

Proponent Response to Independent Audit Findings

Fort Street Public School Project

State Significant Development (SSD) 10340

[SUBJECT]

[VERSION 1.3]

12 April 2022

Contents

Introduction 3

 Project Name and Project Application Number 3

 Site Address 3

 Title and Revision Number 3

 Date 3

 Contact Details 3

 Independent Audit Date 3

 Independent Auditor 3

 Proponent Respose 3

Introduction

Project Name and Project Application Number

Fort Street Public School Redevelopment SSD 10340

Site Address

Title and Revision Number

Proponent Response to Independent Audit Findings (Version 2)

Date

April 2022

Contact Details

Proponent	Schools Infrastructure NSW
Client Representative	Root Partnerships
Managing Contractor	Lendlease Building (LLB)

Independent Audit Date

Site Inspection and Interviews 02 Feb 2022

Final report issued 25 March 2022

Independent Auditor

Aspect Environmental

Proponent Response

Table 1 below details the Conditions of Consent that were classified as “Non-compliant” during the Independent Environmental Audit conducted on 02 February 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.

Table 2 below details further observations and recommendations provided by the Independent Auditor in the Independent Audit Report. The proponent has provided a response and relevant action to be undertaken where required in the table.

Note: Following receipt of the final report, the Proponent, Client Representative and Managing Contractor undertook a lessons learn session to ensure the items which remain open are closed out promptly and develop a strategy to ensure compliance moving forward.

March 2022 Non – Compliance Audit findings Identified in Independent Audit IA#2

Condition Number (ID)	Compliance Requirement	Independent Audit Finding	Independent Audit Recommendation	Proponent's Proposed Action/Action taken/Response (as applicable)	Proposed Action Due Date
A2	<p>CoC A2 requires the development to 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) in accordance with the approved plans in the table below.*See consent for list</p>	<p>Non-compliances have been identified in this audit, therefore compliance with A2(a) has not been achieved.</p>	<p>Action and close out the identified non-compliances in this audit report.</p>	<p>To close out Condition A2 non conformance below will be closed out as per the auditors recommendations.</p>	<p>To be closed out prior to next audit.</p>
A23	<p>Condition requires 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: (a) make the following information and documents (as they are obtained or approved) publicly available on its website.</p>	<p>Review of the SINSW website identified the following publication issues:</p> <p>- A23 The current DPE approved Development Consent Mod 1 (dated 22/12/2021) is not available. Hyperlink is Development Consent dated 07/10/2020.</p> <p>- A23 The current DPE notice of decision (dated</p>	<p>Confirm list of all approved documents that are required on the Project website and update website in accordance with Condition A23.</p>	<p>A23 – Current DPE approved Development Consent (Mod 1) is now available</p> <p>A23 – Consolidated Consent (capturing Mod 1) is now available on the website.</p> <p>A23 – notice of decision (dated 22/12/2021) is available on the website</p> <p>CSWMSP hyperlink has been restored.</p>	<p>Closed</p>

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

		<p>22/12/2021) is not available. Hyperlink is DPE notice of decision dated 07/10/2020.</p> <ul style="list-style-type: none"> - Hyperlink to CSWMSP is broken and cannot be accessed. - A10 & A11 Hyperlink to current DPE approved Staging Report (Rev 7, 22/09/2021) is broken. <p>B18 The current CTPMSP (Rev A, ARUP, 21/04/2021) is not available on the website. Version on website is dated 25/03/2021.</p>		<p>A10 & A11 hyperlinks are accessible (links were working when checked by the Representative of the Applicant).</p> <p>B18 CTPMSP has been updated to reflect the current revision.</p>	
A30	<p>Condition requires that within three months of:</p> <ul style="list-style-type: none"> (a) the submission of a compliance report under condition A33; (b) the submission of an incident report under condition A26; (c) the submission of an Independent Audit under condition C44 or C45; (d) the approval of any modification of the conditions of this consent; or (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans 	<p>No evidence provided to verify that a review of the Strategies, Plans and Programs required under this consent, has not been completed within 3 months of the submission of an Independent Audit under condition C44 or C45. No evidence provided to demonstrate that the Planning Secretary and the Certifier were notified in writing that a</p>	<p>Complete a review within 3 months of the approved modification SSD-10340- Mod-1 granted by DPE on 22 December 2021 and this Audit Report.</p>	<p>Advice prepared in early March 2022 with formal lodgement on 28/3/2022. Another review will be carried out and notified within 3 months of submission of this audit.</p>	Closed

