



Operational Compliance Report No. 1

# **Cranbrook SSD-8812**

## **Cranbrook School**

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Revision No.: 1B

Revision Date: 11/08/2023

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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### Project Revision History:

Date	Author	Rev. No.	Scope of Revision
11/08/22	K Cuno	1B	For submission

<b>Project Name</b>	Cranbrook School Redevelopment Project
<b>Consent Number</b>	SSD 8812
<b>Description of Project</b>	The Cranbrook Redevelopment project comprises the following three main built components: <ul style="list-style-type: none"> <li>▪ A new sub-surface Aquatic and Fitness Centre with 124 car parking spaces</li> <li>▪ Resurfacing of Hordern Oval.</li> <li>▪ A new academic and liberal arts building – termed the Vicars Centenary Building</li> </ul>
<b>Project Address</b>	Lot 1 DP663630, Lot 9 to 18 DP9005, Lot A to C DP186768 5 Victoria Road, Bellevue Hill NSW 2023
<b>Proponent</b>	Cranbrook School
<b>Title of Compliance Report</b>	Operational Compliance Report No. 1
<b>Reporting Period</b>	17/02/2022 to 04/07/2023

### Compliance Report Declaration

I declare that I have reviewed relevant evidence and prepared the contents of the attached Operational Compliance Report and to the best of my knowledge:

- the Operational Compliance Report has been prepared in accordance with all relevant conditions of consent;
- the Operational Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;
- the findings of the Operational Compliance Report are reported truthfully, accurately and complete;
- due diligence and professional judgement have been exercised in preparing the Operational Compliance Report; and
- the Operational Compliance Report is an accurate summary of the compliance status of the development post Occupation.

<b>Name of Authorised Reporting Officer</b>	Kathryn Cuno
<b>Title</b>	Project Manager

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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<b>Signature</b>	
<b>Qualification</b>	Dip. Project Management
<b>Company</b>	EPM Projects Pty Ltd
<b>Company Address</b>	L13, 67 Albert Avenue, Chatswood NSW 2067

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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## Contents

<b>1. GLOSSARY .....</b>	<b>5</b>
<b>2. EXECUTIVE SUMMARY .....</b>	<b>6</b>
2.1. Compliance Status Summary .....	6
2.2. Non-Compliances.....	6
2.3. Previous Compliance Reporting Actions .....	8
2.4. Incidents.....	8
2.5. Complaints.....	8
2.6. Purpose.....	8
<b>3. PROJECT DESCRIPTION .....</b>	<b>9</b>
<b>4. COMPLIANCE MONITORING AND REPORTING PROGRAM (CMRP) .....</b>	<b>9</b>
4.1. Compliance Status Descriptors .....	11
<b>5. COMPLIANCE STATUS SUMMARY .....</b>	<b>12</b>
<b>6. NON-COMPLIANCES .....</b>	<b>12</b>
<b>7. PREVIOUS REPORT ACTIONS .....</b>	<b>12</b>
<b>8. INCIDENTS.....</b>	<b>12</b>
<b>9. COMPLAINTS .....</b>	<b>12</b>
<b>APPENDIX A – COMPLIANCE REPORT TABLE .....</b>	<b>13</b>

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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## 1. GLOSSARY

<b>CCR</b>	Construction Compliance Report
<b>CEMP</b>	Construction Environmental Management Plan
<b>CoC</b>	The Planning Minister's Conditions of Consent
<b>CMRP</b>	Compliance Monitoring and Reporting Program
<b>CRPAR</b>	The NSW Department of Planning and Environment Compliance Reporting Post Approval Requirements (Department 2018)
<b>DoE</b>	Department of Education
<b>DPIE</b>	Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>IER</b>	Independent Environmental Representative
<b>EMS</b>	Environmental Management System
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>LGA</b>	Local Government Area
<b>Minister, the</b>	NSW Minister for Planning or delegate
<b>OCR</b>	Operational Compliance Report
<b>PCCR</b>	Pre-Construction Compliance Report
<b>PEMP</b>	Project Environmental Management Plan
<b>POCR</b>	Pre-Occupational Compliance Report
<b>Project, the</b>	Cranbrook School Redevelopment Project
<b>Planning Secretary</b>	The Planning Secretary under the <i>Environmental Planning and Assessment Act 1979</i> or nominee
<b>RCC</b>	Richard Crookes Constructions (Contractor)
<b>SSD</b>	State Significant Development

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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## 2. EXECUTIVE SUMMARY

On 22 June 2023, the Department of Planning & Environment (DP&E), requested that an Operational Compliance Report (OCR) be submitted in accordance with C26 of the SSD Conditions of Consent (CoC).

This Operational Compliance Report (OCR) is the first of its kind for this Project. The Project was delivered under progressive Occupation Certificates with the final Occupation Certificate being issued on 6 February 2023, certificate J/74238/14 by McKenzie Group the appointed Principal Certifier.

