

SSD 9671

Jim Betts
Planning Secretary
Department of Planning Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Attn: Rob Sherry

Wednesday, July 21, 2021

Dear Mr Sherry

**Young High School Library and Joint-Use Community Facility and SSD 9671:
Independent Environmental Audit in accordance with Condition C34, C37 and
C38**

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

In accordance with condition C34 and C38 of the development consent the following documents are being submitted to the Planning Secretary for information:

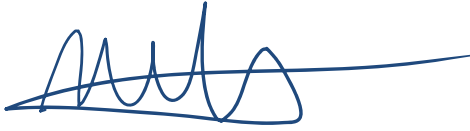
- SSD 9671 - Independent Audit Report - Wolf Peak - Rev V1 - June 2021.

As per the requirements of Condition C37 which outlines the need to meet the specific requirements in the *Independent Audit: Post Approval Requirements (Department 2018)*, the following attachments are submitted to the Department as a response to the Independent Audit Report in accordance with C37a and C37b.

- Attachment A - Response to Independent Audit non-compliances
- Attachment B - Response to Independent Audit corrective action request and observations.

I hereby provide 7 day notification of our intention to publicly release the response to the Independent Audit Report within 60 days of this submission which demonstrates our commitment to complying with condition C37c.

Yours sincerely,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Marty Smith
Project Director
School Infrastructure NSW

Attachment A – Response to Independent Audit non-compliances (Section 3 & Appendix A of the IA Report)

Attachment B – Response to Independent Audit Corrective action requests and observations (Section 3 & Appendix A)



Attachment A – Response to Independent Audit non-compliances (Section 3 & Appendix A of the IA Report)

Item (As referenced in audit report)	Condition ID	Type	Compliance Requirement	Audit Recommendation	Action (By whom and when)	Status	Project Team Comment and Evidence of Actions
1	CoC A8	Non-compliance	CoC A8 requires that, 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. There was no evidence of consultation having been undertaken with the community on strategies to manage high noise impact works as required by CoC B15.	Complete consultation with the community in accordance with CoC B15 and revise the CNVMSP (if required). If a revision occurs, it should be completed in accordance with CoC A30.	Joss Group 30/09/21	OPEN	Evidence of consultation with the community was provided via several letter drops as indicated on the SINSW website. See the link below to gain access to the SINSW website https://www.schoolinfrastructure.nsw.gov.au/projects/y/young-library.html#category-works-notifications of works notifications issued to date. Joss Construction are currently liaising with Marshall Day to implement a consultation record within the CNVMSP as per CoC B15(d). This appendix will form part of the revised CNVMSP and issued to the Planning Secretary in line with Condition A30. SINSW also note this item has been identified as a non compliance to DPIE on 29 June 2021 and a response was received on 7 July 2021 with no further enforcement actions at this stage were necessary.
3	CoC A29	Non-compliance	CoC A29 requires that within three months of: (a) the submission of a compliance report under condition B32; (b) the submission of an incident report under condition A29; (c) the submission of an Independent Audit under condition C39; (d) the approval of any modification of the conditions of this consent; or (e) the issue of a direction of the Planning Secretary under condition A2 which requires a review, the strategies, plans and programs required under this consent must be reviewed, and the Planning Secretary and the Certifier must be notified in writing that a review is being carried out. A review was notified 7 days after the three month trigger of Modification 1.	The review was notified after the due date.	NA	CLOSED	DPIE was notified of this non compliance on Friday 28 May with a response from DPIE received on 4 June 2021 noting no further enforcement action was necessary.
4	CoC B7	Non-compliance	CoC B7 requires that prior to the commencement of earthworks, the Applicant must prepare an unexpected contamination procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition B13 and where any material identified as contaminated is to be disposed off-site, the disposal location and results of testing submitted to the Planning Secretary prior to its removal from the site. The unexpected finds procedure does not include the requirement whereby, the disposal location and results of testing must be submitted to the Planning Secretary prior to the off-site disposal of any unexpected contaminated material.	Revise the unexpected finds procedure within the CEMP to capture the necessary reporting requirements. The revision should be completed in accordance with CoC A30.	Joss Group 30/09/21	CLOSED	A review of unexpected contamination procedure was undertaken and has been updated to capture the necessary reporting requirements under CoC B13. The following paragraph was added under Section 4. <i>Once the contaminated material has been identified, the disposal location and test results shall be submitted to the Planning Secretary in accordance with Condition B7 of the SSD Consent. When the material is removed from the site, it shall be transported as per EPA guidelines, to a certified and licensed disposal facility for remediation or disposal. Receipts for all disposal shall be collected and form part of the final sign off.</i> Unexpected Finds Procedure forms Attachment A of the A30 submission to DPIE for revised plans which was submitted to DPIE on 9 July 2021.

