

Proponent Response to Independent Audit Findings

Fort Street Public School Project

State Significant Development (SSD) 10340

[VERSION 1.0]

25 September 2023

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 Response	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 1.0)

Date

September 2023

Contact Details

Proponent	Schools Infrastructure NSW
Client Representative	RP Infrastructure
Managing Contractor	Lendlease Construction (LLB)

Independent Audit Date

Site Inspection and Interviews 27 July 2023.

Final report issued 22 September 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.

September 2023 Non – Compliance Audit findings Identified in Independent Audit IA#5

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 (d) in accordance with the approved plans in the table below:*See consent for list	Non-compliances have been identified in this audit, therefore compliance with A2(a) has not been achieved.	Non-compliances to be reviewed and appropriate corrective actions to be implemented and documented. Any consequential updates to management plans, or other site documentation to be effected.	The non conformances below have been closed out with the exception of C9 which will be closed out with the Contractor's review of their CEMP including the review and revision requirements. This process will be undertaken within 3 months in accordance with Condition A30 - Revision of Strategies, Plans and Programs which will be triggered following the submission of Independent Audit Report #5.	Open
A26	Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.	Incident report subsequently issued to DPE outside the 30-day requirement of Appendix 1.	Current non-compliance closed. Timing obligations need to be tracked when triggered.	Non-Compliance with A26 was notified to the Planning Secretary as per SSD-10340-PA-78. The delay in providing the detailed incident report to DPE was a result of obtaining specialist investigations and reports following the initial investigations undertaken on 16 June 2023.	Closed

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

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.	Notifications made outside the prescribed notification period.	Current non-compliance closed. Timing obligations need to be tracked when triggered.	Non-Compliance with A27 was notified to the Planning Secretary as per: SSD-10340-PA-56 SSD-10340-PA-66. SSD-10340-PA-78.	Closed
B32	The Archaeological Research Design and Excavation Methodology must be submitted to the satisfaction of the Planning Secretary and a copy of the approved Archaeological Research Design and Excavation Methodology provided to Heritage NSW.	No evidence of submission of Issue 7 to Heritage NSW.	Evidence of Issue 7 submission to Heritage NSW has been provided outside the audit period.	Note: Legacy non-compliance item not identified in previous audits. The project team originally issued Heritage NSW with Issue 5 (on 15/02/2021) which was approved by DPE (on 1/4/2021) conditional on updates. Issue 7 captured the relevant updates and was approved by DPE (on 11/05/2021) however the updated document was not issued to Heritage NSW. Following receipt of the draft audit report identifying the non-compliance, Issue 7 was issued to Heritage NSW via email on 21 September 2023 with Heritage NSW confirming receipt the same day.	Closed
C4	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.	Construction works undertaken outside of prescribed construction hours without an approval covering the works.	Current non-compliance closed. Pre-work approval obligations need to be tracked when triggered	Non-Compliance was notified to the Planning Secretary as per SSD-10340-PA-62.	Closed

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

	No work may be carried out on Sundays or public holidays.				
C6	Construction activities may be undertaken outside of the hours in condition C4 if required: (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; or (c) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works	Construction works undertaken outside of prescribed construction hours without an approval covering the works.	Current non-compliance closed. Pre-work approval obligations need to be tracked when triggered	Non-Compliance was notified to the Planning Secretary as per SSD-10340-PA-62.	Closed
C9	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	CEMP review and revision requirements (section 10) are not being implemented in accordance with the stated CEMP requirements, i.e. a revision being prepared every 3 months.	The self-imposed requirement appears onerous and consideration should be given to amending it to avoid future non-compliances.	Note: Legacy non-compliance item not identified in previous audits. The Contractor will review their CEMP including the review and revision requirements. This process will be undertaken within 3 months in accordance with Condition A30 - Revision of Strategies, Plans and Programs which will be triggered following the submission of Independent Audit Report #5.	Open

