

4 July 2023

North East Link Early
Works Independent
Environmental Auditor
Six-Monthly Summary
Report: August 2022 to
January 2023 for
Submission to the
Minister for Planning
North East Link Program

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Executive Summary

ES1 Introduction

This report presents the Six-Monthly Summary Report for the North East Link (NEL) Program (the Program), and specifically for the North East Link Early Works (NELEW), for the period August 2022 to January 2023, inclusive (hereinafter referred to as the 'reporting period'). It summarises audit activities during the reporting period, audit findings, the status of actions taken to address previous audit findings and the NELEW contractors' compliance status with respect to the Environmental Management Framework (EMF) and Environmental Performance Requirements (EPRs).

The Program will connect the M80 to an upgraded Eastern Freeway through twin tunnels constructed beneath the Yarra River, linking key growth areas in the north and south-east. The NELEW is the first package of works for the Program and comprises the relocation of around 100 above, and underground services (i.e. power, gas, telecommunications, water and sewerage etc) to enable major construction of the NEL and delivery of the Bulleen Park and Ride.

As a requirement of Section 2 of the EMF, approved by the Minister for Planning, an Independent Environmental Auditor (IEA) must be engaged. The role of the IEA is to review environmental documentation to verify compliance with, and undertake environmental audits of Program activities to assess compliance with the EMF, EPRs, Environmental Strategy, Construction Environmental Management Plan (CEMP), Worksite Environmental Management Plans (WEMPs), Construction Compound Plans (CCPs), and approval conditions collectively referred to as Program contract requirements.

It is noted that not all requirements of the EMF, nor the EPRs are applicable to delivery of the NELEW (i.e. 97 of the 110 EPRs are applicable to the NELEW and, at the time of the reporting period, one of these applicable EPRs had yet to be triggered by delivery of the NELEW). The EMF requires that compliance with all relevant EPRs be audited at least once every 12 months. Consequently, each NELEW IEA Compliance Audit covers a sub-set of the 97 applicable EPRs (i.e. not all of the 97 EPRs applicable to the NELEW will be audited during each audit and within each six-monthly summary reporting period).

The Managing Contractor delivering the majority of the NELEW is CPB Contractors Pty Ltd (CPB), with the exception of:

- a new power substation near Blamey Road in Yallambie, for which the Managing Contractor is Jemena Electricity Networks (Vic) Ltd (Jemena).
- rail advance works, for which the Managing Contractor is Metro Trains Melbourne (MTM).
- M80 Optus tower relocation, for which the Managing Contractor is Service Stream Limited (Service Stream)

Audit findings summarised in this report relate to audits conducted on works being delivered by CPB and MTM only, as no audits were conducted on works being delivered by Jemena or Service Stream during the reporting period.

Pursuant to the EMF, Nation Partners Pty Ltd (Nation Partners) has been engaged as the IEA for the NELEW by CPB, on behalf of NELP.

ES2 Audit activities

Across the reporting period, the IEA conducted three (3) compliance audits comprising: two (2) compliance audits on a quarterly basis covering CPB's construction activities; and one (1) compliance audit covering MTM's construction activities associated with the rail advance works. The audits have been conducted using a risk-based approach, in accordance with AS/NZS ISO 19011: 2019 *Guidelines for auditing management systems*, which was the standard in place at the time of the NELEW. This risk-based approach has been

applied to determine the scope of each audit with respect to the locations/activities subject to site inspections and criteria (e.g. EPRs) to be assessed.

Each audit assessed the compliance status of the relevant Managing Contractors' construction activities with the EMF, relevant EPRs and conditions of Program approvals, and the IEA reviewed and verified (and NELP accepted) documents including the Managing Contractors' Environmental Strategy, CEMP, WEMPs, CCPs and other plans as required by the EPRs and as relevant to the scope of the audit.

The audits of CPB's activities were conducted in August 2022 and November 2022, and of MTM's activities in November 2022. In January 2022, the IEA also reviewed evidence associated with corrective actions undertaken by CPB and MTM to address the findings arising from the November 2022 IEA compliance audits, respectively.

Sites visited as part of the compliance audits across the reporting period included:

- Bulleen Park and Ride facility, Bulleen;
- Frensham Reserve Construction Compound and Northern Gas Mains works, Watsonia;
- United Energy and Jemena Relocation (Work Package 18) at Park Avenue, Doncaster;
- Telstra and Optus works, Watsonia;
- Grimshaw Street Construction Compound, Greensborough; and
- Somers Avenue laydown area, Macleod.

These sites were selected to provide a representative sample of the locations in which NELEWs' construction activities were being undertaken at the time of the audits. Additionally, the sites visited were in locations where either construction activities were considered to represent a potentially higher risk of impact to the environment, or where construction activities were being undertaken in proximity to sensitive environmental areas.

The criteria assessed as part of the compliance audits conducted in the reporting period covered the EMF and 67 EPRs (as relevant to the NELEW and triggered by the works completed to date). The 67 EPRs assessed included EPRs from the following EPR topics: EMF; Aboriginal heritage; air quality; arboriculture; business; contamination and soil; flora and fauna; landscape and visual; noise and vibration; social and community; surface water; sustainability and climate change; and traffic and transport. In addition, corrective actions from previous audits were also reviewed for close-out.

The audit findings are classified in each audit according to the following qualitative definitions in accordance with AS/NZS ISO 19011: 2019:

- **compliant** - the evidence demonstrated that the criteria under consideration had been met;
- **opportunity for improvement (OFI)** – applied where the evidence demonstrated that the criteria under consideration had been met, but in the future, there was an opportunity to provide greater clarity or provide greater demonstration that the criteria has been met;
- **minor non-compliance (Minor NC)** - applied where the evidence demonstrated that the criteria had been partially met, and at present did not fully meet the relevant Program contract requirement; and,
- **major non-compliance (Major NC)** – applied where the evidence either demonstrated that the criteria had not been met, or there was an absence of evidence demonstrating that the criteria had been met. As such the corresponding aspect of the Program contract requirement was not being met.

Qualitative environmental risk ratings for each non-compliance finding were also determined using the risk assessment methodology detailed within Chapter 4 – *EES Assessment Framework*, Section 4.4.2 *Risk Assessment* of the NEL Environmental Effects Statement (EES), to ensure a consistent approach across the Program.

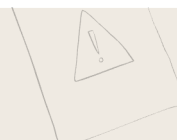
Corrective actions to address compliance audit findings were decided upon, implemented and tracked to closure by CPB and MTM (as relevant), with the IEA assessing the closure of actions during the subsequent compliance audit.

ES3 Overall compliance

In general, both CPB's and MTM's Program activities were considered by the IEA to comply with the EMF and the 67 EPRs audited during the reporting period, with the exception of seven (7) Minor NCs identified. Table E.1 summarises the reporting periods audit findings with respect to the compliance status of Program activities with the EMF and EPRs.

Table E.1: Compliance status of Program activities with EMF and EPRs during reporting period (August 2022 – January 2023)

EMF/EPR topic	CPB		MTM	
	Criteria audited during reporting period	Compliance Status	Criteria audited during reporting period	Compliance Status
EMF and EMF EPRs	<ul style="list-style-type: none"> EPRs EMF1 to EMF4 Environment Strategy CEMP WEMPs CCPs Complaints and incidents 	Compliant and two (2) OFIs	<ul style="list-style-type: none"> EPRs EMF1 to 4 Environment Strategy / CEMP CCP WEMP Complaints and incidents Permits and approvals etc 	Two (2) Minor NCs and One (1) OFI
Aboriginal Heritage	<ul style="list-style-type: none"> EPR AH1 	Compliant	<ul style="list-style-type: none"> EPR AH1, with particular respect to induction training requirements as addressed in the Environment Strategy / CEMP 	Compliant
Air Quality	<ul style="list-style-type: none"> EPRs AQ1 and AQ6 Dust and Air Quality Monitoring and Management Plan 	Compliant	Not audited during the reporting period	
Arboriculture	<ul style="list-style-type: none"> EPRs AR1, AR2 and AR3 Tree Removal Plan and Tree Protection Plan – across all locations 	Compliant	<ul style="list-style-type: none"> EPRs AR1 and AR2 Tree Removal Plan and Tree Protection Plan 	Compliant
Business	<ul style="list-style-type: none"> EPRs B1 to B8 	Compliant	Not audited during the reporting period	
Contamination and Soil	<ul style="list-style-type: none"> EPRs CL1 to CL5 Spoil Management Plan 	Compliant	<ul style="list-style-type: none"> EPRs CL1 to CL5 as addressed in WEMP 	Two (2) Minor NCs and One (1) OFI
Flora and Fauna	Not audited during the reporting period		<ul style="list-style-type: none"> EPRs FF1 to FF5 and FF7 as addressed in the Environment Strategy / CEMP Flora and Fauna Management Plan 	Compliant and two (2) OFIs
Ground Movement	Not audited during the reporting period		Not audited during the reporting period	
Groundwater	Not audited during the reporting period		Not audited during the reporting period	
Historical Heritage	Not audited during the reporting period		Not audited during the reporting period	
Land Use Planning	Not audited during the reporting period		Not audited during the reporting period	
Landscape and visual	<ul style="list-style-type: none"> EPR LV3 	Compliant and one (1) OFI	Not audited during the reporting period	
Noise and Vibration	<ul style="list-style-type: none"> EPRs NV3 to NV5, and NV8 to NV15 	Compliant and three (3) OFIs	Not audited during the reporting period	
Social and Community	<ul style="list-style-type: none"> EPR SC3 Communication and Community Engagement Plan, in particular 	Compliant	<ul style="list-style-type: none"> EPRs SC1, SC3 and SC4 as addressed in the Environment Strategy / CEMP 	Two (2) Minor NCs