Item (As referenced in audit report)	Condition ID	Type	Compliance Requirement	Audit Recommendation	Action (By whom and when)	Status	Project Team Comment and Evidence of Actions
7	CoC B15	Non-compliance	CoC B15 requires that the Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:	Complete consultation with the community in accordance with CoC B15 and revise the CNVMSP (if required). If a revision occurs, it should be completed in accordance with CoC A30.	Joss Group	OPEN	<p>As per item 1 above, Joss Construction and SINSW can confirm that consultation of noisy works has been undertaken via direct consultation with Young High School as well as with the local community via letterbox drops as evidenced here:</p> <p>https://www.schoolinfrastructure.nsw.gov.au/projects/y/young-library.html#category-project-updates</p> <p>Joss Construction are currently liaising with Marshall Day to implement a consultation record within the CNVMSP as per CoC B15(d).</p> <p>This appendix will form part of the revised CNVMSP and issued to the Planning Secretary in line with Condition A30.</p> <p>SINSW also note this item has been identified as a non compliance to DPIE on 29 June 2021 and a response was received on 7 July 2021 with no further enforcement actions necessary.</p>
			(d) include strategies that have been developed with the community for managing high noise generating works; (e) describe the community consultation undertaken to develop the strategies in condition B15(d).		30/09/21		
			<p>Note this finding relates to the same issue as identified against CoC B8.</p> <p>There was no evidence of consultation having been undertaken with the community on strategies to manage high noise impact works.</p>				
8	CoC C12	Non-compliance	CoC C12 requires that the development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). 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.	Install noise barriers in accordance with the CNVMSP.	Joss Group	OPEN	<p>Joss Construction note due to the currently limited work on site, extensive noise barrier and hoarding was not required as shown in Table 9: Noise control recommendations for site in the submitted CNVMSP under Condition C12.</p> <p>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.</p> <p>Joss Construction have also engaged Marshall Day Acoustics to inspect and review the currently implemented noise mitigation measures onsite. The CNVMSP will then be updated and issued to the Planning Secretary in line with Condition A30.</p> <p>SINSW also note this item has been identified as a non compliance to DPIE on 29 June 2021 and a response was received on 7 July 2021 with no further enforcement actions necessary. Refer to both letters in Item 1 Folder for more information.</p>
			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.		30/09/21		
11	CTPMSP	Non-conformance	Section 9.2 of the CTPMSP states that one compliance audit (using the Traffic Control at Work Site Safety Inspection	Implement the CTPMSP in full (including an audit on traffic arrangements) or revise the CTPMSP to reflect current practice. If a revision occurs, it should be completed in accordance with CoC A30.	Joss Group	CLOSED	GAME Traffic have attended site on 30 June 2021 and undertaken an audit on the CPTMSP in accordance with the auditing requirements.
	Section 9.2		Checklist from the Traffic Control at Work Site Technical Manual) shall be conducted following setting-up of the traffic management and prior to commencement of the works. Audit findings, recommendations and actions taken shall be documented and copies forwarded to the Traffic Control site manager.		30/09/21		
			No audit of the traffic set up had been completed at the time of the Independent Audit.				
12	CNVMSP	Non-conformance	Section 7.1.1 of the CNVMSP commits to implementing the equipment specific noise control measures detailed in Table 9.	Install noise barriers in accordance with the CNVMSP.	Joss Group	OPEN	<p>Joss Construction are working with Marshall Day Acoustics to ensure the current implementation of noise mitigation on site is reflected in an updated Table 9 within the CNVMSP to be issued to the Planning Secretary in line with Condition A30.</p> <p>SINSW also note this item has been identified as a non compliance to DPIE on 29 June 2021 and a response was received on 7 July 2021 with no further enforcement actions necessary.</p>
	Section 7.1.1 and Table 9		This includes the requirement to install localised noise barriers (around plant and equipment) and solid 2m site hoarding on the boundary during site preparation works.		30/09/21		
			<p>Note that this finding relates to the same issue as identified against CoC C12.</p> <p>No local noise barriers have been installed, despite a small amount of light hammering occurring. No hoarding of the site boundary is in place.</p>				
13	CNVMSP		Section 7.6 of the CNVMSP states that:		Joss Group	OPEN	

