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Luis Garzon
Consultant
AQUAS
Level 7, 116 Miller Street
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Dear Luis

Response to draft Compliance Report 2

We understand that we are required to respond to your audit report in accordance with section 4.3 of the Department of Planning and Environment's Post Approval Requirements for Independent Audits. Please find attached table summarising your findings from your audit dated 27 February 2020 and our response.

Yours sincerely

Elisabeth Wallace

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke.

40311 108517 8.4 (Response to audit 2)

Finding Number	Condition of Consent ID and requirement	Audit Finding and Recommendation	Proponent Response
Non Compliance -01	A2. Terms of Consent The development may only be carried out: a) in compliance with the conditions of consent; b) in accordance with all written directions of the Planning Secretary; c) generally in accordance with the EIS and Response to Submissions and Supplementary Information; and d) In accordance with the approved plans	Based on the non-compliance of condition C37, condition A2(a) is non-compliant.	Please refer to the response below for Non-Compliance-02.
Non Compliance -02	C44 Non-compliance Notification a) The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware on 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.	The proponent has failed to notify the Department in writing within 7 days about the non-compliances raised during the initial Independent Environmental Audit conducted in September 2019. These were reported to CI on 18 October 2019 and only notified to the Department on 8 November 2019, which is more than 7 days. Recommendation: It is recommended to make notification of any future non-compliances within seven days of becoming aware of them	This non-compliance was identified in Capital Insight's Compliance Report dated 13 November 2019. Moving forward, we will ensure that all non-compliances will be notified within seven days as required by condition C44. We understand that all documents are no longer to be emailed to compliance@planning.nsw.gov.au, rather the Department of Planning Major Projects portal is to be used. Moving forward we will ensure that the Construction Compliance reports prepared by Capital Insight will include responses to Opportunities for Improvement identified in AQUAS Independent Environmental Audit Reports.
Opportunity for Improvement -01	C40. 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 C39 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.	The Construction Compliance Report by Capital Insight dated 13 November 2019 only included response to the non-compliances identified in the Independent Environmental Audit Report of 18/09/19. Recommendation: It is recommended that response to the identified Opportunities for Improvement is also included to ensure that recommendations were considered for continual improvement and to mitigate potential failure of the system/control.	