



**North Byron Parklands
Independent Audit 2020**

Version: 2

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Mat Morris – General Manager

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1. Executive Summary

Under the terms of the *NSW Department of Planning, Industry and Environment (DPIE) Development Consent* (SSD 8169/ E-10 – refer to *Appendix A: DPIE Development Consent - SSD 8169*) North Byron Parklands (NBP) is required to undertake an Independent Audit of the development, aligned to the *Independent Audit Methodology* and *Independent Audit Report* - refer to *Appendix B: Independent Audit – Post Approval Requirements* (June 2018).

In accordance with these requirements, an Independent Audit of North Byron Parklands performance against its compliance obligations was conducted by Jeff Kerswell of Continual Improvement Solutions (CIS) between 11-22/05/2020.

The audit consisted of:

- 199 criteria with North Byron Parkland achieving;
 - 157 Compliant;
 - 1 Non-Compliant;
 - 41 Not Yet Triggered.

Several stages of construction work have not yet commenced (as per the Staged Infrastructure Plan), resulting in several criteria (41) also not yet being triggered. As this construction work progresses, North Byron Parkland will need to ensure it applies similar scrutiny and rigour over these activities.

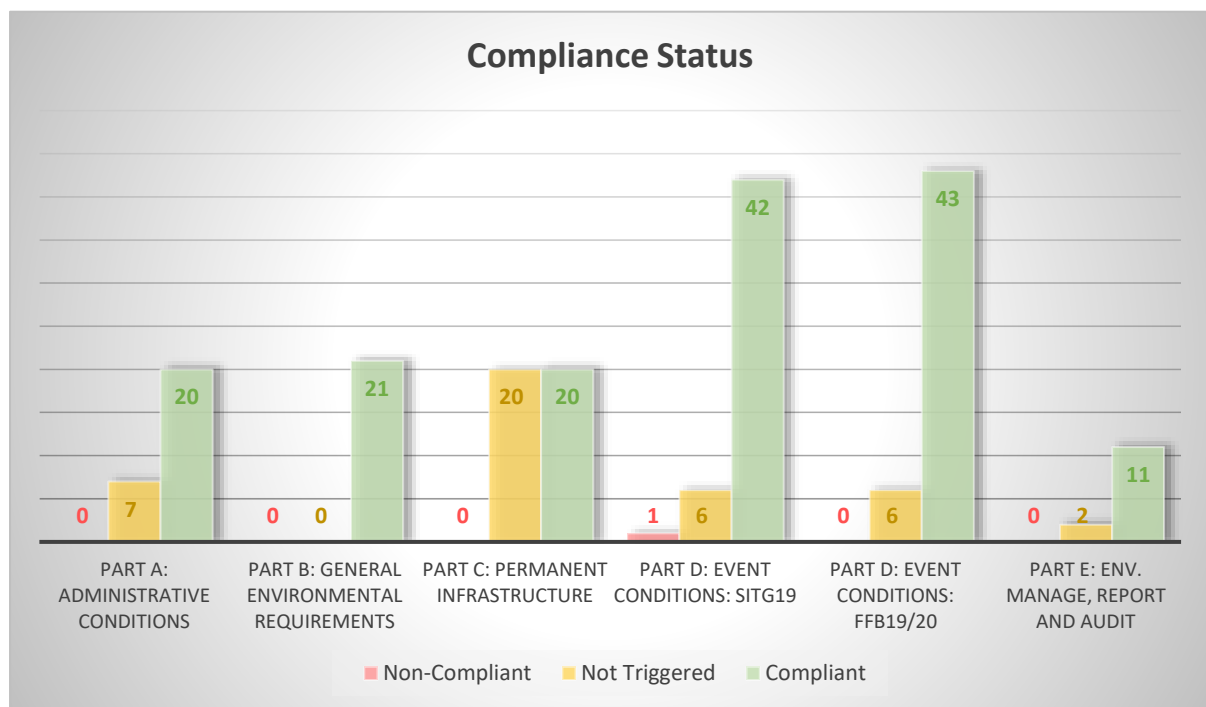


Figure 1: Independent Audit - Compliance Status

The audit was conducted during the 2020 COVID-19 pandemic and the associated Federal and State Government lock-down restrictions imposed to minimise and control the outbreak. This had two direct impacts on the audit:

1. As a result of observing COVID-19 controls (aligned to those defined by Australian Government Department of Health) which included practicing social distancing (remote auditing practices such as: desktop reviews - where possible, teleconference interviews and maintaining 1.5m physical distance) and adopting good hand hygiene practices (washing hands frequently and using an alcohol based hand sanitiser) the audit was conducted primarily as a remote audit/ desktop review of available evidence, with physical onsite follow-up where required. North Byron Parklands have invested in the development of a Compliance Register for tracking their compliance obligations. This register provided not only a streamlined method of accessing evidence, but more importantly it allows North Byron Parklands to monitor their compliance

obligation performance in real-time, providing them with an opportunity to respond to potential issues before they materialise.

2. The COVID-19 restrictions have created significant uncertainty in relation to the future of festivals and large gatherings in NSW and Australia, in addition to restriction on interstate and international travel. These restrictions have had a direct impact on North Byron Parklands operations throughout 2020 - and potentially beyond. As a result, where a criterion required historical evidence the audit focussed on records and evidence for the most recent events which primarily included Splendour in the Grass 2019 (SITG19) and Falls Festival Byron 2019/20 (FFB19/20).

Representatives of North Byron Parklands that participated in the audit demonstrated a strong commitment to the implementation of the North Byron Parklands systems and processes, to meet their compliance obligations. Information was readily available, retrieved and produced in a timely manner.

Continual Improvement Solutions would like to take this opportunity to thank the management and employees of North Byron Parklands that participated in the audit, for their willingness to participate, their time and cooperation throughout the audit and the hospitality that was extended to the auditor.

2. Introduction

2.1. Background

North Byron Parklands operates the 660-acre cultural arts and music events site at Yelgun near Byron Bay.

From April 2012 it had been operating under a Department of Planning, Industry and Environment (DPIE) temporary approval until receiving permanent approval (SSD 8169) in March 2019. The approval includes:

- Two Major Festivals:
 - Splendor in the Grass (including 5-year staged increase of daily patronage from 35000 to 50000);
 - Falls Festival (including 5-year staged increase of daily patronage from 25000 to 35000);
- Three medium event days (up to 25000 patrons) – separated or combined;
- Five Small event days (up to 5000 patrons) – separated or combined;
- Two minor day-long community events (up to 1500 patrons) – separated or combined;
- On-site administration building, road and transport Infrastructure, camping and associated amenities.

