



SSI 10038 and SSI 19238057- Sydney Metro response to Independent Audit 04

SM-24-00094299

Applicable to:	Sydney Metro West
Status:	Final
Date of issue:	03 May 2024

CSSI 10038 – Findings from Feb 24 Audit

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
Findings identified during the audit									
10038_Feb24_1	Phase B (CTP)	A43	Observation	<p><i>The Planning Secretary must be notified via phone or in writing via the Major Projects website immediately after the Proponent becomes aware of an incident. Any notification via phone must be followed up by a notification in writing via the Major Projects website within 24 hours of the initial phone call. The written notification must identify the CSSI (including the application number and the name of the CSSI if it has one) and set out the location and general nature of the incident.</i></p>	<p>Observation: During AFJV's review of the monthly discharge values from The Bays Water Treatment Plant a range of readings registered at the discharge pH and NTU probes were noted to be above the discharge criteria outlined in the EPL for the period 14/09/23 – 11/10/23. At the time of identification 3800m3 of water was discharged, with pH recorded between 8.6 and 11.9, and turbidity reaching up to 1000NTU (although no plumes observed).</p> <p>AFJV notified the EPA of the data anomalies via email on 12/10/23 as a precautionary measure whilst an investigation was completed to confirm whether non-compliant discharges had taken place. According to AFJV, Sydney Metro and the ER were made aware of the data anomalies on 12/10/23. Records indicate that by 14/10/23 AFJV had confirmed that the readings were as a result of instrument error and that there was no material risk that non-compliant water was discharged from the Water Treatment Plant. Results following instrument correction appear to be compliant.</p> <p>The information sighted indicates that whilst investigations determined that the events related to data anomalies (rather than actual discharges of out of spec water), an incident report was not raised by AFJV in a timely manner and Sydney Metro did not notify the Department upon becoming aware of the event.</p>	<p>Review environmental incident and non-compliance notification process with the view of clarifying the need to notify the Department of occurrences / circumstances that cause or <i>threaten to cause material harm</i>.</p>	Sydney Metro	OPEN	<p>Sydney Metro note that such high readings and the absence of a plume gave reason to doubt the accuracy of the probes. We also agree that we should have been aware that the event represented an incident causing potential environmental harm, and raised an incident report irrespective of the fact AFJV had not.</p> <p>In doing so, the requirement to notify the Department under SSI 10038 would have been determined based on the classification of that incident had it been raised. Sydney Metro's incident procedure would trigger a notification to DPHI in the event an incident is classified as Class 1 or 2.</p> <p>Therefore, a failure has occurred in relation to the initiation of an incident report, and not a failure of the notification process which was a by-product of inaction.</p> <p>We note that the auditor's choice of words (<i>threaten to cause material harm</i>) in their recommendation relates to Section 148 of the POEO Act which describes circumstances whereby the EPA must be notified. As specified in the finding, this notification was made on 12/10/23 by AFJV.</p>

¹ The recommended or completed actions do not preclude the requirement to notify the Department of any actual non-compliance within 7 days of becoming aware of them in accordance with A45/A46.

² Status of finding and action according to the Auditor at the time of finalising the Report.

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
10038_Feb24_5	Project wide	B1	Observation	<i>The Overarching Community Communication Strategy as provided in the documents listed in Condition A1 of this schedule must be implemented for the duration of the work.</i>	<p>Observation: Section 11.2 of the OCCS states that the 'project delivery communication team is required to compile business engagement monitoring data on a biannual basis and include lessons learned based on the items in Table 7' of the OCCS.</p> <p>The Auditor requested evidence to demonstrate that this commitment was being fulfilled. In response both CTP and WTP stated that 'due to the low impact on businesses from work carried out during the auditing period, a formal evaluation and effectiveness of the SBOEP was not carried out during the reporting period and the next review of the SBOEP is planned for April 2024.'</p> <p>The findings from an informal review was presented (in response to the Auditor's request) which indicated that most metrics from Table 7 of the OCCS were being met. However not all metrics from Table 7 were included in the auditees' response.</p> <p>The Auditor observes that the whilst the OCCS does not provide flexibility in the 6-monthly business engagement evaluation requirement, Section 2.5 of the CTP SBOEP (AFJV, April 2023) and Section 1.5 of the WTP SBOEP (GLC, March 2023) states that the evaluation would occur 'every 6 months or as required' in accordance with the OCCS.</p>	Update Section 11.2 of the OCCS to accurately reflect the intended timing for review / evaluation of business engagement (i.e.: biannually or as required, based on degree of impact on businesses).	Sydney Metro	OPEN	Sydney Metro will update the OCCS and SBOEP accordingly in the next 6 monthly review. The next review of these documents is scheduled for mid-2024.
10038_Feb24_6	Phase B (CTP)	D10	Non-compliance	<p><i>Unless otherwise agreed by the Planning Secretary, Stage 1 of the CSSI must be designed and constructed to not worsen flooding characteristics within and in the vicinity of the CSSI. Not worsen existing flooding characteristics means the following:</i></p> <p>a) <i>a maximum increase in inundation time of one hour in a one (1) per cent Annual Exceedance Probability (AEP) flood event;</i></p> <p>b) <i>a maximum increase of 10 mm in inundation at properties where floor levels are currently exceeded in a one (1) per cent AEP flood event;</i></p>	<p>Non-compliance: The Flood Assessment Report for Sydney Olympic Park Station concludes that flooding at the station does not comply with D10(c) in some small locations adjacent to the Sydney Metro site area or the roadway. The Report states that there are no design options to reduce this impact. This information was presented to SOPA (as the directly affected landowner) and, according to interface meeting minutes, SOPA did not raise any queries or concerns in relation to predicted flood levels. No consultation occurred with the DPE Water, DPI Fisheries, DPE BCD, NSW State Emergency Service (SES) as per D10.</p> <p>Further, The Bays Flood Assessment Report concludes that the proposed surface does not comply with condition D10(c) at 12 locations. Again the Report states that there is very little opportunity to refine the surface to mitigate flood risk. This information was presented to Place Management NSW for White Bay Power Station (as</p>	Complete consultation with DPE Water, DPI Fisheries, DPE BCD, NSW SES on flooding at Sydney Olympic Park as required by D10	AFJV / Sydney Metro	OPEN	Consultation will be undertaken with the required parties in relation to SOP.