EMF/EPR topic	CPB		MTM	
	Criteria audited during reporting period	Compliance Status	Criteria audited during reporting period	Compliance Status
	complaints management process		<ul style="list-style-type: none"> Communications and Stakeholder Relations Management Plan (CSRMP) 	
Surface Water	<ul style="list-style-type: none"> EPRs SW1 and SW3 to SW15 Surface Water Management Plan Flood Emergency Management Plan 	Compliant and one (1) OFI	Not audited during the reporting period	
Sustainability and Climate Change	<ul style="list-style-type: none"> EPRs SCC1, SCC2, SCC4 and SCC5 Sustainability Management Plan 	Compliant and three (3) OFIs	<ul style="list-style-type: none"> EPR SCC4 as addressed in WEMP 	One (1) Minor NC
Traffic and Transport	<ul style="list-style-type: none"> EPRs T1 to T5 Transport Management Plan 	Compliant	<ul style="list-style-type: none"> EPRs T2 to T4 as addressed in the Environment Strategy / CEMP and WEMP Transport Management Plan 	Compliant and one (1) OFI

One (1) repeating finding (i.e. findings from the previous audit that had not been fully addressed) was identified, which was an OFI associated with Sustainability and Climate Change.

The Minor NCs tended to be associated with instances of non-compliance associated with fulfilling the requirements of Program specific environmental management plans and therefore findings were assigned to the EPRs requiring the preparation and implementation of these plans.

MTM has addressed and closed-out, to the satisfaction of the IEA, the Minor NCs, and both CPB and MTM have addressed, and closed-out, to the satisfaction of the IEA all OFIs identified during the reporting period.

Given both CPB and MTM's responsiveness in closing out findings identified during the reporting period and taking the context of the findings into consideration, the IEA does not consider either the Minor NC or the OFI audit findings to represent systemic issues, nor present ongoing material risks to the environment.

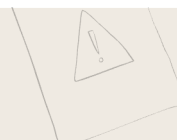
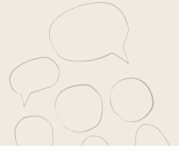


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Glossary of Terms and Abbreviations

Abbreviation	Expanded form
CCP	Construction Compound Plan
CEMP	Construction Environmental Management Plan
CPB	CPB Contractors Pty Ltd
EES	Environment Effects Statement
EMF	Environmental Management Framework
EPR	Environmental Performance Requirement
EW	Early Works
FTE	Full-time equivalent
IEA	Independent Environmental Auditor
MTIA	The Major Transport Infrastructure Authority
NEL	North East Link
NELEW	North East Link Early Works
NELP	North East Link Program
UDLP	Urban Design and Landscape Plans
WEMP	Worksite Environmental Management Plan

Term	Description
Incorporated Document	The North East Link Program Incorporated Document, December 2019.
Independent Environmental Auditor	Independent Environmental Auditor appointed pursuant to the Environmental Management Framework (EMF) approved by the Minister for Planning. For the North East Link Early Works (NELEW), Nation Partners Pty Ltd (Nation Partners) has been engaged as the IEA.
Major Transport Infrastructure Authority	The Major Transport Infrastructure Authority (MTIA) is the proponent for the Program. The MTIA is an administrative office within the Victorian Department of Transport with responsibility for overseeing major transport projects.
Managing Contractor or contractor	Contractor managing a package of works associated with the North East Link Program. For the NELEW and Bulleen Park and Ride, the Managing Contractor is CPB Contractors Pty Ltd (CPB) (unless otherwise specified).
Program or North East Link	The North East Link Program approved under the Incorporated Document.
NELEW	North East Link Early Works (NELEW) is the first package of works for the Program, comprising the design development and potential modification, relocation and/or protection of utility services which will be impacted, or are in proximity to the main North East Link works. Unless otherwise stated, these works are being delivered by the main NELEW contractor. Additional works beyond the original scope have also been awarded to the NELEW contractor, such as delivery of the Bulleen Park and Ride (refer to Section 1.2.2 for further details of works included within the NELEW).
Non-contestable works	Non-contestable works are those works related to the Program that are controlled directly by a utility service provider and its contractors, rather than being controlled by NELP and its contractors.
North East Link Program (NELP)	North East Link Program (NELP) is an organisation within MTIA responsible for developing and delivering the Program. NELP was formerly known as the North East Link Project prior to early 2022 and before that as the North East Link Authority (NELA) prior to 1 January 2019. NELP is responsible for delivering the Program on behalf of the Victorian Government.

1 Introduction

This document presents the Six-Monthly Summary Report on the compliance status with the Environmental Management Framework (EMF) and Environmental Performance Requirements (EPRs) for the North East Link Program (NELP), and specifically for the North East Link Early Works (NELEW), for the period August 2022 to January 2023 inclusive (hereinafter referred to as the reporting period).

1.1 Purpose of this Report

As required by Section 2 of the EMF and specified in EPR EMF-3 as approved by the Minister for Planning, the Independent Environmental Auditor (IEA) must prepare six-monthly summary reports as to compliance with the EMF and EPRs, which NELP must provide to the Minister for Planning and which will be made publicly available.

The six-monthly summary reports must summarise:

- audit activities during the reporting period;
- audit findings;
- the status of actions taken to address previous audit findings; and,
- the contractors' compliance with the EMF and EPRs.

This Six-Monthly Summary Report has been developed to fulfil this EMF requirement and summarises the findings arising from compliance audits and activities conducted by the IEA on the NELEW across the reporting period.

Pursuant to the EMF, Nation Partners Pty Ltd (Nation Partners) has been engaged as the NELEW IEA by CPB Contractors Pty Ltd (CPB) (the Managing Contractor, or contractor of the NELEW), on behalf of NELP.

1.2 Program Overview

1.2.1 North East Link

The North East Link (NEL) will connect the M80 with the Eastern Freeway through twin tunnels constructed beneath the Yarra River, linking key growth areas in the north and south-east. NEL includes upgrades to the Eastern Freeway, a dedicated busway, more than 25 kilometres of new and upgraded cycling and walking paths, improvements to community facilities including local sports grounds and utility relocations to facilitate these works.

1.2.2 North East Link Early Works

The NELEW is the first tranche of works for the NELP and comprises the relocation of around 100 above, and underground services such that major construction of the NEL can start from 2022.

The NELEW is being undertaken across:

- the north-east of the Program area, from the M80 Ring Road and Greensborough Bypass through to Greensborough Road and Lower Plenty Road intersection; and,
- the south of the Program area from Bulleen Road and along the Eastern Freeway from Chandler Highway to Middleborough Road.

The NELEW has been split into 3 geographic zones, which generally relate to the extent of the NELP main works, as illustrated in Figure 1.1.