In addition, North Byron Parklands has also received Development Consent (SSD 8169) for:

- Construction and operation of additional site infrastructure to support the cultural event site;
- Construction and operation of Conference Centre and associated accommodation;
- Phased increases in patronage - as detailed above and subject to requirements outlined in the Development Consent (SSD 8169).

Details of the approved future development footprint are provided in Figure 2: Approved Development Footprint.

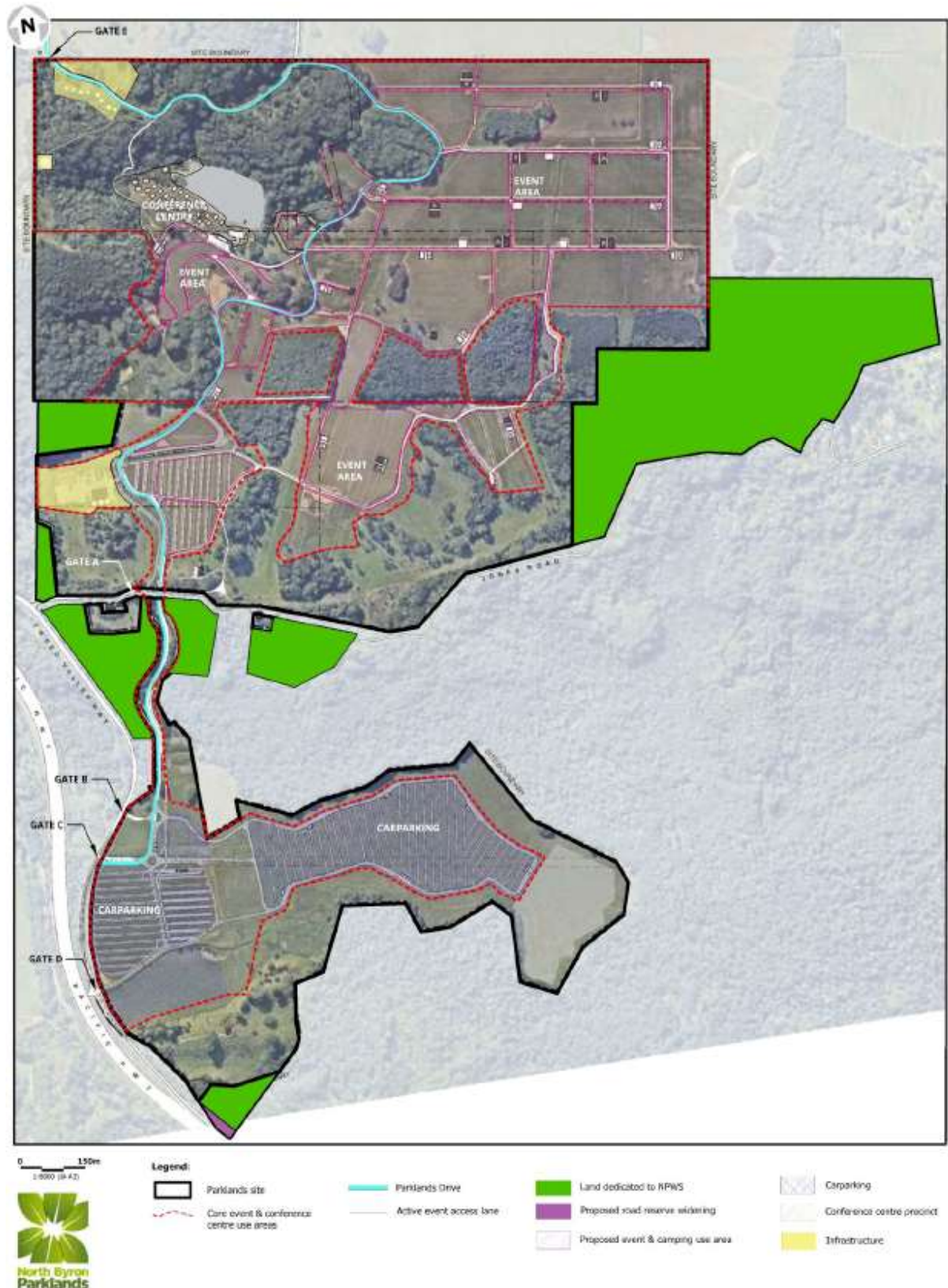


Figure 2: Approved Development Footprint

2.2. Audit Team

Jeff Kerswell was the nominated Continual Improvement Solutions auditor for this engagement. Jeff is an Exemplar Global Registered Lead Auditor and draws on approximately 20 years management systems experience having worked across a range of industries – refer to *Appendix J: Jeff Kerswell – Professional History* for further professional history, experience and qualifications.

In accordance with auditors code of ethics (defined through memberships with associations such as Exemplar Global and the Institute of Internal Auditors) with the exception of this audit, Jeff maintains autonomy and independence from North Byron Parklands, Splendour in the Grass and Falls Festival Byron and is therefore free from any actual, potential or perceived conflicts of interest - refer *Appendix D: Pre-Audit Independence Declaration, Appendix E: Planning Secretary Audit Team Agreement* and *Appendix G: Independent Audit Declaration Form*.

2.3. Audit Objectives

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

The minimum requirements are:

1. an Independent Audit Program, including:
 - a. an Audit Schedule; and
 - b. an Audit Table;
2. an Independent Audit Methodology, including:
 - a. selection of the auditor;
 - b. selection of any technical specialists - if required;
 - c. scope development;
 - d. interviews;
 - e. inspections;
 - f. consultation; and
 - g. an evaluation of compliance (section 3 of the '*Independent Audit Post Approval Requirements – June 2018*'); and
3. an Independent Audit Report (section 4 of the '*Independent Audit Post Approval Requirements – June 2018*').

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 apply as they are undertaken and reported by an independent auditor, rather than a proponent's Authorised Reporting Officer.

It is beneficial that Independent Audits are carried out in a planned and systematic manner. An Independent Audit Program ensures that Independent Audits are undertaken at appropriate intervals during the carrying out 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 Program when considered necessary to address a particular issue, for example, following an incident.

The audit has been completed in accordance with the requirements of '*AS/NZS ISO 19011.2018 – Guidelines for Auditing Management Systems*'.