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
				<p>c) a maximum increase of 50 mm in inundation of land at properties where floor levels would not be exceeded in a one (1) per cent AEP flood event; and</p> <p>d) no inundation of floor levels which are currently not inundated in a one (1) per cent AEP flood event.</p> <p>Measures identified in the documents listed in Condition A1 of this schedule to not worsen flooding characteristics or measures that achieve the same outcome must be incorporated into the detailed design of Stage 1 of the CSSI. The incorporation of these measures must be reviewed and endorsed by a suitably qualified and experienced person in consultation with directly affected landowners, DPE Water, DPI Fisheries, DPE BCD, NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s).</p> <p>[MOD-2, 3 Jun 2022]</p> <p>Where flooding characteristics exceed the levels identified in (a), (b), (c), (d) above, the Proponent must undertake the following:</p> <p>a) consult with property owners for properties adversely flood affected as a result of Stage 1 of the CSSI and mitigate where necessary; and</p> <p>b) consult with the NSW State Emergency Service (SES), SOPA (in respect of Sydney Olympic Park) and Relevant Council(s) regarding the management of any residual flood risk beyond the 1 per cent AEP flood event and up to the probable maximum flood.</p> <p>[MOD-3, 4 Jul 2022]</p>	<p>the directly affected landowner). No consultation occurred with the DPE Water, DPI Fisheries, DPE BCD, NSW SES as per D10. The Auditor notes, however, that Sydney Metro consulted with these stakeholders as part of the flood assessment completed for the Eastern Tunnelling Package at The Bays, and the Department accepted this on 16/02/24.</p>				

