



M1 Pacific Motorway to Raymond Terrace SSI 7319

INDEPENDENT ENVIRONMENTAL AUDIT 1

April 2024

Document Information

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Prepared by	Claire Everett
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Executive summary

The conditions of consent (CoC) issued for State Significant Infrastructure (SSI) 7319 – M1 Pacific Motorway to Raymond Terrace require, under Condition A33, independent audits of the Development to be undertaken. This first independent audit report satisfies that requirement.

This audit has been conducted in accordance with:

- the requirements for an independent audit methodology and independent audit report as outlined in the Department of Planning, Infrastructure and Environment (DPI&E) *Independent Audit Post Approval Requirements* May 2020, and
- AS/NZS ISO 19011:2019 Guidelines for Auditing Management Systems

This audit report documents the outcomes of the compliance review undertaken by New State Environment and Heritage Pty Ltd (NSEH). The audit process comprised pre-site audit documentation review, stakeholder scoping review, opening meeting, site audit including site inspection, closing meeting and post-site audit documentation review and follow-up.

The site inspection and interviews were conducted on 21 to 22 November and 14 December 2023. Findings of the audit are presented against the scope within the body of this report, the attached audit findings table (**Appendix C**) and photo log (**Appendix F**). Department of Planning and Environment (DPE – now Department of Planning, Housing and Infrastructure - DPHI), Newcastle City Council (NCC) and Port Stephens Council (PSC) were contacted prior to the audit to see if they had any issues or concerns they would like addressed during the audit.

The findings of the audit were that the Development is generally compliant with the development consent conditions. Of the 238 CoC relevant to this stage of the Development the following findings of compliance were made:

- 118 compliant
- 5 non-compliant
- 115 not triggered

The environmental performance of the development was considered satisfactory. The audit identified five non-compliances with the MCoAs, and these were self-reported to DPHI by the proponent. The audit process is covered in Section 2 of this report, the audit findings in Section 3 of this report and conclusion in Section 4. The detailed findings of the audit against each CoC are provided in **Appendix C**. The audit concludes that the M1 Pacific Motorway to Raymond Terrace is being constructed generally in compliance with the requirements of the SSI.

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1 INTRODUCTION

New State Environment and Heritage Pty Ltd (NSEH) was engaged by Transport for NSW (Transport), to undertake an independent environmental audit (IEA) of construction of the M1 Pacific Motorway to Raymond Terrace from 21/11/23 to 29/02/2024 to satisfy Development Consent SSI-7319 Condition A33.

1.1 PROJECT DETAILS

The Project is construction of the M1 Pacific Motorway to Raymond Terrace. The Project involves the construction of 15 kilometres (km) of new four lane divided road between the M1 Pacific Motorway near the John Renshaw Drive intersection at Black Hill in the west and the existing Pacific Highway at Raymond Terrace in the east. The Project is located in the Newcastle and Port Stephens local government areas, about 27 km north-west of the Newcastle central business district and about 154 km north of Sydney.

The Project will be constructed in two packages as follows:

- Southern package – a 10-kilometre section that extends from Black Hill to Tomago being constructed by John Holland Gamuda Australia Joint Venture (JHGAJV).
- Northern package – a five-kilometre section that bypasses Heatherbrae being constructed by Seymour Whyte Constructions (Seymour Whyte).

Approval for the Project was granted by the NSW Minister for Planning on 8 November 2022.

The Project includes the following key features:

- 15 km motorway comprised of a four lane divided road (two lanes in each direction)
- motorway access from the existing road network via four new interchanges at:
 - Black Hill: connection to the M1 Pacific Motorway;
 - Tarro: connection and upgrade (six lanes) to the New England Highway between John Renshaw Drive and the existing Tarro interchange at Anderson Drive;
 - Tomago: connection to the Pacific Highway and Old Punt Road; and
 - Raymond Terrace: connection to the Pacific Highway
- a 2.6 km viaduct over the Hunter River flood plain including new bridge crossings over the Hunter River, the Main North Rail Line, and the New England Highway
- bridge structures over local waterways at Tarro and Raymond Terrace, and an overpass for Masonite Road in Heatherbrae
- connections and modifications to the adjoining local road network
- traffic management facilities and features
- roadside furniture including safety barriers, signage, fauna fencing and crossings and street lighting
- adjustment of waterways, including Purgatory Creek at Tarro and a tributary of Viney Creek
- environmental management measures including surface water quality control measures

- adjustment, protection and/or relocation of existing utilities
- walking and cycling considerations, allowing for existing and proposed cycleway route access
- permanent and temporary property adjustments and property access refinements
- construction activities, including establishment and use of temporary ancillary facilities, temporary access tracks, haul roads, batching plants, temporary wharves, soil treatment areas, clearing of vegetation, earthworks and installation of environmental controls.



Figure 1: Regional context of the project (Source: Transport)

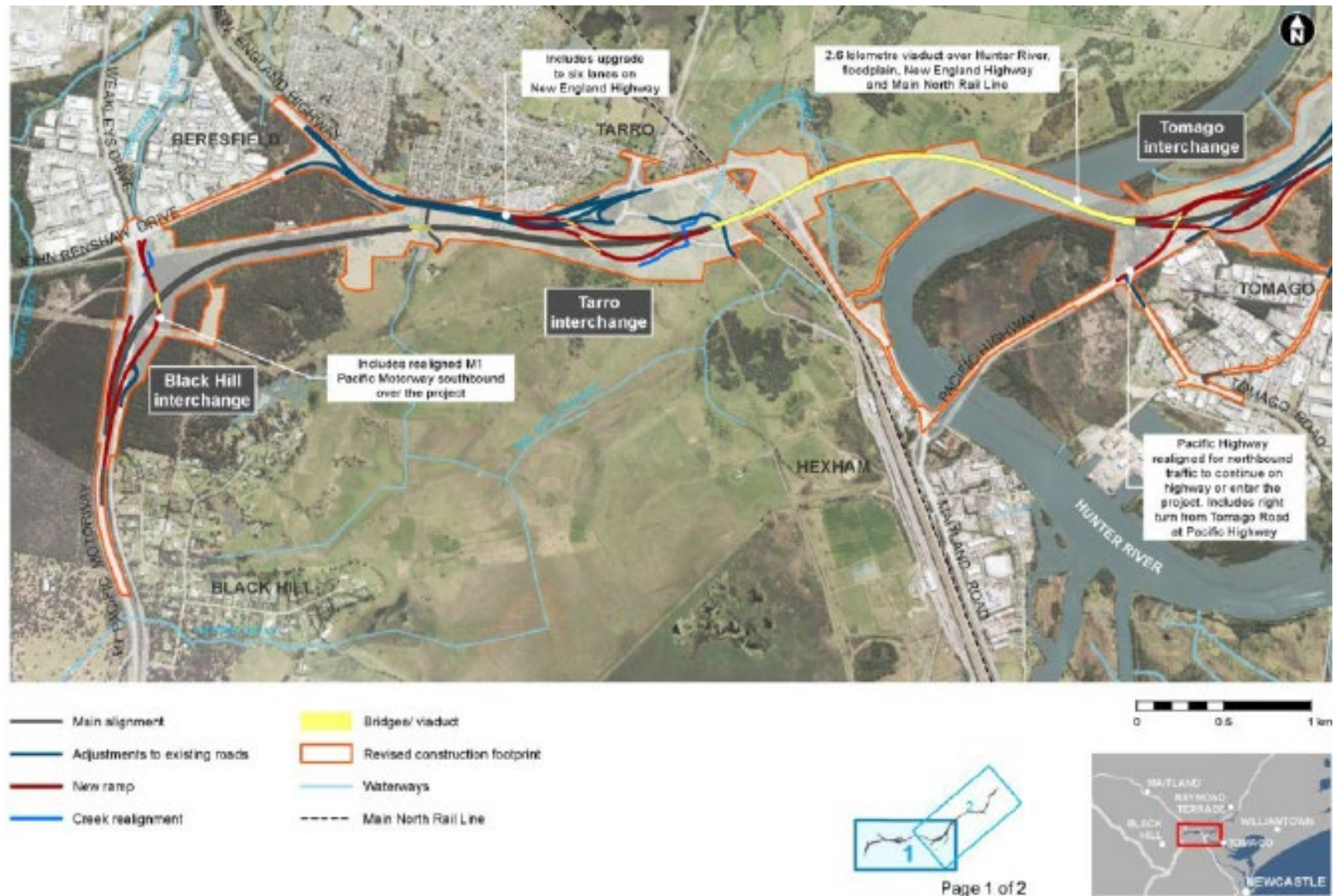


Figure 2: Project key features (Map 1 of 2) (Source: Transport)

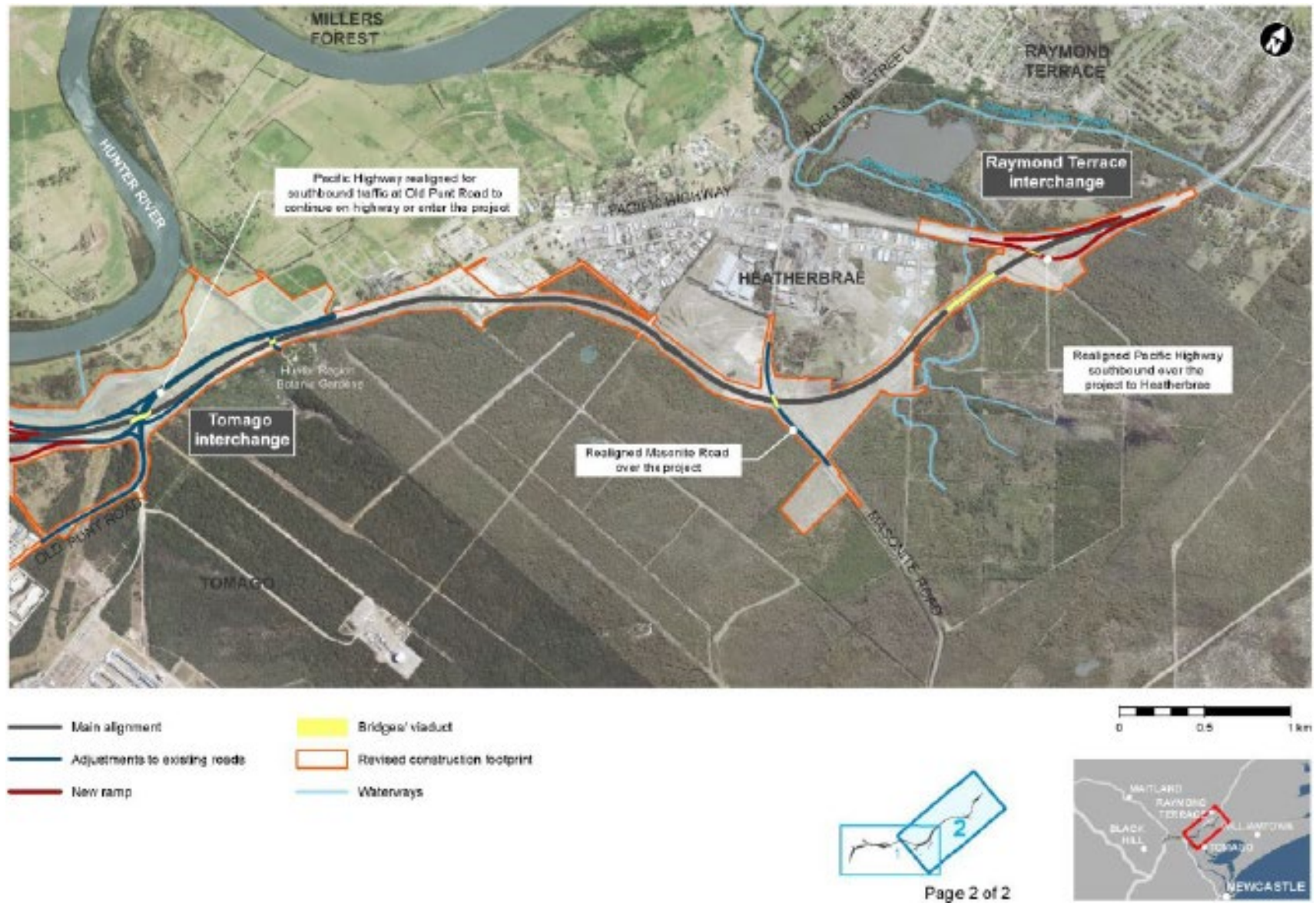


Figure 3: Project key features (Map 2 of 2) (Source: Transport)

1.2 AUDIT TEAM

Details of the NSEH environmental auditor for this project were submitted to the Department of Planning, Industry and Environment (DPI&E) in accordance with the requirements of Section 1.3 of the DPI&E *Independent Audit Post Approval Requirements* May 2020. Endorsement by DPHI of the following auditor was granted prior to the conduct of the audit. The endorsement letter is provided at **Appendix A**.

Name	Company	Certification
Claire Everett	New State Environment and Heritage	Exemplar Global Lead Environmental Auditor

1.3 AUDIT OBJECTIVES

The objective of this independent environmental audit was to satisfy Development Consent SSI-7319 Condition A33, being:

Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

This independent audit was completed to fulfill the requirements of Condition A33 and to verify compliance, or otherwise of the Project against the relevant conditions of consent and provide an objective evaluation of the environmental performance of the development.

1.4 AUDIT SCOPE

The scope of this audit was limited to construction of the M1 Pacific Motorway to Raymond Terrace. This audit is the first for the project and was undertaken in accordance with the DPI&E *Independent Audit Post Approval Requirements* May 2020.

The scope of this audit was as follows:

- Consultation with DPHI and local government to obtain feedback and identify any key issues.
- Site inspection of current activities to assess on-site compliance with conditions and commitments.
- Review of records to assess compliance with the:
 - DPHI Conditions of Approval
 - CEMP and associated sub-plans

1.5 AUDIT PERIOD

This audit report presents the findings from the first independent environmental audit of the Project covering the period from the commencement of construction of the northern package

on 10/10/23. An extension to the audit period was sought by the proponent on 17/01/2024 which was granted by DPHI on the same day, extending the audit period through to 27/02/2024.

2 AUDIT METHODOLOGY

2.1 AUDIT PROCESS

2.1.1 Opening meeting

The audit was undertaken in three separate stages, with the first day being conducted at Transport's office in Newcastle, the second day on site at the northern package site office and the final day at the southern package site office. Each day of the audit commenced with an opening meeting and concluded with a closing meeting. During the opening meetings the objectives and scope of the audit, the resources required and the methodology to be applied were discussed. Attendees at the first opening meeting on 21/11/23 were:

- Claire Everett (Lead Auditor, New State Environment and Heritage)
- Lawson Gill (Environment and Sustainability Manager, Transport for NSW)
- Lucy Burt (Cadet, Environment, Transport for NSW)
- Kai Neville (Senior Environment and Sustainability Advisor, Transport for NSW)
- Andrew Grainger (Senior Environment and Sustainability Officer, Transport for NSW)

Attendees at the second opening meeting on 22/11/23 were:

- Claire Everett (Lead Auditor, New State Environment and Heritage)
- Simon Williams (Environment Manager, Seymour Whyte)
- Ian Chaffey (Project Director, Seymour Whyte)
- Brad Whittard (Environmental Officer, Transport for NSW)
- Matthew Billings (Project Environmental Representative, Healthy Buildings International)
- Lawson Gill (Environment and Sustainability Manager, Transport for NSW)

Attendees at the third opening meeting on 14/12/23 were:

- Claire Everett (Lead Auditor, New State Environment and Heritage)
- Kathy Lloyd (Environment and Sustainability Lead, John Holland Gamuda Australia Joint Venture)
- Lawson Gill (Environment and Sustainability Manager, Transport for NSW)
- Kai Neville (Senior Environment and Sustainability Advisor, Transport for NSW)
- Matthew Billings (Project Environmental Representative, Healthy Buildings International)
- Andrew Grainger (Senior Environment and Sustainability Officer, Transport for NSW)

The signed audit attendance sheets are provided at **Appendix E**.

2.1.2 Conduct of audit

Audit activities included the following:

Review of the project documentation (CEMP and its sub-plans and other relevant documentation) to verify compliance with Development Consent SSI-7319 conditions.

Site inspection to review implementation of mitigation measures and environmental controls.

Undertake the audit using the audit checklist prepared based on the approval conditions, which included interviews with Project personnel and review of records provided as evidence of compliance, including emails, letters, reports and submission records.

Presentation in the audit closing meeting of audit findings and observations made during the site inspection.

2.1.3 Closing meeting

The first audit closing meeting was held in the afternoon of 21/11/23. The first audit closing meeting was attended by:

- Claire Everett (Lead Auditor, New State Environment and Heritage)
- Lawson Gill (Environment and Sustainability Manager, Transport for NSW)
- Lucy Burt (Cadet, Environment, Transport for NSW)
- Kai Neville (Senior Environment and Sustainability Advisor, Transport for NSW)
- Andrew Grainger (Senior Environment and Sustainability Officer, Transport for NSW)

The auditor acknowledged the cooperation, openness and hospitality of Transport staff during the audit.

The second audit closing meeting for audit of the Northern package was held in the afternoon of 22/11/23. The site audit closing meeting was attended by:

- Claire Everett (Lead Auditor, New State Environment and Heritage)
- Simon Williams (Environment Manager, Seymour Whyte)
- Brad Whittard (Environmental Officer, Transport for NSW)
- Lawson Gill (Environment and Sustainability Manager, Transport for NSW)
- Matthew Billings (Project Environmental Representative, Healthy Buildings International)

The auditor acknowledged the cooperation, openness and hospitality of Seymour Whyte, the ER and Transport staff during the audit

The third audit closing meeting for audit of the Southern package was held in the afternoon of 14/12/23. The site audit closing meeting was attended by:

- Claire Everett (Lead Auditor, New State Environment and Heritage)
- Kathy Lloyd (Environment and Sustainability Lead, John Holland Gamuda Australia Joint Venture)
- Lawson Gill (Environment and Sustainability Manager, Transport for NSW)
- Kai Neville (Senior Environment and Sustainability Advisor, Transport for NSW)
- Matthew Billings (Project Environmental Representative, Healthy Buildings International)

The auditor acknowledged the cooperation, openness and hospitality of JHGV, the ER and Transport staff during the audit.

2.2 INTERVIEWS

Interviews with the Proponent's environment team members were undertaken on 21/11/23. Interviews with the Seymour Whyte site team members and the ER were undertaken on 22/11/23. Interviews with the JHGV site team members and the ER were undertaken on 14/12/23.

2.3 SITE INSPECTIONS

The site inspection for the Northern Package was undertaken on the afternoon of the second day of the audit (22/11/2023). The auditor was accompanied by the Proponent's environment team, the Contractor's environment and sustainability manager and the ER. The site inspection covered installation and maintenance of erosion and sediment controls, Aboriginal heritage, spill prevention and response and waste management.

The northernmost section of the works was inspected. Tree clearing and mulching was taking place. Archaeological salvage had taken place in the area prior to commencement of works and, as Aboriginal sites are known to be present beyond the project boundary, parawebbing and environmental protection area signage had been erected to make it very clear to workers on site that this area was not to be entered (see Photo 11). The temporary creek crossing at Windeyers Creek was inspected and found to have been built in accordance with best practice with multiple measures in place to prevent transport of sediment and spills entering the waterway (see Photo 12 to Photo 14).

The works at Gate 4 (Bridge 10 abutment) were inspected. A water truck was in operation along the access road at between Gate 3 and Gate 4 (see Photo 15). A drill rig was in operation at this location and the drill operators were allowing drilling fluid waste water to pool around the drill rig rather than containing it (see Photo 16). Whilst no water was leaving site this is not best practice and the ER and the Contractor's Environment and Sustainability Manager raised this with the drill operator and requested that this be cleaned up and that in future waste water is to be captured and disposed of appropriately. Elsewhere on site it was observed that two plastic containers of chemicals had been left sitting on a timber pallet and not in a bund, contrary to Clause 4.3 of Transport specification G36 for the works (Photo 17).

Photographs from the site inspection are provided in **Appendix F**.

The site inspection for the Southern Package was undertaken on the afternoon of the third day of the audit (14/12/2023). The auditor was accompanied by the Proponent's environment team, the Contractor's environmental manager and the ER. The site inspection covered installation and maintenance of erosion and sediment controls, air quality, spill prevention and response and waste management.

The day of the inspection was very hot (36C during the inspection) and the temperature increased as the day progressed. It was also quite windy (19km/hr at time of inspection). Gate 3 which is the access point to AS3 was visited. An excavator was working a stockpile of aggregate and a water truck was present to wet down the stockpile and prevent wind-borne dust (see Photo 5). Scrapers were observed working at AS3 and a great deal of dust was being generated

due to the dry, windy conditions and dust was observed leaving the project boundary (see Photo 3). Whilst water trucks were in use at AS3 and on the access track from Gate 3 to AS3, they were not able to adequately control the dust given the environmental conditions. The Contractor's Environment and Sustainability Manager contacted the construction team who agreed to halt scraper operations until weather conditions improved. The auditor advised that the level of dust generation occurring due to the scraper operations and the dust leaving the site boundary was not in accordance with the mitigation measures outlined in the Air Quality Management Sub-Plan for the CEMP and that it was likely to be a breach of Condition E1. An inspection of the Contractor's site compound showed good waste segregation (see Photo 7) and bunded storage of fuels and chemicals (see Photo 8), whilst an inspection of the RMZ remediation site and area north of Cut 15 showed appropriate boundary delineation with flagging and a substantial mulch bund which also works to contain sheet flow of water during rain events and is a good use of mulch generated from clearing on site and more sustainable than using silt fence for the same function.

Photographs from the site inspection are provided in **Appendix F**.

2.4 COMPLIANCE STATUS DESCRIPTORS

Compliance findings resulting from the assessment of audit evidence have been divided into three categories using the descriptors from Table 2 of the IAPAR as follows:

- **Compliant:** The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
- **Non-compliant:** The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
- **Not triggered:** A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

2.5 REVIEW AND RESPONSE TO DRAFT INDEPENDENT AUDIT REPORT

The draft audit report was provided to Transport for review on 04/04/2024 to give the proponent the opportunity to provide NSEH any additional information relevant to the audit prior to finalising this audit report.

A draft audit report would generally only be revised in instances where the auditor is satisfied that the additional information or evidence provided is sufficient to determine that an error of fact or misunderstanding has taken place, and that this is adequately supported by the provision of additional objective audit evidence not available at the time the audit was being undertaken. Any additional information provided by a proponent in this regard must be noted in the report and the auditor's response in relation to it recorded. No changes were made to this audit report following the Proponent's review.

3 AUDIT FINDINGS

3.1 EVIDENCE OF CONSULTATION

NSEH contacted DPHI, Newcastle City Council (NCC) and Port Stephens Council (PSC) to obtain their input into the audit scope. A summary of the feedback received is provided in **Table 3-1**.

Stakeholder	Comment	How addressed
DPHI Compliance	Requires the IEA to be conducted in accordance with the Condition of Approval and in accordance with the Independent Audit Post approval Requirements (2020). Requested that all applicable councils in which the development is being carried out in, requesting any feedback on the developmental impacts to their areas/community.	Audit conducted in accordance with the Independent Audit Post approval Requirements. Both councils in whose LGAs the development is being carried out were contacted and their feedback on any developmental impacts to their areas/community requested. Both councils were contacted by the auditor and no input was received.
NCC	Council was contacted by email and phone, no input received.	N/A
PSC	Council was contacted by email and no input received.	N/A

Table 3-1: Summary of consultation with stakeholders

Consultation with DPHI was first via email on 15/11/2023. DPHI sent a response email on 22/11/2023 stating that DPHI required the audit to be conducted in accordance with the Condition of Approval and in accordance with the Independent Audit Post approval Requirements (Department 2020), and to also consult with all applicable Councils in which the development is being carried out in, requesting any feedback on the developmental impacts to their areas/community.

Consultation with NCC was first via email on 01/12/23. A response was received from Council's Asset Services Manager by email on 04/12/23 who requested a phone call. The auditor spoke to Council's Asset Services Manager on the phone on 05/12/23, who advised that they would follow up with their staff to see if they wished to have input into the audit scope. No further response was received from NCC. Consultation with PSC was via email on Evidence of consultation with stakeholders is provided at **Appendix D**.

3.2 DOCUMENT REVIEW

The following documents were reviewed and/or sighted as part of this audit:

Documents covering entire SSI:

- M1 Pacific Motorway extension to Raymond Terrace Staging Report V 5-0 July 2023, Transport for NSW
- M1 Pacific Motorway extension to Raymond Terrace Unexpected Heritage Finds and Human Remains Procedure V2.0 December 2022, Transport for NSW
- M1 Pacific Motorway Extension to Raymond Terrace Out of Hours Work Protocol-Works not subject to an EPL June 2023, Transport for NSW
- M1 Pacific Motorway extension to Raymond Terrace Workforce development, Aboriginal participation and community improvement report, September 2023
- Unexpected Finds Procedure for Contamination M1 Pacific Motorway Extension to Raymond Terrace, V2.2 February 2023, Transport for NSW
- Unexpected Threatened Species and Threatened Ecological Communities Finds Protocol M1 Pacific Motorway Extension to Raymond Terrace V4 August 2023, Transport for NSW
- Communication Strategy M1 Pacific Motorway extension to Raymond Terrace V2.0 January 2023, Transport for NSW
- M1 to Raymond Terrace Traffic Noise Monitoring program, prepared by Arup Rev 1 24/11/22
- Independent Flood Impact Advisory Panel Terms of Reference report Rev 1 prepared by Transport November 2023

Documents covering Northern Package (Heatherbrae Bypass):

- Ancillary Facility Site Establishment Management Plan M1 Pacific Motorway to Raymond Terrace (Heatherbrae Bypass), Rev F 19/05/23, Seymour Whyte Pty Ltd
- Sustainability Strategy for M1 Pacific Motorway to Raymond Terrace (Heatherbrae Bypass), Rev A 21/08/23, Seymour Whyte Pty Ltd
- CEMP Heatherbrae Bypass, Rev E October 2023
- CEMP Appendix B1 Traffic, Transport and Access Management Sub-plan, Heatherbrae Bypass, Rev G September 2023
- CEMP Appendix B2 Construction Noise and Vibration Management Sub-plan, Heatherbrae Bypass, Rev F August 2023
- CEMP Appendix B3 Construction Flora and Fauna Management Sub-plan, Heatherbrae Bypass, Rev I September 2023
- CEMP Appendix B4 Construction Flood Management Sub-plan, Heatherbrae Bypass, Rev F August 2023
- CEMP Appendix B5 Air Quality Management Sub-plan, Heatherbrae Bypass, Rev D June 2023
- CEMP Appendix B6 Construction Soil and Water Management Sub-plan, Heatherbrae Bypass Rev G September 2023
- CEMP Appendix B7 Construction Cultural Heritage Management Sub-plan, Heatherbrae Bypass, Rev F September 2023

- CEMP Appendix B8 Bushfire Management Sub-plan, Heatherbrae Bypass, Rev C September 2023
- CEMP Appendix B9 Construction Waste Management Sub-plan, Heatherbrae Bypass, Rev C, September 2023
- Construction Cultural Heritage Management Plan Consultation Report for HBB, July 2023, TfNSW
- M1 Motorway Extension to Raymond Terrace – Heatherbrae Bypass Construction Air Quality Management Plan Consultation Report
- Construction Water Reuse Strategy, Heatherbrae Bypass, September 2023, Rev C
- Heatherbrae Ancillary Compound Sample Analysis and Quality Plan, M1 to Raymond Terrace, Ade Consulting Group, October 2023
- Camfield Drive Traffic and Pedestrian Impact Assessment for M12RT Heatherbrae Bypass Rev D September 2023
- Detailed Site Investigation -Heatherbrae Ancillary Compound M1 To Raymond Terrace - 2206-2212 Pacific Highway, Heatherbrae 28/11/23

Documents covering Southern Package (Black Hill to Tomago):

- CEMP Black Hill to Tomago, Rev 0, November 2023
- CEMP Appendix B BH2T Traffic, Transport and Access Management Sub-plan, BH2T, Rev 0 November 2023
- CEMP Appendix B Traffic, Transport and Access Management Sub-plan, BH2T, Rev 0 November 2023
- CEMP Appendix C Noise and Vibration Management Sub-plan, BH2T, Rev 0 November 2023
- CEMP Appendix D Flora and Fauna Management Sub-plan, BH2T, Rev 0 November 2023
- CEMP Appendix E BH2T Flooding Management Sub-plan, Rev 0 November 2023
- CEMP Appendix F BH2T Air Quality Management Sub-plan, Rev 0 November 2023
- CEMP Appendix G BH2T Soil and Surface Water Management Sub-plan, Rev 0 November 2023
- CEMP Appendix H Groundwater Management Sub-plan, BH2T, Rev 0 November 2023
- CEMP Appendix I BH2T Aboriginal Heritage Management Sub-plan, Rev 0 November 2023
- CEMP Appendix J BH2T Non-Aboriginal Heritage Management Sub-plan, BH2T, Rev 0 November 2023
- CEMP Appendix K Surface Water and Groundwater Quality Construction Monitoring Program, BH2T, Rev 0 November 2023
- CEMP Appendix L Bushfire Management Sub-plan, BH2T, Rev 0 November 2023
- CEMP Appendix M Waste and Resource Management Sub-plan, BH2T, Rev 0 November 2023
- Sustainability Strategy for M1 Pacific Motorway Extension to Raymond Terrace Stage 1 Black Hill to Tomago(Heatherbrae Bypass), Rev 0 08/11/23
- M1 Pacific Motorway Extension to Raymond Terrace – Stage 1 Black Hill to Tomago, Ancillary Facility Site Establishment Management Plan – AS5 Rev E August 2023

- M1 Motorway Extension to Raymond Terrace – Stage 1 Black Hill to Tomago Appendix E - Water Reuse Strategy
- M1 Tomago-Sampling and Analysis Quality Plan M1 Raymond Terrace Extension – Black Hill to Tomago Project, Epic Environmental, July 2023
- AOPCR10 – Detailed Site Investigation John Holland Gamuda Australia Joint Venture M1 Raymond Terrace Extension – Black Hill to Tomago 1907 Pacific Highway, Tomago, NSW 2322 SCL230006.02 9 October 2023
- AOPCR3 – Detailed Site Investigation John Holland Gamuda Australia Joint Venture M1 Raymond Terrace Extension – Black Hill to Tomago Woodlands Close Tarro, NSW 2322 SCL230006.02 27 September 2023
- M1 Pacific Motorway Extension to Raymond Terrace Black Hill to Tomago Ancillary (S&L, Road Furniture) Zone 1 Revision B September 2023
- M1 Pacific Motorway Extension to Raymond Terrace – Stage 1 Black Hill to Tomago, Appendix G - Flora and Fauna Construction Monitoring Program, Revision 0, November 2023
- M1 Motorway Extension to Raymond Terrace – Stage 1 Black Hill to Tomago NVMP Appendix C –Noise and Vibration Construction Monitoring Program Revision 0, November 2023
- M1 Pacific Motorway Extension to Raymond Terrace BH2T EPL Out of Hours Works Procedure Revision 0 November 2023
- Remedial Action Plan – AOPCR 3 M1 Raymond Terrace Extension – Black Hill to Tomago Woodlands Close, Tarro NSW 2322 SCL230006.02 16 October 2023
- Remedial Action Plan – AOPCR 10 M1 Raymond Terrace Extension – Black Hill to Tomago 1907 Pacific Highway, Tomago NSW 2322 SCL230006.02 25 October 2023
- Remediation Action Plan Former RZM Site Tomago, Transport for NSW, prepared by WSP February 2023
- Section B2 Site Audit Report & Site Audit Statement RZM Remedial Action Plan, Transport for NSW, prepared by AECOM, 14/03/2023
- Site Audit Report for SAS 1508-2301-1, John Holland Gamuda Joint Venture, AOPCR3 within M12RT Southern Portion, Black Hill to Tomago NSW, 24 November 2023
- M1 Motorway Extension to Raymond Terrace Traffic Management & Safety Plan Revision 0 02/02/2024
- M1 Pacific Motorway Extension to Raymond Terrace Black Hill to Tomago Detailed Design (SDD) Road Safety Revision B October 2023

3.3 AGENCY NOTICES, ORDERS, PENALTY NOTICES OR PROSECUTIONS DURING THE AUDIT PERIOD

On 29/05/23 Transport submitted an incident report to DPHI advising that work had commenced on the external areas of Glenrowan Homestead prior to the completion of archival photographic recording of the exterior of the homestead. DPHI subsequently determined that this was a breach of Section 4.2 of the *Environmental Planning and Assessment Act 1979* and

issued Transport with a warning letter on 07/08/23 regarding non-compliance with Condition E57 of the project consent.

