DOC21/195554

Jim Betts

Planning Secretary

Department of Planning, Industry and Environment

GPO Box 39

Sydney NSW 2001

Attention: Rob Sherry

23/02/2021

Dear Mr. Betts,

**Parramatta West Public School Redevelopment (SSD-8790) - Submission of a response to an Independent Audit Report in accordance with Condition C40**

I refer to Parramatta West Public School approved on 2 December 2019.

In accordance, with condition C40 of the Development Consent, the following document has been submitted to the Planning Secretary for information:

* *Parramatta West Public School – SSD 8790:* *Independent Environmental Audit*, Dickson Consulting, 02/02/2021, Revision V1.

As per the requirements of Condition C37 which outlines the need to meet the specific requirements in the Independent Audit: Post Approval Requirements (Department 2018) (DP&E, June 2018), 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 corrective action request and observations.

I hereby confirm 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 C40(c).

Yours sincerely



Zeeshan Ijaz

**Assistant Project Director**

**Schools Infrastructure NSW**

**Attachment A – Response to Independent Audit non-compliances (Section 3.4.2 of the IA Report)**

| **Condition ID** | **Compliance Requirement** | **Audit findings** | **Audit Recommendations/ proposed/ agreed actions** | **Department of Education Actions** | **Evidence of Actions** |
| --- | --- | --- | --- | --- | --- |
| A2 (a) | The development may only be carried out:  (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 EIS, Response to Submissions and Supplementary Response to Submissions;  (d) generally, in accordance with SSD-8790-Mod-1; and  (e) in accordance with the approved plans in the table below: | Non-compliance as a result of other non-compliances | **Proposed Actions**: Nil – report only | SINSW acknowledged this matter and will report in construction compliance report as required. | This non-compliance is a result of non-compliances with other conditions of consent which will be addressed in this table. No further action required. |
| A21 | 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:  (a) make the following information and documents (as they are obtained or approved) publicly available on its website:  (i) the documents referred to in condition A2 of this consent;  (ii) all current statutory approvals for the development;  (iii) all approved strategies, plans and programs required under the conditions of this consent;  (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;  (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;  (vi) a summary of the current stage and progress of the development;  (vii) contact details to enquire about the development or to make a complaint;  (viii) a complaints register, updated monthly;  (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;  (x) any other matter required by the Planning Secretary; and  (b) keep such information up to date, to the satisfaction of the Planning Secretary. | The following documents have not been kept up to date on the website (available to the public) The documents were not available on the website as at 16 Dec 2020:   * Construction Environmental Management Plan Ver 8 (June 2020) (updated as part of Audit #1) * Crown Certificate 2 * Updated Architectural Drawings dated 3/11/20 (approved on CC2 20/11/2020) * Demolition Work Plan dated 20 Nov 2020 | **Recommended Actions:**   * Upload the most recent documents as soon as possible * Implement a reminder system to ensure documents are uploaded to the website in a timely manner   **Due Date**: 30 January 2021  **Responsibility:** SINSW / Blue Visions | The Contractor provided the updated documents and will be uploaded to the website. | The revised document have been uploaded to the project website on 23 February 2021   * Construction Environmental Management Plan Ver 8 (June 2020) * Crown Certificate 2 dated * Updated Architectural drawings dated 03/11/2020 * Demolition Work Plan – South Site (Buildings B00B & B00D dated 3 November 2020 and submitted for CC2 19 November 2020. * Air monitoring results 28/11/2020, 12/09/2020, 22/08/2020; 15/07/2020 |
| A25 | The Planning Secretary must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Planning Secretary in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance. | The Planning Secretary was not notified within 7 days of becoming aware of non-compliances. Non-compliances identified at the initial environmental audit in June 2020 were not notified until October 2020.  Note: This non-compliance was self-reported in the Construction Compliance Report – October 2020 | **Proposed Actions**: Nil – report only | SINSW has put a reminder to notify within 7 days of the non-compliances. | This non-compliance was self-reported in the Construction Compliance Report – October 2020  A non-compliance notification for Conditions A25 was submitted to DPIE under A25/A26 on 04 February 2021  The non-compliances that were reported as part of the notification were conditions A2(a), A21, A25, A26, B39, C21(e), C28, C40, |
| A26 | The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance. | It could not be demonstrated that the notification of non-compliances included the required information in accordance with Condition A26. The Notification of non-compliances to the Planning Secretary against conditions A25, B39, C28 and C40 could not be located. | **Proposed Actions**: Nil – report only | SINSW acknowledged this matter and will report in construction compliance report as required. | A non-compliance notification for Condition A26 was submitted to DPIE under A25/A26 on 04 February 2021 |
| B39 | The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary and notify the Planning Secretary and the Certifying Authority in writing at least seven days before this is done | The required seven (7) day notification of making the Compliance Report publicly available was not submitted for the Pre-Construction Compliance Report (PCCR) as required by this condition as noted in the October 2020 Construction Compliance Report. It was noted that the Pre-construction Compliance Report was made publicly available.  Note: This non-compliance was self-reported in the Construction Compliance Report – October 2020 | **Proposed Actions**: Nil – report only | SINSW acknowledges that a notification was supposed to be issued to DPIE 7 days prior to making the compliance report public; hence the team reported this as a non-compliance. | This non-compliance was self-reported in the Construction Compliance Report – October 2020  A non-compliance notification for this condition was submitted under A25/A26 on 04 February 2021 |
