

DOC23/1528831

Kiersten Fishburn  
Planning Secretary  
Department of Planning and Environment  
12 Darcy Street  
Parramatta NSW 2150

Attn: Rob Sherry

18 September 2023

Dear Ms Fishburn

**North Sydney Public School Upgrade (SSD 11869481): Submission of Independent Audit Report and response in accordance with Condition C36 & C38**

I refer to North Sydney Public School Upgrade approved on the 21<sup>st</sup> February 2022.

In accordance with conditions C36 & C38 of the Development Consent, the following document is submitted to the Planning Secretary for information:

- Independent Audit No. 3 – Audit Report – North Sydney Public School Upgrade – SSD 11869481 – Rev 2.0 dated 30/08/2023

As per the requirements of condition C38 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 B – Response to Independent Audit observations

In accordance with condition C38 the Independent Audit Report and response will be made publicly available within 60 days of the date of this submission.

Yours sincerely



Roshan Joy  
**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
C43 (Previous IEA)	The temporary removal and storage of the portion of the heritage fence and gutter adjoining the Bay Road pedestrian entry (approved under SSD 11869481 MOD 1) must be undertaken in accordance with the methodology contained in Section 7.2 of the S4.55 Heritage Impact Statement, prepared by Curio Projects and dated 11 April 2022 and to the satisfaction of the appointed heritage specialist required by condition B24.	IA1 Findings: As per the recommendation noted in Curio Section 7.2, a heritage specialist is nominated to oversee the works to minimise impacts during the removal and reinstatement stages. However, the removal of heritage fence was executed without the presence of a heritage specialist who will oversee the works to minimise impacts to the heritage values of the original fence.	<p>IA1 Auditor Recommendations: TCG to ensure that during the reinstatement of the removed elements should be in accordance with the required methodology noted in Curio Heritage Impact Statement including the presence of a heritage specialist during reinstatement. TCG to report the non-compliance to Department as per A22.</p> <p>IA2 Auditor assessment: Letter from RJC Group (heritage specialist), certifying that all stones and fence panels were successfully removed intact in accordance with Methodologies and Section 7.2 of the Curio Projects. TCG has submitted the necessary reports and notification to the appropriate authorities as required for non-compliance. Following TCG's non-compliance notification, the Department requested detailed information on the removal of the heritage fence. The auditor considers the previous non-compliance against C43 still open until RJC goes back to site for permanent works and confirms that all works were done as per the supplied Methodologies and Section 7.2 of the Curio Projects S4.55 HIS Dated 11-04-22.</p> <p>IA3 Auditor Assessment: Consistent with the IA2 Auditor Assessment, this non-compliance against C43 remains open until a heritage specialist appointed in accordance with Condition B24, inspect the reinstatement of the heritage fence and confirms in writing that all works have been undertaken in accordance with methodology contained in Section 7.2 of the S4.55 Heritage Impact Statement (HIS), prepared by Curio Projects and dated 11 April 2022. It is also noted that Taylor, in correspondence dated 31/08/2022, advised the Certifier (in accordance with Condition B24) that Curio Projects had been engaged to oversee the heritage fence works. If Taylor intends to use a different heritage specialist to oversee the fence reinstatement works, then resubmission to the Certifier of evidence demonstrating the appointment of a suitably qualified consultant would be required prior to the reinstatement works.</p>	<p>A letter from RJC dated 5 September 2022 confirmed that successful removal of the approx. 6.6m of existing Palisade fence and associated Plinth Stones to allow truck movements during construction works by TCGs. All stones and Fencing Units are being stored undercover in our Milperra Factory, Located at Unit 9, 13 Works Place, Milperra NSW 2114. All stones and fence Panels were successfully removed intact with the exception one of the centre Plinth stones which will not be used in the Permanent SSD works to leave a 3.5m clear opening and entry as per the Drawing detail and intent in pages 40 &amp; 41 of the Curio HIS. RJC is awaiting confirmation on a return to site date to complete the permanent works as detailed and confirms all works to date have been done as per the supplied Methodologies and Section 7.2 of the Curio Projects S4.55 HIS Dated 11 April 2022.</p>	Final evidence to be submitted to the Heritage Specialist by end of October 2023, upon re-instatement of heritage fence.	OPEN

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/Status
A23	<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</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) 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</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>Non-compliance: The following was observed in the project website:</p> <ul style="list-style-type: none"> <li>The consent SSD-11869481 as modified (Mod-1 and Mod-2) is not available in the project website</li> <li>The Staging Report on the website is not the most recent version, approved by the Department, and dated 22 July 2022</li> <li>The Waste Management Plan uploaded in the project website is not the most recent version submitted to the Department dated June 2022</li> </ul>	<p>Update the project website to include all documents (latest approved versions) required under Condition A23</p>	<p>At the time of completing this audit, the project website had been updated with the correct documents</p>	<p>Refer to updated documentation on website  <a href="https://www.schoolinfrastructure.nsw.gov.au/projects/n/north-sydney-public-school-upgrade.html">https://www.schoolinfrastructure.nsw.gov.au/projects/n/north-sydney-public-school-upgrade.html</a></p>	<p>CLOSED</p>
A27	<p>The Planning Secretary must be notified through the major project's portal within seven days after the applicant becomes</p>	<p>The non-compliance with Condition A30 (review of CEMP within 3 months of the</p>	<p>Raise a non-compliance to the Department against condition A30 in the Major Project's portal</p>	<p>Non-compliance letters to be communicated with Planning</p>	<p>SSD-11869481-PA-35 Non-compliance</p>	<p>CLOSED</p>

