



SYDNEY MODERN GALLERY – SSD 6471

INDEPENDENT AUDIT REPORT

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Revision	Date	Prepared By	Reviewed By	Description
V0	28/02/2020	JH	DL	For issue
V1	05/03/2020	DL	-	Final draft
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Date	27/02/2020	Date	03/07/2020

Executive Summary

Infrastructure New South Wales (INSW) are responsible for delivering the Sydney Modern Gallery Project (SMP, or the Project), a major expansion of the Art Gallery of New South Wales (AGNSW). The SMP comprises a new stand-alone five level building, including the adaptive re-use of a former World War II Navy fuel bunker.

Consent for the Project, State Significant Development (SSD) 6471, was granted on 20 November 2018, subject to a number of Conditions of Consent (CoC). On 17 September 2019 a modification to development consent SSD 6471 was approved (SSD 6471 MOD 1) which provided for design changes, including the addition of cooling towers in place of a seawater heat exchange system, changes to fire stairs, egress and public access areas, and additional excavation and associated landscaping. On 13 December 2019 a second modification to the consent was approved (SSD 6471 MOD 2) which involved minor amendments to condition references.

The objective of this Independent Audit is to satisfy SSD 6471, MOD1 Schedule 2, CoC B13. It requires that Independent Audits of the development be carried out in accordance with the Project's Independent Audit Program and the *Independent Audit Post Approval Requirements* (Department 2018). The Independent Audit seeks to verify compliance with the relevant CoCs and assess the effectiveness of environmental management on the Project.

This Audit Report presents the findings from the first Independent Audit for the construction period, covering the period from 2 December 2019 to 14 February 2020.

Richard Crookes Construction (RCC) has been appointed the principal contractor on behalf of INSW. Construction works began 2 December 2019. Works undertaken since this time include demolition, remediation, hazardous materials removal, and bulk earthworks.

The overall outcome of the Independent Audit was positive. Compliance records were very well organised and available at the time of the site inspection and interview with INSW and RCC personnel on 14 February 2020. Relevant environmental and compliance monitoring records are being collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements.

There were 134 CoCs and 20 Construction Environmental Management Plan and Sub-Plan mitigation measures assessed. There were nine non-compliances identified against the CoC, plus one observation. The non-compliances related to administrative errors in the oversight of submission of the CEMP, Sub-Plans, and Interface Access Agreement to the Planning Secretary prior to commencement; an administrative error in compliance reporting; a lapsed timeframe for confirmation of support by GANSW for the design integrity process; and the availability of a Road Occupancy Licence for out of hours works. The non-compliances do not present a risk to the environment or community.

There was one non-compliance identified against the assessed mitigation measures within the CEMP and Sub-Plans. See Appendix B for details.

Detailed findings are presented in the Audit Table in Appendix A. A summary of Non-Compliances and actions proposed by the Project team to address the findings of this Independent Audit are set out in Section 4.

The overall outcome of the Independent Audit was indicative of a high degree of compliance and environmental performance by INSW, RCC and their contractors. The Auditor would like to thank the auditees for their high level of organisation, cooperation and assistance during the Independent Audit.

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1. Introduction

1.1 The Project

Infrastructure New South Wales (INSW) are responsible for delivering the Sydney Modern Gallery Project (SMP, or the Project), a major expansion of the Art Gallery of New South Wales (AGNSW). The Project site is located to the north-east of the existing AGNSW building, adjacent to Art Gallery Road, The Domain, Sydney NSW. The development will form a separate multi-level building located north of the Eastern Distributor Motorway (EDM) in an area largely occupied by a disused navy fuel bunker, which will be incorporated into the design. The site occupies an area of approximately 3.95 hectares, west of Woolloomooloo Bay, and 500 metres east of the Sydney Central Business District. The Project location is presented in Figure 1.

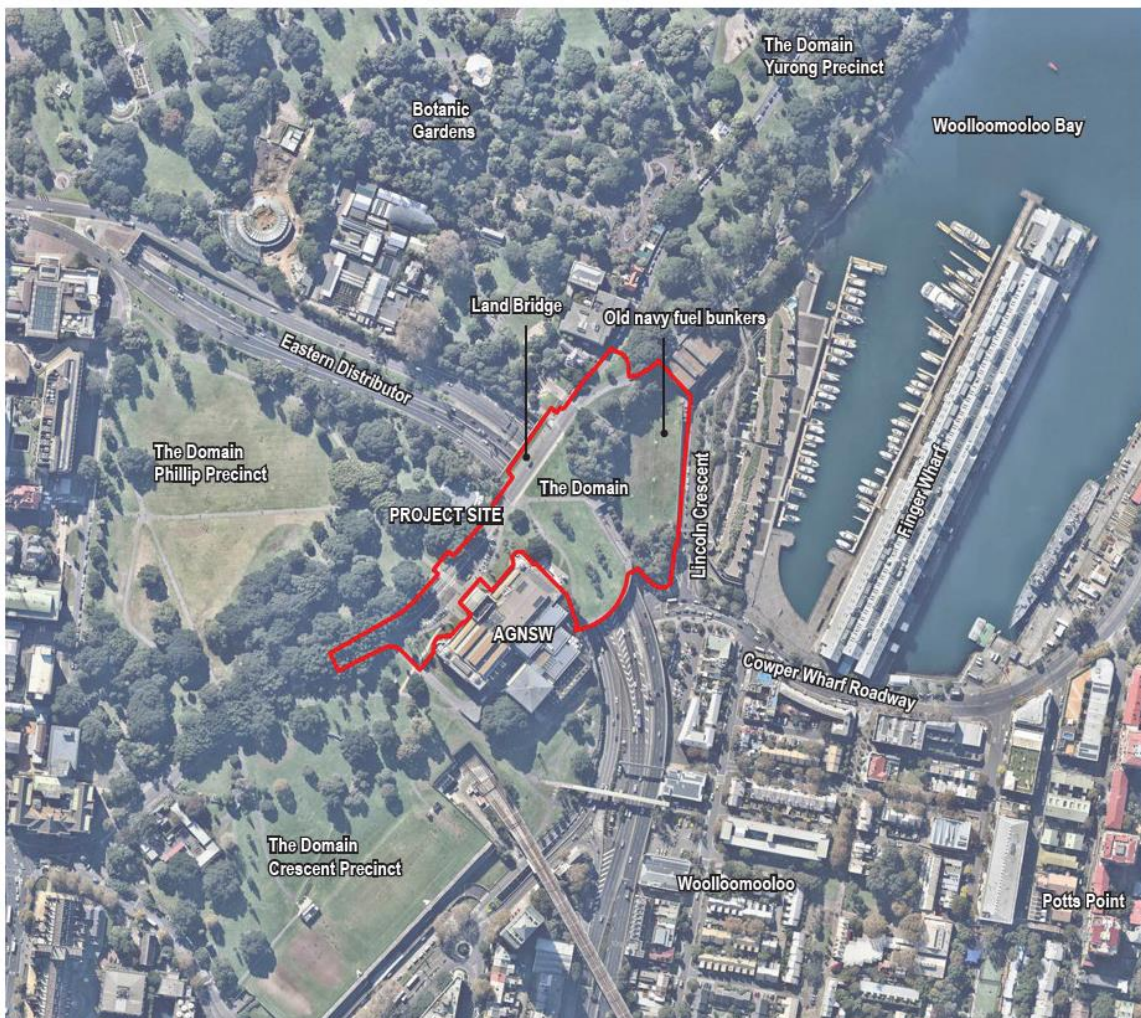


Figure 1: SMP location (source: Clouston Associates, Visual Impact Assessment for SSD 6471)

The SMP comprises a new stand-alone five level building, including the adaptive re-use of a former World War II Navy fuel bunker. The five-level building would contain eight gallery spaces, an entry

plaza canopy and entry pavilion, multi-use and educational spaces, gift shop and cafe, and back-of-house facilities. The Project comprises:

