

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

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NOVEMBER 2019

# 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 the first audit from the issue of the Development Consent on 22 February 2019 to the date of the second of two site visits on 18 September 2019.

Mirvac was issued the first Independent Audit Report on 31 October 2019. The Response Table (Appendix A) summarises Mirvac's responses to all non-compliances identified in the audit, as well as opportunities for improvement recommended by Ramboll.

## 2 Appendix A – Response Table

CONDITION	REQUIREMENT	AUDITOR'S RECOMMENDATIONS	MIRVAC RESPONSE
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>Mirvac submitted the Pre-Construction Compliance Report to DPIE on 17 April 2019. Mirvac did not notify DPIE within three months of the issue of the compliance report that a review of plans, strategies and programs was being carried out. Similarly, Mirvac did not notify DPIE of a review being conducted within three months of DPIE's approval of SSD 8449 (MOD 2), which modified Condition D6 and was approved on 29 May 2019.</p> <p>These omissions were discovered during this Audit and Mirvac subsequently notified DPIE of the reviews on 18 September 2019. As Mirvac are now aware of the requirements of Condition A16 and have subsequently notified DPIE of the reviews, no further action is recommended.</p>	<p>As noted in Ramboll's Findings and Recommendations, Mirvac, upon becoming aware of this non-compliance, notified the DPIE of the reviews being undertaken following the submission of the Pre-Construction Compliance Reports and the approval of MOD 2.</p> <p>To avoid further non-compliance of this nature, the project team will now be monitoring DA conditions which nominate specific timeframes, similar to Condition A16.</p>
EXTERNAL WALLS AND CLADDING			
B2	<p>Before the issue of the Stage 5 Construction Certificate (for Bays 5-15) and the first Occupation Certificate for the Locomotive Workshop, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the</p>	<p>Mirvac provided a copy of the documentation to DPIE on 12/09/19, more than 7 days after the PCA accepted the documentation, as indicated by the issue of CC5. The Auditors consider this to be an administrative non-compliance with no further action required.</p> <p>The documentation provided to DPIE on 12/09/19 did not include the Architect's statement. However, the Auditors note that the Architect's statement for SSD 8449 is the same as the Architect's statement for SSD 8517, which was provided to DPIE on the same day, except for the consent number. Furthermore,</p>	<p>Upon becoming aware of this non-compliance, Mirvac immediately provided a copy of the relevant documentation to the DPIE on the 12/09/19.</p> <p>As such, no further action is required to rectify this non-compliance.</p> <p>To avoid future non-compliances, the project team</p>

	Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.	both Architect's statements reference the same set of drawings which cover both the Retail Development and the Commercial Development.	are monitoring DA conditions which nominate specific time-frames similar in nature to Condition B3.
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**CONSTRUCTION WASTE MANAGEMENT PLAN**

