

DOC21/1311221

Michael Cassel
Planning Secretary
Department of Planning and Environment
Locked Bag 50222
Parramatta NSW 2124

Attn: Rob Sherry,

13 May 2022

Dear Mr Cassel

Kingscliff High School (SSD 8744305): Submission of Independent Audit Report and response in accordance with Condition C39 and C40

I refer to SSD Application 8744305, Upgrades to Kingscliff High School, approved on 3 November 2021.

In accordance, with condition C39 of the Development Consent, the following document has been submitted to the Planning Secretary for information:

- *Independent Audit No. 1 – Audit Report, Kingscliff High School – SSD 8744305, Ann Azzopardi, 4 May 2022, Version 02.*

As per the requirements of condition C40 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 recommendations
- Attachment C - Evidence of Actions

Yours Sincerely,



Gareth James
Senior Project Director – Schools Infrastructure NSW

Attachment A – Response to Independent Audit non-compliances

Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of Actions
B13	Prior to the commencement of construction, demolition work plans required by <i>AS 2601-2001 The demolition of structures</i> (Standards Australia, 2001) must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifier and Planning Secretary.	Records show that the demolition work plans were submitted to the Department on 21/12/2021, which was one day after the commencement of construction (20/12/2021, as notified by INSW to DPE under B1).	The demolition work plans were submitted to the Department on 21/12/2021, no further action is required.	No further action required. All aspects of this condition have been complied with and non-compliance relates to time only.	N/A
B35	Prior to the commencement of construction, the Applicant is required to submit a Hazardous Materials Management Plan to the Certifier. The report must: (a) address the recommendations in the Hazardous Materials Survey for Kingscliff High School at 33 Oxford Street, Kingscliff prepared by Hazmat Services Pty Ltd, dated 31 March 2020 and Waste Management Plan for Kingscliff High School at 33 Oxford Street, Kingscliff prepared by HMC Environmental Consulting Pty Ltd dated March 2021; (b) provide details of management of risks associated during demolition work and for any remaining in-situ hazardous materials located at the site; and (c) comply with the relevant NSW Legislation, Codes and Practice and Australian Standards.	A Hazardous Materials Management Plan has not yet been prepared for the Project and submitted to the Certifier, despite construction commencing on 21/12/2021. Whilst works associated with hazardous material management are yet to commence, the Project has not prepared a Staging Report for construction, therefore there is no flexibility recognised in the timing of this condition. The auditees cited that a number of documents have been issued to the Certifier regarding future demolition works, including Demolition Management Plan (B13), Demolition Compliance Statement from Demex (C3), and an unexpected contamination finds procedure. However, these documents do not negate the need for a Hazardous Materials Management Plan to be prepared under B35.	The project has prepared a draft Hazardous Materials Management Plan, dated 28/04/2022. The A Hazardous Materials Management Plan will be finalized for the Project in accordance with B35 and submitted to the Certifier by 31 May 2022.	The A Hazardous Materials Management Plan will be finalized for the Project in accordance with B35 and submitted to the Certifier by 31 May 2022.	The project has prepared a Hazardous Materials Management Plan which was submitted to the Certifier on 12/05/22. Evidence is provided in Attachment C – B35 Submission to Certifier and KHS Construction Hazardous Material Management Plan – MAY 22
C9	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	A review was conducted to verify whether the Project was being delivered in accordance with the CEMP and Sub-Plans, and a non-compliance has been identified against the commitment for the ESR to conduct weekly and post-rainfall inspections of site environmental controls	The auditee recommends the Project establishes an environment inspection schedule and register to ensure/ demonstrate inspections are being conducted weekly and post-rainfall.	The Project will establish an environment inspection schedule and register to ensure/ demonstrate inspections are being conducted weekly and post-rainfall.	The Contractor has scheduled and tracked environmental inspections on Hammertech (construction safety software). Records of weekly and post-rainfall inspections carried out