- Site preparation works, including:
 - site clearing, including demolition of a former substation, part of road surfaces, kerbs and traffic islands, pedestrian crossings, footpaths, retaining walls, stairs, and part of the underground former Navy Fuel Bunker
 - tree removal
 - soil remediation works
- Construction of a new building comprising:
 - covered public Entry Plaza
 - five building levels, including an entry pavilion following the site topography down to Lincoln Crescent
 - retention of part of the former underground naval fuel bunker for use as a gallery space and support spaces
 - art exhibition spaces
 - outdoor publicly accessible terraces
 - shop and café
 - multipurpose and educational spaces
 - ground level loading dock (accessed via Lincoln Crescent) with associated art handling facilities, workshops, conservation studio, service parking, plant, and storage areas
- Landscaping and public domain improvements including:
 - continuation of the east-west pedestrian link over the land bridge between the Domain and Woolloomooloo Bay, including a new dedicated lift structure for universal access
 - improved public access of the north-south pedestrian link
 - enhancement of public open space on the land bridge to create a landscape and art connection between the two buildings
 - hard and soft landscaping to roofs and terraces
 - plantings and new pathways
 - increased landscaped area to the forecourt of the existing AGNSW building and removal of car parking
 - relocation of selected trees to the south-eastern corner of the site
 - installation of a sound barrier at the edge of the land bridge
 - upgrade works to part of Art Gallery Road, Cowper Wharf Road, Mrs Macquarie's Road, and Lincoln Crescent, including new pedestrian crossings
 - provision of vehicle drop-off points including a taxi stand, private vehicle drop-off and bus/coach drop-off, at Art Gallery Road
 - installation of cooling towers fed by harvested rainwater (Modification 1)
 - diversion, extension and augmentation of physical infrastructure and utilities as required

A State Significant Development Application for the Project (SSD 6471) was submitted by the AGNSW Trust (the Trust) in November 2017 and consent, subject to conditions, was granted by the Minister for Planning under section 4.38 of the *Environmental Planning and Assessment Act 1979* on 20 November 2018.

On 17 September 2019 a modification to development consent SSD 6471 was approved (SSD 6471 MOD 1) which provided for design changes, including the addition of cooling towers in place of a

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seawater heat exchange system, changes to fire stairs, egress and public access areas, and additional excavation and associated landscaping.

On 13 December 2019 a second modification to the consent was approved (SSD 6471 MOD 2) which involved minor amendments to condition references.

Richard Crookes Construction (RCC) has been appointed the principal contractor on behalf of INSW. Construction commenced on 2 December 2019. Works undertaken since this time include demolition, remediation, hazardous materials removal, and bulk earthworks.

1.2 Approval requirements

Condition of Consent (CoC) B14 of Schedule 2 of SSD 6471 sets out the requirements for undertaking Independent Audits (IAs or audit). The CoCs give effect to the Department's *Independent Audit Guideline Post Approval Requirements, 2018* (IAPAR).

1.3 The audit team

In accordance with Schedule 2, CoC B14 and Section 3.1.3 of the IAPAR, Independent Auditors must be suitably qualified, experienced and independent of the Project, and appointed by the Planning Secretary.

The Audit Team comprises:

- Jo Heltborg (Auditor): Master of Environmental Management, Exemplar Global Certified Principal Environmental Auditor (Certificate No 111000)
- Derek Low (Auditor): Master of Environmental Engineering Management, Exemplar Global Certified Principal Environmental Auditor (Certificate No 114283)
- Steve Fermio (Auditor): Bachelor of Science (Hons), Exemplar Global Certified Principal Environmental Auditor (Certificate No 110498)

Approval of the Audit Team was provided by the Department on 17 January 2020. The letter of approval is presented in Appendix C.

1.4 The objectives of the audit

The objective of this IA is to satisfy SSD 6471 Schedule 2, CoC B13. It states:

No later than one week before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.

The IA Program was prepared in accordance with the IAPAR and submitted to the Department and the Certifying Authority within four weeks of the date notified for the commencement of construction as required by CoC B13. The IA Program (and IAPAR) specifies that the first IA must be undertaken within 20 weeks of commencement of construction.

The IAPAR sets out the scope, methodology and reporting requirements for IAs.

This IA seeks to fulfill the requirements of CoC B13, verify compliance with the relevant CoCs and assess the effectiveness of environmental management on the Project.

1.5 The audit scope

This IA relates to the Project works from 2 December 2019 to 14 February 2020.

The scope of the IA comprises:

- an assessment of:
 - CoCs applicable to the phase of the development that is being audited;
 - post approval documents prepared to satisfy the CoCs, including an assessment of the implementation of Environmental Management Plans and Sub-Plans; and
 - all environmental licences and approvals applicable to the development (excluding environmental protection licences issued under the *Protection of the Environment Operations Act 1997*).
- an assessment of the environmental performance of the development, including but not necessarily limited to, an assessment of:
 - actual impacts compared to predicted impacts documented in the environmental impact assessment;
 - the physical extent of the development in comparison with the approved boundary, and any potential off-site impacts;
 - incidents, non-compliances and complaints that occurred or were made during the audit period;
 - the performance of the development having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit; and
 - feedback received from the Department, and other agencies and stakeholders, including the community, on the environmental performance of the project during the audit period.
- a review of the status of implementation of previous Independent Audit findings, recommendations and actions (if any);
- a high-level review of the Project's environmental management systems, including assessment of any third-party certification of them, the type, nature and scope of the systems having regard to the nature and scale of the development, and the implementation of the systems;
- a high-level assessment of whether Environmental Management Plans and Sub-Plans are adequate; and

- details of any other matters considered relevant by the Auditor or the Department, taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance.

2. Audit methodology

2.1 Audit process

The IA was conducted in a manner consistent with AS/NZS ISO 19011.2014 – Guidelines for Auditing Management Systems and the methodology set out in the Department’s IAPAR. An overview of the audit activities, as specified in the standard, is presented in Figure 2.

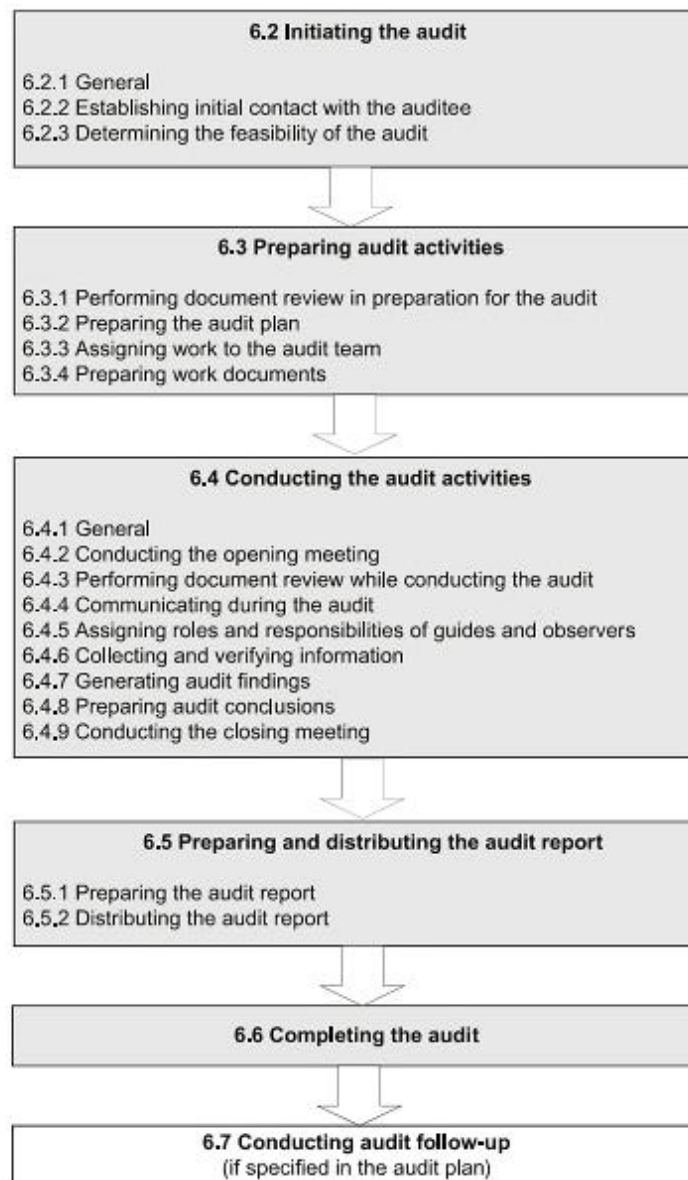


Figure 2: Audit activities overview (AS/NZS ISO 19011:2014). Subclause numbering refers to the relevant subclauses in the Standard.

