

Jim Betts  
Planning Secretary  
Department of Planning, Industry and Environment (DPIE)  
GPO Box 39  
Sydney NSW 2001

27 October 2020

Attention: Shiraz Ahmed

Dear Shiraz,

**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, 02/10/2020, 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.

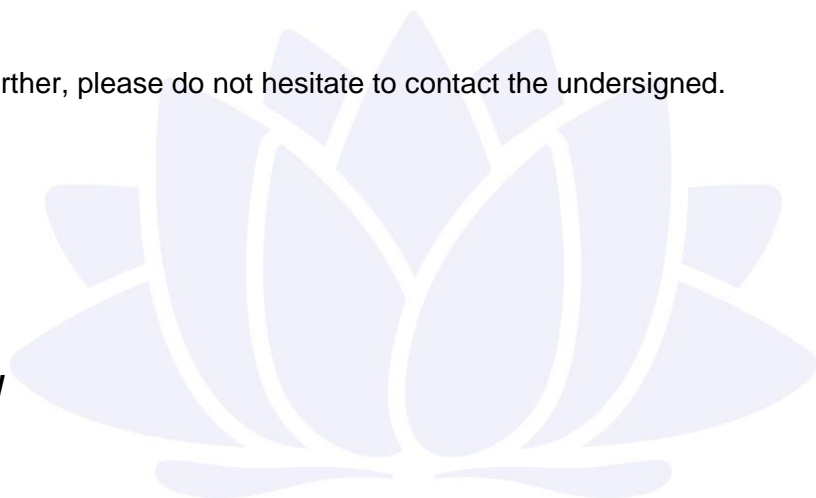
I hereby provide 7-day notification of our intention to publicly release the response to the Independent Audit Report within 60 days of this submission which demonstrates our commitment to complying with condition C38(c).

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

Yours sincerely,

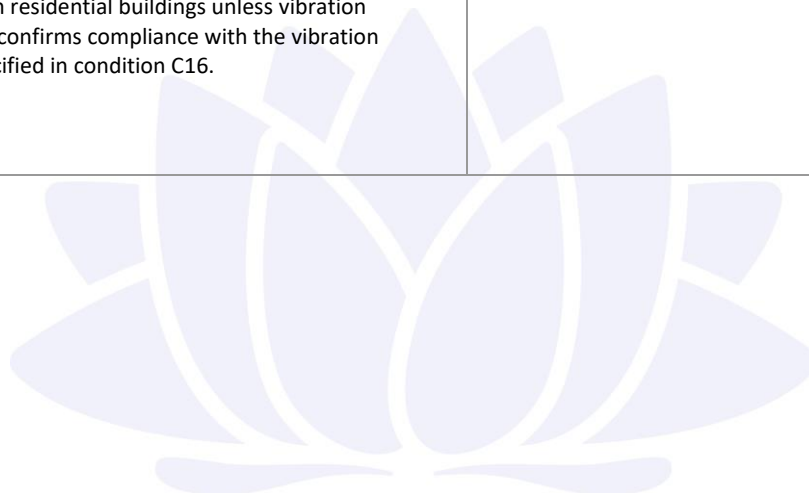


Terry O Sullivan  
**Project Director**  
**Schools Infrastructure NSW**



## 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 Finding	Audit Recommendations	Department of Education Actions	Evidence of Actions
<b>SEPTEMBER 2020 AUDIT FINDINGS AND ACTIONS</b>						
<b>CoC C16</b>	Vibration Criteria	Vibration caused by construction at any residence or structure outside the site must be limited to: (a) for structural damage, the latest version of DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures (German Institute for Standardisation, 1999); and (b) for human exposure, the acceptable vibration values set out in the Environmental Noise Management Assessing Vibration: a technical guideline (DEC, 2006) (as may be updated or replaced from time to time).	A 10T roller was observed on site. Based on the evidence of compaction of the internal haul road it appears as though the roller operated within the typical safe work distances as defined in RMS CNVG (being 15m).	Implement vibration monitoring and mitigation measures to ensure vibration impacts comply with CoC C16.	The contractor undertook vibration assessments of the proposed vibration rolling to be undertaken and the peak particle velocity resulting from the use of the equipment has been found to be in compliance with the relevant limits for the protection of the neighbouring buildings.	Non-compliance notification submitted to DPIE on 19/10/20.  Items noted closed in Wolfpeak Independent Audit Rev 1.
<b>CoC C17</b>	Vibration Criteria	Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition C16.				



