

MIRVAC RESPONSE TO SECOND INDEPENDENT ENVIRONMENTAL AUDIT SSD 8449 LOCOMOTIVE WORKSHOP – BAYS 5-15

February 2021

1 Overview

1.1 Introduction

Mirvac Projects Pty Ltd engaged Ramboll Australia Pty Ltd to undertake Independent Environmental Audits (IEAs) for the Locomotive Workshop in accordance with SSD 8449 DA Conditions C7, C8 and C9. The Audit Period for this second audit was from the date of the 2019 Independent Audit site visit on 18 September 2019 to the date of this site visit on 17 September 2020.

Mirvac was issued the second Independent Audit Report on 26 October 2020. The Response Table (Appendix A) summarises Mirvac's responses to any non-compliances identified in the audit, as well as opportunities for improvement recommended by Ramboll.

2 Appendix A – Response Table

CONDITION	REQUIREMENT	AUDITOR'S FINDINGS AND RECOMMENDATIONS	MIRVAC RESPONSE	TIMING FOR ACTION
NON-COMPLIANCE RECOMMENDATIONS				
NON-COMPLIANCE NOTIFICATION				
A13	<p>The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.</p>	<p>Mirvac have notified DPIE of non-compliances on three occasions: 11/10/19; 11/03/20; and 18/06/20. In the case of the October 2019 and June 2020 notifications, they were raised within the required 7 days of becoming aware of the non-compliances.</p> <p>The March 2020 notification was formally emailed to the DPIE 8 days after becoming aware of the non-compliance on 03/03/20. Mirvac had notified DPIE of the non-compliance on 03/03/20 but it did not meet all of the requirements of Condition A14 (actions taken to address the non-compliance).</p> <p>On the basis of the above, this Condition is considered to be non-compliant. As the non-compliance have already been addressed, the Auditors make no further recommendation.</p>	<p>As per the Auditor's recommendation, no further action is required by Mirvac.</p>	N/A
REVISION OF STRATEGIES, PLANS AND PROGRAMS				
A16	<p>Within three months of:</p> <p>(a) the submission of a Compliance Report under condition C5;</p> <p>(b) the submission of an incident report under condition A11;</p>	<p>Mirvac did not review strategies, plans and programs and notify DPIE of such within 3 months of submission of Independent Audit 1 SSD 8449 (01/11/19) or approval of SSD 8449 MOD5 (Skylights) (20/11/19). The letter dated 03/03/20 served to notify DPIE that they were undertaking a review of Independent Audit Report 1 SSD 8449 and SSD 8449 MOD5 (Skylights).</p> <p>Mirvac's Excel spreadsheet '200916 - C3_A16_Locomotive Workshop.xlsx' indicates when</p>	<p>Mirvac will amend the A16 Spreadsheet so that it notes the document revision numbers, the dates they were reviewed and the dates the DPIE were notified that they were being reviewed.</p> <p>In addition, Mirvac has set up automatic monthly calendar</p>	05/11/2020

	<p>(c) the submission of an Independent Audit under condition C8;</p> <p>(d) the approval of any modification of the conditions of this consent; or</p> <p>(e) the issue of a direction of the Planning Secretary under condition A3 which requires a review,</p> <p>the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p>	<p>strategies, plans and programs are made "Available" but does not record the revision numbers or when they were reviewed or when DPIE was notified that they were reviewed. It is recommended that the '200916 - C3_A16_Locomotive Workshop.xlsx' spreadsheet be amended to record the document revision numbers, the dates when they were reviewed and the dates when DPIE was notified that they were reviewed.</p>	<p>reminders to ensure reviews, and notifications of these reviews are not missed in future.</p>	
LIMITS OF CONSENT				
A20	<p>Prior to the issue of the Construction Certificate for each stage of the development, a Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.</p>	<p>The Long Service Corporation approved a revision of the instalment plan for SSD 8449 with a schedule of instalments over the life of the project. The 3rd and 4th instalments were paid on 02/03/20 and 19/08/20, respectively, which was after their due dates (01/03/20 and 01/08/20, respectively). This condition is considered to be an administrative non-compliance due to the late levy payment. The auditors recommend that the final instalment be paid prior to its due date, 01/01/21.</p>	<p>As per the Auditor's recommendation, Mirvac will ensure that the final instalment is paid prior to the due date. A calendar reminder will be set up to ensure this is not missed.</p>	18/12/2020
NOTIFICATION OF COMMENCEMENT				
C2	<p>If the construction or operation of the development is to be</p>	<p>Mirvac advised that notification of commencement of works is communicated to the DPIE through the letter sent</p>	<p>Mirvac will amend both its CC and IOC tracking spreadsheets</p>	05/11/2020

