

Michael Cassel
Planning Secretary
Department of Planning and Environment
12 Darcy Street
Parramatta NSW 2150

Attn: Rob Sherry

10 October 2022

Dear Mr Cassel

Kent Road Public School (SSD 9344): Submission of Independent Audit Report and response in accordance with Condition C42 and C43

I refer to Kent Road Public School approved on the 30 August 2019.

In accordance, with conditions C42 and C43 of the Development Consent, the following document has been submitted to the Planning Secretary for information:

- Independent Environmental Audit Report – August 2022 Audit, Molino Stewart, 28th September 2022, Version 3.


As per the requirements of condition C43 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 C43(c) the Independent Audit Report and response will be made publicly available within 60 days of the date of this submission.

Finally in accordance with conditions B36 and C44, the Department of Education seeks the Planning Secretary approval to cease further Compliance Reporting and Independent Audits for this project.

Yours sincerely



Chris King
Senior Project Director
Schools Infrastructure NSW

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
A11	The project may be constructed and operated in stages. Where staged construction or operation is proposed, a Staging Report (for either or both construction and operation as the case may be) must be prepared and submitted for the approval of the Planning Secretary. The Staging Report must be submitted to the Planning Secretary no later than one month before the commencement of construction of the first of the proposed stages of construction (or if only staged operation is proposed, one month before the commencement of operation of the first of the proposed stages of operation).	The Staging Report was submitted on 18/01/20, less than 1 month prior to the advised date for commencement of operation of the first stage on 25/01/21. DPIE approval sighted, dated 21/1/21.	No further action required	Not applicable	Not applicable	CLOSED
B2	If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	Sighted letter to Michael Cassel, Planning Secretary for Department of Planning and Environment from Chris King Senior Project Director, School Infrastructure NSW dated 18/3/22 advising "As per the requirements of conditions C47 and C48 the Department of Education is writing to notify of non-compliance with the conditions of consent" in relation to B2 the n/c identified was: Stage 2 work for the extended drop/off and pick up zone along Kent Road was coordinated with Council, and following their approval work commenced. The notification of commencement of work to the Planning secretary, as required by condition B1, was overlooked. This was identified on 18/3/22 and DPE notified. 2022.	No follow up action, as no future notices are required.	Not applicable	Not applicable	CLOSED
B32	Prior to the commencement of any footpath or public domain works, the Applicant must consult with Council and demonstrate to the Certifying Authority that the streetscape design and treatment meets the requirements of Council (including the City of Ryde Public Domain Technical Manual), including addressing pedestrian management. The Applicant must submit documentation of approval for each stage from Council to the Certifying Authority.	Email to Ryde Council (Loretta Kung) dated 4 November 2019 review Traffic Control Plan and issuing road use permits for 07/11/2019 to 07/12/2019 which was altered to Thursday 14th / Friday 15th & Saturday 16th in an approval email from John Moujalli of Ryde Council dated 7 November 2019. Council notified of intentions to complete the take up / removal of the footpath Kerb & Gutter / Footpath sections by Scott Steward (St Hilliers, 11 November 2019) follow up email to have measures in place during works sent to John Moujalii 19 November 2019. John approved the works and confirmed in line with standards in email dated 20 November 2019. No evidence of submission to Certifying Authority regarding streetscape design and treatment. Sighted letter to Michael Cassel, Planning Secretary for Department of Planning and Environment from Chris King Senior Project Director, School Infrastructure NSW dated 18/3/22 advising "As per the	No future notices are required. No further action required.	Not applicable	Not applicable	CLOSED

