

Mick Cassel  
Planning Secretary  
Department of Planning and Environment  
Locked Bag 5022  
Parramatta NSW 2124

9 September 2022

Dear Mr Cassel

**Young High School Library and Joint-Use Community Facility - SSD 9671:  
Notification of Non-Compliance in accordance with conditions A26, A27, B29,  
C12 & C18**

I refer to Young High School Library and Joint-Use Community Facility SSD 9671 approved on 21 May 2020.

In accordance, with conditions A26 & A27 of the consent, the Department of Education writes to notify the Department of Planning and Environment of a non-compliance with the following conditions:

- A26 – Non-Compliance Notification
- A29(a) – Submission of Compliance report under condition B27
- A29(c) – Revision of strategies, plans and programs
- B29 – Compliance reporting
- C12 – Construction Noise Limits
- C18(c) & (e) – Tree Protection

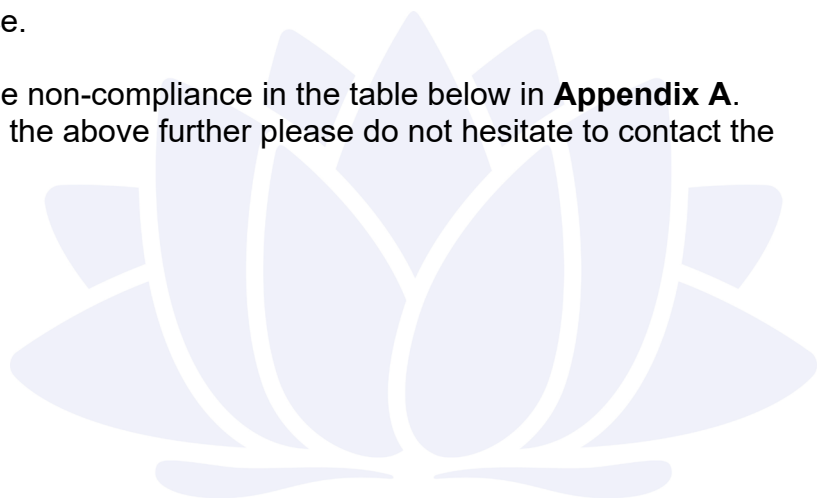
The Department of Education seeks to set out the conditions of consent that the development is non-compliant with, the way in which it does not comply, the reason for the non-compliance, and what actions have been, or will be undertaken to address the non-compliance.

Please see the details of the non-compliance in the table below in **Appendix A**. Should you wish to discuss the above further please do not hesitate to contact the undersigned.

Yours sincerely,



**Marty Smith**  
**Project Director**



## **School Infrastructure NSW**

### **Appendix A – Details of Non-Compliance**



## Appendix A – Details of Non-Compliance

Cond.	Condition Heading	Condition Wording	Evidence	Action for Compliance	Status
A26	<b>Non-Compliance Notification</b>	<p>The Planning Secretary 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.</p> <p>The Certifying Authority must also notify the Planning Secretary 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.</p>	<i>This letter satisfies the notification for non – compliances as detailed below.</i>	<p><i>Non compliances were not submitted within 7 days of becoming aware of them.</i></p> <p><i>This notification is evidence that non-compliances have now been submitted to the Planning Secretary.</i></p>	CLOSED
A29	<b>Revision of Strategies, Plans and Programs</b>	<p>Within three months of:</p> <p>(a) <b>the submission of a compliance report under condition B27;</b></p> <p>(b) the submission of an incident report under condition A25;</p> <p>(c) <b>the submission of an Independent Audit under condition C37;</b></p> <p>(d) the approval of any modification of the conditions of this consent; or</p> <p>(e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,</p>	<p>A compliance audit under condition B27 of this consent was provided to the Planning Secretary on 21 April 2021.</p> <p>An independent audit under consent condition C37 was provided to the Planning Secretary 21 July 2021.</p> <p>Within 3 months of these dates, we notified the Planning Secretary that a review is being carried out on the 06 October 2021 and again, on 09 November 2021.</p>	<i>SINSW will advise in writing the Planning Secretary and the Certifying Authority that review of plans, strategies and programs will be carried out within three (3) months of items A – E.</i>	CLOSED

Cond.	Condition Heading	Condition Wording	Evidence	Action for Compliance	Status
B29	<b>Compliance Reporting</b>	Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Program.	The timing outlined in the Compliance Monitoring and Reporting Program submitted under B27 noted that the Third Compliance report was due 18 May 2022.	<i>Non-Compliance Notification (this notification) as per Condition A26 is submitted to the Planning Secretary.</i>  <i>SINSW will submit the Compliance Report on 09 September 2022.</i>	OPEN
C12	<b>Construction Noise Limits</b>	<p>The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009).</p> <p>All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved Construction Noise and Vibration Management Plan.</p>	<p>During the independent audit, the auditor noted the following:</p> <p><i>The CNVMSP requires localized barriers and site hoarding to be installed. No local noise barriers have been installed. No hoarding of the site boundary is in place. The Auditor observes that the limited amount of construction underway is unlikely to generate substantial noise impacts.</i></p>	<p>The independent auditor has noted the following in the independent audit:</p> <p><i>In response to the draft audit comments, Joss Construction have purchased 'Flexshield' noise barrier curtains for the extent along the Childcare centre fence in anticipation for when construction resumes. It is noted that no works are currently occurring at Block NN, and due to the sensitivity of the archaeological salvage site, Joss will only be erecting the noise curtains in this area when salvage works are complete and the site is cleared for construction.</i></p> <p><i>Joss Construction have also engaged Marshall Day Acoustics to inspect and review the currently implemented noise mitigation measures onsite.</i></p> <p>The project team have acknowledged the comments made by the auditor and advise that due to the state significant archaeological excavation taking place at the time of the audit, a hoarding could not be installed due to the potential ground disturbance which the project did not have permission to dig under until the archaeological salvage works were completed. In addition to the above, the flexishield local noise barriers have been installed to the adjacent boundary of the childcare centre in March 2022.</p>	CLOSED

Cond.	Condition Heading	Condition Wording	Evidence	Action for Compliance	Status
C18	<b>Tree Protection</b>	<p>For the duration of the construction works:</p> <p>(c) all trees on the site that are not approved for removal must be suitably protected during construction;</p> <p>(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.</p>	<p>During the independent audit, the auditor noted the following:</p> <p><i>The tree adjacent to the library (Tree 42) was previously surrounded by concrete pavement which was approved as part of this SSD to be removed. The pavement removal works were completed in January 2022 (prior to the inspection). However Tree 42, which is to be retained, was not protected during the site inspection.</i></p>	<p>The independent auditor has noted the following in the independent audit:</p> <p><i>Arborist advice was received following the audit site inspection which stated: 'Joss Construction have implemented a sufficient Tree Protection Zone and other control measures prior to my arrival onsite.'</i></p> <p>The above comment from the arborist confirms that the tree protection zone has been installed in January 2022 which closes out this non-conformance.</p> <p>However the arborist also makes the following comment:</p> <p><i>'I do note that the works documented to occur in the region of the tree do pose threat to the tree. It should be noted now that the contractor's utmost care may not be sufficient for the trees survival given the amount of disturbance documented and approved that is to occur to the area'.</i></p> <p>The project team have acknowledged the comment made by the arborist and will monitor the trees health in line with the approved Tree Protection and Removal Plan referred to in CoC A2(d) to determine whether this needs to be revised to allow for the replacement of this tree in the event it does not survive.</p> <p>Should any revisions be required, they will be issued to the Planning Secretary in line with Condition A30.</p>	CLOSED