

13 April 2022

NSW Planning, Industry & Environment
GPO BOX 39
Sydney NSW 2001

RE: SSDA 6471 Condition B15 RESPONSE TO INDEPENDENT AUDIT - MARCH 2022

Alex,

Pursuit SSD 6471 Condition B15 (a) & (b), please see below project response to the Non-Conformances and Observations raised by the Independent Environment Audit (IEA) conducted by Wolf Peak Independent Audit dated 9th March 2022.

In accordance with Condition B15 (c), RCC advise the publication of this response to the Sydney Modern Project website 7 days from 13th April 2021.

Can you please review and provide acceptance of the corrective actions at your earliest convenience, should you have any further queries please do not hesitate to contact the undersigned.

Thanks

RICHARD CROOKES CONSTRUCTIONS PTY LIMITED

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Attachment 1: Non-Compliances, Observations and Corrective Actions

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Ref	Compliance Requirement	IEA Finding	IEA Proposed Close Out Actions & Timeframe	RCC Close Out Evidence & Comments
NON-COMPLIANCE				
A9	<p>Requirement: Within three months of:</p> <ul style="list-style-type: none"> a) the submission of a Compliance Report under condition B9; b) the submission of an incident report under condition A12; c) the submission of an Independent Audit under condition B13; d) the approval of any modification of the conditions of this consent; or e) the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out. <p>If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the</p>	<p>The review of the management plans following the second Independent Audit was completed between May and August 2021. The Department was not notified. The CEMP and Sub-plans are under continual review without any formal periodic update or resubmission.</p>	<p>Notify the Department of the next review and resubmit revised plans (if any) to the Department.</p> <p>Due Date: 31/5/22</p>	<p>RCC agreed with the IEA finding.</p> <p>The department was notified on 13th April 22 of management plan review.</p>

	Planning Secretary for approval within six weeks of the review.			
OBSERVATIONS				
B56	Requirement: A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under Section 138 of the Roads Act 1993 for any activity that may impact on the operation of Lincoln Crescent and Cowper Wharf Road. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.	Evidence indicates that the ROL for the use of the crane over Cowper Wharf Road was submitted on 08/02/22 (9 days prior to commencement) and the ROL was granted for 20/02/22 (less than 10 working days after submission). The Auditor observes that the proponent must comply with the date assigned to the ROL or (where less than 10 working days after the date of application) miss the opportunity to undertake the work in order to meet this condition.	Allow a minimum of 10 working days for processing ROL applications. Prior to next event requiring a new ROL	RCC agreed with the IEA finding.
B61	Prior to the commencement of works, the Applicant shall prepare and implement a Construction Environmental Management Plan (CEMP) for the development and be submitted to the Certifying Authority. Prior to the commencement of works, a copy of the CEMP must be submitted to Council and the Planning Secretary.	Minor updates (policy change and risk matrix change) were made to the CEMP during the audit period; however the update has not been sent to the Certifier, Council or Planning Secretary.	Notify the Department of the next review and resubmit revised plans (if any) to the Department, Council and Certifier. Due Date: 31/5/22	RCC agreed with the IEA finding. Works in progress
C10	Vibration caused by construction at any residence or structure outside the subject site must be limited to: a) for structural damage vibration to buildings (excluding heritage buildings), British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings; b) for structural damage vibration to heritage buildings, German Standard DIN 4150 Part 3	The October 2021 Noise and Vibration Monitoring Report identifies exceedances at the north statue but states that levels were from the 'Tracking of an excavator within the vicinity of the statue, not associated with landscaping works'. The Auditor requested that the auditees clarify why an excavator at Stage 2 works is not identified as a concern from a	Future vibration exceedances, along associated assessments and corrective actions should be formally documented. Next Vibration exceedance	RCC disagree with the findings of the IEA. All exceedances are documented and consulted with the Noise and Vibration Consultant - White Noise