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/Status
		requirements of conditions C47 and C48 the Department of Education is writing to notify of non-compliance with the conditions of consent" in relation to B2 the n/c identified was: <i>Stage 2 documentation for the extended drop/off and pick up zone along Kent Road was approved by Council however the submission of these documents to the Certifying Authority was overlooked. This was identified on 18/3/22 and DPE notified. 2022. Work has been completed to the satisfaction of Ryde City Council.</i>				
B34	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	November 2020 Construction Compliance Report (Dated 6 November 2020, V4), prepared by Brendan Rice from EMM refers to being prepared in accordance with DPIE 'Compliance Reporting Post Approval Requirements (June 2018) page 2 Construction Compliance Report submitted to the DPIE on 12 November 2020, in accordance with the compliance reporting programme. DPIE replied with email of receipt dated 13 November 2020. Sighted letter to Michael Cassel, Planning Secretary for Department of Planning and Environment from Chris King Senior Project Director, School Infrastructure NSW dated 18/3/22 advising "As per the requirements of conditions C47 and C48 the Department of Education is writing to notify of non-compliance with the conditions of consent" in relation to B2 the n/c identified was: * The Stage 2 Pre-Completion Compliance Report was not carried out in the required timeframe prior to completion of Stage 2 works, as this requirement was overlooked. This was identified on 18/3/22 and DPE notified." it also stated: the Pre Completion Compliance report will be completed and submitted DPE within 8 weeks (12/4/22).	Complete and submit PCCR to DPE	This IEA report has independently assessed compliance with all conditions and confirmed that all pre – commencement conditions applicable to stage 2 have been completed with exception of the compliance reporting. As such compliance reporting would be a duplication of this audit and of no value. Additionally, given it is now 18 months post completion there is no available funding or resources with capacity to work on the small school upgrade project.	Not applicable	CLOSED
B35	The Applicant/Proponent must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.	Sighted letter to Michael Cassel, Planning Secretary for Department of Planning and Environment from Chris King Senior Project Director, School Infrastructure NSW dated 18/3/22 advising "As per the requirements of conditions C47 and C48 the Department of Education is writing to notify of non-compliance with the conditions of consent" in relation to B2 the n/c identified was: The Stage 2 Pre-Completion Compliance Report was not carried out in the required timeframe prior to completion of Stage 2 works, as this requirement was overlooked. This was identified on 18/3/22 and DPE notified. 2022, and advised The Pre Completion Compliance report will be completed and submitted DPE within 8 weeks (12/4/22). Construction Compliance Report (EMM, 6 November, 2020 V4) submitted to DPIE 12 November 2020, 60 day period has not yet lapsed and report is not yet on website. Proponent to make publically available within 60 days after 12 November. In a letter from Christopher King (SINSW) to Jim Betts dated 13 November 2020 states: " In accordance with condition B35 we hereby give the Department a minimum of seven days' notice that that we intend making this report publicly available 60 days after submission of the report." The proponent should upload the CCR dated 6 November 2020 to its website by no later than 11 January 2020 (60 days after submission to DPIE). This has not occurred.	Construction Compliance Report (EMM, 6 November, 2020 V4) to be placed on project website	Reviewing this non compliance post finalisation of the report, it was identified that the report was uploaded to SINSW website and made publically available. Therefore it is SINSW belief that this condition is actually compliant.	Uploaded to project website in accordance with condition of consent. Uploaded to website approx. February 2021. https://www.schoolinfrastructure.nsw.gov.au/projects/k/kent-road-public-school.html#category-reports	CLOSED

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/Status
C42 (a)	Independent Audits of the development must be carried out in accordance with: (a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C40 of this consent; and	Kent Road Public School Independent Audit Program, dated 12 November 2019, Table 1 Pg. 2 and Pg. 3. Submitted by School Infrastructure NSW to DPIE by email on 13/11/19 and to PCA on 28/11/19. This audit was due in Nov 21, but is being undertaken late due to a number of reasons including project scheduling, awaiting outstanding documentation was awaited from the Contractor, covid outbreaks and illness. As such the timing was unable to be met. Sighted letter to Michael Cassel, Planning Secretary for Department of Planning and Environment from Chris King Senior Project Director, School Infrastructure NSW dated 18/3/22 advising "As per the requirements of conditions C47 and C48 the Department of Education is writing to notify of non-compliance with the conditions of consent". This was identified on 18/3/22 and DPE notified. 2022. Documentation was provided to the auditor in July 2022 and the required audit is again progressing.	Audit to be completed (This audit report)	Submit to DPE October 2022.	Submitted to DPE October 2022 (this submission).	CLOSED
C52	Within three months of commencement of construction, evidence must be submitted to the satisfaction of the Certifying Authority that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements, AS 1158.4:2015 – Lighting for roads and public spaces – Lighting of pedestrian crossings and AS 4282-1997 Control of the obtrusive effects of outdoor lighting.	A certifying letter from David Wong of JN Responsive Engineering dated April 8, 2020 states that the design is in accordance with the following: <ul style="list-style-type: none"> • SSD number 9344. • SSD Condition C52. • Control of the Obtrusive Effects of Outdoor Lighting – AS4282-1997. • Lighting for roads and public space – Pedestrian area (Category P) lighting – Performance and design requirements – AS1158.3.1.2015. Performance and Design Requirements are specifically met for public spaces for e.g. COLA, Block R Entrance Canopy, Under Cover Sports Court and Landscaped pedestrian access paths. These are strictly not public spaces but may be utilised for public school events at night or gatherings of community groups. • Lighting for roads and public space – Lighting of pedestrian crossings – AS1158.4.2015. This was issued to the Certifying Authority. Patrick Cameron in an email dated 15 April 2020 stated: "I am satisfied that JN Design Certificate submitted provides suitable evidence that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements, AS 1158.4:2015 – Lighting for roads and public spaces – Lighting of pedestrian crossings and AS 4282-1997 Control of the obtrusive effects of outdoor lighting as required by SSD Condition C52" This approval by the PCA was outside of the three months deadline and therefore is to be noted as a non-compliance. Elizabeth Williamson (DPIE) confirmed notification of the non-compliance in an email dated 1 May, 2020. As signoff did not occur within 3 months of commencement of construction and will therefore remain non-compliant.	No further action required	Not applicable	Not applicable	CLOSED
D1	At least one month before commencement of operation, the date of commencement of the operation of the development must	Letter to Michael Cassel Planning Secretary Department of Planning and Environment from Chris King (SINSW) dated 18 March 2022 sighted. States: "Stage 2 handover of the	No further notices are required; no further action	Not applicable	Not applicable	CLOSED

