

Department of Planning, Housing and Infrastructure

Independent Audit

Post Approval Requirements

March 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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1 Introduction

The purpose of an Independent Audit is to obtain an independent and objective assessment of the environmental performance and compliance status of a project.

This document has been prepared by the NSW Department of Planning, Housing and Infrastructure (the Department) to set out the minimum requirements to be met when undertaking Independent Audits in accordance with conditions of consent. These requirements apply to all State significant projects (projects) where an Independent Audit is required by the conditions of consent.

The minimum requirements are:

- Audit frequency (refer to Section 2).
- An Independent Audit Methodology, including the selection of the auditor and any technical specialists that may be required, scope development, interviews, inspections, consultation and an evaluation of compliance (refer to Section 3).
- An Independent Audit Report (refer Section 4).
- Proponent's response to the Independent Audit recommendations (Section 4.3).

These requirements do not replace the obligation to comply with specific requirements in conditions of consent in respect of independent auditing. If there is any inconsistency between the requirements in conditions of consent and the requirements in this document, the conditions of consent prevail.

Independent Audits differ from other compliance reporting requirements that may be specified in the conditions of consent as they are undertaken and reported by an independent auditor, rather than the proponent.

The timing of Independent Audits ensures they are undertaken at appropriate intervals during the construction and operation phases of a project, and that requirements in conditions of consent and other documents set out in Section 3.3. of this document that must be complied with are identified

The Planning Secretary may direct a proponent to undertake Independent Audits in addition to those provided for in an Independent Audit when considered necessary to address a particular issue, for example, following an incident

Independent Audits must be documented, and their outcomes reported in an Independent Audit Report. This communicates an independent evaluation of a project's environmental performance and compliance status.

Auditors may refer to *AS/NZS ISO 19011.2019 – Guidelines for Auditing Management Systems* (or most recent version) when carrying out Independent Audits in accordance with the requirements in this document.

2 Independent Audit Frequency

The frequency of audits must comply with any specific requirements in the conditions of consent. If the conditions of consent do not specify an audit frequency, Independent Audits must be undertaken as detailed in Table 1, based on the applicable project phase.

Any proposed changes to the frequency of audits must be agreed to, or directed by, the Planning Secretary in writing.

Table 1: Audit Frequency

Phase	Initial Independent Audit	Ongoing Independent Audit Intervals
Construction	Within 4 to 12 weeks of the commencement of construction	At intervals no greater than 26 weeks, or as otherwise agreed to, or directed by, the Planning Secretary.
Operation	Within 12 to 26 weeks of the commencement of operation	At intervals no greater than 3 years, or as otherwise agreed to or directed by, the Planning Secretary.
Closure/Rehabilitation	Within 52 weeks from notifying of suspension/ceasing of operations	At intervals no greater than 1 year, or as otherwise agreed to, or directed by, the Planning Secretary.

2.1 Audit Period

The audit period for initial Independent Audits commences the day the project commenced construction¹ or operation² and ends on the final day of the audit site inspection.

The audit period for ongoing Independent Audits commences the day after the previous audit period and ends on the final day of the audit site inspection.

2.2 Concurrent Construction and Operation

Where construction and operation phases of a project are being carried out simultaneously (for example, during staged construction and operation of a road):

¹ Initial construction audits must assess compliance with all pre-construction related conditions and commitments that must have been complied with prior to construction commencing.

² Initial operational audits must assess compliance with all pre-operation related conditions and commitments that must have been complied with prior to operation commencing.

- Only one initial construction audit is required, and only one initial operational audit is required.
- After the initial audits, the ongoing audits for each phase are required to be undertaken at the frequency outlined in Table 1.
- A combined audit of concurrent construction and operational phases may be undertaken, but must be approved by the Planning Secretary and clearly defined in the audit scope (refer to Section 3.2).

2.3 Transition from Construction to Operation

When a project transitions from construction to operation:

- If the last construction audit was completed more than 3 months prior to the commencement of operation, a final construction audit must be conducted within one month of the completion of the construction phase.
- If the last construction audit was completed less than 3 months prior to the commencement of operation, the initial operation audit must also include the final 3 months of construction, with the audit period commencing the day after the last construction audit.