2.1.1 Audit initiation and scope development

Prior to the commencement of the audit the following tasks were completed:

- Establish initial contact with the auditee
- Confirm the audit team
- Confirm the audit purpose, scope and criteria.

On 18 January 2019 WolfPeak consulted with the Department, the City of Sydney Council, and Heritage NSW, to obtain their input into the scope of the IA in accordance with Section 3.2 of the IAPAR. The consultation records are presented in Appendix D.

A summary of the key issues and areas of focus raised by the stakeholders is presented in Table 1.

Table 1: Key issues and areas of focus raised during consultation

Stakeholder	Issues and areas of focus	How addressed
Department of Planning, Industry, and Environment	No additional response during consultation. All relevant conditions of consent for SSD 6471 will be assessed, and the audit will be conducted in accordance with the requirements of condition B14 of SSD 6471 and the IAPAR.	Included in scope
Heritage NSW	No response	-
City of Sydney	No response	-

2.1.2 Preparing audit activities

The Auditor performed a document review, prepared an audit plan, and prepared work documents (audit checklists) and distributed to the Project team in preparation for the IA.

The primary documents reviewed prior to the site visit are as follows:

- Acid Sulfate Soil Management Plan Sydney Modern Gallery Art Gallery Road Sydney NSW, Coffey Services Australia Pty Ltd, Revision EC, 14 October 2019 (ASSMP)
- Air Quality and Odour Management Plan Sydney Modern Gallery Art Gallery Road Sydney NSW, Coffey Services Australia Pty Ltd, Revision RCC Final, 22 October 2019 (AQOMP)
- Asbestos Management Plan Sydney Modern 1178, Richard Crookes Constructions, 9 September 2019 (AMP)
- Community Consultation and Engagement Plan Sydney Modern Project, Richard Crookes Constructions, 4 October 2019 (CCEP)
- Community Communications Strategy Sydney Modern Project, Art Gallery of NSW Expansion, FINAL, October 2019 (CCS)

- Construction Noise and Vibration Management Plan The Art Gallery of NSW Sydney Modern Development, White Noise Acoustics, Revision 0, 18 October 2019 (CNVMP)
- Construction Pedestrian and Traffic Management Plan Sydney Modern Project Art Gallery of NSW Expansion, Transport and Traffic Planning Associates, Issue C, October 2019 (CPTMP)
- Development Consent SSD 6471, 20 November 2018 and Modification 1, 17 September 2019 (the Consent)
- *Environmental Impact Statement for State Significant DA SSD 6471 Art Gallery of NSW Expansion Project – Sydney Modern*, Rev D, Architectus Group Pty Ltd, 3 November 2017 (the EIS)
- Environmental Management Plan Sydney Modern Project 1178, Richard Crookes Constructions, 8 October 2019 (CEMP)
- Hazardous Materials Management Plan Sydney Modern Art Gallery, Coffey Services Australia Pty Ltd, Revision R02, 22 October 2019 (HMMP)
- Heritage Induction Sydney Modern, GML Heritage, undated
- Remedial Action Plan Sydney Modern Gallery Art Gallery Road Sydney NSW, Coffey Services Australia Pty Ltd, Revision EA_RAP, 15 October 2019 (RAP)
- Unexpected Finds Procedure Sydney Modern Gallery Art Gallery Road Sydney NSW, Coffey Services Australia Pty Ltd, Revision EB_UFP, 15 October 2019 (UFP)
- Waste Management Plan Sydney Modern 1178, Richard Crookes Constructions, 10 October 2019 (WMP).

Audit checklists were reviewed and prepared. These comprised:

- CoCs from the following sections of Schedule 2 of SSD 6471:
 - Part A Administrative Conditions (A1-A20)
 - Part B Prior to Commencement of Works (B1-B72)
 - Part C During Construction (C1-C43)
- Select environmental management and mitigation measures as set out in the Project's CEMP, Sub-plans and Community Consultation Strategy (CCS).

2.1.3 Site personnel involvement

The on-site audit took place on 14 February 2020. The following personnel participated in the audit:

- Jesse Moss – Senior Project Engineer (RCC)
- Craig Richmond – Systems Manager (RCC)
- Michael Bradburn – Design Manager (RCC)
- Anthony Di Cecco – Project Manager (RCC)
- Andrej Stefanovic - Project Director (INSW)
- Lucy Maloney - Commercial Project Manager (INSW)
- Jo Heltborg – Auditor (WolfPeak)
- Derek Low – Auditor (WolfPeak) N.B.: Opening meeting and site inspection only.

2.1.4 Meetings

Opening and closing meetings were held with the Auditor and Project personnel.

During the opening meeting the objectives and scope of the IA, the resources required and methodology to be applied were discussed. At the closing meeting, preliminary audit findings were presented, recommendations (if appropriate) made, and any post-audit actions were confirmed.

2.1.5 Interviews

The Auditor conducted interviews with key personnel involved in Project delivery, including those with responsibility for environmental management, to assist with verifying the compliance status of the development.

2.1.6 Site inspection

The on-site audit activities took place on 14 February 2020. The on-site audit activities included an inspection of the site and work activities. Photos are presented in Appendix F.

2.1.7 Document review

The IA included investigation and review of Project files, records and documentation that acts as evidence of compliance (or otherwise) with a compliance requirement. The documents sighted are included with Appendices A and B.

2.1.8 Generating audit findings

IA findings were based on verifiable evidence. The evidence included:

- relevant records, documents and reports
- interviews of relevant site personnel
- photographs
- figures and plans
- site inspections of relevant locations, activities and processes.

2.1.9 Compliance evaluation

The Auditor determined the compliance status of each compliance requirement in the Audit Table, using the descriptors from Table 2 of the IAPAR, being:

- **Compliant** – The auditor has collected sufficient verifiable evidence to demonstrate that all elements of the requirement have been complied with within the scope of the audit
- **Non-compliant** – The auditor has determined that one or more specific elements of the conditions or requirements have not been complied with within the scope of the audit
- **Not triggered** – A requirement has an activation or timing trigger that has not been met at the time when the audit is undertaken, therefore an assessment of compliance is not relevant.

Observations and notes may also be made to provide context, identify opportunities for improvement or highlight positive initiatives.

Evaluation of post approval documentation

The Auditor assessed whether post approval documents:

- have been developed in accordance with the CoCs and all other environmental licences and approvals applicable to the Project (if any) and their content is adequate
- have been implemented in accordance with the CoCs and all other environmental licences and approvals applicable to the Project (if any).

The adequacy of post approval documents were determined on the basis of whether:

- there are any non-compliances resulting from the implementation of the document
- whether there are any opportunities for improvement.

2.1.10 Completing the audit

The IA Report was distributed to the proponent to check factual matters and for input into actions in response to findings (where relevant). The Auditor retained the right to make findings or recommendations based on the facts presented.