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/Status
	be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.	<i>extended drop-off /pick up zone along Kent Road was coordinated with Council, with appropriate approvals received. The notification of commencement of operation to the Planning Secretary, as required by condition D1, was overlooked during this period."</i> This is greater than one month prior to commencement of Stage 2.				
E10	The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in State Significant Development Application (SSDA) – Acoustic Report and dated 7 November 2018. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.	Kent Road Public School - Acoustic Compliance Testing report from Acoustic Logic sighted (20210347.1/1904A/R0/HC dated 19/4/21); concluded "Testing results in the completed development fully compliant with the acoustic criteria of mechanical plant and equipment nominated in Consent Condition E9 & Consent Condition E10 of the 'Development Consent Section 4.38 of the environmental planning and assessment Act 1979', Application Number SSD 9344." Sighted 'SSD9344 Cond E9E10 - Kent Rd Public School Redevelopment - Submission to DPIE' letter to Jim Betts from Chris King dated 20/4/21, which submitted post completion acoustic compliance testing for operations noise limits for E9 & E10. This was longer than within two months of commencement of the operational stage.	No further action required	Notice of non-compliance issued to DPE dated 26 April 2021.	Not applicable	CLOSED



Attachment B – Response to Independent Audit observations/recommendations

Condition ID	Compliance Requirement	Audit Observation/Opportunity for Improvement	Proponent's Proposed or Completed Action or reason for not implementing measures/changes	Evidence	Due Date/Status
B34	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	The stage 2 Pre-Completion Compliance Report has not been submitted to the DPE.	No further works to be undertaken by project team.	Not applicable	CLOSED
B35	The Applicant/Proponent must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.	Construction Compliance Report (EMM, 6 November, 2020 V4) submitted to DPIE 12 November 2020, 60 day period has not yet lapsed and report is not yet on website. Proponent to make publicly available within 60 days after 12 November. In a letter from Christopher King (SINSW) to Jim Betts dated 13 November 2020 states: "In accordance with condition B35 we hereby give the Department a minimum of seven days' notice that that we intend making this report publicly available 60 days after submission of the report." The proponent should upload the CCR dated 6 November 2020 to its website by no later than 11 January 2020 (60 days after submission to DPIE). This has not occurred.	The EMM Report has now been made publically available	Uploaded to SINSW website	CLOSED
C42	Independent Audits of the development must be carried out in accordance with: (a) the Independent Audit Program submitted to the Department and the Certifying Authority under condition C40 of this consent; and (b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).	This audit was due in Nov 21, but is being undertaken late due to a number of reasons including project scheduling, awaiting outstanding documentation from the Contractor, COVID19 outbreaks and illness. As such the timing was unable to be met. Sighted letter to Michael Cassel, Planning Secretary for Department of Planning and Environment from Chris King Senior Project Director, School Infrastructure NSW dated 18/3/22 advising "As per the requirements of conditions C47 and C48 the Department of Education is writing to notify of non-compliance with the conditions of consent". This was identified on 18/3/22 and DPE notified. Documentation was provided to the Auditor in July 2022 and the required audit is again progressing.	Independent Environmental Audit completed and report issued to DPE (this submission).	Submission of report dated 28 September 2022	CLOSED