

## Non-Compliance Event 14-day Report

In accordance with Condition 5 (c) of the Coordinator General Change Report (CGCR) – this report provides written advice to the Environmental Monitor and the Coordinator-General, within 14 days of the 48- hour NCE notification.

<b>NCE Ref</b>	<b>CRRDA-NCE-TSD-004</b>	<b>NCE Ref (DA)</b>	<b>CRRDA-005</b>
<b>Reported by</b>	Delivery Authority	<b>Date Reported to CG</b>	21 April 2020 (note: a 7-day extension was agreed to by the Coordinator-General)
<b>Date, time and location of event</b>	27 March 2020; Location – not applicable.		
<b>Short description of the Event</b>	An interpretation of monitoring results, required under Endorsed CEMP R3 S7.5, has not been provided to support the statement provided in Monthly Report February 2020 that “all noise monitoring data adhered to project requirements”		
<b>Circumstances under which the non-compliance event occurred (include activity being undertaken, predictive modelling, monitoring etc)</b>	<p>Endorsed CEMP R3, at section 7.5 (Reporting) provides that:</p> <p>To ensure compliance with Coordinator-General Condition 6 and where relevant the OEMP, [the Contractor] will prepare and submit a monthly report within 6 weeks from the end of the month to the Delivery Authority, which includes the following information:</p> <ul style="list-style-type: none"> <li>Monitoring data required by the Imposed Conditions or CEMP undertaken for the period and, where required, an interpretation of the results;</li> <li>A schedule of all validated monitoring results.</li> <li>Validated monitoring results must be produced for the preceding month’s monitoring programme (OEMP p 33);</li> </ul> <p>Imposed Condition 11(a) requires that Project Works must “<i>aim to achieve the project noise goals for human health and well-being presented in Table 2</i>”.</p> <p>Imposed Condition 11(b) requires that during construction, [the contractor must] “<i>monitor and report on noise and vibration in accordance with the Noise and Vibration Management Plan.</i>”</p> <p>The Noise and Vibration Management Plan within endorsed CEMP R3 states that ‘based on modelling data without mitigation, for site establishment and phase 2 works, a number of properties in the Roma Street, Albert Street, Woolloongabba, and Boggo Road/Southern Portal precincts would experience potential noise exceedances’.</p> <p>The endorsed CEMP R3, section 7.5 refers to OEMP requirements. The OEMP, at Noise and Vibration Management Plan section 5.4.5, provides for monitoring requirements that include:</p> <ul style="list-style-type: none"> <li>“Monitoring must be conducted in locations where predictive modelling indicates exceedances of either the noise or vibration goals are likely to occur, or where verified noise and/or vibration complaints have occurred”; and,</li> <li>“The results of noise and vibration monitoring must be reported in the monthly environment report, along with details of any incidents or complaints relating to noise and vibration management”</li> </ul> <p>As an example, the February 2020 Monthly report for Tunnels and Stations Development provides a tabularisation of attended noise monitoring conducted during February 2020. The tabularised results provide a statement that “all noise monitoring data adhered to project requirements”.</p> <p>The entry for 19/02/2020, Albert Street, provides monitoring results for LA10 and LAeq of 83 dBA and 78.7 dBA respectively. These monitored results are above the noise goals provided for in Condition 11 (a) Table 2.</p> <p>The report does not include an interpretation of the results as required under Endorsed CEMP R3 section 7.5 to address CEMP R3 section 4.6.5.2 (Environmental Outcomes), 4.6.5.3 (Performance Criteria), 4.6.5.5 (Mitigation Measures). The report does not include interpretation details against the CEMP R3 requirements support the statement “all noise monitoring data adhered to project requirements”.</p> <p>In December 2019 and January 2020, the Delivery Authority formally provided information and guidance to assist with the preparation of future monthly reports.</p>		

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	On this basis, the Environmental Monitor has advised the Delivery Authority and the contractor that there is insufficient information provided to support these statements and as a consequence, a non-compliance event has occurred.		
Consultation with DAP's (if applicable)	Not applicable.		
Details of any complaints in relation to this incident	None received.		
Root cause of non-compliance	<p>The February 2020 Monthly report for Tunnels and Stations Development provides a tabularisation of attended noise monitoring conducted during February 2020. The tabularised results provide a statement that "all noise monitoring data adhered to project requirements".</p> <p>The report does not include an interpretation of the results as required under Endorsed CEMP R3 section 7.5. Specifically, the report does not include interpretation details that demonstrate consideration of the Condition 11 (a) noise goals to support the statement "all noise monitoring data adhered to project requirements".</p>		
Description of environmental effects and impacts	No environmental effects/impacts identified.		
Was sampling or monitoring performed in relation to this event? (if so attach results)	No additional monitoring was required relevant to this event.		
Actions already undertaken to mitigate environmental effects of this NCE	During December 2019 and January 2020, the Delivery Authority has provided formal correspondence and guidance to assist Project contractors satisfy Imposed Condition requirements related to monthly reporting.		
Additional actions to be undertaken (and timeframes for completion)	<p>The Delivery Authority will seek to undertake a workshop with the Environmental Monitor and project contractors to confirm reporting obligations in accordance with the endorsed CEMP, Imposed Conditions and the approved Outline Environmental Management Plan.</p> <p><b>Actions completed by 29.05.2020</b></p> <ul style="list-style-type: none"> <li>Agreed monthly reporting content and level of interpretation.</li> <li>Agreement in principle has been reached that the monthly report will be updated. After receiving the formal comments/recommendations from the OCG, dated 29/05/2020, it has been agreed further review will be completed to ensure all items are addressed. This will be managed outside of the NCE 004 process.</li> </ul>		
Proposed actions to prevent reoccurrence of the NCE (include responsibility and timeframes)	<p>Review of Draft monthly report by the Cross River Rail Delivery Authority, Department of Transport and Main Roads (DTMR) and the Environmental Monitor prior to formal issue to the Delivery Authority.</p> <p>Any comments raised during this review are to be provided to project contractors in a timely manner to allow them to update their report prior to formal submission to the Cross River Rail Delivery Authority which is required to support the Project's monthly submission to the Office of Coordinator-General.</p>		

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<b>Report completed by</b>	The Delivery Authority with advice from the Environment Monitor		
<b>Completion statement</b>	Monthly reporting content and level of interpretation has been reviewed and requirements for future monthly reports agreed. NCE closed.		