FH- DPHI/Fisheries re: Submission of FFMP to Fisheries</p> <p>Email 3/11/22 FH- DPHI/Fisheries re: follow up on the approval of FFMP from Fisheries</p> <p>Email 10/11/22 DPHI/Fisheries-TfNSW re: Approval of FFMP</p> <p>Email 18/10/22 FH-NCC re: Submission of FFMP to NCC</p> <p>Email 2/11/22 NCC-FH re: Approval of FFMP from the Newcastle City Council</p>	The Construction Monitoring Programs were prepared in consultation with the authorities in Table 4 and the relevant sub plans were then endorsed by the ER and approved by the Department as complying with the requirements of this condition.	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
C12	The Construction Monitoring Programs 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.	Air Quality Construction Monitoring Program NICB-RP2J Rev G, 10/06/2022, TfNSW Air Quality Construction Monitoring Program NICB-RP2J Rev h, 9/03/23, FHC Surface and Ground Water Quality Construction Monitoring Program NICB-RP2J Rev G, 2311/23, TfNSW Flora and Fauna Construction Monitoring Program NICB-RP2J Rev G, 1/09/2022, TfNSW Letter 06/07/22 DPHI-FH re: Approval of Construction Monitoring Programs for Newcastle Inner City Bypass (SSI-6888)	The monitoring programs are included in the relevant Sub-Plans which were endorsed by the ER and approved by the Department as complying with the requirements of this condition.	C
C13	Construction must not commence until the Planning Secretary has approved, or as otherwise agreed by the Planning Secretary, all the required Construction Monitoring Programs, and all relevant baseline data for the specific construction activity has been collected.	Air Quality Construction Monitoring Program NICB-RP2J Rev G, 10/06/2022, TfNSW Air Quality Construction Monitoring Program NICB-RP2J Rev h, 9/03/23, FHC Surface and Ground Water Quality Construction Monitoring Program NICB-RP2J Rev G, 2311/23, TfNSW Flora and Fauna Construction Monitoring Program NICB-RP2J Rev G, 1/09/2022, TfNSW Letter 06/07/22 DPHI-FH re: Approval of Construction Monitoring Programs for Newcastle Inner City Bypass (SSI-6888)	The CEMP including the relevant sub plans was approved by the Planning Secretary on 2/3/2023 prior to construction commencing on 6/03/2023.	C
C14	The Construction Monitoring Programs, 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.	Air Quality Construction Monitoring Program NICB-RP2J Rev G, 10/06/2022, TfNSW Air Quality Construction Monitoring Program NICB-RP2J Rev h, 9/03/23, FHC Surface and Ground Water Quality Construction Monitoring Program NICB-RP2J Rev G, 2311/23, TfNSW Flora and Fauna Construction Monitoring Program NICB-RP2J Rev G, 1/09/2022, TfNSW Letter 06/07/22 DPHI-FH re: Approval of Construction Monitoring Programs for Newcastle Inner City Bypass (SSI-6888) ERG slides May 2023 – May 2024, Fulton Hogan. Flora and Fauna Monitoring Annual Report, Kleinfelder, 24/05/24 Water Monitoring Annual Report (DRAFT), Kleinfelder, 15/05/24 Water Quality Monitoring Reports, Kleinfelder, May 2023 – April 2024. Noise Register May 2023 – May 2024 Vibration Register May 2023 – May 2024 Noise check noise model (captures sound power level monitoring data) Dust monitoring register, current to 21/05/24 ER Monthly Reports, May 2023 – May 2024, GeoLink.	At the time of the audit, there was no requirement for formal reporting to have yet occurred to the Department for any of the monitoring programs.  The requirements are for an annual report, the first of which the end of the reporting period is 5 March 2024. The first monitoring report is being prepared.  That being said, the ERG slides, noise and vibration monitoring registers, monthly reports and draft annual reports sighted indicate that the monitoring programs have been implemented during the audit period.  The ER has not identified instances whereby the project has failed to implement the Monitoring programs within the ER Monthly Reports.	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
C15	<p>The results of the Construction Monitoring Programs must be submitted to the Planning Secretary, and relevant public authorities for information, in the form of a Construction Monitoring Report at the frequency identified in the relevant Construction Monitoring Program.</p> <p>Where a relevant CEMP Sub-plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Sub-plan.</p>	<p>Air Quality Construction Monitoring Program NICB-RP2J Rev G, 10/06/2022, TfNSW</p> <p>Air Quality Construction Monitoring Program NICB-RP2J Rev h, 9/03/23, FHC</p> <p>Surface and Ground Water Quality Construction Monitoring Program NICB-RP2J Rev G, 23/11/23, TfNSW</p> <p>Flora and Fauna Construction Monitoring Program NICB-RP2J Rev G, 1/09/2022, TfNSW</p> <p>Letter 06/07/22 DPHI-FH re: Approval of Construction Monitoring Programs for Newcastle Inner City Bypass (SSI-6888)</p> <p>ERG slides May 2023 – May 2024, Fulton Hogan.</p> <p>Flora and Fauna Monitoring Annual Report, Kleinfelder, 24/05/24</p> <p>Water Monitoring Annual Report (DRAFT), Kleinfelder, 15/05/24</p> <p>Water Quality Monitoring Reports, Kleinfelder, May 2023 – April 2024.</p> <p>Noise Register May 2023 – May 2024</p> <p>Vibration Register May 2023 – May 2024</p> <p>Noise check noise model (captures sound power level monitoring data)</p> <p>Dust monitoring register, current to 21/05/24</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink.</p>	<p>At the time of the audit, there was no requirement for formal reporting to have yet occurred to the Department for any of the monitoring programs.</p> <p>The requirements are for an annual report, the first of which the end of the reporting period is 5 March 2024. The first monitoring reports are being prepared.</p>	NT
<b>PART D - OPERATIONAL ENVIRONMENTAL MANAGEMENT</b>				
<b>OPERATIONAL ENVIRONMENT MANAGEMENT</b>				
D1	An Operational Environmental Management Plan (OEMP) 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 (Condition D1) does not apply if Condition D2 of this approval applies.		The Project is under construction.	Not Triggered
D2	<p>An OEMP is not required for the SSI if the Proponent has an Environmental Management System (EMS) or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the EMS or equivalent:</p> <ul style="list-style-type: none"> <li>(a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in Condition A1 and specified relevant terms of this approval can be achieved;</li> <li>(b) issues identified through ongoing risk analysis can be managed; and</li> <li>(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.</li> </ul>		The Project is under construction.	Not Triggered
D3	The OEMP or EMS 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.		The Project is under construction.	Not Triggered

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
D4	The OEMP or EMS or equivalent as agreed with the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the OEMP or EMS must be made publicly available before the commencement of operation.		The Project is under construction.	Not Triggered
<b>PART E - KEY ISSUE CONDITION</b>				
<b>AIR QUALITY</b>				
E1	In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1, all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants from works associated with the SSI	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Soil and Water Management Sub-Plan (SWMP) for NICB RP2J Stage 4 Rev 4, 20/02/2023, FH</p> <p>PESCP 06 NICB South End to McCaffrey Drive 4, Rev 7 21/03/24 by FH</p> <p>PESCP 08 NICB Bridge 9 to Zone 4 Rev 5, 24/04/24 by FH</p> <p>PESCP 09 NICB North Interchange Rev 11, 4/04/24 by FH</p> <p>PESCP Cut 5 East, SEEC, 06/05/24</p> <p>Adapt ERSED inspection report, 15/03/24, 04/04/24</p> <p>Dust monitoring register, current to 21/05/24</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink.</p> <p>Complaints Register 26/05/23 to 25/04/24</p>	<p>The site was subject to large amounts of rain in the month leading up to the audit site inspection and on the day of the inspection. That being said, according to the ER inspections dust does not appear to have been a material issue during the audit period.</p> <p>The auditees advise that they implement the following controls as required:</p> <ul style="list-style-type: none"> <li>• Polymer stabilisation</li> <li>• Water carts</li> <li>• Staged clearing and retention of as much vegetation possible as late as possible has also assisted</li> <li>• Sweepers on access roads</li> <li>• Seeding of bunds</li> <li>• Reuse of mulch and use of mulch blankets</li> <li>• Resheeting exposed surfaces with road base, recycled slag etc.</li> </ul> <p>21 complaints were received during the audit period relating to dust. These appear to have been investigated and responded to by FH.</p>	C
<b>BIODIVERSITY</b>				
E2	Any work associated with the SSI must limit the clearing of native vegetation to the greatest extent practicable.	<p>Site inspection and interview with auditees 21/05/2024</p> <p>FE01 Drawing Set, clearing and fencing plants 01/11/22</p> <p>Clearing footprint register, current to 21/05/24</p> <p>Pre-clearance Assessment Report NICN-RP2J NCA22R148533, 15/02/23, Kleinfelder</p>	A pre-clearing report was prepared covering the entire proposed clearing extent. Clearing (marked project boundary) is offset within the approved project boundary resulting in approximately 10% less clearing. Actual impacts will be less than what was sent in the EIS documents due to the reduction in the clearing boundary, as presented in the FE01 Drawing Set, clearing and fencing plans. 33 ha have been cleared to date, which is below the 44ha clearing target.	C
E3	Impacts to plant community types must not exceed those identified in the documents listed in Condition A1.	<p>Site inspection and interview with auditees 21/05/2024</p> <p>FE01 Drawing Set, clearing and fencing plants 01/11/22</p> <p>Clearing footprint register, current to 21/05/24</p> <p>Pre-clearance Assessment Report NICN-RP2J NCA22R148533, 15/02/23, Kleinfelder</p>	A pre-clearing report was prepared covering the entire proposed clearing extent. Clearing (marked project boundary) is offset within the approved project boundary resulting in approximately 10% less clearing. Actual impacts will be less than what was sent in the EIS documents due to the reduction in the clearing boundary, as presented in the FE01 Drawing Set, clearing and fencing plans. 33 ha have been cleared to date, which is below the 44ha clearing target.	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status																														
E4	<p>The Biodiversity Offset Strategy (BOS) detailed in the documents listed under Condition A1 must be implemented. The credits specified in the BOS and detailed in Table 5 must be secured within 12 months of the commencement of construction, or as otherwise agreed by the Planning Secretary. The credits must be retired within 12 months of securing the credits, or in a timeframe agreed to by the Planning Secretary.</p> <p>Table 5: Biodiversity Credits to be Retired</p> <table><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><tr><td colspan="3">Ecosystem Credits</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 colspan="2">Total ecosystem credits required for offsetting</td><td>3,244</td></tr><tr><td colspan="3">Species Credits</td></tr><tr><td colspan="2">Black-eyed Susan (<i>Tetratheca juneca</i>)</td><td>12,690</td></tr></table>	Credit Type	EPBC Act equivalent EEC or habitat of EPBC Act listed threatened species	Number of Credits	Ecosystem Credits			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	Species Credits			Black-eyed Susan ( <i>Tetratheca juneca</i> )		12,690	<p>NICB-RP2J Biodiversity Offset Strategy April 2018, GHD</p> <p>Credit Retirement Report (CRR) ID No 741 08/07/2022, BioBanking-BCD (CRD)</p> <p>Letter 10/06/2021 TfNSW-DPHI re: Submission of Credit Retirement Report by BCD</p> <p>Letter 17/06/2021 DPHI-TfNSW re: NICB-RP2J Credit Retirement Report request for additional information</p> <p>Letter 21/07/2022 TfNSW-DPHI re: Infrastructure Approval Condition E5 – Credit Retirement Report</p> <p>Letter 04/08/2022 DPHI-TfNSW re: Acceptance of Credit Retirement Report</p> <p>Credit retirement report CT-3312 Case No.: 47801 approved date 01/05/24</p> <p>Letter TfNSW to DPHI, 17/05/24 (Submission of E5, Credit Retirement Report, May 2024) and DPHI post approval portal lodgement 17/05/24</p>	<p>At the time of completing this third audit, all credits had been retired with the exception of 64 credits for HU833 (PCT 1619) and 29 credits (to be payments to the fund) for HU806 (PCT 1592).</p> <p>Construction of the Project commenced on 06/03/23, therefore according to E4 all credits must have been secured by 06/03/24. Transport advised that all credits were secured in January 2024 in accordance with E4. On 17/05/24 Transport advised the Department that 64 BioBanking Assessment Methodology (BBAM) ecosystem credits, secured in July 2023, are not yet retired due to property related matters. Transport would like to align the retirement of the remaining credits with the transfer of the property to Council, expected to be completed in March 2025. The Department has not yet responded to the request.</p>	C
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E5	The Proponent must submit to the Planning Secretary a copy of the Credit Retirement Report issued by the BCD (once the offsets are secured) within one month of receiving the report.	Credit Retirement Report (CRR) ID No 741 08/07/2022, BioBanking-BCD (CRD)  Letter 10/06/2021 TfNSW-DPHI re: Submission of Credit Retirement Report by BCD  Letter 17/06/2021 DPHI-TfNSW re: NICB-RP2J Credit Retirement Report request for additional information  Letter 21/07/2022 TfNSW-DPHI re: Infrastructure Approval Condition E5 – Credit Retirement Report  Letter 04/08/2022 DPHI-TfNSW re: Acceptance of Credit Retirement Report  Credit retirement report CT-3312 Case No.: 47801 approved date 01/05/24  Letter TfNSW to DPHI, 17/05/24 (Submission of E5, Credit Retirement Report, May 2024) and DPHI post approval portal lodgement 17/05/24	The latest credit retirement report, capturing a summary of credit retirements across 2021, 2022 and 2024, was submitted (with the supporting information) on 17/05/24.	C
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.	Credit Retirement Report (CRD) ID No 741 08/07/2022, BioBanking-BCD  Letter 10/06/2021 TfNSW-DPHI re: Submission of Credit Retirement Report by BCD	The Credit Retirement Report addresses the requirement of this condition.	C
E7	The offsetting of biodiversity impacts must be carried out in accordance with the NSW Biodiversity Offsets Policy for Major Projects (OEH, 2014) and can be achieved by:  (a) acquiring and retiring “biodiversity credits” within the meaning of the Biodiversity Conservation Act 2016; and/or  (b) making payments to an offset fund developed by the NSW Government; and/or  (c) providing supplementary measures.  Notes:  1. Following repeal of the Threatened Species Conservation Act 1995 on 25 August 2017, “biodiversity credits” created under that Act are taken to be “biodiversity credits” under the Biodiversity Conservation Act 2016 by virtue of clause 19 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.  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 DAWE.	Credit Retirement Report (CRD) ID No 741 08/07/2022, BioBanking-BCD  Letter 10/06/2021 TfNSW-DPHI re: Submission of Credit Retirement Report by BCD  Letter 17/06/2021 DPHI-TfNSW re: NICB-RP2J Credit Retirement Report request for additional information  Letter 21/07/2022 TfNSW-DPHI re: Infrastructure Approval Condition E5 – Credit Retirement Report  Letter 04/08/2022 DPHI-TfNSW re: Acceptance of Credit Retirement Report  Letter TfNSW to DPHI, 17/05/24 (Submission of E5, Credit Retirement Report, May 2024) and DPHI post approval portal lodgement 17/05/24	The latest credit retirement report, capturing a summary of credit retirements across 2021, 2022 and 2024, was submitted (with the supporting information) on 17/05/24.	C
E8	Prior to work that impacts native vegetation, the Proponent must consult with local community, Landcare groups and relevant public authorities to determine if there is an interest for the reuse of suitable timber and root balls in habitat enhancement and rehabilitation work. Timber and root balls must be retained from the project where there is a demonstrated demand for their reuse.	Interview with auditees 21/05/2024  Email 11/05/2023 Local Land Services (LLS)-FH,SCS re: Meeting request to discuss timber logs at bypass site  Email 12/05/2023 LLS-FH,SCS re: Timber Logs Hunter LLS - FH meeting (11/05/2023)  Email LLS to TfNSW, 26/07/23 (summary that logs were collected by LS between 19/04/23 – 14/06/23)  Photo series showing collection by Landcare and local indigenous group (FH, not date).	At the previous audit evidence was sighted showing that Local Land Services (LLS) would use timber for riparian restoration works in the valley, Landcare would use timber for nest boxes and a local indigenous group had interested in taking timber for guitar making. The Auditor sighted evidence demonstrating that these reuse opportunities were completed.  Felled HBTs were observed to be retained on the alignment for future use.	C

