

Michael Cassel
Planning Secretary
Department of Planning and Environment
12 Darcy Street
Parramatta NSW 2150

Attn: Rob Sherry

29 March 2023

Dear Mr Cassel

**Sydney Olympic Park new high school (Wentworth Point) (SSD 11802230):
Submission of Independent Environmental Audit Report and response in
accordance with Consent Condition C39 and C40**

I refer to Sydney Olympic Park new high school (Wentworth Point) approved on the 14 October 2022.

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

- 2300 Report - SNC Wentworth Point HS Audit Report_Mar 2023 Final 230324 Compiled

As per the requirements of condition C39b and C40, the Department must be issued with a response from the applicant 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 C39(c), the Independent Environmental Audit Report and response will be made publicly available within 60 days of the date of this submission.

Yours sincerely
S Rasquinha

Sherwin Rasquinha
Project Director
Schools 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	Due Date/Status
B5	<p>Prior to the commencement of demolition, removal of buildings or construction (whichever occurs first), the Applicant must:</p> <p>(a) consult with the relevant owner and provider of services and Infrastructure that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;</p> <p>(b) prepare a Pre-Construction Dilapidation Report identifying the condition of all public (non- residential) infrastructure and assets in the vicinity of the site (including roads, gutters and footpaths) that have potential to be affected;</p> <p>(c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council.</p> <p>(d) provide a copy of the Pre-Construction Dilapidation Report to the Planning Secretary when requested.</p>	<p>Dilapidation reports were prepared prior to construction commencing, of the project boundaries and Burroway Road. In addition:</p> <ul style="list-style-type: none"> - Consultation with Council was sighted. - A copy was not sent to the Certifier. - Planning Secretary did not request a copy of the report. 	<p>Recommendation B5: Provide a copy of the Pre-Construction Dilapidation Report to the certifier as required by CoA B5.</p>	<p>A copy of the pre-construction dilapidation report was submitted to the Certifier on 21/10/22.</p> <p>This evidence was provided to the Auditor on 24/03/23.</p> <p>SINSW does not agree with the auditor's non-compliance.</p>	CLOSED
B16	<p>The Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:</p> <p>(a) be prepared by a suitably qualified and experienced noise expert;</p> <p>(b) describe procedures for achieving the noise management levels in EPA's Interim Construction Noise Guideline (DECC, 2009);</p> <p>(c) describe the measures to be implemented to manage high noise generating works such as piling, in close proximity to sensitive receivers;</p> <p>(d) include strategies that have been developed with the community for managing high noise generating works;</p> <p>(e) describe the community consultation undertaken to develop the strategies in condition B16(d);</p> <p>(f) include a complaints management system that would be implemented for the duration of the construction; and</p> <p>(g) include a program to monitor and report on the impacts and environmental performance of the development and the effectiveness of the implemented management measures in accordance with the requirements of condition B12.</p>	<p>(a) The CNVMP was prepared by consultant Norman Disney and Young however the qualifications of the personnel preparing the plan had not been documented in the plan.</p> <p>(b) Section 5 outlines the noise mitigation measures</p> <p>(c) Section 5 outlines the noise mitigation measures</p> <p>(d) Section 8 of the CNVMP outlines the proposed consultation process with the community but no consultation had not occurred at the time of drafting the plan hence no strategies, developed in consultation with community, have been documented.</p> <p>(e) Section 8 of the CNVMP outlines the proposed consultation process with the community but no consultation had not</p>	<p>Recommendation B16: Update the CNVMP to include:</p> <ul style="list-style-type: none"> - qualifications of the personnel preparing the plan - include details of consultation undertaken with the community and agreed strategies to manage high noise generating works. 	<p>Within 3 months of submission of the independent environmental audit, the strategies, plans and program will be reviewed to update the CNVMP to include the outstanding information (condition A31).</p>	OPEN

