

SSD 9671

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

18 February 2022

Dear Mr Cassel

**Young High School Library and Joint-Use Community Facility and SSD 9671:
Independent Environmental Audit in accordance with Condition A26, C37 and
C38**

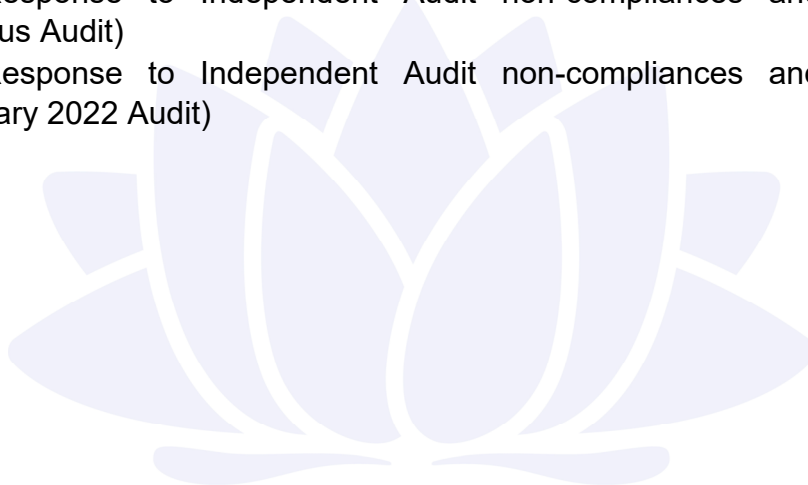
I refer to the Young High School Library and Joint-Use Community Facility approved on 21 May 2020.

In accordance with condition A26, C37 and C38 of the development consent the following documents are being submitted to the Planning Secretary for information:

- SSD 9671 - Independent Audit Report No 2 - Wolf Peak - Rev V2 - February 2021.

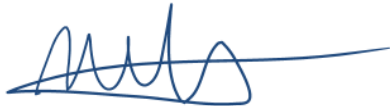
As per the requirements of Condition A26, and C37 which outlines the need to meet the specific requirements in the *Independent Audit: Post Approval Requirements (Department 2018)*, the following attachments are submitted to the Department as a response to the Independent Audit Report in accordance with C37a and C37b.

- Attachment A - Response to Independent Audit non-compliances and observations (previous Audit)
- Attachment B - Response to Independent Audit non-compliances and observations (February 2022 Audit)



I hereby provide 7 day notification period of our intention to publicly release the response to the Independent Audit Report within 60 days of this submission demonstrating compliance with condition C37c.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Marty Smith', with a long horizontal stroke extending to the right.

Marty Smith
Project Director
School Infrastructure NSW

Attachment A – Response to Independent Audit non-compliances and observations (previous Audit)

Attachment B – Response to Independent Audit non-compliances and observations (February 2022 Audit)



Attachment A – Response to Independent Audit non-compliances and observations (previous Audit)

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
IA1_1	CoC A8	Non-compliance	<p>CoC A8 requires that, where conditions of this consent require consultation with an identified party, the Applicant must:</p> <p>(a) consult with the relevant party prior to submitting the subject document for information or approval; and</p> <p>(b) provide details of the consultation undertaken including:</p> <p>(i) the outcome of that consultation, matters resolved and unresolved; and</p> <p>(ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</p> <p>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.</p>	<p>This non-compliance had been reported in accordance with CoCs A26/A27 on 29/06/21 and the auditee states that:</p> <p><i>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: https://www.schoolinfrastructure.nsw.gov.au/projects/y/young-library.html#category-project-updates</i></p> <p>The Auditor notes that the letterbox drops do not include details on strategies to manage noise, nor the opportunity to comment on those strategies.</p> <p>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.</p>	Joss Group 30/09/21	CLOSED Consultation was complete and the CNVMSP did not require an update in response to that consultation.	No further action necessary as this item is closed.
IA1_2	CoC A21	Observation	<p>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.</p> <p>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).</p>	<p>This non-compliance had been reported in accordance with CoCs A26/A27 on 29/06/21 and the auditee advises that the noise consultant has been engaged to conduct noise monitoring and for training to be provided to Project personnel.</p> <p>Attended noise monitoring conducted in accordance with the CNVMSP is to be completed by a trained person and in accordance with the relevant standard.</p> <p>Refer also to the finding in relation to CNVMSP Section 7.6.</p>	Joss Group Prior to next monitoring round	CLOSED The evidence sighted at the second Independent Audit indicates that noise was conducted in accordance with the relevant standard. Noise levels were acceptable at the nearest receiver.	No further action necessary as this item is closed.