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E9	<p>The construction of the SSI must demonstrate how:</p> <ul style="list-style-type: none"> <li>(a) EPBC Act listed threatened species and ecological communities are protected;</li> <li>(b) noxious weeds are managed; and</li> <li>(c) contamination by pathogens, non-indigenous regenerative plant material and seeds can be prevented by the movement of all tools, vehicles, machinery and personnel.</li> </ul> <p>Note: These additional requirements must be addressed in the Flora and Fauna Management Sub-plan required under Condition C4 Table 3 (c).</p>	Flora & Fauna Management Sub-Plan (FFMP) Rev 6 Stage 4 Main Works 20/02/23, Fulton Hogan	<p>The FFMP addresses the requirement of this condition which include:</p> <ul style="list-style-type: none"> <li>a) Chapter 6 mitigation measure ID; FFMM1, FFMM2, FFMM9, Section 4.5.1 for the Greyheaded Flying-fox</li> <li>b) Chapter 6 mitigation measure ID FFMM21, FFMM22, FFMM23, FFMM24, FFMM25 and Appendix E</li> <li>c) Chapter 6 mitigation measure ID FFMM21, FFMM22, FFMM23, FFMM24, FFMM25 and Appendix G</li> </ul>	C
<b>Pre-Clearing Surveys</b>				
E10	<p>Before the removal or clearing 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 and management/offset measures must be included in 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 Bridge 7.</p>	<p>Pre-clearance Assessment Report NICN-RP2J NCA22R148533, 15/02/23, Kleinfelder</p> <p>Pre Clearing Permit TL, 02/06/23, 14/06/23, 19/06/23, 16/08/23, 23/08/23, 14/11/23</p>	<p>Pre-clearance assessment was completed at commencement of construction and documented in the Pre-clearance Assessment Report. Subsequent pre-clearance inspections are completed as part of the pre-clearing permit process. Pre-clearing Permits sighted indicate that inspections have been completed in accordance with this requirement.</p>	C
E11	<p>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 Condition E4, the Proponent must provide a net increase in the number of replacement trees. Replacement trees must be planted within and on public land within 500 metres of the SSI boundary. Replacement tree plantings may be undertaken beyond 500 metres on public land within the relevant 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 the relevant council and undertaken prior to the commencement of operation.</p>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>NICB-RP2J Biodiversity Offset Strategy April 2018, GHD</p> <p>Pre-clearance Assessment Report NICN-RP2J NCA22R148533, 15/02/23, Kleinfelder</p> <p>Jesmond Park mark-up – mapping of trees (no date)</p>	<p>Replacement of trees will be undertaken nearing project completion or prior to the commencement of operations.</p> <p>Not covered by this audit period.</p>	NT
E11A	<p>The SSI must not impact street trees in the Peatties Road reservation between Charlestown Road and 5 metres past the Peatties Road ancillary facility entry/exit point, unless the work is required for:</p> <ul style="list-style-type: none"> <li>(a) the construction of the footpath required under Condition E71A;</li> <li>(b) vehicular access to the Peatties Road ancillary facility;</li> <li>(c) bushfire requirements; and</li> <li>(d) traffic safety requirements.</li> </ul> <p>Where trees are to be removed and those trees are not required to be offset under Condition E4, the Proponent must provide a net increase in the number of replacement trees. The replacement trees must be planted along or adjoining Peatties Road in consultation with City of Newcastle.</p>	<p>Site inspection and interview with the auditees 21/05/24</p>	<p>Peatties Road Ancillary site not being used by Project.</p>	NT
<b>FLOODING</b>				
E12	<p>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 City of Newcastle</p>	<p>Detailed Design Hydrology and Hydraulics Report for RP2J Ref 504057 Rev 1, 23/09/2019 by Aurecon</p> <p>Flood mitigation notification 23/1/2023 NFA - Flood Mitigation measures for Dark Creek at the northern interchange</p> <p>Notification – Flood mitigation for Dark Creek at the northern interchange January 2023</p>	<p>Detailed Design Hydrology and Hydraulics Report addresses the pre-existing flooding condition associated with Dark Creek at the northern interchange of the project.</p> <p>Notices were issued to inform affected landowners of proposed flood mitigation measures and how they can find out more or comment on the proposed measures.</p>	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
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 City of Newcastle, BCD 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 City of Newcastle, BCD 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 City of Newcastle, BCD or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the City of Newcastle, BCD and the SES.	Site inspection and interviews with auditees 21/05/2024	Not triggered as project in construction phase	NT
<b>HERITAGE</b>				
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 Heritage NSW.	Unexpected Heritage Find & Human Remains Procedure (UHFHRP) for NICB-RP2J Rev 4 23/08/2019, TRMS	The Unexpected Heritage Find & Human Remains Procedure was prepared and addresses the requirement of this condition.	C
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 Heritage NSW 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.	Unexpected Heritage Find & Human Remains Procedure (UHFHRP) for NICB-RP2J Rev 4 23/08/2019, TRMS Letter 19/07/2019 TRMS-Heritage NSW re: UHFHRP Consultation with Heritage NSW Letter 12/08/2019 TRMS-Heritage Council of NSW re: UHFHRP Consultation with Heritage Council of NSW Letter 13/08/2019 TRMS-DPHI re: Submission of Unexpected Heritage Find & Human Remains Procedure (UHFHRP) for NICB-RP2J Rev 4 Email 15/08/2019 DPHI-TRMS re: Approval of UHFHRP for NICB project	The Unexpected Heritage Find & Human Remains Procedure was prepared by TRMS, who made the required consultation with the Heritage NSW and Heritage Council of NSW and it approved by the Department on 15 August 2019. No change for the current audit period.	C
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.	Unexpected Heritage Find & Human Remains Procedure (UHFHRP) for NICB-RP2J Rev 4 23/08/2019, TRMS Letter 13/08/2019 TRMS-DPHI re: Submission of Unexpected Heritage Find & Human Remains Procedure (UHFHRP) for NICB-RP2J Rev 4 Email 15/08/2019 DPHI-TRMS re: Approval of UHFHRP for NICB project Interview with auditees 21/05/24	The Unexpected Heritage Find & Human Remains Procedure was prepared. The auditees state there have been no unexpected heritage finds during the audit period. Note that a heritage find at the Hollywood site was anticipated based on previous investigations.	NT
<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 SPIR, Appendix H - Technical Paper 10 – Aboriginal Cultural Heritage Assessment Report, April 2018.	Sensitive area maps for NICB-RP2J (12 maps) 30/09/2019, Hills Environmental  Cultural Heritage (Aboriginal Archaeological) Salvage Report (CHSR) for NICB-RP2J Rev 0.1, November 2021, Kelleher Nightingale Consulting  Cultural Heritage (Aboriginal Archaeological) Salvage Report Rev 2 for NICB-RP2J, August 2022, Kelleher Nightingale Consulting	Sensitive area maps and CHSR were prepared which address the requirements of this condition. All sites were cleared as part of the salvage and this was reported in 2022 (prior to the current audit period).	C

E18	<p>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.</p>	<p>Cultural Heritage (Aboriginal Archaeological) Salvage Report for NICB-RP2J Rev 0.1, November 2021, Kelleher Nightingale Consulting</p> <p>Cultural Heritage (Aboriginal Archaeological) Salvage Report Rev 2 for NICB-RP2J, August 2022, Kelleher Nightingale Consulting</p> <p>Aboriginal Cultural Heritage Management Sub-Plan (<b>ACHMP</b>) for NICB RP2J Stage 4 Rev 6, 20/02/2023 by FH</p> <p>Email 19/10/22 Heritage NSW-FH re: Heritage NSW approval on ACHMP</p> <p>Email 17/10/22 FH- Awabakal Local Aboriginal Land Council re: Follow up on the approval of ACHMP</p> <p>Email 7/09/22 FH-Awabakal Local Aboriginal Land Council re: Submission of ACHMP</p> <p>Email 5/10/22 Wattaka-FH re: Approval of ACHMP</p> <p>Email 14/08/22 FH-Awabakal re: Submission of ACHMP</p> <p>Email 13/10/22 FH-Awabakal re: Confirmation of discussed item relating to ACHMP</p> <p>Email 17/08/22 FH-Hunter Valley Cultural Surveying re: Submission of ACHMP</p> <p>Email 17/10/22 FH-Hunter Valley Cultural Surveying re: Follow up on the approval of submitted ACHMP</p> <p>Email 17/08/22 FH-valleyelcorp re: Submission of ACHMP to Aboriginal and Native Title Corporation (Valley ELM Corp)</p> <p>Email 5/10/22 FH-valleyelcorp re: Confirmation on the approval of ACHMP</p> <p>Email 5/10/22 KDuncan-FH re: Approval of ACHMP by Kevin Duncan</p> <p>Email 14/10/22 FH- Wonnarua Elder LHWCS re: Follow up on the approval of ACHMP from Wonnarua Elder LHWCS</p> <p>Email 17/08/22 FH- Wonnarua Elder LHWCS re: Submission of ACHMP to Wonnarua Elder LHWCS</p> <p>Email 6/10/22 Widescope-FH re: Approval of ACHMP</p> <p>Email 17/10/22 FH-Amanda Hickey re: Follow up on the approval for the submitted ACHMP</p> <p>Email 17/10/22 FH-Cazadirect re: Follow up on the approval for the submitted ACHMP</p> <p>Email 5/10/22 LowerHunter-FH re: Approval of ACHMP</p> <p>Email 14/10/22 FH-Wonn1 re: Confirmation of ACHMP approval from Wonn1 (Entity of Kauwul Pty Ltd)</p> <p>Email 14/10/22 FH- didgengunawalclan re: Follow up on the approval for the submitted ACHMP</p> <p>Email 17/10/22 FH- murrabidgeemullangari re: Follow up on the approval for the submitted ACHMP</p> <p>Email 14/10/22 FH- dontminemeay re: Follow up on the approval for the submitted ACHMP</p>	<p>All artefacts are currently being held by the Archaeologist and consultation with the LALC is ongoing regarding future use. The LALC has yet to formally accept the artefacts. In summary the management of any salvaged Aboriginal objects is addressed in the ACHMP which was prepared in consultation with the LALC/RAPs.</p> <p>The salvage works are complete and on 08/02/24 the heritage consultant requested approval to transfer all artefacts to the LALC for ongoing retention / use. The transfer has yet to occur.</p>	C
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Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
		Email 14/10/22 FH- Awabakal descendants re: Follow up on the approval for the submitted ACHMP  Email Transport to LALC, 08/02/24 (request to approve transfer of all artefacts to the LALC for ongoing retention / use).		
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 Heritage NSW.	Cultural Heritage (Aboriginal Archaeological) Salvage Report for NICB-RP2J Rev 0.1, November 2021, Kelleher Nightingale Consulting  Cultural Heritage (Aboriginal Archaeological) Salvage Report Rev 2 for NICB-RP2J, August 2022, Kelleher Nightingale Consulting	The Cultural Heritage Salvage Report was prepared and addresses the requirements of this condition.	C
E20	The <b>Cultural Heritage Salvage Report</b> must be submitted to the Planning Secretary, Heritage NSW, relevant councils 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> .	Cultural Heritage (Aboriginal Archaeological) Salvage Report Rev 2 for NICB-RP2J, August 2022, Kelleher Nightingale Consulting  Letter 17/08/2022 TfNSW-NCC re: Submission of Cultural Heritage Salvage Report to Newcastle City Council  Letter 17/08/2022 TfNSW-DPHI re: Submission of Cultural Heritage Salvage Report the Department  Letter 17/08/2022 TfNSW-Heritage NSW re: Submission of Cultural Heritage Salvage Report to Heritage NSW  Email 31/08/2022 TfNSW-RAP NSW re: Submission of Cultural Heritage Salvage Report to RAP	The Cultural Heritage Salvage Report was submitted to the Department, Heritage NSW, relevant councils and RAPs as per sighted documents.	C
<b>Non-Aboriginal 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 Heritage Council of NSW's Criteria for Assessment of Excavation Directors (July, 2011) (referred to as the Excavation Director) to oversee and advise on matters associated with historic archaeology and to prepare an Historical Archaeological Research Design and Excavation Methodology generally consistent with the documents listed in Condition A1.	Email 22/02/2023 Umwelt-FH re: Progress update on the Hollywood shanty town site  Umwelt Australia P/L Induction Record  Non-Aboriginal Archaeological Excavation Report (DRAFT), Umwelt, May 2024	Engagement of an archaeologist was confirmed through the induction records. Tim Adams, Principal Archaeologist of Umwelt Australia P/L is the Excavation Director. The draft Archaeological Excavation Report evidence their ongoing involvement.	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E22	<p>The investigation and salvage of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage items must be undertaken in accordance with the Historical Archaeological Research Design and Excavation Methodology. The Proponent must submit the Historical Archaeological Research Design and Excavation Methodology to the relevant council for review and comment prior to finalisation. The Historical Archaeological Research Design and Excavation Methodology must:</p> <ul style="list-style-type: none"> <li>(a) be consistent with the documents listed in Condition A1 and NSW Heritage Council's Archaeological Assessments Guideline (1996) or as updated;</li> <li>(b) provide for the detailed analysis of any heritage items discovered during the investigations;</li> <li>(c) include management options for discovered heritage items, whether known or unexpected finds (including options for avoidance, salvage, relocation and display);</li> <li>(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;</li> <li>(e) include procedures for notifying the Planning Secretary and City of Newcastle of any relic findings; and</li> <li>(f) if the findings of the investigations are significant, provide for the preparation and implementation of a Heritage Interpretation Plan, as required under Condition E24.</li> </ul>	<p>Newcastle Inner City Bypass 'Hollywood' Shanty Town Site &amp; The Wallsend/Plattsburg Tramway Historical Archaeological Research Design &amp; Excavation Methodology February 2021 (Casey and Lowe)</p> <p>Email 22/02/2023 Umwelt-FH re: Progress update on the Hollywood shanty town site</p> <p>Non-Aboriginal Archaeological Excavation Report (DRAFT), Umwelt, May 2024</p> <p>Letter 22/04/24 TfNSW-DPHI re: Request for time extension for submission of Archaeological Excavation Report under condition E23</p> <p>Post Approval Submission (DPHI portal) re: submission of request for submission of Archaeological Excavation Report</p> <p>Email 22/04/24 DPHI-TfNSW re: DPHI acknowledgement receipt for submission of time extension</p> <p>Letter DPHI to Transport, 15/05/24 (approval of extension request)</p> <p>Letter DPHI to Transport, 08/05/24 (approval of updated compliance monitoring reporting program, including the delayed submission of the Compliance report 3 beyond the 6 month timeframe).</p>	<p>Evidence provided indicates the investigation of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage has been completed, with reporting to be finalised.</p> <p>Letter dated 22/04/24 was provided by TfNSW requesting a time extension for submitting the Archaeological Excavation Report from 31/05/24 to 31/10/24. This extension will allow the project's archaeologist sufficient time to conduct a thorough analysis of the over 1600 artefacts discovered during salvage.</p> <p>The Department approved the extension, requiring the submission of the E23 Archaeological Excavation Report by 31/10/24.</p>	C
E23	<p>The Proponent must prepare an <b>Archaeological Excavation Report</b> containing the findings of any excavations, including artefact analysis and the identification of a final repository of any finds. The report must be submitted to the Planning Secretary within 12 months of completing all archaeological investigations. The <b>Archaeological Excavation Report</b> must also be submitted to the relevant council, the local library and the local Historical Society.</p>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Letter 22/04/24 TfNSW-DPHI re: Request for time extension for submission of Archaeological Excavation Report under condition E23</p> <p>Post Approval Submission (DPHI portal) re: submission of request for submission of Archaeological Excavation Report</p> <p>Email 22/04/24 DPHI-TfNSW re: DPHI acknowledgement receipt for submission of time extension</p> <p>Letter DPHI to Transport, 15/05/24 (approval of extension request)</p> <p>Letter DPHI to Transport, 08/05/24 (approval of updated compliance monitoring reporting program, including the delayed submission of the Compliance report 3 beyond the 6 month timeframe).</p>	<p>Letter dated 22/04/24 was provided by TfNSW requesting a time extension for submitting the Archaeological Excavation Report from 31/05/24 to 31/10/24. This extension will allow the project's archaeologist sufficient time to conduct a thorough analysis of the over 1600 artefacts discovered during salvage.</p> <p>The Department approved the extension, requiring the submission of the E23 Archaeological Excavation Report by 31/10/24.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E24	<p>The Proponent must prepare a Heritage Interpretation Plan which identifies and interprets the key heritage values and stories of heritage items and heritage conservation areas impacted by the SSI. The Heritage Interpretation Plan must include, but not be limited to:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) identification and confirmation of interpretive initiatives implemented to mitigate impacts to archaeological relics, heritage items and conservation areas affected by the SSI</li> </ul> <p>The Heritage Interpretation Plan must be prepared in consultation with the relevant council. A copy of the Plan must be provided to the Planning Secretary, relevant council, the local library and the local Historical Society, before operation of the SSI commences.</p>	Site inspection and interview with auditees 21/05/2024	Not triggered at this stage of construction	NT
<b>NOISE AND VIBRATION</b>				
<b>Land use Survey</b>				
E25	<p>A detailed land use survey must be undertaken to confirm sensitive receivers and 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>.</p>	<p>Noise &amp; Vibration Management Sub-Plan (NVMP) NICB-RP2J Stage 4 Main Works Rev 8, 24/02/23, Fulton Hogan</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 19/04/24, FH</p>	<p>The requirements under this condition were addressed in the NVMP as follows:</p> <ul style="list-style-type: none"> <li>• Section 4.1 Sensitive receivers</li> <li>• Appendix D Detailed land use survey</li> <li>• Section 1.5 for operational noise</li> <li>• Section 7.5.4 for ground-borne noise</li> </ul> <p>The requirements under this condition were also addressed in the BMS as follows:</p> <ul style="list-style-type: none"> <li>• Section 4 Existing Environment</li> <li>• Appendix D Independent Endorsement</li> </ul>	C
<b>Construction Hours</b>				
E26	<p>Work must only be undertaken during the following construction hours:</p> <ul style="list-style-type: none"> <li>(a) 7:00am to 6:00pm Mondays to Fridays, inclusive;</li> <li>(b) 8:00am to 5:00pm Saturdays; and</li> <li>(c) at no time on Sundays or public holidays,</li> </ul>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Project induction, Rev10, FH (no date) (includes boundary control, heritage, unexpected finds, spill mgt, hours of work and OOH, permits and hold points, water discharging, erosion and sediment control, noise, vibration and dust, waste management, community engagement).</p> <p>EWMS Structures, 24/04/23, FH</p> <p>EWMS Civil works, 17/04/24, FH</p> <p>Complaints Register 26/05/23 to 25/04/24</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink</p> <p>OOHW Applications, 06/23, 07/23, 08/23, 09/23, 10/23, 11/23, 12/23, 01/24, 03/24</p> <p>Noise monitoring register May 2023 – May 2024</p>	<p>Inductions and Pre Starts used to communicate hours of works to workers on project. Specific controls are also communicated through the EWMS which are required to be signed on to be the relevant work groups. OOH applications have been prepared for the works not able to be completed under standard construction hours.</p> <p>There have been a relatively low number of complaints (22 during the audit period) relating to OOH. None indicate a failure to obtain the relevant permits or implement relevant controls.</p> <p>The ER has not identified OOH as a material issue in the ER Monthly Reports.</p>	C
<b>Variation to Work Hours</b>				



