

1 June 2020

NSW Planning, Industry & Environment
GPO BOX 39
Sydney NSW 2001

RE: SSDA 6471: NON-COMPLIANCE NOTIFICATION

Samuel,

Pursuit Clause SSD 6471 Condition A13 & A14, RCC advises the Department of Planning the following Non-Conformances outlined in Table 1.0 that were raised by the Independent Environment Audit (IEA) conducted by Wolf Peek dated 14th February 2020 and proposed corrective actions.

Can you please review and provide acceptance of the corrective actions at your earliest convenience, should you have any further queries please do not hesitate to contact the undersigned.

Thanks

RICHARD CROOKES CONSTRUCTIONS PTY LIMITED

Jesse Moss, Senior Project Engineer

mossj@richardcrookes.com.au | PH: 0419 277 097

Attachment 1: Table 1 – Non-Compliances and Corrective Actions

Attachment 2: NCR – Plant Delivery

Attachment 3: Email confirmation from the Department of Planning

Attachment 4: Precinct Working Group Meeting Agenda

Attachment 1:

Table 1.0: Non-Compliances and Corrective Actions

Condition	Compliance Requirement	IEA Finding	Proposed Close Out Actions & Timeframe	Close Out Evidence
B56	A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the Roads Act 1993 for any activity that may impact on the operation of Lincoln Crescent and Cowper Wharf Road. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.	<p>Condition B56 requires a Road Occupancy Licence (ROL) to be obtained from the relevant road authority under section 138 of the Roads Act 1993 for any activity that may impact on the operation of Lincoln Crescent and Cowper Wharf Road.</p> <p>There was one occurrence during the audit period for the use of Lincoln Crescent for the delivery of oversized plant, dated 16 January 2020.</p> <p>While a TCP had been prepared, and approval was obtained from the City of Sydney Council (Letter from CoS to DECC, RE: Vehicle Access Permit, dated 14/01/2020) confirming approval of the oversize Vehicle Access Permit, the ROL was not available.</p> <p>The Road Occupancy Licence was not available for review during the audit</p>	<p>A ROL is not able to be back dated.</p> <p>NCR to subcontractor responsible.</p> <p>RCC has now introduced additional processes internally to review the permits requirements in full prior to accepting after hours deliveries to mitigate this from re-occurring.</p> <p>Close Out Timeframe: March 2020</p>	See Attachment 2: NCR – Plant Delivery.
B61	Prior to the commencement of works, the Applicant shall prepare and implement a	Evidence of submission of the CEMP to the Planning Secretary prior to the	Submit CEMP to the Planning Secretary.	Attachment 3: Email submission to

	<p>Construction Environmental Management Plan (CEMP) for the development and be submitted to the Certifying Authority. The CEMP must:</p> <ul style="list-style-type: none"> a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase; b) describe all activities to be undertaken on the site during site establishment and construction of the development; c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting; d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; e) be prepared in consultation with the Council, EPA, DPI, RMS, TNSW, and the OEH Heritage Division and include specific consideration of measures to address any requirements of these agencies during site establishment and construction; f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works; g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts; 	<p>commencement of works could not be located during the audit.</p>	<p>Close Out Timeframe: March 2020</p>	<p>Andy Nixey dated 18/02/2020.</p>
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	<p>h) include measures to ensure adequate groundwater entitlement is sourced in order to account for groundwater flows into the construction excavations, unless any exemption applies;</p> <p>i) management of groundwater during construction;</p> <p>j) commits to relocating intertidal and subtidal boulders, moved for installation of the sea water heat exchange system pipes, back to their original position or otherwise within the appropriate intertidal or subtidal zone in the vicinity;</p> <p>k) designs erosion and sediment controls to be used during construction to reduce the potential for turbidity related impacts to Woolloomooloo Bay;</p> <p>l) document and incorporate all relevant sub environmental management plans (Sub Plans), control plans, studies and monitoring programs required under this part of the consent; and</p> <p>m) include arrangements for community consultation and complaints handling procedures during construction.</p>			
B62	<p>Prior to the commencement of works, a Construction Pedestrian Traffic Management Plan (CPTMP) prepared by a suitably qualified person shall be endorsed by TfNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the Certifying Authority. The CPTMP must be prepared in consultation with</p>	<p>Evidence of submission of the CPTMP to the Planning Secretary prior to the commencement of works could not be located during the audit.</p>	<p>Submit CPTMP to the Planning Secretary.</p> <p>Close Out Timeframe: March 2020</p>	<p>Attachment 3: Email submission to Andy Nixey dated 18/02/2020.</p>

