



FDC Constructions Pty Ltd

Independent Audit 001 – Review and Response

SSD- 47498458 – The Cutaway Cultural Facility Barangaroo
7th January 2025

Declaration

This Audit Review and Response has been prepared for Infrastructure New South Wales in response to an Independent Audit, including the recommendations and opportunities for improvement identified in Audit Report 001. The response to each of the audit findings is included as outlined in the Independent Audit report non-compliances and Opportunities for Improvement tables.

Declaration	
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Date:	7 January 2025

Document Management, Tracking and Revision History

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Final	02 December 2024	Hilton Palmer	Independent Audit – Review and Response	Peter Colak	Peter Colak

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Introduction

Project Application Number and Project Name

SSD-47498458 – The Cutaway Cultural Facility Barangaroo

Site Address

1 Merriman street Millers point NSW

Project Contact Details	
Client	Infrastructure New South Wales
Client Representative	Kate Holmes
Contractor	FDC Constructions Pty Ltd

Independent Auditor

NGH Pty Ltd

Independent Audit Date

August 2024

Audit response.

The Independent Audit Report prepared by NGH Pty Ltd dated 2/12/2024 has been reviewed and the response to the audit findings are listed in the below table. In relation to non-compliances, the response sets out the action and the completion timing. In relation to observations and opportunities identified for improvement, the actions are also set out or the reason for not implementing any measures in response.

Independent Audit Non – Compliances and Actions

FDC Construction have reviewed the below Non compliances in consultation with the require Stakeholders, Authorities, Residents, Subcontractors and Consultants for the Cutaway project.

The list below outlines how FDC will or have close out each of the non-compliance.

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Condition of Consent	Requirement (exact wording)	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification on Noncompliance	Proponents Response to Audit Findings
A2	<p>The development may only be carried out:</p> <p>(a) in compliance with the conditions of this consent;</p> <p>(b) in accordance with all written directions of the Planning Secretary;</p> <p>(c) generally in accordance with the EIS and Response to Submissions; and</p> <p>(d) generally in accordance with the Section 4.55(1A) application to amend SSD-10831778 Sydney Children's Hospital Stage 1 and Minderoo Children's Comprehensive Cancer Centre and accompanying documents prepared by Urbis dated 28 October 2022</p>	EIS – Cutaway Cultural facility Barangaroo	The audit found that compliance with the majority of conditions. However, the audit found eight non-compliances inclusive of this condition, as detailed below.	Non-compliant	NC - 01	See below non-compliance responses
B4	<p>Access to information</p> <p>At least 48 hours before the commencement of any works and until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:</p> <p>Make the following information and documents publicly available:</p> <p>the documents referred to in Condition A2 of this consent;</p> <p>all current statutory approvals for the development;</p> <p>all approved strategies, plans and programs required under the conditions of this consent;</p> <p>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>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>a summary of the current stage and progress of the development; contact details to enquire about the development or to make a complaint.</p> <p>complaints register, updated monthly;</p>	<p>https://www.barangaroo.com/past-present-future/barangaroo-reserve/the-cutaway-project</p> <p>Site interviews</p>	Communication Strategy, two works notifications and one project update. However, it does not contain any of the approved management plans, the complaint register, a number to contact in case of a complaint, regular environmental performance reporting, summaries of monitoring results, the documents as referred to in Condition A2.	Non-compliant	NC - 02	Upon identifying the non-conformance, FDC collated the required information and issued to Infrastructure New South Wales which updated the necessary management plans, complaints register, environmental performance records, contact details, and notifications of works.