On 21/12/2023 Transport submitted advice to DPHI advising that an area of approximately 40m² had been cleared outside the project boundary (see **Photo 1** and **Photo 2** in Appendix F) at the area of Ancillary Site 13/13 (1940 Pacific Highway Tomago) by Transport's contractor John Holland Gamuda Joint Venture (JHGJV). DPHI subsequently determined that two breaches of the Project Approval had occurred, being

1. JHGJV had not carried out the development in accordance with the M1 Pacific Motorway extension to Raymond Terrace Submissions Report, dated June 2022 as development (clearing activities) has occurred outside the approved boundary of the project.

2. JHGJV failed to implement the requirements of the Construction Environment Management Plan (CEMP) and CEMP Sub Plan, specifically the Flora and Fauna Management Sub-Plan and the mitigation measure FFMM11 outlined in Table 6-1 by not clearly delineating the limits of clearing within the construction footprint prior to clearing commencement.

DPHI determined that Conditions A1 and C11 had been breached by JHGJV and issued JHGJV with a warning letter on 21/02/2024 regarding non-compliance with Conditions A1 and C11 of the project consent.

On 21/12/2023 Transport submitted advice to DPHI of a potential non-compliance with Condition E1 as a result of the excessive dust generation observed during the site inspection for this audit. This issue has been formally raised as a non-compliance in this audit. Transport advised that it had subsequently contacted DPHI in writing of an actual non-compliance as a result. DPHI advised in writing on 22/12/2023 that they had reviewed the information supplied by Transport and would not be taking further action in relation to this non-compliance.

On 29/01/2024 Transport submitted advice to DPHI of a non-compliance with Condition E66 of the project consent. Trenching works at Woodlands Close had occurred for a period of 30 minutes outside standard construction hours due to delays earlier in the day of delivery of material to site that was required to complete the task. The works did not fall within the definition of safety and emergencies as defined under Condition E66(a). A response from DPHI was received on 06/02/2024 stating that DPHI determined that this was a breach of Condition E64.

On 14/02/2024 Transport submitted advice to DPHI advising of a non-compliance with Condition C11 of the project consent. Transport advised that works had been undertaken outside the project footprint at Purgatory Creek on 05/02/2024 which was discovered in a joint Transport/JHGJV/ER inspection on 07/02/2024. The advice contained details of the circumstances of the non-compliance and actions taken to address it.

No other agency notices, orders, penalty notices were received nor prosecutions undertaken during the audit period.

3.4 ASSESSMENT OF COMPLIANCE

The audit findings are based on objective evidence sighted, reviewed and observed during the audit. The following methods were used to obtain objective evidence relevant to the audit scope:

- Review of project records, documentation and reports either provided directly by project representatives or available as published, publicly available online information.
- Interviews with project personnel.
- Correspondence with third-party stakeholders.
- Site inspection, including collection of photographic evidence.

The objective evidence was reviewed against the identified audit criteria to determine the level of compliance with the SSI conditions. **Table 3-2** below gives a summary of compliance with each of the conditions. A detailed assessment of compliance against the 238 individual SSI conditions is provided in **Appendix C**. Findings are based on an evaluation of the documentation, audit interview and observations from the audit site inspections. A photo log to support the findings and assessment of general on-site environmental performance is provided at **Appendix F**.

SSI Category	# Requirements	Compliant	Non-compliant	Not triggered
Part A - Administrative conditions	43	28	1	14
Part B: Community information and reporting	13	11	0	2
Part C: Construction environmental management	18	12	1	5
Part D: Operational Environmental Management	4	0	0	4
Part E: Key issue conditions	160	67	3	90
Total	238	118	5	115

Table 3-2: Compliance summary

3.5 RECOMMENDATIONS FOR IMPROVEMENTS

The following table outlines the non-compliances identified in this audit and the auditor's recommendations to address these non-compliances.

NSEH reference No	Condition No	Requirement	Issue sighted	Recommendation	Noncompliance #
1	A1	The Proponent must carry out the CSSI in accordance with the terms of this approval and generally in accordance with the: (a) <i>M1 Pacific Motorway extension to Raymond Terrace Environmental Impact Statement</i>, prepared by Transport for NSW and dated July 2021; and (b) <i>M1 Pacific Motorway extension to Raymond Terrace Submissions Report</i>, prepared by Transport for NSW and dated June 2022.	Work outside project boundary, unapproved OoHW excessive dust generation from scraper operations. See also non-compliances NC-01/02, NC-01/03 and NC-01/05.	Update CEMP and environmental work method statements (EWMS) and undertake targeted training of personnel engaged in these activities, including subcontractors. See also recommendations made regarding non-compliances NC-01/02, NC-01/03 and NC-01/05. Review processes around training of persons directly involved in clearing and works around the approved project and clearing boundaries as well as OoHW.	NC-01/01
67	C11	The CEMP(s) and CEMP Sub-plans as approved, including any minor amendments approved by the ER , must	Work outside the approved construction footprint at Ancillary	Update CEMP and EWMS and undertake targeted training on the	NC-01/02

NSEH reference No	Condition No	Requirement	Issue sighted	Recommendation	Noncompliance #
		be implemented for the duration of construction.	Site 12/13 in December 2023 and at Purgatory Creek on 05/02/2024 contrary to FFMM5. Excessive dust generation from scraper operations observed during audit site inspection on 14/12/2023 (see also findings under A1 and E1).	need to adhere to FFMM 5 for personnel engaged in these activities, including subcontractors.	
79	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, including odours during the construction and operation of the CSSI.	Excessive dust generation from scraper operations observed during audit site inspection on 14/12/2023, contrary to the commitments made in Air Quality Management Measures AQMM6 to AQMM8 in the Contractor's AQMP.	Update CEMP and EWMS and undertake targeted training of personnel engaged in these activities, including subcontractors.	NC-01/03
134	E57	Archival photographic digital recording must be undertaken for all listed heritage items and sites assessed to have heritage significance which will be affected by the CSSI. The recording must be undertaken prior to the commencement of Work which may	Modifications made to exterior of Glenrowan Homestead (located within southern package) prior to completion of archival photographic recording.	Undertake awareness training via a site-wide "toolbox talk".	NC-01/04

NSEH reference No	Condition No	Requirement	Issue sighted	Recommendation	Noncompliance #
		impact the items and sites. The recording must be undertaken by a suitably qualified heritage specialist and prepared in accordance with <i>NSW Heritage Office's How to Prepare Archival Records of Heritage Items</i> (1998) and <i>Photographic Recording of Heritage Items Using Film or Digital Capture</i> (2006). The recordings must include buildings, structures and landscape features and detailed maps showing their location. A copy must be provided to Heritage NSW and the relevant council(s) and submitted as part of the Heritage Report required by Condition E59 .			
143	E64	Work must only be undertaken during the following hours: (a) 7:00 am to 6:00 pm Mondays to Fridays, inclusive; (b) 8:00 am to 5:00 pm Saturdays; and at no time on Sundays or public holidays.	Letter from Transport to DPHI dated 01/02/2024 re unscheduled OoHW undertaken at Woodlands Close, Tarro on 29/01/2024. Letter from DPHI to Transport dated 06/02/2024 responding to Transport's letter stating that this was a breach of Condition E64.	Undertake awareness training via a site-wide "toolbox talk" regarding requirement to complete works within standard construction hours unless OoHW permit sought and obtained prior.	NC-01/05

Table 3-3: Summary of non-compliances and auditor recommendations

3.6 ENVIRONMENTAL PERFORMANCE

The environmental performance of the Project was assessed during the site visit against the environmental aspects listed in **Table 3-4**.

Environmental aspect	Observations
Air	Excessive dust generation resulting from scraper operations at AS3 on 14/12/2023 (see Photo 3). This has been raised as non-compliance NC-01/03.
Noise and vibration	No issues observed during site inspections.
Erosion and sediment control	Robust erosion and sediment controls were observed as being in place at both packages during the audit site inspections including good use of mulch as an erosion and sediment control (see Photo 6).
Water quality	Well-constructed and implemented controls at the temporary waterway crossing at Windeyers Creek to prevent pollution of the waterway (see Photo 12 and Photo 13). Drill waste water not captured during drilling operations at Gate 4 (see Photo 16) This is raised as an observation but not an audit finding as it was not considered a breach of the Conditions of Approval as it was not a pollution incident as it did not leave the site boundary or cause material harm. This issue was also raised by the ER in their inspection report and was subsequently closed out by the Contractor.
Waste	Waste segregation at compound sites (see Photo 7)
Spill prevention	Bunded containers in compound sites (see Photo 8) and spill kits present in high risk areas such as creek crossings (see Photo 14), although one instance sighted during HBB site inspection of chemicals not stored in a bund (see Photo 17).
Aboriginal and non-Aboriginal heritage	It was noted during the site inspection that archaeological salvage excavations for Aboriginal objects had been completed at the northern end of the Heatherbrae Bypass section of the project (see Photo 11) and that robust controls were in place to prevent work occurring outside of the project boundary at this location.
Flora and fauna	Clearing and site boundary flagging in place to act as visual aid to workers regarding boundaries for clearing and site access (see Photo 6).

Table 3-4: Project performance against environmental aspects

3.7 KEY STRENGTHS OF THE PROJECT'S ENVIRONMENTAL MANAGEMENT AND PERFORMANCE

Overall, the Project's environmental performance complies with the conditions of Development Consent SSI-7319. Where non-conformances with conditions were found, it was generally found that these were conditions containing multiple requirements or applied broadly across the entire project and that most requirements within each condition had been met.

Key strengths observed were:

- Reduced clearing footprint for native vegetation from what was assessed and approved in the EIS for the Project
- Excellent use of mulch bunds to create robust erosion and sediment controls and more sustainable than using sediment fencing in these locations.
- Clear delineation of site boundary and environmental no-go areas with bunting, para-webbing and environmental protection zone signage at northern end of Heatherbrae Bypass
- Robust environmental controls present at the temporary crossing of Windeyers Creek to prevent mobilisation of sediment and other contaminants, such as spills of fuels and chemicals, into the waterway.

4 CONCLUSION

This independent audit report satisfies the requirements of SSI-7319 Condition A33. The audit is the first independent audit of this development and has been conducted in accordance with the DPI&E *Independent Audit Post Approval Requirements* May 2020 and AS/NZS ISO 19011:2019 Guidelines for Auditing Management Systems. The audit report documents the outcomes of the audit of compliance undertaken by NSEH. The audit process comprised project documentation review, site audit including site inspection, and post-audit documentation review and follow-up. It was found that the project was generally compliant with the CoC and that construction activities are being managed in accordance with the requirements of the SSI instrument. Four (4) non-compliances were identified for the reporting period. The audit concludes that the M1 Pacific Motorway to Raymond Terrace Project is generally being constructed in accordance with the requirements of the SSI instrument.

APPENDIX A: AUDITOR APPROVAL

Mr Jason Voigt
A/Project Director M1 Extension to Raymond Terrace
Transport for NSW
Locked Bag 2030
Newcastle NSW 2300

14/07/2023

Dear Mr Voigt

**M1 Pacific Motorway to Raymond Terrace - Auditor Endorsement and Extension Request
(SSI-7319)**

I refer to your request (SSI-7319-PA-38) for the Secretary's approval of suitably qualified persons to prepare the Independent Audit for the M1 Pacific Motorway to Raymond Terrace upgrade project in accordance with Schedule 2 Condition A33 of SSI-7319 (the consent), as well as a request to extend the due date of the first audit, in accordance with Schedule 2 Condition A7 of the consent, submitted by Transport for NSW (TfNSW) on 12 July 2023.

The Department of Planning and Environment (the department) has reviewed the nominations and information you have provided and is satisfied that these experts are suitably qualified and experienced. Consequently, in accordance with Schedule 2 Condition A33 of the consent, and the Independent Audit Post Approval Requirements, the Secretary endorses the following audit team:

- Claire Everett – Lead Auditor

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

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

The department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

The department acknowledges TfNSW's request to extend the due date of the first audit to allow for construction of both the southern and northern stages to be captured in the audit. As such, in accordance with Schedule 2 Condition A7, the Planning Secretary approves the request to extend the timing of the initial audit from 12 weeks to **20 weeks** after the commencement of construction of the first stage.

Please ensure that notification of commencement of construction of the first stage is submitted to the department in accordance with Schedule 2 Condition A31.

Department of Planning and Environment



Should you wish to discuss the matter further, please contact James Epstein, A/ Team Leader, on (02) 6575 3419 or compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to be "James Epstein".

James Epstein
A/ Team Leader

As nominee of the Planning Secretary

APPENDIX B: INDEPENDENT AUDIT DECLARATION FORM

Independent Audit Declaration Form

Project Name: M1 Pacific Motorway to Raymond Terrace
Consent number: SSI 7319
Description of Project: Construction of 15 km of new four lane divided road between the M1 Pacific Motorway at Black Hill and the existing Pacific Highway at Raymond Terrace.
Project address: Pacific Highway, Raymond Terrace
Proponent: Transport for NSW
Title of audit: Independent Audit Report of M1 to Raymond Terrace
Date: 21 November to 14 December 2023
I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge: i. the audit has been undertaken in accordance with relevant condition(s) of consent and the <i>Independent Audit Compliance Requirements (Department 2019)</i>; ii. the findings of the audit are reported truthfully, accurately and completely; iii. I have exercised due diligence and professional judgement in conducting the audit; iv. I have acted professionally, objectively and in an unbiased manner; v. I am not related to any proponent, owner or operator of the project, neither as an employer, business partner, employee or by sharing a common employer, having a contractual arrangement outside the audit, or by any relationship as a spouse, partner, sibling, parent, or child; vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent or child; vii. neither I or my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so. Notes: a) Under Section 10.6 of the <i>Environmental Planning and Assessment Act 1979</i> a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false and misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and b) The <i>Crimes Act 1900</i> contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both).

Name of auditor: Claire Everett

Signature:



Qualifications:

- Exemplar Global Certified Lead Auditor, Environmental Management Systems (ID No. 131250)
- Master of Environmental Planning, Macquarie University, 2011
- Bachelor of Arts in Pre-Historic and Historical Archaeology (Honours), University of Sydney, 1994

Company: New State Environment and Heritage Pty Ltd

Company address:

43 Ponds Road
Armidale, NSW 2350

APPENDIX C: AUDIT CHECKLIST AND AUDIT FINDINGS

Table A – Part A: Administrative Conditions

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
GENERAL						
1	A1	The Proponent must carry out the CSSI in accordance with the terms of this approval and generally in accordance with the: (a) <i>M1 Pacific Motorway extension</i> to Raymond Terrace Environmental Impact Statement, prepared by Transport for NSW and dated July 2021; and (b) <i>M1 Pacific Motorway extension</i> to Raymond Terrace Submissions Report, prepared by Transport for NSW and dated June 2022.	CEMP, draft design, consistency assessments, ER reports, site inspections and audit observations Letter from Transport to DPHI dated 21/12/2023 re clearing outside Project Boundary Warning letter from DPHI dated 21/02/2024 re clearing outside Project Boundary Letter from Transport to DPHI dated 01/02/2024 re unscheduled OoHW undertaken at Woodlands Close, Tarro on 29/01/2024.	The proponent is generally carrying out the CSSI in accordance with this condition. There have been four non-compliances reported to DPHI by Transport in relation to this condition. In December 2023 clearing occurred outside the approved project boundary at Ancillary Site 12/13. This was also a non-compliance under Condition C11. In February 2024 works occurred outside the approved project boundary at	Non-compliant	NC-01/01

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
			Letter from DPHI to Transport dated 06/02/2024 responding to Transport's letter of 01/02/2024. See also non-compliances NC-01/02, NC-01/03 and NC 01/05 under C11, E1 and E66.	Purgatory Creek. This was also a non-compliance under Condition C11. In December 2023 during the site inspection for this audit excessive dust generation was observed as a result of scraper operations at Ancillary Site 3. This was also a non-compliance with E1.		
2	A2	The CSSI must be carried out in accordance with all procedures, commitments, preventative actions, performance outcomes and mitigation measures set out in the documents listed in Condition A1 unless otherwise specified in, or required under, this approval.	CEMP, audit interviews and site inspections ER inspection reports Contractor inspection reports	The proponent is generally carrying out the CSSI in accordance with the requirements of the documents listed in Condition A1 . These requirements have been incorporated into the CEMP and sub-plans	Compliant	
3	A3	In the event of an inconsistency between:	N/A	Noted	Not triggered	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		(a) the terms of this approval and any document listed in Condition A1 inclusive, the terms of this approval will prevail to the extent of the inconsistency; and (b) <i>any document listed in Condition A1 inclusive</i>, the most recent document will prevail to the extent of the inconsistency. Note: <i>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.</i>				
4	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 CSSI; (b) any document or correspondence in relation to the CSSI;	Audit interview Letter from DPHI to Transport re Heatherbrae Bypass (HBB) CEMP dated 09/10/2023	Letter approved CEMP for HBB. Approval was subject to three directions for updating/amending content of some elements of the CEMP.	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		(c) any notification given to the Planning Secretary under the terms of this approval; (d) any audit of the construction or operation of the CSSI; (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.				
5	A5	This approval lapses five years after the date on which it is granted, unless Work has physically commenced on or before that date.	Instrument of Approval dated 08/01/22. Letter from TfNSW to DPHI dated 03/08/23	Actual work start date (commencement of construction for	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
			stating that nominated date for commencement of the Northern Package is 18/09/23.	northern package) was 10/10/23. Works commenced within the five year timeframe specified under this condition.		
6	A6	References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Australian Standards or policies in the form they are in as at the date of this approval, unless otherwise approved by the Planning Secretary.	Covered in compliance tables CEMPs and sub-plans for both packages	Noted	Compliant	
TIMING						
7	A7	Any document that must be submitted or action taken within a timeframe specified in or under the terms of this approval may be submitted or undertaken within a later timeframe agreed in writing with the Planning Secretary. This condition does not apply to the written notification required in respect of an incident or a non-compliance.	DPHI letter of Auditor Approval and extension approval	Transport sought and received permission from DPHI to extend timing of initial audit from 12 to 20 weeks	Compliant	
EVIDENCE OF CONSULTATION						
8	A8	Where the terms of this approval require consultation to be undertaken, evidence of the	Audit interview	Consultation reports/Consultation summaries for each	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		consultation undertaken must be submitted to the Planning Secretary and ER (as relevant) with the corresponding documentation in accordance with the consultation procedures set out in the Communication Strategy required by Condition B1. The evidence must include: (a) documentation of the engagement with the identified party 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; (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;	Examples sighted - Soil and Surface Water Management Sub-plan Consultation Summary for Black Hill to Tomago (BH2T) dated 27/09/23 for BH2T from JHGJV to Transport environment staff and ER. M1 Motorway Extension to Raymond Terrace – Heatherbrae Bypass Construction Air Quality Management Plan Consultation Report – Seymour Whyte Construction Cultural Heritage Management Plan Consultation Report for HBB, July 2023, TfNSW	package cover requirements (a) through (d).		

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		(d) outline of the issues raised by the identified party and how they have been addressed; and (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed. <i>Note: The Communication Strategy required by Condition B1 should be used in conjunction with Condition A8 to determine the level consultation and evidence required that is proportionate to the activity that will be undertaken.</i>	ER endorsement letter for CHMP 03/08/2023			
STAGING						
Staging the delivery of the CSSI						
9	A9	The CSSI may be constructed and operated in stages (including but not limited to temporal, location or activity-based staging). Where staged construction and/or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared.	TfNSW Staging report July 2023 ER endorsement letter dated 04/05/23 Evidence of submission of staging	The CCSI is being constructed in two stages. A staging report has been prepared	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		The Staging Report must be endorsed by the ER and then submitted to the Planning Secretary for information 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). <i>Note: Unless otherwise specified in this approval, early works are a stage of construction unless considered to be Low Impact Work.</i>	report to DPHI sighted. Letter from DPHI to TfNSW acknowledging receipt of Staging Report 11/05/23			
10	A10	The Staging Report must: (a) if staged construction is proposed, set out how the construction of the whole of the CSSI will be staged, including details of work and activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish;	TfNSW Staging report July 2023	These requirements are covered in: (a) Section 2.2 (b) Section 2.3 (c) Section 3 (d) Section 4.2	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		(b) if staged operation is proposed, set out how the operation of the whole of the CSSI 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 CSSI; and (d) set out mechanisms for managing any cumulative impacts arising from the proposed staging. Note: <i>A Staging Report may reflect the staged construction and operation of the project through geographical activities, temporal activities or activity-based contracting and staging.</i>				

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
11	A11	Where staging is proposed the CSSI must be staged in accordance with the Staging Report .	TfNSW Staging report July 2023 Audit interviews Project documents reviewed during the audit Audit site inspections	Review of project documents, interviews with project personnel and the site inspections of both packages undertaken for the audit show construction of the CSSI is being geographically staged as per the Staging Report.	Compliant	
12	A12	Where staging is proposed, the terms of this approval that apply or are relevant to the Work or activities to be carried out in a specific stage must be complied with at the relevant time for that stage.	TfNSW Staging report July 2023 Audit interviews	The CSSI is being staged geographically rather than temporally which is covered in the Staging Report.	Compliant	
13	A13	Where changes are proposed to the staging of construction or operation, a revised Staging Report must be prepared, endorsed by the ER and submitted to the Planning Secretary for information no later than one month before the proposed change in the staging.	Letter from DPHI to TfNSW acknowledging receipt of updated Staging report (V5 2023). ER endorsement letter for V5 06/07/2023	Letter states that V5 contains only minor amendments and editorial fixes and states that no dredging proposed.	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
Staging, Combining and Updating Strategies, Plans or Programs						
14	A14	Strategies, plans or programs required by this approval can be submitted on a progressive basis, with the agreement of the Planning Secretary. With the agreement of the Planning Secretary, the Proponent may prepare the updated strategy, plan or program without undertaking all the consultation required under the applicable condition in this approval. Notes: 1. <i>While any strategy, plan or program may be submitted on a progressive basis, the Proponent must ensure that the existing operations on site are covered by suitable strategies, plans or programs at all times; and</i> 2. <i>If the submission of any strategy, plan or program is to be undertaken in a progressive manner, then the relevant strategy, plan or program must clearly describe the specific stage</i>	N/A	No progressive submission to date of anything other than staging report and CEMPs and CEMP sub-plans	Not triggered	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		<i>to which strategy, plan or program applies, the relationship of this stage to future stages, and the trigger for updating the strategy, plan or program.</i>				
ANCILLARY FACILITIES						
Additional ancillary facilities						
15	A15	Ancillary facilities (excluding minor ancillary facilities established under Condition A20) that are not identified by description and location 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 sensitive land use(s) (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	N/A	No additional ancillary facilities established to date that were not listed in the documents listed in Condition A1.	Not triggered	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		in the proposed location; and (c) they have no impacts on heritage items (including areas of archaeological sensitivity), threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and (d) the establishment and use of the facility can be carried out and managed within the outcomes set out in the terms of this approval, including in relation to environmental, social and economic impacts.				
Locations of Batch Plants						
16	A16	Asphalt and/or concrete batch plants must not be located within Ancillary Site 4 (AS4) as shown in Figure 5-25 of Appendix A of the Submissions Report as listed in Condition A1(b) .	Audit interview	No batch plants proposed to be established on site as part of the works.	Not triggered	
SITE ESTABLISHMENT WORK						
Ancillary Facility Site Establishment Management Plan						
17	A17	Before establishment of any ancillary facility that is required	AFSEMP for Heatherbrae Bypass	Both plans sighted prepared in	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		before the approval of a CEMP (excluding minor ancillary facilities established under Condition A20), the Proponent must prepare a Ancillary Facility Site Establishment Management Plan which outlines the environmental management practices and procedures to be implemented for the establishment of the ancillary facility(ies). The Ancillary Facility Site Establishment Management Plan must be prepared in consultation with the relevant council and government agencies. The Plan must be endorsed by the ER and then submitted to the Planning Secretary for approval one month before the establishment of any ancillary facility(ies). The Ancillary Facility Site Establishment Management Plan must detail the management of the ancillary facilities and include: (a) a description of activities to be undertaken during establishment of the ancillary facility (including scheduling and duration of	prepared by Seymour Whyte, May 2023 Rev F Letter from DPHI to TfNSW dated 24/05/23 approving AFSEMP for Heatherbrae Bypass. ER endorsement letter dated 16/08/23 approving minor amendments to Rev H of AFSEMP for Heatherbrae Bypass August 2023 AFSEMP – AS5 BH2T Rev E 08/08/23 ER endorsement letter dated 08/08/23 for AFSEMP AS5 Rev E	accordance with and contain the information required under this CoA.		