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

September 2023 Observations Audit findings Identified in Independent Audit IA#5

Condition Number (ID)	Compliance Requirement	Independent Audit Finding	Independent Audit Recommendation	Proponent's Proposed Action/Action taken/Response (as applicable)	Proposed Action Due Date
A24	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.	It is noted that the Induction does not directly reference the Consent instrument or the respective CEMP/subplans. While the content is generally covered on the slides - and the spoken/discussed content may include reference to the consent instrument and CEMPs, consideration should be given to an explicit consent/CEMP reference on the compliance slide (slide 5); noise slide (slide 16) and the environment slide (slide 17) (and perhaps others).	Consideration should be given to the inclusion of express referencing to the consent instrument, the CEMP and subplans where relevant.	Note: Legacy observation item not identified in previous audits. The Contractor will review their induction processes including the review and revision requirements. This process will be undertaken within 3 months in accordance with Condition A30 - Revision of Strategies, Plans and Programs which will be triggered following the submission of Independent Audit Report #5.	Open
B30	Prior to the commencement of construction, a suitably qualified and experienced heritage consultant must be nominated to be engaged throughout the construction (including earthworks and demolition) of the project. The heritage consultant should provide input into the detailed design, provide heritage information to the site manager to impart on all construction workers and oversee the construction works (including earthworks and demolition) to minimise impact on items of state and local heritage on the site.	Heritage item management information included in the induction contained in the Archaeological Research Design and Excavation Methodology report (Curio, April 2021) has been summarised within the FSPS Induction presentation. The summary may not impart the sensitivity or specific controls required when working around identified heritage items (refer s7.3 and Appendix 9.3).	Review requirement for any specific controls to be incorporated in the site induction.	Note: Legacy observation item not identified in previous audits. The Contractor will review their induction processes including the review and revision requirements. This process will be undertaken within 3 months in accordance with Condition A30 - Revision of Strategies, Plans and Programs which will be triggered following the	Open

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

				submission of Independent Audit Report #5.	
B32	The Archaeological Research Design and Excavation Methodology must be submitted to the satisfaction of the Planning Secretary and a copy of the approved Archaeological Research Design and Excavation Methodology provided to Heritage NSW.	Record tracking would be easier across correspondence and documents where either an issue or rev number only is used.	For consideration.	As the project is nearing completion, the existing documentation revision/issue numbering will remain consistent with what has been proposed for the entire project.	Closed
B32	The Archaeological Research Design and Excavation Methodology must be submitted to the satisfaction of the Planning Secretary and a copy of the approved Archaeological Research Design and Excavation Methodology provided to Heritage NSW.	While the ARDEM relates to archaeological relics, it's content talks to management of heritage items, and the curtilage of heritage items as well. The consent requirement does not extend the application of the ARDEM to non-archaeological items, however, content within the ARDEM (notably sections 5, 7.3, 9.2.3, 9.2.4 and 9.3) may be seen to blur the lines between archaeological monitoring and recovery via demolition and excavation and civil works on site generally.	Consider application of ARDEM requirements to works adjacent and proximate to known heritage structures.	The Contractor will review the application of ARDEM requirements. This process will be undertaken within 3 months in accordance with Condition A30 - Revision of Strategies, Plans and Programs which will be triggered following the submission of Independent Audit Report #5.	Open
B50	Prior to the commencement of works to the Bradfield Tunnel Services Building and associated widening of Upper Fort Street proposed in the EIS and refined in the Response to Submissions, the Applicant must submit plans and technical specifications for the proposed works to the satisfaction of the relevant roads authority.	Alternate informal path being warn across landscaped areas adjacent to National Trust car park was identified, with some domestic littering associated with its use.	Where an alternate path has been initiated by pedestrians/cyclists a directive sign should be installed and the area routinely inspected for littering to maintain the clean and tidy state required by the TA 2023 397.2.	Noted: directive signage was installed prior to the diversion and is regularly inspected. Noted: the area outside of the site is publicly accessible.	Closed.

PROPONENT RESPONSE TO INDEPENDENT AUDIT FINDINGS FORT STREET PUBLIC SCHOOL PROJECT

B50	<p>Prior to the commencement of works to the Bradfield Tunnel Services Building and associated widening of Upper Fort Street proposed in the EIS and refined in the Response to Submissions, the Applicant must submit plans and technical specifications for the proposed works to the satisfaction of the relevant roads authority.</p>	<p>During a review of the Project website, it was identified that the notification for the closure of the temporary shared pathway (29/3/23 - August 2023 - diversion for cyclists and pedestrians) was dated 30 March 2023. This notification does not meet the 7-day minimum notification required by TA 2023 397.2. In response to the draft audit a PDF'd notification was provided dated 22 March 2023, satisfying the 7-day requirement. However, while historic notifications are available on the Project website this notification is not visible. It is unable to be verified that this notification was published.</p>	<p>Historic notifications should be retained on the Project website so that compliance with timing requirements is able to be verified.</p>	<p>Noted: The previous document was repealed and superseded by an amended version.</p>	<p>Closed</p>
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