



**NSW Department of Education
Smalls Road Public School
(SSD 8372)**

SINSW Response to Independent
Environmental Audit (IEA)

28 June 2019

Response to Independent Environmental Audit Non-Compliances

Seven non-compliances have been identified. The non-compliances and 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	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 listed in the development consent.	Refer non-compliant conditions below.	Non-compliant	A) Address non-compliant conditions as indicated below.	Noted and accepted, the non-compliances as stated below deem this condition is to be non-compliant. All non-compliances will be addressed as outlined in this table. Schools Infrastructure NSW (SINSW) to review internal processes and conduct a lessons for future SSD projects.
A19	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: (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;	Information is published on the SINSW project website for Smalls Road primary school: https://www.schoolinfrastructure.nsw.gov.au/projects/s/smalls-road-new-primary-school.html Limited information and documents are available on the project website. The following available information is currently not available on the website or via link from the website: • the approved strategies, plans and programs required under the conditions of consent; • reporting on environmental performance; and • Summary of monitoring results.	Non-compliant	(A): Project website to be updated with all available information and documents referred to in Condition A19 (and Condition A2).	SINSW notes and accepts non-compliance to this condition. The approved SSD plans and reports have been included on the project website by way of a separate link that connects to the Department of Planning & Environment website to evidence approved plans and reports to meet SSDA conditions. Project Management Plans and Strategies as required by SSD 8372 (including CEMP, Audit Program and Compliance Monitoring & Reporting Program) are to be updated by end of July 2019. Reporting on environmental performance and summary of monitoring results is currently being reviewed by SINSW in conjunction with the Head Contractor and will be updated on the website by end of July 2019.

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B3	External Walls and Cladding	<p>Prior to the commencement of construction, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.</p> <p>The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.</p>	<p>-BCA Crown Certificate No. CRO-18074 (Blackett McGuire + Goldsmith, 12 December 2018)</p> <p>-Building Code of Australia Deemed-to-Satisfy Section J Compliance Report DoEAMD-16-14 Small Road, Ryde Public School (Conrad Gargett, February 2018).</p> <p>The BCA Crown Certificate certifies that the building works have been designed in accordance with the Building Code of Australia 2016 with reference to the Section J Compliance Report (Conrad Gargett, November 2018). The Section J Compliance Report addresses external wall construction of the building fabric. Evidence of provision of required information to Planning Secretary within required period not available.</p>	Non-compliant	(A): Documentation demonstrating that the required documented evidence has been provided to the Planning Secretary within the required period to be made available.	<p>SINSW notes and accepts non-compliance to this condition.</p> <p>The documentation provided to the certifier will be submitted to the Planning Secretary by 14th July 2019.</p>
B7	Community Communication Strategy	<p>A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction. The Community Communication Strategy must:</p> <p>a) identify people to be consulted during the design and construction phases;</p> <p>b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;</p> <p>c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;</p> <p>d) set out procedures and mechanisms:</p> <p>i. through which the community can discuss or provide feedback to the Applicant;</p> <p>ii. through which the Applicant will respond to enquiries or feedback from the community; and</p> <p>iii. to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.</p> <p>The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work.</p> <p>Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.</p>	<ul style="list-style-type: none"> Community Consultation and Engagement Plan (RCC, 18/10/18) Community Communication Strategy Smalls Road new primary school (School Infrastructure NSW, November 2018). <p>The Community Consultation and Engagement Plan (CCEP) forms a sub-plan of the PMP and includes community consultation and engagement strategies employed by RCC.</p> <p>The Community Communications Strategy (CCS) outlines community engagement undertaken prior to November 2018 as well as ongoing activities in a Community Communications Action Plan. Project stakeholders have been identified and community engagement approach and protocols are detailed in the CCS.</p> <p>The CCS was submitted to the DoPE by the project manager (Coffey) via email on 14 November 2018, one month before the construction commencement date. Evidence of approval of CCS by Planning Secretary not available.</p>	Non-compliant	<p>(A): Evidence of approval of CCS by Planning Secretary to be obtained.</p> <p>(R): The project website should be updated at least monthly for the duration of the works approved under the consent conditions, as per Condition A19. The 1300 community information line phone number should be included on the website.</p>	<p>It was identified in May that the CCS had not been submitted as required to DPE for approval. To address the non-compliance the CCS was submitted via email to DPE on 30th May 2019. Approval is yet to be formally granted by DPE.</p> <p>Any comments or directions on CCS from DPE will be addressed by SINSW.</p> <p>The current CCS on the SINSW website will be replaced the approved version.</p> <p>SINSW notes the comment from the IEA that CCS was submitted to DPE on 14 November, however cannot be substantiated.</p> <p>It is understood that this submission was incorrectly issued to the LGA (Ryde Council) and not DPE.</p>

