

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

Attention: Rob Sherry

24/02/21

Dear Mr. Betts,

Penshurst Public School (SSD-8365) - Response to an Independent Audit Report in accordance with Condition C40

I refer to Penshurst Public School approved on 21 February 2019.

In accordance, with condition C40 of the Development Consent, the following document is submitted to the Planning Secretary for information:

- *Penshurst Public School - Independent Environmental Compliance Audit of SSD 8365, Audit Report, Revision 0, dated 24/02/2021.*

As per the requirements of Condition C40, the following attachments are submitted to the Department as a response to the Independent Audit Report.

- Attachment A - Response to Independent Audit non-compliances
- Attachment B - Response to Independent Audit corrective action request and observations.

I hereby confirm our intention to publicly release the response to the Independent Audit Report & Independent Audit itself within 60 days of this submission which demonstrates our commitment to complying with condition C40(c), please accept this paragraph as seven days notice before upload to SINSW's website.

Yours sincerely,

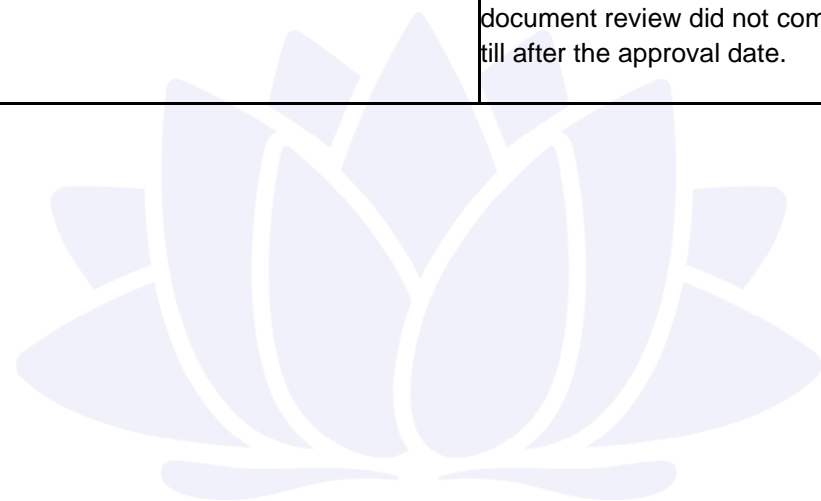


Pete Krause
Project Director
Schools Infrastructure NSW

Attachment A – Response to Independent Audit non-compliances

Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of Actions
A2	The development may only 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; (d) in accordance with the approved plans in the table below: (refer to Development Consent for table details)	Technical Non Compliance (TNC). Condition A2 requires that the development may only be carried out in compliance with the conditions of this consent (SSD 8365). Two non-compliances have been raised at this audit, and therefore the project is not compliant with this condition.	No action required in addition to the recommendations made for the individual non compliances.	Not applicable	Refer to evidence of actions for Non-Compliances associated with Conditions A21 and C36 below
A21	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: (i) the documents referred to in condition A2 of this consent; (ii) all current statutory approvals for the development; (iii) all approved strategies, plans and programs required under the conditions of this consent; (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; (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; (vi) a summary of the current stage and progress of the development; (vii) contact details to enquire about the development or to make a complaint; (viii) a complaints register, updated monthly; (ix) audit reports prepared as part of any independent environmental audit of the	The most recent revision of the CEMP was not uploaded to the website.	The most recent version of the CEMP is to be uploaded to the project website.	SINSW to ensure that the latest versions of documents are uploaded to the project website in a timely manner	The latest version of the CEMP was uploaded to SINSW website on 11 th January 2021.

Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of Actions
	<p>development and the Applicant's response to the recommendations in any audit report;</p> <p>(x) any other matter required by the Planning Secretary; and</p> <p>(b). keep such information up to date, to the satisfaction of the Planning Secretary.</p>				
C36	Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the preparation of an Independent Audit Program or commencement of an Independent Audit.	<p>The independent audit commenced on 7 January 2021 approximately 1 week before formal approval was provided by DPIE on 14 January 2021. The audit date was programmed to ensure the audit was undertaken within 12 months of the previous audit. Due to the unavailability of the previously approved auditor, the auditee requested the approval of SNC-Lavalin/ Atkins to undertake this audit from DPIE on 11 December 2021, approximately 1 month before the scheduled audit date. The initial application was not approved as the format of the application did not meet DPIEs requirements. Subsequent changes were made to the application with several re-submissions made throughout December and early January.</p> <p>The non- conformance did not impact the scope or findings of the audit. Formal consultation and detailed document review did not commence till after the approval date.</p>	Ensure approval is obtained for independent auditors prior to any future audit.	SINSW acknowledges that approval was not issued for the new auditor. SINSW to ensure that for future audits that the required approvals are made prior to commencement of any audits.	<p>Attempts were made to seek approval for a change in auditor prior to commencement. A Notice of New Independent Environmental Auditor was issued to DPIE on 11/12/21, however following the submission DPIE requested a number of changes to the wording on the Declarations of Independence made by SNC Lavalin.</p> <p>Approval was issued on 14/01/21.</p> <p>It is noted that the inspection occurred prior to DPIE's approval in order to achieve the audit programme timeframe. However the audit report itself, collection / review of evidence, and finalisation of the report occurred after the date of approval.</p> <p>SINSW to ensure that for future audits that the required approvals are made prior to commencement of any audits.</p>



Attachment B – Response to Independent Audit Corrective action requests and observations

Nil corrective action requests and observations were noted in the Independent Audit report. Refer to Section 4.15 of the audit report.

Section 4.15 of the Audit Report noted the following:

“The findings from the audit indicated the Project Team are adopting a proactive approach to the protection and management of the environment and complying with the project conditions of approval. No further critical opportunities for improvement have been identified for implementation although it is noted that compliance with DPIE administrative conditions (e.g. uploading documents onto website etc) could be improved.

It is noted that the key that the environmental measures, processes and resources applied continue to be systematically implemented to ensure the ongoing high standard of environmental performance, particular as the project reaches the final stages of completion.”