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		<p>as per section 1.11.2 of the CEMP. The auditees advised that the frequency of inspections was affected by the significant rainfall events and flooding that occurred in the area since construction commencement, as well as COVID-19.</p> <p>Understanding that the ability to conduct weekly inspections has been limited by these events, the auditor notes that there is no record of post-rainfall inspections being undertaken on the Project, despite numerous significant rainfall events occurring this year. This has been raised as a non-compliance against C9.</p>			<p>up to 11/05/2022 is provided in Attachment C – <i>KHS Weekly and Post Rainfall Inspection</i></p>



Attachment B – Response to Independent Audit recommendations

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A27	<p>At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:</p> <p>a) make the following information and documents (as they are obtained or approved) publicly available on its website:</p> <p>i. the documents referred to in condition A2 of this consent;</p> <p>ii. all current statutory approvals for the development;</p> <p>iii. all approved strategies, plans and programs required under the conditions of this consent;</p> <p>iv. regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;</p> <p>v. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;</p> <p>vi. a summary of the current stage and progress of the development;</p> <p>vii. contact details to enquire about the development or to make a complaint;</p> <p>viii. a complaints register, updated monthly;</p> <p>ix. audit reports prepared as part of any independent audit of the development and the Applicant's response to the recommendations in any audit report;</p> <p>x. any other matter required by the Planning Secretary; and</p> <p>b) keep such information up to date, to the satisfaction of the Planning Secretary and publicly available for 12 months after the commencement of operations.</p>	<p>The latest version of the CTPMSP (Revision 9, 01/03/2022) has not been uploaded to the Project website. Whilst the CEMP and Sub-Plans are not required to be approved (and subsequently uploaded to the Project website under A27(a)(iii)), previous versions of the plans have been uploaded to the website, therefore it is recommended that the revised CTPMSP be uploaded to the website for consistency.</p>	<p>It is recommended that the revised CTPMSP be uploaded to the website for consistency.</p>	<p>The Project will upload the latest CTPMSP to the project website.</p>	<p>The revised CTPMSP (Revision 9, 01/03/2022) has been uploaded to the Project website, replacing the previous revision. Evidence is provided at the link below:</p> <p>https://www.schoolinfrastructure.nsw.gov.au/content/dam/infrastructure/projects/k/kingycliff-high-school/2022/mar/B15d_B16_-_KHS_Construction_Traffic_Pedestrian_Management_Sub_Plan_-_V9.pdf</p>

