

Kiersten Fishburn  
Planning Secretary  
Department of Planning, Housing and Infrastructure  
12 Darcy Street  
Parramatta NSW 2150

15 August 2024

Attn: Rob Sherry

Dear Ms Fishburn

**Newcastle High School Redevelopment (SSD-4184831): Submission of Independent Audit Report and response in accordance with Condition C44 and C45**

I refer to Newcastle High School Redevelopment approved on the 12 January 2024.

In accordance, with conditions C44 and C45 of the Development Consent, the following document is submitted to the Planning Secretary for information:

- Newcastle High School IA1\_Rev.3, Ricardo Prieto-Curiel 9 August 2024 Revision 3 Final Report

As per the requirements of condition C44 and C45 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 A.1: Evidence relating to Condition A16.
  - Attachment A.2: Evidence relating to Condition B3.
- Attachment B - Response to Independent Audit observations
  - Attachment B.1: Evidence relating to Condition C24.

In accordance with conditions C44 and C45 the Independent Audit Report and response will be made publicly available within 60 days of the date of this submission.

Yours sincerely



Meaghan Bennett  
**Senior Project Director**  
**School Infrastructure NSW**

## Attachment A – Response to Independent Audit non-compliances

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/Status
A16	<b>Staging, Combining and Updating Strategies, Plans or Programs</b> If the Planning Secretary agrees, a strategy, plan (including management plan), or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.	<b>Non-compliance:</b> The Construction Soil and Water Management Sub-plan (CSWMSP) has been updated (Rev 6 dated 3 July 2024) not in consultation with Council and there is no evidence that the Planning Secretary has agreed to update the CSWMSP without the required consultation under Condition B18 (noting that the updated CSWMSP involves a reduction of the size of the sediment basin based on corrected sediment basin calculations for the site conditions).	<b>Recommendation:</b> Consult with Council on the revised CSWMSP (3 July 2024) or obtain agreement from the Department that consultation is not required for the updated CSWMSP.	The revised CSWMSP was submitted to Council on 31 July 2024 with an explanation of changes made to the report. In addition, the revised CSWMSP was submitted to the Department and on the 4 July 2024 the Department acknowledged receipt of the revised CSWMSP and indicated that had no comments on the document – Refer to Attachment A.1.	Refer to Attachments A.1 including Submission to Council and DPHI Confirmation.	CLOSED
B3	<b>Certified Drawings</b> Prior to the commencement of construction, the Applicant must submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.	<b>Non-compliance:</b> Construction of Stages 4 and 5 commenced on the 3 June 2024, but there is no evidence that structural certification for Stages 4 and 5 structures (involving refurbishment of buildings and new sports courts) has been provided to the Certifier.	<b>Recommendation:</b> Provide structural certification for Stages 4 and 5 to the Certifier in accordance with Condition B3.	Structural drawing and certification of Building A Stage 4 & 5 works was submitted to the Certifier in correspondence dated 2/08/2024 which addresses Condition B3 – Refer to Attachment A.2.  We note that the Structural design for Building A is being finalised as part of Crown Certificate 3 which is programmed to be released late-August 2024. The physical works for the building will not commence on site until circa October 2025.	Refer to attachment A.2 which includes Building A Structural Drawings and Certification including evidence of submission to the certifier.	CLOSED
B22	<b>Flood Management (Design):</b> Prior to the commencement of construction of Stage 3 as identified in the Preliminary Staging Plan prepared by EJE Architecture dated 25 October 2023, verification from a suitably qualified structural engineer must be provided to the Certifier demonstrating that primary structures have been designed with flood compatible materials and components that can withstand the hydrodynamic forces from moving flow and the hydrostatic forces applied by still-water during any period of flood inundation and/or submerging events, as identified in the Structural Response to Submission,	<b>Non-compliance:</b> The flood design documentation required under Condition B22 was submitted to the Certifier a few days after commencement of construction.	This item is closed as the documentation was submitted to the Certifier and included in Crown Certificate 2.	The Structural Drawings and Design Certification documentation to address B22 was submitted to the Certifier and included in Crown Certificate 2. Evidence was provided to the Auditor during the Audit and subsequently this item was closed out.	Refer to Auditor's confirmation in IA1 Report dated 8 August 2024.	CLOSED