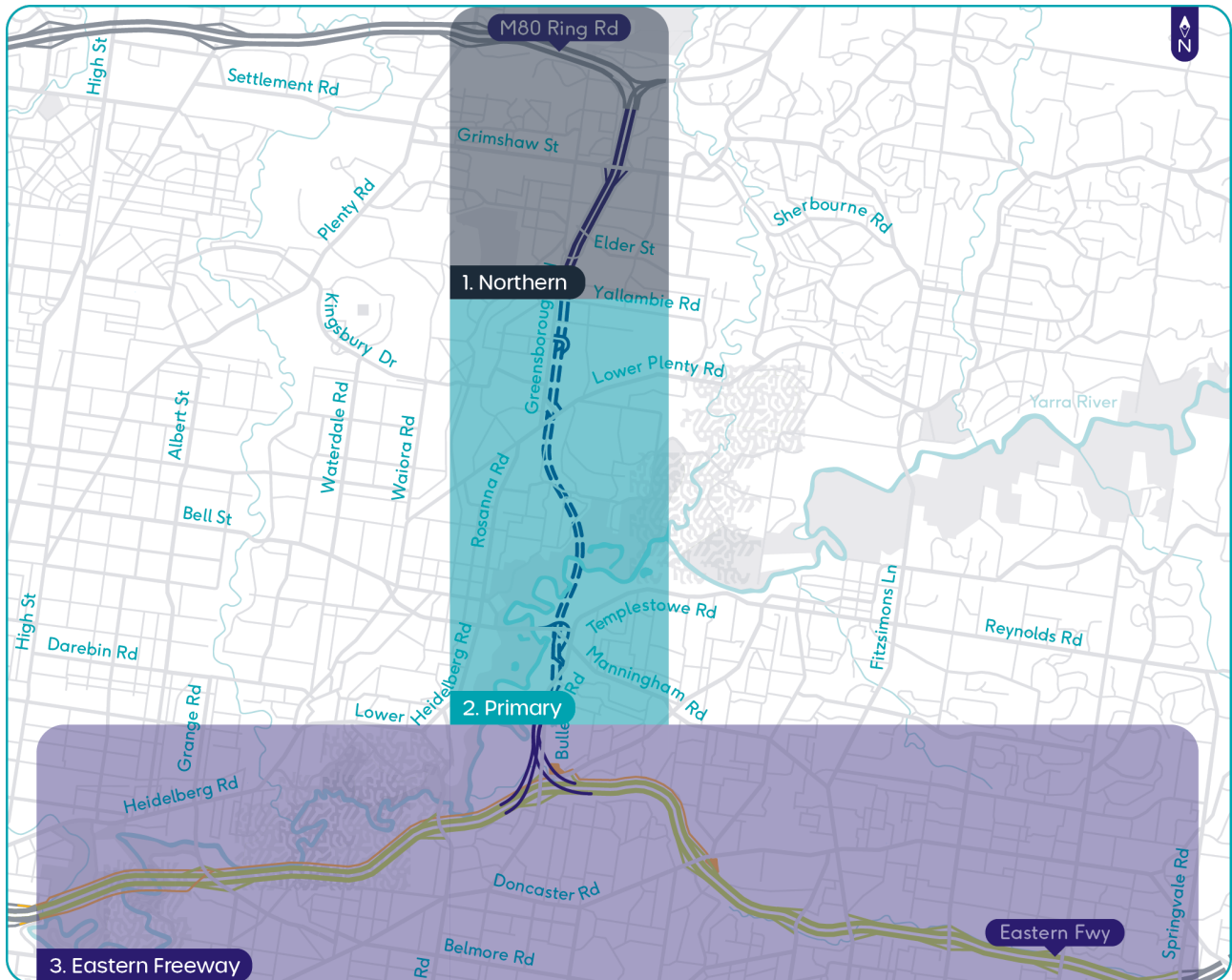


Figure 1.1 NELEW Scope and Location

Key NELEW activities include the following:

- **Borlase Reserve utilities** – above and below ground power, water, gas, sewer, and telecommunication lines will be moved;
- **Eastern Freeway service relocations** – to allow for upgrades to the Eastern Freeway, above and below ground power lines, communication assets and water mains will be moved;
- **Greensborough Road** – New gas, power and telecommunications lines will replace existing services along the length of Greensborough Road;
- **water pressure reducing station** – A water pressure reducing station (PRS) on the corner of Borlase and Drysdale Streets will be moved to ensure the continued safe supply of water to homes and businesses; and
- **sewer realignments** – underground sewer lines in Yallambie and Bulleen will be moved, including the Yarra East Main Sewer.

The following activities have been, or will be, delivered by the relevant utility service providers and their contractors, with or without management support from NELP and its contractors:

- **telecommunication towers** – 2 mobile telecommunication towers near the M80 Ring Road and the Watsonia Station car park will be moved a short distance from their current location;
- **high-voltage transmission towers** – 2 high-voltage transmission towers in Watsonia Station car park will be moved to the easement on the other side of Greensborough Road; and,

- **new power substation** – A new power substation will be built near Blamey Road to supply power to the tunnel boring machines during construction, and for operational purposes when NEL opens.

Additional works are also being incorporated within the NELEW including, but not limited to:

- **sports and recreation facilities upgrades** – sport facilities at Ford Park, Ivanhoe and Binnak Park, Watsonia North are being upgraded to include turf with drainage, new pavilions, lighting, car parking, players shelters, spectator facilities, running track, fencing, and demolition of decommissioned buildings and redundant infrastructure.
- **Bulleen Park and Ride** – the Bulleen Park and Ride will be a premium bus station including: a 5,000 m² green roof community park; parking for up to 370 cars underneath; dedicated quick drop off and pick-up bays; walking and cycling paths that connect to Koonung Creek Trail; bike storage cage; and, ramps, toilets and myki services.
- **Rail advance works** – the rail advance works interface with the Hurstbridge Line at the existing Greensborough Highway rail tunnel, and Grimshaw Street overbridge which will be widened to accommodate additional road lines. The Greensborough Highway rail tunnel will be extended to approximately 413 metres, with the Grimshaw Street overbridge demolished and rebuilt

The majority of the NELEW is being delivered or overseen by CPB, with the exception of:

- a new power substation near Blamey Road in Yallambie, for which the Managing Contractor is Jemena Electricity Networks (Vic) Ltd (Jemena).
- rail advance works for which the Managing Contractor is Metro Trains Melbourne (MTM).
- M80 Optus tower relocation, for which the Managing Contractor is Service Stream Limited (Service Stream)

Audit findings summarised in this report relate to audits conducted on works being delivered by CPB and MTM only, as no audits were conducted on works being delivered by Jemena or Service Stream during the reporting period.

1.2.3 Planning and Environmental Approvals

NELP prepared an Environment Effects Statement (EES) for the Program under the *Environment Effects Act 1978 (Vic)* and was also responsible for seeking key statutory approvals, of which the following apply to the NELEW:

- approval of the Program under the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)* for potential impacts on Matters of National Environmental Significance and on Commonwealth land;
- a planning scheme amendment under the *Planning and Environment Act 1987*, which introduces the Incorporated Document into the relevant planning schemes to facilitate development of the Program. The delivery of the Program is facilitated by the Incorporated Document under the Banyule, Boroondara, Manningham, Nillumbik, Whitehorse, Whittlesea and Yarra Planning Schemes; and,
- an approved Cultural Heritage Management Plan under the *Aboriginal Heritage Act 2006 (Vic)*.

The Program contract requires a Managing Contractor to comply with legislation, the conditions of these key approvals and to identify, obtain and comply with all other approvals, licences, permits and consents that may be required.

Condition 4.5 of the Incorporated Document requires the preparation of an EMF for the Program to the satisfaction of the Minister for Planning prior to the commencement of development (excluding preparatory buildings and certain works described within the Incorporated Document).

1.2.4 Environmental Management Framework and Environmental Performance Requirements

The purpose of the EMF, which has been approved by the Minister for Planning (initially approved in January 2020 with a revision approved in July 2021), is to provide a transparent framework to manage the environmental effects of the Program in order to meet statutory requirements, protect environmental values and sustain stakeholder confidence. The EMF forms one component of the overall governance framework for delivery of the Program and, with respect to environmental management for the Program during its development and delivery, describes: roles and responsibilities; statutory approvals and consents; no-go zones; environmental management documentation required; and compliance evaluation and reporting requirements.

The EMF also contains and details the EPRs in the development and delivery (including operation) of the Program. The EPRs are a suite of 110 performance-based environmental standards and outcomes that apply to the design, construction and operation of the Program.

It is noted that not all requirements of the EMF, nor the EPRs are applicable to delivery of the NELEW. EPRs that are not applicable include, but are not limited to, those associated with operation of the Program or, in general terms, associated with design and delivery of the twin tunnels and/or freeway. Taking this into consideration, 97 EPRs in total are applicable to the NELEW and, at the time of the reporting period, one EPR had yet to be triggered by delivery of the NELEW. Consequently, during the reporting period, 96 EPRs were either applicable to the NELEW or had been triggered by works completed to date.

The Managing Contractors have prepared environmental management and design documentation as required by the EMF and EPRs, which has been reviewed and verified by the IEA (refer to Section 1.3), and accepted by NELP, prior to commencement of contractor works.

1.3 Role of the IEA

As required by Section 2 of the EMF, an IEA has been engaged for the NELEW to:

- review and verify that the contractors' environmental management and design documentation, Environmental Strategy, Urban Design and Landscape Plans (UDLPs), Construction Environmental Management Plan (CEMP), Worksite Environmental Management Plans (WEMPs), Construction Compound Plans (CCPs), and other plans as required by the EPRs, comply with the Program contract including the EMF and EPRs, conditions of Program approvals, and are in general accordance with the approved Urban Design Strategy; and,
- conduct audits of contractor works to assess compliance with the EMF, relevant EPRs, Environmental Strategy, CEMP, WEMPs, CCPs, other plans as required by the EPRs and conditions of Program approvals.

The IEA is also responsible for preparing a six-monthly report (i.e. this report) summarising audit activities during the reporting period, audit findings, the status of corrective actions taken to address previous audit findings and the contractors' compliance with the EMF and EPRs; and providing it to NELP and the contractor. In turn, it is NELP's responsibility to provide six-monthly summary reports to the Minister for Planning.

An overview of the IEA's role within the framework of environmental documentation developed and implemented to control and manage the Program is presented in Figure 1.2.

