

# MIRVAC RESPONSE TO THIRD INDEPENDENT ENVIRONMENTAL AUDIT SSD 8517 LOCOMOTIVE WORKSHOP – BAYS 1 – 4A

---

NOVEMBER 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 8517 DA Conditions C7, C8 and C9. The Audit Period for this second audit was from 18 September 2020 to the date of this site visit to 15 October 2021.

Mirvac was issued the second Independent Audit Report on 5 November 2021. 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>				
COMMUNITY LIAISON GROUP				
B10	<p>The Community Liaison Group established under SSD 7317 and a suitably qualified heritage consultant/s and/or heritage expert/s is to be used for SSD 8517, to ensure that the community is kept informed and has an opportunity to feedback on the construction of the Locomotive Workshop. All complaints are to be recorded on a complaint register and reported regularly to the Community Liaison Group.</p>	<p>Projects continue to be engaged as Mirvac's heritage consultant and are a member of the Community Liaison Group. A CLG meeting invite was provided to demonstrate regular meetings were held. Mirvac advised that no complaints regarding the Locomotive Workshop were received during the Audit Period. The Complaints Register notes the last complaint entry as 12 February 2021. Mirvac advised that the Register had not been regularly updated since that time due to restructuring of the Mirvac team and responsibility for maintenance of the Register was not re-assigned. Mirvac has now provided a dedicated resource for updating the Register (i.e. Guest Experience Assistant).</p> <p>Although there have been no reported complaints for the Locomotive Workshop, the Auditors consider this condition to be non-compliant as Mirvac has not been regularly recording enquiries and complaints within the wider South Eveleigh Precinct into the Register.</p> <p>The Auditors recommend that Mirvac resume regular reporting within the Complaints Register.</p>	<p>This non-compliance was the unfortunate result of a significant restructuring of the project team whereby the complaint register was not handed over to the new personnel.</p> <p>The complaints register has been reinstated and will be kept up to date and reported to the Community Liaison Group at all future meetings.</p>	Ongoing.
<b>BLACKSMITH PLAN OF MANAGEMENT</b>				
B46	<p>A plan of management for the continued operation of the Blacksmith must be submitted and endorsed by the Secretary prior to the issue of any construction certificate. The plan of management</p>	<p>This condition was reported as compliant during the 2019 IEA in relation to approval of the Blacksmith Operation Plan of Management. The Plan has not changed during the Audit Period.</p> <p>Mirvac advised that no complaints were made regarding the Blacksmith operations during the Audit Period. The Complaints Register notes the last complaint entry as 12 February 2021. Mirvac</p>	<p>Whilst the complaint register has been maintained, no complaints have yet been recorded and as such, the register has not been provided to the Secretary at 6-monthly intervals. Mirvac now understand that this is irrelevant</p>	19/11/21 and ongoing.

	<p>must be prepared by the Applicant and include:</p> <p>a) the continued permitted hours of operation: 24 hours and day 7 days per week</p> <p>b) a complaint register, outlining the nature and location of compliant/s. The register must also outline what if any mitigation was undertaken by the Applicant. The register must be provided to the Secretary every 6 months.</p>	<p>advised that the Register has not been regularly updated since that time due to restructuring of the Mirvac team and responsibility for maintenance of the Register was not re-assigned. Mirvac has now provided a dedicated resource for updating the Register (i.e. Guest Experience Assistant).</p> <p>The Occupation Certificate (IOC2) for the Blacksmith operations was issued 30 September 2020, and operations resumed not long after this date. Mirvac advised that DPIE had not been provided a copy of the Complaints Register every 6 months (i.e. March and September 2021), even though there had been no complaints relating to the Blacksmith operations. This is considered a non-compliance. Mirvac should submit a copy of the Complaints Register even if there are no complaints against the Blacksmith operations.</p>	<p>and that the register must be submitted every 6 months, regardless of whether or not a complaint has been received.</p> <p>Mirvac will submit the complaint register to the Secretary, regardless of whether or not a complaint has been received within the reporting period.</p> <p>The first complaint register will be submitted by 19/11/21.</p>	
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>As noted in the 2020 IEA, Mirvac continues to notify DPIE of commencement of works through the letter sent by the PCA to inform that a construction certificate has been issued for specific works and also by a Notice of Commencement letter 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 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 of work (e.g. 3a, 4c, 5b and 5c) was not made as these were considered approved under the parent-stage of works. A post approval notification to DPIE for CC6 commencement of works was submitted on 20 October 2020, with the works noted as starting on 26/10/20 which satisfied the 48-hour notice period.</p> <p>As was noted in the 2020 IEA, Mirvac had added a column, "C2 Notice", in the 'CC Program_UPDATED.xlsx' spreadsheet (now relabelled as 211013 Master_Conditions Tracking spreadsheet) that provides the intended date to commence construction, as notified to</p>	<p>Mirvac will ensure that the Department is notified at least 48 hours before the commencement of use of additional areas within Bays 1-4a.</p>	Ongoing.

