

SM – WSA CSSI 10051

Sydney Metro Response to Audit No.4 Findings

Item	Ref	Type	Requirement	Finding	Recommended or completed action ¹	By Whom and by When	Status ²	Sydney Metro Response
10051_IA4_1	A18	Non-compliance	<p><i>Before establishment of any ancillary facility (excluding exempt or complying development, minor ancillary facilities determined by the ER to have minimal environmental impact and those established under Condition A22 and those considered in an approved CEMP), the Proponent must prepare a Site Establishment Management Plan which outlines the environmental management practices and procedures to be implemented for the establishment of the ancillary facilities. The Site Establishment Management Plan must be prepared in consultation with the Relevant Council(s) and relevant government agencies. The Site Establishment Management Plan must include:</i></p> <p><i>(a) a description of activities to be undertaken during establishment of the ancillary facility (including scheduling and duration of work to be undertaken at the site);</i></p> <p><i>(b) figures illustrating the proposed operational site layout and the location of the closest sensitive land use(s);</i></p> <p><i>(c) a program for ongoing analysis of the key environmental risks arising from the site establishment activities described in subsection (a) of this condition, including an initial risk assessment undertaken before the commencement of site establishment work;</i></p> <p><i>(d) details of how the site establishment activities described in subsection (a) of this condition will be carried out to:</i></p> <p><i>(i) meet the performance outcomes stated in the documents listed in Condition A1; and</i></p> <p><i>(ii) manage the risks identified in the risk analysis undertaken in subsection (c) of this condition; and</i></p> <p><i>(e) a program for monitoring the performance outcomes, including a program for construction noise monitoring, where appropriate or required.</i></p> <p><i>Nothing in this condition prevents the Proponent from preparing individual Site Establishment Management Plans for each ancillary facility.</i></p>	<p>Non-compliance: The SPO Site Establishment Management Plan (SEMP) appears to have been implemented during the audit period with the exception of the following:</p> <ul style="list-style-type: none"> The SPO SEMP includes a commitment to ensure Tree Protection Zones (TPZs) are maintained. Whilst the ER Inspection Reports acknowledge the presence of TPZs on site, during the audit site inspection materials were stored within several TPZs. Built advise that this occurred due to a neighbouring contractor requiring space to conduct their work. The Auditor does not consider this to be a valid reason to encroach on the TPZs. Nevertheless, the deficiency was rectified on the same day as the audit site inspection. The SPO SEMP required attended noise monitoring at the commencement of delivery and installation of prefabricated elements to confirm the actual noise. This did not occur due to inclement weather, then lack of availability of the noise consultant. No noise complaints have been received in relation to SPO works. <p>Built have referred to various sections and commitments from their DNVIS and to monitoring conducted at a later date on different activities. The Auditor acknowledges Built's position, but is of the view that these actions do not preclude the need to comply with the requirement from the SPO SEMP.</p>	<p>Materials were removed from within TPZs on the day of the audit site inspection.</p> <p>The delivery and installation of prefabricated elements was completed months prior to the writing of this Report, with fit-out works well underway during the audit site inspection. It is understood that site establishment works are almost complete (with handover to Sydney Metro and SSTOM occurring imminently).</p>	Built	CLOSED	<p>Sydney Metro partially disagrees with this finding.</p> <p><u>Materials in TPZ</u></p> <p>The observation of materials within TPZs were removed during the audit site inspection. In addition, evidence has been provided to the Auditor to demonstrate that the storage materials within TPZ has not been observed during Built or ER site inspections and is not a repeated occurrence.</p> <p>Sydney Metro believes this finding should be raised as a Closed Observation against REMM LV2 rather than a Non-Compliance against A18, as per the findings of the first Audit Report for SSI-10051.</p> <p><u>Attended noise monitoring</u></p> <p>A non-compliance report will be issued to the Planning Secretary in accordance with CoA A44 regarding the Auditor's attended noise monitoring finding.</p>

¹ The recommended action does not preclude the need for all non-compliances to be reported by the proponent in accordance with A44/A45.