3. Audit findings

3.1 Approvals and documents audited and evidence sighted

The documents audited comprised all the conditions from Schedule 2 of SSD 6471 applicable to the works being undertaken, and selected mitigation measures and commitments from the following plans:

- ASSMP
- AQOMP
- AMP
- CCEP
- CNVMP
- CPTMP
- CEMP
- HMMP
- RAP
- UFP
- WMP.

The evidence sighted against each requirement is detailed within Appendices A and B.

3.2 Compliance Status

This Section presents the findings of the February 2020 IA.

Section 4 presents a summary of the findings from this IA and actions proposed or undertaken in response to the findings. The Audit Checklists provided in Appendices A and B present details of all the evidence collected, observed and provided in support of a finding.

3.2.1 Summary

There were 134 CoCs and 20 CEMP and Sub-Plan mitigation measures assessed. There were nine non-compliances identified against the CoCs, plus one observation. There was one non-compliance identified against commitments within the CEMP and Sub-Plans (see Appendix B for details). Non-Compliances identified against the CoCs are summarised in Section 4 below, including proposed actions by the Auditee to address each Non-Compliance.

3.3 Adequacy of Environmental Management Plans, Sub-Plans and post approval documents

The adequacy of post approval documents must be determined on the basis of whether:

- there are any non-compliances resulting from the implementation of the document

- whether there are any opportunities for improvement.

A review was conducted of the documents listed in Section 2.1.2. The documents were found to be well prepared and specific to the project and CoC.

3.4 Project's EMS

RCC operate an EMS for the Project. In carrying out the audit, it was evident that the elements of AS/NZ ISO 14001-2016 Environmental Management Systems are being implemented. Evidence to support this include the documents sighted during the audit (detailed in Appendices A and B) and controls observed in the field.

3.5 Complaints

An Enquiry and Complaint Register is being maintained by the Project. The register is published monthly on the Project website at: <https://www.artgallery.nsw.gov.au/sydney-modern-project/about/project-status/>

A total of five enquiries and one complaint was recorded during the period covered by this Independent Audit. Enquiries related to request for information on sustainable design, use of land within the Domain parkland, pedestrian access, dilapidation reports, and pedestrian access. The one complaint was related to the level of detail provided in response to an email. All enquiries and complaints were considered by the Project to be closed.

3.6 Incidents

The Project has not identified any notifiable incidents as defined by the Consent.

3.7 Actual versus predicted impacts

The audit considered the actual impacts arising from the carrying out of the Project (current works being site establishment, survey and investigations, hazardous materials removal and demolition) and whether they are consistent with the relevant impacts predicted in the EIS. A summary of the assessment is presented in Table 2.

Table 2: Summary of predicted versus actual impacts

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
Tree management (EIS, section 6.2)	Of 220 trees in the vicinity of the site, a total of 140 trees were predicted to require removal to facilitate the construction of the Gallery including 42 trees of low and very low retention value, 91 trees of moderate retention	It is understood that more trees than predicted required removal during the audit period. Earthscape Horticultural Services provided confirmation that Trees T2405-T2411 (a group of Sydney Red Gums on the land bridge), died due to drought conditions exacerbated by the shallow soil profile. Installation	N

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
	value and 7 trees of high retention value.	of irrigation was not sufficient to arrest the decline of the trees. Earthscape recommended removal of the trees due to the high unlikelihood of their recovery. See Condition C38 of the Audit Table for more information. Additional tree removal is to be mitigated during extensive landscaping works proposed for the site.	
Heritage (EIS, section 6.5)	A Heritage Impact Statement (HIS) was been prepared by GML Heritage to assess the potential heritage impacts of the proposed Sydney Modern Project, including potential impacts on built heritage and heritage landscapes, and Aboriginal and non-Aboriginal archaeology.	Impacts to heritage were consistent with those predicted in the HIS during the audit period. RCC and INSW reported no unexpected heritage finds during the audit period. The GML Heritage Induction forms part of the site induction process, required by all workers accessing the site.	Y
Acid sulfate soils (EIS, section 6.9)	Coffey predicted that the proposed development would be subject to Clause 7.14 'Acid Sulfate Soils' (ASS) of Sydney LEP 2012 attributed to the seawater heat exchange works. A Preliminary Acid Sulfate Soil Management Plan (ASSMP) was prepared by Coffey.	Predicted impacts to ASS were reassessed for MOD 1 of SSD 6471. ASS was no longer predicted as a project impact upon removal of the seawater exchange system and replacement with cooling towers.	Y (MOD 1)
Groundwater (EIS, section 6.11)	Given the proposed depth of excavation works, it was predicted that the proposed development would encounter onsite groundwater. As a result, groundwater management measures were predicted to be required and to be incorporated into the Construction Environmental Management Plan.	Due to heavy rainfall during the audit period, a large volume of water had accumulated in the former fuel bunkers at the base of the site. RCC advised the source of the water was unknown and could have been solely surface water runoff, or a combination of rainwater and groundwater. RCC advised no water was discharged from site during the audit period. Water reused on site for dust suppression was tested by Coffey for reuse suitability. No additional groundwater is known to have been encountered to date.	Y
Contamination (EIS, section 6.12)	Predicted impacts to soil and groundwater included impacts related to the former navy fuel bunker, proposed for use as a gallery space. A Remediation Action Plan (RAP) was prepared by Coffey, that upon implementation, would deem the site	The RAP was in the process of being implemented during the audit period. Additional (unexpected) contamination was identified during bulk earthworks, and was mainly related to asbestos in the soil above and to the north of the former fuel bunkers.	N

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
	suitable for the proposed development through remediation and validation.	A direction from DPIE was received in relation to the additional contamination, requesting an update to the RAP. The revision to the RAP had not yet commenced at the time of the audit.	
Marine impacts (EIS, section 6.13)	Marine impacts were predicted as a result of the proposed seawater heat exchange system.	<p>Predicted marine impacts were no longer relevant during the audit due to the removal of the seawater heat exchange system from the design, and replacement with cooling towers.</p> <p>These changes were assessed in a modification assessment report for MOD1.</p>	Y (MOD1)
Sediment, erosion and dust controls (EIS, section 6.18)	<p>Predicted impacts included the risk of sediment and other waste washed into the drainage system and carried to downstream water bodies during construction.</p> <p>Dry and windy conditions were also predicted to result in dust impacts from unsealed roads and exposed surfaces, which may cause the dust to become airborne. This may cause a potential nuisance to adjacent occupants and in some instances, pose a health risk.</p>	<p>Erosion and sediment controls were in place across the site during the audit. There was no evidence of uncontrolled runoff to offsite areas, or pollution in the vicinity of the site discharge point to the harbour.</p> <p>Application of dust suppression measures were observed including dampening of exposed surfaces. Dust was not identified as a noticeable issue during the inspection. A cattle grid was in place at the site access point on Lincoln Crescent, and hoarding was in place along the site boundary.</p>	Y
Construction traffic (EIS, section 6.26)	<p>Construction activities on the site were predicted to generate vehicle trips primarily along Art Gallery Road. Lincoln Crescent was predicted to be the main access for demolition and earthworks given the works being undertaken for the Fuel Bunker.</p> <p>During construction, the delivery of heavy machinery was predicted to be undertaken outside of peak hours to minimise impact on the broader road network.</p> <p>Predicted impacts were also made to on-street car parking areas to minimise impacts of construction loading areas and work areas on Art Gallery Road and Lincoln Crescent.</p>	<p>Predicted impacts to construction traffic and parking aligned with predicted impacts, as observed during the site inspection and discussed during the audit.</p> <p>This included the location of construction traffic during demolition and earthworks along Lincoln Crescent, and the need for works outside of hours for the delivery of oversize plant.</p> <p>Four car parking spaces were taken for project parking, as agreed between AGNSW and the RBG.</p>	Y
Construction noise (EIS, section 6.26)	The EIS predicted the management of noise during construction would be critical to ensure an acceptable level of	Noise monitoring conducted by White Noise during the audit period found no exceedances with adopted noise	Y

