

Newcastle Inner City Bypass – Rankin Park to Jesmond

Stage 4 Construction Compliance Report #1

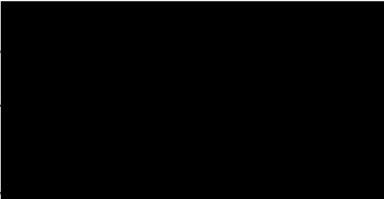
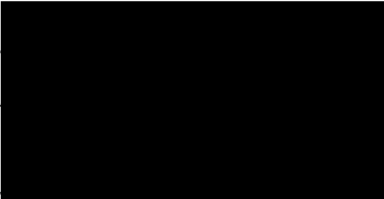
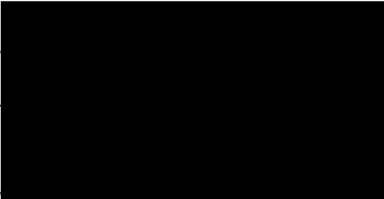
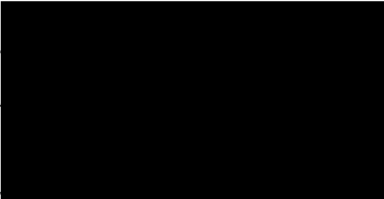
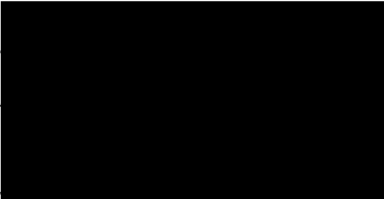
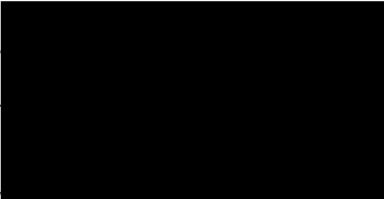
September 2023



i Document control

File name	NICB RP2J Stage construction compliance report #1
Report name	Newcastle Inner City Bypass- Rankin Park to Jesmond – construction compliance report #1

ii Approval and authorisation

Plan reviewed by:	Plan reviewed by:	Plan endorsed by:
		Simon Williams
		06/09/2023
		Environmental Representative

iii Revision history

Revision	Date	Description
0	22/08/2023	Issued for review
1	06/09/2023	Issued for ER Endorsement
2		

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v Glossary / Abbreviations

Term	Expanded text
CoA	Condition of Approval
Construction	<p data-bbox="466 318 1406 452">Includes all works required to construct the SSI, including commissioning trials of equipment and temporary use of any part of the SSI, but excluding the following low impact work which is completed prior to approval of the CEMP:</p> <ul style="list-style-type: none"> <li data-bbox="466 461 1406 618">(a) survey works including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; <li data-bbox="466 627 1406 694">(b) investigations including investigative drilling, contamination investigations and excavation; <li data-bbox="466 703 1406 806">(c) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; <li data-bbox="466 815 1406 882">(d) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1; <li data-bbox="466 891 1406 994">(e) installation of mitigation measures including erosion and sediment controls, exclusion fencing, hoardings and temporary or at property acoustic treatments; <li data-bbox="466 1003 1406 1106">(f) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; <li data-bbox="466 1115 1406 1218">(g) relocation and connection of utilities where the relocation or connection has a minor impact to the environment and sensitive receivers as determined by the ER; <li data-bbox="466 1227 1406 1420">(h) archaeological testing under the Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010) or archaeological monitoring undertaken in association with (a)-(g) and (i) to ensure that there is no impact on Aboriginal artefacts or objects, and archaeological salvage works in accordance with A1, E17 and E18; <li data-bbox="466 1429 1406 1563">(i) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and <li data-bbox="466 1572 1406 1639">(j) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI. <p data-bbox="466 1648 1406 1886">However, where heritage items or threatened species or threatened ecological communities (within the meaning of the <i>NSW Threatened Species Conservation Act 1995</i> or <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with the relevant heritage authority, OEH or DPI Fisheries (in the case</p>
Term	Expanded text

	of impact upon fish, aquatic invertebrates or marine vegetation)
DoEE	Commonwealth Department of the Environment and Energy administering the EPBC Act, and includes the Minister for the DoEE.
DPE	NSW Department of Planning and Environment
EIS	The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the development described in it, as revised if required by the Planning Secretary under the EP&A Act, and including any additional information provided by the Proponent in support of the application for approval of the project
Environmental Representative (ER)	A suitably qualified and experienced person independent of project design and construction personnel employed for the duration of Construction. The principal point of advice in relation to all questions and complaints concerning environmental performance
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
Planning Secretary	Planning Secretary of the NSW Department of Planning and Environment (or nominee, whether nominated before or after the date on which the Project Approval was granted)
PCCR	Pre-construction Compliance Report
Project, the	Rankin Park to Jesmond Bypass
Project Approval	The Infrastructure Approval for Newcastle Inner City Bypass, Rankin Park to Jesmond, issued by the New South Wales Government on 15 February 2019
RP2J	Rankin Park to Jesmond Bypass
SPB	Shared Path Bridge (Bridge 7)
SPIR	Submissions and Preferred Infrastructure Report submitted to the Planning Secretary of the DPE under the EP&A Act
SSI	State Significant Infrastructure
Works	All physical activities to construct or facilitate the construction of the SSI, including environmental management measures and utility works. however, does not include work that informs or enables the detailed design of the SSI and generates noise that is no more than 5 dB(A) above the rating background level at any residence

1 Introduction

1.1. Background

The Rankin Park to Jesmond (RP2J) Bypass Project (the Project) involves the construction of 3.4 kilometres of new four lane divided road between Lookout Road, New Lambton Heights and Newcastle Road, Jesmond (Figure 1-1). The Project is located in the Newcastle local government area, about 11 kilometres west of the Newcastle central business district and about 160 kilometres north of Sydney. Transport for NSW (Transport), formerly Roads and Maritime Services (RMS), is planning and delivering the Project.

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

The Project staging report identified and defined the Project staging as construction or low impact work as shown in Table 1-2. This Construction Compliance Report is for Stage 4, construction of the main bypass.

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

An Environmental Impact Statement (EIS) was prepared for the Project to satisfy the environmental assessment requirements of Part 5.1 of the EP&A Act and Part 8 of the EPBC Act. A Submissions and Preferred Infrastructure Report (SPIR) was prepared to provide responses to issues raised during exhibition of the EIS, to propose Project design refinements and to provide revised environmental management measures for the Project and was submitted to the NSW Minister for Planning. Approval for the Project was granted by the NSW Minister for Planning on 15 February 2019 and by the Commonwealth Department of the Environment and Energy (DoEE) on 5 April 2019.

In May 2021, TfNSW requested a modification to the planning approval to enable the use of additional construction compounds for the project. This modification was approved 7 February 2022. Additionally, as part of Stage 2 works Transport submitted a pre-construction compliance report in December 2022. This compliance report is for the period between March 6 2023 and August 6 2023.

Improvements to the proposed design

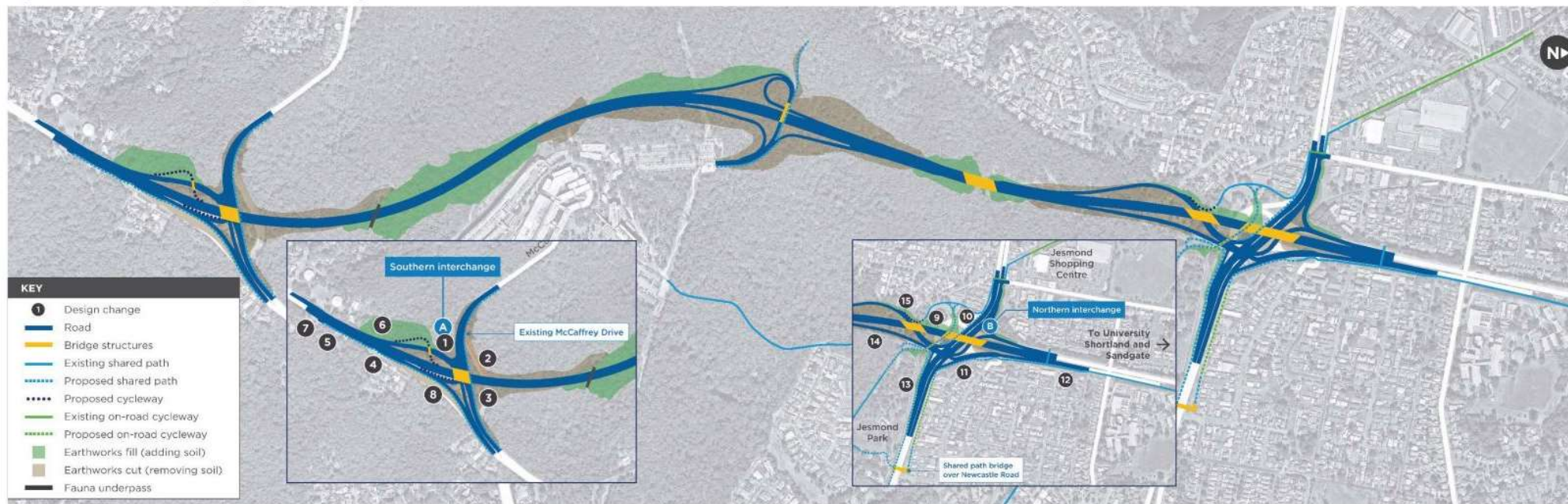


Figure 1-1 NICB project footprint

1.2. Purpose of this report

The purpose of this Construction Compliance Report (CCR) is to implement the requirements established in the RP2J Compliance Monitoring and Reporting Program (CMRP). The CMRP was established in accordance with the *Compliance Reporting – Post Approval Requirements* (DPE, 2018). Table 1-1 lists the NSW Conditions of Approval relevant to the Compliance Monitoring and Reporting Program and this Stage 4 Construction Compliance Report.

Table 1-1 NSW Conditions of Approval

NSW CoA	Requirement	Reference
A29	The No later than four (4) weeks before the commencement of any work, a Compliance Monitoring and Reporting Program prepared in accordance with the <i>Compliance Reporting – Post Compliance Approval Requirements</i> (DPE, 2018) must be endorsed by the ER and submitted to the Planning Secretary for information.	Compliance Monitoring and Reporting Program
A30	Compliance Reports of the SSI must be prepared and carried out in accordance with the <i>Compliance Reporting – Post Approval Requirements</i> (DPE 2018). The Department must be notified of the commencement dates of construction and operation of the SSI in the pre-construction and pre-operational compliance reports.	This document Section 2
A31	The compliance report must provide details of any review of, and minor amendments made to, the CEMP (which must be approved by the ER), resulting from construction carried out during the reporting period.	N/A at the time of submission of this report
A32	The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done.	Stage 2 construction and operational compliance reports and Stage 4 Pre-construction compliance report is publicly available on the TfNSW website.

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

Transport has elected to stage the delivery of the Project in four stages (Table 1-2).

Table 1-2: Project stages as described in the Staging Report

Stage	Stage details	Definition	Commencement date	Completion date
1	General early works	Low impact	Q3 2019	Q4 2024*
2	Shared path bridge of Newcastle Road	Construction	25 November 2019	5 March 2021
3	Southern utilities package	Low impact	23 July 2021	August 2022
4	Main bypass work	Construction	6 March 2023	Q3 2025*

Each stage will be delivered in separate construction packages that will include all activities needed to complete the stage. Details of the proposed Project staging, including construction activities and submission of corresponding environmental plans, strategies and protocols, is documented in the Project Staging Report prepared in accordance with NSW CoA A10.

The stages are summarised in the Staging Report.

1.4. Construction commencement – Stage 4 - Main Works

Stage 4 of the Project is described and assessed in the project environmental assessment. The works associated with this stage include:

- 3.4 km of new road with two lanes in each direction
- Three interchanges
- Seven bridges and other structures within the corridor
- Large cut and fill embankments
- Tie in and upgrades to connecting roads

- Pedestrian and cycling facilities (excluding those constructed previously in Stages 2 and 3 of the project)
- Noise barriers and/or architectural treatment (excluding noise treatments installed during Stage 1 work), as required
- Permanent operational water quality treatment measures
- Establishment and use of Ancillary Facilities F, C and Lookout Road. Facility F was established for Stage 3 and has be also used during Stage 4.

Construction of Stage 4 of the Project will be considered complete when all Construction work and activities have been carried out as described in the EIS, including amendments resulting from the SPIR and approved modification, and all conditions of the Project Approval applicable to Stage 4 have been met.

The works described above do not conform with the definition of low impact works established in table 1 of the NSW approval instrument, and hence, Stage 4 work is considered as construction and triggers the need for this construction compliance report as per the CMRP.

Documentation relevant to construction of the main works includes:

- Newcastle Inner City Bypass – Rankin Park to Jesmond, Environmental Impact Statement (EIS) (Roads and Maritime, November 2016).
- Newcastle Inner City Bypass – Rankin Park to Jesmond, Submissions and Preferred Infrastructure Report (SPIR) (Roads and Maritime, June 2018).
- NSW Infrastructure Approval SSI-6888 (approved by the Minister for Planning on 15 February 2019). Modified on 7 February 2022.
- EPBC Approval 2015/7550 (approved by the delegate for the Commonwealth Minister of Environment and Energy on 15 April 2019).

Works within this reporting period included commencement of construction for this stage. Works included:

- Ancillary facility establishment
- Hollywood archaeological salvage
- Implementation of Replacement Habitat Strategy
- Traffic staging and site access works
- Out of hours works across the project
- Clearing and grubbing
- Salvage of timber for beneficial reuse by Local Land Services
- Fencing
- Earthworks in all cuts and fills
- Bridge works at the northern interchange
- Drainage works in all key drainage lines
- Construction of sediment basins and other erosion and sediment controls
- Utilities investigation, relocation and installation.



