

DOC23/1215293

Kiersten Fishburn  
Planning Secretary  
Department of Planning and Environment  
12 Darcy Street  
Parramatta NSW 2150

26 July 2023

Attn: Rob Sherry

Dear Ms Fishburn

**Galungara Public School – Stage 2 SSD 9368: Submission of Independent Audit Report and response in accordance with Condition C34 and C35**

I refer to Galungara Public School (Former Alex Avenue Public School) approved on the 21<sup>st</sup> May 2020.

In accordance, with condition C34 of the Development Consent, the following document has been submitted to the Planning Secretary for information:

- Independent Audit No.3 – Audit Report, Galungara Public School (Stage 2) – SSD 9368, WolfPeak, 30/06/2023 Rev 2.0

As per the requirements of condition C35 the Department must be issued with a response from the proponent to the Independent Audit Report, therefore the following attachments are provided for your information:

- Attachment A - Response to Independent Audit non-compliances
- Attachment B - Response to Independent Audit observations

In accordance with condition C34(c) the Independent Audit Report and response will be made publicly available within 60 days of the date of this submission.

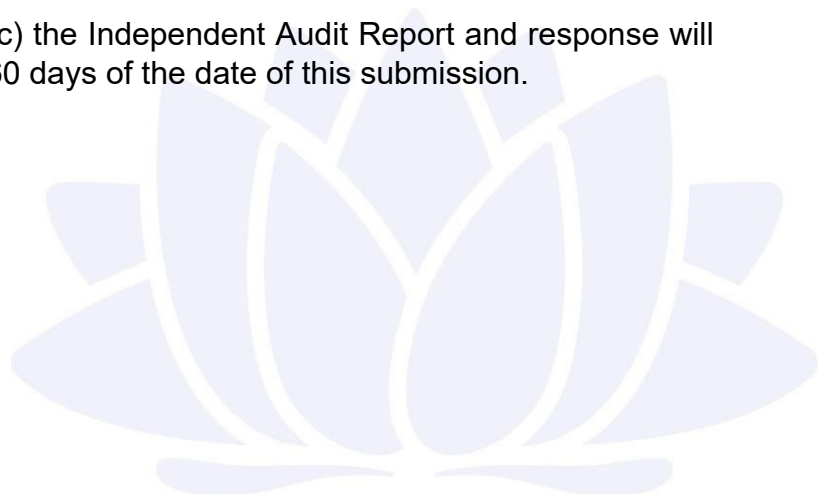
Yours sincerely

*Jim Lewis* 3/8/2023

Jim Lewis

**Senior Project Director  
School Infrastructure NSW**

NSW Department of Education



## Attachment A – Response to Independent Audit non-compliances

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/ Status
A29	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.	The auditee's were aware that compliance with D9 – D12, D14 - D15 has not been achieved. Whilst correspondence with the Department on this matter is lengthy, there does not appear to have been a notification of these non-compliances in accordance with this condition.	Report all non-compliances within 7 days of becoming aware of them.	This was an oversight and considered unnecessary given DPE was aware of these non-compliances and has undertaken a compliance investigation into the matter (in which SINSW has cooperated and addressed each of the non-compliances via separate correspondence).  Non-compliance notification in accordance with Condition A29 now submitted under SD-9368-PA-60.  Reminder for notification to be done regardless of investigation in the future.	Non-compliance notice SSD-9368-PA-60	Closed
A30	The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	The auditee's were aware that compliance with D9 – D12, D14 - D15 has not been achieved. Whilst correspondence with the Department on this matter is lengthy, there does not appear to have been a notification of these non-compliances in accordance with this condition. .	Report all non-compliances within 7 days of becoming aware of them.	This was an oversight and considered unnecessary given DPE was aware of these non-compliances and has undertaken a compliance investigation into the matter (in which SINSW has cooperated and addressed each of the non-compliances via separate correspondence).  Non-compliance notification in accordance with Condition A30 now submitted under SD-9368-PA-60.  Reminder for notification to be done regardless of investigation in the future.	Non-compliance notice SD-9368-PA-60	Closed
A32	Within three months of: (a) the submission of a compliance report under condition B28; (b) the submission of an incident report under condition A27; (c) the submission of an Independent Audit under condition C31 or C32; or (d) the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out.	There is no evidence available to demonstrate that a review was notified (or undertaken) within 3 months of submission of the second Audit Report.	Ensure a review (and notification of a review) is completed within three months of submission of this Report.	Although the strategies, plans and programs required under this consent have been reviewed, the Planning Secretary and the Certifying Authority have not been notified in writing that a review was being carried out within three months of the submission of the second Independent Audit. This occurred due to an oversight by the project team.  Notice of Review of Strategies, Plans and Programs in accordance with Condition A32 to be submitted to the Department and Certifier following submission of the next Audit. Reminder to be put in place so this notification is not missed.	N/A	Closed
D9	Within 12 months of the operation of Stage 1a, evidence must be submitted to the Planning Secretary that Pelican Road and the extension to Farmland Drive have been constructed and registered as public roads to the satisfaction of Council.	Whilst this requirement relates to Stage 1 (which is not within the scope of this audit), the works relevant to this condition have not been delivered as yet due to delays in dedication of Pelican Road. This is outside the control of the auditee.	SINSW to continue communicating with Council and the Department on progress towards resolution of this matter. If required SINSW should seek to modify the consent to account for the challenges surrounding Pelican Road and the associated access to the Catalina Developments site.	Dedication of Pelican Road is subject to an external agreement to which SINSW is not a party.  This non-compliance is outside the control of SINSW.  SINSW to continue communicating with Council and the Department on progress towards resolution of this matter.  Modification currently being considered to address non-compliance.	N/A	Open