		<p>DPIE. However, the actual commencement date and the date on which Mirvac notified DPIE of the scheduled commencement of construction date are not recorded, so it is difficult to verify compliance with this Condition. The Auditors still consider that the CC Program tracking spreadsheet could be further improved to clarify the various dates and include actual dates of commencement of construction work and the date that DPIE were notified in order to demonstrate compliance.</p> <p>During the Audit Period, Interim Occupation Certificates were issued by the PCA:</p> <ul style="list-style-type: none"><li>• IOC2 - Blacksmith, issued on 30 September 2020. The actual date of the Blacksmith occupation and use could not be confirmed but Mirvac advised it was after 5 November 2020.</li><li>• IOC 3 – Accessways for Bodyfit tenancy, issued on 30 October 2020. The accessway and Bodyfit was operational from 5 November 2020. Mirvac notified DPIE on 27/10/20 which satisfies the 48-hour notice period.</li><li>• IOC 4 – travelator, public domain and LWS005 tenancy (food and beverage retailer), issued on 22 March 2021. The actual start date of occupation or use could not be confirmed.</li><li>• IOC 5 - remaining public domain Bays 1-13, excluding pedestrian crossing at Bay 7, issued on 18 May 2021. The actual start date of use could not be confirmed.</li></ul> <p>Mirvac had not notified DPIE 48 hours prior to the commencement of use / operations for IOC2, IOC4 and IOC5. This is considered a non-compliance. The Auditors had recommended the IOC Program tracking spreadsheet (now relabelled as 211013 Master_Conditions Tracking spreadsheet) could be further improved in the same way as the CC Program tracking spreadsheet to include the actual dates of commencement of operation / occupation and the date that DPIE were notified in order to demonstrate compliance. Mirvac had implemented this recommendation by adding two columns labelled</p>		
--	--	---	--	--

		<p>“DPIE Notification’ and ‘Commencement of Operation’ (in the OC Program tab). However, many of the cells are not populated with a date (but rather by an ‘N/A’ or are blank) for the corresponding construction or occupation stage, and therefore the information cannot demonstrate that DPIE were notified before the commencement of construction or operation.</p> <p>The Auditors recommend that increased effort is placed on populating these dates in the tracking register to assist in demonstrating compliance.</p>		
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 Pre-Operation Compliance Report and the Compliance Report 3 were not made publicly available within the required 60-day timeframe. Mirvac notified the Department of this non-compliance in accordance with Condition A13 on 05/02/21. They also notified that the reports would be made publicly available on 12/02/21, which was 7 days later and met the timeframe for notification.</p> <p>Mirvac’s tracking worksheet for access to information, ‘C3 – Access to Information’ in the ‘211013 Master_Conditions Tracking’ spreadsheet still does not indicate the date documents are submitted to the Department or the date documents are made publicly available.</p> <p>No recommendation is made specific to the non-compliance as the reports were made publicly available and the non-compliance was reported to the Department in accordance with Condition A13.</p> <p>The Auditors recommend as a continuing OFI that the date a report is submitted to the Department and the date that the report is made publicly available are recorded in the tracking spreadsheet.</p>	<p>The Pre-Operation Compliance Report and the Compliance Report 3 have now been made publicly available.</p> <p>Mirvac will track the dates documents are uploaded to the website in the Master Conditions Tracking spreadsheet moving forward.</p>	Ongoing.
SITE NOTICE				