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

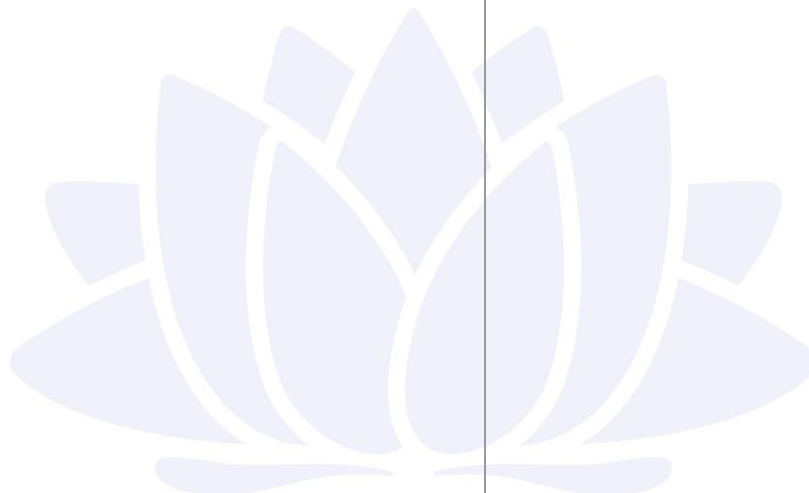
Condition ID	Vibration Criteria	Compliance Requirement	Audit Finding	Audit Recommendations	Actions Undertaken	Evidence of Actions
<b>SEPTEMBER 2020 AUDIT FINDINGS AND ACTIONS</b>						
<b>CoC B12</b>	Environmental Management Plan Requirements	<p>Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:</p> <p>(a) detailed baseline data;</p> <p>(b) details of:</p> <p>(i) the relevant statutory requirements (including any relevant approval, licence or lease conditions);</p> <p>(ii) any relevant limits or performance measures and criteria; and</p> <p>(iii) the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;</p> <p>(c) a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;</p> <p>(d) a program to monitor and report on the:</p> <p>(i) impacts and environmental performance of the development;</p> <p>(ii) effectiveness of the management measures set out pursuant to paragraph (c) above;</p> <p>(e) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;</p> <p>(f) a program to investigate and implement ways to improve the environmental performance of the development over time;</p>	Section 2.1 of the CWMSP references an out of date version of the Waste Classification Guidelines.	<p>Update the CWMSP to refer and reflect the current Waste Classification Guidelines.</p> <p>Notify identified stakeholders of a review of the CEMP and sub-plans in accordance with CoC A40. Resubmit the updated CEMP and sub-plans to the identified stakeholders in accordance with CoC A41.</p>	<p>A review of strategies, plans and programs has been carried out in Accordance with Condition A40.</p> <p>The CWMSP has been updated to include the relevant information and this will be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review in accordance with Condition A41.</p>	<p>Notification issued to DPIE on 19/10/20 that a review of strategies, plans and programs (CEMP and sub-plans) has been carried out in Accordance with Condition A40.</p> <p>Item noted closed in Wolfpeak Independent Audit Rev 1.</p>

