



06 October 2022

DOC22/951362

Michael Cassel
Planning Secretary
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Rob Sherry

Dear Mr Cassel

RE: New Public School in Mulgoa Rise, Glenmore Park (SSD 11070211): Applicant's Response in accordance with Condition C39c & C40

I refer to the SSD Application 11070211, New Public School in Mulgoa Rise, Glenmore Park approved on 18 March 2022.

In accordance with Condition C40 of the Development Consent, the following document is submitted to the Planning Secretary for their information.

- *Final Audit Report_Mulgoa Rise Public School_Rev1.3 dated 02 August 2022*

As per the requirements of condition C40 of the Development Consent, the Department of Education is providing a response to the Independent Audit Report, responses to non-compliances, recommendations and provision of evidence of actions undertaken for closure.

The Department of Education notes that the provision of responses and actions was due prior to 2nd October 2022, which the Department shall provide a separate submission notifying of the non-compliance.

The non-compliances identified within the Independent Environmental Audit Report were submitted to the Planning Secretary on the 12th August 2022, reference SSD11070211-PA-7.

In accordance with condition C39c, The Department of Education would like to notify the Planning Secretary that the Independent Environment Audit Report and response will be made available within 60 days of this notification.

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

Yours sincerely,

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Project Director
Schools Infrastructure NSW

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Attachment A

Condition ID	Type	Compliance Requirement	Reason for Non-Compliance	Proposed or Completed Action	Status
A1	Non-Compliance	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.	The auditor notes that reasonable efforts were being made by the auditee to avoid and minimize harm to the environment and ensure generally good environmental performance. However, there are some exceptions where the potential for environmental harm was observed, and the resulting non-compliances and observations noted throughout this Appendix will need to be addressed immediately to achieve the expected environmental performance requirements.	<p>Proposed Action: Address the recommended corrective actions relevant to each finding below.</p> <p>Closed Action: We have addressed all non-compliance's in accordance with the Independent Assessors recommendations.</p>	CLOSED
A2	Non-Compliance	The development may only be carried out: <ul style="list-style-type: none"> a) in compliance with the conditions of this consent; b) in accordance with all written directions of the Planning Secretary; c) generally, in accordance with 	The auditor notes that there were 12 non-compliances and 2 observations. These are not considered to be serious in nature and at the time of the audit, these were not leading to any serious environmental harm. However, as they do have the potential to lead to environmental harm	<p>Proposed Action: Address the recommended corrective actions relevant to each finding below.</p> <p>Closed Action: We have addressed all non-compliance's in accordance with the Independent Assessors recommendations.</p>	CLOSED

		<p>the EIS and Response to Submissions;</p> <p>d) in accordance with the approved plans in the table below:</p>	<p>under different weather and/ or operational conditions, they are required to be immediately addressed.</p>		
B17	Observation	<p>The Construction Waste Management Sub-Plan (CWMSP) must address, but not be limited to, the procedures for the management of waste including the following:</p> <ul style="list-style-type: none"> a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use for materials to remain; b) information regarding the recycling and disposal locations; and c) confirmation of the contamination status of the development areas 	<p>JBS&G Contamination study report still outstanding.</p>	<p>Proposed Action: The auditor has requested a copy of the JBS&G Report for verification on contamination results, to be provided within 3 months of submission of this Audit Report.</p> <p>Closed Action: We have attached validation report completed by JK Environments which contains Envirolab contamination report. This was also submitted to the Auditor prior IEAR being finalised.</p>	CLOSED

		of the site based on the validation results.			
B18	Non-Compliance	<p>The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSP) and the plan must address, but not be limited to the following:</p> <ul style="list-style-type: none"> a) be prepared by a suitably qualified expert, in consultation with Council; b) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site; c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication Managing Urban Stormwater: Soils 	<p>The auditor notes that the Integrated Water Management Report does not adequately address c-e and as the Auditor has noted some significant issues with respect to erosion and sediment control during the site inspection.</p>	<p>Proposed Action: The Auditor recommends that the Auditee and their Consultant provide greater detail on erosion and sediment control measures and controls in an expanded CSWMSP.</p> <p>This information will be included in the review of plans, strategies and programs as required within 3 months of the independent audit and in accordance with consent condition A30b.</p> <p>Closed Action: Woolacotts have updated the CSWMSP to include additional sedimentation fencing required due to stock piles being close to highside of boundary, creating run off to unprotected boundary. We have installed additional Sedimentation fence along southern (high side) boundary of site. There were no reportable incidents as a result of the erosion and sediment controls. This was also submitted to the Auditor prior IEAR being finalised.</p>	PARTIALLY CLOSED