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

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10051_IA4_2	A36	Observation	<i>Independent Audits of the CSSI must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (DPIE, 2020).</i>	<p>Observation: The Auditor understands that the Department requested Sydney Metro to update its response to the third Independent Audit Report and resubmit it to the Department. The Auditor requested that Sydney Metro provide a copy of the Department's request, along with Sydney Metro's revised response and evidence of resubmission. Sydney Metro indicated that the Department did not raise the request formally and did not provide a copy for review by the Auditor. The revised response was completed on 24/07/23 and is available online. The revised response was resubmitted on 17/08/23 (after commencement of this fourth Independent Audit).</p> <p>As the Auditor has not sighted the Department's request, the Auditor is not able to ascertain whether the Department established any requirements on the timing and content of the response, nor whether the requirements (if any) have been met. During the audit closing meetings, Sydney Metro advised verbally that the Department was satisfied with the revised response.</p>	During the audit closing meetings, Sydney Metro advised verbally that the Department was satisfied with the revised response.	Sydney Metro	CLOSED	N/A
10051_IA4_3	A47	Observation	<i>The CSSI name, application number, telephone number, postal address and email address required under Condition B3 must be available on site boundary fencing / hoarding at each ancillary facility before the commencement of construction. This information must also be provided on the website required under Condition B11.</i>	Observation: St Marys site signage included all the details barring the SSI number. All other details were included. All other sites across the Project were observed to have signage containing the required information.	SBT (CPBG) provided evidence showing that the signage had been updated prior to the finalisation of this Report.	SBT (CPBG)	CLOSED	N/A
10051_IA4_4	B1	Observation	<i>The Overarching Community Communication Strategy as provided in the documents listed in Condition A1, or updated Strategy must be implemented for the duration of the work. Should the Overarching Community Communication Strategy be updated, a copy must be provided to the Planning Secretary for information.</i>	<p>Observation: SCAW appears, by and large, to have implemented the Community Communications Strategy. However, the Northern Region and Southern Region strategies identify that SCAW would conduct site visit / open days on a 6-monthly basis. This has not occurred.</p> <p>Sydney Metro and CPBUI noted that an open day was held at Twins Creek on 20 May 2023. The Auditor acknowledges this off site community event but is of the view that this does not constitute a site visit / open day as referred to by the Northern Region and Southern Region strategies.</p>	Complete a site visit / open day as required by the strategies.	Sydney Metro / SCAW (CPBUI) 31/12/23	OPEN	CPBUI acknowledges the requirement for regular site open days. The event held at Twin Creeks 20 May 2023 was approved as a community open day by Sydney Metro, compliant with the six-monthly requirement in relation to holding open days. A community open day and Sydney Metro/contractor site visit at CPBUI's Elizabeth Drive compound are planned over the weekend of 4 & 5 November 2023, continuing this commitment.
10051_IA4_5	B1	Observation	<i>The Overarching Community Communication Strategy as provided in the documents listed in Condition A1, or updated Strategy must be implemented for the duration of the work. Should the Overarching Community Communication Strategy be updated, a copy must be provided to the Planning Secretary for information.</i>	<p>Observation: The Overarching Community Communication Strategy (OCCS) identifies that the Communication Interface Coordination Group (CICG) members would include communications representatives from 'interfacing projects with project sites shared or adjacent to Sydney Metro.'</p> <p>The minutes for the CICG meetings between February and July 2023 indicate that attendees</p>	Conduct a review of projects proximal to Sydney Metro WSA and invite representatives of projects / sites that could give rise to cumulative impacts to the CICG.	Sydney Metro 31/10/23	OPEN	SM-WSA to seek to identify additional interfacing projects for potential inclusion within CICG's scope, with a focus on Gipps Street Recreation Precinct.