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
IA1_3	CoC B13	Observation	<p>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.</p> <p>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 nowater 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.</p>	<p>Confirm whether groundwater / standing water will be encountered during construction. If groundwater is to be encountered, revise the CEMP to include further detail on how contamination of these waters would be prevented.</p> <p>The revision (if required) should be completed in accordance with CoC A30.</p>	Joss Group 30/09/21	<p>CLOSED</p> <p>Piling is now complete (penetrating to 4.5mbgl) and the Project team is not aware of encountering any groundwater. Therefore incorporating this information is now redundant.</p>	No further action necessary as this item is closed.
IA1_4	CoC B15	Non-compliance	<p>CoC B15 requires that the Construction Noise and Vibration Management Sub-Plan must address, but not be limited to, the following:</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 B15(d).</p> <p>There was no evidence of consultation having been undertaken with the community on strategies to manage high noise impact works.</p>	<p>This non-compliance had been reported in accordance with CoCs A26/A27 on 29/06/21 and the auditee states that:</p> <p><i>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: https://www.schoolinfrastructure.nsw.gov.au/projects/y/young-library.html#category-project-updates</i></p> <p>The Auditor notes that the letterbox drops do not include details on strategies to manage noise, nor the opportunity to comment on those strategies.</p> <p>Complete consultation with the community in accordance with CoC B15 and revise the CNVMSP (if required).</p> <p>If a revision occurs, it should be completed in accordance with CoC A30.</p>	Joss Group 30/09/21	<p>CLOSED</p> <p>Consultation was complete and the CNVMSP did not require an update in response to that consultation.</p>	No further action necessary as this item is closed.

IA1_5	CoC C12	Non-compliance	<p>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.</p> <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.</p>	<p>This non-compliance had been reported in accordance with CoCs A26/A27 on 29/06/21 and the auditee states that:</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. The CNVMSP will then be updated and issued to the Planning Secretary in line with Condition A30.</i></p>	<p>Joss Group</p> <p>Prior to construction (excluding heritage salvage works)</p>	<p>OPEN</p> <p>Stage 2 works have only recently commenced. Noise barriers have yet to be installed, however the Auditor acknowledges the following:</p> <p>Noise barriers are available for use along the childcare centre boundary as well as for localised use such as jackhammering, grinding, brick cutting, etc. as identified by Marshall Day in their CNVMSP.</p> <p>The childcare centre is only used 1-3 days per month. Joss have committed to install the noise barriers during these operational days.</p> <p>High noise activities which require localised barriers have not occurred yet.</p> <p>Joss are reviewing the requirement of the full height hoarding in consultation with the archaeologists in relation to its proximity to the existing heritage fence and any in ground works required.</p> <p>Noise monitoring results indicate that noise emissions are not excessive, and no noise complaints have been received to date.</p>	<p>The current CNVMSP recommends, the implementation of a 2-metre-high site hoarding around the perimeter of the construction site. The implementation of this recommendation, to date has been seen as not feasible to Joss.</p> <p>Nevertheless, Joss have not implemented the recommendation made within the CNVMSP to install a solid site hoarding to the perimeter of the site, nor are there, in Joss' sound opinion, reasonable grounds to implement such a mitigation measure, given the gradient of the site, the height of the building being significantly higher than the height of the hoarding and as further reasons outlined below.</p> <p>The first Construction Certificate was issued on 5 May 2021 for the internal refurbishment works of Block EE (existing library within Young High School). Throughout this stage of works there was very minimal noise generated which did not warrant the requirement for full site hoarding to be installed.</p> <p>Commencing in September 2021, and in accordance with CoC B22 & B23, Lantern Heritage recommenced site salvage works to the area of Block NN (proposed new library). Throughout the site salvage works (20 September 2021 – 17 December 2021, inclusive) minimal noisy works had occurred, with a small 5T excavator operating for an average of 2 hours per day.</p> <p>Stage 2 Construction Certificate was issued on 17 December 2021 after receiving a clearance certificate for the site salvage completion. Construction works to this area commenced thereafter in the absence of site hoarding.</p> <p>During this period, the Young High School, Young TAFE & Hennessy Catholic College (the closest 3 receivers) had all been on Christmas holiday break.</p> <p>Joss Group procured Flexshield Acoustic Noise Barriers in June 2021 for installation along the western site fence and adjacent the TAFE childcare centre.</p> <p>The extended unexpected delays during archaeological salvage works delayed the construction works that were to follow, subsequently postponing the installation of the blankets, due to the absence of noisy works onsite. Additionally, the childcare centre was not</p>
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							<p>in use during this time due to COVID-19 shutdown periods.</p> <p>During the time in which Wolfpeak undertook their second IEA on 14 January 2022, the YHS, TAFE & Hennessey College were all still on 2021-22 holiday break.</p> <p>Joss had not yet implemented the acoustic curtains, due to minor landscaping works occurring adjacent the childcare centre fence. Additionally, Joss have purchased additional acoustic curtains for localised hoardings to be erected as construction progresses.</p> <p>Joss are also investigating the requirement for full 2m height hoarding which will require footings near the existing heritage face under the guidance of an archaeologists.</p> <p>It is noted that works over the past 14 months has resulted in zero complaints from nearby stakeholders and community members.</p>
IA1_6	CNVMSP Section 7.1.1 and Table 9	Non- conformance	<p>Section 7.1.1 of the CNVMSP commits to implementing the equipment specific noise control measures detailed in 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.</p> <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>	<p>This non-conformance had been reported through thereporting of the non-compliance with CoC C12 in accordance with CoCs A26/A27 on 29/06/21. The auditee states that:</p> <p><i>In response to the draft audit comments, Joss Construction have purchased 'Flexshield' noise barriercurtains for the extent along the Childcare centre fencein 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. The CNVMSP will then be updated and issued to the Planning Secretary in line with Condition A30.</i></p>	Joss Group Prior to construction (excluding heritage salvage works)	OPEN Refer to IA1_5 above.	Refer to comment in IA1_5 above.

