

# **Proponent Response to Independent Audit Findings**

## **Fort Street Public School Project**

State Significant Development (SSD) 10340

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## 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 2.0)

### Date

March 2023

### Contact Details

<b>Proponent</b>	Schools Infrastructure NSW
<b>Client Representative</b>	RP Infrastructure
<b>Managing Contractor</b>	Lendlease Construction (LLB)

### Independent Audit Date

Site Inspection and Interviews 3 February 2023

Final report issued 14 March 2023

### 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. 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.

March 2023 Non – Compliance Audit findings Identified in Independent Audit IA#4

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;</p> <p>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>The non conformances below have been closed out.</p>	<p>Closed</p>
A27	<p>The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance.</p> <p>The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.</p>	<p>Notification to DPE dated 03/02/2023 (Ref DOC23/214659) reporting a non-compliance with CoC A2 and notification dated 3/02/2023 (Ref DOC23/214657) reporting a non-compliance with CoC E20 both occurred outside the 7 day notification period prescribed in CoC A27.</p>	<p>NA – the notification date has passed.</p>	<p>Non-Compliance with E20 was notified to the Planning Secretary as per SSD-10340-PA-57. This non-compliance was seeking clarification on Condition E20 after discussion with the project team as to whether it qualified as a non-compliance. This discussion was split by the Christmas shutdown period.</p> <p>Non-Compliance with A2 was notified to the Planning Secretary as per SSD-10340-PA-56. The delay in reporting this non-compliance was a result of seeking specialist advice as</p>	<p>Closed</p>

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				to who was the consent authority responsible for granting approval for the removal of the parquet flooring. Given the extensive delays in obtaining this advice, the non-compliance notification was submitted to DPE in the event that the works for the removal of this flooring was not permitted under the SSD Development Consent.	
A30	<p>Within three months of:</p> <p>(a) the submission of a compliance report under condition A33;</p> <p>(b) the submission of an incident report under condition A26;</p> <p>(c) the submission of an Independent Audit under condition C44 or C45;</p> <p>(d) the approval of any modification of the conditions of this consent; or</p> <p>(e) the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans 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.</p>	<p>The strategies, plans and programs have not been reviewed within 3 months of the approval of SSD-10340-Mod-1 granted by DPIE on 22 December 2021. Sighted Aconex (REF LL-RFI-000976) dated 07/04/2022 confirming review still underway.</p> <p>Reference Section 1.2 of the CEMP "Satisfy the conditions of consent SSD-10340 for the Fort Street Public School, Upper Fort Street, Millers Point dated 7 October 2020". There is no reference to the approved SSD-10340 Modification 1 in the CEMP.</p>	<p>Complete a review of the strategies, plans and programs against the SSD-10340-Mod-1 granted by DPIE on 22 December 2021.</p>	<p>This information was issued to the auditor however as the documentation did not explicitly reference the modification in the documentation updated documentation, a non-compliance was issued.</p> <p>The condition has been satisfied with a notice was issued to DPE 28 March 2022 (SSD-10340-PA-38) and a review was undertaken by the Contractor and confirmed in writing on 7 April 2022 a revised Staging Plan, Contract Programme &amp; Construction Programme had been prepared by the Contractor based on the Modification.</p>	Closed
C4	<p>Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</p> <p>(a) between 7am and 6pm, Mondays to Fridays inclusive; and</p>	<p>Sighted notification to DPE dated 04/11/2022 (Ref DOC22/1092223) reporting a non-compliance with CoC C4 of the development consent. Tree removal works occurred</p>	<p>Notification was provided to DPE dated 04/11/2022 (Ref DOC22/1092223) reporting the noncompliance with CoC</p>	<p>Non-Compliance with C4 was notified to the Planning Secretary as per SSD-10340-PA-53 (lodged 07/22/2023).</p>	Closed

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	<p>(b) between 8am and 1pm, Saturdays. No work may be carried out on Sundays or public holidays.</p>	<p>on 25 and 26 October 2022 outside the prescribed construction hours in CoC C4.</p>	<p>C4 of the development consent.</p>	<p>The Contractor has been advised that if future night works are required in association with the SSD Development, a variation will be requested from the Planning Secretary in advance in accordance with Condition C6(c)</p>	
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**March 2023 Observations Audit findings Identified in Independent Audit IA#4**

<b>Condition Number (ID)</b>	<b>Compliance Requirement</b>	<b>Independent Audit Finding</b>	<b>Independent Audit Recommendation</b>	<b>Proponent's Proposed Action/Action taken/Response (as applicable)</b>	<b>Proposed Action Due Date</b>
A27	The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.	For notification to DPE dated 04/11/2022 (Ref DOC22/1092223) reporting a non-compliance with CoC C4, the notification date (04/11/2022) occurred prior to the identified non-compliance (25 and 26 November 2022).	Project advised 09/03/2022 via email that the notification date was correct, but the non-compliance occurred 25 and 26 October 2023. Project to send clarification to DPE.	This response to audit clarifies that the dates associated with SSD-10340-PA-53 should be "25 and 26 October 2023" and not "25 and 26 November 2023."	Closed.
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 satisfaction of the Planning Secretary or certifier	The CEMP has not been updated to reflect the approval of SSD-10340-Mod-1 granted by DPIE on 22 December 2021. Reference Section 1.2 of the CEMP "Satisfy the conditions of consent SSD-10340 for the Fort Street Public School, Upper Fort Street, Millers Point dated 7 October 2020". There is no reference to the approved SSD-10340 Modification 1 in the CEMP.	Revise and update the CEMP.	This information was issued to the auditor however as the documentation did not explicitly reference the modification in the documentation updated documentation, an observation was recorded similarly to A30 above.  The condition has been satisfied with a notice issued to DPE 28 March 2022 (SSD-10340-PA-38) and a review was undertaken by the Contractor and confirmed in writing on 7 April 2022 a revised Staging Plan, Contract Programme & Construction Programme had been prepared by the Contractor based on the Modification. Based on the auditor comments an	30 June 2023.

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				<p>updated CEMP will be prepared for administrative purposes to reference the modification as part of Condition A30 (e) – to update the strategies, plans and programs within 3 months of the submission of this response to audit.</p>	
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