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
10038_Feb24_7	Phase B (CTP)	D35	Observation	<p>Work must only be undertaken during the following hours:</p> <p>a) 7:00am to 6:00pm Mondays to Fridays, inclusive;</p> <p>b) 8:00am to 6:00pm Saturdays; and</p> <p>c) at no time on Sundays or public holidays.</p>	<p>Observation: On 22/11/23 a complaint was received about a generator being left on at North Strathfield until 11:15pm at night. The complaint was classed by the auditees as 'avoidable' (i.e.: the issue was outside planning approval, or commitment that has been given to the community or stakeholders).</p> <p>According to the complaint register, there does not appear to have been any work conducted during the shift (i.e.: the generator was left on following a day shift) and there is no prediction on the likely noise impact experienced by the complainant.</p> <p>Refer also to finding 10038_Feb24_9 regarding a Water Treatment Plant pump being left on after hours at the Burwood North site.</p>	<p>The offending equipment was switched off. There does not appear to be any further complaints recorded during the audit period regarding this issue at North Strathfield.</p> <p>The complaints register is issued to the Department and the Auditor is not aware of the Department raising this matter as a non-compliance with D35.</p>	AFJV	CLOSED	The Proponent has no further comment on this observation.
10038_Feb24_9	Phase B (CTP)	D43	Observation	<p>Detailed Noise and Vibration Impact Statements (DNVIS) must be prepared for any work that may exceed the NMLs, vibration criteria and / or ground-borne noise levels specified in Conditions D39 and D40 of this schedule at any residence outside construction hours identified in Condition D35 of this schedule, or where receivers will be highly noise affected. The DNVIS must include specific mitigation measures identified through consultation with affected sensitive land user(s) and the mitigation measures must be implemented for the duration of the works. A copy of the DNVIS must be provided to the AA and ER before the commencement of the associated works. The Planning Secretary and the EPA may request a copy(ies) of the DNVIS.</p>	<p>Observation: The Burwood North site arrangement is different to that specified in the CEMP (preliminary Environmental Control Maps), in that the CEMP shows the Water Treatment Plant situated on the south of the site, against the Parramatta Road boundary, whereas the plant has been installed on the north boundary against 1 Loftus Street and 4-8 Burton Street residences.</p> <p>According to AFJV's response to a request for information (RFI2_61), the current Burwood North DNVIS modelled the Water Treatment Plant on the southern side of the site, not based on its actual arrangement. There is no commentary in the current DNVIS regarding the predicted noise impact from operation of the Water Treatment Plant. AFJV further stated that the Water Treatment Plant was not listed in the current approved DNVIS because it was only periodically operational during standard construction hours and did not meet the criteria for 'highly noise affected' which would trigger the need for inclusion in DNVIS per D43.</p> <p>An updated DNVIS has been prepared and issued to the AA for review on 8/03/24. The updated DNVIS includes an assessment of the Water Treatment Plant on the north of the site, and to allow 24/7 operation of the Water Treatment Plant once the Burwood site becomes a TBM support site. The revised DNVIS indicates that predicted noise levels for the Water Treatment Plant would exceed the applicable night time NML and therefore reasonable and feasible mitigation</p>	<p>Finalise the updated DNVIS in response to feedback provided by the AA.</p> <p>Implement recommended mitigation measures on the Water Treatment Plant as outlined in the finalised DNVIS, prior to commencing 24 hour operations of the Plant.</p>	AFJV	OPEN	<p>The Water treatment plant is shown in an aerial photo in the DNVIS rev 11 Fig 5-3. The ECMs are prepared to highlight sensitive areas and receivers that surround the site. Additional evidence was provided in RFI response 61 depicting current site layouts throughout various documentation.</p> <p>The Water treatment plant has been operational periodically during standard construction hours only and has not been operating on a 24 hour basis. In this instance (relating to the complaint), a component on the WTP (pump) was unintentionally left on outside of standard hours which resulted in a complaint.</p> <p>The Water treatment plant was not listed in the current approved DNVIS (at the time of the audit) because it was only periodically operational during standard construction hours and further does not meet the criteria for 'highly noise affected' which would trigger the need for inclusion in DNVIS per CoA D43.</p> <p>DNVIS Revision 13 was endorsed on 12 April 2024 and includes the water treatment Plant. Installation of water treatment plant mitigation measures commenced in mid-April. 24 hour operation of the plant has not yet commenced.</p>

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
					<p>measures will need to be implemented prior to night time operations of the Water Treatment Plant.</p> <p>A complaint was been received on 27/02/24 regarding the noise emanating from the Water Treatment Plant during out of hours. AFJV states that this was a result of a pump being left on accidentally rather than the Plant being operated on out of hours.</p>				
10038_Feb24_10	Phase B (CTP)	D83	Observation	<i>The locations of all Heavy Vehicles used for spoil haulage must be monitored in real time and the records of monitoring be made available electronically to the Planning Secretary and the EPA upon request for a period of no less than one (1) year following the completion of construction.</i>	<p>Observation: Two non-compliances were identified and reported by the auditees in relation to trucks not using approved haul routes in accordance with D90, but both of these events were identified by a community member or TfNSW CJP (and not via real time monitoring).</p> <p>The Auditor observes that failure by the auditee to identify these off route events raises questions as to whether the real-time monitoring of all Heavy Vehicles used for spoil haulage is functioning or being managed correctly, is monitored in real time in all cases, the haul route boundaries are accurate or the team administering the system are aware of the requirements of D90.</p>	<p>The non-compliances with D90 were reported to the Department in accordance with A45/A46.</p> <p>It is recommended that the auditees identify the route cause/s of the real-time monitoring system's failure to identify these off-route events (e.g.: verification that real-time monitoring is in place in all cases, that geofencing is correct or that traffic teams are aware of their obligations under the Stage 1 Approval). Any deficiencies identified in the review should be rectified.</p>	AFJV	OPEN	<p>Real time monitoring is conducted through Link site and is available as per the condition. The 'TV monitor' of this system was provided as a screen shot to the Auditor at the time of the Audit. D83 requires that HVs used for spoil haulage are monitored in real time and the records of monitoring be made available electronically upon request. AFJV considers these records are available and can be provided to Planning and EPA if requested.</p> <p>The Non-compliance Reports (NCRs) that were reviewed were lodged on 03/11/23 and 15/11/23 but are about a concrete agitator truck and vacuum truck respectively. As D83 specifies "all Heavy Vehicles used for spoil haulage", the two NCRs raised against D90 are not relevant to D83.</p>
10038_Feb24_11	Phase F (WTP)	D83 (out of scope)	Observation	<i>The locations of all Heavy Vehicles used for spoil haulage must be monitored in real time and the records of monitoring be made available electronically to the Planning Secretary and the EPA upon request for a period of no less than one (1) year following the completion of construction.</i>	<p>Observation: During the audit interviews, GLC stated that there have been instances whereby they have become aware of haulage vehicles not having functioning real-time tracking in place.</p>	<p>GLC have undertaken the following actions:</p> <ul style="list-style-type: none"> Issued commercial letters to remind haulage contractors of their obligations and that the commercial implications with misuse or poor maintenance/installation Stood down vehicles whose Teletrac Navman Systems are not turned on or functional (thus avoiding having spoil haulage occurring without real-time tracking) <p>Toolboxed each company on the requirements around the Teletrac Navman System, the commercial implications of mismanagement and where further support can be provided.</p>	GLC	CLOSED	The Proponent has no further comment on this observation.

