



NSW Department of Education

Kent Road Public School

(SSD 9344)

SINSW Response to Independent
Environmental Audit Report (IEA)

7 July 2020

Response to Independent Environmental Audit Non-Compliances

Eleven non-compliances have been identified in the IEA report dated 7 July 2020; Final. The non-compliances are being addressed as follows:

ID	Consent Heading	Compliance Requirement	Comments / Observations / Supporting Documentations	Compliance Status	Independent Audit Findings and Recommendations Actions (A) = address non-compliances Recommendations (R) = address observations	SINSW Response and Actions
A2 (a)	Terms of Consent	The Development may only be carried out: (a) in compliance with the conditions of consent	The Independent Environment Audit dated 25 June 2020 identified 9 non-compliances with the conditions of consent.	Non-compliant	The Independent Audit Findings and Recommended actions are as below.	SINSW will address the findings as detailed below.
A 23 (a) (ix)	Access to Information	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: (ix) audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report.	The first Independent Environmental Audit Report and SINSW Response were not made publicly available within 60 days. This document was uploaded for public access on 14 April 2020.	Non-compliant	Future project documents are to be uploaded within the timeframe noted in the condition.	Future Independent Environmental Audit Reports and SINSW Responses to be made available within the required timeframe noted in the condition.
B13	Ecologically Sustainable Development	Prior to the commencement of constructions (excluding earthworks), the Applicant must register for a minimum of 4 star Green Star with the Green Building Council Australia and submit evidence of registration to the Certifying Authority, unless an alternate certification process (and timing) is agreed to by the Planning Secretary.	A number of extensions of time for the provision of an alternate certification process have been approved by the Planning Secretary. The last agreed extension for submission was 29 May 2020. Currently no further extension has been approved by the Planning Secretary.	Non-compliant	Proponent to finalise the requirements of B13.	SINSW is currently finalizing the proposed alternate certification process for the project for submission to the Planning Secretary by July 2020
C22(f)	Tree Protection	For the duration of the construction works: (f) If access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed as required. The removal of tree protection measures, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy of the limit of the former protective fencing, whichever is the greater.	Recent inspection by the arborist noted the Tree Protection Zone had been marginally reduced.	Non-compliant	St Hilliers are to ensure that the Tree Protection Zone are intact and no material stored within this or against any trees on site.	The Contractor has been instructed to rectify the Tree Protection Zone boundary extent. Photographic evidence has been provided confirming this matter has been addressed.
C23(d)	Flora and Fauna Protection	For the duration of the works: (d) vehicles, machinery and building refuse should remain only within the development footprint and not impinge on the areas of retained native vegetation.	Recent inspection by the arborist noted some materials had been stored against a small tree within the Tree Protection Zone.	Non-compliant	St Hilliers are to ensure that the Tree Protection Zone are intact and no material stored within this or against any trees on site..	The Contractor has been instructed to remove materials stored against the identified tree. Photographic evidence has been provided confirming this matter has been addressed.
C43(c)	Independent Environmental Audit	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant/ Proponent must: (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.	School Infrastructure NSW notified the Department of Planning, Industry and Environment on 4 April 2020 under conditions C47 of the non-compliant timeframe for public access to the first Independent Environmental Audit and the SINSW Response. The document was uploaded for public access on 14 April 2020.	Non-compliant	Future Independent Environmental Audits to be uploaded within the timeline outlined in the condition.	SINSW will upload future Independent Environmental Audits and responses to them publicly available within the timeline outlined in the condition.