Powerful Owl – Southern Section



Installation of Hollow-hog



Deliniation of HBT



Hollywood Archaeological salvage



2-stage clearing



Diversion drainage during clearing



Clearing – cut 5



Temporary sediment basin construction



Southern Interchange – Fill 1



Figure 1-2a NICB progress - North

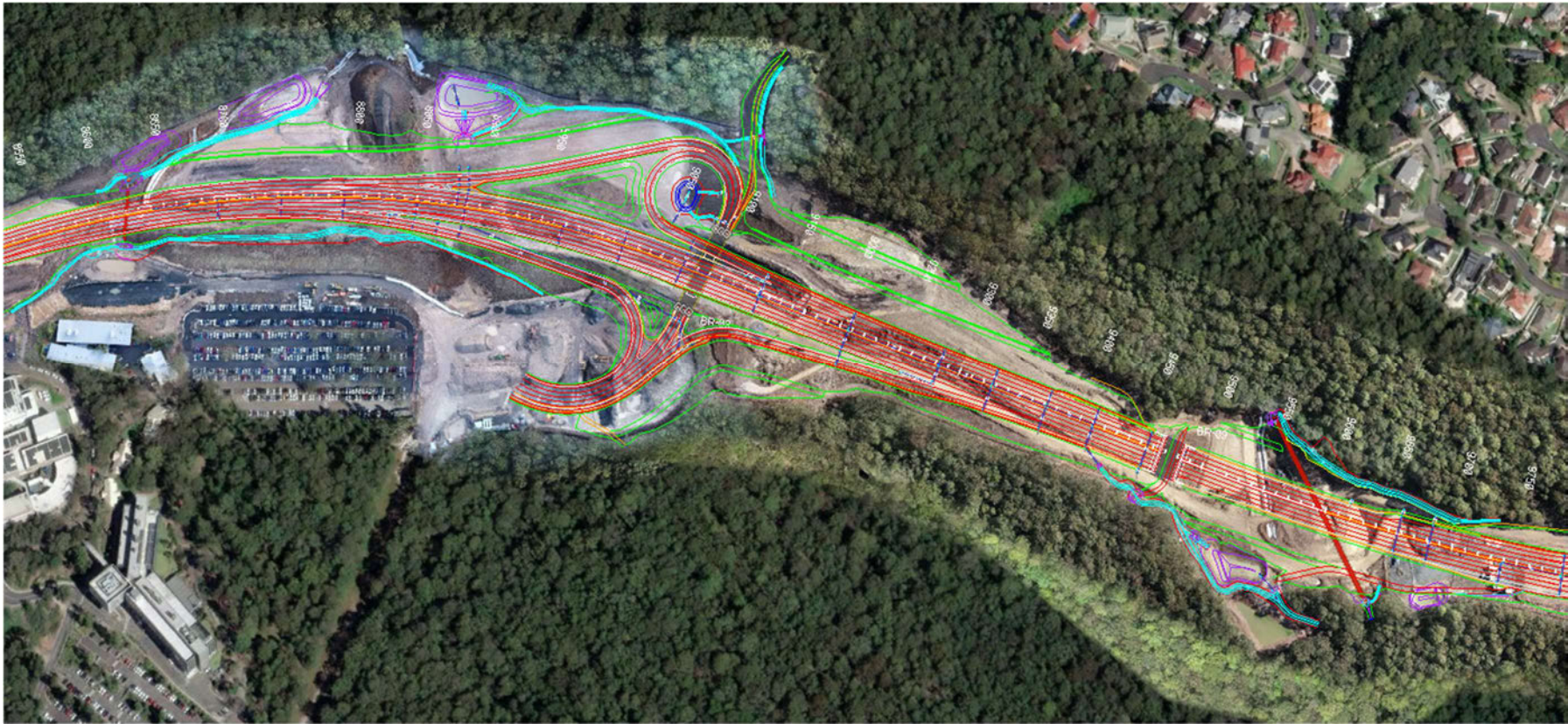


Figure 1-2b NICB progress - Central

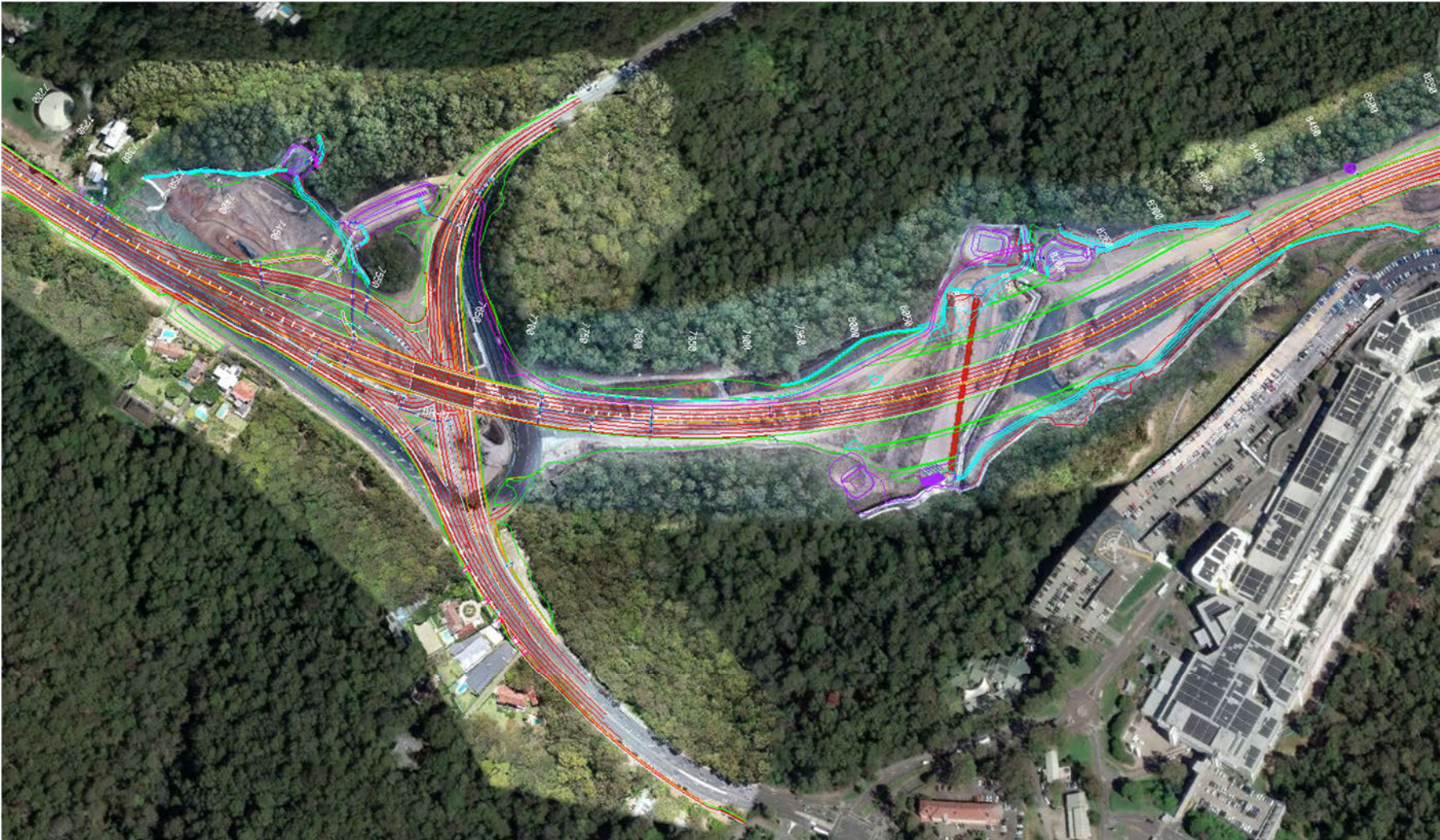


Figure 1-2c NICB progress - South

1.5. Key project personnel

Key Personnel responsible for environmental management on the site are listed in Table 1-3.

Table 1-3 Key project personnel

Name	Role	Company	Contact details
[REDACTED]	Project Manager	TfNSW	[REDACTED]
[REDACTED]	Project Director	Fulton Hogan	[REDACTED]
[REDACTED]	Environmental Representative	GeoLINK	[REDACTED]
[REDACTED]	Snr Environment and Sustainability Officer	TfNSW	[REDACTED]
[REDACTED]	Environmental Manager	Fulton Hogan	[REDACTED]

2 Construction compliance summary

2.1 Compliance table

Details of how each NSW CoA and Federal CoA applicable to Stage 4 of the Project has been complied with are provided in the Compliance Table provided in Appendix A and Appendix B. The Compliance Table has been established in accordance with the requirements of the DPE guideline *Compliance Reporting Post Approval Requirements* and identifies:

- each condition of approval
- the relevant project phase applicable to each condition
- the methodology for monitoring compliance with the condition
- the compliance status of each CoA
- the evidence of compliance with each condition.

The evidence presented in Appendix A and Appendix B describes the status of all Conditions of Infrastructure Approval SSI-6888 as described in Table 2-1:

Table 2-1 Compliance status descriptors

Status	Description
Compliant	Collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with.

Non-compliant	Has identified a non-compliance with one or more elements of the requirement.
Not triggered	A requirement has an activation or timing trigger that has not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant.

2.2 Date of commencement of construction

The date of commencement of Construction for Stage 4 of the Project is 6/3/2023.

2.3 Compliance Monitoring

2.3.1 Monitoring

Monitoring has been undertaken during the reporting period in accordance with the approved Construction Monitoring Programs. The monitoring programs require annual reporting which will be undertaken and initially provided during Q2 2024.

Air quality monitoring was undertaken at the locations below during the reporting period and identified compliance with the criteria within the monitoring program.



Figure 2-1 NICB Air Monitoring Locations

Water quality monitoring was undertaken at the locations below during the reporting period and generally identified compliance with the criteria within the monitoring

program. Some exceedances were noted however were not attributable to the project.

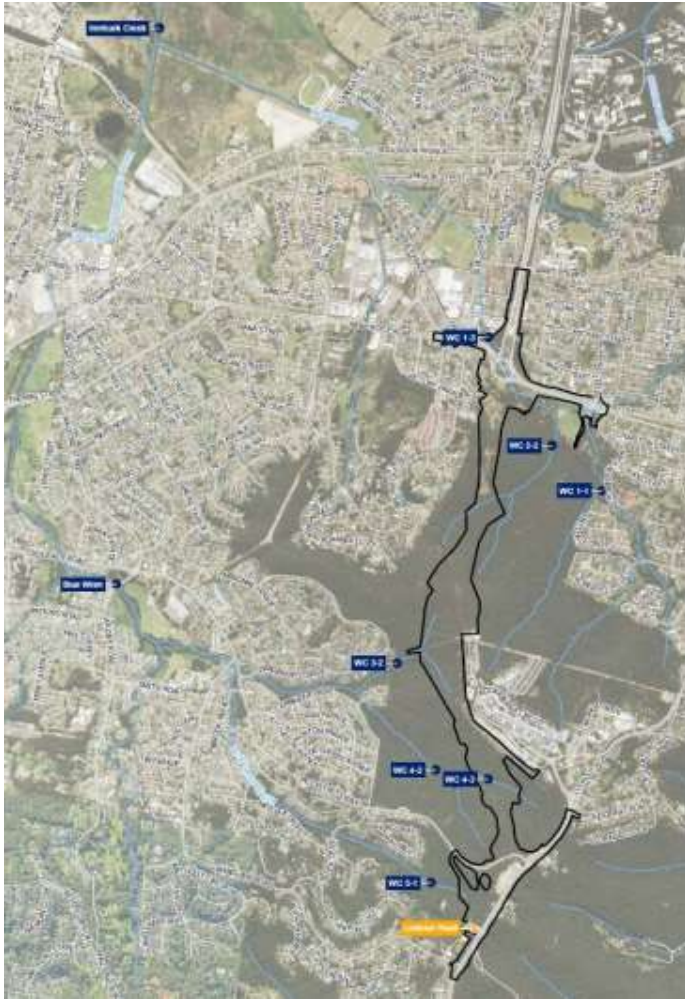


Figure 2-2 NICB Surface Water Monitoring Locations

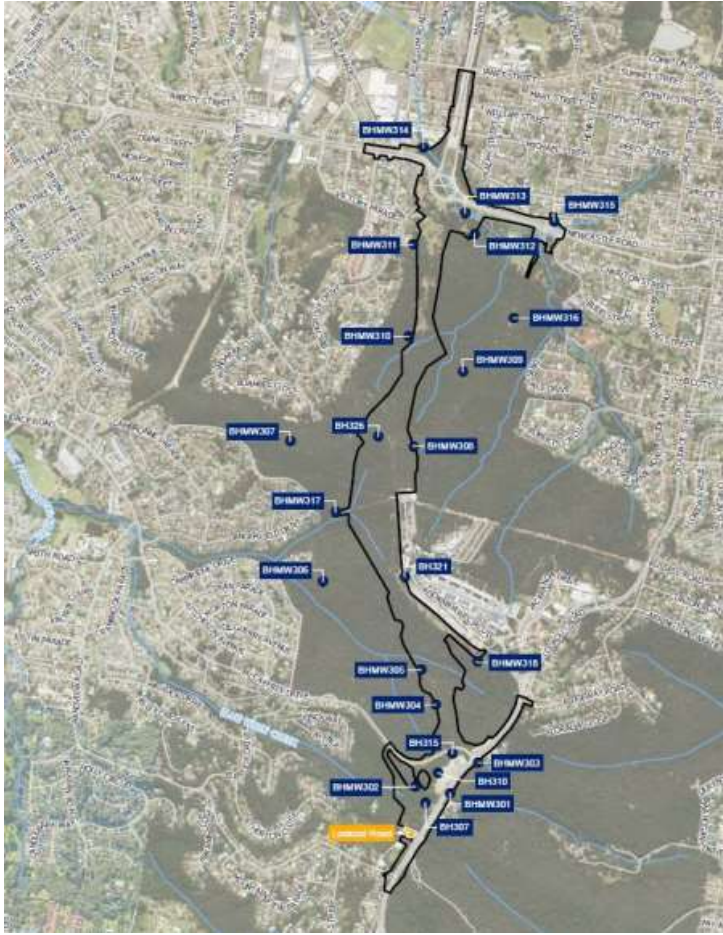


Figure 2-3 NICB Ground Water Monitoring Locations

Noise monitoring was undertaken at the locations below during the reporting period and identified compliance with the levels identified in the NVMP and criteria within the monitoring program.



Figure 2-4 NICB Noise Monitoring Locations

Flora and Fauna monitoring was undertaken at the locations outlined in the FFCMP during the reporting period. There were no issues to raise from the monitoring to date, it was noted that during August that Powerful Owl were observed during night monitoring adjacent to the project.

2.3.2 Inspections

Environmental and sustainability inspections are undertaken regularly on the project to assist in the early identification and prompt rectification of issues, the following inspections were undertaken during the reporting period:

- 63 internal inspections
- 9 Soil conservationist inspections
- 6 ERG inspections
- 5 ER/Client inspections (in addition to ERG inspections)

3 Non-compliances

Zero Non-compliances were identified during the Stage 4 construction period to date.