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
10038_Feb24_14	Phase B (CTP)	D92	Observation	<i>The Construction Parking and Access Strategy must be submitted to the Planning Secretary for approval at least one (1) month before the commencement of any construction that reduces the availability of existing parking. The approved Construction Parking and Access Strategy must be implemented before impacting on on-street parking and incorporated into the CTMPs.</i>	<p>Observation: The Auditor is of the view that the CPAS is largely being implemented. However, the Auditor requested evidence to show implementation of Section 4.9.1 of the CPAS, specifically:</p> <ul style="list-style-type: none"> • Evidence showing that AFJV are attending sites during shift changes to identify entering/exiting staff and their origin. • Evidence showing that monthly inspections are occurring to identify parking outside the designated parking areas. <p>In response, AFJV stated that <i>'inspections have been visual only as part of the supervisors ad hoc activities day to day. These inspections are not formally recorded and therefore evidence cannot be produced. Monthly inspections are compiled and reported in the 6 monthly performance report submitted to DPE. Further evidence of the inspections are provided in the form of dashcam videos.'</i></p> <p>Evidence of monthly inspections of parking was provided, but no evidence of AFJV completing identification of entering/exiting staff and their origin was available.</p> <p>Further, the CPAS Performance Report (H2 2023), Revision 00 and an email sent by AFJV on 08/01/24 states that non-compliances were identified (in relation to 29 x instances of workers parking on local roads which is in contravention with Section 4.8 of the CPAS). That being said, the Performance Report also identifies compliant parking and use of public transport in 98% of cases during the reporting period.</p>	Update process of attending sites during shift changes to ensure proper identification of entering/exiting staff and their origin.	AFJV	OPEN	AFJV has completed training in the form of toolbox talks, Town Hall slides, communications via emails on where to park etc. The Auditor did not request this information during the audit or the RFI.
10038_Feb24_16	Phase B (CTP)	D116	Observation	<i>Before undertaking any works and during maintenance or construction activities, erosion and sediment controls must be implemented and maintained to prevent water pollution consistent with LandCom's Managing Urban Stormwater series (The Blue Book).</i>	<p>Observation: Overall, the ER Monthly Reports for the audit period, along with the implementation of the Soil and Water Management Plan and 6 – Monthly Monitoring Reports, plus the status of the construction sites (largely sealed / hardstand) indicates that erosion and sediment controls have been implemented during the audit period.</p> <p>During the Audit site inspection (26/02/24) it was observed at Five Dock West that surface water controls on the northern boundary required</p>	<p>Council's concern appears to be related to January 2023 which is outside of this audit period and the Auditor considers this matter closed.</p> <p>Evidence indicates that AFJV rectified the erosion and sediment control deficiencies at Burwood North (as identified by the ER) in a timely manner. The ER has not identified any potential for offsite impacts and the Auditor considers this matter closed.</p> <p>Erosion and sediment controls at Five Dock West were upgraded to manage</p>	AFJV	CLOSED	The Proponent has no further comment on this observation.

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
					<p>upgrading as the current arrangement allowed for surface water to overtop the controls and flow on to the St Albans Church property.</p> <p>The City of Canada Bay Council raised concerns over construction water entering St Luke's Canal as part of consultation on the scope of this Audit, specifically that Council made a report to EPA in February 2023 (outside of the audit period) to investigate the concrete wash up that entered the St Luke's Canal which had impacted Council's harvesting and Water Treatment Plant. Council suspects it was from Sydney Metro based on where the water flow was coming from.</p> <p>It is understood by the Auditor that the EPA attended the site (prior to the current audit period) and AFJV provided them with information to demonstrate that the concrete wash water was not associated with their site.</p> <p>The ER identified issues associated with the adequacy of erosion and sediment controls at Burwood North on 8 x occasions between September 2023 and February 2024. Evidence indicates that AFJV rectified the deficiencies in a timely manner, and the ER has not identified any potential for offsite impacts.</p>	surface water flows at the St Albans Church property boundary.			
10038_Feb24_17	Phase F (WTP)	D116	Observation	<p><i>Before undertaking any works and during maintenance or construction activities, erosion and sediment controls must be implemented and maintained to prevent water pollution consistent with LandCom's Managing Urban Stormwater series (The Blue Book).</i></p>	<p>Observation: The Auditor notes that the ER has raised findings in relation to erosion and sediment controls at the Clyde and Rosehill sites in October 23, November 23, December 23, January 24 and February 24.</p> <p>During the Audit site inspection at the Clyde MSF West site it was observed that sediment was being tracked on to Unwin Street.</p>	<p>GLC had a manual wheel wash on standby, geofabric placed on unsealed exits and wheel baths operational at Clyde Dive and Clyde MSF East. Street sweepers were on rotation and stormwater pits were also protected. GLC are in the process of extending the sealed section of the internal haul road and establishing a wheel bath to reduce the potential for material tracking. The establishment of these controls should be prioritised.</p>	GLC	OPEN	As at 7 March a new asphalt haul road, inclusive of a wheel bath, was operational at gate 9, the location referenced here.