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E27	<p>Notwithstanding Conditions E26 and E30, work may be undertaken outside the hours specified, in the following circumstances:</p> <ul style="list-style-type: none"> <li>(a) for the delivery of materials where required by the NSW Police Force or other authority for safety reasons; or</li> <li>(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</li> <li>(c) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or</li> <li>(d) work approved under an Out-of-Hours Work Protocol or an Out of Hours Work Management Process or equivalent (for work not subject to an EPL), under Condition E31; or</li> <li>(e) work that causes: <ul style="list-style-type: none"> <li>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</li> <li>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</li> <li>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 2.4 of Assessing Vibration: a technical guideline (DEC, 2006), and</li> <li>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).</li> </ul> </li> </ul> <p>Note: Section 5.24(1)(e) of the EP&amp;A Act requires that an EPL be substantially consistent with this approval.</p>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Noise &amp; Vibration Management Sub-Plan (NVMP) Rev 8 Stage 4 Main Works 24/02/23, Fulton Hogan – Section 7.1.3 Out of hours work</p> <p>OOHW Applications, 06/23, 07/23, 08/23, 09/23, 10/23, 11/23, 12/23, 01/24, 03/24</p> <p>Project induction, Rev10, FH (no date) (includes boundary control, heritage, unexpected finds, spill mgt, hours of work and OOHW, permits and hold points, water discharging, erosion and sediment control, noise, vibration and dust, waste management, community engagement).</p> <p>EWMS Structures, 24/04/23, FH</p> <p>EWMS Civil works, 17/04/24, FH</p>	<p>OOHW being undertaken under EPL.</p> <p>OOHW applications have been prepared for the works not able to be completed under standard construction hours. The applications identify the relevant requirement under which the works can proceed.</p>	C
E28	<p>On becoming aware of the need for emergency work in accordance with <b>Condition E27(b)</b>, the Proponent must notify the <b>ER</b> and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those works.</p>	<p>Site inspection and interview with auditees 21/05/2024</p>	<p>The auditees have not identified any emergency work to date.</p>	NT
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> <ul style="list-style-type: none"> <li>(a) a schedule of likely out-of-hours work for a period of no less than three (3) months in advance;</li> <li>(b) potential work, location and duration;</li> <li>(c) proposed respite periods;</li> <li>(d) noise characteristics and likely noise and vibration levels; and</li> <li>(e) likely mitigation and management measures.</li> </ul> <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>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Project website</p> <p>Noise &amp; Vibration Management Sub-Plan (NVMP) Rev 8 Stage 4 Main Works 24/02/23, Fulton Hogan – Section 7.1.3 Out of hours work</p> <p>Complaints Register 26/05/23 to 25/04/24</p> <p>OOHW Applications, 06/23, 07/23, 08/23, 09/23, 10/23, 11/23, 12/23, 01/24, 03/24</p> <p>OOHW 3 month look ahead notifications May 2023 – May 2024</p> <p>OOHW Lookahead and Shift Register May – October 2023</p> <p>EPL Condition L5.7 Report (community agreement report)</p> <p><a href="https://www.fultonhogan.com/managementplans/newcastle-inner-city-bypass-rankin-park-to-jesmond/">https://www.fultonhogan.com/managementplans/newcastle-inner-city-bypass-rankin-park-to-jesmond/</a></p> <p>ERG Meeting presentations, May 2023 – May 2024 (including provision of outcomes of consultation to ER, DPHI and EPA).</p>	<p>OOHW being undertaken under EPL.</p> <p>OOHW applications have been prepared for the works not able to be completed under standard construction hours. The applications identify the relevant requirement under which the works can proceed.</p> <p>The OOHW 3 month look ahead identifies the respite periods to be applied. The days of works and respite are specified in works notifications, along with the opportunity for community to respond.</p> <p>The outcomes of consultation and respite / scheduling has been prepared to the ER, Department and EPA via the ERG meeting presentations. The Auditor is not aware of the Department raising concerns regarding this method of engagement.</p>	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
<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> <ul style="list-style-type: none"> <li>(a) between 8:00 am to 6:00 pm Monday to Friday;</li> <li>(b) between 8:00 am to 1:00 pm Saturday; and</li> <li>(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.</li> </ul> <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>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Project induction, Rev10, FH (no date) (includes boundary control, heritage, unexpected finds, spill mgt, hours of work and OOHW, permits and hold points, water discharging, erosion and sediment control, noise, vibration and dust, waste management, community engagement).</p> <p>EWMS Structures, 24/04/23, FH</p> <p>EWMS Civil works, 17/04/24, FH</p>	<p>Inductions and EWMS are used to communicate hours of works to workers on project (including the shortened hours for high noise intensive works). If the respite hours cannot be achieved then an OOHW application needs to be approved.</p>	C
<b>Out-of-Hours Work Protocol – Works not subject to an EPL</b>				
E31	<p>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 ER. The Protocol must:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(c) identify procedures to facilitate the coordination of out-of-hours work permitted by an EPL to ensure appropriate respite is provided;</li> <li>(d) undertake a risk analysis that considers the risk of activities, proposed mitigation, management, and coordination, including where: <ul style="list-style-type: none"> <li>i. low risk activities can be approved by the ER, and</li> <li>ii. any other activity approved by the Planning Secretary; and</li> </ul> </li> <li>(e) identify Department, EPA and community notification arrangements for approved out of hours work, which may be detailed in the Communication Strategy.</li> </ul> <p>The Out-of-Hours Work Protocol is not required if the Proponent has an existing Out of Hours Work Management Process or equivalent that addresses Condition E31 (a) to (e) and has been approved by the Planning Secretary prior to the commencement of work.</p>	EPL 21762	The project is being regulated via EPL 21672.	NT
<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> <ul style="list-style-type: none"> <li>(a) schedule any work to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with Condition E29; or</li> <li>(b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and</li> <li>(c) provide documentary evidence to the ER in support of any decision made by the Proponent in relation to respite or mitigation.</li> </ul>	<p>OOHW Lookahead and Shift Register May – October 2023</p> <p>EPL Condition L5.7 Report (community agreement report)</p> <p><a href="https://www.fultonhogan.com/managementplans/newcastle-inner-city-bypass-rankin-park-to-jesmond/">https://www.fultonhogan.com/managementplans/newcastle-inner-city-bypass-rankin-park-to-jesmond/</a></p> <p>ERG Meeting presentations, May 2023 – May 2024 (including provision of outcomes of consultation to ER, DPHI and EPA).</p>	<p>The evidence sighted shows that the respite has been achieved until such time as the community agreement was established in late 2023. After this point the community agreed to enable the Project to work 5 nights per week (no works occur on Fri and Sat nights).</p> <p>The information has been provided to the ER via the ERG and provision of OOHW permits. The agreement is also publicly available.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
<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.	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Noise monitoring register May 2023 – May 2024</p> <p>EPL Condition L5.7 Report (community agreement report)</p> <p><a href="https://www.fultonhogan.com/managementplans/newcastle-inner-city-bypass-rankin-park-to-iesmond/">https://www.fultonhogan.com/managementplans/newcastle-inner-city-bypass-rankin-park-to-iesmond/</a></p> <p>ERG Meeting presentations, May 2023 – May 2024 (including provision of outcomes of consultation to ER, DPHI and EPA).</p> <p>Consultation Manager extract, meetings with JH Hospital, HI and Ronald McDonald House, 08/08/23 and 09/02/23</p>	<p>Monthly noise monitoring indicates that NMLs are being complied with to date.</p> <p>Meetings are being held monthly with John Hunter Hospital, Health Infrastructure and Ronald McDonald House. No issues or sensitive periods have been communicated by these stakeholders mentioned during meetings</p> <p>The BMS includes consultation with the Hospital. Health only requested advanced warning on the scheduling and completion of blasting. These notifications occurred and were reported to the ER and Department via the ERG (meeting 19).</p>	C
E34	<p>Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:</p> <ul style="list-style-type: none"> <li>(a) construction 'Noise affected' noise management levels established using the Interim Construction Noise Guideline (DECC, 2009);</li> <li>(b) vibration criteria established using the Assessing vibration: a technical guideline (DEC, 2006) (for human exposure);</li> <li>(c) Australian Standard AS 2187.2 - 2006 "Explosives - Storage and Use - Use of Explosives";</li> <li>(d) BS 7385 Part 2-1993 "Evaluation and measurement for vibration in buildings Part 2" as they are "applicable to Australian conditions"; and</li> <li>(e) The vibration limits set out in the German Standard DIN 4150-3: Structural Vibration-effects of vibration on structures (for structural damage).</li> </ul> <p>Any work identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol or Out of Hours Work Management Process or equivalent, required by Condition E31, and in relation to Bridge 7 the documents required by Condition A9.</p> <p>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</p>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Noise &amp; Vibration Management Sub-Plan (NVMP) NICB-RP2J Stage 4 Main Works Rev 8, 24/02/23, Fulton Hogan</p> <p>EWMS Structures, 24/04/23, FH</p> <p>EWMS Civil works, 17/04/24, FH</p> <p>Complaints Register 26/05/23 to 25/04/24</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink</p> <p>OOHW Applications, 06/23, 07/23, 08/23, 09/23, 10/23, 11/23, 12/23, 01/24, 03/24</p> <p>Noise monitoring register May 2023 – May 2024</p> <p>Vibration Monitoring Field Sheet at West of Bridge 5, 24/03/24, FH</p> <p>Vibration Monitoring Field Sheet at Fill 5 and Creek 1, 6/09/23, FH</p> <p>Vibration Register May 2023 – May 2024</p>	<p>The mitigation measures required under this condition are included in the NVMP as follows:</p> <ul style="list-style-type: none"> <li>(a) Section 5.2.4</li> <li>(b) Section 7.5</li> <li>(c) Section 1.3 Blast Management Strategy – to be prepared separately to this NVMP before blasting about mid-2023.</li> <li>(d) Section 7.5</li> <li>(e) Appendix C, Section 7.5 and Section 7.5.4</li> </ul> <p>Specific measures are also included in the EWMS for civils and structures and the OOHW applications.</p> <p>The controls include:</p> <ul style="list-style-type: none"> <li>• Noise walls have been erected early on construction program</li> <li>• Use of non-tonal reversing alarms</li> <li>• Scheduling of Noisy night works earlier in shift due to early ROLs</li> <li>• Noise blankets</li> <li>• Shroads on small hammers.</li> </ul> <p>Observation: 45 complaints regarding noise were recorded during the audit period, none of which indicate a systemic failure to implement controls.</p>	C
E35	<p>Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:</p> <ul style="list-style-type: none"> <li>(a) evening (6:00 pm to 10:00 pm) — internal LAeq(15 minute): 40 dB(A); and</li> <li>(b) night (10:00 pm to 7:00 am) — internal LAeq(15 minute): 35 dB(A).</li> </ul> <p>The mitigation measures must be outlined in the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol or Out of Hours Work Management Process or equivalent, required by Condition E31, and in relation to Bridge 7 the documents required by Condition A9.</p>	<p>Site inspection and interview with auditees 21/05/2024</p>	Not triggered at this stage.	NT



