

Response to Wolfpeak Audit observations and NCRs Rev 1

Item	Ref.	Type	Details of item (with finding in bold text)	Proposed or completed action	By whom and by when	Status	Response to Audit Findings
8	CoC A1	Non-compliance	<p>CoC A1 requires that in addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.</p> <p>The operational stormwater design was prepared and submitted to the Certifier. The Certifier provided written satisfaction. However, at the site inspection conducted in conjunction with NPWS, it was evident that there were deficiencies with the as built design which were resulting in stormwater impacting on the Lane Cove National Park (evidence of sedimentation, scouring and transport of gross pollutants were sighted).</p> <p>The auditee reviewed the draft Audit Report and provided the following response to this finding:</p> <ul style="list-style-type: none"> The stormwater was constructed as per the approved design. Deficiencies within the design only become evident after the system is installed. Deficiencies are rectified by the Contractor as soon as possible after they are identified. In the interim construction sediment and erosion control devices are maintained until demobilisation and regular environmental inspections undertaken to monitor activity. Whilst minimal scouring and sedimentation was identified during the inspection with NPWS 15/07, all were occurring either within the site fence line or within the SINSW site boundary. Therefore the Project Team request that this item be changed to an observation as all reasonable and feasible measures were implemented to minimise any material harm to the environment. Hindmarsh and the Civil Engineer will review the as-built plans and provide a list of actions to address deficiencies to the satisfaction of NPWS. Hindmarsh will implement the approved action items onsite. <p>The Auditor acknowledges the auditee's response and supports the proposed actions to manage the deficiencies. However, the Auditor retains the position that the deficiencies represent a non-compliance on the basis that:</p> <ul style="list-style-type: none"> The CoC requires that in addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment Impacts to the environment beyond the Project boundary were observed during the site inspection conducted in conjunction with NPWS NPWS personnel communicated to the Auditor during the site inspection that they had previously identified impacts on the Lane Cove National Park beyond the Project boundary during their routine inspections in the area The Lane Cove National Park is a sensitive environmental receptor with significant biological, aboriginal, heritage and recreational value and, as such, the impacts may be considered to be material harm under the definitions of the Consent (i.e.: actual or potential harm to the environment that is not trivial, or that which requires >\$10k to make good) The deficiencies in the stormwater design were not adequately identified (or responded to) by Project personnel. The need for action was only identified 	Hindmarsh and NPWS agreed that a review of the as-built plans would be conducted, actions to address deficiencies would be completed and a follow up inspection would be arranged with NPWS to verify their satisfaction of the stormwater management system.	SINSW / Hindmarsh 30/09/21	OPEN	<p>Hindmarsh and the Civil Engineer will review the as-built plans and provide a list of actions to address deficiencies to the satisfaction of NPWS.</p> <p>Hindmarsh will implement the approved action items onsite.</p> <p>Applicant became aware of the non-compliance for A1 on the 30 July 2021 during the final issue of the Independent Environmental Audit.</p> <p>Notification to the Department via the major projects portal was on 2 August 2021 which is within seven days after the applicant becomes aware of it.</p>
9	CoC C4	Non-compliance	<p>CoC C4 requires that construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</p> <p>(a) between 7am and 6pm, Mondays to Fridays inclusive; and (b) between 8am and 1pm, Saturdays.</p> <p>No work may be carried out on Sundays or public holidays.</p> <p>A streetsweeper was operating outside the permitted hours on 09/04/21. A complaint was received on the same day. The streetsweeper was directed to cease at that time. The Project considered this to be permissible under CoC C6(b). The Auditor is of the opinion that the use of the streetsweeper does not comply with that requirement.</p> <p>A worker was operating a powered saw prior to 7am on 22/02/21. It is understood that a complaint was received from a passerby. The Project team determined that the noise emissions were inaudible at the nearest residential sensitive receiver located on Dunston Grove approximately 50 meters from the site boundary. The Auditor issued an RFI for evidence to verify their determination; however, no evidence was provided to the Auditor to support their determination. The Work Health and Safety (Managing Noise and Preventing Hearing Loss at Work) Code of Practice 2015, Section 3.1, Table 2 notes that a chainsaw has a typical sound level of 110 dB and a lawnmower has a typical sound level of 90 dB. Therefore it seems unlikely that powered saw would be inaudible at a distance of approximately 50m.