

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

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APRIL 2022

# 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 third audit was from the date of the 2020 Independent Audit site visit on 17 September 2020 to the date of this site visit on 21 March 2022.

Mirvac was issued the third Independent Audit Report on 27 April 2022. 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
<b>NON-COMPLIANCE RECOMMENDATIONS</b>				
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>(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>Notifications of review were not made within three-months following the direction regarding Construction Compliance Report 2 and following the submission of Construction Compliance Report 5.</p> <p>The Auditors recommend that Mirvac review their process again to ensure that future notifications of review are not missed.</p>	<p>Mirvac utilises quarterly calendar reminders to ensure reviews and notifications to DPIE of these reviews are not missed. Unfortunately, one of the reminders clashed with an event and was not picked up on until a week later when the notification was subsequently made. No further actions are required.</p>	N/A
PRE-CONSTRUCTION DILAPIDATION REPORT				
B11	<p>The Applicant is to engage a suitably qualified person to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other</p>	<p>A small PVC service cover in the public way along the railway line boundary near the Bay 8 door was observed to be damaged and may present a potential trip hazard to pedestrians or other hazard if it is a service cover.</p> <p>The Auditors recommend that Mirvac repair the service cover and make it safe and functional in accordance with the Council's standards.</p>	<p>Although it is not clear whether the damage was caused by the Locomotive Workshop construction works, Mirvac will repair the service cover and make it safe and functional in accordance with the Council's standards.</p>	26/05/2022

	<p>existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner(s) and any inspection of buildings on privately affected land shall include details of the whole building where only part of the building may fall within the 'zone of influence'. The report shall be approved by the PCA prior to the issue of the Stage 2 Construction Certificate. A copy of the report is to be forwarded to each of the affected property owners.</p> <p>In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the PCA that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.</p> <p>Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant. Damage must be fully rectified by the Applicant in accordance with the Council's standards prior to commencement of the first use of the commercial bays (Bay 5-15) of the Locomotive Workshop.</p>			
B31	<p>The following detailed design/drawings must be prepared, in consultation with the Heritage Council NSW and Council (or its delegate) and provided to the Planning Secretary prior to the issue of the nominated Construction Certificate</p>	<p>Mirvac could not provide evidence that the detailed design/drawings were provided to DPE prior to the issue of CC4b on 19/07/21 because the person that would have made the submission had left Mirvac.</p> <p>The Auditors recommend that Mirvac confirm with DPE that the detailed</p>	<p>Mirvac hereby requests DPE to confirm whether these drawings were received prior to the issue of CC4b. If not, these drawings will be submitted accordingly.</p>	26/05/2022

	(refer to the Table provided in the provided in Modification 7).	design/drawings were provided prior to issue of CC4b. Alternatively submit the detailed design/drawings to DPE.		
DETAILED DESIGN 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>(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>The Complaints Register link did not work. Construction Compliance Report 5 was not initially available. The revised 20 IEA (Final 2, 08/02/21) and revised Response (Version 2.0, 12/02/20) were also not available on the project website.</p> <p>The Auditors recommend that Mirvac ensure the link to the Complaints Register is working and more regular updates are available. The revised 2020 IEA report (Final 2, 08/02/21) and corresponding Response (Version 2.0, 12/02/20) should be made publicly available on the project website.</p>	<p>The Complaints Register link has been rectified and CCR5 uploaded. The revised 2020 IEA (Final 2, 08/02/21) and revised Response (Version 2.0, 2/02/20) will be uploaded to the website at least 5 days from now.</p>	25/05/2022

	<p>(vii) contact details to enquire about the development or to make a complaint;</p> <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>			
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>The compliance reporting period stated in the Pre-Operation Compliance Report and Construction Compliance Report 4 were the issue dates of the reports, not the period covered by the compliance report. However, this was rectified in Construction Compliance Report 5. None of the reports contained figures or shapefiles to illustrate the developments footprints and context. Hence, Mirvac has not been entirely effectively in monitoring "the current compliance status of the project with the objective of providing an accurate and representative snap shot of performance over a specified period of time".</p> <p>The Auditors recommend that Mirvac: improve their monitoring of compliance with the Conditions of SSD 8449; and ensure that future Compliance Reports meet all of the requirements of CRPAR 2018 including provision of current GIS figures and shapefiles that illustrate development footprints and context.</p>	<p>As per the recommendations, Mirvac will ensure to:</p> <ul style="list-style-type: none"> <li>• improve monitoring of compliance with the Conditions of SSD 8449; and</li> <li>• ensure that future Compliance Reports meet all of the requirements of CRPAR 2018 including provision of current GIS figures and shapefiles that illustrate development footprints and context.</li> </ul>	Ongoing
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</p>	<p>Mirvac did not notify DPE 7 days ahead of making revised Compliance Reports (CCR2 Rev.2; CCR3 Rev. 2; CCR3 Rev. 3; POCR Rev. 2) publicly available. Mirvac notified DPE that CCR5 would be made publicly available within 7 days of when the report was submitted but it was not made publicly available within 60 days of its submission.</p>	<p>Mirvac will ensure to:</p> <ul style="list-style-type: none"> <li>• notify DPE when revised documents are to be made publicly available</li> </ul>	Ongoing