These provisions ensure construction activities are appropriately audited before or during the transition to operation, maintaining compliance with the required audit frequency.

3 Independent Audit Methodology Requirements

Independent Audits must be undertaken in accordance with the requirements set out in Section 3 of this document.

The typical timing and sequence of events for each audit is as follows:

1. The proponent submits a request to the Department via the Major Projects Portal confirming whether any technical expertise is required in the audit team.
2. The proponent submits a request via the Major Projects Portal seeking the Planning Secretary's agreement in writing for the audit. This request must be made at least 8 weeks prior to the end of the audit period.
3. The Planning Secretary agrees in writing the proposed audit team. The proponent notifies the Lead Auditor of the agreement.
4. The Lead Auditor or support auditor consults with the Department and other stakeholders to define the scope of the Independent Audit.
5. The audit team under the direction of the Lead Auditor conducts the Independent Audit (including document reviews, site inspection and interviews).
6. The Lead Auditor finalises the Independent Audit report and provides a copy to the proponent.
7. Within 2 months of completing the site inspection, the proponent submits the Independent Audit report and its response to the Independent Audit recommendations to the Department via the Major Projects Portal.

3.1 Selection and Agreement to the Auditor and Technical Specialists

Independent Audits must only be undertaken by a suitably qualified, experienced and independent Lead Auditor agreed to by the Planning Secretary. The Lead Auditor may be supported by other auditors subject to the Planning Secretary's agreement.

Conditions of consent may require Independent Audits to be undertaken by a suitably qualified Lead Auditor and one or more technical specialists. If the necessary expertise is not covered by the Lead Auditor or auditors in the audit team, technical specialists with appropriate competence must be appointed to support the Lead Auditor. The appointment of the audit team (consisting of the Lead Auditor, support auditor(s) and/or technical specialist(s), if required) must be agreed to in writing by the Planning Secretary before each audit commences.

For the construction phase of a project, the Planning Secretary may agree to endorse the audit team for the duration of the construction phase.

For the operation phase of a project, the Planning Secretary must endorse the audit team for each Independent Audit.

Audit team members will only be endorsed for up to 3 consecutive operation phase audits.

3.1.1 Auditor Competence

All auditors nominated for an Independent Audit will be assessed for suitability and competence. This assessment considers each auditors qualifications, professional background, past audit roles and familiarity in relation to the specific project.

The Lead Auditor must have both:

- Certification as a Lead or Master/Principal Environmental Auditor (ISO 14001) from a recognised body (e.g. Exemplar Global, International Register of Certificated Auditors [IRCA], Professional Evaluation and Certification Board [PECB]) or other suitable qualifications; and
- Demonstrated experience in auditing the specific type of project for which they are being nominated (e.g. infrastructure, industrial, waste or resource projects).

Supporting auditors are not required to hold the above certifications or level of experience.

The Lead Auditor is ultimately accountable for the audit process and the final audit report. This includes:

- Ensuring the audit is conducted in accordance with applicable guidelines and conditions of consent.
- Overseeing the work of supporting auditors.
- Verifying the accuracy and completeness of audit findings.
- Endorsing the final audit report as a true and fair representation of the audit outcomes.

3.1.2 Independence of Auditors and Technical Specialists

Independent Audits must be impartial and objective. The Lead Auditor, auditor(s) and any technical specialist must be independent from the project and free from any actual, potential or perceived conflicts of interest.

For the purpose of independence and avoiding conflicts of interest, the Lead Auditor, auditor(s) and any technical specialists must not:

- Be related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child.
- Have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than

being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child.

- Have provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to, and agreed by, the Planning Secretary prior to the audit.
- Be an Environmental Representative for the project.
- Accept any inducement, commission, gift or any other benefit from the proponent, their employees or any interested party, or knowingly allow colleagues to do so.