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/Status
	<i>prepared by Stantec, dated 21 September 2023.</i>					
<b>B23</b>	<p><b>Flood Management (Design):</b> Prior to the commencement of construction of the relevant stage, the Applicant must provide evidence from a suitably qualified chartered engineer to the Certifier and Planning Secretary confirming that:</p> <p>a) the habitable floor level of any new building is above the 1% annual exceedance probability (AEP) level and that the development achieves the required flood planning levels and design ground floor levels outlined in Flood Impact Assessment, prepared by BMT and dated 3 May 2023;</p> <p>b) any part of new buildings below the probable maximum flood (PMF) level are constructed from flood compatible building components;</p> <p>c) any new buildings have been designed to ensure shelter in place of vulnerable persons is safe and in locations above the PMF level as outlined in the Flood Emergency Response Plan, prepared by BMT and dated 19 October 2023; and</p> <p>d) any new building has been designed, so that the part of the building that will be used for egress after a flood event will be safe to be used for this purpose after the flood waters recede from the 1% AEP through to PMF flood events described in the Flood Impact Assessment, prepared by BMT and dated 3 May 2023.</p>	<p><b>Non-compliance:</b> The flood design documentation required under Condition B23 was submitted to the Certifier a few days after commencement of construction of Stages 2 and 3.</p>	<p><i>This item is closed as the documentation was submitted to the Certifier and included in Crown Certificate 2 and to the Department.</i></p>	<p>The Structural Drawings and Design Certification documentation to address B23 was submitted to the Certifier and included in Crown Certificate 2. Evidence was provided to the Auditor during this Audit and subsequently this item was closed out.</p>	<p>Refer to Auditor's confirmation in IA1 Report dated 8 August 2024.</p>	CLOSED
<b>C19</b>	<p><b>Project Arborist</b> Prior to the commencement of construction of each relevant stage, a project arborist must be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of this consent. The project arborist must have a minimum Australian</p>	<p><b>Non-compliance:</b> The Project arborist was engaged after the commencement of construction.</p>	<p><i>This item is closed as the arborist has been engaged and the arborist details have been sent to the Certifier in accordance with Condition C19.</i></p>	<p>Assurance Trees Pty Ltd has been engaged as the Level 5 Project Arborist. The executed Consultant Agreement was provided to the Certifier and the Auditor, which has been acknowledged therefore closing out C19.</p>	<p>Refer to Auditor's confirmation in IA1 Report dated 8 August 2024.</p>	CLOSED

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/Status
	<i>Qualification Framework Level 5 qualification and minimum 5 years' experience. Details of the arborist including name, business name and contact details must be provided to the Certifier.</i>					



## Attachment B – Response to Independent Audit observations

Condition ID	Compliance Requirement	Audit Observation/Opportunity for Improvement	Proponent's Proposed or Completed Action or reason for not implementing measures/changes	Evidence	Due Date/Status
A23	<p><b>Access to information</b> 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;</p> <p>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>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>	<p><b>Observation:</b> The Construction Environmental Management Plan (CEMP) uploaded in the project website has appended versions of the Construction Traffic &amp; Pedestrian Management Sub-plan (CTPMSP), the Construction Noise and Vibration Management Sub-plan (CNVMSP), the Construction Soil and Water Management Plan (CSWMP) and the Construction Flood Emergency Management Plan (CFEMP) that have been superseded (noting that the latest versions of these Subplans are uploaded individually in the project website)</p> <p><b>Recommendation:</b> Include latest versions of the CEMP Sup-plans in the CEMP uploaded on the website.</p> <p><b>Note:</b> at the time of finalising the audit report, the auditee provided evidence that the latest version of the CEMP and sub-plans were uploaded to the project website. CEMP makes reference to other sub-plans in the Appendices but each subplan has been uploaded separately.</p>	<p>The Contractor has updated the CEMP to remove the sub-plans from the appendices. The subplan title blocks in the appendices will remain noting that they will refer to the latest versions of each subplan. The latest versions of each subplan are uploaded to the SINSW website.</p>	<p>Refer to updated CEMP and separate subplans uploaded to the SINSW website. Refer to the <a href="#">link</a>.</p>	CLOSED