		<p>& Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';</p> <p>d) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);</p> <p>e) detail all off-site flows from the site; and</p> <p>f) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI.</p>			
B24	Observation	Prior to the commencement of construction, the Applicant must prepare a Supplementary Asbestos Investigation Report, prepared, or reviewed, by	The auditor notes that the CEMP contains a fill protocol in section 6.15.5 'Verifying Imported Material' and s6.15.6 'Materials Delivered to Site'. The protocols allows	Proposed Action: The auditor recommends that the auditee review these protocols to bring into compliance with the requirements of this consent. The auditor also requests that the auditee verify if any surplus	PARTIALLY CLOSED

		<p>consultants certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme. The Report must be submitted to both the Planning Secretary upon request and the Certifier for information. The Certifier must be satisfied any remaining unexpected asbestos containing material (ACM) has been removed prior to the commencement of construction. The Report must include:</p> <ul style="list-style-type: none"> a) a copy of the asbestos clearance certificate; b) results of the asbestos quantification sampling; and c) management measures to 	<p>for DGB material to be brought to site if its covered under an exemption order (pre-approved by the EPA).</p>	<p>excavated material being included in waste, within 3 months of submission of this Audit Report.</p> <p>This information will be included in the review of plans, strategies and programs as required within 3 months of the independent audit and in accordance with consent condition A30b.</p> <p>Closed Action: We have attached the Fill Import Protocol and accompanying Clearance Exemptions for DGB being bought to site. We can confirm that no materials are being taken from site. This was also submitted to the Auditor prior IEAR being finalised.</p>	
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		address any further risk of ACM being identified on the site.			
C21	Non-Compliance	The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	Whilst dust levels were good at the time because weather conditions (i.e. no wind and still damp soil), there were no water carts on site and there was a stockpile of DGB material with fines (approx. 2m in height that was not protected).	<p>Proposed Action: The auditor notes that the auditee (RCC) has partially flattened the stockpile (photo evidence sighted – see Appendix E) but recommends further water spraying and evidence of use of water cart, within 3 months of submission of this report.</p> <p>Closed Action: We have periodically had the water cart out on site for dust suppression as required when there have been prolonged periods of no rain. We have also flattened stockpiles around site to be under 2m high. The water cart is not permanently on site as they are a subcontractor. This was also submitted to the Auditor prior IEAR being finalised.</p>	CLOSED
C22	Non-Compliance	During construction, the Applicant must ensure that: <ul style="list-style-type: none"> a) activities are carried out in a manner that minimises dust including emission of windblown or 	The auditor notes that there was a stockpile of DGB with fines above 2m in height that was not stabilized or protected from wind erosion, nor sprayed with water.	<p>Proposed Action: The auditor notes that the auditee (RCC) has partially flattened the stockpile (photo evidence sighted – see Appendix E) but recommends further water spraying and evidence of use of water cart, within 3 months of submission of this report.</p>	CLOSED

		<p>traffic generated dust;</p> <p>b) all trucks entering or leaving the site with loads have their loads covered;</p> <p>c) trucks associated with the development do not track dirt onto the public road network;</p> <p>d) public roads used by these trucks are kept clean; and</p> <p>e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.</p>		<p>Closed Action: We have periodically had the water cart out on site for dust suppression as required when there have been prolonged periods of no rain. We have also flattened stockpiles around site to be under 2m high. The water cart is not permanently on site as they are a subcontractor. This was also submitted to the Auditor prior IEAR being finalised.</p>	
C23	Non-Compliance	<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; and</p>	<p>The auditor deems that the stockpiled DGB material is not permissible unless otherwise the auditee has an exemption from the EPA to use this material as fill.</p>	<p>CLOSED ACTION: The auditor notes that RCC has provided a copy of the exemption certification No. C1022AGG01 by H Hi Quality dated 24/1/22 to the independent auditor on the 27/6/22.</p>	CLOSED

