



Suite 117, 25 Solent Circuit
Norwest Business Park
Baulkham Hills
NSW 2153
ABN: 50 160 157 666

16 May 2023

Attn: Compliance Section (Portal Submission)

Moorebank Precinct West Stage 2 (SSD 7709): Submission of Response to March 2023 Independent Audit Report

I refer to SSD 7709 approved on the 11 November 2019.

In accordance with condition C17 (b) of the Development Consent, the following document has been submitted to the Planning Secretary via the Major Project Portal for information:

- Independent Audit Report, Moorebank Intermodal Precinct West Stage 2 – SSD 7709, Wolf Peak April 2023.

As per Condition C18 the requirements are:

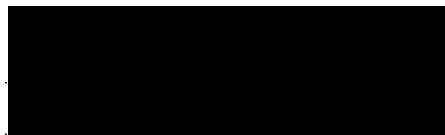
- To review and respond to each Independent Audit Report
- Submit the response to each Independent Audit Report (Attachment A)
- Make each Independent Audit Report and response to it publicly available.

I hereby provide the 7-day notification of our intention to publicly release the response to the Independent Audit within 60 days of this submission to the Department in accordance with consent condition 18 (c).

Signed

Name

Position



Associate Director

Date: 16 May 2023

Attachment A: Applicant Response to Audit Report Non-Compliances and Observation

Moorebank Precinct West Stage 2 (SSD 7709): Submission of Response to March 2023 Independent Audit Report

Item	Ref.	Type	Details of item	Audit Recommendation	Timing	Actions	Evidence of Action
IA3_01	A3	Non-compliance	<p>Requirement: Terms of Consent <i>The development may only be carried out:</i></p> <ul style="list-style-type: none"> <i>a) in compliance with the conditions of this consent;</i> <i>b) in accordance with all written directions of the Planning Secretary;</i> <i>c) in accordance with the EIS, Response to Submissions (RtS) and Consolidated assessment clarification responses; and</i> <i>d) in accordance with the management and mitigation measures in Appendix 2.</i> <p>Non-compliance: Based on non-compliant conditions identified during this audit, the 3 warning letters received from the Department for conditions B32, B125 and B171 and the notification for potential of non-compliance on condition B125 in February 2023, condition A3 is considered non-compliant.</p>	Proponent to address all the non-compliances noted during this audit.	As soon as practicable	Address non-compliances noted during the audit.	<p>See below evidence identified for non-compliances noted during this audit.</p> <p>Evidence to be presented at Independent Audit four.</p>

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Item	Ref.	Type	Details of item	Audit Recommendation	Timing	Actions	Evidence of Action
IA3_04	B125	Non-compliance	<p>Requirement: <i>Construction Hours of Work</i> <i>The Applicant must comply with the hours detailed in table 2.</i></p> <p><i>Table 2: Hours of work –</i> <i>Monday – Friday 7am to 6pm</i> <i>Saturday – 8am to 1pm</i></p> <p>Non-compliance: During this audit period, 2 notifications from the Department were received against condition B125, therefore this condition has been recorded as noncompliance. Details of the notifications are provided below.</p> <p>On the 9 December 2022 the Department issued a warning letter for breach on Condition B125 - Helicopter operation works outside of standard working hours on the 12 November 2022 at Richard Crookes Construction (RCC) site.</p> <p>On the 20 February 2023 Logos provided written notification to the Department of a potential non-compliance as RCC was conducting works outside of the approved construction hours and not following the OOHW protocol as per condition B172e. Response from the Department is yet to be received.</p>	Recommended that RCC retrain its workforce and introduce a hold point to approve any Out of Hours Works (OOHW).	As soon as practicable	RCC to include the OOHW approval hold point requirement in toolbox talks.	<p>RCC provided LOGOS evidence that a non-conformance report was issued to the subcontractor who conducted the works. The report included the approval requirement for OOHW prior to commencement. The report also included the requirement for the toolbox talk to include the instruction 'not to start work prior to 7:00am'.</p> <p>Evidence to be presented at Independent Audit four.</p>