4 Previous report actions

4.1 Construction compliance report

No compliance reports have currently been completed for Stage 4.

4.2 Independent audit report

One independent audit has been undertaken for Stage 4 with the audit report submitted to the Planning Secretary on 19/07/2023. Zero non-compliances were identified, approved on 15/08/2023. Two site condition observations were identified and rectified.

5 Incidents

Environmental incidents are managed in accordance with Transports Environmental Incident Procedure (Transport 2021). The Procedure sets out internal only reporting processes for environmental events and the additional process for 'notifiable events', which are environmental incidents that must be reported externally. This procedure is in addition to the Projects requirements under Condition A37 and includes environmental events that do not trigger reporting requirements under Project Approval. There were zero environmental events during the Stage 4 pre-construction period classified under Transports Environmental Incident Procedure.

Further to any incident reporting requirements under Transports Environmental Incident Procedure, Condition A37 requires environmental incidents that cause or threaten to cause material harm and which may or may not be or cause a noncompliance to be immediately reported to the Planning Secretary. Subsequent notification is then required in accordance with Condition A38 and Appendix A of the Ministers approval. During the Stage 4 construction period #1, one incident involving a diesel spill was reported in accordance with Condition A37 during the reporting period. Notification of this incident occurred on 14-15/6/23 with submissions in accordance with A38 occurring on 16/06/23 & 10/08/23. A precautionary notification was also undertaken on 14 April 2023 relating to EPA issuing prevention notice with subsequent information provided in May 2023.

6 Community and Stakeholders

6.1 Complaints

A total of 41 complaints have been received during the reporting period. A summary of complaints by category is provided below in Table 6-1, note that some complaints related to more than one category and are therefore counted in each category.

Table 6-1 Compliance status descriptors

Category	Number of Complaints	Summary
Air Quality	8	Dust
Noise & Vibration	15	construction and operational noise, multiple on trucks on McCaffrey Drive
Flora & Fauna	0	N/A
Soil & Water	7	complainants view on the effectiveness of erosion and sediment controls and mud tracking
Pedestrians & Traffic	18	Pedestrian and traffic complaints relate to a range of issues such as bus stops, footpaths, vehicle damage and driver behaviour.
Other	2	Light spill from vehicles and visual amenity

All complaints within this period have been closed out in accordance with the complaints management system. The complaints have resulted in focused discussions in daily pre-starts around dust, and noise, where appropriate, including targeting specific construction crews.

6.2 Community Engagement

A number of engagement opportunities have been identified by the project, a summary of the initiatives to date is provided within Appendix 3.

7 Environmental Representative

The CEMP requires a suitably qualified and experienced person, independent of the project design and construction, to act as a principal point of assistance in relation to all questions and complaints regarding environmental performance. Updates to the CEMP, minor ancillary facilities and any other plans required under MCoA are required to be signed off by the environmental representative (ER) as necessary. The ER is also required to monitor the implementation of environmental management plans and monitoring programs through site inspections and reviewing documents required under the MCoA.

7.1 Environmental Representative Approvals

During the reporting period, correspondence with the environmental representative has been inclusive of the following:

March

- Consistency Assessment Utility works: Review
- Post Approvals Tracker: Review
- CAQMP – Minor Amendment to include the use of a DustTrak Monitor to provide continuous, real time air quality monitoring data in response to dust complaints.

April

- Community Involvement Plan: Review
- Sustainability Strategy: Review

May

- Community Involvement Plan: Review
- Independent Environmental Audit: Provision of information and interview
- Minor Ancillary Facility Checklist: Review
- TfNSW MCoA A38 Report: Review

June

- EPL OOHW (Long term) Community Agreement Forms: Review.
- Independent Environmental Audit: Provision of information and interview.
- Minor Ancillary Facility Checklist: Review and approve.
- TfNSW MCoA A38 Report (Moxy Incident): Review.

July

- Upcoming OOHW Notifications: Review
- Independent Environmental Audit report (July 2023): Review
- Post Approval Tracking Register: Review
- Surface and Groundwater Quality Monitoring Program minor update: Advice

August

- Surface and Groundwater Quality Monitoring Program minor update: Review and approve
- Operational At Property Treatments Delay Report (E40): Review and Approve
- Construction Compliance Report No. 1: Review
- Consistency Assessment Clearing Extension: Review
- Minor Ancillary Facility Assessment: Review

7.2 Environmental Representative Environmental Review Group Meetings and Inspections

Environmental Review Group meetings and inspections occur monthly with the following being undertaken during the reporting period:

ERG Meetings and Inspections

- 7 March, 4 April, 2 May, 6 June, 4 July, 1 August

ER Fortnightly Inspections

- 15 March, 19 April, 17 May, 22 June, 19 July, 16 August

All matters raised in the inspections have been closed out.

8 Declaration

Appendix C – Compliance Report Declaration Form Template

Compliance Report Declaration Form

Project Name	Newcastle Inner City Bypass - Rankin Park to Jesmond
Project Application Number	SSI 6888
Description of Project	Section of Newcastle Inner City Bypass about 3.4 km in length between Rankin Park and Jesmond
Project Address	Platt Street, Waratah West, New South Wales 2298
Proponent	Transport for NSW
Title of Compliance Report	Construction Compliance Report - #1
Date	4 September 2023

I declare that I have reviewed relevant evidence and prepared the contents of the attached Compliance Report and to the best of my knowledge:

- the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- the Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;
- the findings of the Compliance Report are reported truthfully, accurately and completely;
- due diligence and professional judgement have been exercised in preparing the Compliance Report; and
- the Compliance Report is an accurate summary of the compliance status of the development.

Notes:

- 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) 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
- 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).

Name of Authorised Reporting Officer	[REDACTED]
Title	[REDACTED]
Signature	[REDACTED]
Qualification	[REDACTED]
Company	Transport for NSW
Company Address	L6, 6 Stewart Avenue, Newcastle West, NSW 2302

9 Appendixes

9.1 Appendix A. NSW CoA Compliance Tracking Table

CoA #	Requirement	July 2022 Project Staging Report		Compliance Status	Stage 4 - Evidence of Compliance/comment
		Construction	Operation	(Compliant/Non-compliant/ Not triggered)	
		Stage 4	Stage 4		
PART A – ADMINISTRATIVE CONDITIONS					
GENERAL					
A1	The SSI must be carried out in accordance with the terms of this approval and the description of the SSI in the (a) Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental Impact statement (RMS, 2016) (the EIS) (b) Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS, 2018) (the SPIR) (c) Newcastle Inner City Bypass – Rankin Park to Jesmond Modification Report: additional construction compounds (TINSW, May 2021); and (d) Newcastle Inner City Bypass – Rankin Park to Jesmond Modification Report: additional construction compounds Submissions Report (TINSW, September 2021).	Yes	Yes	Compliant	The terms of this project approval and environmental mitigation measures described within the EIS as amended by the SPIR and modifications are addressed in the CEMP and sub plans approved on 02/03/23.
A2	The SSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures as identified in the documents listed in Condition A1 unless otherwise specified in, or required under, this approval.	Yes	Yes	Compliant	The procedures, commitments, preventative actions, performance criteria and mitigation measures set out in the EIS as amended by the SPIR and modifications are addressed in the CEMP and sub plans approved on 02/03/23.
A3	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. Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.	Yes	Yes	Compliant	No inconsistency identified during the reporting period.
A4	The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to: (a) the environmental performance of the SSI; (b) any document or correspondence in relation to the SSI; (c) any notification given to the Planning Secretary under the terms of this approval; (d) any audit of the construction or operation of the SSI; (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); (f) the carrying out of any additional monitoring or mitigation measures; and (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.	Yes	Yes	Compliant	Stage 4 has commenced in accordance with the project approval and documentation as required by the approval.
A5	Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include: (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval; (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them; (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations; (d) outline of the issues raised by the identified party and how they have been addressed; and a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.	Yes	Yes	Compliant	documents requiring consultation in accordance with A5 have been submitted to the Secretary include evidence of consultation with the identified parties.
A6	This approval lapses five (5) years after the date on which it is granted unless works are physically commenced on or before that date.	Yes	Yes	Compliant	The NSW Minister approved the project on 15 February 2019. Construction of Bridge 7 commenced on 14 October 2019 (Stage 2).
A7	References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this approval.	Yes	Yes	Compliant	Guideline, protocol, Australian Standard and policies in force at date of approval have been utilised.
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.	Yes	Yes	Compliant	Refer to this Compliance Monitoring and Reporting Program for evidence of compliance, no documents have been submitted under A8 for Stage 4 construction.
SHARED PATH BRIDGE OVER NEWCASTLE ROAD (BRIDGE 7)					

A9	Construction of Bridge 7 and its associated components is not subject to Part C and Part D of this approval, however it is subject to: (a) preparation of a Construction Environmental Management Process (Plan) and an Environmental Work Method Statement (EWMS), in consultation with relevant public authorities and 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 (b) implementation of the approved Construction Environmental Management Process (Plan) and Environmental Work Method Statement (EWMS)	No	No	Compliant	Details of Bridge 7 are provided in Stage 2 compliance reports previously submitted to DPE.
STAGING					
A10	The SSI may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).	Yes	Yes	Compliant	A staging report has been prepared for the project that details how the SSI will be staged. The Staging report was submitted to DPE for information on July 2022
A11	The Staging Report must: (a) If staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish; (b) If staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant); (c) Specify how compliance with conditions will be achieved across and between each of the stages of the SSI; and	Yes	Yes	Compliant	A staging report has been prepared for the project that details how the SSI will be staged. The Staging report was submitted to DPE for information on July 2022
A12	The construction and/or operation of the SSI must be carried out in accordance with the Staging Report, as submitted to the Planning Secretary.	Yes	Yes	Compliant	The project recognises this requirement and will ensure it is complied with throughout the duration of Stage 4.
A13	Where staging is proposed, the terms of this approval that apply or are relevant to the work to be carried out in a specific stage, must be complied with at the relevant time for that stage.	Yes	Yes	Compliant	The project recognises this requirement and will ensure it is complied with throughout the duration of Stage 4.
ANCILLARY FACILITIES					
Ancillary facilities					
A14	Ancillary facilities that are not identified in the documents listed in Condition A1 can only be established and used in each case if: (a) they are located within or immediately adjacent to the construction boundary; and (b) they are not located next to a sensitive receiver (including where an access road is between the facility and the receiver), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and (c) they have no impacts on heritage items (including areas of archaeological sensitivity), and threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.	No	No	Not triggered	No facilities in addition to those described by A1 required for construction of Stage 4 have been identified to date.
ANCILLARY FACILITY ESTABLISHMENT WORKS					
Ancillary Facility Establishment Management Plan					
A15	the ER to have minimal environmental impact and those established under Condition A19), the Proponent must prepare an Ancillary Facility Establishment Management Plan which outlines the environmental management practices and procedures to be implemented for the establishment of construction ancillary facilities. The Ancillary Facility Establishment Management Plan must be prepared in consultation with the City of Newcastle and relevant public authorities. The Ancillary Facility Establishment Management Plan must be submitted to the Planning Secretary for approval one (1) month before the establishment of any construction ancillary facilities. The Ancillary Facility Establishment Management Plan must detail the management of construction ancillary facilities and include: (a) a description of activities to be undertaken during the establishment of the construction ancillary facility (including scheduling and duration of works to be undertaken at the site) and its decommissioning and rehabilitation; (b) figures illustrating the proposed operational site layout, including access roads and parking; (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment works; (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to: (i) meet the performance outcomes stated in the documents listed in Condition A1, and (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of Condition C10. Nothing in this condition prevents the Proponent from preparing individual Ancillary Facility Establishment Management Plans for each construction ancillary facility.	Yes	No	Compliant	The Ancillary Facility Establishment Management Plan (AFEMP) has been developed in consultation with City of Newcastle and relevant public authorities. The AFEMP was submitted to the Secretary one month before the establishment of any construction ancillary facilities that have not been determined by the ER to have minimal environmental impact. Section 5 and 6 of the AFEMP addresses a-e of CoA A15. First review submitted to TNSW and ER on 1/9/22. Sent for consultation on the 7/10/22. Resubmission to DPE on 14/12/22 Approved 23/1/23

A16	The requirements of Condition A15 in relation to Bridge 7 may be addressed by the documents required under Condition A9.	No	No	Not triggered	N/A Not applicable to Stage 4
Use of Construction Ancillary Facilities					
A17	The use of a construction ancillary facility must not commence until the CEMP required by Condition C1, relevant CEMP Sub-plans required by Condition C4 and relevant Construction Monitoring Programs required by Condition C9 have been approved by the Planning Secretary. This condition does not apply to a construction ancillary facility determined by the ER to have minimal environmental impact and those established under Condition A19.	Yes	No	Compliant	Construction ancillary facilities commenced on 06/03/23. The CEMP and relevant CEMP sub-plans and relevant monitoring programs were submitted to the Secretary no later than one month prior to Stage 4 construction commencing. Minor ancillary facility C and F were assessed and approved by the ER to have minimal environmental impact via a Low Impacts Works Approval. The ER endorsed Minor Ancillary Facility F on 24/11/22 and C on 7/11/22
A18	The requirements of Condition A17 in relation to Bridge 7 may be addressed by the documents required under Condition A9.	No	No	Not triggered	Stage 2 has been completed.
A18A	The Peatties Road ancillary facility must not be used to store/stockpile earthworks material, including dirt, topsoil, rock, rubble, quarry materials, waste concrete or asphalt, bricks, and excavated material.	Yes	No	Not triggered	Peatties road has been excluded for use under the stage 4 D&C contract and the relevant documents e.g. AFEMP.
Minor Construction Ancillary Facilities					
A19	Lunch sheds, office sheds, portable toilet facilities, materials storage, parking and the like, that are not identified as a construction ancillary facility in the documents listed in Condition A1, can be established where they satisfy the following criteria: (a) are located within the construction boundary; and (b) have been assessed by the ER to have - (i) minimal amenity impact to surrounding residences and businesses, after consideration of matters such as compliance with the Interim Construction Noise Guideline (DECC, 2009), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and (ii) minimal environmental impact with respect to waste management and flooding, and (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.	Yes	No	Compliant	Minor ancillary facility C and F have been assessed and approved by the ER to have minimal environmental impact via a Low Impacts Works Approval in accordance with Table 1 of the Planning Approval. The ER approved Minor Ancillary Facility F on 24/10/22 and C on 7/11/22.
Boundary screening					
A20	Boundary screening must be erected around all ancillary facilities that are adjacent to sensitive receivers, for the duration of works associated with the SSI, unless otherwise agreed with affected residents, business operators or landowners (including City of Newcastle where they are the landowner).	Yes	No	Compliant	Boundary fencing has been erected as part of the initial construction activities and is covered in the AFEMP required under CoA A15. Boundary screening erected on fencing around minor ancillary facility F and C in accordance with the ER approved Minor Ancillary Facility F on 24/10/22 and C on 7/11/22.
A21	Boundary screening required under Condition A20 of this approval must reduce visual, noise and air quality impacts on adjacent sensitive receivers.	Yes	No	Compliant	Boundary fencing has been erected as part of the initial construction activities and is covered in the AFEMP required under CoA A15. Boundary screening erected on fencing around minor ancillary facility F and C in accordance with the ER approved Minor Ancillary Facility F on 24/10/22 and C on 7/11/22.
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.	Yes	No	Not triggered	Peatties road has been excluded for use under the stage 4 D&C contract and the relevant documents e.g. AFEMP.
ENVIRONMENTAL REPRESENTATIVE					
A22	Works must not commence until an ER has been approved by the Planning Secretary and engaged by the Proponent.	Yes	No	Compliant	The Secretary's approval of the nominated ER and alternative ER was received on 14/05/19.
A23	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works.	Yes	No	Compliant	The Secretary's approval of the nominated ER and alternative ER was received on 14/05/19.
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. <i>Note: Skills and qualifications may include higher education qualifications (generally provided by universities and by other higher education institutions such as Technical and Further Education institutes and Registered Training Organisations) in either science, environmental engineering, environmental management or an equivalent field and including knowledge and experience in noise and vibration assessment and management.</i>	Yes	Yes	Compliant	The Secretary's approval of the nominated ER and alternative ER was received on 14/05/19.