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		work to be undertaken at the site); (b) figures illustrating the proposed operational site layout and the location of the closest sensitive land use(s); (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 before the commencement of site establishment work; (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				

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		subsection (c) of this condition; and (e) a program for monitoring the performance outcomes, including a program for noise monitoring during site establishment works. Nothing in this condition prevents the Proponent from preparing individual Ancillary Facility Site Establishment Management Plans for each ancillary facility. Note: <i>This plan is only needed before a CEMP is approved. Once a CEMP is approved, an Ancillary Facility Site Establishment Management Plan(s) is not required and any ancillary facilities not approved under an Ancillary Facility Site Establishment Management Plan must be included in the CEMP.</i>				
Use of and Decommissioning of an Ancillary Facility						
18	A18	An ancillary facility established under Condition A17 must not be used for construction until either the CEMP required by Condition	N/A	None used for construction prior to approval of CEMP	Not triggered	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		C1 , relevant CEMP Sub-plans required by Condition C5 and relevant Construction Monitoring Programs required by Condition C12 have been approved by the Planning Secretary.				
19	A19	Once an ancillary facility is no longer required for the CSSI, the land must be returned to its pre-existing or better condition within six months of the site being decommissioned or within two years of operation (whichever is the earliest) or unless otherwise agreed with the Planning Secretary.	N/A	No ancillary facilities decommissioned to date.	Not triggered	
Minor Ancillary Facilities						
20	A20	Minor Ancillary Facilities can be established and used where they have been assessed in the documents listed in Condition A1 or satisfy the following criteria: (a) are located within or immediately adjacent to the construction boundary; and (b) have been assessed by the ER to have - (i) minimal amenity impacts to surrounding residences and	Audit interview Minor Ancillary Facility Assessment 1940 Pacific Hwy Tomago from JHGJV to ER 16/10/2023 Minor Ancillary Facility Assessment – Minor ancillary facility establishment – Use of portable	Assessments outline how compliance with the criteria is achieved.	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		businesses, after consideration of matters such as compliance with the <i>Interim Construction Noise Guideline</i> (DECC, 2009) (ICNG), 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.	toilets within TSCA HBB 27/11/2023			
Boundary screening						
21	A21	Boundary screening must be erected between ancillary facilities and adjacent to sensitive land use(s) for the duration of the time that the ancillary facility is in use unless otherwise agreed with owner(s) and occupier(s) of the adjacent sensitive land use(s).	Audit interview Audit site inspection Photo 10 in Appendix F	One residential property next to AS5 - boundary screening installed as required	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		Boundary screening should minimise visual impacts on adjacent sensitive land use(s).				
INDEPENDENT APPOINTMENTS						
22	A22	All Independent Appointments required by the terms of this approval must have regard to <i>Seeking approval from the Department for the appointment of independent experts</i> (DPIE, 2020) and hold current membership of a relevant professional body, unless otherwise agreed by the Planning Secretary.	Letter from DPHI to Transport dated 11/01/2023 approving appointment of ER and alternate ERs Independent flood impact advisory panel DPHI approval letter for appointment of independent flood impact advisory panel hydrologist 07/06/2023 getContent (nsw.gov.au)	DPHI approval letters reference CVs and experience of independent appointments and state that appropriately skilled, qualified and experienced.	Compliant	
23	A23	The Planning Secretary may at any time commission an audit of how an Independent Appointment has exercised their functions. The Proponent must: (a) facilitate and assist the Planning Secretary in any such audit; and	Audit interview Extract from Transport Standard PSCL1 used to engage subcontractors	Planning Secretary has not commissioned any audits of how an Independent Appointment has exercised their functions.	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		(b) make it a term of their engagement of an Independent Appointment that the Independent Appointment facilitate and assist the Planning Secretary in any such audit.		Standard condition of contract clauses 5.5 and 11.1 requiring cooperation and participation with Principal's requests (and thus Planning Secretary)		
24	A24	The Planning Secretary may withdraw its approval of an Independent Appointment should they consider the Independent Appointment has not exercised their functions in accordance with this approval. Note: Conditions A23 and A24 apply to all Independent Appointments including the ER.	N/A	No independent appointment approvals have been withdrawn to date.	Not triggered	
ENVIRONMENTAL REPRESENTATIVE						
25	A25	Work must not commence until an Environmental Representative (ER) has been nominated by the Proponent and approved by the Planning Secretary.	Letter from TfNSW to DPHI dated 16/12/22 nominating Lead ER and alternative ERs. Letter from DPHI to TfNSW dated 11/01/23 approving nominated Lead ER and alternative ERs.	Archaeological salvage excavations were first works undertaken on site. Work commenced on 11 April 2023. Lead ER and alternate ERS nominated and	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
				approved before this date.		
26	A26	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of Work.	Letter from TfNSW to DPHI dated 16/12/22 nominating Lead ER and alternative ERs. Letter from DPHI to TfNSW dated 11/01/23 approving nominated Lead ER and alternative ERs.	Work commenced on site 11/04/23. Lead ER and alternate ERs nominated and approved more than one month prior to commencement of work.	Compliant	
27	A27	The proposed ER must meet the requirements of the <i>Environmental Representative Protocol</i> (Department of Planning and Environment, October 2018) and must be a suitably qualified and experienced person(s) who was not involved in the preparation of the documents listed in Condition A1 , and is independent from the design and construction personnel for the CSSI and those involved in the delivery of it.	Letter from DPHI to TfNSW dated 11/01/23 approving nominated Lead ER and alternative ERs.	Letter states that the nominees meet the requirements set out in the <i>Environmental Representative Protocol</i> (DPE, October 2018)	Compliant	
28	A28	More than one ER may be engaged for the CSSI, 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	Letter from DPHI to TfNSW dated 11/01/23 approving nominated Lead ER and alternative ERs.	More than one ER engaged.	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		Secretary for the purposes of the CSSI.				
29	A29	For the duration of the Work until the completion of construction, 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 CSSI; (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 impact to the environment and to the community; (d) review documents identified in Conditions A9, A17, C1, C5 and C12 and any other documents that are identified by the Planning Secretary, to ensure they are consistent with	Audit interviews ER inspection report #21for HBB 25/10/23 ER inspection report #17 BH2T 04/10/23 Endorsement letters Oct 2023 HBB - CEMP ER Endorsement letter.pdf (caapp.com.au) ER endorsement letter for BH2T CEMP Rev D 20/09/2023.	(a) Weekly meetings with DPHI re progress of works (b) monthly reports supplied to DPHI commencing February 2023 for both packages (c) undertakes fortnightly inspections of each package since commencement of works– key issues listed as actions and comments on whether works are being undertaken in accordance with the CEMP (c) achieved via ER inspections and meetings	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		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); Note: <i>The written statement must be made via the Major Projects Portal.</i> (e) regularly monitor the implementation of the		(d) ER has reviewed documents and prepared written statements (e) inspection reports and site inspections and coordination meetings		

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		documents listed in Conditions A9, A17, C1, C5 and C12 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 or attend audits of the development commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under Condition A34 of this approval; (g) as may be requested by the Planning Secretary, assist in the resolution of community complaints; (h) review the appropriateness of any activities reliant on the definition of Low Impact Work; (i) consider or assess the impacts of minor ancillary facilities as required by Condition A20;		(f) this has not been requested (g) not requested (h) low impact works assessment for utilities investigation and sewer relocation HBB prepared by contractor, reviewed and signed off by Transport and endorsed by ER 06/07/23 BH2T low impact works assessment		

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		(j) consider any minor amendments to be made to the Ancillary Facility Site Establishment Management Plan, CEMP, CEMP Sub-plans and Construction Monitoring Programs that do no increase impacts to nearby sensitive land use(s) or that comprise updating or are of an administrative nature, and are consistent with the terms of this approval and the Ancillary Facility Site Establishment Management Plan, CEMP, CEMP Sub-plans and Construction 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 (where requested by those agencies), for		for geotechnical investigation phase 2 (i) see A20 (j) minor amendment to HBB Ancil Fac mgmt. plan Rev H 16/08/23 should be on website Approved amendment to HBB CEMP Rev E on 12/10/23 Have received Rev 0 of CEMP BH2T – currently under ER review (k) monthly reports – on website. Reporting commenced in Feb 2023(k) see monthly reports on project website.		

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		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 CSSI, or as otherwise agreed by the Planning Secretary.				
30	A30	The Proponent must provide the ER with documentation requested in order for the ER to perform their functions specified in Condition A29 (including preparation of the ER monthly report), as well as: (a) the complaints register (to be provided on a weekly basis or as requested where	Audit interview (a) register provided to ER BH2T – sighted Consultation Manager transmittals– most recent was 08/10/23	ER advised they have sought and received OoHW permits for both HBB and BH2T ER also receives environmental event reports such as	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		complaints have been received); and (b) a copy of any assessment carried out by the Proponent of whether proposed Work is consistent with the approval (which must be provided to the ER before the commencement of the subject Work). Note: <i>Personal details of the complainant are not to be provided to the ER unless otherwise agreed to or requested by the complainant.</i>	in relation to noxious smells coming from the compound (b) consistency assessment for temporary construction road signage sent to ER on 20/11/23 on HBB BH2T consistency assessment for main site compound AS5 received on 16/11/23	unexpected, finds and minor spills		
NOTIFICATION OF COMMENCEMENT						
31	A31	The Planning Secretary must be notified in writing of the dates of commencement of construction and operation at least one month before those dates.	Letter from TfNSW to DPHI dated 03/08/23 stating that nominated date for commencement of the Northern Package is 18/09/23.	Notification timeframe requirement met for commencement of construction.	Compliant	
32	A32	If the construction or operation of the CSSI is to be staged, the Planning Secretary must be notified in writing at least one month before the proposed commencement of each stage, of	Letter from TfNSW to DPHI dated 22/09/23 stating that nominated date for commencement of	Notification timeframe requirement met for commencement of staged construction.	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		the date of the commencement of the relevant works, construction and operation.	the Southern Package is 23/10/23.			
AUDITING						
33	A33	Proposed independent auditors must be approved by the Planning Secretary before the commencement of an Independent Audit . This condition does not apply to the engagement of auditors required under Condition E144 .	Letter from DPHI to TfNSW dated 14/07/23 endorsing proposed auditor	This independent audit commenced 21/11/23. Approval received prior to commencement of audit.	Compliant	
34	A34	Independent Audits of the CSSI must be conducted and carried out in accordance with the <i>Independent Audit Post Approval Requirements</i> (DPIE, 2020).	This audit report	This audit report has been conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).	Compliant	
35	A35	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least four weeks' notice (or timing as stipulated by the Planning Secretary) to the Proponent of the date upon which the audit must be commenced.	N/A	This is the first independent audit. The Planning Secretary has not required the audit to be undertaken at different times to those specified in the Independent Audit Post Approval	Not triggered	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
				Requirements (2020)		
36	A36	In accordance with the specific requirements in the <i>Independent Audit Post Approval Requirements (DPIE, 2020)</i>, the Proponent must: (a) review and respond to each Independent Audit Report prepared under Condition A34 or Condition A35; (b) submit the response to the Planning Secretary; and (c) make each Independent Audit Report and response to it publicly available two months after submission to the Planning Secretary, or as otherwise agreed by the Planning Secretary.	N/A	This is the first independent audit report so not triggered to date. Compliance with this requirement to be assessed in future audits	Not triggered	
37	A37	Independent Audit Reports and the Proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the <i>Independent Audit Post Approval Requirements (DPIE, 2020)</i> .	N/A	This is the first independent environmental audit of the project. Compliance with this requirement to be assessed in future audits	Not triggered	
38	A38	Notwithstanding the requirements of the <i>Independent Audit Post</i>	N/A	This is the first independent	Not triggered	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		<i>Approval Requirements</i> (DPIE, 2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.		environmental audit thus this condition is not currently applicable.		
INCIDENT AND NON-COMPLIANCE NOTIFICATION AND REPORTING						
Incident Notification, Reporting and Response						
39	A39	The Planning Secretary must be notified via the Major Projects Website immediately or within 24 hours after the Proponent becomes aware of an incident. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one) and set out the date, time, location and nature of the incident.	N/A	No incidents (i.e. material harm) to date	Not triggered	
40	A40	Subsequent written notification must be given and reports submitted in accordance with the requirements set out in Appendix A of this approval.	N/A	No incidents (i.e. material harm) to date	Not triggered	
Non-Compliance Notification						
41	A41	The Planning Secretary must be notified via the Major Projects	Audit interview		Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
		Website within seven days after the Proponent becomes aware of any non-compliance. The notification must identify the CSSI (including the application number and the name of the CSSI if it has one), set out the condition/s that is non-compliant, the nature of the breach, the reason for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Notification via Major Projects Portal 18/12/2023. Notification letter from Transport to DPIH dated 21/12/2023 re non-compliance with Condition C11 for clearing outside project boundary at AS 12/13. Notification letter from Transport to DPIH dated 14/02/2024 re non-compliance with condition C11 re works outside project boundary on 05/02/2024 associated with clearing of vegetation at Purgatory Creek Notification letter from Transport to	Non-compliance identified during joint site inspection on 11/12/2023. Transport notified DPIH via Major Projects Portal on 18/12/2023 and followed it up with a letter sent on 21/12/2023 providing details of the potential non-compliance. Non-compliance identified in a joint site inspection on 07/02/2024 – reported within the 7 day timeframe. Incident identified on 22/05/2023 –		

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
			DPIH dated 29/05/2023 re superficial work undertaken at Glenrowan Homestead prior to completion of archival recording required under CoA E57	reported to DPIH within the 7 day timeframe.		
42	A42	A non-compliance which has been notified as an incident under Condition A39 does not need to also be notified as a non-compliance.	N/A	Noted	Not triggered	
IDENTIFICATION OF ANCILLARY FACILITIES						
43	A43	The CSSI name, application number, and telephone number, postal address and email address required under Condition B8 of this approval must be made available on site-boundary fencing / hoarding at each ancillary facility before the commencement of construction. This information must also be provided on the website required under Condition B12 of this approval.	Project website: About the project M1 Raymond Terrace Transport for NSW caportal.com.au Photo 9 in Appendix F of this report.	CSSI name, application number, and telephone number, postal address and email address is printed on the shade cloth attached to boundary fencing of the compound sites for both packages. Project website has CSSI name, application number telephone number,	Compliant	

NSEH reference No	Condition No	Requirement	Evidence collected	Independent Audit Findings and recommendations	Compliance status	Noncompliance #
				email and postal address.		

Table B – Part B: COMMUNITY INFORMATION AND REPORTING

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT						
Communication Strategy						
44	B1	A Communication Strategy must be prepared to provide mechanisms to facilitate communication about construction and operation of the CSSI with: (a) the community (including adjoining affected landowners and businesses, and others directly impacted by the CSSI); (b) Registered Aboriginal Parties (RAPs) and LALCs; and (c) the relevant councils and relevant government agencies.	Communication Strategy M1 Pacific Motorway extension to Raymond Terrace V2.0 January 2023	Communication Strategy prepared by Proponent. Requirements addressed as follows: (a) Section 3.3-3.4 (b) Section 3.3-3.4 (c) Sections 3, 5.6 and 6	Compliant	
45	B2	The Communication Strategy must: (a) identify people, organisations, relevant councils and government agencies to be consulted during the design and work phases of the CSSI; (b) address how the Proponent will engage with the people, organisations and relevant councils and government agencies;	Communication Strategy M1 Pacific Motorway extension to Raymond Terrace V2.0 January 2023	Requirements addressed as follows: (a) Section 3.3-3.4, Section 6, Section 7 (b) Section 3.3-3.4, Section 6, Section 7	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(c) address how the requirements of Condition A8 will be met; (d) identify details of the community demographics; (e) identify timing of any consultation; (f) set out procedures and mechanisms for the regular distribution of accessible information including to LOTE and CALD and other vulnerable and marginalised groups or communities about or relevant to the CSSI; (g) identify opportunities for education within the community about construction sites; (h) detail the measures for advising the community in advance of upcoming construction including upcoming out-of-hours work as required by Condition E77 and blasting activities (if proposed); (i) identify the mechanisms for engaging with the community to determine periods of respite, as required by Condition E77 ;		(c) Section 6.6 (d) Section 3.2 (e) Sections 3.3 & 7 (f) Section 7 (g) Section 7 (h) Sections 4.2 & 7 (i) Sections 4.2 & 7		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(j) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant community(ies) for the CSSI; and (k) set out procedures and mechanisms: (i) through which the community can discuss or provide feedback to the Proponent; (ii) through which the Proponent will respond to enquiries or feedback from the community; and (iii) to resolve any issues and mediate any disputes that may arise in relation to the environmental management and delivery of the CSSI, including disputes regarding rectification or compensation.		(j) Section 7 (k) Sections 5.0, 7 & 8 Section 5.0 outlines the roles and responsibilities for the Community Engagement Team. Section 7 outlines the overarching communication approach including methods for how the community can provide feedback. Section 8 outlines the project's approach to enquiries, complaints and issues management. It also provides the tools and mechanisms through which complaints and enquiries can be made. This section		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
				also outlines the process for responding to complaints, the mechanisms through which they will be escalated and the roles of the independent representatives which will be engaged for the project. Details about the procedures and mechanisms in place to resolve disputes regarding rectification or compensation are outlined in Section 8.13.		
46	B3	The Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any Work.	Letter from DPHI to TfNSW dated 13/02/23 approving Communications Strategy	Communications Strategy submitted to DPHI 08/12/22 and approved 13/02/23. More than one month prior to commencement of work.	Compliant	
47	B4	Work for the purposes of the CSSI must not commence until the Communication Strategy has been approved by the Planning Secretary.	Letter from DPHI to TfNSW dated 13/02/23 approving	Work for the purposes of the CSSI commenced on 09/10/23	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Communications Strategy			
48	B5	The Communication Strategy , as approved by the Planning Secretary, must be implemented for the duration of work and for 12 months following the completion of construction.	Audit interviews Project updates on M12RT project website Documents and notifications M1 Raymond Terrace Transport for NSW (caportal.com.au) HBB three month look ahead November 2023-January 2024 Microsoft Word - M12RTBH_3 Month Lookahead Notification Nov to Jan 2023 FINAL (caapp.com.au) BH2T three month look-ahead November	Communication strategy is being implemented	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			2023- January 2024 Community information A4 template - Australian and NSW branded (caapp.com.au)			
Public Liaison Office						
49	B6	A Public Liaison Officer(s) must be appointed to assist the public with questions and complaints they may have at any time during Work. The Public Liaison Officer(s) must be available at all times that Work is occurring.	Audit interviews	Transport undertook this role for early works, then handed to contractors upon commencement of construction Each contractor has appointed Community Managers who fulfill this role, which is also a requirement under the Project Deed for each contract.	Compliant	
COMPLAINTS MANAGEMENT SYSTEM						
50	B7	A Complaints Management System must be prepared and implemented before the commencement of any Work and maintained for the duration of Work and for a minimum	Communication Strategy M1 Pacific Motorway extension to Raymond Terrace	Sighted example of complaint from resident re dust 22/01/2024 and actions taken to address and resolve.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		for 12 months following completion of construction of the CSSI. Note: <i>In the situation where there are different entities constructing and operating the CSSI, continuity of access to the Complaints Management System must be maintained.</i>	V2.0 January 2023 Transport uses Consultation Manager which is an online database for the registering and management of community consultation. Contractors enter information into this.	Sighted evidence of initial contact with a resident adjacent to BH2T project dated 13/07/22		
51	B8	The following information must be available to facilitate community enquiries and manage complaints one month before the commencement of Work and for 12 months following the completion of construction: (a) a 24- hour telephone number for the registration of complaints and enquiries about the CSSI; (b) a postal address to which written complaints and enquires may be sent; (c) an email address to which electronic complaints and	Comms strategy	(a) available on Proponent's project website and via letterbox drops and signage at site compound. (b) available on Proponent's project website	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		enquiries may be transmitted; and (d) a mediation system for complaints unable to be resolved. This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level and must be provided on the website required under Condition B12.		(c) available on Proponent's project website (d) Included in Comms strategy – see website Website is WCAG compatible and available in various languages. Project website meets NSW Government standards for website accessibility		
52	B9	A Complaints Register must be maintained and record information on all complaints received about the CSSI during the carrying out of any Work and for a minimum of 12 months following the completion of construction. The Complaints Register must record the: (a) number of complaints received; (b) the date and time of the complaint; (c) the method by which the complaint was made;	Audit interview, Transport's communications database, complaints register for each project. Sighted BH2T complaints register during the on-site component of the audit. Four complaints received since	Transport uses Consultation Manager software to manage communications with the community in relation to the whole SSI. The contractor for each package also has their own complaints register, the information for which is fed back into the whole of SSI	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(d) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; (e) nature of the complaint; (f) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and (g) if no action was taken, the reason(s) why no action was taken. Note: <i>Personal details of the complainant are not to be provided to the ER unless otherwise agreed to or requested by the complainant.</i>	commencement of construction most recent received 12/12/23. Complaint is currently under investigation by the Contractor in accordance with the strategy.	Complaints register and individual examples sighted record the required information (a) to (e)		
53	B10	Complainants must be advised of the following information before, or as soon as practicable after, providing personal information: (a) the Complaints Register may be forwarded to government agencies, including the Department (Department of Planning and Environment, 4 Parramatta Square, 12 Darcy	Audit interview with BH2T Communications Manager.	Collection statement included on contact form on project website	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Street, Parramatta NSW 2150), to allow them to undertake their regulatory duties; (b) by providing personal information, the complainant authorises the Proponent to provide that information to government agencies; (c) the supply of personal information by the complainant is voluntary; and (d) the complainant has the right to contact government agencies to access personal information held about them and to correct or amend that information (Collection Statement). The Collection Statement must be included on the website required under Condition B12 to make prospective complainants aware of their rights under the <i>Privacy and Personal Information Protection Act 1998</i> (NSW). Note: <i>Should a complainant disagree with the Collection Statement, a note to that</i>				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>effect must be recorded in the Complaints Register.</i>				
54	B11	The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request.	N/A	No requests to date for provision of Complaints Register to Planning Secretary	Not triggered	
PROVISION OF ELECTRONIC INFORMATION						
55	B12	A website or webpage providing easily accessible information in relation to the CSSI must be established before commencement of Work and be maintained for the duration of Work, and for a minimum of 24 months following the completion of construction unless an alternative timeframe is agreed by the Planning Secretary. The following up-to-date information (excluding confidential, personal, commercial information or any other information that the Planning Secretary has approved to be excluded) must be published before the relevant Work commences and maintained on the website or dedicated pages including: (a) information on the current implementation status of the CSSI;	Website has been established: M1 Pacific Motorway extension to Raymond Terrace M1 Raymond Terrace Transport for NSW (caportal.com.au)	Information relating to the CSSI has been available on the broader TfNSW website since the planning phase of the Project. The website is set up to enable users to choose the accessibility profile that suits their needs. (a) website has Documents and notifications page that also includes community updates and fact sheets. (b) EIS and submissions report available on website,	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(b) a copy of the documents listed in Condition A1, and any documentation relating to any modifications made to the CSSI 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 CSSI; (e) a copy of the final version of each document required under the terms of this approval; and (f) a copy of the audit reports required under this approval. Where the information / document relates to a particular Work or is required to be implemented, it must be published before the commencement of the relevant		no modifications to approval to date. (c) Copy of instrument of approval provided (d) Copies of EPLs on Project website (e) final versions of documents uploaded, such as approved CEMPs and sub-plans (f) this is the first audit of the project		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Work to which it relates or before its implementation. All information required in this condition must be provided on the website, ordered in a logical sequence and easy to navigate. Notes: <i>The intention of this condition is to increase transparency and for information/documents required as part of the approval to be provided proactively and publicly in an easily accessible manner. Where information is excepted by this condition, it is intended that these documents are provided in their redacted form.</i> <i>The Planning Secretary may instruct the Proponent to finalise and upload any report or documents to the Project's website in accordance with Condition A4.</i>				
56	B13	Where the agreement of the Planning Secretary is sought to cease	N/A	Proponent is not seeking to cease	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		providing information via a website or webpage in accordance with Condition B12, the Proponent must demonstrate: (a) operational compliance through independent audits completed in accordance with Condition A38; and (b) (b) how the public can request access to information that will no longer be available through a website or webpage.		providing information via a website		

Table C – Part C: CONSTRUCTION ENVIRONMENTAL MANAGEMENT

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN						
Construction Environmental Management Plan						
57	C1	A Construction Environmental Management Plan (CEMP) must be prepared having regard to the <i>Environmental Management Plan Guideline for Infrastructure Projects</i> (Department of Planning, Industry and Environment, 2020).	CEMP Heatherbrae Bypass, Rev E October 2023 CEMP Black Hill to Tomago, Rev 0, November 2023	Both CEMPs have been prepared having regard to the <i>Environmental Management Plan Guideline for Infrastructure Projects</i> .	Compliant	
58	C2	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 CSSI; (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	CEMP Heatherbrae Bypass, Rev E October 2023 - CEMP Black Hill to Tomago, Rev 0, November 2023	Covered in Table 1-1 and relevant sections throughout the HBB CEMP and sub-plans Covered in Table 1-1 and relevant sections throughout the BH2T CEMP and sub-plans	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		undertaken before the commencement of construction of the CSSI; (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				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		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 C5. Where staged construction of the CSSI is proposed, the CEMP must also identify which CEMP Sub-plan applies to each of the proposed stages of construction; (i) an organisational chart including description of the roles and environmental responsibilities for relevant employees and any independent appointments; (j) include a Worker Code of Conduct for CSSI employees, contractors and subcontractors. (k) The Code of Conduct will include behaviour towards local people and address the gendered impacts of the project personnel; (l) for training and induction for employees, including				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; and (m) for periodic review and update of the CEMP and all associated plans and programs. Note: <i>CEMP(s) may reflect the staged construction of the project through geographical activities, temporal activities or activity-based contracting and staging.</i>				
59	C3	CEMP(s) (and relevant CEMP Sub-plans) must be submitted to the Planning Secretary for approval.	Audit interview Submission letters from Transport to DPHI	CEMP and sub plans for Northern Package submitted progressively between 20/06/23 and 18/08/23 and approval of CEMP granted on 09/10/23. CEMP and sub plans for Southern Package submitted progressively between	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
				14/08/23 and 03/10/23 and approval of CEMP granted on 13/11/23.		
60	C4	Where a CEMP (and relevant CEMP Sub-plans) requires Planning Secretary's approval, the CEMP (and relevant CEMP Sub-plans) must be endorsed by the ER . The endorsed CEMP (and relevant sub-plans) must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.	Audit interview ER endorsement letters for both packages	ER endorsement letter for CAQMSP Northern Package dated 19/06/23 ER endorsement letter for TTAMSP Southern Package dated 02/11/23 Rev F	Compliant	
61	C5	The following CEMP Sub-plans must be prepared in consultation with the relevant government agencies and councils identified for each CEMP Sub-plan . Details of all information requested by an agency during consultation must be provided to the Planning Secretary as part of any submission of the relevant CEMP Sub-plan , including copies of all correspondence from those	Audit interviews, CEMPs and sub-plans for both packages Consultation reports and summaries for both packages – see below for more detail	See below	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		agencies as required by Condition A8.						
			Required CEMP Sub-plan	Relevant government agencies and councils to be consulted for each CEMP Sub-plan				
		(a)	Traffic, transport and access	Relevant Council(s)	CEMP Appendix B1 Traffic, Transport and Access Management Sub-plan, Heatherbrae Bypass, Rev G September 2023 Table 1-1 M1 Motorway Extension to Raymond Terrace – Heatherbrae Bypass Construction Traffic, Transport and Access Management	Consulted with Port Stephens Council Consulted with Port Stephens Council & City of Newcastle Council	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					Plan Consultation Report CEMP Appendix B BH2T Traffic, Transport and Access Management Sub-plan, Rev 0 November 2023 Table 1-2 BH2T Traffic, Transport and Access Management Sub-plan Consultation Summary, August 2023			
		(b)	Noise and vibration	Relevant councils(s)	CEMP Appendix B2 Construction Noise and Vibration Management Sub-plan, Heatherbrae Bypass, Rev F August 2023 Table 1-1	Consulted with Port Stephens Council & EPA	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					M1 Motorway Extension to Raymond Terrace – Heatherbrae Bypass Construction Noise and Vibration Management Sub-plan, Consultation Report CEMP Appendix C Noise and Vibration Management Sub-plan, BH2T, Rev 0 November 2023 Table 1-1 Noise and Vibration Management Sub-plan and Noise and Vibration Construction Monitoring	Consulted with Port Stephens Council, City of Newcastle Council, Maitland City Council & EPA		

