

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

19 April 2024

Attn: Rob Sherry

Dear Ms Fishburn

The Forest High School (SSD 26876801): Submission of Independent Audit Report and response in accordance with Condition C40 and C41

I refer to The Forest High School approved on the 23 November 2023.

In accordance, with condition C41 of the Development Consent, the following document is submitted to the Planning Secretary for information:

- Independent Audit No. 1 – Audit Report, Wolfpeak, 12 April 2024, Rev 2.0

As per the requirements of condition C40 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 C40 the Independent Audit Report and response will be made publicly available within 60 days of the date of this submission.

Yours sincerely



Sumi Thambyrajah
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
A22	<p>Access to Information</p> <p>At least 48 hours before the commencement of construction (if the requirement is triggered) 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 environmental 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>A non-compliance was notified to DPPI on 9 February 2024 regarding CEMP and CEMP sub-plans not being publicly available in the project website by 4 December 2023 (48 hours before commencement of construction).</p>	<p>This non-compliance is closed</p>	<p>SINSW became aware of the non-compliance on the 7 February 2024, and subsequently uploaded the CEMP and sub plans on the 9 February 2024 to the project website.</p>	<p>The Notification of Non-Compliance was submitted on 9 February 2024 (PA 5)</p>	<p>CLOSED</p>

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	(b) keep such information up to date, to the satisfaction of the Planning Secretary					
A24	<p>Incident Notification, Reporting and Response</p> <p>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.</p>	<p>The episode of sediment-laden water escaping the site during heavy rainfall on the 13-14 January 2023 was known to the Project team after the EPA contacted SINSW and requested information on the 19, 23 and 30 January. The auditee did not report it to the Department immediately after becoming aware of it, but instead undertook investigations in response to the EPA request.</p> <p>On 8 February 2024 SINSW advised the Department that following extensive investigations it had concluded that "there has not been an incident and as such as incident notification was not reported to the Department". An inspection by Henry & Hymas (H&H, civil engineers, specialising in stormwater engineering) conducted on the 8 February 2024 indicated that the sediment and erosion control measures were generally satisfactory and in accordance with the Sediment and Erosion Control Plan design by H&H. SSD 26876801 defines incident as "an occurrence or set of circumstances that causes, or threatens to cause, material harm</p>	This non-compliance is closed	<p>SINSW disagrees that the concerns raised by the EPA regarding 13-14 January 2024 was an incident. This was communicated to DPHI's Team Leader Compliance via email on 8 February 2024 with no response received. This evidence was provided to the Auditor for their consideration.</p> <p>Extensive investigations were conducted and it was concluded that there was no incident. As such, an incident notification was not reported to DPHI.</p>	Email to DPHI's Team Leader Compliance dated 8 February 2024	CLOSED

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/Status
		and which may or may not be, or cause a non-compliance". Notwithstanding, the auditor is of the opinion that, despite sediment controls being in place as discussed above and the magnitude of the rainfall event could have exceeded the capacity of the system (refer to Section 3.5), the event should have been immediately reported to the Department as soon as the Project became aware of it on the basis that the event could be considered (at that point in time) to have the potential to "threaten to cause material harm". The matter is now with the Department and the EPA and the auditor considers this item closed for the purpose of this audit.				
B28	Biodiversity Prior to the commencement of construction, the number and classes of ecosystem credits and species credits (like-for-like) set out in the BAM Biodiversity Credit Report contained in Appendix F of the Biodiversity Development Assessment Report, prepared by SLR and dated June 2023 and as detailed in the table below must be retired.	The retirement of credits by payment to the Biodiversity Conservation Fund was not made prior to commencement of the construction works, Payment was undertaken after commencement of construction and vegetation clearing.	This non-compliance is closed	Construction commenced on 6 December 2023. Payment was made into the Biodiversity Conservation Fund for offset obligation BCT Ref. BCF674 on 4 March 2024. The process for making payment into the Biodiversity Conservation Fund took longer than anticipated.	Statement confirming payment into the Biodiversity Conservation Fund for an offset obligation was received by the Biodiversity Conservation Trust NSW on 6 March 2024.	CLOSED
C1	Site Notice A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purpose of informing the public of project details and must satisfy the following requirements: (a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size; (b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period; (c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/ project manager, the responsible managing company (if any), its	On the day of the audit site inspection, the site notice did not have the approved hours of works or the name of the Certifier and structural engineer (refer to Photo 1 in Appendix E).	This non-compliance is closed	The site notice was amended during the audit on 28 February 2024 and now includes the information required under Condition C1	Photos of the amended site notice were provided to the Auditor	CLOSED