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

	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.	review was being carried out.			
B3	Condition requires 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.	No evidence provided to verify notification to the Department at least 48 hours before the commencement of Stages 2 & 3.	Notify the Department in writing at least 48 hours before the commencement of future stages of work.	Provide notification of commencement to the Department prior to all future stages.	Closed
B5	Prior to the commencement of construction (excluding earthworks and demolition), 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.	No evidence was provided to verify if the Certifier accepted that the external walls and cladding comply with the BCA nor was evidence provided to verify if the Planning Secretary was provided with the documentation given to the Certifier.	Confirm that the Certifier accepts that the External Walls and Cladding comply with the requirements of the BCA and provide this acceptance to the Planning Secretary.	Whilst construction had commenced for Stage 3, the certifier checklist noted this item does not apply to this stage, to be captured in Stage 5 reflective of commencement of external wall works. Item is now closed with the issuing of the Crown Certificate associated with Stage 5 and relevant documentation issued to the Secretary on 13/04/22.	Closed.
B22	The Driver Code of Conduct must address the following: (a) minimise the impacts of earthworks and construction on the local and regional road network; (b) minimise conflicts with other road users; (c) minimise road traffic noise; and (d) ensure truck drivers use specified routes.	Unable to identify where content of B22 a), b), c) & d) are captured in the Drivers Code of Conduct - Appendix A of CTPMSP (Rev A, ARUP, 21/04/2021). The Auditor notes that this NCR was	Driver Code of Conduct in Section 7.2 and Driver COR (Chain of Responsibility) in Appendix A of the CTPMSP (Rev A, ARUP, 21/04/2021) to be updated to include the requirements of	A separate drivers CoC will be prepared by LLB to include items a,b,c & d to meet condition B22.	This item will be closed out by 29/4/2022

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

		<p>identified in the previous Independent Audit (Aspect 2021) and that in the Proponents Response to Independent Audit Findings Report dated 21/09/21, the following commitment was stated in response to the NCR "Whilst the requirements of this consent condition are addressed within the broader CTPMSP, the Driver Code of Conduct will be updated to specifically address each of the items noted in the consent conditions".</p> <p>Neither the CTPMSP (Rev A, ARUP, 21/04/2021) nor the Driver Code of Conduct in Section 7.2 and Driver COR (Chain of Responsibility) in Appendix A of the CTPMSP (Rev A, ARUP, 21/04/2021) have been updated since the last independent audit (Aspect, 2021).</p>	<p>B22 a), b), c) & d).</p>		
--	--	--	---------------------------------	--	--

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

<p>B28</p>	<p>Condition requires that prior to installation of mechanical plant and equipment, the Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the Noise and Vibration Assessment Report, prepared by ARUP and dated 20 December 2019</p>	<p>Sighted “Crown Cert List of Requirements Stage 2 Remaining Works updated 28 Sept 2021” where Certifier confirms receipt of documentation.</p> <p>No evidence provided verifying certifier satisfaction that all noise mitigation measures have been incorporated into the design prior to installation of mechanical plant and equipment.</p>	<p>Confirm certifier satisfaction that all noise mitigation measures have been incorporated into the design.</p>	<p>Item addressed via receipt of CC.</p> <p>Separate correspondence (above and beyond the issuing of the CC) will be sought from the Certifier for completeness.</p>	<p>Closed.</p> <p>Further correspondence from the Certifier dated 7/4/22 has confirmed satisfaction is achieved via issue of previous Crown Certificate.</p>
<p>B29</p>	<p>Condition requires that prior to the commencement of construction (excluding earthworks and demolition), the Applicant must provide evidence to the satisfaction of the Certifier that:</p> <p>(a) the proposed building design, including facade, complies with the recommendations of the Noise and Vibration Assessment Report, prepared by ARUP dated 20 December 2019;</p> <p>(b) windows to learning areas would be non-opening; and</p> <p>(c) the design of mechanical ventilation systems complies with the recommendations of the Air Quality Assessment</p> <p>prepared by Arup and dated 18 March 2020.</p>	<p>Sighted “Crown Cert List of Requirements Stage 2 Remaining Works updated 28 Sept 2021” where Certifier confirms receipt of documentation.</p> <p>No evidence provided verifying certifier satisfaction prior to the commencement of construction.</p>	<p>Confirm Certifier is satisfied that:</p> <p>(a) the proposed building design, including facade, complies with the recommendations of the Noise and Vibration Assessment Report, prepared by ARUP dated 20 December 2019;</p> <p>(b) windows to learning areas would be non-opening; and</p> <p>(c) the design of mechanical ventilation systems complies with the recommendations of the Air Quality</p>	<p>Item addressed via receipt of CC.</p> <p>Separate correspondence (above and beyond the issuing of the CC) will be sought from the Certifier for completeness.</p>	<p>Closed.</p> <p>Further correspondence from the Certifier dated 7/4/22 has confirmed satisfaction is achieved via issue of previous Crown Certificate.</p>