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
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 Out-of-Hours Work Protocol or Out of Hours Work Management Process or equivalent, required by Condition E31, and in relation to Bridge 7 the documents required by Condition A9.</p> <p>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.</p>	<p>Noise &amp; Vibration Management Sub-Plan (NVMP) NICB-RP2J Stage 4 Main Works Rev 8, 24/02/23, Fulton Hogan</p> <p>Site inspection and interview with auditees 21/05/2024</p> <p>Vibration Monitoring Field Sheet at West of Bridge 5, 24/03/24, FH</p> <p>Vibration Monitoring Field Sheet at Fill 5 and Creek 1, 6/09/23, FH</p> <p>Vibration Register May 2023 – May 2024</p>	<p>This requirement is addressed in the NVMP (safe work distances and criteria are identified). The vibration monitoring data sighted for the audit period indicates that there have not been any properties subject to vibration exceedances.</p>	C
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>	<p>Noise &amp; Vibration Management Sub-Plan (NVMP) NICB-RP2J Stage 4 Main Works Rev 8, 24/02/23, Fulton Hogan</p> <p>Site inspection and interview with auditees 21/05/2024</p> <p>Vibration Monitoring Field Sheet at West of Bridge 5, 24/03/24, FH</p> <p>Vibration Monitoring Field Sheet at Fill 5 and Creek 1, 6/09/23, FH</p> <p>Vibration Register May 2023 – May 2024</p> <p>NICB blasting vibration review 26/03/24 by Heilig &amp; Partners</p>	<p>This requirement is addressed in the NVMP (safe work distances and criteria are identified). The vibration monitoring data sighted for the audit period indicates that there have not been any properties subject to vibration exceedances.</p> <p>Two (2) trial blast was performed on 20/03/24 and monitored 15 locations including three internal locations within the John Hunter Hospital, several vibration monitors within 100 metres of the blasthole provided by Precision Blasting, and several monitors positioned at the sensitive receivers, including Jemena Gas and closest residential properties. The separation distances ranged between 20 metres to more than 780 metres from the blasthole.</p> <p>The results from the trial blast are in reasonable agreement with the initially modelled vibration/distance/explosive relationship, although the measured levels from the trial blast are less than predicted using the initial relationship by approximately 13%. No unacceptable impacts identified.</p>	C
Noise Mitigation – Operational Noise Mitigation Measures				

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
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 the relevant council and must:</p> <ul style="list-style-type: none"> <li>(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);</li> <li>(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);</li> <li>(c) where necessary, investigate and identify additional noise mitigation measures to achieve the noise criteria outlined in the NSW Road Noise Policy (DECCW, 2011)</li> <li>(d) measures to address heavy vehicle compression (engine) braking noise; and</li> <li>(e) procedures for the management of operational noise complaints.</li> </ul> <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 relevant Council.</p>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Operational Noise Mitigation Review Rev 3 19/02/2021, Aurecon</p> <p>Letter 28/04/2021 DPHI-TfNSW re: Approval of Operational Noise Mitigation Review</p>	At this stage, the requirement has not been triggered as the project is still under construction.	NT
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>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Operational Noise Mitigation Review Rev 3 19/02/2021, Aurecon</p> <p>Letter 28/04/2021 DPHI-TfNSW re: Approval of Operational Noise Mitigation Review</p>	At this stage, the requirement has not been triggered as the project is still under construction.	NT
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>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Report on non-implementation of operational noise mitigation measures Rev 3, 21/08/23, TfNSW</p> <p>Letter 22/08/23 ER-TfNSW re: ER endorsement of report on non-implementation of operational noise mitigation measures</p> <p>Letter 23/08/23 TfNSW-DPHI re: Report on non-implementation of operational noise mitigation measures August 2023</p> <p>Post Approval Submission (DPHI portal) re: delayed Submission of Report on non-implementation of operational noise mitigation measures</p> <p>Email 24/08/23 DPHI -TfNSW re: Acknowledgement receipt for the delayed submission of report on non-implementation of operational noise mitigation measures</p>	A report on the non-implementation of operational noise mitigation measures was prepared by TfNSW on 21/08/23 due to delays and reviews of at-property treatments. The endorsement to ER and submission requirement to DPHI of the report on non-implementation of operational noise mitigation measures was performed accordingly as required under this condition.	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
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 Condition E38.</p> <p>The Proponent must prepare an Operational Noise Compliance Report to document this monitoring. The Report must include, but not necessarily be limited to:</p> <ul style="list-style-type: none"> <li>(a) noise monitoring to assess compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under Condition E38;</li> <li>(b) a review of the operational noise levels in terms of criteria and noise goals established in the <i>NSW Road Noise Policy (DECCW, 2011)</i>;</li> <li>(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;</li> <li>(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;</li> <li>(e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions;</li> <li>(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</li> <li>(g) identification of additional measures to those identified in the review of noise mitigation measures required by <b>Condition E38</b>, that are to be implemented with the objective of meeting the criteria outlined in the <i>NSW Road Noise Policy (DECCW, 2011)</i>, when these measures are to be implemented and how their effectiveness would be measured and reported to the Planning Secretary and the EPA.</li> </ul>	Site inspection and interview with auditees 21/05/2024	At this stage, the requirement has not been triggered as the project is still under construction.	NT
E42	The Operational Noise Compliance Report 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.	Site inspection and interview with auditees 21/05/2024	At this stage, the requirement has not been triggered as the project is still under construction.	NT
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> .	Site inspection and interview with auditees 21/05/2024	At this stage, the requirement has not been triggered as the project is still under construction.	NT
<b>Construction Vibration</b>				

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E44	<p>The SSI must be delivered with the aim of achieving the following vibration goals:</p> <ul style="list-style-type: none"> <li>(a) for structural damage to heritage structures, the vibration limits set out in the German Standard DIN 4150-3: Structural Vibration – Part 3 Effects of vibration on structures;</li> <li>(b) for damage to other buildings and/or structures, the vibration limits set out in the 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); and</li> <li>(c) for human exposure, the acceptable vibration values set out in Assessing Vibration: A The construction and operation of Bridge 7 and its associated components do not trigger the requirements of Conditions E38, E39, E40 and E41. Technical Guideline (Department of Environment and Conservation, 2006).</li> </ul>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>NICB blasting vibration review 26/03/24 by Heilig &amp; Partners</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 19/04/24, FH</p> <p>Noise &amp; Vibration Management Sub-Plan (NVMP) NICB-RP2J Stage 4 Main Works Rev 8, 24/02/23, Fulton Hogan</p> <p>EWMS Structures, 24/04/23, FH</p> <p>EWMS Civil works, 17/04/24, FH</p> <p>Complaints Register 26/05/23 to 25/04/24</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink</p> <p>OOHW Applications, 06/23, 07/23, 08/23, 09/23, 10/23, 11/23, 12/23, 01/24, 03/24</p> <p>Noise monitoring register May 2023 – May 2024</p> <p>Vibration Monitoring Field Sheet at West of Bridge 5, 24/03/24, FH</p> <p>Vibration Monitoring Field Sheet at Fill 5 and Creek 1, 6/09/23, FH</p> <p>Vibration Register May 2023 – May 2024</p>	<p>The Project has established and communicated safe work distances to work crews and conducted vibration monitoring during high vibration works and as baselines to establish specific safe work distances.</p> <p>Two (2) trial blast was performed on 20/03/24 and monitored 15 locations including three internal locations within the John Hunter Hospital, several vibration monitors within 100 metres of the blasthole provided by Precision Blasting, and several monitors positioned at the sensitive receivers, including Jemena Gas and closest residential properties. The separation distances ranged between 20 metres to more than 780 metres from the blasthole. Requirement under this condition was addressed in the BMS under Section 5.1.</p> <p>Blasting continued between 03/04/24 and 28/06/24 in accordance with the BMS. All vibration monitoring results show that vibration is below the applicable criteria.</p>	C
E45	<p>Blasting associated with the SSI must only be undertaken during the following hours:</p> <ul style="list-style-type: none"> <li>(a) 9:00am to 5:00pm, Monday to Friday, inclusive;</li> <li>(b) 9:00am to 1:00pm on Saturday; and</li> <li>(c) at no time on Sunday or public holidays.</li> </ul> <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> <ul style="list-style-type: none"> <li>(a) no sensitive receivers would be impacted by blasting; or</li> <li>(b) an agreement has been made with potentially affected receivers.</li> </ul>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>NICB blasting vibration review 26/03/24 by Heilig &amp; Partners</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 19/04/24, FH</p> <p>Vibration Monitoring Field Sheet at West of Bridge 5, 24/03/24, FH</p> <p>Vibration Monitoring Field Sheet at Fill 5 and Creek 1, 6/09/23, FH</p> <p>Vibration Register May 2023 – May 2024</p>	<p>Two (2) trial blast was performed on 20/03/24 and monitored 15 locations including three internal locations within the John Hunter Hospital, several vibration monitors within 100 metres of the blasthole provided by Precision Blasting, and several monitors positioned at the sensitive receivers, including Jemena Gas and closest residential properties. The separation distances ranged between 20 metres to more than 780 metres from the blasthole.</p> <p>Requirement under this condition was addressed in the BMS under Section 6.1.</p> <p>Blasting continued between 03/04/24 and 28/06/24 in accordance with the BMS. All vibration monitoring results show that vibration is below the applicable criteria.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status													
E46	<p>Air blast overpressure generated by blasting associated with the SSI must not exceed criteria specified in Table 6 when measured at the most affected residence or other sensitive receiver</p> <p>Table 6: Air blast overpressure limits for human comfort</p> <table><tr><th>Receiver</th><th>Type of blasting operations</th><th>Air blast Overpressure Limit</th></tr><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>Sensitive site</td><td>Blasting operations lasting less than 12 months or less than 20 blasts in total</td><td>120 dBL for 95% of blasts per year  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></table> <p>Source – Table J5.4(A) – AS 2187.2 – 2006</p> <p>Note: A sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied by people</p>	Receiver	Type of blasting operations	Air blast 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	<p>Site inspection and interview with auditees 21/05/2024</p> <p>NICB blasting vibration review 26/03/24 by Heilig &amp; Partners</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 1904/24, FH</p> <p>Vibration Register May 2023 – May 2024</p>	<p>Two (2) trial blast was performed on 20/03/24 and monitored 15 locations including three internal locations within the John Hunter Hospital, several vibration monitors within 100 metres of the blasthole provided by Precision Blasting, and several monitors positioned at the sensitive receivers, including Jemena Gas and closest residential properties. The separation distances ranged between 20 metres to more than 780 metres from the blasthole.</p> <p>The results from the trial blast are in reasonable agreement with the initially modelled vibration/distance/explosive relationship, although the measured levels from the trial blast are less than predicted using the initial relationship by approximately 13%.</p> <p>Requirement under this condition was addressed in the BMS under Section 5.4.</p> <p>Blasting continued between 03/04/24 and 28/06/24 in accordance with the BMS. All vibration monitoring results show that vibration is below the applicable criteria.</p>	C
Receiver	Type of blasting operations	Air blast 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															



E47

Ground vibration generated by blasting associated with the SSI must not exceed the criteria specified in Table 7 and Table 8 when measured at the most affected residence or other sensitive receiver.

Table 7: Ground vibration limits for human comfort

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	

Source – Table J4.5(A) – AS 2187.2 – 2006

Note: A sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied by people

Table 8: Ground vibration limits for control to damage to structures

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 1		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 2	All blasting	50 mm/s at 4 Hz and above	
Unreinforced or light framed structure. Residential or light commercial type building 2	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.	

Site inspection and interview with auditees 21/05/2024

NICB blasting vibration review 26/03/24 by Heilig & Partners

Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 1904/24, FH

Vibration Register May 2023 – May 2024

Two (2) trial blast was performed on 20/03/24 and monitored 15 locations including three internal locations within the John Hunter Hospital, several vibration monitors within 100 metres of the blasthole provided by Precision Blasting, and several monitors positioned at the sensitive receivers, including Jemena Gas and closest residential properties. The separation distances ranged between 20 metres to more than 780 metres from the blasthole.

The results from the trial blast are in reasonable agreement with the initially modelled vibration/distance/explosive relationship, although the measured levels from the trial blast are less than predicted using the initial relationship by approximately 13%.

Requirement under this condition was addressed in the BMS under Section 5.2.

Blasting continued between 03/04/24 and 28/06/24 in accordance with the BMS. All vibration monitoring results show that vibration is below the applicable criteria.

