



Health
Infrastructure

Proponent Response to Independent Audit Findings The Children's Hospital at Westmead Paediatric Services Building

State Significant Development (SSD)

SSD-10349252

PWC

[VERSION 2.0]
31 October 2022

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Introduction

Project Name and Project Application Number

The Children's Hospital at Westmead Paediatric Services Building – SSD-10349252

Site Address

The Children's Hospital at Westmead (Lot 101 DP 1119583)

Title and Revision Number

Proponent Response to Independent Audit Findings Version 2

Date

31/10/2022

Contact Details

Proponent	Health Infrastructure
Client Representative	PwC
Managing Contractor	Ford Civil

Independent Audit Date

23 June 2022

Independent Auditor

WolfPeak

Proponent Response

The table below details the Conditions of Consent that were classified as “Non-compliant” with a recommendation by the Independent Auditor during the Independent Audit conducted on 23 June 2022. As required the proponent has provided a detailed action plan to be undertaken in response to each non-compliance, refer table 1 on the next page.

Condition No.	Requirement and Audit Findings	Independent Auditor Comments / recommended Actions	Proponent Response / Timing
A5	<p>Requirement: Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <p>(a) consult with the relevant party prior to submitting the subject document for information or approval; and</p> <p>(b) provide details of the consultation undertaken including:</p> <p>(i) the outcome of that consultation, matters resolved and unresolved; and</p> <p>(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</p> <p>Note that this finding relates to the same issue as for B19.</p> <p>Non-compliance: There was no evidence available to demonstrate that the CSWMSP had been prepared in consultation with Council prior to construction in line with A9 and B19. Ford Civil have submitted the CSWMSP to Council on 17/06/22. The Auditor is not aware of a response having been provided as there is no connection to Council asset or land.</p>	<p>Ford Civil have submitted the CSWMSP to Council on 17/06/22. The Auditor is not aware of a response having been provided as there is no connection to Council asset or land.</p>	Closed
A10	<p>Requirement: The project may be constructed and operated in stages. Where compliance with conditions is required to be staged due to staged construction or operation, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted to the satisfaction of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).</p> <p>Non-compliance: The auditor is unable to determine from the evidence provided whether the Staging Report was submitted >1 month before commencement of construction.</p>	<p>The Staging Report was approved by the Department after commencement of construction.</p>	Closed
A24	<p>Requirement: 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>(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>Establish a website for the project containing each piece of information listed in this condition. It is understood that the auditees will have this completed before then end of August 2022.</p>	<p>The project is in the process of uploading all required documentation to the project website.</p> <p>The required documentation will be uploaded before the end of August 2022.</p> <p>The project has provided access to documents at:</p> <p>https://www.hinfra.health.nsw.gov.au/projects/project-search/the-children%E2%80%99s-hospital-at-westmead-%E2%80%93-stage-2-rede</p>

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	<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>Non-compliance: A website containing the required information has yet to be established.</p>		
A28	<p>Requirement: The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.</p> <p>Non-compliance: It is the auditors view that the auditees were aware that they were not compliant with A24 (content on the website) and B19 (consultation with Council on the CSWMSP) prior to the audit. These non-compliances were not reported as is required by this condition.</p>	Report non-compliances within 7 days of becoming aware as is required by this condition.	The project will ensure that the non-compliances are reported by this condition.
A31	<p>Requirement: Within three months of:</p> <p>(a) the submission of a compliance report under condition A34;</p> <p>(b) the submission of an incident report under condition A27;</p> <p>(c) the submission of an Independent Audit under condition C40 or C41;</p> <p>(d) the approval of any modification of the conditions of this consent; or</p> <p>(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 Planning Secretary and the Certifier must be notified in writing that a review is being carried out.</p> <p>Non-compliance: The Department provided comments on the CEMP and sub-plans. The CEMP and sub-plans were updated in response to the Department's comments and resubmitted for their information. This was occurring in parallel with the timeframes specified in A31 and A32. However, the Certifier was not notified of these reviews being carried out until three months afterwards.</p>	The Certifier was subsequently notified of the review and update to the documents.	Closed
A32	<p>Requirement: If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review.</p> <p>Non-compliance: The updated CEMP was submitted to the Department on 19/05/22 and the Certifier on 24/06/22 which is greater than the 6-week timeframe specified in this condition.</p>	Submission was made to the Department and Certifier after the due date.	Closed
B15	<p>Requirement: Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to, the following:</p> <p>(a) details of:</p> <p>(i) hours of work;</p> <p>(ii) 24-hour contact details of site manager;</p> <p>(iii) management of dust and odour to protect the amenity of the neighbourhood;</p>	The current CEMP and sub-plans address the required information (with the exception of the other findings on the sub-plans below).	Closed