	Department in writing at least 7 days before this is done.	The Auditors recommend that Mirvac: notify DPE when revised documents are to be made publicly available; make CCR5 publicly available as soon as practicable; and periodically check that the latest versions of Compliance Reports are in fact available, in order to ensure that the project website is kept up to date.	<ul style="list-style-type: none"> <li>• make CCR5 publicly available as soon as practicable; and</li> <li>• periodically check that the latest versions of Compliance Reports are available, in order to ensure that the project website is kept up to date.</li> </ul>	
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 to the Department and notify the Department in writing at least 7 days before this is done.</p>	<p>Construction Compliance Report 5 was not initially available on the website.</p> <p>The revised 20 IEA (Final 2, 08/02/21) and revised Response (Version 2.0, 12/02/20) were also not available on the project website.</p> <p>The Auditors recommend that Mirvac ensure the link to the Complaints Register is working and more regular updates are available. The revised 2020 IEA report (Final 2, 08/02/21) and corresponding Response (Version 2.0, 12/02/20) should be made publicly available on the project website.</p>	<p>Mirvac notified DPE within its A13 notification made 26/04/2022 that the revised 2020 IEA (Final 2, 08/02/21) and revised Response (Version 2.0, 2/02/20) will be uploaded to the website at least 7 days from 26/04/2022.</p>	03/05/2022
DEMOLITION				
D1	Demolition work must comply with Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be	<p>Construction Certificate, CC1a, was issued as being for demolition work and there is no evidence that the requirements of Condition D1 were considered or met.</p> <p>The Auditors make no recommendation as the construction work is practically complete and no further demolition work is anticipated.</p>	<p>No further action is required as construction work is practically complete and no further demolition work is anticipated.</p>	N/A



	submitted to the PCA before the commencement of works.			
CONTAMINATION – LONG TERM ENVIRONMENTAL MANAGEMENT PLAN				
E3	<p>Prior to the issue of the first Occupation Certificate for Bays 5 -15, the Applicant shall prepare and implement a Long Term Environmental Management Plan (LTEMP). The plan shall be prepared by a suitably qualified and experienced person, be submitted to an EPA Accredited Site Auditor for review and approval within one month of the completion of remediation works, unless otherwise agreed by the Secretary. The LTEMP shall include, but not be limited to:</p> <p>(a) a description of the nature and location of any contamination remaining on site;</p> <p>(b) provisions to manage and monitor any remaining contamination;</p> <p>(c) a groundwater monitoring program to assess the potential impact of fill material placed below ground water;</p> <p>(d) mechanisms to report results to relevant agencies;</p> <p>(e) triggers that would indicate if further remediation is required; and</p> <p>(f) details of any contingency measures that the Applicant would carry out to address any ongoing contamination.</p> <p>Upon completion of the remediation works, the Applicant shall manage the site in accordance with the LTEMP and any on-going maintenance of</p>	<p>The extent of the November 2021 capping inspection was inadequate as it did not include the whole of the Locomotive Workshop including tenanted areas.</p> <p>The Auditors recommend that Mirvac ensure that capping inspections cover the entire Locomotive Workshop footprint including all tenanted areas. Mirvac should also ensure that personnel engaged to carry out the inspections are competent and appropriately trained to understand the requirements of the LTEMP and capping maintenance requirements. Training records should be kept on record and be available on request.</p>	<p>As per the recommendations, Mirvac will ensure that capping inspections cover the entire Locomotive Workshop footprint including all tenanted areas. Mirvac will also ensure that personnel engaged to carry out the inspections are competent and appropriately trained to understand the requirements of the LTEMP and capping maintenance requirements.</p>	Ongoing

