

Jim Betts  
Planning Secretary  
Department of Planning, Industry and Environment  
12 Darcy Street  
Parramatta NSW 2150

24 March 2023

Attn: Rob Sherry

Dear Mr Sherry,

**Picton High School Redevelopment (SSD 8640): Response to Operational Audit No. 5 in accordance with Consent Condition C41**

I refer to Picton High School Redevelopment SSD 8640 approved on 20 December 2018.

The Department Of Education (DoE) is writing to response to Operational Audit No. 5 conducted by Wolfpeak, issued 20<sup>th</sup> January 2023.

A response to Open Findings from Previous Audit can be found within Appendix A.

A response to Open Findings from Current Audit can be found within Appendix B.

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

Yours sincerely,

*S Rasquinha*  
Sherwin Rasquinha  
**Project Director**  
**School Infrastructure NSW**



## ATTACHMENT A – Open Findings from Previous Audit

Item	Cond No	Details of item	Reason for Non-Compliance	Date Identified	Close Out Action	Status
16	D11	CoC D11 requires that any recommendations of the Road Safety Evaluation as required by condition B33, must be implemented on all relevant sections of Argyle Street and Wonga Road utilised for bus and private vehicle drop-off and pick-up.	<p>The Road Safety Evaluation made 22 x findings. According to a statement provided by Taylor</p> <p>All findings regarding the Wonga Road works have been implemented and works achieved completion as per attached completion certification issued by Wollondilly Shire Council.</p> <p>Findings regarding Argyle Street have only been partially implemented due to Council requirements having deviated from the original design. Findings regarding Argyle Street are currently being negotiated and consulted with Council, Transport for NSW and affected neighbouring properties to reach a revised and final design.</p> <p>Several findings will be reviewed as a new Road Safety Evaluation is proposed to be completed to reflect final approved design.</p> <p>The Auditor notes that bus and private vehicle drop-off and pick-up are currently in operations.</p>	Environmental audit report no. 4	<p>The Auditor notes that this requirement has been pushed to Stage 4 operations under the latest Staging Report. SINSW are in the process of reviewing the RSE and will address this within Stage 4.</p> <p>SINSW in consultation with DPE is looking to have the outstanding road works resolved.</p>	Open
20	D36 (d)	CoC D36(d) requires that prior to the occupation of the building the applicant must prepare a Landscape Management Plan to manage the revegetation and landscaping works on-site, to the satisfaction of the Planning Secretary. The plan must include details that the native trees to be removed from the site are to be salvaged, including tree hollows and tree trunks (greater than 25cm in diameter and 3m in length) and used to enhance habitat at the site	<p>Tree hollows and tree trunks were not able to be retained on the Project in line with the condition. This was notified on 27/03/21. An application to modify condition D36 (Modification 3) was lodged on 08/04/21 and later withdrawn. The Landscape Management Plan was not approved prior to occupation of Stage 2.</p> <p>The project team have not been able to locate adequate tree trunks following extensive investigations with local tree removalists (<b>Appendix A</b>).</p>	Environmental audit report no. 4	<p>SINSW will continue to work with local suppliers to resolve this condition.</p> <p>SINSW will approach the landscape architect to consider alternative options to the installation or relocation of tree hollows.</p>	Open

## ATTACHMENT B – Open Findings from Current Audit

Item	Cond No	Details of item	Reason for Non-Compliance	Date Identified	Close Out Action	Status
	C42	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: (a) review and respond to each Independent Audit Report prepared under condition C40 of this consent; (b) submit the response to the Department and the Certifying Authority; and (c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Department and notify the Department and the Certifying Authority in writing at least seven days before this is done.	Failed to provide a response within 2 months of the date of inspection to the Planning Secretary and Certifying Authority	21/02/23	Submission of this non-compliance notification.  Resources were dedicated to road works and bringing items back into compliance which resulted in lack of resourcing for additional audits.	Closed
<b>IA5_3</b>	B37	Requirement: No later than two weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department and the Certifier. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018). The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Department and notify the Department and the Certifier in writing at least seven days before this is done.	Non-compliance: The Compliance Reporting Post Approval Requirements (Department 2018) requires reporting at 6 monthly intervals during construction and annual intervals during operations. A Compliance Report has not been prepared since March 2021.	20/01/23	Complete Compliance Reporting for operations as per the Compliance Reporting Post Approval Requirements (Department 2018).  As part of this submission SINSW is requesting to cease operational compliance reporting in accordance with B38	Pending DPE approval.