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
	<p>impact to the nearest sensitive receivers.</p> <p>The management of noise control by the contractor will require preparation of a detailed Construction Noise and Vibration Management Plan (CNVMP). During construction, noise levels must not exceed those set out under Section 5.3.1 of the Acoustic Report (Appendix U to the EIS).</p>	<p>management levels. Actual noise levels were within the predicted range.</p> <p>Noise monitoring for the project has been conducted in accordance with the CNVMP, which references the Acoustic Report prepared as part of the EIS.</p>	

4. Actions

Item	CoC	Type	Details of item	Proposed or completed action by the auditee	By whom and by when	Status
FEBRUARY 2020 AUDIT FINDINGS						
Conditions of Consent SSD 6471 Schedule 2						
1	B2	Non-compliance	<p>Condition B2 requires the development shall be subject to a Design Integrity process (DIP) in consultation with the Government Architect NSW (GANSW). The Applicant is required to submit evidence that the DIP has been established, including confirmation of support for the process from the GANSW, within 3 months of the date of consent.</p> <p>The Design Integrity Report describes how design excellence and integrity will be achieved in accordance with Condition B2. Evidence of the implementation of the DIP was discussed during the audit and progress had been made such as the scheduling of meetings as required. Panel members are listed in Section 2 of the Design Integrity Report. The report also details dates they have met prior to approval being granted.</p> <p>Support by GANSW had not yet been obtained at the time of the audit. Support from GANSW was required within 3 months of Stamped drawings 20/11/2019, OR the determination dated 20/11/2019.</p> <p>An email from INSW to DPIE was sighted during the audit, dated 20/02/2019 explaining they are in the process of scheduling a meeting with the Government Architect to discuss the DIP, prior to formalisation.</p>	Support for the DIP from GANSW to be obtained	<p>INSW</p> <p>Prior to the next audit</p>	OPEN
2	B10	Non-compliance	<p>Condition B10 requires that the Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.</p> <p>Upload of the Compliance Report had not occurred at the time of the audit, and the 60-day timeframe had expired.</p>	Make the Compliance Report publicly available	<p>INSW</p> <p>Prior to the next audit</p>	OPEN

3	B55	Non-compliance	<p>Condition B55 requires an Interface Access Agreement, between the Applicant and RMS, to be prepared. A copy of the final agreement, endorsed by RMS, is to be provided to the Planning Secretary prior to the commencement of works.</p> <p>An Interface Access Agreement had been prepared for the project, but had not been submitted to the Planning Secretary prior to the commencement of works.</p> <p>Submission to the Planning Secretary by INSW was completed on the afternoon of the independent audit, 14/02/2020, which is non-compliant with the timeframe required for submission (prior to the commencement of works).</p>	Submission of the Interface Access Agreement to the Planning Secretary	<p>INSW</p> <p>14/02/2020</p>	CLOSED
4	B56	Non-compliance	<p>Condition B56 requires a Road Occupancy Licence (ROL) to be obtained from the relevant road authority under section 138 of the <i>Roads Act 1993</i> for any activity that may impact on the operation of Lincoln Crescent and Cowper Wharf Road.</p> <p>There was one occurrence during the audit period for the use of Lincoln Crescent for the delivery of oversized plant, dated 16 January 2020.</p> <p>While a TCP had been prepared, and approval was obtained from the City of Sydney Council (Letter from CoS to DECC, RE: Vehicle Access Permit, dated 14/01/2020) confirming approval of the oversized Vehicle Access Permit, the ROL was not available.</p> <p>The Road Occupancy Licence was not available for review during the audit.</p>	Obtain a copy of the ROL for the delivery of oversize plant via Lincoln Crescent, 16/01/2020	<p>RCC</p> <p>Prior to the next audit</p>	OPEN
5	B61	Non-compliance	Evidence of submission of the CEMP to the Planning Secretary prior to the commencement of works could not be located during the audit.	Submit CEMP to the Planning Secretary	<p>RCC</p> <p>Evidence sighted, dated 19/02/2020</p>	CLOSED
6	B62	Non-compliance	Evidence of submission of the CPTMP to the Planning Secretary prior to the commencement of works could not be located during the audit.	Submit CPTMP to the Planning Secretary	<p>RCC</p> <p>Evidence sighted, dated 19/02/2020</p>	CLOSED
7	B63	Non-compliance	Evidence of submission of the CNVMP to the Planning Secretary prior to the commencement of works could not be located during the audit.	Submit CNVMP to the Planning Secretary	<p>RCC</p> <p>Evidence sighted, dated 19/02/2020</p>	CLOSED
8	B69	Non-compliance	Evidence of submission of the HMMP to the Planning Secretary prior to the commencement of works could not be located during the audit.	Submit HMMP to the Planning Secretary	<p>RCC</p> <p>Evidence sighted, dated 19/02/2020</p>	CLOSED

9	C4	Non-compliance	<p>Condition C4 lists situations during which works can be undertaken outside of the approved working hours and include:</p> <ul style="list-style-type: none"> a) by the Police or a public authority for the delivery of vehicles, plant or materials; or b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm. <p>RCC confirmed there was one instance of works outside of hours during the audit period. A delivery of two excavators was received on 16/01/2020 between 3am-5am via Lincoln Crescent.</p> <p>A permit was issued by CoS for works between 11pm-5am, M-F and 5am-10am Sat, valid from 14/01/2020-14/01/2021. Permit conditions included vehicle height, weight and length, and restriction of travel routes. The subcontractor (Planthaul Pty Ltd) was required to seek approval for a ROL from the Traffic Management Centre and Permit from NSW Police Traffic and Highway Patrol Command prior to travel.</p> <p>The ROL and Police Permit were not available for review during the audit.</p>	<p>Obtain a copy of the ROL from the Traffic Management Centre and Permit from NSW Police Traffic and Highway Patrol Command for out of hours works on 16/01/2020</p>	<p>RCC / Planthaul Pty Ltd</p> <p>Prior to the next audit</p>	OPEN
10	C30	Observation	<p>Condition C30 requires the following conditions are met in relation to stockpile management:</p> <ul style="list-style-type: none"> a) stockpiles of excavated material do not exceed 4 metres in height; b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and c) suitable erosion and sediment controls are in place for stockpiles <p>a) RCC advised work platforms had been established at the site for the operation of piling rigs. Stockpiles appeared very high when viewed from the bottom of the site at Lincoln Crescent.</p> <p>b) Coffey were engaged to manage the stockpiling and segregation of contaminated soil removed from the site. There was no evidence of cross contamination at the time of the audit.</p> <p>c) Erosion and sediment controls were in place across the site. Stockpiles in the centre of the site were observed to have partially washed away during high rainfall events.</p> <p>Stockpile control measures in place at the time of the audit were ineffective in controlling sediment runoff in one location. Stockpile height appeared to exceed 4m when viewed from Lincoln Crescent.</p> <p>The auditee provided a response to this finding as follows: <i>As discussed onsite, whilst the embankment witnessed looks to be a stockpile, it is in fact this is a piling platform required to enable shoring piling. The location of this shoring is</i></p>	<p>Provide evidence of the installation of more effective erosion and sediment control measures in the centre of the site (above the former fuel bunkers), e.g. coir logs or sediment fence at the base of the piling pad.</p>	<p>RCC</p> <p>Prior to the next audit</p>	OPEN

			<p><i>unique due to the line of piling being placed on a steep existing embankment, and therefore the batter replicates the existing embankment. We're unable to construct this platform another way due to site constraints. We do not deem this a non-compliance.</i></p> <p>The Auditor has considered this information and agrees that the stockpile on site is being used as a piling pad and therefore stockpile requirements are not strictly applicable. However the Auditor observes that the piling pad lacked appropriate erosion and sediment control measures and, therefore, could result in fugitive dust or cross contamination in unfavourable conditions (high winds or heavy rain).</p>			
11	HMM P Section 10.3	Non-compliance	<p>Section 10.3 of the HMMP states that prior to implementing asbestos controls at the site, Coffey recommends that consultation with stakeholders including, the adjoining properties is carried out to alleviate concerns associated with asbestos, which may arise during removal works.</p> <p>There was no evidence to demonstrate that this consultation had occurred.</p>	Undertake consultation with identified stakeholders and address issues raised.	RCC Prior to undertaking any further asbestos removal works.	OPEN

5. Conclusions

The overall outcome of the IA was positive. Compliance records were very well organised and available at the time of the site inspection and interview with INSW and RCC personnel on 14 February 2020. Relevant environmental and compliance monitoring records are being collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements.