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.	Yes	Yes	Not triggered	N/A
A26	For the duration of works and 12 months after the commencement of operation, or as agreed with the Planning Secretary, the approved ER must: (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI; (b) consider and inform the Planning Secretary on matters specified in the terms of this approval; (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impacts to the environment and to the community; (d) review documents identified in 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: (i) Make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary / Department); (e) regularly monitor the implementation of the documents listed in Conditions C1, C4 and C9 to ensure implementation is being carried out in accordance with the document and the terms of this approval; (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the SSI commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under Condition A35 of this approval; (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints; (h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by Condition A19 of this approval; (i) undertake the functions as required under the terms of this approval; (j) consider any minor amendments to be made to the CEMP, CEMP Sub-plans and monitoring programs that comprise updating or are of an administrative nature and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven days following the end of each month for the duration of the ER's engagement for the SSI.	Yes	Yes	Compliant	Document reviews, assessments and statements by the ER as per A26 have been, and will continue to be undertaken during stage 4 and for 12 months after the commencement of operation or as agreed with the Planning Secretary.
A27	The Proponent must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in Condition A26 (including preparation of the ER monthly report), as well as: (a) the complaints register (to be provided on a daily basis); and (b) a copy of any assessment carried out by the Proponent to determine whether proposed work is consistent with the approval (which must be provided to the ER before the commencement of the subject work).	Yes	Yes	Compliant	All ER requested information has been provided, in order for the ER to perform their functions specified under A26. The ER has access to the RP2J complaints register and receives copies of any consistency assessments carried out by the Proponent.
A28	The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under Condition A26. The Proponent must: (a) facilitate and assist the Planning Secretary in any such audit; and (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.	Yes	Yes	Not triggered	N/A
COMPLIANCE MONITORING AND REPORTING PROGRAM					
A29	No later than four (4) weeks before the commencement of any work, a Compliance Monitoring and Reporting Program prepared in accordance with the <i>Compliance Reporting - Post Approval Requirements</i> (DPE, 2018) must be endorsed by the ER and submitted to the Planning Secretary for information.	Yes	Yes	Compliant	Compliance Monitoring and Reporting Program was endorsed by the ER on 08/09/2019 and submitted to the Planning Secretary in 12/09/2019.
A30	Compliance Reports of the SSI must be prepared and carried out in accordance with the <i>Compliance Reporting - Post Approval Requirements</i> (DPE 2018). The Department must be notified of the commencement dates of construction and operation of the SSI in the pre-construction and pre-operational compliance reports.	Yes	Yes	Compliant	All compliance reporting has been carried out in accordance with the Compliance Reporting - Post Approval Requirements (DPE 2018).
A31	The compliance report must provide details of any review of, and minor amendments made to, the CEMP (which must be approved by the ER), resulting from construction carried out during the reporting period.	Yes	Yes	Not triggered	Currently, no review or minor amendments have been made to the CEMP.
A32	The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done.	Yes	Yes	Not triggered	Pre-construction compliance report uploaded to project website, see: https://www.transport.nsw.gov.au/system/files/media/documents/2023/Rankin%20Park%20to%20Jesmond%20Stage%204%20Pre-construction%20Compliance%20Report%20January%202023.pdf .
A33	The Compliance Monitoring and Reporting Program in the form required under Condition A29 of this approval must be implemented for the duration of works and for a minimum of one (1) year following commencement of operation, or for a longer period as determined by the Planning Secretary based on the outcomes of independent audits, Environmental Representative Reports and regular compliance reviews submitted through Compliance Reports. If staged operation is proposed, or operation is commenced of part of the SSI, the Compliance Monitoring and Reporting Program must be implemented for the relevant period of each stage or part of the SSI.	Yes	Yes	Compliant	All compliance reporting has been carried out in accordance with the Compliance Reporting - Post Approval Requirements (DPE 2018).

AUDITING					
A34	No later than four (4) weeks before the date notified for the commencement of construction (in the pre-construction compliance report), an Independent Audit Program prepared in accordance with the <i>Independent Audit - Post Approval Requirements</i> (DPE 2018) must be submitted to the Planning Secretary.	Yes	Yes	Compliant	The updated Independent Audit Program (Rev 5) was submitted to the Secretary for Stage 4 on 14/07/22, and acceptance from the Secretary on the 22/07/22.
A35	Independent Audits of the development must be carried out in accordance with: (a) the Independent Audit Program submitted to the Department under Condition A34 of this approval; and the requirements for an Independent Audit Methodology and Independent Audit Report in the <i>Independent Audit - Post Approval Requirements</i> (DPE 2018).	Yes	Yes	Compliant	The updated Independent Audit Program (Rev 5) was submitted to the Secretary for Stage 4 on 14/07/22, and acceptance from the Secretary on the 22/07/22. Independent Audit 3 and Independent Audit Response was submitted 19 July 2023, and was accepted by the Secretary 15 August 2023.
A36	In accordance with the specific requirements in the <i>Independent Audit Requirements</i> (DPE 2018), the Proponent must: (a) review and respond to each Independent Audit Report prepared under Condition A35 of this approval; (b) submit the response to the Department; and (b) make each Independent Audit Report and response to it publicly available and notify the Department in writing when this has been done.	Yes	Yes	Compliant	The updated Independent Audit Program (Rev 5) was submitted to the Secretary for Stage 4 on 14/07/22, and acceptance from the Secretary on the 22/07/22. Independent Audit 3 and Independent Audit Response was submitted 19 July 2023, and was accepted by the Secretary 15 August 2023.
INCIDENT NOTIFICATION AND REPORTING					
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	Yes	No	Compliant	Provisions for incident notification to the Secretary as soon as possible and in any event within 24 hours of any incident associated with the delivery of the SSI are described in the CEMP. Precautionary notification undertaken on 14 April 2023 relating to EPA issuing prevention notice. Notification of a hydrocarbon spill occurred on 15/06/23.
A38	Subsequent notification must be given, and reports submitted in accordance with the requirements set out in Appendix B of this approval.	Yes	No	Compliant	Provisions for incident notification of the Secretary as soon as possible and in any event within 24 hours of any incident associated with the delivery of the SSI are described in the CEMP. Any subsequent notifications and reports would be submitted in accordance with Appendix B of the approval. Subsequent information provided in May 2023 re precautionary notification undertaken in April 2023 relating to EPA issuing prevention notice. And subsequent information provided in August 2023 in regards to the hydrocarbon spill in 15 June 2023, noting Secretary approval to submit in 60 days.
PART B COMMUNITY INFORMATION AND REPORTING					
COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT					
Communication Strategy					
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.	Yes	Yes	Compliant	The Community Communication Strategy (Revision 7) has been updated to reflect Stage 4 construction and was submitted to the Secretary on 21/10/2022 and approved on the 28/11/2022.

B2	<p>The Community Communication Strategy must:</p> <p>(a) identify people and organisations to be consulted during the design and work phases;</p> <p>(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;</p> <p>(c) identify opportunities and make provision for the community to visit construction sites (taking into consideration workplace, health and safety requirements);</p> <p>(d) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities; and (e) set out procedures and mechanisms:</p> <p>(i) through which the community can discuss or provide feedback to the Proponent;</p> <p>(ii) through which the Proponent will respond to enquiries or feedback from the community; and</p> <p>(iii) to resolve any issues or disputes that may arise in relation to construction of the SSI, including disputes regarding rectification or compensation.</p>	Yes	Yes	Compliant	The Community Communication Strategy (CCS) Section 1.2 - Table 1 outlines the sections of the CCS which satisfy the requirements of B2.
B3	The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before commencement of any work.	Yes	Yes	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. The Community Communication Strategy (Revision 7) has been updated to reflect Stage 4 construction and was approved by the Secretary on 28/10/2022.
B4	Work for the purposes of the SSI must not commence until the Community Communication Strategy has been approved by the Planning Secretary.	Yes	Yes	Compliant	The Community Communication Strategy (Revision 7) has been updated to reflect Stage 4 construction and was submitted to the Secretary on 21/10/2022 and approved on the 28/11/2022.
B5	The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for the duration of the works and for a period of 12 months following the completion of construction.	Yes	Yes	Compliant	The CCS is being implemented for the duration of Stage 4 and for a period of 12 months following completion of construction.
COMPLAINTS MANAGEMENT SYSTEM					
B6	A Complaints Management System must be prepared and implemented before the commencement of any work and maintained for the duration of construction and for a minimum of 12 months following completion of the SSI.	Yes	Yes	Compliant	Complaints Management System has been updated and published on the RP2J website. Complaints Management System (Rev 3) was submitted to the Secretary on 25/10/2022.
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> <p>(a) a 24-hour telephone number for the registration of complaints and enquiries about the SSI;</p> <p>(b) a postal address to which written complaints and enquiries may be sent;</p> <p>(c) an email address to which electronic complaints and enquiries may be transmitted; and</p> <p>(d) a mediation system for complaints unable to be resolved (including access to an independent mediation process and mediator).</p> <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>	Yes	Yes	Compliant	Complaints Management System (Rev 3) was submitted to the Secretary on 25/10/2022 which includes requirements from B7: (a) 24/7 Phone: 1800 818 433 (toll free) (b) Email: RP2JCommunity@fultonhogan.com.au (c) Mail: RP2J Project, Fulton Hogan, PO Box 186, Waratah, NSW 2298 (d) Section 2.4.1 of the CMS
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 works 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.	Yes	Yes	Compliant	The project telephone number, postal address and email address was published in newspapers circulated in the local area prior to the commencement of Stage 4 works. Newspaper advertisement occurred on 13/09/2022. Telephone number, postal address and email address are provided on the project website. Ancillary facility C and F currently have hoardings on fencing and the required information for B8 is shown.
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:	Yes	Yes	Compliant	The project recognises this requirement and will ensure it is complied with throughout the duration of Stage 4. The Complaints Register was established for project in August 2019.
B10	The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request, and made available to the ER on a daily basis.	Yes	Yes	Compliant	ER provided with access to complaints register in August 2019.

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 community complaint must be responded to within 28 days of the request being made or other specified timeframe agreed with the member of the public.	Yes	Yes	Compliant	Refer to CMS (Rev 3) section 2.4.1 which was submitted to the Secretary on 25/10/2022
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	Yes	Yes	Compliant	Refer to CMS (Rev 3) section 2.4.1 which was submitted to the Secretary on 25/10/2022
PROVISION OF ELECTRONIC INFORMATION					
B13	A website providing information in relation to the SSI must be established before commencement of works and maintained for the duration of work, and for a minimum of 24 months following the completion of construction of the SSI. Up-to-date information (excluding confidential, private, commercial information, or other documents as agreed to by the Planning Secretary) must be published before the relevant works commencing and maintained on the website or dedicated pages including: (a) information on the current implementation status of the SSI; (b) a copy of the documents listed in 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; (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval; (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI; (e) a current copy of each document required under the terms of this approval, which must be published before the commencement of any work to which they relate or before their implementation, as the case may be; and (f) a copy of the compliance reports required under Conditions A30 and independent audit reports under Condition A36 of this approval	Yes	Yes	Compliant	A project website providing information and documentation listed in B13 in relation to the SSI has been established as follows: https://www.rms.nsw.gov.au/projects/hunter/newcastleinner-city-bypass/rankin-park-to-tesmond/index.html
PART C - CONSTRUCTION ENVIRONMENTAL MANAGEMENT					
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN					
C1	A Construction Environmental Management Plan (CEMP) 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.	Yes	No	Compliant	The CEMP has been prepared in accordance with the requirements of this condition and was approved on 02/03/2023.
	The CEMP must provide: (a) a description of activities to be undertaken during construction (including the scheduling of construction); (b) details of environmental policies, guidelines and principles to be followed in the construction of the SSI; (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of construction of the SSI; (d) details of how the activities described in subsection (a) of this condition will be carried out to: (i) meet the performance outcomes stated in the documents listed in Condition A1; and (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; (e) an inspection program detailing the activities to be inspected and frequency of inspections; (f) a protocol for managing and reporting any: (i) incidents; and (ii) non-compliances with this approval or statutory requirements; (g) procedures for rectifying any non-compliance with this approval identified during compliance reporting and auditing, incident management or at any time during construction; (h) a list of all the CEMP Sub-plans required in respect of construction, as set out in Condition C4. Where staged construction of the SSI is proposed, the CEMP must also identify which CEMP Sub-plan applies to each of the proposed stages of construction; (i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the ER; (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; and (k) for periodic review and update of the CEMP and all associated plans and programs.	Yes	No	Compliant	The CEMP has been prepared in accordance with the requirements of this condition and was approved on 02/03/2023. The following sections of the CEMP address this condition: (a) Section 2.1, 2.3 and 2.4 (b) Section 3.3, 3.4, 3.5 and 3.6 (c) Section 3.2 and Appendix A3 (d) Section 3.2-3.7, Appendix A1 and Appendix B1-B9 (CEMP Sub-plans) (e) Section 8.1 (f) Chapter 7, Section 8.3 and Chapter 10 (g) Chapter 10 (h) Section 3.1.1 and 2.2 (i) Section 4.1, 4.1.2 and 4.1.4 (j) Chapter 5 (k) Section 1.6
C3	The CEMP must be endorsed by the ER and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction.	Yes	No	Compliant	The CEMP was endorsed by the ER on 22/12/22 and submitted to DPE on the same day. Approval was granted on 2/3/23 with construction commencing on 6/3/23.
	The following CEMP Sub-plans must be prepared in consultation with the relevant public authorities identified for each CEMP Sub-plan: Table 3: CEMP Sub-plan and relevant public authorities				
	Required CEMP Sub-plan	Relevant public authorities to be consulted for each CEMP Sub-plan			