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/Status
	aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major project's portal within even days after they identify any non-compliance	submission IA2 or the approval of Mod-2) was not notify to the Department within 7 days after becoming aware of the non-compliance.		Secretary within seven days of all future non-compliances.	notification (29/08/2023)	
A30	<p>Within three months of</p> <p>(a) the submission of a compliance report under condition A32;</p> <p>(b) the submission of an incident report under condition A25;</p> <p>(c) the submission of an Independent Audit under condition C43 or C44;</p> <p>(d) the approval of any modification of the conditions of this consent; or</p> <p>(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>	CEMP was not reviewed within 3 months of submission of Independent Audit Report No. 2 (IA2) or within 3 months of the approval of Mod-2 on the 21 March 2023. In addition, there is no evidence that information requested by the Department on 7 October 2022 in response to the updated CEMP (18/07/2022) was submitted to the Department	Review and update the CEMP and subplans in a timeframe agreed with the Department	Taylor to provide a letter notifying that the new Modification and the completion of an Independent Audit has not raised any requirement to update the strategies, plans and programs required under this consent	Refer to SSD-11869481-PA-37 submitted on 8/09/2023	CLOSED
A31	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.	As the CEMP was not reviewed within 3 months of the approval of Mod-2, a revised version of the CEMP was not submitted to the Department or the Certifier within six weeks of the review in accordance with Condition A31.	As per recommendation in non-compliance with A30.	Taylor to provide a letter notifying that the new Modification and the completion of an Independent Audit has not raised any requirement to update the strategies, plans and programs required under this consent	Refer to SSD-11869481-PA-37 submitted on 8/09/2023	CLOSED
C39	Independent Audit Reports and the applicant/proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary	Independent Audit Report No. 2 and the applicant's responses to the findings were not submitted to the Department within two months of undertaking the audit.	n/a	<p>The Independent Audit Report 2 and the applicant/proponent's response to audit findings were submitted to the Planning Secretary on the 24 July 2023.</p> <p>Non-compliance with this condition was reported to the Department on 21 April 2023 and therefore this item is now considered closed by the Auditor.</p>	Refer to SSD-11869481-PA-31	CLOSED

## 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
A36	Fire safety for the proposal is to be undertaken in accordance with the Fire Engineering Report prepared by Lehr Consultants International (LCI) dated 17 June 2022 and the relevant requirements of the BCA	The latest version of the Fire Engineering Report (FER) is dated 5 August 2022 whilst Condition A36 requires compliance with the FER dated 17 June 2022. Note: The Certifier, Philip Chun Building Compliance, in the Section 6.28 Crown Design Verification Certification (CDVC5) dated 20 July 2023, refers to the FER (dated August 22) and certifies that the modification works to Building I and J have been designed generally in accordance with the objectives and requirements of SSD11869481 Mod 2, the BCA and the relevant AS	Inform the Department of the inconsistency between the FER version dated June 2022 noted in condition A36 and the latest FER version dated August 2022 which is referred to in CDVC5 which certifies compliance with SSD11869481 Mod-2, the BCA and the relevant AS. Discuss with the Department whether an administrative modification of SSD11869481 Condition A36 is required to refer to the August 2022 FER version.	FER from August 2022 will be included in MOD 3. MOD 3 will be submitted by the 25 September 2023.	OPEN
C9	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans)	During the site inspection it was noted that the sediment fence along the south-western boundary of the site next to Bay Road requires maintenance (refer to Photo 22 in Appendix E	Raise sediment fence along the south-western boundary of the site next to Bay Road and remove construction materials from fence	Shortly after the audit inspection, the sediment fence along the south-western boundary was removed to make way for landscaping works. The final drainage and alike is now installed to manage this issue.	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
C20	<p>For the duration of the construction works:</p> <p>(a) street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained;</p> <p>(b) all street trees immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements;</p> <p>(c) all trees on the site that are not approved for removal must be suitably protected during construction as per the Arboricultural Impact Assessment; and</p> <p>(d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of a qualified arborist. Alternative tree protection measures must be installed, as required. The removal of tree protection measures.</p>	<p>A tree in the work zone (to the north of Building 1 and next to the hoarding separating the work zone with the operational school) was observed unprotected (refer to Photo 18 in Appendix E). This tree appears to be T42 which is approved for removal, however this could not be confirmed during the site inspection.</p>	<p>Contractor to assess whether the tree located within the work zone is a tree approved for removal and report back to SINSW and the Department, including actions to manage the tree in accordance with C20 requirements</p>	<p>TCG confirmed T42 is approved for removal as per approved plan SSD-1101H.</p>	<p>CLOSED</p>