The proponent must include a signed pre-audit declaration of independence from each audit team member in their request for auditor nomination to the Planning Secretary. An example of a Pre-audit Declaration of Independence is provided at Appendix A.

Any work outside the audit scope performed by the Lead Auditor or any technical specialist (or their employers staff), in respect of the audited project must be disclosed in writing to the Planning Secretary by the proponent as part of the pre-audit declaration of independence submitted with the request for auditor agreement.

3.1.3 Agreement to the Auditor

Independent Audits must not commence until the proposed audit team (comprising of the Lead Auditor, supporting auditor(s) or technical specialist(s), if required) has been agreed to in writing by the Planning Secretary.

Proponents must make a submission, at least 8 weeks prior to the end of the audit period, to the Planning Secretary seeking agreement to the audit team (via the Major Projects portal). The application must include:

- The names and roles of the proposed audit team.
- The curriculum vitae of each proposed audit team member, which must include details of:
 - How the competence requirements detailed at Section 3.1.1 are met.
 - Previous auditing experience, including role(s) and State Significant project number.
- A signed pre-audit declaration from all proposed audit team members establishing how they meet the independence requirements detailed at Section 3.1.2.

The Planning Secretary's agreement to the audit team must be appended to the Independent Audit report.

Note: The agreement for the audit team is issued to individuals, not to companies.

3.1.4 Technical Specialists

Conditions of consent may require an audit team to include technical specialists in an Independent Audit where there is a need for specific skills, knowledge or experience.

Where conditions of consent require a technical specialist to be agreed to by the Planning Secretary, the Independent Audit must not commence until the proposed technical specialist has been agreed to in writing. The Planning Secretary's agreement to the proposed technical specialist must be appended to the Independent Audit Report.

The technical specialist is required to provide technical advice to the Lead Auditor. The Lead Auditor must include the technical specialist(s) findings in a consolidated section of the Independent Audit report. The advice provided by the technical specialist(s) may be appended to the final audit report.

Technical specialists and/or reviewers who are internal audit firm staff engaged to assist in reviewing an audit for quality assurance are not considered to be technical specialists for the purposes of the Independent Audit and therefore not required to be nominated as part of the audit team.

3.2 Scope Development

Following the Planning Secretary agreement for the audit team and prior to the site inspection, the Lead Auditor or support auditor must consult with the Department on the scope of the audit. The Department may require that the audit team consult with other agencies or stakeholders, including the Community Consultative Committee chairperson (if one is required for the project), to obtain their input into the scope of the audit.

Comments received during such consultation must be recorded and reported in the Independent Audit Report. Specific issues raised during consultation must be investigated and findings of the investigation must be reported in a consolidated section of the Independent Audit Report.

There may be instances where the consulted parties' requests are not reasonable and are outside of scope of the Independent Audit. In these situations, the Lead Auditor must demonstrate in the Independent Audit report how they have considered the matters raised during consultation. This justification may be provided in a table format.

3.3 Audit Scope

An Independent Audit must include:

1. An assessment of compliance with:
 - a. All conditions of consent applicable to the phase of the project that is being audited. Should there be any uncertainty about which conditions are to be audited, the Lead Auditor can seek clarification with the Department during the consultation as per Section 3.2.
 - b. All post approval and compliance documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans.
2. A review of the environmental performance of the project, including but not limited to, an assessment of:

- a. Actual impacts compared to predicted impacts documented in the environmental impact assessment.
 - b. The physical extent of the project in comparison with the approved boundary.
 - c. Incidents, non-compliances and complaints that occurred or were made during the audit period.
 - d. The performance of the project having regard to agency policy and any environmental issues identified through consultation carried out when developing the scope of the audit.
 - e. Feedback received from the Department, and other agencies and stakeholders, including the community or Community Consultative Committee, on the environmental performance of the project during the audit period.
3. The status of implementation of previous Independent Audit findings, recommendations and actions (if any).
 4. A high-level assessment of whether Environmental Management Plans and Sub-plans required by the consent are adequate.
 5. Any other matters considered relevant by the Lead Auditor or the Department, taking into account relevant regulatory requirements and legislation, knowledge of the project's past performance and comparison to industry best practices.
-

3.4 Site Visit

3.4.1 Opening and Closing Meeting

Independent Audits must commence with an opening meeting and conclude with a closing meeting, both chaired by the Lead Auditor. The meetings must be attended by a representative of the proponent at manager level or above. The Lead Auditor is responsible for deciding which other audit team member(s) (if any) should attend, however, technical specialist(s) (if any) must attend unless otherwise agreed by the Planning Secretary.