Item	Cond No	Details of item	Reason for Non-Compliance	Date Identified	Close Out Action	Status
IA5_4	D5	<p>Requirement: Prior to occupation of the building, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:</p> <p>(a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure.</p> <p>(b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:</p> <p>i. compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and</p> <p>ii. have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.</p> <p>(c) be forwarded to Council.</p>	<p>Non-compliance: The dilapidation reports were not sent to Council until after occupation.</p>	20/01/23	The dilapidation reports were issued to Council after operations but prior to finalising this report.	Closed
IA5_5	D33	<p>Requirement: The Applicant must prepare submit a Validation Report for the development. The Validation Report must:</p> <p>a) be prepared by consultants certified under either the Environmental Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science;</p> <p>b) be submitted to the Planning Secretary and the Certifier for information one month after the completion of remediation works;</p> <p>c) be prepared in accordance with the Consultants Reporting on Contaminated Land: Contaminated Land Guidelines (EPA, 2020) and relevant guidelines made or approved under section 105 of the Contaminated Land Management Act 1997;</p>	<p>Non-compliance: The Auditor requested a copy of the Validation Report and evidence of the Validation Report having been submitted to the Department and Certifier. Two Validation Reports were provided which relate to imported fill and removal of asbestos from Stage 3. No evidence was provided showing that these reports had been prepared for Stages 1 and 2. No evidence was provided to show that any of the Validation Reports had been submitted to the Department and Certifier.</p> <p>The Auditor acknowledges that Site Audit Reports and Statements (for Stages 1 - 3), which rely on the existence of validation reports, were prepared and submitted to the Certifier and the EPA.</p>	20/01/23	Validation reports submitted to DPE on 16/03/23.	Closed

Item	Cond No	Details of item	Reason for Non-Compliance	Date Identified	Close Out Action	Status
		<p>d) include, but not be limited to: (i) comment on the extent and nature of the remediation undertaken, if applicable; (ii) describe the location, nature and extent of any remaining contamination on site; (iii) sampling and analysis plan and sampling methodology; (iv) results of sampling of treated material, compared with the treatment criteria, if applicable; (v) details of the volume of treated material emplaced within the containment cell and its location, if applicable; (vi) results of any validation sampling, compared to relevant guidelines/criteria; (vii) discussion of the suitability of the land for the intended land use; and (viii) any other requirement relevant to the project.</p>				
IA5_6	E7	<p>The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry where valid data is collected following the commencement of use of each stage of the development. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of commencement use of each stage of the development to verify that operational noise levels do not exceed the recommended noise levels for mechanical plant identified in Acoustic Assessment Report dated April 2018 and Section 4.55 Acoustic Assessment report</p>	<p>Non-compliance: Acoustic monitoring was completed in accordance with E7, however there is no evidence of the report having been submitted to the Department.</p>	20/01/23	Acoustic Monitoring reports submitted to DPE on 16/03/23	Closed

Item	Cond No	Details of item	Reason for Non-Compliance	Date Identified	Close Out Action	Status
		prepared by GHD dated January 2019. Should the noise monitoring program identify any exceedance of the recommended noise levels referred to above, the Applicant is required to implement appropriate noise attenuation measures so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.				
IA5_7	E9	Requirement: The waste collection services are not to be undertaken outside the hours of 7:30 am to 6:00 pm Monday to Friday.	Non-compliance: The waste collection service provider was changed during the audit period. The auditees indicated in an email provided to the service provider on the day of the audit that collection times be 'amended' to align with the hours of the condition.	20/01/23	An email was issued to the waste collection service provider on the day of the audit requesting an amendment to collection hours.	Closed
IA5_8	E14	The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement.	Non-compliance: An Annual Fire Safety Assessment (which precedes a Fire Safety Statement) has been carried out. However the Annual Fire Safety Statement has not been completed and has not been submitted to Council.	20/01/23	SINSW Asset Management Unit are currently undertaking necessary works to obtain the Annual Fire Safety Statement.  SINSW will continue to follow up with Asset Management Unit to obtain as soon as available.	Open
IA5_10	E18	Within six months of commencement of operation, unless otherwise agreed by the Planning Secretary, confirmation that the completed development achieves ecologically star sustainable design outcomes to achieve an equivalent of a minimum 4 star green rating must be submitted to the satisfaction of the Planning Secretary	Non-compliance: Northrop were engaged as the ESD consultant on the Project. They confirmed that the Project achieved an equivalent 4 star rating. However, there was no evidence to demonstrate that this had been submitted to the Department.  Green star report has not been forwarded to the secretary within 6 months.	20/01/23	ESD reports submitted to DPE on 16/03/23	Closed