C4	(a)	Traffic and transport	City of Newcastle and Health Administration Corporation	Yes	No	Compliant	The CEMP (including Sub-plans) have been prepared in consultation with the relevant government agencies as addressed in Section 1.3 and appendix A5 of the CEMP.
	(b)	Noise and vibration	City of Newcastle and Health Administration Corporation				
	(c)	Flora and Fauna	DPI Fisheries and City of Newcastle				
	(d)	Air quality	City of Newcastle and Health Administration Corporation				
	(e)	Soil and water	City of Newcastle , DPI Fisheries, DPE Water,				
	(f)	Aboriginal cultural heritage	Heritage NSW and Registered Aboriginal Parties				
	(g)	Flood management	City of Newcastle				
C5	<p>The CEMP Sub-plans must state how:</p> <p>(a) the environmental performance outcomes identified in the documents listed in Condition A1 and terms of this approval will be achieved;</p> <p>(b) the mitigation measures identified in the documents listed in Condition A1 and terms of this approval will be implemented;</p> <p>(c) the relevant terms of this approval will be complied with; and</p> <p>(d) issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed</p>			Yes	No	Compliant	The CEMP (including Sub-plans) has been prepared in accordance the requirements of C5.
C6	<p>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.</p>			Yes	No	Compliant	The CEMP (including Sub-plans) have been prepared in consultation with the relevant government agencies as addressed in Section 1.3 and appendix A5 of the CEMP.
C7	<p>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.</p>			Yes	No	Compliant	The CEMP (including sub-plans) were submitted individually however final submission to the Secretary occurred on 22/12/22, greater than 1 month before Construction began on 6/3/2023.
C8	<p>Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary, or 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.</p>			Yes	No	Compliant	The CEMP was approved by the Secretary on 2/3/23.
CONSTRUCTION MONITORING PROGRAMS							
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 in the documents listed in Condition A1 or in the CEMP:</p> <p>Table 4: Construction Monitoring and relevant public authorities</p>			Yes	No	Compliant	<p>The requirements of the construction Monitoring Programs (CMPs) have been developed in consultation with the relevant public authorities for each relevant monitoring sub-plan.</p> <p>A summary of consultation with the relevant public authorities is included in each relevant construction monitoring plan.</p> <p>(a) Section 2.4 of the SGWQCMP (b) Section 2.4 of the AQCMP (c) Section 1.4 of the NVMP (e) Section 9 of the FFCMP</p>
		Required Construction Monitoring Programs	Relevant public authorities to be consulted for each Construction Monitoring Program				
	(a)	Surface and Ground Water Quality	DPI Fisheries, DPE Water and City of Newcastle				
	(b)	Air Quality	City of Newcastle and Health Administration Corporation				
	(c)	Noise and vibration	City of Newcastle and Health Administration Corporation				
	(e)	Flora and fauna	DPI Fisheries and City of Newcastle				

C10	Each Construction Monitoring Program must provide: (a) details of baseline data available; (b) details of baseline data to be obtained and when; (c) the parameters of the project to be monitored; (d) the frequency of monitoring to be undertaken; (e) the location of monitoring; (f) the reporting of monitoring results; (g) procedures to identify and implement additional or alternative mitigation measures where results of monitoring are unsatisfactory; and (h) any consultation to be undertaken in relation to the monitoring programs.	Yes	No	Compliant	The requirements of the CMPs are satisfied by the relevant CMPs as outlined in C9.
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.	Yes	No	Compliant	The CMPs have been prepared in consultation with the relevant public authorities specified in Table 4. A summary of consultation with the relevant public authorities is included within each CMP.
C12	The Construction Monitoring Programs must be endorsed by the ER and then submitted to the Planning Secretary for approval at least one (1) month before the commencement of construction.	Yes	No	Compliant	The CMPs were approved by the Secretary on the 6/7/2022, apart from the Noise and vibration monitoring program which was approved on 2/3/23. The CMPs have been endorsed by the ER on the following dates: a) 18/05/2022, b) 29/04/2022 c) 14/12/2022 d) 14/04/2022
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.	Yes	No	Compliant	A summary of the relevant baseline data was included in the CMPs. Secretary approved the construction monitoring program on 06/07/2022.
C14	The Construction Monitoring Programs, as approved by the Planning Secretary including any minor amendments approved by the ER 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.	Yes	No	Compliant	The project is implementing the CMP, summaries are provided within ERG meetings with reporting to occur as outlined in the CMPs.
C15	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. Where a relevant CEMP Sub-plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Subplan.	Yes	No	Not Triggered	The project will ensure this condition is complied with throughout the duration of Stage 4. CMP reporting frequencies are addressed in each CMP and have not yet been triggered.
PART D - OPERATIONAL ENVIRONMENTAL MANAGEMENT					
OPERATIONAL ENVIRONMENTAL MANAGEMENT					
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.	Yes	Yes	Not triggered	Not relevant to this phase of the construction period
D2	An OEMP is not required for the SSH 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: (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; (b) issues identified through ongoing risk analysis can be managed; and (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.	Yes	Yes	Not triggered	Not relevant to this phase of the construction period
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.	Yes	Yes	Not triggered	Not relevant to this phase of the construction period
D4	The OEMP or EMS or equivalent as agreed to 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.	Yes	Yes	Not triggered	Not relevant to this phase of the construction period
PART E – KEY ISSUE CONDITIONS					
AIR QUALITY					

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 work associated with the SSI.	Yes	No	Compliant	<p>The project recognises this requirement and will ensure it is complied with throughout the duration of Stage 4. A Air Quality Management Plan has been prepared for the SSI and will be implemented for the duration of construction.</p> <p>Performance outcomes, commitments are addressed in Section 2 of the AQMP. Mitigation measures are included in section 6 of the CEMP Air Quality Management Sub-plan.</p> <p>Air quality management measures have been incorporated into, environmental work method statements and progressive erosion and sediment control plans. Inspection of the implementation of these controls is undertaken as per the frequencies within the CEMP at a minimum.</p>
BIODIVERSITY					
E2	Any work associated with the SSI must limit the clearing of native vegetation to the greatest extent practicable.	Yes	No	Compliant	The project will ensure this condition is complied with throughout the duration of Stage 4. Section 6 of the Flora and Fauna Management Sub-plan contains measures to achieve this outcome.
E3	Impacts to plant community types must not exceed those identified in the documents listed in Condition A1.	Yes	No	Compliant	Section 5.1 of the Flora and Fauna Management Sub-plan addresses Condition E3. Impacts to plant community types will not exceed those identified in the documents listed in Condition A1.
E4	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				
	Table 5: Biodiversity Credits to be Retired				
		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	Grey-headed Flying-fox (foraging habitat)	1,182	
		healthy open forest of coastal lowlands			
		HU782 (PCT 1569) – Blackbutt – Turpentine – Sydney	Grey-headed Flying-fox (foraging habitat)	337	
		Blue Gum mesic tall open forest on ranges of the Central Coast			
		HU806 (PCT 1592) – Spotted Gum – Red Ironbark –	Grey-headed Flying-fox (foraging habitat)	399	
		Grey Gum shrub – grass open forest on the Lower Hunter			
		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 healthy 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		12,690		
	<i>Note: Credits have been calculated using the Framework for Biodiversity Assessment.</i>				
		Yes	No	Compliant	<p>Implementation status of the BOS is as follows:</p> <ul style="list-style-type: none"> - All 12690 BBAM Species credits have been secured and retired. - 2774 BBAM Ecosystem credits have been secured and retired, - 470 BBAM ecosystem credits (consisting of 421 PCT 1619 and 49 PCT 1592 credits) remain to be retired. Of these: - 64 BBAM ecosystem credits have been secured and will be retired early 2024 - A statement of reasonable equivalency has been issued by DPE, indicating that the remaining 406 BBAM credits (consisting of 357 PCT 1619 and 49 PCT 1592 credits) are equivalent to 193 BAM credits (consisting of 164 PCT 1619 and 29 PCT 1592 credits) - 164 BAM credits are currently being negotiated - Application for a payment into the Biodiversity Conservation Fund for the remaining 29 credits has been submitted.

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.	Yes	No	Compliant	Credits Retirement Reports issued by BCD have been provided to the Planning Secretary in accordance with E5 on the following dates: - First round credits (201 ecosystem credits) were provided on 10 June 2021 - Second round credits (2537 ecosystem & 12690 species credits) were retired on 8 July 2022. Any remaining credits will retired in accordance with Condition E5
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.	Yes	No	Compliant	Securing offsets is still ongoing. All credits retired to date have been in accordance with the approved BOS and have been procured either as direct matches or variations to achieve like for like status.
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.	Yes	No	Compliant	Securing offsets is still ongoing. All offsets secured to date have been via acquiring and retiring 'biodiversity credits' as per CoA E7 (a).
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.	Yes	No	Compliant	Management of root balls and trunks for reuse in habitat enhancement and rehabilitation works is addressed in the CEMP Flora and Fauna Management Sub-plan. TINSW commenced consultation with agencies and relevant community groups for Stage 1 and Stage 3 on 3 Nov 2020 and again in early 2021. Consultation has continued by Fulton Hogan. Throughout the clearing process FH have had Local Land Services (LLS) and their contractor Soil Conservation Service (SCS) onsite to assess felled trees for suitability. LLS/SCS had first option at the felled timber and marked the logs that they wanted, these were then transported to their site in the Hunter Valley.
E9	The construction of the SSI must demonstrate how: (a) EPBC Act listed threatened species and ecological communities are protected; (b) noxious weeds are managed; and (c) contamination by pathogens, non-indigenous regenerative plant material and seeds can be prevented by the movement of all tools, vehicles, machinery and personnel. Note: These additional requirements must be addressed in the Flora and Fauna Management Sub-plan required under Condition C4 Table 3(c).	Yes	No	Compliant	Management of EPBC Act listed species, noxious weeds and contamination is addressed in the CEMP Flora and Fauna Management Sub-plan. Section 4.5.1 of the FFMP addressed the Grey-headed Flying fox. Section 6 of the FFMP outlines mitigation measures that will be implemented during construction to outline protection and management.
	Pre-clearing surveys				

E10	<p>Before the removal of any vegetation, or the demolition of structure identified as potential roosting sites for microbats commences, pre-clearing/demolition inspections for the threatened species must be undertaken. The inspections, and any subsequent relocation of fauna and associated management/offset measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist. Survey and relocation methodologies must be incorporated into the Construction Flora and Fauna Management Sub-plan required under Condition C4 and the documents required under Condition A9 in relation to Bridge 7.</p>	Yes	No	Compliant	<p>As outlined in the FFMP (see section 6, APP A and APP B) the Project Ecologist has undertaken pre-clearing inspections prior to clearing of vegetation and demolition of structures identified as potential roosting sites. Suitably qualified Project Ecologist (Kleinfelder) were engaged by FH to undertake inspections and relocations on each day where clearing occurred.</p> <p>Survey and relocation methodologies are incorporated into the FFMP APP B.</p> <p>Clearing permits (Appendix A of the FFMP) were completed prior to clearing each day.</p> <p>Section 6 (mitigation measure ID FFMM2), Appendix A and Appendix B address this condition.</p> <p>Microbat Management Strategy contained in Appendix B of the Flora and Fauna Construction Monitoring Program and approved by the Planning Secretary.</p>
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 an on public land within 500 metres of the SSI boundary. Replacement tree planting may be undertaken beyond 500 metres on public land within the City of Newcastle 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 City of Newcastle, and undertaken prior to the commencement of operation.</p>	Yes	No	Compliant	<p>Appendix B section B3 Clearing Procedure, point 3a of the FFMP addresses this condition. Permanent revegetation design requirements are addressed by way of the Landscape Design Drawings (detailed design documentation). See Section 6 of the FFMP (mitigation measure ID FFMM6). Footprint and layout of minor ancillary facility C has been modified to avoid existing trees at the site.</p>
E11A	<p>The SSI must not impact street trees in the Peatties Road reservation between Charlesstown Road and 5 metres past the Peatties Road ancillary facility entry/exit point, unless the work is required for:</p> <p>(a) the construction of the footpath required under Condition E71A;</p> <p>(b) vehicular access to the Peatties Road ancillary facility;</p> <p>(c) bushfire requirements; and</p> <p>(d) traffic safety requirements.</p> <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>	Yes	No	Not triggered	<p>N/A - Fulton Hogan will not be using the Peatties Road ancillary facility as identified in the D&C contract and AFEMP, therefore, there will be no associated impact to street trees in this area.</p>
FLOODING					
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>	Yes	No	Compliant	<p>The same flood immunity and afflux measures incorporated into the design at the Concept Design phase are proposed to be carried through and refined further as part of the Detailed Design phase. These measures broadly include culvert works and bunding at the northern interchange. Consultation has been carried out with directly affected landowners (including the owners of the block of residential units to the north-east of the northern interchange), NSW State Emergency Service (SES) and City of Newcastle during the detailed design phase.</p>
E13	<p>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.</p>	Yes	No	not triggered	<p>The flood report, models and GIS output information requirements to be provided to City of Newcastle, BCD and the SES no later than one month following the completion of construction.</p>
HERITAGE					
E14	<p>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.</p>	Yes	No	Compliant	<p>An unexpected Heritage Finds and Human Remains Procedure developed in accordance with the agency guidelines and standards included in Appendix A of the Aboriginal Cultural Heritage Management Plan.</p>
E15	<p>The Unexpected Heritage Finds and Human Remains Procedure 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.</p>	Yes	No	Compliant	<p>An unexpected Heritage Finds and Human Remains Procedure developed in accordance with the agency guidelines and standards included in Appendix A of the Aboriginal Cultural Heritage Management Plan.</p>