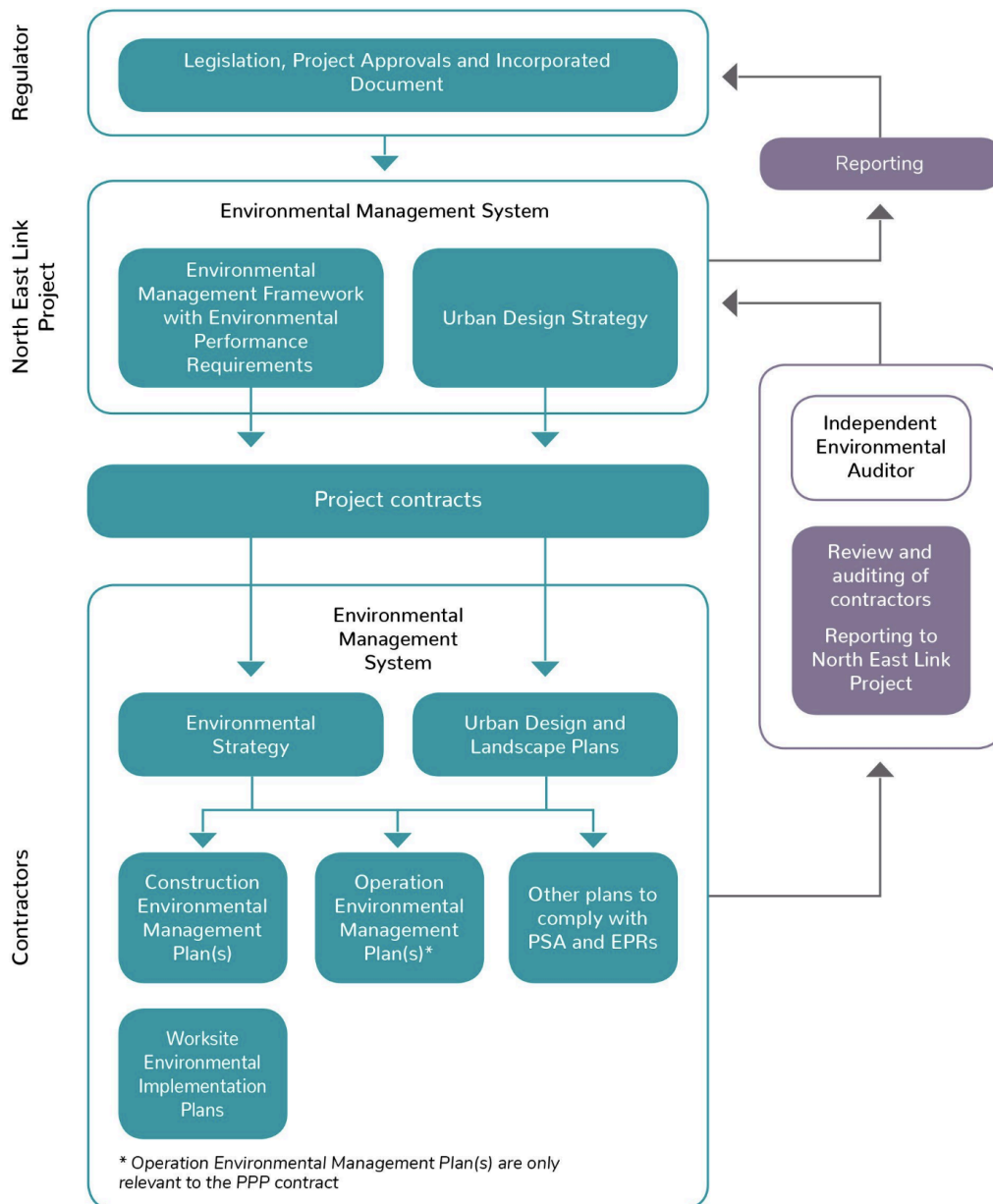


Figure 1.2 Key environmental management documentation (extract from Environmental Management Framework, July 2021)

1.4 Report Structure

The structure of this report has been developed in accordance with the EMF and summarises:

- Section 2 Audit Activities – provides a summary of the audit activities conducted during the reporting period;
- Section 3 Audit Findings – summarises the compliance audit findings during the reporting period in accordance with the EPR topics;
- Section 4 Corrective Actions – summarises the status of actions taken by the contractor to address previous audit findings; and,
- Section 5 Overall Compliance – provides the IEA’s conclusions with respect to the contractor’s overall compliance with the EMF and EPRs.

2 Audit Activities

The audit activities conducted during the reporting period, the IEA Compliance Audit Program methodology, and details of the compliance audits conducted across the reporting period, are summarised in the following sections.

2.1 IEA Compliance Audit Program

To meet the auditing requirements of the EMF, the IEA has developed and implemented a Program involving the conduct of compliance audits on a quarterly basis across Program activities associated with the NELEW. This Compliance Audit Program has been developed, and the audits conducted, in accordance with AS/NZS ISO 19011:2019 *Guidelines for auditing management systems*, which was the standard in place at the time of the NELEW.

The following sub-sections describe the methodology applied to the Compliance Audit Program and its component compliance audits.

2.1.1 Objective

The objective of the Compliance Audit Program was to assess Program activities, associated with the NELEW, for compliance with the EMF, relevant EPRs, Environmental Strategy, CEMP, WEMPs, CCPs, other plans as required by the EPRs and conditions of Program approvals (referred to as the Program contract requirements).

2.1.2 Scope

Compliance audits were conducted on a quarterly basis (i.e. every 3 months) at the locations of operations and activities under the control of CPB. An additional compliance audit was also conducted for the rail advance works being undertaken by MTM. Audits were not conducted on works being delivered by Jemena or Service Stream during the reporting period.

To determine the scope and criteria of each compliance audit (i.e. Program contract requirements to be audited and locations to be subject to site visits), the IEA applied a risk-based approach, which aligns with the requirements of AS/NZS ISO 19011:2019 and which is informed by (but not limited to):

- discussions with NELP and the Managing Contractor with respect to potential risks associated with the Program at the time the audit was due to be conducted;
- current activities and operations;
- those locations where either construction activities were considered to represent a higher risk of impact to the environment or where construction activities were being undertaken in proximity to sensitive environmental areas (e.g. residential areas, watercourses, areas of Aboriginal or historical heritage, sensitive ecological areas);
- ensuring a representative sample of the locations in which NELEW construction activities were being undertaken at the time of the audit;
- selection of relevant audit criteria through adoption of a risk-based approach, ensuring that each EPR was audited at least once every 12 months, and higher risk EPRs were audited more frequently; and,
- findings arising from previous compliance audits, including confirmation and completion of the close-out of corrective actions to address findings identified during previous audits.

The scope of each compliance audit was determined and agreed, considering the above, during quarterly progress meetings involving NELP, the Managing Contractor and the IEA. These meetings were typically convened approximately two months following the previous audit, and one month prior to the subsequent compliance audit.

Each compliance audit did not involve an exhaustive assessment against all requirements but represented an audited sample. This approach aligned with a risk-based audit methodology and was adopted in accordance with the risk management guidance. Additionally, the overall audit program was developed to ensure that potentially higher risk activities were audited more frequently, and that compliance with all relevant EPRs (as applicable to the NELEW) was audited at least once every 12 months as required by the EMF (refer to Appendix B for details of the relevant EPRs audited within the rolling 12 months).

The scope of each compliance audit was developed to the satisfaction of NELP.

2.1.3 Audit duration and team

Each compliance audit of CPB's activities comprised two days on-site and involved an audit team consisting of a minimum of three full-time equivalents (FTE). The compliance audit of MTM's activities comprised 1.5 days on-site and involved an audit team consisting of a minimum of two FTEs.

Each audit team comprised a Lead Auditor, Auditor and Specialist Auditors (i.e. specialists in arboriculture, noise, sustainability and climate change, contaminated land, surface water, traffic and transport) who were also included as appropriate for the compliance audits of CPBs activities. In accordance with AS/NZS ISO 19011:2019, the team for each compliance audit was selected based on the prerequisite competencies to achieve the audit objectives, accounting for the audit scope and documentation to be reviewed.

2.1.4 Approach

The approach undertaken for each compliance audit comprised:

- **audit plan** – development of a Compliance Audit Plan to guide the audit. As per AS/NZS ISO 19011:2019, the audit plan defines and communicates the objectives, scope, and criteria for each audit. Each audit plan was developed to the satisfaction of NELP and provided to the Managing Contractor to enable logistics for the audit to be arranged;
- **inception meeting** – at the start of each compliance audit, a formal inception meeting was undertaken with the contractor personnel to outline the objectives, purpose, scope, and logistics of the audit. This meeting was typically attended by a wider NELP and Managing Contractor audience and included an introduction to those involved in the audit, including both the IEA audit team and the Managing Contractors' personnel (i.e. auditees);
- **document review** - a key part of each compliance audit involved review of appropriate documentation to determine if those Program activities subject to the assessment met the Program contract requirements;
- **personnel interviews** - interviews with appropriate personnel was also an integral component of each compliance audit. Informal interviews were undertaken throughout each compliance audit (e.g. concurrently with document review and site walkovers) to collect information and anecdotal evidence with respect to the Program activities being assessed;
- **site visits/walkovers** – information and evidence was also gathered during comprehensive visits to Program sites, which involved observations made during site walkovers; and,
- **exit briefing** – at the completion of each compliance audit, the audit team provided feedback to NELP and the Managing Contractor at a closing meeting, summarising the outcomes of the audit. To ensure that all issues of potential concern had been identified and raised appropriately with contractor management, a summary of major findings was presented at this time, noting that, “audit opinions may be subject to change during reporting and further to the exit briefing”. This ensured that personnel were aware of auditors' likely conclusions in advance of report preparation and provided an open forum for discussion of these issues.

