

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

OCTOBER 2020

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 the date of the 2019 Independent Audit site visit on 18 September 2020 to the date of this site visit on 17 September 2020.

Mirvac was issued the second Independent Audit Report on 16 October 2020. The Response Table (Appendix A) summarises Mirvac's responses to any non-compliances identified in the audit, as well as opportunities for improvement recommended by Ramboll.

2 Appendix A – Response Table

CONDITION	REQUIREMENT	AUDITOR'S FINDINGS AND RECOMMENDATIONS	MIRVAC RESPONSE
NON-COMPLIANCE RECOMMENDATIONS			
NON-COMPLIANCE NOTIFICATION			
A13	<p>The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.</p>	<p>Mirvac have notified DPIE of non-compliances on three occasions: 11/10/19; 11/03/20; and 18/06/20. In the case of the 1st and 2nd notification, they were raised within the required 7 days of becoming aware of the non-compliances.</p> <p>In the case of the March notification, the official A13 notification was emailed to the DPIE 8 days after becoming aware of the non-compliances on 03/03/20. Mirvac has notified DPIE of the non-compliance on 03/03/20 but it did not meet all of the requirements of Condition A14 (actions taken to address the non-compliance).</p> <p>On the basis of the above, this Condition is considered to be an administrative non-compliance. As the non-compliance have already been addressed, the Auditors make no further recommendation.</p>	<p>As per the Auditor's recommendation, no further action is required by Mirvac.</p>
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>Mirvac did not review strategies, plans and programs and notify DPIE of such within 3 months of submission of Compliance Report 1 SSD 8517 (11/11/19) and Independent Audit Report 1 SSD 8517 (22/10/20); and approval of SSD 8517 MOD 4 (Skylights) (20/11/19). Mirvac subsequently notified DPIE of the reviews on 03/03/20 and 18/06/20.</p> <p>Mirvac's Excel spreadsheet '200916 – C3_A16_Locomotive Workshop.xlsx' indicates when strategies, plans and programs are made "Available" but does not record the revision numbers or when they were reviewed or when DPIE was notified that they were reviewed. It is recommended that the '200916 – C3_A16_Locomotive Workshop.xlsx' spreadsheet be amended to record the document revision numbers, the dates when they were reviewed and the dates when DPIE was notified that they were reviewed.</p>	<p>Mirvac will amend the A16 Spreadsheet so that it notes the document revision numbers, the dates they were reviewed and the dates the DPIE were notified that they were being reviewed.</p> <p>In addition, Mirvac has set up automatic monthly calendar reminders to ensure reviews, and notifications of these reviews are not missed in future.</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>		
LIMITS OF CONSENT			
A20	<p>Prior to the issue of the Construction Certificate for each stage of the development, a Long Service Levy is required to be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.</p>	<p>The Long Service Corporation approved a revision of the instalment plan for SSD 8517 with a schedule of instalments over the lift of the project. The 3rd, 4th, 5th and 6th instalments were paid. The 6th and final instalment was due on 01/08/20 and paid on 19/08/20, which was late. This condition is considered to be an administrative non-compliance due to the late levy payment. The auditors do not make a recommendation as the Long Service Levy has been paid in full.</p>	<p>As per the Auditor's recommendation, no further action is required by Mirvac.</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>Mirvac advised that notification of commencement of works is communicated to the DPIE through the letter sent by the PCA to inform that a construction certificate has been issued for specific works sent by Mirvac for each 'major' stage of work (e.g. Stage 3, Stage 4 etc). The Auditors observe that the PCA's letter does not notify the DPIE of the intended date for commencement of construction and notification must be sent separately and 48 hours in advance of the commencement, which is usually the same day as when the CC is issued. Notification to DPIE for sub-stages for work (e.g. 2a, 4a, 4b, 5a) was not made as these were considered approved under the parent-stage of works.</p> <p>Mirvac notified DPIE in writing of the scheduled commencement of Stage 3 Structure construction works (15 October 2019) on 11 October 2019, which was more than 48 hours in advance. However, a Condition A13 Non-compliance notification (18/06/2020) indication that notification with the required timeframe had not occurred for Stage 4 (Services and Base Build Fit Out works), which commenced on</p>	<p>Mirvac will amend both its CC and IOC tracking spreadsheets so that they note the dates by which DPIE notifications are required, as well as the actual dates that construction / operation commenced.</p>