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
Non-compliances that were self-reported by the auditees during the audit period									
10038_Feb24_2	Phase B (CTP)	A45	Non-compliance (self-reported)	<i>The Planning Secretary must be notified in writing via the Major Projects website within seven (7) days after the Proponent becomes aware of any non-compliance with the conditions of this approval.</i>	Non-compliance: On 6, 10, 12, 27/05/23 (prior to current audit period) truck movements at Five Dock West exceeded the CTMP numbers during peak hours in the approved CTMP. The maximum number of truck movements per hour was 28 trucks during a single hour period during peak hours. On 30/06/23 (prior to current audit period) the truck movements at Five Dock East exceeded the CTMP numbers during morning peak hours in the approved CTMP for the eastern site with 22 heavy vehicle movements recorded during one peak hour. The sighted non-compliance report (NCR030) states that AFJV became aware of the non-compliance whilst reviewing data on the 10/10/23 (up to 6 months after the first event) and reported it on 18/10/23, which is beyond the 7 day timeframe required by A45.	The non-compliance was subsequently reported to the Department in accordance with A45/A46, and the Auditor is not aware of any repeat events.	AFJV	CLOSED	The Proponent has no further comment on this non-compliance.
10038_Feb24_3	Phase B (CTP)	A45	Non-compliance (self-reported)	<i>The Planning Secretary must be notified in writing via the Major Projects website within seven (7) days after the Proponent becomes aware of any non-compliance with the conditions of this approval.</i>	Non-compliance: On 07/11/23 Sydney Metro identified a non-compliance as three CPAS Monitoring Reports were not sent to the City of Canada Bay Council in accordance with D91(k). This non-compliance was not reported until 21/11/23 (i.e.: beyond the 7 day timeframe required by A45) due to the need to complete a review of the responsibility for the non-compliance. The reason for the delay in reporting was included in the non-compliance report issued to the Department.	The non-compliance was subsequently reported to the Department in accordance with A45/A46 and the CPAS Monitoring Reports were issued to the Council.	Sydney Metro	CLOSED	The Proponent has no further comment on this non-compliance.
10038_Feb24_8	Phase H (WUR)	D35 (out of scope)	Non-compliance (self-reported)	<i>Work must only be undertaken during the following hours:</i> a) 7:00am to 6:00pm Mondays to Fridays, inclusive; b) 8:00am to 6:00pm Saturdays; and c) at no time on Sundays or public holidays.	Non-compliance: On 05/12/23 due to delayed delivery of backfill materials, traffic controllers for WUR did not complete pack up until fifteen minutes after 6pm and these works did not have a corresponding OOHW approval.	There were no complaints raised as a result of the breach and to the Auditor's knowledge there have been no repeat occurrences. The non-compliance was reported to the Department in accordance with A45/A46. The Department noted the breach and elected to not take any further action.	Quickway	CLOSED	The Proponent has no further comment on this non-compliance.