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				<p>include relevant Sydney Metro packages, TfNSW, M12, WSA Co and Sydney Water. There do not appear to be any members from:</p> <ul style="list-style-type: none"> the Gipps Street Recreation Precinct (directly south of the SBT Claremont Meadows site). Council, electricity or gas network operators (noting, however, that being said, the Auditor is not aware of these stakeholders having any active projects/sites proximal to the area). <p>It is understood that Sydney Metro has set up a recurring monthly meeting between the Environmental Leads across SBT, SCAW, SSTOM and AEW to offer the opportunity to raise and discuss any issues. The Auditor notes that this does not appear to involve representatives from projects beyond Sydney Metro WSA and therefore does not directly address this finding.</p> <p>Sydney Metro also advise that the Gipps Street Recreation Precinct is being delivered by Penrith City Council. Council and SBT co-ordinate with each directly with one another on construction matters. It is the Auditor's view that this interface qualifies the project for inclusion in CICG and that potential cumulative impacts would be best managed in that forum (instead of directly between Council and SBT).</p> <p>As works and projects continue to roll out across the alignment as part of the activation of land around the new airport, the Auditor also considers there to be value in increasing the scope of the CICG to include representatives from projects that could give rise to cumulative impacts (rather than only those with project sites shared or adjacent to Sydney Metro).</p>				
10051_IA4_6	B4	Observation	<p>A Complaints Register must be maintained recording information on all complaints received about the CSSI during the carrying out of any work and for a minimum of 12 months following the completion of construction. The Complaints Register must record the:</p> <ul style="list-style-type: none"> (a) number of complaints received; (b) date and time of the complaint; (c) number of people (in the household) affected in relation to a complaint, if relevant; (d) method by which the complaint was made; (e) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect; (f) issue of the complaint; 	<p>Observation: The Complaints Register includes a requirement to provide a justification for a complaint being unavoidable, however 5 x 'unavoidable' complaints (received 10/05/23, 6/05/23, 28/04/23, 28/04/23, 13/03/23, and relating to traffic, soil and water, dust and noise) did not have an associated justification.</p>	<p>Each of the complaints were determined by the relevant contractor as unavoidable, and Sydney Metro provided a written statement that relevant contractors have updated Consultation Manager with associated justifications.</p>	Sydney Metro	CLOSED	N/A

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			<p>(g) means by which the complaint was addressed and whether resolution was reached, with or without mediation; and</p> <p>(h) if no action was taken, the reason(s) why no action was taken.</p>					
10051_IA4_7	C10	Observation	<p>Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary or endorsed by the ER (whichever is applicable), unless otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary or endorsed by the ER (whichever is applicable), including any minor amendments approved by the ER, must be implemented for the duration of construction.</p>	<p>Observation: Two minor departures from the SCAW Soil and Water Management Plan (SWMP) were identified during the audit period.</p> <p>On 17/05/23 a member of the CPBUI construction team was witnessed pumping approximately 3m³ of construction water into an offline section of Blaxland's Creek without a Permit to Discharge. The activity was immediately stopped. The pumped water was observed to be contained within the erosion sediment controls installed as part of the Blaxland Creek crossing works and was not observed by the SCAW team or the ER to have impacted any nearby waters. The Project team and ER deemed the event as non-reportable under the Sydney Metro Environmental Incident Classification and Reporting Procedure and A41-A45.</p> <p>SCAW has updated its dewatering / discharge permit process from that set out in the SWMP, whereby there is a separate permit process for dewatering for use on site to that for discharge off site. This new process has been adopted since May 23. SCAW (CPBUI) advise that the SWMP and appendices have been updated to reflect the identified change and the update is currently with the ER for review.</p>	Update the SCAW SWMP dewatering / discharge permit process.	SCAW (CPBUI) 31/10/23	OPEN	CPBUI accept the recommended action. As of the 27 th September 2023 updates to the SWMP have progressed and are currently under Sydney Metro and Environmental Representative review.
10051_IA4_8	C10	Observation	<p>Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary or endorsed by the ER (whichever is applicable), unless otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary or endorsed by the ER (whichever is applicable), including any minor amendments approved by the ER, must be implemented for the duration of construction.</p>	<p>Observation: Evidence indicates that clearing on SCAW has followed the procedure from the Flora and Fauna Management Plan (FFMP), however there is a delay (in some cases of up to 3 month delay) between completion of clearing and having the ecologist sign-off on the post clearing report (verifying that they agree with SCAW's assessment that clearing occurred as per the permit and procedure). No time frame is specified in the FFMP for the ecologist's sign-off on the post clearing report.</p>	<p>SCAW (CPBUI) state that clearing permits (1-33) have been reviewed and signed off by the Project Ecologist as of 07/09/23.</p> <p>It is recommended that CPBUI update the FFMP to include a timeframe for the ecologist to sign off on the post clearing report, and ensure future sign-offs from the ecologist meet the required timeframe.</p>	SCAW (CPBUI) 31/10/23	PARTIALLY CLOSED	<p>As of the 27th September 2023 CPBUI have substantially (>95%) completed the clearing program for the SCAW project.</p> <p>The FFMP is not proposed to be updated with the other CEMP and Sub-plans currently under review and the inclusion of a timeframe at this stage of the project is not considered necessary.</p>
10051_IA4_9	C10	Observation	<p>Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary or endorsed by the ER (whichever is applicable), unless otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary or endorsed by the</p>	<p>Observation: At the audit site inspection it was observed that SCAW needed to install flagging and signage on trees to be retained at a small section of the Defence site. The flagging was installed prior to the drafting of this Audit Report.</p>	The flagging was installed prior to the drafting of this Audit Report.	SCAW (CPBUI)	CLOSED	N/A

