

Response to Wolfpeak Audit observations and NCRs Rev 2

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
1	CoC A23	Observation	<p>CoC A23 states that any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EPA&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.</p> <p>The relevant section of the EPA&A Act relates to (among other things) the need to be accurate, true (not misleading), properly conducted (approved methodology, calibrated etc.) and with records retained.</p> <p>The Noise Monitoring Reports do not include many of the elements of a noise monitoring report recommended in the Interim Construction Noise Guidelines (ICNG), nor is there any reference to the methodology used / standard applied, or evidence to demonstrate that the instrumentation is properly calibrated.</p>	Noise Monitoring Reports to include clear statements on the methodologies used and standards applied, as well as inclusion of calibration certificates.	Hindmarsh 30/05/21 To be included in future Noise Monitoring Reports	OPEN	<p>The project acoustic Consultant, White Noise, has provided a response in relation to methodology and standards being applied.</p> <p>Noise monitoring reports updated to include calibration certificates</p> <p>CNVMSPP section 4.8 updated to include reference to standards and noise monitoring methodology. CNVMSPP will be submitted to the PCA for approval and DPIE for information 30/05/21 in line with the CEMP suite of documents</p> <p>White noise to provide clear statements on the methodologies used and standards applied within each noise monitoring report.</p>
2	CoC A24	Observation	<p>CoC A24 requires that the Project must make (among other things) a complaints register, updated monthly, publicly available on its website.</p> <p>The Auditor observed that the public facing complaints register's description of the nature of complaints, and to a lesser degree a description of the action taken in response to the complaint, does not provide meaningful insight as to the actual complaint and action taken.</p>	This matter was rectified by the Project prior to the Audit report being finalized.	SINSW	CLOSED	<p>Chronology of events/timelines for SINSW approval provided by Esben Jensen (Community Engagement Manager) on 27/2/21.</p> <p>The complaints register has been updated monthly, as previously demonstrated however the register can only be made publicly available on the website following review/ approval by the SINSW communication team.</p> <p>Note: February 2021 complaints register which now supersedes the January complaints register is now live on project website.</p>
3	CoC B14	Observation	<p>CoC B14 requires that the Construction Noise and Vibration Management Sub-Plan (CNVMSPP) must address, but not be limited to, a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures.</p> <p>A monitoring program is described within the CNVMSPP, which comprises the use of continuous noise loggers. The nominated noise monitoring locations are within the project boundary (not at receiver) and there is no discussion within the CNVMSPP on how the project would determine the actual noise impacts at receivers (i.e.: through predictive modelling). The use of loggers without some form of alert to project personnel of high noise events, or recording function to enable identification of noise sources, provides limited to no value to project personnel in responding to noise complaints or managing high noise activities. It is not clear from the CNVMSPP or the Noise Monitoring Reports, whether the loggers have this capability.</p>	Update CNVMSPP to state how the noise impacts at the receiver are measured or calculated. Updated the CNVMSPP to clarify the alert / recording capability of the loggers. If this capability is not available the CNVMSPP needs to confirm the process by which the Project determines the source of noise when responding to a complaint or demonstrating compliance with the terms of the consent (such as CoC C5 or CoC C6(c)).	Hindmarsh 30/05/21	OPEN	<p>The project acoustic Consultant, White Noise, has provided a response in relation to the methodology for measuring of the receivers based on the location. This also addresses the response to noise impact inline with the CNVMSPP.</p> <p>CNVMSPP section 4.8 updated to include reference to standards and noise monitoring methodology. CNVMSPP will be submitted to the PCA for approval and DPIE for information 30/05/21 in line with the CEMP suite of documents</p> <p>White Noise to clearly state how the noise impacts at the receiver are measured or calculated. CNVMSPP needs to confirm the process by which the Project determines the source of noise when responding to a complaint or demonstrating compliance</p>
4	CoC C5	Observation	<p>CoC C5 states that, provided noise levels do not exceed the existing background noise level plus 5dB, works may also be undertaken during the following hours:</p> <p>(a) between 6pm and 7pm, Mondays to Fridays inclusive; and (b) between 1pm and 4pm, Saturdays.</p> <p>The project advises that extended construction hours on Saturdays and Sundays are being utilized pursuant to the COVID-19 Development – Construction Work Days Order 2020, which came into force from 31/03/20. The noise monitoring reports sighted identifies noise levels during the restricted hours within this condition are >5dB(A) above the RBL. However it is the Auditor's opinion that this restriction on the time period is negated by the COVID order.</p>	None	NA	CLOSED	<p>Confirming observation was closed out during the audit. No further action required.</p>
5	CoC C8	Non-compliance	<p>CoC C8 states that rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:</p> <p>a) 9am to 12pm, Monday to Friday; b) 2pm to 5pm Monday to Friday; and c) 9am to 12pm, Saturday.</p> <p>Rock breaking was observed to be occurring at 08:50am during the site inspection.</p>	Upon becoming aware of the issue, Hindmarsh stopped the activity.	NA	CLOSED	<p>Confirming works ceased immediately upon discovery as identified by auditors notes. Toolbox talks were held with the offending subcontractor. Please see attached.</p> <p>SINSW issued non-compliance to DPIE on 16/02/21.</p>