Condition ID	Vibration Criteria	Compliance Requirement	Audit Finding	Audit Recommendations	Actions Undertaken	Evidence of Actions
		(g) a protocol for managing and reporting any: (i) incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria); (ii) complaint; (iii) failure to comply with statutory requirements; and (h) a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.				
<b>CoC B13</b>	Construction Environmental Management Plan	<p>Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:</p> <p>(a) Details of:</p> <p>(i) hours of work;</p> <p>(ii) 24-hour contact details of site manager;</p> <p>(iii) management of dust and odour to protect the amenity of the neighbourhood;</p> <p>(iv) stormwater control and discharge;</p> <p>(v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;</p> <p>(vi) groundwater management plan including measures to prevent groundwater contamination;</p> <p>(vii) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;</p> <p>(viii) community consultation and complaints handling;</p> <p>(b) Construction Traffic and Pedestrian Management Sub-Plan (see condition B14);</p>	<p>A development consent compliance matrix is provided in Section 4.4 of the CEMP, however the details of the conditions are inconsistent with Conditions B13 and B17 of Development Consent SSD 9391. Also there are 'reference errors' present noted within the CEMP e.g. Appendix 8 is the CPTMSP, not the CSWMSP.</p> <p>A standalone groundwater management plan is not included in detail. Section 11.3.6 sets out why this is not required as groundwater will not be encountered. The Detailed Site Investigation (Cardno, 2019) encountered groundwater at depths of 3.8 – 4mbgl. The Project design does not require excavation to these depths.</p> <p>The CEMP and sub-plans have been updated since the initial</p>	<p>Update section 4.4 of the CEMP with a current and accurate consent compliance matrix.</p> <p>Notify identified stakeholders of a review of the CEMP and sub-plans in accordance with CoC A40. Resubmit the updated CEMP and sub-plans to the identified stakeholders in accordance with CoC A41.</p>	<p>A review of strategies, plans and programs has been carried out in Accordance with Condition A40.</p> <p>Section 4.4 of the CEMP has been updated and a supporting compliance table has also been provided.</p> <p>The updated CEMP will be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review in accordance with Condition A41.</p>	<p>Notification issued to DPIE on 19/10/20 that a review of strategies, plans and programs (CEMP and sub-plans) has been carried out in Accordance with Condition A40.</p> <p>Item noted closed in Wolfpeak Independent Audit Rev 1.</p>

Condition ID	Vibration Criteria	Compliance Requirement	Audit Finding	Audit Recommendations	Actions Undertaken	Evidence of Actions
		(c) Construction Noise and Vibration Management Sub-Plan (see condition B15); (d) Construction Waste Management Sub-Plan (see condition B16); (e) Construction Soil and Water Management Sub-Plan (see condition B17); (f) Flood Emergency Response Sub-Plan (see condition B18); (g) an unexpected finds protocol for contamination and associated communications procedure; (h) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and (i) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.	submission to the Certifier and the Department. The updated version are to be resubmitted to the identified stakeholders once ready in accordance with CoC A40 and A41.			
<b>CoC B15</b>	Construction Environmental Management Plan	The Construction Noise and Vibration Management Sub-Plan (CNSWMSP) must address, but not be limited to, the following: (a) be prepared by a suitably qualified and experienced noise expert; (b) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009); (c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers; (d) include strategies that have been developed with the community for managing high noise generating works; (e) describe the community consultation undertaken to develop the strategies in condition	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.  The CNVMSP has not identified vibration as an issue, yet it has not provided evidence of an	Update the CNVMSP to include predicted noise impacts as required by the Interim Construction Noise Guidelines. Update the CNVMSP to include consideration of vibration impacts and mitigation measures.  Notify identified stakeholders of a review of the CEMP and sub-plans in accordance with CoC A40. Resubmit the	A review of strategies plans and programs is being carried out in Accordance with Condition A40.  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 on a cumulative sound	Notification issued to DPIE on 19/10/20 that a review of strategies, plans and programs (CEMP and sub-plans) has been carried out in Accordance with Condition A40

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		<p>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>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>updated CEMP and sub-plans to the identified stakeholders in accordance with CoC A41.</p>	<p>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"> <li>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.</li> <li>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</li> </ul>	

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					<p>the nearest receiver are expected to be well above 75dB(A).</p> <ul style="list-style-type: none"> <li>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 &lt;45dB(A) as stated in the CNVMSP.</li> <li>The assessment does not provide adequate information to confirm that a proper assessment has occurred in accordance with the ICNG.</li> </ul> <p>The CNVMSP has been updated to a requirement</p>	



Condition ID	Vibration Criteria	Compliance Requirement	Audit Finding	Audit Recommendations	Actions Undertaken	Evidence of Actions
					<p>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 (refer 6 below) 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> <p>The updated CNVMSP will be submitted to the Planning Secretary and</p>	





