



Transport
for NSW

Newcastle Inner City Bypass – Rankin Park to Jesmond (SSI 6888)

Construction Compliance Report 4
May to October 2021

Contents

1. Introduction	6
1.1 The Project	6
1.2 Project approval	6
1.3 Purpose of this report	8
1.4 Construction activities	8
1.4.1 Project stages	8
1.4.2 Commencement of Construction and operation	8
1.4.3 Activities during this reporting period	9
1.5 Key Personnel	10
2. Approvals	11
2.1 Statutory approvals	11
2.2 CEMP reviews or amendments	11
2.3 Compliance status	11
2.4 Non-compliances	11
2.5 Environmental incidents	13
3. Compliance Management	14
3.1 Training and awareness	14
3.2 Inspections	14
3.3 Environmental Audits	15
3.4 Previous reports actions	15
3.4.1 Construction compliance report	15
3.4.2 Independent Audit Report	15
4. Community & Stakeholder Engagement	16
4.1 Summary	16
4.2 Complaint management	16
4.3 Complaints	16
4.4 Community communication initiatives	17
5. Environmental Initiatives, best practice and highlights	18
5.1 Biodiversity Offsets	18
5.2 Noise management	18
6. Declaration	19
Appendix A – Compliance register NSW Conditions of Approval	20
Appendix B - Compliance register Commonwealth Conditions of Approval	

Author: Newcastle Inner City Bypass – Rankin Park to Jesmond (SSI 6888) – Construction Compliance Report 4
(May – October 2021)

Date: 17 November 2021

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Declaration
name and Title Melissa Mayfield-Smith, Senior Environment and Sustainability Officer

Endorsement

Simon Williams



Glossary / Abbreviations

Term	Expanded text
CoA	Condition of Approval
Construction	Includes all works required to construct the SSI, including commissioning trials of equipment and temporary use of any part of the SSI, but excluding the following low impact work which is completed prior to approval of the CEMP: a) survey works including carrying out general alignment survey, installing survey controls (including installation of global positioning systems (GPS)), installing repeater stations, carrying out surveys of existing and future utilities and building and road dilapidation surveys; b) investigations including investigative drilling, contamination investigations and excavation; c) operation of ancillary facilities if the ER has determined the operational activities will have minimal impact on the environment and community; d) minor clearing and relocation of native vegetation, as identified in the documents listed in Condition A1; e) installation of mitigation measures including erosion and sediment controls, exclusion fencing, hoardings and temporary or at property acoustic treatments; f) property acquisition adjustment works including installation of property fencing, and relocation and adjustments of utilities to property including water supply and electricity; g) relocation and connection of utilities where the relocation or connection has a minor impact to the environment and sensitive receivers as determined by the ER; h) archaeological testing under the Code of practice for archaeological investigation of Aboriginal objects in NSW (DECCW, 2010) or archaeological monitoring undertaken in association with (a)-(g) and (i) to ensure that there is no impact on Aboriginal artefacts or objects, and archaeological salvage works in accordance with A1, E17 and E18; i) other activities determined by the ER to have minimal environmental impact which may include construction of minor access roads, temporary relocation of pedestrian and cycle paths and the provision of property access; and j) maintenance of existing buildings and structures required to facilitate the carrying out of the SSI. However, where heritage items or threatened species or threatened ecological communities (within the meaning of the NSW <i>Threatened Species Conservation Act 1995</i> or Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any low impact work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with the relevant

	heritage authority, OEH or DPI Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation).
CCR	Construction Compliance Report
DAWE	Commonwealth Department of Agriculture, Water and the Environment administering the EPBC Act, and includes the Minister for the DAWE. Formerly Department of the Environment and Energy
DPE	Former NSW Department of Planning and Environment, now NSW Department of Planning, Industry and Environment
DPIE	NSW Department of Planning, Industry and Environment
EIS	The Environmental Impact Statement submitted to the Planning Secretary seeking approval to carry out the development described in it, as revised if required by the Planning Secretary under the EP&A Act, and including any additional information provided by the Proponent in support of the application for approval of the project.
Environmental Representative (ER)	A suitably qualified and experienced person independent of project design and construction personnel employed for the duration of Construction.
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	Commonwealth <i>Environmental Protection and Biodiversity Conservation Act 1999</i>
IAR	Independent Audit Report
Planning Secretary	Planning Secretary of the NSW Department of Planning, Industry and Environment (or nominee, whether nominated before or after the date on which the Project Approval was granted)
Project, the	Newcastle Inner City bypass between Rankin Park to Jesmond
Project Approval	The infrastructure approval for the Newcastle Inner City Bypass, Rankin Park to Jesmond, issued by the New South Wales Government on 15 February 2019
RAR	Response to Audit Recommendations
RP2J	Rankin Park to Jesmond Bypass
SPIR	Submissions and Preferred Infrastructure Report submitted to the Planning Secretary of the DPIE under the EP&A Act
SSI	State Significant Infrastructure
Transport	Transport for New South Wales
Works	All physical activities to construct or facilitate the construction of the SSI, including environmental management measures and utility works. However, does not include work that informs or enables the detailed design of the SSI and generates noise that is no more than 5 dB(A) above the rating background level at any residence

1. Introduction

1.1 The Project

The Newcastle Inner City Bypass Rankin Park to Jesmond (RP2J) Project (the project) is the fifth and final section of the Newcastle Inner City Bypass (NICB), which forms part of the Transport for NSW (formally Roads and Maritime Services) long term strategy to connect the Pacific Highway between Bennetts Green and Sandgate.

The project involves the construction of 3.4 kilometres of new four lane divided road between Lookout Road, New Lambton Heights and Newcastle Road, Jesmond. The RP2J Project, in its current form, includes interchanges at each end (both south and north) as well as an additional full interchange giving access to the John Hunter Hospital.

The Project does not have a Lot and Deposited Plan address as it is lineal road infrastructure that extends over multiple lots of land. The location of the project is shown in Figure 4.1. The Project is located within Newcastle local government area.

1.2 Project approval

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

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

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

Approval for the Project was granted by the NSW Minister for Planning on 15 February 2019 and by the Department of the Environment and Energy on 5 April 2019.

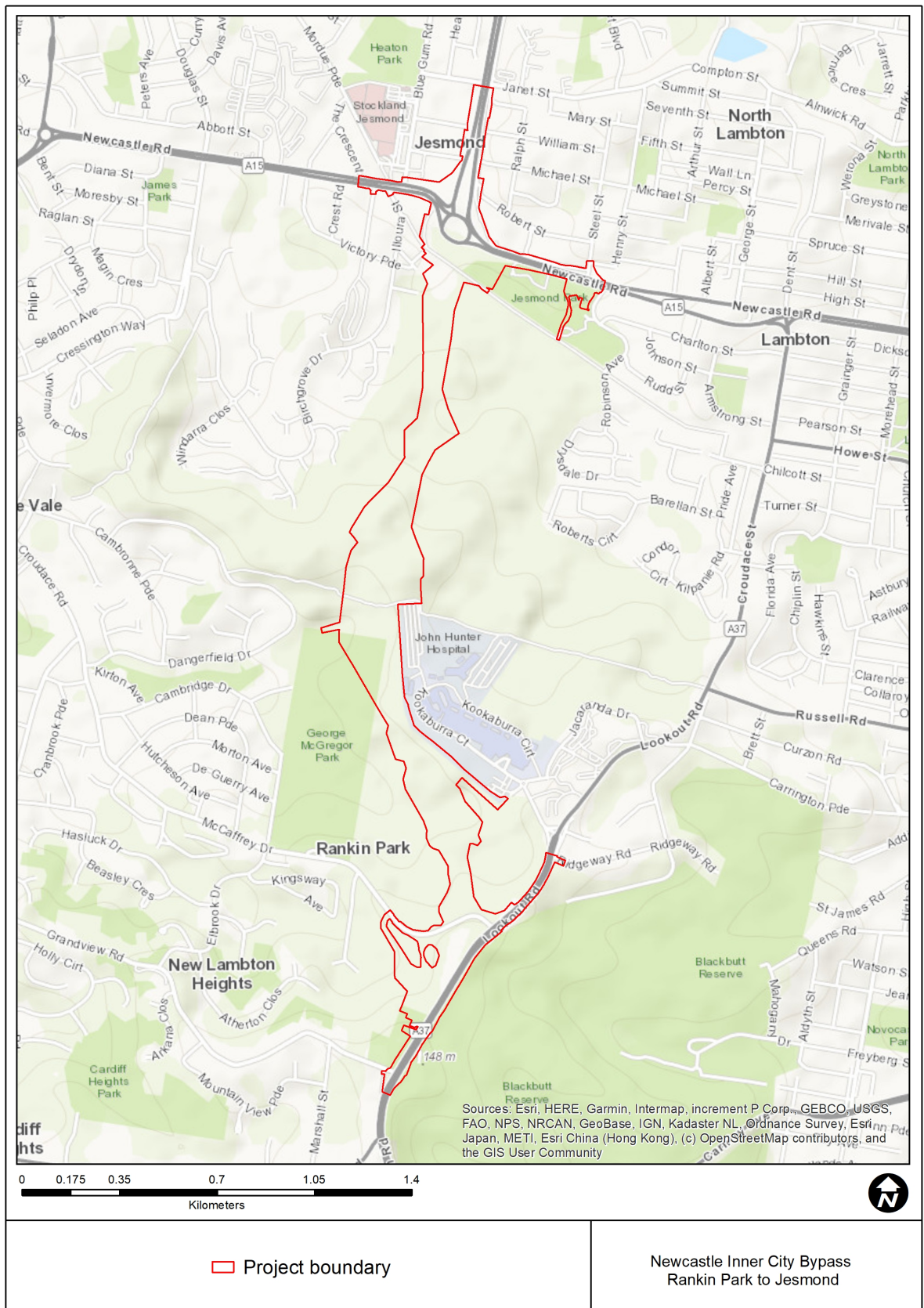


Figure 1.1 – Location of the Project

1.3 Purpose of this report

The Construction Compliance Report (CCR) has been prepared to comply with Condition of Approval (CoA) A30 to A32. This CCR covers the six-monthly reporting period from 1 May to 31 October 2021. The CCR has been prepared in accordance with the Projects Compliance Monitoring and Reporting Program, which was submitted to the Planning Secretary in accordance CoA A29 on 12 August 2019. The CCR has also been prepared in accordance with NSW Department of Planning, Industry and Environment (DPIE) Compliance Reporting – Post Approval Requirements (DPE 2018).

1.4 Construction activities

1.4.1 Project stages

The Staging Report prepared to address the requirements of CoA A10, was provided to Planning Secretary 12 August 2019. This Staging Report described four main stages of work, being:

- Stage 1 – low impact works - such as geotechnical and heritage investigations, house demolition, at-property noise treatments
- Stage 2 – construction of the Bridge 7 / Shared Path Bridge over Newcastle Road
- Stage 3 – low impact works – relocation of existing utilities at the southern end of the Project
- Stage 4 – Construction of the 3.4 kilometre bypass.

1.4.2 Commencement of Construction and operation

Include a table with details on the commencement of construction and operation for different stages.

Table 4-1 commencement of construction and operation dates for each project stage

Project Stage	Work Description	Commencement	Completion / Operational
Stage 1 ¹	Aboriginal heritage salvage	22 February 2021	5 March 2021
	Non-Aboriginal heritage investigations	19 April 2021	30 April 2021
	House demolition	22 February 2021	2 July 2021
Stage 2	Shared Path Bridge	25 November 2019	5 March 2021
Stage 3 ¹	Southern Interchange Utilities Relocation	23 July 2021	Ongoing
Stage 4	Main Works	Has not commenced	N.A

¹ Works were approved as low impact works in accordance with the definitions in the Project approval

1.4.3 Activities during this reporting period

Works completed during this reporting period are detail below. All works completed during this reporting period were approved as low impact work in accordance with the definitions in the Project approval. This low impact work includes the completion of the Stage 1 house demolition and commencement of the Stage 3 southern interchange utilities relocation work. As identified above in Table 4-1, Stage 2 works were completed prior to this reporting period. Stage 4 works have not commenced during this reporting period. A summary of activities during this reporting period is provided below.

Stage 1 works

Stage 1 works during the reporting period was limited to the completion of the house demolition works. The following works were completed during this reporting period.

- Completion of permanent perimeter fencing
- Stabilisation of the site including hydroseeding
- Demobilisation



Figure 1.2 - House demolition site after completion of the works (taken 22 June 2021)

Stage 3 works

Stage 3 southern interchange utilities relocation works commenced during this reporting period and are ongoing. The following southern interchange utilities relocation works were completed during this reporting period.

- Site compound establishment at the house demolition site (Compound F)
- Installation of erosion and sediment controls
- Vegetation trimming, clearing and grubbing as required
- Median island removed along Lookout Road and pavement infill works
- Traffic shift to the west on Lookout Road and concrete barriers installation
- Electrical disconnection and relocation works commenced with poles and overhead wires installed and redundant infrastructure removed (ongoing)
- Installation of new gas main (ongoing)
- Trenched road crossings of Grandview Road and side road as well as Lookout Road completed for new gas main and telecommunication conduits
- Under bore of Lookout Road completed for new water mains and telecommunication conduits
- Preparation of site at intersection of Lookout Road and McCaffrey Drive for dual water main under bore (ongoing).



Figure 1.3 Southern Interchange utilities relocation works and site compound (taken 24 October 2021)

1.5 Key Personnel

Key Personnel responsible for environmental management on the site are listed in Table 4-2.

Table 4-2 Key personnel responsible for environmental management during the reporting period

Title	Name	Contact details
Environmental Representative	Simon Williams	SWilliams@geolink.net.au
Transport Project Manager	Steve Dalley	Steve.dalley@transport.nsw.gov.au
Transport Environment Officer	Melissa Mayfield-Smith	Melissa.mayfield-smith@transport.nsw.gov.au
House Demolition works (Complete)		
Project Engineer	Adrian Porcu	Adrian.porcu@deltagroup.com.au
Southern Interchange Utilities Relocation works		
Senior Project Manager	Tommy Kelly	tommyk@quickway.com.au
Environment Manager	Tom St Vincent Welch	tomw@quickway.com.au

2. Approvals

2.1 Statutory approvals

Table 5-2 lists the statutory approvals in effect during the reporting period.

Table 5-1 Statutory approvals

Approval	Authority	Holder	Date of Issue
Commonwealth controlled action approval (EPBC 2015/7550)	Department of Agriculture, Water and the Environment	Transport	5.04.19
Project Approval under Section 5.19 of EP&A Act (SSI 6888)	Department of Planning, Industry and Environment	Transport	15.02.19

2.2 CEMP reviews or amendments

All works completed during this reporting period were classified as low impact work which is completed prior to approval of the CEMP. Stage 2 works on Shared Path Bridge were completed prior to this reporting period. As such there was no CEMP in force during this reporting period and therefore no reviews or amendments.

2.3 Compliance status

Appendix A and Appendix B contain detailed information on the compliance status, in accordance with DPIE guideline Compliance Reporting Post Approval Requirements 2018.

Appendix A and B include tables that list the status of compliance for each condition / requirement as described in the Table 5. The table includes colour coding for ease of reference (green – compliant, red – non-compliant, grey - not triggered for the stage or works, no colour - not triggered).

Table 5-2 Compliance status descriptors

Status	Description
Compliant	The proponent has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with.
Non-compliant	The proponent has identified a non-compliance with one or more elements of the requirement.
Not-triggered	A requirement has an activation or timing trigger that has not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant.

2.4 Non-compliances

Two non-compliances were identified during the reporting period. These non-compliances are detailed in Table 5-2.

