

## Non-Compliant Findings and Recommendations

Dated 24 October 2025 – Mirvac RAR

NC #	CONDITION	COMPLIANCE REQUIREMENT	INDEPENDENT AUDIT FINDING (SUMMARY)	INDEPENDENT AUDIT RECOMMENDATION	PROPONENT'S PROPOSED ACTION OR REASON TO NOT IMPLEMENT	PROPOSED ACTION DUE DATE
NC1	A21	Within three months of: (a) the submission of a compliance report under this consent; (b) the submission of an incident report under this consent; (c) the submission of an Independent Audit under this consent; (d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or (e) the issue of a direction of the Planning Secretary under this consent which requires a review, 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.	No records were provided to show that strategies, plans and programs required under this consent were reviewed within three months of the submission of SSD 49295711, IEA 1 and the approval of SSD 49295711 MOD-1, SSD 49295711 MOD-2 and SSD 49295711 MOD-3. The Department was not notified of any reviews.	Notify the Department that a review of strategies, plans and programs has been or will be carried out each time that an IEA report is submitted, a modification approved, or a direction issued. The notification is required to be submitted to the Department within three months of the relevant occurrence.	<b>Acceptance of Non-Compliance</b> Actions have been implemented to ensure appropriate notification processes are followed moving forward.	November 2025
NC2	A31	Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements unless otherwise agreed by the Planning Secretary.	The Department approved an extension request in writing under Condition A31 to submit the IAR and RAR by 27/09/24. They were submitted to the Department four business days later on 03/10/24.	Improve reporting processes to allow sufficient time for the review of the IAR and preparation of the RAR.	<b>Acceptance of Non-Compliance</b> Improvements have been implemented to allow adequate time for submissions.	November 2025
NC3	C36	Prior to the issue of the first Construction Certificate for above ground works, and in the event that a Delivery and Servicing Plan or Loading Dock Management Plan is required in accordance with Condition , the required plan must be prepared by a suitably qualified person and be submitted to and approved by TfNSW via	The Certifier indicated in SSDA2 CC3 Checklist dated 08/08/24 that they had received TfNSW correspondence dated 19/06/24; that a "LDMP [was] to be provided" and they had received the LDMP prepared by ptc., dated 27/06/23. The Certifier marked Condition C36 as complete, which	Review and revise the LDMP so that it more fully and explicitly addresses Condition 36 requirements.	<b>Acceptance of Non-Compliance</b> Mircvac to review and update report as required to comply with the condition holistically.	November 2025

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		<p>development.sco@transport.nsw.gov.au. The Plan must specify, but not be limited to, the following:</p> <p>(a) details of the development's freight and servicing profile, including the forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;</p> <p>(b) details of loading and servicing facilities within the subject site which adequately accommodate the forecast demand of the development so as to not rely on the kerbside restrictions to conduct the development's business;</p> <p>(c) management of queuing as a result of the proposed loading dock arrangement;</p> <p>(d) the details of alternate loading zones to redirect vehicles due to extensive queuing at the access to loading dock;</p> <p>(e) management of incidents at the access to the loading dock;</p> <p>(f) loading dock management details including measures to minimise freight and service vehicle movements during peak periods; and</p> <p>(g) management of conflicts between cars accessing the car park and vehicle movements to/from the loading dock.</p>	<p>indicated that the Certifier was satisfied Condition C36 requirements had been met., which was prior to the issue of SSDA2 CC3, the first CC for above ground works.</p> <p>The Auditors note that the LDMP was issued prior to the determination of SSD 49295711 and the following requirements have not been addressed adequately:</p> <ul style="list-style-type: none"> <li>C36(a) – Forecast freight and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay.</li> <li>C36(c) and (d) – The LDMP indicates that vehicle queuing for the loading dock can be accommodated within the slip lane and a queuing analysis was undertaken in a Traffic Impact Assessment. No alternative loading zones are provided or other contingency measures discussed. Reliance is placed on the queuing analysis and there is a risk that it will be inadequate. The queuing analysis should be incorporated into or attached to the LDMP.</li> <li>C36(e) – Incident management is not discussed other than to say that <i>"All hazards, accidents or 'near-misses' must be immediately reported to the relevant site personnel"</i>. Communication and contact details for the Loading Dock Manager and/or Building Security or other means for managing incidents at the access to the</li> </ul>			

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			<p>loading dock (e.g. boom gate Help button) could be detailed.</p> <ul style="list-style-type: none"> <li>C36(f) – The LDMP indicates that a booking system managed by the Loading Dock Manager will be used, which will presumably address this requirement. Section 5.3 indicates that “<i>Only one vehicle can be manoeuvring within the loading dock area to either enter or exit the loading bays at any one time</i>”, which is a constraint. The Auditors are not qualified to assess if this is sufficient for managing forecast deliveries but it is considered that the LDMP could detail additional measures to manage peak periods. For example, the LDMP could: define peak periods and limit the types of deliveries/pickups during the peak periods; and provide a time schedule for anticipated regular deliveries/pickups, such as waste pickups that could be done outside the peak periods.</li> <li>C36(g) – Whilst Section 1.4 lists the LDMP objectives including “Reduce conflicts within the loading dock; Reduce conflicting occupancy within the loading dock and service bays”, it does not explicitly discuss how that will be achieved. There is no discussion of foreseeable conflicts and how they will be managed. It is unclear from the text and the attached drawings whether the users of the loading dock and commercial/residential parking areas use the same driveway and</li> </ul>			

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			whether, for example, a queue for the loading dock will potentially prevent access to the commercial or residential parking areas.			
NC4	E2	<p>A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:</p> <p>(a) state the name, address and telephone number of the principal certifier for the work</p> <p>(b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints</p> <p>(c) state the approved hours of work</p> <p>(d) state that unauthorised entry to the work site is prohibited</p> <p>(e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size</p> <p>(f) the notice is to be durable and weatherproof and is to be displayed throughout the works period</p> <p>(g) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.</p>	<p>The Mirvac Site Notices generally complied with Condition E2 requirements except for Condition E2(a), (b) and (c). The name, address and telephone number of the principal certifier and the address of the principal contractor, Mirvac, were not included. Also, the Site Notices do not indicate that work may be carried out on Saturday between 5pm and 6pm (internal works only) and "No work may be carried out on Sundays or public holidays". It was also observed that whilst the Site Notice at the Site Entry provided the newer 0455 889 510 24-hour community enquiries number, at least one other Site Notice, as well as other 'Mircac Community Consultation Contact' notices posted on the site hoarding still provided the superseded 1800 870 549 number and had not been updated.</p>	<p>Correct the Site Notices to include the name, address and telephone number of the principal certifier, the address of the principal contractor, the complete hours of construction and, where needed, update the 1800 870 549 24-hour community enquiries number with the 0455 889 510 number.</p>	<p><b>Accept non-compliance.</b> Mirvac to ensure site notices are correct.</p>	October 2025
NC5	E3	<p>Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</p> <p>(a) between 7am and 7pm, Mondays to Fridays inclusive;</p> <p>(b) between 7am and 5pm, Saturdays; and</p>	<p>The hours of construction are specified in the CEMP Rev F, the Harbourside Site Induction and Site Notices. The Auditors note none of the documentation indicates that work may be carried out between 5pm and</p>	<p>Investigate why the concrete pours continued outside the approved hours of construction and, based on the findings, further improve control measures, such as pump preventative maintenance, smaller concrete pour areas, concrete supply arrangements and communications to</p>	<p><b>Accept non-compliance.</b> Mirvac acknowledges the non-compliance and has taken steps to extend construction hours. A modification to amend this is currently under assessment.</p>	Late 2025 (Approval for SSDA 2 MOD 6 – Construction Hours)