</p> <p>The auditees confirmed that a subcontractor entered site illegally to remove a piece of equipment outside of prescribed construction hours on 24/06/21.</p> <p>The auditee reviewed the draft Audit Report and provided the following response to this finding:</p> <ul style="list-style-type: none"> The February Noise Monitoring report was provided and noted that the noise levels during the approved extended working hour periods were compliant with the relevant noise levels. This report was created by a suitably qualified consultant and formed the basis of the Project Team determining that the noise emissions were acceptable following the 22/02/21 complaint. The Auditor issued an RFI for additional evidence to verify their determination; however no further information could be provided by the noise consultant. <p>The Auditor acknowledges the auditee's response and retains the position that the out of hourswork and complaint recorded on 22/02/21 represents a non-compliance on the basis that:</p> <ul style="list-style-type: none"> The extended work hours in the Consent do not contemplate works prior to 7am unless they comply with CoC C6. It is the Auditors position that operating a powered saw prior to 7am on 22/02/21 does not comply with the requirements of CoC C6(a)-(d) The COVID Extended Work Days Order does not contemplate works prior to 7am <p>As stated in the first Independent Audit Report, the nominated noise monitoring locations are within the Project boundary (not at sensitive receiver) and there is no discussion within the CNVMSP (or the monitoring reports) on how the Project would determine actual noise impacts at nearby sensitive receivers (i.e.: through predictive modelling). Therefore, the February Noise Monitoring Report cannot be relied upon to demonstrate that the operation of a power saw prior to 7am on 22/02/21 was inaudible at the sensitive receiver.</p>	To the Auditor's knowledge, no further out of hours works have been conducted.	NA	CLOSED	<p>Applicant became aware of the non-compliance on 23 June 2021 as part of the Independent Environmental Audit as identified by the Auditor.</p> <p>Notification to the Department via the major projects portal was on 28 June 2021 which is within seven days after the applicant becomes aware of it.</p>
910	CoC C27	Observation	<p>CoC C27 requires that within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier. The system must:</p> <p>(a) be designed by a suitably qualified and hydraulic engineer; (b) be generally in accordance with the conceptual design in the Supplementary Response to Submissions (c) be in accordance with applicable Australian Standards; and (d) ensure that the discharge of stormwater into the bushland is controlled and undertaken to minimise bushland and water quality impacts in accordance with the Guidelines for developments adjoining land managed by the Office of Environment and Heritage; and (e) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines</p> <p>The operational stormwater design was prepared and submitted to the Certifier. The Certifier provided written satisfaction. However, at the site inspection conducted in conjunction with NPWS, it was evident that there were deficiencies with the as built design which were resulting in stormwater impacting on the Lane Cove National Park (evidence of sedimentation, scouring and transport of gross pollutants were sighted).</p>	Hindmarsh and NPWS agreed that a review of the as-built plans would be conducted, actions to address deficiencies would be completed and a follow up inspection would be arranged with NPWS to verify their satisfaction of the stormwater management system.	SINSW / Hindmarsh 30/09/21	OPEN	<p>Hindmarsh and the Civil Engineer will review the as-built plans and provide a list of actions to address deficiencies to the satisfaction of NPWS.</p> <p>Hindmarsh will implement the approved action items onsite.</p>

11	CoC D29	Observation	<p>CoC D29 requires that prior to the commencement of operation, landscaping of the site must be completed in accordance with landscape plan(s) approved under condition B25.</p> <p>This finding relates to the same overarching issue as that identified for CoC A1 and C27. The landscapers confirmed that the landscaping was completed in accordance with the landscape designs within CoC B25. However, at the site inspection conducted in conjunction with NPWS, it was evident that there were deficiencies with the landscaping which were potentially impacting on the Lane Cove National Park. Evidence of unidentified spray seed / grass, lack of ground cover, in particular on the Dunstan Grove Asset Protection Zone (APZ), and deficient planting on steep slopes and site boundary and lack of rock armor on certain drainage lines were sighted.