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
10038_Feb24_12	Phase B (CTP)	D85	Non-compliance (self-reported)	<i>Construction Traffic Management Plans (CTMPs) must be prepared in accordance with the Construction Traffic Management Framework. A copy of the CTMPs must be submitted to the Planning Secretary for information before the commencement of any construction in the area identified and managed within the relevant CTMP.</i>	Non-compliance: On 6, 10, 12, 27/05/23 (prior to current audit period) truck movements at Five Dock West exceeded the CTMP numbers during peak hours in the approved CTMP. The maximum number of truck movements per hour was 28 trucks during a single hour period during peak hours. On 30/06/23 (prior to current audit period) the truck movements at Five Dock East exceeded the CTMP numbers during morning peak hours in the approved CTMP for the eastern site with 22 heavy vehicle movements recorded during one peak hour. AFJV became aware of the non-compliance whilst reviewing data on the 10/10/23 (up to 6 months after the first event) and reported it on 18/10/23.	The non-compliance was reported to the Department in accordance with A45/A46 and the Auditor is not aware of any repeat events.	AFJV	CLOSED	The Proponent has no further comment on this non-compliance.
10038_Feb24_13	Phase B (CTP)	D90	Non-compliance (self-reported)	<i>Construction Parking and Access Management</i> <i>Vehicles associated with the project workforce (including light vehicles and Heavy Vehicles) must be managed to:</i> a) <i>minimise parking on public roads;</i> b) <i>minimise idling and queueing on state and regional roads;</i> c) <i>not carry out marshalling of construction vehicles near sensitive land user(s);</i> d) <i>not block or disrupt access across pedestrian or shared user paths at any time unless alternate access is provided; and</i> e) <i>ensure spoil haulage vehicles adhere to the nominated haulage routes identified in the CTMPs</i>	Non-compliance: CTP identified three events whereby heavy vehicles used unapproved haulage routes. <ul style="list-style-type: none"> On 04/09/23 it was reported to the project that a truck had stopped in front of a residential driveway for approximately 15min on Second Ave after being loaded at the Five Dock East site. This was identified by a resident. Note that the truck was stopped on an approved haul route in the CTMP. On 27/10/23, a complaint was received by the AFJV place manager from a resident who stated a concrete agitator truck was parked on Lansdowne Street in front of their driveway. Lansdowne Street is not part of the approved haul route in the Burwood North CTMP. On 09/11/23 TfNSW CJP identified and emailed AFJV in regards to a truck turning right out of the northern most driveway at the North Strathfield site, this movement was performed under traffic control. The truck then turned into Waratah Street, which is not part of the approved site haul routes.	These non-compliances were reported to the Department in accordance with A45/A46 and the Auditor is not aware of any repeat occurrences since November 2023. Refer finding 10038_Feb24_10 regarding real-time monitoring of trucks going off approved haul routes.	AFJV	CLOSED	The Proponent has no further comment on this non-compliance.

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
10038_Feb24_18	Phase B (CTP)	D91	Non-compliance (self-reported)	<p><i>A Construction Parking and Access Strategy must be prepared to identify and mitigate impacts resulting from on- and off-street parking changes during construction. The Construction Parking and Access Strategy must include, but not necessarily be limited to:</i></p> <p><i>k) provision of reporting of monitoring results to the Planning Secretary and Relevant Council(s) at six (6) monthly intervals.</i></p>	<p>Non-compliance: Following the submission of the third CPAS Monitoring Report to the Department in late October 2023, Sydney Metro checked over previous records of submissions of the CPAS Monitoring Reports to the stakeholders identified in D91(k). During this check, Sydney Metro discovered that these reports were not sent to the City of Canada Bay Council.</p>	<p>The non-compliance was subsequently reported to the Department in accordance with A45/A46 and the CPAS Monitoring Reports were issued to the Council.</p>	Sydney Metro	CLOSED	The Proponent has no further comment on this non-compliance.
10038_Feb24_15	Phase B (CTP)	D93	Non-compliance (self-reported)	<p><i>During construction, all reasonably practicable measures must be implemented to maintain pedestrian, cyclist and vehicular access to, and parking in the vicinity of, businesses and affected properties. Disruptions are to be avoided, and where avoidance is not possible, minimised. Where disruption cannot be minimised, alternative pedestrian, cyclist and vehicular access, and parking arrangements must be developed in consultation with affected businesses and implemented before the disruption. Adequate signage and directions to businesses must be provided before, and for the duration of, any disruption.</i></p>	<p>Non-compliance: CTP identified two contraventions with D93 during the audit period, for vehicles parking over non-Project driveways:</p> <ul style="list-style-type: none"> On 20/11/23, a worker parked on Burwood Road and partially obstructed the driveway of 22 Burwood Road for approximately 1 hour. The vehicle was subsequently moved. <p>On the 05/02/24, the Burwood Place Manager received a complaint that there was a truck in front of the drive at 1 Loftus Street Concord. The truck was moved upon identification by the AFJV Burwood Place Manager.</p>	<p>The vehicles were moved and the non-compliances were reported to the Department in accordance with A45/A46.</p>	AFJV	CLOSED	The Proponent has no further comment on this non-compliance.