2.1.5 Audit finding categories and reporting

The main output from each compliance audit comprised a detailed report, including information on:

- the scope and approach of the audit, including a list of the documents reviewed by the IEA during the audit;
- activities and operations subject to the audit; and,
- audit findings including compliance status against the audit criteria. In accordance with AS/NZS ISO 19011:2019, audit findings were characterised qualitatively in accordance with categories defined in Table 2.1.

Table 2.1 Audit Finding Categories

Categories	Definition
Compliant	The evidence demonstrated that the criteria under consideration had been met.
Opportunity for Improvement (OFI)	The evidence demonstrated that the criteria under consideration had been met, but in the future, there was an opportunity to provide greater clarity or provide greater demonstration that the criteria has been met.
Minor Non-compliance (Minor NC)	The evidence demonstrated that the criteria had been partially met, and at present did not fully meet the relevant Program Contract requirement.
Major Non-compliance (Major NC)	The evidence either demonstrated that the criteria had not been met, or there was an absence of evidence demonstrating that the criteria had been met. As such the corresponding aspect of the Program Contract requirement is not being met.

Qualitative environmental risk ratings for each non-compliance finding were also determined by the IEA using the risk assessment methodology detailed within Chapter 4 – *EES Assessment Framework*, Section 4.4.2 *Risk Assessment* of the NEL Environmental Effects Statement (EES), to ensure a consistent approach across the Program (i.e. risk ratings for OFIs were not determined).

The risk assessment for each finding considered the likelihood (i.e. the chance of an event happening and the maximum credible consequence occurring from that event) and consequence (i.e. the maximum credible outcome of an event affecting an asset, value, or use) of an event occurring. Risk ratings for non-compliances can be found at the end of each subject area in Section 3.2 of this report where applicable.

Corrective actions were determined, implemented and tracked to closure by the Managing Contractor, with the IEA assessing the closure of actions:

- either upon the next compliance audit; or,
- through desk-based review of evidence provided by the Managing Contractor (including document review and personnel interviews via conferencing facilities) where a reporting period closed prior to the next compliance audit (e.g. desk-based review of evidence in January 2023, at the end of a reporting period, where the next compliance audit was scheduled for mid-February 2023).

2.2 Audit activities – August 2022 to February 2023

During the reporting period, the IEA conducted two (2) quarterly compliance audits CPB’s Program (i.e. construction) activities and one (1) compliance audit of MTM’s Program activities assessing compliance of with the EMF, EPRs, Environmental Strategy, CEMP, WEMPs, CCPs, and approval conditions. The compliance audits were conducted on the following dates:

- 22 to 24 August 2022 (CPB Activities);
- 16 to 17 November 2022 (CPB Activities); and
- 29 to 30 November 2022 (MTM Activities)

In January 2023, the IEA reviewed evidence associated with the corrective actions undertaken by CPB and MTM to address the findings arising from the previous IEA compliance audits in November 2022.

The scope of each compliance audit, with respect to the locations subject to site visits and the criteria assessed during each audit are detailed in Sections 2.2.1 and 2.2.2 respectively.

2.2.1 Site Visits

The locations subject to site visits as part of the compliance audits conducted in the reporting period are detailed in Table 2.2.

Table 2.2 Compliance audit site visits during reporting period

Date of audit	Site visits
22 to 24 August 2022	<ul style="list-style-type: none"> Bulleen Park and Ride facility, Bulleen; United Energy and Jemena Relocation (Work Package 18) at Park Avenue, Doncaster; Telstra and Optus works, Watsonia; and Frensham Reserve Construction Compound (Northern Gas Mains), Watsonia.
16 to 17 November 2022	<ul style="list-style-type: none"> Bulleen Park and Ride facility, Bulleen; and United Energy and Jemena Relocation (Work Package 18) at Park Avenue, Doncaster.
29 to 30 November 2022	<ul style="list-style-type: none"> Grimshaw Street Construction Compound, Greensborough; and Somers Avenue laydown area, Macleod.

2.3 Audit Criteria

The criteria assessed as part of the compliance audits conducted in the reporting period covered EMF Sections 2 to 7 and 67 EPRs, as relevant to the NELEW (refer to Table 2.3). CPB's activities were audited against 59 of the relevant EPRs, and MTM's against 22 of the relevant EPRs. A number of the EPRs audited during the CPB and MTM compliance audits were duplicated during both audits, hence the Program total of 67, of the 96 EPRs applicable to NELEW audited during the reporting period.

Combined with the 54 EPRs against which CPB's activities were audited during the previous reporting period (February 2022 to July 2022), the EPRs audited during this reporting period ensured that all relevant EPRs (i.e. both applicable to the NELEW and triggered by works completed to date) have been audited at least once during the past 12 months, as required by the EMF (refer to Appendix B for further details).

Table 2.3 Criteria assessed during reporting period (refer to Appendix B for EPR titles/subjects)

Date of audit	EMF/EPRs	Criteria
22 to 24 August 2022	<ul style="list-style-type: none"> Corrective actions 	<ul style="list-style-type: none"> Review corrective actions implemented to address findings arising from previous audits
	<ul style="list-style-type: none"> EMF and EMF EPRs 	<ul style="list-style-type: none"> EPRs EMF2 to EMF4 Environment Strategy CEMP WEMPs – across all locations visited CCPs – across all construction compounds visited Complaints and incidents
	<ul style="list-style-type: none"> Aboriginal Heritage 	<ul style="list-style-type: none"> EPR AH1
	<ul style="list-style-type: none"> Air Quality 	<ul style="list-style-type: none"> EPRs AQ1 and AQ6 Dust and Air Quality Monitoring and Management Plan
	<ul style="list-style-type: none"> Arboriculture 	<ul style="list-style-type: none"> EPRs AR1, AR2 and AR3 Tree Removal Plan and Tree Protection Plan – across all locations
	<ul style="list-style-type: none"> Contamination and Soil 	<ul style="list-style-type: none"> EPR CL5
	<ul style="list-style-type: none"> Noise and Vibration 	<ul style="list-style-type: none"> EPRs NV3 to NV5, and NV8 to NV15
	<ul style="list-style-type: none"> Social and Community 	<ul style="list-style-type: none"> EPR SC3 Communication and Community Engagement Plan, in particular complaints management process
	<ul style="list-style-type: none"> Surface Water 	<ul style="list-style-type: none"> EPR SW5



	<ul style="list-style-type: none"> • Sustainability and Climate Change 	<ul style="list-style-type: none"> • EPRs SCC1, SCC2, SCC4 and SCC5 • Sustainability Management Plan
16 to 17 November 2022	<ul style="list-style-type: none"> • Corrective actions 	<ul style="list-style-type: none"> • Review corrective actions implemented to address findings arising from previous audits
	<ul style="list-style-type: none"> • EMF and EMF EPRs 	<ul style="list-style-type: none"> • EPRs EMF1 to 4 • Environment Strategy • CEMP • WEMPs – across all locations visited • CCPs – across all construction compounds visited • Complaints and incidents
	<ul style="list-style-type: none"> • Arboriculture 	<ul style="list-style-type: none"> • EPR AR2
	<ul style="list-style-type: none"> • Business 	<ul style="list-style-type: none"> • EPRs B1 to B8
	<ul style="list-style-type: none"> • Contamination and Soil 	<ul style="list-style-type: none"> • EPRs CL1 to CL5 • Spoil Management Plan
	<ul style="list-style-type: none"> • Landscape and Visual 	<ul style="list-style-type: none"> • EPR LV3
	<ul style="list-style-type: none"> • Noise and Vibration 	<ul style="list-style-type: none"> • EPRs NV3 and NV4 – Unavoidable Works Notifications, and EPR NV13
	<ul style="list-style-type: none"> • Social and Community 	<ul style="list-style-type: none"> • EPR SC3 • Communications and Community Engagement Plan, in particular complaints management process
	<ul style="list-style-type: none"> • Surface Water 	<ul style="list-style-type: none"> • EPRs SW1 and SW3 to SW15 • Surface Water Management Plan • Flood Emergency Management Plan
	<ul style="list-style-type: none"> • Sustainability and Climate Change 	<ul style="list-style-type: none"> • EPR SCC4
	<ul style="list-style-type: none"> • Traffic and Transport 	<ul style="list-style-type: none"> • EPRs T1 to T5 • Transport Management Plan
29 to 30 November 2022	<ul style="list-style-type: none"> • EMF and EMF EPRs 	<ul style="list-style-type: none"> • EPRs EMF1 to 4 • Environment Strategy / CEMP • CCP • WEMP • Complaints and incidents • Permits and approvals etc
	<ul style="list-style-type: none"> • Aboriginal Heritage 	<ul style="list-style-type: none"> • EPR AH1, with particular respect to induction training requirements as addressed in the Environment Strategy / CEMP
	<ul style="list-style-type: none"> • Arboriculture 	<ul style="list-style-type: none"> • EPRs AR1 and AR2 • Tree Removal Plan and Tree Protection Plan
	<ul style="list-style-type: none"> • Contamination and Soil 	<ul style="list-style-type: none"> • EPRs CL1 to CL5 as addressed in WEMP
	<ul style="list-style-type: none"> • Flora and Fauna 	<ul style="list-style-type: none"> • EPRs FF1 to FF5 and FF7 as addressed in the Environment Strategy / CEMP • Flora and Fauna Management Plan
	<ul style="list-style-type: none"> • Social and Community 	<ul style="list-style-type: none"> • EPRs SC1, SC3 and SC4 as addressed in the Environment Strategy / CEMP • Communications and Stakeholder Relations Management Plan
	<ul style="list-style-type: none"> • Sustainability and Climate Change 	<ul style="list-style-type: none"> • EPR SCC4 as addressed in WEMP
	<ul style="list-style-type: none"> • Traffic and Transport 	<ul style="list-style-type: none"> • EPRs T2 to T4 as addressed in the Environment Strategy / CEMP and WEMP • Transport Management Plan