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		<p>(c) between 5pm and 6pm, Saturdays (internal works only).</p> <p>No work may be carried out on Sundays or public holidays.</p>	<p>6pm on Saturday for internal works only.</p> <p>There were twelve (12) OOHW noise complaints during the Audit Period associated with the development (not including possible complaints in December 2024 and January 2025 that have not been reported in the Complaints Register). The OOHW included construction of inground bridge footings for the Bunns Street pedestrian bridge in July 2024, late running concrete pouring in September 2024 and May 2025, and Sydney Water connection works in November 2024.</p> <p>Condition E3 remained non-compliant during the Audit Period because work continued outside the approved hours of construction for various reasons that were not required by the Police or a public authority for the delivery of vehicles, plant or materials in accordance with Condition E4.</p> <p>Mirvac advised that they have submitted an application to modify Conditions E3 to E6 and E9 to allow more flexibility under specified circumstances.</p>	<p>prevent work continuing outside the approved construction hours.</p> <p>Until such time as the Department approves the modification of Conditions E3 to E6 and E9, ensure that construction work is only carried out during the approved hours of construction and in accordance with Condition E4, which relates to specified deliveries and emergencies only.</p>		
NC6	E4	<p>Construction activities may be undertaken outside of the hours in Condition E3 if required:</p> <p>(a) by the Police or a public authority for the delivery of vehicles, plant or materials; or</p> <p>(b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.</p>	<p>Vehicles, plant, and materials have been delivered to site outside of approved hours of work in accordance with consent Condition E4 as indicated in the Community Updates. The Auditors understand that the road restrictions are required by the NSW Government and therefore, it is considered that Condition E4 is triggered and compliant in relation to those types of deliveries.</p>	<p>Until such time as the hours of construction conditions are modified, only carry out construction works within the approved hours of construction in accordance with Condition E3 or strictly in accordance with Conditions E4 and E6 circumstances.</p>	<p><b>Acceptance of Non-Compliance</b></p> <p>The works occurred outside normal hours due to Sydney Water requirements and the inability to obtain an RFI during standard hours. Mirvac does not agree this constitutes non-compliance, as the timing was not by choice, but acknowledges the wording of the requirement does not</p>	N/A

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			<p>However, other construction activities were carried out outside of approved hours of construction that did not meet Condition E4 criteria and resulted in a number of community complaints. This included the construction of the inground footings near the light rail corridor in July 2024, the Sydney Water connection works in November 2024 and the late running concrete pours.</p> <p>It is understood that the inground footings works and the Sydney Water connection works had been approved by relevant authorities including PMNSW, TfNSW, and Transdev and were required to be undertaken OOHW due to road closures or the light rail shutdown but the works do not fit the definition of "delivery of vehicles, plant or material".</p> <p>Similarly, the late running concrete pours were not considered to be emergencies to "avoid the loss of life, damage to property or to prevent environmental harm" but the Auditors understand that the concrete pours had to continue in order to avoid damaging the integrity of the concrete and therefore, the building structure, which could be interpreted as damage to property.</p> <p>As discussed above, Mirvac has submitted an application to modify Conditions E4 and E5 to allow more flexibility under specified circumstances.</p>		accommodate these circumstances.	
NC7	E8	The operation of high noise emission appliances, plant and/or machinery such as pile drivers, rock breakers and hydraulic hammers and those which are not listed in	Based on the Complaints Register and City of Sydney complaint record, high noise emission appliances, plant and/or machinery, including a jack	Review and revise the CEMP and CNVMP Section 12 assessment process to consider how OOHW activities will be managed, particularly activities involving use of high	<b>Accept non-compliance.</b> Mirvac accepts non-compliance. Moving forward, SSDA 2 MOD 6 – Construction	Late 2025 (Approval for SSDA 2 MOD 6 –

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		<p>Groups B, C, D, E and F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites and/or any other work generating high noise impact (i.e. work exceeding a NML of 75dB(A)) are restricted to the following hours:</p> <p>(a) 8am to 12pm, Monday to Friday;  (b) 2pm to 5pm Monday to Friday; and  (c) 9am to 12pm, Saturday.</p>	<p>hammer(s) (Group C, 85 dB(A)) and a concrete saw (Group D, 80 dB(A)) were used during OOHW for the bridge foundations works in July 2024 and the Sydney Water connection works in November 2024, respectively.</p> <p>The commitments in the CEMP and CNVMP to adhere to Condition E8 and to limit the use of high noise emission appliances, plant and/or machinery, such as saw cutting to the specified timing, were not maintained as intended. Whilst there were reasons for the works being conducted as OOHW as discussed in the findings and recommendations for Conditions E3 and E4, it is considered that according to Condition E8, the activities should have been restricted to the hours specified in Condition E8 and not have been conducted as OOHW.</p> <p>The CEMP Rev F and CNVMP do not consider how OOHW that may involve high noise generating works should be managed. In light of the complaints, it is considered that these management plans require review and improvement to consider OOHW.</p>	<p>noise emission appliances, plant and/or machinery as specified in Condition E8. This should include a trigger action plan for conducting noise monitoring in the event of a specified number of complaints subject to specified circumstances. One way to do this is to prepare an OOHW Protocol that is attached to the CNVMP.</p>	<p>Hours (currently under assessment) now includes an updated CNVMP that will accommodate this recommendation.</p>	<p>Construction Hours)</p>
NC8	E20	<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 Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.</p>	<p>There were four occasions when concrete pours continued outside of approved hours in September 2024 and May 2025, therefore comprising Condition E3 non-compliances. As they are repeat non-compliances, Mirvac should have notified the Department in accordance with Conditions E20 and E21. It is also noted that a resident was unable to contact a "listed out of hours contact person" on 11/07/24, which is also considered a repeat non-</p>	<p>Review why the late running concrete pours (Condition E3) and possibly the 24-hour contact telephone number failure (Condition E38) were not notified to the Department and, based on the review findings, further improve procedures so that future non-compliances will be notified.</p>	<p><b>Accept non-compliance.</b>  Mircac to ensure that improvements are implemented moving forward.</p>	<p>October 2025</p>