There were nine non-compliances identified against the CoC, plus one observation. The non-compliances related to administrative errors in the oversight of submission of the CEMP, Sub-Plans, and Interface Access Agreement to the Planning Secretary prior to commencement; an administrative error in compliance reporting; a lapsed timeframe for confirmation of support by GANSW for the design integrity process; and the availability of a Road Occupancy Licence for out of hours works. The non-compliances do not present a risk to the environment or community.

There was one non-compliance identified against the assessed mitigation measures within the CEMP and Sub-Plans. See Appendix B for details.

Detailed findings are presented in the Audit Table in Appendix A. A summary of Non-Compliances to the CoCs and actions proposed by the Project team to address the findings of this Independent Audit are set out in Section 4.

The overall outcome of the IA was indicative of a high degree of compliance and environmental performance by INSW and RCC. The Auditor would like to thank the auditees for their high level of organisation, cooperation and assistance during the IA.

6. Limitations

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Appendix A. SSD 6471 Conditions (as amended by MOD 1)

*SSD 6471 MOD 1 amends conditions of consent by the deletion of ~~strike through~~ text and the inclusion of **bold and underlined** text.

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
SCHEDULE 2				
Part A Administrative conditions				
Obligation to Minimise Harm to the Environment				
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.	Evidence referred to elsewhere in this Audit Table	The proponent has demonstrated that reasonable and feasible measures are being implemented to prevent or minimise harm to the environment.	Compliant
Terms of Consent				
A2	The development may only be carried out: <ul style="list-style-type: none"> a) in compliance with the conditions of this consent; b) in accordance with all written directions of the Planning Secretary; c) generally in accordance with the EIS and Response to Submissions; d) in accordance with the approved plans in the table below: 	Approved plans stamped 20/11/2018 available on site. 17/09/2019 s4.44(1A) Modification plans available on site. Modification Assessment Report Modification of Development Consent approval, dated 17/09/2019 S4.55 Modification approval, amendments to condition references, dated 13/12/2019	These drawings are the plans being used for the development. MOD1 included several design changes, e.g. the replacement of the seawater heat exchange system by cooling towers. A second s4.55 modification has also been approved (dated 13/12/2019), and requests changes to correct inaccuracies/typos in the CoC. See consent checklists below for further evidence in meeting this condition.	Compliant

Unique ID	Compliance requirement				Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	Architectural Drawings prepared by SANNA and Architectus Architects						
	Drawing No.	Revision	Name of Plan	Date			
	DA_0054	J	Site Demolition Plan	06/08/18			
	DA_0055	K <u>L</u>	Ancillary Works Plan	14/08/18 <u>25/05/19</u>			
	DA_0056	I	Sea Water Heat Exchange System Plan	06/08/18			
	DA_0057	E	Site and Building Areas	06/08/18			
	DA_0058	G <u>H</u>	Open Space/External Publicly Accessible Areas	29/10/18 <u>24/05/19</u>			
	DA_0059	F <u>G</u>	Land Subject to Landscape Embellishments	29/10/18 <u>24/05/19</u>			
	DA_0070	D	Sea Water Heat Exchange Upper Room Plan	06/08/18			
	DA_0100	M <u>N</u>	Proposed Site Plan	06/08/18 <u>24/05/19</u>			
	DA_1000	M <u>N</u>	Roof Plan	06/08/18 <u>24/05/19</u>			
	DA_1001	M <u>N</u>	Entry Level Plan	06/08/18 <u>24/05/19</u>			
	DA_1002	L <u>M</u>	Lower Level 1 Plan	06/08/18 <u>24/05/19</u>			
	DA_1003	L <u>M</u>	Lower Level 2 Plan	06/08/18 <u>24/05/19</u>			
	DA_1003.5	B	Lower Level 3 Mezzanine	<u>22/08/19</u>			
	DA_1004	J	Lower Level 3 Plan – Demolition Plan	06/08/18			
	DA_1005.0	I <u>J</u>	Lower Level 3 Plan – Proposed Plan (confidential)	06/08/18 <u>24/05/19</u>			
	DA_1005	H	Lower Level 3 Plan – Proposed Plan	06/08/18			
	DA_1006	J	Lower Level 4 Plan – Demolition Plan	06/08/18			
	DA_1007.0	J	Lower Level 4 Plan – Proposed Plan (confidential)	06/08/18			
	DA_1007	H	Lower Level 4 Plan – Proposed Plan	06/08/18			
	DA_2000	K	Sections AA & BB	06/08/18			
	DA_2001	K	Sections CC & DD	06/08/18			
	DA_2002	F	Perspective Section Sheet 1	06/08/18			
	DA_2003	F	Perspective Section Sheet 2	06/08/18			
	DA_2004	F	Perspective Section Sheet 3	06/08/18			

Unique ID	Compliance requirement				Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	DA_2006	D	Proposed Excavation Sections	06/08/18			
	SMP-C-1300 X01	3	Bulk Earthworks Plan	20/07/18			
	DA 2051	A	Section 1 and 2 – Zone B	22/08/19			
	DA 2052	A	Section 3 and 4 – Zone B	22/08/19			
	DA_3000	J	North and South Elevations	06/08/18			
	DA_3001	J	East and West Elevations	06/08/18			
	DA_3002	F	Overall West Elevation	06/08/18			
	DA_3010	E	North Part Elevation A	06/08/18			
	DA_3011	E	North Part Elevation B	06/08/18			
	DA_3012	E	South Elevation	06/08/18			
	DA_3013	E	East Part Elevation A	06/08/18			
	DA_3014	E	East Part Elevation B	06/08/18			
	DA_3015	E	West Part Elevations	06/08/18			
	DA_5000	I	Gross Floor Area Calculation	06/08/18			
	DA_5001	J	Gross Floor Area Diagrams	06/08/18			
	DA_6001	A	External Materials	21/09/18			
	Subdivision Drawings prepared by Ysco Geomatics						
	0714/12C Sheet 1 of 2	-	Proposed subdivision of Lot 34 in DP 39586	18/10/18			
	0714/12C Sheet 2 of 2	-	Proposed subdivision of Lot 34 in DP 39586	18/10/18			
	0741/14C Sheet 1 of 3	-	Proposed subdivision of part of Eastern Distributor, being Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	22/10/18			
	0741/14C Sheet 2 of 3	-	Proposed subdivision of part of Eastern Distributor, being Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	22/10/18			
	0741/14C Sheet 3 of 3	-	Proposed subdivision of part of Eastern Distributor, being Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	22/10/18			
	0741/13C	-	Proposed subdivision of land bridge over Eastern Distributor, being Lot 3001 in Subdivision of Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	23/10/18			

