

Kiersten Fishburn
Planning Secretary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Attn: Rob Sherry,

5 April 2024

Dear Ms Fishburn,

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. 5 – Audit Report, Kingscliff High School Upgrade – SSD 8744305, Steve Fermio, 26 March 2024, Version 1.0.*

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 observations

In accordance with Condition A27(a)(ix) and C39(c) the project will publish and make publicly available, the independent audit report and response to the recommendations within 60 days of this letter.

Yours Sincerely,



Martyn Charlett

Senior Project Director – Schools Infrastructure NSW

Attachment A – Response to Independent Audit non-compliances

IEA#	Condition ID	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of Actions	Status
IA5_04	D38	Prior to the commencement of operation, a Bush Fire Emergency Management and Evacuation Plan must be prepared consistent with Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.	The D38 compliance table in the Operational Bushfire Emergency Management Plan (RCC) references the Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan but provided an incorrect document reference as to where these requirements have been checked. There was no evidence available at the time of the audit site inspection to demonstrate that the plan had been prepared in accordance with the guidelines.	Review / amend Plan to ensure the Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan guidelines are clearly addressed.	Plan amended post audit (Rev 3, 21 March 2024) to demonstrate how the <i>Development Planning – A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan</i> guidelines have been addressed.	Refer Attachment 1 updated BFEMEP (rev 3, 21 March 2024). Non compliance was reported to DPHI on 28/03/2024 refer PA#69	CLOSED
IA5_06	D40	Prior to the commencement of operation, a Noise Management Plan is to be submitted to the Certifier that details how noise from onsite activities will be managed and controlled so as to prevent the generation or emission of intrusive noise. The Plan must be prepared in accordance with the recommendations of the Noise and Vibration Impact Assessment, dated 27 July 2021 and prepared by Acoustic Works. A copy of the Plan is to be provided to Council for information.	There is no evidence available that the Noise Management Plan has been submitted to Council for information.	Submit Noise Management Plan to Council for Information.	The Operational Noise Management Plan was submitted to Council on 8/03/2024.	Noncompliance reported on 8/03/2024 PA#62 including evidence of submission to Council.	CLOSED



Attachment B – Response to Independent Audit observations

ID	Condition	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of actions
IA2_03	C13	The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009) (ICNG). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.	IA4 update: The proposed response (as per IA3 response above) to finding 8744305_IA2_03 has not been actioned or addressed in Rev 7 of the CNVMP.	The CNVMP requires review with regard to: <ul style="list-style-type: none"> detailing the management response to the outcomes of any exceedances of NMLs IA3 Update: This is not specifically addressed in Rev 5 of the CNVMP. IA5 Update: The proposed response above has been addressed in Rev 8 of the CNVMP	This audit period did not require any noise monitoring, however noise monitoring is being undertaken in late March to early April 2024. Results to be reviewed in the next audit. The Contractor is to follow the latest CNVMP (Rev 8).	CNVMSPP Rev 8 was submitted to DPHI on 2/02/2024 under PA#54.
IA3_01	C13	The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.	Future noise monitoring should include an assessment of compliance against the NML in Table 9 of the CNVMP applicable to 'Classrooms', given that these are likely to be among the most noise affected receivers on the project. If future noise monitoring indicates that the NMLs in the CNVMP are exceeded, consideration of any additional reasonable and feasible mitigation measures should be included in the monitoring report or a record of management's response to this. IA4 update: Monitoring undertaken in Feb – March 2023 does not address this finding adequately. See observation against C13 below.	A5 Update: No noise monitoring has been undertaken during the audit period. This observation will be addressed in any future monitoring undertaken	As above item IA2_03.	As above item IA2_03.
IA4_01	C13	The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in	Noise monitoring was undertaken in Feb – March 2023. The noise monitoring report (ENV Solutions 30 May 2023) has not assessed compliance against the relevant NML but only applied the highly noise affected level of 75dB(A) as the criteria to assess compliance. This means that all reasonable and feasible mitigation measures may have not been	If any future noise monitoring is conducted on the project, it should assess compliance with the relevant NMLs in section 5.3 of the CNVMP. It is the auditor's opinion that the highly noise affected level of 75dB(A) is not the appropriate NML to apply in this circumstance. If any exceedances with the relevant NMLs are identified the project team should consider if any	As above item IA2_03.	As above item IA2_03.

