

13 September 2019

Compliance Department
NSW Department of Planning and Environment
Email: compliance@planning.nsw.gov.au

To Whom It May Concern

Re: Response to Independent Audit Report - SSDA 8766: Nepean Hospital Integrated Ambulatory Services (Stage 1)

In accordance with Non-Compliance Notification Clause C44 of the State Significant Development Application (SSDA) Consent 8766 Health Infrastructure NSW has received the Independent Audit Report from AQUAS – Audit Reference AQ1245.01 Rev2 – 9th September 2019. We have reviewed the report and we note that the Independent Auditor, AQUAS, has identified Non-Conforming conditions and we provide the following Proponent Review and Response in accordance with Clause 4.3 of the Independent Audit Post Approval Requirements below.

4.3 Nepean Proponent Audit Review and Response

Audit Findings

Finding No.	Condition of Consent Requirements	Audit Findings	Comments / Action	Timing
01 Non-compliant	<u>A2: Terms of Consent</u> A2. The development may only be carried out: (a) in compliance with the conditions of this consent	Based on the number of non-compliant items the project is non-compliant to the requirement of A2 (a)	The majority of non-compliances relate to commencement of in-ground works prior to obtaining certification and approvals for construction activities which will only be carried out at much later stages of the delivery programme, e.g. the façade. This is being addressed by HI through request for a formal SSD modification including linking the construction works activities to an appropriate formal Staging Report which captures required consent condition approvals and certifications. The Contractor, CPB, is working with HI to provide necessary compliance and staging reports required to address all non-compliances raised in accordance with the conditions of consent and IAPAR Document 2018.	Staging Report issue to DPIE w/c 16/09/2019. Formal S4.55 Modification to address construction commencement timing consent conditions lodged with DPIE by 20/09/2019. Pre-Construction Compliance Report issue to DPIE by 30/09/2019.

Finding No.	Condition of Consent Requirements	Audit Findings	Comments / Action	Timing
02 Non-compliant	<p><u>A20: Access to Information</u></p> <p>At least 48 hours before 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>(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>(viii) complaints register, updated monthly.</p>	<p>The following items were not posted on the website as per the requirements of A20:</p> <ul style="list-style-type: none"> - The CEMP and sub plans have not been posted on the website. - Performance report has not been posted on the website as per this condition. - Monitoring Reports for dust and vibration have not been posted on the website as per this condition. - No complaint register posted on website. 	<p>HI has updated procedures to ensure that all required documents and records required under condition A20 are now posted to the Nepean project website, and noting timeframe requirements.</p> <p>Contact details and link provided noting no formal complaints received to date</p>	<p>Currently available for publication on DPIE project website, new reports uploaded as received.</p> <p>https://www.hinfra.health.nsw.gov.au/our-projects/project-search/nepean-redevelopment-stages-1-2</p>

Finding No.	Condition of Consent Requirements	Audit Findings	Comments / Action	Timing
03 Non-compliant	<u>B5: External Walls and Cladding</u> Prior to the commencement of construction, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.	Documented evidence of the products and systems use for the construction of external walls and cladding was not provided to the Certifying Authority prior to commencement of construction. It was noted that design of external walls and cladding is ongoing and has not been finalised. No report or statement was available at the time of the audit. Certificate from Certifying Authority not yet available.	This non-compliance relates to commencement of in-ground works prior to obtaining certification and approvals for construction activities which will only be carried out at much later stages of the delivery programme. This is being addressed by HI through request for a formal SSD modification including linking the construction works activities to an appropriate formal Staging Report which captures required consent condition approvals and certifications.	Staging Report issue to DPIE w/c 16/09/2019. Formal S4.55 Modification to address construction commencement timing consent conditions lodged with DPIE by 20/09/2019.
04 Non-compliant	<u>B6: External Walls and Cladding</u> 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.	Copy of the design documentation for external walls and cladding was not provided to DPIE within the required timeframe.	Note timing is linked to B5 above. This non-compliance relates to commencement of in-ground works prior to obtaining certification and approvals for construction activities which will only be carried out at much later stages of the delivery programme. This is being addressed by HI through request for a formal SSD modification including linking the construction works activities to an appropriate formal Staging Report which captures required consent condition approvals and certifications.	Staging Report issue to DPIE w/c 16/09/2019. Formal S4.55 Modification to address construction commencement timing consent conditions lodged with DPIE by 20/09/2019.
05 Non-compliant	<u>B17: Outdoor Lighting</u> Prior to commencement of construction, all outdoor lighting within the site must comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-1997 Control of the obtrusive effects of outdoor lighting. Lighting must comply with any recommendations of the review undertaken under condition B44 to ensure the ongoing safe operations of the existing helipad on the site. Details demonstrating	Outdoor lighting documentation was not provided to Certifying Authority prior to commencement of construction. It was noted that design phase is ongoing.	This non-compliance relates to commencement of in-ground works prior to obtaining certification and approvals for construction activities which will only be carried out at much later stages of the delivery programme. This is being addressed by HI through request for a formal SSD modification including linking the construction works activities to an appropriate formal Staging Report which captures required consent condition approvals and certifications.	Staging Report issue to DPIE w/c 16/09/2019. Formal S4.55 Modification to address construction commencement timing consent conditions lodged with DPIE by 20/09/2019.

