

**ATTACHMENT A**  
**DA2021/01515 - Hexham Straight Widening (EIS)**  
**AGREED CONDITIONS**

**SCHEDULE NO 1**

**GENERAL CONDITIONS**

1. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

| <b>Plan No / Supporting Document</b>  | <b>Prepared by</b> | <b>Reference_Version</b>         | <b>Dated</b>  |
|---|--------------------|----------------------------------|---------------|
| Hexham Straight Widening Environmental Impact Statement                                 | Jacobs and TfNSW   | Revision 04                      | November 2021 |
| Appendix A – Secretary’s environmental assessment requirements and checklist            | Jacobs and TfNSW   | -                                | November 2021 |
| Appendix B – Environmental Planning and Assessment Regulation 2000 checklist            | Jacobs and TfNSW   | -                                | November 2021 |
| Appendix C – Concept design features within the EIS Area                                | Jacobs             | Figures C.1a to C.1d             | -             |
| Appendix D – State Environmental Planning Policy (Coastal Management) 2018 requirements | Jacobs             | Within EIS                       | -             |
| Appendix E – Biodiversity development assessment report                                 | Jacobs             | IA301100-HSW-EN-RPT-0021   06    | 03/11/2021    |
| Appendix F – Coastal processes assessment   | Jacobs             | IA301100-HSW-EN-RPT-0006   05    | 21/09/2021    |
| Appendix G – Aboriginal Cultural Heritage Assessment Report                             | EMM Consulting     | H190899 Version 4                | 02/07/2021    |
| Appendix H – Urban design, landscape character and visual impact assessment             | Tract              | 220-0026-00                      | 19/10/2021    |
| Appendix I – Consultation documents   | -                  | -                                | -             |
| Appendix J – Statement of heritage impacts  | Jacobs             | IA301100-HSW-EN-RPT-0011   05    | 07/10/2021    |
| Appendix K – Phase 1 soils and contamination assessment                                 | Jacobs             | IA301100-HSW-EN-RPT-0001   0     | 16/09/2021    |
| Appendix L – Land use, property and socio-economic assessment                           | Jacobs             | IA301100-HSW-EN-RPT-0012   06    | 07/10/2021    |
| Appendix M – Flooding and hydrology assessment  | Jacobs             | IA301100-HSW-EN-RPT-0008   05    | 14/10/2021    |
| Appendix N – Surface water and groundwater assessment                                   | Jacobs             | IA301100-HSW-EN-RPT-0009   07    | 03/11/2021    |
| Appendix O – Air quality impact statement   | Jacobs             | IA301100-HSW-EN-RPT-0005   05    | 07/10/2021    |
| Appendix P – Noise and vibration impact assessment                                      | SLR                | 630.30083.00000-R0<br>Version 05 | October 2021  |

|  |                  |                                 |                      |
|--|------------------|---------------------------------|----------------------|
| Appendix Q – Traffic and transport assessment  | Jacobs           | IA301100-HSW-EN-RPT-0013   04   | 09/08/2021           |
| Appendix R – Drainage design figures   | Jacobs           | Figures R.1 to R.8              | -                    |
| Appendix S – Construction staging figure   | Jacobs           | Figures S.1a to S.6d            | -                    |
| Applicant's Table of Responses to Issues raised in RFI   | TfNSW            | -                               | Submitted 30/03/2022 |
| Attachment 1 – Responses to RFI Sections 2 & 3, Biodiversity and Flooding Impacts                              | TfNSW            | -                               | Submitted 30/03/2022 |
| Appendix 1 – Concept design features within Coastal Wetland areas and next to Coastal Wetlands Proximity Areas | Jacobs           | Figures A.1 to A.6              | Submitted 30/03/2022 |
| Appendix 1 – Plant community types   | Jacobs           | Figures B.1 to B.4              | Submitted 30/03/2022 |
| Appendix 1 – Drainage design   | Jacobs           | Figures C.1 to C.4              | Submitted 30/03/2022 |
| Appendix 1 – Construction activities   | Jacobs           | Figures D.1 to D.4              | Submitted 30/03/2022 |
| Appendix 2 – Vegetation in the EIS area to be offset under the BC Act and FM Act                               | Jacobs           | Figures A.1 to A.4              | Submitted 30/03/2022 |
| Appendix 3 – Additional Flood Figures  | Jacobs           | Figures A.1 to A.3 & B.1 to B.3 | Submitted 30/03/2022 |
| Concept Bridge Design (Ironbark Creek)   | Jacobs           | DS2021/000295 Issue 2           | 17/03/2022           |
| Stage 2 Contamination and Waste Classification Assessment  | Jacobs           | IA301100-HSW-EN-RPT-0024   03   | 24/03/2022           |
| Acid Sulfate Soil Management Plan  | Douglas Partners | 102037.00 Revision 1            | 09/06/2021           |