Table 5-3 Non-compliances during the reporting period

CoA	Non-Compliance	Date occurred	Date identified	Agencies reported to	Actions taken	Status
A30	Transport submitted CCR2 to DPIE on 2 December 2020 and CCR3 to DPIE on 22 June 2021. Stage 2 of the project (Shared Path Bridge [SPB]) became operational 5 March 2021. DPIE's Compliance Reporting Post Approval Requirements (June 2018), require a pre-operational compliance report to be submitted prior to the commencement of operation. DPIE have accepted CCR3 as the pre-operational compliance report for SPB, but as it was submitted after the commencement of operation consider the late submission a breach.	5.03.21	5.08.21	DPIE	Compliance register updated to note the operational compliance report for Stage 2 is due 5 March 2022.	Closed
A35	The second Independent Audit was submitted to DPIE on 18 June 2021. The first independent audit report was submitted to DPIE on 26 June 2020. DPIE Independent Audit - post approval requirements (June 2018), require the report to be submitted "at intervals, no greater than 52 weeks from the date of the initial Independent Audit". As an extension of time was granted for the first independent audit report, DPIE advised that the second report is due 52 weeks from the date the first report was due, being 13 April 2021. The approved extension of time applied to the first audit only and not subsequent audits. As such the second independent audit was submitted greater than 52 weeks from the date the initial audit was due and DPIE consider this a breach of the conditions.	14.04.21	4.08.21	DPIE	Transport has updated the compliance register to note DPIEs correspondence that the due date of the next independent audit is 13 April 2022 and will seek confirmation on the applicability of an annual audit where construction has not occurred since the last audit.	Closed

2.5 Environmental incidents

Environmental incidents are managed in accordance with Transports Environmental Incident Procedure (Transport 2021). The Procedure sets out internal only reporting processes for environmental events and the additional process for 'notifiable events', which are environmental incidents that must be reported externally. This procedure is in addition to the Projects requirements under Condition A37 and includes environmental events that do not trigger reporting requirements under Project Approval. There were two environmental events and one potential environmental event during the reporting period classified under Transports Environmental Incident Procedure. These incidents are summarised in Table 5-4. Two of these incidents were related to the non-compliances identified in Section 5.4.

Table 5-4 events during the reporting period classified under Transports Environmental Incident Procedure

Incident Theme	Number of incidents	Description
Administrative	Two	Both incidents related to the non-compliances detailed in Table 5-3
Unexpected find	One	One potential unexpected contamination find. A single in-situ sample of along a trench proposed to be excavated was identified as exceeding some specific contaminant concentrations and would be classified as hazardous waste. Further leachate testing is currently underway to determine if material exceed the toxicity characteristics leachate procedure (TCLP) testing thresholds and if the material can be reclassified as general solid waste.
Spill	One	Minor hydraulic spill of between 10 and 20 litres. Oil was contained to the roadway within the project area and cleaned up appropriately.

Further to any incident reporting requirements under Transports Environmental Incident Procedure, Condition A37 requires environmental incidents that cause or threaten to cause material harm and which may or may not be or cause a noncompliance to be immediately reported to the Planning Secretary. Subsequent notification is then required in accordance with Condition A38 and Appendix A of the Ministers approval.

During this reporting period, no incidents were reported in accordance with Condition A37.

3. Compliance Management

3.1 Training and awareness

Training and awareness for management, field staff and contractors is integral to the successful delivery of all stages of the Rankin Park to Jesmond project.

Prior to working on site, all personnel are required to attend a project stage site-specific induction. Induction training is tailored specifically for each stage, but share common themes and objectives. Induction training on each stage provides an overview of, but not limited to:

- Purpose and objectives of the CEMP, or other related environmental site management documentation
- Requirements of due diligence and duty of care
- Conditions of environmental licences, permits and approvals
- Potential environmental emergencies on site and the emergency response procedures including key contact personnel
- Reporting and notification requirements for pollution and other environmental incidents and damage to environmental controls
- High-risk activities and associated environmental safeguards, eg earthworks, vegetation clearing, night works, operation and maintenance of concrete washouts, and washing, refuelling and maintenance of plant and equipment
- Working in or near environmentally sensitive areas

A total of 214 staff, construction personnel, contractors and special services providers were inducted during the reporting period.

Other issue or task-specific environmental awareness training during the period has also include:

- Workforce tool box training session on clearing and grubbing environmental work method statement
- Workforce tool box training session on utility relocation environmental work method statement.

3.2 Inspections

Internal inspections are undertaken by environmental personnel for Stage 1 and Stage 3 of the project. These routine inspections, typically weekly, pick up on minor environmental management improvements such as maintenance of site delineation, sediment control maintenance and installation of controls in accordance with progressive erosion and sedimentation control plans.

Transport staff undertake an environmental inspection generally on a fortnightly basis, with one of these inspections each month performed jointly with the Environmental Representative. Nine Transport environment inspection were undertaken during the reporting period. Issues raised by Transport and the Environmental Representative were generally of a minor nature on issues such as erosion and sediment control maintenance, stockpiling of excess material, weedy area maintenance and maintenance of trafficable surfaces.

Positive feedback on Stage 3 was provided regularly on the general environmental performance of the site. Notable items include high quality and robust clean water diversions, and providing a semi-permanent seal of the wider compound to improve water quality run-off and reduce risk of dust emissions.

3.3 Environmental Audits

No Independent audits were carried out during this reporting period.

3.4 Previous reports actions

3.4.1 Construction compliance report

No further actions were identified as part of the previous compliance report.

3.4.2 Independent Audit Report

The previous independent auditing period was from 30 May 2020 to 16 April 2021. The independent audit report and proponent's response was submitted to DPIE on 18 June 2021. There were no non-compliances or opportunities for improvement identified during the audit. Following the submission of the independent audit report, DPIE raised a non-compliance. This non-compliance was in relation to the submission timeframe of the report and is detailed in Table 5-3.

4. Community & Stakeholder Engagement

4.1 Summary

In May 2021, a general project update was distributed to the community providing an update on the progress of early work and the main work.

The remainder of consultation activities during the reporting period were primarily related to the Southern Interchange utilities relocation work.

Consultation activities included:

- May 2021 general project update distributed to about 16,000 residents
- Newspaper advertisement regarding start of next stage of early work
- Monthly distribution of three month look ahead notification for out of hours work
- Targeted consultation with impacted receivers in person, by phone, email and notification
- Consultation with impacted receivers about the proposed modification to the project.

4.2 Complaint management

Complaints are managed in accordance with the Projects Complaints Management System (CMS), prepared to meet the requirements of CoA B6. All community inquiries and complaints related to the construction activities are referred to the 24-hour community information line (1800 818 433), Project postal address and email address (rp2j.community@aurecongroup.com). All community inquiries and complaints are recorded in the Consultation Manager database system. Consultation Manager is used to track the recording, investigation and handling of all community and stakeholder complaints relating to the works. Complaints received during this reporting period are details in Table 7-1.

4.3 Complaints

There have been seven complaints received during this reporting period as detailed in Table 7-1.

Complaints were primarily related to noise and access restrictions during Southern Interchange utilities relocation work. Feedback opposing the proposed modification to the project was also received.

Table 7-1 Complaints received during the reporting period

Date received	Issue description	Comment	Outcome / action taken	Status
08.09.21	Plant parking on local road	Complaint regarding large mobile plant being parked on a local road.	Plant moved and toolbox with contractor regarding appropriate management of mobile plant.	Closed
13.09.21	Plant parking on local road	Follow-up from complaint of 8/9.	Movement of plant was delayed due to traffic control availability.	Closed
27.09.21	Noise complaint	Complaint about noise from work on McCaffrey Drive.	Customer did not return calls following initial complaint.	Closed
28.09.21	Noise complaint during OOHW	Complaint about noise travelling from McCaffrey Drive into New Lambton Heights at about 11pm.	Project staff attended location during work to assess noise and address complaint. Future notification to have broader notification.	Closed
29.09.21	Noise complaint during OOHW	Complaint about noise travelling from McCaffrey Drive into New Lambton Heights.	Project staff attended location during work to assess noise and address complaint. Future notification to have broader notification.	Closed
12.10.21	Access restriction	Access to driveway removed during day work.	Misunderstanding between resident and traffic control. Access was available with assistance.	Closed
12.10.21	Access restriction	Access to driveway impacted and sight lines for safe exit.	Vehicles moved to ensure full access and better sight. Not parked there in future.	Closed

No complaints remained open at the end of the last reporting period.

4.4 Community communication initiatives

In September 2021, a media release was distributed when the main work request for tender was opened, which received positive media coverage.

Ongoing regular discussions are held with NSW Health Infrastructure to ensure communication with the community is coordinated as they continue development of a major upgrade at John Hunter Hospital.

5. Environmental Initiatives, best practice and highlights

5.1 Biodiversity Offsets

During the reporting period, the project has run a tender to secure biodiversity offsets available on the biobanking register. The tender invited all holders of relevant biobanking credits to submit a credit price for each credit type which was evaluated via a competitive tender process. While securing these credits is still being finalised, preliminary results indicate that the Project will be able to secure all of their species credits and just about 79% of ecosystem credits via the one tender process. This process prevented the need for negotiations with individual credit holders and allowed a large number of credits to be secure in a much quicker timeframe. Including offsets already retired, the project is tracking to secure and likely retire all species credits and about 85% of ecosystem credits prior to the commencement of construction.

5.2 Noise management

During the reporting period, Transport's Stage 3 work partner, constrained by the need to perform out of hours work on Lookout Road implemented a number of practices to reduce the potential for noise impacts on nearby sensitive receivers. One solution implemented during the period for noisier work was the installation of portable noise attenuation blankets in front of properties on Lookout Road. The blankets were secured to temporary construction fencing and placed between asphalt paving work and the adjacent sensitive receivers. The blankets are known to reduce noise levels by more than 5 dBA immediately adjacent to noisy work with greater reductions experienced the further away from the work.

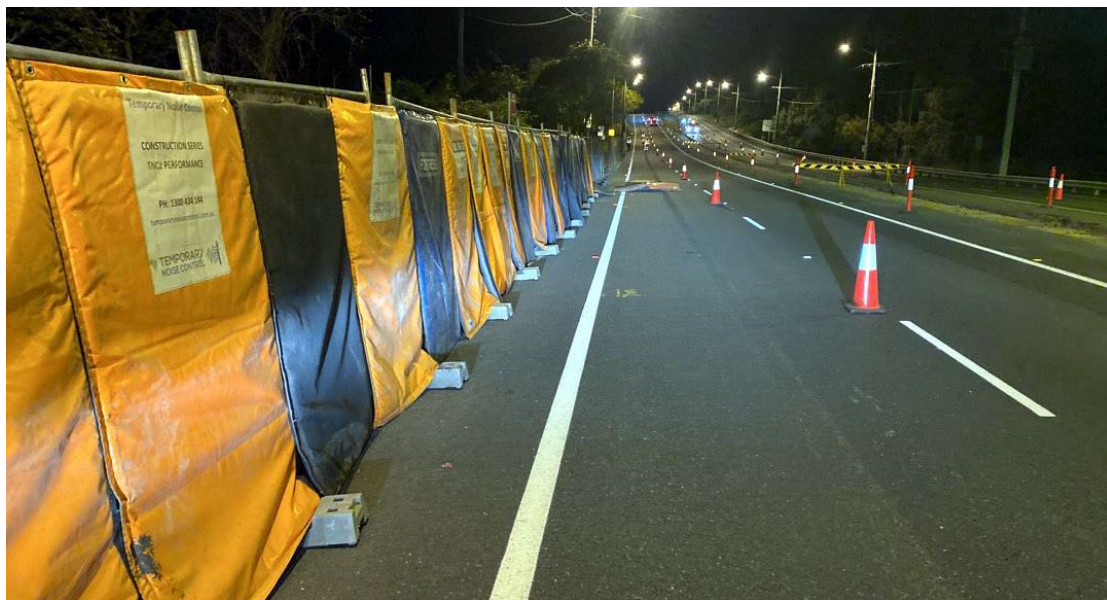


Figure 5.1 Portable noise attenuation blankets in use on Lookout Road during night work

6. Declaration

Declaration Form

Project Name	Newcastle Inner City Bypass – Rankin Park to Jesmond
Project Application number	SSI 6888
Description of the Project	Section of Newcastle Inner City Bypass about 3.4 km in length between Rankin Park and Jesmond
Proponent	Transport for NSW
Title of Compliance Report	Construction Compliance Report – May to October 2021
Date	17.11.21

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

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

Notes:

- Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000
- The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years' imprisonment or 200 penalty units, or both).

Declaration

Name of Authorised Reporting Officer	Melissa Mayfield-Smith
Title	Senior Environment and Sustainability Officer
Signature	
Qualification	MEM, BEnvSci
Company	Transport for NSW
Company address	L7, 6 Stewart Avenue, Newcastle West, NSW 2302

Appendix A – Compliance register NSW Conditions of Approval

CoA #	Requirement	Stage 1 & 3 Compliance Status	Stage 1 & 3 Evidence of Compliance /Comment	Stage 2 Compliance Status	Construction Stage 2 Evidence of Compliance /Comment	Stage 4 Compliance Status	Construction Stage 4 Evidence of Compliance /Comment	Operational Stage 2 Compliance Status	Operational Stage 2 Evidence of Compliance /Comment
PART A - ADMINISTRATIVE CONDITIONS									
GENERAL									
A1	The SSI must be carried out in accordance with the terms of this approval and the description of the SSI in the <i>Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental impact statement (RMS, 2016)</i> (the EIS) and the <i>Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond (RMS, 2018)</i> (the SPIR).	Compliant	Stage 1 and 3 works have been carried out in accordance with terms of the approval, EIS and SPIR	Compliant	ER approved. Compliance Monitoring and Reporting Program on 8.8.19 and sent to DPIE on 13.8.19 (FYI)	Not triggered		Compliant	Stage 2 operation have been carried out in accordance with terms of the approval, EIS and SPIR
A2	The SSI must be carried out in accordance with all procedures, commitments, preventative actions, performance criteria and mitigation measures as identified in the documents listed in Condition A1 unless otherwise specified in, or required under, this approval.	Compliant	Stage 1 and 3 works have been carried out in accordance with documents listed in A1	Compliant	ER approved. Compliance Monitoring and Reporting Program on 8.8.19 and sent to DPIE on 13.8.19 (FYI)	Not triggered		Compliant	Stage 2 operation has been carried out in accordance with documents listed in A1
A3	In the event of an inconsistency between the documents listed in Condition A1 , or any other document required under this approval, and a term of this approval, the term of this approval prevails to the extent of the inconsistency. Note: For the purpose of this condition, there will be an inconsistency between a term of this approval and any document if it is not possible to comply with both the term and the document.	Not triggered		Compliant	Terms presented in the approval instrument are used. relevant project documentation.	Not triggered		Not triggered	
A4	The Proponent must comply with all written requirements or directions of the Planning Secretary, including in relation to: (a) the environmental performance of the SSI; (b) any document or correspondence in relation to the SSI; (c) any notification given to the Planning Secretary under the terms of this approval; (d) any audit of the construction or operation of the SSI; (e) the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval); (f) the carrying out of any additional monitoring or mitigation measures; and (g) in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.	Not triggered	N.A	Not triggered	N.A	Not triggered	N.A	Not triggered	N.A
A5	Where the terms of this approval require a document or monitoring program to be prepared or a review to be undertaken in consultation with identified parties, evidence of the consultation undertaken must be submitted to the Planning Secretary with the document. The evidence must include: (a) documentation of the engagement with the party identified in the condition of approval that has occurred before submitting the document for approval; (b) a log of the dates of engagement or attempted engagement with the identified party and a summary of the issues raised by them; (c) documentation of the follow-up with the identified party where engagement has not occurred to confirm that they do not wish to engage or have not attempted to engage after repeated invitations; (d) outline of the issues raised by the identified party and how they have been addressed; and (e) a description of the outstanding issues raised by the identified party and the reasons why they have not been addressed.	Not triggered		Compliant	Relevant consultation for construction to date includes: 1) A9. Stage 2 CEMPP/sub plans accepted by Newcastle City Council (on 27 .7.19). No material issues raised. 2) E32. Out of Hours Works applications records of consultation sent to DPIE (various dates). Approval requirements complied with (approved dates, hours)	Not triggered		Not triggered	
A6	This approval lapses five (5) years after the date on which it is granted unless works are physically commenced on or before that date.	Compliant	The NSW Minister approved the project on 15 February 2019. Construction (Stage 2 - Bridge 7) commenced 25 November 2019	Compliant	The NSW Minister approved the project on 15 February 2019. Construction (Stage 2 - Bridge 7) commenced 25 November 2019	Compliant	The NSW Minister approved the project on 15 February 2019. Construction (Stage 2 - Bridge 7) commenced 25 November 2019	Compliant	Complaints register established prior to Stage 2 works continues to be implmented for the operational stage of Stage 2
A7	References in the terms of this approval to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, standards or policies in the form they are in as at the date of this approval.	Compliant		Compliant	Source documents utilised for CEMPP and other pre-construction documentation based on project approval date validity.	Not triggered		Compliant	
A8	Any document that must be submitted within a timeframe specified in or under the conditions of this approval may be submitted within a later timeframe agreed with the Planning Secretary. This condition does not apply to the immediate written notification required in respect of an incident under Condition A37 .	Compliant		Compliant	DPIE approved the exemption to the commencement of E8 consultation for stage 2 works and stage 1 work (unless the scope changes) on 12 August 2019. DPIE approved an extension for the submission of Independent Audit Report - May 2020 to 26 June 2020 on 11 June 2020. IAR submitted 24 June 2020.	Not triggered		Compliant	
SHARED PATH BRIDGE OVER NEWCASTLE ROAD (BRIDGE 7)									
A9	Construction of Bridge 7 and its associated components is not subject to Part C and Part D of this approval, however it is subject to: (a) preparation of a Construction Environmental Management Process (Plan) and an Environmental Work Method Statement (EWMS), in consultation with relevant public authorities and Newcastle City Council, and approved by the ER under Condition A26(d) . The Plan must detail how the performance outcomes, commitments, mitigation and monitoring measures specified in the documents listed in Condition A1 will be implemented and achieved during construction; and (b) implementation of the approved Construction Environmental Management Process (Plan) and Environmental Work Method Statement (EWMS).	Not Triggered		Compliant	NCC review and endorsement of CEMPP on 27.6.19. ER approval of CEMPP and sub plans on 26.11.19 ER approval of EWMS progressively after CEMPP endorsement	Not triggered		Not triggered	
STAGING									
A10	The SSI may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the Planning Secretary for information. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).	Compliant	Staging Report endorsed by ER on 8.8.19. Staging Report submitted to DPIE on 12.8.19 for information.	Compliant	Staging Report endorsed by ER on 8.8.19. Staging Report submitted to DPIE on 12.8.19 for information	Compliant	Staging Report endorsed by ER on 8.8.19. Staging Report submitted to DPIE on 12.8.19 for information	Compliant	Staging Report endorsed by ER on 8.8.19. Staging Report submitted to DPIE on 12.8.19 for information
A11	The Staging Report must: (a) If staged construction is proposed, set out how the construction of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when construction of each stage will commence and finish; (b) If staged operation is proposed, set out how the operation of the whole of the SSI will be staged, including details of work and other activities to be carried out in each stage and the general timing of when operation of each stage will commence and finish (if relevant); (c) Specify how compliance with conditions will be achieved across and between each of the stages of the SSI; and (d) Set out mechanisms for managing any cumulative impacts arising from the proposed staging.	Compliant	Staging Report endorsed by ER on 30.7.19. Staging Report submitted to DPIE 12.8.19 for information A & B) Chapter 2 of the Staging report identifies how staged construction and operation is proposed, including timings. C) Section 3 and Appendix A and B specifies how compliance will be achieved d) Section 4 details mechanisms for managing cumulative Impacts	Compliant	Staging Report endorsed by ER on 30.7.19. Staging Report submitted to DPIE 12.8.19 for information A & B) Chapter 2 of the Staging report identifies how staged construction and operation is proposed, including timings. C) Section 3 and Appendix A and B specifies how compliance will be achieved d) Section 4 details mechanisms for managing cumulative Impacts	Compliant	Staging Report endorsed by ER on 30.7.19. Staging Report submitted to DPIE 12.8.19 for information A & B) Chapter 2 of the Staging report identifies how staged construction and operation is proposed, including timings. C) Section 3 and Appendix A and B specifies how compliance will be achieved d) Section 4 details mechanisms for managing cumulative Impacts	Compliant	Staging Report endorsed by ER on 30.7.19. Staging Report submitted to DPIE 12.8.19 for information A & B) Chapter 2 of the Staging report identifies how staged construction and operation is proposed, including timings. C) Section 3 and Appendix A and B specifies how compliance will be achieved d) Section 4 details mechanisms for managing cumulative Impacts