D19	<p>A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:</p> <p>(a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;</p> <p>(b) the notice is to be durable and weatherproof and is to be displayed throughout the works period</p> <p>(c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and</p> <p>(d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.</p>	<p>The previous larger site compound comprising site offices within a hoarded area had been removed and only a smaller compound remained with temporary site fencing. The Auditors observed that a site notice was missing from the gate to the eastern site compound. Mirvac advised that the construction work was scheduled to be completed by the end of November 2020. Mirvac should install a site notice at the smaller eastern site compound.</p>	<p>Whilst a site notice is mounted at the entrance to the primary work zone in Bay 15 where the site offices are located, there is currently no site notice displayed at the smaller site compound secured by temporary fencing that has recently been established outside Bay 1.</p> <p>As part of Mirvac's COVID safety controls, all personnel are required to check-in at the Bay 15 site offices prior to entering any other work zone, so the team was under the impression that the project was complying with Condition D19 on the basis that all construction personnel will see the site notice at Bay 15 before entering Bay 1. However, the auditors advised that a second site notice should also be displayed at the Bay 1 site compound.</p> <p>Mirvac will ensure a site notice is displayed at the Bay 1 site compound by 12/11/21.</p>	12/11/21
-----	---	---	--	----------

PROTECTION OF TREES



D24	<p>All trees on the subject site that are not approved for removal are to be suitably protected by way of tree guards, barriers or other measures as necessary are to be provided to protect root system, trunk and branches, during construction.</p>	<p>The trees located in the smaller remaining eastern site compound within Innovation Plaza were no longer protected and surrounded by equipment.</p> <p>The Auditors recommend that tree guards be re-instated on the trees within the eastern site compound until completion of construction works.</p>	<p>Following de-mobilisation of the primary site compound, the protection to the trees in Innovation Plaza was removed. However, a smaller compound has recently been reinstated to facilitate works in Bay 1 and three trees are located in this area, which has not been protected.</p> <p>Mirvac has now reinstated the protection to the trees and as such, no further action is required.</p>	N/A
-----	--	---	--	-----

REMEDICATION AND SITE VALIDATION

E2	<p>Within 6 months of the completion of the remediation works on site, and prior to the issue of any Occupation Certificate, the Applicant shall submit a detailed Site Audit Summary report and Site Audit Statement and Validation Report to the EPA, the Planning Secretary, the Certifying Authority, and the Council. The validation and audit process may occur progressively to the satisfaction of the site auditor.</p> <p>A Section A Site audit statement must be prepared at the end of each stage of development, including the excavation and construction of the tunnel below Locomotive Workshop to Locomotive Street certifying the</p>	<p>Remediation of the Locomotive Workshop has been carried out progressively.</p> <p>SARs, including Section A2 Site Audit Statements (SASs) were issued for Stages 1A, 1B and 1C during the previous audit periods.</p> <p>The Validation Report was issued on 15/10/20.</p> <p>The SAR/SAS was issued for the Travelator on 30/10/20.</p> <p>Based on the SAR, the Auditors consider that the SAR/SAS including validation activity details, meet the requirements of Condition E2.</p> <p>The Auditors consider completion of remediation to be the issue of the SAS and that the SAS/SAR (30/10/20) and Validation Report were provided to the relevant authorities within the required 6-month timeframe (05/02/21), and prior to the issue of the relevant Interim Occupation Certificate (IOC), being IOC4 (22/03/21).</p>	<p>Mirvac notified the Council of the completion of remediation of the Travelator on 05/02/21, and as such, no further action is required.</p>	N/A
----	--	---	--	-----