E16	The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of work. <i>Note: Human remains that are found unexpectedly during works are under the jurisdiction of the NSW State Coroner and must</i>	Yes	No	Compliant	An unexpected Heritage Finds and Human Remains Procedure developed in accordance with the agency guidelines and standards included in Appendix A of the Aboriginal Cultural Heritage Management Plan.
ABORIGINAL CULTURAL HERITAGE					
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.	Yes	No	Compliant	Salvage which was completed on the 5/3/2021, has been undertaken in accordance with the methodology described in E17.
E18	The management of any salvaged of Aboriginal objects must be undertaken in accordance with the documents identified in Condition A1 and in consultation with the Registered Aboriginal Parties.	Yes	No	Compliant	A Care and Control Agreement is currently be progressed with the Awabakal LALC in accordance with the documents identified in Condition A1. Consultation has occurred with the Registered Aboriginal Parties.
E19	Following completion of salvage of Aboriginal objects (Conditions E17), the Proponent must prepare a Cultural Heritage Salvage Report 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.	Yes	No	Compliant	The Cultural Heritage Salvage Report was submitted to the Planning Secretary on the 17/09/2022 and acceptance on the 4/10/2022.
E20	The Cultural Heritage Salvage Report must be submitted to the Planning Secretary, Heritage NSW, City of Newcastle and RAPs, where relevant, for information no later than 12 months after the completion of the salvage work referred to in Condition E17.	Yes	No	Compliant	The Cultural Heritage Salvage Report was submitted to the Planning Secretary on the 17/09/2022 and acceptance on the 4/10/2022. Consultation was carried out with relevant parties and finalised on 31/09/2022.
NON-ABORIGINAL CULTURAL HERITAGE					
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.	Yes	No	Compliant	The Historical Archaeological Research Design and Excavation Methodology (February 2021) has been prepared by a suitably qualified archaeologist.
E22	The investigation and salvage of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage items must be undertaken in accordance with the Historical Archaeological Research Design and Excavation Methodology. The Proponent must submit the Historical Archaeological Research Design and Excavation Methodology to the City of Newcastle (or its delegate) for review and comment prior to finalisation. The Historical Archaeological Research Design and Excavation Methodology must: (a) be consistent with the documents listed in Condition A1 and NSW Heritage Council's Archaeological Assessments Guideline (1996) or as updated; (b) provide for the detailed analysis of any heritage items discovered during the investigations; (c) include management options for discovered heritage items, whether known or unexpected finds (including options for avoidance, salvage, relocation and display); (d) for unexpected finds that are determined to be relics, set out the assessment process that will determine an appropriate archaeological response to managing their significance; (e) include procedures for notifying the Planning Secretary and City of Newcastle of any relic findings; and (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.	Yes	No	Compliant	The Historical Archaeological Research Design and Excavation Methodology has been prepared by a suitably qualified archaeologist, consultation with relevant parties was completed on 8/2/21. FH engaged Umwelt to undertake the salvage works which were completed in March 2023.
E23	The Proponent must prepare an Archaeological Excavation Report 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 Archaeological Excavation Report must also be submitted to City of Newcastle, the local library and the local Historical Society.	Yes	No	Not triggered	Archaeological testing investigations carried out in April 2021. Final Salvage work was completed in March 2023. The Archaeological Excavation Report will be submitted within 12 months of completion of archaeological investigations.
E24	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: (a) a discussion of the key interpretive themes, stories and messages proposed to interpret the history and significance of the affected heritage items and sections of heritage conservation areas including, but not limited to, Hollywood shanty town site and the Wallsend Plattsburg tramway in Jesmond Park; and (b) identification and confirmation of interpretive initiatives implemented to mitigate impacts to archaeological relics, heritage items and conservation areas affected by the SSI. The Heritage Interpretation Plan must be prepared in consultation with the City of Newcastle. A copy of the Plan must be provided to the Planning Secretary, City of Newcastle, the local library and the local Historical Society, before operation of the SSI commences.	Yes	No	Not triggered	Not relevant to this compliance phase of the construction period.
NOISE AND VIBRATION					
Land use survey					
E25	A detailed land use survey must be undertaken to confirm sensitive receivers and land uses (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of works which generate audible construction or operational noise, or do not meet safe working buffer distances for vibration or ground-borne noise in that area. With the exception of works associated with Bridge 7, the results of the survey must be included in the Noise and Vibration CEMP Sub-plan.	Yes	No	Compliant	Detailed land survey, sensitive receivers and land uses are included in Section 4.1 and Appendix D of the Construction Noise and Vibration CEMP sub plan which was approved on 2/3/23. Section 1.5 addressed operational noise and Section 7.5.4 addresses ground-borne noise.

	Construction hours				
E26	Work must only be undertaken during the following construction hours: (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; (b) 8:00am to 5:00pm Saturdays; and (c) at no time on Sundays or public holidays,	Yes	No	Compliant	Working hours are addressed in Section 7.1.1 of the CEMP Noise and Vibration Management Sub-plan which was approved on 2/3/23. Working hours have been included within environmental work method statements.
	Variation to Work Hours				
E27	Notwithstanding Conditions E26 and E30 work may be undertaken outside the hours specified, in the following circumstances: (a) for the delivery of materials where required by the NSW Police Force or other authority for safety reasons; or (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or (c) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or (d) work approved under an Out-of-Hours Work Protocol or Out Of Hours Works Management Process or equivalent (for work not subject to an EPL), under Condition E31; or (e) work that causes: (i) no more than 5 db(A) above the rating background level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009), and (ii) no more than the 'Noise affected' noise management levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other sensitive land uses, and (iv) continuous or impulsive vibration values, measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.2 of Assessing Vibration: a technical guideline (DEC, 2006), and (v) 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). <i>Note: Section 5.24(1)(e) of the EP&A Act requires that an EPL be substantially consistent with this approval.</i>	Yes	No	Compliant	Working outside of hours specified is addressed in section 7.1.3 and Appendix C of the CEMP Noise and Vibration Management Sub-plan. Works to date have been undertaken utilising two pathways. 1 - pre-construction - in compliance with E27(d) through the completion of construction noise and vibration impacts statements as approved by the ER. 2 - construction - in compliance with EPL 21762.
E28	On becoming aware of the need for emergency work in accordance with Condition E27(b), the Proponent must notify the ER and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those works.	Yes	No	Not triggered	No emergency works have been required at this time.
E29	In order to undertake out-of-hours work, the Proponent must identify appropriate respite periods for the out-of-hours works in consultation with the community at each affected location on a monthly basis. This consultation must include (but not be limited to) providing the community with: (a) a schedule of likely out-of-hours work for a period of no less than three (3) months in advance; (b) potential work, location and duration; (c) proposed respite periods (d) noise characteristics and likely noise and vibration levels; and (e) likely mitigation and management measures. The outcomes of the community consultation, the identified respite periods and the scheduling of likely out-of-hour work must be provided to the ER, EPA and the Planning Secretary.	Yes	No	Compliant	The project has implemented a 3 month look ahead to facilitate community consultation regarding out-of-hours works.
	HIGHLY NOISE INTENSIVE WORKS				
E30	Except as permitted by an EPL, highly noise intensive works exceeding 75dB(A) LAeq(15 minute) noise descriptor at a sensitive receiver must only be undertaken: (a) between 8:00 am to 6:00 pm Monday to Friday; (b) between 8:00 am to 1:00 pm Saturday; and (c) if continuously, then not exceeding three (3) hours, with a minimum respite from those activities and works of not less than one (1) hour. For the purposes of this condition, 'continuous' includes any period during which there is less than one (1) hour between ceasing and recommencing any of the work.	Yes	No	Compliant	Section 7.1.2 of the NVMP addressed Highly noise intensive works.
	Out-of-Hours Work Protocol – Works not subject to an EPL				

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 <u>not</u> subject to an EPL. The Protocol must be approved by the Planning Secretary before the commencement of the work. The Protocol must be prepared in consultation with the EPA and the ER. The Protocol must:</p> <p>(a) provide a process for the consideration of out-of-hours work against the relevant noise and vibration criteria, including the determination of low and high-risk activities;</p> <p>(b) provide a process for the identification of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location, consistent with the requirements of Condition E29;</p> <p>(c) identify procedures to facilitate the coordination of out-of-hours work permitted by an EPL to ensure appropriate respite is provided;</p> <p>(d) undertake a risk analysis that considers the risk of activities, proposed mitigation, management, and coordination, including where:</p> <p>(i) low risk activities can be approved by the ER, and</p> <p>(ii) any other activity approved by the Planning Secretary; and</p> <p>(e) identify Department, EPA and community notification arrangements for approved out of hours work, which maybe detailed in the Communication Strategy.</p> <p>The 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>	Yes	No	Not triggered	The out-of-hours protocol is not relevant to this construction phase as works are subject to an EPL.
Utility Coordination and Respite					
E32	<p>All work undertaken for the delivery of the SSF, including that undertaken by third parties (such as utility relocation), must be coordinated to ensure respite periods are provided. The Proponent must:</p> <p>(a) schedule any work to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with Condition E29; or</p> <p>(b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and</p> <p>(c) provide documentary evidence to the ER in support of any decision made by the Proponent in relation to respite or mitigation.</p>	Yes	No	Compliant	Respites are addressed in Appendix C of the CEMP Noise and Vibration Management Sub plan.
Noise and Vibration Mitigation					
E33	<p>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>	Yes	No	Compliant	Section 5.1.2 of the NVMP addresses noise generating work in the vicinity of sensitive receivers and land uses.
E34	<p>Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria:</p> <p>(a) construction "Noise affected" noise management levels established using the Interim Construction Noise Guideline (DECC, 2009);</p> <p>(b) vibration criteria established using the Assessing vibration: a technical guideline (DEC, 2006) (for human exposure);</p> <p>(c) Australian Standard AS 2187.2 - 2006 "Explosives - Storage and Use - Use of Explosives";</p> <p>(d) BS 7385 Part 2-1993 "Evaluation and measurement for vibration in buildings Part 2 " as they are "applicable to Australian conditions"; and</p> <p>(e) The vibration limits set out in the German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures (for structural damage).</p> <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>	Yes	No	Compliant	<p>The following sections of the NVMP address the points in this condition:</p> <p>(a) Section 5.2.4</p> <p>(b) Section 7.5</p> <p>(c) Section 1.3 - Blast Management Strategy to be prepared separately to this NVMP before blasting about mid-2023</p> <p>(d) Section 7.5</p> <p>(e) Appendix C, Section 7.5 and Section 9.4.2</p>
E35	<p>Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded:</p> <p>(a) evening (6:00 pm to 10:00 pm) — internal LAeq(15 minute): 40 db(A); and</p> <p>(b) night (10:00 pm to 7:00 am) — internal LAeq(15 minute): 35 db(A).</p> <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>	Yes	No	Compliant	Ground borne noise levels exceedance is addressed in Section 7.5.4 of the NVMP and the Out-of-hours Work Protocol.
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>	Yes	No	Not triggered	<p>section 7.5 of the NVMP addresses vibration impacts and screening criteria</p> <p>section 9.4.2 of the NVMP addresses the requirement of vibration monitoring</p> <p>Appendix C of the NVMP addresses the out of hours works approval procedure.</p> <p>This has not been triggered to date.</p>

E37	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.	Yes	No	Compliant	Vibration monitoring is addressed in Section 9.4.2 of the NVMP.
Noise Mitigation - Operational Noise Mitigation Measures					
E38	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 City of Newcastle and must: (a) confirm the operational noise predictions based on the final design of the SSI. The operational noise assessment must be based on an appropriately calibrated noise model (which has incorporated additional noise monitoring, and concurrent traffic counting, where necessary for calibration purposes); (b) review the suitability of the operational noise mitigation measures identified in the documents listed in Condition A1. The review must take into consideration the detailed design of the SSI, with the objective of achieving the noise criteria outlined in the NSW Road Noise Policy (DECCW, 2011); (c) where necessary, investigate and identify additional noise mitigation measures to achieve the noise criteria outlined in the NSW Road Noise Policy (DECCW, 2011) (d) measures to address heavy vehicle compression (engine) braking noise; and (e) procedures for the management of operational noise complaints. 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. The Proponent must implement the identified noise mitigation measures, and following its approval, make the ONMR publicly	Yes	No	Compliant	Subject to construction completion. Consultation with Newcastle City Council completed and ONMR verified by suitably qualified expert. ER approval/endorsement completed in March 2021. Fulton Hogan will undertake a review of the Operational Noise Mitigations Measures in accordance with CoA E38. Section 1.5 of the NVMP addresses this condition.
E39	Operational noise mitigation measures identified in Condition E38 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 Noise and Vibration CEMP Sub-plan.	Yes	No	Compliant	TINSW has commenced at house property treatments and will provide updates at the monthly ERGs Section 1.5 of the NVMP addresses this condition.
E40	Where operational noise mitigation measures are not proposed to be implemented in accordance with Condition E39, 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 Condition E38 are implemented. The report must be endorsed by the ER and submitted to the Planning Secretary within six months of construction commencing.	Yes	No	Compliant	TINSW has commenced at house property treatments and will provide updates at the monthly ERGs. A report has been prepared and endorsed by the ER on 22 August 2023, Submitted to DPE on 24 August 2023. Section 1.5 of the NVMP addresses this condition.
E41	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. The Proponent must prepare an Operational Noise Compliance Report to document this monitoring. The Report must include, but not necessarily be limited to: (a) noise monitoring to assess compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under Condition E38; (b) a review of the operational noise levels in terms of criteria and noise goals established in the NSW Road Noise Policy (DECCW, 2011); (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; (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; (e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions; (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 (g) identification of additional measures to those identified in the review of noise mitigation measures required by Condition E38, that are to be implemented with the objective of meeting the criteria outlined in the NSW Road Noise Policy (DECCW, 2011), when these measures is to be implemented and how their effectiveness would be measured and reported to the Planning Secretary and the EPA.	No	Yes	Not triggered	Not relevant to Stage 4 construction period. Subject to construction completion.
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.	No	Yes	Not triggered	Not relevant to Stage 4 construction period. Subject to construction completion.
E43	The construction and operation of Bridge 7 and its associated components do not trigger the requirements of Conditions E38, E39, E40 and E41.	No	No	Compliant	Details of construction and operation of Bridge 7 are provided in Stage 2 compliance reports previously submitted to DPE. N/A – Bridge 7 does not form part of the scope of the project as it forms Stage 2 of the overall SSI 6888 and has been completed under a separate contract managed by TINSW.