Condition ID	Compliance Requirement	Audit finding	Audit Recommendation	Proponent's Proposed Action/Action Taken/Response	Evidence	Due Date/Status
	<p>address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice(s); and</p> <p>(d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.</p>					
C8	<p>Implementation of Management Plans</p> <p>The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).</p>	<p>The noise barrier along the boundary with Arranounbai School does not extend to the south-western corner (i.e. north to south section) in accordance with the Construction Noise and Vibration Management Sub-Plan (CNVMSP). It should be noted that no noise complaints are known to have been received from the Arranounbai School).</p>	<p>Install missing section of Noise barrier or, if current measures enable the Project to meet the noise criteria, amend CNVMSP to reflect current conditions and submit to the Department for approval.</p>	<p>The current measures have enabled the Project to meet the noise criteria. The noise monitor located on site adjacent the Arranounbai school has not exceeded the noise criteria. Also there have been no noise complaints from the Arranounbai School. The Contractor has not been able to install the acoustic hoarding to the south-western boundary due to the location of a previously unidentified gas main which clashes with the construction of the hoarding in part.</p> <p>Although current measures enable the Project to meet the noise criteria, SINSW intend to install the missing section of the noise barrier as soon as possible after the gas line has been redirected. Installation is scheduled for 31 July 2024.</p> <p>The CNVMSP will be reviewed as part of Condition A29 and within 3 months of this audit as a result of this Audit.</p>	N/A	<p>OPEN</p> <p>Hoarding to be installed prior to 31 July 2024</p>
C13	<p>Construction Noise Limits</p> <p>The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition C3.</p>	<p>The complaints register current to 1 March 2024, shows 3 instances where construction vehicles have arrived to the site outside of the construction hours of works (before 6am).</p>	<p>This non-compliance is closed</p>	<p>SINSW disagrees that this is a non-compliance as the vehicular access gate to the site was relocated to Aquatic Road away from residential areas on 22 January 2024.</p> <p>Subcontractors have been informed at toolbox talks of their obligation to arrive to the site in accordance with the approved construction hours.</p> <p>No complaints have been received since 10 January 2024</p>	<p>Toolbox talks records were provided to the Auditor</p>	<p>CLOSED</p>

