

Kiersten Fishburn  
Planning Secretary  
Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2150

20 Dec 2023

Attn: Rob Sherry

Dear Ms Fishburn

**SSD24461956 – Construction and Operation of New High School  
(Jerrabomberra) Submission of Independent Audit Report and response in  
accordance with Condition C36 (a) & (b)**

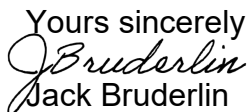
I refer to the above subject State Significant Development consent, approved on 13 July 2022.

In accordance, with conditions C36 (a) and (b) of the Development Consent, the following document is submitted to the Planning Secretary for information:

- Attachment A - Independent Audit: New Jerrabomberra High School, dated December 2023, prepared by NGH Consulting
- Attachment B - Response to Independent Audit non-compliances

In accordance with condition C36 (c), the independent audit report and DoE's response to the independent audit report will be made publicly available within 60 days of the date of this submission.

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

Yours sincerely  
  
Jack Bruderlin  
**Project Director**  
**School Infrastructure NSW**

Encl:  
Attachment A - Third Independent Report dated December 2023  
Attachment B - Response to Independent Audit non-compliances

**ATTACHMENT A – Third Independent Report dated December 2023**



## ATTACHMENT B – Response to Independent Audit non-compliances

Item	Condition No.	Condition Requirement	Reason for Non-Compliance	Date Occurred	Date Identified	Proponent's Proposed Action/Action Taken/Response	Status
1	A1	The development may only be carried out: a) in compliance with the conditions of this consent	<p>The third audit found project was non-compliant with the following:</p> <ul style="list-style-type: none"> <li>A25 - the Project was unable to evidence that at least 48 hours before the commencement of construction, that the required documents were available on the website as per the requirements of A25, the compliance status for A25 remains non-complaint and closed.</li> <li>A27 – one incident occurred in the third audit period (originally categorised as asset damage). Following a re-classification of the situation by SI to 'incident status', this triggered the requirement to notify DPE, however the incident had occurred some days prior.</li> <li>A32 (c) – CEMP not updated within 3months of approved modification (Modification 1 dated 18 May 2023, review due on/ before 18 August 2023). Revision 16 updated 14 April 2023 prior to Modification 1, Revision 17 made 1 September 2023 - after the three month time frame.</li> <li>A33 - The Project provided a copy of the then revised CEMP (Rev 16, 14/4/2023) to Planning Secretary for information on 19/6/2023, after the required 6 week timeframe. Further, Revision 17 was made 1/9/2023, however no evidence could be found that Revision 17 was submitted to the Certifier within the required 6 week timeframe (Planning Secretary notification was complied with via Post-approval submission 11/10/2023).</li> </ul>			See below for further details.	

Item	Condition No.	Condition Requirement	Reason for Non-Compliance	Date Occurred	Date Identified	Proponent's Proposed Action/Action Taken/Response	Status
2	A25	<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; (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>The third audit found that all documentation required under A25 is currently available on the project's website, including the recent modifications (Mod 1 and Mod 2), the complaints register present and updated monthly (November 2023) and works notifications and community updates also available.</p> <p>The audit could not find any evidence however, that in August 2022, the then required documentation per the requirements of this condition, were uploaded to the project's website 48 hours prior to construction commencement as per the requirements of this condition.</p> <p>This was a finding of previous audits also, and although it is categorised as a non-compliance, it is considered closed.</p>	August 2022	Previous audits	N/A – addressed in previous response to audit submissions pertaining to this project	<b>Closed</b>

Item	Condition No.	Condition Requirement	Reason for Non-Compliance	Date Occurred	Date Identified	Proponent's Proposed Action/Action Taken/Response	Status
		<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>					
3	A27	The Planning Secretary must be notified through the major projects portal 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.	There was one incident in the third audit period, noting that this had originally been categorised as asset damage. Following a re-classification of the situation by the Department of Education to 'incident status', this triggered the requirement to notify DPE, however, the incident had occurred some days prior. The notification from Department of Education occurred six days following the fire hydrant damage, and therefore noncompliant with the requirements of this condition.	19/10/2023	6/12/2023	Incident Notification was provided via SSD-24461956-PA-18.	<b>Closed</b>
4	A32	<p>Within three months of:</p> <p>(a) the submission of an incident report under condition A28;</p> <p>(b) the submission of an Independent Audit under condition C34 or C35;</p> <p>(c) the approval of any modification of the conditions of this consent; or</p> <p>(d) the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must</p>	<p>a) Audit 3 noted one incident, 19/10/2023, with the submission of that incident report occurring 25/10/2023. A revision to the CEMP was therefore required on/ before 25 January 2024 thus not being triggered during the audit 3 period.</p> <p>b) Audit 2 occurred 2 June 2023, therefore a review was due on/ before 2 September 2023. Revision 17 was made on 1 September 2023. Revision 17 is therefore compliant with the requirements of this condition, being within 3 months since the second independent audit.</p>	18/8/2023	6/12/2023	c) CEMP Rev 17 was submitted late with the associated notification to the Certifier and Planning Secretary on 1/9/2023	<b>Closed</b>

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		be notified in writing that a review is being carried out	<p>c) There have been two approved modifications, one approved 18 May 2023 (review due on/ before 18 August 2023) and the other on 27 September (review due on/ before 27 December 2023). Audit 3 found that the project was non-compliant with the <u>August revision deadline</u>, with Revision 16 being updated prior to both the modifications (14/4/2023) and Revision 17 being made 1/9/2023, which needed to occur prior to 18 August 2023, to comply with the requirements of this Condition.</p> <p>d) No written directions have been received, therefore this part of the condition has not been triggered.</p>				
5	A33	If necessary, to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawings required under this consent must be revised, to the satisfaction of the Planning Secretary or Certifier (where previously approved by the Certifier). Where revisions are required, the revised document must be submitted to the Planning Secretary and / or Certifier for approval and / or information (where relevant) within six weeks of the review. Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.	<p>The CEMP required under B13 is required to be submitted to the Certifier and a copy provided to the Planning Secretary for information.</p> <p>Revision 16 of the CEMP was updated on 14/4/2023, to include sediment control updates and emergency contact details, to improve the environmental performance of the development following erosion and sediment control observations and an EPA visit (incident). The Project therefore submitted Revision 16 to the Certifier, within the required 6 weeks.</p> <p>The Project didn't provide a copy to Planning Secretary for information until 19/6/2023, which is past the six-week timeframe. Therefore, the Project is non-compliant with the requirements of this condition.</p> <p>There have been two modifications for the project (Modification 1 approved on 8 May 2023 and Modification 2 on 27 September).</p>	26/5/2023	27/06/2023	A copy of the CEMP Rev 17 was provided to the Planning Secretary for information on 27/6/2023 (PA-13) not the 19/6/2023 as reported by the Auditor.	<b>Closed</b>