	<p>staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.</p>	<p>by the PCA to inform that a construction certificate has been issued for specific works sent by Mirvac for each 'major' stage of work (e.g. Stage 3, Stage 4 etc). The Auditors observe that the PCA's letter does not notify the DPIE of the intended date for commencement of construction and notification must be sent separately and 48 hours in advance of the commencement, which is usually the same day as when the CC is issued. Notification to DPIE for sub-stages for work (e.g. 5a) was not made as these were considered approved under the parent-stage of works.</p> <p>Commencement dates for Stage 3 and 4 were not notified to DPIE at least 48 hours prior. Mirvac notified DPIE in writing of the scheduled commencement of Stage 3 (Structure) construction works (5 March 2020) on 18 June 2020 and Stage 4 (Services and Base Build Fit Out) commencement (22 July 2020) on 7 September 2020. The auditors consider this Condition to be non-compliant on the basis of the missed Stages 3 and 4 notifications.</p> <p>Mirvac has recently included an additional column in the 'CC Programme' spreadsheet recording the required date for DPIE notification of commencement of works for each stage (i.e. at least 48 hours' notice) to trigger the need for this action. No further action is recommended.</p>	<p>so that they note the dates by which DPIE notifications are required, as well as the actual dates that construction / operation commenced.</p>	
COMPLIANCE REPORTING				
C5	<p>Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).</p>	<p>Mirvac have submitted two construction compliance reports since the 2019 IEA.</p> <p>Construction work was notified to DPIE as commencing on 24/06/19. The Auditors observe that Compliance Report 1 states that works commenced on 17/06/19, which is inconsistent with the date notified to DPIE. Based on construction commencing on 24/06/19 and in accordance with Table 1 of the Compliance Reporting</p>	<p>Mirvac arranged a teleconference call with Hala Fua, Senior Compliance Officer, Department of Planning NSW on 21/10/20 to discuss the Construction Compliance Report 2 (SSD 8517 and 8449) and specifically comments and</p>	<p>16/11/2020.</p> <p>This date is in accordance with the DPIE's direction.</p>