The sections of the SSD CoC that apply to this report are as follows:

Part	Description	Conditions
A	Administrative Conditions	A1 – A31, AN1
B	Prior to the Issue of Construction Certificate	B1 – B13
C	Prior to Commencement of Works	C1 – C34
D	During Construction	D1 – D36
E	Prior to Issue of An Occupation Certificate	E1 – E40
F	Post Occupation	F1 – F8
Appendix 2	Advisory Notes	AN1 – AN16

### 2.1. Compliance Status Summary

A summary of the project's Conditions of Consent compliance performance is provided in the table below:

	Total No. of Conditions	No. Compliant	No. Non-Compliant	No. Not Triggered
<b>Part A</b>	31	31	1	7
<b>Part E</b>	40	38	0	2
<b>Part F (only)</b>	8	7	0	2
<b>Sub-total</b>	<b>79</b>	<b>69</b>	<b>0</b>	<b>11</b>
<b>All Parts Total</b>	<b>178</b>	<b>163</b>	<b>4</b>	<b>15</b>

### 2.2. Non-Compliances

There were four administrative non-compliances in the reporting period. Two of which were identified during the Geosytec's Operational Independent Environment Audit (OIEA) Report undertaken in March 2023, and two by the Department of Planning.

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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As identified in Geosyntec OIEA Report 1:

<b>SSD Condition No.</b>	<b>Details of Non-Compliance</b>	<b>Recommendations</b>
A30	This item is considered as non-compliant because the review of plans and strategies was not conducted within 3 months following the submission of the Pre-Operation Compliance Report. Non-compliance had been addressed by EPM by notifying DPE and conducting a review of plans, programs and strategies retrospectively within 7 days of becoming aware of the non-compliance. Response to the above non-compliance notification from DPE states that the breach was recorded with no further enforcement action.	Strategies, plans and programs under the development consent must be reviewed within 3 months of submission of this IEA Report or any other items listed in Section A30 of the consent conditions.
C27	A review of strategies, plans and programmes was not undertaken within 3 months of the Pre-Operational Compliance Report (POCR) dated 14/02/2022. The Department and PCA were notified of the technical non-compliance on 02/02/2023, within 5 days of this omission being found.	A review of strategies, plans and programmes to be undertaken within 3 months of a compliance report being submitted to the Department. Next review to be undertaken prior to 04/10/2023.

Number of Non-Compliances = 2

As identified by the Department of Planning in its review of OIEA Report 1:

<b>SSD Condition No.</b>	<b>Details of Non-Compliance</b>	<b>Recommendations</b>
D33	The audit frequency requires an IEA undertaken and submitted within 52 weeks of the commencement of operation.  Operations of the Aquatic & Fitness Centre commenced operations on 28 March 2022.  The Geosyntec undertook their IEA prior to 28 March 2023, however the OIEA was not submitted to the Department within the 52 weeks.	Clarification to be sought if future IEA Reports are ongoing.  If required the next IEA Report is due in 3 years from the last IEA in March 2023.

Number of Non-Compliances = 1

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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As identified by the Department of Planning post review of OIEA Report 1

<b>SSD Condition No.</b>	<b>Details of Non-Compliance</b>	<b>Recommendations</b>
C26	A post operation report had not been submitted with 52 weeks of operation.	This report albeit late has been prepared to meet this requirement.

Number of Non-Compliances = 1

### 2.3. Previous Compliance Reporting Actions

Previous audits and reporting have only identified minor administrative non-compliances without any further enforcement action required by the Department of Planning.

### 2.4. Incidents

There were no incidents in the reporting period.

### 2.5. Complaints

There were no complaints in the reporting period.

### 2.6. Purpose

This Operational Compliance Report (OCR) has been prepared to address the requirements for Cranbrook School Redevelopment Project State Significant Development (SSD) Approval SSD 8812 Conditions of Consent (CoC) C25 to C28 – Compliance Reporting as outlined in the table below:

### Part C – Prior to Commencement of Works

<b>Condition</b>	<b>Requirements</b>
C25. 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 Principal Certifying Authority.
C26. Compliance Reporting (continued)	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018), unless otherwise agreed by the Planning Secretary.
C27. Compliance Reporting (continued)	The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Principal Certifying Authority in writing at least seven days before this is done.
C28. Compliance Reporting (continued)	Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.



<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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### 3. PROJECT DESCRIPTION

Due to the impact of Covid-19 and other factors, the Cranbrook Redevelopment project was delivered under progressive Occupation Certificates. These certificates largely align with the progressive occupation of the following three (3) Separable Portions under the Contract between Cranbrook School and Richard Crookes Constructions:

- Separable Portion 1 – Aquatic & Fitness Centre
- Separable Portion 2 – Hordern Oval
- Separable Portion 3 - Vicars Centenary Building

### 4. COMPLIANCE MONITORING AND REPORTING PROGRAM (CMRP)

The NSW Department of Planning and Environment Compliance Reporting Post Approval Requirements (Department 2018) (CRPAR) sets out the minimum requirements to be met when preparing Compliance Monitoring and Reporting Programs and Compliance Reports pursuant to the CoC. These requirements apply to State Significant projects where compliance monitoring and reporting in accordance with this document is required by the CoC.

