

WolfPeak Report August 2020 - Responses to Non Compliances

Item	Condition	Audit Findings	Recommendation	Party to Action	Completed actions
A20	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: (a)make the following information and documents (as they are obtained or approved) publicly available on its website: i.the documents referred to in condition A2. of this consent; ii.all current statutory approvals for the development; iii.all approved strategies, plans and programs required under the conditions of this consent; 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; 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; vi.a summary of the current stage and progress of the development; vii.contact details to enquire about the development or to make a complaint; viii.a complaints register, updated monthly; 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; x.any other matter required by the Planning Secretary; and (b)keep such information up to date, to the satisfaction of the Planning Secretary.	Regular environmental reporting (Independent Audit Report, Pre-Construction Compliance Report) completed to date are not available on the website as required by part (a)iv of this condition. The Complaints Register has not been updated monthly as required by part (a)viii of this condition. The following items are not up to date as required by part (b) of this condition: - Complaints Register (last updated May 2020) - Independent Audit Report and response to the findings - CEMP (the current version of the CEMP is rev6, the version publicly available is rev0).	Update the website with the information listed and maintain website with current information.	Completed	Following items have been uploaded to the website (https://www.hinfra.health.nsw.gov.au/our-projects/project-search/campbelltown-hospital-redevelopment-stage-2): 1. Monitoring 2. 2019 Independent Audit Report (NGH) 3. CEMP Rev 6 4. Complaints register updated to inc July 2020 5. Wolfpeak Pre-Construction Compliance Report 6. August 2020 Independent Audit Report (NGH)
B4	Prior to the commencement of construction, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.	A record of submitting documentation to the Certifying Authority prior to construction, as required by this condition, is not available. As such, there is also no evidence of Certifying Authority acceptance and subsequent submission to the Planning Secretary.	Provide Certifying Authority the required documentation. Once accepted by the Certifying Authority, provide the documentation to the Planning Secretary.	Closed	See email from HI to DPIE - "B4 submission"
B5	Before the commencement of construction, the Applicant must (a)consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure; (b)prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and (c)submit a copy of the dilapidation report to the Planning Secretary, Certifying Authority and Council.	Non-compliance as identified by the Independent Auditor (September 2019): Evidence of submission of the Planning secretary was not available.	This has been resolved: 5582-Dilap Report V2, provided to Department 12/06/2019. CLOSED	Closed	N/A
B12	Within six months of commencement of construction, the Applicant must register for a minimum 4 star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifying Authority, unless the NSW Health Engineering Services Guidelines are updated demonstrating equivalency with an accredited rating scheme to the satisfaction of the Planning Secretary.	No evidence was available to demonstrate that the building Green Star rating (or equivalent as approved by the Planning Secretary) had been registered, or submitted to the CA.	Provide Certifying Authority the required documentation.	CPB	The Principal issued a Direction to proceed with asbuilt Green Star on the 22/06/2020 (CBRE HHE-GCOR-005818). CPB have requested confirmation from ARUP. It is noted that CPB are proceeding in accordance with HI ESD Guidelines.
B28	Evidence of retirement of credits or payments to the Biodiversity Conservation Fund in satisfaction of condition B26 must be provided to the Planning Secretary for approval prior to carrying out development that will impact on biodiversity values.	Non-compliance as identified by the Independent Auditor (September 2019): Evidence of submission of retirement of ecosystems credits was not provide to the Planning Secretary.	This has been resolved: Retirement of ecosystem credits submitted to the Department on 02/09/19. CLOSED	Closed	N/A

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B34	The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the following: (a)detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; (b)removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works	Non-compliance as identified by the Independent Auditor (September 2019): The CWMSP did not contain the information specified by this condition.	This is resolved: CWMSP, Rev4, 27/06/19. CLOSED	Closed	N/A
B42	No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018). The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.	The Pre-Construction Compliance Report (dated June 2019) is not yet published on website. There is no evidence to demonstrate that the Pre-Construction Compliance Report was submitted to the Department. The December 2019 Construction Compliance Report (due end of 2019) was not prepared.	Submit the Pre-Construction Compliance Report to the Department. Notify the Department and Certifying Authority of intended publication of the Pre-Construction Compliance Report. Publish the Pre-Construction Compliance Report on the website. This Compliance Report covers the period from June 2019 through June 2020 and resolves the absence of the December 2019 Compliance Report. This Compliance Report will be submitted to the Certifying Authority and the Department, and published on the website following submission.	Closed	Following items have been uploaded to the website (https://www.hinfra.health.nsw.gov.au/our-projects/project-search/campbelltown-hospital-redevelopment-stage-2): 1. 2019 PCC Report Rev 1 2. 2020 Wolfpeak Audit Find attached correspondence confirming approval from DPIE for PCC report (email DPIE email B42 approval) Principal to provide evidence the following was issued to the Dept of Planning: 1. 2020 Wolfpeak Audit (final report) to be attached with this NCR response.
C13	The public way (outside of an approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.	Complaint made 4/11/2019 (complaints register), that construction fencing was blocking car spaces in hospital car park. The fencing was installed for 1 business day to facilitate safe access to remove storage container. Fencing subsequently removed and parking spaces reinstated. Complainant contacted and offered apology for inconvenience.	No further action and no further complaints made to date. CLOSED	Closed	N/A
C21	For the duration of the construction works: (a)street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property, (b)all street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council; (c)all trees on the site that are not approved for removal must be suitably protected during construction as per recommendations of the Arboricultural Impact Assessment prepared by Ecological Australia dated 7 December 2018; and (d)if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater.	Non-compliance as identified by the Independent Auditor (September 2019): Trees on the southern boundary were not protected. This has been resolved (photos 24/06/20)	This has been resolved: Trees were protected following identification of the issue during the audit. CLOSED	Closed	N/A

