

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

Seven non-compliances & three opportunities for improvement have been identified in the IEA Report dated 25 Feb. See as follows

ID	Consent Heading	Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Actions Taken/ to be Taken following SINSW Response to IEA
DC-A2	Terms of Consent	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 (not replicated here)	Full review of documentation and site inspection conducted	Development carried out generally in compliance with this consent, however non-compliances recorded against other Conditions	Non-compliant	All respective non-compliant conditions identified in this audit have corrective actions taken, see as below. No further action required

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

DC-A21	Access to Information	<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> <p>(i) the documents referred to in condition A2 of this consent;</p> <p>(ii) all current statutory approvals for the development;</p> <p>(iii) all approved strategies, plans and programs required under the conditions of this consent;</p> <p>(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;</p> <p>(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;</p> <p>(vi) a summary of the current stage and progress of the development;</p> <p>(vii) contact details to enquire about the development or to make a complaint;</p> <p>(viii) a complaints register, updated monthly;</p> <p>(ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in</p>	<p>Website (https://www.schoolinfrastructure.nsw.gov.au/projects/p/penshurst-public-school.html) contained following documentation at time of audit:</p> <p>i) documents referred to in Cond A2 - Approved Architectural Drawings 21/10/19;</p> <p>ii) Notice of Determination, Development Consent</p> <p>iii) Approved plans (various including Project Specific Environmental Management Plan / CEMP, Acoustic Assessment Report; Waste Management Plan, Sediment and Erosion Control Plan, Landscape Plans</p> <p>iv) Pre-construction Compliance Report v1 1/4/19</p> <p>v) Dust monitoring results</p> <p>vi) Project Update December 2019</p> <p>vii) email link on webpage - schoolinfrastructure@det.nsw.edu.au</p> <p>viii) Complaints Register as at Jan 2020</p> <p>ix) - Independent Environmental Audit Report #1 and the response not included on the website as at Jan 2020.</p> <p>Communications Register (extract from Darzin) (managed by Comms team - SINSW based on data up to next week) sighted (darzin database) 6 complaints to date (on the website - all have been closed out. None in 2020 to date.</p>	<p>Independent Environmental Audit Report #1 and the response are not included on the website (noted that a non-compliance was raised against this condition at the previous audit - other documents were not on the website)</p> <p>Traffic Management Plan not included on the website</p> <p>Recommendation - Independent Environmental Audit Report #1 and the response and Traffic Management Plan to be uploaded to the website ASAP</p>	Non-compliant	<p>Non-compliance acknowledged</p> <p>Actions taken: Previous Independent Environmental Audit Report and response uploaded to the website on 5/02/2020. No further action required</p>
--------	-----------------------	--	---	---	---------------	--

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

		<p>any audit report; (x) any other matter required by the Planning Secretary; and</p>	<p>Continuous Dust Monitoring results by Airsafe - to 13 Dec on website. Dust monitor now removed.</p> <p>Dust monitoring during excavation (portable aerosol photometer type - dust telemetry system.</p>			
--	--	--	---	--	--	--

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

DC-B18	Construction Environmental Management Plan	The Applicant must not commence construction of the development until the CEMP is approved by the Certifying Authority and a copy submitted to the Planning Secretary.	<p>Assessed as compliant at Audit #1. Crown Building Certificate for Penshurst Public School dated 2/4/19 Ref: GDL 160498 by Principle Certifier Authority, Group DLA. Deemed approved through Crown Building Certificate 1 (demolition) for Penshurst Public School dated 2/4/19 Ref: GDL 16048 by PCA. Sighted Section 6.28 Crown Certificate BCA Design Compliance dated 11/07/2019 (Construction - CC2).</p> <p>The Project Specific Environmental Management Plan (known as CEMP for purposes of the Conditions of Consent) was not listed as a reviewed document on the Crown Certificate 1 or the Crown Certificate 2 at the time of the audit. Clarification requested.</p> <p>Update 6/02/2020 - Emails from Group DLA and SINSW (P Krause). Crown Certificate 1 has been amended to include reference to CEMP (dated 21/02/19) as a reviewed document. (Certificate remains dated 2/04/2019)</p> <p>Updated 12/2/2020 - CEMP submitted to the Planning Secretary on 12 February 2020 – letter dated 12 Feb 2020 sighted.</p>	<p>Evidence of submission of the CEMP to DPIE could not be located or provided</p> <p>Recommendation: 1. Provide latest copy of CEMP to DPIE</p>	Non-compliant	<p>Non-compliance acknowledged</p> <p>Actions taken: CEMP submitted to the Planning Secretary on 12 February 2020 – letter dated 12 Feb 2020 sighted. No further action required</p>
--------	--	--	--	--	----------------------	--