		<p>05/12/2019. This non-compliance was notified to DPIE on 18/06/20 and therefore, no further action is recommended.</p> <p>It is recommended that the notification deadline is captured (e.g. within the CC Program) for each stage of work and DPIE are notified within the required timeframe. During the course of this Audit, Mirvac added</p> <p>a column, "C2 Notice", in the 'CC Program_UPDATED.xlsx' spreadsheet that provides the intended date to commence construction, as notified to DPIE. However, the actual commencement date and the date on which Mirvac notified the DPIE of the scheduled commencement of construction date are not recorded, so it is difficult to verify compliance with this Condition. In fact, it may be misleading as according to 'CC Program_UPDATED.xlsx', the 'C2 Notice' date for Stage 3 was 15/10/19 and the CC3 issue date was 17/10/19. Hence, it could be interpreted that Stage 3 commenced on 15/10/20 prior to the issue of CC3, which would be a non-compliance. For this reason, the Auditors 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>An Interim Occupation Certificate (IOC1) for part of Bays 1-4a was issued 26 May 2020, which is for the tenant, Top Education. Mirvac have yet to notify the DPIE of the commencement of operation for the Top Education tenancy. The Auditors understand and observed during the site visit that Top Education have not occupied the tenancy due to Covid-19. Given that the tenancy is not yet occupied, there is not a non-compliance. However, the Auditors recommend that Mirvac ensure that DPIE are notified of the intended commencement of operation / occupation for the tenancy area 48 hours in advance as the PCA issued letter notifying of the issue of the IOC does not specify commencement of operation/occupation.</p> <p>The Auditors recommend that the IOC Program 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.</p>	
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COMPLIANCE REPORTING

<p>C5</p>	<p>Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).</p>	<p>Mirvac have submitted two construction compliance reports since the 2019 IEA.</p> <p>Construction work was notified to DPIE as commencing on 04/06/19. The Auditors observe that Compliance Report 1 states that works commenced on 13/05/19, which is inconsistent with the date notified to DPIE. Based on construction commencing on 04/06/19 and in accordance with Table 1 of the Compliance Reporting Post Approval Requirements (Department 2018), the first two construction compliance reports were due by 03/12/19 and 02/06/20. Compliance Report 1 was issued and submitted to DPIE on 11/11/19 prior to its due date but Compliance Report 2 was issued and submitted on 12/06/20, which was slightly after its due date, and was therefore, non-compliant.</p> <p>The contents of the two construction compliance reports were reviewed, and it is considered that they do not fully address the following requirements of the Compliance Reporting Post Approval Requirements (Department 2018). The following information was not provided:</p> <ul style="list-style-type: none"> • the date covered by the Compliance Report (reporting period being a date range); • current GIS figures and shapefiles that illustrate development footprints and context; • the total number of non-compliances during the reporting period; • details of all non-compliances during the reporting period including: <ol style="list-style-type: none"> 1. the relevant compliance requirement and its ID; 2. details of the non-compliance, the date it occurred and the date it was identified; 3. the agency, or agencies to whom the non-compliance was reported; and 4. the proponent's response that have been, or are proposed to be, taken to address the non-compliance, including details of timing for undertaking such actions; and • Previous report actions arising from a previous Independent Audit and Compliance Reports. 	<p>Mirvac arranged via a teleconference call with Hala Fua, Senior Compliance Officer, Department of Planning NSW on 21/10/20 to discuss the Construction Compliance Report 2 (SSD 8517 and 8449) and specifically comments and feedback issued to Mirvac on 20/10/20. The call was educational in that each of the comments were discussed and identified within the report where there were inconsistencies in relation to the requirements of the PAR 18. Mirvac have been directed to revise the CCR 2 report in accordance with the Department's comments and resubmit for further assessment.</p> <p>Following this meeting, Mirvac are more confident that they will be able to address the inconsistencies identified between Mirvac's reports and the PAR 18 as highlighted by the Auditors and the Department of Planning NSW.</p> <p>Mirvac will ensure the third compliance report complies</p>
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		<p>The Auditors observe that Compliance Report 2 (12/06/20), did not refer to the A16 and C6 non-compliances that were notified in March 2020. It also referred to non-compliances reported in the first Independent Audit (Table B is a copy of Ramboll's Independent Audit report with some edits by Mirvac) and Compliance Report 1. The text refers to non-compliances identified in Compliance Report 1 but indicates the condition is compliant. The reporting period should be explicit and the text should reflect the occurrences relating to the reporting period, including the March 2020 non-compliances and possibly some of the June 2020 non-compliances, and not the previous reporting period.</p> <p>On the basis of the content of the Compliance Reports, the Auditors consider them to be non-compliant. The Auditors recommend that Compliance Report 3 meets all of the requirements of the Compliance Reporting Post Approval Requirements (Department 2018).</p>	<p>with all requirements of the PAR 18.</p>
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COMPLIANCE REPORTING

