

DATE OF DETERMINATION	15 June 2022
DATE OF PANEL DECISION	10 June 2022
DATE OF PANEL MEETING	2 June 2022
PANEL MEMBERS	Alison McCabe (Chair), Sandra Hutton, Juliet Grant, John MacKenzie and Peta Winney-Baartz
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 2 June 2022, opened at 9:50am and closed at 10:30am.

MATTER DETERMINED

PPSHCC-108 – Newcastle – DA2021/01515 at Maitland Rd, Newcastle – Hexham Road Widening (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

This application is a part of a proposal by Transport for NSW (TfNSW) to widen a six (6) kilometre section of the Pacific Highway from four (4) lanes to six (6) lanes – starting at approximately 290 metres south of the intersection with the Newcastle Inner City Bypass at Sandgate and extending through to approximately 760 metres north of the Hexham Bridge at Hexham.

The majority of the proposal is being considered under Part 5 of the *Environmental Planning and Assessment Act 1979* (EPA Act 1979). The Panel has no role in the consideration of the broader proposal under Part 5.

This application before the Panel is particular to three (3) separate areas of the project comprising 3.5 hectares that are within an area mapped as Coastal Wetlands. This mapping triggers a requirement for those three (3) areas to be considered as ‘Designated Development’ under Part 4 of the EPA Act 1979.

The applications are inherently limited. The Panel understands that the Part 4 part of the proposal would not proceed unless the balance of the proposal obtained the requisite approvals. The two (2) applications were exhibited at the same time given their interrelationships.

The Panel has had the benefit of a number of briefings and has inspected the site.

The application is a Crown application and accordingly the panel can only impose conditions with the agreement of the applicant or the Minister.

The Panel has considered the environmental impacts of the proposal. While the assessment report identified potential serious and irreversible impact for two (2) species, the Panel is satisfied that there is not likely to be serious and irreversible impact based on the material provided with the application.

Given the interrelationship of this application to the broader proposal for widening, the Panel considers that a condition of consent should be included to require no work to commence on this application until the Part 5 Assessment has been completed and determined. It is understood that the submission report for the Part 5 application is underway and that a decision is anticipated in the short term.

The Panel has sought agreement from the TfNSW for the imposition of this condition and has received it.

The Panel is satisfied that the proposal provides for infrastructure improvements that are of benefit to the road network and that the impacts arising from the proposal can be adequately mitigated and managed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the conditions in Schedule 2.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the following reasons:

- The proposed development is compatible with the locality and provides upgraded infrastructure to the broader region.
- The environmental impacts of the proposal can be adequately mitigated and managed.

CONDITIONS

The Development Application was approved subject to the conditions attached at Schedule 2. The Panel with the applicant's agreement added condition 3, corrected a minor typographical error and renumbered the conditions.






CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Proposed changes to local streets
- Increased impact from traffic on the widened road
- Impact on local flooding
- Lack of road infrastructure to support proposed service station
- Inadequate footpath provisions
- Impacts on flora and fauna

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment were raised during the public meeting.

The Panel notes that the majority of the issues raised related to matters being considered under the Part 5 Proposal.

