



Health
Infrastructure

Proponent Response to Independent Audit #4 Findings

PwC

[VERSION 1.0]
15 August 2023

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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 #4 Findings Version 1

Date

8 February 2024

Contact Details

Proponent	Health Infrastructure
Client Representative	PwC
Managing Contractor	Stage 2 – Paediatric Services Building Main Build: Roberts Co Stage 4 – Forecourt Main Works: Kane Stage 5 – Pathology Expansion: Kane

Independent Audit Date

11 December 2023 and 12 December 2023

Independent Auditor

WolfPeak

Proponent Response

The table below details the Conditions of Consent that were classified as “Non-compliant” or “Observation” with a recommendation by the Independent Auditor during the Independent Audit conducted on 11 December 2023 and 12 December 2023. 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.	SSD Conditions	Independent Auditor Comments	Proponent Response, Actions and Timing
Findings from the third Independent Audit (IA3)			
A29 Non-compliant	Non-Compliance Notification 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.	The proponent notified the non-compliances from the second Independent Audit through the Proponent's Response to the Audit Report and was submitted within the timeframe specified by A26. However, the actions and proponent response/timing columns in the Proponent's Response are lacking details to determine what actions have been or will be undertaken to address the non-compliance (as is required by this condition). Note: The Auditor acknowledges that the Department provided a letter dated 13 April 2023 indicating that the IEA report generally satisfies the reporting requirements of the consent, noting the non-compliances identified in the IEA No.2 and determining to record the breaches with no further enforcement actions.	Closed All future non-compliance notifications to include the details specified in A26/A27. Update IA4: Non-compliances identified in the audit period have been notified to the Department in accordance with condition A29.
B15 Non-compliant	Construction Environmental Management Plan 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: a) details of: (i) hours of work; (ii) 24-hour contact details of site manager; (iii) management of dust and odour to protect the amenity of the neighbourhood; (iv) groundwater management plan including measures to prevent groundwater contamination; and (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting. b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed; c) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure;	Roberts Co. CEMP (Rev.5) Appendix 8 includes the Mitigation Measures from the Environmental Impact Statement (EIS) from Architectus, dated 6 April 2021. However, details for controls of the obstructive effects of outdoor lights were not included. Additionally, based on the evidence presented, it was noted that submission of Kane's CEMP and sub-plans to the Certifier was made on the 6 June 2023 and to the DPE on 23 June 2023, which is after commencement of construction of Stage 5 (which commenced on 20 May 2023). Note: The proponent acknowledged that the notification of commencement had been submitted to the Department prior to the submission of the CEMP and sub-plans for Stage 5. Notice of commencement was issued to enable site establishment for investigation works. At the time of the IA3, construction works had still not commenced as establishment works were ongoing. The proponent indicates that construction commencement occurred from the 26 June 2023.	Closed Roberts Co. CEMP (Rev. 6 - 22 June 2023) was updated in page 68 to include details for controls of the obstructive effects of outdoor lights and reissued to the Certifier 29 June 2023. Update IA4: The updated CEMP (21 November 2023, Revision 8.0) and associated Sub-plans for Roberts Co. were submitted to the Department on the 23 October 2023 in accordance with A32 and B15. Response from the Department was received on the 7 December 2023 with no comments.

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	<ul style="list-style-type: none"> d) Construction Traffic and Pedestrian Management Sub-Plan (see condition B16); e) Construction Noise and Vibration Management Sub-Plan (see condition B17); f) Construction Waste Management Sub-Plan (see condition B18); g) Construction Soil and Water Management Sub-Plan (see condition B19); and h) Flood Emergency Response (see condition B20) 		
B17 Non-compliant	<p>Construction Noise and Vibration Management Sub-Plan The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:</p> <ul style="list-style-type: none"> d) include strategies that have been developed with the community for managing high noise generating works; e) describe the community consultation undertaken to develop the strategies in condition B17(d); f) include a complaints management system that would be implemented for the duration of the construction; and 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>CNVMSPP dated 23 August 2022 (Rev. 1) from Stantec for PSB Main Works (Roberts Co) does not include the following:</p> <ul style="list-style-type: none"> - details for community consultation undertaken; and - a program to monitor and report on the impacts and environmental performance of the development and their effectiveness. <p>Additionally, it was noted that the CNVMSP has not been reviewed since 23 August 2022.</p>	<p>Closed</p> <p>Before finalising this audit report, evidence was presented showing that the CNVMSP from Stantec was reviewed on the 7 July 2023 and included community consultation in section 8.3 and site-specific complaints register in section 8.3.1.</p> <p>Update IA4: The updated CNVMSP for Roberts Co. was submitted to the Department on the 23 October 2023 in accordance with A32 and B15.</p>
B18 Non-compliant	<p>The Construction Waste Management Sub-Plan The Construction Waste Management Sub-Plan (CWMSPP) must address, but not be limited to, the procedures for the management of waste including the following:</p> <ul style="list-style-type: none"> c) confirmation of the contamination status of the development areas of the site based on the validation results. 	<p>It was noted that Roberts Co. CWMSPP dated 15 July 2022 (Rev. 1) section 8 does not address the requirement for confirmation of the contamination status of the development areas of the site based on the validation results.</p> <p>The auditee indicated that they are not disposing or taking any contamination off-site. Nevertheless, staged remediation works had been undertaken by Ford Civil as part of Stage 1 and this information has not been included as is required by this condition.</p> <p>Additionally, it was noted that the CWMSPP has not been reviewed since 15 July 2022.</p>	<p>Closed</p> <p>Before finalising this audit report, evidence was presented indicating that the CWMSPP from Roberts Co. was reviewed on the 4 August 2023 (Revision 3.0) to include information confirming the contamination status of the development areas based on the validation results in section 8.0.</p> <p>Update IA4: The CWMP (7 September 2023, Revision 4.0) was submitted to the Department on the 23 October 2023 in accordance with A32 and B15.</p>
A24 Observation	<p>Access to Information 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>Results for Dust, Noise and Vibration are captured in one monthly report from Roberts Co; however, the project website title for 'PSB Stage 2 – Main Works, Monitoring Results' says Noise only.</p> <p>Also, is noted that Arup noise and vibration monitoring reports (project wide) are up-to February 2023. Results for March, April and May are missing.</p>	<p>Closed</p> <p>Before finalising the audit report, the project website was updated to clearly identify that the monitoring results are for dust, noise, and vibration.</p>