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IA3_05	B127	Non-compliance	<p>Requirement: Construction Hours of Work <i>Construction outside of the hours identified in Condition B125 may be undertaken in any of the following circumstances:</i></p> <ul style="list-style-type: none"> <i>a) works that are inaudible at the nearest sensitive receivers;</i> <i>b) where a negotiated agreement has been arranged with affected receivers;</i> <i>c) works agreed to in writing by the Planning Secretary;</i> <i>d) for the delivery of materials required outside these hours by the NSW Police Force or other authorities for safety reasons;</i> <i>e) works associated with:</i> <ul style="list-style-type: none"> <i>(i) the Moorebank Avenue/Anzac Road upgrade, the delivery of the rail link connection, and works required to be undertaken during rail corridor possession where they are undertaken in accordance with an Out-Of-Hours Work Protocol under Condition B135; or</i> <i>[Amended by SSD-7709-Mod-2]</i> <i>(ii) any other construction works on the site where they are undertaken Out-of-Hours must be in accordance with the approved Out-of-Hours Work Protocol (OOWP) required under condition B135.</i> <p>Non-compliance: Richard Crookes Construction (RCC) contractor carried out Helicopter operation works outside of</p>	<p>Recommended that RCC retrain its workforce and introduce a hold point to approve any Out of Hours Works (OOHW).</p>	<p>As soon as practicable</p>	<p>RCC to include the OOHW approval hold point requirement in toolbox talk.</p>	<p>Toolbox talks ongoing. Evidence to be presented at Independent Audit four.</p>

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			standard working hours on the 12 November 2022 at the Warehouse 6. The work activities did not follow the OOHW protocol.				
IA3_07	C4	Non-compliance	<p>Requirement: <i>The Applicant must:</i></p> <p><i>a) not commence construction of the development until the CEMP is approved by the Planning Secretary; and</i></p> <p><i>b) carry out the construction of the development in accordance with the CEMP approved by the Planning Secretary and as revised and approved by the Planning Secretary from time to time.</i></p> <p>Non-compliance: Richard Crookes Construction (RCC) did not undertake inspections on a weekly basis as required by the CEMP (dated 23 December 2021) section 4.2.2 (page 76). No records of site inspections been carried out after the rain event recorded on the 23 February 2023 by RCC Contractor were sighted.</p>	Richard Crookes Construction, to undertake site inspections on a weekly basis and immediately following rainfall events in excess of 10mm in any 24-hour period and record them as per the CEMP and subplan requirements.	Prior to next audit	RCC to undertake site inspections weekly and immediately following rainfall events more than 10mm in any 24-hour period and record them as per the CEMP and subplan requirements.	RCC provided LOGOS evidence of weekly site inspections via email on the 11/05/2023. Evidence to be presented at Independent Audit four.

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Item	Ref.	Type	Details of item	Audit Recommendation	Timing	Actions	Evidence of Action
IA3_11	B180	Observation	<p>Requirement: Waste Management</p> <p><i>The Applicant must assess and classify all liquid and non-liquid wastes to be taken off site in accordance with the latest version of EPA's Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014) and dispose of all wastes to a facility that may lawfully accept the waste.</i></p> <p>Observation: For Richard Crookes Construction (RCC) Stage 1, it was observed during the site interview that the current waste register and associated waste tracking reports from Orange Bins did not include the Environment Protection Licences of the waste facilities where the waste material was taken to.</p>	Richard Crookes Construction (Stage 1), to update the waste register and associated waste tracking records from Orange Bins to include the Environment Protection Licences of the waste facilities where the waste material was taken to.	As soon as practicable	RCC to update Waste tracking register to include the waste facilities Environment Protection Licence number.	RCC provided the updated register to LOGOS via email on the 11/05/2023. Evidence to be presented at Independent Audit four.