Item (As referenced in audit report)	Condition ID	Type	Compliance Requirement	Audit Recommendation	Action (By whom and when)	Status	Project Team Comment and Evidence of Actions
	Section 7.6	Non- conformance	<p>Attended noise monitoring to be conducted for a representative period during each phase of construction. (Site Preparation and Construction).</p> <p>The results of the monitoring will be compiled in a report, comparing the measured noise levels at each identified receiver with the predicted construction noise levels identified for each phase.</p> <p>Any exceedances over and above those predicted shall be commented on, and if particular works are identified as creating excessive noise, the construction noise management sub-plan would be reviewed with further noise mitigation options explored and employed if possible. This review is intended to provide periodic refinement of the plan, determination of the effectiveness of noise control measures and an assessment of on-site work practises.</p>	Undertake noise monitoring in accordance with the CNVMSP.	30/09/21		<p>As per A21: Joss Construction note that while attended noise monitoring had occurred, the monitoring was not conducted by a trained person in accordance with AS1055.</p> <p>Joss Construction have engaged Marshall Day to undertake noise monitoring for the site preparation/ early construction phase of the works in accordance with the submitted CNVMSP.</p> <p>Joss Construction are also in the process of arranging training for those required to best understand and implement noise and vibration monitoring.</p> <p>SINSW also note this item has been identified as a non compliance to DPIE on 29 June 2021 and a response was received on 7 July 2021 with no further enforcement actions necessary.</p>
			Attended noise monitoring has occurred, however the records do not clearly demonstrate that the monitoring was conducted in accordance with AS1055 (or any other relevant standard). There is also no evidence of the results having been compared to predicted noise levels.				



Attachment B – Response to Independent Audit Corrective action requests and observations (Section 3 & Appendix A)

Item (As refereed in audit report)	Condition ID	Type	Compliance Requirement	Audit Recommendation	Action (By whom and when)	Status	Project Team Comment and Evidence of Actions
2	CoC A21	Observation	CoC A21 states that any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. The relevant section of the EP&A Act relates to (among other things) the need to be accurate, true (not misleading), properly conducted (approved methodology, calibrated etc) and with records retained. Attended noise monitoring has occurred, however the records do not clearly demonstrate that the monitoring was conducted in accordance with AS1055 (or any other relevant standard).	Attended noise monitoring conducted in accordance with the CNVMSP is to be completed by a trained person and in accordance with the relevant standard. Refer also to the finding in relation to CNVMSP Section 7.6.	Joss Group Prior to next monitoring round	OPEN	Joss Construction note that while attended noise monitoring had occurred, the monitoring was not conducted by a trained person in accordance with AS1055. Joss Construction have engaged Marshall Day to undertake noise monitoring for the site preparation/ early construction phase of the works in accordance with the submitted CNVMSP. Site visit dates are pending the current COVID-19 outbreak. SINSW also note this item has been identified as a non compliance to DPIE on 29 June 2021 and a response was received on 7 July 2021 with no further enforcement actions at this stage were necessary. Joss Construction are also in the process of arranging training for those required to best understand and implement noise and vibration monitoring.
5	CoC B12	Observation	CoC B12 requires that Management plans required under this consent must be prepared in accordance with relevant guidelines, and include (b)(iii) details of: the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures. Specific performance indicators (CoC B12(b)(iii)) are presented in Section 4.4 of the CEMP. These are generally adequate despite being described at high level. Joss commits to reporting on its environmental performance to the client verbally at the Project Meetings and/or in a Monthly Report. It is the Auditors view that verbal reporting is not adequate.	Revise the CEMP to ensure reporting of performance against specific performance indicators is provided in writing. The revision should be completed in accordance with CoC A30.	Joss Group 30/09/21	CLOSED	A review of the CEMP was undertaken and has been updated to capture the reporting of performance against specific performance indicators is provided in writing. Please refer to section 4.4 of which the wording has been updated to: <i>Joss shall report on our Environmental performance in writing to the client at the weekly minuted Project Construction Meeting and in a Monthly Report.</i> The revised CEMP forms Attachment C of the A30 submission to DPIE for revised plans which was submitted to DPIE on 9 July 2021.
6	CoC B13	Observation	CoC B13 requires that prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifying Authority and provide a copy to the Planning Secretary. The CEMP must include, (a)(vi) a groundwater management plan including measures to prevent groundwater contamination. Whilst measures to prevent groundwater contamination (control of surface waters, handling of liquids, spill response) are included at a high level, there is no discussion on the management of groundwater / subsurface waters. The Auditor notes that the Preliminary Contamination Investigation and the Preliminary Geotechnical Site Investigation Report in the EIS identify standing water at 3.3m below ground level, with no water present in bores drilled to 3m. The Auditor is not aware of the depth of the piles being installed for the buildings, nor whether groundwater will be encountered.	Confirm whether groundwater / standing water will be encountered during construction. If groundwater is to be encountered, revise the CEMP to include further details on how contamination of these waters would be prevented. The revision (if required) should be completed in accordance with CoC A30.	Joss Group 30/09/21	OPEN	Joss team have acknowledged this observation and will investigate further. Should any revisions be required, they will be issued to the Planning Secretary in line with Condition A30.
9	CoC C19	Observation	CoC C19 requires that the Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.	It was agreed with the school that shade cloth was not appropriate as it created another hazard.	NA	CLOSED	SINSW approved of specific internal areas to have no Bannamesh on site due to the safety concern present.