During the opening meeting the objectives of the audit, the scope of the audit, the resources required and methodology to be applied must be discussed. At the closing meeting, preliminary audit findings must be presented, recommendations (if appropriate) must be made, and any post-audit actions must be confirmed.

A register of attendees (including their name, position title and organization they represent) for the opening and closing meetings must be recorded and a copy of the registers must be provided in the Independent Audit Report.

3.4.2 On-Site Interviews

Independent Audits must include interviews with key personnel involved in project delivery, including those with responsibility for environmental management, to assist with verifying the

compliance status of the project. Interviews are generally not sufficient evidence to verify compliance with a condition of consent and additional supporting evidence should be provided.

The audit team must be provided with reasonable access to the key site personnel as required by an Independent Audit scope.

3.4.3 Site Inspection

Independent Audits must include a physical site inspection and marks the final day of the Independent Audit period. The site inspection must cover all project areas and environmental aspects that form part of the scope of the audit.

The site inspection is to be conducted by the Lead Auditor. Endorsed experts/specialists must also attend the site inspection, unless otherwise agreed by the Planning Secretary. The Lead Auditor is responsible for deciding which other audit team member(s) and proponent representative(s) should attend.

The proponent must provide the Lead Auditor with reasonable access to all requested project areas and activities, understanding that the inspections must be accompanied by the designated site representative and that some areas may not be physically accessible for safety or operational reasons.

During the scoping phase, the Lead Auditor should consider which elements of a project are being conducted. It may be beneficial to conduct the site inspection during out-of-hours or continuous (24/7) works rather than during standard construction or operational hours. The Department acknowledges that commercial arrangements between the audit team and the proponent may be impacted by such audit scheduling; however, such scheduling provides for a representative independent audit of all aspects of a project.

If the Lead Auditor considers restricted access has limited their ability to adequately undertake the Independent Audit as scoped, it must be noted in the Independent Audit report. Recommendations to overcome the restricted access (where feasible) must be proposed for subsequent independent audits.

3.5 Evaluation of Compliance

3.5.1 Evidence Based Evaluation

Independent Audit findings must be based on verifiable evidence. Evidence must be collected using the following methods, as appropriate in the circumstances:

- Review of relevant documents. These must be referenced in the Independent Audit report and include relevant document reference, the date of the document, revision number and author.
- Interviews of relevant site personnel.
- Photographs (including the date the photograph was taken).
- GIS figures and associated shapefiles (as relevant and available).

- Site inspections of relevant locations, activities and processes.
- Monitoring data and analysis including the period covered by the monitoring data.
- Delivery records, invoices and receipts including the record date and reference number.

The evidence used to verify the compliance status descriptor chosen with respect to each condition must be documented in the Audit Table along with any relevant observations and notes, including any opportunities for improvement, as they see fit in relation to any compliance requirement or any other aspect of the project.

An example of an Independent Audit Table is provided at Appendix B.

3.5.2 Document Evaluation

When evaluating post-approval documents (such as Environmental Management Plans and Sub-plans), the audit team must assess whether:

- They have been developed in accordance with the conditions of consent for the project and their content is adequate.
- They have been implemented in accordance with the conditions of consent for the project.

The adequacy of documents must be determined on the basis of whether:

- There are any non-compliances resulting from the implementation of the document.
- Whether there are any opportunities for improvement.

3.6 Compliance Status Descriptors

The compliance status of each compliance requirement in the Audit Table must be determined using the relevant descriptors in Table 2 below, having regard to their meanings. No other terms may be used to describe the compliance status.