C6	<p>The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.</p>	<p>The 2019 IEA recommended that Mirvac update the development's public website to make available the latest version of the Pre-Construction Compliance Report and ensure that DPIE are notified at least 7 days prior to updating or placing new Compliance Reports on the public website. The version of the Pre-Construction Compliance Report on the public website is still version 1, indicating that this non-compliance from the 2019 IEA has not been actioned and is therefore, ongoing. The Auditors recommend that the latest version of the Pre-Construction Compliance Report be made available on the public website.</p> <p>Construction Compliance Report 1 and Compliance Report 2 were submitted to DPIE on 11/11/19 and 12/06/20, respectively. Therefore, they should have been made publicly available by 10/01/20 and 11/08/20, respectively.</p> <p>Mirvac notified DPIE on 11/03/20 that Compliance Report 1 had not been made publicly available (therefore, it was overdue). On this basis, this condition is considered non-compliant.</p> <p>The Auditors observe that notification prior to publication is required to be at least 7 days prior to publication. Mirvac indicated to DPIE on 18/06/20 that they notified DPIE on 17/06/20 that they would make Compliance Report 2 publicly available within 60 days of its submission. The Auditors consider this notification to be</p>	<p>Mirvac advise that version 3 of the Pre-Construction Report is in the process of being uploaded onto the website.</p> <p>Mirvac will ensure that on its Access to Information Excel spreadsheet it is tracking in a new column the dates by which the document is made available (i.e. approved if required) and then the date the document is made publicly available on its website.</p>
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		<p>compliant although it is not clear whether the report would be made publicly available at least 7 days after they had notified report of its pending publication. The Auditors observe that Compliance Report 1 and Compliance Report 2 are available on the public website (https://southeveleigh.mirvac.com/about/locomotive-workshop/development-updates).</p> <p>Mirvac advised that they do not record when documents are made publicly available on the project website and it is not shown on the website. Excel spreadsheet '200916 - C3_A16_Locomotive Workshop.xlsx' indicates when "Access to Information" documents are made "Available", it does not record the dates when that happened. Therefore, the Auditors cannot verify if the Compliance Reports were made publicly available within 60 days of the reports being submitted to DPIE and whether DPIE were notified at least 7 days prior to their actual publication. It is considered that this is not satisfactory if evidence cannot be provided to demonstrate compliance.</p> <p>The Auditors recommend that Mirvac implement a system of recording when documents are made publicly available and consider how to ensure that Compliance Reports are made publicly available within the required timeframe (i.e. within 60 days of submission to DPIE and at least 7 days after notifying DPIE that they were to be made publicly available) and that the DPIE are notified accordingly.</p>	
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CONDITION	REQUIREMENT	AUDITOR'S RECOMMENDATIONS	MIRVAC RESPONSE
OPPORTUNITY FOR IMPROVEMENT RECOMMENDATIONS			
GENERAL			
N/A	N/A	<p>As there continue to be administrative non-compliances related to missed deadlines, the Auditors consider that the 'DA conditions tracking register' has not been effective in preventing these types of non-compliances.</p> <p>The Auditors recommend that Mirvac review the compliance tracking process to ensure that all notification and reporting requirements and deadlines are captured.</p>	<p>As noted previously, Mirvac will amend its various tracking spreadsheets so that the dates by which DPIE notifications are required and actual commencement dates are noted and review regularly.</p> <p>Mirvac undertakes weekly DA review meetings and these dates will be reviewed and actioned where necessary at each meeting.</p>
NO WORKS PRIOR TO CONSTRUCTION CERTIFICATE			
B4	Work must not commence until a relevant Construction Certificate has been issued.	<p>The 'CC Program.xlsx' spreadsheet (tracking register) shows the 'Date' for the following stages:</p> <ul style="list-style-type: none"> • CC3 – Structure issued – 17/10/19 (green, issued); • CC4 – Base Build FO / Services – 05/12/19 (green, issued); and • CC6 – Public Domain – 14/09/20 (white, not issued). <p>Mirvac notified DPIE that Stage 3 would commence on 15/10/19 "subject to the issue of the Construction Certificate by the PCA". Mirvac advised the Auditors that construction does not commence until the CC is issued but the CC Program does not demonstrate this clearly as it could be interpreted that Stage 3 commenced on 15/10/19 before the date that CC3 was issued.</p> <p>Mirvac notified DPIE that Stage 4 commenced on</p>	<p>As noted previously, Mirvac will amend its CC tracking spreadsheet so that it notes the dates by which DPIE notifications are required, as well as the actual dates that construction commenced for each stage.</p>