	remediation notice issued by the EPA under the CLM Act.			
POST CONSTRUCTION DILAPIDATION REPORT				
E11	<p>Prior to commencement of the first use of the commercial bays (Bays 5-15) of the Locomotive Workshop:</p> <p>(a) the Applicant shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads;</p> <p>(b) the report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:</p> <p>(c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and</p> <p>(d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.</p> <p>(e) a copy of this report is to be forwarded to the Secretary and each of the affected property owners.</p>	<p>The Auditors consider Condition E11 to be non-compliant because written confirmation from the relevant authorities, Sydney Trains / TfNSW, that there was no adverse structural damage to their infrastructure and roads was not obtained.</p> <p>The Auditors recommend that written confirmation from Sydney Trains / TfNSW that their infrastructure and roads, as applicable, had no adverse structural damage as a result of the construction works is obtained.</p>	<p>Mirvac is of the opinion that Sydney Trains are not appropriately qualified to make an assessment on whether their property sustained any adverse structural damage. This determination was instead made by Van Der Meer as qualified structural engineers and a letter certifying as such was provided. They should be considered the relevant authority on this basis and this was the view taken by Mirvac and Philip Chun. This issue is a result of ambiguous wording of the condition and Mirvac would not consider it to be non-compliant.</p> <p>Regardless of the above, Mirvac will ensure that written confirmation is obtained from Sydney Trains / TfNSW that their infrastructure and roads, as applicable, had no adverse structural damage as a result of the construction works.</p>	25/05/2022

CONDITION	REQUIREMENT	AUDITOR'S RECOMMENDATIONS	MIRVAC RESPONSE	TIMING FOR ACTION
OPPORTUNITY FOR IMPROVEMENT RECOMMENDATIONS				
NON-COMPLIANCE NOTIFICATION				
A14	<p>The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</p>	<p>Mirvac did not provide a "Reason for Non-Compliance", as opposed to "the way in which it does not comply".</p> <p>The Auditors recommend as an OFI that future non-compliance notifications include the reason(s) for the non-compliance in addition to the way in which the development does not comply.</p>	<p>As per the recommendation, Mirvac will ensure that future non-compliance notifications include the reason(s) for the non-compliance in addition to the way in which the development does not comply.</p>	Ongoing
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 to the Department and notify the Department in writing at least 7 days before this is done.</p>	<p>The Auditors observe that in the 'Master Conditions Tracking.xlsx\C3 - Access to Information' worksheet, the version/revision number for the IEA reports have not been recorded. Hence the worksheet does not indicate that the 2020 IEA report was revised and therefore, it cannot be used to reliably verify that the revised report was uploaded as required. The worksheet also does not include the Responses as a separate item required to be made publicly available.</p> <p>The Auditors recommend as an Opportunity for Improvement (OFI) that documents that are required by DPE to be revised be added as a separate line item in the Master Conditions Tracking.xlsx spreadsheet and that revision/version numbers be recorded.</p>	<p>As per the recommendation, Mirvac will ensure that documents that are required by DPE to be revised are added as a separate line item in the Master Conditions Tracking.xlsx spreadsheet and that revision/version numbers are recorded.</p>	25/05/2022
WASTE CLASSIFICATION AND DISPOSAL				

D8	The Applicant must ensure that all waste generated by the development is classified and disposed of in accordance with the EPA's Waste Classification Guidelines 2009. These Guidelines may indicate the material will need to be immobilised prior to disposal. If this is the case, the Applicant must apply to the EPA for a site-specific immobilisation approval.	<p>The Auditors observed a Bingo waste skip that reportedly contained waste from the ongoing public domain construction works outside the western wall of Bay 15. A bulka-bag was observed in the skip bin. The Auditors did not open the bag but requested information on the contents of the bag and its waste classification. The information was not provided. As it does not relate to SSD 8449, this is not considered to represent a non-compliance for SSD 8449.</p> <p>The Auditors recommend as an OFI that Mirvac ensure that waste materials are classified in accordance with the WMP and the EPA's Waste Classification Guidelines.</p>	As per the recommendation, Mirvac ensure that waste materials are classified in accordance with the WMP and the EPA's Waste Classification Guidelines.	Ongoing
BUNDING				
D18	The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded 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>A small quantity of chemicals (paints) was observed on the ground floor of Bay 15 near the western entrance (fenced-off) that were not banded. However, the risk of a spill causing environmental harm is considered low and it is understood Mirvac would be removing the chemicals in the near future with the completion of construction works. Therefore, overall, this Condition is considered compliant.</p> <p>The Auditors recommend as an OFI that all liquid chemicals should be stored in appropriately banded areas.</p>	As per the recommendation, Mirvac will ensure that all liquid chemicals are stored in appropriately banded areas.	Ongoing
OCCUPATION CERTIFICATE				
E8	An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.	<p>The dates for commencement of occupation for parts of the building are not always recorded.</p> <p>The Auditors recommend as an OFI that increased effort is placed on populating these dates in the tracking register to assist in demonstrating compliance for any occupation certificates that are still to be obtained. Consider tracking receipt of the tenants' OC.</p>	<p>Mirvac will never permit an area to be opened to the public until an OC is obtained. This has been demonstrated in previous audits whereby evidence has been provided of the FM team requesting a copy of the relevant OC before opening areas to the public.</p> <p>Nevertheless, Mirvac will ensure the commencement of occupation dates are tracked moving forward.</p>	Ongoing
TRAVEL DEMAND MANAGEMENT				
E10	The Applicant shall prepare a Work Place Travel Plan, in consultation with	The name of the tenant that was emailed documentation including the Work Place Travel Plan (WPTP) and Loading Dock Management Plan	As per the recommendation, Mirvac will ensure that the WPTP is included in	Ongoing