Table 2: Compliance Status Descriptors

Status	Description
Compliant	The Lead Auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the audit period.
Non-Compliant	The Lead Auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the audit period.
Not Triggered	A requirement has an activation or timing trigger that has not been met during the audit period (may be a retrospective or future requirement), therefore an assessment of compliance is not relevant.

The terms noted, partial compliance, partial non-compliance, not verified, administrative non-compliance or other similar terms must not be used as a compliance descriptor.

Risk assessing the compliance status of every condition and introducing new risk or priority management terms is not allowed.

As part of the Independent Audit process, the audit team may make observations, including identifying any opportunities for improvement in relation to any compliance requirement or any other aspect of the project. Any observations or notes are in addition to the compliance status descriptor assigned to each compliance requirement, limited to the descriptors listed in Table 2.

4 Independent Audit Report

The auditor must prepare an Independent Audit Report for each independent audit in accordance with the requirements set out in Section 4 of this document.

4.1 Version Control

An Independent Audit Report must clearly and prominently identify:

1. The application number of the project.
 2. Each version or revision number of the report.
 3. The date on which the report was prepared and issued to the Department.
 4. The title and name of the person(s) who prepared and reviewed the Independent Audit Report.
-

4.2 Contents

Independent Audit Reports must include the information detailed below.

4.2.1 Introduction

A brief overview of the audit including:

1. Background of the project.
2. The audit team.
3. The objectives of the audit.
4. The audit scope.
5. The audit period.

4.2.2 Audit Methodology

Details of the methodology adopted including:

1. Documentation from the Planning Secretary agreeing to the audit team.
2. How the audit scope was developed.
3. A summary of the audit process adopted to determine the compliance status and assess if documents are adequate.
4. A summary of the opening and closing meetings including the meeting participants.
5. Site personnel interviewed including their name, position title and organisation (and including if access was not granted or possible with any required personnel and why).

6. Details of site inspections undertaken (including any areas where access was not granted or possible and why).
7. A summary of the consultation undertaken.
8. Meanings of compliance status descriptors used, as set out in this document.

4.2.3 Audit Findings

Auditors must set out in the body of the Independent Audit Report the audit findings including:

1. A list of the approvals and documents audited.
2. A summary of the compliance assessment i.e. comparison of the total number of compliance requirements and any non-compliances identified during the reporting period. Graphics can be used to summarise project performance in relation to compliance requirements.
3. A summary of any notices, orders, penalty notices or prosecutions issued in relation to the consent during the audit period.
4. Exception reporting of all non-compliances identified during the audit period. Details must include the relevant consent condition, the condition reference number, a unique non-compliance identification number, details of the non-compliance and the auditor's recommended actions that are proposed to be taken or have been taken to address the non-compliance.
5. A brief discussion or table of the status of actions arising from previous audits and the progress or outcomes of each action. Details must include the source of the action, reference (condition number), action proposed, proposed completion date, the status (date completed, if relevant) and the action complete.
6. A brief discussion of whether the Environmental Management Plans, Sub-plans and compliance documents prepared by the proponent to satisfy the conditions of consent are adequate, implemented and whether there are any opportunities for improvement.
7. A discussion of other matters considered relevant by the auditor or the Department taking into account relevant regulatory requirements and legislation and knowledge of the project's past performance.
8. Documentation of any feedback received as a result of consultation undertaken with the Department, and other agencies or stakeholders including the community and Community Consultative Committee for the audit and the outcomes of this consultation.
9. A summary of complaints, and the adequacy of the response to, and management of complaints.
10. Details of any incidents (including any enforcement action by any agency) and the adequacy of the response to, and management of such incidents.
11. An assessment of the environmental performance of the project, as outlined in Section 3.3(2) of this document.
12. Evidence collected through document review, interviews and the site inspection to support audit findings.

13. A brief discussion of any continual environmental management improvement opportunities identified as part of the audit.
14. Key strengths of the project's environmental management and performance identified by the auditor.

Note: Where a project has more than one responsible party any audit findings should identify the responsible party for the non-compliance, observation or opportunity for improvement.