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B12	Environmental Management Plan Requirements	<p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <p>a) detailed baseline data;</p> <p>b) details of:</p> <p>i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);</p> <p>ii) any relevant limits or performance measures and criteria; and</p> <p>iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;</p> <p>c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</p> <p>d) a program to monitor and report on the:</p> <p>i) impacts and environmental performance of the development;</p> <p>ii) effectiveness of the management measures set out pursuant to paragraph (c) above;</p> <p>e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the development over time;</p> <p>g) a protocol for managing and reporting any:</p> <p>i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);</p> <p>ii) complaint;</p> <p>iii) failure to comply with statutory requirements; and</p> <p>h) a protocol for periodic review of the plan.</p> <p><i>Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans.</i></p>	<p>Smalls Road Public School Ryde No:1144 Construction Environmental Management Plan (CEMP) (RCC, 2 November 2018) and sub-plans (refer to Conditions B13-B18 below).</p> <p>See conditions B13 to B18 below.</p>	Non-compliant	(A): Address non-conformances for condition B15.	<p>Noted and accepted, the non-compliances as stated below deem this condition is to be non-compliant.</p> <p>SINSW to review internal processes and conduct a lessons learnt for future SSD projects.</p>
B15	Environmental Management Plan Requirements	<p>The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must address, but not be limited to, the following:</p> <p>a) be prepared by a suitably qualified and experienced person(s);</p> <p>b) be prepared in consultation with Council.</p> <p>c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians and bus services;</p> <p>d) detail heavy vehicle routes, access and parking arrangements, and strategies to promote alternative modes of transport to the site;</p> <p>e) include a Driver Code of Conduct to:</p> <p>i) minimise the impacts of earthworks and construction on the local and regional road network;</p> <p>ii) minimise conflicts with other road users;</p> <p>iii) minimise road traffic noise; and</p> <p>iv) ensure truck drivers use specified routes;</p> <p>f) include a program to monitor the effectiveness of these measures; and</p> <p>g) if necessary, detail procedures for notifying residents and the community (including local schools), of any potential disruptions to routes.</p>	<ul style="list-style-type: none"> • CEMP Traffic Management Plan (RCC, 18 October 2018) • Construction Traffic and Pedestrian Management Sub-plan Smalls Road Public School (Taylor Thomson Whitting, 4 December 2018) • CEMP Environmental Management Measure Element 7: Traffic Management (RCC, 2 November 2018) <p>A Traffic Management Plan has been prepared by RCC and is included in the CEMP. A detailed Construction Traffic and Pedestrian Management Sub-plan (CTPMSP) has been prepared by Taylor Thomson Whitting (4 December 2018) and is appended to the Traffic Management Plan.</p> <p>Responsibility for monitoring implementation of the CTPMSP has been allocated to the Site Manager. A monitoring program is included in the Traffic Management Plan.</p> <p>The CEMP provisions for traffic management includes performance measures and monitoring requirements. Refer to condition A10. CEMP and sub plans were submitted for review and comment by Council, however, incorrect email address was used. Evidence of consultation with Council on</p>	Non-compliant	(A): Resubmit Traffic Management Plan to Council requesting consultation and Acceptance.	<p>Noted and accepted due to administrative errors on part of the project team.</p> <p>The IEA notes the Traffic Management Plan plans were submitted for review and comment by Council, however, the incorrect email address was used. Due to this, consultation was not undertaken and evidence of consultation with Council on development plan not demonstrated.</p> <p>The CTPMSP will be submitted to Council by 12th July 2019 for consultation.</p> <p>If the CTPMSP requires updating as a result of consultation with Council,</p>

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			development plan not available.			SINSW will request approval from the Planning Secretary to update the plan in accordance with condition A11(c).
B33	Independent Environmental Audit	Independent Audits of the development must be carried out in accordance with: (a) the Independent Audit Program submitted to the Department and the Certifier under condition B33 of this consent; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	Commencement of construction occurred on 13 December 2018. Approval of the independent auditor was provided by DoPE on 4 April 2019. The date of completion of the Initial Independent Audit, within 20 weeks of the commencement of construction for a project with a construction period greater than 52 weeks in accordance with Department (2018), was 23 April 2019. As agreement on the independent auditor was not provided in writing by the DoPE until 4 April 2019, the independent audit could not be completed within the 20 week period from commencement of construction. In accordance with DoPE (2018), the independent auditor contacted DoPE on 18 April 2019 requesting an extension to the due date for submission of the Independent Audit Report. DoPE indicated verbally that completion of the Independent Audit by the end of May was acceptable.	Non - compliant	(A): Complete audit and submit Independent Audit Report.	Noted and accepted. SINSW requested additional time in April 2019 to submit the IEA, however this request was not formalized and this report is not in line with SSD requirements. The Independent Audit Report is submitted on 28 th June 2019.

