



Transport
for NSW

Mr Rob Sherry
Team Leader Compliance – Government Projects
Department of Planning, Housing and Infrastructure
4 Parramatta Square
Parramatta NSW 2150

Dear Mr Sherry,

**Re: SSI 9364 - M12 Motorway - CoA A42 and A43 Independent Audit Report
Updated Proponent's Response**

Further to the response to DPHI RFI (PA-267) in which TfNSW submitted an updated Independent Environmental Audit Report, please find attached an updated table outlining the responses to the revised M12 Independent Audit Report (V3, 28 March 2024) for the audit held on 30 & 31 October and 13 November 2023.

If you have any further questions, Tracey Austin, Environment and Sustainability Manager, would be pleased to take your call on [REDACTED]

Yours sincerely

[REDACTED]

Sheila Anderson
Senior Manager Environment and Sustainability

Date: 19/04/2024

Attachment 1: M12 audit findings and proponent responses

Finding No.	Finding Type	Package + Responsible party	Condition of Approval	Audit Finding Details	Response
M12C-03 NC-01	Non-Compliance	M12 Central SWC	A4 General	Based on the non-compliance raised against Condition E1, a non-compliance is triggered for A4(f) and (g).	A non-compliance (NC17) against A4 (h), (i) and E1 was raised and issued to DPE on 3.11.2023 (SSI-9364-PA244).
M12C-03 NC-02	Non-Compliance	M12 Central SWC	E1 Air Quality	Equipment used for unattended air quality monitoring is currently out of calibration. This raises a non-compliance against Condition E1.	The unattended monitoring stations have been sent to the Laboratory for calibration. This process has been delayed due to supplier issues. During this process, attended monitoring is being undertaken.
M12C-03 NC-03	Non-Compliance	M12 Central SWC	A20 Minor Ancillary Facilities	<i>Self-reported</i> non-compliance with Condition A20. During review of the M12C CEMP update, the ER identified that the location of a minor ancillary facility established adjacent to Bridge 11 did not match the location of the approved ancillary facility as outlined in the EIS.	A non-compliance (NC14) against A20 was raised and issued to DPE on 31.08.2023 (SSI-9364-PA244). When the issue was identified a minor ancillary facility checklist was immediately completed and provided to the ER for review and approval. ER endorsed on 24/08/23.
M12C-03 OFI-01	Opportunity for Improvement	M12 Central SWC	C2 CEMP	The risk registers for August and September 2023 did not include a rating for the consequence columns under initial risks and residual risks. C2 (c)	The risk register has been updated to correct this.
M12C-03	Opportunity for	M12 Central SWC	C2 CEMP	A training matrix has not been developed to identify any gaps for	A Training matrix has been prepared.

OFI-02	Improvement			environmental specific training requirements. C2 (j)	
M12C-03 OFI-03	Opportunity for Improvement	M12 Central SWC	B8 Complaints Register	The complaints register was not fully maintained with some closed entries missing the resolution date. One action entered did not appear to address the complaint in full.	The complaints register was updated. The complaints register is submitted to TfNSW on a fortnightly basis.
M12C-03 OFI-04	Opportunity for Improvement	M12 Central SWC	E84 Soils	Not all Progressive Erosion and Sediment Control Plans (PESCPs) were signed by the Soil Conservationist.	All PESCP's have been updated with Soil Conservationists signature
M12C-02-OFI-01	Opportunity for Improvement (remaining open from previous audit)	M12 Central SWC	2. E37 Out-Of-Hours Work Protocol 3. E84 Soils	2. It was noted that register for OOHW permits has not been maintained. Data recorded was not up to date. The OOHW Register was not up to date. This finding remains open. 3. It was noted that register for Progressive Erosion and Sediment Control Plans (PESCPs) has not been maintained. The ERSED Register was not up to date. This finding remains open.	Registers have been updated.
M12W-03 NC-01	Non-Compliance	M12 West CPBGG-JV TfNSW	A1 General	<i>Self-reported</i> non-compliances with conditions of approval A1 and A2 were identified at 752-810 Luddenham Road Luddenham. It was observed that a topsoil stockpile generated from project works may have been placed beyond the project boundary. The project boundary was confirmed on the 25/08/2023 and the stockpile that extended beyond the approved project boundary was removed immediately to comply with A2. The non-project assessed land on which the stockpile was located was confirmed to be TfNSW land, however it was not land	A non-compliance (NC15) against A1 and A2 was raised and issued to DPE (SSI-9364-PA214). The stockpile was relocated as soon as the boundary was confirmed. The impacted land was remediated, the site boundary was fenced, and site controls reinstated in compliance with the confirmed project boundary.

