



**NSW Department of Education**

**Waitara Public School**

**(SSD 8574)**

SINSW Response to 3<sup>rd</sup> Independent  
Environmental Audit (IEA)

07 July 2020

## Response to Independent Environmental Audit Non-Compliances

Three non-compliances have been identified in the 3<sup>rd</sup> IEA report dated 3 July 2020. The non-compliances are being addressed as follows;

ID	Consent Heading	Compliance Requirement	Comments / Observations / Supporting Documentations	Compliance Status	Independent Audit Findings and Recommendations Actions (A) = address non-compliances Recommendations (R) = address observations	SINSW Response and Actions																																																																																
A2	Terms of Consent	<p>The development may only be carried out:</p> <p>(a) in compliance with the conditions of this consent;</p> <p>(b) in accordance with all written directions of the Planning Secretary;</p> <p>(c) generally in accordance with the EIS and Response to Submissions;</p> <p>(d) in accordance with the approved plans in the table below:</p> <table><tr><th colspan="4">Architectural Drawings prepared by NBRS Architecture</th></tr><tr><th>Dwg No.</th><th>Rev</th><th>Name of Plan</th><th>Date</th></tr><tr><td>18159-A-WD-00-02</td><td>P4</td><td>Site Demolition Plan</td><td>4/10/2018</td></tr><tr><td>18159-A-WD-00-01</td><td>A</td><td>Site Plan</td><td>31/01/2019</td></tr><tr><td>18159-A-WD-10-01</td><td>A</td><td>General Arrangement – Level 1</td><td>31/01/2019</td></tr><tr><td>18159-A-WD-10-02</td><td>A</td><td>General Arrangement – Level 2</td><td>31/01/2019</td></tr><tr><td>18159-A-WD-10-03</td><td>A</td><td>General Arrangement – Level 3</td><td>31/01/2019</td></tr><tr><td>18159-A-WD-10-04</td><td>A</td><td>General Arrangement – Level 4</td><td>31/01/2019</td></tr><tr><td>18159-A-WD-10-05</td><td>A</td><td>General Arrangement – Roof Plan</td><td>31/01/2019</td></tr><tr><td>18159-A-WD-30-01</td><td>A</td><td>Elevations</td><td>31/01/2019</td></tr><tr><td>18159-A-WD-30-02</td><td>A</td><td>Elevations</td><td>31/01/2019</td></tr><tr><td>18159-A-WD-30-11</td><td>A</td><td>Sections</td><td>31/01/2019</td></tr><tr><td>18159-A-WD-30-12</td><td>A</td><td>Sections</td><td>31/01/2019</td></tr><tr><th colspan="4">Landscape Plans prepared by GHD Woodhead</th></tr><tr><th>Dwg No.</th><th>Rev</th><th>Name of Plan</th><th>Date</th></tr><tr><td>21-26108-WA-SD-LA-1000</td><td>E</td><td>Landscape Site Plan</td><td>03/08/2018</td></tr><tr><td>21-26108-WA-SD-LA-1107</td><td>D</td><td>Landscape General Arrangement (Sheet 7 of 8)</td><td>03/08/2018</td></tr><tr><td>21-26108-WA-SD-LA-3107</td><td>C</td><td>Landscape Planting Plan (Sheet 7 of 8)</td><td>03/08/2018</td></tr><tr><td>21-26108-WA-SD-LA-2107</td><td>C</td><td>Landscape Levels and Setout Plan</td><td>03/08/2018</td></tr><tr><td>21-26108-WA-SD-LA-1003</td><td>E</td><td>Landscape Available Play Space Area</td><td>03/08/2018</td></tr></table>	Architectural Drawings prepared by NBRS Architecture				Dwg No.	Rev	Name of Plan	Date	18159-A-WD-00-02	P4	Site Demolition Plan	4/10/2018	18159-A-WD-00-01	A	Site Plan	31/01/2019	18159-A-WD-10-01	A	General Arrangement – Level 1	31/01/2019	18159-A-WD-10-02	A	General Arrangement – Level 2	31/01/2019	18159-A-WD-10-03	A	General Arrangement – Level 3	31/01/2019	18159-A-WD-10-04	A	General Arrangement – Level 4	31/01/2019	18159-A-WD-10-05	A	General Arrangement – Roof Plan	31/01/2019	18159-A-WD-30-01	A	Elevations	31/01/2019	18159-A-WD-30-02	A	Elevations	31/01/2019	18159-A-WD-30-11	A	Sections	31/01/2019	18159-A-WD-30-12	A	Sections	31/01/2019	Landscape Plans prepared by GHD Woodhead				Dwg No.	Rev	Name of Plan	Date	21-26108-WA-SD-LA-1000	E	Landscape Site Plan	03/08/2018	21-26108-WA-SD-LA-1107	D	Landscape General Arrangement (Sheet 7 of 8)	03/08/2018	21-26108-WA-SD-LA-3107	C	Landscape Planting Plan (Sheet 7 of 8)	03/08/2018	21-26108-WA-SD-LA-2107	C	Landscape Levels and Setout Plan	03/08/2018	21-26108-WA-SD-LA-1003	E	Landscape Available Play Space Area	03/08/2018	Refer non-compliant conditions below.	Non-Compliant	(A): Address non-compliant conditions as indicated below.	Non-compliance noted. This condition is non-compliant due to non-compliances with other conditions identified. Refer responses and actions below.
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A21	Access to Information	<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>• Letter issued by SINSW to DoPE (DOC19/ 319915) via email on 3 May 2019. Information is published on the SINSW project website for Waitara Public School Upgrade Project: <a href="https://www.schoolinfrastructure.nsw.gov.au/projects/w/waitarapublic-school.html">https://www.schoolinfrastructure.nsw.gov.au/projects/w/waitarapublic-school.html</a></p> <p>The following information is currently not available on the website:</p> <p>• all approved strategies, plans and programs required under the conditions of this consent</p> <p>• reporting on environmental performance</p> <p>• summary of the monitoring results</p> <p>• a complaints register</p> <p>Project website is not up to date. Next steps lists 'commence construction of the new school' and refers to an information booth to be held in Term 2 2019.</p> <p>Contact details to make enquiries or complaint only provided as general email addresses. 1800 number should be included.</p>	Non-Compliant	(A): The web-site has been updated since the 2nd Independent Environmental Audit. However, the Construction Worker Transportation Strategy remains unavailable on the web-site and should be uploaded.	Non-compliance noted. The Construction Worker Transportation Strategy was uploaded to the SINSW school project website on the 15 <sup>th</sup> of June 2020 to resolve this non-compliance.																																																																																