</p> <p>The auditee reviewed the draft Audit Report and provided the following response to this finding:</p> <ul style="list-style-type: none"> * The landscaping works have been completed in accordance with the approved plans. The spray seeding was utilised as a form of stabilisation for erosion and sediment control however, this will be removed based on the inspection and subsequent advice by NPWS. The APZ within Dunstan Grove is administered under a separate approval. Landscape maintenance was undertaken in these locations to minimise ground fuel to comply with APZ standard requirements and was certified by a suitably qualified person. * Future maintenance of the Dunstan Grove APZ, including annual certification to an IPA, is the responsibility of Crimson Hill Residential Strata Committee. * Hindmarsh and the Civil Engineer will review the as-built plans and provide a list of actions to address deficiencies to the satisfaction of NPWS and Dustan Grove. *Hindmarsh will implement the approved action items onsite. <p>The Auditor acknowledges the auditee's response and supports the proposed actions to resolve the deficiencies</p>	Hindmarsh and NPWS agreed that a review of the as-built plans would be conducted, actions to address deficiencies would be completed and a follow up inspection would be arranged with NPWS to verify their satisfaction of the landscaping.	SINSW / Hindmarsh 30/09/21	OPEN	<p>Future maintenance of the Dunstan Grove APZ, including annual certification to an IPA, is the responsibility of Crimson Hill Residential Strata Committee.</p> <p>Hindmarsh and the Civil Engineer will review the as-built plans and provide a list of actions to address deficiencies to the satisfaction of NPWS and Dustan Grove.</p> <p>Hindmarsh will implement the approved action items onsite.</p>
12	CoC E1	Non-compliance	<p>CoC E1 requires that prior to the commencement of the first out of hours events (school use) run by the school that involve 100 or more people (excluding out of school hours care), the Applicant is to prepare an Out of Hours Event Management Plan (school use) and submit it to the Council and Planning Secretary in consultation with Council (sic).</p> <p>Two Out of Hours Events Management Plans (OOHEMPs) have been developed using the plan initially established under the Stage 1 Partial Consent. Consultation was completed with Council prior to their development. However there is no evidence available to demonstrate that the OOHEMP was submitted to the Department.</p>	Submit the OOHEMP/s to the Department.	SINSW 31/08/21	CLOSED	<p>The OOHEMP was issued to the Department 2/08/2021 including evidence of consultation with council.</p> <p>Applicant became aware of the non-compliance for E1 on the 27 July 2021 during the RFI process to the Independent Environmental Audit. Notification to the Department via the major projects portal was on 2 August 2021 which is within seven days after the applicant becomes aware of it.</p>
13	CoC E15	Observation	<p>CoC E15 requires that the Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Operational Landscape Management Plan required for the duration of occupation of the development.</p> <p>This finding relates to the same overarching issue as that identified for CoC A1, C27 and D29. The landscape area was handed over at Stage 2B2 (in June 2021) and has a 12 month handover period and is being maintained by the builder. Large portions of the landscaping appear to be well maintained. However, at the site inspection conducted in conjunction with NPWS, it was evident that there were deficiencies with the landscaping which were potentially impacting on the Lane Cove National Park. Evidence of unidentified spray seed / grass, lack of ground cover (in particular on the Dunstan Grove APZ) and deficient planting on steep slopes and site boundary and lack of rock armor on certain drainage lines were sighted. Refer to Appendix E, Photographs 9-13.</p> <p>The auditee reviewed the draft Audit Report and provided the following response to this finding:</p> <ul style="list-style-type: none"> * The landscaping works have been completed in accordance with the approved plans. The spray seeding was utilised as a form of stabilisation for erosion and sediment control however, this will be removed based on the inspection and subsequent advice by NPWS. The APZ within Dunstan Grove is administered under a separate approval. Landscape maintenance was undertaken in these locations to minimise ground fuel to comply with APZ standard requirements and was certified by a suitably qualified person. * Future maintenance of the Dunstan Grove APZ, including annual certification to an IPA, is the responsibility of Crimson Hill Residential Strata Committee. * Hindmarsh and the Civil Engineer will review the as-built plans and provide a list of actions to address deficiencies to the satisfaction of NPWS and Dustan Grove. *Hindmarsh will implement the approved action items onsite. 	Hindmarsh and NPWS agreed that a review of the as-built plans would be conducted, actions to address deficiencies would be completed and a follow up inspection would be arranged with NPWS to verify their satisfaction of the landscaping.	SINSW / Hindmarsh 30/09/21	OPEN	<p>Future maintenance of the Dunstan Grove APZ, including annual certification to an IPA, is the responsibility of Crimson Hill Residential Strata Committee.</p> <p>Hindmarsh and the Civil Engineer will review the as-built plans and provide a list of actions to address deficiencies to the satisfaction of NPWS and Dustan Grove.</p> <p>Hindmarsh will implement the approved action items onsite.</p>