	<p>Council, TNSW (Sydney Coordination and Metro Delivery Offices), and RMS.</p> <p>The CPTMP shall address (but not be limited to):</p> <ul style="list-style-type: none"> a) location of the proposed work zone; b) haulage routes; c) construction vehicle access and traffic control arrangements; d) proposed construction hours; e) estimated number of construction vehicle movements; f) any changes required to on-street parking; g) restriction on vehicles over 6 m in length turning right from Lincoln Crescent into Cowper Wharf Road; h) construction program; i) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction; j) cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro City and South West considering any traffic and pedestrian management plans prepare for these projects to ensure that work activities are coordinated and managed to minimise impacts on the road network; k) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours; 			
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	<p>l) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts; and</p> <p>m) measures to encourage public transport use and other non-car travel options by construction workers.</p> <p>Prior to the commencement of works, a copy of the CPTMP must be submitted to Council and the Planning Secretary.</p>			
B63	<p>Prior to the issue of the relevant Crown Building Works Certificate, a Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The CNVMP must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The CNVMP shall address (but not be limited to):</p> <p>a) be prepared in accordance with the EPA's Interim Construction Noise Guideline;</p> <p>b) identify nearby sensitive receivers and land uses;</p> <p>c) identify the noise management levels for the project;</p> <p>d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;</p> <p>e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;</p>	<p>Evidence of submission of the CNVMP to the Planning Secretary prior to the commencement of works could not be located during the audit.</p>	<p>Submit CNVMP to the Planning Secretary.</p> <p>Close Out Timeframe: March 2020</p>	<p>Attachment 3: Email submission to Andy Nixey dated 18/02/2020.</p>

	<p>f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Acoustic Report (dated 28 February 2018) in Appendix P of the RTS;</p> <p>g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and</p> <p>h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.</p> <p>Prior to the commencement of works, a copy of the CNVMP must be submitted to Council and the Planning Secretary.</p>			
B69	<p>Prior to the commencement of works, a Hazardous Materials Management Plan (HMMP) prepared by a suitably qualified person, shall be submitted to the Certifying Authority. The HMMP must be prepared in consultation with the EPA and SafeWork NSW. The HMMP must:</p> <p>a) ensure the development complies with the NSW Occupational Health and Safety Regulation 2001 and Part 7 of the Protection of the Environment Operations (Waste) Regulation 2014;</p>	<p>Evidence of submission of the HMMP to the Planning Secretary prior to the commencement of works could not be located during the audit.</p>	<p>Submit HMMP to the Planning Secretary.</p> <p>Close Out Timeframe: March 2020</p>	<p>Attachment 3: Email submission to Andy Nixey dated 18/02/2020.</p>

	<p>b) be consistent with Safe Work Australia's codes of practice How to Safely Remove Asbestos 2011 and How to Manage and Control Asbestos in the Workplace 2011;</p> <p>c) identify any known or potential areas of concern on site for hazardous and asbestos containing materials;</p> <p>d) outline the procedures for identification, handling and disposal of hazardous materials;</p> <p>e) include an Asbestos Management Plan;</p> <p>f) ensure that all hazardous materials would be handled and disposed of by suitably qualified and licensed experts in accordance with the relevant guidelines and legislation;</p> <p>g) ensure an induction process is in place for site workers and visitors regarding the identification of hazardous and asbestos containing materials and the formal procedures to be followed if such materials are identified on site;</p> <p>h) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and</p> <p>i) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.</p> <p>Prior to the commencement of works, a copy of the HMMP must be submitted to the EPA, SafeWork NSW and the Department.</p>			
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C4	<p>Activities may be undertaken outside of these hours if required:</p> <p>c) by the Police or a public authority for the delivery of vehicles, plant or materials; or</p> <p>d) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.</p>	<p>Condition C4 lists situations during which works can be undertaken outside of the approved working hours and include:</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>RCC confirmed there was one instance of works outside of hours during the audit period. A delivery of two excavators was received on 16/01/2020 between 3am-5am via Lincoln Crescent.</p> <p>A permit was issued by CoS for works between 11pm-5am, M-F and 5am-10am Sat, valid from 14/01/2020-14/01/2021. Permit conditions included vehicle height, weight and length, and restriction of travel routes. The subcontractor (Planthaul Pty Ltd) was required to seek approval for a ROL from the Traffic Management Centre and Permit from NSW Police Traffic and Highway Patrol Command prior to travel.</p> <p>The ROL and Police Permit were not available for review during the audit.</p>	<p>A ROL and Police Permit is not able to be back dated.</p> <p>NCR to subcontractor responsible.</p> <p>RCC has now introduced additional processes internally to review the permit requirements in full prior to accepting after hours deliveries to mitigate this from re-occurring.</p> <p>Close Out Timeframe: March 2020</p>	<p>See Attachment 2: NCR – Plant Delivery.</p>
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ID	Compliance Requirement	IEA Finding	Proposed Close Out Actions	Close Out Evidence
Hazardous Materials Management Plan – Section 8	Prior to implementing asbestos controls at the site, Coffey recommends that consultation with stakeholders including, the adjoining properties is carried out to alleviate concerns associated with asbestos, which may arise during removal works.	No evidence provided.	<p>Precinct Working Group Meetings have been conducted at regular intervals and as required for the duration of the project. All site works are discussed, issues raised and closed out.</p> <p>Close Out Timeframe: March 2020</p>	See Attachment 4 – Meeting agenda.

