

Ref: 034-Response to IA Report

14 September 2021

Planning Secretary
Department of Planning, Industry & Environment
Parramatta Square
12 Darcy Street,
PARRAMATTA NSW 2150

Dear sir,

RE: Response to Independent Audit Report St Marys Intermodal SSD-7308 dated August 2021

Pacific National received the first Independent Environmental Audit Report (IEAR) prepared by NGH Consulting and submitted to DPIE on 1 September 2021.

In accordance with Condition C39 in the Development Consent for the St Marys Intermodal (SSD-7308), the IEAR has been reviewed and a response to the non-compliances is enclosed in Attachment 1.

If you have any questions or wish to discuss this further, please contact me on 0437 737 358.

Yours faithfully

Leigh D Cook

Leigh Cook
Project Director
Pacific National Pty Ltd

ATTACHMENT 1: Proponent Responses to Non Compliances in under SSD-7308

Non Compliance #	Condition	Audit finding and recommendations	Proponent Response
NC 1	A2 The development must only be carried out: (a) in compliance with the conditions of this consent;	The audit found that the requirements of the Conditions CEMP and subplans were largely being implemented. Contractors were made aware of relevant conditions of consent through inductions. However given a total of six Non compliances have been raised against the conditions during this audit and the previous audit this audit has raised an NC against this condition.	Noted. A response to the other non-compliances is detailed below.
	A2 (d) in accordance with the Development Layout in Appendix 1;	A DPIE inspection in April 2021 noted that there was an unapproved access road off Lee Holm Drive and that this access was not in accordance with the approved development layout. Accordingly Pacific National provided a show cause letter providing reasoning for using this access point, however the use of this access point is still not in accordance with the approved development layout and therefore this is an open NC.	Noted. Site access to Rhomberg Rail compound from Lee Holm Road was utilised for reasons provided in response to show cause. It is considered this matter has been dealt under the investigation by the DPIE compliance unit.
NC2	A23 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: (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;	Audit reports are available on the website but not the applicants responses. A copy of the applicants response to the audit recommendation should be made publicly available as required by this condition.	Resolved. A copy of the response to IEA report was placed on the Pacific National website on 31 August 2021.
NC3	A25 The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.	The Safety incident involving a trailer roll over was reported to SafeWork NSW. No further investigation was required by SafeWork as noted in their response. However the planning secretary was not notified of the incident and therefore this is a Non compliance with this condition. All incidents should be provided to DPIE as soon as the applicant becomes aware of the incident. Following notification a subsequent report is required under A26 in accordance with the requirements set out in Appendix 4 of the consolidated approval.	As stated by the Auditor, the safety incident involving the trailer roll over was reported to SafeWork NSW and no further action was required. Pacific National takes workplace safety very seriously and imposes the highest safety standards possible for its employees and contractors and will undertake its own investigations if there is any unresolved concerns following a safety incident. In the instance of the trailer rollover, Pacific National was satisfied with the incident reporting and did not undertake any further action. It was believed that the incidents reportable under Condition A25 were incidents of an environmental nature, and given the incident was reported to SafeWork NSW, it was not considered that the matter needed to be notified to DPIE. If this type of incident is reportable to SafeWork NSW and DPIE, in the event another incident of this nature occurs, it will be also notified to DPIE.
NC4	A30 Within three months of: (d) the approval of any modification of the conditions of this consent; or the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.	Mod 5 was approved on the 12/04/2021 but there has been no written notification stating that plans are being reviewed in response to the modification within the required three month period.	Resolved. Notification of a review of plans and strategies was issued on 26 August 2021. As stated in the notification, given the minor nature of MOD 5, which modified the approved administration office building design, and MOD 6, it is considered that there are no material changes to the requirements in the already approved management plans and strategies as a consequence of the modifications or construction compliance report, and therefore, there are no requirements for updates to any of the approved strategies, plans and programs.
NC5	C8 The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	The audit review external inspection reports prepared by Wolf Peak. It is noted that many of the actions in these inspection checklists are not being closed out between inspections. These actions are not being closed out in an appropriate time frame. Therefore, this audit has raised a NC regarding the works being undertaken in accordance with the CEMP	Pacific National has sought a response form the contractor, McMahon Services Australia (MSA), and has been provided with the following advice: <i>The remaining open items listed in the internal Inspections were closed out as part of the construction progress on site. However, no photographic evidence was taken at the time as the construction progressed by MSA ,but we have daily inspections reports undertaken by the supervisor daily (attach daily check sheet) The construction had reached a point at the given time that items raised in internal reports were not relevant any more as the project was moving to completion to achieve its final designed form. In order to emphasis the importance and meet the compliance requirements, MSA have increased the frequency of inspection currently and closing out the actions as required. Also, Wolf peak(third party internal auditor) has been arranged for final inspection for Friday, 10/09/21. As an improvement plan from MSA, the new report from Wolf peak (attach report) with evidence of any actions that are required are in the report.</i> It is noted that the issue of erosion and sediment controls was also mentioned as part of the DPIE compliance inspection on 28 April 2021 and show cause letter. MSA subsequently undertook a comprehensive review of soil and erosion controls throughout the construction site following the DPIE compliance inspection and installed additional erosion and sediment measures for additional protection. Pacific National is satisfied that MSA has adequately assessed the erosion and sediment measures, installed additional measures and has maintained proper erosion and sediment controls since the DPIE compliance assessment. Pacific National has also directed MSA to maintain inspection results in an appropriate timeframe.

Non Compliance #	Condition	Audit finding and recommendations	Proponent Response
NC6	<p>C20 All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.</p>	<p>The audit review external inspection reports prepared by Wolf Peak and Elder enviro. It is noted that many of the actions in these inspection checklists are not being closed out between inspections. These actions have included the requirement to check that Erosion and sediment controls are in accordance with relevant plans and are not being closed out in an appropriate time frame. Therefore, this has been raised as an NC.</p>	<p>Refer to response to NC5.</p>