	<p>suitability of the land for the proposed use.</p> <p>The site audit must be prepared in accordance with the Contaminated Land Management Act 1997 and completed by a site auditor accredited by the EPA to issue Site Audit Statements.</p> <p>The site auditor must also verify that any excavated material disposed off-site, has been appropriately classified, validated, managed and the relevant approvals obtained in accordance with the relevant legislation and any relevant approved materials management plan/s.</p> <p>On completion of remediation works, the Council shall be notified in accordance With the relevant requirements of Clauses 17 and 18 of SEPP 55 - Remediation of Land.</p>	<p>However, it appears that the provision of the SAS/SAR and Validation Reports to Council and DPIE did not satisfy the 30-day timeframe required by Clauses 17 and 18 of SEPP 55 - Remediation of Land and therefore, this Condition is non-compliant.</p> <p>Given that this was the last SAR/SAS for Bays 1-4a and the SAR/SAS for Stage 2 remediation of the Locomotive Workshop (SSD 8449) was also issued in March 2021, the Auditors make no recommendation.</p>		
--	--	---	--	--

CONTAMINATION – LONG TERM ENVIRONMENTAL MANAGEMENT PLAN

E3	<p>Prior to the issue of the first Occupation Certificate for Bays 1 – 4a, 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</p>	<p>Remediation of the Locomotive Workshop has been carried out progressively and the PCA has also progressively issued IOCs. The LTEMP was progressively updated and submitted to the Site Auditor. The LTEMP was also provided with the SAR/SAS to the PCA prior to the issue of the relevant IOC, IOC4.</p> <p>The Auditors consider completion of remediation to be the issue of the SAS and that the timing of provision of the LTEMP to the Site Auditor was compliant with the condition. The Site Auditor reviewed</p>	<p>Mirvac will arrange for an inspection to be carried out by 19/11/21 and that future inspections are carried out at the required 6-monthly frequency.</p>	19/11/21.
----	---	---	---	-----------

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:

- (a) a description of the nature and location of any contamination remaining on site;
- (b) provisions to manage and monitor any remaining contamination;
- (c) a groundwater monitoring program to assess the potential impact of fill material placed below ground water;
- (d) mechanisms to report results to relevant agencies;
- (e) triggers that would indicate if further remediation is required; and
- (f) details of any contingency measures that the Applicant would carry out to address any ongoing contamination.

Upon completion of the remediation Works, the Applicant shall manage the site in accordance with the LTEMP and any on-going maintenance of remediation notice issued by the EPA under the CLM Act.

the LTEMP and in Table 14.1 of the SARs stated that the LTEMP addressed the requirements of Condition E3.

The LTEMP requirement to carry out two rounds of ambient air monitoring 6 months apart in accordance with EMP06 was partially met in that two rounds were conducted in July 2020 and July 2021, being 12 months apart.

There is no evidence that regular (six monthly) inspections of the capping arrangement have been conducted in accordance with EMP01, which is considered non-compliant.

The Auditors recommend that inspections required under the LTEMP EMP01 be carried out and recorded.

TRAVEL DEMAND MANAGEMENT

<p>E11</p>	<p>The Applicant shall prepare a Work Place Travel Plan, in consultation with 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> </ul>	<p>No changes have been made to Work Place Travel Plan (WPTP) since the previous audit.</p> <p>Mirvac had planned to issue the WPTP to all trading tenants as part of an Induction Pack. However, this has not been carried out. This condition is considered non-compliant. Mirvac should issue the WPTP to all currently trading tenants and ensure it is included in staff induction information provided to incoming tenants prior to the start of trading.</p>	<p>The Work Place Travel Plan will be issued to all operating tenants by 12/11/21 and Mirvac will ensure the plan is included in all staff induction information moving forward.</p>	<p>12/11/21 and ongoing.</p>
------------	---	---	--	------------------------------

	<p>(g) Raise awareness of sustainable transport amongst staff; and</p> <p>(h) Reduce the number of car journeys associated with business travel by staff and visitors.</p>			
LOADING DOCK MANAGEMENT PLAN				
F15	The Loading Dock Management Plan (Condition E22) is to be provided to all tenants annually (at least).	<p>Mirvac could not confirm that the Loading Dock Management Plan had been provided to all operating tenants at least annually.</p> <p>Mirvac should ensure the Loading Dock Management Plan is included as part of the Tenant Induction Pack and is provided at least annually to all tenants.</p>	The Loading Dock Management Plan will be issued to all operating tenants by 12/11/21.	12/11/21.