| C21 (e) | For the duration of the construction works:   1. 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 or is required in an emergency to avoid the loss of life or damage to property; 2. all street trees immediately adjacent to the approved disturbance area (on the northern side of Railway Street) and the property boundaries (on the southern side of Railway Street) must be protected at all times during construction in accordance with Council’s tree protection requirements, unless approved for removal by this development consent. Any street tree, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council; 3. the street tree Nos. 2, 10, 20 and 23 as identified in the Tree Removal and Retention Plan (Drawing No. 0003 Rev C) dated 22/06/2018 prepared by Conrad Gargett must be protected at all times; 4. all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the Arboricultural Impact Assessment Report prepared by Urban Arbor, dated 22 June 2018; and 5. (e) 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, following completion of the works, must be carried out under the supervision of a qualified arborist and must avoid both direct mechanical injury to the structure of the tree and soil compaction within the canopy or the limit of the former protective fencing, whichever is the greater. | The project failed to ensure that substation works carried out in the Tree Protection Zone (TPZ ) were undertaken under the supervision of the project arborist, Urban Arbor. Root damage occurred during the works.  Urban Arbor Tree protection certificate dated 30/09/20 identifies that “Tree protection fencing has been removed adjacent to the tree and excavations have recently occurred within the TPZ for the installation of the substation and an associated retaining wall. The excavations were not supervised by Urban Arbor”.  The report further notes: “During the Urban Arbor site inspection on the 25 September 2020, seven significant roots 30mm or greater in diameter were identified that were damaged/ severed. The root damage/ severance has occurred within the TPZ of tree 48, indicating the stability of  the tree has not been impacted but the condition of the tree has potentially been impacted”.  Remediation has since been completed by Precision Landscapes and accepted by Urban Arbor. | **Completed Actions:**  Remediation had been completed prior to the audit.  **Proposed Actions:**  Ongoing inspections to be undertaken to monitor the health of tree 48 by Urban Arbor.  All further works scheduled within the TPZ to be supervised by Urban Arbor  **Due Date**:  Ongoing  **Responsibility**: Taylor Construction Group. | TCG to ensure all future works to occur within the TPZ have an arborist present onsite.  TCG conducted the necessary work for tree 48 and it is now remediated successfully with no issues. | Toolbox talk was held on 2 October 2021 to all sub-contractors onsite highlighting the need to remain outside the TPZ and confirming that an arborist needs to be present if any works need to happen inside the TPZ.  Tree remediation was undertaken to the satisfaction of the project arborist. Urban Arbor issued the observation undertaken approving remediation works to tree 48 undertaken on in December 2020.  Urban Arbor inspection undertaken on 4 December 2020 advising tree 48 being remediated and in good health. |
| C28 | Within three months of the commencement of construction, the Applicant must design an operational stormwater management system for the development and submit it to the satisfaction of the Certifying Authority. The system must:   1. be designed by a suitably qualified and experienced person(s); 2. be generally in accordance with the conceptual designs submitted with the EIS; 3. be consistent with architectural drawings listed in condition A2 of this development consent; 4. be generally in accordance with applicable Australian Standards; 5. include details of the rainwater reuse / harvesting system comprising two 5 Kilolitre capacity rainwater tanks prepared and certified by a suitably qualified and experienced hydraulic engineer; 6. include details of the stormwater treatment devices as recommended in the Stormwater Management Plan prepared by Adams Consulting Engineers Pty Ltd dated 5 July 2018; and 7. (g) ensure that the system capacity has been designed in accordance with Australian Rainfall and Runoff (Engineers Australia, 2016) and Managing Urban Stormwater: Council Handbook (EPA, 1997) guidelines. | The Stormwater Management System was submitted to the Certifying authority within 3 months of commencement of construction as required, however was not submitted to the “satisfaction” of the Certifying Authority.  Note: This non-compliance was self-reported in the Construction Compliance Report – October 2020 | **Proposed Actions:** The design statement from the civil designer will be resubmitted to be in line with the certifier’s comments and satisfaction.  **Due Date:**  22/01/2020  **Responsibility:** Taylor Construction Group | TCG have resubmitted the design statement from the civil designer for the certifiers review. | PCA reviewed the statement and advised on 21 January 2021 satisfaction and that no further comments on the document re stormwater management system.  A non-compliance notification for this condition was submitted under A26/A26 on 04 February 2021 |
| C40 | In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018 or as amended), the Applicant must:   1. review and respond to each Independent Audit Report prepared under condition C37 of this consent; 2. submit the response to the Planning Secretary and the Certifying Authority; and 3. (c) make each Independent Audit Report and response to it publicly available 60 days after submission to the Planning Secretary and notify the Planning Secretary and the Certifying Authority in writing at least seven days before this is done. | Whilst the Independent Environmental Audit Report was made publicly available 60 days after submission, the Planning Secretary and the Certifying Authority were not notified in writing seven days prior.  Note: This non-compliance was self-reported in the Construction Compliance Report – October 2020 | **Proposed Actions:** Nil – report only | SINSW has put a reminder to notify DPIE within 7 days of submitting this response that the report and response will be publicly available. | This non-compliance was self-reported in the Construction Compliance Report – October 2020  A non-compliance notification for this condition was submitted under A26/A26 on 04 February 2021 |