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
IA1_7	CNVMSP Section 7.6	Non-conformance	<p>Section 7.6 of the CNVMSP states that:</p> <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 levelsat 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. Thisreview is intended to provide periodic refinement of the plan, determination of the effectivenessof noise control measures and an assessment of on-site work practises.</p> <p>Attended noise monitoring has occurred, however the records do not clearly demonstratethat 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.</p>	<p>This non-conformance had been reported through the reporting of the non-compliance with CoC A21 in accordance with CoCs A26/A27 on 29/06/21. The auditee advises that that the noise consultant has beenengaged to conduct noise monitoring and for training tobe provided to Project personnel.</p> <p>Attended noise monitoring conducted in accordance with the CNVMSP is to be completed by a trained person and in accordance with the relevant standard.</p>	Joss Group 30/09/21	<p>CLOSED</p> <p>The evidence sighted at the secondIndependent Audit indicates that noise was conducted in accordance with the relevant standard. Noise levels were acceptable at the nearest receiver.</p>	No further action necessary as this item is closed and the project team has provided sufficient evidence to show that noise monitoring was conducted in accordance with the CNVMSP by a trained person and in accordance with the relevant standard.



Attachment B – Response to Independent Audit non-compliances and observations (February 2022 Audit)

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
IA2_2	CoC A30	Non-compliance	CoC A30 requires that, 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. Updates made to the CEMP in July 2021 were submitted to the Department but not to the Certifier.	This non-compliance was reported to the Department in accordance CoC A26.	N/A	CLOSED	DPIE was notified of this non compliance on Tuesday 25 January 2022 with a response from DPIE received on 27 January 2022 noting no further enforcement action was necessary.
IA2_3	CoC B29	Non-compliance	CoC B29 requires that Compliance Reports of the development must be submitted to the Planning Secretary in accordance with timing outlined in the Compliance Monitoring and Reporting Program. Construction Compliance Report 1 was not submitted within 6 months of commencement of construction.	This non-compliance was reported to the Department in accordance CoC A26	N/A	CLOSED	DPIE was notified of this non compliance on Tuesday 25 January 2022 with a response from DPIE received on 27 January 2022 noting no further enforcement action was necessary.
IA2_4	CoC C24	Observation	CoC C24 requires that the Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised. It was observed during the site inspection that three pieces of mobile plant had tonal beepers fitted. The auditees advise that due to the regional location of the Project, sourcing subcontractors that have quackers fitted as standard has not been possible.	Given there have been no complaints received to date the Auditor does not consider this to be a material issue at this time. This will be assessed again in future audit periods.	N/A	CLOSED	The project team has acknowledged this observation and have no further comments noting this item is closed.

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
IA2_5	CoC C18	Non-compliance	<p>CoC C18 requires (in part) that 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>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.</p>	<p>Arborist advice was received following the audit site inspection which stated: <i>'Joss Construction have implemented a sufficient Tree Protection Zone and other control measures prior to my arrival onsite. 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>In light of the above, the Project team should review 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. If a revision is required, then this will require Departmental approval.</p>	<p>Joss Group</p> <p>Prior to the replacement of Tree 42 (if replacement is required).</p>	OPEN	<p>The project team have acknowledged the comment made by the auditor and will review 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>
IA2_6	CCS Section 6.1	Non-conformance	<p>Section 6.1 of the CCS commits to advertising in local newspapers with at least 7 days' notice of significant construction activities, major disruptions and opportunities to meet the project team. Advertising will be updated at project milestones and period of disruption.</p> <p>A major community consultation program was executed for the substantial archaeological finds and salvage. This involved, briefing notes to community, letterbox drops, face to face sessions, social media publications and webpage updates. It did not include advertising in the local paper.</p>	<p>This was reported by the auditee as a non-compliance with CoC B8 on 25/01/22.</p>	N/A	CLOSED	<p>DPIE was notified of this non compliance on Tuesday 25 January 2022 with a response from DPIE received on 27 January 2022 noting no further enforcement action was necessary.</p>