

Jim Betts  
Planning Secretary  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2001

Attn: Ms Kate Moore

10/10/2019

Dear Ms Moore

**Penshurst Public School (SSD 8365)]: Response to Independent Audit Report in accordance with Condition C40**

I refer to the Penshurst Public School Project approved on the 21/02/2019.

As per the requirements of condition C40 the Department must be issued with a response from the proponent to the Independent Audit Report, therefore the following attachments are provided for your information:

- Attachment A - Response to Independent Audit non-compliances
- Attachment B - Response to Independent Audit recommendations

Yours sincerely



Pete Krause  
**Project Director**  
**Schools Infrastructure NSW**



## Attachment A – Response to Independent Audit non-compliances

Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of Actions
A21	<p>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:</p> <p>a) make the following information and documents (as they are obtained or approved) publicly available on its website:</p> <ol style="list-style-type: none"> <li>i. the documents referred to in condition A2 of this consent;</li> <li>ii. all current statutory approvals for the development;</li> <li>iii. all approved strategies, plans and programs required under the conditions of this consent;</li> <li>iv. 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;</li> <li>v. 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;</li> <li>vi. a summary of the current stage and progress of the development;</li> <li>vii. contact details to enquire about the development or to make a complaint;</li> <li>viii. a complaints register, updated monthly;</li> <li>ix. audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;</li> <li>x. any other matter required by the Planning Secretary; and keep such information up to</li> </ol>	<p>The following documents are not currently available on the SINSW website:</p> <ul style="list-style-type: none"> <li>• Compliance Report</li> <li>• Complaints Register</li> <li>• Current CEMP (revision 2)</li> <li>• Erosion and Sediment Control Plan CIV-CD-01-008 (Soil and Water Management Plan)</li> </ul>	<p>The following documents are to be made available on the SINSW Project website:</p> <ul style="list-style-type: none"> <li>• Compliance Report,</li> <li>• Complaints Register,</li> <li>• Current CEMP,</li> <li>• Current Soil and Water Management Plan.</li> </ul>	<p>SINSW will update the project website to include the documents not presently available on the project website.</p>	<p>SINSW is presently in the process of updating the project website. The project will be updated by 31 October 2019.</p>

Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of Actions
	<p>date, to the satisfaction of the Planning Secretary.</p> <p>b) keep such information up to date, to the satisfaction of the Planning Secretary</p>				
B22	<p>The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:</p> <p>a) be prepared by a suitably qualified expert, in consultation with Council;</p> <p>b) describe all erosion and sediment controls to be implemented during construction;</p> <p>c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);</p> <p>d) detail all off-Site flows from the Site; and</p> <p>e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI).</p>	<p>ESC Plan approved by Council and meets majority of requirements of Development Consent. Does not include wet weather plan, as required by subsection (c).</p>	<p>Amend ESC Plan to include how all construction works will be managed in a wet-weather events (e.g. storage of equipment, stabilisation of the Site), temporary drainage controls to direct runoff to sediment basin, responsibility for wet weather preparation checklist).</p>	<p>The contractor has updated the ESC to include how the site will be managed during a wet weather event.</p>	<p>The updated ESC has now been adopted for the site.</p>
C37	<p>No later than four weeks after the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.</p>	<p>The Audit Program was submitted later than 4 weeks after the date notified for the commencement of construction.</p>	<p>SINSW notified DP&amp;E of the non-compliance on 18/7/19.</p>	<p>Nil – As noted in the Independent Audit the Department of Education is compliant with the action but not the timing associated with the matter.</p>	<p>Nil</p>
C38	<p>Table 1 of the Independent Audit Post Approval Requirements (Department 2018) is amended so that the frequency of audits required in the construction phase is:</p> <p>a) an initial construction Independent Audit must be undertaken within eight weeks of the notified commencement date of construction; and</p> <p>b) a subsequent Independent Audit of construction must be undertaken no later than six months from the date of the initial construction Independent Audit.</p>	<p>An initial construction Independent audit was not undertaken within 8 weeks of the notified commencement date of construction. Sighted email from SINSW notifying DP&amp;E of the non-compliance on 18/7/19.</p>	<p>SINSW notified DP&amp;E of the non-compliance on 18/7/19.</p>	<p>Nil – As noted in the Independent Audit the Department of Education is compliant with the action but not the timing associated with the matter.</p>	<p>Nil</p>

Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of Actions
C39	Independent Audits of the development must be carried out in accordance with: <ul style="list-style-type: none"> <li>a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C36 of this consent; and</li> <li>b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).</li> </ul>	Consultation with key stakeholders on audit scope development was not undertaken as required by Section 3.2 of the Independent Audit Methodology Requirements in the Independent Audit Post Approval Requirements.	Key agency and stakeholder contacts (e.g.DP&E, EPA, Council, sensitive receivers) are to be provided to the Independent Auditor in preparation for subsequent independent audit (planned for December 2019).	No Action Required.	A consultation report will be prepared as part of future audits to demonstrate compliance with C39.
C43	The Department must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after they identify any non-compliance. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	The Department was not notified in writing within seven days after the applicant becoming aware of the non-compliance with Conditions C37 & C38 of the development Consent.	The Department was not notified in writing within seven days after the applicant becoming aware of the non-compliance with Conditions C37 & C38.	No Action Required.	Nil



## Attachment B – Response to Independent Audit recommendations

Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of actions
A21	<p>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:</p> <p>a) make the following information and documents (as they are obtained or approved) publicly available on its website:</p> <ul style="list-style-type: none"> <li>xi. the documents referred to in condition A2 of this consent;</li> <li>xii. all current statutory approvals for the development;</li> <li>xiii. all approved strategies, plans and programs required under the conditions of this consent;</li> <li>xiv. 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;</li> <li>xv. 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;</li> <li>xvi. a summary of the current stage and progress of the development;</li> <li>xvii. contact details to enquire about the development or to make a complaint;</li> <li>xviii. a complaints register, updated monthly;</li> <li>xix. audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;</li> <li>xx. any other matter required by the Planning Secretary; and keep such information up to date, to the satisfaction of the Planning Secretary.</li> </ul>	Nil	A link to the Day Design Acoustic Assessment Report and Root Partnerships Waste Management Plan has been provided via the SSD application page on the Department of Planning and Environment website (3 mouse clicks). It is recommended that a direct link to the plans be provided on the applicants' project website to ensure accessibility.	SINSW will update the project website to include the documents not presently available on the project website.	SINSW is presently in the process of updating the project website. The project will be updated by 31 October 2019.

Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of actions
	b) keep such information up to date, to the satisfaction of the Planning Secretary				
A22	The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following: <ul style="list-style-type: none"> <li>a) be prepared by a suitably qualified expert, in consultation with Council;</li> <li>b) describe all erosion and sediment controls to be implemented during construction;</li> <li>c) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);</li> <li>d) detail all off-Site flows from the Site; and</li> <li>e) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1-year ARI, 1 in 5-year ARI and 1 in 100-year ARI).</li> </ul>	Nil	The Contractor may consider reviewing and amending the site induction to ensure it includes reference to relevant requirements of Development Consent (e.g. rock hammering hours, obligation to minimise harm to the environment) and environmental legislation (e.g. POEO Act).	The contractor has updated the ESC to include how the site will be managed during a wet weather event.	The updated ESC has now been adopted for the site.
EMP-10G(b)	Site Management Team responsible for production, review and approval of Work Method Statements and Waste Management Plan	Waste Management Plans have been submitted and approved for the project, but there is little or no evidence that the plans were reviewed by the Site Management Team. The Contractor has not developed any environmental work method statements, e.g. Sediment Basin Operation. In the Response to Draft Independent Audit Program	<ul style="list-style-type: none"> <li>a) The Contractor may consider reviewing and amending the process for the development, review and approval of management plans, to ensure it is adequate, practical and implemented.</li> <li>b) The Contractor may consider undertaking an environmental risk assessment to determine if any additional work method statements / procedures / forms are required, e.g. wet weather preparation checklist / sediment basin operation procedure / offsite pumping procedure / dewatering approval form.</li> </ul>	The contractor s implementing a wet weather preparation checklist. The contractor is also liaising with the EPA on their offsite pumping procedure and they will be implementing pump out checklist form to test water prior to going into stormwater.	
EMP-10G(b)/EMP-14A	The Site Manager will review all Subcontractor Management Plans and waste management plans submitted and obtain approval from Project Manager before allowing work to commence on site	Waste Management Plans have been submitted to the Principal. The plan may be considered deemed to be approved by the PM and Principal through issuing of Crown Building Certificate for Penshurst Public	The Contractor may consider reviewing and amending the process for the development, review and approval of management plans, to	Both the contractor and Principal will review all plans associated for the project and confirm in a document register.	Updated plans as appropriate.



Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of actions
		School dated 2/4/19 Ref: GDL 16048 by PCA. No evidence that plans were reviewed by the Project Manager prior to works commencing.	ensure the process is adequate, practical and implemented.		
EMP-10H & 11A:	Monitoring adherence to Waste Management Plans (Operational as per Head Contract)	Inspections include items relating to waste management, but no observations, comments, corrective actions and photographs have been included in inspections to evidence monitoring or demonstrate good waste management.	The Contractor may consider reviewing the Environmental Inspection Forms to include guidelines around adding photographs and observations to evidence that onsite monitoring of environmental practices has occurred, and to demonstrate environmental compliance. Training and awareness in environmental due diligence and duty of care may also be of benefit.	The projects contractor is presently reviewing the matter and will update if considered appropriate.	Updated Environmental Inspection Forms.
DC-C35(a)	The Applicant must consult with the community regularly throughout construction, including consultation with the nearby sensitive receivers identified in the EIS, relevant regulatory authorities, Registered Aboriginal Parties and other interested stakeholders.	<ul style="list-style-type: none"> <li>a) The Applicant has not had regular consultation with the adjacent school throughout construction. The Site Manager has had informal meetings and communication with the adjacent private school.</li> <li>b) Minimal evidence was provided to demonstrate ongoing consultation, or implementation of communication and engagement tools identified in the strategy. Community updates are provided via the website and there is evidence of complaints being effectively addressed (e.g. privacy screen).</li> </ul>	<ul style="list-style-type: none"> <li>a) It is recommended that regular meetings be held with nearby sensitive receivers (e.g. schools).</li> <li>b) Development of a consultation register would assist to evidence ongoing consultation with the community throughout construction.</li> </ul>	SINSW will prepare a community consultation register to ensure all consultation can be registered and a copy provided as part of future audits.	Community Consultation Register
DC-16	Audible movement alarms to be of a type that minimise noise impacts on surrounding noise sensitive receivers	Requirement has been complied with, but is not communicated in system documentation	It is recommended that system documentation, e.g. the CEMP, Site Induction, Forms and Checklists, be reviewed to include audible alarm type requirements.	The project CEMP has been updated to reflect the matter.	Updated CEMP
DC-33	The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.	There was no designated concrete washout pit was in place at the time of the inspections and uncontrolled concrete washouts were observed onsite (see photos). A washout pit was installed prior to the audit closing meeting	It is recommended that system documentation, e.g. the CEMP, Site Induction, Forms and Checklists, be reviewed to include requirement for concrete washout.	The project CEMP has been updated to reflect the matter.	Updated CEMP
DC-27	Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the Protection of the Environment Operations Act 1997.	Nil	It is recommended that system documentation, e.g. the CEMP, Site Induction, Forms and Checklists, be reviewed to include requirements for offsite pumping.	The project CEMP has been updated to reflect the matter.	Updated CEMP

Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of actions
EMP-19D	Waste Management will be conducted in accordance with Impact Mitigation Plan 004 (IMP004) (refer to Appendix B) and Operational Waste Management Plan.	There is evidence of compliance, but the requirements are not being monitored as part of weekly site inspections	The Contractor may consider reviewing the Environmental Inspection Forms to include monitoring of the waste management requirements specified in the Impact Mitigation Plan 004.	The project CEMP has been updated to reflect the matter.	Updated CEMP