Attachment B – Response to Independent Audit observations

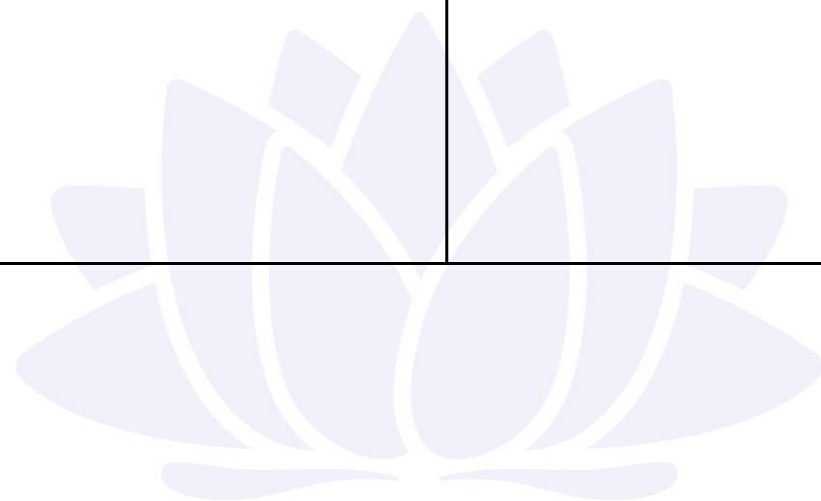
Condition ID	Compliance Requirement	Audit Observation/Opportunity for Improvement	Proponent's Proposed or Completed Action or reason for not implementing measures/changes	Evidence	Due Date/Status
A30	<p>Revision of Strategies, Plans and Programs</p> <p>If necessary to either improve the environmental 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.</p>	<p>Observation: The Sediment and Erosion Control Plan (SECP) has been subject to several revisions. The current version of the Construction Soil and Water Management Sub-Plan (CSWMSP) Rev 2, does not include the latest version of the SECP.</p> <p>Recommendation: Once the CSWMSP is revised with a new SECP prepared by a suitably qualified expert in consultation with Council, submit the updated CSWMSP to the Department and the Certifier for approval (refer also to Observation made in IA1-11).</p>	<p>The updated SECP will be appended to the CSWMSP and issued to the Planning Secretary and Certifier as part of the review of the strategies, plans and programs in accordance with consent condition A29.</p>	N/A	<p>OPEN</p> <p>Prior to 28 May 2024</p>
B10	<p>Social Impacts Management</p> <p>The Project Control Group (PCG) (an established governance system managed by the Department of Education) will manage issues arising during construction. The PCG must:</p> <p>(a) meet at least monthly (or as agreed by PCG) and will include the school principals of The Forest High School and the Arranounbai School as well as the Department of Education's Director of Learning Outcomes;</p> <p>(b) meet at least once prior to the commencement of construction and the entire period of construction and the three month period following commencement of operation;</p> <p>(c) oversee the implementation of the Community Communications Strategy required by Condition B9, which sets out procedures detailing complaints handling procedures with timeframes and accountability for resolution and procedures and mechanisms associated with regular communication with the affected receivers and stakeholders, specifically:</p> <p>(i) The Cerebral Palsy Alliance;</p> <p>(ii) Sunnyfield Disability Services;</p>	<p>Observation: Condition B10 requires the Project Control Group (PCG) to oversee the implementation of the Community Communications Strategy (CCS) prepared under Condition B9. The minutes of the PCG do not include an item regarding the implementation of the CCS.</p> <p>Recommendation: PCG meetings to include an agenda item regarding the implementation of the CCS prepared under Condition B9.</p>	<p>We note that reporting on the implementation of the CCS was included in previous PCG reports subject to Condition B10.</p> <p>Implementation of the Community Communications Strategy has been added as a standing agenda item in the PCG meetings moving forward. The first of which occurred on 28 March 2024.</p>	<p>PCG Meeting Minutes for the meeting held on 28 March 2024 was provided to the Auditor.</p>	<p>CLOSED</p>

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>(iii) The Arranounbai School; (iv) Residential receivers on Allambie Road, Arnhem Road and Sunlea Place; (v) Residential receivers on Madison Way; and (vi) additional stakeholders identified as result of public exhibition and Social Impact Assessment (SIA) of the proposed development. (d) provide the school principals and operators with a 3-weekly look-ahead of planned construction activities; (e) provide direct channels of communication with the appointed builder and construction Project Managers that will last the duration of construction, relocation, and commencement of operations (where relevant); and (f) provide a process for rapid responses to urgent issues raised to protect and maintain the wellbeing of vulnerable community members</p>				
B23	<p>Construction Parking Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must include the following: (a) detail the provision of sufficient parking facilities onsite, including for heavy vehicles and for site personnel, to ensure that construction traffic associated with the development does not utilise residential streets or public parking facilities; and (b) encourage the use of other travel arrangements, where practical, to minimise traffic impacts in nearby public and residential streets.</p>	<p>Observation: The auditee advised that the Construction Worker Transportation Strategy (CWTS) is addressed in the Construction Pedestrian & Traffic Management Plan (CPTMP). The CPTMP indicates that the maximum number of cars is expected to be approximately 75 vehicles and that the site can accommodate approximately 50 vehicles parked on site with the remaining 25 vehicles parked on-street. The EIS indicated some worker would utilise on-street car parking which had some spare capacity. During the audit the auditee advised that the construction site does not have physical space for workers vehicle parking and that the current number of workers is a fraction of the peak workforce of 163 anticipated in the EIS (with the number of workers on site not exceeding 50 to date). The auditor notes that no parking complaints have been received to date. It is also noted that Condition C9 implies that site personnel vehicles do not need to be parked within the site</p> <p>Recommendation: Update the CWTS in the CPTMP to reflect the site's parking conditions and submit to the Certifier with</p>	<p>Regarding parking on site, the CPTMP allows for 25 vehicles to park on-street which aligns with the Transport Access Impact Assessment under the SSD. This is 50 workers with a vehicle occupancy of 2 people. The number of workers on site has not exceeded 50 to date.</p> <p>The CWTS in the CPTMP will be updated to reflect the site's parking conditions as part of the review of the strategies, plans and programs in accordance with consent condition A29.</p>	N/A	<p>OPEN Prior to 28 May 2024</p>