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C4	Construction, including the delivery of materials to and from the site, may only be carried out between the following hours: a) between 7am and 6pm, Mondays to Fridays inclusive; and b) between 8am and 1pm, Saturdays. No work may be carried out on Sundays or public holidays	The site induction only notes that site hours are 7 am – 5 pm and does not specify days of work or clarity around weekend hours. The auditor recommends that the site induction presentation be updated to include full hours of work, as per C4.	The auditor recommends that the Project induction presentation be updated to ensure clarity around approved construction hours across all days of the week.	The Site Induction Presentation will specify the approved construction hours, specifying days of work and weekend hours.	The Site Induction Presentation has been updated to include the approved construction hours, specifying days of work and weekend hours. Evidence is provided in Attachment C – Site Induction Presentation Kingscliff 110522 page 16.
C9	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	CTPMSP, Section 9 – The auditees noted that the requirement to inspect traffic control devices a minimum of three times daily was meant to be specifically related to electronic traffic control devices (which have not yet been used on the Project). The auditees noted that Section 9 of the CTPMSP was going to be amended to correct this in the latest revision of the Plan, however this has not been rectified.	The auditor recommends that Section 9 of the CTPMSP is updated to clarify that the frequency of inspecting traffic control devices (minimum of three times daily) relates specifically to electronic traffic control devices.	Section 9 of the CTPMSP will be updated to clarify the frequency of inspecting traffic control devices (minimum of three times daily) relates specifically to electronic traffic control devices by 31 May 2022.	The CTPMSP has been updated to clarify frequency of inspections for electronic traffic control devices. Evidence is provided in Attachment C – KHS Construction Traffic Pedestrian Management Sub Plan - MAY 22
C9	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	CSWMSP, Section 6.1.2.1 – The version of the site ERSD plan observed at the time of the audit did not fully reflect the controls in place onsite, showing use of a rumble grid at site entrance and instead of the gabion rumble grid that has been installed at the compound egress gate.	The site ERSD Plan has been updated to reflect the change from rumble grid at site entrance to gabion rumble grid at compound egress gate.	The site ERSD Plan will be updated to reflect the change from rumble grid at site entrance to gabion rumble grid at compound egress gate.	The site ERSD Plan has been updated to reflect the change from rumble grid at site entrance to gabion rumble grid at compound egress gate. Evidence is provided in Attachment C – KHS-C01.01_3
C9	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	CSWMSP, Section 6.2 – There appears to be a misunderstanding around base line surface water monitoring and its applicability to the Project. There is no evidence of base line monitoring being conducted as per the CWSMP and the auditor observes that there have been no discharges on the Project to date. The auditor recommends reviewing this commitment given that construction has commenced and that the window to conduct base line monitoring has now passed.	The auditor recommends that the Project reviews commitments made around base line surface water monitoring and update the CSWMSP as required.	The Contractor undertook baseline water monitoring on 17 and 19/11/2021 in accordance with CSWMSP Section 6.2. This testing was carried out during works approved under a different consent (Review of Environmental Factors) however still contained within the site. The project considers this sufficient evidence to demonstrate we have carried out commitments made around baseline water monitoring. The CSWMSP will be updated to clarify the projects requirements around water quality and discharge. This will be actioned by 31 May 2022.	The Contractor undertook baseline water monitoring on 17 and 19/11/2021 during works approved under a different consent (Review of Environmental Factors) however still contained within the site. Evidence is provided in Attachment C – Kingscliff High School Water Testing Results. The CSWMSP has been updated to clarify the projects requirements around water quality and discharge. Evidence is provided in Attachment C – KHS Construction Soil and Water Management Sub Plan - MAY 22.
C9	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	BMSP, Section 3.2, Table 6 – The BMSP requires all Project personnel to be made aware of all matters regarding fauna management, particularly in relation to the Bush Stone-curlew. The Bush Stone-	The auditor recommends that the Project reviews the Site Induction presentation and revises to include content regarding fauna management and	The Site Induction Presentation will be revised to include content regarding fauna management and specifically reference the Bush Stone-curlew and its potential to nest or roost within the and around the	The Contractor has updated the Site Induction Presentation to specifically reference the Bush Stone-curlew and its potential to be on site, as well as proposed actions if one is identified.