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					Program, BH2T Consultation summary, September 2023			
		(c)	Flora and Fauna	DCCEEW, DPI Fisheries, DPE Water, BCD, and relevant council(s)	CEMP Appendix B3 Construction Flora and Fauna Management Sub-plan, Heatherbrae Bypass, Rev I September 2023 Table 1-2 M1 Motorway Extension to Raymond Terrace – Heatherbrae Bypass Flora and Fauna Management Sub-plan, Consultation Report CEMP Appendix D Flora and Fauna Management Sub-plan, BH2T, Rev 0 November 2023	Consulted with Port Stephens Council, DCCEEW, DPI Fisheries, DPHI Water & BCD Consulted with Port Stephens Council, City of Newcastle Council, DCCEEW, DPI Fisheries, DPHI Water & BCD	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					Table 1-2 BH2T Flora and Fauna Management Sub-plan Consultation Summary			
		(d)	Flooding	BCD (flooding unit), relevant councils(s)	CEMP Appendix B4 Construction Flood Management Sub-plan, Heatherbrae Bypass, Rev F August 2023 Construction Flood Management Plan Consultation Report, Heatherbrae Bypass, August 2023 CEMP Appendix E BH2T Flooding Management Sub-plan, Rev 0 November 2023	Consulted with Port Stephens Council Consulted with Port Stephens Council & City of Newcastle Council	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					BH2T Flood Management Sub-plan Consultation Summary, September 2023			
		(e)	Air quality (including odour)	Relevant council(s)	CEMP Appendix B5 Air Quality Management Sub-plan, Heatherbrae Bypass, Rev D June 2023 Table 1-1 Construction Air Quality Management Plan Consultation Report, Heatherbrae Bypass, June 2023 CEMP Appendix F BH2T Air Quality Management Sub-plan, Rev 0 November 2023 Table 1-1	Consulted with Port Stephens Council Consulted with Port Stephens Council & City of Newcastle Council	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					BH2T Air Quality Management Sub-plan Consultation Summary, August 2023			
		(f)	Soils and surface water (including contaminated lands and acid sulfate soils)	DPE Water, BCD, Hunter Water (if Hunter Water's assets are affected) and relevant council(s)	CEMP Appendix B6 Construction Soil and Water Management Sub-plan, Heatherbrae Bypass Rev G September 2023 Construction Soil and Water Management Plan Consultation Report, Heatherbrae Bypass, July 2023 CEMP Appendix G BH2T Soil and Surface Water Management Sub-plan, Rev 0 November 2023	Consulted with Port Stephens Council Consulted with Port Stephens Council & City of Newcastle Council	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					BH2T Soil and Surface Water Management Sub-plan Consultation Summary, September 2023			
		(g)	Groundwater	DPE Water, BCD , Hunter Water (where it is proposed to discharge groundwater into Hunter Water's assets) and relevant council(s)	CEMP Appendix B6 Construction Soil and Water Management Sub-plan, Heatherbrae Bypass Rev G September 2023 Construction Soil and Water Management Plan Consultation Report, Heatherbrae Bypass, July 2023 CEMP Appendix H Groundwater Management Sub-plan, BH2T, Rev 0 November 2023	Consulted with Port Stephens Council Consulted with Port Stephens Council & City of Newcastle Council	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					BH2T Groundwater Management Sub-plan Consultation Summary, September 2023			
		(h)	Aboriginal Heritage	Heritage NSW, RAPs, Local Aboriginal Land Council, relevant council(s)	CEMP Appendix B7 Construction Cultural Heritage Management Sub-plan, Heatherbrae Bypass, Rev F September 2023 Table 1-1 Cultural Heritage Management Plan Consultation Report, Heatherbrae Bypass, September 2023 CEMP Appendix I BH2T Aboriginal Heritage Management Sub-plan, Rev 0 November 2023	Consulted with Port Stephens Council, Heritage NSW and RAPs Sighted Construction Cultural Heritage Management Plan Consultation Report for HBB, July 2023, TfNSW Consulted with Port Stephens Council Consulted with Port Stephens Council & City of Newcastle Council and RAPs	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					Table 1-2 BH2T Aboriginal Heritage Management Sub-plan Consultation Summary, September 2023			
		(i)	Non-Aboriginal heritage	Relevant council(s)	CEMP Appendix B7 Construction Cultural Heritage Management Sub-plan, Heatherbrae Bypass, Rev F September 2023 Table 1-1 Cultural Heritage Management Plan Consultation Report, Heatherbrae Bypass, September 2023 CEMP Appendix J BH2T Non-Aboriginal	Consulted with Port Stephens Council and Heritage NSW Consulted with City of Newcastle Council and Port Stephens Council	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					Heritage Management Sub-plan, BH2T, Rev 0 November 2023 Table 1-1 BH2TNon - Aboriginal Heritage Management Sub-plan Consultation Summary, September 2023			
		(j)	Dredging and Disposal	DPI Fisheries, EPA	Letter from TfNSW to DP&E dated 15/08/23	No dredging proposed, no need to submit a Dredging and Disposal Mgmt Sub-Plan	Not triggered	
		Notes: 1. <i>CEMP Sub-plan(s) may reflect the staged construction of the project through geographical activities, temporal activities or activity-based contracting and staging.</i> 2. <i>Nothing in this condition prevents the Proponent</i>						

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>from combining any of the above CEMP Sub-plans.</i> 3. <i>Where reviewed by an EPA accredited Site Auditor, the Planning Secretary will consider Interim Audit Advice or a Section B Site Audit Statement provided with CEMP sub-plans for approval.</i> 4. <i>The Flora and Fauna CEMP Sub-Plan must be consistent with goals and objectives, mitigation measures and monitoring requirements of the Commonwealth approved conservation advice and any Recovery Plans for all Matters of National Environmental Significance.</i>				
62	C6	The CEMP Sub-plans must state how: (a) the environmental performance outcomes identified in the documents	CEMP sub-plans for HBB and BH2T	Addressed in Table 3-1 or 3-2 and corresponding sections of each CEMP sub-plan for HBB	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		listed in Condition A1 will be achieved; (b) the mitigation measures identified in the documents listed in Condition A1 will be implemented; (c) the relevant terms of this approval will be complied with; and (d) issues requiring management during construction (including any trigger levels and cumulative impacts), as identified through ongoing environmental risk analysis, will be managed through SMART principles.		Addressed in Table 3-2 and corresponding sections of each CEMP sub-plan for BH2T		
63	C7	The Dredging and Disposal CEMP Sub-Plan must include, but not be limited to: (a) dredging design; (b) dredge soil information, including contaminated sediments and acid sulfate soils; (c) anticipated dredging quantities according to material type;	Letter from TfNSW to DPHI dated 15/08/23	No dredging proposed so sub-plan not required.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(d) proposed dredging equipment; (e) work methods for dredging and disposal; (f) sequence of the works; (g) dredge positioning, control and calibration; (h) storage and disposal areas for dredged material; (i) environmental control and mitigation measures to be implemented to reduce potential noise, water quality, odour and aquatic ecological impacts; (j) specific and measurable reporting triggers levels that once exceeded require investigative works and the implementation of reactive measures to be undertaken; (k) specific contingency mitigation measures that can be deployed rapidly and effectively in the event offensive odour is detected at sensitive receptors; (l) a trigger action response protocol setting out the monitoring methods,				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		management action and mitigation measures to be implemented to ensure that suspended sediment concentrations do not extend beyond the immediate vicinity of dredging activities. The approach must specify when dredging will cease based on the results of real-time and visual monitoring; (m) unexpected find protocol(s); (n) methods for rehabilitation of subtidal and intertidal areas impacted in the Hunter River and surrounding areas; and (o) evidence that an EPA accredited Site Auditor has reviewed the contamination management component of the Dredging and Disposal CEMP Sub-plan and has issued an Interim Audit Advice or a Section B Site Audit Statement certifying that the				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		contamination management component of the Sub-plan is appropriate to manage contaminated sediments, water and other material to complete dredging and disposal in an environmentally acceptable manner, including consideration of the potential for off-site impacts. The Dredging and Disposal CEMP Sub-plan must be submitted to the Planning Secretary for approval as part of the CEMP once the Interim Audit Advice or a Section B Site Audit Statement has been issued. The Interim Audit Advice /Section B Audit Statement must be submitted to the Planning Secretary for information with the sub-plan. Note: <i>If dredging is not proposed, the requirements of Conditions C5(j), C6 and C7 do not apply.</i>				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
64	C8	The Noise and Vibration CEMP Sub-plan must include, but not be limited to: (a) details of all sensitive land use(s) (including noise and or vibration sensitive working areas such as operating theatres and precision laboratories) that are potentially exposed to construction noise and vibration; (b) Noise Catchment Areas (NCAs) identified in the EIS – these must be reviewed (and refined where required) to ensure that each catchment represents a similar acoustic environment. Additional noise monitoring must be carried out to confirm rating background levels, NMLs and existing traffic noise levels for the NCAs. (c) construction noise and vibration performance criteria for the CSSI; (d) details of mitigation and management measures	CEMP Appendix B2 Construction Noise and Vibration Management Sub-plan, Heatherbrae Bypass, Rev F August 2023 BH2T CEMP Appendix C Noise and Vibration Management Sub-plan, Rev 0 November 2023	Addressed in Table 3-1 and the following sections of the HBB NVMS (a) Section 4.1 (b) Sections 4.2 and 4.3 (c) Section 5 (d) Section 8 (e) Section 5.3 (f) Sections 6.3 and 8 Addressed in Table 3-2 and the following sections of the BH2T NVMS (a) Sections 4, 6 and Appendix B (b) Sections 4.2, 4.4 and Appendices B and F (c) Section 6 (d) Section 8, 9.4 and Appendix C (e) Sections 8.2 and 8.3 (f) Sections 7.3 and 8.3.1	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		and procedures that will be implemented to manage construction noise and vibration impacts; (e) construction timetabling, in particular construction activities outside of standard hours; and (f) measures to minimise cumulative construction impacts and the likelihood for construction fatigue from both concurrent activities and other projects in the area.				
65	C9	The Soil and Water CEMP Sub-Plan must include and not be limited to: (a) monitoring requirements, management criteria and mitigation measures for managing water pollution risks associated with work in areas of potential and actual contamination, saline groundwaters, temporary construction dewatering and acid sulfate soils;	CEMP Appendix B6 Construction Soil and Water Management Sub-plan, Heatherbrae Bypass, Rev G September 2023 Interim site audit advice for CCLMSP, Cavvanba Consulting 24/0/2023	Addressed in Table 3-1 and the following sections of the HBB SWMSP (a) Section 6 (b) Sections 6.1 and 6.5 (c) Sections 6.1, 6.2 and 6.8 (d) Section 8 (e) Sections 6.1 and 6.2 (f) Appendix H plus interim site audit advice by Cavvanba Consulting.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(b) at source controls (e.g. covering of stockpiles, bunding, flow diversions); (c) options to avoid contaminated stormwater discharges (e.g. full capture and reuse where appropriate, tankering offsite, diverting contaminated stormwater to wastewater treatment plants); (d) additional or alternative treatment measures (e.g. increased sediment basin sizing); (e) predicted incidental groundwater take due to temporary construction dewatering activities, including any potential cumulative impacts; and (f) evidence that an EPA accredited Site Auditor has reviewed the contamination management component of the Soil and Water CEMP Sub-plan and has issued an interim audit advice or a Section B Site Audit	BH2T CEMP Appendix G Soil and Surface Water Management Sub-plan, Rev 0 November 2023	Addressed in Table 3-2 and the following sections of the BH2T SSWMSP (a) Section 6.1 and 7.4 SWGQCMP (b) Table 6-1 (SSWMP02-SSWMP18) and Section 6.1.2, Appendix C (c) Sections 6 and 7, Appendix F (d) Section 6.1 and Appendix C (e) GMP Section 5.2.9 (f) Appendix B Interim Site Audit Advice provided by Cavvanba Consulting		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Statement certifying that the contamination management component of the Sub-plan is appropriate to manage contaminated sediments, water and other material in an environmentally acceptable manner, including consideration of the potential for offsite impacts. The Soil and Water CEMP Sub-plan must be submitted to the Planning Secretary for approval as part of the CEMP, once the Interim Audit Advice or a Section B Site Audit Statement has been issued. The Interim Audit Advice /Section B Audit Statement must be submitted for information to the Planning Secretary with the Sub-plan. A copy of the Sub-plan and Interim Audit Advice /Section B Audit Statement must be provided to the relevant council(s) for information.	Email dated 08/09/2023 from Transport submitting HBB SWMP to Port Stephens Council	Evidence of submission to Council sighted		
66	C10	Construction must not commence until the relevant CEMP(s) and CEMP Sub-plans applying to the	Submission letters	CEMP and sub plans for HBB submitted progressively between	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		construction activities to be undertaken have been approved by the Planning Secretary.	Planning Secretary approval for HBB CEMP Microsoft Word - M1RTHB-SEYWC-6003-PM-PLN-000005 (CEMP RevD) (nsw.gov.au) Planning Secretary approval letter for CEMP for BH2T dated 13/11/2023. getContent (nsw.gov.au)	20/06/23 and 18/08/23 and approval of CEMP granted on 09/10/23. HBB package commenced construction 10/10/23 CEMP and sub plans for Southern Package submitted progressively between 14/08/23 and 03/10/23 and approval of CEMP granted on 13/11/23 Commencement of works for the Southern Package was 23/10/23.		
67	C11	The CEMP(s) and CEMP Sub-plans as approved, including any minor amendments approved by the ER , must be implemented for the duration of construction.	Audit interview Audit site inspections ER reports Contractor's inspections	Approved CEMPs and sub-plans are being implemented other than clearing outside the Project Boundary at Ancillary Site 12/13 in December 2023 which was reported by Transport to DPHI on	Non-compliant	NC-01/02

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					AQMP FFMP Letter from Transport to DPHI dated 18/12/2023 Warning letter from DPHI dated 21/02/2024. Letter from Transport to DPHI on 14/02/2024.	18/12/2023, placing of stockpiled vegetation outside of approved construction footprint at Purgatory Creek on 05/02/2024, and excessive dust generation at AS3 on 14/12/2023.		
CONSTRUCTION MONITORING PROGRAMS								
68	C12	The following Construction Monitoring Programs (CMPs) must be prepared in consultation with the relevant government agencies and council(s) identified for each to compare actual performance of construction of the CSSI against the performance predicted in the documents listed in Condition A1 or in the CEMP :			Audit interview CEMPs and subplans	See below	Compliant	
			Required Construction	Relevant government agencies and				

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Monitoring Programs	councils to be consulted for each Construction Monitoring Program				
		(a)	Noise and Vibration	EPA and relevant council(s)	Construction Noise and Vibration Management Sub-plan Appendix B – Construction Noise & Vibration Monitoring Program Heatherbrae Bypass August 2023 M1 Motorway Extension to Raymond Terrace – Stage 1 Black Hill to Tomago NWMP Appendix C – Noise and Vibration Construction	Covered in Table 1-1 – comments from stakeholders Covered in consultation summary in Table 1-1	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					Monitoring Program			
		(b)	Surface Water	DPHI Water, EPA, (Hunter Water if any Hunter Water assets are impacted)	CEMP Appendix B6 Construction Soil and Water Management Sub-plan, Heatherbrae Bypass Rev G September 2023 Appendix B Construction Surface Water and Groundwater Monitoring Program Heatherbrae Bypass September 2023 CEMP Appendix G BH2T Soil and Surface Water Management Sub-plan, Rev 0 November 2023 Appendix K BH2T Surface Water	Section 4 – Monitoring methodology and procedures Consultation records Section 1.7, Table 1-2 Appendix A Consultation records	Compliant	

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
					and Groundwater Quality Construction Monitoring Program (SWGQCMP	Section 4 – Surface Water Quality Monitoring		
		(c)	Dredging	DPI Fisheries, EPA		No dredging	N/A	
		(d)	Fauna and Flora	BCD, DCCEEW and relevant council(s)	CEMP Appendix B3 Construction Flora and Fauna Management Sub-plan, Heatherbrae Bypass, Rev I September 2023 CEMP Appendix D Flora and Fauna Management Sub-plan, BH2T, Rev 0 November 2023 M1 Pacific Motorway Extension to Raymond Terrace – Stage 1 Black Hill to Tomago	Section 7 Table 1-1 and 1-2 Section 7.4.1 Flora and Fauna Construction Monitoring Program and Consultation Responses (Appendix A)	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Appendix G - Flora and Fauna Construction Monitoring Program Revision 0, November 2023			
		Note: <i>The Flora and Fauna Monitoring Program must be consistent with goals and objectives, mitigation measures and monitoring requirements of the Commonwealth approved conservation advice and any Recovery Plans for all Matters of Environmental Significance.</i>				
69	C13	Each CMP must provide: (a) details of baseline data available; (b) details of baseline data to be obtained and when; (c) details of all monitoring of the project to be undertaken; (d) the parameters of the project to be monitored;	CEMP for Heatherbrae Bypass CEMP for BH2T	HBB – Section 7.2, Table 7-2 – Will be undertaken and reported on via construction monitoring programs BH2T – Outlines in Appendix 9 how this will be achieved – via the NVCMP and FFMP	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(e) the frequency of monitoring to be undertaken; (f) the location of monitoring; (g) the reporting of monitoring results and analysis of results against relevant criteria; (h) details of the methods that will be used to analyse the monitoring data; (i) procedures to identify and implement additional mitigation measures where the results of the monitoring indicate unacceptable project impacts; (j) a consideration of SMART principles; and (k) any consultation to be undertaken in relation to the monitoring programs.		Recommend that monitoring programs and results be covered in next audit.		
70	C14	The Dredging Monitoring Program must include, but not be limited to: (a) the locations of sensitive aquatic habitats in the vicinity of dredging locations that are	Letter from TfNSW to DP&E dated 15/08/23 stating that no dredging is proposed.	No dredging proposed	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		potentially sensitive to elevated suspended sediment concentrations (potential impact sites); (b) proposed monitoring locations for impact sites and upstream and downstream of dredging operations; (c) monitoring at a minimum of two locations 50 metres downstream and two locations 50 metres upstream of the dredging working area; (d) proposed representative background monitoring locations; (e) a protocol for developing a scientifically rigorous correlation between turbidity (Nephelometric Turbidity Units – NTU) and total suspended solids (mg/L) to allow for rapid and accurate confirmation of suspended sediment levels in the field to identify any differences between turbidity from dredging and local				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		background turbidity levels; (f) a program for carrying out real-time turbidity monitoring (continuous logging) at the proposed (g) monitoring locations to confirm contributions to total suspended sediment concentrations from dredging; (h) a protocol for visual monitoring to ensure that visual surveillance for turbidity plumes occurs at all times during dredging by a person experienced in identifying turbidity plumes; and (i) evidence that an EPA accredited Site Auditor has reviewed the contamination monitoring aspect of the Dredging Monitoring Program and has issued an Interim Audit Advice advising the Monitoring Program is appropriate should contaminated sediments				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		potentially be extracted or disturbed. Note: <i>If dredging is not proposed, the requirements of Conditions C12(c), C13 and C14 do not apply.</i>				
71	C15	The CMP must be endorsed by the ER. The endorsed CMP must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction, or where construction is staged, no later than one month before the commencement of each stage.	Audit evidence, audit interview Project website Example: ER endorsement letter for HBB CAQMSP dated 19/06/2023 Oct 2023 HBB - CEMP ER Endorsement letter.pdf (caapp.com.au) DPHI approval letter for CEMP for BH2T dated 13/11/2023. getContent (nsw.gov.au)	CEMPs and sub-plans endorsed by ER. CEMPs and sub-plans for each package submitted to Planning Secretary for approval no later than one month in advance of commencement of construction of each package. DPHI letter approving CEMP for BH2T dated 13/11/2023 states CEMP submitted 20/09/2023 Letter from Transport to DPHI dated 22/09/23 nominates date for	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Notification of commencement HBB works 03/08/23. getContent (nsw.gov.au) Letter from Transport to DPHI dated 22/09/2023 nominating date of commencement of BH2T works. getContent (nsw.gov.au)	commencement of construction as 23/10/2023 – CEMP submitted more than one month in advance of nominated start date for construction of this section of the works.		
72	C16	Construction must not commence until the relevant CMPs have been approved by the Planning Secretary and all relevant baseline data for the specific construction activity has been collected.	Audit evidence Submission letters Planning Secretary approval for HBB CEMP Microsoft Word - M1RTHB-SEYWC-6003-PM-PLN-	Planning Secretary approval of CEMP for HBB section granted on 09/10/23. Planning Secretary approval of CEMP for southern package granted on 13/11/23.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			000005 (CEMP RevD) (nsw.gov.au) Planning Secretary approval letter for CEMP for BH2T dated 13/11/2023. getContent (nsw.gov.au)			
73	C17	The CMPs , as approved, 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.	Audit evidence, audit interviews, site inspections	CMPs for both packages are being implemented	Compliant	
74	C18	The results of the CMPs must be submitted to the Planning Secretary, and relevant regulatory agencies, for information in the form of a Construction Monitoring Report at the frequency identified in the relevant CMP. The Construction Monitoring Report(s) must	Audit interviews	No monitoring reports have been prepared to date due to the recent start date of construction of both packages	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		include an analysis of the results including, but not limited to, exceedances of relevant criteria/targets/goals, reasons for any exceedances, trends in the data, and maximum, minimum and average data results for all monitored parameters. The report must also detail any management and mitigation measures that were implemented to address exceedances during the reporting period. Note: <i>Where a relevant CEMP Sub-plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Sub-plan.</i>				

Table D – Part D: OPERATIONAL ENVIRONMENTAL MANAGEMENT

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
OPERATIONAL ENVIRONMENTAL MANAGEMENT						
75	D1	An Operational Environmental Management Plan (OEMP) must be prepared having regard to the <i>Environmental Management Plan Guideline for Infrastructure Projects</i> (Department of Planning, Industry and Environment, 2020). The OEMP must detail how the performance outcomes, commitments and mitigation measures made and identified in the documents listed in Condition A1 will be implemented and achieved during operation. Condition D1 does not apply if Condition D2 of this approval applies.	N/A	This stage of the project has not yet been reached	Not triggered	
76	D2	An OEMP is not required for the CSSI if the Proponent has a certified Environmental Management System (EMS) or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the certified EMS or equivalent:	N/A	This stage of the project has not yet been reached	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(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) (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.				
77	D3	The OEMP or evidence of ISO 14000 EMS certification or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one month before the commencement of operation.	N/A	This stage of the project has not yet been reached	Not triggered	
78	D4	The OEMP as submitted to the Planning Secretary and	N/A	This stage of the project has not yet been reached	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		amended from time to time or certified EMS or equivalent as agreed with the Planning Secretary, must be implemented for the duration of operation and the OEMP or EMS certification or equivalent as agreed with the Planning Secretary must be made publicly available before the commencement of operation.				

Table E – Part E: KEY ISSUE CONDITIONS

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
AIR QUALITY						
79	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, including odours during the construction and operation of the CSSI.	Audit site inspections Photo 3 in Appendix F of this report. CEMP Appendix F BH2T Air Quality Management Sub-plan, Rev 0 November 2023, Table 6-1	Excessive dust generation was observed at AS3 BH2T during the audit site inspection 14/12/23. Wind speed was 19km/hr and temperature was 36C. Water carts were in use but were unable to adequately suppress dust generated by scraper operations and dust was being transported off site due to high winds. Contractor's Environment and Sustainability Manager contacted Foreperson and decision was made to cease scraper operations until weather conditions improved. Table 6-1 of the AQMP for BH2T lists Air Quality Management Measures (AQMM) relating to dust management. AQMM6 to AQMM8 were not being adequately implemented	Non-compliant	NC-01/03

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
				at the time of the site inspection resulting in excessive dust generation and dust leaving the project boundary.		
BIODIVERSITY						
Unexpected Finds Protocol						
80	E2	An Unexpected Finds Protocol must be developed for threatened species and threatened ecological communities before the commencement of Work. The Unexpected Finds Protocol must be submitted to the Planning Secretary for approval at least one month before the commencement of Work. Work cannot commence until the unexpected finds protocol is approved by the Planning Secretary. The Unexpected Finds Protocol must be implemented throughout the duration of Work.	Unexpected Threatened Species and Threatened Ecological Communities Finds Protocol V4 August 2023 Letter from DPHI to TfNSW dated 06/09/23 approving updated Unexpected Threatened Species and Threatened Ecological Communities Finds Protocol V4 August 2023 Protocol submitted on 30/08/23	Protocol developed and submitted within the required timeframe. HBB package commenced construction 10/10/23 thus this falls within the required timeframe.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
81	E3	On the discovery of potential or actual impacts to any threatened species or ecological communities not listed in Condition E7 , all work in the associated location must stop to prevent further impact and the Planning Secretary and BCD notified. Work in the associated location is not to recommence until approval to recommence work in the associated location has been issued by the Planning Secretary in consultation with BCD.	Audit interviews	None on either package to date	Not triggered	
Biodiversity Credits						
82	E4	Impacts to threatened species and threatened ecological communities exceeding those identified as impacted in the documents listed in Condition A1 must not occur.	Audit interviews	None have occurred and clearing footprint has been reduced from what was assessed in the EIS.	Not triggered	
83	E5	The clearing of native vegetation, in particular Koala habitat and mangroves, must be minimised with the objective of reducing impacts to threatened species and ecological communities and threatened species habitat.	Audit interviews, site inspections	Clearing of native vegetation has been minimised where possible	Compliant	
84	E6	A report on the final construction footprint demonstrating how clearing of native vegetation has	Audit interviews	Project has not yet reached this stage	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		been minimised, in particular Koala habitat and mangroves, must be provided to the Planning Secretary, BCD and DCCEEW for information, within 12 months of the commencement of construction.				
85	E7	The Proponent must meet the biodiversity offset obligations for ecosystem and species credits as set out in Table 3 and Table 4 within 12 months of the commencement of construction. The retirement of the biodiversity credits must be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> and can be achieved by: (a) acquiring and retiring “biodiversity credits” within the meaning of the <i>Biodiversity Conservation Act 2016</i>; and/or (b) properties secured with the NPWS, on the basis of a draft credit report to show what the property would provide and written confirmation from NPWS	Audit interview	Transport is in process of procuring biodiversity credits and using potential offset properties	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		that the financial contributions for acquisition and management have been received; and/or (c) making a payment into the Biodiversity Conservation Fund; and/or (d) a Biodiversity Offset Strategy prepared in consultation with Biodiversity Conservation Trust, BCD and DCCEEW that provides supplementary measures or where the Proponent intends to utilise the biodiversity credit variation rules. Notes: 1. <i>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</i>				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>Biodiversity Conservation (Savings and Transitional) Regulation 2017.</i> 2. <i>The determination of biodiversity credits under the Biodiversity Conservation Act 2016 that are reasonably equivalent to biodiversity credits created under the Threatened Species Conservation Act 1995 remaining to be retired must be carried out in accordance with clause 22 of the Biodiversity Conservation (Savings and Transitional) Regulation 2017.</i> 3. <i>The timing triggers of this condition does not apply should impacts occur to threatened species and ecological communities and threatened species habitat from Low Impact Work.</i>				
Table 3: Ecosystem Credits to be Retired						
Ecosystem Credits						
		Plant Community	Amended Construction	Number of Credits		

NSEH reference No	Condition No	Condition		Evidence collected	Findings and recommendations		Compliance status	Noncompliance #
		Type (PCT) ID and name	footprint (hectares)					
		1590: Spotted Gum – Broad-leaved Mahogany – Red Ironbark shrubby open forest	40.93	2274				
		1588: Grey Ironbark – Broad-leaved Mahogany – Forest Red Gum shrubby open forest on Coastal Lowlands of the Central Coast	7.74	497				
		1646: Smooth-barked Apple - Blackbutt – Old Man Banksia woodland on coastal sands of the Central and Lower North Coast	27.73	1383				
		1649: Smooth-barked Apple – Red Mahogany –	1.33	70				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Swamp Mahogany – Melaleuca sieberi heathy swamp woodlands of coastal lowlands				
		1598: Forest Red Gum grassy open forest on floodplains of the lower Hunter	0.51	31		
		1716: Prickly-leaved Paperbark Forest on coastal lowlands of the Central Coast and Lower North Coast	1.88	107		
		1717: Broad-leaved Paperbark - Swamp Mahogany – Swamp Oak – Saw Sedge swamp forest of the Central	10.56	473		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Coast and Lower North Coast				
		1724: Broad-leaved Paperbark - Swamp Oak – Saw Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast	1.64	77		
		1727: Swamp Oak – Sea Rush – Baumea juncea swamp forest on coastal lowlands of the Central Coast and Lower North Coast	8.84	427		
		1736: Water Couch – Tall Spike Rush freshwater wetland of the Central Coast and lower Hunter	59.21	2311		

NSEH reference No	Condition No	Condition			Evidence collected		Findings and recommendations		Compliance status	Noncompliance #
		1742: Jointed Twig-rush sedgeland	1.79	122						
		1071: Phragmites australis and Typha orientalis coastal freshwater wetlands of the Sydney Basin Bioregion	8.05	340						
		TOTAL ECOSYSTEM CREDITS	170.21	8111						
		Notes: 1. Credits have been calculated using the Framework for Biodiversity Assessment. 2. Includes credits required under the Environment Protection and Biodiversity Conservation Act 1999.								
		Table 4: Species Credits to be Retired								
		Species	Loss of habitat (ha) or individuals	Number of Credits						

NSEH reference No	Condition No	Condition			Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>Eucalyptus parramattensis</i> subsp. <i>decadens</i>	34 plants	47 6				
		<i>Diuris arenaria</i>	206 plants	15, 86 2				
		<i>Callistemon linearifolius</i>	159 plants	2,2 26				
		<i>Persicaria elatior</i>	3 plants	39				
		Australasian Bittern	43.74 ha	56 9				
		Black Bittern	51.74 ha	67 3				
		Koala	89.1 ha	2,3 17				
		Wallum Froglet	3.1 ha	40				
		Mahony's Toadlet	3.1 ha	40				
		TOTAL SPECIES CREDITS		22, 24 2				
		Notes: 1. Credits have been calculated using the Framework for Biodiversity Assessment. 2. Includes credits required under the Environment						