C



Unique ID	Compliance requirement			Evidence collected	Audit findings and recommendations	Compliance Status
	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.			
	Source: Table J4.5(B) – AS 2187.2 – 2006 and Table J4.4.2.1 – AS 2187.2 – 2006 (BS 7385-2)					
E48	<p>The blasting criteria specified in the tables in Conditions E46 and E47 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>			<p>Site inspection and interview with auditees 21/05/2024</p> <p>NICB blasting vibration review 26/03/24 by Heilig &amp; Partners</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 1904/24, FH</p> <p>Vibration Register May 2023 – May 2024</p>	<p>Two (2) trial blast was performed on 20/03/24 and monitored 15 locations including three internal locations within the John Hunter Hospital, several vibration monitors within 100 metres of the blasthole provided by Precision Blasting, and several monitors positioned at the sensitive receivers, including Jemena Gas and closest residential properties. The separation distances ranged between 20 metres to more than 780 metres from the blasthole.</p> <p>The results from the trial blast are in reasonable agreement with the initially modelled vibration/distance/explosive relationship, although the measured levels from the trial blast are less than predicted using the initial relationship by approximately 13%.</p> <p>The trial blast did not exceed the criteria specified in Conditions E46 and E47. Blasting continued between 03/04/24 and 28/06/24 in accordance with the BMS. All vibration monitoring results show that vibration is below the applicable criteria.</p>	NT
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 Conditions E46 and E47 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 Air blast Overpressure level of 125 dBL.</p>			<p>Site inspection and interview with auditees 21/05/2024</p> <p>NICB blasting vibration review 26/03/24 by Heilig &amp; Partners</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 1904/24, FH</p> <p>Vibration Register May 2023 – May 2024</p>	<p>A trial blast was conducted on 20/03/24 as part of the NICB blasting vibration review. The trial blast do not cover a blasting at higher limit.</p> <p>The trial blast did not exceed the criteria specified in Conditions E46 and E47. Blasting continued between 03/04/24 and 28/06/24 in accordance with the BMS. All vibration monitoring results show that vibration is below the applicable criteria.</p>	NT
Blasting Management Strategy						
E50	<p>A Blast Management Strategy 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>			<p>Site inspection and interview with auditees 21/05/2024</p> <p>Blast Management Plan &amp; Control for NICB RP2J, 28/06/23 by Heilig Partners</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 19/04/24, FH</p>	<p>A Blast Management Strategy for NICB RP2J Stage 4 Main Works was prepared by FH on 19/04/24 and include:</p> <p>(a) Section 5.5</p> <p>(b) Section 6.1</p> <p>(c) Section 5 and Appendix A &amp; B</p> <p>(d) Section 6.1</p> <p>(e) Section 6.1 and Appendix C</p> <p>The recent update to the BMS was on 19/04/24 as Revision 5, which includes trial blast and consultation amendments.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E51	The <b>Blast Management Strategy</b> must be endorsed by a suitably qualified and experienced independent person.	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Blast Management Plan &amp; Control for NICB RP2J, 28/06/23 by Heilig Partners</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 0, 31/10/23, FH</p> <p>Letter 15/11/23 Heilig Partners-FH re: Endorsement of NICB BMS</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 19/04/24, FH</p>	<p>The initial Blast Management Strategy (Rev 0) dated 31/10/23 was issue for independent review which was undertaken by Heilig Partners, a specialist consultants in vibration Monitoring and analysis and prepared the Blast Management Plan &amp; Control for the project.</p> <p>Heilig Partners endorsed the Blast Management Strategy on 15/11/23 which is included in Appendix D of the strategy.</p>	C
E52	The <b>Blast 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.	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 19/04/24, FH</p>	Requirement under this condition is included in the strategy under Section 3 Legal and other requirements and Section 8 Document review.	C
E53	The Blast Management Strategy 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.	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 3, 30/11/23, FH – for submission to DPHI</p> <p>Letter 1/12/23 TfNSW-DPHI re: Submission of E53, Blast Management Strategy, November 2023</p> <p>Letter dated 15/12/23 DPHI-TfNSW re: DPHI comments on BMS Rev 3</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 4, 18/01/24, FH – revised in response to DPE comments</p> <p>Letter 31/01/24 DPHI-TfNSW re: DPHI approval to BMS</p> <p>Blast Management Strategy NICB RP2J Stage 4 Main Works Rev 5, 19/04/24, FH – latest revision</p> <p>Email 22/04/24 DPHI-TfNSW re: Acknowledgement receipt for the submission of BMS Rev 5</p> <p>NICB blasting vibration review 26/03/24 by Heilig &amp; Partners – with trial blast performed on 20/03/24</p> <p>Vibration Register May 2023 – May 2024</p>	<p>The Blast Management Strategy (BMS) Rev 3 was submitted to the Department on 1/12/23. BMS was revised to Rev 4 to incorporate DPHI comments and approved by the Department on 31/01/24.</p> <p>BMS was recently updated to Rev 5 dated 19/04/24 to include trial blast and consultation amendments made. BMS Rev 5 was submitted to the DPHI on 22/04/24.</p> <p>A trial blast was conducted on 20/03/24 as part of the NICB blasting vibration review. The blasting activity was performed within the required timeframe following the approval of the BMS.</p> <p>Blasting continued between 03/04/24 and 28/06/24 in accordance with the BMS. All vibration monitoring results show that vibration is below the applicable criteria.</p>	C
<b>SOCIO-ECONOMIC, LAND USE AND PROPERTY</b>				
<b>Building Condition Survey</b>				



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E54	<p>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 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 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 no later than one (1) month before the commencement of work in the vicinity of the impacted buildings, structures and utilities.</p>	<p>Dilapidation Report 13/02/2023, Jims Building Inspection – 4 Kielawarra Close Wallsend</p> <p>Condition Surveys Properties List - 295 properties listed, undated by FH</p> <p>400 buildings surveyed</p> <p>Ha Nguyen Structural Engineer, Certificate of Registration with Engineers Australia, 2021; and Andreas Luoviksson Civil Eng registration (evidence that surveyors are suitably qualified and experienced)</p> <p>Email John Hunter Hosp to Fulton Hogan, 19/02/24 (acknowledgment of receipt of dilapidation reports)</p> <p>Conditions Surveys Property List, FH, (no date) and 21 condition survey reports for various properties.</p>	<p>Building condition surveys were conducted, surveying a total of 400 buildings and addressing the requirements of this condition.</p> <p>Hospital surveys were also conducted in addition to the above, which were completed more than 1 month prior to the relevant works.</p>	C
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 Post-construction Building and Structure Condition Survey Report for each building, structure and utility surveyed. Copies of the Post-construction Building and Structure Condition Survey Reports must be provided to the owners of the buildings, structures and utilities surveyed no later than three months following the completion of construction.</p>	<p>Site inspection and interview with auditees 21/05/2024</p>	<p>Not triggered during construction stage</p>	NT
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>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Vibration Register May 2023 – May 2024</p> <p>Complaints Register 26/05/23 to 25/04/24</p>	<p>There have been several complaints regarding vibration and these were investigated by FH and determined that the impacts were not associated with construction. All vibration monitoring results identified results below the applicable criteria.</p>	NT
<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>	<p>Site inspection and interview with auditees 21/05/2024</p> <p>Site photos (Refer to Appendix F)</p> <p>EPA Prevention Notice, 23/04/24</p> <p>PESCP 06 NICB South End to McCaffrey Drive 4, Rev 7 21/03/24 by FH</p> <p>PESCP 08 NICB Bridge 9 to Zone 4 Rev 5, 24/04/24 by FH</p> <p>PESCP 09 NICB North Interchange Rev 11, 4/04/24 by FH</p> <p>PESCP Cut 5 East, SEEC, 06/05/24</p> <p>Adapt ERSED inspection report, 15/03/24, 04/04/24</p>	<p><b>Observation: The EPA raised a prevention notice on Fulton Hogan on the basis that in March and early April 2024 it considered erosion and sediment control measures to be inadequate at Cut 5 and that construction water was leaving the site at the Cut 5 location into the local catchment. The prevention notice directed Fulton Hogan to engage a CPESC to inspect and survey the catchment, prepare an updated PESCP for Cut 5, submit this information to EPA, and demonstrate implementation of the CPESC's recommendations. Fulton Hogan engaged SEEC and Adapt (qualified CPESCs) to deliver on the required actions. On 4 April 2024 the CPESC confirmed that all controls from the updated PESCP had been implemented and that controls were adequate. This information was provided to the EPA and the Auditor is not aware of EPA having provided a response at the time of drafting this Report. The ER has not raised any material issues with erosion and sediment controls in its Monthly Reports for the same period. 20.2mm of rain fell on the day of the audit site inspection (with 53.4mm recorded in the five days up to and including the day of the inspection) and the controls were overtopping, but appeared to be functioning as intended.</b></p>	C
<b>Contaminated Sites</b>				

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E58	Areas of soil contamination identified within the documents referred to in <b>Condition A1</b> must be management in accordance with Management Measure SW04 and SW05 as described in the SPIR.	Site inspection and interview with auditees 21/05/2024 Soil and Water Management Sub-Plan (SWMP) for NICB RP2J Stage 4 Rev 4, 20/02/2023, FH Unexpected find reports, 27/03/23, 05/04/23, 10/05/23, 19/05/23, 05/10/23, 26/06/23, 06/07/23, 18/07/23, 19/07/23, Waste Consignment, 15/05/23, 28/06/23, 07/07/23 Tip records, 15/05/23, 12/05/23 Clearance reports (x1), April – October 2023	Contaminated Soil Management Plan is included in the Construction Soil and Water Management Plan (Refer to Table 3 under REMM SW04 and SW05). SW04 and SW05 require further testing and development of a contam plan.  Testing for asbestos has been carried out and on the basis of the results, contamination has been dealt with via the unexpected finds process. Records show that the finds process has been implemented.	C
E59	An <b>Unexpected Contaminated Land and Asbestos Finds Procedure</b> must be prepared before the commencement of work and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during works.	Soil and Water Management Sub-Plan (SWMP) for NICB RP2J Stage 4 Rev 4, 20/02/2023, FH Unexpected find reports, 27/03/23, 05/04/23, 10/05/23, 19/05/23, 05/10/23, 26/06/23, 06/07/23, 18/07/23, 19/07/23, Waste Consignment, 15/05/23, 28/06/23, 07/07/23 Tip records, 15/05/23, 12/05/23 Clearance reports (x1), April – October 2023	The Unexpected Contaminated Land and Asbestos Finds Procedure is incorporated in the CSWMP (refer to Chapter 6 mitigation measure ID SWMM63 and Appendix D).  Testing for asbestos has been carried out and on the basis of the results, contamination has been dealt with via the unexpected finds process. Records show that the finds process has been implemented.	C
E60	The <b>Unexpected Contaminated Land and Asbestos Finds Procedure</b> must be implemented for the duration of work.	Soil and Water Management Sub-Plan (SWMP) for NICB RP2J Stage 4 Rev 4, 20/02/2023, FH Unexpected find reports, 27/03/23, 05/04/23, 10/05/23, 19/05/23, 05/10/23, 26/06/23, 06/07/23, 18/07/23, 19/07/23, Waste Consignment, 15/05/23, 28/06/23, 07/07/23 Tip records, 15/05/23, 12/05/23 Clearance reports (x1), April – October 2023	The Unexpected Contaminated Land and Asbestos Finds Procedure is incorporated in the CSWMP (refer to Chapter 6 mitigation measure ID SWMM63 and Appendix D).  Testing for asbestos has been carried out and on the basis of the results, contamination has been dealt with via the unexpected finds process. Records show that the finds process has been implemented.	C
<b>SUSTAINABILITY</b>				
E61	A Sustainability Strategy must be prepared and submitted to the Planning Secretary for information before the commencement of construction (except Bridge 7 works). The Sustainability Strategy 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	Sustainability Strategy for NICB-RP2J Rev 1 23/03/2023, FH Sustainability Strategy submission to DPHI via Major Project Portal 24/2/23	The Sustainability Strategy was prepared and submitted to the Department on 24/02/2023.  Sustainability Strategy addresses a) to c) as follows:  (a) Section 4 (b) Appendix B, Opportunities Register (c) Section 2	C
<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 for the SSI must be identified in the <b>Construction Traffic and Transport Management Sub-plan</b> .	Traffic & Transport Management Sub-Plan (TTMP) Rev 8 16/02/24, Fulton Hogan	The Traffic & Transport Management Sub-Plan addresses the requirement of this condition.	C



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E63	<p>Local roads proposed to be used by heavy vehicles for the SSI works that were not assessed in the documents listed in Condition A1 must be approved by the Planning Secretary through the Construction Traffic and Transport Management Sub-plan (including any revisions to the sub-plan that identify additional local roads).</p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts;</li> <li>(b) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and</li> <li>(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.</li> </ul>	Interview with auditees 21/05/2024	No additional roads proposed other than those included in EIS	NT
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> .	Interview with auditees 21/05/2024	Bridge 7 is not covered by this audit.	NT
E65	<p>Heavy vehicles must only use Construction Access Road 2 (as shown in Figure 2 in Appendix A) in the John Hunter Hospital precinct for the early works establishment of Construction Compound A, unless otherwise agreed by the Health Administration Corporation.</p> <p>Note: Heavy vehicles movements associated with Condition E65 must comply with the construction hours specified in Conditions E26 and E27.</p>	Site inspection and interview with auditees 21/05/2024	Compound A not in use, not triggered	NT
E66	<p>Heavy vehicle movements through the John Hunter Hospital precinct must be identified in the Construction Traffic and Transport Management CEMP Sub-plan.</p> <p>The Construction Traffic and Transport Management CEMP Sub-plan must include the following:</p> <ul style="list-style-type: none"> <li>(a) number of heavy vehicle movements;</li> <li>(b) frequency of heavy vehicle movements;</li> <li>(c) deliveries outside the construction hours identified in Condition E26; and</li> <li>(d) governance arrangements to address acute traffic management issues.</li> </ul> <p>Note: These requirements are additional to the requirements of Part C of this approval.</p>	Site inspection and interview with auditees 21/05/2024	No vehicles currently accessing Hospital precinct	NT
E67	At no time must heavy vehicles associated with the construction of the SSI, travel through the John Hunter Hospital precinct, except as permitted by <b>Condition E65</b> .	Site inspection and interview with auditees 21/05/2024	No vehicles currently accessing Hospital precinct	NT