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

DC-B34	Compliance Reporting	No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifying Authority.	Letter dated 20 Mar 2019 from SINSW to DPE - Compliance Monitoring Reporting Program, construction commenced 2 April. (11 days)	The Compliance Monitoring Program was submitted to the Department and Certifying Authority less than 2 weeks prior to commencement of construction as required by Condition B34. (letter sent 20 March 2019, construction commenced 2 April 2019 – 10 days). Timing of submission not compliant. No specific action required.	Non-compliant	Non-compliance acknowledged Timing non-compliance only, no further action required
		Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	Compliance Monitoring and Reporting Program dated 14/03/2019 by Grindley was sighted. It includes an introduction and details about the Project, a Compliance and Monitoring Schedule and Compliance Table. Date due for Pre-construction Compliance Report (construction / demolition) 22/03/2019 *Pre-Construction Compliance (prior to construction phase) report prepared by Grindley - 1/4/2019 sighted and is on the SINSW Website. It identified pre-construction (demolition) and pre-building works, construction, pre-occupation etc as phases. Compliance reporting periods defined as Pre-construction, Construction, pre-operational and operational compliance.	The Construction Compliance Report is overdue. According to the Compliance Monitoring and Reporting Program prepared for the project (and the Compliance Reporting Post Approval Requirements (Department 2018)), the Construction Compliance Report is due 6 months after commencement of construction. Construction formally commenced on 2 April 2019 (confirm date) and therefore, the Report was due on 1 October 2019. The Compliance Reports in future should be prepared by the Principal / Proponent (SINSW or their delegate), not the Contractors (Grindley) Recommendations: 1. Prepare overdue Construction Compliance Report for building works phase and submit to DPIE		Action Taken: Construction Compliance Report submitted to DPIE on 17 February 2020. Notification of this non-compliance also notified on 17 February 2020 Non-compliance acknowledged, no further action required

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

			Website - Compliance report not prepared or on website	The Construction Compliance Report is overdue. According to the Compliance Monitoring and Reporting Program prepared for the project (and the Compliance Reporting Post Approval Requirements (Department 2018)), the construction Compliance Report is due 6 months after commencement of construction. Construction formally commenced on 2 April 2019 (confirm date) and therefore, the Report was due on 1 October 2019.	Non-compliant	Action Taken: Compliance report prepared & submitted as above. Report to be made publically available by 17 April 2020 (60 days post submission to DPIE), with 7 day notification to be submitted.
DC-C31	Waste	All waste generated during construction must be assessed, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).	At the time of the audit, waste reports (and dockets for verification) for waste generated and transported since the last audit were not available for review to verify compliance to Condition C31. The waste contractor, Buildgroup Aus (they contract bin hire from Aussie Skips) have collected waste from site, however had not yet provided any Waste Reports or waste dockets to Grindley (requested during audit) to date.	The waste contractor, Aussie Skips have collected waste from site, however had not yet provided any Waste Reports to Grindley (requested during audit) to date. Recommendations: 1. Obtain waste reports (showing classification and separation) from Aussie Skips 2. Provide sample waste dockets to the auditor for review	Non-Compliant	Action taken: Formal request to contractor issued, requesting the following: 1. Obtain waste reports (showing classification and separation) from Aussie Skips 2. Provide sample waste dockets to the auditor for review SINSW will continue to follow up on the above regularly

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

DC-C37	Independent Audits	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.	This condition was assessed as non-compliant at Audit #1. It is noted here as non-compliant however is not raised as a new non-compliance for this audit.	The Audit Program was submitted later than 4 weeks after the date notified for the commencement of construction.	Non-compliant	Non-compliance acknowledged This is a timing non-compliance only, Audit Program sent to DPIE on 18 July 2019
DC-C40	Independent Audits	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: (a) review and respond to each Independent Audit Report prepared under condition C38 of this consent; (b) submit the response to the Department and the Certifying Authority; and (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.	(c) Independent Environmental Audit Report #1 and the response were not included on the website (also non-compliant with Condition A21)	Independent Environmental Audit Report #1 and the response to be uploaded to the website ASAP. Actions taken: Previous Independent Environmental Audit Report and response uploaded to the website on 5/02/2020	Non-compliant	Non-compliance acknowledged Actions taken: Previous Independent Environmental Audit Report and response uploaded to the website on 5/02/2020
DC-C44	Management Plans	Within three months of: (a) the submission of a compliance report under condition B35; (b) the submission of an incident report under condition C42; (c) the submission of an Independent Audit under condition C39; (d) 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 Department and the	The Project Specific Environmental Management Plan was revised on 2/10/2019 to update the Sediment Control Plan as an outcome of the Independent Environmental Audit in July/August 2019. However, evidence was not provided of a notification to the Department or the Certifying authority that a review has been carried out.	Submit latest CEMP to DPIE and the Certifying Authority Action Taken: "Notification of Revision of CEMP in accordance with Condition C44" letter dated 12 February 2020 sighted.	Non-compliant	Non-compliance acknowledged. CEMP rev 5 submitted to DPIE on 13 February 2020, DPIE made comment via email on 19 Feb 2020 & this is currently with the contractor Grindley to review comments & revise. Once SINSW receive a further revised CEMP, it will