2.4. Audit Scope

The scope of this Independent Audit includes:

1. an assessment of compliance with:
 - a. conditions of consent - applicable to the phase of the development that is being audited;

- b. all post approval documents prepared to satisfy the conditions of consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans;
 - c. all environmental licences and approvals applicable to the development excluding environmental protection licences issued under the *Protection of the Environment Operations Act 1997*;
2. an assessment of the environmental performance of the development, including but not necessarily limited to, an assessment of:
 - a. actual impacts compared to predicted impacts documented in the environmental impact assessment;
 - b. the physical extent of the development in comparison with the approved boundary, and any potential off-site impacts;
 - c. incidents, non-compliances and complaints that occurred or were made during the audit period;
 - d. the performance of the development having regard to agency policy and any particular 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 review of the project's environmental management systems (if any), including assessment of any third party certification of them, the type, nature and scope of the systems having regard to the nature and scale of the development, and the implementation of the systems. It is not expected that an Independent Audit comprises a management system audit, however any key deficiencies identified in the system should be discussed;
5. a high-level assessment of whether Environmental Management Plans and Sub-plans are adequate; and
6. any other matters considered relevant by the auditor or the Department taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance.

2.5. Audit Period

This Independent Audit was conducted between 11/05/2020 and 22/05/2020.

An Opening Meeting was held at 12:00pm on 11/05/2019 and attended by the auditor and the North Byron Parklands - General Manager. At this meeting, the audit methodology (including the purpose, objective, scope, criteria and reporting requirements) were discussed, clarified (where appropriate) and agreed.

The audit sampled records from the previous year's operational activities including:

- Splendour in the Grass July 2019 Large Winter Event
- Falls Festival Byron Dec 2019 – Jan 2020 Large Summer Event

A Closing Meeting was held at 11:00am on 25/05/2020 with the auditor and the North Byron Parklands - General Manager in attendance. At this meeting the Audit Report and Audit Table were presented, reviewed and accepted.

3. Audit Methodology

3.1. Selection and Endorsement of the Audit Team

Continual Improvement Solutions was selected to undertake the inaugural North Byron Parklands Independent Audit 2020 following a comprehensive review incorporating a RFQ (Request for Quotation) process, undertaken by representatives of North Byron Parklands.

This selection was endorsed by the Department of Environment, Planning, Industry and Environment on 24/04/2020 - refer to *Appendix E: Planning Secretary Audit Team Agreement*.

3.2. Independent Audit Scope Development

This Independent Audit Scope was developed based on criteria developed by the Department of Environment, Planning, Industry and Environment as defined in the Department of Planning and Environment Development Consent - SSD 8169.

3.3. Compliance Evaluation.

3.3.1. Evidence-Based Evaluation

Independent Audit findings are based on verifiable evidence. Evidence has been collected using the following methods as appropriate in the circumstances:

1. review of relevant records, documents and reports;
2. interviews of relevant site personnel;
3. photographs; and
4. site inspections of relevant locations, activities and processes.

The evidence used to verify compliance with each requirement has been documented in the Audit Table along with any relevant observations and notes.

3.3.2. Post Approval Document Evaluation

When evaluating post approval documents (such as Environmental Management Plans and Sub-plans), the auditor has assessed whether:

1. they have been developed in accordance with the conditions of consent and all environmental licences and approvals applicable to the development excluding environmental protection licences issued under the Protection of the Environment Operations Act 1997 and their content is adequate; and
2. they have been implemented in accordance with the conditions of consent and all environmental licences and approvals applicable to the development excluding environmental protection licences issued under the Protection of the Environment Operations Act 1997.

The adequacy of post approval documents has been determined on the basis of whether there are any:

1. non-compliances resulting from the implementation of the document; and
2. opportunities for improvement.

3.4. Site Reviews

This Independent Audit included interviews with the key personnel involved in project delivery, including those with responsibility for environmental management, to assist with verifying the compliance status of the development. Those interviewed included:

- North Byron Parklands - General Manager: 11, 12, 19 & 25/05/2020;

- North Byron Parklands – Groundsman: 19/05/2020;
- North Byron Parklands – RWG Chairperson: 22/05/2020.

The auditor was provided with reasonable access to the key site personnel, as required by the Independent Audit scope. North Byron Parklands personnel were open and enthusiastic when participating in the audit including when interviewed.

3.5. Site Inspections

This Independent Audit included a physical site inspection which was undertaken on the 19/05/2020. The auditor was accompanied by the North Byron Parklands General Manager and was provided with reasonable and unimpeded access to all requested development areas and activities. The site inspection covered all development areas and environmental aspects that form part of the scope of the audit. Evidence from this site inspection is documented against relevant criterion throughout the Audit Table and photographic evidence captured in *Appendix I: Site Inspection Photographs*.

3.6. Consultation

North Byron Parklands have established the North Byron Parklands Regulatory Working Group (NBP RWG) as no Community Consultative Committee is required for the project.

The auditor engaged with representatives of the Department of Planning, Infrastructure and Environment and the North Byron Parklands Regulatory Working Group (via the RWG Chairperson) to ensure key stakeholders and interested parties were invited to provide input into the scope of the audit - refer to *Appendix F: Consultation*.

The auditor confirmed with the below representatives that there was no feedback which would require the auditor, as part of scope development, to review or amended the Audit Table against the requirements set out in section 3.3 of *Independent Audit Post Approval Requirements – June 2018*.

- DPIE Compliance Team Leader: via phone call 20/05/2020 10:17am;
- North Byron Parkland – Regulatory Working Group Chairperson: via phone call - 22/05/2020 10:30am. Confirmed that they had received no feedback from the NBP RWG members.

Minutes from the NBP RWG meeting (07/07/2019 & 06/11/2019) were also reviewed.

3.7. Compliance Status Descriptors

The compliance status of each compliance requirement in the Audit Table has been determined using the relevant descriptors in the table below, having regard to their meanings. No other terms may be, nor have been used to describe the compliance status.

Table 1: Compliance Status Descriptors

Status	Description
Compliant	The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit.
Non-Compliant	The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit.
Not Triggered	A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

The terms partial compliance, partial non-compliance or administrative non-compliance or other similar terms must not and have not been used.

In addition to the compliance status descriptors, the auditor has included observations and notes, including identifying any opportunities for improvement, in relation to any compliance requirement or any other aspect of the development.

4. Audit Findings

4.1. Approval and Document List

Nil Findings.

Department of Planning, Infrastructure and Environment: Development Consent (SSD 8169) – refer to *Appendix A: DPIE Development Consent - SSD 8169*;

Independent Audit: Post Approval Requirements (June 2018) – refer to *Appendix B: Independent Audit – Post Approval Requirements (June 2018)*.

4.2. Compliance Performance

Nil Findings.

4.3. Summary of Agency Notices, Orders, Penalty Notices or Prosecutions

Nil Findings.