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			<i>ER (whichever is applicable), including any minor amendments approved by the ER, must be implemented for the duration of construction.</i>					
10051_IA4_10	C10	Observation	<i>Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary or endorsed by the ER (whichever is applicable), unless otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary or endorsed by the ER (whichever is applicable), including any minor amendments approved by the ER, must be implemented for the duration of construction.</i>	Observation: The SBT FFMP includes a commitment to protect any vegetation to be retained within the work sites (mitigation LV1). It was observed during the audit site inspection that a tree located at Orchard Hills (south near Lansdowne Road) had no tree protection in place and that ground disturbance has occurred within the TPZ. At the time of the inspection it was noted that the tree was approved to be removed, but was intended to be retained if possible.	SBT (CPBG) confirmed prior to the finalisation of this Report that the tree in question is to be removed.	SBT (CPBG)	CLOSED	N/A
10051_IA4_11	C10	Observation	<i>Construction must not commence until the CEMP and all CEMP Sub-plans have been approved by the Planning Secretary or endorsed by the ER (whichever is applicable), unless otherwise agreed by the Planning Secretary. The CEMP and CEMP Sub-plans, as approved by the Planning Secretary or endorsed by the ER (whichever is applicable), including any minor amendments approved by the ER, must be implemented for the duration of construction.</i>	Observation: The SBT SWMP includes a commitment to confine concrete washouts to washout bays (Section 7.4). Concrete washout at Orchard Hills (to the north-east of Lansdowne Road) required upgrading / additional controls.	SBT (CPBG) state that the affected area was cleaned, and new washout areas were established and maintained. A toolbox given to Orchard hills site team.	SBT (CPBG)	CLOSED	N/A
10051_IA4_12	C22	Non-compliance	<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> <i>Note: Where a relevant CEMP Sub-plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Sub-plan.</i>	Non-compliance: On 06/06/23 SBT raised a non-compliance report for the failure to submit the monthly surface water monitoring report to ER. This was reported to the Department on 09/06/23 in accordance with A44/A45.	The non-compliance was reported to the Department on 09/06/23 in accordance with A44/A45. The monthly surface water monitoring report is now being submitted to the ER.	SBT (CPBG)	CLOSED	N/A
10051_IA4_13	C22	Non-compliance	<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> <i>Note: Where a relevant CEMP Sub-plan exists, the relevant Construction Monitoring Program may be incorporated into that CEMP Sub-plan.</i>	Non-compliance: Section 5.5 of the SCAW Surface Water Monitoring Program commits to the provision of a Monitoring Report within 30 days of the reporting period. The SCAW Monitoring Report covering the reporting period of October 22 to April 23 was still under review at the time of the audit interviews and had not been issued as final.	In consultation with Sydney Metro and the ER, a non-compliance with C22 has been raised by SCAW (CPBUI) to address this finding. The non-compliance report was issued to Sydney Metro on 29/08/23. It is recommended that the Monitoring Programs be updated to clearly specify when the Monitoring Reports will be submitted to the identified stakeholders and that future Monitoring Reports are submitted in	SCAW (CPBUI) 31/10/23	OPEN	The six-monthly SCAW Construction Monitoring Report was finalised and issued to NSW DPE on 22/08/2023. CPBUI accept the recommended action. As of the 27 th September 2023 updates to the Monitoring Programs have progressed and are currently under SM and ER review.