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>Protection and Biodiversity Conservation Act 1999.</i>				
86	E8	The Proponent may review and update the ecosystem and species credit requirements in Table 3 and Table 4 to reflect the final construction footprint and resulting extent and type of plant community types to be cleared and the extent of threatened species habitat impacted by the construction of the CSSI. Amendments to the ecosystem and species credit requirements must be undertaken in consultation with and endorsed by BCD and DCCEEW and submitted to the Planning Secretary for approval within six months of determining the final construction footprint. Note: Any changes or updates of the Biodiversity Assessment Report or credit calculator must be undertaken in accordance with the Framework for Biodiversity, the Biobanking Assessment	Audit interview	Transport is currently pursuing an amendment to <i>Callistemon linearifolius</i> counts and is currently consulting with BCD in relation to this.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Methodology and any guidelines pertaining to surveying threatened species, including the Threatened Biodiversity Data Collection database.				
87	E9	The review and update of credit requirements must be undertaken by: (a) using the vegetation mapping in the <i>M1 Pacific Motorway extension to Raymond Terrace Submissions Report - Appendix E- Revised biodiversity assessment report June 2022</i>; and/or (b) (b) completing verification surveys to confirm the extent, type and condition of threatened species and threatened ecological communities to be impacted.	Audit interviews	This is being undertaken at present but has not yet been completed.	Not triggered	
88	E10	Where verification surveys are required, they must be undertaken in consultation with BCD. Any additional surveys must be undertaken at the time of year when groundcover is most likely	Audit interviews	No verification surveys have been undertaken or planned to date.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		to be predominantly native. If verification surveys are not possible at a time when groundcover is most likely to be native, the assumed presence of any relevant species and ecosystems may be applied to conservatively evaluate impacts and associated credit requirements. Note: Any changes or updates of the Biodiversity Assessment Report or credit calculator must be undertaken in accordance with the Framework for Biodiversity, the Biobanking Assessment Methodology and any guidelines pertaining to surveying threatened species, including the Threatened Biodiversity Data Collection database.				
89	E11	The Proponent must submit to the Planning Secretary and DCCEEW for information: (a) a copy of the Credit Retirement Report; and/or	Audit interviews	This stage of the work has not yet been reached	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(b) a receipt confirming payment to the Biodiversity Conservation Fund; and/or (c) correspondence from NPWS, for the retirement of the ecosystem and species credits required by Condition E7 within one month of receiving the report and/or making the payments and/or receiving correspondence from NPWS.				
Key Fish Habitat						
90	E12	The Proponent must minimise impacts to Key Fish Habitat (KFH) as defined in the <i>Policy and Guidelines for Fish Habitat Conservation and Management</i> (DPI, 2013 update). Residual impacts to KFH must be offset at a ratio of 2:1 habitat offset requirement in accordance with the <i>Policy and Guidelines for Fish Habitat Conservation and Management</i> (DPI, 2013 update) and in consultation with DPI Fisheries.	Audit interviews Staging report CEMP Appendix B3 Construction Flora and Fauna Management Sub-plan, Heatherbrae Bypass, Rev I September 2023 CEMP Appendix D Flora and Fauna Management	No works in KFH to date on BH2T. Windeyers Ck is the only waterway in HBB. The creek is a Class 3 waterway which is not KFH	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Sub-plan, BH2T, Rev 0 November 2023			
91	E13	Payment of the habitat offset requirement must be made to the DPI Fish Conservation Trust Fund prior to the commencement of Work that impacts KFH in Hunter River and Purgatory Creek. Note: <i>The monetary offset (i.e. contribution to the Biodiversity Offset Fund for fish habitat) should be the last alternative and only be pursued if all on-ground offset opportunities have been investigated at length and determined to be unachievable.</i>	Audit interviews	On-ground offsets are being pursued so payment of the habitat offset requirement will not be required.	Not triggered	
92	E14	The Proponent must submit to the Planning Secretary a receipt confirming payment to the DPI Fish Conservation Trust Fund within one month of making the payment.	Audit interviews	This stage of the project has not yet been reached.	Not triggered	
Protection of Estuary Cod in Hunter River						

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
93	E15	An inspection must be undertaken by an appropriately qualified and experienced ecologist (and diver) in the 24-hour period prior to the start of Work that may impact potential habitat for Estuary Cod (<i>Epinephelus coioides</i>) to detect for presence of the species. The inspection must be undertaken within the construction footprint and surrounding 100 metres, including in areas of mangroves.	Email from DPI to TfNSW dated 07/07/23	Email from DPI to TfNSW stated that a visual inspection would be appropriate due to known poor visibility. Preference is to employ suitable mitigation measures as required under Condition E16.	Not triggered	
94	E16	Suitable methods must be used to protect Estuary Cod habitat and individuals (if detected) within the construction footprint and surrounding 100 metres at the proposed Hunter River bridge site in accordance with the Appendix E of the Submissions Report as listed in Condition A1(b) and the provisions of <i>Fisheries Management Act 1994</i> .	Email from DPI to TfNSW dated 07/07/2 Audit interviews	Mitigations suggested by DPI were: • If coffer dams are to be used during construction of the crossing of the Hunter River, then any fish (and other aquatic biota) trapped in these should be relocated, during dewatering, by a suitably qualified marine ecologist; • All care should be taken to prevent/minimise/mitigate excess sedimentation and/or	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
				turbidity arising from construction within and directly adjacent to the Hunter River; and Impact piling within the river should be controlled to ensure that levels do not exceed the physiological tolerances of fish with swim bladders, and if this is not possible, then piling noise should be ramped up from a 'soft start.' These mitigation measures have been included in CEMP for southern package. Not applicable to northern package		
Re-use of Timber						
95	E17	The CSSI must maximise the reuse of native vegetation and other habitat features that have been approved for removal. Where reuse by the CSSI is not possible, relevant council(s), NPWS, Local Land Services, local Landcare	Audit interviews BH2T Timber reuse Consultation summary dated 02/12/2023	HBB: Between 300-500 tree stumps with root balls attached are being supplied	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		groups, DPI Fisheries and any additional relevant government agencies must be consulted prior to the removal of vegetation and other habitat to determine if: (a) hollows, tree trunks (greater than 25-30 centimetres in diameter and 2-3 metres in length), mulch, bush rock and root balls salvaged from native vegetation impacted by the CSSI; and (b) (b) collected plant material, seeds and/or propagated plants from native vegetation impacted by the CSSI, could be used by others in habitat enhancement and rehabilitation work, before pursuing other disposal options. If the timber can be re-used by others, the Proponent must advise them and facilitate access for salvage.		to Hunter Water for Seaham Wier Pool bank stabilisation project • sent tree hollows to Raymond Terrace Tidy Towns group • Supplied Hunter Region Botanic Gardens with 30 pots containing <i>Diuris arenaria</i> seedbank BH2T has sent root balls and small logs to Hunter Water and Local Land Services.		
Tree replacement						
96	E18	Where trees are to be removed, the Proponent must provide a net increase in the number of	Audit interviews	This only applies to trees that are not PCTs offset under Condition E7.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		replacement trees at a ratio of 2:1, except trees that are offset under Condition E7. Replacement trees must be located on public land and prioritised within and up to 500 meters from the construction footprint in consultation with the relevant authority. Replacement tree pot size must be consistent with the relevant authority's plans / programs / strategies for vegetation management, street planting, or open space landscaping, or as agreed by the relevant authority(ies). The replacement trees must be planted prior to the commencement of operation unless otherwise agreed by the Planning Secretary. The Proponent must retain a record of the number of trees removed and replaced in accordance with this condition including number, location, size and species. The record must be made available to the Planning	Appendix C of CoAs	Not triggered in Northern Package Southern Package has several trees to which this applies but the work has not yet reached the stage where this requirement is triggered.		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Secretary upon request within one week of the request. Note: <i>For the purposes of this condition, the relevant authority is that State or local government authority that owns or manages the land on which the replacement trees will be planted.</i>				
DESIGN AND VISUAL AMENITY						
Lighting and Security						
97	E19	The CSSI must be constructed and operated with the objective of minimising light spillage to surrounding properties. All lighting associated with the construction and operation of the CSSI must be consistent with the requirements of AS/NZS 4282:2019 <i>Control of the obtrusive effects of outdoor lighting</i> and relevant Australian Standards in the series AS/NZ 1158 – <i>Lighting for Roads and Public Spaces</i> . Additionally, the Proponent must provide mitigation measures to manage any residual night lighting impacts to protect properties adjoining or adjacent to the CSSI,	Audit interviews Design Landscape Plans AFSEMP and minor ancillary facility assessments consider light impacts OoHW permit templates for both packages	Design Landscape Plans are currently being prepared and are at stage where consultation with community is being done OoHW permit template for HBB has requirement to plan for minimising light spillage No night works undertaken to date for either package	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		in consultation with affected landowners.				
Visual Screening						
98	E20	The Proponent must consult with residents along Eastern Avenue, Tarro that have a direct line of sight to the CSSI (including elements such as an interchange or on and off ramps) for the provision of visual measures to reduce the visual impact of the of the CSSI from the property. Implementation of these measures must be delivered before operation. Note: <i>The outcomes of this condition must be demonstrated in the Design and Landscape Plan.</i>	Audit interview Contractor's consultation log	Applies to southern package only Sighted correspondence between BH2T and residents at 29 Eastern Ave regarding this and PowerPoint presentation on the options under consideration delivered to community members on 15/06/23	Compliant	
Design Outcomes						
99	E21	The design and landscape outcomes of the CSSI must be: (a) informed by Appendix O of the Environmental Impact Statement as listed in Condition A1(a), including but not limited to the	Audit interview Draft design landscape plans for each package	(a) Requirements incorporated into DLP	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		objectives and design principles, requirements, and opportunities; (b) prepared in consultation with the community (including the landowners whose visual amenity is directly or indirectly impacted and businesses or a representative of the businesses), LALCs, RAPs and relevant council(s); and (c) reviewed by TfNSW's Centre for Urban Design, with a focus on maximising the aesthetics of the viaduct / bridge over the Hunter River and floodplain;	TfNSW internal review - Review cover page for M1 Pacific Motorway Extension to Raymond Terrace Black Hill to Tomago BR-05 Viaduct over Hunter River at 152.2km North of Sydney Rev C	(b) Consultation with community is now complete. It was displayed on Transport's Project website. Also had community meetings, two in person and two online. Consultation period ran from 05/09/23 to 05/10/23 (c) Document has been reviewed by TfNSW Centre for Urban Design		
	E22	Operational noise barriers must be designed to minimise visual and amenity impacts. Opportunities should be explored to incorporate aesthetics, wayfinding and public art into the design of the noise barriers.	DLP Audit interview	Only on southern section DLPs currently being finalised prior to submission to DPHI	Not triggered	
Design and Landscape Plan						
100	E23	A Design and Landscape Plan (DLP) must be prepared to document and illustrate the permanent built works and landscape design of the CSSI and	Audit interviews Draft DLPs	DLPs currently being finalised prior to submission to DPHI	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		how these works are to be maintained. The DLP must inform the final design of the CSSI and give effect to the outcomes and commitments documented in by Condition A1 . The Plan does not apply to work which, for technical, engineering, or ecological requirements, or other requirements as agreed by the Planning Secretary, does not allow for alternative design outcomes.				
101	E24	The DLP must be: (a) prepared by a suitably qualified and experienced person(s) in urban and landscape design and (where required) bush regeneration; (b) prepared in consultation with relevant councils and the community, including affected landowners and businesses; (c) submitted to the Planning Secretary for approval no later than one month before the construction of permanent built surface works and/or landscaping in	Audit interviews Draft DLPs	DLPs for each package currently in preparation (a) CM+ is preparing the DLP for each package (b) DLPS prepared in consultation with these organisations and individuals. Consultation summary not yet finalised (c) not yet submitted to Planning Secretary (d) not yet implemented	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		the area to which the DLP applies; and (d) implemented during construction and operation of the CSSI unless that asset has been transferred to the relevant authority, or equivalent and they have agreed that implementation of the DLP is not required for that asset. Note: <i>The DLP may be developed and considered in stages to facilitate design progression and construction. Any such staging and associated approval would need to facilitate a cohesive final design and not limit final design outcomes</i>				
102	E25	The DLP must document how the following matters have been considered in the design and landscaping of the project: (a) the requirements of Conditions E20 to E22; (b) demonstrate compliance with <i>Bridge Aesthetics</i>:	Audit interviews Draft DLPs	DLPs for each package currently in preparation	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>Design Guidelines to improve appearance of bridges in NSW</i> (Transport for NSW, 2019); (c) demonstrated integration of Crime Prevention Through Environmental Design principles; and (d) Designing with Country and the principles and objectives of the draft Connecting with Country Framework.				
103	E26	The DLP must include, but not be limited to: (a) the design of the permanent built elements of the CSSI including their form, materials and detail, with a focus on high quality bridge design (for the Hunter River viaduct), and integrated art; (b) the design of the project landform and landscaping elements (including visual screening requirements); (c) details of strategies to rehabilitate, regenerate or revegetate disturbed areas	Audit interviews Draft DLPs	DLPs for each package currently in preparation	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		with priority given to the use of local native species; (d) landscaping outcomes agreed to under Condition E20; (e) details of how Aboriginal and non-Aboriginal heritage interpretation and public art are incorporated within the design of built features (such as noise barriers, viaduct), having regard to the results of any archaeological investigations; (f) developed visualisations, cross sections and plans showing the proposed design outcome; and (g) management and routine maintenance standards and regimes for design elements and landscaping work (including adequate watering of plants following planting depending on forecast weather conditions and including weed management) to ensure the				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		success of the design and landscape outcomes.				
104	E27	Unless otherwise agreed with the Planning Secretary, construction of permanent built work or landscaping that are the subject of the DLP must not be commenced (in the area to which the DLP applies) until the DLP has been approved by the Planning Secretary.	Audit interviews Draft DLPs	DLPs for each package currently in preparation No works subject to the DLPs have commenced	Not triggered	
Operational Maintenance						
105	E28	The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and work implemented as part of this approval remain the Proponent's responsibility until satisfactory arrangements have been put in place for the transfer of the asset to the relevant authority. Before the transfer of assets, the Proponent must maintain items and work to at least the design standards established in the DLP required by Condition E26 .	Audit interviews	Project is in the early stages of construction and this condition has not yet been triggered	Not triggered	
106	E29	The Planning Secretary must be advised in writing of the date of transfer of the asset(s) to the relevant authority.	Audit interviews	Project is in the early stages of construction and this condition has not yet been triggered	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
107	E30	Should plant loss occur during the maintenance period that impacts the capacity of the landscaping to achieve the design objectives (e.g. reduction in canopy species cover), the plants must be replaced by the same plant species and with similar growth form (i.e. a tree with an advanced juvenile tree) unless it is determined by a suitably qualified person that a different species is more suitable for that location. Any replacement plantings must use native species of local provenance from the relevant native vegetation community.	Audit interviews	Project is in the early stages of construction and this condition has not yet been triggered	Not triggered	
Active Transport Network						
108	E31	The CSSI must not preclude the delivery of the Hexham Junction (intersection of the Minmi to Hexham rail line corridor and the pipeline corridor) to Tarro active transport link. Note: <i>This is a council led active transport link and the Proponent must consult with the City of Newcastle to ensure the CSSI does</i>	Audit interviews Design Landscape plan for BH2T, Chapter 6.13	Detailed design for the BH2T section of the works is ongoing and is incorporating measures to avoid precluding the delivery of this project The CSSI is not precluding the delivery of these projects	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>not preclude the delivery of the cycleway.</i>				
FLOODING						
109	E32	Measures identified in the documents listed in Condition A1 that are aimed at minimising the overall impact of the CSSI on flood behaviour must be incorporated into the design of the CSSI.	Audit interviews	Detailed design for the Project is ongoing	Not triggered	
Quantitative Design Limits						
110	E33	The CSSI must be designed and operated to limit impacts on flooding characteristics in areas outside the project boundary during flood events up to and including the 1% AEP flood event, in accordance with the following Quantitative Design Limits (QDLs): (a) a maximum increase in inundation time of one hour or 10% which ever is greater; (b) a maximum increase of 10 mm in above-floor inundation to habitable rooms where floor levels are currently inundated; (c) no above-floor inundation of habitable rooms which	Audit interviews	Detailed design for the Project is ongoing	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		are currently not inundated in the 1% AEP flood event; (d) a maximum increase of 50 mm in inundation of land zoned as residential, industrial or commercial; (e) a maximum increase of 100 mm in inundation of land zoned as rural, primary production, environment zone or public recreation; (f) no significant increase in the flood hazard or risk to life; and (g) (g) maximum relative increase in velocity of 10%, where the resulting velocity is greater than 1.0 m/s, unless adequate scour protection measures are implemented and/or the velocity increases do not exacerbate erosion as demonstrated through site-specific risk of scour or geomorphological assessments.				
111	E34	Where the QDLs set out in Condition E33 (a), (b), (c), (d) and (e) cannot be practically achieved, alternative flood levels or	Audit interviews	Detailed design for the Project is ongoing	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		mitigation measures may be agreed to with the affected landowner. The Proponent must consult with and provide to the affected landowner full disclosure of the likely impacts resulting from not being able to meet the QDL(s). Where the exceedance of the QDL(s) results in a material impact, the Proponent must obtain their written agreement on the measures that will be implemented to manage the exceedance of the QDL(s). Such an agreement may involve works, maintenance activities, acquisitions, or other commitments by the Proponent to the landowner. All written agreements must be legally binding and set out the agreed measures. Where the measures include works on the land, the agreement must include a schedule of the works to be undertaken (including timing) and meet the requirements of relevant legislation.				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Consultation with the affected landowners must take place within 6 months of the commencement of construction of the item or work that would result in the QDL(s) not being met, and the Proponent must aim to reach agreement with the affected landowner within no more than 12 months after the commencement of construction. Each affected landowner must be provided with a copy of their agreement within one week of the agreement being finalised. Where the agreement includes a schedule of works, the Proponent must implement the agreement in accordance with the schedule and timing set out in the agreement. Note(s): <i>Proposed mitigation measures may require further assessment and approval under the EP&A Act.</i> <i>The Proponent must consult with the affected</i>				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>landowners in determining if an exceedance of the QDL(s) results in a material impact. The consideration of material impacts must have regard to factors such as the existing depth of flooding, the original function of the building(s), whether the exceedance affects a habitable floor, impacts on primary production activities and public recreation facilities, the overall vulnerability to flooding impacts, and the feedback received from the affected landowner. Where an affected landowner disagrees to the materiality of the impact this matter can be referred to the IFIAP.</i>				
Floor level surveys						
112	E35	Where floor level survey data is not available from Council(s), the Proponent must undertake floor level surveys of all potentially flood affected buildings where the QDLs set out in Condition E33 (b) ,	Audit interviews	Detailed design for the Project is ongoing	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(c), (d) and (e) are unlikely to be met, to confirm afflux limits. Where floor level survey data is not available or has not been surveyed, the existing ground level is to be adopted as the floor level				
Flood modelling						
113	E36	Updated flood modelling must be undertaken for a range of flood events (including the 20%, 10%, 5% AEP and 1% AEP) for the CSSI and include the upstream direction along the Hunter River, Paterson River and Williams River to define the full extent of afflux levels. The updated assessment must be consistent with the <i>Australian Rainfall and Runoff – A Guide to Flood Estimation</i> (GeoScience Australia, 2019). Note: <i>The intent of this condition is to ensure the modelling and results of the CSSI are updated to include the Paterson River and Williams River to understand the full extent of the CSSI's afflux impacts.</i>	Audit interviews	Detailed design for the Project is ongoing	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
114	E37	The results of the updated flood modelling must be detailed in a Flood Design Report . The Report must be reviewed and endorsed by a suitably qualified and experienced hydrologist, who is independent of the CSSI's design and construction and the persons/organisation who prepared the Flood Design Report .	Audit interviews	Flood design report being prepared in tandem with the detailed design which is ongoing	Not triggered	
115	E38	The Flood Design Report must be submitted to the Planning Secretary for information within 6 months from the commencement of construction. The independent reviewer's endorsement must be submitted with the report.	Audit interviews	Flood design report being prepared in tandem with the detailed design which is ongoing	Not triggered	
Information Sharing						
116	E39	The relevant councils, BCD, DPE Water and the SES must be notified in writing by the Proponent that flood information (including flood reports, models and geographic information system outputs, and work as executed information from a qualified surveyor certifying finished ground levels and the floor levels of all buildings surveyed in accordance with	Audit interviews	Flood design report being prepared in tandem with the detailed design which is ongoing	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Condition E35) is available for their request. The notification must occur no later than one month following the commencement of operation. Information requested by a relevant council, BCD, DPE Water or the SES must be provided within three months of the request. Note: <i>Flood information must be shared at no cost and by way of a perpetual, irrevocable, non-exclusive license.</i>				
Flood Mitigation Report						
117	E40	A Flood Mitigation Report must be prepared which: (a) sets out the agreed mitigation measures at properties where the QDLs set out in Condition E33 (a), (b), (c), (d) and (e) cannot be met, including a schedule for implementing the agreed (b) measures at each impacted property; and	Audit interviews	Flood mitigation report is currently being prepared	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(c) addresses how the QDL(s) set out in Condition E33 (f) and (g) have been addressed. The Report must be prepared within three months following agreement having been reached with all affected landowners or prior to operation of the CSSI, which ever is the earliest. The Report must be provided to the Planning Secretary and relevant council(s) upon request, and within two weeks of receiving the request.				
Independent Flood Impact Advisory Panel						
118	E41	Should an agreement not be reached in accordance with Condition E34 , either the affected landowner or the Proponent may, at any time, refer unresolved matters on material property impacts resulting from flooding exceeding the QDLs in Condition E33 , to an Independent Flood Impact Advisory Panel (IFIAP) for expert advice and recommendations to address the impacts.	Audit interviews	Flood design report being prepared in tandem with the detailed design which is ongoing	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
119	E42	The Proponent must establish an IFIAP before undertaking work that has the potential to not meet the QDL(s) in Condition E33. The IFIAP must comprise of: (a) an independent chairperson who is experienced in facilitation or mediation and understands regulatory requirements for State significant projects; and (b) independent hydrological, engineering and agricultural experts as relevant. In selecting the appointments of the IFIAP the Proponent must have regard to the <i>Post Approval Guidance for Infrastructure Projects: Seeking Approval from the Department for the Appointment of Independent Experts</i> (DPIE, 2020). The individuals on the IFIAP must be approved by the Planning Secretary in accordance with Condition E44. All costs incurred in establishing and implementing the IFIAP must	Audit interviews (a) Letter from DPHI to TfNSW dated 25/05/23 approving Tim O’Hearn as Independent Chair of IFIAP getContent (nsw.gov.au) (b) Letter from DPHI to TfNSW dated 07/06/23 re conditions E42(b) and E44 getContent (nsw.gov.au)	(a) Tim O’Hearn approved as Independent Chair of IFAP under this condition and E44 (b) Grantley Smith approved as Independent Flood Impact Hydrologist under this condition and Condition E44	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		be borne by the Proponent regardless of which party makes a referral to the IFIAP .				
120	E43	The Proponent must prepare Terms of Reference for the IFIAP which address the following: (a) details of the panel membership; (b) role of chair; (c) panel management; (d) frequency of meetings and timely provision of expert advice and recommendations; and (e) cessation arrangements.	Audit interview Independent Flood Impact Advisory Panel Terms of Reference report Rev 1 prepared by Transport November 2023 Rev 2 December 2023	Terms of Reference for the IFIAP covering (a) to (e) submitted to DPHI on 08/11/23 Transport received a request for information from DPHI on 30/11/23 and responded on 12/12/23 with minor updates	Compliant	
121	E44	The members and Terms of Reference of the IFIAP must be approved by the Planning Secretary prior to the commencement of Work that has the potential to not meet the QDL(s). The approved Terms of Reference for the IFIAP must be endorsed by the IFIAP following the first meeting. The Terms of Reference must be made publicly available on the website required by Condition B12 within one	Letter from DPHI to TfNSW dated 25/05/23 getContent (nsw.gov.au) Letter from DPHI to TfNSW dated 07/06/23 getContent (nsw.gov.au)	Tim O'Hearn approved as Independent Chair of IFAP under this condition and Condition E42(a) Grantley Smith approved as Independent Flood Impact Hydrologist under this condition and Condition E42(b) Terms of reference not yet approved	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		month of the establishment of the IFIAP .				
122	E45	Any changes requested by the IFIAP to the approved Terms of Reference must be submitted to the Planning Secretary for approval within two weeks of drafting the changes.	Audit interview Independent Flood Impact Advisory Panel Terms of Reference report Rev 1 prepared by Transport November 2023	Terms of reference not yet approved so no changes can be requested until post approval	Not triggered	
123	E46	The IFIAP will be responsible for independently: (a) investigating landowner concerns; (b) considering supporting documentation / information provided by the Proponent and landowner; (c) considering the appropriateness of modelling used to estimate material impacts associated with the QDL(s) identified under Condition E33 not being met and floor level survey(s) results;	Audit interview Independent Flood Impact Advisory Panel Terms of Reference report Rev 1 prepared by Transport November 2023	Independent Flood Impact Advisory Panel Terms of Reference report Rev 1 prepared by Transport November 2023 covers items (a) to (g)	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(d) considering whether reasonable and practical steps have been taken to mitigate flood impacts; (e) considering if agreed measures (between the Proponent and landowners) have been implemented to an appropriate standard; (f) making recommendations about the material impact from not meeting the QDLs identified under Condition E33 on the use of affected land; and (g) (g) preparing a report which contains reasonable recommendations about practicable design changes and/or mitigation and management measures to resolve material flooding impacts.				
124	E47	The Proponent must consider the IFIAP recommendations under Condition E46 and document which recommendation(s) will be implemented. Where the Proponent does not implement a particular recommendation(s) and the landowner is not in agreement	Audit interview Independent Flood Impact Advisory Panel Terms of Reference report Rev 1	IFIAP panel has yet to meet as Terms of Reference must be approved prior to any meetings being held	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		of the final mitigation measure(s), the Proponent must justify why the recommendation(s) is not being implemented. This justification must be made publicly available by the Proponent on the website required under Condition B12 .	prepared by Transport November 2023			
125	E48	A copy of any recommendation provided by the IFIAP under Condition E46 and evidence of the Proponent's implementation of this recommendation or other agreement reached with the landowner following the recommendations of the IFIAP must be provided to the Planning Secretary upon request and within one week of receiving the request.	Audit interview	IFIAP panel has yet to meet as Terms of Reference must be approved prior to any meetings being held	Not triggered	
126	E49	The flood mitigation measures identified in Condition E40 or as amended by Conditions E46(g) and E47 , must be implemented.	Audit interviews	Flood mitigation report is currently being prepared	Not triggered	
Ancillary Facilities						
127	E50	The location, size and height of AS6 must be redesigned to minimise flood afflux impacts to the Main North Rail Line in consultation with the operator of the rail track.	Audit interviews	Project is still in detailed design phase and AS6 has not yet been established	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Note: A change in the location of the ancillary facility may require further assessment and approval under the EP&A Act.				
HERITAGE						
Aboriginal Cultural Heritage						
128	E51	Reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects or places of cultural significance except as authorised by this approval.	Audit interviews Site inspections Parawebbing and no go signage for protection of sites outside the project boundary observed during audit site inspection for HBB see Photo 11 in Appendix F.	Sites confirmed during testing and salvage exist outside project boundary Northern & Southern All testing and salvage completed. No go signage and boundary controls installed to protect sites outside site boundaries	Compliant	
129	E52	Aboriginal Cultural Heritage Awareness Training/induction must be developed in conjunction with RAPs and an appropriately qualified archaeologist who is experienced in Aboriginal cultural	Audit interviews Aboriginal Cultural Heritage Awareness	Training was combined for both packages, delivered on 11/10/23 and 06/11/23.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		heritage. The training must be implemented during site inductions.	Training/induction – developed by Transport in consultation with the RAPs Site specific induction for HBB Rev 7 BH2T – Section 6.1.2 of AHMSP	Cultural heritage induction part of whole site induction.		
130	E53	RAPs must be kept regularly informed about the CSSI. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the CSSI. Note: <i>Details regarding ongoing engagement with RAP's must be provided in the Communication Strategy required under Condition B1.</i>	Audit interviews CEMPs for both packages Communication Strategy M1 Pacific Motorway extension to Raymond Terrace V2.0 January 2023	Transport has consulted with RAPs during preparation of the CEMPs for both packages and also content of inductions Transport's Aboriginal Engagement Team undertake ongoing consultation with the RAPs as per Table 2 of the Communication Strategy Consultation has also occurred with RAPs during preparation of Design Landscape Plan which is not yet complete	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
131	E54	At the completion of Aboriginal cultural heritage test and salvage excavations, an Aboriginal Cultural Heritage Excavation Report(s) must be prepared by a suitably qualified and experienced person. The Aboriginal Cultural Heritage Excavation Report(s), must: (a) be prepared in accordance with the <i>Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW</i>, OEH 2011 and the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i>, DECCW 2010; and (b) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds). The RAPs must be provided with a copy of the report(s) and given a	Completion of archaeological fieldwork clearance letter from Kelleher Nightingale dated 14/06/23	Report for the archaeological salvage of the whole project is currently being prepared.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		minimum of 60 days to consider the report(s) and provide comments before the report(s) is finalised. The final report(s) must be provided to the Planning Secretary, Heritage NSW, relevant councils, the RAPs and local libraries within 12 months of the completion of the Aboriginal archaeological excavations (both test and salvage). Note: <i>To ensure cultural knowledge is protected a redacted Aboriginal Cultural Heritage Excavation Report(s) may be provided subject to the agreement of RAPs to publicly share cultural knowledge.</i>				
132	E55	Where previously unidentified Aboriginal objects or places of cultural significance are discovered, all work must immediately stop in the vicinity of the affected area.	Audit interviews	No previously unidentified Aboriginal objects or places of cultural significance have been encountered to date.	Not triggered	
133	E56	Work potentially affecting the previously unidentified objects and places must not recommence until:	Audit interviews	No previously unidentified Aboriginal objects or places of cultural significance	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(a) Heritage NSW and each of the RAPs have been consulted on the proposed management of the Aboriginal objects or places of cultural significance that are identified; and (b) Heritage NSW has advised that works can resume. As part of the consultation with the RAPs, the RAPs must be given the opportunity for further site investigations and cultural salvage. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by Condition E61 and include registration in the Aboriginal Heritage Information Management System (AHIMS).		have been encountered to date.		
Non-Aboriginal Heritage						
134	E57	Archival photographic digital recording must be undertaken for all listed heritage items and sites assessed to have heritage significance which will be affected	TfNSW incident report dated 29/05/23 Sighted transmission to	Modifications made to exterior of Glenrowan Homestead (located within southern package) prior to	Non-compliant	NC-01/04