North Byron Parklands have not received any Agency Notices, Orders, Penalty Notices or Prosecutions.

4.4. Non-Compliances

Refer to 5.1 Non-Compliances

4.5. Previous Audit Recommendations

Nil Findings.

This was the inaugural North Byron Parklands Independent Audit therefore there were no previous audit recommendation to review.

4.6. EMP, Sub-Plans and Post Approval Documents

Nil Findings.

Table 2: Document Approval List

Document Name	SSD 8169 Clause Req	Approval	
		NBP	DPIE
Acid Sulphate Soils Management Plan - Contained within the CEMP/ Appendix D: Acid Sulphate Soils Management Plan	C5e	01/04/2019	23/04/2019
Billinudgel Nature Reserve Management Strategy	D41	June 2019	01/10/2019
Bushfire Management Plan - Detailed throughout the Fire Management Plan - Contained within the Event Management Plan/ Appendix B - Bushfire Emergency Evacuation Plan	App 2	July 2019 No Date	17/07/2019 17/07/2019
Camping Management Plan - Contained within the Event Management Plan/ s6.4 & App G - Camping Management Plan;	D25(j)iv	No Date	17/07/2019
Community Consultation Plan	C5h	June 2019	17/07/2019
Construction Environment Management Plan	C4	01/04/2019	23/04/2019

Document Name	SSD 8169 Clause Req	Approval	
		NBP	DPIE
Construction Traffic Management Plan - Contained within the CEMP/ Appendix C: Construction Traffic Management Plan	C5c, C7	22/04/2019	23/04/2019
Construction Waste Management - Contained within the CEMP/ s6: Waste and Materials Re-use Management	B16- B19, C5g	No Date	17/07/2019
Crowd Management Plan - Contained within the Event Management Plan/ s6.7 & App J - Crowd Management Plan (CMP)	D25(k)	No Date	17/07/2019
Erosion and Sediment Control Plan - Contained within the CEMP/ s5: Stormwater and Erosion and Sediment Control	C5d	No Date	17/07/2019
Event Management Plan - Large & Medium Events: - Minor Events: - Small Events:	D25	No Date June 2019 No Date	17/07/2019 17/07/2019 17/07/2019
Event Emergency Evacuation Plan - Contained within the Event Management Plan/ s6.2 & App E - Event Emergency Evacuation Plan (EEEP);	D25(j)ii	No Date	17/07/2019
Fire Management Plan	B13	July 2019	17/07/2019
Flood Risk Management Plan - Contained within the CEMP/ s9.0 Flood Risk Management	C5i, D43	01/04/2019	23/04/2019
Flora and Fauna Management Plan	D40	17/06/2019	01/10/2019
Infrastructure Staging Plan - Contained within the CEMP/ Appendix A: Infrastructure Staging Plan	C2, C5b	12/06/2019	17/07/2019
Irrigation Management Plan (withdrawn along with WWMP 05/03/2019) - Contained within the Wastewater Management Plan <i>Replaced by the Potable Water Management Plan</i>	App 2	N/A	N/A
Koala Plan of Management	D39	June 2019	01/10/2019
Medical Plan - Contained within the Event Management Plan/ s6.3 & App F - Medical Plan (MP)	D25(j)iii	No Date	17/07/2019
Noise Management Plan	D34	09/07/2019	17/07/2019
Noxious Weed Management - Contained within the CEMP/ s8: Noxious Weeds	C5f, c19	No Date	17/07/2019
Operations Compliance Report	E8	06/03/2020	23/03/2019
Occupational Health & Safety Management Plan	D25(j)i	No Date	17/07/2019

Document Name	SSD 8169 Clause Req	Approval	
		NBP	DPIE
- Contained within the Event Management Plan/ s6.1 & App D - Occupational Health and Safety Management Plan (OHSMP)			
Potable Water Management Plan - Contained within the Water Supply Quality Program	D45	08/07/2019	17/07/2019
Social Impact Management Plan	D36	June 2019	17/07/2019
Temporary Structures Plan - Contained within the Event Management Plan/ s6.5 & App H - Temporary Structures Plan (TSP)	D25(j)v	No Date	17/07/2019
Traffic (Transport) Management Plan	D27	July 2019	17/07/2019
Traffic Incident Management Plan - Contained within the TCP	D29(e)	July 2019	17/07/2019
Transport Management Plan (Incorporated with the Traffic MP's)	App 2	N/A	N/A
Waste Management Plan - Contained within the Event Management Plan/ s6.6 & App I - Waste Management Plan (WMP)	C17, D25(j)vi	June 2019	17/07/2019
Wastewater Management Plan (withdrawn 05/03/2019) - <i>Replaced by the Potable Water Management Plan</i>	App 2	N/A	N/A

Sub-plans:

Splendour in the Grass:

- Splendour in the Grass 2019 – Performance Evaluation Report #1 - SSD 8169/ May 2019;
- Splendour in the Grass 2019 – Event Management Plan;
- Splendour in the Grass 2019 – sub-plans including but not limited to:
 - Splendour in the Grass 2019 – Camping Management Plan;
 - Splendour in the Grass 2019 – Temporary Structures Plan;
 - Splendour in the Grass 2019 – Occupational Health and Safety Management Plan;
 - Splendour in the Grass 2019 – Emergency Management Plan & Crowd Risk Assessment;
 - Splendour in the Grass 2019 – Event Medical Plan;
 - Splendour in the Grass 2019 – Traffic Management Plan;
 - Splendour in the Grass 2019 – Traffic Control Plans;
 - Splendour in the Grass 2019 – Flood Evacuation Plan;
 - Splendour in the Grass 2019 – Management Plan;
 - Splendour in the Grass 2019 – Newspaper Advertisements;
 - Splendour in the Grass 2019 – Letterbox Notices;
 - Splendour in the Grass 2019 – Bump In & Bump out Schedule;
 - Splendour in the Grass 2019 – Acoustic Monitoring Program;
 - Splendour in the Grass 2019 – Final Event & Camping Ticket Report.