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					accordance with the nominated timeframe.			
10051_IA4_14	E1	Observation	<i>All reasonably practicable measures must be implemented to minimise the emission of dust and other air pollutants during construction.</i>	Observation: At the SCAW Defence site there are poor soils and dust was observed during the audit site inspection. No receivers are proximal to the problem area where dust is apparent. Water is being applied in areas where dust presents a risk to receivers.	Water is being applied in consideration of available supplies and areas where fugitive dust presents a risk to receivers.	SCAW (CPBUI)	CLOSED	N/A
10051_IA4_15	E47	Observation	<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 E43 and E44 at any residence outside construction hours identified in Condition E38, or where receivers will be highly noise affected or subject to vibration levels above those otherwise determined as appropriate by a suitably qualified structural engineer under Condition E87. 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 ER before the commencement of the associated works. The Planning Secretary and the EPA may request a copy (ies) of the DNVIS.</i>	<p>Observation: Consultation has been undertaken in the preparation of the SBT, SCAW and AEW FSM DNVISs prepared during the audit period through the construction notifications, which include a statement advising receivers of the existence of a DNVIS (or mitigation measures generally) and inviting feedback. To the Auditor's knowledge no specific feedback has been received.</p> <p>The Auditor observes that no consultation has been conducted on the preparation of the DNVISs for AEW SPO, AEW Water.</p> <p>Sydney Metro state that 'No works have been conducted on AEW SPO that trigger the requirements of CoA E47, necessitating a DNVIS to be prepared for the Stage'. The Auditor draws attention to Section 7.2 of the AEW SPO DNVIS which predicts marginal exceedances of the NMLs, therefore triggering the need for a DNVIS (and, therefore, the need to undertake consultation to identify specific mitigation measures). That being said AEW SPO is surrounded by industrial receivers, with the rail line and SBT separating the site from the nearest residential receiver. As such it's reasonable to assume that construction works associated with SBT at St Marys (and non-Project noise sources such as road and rail traffic) would be the primary source of noise impacts on the nearest residential receiver, negating the need for specific consultation by AEW SPO.</p> <p>AEW Water has yet to undertake works that have triggered the criteria referred to in this condition and the package has confirmed that NMLs have been complied with. AEW Water have also stated that that community consultation will be undertaken prior to the triggering events occurring and where specific mitigation measures are agreed between Sydney Metro and sensitive receivers, the measures will be included in this DNVIS through the revision and continuous improvement process as described in Section 9 of the AEW Water Noise and Vibration CEMP Sub-plan. Future community notifications will also include specific references to</p>	Complete consultation on noise mitigation measures for the AEW Water works and (where responses are received), include the measures in the DNVIS.	Quickway / Sydney Metro Prior to works commencing that are predicted to exceed the applicable NMLs.	OPEN	Sydney Metro will continue to implement this Condition of Approval as described.

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				the mitigation measures in the DNVIS and invite residents and the community to provide comments.				
10051_IA4_16	E56	Observation	<p>All work undertaken for the delivery of the CSSI, including those undertaken by third parties (such as utility relocations), must be coordinated to ensure respite periods are provided. The Proponent must:</p> <p>(a) reschedule any work to provide respite to impacted noise sensitive land use(s) so that the respite is achieved in accordance with Condition E57; or</p> <p>(b) consider the provision of alternative respite or mitigation to impacted noise sensitive land use(s); and</p> <p>(c) provide documentary evidence to the ER in support of any decision made by the Proponent in relation to respite or mitigation</p> <p>The consideration of respite must also include all other approved Critical SSI, SSI and SSD projects which may cause cumulative and / or consecutive impacts at receivers affected by the delivery of the CSSI.</p>	<p>Observation: The Auditor has not identified any instances whereby respite periods are not being provided and consideration of cumulative impacts is included in Sydney Metros' CIGG forums, Metro/M12 and WSA Co working group and within internal environmental team meetings. However:</p> <ul style="list-style-type: none"> As noted in B1, the minutes for the CIGG meetings between February and July 2023 indicate that attendees include relevant Sydney Metro packages, TfNSW, M12, WSA and Sydney Water. There do not appear to be any members from the developer of the Project directly south of the Claremont Meadows site, Council, electricity or gas network operators. In making this observation the Auditor acknowledges that these stakeholders may not be delivering SSI and SSD projects, but may contribute to cumulative impacts nonetheless. Refer to the finding in B1 regarding the Auditor's view on engagement with Council on the Gipps Street Recreation Precinct. The CIGG presentations from February to July 2023 indicate that a review of the OOHW schedule being conducted across all Sydney Metro WSA packages has been presented only once in the last 6 months (in April 2023). A schedule of OOHW from third parties such as TfNSW, M12, WSA and Sydney Water does not appear to have been presented at any time in the audit period. There does not appear to be any documented interrogation of the potential for consecutive impacts from OOHW. The Sydney Metro fortnightly Compliance Working Group / Environment Team meetings and the Metro/M12 and WSA Co working group appear to discuss OOHW, but it is not clear whether this involves a proper review of all scheduled OOHW across the precincts. Again, there does not appear to be any documented interrogation of the potential for consecutive impacts from OOHW. The DNVISs prepared for the Project reference the potential for cumulative impacts, but do not appear to say with any certainty whether impacts from other projects (including construction and combined road traffic noise) have been included in the modelling. Therefore, it is unclear if the potential cumulative impacts have been fully assessed. 	<p>It is recommended that the CIGG agenda be updated to include a monthly review of all member's forward looking plan of OOHW to confirm the potential for consecutive impacts. The Auditor understands that Sydney Metro have commenced this action.</p> <p>Introduce a process by which DNVISs and other noise and vibration assessments include activities / impacts of third parties (or include a justification as to why inclusion of this information is not required).</p>	<p>Sydney Metro 31/01/24</p>	<p>OPEN</p>	<p>Confirming that SM-WSA has commenced investigations into developing a holistic tool for reviewing interfacing project's OOHW. CIGG members have also been reminded to provide individual updates on OOHW when relevant.</p>