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		by the CSSI. The recording must be undertaken prior to the commencement of Work which may impact the items and sites. The recording must be undertaken by a suitably qualified heritage specialist and prepared in accordance with <i>NSW Heritage Office's How to Prepare Archival Records of Heritage Items</i> (1998) and <i>Photographic Recording of Heritage Items Using Film or Digital Capture</i> (2006). The recordings must include buildings, structures and landscape features and detailed maps showing their location. A copy must be provided to Heritage NSW and the relevant council(s) and submitted as part of the Heritage Report required by Condition E59 .	DPHI on same date. Warning letter from DPHI to TfNSW dated 07/08/23 regarding non-compliance with this requirement	completion of archival photographic recording.		
135	E58	Prior to commencement of archaeological excavation, the Proponent must nominate a suitably qualified Excavation Director who complies with <i>Heritage NSW's Criteria for Assessment of Excavation Directors</i> (September 2019) to oversee and advise on matters associated with historical	Letter from TfNSW to DPHI dated 06/02/2023 nominating excavation director Letter from DPHI to Transport dated	Dr Mathew Kelleher approved as excavation director. Excavation director present on site during the excavations	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		archaeology. The Excavation Director must be present to oversee excavation, advise on archaeological issues, advise on the duration and extent of oversight required during archaeological excavations.	20/02/23 approving appointment of excavation director. Audit interviews			
136	E59	Following completion of archaeological excavation program(s) a Heritage Report must be prepared that includes: (a) the details of any archival recordings; (b) further historical research undertaken; (c) the results of archaeological excavations (including artefact analysis and identification of a final repository for finds); and (d) details of any significant artefacts recovered, where they were located, and details of their ongoing conservation and protection in perpetuity. The report must be prepared in accordance with any guidelines	Completion of archaeological fieldwork clearance letter from Kelleher Nightingale dated 14/06/23	Excavation program completed in May 2023. Heritage report currently being prepared.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		and standards required by Heritage NSW.				
137	E60	Copies of the Heritage Report must be provided to the Planning Secretary, Heritage NSW, the relevant council(s), relevant local libraries and relevant local historical societies no later than 12 months after the completion of archaeological excavation programs.	Completion of archaeological fieldwork clearance letter from Kelleher Nightingale dated 14/06/23	Excavation program completed in May 2023. Heritage report currently being prepared.	Not triggered	
Unexpected Heritage Finds and Human Remains						
138	E61	An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds (including maritime discoveries) in accordance with any guidelines and standards prepared by Heritage NSW and the Heritage Council of NSW. The Unexpected Heritage and Human Remains Procedure must be submitted to the Planning Secretary for approval at least one month before the commencements of Work. Work cannot commence until the unexpected finds procedure is approved by the Planning Secretary.	Unexpected Heritage Finds and Human Remains Procedure December 2022 V2.0 Procedure submitted to Department 14/12/22. Approval letter from DPHI to Transport dated 23/01/23	Procedure prepared in accordance with relevant guidelines and standards. Archaeological salvage commenced on 11/04/23.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
139	E62	The Unexpected Heritage Finds and Human Remains Procedure must be implemented for the duration of Work. Note: <i>Human remains that are found unexpectedly during the carrying out of work may be under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.</i>	Unexpected Heritage Finds and Human Remains Procedure December 2022 V2.0 CEMP Project website Project site induction	Covered in project documents and site induction.	Compliant	
140	E63	No ground intrusive activities are to be undertaken within the heritage curtilage of the Tarro Historic Site (as listed in the Newcastle Local Environmental Plan, item A18) and the site must not be destroyed, modified or otherwise adversely affected, unless otherwise approved by the Planning Secretary.	Audit interview Site Environmental Plan for Tarro U-turn bay 15/11/23	Tarro Historic Site is located on the south eastern side of the intersection of Anderson Rd and the Tarro Interchange. No construction work is planned on that side of the intersection.	Not triggered	
NOISE AND VIBRATION						
Work Hours						
141	E64	Work must only be undertaken during the following hours: (a) 7:00 am to 6:00 pm Mondays to Fridays, inclusive;	Audit interview Audit site inspections	The standard hours of work apply and are in the EPLs. Out of Hours works generally are occurring as	Non-compliant	NC-01/05

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(b) 8:00 am to 5:00 pm Saturdays; and (c) at no time on Sundays or public holidays.	Environment Protection Licences 21808 and 21819 Letter from Transport to DPHI dated 01/02/2024 re unscheduled OoHW undertaken at Woodlands Close, Tarro on 29/01/2024 Letter from DPHI to Transport dated 06/02/2024 responding to Transport's letter of 29/01/2024.	per the EPL and in accordance with Condition E65. Construction works at Woodlands CI on 29/01/2024 continued beyond specified construction hours due to supplier delays with delivery of material that day. Unsafe to leave trench open. However, the works did not meet the definition of emergency works under Condition E66(a) and was a breach of Condition E64.		
Highly Noise Intensive Work						
142	E65	Except as permitted by an EPL, highly noise intensive works that result in an exceedance of the applicable NML at the same receiver must only be undertaken:	Audit interviews	No highly noise intensive works undertaken to date on either package.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(a) between the hours of 8:00 am to 6:00 pm Monday to Friday; (b) between the hours of 8:00 am to 1:00 pm Saturday; and (c) if continuously, then not exceeding three hours, with a minimum cessation of Work of not less than one hour. For the purposes of this condition, 'continuously' includes any period during which there is less than one hour between ceasing and recommencing any of the work.				
Variation to Work Hours						
143	E66	Notwithstanding Conditions E64 and E65, Work may be undertaken outside the hours specified in any of the following circumstances: (a) Safety and Emergencies , including: (i) for the delivery of materials required by the NSW Police Force or other authority for (ii) safety reasons; or	2 x Monitoring data for OoHW for HBB – Asphaltting at Gate 8 06/02/2024 BH2T OoHW Approval Permit	(a) None has occurred to date	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(iii) 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. On becoming aware of the need for emergency work in accordance with Condition E66(a)(ii), the Proponent must notify, the ER, the Planning Secretary and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected residents and owners/occupiers of properties identified as sensitive land use(s) of the likely impact and duration of the emergency works; or (b) Work that meets all of the following criteria: (i) Work that causes $L_{Aeq(15 \text{ minute})}$ noise levels:	#OOH0029 05/02/2024	(b) Examples of permit and monitoring results sighted met these criteria		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		- no more than 5 dB(A) above the rating background level at any residence in accordance with the ICNG, and - no more than the 'Noise affected' NMLs specified in Table 3 of the ICNG at other sensitive land use(s); (ii) Work that causes LAF max noise levels no more than 15 dBA above the RBL at any residence during the night-time; (iii) Work that causes: - continuous or impulsive vibration values, measured at the most affected residence no more than the preferred values for human exposure to vibration, specified in Table 2.2 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006), and		(c) this has not been triggered to date		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		- intermittent vibration values measured at the most affected residence which are no more than the preferred values for human exposure to vibration, specified in Table 2.4 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006). (c) By Approval, including: (i) where different construction hours are permitted or required under an EPL in force in respect of the CSSI; or (ii) works which are not subject to an EPL that are approved under an Out-of-Hours Work Protocol as required by Condition E67; or (iii) negotiated agreements with directly affected residents and sensitive land use(s).				
Out-Of-Hours Work Protocol – Works Not Subject to an EPL						
144	E67	An Out-of-Hours Work Protocol must be prepared to identify a process for the consideration,	M12RT Out of Hours Work Protocol for		Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		management and approval of Work which is outside the hours defined in Condition E64, and is not subject to an EPL. The Protocol must be prepared in consultation with the ER. The Protocol must provide: (a) identification of low, medium and high risk activities and an approval process that considers the risk of activities, proposed mitigation, management, and coordination, including where: (i) the ER reviews all proposed out-of-hours activities and confirms their risk levels, (ii) low and medium risk activities can be approved by the ER, and (iii) high risk activities are approved by the Planning Secretary; (b) a process for the consideration of out-of-hours work against the	Works not subject to an EPL Rev 5 June 2023 Letter from DPHI to TfNSW dated 18/07/23 approving Out of Hours Work Protocol for Works not subject to an EPL	(a) Covered in Section 4.4, (b) Covered in Section 4 (c) Covered in Section 5		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		relevant NML and vibration criteria; (c) a process for selecting and implementing mitigation measures for residual impacts in consultation with the community at each affected location, including respite periods consistent with the requirements of Condition E77. The measures must take into account the predicted noise levels and the likely frequency and duration of the out-of-hours works that sensitive land use(s) would be exposed to, including the number of noise awakening events; (d) procedures to facilitate the coordination of out-of-hours work including those approved by an EPL or undertaken by a third party, to ensure appropriate respite is provided; and (e) notification arrangements for affected receivers for all approved out-of-hours work and notification to the		(d) Section 5.4 and 5.5 (e) Section 6 First OoHW was undertaken on BH2T section and commenced the week of 30/10/23.		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Planning Secretary of approved low risk out-of-hours works. The Protocol must be submitted to and approved by the Planning Secretary before commencement of the out-of-hours work and implemented during Work which is outside the hours defined in Condition E64 and not subject to an EPL. Adherence to the Protocol does not apply if the requirements of Condition E66 (a) or (b) are met. Notes: Conditions E78 and E79 provide additional parameters to be considered. - If the Work is subject to an EPL and the EPA does not endorse extended hours as part of the EPL, the extended hours cannot be considered under this Protocol.				
Noise Management Levels and Vibration Criteria						
145	E68	Mitigation measures must be implemented with the aim of	CEMP Appendix B2 Construction		Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		achieving the following noise management levels and vibration objectives: (a) construction 'Noise affected' NMLs established using the <i>Interim Construction Noise Guideline</i> (DECC, 2009); (b) vibration criteria established using the <i>Assessing vibration: a technical guideline</i> (DEC, 2006) (for human exposure); (c) Australian Standard AS 2187.2 - 2006 "<i>Explosives - Storage and Use - Use of Explosives</i>"; (d) BS 7385 Part 2-1993 "<i>Evaluation and measurement for vibration in buildings Part 2</i>" as they are "applicable to Australian conditions"; and (e) the vibration limits set out in the <i>German Standard DIN 4150-3: Structural Vibration- effects of vibration on structures</i> (for structural damage).	Noise and Vibration Management Sub-plan, Heatherbrae Bypass, Rev F August 2023 Construction Noise and Vibration Management Sub-plan Appendix B – Construction Noise & Vibration Monitoring Program Heatherbrae Bypass August 2023 CEMP Appendix C Noise and Vibration Management Sub-plan, BH2T, Rev 0 November 2023	(a) –(e) identified and provided in CVMPs for both packages Monitoring done for due diligence		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Work that exceeds the noise management levels and/or vibration criteria must be managed in accordance with the Ancillary Site Establishment Management Plan required by Condition A17 or Noise and Vibration CEMP Sub-plan required by Condition C5, as applicable. Note: <i>The ICNG identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction NML.</i>	M1 Motorway Extension to Raymond Terrace – Stage 1 Black Hill to Tomago NVMP Appendix C –Noise and Vibration Construction Monitoring Program Revision 0, November 2023 2 x Monitoring data for OoHW for HBB – Asphaltting at Gate 8 06/02/2024			
146	E69	Mitigation measures must be applied when either of the following residential ground-borne noise levels are exceeded: (a) evening (6:00 pm to 10:00 pm) — internal $L_{Aeq(15 \text{ minute})}$: 40 dB(A); and	CEMP Appendix B2 Construction Noise and Vibration Management Sub-plan, Heatherbrae Bypass, Rev F August 2023		Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(b) night (10:00 pm to 7:00 am) — internal $L_{Aeq}(15 \text{ minute})$: 35 dB(A). The mitigation measures must be outlined in the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol as required by Condition E67.	Construction Noise and Vibration Management Sub-plan Appendix B – Construction Noise & Vibration Monitoring Program Heatherbrae Bypass August 2023 CEMP Appendix C Noise and Vibration Management Sub-plan, BH2T, Rev 0 November 2023 M1 Motorway Extension to Raymond Terrace – Stage 1 Black Hill to Tomago	Mitigation measures to be applied covered in Section 4 – Compliance management Section 7.2, Appendix D – Out of Hours Works Protocol		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			NVMP Appendix C –Noise and Vibration Construction Monitoring Program Revision 0, November 2023 M12RT Out of Hours Work Protocol for Works not subject to an EPL Rev 5 June 2023			
147	E70	Work that results in noise levels above the NMLs at community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas (such as theatres, laboratories and operating theatres) must not be timetabled during sensitive periods, unless other reasonable arrangements with the affected institutions are made at no cost to the affected institution.	Audit interviews, CEMPs for both packages	No community, religious, educational institutions, noise and vibration-sensitive businesses and critical working areas are located within the vicinity of the works for the entire CSSI.	Compliant	
Noise and Vibration Mitigation and Management						

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
148	E71	Noise and Vibration Impact Statements (NVIS) must be prepared for any Work: (a) that may exceed the noise management levels, vibration criteria and/or ground-borne noise levels specified in Condition E68 and Condition E69 at any residence outside work hours identified in Condition E64, or (b) where receivers will be highly noise affected. The NVIS must include specific mitigation measures identified through consultation with affected receivers of the sensitive land use(s) and the mitigation measures must be implemented for the duration of the works. A copy of the NVIS must be provided to the ER prior to the commencement of the associated works. The Planning Secretary and the EPA may request a copy/ies of NVIS.	Audit interviews M1 to Raymond Terrace – Black Hill to Tomago Construction noise and vibration impact statement November 2023 Nov 23 - BH2T Noise and Vibration Impact Statement.pdf (caapp.com.au)	ER stated during audit interview that BH2T CNVIS was provided to him prior to commencement of OoH works or works where receivers will be highly noise affected.	Compliant	
149	E72	Owners and occupiers of properties at risk of exceeding the screening criteria for cosmetic	Audit interview	None at risk at this stage in either package	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		damage must be notified before work that generates vibration commences in the vicinity of those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, owners and occupiers are to be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the owner and occupier. These properties must be identified and considered in the Ancillary Site Establishment Management Plan required by Condition A17 and/or the Noise and Vibration CEMP Sub-plan required by Condition C5 , and the owners and occupiers notified in accordance with the Communication Strategy required by Condition B1 .				
Vibration Mitigation - Heritage						
150	E73	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	N/A	No vibration generating activities that have the potential to impact on heritage items undertaken to date.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		damage. In the event that the vibration testing and attended 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.				
151	E74	Advice from a heritage specialist must be sought on the methods and locations for installing equipment used for vibration, movement and noise monitoring at heritage-listed structures. Note: <i>The installation of noise and vibration equipment must not impact on the heritage value of the heritage items.</i>	N/A	No equipment used for vibration, movement and noise monitoring installed at heritage-listed structures to date.	Not triggered	
152	E75	Before conducting at-property architectural noise treatment at any heritage item identified in the documents listed in Condition A1 , the advice of a suitably qualified and experienced built heritage expert must be obtained and implemented to ensure any such work does not have an adverse	Audit interview	This will be required for some properties but this work has not yet commenced	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		impact on the heritage significance of the item.				
Utility Coordination and Respite						
153	E76	All work undertaken for the delivery of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. The Proponent must: (a) reschedule any work to provide respite to impacted noise sensitive land use(s) so that the respite is achieved in accordance with Condition E77; or (b) consider the provision of alternative respite or mitigation to impacted noise sensitive land use(s) where respite outlined in Condition E77 cannot be achieved; and (c) provide documentary evidence to the ER in support of any decision made by the Proponent in relation to respite or mitigation.	Audit interviews NVMPs	Discussed in program meetings between contractors regarding AusGrid works for powerline cut over in Northern Package in early December No other CSSI, SSI and SSD projects within vicinity that trigger the need to consider respite	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		The consideration of respite must also include all other CSSI, SSI and SSD projects which may cause cumulative and/or consecutive impacts at receivers affected by the delivery of the CSSI.				
Out-of-Hours Works – Community Consultation on Respite						
154	E77	In order to undertake out-of-hours work outside the hours specified under Condition E64, the Proponent must identify appropriate respite periods for the out-of-hours work in consultation with the community at each affected location on a regular basis. This consultation must include (but not be limited to) providing the community with: (a) a progressive schedule for periods no less than three months, of likely out-of-hours work; (b) a description of the potential work, location and duration of the out-of-hours work;	Audit interviews 3-month planned Out of Hours Works (OoHW) look aheads Examples: 1 Pacific Motorway extension to Raymond Terrace – Heatherbrae Bypass Planned out of hours work from September to November 2023, August 2023 Community information A4 template -	Three Month OoHW look-aheads are prepared for each package and published on the Project website Information required in (a) to (d) provided in look-ahead notifications.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(c) the noise characteristics and likely noise levels of the work; and (d) likely mitigation and management measures which aim to achieve the relevant noise management levels and vibration criteria under Condition E68 (including the circumstances of when respite or relocation offers will be available and details about how the affected community can access these offers). The outcomes of the community consultation, the identified respite periods and the scheduling of the likely out-of-hours work must be provided to the ER, EPA and the Planning Secretary for information prior to undertaking the work scheduled for the subject period. Notes: 1. <i>Respite periods can be any combination of days or hours where out-of-hours work would not be more</i>	Australian and NSW branded (caapp.com.au) M1 Pacific Motorway extension to Raymond Terrace – Heatherbrae Bypass Planned out of hours work from November 2023 to January 2024, October 2023 Microsoft Word - M12RTBH_3 Month Lookahead Notification No v to Jan 2023 FINAL (caapp.com.au) M1 Pacific Motorway extension to Raymond Terrace – Black Hill to Tomago	Addressed in 3 month look-aheads		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>than 5 dB(A) above the rating background noise level at any residence.</i> 2. <i>Respite, relocation and other offers must be provided unconditionally.</i> 3. <i>Refer to Condition A8 in relation to consultation requirements and Table 1 - Terms and Definitions for the definition of 'consultation'.</i>	Planned out of hours work from November 2023 to January 2024, October 2023 Community information A4 template - Australian and NSW branded (caapp.com.au)			
New England and Pacific Highway – Out-of-Hours Work periods						
155	E78	Work outside the hours specified in Condition E64 along the New England and Pacific Highway corridors which result in an exceedance of the relevant NML at the same sensitive land use(s) can only be undertaken in accordance with the following: (a) two consecutive evenings and/or nights per week; or (b) three non-consecutive evenings and/or nights per week; or (c) 10 evenings and/or nights per month; or	Audit interview CNVMP Appendix C Out-of-Hours Work Procedure Heatherbrae Bypass August 2023 M1 Pacific Motorway Extension to Raymond Terrace BH2T Out of Hours	Sections 6.3. 8.2 and Appendix C Attachment 2	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(d) except as identified by an EPL; or (e) (e) in accordance with an agreement with a potentially impacted receiver(s) as required by Condition E66(c)(iii).	Works Protocol Revision 5 June 2023			
Out-of-Hours Works – Mitigation						
156	E79	Mitigation measures such as temporary alternative accommodation or other agreed mitigation measures, must be offered/ made available to residents affected by out-of-hours work (including where utility works are being undertaken for the CSSI or under a road occupancy licence) where the construction noise levels between: (a) 10:00 pm and 7:00 am, Monday to Friday; (b) 10:00 pm Saturday to 8:00 am Sunday; and (c) 6:00 pm Sunday and public holidays to 7:00 am the following day unless that day is Saturday then to 8:00 am,	M1 Pacific Motorway Extension to Raymond Terrace Out of Hours Work Protocol- Works not subject to an EPL CNVMP Appendix C Out-of-Hours Work Procedure Heatherbrae Bypass August 2023 M1 Pacific Motorway Extension to	Sections 6, 8.2 Sections 7.2, 8.2	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		are predicted to exceed the NML by 25 dB(A) or are greater than 75 dBA ($L_{Aeq(15 \text{ min})}$), whichever is the lesser and the impact is planned to occur for more than two (2) nights over a seven (7) day rolling period. The NML must be reduced by 5 dB where the noise contains annoying characteristics and may be increased by 10 dB if the property has received at-property acoustic treatment. The noise levels and duration requirements identified in this condition may be changed through an EPL applying to the CSSI.	Raymond Terrace BH2T EPL Out of Hours Works Procedure Revision 0 November 2023			
Crushing and Grinding Works						
158	E80	Crushing and grinding works must only be undertaken during the hours specified in Condition E64 unless otherwise approved by the Planning Secretary or through an EPL or if it meets the requirements of Condition E66 .	CNVMP Appendix C Out-of-Hours Work Procedure Heatherbrae Bypass August 2023 M1 Pacific Motorway Extension to	Section 3.1 Section 3.1	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Raymond Terrace BH2T EPL Out of Hours Works Procedure Revision 0 November 2023			
Blasting						
159	E81	Blasting associated with the CSSI must only be undertaken during the following hours: (a) 9:00 am to 5:00 pm, Monday to Friday, inclusive; (b) 9:00 am to 1:00 pm on Saturday; and (c) at no time on Sunday or public holidays; or (d) as authorised through an EPL. 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.	Audit interview Site inspections Noise and Vibration Management sub-plans for both packages	No blasting proposed at present for either package	Not triggered	
Blasting Management Strategy						