	<p>Structural Vibration in Buildings Effects on Structure-, and</p> <p>c) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.</p>	<p>vibration impact perspective and to provide justification as to why corrective actions were not applied. In response, the Project’s noise consultant stated:</p> <p>‘a. The event was associated with the tracking of an excavator through the landscaping works zone within the vicinity of the northern statue.</p> <p>b. The tracking of the excavator was advised by RCC as not a repetitive event and not a continuous activity such as hammering resulting from the removal of rock or the like.</p> <p>c. As a result of the event RCC has committed to tracking excavators with a greater distance separation to the norther statue to that which resulting in a vibration magnitude above the alert limit.’</p> <p>The November and December 2021 Noise and Vibration Monitoring Reports identify numerous exceedances at the Art Gallery Building logger but sates that ‘Events associated with ground works within proximity to monitor, results includes magnitudes which would be within specified vibration levels at the Art Gallery buildings and infrastructure’.</p> <p>The February 2022 Noise and Vibration Monitoring Report identify exceedances at the Art Gallery Building, Northern Statue and Southern Statue loggers but sates that ‘Event associated with materials</p>		
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		achieved. That being said the Auditor also observes that the Art Gallery of NSW and the northern Statue form part of the subject site.		
C17	If during the course of construction, the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the OEHL Heritage Division must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on the site.	<p>The Project's heritage consultant (GML) monitored Stage 2 works near the existing AGNSW on 06/10/21, 26/10/21, 12/11/21, 18/02/21. Some heritage items were associated with / exposed during the works and there was no formal notification to Heritage NSW sighted. RCC (previously) and the Auditor (as part of the Independent Audit) queried why notification to Heritage NSW was not completed in accordance with C17. GML responded by stating:</p> <p>'GML Heritage has been called out to the AGNSW Sydney Modern Expansion Project site on several occasions since the commencement of bulk excavation by RCC in December 2019 to inspect potential relics exposed during site works, as required under SSD Condition C16. Once called, works in those areas ceased until the archaeologist had assessed and recorded exposed remains. RCC was then advised when ground works could recommence in each area.</p> <p>Record of all archaeological remains identified during site visits are being recorded in an Archaeological Monitoring Letter Report to be issued at the finalisation of ground works as per SSD Condition D1.</p>	<p>Obtain written advice from Heritage NSW that confirms GMLs position.</p> <p>Due Date: 31/5/22</p>	<p>RCC agreed with the IEA finding.</p> <p>Works in progress.</p>

		<p>During the site works GML Heritage has maintained contact with Heritage NSW to advise of archaeological relics exposed at the site and their recording in the Archaeological Monitoring Letter Report for the site. GML archaeologists have been advised that Heritage NSW was not required to be contacted each time archaeological resources were exposed, provided that all site work contractors continued to regularly advise the approved Project's Nominated Archaeologist (Dr Nadia Iacono) of the on-site works program, to enable stop work procedures if and when potential archaeological remains were exposed. This procedure will continue to be undertaken until all ground works with potential to impact areas of identified archaeological potential are completed.'</p> <p>No evidence of such advice from Heritage NSW has been sighted by RCC or the Auditor.</p>		
C40	<p>A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments and that recommendations contained within the Arboricultural Impact Assessment Report, dated November 2017 (Appendix AH in the EIS) are carried out.</p>	<p>The Project's arborist (Earthscape) attended the site twice during the audit period. The Earthscape letters confirm the arborist's general satisfaction with tree protection measures in place in September 2021, noting some improvements were required (i.e.: increased set back from the exploratory trench near tree T739 and T741, as well as backfill with clean soil). The works subject to the arborists recommendations are ongoing and therefore the recommendations have not been addressed.</p>	<p>Complete rectification works once the exploratory trench works are complete and have the arborist verify their acceptance of those works.</p> <p>Once the exploratory trench works are complete</p>	<p>RCC agreed with the IEA finding.</p> <p>Works in progress.</p>

<p>C41</p>	<p>All trees are to be monitored by the Project Arborist to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. All tree works must be carried out in accordance with all relevant Australian Standards.</p>	<p>Note that this finding relates to the same issue as that identified in IA2022_13 above. The Project’s arborist (Earthscape) attended the site twice during the audit period. The Earthscape letters confirm the arborist’s general satisfaction with tree protection measures in place in September 2021, noting some improvements were required (i.e.: increased set back from the exploratory trench near tree T739 and T741, as well as backfill with clean soil). The works subject to the arborists recommendations are ongoing and therefore the recommendations have not been addressed.</p>	<p>Complete rectification works once the exploratory trench works are complete and have the arborist verify their acceptance of those works.</p> <p>Once the exploratory trench works are complete</p>	<p>RCC agreed with the IEA finding.</p> <p>Works in progress.</p>
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