ID	Condition	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of actions
		accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.	<p>considered or identified by the project to achieve compliant with the relevant NMLs (e.g., those in Table 5-1 and Table 9, which are much lower).</p> <p>Note: Notwithstanding the above it is noted that noise impacts are managed through weekly liaison meetings between RCC and the School (e.g., limiting high noise activities during examination periods) and that no complaints regarding noise have been received from the community.</p> <p>The Applicant also provided information indicating that community consultation and noise monitoring with highly noise affected SMS warning are effective management methods for the demolition and construction works.</p>	<p>additional feasible and reasonable noise mitigation measures could be adopted in an effort to achieve compliance with the relevant NMLs (noting that compliance with the relevant NMLs in Tables 5-1 and 9 at all times may not be possible under the circumstances).</p> <p>IA5 Update: No noise monitoring has been undertaken during the audit period. This observation will be addressed in any future monitoring undertaken.</p>		
IA5_02	C15	The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.	The Hammertech mobile equipment check in process does not include any check for 'quackers'.	Consider including a check for non-tonal (e.g. quackers) reversing alarms in equipment check in process where approval conditions require this.	RCC have updated their company-wide system, Hammertech, to include a check for quackers to close out this observation.	Please refer Attachment 2 with email confirmation from RCC's senior safety manager.
IA5_03	C22	<p>The Applicant must:</p> <p>a) ensure that only VENM, ENM, or other material that meets the requirements of a relevant order and exemption issued by the EPA, is brought onto the site;</p> <p>b) keep accurate records of the volume and type of fill to be used;</p> <p>c) make these records available to the Certifier upon request;</p> <p>d) ensure the exportation of waste (including fill or soil) from the site is in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority "Waste Classification Guidelines"; and</p> <p>e) ensure the exportation of waste is transported to a licenced waste facility or an approved site subject to a resource recovery order and exemption.</p>	<p>The Mulch Order 2016 does not specify that mulch be tested for asbestos, however it requires the processor to ensure that it does not contain asbestos before supplying it. The landscape architect has not specifically assured the Project that the material does not contain asbestos. The architect has stated that the mulch supplied to the project is "forest mulch" which is a natural by-product derived from the mulching of trees cleared from land sites and that this distinction is crucial for understanding the safety and quality of the product supplied. The supplier has not provided any test results or other form of assessment by a specialist confirming asbestos presence / absence.</p>	To more clearly satisfy the requirements of the Mulch Order 2016, seek clear assurance (backed up by test results if necessary) that any mulch (whether forest or otherwise) supplied to the project to date and in future is free from asbestos contamination.	<p>RCC response:</p> <p>This requirement is over and above the EPA requirements.</p>	<p>Please refer to the following attachments as evidence that RCC have complied with relevant requirements and considered the recent issues regarding asbestos in recycled mulch:</p> <p>Attachment 3. Letter from RCC to SINSW</p> <p>Attachment 4. Letter from supplier</p> <p>Attachment 5. Test results of mulch for everything present in the natural occurring Mulch</p>

ID	Condition	Compliance Requirement	Audit findings	Audit Recommendations	Department of Education Actions	Evidence of actions
IA5_05	D39	<p>Prior the commencement of the operation, a Flood Emergency Management Plan must be submitted to the Certifier that:</p> <ul style="list-style-type: none"> a) is be prepared by a suitably qualified and experienced person(s); b) addresses the provisions of the Floodplain Risk Management Guidelines (EESG); c) includes details of: <ul style="list-style-type: none"> i. the flood emergency responses for operational phase of the development; ii. predicted flood levels; iii. flood warning time and flood notification; iv. assembly points and evacuation routes; v. evacuation and refuge protocols; <p>and awareness training for employees and contractors, and visitors.</p>	<p>It is unclear on the evidence available that the Flood Emergency Management Plan has been prepared by a suitably qualified and experienced person.</p>	<p>Consider having the Flood and Emergency Management Plan (FEMP) reviewed by a suitably qualified and experienced person (e.g. member of Engineers Australia etc).</p>	<p>RCC have had the plan reviewed by another consultant in ENV, their CV is included on page 37 demonstrating their engineering qualifications and MIEAust #.</p>	<p>Please see updated FEMP rev 3 in Attachment 6.</p>