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			compliance and therefore, could have been notified.			
NC9	E29	All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the EPA.	<p>Mirvac provided correspondence with JBS&amp;G in which JBS&amp;G were requesting further documentation on specific imported materials to confirm that they were Virgin Excavated Natural Material (VENM) or material identified as being subject to a resource recovery exemption (RRE) by the EPA.</p> <p>Delta Group provided numerous Material Test Reports to Mirvac for materials including but not limited to: 10mm Drainage Aggregate; 20mm Drainage Aggregate; 63mm Rail Ballast; Blended High Grade Compaction Sand** (**Material is blended with washed glass sand); 10P Aggregate (Concrete Aggregate); 20C Concrete Aggregate. The majority of the test reports relate to physical properties of the materials such as particle size, flakiness, particle density, etc, and are not chemical composition test reports for waste classification purposes. While the test reports indicate that the materials are sourced from quarries, none of the test reports certify that the subject material is VENM or subject to a RRE, and some of the quarry materials include concrete materials, which are not VENM. A number of the quarries carry out concrete recycling businesses so unless a test report certifies that a material is VENM, natural quarried rock/stone or a RRE material, they do not meet Condition E29 requirements.</p>	<p>Ensure that documentation is obtained that verifies that a material is VENM or the subject of an EPA RRE, prior to it being imported.</p> <p>Ensure that required documentation for RRE materials is readily available and retained for six years in accordance with RRE requirements.</p>	<p><b>Non-Compliance Not Accepted</b></p> <p>Validation cannot be determined at this stage as the works are still in progress. The final validation report will demonstrate compliance with E29; therefore, there are currently no grounds for non-compliance.</p>	Nov 2027 (PC)



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			<p>It is expected that the Validation Report being prepared by JBS&amp;G will provide further documentation and details, and will be reviewed by the Site Auditor. However, based on the documentation provided, materials were imported to site without adequately verifying beforehand that the material was either VENM or subject to an EPA RRE.</p> <p>Following factual review, Mirvac maintained that Condition E29 was compliant because documentation was provided to JBS&amp;G during the Audit Period and they are preparing a Validation Report in accordance with Condition D46 that would show that Mirvac had complied with this condition. Whilst that may be the case, the Auditors are of the view that the documentation should be available on request to show that imported materials are VENM or subject to an EPA RRE. Therefore, Condition E29 is still considered non-compliant.</p>			
NC10	E38	The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.	<p>A resident made a complaint on 11/07/24 regarding OOHW occurring from 05-08/07/24 and "Repeated attempts to reach [the] listed out of hours contact person [were] going unanswered". The 24 hour contact for the principal contractor at that time, Delta Group, did not answer the calls. According to the Complaints Register and correspondence provided, Ethos Urban did not respond to the complaint until 21 days later on 01/08/24.</p> <p>The Auditors note that the 1800 870 549 number was only operational between 9am to 5pm and therefore,</p>	<p>Review and update the Site Notices and other 'Mircac Community Consultation Contact' notices posted on the site's hoarding to ensure that they all show the correct 24-hour community enquiries number.</p> <p>Review and revise the Complaints Register maintained by Ethos Urban and record the date(s) that specific actions are undertaken, whether by Ethos Urban or Mirvac personnel, including calling a resident back, sending a follow-up email response and resolving the complaint through a specific action(s).</p> <p>Provide instruction and training, as appropriate, to personnel that respond to</p>	<p><b>Acceptance of Non-Compliance</b></p> <p>Non-compliance is accepted. Actions have been implemented to transition to 24-hour hotline support.</p>	August 2025

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			<p>was not a 24/7 number. Based on the Community Newsletters, the community enquiries number changed from 1800 870 549 to a 24-hour number (0455 889 510) in November 2024. Therefore ,the updated 24-hour number should prevent a repeat occurrence of the aforementioned complaint. However, there was a three to four month period when a 24/7 number may not have been available, except on Site Notices. Ethos Urban / Mirvac did not provide an alternative 24/7 number to the complainant for out of hours contact, such as the Mirvac personnel listed on the Site Notice.</p> <p>As discussed above, in relation to Condition E2, at least one of the Site Notices and other 'Mircac Community Consultation Contact' notices posted on the site hoarding listed the old 1800 870 549 number and have not been updated.</p>	<p>complaints, to record when they respond to a complaint.</p> <p>Mircac to establish a process for monitoring complaint response times to ensure that all complaints are responded to as soon as practicable and within at least 24 hours.</p>		

## Opportunities for Improvement and Recommendations

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-	A8	<p>The established Design Integrity Panel (DIP) outlined in the DIR must be retained throughout the detailed design and construction phases of the development. In addition:</p> <ul style="list-style-type: none"> <li>(a) the DIP must review the design at the following stages (as a minimum): <ul style="list-style-type: none"> <li>(i) in response to the requirements of Condition C1 (Bunn Street through site link), Condition C3 (landscaping)</li> <li>(ii) prior to occupation;</li> <li>(iii) prior to the lodgement of any modification application, which modifies the design, unless the Planning Secretary has confirmed in writing that DIP review is not required;</li> </ul> </li> <li>(b) a design development schedule must be provided to the DIP prior to its first meeting, including details of when relevant elements of the detailed design will be available for review by the DIP;</li> <li>(c) the frequency of DIP meetings is to be agreed with the DIP and coordinated with the Applicant's program requirements as outlined in Condition b), to ensure timely advice;</li> <li>(d) the DIP must provide independent, expert and impartial advice in relation to the achievement of design excellence and ensure the design integrity of the competition winning scheme is maintained or enhanced throughout the detailed design and construction phases of the development;</li> <li>(e) the Applicant must consider the advice of the DIP and incorporate its recommendations into the development.</li> </ul>	<p>Mirvac continued to retain the DIP during the Audit Period. Documentation was provided showing that the DIP was consulted in relation to the Bunn Street through site link (Condition C1) and the landscaping works in accordance with Conditions C1 and C3, respectively. However, the design was not reviewed by the DIP prior to the lodgement of the MOD 1 and MOD 3 applications and there was no confirmation in writing from the Planning Secretary that DIP review was not required. Mirvac advised that they consulted PMNSW who advised that DIP review was not required and that the "decision on whether a modification [required] DIP presentation [rested] between PMNSW and Mirvac". That is in variance to the requirement of Condition A8(a)(ii). However, on the basis that the Department's MOD 1 and MOD 3 Assessment Reports indicated that the changes were minor and aligned or consistent with the design, the Auditors consider Condition A8 to be compliant with an OFI.</p>	<p>Ensure that the DIP review modifications prior to lodgement, unless the Department (not only PMNSW) has confirmed in writing that DIP review is not required.</p>	<p>Noted by Mirvac. Each Modification submission will be assessed on a case-by-case basis.</p>	N/A