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10051_IA4_17	E77	Observation	<p>A PUDCLP must be prepared to document and illustrate the permanent built works and landscape design of the CSSI and how these works are to be maintained. The PUDCLP must be:</p> <p>(a) prepared by a suitably qualified and experienced person(s) in consultation with the community (including the affected landowners and businesses or a representative of the businesses), Western Parklands City Authority, Western Sydney Planning Partnership and relevant council(s);</p> <p>(b) reviewed by an independent and suitably qualified and experienced person nominated by the DRP;</p> <p>(c) submitted to the Planning Secretary prior to the construction of permanent built surface works and/or landscaping, excluding those elements which for ecological requirements, or technical requirements, or requirements as agreed by the Planning Secretary do not allow for alternate design outcomes; and</p> <p>(d) implemented during construction and operation of the CSSI.</p> <p>Note: The PUDCLP may be developed and considered in stages to facilitate design progression and construction. Any such staging and associated approval would need to facilitate a cohesive final design and not limit final design outcomes.</p>	<p>Observation: The Department raised a request for information regarding an outstanding matter from Penrith City Council (Council was of the view that they were not provided an opportunity to review the PUDCLP). Additional consultation was carried out with Council by SCAW, and the Department provided their acceptance of this on 10/05/23.</p>	<p>Additional consultation was carried out with Council by SCAW, and the Department provided their acceptance of this on 10/05/23.</p>	<p>SCAW (CPBUI)</p>	<p>CLOSED</p>	<p>N/A</p>
10051_IA4_18	E85	Observation	<p>Condition surveys of all items for which condition surveys were undertaken in accordance with Condition E84 must be undertaken by a suitably qualified and experienced person after completion of the work identified in Condition E84. The results of the surveys must be documented in a Post-construction Condition Survey Report for each item surveyed. Copies of Post-construction Condition Survey Reports must be provided to the landowners of the items surveyed, and no later than three (3) months following the completion of the work that could impact on the subject surface / subsurface structure.</p>	<p>Observation: Evidence indicates that post-construction survey reports have not been issued to relevant landowners for AEW TBI, AEW St Marys Lift and Stairs and AEW Power. Post construction survey report was issued for AEW Roads (Sydney Metro the owner of affected property).</p> <p>Sydney Metro states that 'It is Sydney Metros stance that condition surveys required under condition E84 and E85 are not required for the AEW packages of works (TBI, Power, St Marys Lift shaft and stairs relocation etc) due to their low risk of damage to subsurface/surface structures. MCoA E88 indicates that condition surveys (required in E84 and E85) are predominantly required prior to tunnelling activities commencing and as Tunnelling. This is supported within the Assessment report (pg 82)'.</p> <p>The Auditor disagrees with this assessment. Pre-construction surveys have been completed for all surrounding properties and infrastructure that would be potentially impacted regardless of their being relevance to tunnelling. E85 states that post-construction surveys must be completed and issued for all items that were subject to pre-</p>	<p>Complete post-construction surveys on all items for which condition surveys were undertaken in accordance with E84, and that the reports must be submitted within 3 months of completion of activities that could impact on those items. It is understood that Sydney Metro have commenced this action.</p>	<p>Sydney Metro</p> <p>Within 3 months of completion of activities that could impact on those items that were surveyed under E84.</p>	<p>OPEN</p>	<p>The observation raised by the Auditor is noted. Sydney Metro commits to resolving Post-Construction Condition Surveys and providing them to property owners.</p>