Falls Festival Byron:

- Falls Festival Byron 2019/20 – Performance Evaluation Report #1 - SSD 8169/ September 2019;
- Falls Festival Byron 2019/20 – Event Management Plan;
- Falls Festival Byron 2019/20 –sub-plans including but not limited to:
 - Falls Festival Byron 2019/20 – Occupational Health and Safety Management Plan;
 - Falls Festival Byron 2019/20 – Emergency Evacuation & Crowd Risk Management Plan;

- Falls Festival Byron 2019/20 – Camping Management Plan;
- Falls Festival Byron 2019/20 – Event Medical Plan;
- Falls Festival Byron 2019/20 – Waste Management Plan;
- Falls Festival Byron 2019/20 – Amphitheatre Management Plan;
- Falls Festival Byron 2019/20 – Site Map/ Temporary Structures;
- Falls Festival Byron 2019/20 – Site Map/ Emergency Assembly Areas;
- Falls Festival Byron 2019/20 – Site Map/ Campground Plan;
- Falls Festival Byron 2019/20 – Newspaper Advertisements;
- Falls Festival Byron 2019/20 – Letterbox Notices;
- Falls Festival Byron 2019/20 – Bump In & Bump Out Schedule;
- Falls Festival Byron 2019/20 – Acoustic Monitoring Program
- Falls Festival Byron 2019/20 – Final Event & Camping Ticket Report.

Approvals:

- Byron Shire Council (BSC):
 - Notification of Event - Splendour in the Grass 2019 (04/07/2019)
 - Notification of Event – Falls Festival Byron 2019/20 (13/11/2019)
 - Confirmation of Appointment of BSC RWG member (29/11/2019)
 - North Byron Parklands Traffic Management Plan - BSC Approval/ Report No. 6.4 File No: I2019/1261
- NSW Department of Planning, Infrastructure and Environment (DPIE):
 - Letter of Approval – 23/03/2019
 - Operations Compliance Report
 - Letter of Approval – 23/04/2019
 - Acid Sulphate Soils Management Plan
 - Construction Environment Management Plan
 - Construction Traffic Management Plan
 - Flood Risk Management Plan
 - Letter of Approval – 17/07/2019
 - Bushfire Management Plan
 - Camping Management Plan
 - Community Consultation and Complaints Handling Management Plan
 - Construction Waste Management Plan
 - Crowd Management Plan
 - Erosion and Sediment Control Plan
 - Event Management Plan – Large & Medium Events
 - Event Management Plan – Minor Events
 - Event Management Plan – Small Events
 - Event Emergency Management Plan
 - Fire Management Plan
 - Infrastructure Staging Management Plan
 - Medical Plan
 - Noise Management Plan
 - Noxious Weed Management Plan
 - Occupational Health and Safety Management Plan
 - Social Impact Management Plan
 - Temporary Structures Management Plan
 - Traffic Management Plan
 - Waste Management Plan
 - Letter of Approval – 01/10/2019
 - Water Quality Assurance Plan
 - Letter of Approval – 01/10/2019
 - Billinudgel Nature Reserve Management Strategy
 - Flora and Fauna Management Plan

- Koala Plan of Management
- Letter of Approval – 20/12/2019
 - Updated infrastructure Staging Plan
- NSW Health
 - Letter of Acknowledgment - North Byron Parklands Water Quality Assurance Plan (16/07/2019)
- NSW Police Force:
 - Letter of Response – 04/12/2019
 - North Byron Parklands – Traffic Management
 - North Byron Parklands – Noise Management
 - North Byron Parklands – Event Management Plan and Sub-Plans
 - North Byron Parklands – Crowd Management
- NSW Rural Fire Service:
 - Letter of Endorsement – North Byron Parklands Fire Management Plan (09/07/2019)
- Tweed Shire Council (TSC):
 - Notification of Event – Splendour in the Grass 2019 (04/07/2019)
 - Notification of Event – Falls Festival Byron 2019/20 (13/11/2019)
 - Confirmation of Appointment of TSC RWG member (04/06/2019)
 - North Byron Parklands Traffic Management Plan – TSC Approval/ Council Meeting Minutes (21/11/2019) Agenda Item: 522

4.7. EMS

Nil Findings.

Whilst the scope of this audit was not principally focused on North Byron Parklands Environmental Management System (e.g. an ISO14001 based audit), a high-level review of the project's environmental management systems revealed no key deficiencies. Based on these results the North Byron Parkland EMS therefore appears to be supporting the operation appropriately.

4.8. Environmental Performance

Nil Findings.

North Byron Parkland demonstrated a strong commitment to achieving environmental performance not only in accordance with its compliance obligations, but also as a socially responsible corporate citizen.

4.9. Consultation Outcomes

Nil Findings.

Regulatory Working Group minutes (as captured throughout the Audit Table) were reviewed as part of this audit.

Refer to *Appendix F: Consultation* for details of the consultation process and Consultation Outcomes.

4.10. Complaints

Nil Findings.

Complaints are required to be reported (SSD 8169/ D20) and the complaints register is updated each time a new complaint is received and the amended register posted on the North Byron Parklands website (SSD 8169/ E13).

The following emerging trends regarding complaints can be made:

Splendour in the Grass 2019

- A 52% reduction in complaints regarding noise

- Twelve (12) calls 2019 vs Twenty-Five (25) calls in 2018; and
- No complaints about illegal camping, illegal parking, internet connectivity or antisocial behaviour.

Falls Festival Byron 2019/20

- A total of four (4) complaints recorded;
 - Three (3) complaints about noise 2019 vs one (1) call regarding noise in 2018/19;
- No complaints about illegal camping, illegal parking, internet connectivity or antisocial behaviour.

4.11. Incidents

Nil Findings.

There was an investigation into an odour complaint received by DPIE in February 2020 during a regional flooding event. A joint investigation by both North Byron Parklands and the DPIE Compliance Team determined that the odour issues were not related to North Byron Parklands activities.

4.12. Actual versus Predicted Environmental Impacts

Nil Findings.

North Byron Parklands monitors and manages its environmental impacts via key performance indicators, according to the recent permanent approval and development consent (SSD 8169). Evidence reviewed suggests North Byron Parklands is meeting or exceeding these KPI's. Ongoing monitoring, as additional data becomes available, will provide greater ability for trend analysis and assessing performance against these criteria.

4.13. Site Inspections

Nil Findings.

Refer to 3.5 Site Inspections for details of Site Inspection.

4.14. Site Interviews

Nil Findings.

Refer to 3.4 Site Reviews for details of Site Reviews.

4.15. Previous Annual Review or Compliance Recommendations

Nil Findings.

Information, reports, corrective actions and correspondence from the inaugural Operations Compliance Report (06/03/2020) were reviewed. One Non-Compliance was recorded as detailed below.