		<p>Post Approval Requirements (Department 2018), the first two construction compliance reports were due by 23/12/19 and 22/06/20. Compliance Report 1 and Compliance Report 2 were issued and submitted to DPIE on 16/12/19 and 15/06/20 prior to their respective due dates.</p> <p>The contents of the two construction compliance reports were reviewed, and it is considered that they do not fully address the following requirements of the Compliance Reporting Post Approval Requirements (Department 2018). The following information was not provided:</p> <ul style="list-style-type: none"> • the date covered by the Compliance Report (reporting period being a date range); • current GIS figures and shapefiles that illustrate development footprints and context; • the total number of non-compliances during the reporting period; • details of all non-compliances during the reporting period including: <ol style="list-style-type: none"> 1. the relevant compliance requirement and its ID; 2. details of the non-compliance, the date it occurred and the date it was identified; 3. the agency, or agencies to whom the non-compliance was reported; and 4. the proponent's response that have been, or are proposed to be, taken to address the non-compliance, including details of timing for undertaking such actions; and • Previous report actions arising from a previous Independent Audit and Compliance Reports. 	<p>feedback issued to Mirvac on 20/10/20. The call was educational in that each of the comments were discussed and identified within the report where there were inconsistencies in relation to the requirements of the PAR 18. Mirvac have been directed to revise the CCR 2 report in accordance with the Department's comments and resubmit for further assessment.</p> <p>Following this meeting, Mirvac are more confident that they will be able to address the inconsistencies identified between Mirvac's reports and the PAR 18 as highlighted by the Auditors and the Department of Planning NSW.</p> <p>Mirvac will ensure the third compliance report complies with all requirements of the PAR 18.</p>	
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COMPLIANCE REPORTING				
C6	<p>The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.</p>	<p>The 2019 IEA recommended that Mirvac update the development's public website to make available the latest version of the Pre-Construction Compliance Report and ensure that DPIE are notified at least 7 days prior to updating or placing new Compliance Reports on the public website. The version of the Pre-Construction Compliance Report on the public website is still version 1, indicating that this non-compliance from the 2019 IEA has not been actioned and is therefore, ongoing. The Auditors recommend that the latest version of the Pre-Construction Compliance Report be made available on the public website.</p> <p>Construction Compliance Report 1 and Compliance Report 2 were submitted to DPIE on 16/12/19 and 15/06/20, respectively. Mirvac notified DPIE on 11/03/20 that Compliance Report 1 had not been made publicly available (therefore, it was overdue) and that they would make it publicly available within 7 days of the non-</p>	<p>Mirvac has now uploaded the latest version of the Pre-Construction Compliance Report to the website.</p> <p>Mirvac will ensure that on its Access to Information Excel spreadsheet it is tracking in a new column the dates by which the document is made available (i.e. approved if required) and then the date the document is made publicly available on its website.</p>	05/11/2020

		<p>compliance notification. On this basis, this condition is considered non-compliant.</p> <p>Compliance Report 1 and Compliance Report 2 are available on the project website. The Auditors consider this notification of Compliance Report 2 to DOIE to be compliant, although it is not clear whether the report would be made publicly available at least 7 days after they had notified report of its pending publication.</p> <p>Mirvac does not record when documents are made publicly available on the project website and it is not shown on the website. Therefore, the Auditors cannot verify if the Compliance Reports were made publicly available within 60 days of the reports being submitted to DPIE and whether DPIE were notified at least 7 days prior to their actual publication. The Auditors recommend that Mirvac implement a system of recording when documents are made publicly available and consider how to ensure that Compliance Reports are made publicly available within the required timeframe (i.e. within 60 days of submission to DPIE and at least 7 days after notifying DPIE that they were to be made publicly available).</p>		
BUNDING				
D18	<p>The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bundled areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's Storing and Handling Liquids: Environmental Protection – Participants Handbook.</p>	<p>The Auditors observed a number of flammable liquids cabinets and gas cylinder cages were in use in various locations. Gas cylinder portable cages containing Class 2.2, Class 2.2/5.1 and Class 2.1 dangerous were stored in indoor areas on the first floor surrounded by combustible materials including timber and cardboard packaging. Storage areas for minor quantities of gases in cylinders should be kept clear of combustible materials for a distance of not less than 3 m (AS 4332-2004). Mirvac advised that contractors are responsible for storing the</p>	<p>Upon being made aware of this non-compliance, Mirvac immediately removed any combustible materials that were located within 3m of any gas cylinder cages. The non-compliance was raised with the all relevant site personnel, including site</p>	17/09/2020