CONDITION	REQUIREMENT	AUDITOR'S RECOMMENDATIONS	MIRVAC RESPONSE	TIMING FOR ACTION
OPPORTUNITY FOR IMPROVEMENT RECOMMENDATIONS				
NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE				
B4	Work must not commence until a relevant Construction Certificate has been issued.	<p>Construction Certificates CC3a, CC4c, CC5b and CC6 were issued during the Audit Period.</p> <p>Mirvac notified the Department that Stage 6 work in the public domain of Locomotive Street was planned to commence on 26/10/20. However, CC6 was not issued until 25/11/20. Mirvac advised that construction did not start until late November 2020 after CC6 had been issued due to a delay in the issue of CC6.</p> <p>As previously observed in the 2020 IEA, Mirvac do not have a method for recording actual commencement dates, and therefore, the Auditors cannot verify that work only commenced following issue of the relevant CC. We rely largely on the interview as evidence. Mirvac had previously advised the Auditors that work does not commence until the relevant CC has been received (posted on Aconex by the Certifying Authority) and there is no evidence that work commenced prior to the issue of the relevant CC. Therefore, on this basis, the Auditors consider this Condition to be compliant.</p> <p>The Auditors had previously recommended in both the 2019 IEA and the 2020 IEA as an opportunity for improvement (OFI) that Mirvac record actual commencement dates and times, as well as the date that CCs are received. Currently the 'CC Programme' worksheet in the 211013_Master Conditions Tracking.xlsx spreadsheet records for each CC issued a 'Date' and a 'C2 Notice Date'. Mirvac advised that the 'Date' is initially a target date for the issue of the CC and then it is changed to the actual CC issue date. The 'C2 Notice Date' is the latest date by which the C2 notice must be sent to the Department</p>	Mirvac will ensure the actual dates of commencement of each construction stage will be tracked in the CC Programme register.	Ongoing.

		ahead of the CC issue date, which is taken to be the commencement date for work related to the specific CC. Hence, it remains the case that the actual commencement dates of construction are not recorded.		
CAR PARKING				
B6	<p>The proposal shall provide the following car spaces in Locomotive Street in accordance with the approved landscape/public domain concept plan:</p> <p>(a) 4 accessible spaces</p> <p>(b) 6 on street loading spaces (off Locomotive Street)</p> <p>(c) 1 taxi space</p> <p>(d) 1 drop off / pick up space</p> <p>(e) 1 fire brigade space</p>	<p>The referenced drawings indicate that the car parking requirements have been met.</p> <p>The Auditors observed during the site visit that the taxi and drop off / pick up spaces, which in the design are adjoining, appear to be sign posted incorrectly with a 'No stopping' sign and the 'No parking' sign points towards the pedestrian crossing.</p> <p>The Auditors consider that this Condition is compliant on the basis that the design plans approved for construction by the Certifier provided for the required car parking spaces. However, the design may not have been fully implemented in accordance with the design, particularly in regard to the sign(s) for the taxi and drop off spaces.</p> <p>The Auditors recommend as an OFI that the implemented car parking spaces be reviewed for compliance with the design plans (e.g. signage) and this Condition, and if it's found to be non-compliant, implement appropriate rectification.</p>	Two signs at either end of the taxi and drop off / pick space were mistakenly swapped around during installation. Mirvac has now rectified this mistake and no further action is required.	N/A
BICYCLE PARKING				
B8	A minimum of 46 visitor bicycle spaces shall be provided in the public domain along Locomotive Street, as per drawing no. L_Base Master, Landscape Plan, prepared by Aspect Studios and dated 1/6/2017.	Drawing AS-LS-DWG-BB-LC-1102 indicates that 46 bicycle racks have been included in the design plans and that they were to be installed on both sides of Locomotive Street. The Auditors observed that three sets of bike racks comprising 13 bike racks or 26 bicycle spaces have been installed on the northern side of the street. However, the minimum 46 visitor bicycle spaces may not have been	Mirvac will verify with DPIE that the required number of bicycle spaces have been installed across the precinct under both SSD 7317 and SSD 8517.	12/11/21.