A12	The construction and/or operation of the SSI must be carried out in accordance with the Staging Report, as submitted to the Planning Secretary.	Not Triggered		Compliant	Stage 2 construction carried out in accordance with the approved Staging Report	Not triggered	Stage 4 works have not commenced	Compliant	Stage 2 operation carried out in accordance with the approved Staging Report
A13	Where staging is proposed, the terms of this approval that apply or are relevant to the work to be carried out in a specific stage, must be complied with at the relevant time for that stage.	Compliant	This CCR demonstrates compliance with staged requirements relevant for works completed prior to this CCR (Stage 1 and Stage 3)	Compliant	This CCR demonstrates compliance with staged requirements relevant for works completed prior to this CCR (Stage 2 / Bridge 7)	Not triggered	Stage 4 works have not commenced	Compliant	
ANCILLARY FACILITIES									
Ancillary facilities									
A14	Ancillary facilities that are not identified in the documents listed in Condition A1 can only be established and used in each case if: (a) they are located within or immediately adjacent to the construction boundary; and (b) they are not located next to a sensitive receiver (including where an access road is between the facility and the receiver), unless the landowner and occupier have given written acceptance to the carrying out of the relevant facility in the proposed location; and (c) they have no impacts on heritage items (including areas of archaeological sensitivity), and threatened species, populations or ecological communities beyond the impacts approved under the terms of this approval; and (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.	Compliant	There has been no ancillary facilities established under this condition for stage 1 or 3 works.	Compliant	Planning / consistency assessment for additional ancillary facility (Compound G to support Shared Path Bridge only) located outside/adjacent to the boundary approved on 25.11.19. Approval for facility (not identified in A1) gained by ER under A14 on 20.11.19	Not triggered	Adjacent residential receiver approval was granted on 26 February 2021 for use of 136 Lookout Road as an site compound.	Not triggered	
ANCILLARY FACILITY ESTABLISHMENT WORKS									
Ancillary Facility Establishment Management Plan									
A15	Before the establishment of any construction ancillary facilities (excluding minor construction ancillary facilities determined by the ER to have minimal environmental impact and those established under Condition A19), the Proponent must prepare an Ancillary Facility Establishment Management Plan which outlines the environmental management practices and procedures to be implemented for the establishment of construction ancillary facilities. The Ancillary Facility Establishment Management Plan must be prepared in consultation with the Newcastle City Council and relevant public authorities. The Ancillary Facility Establishment Management Plan must be submitted to the Planning Secretary for approval one (1) month before the establishment of any construction ancillary facilities. The Ancillary Facility Establishment Management Plan must detail the management of construction ancillary facilities and include: (a) a description of activities to be undertaken during establishment of the construction ancillary facility (including scheduling and duration of works to be undertaken at the site), (b) figures illustrating the proposed operational site layout, including access roads; (c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of site establishment works; (d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to: (i) meet the performance outcomes stated in the documents listed in Condition A1 , and (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and (e) a program for monitoring the performance outcomes, including a program for construction noise monitoring consistent with the requirements of Condition C10 . Nothing in this condition prevents the Proponent from preparing individual Ancillary Facility Establishment Management Plans for each construction ancillary facility.	Not Triggered		Compliant	Newcastle City Council acceptance of Stage 2 AFEMP completed on 27.7.19. As per A16 / A9, ER approved Stage 2 AFEMP on 11.11.19	Not triggered	Stage 4 works have not commenced	Not triggered	
A16	The requirements of Condition A15 in relation to Bridge 7 may be addressed by the documents required under Condition A9 .	Not Triggered		Compliant	As per A16 / A9, ER approved Stage 2 AFEMP on 11.11.19	Not triggered		Not triggered	
Use of Construction Ancillary Facilities									
A17	The use of a construction ancillary facility must not commence until the CEMP required by Condition C1 , relevant CEMP Sub-plans required by Condition C4 and relevant Construction Monitoring Programs required by Condition C9 have been approved by the Planning Secretary. This condition does not apply to a construction ancillary facility determined by the ER to have minimal environmental impact and those established under Condition A19 .	Not Triggered		Not triggered	Refer to A18 below.	Not triggered	Stage 4 works have not commenced	Not triggered	
A18	The requirements of Condition A17 in relation to Bridge 7 may be addressed by the documents required under Condition A9 .	Not Triggered		Compliant	ER approval for CEMPP on 26.11.19	Not triggered		Not triggered	
Minor Construction Ancillary Facilities									
A19	Lunch sheds, office sheds, portable toilet facilities, materials storage, parking and the like, that are not identified as a construction ancillary facility in the documents listed in Condition A1 , can be established where they satisfy the following criteria: (a) are located within the construction boundary; and (b) have been assessed by the ER to have - (i) minimal amenity impact to surrounding residences and businesses, after consideration of matters such as compliance with the Interim Construction Noise Guideline (DECC, 2009), traffic and access impacts, dust and odour impacts, and visual (including light spill) impacts, and (ii) minimal environmental impact with respect to waste management and flooding, and (iii) no impacts on biodiversity, soil and water, and heritage items beyond those already approved under other terms of this approval.	Compliant	The ER considered the following minor construction ancillary facility to have minimal environmental impact and meet this definition: - House demolition works on 28 October 2020 - Southern Utility works on 17 November 2020 - Hollywood shanty town investigations on ER 9 April 2021	Not triggered	N/A	Not triggered	Stage 4 works have not commenced	Not triggered	
Boundary screening									
A20	Boundary screening must be erected around all ancillary facilities that are adjacent to sensitive receivers, for the duration of works associated with the SSI, unless otherwise agreed with affected residents, business operators or landowners (including Newcastle City Council where it is the landowner).	Compliant	Boundary screening provided around Compound F used for the Southern Utility works	Compliant	Screening included in Stage 2 CEMPP and implemented for works to date (Stage 2 ancillary facility)	Not triggered	Stage 4 works have not commenced	Not triggered	
A21	Boundary screening required under Condition A20 of this approval must reduce visual, noise and air quality impacts on adjacent sensitive receivers.	Compliant	Screening implemented for works to date (Stage 3 ancillary facility). No complaints received on this matter to date.	Compliant	Screening implemented for works to date (Stage 2 ancillary facility). No complaints received on this matter to date.	Not triggered	Stage 4 works have not commenced	Not triggered	
ENVIRONMENT REPRESENTATIVE									
A22	Works must not commence until an ER has been approved by the Planning Secretary and engaged by the Proponent.	Compliant	Planning Secretary approval provided on 14.5.19 ER engaged by TfNSW on 29.05.19	Compliant	Planning Secretary approval provided on 14.5.19 ER engaged by TfNSW on 29.05.19	Not triggered	Transport propose to maintain engagement of ER approved by DPIE on 14.05.19 for main works	Not triggered	
A23	The Planning Secretary's approval of an ER must be sought no later than one month before the commencement of works.	Compliant	Planning Secretary approval provided on 14.5.19 construction commenced 25.11.19	Compliant	Planning Secretary approval provided on 14.5.19 construction commenced 25.11.19	Not triggered	Transport propose to maintain engagement of ER approved by DPIE on 14.05.19 for main works	Not triggered	

A24	The proposed ER must be a suitably qualified and experienced person who was not involved in the preparation of the documents listed in Condition A1 , and independent of the design and construction personnel for the SSI and those involved in the delivery of it. <i>Note: Skills and qualifications may include higher education qualifications (generally provided by universities and by other higher education institutions such as Technical and Further Education Institutes and Registered Training Organisations) in either science, environmental engineering, environmental management or an equivalent field and including knowledge and experience in noise and vibration assessment and management.</i>	Compliant	CVs of ER and alternative ER demonstrating qualifications and experience was provided to Planning Secretary when Transport sought approval on 10.05.19. Planning Secretary approval of the ER and alternate ER provided on 14.5.19	Compliant	CVs of ER and alternative ER demonstrating qualifications and experience was provided to Planning Secretary when Transport sought approval on 10.05.19. Planning Secretary approval of the ER and alternate ER provided on 14.5.19	Not triggered	CVs of ER and alternative ER demonstrating qualifications and experience was provided to Planning Secretary when Transport sought approval on 10.05.19. Planning Secretary approval of the ER and alternate ER provided on 14.5.19	Not triggered	
A25	The Proponent may engage more than one ER for the SSI, in which case the functions to be exercised by an ER under the terms of this approval may be carried out by any ER that is approved by the Planning Secretary for the purposes of the SSI.	Not Triggered	Approval was obtained for the nominated ER Mr Simon Williams and back-up Mr Duncan Thomas from Geolink consulting. No changes have been made	Not triggered	Approval was obtained for the nominated ER Mr Simon Williams and back-up Mr Duncan Thomas from Geolink consulting. No changes have been made	Not triggered	Approval was obtained for the nominated ER Mr Simon Williams and back-up Mr Duncan Thomas from Geolink consulting. No changes have been made	Not triggered	Approval was obtained for the nominated ER Mr Simon Williams and back-up Mr Duncan Thomas from Geolink consulting. No changes have been made
A26	For the duration of works and 12 months after the commencement of operation, or as agreed with the Planning Secretary, the approved ER must: (a) receive and respond to communication from the Planning Secretary in relation to the environmental performance of the SSI; (b) consider and inform the Planning Secretary on matters specified in the terms of this approval; (c) consider and recommend to the Proponent any improvements that may be made to work practices to avoid or minimise adverse impacts to the environment and to the community; (d) review documents identified in Conditions C1, C4 and C9 and any other documents that are identified by the Planning Secretary, to ensure they are consistent with requirements in or under this approval and if so: (i) Make a written statement to this effect before submission of such documents to the Planning Secretary (if those documents are required to be approved by the Planning Secretary); or (ii) make a written statement to this effect before the implementation of such documents (if those documents are required to be submitted to the Planning Secretary / Department for information or are not required to be submitted to the Planning Secretary / Department); (e) regularly monitor the implementation of the documents listed in Conditions C1, C4 and C9 to ensure implementation is being carried out in accordance with the document and the terms of this approval; (f) as may be requested by the Planning Secretary, help plan, attend or undertake audits of the SSI commissioned by the Department including scoping audits, programming audits, briefings and site visits, but not independent environmental audits required under Condition A35 of this approval; (g) as may be requested by the Planning Secretary, assist the Department in the resolution of community complaints; (h) assess the impacts of minor ancillary facilities comprising lunch sheds, office sheds and portable toilet facilities as required by Condition A19 of this approval; (i) undertake the functions as required under the terms of this approval; (j) consider any minor amendments to be made to the CEMP, CEMP Sub-plans and monitoring programs that comprise updating or are of an administrative nature and are consistent with the terms of this approval and the CEMP, CEMP Sub-plans and monitoring programs approved by the Planning Secretary and, if satisfied such amendment is necessary, approve the amendment. This does not include any modifications to the terms of this approval; and (k) prepare and submit to the Planning Secretary and other relevant regulatory agencies, for information, an Environmental Representative Monthly Report providing the information set out in the Environmental Representative Protocol under the heading "Environmental Representative Monthly Reports." The Environmental Representative Monthly Report must be submitted within seven days following the end of each month for the duration of the ER's engagement for the SSI.	Compliant	Refer to ER review and endorsement of various documents. Refer to monthly meetings with DPIE and TNSW. Refer to ER monthly inspections and reports.	Compliant	Refer to ER review and endorsement of various documents. Refer to monthly meetings with DPIE and TNSW. Refer to ER monthly inspections and reports.	Not triggered	Stage 4 works have not commenced	Not triggered	
A27	The Proponent must provide the ER with all documentation requested by the ER in order for the ER to perform their functions specified in Condition A26 (including preparation of the ER monthly report), as well as: (a) the complaints register (to be provided on a daily basis); and (b) a copy of any assessment carried out by the Proponent to determine whether proposed work is consistent with the approval (which must be provided to the ER before the commencement of the subject work).	Compliant	ER has log in access to consultation manager where all complaints are registered. For Stage 3 works the following Consistency assessments have been prepared, and provided to the ER on the following dates: - Detailed Design Consistency Assessment, 9 October 2020 - Project signage Consistency Assessment, 14 July 2021 - 136-138 Lookout Rd Consistency Assessment, 8 October 2021.	Compliant	ER provided access to Compliant Register in August 2019. One Consistency assessment was approved for Stage 2 works. That was for changes following detail design.	Not triggered		Compliant	ER has log in access to consultation manager where all complaints are registered, including complaints relating to the operation of Stage 2.
A28	The Planning Secretary may at any time commission an audit of an ER's exercise of its functions under Condition A26 . The Proponent must: (a) facilitate and assist the Planning Secretary in any such audit; and (b) make it a term of their engagement of an ER that the ER facilitate and assist the Planning Secretary in any such audit.	Not Triggered	No audit requested by Secretary to date. ER Scope of Services included this provisional audit item	Not triggered	No audit requested by Secretary to date. ER Scope of Services included this provisional audit item	Not triggered		Not triggered	
COMPLIANCE MONITORING AND REPORTING PROGRAM									
A29	No later than four (4) weeks before the commencement of any work, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting - Post Approval Requirements (DPE, 2018) must be endorsed by the ER and submitted to the Planning Secretary for information.	Compliant	ER endorsement of CMRP provided on 8.8.19. CMRP forwarded to DPIE on 13.8.19 for information. Construction of Stage 2 commenced 25 November 2019	Compliant	ER endorsement of CMRP provided on 8.8.19. CMRP forwarded to DPIE on 13.8.19 for information. construction commenced 25 November 2019	Not triggered	ER endorsement of CMRP provided on 8.8.19. CMRP forwarded to DPIE on 13.8.19 for information. Stage 4 works have not commenced	Compliant	ER endorsement of CMRP provided on 8.8.19. CMRP forwarded to DPIE on 13.8.19 for information. construction commenced 25 November 2019
A30	Compliance Reports of the SSI must be prepared and carried out in accordance with the Compliance Reporting - Post Approval Requirements (DPE 2018). The Department must be notified of the commencement dates of construction and operation of the SSI in the pre-construction and pre-operational compliance reports.	Complaint	CCR4 includes the commencement and completion of each stage or works.	Compliant	DPIE was notified of the intended commencement of construction on 20.9.19. Indended commencement of construction date was 14.10.19. Further notification to DPIE of actual commencement of construction on 1.04.20. Commencement of construction was 25.11.19. - PCCR endorsec by ER on 20.9.19, Approved by DPIE 16.1.20. - CCR1 endorsed by ER on 25.5.19. - CCR2 ER endorsement 24.11.20, approved by DPIE 24.12.20. - CCR3, which includes Pre-Operational compliance report submitted to DPIE 22.6.21. Pre-operational compliance report was submitted after operational and a non-compliance was raised. Notification of Operation of Stage 2 is included within CCR3	Not triggered	Stage 4 works have not commenced	Non Compliant	Transport submitted CCR2 to DPIE on 2 December 2020 and CCR3 to DPIE on 22 June 2021. Stage 2 of the project (Shared Path Bridge [SPB]) became operational 5 March 2021. DPIE's Compliance Reporting Post Approval Requirements (June 2018), require a pre-operational compliance report to be submitted prior to the commencement of operation. DPIE have accepted CCR3 as the pre-operational compliance report for SPB, but as it was submitted after the commencement of operation consider the late submission a breach.
A31	The compliance report must provide details of any review of, and minor amendments made to, the CEMP (which must be approved by the ER), resulting from construction carried out during the reporting period.	Not Triggered		Compliant	This CCR described Stage 2 CEMPP revision and ammendments	Not triggered	Stage 4 works have not commenced	Not triggered	
A32	The Proponent must make each compliance report publicly available and notify the Department in writing when this has been done.	Not Triggered		Compliant	Pre-Construction Compliance Report, CCR1 and CCR2 on TNSW project website. https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/project-documents.html TNSW notified DPIE on 8 September 2020 for PCCR and CCR, on 13 January 2021 for CCR2, on 24 August 2021 for CCR3 and SPB Pre-Op CR.	Not triggered	Stage 4 works have not commenced	Compliant	TNSW notified DPIE on 24 August 2021 for CCR3 and SPB Pre-Op CR.