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

			Assessment prepared by Arup and dated 18 March 2020.		
C10	Condition requires that all construction vehicles (excluding site personnel vehicles) are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.	Construction vehicles were observed during site inspection 02/02/2022 parked outside of the construction site and not in a Council approved on-street work zone	<p>Make all workers and visitors aware of the requirements of CoC C10 and C14.</p> <p>Consider revision of the site induction content and other training material (toolbox talks) to increase worker awareness of site access and parking requirements.</p>	<p>LLB agrees with this requirement and has implemented as per the comments.</p> <p>Induction handout has been updated to make visitors aware of requirements of CoC C10 & C14.</p> <p>LLB additionally have briefed our Traffic Control to patrol and advise the workforce on the appropriate places to park and additionally if someone has parked in a spot that is a non-parking zone.</p>	Closed post audit.
C14	The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.	Observed during site inspection on 02/02/2022 that construction personnel had parked 2 construction vehicles opposite Sydney Observatory and directly under fig tree canopy. Refer Appendix F Photo Log. One vehicle was parked displaying sign "Authorised Lendlease Workzone vehicle". The other vehicle was idling	<p>Make all workers and visitors aware of the requirements of CoC C14 and C10.</p> <p>Consider revision of the site induction content and other training material (toolbox talks) to increase worker awareness of site access and parking requirements.</p>	<p>LLB agrees with this requirement and has implemented as per the comments.</p> <p>Induction handout has been updated to make visitors aware of requirements of CoC C10 & C14.</p> <p>LLB additionally have briefed our Traffic Control to patrol and advise the workforce on the appropriate places to park and additionally if someone has parked in a spot that is a non-parking zone.</p>	Closed post audit.

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

		<p>with one occupant. The second vehicle was observed 1.5 hours later departing with 4 workers.</p> <p>Public way has been obstructed by two workers vehicles.</p>			
C36	<p>The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.</p>	<p>No evidence provided to verify the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility was completed in accordance with the requirements of the relevant legislation, codes, standards and guidelines.</p>	<p>Materials tracking register and documentation to be maintained in accordance with the Condition</p>	<p>This forms part of LLB's asbestos management/Hazardous material plan and relevant evidence will be maintained moving forward.</p> <p>Additionally LLB are provided every month a hazardous waste report with receipts of waste disposed in that month which will be available at the next Audit.</p>	<p>Closed 7/4/2022</p>

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

March 2022 Observations Audit findings Identified in Independent Audit IA#2

Condition Number (ID)	Compliance Requirement	Independent Audit Finding	Independent Audit Recommendation	Proponent's Proposed Action/Action taken/Response (as applicable)	Proposed Action Due Date
A2	CoC A2 requires the development to be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) generally in accordance with the EIS and Response to Submissions; and in accordance with the approved plans in the table below:	Several instances have been identified where obligations and responsibilities required under the various approved management plans have not been implemented. Individual non-compliances have not been raised against these items.	Update environmental management plans following a review to remove obligations that are not relevant to the works.	A2 will be closed by closing out the above non-conformances.	By closing out the above non-conformances A2 will be satisfied.
A31	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	The CEMP and Sub-Plans have not been updated to reflect the current approved Staging Report (Rev 7, 22 September 2021) or the SSD-10340-Mod-1 granted by DPE on 22 December 2021. The CEMP only identifies Stage 1 and Stage 2 whereas the current staging report identifies 10.	Revise and update the CEMP and Sub-Plans to align to the current approved Staging Report (Rev 7, 22 September 2021) and the SSD-10340-Mod-1 granted by DPE on 22 December 2021.	LLB will update to reflect the Auditors recommendations and update in accordance with staging report March 2022.	This will be closed out by the end of April 2022

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

	satisfaction of the Planning Secretary or certifier				
A32	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements. Under CRPAR 2020, construction compliance reports are not required. The first compliance report due is the Operation Compliance Report.	The Fort Street Public School CEMP Construction Stage 1 and 2 (ref: 210430_CEMP_FSPS_Revision D) (LendLease 30/04/2021) states in Section 4.8.4 Compliance Monitoring and Reporting that "Monitoring of compliance with the planning approval, this CEMP and any other statutory requirements will be submitted to Planning Secretary in the Compliance Report."	Update the CEMP to align to the requirements of CRPAR 2020 and remove the commitment to preparing Compliance Reports.	LLB will update CEMP to reflect the Auditors recommendations	This will be closed out by the end of April 2022
C4	Observation Condition requires that construction, including the delivery of materials to and from the site, may only be carried out between the following hours: (a) between 7am and 6pm, Mondays to Fridays inclusive; and (b) between 8am and 1pm, Saturdays. No work may be carried out on Sundays or public holidays.	Site has been accessed outside of prescribed construction hours. No visibility of nature of works to differentiate pre-start from construction works. No justification for access outside of the prescribed hours in CoC C4 is noted in the register.	Sign in register includes reason for visit column. More detailed records to be maintained. Lendlease site personnel to ensure visitor records are completed correctly for evidence documentation purposes. The Auditor notes that this observation was also referenced in the Initial Independent Audit #1 (Aspect, September 2021) and	Closed	Closed