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

		Certifying Authority must be notified in writing that a review is being carried out.				be issued to DPIE for their information SINSW to follow up with the contractor
ID	Consent Heading	Compliance Requirement	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Actions Taken/ to be Taken following SINSW Response to IEA
DC-A22	Subcontractor Management Training and Awareness	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	<p>Site Specific Induction Presentation - (Grindley)</p> <p>Induction - all workers required to undertake site induction - online induction.</p> <p>Questionnaire - Random questions are asked as a competency / understanding - around 3 environmental questions.</p> <p>Rock hammering not included in induction, however - sighted email dated 4 March 2019 from CA to Chalouhi. - confirming rock hammering hours restrictions in Subcontract agreement</p> <p>Schedule of Inclusions (SOI) - one for each trade, - eg - provision of washout bins for everyone to use - in Hydraulic SOI. - provision of washout buckets.</p> <p>CoC is provided to form part of tender submission for subcontractors.</p>	<p>The hydraulic Statement of Inclusions (SOI) for the provision of services to the “wet trades” (not yet on site) include the provision of “washout buckets” for paint and slurry wash. Potentially better solutions are available to manage wash-up water</p> <p>Recommend purpose built washout bins for paint etc are provided as part of wet trades SOIs.</p>	Compliant Opportunity for Improvement	SINSW will request this action to be implemented by the contractor at the later/ required stages of the project.

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

DC-B14	Sustainability	Prior to the commencement of construction, the Applicant must register for a minimum 4 star Green Star rating with the Green Building Council Australia, unless otherwise agreed by the Planning Secretary and submit evidence of registration to the Certifying Authority.	As noted in Audit #1, registration with Green Building Council of Australia submitted to PCA (1/4/19). Letter to DLA dated 28 March 2019 from SINSW - Green Star Registration sighted Audit #2. .	<p>Whilst the applicant has registered for a 4 star Green Star Rating in accordance with Condition B14, it appears that the design was already completed when this condition was included in the final Conditions of Consent, and the project will therefore be unlikely to be able to comply with the 4 Star certification (Condition D33) requirements without significant design change. The building is already under construction and any design change at this stage may be problematic.</p> <p>It was stated that SINSW is working with DPIE to obtain an amendment to this condition to allow implementation of the Educational Facilities and Standards and Guidelines (EFSG) as an alternative to Green Star</p>	Compliant Opportunity for Improvement	SINSW to continue to work with DPIE to resolve the 4 Star Green Star certification issue.
--------	----------------	---	--	--	---------------------------------------	---

Response to Independent Environmental Audit – Non Compliances & Opportunities for Improvement

DC-B22	Management Plans, ESC	<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>Subsection (c) of this condition was assessed at Audit #1 as non-compliant, noting that the Erosion and Sediment Control Plan (ESCP) did not include wet weather plans as required by sub-section (c). Evidence was reviewed during Audt #2 that demonstrated closure of the non-compliance (see "Previous audit" section of the report). Balance of Condition was assessed as compliant in Audit #1</p> <p>Sighted: Email from David Milner of Georges River Council dated 1/4/19 confirming compliance, and this is listed as evidence sighted at CC1 by the Certifier</p> <p>Erosion and Sediment Control Plan (ESCP) in Site Specific EMP and in hard copy dated May 2019</p> <p>Noted that erosion and sediment controls were in place, and well maintained.</p>	<p>The site Erosion and Sediment Control Plan (ESCP) contained within the Site Specific EMP and in hard copy plan reflects the situation in May 2019 where a sediment basin was in place. The sediment basin has since been removed, however the current plans still shows the sediment basin in place.</p> <p>It is recommended that the plans are marked up to show removal of the sediment basin and any other significant changes that may have occurred since main earthworks (may be hand drawn)</p>	<p>Compliant Opportunity for Improvement Closed</p>	<p>Actions taken: Drawing CIV-01-08 Sediment and Erosion Control Plan Rev 2 updated showing "Basin no longer in use due to earthworks being complete onsite"</p>
--------	-----------------------	--	--	--	---	--