4.2.4 Recommendations and Opportunities for Improvement

Independent Audit Report must include recommendations that directly address each non-compliance identified within the scope of the audit.

In addition, the Independent Audit Report must also include recommendations for opportunities for improvement where a non-compliance may not have been identified but where processes or practices could be enhanced beyond minimum compliance. While not mandatory, these suggestions support continuous improvement and can lead to increased efficiency, effectiveness, or risk mitigation.

4.2.5 Appendices

A brief overview of the audit including Appendices to an Independent Audit Report must include at least:

1. A completed Audit Table with all relevant conditions of consent, identifying each requirement, compliance status assessed and documenting the verified evidence. Additionally, the table should provide recommendations that allow appropriate corrective actions to be taken by the proponent to address those instances of non-compliance or opportunities for improvement.
2. A copy of all documentation from the Planning Secretary agreeing to the audit team.
3. A copy of all consultation with the Department, and other agencies or stakeholders including the Community Consultative Committee.
4. The Final Independent Audit Report Declaration Form completed and signed by the Lead Auditor (provided in Appendix E).
5. Registers for the opening and closing meetings.
6. Any reports prepared by the agreed technical specialist(s), as required.
7. Site inspection photographs.

An example of table of contents for an Independent Audit Report is provided in Appendix C.

4.3 Proponent Review and Response

4.3.1 Proponent Review and Response to Draft Independent Audit Report

The Lead Auditor must provide a draft of the Independent Audit Report to the proponent for review and allow the proponent an opportunity to provide any additional information before finalising the Independent Audit Report.

The lead auditor should be aware of when there is more than one responsible party that each party should be provided with a reasonable timeframe with which to review the draft Independent Audit Report prior to finalisation.

The draft Independent Audit Report may only be revised in instances where the Lead Auditor is satisfied that the additional information or evidence provided is sufficient to determine that an error of fact or misunderstanding has taken place. Any additional information provided by a proponent in this regard must be noted in the Independent Audit Report and the Lead Auditor's view in relation to it recorded.

4.3.2 Proponent Response to Audit Recommendations

The proponent must submit their response to the audit recommendations to the Department in a document separate to the final Independent Audit Report.

An example of a Proponent's Response to Audit Recommendations, is provided at Appendix D.

The proponent must respond to all audit recommendations and opportunities for improvement identified in the final Independent Audit Report. The response must clearly set out the proponent's responses to each of the audit findings. It is accepted that there may be instances where an action may address multiple non-compliance findings. Each proposed action should cross-reference the relevant non-compliance condition number(s).

For non-compliances, the proponent's response must set out the actions and the completion timing (dd/mm/yyyy) of such actions that are to be taken in response to each non-compliance.

For observations and opportunities identified for improvement, the proponent must provide reasons if they propose not to implement any measures or make any changes in response.

The proponent's response to the audit findings must be submitted to the Department with the Independent Audit Report.

***Note:** The proponent's response to the audit recommendations must not be used to request advice or seek clarification from the Department. If a proponent wishes to seek additional advice in response to an audit recommendation, this must be made through a separate submission to the Major Projects Portal.*

4.4 Declaration

The final Independent Audit Report submitted to the Department must include a declaration by the Lead Auditor, completed in the Independent Audit Report Declaration Form and appended to the report. The form that must be used is provided in Appendix E.

4.5 Submission

The final Independent Audit Report and the proponent's response to audit findings must be submitted to the Department via the Major Projects Portal within 2 months of the final day of the audit site inspection, unless otherwise agreed by the Department or required by the conditions of consent.

If the Lead Auditor is unable to provide the final Independent Audit Report, or the proponent is unable to provide a response to the audit findings by the due date because of circumstances beyond the Lead Auditor's or proponent's control, the proponent must notify the Department in writing via the Major Projects portal as soon as practicable and no later than the due date, to seek approval for an extension.

The proponent must specify the circumstances that were beyond their control and request a new date for the submission of the final Independent Audit Report or response to audit recommendations.