PANEL MEMBERS	
 Alison McCabe (Chair)	 Juliet Grant
 Sandra Hutton	 John Mackenzie
 Peta Winney-Baartz	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-108 – Newcastle – DA2021/01515
2	PROPOSED DEVELOPMENT	Road realignment and widening including associated pavement work, earthworks, retaining wall, construction of part new bridge over Ironbark Creek, drainage works, utilities, vegetation clearing and temporary construction access/works
3	STREET ADDRESS	Maitland Road (RD 20869 – Gazetted 15/03/2019) and Lot 7314 DP 1160521 - 257 Maitland Road, Sandgate
4	APPLICANT OWNER	Transport for NSW Department of Planning – Crown Lands
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity & Conservation) 2021; ○ State Environmental Planning Policy (Planning Systems) 2021; ○ State Environmental Planning Policy (Resilience & Hazards) 2021; ○ State Environmental Planning Policy (Transport and Infrastructure) 2021; and ○ Newcastle Local Environmental Plan 2012 • Draft environmental planning instruments: • Development control plans: <ul style="list-style-type: none"> ○ Newcastle Development Control Plan 2012 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council Assessment Report: 26 May 2022 • Draft Conditions received 1 June 2022 and agreed Conditions received 2 June 2022. • Written submissions during public exhibition: 12 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Chantel Walker ○ On behalf of the applicant – Andrew Thompson
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 2 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton and Juliet Grant ○ <u>Applicant representatives</u>: Andrew Thompson, Mathew Mate, Elle Hutchinson and Danielle Martin ○ <u>Council assessment staff</u>: Brian Cameron, Priscilla Emmett, Amy Ryan, Damian Jaeger and Olivia Magrath ○ <u>Department staff</u>: Leanne Harris and Lisa Foley

		<ul style="list-style-type: none"> • Site inspections: <ul style="list-style-type: none"> ○ <u>Alison McCabe (Chair)</u>: 19 January 2022 ○ <u>Sandra Hutton</u>: 19 January 2022 ○ <u>Juliet Grant</u>: 19 January 2022 ○ <u>Peta Winney-Baartz</u>: 25 May 2022 • Briefing: 3 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton and Juliet Grant ○ <u>Council assessment staff</u>: Brian Cameron, Priscilla Emmett, Amy Ryan, Damian Jaeger and Olivia Magrath ○ <u>Department staff</u>: Leanne Harris, Carolyn Hunt and Lisa Foley • Applicant Briefing: 31 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Juliet Grant and Peta Winney-Baartz ○ <u>Council assessment staff</u>: Brian Cameron, Priscilla Emmett, Steven Masia and Olivia Magrath ○ <u>Department staff</u>: Carolyn Hunt ○ <u>Applicant representatives</u>: Andrew Thompson, Mathew Mate, Elle Hutchinson and Angela Hardy <p><u>Note</u>: Applicant briefing was requested to provide the Panel with clarification and to respond to issues</p> • Final briefing to discuss Council's recommendation: 2 June 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Alison McCabe (Chair), Sandra Hutton, Juliet Grant, John MacKenzie and Peta Winney-Baartz ○ <u>Council assessment staff</u>: Brian Cameron, Priscilla Emmett, Steven Masia, Isabelle Rowlatt and Olivia Magrath ○ <u>Department staff</u>: Leanne Harris, Claire Swan and Lisa Foley
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Provided on 2 June 2022

SCHEDULE 2

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.

Plan No / Supporting Document	Prepared by	Reference_Version	Dated
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 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, a determination that the part of the Hexham Straight Widening project being considered by Transport for NSW (Transport) pursuant Part 5 of the *Environmental Planning and Assessment Act, 1979* (NSW) may proceed must have been made by the determining authority for that activity in accordance with Sections 5.5 and 5.7 of that Act.
4. 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:

Proposed cost of the development	%of the levy
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.
5. 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
6. 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.
7. 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.

8. 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;
9. 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.
10. 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.

11. 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.

12. 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.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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.

18. 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. 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.

19. 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.
20. 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.
21. 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.
22. 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.

23. 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.

Zone ID	PCT ID	PCT Name	Ecosystem Credits Required
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

24. 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.

Species	Common Name	Species Credits Required
<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

25. 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.
26. 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.
27. 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).

Species	Common Name
<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>

28. 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.

29. 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.

30. 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'.
31. 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)*.
32. 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.
33. 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)*.
34. 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.
35. 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.
36. 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.
37. 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.
38. All feasible and reasonable noise and vibration mitigation measures are to be applied to minimise construction noise and vibration impacts.
39. 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.
40. 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.

_____ END _____