Attachment 2: NCR - Plant Delivery

31.1 Non-Conformance Report

Project: Sydney Modern Project

NCR No 05

To: DECC

Attention: Raymond Kalach

Date: 27/03/2020

From: Jesse Moss

Total Pages: 2

Action Resulting from:	WHS Issue <input type="checkbox"/>	Quality Issue <input type="checkbox"/>	Environmental Issue X
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Description of the Non Conformity:

SSDA 6741 Condition B56

Condition B56 requires a Road Occupancy Licence (ROL) to be obtained from the relevant road authority under section 138 of the Roads Act 1993 for any activity that may impact on the operation of Lincoln Crescent and Cowper Wharf Road.

There was one occurrence during the audit period for the use of Lincoln Crescent for the delivery of oversized plant, dated 16 January 2020. While a TCP had been prepared, and approval was obtained from the City of Sydney Council (Letter from CoS to DECC, RE: Vehicle Access Permit, dated 14/01/2020) confirming approval of the oversize Vehicle Access Permit, the ROL was not available.

The Road Occupancy Licence was not available for review during the audit and it has been communicated to RCC that one wasn't obtained prior to delivery.

SSDA 6741 Condition C4

Condition C4 lists situations during which works can be undertaken outside of the approved working hours and include:

- a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
- b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.

RCC confirmed there was one instance of works outside of hours during the audit period. A delivery of two excavators was received on 16/01/2020 between 3am-5am via Lincoln Crescent. A permit was issued by CoS for works between 11pm-5am, M-F and 5am-10am Sat, valid from 14/01/2020-14/01/2021. Permit conditions included vehicle height, weight and length, and restriction of travel routes. The subcontractor (Planhaul Pty Ltd) was required to seek approval for a ROL from the Traffic Management Centre and Permit from NSW Police Traffic and Highway Patrol Command prior to travel.

The ROL and Police Permit were not available for review during the audit and it has been communicated to RCC that one wasn't obtained prior to delivery.

Signed:  Position Senior Project Engineer Date: 27/3/2020

Why did this happen (involve subcontractor in analysis of what happened):

- Failure to understand the requirements of Condition B56 and C4.
- Failure to understand conditions of council permit.
- Complacency.
- Miscommunication between DECC and Plant Haulage company, who was responsible for obtaining ROL.

Signed by subcontractor:  Date: 27/03/2020

31.1 Non-Conformance Report

Action Required to rectify (and prevent recurrence): Specified by RCC <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> SC <input type="checkbox"/> Accept without repair <input type="checkbox"/> Scrap <input type="checkbox"/> Rework <input type="checkbox"/> Replace <input type="checkbox"/> Other:	
For all future plant deliveries, documentation is to be provided in full prior to delivery and reviewed by DECC and RCC. DECC to apply for ROL and gain police approval for all earthmoving plant deliveries	
Remedial work completed and NCR closed:	
SC Signed: _____ Date: _____	RCC Signoff _____ Date: _____
If the Client needs to approve has it been approved? <input type="checkbox"/> Yes <input type="checkbox"/> No	
RCC Follow-up review/report: How will you know if corrective or preventive action has worked? All plant deliveries are presented to RCC in a organised manner, and all conditions of permits are met.	
Has the Action taken been effective? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, a new Notice may need to be issued	
RCC Signoff: <i>James</i>	Date: <i>30/3/2020</i>
The company on which this notice is served is required to take action in order to rectify the substandard conditions detailed above. Failure to act within the specified time period will result in Richard Crookes Constructions taking further action and any costs as a result of such action shall be costs payable by the company on which this notice is served.	
Should further action and/or costs be pursued against the company on which this notice is served? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, then send copy of this notice to the project manager for further action.	