A33	The Compliance Monitoring and Reporting Program in the form required under Condition A29 of this approval must be implemented for the duration of works and for a minimum of one (1) year following commencement of operation, or for a longer period as determined by the Planning Secretary based on the outcomes of independent audits, Environmental Representative Reports and regular compliance reviews submitted through Compliance Reports . If staged operation is proposed, or operation is commenced of part of the SSI, the Compliance Monitoring and Reporting Program must be implemented for the relevant period of each stage or part of the SSI.	Compliant	CMRP has been implemented for all Stage 1 and 3 works.	Compliant	CMRP was implemented for the duration of Stage 2 works	Not triggered	Stage 4 works have not commenced	Compliant	
AUDITING									
A34	No later than four (4) weeks before the date notified for the commencement of construction (in the pre-construction compliance report), an Independent Audit Program prepared in accordance with the <i>Independent Audit - Post Approval Requirements</i> (DPE 2018) must be submitted to the Planning Secretary.	Not Triggered		Compliant	Date of notified commencement of construction in pre-construction compliance report is 20.9.19. Independent Audit Program submitted to the Secretary on 13.8.19.	Not triggered	Stage 4 works have not commenced	Compliant	Date of notified commencement of construction in pre-construction compliance report is 20.9.19. Independent Audit Program submitted to the Secretary on 13.8.19.
A35	Independent Audits of the development must be carried out in accordance with: (a) the Independent Audit Program submitted to the Department under Condition A34 of this approval; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the <i>Independent Audit - Post Approval Requirements</i> (DPE 2018).	Not Triggered		Non Compliant	IAP required initial audit within 20 weeks of the commencement of the first stage of Construction. Independent Audits will not commence until the proposed auditor has been agreed to in writing by the Planning Secretary.DPIE approved audit team on 9/4/2020. IN accordance with <i>Independent Audit - Post Approval Requirements</i> , the final Independent Audit Report and the proponent's response to audit findings must be submitted to the Department within 2 months of undertaking the independent audit site inspection, unless otherwise agreed by the Department The initial indepentent audit completed 16 March 2020. Extension of time for submission of Independent Audit Report submitted to DPIE on 26.5.20. DPIE approved extension until 26 June 2020 IAR was submitted to DPIE on 26 June 2020. DPIE approved IAR on 21 July 2020. Second IAR was submitted to DPIE on 18 June 2021. DPIE Independent Audit - post approval requirements (June 2018), require the report to be submitted "at intervals, no greater than 52 weeks from the date of the initial Independent Audit". As an extension of time was granted for the first independent audit report, DPIE advised that the second report is due 52 weeks from the date the first report was due, being 13 April 2021. The approved extension of time applied to the first audit only and not subsequent audits. As such the second independent audit was submitted greater than 52 weeks from the date the initial audit was due and DPIE consider this a breach of the conditions.	Not triggered	IAP requires annual audits. Reports are required within 2 months of undertaking the independent audit site inspection, unless otherwise agreed by the Department	Not triggered	
A36	In accordance with the specific requirements in the Independent Audit Requirements (DPE 2018), the Proponent must: (a) review and respond to each Independent Audit Report prepared under Condition A35 of this approval; (b) submit the response to the Department; and (c) make each Independent Audit Report and response to it publicly available and notify the Department in writing when this has been done.	Not Triggered		Compliant	See above for a) and b) c) Independent audit report is available at the following link https://www.rms.nsw.gov.au/projects/01documents/newcastle-inner-city-bypass/rankin-park-to-jesmond/nicb-rankin-park-jesmond-independent-audit-report-2020-05.pdf DPIE was notified on 18 July 2020 of availability of the IAR to the public DPIE was notified on 24 August 2021 of availablility of IAR2 and Proposents response to the public.	Not triggered	Stage 4 works have not commenced	Not triggered	
INCIDENT NOTIFICATION AND REPORTING									
A37	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Proponent becomes aware of an incident. The notification must identify the SSI (including the application number and the name of the SSI if it has one), and set out the date, location and nature of the incident.	Compliant	Site wide incident including house demo and SPB occurred from 18 March 2021. Over criteria rain event notified to DPIE on 18 March 2021. Detailed report in response to RFI on 25 March 2021.	Not triggered	There were no incidents on the Project during the reporting period that were considered by TNSW to have met the definition of an incident within the approval instrument (refer to Table 1 Material harm – involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial). However, at the request of the DPIE Compliance Unit representative, two events were reported formally through the requirements set out in CoA A37 and A38. The first incident occurred on 15.07.20 and notification was provided to DPIE on 17.07.20. The second incident occurred between 25 and 27.07.20 and notification was provided to DPIE on 27.07.20.	Not triggered	Stage 4 works have not commenced	Not triggered	
A38	Subsequent notification must be given, and reports submitted in accordance with the requirements set out in Appendix A of this approval.	Not triggered		Not triggered	refer to A37	Not triggered	Stage 4 works have not commenced	Not triggered	
PART B - COMMUNITY INFORMATION AND REPORTING									
COMMUNITY INFORMATION, CONSULTATION AND INVOLVEMENT									
Communication Strategy									
B1	A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Proponent, the ER , relevant public authorities and the community (including adjoining affected landowners and occupiers, and others directly impacted by the SSI), during the design and works associated with the SSI and for a minimum period of 12 months following the completion of construction of the SSI.	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21.	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21	Compliant	26.9.19. An updated CCS was submitted to the Secretary on 24.9.21. Main works contractor responsible for implementing Transport prepared CCS	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21

B2	The Community Communication Strategy must: (a) identify people and organisations to be consulted during the design and work phases; (b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the SSI including use of construction hoardings to provide information regarding construction. The information to be distributed must include information regarding current site construction activities, schedules and milestones at each construction site; (c) identify opportunities and make provision for the community to visit construction sites (taking into consideration workplace, health and safety requirements); (d) provide for the formation of issue or location-based community forums that focus on key environmental management issues of concern to the relevant communities; and (e) set out procedures and mechanisms: (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 or disputes that may arise in relation to construction of the SSI, including disputes regarding rectification or compensation.	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21. Main works contractor responsible for implementing Transport prepared CCS	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21
B3	The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before commencement of any work.	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21 and approved on 1.10.21	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21 and approved on 1.10.21. Main works contractor responsible for implementing Transport prepared CCS	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21 and approved on 1.10.21
B4	Work for the purposes of the SSI must not commence until the Community Communication Strategy has been approved by the Planning Secretary.	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21	Compliant	26.9.19. An updated CCS was submitted to the Secretary on 24.9.21. Main works contractor responsible for implementing Transport prepared CCS	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21
B5	The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for the duration of the works and for a period of 12 months following the completion of construction.	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21. Approved CCS has been implemented for all Stage 1 and 3 works	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21. Approved CCS was implemented for the duration of Stage 2 works.	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21.	Compliant	CCS submitted to the Secretary on 2.8.19 and approved on 26.9.19. An updated CCS was submitted to the Secretary on 24.9.21. Approved CCS has been implemented during the operational phase
COMPLAINTS MANAGEMENT SYSTEM									
B6	A Complaints Management System must be prepared and implemented before the commencement of any work and maintained for the duration of construction and for a minimum of 12 months following completion of the SSI.	Compliant	CMS prepared and submitted to the Secretary on 2.8.19. An updated CMS was submitted to the Secretary on 21.10.21. DPIE responded with no comments on 26.10.21	Compliant	CMS prepared and submitted to the Secretary on 2.8.19. An updated CMS was submitted to the Secretary on 21.10.21. DPIE responded with no comments on 26.10.21	Compliant	CMS prepared and submitted to the Secretary on 2.8.19. An updated CMS was submitted to the Secretary on 21.10.21. DPIE responded with no comments on 26.10.21	Compliant	CMS prepared and submitted to the Secretary on 2.8.19. An updated CMS was submitted to the Secretary on 21.10.21. DPIE responded with no comments on 26.10.21
B7	The following must be available, to facilitate community enquiries and manage complaints, one (1) month before the commencement of work and for 12 months following the completion of construction: (a) a 24- hour telephone number for the registration of complaints and enquiries about the SSI; (b) a postal address to which written complaints and enquiries may be sent; (c) an email address to which electronic complaints and enquiries may be transmitted; and (d) a mediation system for complaints unable to be resolved (including access to an independent mediation process and mediator). This information must be accessible to all in the community regardless of age, ethnicity, disability or literacy level. The Complaints Management System must be provided to the Planning Secretary prior to any work commencing.	Compliant	Contact details were available throughout Stage 1 and 3 works for the community to make enquiries and complaints. These contact details are on the fencing at the compound, on the project webpage and included on letters to the community.	Compliant	CMS submitted to the Secretary on 2.9.19 Refer to project website : https://www.rms.nsw.gov.au/projects/hunter/newcastle-inner-city-bypass/rankin-park-to-jesmond/index.html Contact details were available throughout Stage 2 works for the community to make enquiries and complaints. These contact details are on the fencing at the compound, on the project webpage and included on letters to the community.	Not triggered	Compliant	Contact details remain available during operation of Stage 2 for the community to make enquiries and complaints.	
B8	The telephone number, postal address and email address required under Condition B7 of this approval must be published in a newspaper circulating in the relevant local area and advertised on site hoardings at each construction site, before the commencement of any works and published in the same way before the commencement of operation. This information must also be provided on the website required under Condition B13 of this approval.	Compliant	Newspaper ad placed on 24 July 2021, prior to commencement of Souther Utility works with contact details for enquiries and complaints. Contact details were on the site hoarding for the Stage 1 house demolition works and for the Stage 3 Southern Utility works.	Compliant	Telephone and email addresses established 2015. Newspaper advertisement occurred on the 31 August 2019 in the Newcastle Herald. Commencement of construction of SPB was 25 November 2019. Signage is also provided on the site hoarding of the SPB construction site. information available at the following link: https://www.rms.nsw.gov.au/projects/newcastle-inner-city-bypass/rankin-park-to-jesmond.html	Not triggered	Not triggered	Not triggered	
B9	A Complaints Register must be maintained recording information on all complaints received about the SSI during the carrying out of any work and for a minimum period of 12 months following the completion of construction. The Complaints Register must record the: (a) number of complaints received; (b) number of people affected in relation to a complaint; and (c) means by which the complaint was addressed and whether resolution was reached, with or without mediation.	Compliant	Complaints register established prior to Stage 2 works continues to be implmented for Stage 1 and Stage 3 works	Compliant	Complaints Register established for project in August 2019.	Not triggered	Compliant	Complaints register established prior to Stage 2 works continues to be implmented for the operational stage of Stage 2	
B10	The Complaints Register must be provided to the Planning Secretary upon request, within the timeframe stated in the request, and made available to the ER on a daily basis.	Compliant	ER provided with read only access to Complaints Register in August 2019.	Compliant	ER provided with read only access to Complaints Register in August 2019.	Not triggered	Compliant	ER provided with read only access to Complaints Register in August 2019.	
B11	The independent mediation process required under Condition B7(d) must detail how members of the public, who are not satisfied by the Proponent's response to a complaint, has the ability to have the Proponent's response reviewed. Any application made under the independent mediation process for a review of a community complaint must be responded to within 28 days of the request being made or other specified timeframe agreed with the member of the public.	Not Triggered	No mediation requests made to date for Stage 1 or 3 works	Compliant	Secretary approval of CCS (incl of process) on 26.9.19 No mediation requests made for Stage 2 works	Not triggered	Not Triggered	No mediation requests made during the operation of Stage 2	
B12	The independent mediation process required under Condition B7(d) must: (a) Review any unresolved disputes if the procedures and mechanisms under Condition B2(e)(iii) do not satisfactorily address complaints; and (b) Make recommendations to the Proponent to satisfactorily address complaints, resolve disputes or mitigate against the occurrence of future complaints or disputes.	Not Triggered	No mediation requests made to date for Stage 1 or 3 works	Compliant	Secretary approval of CCS (incl of process) on 26.9.19 No mediation requests made for Stage 2 works	Not triggered	Not Triggered	No mediation requests made during the operation of Stage 2	
PROVISION OF ELECTRONIC INFORMATION									