B9	<p>Prior to the issue of the relevant Construction Certificate, a Waste Management Plan must be developed for the project by a suitably qualified person and approved by the PCA. The Plan must be implemented and must include, as a minimum, the following elements:</p> <p>(a) A Stockpile, Contamination Soil and Sediment Management Plan including:</p> <p>(i) the exact locations where contaminated waste material (including Acid Sulphate Soils if found) and non-contaminated waste material will be stockpiled. Contaminated and non-contaminated waste material must be stockpiled separately and the designated areas must be clearly marked and labelled (on plans and on the ground);</p> <p>(ii) details of how the stockpiled waste material will be kept separate from non-contaminated waste material;</p> <p>(iii) procedures for minimising the movement of waste material around the site and double handling; and</p> <p>(iv) additional information detailing how materials proposed to be recycled/reused will be segregated on the site during operations. Particularly in relation to those wastes categorised as 'Building' waste.</p> <p>(b) A detailed plan for in-situ classification of waste material, including the sampling locations and sampling regime that will be employed to classify the waste,</p>	<p>Documentation provided confirms the Waste Management Plan (WMP) was submitted to the PCA on 13/2/2019 and was subsequently approved on 25/2/2019, ahead of the issue of CC1 on 17 June 2019.</p> <p>The Auditors observed that the construction works have not been implemented entirely in accordance with the issued WMP and this is considered likely to indicate a need to update the WMP to reflect actual practices, including in-situ waste classification and stockpiling of materials inside the building. The Auditors consider waste management practices to be adequate but note that the WMP does not meet all of the requirements of Condition B9 as outlined below:</p> <ul style="list-style-type: none"> <li>• The WMP does not specifically contain a 'Stockpile, Contamination Soil and Sediment Management Plan' (SCSSMP) but addresses elements of the (a)(i) to (iv);</li> <li>• The WMP identifies the location for two stockpiles for contaminated and non-contaminated waste material that are not being used (the Site Office is located where the stockpiles were intended to go) and no location was designated for an ASS stockpile. Mirvac advised that they are stockpiling waste materials inside the building and collecting waste materials in skip bins. Observed stockpiles of excavated soil in the building were not clearly marked. Waste bins/skip bins were not clearly labelled as to their contents.</li> <li>• The WMP does not detail how stockpiled waste material will be kept separate from non-contaminated waste material other than to state that waste material will be stockpiled based on waste classification and shown on</li> </ul>	<p>After becoming aware of this non-compliance, a review of the current WMP with relevant onsite personnel and the environmental consultant was undertaken to outline any discrepancies between the plan, the onsite procedures, and requirements of the DA condition.</p> <p>The WMP has subsequently been updated by JBS&amp;G and distributed to all relevant personnel onsite and is being implemented accordingly.</p>
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	<p>particularly with regards to the identification of contamination hotspots.</p> <p>(c) A commitment to retaining all sampling and classification results for the life of the project to demonstrate compliance with the EPA's Classification Guidelines.</p> <p>(d) Details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum):</p> <p>(i) a traffic plan showing transport routes within the site;</p> <p>(ii) location of stockpiles at each stage as they migrate within the site;</p> <p>(iii) a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and</p> <p>(iv) the name and address of each licensed facility that will receive waste from the subject site (if appropriate).</p> <p>(e) A contingency plan for any event that may affect excavation and contaminated soil treatment operations at the site.</p>	<p>Figure 3 as two stockpiles for contaminated and non-contaminated material.</p> <ul style="list-style-type: none"> <li>• The WMP provides limited detail on procedures to minimise movement of waste and double handling. It states that in-situ waste classification should be undertaken to minimise stockpiling and double handling. The Auditors understand that this was undertaken.</li> <li>• The WMP does not include a detailed plan for in-situ classification of waste material, including the sampling locations and sampling regime that will be employed to classify the waste, particularly with regards to the identification of contamination hotspots.</li> <li>• The WMP does not show the location of stockpiles at each stage as they migrate within the site</li> <li>• The WMP does not include the name and address of each licensed facility that will receive waste from the subject site</li> </ul> <p>The Auditors recommend that the WMP be reviewed and updated to reflect current arrangements and ensure that it meets all the Condition B9 requirements.</p>	
<b>COMPLIANCE REPORTING</b>			
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-Construction Compliance Report, dated April 2019 (Version 1) was first submitted to the DPIE on 17/4/2019, with the final (Version 3) submitted on 21/6/2019. Version 1 of the Report is available on the projects' website. Correspondence provided confirms the Report was published on the website on 2/5/2019, within the 60 day timeframe requirement.</p> <p>Mirvac confirmed the DPIE had not been advised 7 days before the Report was made available on the projects' website.</p>	<p>Within seven days of becoming aware of this non-compliance, Mirvac notified the Department on 11/10/19 that it will be uploading Revision 3 of the Pre-Construction Compliance Report to its website on the 21/10/19 (at</p>

		<p>The Auditors recommend the latest version (i.e. Version 3) of the Report should be placed on the projects' website. At least 7 days prior to doing this, Mirvac should write to the DPIE to inform them of this intension. Mirvac advised that they will inform the DPIE prior to placing Version 3 of the Report on the website.</p>	<p>least seven days after notifying the DPIE.)</p> <p>Mirvac will make the report available on its website on this date.</p>
<p>SITE NOTICE</p>			
<p>D19</p>	<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 Auditors observed that site notices were prominently displayed at the main site personnel and vehicle entrances. They met the requirements of Condition D19 in all respects except they did not include the details of the Structural Engineer.</p> <p>The Auditors recommend that the details of the Structural Engineer be added either to the existing notices or as a separate notice displayed adjoining the existing notices.</p>	<p>Upon becoming aware of this non-compliance, Mirvac ordered new signs which displayed the details of Arcadis, the Structural Engineer for the project. These signs have been placed at the boundaries of the site.</p> <p>As such, no further action is required to rectify this non-compliance.</p>