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	<p>(iv) groundwater management plan including measures to prevent groundwater contamination; and</p> <p>(v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;</p> <p>(b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed;</p> <p>(c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;</p> <p>(d) Construction Traffic and Pedestrian Management Sub-Plan (see condition B16);</p> <p>(e) Construction Noise and Vibration Management Sub-Plan (see condition B17);</p> <p>(f) Construction Waste Management Sub-Plan (see condition B18);</p> <p>(g) Construction Soil and Water Management Sub-Plan (see condition B19); and</p> <p>(h) Flood Emergency Response (see condition B20).</p> <p>Observation: The auditor has sighted the current revisions of the CEMP and sub-plans (not the versions from prior to construction). The Department requested updates to the earlier versions of the CEMP and sub-plans to ensure the documents are adequate for the works being undertaken. Ford Civil updated the documents and these were resubmitted for information. The auditor is not aware of any further response having been provided by the Department.</p> <p>The auditor requested a copy of the Department's comments to confirm the nature of issues that were raised. In response the auditee provided the Department's letter but not the tabled comments. Therefore, the auditor cannot confirm if all the requirements from B15 – B20 were included in initial revisions of the CEMP (prepared prior to construction) or whether these were only adequately captured after the Departments comments and after the commencement of construction.</p>		
B16	<p>Requirement: The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:</p> <p>(a) be prepared by a suitably qualified and experienced person(s);</p> <p>(b) be prepared to the satisfaction of Council's Traffic and Transport Manager and TfNSW; and</p> <p>(c) detail:</p> <p>(i) measures to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;</p> <p>(ii) measures to ensure the safety of vehicles and pedestrians accessing adjoining properties where shared vehicle and pedestrian access occurs;</p> <p>(iii) detail the measures that are to be implemented to minimise the impact of activities associated with the construction of the development the subject of this consent on the Parramatta Light Rail (PLR) Project, in liaison with PLR's Construction Contractor and/or Operator;</p> <p>(iv) construction and heavy vehicle routes, access and parking arrangements;</p> <p>(v) the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2;</p>	<p>The CTPMSP was reviewed by traffic consultant. The reviewer did not identify any actions for the Project to address.</p>	<p>Closed</p>

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	<p>(vi) arrangements to ensure that construction vehicles enter and leave the site in a forward direction unless in specific exceptional circumstances under the supervision of accredited traffic controller(s);</p> <p>(vii) details of crane arrangements including location of any crane(s) and crane movement plan; and</p> <p>(viii) detail measures to minimise cumulative construction impacts on surrounding road networks, identifying the duration of impacts.</p> <p>Non-compliance: The CTPMSP was not prepared by a suitably qualified and experienced person (plan prepared by the Ford Civil team). That being said, the CTPMSP was reviewed by traffic consultant. The reviewer did not identify any actions for the Project to address.</p>		
B17	<p>Requirement: The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:</p> <p>(a) be prepared by a suitably qualified and experienced noise expert;</p> <p>(b) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009);</p> <p>(c) describe a reasonable and feasible mitigation measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;</p> <p>(d) include strategies that have been developed with the community for managing high noise generating works;</p> <p>(e) describe the community consultation undertaken to develop the strategies in condition B17(d);</p> <p>(f) include a complaints management system that would be implemented for the duration of the construction; and</p> <p>(g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B14.</p> <p>Non-compliance: The CNVMSP was not prepared by a suitably qualified and experienced noise expert (plan prepared by the Ford Civil team, with inputs from Arup). That being said, the CNVMSP was reviewed by noise and vibration consultant, SLR. The plan was revised to address feedback from SLR before being finalised.</p>	That being said, the CNVMSP was reviewed by noise and vibration consultant, SLR. The plan was revised to address feedback from SLR before being finalised.	Closed
B19	<p>Requirement: The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:</p> <p>(a) be prepared by a suitably qualified expert, in consultation with Council;</p> <p>(b) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;</p> <p>(c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';</p> <p>(d) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of Acid Sulfate Soils, including monitoring of water quality at acid sulfate soils treatment areas;</p> <p>(e) direct all sediment laden water in overland flow away from the leachate management system and prevent cross-contamination of clean and sediment or leachate laden water.</p>	Ford Civil have submitted the CSWMSP to Council on 17/06/22. The Auditor is not aware of a response having been provided as there is no connection to Council asset or land.	Closed