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E68	Before any local road is used by a heavy vehicle for the purposes of construction of the SSI (including the establishment of ancillary facilities), a Road Dilapidation Report must be prepared for the road, unless otherwise agreed by the Planning Secretary. The Road Dilapidation Report 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 Road Dilapidation Report must be provided to the landowner and relevant roads authority within three (3) 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.	Road Dilapidation Report for NICB RP2J – Illoura Street Wallsend 20/08/2022, Jim's Building Inspection  General Correspondence 2/09/2022 FH-TfNSW re: Submission of Road Dilapidation Report  General Correspondence 2/09/2022 FH-NCC re: Submission of Road Dilapidation Report to Newcastle City Council	The Project has not used any local roads during the audit period.  A Road Dilapidation Report was prepared by Jim's Building Inspection on 20/08/2022.  The Road Dilapidation Report was submitted to TfNSW and Newcastle City Council on 2/09/2022 within the required timeframe.  <b>Non-compliance: Dent Street was the only local road used during the audit period. According to the auditees, a Road Dilapidation Report was prepared and issued to Council prior to use. The Auditor requested a copy of the dilapidation report and evidence that the report was issued to the landowner / road authority prior to use. This information was not provided. Instead a copy of the updated TTMP and the ER's endorsement of the updated TTMP was provided (as evidence to show that the use of Dent Street did not commence until the road dilapidation report process was satisfied). The updated TTMP does not appear to specifically state that E68 was fulfilled for Dent Street.</b>	NC
E69	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's discretion):  (a) the damage to restore the road or road related structure to at least the 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 condition it was in pre-construction.	Site inspection and interview with auditees 21/05/2024	The auditees are not aware of any damage having occurred as a result of the Project, noting that construction is ongoing.	NT
E70	During the carrying out of work for the SSI, all reasonably practicable measures must be implemented to maintain pedestrian and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian and vehicular access, and parking arrangements must be developed in consultation with the affected businesses and properties and implemented before the disruption occurs. Signage and directions to businesses must be provided before, and for the duration of, any disruption.	Site inspection and interview with auditees 21/05/2024  TGS Girder replacement, FH, 14/03/24  RP2J site wide VMP, Rev 16 RP2J-FH-VMP/TGS-0036  Temporary bus relocation notification, August 2023 and emails to/from FH, TfNSW and Keolis Downer (City of Newcastle bus operator)	The site wide VMP and various TGSs identify access arrangements for pedestrians, cyclists and vehicles as relevant to the works. Evidence noted at Northern Interchange compound: <ul style="list-style-type: none"><li>Slip lane installed</li><li>Pedestrian information signage at Northern Interchange</li><li>Safety signage installed at the Northern Interchange</li><li>Traffic control signage.</li></ul> There have been no other pedestrian or vehicular diversions or adjustments.  A shuttle is used by the Project to minimise local parking by workers. The shuttle service runs from the Jesmond Shopping Centre carpark (by agreement) to transport workers predominantly from the Northern Interchange and Mainline work areas to and from site. This is to reduce the number of vehicles utilising local roads and therefore reduce impact on the community.  Bus stop 229919 was moved 105m west of its existing location to ensure that access can be safely maintained whilst construction at the northern interchange continued. This was agreed to by FH, TfNSW and Keolis Downer (City of Newcastle bus operator).	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E70A	<p>To ensure pedestrian, cyclist and motorist safety on Peatties Road, the Proponent must ensure that traffic control is present to manage:</p> <p>(a) vehicle movements at the entry/exit point to the Peatties Road ancillary facility during the following times:</p> <ol style="list-style-type: none"> <li>On school days between 7:00 am to 9:00 am and 2.30 to 4.00pm, if the pedestrian footpath required under Condition E71A crosses the entry/exit point to the Peatties Road ancillary facility; and</li> <li>at any time heavy vehicles are entering and leaving the Peatties Road ancillary facility; and</li> </ol> <p>(b) heavy vehicles associated with the construction of the SSI that are entering or exiting Peatties Road.</p>	Site inspection and interview with auditees 21/05/2024	Not being used by Project.	NT
<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.	Site inspection and interview with auditees 21/05/2024	Not being used by Project.	NT
E71A	<p>Before work commences at the Peatties Road ancillary facility, the Proponent must provide a temporary footpath between Charlestown Road and at least 5 metres past the Peatties Road ancillary facility entry/exit point. The Proponent must consult City of Newcastle on the design and location of the path and it must be constructed in accordance with the relevant standards.</p> <p>This condition does not prevent the relocation and connection of utilities where the relocation or connection has a minor impact to the environment and sensitive receivers as determined by the ER.</p>	Site inspection and interview with auditees 21/05/2024	Not being used by Project.	NT
E72	<p>The SSI's shared paths must be designed to discourage pedestrian access onto the bypass.</p> <p>Note: The intention is to discourage pedestrians and/or cyclist from inadvertently accessing the bypass for safety reasons</p>	<p>B12284 - Shared Path Bridge over Highway No. 23 at Jesmond – Design Report Rev 3, 07/03/2023</p> <p>Final Detailed Design BR-01 Bridge over Highway No 23 at McCaffrey Drive New Lambton Heights Rev 3, 12/05/2023 FH</p> <p>Cyclist Underpass Detailed Design Report RP2J Rev 2, 11/12/2020, Aurecon</p> <p>B12280 Bridge over Highway No. 23 at John Hunter Hospital – Design Report Rev 2, 11/12/2020, Aurecon</p> <p>Package 2- Detailed Design Report RP2J Rev 4, 11/12/2020, Aurecon</p>	Various design reports have been prepared for pedestrian/cyclist access and structures. The design ensure separation of pedestrians and traffic including on the bypass.	C
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 City of Newcastle. This parking must be provided before the removal of on street parking on Newcastle Road.	<p>Package 2- Detailed Design Report RP2J Rev 4, 11/12/2020, Aurecon</p> <p>Final Detailed Design Roadworks Technical Note NICB RP2J Rev 1, 14/12/2022 FH</p> <p>Public Notice – Disability parking spaces relocated on Jesmond Park, undated by Transport NSW</p>	Sighted the notification on the Project website regarding the relocation of disability parking spaces at Jesmond Park. The notification included an aerial view of the relocation. Transport continues to review additional operational and this is yet to be implemented.	C
<b>Fire Trails</b>				



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E74	Alternate fire trails must be provided and implemented in consultation with the relevant fire authorities.	Final Detailed Design Roadworks Technical Note NICB RP2J Rev 1, 14/12/2022 FH	The fire trail was incorporated in the Final Detailed Design Roadworks Technical Note under Section 3.2.10 and relevant consultation with TfNSW, NCC and Fire and Rescue NSW were conducted (Appendix H).	C
<b>URBAN DESIGN AND VISUAL AMMENITY</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.	<p>Ancillary Facility Establishment Management Plan (AFEMP) NICB-RP2J Rev 6 18/10/23, FH</p> <p>Minor Ancillary Facility Checklist RP2J – Nth Interchange, 24/05/23 by FH with ER approval 19/06/23</p> <p>Minor Ancillary Facility Checklist RP2J – Mainline, 24/05/23 by FH with ER approval on 19/06/23</p> <p>Minor Ancillary Facility Checklist RP2J – Southern Interchange, 11/10/23 by FH with ER approval on 11/10/23</p> <p>Minor Ancillary Facility Checklist RP2J – Southern Interchange, 26/10/23 by FH with ER approval on 30/10/23</p> <p>Minor Ancillary Facility Checklist RP2J – Mainline Fill 3, 29/01/24 by FH with ER approval on 29/01/24</p> <p>Site inspection auditees 21/05/2024</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink.</p>	<p>Screening is described in the AFEMP and Minor Ancillary Facility Checklist (if relevant).</p> <p>Boundary screening was observed during the site inspection near receivers. No issues observed. There were no material issues raised by the ER. Several complaints were received regarding light spill during the audit period. FH appears to have redirected the lights promptly and there have not been follow up complaints about the same issue.</p>	C
<b>Lighting Security</b>				
E76	<p>All lighting associated with the construction and operation of the SSI must:</p> <ul style="list-style-type: none"> <li>(a) operate with the objective to minimising light spill to surrounding properties; and</li> <li>(b) be consistent with the requirements of Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting and relevant Australian Standards in the series AS/NZ 1158 – Lighting for Roads and Public Spaces.</li> </ul> <p>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.</p>	<p>Ancillary Facility Establishment Management Plan (AFEMP) NICB-RP2J Rev 6 18/10/23, FH</p> <p>Minor Ancillary Facility Checklist RP2J – Nth Interchange, 24/05/23 by FH with ER approval 19/06/23</p> <p>Minor Ancillary Facility Checklist RP2J – Mainline, 24/05/23 by FH with ER approval on 19/06/23</p> <p>Minor Ancillary Facility Checklist RP2J – Southern Interchange, 11/10/23 by FH with ER approval on 11/10/23</p> <p>Minor Ancillary Facility Checklist RP2J – Southern Interchange, 26/10/23 by FH with ER approval on 30/10/23</p> <p>Minor Ancillary Facility Checklist RP2J – Mainline Fill 3, 29/01/24 by FH with ER approval on 29/01/24</p> <p>Site inspection auditees 21/05/2024</p> <p>ER Monthly Reports, May 2023 – May 2024, GeoLink.</p> <p>Light spill audit, 27/05/24 (on crane lift OOHV)</p>	<p>Screening is described in the AFEMP and Minor Ancillary Facility Checklist (if relevant).</p> <p>Boundary screening was observed during the site inspection near receivers. No issues observed. There were no material issues raised by the ER. Several complaints were received regarding light spill during the audit period. FH appears to have redirected the lights promptly and there have not been follow up complaints about the same issue.</p> <p>FH conducted an audit on light spill during the major crane lift operation in May. The audit found lighting arrangements to be satisfactory.</p>	C
<b>Bridge Elements</b>				



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E77	<p>Bridge 7 and Bridge 8 must be designed in accordance with the following guidelines, as relevant:</p> <ul style="list-style-type: none"> <li>(a) Beyond the Pavement (RMS 2014);</li> <li>(b) Bridge Aesthetics (RMS 2012);</li> <li>(c) Landscape Design Guidelines (RMS 2008); and</li> <li>(d) designed to incorporate elements which reflect the steel industry heritage of Newcastle.</li> </ul> <p>The final design of the bridges must be provided to the Planning Secretary for information prior to construction of these structures.</p> <p>Note: The colour scheme is identified in SPIR, Appendix E - Urban Design and Landscape Character and Visual Impact Assessment.</p>	<p>Site inspection and interviews with auditees 21/05/2024</p> <p>Letter DPHI to TfNSW, 20/07/23 (Department acceptance that Bridge 8 design incorporates requirements a)-d) of this condition)</p> <p>Bridge 8 design drawing set (general arrangement sheets A – D and landscaping sheet LS-2105)</p>	<p>Bridge 7 completed as part of Stage 2 (prior to audit period)</p> <p>Bridge 8 design was developed in consideration of this condition. The design were submitted to the Department and on 20/07/23 the Department provided written acceptance that the design met the requirements of this condition.</p>	C
<b>Structural Adequacy</b>				
E78	<p>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</p>	<p>Letter 12/03/2020 Subsidence Advisory NSW-RMS re: Notice of Determination - Proposed Connecting Stage Of Newcastle Inner City Bypass Various Locations – RP2J RMS Project Number: RP2J; TBA18-02094</p> <p>Letter Subsidence Advisory to TfNSW, 22/02/23 (progress on complying with conditions).</p> <p>Letter Subsidence Advisory to TfNSW, 27/06/23 (progress on complying with conditions).</p>	<p>Compliance with the Subsidence Advisory conditions is ongoing. On 27/06/23 Subsidence Advisory stated that all conditions have been met except for conditions 4, 8 and 9. They noted that 'Condition 4 can only be fully met on completion of the grouting works and the submission of a grout verification output report. Condition's 8 and 9 in all areas remain outstanding as they can only be completed post construction.'</p>	C
<b>Operational Maintenance</b>				
E79	<p>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.</p>	<p>Site inspection and interviews with auditees 21/05/2024</p>	<p>Not triggered at construction stage</p>	NT
<b>Operational noise barriers design</b>				
E80	<p>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).</p>	<p>Site inspection and interviews with auditees 21/05/2024</p>	<p>Not triggered at construction stage</p>	NT
<b>WASTE</b>				
E81	<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> <li>(c) where re-using, recycling or recovering waste is not possible, waste is to be treated or disposed of.</li> </ul>	<p>Construction Waste and Energy Management Sub Plan (CWEMSP) NICB RP2J Stage 4 Main Works Rev 2, 20/02/2023 FH</p> <p>Project induction, Rev10, FH (no date) (includes boundary control, heritage, unexpected finds, spill mgt, hours of work and OOHW, permits and hold points, water discharging, erosion and sediment control, noise, vibration and dust, waste management, community engagement).</p> <p>Site inspection 21/05/24.</p>	<p>CWEMSP includes:</p> <ul style="list-style-type: none"> <li>(a) Section 6.1, Section 6.1.1, and Chapter 7 mitigation measure ID W EMM1, WEMM4, WEMMS.</li> <li>(b) Section 6.1, Section 6.1.2, Section 6.4, and Chapter 7 mitigation measure ID W EMM6 -WEMM18</li> <li>(c) Section 6.1, Section 6.1.4, Section 6.3, Section 6.4, and Appendix B</li> </ul> <p>Waste management has been communicated to the workforce and waste recycling skips were observed at the Northern Interchange site compound.</p>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
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 Protection of the Environment Operations (Waste) Regulation 2014, as the case may be.	Construction Waste and Energy Management Sub Plan (CWEMSP) NICB RP2J Stage 4 Main Works Rev 2, 20/02/2023 FH  Interview with auditees 21/05/24	CWEMSP addresses the requirement of this condition under Section 6.1, Section 6.1.4, Section 6.3, Section 6.4, and Appendix B.  The Project is currently in surplus and is making its own select material zone product. There has been no waste imported during the audit period.	C
E83	Waste generated by all activities associated with works and operation of the SSI must only be: (a) in accordance with a Resource Recovery Exemption or Order issued exported to an 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 under the Protection of the Environment Operations (Waste) Regulation 2014.	Construction Waste and Energy Management Sub Plan (CWEMSP) NICB RP2J Stage 4 Main Works Rev 2, 20/02/2023 FH  NICB RP2J – Mulch Export Management Protocol Rev 1, 28/03/2023, FH.  FH VENM certificate for Multiplex, 12/12/23  S143 certificate, mulch, 2 Astra Street Shortland, 30/06/23 and REF, October 2020 for City of Newcastle  S143 certificate, mulch, Abbotsford Street, 18/04/2023 and DA consent 8/2017/459/2, 23/12/21  S143 certificate, VENM, M1, 08/12/23 and EPL 21819  S143 certificate, VENM, Nelson Bay Rd, 08/08/23; S143 certificate, Mulch, Nelson Bay Rd, 08/08/23 and DA consent 16-2022-570-1, 23/03/23  S143 certificate, VENM, Elliot Davies, 10/08/23	CWEMSP addresses the requirement of this condition under the following:  (a) Section 6.1, Section 6.1.4, Section 6.4 and Appendix B (b) Section 6.1, Section 6.1.2, Section 6.3, Section 6.4 and Appendix B  The evidence sighted indicates that waste was directed to facilities / properties lawfully permitted to receive it.  <i>Note: The Auditor has reviewed the material export register/s and material classification records prepared by others and presented by the auditee/client. The Auditor has not conducted any testing, analysis or visual inspection of the material to independently verify its classification, nor does the Auditor guarantee that the exported material is that same volume, classification or type as that described in the sighted material classification records.</i>	C

Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E84	All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.	<p>Construction Waste and Energy Management Sub Plan (CWEMSP) NICB RP2J Stage 4 Main Works Rev 2, 20/02/2023 FH</p> <p>Asbestos identification Results at NICB Zone 2, 7/08/23 by Hazmat Services</p> <p>Result Sample (analysis for asbestos), 4/08/23 by Australian Safer Environment &amp; Technology P/L (ASET)</p> <p>Delivery Docket S40997/1, 19/10/23 – Summerhill Waste Management Centre</p> <p>Delivery Docket S40905/1, 19/10/23 – Summerhill Waste Management Centre</p> <p>RP2J waste register, current to 27/03/24</p> <p>Waste Consignment, 15/05/23, 28/06/23, 07/07/23</p> <p>Tip records, 15/05/23, 12/05/23</p> <p>EPL 21592 (Cardiff Waste Transfer station)</p> <p>EPL 13013 (Central Waste Plant)</p> <p>EPL 20593 (Hi Quality Kemps Creek)</p> <p>EPL 12764 (Newcastle Recycling Solutions)</p> <p>EPL 5897 (Summer Hill Waste Management Facility)</p> <p>Waste Classification Report, Soil adjacent 136 Lookout Rd, Hazmat Services, 08/06/23</p> <p>Waste Classification Report, Soil at old Jesmon Soap Factory, Hazmat Services, 13/07/23</p> <p>Central Waste Station Resource recovery Reports, July 2023 – May 2024.</p>	<p>The records sighted appear to indicate that materials has been classified and properly disposed of.</p> <p>The waste register identifies the disposal date, waste classification, weight , volume, intended end use, transporter details, source site, destination, a docket / record number.</p> <p><i>Note: The Auditor has reviewed the material export register/s and material classification records prepared by others and presented by the auditee/client. The Auditor has not conducted any testing, analysis or visual inspection of the material to independently verify its classification, nor does the Auditor guarantee that the exported material is that same volume, classification or type as that described in the sighted material classification records.</i></p>	C
WATER				



Unique ID	Compliance requirement	Evidence collected	Audit findings and recommendations	Compliance Status
E85	The SSI must be designed, constructed and operated to achieve the outcomes described in the documents listed in condition A1 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.	Soil and Water Management Sub-Plan (SWMP) for NICB RP2J Stage 4 Rev 4, 20/02/2023, FH RP2J Water Quality Assessment 549-21, 23/02/2023, Storm EPA Prevention Notice, 23/04/24 PESCP 06 NICB South End to McCaffrey Drive 4, Rev 7 21/03/24 by FH PESCP 08 NICB Bridge 9 to Zone 4 Rev 5, 24/04/24 by FH PESCP 09 NICB North Interchange Rev 11, 4/04/24 by FH PESCP Cut 5 East, SEEC, 06/05/24 Adapt ERSED inspection report, 15/03/24, 04/04/24 The Detailed Design Hydrology and Hydraulics Report for RP2J (Aurecon, Ref 504057 Rev 1, 23/09/2019) Drainage Longitudinal & Transverse Technical Note Final Detailed Design, FH, 09/02/23 Water Quality Monthly Monitoring Reports, Kleinfelder, May 2023 – April 2024	The SWMP addresses the requirement of this condition under the Detailed Design SGWQCMP and Section 6.2.  The Water Quality Assessment noted that the water quality modelling and methodology of the Final Detailed Design Case demonstrates compliance with the WQO.  Temporary watercourse crossings being designed in accordance with Blue Book as evidenced through the Detailed Design Hydrology and Hydraulics Report and Drainage Longitudinal & Transverse Technical Note Final Detailed Design.  Evidence sighted during site inspection indicates temporary stream diversions are being constructed in accordance with Blue Book and a CPESC (SEEC) is involved in the design and inspection of these.  Refer E57 regarding the EPA prevention notice and soil and water controls.	C
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.	Soil and Water Management Sub-Plan (SWMP) for NICB RP2J Stage 4 Rev 4, 20/02/2023, FH Site inspection and interview with auditees 21/05/2024 Site photos (Refer to Appendix F) EPA Prevention Notice, 23/04/24 PESCP 06 NICB South End to McCaffrey Drive 4, Rev 7 21/03/24 by FH PESCP 08 NICB Bridge 9 to Zone 4 Rev 5, 24/04/24 by FH PESCP 09 NICB North Interchange Rev 11, 4/04/24 by FH PESCP Cut 5 East, SEEC, 06/05/24 Adapt ERSED inspection report, 15/03/24, 04/04/24 The Detailed Design Hydrology and Hydraulics Report for RP2J (Aurecon, Ref 504057 Rev 1, 23/09/2019) Drainage Longitudinal & Transverse Technical Note Final Detailed Design, FH, 09/02/23	Temporary watercourse crossings being designed in accordance with Blue Book as evidenced through the Detailed Design Hydrology and Hydraulics Report and Drainage Longitudinal & Transverse Technical Note Final Detailed Design.  Evidence sighted during site inspection indicates temporary stream diversions are being constructed in accordance with Blue Book and a CPESC (SEEC) is involved in the design and inspection of these.  Refer E57 regarding the EPA prevention notice and soil and water controls.	C
<b>TICKHOLE CREEK</b>				
E87	The Peatties Road ancillary facility must be designed and operated to ensure that no direct flow from within the site flows into Tickhole00 Creek.	Interview with auditees 21/05/2024	Not applicable to this audit.	NT
E88	A minimum 3 metre buffer must be provided between the top bank of Tickhole Creek and the Peatties Road ancillary facility.	Interview with auditees 21/05/2024	Not applicable to this audit.	NT
E89	The design of the Peatties Road vehicular access must not impact the existing culvert to the west of the proposed access and the downstream drainage line protection area shown in light blue hatching in Figure 3 of Appendix A of this approval.	Interview with auditees 21/05/2024	Not applicable to this audit.	NT



## **APPENDIX B – PLANNING SECRETARY AGREEMENT OF INDEPENDENT AUDITOR**

NSW Planning ref: SSI-6888-PA-149

Lawson Gill  
Senior Environment & Sustainability Officer  
Transport for New South Wales  
L6, 6 Stewart Avenue  
Newcastle West NSW 2302  
02/04/2024

---

Sent via the Major Projects Portal only

Subject: Newcastle Inner City Bypass - Independent Audit 4 – audit team change request

Dear Mr Gill

Reference is made to your post approval matter, SSI-6888-PA-149, request for the Planning Secretary's approval of suitably qualified, experienced, and independent person/s to conduct an Independent Audit of the Newcastle Inner City Bypass, submitted as required by Schedule 2, Part A, Condition A35 of SSI-6888 as modified (the approval) to the NSW Department of Planning, Housing, and Infrastructure (NSW Planning) on 21 March 2024.

NSW Planning has reviewed the independent auditor nominations and based on the information you have provided is satisfied that the proposed person/s are suitably qualified, experienced, and independent.

In accordance with Schedule 2, Part A, Condition A35 of the approval and the NSW Planning *Independent Audit Post Approval Requirements* (2018), as nominee of the Planning Secretary, I endorse the following independent audit team:

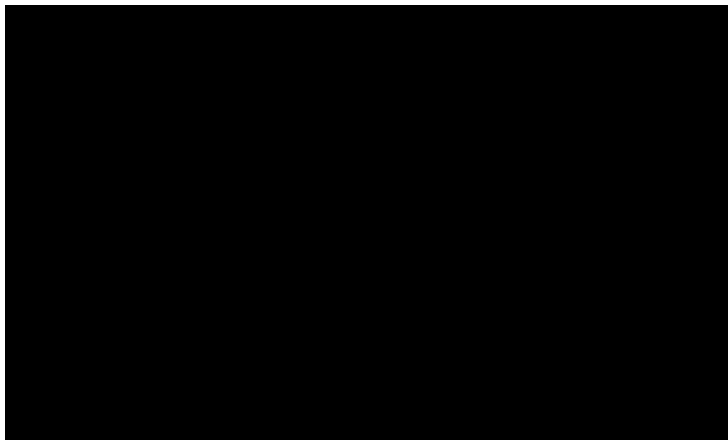
- Mr Derek Low
- Mr Ricardo Prieto-Curie

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

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

NSW Planning reserves the right to request an alternate auditor or audit team for future audits.

Should you wish to discuss the matter further, please contact Joel Curran, Senior Compliance Officer on 02 4904 2702 or email [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)



As nominee of the Planning Secretary



## **APPENDIX C – CONSULTATION RECORDS**

**Derek Low**

---

**From:**

You don't often get email from joel.curran@planning.nsw.gov.au. [Learn why this is important](#)

Hi Derek

Thank you for reaching out to NSW Planning. Noting the large rain events that the project has experienced to date, could we please have a focus on compliance with the erosion and sediment control aspects of any plans.

Additionally, please consult with all parties contacted for the previous audit. A non-response during one audit period does not necessarily mean no response will be received during a different audit period.

Development Assessment and Infrastructure | Department of Planning Housing and Infrastructure  
T 02 4904 2702 | M 0412 323 331 | E [joel.curran@planning.nsw.gov.au](mailto:joel.curran@planning.nsw.gov.au)  
PO Box 1226 | Newcastle NSW 2300  
Please direct all email correspondence to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)  
[www.dphi.nsw.gov.au](http://www.dphi.nsw.gov.au)



*I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all Aboriginal and Torres Strait staff working with the NSW Government.*

---

**Cc:** Lawson Gill <[Lawson.Gill@transport.nsw.gov.au](mailto:Lawson.Gill@transport.nsw.gov.au)>; Rebecca Vaughan <[Rebecca.Vaughan@transport.nsw.gov.au](mailto:Rebecca.Vaughan@transport.nsw.gov.au)>; Joyce Acierda <[jacierda@wolfpeak.com.au](mailto:jacierda@wolfpeak.com.au)>  
**Subject:** NICB Rankin Park to Jesmond Bypass SSI 6888 - Independent Audit

Hi there.

I am one of the Department approved Independent Auditors on the NICB Rankin Park to Jesmond Bypass SSI 6888 (the Project).

I am preparing to undertake the fourth independent audit on the Project (the second to be completed by WolfPeak). The audit is required to be conducted in accordance with SSI 6888 condition A35 and the Department's 2018 *Independent Audits Post Approval Requirements* (or IAPAR).

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The IAPAR is available at the following link: <https://www.planning.nsw.gov.au/assess-and-regulate/about-compliance/inspections-and-enforcements/independent-audit-post-approval-requirements>

The audit is currently scheduled to occur on 21 May 2024 (with preparation of the audit report occurring thereafter) and pertains to post-approval requirements and compliance.

In accordance with Section 3.2 of the IAPAR, I am consulting with the Department on the scope of the audit.

As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant Condition of Approval along with all post approval documents prepared to satisfy the Conditions of Approval, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth. These are included in the audit scope for this Project.

I note that in preparation for the previous audit, WolfPeak consulted with NSW Health, the NSW EPA, Newcastle City Council, DCCEEW, DPE Water, DPI Fisheries, Lake Macquarie Council and BCT.

Responses were provided from NSW Health, the NSW EPA, Newcastle City Council; and WolfPeak intends to consult with these stakeholders in preparation for the upcoming audit.

No responses were provided from DCCEEW, DPE Water, DPI Fisheries, Lake Macquarie Council and BCT; and WolfPeak does not propose to consult with these stakeholders again, unless directed to do so by the Department.

In providing input to the scope, I kindly request Department confirm:

- if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR; or
- if it recommends that other parties or agencies are to be consulted. If so I request that the Department identify those parties.

Any questions please let me know. I look forward to hearing from you.

Regards,

**Derek Low | Principal**

Executive Director - Infrastructure & Environmental Assurance



P: 1800 979 716

M: 0402 403 716

A: Gadigal Country - Suite 2, Level 10, 82 Elizabeth St, Sydney NSW 2000

*At WolfPeak, we live by our values and are committed to building a better future by enabling prosperity, environmental protection and positive stakeholder outcomes. In doing so, **we acknowledge the Traditional Owners of Country and all Aboriginal and Torres Strait Islander people with whom we collaborate with, and respect their continuous connection to the land, waters and community.** We commit to amplifying their voices in all aspects of our business and recognise their continued custodianship over the lands that have built modern Australia.*

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**Derek Low**

**From:**  
**Sent:**  
**To:**  
**Subject:**  
**Attachments:**

Jesmond - EPL 21762 - 03.05.23.pdf

Hi Derek,

Thank you for your consideration into including concerns of the EPA into the IAPAR review scope.

The EPA maintains its position as per the attached letter dated 03 May 2023.

Furthermore the EPA has recently issued a second of two prevention notices to Fulton Hogan Constructions (the licence holder for the works being carried on for the Newcastle Inner City Bypass) for unacceptable erosion and sediment controls on the premises causing water pollution. The EPA has expressed concern of the impacts that uncontrolled surface water discharges from the premises has had on the receiving environment.

As stated in the letter all regulatory action can be reviewed on EPA's public register.

D 02 4908 6857 | M 0409221104

117 Bull Street, NEWCASTLE WEST NSW 2303



[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au) @NSW\_EPA

The EPA acknowledges the Traditional Custodians of the land, waters and sky where we work.  
As part of the world's oldest surviving cultures we pay our respect to Aboriginal Elders past and present.

I work on Awabakal Country.



Report pollution and environmental incidents 131 555 or +61 2 9995 5555

<andrew.harwood@epa.nsw.gov.au>

**Cc:** Lawson Gill <Lawson.Gill@transport.nsw.gov.au>; Rebecca Vaughan <Rebecca.Vaughan@transport.nsw.gov.au>; Joyce Acierda <jacierda@wolfpeak.com.au>; Simon Lund <Simon.Lund@epa.nsw.gov.au>; Johanne Hunt <johanne.hunt@epa.nsw.gov.au>

**Subject:** NICB Rankin Park to Jesmond Bypass SSI 6888 - Independent Audit

Hi there.

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In accordance with Section 3.2 of the IAPAR, I am consulting with the EPA on the scope of the audit.

As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant Condition of Approval along with all post approval documents prepared to satisfy the Conditions of Approval, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth. These are included in the audit scope for this Project.

I kindly request the EPA confirm if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR.

Any questions please let me know. I look forward to hearing from you.