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		<p>occurred at the time of drafting the plan.</p> <p>(f) Section 9 describes the complaints management system as per the School Infrastructure NSW processes.</p> <p>(g) Section 6 outlines construction noise monitoring requirements</p>			
B17	<p>The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the procedures for the management of waste including the following:</p> <p>(a) the recording of quantities, classification (for materials to be removed) and validation (for materials to remain) of each type of waste generated during construction and proposed use for materials to remain;</p> <p>(b) information regarding the recycling and disposal locations; and</p> <p>(c) confirmation of the contamination status of the development areas of the site based on the validation results.</p>	<p>(a) Waste records are addressed in Section 8 of the WMP.</p> <p>The Bingo Monthly report for waste disposal identifies recyclable materials and landfilled materials. For January 2023, it reported that 90.07% of wastes, by weight, were recycled. The Mainland Civil Cartage Export Tracking Summary - Fill Material register records waste quantities, classifications, disposal facility, and date.</p> <p>Details of how wastes records are to be recorded for the project on the Bingo and Mainland Civil registers should be referenced in the CWMSWP.</p> <p>(b) Waste recycling and disposal locations are not addressed in the CWMSWP.</p> <p>(c) There is no strategy to address contaminated waste in the CWMSWP.</p>	<p>NON COMPLIANCE</p> <p>WPHS01/NC-03: The CWMP did not include:</p> <ul style="list-style-type: none"> • details of how wastes records are to be recorded for the project on the Bingo and Mainland Civil registers. • nominate recycling and disposal locations. • address the potential for contaminated waste and contaminated waste management. <p>Recommendation B17; Update the CWMSWP to include:</p> <ul style="list-style-type: none"> - Details of how wastes records are to be recorded for the project on the Bingo and Mainland Civil registers - to nominate recycling and disposal locations. - address the potential for contaminated waste and contaminated waste management 	<p>Within 3 months of submission of the independent environmental audit, the strategies, plans and program will be reviewed to update the CWMSWP to include the outstanding information (condition A31).</p>	OPEN
B18	<p>The Applicant must prepare a Construction Soil and Water Management Sub-Plan (CSWMSWP) and the plan must address, but not be limited to the following:</p> <p>(a) be prepared by a suitably qualified expert, in consultation with Council;</p>	<p>At the time of the audit, the site did not have a CSWMP. The document presented in Appendix G of the CEMP was an erosion and sediment</p>	<p>NON COMPLIANCE</p> <p>WPHS01/NC-04: The site did not have a CSWMP. The document presented in Appendix G of the CEMP was an erosion and</p>	<p>Within 3 months of submission of the independent environmental audit, the strategies, plans and program will be reviewed to update the CSWMSWP to include</p>	OPEN

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	<p>(b) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;</p> <p>(c) describe all erosion and sediment controls to be implemented during construction, including as a minimum, measures in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom 2004) commonly referred to as the 'Blue Book';</p> <p>(d) include an Acid Sulfate Soils Management Plan, if required, including measures for the management, handling, treatment and disposal of acid sulfate soils, including monitoring of water quality at acid sulfate soils treatment areas;</p> <p>(e) direct all sediment laden water in overland flow away from the leachate management system and prevent cross-contamination of clean and sediment or leachate laden water;</p> <p>(f) provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site);</p> <p>(g) detail all off-site flows from the site; and</p> <p>(h) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 5-year ARI and 1 in 100-year ARI.</p>	<p>control plan (ESCP) and did not address the requirements of the DPIE guideline for management plans as per condition B12.</p> <p>A review of the ESCP confirmed that the ESCP addressed the requirements of the CSWMP as follows: the requirements of Condition B18 as follows:</p> <p>(a) qualifications of expert was not addressed. Email correspondence between Roberts Co and City of Parramatta confirmed attempts to seek consultation with the Council for the ESCP. There was no record of follow up or response by Council. Regarding the ESCP, Council email dated 26/10/22 stated that "while some of the referenced documents that provide the finer detail around the site dewatering and other soil and water management aspects have not been provided, in this case I believe that the general framework for managing these aspects is adequate as indicated". Refer to Condition A10 for recommendations.</p> <p>(b) Detail of a temporary construction vehicle exit has been provided. Management of the exit is not detailed and clean up of tracked material on roads is not addressed.</p> <p>(c) Addressed in the ERSED Plan</p> <p>(d) Addressed in CEMP Appendix J - Acid Sulphate Soils</p>	<p>sediment control plan (ESCP) and did not address the requirements Condition B18 and of the DPIE guideline for management plans as per condition B12.</p> <p>Recommendation B18: Prepare a SWMP to address the full requirements of CoA B18 and A10.</p>	<p>the outstanding information (condition A31).</p>	

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		<p>Management Plan Rev 1 12 October 2022</p> <p>(e) Not addressed</p> <p>(f) Not addressed</p> <p>(g) The ESCP shows that off-site flows from the site limited to a connection the Council stormwater system along Burroway Road. In practice, this did not occur. During the site inspection, it was observed that surface water was permitted to exit the site along the Burroway Road boundary.</p> <p>(h) Not addressed</p>			
B19	<p>The Construction Flood Emergency Management Sub-Plan must address, but not be limited to, the following:</p> <p>(a) be prepared by a suitably qualified and experienced person(s);</p> <p>(b) address the provisions of the Floodplain Risk Management Guidelines (EHG);</p> <p>(c) include details of:</p> <p>(i) the flood emergency responses for construction phases of the development;</p> <p>(ii) predicted flood levels;</p> <p>(iii) flood warning time and flood notification;</p> <p>(iv) assembly points and evacuation routes;</p> <p>(v) evacuation and refuge protocols; and</p> <p>(vi) awareness training for employees and contractors, and users/visitors.</p>	<p>(a) The CFEMP was prepared by consultant Taylor Thompson and Whiting however the qualifications of the personnel preparing the plan have not been documented in the plan. A copy of the CV of the expert that prepared the plan, was subsequently appended to a revised copy of the plan.</p> <p>(b) Flood plains risk management guidelines is not referenced in Section 1.1</p> <p>(c)(i) Sections 3 and 5</p> <p>(c)(ii) Section 2</p> <p>(c)(iii) Section 3</p> <p>(c)(iv) Section 5</p> <p>(c)(v) Section 5,6 and 7</p> <p>(c)(vi) Section 6</p>	<p>NON COMPLIANCE WPHS01/NC-05: The CFEMP did not include:</p> <ul style="list-style-type: none"> - qualifications of the experts that prepared the plan. - appropriate referencing to the Floodplain Risk Management Guidelines (EHG). <p>Recommendation: Update the CFEMSP to include qualifications of the experts that prepared the plan. Provide appropriate referencing to the Floodplain Risk Management Guidelines (EHG).</p>	<p>Within 3 months of submission of the independent environmental audit, the strategies, plans and program will be reviewed to update the CFEMSP to include the outstanding information (condition A31).</p> <p>The CFEMSP addresses the provisions of the Floodplain Development Manual (2005), which is the primary document referenced within the Floodplain Risk Management Guidelines. SINSW does not agree with the auditor's non-compliance.</p>	OPEN