		<p>5/12/19, the same day that CC4 was issued.</p> <p>Given that Mirvac do not have a method for recording actual commencement dates, the Auditors cannot verify that work only commenced following issue of the relevant CC and rely on the interview as evidence. Mirvac 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 2019 IEA recommended that Mirvac “track actual stage commencement dates and times, where relevant, such as in Mirvac’s ‘CC Programme’ spreadsheet” to which Mirvac responded that “Mirvac tracks the target dates for each construction certificate in a tracking register. At the time of the 2019 IEA, the register only noted the target dates for each construction certificate; however, additional columns have now been added which note that dates each construction certificate is received and the date that construction of each stage commenced.” On review of the ‘CC Program’ spreadsheet provided, only a single “Date” column was observed that was understood to represent the target date for issuing each CC (if coloured white) or the actual CC issue date (if coloured green). Additional columns recording the “dates each construction certificate [was] received and the date that construction of each stage commenced” had not been added.</p> <p>Given that commencement dates are still not recorded, the Auditors consider that the tracking register does not readily demonstrate compliance. Therefore, the Auditors again recommend as an opportunity for improvement that Mirvac record actual commencement dates and times, as well as the date that CCs are received.</p>	
BLACKSMITH PLAN OF MANAGEMENT			
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 must be prepared by the Applicant and include:</p>	<p>This condition was reported as compliant during the 2019 IEA in relation to approval of the Blacksmith Operation Plan of Management.</p> <p>No complaints were made regarding the Blacksmith operations during the Audit Period, although it is noted that the Blacksmith is not currently operating. As such, the Complaints Register has not yet been submitted to the DPIE.</p> <p>The Auditors note that some entries in the Complaints Register did not specify the location of the complaint (e.g. Enquiry No. 8 & 14). Whilst this is a requirement</p>	<p>Mirvac will ensure an additional column is added to the Complaints Register to track the location of any complaints.</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 complaint/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>specific to complaints related to the Blacksmith operations, it is recommended a separate column be included in the register to ensure a record of the location of any future complaints against the Blacksmith are included.</p>	
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NOTIFICATION OF COMMENCEMENT