The deliverables required as part of the Compliance Monitoring and Reporting Program (CMRP) are set out in Section 2 of CRPAR. These include:

- A Compliance Monitoring and Reporting Program containing Compliance Monitoring and Reporting Schedule;
- The schedule must set out the required frequency of compliance monitoring and reporting; and
- Unless the conditions of consent state otherwise, the schedule must also set out the dates on which Compliance Reports must be submitted to the Department;

The compliance reports applicable to SSD-8812 and minimum frequency for submitting Compliance Reports is set out in the Table below:

<b>Compliance Report</b>	<b>Phase</b>	<b>Timing</b>	<b>Minimum Frequency</b>	<b>Applies to this Development (Yes / No)</b>
Compliance Monitoring and Reporting Program	Commencement of Development	No later than two (2) weeks before the date notified for the commencement of construction (CoC C25)	Single report	Yes
Pre-Construction Compliance Report	Pre-Construction	Report to be submitted to the Planning Secretary prior to commencement of construction	Single report	Yes

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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Compliance Report	Phase	Timing	Minimum Frequency	Applies to this Development (Yes / No)
Construction Compliance Report	Construction	Reporting required for the duration of construction	At intervals, no greater than 26 weeks from the date of commencement of construction	Yes
Pre-Operational Compliance Report	Pre-Operation	Report to be submitted to the Planning Secretary prior to commencement of operation	Single report for each building as requested by the Department	Yes
Operational Compliance Report	Operation	Reporting required for the duration of operation	At intervals, no greater than 52 weeks from the date of commencement of operation	Yes
Post-Decommissioning Compliance Report	Decommissioning	Report to be submitted to the Planning Secretary within 12 weeks of completion of decommissioning	Single report	No

The below table summarises the requirements of the CoC which apply to the OCR together with the cross-reference to where the requirements are addressed in this OCR. Further details of how the conditions are addressed are provided in the sections below:

Authority	ID	Requirement	Reference
SSD CoC	C25	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 Principal Certifying Authority.	Compliance Monitoring and Reporting Program
SSD CoC	C26	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018), unless otherwise agreed by the Planning Secretary.	Purpose of this Report Operational Compliance Report
SSD CoC	C27	The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Principal Certifying Authority in writing at least seven days before this is done.	Timing of compliance report to be publicly available

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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Authority	ID	Requirement	Reference
SSD CoC	C28	Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (Department 2018), the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.	Operational Compliance Report

#### 4.1. Compliance Status Descriptors

The status of each compliance requirement applicable during the reporting period will be described using the relevant descriptors below:

- **Compliant:** The proponent has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with.
- **Non-compliant:** The proponent has identified a non-compliance with one or more elements of the requirement.
- **Not triggered:** A requirement has an activation or timing trigger that has not been met at the phase of the development when the compliance assessment is undertaken, therefore an assessment of compliance is not relevant.

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>

## 5. COMPLIANCE STATUS SUMMARY

A summary of the project's compliance performance is provided in the table below:

SSD Category	Total No.	No. Compliant	No. Non-Compliant	No. Not Triggered
Part A - Administrative	31	24	1	7
Part B - Prior to Issue of Occupation Certificate	13	13	0	0
Part C – Prior to Commencement of Works	34	30	2	3
Part D – During Construction	36	35	1	1
Part E – Prior to Issue of an Occupation Certificate	40	38	0	2
Part F – Post Operation	8	7	0	2
Appendix 2 – Advisory Notes	16	16	0	0
<b>Total</b>	<b>178</b>	<b>163</b>	<b>4</b>	<b>15</b>

## 6. NON-COMPLIANCES

Untimely submission of reports within the 12 month's of operations albeit the last building to be occupied was in late August 2022. Non-compliance against C26.

## 7. PREVIOUS REPORT ACTIONS

Recent Independent Environmental Audit had two minor non-compliances and the DP&E raised a non-compliance of not receiving the IEA within 52 weeks of operation. The DP&E also made us aware that an OCR had not been received by the Department the within 52 weeks of operation.

## 8. INCIDENTS

There are no incidents in the reporting period.

## 9. COMPLAINTS

There were no complaints received during the reporting period.

<b>Compliance Report</b>	
<b>Operational Compliance Report No. 1</b> Cranbrook School SSD-8812	
IMS Document No. <b>B04-TEM-014</b>	Version No. <b>1.09</b>



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## APPENDIX A – Compliance Report Table