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
160	E82	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) (e) blasting program.	Audit interview Site inspections Noise and Vibration Management sub-plans for both packages	No blasting proposed at present for either package	Not triggered	
161	E83	The Blast Management Strategy must be endorsed by a suitably qualified and experienced person.	Audit interview Site inspections Noise and Vibration Management sub-plans for both packages	No blasting proposed at present for either package	Not triggered	
162	E84	The Blast Management Strategy must be prepared in accordance with relevant guidelines and in consultation with the EPA, 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 land use(s).	Audit interview Site inspections Noise and Vibration Management sub-plans for both packages	No blasting proposed at present for either package	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
163	E85	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.	Audit interview Site inspections Noise and Vibration Management sub-plans for both packages	No blasting proposed at present for either package	Not triggered	
Appointment of independent and experienced noise specialist						
164	E86	An independent and experienced noise specialist must be approved by the Planning Secretary to verify the validity (including being accurate and consistent with the requirements of this approval and the traffic noise model used to address the change of noise created by the CSSI) of the: (a) Traffic Noise Monitoring Program required under Condition E87 ; (b) Operational Noise Review (ONR) required under Condition E89 ; (c) Operational Noise Monitoring Program required under Condition E96 ; and	Letter from DPHI to TfNSW dated 19/07/23 re nomination of an independent noise specialist for the Southern Package Letter from DPHI to TfNSW dated 16/08/23 re nomination of an independent noise specialist for the Northern Package	Nicholas Vandenberg approved as Independent Noise Specialist for the Southern Package. Letter from DPHI states that he has the skills and experience required to verify the validity of the Southern Package's operational noise report for required under Condition E89. Nicholas Vandenberg approved as Independent Noise Specialist for the Northern Package. Letter from DPHI states that he has the skills and experience required to	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(d) Operational Noise Compliance Report (ONCR) required under Condition E98. The Planning Secretary's approval of the noise specialist must be sought no later than one month before undertaking traffic noise monitoring required under Condition E87. If Condition E88, applies, the approval of the noise specialist must be sought no later than one month before undertaking the ONR. Each verification must be submitted to the Planning Secretary for information along with a report that summarises and provides evidence to support the verification. The verification and report must be submitted to the Planning Secretary with the relevant operational noise documentation.	Monitoring undertaken between 14/11/2022 and 13/12/2022	verify the validity of the Northern Package's operational noise report for required under Condition E89. Approval of noise specialist obtained more than one month before the commencement of traffic noise monitoring. Verification of Traffic Noise Monitoring Program, ONR, Operational Noise Monitoring Program and ONCR not undertaken yet as the project is still in the construction phase.		
Road Traffic Noise						
165	E87	Before the commencement of Work, a Traffic Noise Monitoring Program must be prepared to inform the calculation of	Letter from DPHI to TfNSW dated 22/12/22 Approving	Program prepared and approved by DPHI more than one month prior to commencing work in the	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		operational road traffic noise impacts at sensitive land use(s). The program must: (a) include monitoring at the noise monitoring locations used to inform the EIS; and (b) identify additional locations at which monitoring will be undertaken to determine the change in operational traffic noise as a result of the CSSI. The additional monitoring locations must be located around elements of the CSSI that will create a change of noise (such as interchanges near residents and behind noise barriers) and be representative of the range of sound propagation conditions along the length of the CSSI corridor. The monitoring program must be submitted to the Planning Secretary for approval at least one month prior to undertaking any noise monitoring. Noise monitoring must not commence	Traffic Noise Monitoring Program M1 to Raymond Terrace Traffic Noise Monitoring program, prepared by Arup Rev 1 24/11/22	vicinity of a noise monitoring location.		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		until the Planning Secretary has approved the Traffic Noise Monitoring Program. Noise monitoring must be undertaken prior to commencing Work in the vicinity of a noise monitoring location. Note: <i>The intent of this condition is to establish baseline noise levels for post construction compliance.</i>				
166	E88	Conditions E86(a) and E87 do not apply if it can be demonstrated to the satisfaction of the Planning Secretary that alternate monitoring addresses these condition requirements.	N/A		Not triggered	
Operational Noise Review (ONR)						
167	E89	An ONR must be prepared to confirm noise control measures that would be implemented for the operation of the CSSI. The ONR must be prepared in consultation with relevant council(s) and the EPA and must: (a) include the data collected in Condition E87 or E88;	N/A	Documents are currently being prepared.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(b) confirm the appropriate operational noise objectives and levels for surrounding development, including existing sensitive land use(s); (c) confirm the operational noise predictions based on the final design. Confirmation must be based on an appropriately calibrated model(s) (which has incorporated noise monitoring, and concurrent traffic counting, where necessary for calibration purposes). The assessment must specifically include verification of noise levels, based on noise monitoring undertaken at appropriately identified noise catchment areas surrounding the facilities; (d) confirm traffic inputs, including consideration of current traffic forecasting model data (including data obtained from the relevant local councils on adjacent traffic-generating				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		developments (such as the Black Hill development area)); (e) confirm the operational noise impacts at sensitive land use(s) based on the final design of the CSSI. Confirmation must be based on an appropriately calibrated noise model and include operational daytime $L_{Aeq,15\text{ hour}}$ and night-time $L_{Aeq, 9\text{-hour}}$ traffic noise contours and address the following - (i) impacts arising from traffic control devices, (ii) impacts arising from specific road design features such as but not limited to an interchange, ramps, horizontal and vertical alignment of the road, and (iii) the ranking of maximum noise level impacts on sensitive land use(s) affected by (i) and (ii) above for the				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		prioritisation of noise mitigation measures; (f) identify sensitive land use(s) where noise levels are predicted to exceed the requirements of the <i>NSW Road Noise Policy</i> (DECCW, 2011); (g) identify all operational noise mitigation measures to be implemented including location, type and timing of mitigation measures and how the final suite of mitigation measures will achieve the requirements of E89(b) with a focus on - (i) road design and traffic management, (ii) source control and design, (iii) in-corridor noise barriers/mounds (contingency factors need to adopt safety factors), (iv) at-property acoustic treatments or localised barriers/mounds (if relevant), and				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(v) 'best practice' achievable noise and vibration outcomes; (h) include a consultation strategy to seek feedback from directly affected landowners on the noise measures; and (i) procedures for the management of operational noise complaints, including investigation and monitoring (subject to complainant agreement). The ONR must be submitted to the Planning Secretary for information prior to implementing at-property acoustic treatments, unless an alternate timeframe is agreed with the Planning Secretary. The identified noise control measures must be implemented and the ONR must be made publicly available following its submission to the Planning Secretary for information.				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>Note: The design of noise barriers and the like must be undertaken in consultation with the community as part of the DLP required under Conditions E23 to E27.</i>				
168	E90	The ONR required by Condition E89 must be prepared within 12 months of the commencement of construction, unless otherwise agreed with the Planning Secretary.	N/A	ONR currently being prepared	Not triggered	
169	E91	Where the noise management level in Condition E68(a) is likely to be exceeded at residences during construction, operational noise mitigation measures identified in Condition E89 , or in the absence of the final ONR the EIS, that will not be physically affected by construction must be implemented within 12 months of the commencement of construction at the residences where the NML is exceeded, unless another timeframe is agreed to by the Planning Secretary.	Audit interview, EIS	Currently planning these works, still within the 12 month timeframe set out in this condition	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		All requests to the Planning Secretary for an extension to the timeframe must be accompanied by a report justifying 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 are implemented. The report must be submitted to the Planning Secretary before the commencement of construction at the residences where the NML is exceeded. All temporary measures must be implemented within six months of the commencement of construction in the vicinity of the impacted residences. Note: <i>Not having finalised detailed design is not sufficient justification for not implementing the proposed operational noise mitigation measures.</i>				
170	E92	The implementation of at-property acoustic treatment does	Noise and vibration	Other noise and vibration mitigation and	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		not preclude the application of other noise and vibration mitigation and management measures, including temporary accommodation, to manage and mitigate construction noise.	management plans	management measures covered in approved NVMPs and implemented as required		
171	E93	Operational traffic noise mitigation measures must be prioritised to address source control measures, road design and then the application of additional mitigation measures (such as at-property acoustic treatment).	ONR	Mitigation measures currently being developed	Not triggered	
172	E94	All operational noise mitigation measures identified in the ONR required by Condition E89 must be implemented prior to operation of the CSSI, unless otherwise agreed with the Planning Secretary.	N/A	This stage of works not yet reached.	Not triggered	
Operational Noise Validation						
173	E95	Within 12 months and at 5 years of the commencement of operation of the CSSI, monitoring of operational noise must be undertaken to compare actual noise performance of the CSSI against the noise performance predicted in the review of noise mitigation measures required by Condition E89 .	N/A	This stage of works not yet reached.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
174	E96	The Proponent must prepare an Operational Monitoring Report which sets out how monitoring is to be undertaken for the comparison of noise performance required by Condition E95. The report must include: (a) proposed monitoring methodology; (b) location of noise monitoring sites, with reference to specific impacts on receivers. Monitoring locations must be grouped by - (c) pavement type, (d) (ii) topography, (e) line of sight from a monitoring location to the CSSI, and (f) road design elements e.g. interchange, on- and off-ramps; (g) an assessment of the acoustic performance of different pavement types over their design life; and (h) any required recalibrations of the noise model taking into consideration factors such as noise monitoring	N/A	This stage of works not yet reached.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		and actual traffic numbers and proportions. The Operational Monitoring Report must be provided to the Planning Secretary for approval at least one month prior to undertaking the monitoring and must be reviewed and verified by the independent and experienced noise specialist engaged under Condition E86 . The verification must be submitted to the Planning Secretary with the report.				
175	E97	Classified traffic counts must be undertaken simultaneously with noise measurements to confirm traffic volumes and traffic mix assumptions and must be included in the Operational Monitoring Report ,	N/A	This stage of works not yet reached.	Not triggered	
Operational Noise Compliance Report (ONCR)						
176	E98	An ONCR must be prepared to document the findings of the operational noise monitoring carried out under Condition E96 . The ONCR must include the following: (a) an assessment of compliance with the	N/A	This stage of works not yet reached.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		operational noise levels predicted in the review of operational noise mitigation measures required under Condition E89; (b) an assessment of compliance with the operational noise levels in terms of criteria, noise goals and trigger levels established in the <i>NSW Road Noise Policy (DECCW, 2011)</i>, (c) details of any complaints (and the resolution of these complaints) and enquiries received in relation to operational noise generated by the CSSI between the date of commencement of operation and the date the report was prepared; (d) an assessment of noise mitigation trigger levels based on the measured change in noise between the without project and with project scenarios and if necessary, reassessment of the eligibility of impacted				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		sensitive receivers for noise mitigation; (e) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; (f) identification of additional measures to those identified in the review of noise mitigation measures required by Condition E89, that are to be implemented with the objective of meeting the operational noise levels in terms of noise assessment criteria set out in the <i>NSW Road Noise Policy (DECCW, 2011)</i>; and (g) identification of when these additional measures are to be implemented and how their effectiveness is to be measured and reported to the Planning Secretary and the EPA.				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		The ONCR must be prepared in accordance with the <i>Model Validation Guideline</i> (RMS, 16 May 2018 Version 1.1). The ONCR must be submitted to the Planning Secretary and the EPA for information within 90 days of completing the operational noise monitoring and made publicly available in accordance with Condition B12 upon submission to the Planning Secretary. The ONCR must be reviewed and verified by the independent and experienced noise specialist engaged under Condition E86. The verification must be submitted to the Planning Secretary and EPA with the report.				
177	E99	Where the actual or verified operational traffic data (including the average daily traffic volume, vehicle composition and speed) exceeds the predictions in the documents listed in Condition A1 and triggers increases in operational traffic noise levels and the number of properties eligible for noise mitigation measures, the	N/A	This stage of works not yet reached.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		ONR required in Condition E89 must be re-evaluated and revised. The independent and experienced noise specialist must review and verify the updated ONR. The updated ONR must be provided to the Planning Secretary for information within three months of completion of the 12 month operational noise validation required under Condition E95. A copy of the noise specialist's verification must be submitted with the updated ONR. Additional mitigation measures identified in the updated ONR must be implemented within 12 months of completion of the 12-month operational noise validation required under Condition E95, unless an alternative timeframe for implementation is agreed with the impacted residences.				
Maintenance of Low Noise Road Pavements						
178	E100	Low noise road pavements must be maintained to ensure that they continue to contribute to the compliance of mitigated noise	N/A	No work affecting existing low noise pavements has occurred to date	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		levels identified in the ONR (Condition E89) throughout the life of the project.				
PROPERTY AND LANDUSE						
179	E101	The Proponent must identify the utilities and services (hereafter “services”) potentially affected by Work to determine requirements for diversion, protection and/or support. Alterations to services must be determined by negotiation between the Proponent and the service providers. The Proponent in consultation with service providers must ensure that disruption to services resulting from the CSSI are avoided where practical and where unavoidable, customers are advised in accordance with the Communication Strategy required under Condition B1 .	CEMP and sub plans Communication Strategy M1 Pacific Motorway extension to Raymond Terrace V2.0 January 2023	Communications strategy Section 3.7 addresses consultation with utilities and services providers.	Compliant	
180	E102	The Proponent must liaise with DPI Fisheries, Local Land Services and DPE Water (Hunter Valley Flood Mitigation Scheme team) six months prior to the disposal of the surplus land identified in Appendix B, to ascertain whether	N/A	Disposal requirements under this condition have not yet been triggered	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		these agencies have interest in purchasing the land. Note: <i>DPI Fisheries, Local Land Services and DPE Water (Hunter Valley Flood Mitigation Scheme team) have all demonstrated an interest in restoring tidal flows and rehabilitating floodplain land in this area resulting in rehabilitation of saltmarsh and the restoration of a gradational wetland.</i>				
Condition Surveys						
181	E103	The Proponent must offer pre-construction surveys to the owners of surface and sub-surface structures and other relevant assets identified at risk from vibration, including all listed heritage items and buildings/structures of heritage significance as identified in the documents listed in Condition A1. Where the offer is accepted, the survey must be undertaken by a suitably qualified and experienced engineer and/or building surveyor prior to the commencement of	N/A	Dilapidation reports have not yet been completed.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		vibration generating works that could impact on the structure/asset. The results of each survey must be documented in a Pre-construction Condition Survey Report and the report must be provided to the owner of the item(s) surveyed no later than one month before the commencement of all other potentially impacting works.				
182	E104	Where pre-construction surveys have been undertaken in accordance with Condition E103 , subsequent post-construction surveys of the structure / asset must be undertaken by a suitably qualified and experienced engineer and/or building surveyor to assess damage that may have resulted from the vibration-generating works. The results of the post-construction surveys must be documented in a Post-Construction Condition Survey Report for each item surveyed. The Post-construction Condition Survey Reports must be provided to the owner of the structures/assets surveyed, and no later than four months	N/A	This stage of the works has not yet been reached.	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		following the completion of construction activities that have the potential to impact on the structure / asset.				
183	E105	Where damage has been determined to occur as a result of the CSSI, the Proponent must carry out rectification at its expense and to the reasonable requirements of the owner of the structure/asset within nine months of the completion of construction activities that have the potential to create damage unless another timeframe is agreed with the owner. Alternatively, the Proponent may pay compensation for the damage as agreed with the owner.	Audit interviews	No damage is known to have occurred to date	Not triggered	
Property Access						
184	E106	Access to all utilities must be maintained during Work, unless otherwise agreed with the relevant utility owner.	Audit interviews CEMP Appendix B1 Traffic, Transport and Access Management Sub-plan, Heatherbrae Bypass, Rev G September 2023	Table 5-2	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			CEMP Appendix B Traffic, Transport and Access Management Sub-plan, BH2T, Rev 0 November 2023	Table 6-1		
185	E107	The Proponent must maintain access to properties during the entirety of Work unless an alternative access is agreed in writing with the landowner(s) whose access is impacted by the CSSI works.	Audit interviews CEMP Appendix B1 Traffic, Transport and Access Management Sub-plan, Heatherbrae Bypass, Rev G September 2023 CEMP Appendix B Traffic, Transport and Access Management Sub-plan, BH2T, Rev 0 November 2023	Table 5-2 Table 6-1	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
186	E108	Where construction of the CSSI restricts a property's access to a public road, the Proponent must, until their primary access is reinstated, provide the property with temporary alternate access to an agreed road decided through consultation with the landowner, at no cost to the landowner, unless otherwise agreed with the landowner.	Audit interviews CEMP Appendix B1 Traffic, Transport and Access Management Sub-plan, Heatherbrae Bypass, Rev G September 2023 CEMP Appendix B Traffic, Transport and Access Management Sub-plan, BH2T, Rev 0 November 2023	Table 5-2 Table 6-1	Compliant	
187	E109	Any property access physically affected by the CSSI must be reinstated to at least an equivalent standard, unless otherwise agreed by the landowner. Property access must be reinstated within one month of the work that physically affected the access is completed or in any	Audit interviews CEMP Appendix B1 Traffic, Transport and Access Management Sub-plan, Heatherbrae	Table 5-2	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		before, and for the duration of, any disruption.	Rev 0 November 2023			
Agricultural Operations						
189	E111	The CSSI must be delivered in a manner that minimises intrusion, as far as reasonably practicable, and disruption to agricultural operations/activities in surrounding properties (including the Evergreen Stud Farm), unless otherwise agreed by the landowner.	Audit interviews CEMP Appendix B1 Traffic, Transport and Access Management Sub-plan, Heatherbrae Bypass, Rev G September 2023 Communication Strategy M1 Pacific Motorway extension to Raymond Terrace V2.0 January 2023	Section 5.9 Section 6	Compliant	
190	E112	Where the viability of existing agricultural operations will be impacted by the CSSI and has not been redressed through the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> , the	N/A	This condition has not been triggered to date	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Proponent must, at the request of the landowner, employ a suitably qualified and experienced independent agricultural expert to assist in identifying management measures to address the identified impacts. Where the Proponent has commenced the requirements of this condition, prior to determination of the CSSI, the Proponent may rely on these activities to fulfil this requirement.				
SOCIAL						
191	E113	Commitments, programs, timings and the effectiveness for achieving the following matters must be publicly reported prior to commencing construction and updated and publicly reported on a three-monthly basis consistent with the requirements of Condition B12: (a) the objectives for economic participation and capacity building of Aboriginal people through training, apprenticeships, employment, and business participation consistent with the <i>Aboriginal</i>	M1 Pacific Motorway extension to Raymond Terrace Workforce development, Aboriginal participation and community improvement report, September 2023 M1 Pacific Motorway extension to Raymond	Matters reported in the following sections of each report: (a) Section 3 (b) Section 2 (c) Section 4	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>Procurement Policy</i> (NSW Treasury, 2021); (b) diversity and gender equity in the construction workforce, including consistency with the <i>NSW Women's Strategy 2018-2022 Advancing economic and social equality</i> in NSW (NSW Government, 2018); and (c) (c) improvements in community wellbeing (e.g. sponsorships and donations programs).	Terrace Workforce development, Aboriginal participation and community improvement report, December 2023 M1 Pacific Motorway extension to Raymond Terrace Workforce development, Aboriginal participation and community improvement report, February 2024			
192	E114	All reasonable measures must be taken to avoid impacts to the Giant Fig Tree on the western bank of the Hunter River near AHIMS ID: 38-4-1810 site (as shown in the documents listed in Condition A1 . If impact to the tree	CEMP Appendix I BH2T Aboriginal Heritage Management Sub-plan, Rev 0 November	Design for this section taking into account the need to avoid impacts where possible on the fig tree	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		cannot be avoided, the removal of the tree must be undertaken in accordance with the Transport Roadside Tribute Policy (Roads and Maritime, 2016).	2023, Section 6.2			
SOILS						
193	E115	Before the commencement of any Work, erosion and sediment controls must be installed and maintained. When implementing such controls, any relevant guidance in the <i>Managing Urban Stormwater, Soils and Construction Vol.1</i> (Landcom, 2004) and Vol. 2D <i>Main Road Construction</i> (DECC, 2008) must be considered.	Audit interview Transport HP/WP register Progressive ersed plans 1-24 for HBB for CH 9700 – CH15050, Southbound exit ramp Windeyers Ck interchange, and Masonite Rd Bridge 27/11/2023 Progressive ersed plans for HBB AS2 16/12/2024 Photos of ersed controls installed	HP 00239 under CI 3.1 of specification G38 for AS2 at BH2T submitted 17/01/24 and released the same day.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
194	E116	Scour protection must be provided around piers in close proximity to the Hunter River levee(s) to minimise erosion during flood events.	Audit interview	Construction of Bridge 5 over the Hunter River has not yet commenced	Not triggered	
Contaminated sites						
195	E117	A NSW EPA accredited Site Auditor(s) must be engaged before the commencement of contamination investigations until the completion of construction to ensure that any Work required in relation to contamination is appropriately managed. The Site Auditor is to be provided with all documentation relevant to the consideration of contamination risk and the management of contamination for the project, including previous site audits and site audit statements. The Site Auditor is to review all relevant documentation and provide a written opinion on the contamination risk and the appropriateness of the reports and any proposed management measures of the site, including (but not limited to):	Audit interviews Professional Services Contract between TfNSW and AECOM for RZM site dated 08/01/2019 Interim Site Audit Advice 02 – 1508-2301 Sampling Analysis and Quality Plan for AOPCR3, AOPCR 10 and AOPCR19 M12RT Southern Portion: Black Hill to Tomago prepared by	Transport, JHGJV and Seymour Whyte have engaged EPA accredited site auditors for their respective areas of responsibility. HB: (a) See C7, C9 and C14 (b) See E119 (c) See E 123 (d) See E 127 (e) See E132	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(a) the contamination aspects of management and monitoring plans in Conditions C7, C9, C14 including any updates or amendments to those plans; (b) Sampling and Analysis Quality Plan in Condition E119 ; (c) Detailed Site Investigation Report(s) in Condition E123 ; (d) Remedial Action Plans in Condition E127 ; (e) Unexpected Finds Procedure for Contamination in Condition E132 ; and (f) Post-remediation validation reports .	Cavvanba Consulting 25/07/2023	(f) See E129 BH2T: (a) See C7, C9 and C14 (b) See E119 also Interim site audit advice Section 4 (c) See E 123 (d) See E 127 (e) See E132 (f) See E129		
196	E118	Evidence that an EPA accredited Site Auditor has reviewed: (a) each of the plans and reports listed in Condition E117 , and has issued an Interim Audit Advice or a relevant Site Audit Statement regarding the appropriateness of those	Letter from DPHI to TfNSW dated 16/06/23 acknowledging submission of Interim Site Audit Advice for the Southern Package	Northern package: One area of potential contamination identified at AS15. DSI completed in November and found no contamination risk that would trigger remediation. (a) Interim site audit advice SAQP Section 4 – BH2T	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		plans or reports. The Interim Audit Advice or relevant Site Audit Statement must be provided when the plan or report is submitted to the Planning Secretary for information. Where the report or plan is not required to be submitted, the Interim Audit Advice or Site Audit Statement must be submitted to the Planning Secretary within two weeks of being issued to the Proponent; and (b) the risk rating of areas of potential contamination in Table 4-1 of Appendix J of the Submissions Report and has issued an Interim Audit Advice confirming the risk rating has been done appropriately. A copy of the Interim Audit Advice must be provided to the Planning Secretary for information within two weeks of being issued to the Proponent.	Heatherbrae Bypass Areas of potential contamination risk ranking and Auditor advice dated 22/06/23 Site audit statement for property off Woodland Cl Tarro BH2T Heatherbrae Ancillary Compound Sample Analysis and Quality Plan, M1 to Raymond Terrace, Ade Consulting Group, October 2023 Interim Site Audit Advice 1508-2302 Risk Rating Review M12RT	(b)Interim Site Audit Advice RRV Heatherbrae Bypass Interim site audit advice RRV Section 4 BH2T DPHI letter states Interim Site Audit for Southern Package undertaken by NSW EPA accredited site auditor.		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Where the NSW EPA accredited Site Auditor confirms that no further investigations are warranted, Conditions E119, E121 to E126 do not apply. Note: <i>The NSW EPA accredited Site Auditor may recommend as part of the required review to either upgrade or downgrade the risk rating(s) of areas of potential contamination in Table 4-1 of Appendix J of the Submissions Report.</i>	Northern Portion: Heatherbrae Bypass 22/06/2023 Record of lodgement to DPHI of interim site audit advice (risk rating review) for northern package on 06/07/2023 Email from DPHI 07/07/2024 acknowledging receipt. Interim Site Audit Advice 02 – 1508-2301 Sampling Analysis and Quality Plan for AOPCR3, AOPCR 10 and AOPCR19 M12RT			

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Southern Portion: Black Hill to Tomago prepared by Cavvanba Consulting 25/07/2023 Interim Site Audit Advice - 1508- 2301 Risk Rating Review, M12RT Southern Portion: Black Hill to Tomago			
197	E119	A Sampling and Analysis Quality Plan must be prepared in accordance with the relevant guidelines made or approved by the EPA under s105 of the <i>Contaminated Land Management Act 1997</i> (CLM Act), to ensure that field investigations and analyses will be undertaken in a way that enables the collection and reporting of reliable data to meet project objectives, including (where applicable) the relevant site characterisation requirements	Heatherbrae Ancillary Compound Sample Analysis and Quality Plan, M1 to Raymond Terrace, Ade Consulting Group, October 2023 M1 Tomago-Sampling and Analysis Quality	SAQPs prepared for both packages.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		of the detailed or targeted site investigations. The Sampling and Analysis Quality Plan must be completed before Detailed Site Investigations are undertaken.	Plan M1 Raymond Terrace Extension – Black Hill to Tomago Project, Epic Environmental, July 2023 Interim Site Audit Advice 02 – 1508-2301 Sampling Analysis and Quality Plan for AOPCR3, AOPCR 10 and AOPCR19 M12RT Southern Portion: Black Hill to Tomago prepared by Cavanba Consulting 25/07/2023			
198	E120	All documents identified in Condition E117 to E119 inclusive	Project website Documents and notifications	Documents identified in the conditions above have been made publicly	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		must be made publicly available in accordance with Condition B12 .	M1 Raymond Terrace Transport for NSW (caportal.com.au)	available on the Project Website		
199	E121	Detailed Site Investigations must be undertaken before the commencement of Work that would result in any disturbance to land identified as a moderate to high risk areas of potential contamination in Table 4-1 of Appendix J of the Submissions Report listed in Condition A1(b) or as updated by Condition E118(b). This condition does not prevent disturbance to land that is required to complete the Detailed Site Investigations.	Detailed Site investigation - Heatherbrae Ancillary Compound M1 To Raymond Terrace - 2206-2212 Pacific Highway, Heatherbrae 28/11/23 AOPCR10 – Detailed Site Investigation John Black Hill to Tomago 1907 Pacific Highway, Tomago, October 2023 AOPCR3 – Detailed Site Investigation	DSIs undertaken as per the requirements of this condition	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Black Hill to Tomago Woodlands CI Tarro, September 2023			
200	E122	The Detailed Site Investigations must: (a) be undertaken by a Contaminated Land Consultant certified under either the Environment Institute of Australia or New Zealand's "Certified Environmental Practitioner" (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia "Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and (b) determine the nature and extent of contamination and to assess whether the contamination has the potential to pose an unacceptable risk to human	Audit interviews M1 Tomago-Sampling and Analysis Quality Plan M1 Raymond Terrace Extension – Black Hill to Tomago Project, Epic Environmental, July 2023 AOPCR10 – Detailed Site Investigation John Holland M1 Raymond Terrace Extension – Black Hill to Tomago 1907	Detailed site investigations for northern package (AS15) currently being undertaken DSI for AOPCR10 (a) Reviewed and approved by a CEnvP SC (b) Section 10.1	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		health or the environment on or off- site.	Pacific Highway, Tomago, October 2023			
201	E123	A Detailed Site Investigation Report must be submitted to the Planning Secretary upon request following the completion of the Detailed Site Investigations required by Condition E121. The Report must be provided within two weeks of receiving the request. The Detailed Site Investigation Report must be prepared in accordance with: (a) the land use criteria applicable to the final land use at the opening of the CSSI. Where the final land use is unknown the most stringent criteria for the land use assumed in the documents listed in Condition A1 is to be applied; and (b) relevant guidelines made or approved by the EPA under section 105 of the CLM Act including <i>Consultants</i>	N/A	Detailed site investigations are currently being undertaken	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>Reporting on Contaminated Land</i> (NSW EPA 2020). The report must be prepared by a Contaminated Land Consultant certified under either the Environment Institute of Australia or New Zealand's "Certified Environmental Practitioner" (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia "Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. Note: <i>Nothing in this condition prevents the Proponent from preparing individual Detailed Site Investigation Reports for separate contaminated sites.</i>				
202	E124	The Detailed Site Investigation Report must provide details on: (a) primary sources of contamination, for example potentially contaminating activities, infrastructure (such as underground	N/A	Detailed site investigations are currently being undertaken	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		storage tanks, fuel line, sumps or sewer lines) or site practices; (b) contaminant dispersal in air, hazardous ground gases, surface water, groundwater, soil vapour, separate phase contaminants, sediments, infrastructure (e.g. concrete), biota, soil and dust; (c) contaminant characterisation and behaviour (volatility, leachability, speciation, degradation products and physical and chemical conditions on-site which may affect how contaminants behave); (d) potential effects of contaminants on human health, including the health of occupants of built structures (for example arising from risks to service lines from hydrocarbons in groundwater, or risks to concrete from acid sulphate soils) and the environment;				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(e) potential and actual contaminant migration routes including potential preferential pathways; (f) the adequacy and completeness of all information available for use in the assessment of risk and for making decisions on management requirements, including an assessment of uncertainty; (g) the review and update of the conceptual site model from the preliminary and detailed site investigations; (h) nature and extent of any existing remediation (such as impervious surface capping(s)); and (i) (i) whether the land is suitable (for the intended final land use) or can be made suitable through remediation.				
203	E125	Detailed Site Investigation Reports must be reviewed by the Site Auditor in accordance with Condition E117 and all recommendations made by the Site Auditor implemented before	N/A	Detailed site investigations are currently being undertaken	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Work commencing that could result in any disturbance of any land identified as a moderate to high risk areas of potential contamination in Table 4-1 of Appendix J of the Submissions Report listed in Condition A1(b) or as updated by Condition E118(b). Notes: 1. <i>The intention of this condition is to require Detailed Site Investigations of locations identified as an area of potential contamination to be completed before any form of excavation, including the use of hand tools, exposes soil. This will minimise risks to human health and/or the environment.</i> 2. <i>This condition does not prevent disturbance required to complete the Detailed Site Investigations.</i> 3. <i>This condition does not prevent other activities that do not disturb the</i>				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		<i>land where the ER has reviewed the appropriateness of those activities in accordance with A29(h).</i>				
204	E126	Any recommendations made in the Detailed Site Investigation Report for changes to management measures in the CEMP sub-plan(s) must be incorporated into the relevant subplan required by Condition C5 , unless otherwise approved by the Planning Secretary.	N/A	Detailed site investigations are currently being undertaken	Not triggered	
205	E127	Where remediation is required to make land suitable for the final intended land use, a Remedial Action Plan must be prepared and/or reviewed and approved by consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.	Remedial Action Plan – AOPCR 3 M1 Raymond Terrace Extension – Black Hill to Tomago Woodlands Close, Tarro NSW 2322 SCL230006.02 16 October 2023 Remedial Action Plan – AOPCR 10 M1 Raymond	RAPs prepared in accordance with the requirements of this condition.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		The Remedial Action Plan must be prepared in accordance with relevant guidelines made or approved by the EPA under section 105 of the CLM Act and must include measures to remediate the contamination at the site to ensure the site will be made suitable for the final intended land use. Nothing in this condition prevents the preparation of individual Remediation Action Plans for separate contaminated sites.	Terrace Extension – Black Hill to Tomago 1907 Pacific Highway, Tomago NSW 2322 SCL230006.02 25 October 2023 Remediation Action Plan Former RZM Site Tomago, Transport for NSW 21/02/2023			
206	E128	Before commencing remediation, a Section B Site Audit Statement(s) must be prepared by an NSW EPA-accredited Site Auditor that certifies that the Remedial Action Plan is appropriate and that the site can be made suitable for the proposed use. The Remedial Action Plan must be implemented and any changes to the Remedial Action Plan must be approved in writing	Section B2 Site Audit Report & Site Audit Statement RZM Remedial Action Plan, Transport for NSW, prepared by AECOM, 14/03/2023 Site Audit Report for SAS	Site audit statements prepared prior to commencement of remediation.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		by the NSW EPA accredited Site Auditor. Nothing in this condition prevents the Proponent from engaging the Site Auditor to prepare Site Audit Statements for separate contaminated sites.	1508-2301-1, John Holland Gamuda Joint Venture, AOPCR3 within M12RT Southern Portion, Black Hill to Tomago NSW, 24 November 2023			
207	E129	For any land identified as a moderate to high risk area of potential contamination in table 4-1 of Appendix J of the Submissions Report listed in Condition A1(b) or as updated by Condition E118(b), a Section A1 or A2 Site Audit Statement (accompanied by an Environmental Management Plan) and its accompanying Site Audit Report, which state that the contaminated land disturbed by the Work has been made suitable for the intended land use, must be submitted to the Planning Secretary and relevant council after remediation and no later	N/A	No remediation work has been completed to date	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		than before the commencement of operation of the CSSI. Nothing in this condition prevents the Proponent from obtaining Section A Site Audit Statements for individual parcels of remediated land.				
208	E130	Contaminated land must not be used for the purpose approved under the terms of this approval until a Section A1 or A2 Site Audit Statement is obtained which states that the land is suitable for that purpose and any conditions on the Section A Site Audit Statement have been complied with.	N/A	No remediation work has been completed to date	Not triggered	
209	E131	Any recommendations to minimise risk to human health or the environment or for the management or further investigation of contamination arising, as detailed in the EPA accredited Site Auditor reviews, advices or audit statements must be incorporated into the relevant CEMP Sub-plan(s) and implemented.	CEMP Appendix B6 Construction Soil and Water Management Sub-plan, Heatherbrae Bypass Rev G September 2023 Appendix H Construction Contaminated Land	Table A1 Section 6	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Management Sub-plan Heatherbrae Bypass September 2023 CEMP Appendix G BH2T Soil and Surface Water Management Sub-plan, Rev 0 November 2023 M1 Pacific Motorway Extension to Raymond Terrace SSWMP Appendix I – BH2T Contaminated Land Management Plan Revision 0 November 2023	Table 3-2 Section 4		
210	E132	An Unexpected Finds Procedure for Contamination must be prepared before the commencement of Work and must be followed should	Unexpected Finds Procedure for Contamination M1 Pacific	Procedure completed and approved more than one month prior to commencement of work	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		unexpected contamination or asbestos (or suspected contamination) be excavated or otherwise discovered. The procedure must include details of who will be responsible for implementing the unexpected finds procedure and the roles and responsibilities of all parties involved. The Procedure must be reviewed by the Site Auditor and interim audit advice or a Section B Site Audit Statement provided certifying that the Unexpected Finds Procedure is appropriate. The Unexpected Finds Procedure must be submitted to the Planning Secretary for approval at least one month prior to the commencement of Work and a copy of the interim audit advice or Section B Site Audit Statement attached. The Unexpected Finds Procedure for Contamination must be implemented throughout Work.	Motorway Extension to Raymond Terrace, V2.2 February 2023 Letter from DPHI to TfNSW dated 27/03/23 approving the procedure.			
SUSTAINABILITY						
211	E133	A Sustainability Strategy must be prepared to achieve a minimum "Excellent" 'Design' and 'As built' rating under the Infrastructure	Sustainability Strategy for M1 Pacific Motorway to	Sustainability strategy prepared for both packages	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Sustainability Council infrastructure 1.2 rating tool. Evidence that the 'Excellent' ratings has been achieved must be provided to the Planning Secretary for information: (a) within 12 months of commencing construction for the 'Design' rating; and (b) within 12 months of commencing of operation of the CSSI for the 'As built' rating.	Raymond Terrace (Heatherbrae Bypass), Rev A 21/08/23 Sustainability Strategy for M1 Pacific Motorway Extension to Raymond Terrace Stage 1 Black Hill to Tomago (Heatherbrae Bypass), Rev 0 08/11/23	Remainder of requirements not triggered yet.		
212	E134	The Sustainability Strategy must be implemented throughout construction and operation.	Sustainability Strategy for M1 Pacific Motorway to Raymond Terrace (Heatherbrae Bypass), Rev A 21/08/23 Sustainability Strategy for M1	Both projects are registered with ISC and pursuing a base case in accordance with the sustainability strategies prepared for each package	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Pacific Motorway Extension to Raymond Terrace Stage 1 Black Hill to Tomago (Heatherbrae Bypass), Rev 0 08/11/23			
213	E135	A Water Reuse Strategy must be prepared, which sets out options for the reuse of collected stormwater and groundwater during construction and operation. The Water Reuse Strategy must include, but not be limited to: (a) evaluation of reuse options; (b) details of the preferred reuse option(s), including volumes of water to be reused, proposed reuse locations and/or activities, proposed treatment (if required), and any additional licences or approvals that may be required;	Construction Water Reuse Strategy, Heatherbrae Bypass, September 2023, Rev C M1 Motorway Extension to Raymond Terrace – Stage 1 Black Hill to Tomago Appendix E - Water Reuse Strategy, Rev 1, November 2023	Requirements addressed in the following sections of CWRS for Heatherbrae Bypass: (a) Section 3.2 (b) Section 3 and Section 4 (c) Section 3.3 (d) Section 3.3 (e) Section 3.2.1 and 3.2.2 Requirements addressed in the following sections of the WRS for BH2T: (a) Section 5 (b) Section 5 (c) Section 6 (d) Section 5.2.3 (e) Table 5-1	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(c) measures to avoid misuse of recycled water as potable water; (d) consideration of the public health risks from water recycling; and (e) a time frame for the implementation of the preferred reuse option(s). The Water Reuse Strategy must be prepared based on best practice and advice sought from relevant agencies, as required. The Strategy must be applied during construction and operation. Justification must be provided to the Planning Secretary if it is concluded that no reuse options prevail before the commencement of construction. A copy of the Water Reuse Strategy must be made publicly available in accordance with Condition B12 prior to the commencement of construction. If reuse is only proposed during operation, then the Strategy must		Hunter Water consulted with during preparation of both strategies and documented in the strategies. Water reuse strategies for both packages published on project website: Microsoft Word - M1RTHB-SEYWC-6003-WA-STG-000001 RevC (caapp.com.au) Nov 2023- BH2T Water Reuse Strategy.pdf (caapp.com.au)		