		<p>installed in accordance with the drawing L_Base Master, Landscape Plan dated 01/06/17.</p> <p>Following factual review of the draft Audit Table, Mirvac advised that “L_Base Master, Landscape Plan [was] an outdated plan that was superseded within the SSD 8517 RTS [Response to Submissions] ... and B37 plans ... Mirvac has installed the bicycle spaces that are shown within the abovementioned approved drawings (RTS and B37) within the SSD 8517 boundary. These have been installed in line with updated drawings approved on multiple occasions by DPIE and [City of Sydney]. ... All 66 bicycle spaces, as required under SSD 7317 Mod 8 have been installed within the precinct.”</p> <p>The Auditors reviewed the available drawings and verified that 26 bicycle spaces have been installed on the northern side of Locomotive Street in accordance with the DPIE approved (20/08/20) and PCA stamped (25/11/20) landscape Materials and Finishes drawings.</p> <p>Mirvac also advised that in addition to the bicycle spaces installed under SSD 8517, a total of 66 bicycle spaces have been installed elsewhere in the Australian Technology Park (ATP) under Condition B11 of Schedule 2, Part B of SSD 7317 MOD 8 (24/09/18).</p> <p>The Auditors recommend as an OFI that Mirvac verify that DPIE is satisfied that the required number of bicycle spaces have been installed across the ATP under both SSD 8517 and SSD 7317.</p>		
ACCESS TO INFORMATION				
C3	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:	The ‘Construction & Development Updates’ and additional ‘Development Updates’ websites continue to provide project documentation and information and are considered to generally comply with the requirements of the condition. The Auditors make the following observations and recommendations, some of which were noted in the 2020 IEA:	Mircvac will complete a review of the website and ensure the correct revisions of all documents are uploaded and that the links are functioning correctly.	19/11/21.



	<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>(vii) contact details to enquire about the development or to make a complaint;</p> <p>(viii) a complaints register, updated monthly;</p>	<ul style="list-style-type: none"> <li>• Recently approved consent modification MOD9 was included on the website.</li> <li>• Where consent modifications refer to revised drawings, those revised drawing should be provided on the website (e.g. Site retail plan is Revision M, not Revision P per MOD 6, proposed plan – ground floor is Revision S, not Revision CC per MOD 9).</li> <li>• Some links do not open the documents (e.g. Moveable Collection Management Plan, Stage 2 Heritage Implementation Plan). Check that all links are working correctly.</li> <li>• South Eveleigh heritage, construction and development updates are provided, however these are not regularly reported. The last updates were in January-February 2021. Mirvac to consider providing updates on a more frequent basis as previously these were provided at least on a monthly basis (e.g. every 3 months, if considered relevant).</li> <li>• A complaints register is available (labelled as the Locomotive Workshop Contact Register). The Auditors note that the last complaint entry was on 18/8/2020.</li> <li>• As previously noted in the 2020 IEA, regular reporting of environmental performance and summary of monitoring results of the development is not specifically required or noted in plans or programs and thus Mirvac has not provided this information.</li> <li>• As was noted in the 2020 IEA, 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. Mirvac advised that the information in the "Timing" column tracks the submission date. However, the information in this column and within the register does not clearly indicate the various deadlines for uploading documents and notifying DPIE in advance, and some of the entries in the Timing column are either blank or show the Construction Certificate number (e.g. CC1, CC4, etc.), or include the words 'Staged', or 'Monthly'. The</li> </ul>	<p>The tracking register will also be amended to ensure that the latest revisions are noted and the deadlines for uploaded documents are stated.</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>	<p>Auditors note that the register also does not identify the document version so it is not possible to verify 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> <p>As was recommended in the 2020 IEA, there is an OFI for Mirvac to include the version number for the listed documents within the tracking register to ensure that up to date information has been uploaded. The notification deadline and upload deadline could also be included.</p>		
--	---	---	--	--