Regards,

**Derek Low | Principal**

Executive Director - Infrastructure & Environmental Assurance



**P:** 1800 979 716

**M:** 0402 403 716

**A:** Gadigal Country - Suite 2, Level 10, 82 Elizabeth St, Sydney NSW 2000

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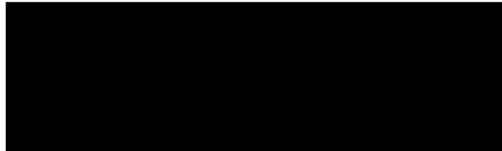
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Our ref: OUT24/5529



Date 22 April 2024

---

Subject: NICB Ranking Park to Jesmond Bypass - Independent Environmental Audit (SSI-6888)

Dear Derek,

I refer to your request seeking advice from the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) Water Group on an upcoming audit for the above matter. It is understood this consultation is in accordance with conditions of approval for the project.

NSW DCCEEW Water Group understands that the scope of the audit as outlined under the development consent and the reference guideline, "Independent Audit Post Approval Requirements (2020)" extends to at least the following:

- Identification of compliance requirements and documentation of any non-compliances.
- Assessment of the adequacy and implementation of management plans and sub plans.
- Assessment of compliance against relevant regulatory requirements and legislation.
- Assessment of compliance between actual and predicted impacts in the environmental assessment.
- Reporting requirements for management plans.
- Identification of strengths of the project in environmental management and opportunities for improvement.

NSW DCCEEW Water Group requests that the audit address compliance with the following specific elements of the consent conditions and related legislative requirements in a manner consistent with the above audit scope:

- The requirement to prepare and implement management plans that relate to water sources and their dependent ecosystems and users, and associated impact management and mitigation. These plans may include:
  - Water Management Plans and related sub-plans eg. Site Water Balance, Erosion and Sediment Control Plan, Stormwater Management Plan, Surface and Groundwater Management Plan.
  - Extraction Plans and related sub-plans eg. Water Management Plan, Subsidence Management Plan.



- The requirement to prepare and implement trigger action response plans for water source impacts which set clearly defined limits and actions. This is to be reported on within annual and exceedance-based reporting.
- Water supply availability is clearly defined for the project.
- Water take at the site via storage, diversion, interception or extraction is clearly documented and is authorised by a relevant Water Access Licence or exemption under the Water Management (General) Regulation 2018.
- Water metering at the site is in accordance with the NSW Non-Urban Metering Framework where relevant.
- Water Access Licence/s used to account for water take by the project nominates the work where the water is being taken from.
- Annual reporting clearly documents; 1) water take, use and water source impacts, 2) compares results with previous year's, and 3) identifies exceedances and how these are managed/mitigated.

Should you have any further queries in relation to this submission please do not hesitate to contact Water Assessments at [water.assessments@dpie.nsw.gov.au](mailto:water.assessments@dpie.nsw.gov.au).

Yours sincerely,



**NSW Department of Climate Change, Energy, the Environment and Water**

**Derek Low**

---

**From:** [REDACTED] bct.nsw.gov.au>  
**Sent:** Wednesday, 8 May 2024 3:56 PM  
**To:** Derek Low  
**Cc:** Lawson.Gill@transport.nsw.gov.au; Rebecca.Vaughan@transport.nsw.gov.au; Joyce Acierda; Brendan Mee  
**Subject:** NICB Rankin Park to Jesmond Bypass SSI 6888 - Independent Audit  
**Importance:** High

Some people who received this message don't often get email from david.brennan@bct.nsw.gov.au. [Learn why this is important](#)

Hi Derek,

Thanks for reaching out. We have no concerns or key issues that we wish examined related to this Audit

[REDACTED]

[REDACTED]

T 02 8275 1194 M 0477 488 433 E [david.brennan@bct.nsw.gov.au](mailto:david.brennan@bct.nsw.gov.au)

[www.bct.nsw.gov.au](http://www.bct.nsw.gov.au) | Who is the BCT?

Level 7, 4PSQ  
12 Darcy Street  
Parramatta NSW 2150

Working days Monday to Friday, 09:00am - 05:00pm



**NSW Biodiversity Conservation Trust**

---

**From:** Derek Low <[dlow@wolfpeak.com.au](mailto:dlow@wolfpeak.com.au)>  
**Sent:** Friday, 19 April 2024 1:17 PM  
**To:** BCT Info Mailbox <[info@bct.nsw.gov.au](mailto:info@bct.nsw.gov.au)>  
**Cc:** Lawson Gill <[Lawson.Gill@transport.nsw.gov.au](mailto:Lawson.Gill@transport.nsw.gov.au)>; Rebecca Vaughan <[Rebecca.Vaughan@transport.nsw.gov.au](mailto:Rebecca.Vaughan@transport.nsw.gov.au)>; Joyce Acierda <[jacierda@wolfpeak.com.au](mailto:jacierda@wolfpeak.com.au)>  
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The IAPAR is available at the following link: <https://www.planning.nsw.gov.au/assess-and-regulate/about-compliance/inspections-and-enforcements/independent-audit-post-approval-requirements>

The audit is currently scheduled to occur on 21 May 2024 (with preparation of the audit report occurring thereafter) and pertains to post-approval requirements and compliance.

In accordance with Section 3.2 of the IAPAR, I am consulting with the BCT on the scope of the audit.

As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant Condition of Approval along with all post approval documents prepared to satisfy the Conditions of Approval, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth. These are included in the audit scope for this Project.

I kindly request BCT confirm if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR.

Any questions please let me know. I look forward to hearing from you.

Regards,

**Derek Low | Principal**

Executive Director - Infrastructure & Environmental Assurance



**P:** 1800 979 716

**M:** 0402 403 716

**A:** Gadigal Country - Suite 2, Level 10, 82 Elizabeth St, Sydney NSW 2000

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**Derek Low**

---

**From:**

You don't often get email from [cherie.colyer-morris@dpi.nsw.gov.au](mailto:cherie.colyer-morris@dpi.nsw.gov.au). [Learn why this is important](#)

Hi Derek,

Thank you for the opportunity to provide additional input into the scope of the independent audit.

I have reviewed the conditions of consent and can confirm we have no additional key issues to raise for examination.

ALL MAIL TO: DPI Fisheries, Attn: M.Coughran, 1243 Bruxner Hwy, Wollongbar NSW 2477  
M: 0472 713 714 E: [cherie.colyer-morris@dpi.nsw.gov.au](mailto:cherie.colyer-morris@dpi.nsw.gov.au)

---

**Cc:** Lawson Gill <[Lawson.Gill@transport.nsw.gov.au](mailto:Lawson.Gill@transport.nsw.gov.au)>; Rebecca Vaughan <[Rebecca.Vaughan@transport.nsw.gov.au](mailto:Rebecca.Vaughan@transport.nsw.gov.au)>;  
Joyce Acierda <[jacierda@wolfpeak.com.au](mailto:jacierda@wolfpeak.com.au)>  
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In accordance with Section 3.2 of the IAPAR, I am consulting with Fisheries on the scope of the audit.

As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant Condition of Approval along with all post approval documents prepared to satisfy the Conditions of Approval, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth. These are included in the audit scope for this Project.

I kindly request Fisheries confirm if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR.

Any questions please let me know. I look forward to hearing from you.

Regards,

**Derek Low | Principal**

Executive Director - Infrastructure & Environmental Assurance



**P:** 1800 979 716

**M:** 0402 403 716

**A:** Gadigal Country - Suite 2, Level 10, 82 Elizabeth St, Sydney NSW 2000

*At WolfPeak, we live by our values and are committed to building a better future by enabling prosperity, environmental protection and positive stakeholder outcomes. In doing so, we **acknowledge the Traditional Owners of Country and all Aboriginal and Torres Strait Islander people with whom we collaborate with, and respect their continuous connection to the land, waters and community.** We commit to amplifying their voices in all aspects of our business and recognise their continued custodianship over the lands that have built modern Australia.*

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**Derek Low**

---

**From:**

Hi there.

I am one of the Department approved Independent Auditors on the NICB Rankin Park to Jesmond Bypass SSI 6888 (the Project).

I am preparing to undertake the fourth independent audit on the Project (the second to be completed by WolfPeak). The audit is required to be conducted in accordance with SSI 6888 condition A35 and the Department's 2018 *Independent Audits Post Approval Requirements* (or IAPAR).

The consent is available at the following link: <https://www.planningportal.nsw.gov.au/major-projects/projects/nicb-rankin-park-jesmond-bypass>

The IAPAR is available at the following link: <https://www.planning.nsw.gov.au/assess-and-regulate/about-compliance/inspections-and-enforcements/independent-audit-post-approval-requirements>

The audit is currently scheduled to occur on 21 May 2024 (with preparation of the audit report occurring thereafter) and pertains to post-approval requirements and compliance.

In accordance with Section 3.2 of the IAPAR, I am consulting with the Health Infrastructure on the scope of the audit.

As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant Condition of Approval along with all post approval documents prepared to satisfy the Conditions of Approval, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth. These are included in the audit scope for this Project.

I kindly request Health Infrastructure confirm if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR.

Any questions please let me know. I look forward to hearing from you.

Regards,

**Derek Low | Principal**

Executive Director - Infrastructure & Environmental Assurance





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**M:** 0402 403 716

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**Derek Low**

---

**From:**



You don't often get email from aleese@lakemac.nsw.gov.au. [Learn why this is important](#)

Hello Derek

I can confirm that neither Council's Traffic or Environmental Health Teams have raised any issues in relation to the NCIB Extension to Rankin Park.

As such, LMCC has no key issues that need to be separately addressed as part of this Audit.

Kind regards

**Andrew Leese**

Senior Development Planner



**T** +61 2 4069 0025

**E** aleese@lakemac.nsw.gov.au

lakemac.com.au



*Dhumaan ngayin Awabakurlangu kirraanan barayidin*

We acknowledge and respect the Awabakal people who have cared for and nurtured this country.

*Share your*  
**10-YEAR VISION FOR OUR CITY**

---

com.au>

**Sent:** Friday, April 19, 2024 1:22 PM

**To:** council@lakemac.nsw.gov.au

**Cc:** Lawson Gill <Lawson.Gill@transport.nsw.gov.au>; Rebecca Vaughan <Rebecca.Vaughan@transport.nsw.gov.au>; Joyce Acierda <jacierda@wolfpeak.com.au>

**Subject:** NICB Rankin Park to Jesmond Bypass SSI 6888 - Independent Audit

Hi there.

I am one of the Department approved Independent Auditors on the NICB Rankin Park to Jesmond Bypass SSI 6888 (the Project).

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The audit is currently scheduled to occur on 21 May 2024 (with preparation of the audit report occurring thereafter) and pertains to post-approval requirements and compliance.

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As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant Condition of Approval along with all post approval documents prepared to satisfy the Conditions of Approval, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth. These are included in the audit scope for this Project.

I kindly request Council confirm if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR.

Any questions please let me know. I look forward to hearing from you.

Regards,

**Derek Low | Principal**

Executive Director - Infrastructure & Environmental Assurance



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**M:** 0402 403 716

**A:** Gadigal Country - Suite 2, Level 10, 82 Elizabeth St, Sydney NSW 2000

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except where the sender specifically states that the views are of Council. All information provided to us is treated in accordance with Lake Macquarie City Council's Privacy Management Plan ([www.lakemac.com.au/Privacy-Statement](http://www.lakemac.com.au/Privacy-Statement)). Information provided in correspondence, submissions or requests (verbal, electronic or written), including personal information may also be made publicly available, including via Council's website, in accordance with the Government Information (Public Access) Act 2009 (NSW).

**Derek Low**

---

**From:**

Derek Low

**Sent:**



Hi there.

I am one of the Department approved Independent Auditors on the NICB Rankin Park to Jesmond Bypass SSI 6888 (the Project).

I am preparing to undertake the fourth independent audit on the Project (the second to be completed by WolfPeak). The audit is required to be conducted in accordance with SSI 6888 condition A35 and the Department's 2018 *Independent Audits Post Approval Requirements* (or IAPAR).

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The IAPAR is available at the following link: <https://www.planning.nsw.gov.au/assess-and-regulate/about-compliance/inspections-and-enforcements/independent-audit-post-approval-requirements>

The audit is currently scheduled to occur on 21 May 2024 (with preparation of the audit report occurring thereafter) and pertains to post-approval requirements and compliance.

In accordance with Section 3.2 of the IAPAR, I am consulting with the City of Newcastle on the scope of the audit.

As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant Condition of Approval along with all post approval documents prepared to satisfy the Conditions of Approval, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth. These are included in the audit scope for this Project.

I kindly request City of Newcastle confirm if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR.

Any questions please let me know. I look forward to hearing from you.

Regards,

**Derek Low | Principal**

Executive Director - Infrastructure & Environmental Assurance





**P:** 1800 979 716

**M:** 0402 403 716





**A:** Gadigal Country - Suite 2, Level 10, 82 Elizabeth St, Sydney NSW 2000

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## APPENDIX D – INSPECTION PHOTOS

No.	Comment	Photograph
1	Northern interchange. Alternate pedestrian access maintained and signposted	
2	Northern interchange. Erosion and sediment controls in place and functioning.	
3	Northern interchange. Mud tracking was captured prior to entering roadway. .	
4	Northern interchange. Erosion and sediment controls in place and functioning.	



5	<p>Northern interchange.</p> <p>Erosion and sediment controls in place and functioning.</p>	
6	<p>Northern interchange.</p> <p>Erosion and sediment controls in place and functioning.</p>	
7	<p>Northern interchange / Cut 5.</p> <p>Erosion and sediment controls in place and functioning. Good boundary controls in place.</p>	
8	<p>Northern interchange.</p> <p>Erosion and sediment controls in place and functioning. Noise walls being erected.</p>	



9	<p>Northern interchange.</p> <p>Erosion and sediment controls in place and functioning.</p>	
10	<p>George McGregor Park.</p> <p>Tree protection in place.</p>	
11	<p>George McGregor Park.</p> <p>Erosion and sediment controls in place and functioning.</p>	



12	<p>George McGregor Park.</p> <p>Erosion and sediment controls in place and functioning.</p>	
13	<p>Lookout Road.</p> <p>Erosion and sediment controls in place and functioning.</p>	

## **APPENDIX E – AUDITOR DECLARATION**


<b>Project Name:</b>	Newcastle Inner City Bypass – Rankin Park to Jesmond
<b>Consent Number:</b>	SSI 6888
<b>Description of Project:</b>	Newcastle Inner City Bypass about 3.4 kilometres in length between Rankin Park and Jesmond
<b>Project Address:</b>	Land in the suburbs of Cardiff Heights, Elmore Vale, Jesmond, Kotara, Lambton, New Lambton, New Lambton Heights, North Lambton, Rankin Park and Wallsend
<b>Proponent:</b>	Transport for NSW
<b>Title of Audit</b>	Independent Audit No. 4
<b>Date:</b>	19 March 2024

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:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2020)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. 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;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) 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
- b) The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

<b>Name of Auditor:</b>	Derek Low
<b>Signature:</b>	
<b>Qualification:</b>	Master of Environmental Engineering Management Exemplar Global Auditor Number 114283
<b>Company:</b>	WolfPeak Pty Ltd