4.6 Submission Format

An electronic copy of the final Independent Audit Report and the proponent's response to the audit recommendations must be submitted to the Department by the proponent via the Major Projects portal. These two documents must be submitted concurrently.

All revised reports/documents submitted to the Department must include a version with tracked changes and a clean copy.

All Independent Audit Reports and proponent's response to the audit recommendations are made public on the Major Projects website. If a proponent considers there to be sensitive, personal or commercial information in the Independent Audit report, they must include in their submission an additional redacted copy for publication.

4.7 Review

If the Independent Audit Report and proponent response to audit findings does not adequately address the requirements in the conditions of consent, or meet the requirements in this document, the proponent will be required to work with the auditor to revise and resubmit these documents.

The proponent remains responsible for ensuring that the project is carried out in compliance with all the conditions of consent. The Department's review of an Independent Audit Report does not and is not to be construed as absolving the proponent of its responsibility to comply with the conditions of consent.

The Department will review and respond to identified non-compliances in accordance with the processes outlined in its Compliance Policy and powers under the Environmental Planning & Assessment Act 1979.

A copy of the Compliance Policy is available at planning.nsw.gov.au

4.8 Lead Auditor Performance

Where the Department identifies concerns that an endorsed Lead Auditor's Independent Audit Reports are consistently not meeting the requirements of this document or the requirements in the conditions of consent, the Department may initiate a performance review process with the Lead Auditor. This process will involve close monitoring of the Lead Auditor's work across a defined number of Independent Audits, with a focus on ensuring consistent adherence to the requirements of this document and the requirements of the conditions of consent.

During this performance review process the Lead Auditor may be required to participate in meetings with Departmental representatives. If the Lead Auditor demonstrates improvement in the standard of their submitted Independent Audit Reports the Department may continue their endorsement for any future Independent Audits. However, if during the performance review process the Lead Auditor continues to submit Independent Audit Reports that do not meet the expected requirements as detailed in this document or the requirements in the conditions of consent the Department reserves the right to withdraw endorsement of the Lead Auditor for any future Independent Audits.

5 Glossary

Term	Definition
Approval	A regulatory approval instrument.
Conditions of Consent	Means conditions imposed on either of the following: <ul style="list-style-type: none"> • development consents for State significant development • infrastructure approvals for State significant infrastructure • transitional Part 3A project approvals • other approvals or consents granted by the Minister in accordance with the <i>NSW Environmental Planning and Assessment Act 1979</i> .
Construction	As defined within the relevant consent/approval.
Incident	As defined within the relevant consent/approval.
Minister	NSW Minister for Planning or delegate.
Predicted Impacts	Predicted impacts described in the Environmental Impact Assessment documents that comprise the approved project.
Proponent	The person or entity acting on an approval for a State significant project. The <i>Environmental Planning and Assessment Act 1979</i> uses the terms “applicant” for State significant development and “proponent” for state significant infrastructure. In this document, “proponent” covers both.
Planning Secretary	The Planning Secretary under the <i>Environmental Planning and Assessment Act 1979</i> or nominee.
State Significant Project(s)	Means any of the following: <ul style="list-style-type: none"> • State significant development projects • State significant infrastructure projects (including critical State significant infrastructure projects) • transitional Part 3A projects • Part 4 projects for which the Minister is the consent authority in accordance with the <i>Environmental Planning and Assessment Act 1979</i> .

Note: Also refer to the definitions of audit terms provided in *AS/NZS ISO 19011.2014 2019 – Guidelines for Auditing Management Systems (or the most recent version)*.