B13	A website providing information in relation to the SSI must be established before commencement of works and maintained for the duration of work, and for a minimum of 24 months following the completion of construction of the SSI. Up-to-date information (excluding confidential, private, commercial information, or other documents as agreed to by the Planning Secretary) must be published before the relevant works commencing and maintained on the website or dedicated pages including: (a) information on the current implementation status of the SSI; (b) a copy of the documents listed in Condition A1 and Condition A2 of this approval, and any documentation relating to any modifications made to the SSI or the terms of this approval; (c) a copy of this approval in its original form, a current consolidated copy of this approval (that is, including any approved modifications to its terms), and copies of any approval granted by the Minister to a modification of the terms of this approval; (d) a copy of each statutory approval, licence or permit required and obtained in relation to the SSI; (e) a current copy of each document required under the terms of this approval, which must be published before the commencement of any work to which they relate or before their implementation, as the case may be; and (f) a copy of the compliance reports required under Conditions A30 and independent audit reports under Condition A36 of this approval.	Compliant	The project webpage is continuously updated. The following Stage documents are available on the project webpage: - NSW and Commonwealth approvals - Operational Noise Mitigation Review and associated approval - Compliance and Monitoring program and associated reports - Modification report (Mod 1) - Response to Submissions report (Mod 1) - Environmental Representative monthly reports - Independent audit reports and proponents response - Out of Hours works applications, approvals and 3 mth look aheads - Staging report - Unexpected heritage finds procedure - Unexpected contaminated land and asbestos finds procedure - Approval of the ER	Compliant	The project webpage is continuously updated. The following Stage documents are available on the project webpage: - NSW and Commonwealth approvals - Operational Noise Mitigation Review and associated approval - Compliance and Monitoring program and associated reports - Modification report (Mod 1) - Response to Submissions report (Mod 1) - Environmental Representative monthly reports - Independent audit reports and proponents response - Out of Hours works applications, approvals and 3 mth look aheads - Staging report - Unexpected heritage finds procedure - Unexpected contaminated land and asbestos finds procedure - Approval of the ER	Compliant	The project webpage is continuously updated. The following Stage documents are available on the project webpage: - NSW and Commonwealth approvals - Operational Noise Mitigation Review and associated approval - Compliance and Monitoring program and associated reports - Modification report (Mod 1) - Response to Submissions report (Mod 1) - Environmental Representative monthly reports - Independent audit reports and proponents response - Out of Hours works applications, approvals and 3 mth look aheads - Staging report - Unexpected heritage finds procedure - Unexpected contaminated land and asbestos finds procedure - Approval of the ER	Compliant	The project webpage is continuously updated. The following Stage documents are available on the project webpage: - NSW and Commonwealth approvals - Operational Noise Mitigation Review and associated approval - Compliance and Monitoring program and associated reports - Modification report (Mod 1) - Response to Submissions report (Mod 1) - Environmental Representative monthly reports - Independent audit reports and proponents response - Out of Hours works applications, approvals and 3 mth look aheads - Staging report - Unexpected heritage finds procedure - Unexpected contaminated land and asbestos finds procedure - Approval of the ER																
PART C - CONSTRUCTION ENVIRONMENTAL MANAGEMENT																									
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN																									
C1	A Construction Environmental Management Plan (CEMP) must be prepared to detail how the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1 will be implemented and achieved during construction.	Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered																	
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 SSI; (c) a program for ongoing analysis of the key environmental risks arising from the activities described in subsection (a) of this condition, including an initial risk assessment undertaken prior to the commencement of construction of the SSI; (d) details of how the activities described in subsection (a) of this condition will be carried out to: (i) meet the performance outcomes stated in the documents listed in Condition A1; and (ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; (e) an inspection program detailing the activities to be inspected and frequency of inspections; (f) a protocol for managing and reporting any: (i) incidents; and (ii) non-compliances with this approval or statutory requirements; (g) procedures for rectifying any non-compliance with this approval identified during compliance reporting and auditing, incident management or at any time during construction; (h) a list of all the CEMP Sub-plans required in respect of construction, as set out in Condition C4. Where staged construction of the SSI is proposed, the CEMP must also identify which CEMP Sub-plan applies to each of the proposed stages of construction; (i) a description of the roles and environmental responsibilities for relevant employees and their relationship with the ER; (j) for training and induction for employees, including contractors and sub-contractors, in relation to environmental and compliance obligations under the terms of this approval; and (k) for periodic review and update of the CEMP and all associated plans and programs.	Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered																	
C3	The CEMP must be endorsed by the ER and then submitted to the Planning Secretary for approval no later than one month before the commencement of construction.	Not Triggered		Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered																	
C4	The following CEMP Sub-plans must be prepared in consultation with the relevant public authorities identified for each CEMP Sub-plan: <table><tr><th>Required CEMP Sub-plan</th><th>Relevant public authorities to be consulted for each CEMP Sub-plan</th></tr><tr><td>(a) Traffic and transport</td><td>Newcastle City Council and Health Administration Corporation</td></tr><tr><td>(b) Noise and vibration</td><td>Newcastle City Council and Health Administration Corporation</td></tr><tr><td>(c) Flora and Fauna</td><td>DPI Fisheries and Newcastle City Council</td></tr><tr><td>(d) Air quality</td><td>Newcastle City Council and Health Administration Corporation</td></tr><tr><td>(e) Soil and water</td><td>Newcastle City Council, DPI Fisheries, DoI Water,</td></tr><tr><td>(f) Aboriginal cultural heritage</td><td>OEH and Registered Aboriginal Parties</td></tr><tr><td>(g) Flood management</td><td>Newcastle City Council</td></tr></table>	Required CEMP Sub-plan	Relevant public authorities to be consulted for each CEMP Sub-plan	(a) Traffic and transport	Newcastle City Council and Health Administration Corporation	(b) Noise and vibration	Newcastle City Council and Health Administration Corporation	(c) Flora and Fauna	DPI Fisheries and Newcastle City Council	(d) Air quality	Newcastle City Council and Health Administration Corporation	(e) Soil and water	Newcastle City Council, DPI Fisheries, DoI Water,	(f) Aboriginal cultural heritage	OEH and Registered Aboriginal Parties	(g) Flood management	Newcastle City Council	Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered	
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C5	The CEMP Sub-plans must state how: (a) the environmental performance outcomes identified in the documents listed in Condition A1 and terms of this approval will be achieved; (b) the mitigation measures identified in the documents listed in Condition A1 and terms of this approval will be implemented; (c) the relevant terms of this approval will be complied with; and (d) issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed	Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered																	
C6	The CEMP Sub-plans must be developed in consultation with the relevant public authorities specified in Table 3. Details of all information requested by an authority to be included in a CEMP Sub-plan as a result of consultation, including copies of all correspondence from those authorities, must be provided with the relevant CEMP Sub-Plan.	Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered																	
C7	Any of the CEMP Sub-plans may be submitted along with, or subsequent to, the submission of the CEMP but in any event, no later than one (1) month before construction for approval by the Planning Secretary.	Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered																	
C8	Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary, or otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary, including any minor amendments approved by the ER must be implemented for the duration of construction. Where construction of the SSI is staged, construction of a stage must not commence until the CEMP and sub-plans for that stage have been approved by the Planning Secretary.	Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered																	
CONSTRUCTION MONITORING PROGRAMS																									

C9	The following Construction Monitoring Programs must be prepared in consultation with the relevant public authorities identified for each to compare actual performance of construction of the SSI against the performance predicted in the in the documents listed in Condition A1 or in the CEMP :																							
	Table 4: Construction Monitoring and relevant public authorities																							
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C10	Each Construction Monitoring Program must provide: (a) details of baseline data available; (b) details of baseline data to be obtained and when; (c) the parameters of the project to be monitored; (d) the frequency of monitoring to be undertaken; (e) the location of monitoring; (f) the reporting of monitoring results; (g) procedures to identify and implement additional or alternative mitigation measures where results of monitoring are unsatisfactory; and (h) any consultation to be undertaken in relation to the monitoring programs.		Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered															
C11	The Construction Monitoring Programs must be developed in consultation with the relevant public authorities specified in Table 4 . Where an authority's request(s) has not been included in the Monitoring Program, the Proponent must provide justification to the Planning Secretary as to why it was not included. Details of all information requested by an authority including copies of all correspondence from those authorities, must be provided with the relevant Construction Monitoring Program .		Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered															
C12	The Construction Monitoring Programs must be endorsed by the ER and then submitted to the Planning Secretary for approval at least one (1) month before the commencement of construction.		Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered															
C13	Construction must not commence until the Planning Secretary has approved, or as otherwise agreed by the Planning Secretary, all the required Construction Monitoring Programs , and all relevant baseline data for the specific construction activity has been collected.		Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered															
C14	The Construction Monitoring Programs , as approved by the Planning Secretary including any minor amendments approved by the ER must be implemented for the duration of construction and for any longer period set out in the monitoring program or specified by the Planning Secretary, whichever is the greater.		Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered															
C15	The results of the Construction Monitoring Programs must be submitted to the Planning Secretary, and relevant public authorities for information, in the form of a Construction Monitoring Report at the frequency identified in the relevant Construction Monitoring Program . Where a relevant CEMP Sub-plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Sub-plan .		Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section C of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered															
PART D - OPERATIONAL ENVIRONMENTAL MANAGEMENT																								
OPERATIONAL ENVIRONMENTAL MANAGEMENT																								
D1	An Operational Environmental Management Plan (OEMP) must be prepared to detail how the performance outcomes, commitments and mitigation measures made in the documents listed in Condition A1 and the terms of this approval will be implemented and achieved during operation. This condition (Condition D1) does not apply if Condition D2 of this approval applies.		Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section D of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered	As per A9, Section D of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .														
D2	An OEMP is not required for the SSI if the Proponent has an Environmental Management System (EMS) or equivalent as agreed with the Planning Secretary, and demonstrates, to the satisfaction of the Planning Secretary, that through the EMS or equivalent: (a) the performance outcomes, commitments and mitigation measures, made and identified in the documents listed in Condition A1 and specified relevant terms of this approval can be achieved; (b) issues identified through ongoing risk analysis can be managed; and (c) procedures are in place for rectifying any non-compliance with this approval identified during compliance auditing, incident management or any other time during operation.		Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section D of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered	As per A9, Section D of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .														
D3	The OEMP or EMS or equivalent as agreed with the Planning Secretary, must be submitted to the Planning Secretary for information no later than one (1) month prior to the commencement of operation.		Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section D of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered	As per A9, Section D of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .														
D4	The OEMP or EMS or equivalent as agreed to the Planning Secretary and amended from time to time, must be implemented for the duration of operation and the OEMP or EMS must be made publicly available before the commencement of operation.		Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	As per A9, Section D of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered	As per A9, Section D of approval instrument does not apply to construction (limited to Stage 2 / Bridge 7) commenced prior to this CCR .														
PART E - KEY ISSUE CONDITIONS																								
AIR QUALITY																								
E1	In addition to the performance outcomes, commitments and mitigation measures specified in the documents listed in Condition A1 , all reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants from work associated with the SSI.		Compliant	Mitigation measures contained in low impact work approvals for Stage 1 and Stage 3 approved by the ER or DPIE (respectively) meet the requirements of this condition.	Compliant	Stage 2 Construction work implments the approved Air Quality Management Plan. AQMP includes all relevant controls from EIS/SPIR (A1).	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not triggered	Not applicable for Stage 2 operation														
BIODIVERSITY																								
E2	Any work associated with the SSI must limit the clearing of native vegetation to the greatest extent practicable.		Compliant	Only minor clearing required as part of Stage 1 and 3 works. All clearing is within approved clearing limits.	Compliant	Clearing of native vegetation for works completed to date has been contained within the approved project boundary. Clearing is described and controled within approved CEMPP / EWMS and has been minimised as practicable.	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not Triggered	Not applicable for Stage 2 operation														
E3	Impacts to plant community types must not exceed those identified in the SPIR.		Compliant	Only minor clearing required as part of Stage 1 and 3 works. All clearing is within approved clearing limits.	Compliant	Impacts to PCTs has been contained to approved project boundary and PCTs.	Not triggered	Optimisation of clearing completed as part of the detail design	Not Triggered	Not applicable for Stage 2 operation														

E4	The Biodiversity Offset Strategy (BOS) detailed in the SPIR must be implemented. The credits specified in the BOS and detailed in Table 5 must be secured within 12 months of the commencement of construction, or as otherwise agreed to the Planning Secretary. the credits must be retired within 12 months of the securing the credits, or in a time frame agreed to by the Planning Secretary.	Not Triggered	Not applicable for Stage 1 and 3 works	Not Triggered.	Not relevant to Stage 2 work completed prior to this CCR due to not commencing BOS related impacts	Not triggered	Construction has not yet commenced on the project.	Not Triggered	Not applicable for Stage 2 operation
	BOS is currently being implemented with 201 ecosystme credits have been retired.								
	Further consultation has been completed with BCD, DPIE regarding suitable trades and PCT equivalencies. The following has been agreed: - trade of HU798 for HU782 - HU629 and HU806 are equivalent PCTs - HU630 and HU804 are equivalent PCTs								
	Transport submitted a reasonable equivalency request on 27.10.21 seeking equivalency for 49 HU806 credits and 421 HU833 credits.								
	Transport are continueing to actively secure biodiversity offsets								
E5	The Proponent must submit to the Planning Secretary a copy of the Credit Retirement Report issued by the OEH once the offsets are secured, within one month of receiving the report.	Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	Not relevant to 6 Month CCR.	Compliant	Securing offsets is ongoing. First credit retirement report (201 credits) received on 3 June 21 and submitted to DPIE on 10 June 2021. Transport have not made any other application to retire credits.	Not Triggered	Not applicable for Stage 2 operation
E6	Plant community types that provide habitat for impacted EPBC Act threatened species must be retired in a manner that achieves "like-for-like" habitat for the species.	Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	Not relevant to 6 Month CCR.	Not triggered	Securing offsets is ongoing All credits retired to date have been in accordance with the approved BOS	Not Triggered	Not applicable for Stage 2 operation
E7	The offsetting of biodiversity impacts must be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> (OEH, 2014) 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) making payments to an offset fund developed by the NSW Government; and/or (c) providing supplementary measures. <i>Notes:</i> 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 Biodiversity Conservation (Savings and Transitional) Regulation 2017.</i> 2. <i>Any residual impact on EPBC Act listed threatened species and ecological communities must be offset in accordance with an offset process endorsed by the DoEE.</i>	Not Triggered	Not applicable for Stage 1 and 3 works	Not triggered	Not relevant to 6 Month CCR.	Not triggered	Securing offsets is ongoing. All offsets secured to date have been via acquiring and retiring 'biodiversity credits'.	Not Triggered	Not applicable for Stage 2 operation
E8	Prior to work that impacts native vegetation the Proponent must consult with local community, landcare groups and relevant public authorities to determine if there is an interest for the reuse of suitable timber and root balls in habitat enhancement and rehabilitation work. Timber and root balls must be retained from the project where there is a demonstrated demand for their reuse.	Compliant	TINSW wrote to NCC on 2 November 2020 to determine if they were interested and asking if they know of any local community group that may be interested. TINSW wrote to DPI and Landcare on 3 November 2020. No parties expressed interest in the timber or rootballs for habitat restoration. As a beneficial reuse TINSW provided timber removed from house demolition works to a local woodturner group and local public school for a nature play area	Compliant	TINSW wrote to DPIE on 12 August 2019 stating that it was considered that these works are not triggered for stage 1 and 2 works. DPIE approval for non applicability for Stage 2 works date gained on 11.5.20, further consideration requirement for stage 1 based on the scope of the works	Not triggered	TINSW wrote to NCC on 2 November 2020 to determine if they were interested and asking if they know of any local community group that may be interested. TINSW wrote to DPI and Landcare on 3 November 2020. All parties provided details on their interest for the main works. Consultation is ongoing and provisions have been added in the construction contract for the requested provisions.	Not Triggered	Not applicable for Stage 2 operation
E9	The construction of the SSI must demonstrate how: (a) EPBC Act listed threatened species and ecological communities are protected; (b) noxious weeds are managed; and (c) contamination by pathogens, non-indigenous regenerative plant material and seeds can be prevented by the movement of all tools, vehicles, machinery and personnel. Note: These additional requirements must be addressed in the Flora and Fauna Management Sub-plan required under Table 3(c)	Not Triggered	Not applicable for Stage 1 and 3 works	Compliant	Approved CEMPP/Flora and Fauna Management Sub Plan includes weed / pathogen control. No EPBC Act impacts for Stage 2 works completed prior to this CCR.	Not triggered	Not triggered to date. Stage 4 works have not commenced	Not Triggered	Not applicable for Stage 2 operation
Pre-clearing Surveys									
E10	Before the removal of any vegetation, or the demolition of structure identified as potential roosting sites for microbats commences, pre-clearing/demolition inspections for the threatened species must be undertaken. The inspections, and any subsequent relocation of fauna and associated management/offset measures, must be undertaken under the guidance of a suitably qualified and experienced ecologist. Survey and relocation methodologies must be incorporated into the Construction Flora and Fauna Management Sub-plan required under Condition C4 and the documents required under Condition A9 in relation to Bridge 7 .	Not Triggered	Ecologist preclearing inspection completed for vegetation report for Stage 1 house demolition works and Stage 3 Southern Utility work. No potential roosting sites or fauna identified.	Compliant	Ecologist preclearing inspection completed for Stage 2 vegetation removal (1x tree). No habitat or fauna identified.	Not triggered	Microbats were found in the Dark Creek culvert under Jesmond roundabout. An ecologist has engaged and has prepared a microbat management strategy for inclusion into the flora and fauna management plan.	Not Triggered	
E11	The SSI must be designed to retain as many trees as possible in Jesmond Park. Where trees are to be removed and those trees are not required to be offset under Condition E4 , the proponent must provide an net a increase in the number of replacement trees. Replacement trees must be planted within an on public land within 500 metres of the SSI boundary. Replacement tree planting may be undertaken beyond 500 metres on public land within the Newcastle City Council area if planting within 500 metres of the SSI boundary is not practicable. The location of the replacement tree plantings must be determined in consultation with Newcastle City Council, and undertaken prior to the commencement of operation.	Not Triggered	No clearing in Jesmond Park as part of Stage 1 or 3 works	Compliant	Stage 2 works design (inclusive of temporary works) was reduced as far as practicable and trees retained in consultation with Newcastle City Council. Landscaping plans for Stage 2 were consulted with NCC. Replacement trees are are within the project footprint.	Not triggered		Not Triggered	
FLOODING									
E12	Measures to manage pre-existing flood characteristics must be incorporated into the detailed design of the SSI, following consultation with directly affected landowners, NSW State Emergency Service (SES) and Newcastle City Council.	Not Triggered		Not triggered	Stage 2 works located outside of 20yr ARI flood levels and consultation completed with relevant land owner on design.	Not triggered		Not triggered	