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		be made publicly available prior to the commencement of operation. Note: <i>Nothing in this condition prevents the Proponent from preparing separate Water Reuse Strategies for the construction and operational phases of the CSSI.</i>				
TRAFFIC AND TRANSPORT						
Construction traffic management						
214	E136	Local roads proposed to be used by heavy vehicles to directly access the construction boundary and ancillary facilities that are not shown in Figure 5-2 of Appendix G of the Environmental Impact Statement as listed in Condition A1(a) must be approved by the Planning Secretary and included in the Traffic, Transport and Access Management CEMP Sub-plan.	Construction Traffic, Transport and Access Management Sub-plan Heatherbrae Bypass September 2023 M1 Pacific Motorway Extension to Raymond Terrace – Stage 1 – Black Hill to Tomago	HBB Appendix A Table A1 and Section 5.2 BH2T Table 6-1 Letter from DPHI 09/10/2023 agrees to use of Camfield Dr by heavy vehicles for 6 months from commencement of construction.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Appendix B - Traffic, Transport and Access Management Sub-Plan, November 2023 Letter from DPHI to Transport re HBB CEMP dated 09/10/2023			
215	E137	Heavy vehicle movements proposed along Adelaide Street for haulage of quarry materials, plant and equipment must be modelled and included in the Traffic, Transport and Access Management CEMP Sub-plan.	Construction Traffic, Transport and Access Management Sub-plan Heatherbrae Bypass September 2023	Appendix B	Compliant	
216	E138	All requests to the Planning Secretary under Condition E136 must include a traffic and pedestrian impact assessment and be prepared in consultation with the relevant council(s). The assessment must be undertaken by an appropriately qualified and	Construction Traffic, Transport and Access Management Sub-plan Heatherbrae	Appendix C of TTAMSP	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		experienced person and must include a swept path analysis if required by the Department. 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 road dilapidation surveys for the subject local roads; and (c) describe the measures that will be implemented to avoid where practicable the use of local roads past schools, aged care facilities and childcare facilities during peak times for operation. The outcomes and recommendations of the traffic and pedestrian impact assessment must be incorporated into the Ancillary Facility Site Establishment Management Plan	Bypass September 2023 Appendix C of TTAMSP for Heatherbrae Bypass – Camfield Drive Traffic and Pedestrian Impact Assessment for M12RT Heatherbrae Bypass Rev D September 2023			

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		or Traffic Management CEMP Sub-plan as relevant.				
217	E139	Bus-stops / bus routes that may be altered as a result of the CSSI must not adversely impact any marginalised or vulnerable persons.	Construction Traffic, Transport and Access Management Sub-plan Heatherbrae Bypass September 2023 M1 Pacific Motorway Extension to Raymond Terrace – Stage 1 – Black Hill to Tomago Appendix B - Traffic, Transport and Access Management Sub-Plan, November 2023	HBB Section 4.5 states that no bus routes would be affected as a result of the works and no existing bus stops would need to be relocated BH2T No bus routes to be significantly affected by the construction of the proposal (Section 5.2.4.1) Bus stops will be temporarily removed (Section 5.1, 5.2.4.1). The final location of relocated bus stops will be developed in consultation with operators during detailed design to mitigate impacts to any users, including, marginalised or vulnerable persons. Changes to bus stop locations will not occur until the location of alternative bus stop locations has been agreed with the operators and the	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
				alternative bus stops are provided.		
Road Dilapidation						
218	E140	Before any local road is used by a heavy vehicle for the purposes of the CSSI, a Road Dilapidation Report must be prepared for the road unless otherwise agreed to by the relevant road authority. A copy of the Road Dilapidation Report must be provided to the relevant council within three weeks of completion of the survey and no later than two weeks before the road being used by heavy vehicles associated with the CSSI. If damage to roads occurs as a result of the construction of the CSSI, the Proponent must rectify the damage to restore the road to at least the condition it was in pre-construction in consultation with the relevant road authority. Rectification works must be undertaken within three months of the subject road no longer being used for the construction of the CSSI unless an alternative	Audit interview Email dated 26/05/23 from HBB to Port Stephens Council with dilapidation report for Camfield Drive Heatherbrae Inspections for the report conducted on 10/05/23 Email dated 16/08/2023 from BH2T to NCC with link to road dilapidation reports for Anderson Drive, Lenaghans Drive, Woodlands Close, Aurizon	Road dilapidation reports prepared and submitted to the relevant councils within the required timeframe.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		timeframe is agreed to by the relevant road authority.	Access, Road and Quarter Sessions Road			
Pedestrian and Cyclist Access						
219	E141	Safe pedestrian and cyclist access must be maintained around work sites during construction. In circumstances where pedestrian and cyclist access is restricted or removed due to construction activities, a proximate alternative route which complies with relevant standards, unless otherwise endorsed by an independent, appropriately qualified and experienced person, must be provided (including signposting) prior to the restriction or removal of the impacted access.	CEMP Appendix B1 Traffic, Transport and Access Management Sub-plan, Heatherbrae Bypass, Rev G September 2023 CEMP Appendix B BH2T Traffic, Transport and Access Management Sub-plan, BH2T, Rev 0 November 2023	Table 5-2 (TT12) – Covered in Vehicle Management Plans and Pedestrian Movement Plans Table 6-1 (TTAMM20) – Covered by Alternative access plans and AMS/Risk Assessments	Compliant	
220	E142	The CSSI must maintain the existing roadway at and adjacent the access and egress points to the construction areas and ancillary facilities to ensure safe passage for cyclists, unless alternative arrangements are made in accordance with Condition E141 .	CEMP Appendix B1 Traffic, Transport and Access Management Sub-plan, Heatherbrae Bypass, Rev G September 2023	Table 5-2 (TT13) – Covered in Vehicle Management Plans and Pedestrian Movement Plans	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		Note: <i>The intent of this condition is to enhance community safety (cyclist and vehicular) in the general vicinity of site access entrance and exits as the Proponent will be required to maintain roadways including road shoulders so that gravel and other debris is minimised.</i>	CEMP Appendix B BH2T Traffic, Transport and Access Management Sub-plan, BH2T, Rev 0 November 2023 Traffic Management and Safety Plan BH2T Rev 0 February 2024	Table 6-1 (TTAMM21) – Covered by Traffic Management Safety Plan, Alternative access plans and AMS/Risk Assessments Section 2, Section 3, Table 3, Section 5		
Road Safety						
221	E143	The CSSI (including new or modified local roads, parking, pedestrian and cycle infrastructure) must be designed to meet relevant design, engineering and safety guidelines, including the <i>Austroads Guide to Traffic Management</i> .	N/A	Design for project has not been finalised	Not triggered	
222	E144	An independent Road Safety Audit must be undertaken to assess the safety performance of new or modified local road, parking, pedestrian and cycle infrastructure provided as part of the CSSI (including ancillary	M1 Pacific Motorway Extension to Raymond Terrace Black Hill to Tomago Ancillary (S&L,	Road safety audits for BH2T undertaken by Level 2 and Level 3 Road Safety Auditors whose qualifications are provided in the report.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		facilities) to ensure that they meet the requirements of relevant design, engineering and safety guidelines, including <i>Austroads Guide to Traffic Management</i>. The audit(s) must be undertaken by an appropriately qualified and experienced person during detailed design development (audit of plans) and prior to opening (pre-opening audit). The audit findings and recommendations of the detailed design plans (audit of the plans) must be actioned prior to construction of the relevant infrastructure. The pre-opening audit findings and recommendations must be actioned prior to the relevant infrastructure being made available for use. All audit findings must be made available to the Planning Secretary on request, within the timeframe stated in the request.	Road Furniture) Road Safety Audit Zone 1 Revision B September 2023 M1 Pacific Motorway Extension to Raymond Terrace Black Hill to Tomago Detailed Design (SDD) Road Safety Revision B October 2023	The requirement to undertake a road safety audit in accordance with this condition has not yet been triggered for HBB.		
WASTE						

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
223	E145	Waste generated during construction and operation 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 must be re-used, recycled, or recovered; and (c) where re-using, recycling or recovering waste is not possible, waste must be treated or disposed of.	Audit interviews Site inspections CEMP Appendix B9 Construction Waste Management Sub-plan, Heatherbrae Bypass, Rev C, September 2023 CEMP Appendix M Waste and Resource Management Sub-plan, BH2T, Rev 0 November 2023 Contractor's Environmental Inspection Report INS-00370404 24/11/23 BH2T Waste and Resource	Requirements addressed in Waste Management Plans for both packages. Sighted Waste Register for HBB which contains dates waste disposed, waste type, quantity, whether recycled off site or sent to landfill and the location sent to and additional waste type description. Sighted Waste Register for BH2T which contains dates waste disposed, waste type, quantity, whether recycled off site or sent to landfill and the location sent to.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Recovery reporting			
224	E146	The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the EPL in force for the CSSI, or be done in accordance with a Resource Recovery Exemption or Order issued under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> , as the case may be.	Audit interviews CEMP Appendix B9 Construction Waste Management Sub-plan, Heatherbrae Bypass, Rev C, September 2023 CEMP Appendix M Waste and Resource Management Sub-plan, BH2T, Rev 0 November 2023 Letter from Tetra Tech Coffey to Transport dated 15/11/2023 re Excavated Public Road Material Assessment of Overburden	HBB Table 7-1 (WR5) 3000 cubes of excavated public road material received and being used as fill in accordance with <i>The excavated public road material order 2014</i> Table 3-2, Section 5.6.3 and Section 6 None imported for BH2T as they have positive fill balance i.e. none needing to be imported.	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			Spoil Excavated during Heddon Greta Road Upgrade Works Hunter Environmental Consulting, Virgin Excavated Natural Material Assessment, Hunter Quarries - Karuah East			
225	E147	Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> , or to any other place that can lawfully accept such waste.	Sighted licence for waste receiver – Central Waste Station Waste docket for clean up of hydrocarbon spill, removed soil and used spill kit material dated 03/10/23 sighted went to Veolia Central Waste Station – 8 Style St Kurri Kurri	Waste is being transported to licensed disposal sites	Compliant	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
			10/07/23 – Construction and demolition waste			
226	E148	All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.	Waste registers for HBB and BH2T Waste docket for clean up of hydrocarbon spill, removed soil and used spill kit material dated 03/10/23 sighted went to Veolia Central Waste Station – 8 Style St Kurri Kurri 10/07/23 – Construction and demolition waste	Waste registers established and maintained, waste disposal dockets being received and retained.	Compliant	
WATER						
227	E149	The CSSI must be designed, constructed and operated so as to maintain the NSW Water Quality Objectives where they are being achieved as at the date of this	Environment Protection Licence 21819 - M1 PACIFIC MOTORWAY	Design phase not yet complete Construction is currently being undertaken in	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		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 CSSI contains different requirements in relation to the <i>NSW Water Quality Objectives</i>, in which case those requirements must be complied with. Note: <i>If it is proposed to discharge construction stormwater to waterways, a Water Pollution Impact Assessment will be required to inform licensing, consistent with section 45 of the POEO Act. Any such assessment must be prepared in consultation with the EPA and be consistent with the National Water Quality Guidelines, with the level of detail commensurate with the potential water pollution risk.</i>	EXTENSION TO THE PACIFIC HIGHWAY TO RAYMOND TERRACE – HEATHERBRAE BYPASS Environment Protection Licence 21808 - M1 EXTENSION TO RAYMOND TERRACE – Black Hill to Tomago	accordance with SWMPs for each project		
Construction Requirements						

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
228	E150	Works on waterfront land and within watercourses must have regard to <i>Guidelines for controlled activities on waterfront land</i> (NRAR, 2018). This includes outlets and watercourse crossings.	Audit interview	This requirement is being incorporated into the detailed design which is ongoing	Not triggered	
229	E151	Proposed revegetation within riparian zones should have regard to NRARs guidelines for Vegetation Management Plans and accommodate a fully structured vegetated riparian zone using indigenous species. <i>Note: Revegetation must include a maintenance component identified in the DLP as required by Condition E26 and the operational maintenance requirements of Conditions E28 and E30.</i>	N/A	Project is in very early stage of construction. Revegetation works still to be worked out Landscape designs are being prepared and Design Landscape Plan has not yet been finalised	Not triggered	
230	E152	The realignment of Purgatory Creek must: (a) mimic natural stream design by incorporating natural hydrological function and not include 90 degree sharp meanders; and	N/A	Design work for this is ongoing	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(b) tie into upstream and downstream sections of the watercourse and not limit any connectivity in the area.				
231	E153	Make good provisions for groundwater users must be provided in the event of a material decline in water supply levels, quality or quantity from registered existing bores, associated with groundwater changes from either construction and/or ongoing operational dewatering caused by the CSSI.	Groundwater Management Plan	Currently undertaking baseline monitoring	Not triggered	
232	E154	Impacts to the Hunter Valley Flood Mitigation Scheme infrastructure should be avoided. Where impact is not avoidable, consultation with DPE Water (Hunter Valley Flood Mitigation team) during the detailed design process must be undertaken to mitigate the impacts and any agreed measures implemented during construction.	Audit interviews	Detailed design is ongoing, at present no impacts are anticipated. Consultation with Hunter Valley Flood Mitigation Team will be undertaken if required.	Not triggered	
Stormwater Drainage						
233	E155	The Proponent must undertake further hydrological and hydraulic modelling based on the detailed design of the CSSI to determine the ability of the receiving	N/A	Detailed design is not yet complete	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		stormwater drainage systems to effectively convey pavement drainage from the CSSI. The modelling must be undertaken in consultation with the relevant council(s) and Hunter Water where it is proposed to discharge these flows to their receiving stormwater drainage systems and the outcomes documented in the Stormwater Drainage Report required under Condition E156 .				
234	E156	The Stormwater Drainage Report must be prepared at least one month prior to the commencement of any new permanent drainage works, modifications or connections to existing drainage works, construction of hard surfaces that are associated with the operation of the project and would result in runoff to existing stormwater drainage systems. The Stormwater Drainage Report must: (a) assess the potential impacts of pavement drainage discharges from the CSSI drainage systems on the	N/A	Detailed design is not yet complete	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		receiving environment and capacity of council or Hunter Water drainage infrastructure; (b) identify all mitigation measures to be implemented where pavement drainage from the CSSI drainage systems are predicted to adversely impact on the receiving environment or capacity of council or Hunter Water drainage infrastructure; and (c) set out a clear time frame for the implementation of mitigation measures. Nothing in this condition prevents the Proponent from preparing separate Stormwater Drainage Reports for pavement discharges to the drainage system provided that each report is prepared at least one month prior to the subject works/discharges commencing.				
235	E157	All new or modified drainage systems associated with the CSSI must be designed to:	N/A	Being addressed during detailed design which is not yet complete	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
		(a) meet the capacity constraints of any council's or Hunter Water drainage system to receive and convey the proposed flows from the CSSI, or otherwise upgrade council's drainage system at the Proponent's expense, in consultation with the relevant council(s); (b) minimise impacts on the receiving environment at the final outflow point resulting from any additional flow volume (including, but not limited to scour, flooding, water quality impacts, and impacts on riparian vegetation, aquatic ecology and property); (c) ensure mitigation measures are implemented where increased flows through cross drainage systems adversely impact on council or Hunter Water drainage infrastructure and the receiving environment; and (d) maintenance ease and accessibility of outlet.				

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
236	E158	The drainage design for the section of CSSI that traverses the Tomago Sandbeds Catchment Area must comply with the Neutral or Beneficial Effect principles for construction and operation or as agreed with by Hunter Water Corporation to ensure that road pavement run-off will not impact on water quality in the aquifer.	Audit interview	This condition applies to HBB only. Detailed design is ongoing.	Not triggered	
Detention Basin						
237	E159	Unless approved by an EPL, all sediments basins that intercept saline or groundwater or that are within the Tomago Sandbeds drinking water catchment must be lined.	Audit interviews CEMP Appendix B6 Construction Soil and Water Management Sub-plan, Heatherbrae Bypass Rev G September 2023 CEMP Appendix G BH2T Soil and Surface Water Management Sub-plan, Rev 0 November 2023	At present the erosion and sediment control strategy for HBB does not trigger a requirement to construct sediment basins due to the sandy soil and flat grade present at this site. Two sediment basins planned for BH2T but it is not anticipated that they will intercept saline or groundwater and would not be located within the Tomago Sandbeds drinking water catchment	Not triggered	

NSEH reference No	Condition No	Condition	Evidence collected	Findings and recommendations	Compliance status	Noncompliance #
Dredging within the Hunter River						
238	E160	A floating boom and silt curtain system must be installed around dredging activities and any nearby sensitive aquatic environments prior to dredging in the Hunter River. The boom and curtain system must be retained after completion of dredging until the turbidity within the system returns to background levels.	Letter from TfNSW to DP&E dated 15/08/23	No dredging proposed as part of the Work under the Approval.	Not triggered	

APPENDIX D: CONSULTATION RECORDS

From: [Claire Everett](#)
To: ["Laura Gothard"](#)
Subject: RE: SSI 7319 M1 to Raymond Terrace First Independent Audit consultation with DPIE
Date: Friday, 1 December 2023 10:48:00 AM
Attachments: [image001.png](#)

Hi Laura

No worries. I have been given the details of the respective councils for each package of the works and will consult with them in accordance with your request.

Kind regards

Claire Everett

From: Laura Gothard <laura.gothard@dpie.nsw.gov.au>
Sent: Tuesday, November 21, 2023 12:26 PM
To: Claire Everett <claire@newstate.net.au>
Subject: RE: SSI 7319 M1 to Raymond Terrace First Independent Audit consultation with DPIE

Hi Claire,

Apologies for this delayed reply.

NSW Planning requires the IEA to be conducted in accordance with the Condition of Approval and in accordance with the Independent Audit Post approval Requirements (Department 2020). Please also consult with all applicable Councils in which the development is being carried out in, requesting any feedback on the developmental impacts to their areas/community.

Kind Regards,

Laura Gothard
Senior Compliance Officer

Development Assessment | Department of Planning and Environment
T | **M** 0484 269 988 | **E** laura.gothard@dpie.nsw.gov.au

From: Claire Everett <claire@newstate.net.au>
Sent: Wednesday, 15 November 2023 9:45 AM
To: Laura Gothard <laura.gothard@dpie.nsw.gov.au>
Subject: SSI 7319 M1 to Raymond Terrace First Independent Audit consultation with DPIE

Hi Laura

I have been appointed as the Independent Auditor for the M1 Pacific Motorway to Raymond Terrace project and am currently doing my planning for the first audit. Section 3.2 of the DPI&E Independent Audit Post Approval Requirements (May 2020) requires that the auditor, as part of

their scope development for the audit, consult with the Department, who may request that other parties or agencies be consulted with, to obtain their input into the audit scope. Lawson Gill from Transport for NSW provided me with your contact details as a person in the Department to talk to in relation to the audit scope. Could you please advise if the Department has any specific issues it would like me to look into as part of the audit and whether you are aware of any other parties or agencies I should be consulting with as part of the audit scope.

Kind regards

Claire Everett BA (Hons) M EnvPI M.EIANZ M.ICOMOS

Director

New State Environment and Heritage

Ph 0428288525

PO Box 1305

Armidale NSW 2350

www.newstate.net.au



From: [Peter R. McMurray](#)
To: [Claire Everett](#)
Subject: RE: DPE independent audit of SSI-7319 M1 Pacific Motorway to Raymond Terrace
Date: Monday, 4 December 2023 1:16:57 PM
Attachments: [image003.png](#)
[image004.png](#)

Hi Claire

No problems at all in assisting with advice in regard to the audit scope for the above project.

Please give me a call or send through any email details/request when you get a chance.

Regards

Peter

Peter R. McMurray | Asset Services Manager

City of Newcastle | City Infrastructure

Assets & Facilities | Asset Services

E: prmcmurray@ncc.nsw.gov.au | T: [+61249742613](tel:+61249742613) | M: [+61435084271](tel:+61435084271)



City of Newcastle acknowledges the Traditional Custodians of the land of the Newcastle LGA, the Awabakal and Worimi peoples.

From: Claire Everett <claire@newstate.net.au>
Sent: Friday, December 1, 2023 10:56 AM
To: Peter R. McMurray <prmcmurray@ncc.nsw.gov.au>
Subject: DPE independent audit of SSI-7319 M1 Pacific Motorway to Raymond Terrace

Hi Peter

I have been appointed as the Independent Auditor for the M1 Pacific Motorway to Raymond Terrace project and am currently doing my planning for the first audit. Section 3.2 of the DPI&E Independent Audit Post Approval Requirements (May 2020) requires that the auditor, as part of their scope development for the audit, consult with the Department, who may request that other parties or agencies be consulted with, to obtain their input into the audit scope. DPE has requested that I consult with Newcastle City Council and the Transport project team provided me with your contact details as a person in Council to talk to in relation to the audit scope. Could you please advise if Council has any specific issues it would like me to look into as part of the audit.

Kind regards

Claire Everett BA (Hons) M EnvPl M.EIANZ M.ICOMOS
Director

New State Environment and Heritage

Ph 0428288525

PO Box 1305

Armidale NSW 2350

www.newstate.net.au



From: [Claire Everett](#)
To: Adam.Stewart@portstephens.nsw.gov.au
Subject: DPE independent audit of SSI-7319 M1 Pacific Motorway to Raymond Terrace
Date: Friday, 1 December 2023 10:53:00 AM
Attachments: [image001.png](#)

Hi Adam

I have been appointed as the Independent Auditor for the M1 Pacific Motorway to Raymond Terrace project and am currently doing my planning for the first audit. Section 3.2 of the DPI&E Independent Audit Post Approval Requirements (May 2020) requires that the auditor, as part of their scope development for the audit, consult with the Department, who may request that other parties or agencies be consulted with, to obtain their input into the audit scope. DPE has requested that I consult with Port Stephens Council and the project team provided me with your contact details as a person in the Department to talk to in relation to the audit scope. Could you please advise if Council has any specific issues it would like me to look into as part of the audit.

Kind regards

Claire Everett BA (Hons) M EnvPI M.EIANZ M.ICOMOS
Director
New State Environment and Heritage
Ph 0428288525
PO Box 1305
Armidale NSW 2350
www.newstate.net.au



APPENDIX E: AUDIT ATTENDANCE SHEET

Audit attendance sheet – Day 1

Project: M1 to Raymond Terrace

Audit No: 1

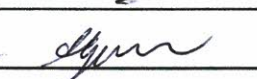
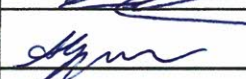
Auditee: TfNSW

Lead Auditor: Claire Everett

Meeting location: TfNSW office - 6 Stewart Avenue Newcastle

Opening meeting date and time: 8.30 am 21/11/23

Closing meeting date and time: 13.15 21/11/23

Name	Organisation	Position	Signature	
			Opening meeting	Closing meeting
Claire Everett	NSEH	Lead Auditor		
Lawson Gill	TfNSW	Environment + Sust Mngmt		
Lucy Burt	TfNSW	Cadet - Environment		
Kai Neville	TfNSW	Snr Environment ^{+ Sustainability} Advisor		
ANDREW GRAMWELL	TRANSPORT	Squid EPS ENU OFFICE		

Audit attendance sheet – Day 2

Project: M1 to Raymond Terrace

Audit No: 1

Auditee: TfNSW

Lead Auditor: Claire Everett

Meeting location: Northern package site office, 2212 Pacific Highway Heatherbrae

Opening meeting date and time: 8.40am 22/11/23

Closing meeting date and time: 4.30 pm 22/11/23

Name	Organisation	Position	Signature	
			Opening meeting	Closing meeting
Claire Everett	NSEH	Lead Auditor		
SIMON WILLIAMS	SEYMOUR MYTE	ENVIRONMENT MANAGER		
Ian Chapman	" "	Project Proctor		
Brad Whitford	TfNSW	Enviro Officer		
Mark Billings	H&I	ER.		
Lawson G. 18	TfNSW	Environment Manager		

Audit attendance sheet – Day 4 3

Project: M1 to Raymond Terrace

Audit No: 1

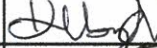
Auditee: TfNSW

Lead Auditor: Claire Everett

Meeting location: Southern package site office – Gate 1, 35 New England Hwy, Tarro

Opening meeting date and time: 14/12/23 9.00am

Closing meeting date and time: 14/12/23 5.30pm

Name	Organisation	Position	Signature	
			Opening meeting	Closing meeting
Claire Everett	NSEH	Lead Auditor		
Kathryn Lloyd	JHCA JV	Env & Sust. Lead		
Lawson Cich	TfNSW	Env Manager		
Kai Neville	TfNSW	Env + S&S Officer		
Matthew Billings	HBI	ER		
Andrew Grammer	TRANSPORT	EGS OFFICER		

APPENDIX F: PHOTOGRAPHS FROM SITE INSPECTIONS AND RELATING TO ISSUES RAISED IN THE AUDIT



Photo 1: Clearing outside project boundary at (Source: East Coast Ecology)



Photo 2: Clearing beyond project boundary (Source: Transport)



Photo 3: Excessive dust generation from scraper operations at AS3 – BH2T



Photo 4: Water truck in use on access track to AS3 – BH2T



Photo 5: Water truck spraying aggregate stockpile at Gate 3 – BH2T



Photo 6: Mulch bund and clearing and project boundary flagging north of Cut 15 – BH2T



Photo 7: Segregated waste bins for cardboard recycling and general waste, JHGJV site compound BH2T



Photo 8: Fuels and chemicals appropriately stored in bunded container, JHGJV site compound BH2T



Photo 9: Project details on shade cloth around HBB site office in accordance with Condition A43



Photo 10: Boundary screening around AS5 in accordance with Condition A21



Photo 11: Project site boundary and no-go area clearly delineated at Ch1400 Northern end – HBB in accordance with Condition E51



Photo 12: Substantial geofabric-covered bund installed adjacent to paperbarks near temporary waterway crossing at Windeyers Creek to prevent mobilisation of sediment



Photo 13: Geofabric curtain adjacent to temporary crossing of Windeyers Creek to prevent mobilisation of sediment into creek. Note clean rock used in crossing construction



Photo 14: Spill kit at Windeyers Creek work site



Photo 15: Water truck used for dust suppression, Gate3 HBB



Photo 16: Uncontrolled waste water from drilling operations near Gate 4, HB 4B



Photo 17: Containers of chemicals not placed in a bund, HBB