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B50	<p>The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway NSW Government 15 The Cutaway Cultural Facility, Barangaroo Department of Planning and Environment (SSD 47498458) crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to each of the affected property owners.</p>	<p>Dilapidation Report - Void: Perimeter Fencing, Project Solutions, dated 17/04/2024</p> <p>Dilapidation Report - Local and State Property, Project Solutions, dated 18/03/2024</p> <p>Dilapidation Report - NSW Property, Project Solutions, dated 18/03/2024</p> <p>Dilapidation Report - Public Domain, Project Solutions, dated 18/03/2024</p> <p>Aconex transmittal regarding letters to residents for dilapidation surveys, dated 5/04/2024</p> <p>Emails between FDC to impacted adjoining residents for 14, 20, 28 and 32 Merriman Street, Millers Point, dated April and May 2024.</p> <p>Dilapidation Reports, Project Solutions, dated April and May 2024</p>	<p>Out of the seven private properties, three were not occupied. Four owners took the Pre-construction dilapidation reports.</p> <p>Emails between FDC to impacted adjoining residents for 14, 20, 28 and 32 Merriman Street, Millers Point, dated April and May 2024.</p> <p>Pre-construction dilapidation reports for Residents who took up the offer, prepared by Project Solutions. Aconex, 4/06/2024, identifies Merriman Street Residential Pre-construction dilapidation reports for the four interested owners who took up the opportunity. Three letter box drops were completed regarding the dilapidation survey opportunity.</p> <p>The auditor notes that no evidence was provided that a copy of the report was forwarded to each of the affected property owners. While it is understood that FDC's interpretation of the condition was that no construction works with potential vibratory impacts had occurred in the first audit period, these conditions are relevant prior to the commencement of any construction works.</p> <p>Therefore, the reports should have been provided to the affected property owners prior to the commencement of any construction.</p>	Non-compliant	NC - 03	<p>Upon being notified of the non-conformance, FDC promptly issued the dilapidation reports to the four residents and Sydney City Council.</p>
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B56	<p>Construction Pedestrian and Traffic Management Plan</p> <p>Prior to commencement of any works, the Applicant must submit to the satisfaction of TfNSW a final detailed Construction Pedestrian and Traffic Management Plan (CPTMP), prepared by a suitably qualified person in consultation with TfNSW, Sydney Metro and PMNSW. The CPTMP must be endorsed by TfNSW and submitted to the Planning Secretary for information prior to the commencement of works. The CPTMP must address, but not be limited to, the following matters:</p>	<p>Construction Pedestrian and Traffic Management Plan (CPTMP), Rev 1, TTW (NSW) Pty Ltd, dated 16 April 2024</p> <p>https://www.ttw.com.au/traffic/</p> <p>Email from TfNSW to TTW, dated 22 April 2024</p> <p>Email chain FDC, INSW and Property NSW, dated 16 - 23 April 2024. Site interviews</p>	<p>The auditor noted that no evidence was provided that showed the CPTMP was submitted to Planning Secretary prior to commencement of any works.</p>	Non-compliant	NC - 04	<p>Upon being notified of the non-conformance, FDC promptly issued the CTMP to Infrastructure New South Wales to be submitted to the planning secretary, this has such been received and placed onto the website</p>
B72	<p>Remediation – Unexpected Finds Protocol</p> <p>Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.</p>	<p>Unexpected Finds Protocol for Asbestos, FDC, Rev 0 04/02/2019</p>	<p>FDC's contract included demolition only and not excavation with the understanding from Geotech investigations that the Stair 3 slab was sitting directly on top of rock. However, during demolition of Stair 3 base slab, it was identified that fill material was beneath the slab.</p> <p>The material was excavated, and a waste classification done. It was identified as asbestos containing fill and disposed of accordingly. Removal of the fill identified the asbestos pipe. Although this was unexpected, the Unexpected Finds Protocol should have been reviewed and endorsed by the EPA accredited Site Auditor for instances such as this.</p> <p>The auditor notes that the protocol has not been endorsed by the NSW EPA accredited site auditor.</p> <p>The Unexpected Finds Protocol for Asbestos will need to be endorsed by an EPA accredited site auditor and submitted to the Certifier.</p>	Non-compliant	NC - 05	<p>Upon being notified of the non-conformance, FDC Construction has arranged for the Unexpected Finds Procedure to be issued to our accredited EPA assessor for endorsement. Once endorsed, the collated documents will be sent to the certifier for review.</p>

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C2	<p>Site Notice</p> <p>A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:</p> <p>state the name, address, and telephone number of the principal certifier for the work</p> <p>state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints</p> <p>state the approved hours of work</p> <p>state that unauthorised entry to the work site is prohibited</p> <p>the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size</p> <p>the notice is to be durable and weatherproof and is to be displayed throughout the works period</p> <p>the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.</p>	Site inspection	The auditor found that the site notice did not contain the name, address, or telephone number of the Principal Certifier for the work or state the approved hours of work.	Non-compliant	NC - 06	Upon being notified of the non-conformance, FDC Construction has arranged name, address, telephone number of the Principal Certifier with the approved hours of work. To be installed at the entry to the site.
C25	<p>While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:</p> <p>all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and</p> <p>the classification and the volume of material removed must be reported to the Certifier.</p>	Site interviews Waste Classification Assessment, PRA project Reference J02337 WC01 V1, 6/06/2024	<p>The auditor notes that FDC followed the process required for excavated material in sub-part (a) of this condition for the fill discovered under the slab during the demolition of Stair</p> <p>3. However, subpart (b) of the condition requires the waste classification and volume of excavated material removed from site must be reported to the Certifier.</p>	Non-compliant	NC - 07	FDC are aware of the condition with no further works being undertaken on the site FDC Construction have notified the certifier of this non-conformance issued waste classifications and disposal reports, waste docket and declaration of conformity of the fill that has been removed from the site, which has been accepted by the certifier.