6	CoC C9	Observation	<p>CoC C9 requires that the Project must carry out the construction of the development in accordance with the most recent version of the submitted CEMP (including Sub-Plans).</p> <p>There are a number of commitments from the CEMP and Sub-plans that are not being implemented in a manner consistent with the exact wording of the plans (refer Appendix B). The variation does not weaken environmental performance on the project nor constitute a non-compliance with the consent.</p>	Implement each of the commitments from the CEMP as written, or review and update the CEMP and Sub-plans to reflect current practice (whilst maintaining compliance with the CoC).	Hindmarsh 30/05/21	OPEN	<p>HCA will review and ensure that all sub-plans are being adhered to or altered if the plans are not applicable, or relevant at this current stage of construction</p>
7	CoC C19	Non-compliance	<p>CoC C19 states that (among other things) for the duration of the construction works:</p> <p>c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arborist Impact and Tree Risk Assessment prepared by McArdle Arboricultural Consultancy, dated 30 August 2019; and the advice of the project arborist appointed under condition B35;</p> <p>d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of the project arborist appointed under condition B35. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of the project arborist appointed under condition B35 and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.</p> <p>Excavation works within tree protection zones on the north east boundary of the new road were underway during the site inspection. The project arborist was not engaged to supervise these works.</p>	Engage Project arborist to supervise all works within the tree protection zones. Retain records as evidence.	Hindmarsh	CLOSED	<p>HCA have installed tree protection to all trees required. HCA will also ensure that where tree protection is not able to be installed, the arborist will be present during the works inline with Arboricultural Report.</p> <p>SINSW issued notification of non-compliance to DPIE on 17/02/21.</p>
8	CoC C20	Observation	<p>CoC C20 requires that rock outcrops must be protected during construction activities and appropriately fenced.</p> <p>There are rock outcrops within and beyond the project boundary which are fenced. There are also rock formations within the work site that are not protected. The Auditor requested that the Project team confirm which specific rock outcrops require protection. The project team advised that it has: requested further clarification in relation to this condition. Both the EIS and the Aboriginal Archaeological Due Diligence Assessment both advise that there is nil to low probability of significant outcrops being within the site. HCA have protected the main outcrops within the site in line with this condition. Urbis, the project Heritage and Aboriginal, consultant have been onsite several times during construction and raised no concerns with the current management. The Auditor also conducted a brief review of the RIS and supporting technical studies, along with the Department's Assessment Report and was not able to confirm this matter.</p>	Seek written confirmation from the Department on the exact rock outcrops requiring protection.	Savills / SINSW	CLOSED	<p>HCA and Urbis have requested clarification from Planning NSW based on the information mentioned within the review. Planning were unable to provide a definitive answer about specific rock outcrops and stated that all rock outcrops are required to be protected. HCA have installed fencing to all rock outcrops inline with this.</p>
9	CoC C31	Observation	<p>CoC C31 requires that all waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.</p> <p>Housekeeping was observed to be required during the site inspection. Small amounts of waste had extended beyond the fencing, whilst still within the project boundary.</p>	Hindmarsh initiated a clean-up of the site during the site inspection	NA	CLOSED	<p>Confirming observation was closed out during the audit. No further action required.</p>
10	CoC D28	Observation	<p>CoC D28 requires that prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:</p> <p>a) detail the type and quantity of waste to be generated during operation of the development; b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (Department of Environment, Climate Change and Water, 2009); c) detail the materials to be reused or recycled, either on or off site; and d) include the Management and Mitigation Measures included in the Operational Waste Management Plan prepared by Foresight Environmental, dated 22 July 2019.</p> <p>The Operational Waste Management Plan identifies collection (i.e.: commercial waste transporter collection), not disposal at destination. The Operational Waste Management Plan identifies general classifications from typical commercial facilities or that defined by commercial waste operators rather than any specific classifications from the Waste Classification Guidelines. Whilst not necessarily inconsistent with the relevant legislation and subordinate guidelines, the Operational Waste Management Plan does not reference the POEO Act, Waste Regulation or Waste Classification Guidelines. The Auditor considers the Operational Waste Management Plan to be fit for purpose in its current form.</p>	None	NA	CLOSED	<p>Confirming observation was closed out during the audit. No further action required.</p>

11	CoC D35	Observation	<p>CoC D35 requires that prior to the commencement of operation, an Operational Flood Evacuation and Emergency Management Plan (OFEMP) must be prepared by a suitably qualified person. The plan must be prepared in consultation with the NSW SES and Council and in accordance with Floodplain Risk Management Guideline (OEH, 2007).</p> <p>It is the Auditors position that the consultation undertaken did not provide a reasonable amount of time for the stakeholders to respond prior to commencement of operations (-1 week was provided). The Auditor notes that further time has passed since provision of the document to the stakeholders and no comments have been provided.</p>	None	NA	CLOSED	Confirming observation was closed out during the audit. No further action required.