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		Any departures from the DIP recommendations must be justified; and to ensure high quality design resolution of the development, all matters identified as requiring further consideration in the DIP letter dated 4 November 2022 must be prepared for the review and advice of the DIP.				
-	A30	In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must: (a) review and respond to each Independent Audit Report prepared under this consent; (b) submit the response to the Planning Secretary; and (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.	The RAR available on Mirvac's Harbourside website does not include the non-compliant findings and recommendations, only the OFI findings and recommendations.	Update the RAR for SSD 49295711, IEA 1 on the Harbourside website so that it includes the non-compliant findings, recommendations and response. Provide a copy of the corrected RAR to the Department.	Noted by Mirvac. Will update following this audit completion.	Late 2025
-	B12	AT FOUNDATION STAGE – All footings and walls adjacent to a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be submitted to the Principal Certifier indicating the position of external walls in relation to the boundaries of the allotment. Any encroachments of the subject building over the side boundaries must be removed prior to continuation of building construction work, or alternatively a letter supplied from the registered proprietor(s) of the adjoining lot(s) confirming that they are aware of the nature & extent of the encroachment, and undertaking to execute all necessary documentation to permit the creation of an easement to permit the encroachment to remain.	Mirvac again advised that Condition B12 was not triggered although wall construction had commenced. Mirvac provided two survey drawings including a survey plan in which a registered surveyor from Beverage Williams certified on 22/03/23 <i>"that we have reviewed the proposed building location and confirm that it is contained within the SSDA approved boundaries as shown herein"</i> .  The Auditors initially considered Condition B12 to be non-compliant because no evidence has been provided of a survey and report submitted to the Certifier indicating the position of external walls in relation to the boundaries of the allotment. Following factual review, Mirvac advised that the reason the external walls have not been indicated	Prepare a survey and report to the satisfaction of the Certifier indicating the position of external walls in relation to the boundaries of the allotment.	As part of the lead-up to the site's subdivision and practical completion, Mirvac will undertake a survey to confirm the external wall locations in relation to the allotment boundaries. The completed survey will be provided to the Certifier for review and approval.	Late 2027

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			<p>in relation to the boundaries is that the boundaries may change under the agreement with PMNSW when the construction licence transitions to a 99 year lease. Mirvac asserts that the buildings are not encroaching over the side boundaries.</p> <p>Based on the Beverage Williams certification statement and Mirvac's explanation, the Auditors consider Condition B12 compliant.</p>			
-	C2	<p>Prior to the issue of the first Construction Certificate for external finishes, evidence must be provided to the satisfaction of the Certifier that:</p> <p>(a) the design of shopfronts provide for equitable access in accordance with relevant guidelines;</p> <p>(b) no more than 60% of the cumulative length of retail frontages fronting the Waterfront Promenade (indicated yellow in drawings 4010_00 and 4011_00) is to be comprised of a single kit-shopfront façade type;</p> <p>(c) no more than 50% of the cumulative length of retail frontages fronting secondary frontages (indicated red in drawings 4012_00 and 4013_00) is to be comprised of a single kit-shopfront façade type; and</p> <p>(d) no more than 50% of the cumulative length of retail frontages fronting edge locations (indicated blue in drawing 4014_00) is to be comprised of a single kit-shopfront façade type.</p>	<p>The Certifier's SSDA2 CC8 Checklist indicated that, to satisfy Condition C2(a), the certifier required the access consultant, being Philip Chun Accessibility Pty Ltd, to "provide design certification in accordance with BCA 2022 and AS 1428.1-2009", but based on the checklist, there is no evidence that it was provided to the Certifier.</p> <p>SSDA2 CC8 Checklist refers to a report and a final performance solution provided by the access consultant but it is unclear if those documents address Condition C2(a) to the satisfaction of the Certifier.</p> <p>Mirvac subsequently advised that "There was a request to move [the C2(a) requirement] to [a] CC8 Update: <a href="https://MIRVAC.itwocx.com/MGR-PRD-10019:3333197">https://MIRVAC.itwocx.com/MGR-PRD-10019:3333197</a>. The CC8 update was issued outside the audit period (August 25). Attached is the Design Certificate confirming that this is to be addressed outside the audit period."</p> <p>Based on this advice, the Auditors understand that the C2(a) was addressed in an update of CC8 outside the Audit Period and this requirement</p>	Obtain confirmation in writing from the Certifier that MGC is satisfied that Condition C2(a) requirements have been met in the next audit period.	Mirvac to provide documentation in next audit period.	July 2026

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			would therefore be met, albeit in a later issue of CC8. A Design Compliance Statement – Accessibility from the accessibility consultant, Philip Chun, dated 20/07/25 was also provided. Evidence of its submission to the satisfaction of the Certifier will need to be provided for the next IEA.			
-	C18	<p>Prior to the issue of the first Construction Certificate for external finishes, a revised Reflectivity Report must be submitted to and approved by the Planning Secretary. The Reflectivity Report must:</p> <p>(a) be prepared by a suitably qualified professional;</p> <p>(b) consider the report titled 'Reflectivity Analysis' prepared by RWDI Australia Pty Ltd and dated 4 November 2022 and addendum statement titled 'Harbourside Redevelopment Main Works SSDA Reflectivity Analysis RWDI Project #2105658' prepared by RWDI Australia Pty Ltd and dated 29 June 2023;</p> <p>(c) demonstrate that the visible light reflectivity from building materials used on the façade of the building does not exceed 20% in accordance with the Sydney Development Control Plan 2012; and</p> <p>(d) amend the design, cladding and/or include appropriate physical mitigation measures to the northern podium elevation to prevent adverse glare to drivers on Darling Drive.</p>	<p>Review of the RWDI updated Reflectivity Analysis indicates that it met Condition C18 requirements. It was submitted to and approved by the Planning Secretary prior to the issue of the first CC for external finishes, SSDA2 CC8. The Auditors note that in the Department's approval letter, the Department required Mirvac to "make the document publicly available on the project website at the earliest convenience". The Reflectivity Analysis report and the cover letter are not publicly available on Mirvac's project website, except through a link to the "Major Projects Website", which takes you to the SSD-49295711 'Assessment' webpage. It does not take you to the 'Post Approval' webpage where these documents are publicly available under 'Management Plans and Strategies'. It is considered that these documents should be made readily available on Mirvac's project website and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.</p>	<p>Make the Reflectivity Analysis report and the cover letter publicly available on Mirvac's project website.</p>	<p>Mirvac to review and undertake update, if deemed required.</p>	Late 2025
-	C28	<p>Prior to the issue of the first Construction Certificate for above ground works, an amended Wind Impact Assessment (WIA) must be submitted to and approved by the Planning Secretary. The WIA must:</p>	<p>An amended Wind Impact Assessment (WIA) was submitted to and approved by the Department prior to the issue of SSDA2 CC3, the first CC for above ground works. The Auditors note that</p>	<p>Make the DPHI approved WIA (Version D, 07/08/24) publicly available on Mirvac's project website.</p>	<p>Mirvac to review and undertake update, if deemed required.</p>	Late 2025

