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26 February 2020



Luis Garzon  
Consultant  
AQUAS  
Level 7, 116 Miller Street  
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Dear Luis

**Response to draft Compliance Report**

We understand that we are required to respond to your audit report in accordance with section 4.3 of the Department of Planning and Environment's Post Approval Requirements for Independent Audits. Please find attached table summarising your findings from the audit and our response.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Elisabeth Wallace".

Elisabeth Wallace

| Finding Number                  | Condition of Consent ID and requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Audit Finding and Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Proponent Response                                                                                                                                                                                                                                                   |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Non Compliance -01              | <p><b>A2. Terms of Consent</b><br/>The development may only be carried out:</p> <ul style="list-style-type: none"> <li>a) in compliance with the conditions of consent;</li> <li>b) in accordance with all written directions of the Planning Secretary;</li> <li>c) generally in accordance with the EIS and Response to Submissions and Supplementary Information; and</li> <li>d) In accordance with the approved plans</li> </ul>                                                                                                                                                 | Based on the non-compliance of condition C37, condition A2(a) is non-compliant.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>We note that the condition A2 requirement in AQUAS table is incorrect and must be copied from another project (refers to Jacobs documents). The correct condition is included in this table.</p> <p>Please refer to the response below for Non Compliance-02.</p> |
| Non Compliance -02              | <p><b>C37 Independent Environmental Audit</b><br/>Table 1 of the Independent Audit Post Approval Requirements (Department 2009) is amended so that the frequency of audits required in the construction phase is:</p> <ul style="list-style-type: none"> <li>a) An initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and</li> <li>b) A subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.</li> </ul> | <p>The initial independent audit was not conducted within 8 weeks of commencement of construction, as per the modified requirement of table 1 of the Independent Audit Post Approval Requirements. It is noted that the first audit was delayed until FDC had substantially commenced works on site. <b>Recommendation:</b> It is recommended to conduct subsequent independent environmental audits in accordance with the audit program.</p> <p>This initial audit was then delayed until 18 September as a result of the works being delayed on site. This delay in the timing of the audit was discussed with AQUAS and they did not raise any concern with this delay.</p> <p>The second audit was scheduled to take place in February 2020 – we confirm that this audit was undertaken on 6 February 2020.</p> <p>FDC's CEMP was updated in January 2020 to include the frequency of the provision of noise and vibration reports to be issued every 6 months.</p> <p>FDC monitors noise and vibration onsite. 3 noise monitors are installed and 2 vibration monitors in locations as per the plan. Data is being collected and report including exceedances, if any, is to be submitted shortly by the subcontractor.</p> <p>It is suggested the FDC could establish timeframes for receiving periodic noise and vibration reports. These timeframes should be included in the CEMP.</p> <p>Water goes into the sediment pond, gets flocculated and then discharged into Macquarie Lake (not to the street stormwater system).</p> |                                                                                                                                                                                                                                                                      |
| Opportunity for Improvement -01 | <p><b>A23 Monitoring and Environmental Audits</b><br/>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 EP&amp;A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.</p>                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                      |
| Opportunity for Improvement -01 | <p><b>C28 Disposal of Seepage and Stormwater</b><br/>Any seepage or rainwater collected on-site during construction or groundwater must not be pumped</p>                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                      |



| Finding Number | Condition of Consent ID and requirement                                                        | Audit Finding and Recommendation                                                                                                    | Proponent Response                                                                |
|----------------|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
|                | to the street stormwater system unless separate prior approval is given in writing by Council. | It is suggested that FDC consider preparing records of flocculation and discharges to the sediment pond and maintaining a register. | discharge to ensure that it meets the minimum discharge requirements (blue book). |