Condition ID	Compliance Requirement	Audit Observation/Opportunity for Improvement	Proponent's Proposed or Completed Action or reason for not implementing measures/changes	Evidence	Due Date/Status
B5	<p><b>Pre-Construction Dilapidation Report – Protection of Public Infrastructure</b> Prior to the commencement of any construction, the Applicant must:</p> <p>a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;</p> <p>b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (nonresidential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;</p> <p>c) submit a copy of the Pre-Construction Dilapidation Report to the asset owner, Certifier and Council; and</p> <p>d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary with 48 hours when requested.</p>	<p><b>Observation:</b> There are two versions of the Pre-construction Dilapidation Report for the Protection of Public Infrastructure dated January 2024, and both contain surveys done after January 2024. There is also a dilapidation report for the school grounds dated January 2024 with surveys done after January 2024.</p> <p><b>Recommendation:</b> Include Document Control information in the Preconstruction Dilapidation Reports including versions and dates prepared and updated.</p>	The Contractor has updated The document control information in the Dilapidation Reports to reflect the correct revision dates and changes. This has been acknowledged by the Auditor.	Refer to Auditor's confirmation in IA1 Report dated 8 August 2024.	CLOSED
B18	<p><b>Construction Soil and Water Management Sub-Plan</b> 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> <p>a) be prepared by a suitably qualified expert, in consultation with Council;</p> <p>b) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;</p> <p>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 &amp; Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';</p> <p>d) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas;</p> <p>e) provide a plan of how all construction works will be managed in a wet-weather event (i.e.</p>	<p><b>Observation:</b> The CSWMSP has been updated to Rev 6 (dated 3 July 2024) to reduce the size of the sediment basin based on corrected sediment basin calculations for the site conditions. The size of the sediment basin observed during the site inspection is based on the revised CSWMSP and not on the version dated 7 May 2024 reviewed and filed by the Department on 17 May 2024. Further, the CSWMSP (3 July 2024) has not been submitted to the Department (refer also to Condition A16)</p> <p><b>Recommendation:</b> Submit the CSWMSP (dated 3 July 2024) to the Department with explanation of changes made in the plan.</p>	The CSWMSP (dated 3 July 2024) was submitted to the Planning Secretary on 4 July 2024 noting no issues were raised by DPHI in their letter response dated.	Refer to Attachments A.1 including DPHI Confirmation on the latest CSWMP (dated 3 July 2024).	CLOSED

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	storage of equipment, stabilisation of the site); (f) detail all off-site flows from the site; and (g) 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 and 1 in 100- year ARI.				
B21	<p><b>Construction Flood Emergency Management Plan</b></p> <p>Prior to the commencement of each construction stage, a Construction Flood Emergency Management Plan must be prepared by a suitably qualified and experienced person(s) in consultation with NSW State Emergency Services, submitted to the Certifier and a copy to the Planning Secretary for information, including but not limited to:</p> <p>a) detail on triggers, including rainfall and water level, that require closure of the site;</p> <p>b) detail on how site closure would be communicated to construction workers, before commencement of the work day;</p> <p>c) details of drills, frequency and record management of the drills;</p> <p>d) a map showing the flood-free pedestrian route from each construction site to a suitable location free of inundation;</p> <p>e) details of any gauges or warning infrastructure that are to be provided to assist with flood management, including frequency of maintenance, and how these will be monitored;</p> <p>f) identification of suitable locations for evacuation that are free of inundation; and</p> <p>g) flood warning signs around the site to identify areas with Category H3 hazard and higher, in accordance with the Flood Hazard Flood Risk Management Guide FB03, NSW Department of Planning and Environment and are within the overland flow path.</p>	<p><b>Observation:</b></p> <p>The revised version of the Construction Flood Emergency Management Plan (CFEMP) (dated 26 April 2024) has not been submitted to the Certifier.</p> <p><b>Recommendation:</b></p> <p>Submit latest version of the CFEMP to the Certifier</p>	The latest CFEMP has been submitted to the certifier 2/08/2024 and acknowledged by the Auditor in the Final IA1 Report.	Refer to Auditor's confirmation in IA1 Report dated 8 August 2024.	CLOSED
C24	<p><b>Disposal of Seepage and Stormwater</b></p> <p>Adequate provisions must be made to collect and discharge stormwater drainage during construction. The prior written</p>	<p><b>Observation:</b></p> <p>The Construction Soil and Water Management Plan (CSWMSP) includes an Erosion and Sediment Control Plan (ESCP) with a sediment basin at the northeast corner of the site. The CSWMSP indicates that stormwater runoff from</p>	The Contractor is seeking approval from Council to discharge site stormwater to Councils stormwater drainage system as a contingency noting that it hasn't been required to	Refer to Attachment B.1 - Council Approval to Discharge Groundwater Correspondence.	OPEN

Condition ID	Compliance Requirement	Audit Observation/Opportunity for Improvement	Proponent's Proposed or Completed Action or reason for not implementing measures/changes	Evidence	Due Date/Status
	<p><i>approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.</i></p>	<p><i>the construction site would be directed to the basin for treatment prior to discharge to the downstream stormwater network. The sediment basin also has an overflow structure which flows into an internal stormwater channel. The auditee advised that disposal of stormwater from the sediment basin has not been required to date due to the sandy nature of the soils on site and stormwater infiltration into the ground. Based on that, a written approval from Council has not been obtained to connect or discharge stormwater to Council's stormwater drainage or system. The auditor notes that during significant wet weather events the disposal of basin stormwater may be required.</i></p> <p><b>Recommendation:</b>  <i>Seek approval from Council to discharge site stormwater to Council's stormwater drainage system as a contingency for future situations where discharges to Council's stormwater system may be required.</i></p>	<p>date as onsite stormwater has been able to infiltrate into the ground.</p>		