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					/ or Certifier for approval and / or information (where relevant) within six weeks of the review in accordance with Condition A41.	
<b>CoC B25</b>	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> <p>(a) provide for the planting of 63 trees;</p> <p>(b) detail the native vegetation community (or communities) that once occurred on the site or locality;</p> <p>(c) include species (trees, shrubs and groundcovers) indigenous to the local area;</p> <p>(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;</p> <p>(e) 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>(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>	The Landscape plan does not address all of the requirements a) – f) of this condition. Landscaping has yet to commence.	Prior to installation of landscaping, ensure that the Landscape Plan meets the requirements of CoC B25.	<p>The Landscape Plan, and associated Design Statement has been updated. However, 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>The requirements of B25(e) will be addressed prior to the installation of landscaping.</p>	Action Open

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<b>CoC C10</b>	Construction Traffic	All construction vehicles are to be contained wholly within the site, except if located in an approved on-street work zone, and vehicles must enter the site or an approved on-street work zone before stopping.	A complaint was received on 18/08/20 regarding truck movements. The contractor has been reminded trucks are not to queue outside the construction site. The Project advise that this issue was not a result of queuing, rather undertaking safe maneuvering of a single heavy vehicle into the site.	N/A	N/A	Item noted closed in Wolfpeak Independent Audit Rev 1.
<b>CoC C18</b>	Vibration Criteria	The limits in conditions C16 and C17 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by condition B15 of this consent.	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.	<p>Update the CNVMSP to specify the required vibration monitoring and mitigation measures to be implemented to limit vibration impacts on surrounding receivers.</p> <p>Notify identified stakeholders of a review of the CEMP and sub-plans in accordance with CoC A40. Resubmit the updated CEMP and sub-plans to the identified stakeholders in accordance with CoC A41.</p>	<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. Monitoring should continue during vibratory works in accordance with this recommendation.</p> <p>The CNVMSP has also included a recommendation to</p>	<p>Notification issued to DPIE on 19/10/20 that a review of strategies, plans and programs (CEMP and sub-plans) has been carried out in Accordance with Condition A40.</p> <p>Item noted closed in Wolfpeak Independent Audit Rev 1.</p>

Condition ID	Vibration Criteria	Compliance Requirement	Audit Finding	Audit Recommendations	Actions Undertaken	Evidence of Actions
					<p>conduct vibration rolling at times not sensitive to the operation of the school. This recommendation should be implemented.</p> <p>The updated CNVMSP will be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review in accordance with Condition A41.</p>	
<b>CoC B19 - (CTPMSP Section 3)</b>	Construction Environmental Management Plan	<p>A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers and must address the following:</p> <p>(a) minimise the impacts of earthworks and construction on the local and regional road network;</p> <p>(b) minimise conflicts with other road users;</p> <p>(c) minimise road traffic noise; and</p> <p>(d) ensure truck drivers use specified routes.</p>	<p>Whilst there is evidence of the CTPMSP being provided to the civil contractor, there is no documented evidence that all drivers have been trained in the Driver Code of Conduct.</p>	<p>Ensure the Driver Code of Conduct is communicated to heavy vehicle subcontractors.</p>	<p>Taylor Construction Group have issued driver declaration process.</p>	<p>Item noted closed in Wolfpeak Independent Audit Rev 1.</p>
<b>CoC C8 - CNVMSP Section 4.5</b>	Construction Hours	<p>Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:</p> <p>(a) 9am to 12pm, Monday to Friday;</p> <p>(b) 2pm to 5pm Monday to Friday; and</p> <p>(c) 9am to 12pm, Saturday.</p>	<p>The hours specified in the CNVMSP for these activities do not comply with those specified in CoC C8.</p>	<p>Update the CNVMSP refers to hours from the consent.</p>	<p>A review of strategies plans and programs (CEMP and sub-plans) is being carried out in Accordance with Condition A40.</p>	<p>Notification issued to DPIE on 19/10/20 that a review of strategies, plans and programs (CEMP and</p>

Condition ID	Vibration Criteria	Compliance Requirement	Audit Finding	Audit Recommendations	Actions Undertaken	Evidence of Actions
					Where revisions are required, the revised documents will be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review in accordance with Condition A41.	sub-plans) has been carried out in Accordance with Condition A40.  Item noted closed in Wolfpeak Independent Audit Rev 1.