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. This consent does not permit, approve or otherwise authorise any activities, works, actions or access on lands reserved or acquired under the National Parks and Wildlife Act 1974. Prior written consent from the NSW National Parks and Wildlife Service is needed for any such activity or access or the potential repatriation of Aboriginal cultural material.

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORK, DURING THE CONSTRUCTION PHASE AND AT COMPLETION OF WORK**

Definitions;

**“Work”** - All physical activities to construct or facilitate the construction of the Proposal, with the exception of establishment and use of ancillary facilities, minor utility works, environmental management measures, survey, heritage, geotechnical investigations, monitoring and any other activities which have not been listed above which meet the definition of ‘exempt development’ under the Environmental Planning and Assessment Act 1979.

3. Prior to the commencement of work, the following must occur:
- (i) Details of the cost of carrying out the development calculated in accordance with clause 208 of the EP&A Regulation, 2021 must be submitted to the Newcastle City Council (Council). If the estimated cost of carrying out the development exceeds \$750,000 then a 'Registered Quantity Surveyor's Detailed Cost Report' must be provided.
  - (ii) A development contribution, calculated in accordance with the Newcastle City Council Section 7.12 Newcastle Local Infrastructure Contributions Plan (effective 01 January 2022) must be paid to the Council. The contribution is to be calculated as a proportion of the proposed cost of carrying out the development determined in accordance with (i) above. The proportions are to be paid as follows:

| <b>Proposed cost of the development</b> | <b>%of the levy</b> |
|---|---------------------|
| Up to \$100,000                         | NIL                 |
| \$100,001-\$200,000                     | 0.5%                |
| More than \$200,000                     | 1.0%                |

- (iii) The proposed cost of the development for the purpose of calculating the contribution payable is to be indexed at the time of actual payment and based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.
4. Prior to the commencement of any work, Transport for NSW (Transport) is to obtain all necessary approval(s), consents, permits or licences as required under relevant New South Wales legislation including, but not limited to;
- a) Protection of the Environment Operations Act, 1997;
  - b) Fisheries Management Act, 1994;
  - c) National Parks and Wildlife Act, 1974;
  - d) Water Management Act, 2000; and
  - e) Roads Act, 1993
5. During detailed design and throughout the construction period, Transport is to consult with the Environmental Protection Authority (EPA), including prior to applying for any required consents, permits or licences.
6. During detailed design, Transport is to consult with the Department of Primary Industries – Fisheries to confirm the adequacy of the design and offset strategies having regard to the *Fisheries Management Act, 1994* (NSW) and the removal or harm of marine vegetation.

In this regard, Transport is to assess potential offsets strategies that may be implemented to meet the requirements of the DPI Fisheries (DPI Fisheries) offset policies in relation to marine vegetation. This offset must be developed in consultation with DPI Fisheries, meet the requirements of DPI Policy and Guidelines for Fish Habitat Conservation and Management (DPI, 2013 update) and be agreed, in writing, by DPI Fisheries prior to the commencement of work.

7. Prior to the commencement of work on each component of the development, the detailed design is to be prepared for the respective component of the works in accordance with the following design guides, standards and policies or other publications satisfactory to Transport for NSW (Transport) unless otherwise specified in the terms of this consent.
- a) Guide to Road Design (Austroads, 2015) including Transport Supplements;
  - b) Beyond the Pavement 2020 (Transport, 2020a);
  - c) Transport Technical Directions, Specifications and quality alerts, including:

- i) Roads and Maritime Services Bridge Policy Manual which includes Bridge Technical Direction Manual, Bridge Policy Circulars, Chief Bridge Engineer's Circulars;
    - ii) Roads and Maritime Services Standard Bridge Drawings
    - iii) Roads and Maritime Services Bridgeworks QA Specifications (PS 261);
  - d) Austroads guides and Australian Standards, including:
    - i) AS5100-2017 (Bridge Design)
    - ii) AS1158 suite (Lighting for roads and public spaces);
  - e) Australian Rainfall and Runoff 2019; and
  - f) NSW Bicycle Guidelines;
8. The detailed design for all stormwater outlets and structures must take into consideration safe, efficient and effective maintenance methods, techniques and vehicular and personnel access.
9. Prior to the commencement of work, the flood model(s) utilised in the preparation of the Flooding and hydrology assessment report (Jacobs, IA301100-HSW-EN-RPT-0008 | 05, dated 14/10/2021) is to be re-run using the latest 'TUFLOW' software incorporating Quadtree mesh and Sub Grid Sampling techniques. The results are to be considered in the final design documentation for the work to ensure any afflux resulting from the work, is equal to or lower than the impacts modelled in the abovementioned report.

A digital copy of the final adopted 'TUFLOW' flood model and catchment data and the associated flood model output files (in a format to allow importation of the output files into the 'waterRIDE' software program) are to be provided to Council.

10. Prior to the commencement of work, an Aboriginal Heritage Impact Permit (AHIP) is to be obtained from Heritage NSW under Part 6 of the *National Parks and Wildlife Act 1974* (NSW). The management of any Aboriginal objects under the AHIP must be undertaken in accordance with the Hexham Straight Aboriginal Cultural Heritage Assessment Report (EMM, July 2021).

During any excavation work, in the event that any Aboriginal objects are identified within the area of works, works within the immediate vicinity of the Aboriginal object should cease and the Transport *Standard Management Procedure – Unexpected Heritage Items* (Roads and Maritime Services, 2015a) will be implemented.

In the unlikely event that a potential burial site or potential human skeletal material is exposed, work in the vicinity of the remains is to halt immediately to allow assessment and management. If the remains are suspected to be human, it will be necessary to contact local police and Heritage NSW to determine an appropriate course of action.

11. Prior to the commencement of work, all contractors and subcontractors shall undergo an induction session, prepared by a suitably qualified heritage consultant, highlighting the historical significance of the site, and in particular those building elements and archaeology requiring conservation or archival recording. The induction session is to include Cultural Heritage Awareness training in regard to the Aboriginal cultural heritage values of the site.
11. Prior to the commencement of work, a Traffic Management Plan (TMP) is to be prepared to ensure that appropriate traffic measures are implemented during the construction phase of the development and to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity of the site.
12. Prior to the commencement of work, a Contaminated Land Management Plan (CLMP) is to be prepared in accordance with the Guideline for the Management of Contamination (Roads and Maritime, 2013) and implemented as part of the Construction Environmental Management Plan (CEMP). The plan is to include, but not be limited to:
- a) Capture and management of any surface runoff contaminated by exposure to the contaminated land;

- b) An 'unexpected finds' protocol to plan for and accommodate potential ACM or other waste during the construction phase;
  - c) Application of the Acid Sulfate Soils Management Plan (Douglas Partners 2021a);
  - d) Measures to ensure the safety of site personnel and local communities during construction; and
  - e) Recommendations for management of potential contamination contained in Section 10 of the Stage 2 Contamination and Waste Classification Assessment prepared by Jacobs and dated 24 March 2022, as applicable to the EIS area.
13. Prior to the commencement of work, a Flora and Fauna Management Plan (FFMP) is to be prepared. The FFMP is to specify environmental safeguards to be implemented to avoid or minimise potential impacts on biodiversity from the proposed development and is to include, but need not be limited to, all measures described in Section 10 of the Biodiversity Development Assessment Report prepared by Jacobs dated 3 November 2021 (including 'additional biodiversity mitigation measures' provided in Table 10.1). All provisions of this FFMP are to be implemented.
14. Prior to the commencement of works, detailed investigation to confirm the presence of any potential remains of crossings in use prior to 1875 (such as corduroy crossings) within the construction area of the proposal is to be carried out by a suitably qualified and independent archaeologist. The assessment is to confirm the nature and full extent of the bridge and roadway remnants in accordance with the Archaeological Assessment set out within the Statement of Heritage Impact (prepared by Jacobs). Any remains identified during this investigation are to be recorded within an archival recording for Ironbark Creek crossing point.
15. Prior to the commencement of work, a full archival photographic record is to be undertaken of the Ironbark Creek Crossing Point as identified in the Statement of Heritage Impact (prepared by Jacobs), including any identified remnant infrastructure associated with former bridges. The archival recording is to be in accordance with the requirements of:
- a) The NSW Heritage Office publication "*How to Prepare Archival Records of Heritage items*" (1998); and
  - b) The Department of Planning's "*Recording Places of Cultural Significance*" (1991)
- The record in digital form is to be submitted to Council and written approval of Council's Heritage Advisor submitted prior to any works commencing on site.
16. Transport is to ensure that if unexpected archaeological deposits, works or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Transport *Standard Management Procedure – Unexpected Heritage Items* (Roads and Maritime Services, 2015a) will be implemented. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- Note: Heritage NSW can be contacted on 02 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au). A 'relic' is any deposit, object or material evidence that relates to the settlement of New South Wales, not being Aboriginal settlement, and is of State or local significance. It is an offence under the provisions of the Heritage Act 1977 (NSW) for a person to disturb or excavate any land upon which the person has discovered a relic except in accordance with a gazetted exemption or an excavation permit issued by the Heritage Council of NSW.
17. All disturbed, regraded or exposed areas being stabilised and suitably revegetated using materials from clearing activities (subject to condition) or native plants propagated from local or nearby sources. Propagation material is to be sourced from areas to be cleared in preference to areas that will be retained undisturbed. Full details are to be included in detailed Landscape Plans and Specifications and FFMP.