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 Pre-Operation Compliance Report and the Compliance Report 3 were not made publicly available within the required 60-day timeframe. Mirvac notified the Department of this non-compliance in accordance with Condition A13 on 05/02/21. They also notified that the reports would be made publicly available on 12/02/21, which was 7 days later and met the timeframe for notification.</p> <p>Mirvac's tracking worksheet for access to information, 'C3 – Access to Information' in the '211013 Master_Conditions Tracking' spreadsheet still does not indicate the date documents are submitted to the Department or the date documents are made publicly available.</p> <p>No recommendation is made specific to the non-compliance as the reports were made publicly available and the non-compliance was reported to the Department in accordance with Condition A13.</p> <p>The Auditors recommend as a continuing OFI that the date a report is submitted to the Department and the date that the report is made publicly available are recorded in the tracking spreadsheet.</p>	<p>The tracking register will be updated to note the date reports are submitted to DPIE and the date reports are made publicly available.</p> <p>Version 2 of Mirvac's response to the 2020 IEA report will also be uploaded to the website.</p>	19/11/21.
----	--	--	--	-----------

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>Mirvac submitted a response to the 2020 IEA to DPIE on 22/10/20. Mirvac advised that the Department subsequently directed Mirvac to revise the response (a copy of the Department's direction was not provided to the Auditors), which Mirvac re-issued on 12/02/21 to include timing for the completion of actions. 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 2020 IEA report and Mirvac's response available on the South Eveleigh website on 29/11/20, which met the requirements. The Auditors observe that the 2020 IEA and Mirvac's Version 1 response are available on the project website but not Mirvac's Version 2 response (<a href="https://southeveleigh.mirvac.com/about/locomotive-workshop/development-updates">https://southeveleigh.mirvac.com/about/locomotive-workshop/development-updates</a>).</p> <p>Mirvac have not recorded 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 2020 IEA and response were in fact made publicly available within 60 days of the report being submitted to DPIE. There is no evidence to suggest that this was not done.</p> <p>The Auditors recommend as an OFI that Mirvac make their Version 2 response publicly available.</p>	Version 2 of Mirvac's response to the 2020 IEA report will also be uploaded to the website.	19/11/21.
POST-CONSTRUCTION DILAPIDATION REPORT				
E12	<p>Prior to commencement of the first use of the commercial bays (Bays 5-15) of Locomotive Workshop:</p> <p>(a) the Applicant shall engage a suitably qualified person to prepare</p>	<p>Post-construction dilapidation reports were prepared for the 'Council Assets', 'External Areas' and 'Internal Areas', which were submitted to the PCA in accordance with Condition E12(b).</p>	<p>Mirvac has agreed with the PCA to defer part of the post-construction dilapidation reporting to the completion of Bay 15 given there are considerable areas that are likely</p>	<p>Prior to the issue of the Bay 15 OC.</p>

	<p>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>There is no evidence that the PCA has ascertained if structural damage has occurred to adjoining buildings, infrastructure and roads in accordance with Condition E12(c) and (d).</p> <p>The post-construction dilapidation reports were forwarded to the Department, date not indicated on SSD-8517-PA-34.</p> <p>There is no evidence that they were forwarded to affected property owners, such as Sydney Trains, although Sydney Trains would potentially be more affected by SSD-8449 works (not within the scope of this Audit).</p> <p>Mirvac advised that post-construction dilapidation reporting for the Sydney Trains rail yard and Bay 15 would be deferred to the final Occupation Certificate. The PCA agreed.</p> <p>Given that first use of the commercial bays has yet to commence, this Condition is considered compliant.</p> <p>The Auditors recommend as an OFI that the requirements of Condition E12 (b) to (e) be completed prior to commencement of first use of the commercial bays (Bays 5-15).</p>	<p>to be impacted by the ongoing works with Bay 15.</p> <p>Parts (b) to (e) will be addressed prior to the issue of the Bay 15 OC upon issue of the final post-construction dilapidation reports.</p>	
WASTE DISPOSAL				
E15	All waste generated on site must be classified and disposed of in accordance with the Waste	The Auditors found in the 2020 IEA that "overall, this condition [was] compliant; however, as an opportunity for improvement, the Auditors recommend[ed] that a means to ensure the appropriate	Given that this is a "Prior to Occupation" condition, Mirvac notes that an operation waste management plan is not required	03/12/21