- Large and Medium events are required to notify all residents and businesses within a 3-kilometre radius of the site via a letterbox drop at least two weeks prior to the commencement of the event (SSD 8169/ D22).
 - The Newspaper notification for Splendour in the Grass 2019 was three (3) days late;
 - This non-compliance was notified to the DPIE Compliance Unit in writing (03/06/2019). No follow up or response was received from DPIE in relation to this matter;
 - Splendour in the Grass now include this requirement in their communications schedule thirty (30) days prior to required two-week period (this provides sufficient time for printing and distributing this information to residents and businesses);
 - North Byron Parklands Community Manager now also monitors the timeliness of the letterbox drop to ensure it is undertaken within the required timelines.
 - Falls Festival Byron 2019/20: met its timeline obligations for this requirement.

This Independent Audit has largely validated the information captured via the North Byron Parklands self-assessment and reported through the Operational Compliance Report (06/03/2020).

4.16. Improvement Opportunities

Refer to 5.2 Opportunities for Improvement for Improvement Opportunities.

4.17. Key Strengths

The overall performance of North Byron Parklands was impressive, with some specific Key Strengths observed including:

- the open, collaborative and conciliatory consultation North Byron Parklands has established with key stakeholders and interested parties;
- the North Byron Parklands Compliance Register. This was instrumental in allowing the audit to take place during the COVID-19 pandemic, but also significantly reduced the duration of the audit in addition to allowing North Byron Parklands with a method of monitoring their compliance obligations;
- North Byron Parklands representatives were open, enthusiastic and demonstrated a strong commitment to meeting their compliance obligations.

5. Recommendations

5.1. Non-Compliances

Table 3: Non-Compliances

No.	Element	Non-Conformance
1.	D23	<p>North Byron Parklands failed to ensure that the local community was notified, via a notice being placed in two local newspapers, at least two weeks prior to the commencement of a Large or Medium Event (Splendour in the Grass 2019). Notices were placed; however, these were placed nine (9) days prior to the event.</p> <p>This was reported to the DPIE on the 03/07/2019 with no additional actions required.</p> <p>Corrective actions adopted to prevent reoccurrence include:</p> <ul style="list-style-type: none"> North Byron Parklands have liaised with the event provider to ensure this requirement is clear, understood and will be complied with for all future events; North Byron Parklands Community Manager is monitoring this requirement for all future events. <p>This non-conformance was observed as being addressed for the Falls Festival Byron 2019/20 event and was compliant.</p>

5.2. Opportunities for Improvement

Table 4: Opportunity for Improvements

No.	Element	Finding/ Comment
2.	C5	As there was minimal waste generated for previously completed construction activities (and this waste predominantly related to excess road base materials which was stockpiled for future use) this criterion is deemed compliant, however B16-B19 requirements are not explicitly detailed in s6 Waste & Materials Re-Use Management of the Construction Environment Management Plan. This requirement would need to be incorporated for future construction stages.
3.	C17	Ensure future Event Waste Management Plans are expanded to provide additional clarification (e.g. SITG/ C17(a) quantities of waste and FFB/ C17(b) timing of disposal).
4.	C27	North Byron Parkland maintains an electronic spreadsheet of its Gas Service Inspections. Recommend that a static copy (e.g. a PDF or a printed, signed, dated copy) be retained for each inspection – similar to the approach that has been implemented for other inspections such as Pests, Vermin and Noxious Weed Management.
5.	D22	<p>The NBP Community Consultation Plan has been developed to address compliance requirements and these largely focus on Large & Medium Events which were reviewed and assessed as compliant. Small and Minor events were not assessed; however, it is recommended that NBP review (and if not already established consider documenting) a scaled approach for Small and Minor Events – e.g.:</p> <ul style="list-style-type: none"> - listing these events on the North Byron Parklands website; and/ or - provision of an automated email notification to members of public who have joined the Mailing List service via the North Byron Parklands website.
6.	E4	Whilst there was sufficient evidence provided that the Department of Planning, Infrastructure and Environment were notified of a suspected non-compliance, the initial notification was provided directly to principal contacts within DPIE and omitted

		the nominated generic email address. Without a dispensation from DPIE all future notifications should be directed to or also include this email address.
7.	General	The audit did not extend to assessing the arrangements for physically impaired patrons, however (if not already established) suitable/ appropriate arrangements should be considered and incorporated.
8.	General	<p>To supplement what is already being assessed (e.g. via Performance Evaluation Reports) it is recommended North Byron Parklands consider a more formal/ structured approach to validating event operators' compliance with their respective management and sub-management plans.</p> <p>An example would be the development of an audit schedule to allow all compliance obligations to be sampled but doing so over a nominated period (e.g. 3 years adopting a risk-based approach - i.e. high risk areas may be sampled annually, medium risk areas biennially and low risk items triennially.</p> <p>This type of approach would allow targeted focal areas to be explored in greater detail without stretching existing resources and/ or limiting the requirement for additional resources).</p>

6. Conclusion

North Byron Parklands systems and processes, implemented to meet their compliance obligations, have matured significantly throughout the temporary approval and the initial period of the permanent approval. Key stakeholders and interested parties enjoy an open, collaborative and conciliatory relationship, which should only become more entrenched following the issuing of the permanent approval. Feedback from several of these parties, provided as evidence for various criterion throughout the audit, supported this observation.

Continual Improvement Solutions audits are conducted based on recognised auditing practices (such as those outlined in ISO19011:2018) and in accordance with best-practice auditing methodologies. Those practices require the audit be performed with the intention to obtain reasonable evidence to verify that the organisation is implementing and maintaining its management systems and processes as required by legislative, contractual, certification/ accreditation and/ or internal company policies and procedural requirements, as further defined within the scope and criteria of the audit being performed.

This report has been produced based on information supplied to, or collected by, Continual Improvement Solutions representatives against the sampled business operations at the nominated client locations. Evidence is gathered based on recognised sampling techniques (e.g. AS1199:2003 Sampling Procedures for Inspection by Attributes) and observations obtained throughout onsite audit activities.

Representatives of North Byron Parklands are encouraged to contact Continual Improvement Solutions representative/ auditor if there is any reason to believe that this report is inaccurate, or should additional information or clarification be required.

7. Appendices

Appendix A: DPIE Development Consent - SSD 8169

Appendix B: Independent Audit – Post Approval Requirements

Appendix C: Independent Audit Table

Appendix D: Pre-Audit Independence Declaration

Appendix E: Planning Secretary Audit Team Agreement

Appendix F: Consultation

Appendix G: Independent Audit Declaration Form

Appendix H: Technical Specialist Reports

Appendix I: Site Inspection Photographs

Appendix J: Jeff Kerswell – Professional History

Appendix A: DPIE Development Consent - SSD 8169



DPIE Development
Consent - SSD 8169.p

Appendix B: Independent Audit – Post Approval Requirements (June 2018)



Independent Audit -
Post Approval Requir

Appendix C: Independent Audit Table



NBP Independent
Audit Table

Appendix D: Pre-Audit Independence Declaration



Department of Planning, Industry and Environment
Compliance Department
PO Box 72
Murwillumbah NSW 2484
Attn: Ms Shelley McPhee

Dear Ms McPhee,

In response to your email of 10/10/2020 to North Byron Parklands General Manager, Mat Morris, I offer this signed letter as confirmation of my independence from the North Byron Parklands.