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		<p>(a) be prepared by a suitably qualified professional;</p> <p>(b) consider the report titled 'Pedestrian Wind Environment Assessment RWDI #2105658' prepared by RWDI Australia Pty Ltd and dated 4 November 2022 and wind statements titled 'Harbourside Redevelopment Main Works SSDA Wind Impact Assessment RWDI Project #2105658' prepared by RWDI Australia Pty Ltd and dated 28 June and 2 August 2023;</p> <p>(c) undertake wind tunnel testing and assess the existing and predicted wind environment, including scenarios with and without proposed physical and landscaped mitigation measures;</p> <p>(d) include proposed mitigation measures to address wind impacts to the tower and podium private residential terraces / balconies, communal open spaces and any other impacted space; and</p> <p>(e) consider the cumulative effect of any wind mitigation measures required under the separate SSDA3 application.</p>	<p>the Department required Mirvac to "make the document publicly available on the project website at the earliest convenience". The amended WIA, Version D, 07/08/24, is not publicly available on Mirvac's project website. It is also not available from the "Major Projects Website", which is linked from Mirvac's project website. Only the cover letter is available on the Major Projects Website. It is considered that if the Department requires a specific document to be made publicly available on Mirvac's project website, it should be readily available on said site and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.</p>			
-	C31	<p>Prior to the issue of the first Construction Certificate for basement fit-out, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following traffic and parking requirements:</p> <p>(a) all vehicles must enter and leave the subject site in a forward direction;</p> <p>(b) all vehicles are to be wholly contained on site before being required to stop;</p> <p>(c) parking associated with the development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions)</p>	<p>The Certifier's SSDA2 CC7 Checklist indicated that they received a design statement from the traffic engineer, ptc., dated 06/03/25, as well as a statement from Climatech dated 19/03/25, and marked the Condition C31 requirements as complete.</p> <p>However, review of the ptc. and Climatech documents referenced by the Certifier indicated that although some of the requirements were explicitly met, parts (e) and (f) have not been addressed and all of the signage requirements were required to be addressed prior to the issue of the first Construction Certificate for</p>	<ol style="list-style-type: none"> <li>The Certifier is to confirm that all works/regulatory signposting associated with the development will be at no cost to the relevant roads authority.</li> <li>The Certifier is to confirm that: <ol style="list-style-type: none"> <li>signs required to comply with (d) and (g) will be included in the design as "Compliant" and not just "Intend to comply".</li> <li>A sign(s) will be added within the loading / unloading areas confirming that the service vehicle parking is for service vehicles only.</li> </ol> </li> </ol>	<p>Mirvac confirms that all works/regulatory signposting associated with the development will be at no cost to the relevant roads authority.</p> <p>Mirvac will be compliant with this condition.</p>	N/A

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		<p>must be in accordance with the applicable Australian Standards;</p> <p>(d) appropriate pedestrian advisory signs must be provided at the egress from parking areas;</p> <p>(e) all works/regulatory signposting associated with the development must be at no cost to the relevant roads authority;</p> <p>(f) signs must be erected within the loading / unloading areas confirming the service vehicle parking is for service vehicles only;</p> <p>(g) the basement vehicular entrance must include appropriate signage and a movement alarm to alert pedestrians when vehicles are entering / leaving the site;</p> <p>(h) the swept path of the longest vehicle (including garbage trucks) entering and exiting the Site, as well as manoeuvrability through the subject Site, must be in accordance with AUSTROADS; and</p> <p>(i) the basement area must be ventilated in accordance with the Building Code of Australia and, where necessary, Australian Standard AS1668, Parts 1 and 2. Ventilation must be controlled by carbon monoxide monitoring sensors to ensure compliance with occupant health requirements.</p>	<p>basement fit-out, being SSDA2 CC7, not a later certificate.</p> <p>The Auditors initially considered Condition C31 non-compliant. Following factual review, Mirvac maintained that Condition C31 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C31 compliant with an OFI recommendation.</p>	<p>If the above requirements cannot be confirmed by the Certifier, Mirvac is to review and revise the Design Development Report for Signage &amp; Wayfinding to address these gaps to the satisfaction of the Certifier.</p>		
-	C33	<p>Prior to the issue of the first Construction Certificate for basement fit-out, the Applicant must submit to the satisfaction of the Certifier plans demonstrating compliance with the following:</p> <p>(a) a minimum of 263 on-site residential bicycle parking spaces;</p> <p>(b) a minimum of 27 on-site residential visitor bicycle parking spaces;</p> <p>(c) a minimum of 223 on-site commercial staff bicycle parking spaces;</p>	<p>Snøhetta + Hassell issued two statement letters dated 09/01/25 and 28/02/25 that appeared to confirm <i>"that the bicycle parking &amp; facilities provided for in the design satisfy the requirements as outlined in Condition of Consent C33"</i> and verified <i>"that the developed design achieves the requirements of C33 insofar as it relates to the CC7 scope of works"</i>. The Certifier was satisfied with Snøhetta + Hassell statement dated</p>	<p>The Certifier is to confirm that a minimum of 263 on-site residential bicycle parking spaces, not including the use of residential storage spaces, have been provided in the design drawings. If there are not at least 263 residential bicycle parking spaces, review and amend the design to meet this requirement to the satisfaction of the Certifier.</p>	<p>As discussed, Certifier has issued construction certificate for the relevant condition.</p>	N/A



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		<p>(d) a minimum of 50 on-site retail staff bicycle parking spaces; and</p> <p>(e) provision of associated end of trip facilities for staff including a minimum of 273 personal lockers and 28 showers within changing facilities.</p>	<p>28/02/25 and marked Condition C33 as complete.</p> <p>However, ptc. indicated in Table 1 of their assessment of the car park and bicycle parking facilities, dated 06/03/25, that only 214 residential bicycle parking spaces were provided and noted that <i>"The development is short of 51 residential bike spaces. However, the residential storage can be used as a bike parking space"</i>. The Auditors consider that utilising <i>"residential storage"</i> as a bicycle parking space does not meet the intended requirement of Condition C33.</p> <p>The Auditors initially considered Condition C33 non-compliant. Following factual review, Mirvac maintained that Condition C33 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C33 compliant with an OFI recommendation.</p>			
-	C37	<p>Prior to the issue of the first Construction Certificate for basement fit-out, the Applicant must prepare an updated Operational Waste Management Plan (OWMP). The OWMP must be submitted to and approved by the Planning Secretary and must:</p> <p>(a) be prepared by a suitably qualified professional in consultation with Council;</p> <p>(b) consider both residential and non-residential waste and recycling requirements and procedures;</p>	<p>The Auditors reviewed the 2025 OWMP and the LDMP, which is cross-referenced in the 2025 OWMP, and found that it adequately addressed Condition C37 requirements, including consultation with City of Sydney. The 2024 OWMP was approved by the Department on 17/12/24. The 2025 OWMP has not been submitted to the Department.</p> <p>The Auditors note though that Condition C37(d)(i) refers to the provision of dedicated space for food waste. The OWMP indicates that <i>"Food</i></p>	<p>Consider whether food recycling services may be feasible in the future under specified circumstances and, if feasible, make provisions within the building design for the storage and collection of food waste bins. Also consider whether the facilities will need to be upgraded to comply with the requirements of the <i>Protection of the Environment Operations Act 1997</i>.</p>	<p>Mirvac to review and undertake update, if deemed required.</p>	<p>Late 2025</p>