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	<p>compliance with these requirements must be submitted to the satisfaction of the Certifying Authority.</p>			
<p>06 Non-compliant</p>	<p><u>B18: Access for People with Disabilities</u></p> <p>The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifying Authority must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.</p>	<p>Design and construction of the facilities/access to people with disability in accordance with BCA requirements was not provided to the Certifying Authority prior to commencement of construction. It was noted that design phase is ongoing.</p>	<p>This non-compliance relates to commencement of in-ground works prior to obtaining certification and approvals for construction activities which will only be carried out at much later stages of the delivery programme.</p> <p>This is being addressed by HI through request for a formal SSD modification including linking the construction works activities to an appropriate formal Staging Report which captures required consent condition approvals and certifications.</p>	<p>Staging Report issue to DPIE w/c 16/09/2019.</p> <p>Formal S4.55 Modification to address construction commencement timing consent conditions lodged with DPIE by 20/09/2019.</p>
<p>07 Non-compliant</p>	<p><u>B30: Operational Noise - Design of Mechanical Plant and Equipment</u></p> <p>Prior to commencement of construction, the Applicant must incorporate the noise mitigation recommendations in the Acoustic Assessment (Rev 9), prepared by Acoustic Logic dated 15/11/18, into the detailed design drawings. The Certifying Authority must verify that all reasonable and feasible noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Acoustic Assessment.</p>	<p>The incorporation of noise mitigations controls for the operational plant and equipment in the detailed design drawings were not provided to DPIE prior to commencement of construction.</p> <p>It was noted that design and assessment are underway to incorporate those noise mitigation controls.</p>	<p>This non-compliance relates to commencement of in-ground works prior to obtaining certification and approvals for construction activities which will only be carried out at much later stages of the delivery programme.</p> <p>This is being addressed by HI through request for a formal SSD modification including linking the construction works activities to an appropriate formal Staging Report which captures required consent condition approvals and certifications.</p>	<p>Staging Report issue to DPIE w/c 16/09/2019.</p> <p>Formal S4.55 Modification to address construction commencement timing consent conditions lodged with DPIE by 20/09/2019.</p>

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08 Non-compliant	<u>B33: Operational Waste Storage and Processing</u> Prior to the commencement of construction, the Applicant must obtain agreement from Council for the design of the operational waste storage area where waste removal is undertaken by Council.	Agreement from the Council for the design of the operational waste storage area was not provided prior to the commencement of construction. It was noted that design phase is ongoing.	This non-compliance relates to commencement of in-ground works prior to obtaining certification and approvals for construction activities which will only be carried out at much later stages of the delivery programme. This is being addressed by HI through request for a formal SSD modification including linking the construction works activities to an appropriate formal Staging Report which captures required consent condition approvals and certifications.	Staging Report issue to DPIE w/c 16/09/2019. Formal S4.55 Modification to address construction commencement timing consent conditions lodged with DPIE by 20/09/2019.
09 Non-compliant	<u>B34: Mechanical Ventilation</u> All mechanical ventilation systems must be designed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings and AS/NZS 3666.1:2011 Air handling and water systems of buildings– Microbial control to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction.	Details of the mechanical ventilation systems were not provided to the Certifying Authority prior to the commencement of construction. It was noted that design of mechanical ventilation is ongoing	This non-compliance relates to commencement of in-ground works prior to obtaining certification and approvals for construction activities which will only be carried out at much later stages of the delivery programme. This is being addressed by HI through request for a formal SSD modification including linking the construction works activities to an appropriate formal Staging Report which captures required consent condition approvals and certifications.	Staging Report issue to DPIE w/c 16/09/2019. Formal S4.55 Modification to address construction commencement timing consent conditions lodged with DPIE by 20/09/2019.
10 Non-compliant	<u>B35: Rainwater Harvesting</u> Prior to the commencement of construction, the Applicant must ensure that a rainwater reuse/harvesting system for the development is developed for the site.	Details of the rainwater reuse/harvesting system and rainwater re-use plan were not provided prior to the commencement of construction. It was noted that design of the rainwater tank is ongoing.	This non-compliance relates to commencement of in-ground works prior to obtaining certification and approvals for construction activities which will only be carried out at much later stages of the delivery programme.	Staging Report issue to DPIE w/c 16/09/2019. Formal S4.55 Modification to address construction commencement timing consent conditions lodged with DPIE by 20/09/2019.