				assessed for project activities such as stockpiling as per documents listed in A1. This non-compliance was notified to DPE with Condition A2 (below). This raises a non-compliance against Condition A1.	
M12W-03 NC-02	Non-Compliance	M12 West CPBGG-JV TfNSW	A2 General	<i>Self-reported</i> non-compliances with conditions of approval A1 and A2 were identified at 752-810 Luddenham Road Luddenham. It was observed that a topsoil stockpile generated from project works may have been placed beyond the project boundary. The project boundary was confirmed on the 25/08/2023 and the stockpile that extended beyond the approved project boundary was removed immediately to comply with A2. The non-project assessed land on which the stockpile was located was confirmed to be TfNSW land, however it was not land assessed for project activities such as stockpiling as per documents listed in A1. This raises a non-compliance against Condition A2.	<p>A non-compliance (NC15) against A1 and A2 was raised and issued to DPE (SSI-9364-PA214).</p> <p>The stockpile was relocated as soon as the boundary was confirmed. The impacted land was remediated, the site boundary was fenced, and site controls reinstated in compliance with the confirmed project boundary.</p>
M12W-03 NC-03	Non-Compliance	M12 West CPBGG-JV TfNSW	A4 (f) Compliance with approval	Based on the non-compliances raised against Conditions A1, A2, A34 and B10, a non-compliance is triggered against A4(f).	<p>A non-compliance (NC13) against A34 and B10 was raised and issued to DPE (SSI-9364-PA-173).</p> <p>A non-compliance (NC15) against A1 and A2 was raised and issued to DPE (SSI-9364-PA-214).</p>
M12W-03 NC-04	Non-Compliance	M12 West CPBGG-JV TfNSW	A34 ER approval	<i>Self-reported</i> non-compliances with conditions of approval A34(i) and B10 were identified relating to the use of the mobile crusher in a Construction Ancillary Facility prior to its assessment and approval being completed by the	<p>A non-compliance (NC13) against A34 and B10 was raised and issued to DPE (SSI-9364-PA-173).</p> <p>The SEMP was updated to include crusher 26/5/23, approved by ER</p>

				ER (Condition A34i), and the subsequent publishing by TfNSW of the revised Site Management Plan (SEMP), to comply with Condition B10. This non-compliance was notified to DPE with Condition B10 (below).	30/5/23 and was published on website 1/6/23.
M12W-03 NC-05	Non-Compliance	M12 West CPBGG-JV TfNSW	B10 Electronic Information	<i>Self-reported</i> non-compliances with conditions of approval A34(i) and B10 were identified relating to the use of the mobile crusher in a Construction Ancillary Facility prior to its assessment and approval being completed by the ER (Condition A34i), and the subsequent publishing by TfNSW of the revised Site Management Plan (SEMP), to comply with Condition B10.	A non-compliance (NC13) against A34 and B10 was raised and issued to DPE (SSI-9364-PA-173). The SEMP was updated to include crusher 26/5/23, approved by ER 30/5/23 and was published on website 1/6/23.
M12W-03-OFI-01	Opportunity for Improvement	M12 West CPBGG-JV	C2 CEMP	A training matrix has not been developed to identify any gaps for environmental specific training requirements. C2 (j)	M12W Environmental Training Matrix has been developed for implementation for the duration of the project, supporting compliance with CoA C2.
M12W-03-OFI-02	Opportunity for Improvement	M12 West CPBGG-JV	C10 CEMP	Based on the evidence presented, close out of comments during the ER and TfNSW reviews of CPBGG-JV's CEMP and sub-plans did not appear to be documented. The use of Teambinder during the review process of all required plans is highly recommended for traceability purposes.	Compliance related documentation supply, review or correspondence is now issued to TfNSW via Teambinder. Similarly, the next annual review cycle of CEMP and Sub-Plans will be submitted via Teambinder also.
M12W-03-Note	Note	M12 West CPBGG-JV	E 85 Contaminated sites	It is noted that the DSI has not been prepared by a CEnvP (Site Contamination) as required by E85. Prior to finalisation of the report, it is recommended that a CEnvP be engaged to review and approve the final report.	M12W DSI in draft stages only. Formal correspondence has been received by CPBGGJV from the projects hygiene consultants (Sydney Environmental Group) confirming that the final DSI will be reviewed and approved by a (CEnvP(SC)) once DSI approval is

					obtained from project Site Auditor, to ensure compliance with CoA E85.
M12TR-NC-01	Non-Compliance	M12 Central - Temporary Roundabout Ventia	A4(f) General	Based on the non-compliance raised against Condition B5, a non-compliance is triggered against A4(f).	A non-compliance (NC16) against CoA B5, was raised and issued to DPE on 25.10.2023 (SSI-9364-PA-240).
M12TR-NC-02	Non-Compliance	M12 Central - Temporary Roundabout Ventia	B5 Community Consultation	A <i>self-reported</i> non-compliance was identified during the audit period for the temporary roundabout works with regards to the Out-of-Hours Work (OOHW) notification in accordance with Condition B5 whereby works were undertaken exceeding the notification (notified as only 2 consecutive nights).	<p>A non-compliance (NC16) against CoA B5, was raised and issued to DPE (SSI-9364-PA-240).</p> <p>The work was immediately stopped for the week. The following week work was undertaken in accordance with the notification. Concurrently, an updated notification advising of the approved five nights per week OOHW was prepared and distributed to the community, five days in advance of the increased out of hours works.</p>
M12TR-OFI-01	Opportunity for Improvement	M12 Central - Temporary Roundabout Ventia	C10 CEMP	<p>Close out of actions and their status as raised during environmental inspections were not clearly demonstrated.</p> <p>It is recommended to review the process for close out of actions.</p>	<p>The process of managing corrective actions was reviewed and the following process is to be adopted. Actions are managed and tracked for close out in the Dashpivot App and depending on the nature of actions (high, medium or low priority), close out will be within appropriate timeframes or as agreed with the Project Team. The status of each action is tracked in Dashpivot where the status of the action can be reviewed.</p> <p>Additionally, inspection reports are tracked in a workflow where an inspection report remains open until all actions are verified and closed. Each inspection report requires the</p>

					parties to confirm that the actions are completed.
M12TR-OFI-02	Opportunity for Improvement	M12 Central - Temporary Roundabout Ventia	E104 Waste	<p>The column for the correlating classification reports was incomplete in the waste tracking register.</p> <p>It is recommended to update the register to provide a link to the classification reports.</p>	Waste tracking register Column P has been updated with reference to the relevant waste classification reports.