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A3	<p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <p>a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and</p> <p>a) the implementation of any actions or measures contained in any such document referred to in Condition A3(a) above.</p>	Letter from DPIE to RCC, dated 11/02/2020 RE: Notification of additional contamination	<p>A notification/direction from the Department was received in relation to Condition C20 regarding additional asbestos in soil contamination identified on the site.</p> <p>To satisfy the direction, an addendum to the RAP is required, including review by the Site Auditor. As the direction was received only three days prior to the audit, implementation had not commenced.</p>	Compliant
A4	<p>The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c).</p> <p>In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.</p> <p>Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.</p>	These conditions of consent and documents referred to elsewhere in this audit table	This audit assesses compliance with the conditions of consent and the direction as noted in Condition A3. No inconsistency or conflicts have been identified during the audit.	Not triggered
Limits on Consent				
A5	This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.	Group DLA letter to Planning Secretary, dated 29/11/2019 SSD6471 Sydney Modern Development Consent, dated 20/11/2018 Modification of Development Consent approval (MOD 1 approval), dated 17/09/2019	Letter to DPIE, dated 29/11/2019 states commencement of building works will be 48 hours after the date of the letter. This date is within 5 years of the date of the consent.	Compliant
Prescribed Conditions				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
A6	The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.	<p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019 under s6.28 of the EP&A Act. Scope of works includes construction of northern stairs, demolition and site clearing, retaining structures and bulk earthworks. CC1 references the BCA, 2019.</p> <p>Site access signs as observed during site inspection, 14/02/2020.</p>	<p>Part 6, Division 8A of the EPAA relates to prescribed conditions for:</p> <ul style="list-style-type: none"> - compliance with the BCA - erection of signs - residential building work (not relevant) - entertainment venues (not relevant to CC1) - signage for max number of persons (not relevant to CC1) - shoring and adjoining properties <p>The issue of CC1 by the CA demonstrates compliance with the BCA to the extent of works that it covers.</p> <p>Signage observed complied with requirements.</p> <p>Shoring required is under the Eastern Distributor (as the adjoining property). Other adjoining properties are the AGNSW (to the south) and the Ausgrid asset (to the north).</p> <p>An additional REF covers high voltage works and undergrounding of power lines, outside the scope of the SSD works and this audit.</p>	Compliant
Long Service Levy				
A7	For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.	Levy Receipt, \$154,200, dated 28/10/2019.	Approval to pay levy in instalments. Payment 1 of 4 has been made, dated 28/10/2019.	Compliant
Legal Notices				
A8	Any advice or notice to the consent authority must be served on the Planning Secretary.	Interview with auditees	No notices being served were identified	Not triggered
Revision of Strategies, Plans and Programs				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
A9	<p>Within three months of:</p> <ul style="list-style-type: none"> a) the submission of a Compliance Report under condition B9; b) the submission of an incident report under condition A12; c) the submission of an Independent Audit under condition B13; 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, <p>the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.</p> <p>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</p>	<p>INSW Compliance Report 1, dated 20/11/2019 and evidence of submission to the Department, dated 29/11/2019</p> <p>Sydney Modern Development Consent, dated 20/11/2018 Modification of Development Consent approval (MOD 1 approval), dated 17/09/2019</p> <p>s4.55 Modification approval, amendments to condition references, dated 13/12/2019</p> <p>Letter from DPIE to RCC, dated 11/02/2020 RE: Notification of additional contamination</p>	<ul style="list-style-type: none"> a) A Compliance Report was submitted on 29/11/2019. Review, if warranted, under Condition A9 is due at the end of February 2020 b) There have been no incidents reported since project commencement. c) An Independent Audit has not yet been submitted for the project (due 20/4/2020) d) Section 4.55 MOD1 was approved prior to management plans being prepared and therefore did not require any amendments or revisions to MPs. Changes to management plans that may be required in response to the second s4.55 approval, dated 13/12/2019 will be due in mid-March 2020. e) The RAP review required under the Department's Direction under Condition A3, dated 11/02/2020 is due for action by 11/05/2020 	Not triggered
Evidence of Consultation				
A10	<p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <ul style="list-style-type: none"> a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and b) provide details of the consultation undertaken including: <ul style="list-style-type: none"> i. a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved. 	<p>SMP Community Communications Strategy, dated October 2019</p> <p>Documents referred to elsewhere in this Audit Table that require consultation.</p>	<p>Consultation was carried out in the preparation of the CCS, CEMP and Sub-Plans as required by Condition A10.</p> <p>See evidence presented for Conditions B6, B61, B62, B63, and B69.</p>	Compliant
Structural Adequacy				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
A11	<p>All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Under Part 4A of the EP&A Act, the Applicant is required to obtain construction certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development 	<p>Information submitted to Certifying Authority for granting of CC1.</p> <p>CC1 Ref: GDL150442, 15/11/2019</p>	<p>The issue of the Crown Building Certificate (CC1) by the CA (Group DLA) demonstrates compliance with the BCA to the extent of works that it covers.</p> <p>Reference docs provided at the end of Group DLA CC1.</p>	Compliant
Incident Notification, Reporting and Response				
A12	<p>The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.</p> <p>Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.</p>	Interview with Auditees	No environmental incidents have been reported for the site.	Not triggered
Non-Compliance Notification				
A13	<p>The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.</p>	Interview with Auditees	None reported to date	Not triggered
A14	<p>The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.</p>	Interview with Auditees	None reported to date	Not triggered
A15	<p>A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.</p>	Interview with Auditees	None reported to date	Not triggered
Monitoring and Environmental Audits				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
A16	<p>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. This includes conditions in respect of incident notification, reporting and response, noncompliance notification and independent environmental auditing.</p> <p>Note: For the purposes of this condition, as set out in the EP&A Act, “monitoring” is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an “environmental audit” is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>	White Noise Acoustics, Noise and Vibration Monitoring Results, Rev0, dated 23/01/2020	<p>The relevant section of the EPA&A Act refers to (among other things) the need to be accurate, true (not misleading), properly conducted (approved methodology, calibrated etc) and with records retained.</p> <p>Appropriately qualified companies have been engaged by RCC to undertake monitoring as required, e.g. White Noise Acoustics.</p> <p>Water monitoring had not been conducted to date on the project. RCC advised no water has been discharged from site.</p> <p>This audit forms the first Independent Audit under Condition B13 for the project.</p> <p>In addition to formal monitoring as required by CoC, weekly inspections and periodic internal are conducted by RCC in accordance with their management system.</p>	Compliant
Applicability of Guidelines				
A17	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	NA	Note	Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
A18	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Letter from DPIE to RCC, dated 11/02/2020 RE: Notification of additional contamination	DPIE direction in relation to Condition C20 Contamination required an addendum to the RAP in relation to unexpected finds of asbestos in soil. Recommendations from the direction are due for implementation 3 months after the direction was give, i.e. 11/05/2020	Not triggered
Operation of Plant and Equipment				
A19	All plant and equipment used on site, or to monitor the performance of the development must be: a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.	RCC Plant Register, sighted 14/02/2020 RCC Project Management Plan Form 25.3 RCC Plant Induction Checklist, sighted 14/02/2020 Maintenance logs, piling rig, sighted 14/02/2020 Piling rig operator tickets, VOCs etc., sighted 14/02/2020 RCC Sydney Modern induction records	Requirements for the maintenance of plant and equipment are included in the RCC PMP. The Plant Register includes frequencies and logs for inspections and maintenance of all plant and equipment on site, predominantly subcontractor plant. A Plant and equipment induction checklist is utilised for all plant and equipment brought to site. The process involves, plant inducted, logged on plant register, request maintenance logs (see example of piling rig), filed, request operator's manual and ensure it is kept with equipment. VOCs for operators are requested, RCC induction undertaken, copies of licences, white cards, HR works licences etc., Rix contractors also conduct a pre-delivery inspection.	Compliant
Alternate Engineering Plans				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
A20	<p>Any structure located partly or wholly over the land bridge, must be designed and constructed so they are capable of being vertically supported by alternate means if the land bridge is removed or altered.</p> <p>If significant works to, or removal of, the land bridge is proposed in the future, and if directed by the Planning Secretary, the Applicant must prepare and submit to the Planning Secretary's satisfaction, updated engineering plans demonstrating any structure located partly or wholly over the land bridge can be vertically supported by alternate means.</p> <p>A separation application shall be lodged with the relevant consent authority for the updated engineering plans and associated works.</p>	NA	No approval for structure over land bridge at this stage of works, will be covered in CC2.	Not triggered
PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION				
Crown Building Work				
B1	<p>Crown building work cannot be commenced unless the Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:</p> <p>a) the date of the invitation for tenders to carry out Crown building work; or</p> <p>b) in the absence of tenders, the date on which the Crown building work commences</p>	Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019	<p>The Crown Building Works Certificate was provided as evidence (CC1) for the SSD project.</p> <p><u>NB:</u> Other building works on the site, e.g. undergrounding of power lines, was assessed under a separate Review of Environmental Factors (REF), and approved by the City of Sydney Council under an approval separate to the SSD works (CoS s149 approval, dated 19/02/2016). The approval of the REF works is subject to a separate construction certificate (REF.1). The works subject to the scope of the REF and REF.1 are not included in the scope of this Independent Audit.</p>	Compliant
Design Excellence and Design Integrity				