18. Detailed Landscape Plans and Specifications are to be prepared by a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects.
19. All required landscape works are to be implemented under the supervision of a Landscape Architect or similar qualified professional practising at the membership level of Registered Landscape Architect of the Australian Institute of Landscape Architects.
20. Prior to the commencement of work, a Construction Environmental Management Plan (CEMP) is to be prepared for all works on the site, such to be kept on site and made available to authorised Council officers upon request. The CEMP is to describe safeguards and management measures to address environmental risks associated with the activity. The CEMP is to address all measures identified in the Environmental Impact Statement prepared by Jacobs and Transport for NSW dated November 2021, and must include but need not be limited to the following sub-plans:
- a) Aboriginal Heritage Management Plan;
  - b) Acid Sulfate Soils Management Plan;
  - c) Community Communication Plan;
  - d) Construction Noise and Vibration Management Plan;
  - e) Construction Soils and Water Management Plan;
  - f) Construction Surface Water Management Plan;
  - g) Contaminated Land Management Plan;
  - h) Construction Coastal Impacts Management Plan;
  - i) Erosion and Sediment Control Plan;
  - j) Flood Management Plan;
  - k) Hazard and Risk Management Plan;
  - l) Heritage Management Plan
  - m) Traffic Management Plan;
  - n) Waste Management Plan;
  - o) Contaminated Land Management Plan (as required by this consent); and
  - p) Flora and Fauna Management Plan (as required by this consent)

All provisions of this CEMP to be implemented during the development activity on site.

21. Prior to the commencement of work, a Biodiversity Offset Strategy (BOS) is to be developed to detail the offsets proposed to satisfy the class and number of ecosystem credits in the following table. The BOS is to detail offsetting options which include the use of the Biodiversity Offset Scheme, which includes mechanisms such as retirement of biodiversity credit or payment to the Biodiversity Conservation Fund.

| <b>Zone ID</b> | <b>PCT ID</b> | <b>PCT Name</b>   | <b>Ecosystem Credits Required</b> |
|----------------|---------------|---|-----------------------------------|
| 4              | 1234          | Swamp Oak swamp forest fringing estuaries, Sydney Basin Bioregion and South East Corner Bioregion                 | 1                                 |
| 5              | 1071          | <i>Phragmites australis</i> and <i>Typha orientalis</i> coastal freshwater wetlands of the Sydney Basin Bioregion | 1                                 |

22. Prior to the commencement of work, a Biodiversity Offset Strategy (BOS) is to be developed to detail the offsets proposed to satisfy the class and number of species credits in the following table. The BOS is to detail offsetting options which include the use of the Biodiversity Offset Scheme, which include mechanisms such as retirement of biodiversity credits or payment to the Biodiversity Conservation Fund.

| <b>Species</b>             | <b>Common Name</b>  | <b>Species Credits Required</b> |
|----------------------------|---------------------|---------------------------------|
| <i>Myotis Macropus</i>     | Southern Myotis     | 67                              |
| <i>Calidris ferruginea</i> | Curlew Sandpiper    | 96                              |
| <i>Limosa limosa</i>       | Black-tailed Godwit | 65                              |
| <i>Xenus cinereus</i>      | Terek Sandpiper     | 65                              |