Attachment 3: Email Confirmation from Department of Planning

Jesse Moss

From: Andy Nixey <Andy.Nixey@planning.nsw.gov.au>
Sent: Wednesday, 19 February 2020 8:35 AM
To: Bella Basaglia
Subject: RE: Sydney Modern Project - CEMP, CPTMP, CNVMP, HMMP

Great. Thanks Bella. Confirming receipt of the documents.

Regards

Andy

From: Bella Basaglia
Sent: Wednesday, 19 February 2020 8:21 AM
To: Andy Nixey
Subject: RE: Sydney Modern Project - CEMP, CPTMP, CNVMP, HMMP

Hi Andy,

My apologies – new link below:

https://rconstructions-my.sharepoint.com/:f:/g/personal/basbel_richardcrookes_com_au/En_Rso1-xcZCh8XgtkQWnv0B0iO_gbzGqh861TBF_diVKQ?e=w4Ci4x

Let me know if there are any further issues with downloading.

Regards,

Bella Basaglia, Design Coordinator

RICHARD CROOKES

CONSTRUCTIONS

Direct 02 9902 4700 | Fax 02 9439 1114 | Mobile 0439 655 442
Level 3, 4 Broadcast Way, Artarmon NSW 2064
www.richardcrookes.com.au



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From: Andy Nixey <Andy.Nixey@planning.nsw.gov.au>
Sent: Wednesday, 19 February 2020 8:18 AM
To: Bella Basaglia <BasagliaB@richardcrookes.com.au>
Subject: RE: Sydney Modern Project - CEMP, CPTMP, CNVMP, HMMP

Hi Bella

Thanks for that. The link only seems to contain the HMMP though.

Regards

Andy

Andy Nixey

Principal Planner

Key Sites Assessments

NSW Planning, Industry & Environment | GPO Box 39 | Sydney NSW 2001

T 02 9274 6379 E Andy.Nixey@planning.nsw.gov.au



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From: Bella Basaglia <BasagliaB@richardcrookes.com.au>

Sent: Tuesday, 18 February 2020 4:18 PM

To: Andy Nixey <Andy.Nixey@planning.nsw.gov.au>

Cc: Jesse Moss <MossJ@richardcrookes.com.au>; Phil Irving <irvingp@richardcrookes.com.au>; Michael Bradburn <BradburnM@richardcrookes.com.au>; Ian Cunliffe <Cunliffel@richardcrookes.com.au>

Subject: Sydney Modern Project - CEMP, CPTMP, CNVMP, HMMP

Hi Andy,

I'm working on the Sydney Modern Project with Jesse Moss and we are trying to close out a few items that were picked up by our Independent Auditor last Friday.

There were four conditions (as below) that we had missing evidence of submission to the Planning Secretary:

- Condition B61 – Construction Environmental Management Plan (CEMP)
- Condition B62 – Construction Pedestrian Traffic Management Plan (CPTMP)
- Condition B63 – Construction Noise and Vibration Management Plan (CNVMP)
- Condition B69 – Hazardous Materials Management Plan (HMMP)

Please see link below to download these management plans as submitted as part of CC1:

https://rcconstructions-my.sharepoint.com/:b:/g/personal/basbel_richardcrookes_com_au/EXne7Ujm_MdHpz4RFkOzjCgB-vwQstVkqYDEpxntqy-P9Q?e=1Aoa6

Could you please confirm receipt at your earliest convenience?

Thank you in advance,

Bella

Regards,

Bella Basaglia, Design Coordinator

RICHARD CROOKES CONSTRUCTIONS

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Attachment 4: Precinct Working Group Meetings Agenda

SMP Precinct Working Group

Meeting #16: Wednesday, 19 February 2020

Boardroom, Art Gallery of NSW

10am – 11am

Attendees:

- Sally Webster, AGNSW (Chair)
- Dan Griffin, AGNSW
- Bianca Tomanovic, AGNSW (Secretariat)
- Andrej Stevanovic, INSW
- George Salouros, RBG
- Gary Hinchcliffe, RBG
- Anthony Di Cecco, RCC
- Laurie Foy, RCC
- Belinda Luther, RCC
- George Bardas, RMS
- Majed Odeh, RMS
- Rez Ramzan, AML

Standing Items

- 1.1 Apologies
- 1.2 Conflict of interest
- 1.3 Actions and resolutions arising from previous meetings

Items for Discussion

- 2. Progress report
- 3. Precinct issues
- 4. Stakeholder and community engagement
- 5. Communications and media management
- 6. Other business
- 7. Next meeting

Next meeting is scheduled 10am – 11.30am, Wednesday 26 February 2020