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C38	Independent Audits of the development must be carried out in accordance with: (a)the Independent Audit Program submitted to the Department and the Certifying Authority under condition C36 of this consent; and (b)the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	The initial Independent Audit was due to be completed 1/07/2019 but was scheduled/ carried out 1 month later (26/08/2019), with the Report dated September 2019. The subsequent Independent Audit was programmed for 24/02/2020, but due to changed timings of initial Independent Audit, has amended date of 23/03/2020. This subsequent Independent Audit was undertaken July 2020 (3months later than the requirement).	Ensure Independent Audits are conducted at the frequencies set out in the Independent Audit Program.	CPB	CPB to correctly schedule audits in accordance with the audit plan going forward.
C39	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: (a)review and respond to each Independent Audit Report prepared under condition C38(a) of this consent; (b)submit the response to the Department and the Certifying Authority; and (c)make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.	The proponent's responses to the Independent Audit Report is not available. The records of submission of the response to the Department and Certifying Authority is not available The Independent Audit Report is not publicly available and, therefore, a record of notifying the Department and Certifying Authority of its publication is also not available.	Prepare a response to the Audit Report and submit to the Department and Certifying Authority. Notify the Department and certifying Authority of proposed publication of the Audit report, and the proponent's response, and publish both on the website	Closed	Following item has been uploaded to the website (https://www.hinfra.health.nsw.gov.au/our-projects/project-search/campbelltown-hospital-redevelopment-stage-2): 1. 2019 Independent Audit Report (NGH) 2. Wolfpeak Pre-Construction Compliance Report (2019)
C43	The Department must be notified in writing to compliance@planning.nsw.qov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to compliance@planning.nsw.qov.au within seven days after they identify any non-compliance.	Non-compliances were identified in the Pre-Construction Compliance Report and the first Independent Audit. Records of submitting these reports and responses to the non-compliances identified, have not been made available to demonstrate compliance with this condition.	Notify identified non-compliances in accordance with these conditions.	Closed	1. Principal to issue the Independent Audit Report (NGH) audit report to Dept of Planning (as 2020 report includes non-conformances) 2. Principal to issue the Wolfpeak audit report to Dept of Planning (as 2020 report includes non-conformances) Completed
C44	The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Non-compliances were identified in the Pre-Construction Compliance Report and the first Independent Audit. Records of submitting these reports and responses to the non-compliances identified, have not been made available to demonstrate compliance with this condition.	Notify identified non-compliances in accordance with these conditions.	Closed	1. Principal to issue the NGH audit report to Dept of Planning (as 2020 report includes non-conformances) - attached to (CPB Con-COR-000314) 2. Principal to issue the Wolfpeak audit report to Dept of Planning (as 2020 report includes non-conformances) Completed
C46	Within three months of: (a)the submission of a compliance report under condition B42; (b)the submission of an incident report under condition C42; (c)the submission of an Independent Audit under condition C39; (d)the approval of any modification of the conditions of this consent; or (e)the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Department and the Certifying Authority must be notified in writing that a review is being carried out.	The CEMP was reviewed and revised 20/06/19, 27/06/19, 28/06/19 and 28/01/20. Evidence of the review of the plans (CEMP) within 3 months following the pre-construction compliance report being issued (issued June 2019) is not available. Evidence of the review of the plans (CEMP) within 3 months following the Independent Audit Report being issued (issued Sept 2019) is not available. Record of notification made to the Department and Certifying Authority that each review is being undertaken is not available	The most recent review of the CEMP (28/01/20) has addressed the need for a review following the previous triggers listed under (a) – (e) of this condition. Ensure reviews are carried out within three months of each triggering event into the future and notify the Department and Certifying Authority that the reviews are being carried out.	Closed	CPB to ensure CEMP is issued to the Certifying Authority and the Department of Planning for any future updates. Current CEMP issued to DPIE and uploaded to website