CONDITION	REQUIREMENT	AUDITOR'S RECOMMENDATIONS	MIRVAC RESPONSE
GENERAL			
N/A	N/A	Review the compliance tracking progress to ensure that all notification and reporting requirements and deadlines are captured.	To avoid future occurrences of this non-compliance, the project team has added a column to its existing tracking register for all DA conditions that nominates a time-frame within which notifications are required to be made.
EXTERNAL WALLS AND CLADDING			
B2	Before the issue of the Stage 5 Construction Certificate (for Bays 5-15) and the first Occupation Certificate for the Locomotive Workshop, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.	Review the compliance tracking progress to ensure that all notification and reporting requirements and deadlines are captured.	To avoid future non-compliances, the project team are monitoring and tracking DA conditions which nominate specific time-frames similar in nature to Condition B2.
CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN			
B10	Prior to the issue of the relevant Construction Certificate, a Construction Pedestrian and Traffic Management Plan (CPTMP) must be prepared by a suitably qualified person in consultation with the CBD Coordination Office of TfNSW	The Auditors consider the CPTMP and GTP to generally meet the requirements of Condition B14. However, the following observations are made:	TfNSW's comments relate to cumulative impacts of construction traffic volumes within the CBD. The CPTMP

	<p>and Council. A final copy of the plan is to be submitted to the Coordinator General, Transport Coordination for endorsement, prior to the commencement of any works.</p> <p>The Plan must include a Green Travel Plan for construction workers and detailed measures that would be implemented to minimise the impact of the development on the safety and capacity of the surrounding road network, minimise truck movements to and from the site as far as practicable during the peak periods of this consent. In addition, the CPTMP shall address, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> <li>(a) location of the proposed work zone</li> <li>(b) haulage routes</li> <li>(c) construction vehicle access arrangements</li> <li>(d) estimated number of construction vehicle movements</li> <li>(e) construction program</li> <li>(f) consultation strategy for liaison with surrounding stakeholders</li> <li>(g) any potential impacts to general traffic, pedestrians and bus services within the vicinity of the site from construction vehicles during construction</li> <li>(h) cumulative construction impacts of projects including Sydney Metro City and South West. Existing CPTMPs for developments within or around the development site should be referenced to ensure that coordination of work activities is managed to minimise impacts on the road network</li> <li>(i) should impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified</li> </ul>	<ul style="list-style-type: none"> <li>• The CPTMP considers cumulative impacts to a degree in relation to numbers of construction workers at the ATP site, which includes the Locomotive Workshops, and construction traffic volumes although it is not clear whether that relates to the Locomotive Workshop site only or includes other construction works in the area. There is no reference to existing CPTMPs for developments within or around the development site, which is noted by TfNSW in their endorsement of the CPTMP/GTP.</li> <li>• A commitment to consult stakeholders in reference to preparing detailed vehicle and pedestrian traffic control plans is discussed under Section 4.8 Pedestrian and Cyclist Access. However, the CPTPM does not more broadly provide a consultation strategy for liaison with surrounding stakeholders.</li> </ul> <p>The Auditors recommend that the CPTMP be updated to discuss: the cumulative impacts with other projects within the region, not just the ATP, including reference to other CPTMPs; and the consultation strategy, possibly with reference to the Community Liaison Group.</p>	<p>notes there are currently no proposed developments within the local area that would be adversely impacted by the construction works, and an update to the report is not considered to be necessary.</p> <p>The Community Communications Strategy for the development encompasses strategies for liaising with surrounding stakeholders with regards to potential disturbances and impactful works as well as the management of enquiries, complaints and disputes. This is supplemented by monthly meetings of the Community Liaison Group, within which updates on construction activities and traffic are provided. As such, updates to the CMTMP to address this are not considered to be necessary.</p>
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	<p>(j) include the builder's direct contact number to small businesses adjoining or impacted by the construction work, the Transport Management Centre and Sydney Coordination Office within TfNSW to resolve issues relating to traffic, freight, servicing and pedestrian access during construction in real time</p> <p>(k) parking arrangements for construction workers and sub-contractors, and any measures proposed to avoid parking in the streets in the local area</p> <p>(l) pedestrian/cyclist and traffic management measures.</p>		
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**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>The Auditors understand that Mirvac do not currently have a method for tracking actual commencement dates and times. Therefore, the Auditors cannot verify that DPIE were "notified in writing at least 48 hours' before the commencement of Stage 2.</p> <p>The Auditors consider that this condition is compliant on the basis that notification was provided 2 days in advance and there is no evidence that work commenced within the 48-hour period.</p> <p>However, the Auditors recommend as a suggestion for improvement, that Mirvac track actual commencement dates and times, where relevant, such as in their 'CC Programme' spreadsheet.</p>	<p>Mirvac tracks the target dates for each construction certificate in a tracking register. At the time of the audit, the register only noted the target dates for each construction certificate, however additional columns have now been added which note the dates that each construction certificate is received and the date that construction of each stage commenced.</p>
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**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>The 'Construction &amp; Development Updates' and 'South Eveleigh Construction Updates' websites 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>	<p>Mirvac has now uploaded all documentation referred to by the auditors.</p> <p>The tracking register referred to earlier will ensure Mirvac is</p>
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	<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> <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>	<ul style="list-style-type: none"> <li>• Recently approved consent modifications MOD1 and MOD3 should be provided on the website.</li> <li>• Where consent modifications refer to revised drawings, those revised drawing should be provided on the website.</li> <li>• Some links go to the wrong documents. Check that all links are working correctly.</li> <li>• The Stage 2 HIP should be provided.</li> <li>• Revision 3 of the Pre-Construction Compliance Report should be provided.</li> <li>• Regular South Eveleigh construction updates are provided, but they provide information mainly on works within public areas and not specifically about the Locomotive Workshop development.</li> <li>• A complaints register is available but is labelled as the Community Contacts Register.</li> </ul> <p>Mirvac should establish a process to ensure documents and information on the websites are kept up to date.</p>	<p>aware of any updates that are required to be uploaded to the website in accordance with the time-frames of the condition.</p>
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REMEDATION

