

Rob Sherry
Planning Secretary
Department of Planning, Industry and Environment (DPIE)
12 Darcy Street
Parramatta NSW 2150

06 April 2021

Attention: Rob Sherry

Dear Mr. Sherry,

Kyeemagh Public School (SSD-9391): Submission of a response to an Independent Audit Report in accordance with Conditions C38 and C39

I refer to the Kyeemagh Public School Project (SSD 9391) approved on 14 July 2020.

In accordance, with conditions C38 (b) and C39 of the Development Consent, the following documents have been submitted to the Planning Secretary for information:

- *Kyeemagh Public School – SSD 9391: Independent Audit Report*, WolfPeak, 26/03/2021, revision 1

As per the requirements of Condition C39 which outlines the need to meet the specific requirements in the Independent Audit: Post Approval Requirements, the following attachments are submitted to the Department as a response to the Independent Audit Report.

- Attachment A - Response to Independent Audit Non-Compliances
- Attachment B - Response to Independent Audit Observations.

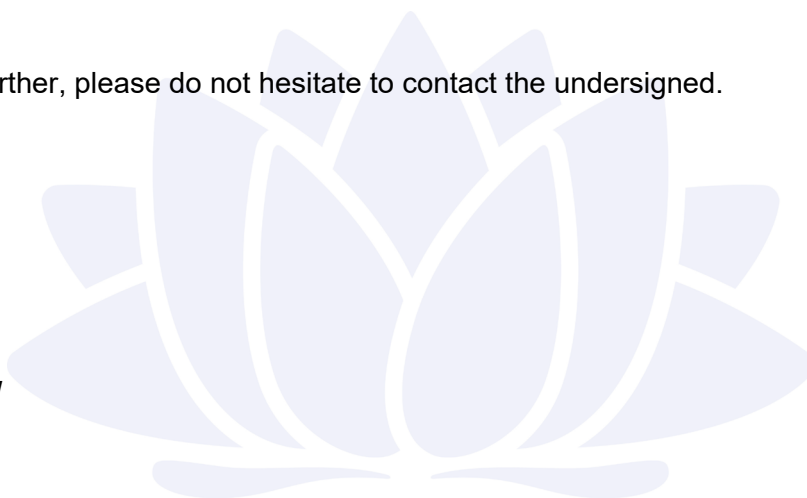
I hereby provide 7-day notification of our intention to publicly release the response to the Independent Audit Report within 60 days of this submission which demonstrates our commitment to complying with condition C38(c).

Should you wish to discuss further, please do not hesitate to contact the undersigned.

Yours sincerely,



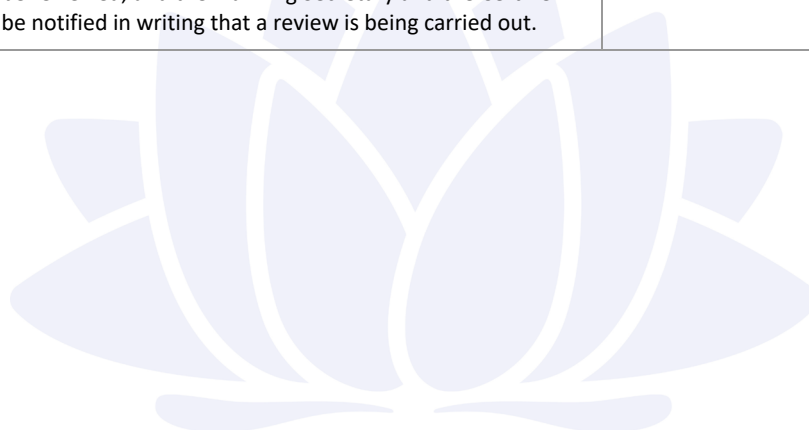
Pete Krause
Project Director
Schools Infrastructure NSW



Attachment A – Response to Independent Audit Non-Compliances (Section 3.2 and Table 2 of the IA Report)

Condition ID	Condition Heading	Compliance Requirement	Audit Findings and Recommendations	Department of Education Actions	Evidence of Actions
CoC A35	Incident Notification, Reporting and Response	The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.	<p>1 x notifiable incident occurred. A worker struck his head, and this was reported to SafeWork, and therefore the Department was required to be notified as well. Notification of the incident did not occur immediately. The report was submitted to the Department 5 days later in accordance with CoC A36.</p> <p>The notification was provided after the deadline.</p>	<p>A notification of the incident under Condition A35 and A36 was issued on 17/11/20. Refer to DOC20/1162890.</p> <p>A notification of non-compliance is to be issued under Condition A37 regarding Condition A35 within 7 days after the final audit report from Wolfpeak is issued.</p>	<p>Item is noted as closed within the Wolfpeak Independent Audit.</p> <p>As stated in the prior column, a non-compliance letter for A35 will be issued under DPIE as the incident was not 'immediately' notified but was notified 5 days after the incident occurred.</p>
CoC A37	Non-Compliance Notification	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.	<p>The project notified the Department of the 2 x non-compliances identified in the previous audit more than 7 days after becoming aware their existence.</p> <p>The notification was provided after the deadline.</p>	<p>Nil. No further action by SINSW required.</p> <p>Refer to DOC20/1054308 for submission to DPIE.</p>	Item is noted as closed within the Wolfpeak Independent Audit.