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C47	Non Compliance Notification	The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non compliance.	School Infrastructure NSW notified the Department of Planning, Industry and Environment has generally advised of condition non-compliance within the required timeframe. However, for Condition B13 the alternate certification process is yet to be submitted and the approved date for submission was extended to 29 May 2020.	Non-compliant	Future notification of non-compliance should be notified within the condition timeline.	SINSW will notify this audit identified non-compliance by 10 July 2020 and will notify all future non-compliances as required by condition C47,
C50(a)	Revision of Strategies, Plans and Programs	Within 3 months of: (a) the submission of a compliance report under condition B33: the strategies, plans and programs required under this consent must be reviewed, and the Department and the Certifying Authority must be notified in writing that a review is being carried out.	School Infrastructure NSW notified the Department of Planning, Industry and Environment on 12 May 2020 of the review of Strategies, Plans and Programs in relation to condition B33 and confirmed notification was outside the timeframe required by this condition.	Non-compliant	Future reviews of strategies, plans and programs should be notified within the condition timeline.	SINSW will notify all future review of strategies, plans and programs as required by condition C50
C50(c)	Revision of Strategies, Plans and Programs	Within 3 months of: (c) the submission of an Independent Audit under condition C39 the strategies, plans and programs required under this consent must be reviewed, and the Department and the Certifying Authority must be notified in writing that a review is being carried out.	School Infrastructure NSW notified the Department of Planning, Industry and Environment on 12 May 2020 of the review of Strategies, Plans and Programs in relation to condition C39 and confirmed notification was outside the timeframe required by this condition.	Non-compliant	Future reviews of strategies, plans and programs should be notified within the condition timeline.	SINSW will notify all future review of strategies, plans and programs as required by condition C50
C51	Revision of Strategies, Plans and Programs	If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning secretary and the Certifying Authority. Where revisions are required, the revised document must be submitted to the Planning Secretary and the Certifying Authority for approval within six weeks of the review.	The CEMP and subplans have been reviewed by the Contractor however the reviews were not adequately dated nor were the changes made between the revisions clearly documented. The changes made related to organizational change, no changes to improve the environmental performance of the development or to cater for a modification were required. On this basis SINSW believe that this condition is compliant as condition C51 only requires strategies, plans and programs to be revised "if necessary". During the review for C50, it was not deemed as necessary.	Non-compliant	Future reviews of strategies, plans and programs should be notified within the timeline. Reviews undertaken should be adequately dated and changes made between revisions should be documented...	The contractor is to undertake the necessary reviews in the timeframe required by this condition. SINSW will issue the documents to the Department and Certifying Authority following future reviews.
C52	Outdoor Lighting	Within 3 months of commencement of construction, evidence must be submitted to the satisfaction of the Certifying authority that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for Roads and Public Spaces - Pedestrian Area (Category P) Lighting - Performance and Design Requirements, AS 1158.4:2015 - Lighting for Roads and Public Spaces - Lighting for Pedestrian Crossings and AS 4282 -1997 Control of the Obtrusive Effects of Outdoor Lighting.	Evidence was submitted to the Certifying Authority's satisfaction more than 3 months after the commencement of Construction. This was advised to the Department of Planning, Industry and Environment on 13 May 2020.	Non-compliant	This Non-compliance sighted as advised to the Department of Planning, Industry and Environment on 13 May 2020.	SINSW addressed this condition as soon as it became aware of the non-compliance

Response to Independent Environmental Audit Recommendations

One recommendation was included in the IEA report dated 7 July 2020, Final. SINSW has reviewed the recommendations and provides the following commentary:

ID	Consent Heading	Compliance Requirement	Comments / Observations / Supporting Documentations	Compliance Status	Independent Audit Findings and Recommendations Actions (A) = address non-compliances Recommendations (R) = address observations	Actions Taken / to be Taken following SINSW Response to IEA
B12 (d) (iii)	Community Communication Strategy	The Community Communication Strategy must: (d) set out procedures and mechanisms: (iii) to resolve nay issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.	School Infrastructure NSW received a complaint on 13 March 2020 and responded to this complaint on 19 March 2020. The project community Consultation Register notes resolution of complaints within 24/48 hours.	Compliant	The Proponent is to respond to future complaints in a timely manner in line with the procedure outlined in Section 8.5 of the CCS.	SINSW to respond to any future complaints in a timely manner and in accordance with Section 8.5 of the CCS.