D7	The Proponent shall undertake the remediation works in accordance with the recommendations of the Remedial Action Plan (RAP) prepared by JBS&G, dated 15 June 2016 (Ref: 51142/104280 (Revision 0)). Any amendments to the approved Remedial Strategy must be approved by the Site Auditor.	The Auditors recommend that Mirvac review the implementation of the classification and tracking requirements under the RAP to ensure adequate records are in place for the Site Audit process.	A review of the classification and tracking requirements stipulated under the RAP has been undertaken with relevant onsite personnel and sufficient recording will be implemented going forward.
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.	An EPA Waste Transport Certificate for 6x200 L of hazardous, solid lead, lead compounds (Waste Code D220) for disposal at Environmental Treatment Solutions Pty Ltd (ETS), Minto, was reviewed. This facility is licensed to receive D220 waste (EPL No. 20696). The Auditors observed that the ETS driver signed the EPA Waste Transport Certificate both as the Consignor and the Transporter. The Auditors recommend that Mirvac confirm that ETS is an authorised agent, approved by the EPA to consign waste on behalf of a waste producer.	Mirvac confirms that the ETS is an authorised agent approved by the EPA to consign waste on behalf of a waste producer.
HAZARDOUSE AND INDUSTRIAL WASTE			
D14	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:  (a) Protection of the Environment Operations Act 1997;  (b) Protection of the Environment Operations (Waste) Regulation 2014;  (c) Waste Avoidance and Recovery Act 2001; and  (d) Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017.	As above.	As above.

VEHICLE CLEANSING			
D16	Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.	The Auditors observed a waste truck leaving the site via one of the Locomotive St entrances. The implemented control measures of wheel washing on geofabric inside the building appeared to be effective, as no sediment was observed being tracked onto Locomotive St or entering stormwater drains. The controls are not fully in accordance with the approved Sediment and Erosion Control Plan in relation to bunding and the Auditors recommend that the Erosion and Sediment Control Plan be reviewed and updated if required.	The Sediment and Erosion Control will be updated to reflect on site arrangements and submitted to the PCA for approval, in accordance with Condition B30.
BUNDING			
D18	The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded 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>The Auditors observed on 13 September 2019 that 5 LPG cylinders (9 kg) stacked in an insecure manner outside and to the side of the vehicle entrance to the Blacksmith's workshop. Mirvac advised that the cylinders belonged to the blacksmith. The Auditor recommended that Mirvac request the blacksmith to store the cylinders safely and the cylinders had been removed by the 18 September site visit.</p> <p>An unlabelled IBC was observed outside the building, within the eastern Work Zone, that appeared to contain residual liquid, that was not bunded. Mirvac personnel advised that it contained water although the IBC was reportedly used in the decontamination process for the lead removal works. The recommend that the IBC's contents be verified and the IBC appropriately labelled and, if necessary, relocated or bunded.</p>	<p>As discussed during the audit, the Blacksmith uses empty LPG bottles as scrap steel in his manufacturing process. All 'live' cylinders are located in a compliant storage cage area. Mirvac will ensure they continue to be stored safely in future.</p> <p>The contents of the IBC was verified and it was relocated accordingly. Mirvac will ensure all containers are labelled appropriately in future.</p>