3 Audit Findings

Program activities were considered to be compliant with the EMF and EPRs audited across the reporting period with no Major NCs identified, but with the exception of seven (7) Minor NCs identified, which were assessed as either low or very low risk. In addition, 15 OFIs were identified during the three (3) compliance audits conducted during the reporting period. Table 3.1 summarises the reporting periods' audit findings with respect to the compliance status of Program activities with the EMF and EPRs.

Table 3.1 Compliance status of Program activities with EMF and EPRs during reporting period

EMF/EPR topic	CPB		MTM	
	Criteria audited during reporting period	Compliance Status	Criteria audited during reporting period	Compliance Status
EMF and EMF EPRs	<ul style="list-style-type: none"> EPRs EMF1 to EMF4 Environment Strategy CEMP WEMPs CCPs Complaints and incidents 	Compliant and two (2) OFIs	<ul style="list-style-type: none"> EPRs EMF1 to 4 Environment Strategy / CEMP CCP WEMP Complaints and incidents Permits and approvals etc 	Two (2) Minor NCs and One (1) OFI
Aboriginal Heritage	<ul style="list-style-type: none"> EPR AH1 	Compliant	<ul style="list-style-type: none"> EPR AH1, with particular respect to induction training requirements as addressed in the Environment Strategy / CEMP 	Compliant
Air Quality	<ul style="list-style-type: none"> EPRs AQ1 and AQ6 Dust and Air Quality Monitoring and Management Plan 	Compliant	Not audited during the reporting period	
Arboriculture	<ul style="list-style-type: none"> EPRs AR1, AR2 and AR3 Tree Removal Plan and Tree Protection Plan – across all locations 	Compliant	<ul style="list-style-type: none"> EPRs AR1 and AR2 Tree Removal Plan and Tree Protection Plan 	Compliant
Business	<ul style="list-style-type: none"> EPRs B1 to B8 	Compliant	Not audited during the reporting period	
Contamination and Soil	<ul style="list-style-type: none"> EPRs CL1 to CL5 Spoil Management Plan 	Compliant	<ul style="list-style-type: none"> EPRs CL1 to CL5 as addressed in WEMP 	Two (2) Minor NCs and One (1) OFI
Flora and Fauna	Not audited during the reporting period		<ul style="list-style-type: none"> EPRs FF1 to FF5 and FF7 as addressed in the Environment Strategy / CEMP Flora and Fauna Management Plan 	Compliant and two (2) OFIs
Ground Movement	Not audited during the reporting period		Not audited during the reporting period	
Groundwater	Not audited during the reporting period		Not audited during the reporting period	
Historical Heritage	Not audited during the reporting period		Not audited during the reporting period	
Land Use Planning	Not audited during the reporting period		Not audited during the reporting period	
Landscape and visual	<ul style="list-style-type: none"> EPR LV3 	Compliant and one (1) OFI	Not audited during the reporting period	
Noise and Vibration	<ul style="list-style-type: none"> EPRs NV3 to NV5, and NV8 to NV15 	Compliant and three (3) OFIs	Not audited during the reporting period	
Social and Community	<ul style="list-style-type: none"> EPR SC3 	Compliant	<ul style="list-style-type: none"> EPRs SC1, SC3 and SC4 as addressed in the 	Two (2) Minor NCs

EMF/EPR topic	CPB		MTM	
	Criteria audited during reporting period	Compliance Status	Criteria audited during reporting period	Compliance Status
	<ul style="list-style-type: none"> Communication and Community Engagement Plan, in particular complaints management process 		Environment Strategy / CEMP <ul style="list-style-type: none"> Communications and Stakeholder Relations Management Plan (CSRMP) 	
Surface Water	<ul style="list-style-type: none"> EPRs SW1 and SW3 to SW15 Surface Water Management Plan Flood Emergency Management Plan 	Compliant and one (1) OFI	Not audited during the reporting period	
Sustainability and Climate Change	<ul style="list-style-type: none"> EPRs SCC1, SCC2, SCC4 and SCC5 Sustainability Management Plan 	Compliant and three (3) OFIs	<ul style="list-style-type: none"> EPR SCC4 as addressed in WEMP 	One (1) Minor NC
Traffic and Transport	<ul style="list-style-type: none"> EPRs T1 to T5 Transport Management Plan 	Compliant	<ul style="list-style-type: none"> EPRs T2 to T4 as addressed in the Environment Strategy / CEMP and WEMP Transport Management Plan 	Compliant and one (1) OFI

One (1) repeating finding was identified, which was an OFI associated with Sustainability and Climate Change. Repeat findings comprise those which had been identified in previous audits but had not been fully addressed when assessed in the subsequent audit and were therefore included as a finding within the subsequent audit.

Further description of the compliance audit findings with respect to the EMF and EPRs during the reporting period is provided in Sections 3.1 and 3.2 respectively. The seven (7) Minor NCs identified during the IEA's compliance audits conducted across the reporting period is summarised in Section 3 of this report (Note: only the number of OFIs identified, rather than any details, are summarised). A summary of the status of corrective actions in relation to non-compliances during this reporting period can be found in Section 4, Table 4.1. Section 5 also provides further detail on overall compliance.

3.1 Environmental Management Framework

The requirements of the EMF have been implemented by both Managing Contractors (i.e. both CPB and MTM) through the preparation and implementation of Program-specific environmental management plans (specified within the EMF and its associated EPRs), as outlined in Figure 1.2. These plans have been reviewed and verified by the IEA and accepted by the NELP and, in some cases, approved by the Minister for Planning (i.e. CCPs) where this was required by the EMF and the terms of the Incorporated Document.

IEA auditing of the EMF requirements during the reporting period focussed on assessment of compliance with the Managing Contractors Program-specific environmental management plans, including against the Environmental Strategy, CEMP, WEMPs, CCPs and other plans required by the EPRs.

Non-compliances with the EMF were not identified during the reporting period other than those identified against the specific EPR topics in Section 3.2, including against the environmental management EPRs.

3.2 Environmental Performance Requirements

3.2.1 Environmental Management (EMF)

Program activities were audited against all Environmental Management EPRs (EPRs EMF1 to EMF4) during the reporting period.

Two (2) OFIs associated with CPB's NELEW activities were identified during the reporting period, one (1) during the August 2022 compliance audit and one (1) during the November 2022 compliance audit.

Three (3) findings relating to EPR EMF2, were identified during the audit of the rail advance works being delivered by MTM. Two (2) of these findings were categorised as Minor NCs and one (1) as an OFI.

The two (2) Minor NC findings were associated with:

- Environmental inspections, which are being undertaken but not daily as required by the Environmental Strategy/CEMP. The risk associated with this finding was assessed as Very Low.
- Monthly reports, which are being prepared but do not include all the information required by the Environmental Strategy/CEMP. The risk associated with this finding was assessed as Very Low.

3.2.2 Aboriginal Heritage (AH)

Program activities were audited against the Aboriginal Heritage EPR (EPR AH1) during the reporting period and were considered by the IEA to be compliant, with no non-compliances or OFIs identified.

3.2.3 Air Quality (AQ)

Program activities were audited against two (2) of the Air Quality EPRs (EPR AQ1 and AQ6) during the reporting period and were considered by the IEA to be compliant, with no non-compliances or OFIs identified.

3.2.4 Arboriculture (AR)

Program activities were audited against all Arboriculture EPRs (EPR AR1 to AR3) during the reporting period and were considered by the IEA to be compliant, with no non-compliances or OFIs identified.

3.2.5 Business (B)

Program activities were audited against all Business EPRs (EPRs B1 to B8) during the reporting period and were considered by the IEA to be compliant, with no non-compliances or OFIs identified.