E13	Flood information including flood reports, models and geographic information system outputs, and works as executed information from a registered surveyor certifying finished ground levels and the dimensions and finished levels of all structures within the flood prone land, must be provided to Newcastle City Council, OEH and the SES in order to assist in preparing relevant documents and to reflect changes in flood behaviour as a result of the SSI. The Newcastle City Council, OEH and the SES must be notified in writing no later than one month following the completion of construction that the information is available. Information requested by the Newcastle City Council, OEH or the SES must be provided no later than six months following the completion of construction or within another timeframe agreed with the Newcastle City Council, OEH and the SES.	Not Triggered		Not triggered		Not triggered		Not triggered	
HERITAGE									
E14	An Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected Aboriginal and Non aboriginal heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW and OEH.	Compliant	Transports procedure <i>Unexpected Heritage Finds and Human Remains Procedure</i> (PN 285 PO1) developed in consultation with heritage agencies and as per agency guidelines and standards	Compliant	Transports procedure <i>Unexpected Heritage Finds and Human Remains Procedure</i> (PN 285 PO1) developed in consultation with heritage agencies and as per agency guidelines and standards	Not triggered		Not triggered	
E15	The Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in consultation with OEH and the Heritage Council of NSW (or its delegate) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of any work.	Compliant	Transports procedure <i>Unexpected Heritage Finds and Human Remains Procedure</i> (PN 285 PO1) developed in consultation with heritage agencies and as per agency guidelines and standards. Confirmation that the project will adopt this procedure was provided to OEH on 22 July 2019. OEH responded on 9 August 2019, that they didnt have capacity to comment and to contact Heritage Division. Transport provided the provedure to Heritage Division on 13 August 2019. Heritage Division responded with no comments on 15 August 2019. Procedure was provided to DPIE on 23 August 2019.	Compliant	Transports procedure <i>Unexpected Heritage Finds and Human Remains Procedure</i> (PN 285 PO1) developed in consultation with heritage agencies and as per agency guidelines and standards. Confirmation that the project will adopt this procedure was provided to OEH on 22 July 2019. OEH responded on 9 August 2019, that they didnt have capacity to comment and to contact Heritage Division. Transport provided the provedure to Heritage Division on 13 August 2019. Heritage Division responded with no comments on 15 August 2019. Procedure was provided to DPIE on 23 August 2019	Not triggered		Not triggered	
E16	The Unexpected Heritage Finds and Human Remains Procedure , as submitted to the Planning Secretary, must be implemented for the duration of work. <i>Note: Human remains that are found unexpectedly during works are under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.</i>	Compliant	Transports procedure <i>Unexpected Heritage Finds and Human Remains Procedure</i> (PN 285 PO1) was implemented for all Stage 1 and 3 works. No unexpected heritage or human remains have been found to date.	Compliant	Transports procedure <i>Unexpected Heritage Finds and Human Remains Procedure</i> (PN 285 PO1) was implemented for all stage 2 works	Not triggered		Not triggered	
Aboriginal Cultural Heritage									
E17	The surface salvage of sites RP2J AFT3, RP2J AFT 4, RP2J IF 1 and RP2J IF 2, and the subsurface salvage of RP2J AFT3, must be undertaken in accordance with the salvage methodology described in the <i>SPIR, Appendix H - Technical Paper 10 – Aboriginal Cultural Heritage Assessment Report, April 2018</i> .	Compliant	Aboriginal Heritage Salvage works completed between 22 February and 5 March 2021	Not triggered	Stage 2 works do not interface with known heritage sites and salvage has not been required.	Compliant	Aboriginal Heritage Salvage works completed between 22 February and 5 March 2021	Not triggered	
E18	The management of any salvaged of Aboriginal objects must be undertaken in accordance with the documents identified in Condition A1 and in consultation with the Registered Aboriginal Parties.	Not Triggered		Not triggered	Stage 2 works do not interface with known heritage sites and salvage has not been required.	Not triggered	A letter was sent to all RAPs on 14 October 2021 asking for their preference on the management of salvaged items. To date only a two responses have been received. Consultation is ongoing.	Not triggered	
E19	Following completion of salvage of Aboriginal objects (Conditions E17), the Proponent must prepare a Cultural Heritage Salvage Report which includes details of any archival recording, further archaeological research either undertaken or to be carried out, and archaeological excavations (with artefact analysis and identification of a final repository for finds), must be prepared in accordance with any guidelines and standards required by OEH.	Not Triggered		Not triggered	Stage 2 works do not interface with known heritage sites and salvage has not been required.	Not triggered	Draft Cultural heritage salvage report has been prepared and is awaiting on outcome of RAP consultation regarding artefact management.	Not triggered	
E20	The Cultural Heritage Salvage Report must be submitted to the Planning Secretary, OEH, Newcastle City Council and RAPs, where relevant, for information no later than 12 months after the completion of the salvage work referred to in Condition E17 .	Not Triggered		Not triggered	Stage 2 works do not interface with known heritage sites and salvage has not been required.	Not triggered	Cultural heritage salvage report is due 5 March 2022.	Not triggered	
Non-Aboriginal Cultural Heritage									
E21	Before any direct impact on the Hollywood shanty town site and the Wallsend Plattsburg tramway, the Proponent must engage a suitably qualified archaeologist whose experience complies with the <i>Heritage Council of NSW's Criteria for Assessment of Excavation Directors</i> (July, 2011) (referred to as the Excavation Director) to oversee and advise on matters associated with historic archaeology and to prepare an Historical Archaeological Research Design and Excavation Methodology generally consistent with the documents listed in Condition A1 .	Compliant	TNSW engaged Dr Kylie Seretis via Kelleher Nightingale Consulting PTY LTD on 25 September 2019 to oversee and advise on matters associated with historic archaeology and to prepare an Historical Archaeological Research Design and Excavation Methodology. Stage 1 investigation works at the Hollywood Shanty town were completed between 19 and 30 April 2021 by Dr Kylie Seretis	Not triggered	Stage 2 work completed prior to 6 month CCR do not have not impacts non Aboriginal heritage site.	Not triggered	TNSW engaged Dr Kylie Seretis via Kelleher Nightingale Consulting PTY LTD on 25 September 2019 to oversee and advise on matters associated with historic archaeology and to prepare an Historical Archaeological Research Design and Excavation Methodology. Investigations under the methodology have been complete as Stage 1 works. Salvage is required and will be subject to a seperate engagement	Not triggered	
E22	The investigation and salvage of the Hollywood shanty town site and the Wallsend Plattsburg tramway heritage items must be undertaken in accordance with the Historical Archaeological Research Design and Excavation Methodology . The Proponent must submit the Historical Archaeological Research Design and Excavation Methodology to the Newcastle City Council (or its delegate) for review and comment prior to finalisation. The Historical Archaeological Research Design and Excavation Methodology must: (a) be consistent with the documents listed in Condition A1 and <i>NSW Heritage Council's Archaeological Assessments Guideline (1996)</i> or as updated; (b) provide for the detailed analysis of any heritage items discovered during the investigations; (c) include management options for discovered heritage items, whether known or unexpected finds (including options for avoidance, salvage, relocation and display); (d) for unexpected finds that are determined to be relics, set out the assessment process that will determine an appropriate archaeological response to managing their significance; (e) include procedures for notifying the Planning Secretary and Newcastle City Council of any relic findings; and (f) if the findings of the investigations are significant, provide for the preparation and implementation of a Heritage Interpretation Plan as required under Condition E24	Compliant	Historical Archaeological Research Design and Excavation Methodology submitted to Council for review on 4 December 2020. Response received 8 February. Minor update made to report.	Not triggered	Stage 2 work completed prior to 6 month CCR do not have impacts non Aboriginal heritage site.	Compliant	Historical Archaeological Research Design and Excavation Methodology submitted to Council for review on 4 December 2020. Response received 8 February. Minor update made to report.	Not triggered	
E23	The Proponent must prepare an Archaeological Excavation Report containing the findings of any excavations, including artefact analysis and the identification of a final repository of any finds. The report must be submitted to the Planning Secretary within 12 months of completing all archaeological investigations. The Archaeological Excavation Report must also be submitted to Newcastle City Council, the local library and the local Historical Society.	Not Triggered		Not triggered	Stage 2 work completed prior to 6 month CCR do not have impacts non Aboriginal heritage site.	Not triggered	Investigations completed between 19 and 30 April 2021. Salvage has not been completed	Not triggered	

E24	The Proponent must prepare a Heritage Interpretation Plan which identifies and interprets the key heritage values and stories of heritage items and heritage conservation areas impacted by the SSI. The Heritage Interpretation Plan must include, but not be limited to: (a) a discussion of the key interpretive themes, stories and messages proposed to interpret the history and significance of the affected heritage items and sections of heritage conservation areas including, but not limited to, Hollywood shanty town site and the Wallsend Plattsburg tramway in Jesmond Park; and (b) identification and confirmation of interpretive initiatives implemented to mitigate impacts to archaeological relics, heritage items and conservation areas affected by the SSI. The Heritage Interpretation Plan must be prepared in consultation with the Newcastle City Council. A copy of the Plan must be provided to the Planning Secretary, Newcastle City Council, the local library and the local Historical Society, before operation of the SSI commences.	Not Triggered		Not triggered	Stage 2 work completed prior to 6 month CCR do not have impacts non Aboriginal heritage site.	Not triggered		Not triggered	
	NOISE AND VIBRATION								
	Land Use Survey								
E25	A detailed land use survey must be undertaken to confirm sensitive receivers and landuses (including critical working areas such as operating theatres and precision laboratories) potentially exposed to construction noise and vibration, construction ground-borne noise and operational noise. The survey may be undertaken on a progressive basis but must be undertaken in any one area before the commencement of works which generate audible construction or operational noise, or do not meet safe working buffer distances for vibration or ground-borne noise in that area. With the exception of works associated with Bridge 7, the results of the survey must be included in the Noise and Vibration CEMP Sub-plan.	Not Triggered		Compliant	Progressive land use survey completed for works to date	Not triggered		Not triggered	
	Construction Hours								
E26	Work must only be undertaken during the following construction hours: (a) 7:00am to 6:00pm Mondays to Fridays, inclusive; (b) 8:00am to 5:00pm Saturdays; and (c) at no time on Sundays or public holidays,	Compliant	See E31	Compliant	Refer to E31	Not triggered		Not triggered	
	Variation to Works Hours								
E27	Notwithstanding Conditions E26 and E30 work may be undertaken outside the hours specified, in the following circumstances: (a) for the delivery of materials where required by the NSW Police Force or other authority for safety reasons; or (b) where it is required in an emergency to avoid injury or the loss of life, to avoid damage or loss of property or to prevent environmental harm; or (c) where different construction hours are permitted or required under an EPL in force in respect of the SSI; or (d) work approved under an Out-of-Hours Work Protocol or Out Of Hours Works Management Process or equivalent (for work not subject to an EPL), under Condition E31; or (e) work that causes: (i) no more than 5 db(A) above the rating background level at any residence in accordance with the <i>Interim Construction Noise Guideline</i> (DECC, 2009), and (ii) no more than the 'Noise affected' noise management levels specified in Table 3 of the <i>Interim Construction Noise Guideline</i> (DECC, 2009) at other sensitive land uses, and (iii) continuous or impulsive vibration values, measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.2 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006), and (iv) intermittent vibration values measured at the most affected residence are no more than the maximum values for human exposure to vibration, specified in Table 2.4 of <i>Assessing Vibration: a technical guideline</i> (DEC, 2006). <i>Note: Section 5.24(1)(e) of the EP&A Act requires that an EPL be substantially consistent with this approval.</i>	Compliant	There were six packages of OOHW completed on Stage 3 during the reporting period. All work was completed and approved in accordance with the OOHW Protocol developed and approved under condition of approval E31. Work included: - OOHW application #20 (service locating) - approved 6 August 2021 - OOHW applicaiton #21 (temporary traffic singage) - approved 10 August 2021 - OOHW applicaion #22 (median demolition and infill) - 24 August 2021 approved - OOHW application #23 (street lighting cutover) - approved 20 September 2021 - OOHW application #24 (McCaffrey Dr electrical) - approved 27 September 2021 - OOHW application #25 (trench road crossings) - approved 22 September 2021	Compliant	OoHW completed during this to 6 month CCR were approved under d) Out of Hours Works Protocol. (E31 Protocol approved by Secretary on 21.11.19) updated protocol was approved on 29 September 2020.	Not triggered	Not Stage 4 works to date	Not triggered	
E28	On becoming aware of the need for emergency work in accordance with Condition E27(b), the Proponent must notify the ER and the EPA of the reasons for such work. The Proponent must use best endeavours to notify all noise and/or vibration affected sensitive receivers of the likely impact and duration of those works.	Not Triggered	No emergency works completed for Stage 1 or 3	Compliant	Stage 2 Shared Path Bridge Emergency OOHW completed under E27(b) on 16 February 2021 to repair lighting on bridge and pedestrian ramps. Refer notifications to EPA and ER under E28	Not triggered		Not Triggered	
E29	In order to undertake out-of-hours work, the Proponent must identify appropriate respite periods for the out-of-hours works in consultation with the community at each affected location on a monthly basis. This consultation must include (but not be limited to) providing the community with: (a) a schedule of likely out-of-hours work for a period of no less than three (3) months in advance; (b) potential work, location and duration; (c) proposed respite periods (d) noise characteristics and likely noise and vibration levels; and (e) likely mitigation and management measures. The outcomes of the community consultation, the identified respite periods and the scheduling of likely out-of-hour work must be provided to the ER, EPA and the Planning Secretary.	Compliant	Consultation provided to the community on a monthly basis, including 3 month look aheads. All OoHW applications developed to date included information (b - e). Item (a) provided to DPIE and EPA in monthly ERG meetings.	Compliant	All OoHW applications developed to date included information (b - e). Item (a) sent to DPIE and EPA separately.	Not triggered		Not triggered	
	Highly Noise Intensive Work								
E30	Except as permitted by an EPL, highly noise intensive works exceeding 75dB(A) LAeq(15 minute) noise descriptor at a sensitive receiver must only be undertaken: (a) between 8:00 am to 6:00 pm Monday to Friday; (b) between 8:00 am to 1:00 pm Saturday; and (c) if continuously, then not exceeding three (3) hours, with a minimum respite from those activities and works of not less than one (1) hour. For the purposes of this condition, 'continuous' includes any period during which there is less than one (1) hour between ceasing and recommencing any of the work.	Not Triggered	No highly intensive works completed to date.	Not triggered	No highly intensive works completed to date.	Not triggered		Not triggered	
	Out-of-Hours Work Protocol – Works not subject to an EPL								