13	CEMP Section 13.1	Observation	<p>Section 13.1 of the CEMP states: -Weekly SQE Report -Weekly Environment & Sustainability Check Sheet or Daily Environmental & Sustainability Check Sheet</p> <ol style="list-style-type: none"> Results of the Environmental & Sustainability Weekly or Daily Check Sheet are to be reported to the Project Manager The report is to be co-signed by the Project Manager <p>The check sheets are signed off by the SQE Manager and Site Manager (rather than the Project Manager).</p>	Implement each of the commitments from the CEMP as written, or review and update the CEMP and Sub- plans to reflect current practice (whilst maintaining compliance with the CoC).	Hindmarsh 30/05/21	OPEN	HCA will review and ensure that all sub-plans are being adhered to or altered if the plans are not applicable, or relevant at this current stage of construction
14	CWMSP Section 5.6	Observation	<p>Section 5.6 states that the site manager will post educational signage in relation the recycling activities on site in breakout areas, lunch rooms etc.</p> <p>No signage is posted up regarding recycling as the skip bins go through segregation and recycling off site (no need for education on site).</p>	Implement each of the commitments from the CEMP as written, or review and update the CEMP and Sub- plans to reflect current practice (whilst maintaining compliance with the CoC).	Hindmarsh	CLOSED	Updated signage installed in lunchroom inline with the current recycling methods utilised on site.
15	CNVMSR Section 4.8	Observation	<p>Section 4.8 states that as part of the management of noise from the proposed excavation and construction activities to be undertaken on the site the following noise and vibration measurements are recommended to be undertaken:</p> <ol style="list-style-type: none"> Noise – Continuous noise monitoring is to be undertaken at the site during the proposed periods of demolition. Monitoring will be conducted at 2 locations including positions which are representative to the following residential receivers: <ol style="list-style-type: none"> Dunstan Grove – to the north west of the site. Tubbs View – to the north east of the site. <p>Note that this finding is a duplicate of that identified for CoC A23. The Noise Monitoring Reports do not include many of the elements of a noise monitoring report recommended in the Interim Construction Noise Guidelines (ICNG), nor is there any reference to the methodology used / standard applied, or evidence to demonstrate that the instrumentation is properly calibrated.</p>	<p>Noise Monitoring Reports to include clear statements on the methodologies used and standards applied, as well as inclusion of calibration certificates.</p>	Hindmarsh 30/05/21 To be included in future Noise Monitoring Reports	OPEN	<p>The project acoustic Consultant, White Noise, has provided a response in relation to the methodology for measuring of the receivers based on the location. This also addresses the response to noise impact inline with the CNVMSR. Refer to attached.</p> <p>Noise monitoring reports updated to include calibration certificates</p> <p>CNVMSR section 4.8 updated to include reference to standards and noise monitoring methodology.</p>
16	CSWMSP Section 6.5.5	Observation	<p>Section 6.5.5 states Erosion and sediment control measures should be inspected and maintained regularly, generally weekly and within 24 hours of each significant rainfall event. The site supervisor should be responsible for this to be undertaken. It is recommended the daily inspection be recorded including the following relevant information:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Condition of each element noted on the Erosion and Sediment Control Plan <input type="checkbox"/> Any maintenance requirements of each element <input type="checkbox"/> Volume of sediment removed and if the location of the element is appropriate. <input type="checkbox"/> Disposal method of site trapped sediment. <input type="checkbox"/> Condition of site entry and gravel rip/rap <input type="checkbox"/> Condition of stockpile protection if relevant <input type="checkbox"/> Site stormwater disposal location conditions <input type="checkbox"/> Drains checked to ensure adequate site runoff and for signs of erosion <input type="checkbox"/> Any sediment erosion control linings <input type="checkbox"/> Condition of revegetation works if relevant. <p>It is recommended these are recorded and issued to the Principles Authorised Person weekly as part of reporting procedures.</p> <p>The inspection regime, whilst appropriate for the risks on site, appear to identify issues by exception rather than evidencing checks on each element in this commitment.</p>	Implement each of the commitments from the CEMP as written, or review and update the CEMP and Sub- plans to reflect current practice (whilst maintaining compliance with the CoC).	Hindmarsh 30/05/21	OPEN	HCA will review and ensure that all sub-plans are being adhered to or altered if the plans are not applicable, or relevant at this current stage of construction
17	BEMESP Appendix 2	Non-conformance	<p>Appendix 2 states that the Site Manager will ensure that (among other things) a copy of the current plan is distributed to the local emergency management committee and emergency services.</p> <p>A copy of the plan was not provided to the Rural Fire Service until 15/02/21, and has not been provided to the local emergency management committee.</p>	Implement each of the commitments from the CEMP as written, or review and update the CEMP and Sub- plans to reflect current practice (whilst maintaining compliance with the CoC).	Hindmarsh 30/05/21	OPEN	<p>HCA have submitted the Construction Bushfire Management Plan to Council and RFS on 15/02/2021.</p> <p>HCA will review and ensure that all sub-plans are being adhered to or altered if the plans are not applicable, or relevant at this current stage of construction</p>