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
10038_Feb24_19	Phase F (WTP)	C23 (out of scope)	Non-compliance	<p><i>The results of the Construction Monitoring Programs must be submitted to the Planning Secretary, ER and relevant regulatory agencies, for information in the form of a Construction Monitoring Report at the frequency identified in the relevant Construction Monitoring Program.</i></p> <p><i>Note: Where a relevant CEMP Sub-plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Sub-plan.</i></p>	Non-compliance: WTP recorded a non-compliance with C23 for the lateness of submission of the noise monitoring report covering the Jan – July 23 reporting period.	The non-compliance was reported to the Department in accordance with A45/A46 and the report was submitted after the fact.	GLC	CLOSED	The Proponent has no further comment on this non-compliance.
10038_Feb24_20	Phase F (WTP)	D90 (out of scope)	Non-compliance	<p><i>Construction Parking and Access Management</i></p> <p><i>Vehicles associated with the project workforce (including light vehicles and Heavy Vehicles) must be managed to:</i></p> <p>a) <i>minimise parking on public roads;</i></p> <p>b) <i>minimise idling and queueing on state and regional roads;</i></p> <p>c) <i>not carry out marshalling of construction vehicles near sensitive land user(s);</i></p> <p>d) <i>not block or disrupt access across pedestrian or shared user paths at any time unless alternate access is provided; and</i></p> <p>e) <i>ensure spoil haulage vehicles adhere to the nominated haulage routes identified in the CTMPs</i></p>	Non-compliance: WTP recorded a non-compliance against D90 on 07/11/23 regarding stabling of trucks on Lansdowne Street (which is not an approved haul route).	<p>The non-compliance was reported to the Department on 08/11/23 in accordance with A45/A46.</p> <p>The drivers were retrained and the vehicle management plans were updated and reissued.</p>	GLC	CLOSED	The Proponent has no further comment on this non-compliance.

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
10038_Feb24_21	Phase F (WTP)	D113	Non-compliance	Waste must only be exported to a site licensed by the EPA for the storage, treatment, processing, reprocessing or disposal of the subject waste, or in accordance with a Resource Recovery Exemption or Order issued under the Protection of the Environment Operations (Waste) Regulation 2014, or to any other place that can lawfully accept such waste.	Non-compliance: WTP recorded non-compliances with D113 and D114 regarding the wrongful disposal of waste (PASS was disposed of as RSW Special Waste and the receiving facility (Kemps Creek) was not licenced to receive PASS.	The non-compliance was reported to the Department in accordance with A45/A46. Further investigation determined that the material was not PASS and was able to be retained at the landfill. A review was conducted on the spoil approvals process, training session with the spoil team and signage improved.	GLC	CLOSED	The Proponent has no further comment on this non-compliance.
10038_Feb24_22	Phase F (WTP)	D114	Non-compliance	All waste must be classified in accordance with the EPA's Waste Classification Guidelines, with appropriate records and disposal dockets retained for audit purposes.	Non-compliance: WTP recorded non-compliances with D113 and D114 regarding the wrongful disposal of waste (PASS was disposed of as RSW Special Waste and the receiving facility (Kemps Creek) was not licenced to receive PASS.	The non-compliance was reported to the Department in accordance with A45/A46. Further investigation determined that the material was not PASS and was able to be retained at the landfill. A review was conducted on the spoil approvals process, training session with the spoil team and signage improved.	GLC	CLOSED	The Proponent has no further comment on this non-compliance.
10038_Feb24_23	Phase F (WTP)	D37 (out of scope)	Non-compliance	Notwithstanding Conditions D35 and D36 of this schedule work may be undertaken outside the hours specified in the following circumstances: a) By Prescribed Activity, including: i. tunnelling (excluding cut and cover tunnelling and surface works) are permitted 24 hours a day, seven days a week; or ii. concrete batching at the Clyde construction site is permitted 24 hours a day, seven days a week; or iii. delivery of material that is required to be delivered outside of standard construction hours in Condition D35 of this schedule to directly support tunnelling activities, except between the hours 10:00 pm and 7:00 am to / from the Five Dock and Westmead construction sites and to / from Burwood North construction site using any roads / streets other than directly from Parramatta Road; or	Non-compliance: WTP recorded a non-compliance with D37 and D43 regarding the late arrival of a crane at the Westmead site on 02/11/23 without the relevant OOHW approval being approved. WTP was not aware of the plant arriving.	The non-compliance was reported to the Department in accordance with A45/A46. The gatekeeper let the crane in and no complaints were received. The Project team was toolboxed and there has not been a recurrence.	GLC	CLOSED	The Proponent has no further comment on this non-compliance.

Item	Relevant phase	Condition	Type	Requirement	Finding	Recommended or completed action ¹	By whom	Status ²	Proponent's Response
10038_Feb24_24	Phase F (WTP)	D43 (out of scope)	Non-compliance	<i>Detailed Noise and Vibration Impact Statements (DNVIS) must be prepared for any work that may exceed the NMLs, vibration criteria and / or ground-borne noise levels specified in Conditions D39 and D40 of this schedule at any residence outside construction hours identified in Condition D35 of this schedule, or where receivers will be highly noise affected. The DNVIS must include specific mitigation measures identified through consultation with affected sensitive land user(s) and the mitigation measures must be implemented for the duration of the works. A copy of the DNVIS must be provided to the AA and ER before the commencement of the associated works. The Planning Secretary and the EPA may request a copy(ies) of the DNVIS.</i>	Non-compliance: WTP recorded a non-compliance with D37 and D43 regarding the late arrival of a crane at the Westmead site on 02/11/23 without the relevant OOHW approval being approved. WTP was not aware of the plant arriving.	The non-compliance was reported to the Department in accordance with A45/A46. The gatekeeper let the crane in and no complaints were received. The Project team was toolboxed and there has not been a recurrence.	GLC	CLOSED	The Proponent has no further comment on this non-compliance.