I confirm that 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;
- have no pecuniary interest in the project, proponent or related entities. Such 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 not provided services (not including independent review or auditing) to the project with the result that they audit work performed by myself or my company, except as otherwise declared to the Department prior to the audit;
- am not an Environmental Representative for the project;
- have not accepted any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allowed colleagues to do so.

I trust that this letter satisfies your requirements however should you have any further queries, please don't hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jeff Kerswell", is written over a large, faint circular watermark.

Jeff Kerswell
Director, Senior Consultant and Principal Auditor

Appendix E: Planning Secretary Audit Team Agreement



Planning,
Industry &
Environment

Mr Mat Morris
General Manager
North Byron Parklands
PO Box 517
Bangalow NSW 2479

24/04/2020

Dear Mr Morris

**North Byron Parklands – SSD 8169
Appointment of Independent Auditor**

I refer to your request (SSD-8169-PA-3) for the Secretary's approval of suitably qualified persons to prepare the independent audit for North Byron Parklands (SSD 8169).

In accordance with Condition E10 of the project Approval and the *Independent Audit Post Approvals Requirements* (Department 2018), the Secretary has agreed to the following audit team:

- Jeff Kerswell – Director, Senior Consultant and Principal Auditor (Continual Improvement Solutions)

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the *Independent Audit Post Approval Requirements*. Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above-listed audit team for this Project, each respective project approval or consent requires a request for the agreement to the auditor or audit team be submitted to the Department, for consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor or audit team will be considered.

If you wish to discuss the matter further, please contact me on 6670 8675 or 0437 254 472.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shelley McPhee'.

Shelley McPhee
Compliance Team Leader
Compliance

Appendix F: Consultation

Nth Byron Parklands Independent Audit

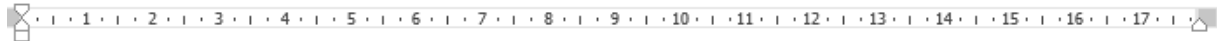


Peter Ryan <rhinos1958@gmail.com>



To [Angela Daly](#); [Ben Buckland](#); [brandon saul](#); [Chris Hauritz](#); [Claire Atkins](#);
[Daniel Wills](#); [Det Insp Matthew Kehoe](#); [elise huntley](#); [Gary Cowan](#); **+14 others**
 Cc [Patrick Copas](#); [Jeff Kerswell](#)

Tue 11:37 AM



Dear RWG attendees,

Mat Morris has advised me NBP are preparing to conduct their Independent Audit, under the terms of their recent State Significant Development consent (SSD 8169, refer below for the relevant conditions).
 Mr Jeff Kerswell of CIS Global(Australia) has been approved by DPIE and appointed by NBP to conduct the audit.

As regular attendees of the RWG meetings you are invited to send any relevant comments or items you may have to me, for forwarding to the auditor for his consideration. Would you kindly do this by next Tuesday 19 May, 2020.

Related to these aspects, NBP has recently completed their Operational Compliance Report (March 2020) for the first 12 months of operation under the SSD consent, and a link is provided below for your reference and perusal.

Thanks for your attention to this item.

Regards,
 Peter Ryan
 Chair, NBP RWG

1. Per Condition E10, Parklands is currently undertaking an independent Audit of the first 12 months of operation under SSD 8169;
2. Per Condition E8, Parklands has already lodged a Compliance Report covering the first 12 months of operation and a copy can be found on our website or at the following
 link http://northbyronparklands.com/2017/docs/compliance/Operation_Compliance_Report_6_March-2020.pdf

Appendix G: Independent Audit Declaration Form

Independent Audit Declaration Form	
Project Name	Independent Audit 2020 - North Byron Parklands
Consent Number	SSD 8169
Description of Project	Independent Audit 2020 - North Byron Parklands
Project Address	126 Tweed Valley Way, Yelgun
Proponent	Billynudgel Property Pty Ltd
Title of Audit	Independent Audit 2020 - North Byron Parklands
Date	22/05/2020

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:

- the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2018)*;
- the findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, objectively and in an unbiased manner;
- 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;
- 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;
- 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; and
- 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.

Notes:

- 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
- 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	Jeffrey Kerswell
Signature	<i>J. Kerswell</i>
Qualification	Dip. Quality Auditing/ Exemplar Global Lead Auditor (QMS, OHSMS & EMS)
Company	Continual Improvement Solutions
Company Address	7 Fern Tree Gully Drive Willow Vale Qld 4209

Appendix H: Technical Specialist Reports

N.A. – Reserved for Future Use

Appendix I: Site Inspection Photographs



Photo #1: Entrance/ Gate A (Jones Rd into North Byron Parklands)



Photo #2: Road leading in from Gate A



Photo #3: Jones Rd Underpass (looking North)



Photo #4: Entrance/ Gate C



Photo #5: Southern Carpark (inside Gate C)



Photo #6: Internal Road (Inside Gate C)



Photo #7: Venue Frame (Cover Removed)



Photo #8: Carpark



Photo #9: Human Exclusion Fencing (Example)



Photo #10: Barn



Photo #11: Water/ Bushfire Tanks



Photo #12: Power Easement



Photo #13: Plant/ Equipment



Photo #14: Plant/ Equipment



Photo #15: Diesel Fuel Tank/ Storage



Photo #16: Chemical Storage



Photo #17: Workshop Fire Extinguisher



Photo #18: Gate E/ Wooyung Rd Intersection (looking East toward entrance)



Photo #19: Gate E/ Wooyung Rd Entrance



Photo #20: Gate E/ Wooyung Rd Intersection Gate



Photo #21: Road leading in from Gate E/ Wooyung Rd



Photo #21: Gate E/ Wooyung Rd Intersection (looking West)



Photo #22: Gate E/ Wooyung Rd Intersection (looking East)

Appendix J: Jeff Kerswell – Professional History

Jeffrey Kerswell

7 Fern Tree Gully Drive
 Willow Vale Qld 4209
 Phone: (07) 5549 0613
 Mobile: 0481 533 350
 E-mail: jeff.kerswell@cisglobal.com.au
 Web: cisglobal.com.au