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	A rainwater re-use plan must be prepared and certified by an experienced hydraulic engineer.		This is being addressed by HI through request for a formal SSD modification including linking the construction works activities to an appropriate formal Staging Report which captures required consent condition approvals and certifications.	
11 Non-compliant	<p><u>B37: Car Parking and Service Vehicle Layout</u></p> <p>Compliance with the following requirements must be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction:</p> <p>(b) minimum of 59 on-site car parking spaces for use during operation of the development and designed in accordance with the latest version of AS2890.1</p>	Condition B37(b) - The minimum of 59 on-site car parking spaces for use during operation of the development and designed in accordance with latest version of AS2890.1 was not submitted to Certifying Authority prior commencement of construction.	In accordance with the Assessment Report for SSD 8766, the parking demand for the development (59 spaces) is to be accommodated by the new multi-deck car park.	Multi-deck car park opened 16 June 2019.
12 Non-compliant	<p><u>B38: Bicycle Parking and End-of-trip Facilities</u></p> <p>Compliance with the requirements for secure bicycle parking and end-of-trip facilities must be submitted to the satisfaction of the Certifying Authority prior to the commencement of construction.</p>	<p>Details of the design of the bicycle parking and end-of-trip facilities were not provided to the satisfaction of the Certifying Authority prior to the commencement of construction.</p> <p>It was noted that design of the bicycle parking and end-of-trip facilities is ongoing.</p>	<p>This non-compliance relates to commencement of in-ground works prior to obtaining certification and approvals for construction activities which will only be carried out at much later stages of the delivery programme.</p> <p>This is being addressed by HI through request for a formal SSD modification including linking the construction works activities to an appropriate formal Staging Report which captures required consent condition approvals and certifications.</p>	<p>Staging Report issue to DPIE w/c 16/09/2019.</p> <p>Formal S4.55 Modification to address construction commencement timing consent conditions lodged with DPIE by 20/09/2019.</p>

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<p>13</p> <p>Non-compliant</p>	<p><u>C2: Site Notice</u></p> <p>A site notice(s):</p> <p>a) must be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.</p> <p>b) Is to satisfy all but no be limited to, the following requirements:</p> <p>the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and</p>	<p>Site notice displayed near the access/egress gate of the site did not include the name of Builder, Certifying Authority and Structural Engineer as well as the approved hours of work and address. Only the name of the contractor and contact details were included.</p> <p>Evidence of new design of the sign was presented. New sign was under approval and printing and will include details of Builder, Certifying Authority and Structural Engineer as well as the approved hours of work and address.</p>	<p>Site notices as per the requirements of condition C2 will be printed and displayed at the boundaries of the site.</p>	<p>New and upgraded notices with required information currently being printed with all the required information and due to be installed by 18/09/2019.</p>

Opportunity for Improvement (Ofi)

OFI Number	Conditions of Consent Requirements	Audit Findings	Comments/ Actions	Timing
01	<p><u>B19 Environmental Management Plan</u></p> <p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <p>(d) a program to monitor and report on the:</p> <p>(i) impacts and environmental performance of the development;</p> <p>(ii) effectiveness of the management measures set out pursuant to paragraph</p>	<p>Monitoring programs were currently being implemented by CPB (e.g. dust, vibration, noise, etc.). However, this were not specifically defined in the CEMP Section 2.2, but process included in Element 12.</p> <p>An opportunity for improvement to update the CEMP to include the specific monitoring programs that are currently being implemented. CPB to also include in the monthly report the results of monitoring and the project environmental performance.</p>	<p>Project team is considering developing a monitoring schedule as noted for attachment in the CEMP as an Appendix.</p>	<p>Collation, drafting and uploading by 30/09/2019.</p>
02	<p><u>C12: SafeWork Requirements</u></p> <p>To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.</p>	<p>The Safety Data Sheet (SDS) kept on site for the unleaded petrol had expired on the 6 May 2019.</p> <p>Although, there was no unleaded petrol stored onsite, an opportunity for improvement to update the SDS for this is recommended prior to any refuelling activities.</p>	<p>Contractor CPB to audit and review their current SDS' to ensure that all hazardous chemicals have SDS and most current version are available at the site.</p>	<p>CPB to complete and provide pdate by next audit – 0/11/2019.</p>

Conclusion

Based on our review, the results from the Independent Audit are generally satisfactory and in accordance with conditions set out by the SSDA Planning Consent. The majority of the identified Non-Conforming conditions relate to pre-construction approval timing requirements which are being addressed through a formal Staging Report and Section 4.55 Modification.

Please contact the undersigned if you require further information.

Yours sincerely



Adrian Timp
Senior Project Director