		<p>hazardous chemicals that they use. However, the Auditors consider that Mirvac is also responsible for ensuring compliance with Condition D18 requirements. The Auditors recommend that the storage of gas cylinders be improved to ensure 3 m separation from combustible materials.</p>	<p>managers, foremen, HSE officers and the relevant sub-contractors to ensure all are aware of their responsibilities and to prevent any reoccurrences.</p>	
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CONDITION	REQUIREMENT	AUDITOR'S RECOMMENDATIONS	MIRVAC RESPONSE	TIMING FOR ACTION
OPPORTUNITY FOR IMPROVEMENT RECOMMENDATIONS				
GENERAL				
N/A	N/A	<p>As there continue to be administrative non-compliances related to missed deadlines, the Auditors consider that the 'DA conditions tracking register' has not been effective in preventing these types of non-compliances.</p> <p>The Auditors recommend that Mirvac review the compliance tracking process to ensure that all notification and reporting requirements and deadlines are captured.</p>	<p>As noted previously, Mirvac will amend its various tracking spreadsheets so that the dates by which DPIE notifications are required and actual commencement dates are noted and review regularly.</p> <p>Mirvac undertakes weekly DA review meetings and these dates will be reviewed and actioned where necessary at each meeting.</p>	05/11/2020
NOTIFICATION OF COMMENCEMENT				
C2	<p>If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.</p>	<p>Mirvac advised that notification of commencement of works is communicated to the DPIE through the letter sent by the PCA to inform that a construction certificate has been issued for specific works sent by Mirvac for each 'major' stage of work (e.g. Stage 3, Stage 4 etc). The Auditors observe that the PCA's letter does not notify the DPIE of the intended date for commencement of construction and notification must be sent separately and 48 hours in advance of the commencement, which is usually the same day as when the CC is issued. Notification to DPIE for sub-stages for work (e.g. 5a) was</p>	<p>As noted by the Auditors, an additional column has already been added to the CC Program spreadsheet which tracks the date by which notification to the DPIE is required for each stage i.e. two days (48 hours) prior to the expected date of the receipt of a CC and subsequently, the commencement of construction.</p>	05/11/2020

		<p>not made as these were considered approved under the parent-stage of works.</p> <p>Commencement dates for Stage 3 and 4 were not notified to DPIE at least 48 hours prior. Mirvac notified DPIE in writing of the scheduled commencement of Stage 3 (Structure) construction works (5 March 2020) on 18 June 2020 and Stage 4 (Services and Base Build Fit Out) commencement (22 July 2020) on 7 September 2020. The auditors consider this Condition to be non-compliant on the basis of the missed Stages 3 and 4 notifications.</p> <p>Mirvac has recently included an additional column in the 'CC Programme' spreadsheet recording the required date for DPIE notification of commencement of works for each stage (i.e. at least 48 hours' notice) to trigger the need for this action. No further action is recommended.</p>	<p>Mirvac will also incorporate additional columns within its IOC Program spreadsheet to track the deadlines for notifications to DPIE, as well as the actual dates of commencement of operation.</p>	
ACCESS TO INFORMATION				
C3	<p>At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:</p> <p>(a) make the following information and documents (as they are obtained or approved) publicly available on its website:</p>	<p>The 'Construction & Development Updates' and 'South Eveleigh Construction Updates' websites continue to provide a considerable amount of project documentation and information and are considered to generally comply with the requirements of the condition. The Auditors make the following observations and recommendations:</p> <ul style="list-style-type: none"> • Regular South Eveleigh heritage, construction and development updates are provided, • A complaints register is available (labelled as the Locomotive Workshop Contact Register). • Regular reporting of environmental performance and summary of monitoring results of the development is not specifically required or noted in plans or programs. • Where consent modifications refer to revised drawings, those revised drawing should be provided on the website (e.g. Proposed plan – 	<p>Mirvac will carry out a review of all documentation on the website and ensure the correct revisions for all documents are uploaded, all documents can be opened and development updates are up to date.</p> <p>Mirvac notes that the complaints register is available, however it is located on a separate page on the website.</p> <p>Mirvac will also add new columns to its Access to Information Excel spreadsheet to track the document revisions,</p>	05/11/2020