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

			that the in the Proponents Response to Independent Audit Findings, the action to be implemented prior to next Independent Audit (Feb 2022).		
CEMP Section 4.4 C4	Section 4.4 of the CEMP commits to review of Appendix A -a register of all relevant environmental approvals, permits and licences prior to the commencement of construction and/or stages of construction, and at regular intervals during construction and at least annually as part of the management review.	The auditor requested evidence that demonstrates implementation of the review process. No evidence was provided to verify conformance.	Complete a review of CEMP Appendix A- environmental approvals, permits and licences.	LLB admits to missing this, LLB will update to reflect the Auditors recommendations and complete a vast review of CEMP to Appendix A to ensure LLB are complying to this section of the CEMP.	This will be closed out by the end of April 2022
CEMP Section 4.5	Section 4.5 of the CEMP requires short-term visitors to site for purposes such as deliveries to be required to undertake a visitor's induction and be	The Project advised that delivery drivers are not formally inducted onto site, they are however handed the driver handout when entering site.	Review and update the CEMP Section 4.5 to reflect the induction process implemented onsite.	LLB will update the reflect section of the CEMP as per the Auditors recommendations.	This will be closed out by the end of April 2022

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

	accompanied by inducted personnel at all times.				
CEMP Section 4.8.3	Section 4.8.3 of the CEMP requires the Lendlease EHS Coordinator and Construction Manager to prepare a summary report or supply relevant documentation on environmental matters to Schools Infrastructure New South Wales on a monthly basis, with a detailed report on environmental performance prepared quarterly.	Project advised that this is not required.	Review and update the CEMP Section 4.8.3 to reflect adopted practice.	LLB will update to reflect the Auditors recommendations and complete to satisfy the CEMP.	This will be closed out by the end of April 2022
CEMP Section 4.8.4	Section 4.8.4 of the CEMP states that monitoring of compliance with the planning approval, this CEMP and any other statutory requirements will be submitted to Planning Secretary in the Compliance Report.	Project advised that this is not required.	Review and update the CEMP Section 4.8.4 to reflect adopted practice.	CEMP will be updated to remove reference to compliance report given it is not required until the project is operational as per PARs 2020	This will be closed out by the end of April 2022
CEMP Section 10.1	Section 10.1 of the CEMP states the Construction Environmental Management Plan and its associated	Project advised that they conduct 3 monthly reviews of the environmental management plans.	Review and update the CEMP Section 10.1 to reflect adopted practice.	LLB will update to reflect the Auditors recommendations.	This will be closed out by the end of April 2022

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

	<p>sub- plans will be reviewed as a minimum on a monthly basis as a part of the regular contractual monthly reporting process and Lendlease’s ongoing EH&S management plan internal reviews.</p>				
<p>CSWMSP Appendix A</p>	<p>Appendix A Environmental Procedures (Incident Reporting) of the CSWMSP requires: The Principal Contractor shall facilitate the completion of environmental incident forms for any environmental incident that occurs on the site. The responsible person, as nominated by the head contractor, shall review all incident forms. Parramatta City Council shall be notified of any incidents requiring emergency response within 24 hours of that incident. The environmental incident form is provided as Form 8-1.</p>	<p>The Auditor requested a copy of any completed environmental incident forms. The incident that occurred on 16/11/21 triggered notification to Sydney Water and was classified as an environmental incident by Lendlease. A completed Form 8-1 was not able to be verified by the Auditor.</p>	<p>Review and update the CSWMSP Appendix A:</p> <ul style="list-style-type: none"> - Reference to notification to Parramatta City Council should be replaced with City of Sydney Council. <p>Review and update the Incident Reporting Procedure to reflect adopted practice</p>	<p>LLB will update to reflect the Auditors recommendations. LLB will review the CEMP to include any relevant procedures that are to be followed if an event occurs.</p>	<p>This will be closed out by the end of April 2022</p>

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

<p>General Environmental Performance</p>		<p>Storage of dangerous and hazardous materials: Hazardous materials storage locker was identified during site inspection 02/02/2022. Locker was not locked and not bunder, adjacent to common walkways.</p> <p>Post site inspection review of comparable materials SDS (by UN classification) identified storage, handling, and disposal requirements not clearly evident onsite.</p>	<p>Project to review storage, handling, waste disposal requirements for any dangerous and hazardous materials stored onsite</p>	<p>LLB corrected this on the day of the Audit.</p> <p>Action Completed on the day was remove the hazardous materials from the locker and the Jerry can was stored in the correct location (Ventilated Material Storage)</p>	<p>Closed out 2/2/2022</p>
---	--	--	---	---	----------------------------