E31	An Out-of-Hours Work Protocol must be prepared to identify a process for the consideration, management and approval of work which are outside the hours defined in Condition E26, and that are not subject to an EPL. The Protocol must be approved by the Planning Secretary before the commencement of the work. The Protocol must be prepared in consultation with the EPA and the ER. The Protocol must: (a) provide a process for the consideration of out-of-hours work against the relevant noise and vibration criteria, including the determination of low and high-risk activities; (b) provide a process for the identification of mitigation measures for residual impacts, including respite periods in consultation with the community at each affected location, consistent with the requirements of Condition E29; (c) identify procedures to facilitate the coordination of out-of-hours work permitted by an EPL to ensure appropriate respite is provided; (d) undertake a risk analysis that considers the risk of activities, proposed mitigation, management, and coordination, including where: (i) low risk activities can be approved by the ER, and (ii) any other activity approved by the Planning Secretary; and (e) identify Department, EPA and community notification arrangements for approved out of hours work, which maybe detailed in the Communication Strategy. The Out-of-Hours Work Protocol is not required if the Proponent has an existing Out of Hours Work Management Process or equivalent that addresses Condition E31 (a) to (e) and has been approved by the Planning Secretary prior to the commencement of work.	Compliant	Stage 1 and Stage 3 works did not require an EPL and any out of hours works have been completed in accordance with the updated Out of Hours works Protocol (Revision 7) approved by DPIE on 29.9.20.	Compliant	Stage 2 works do not require an EPL. OoHW Protocol developed for Stage 2 works mplemented to date. Consultation with EPA demonstrated their input to works under E31 are limited to reponding to nuisance based community complaints and legislative breaches. Consultation and review by ER on E31 completed on 8.8.19. Planning Secretary approval for Protocol on 21.11.19 An updated OoHW Protocol (Revision 7) was submitted to DPIE on 28.07.20. DPIE approved Revision 7 on 29.9.20.	Not triggered	No Stage 4 works completed. Stage 4 will require an EPL	Not triggered	
	Utility Coordination and Respite								
E32	All work undertaken for the delivery of the SSI, including that undertaken by third parties (such as utility relocation), must be coordinated to ensure respite periods are provided. The Proponent must: (a) schedule any work to provide respite to impacted noise sensitive receivers so that the respite is achieved in accordance with Condition E29; or (b) consider the provision of alternative respite or mitigation to impacted noise sensitive receivers; and (c) provide documentary evidence to the ER in support of any decision made by the Proponent in	Compliant	Respite is captured through the OOHW approval process undertaken in accordance with the OOHW protocol. All OOHW applications and approvals are provided to the ER and published on the project website.	Compliant	Stage 2 CEMPP and CNVMP (s7.3) includes third party co-ordination. OoHW Protocol and associated applications to DPIE included third party respite co-ordination.	Not triggered	No Stage 4 works completed	Not triggered	
	Noise and Vibration Mitigation								
E33	Noise generating work in the vicinity of sensitive receivers and landuses (including community, religious, educational institutions and noise and vibration-sensitive businesses, medical facilities, and the John Hunter Hospital) resulting in noise levels above the NMLs at critical working areas (such as operating theatres and precision laboratories) must not be timetabled within sensitive periods, unless other reasonable arrangements with the affected receivers are made at no cost to the affected receivers.	Not Triggered	No works predicted to be above the NML at critical working areas on Stage 1 or Stage 3 during the reporting period	Compliant	No works above NML at critical working areas occurred prior to the CCR. Noise generating work in the vicinity of Stage 2 religious institution (Jesmond Uniting Church) scheduled to avoid religious services.	Not triggered	No Stage 4 works completed	Not triggered	
E34	Mitigation measures must be implemented with the aim of achieving the following construction noise management levels and vibration criteria: (a) construction 'Noise affected' noise management levels 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) <i>Australian Standard AS 2187.2 - 2006 "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). Any work identified as exceeding the noise management levels and/or vibration criteria must be managed in accordance with the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol or Out of Hours Work Management Process or equivalent, required by Condition E31, and in relation to Bridge 7 the documents required by Condition A9. <i>Note: The Interim Construction Noise Guideline identifies 'particularly annoying' activities that require the addition of 5 dB(A) to the predicted level before comparing to the construction Noise Management Level.</i>	Compliant	Mitigation measures contained in low impact work approvals for Stage 1 and Stage 3 approved by the ER or DPIE (respectively meet the requirements of a - e.	Compliant	Mitigation measures contained in CEMPP / Noise and Vibration Management Plan, EWMS, Out of Hours Protocol / Applications approved by the ER or DPIE (respectively) meet requirements a - e.	Not triggered	No Stage 4 works completed	Not triggered	
E35	Mitigation measures must be applied when the following residential ground-borne noise levels are exceeded: (a) evening (6:00 pm to 10:00 pm) — internal LAeq(15 minute): 40 dB(A); and (b) night (10:00 pm to 7:00 am) — internal LAeq(15 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 or Out of Hours Work Management Process or equivalent, required by Condition E31, and in relation to Bridge 7 the documents required by Condition A9.	Compliant	Mitigation measures contained in low impact work approvals for Stage 1 and Stage 3 approved by the ER or DPIE (respectively) meet the requirements of a - b.	Compliant	Mitigation measures contained in CEMPP / Noise and Vibration Management Plan, EWMS, Out of Hours Protocol / Applications approved by the ER or DPIE (respectively) include thesholds a - b.	Not triggered	No Stage 4 works completed	Not triggered	
E36	Landowner(s) and occupier(s) of properties at risk of exceeding the screening criteria for cosmetic damage must be notified before works that generate vibration commences near those properties. If the potential exceedance is to occur more than once or extend over a period of 24 hours, landowner(s) and occupier(s) must be provided a schedule of potential exceedances on a monthly basis for the duration of the potential exceedances, unless otherwise agreed by the landowner and occupier. These properties must be identified and considered in the Noise and Vibration CEMP Sub-plan, including in any Out-of-Hours Work Protocol or Out of Hours Work Management Process or equivalent, required by Condition E31, and in relation to Bridge 7 the documents required by Condition A9. <i>Note: Condition E54 requires Pre-construction Building and Structure Condition Surveys of buildings and structures of risk of damage to be undertaken prior to the commencement of work in the vicinity of the buildings or structures.</i>	Compliant	Mitigation measures contained in low impact work approvals for Stage 1 and Stage 3 approved by the ER or DPIE (respectively) meet the requirements of this condition. However, requirements not triggered during the reporting period.	Compliant	At risk receiveers limited to Stage 2 works prior to this CCR. Notification provided. Attended monitoring completed and no exceedences recorded.	Not triggered	No Stage 4 works completed	Not triggered	
E37	The Proponent must conduct vibration testing before and during vibration generating activities that have the potential to impact on heritage items to identify minimum working distances to prevent cosmetic damage. In the event that the vibration testing and monitoring shows that the preferred values for vibration are likely to be exceeded, the Proponent must review the construction methodology and, if necessary, implement additional mitigation measures.	Not Triggered	No potential for vibration impacts to heritage items to date from Stage 1 and 3 works	Not triggered	No potential for vibration impacts to heritage items during Stage 2 works	Not triggered	No Stage 4 works completed	Not triggered	
	Noise Mitigation - Operational Noise Mitigation Measures								

E38	The Proponent must prepare an Operational Noise Mitigation Review (ONMR) to confirm noise mitigation measures that would be implemented for the operation of the SSI. The ONMR must be prepared in consultation with the ER, EPA and Newcastle City Council and must: (a) confirm the operational noise predictions based on the final design of the SSI. The operational noise assessment must be based on an appropriately calibrated noise model (which has incorporated additional noise monitoring, and concurrent traffic counting, where necessary for calibration purposes); (b) review the suitability of the operational noise mitigation measures identified in the documents listed in Condition A1. The review must take into consideration the detailed design of the SSI, with the objective of achieving the noise criteria outlined in the NSW Road Noise Policy (DECCW, 2011); (c) where necessary, investigate and identify additional noise mitigation measures to achieve the noise criteria outlined in the NSW Road Noise Policy (DECCW, 2011) (d) measures to address heavy vehicle compression (engine) braking noise; and (e) procedures for the management of operational noise complaints. The ONMR is to be verified by a suitably qualified and experienced noise and vibration expert and undertaken at the Proponent's expense. The ONMR must be submitted to the Planning Secretary for approval before the implementation of operational noise mitigation measures. The Proponent must implement the identified noise mitigation measures, and following its approval, make the ONMR publicly available and provide a copy to the EPA and Newcastle City Council.	Not Triggered		Not triggered	Refer to E43. Stage 2 / Bridge 7 works not relevant to this works prior to this 6 month CCR	Compliant	ONMR sent to ER, EPA and CN Council on 3 March 2021 for comment. ONMR submitted to DPIE for approval on 12 April 2021. DPIE approval received on 28 April 2021. Final ONMR and DPIE approval uploaded on the project website and provided to City of Newcastle Council and EPA on 11 June 2021.	Not triggered	
E39	Operational noise mitigation measures identified in Condition E38 that will not be physically affected by work must be implemented within six (6) months of the commencement of construction in the vicinity of the impacted receiver(s), to minimise construction noise impacts. These measures must be detailed in the Noise and Vibration CEMP Sub-plan .	Not Triggered		Not triggered	Refer to E43. Stage 2 / Bridge 7 works not relevant to this works prior to this 6 month CCR	Not triggered	Stage 4 works have not commenced. Consultation with landowners regarding operational noise mitigation treatments have commenced and face to face meetings and inspections were put on hold due Covid. Transport will submit a report in accordance with E40.	Not triggered	
E40	Where operational noise mitigation measures are not proposed to be implemented in accordance with Condition E39 , the Proponent must submit to the Planning Secretary a report providing justification as to why, along with details of temporary measures that would be implemented to reduce construction noise impacts, until such time that the operational noise mitigation measures identified in Condition E38 are implemented. The report must be endorsed by the ER and submitted to the Planning Secretary within six months of construction commencing.	Not Triggered		Not triggered	Refer to E43. Stage 2 / Bridge 7 works not relevant to this works prior to this 6 month CCR	Not triggered	Stage 4 works have not commenced. Due to impacts from Covid restrictions, Transport is unlikely to have all operational noise treatments installed and will prepare a report in accordance with E40.	Not triggered	
E41	Within 12 months of the commencement of operation of the SSI, the Proponent must undertake monitoring of operational noise to compare the actual noise performance of the SSI against the noise performance predicted in the review of noise mitigation measures required by Condition E38. The Proponent must prepare an Operational Noise Compliance Report to document this monitoring. The Report must include, but not necessarily be limited to: (a) noise monitoring to assess compliance with the operational noise levels predicted in the review of operational noise mitigation measures required under Condition E38; (b) a review of the operational noise levels in terms of criteria and noise goals established in the <i>NSW Road Noise Policy</i> (DECCW, 2011); (c) methodology, location and frequency of noise monitoring undertaken, including monitoring sites at which SSI noise levels are ascertained, with specific reference to locations indicative of impacts on receivers; (d) details of any complaints and enquiries received in relation to operational noise generated by the SSI between the date of commencement of operation and the date the report was prepared; (e) any required recalibrations of the noise model taking into consideration factors such as noise monitoring and actual traffic numbers and proportions; (f) an assessment of the performance and effectiveness of applied noise mitigation measures together with a review and if necessary, reassessment of mitigation measures; and (g) identification of additional measures to those identified in the review of noise mitigation measures required by Condition E38, that are to be implemented with the objective of meeting the criteria outlined in the <i>NSW Road Noise Policy</i> (DECCW, 2011), when these measures is to be implemented and how their effectiveness would be measured and reported to the Planning Secretary and the EPA	Not Triggered		Not triggered	Refer to E43. Stage 2 / Bridge 7 works not relevant to this works prior to this 6 month CCR	Not triggered		Not triggered	
E42	The Operational Noise Compliance Report must be verified by a suitably qualified and experienced independent noise and vibration expert, made publicly available and submitted to the Planning Secretary and the EPA within 60 days of completing the operational noise monitoring.	Not Triggered		Not triggered	Refer to E43. Stage 2 / Bridge 7 works not relevant to this works prior to this 6 month CCR	Not triggered		Not triggered	
E43	The construction and operation of Bridge 7 and its associated components do not trigger the requirements of Conditions E38, E39, E40 and E41 .	Not Triggered		Not triggered	Noted	Not triggered		Not triggered	
Construction Vibration									
E44	The SSI must be delivered with the aim of achieving the following vibration goals: (a) for structural damage to heritage structures, the vibration limits set out in the <i>German Standard DIN 4150-3: Structural Vibration – Part 3 Effects of vibration on structures</i>; (b) for damage to other buildings and/or structures, the vibration limits set out in the <i>British Standard BS 7385-1:1990 – Evaluation and measurement of vibration in buildings—Guide for measurement of vibration and evaluation of their effects on buildings (and referenced in Australian Standard 2187.2 – 2006 Explosives – Storage and use – Use of explosives)</i> ; and (c) for human exposure, the acceptable vibration values set out in <i>Assessing Vibration: A Technical Guideline</i> (Department of Environment and Conservation, 2006).	Compliant	Mitigation measures contained in low impact work approvals for Stage 1 and Stage 3 approved by the ER or DPIE (respectively) meet the requirements of a - c.	Compliant	Mitigation measures contained in CEMPP / Noise and Vibration Management Plan, EWMS, Out of Hours Protocol / Applications approved by the ER or DPIE (respectively) aim to achieve a - c.	Not triggered	Stage 4 works have not commenced	Not triggered	No Blasting during the operational stage
E45	Blasting associated with the SSI must only be undertaken during the following hours: (a) 9:00am to 5:00pm, Monday to Friday, inclusive; (b) 9:00am to 1:00pm on Saturday; and (c) at no time on Sunday or public holidays. This condition does not apply in the event of a direction from the NSW Police Force or other relevant authority for safety or emergency reasons to avoid loss of life, property loss and/or to prevent environmental harm. Blasting may be undertaken outside the above hours where: (a) no sensitive receivers would be impacted by blasting; or (b) an agreement has been made with potentially affected receivers.	Not Triggered	No Blasting as part of Stage 1 and Stage 3 works	Not triggered	No blasting for Stage 2 works	Not triggered	Stage 4 works have not commenced	Not triggered	No Blasting during the operational stage