	<p>(i) the documents referred to in condition A2 of this consent;</p> <p>(ii) all current statutory approvals for the development;</p> <p>(iii) all approved strategies, plans and programs required under the conditions of this consent;</p> <p>(iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;</p> <p>(v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;</p> <p>(vi) a summary of the current stage and progress of the development;</p> <p>(vii) contact details to enquire about the development or to make a complaint;</p>	<p>second floor is Revision L, not Revision V per MOD 10).</p> <ul style="list-style-type: none"> • Some links do not open the documents (e.g. Loading Dock Management Plan). • The following drawings in Condition A2 should be provided: Grid 8 glazing study; Intertency Walls, Internal Elevations/ Section; Bay 15 Section – West Wall; and Full height glazing elevations. • Mirvac uses a tracking register to ensure updates to documents that are required to be uploaded to the website are done so within the required timeframes of the relevant condition. However, the register does not identify the document version so it is difficult to track/check that the current version has been uploaded on the website, without retrieving the document to physically check the version number against the website version. <p>It is recommended as an improvement opportunity that Mirvac include the version number for the listed documents within the tracking register to ensure that up to date information has been uploaded. The document submission date (what the upload deadline usually hinges on), the notification deadline and upload deadline could also be included.</p>	<p>the dates by which the document is made available (i.e. approved if required) and the date the document is made publicly available on its website.</p>	
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	<p>(viii) a complaints register, updated monthly;</p> <p>(ix) audit reports prepared as part of any Independent Audit of the development and the Applicant's response to the recommendations in any audit report;</p> <p>(x) any other matter required by the Planning Secretary; and</p> <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>			
INDEPENDENT AUDIT				
C9	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</p> <p>(a) review and respond to each Independent Audit Report prepared under condition C8 of this consent;</p> <p>(b) submit the response to the Department; and</p> <p>(c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission</p>	<p>Mirvac submitted a response to the 2019 Independent Audit to DPIE on 11/11/19. The response is considered to meet the Independent Audit Post Approval Requirements (Department 2018).</p> <p>Mirvac notified DPIE that that they would make the 2019 IEA report and Mirvac's response available on the South Eveleigh website after Monday 18th November, which met the requirements. The Auditors observe that the 2019 Independent Audit and Mirvac's response are available on the project website (https://southeveleigh.mirvac.com/about/locomotive-workshop/development-updates).</p> <p>Mirvac does not record when documents are made publicly available on the project website and it is not shown on the website. Therefore, the Auditors cannot verify if the 2019 Independent Audit Report was made publicly available within 60 days of the report being</p>	<p>As noted above, Mirvac will add a new column to its Access to Information Excel spreadsheet to track the dates by which the document is made available (i.e. approved if required) and the date the document is made publicly available on its website.</p>	05/11/2020

	to the Department and notify the Department in writing at least 7 days before this is done.	submitted to DPIE. There is no evidence to suggest that this was not done. However, the Auditors recommend that Mirvac implement a system of recording when documents are made publicly available.		
HAZARDOUS AND INDUSTRIAL WASTE				
D14	<p>Hazardous and/or industrial waste arising from the demolition/operational activities must be removed and/or transported in accordance with the requirements of the Office of Environment and Heritage and the NSW Work Cover Authority pursuant to the provisions of the following:</p> <p>(a) Protection of the Environment Operations Act 1997;</p> <p>(b) Protection of the Environment Operations (Waste) Regulation 2014;</p> <p>(c) Waste Avoidance and Recovery Act 2001; and</p> <p>(d) Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017.</p>	<p>The Auditors' review of waste classification and management in accordance with Condition D8 included review of hazardous and/or industrial wastes, such as the lead contaminated wastes in Bay 15.</p> <p>An empty 6L pail of hazardous chemical and dangerous good (harmful and corrosive) was observed in a general/recyclable waste skip bin. Empty containers that have held dangerous goods should not be disposed of as general waste unless they have been cleaned of residue. It was not possible to verify whether this container held residue or had been cleaned. The Auditors recommend that Mirvac review control measures for disposal of chemical containers and reinforce the requirements with their contractors, as required.</p>	<p>Upon being made aware of this non-compliance, Mirvac raised the issue with the all relevant site personnel, including site managers, foremen, HSE officers and the relevant sub-contractors to ensure all are aware of their responsibilities and to prevent any reoccurrences.</p>	17/09/2020