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
		justification of unavailability for onsite parking for construction workers' vehicles			
C1	<p>Site Notice</p> <p>A site notice(s) must be prominently displayed at the boundaries of the site during construction for the purpose of informing the public of project details and must satisfy the following requirements:</p> <p>(a) minimum dimensions of the site notice(s) must measure 841 mm x 594 mm (A1) with any text on the site notice(s) to be a minimum of 30-point type size;</p> <p>(b) the site notice(s) must be durable and weatherproof and must be displayed throughout the works period;</p> <p>(c) the approved hours of work, the name of the builder, Certifier, structural engineer, site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice(s); and</p> <p>(d) the site notice(s) must be mounted at eye level on the perimeter hoardings/fencing and must state that unauthorised entry to the site is not permitted.</p>	<p>Observation: The amended site notice provides construction hours which do not differentiate between approved construction hours (Condition C3) and extended construction hours for works with noise levels not exceeding background plus 5dB (Condition C4).</p> <p>Recommendation: Amend notice to provide approved construction hours under C3 and optionally hours under C4.</p>	The site notice will be amended to provide approved construction hours under C3 and optionally hours under C4	N/A	OPEN Prior to 28 May 2024

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
C8	<p>Implementation of Management Plans</p> <p>The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans)</p>	<p>Observation: The Sediment and Erosion Control Plan (SECP) Rev 4 (Henry & Hymas (H&H)) appended to the Construction Soil & Water Management Sub-Plan (CSWMP) shows 3 Sediment Basins at the site. Sediment basin 2, as shown in the SECP Rev 4, has not been constructed (noting the auditee's advice that gas infrastructure impedes the construction of this basin at that location). Instead, Basins 1 and 2 have been installed as per SECP Rev 4, and a third basin has been constructed at the southern part of the site about 100m to the east of Basin 1. Consequently Basin 2 was not in place during the sediment runoff incidents of the 13 and 14 January, 16 February and 9 February 2024. The part of the site where Basin 2 was to be located relies on sediment fences and some bunding for sediment/erosion control. An inspection by H&H (civil engineers, specialising in stormwater engineering) conducted on the 8 February 2024 indicated that the sediment and erosion control measures are generally satisfactory and in accordance with the design by H&H. Rainfall records at BoM's Sydney Observatory Hill showed rainfall of 62ml, 28ml and 30.7 ml on the 15 January, 16 February and 18 February 2024 respectively, which at times may have exceeded the capacity of the system. A SECP Rev 6 has been prepared by H&H which removes Basin 2. There is no evidence that SECP Rev 6 has been prepared in consultation with Council.</p> <p>Recommendations: A suitably qualified soil erosion and sediment expert to review the latest SECP against the Bluebook, including consideration of the following:</p> <ul style="list-style-type: none"> - Install Basin 2 as per SECP Rev 4 or alternatively improve controls along the southern part of the site with consideration of additional bunding along the entire southern part of site and/or additional sediment fencing; - water runoff from all bulk excavation/exposed areas to be directed to 	<p>The revised SECP (rev 6) will be appended to the CSWMP and issued to Council for consultation.</p> <p>Following consultation, the CSWMP will be submitted to the Planning Secretary as part of the review of the strategies, plans and programs in accordance with consent condition A29.</p>	N/A	<p>OPEN</p> <p>Prior to 28 May 2024</p>

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>Basins in order to capture the 1 in 20-year ARI event as per CSWMP; and</p> <p>- cover all existing and future bunding with geofabric. It is also recommended that the revision of the SECP be undertaken in consultation with Council and be submitted to the Department</p>			
C8	<p>Implementation of Management Plans</p> <p>The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).</p>	<p>Observation: A diesel container was observed unbunded on bare unground.</p> <p>Recommendation: Store fuel and chemicals in bunded areas.</p>	<p>The Contractor has been reminded to store fuel and chemicals in bunded areas and this will be monitored moving forward.</p>	N/A	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
C34	<p>Waste Storage</p> <p>The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.</p>	<p>Observation: A waste register including details of disposal or reuse/recycling off site destinations for each type and quantity of waste has not been generated to date</p> <p>Recommendation: Prepare and maintain a construction waste register including details of waste classification types, tonnages, disposal or reuse destinations and removal dates.</p>	<p>A construction waste register including details of waste classification types, tonnages, disposal or reuse destinations and removal dates will be prepared and maintained.</p>	<p>NA</p>	<p>OPEN</p> <p>Prior to 28 May 2024</p>