Construction vibration																				
E44	The SSI must be delivered with the aim of achieving the following vibration goals: (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; (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 (c) for human exposure, the acceptable vibration values set out in Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).	Yes	No	Compliant	Vibration goals are addressed in Section 5.2.1 of the CEMP NVMP.															
E45	Blasting associated with the SSI must only be undertaken during the following hours: (a) 9:00am to 5:00pm, Monday to Friday, inclusive; (b) 9:00am to 1:00pm on Saturday; and (c) at no time on Sunday or public holidays. 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. Blasting may be undertaken outside the above hours where: (a) no sensitive receivers would be impacted by blasting; or (b) an agreement has been made with potentially affected receivers.	Yes	No	Not triggered	Blast Management Strategy – to be prepared separately to this NVMP before blasting around late-2023.															
E46	Airblast overpressure generated by blasting associated with the SSI must not exceed the criteria specified in Table 6 when measured at the most affected residence or other sensitive receiver.	Yes	No	Not triggered	Blast Management Strategy – to be prepared separately to this NVMP before blasting around late-2023.															
	Table 6: Airblast overpressure limits for human comfort																			
	<table border="1"> <thead> <tr> <th>Receiver</th> <th>Type of blasting operations</th> <th>Airblast Overpressure Limit</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting more than 12 months or more than 20 blasts</td> <td>115 dBL for 95% of blasts per year</td> </tr> <tr> <td>120 dBL maximum limit</td> </tr> <tr> <td rowspan="2">Sensitive site</td> <td rowspan="2">Blasting operations lasting less than 12 months or less than 20 blasts in total</td> <td>120 dBL for 95% of blasts per year</td> </tr> <tr> <td>125 dBL maximum limit</td> </tr> <tr> <td rowspan="2">Occupied nonsensitive sites, such as factories and commercial premises</td> <td rowspan="2">All blasting</td> <td>125 dBL maximum limit.</td> </tr> <tr> <td>For sites containing equipment sensitive to vibration, the vibration level should be kept below manufacturer's specifications or levels that can be shown to adversely affect the equipment operation</td> </tr> </tbody> </table>					Receiver	Type of blasting operations	Airblast Overpressure Limit	Sensitive site	Blasting operations lasting more than 12 months or more than 20 blasts	115 dBL for 95% of blasts per year	120 dBL maximum limit	Sensitive site	Blasting operations lasting less than 12 months or less than 20 blasts in total	120 dBL for 95% of blasts per year	125 dBL maximum limit	Occupied nonsensitive 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
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Source – Table J5.4(A) – AS 2187.2 – 2006																				
Note: a sensitive site includes houses and low rise residential buildings, theatres, schools and other similar buildings occupied																				
E47	Table 8: Ground vibration limits for control of damage to structures	Yes	No	Compliant	NVMP section 5.2 addresses criteria for vibration impacts and section 8 includes mitigation measures. Blast Management Strategy – to be prepared separately to this NVMP before blasting around late-2023.															
	<table border="1"> <thead> <tr> <th>Receiver</th> <th>Type of blasting operations</th> <th>Peak component particle velocity (mm/s)</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Other structures or architectural elements that include masonry, plaster and plasterboard in their construction¹</td> <td rowspan="2"></td> <td>15 mm/s 4 Hz to 15 Hz, except for heritage structures where a frequency dependent vibration criteria would be determined in accordance with AS 2187.2 – 2006.</td> </tr> <tr> <td>20 mm/s 15 Hz and above</td> </tr> <tr> <td>Reinforced or framed structures, industrial and heavy commercial buildings²</td> <td>All blasting</td> <td>50 mm/s at 4 Hz and above</td> </tr> <tr> <td>Unreinforced or light framed structure. Residential or light commercial type building²</td> <td>All blasting</td> <td>15 mm/s at 4 Hz increasing to 20 mm/s at 15 Hz</td> </tr> </tbody> </table>					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		
	Receiver					Type of blasting operations	Peak component particle velocity (mm/s)													
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	Unoccupied structures of reinforced concrete or steel construction	All blasting	100 mm/s maximum, where agreed with the structure owner.			
	Infrastructure service structures, such as pipelines, powerlines, cables and reservoirs.	All blasting	Limits to be determined by structural design methodology in consultation with the infrastructure service provider.			
Source: Table J4.5(B) – AS 2187.2 – 2006 and Table J4.4.2.1 – AS 2187.2 – 2006 (BS 7385-2)						
E48	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: (a) details of the proposed blasting program and justification for the proposed increase in blasting criteria including alternatives considered (where relevant); (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 (c) details of the blast management, mitigation and monitoring procedures to be implemented.		Yes	No	Not triggered	Blast Management Strategy – to be prepared separately to this NVMP before blasting around late-2023.
E49	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. Unless otherwise agreed by the Planning Secretary, the following exclusions apply: (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 (b) the blasting limit agreed to under any agreement must not exceed a maximum Peak Particle Velocity vibration level of 25 mm/s or maximum Airblast Overpressure level of 125 dBL.		Yes	No	Not triggered	Blast Management Strategy – to be prepared separately to this NVMP before blasting around late-2023.
Blasting Management Strategy						
E50	A Blast Management Strategy must be prepared and must include: (a) sequencing and review of trial blasting to inform blasting; (b) regularity of blasting; (c) intensity of blasting; (d) periods of relief; and (e) blasting program.		Yes	No	Not triggered	Blast Management Strategy – to be prepared separately to this NVMP before blasting around late-2023.
E51	The Blast Management Strategy must be endorsed by a suitably qualified and experienced independent person.		Yes	No	Not triggered	Blast Management Strategy – to be prepared separately to this NVMP before blasting around late-2023.
E52	The Blast Management Strategy 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.		Yes	No	Not triggered	Blast Management Strategy – to be prepared separately to this NVMP before blasting around mid-2023.
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.		Yes	No	Not triggered	Blast Management Strategy – to be prepared separately to this NVMP before blasting around late-2023.
SOCIO-ECONOMIC, LAND USE AND PROPERTY						
Building Condition Survey						
E54	Pre-construction Building and Structure Condition Surveys must be undertaken of all buildings, structures, and utilities and the like, identified in the documents listed in Condition A1, as being at risk of damage from the works associated with the SSI. The surveys must be undertaken by a suitably qualified structural engineer before the commencement of any work that could cause damage to buildings, structures and utilities. The results of the surveys must be documented in a Pre-construction Building and Structure Condition Survey Report for each building, structure and utility surveyed. Copies of the Pre-construction Building and Structure Condition Survey Reports must be provided to the owners of the buildings, structures and utilities surveyed, and no later than one (1) month before the commencement of work in the vicinity of the impacted buildings, structures and utilities.		Yes	No	Compliant	The Building and Structure Condition Surveys and Reports have commenced and are being undertaken by a suitably qualified person. A Pre-construction building and structure condition surveys have been prepared and submitted to the owners of the buildings, structures and utilities surveyed no later than one month prior to commencement of work in the affected areas.

E55	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.	No	Yes	Not triggered	Not applicable to construction.
E56	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.	Yes	Yes	Not triggered	CoA E56 has not been triggered at this point in construction Stage 4.
SOILS					
E57	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.	Yes	No	Compliant	Erosion and sediment controls are addressed in the CEMP Soil and Water Management Sub-Plan. Blue Book compliance is a delivery contract condition. Progressive erosion and sediment controls are developed and maintained throughout construction with regular reviews undertaken by suitably experienced personnel.
Contaminated Sites					
E58	Areas of soil contamination identified within the documents referred to in Condition A1 must be management in accordance with Management Measure SW04 and SW05 as described in the SPIR.	Yes	No	Compliant	SWMP Section 6 - SWMM63-68
E59	An Unexpected Contaminated Land and Asbestos Finds Procedure must be prepared before the commencement of work and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during work.	Yes	No	Compliant	The Unexpected Contaminated Land and Asbestos Finds Procedure is included in Appendix D of the Soil and Water Management Plan and will be followed during construction.
E60	The Unexpected Contaminated Land and Asbestos Finds Procedure must be implemented for the duration of work.	Yes	No	Compliant	The Unexpected Contaminated Land and Asbestos Finds Procedure is included in Appendix D of the Soil and Water Management Plan and will be followed during construction.
SUSTAINABILITY					
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	Yes	No	Compliant	A Sustainability Strategy is being prepared in accordance with the ISCA rating tool and was submitted to the Planning Secretary on 24/3/23.
TRAFFIC AND TRANSPORT					
E62	All road roads within one (1) kilometre of the SSI (including construction ancillary facilities) proposed to be used by heavy vehicles used for the SSI must be identified in the Construction Traffic and Transport Management Sub-plan.	Yes	No	Compliant	Section 5.2 of the Construction Traffic and Transport Management includes the roads within 1km to be used by heavy vehicles.
E63	Local roads proposed to be used by heavy vehicles for the SSI works that were not assessed in the EIS or SPIR, must be approved by the Planning Secretary through the Construction Traffic and Transport Management Sub-plan (including any revisions to the sub-plan that identify additional local roads). The request to the Planning Secretary must include a traffic and pedestrian impact assessment, and a swept path analysis, if required. The traffic and pedestrian impact assessment must: (a) demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts; (b) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and (c) describe the measures that will be implemented to minimise safety and amenity impacts to any schools, aged care facilities and child care facilities during their peak operation times.	Yes	No	Compliant	A Construction Traffic and Transport Management Plan (TTMP) has been prepared. The plan has been finalised and endorsed by the ER prior to the use of local roads on the 16/11/2022. The TTMP was approved on 22/12/22 and will be complied with during construction. Section 5.2 of the TTMP includes the roads within 1km to be used by heavy vehicles. Appendix A of the TTMP includes a traffic and pedestrian impact assessment (a & c). Section 5.10 of the TTMP addresses road dilapidation surveys.
E64	The requirements of Conditions E62 and E63 in relation to Bridge 7 may be addressed by the documents required under Condition A9.	No	No	Compliant	Details of Bridge 7 are provided in Stage 2 compliance reports previously submitted to DPE, including for E64. TNSW has completed construction of Bridge 7 in accordance with CoA E64 as documented in the TNSW Staging Report Newcastle Inner City Bypass – Rankin Park to Jesmond (TNSW, July 2022).
E65	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 establishment of Construction Compound A, unless otherwise agreed by the Health Administration Corporation. <i>Note: Heavy vehicles movements associated with Condition E65 must comply with the construction hours specified in Conditions E26 and E27.</i>	Yes	No	Compliant	Section 5.2.2 of the TTMP addresses heavy vehicles and haulage routes. As per consultation with HAC and Modification Report 1 (2021) Construction Compound A is unavailable for use and therefore use of the Construction Access Road 2 is also precluded from use in the TTMP.

E66	Heavy vehicle movements through the John Hunter Hospital precinct must be identified in the Construction Traffic and Transport Management CEMP Sub-plan. The Construction Traffic and Transport Management CEMP Sub-plan must include the following: (a) number of heavy vehicle movements; (b) frequency of heavy vehicle movements; (c) deliveries outside the construction hours identified in Condition E26; and (d) governance arrangements to address acute traffic management issues. <i>Note: These requirements are additional to the requirements of Part C of this approval.</i>	Yes	No	Compliant	Section 5.2.2 of the TTMP addresses heavy vehicles and haulage routes. As per Modification Report 1 (2021) Construction Compound A is unavailable for use.
E67	At no time must heavy vehicles associated with the construction of the SSI, travel through the John Hunter Hospital precinct, except as permitted in Condition E65.	Yes	No	Compliant	Section 5.2.2 of the TTMP addresses heavy vehicles and haulage routes. As per Modification Report 1 (2021) Construction Compound A is unavailable for use.
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 City of Newcastle within three weeks of completion of the surveys and no later than one (1) month before the use of local roads by heavy vehicles for the construction of the SSI.	Yes	No	Compliant	Section 5.10 of the TTMP addresses road dilapidation surveys. The Road Dilapidation Reports have been undertaken by a suitably qualified person before the commencement of works. A copy of the reports are sent to landowners and City of Newcastle within three weeks of completion of the surveys and no later than one month before the use of the local roads by heavy vehicles for construction.
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 discretion): (a) compensate the landowner for the damage so caused. The amount of compensation may be agreed with the landowner, but compensation must be paid even if no agreement is reached; or (b) rectify the damage to restore the road or road related structure to at least the condition it was in pre-construction.	Yes	No	Compliant	Section 5.11 of the TTMP addresses road maintenance if roads are damaged.
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.	Yes	No	Compliant	Section 5.9 of the TMP addresses property access.
E70A	To ensure pedestrian, cyclist and motorist safety on Peatties Road, the Proponent must ensure that traffic control is present to manage: (a) vehicle movements at the entry/exit point to the Peatties Road ancillary facility during the following times: (i) 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 (ii) at any time heavy vehicles are entering and leaving the Peatties Road ancillary facility; and (b) heavy vehicles associated with the construction of the SSI that are entering or exiting Peatties Road	Yes	No	Not triggered	Ancillary Facility will not be utilised by FH as addressed in the AFEMP and therefore Traffic and Transport requirements have not been addressed.
Pedestrian and Cyclist Access					
E71	Safe pedestrian and cyclist access must be maintained around work sites for the duration of construction. In circumstances where pedestrian and cyclist access are restricted or removed due to construction activities, an alternate route (temporary or permanent) which complies with the relevant standards must be provided and signposted.	Yes	No	Compliant	Section 5.6 of the TTMP addresses pedestrian and cyclists.
E71A	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. 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.	Yes	No	Not triggered	Ancillary Facility will not be utilised by FH as addressed in the AFEMP and therefore Traffic and Transport requirements have not been addressed.
E72	The SSI's shared paths must be designed to discourage pedestrian access onto the bypass. <i>Note: The intention is to discourage pedestrians and/or cyclist from inadvertently accessing the bypass for safety reasons</i>	Yes	No	Compliant	The detailed design has been developed to discourage pedestrian access onto the bypass by implementing shared path routes that are grade separated from the NICB at Southern Interchange, Hospital Interchange and Northern interchange.
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.	Yes	No	Compliant	The disabled carpark has been relocated to within Jesmond Park in consultation with CoN in accordance with the CCS and CEMP.
Fire Trails					
E74	Alternate fire trails must be provided and implemented in consultation with the relevant fire authorities.	Yes	No	Compliant	Alternative fire trails have been proposed in the detailed design in consultation with the fire authorities and will be constructed later during the construction phase of the project.
URBAN DESIGN AND VISUAL AMENITY					
Construction Ancillary Facilities					