E51	The Blast Management Strategy must be endorsed by a suitably qualified and experienced independent person.	Not Triggered	No Blasting as part of Stage 1 and Stage 3 works	Not triggered	No blasting for works prior to this CCR	Not triggered	Stage 4 works have not commenced	Not triggered	No Blasting during the operational stage
E52	The Blast Management Strategy must be prepared in accordance with relevant guidelines in order to ensure that all blasting and associated activities are carried out so as not to generate unacceptable noise and vibration impacts or pose a significant risk to sensitive receivers.	Not Triggered	No Blasting as part of Stage 1 and Stage 3 works	Not triggered	No blasting for works prior to this CCR	Not triggered	Stage 4 works have not commenced	Not triggered	No Blasting during the operational stage
E53	The Blast Management Strategy must be submitted to the Planning Secretary for information no later than one month before the commencement of blasting. The Strategy as submitted to the Planning Secretary, must be implemented for all blasting activities.	Not Triggered	No Blasting as part of Stage 1 and Stage 3 works	Not triggered	No blasting for works prior to this CCR	Not triggered	Stage 4 works have not commenced	Not triggered	No Blasting during the operational stage
SOCIO-ECONOMIC, LAND USE AND PROPERTY									
Building Condition Survey									
E54	Pre-construction Building and Structure Condition Surveys must be undertake of all buildings, structures, and utilities and the like, identified in the documents listed in Condition A1 , as being at risk of damage from the works associated with the SSI. The surveys must be undertaken by a suitably qualified structural engineer before the commencement of any work that could cause damage to buildings, structures and utilities. The results of the surveys must be documented in a Pre-construction Building and Structure Condition Survey Report for each building, structure and utility surveyed. Copies of the Pre-construction Building and Structure Condition Survey Reports must be provided to the owners of the buildings, structures and utilities surveyed, and no later than one (1) month before the commencement of work the vicinity of the impacted buildings, structures and utilities	Compliant	Building condition surveys completed for Stage 3 works. Building conditions were not triggered for Stage 1 works.	Compliant	Survey condition assessment reports completed for relevant (Stage 2) structure/assets prior to works occuring. Reports provided to owners. Note that multiple requests for access were not responded to for several relevant residential properties.	Not triggered	Stage 4 works have not commenced	Not triggered	
E55	After completion of construction of the SSI, a follow-up condition survey of all items for which building and structure condition surveys were undertaken in accordance with Condition E54, must be undertaken by a suitably qualified structural engineer. The results of the surveys must be documented in a Post-construction Building and Structure Condition Survey Report for each building, structure and utility surveyed. Copies of the Post-construction Building and Structure Condition Survey Reports must be provided to the owners of the buildings, structures and utilities surveyed no later than three months following the completion of construction.	Not Triggered		Not triggered	Not relevant for this CCR	Not triggered		Not triggered	Post-Building condition surveys for Stage 2 have been delayed due to Covid restrictions
E56	The Proponent, where liable, must rectify any damage caused directly or indirectly (for example from vibration or from groundwater change) by the construction or operation of the SSI at no cost to the landowner. Alternatively, the Proponent may pay compensation for the property damage as agreed with the landowner.	Not Triggered	No damage from vibration was caused by Stage 1 or 3 works	Not triggered	No damage from vibration was caused by SPB	Not triggered	Stage 4 works have not commenced	Not triggered	
SOILS									
E57	All reasonably practicable erosion and sediment controls must be installed and appropriately maintained to prevent water pollution. When implementing such controls, any relevant guidance in the <i>Managing Urban Stormwater</i> series must be considered.	Not Triggered	Erosion and sediment controls have been installed and maintained during stage 1 and 3 works. The site has been inspected fortnightly by Transport and monthly by the ER.	Compliant	Stage 2 works include approved CEMPP / Soil and water Management Plan / Soil conservationist endorsed ERSER plans. Weekly contractor inspections, fortnightly TNSW inspections, monthly ER inspections to monitor compliance.	Not triggered	Stage 4 works have not commenced	Not triggered	
Contaminated Sites									
E58	Areas of soil contamination identified within the documents referred to in Condition A1 must be managed in accordance with Management Measure SW04 and SW05 as described in the SPIR.	Not Triggered		Compliant	Stage 2 work include CEMPP / contamination management plan. Lead paint identified in the Stage 2 bus stop structure described and managed by CEMPP and sub plan	Not triggered	Stage 4 works have not commenced	Not triggered	
E59	An Unexpected Contaminated Land and Asbestos Finds Procedure must be prepared before the commencement of work and must be followed should unexpected contaminated land or asbestos (or suspected contaminated land or asbestos) be excavated or otherwise discovered during work.	Compliant	Procedure provided to Secretary on 23.08.19	Compliant	Procedure provided to Secretary on 23.08.19	Not triggered	Stage 4 works have not commenced	Not triggered	
E60	The Unexpected Contaminated Land and Asbestos Finds Procedure must be implemented for the duration of work.	Compliant	Implemented for a minor quantity of bonded asbestos during Stage 1 non-Aboriginal heritage investigations on 20.04.21. Implemented for asbestos find during house demolition works in March 2021. Implemented for potential isolated PAH find during Stage 3 works on 29.10.21. Further sampling is being completed to determine if it was an anomaly or if it was an unexpected contamination find.	Compliant	Implemented during unexpected finds of minor quantity of bonded asbestos in Coles Street road reserve on 2.12.19.	Not triggered	Stage 4 works have not commenced	Not triggered	
SUSTAINABILITY									
E61	A Sustainability Strategy must be prepared and submitted to the Planning Secretary for information before the commencement of construction (except Bridge 7 works). The Sustainability Strategy must include: (a) details of achieving an As Built rating under the Infrastructure Sustainability Council of Australia (ISCA) infrastructure rating tool or other justified rating mechanism; (b) details of the sustainability initiatives which will be implemented; and (c) a description of how the strategy will be implemented for the SSI	Not Triggered		Not triggered	Not relevant for works completed prior to this CCR	Not triggered	Stage 4 works have not commenced	Not triggered	
TRAFFIC AND TRANSPORT									
E62	All road roads within one (1) kilometre of the SSI (including construction ancillary facilities) proposed to be used by heavy vehicles used for the SSI must be identified in the Construction Traffic and Transport Management Sub-plan .	Not Triggered		Compliant	Refer to E64.	Not triggered	Stage 4 works have not commenced	Not triggered	
E63	Local roads proposed to be used by heavy vehicles for the SSI works that were not assessed in the EIS or SPIR, must be approved by the Planning Secretary through the Construction Traffic and Transport Management Sub-plan (including any revisions to the sub-plan that identify additional local roads). The request to the Planning Secretary must include a traffic and pedestrian impact assessment, and a swept path analysis, if required. The traffic and pedestrian impact assessment must: (a) demonstrate that the use of local roads will not compromise the safety of the public and have no more than minimal amenity impacts; (b) provide details as to the date of completion of the road dilapidation surveys for the subject local roads; and (c) describe the measures that will be implemented to minimise safety and amenity impacts to any schools, aged care facilities and child care facilities during their peak operation times.	Not Triggered	Heavy vehicles have not used any local roads not assessed as part of the EIS/SPIR during Stage 1 or Stage 3 works.	Not triggered	Heavy vehicle movements were restricted to local roads nominated in the EIS/SPIR for Stage 2 works	Not triggered	Stage 4 works have not commenced	Not triggered	

[illegible]

E78	The Proponent must ensure that the construction of the SSI, including former mine working remediation activities, are carried out in accordance with the requirements of Subsidence Advisory NSW.	Not Triggered		Not triggered	Stage 2 works are outside of mine subsidence areas and hence no requirements apply.	Not triggered	Subsidence advisory issued a letter of Approval on 12 March 2020, subject to a number of conditions. Subsidence advisory issued a letter considering condition 5 met on 9 November 2020. If required, consultation will be completed as part of any updates to the design.	Not triggered	
	Operational Maintenance								
E79	The ongoing maintenance and operation costs of urban design, open space, landscaping and recreational items and works implemented as part of this approval must remain the Proponent's responsibility, until satisfactory arrangements have been made for the transfer of the asset to the relevant authority. Prior to the transfer of assets, the Proponent must maintain the items and	Not Triggered		Not triggered	Not relevant for works completed prior to this CCR	Not triggered		Compliant	Maintenance of Stage 2 works have been completed by Transport
	Operational noise barriers design								
E80	Operational noise barriers must be designed to minimise visual and amenity impacts and be designed in accordance with the <i>Noise wall design guideline – Design guideline to improve the appearance of noise walls in NSW</i> (RMS, March 2016).	Not Triggered		Not triggered	Not relevant for works completed prior to this CCR	Not triggered	Stage 4 works have not commenced. Design of noise walls will be finalised by construction contractor as part of detail design	Not triggered	
	WASTE								
E81	Waste generated during works and operation of the SSI must be dealt with in accordance with the following priorities: (a) waste generation must be avoided and where avoidance is not reasonably practicable, waste generation must be reduced; (b) where avoiding or reducing waste is not possible, waste is to be re-used, recycled, or recovered; and (c) where re-using, recycling or recovering waste is not possible, waste is to be treated or	Compliant	Mitigation measures contained in low impact work approvals for Stage 1 and Stage 3 approved by the ER or DPIE (respectively) meet the requirements of a - c.	Compliant	Approved Stage 2 CEMPP / CRWMP includes a - c	Not triggered	Stage 4 works have not commenced	Not triggered	
E82	The importation of waste and the storage, treatment, processing, reprocessing or disposal of such waste must comply with the conditions of the EPL for the SSI, or a Resource Recovery Exemption or Order issued under the <i>Protection of the Environment Operations (Waste) Regulation 2014</i> , as the case may be.	Compliant	All waste management was carried out in accordance with the POEO Act and any relevant Resource recovery orders and exemptions	Compliant	All waste management was carried out in accordance with the POEO Act and any relevant Resource recovery orders and exemptions	Not triggered	Stage 4 works have not commenced	Not triggered	
E83	Waste generated by all activities associated with the works and operation of the SSI must only be: (a) exported to a EPA licensed facility for the storage, treatment, processing, reprocessing or disposal, or to any other place that can lawfully accept such waste, or (b) reused in accordance with a Resource Recovery Exemption or Order issued under the Protection of the Environment Operations (Waste) Regulation 2014.	Compliant	All waste management was carried out in accordance with the POEO Act and any relevant Resource recovery orders and exemptions	Compliant	Approved Stage 2 CEMPP / CRWMP includes a - b VENM taken off site in accordance with Waste Regs.	Not triggered	Stage 4 works have not commenced	Not triggered	
E84	All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.	Compliant	All waste management was carried out in accordance with the POEO Act and any relevant Resource recovery orders and exemptions	Compliant	Approved Stage 2 CEMPP / CRWMP includes requirement to comply with EPA guideline. VENM and unexpected find classified in accordance with EPA guideline.	Not triggered	Stage 4 works have not commenced	Not triggered	
	WATER								
E85	The SSI must be designed, constructed and operated to achieve the outcomes described in the documents listed in condition A1 and/or to maintain the <i>NSW Water Quality Objectives</i> where they are being achieved as at the date of this approval, and contribute towards achievement of the <i>NSW Water Quality Objectives</i> over time where they are not being achieved as at the date of this approval, unless an EPL in force in respect of the SSI contains different requirements in relation to the <i>NSW Water Quality Objectives</i> , in which case those requirements must be complied with.	Not Triggered		Compliant	Approved Stage 2 CEMPP / soil and water management plan for works completed prior to this CCR have included planning and controls to achieve compliance with NSW WQO - inclusive of Soil Conservationist approved ERSed plans, regular inspections and ER inspections.	Not triggered	Stage 4 works have not commenced	Not triggered	
E86	Drainage feature crossings (permanent and temporary watercourse crossings and stream diversions) and drainage swales and depressions must be constructed in accordance with the relevant guidelines and designed by a suitably qualified and experienced person.	Not Triggered		Compliant	All drainage features were constructed with the relevant guidelines and designed by a suitably qualified and experienced person.	Not triggered	Stage 4 works have not commenced	Not triggered	

Appendix B – Compliance Register – Commonwealth Conditions of Approval

RP2J Compliance Table - Federal Conditions of Approval

DoEE CoA #	Requirement	Stage 1 & 3 Compliance Status	Stage 1 & 3 Evidence of Compliance /Comment	Stage 2 Compliance Status	Stage 2 Evidence of Compliance /Comment
	PART A - Conditions specific to the action				
1	The approval holder must comply with the following NSW conditions where they relate to the protection of the Black-eyed Susan (<i>Tetratheca juncea</i>), the Grey-headed Flying-fox (<i>Pteropus poliocephalus</i>) and the Hunter Estuary Ramsar site: the terms of this approval and the description of the SSI in the <i>Newcastle Inner City Bypass – Rankin Park to Jesmond Environmental impact statement</i> (RMS, 2016) (the EIS) and the <i>Submissions and Preferred Infrastructure Report Newcastle Inner City Bypass Rankin Park to Jesmond</i> (RMS, 2018) (the SPIR);	Not Triggered	No impacts to EPBC matters as part of Stage 1 or 3 works.	Compliant	CEMPP / Flora and Fauna Management Sub Plan demonstrate no vegetation clearing or impacts to EPBC listed flora or fauna for Stage 2 works. CEMPP / Soil and Water sub plan,soil conservationist endorsed ERSED plans, high risk activity EWMS, hold point review/release of clearingand grubbing to protect surface water quality reporting to Hunter Estuary Ramsar site.
	CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN				
	NSW condition C4 , requiring a Flora and Fauna Construction Environment Management Plan (CEMP).	Not Triggered		Not triggered	As per NSW CoA A9, Section C of approval instrument does not apply to construction work (limited to Stage 2 / Bridge 7) prior to the date of this 6 month CCR . ER approval of NSW A9 Stage 2 CEMPP and sub plans on 26.11.19
	NSW condition C5 , requiring the CEMP Sub-plans to state how: (a) environmental performance outcomes will be achieved; (b) how the mitigation measures will be implemented; (c) how the relevant terms of the NSW conditions will be complied with; and (d) how issues requiring management during construction, as identified through ongoing environmental risk analysis, will be managed.	Not Triggered		Not triggered	As per NSW CoA A9, Section C of approval instrument does not apply to construction work (limited to Stage 2 / Bridge 7) prior to the date of this 6 month CCR .
	NSW condition C8 , construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary.	Not Triggered		Not triggered	As per NSW CoA A9, Section C of approval instrument does not apply to construction work (limited to Stage 2 / Bridge 7) prior to the date of this 6 month CCR .
	BIODIVERSITY				
	NSW condition E2 , limiting the clearing of native vegetation to the greatest extent practicable.	Not Triggered		Compliant	CEMPP and Flora / Fauna Sub Plan developed under NSW CoA A9 to manage construction impacts of Stage 2. Clearing of native vegetation for works completed to date has been contained within the approved project boundary. Clearing is described and controlled within approved CEMPP / EWMS and has been minimised as practicable and in consultation with NCC.
	NSW condition E4 , implementing the Biodiversity Offset Strategy.	Not Triggered		Not triggered	Not relevant to 6 month CCR
	NSW condition E5 , submission of the Credit Retirement Report to the Planning Secretary.	Not Triggered			
	NSW condition E6 , requiring plant community types that provide habitat for impacted EPBC Act threatened species to be retired in a manner that achieves "like-for-like" habitat for the species.	Not Triggered		Not triggered	Not relevant to 6 month CCR
	NSW condition E7 , requiring the offsetting of biodiversity impacts to be carried out in accordance with the <i>NSW Biodiversity Offsets Policy for Major Projects</i> (OEI, 2014) and to be achieved by: (a) acquiring and retiring "biodiversity credits" within the meaning of the Biodiversity Conservation Act 2016; and/or (b) making payments to an offset fund developed by the NSW Government; and/or (c) providing supplementary measures. Footnote 2 under condition E7 states that: "Any residual impact on EPBC Act listed threatened species and ecological communities must be offset in accordance with an offset process endorsed by the DoEE."	Not Triggered		Not triggered	Not relevant to 6 month CCR
	NSW condition E9 , stating that the construction of the bypass must demonstrate how: (a)EPBC Act listed threatened species and ecological communities are protected; (b)noxious weeds are managed; and (c)contamination by pathogens, non-indigenous regenerative plant material and seeds can be prevented by the movement of all tools, vehicles, machinery and personnel. Footnote: These additional requirements must be addressed in the Flora and Fauna Management Sub-plan required under Condition C4 Table 3 (c).	Not Triggered		Compliant	Refer to CEMPP / Flora and Fauna Management Sub Plan for Stage 2 works Controls include weed / pathogen control. No EPBC impacts.
	SOILS				
	NSW condition E57 , requiring the proponent to undertake erosion and sediment controls consistent with the Managing Urban Stormwater series.	Compliant	Stage 1 & 3 works have been completed in accordance with the Erosion and sediment control plan with the installation of erosion and sediment controls consistency with the Blue Book.	Not triggered	Approved Stage 2 CEMPP / Soil and water management sub plan includes requirement for compliance with Landcom series. Soil Conservationist review and endorsement of ERSED plans. Weekly contractor inspections, fortnightly TNSW inspections, monthly ER inspections to monitor compliance
	WATER				
	NSW condition E85 , requiring the bypass to be designed, constructed and operated to achieve the outcomes described in the documents listed in NSW condition A1 of the NSW Approval.	Not Triggered		Compliant	Approved Stage 2 CEMPP / soil and water management plan for works completed prior to this 6 month CCR have included planning and controls to achieve compliance with NSW WQO - inclusive of Soil Conservationist approved ERSED plans. Weekly contractor inspections, fortnightly TNSW inspections, monthly ER inspections to monitor compliance.
	NSW condition E86 , requiring drainage feature crossings and drainage swales and depressions to be constructed in accordance with the relevant guidelines and designed by a suitably qualified and experienced person.	Not Triggered		Not triggered	Not relevant for works completed prior to this 6 month CCR
	BIODIVERSITY				
2	The approval holder cannot retire biodiversity credits that relate to EPBC Act listed threatened species and ecological communities by making payments into an offset fund that has been developed by the NSW Government, as referred to in NSW condition E7 , unless approved in writing by the Minister.	Not Triggered		Not triggered	Not relevant for works completed prior to this 6 month CCR