6 Appendices

Appendix A

Pre-audit Declaration of Independence Form Template

Pre-audit Declaration of Independence – Lead Auditor/Auditor/Technical Specialist
Project Name
Application Number
Project Address
Proponent
Date
<p>I declare that:</p> <ul style="list-style-type: none">i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;iv. I am not an Environmental Representative for the project; andv. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.
<p>Notes:</p> <ul style="list-style-type: none">a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; andb) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Pre-audit Declaration of Independence – Lead Auditor/Auditor/Technical Specialist
Name of Proposed Auditor
Signature
Qualification
Company

Appendix B

Independent Audit Table Example

Note: All requirements/conditions of consent must be addressed

Condition of Consent	Requirement (exact wording)	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification Noncompliance - \$#
Condition B1	<p>Noise Management Plan</p> <p>The proponent must prepare a Noise Management Plan for the development to the satisfaction of the Planning Secretary.</p> <p>This plan must:</p> <p>(a) be submitted to the Planning Secretary for approval prior to the commencement of development under this consent, unless otherwise agreed by the Planning Secretary</p>	<p>Correspondence dated DD/MM/YYYY from proponent accompanying Noise Management Plan dated DD/MM/YYYY.</p> <p>Correspondence dated DD/MM/YYYY from proponent providing notification of commencement of development.</p>	Noise Management Plan and correspondence received four weeks after commencement of development.	Non-compliant	NC1
Condition B7	Within 12 months of commencement of vegetation clearance works, unless otherwise	Correspondence dated DD/MM/YYYY from the proponent to DPIE providing notification of	12-month period not yet lapsed from date of clearing commencing.	Not triggered	

Condition of Consent	Requirement (exact wording)	Evidence Collected	Independent Audit Findings and Recommendations	Compliance Status	Unique Identification Noncompliance - \$#
	approved by the Planning Secretary, the proponent must submit evidence to the Planning Secretary that the Biodiversity offset Strategy has been implemented	commencement of clearing activity subject to the approved Biodiversity Offset Strategy.	Due by DD/MM/YYYY Recommend progression of		
Condition C3	Community Consultative Committee The proponent must establish a Community Consultative Committee for the development prior to the commencement of construction to the satisfaction of the Planning Secretary. The CCC must commence operation prior to the commencement of construction.	Correspondence from DPIE to proponent, approval provided regarding establishment of CCC. Minutes of CCC Meeting held on DD/MM/YYYY. Correspondence dated DD/MM/YYYY from the proponent providing notification of commencement of construction.	CCC meeting occurred on DD/MM/YYYY, approximately six weeks prior to commencement of construction.	Compliant	

Appendix C

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Appendix D

Proponent Response to Audit Findings Example

Table 3: Response to Non-Compliances

Condition Number (ID)	Compliance Requirement	Independent Audit Finding	Independent Audit Recommendation	Proponent's Proposed Action/Action taken/Response (as applicable)	Proposed Action Due Date
Condition B1	The Department must be notified in writing of the date of commencement of construction	Non-compliant – written notification of commencement of physical works was not provided to DPIE	Proponent to provide written notification to DPIE of the commencement of construction	Written notification provided by the proponent to DPIE on (insert date) advising the date of commencement of construction	DD/MM/YYYY

Table 4: Response to Observations and Opportunities for Improvement

Condition Number (ID)	Compliance Requirement	Independent Audit Observation / Opportunity for Improvement	Proponent's Proposed Action or reason to not implement measures/changes	Proposed Action Due Date (if applicable)

Appendix E

Independent Audit Report Declaration Form Template

Final Independent Audit Report Declaration Form – Lead Auditor
Project Name
Application Number
Project Address
Proponent
Title of Audit
Date
<p>I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:</p> <ol style="list-style-type: none">i. the audit has been undertaken in accordance with relevant condition(s) of consent and the Independent Audit Compliance Requirements (Department 2019);ii. the findings of the audit are reported truthfully, accurately and completely;iii. I have exercised due diligence and professional judgement in conducting the audit;iv. I have acted professionally, objectively and in an unbiased manner;v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; andviii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so. <p>Notes:</p> <ol style="list-style-type: none">a) Under section 10.6 of the Environmental Planning and Assessment Act 1979 a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and

Final Independent Audit Report Declaration Form – Lead Auditor

b) The Crimes Act 1900 contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of Auditor

Signature

Qualification

Company

Company Address

Department of Planning, Housing and Infrastructure

Locked Bag 5022
Parramatta NSW 2124
W: dphi.nsw.gov.au