<p>C2</p>	<p>If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.</p>	<p>Mirvac advised that notification of commencement of works is communicated to the DPIE through the letter sent by the PCA to inform that a construction certificate has been issued for specific works sent by Mirvac for each 'major' stage of work (e.g. Stage 3, Stage 4 etc). The Auditors observe that the PCA's letter does not notify the DPIE of the intended date for commencement of construction and notification must be sent separately and 48 hours in advance of the commencement, which is usually the same day as when the CC is issued. Notification to DPIE for sub-stages for work (e.g. 2a, 4a, 4b, 5a) was not made as these were considered approved under the parent-stage of works.</p> <p>Mirvac notified DPIE in writing of the scheduled commencement of Stage 3 Structure construction works (15 October 2019) on 11 October 2019, which was more than 48 hours in advance. However, a Condition A13 Non-compliance notification (18/06/2020) indication that notification with the required timeframe had not occurred for Stage 4 (Services and Base Build Fit Out works), which commenced on 05/12/2019. This non-compliance was notified to DPIE on 18/06/20 and therefore, no further action is recommended.</p> <p>It is recommended that the notification deadline is captured (e.g. within the CC Program) for each stage of work and DPIE are notified within the required timeframe. During the course of this Audit, Mirvac added a column, "C2 Notice", in the 'CC Program_UPDATED.xlsx' spreadsheet that provides the intended date to commence construction, as notified to DPIE. However, the actual commencement date and the date on which Mirvac notified the DPIE of the scheduled commencement of</p>	<p>As noted by the Auditors, an additional column has already been added to the CC Program spreadsheet. However, contrary to the auditors' comment, this 'C2 Notice' column does not track the intended date to commence construction. Rather, it tracks the date by which notification to the DPIE is required for each stage i.e. two days (48 hours) prior to the expected date of the receipt of a CC and subsequently, the commencement of construction.</p> <p>To address the auditors' concerns, an additional column will be added to track the actual dates of commencement of construction.</p>
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		<p>construction date are not recorded, so it is difficult to verify compliance with this Condition. In fact, it may be misleading as according to 'CC Program-UPDATED.xlsx', the 'C2 Notice' date for Stage 3 was 15/10/19 and the CC3 issue date was 17/10/19. Hence, it could be interpreted that Stage 3 commenced on 15/10/20 prior to the issue of CC3, which would be a non-compliance. For this reason, the Auditors 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>An Interim Occupation Certificate (IOC1) for part of Bays 1-4a was issued 26 May 2020, which is for the tenant, Top Education. Mirvac have yet to notify the DPIE of the commencement of operation for the Top Education tenancy. The Auditors understand and observed during the site visit that Top Education have not occupied the tenancy due to Covid-19. Given that the tenancy is not yet occupied, there is not a non-compliance. However, the Auditors recommend that Mirvac ensure that DPIE are notified of the intended commencement of operation / occupation for the tenancy area 48 hours in advance as the PCA issued letter notifying of the issue of the IOC does not specify commencement of operation/occupation.</p> <p>The Auditors recommend that the IOC Program 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.</p>	<p>Mirvac will also incorporate additional columns within its IOC Program spreadsheet to track the deadlines for notifications to DPIE, as well as the actual dates of commencement of operation.</p>
ACCESS TO INFORMATION			
C3	<p>At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:</p> <p>(a) make the following information and documents (as they are obtained or approved) publicly available on its website:</p>	<p>The 'Construction & Development Updates' and 'South Eveleigh Construction Updates' websites continue to provide project documentation and information and are considered to generally comply with the requirements of the condition. The Auditors make the following observations and recommendations:</p> <ul style="list-style-type: none"> • Recently approved consent modifications MOD4 should be provided on the website. • 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). • Some links do not open the documents (e.g. Loading Dock Management Plan, SSD 8517 B37 Drawings Set). Check that all links are working correctly. 	<p>Mirvac will carry out a review of all documentation on the website and ensure the correct revisions for all documents are uploaded.</p> <p>Mirvac will also add a new column to its Access to Information Excel spreadsheet to track the dates by which the document is made available (i.e.</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>	<ul style="list-style-type: none"> • Regular South Eveleigh heritage, construction and development updates are provided. • A complaints register is available (labelled as the Locomotive Workshop Contact Register). • Regular reporting of environmental performance and summary of monitoring results of the development is not specifically required or noted in plans or programs and thus Mirvac has not provided this information. • The latest versions of post approval documents are not available (e.g. Pre-Construction Compliance Report and Waste Management Plan). • Mirvac uses a 'tracking register' to ensure updates to documents that are required to be uploaded to the website are done so within the required timeframes of the relevant condition. However, the single column/field showing the "Timing" does not clearly indicate the various deadlines for uploading documents and notifying the DPIE in advance. Nor does the tracking register 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>It is recommended as an improvement opportunity that Mirvac include the version number for the listed documents within the tracking register to ensure that up to date information has been uploaded. The document submission date (what the upload deadline usually hinges on), the notification deadline and upload deadline could also be included.</p>	<p>approved if required) and then the date the document is made publicly available on its website.</p>
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	<p>(x) any other matter required by the Planning Secretary; and</p> <p>(b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>		
INDEPENDENT AUDIT			
C9	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</p> <p>(a) review and respond to each Independent Audit Report prepared under condition C8 of this consent;</p> <p>(b) submit the response to the Department; and</p> <p>(c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission 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 2019 Independent Audit to DPIE on 22/10/19. The response is considered to meet the Independent Audit Post Approval Requirements (Department 2018).</p> <p>Mirvac notified DPIE that that they would make the 2019 IEA report and Mirvac's response available on the South Eveleigh website after Monday 18th November, which met the requirements. The Auditors observe that the 2019 Independent Audit and Mirvac's response are available on the project website (https://southeveleigh.mirvac.com/about/locomotive-workshop/development-updates).</p> <p>Mirvac advised that they do not record when documents are made publicly available on the project website and it is not shown on the website. Therefore, the Auditors cannot verify if the 2019 Independent Audit Report was made publicly available within 60 days of the report being submitted to DPIE. There is no evidence to suggest that this was not done. However, the Auditors recommend that Mirvac implement a system of recording when documents are made publicly available.</p>	<p>As noted above, Mirvac will add a new column to its Access to Information Excel spreadsheet to track the dates by which the document is made available (i.e. approved if required) and then the date the document is made publicly available on its website.</p>
CONTAMINATION – LONG TERM ENVIRONEMTNAL MANAGEMENT PLAN			
E3	<p>Prior to the issue of an 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 review and approval within one month of the completion of remediation</p>	<p>Remediation stages 1A, 1B and 1C were completed within the Audit Period and the PCA issued IOC1 which related to the Stage 1A area only. Three LTEMPs were prepared by JBS&G and provided to the EPA Accredited Site Auditor for review.</p> <p>The Auditors consider completion of remediation to be the issue of the SAS and that the timing of provision of the LTEMPs to the Site Auditor was compliant with the condition. The Site Auditor reviewed the LTEMPs and in Table 14.1 of the SARs stated that the LTEMPs addresses the requirements of Condition E3.</p>	<p>Mirvac will issue the Auditors' recommendations to the environmental consultant for incorporation into future LTEMPs, which will supersede the current LTEMPs.</p>