Item (As refereed in audit report)	Condition ID	Type	Compliance Requirement	Audit Recommendation	Action (By whom and when)	Status	Project Team Comment and Evidence of Actions
			At the site inspection the Auditor observed that site fencing is not fitted with shade cloth (which can reduce dust). This decision was made by Joss, SINSW and the existing school to manage the risk of the fence falling in high wind, following an event where fence was blown over during the night time period on 02/02/21 (it is understood that no one was on site at the time of the event, and no one was at risk of being struck).				The reasoning was as follows: <ul style="list-style-type: none"> • The safety concerns of the Bannamesh creating a 'wind sail' and potentially injuring someone (either student, teacher or construction worker). • The amount of bracing required would eat into both circulation space and the already small building footprint of the areas on site making construction and materials handling much more difficult and require further interfacing with students and workers • The areas in question are internal on school grounds only and not public facing.
10	CTPMSP	Observation	Section 8.5 of the CTPMSP states:	Implement the CTPMSP in full or revise the CTPMSP to reflect current practice. If a revision occurs, it should be completed in accordance with CoC A30.	Joss Group	CLOSED	A review of the CTPMSP was undertaken and has been updated to capture the current practice on site. Please refer to section 8.5 for revised wording in relation to the timing of reviews of toolbox meetings and safe work method statements to be updated in line with procedures occurring on site. <i>TOOLBOX MEETINGS</i> <i>Site-wide Toolbox meetings to be carried out when the TMP changes.</i> <i>SAFE WORK METHOD STATEMENTS</i> <i>SWMS will be reviewed when the TMP changes.</i> The revised CTPMSP forms Attachment E of the A30 submission to DPIE for revised plans which was submitted to DPIE on 9 July 2021.
	Section 8.5		SITE INDUCTION The requirements of the TMP will be communicated to all personnel entering the site through the site induction program. TOOLBOX MEETINGS Toolbox meeting to be carried out each day outlining the day's activities and any changed to the TMP for schedule. SAFE WORK METHOD STATEMENTS SWMS will be completed every shift outlining the hazards and risk factors onsite.		30/09/21		
			The information provided to subcontractors on the content of the CTPMSP is very brief. The Auditor considers there to be benefit of providing a copy of the CTPMSP to each subcontractor, along with an instruction to read and understand its content. Safe Work Method Statements (SWMS) are not being completed daily. The auditees advise that Toolbox Talks will be undertaken and SWMS reviewed where there is a change in traffic arrangements.				