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		(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.				
B28	Road Design and Traffic Facilities	Within two months of the commencement of construction, the Applicant must finalise details of road safety mitigation works identified in the updated Transport Impact Assessment prepared by GHD dated July 2018 included in the Response to Submissions in consultation with Council and RMS (where appropriate). The details and evidence of consultation must be submitted to the satisfaction of the Planning Secretary.	<ul style="list-style-type: none"> <li>Email correspondence submitting information in accordance with conditions B28 and B29 to the planning secretary for approval dated 11 July 2019, including the following supporting documentation:               <ul style="list-style-type: none"> <li>Email correspondence with Hornsby Shire Council dated 8 July 2019 including acknowledgement response from Hornsby Shire Council dated 9 July 2019, including Traffic Meeting No. 1 meeting minutes and map showing mark-up of the issues discussed in meeting.</li> <li>Email correspondence with NSW Police, detailing evidence of consultation and the outcomes of the investigation and recommendation noted.</li> <li>Consultation register with stakeholders with information including details of consultation with Hornsby Shire Council – Traffic Meeting No. 1, details of consultation with NSW Police, and Waitara Public School traffic issues</li> </ul> </li> <li>Letter issued by SINSW to DoPE on 24 September 2019 including the following supporting documentation:               <ul style="list-style-type: none"> <li>SINSW email correspondence with Hornsby Shire Council dated 8 July 2019 including acknowledgement response from Hornsby Shire Council dated 9 July 2019.</li> <li>Email correspondence from RMS dated 24 September 2019 confirming RMS response to address the issue of Myra Street / Edgeworth David Drive Intersection Light Phasing.</li> <li>SINSW email correspondence with NSW Police on the 24 and 25 June, 4 and 8 July 2019.</li> <li>Email correspondence from Waitara Public School Community regarding Road Safety and Traffic Issues raised.</li> </ul> </li> </ul>	Non-Compliant	(A): Non-compliance identified during the 2nd independent audit. Documentation was submitted to the Planning Secretary, however, was not provided within the required timeframe. No action required.	This condition is non-compliant due to the timing requirements not being met. The requirements of this condition have been satisfied. A non-compliance notification was originally issued to DPIE regarding this on the 1 <sup>st</sup> of May 2020.