Condition ID	Condition Heading	Compliance Requirement	Audit Findings and Recommendations	Department of Education Actions	Evidence of Actions
				A notification of non-compliance was issued on 15/01/21. Refer to DOC21/20411.	
CoC A40	Revision of Strategies, Plans and Programs	<p>Within three months of</p> <p>(a) the submission of a compliance report under condition A32; (b) the submission of an incident report under condition A36; (c) the submission of an Independent Audit under condition C36; (d) the approval of any modification of the conditions of this consent; or (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,</p> <p>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.</p>	<p>An incident was notified on 17/11/20. A review of the strategies, plans and programs was not notified until 25/02/21 (more than 3 months after the incident notification).</p> <p>A review was notified after the deadline.</p>	<p>Nil. No further action by SINSW required.</p> <p>Refer to DOC21/154697 for submission to DPIE.</p> <p>A notification of non-compliance was issued on 24/02/21. Refer to DOC21/157406.</p>	Item is noted as closed within the Wolfpeak Independent Audit.



Attachment B – Response to Independent Audit Observations (Section 3.2 and Table 2 of the IA Report)

Condition ID	Condition Heading	Compliance Requirement	Audit Findings and Recommendations	Actions Undertaken	Evidence of Actions
CoC B15 (Action previously open from the first Independent Audit undertaken on 23/09/21)	Construction Environmental Management Plan	<p>The Construction Noise and Vibration Management Sub-Plan (CNSWMSP) must address, but not be limited to, the following:</p> <p>(a) be prepared by a suitably qualified and experienced noise expert;</p> <p>(b) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009);</p> <p>(c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;</p> <p>(d) include strategies that have been developed with the community for managing high noise generating works;</p> <p>(e) describe the community consultation undertaken to develop the strategies in condition B15(d);</p> <p>(f) include a complaints management system that would be implemented for the duration of the construction; and</p> <p>(g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the management measures in accordance with condition B12(d).</p>	<p>Whilst the CNVMSP has identified sound power levels from the likely plant used on site and has identified noise criteria and basic noise mitigation measures, the CNVMSP does not identify the predicted noise impacts on nearby receivers. This does not conform to the EPA's Interim Construction Noise Guidelines which requires a quantitative assessment of noise for major projects.</p> <p>The CNVMSP has not identified vibration as an issue, yet it has not provided evidence of an assessment to support this position. It also states that vibration monitoring is not required. It is understood that compaction is required for the Project due to ground conditions and that these vibration intensive works will need to occur in close proximity to surrounding residences and educational facilities. Refer to the responses to CoC C16 – C18.</p> <p>The Auditor is of the opinion that the CNVMSP is not adequate in its current form on the basis that there are significant opportunities for improvement and non-compliances with the consent may result from the implementation of the document.</p> <p>The CNVMSP has been updated to provide a quantitative assessment of noise impacts. The CNVMSP states that the noise impacts are predicted to be up to 75dB(A) (at receiver) and up to 45dB(A) (internal to the classroom) based</p>	<p>The CNVMSP was updated to account for the action identified.</p> <p>A notification is to be issued to DPIE as per Condition A41 within 6 weeks of the review of the CNVMSP (prior to 16.04.21).</p>	<p>Item is noted as closed within the Wolfpeak Independent Audit.</p> <p>The report states that 'The updated CNVMSP, dated 05/03/21, addresses each of the actions identified'.</p>

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			<p>on a cumulative sound power level of 122dB(A)L10 for demolition and 120dB(A)L10 for general construction. No % on time has been specified.</p> <p>The Auditor makes the following findings in relation to this assessment:</p> <ul style="list-style-type: none"> The ICNG refers to the use of the LAeq indicator not the L10 in undertaking an assessment and should assess the realistic worst case for the nearest receiver. The nearest residences are approximately 5m from the nearest work front and 15m from the nearest building to be demolished. On this basis, using the sound power levels specified, the predicted noise impacts at the nearest receiver are expected to be well above 75dB(A). The classrooms are within 30m from the nearest work front. At this proximity, with the nominated sound power level adopted, the Auditor considers it unlikely that the building envelope would be capable of a noise reduction to <45dB(A) as stated in the CNVMSP. The assessment does not provide adequate information to confirm that a proper assessment has occurred in accordance with the ICNG. 		