		c) make these records available to the Certifier and/or Planning Secretary upon request.			
C26	Non-Compliance	<p>The Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifier, within three months of the commencement of construction. The system must:</p> <ul style="list-style-type: none"> a) be designed by a suitably qualified and experienced person(s); b) be generally in accordance with the conceptual design in the EIS and within the plans specified in condition A2; c) be in accordance with applicable Australian Standards; and d) ensure that the system capacity has been designed in accordance with Australian Rainfall 	An Operational Stormwater Management Plan has not been submitted to the Certifier for approval within 3 months of commencement of construction.	CLOSED ACTION: The auditor notes that RCC has provided evidence (copy of email) of submission of Operational Stormwater Management System to the Certifier dated 27/6/22.	CLOSED

		and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines.			
C34	Non-Compliance	The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards, and guidelines.	The Auditor was unable to find a protocol or procedure within the CWMP covering the management of hazardous materials from the site.	<p>Proposed Action: The Auditor notes that RCC has provided a copy of the Asbestos Management Plan as part of the CEMP (to the Auditor by email on 2/8/22) which details the protocol / procedure for the management of asbestos.</p> <p>The auditor notes that there may be other hazardous materials (chemicals, oils etc) that will be used on site, and which will need to be disposed.</p> <p>The auditor recommends the CWMP include provisions for the management of these other hazardous materials.</p> <p>This information will be included in the review of plans, strategies and programs as required within 3 months of the independent audit and in accordance with consent condition A30b.</p> <p>Closed Action: We have included 6.6 to 6.7 of CEMP which includes protocols for other</p>	PARTIALLY CLOSED

				hazardous materials and unexpected finds. This was also submitted to the Auditor prior IEAR being finalised.	
CEMP section 4.4 – Dust	Non-Compliance	IWMP- section 5.2 requires Erosion and Sediment Control measures to be implemented.	No water cart on site for dust suppression through water spraying and damage or non-existent silt traps.	<p>Proposed Action: The auditor recommends that the auditee provide a water cart for immediate and ready use when required for dust suppression.</p> <p>This information will be included in the review of plans, strategies and programs as required within 3 months of the independent audit and in accordance with consent condition A30b.</p> <p>Closed Action: The Main Building Contractor has instructed the Civil Subcontractor to bring a water cart out for dust suppression. Please see attached email request and photo of Water Cart on site. This was also submitted to the Auditor prior IEAR being finalised.</p>	PARTIALLY CLOSED
CEMP – s4.6 and 5.2, p9 - Stormwater, Erosion And Sediment Control	Non-Compliance	During construction, erosion and sediment control measures will be provided in accordance with the requirements of “Managing Urban Stormwater Soils and Construction, 4th Edition	Silt traps and stormwater pits fabric damaged and/ or not maintained at lower end, and silt traps not installed on upper levels of site.	CLOSED ACTION: The auditor notes that the auditee has installed silt fences on the upper level of the site and repaired silt fences and stormwater pits in the other areas identified. Photo evidence provided by auditee to	CLOSED

		<p>(Blue Book)". These measures will include silt fences on the low side of the site, silt traps at stormwater pits. Dust control measures will also be provided.</p> <p>Other measures include:</p> <ul style="list-style-type: none"> - construction exits for all vehicles leaving the site, and - revegetation of the site as soon as practicable. <p>Erosion control measures must be inspected and maintained after each rain event and at intervals not exceeding two weeks.</p>		<p>auditor by email on 2/8/22 – see Appendix E.</p>	
<p>CEMP- section 4.7 – Hazardous Materials Management</p>	<p>Non-Compliance</p>	<p>Dangerous goods (such as petrol, diesel, oxy-acetylene, oils, glues etc) will be stored in a lockable enclosure with sufficient ventilation, in accordance with relevant codes of practice and standards. Material safety data sheets on all flammable and potentially harmful liquids will be provided by the Head Contractor undertaking the works.</p>	<p>Fuel jerry cans not stored in an enclosure with sufficient ventilation.</p>	<p>CLOSED ACTION: The auditor notes that the auditor has removed the fuel jerry cans and placed in lockable enclosure (storage cabinet). Photo evidence provided to the auditor by the auditee in email dated 2/8/22 – see Appendix E of the IEAR.</p>	<p>CLOSED</p>