	<p>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 remediation notice issued by the EPA under the CLM Act.</p>	<p>The Auditors reviewed the LTEMPs and agree that the requirements of Condition E3 have been met. As an opportunity for improvement, the Auditors recommend that future LTEMPs:</p> <ul style="list-style-type: none"> • Include discussion of SSD 8517 regulatory requirements including Condition E3 and other conditions that are relevant (e.g. A11 and A13 relating to incident and non-compliance notification); • More clearly define the roles of the two relevant authorities, DPIE and Council, particularly in relation to maintaining the physical barrier which is part of the base building and subject to SSD 8517 requirements; and • Include updated reference to planning certificates issued under the Environmental Planning and Assessment Act 1979 (Section 5.2 of LTEMPs refer to Section 149 planning certificates that are now Section 10.7 planning certificates). <p>At the time of the Audit, the LTEMP requirements to carry out the six-monthly ambient air monitoring or capping arrangement inspection had not yet been triggered.</p>	
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WASTE DISPOSAL

E15	<p>All waste generated on site must be classified and disposed of in accordance with the Waste Classification Guidelines (DECC 2008).</p>	<p>Mirvac advised that an Operational Waste Management Plan will be prepared once they have reviewed the types and quantities of waste that will be produced by the tenants. Mirvac also advised that Mirvac and the PCA were of the view that Condition E15 was a note and therefore, did not require an action to close out the condition. The Auditors are of the view that Condition E15 requires that Mirvac have a system / plan / procedure or some other means to ensure that during occupation and use of</p>	<p>Due to the gradual staging of the commencement of use, Mirvac will not be in a position to finalise an Occupational</p>
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		<p>Bays 1-4a, the waste generated is classified and disposed of in accordance with the EPA guidelines, which have been updated since 2008. This should be in place prior to commencement of first use, as that is the intended timing for Part E conditions in general. Although IOC1 has been issued for part of Bays 1-4a, the Auditors understand that no tenants have commenced use of their tenancy.</p> <p>The Auditors consider that overall, this condition is compliant; however, as an opportunity for improvement, the Auditors recommend that a means to ensure the appropriate classification and disposal of waste generated be prepared and implemented prior to commencement of use of Bays 1-4a.</p>	<p>Waste Management Plan prior to the Commencement of Use.</p> <p>The major waste producers (supermarket and roastery) will not commence use until April 2021, however the gym, which produces minimal waste, will commence use in November 2020.</p> <p>An Occupational Waste Management Plan will then be prepared prior to commencement of use for these tenancies once the supermarket and roastery are able to confirm the types and quantities of waste that will be produced.</p> <p>In the interim, the gym will manage their waste in accordance with their Plan of Management which was approved under the tenancy DA.</p>
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