**Attachment B – Response to Independent Audit Corrective action requests and observations (Section 3.4.2)**

| **Condition ID** | **Audit findings** | **Audit Recommendations/ proposed/ agreed actions** | **Department of Education Actions** | **Evidence of actions** |
| --- | --- | --- | --- | --- |
| Site Inspection | During the site inspection, there was evidence of escape of slurry from the wash-out bin (refer to photos). There is a valve at the base of the bin, and it appears this has been opened to allow liquid wastes to discharge to ground | **Proposed Actions:**  Fault with unit purchased at base. Taylor have ordered a new wash out bin and are awaiting delivery.  **Due Date**: 29/01/2021  **Responsibility:** Taylor Construction Group | No longer required onsite | Damaged wash out was decommissioned and removed off site. New one was not ordered as the project was at a stage that it did not warrant the need for one |
| Site Inspection | The previous audit identified inappropriate storage of fuels without adequate secondary containment. A metal tray was ordered and deployed to address this.  The site inspection at this audit found that the tray was shallow, and placed on an angle, had no roof / cover and was full of water. As a result, there was no / minimal capacity to contain any spilt fuels.  Inappropriate storage of chemicals was also noted at various locations around the site:   * Chemical cage without secondary containment located at a low point adjacent to hoarding; * Containers (including unlabelled containers) on the ground outside, not stored within designated, bunded storage areas | **Completed Actions:**  The tray has been emptied of water and relocated under shelter. The substrate under the tray has been levelled off and centred.  Chemicals in open areas have been relocated within storage areas.  **Completed date:** 13/01/2021  **Responsibility:** Taylor Construction Group | No further action required. The works have been rectified onsite on 13 January 2021 | No further action required. The works have been rectified onsite on 13 January 2021 |
| Site Inspection | Waste / Litter: The site inspection identified that some of the bins were overfull, with lightweight carboard waste on top, creating a litter risk.  One small wheelie bin was observed to be in poor condition, with cracked body, no lid, and was overfull. | **Completed Actions:**   * All waste bins have been emptied since the audit took place. Waste bins are regularly checked and emptied. * All damaged waste bins have been taken off site.   **Other proposed actions:**   * Include check of bins and site litter as part of regular inspections and daily walk arounds. * Communicate that lightweight materials are not to be placed in a position where they can be blown away by the wind in toolbox talks.   **Due date:** ongoing  **Responsibility:** Taylor Construction Group | SINSW held a site inspection to ensure the damaged waste bins have been taken offsite and that the balance of bins regularly emptied. | * All waste bins have been emptied since the audit took place. Waste bins are regularly checked and emptied. * All damaged waste bins have been taken off site. |
| CTPMP | The site audit to assess the effectiveness of the traffic management measures as described in the Construction Traffic and Pedestrian Management Plan (CTPMP) has not been conducted. | **Proposed Actions:**  Schedule the site audit as recommended in the CTPMP  **Due Date:** 19 Feb 2021  **Responsibility:** Taylor Construction Group | Works to be undertaken in line with the CTPMP. | No inspection required as works are in line with the approved CTPMP and no complaints or non-compliances regarding traffic during this reporting period. |
| CWSMP | Limited evidence could be provided to demonstrate that checks are made of environmental controls prior to predicted adverse weather events (heavy rain, high wind/heat etc).  Whilst inclement weather emails are sent out to project sites by Taylor management, warning of upcoming adverse weather events, the recommended actions relate only to health and safety issues. Environmental requirements such as checking and ensuring integrity of sediment and erosion controls, adequacy of dust control etc. were not addressed in the communications. | **Proposed Actions:**   * Taylor corporate management to include environmental considerations in future weather warning communications. * Project personnel to conduct pre-event inspections, documenting adequacy of controls and actions taken to address inadequacies where required.   **Due Date:** 19 Feb 2021 and ongoing  **Responsibility:** Taylor Construction Group | SINSW issue notices prior to severe weather conditions and request a completed checklist that proper measures have been undertaken onsite. | Checklist that the site manager had conducted a pre-event inspection is being issued when severe weather is forecasted.  Taylor are preparing further plans for implementation on this project and others. |