3.2.6 Contamination and Soil (CL)

Program activities were audited against all the Contamination and Soil EPRs applicable to the NELEW (EPR CL1 to CL5) during the reporting period.

Three (3) findings relating to EPR CL1 and CL5, were identified during the audit of the rail advance works being delivered by MTM. Two (2) of these findings were categorised as Minor NCs and one (1) as an OFI.

The two (2) Minor NC findings were associated with:

- Sediment controls around stockpiles. The risk associated with this finding was assessed as Low.
- Location of the Safety Data Sheets (SDSs) and hazardous materials register on site. The risk associated with this finding was assessed as Low.

3.2.7 Flora and Fauna (FF)

Program activities were audited against six (6) of the Flora and Fauna EPRs (EPRs FF1 to FF5 and FF7) during the reporting period, with two (2) OFIs associated with MTM's activities identified.

3.2.8 Ground Movement (GM)

Program activities were not audited against the Ground Movement EPRs (EPRs GM1 to GM4) during the reporting period.

3.2.9 Groundwater (GW)

Program activities were not audited against the Groundwater EPRs applicable to NELEW (EPRs GW1 to GW4) during the reporting period.

3.2.10 Historical Heritage (HH)

Program activities were not audited against the Historical Heritage EPRs (EPRs HH1 to HH5) during the reporting period.

3.2.11 Land Use Planning (LP)

Program activities were not audited against the Land Use Planning EPRs applicable to the NELEW (EPRs LP1 to LP4) during the reporting period.

3.2.12 Landscape and Visual (LV)

Program activities were audited against one (1) of the Landscape and Visual EPRs (EPR LV3) with one (1) OFI associated with CPB's NELEW activities identified during the November 2022 compliance audit.

3.2.13 Noise and Vibration (NV)

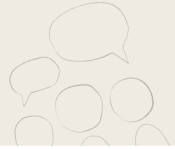
Program activities were audited against 11 of the Noise and Vibration EPRs relevant to the NELEW (EPRs NV3 to NV5, and NV8 to NV15) during the reporting period. Three (3) OFIs associated with CPB's NELEW activities were identified during the reporting period, two (2) during the August 2022 compliance audit and one (1) during the November 2022 compliance audit.

3.2.14 Social and Community (SC)

Program activities were audited against three (3) of the Social and Community EPRs (EPRs SC1, SC3 and SC4) during the reporting period.

Two (2) findings relating to EPR SC1 and SC2, were identified during the audit of the rail advance works being delivered by MTM. Both these findings were categorised as Minor NCs, and were associated with:

- Logging and closing out all complaints and enquiries in a timely manner. The risk associated with this finding was assessed as Low.
- Preparation of a communications contingency plan, which is required by the CSRMP. While MTM advised it has a process in place for other projects, which would be followed as needed, no communications contingency plan has been prepared for the NELP packages. The risk associated with this finding was assessed as Low.



3.2.15 Surface Water (SW)

Program activities were audited against all the Surface Water EPRs relevant to the NELEW (EPRs SW1 and SW3 to SW15) during the reporting period and were considered by the IEA to be compliant, with one (1) OFI associated with CPB's NELEW activities identified during the November 2022 compliance audit.

3.2.16 Sustainability and Climate Change (SCC)

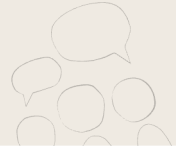
Program activities were audited against the 4 Sustainability and Climate Change EPRs relevant to the NELEW (EPRs SCC1, SCC2, SCC4 and SCC5) during the reporting period.

Three (3) OFIs associated with CPB's NELEW activities were identified during the reporting period, two (2) during the August 2022 compliance audit and one (1) during the November 2022 compliance audit. The OFI identified during the November compliance audit was a repeat finding.

One (1) finding relating to EPR SCC4 was identified during the audit of the rail advance works being delivered by MTM. This finding was categorised as a Minor NC and was associated with materials tracking. The risk associated with this finding was assessed as Low.

3.2.17 Traffic and Transport (TT)

Program activities were audited against all Traffic and Transport EPRs (i.e. EPRs T1 to T5) during the reporting period, with one (1) OFI associated with MTM's activities identified.



4 Corrective Actions

Corrective actions have been undertaken by CPB and MTM to close all findings identified by the compliance audits conducted during the reporting period. The IEA considered all findings to have been actioned and closed upon review of evidence provided by CPB in November 2022 (i.e. to address findings identified in the August 2022 audit) and January 2023 (to address findings identified in the November 2022 audits).

The status of corrective actions undertaken by CPB to address the findings arising from the IEA compliance audits is summarised in Table 4.1:

Table 4.1 Status of corrective actions

Previous audit	Corrective actions assessed	Status of corrective actions
22 to 24 August 2022	16 to 17 November 2022	Upon review of evidence provided by CPB in November 2022, the IEA considered that four (4) of the five (5) findings identified during the August compliance audit had been closed. One (1) finding was considered to remain open, comprising an OFI associated with Sustainability and Climate Change. This was subsequently closed out in January 2023.
16 to 17 November 2022	January 2023	Upon review of evidence provided by CPB in January 2023, the IEA considered that all five (5) findings identified during the November 2022 compliance audit had been closed.
29 to 30 November 2022	January 2023	Upon review of evidence provided by MTM in January 2023, the IEA considered that all 12 findings identified during the November 2022 compliance audit had been closed.

5 Overall Compliance

Over the reporting period, compliance with the EMF and 67 EPRs (out of the 96 EPRs applicable to the NELEW and that have been triggered by works completed to date) has been assessed by the IEA through conducting three (3) compliance audits (covering CPB's construction activities in August 2022 and November 2022, and MTM's activities in November 2022) and review of evidence provided by CPB and MTM to close-out findings arising from these audits.

Both the Managing Contractor for the majority of the NELEW, CPB and the Managing Contractor for the rail advance works of NELEW, MTM, have addressed the requirements of the EMF through the preparation and implementation of Program-specific environmental management plans (specified within the EMF and its associated EPRs).

Both CPB's and MTM's Program activities were considered by the IEA to comply with the EMF and the 67 EPRs audited during the reporting period, with the exception of seven (7) Minor NCs identified.

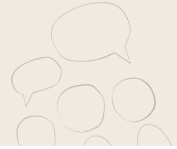
Rather than being a total lack of implementation of the EPRs, the Minor NCs tended to be associated with instances of non-compliance associated with fulfilling the requirements of Program specific environmental management plans and therefore findings were assigned to the EPRs requiring the preparation and implementation of these plans.

In addition, 15 OFIs were identified across the reporting period.

MTM has addressed and closed-out, to the satisfaction of the IEA, the Minor NCs, and both CPB and MTM have addressed, and closed-out, to the satisfaction of the IEA all OFIs identified during the reporting period.

Given both CPB and MTM's responsiveness in closing out findings identified during the reporting period and taking the context of the findings into consideration, the IEA does not consider either the Minor NC or the OFI audit findings to represent systemic issues, nor present ongoing material risks to the environment.

Appendices



A Audit Limitations

Nation Partners produces technical and advisory documents in the course of providing its services, which includes this document.

The contents of this document and any related findings reflect industry practice based on information available to Nation Partners at the time of creation and the scope of services, methodologies, and resources to which this document relates. Nation Partners has also relied upon information provided by the recipient and, except as expressly provided, has not carried out any separate verification of such information provided.

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B EPRs Audited

EPR Code	Environmental Performance Requirement	Relevant to NELEW	Reporting period audited (in Year 2 of audit program)
1. Environmental Management (EMF)			
EMF1	Deliver project in general accordance with an Environmental Management System		Aug 21 – Jan 22
EMF2	Deliver project in accordance with an Environmental Strategy and Management Plans		Aug 21 – Jan 22 Feb 22 – July 22
EMF3	Audit and report on environmental compliance		Aug 21 – Jan 22 Feb 22 – July 22
EMF4	Complaints Management System		Aug 21 – Jan 22 Feb 22 – July 22
2. Aboriginal Heritage (AH)			
AH1	Comply with the Cultural Heritage Management Plan		Aug 21 – Jan 22 Feb 22 – July 22
3. Air Quality (AQ)			
AQ1	Implement a Dust and Air Quality Management and Monitoring Plan to minimise air quality impacts during construction		Aug 21 – Jan 22 Feb 22 – July 22
AQ2	Design tunnel ventilation system to meet EPA requirements for air quality	N/A	
AQ3	In-tunnel air quality performance standards	N/A	
AQ4	Monitor ambient air quality	N/A	
AQ5	Monitor compliance of in-tunnel air quality and ventilation structure emissions	N/A	
AQ6	Construction Haulage Vehicle Fleet		Aug 21 – Jan 22
4. Arboriculture (AR)			
AR1	Develop and implement a Tree Removal Plan		Aug 21 – Jan 22
AR2	Implement a Tree Protection Plan(s) to protect trees to be retained		Aug 21 – Jan 22 Feb 22 – July 22
AR3	Implement a Tree Canopy Replacement Plan		Aug 21 – Jan 22
5. Business (B)			
B1	Business disruption mitigation plan		Feb 22 – July 22
B2	Business Relocation Strategy		Feb 22 – July 22
B3	Employee Assistance Strategy		Feb 22 – July 22
B4	Minimise disruption to businesses from land acquisition and temporary occupation		Feb 22 – July 22
B5	Minimise and remedy damage or impacts on third party property and infrastructure		Aug 21 – Jan 22
B6	Minimise access and amenity impacts on businesses		Aug 21 – Jan 22
B7	Protect utility assets		Aug 21 – Jan 22
B8	Business liaison groups		Aug 21 – Jan 22
6. Contamination and soil (CL)			
CL1	Implement a Spoil Management Plan		Aug 21 – Jan 22 Feb 22 – July 22
CL2	Minimise impacts from disturbance of acid sulfate soil		Feb 22 – July 22
CL3	Minimise odour impacts during spoil management		Feb 22 – July 22
CL4	Minimise risks from vapour and ground gas intrusion		Feb 22 – July 22