	<p>TfNSW, for the proposed development which must be approved by the Planning Secretary prior to issue of the first Occupation Certificate for Locomotive Workshop. The Plan shall be included in the staff induction information for incoming employees and shall aim to achieve the following:</p> <ul style="list-style-type: none"> <li>(a) Facilitate the sustainable and safe travel of staff;</li> <li>(b) Encourage high modal share for public transport, cycling and walking to work with flexible working arrangements;</li> <li>(c) Provide appropriate facilities at the site to enable staff and visitors to commute by sustainable transport modes;</li> <li>(d) Reduce the need to travel for work related activities;</li> <li>(e) Avoid parking on local streets in residential areas;</li> <li>(f) Establish a means of monitoring the mode share of employees and visitors;</li> <li>(g) Raise awareness of sustainable transport amongst staff; and</li> <li>(h) Reduce the number of car journeys associated with business travel by staff and visitors.</li> </ul>	<p>(LDMP) was not shown and the Auditors cannot confirm which tenants or contractors received these plans. As there have been no new Mirvac employees recently, the WPTP has not been included in staff induction information.</p> <p>The Auditors recommend as an OFI that the WPTP be included in Mirvac staff inductions for future employees, and that where information/plans are provided to tenants and contractors, the recipient names/companies are displayed, where possible.</p>	<p>Mirvac staff inductions for future employees, and that where information/plans are provided to tenants and contractors, the recipient names/companies are displayed, where possible.</p>	
<p>FIRE SAFETY CERTIFICATION</p>				

E12	Prior to the issue of the relevant Occupation Certificate, a Fire Safety Certificate shall be obtained for all the relevant Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and PCA and be prominently displayed in the building.	The Fire Safety Certificate on display was not the latest version.  As an OFI, Mirvac should prominently display the most recently issued Fire Safety Certificate.	Mircac will ensure the latest Fire Safety Certificate is prominently displayed in the building.	05/05/2022
WASTE DISPOSAL				
E14	All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).	An Operational Waste Management Plan (OWMP) for Bays 1-4a, which includes the waste handling area in the Loading Dock, was provided. Mirvac have not provided a similar OWMP for Bays 5-15. The Bays 1-4a OWMP does not specifically refer to a requirement for Mirvac or tenants to ensure that waste generated onsite must be classified and disposed of in accordance with the EPA's Waste Classification Guidelines.  The Auditors recommend as an OFI that Mirvac ensure that an OWMP is prepared for Bays 5-15, if not the whole of the Locomotive Workshop, and that specifically includes the requirement to classify and dispose of waste in accordance with the latest version of the EPA's Waste Classification Guidelines.	Mircac is of the opinion that this condition relates to construction-related waste rather than operational waste given that it sits within the 'Prior to Occupation or Commencement of Use' section of the consent.  Mircac has also already prepared an OWMP for Bays 5-15. As such, no further action is required.	N/A
STORMWATER				
E21	Prior to the issue of the relevant Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and approved by the PCA and a copy provided to Council.	The manufacturer's recommended maintenance schedules were provided for the water sensitive urban design and drainage measures but it was not evident whether the maintenance schedules had been incorporated into Mirvac's asset management preventative maintenance schedule.  The Auditors recommend as an OFI that Mirvac ensure that the manufacturer's recommended maintenance schedule for OceanGuardTM and StormFilter are included in the asset management preventative maintenance schedule.	As per the recommendations, Mirvac will ensure that the manufacturer's recommended maintenance schedule for OceanGuardTM and StormFilter are included in the asset management preventative maintenance schedule.	25/05/2022