Professional Experience (previous c. 15 years)

Consultant/ Auditor	Continual Improvement Solutions	2019 – Current
HSWE Specialist - Assurance	Telstra	2015 – 2019
Quality, HSE & HR Manager	Tracksons	2014 – 2015
Management Systems (HSEQ) Senior Auditor	NBN Co	2012 – 2014
OHS&E Advisor (Qld, SA, NT & WA)	NBN Co	2011 – 2012
Systems (Quality & HSE) Training Coordinator	Seymour Whyte (Civil Construction)	2010 – 2011
National Management Systems (Quality) Manager	Service Stream – Holdings	2008 – 2010
Qld Management Systems (Quality & HSE) Manager	Service Stream – Communications	2006 – 2008
HSE Advisor	Seymour Whyte (Civil Construction)	2005 – 2006
Corporate HSEQ Manager	Civdec (Civil Constructions)	2004 – 2005

Professional Proficiency

Jeff possess extensive experience (approximately 20 years) managing all aspects of Quality Assurance, Quality Control, Quality Improvement, Safety (OHS/ WHS) and Environmental Risk Management, Governance, Compliance, Management Systems, Audit, Assurance and Business Continuity with various organizations across the following sectors.

- Utilities (Telecommunications, Electricity and Energy, Gas, Water and Sewerage);
- Civil Construction (Roads, Tunnels & Bridges);
- Residential Development;
- Commercial/ Industrial Development;
- Oil & Gas;
- Ports (Air & Shipping);
- Rail;
- Automotive (Fabrication, Panel & Paint);
- Marine (Paint & Rigging);
- Refrigeration;
- Mass Media;
- Retail;
- Recreational Sporting Facilities;
- Registered Training Organisations;
- Small Business, Corporations, Government and Not for Profit.

Jeff brings extensive experience performing as the management systems representative for various organisations during external audits including Initial Certification (Stage One and Two), Surveillance, Triennial/ Re-Certification, Federal Safety Office/ OFSC and Comcare NAT audits. Having also conducted second party audits of contractors, suppliers and JV/ Alliance partners, Jeff has demonstrated audit diversity which not only strengthens his existing skills but has also provided him with an opportunity to review various industries best-practice philosophies. This experience whilst difficult to quantify not only demonstrates his ability to comprehend diverse management processes quickly, but also provides value-add analysis in improving process performance and efficiency.

Professional Achievements

A selection of specific notable professional achievements include:

- Dept. of Justice & Attorney General/ Election Commission Qld – Auditor (ID #: 02348) for the 2020 Local Government Election;
- Workcover Qld – Self Insurance Auditor (Auditor #: 148787);
- Telstra (Corporate) – HSE Lead Auditor:
 - Enterprise-wide external certification to AS4801 (Safety) and ISO14001 (Environmental) including:
 - Enterprise-wide ISO14001:2015 transition audit;
 - two triennial recertification audit cycles;
 - establishment of the requirements for Telstra to transition Safety certification from AS4801 to the new International ISO45001:2018;
 - OFSC accreditation program; and
 - Comcare SRCC/ LIP reporting.
- Seymour Whyte Construction – Principal Auditor (HSEQ):
 - Ipswich Motorway Upgrade (Abi Group/ Seymour Whyte/ Fulton Hogan/ Parsons Brinkerhoff/ SMEC/ Qld Government JV);
 - Townsville Port Inner Harbour Expansion;

Jeffrey Kerswell

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Willow Vale Qld 4209
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- Go Between Bridge (Bouygues Travaux Publics, Macmahon Holdings, Seymour Whyte and Hyder Consulting JV);
- Banora Point Bypass (Abigroup, Seymour Whyte/ SMEC JV);
- Isis River Bridge Duplication;
- Seymour Whyte Construction – Systems (HSEQ) Trainer/ Project Inductions:
 - Port of Brisbane Motorway Duplication (Seymour Whyte/ BMD JV);
 - Bennelong Drain (Sydney Opera House) Relocation;
 - Isis River Bridge Duplication.
- Civdec - Corporate HSEQ Manager/ Principal Auditor:
 - Brisbane Airport Runway Expansion;
 - Collingwood Park Development;
 - Port of Brisbane Terminal;
 - Barrack Road (Lytton Road) Widening;
 - Abbott Point Coal Terminal (Civdec/ Civmec JV).

Professional Qualifications - Additional Statements, Qualifications and Certificates available on request.

➤ TL - Leading Management Systems Audit Teams (ISO19011:2018)	Exemplar Global
➤ QA - Quality Management Systems/ Lead Auditor (ISO9001:2015)	Exemplar Global
➤ OH - Occupational Health and Safety Management Systems/ Lead Auditor (ISO45001:2018/ AS4801:2001)	Exemplar Global
➤ EM - Environmental Management Systems/ Lead Auditor (ISO14001:2015)	Exemplar Global
➤ AU - Management Systems Auditor	Exemplar Global
➤ Skill Examiner (Auditor Assessor)	Exemplar Global
➤ Advanced Diploma of Management (BSB60407)	Australian Institute of Technology Transfer
➤ Advanced Diploma of Work Health and Safety (BSB60612)	Australian Institute of Technology Transfer
➤ Diploma of Quality Auditing (BSB50615)	TAFE Qld
➤ Diploma of Risk Management and Business Continuity (10712NAT)	Paladin Risk Management
➤ Effective Workplace Leadership	SAI Global
➤ Safety Leadership	Safety Dimensions
➤ Integrated Governance, Risk Management and Compliance	SAI Global
➤ Incident Investigation and Due Diligence	SAI Global

In addition to the above Jeff also holds the following qualifications:

- Fire Safety Advisor (ASNZS3745:2010);
- In-Service Electrical Inspection (Test & Tag - ASNZS3760:2010);
- Train the Trainer.

Professional Memberships

➤ Exemplar Global	Lead Auditor and Skill Examiner (Auditor Assessor)	Registered Assessor (Reg #: 202307)
➤ MAIMP	Australian Institute of Project Managers	Member
➤ AAICD	Affiliate of the Australian Institute of Company Directors	Affiliate
➤ MAIPM	Australian Institute of Project Managers	Member
➤ CPRM	Risk Management Institute of Australasia (RMIA)	Certified Practicing Risk Manager
➤ PMIAA	Australian Institute of Internal Auditors	Professional Member
➤ MAOQ	Australian Organisation for Quality	Member
➤ MAIHS	Australian Institute of Health and Safety	Member
➤ MNSCA	National Safety Council	Member
➤ MEIANZ	Environmental Institute of Australia and New Zealand	Member