CL5	Manage chemicals, fuels and hazardous materials		Aug 21 – Jan 22 Feb 22 – July 22
CL6	Minimise contamination risks during operation	N/A	
7. Flora and Fauna (FF)			
FF1	Avoid and minimise impacts on fauna and flora		Aug 21 – Jan 22 Feb 22 – July 22
FF2	Minimise and offset native vegetation removal		Aug 21 – Jan 22 Feb 22 – July 22
FF3	Avoid introduction or spread of weeds and pathogens		Aug 21 – Jan 22 Feb 22 – July 22
FF4	Protect aquatic habitat		Feb 22 – July 22
FF5	Obtain Flora and Fauna Guarantee Act 1988 permits		Feb 22 – July 22
FF6	Implement a Groundwater Dependent Ecosystem Monitoring and Mitigation Plan		Feb 22 – July 22
FF7	Implement a salvage and translocation plan for Matted Flax-lily		Feb 22 – July 22 Feb 22 – July 22
FF8	Minimise intense noise and vibration impacts on Australian Grayling		Feb 22 – July 22
FF9	Protect fauna habitat values in existing waterbodies that are modified for drainage purposes		Feb 22 – July 22
FF10	Studley Park Gum Mitigation		Feb 22 – July 22
8. Ground Movement (GM)			
GM1	Design and construction to be informed by a geotechnical model and assessment		Feb 22 – July 22
GM2	Implement a Ground Movement Plan to manage ground movement impacts		Feb 22 – July 22
GM3	Carry out Condition surveys for potentially affected property and infrastructure		Feb 22 – July 22
GM4	Rectify damage to properties and assets impacted by ground movement or settlement		Feb 22 – July 22
9. Groundwater (GW)			
GW1	Design and construction to be informed by a groundwater model		Aug 21 – Jan 22 Feb 22 – July 22
GW2	Monitor groundwater		Aug 21 – Jan 22 Feb 22 – July 22
GW3	Minimise changes to groundwater levels through tunnel and trench drainage design and construction methods		Feb 22 – July 22
GW4	Implement a Groundwater Management Plan to Protect groundwater quality and manage groundwater interception		Aug 21 – Jan 22 Feb 22 – July 22
GW5	Manage groundwater during operation	N/A	
10. Historical Heritage (HH)			
HH1	Design and construct to minimise impacts on heritage		Feb 22 – July 22
HH2	Implement an Archaeological Management Plan to avoid and minimise impacts on historic archaeological sites and values		Feb 22 – July 22
HH3	Monitor condition of heritage sites		Feb 22 – July 22
HH4	Undertake archival photographic recording		Feb 22 – July 22
HH5	Minimise impacts on heritage trees		Feb 22 – July 22
11. Land Use Planning (LP)			
LP1	Minimise land use impacts		Aug 21 – Jan 22 Feb 22 – July 22
LP2	Minimise impacts from location of new services and utilities		Aug 21 – Jan 22 Feb 22 – July 22

LP3	Minimise inconsistency with strategic land use plans		Aug 21 – Jan 22 Feb 22 – July 22
LP4	Minimise overshadowing from noise walls and elevated structures and overlooking from elevated structures		Feb 22 – July 22
LP5	Open Space Replacement	N/A	
12. Landscape and Visual (LV)			
LV1	Design to be in accordance with the Urban Design Strategy		Feb 22 – July 22
LV2	Minimise landscape impacts during construction		Feb 22 – July 22
LV3	Minimise construction lighting impacts		Feb 22 – July 22
LV4	Minimise operation lighting impacts		Feb 22 – July 22
13. Noise and Vibration (NV)			
NV1	Achieve traffic noise objectives	*see note	*see note
NV2	Monitor traffic noise	N/A	
NV3	Minimise construction noise impacts to sensitive receptors		Aug 21 – Jan 22 Feb 22 – July 22
NV4	Implement a Construction Noise and Vibration Management Plan (CNVMP) to manage noise and vibration impacts		Aug 21 – Jan 22 Feb 22 – July 22
NV5	Establish vibration guidelines to protect utility assets		Aug 21 – Jan 22
NV6	Design permanent tunnel ventilation system and relevant fixed infrastructure to meet EPA requirements for noise	N/A	
NV7	Monitor noise from tunnel ventilation system and relevant fixed infrastructure	N/A	
NV8	Minimise construction vibration impacts on amenity		Aug 21 – Jan 22
NV9	Minimise construction vibration impacts on structures		Aug 21 – Jan 22
NV10	Minimise impacts from ground-borne (internal) noise		Aug 21 – Jan 22
NV11	Minimise amenity impacts from blast vibration		Aug 21 – Jan 22
NV12	Minimise amenity impacts from blast overpressure		Aug 21 – Jan 22
NV13	Noise mitigation – noise walls		Aug 21 – Jan 22
NV14	Reduce impacts from engine brake noise		Aug 21 – Jan 22
NV15	Noise at public open space and school recreation grounds		Aug 21 – Jan 22
NV16	Monitoring of Ongoing performance of operational traffic noise mitigation measures	N/A	
14. Social and Community (SC)			
SC1	Reduce community disruption and adverse amenity impacts		Feb 22 – July 22
SC2	Manage impacts of land acquisition and occupation		Feb 22 – July 22
SC3	Implement a Communications and Community Engagement Plan		Aug 21 – Jan 22 Feb 22 – July 22
SC4	Participate in the Community Liaison Group		Feb 22 – July 22
SC5	Minimise impacts of displacement of formal active recreation facilities		Feb 22 – July 22
SC6	Minimise impacts on formal active recreation and other facilities		Feb 22 – July 22
SC7	Implement a Community Involvement and Participation Plan (CIPP)		Feb 22 – July 22
SC8	Implement a voluntary purchase scheme for residential properties		Feb 22 – July 22
15. Surface Water (SW)			
SW 1	Discharges and runoff to meet State Environment Protection Policy (Waters)		Aug 21 – Jan 22
SW 2	Design and implement spill containment	N/A ^	Aug 21 – Jan 22
SW 3	Wastewater discharges to be minimised and approved		Aug 21 – Jan 22 Feb 22 – July 22

SW 4	Monitor water quality	Aug 21 – Jan 22 Feb 22 – July 22
SW 5	Implement a Surface Water Management Plan during construction	Aug 21 – Jan 22 Feb 22 – July 22
SW 6	Minimise risk from changes to flood levels, flows and velocities	Aug 21 – Jan 22
SW 7	Develop flood emergency management plans	Aug 21 – Jan 22
SW 8	Minimise impacts from waterway modifications	Aug 21 – Jan 22
SW 9	Maintain bank stability	Aug 21 – Jan 22
SW 10	Provide for access to Melbourne Water and other drainage assets	Aug 21 – Jan 22
SW 11	Adopt Water Sensitive Urban and Road Design	Aug 21 – Jan 22
SW 12	Minimise impacts on irrigation of sporting fields	Aug 21 – Jan 22
SW 13	Consider climate change effects	Aug 21 – Jan 22
SW 14	Meet existing water quality treatment performance	Aug 21 – Jan 22
SW 15	Water Sensitive Urban Design asset transfer strategy	Aug 21 – Jan 22
16. Sustainability and Climate Change (SCC)		
SCC1	Implement a Sustainability Management Plan	Aug 21 – Jan 22
SCC2	Minimise greenhouse gas emissions	Aug 21 – Jan 22
SCC3	Apply best practice measures for energy usage for tunnel ventilation and lighting systems	N/A
SCC4	Minimise and appropriately manage waste	Aug 21 – Jan 22
SCC5	Minimise potable water consumption	Aug 21 – Jan 22
17. Traffic and Transport (TT)		
T1	Optimise design performance	Aug 21 – Jan 22
T2	Transport Management Plan(s) (TMP)	Aug 21 – Jan 22
T3	Transport Management Liaison Group	Aug 21 – Jan 22
T4	Road safety design	Aug 21 – Jan 22
T5	Traffic monitoring	Aug 21 – Jan 22

* Note: these EPRs are relevant to NELEW but have not yet been triggered by the works completed to date

^ It was determined during the November 2021 CPB compliance audit that SW2 was not relevant to NELEW as it relates to freeway pavements