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	<p>(f) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the site); (g) detail all off-site flows from the site; and (h) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI and 1 in 100-year ARI.</p> <p>Note that this finding relates to the same issue as for A5.</p> <p>Non-compliance: There was no evidence available to demonstrate that the CSWMSP had been prepared in consultation with Council prior to construction in line with A9 and B19. Ford Civil have submitted the CSWMSP to Council on 17/06/22. The Auditor is not aware of a response having been provided as there is no connection to Council asset or land.</p>		
C9	<p>Requirement: The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).</p> <p>Note that this finding relates to the same issue as for C24.</p> <p>Non-compliance: Water discharged to environment has been tested for pH and TDS. There has been no testing to verify compliance with the TSS criteria in the CSWMSP and the 'Blue Book'. That being said water is going through a sediment tank before being discharged and, therefore, it is likely (although not guaranteed) that the water would be treated so that TSS is adequate.</p>	<p>Ford Civil have engaged JBS&G to complete some additional testing of the water currently being stored on site. This testing will determine the conversion relationship between turbidity (NTU) and TSS (mg/l) which will then allow in field turbidity testing to be completed. Moving forward the TSS/turbidity criteria will also need to be passed prior to disposal. This is now included on the water discharge tracker for implementation.</p>	Closed

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C16	<p>Requirement: Vibration caused by construction at any residence or structure outside the site must be limited to:</p> <p>(a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and</p> <p>(b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006) (as may be updated or replaced from time to time).</p> <p>Observation: Site specific criteria has been established by Arup for sensitive equipment and activities at each receiver location. The criteria has been adopted in the monitoring alert system. Monitoring results are compared to the criteria. Exceedances have been recorded during the audit period.</p> <p>Monitoring in place at sensitive receivers with live alerts being sent through to Ford Civil, PwC & stakeholders. Ford Civil review each alert to confirm if exceedance caused by construction activities. Results are being recorded in register and methodologies reviewed as required. The register reflects Ford Civil's change in construction methodologies, whereby impacts cease or are significantly reduced to acceptable levels.</p> <p>The project team uses a WhatsApp group for fast communication between various stakeholders. It includes instances whereby the receivers are notified of high noise / vibration activities and whereby the receivers confirm the presence / absence of noise/vibration activities within their building.</p> <p>Ford Civil and PwC are not aware of any circumstances (as raised by surrounding receivers) whereby equipment has been disrupted by vibration.</p>	Results are monitored and corrective actions appear to be applied in an appropriate manner.	Closed
C22	<p>Requirement: The Applicant must:</p> <p>(a) ensure that only VENM, ENM, or other material considered suitable for beneficial reuse via a general or specific resource recovery exemption issued by NSW EPA is brought onto the site;</p> <p>(b) keep accurate records of the volume and type of fill to be used; and</p> <p>(c) make these records available to the Certifier upon request.</p> <p>Observation: Asbestos impacted material is being transferred to the PSB from the adjacent MSCP project. This material is not VENM, ENM or another material approved by the EPA. That being said, this strategy is described within the Remediation Action Plan which formed part of the EIS (Appendix S of the EIS) and was endorsed by the EPA Accredited Sites Auditor. Condition C36 requires the RAP to be implemented on the project.</p> <p>All material sourced from outside the Westmead Precinct has been classified as either VENM or another material covered by an EPA exemption order.</p>	The movement of asbestos impacted soils between the PSB and MSCP was included as part of the EIS (which was approved by the Department) and endorsed by the Contaminated Sites Auditor, and required to be implemented under C36.	Closed
C24	Requirement: Adequate provisions must be made to collect and discharge stormwater drainage during construction to the satisfaction of Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.	Ford Civil have engaged JBS&G to complete some additional testing of the water currently being stored on site. This testing will	Closed

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	<p>Note that this finding relates to the same issue as for C9.</p> <p>Non-compliance: Water discharged to environment has been tested for pH and TDS. There has been no testing to verify compliance with the TSS criteria in the CSWMSP and the 'Blue Book'. That being said water is going through a sediment tank before being discharged and, therefore, it is likely (although not guaranteed) that the water would be treated so that TSS is adequate.</p>	<p>determine the conversion relationship between turbidity (NTU) and TSS (mg/l) which will then allow in field turbidity testing to be completed. Moving forward the TSS/turbidity criteria will also need to be passed prior to disposal. This is now included on the water discharge tracker for implementation.</p>	
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