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		<p>(c) meet the requirements as set out in Council's Guidelines for Waste Management in New Developments 2018;</p> <p>(d) ensure all requirements of the OWMP are be implemented during construction and operation of the development and include:</p> <p>(i) dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.</p> <p>(ii) collection points for waste and recycling must be wholly located within the boundary of the development.</p> <p>(iii) the nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's Guidelines for Waste Management in New Developments 2018.</p> <p>(iv) provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.</p> <p>(v) commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading;</p> <p>(vi) the path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.</p> <p>Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed</p>	<p><i>waste recycling will not be provided for the development's residential component, as this was not a City of Sydney requirement at the time of the current design being developed, and additional provisions for the required additional infrastructure cannot be accommodated in the current development without significant adverse impacts to overall site design and amenity.</i> Food waste recycling is also not considered for the commercial operations except possibly for special events.</p> <p>Based on the 2024 OWMP and the Department's approval of the 2024 OWMP, the Certifier marked Condition C37 as complete in the SSDA2 CC7 Checklist.</p> <p>The NSW Government has since amended the <i>Protection of the Environment Operations Act 1997</i>, to require businesses to separate food waste and local councils to provide a food waste collection service. The new requirements transition into effect from 1 July 2026 to 1 July 2030 depending on the type of business / residential service. City of Sydney offers food scrap recycling for apartment buildings. It is considered that Mirvac will most likely need to provide segregated food waste storage in order to comply with the new legislation and therefore, provision of food waste recycling is an opportunity for improvement.</p>			

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		regarding Council's policies, and best practice waste and recycling source separation.				
-	C38	<p>Prior to the issue of the first Construction Certificate for above ground works, a Flood Emergency Management Plan (FEMP) must be submitted to and approved by the Planning Secretary. The FEMP must:</p> <ul style="list-style-type: none"> <li>(a) be prepared by a suitably qualified and experienced person(s) in consultation with SES and EHG;</li> <li>(b) consider the submissions made by SES and EHG to SSD 49295711;</li> <li>(c) consider the advice of SES and EHG and incorporate recommendations into the development;</li> <li>(d) addresses the provisions of the Floodplain Risk Management Guidelines (EHG);</li> <li>(e) includes details of: <ul style="list-style-type: none"> <li>(i) the flood emergency responses for operational phase of the development;</li> <li>(ii) predicted flood levels;</li> <li>(iii) flood warning time and flood notification;</li> <li>(iv) assembly points and evacuation routes;</li> <li>(v) evacuation and refuge protocols; and</li> <li>(f) awareness training for employees and contractors, and visitors.</li> </ul> </li> </ul>	<p>The FEMP is considered comprehensive and meets Condition C38 requirements. The Department reviewed the FEMP and was satisfied that it met the requirements of Condition C38. The Auditors note that the Department required Mirvac to "make the document publicly available on the project website at the earliest convenience". The FEMP is not publicly available on Mirvac's project website, except through a link to the "Major Projects Website", which takes you to the SSD-49295711 'Assessment' webpage. It does not take you to the 'Post Approval' webpage where the FEMP is publicly available under 'Management Plans and Strategies'. It is considered that the FEMP should be made readily available on Mirvac's project website and not through a link to the Major Projects Website, which may not be as easy for the general public to navigate.</p>	<p>Make the DPHI approved FEMP and flood mitigation measure documents publicly available on Mirvac's project website.</p>	<p>Mirvac to review and undertake update, if deemed required.</p>	Late 2025
-	C49	<p>Prior to the issue of the first Construction Certificate for above ground works, the final acoustic assessment is to be submitted to the satisfaction of the Certifier demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". All recommendations of the acoustic assessment</p>	<p>An Acoustic Logic letter and Condition C49 Acoustic Assessment report were submitted to the satisfaction of the Certifier prior to the issue of SSDA2 CC3, the first CC for above ground works.</p> <p>Mirvac provided "glass technical data, which demonstrates that the glass composition incorporates the acoustic</p>	<p>The Certifier to confirm that all of Acoustic Logic's recommendations for glass specifications, laboratory testing and acoustic sealing methodology are incorporated in the construction documentation. If the Certifier finds that the glass sample specifications and other relevant available documentation (e.g. certified laboratory test results) do not meet Acoustic Logic's recommendations, develop</p>	<p>Mirvac to review with certifier and adjust as required.</p>	Late 2025

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		are to be incorporated in the construction documentation.	<p><i>requirements into its construction methodology".</i></p> <p>The Auditors initially considered Condition C49 non-compliant because whilst Acoustic Logic's recommendations appear to have been incorporated into the construction of the glass windows and doors to some degree, it has not been demonstrated that their recommendations have been fully incorporated (e.g. minimum thicknesses) or carried out (e.g. laboratory testing and acoustic sealing methodology) in accordance with Condition C49 requirements.</p> <p>Following factual review, Mirvac maintained that Condition C49 was compliant on the basis that the Certifier was satisfied that the requirements were met. On further consideration, the Auditors accept this approach and consider Condition C49 compliant with an OFI recommendation.</p>	an action plan to achieve compliance to the satisfaction of the Certifier.		
-	D3	<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>(i) the documents referred to in Condition A2 of this consent;</p> <p>(ii) all current statutory approvals for the development;</p>	<p>SSD 49295711, IEA 1 recommended adding the Community Communication Strategy (CCS) and the Dewatering Management Plan (DMP), also known as the Water Management Plan, to the document library on the SSD 49295711 webpage. The CCS is now available on the SSD 49295711 webpage, however the DMP has not been added but is still available on the SSD 38881729 webpage.</p> <p>The Auditors note that many of the required documents are available through the "Major Projects Website" including, for example, the modification determinations and the</p>	<ol style="list-style-type: none"> <li>1. Make the current Water Access Licence, WAL44984, and Water Supply Works Approval [10WA124897] publicly available.</li> <li>2. Make the LDMP, OWMP and FEMP publicly available on Mirvac's SSD 49295711 webpage.</li> <li>3. Review and revise the Complaints Register to provide the correct registers for December 2024 and January 2025.</li> </ol>	Mirvac to review and undertake update, if deemed required.	Late 2025