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			<ul style="list-style-type: none"> <li>Waitara Public School: Upgrade Project – SSD 8574 – Condition B28 Road Design and Traffic Facilities – Consultation Register – Version 2.</li> <li>Letter issued by Henry &amp; Hymas Pty Ltd to ADCO Constructions on 30 September 2019, detailing the raised pedestrian crossing project Myra Street, Wahroonga.</li> <li>Letter issued by DPIE (formerly DoPE) to SINSW on 11 October 2019, confirming approval of details and evidence of consultation to satisfy Condition B28.</li> </ul> <p>The Planning Secretary delegate approved the details and evidence of consultation on the final road safety mitigation works as being in accordance with Condition B28 of SSD 8574.</p> <p>SINSW's submission was received on 26 July 2019 by the Department and construction works commenced 9 May 2019. Submission was received by the Department outside the two month timing requirement.</p>			
C45	<b>Non-Compliance Notification</b>	a) The Department must be notified in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to <a href="mailto:compliance@planning.nsw.gov.au">compliance@planning.nsw.gov.au</a> within seven days after they identify any non-compliance.	<ul style="list-style-type: none"> <li>Letter from SINSW to DPIE (DOC20/380145) dated 16/4/20, Waitara Public School – SSD 8574: Notification of Non-Compliance in accordance with Conditions C45 and C46.</li> <li>Email from DPIE to SINSW dated 30/4/20 providing confirmation of notification of non-compliances by SINSW.</li> <li>Letter from SINSW to DPIE (DOC20/4514720) dated 21/05/20, Waitara Public School – SSD 8574: Notification of Non-Compliance in accordance with Conditions C45 and C46.</li> <li>Email from DPIE to SINSW dated 21/5/20 providing confirmation of notification of non-compliances for condition D6 by SINSW.</li> <li>Non-compliances in relation to reporting and submission of information to the Department identified in the 2nd Independent Audit Report (dated 6 March 2020) were formally notified to DPIE on 16/4/20. Notification to the Department was outside of the seven day period following becoming aware of existence of a non-compliance.</li> <li>Non-compliances in relation to condition D6 obtaining a Compliance Certificate for water and sewerage infrastructure servicing prior to occupation were notified to DPIE on 21/5/20.</li> </ul>	Non-Compliant	(R): Non-compliance of condition C45 due to submission of non-compliances identified in the 2nd independent audit to DPIE outside of the required notification period. No action is required.	This condition is non-compliant due to the timing requirements not being met. The requirements of this condition have been satisfied.

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D6	<b>Utilities and Services</b>	Prior to occupation of the building, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the <i>Sydney Water Act 1994</i> .	<ul style="list-style-type: none"> <li>Letter from SINSW to DPIE (DOC20/4514720) dated 21/05/20, Waitara Public School – SSD 8574: Notification of Non-Compliance in accordance with Conditions C45 and C46.</li> </ul> <p>The non-compliance notification to DPIE has noted that the Section 73 application has been submitted and issue of the Compliance C</p>	Non-Compliant	(A): Issue of the Compliance Certificate was imminent at the time of completion of this audit.	Non-compliance noted. As identified, SINSW have made a Section 73 application April 2020 and are awaiting the Compliance Certificate from Sydney Water. As this Compliance Certificate has not yet been received this condition is non-compliant.

## Response to Independent Environmental Audit Corrective Action Requests/Observations

Seven corrective action requests/observations were included in the in the 3<sup>rd</sup> IEA report dated 3 July 2020. SINSW has reviewed the recommendations and provides the following commentary:

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D17	<b>Structural Inspection Certificate</b>	A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifying Authority prior to the occupation of the relevant parts of any new or refurbished buildings. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after: (a) the site has been periodically inspected and the Certifying Authority is satisfied that the structural works is deemed to comply with the final design drawings; and (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.	<ul style="list-style-type: none"> <li>• Design Certification 68 Edgeworth David Avenue, Wahroonga, NSW, Ref: 18380-S6/tm, dated 11 May 2020, Henry &amp; Hymas. Certification of structural component design and construction (based on periodic visual inspections). Design details in structural drawings numbers 18380-S1.00 through 18380-S10.00.</li> <li>• Email from ADCO to Hornsby Shire Council, Att General Manager – Structural Inspection Certificate – Waitara Public Redevelopment SSD Consent 8574, dated 10 May 2020. Submission of Structural Inspection Certificate and electronic set of structural drawings.</li> <li>• Email from ADCO to Certifier, D17 Structural Inspection Certificate – Waitara PS, dated 11 May 2020. Submission of Structural Inspection Certificate Rev 1.</li> <li>• Email from ADCO to Hornsby Shire Council, Waitara PS – SSD Conditions D17 – Structural Certification, dated 14 May 2020. Issue of structural inspection certificates.</li> </ul> <p>TSA has confirmed that the Certifying Authority is satisfied that the requirements of condition D17 have been met. The drawings have been checked and a discrepancy has been identified. An amended certificate is to be issued.</p>	Compliant	(R): The drawings listed in the Inspection Certificate were checked against Design Certificates and a discrepancy was identified. A revised certificate is to be obtained	Observation noted. SINSW requested the Inspection Certificate be revised to address the minor discrepancy within the document register on the 5 <sup>th</sup> of June 2020. A revised certificate was obtained on the 26 <sup>th</sup> of June 2020.