Response to Independent Environmental Audit Recommendations

Five recommendations were included in the IEA report. SINSW has reviewed the recommendations and provides the following commentary;

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A18	Monitoring and Environmental Audits	<p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, noncompliance notification, compliance reporting and independent auditing.</p> <p><i>Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</i></p>	<p>Noted.</p> <p>A daily perimeter WHSE inspection and weekly environmental inspection are undertaken by the RCC Site Manager. Observations/comments and action dates are recorded on the inspection checklists, with hard copies retained in the site office.</p>	Compliant	(R): Implement a procedure for follow up of actions arising from inspections or non-conformances.	<p>Noted and accepted.</p> <p>Currently any issues/non-conformance are reported to the SINSW project director to ensure they are actioned by the Contractor on site.</p> <p>Current procedures will be reviewed and register will be kept of any non-conformances and when and how they were addressed.</p>
B7	Community Communications Strategy	<p>A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following the completion of construction.</p> <p>The Community Communication Strategy must:</p> <ol style="list-style-type: none"> identify people to be consulted during the design and construction phases; set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development; provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development; set out procedures and mechanisms: <ol style="list-style-type: none"> through which the community can discuss or provide feedback to the Applicant; through which the Applicant will respond to enquiries or feedback from the community; and to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation. <p>The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work. Work for the purposes of the development must not commence until the Community Communication Strategy has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.</p>	<p>Community Consultation and Engagement Plan (RCC, 18/10/18)</p> <ul style="list-style-type: none"> Community Communication Strategy Smalls Road new primary school (School Infrastructure NSW, November 2018). <p>The Community Consultation and Engagement Plan (CCEP) forms a sub-plan of the PMP and includes community consultation and engagement strategies employed by RCC.</p> <p>The Community Communications Strategy (CCS) outlines community engagement undertaken prior to November 2018 as well as ongoing activities in a Community Communications Action Plan. Project stakeholders have been identified and community engagement approach and protocols are detailed in the CCS.</p> <p>The CCS was submitted to the DoPE by the project manager (Coffey) via email on 14 November 2018, one month before the construction commencement date.</p> <p>Evidence of approval of CCS by Planning Secretary not available.</p>	Non-compliant	(R): The project website should be updated at least monthly for the duration of the works approved under the consent conditions, as per Condition A19. The 1300 community information line phone number should be included on the website.	<p>Noted and accepted.</p> <p>The SINSW website for the project will be updated monthly for the remainder of the project.</p> <p>The 1300 community information line phone has been incorporated within the project website.</p>

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B13	Construction Environmental Management Plan	<p>Prior to commencement of construction, the Applicant must prepare a Construction Environmental Management Plan (CEMP) and it must include, but not be limited to, the following:</p> <p>a) Details of: i) hours of work; ii) 24-hour contact details of site manager; iii) management of dust and odour to protect the amenity of the neighbourhood;</p>	<ul style="list-style-type: none"> • Smalls Road Public School Ryde No:1144 Construction Environmental Management Plan (CEMP) (RCC, 2 November 2018) • Smalls Road Public School Pre-Construction Compliance Report (SSD 8372) (Coffey Corporate Services Pty Ltd, 10 April 2019). <p>The CEMP addresses all items under Condition B13.</p>	Compliant	(R): Include reference to prevention of groundwater contamination in environmental management measures for sediments and surface water.	<p>Noted and accepted.</p> <p>Feedback issued to the Contractor on the matter to improve the quality of future Construction and Environmental Management Plans.</p> <p>Recommendation taken on board by the SINSW Project Team for future updates of Construction Environmental Management Plans.</p>
B17	Construction Environmental Management Plan	<p>The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the following:</p> <p>a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations; b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.</p>	<ul style="list-style-type: none"> • Smalls Road Public School Construction Waste Management 1144 Construction Waste Management (RCC, 18/10/18) • CEMP Environmental Management Measure Element 4: Waste Management (RCC, 2 November 2018) <p>The CWMSWP provides broad operational controls for the management of waste generated during construction and references records, checklists, reports etc that are provided in the PMP and specifically the CEMP. The CEMP includes provisions for waste management.</p> <p>A waste tracking register including relevant tipping dockets is maintained by RCC relating to off-site disposal of material. RCC confirmed during the site interview that all demolition / hazardous building material removal works were completed prior to RCC mobilisation on site, with an asbestos clearance certificate prepared for the site by EnviroX Consulting (8 August 2018).</p>	Compliant	(R) - All tipping dockets should be retained consistent with the waste tracking register for the duration of the works.	<p>Noted and accepted.</p> <p>This is standard practice on projects and should be maintained moving forward.</p>
C35	Incident Notification, Reporting and Response	<p>The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.</p> <p>Subsequent notification must be given, and reports submitted in accordance with the requirements set out in Appendix 1 of the development consent.</p>	<p>CEMP Section 20 reporting No incidents reported to date. A procedure for incident reporting forms part of the project PMP and communicated during site induction.</p>	Not Triggered	(R): Procedure QAP-8.5-001 Incident and Accident Reporting is missing from the electronic version of the PMP and needs to be included.	<p>Noted and accepted.</p> <p>Missing documentation has been advised to the Contractor for incorporation into the electronic PMP and is to be actioned in July 2019.</p>