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				<p>construction surveys under E84. Neither E84 nor E85 refer to E88.</p> <p>Further, at the third Independent Audit it was noted that the AEW TBI post-construction survey report was prepared in May 2022, and Sydney Metro stated (during the third audit) that 'Ward Civil have confirmed that works have not yet been completed as defect works are ongoing. Once the defect works have been completed, Post condition surveys will be provided to the landowners (landowners listed in DNVIS).' The Auditor also understands that a post-construction survey was completed for AEW Roads and a report was issued to Sydney Metro.</p> <p>Notwithstanding the above, the Auditor acknowledges that impacts on properties and infrastructure proximal to the completed AEW packages may still be impacted by SBT, SCAW, SSTOM or active AEW packages, therefore this requirement could be considered not triggered. The Auditor is of the view, however, that to comply with this condition post-construction surveys must be completed on all items for which condition surveys were undertaken in accordance with E84, and that the reports must be submitted within 3 months of completion of activities that could impact on those items.</p>				
10051_IA4_19	E88	Observation	<p>An IPIAP must be established prior to tunnelling activities commencing. The Planning Secretary must be informed of the members of the IPIAP and must comprise geotechnical and engineering experts independent of the design and construction team. The IPIAP will be responsible for independently verifying condition surveys undertaken under Conditions E84 and E85, the resolution of property damage disputes and the establishment of ongoing settlement monitoring requirements.</p>	<p>Observation: The IPIAP has reviewed a sample of pre-construction condition survey reports and has identified several deficiencies in the report (i.e.: demonstration of the surveyor being suitably qualified and experienced and that detail on crack dimensions, adding more detail on wear and tear in properties). SBT are currently working through the comments to determine if the reports need to be amended or not, noting that deficiencies may result in SBT being held liable for repairs. Tunnelling commenced on 20/07/23 and there have been no disputes to date.</p> <p>In addition, the IPIAP has not yet been provided with the settlement monitoring program for review. The Auditor observes that at the time of the audit site inspection, the TBM had not progressed beyond the Project compound footprint and therefore the risk of impact to third party property had not commenced. SBT (CPBG) advise that the IPIAP have stated they 'do not expect to approve or endorse the settlement monitoring program. They only want to see the monitoring results at the regular monthly IPIAP meetings.' The Auditor notes that E88 requires the that the 'IPIAP will be responsible for independently verifying the establishment of ongoing settlement monitoring</p>	<p>Obtain agreement from the IPIAP on the actions required to resolve the deficiencies of the pre-construction survey reports.</p> <p>Provide the IPIAP with the settlement monitoring program for review and verification.</p>	<p>SBT (CPBG) and the IPIAP</p> <p>Prior to tunnelling proceeding to an area where settlement risk on third party property could be realised.</p>	OPEN	<p>CPBG is working with IPIAP on settlement monitoring program and to resolve comments raised on the construction survey reports.</p>

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				requirements.' Therefore the Auditor is of the view that the IPIAP must verify the requirements from the settlement monitoring program.				
10051_IA4_20	E99	Observation	<i>The Unexpected Contaminated Land and Asbestos Finds Procedure must be implemented throughout construction.</i>	<p>Observation: Suspected asbestos containing material was identified at Orchard Hills (Lot 97) during the audit site inspection. SBT were in the process of preparing this portion of the site for handover to SSTOM. It is unclear whether the material was or was not asbestos, whether the unexpected finds procedure was enacted, nor whether this portion of the site had been subject to assessment and clearance.</p> <p>SBT and Sydney Metro advised that the DSI for this area is currently with the Contaminated Site Auditor to endorse. The draft DSI Report recommends that a RAP is not required due to the minor quantity of asbestos found, and that the Contaminated Site Auditor has provisionally agreed with this. When the DSI has been endorsed by the site auditor, Sydney Metro will instruct the next contractor (delivering SSTOM) to carry out the DSI recommendation.</p> <p>The Auditor acknowledges the information provided by SBT and Sydney Metro but this does not preclude the need to enact the Unexpected Contaminated Land and Asbestos Finds Procedure where potential asbestos containing materials are encountered. At the time of writing the Report, the area had been cordoned off but not yet cleared.</p>	Clear asbestos from Lot 97 in accordance with the DSI.	Sydney Metro (SSTOM) Prior to commencing construction that is not subject to asbestos controls.	OPEN	Suspected asbestos containing material will be disposed of appropriately.
10051_IA4_21	E101	Observation	<p><i>The Sustainability Plan must be submitted to the Planning Secretary for information within six (6) months of the date of this approval and must be implemented throughout construction and operation.</i></p> <p><i>Note: Nothing in this condition prevents the Proponent from preparing separate Sustainability Strategies for the construction and operational stages of the CSSI.</i></p>	<p>Observation: The AEW SPO Sustainability Dashboard does not appear to be tracking electricity, diesel, petrol or office waste. Built advise:</p> <ul style="list-style-type: none"> • Construction electricity consumption is managed through an existing TfNSW connection. Electricity during SPO operations will be managed by Sydney Metro through the agreement with Origin and metering and sub-metering major uses in the building. • Built do not have separate waste tracking for office bins, all data is collected under the site waste reports. • No Petrol operated plant/equipment used onsite. • Diesel usage tracked in a separate tracker (Ref: 10051_IA4_21 Dashboard Snapshot Markup) 	<p>Data has been updated by Built.</p> <p>It is recommended that Built confirm with Sydney Metro that the data collection and reporting methods meet their requirements. Where deficiencies are identified, Built should update its records to meet Sydney Metro's requirements.</p>	SPO (Built) 31/10/23	OPEN	Built have confirmed that the current data collection and reporting methods meet Sydney Metro's requirements. The reporting template used has been provided to Built by Sydney Metro and all available data has been reported to Sydney Metro in accordance with the sustainability requirements for the Project. No deficiencies have been identified by Sydney Metro that require action from Built.