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		curlew Management Plan also notes that at Kingscliff High School, this species would potentially use the school grounds and surrounding vegetation. The Project Site Induction includes a map detailing environmental exclusion zones; however, it does not specifically reference the Bush Stone-curlew and its potential to nest or roost within the and around the school. All Project personnel should be made aware of the potential for this species to occur within the work area and what to do if found onsite.	specifically reference the Bush Stone-curlew and its potential to nest or roost within the and around the school. This should include detail around actions to be undertaken if this species is found on site.	school. It will also detail actions to be undertaken if this species is found on site. This will be actioned by 31 May 2022.	Evidence is provided in Attachment C – Site Induction Presentation Kingscliff 110522 page 18.
C9	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	BMSP, Section 3.3, Table 7 – The Project is required to conduct weed survey prior to commencement of any construction activities. The auditees advised that weed management is being undertaken by a land maintenance contractor (Justin Barlow Gardening Services). It is not clear whether weed survey and management has been conducted by a suitably qualified and experienced person, as required under the BMSP. This has been raised as an observation against C9.	The auditor recommends reviewing the land maintenance contractor’s qualifications to establish whether they meet the requirements of a suitably qualified and experience person in relation to conducting weed surveys and advising on best practice management.	The Contractor will engage an Environmental and Arboricultural Consultant to advise on best practice management.	The Contractor has engaged Annika Hallinan (environmental and arboricultural consultant) who attended the site on 12/05/2022 and will provide a Weed Management Plan for the Land maintenance contractor to follow. Evidence is provided in Attachment C – RE KHS & KPS Weed Management.
C9	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	FERP, Section 6.1.1 – The first step in the Flood Emergency Response Plan in section 6 of the FERP includes the following action: “Actions from Section 4.3 of this report will be included in the WHS site induction.” The auditor noted that section 4.3 of the report (FERP) is a brief section on site flooding and does not include any actions.	The Project has reviewed and updated the FERP to correct the identified error in the Flood Emergency Response Plan in section 6 (sighted FERP Revision 3.0, dated 03/05/2022). The updated Plan is to be submitted to the Planning Secretary and Certifier.	The Project has reviewed and updated the FERP to correct the identified error in section 6. The updated Plan is to be submitted to the Planning Secretary and Certifier.	The updated FERP was submitted to the Planning Secretary on 5/05/2022 and the Certifier on 9/05/2022.
C26	Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by EMM Consulting dated April 2021.	Section 4.3.1 of the ACHA report prepared by EMM requires the following: “All employees, contractors, sub-contractors involved in ground-disturbing activities will undergo an Aboriginal cultural heritage induction. For key project team members, this will be conducted by a representative of the RAPs prior to any ground-disturbance.” Evidence has been provided of some Project personnel from RCC, MBB Group, and SINSW undergoing an Aboriginal cultural heritage induction in July 2021,	Evidence provided of Project personnel, including subcontractors, attending an Aboriginal cultural heritage induction presented by Tweed Byron LALC on 08/04/2020. Project to ensure that future personnel onboarded to conduct ground disturbance activities undergo an Aboriginal cultural heritage induction (in line with the ACHA).	Aboriginal Cultural Heritage inductions will be provided to future personnel onboarded to conduct ground disturbance activities by being incorporated into the Site Induction Presentation. This will be actioned by 31 May 2022.	The Contractor has requested the Tweed Byron LALC to provide materials to be included in the Site Induction Presentation. Evidence is provided in Attachment C – email KHS & KPS Aboriginal Heritage Induction.

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		presented by Tweed Byron Local Aboriginal Land Council (LALC). However, there is no evidence to demonstrate further induction of employees, contractors, sub-contractors involved in ground-disturbing activities (noting that ground investigation works that were taking place onsite at the time of the site inspection). Understanding these works are minor, the Project is to ensure that the above requirement is met prior to commencement of excavation activities onsite.			
C27	In the event that surface disturbance identifies a new Aboriginal object: a) all works must halt in the immediate area to prevent any further impacts to the object(s); b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects; c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS; d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and e) works shall only recommence with the written approval of the Planning Secretary	The Aboriginal heritage unexpected finds protocol in the CEMP and ACHMP does not include the requirement that, following identification of a new Aboriginal object, works can only recommence with the written approval of the Planning Secretary, as per C27(e).	The Aboriginal heritage unexpected finds protocol included in the CEMP and ACHMP has been updated to include the requirement for written approval from the Planning Secretary prior to recommencement of works, as per C27(e). The updated Plans were submitted to the Certifier on 27/04/2022 and the Planning Secretary on 2/05/2022.	The Aboriginal heritage unexpected finds protocol included in the CEMP and ACHMP has been updated to include the requirement for written approval from the Planning Secretary prior to recommencement of works, as per C27(e).	The updated Plans were submitted to the Certifier on 27/04/2022 and the Planning Secretary on 2/05/2022.