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		<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 environmental 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>(c) address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.</p>	<p>consolidated consent, as well as some management plans. However, the Auditors note that the Department does not reliably make all of the required management plans publicly available on the Major Projects Website. Therefore, it is considered that strategies, management plans and programs required under SSD 49295711 should be provided on Mirvac's SSD 49295711 webpage, particularly in the case where the Department has required in a letter of approval that a document be made "publicly available on the project website".</p> <p>The Auditors make the following comments regarding Mirvac's project website:</p> <ul style="list-style-type: none"> <li>The Water Access Licence, WAL44984, and Water Supply Works Approval, 10WA124897, being current statutory approvals for the development, are missing, although 10WA124897 is attached to the DMP as Appendix E. It is noted that the copy of 10WA124897 attached to the DMP was due to expire on 16/08/25.</li> <li>The following management plans are missing: LDMP, OWMP and FEMP. However, they are available on the Major Projects Website.</li> <li>As discussed in the findings and recommendations for Condition A30, the RAR for SSD 49295711, IEA 1 that is published on Mirvac's SSD 49295711 webpage and the Major Projects Website</li> </ul>			

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			<p>only shows the OFI findings and recommendations and not the non-compliant findings and recommendations.</p> <ul style="list-style-type: none"> <li>Although it appears that Complaints Registers (or Issues Register) are provided for December 2024 and January 2025, the two links only provide the November 2024 Complaints Register issued on 11/12/24. The Auditors note that Mirvac do not appear to have a consolidated, continuous Complaints/Issues Register, as collated by Ethos Urban.</li> </ul>			
-	D19	The CCS, as approved by the Planning Secretary, must be implemented throughout construction and for a minimum of 12 months following the completion of construction.	<p>The CCS continued to be implemented during the Audit Period, as evidenced by the Community Newsletters, which provide notice of planned activities in the month ahead and planned OOHW notifications. However, there were at least fifteen (15) complaints during the Audit Period (not including complaints received in December 2024 and January 2025, if any), including twelve (12) out of hours work (OOHW) noise complaints during the Audit Period, indicating that implementation of the CCS could be improved. Also refer to NC10 regarding the inadequate handling of a complaint about being unable to reach a listed 24/7 site contact.</p> <p>Review of the CCS indicates that it does not refer to the Condition E38 requirement to maintain a 24-hour contact telephone number that is continually attended by a person. Instead, it still refers to the 1800 number.</p>	Review and revise the CCS to include Condition E38 requirement for a 24-hour contact number and update the contact details.	Mirvac to review and undertake update, if deemed required.	Late 2025

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			Based on the documentation provided, it is considered that the CCS is being implemented but improvements are needed to ensure the 24/7 complaint phone number is answered and the CCS is updated with the new phone number.			
-	D25	Prior to the commencement of any demolition, earthworks or construction works or the take of water, the Applicant must obtain a Water Access Licence (WAL), unless an exemption under the Water Management (General) Regulation 2018 applies.	This Condition was assessed during the SSD 49295711, IEA 1 and a WAL was obtained in accordance with Condition D25. However, Condition MW8849-00001 of WAL44984 requires that water must only be taken under the WAL in accordance with the conditions of the Water Supply Works Approval 10WA124897. The 10WA124897 was current during the Audit Period but was due to expire on 16/08/25 according to the NSW Water Register.	If it has not already been done, renew the Water Supply Works Approval 10WA124897 as soon as possible.	Mirvac to ensure approvals are up to date.	October 2025
-	D27	Prior to the commencement of any earthwork or construction, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Certifier. The CEMP must address, but not be limited to, the following matters where relevant: (a) Details of: (i) hours of work (ii) 24 hour contact details of the site manager (iii) community consultation and complaint handling procedure (iv) traffic management (v) noise and vibration management, prepared by a suitably qualified person (vi) management of dust and odour to protect the amenity of the neighbourhood	The SSD 49295711, IEA 1 made an OFI recommendation to update the CEMP to include details on flora and fauna management; however, this has not been completed. The CEMP was updated on 02/07/24 following the change in Principal Contractor to Mirvac. The hours of work in Section 1.5 do not indicate that work may be carried out between 5pm and 6pm on Saturday for internal works only.  It is also noted that CEMP Rev F does not contain the latest version of the CPTMP Rev 3.	Update the hours of work in Section 1.5 of the CEMP to be consistent with Condition E3. Also update Appendix B to attach CPTMP Rev 3.	Mirvac to update as required.	Late 2025

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		(vii) stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site (viii) contamination management, including any unexpected contamination finds protocol (ix) waste management (x) external lighting in compliance with applicable Australian Standards (xi) flora and fauna management. (b) Construction Traffic and Pedestrian Management Sub-Plan (c) Construction Noise and Vibration Management Sub-Plan (d) Air Quality Management Sub-Plan (e) Construction Waste Management Sub-Plan (f) Construction Soil and Water Management Sub-Plan (g) an unexpected finds protocol for contamination and associated communications procedure (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure (i) waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.				
-	D36	The Applicant must prepare and implement awareness training for employees and contractors, including locations of the assembly points and evacuation routes, for the duration of construction	Mirvac transitioned to the Principal Contractor in July 2024 and the Harbourside Site Induction presentation was updated accordingly. Slides 11 and 12 address emergency evacuation procedures and Slide 11 indicates that the muster point (i.e.	Indicate the location of the muster point on the Slide 12 map in the Harbourside Site Induction presentation.	Mirvac to review and undertake update, if deemed required.	Late 2025



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			assembly point) is on the grass plot in front of the Maritime Museum. However, the muster point location is not depicted on the 'Emergency Exits and Muster Point' map on Slide 12.			
-	D41	Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.	<p>This Condition was assessed as compliant during the SSD 49295711, IEA 1 with an OFI recommendation to obtain verification from FIP Electrical that outdoor lighting had been designed to comply with AS 4282-2019 <i>Control of the obtrusive effects of outdoor lighting</i> to the satisfaction of the Certifier. Mirvac indicated in SSD 49295711, RAR 1 that "FIP have confirmed that lighting is compliant to the minimum required lux level recommended by AS1158.3.1:2020, <i>Lighting for roads and public spaces</i>" and did not propose further action to confirm that the outdoor lighting complied with AS 4282-2019.</p> <p>During the Audit Period, tower cranes were installed and an illuminated Mirvac sign on the tower crane(s) was the cause of at least three community complaints between November 2024 and February 2025. Mirvac amended the dimming program and then in April 2025 advised the community that the illuminated Mirvac sign would be turned off by 10:00pm.</p> <p>Condition 5(b) of the City of Sydney's approval for the "Temporary signage on the cranes and jump form while site under construction" required that "At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be</p>	<p>Provide evidence to the satisfaction of the Certifier that the illuminated sign on the tower crane complies with AS 4282-2019 <i>Control of the obtrusive effects of outdoor lighting</i>, and AS 1158.3.1:2005 <i>Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements</i>, as applicable.</p> <p>Ensure going forward, that all new lighting installations are assessed in accordance with Condition D41 requirements, including AS 4282-2019, and a record of the assessment retained.</p>	Mirvac to ensure compliance and provide appropriate evidence for all future lighting installations	N/A