	<p>Classification Guidelines (DECC 2008).</p>	<p>classification and disposal of waste generated be prepared and implemented prior to commencement of use of Bays 1-4a".</p> <p>Mirvac's response to the 2020 IEA indicated that an "[Operational] Waste Management Plan [would] be prepared prior to commencement of use for [the supermarket and roastery] tenancies once the supermarket and roastery are able to confirm the types and quantities of waste that will be produced. ... "the gym [would] manage their waste in accordance with their Plan of Management which was approved under the tenancy DA".</p> <p>Mirvac provided the Operational Waste Management Plan prepared in October 2017 (2017 OWMP). It has not been updated since then. It indicates that the expected waste streams from the retail premises paper/cardboard, commingled recycling, organics and general waste. A medical centre was expected to generate clinical waste that they would be required to dispose of via a contractor that would meet "NSW EPA requirements for transport, tracking and treatment/disposal".</p> <p>The 2017 OWMP does not refer to waste generated from the blacksmith's operation which may include waste oil and other trackable wastes.</p>	<p>to be prepared under this condition.</p> <p>Nevertheless, Mirvac will review the current OWMP and update it accordingly to reflect actual waste types and quantities, as informed by the incoming tenants.</p>	
<p>WORK PLACE TRAVEL PLAN</p>				
<p>F1</p>	<p>The Applicant shall implement the Work Place Travel Plan (WPTP) (Condition E12), ensuring that its annual review presented to the Planning Secretary results in sufficient facilities being provided to meet the demand for sustainable travel choices, including facilities for visitors within the public domain.</p>	<p>No changes have been made to WPTP since the previous audit. There is no evidence that the WPTP has undergone an annual review or that staff travel surveys have been conducted.</p> <p>Given that it has not yet been a year since commencement of occupation of Bays 1-4a (05/11/20) and the COVID-19 pandemic significantly reduced travel demands during the Audit Period with work from home Public Health Orders, this Condition is considered compliant.</p>	<p>Mirvac will conduct a review of the WPTP and ensure it is implemented accordingly.</p>	<p>03/12/21</p>

		The Auditors recommend as an OFI that Mirvac conduct an annual review of the WPTP and implement the WPTP in accordance with this Condition.		
NOTIFICATION OF BLACKSMITH OPERATIONS				
F17	Prior to lease, licence, sale or the like of any retail or commercial tenancy the prospective occupants are to be notified in writing that the blacksmith operations have development consent and are permitted to operate 24 hours per day, 7 days per week in the are shown on the plan SA-AR-DWG-BB-B\$-0330 Revision S, Proposed Plan - ground floor, prepared by Sissons Architects and dated 17/09/2018.	<p>Mirvac was initially unable to provide evidence that tenants had been notified in writing about the Blacksmith operations in accordance with this condition.</p> <p>However, following Mirvac's factual review of the draft IEA, Mirvac provided excerpts from two 'Heads of Agreements' with two retail tenants, Anita Gelato and the Australian Venue Company, that advise the tenants of the Blacksmith's operating hours in Bays 1 and 2. The extracts state that "The Lessee is aware of the cultural significance of the Locomotive Workshops and the operations of the Blacksmith who is permitted to operate 24 hours a day 7 days a week at the Blacksmith's discretion".</p> <p>On the basis of the two samples, the Auditors consider this condition to be compliant. The Auditors recommend as an OFI that Mirvac review the existing tenancy agreements and if a tenant has not already been advised in writing that the Blacksmith has development consent to operate 24 hours per day, 7 days per week, then Mirvac should do so and retain the records.</p>	<p>The primary personnel who negotiated the leases for all retail tenants have all recently resigned from Mirvac, and as such, there was some difficulty in tracking down evidence of the compliance with this condition. Nevertheless, some evidence of compliance has been identified and issued to the Auditors.</p> <p>Mirvac will review all tenancy agreements to determine whether notifications have been made, and if not, notify the tenant accordingly.</p>	19/11/21