E75	Construction Ancillary Facilities must minimise visual impacts to adjoining properties, including, providing temporary landscaping and vegetative screening of the construction sites and minimising light spill.	Yes	No	Compliant	The AFEMP addresses this requirement within section 7.
Lighting and Security					
E76	All lighting associated with the construction and operation of the SSI must: (a) operate with the objective to minimising light spill to surrounding properties; and (b) be consistent with the requirements of 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. Notwithstanding, the Proponent must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the SSI, in consultation with affected landowners.	Yes	No	Compliant	The AFEMP addresses this requirement within section 7. Operational lighting is captured within detailed design.
Bridge Elements					
E77	Bridge 7 and Bridge 8, must be designed in accordance with the following guidelines, as relevant: (a) Beyond the Pavement (RMS 2014); (b) Bridge Aesthetics (RMS 2012); (c) Landscape Design Guidelines (RMS 2008); and (d) designed to incorporate elements which reflect the steel industry heritage of Newcastle. The final design of the bridges must be provided to the Planning Secretary for information prior to construction of these structures. <i>Note: The colour scheme is identified in SPIR, Appendix E - Urban Design and Landscape Character and Visual Impact Assessment.</i>	Yes	No	Compliant	Design details of Bridge 7 and Bridge 8 have been submitted to DPE in accordance with E77 and is available on the project website.
Structural Adequacy					
E78	The Proponent must ensure that the construction of the SSI, including former mine working remediation activities, are carried out in accordance with the requirements of Subsidence Advisory NSW.	Yes	No	Compliant	The design of mine working remediation activities has been developed in accordance with the Subsidence Advisory NSW in accordance with the Subsidence Advisory NSW Notice of Determination (Reference TBA18-02094).
Operational Maintenance					
E79	The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and works implemented as part of this approval must remain the Proponent's responsibility, until satisfactory arrangements have been made for the transfer of the asset to the relevant authority. Prior to the transfer of assets, the Proponent must maintain the items and works.	No	Yes	Not triggered	Not relevant to Stage 4 construction.
Operational noise barriers design					
E80	Operational noise barriers must be designed to minimise visual and amenity impacts and be designed in accordance with the <i>Noise wall design guideline – Design guideline to improve the appearance of noise walls in NSW</i> (RMS, March 2016).	Yes	No	Compliant	The operational noise barriers have been designed to minimise visual and amenity impacts and were designed in accordance with the Noise wall design guideline - Design guideline to improve the appearance of noise walls in NSW (RMS, March 2016).
WASTE					
E81	Waste generated during works and operation of the SSI must be dealt with in accordance with the following priorities: (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced; (b) where avoiding or reducing waste is not possible, waste is to be re-used, recycled, or recovered; and (c) where re-using, recycling or recovering waste is not possible, waste is to be treated or disposed of.	Yes	Yes	Compliant	waste generation during operation will be addressed in the OCMF of EWS as required under CoA D3 as detailed in Section 1.1 last paragraph. Construction waste will be managed in accordance with the WEMP (Submitted on the 11/10/2022); as detailed: (a) Section 6.1 and Section 6.1.1 addresses waste management hierarchy and reducing and avoiding waste (b) Section 6.1, Section 6.1.2 and Section 6.4 addresses waste management hierarchy, reusing and recycling waste and waste exemptions (c) Section 6.1, Section 6.1.4, Section 6.3, Section 6.4 and Appendix B addresses waste management hierarchy, disposal of waste, classifications of potential waste streams from the project, waste exemptions and the waste register template
E82	The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the EPL for the SSI, or a Resource Recovery Exemption or Order issued under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> , as the case may be.	Yes	Yes	Compliant	Section 6.1, Section 6.1.4, Section 6.3, Section 6.4 and Appendix B of the WEMP addresses waste management hierarchy, disposal of waste, waste exemptions, classification of potential waste streams from the project and the waste register template.

E83	Waste generated by all activities associated with the works and operation of the SSI must only be: (a) exported to a EPA licensed facility for the storage, treatment, processing, reprocessing or disposal, or to any other place that can lawfully accept such waste, or (b) reused in accordance with a Resource Recovery Exemption or Order issued under the Protection of the Environment Operations (Waste) Regulation 2014.	Yes	Yes	Compliant	Section 1.1 of the WEMP (submitted on 11/10/2022) addresses the operational requirements and will be addressed in the OEMP or EMS as agreed with the Planning Secretary in accordance with CoA D3. (a) Section 6.1, Section 6.1.4, Section 6.4 and Appendix B of the WEMP addresses waste management hierarchy, disposal of waste, classifications of potential waste streams from the project, waste exemptions and the waste register template (b) Section 6.1, Section 6.1.2, Section 6.3, Section 6.4 and Appendix B of the WEMP addresses waste management hierarchy, reuse and recycle waste, waste exemptions, classification of potential waste streams from the project and the waste register template
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.	Yes	Yes	Compliant	Section 6.2, Section 6.3 and Section 6.4 of the WEMP addresses waste classification, waste exemptions and classification of potential waste streams from the project.
WATER					
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.	Yes	Yes	Compliant	Design – The SSI has been designed to achieve the outcomes described in documents listed in condition A1. Operation – The design improves the operational water quality performance achieved in the EIS and is consistent with the operational water quality performance achieved in the SPIR. The design improves the pollutant reductions for all pollutants for the Ironbark Creek Catchment compared to the SPIR performance. The design improves the pollutant reductions for both the Total Phosphorus and Total Nitrogen for the Dark Creek Catchment compared to the SPIR performance. The Total Suspended Solids and Gross Pollutants reductions are slightly less than SPIR but it is considered these pollutants are more effectively managed with routine maintenance (e.g. rubbish collection) than the installation of pollutant traps.
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.	Yes	No	Compliant	Permanent crossing – The permanent drainage feature crossings have been designed by a suitably qualified and experienced team from Aurecon and SMEC in accordance with the relevant guidelines. Temporary waterway crossings would be designed by suitably qualified and experienced personnel. The SWMP section 6 includes measures to achieve compliance with this requirement.
TICKHOLE CREEK					
E87	The Peatties Road ancillary facility must be designed and operated to ensure that no direct flow from within the site flows into Tickhole Creek.	Yes	No	Not Triggered	Ancillary Facility will not be utilised by FH as addressed in the AFEMP and therefore E86 is not triggered
E88	A minimum 3 metre buffer must be provided between the top bank of Tickhole Creek and the Peatties Road ancillary facility.	Yes	No	Not Triggered	Ancillary Facility will not be utilised by FH as addressed in the AFEMP and therefore E87 is not triggered
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.	Yes	No	Not Triggered	Ancillary Facility will not be utilised by FH as addressed in the AFEMP and therefore E88 is not triggered

9.2 Appendix B. Federal CoA Compliance Tracking Table

RP2J Compliance Table - Federal Conditions of Approval

Compliance Monitoring Reporting Program

DoEE CoA #	Requirement	Construction Phase		Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Construction	Operation		
		Stage 4	Stage 4		
PART A - Conditions specific to the action					
1	The approval holder must comply with the following NSW conditions where they relate to the protection of the Black-eyed Susan (<i>Tetratheca juncea</i>), the Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) and the Hunter Estuary Ramsar site: the terms of this approval and the description of the SSI in the <i>Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental impact statement (RMS, 2016)</i> (the EIS) and the <i>Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS, 2018)</i> (the SPIR):	Yes	Yes	Compliant	Potential impact to federally listed items has been managed through the preconstruction phase by consultation with OEH and the Secretary to ensure this is achieved. Section 6 of the Flora and Fauna Management Sub-plan contains measures to achieve this outcome.
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN					
	NSW condition C4, requiring a Flora and Fauna Construction Environment Management Plan (CEMP).	Yes	No	Compliant	The CEMP (including Sub-plans) have been prepared in consultation with the relevant government agencies as addressed in Section 1.3 and appendix A5 of the CEMP.
	NSW condition C5, requiring the CEMP Sub-plans to state how: (a) environmental performance outcomes will be achieved; (b) how the mitigation measures will be implemented; (c) how the relevant terms of the NSW conditions will be complied with; and (d) how issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed.	Yes	No	Compliant	The CEMP (including Sub-plans) has been prepared in accordance the requirements of C5.
	NSW condition C8, construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary.	Yes	No	Compliant	The CEMP was approved by the Secretary on 2/3/23.
BIODIVERSITY					
	NSW condition E2, limiting the clearing of native vegetation to the greatest extent practicable.	Yes	No	Compliant	The project will ensure this condition is complied with throughout the duration of Stage 4. Section 6 of the Flora and Fauna Management Sub-plan contains measures to achieve this outcome.

RP2J Compliance Table - Federal Conditions of Approval

Compliance Monitoring Reporting Program

DoEE CoA #	Requirement	Construction Phase		Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Construction	Operation		
		Stage 4	Stage 4		
	NSW condition E4, implementing the Biodiversity Offset Strategy.	Yes	No	Compliant	<p>Implementation status of the BOS is as follows:</p> <ul style="list-style-type: none"> - All 12690 BBAM Species credits have been secured and retired. - 2774 BBAM Ecosystem credits have been secured and retired, - 470 BBAM ecosystem credits (consisting of 421 PCT 1619 and 49 PCT 1592 credits) remain to be retired. Of these: - 64 BBAM ecosystem credits have been secured and will be retired early 2024 - A statement of reasonable equivalency has been issued by DPE, indicating that the remaining 406 BBAM credits (consisting of 357 PCT 1619 and 49 PCT 1592 credits) are equivalent to 193 BAM credits (consisting of 164 PCT 1619 and 29 PCT 1592 credits) - 164 BAM credits are currently being negotiated - Application for a payment into the Biodiversity Conservation Fund for the remaining 29 credits has been submitted.
	NSW condition E6, requiring plant community types that provide habitat for impacted EPBC Act threatened species to be retired in a manner that achieves "like-for-like" habitat for the species.	Yes	No	Compliant	Securing offsets is still ongoing. All credits retired to date have been in accordance with the approved BOS and have been procured either as direct matches or variations to achieve like for like status.
	<p>NSW condition E7, requiring the offsetting of biodiversity impacts to be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> (OEH, 2014) and to be achieved by:</p> <p>(a) acquiring and retiring "biodiversity credits" within the meaning of the Biodiversity Conservation Act 2016; and/or</p> <p>(b) making payments to an offset fund developed by the NSW Government; and/or</p> <p>(c) providing supplementary measures.</p> <p>Footnote 2 under condition E7 states that: "Any residual impact on EPBC Act listed threatened species and ecological communities must be offset in accordance with an offset process endorsed by the DoEE."</p>	Yes	No	Compliant	Securing offsets is still ongoing. All offsets secured to date have been via acquiring and retiring 'biodiversity credits' as per CoA E7 (a).

RP2J Compliance Table - Federal Conditions of Approval

Compliance Monitoring Reporting Program

DoEE CoA #	Requirement	Construction Phase		Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Construction	Operation		
		Stage 4	Stage 4		
	<p>NSW condition E9, stating that the construction of the bypass must demonstrate how:</p> <p>(a)EPBC Act listed threatened species and ecological communities are protected;</p> <p>(b)noxious weeds are managed; and</p> <p>(c)contamination by pathogens, non-indigenous regenerative plant material and seeds can be prevented by the movement of all tools, vehicles, machinery and personnel.</p> <p>Footnote: These additional requirements must be addressed in the Flora and Fauna Management Sub-plan required under Condition C4 Table 3 (c).</p>	No	No	Compliant	<p>Management of EPBC Act listed species, noxious weeds and contamination is addressed in the CEMP Flora and Fauna Management Sub-plan. Section 4.5.1 of the FFMP addressed the Grey-headed Flying fox.</p> <p>Section 6 of the FFMP outlines mitigation measures that will be implemented during construction to outline protection and management.</p>
	SOILS				
	NSW condition E57, requiring the proponent to undertake erosion and sediment controls consistent with the Managing Urban Stormwater series.	Yes	No	Compliant	Erosion and sediment controls are addressed in the CEMP Soil and Water Management Sub-Plan. Blue Book compliance is a delivery contract condition. Progressive erosion and sediment controls are developed and maintained throughout construction with regular reviews undertaken by suitably experienced personnel.
	WATER				

RP2J Compliance Table - Federal Conditions of Approval

Compliance Monitoring Reporting Program

DoEE CoA #	Requirement	Construction Phase		Compliance Status (Compliant/Non-compliant/ Not triggered)	Evidence of Compliance /Comment
		Construction	Operation		
		Stage 4	Stage 4		
	NSW condition E85, requiring the bypass to be designed, constructed and operated to achieve the outcomes described in the documents listed in NSW condition A1 of the NSW Approval.	No	No	Compliant	Design – The SSI has been designed to achieve the outcomes described in documents listed in condition A1. Operation – The design improves the operational water quality performance achieved in the EIS and is consistent with the operational water quality performance achieved in the SPIR. The design improves the pollutant reductions for all pollutants for the Ironbark Creek Catchment compared to the SPIR performance. The design improves the pollutant reductions for both the Total Phosphorus and Total Nitrogen for the Dark Creek Catchment compared to the SPIR performance. The Total Suspended Solids and Gross Pollutants reductions are slightly less than SPIR but it is considered these pollutants are more effectively managed with routine maintenance (e.g. rubbish collection) than the installation of pollutant traps.
	NSW condition E86, requiring drainage feature crossings and drainage swales and depressions to be constructed in accordance with the relevant guidelines and designed by a suitably qualified and experienced person.	No	No	Not triggered	Permanent crossing – The permanent drainage feature crossings have been designed by a suitability qualified and experienced team from Aurecon and SMEC in accordance with the relevant guidelines. Temporary waterway crossings would be designed by suitably qualified and experienced personnel. The SWMP section 6 includes measures to achieve compliance with this requirement.
	BIODIVERSITY				
2	The approval holder cannot retire biodiversity credits that relate to EPBC Act listed threatened species and ecological communities by making payments into an offset fund that has been developed by the NSW Government, as referred to in NSW condition E7, unless approved in writing by the Minister.	No	No	Not triggered	Not triggered