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10051_IA4_22	E103	Non-compliance	<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: SCAW did not submit the Luddenham Road Gates 4&5 CTMP until after commencement of construction at this location. This was reported in accordance with A44/A45.	The CTMP was submitted after commencement of construction and the non-compliance was reported in accordance with A44/A45.	Sydney Metro and SCAW (CPBUI)	CLOSED	N/A
10051_IA4_23	E109	Observation	<i>Vehicles associated with the project workforce (including light vehicles and Heavy Vehicles) must be managed to:</i> <i>(a) minimise parking on public roads;</i> <i>(b) minimise idling and queueing on state and regional roads;</i> <i>(c) not carry out marshalling of construction vehicles near sensitive land use(s);</i> <i>(d) not block or disrupt access across pedestrian or shared user paths at any time unless alternate access is provided; and</i> <i>(e) ensure spoil haulage vehicles adhere to the nominated haulage routes identified in the CTMP.</i>	Observation: A complaint was received on 15/05/23 regarding the queuing of '50 trucks' on Paton's Lane, Orchard Hills, waiting to access the site compound approximately at 6:45am. and 7:30am. SBT responded by stating that this occurred due to wet weather preventing them from accepting the vehicles (to manage safety and soil and water risks). Rectification works occurred and trucks continued to move. Truck drivers were tool-boxed and the complaint was marked by Sydney Metro as closed.	Rectification works occurred and trucks continued to move. Truck drivers were tool-boxed and the complaint	SBT (CPBG)	CLOSED	N/A
10051_IA4_24	E128	Observation	<i>Before undertaking any work and during maintenance or construction activities, erosion and sediment controls must be implemented and maintained to prevent water pollution consistent with Managing Urban Stormwater: Soils and Construction Vol 1 4th ed. by Landcom, 2004 (The Blue Book).</i>	Observation: There appears to be instances whereby SBT have not implemented sufficient soil and water controls during the audit period. The EPA issued one prevention notice and two show cause notices to SBT during the audit period due to issues associated with construction water leaving the site and entering nearby waters. SBT responded to the letters outlining the actions taken and its position on compliance with the terms of the EPL. On 25/08/23 the EPA advised that it would not take any further action and acknowledged the steps taken to address the matters raised. In addition to the above, the Department issued a direction concerning adequacy of erosion and sediment control measures on site. SBT appear to have engaged the independent CPESC to report on progress of rectification works and submitted this information to the Department and posted the information on the Sydney Metro website in accordance with the direction. The Auditor has reviewed the ER Inspection Reports and the regulatory notices and is of the view that many of these issues stem from deficiencies in site management identified during the third audit period (which then extended into this fourth period). A non-compliance was assigned against SBT on this condition as part of the third Independent Audit and the Auditor is of the view that another non-compliance is not warranted due	Continue to focus on implementing controls to prevent water pollution until sites are stabilised.	SBT (CPBG) Until sites are stabilised	OPEN	Noted.

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				<p>to the improvements implemented during the audit period (as reported by SBT to the EPA and DPE).</p> <p>It is observed during the fourth audit site inspection that significant improvements to soil and water controls had been implemented since the third Independent Audit, with only minor opportunities for improvement associated with making sure site controls align with the erosion and sediment control plans.</p>				