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C8	The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).	The Erosion and Sediment Control Plan was out of date and the controls were observed to be incorrectly installed. Sediment was observed in the gutter to Burroway Road adjacent to the site, indicating that sediment controls were not effective. Refer to Recommendation WPHS-01/C8.	Develop progressive ESCP that are regularly updated for site conditions. Implement the updated ESCP on-site and undertake pre and post rainfall inspections of controls.	<p>Develop progressive ESCP that is regularly updated for site conditions.</p> <p>Within 3 months of submission of the independent environmental audit, the strategies, plans and program will be reviewed to update the CFEMSP to include the outstanding information (condition A31).</p> <p>Implement the updated ESCP on-site and undertake pre and post rainfall inspections of controls.</p>	OPEN



Attachment B – Response to Independent Audit observations/recommendations

Condition ID	Compliance Requirement	Audit Observation/Opportunity for Improvement	Proponent's Proposed or Completed Action or reason for not implementing measures/changes	Due Date/Status
A10	Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document for information or approval; and (b) provide details of the consultation undertaken including: (i) the outcome of that consultation, matters resolved and unresolved; and (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	OBSERVATION OF CONCERN WPHS-01/Obs-01: Whilst the consultation details outlined in Condition A10, for plans and other documents required by this Approval, were accessible to the auditor, they were not appended to the relevant document, as is considered industry standard by the Department.	Despite the consultation evidence being provided to the auditor, SINSW considers it unnecessary to amend these plans to include these consultation records. Should DPE require these to be appended, SINSW will submit revised plans under their review as required in consent condition A31(b).	CLOSED
B13	Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier for approval. The CEMP must include, but not be limited to, the following: (a) Details of: (i) hours of work; (ii) 24-hour contact details of site manager; (iii) management of dust and odour to protect the amenity of the neighbourhood; (iv) groundwater management plan including measures to prevent groundwater contamination; (v) external lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting; (vi) community consultation and complaints handling as set out in the Community Communication Strategy required by condition B9; (b) an unexpected finds protocol for contamination and associated communications procedure to ensure that potentially contaminated material is appropriately managed; (c) Construction Traffic and Pedestrian Management Sub-Plan (see condition B15); (d) Construction Noise and Vibration Management Sub-Plan (see condition B16); (e) Construction Waste Management Sub-Plan (see condition B17); (f) Construction Soil and Water Management Sub-Plan (see condition B18); and (g) Construction Flood Emergency Management Plan (see condition B19).	OBSERVATION OF CONCERN WPHS-01/Obs-02: There has been no high level independent review of the CEMP and supporting plans for this Project. Numerous avoidable deficiencies were identified in the sub-plans, which may not have occurred, if an independent review had been undertaken.	Roberts Co correspondence confirmed that the CEMP was submitted to the Certifier for approval. The Auditor states that the plan broadly addresses: (a) Details of: (i) addressed in Section 2.6 (ii) Section 9 identifies the Site Project Manager, Health and Safety Manager and Environment Manager as 24 hour contacts. (iii) Section 4.5 addresses air quality (iv) Section 4.8.2 addresses groundwater (v) Section 4.9 addresses lighting (vi) Section 5 addresses communications. (b) Appendix B comprises an unexpected finds protocol. (c) Appendix D comprises TPMP (d) Appendix E- NVMP (e) Appendix F - Waste Management Plan (f) Appendix G - CSWMP (g) Appendix H- CFEMP On this basis, the auditor concluded that the CEMP broadly complies with this condition. SINSW notes that the certifier, BCA Logic, confirmed receipt of the CEMP as per the requirement of the condition, however the CEMP was not approved by the certifier. SINSW has documentary evidence from	CLOSED

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			the certifier that they are not qualified to approve the CEMP and supporting plans.	