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			<p>The CNVMSP has been updated to a requirement that, in the event that vibration rolling or compacting of ground conditions is required within 10m of neighbouring buildings then attended vibration measurements during the use of this equipment should be undertaken to ensure vibration does not result in unreasonable levels of vibration impact on the neighbouring building structures. The Project has undertaken some preliminary monitoring and should continue this vibratory works in accordance with this recommendation.</p> <p>The CNVMSP has also included a recommendation to conduct vibration rolling at times not sensitive to the operation of the school. This recommendation should be implemented.</p>		
CoC B25 (Action previously open from the first Independent Audit undertaken on 23/09/21)	Landscaping	<p>Prior to the installation of landscaping, the Applicant must prepare a revised Landscape Plan to manage the revegetation and landscaping works on-site and submit it to the Certifier. The plan must:</p> <ul style="list-style-type: none"> (a) provide for the planting of 63 trees; (b) detail the native vegetation community (or communities) that once occurred on the site or locality; (c) include species (trees, shrubs and groundcovers) indigenous to the local area; (d) detail the location, species, maturity and height at maturity of plants to be planted on-site and demonstrate that enough area/space is provided to allow trees to grow to full maturity; (e) include the planting of trees with a pot container of 75 -100 litres, or greater for local 	<p>The Landscape plan does not address all of the requirements a) – f) of this condition. Landscaping has yet to commence.</p> <p>The Landscape Plan, and associated Design Statement has been updated. It does still not contain requirement (e) from CoC B25, which states that the Plan must include: the planting of trees with a pot container of 75 -100 litres, or greater for local native tree species which are commercially available. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pregrown from provenance seed.</p> <p>Prior to installation of landscaping, ensure that the Landscape Plan meets the requirements of CoC B25.</p>	<p>The Landscape Plan has been revised to meet the requirements of CoC B25.</p> <p>This revised Landscape Plan will be issued to the Certifier as per B25.</p>	<p>Item is noted as closed within the Wolfpeak Independent Audit.</p> <p>The report states that Wolfpeak 'Sighted revised Landscape Plan 20/11/20'.</p>

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		<p>native tree species which are commercially available. Other local native tree species which are not commercially available may be sourced as juvenile sized trees or pregrown from provenance seed;</p> <p>(f) include the provision of relocated or new replacement nest boxes as required under condition B24 suitable to native fauna likely to use the site.</p>			
N/A	CEMP, Section 11.3.8	Section 11.3.8 of the CEMP states that the site manager will plan the works to minimise the potential for pollution. This includes providing appropriate storage; separation of incompatible materials and bunding; and ensuring that all activities that use or handle these substances are undertaken in an area that will not cause water pollution or land contamination.	<p>Fuels stored on site were not bunded.</p> <p>Install bunding in the fuel storage area.</p>	Taylor Constructions removed the chemical storage and vessels in question from site, (with photos taken as evidence) and alternative refueling arrangements have been made	Item is noted as closed within the Wolfpeak Independent Audit.
N/A	CEMP, Section 11.3.12	Section 11.3.12 states that community complaints should be treated as 'incidents', they must be reported to the HSE manager, be thoroughly investigated and reported on SharePoint. Reference to these are also to be documented and included in site diary entries. The project or site manager should try to resolve the issues with the community member in a conciliatory manner.	<p>Whilst the report indicates that the one complaint during the audit period was addressed and resolved the complaint was not treated as an incident or reported in line with this commitment.</p> <p>A response to this finding was provided by Taylor Constructions when drafting this Audit Report. The evidence provided does show escalation and reporting in line with this commitment, however the evidence relates to a complaint from the previous audit period, not the complaint in question which was received during the current audit period.</p>	Evidence provided by TCG showing incident details have been uploaded to SharePoint, however WolfPeak was not satisfied with this response as it related to a complaint from the previous audit period and not the current audit period..	Item is noted as open within the Wolfpeak Independent Audit.

Condition ID	Condition Heading	Compliance Requirement	Audit Findings and Recommendations	Actions Undertaken	Evidence of Actions
			Implement each of the commitments from the CEMP as written, or review and update the CEMP and Sub-plans to reflect current practice (whilst maintaining compliance with the CoC).	TCG to compile evidence of the compliant during this audit period for Wolfpeak's review at the next IEA.	