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			<p><i>designed, installed and used in accordance with the latest edition of AS/NZS 4828".</i></p> <p>The Auditors initially considered Condition D41 to be non-compliant because no evidence has been provided to show that the illuminated sign on the tower crane(s) comply with Condition D41 requirements, particularly AS 4282-2019.</p>			
-	E5	Notification of such construction activities as referenced in Condition E4 must be given to affected residents before undertaking the activities or, in the event of an emergency, as soon as is practical afterwards.	<p>Mirvac provided three examples of notifications to neighbours for OOHW during the Audit Period including notification of the Bunn St pedestrian bridge foundations work, tower crane installations and Sydney Water connection works.</p> <p>Although it is considered that a late running concrete pour is not an 'emergency', Mirvac could notify residents by email of unplanned events such as late running concrete pours, as soon as practicable, in an effort to keep the affected residents informed.</p>	If a concrete pour or any other work is likely to run late and become OOHW, send an email notification to the affected residents/neighbours as soon as practical.	Mirvac will continue to act proactively in notifying residents/neighbours regarding OOHW as soon as practical. This will be addressed in our SSDA 2 Mod 6 CNVMP.	N/A
-	E7	All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with the preparation for the commencement of work in connection with the development must comply with the City of Sydney Construction Hours/Noise within the Central Business District Code of Practice 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites. All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified	Based on available information, it is considered that whilst the noise management levels (NMLs) and highly noise affected management level (HNAML) were exceeded during the demolition works during construction hours and most likely during the OOHW activities, mitigation methods were implemented (e.g. notifications, respite periods, scheduling noisier works during daytime hours in the case of OOHW, using smaller plant where feasible). No complaints were received during the demolition works and the complaints that were received	Improve the construction planning process, by recording the CNVMP Section 12 assessment process that identifies the noise mitigation measures that will be used and then recording / documenting the implementation of the mitigation measures.	Mirvac to review and undertake update, if deemed required.	Late 2025

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		and managed in accordance with the management and mitigation measures identified in the CNVMP required by Condition D29 of this consent.	during OOHW, generally appeared to be resolved to the satisfaction of the complainant, except for the complaint discussed in the findings for Condition E38 (refer to NC10).			
-	E9	The Applicant must ensure all construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under Condition E3.	<p>The Materials Tracking Register appears to indicate that imported materials were sometimes delivered to site between 6 am and 7am (e.g. 05/08/24, 23/08/24, 25/09/24, 16-18/10/24, 26/05/25). Assuming the recorded times are truck arrival times, they would be non-compliant with Condition E3 and E9. However, Mirvac advised and confirmed <i>"that the times in the tracking register are not arrival times. ... Deliveries before construction hours are not accepted unless required by RMS or CoS"</i>.</p> <p>There were no complaints regarding the early arrival of trucks to the site out of hours.</p>	Improve recording of truck arrival times in the Material Tracking Register to record when trucks actually arrive at site. Ensure that trucks do not arrive out of hours, except in accordance with Conditions E4 or E6.	Mirvac to review and undertake update to protocol, if deemed required.	Late 2025
-	E24	The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Pedestrian Traffic Management Plan, Construction Noise and Vibration Management Sub-Plan, Air Quality Management Plan, Heritage Interpretation Plan and Construction Waste Management Plan required by Part B of this consent are implemented during construction.	<p>Based on the documentation reviewed, the site visit, and interviews with Mirvac, implementation of the management plans has generally been undertaken in accordance with the consent conditions, except for the four occasions when concrete pours continued past the approved hours of construction, which were non-compliant with Condition E3 (refer to NC5).</p> <p>As discussed in the findings for Condition E7, there were twelve OOHW noise related complaints during the Audit Period and although noise measures were implemented, the implementation and recording of Section 12 of the CNVMP could be</p>	Incorporate checks of the surrounding environment (e.g. Darling Drive, Darling Harbour, public ways, street trees) in Environmental / HSE Observations.	Mirvac to review and undertake update to Environmental / HSE observations, if deemed required.	Late 2025

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			<p>improved. Refer to the OFI recommendation for Condition E7.</p> <p>Review of a PM10 dust monitoring report indicated that the site's average daily and annual PM10 monitoring results met the corresponding PM10 criteria.</p> <p>As discussed in the findings for Condition E46, review of groundwater monitoring records indicated that the groundwater monitoring is being conducted generally in accordance with the requirements of WAL44984, 10WA124897 and the DMP with recommended OFI.</p> <p>Regular 'Observations' are conducted that check that environmental controls are implemented and maintained, which is a good practice. The Auditors note that the observations appear to be focussed within the site boundary and may not include checks of the surrounding area. For example, it would be good to document observations of the condition of Darling Drive for tracking of sediment, water quality in Darling Harbour (being a sensitive receiver), no obstruction of public ways and street trees are in good health, etc.</p>			
-	E46	The Applicant must comply with the approved ground water monitoring program (Condition D26) for the duration of construction phase.	<p>The Auditors reviewed the groundwater monitoring results for compliance with the requirements of the Water Access Licence, WAL44984, the Water Supply Works Approval 10WA124897 and the DMP, which is presented in detail in the Audit Table (Appendix A).</p> <p>The Auditors initially considered Condition D41 to be non-compliant because, based on the records</p>	<p>Review the 'logbook' records (i.e. Water Quality Register template) and revise it/them so that they record all of the water take data required by WAL44984, 10WA124897 and the DMP including complete date, meter readings, discharge start and stop times, the Water supply Works Approval number and the purpose for the water take.</p> <p>Improve recording of the data and implement a weekly data review process to</p>	Mirvac to review procedure and protocol and update as required.	Late 2025

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			<p>provided for review, the groundwater monitoring is not being conducted fully in accordance with WAL44984, 10WA124897 and the DMP.</p> <p>Following factual review, Mirvac provided a photograph of the inline flow meter on the groundwater treatment plant's discharge to stormwater. It shows that water take is being monitored by metering equipment and recorded, although the meter readings are not recorded on the Water Quality Register, only Discharge Quantity. Condition E46 is considered compliant with an OFI recommendation.</p>	<p>check that the required information has been recorded and the metering equipment and groundwater level data loggers are operational.</p> <p>Maintain all of the required groundwater monitoring records / results, including logbook, groundwater quality and groundwater level monitoring in a centralised storage location.</p>		