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C46	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	Site interviews	Approval from the Planning Secretary was not received prior to this first audit.	Non-compliant	NC-08	Upon being notified of the non-conformance, FDC Construction coordinated with Infrastructure New South Wales to have the auditors approved for audit 001. This approval was obtained after the audit was conducted. Subsequently, FDC received approval for NGH to complete the remaining audits in line with SSDA Condition C25.
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Audit findings Opportunities for Improvements

Condition of Consent	Requirement (exact wording)	Opportunities for Improvements	Unique Identification on OFI	OFI status	Response to Opportunities for Improvements.
B 34 Part a	Prior to the commencement of construction, the Applicant must update the Green Travel Plan (GTP) in consultation TfNSW. The GTP must consider: - Bicycle Parking and end of trip facilities for use by staff	An opportunity for improvement - consider including whether bike parking is available or not and if so, how many bike parking spots are provided and their location.	OFI -001	Under review	At this stage the GPT and TAG plan will be further developed for OC deliverables, FDC has issued this comment to TTW traffic engineers to be reviewed.
B 34 Part b	Parking - Reduce car parking usage by encouraging use of sustainable modes such as public transport; 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.	An opportunity for improvement - consider identifying the list of strategies and providing a link to relevant sections.	OFI -002	Under review	At this stage the GPT and TAG plan will be further developed for OC deliverables FDC has issued this comment to TTW traffic engineers to be reviewed.
B55 Part A2	24 hour contact details of the site manager	Opportunity for improvement - the auditee should consider including the 24-hour Project phone number in the CEMP and the CCS.	OFI -003	Accepted	As noted in B55 Part A4 below FDC will be updating all management plans to align with audit and site conditions during this time the OFI will be introduced into the required plans.

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B55 Part A4	Traffic management	Opportunity for improvement - the auditee should consider using consistent terminology to describe the plans. For example, in the CEMP the CPTMP is referred to as the CTMP.	OFI -004	Accepted	FDC will be updating all management plans to align with audit and site conditions during this time the OFI will be introduced into the required plans.
B55 Part A8	Contamination management, including any unexpected contamination finds protocol	Opportunity for improvement - the Hazardous Materials Management Plan and the CEMP should be updated to reflect the requirements of Conditions C42 and C44 - Planning Secretary must be notified of any Unexpected Finds of contamination.	OFI -005	Accepted	FDC will be updating all management plans to align with audit and site conditions, during this time the OFI will be introduced into the required plans.
B55 Part H	an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure	Opportunity for improvement - consider including notification to the Planning Secretary for unexpected contamination finds.	OFI -006	Accepted	CEMP will be updated to reflect notification to the Planning Secretary.
B55 Part I	waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.	Opportunity for improvement - the auditee should consider identifying in the CEMP that waste classification is covered in the CWMP.	OFI -007	Accepted	CEMP will be updated to reflect waste classification is covered in the CWMP.
B63 Part C	procedures for minimising the movement of waste material around the site and double handling;	Opportunity for improvement - consider including this sub part and where it is addressed in Table 1.	OFI -008	Accepted	SSDA conditions table and contents within the CWMP will be undated in line with Condition B63 Part C.
C4 Part D	Air Quality Management Sub-Plan required by Condition B60.	Opportunity for improvement - consider updating the AQMP Table 6 to identify when (occurrence with stage of works) air quality monitoring will occur. As Table 6 currently reads, PM2.5 and PM10 air quality monitoring should be continuous and a monthly report produced.	OFI -009	Accepted	AQMP will be updated to reflect the revised testing and reporting objectives for the project lifecycle.
C4 Part E	Construction Waste Management Sub-Plan required by Condition B63	Opportunity for improvement - The auditee should consider implementing co-mingled recycling receptacles in the lunchroom.	OFI -010	Accepted	This OFI has been installed within the lunchrooms and inspected within the weekly site inspections.