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/ Status
D10	Within 12 months of the operation of Stage 1a, evidence must be submitted to the Planning Secretary that a footpath has been constructed along the southern side of Farmland Drive and eastern side of Pelican Drive for the length of the frontages of the site to the satisfaction of Council.	Whilst this requirement relates to Stage 1 (which is not within the scope of this audit), the works relevant to this condition have not been delivered as yet due to delays in dedication of Pelican Road. This is outside the control of the auditee.	SINSW to continue communicating with Council and the Department on progress towards resolution of this matter. If required SINSW should seek to modify the consent to account for the challenges surrounding Pelican Road and the associated access to the Catalina Developments site.	Existing footpaths have been constructed in accordance with s138, Pelican Road footpath cannot be constructed until Pelican Road is dedicated.  This non-compliance is outside the control of SINSW.  SINSW to continue communicating with Council and the Department on progress towards resolution of this matter.  Modification currently being considered to address non-compliance.	N/A	Open
D11	Within 12 months of operation of Stage 1a, the Applicant must submit evidence to the satisfaction of the Planning Secretary that the temporary access and services easement has been extinguished in accordance with the terms of the easement and any legal agreement entered into between the parties which are subject to the easement	Whilst this requirement relates to Stage 1 (which is not within the scope of this audit), the works relevant to this condition have not been delivered as yet due to delays in dedication of Pelican Road. This is outside the control of the auditee.	SINSW to continue communicating with Council and the Department on progress towards resolution of this matter. If required SINSW should seek to modify the consent to account for the challenges surrounding Pelican Road and the associated access to the Catalina Developments site.	This easement cannot be extinguished until the dedication of Pelican Road is completed.  Dedication of Pelican Road is subject to an external agreement to which SINSW is not a party.  This non-compliance is outside the control of SINSW.  SINSW to continue communicating with Council and the Department on progress towards resolution of this matter.  Modification currently being considered to address non-compliance.	N/A	Open
D12	The design and construction of a road within the permanent access and services easement shall be undertaken to the satisfaction of Council in accordance with the terms of the easement and any legal agreement entered into between the parties subject to the easement.	Whilst this requirement relates to Stage 1 (which is not within the scope of this audit), the works relevant to this condition have not been delivered as yet due to delays in dedication of Pelican Road. This is outside the control of the auditee.	SINSW to continue communicating with Council and the Department on progress towards resolution of this matter. If required SINSW should seek to modify the consent to account for the challenges surrounding Pelican Road and the associated access to the Catalina Developments site.	The establishment of easement B requires the dedication of Pelican Road which is subject to an external agreement to which SINSW is not a party.  This non-compliance is outside the control of SINSW.  SINSW to continue communicating with Council and the Department on progress towards resolution of this matter.  Modification currently being considered to address non-compliance.	N/A	Open
D14	Prior to the commencement of operation of Stage 1a, all required School Zone signage, speed management signage and associated pavement markings along the adjoining public roads that have been dedicated to Council must be installed, inspected by TfNSW(RMS) and handed over to TfNSW(RMS). In the event that the relevant approvals have not been obtained for Pelican Road and the extension of Farmland Drive due to the timing of the dedication, School Zone signage must be approved and implemented as soon as possible.	Whilst this requirement relates to Stage 1 (which is not within the scope of this audit), the works relevant to this condition have not been delivered as yet due to delays in dedication of Pelican Road. This is outside the control of the auditee.	SINSW to continue communicating with Council and the Department on progress towards resolution of this matter. If required SINSW should seek to modify the consent to account for the challenges surrounding Pelican Road and the associated access to the Catalina Developments site.	Works cannot be completed until the dedication of Pelican Road is completed.  Dedication of Pelican Road is subject to an external agreement to which SINSW is not a party.  This non-compliance is outside the control of SINSW.  SINSW to continue communicating with Council and the Department on progress towards resolution of this matter.  Modification currently being considered to address non-compliance.	N/A	Open

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/ Status
D15	The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.	Whilst this requirement relates to Stage 1 (which is not within the scope of this audit), the works relevant to this condition have not been delivered as yet due to delays in dedication of Pelican Road. This is outside the control of the auditee.	SINSW to continue communicating with Council and the Department on progress towards resolution of this matter. If required SINSW should seek to modify the consent to account for the challenges surrounding Pelican Road and the associated access to the Catalina Developments site.	Works cannot be completed until the dedication of Pelican Road is completed.  Dedication of Pelican Road is subject to an external agreement to which SINSW is not a party. SINSW to continue communicating with Council and the Department on progress towards resolution of this matter.  Modification currently being considered to address non-compliance.	N/A	Open

## Attachment B – Response to Independent Audit observations

Condition ID	Compliance Requirement	Audit Observation/Opportunity for Improvement	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/ Status
C21	All erosion and sediment control measures must be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'.	Hydroseeding/revegetation of spoil stockpile to ensure long term stabilization and minimization of erosion and dust generation is required as it is understood this stockpile may be in place for a prolonged period.	Stockpile is being shaped ahead of application of hydroseeding once access available to adjoining road. In the interim the stockpile is being watered to minimise dust emissions.	N/A	Closed