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	<p>a) make the following information and documents (as they are obtained or approved) publicly available on its website:</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>Update IA4: Noise and vibration monitoring reports from March to October 2023 (project wide) were published on the project website.</p>
Findings from the fourth Independent Audit (IA4)			
<p>B2 Non-compliant</p>	<p>Notification of Commencement If the construction or operation of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.</p>	<p>Notification of commencement for Stage 4 work was not submitted to Department at least 48 hours before the commencement of this stage. Notification from Kane was made on the 9 November 2023 to start works on the 6 November 2023.</p>	<p>Actions which have been or will be undertaken to address the non-compliance: A non-compliance was self-reported by HI to Department regarding the lateness of the notification of commencement for Stage 4 works. The Auditor is not aware of the Department requiring any further action in relation to the matter.</p>
<p>B4 Non-compliant</p>	<p>External Walls and Cladding Prior to the commencement of façade construction, the Applicant must provide the Certifier 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 Certifier to the Planning Secretary within seven days after the Certifier accepts it.</p>	<p>Submission to the Department of the documentation for external walls and cladding was made by Roberts Co. on the 19 December 2023 which is more than seven days after the Certifier acceptance. Submission of documents for the products and systems used in the construction of external walls and claddings to Department for Kane Stage 5 is ongoing. However, it was noted that this evidence was not submitted within seven days of receiving the Certifier acceptance.</p>	<p>Actions which have been or will be undertaken to address the non-compliance: Stage 2 Roberts Co.: Non-compliance notification made on the 19 December 2023 regarding condition B4. The Auditor is not aware of the Department requiring any further action in relation to the matter. Stage 5 Kane: Kane Contractor to submit a copy of the documentation for external walls and cladding to the Department.</p>
<p>C43 Non-compliant</p>	<p>Independent Environmental Audit Independent Audit Reports and the Applicant/proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.</p>	<p>The Independent Audit Report No.3 and the response to the Audit findings submission to the Department were made beyond the timeframe required under condition C43. The third Audit site inspection was conducted on 20 June 2023. The Audit Report No.3 and Response to Audit findings were submitted to the Department on the 23 October 2023.</p>	<p>Actions which have been or will be undertaken to address the non-compliance: The Response to Audit Findings for IA4 will be submitted in accordance with C43 to the Planning Secretary. The Auditor will assess in the next Audit, that the Proponent has submitted the Response to Audit Findings for IA4 in accordance with the requirements of conditions C43.</p>

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<p>A25 Observation</p>	<p>Compliance The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.</p>	<p>Site Induction (Revision 4) prepared by Kane for Stage 5 – Pathology Expansion works needs to include reference to the SSD conditions.</p> <p>Recommendation: Update Site induction material to include reference to the SSD conditions.</p>	<p>Actions which have been or will be undertaken to address the observation:</p> <p>Stage 5 Contractor (Kane) to update Site induction material to include reference to the SSD conditions.</p>
<p>C9 Observation</p>	<p>Implementation of Management Plans 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>The Erosion and Sediment Control Plans for Roberts Co., (Revision C, 9 November 2022), Kane Stage 4 (Revision B, 1 September 2023 from Arup) and Kane Stage 5 (16 February 2023 from Enscape Studio) need to be updated as they are not reflecting the current controls being implemented on site.</p> <p>Additionally, during the site inspection at Roberts Co., site it was noted that access to the spill kit was blocked with construction material, some jerry cans were found outside of the hazardous container and a 'dangerous' sign/tape should be placed near the edge of the site to avoid slips/trips/falls from workers.</p> <p>Recommendation: All Contractors to update, maintain and implement their Erosion and Sediment Control Plans relevant to their site.</p> <p>Roberts Co. site: Adequate access to the spill kit to be maintained, jerry cans to be placed inside the hazardous container near-by and 'dangerous' sign/tape to be placed near the edge of the site to avoid slips/trips/falls from workers.</p>	<p>Actions which have been or will be undertaken to address the observation:</p> <p>All Contractors will undertake a review of their Erosion and Sediment Control Plans for their respective sites and incorporate any required updates to reflect the current controls on the site.</p> <p>Roberts Co. site: Adequate access to the spill kit to be maintained, jerry cans to be placed inside the hazardous container near-by and 'dangerous' sign/tape to be placed near the edge of the site to avoid slips/trips/falls from workers.</p>
<p>C13 Observation</p>	<p>Construction Noise Limits Construction must be undertaken in accordance with the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.</p>	<p>It was noted that the Westmead PSB and MSCP Noise and vibration monitoring reports (Project Wide) from Arup from January 2023 to October 2023 indicate in section 4.2 that Ford Civil is the Head Contractor for the project and is their responsibility to respond to each Noise Management Level exceedance when it occurs. However, this is incorrect as Ford Civil is no longer on site, and Roberts Co. and Kane are currently undertaking major works for this project.</p>	<p>Actions which have been or will be undertaken to address the observation:</p> <p>Noise Monitoring Reports from Arup have been updated to indicate that this is the responsibility of all Principal Contractors working on-site.</p>