CSSI 19238057 - findings from the Independent Audit (February 2024)

Item	Condition	Type	Requirement	Finding	Recommended or completed action ³	By Whom	Status ⁴	Proponent's Response
Findings identified during the audit								
19238057_Feb24_1	A46	Observation	<i>The Planning Secretary must be notified in writing via the Major Projects website within seven (7) days after the Proponent becomes aware of any non-compliance with the conditions of this approval.</i>	<p>Observation: A non-compliance was identified by Sydney Metro against D73 for trucks not using the nominated haulage routes between April and September 2023. This non-compliance was not notified until Sydney Metro Environment Team had reviewed the CPAS monitoring report (~3-6 months after the events occurred).</p> <p>The Auditor understands that the Project operates real-time tracking of heavy vehicles, and the system alerts the Project team of events whereby trucks do not adhere to nominated haul routes. Therefore, the Auditor is of the view that the Project team ought to have been aware of a breach at the time it occurred and thus should have reported this at that time.</p>	<p>The non-compliance was reported to the Department after the fact in accordance with A46/A47.</p> <p>JCG indicated that an environmental approval training session with Traffic Manager / Construction Integration Manager has been scheduled for 14/3/24 to reinforce their responsibilities in identifying non-compliances with traffic related conditions.</p>	JCG	OPEN	<p>JCG note a gap in knowledge relating to the timeframe and procedure for reporting of non-compliances in accordance with A46.</p> <p>JCG completed training with the Traffic Manager and Construction Integration Manager on 14/03/2024 on compliance requirements and reporting to meet the planning approval conditions.</p>
19238057_Feb24_4	D78	Non-compliance	<p><i>A Construction Parking and Access Strategy must be prepared to identify and mitigate impacts resulting from on- and off-street parking changes during construction. The Construction Parking and Access Strategy must include, but not necessarily be limited to:</i></p> <p><i>j) provision of reporting of monitoring results to the Planning Secretary and Relevant Council(s) at six (6) monthly intervals.</i></p>	<p>Non-compliance: According to the evidence sighted, the CPAS Monitoring Report (April-Sep 2023) has not been provided to City of Sydney Council as required by condition D78 (j).</p>	<p>On 11 April 2024 (after the audit period) Sydney Metro submitted the CPAS Monitoring Report to the City of Sydney Council.</p>	Sydney Metro	CLOSED	The Proponent has no further comment on this non-compliance.

³ The recommended or completed actions do not preclude the requirement to notify the Department of any actual non-compliance within 7 days of becoming aware of them in accordance with A46/A47.

⁴ Status of finding and action according to the Auditor at the time of finalising the Report.

Item	Condition	Type	Requirement	Finding	Recommended or completed action ³	By Whom	Status ⁴	Proponent's Response
Non-compliances that were self-reported by the auditees during the audit period								
19238057_Feb24_2	D73 (out of scope)	Non-compliance (self-reported)	<i>Local roads proposed to be used by Heavy Vehicles to directly access construction sites that are not identified in the documents listed in Condition A1 must be approved by the Planning Secretary and be included in the CTMPs.</i>	Non-compliance: Upon Sydney Metro's review of the CPAS Monitoring Report (April-Sep 2023) section 3.2.5 and 4.0, it was identified that, on nine (9) occasions, Heavy Vehicles were identified using routes outside of the approved haulage routes and on 3 occasions vehicles were parked on non-authorised local roads.	The non-compliance was reported to the Department in accordance with A46/A47. Actions to address the non-compliance included a toolbox talk to the workforce on reinforced nominated haulage routes and parking restrictions. JCGJV indicated that an environmental approval training with Traffic Manager / Construction Integration Manager has been scheduled for 14/3/2024 to reinforce their responsibilities in identifying non-compliances with traffic related conditions.	JCG	CLOSED	The Proponent has no further comment on this observation.
19238057_Feb24_3	D73 (out of scope)	Non-compliance (self-reported)	<i>Local roads proposed to be used by Heavy Vehicles to directly access construction sites that are not identified in the documents listed in Condition A1 must be approved by the Planning Secretary and be included in the CTMPs.</i>	Non-compliance: A non-compliance was also raised by Sydney Metro on the 11/7/2023 regarding a small mini tanker parked in Paternoster Row outside the Pymont West site. Paternoster Row is not an approved heavy vehicle route.	The JCG supervisor stopped the refuelling activity and truck was removed from the area. The non-compliance was reported to the Department in accordance with A46/A47.	JCG	CLOSED	The Proponent has no further comment on this observation.