23. The Biodiversity Offset Strategy (BOS) prepared under Conditions No. 22 and 23 must be implemented. The credits specified in the BOS must be secured within 12 months of the commencement of construction, or as otherwise agreed by Council. The credits must be retired within 12 months of securing the credits, or in a timeframe agreed to by Council.
24. The Transport must submit to Council a copy of the Credit Retirement Report issued by the Biodiversity and Conservation Division (BCD) at the Department of Planning and Environment (once the offsets are secured) within one month of receiving the report.
25. Any residual impacts on Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) listed threatened species and ecological communities, as identified in the following table, must be offset in accordance with the *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy (October 2012).

| <b>Species</b>                   | <b>Common Name</b>       |
|----------------------------------|--------------------------|
| <i>Numenius madagascariensis</i> | <i>Eastern Curlew</i>    |
| <i>Limosa lapponica baueri</i>   | <i>Bar-tailed Godwit</i> |
| <i>Calidris canutus</i>          | <i>Red Knot</i>          |

26. Closed Circuit Television (CCTV) digital recordings is to be undertaken of all stormwater pipes within the Hexham Straight Widening project area and copies are to be provided to the Council.

To facilitate the issuing of Council Asset numbers Transport is to provide the Council with a Works as Executed plans (Electronic and Hardcopy format) of the completed stormwater drainage network a minimum of 5 business days prior to the commencement of the CCTV investigation. A Council Asset inspection officer will be available on site at the commencement of the CCTV investigation (minimum 2 days notification required Ph. 4974 2613). The CCTV recordings and reporting of defects shall and in accordance with the Specifications at Appendix 10 and Appendix 11 of Council's *'Stormwater and Water Efficiency for Development Technical Manual\_July 2017'* (or equivalent as amended by Council) and be provided to the Council.

Council's Asset section will review the CCTV footage and report and advise acceptance or otherwise of the stormwater conduits. Any defects identified by Council are to be repaired by Transport prior to the completion of the Hexham Straight Widening project.

27. The removal of any asbestos material found during the works is to be undertaken in accordance with the requirements of the WorkCover Authority of NSW.

28. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.
29. Any fill material imported into the site is to be Virgin Excavated Natural Material or material subject to a Resource Recovery Order that is permitted to be used as a fill material under the conditions of the associated Resource Recovery Exemption, in accordance with the provisions of the *Protection of the Environment Operations Act 1997 (NSW)* and the *Protection of the Environment (Waste) Regulation 2014 (NSW)*.
30. Documentation demonstrating the compliance with the conditions of the appropriate Resource Recovery Order and Resource Recovery Exemption must be maintained for any material received at the site and subsequently applied to land under the conditions of the Resource Recovery Order and Exemption. This documentation must be provided to authorised Council officers on request.
31. Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected are to be relocated by a Surveyor registered under the *Surveying and Spatial Information Act, 2002 (NSW)*.
32. Plans of any proposed final linemarking and signposting works being submitted to and approved by the Newcastle City Traffic Committee prior to those works being undertaken.
33. Transport is to make good any damage caused to a public road or associated structures, including drains and kerb and gutter, as well as to private property, and revegetating any disturbed areas resulting from the works.
34. Works-as-executed (WAE) plans are to be provided (.pdf format) to Council as soon as practicable after having achieved Practical Completion of the Hexham Straight Widening project.
35. Transport is to be responsible for all adjustments to and/or relocation of public utilities as a result of the works and any alterations are to be completed to the requirements of the appropriate public utility authority.
36. All feasible and reasonable noise and vibration mitigation measures are to be applied to minimise construction noise and vibration impacts.
37. Construction/demolition work that generates noise that is audible at residential premises is to be restricted to the following times:
  - Monday to Friday, 7:00 am to 6:00 pm and
  - Saturday, 8:00 am to 1:00 pm.
  - No noise from construction/demolition work is to be generated on Sundays or public holidays.

Out of standard hours construction works may only be conducted where justification, as outlined in the Interim Construction Noise Guidelines (by Environment NSW), has been demonstrated.
38. Toilet facilities being provided at or in the vicinity of the site on which work is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. The required toilet facilities are to be in place and operational prior to any other work being undertaken on the site.

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