<p>B2</p>	<p>The approved development shall be subject to a Design Integrity process throughout the design development and construction documentation period in consultation with the Government Architect NSW (GANSW), and through the State Design Review Panel (SDRP) Pilot Program.</p> <p>The SDRP is to be augmented by a member of the design competition jury, to be nominated by the Art Gallery of NSW and endorsed by GANSW. For presentations to the SDRP, the project team shall include the following members as a minimum:</p> <ul style="list-style-type: none"> i. a representative from the competition winning international architectural practice; i. a representative from the local architect of record. <p><i>The Applicant is to submit evidence that the above Design Integrity process has been established, including confirmation of support for the process from the GANSW, within 3 months of the date of consent.</i></p> <p>Prior to the issue of any Crown Building Works Certificate, the Applicant is to submit a Design Integrity Report (DIR), to the satisfaction of the Planning Secretary, that demonstrates how design excellence and design integrity will be achieved in accordance with:</p> <ul style="list-style-type: none"> • the design objectives of the original competition winning scheme; • the approved design upon development approval; and • the conditions of consent. <p>The DIR shall include a summary of feedback provided by SDRP and responses by the project team to this advice. The DIR shall also include how the process will be implemented through to completion of the approved development.</p>	<p>CC1, granted 15/11/2019, references the Design Integrity Report</p> <p>Interview with Michael Bradburn (RCC Design Manager), 14/02/2020</p> <p>INSW Design Integrity Report, undated, Rev1</p> <p>INSW Appendix 1 Design Integrity Process, Rev 3 (prior to RCCs involvement)</p> <p>Letter from DPIE to AGNSW, dated 25/10/2019 RE: Discharge of Conditions B2, B3 & B4</p> <p>GANSW letter to INSW, dated 2/04/2019 RE: Approval of the design integrity process (must be within 3 months of the date of consent)</p> <p>DPIE letter to AGNSW, dated 25/10/2019</p> <p>Email from INSW to DPIE, dated 20/02/2019</p>	<p>DPIE Letter to AGNSW, dated 25/10/2019 states DPIE have reviewed the DI Report, received on 16/8/2019, and is satisfied it meets the requirements of Conditions B2, B3 and B4</p> <p>Condition B2 is the responsibility of AGNSW to discharge. A letter from DPIE to AGNSW requires that hold points and meetings are met to ensure the design integrity process is implemented. INSW and the RCC Design Manager advised that meetings are in the process of being scheduled to meet these requirements before the end of the February 2020. Panel members are listed in Section 2 of the Design Integrity Report. The report also details dates they have met prior to approval being granted.</p> <p>The Design Integrity Report describes how design excellence and integrity will be achieved in accordance with Condition B2.</p> <p>Support by GANSW had not yet been obtained at the time of the audit. Support from GANSW was required within 3 months of Stamped drawings 20/11/2019, OR the determination dated 20/11/2019.</p> <p>An email from INSW to DPIE was sighted during the audit, dated 20/02/2019 explaining they are in the process of scheduling a meeting with</p>	<p>Non-compliant</p>
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Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
			the Government Architect to discuss the DIP, prior to formalisation.	
Entry Plaza Canopy				
B3	<p>No approval is granted for the design of the entry plaza canopy. Prior to the issue of the relevant Crown Building Works Certificate, the Applicant shall prepare a revised entry plaza canopy design for review that:</p> <ul style="list-style-type: none"> further improves sightlines between the existing gallery building and the Woolloomooloo Gate of the Royal Botanic Gardens; and further improves and enhances the built form interface with its landscape setting. <p>The revised design shall demonstrate a response to the following:</p> <ol style="list-style-type: none"> modification to the overall extent of the canopy structure; increased street setbacks and landscaped area in and around the canopy structure; modification of the street alignment and orientation of the canopy structure between the existing sandstone gallery wing, proposed extension and sightlines to the Woolloomooloo Gate; architectural and structural detailing to achieve a light-weight built form character that is secondary in visual appearance to its landscape setting. <p>The revised design shall be prepared in consultation with the Government Architect NSW (GANSW), OEH and the Royal Botanic Gardens and Domain Trust, and submitted to the satisfaction of the Planning Secretary</p>	NA	Documentation for the design has been submitted, but compliance with Condition B3 and B4 cannot be demonstrated until CC2 is issued.	Not triggered
Provision of Green Roof to Gallery 1				
B4	Prior to the commencement of relevant construction work, the plans/elevations and documentation shall be amended to provide a green roof to gallery 1 and submitted to the satisfaction of the Planning Secretary.	NA	As per Condition B3 above	Not triggered
Notification of Commencement				
B5	<p>The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates.</p> <p>If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.</p>	Group DLA letter to Planning Secretary, dated 29/11/2019	Group DLA letter references Crown Certificate No, 150442.1 (CC1), and SSD 6471 – states commencement of building works will be 48 hours after the date of the letter. Not a staged development.	Compliant
Community Communication Strategy				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B6	<p>A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, City of Sydney Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following completion of construction:</p> <p>The Community Communication Strategy must:</p> <ol style="list-style-type: none"> a) identify people to be consulted during the design and construction phases; b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development; c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development; d) set out procedures and mechanisms: <ol style="list-style-type: none"> i. through which the community can discuss or provide feedback to the Applicant; ii. through which the Applicant will respond to enquiries or feedback from the community; and iii. to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation. <p>The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work.</p> <p>Work for the purposes of the development must not commence until the Community Communications Strategy has been approved by the Secretary, or within another timeframe agreed with the Planning Secretary.</p> <p>The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.</p>	<p>Community Communications Strategy (CCS), October 2019, Rev4</p> <p>Interview with Andrej Stefanovic, INSW</p> <p>Email from AGNSW to DPIE, dated 22 October 2019 (Andrej to forward) providing CCS</p> <p>Letter from DPIE to AGNSW, dated 5/11/2019 confirming the CCS was submitted to the Department on 22/10/2019, and confirming approval in accordance with Condition B6</p> <p>Email from INSW to DPIE, dated 22/10/2019 RE: submission of the CCS to the Planning Secretary</p>	<p>A CCS has been prepared for the project in accordance with Condition B6. The following requirements have been met in the CCS:</p> <ol style="list-style-type: none"> a) consultation list - Section 3 b) procedures for the distribution of information relevant to the project – Section 5 c) provision for the formation of community-based forums – Section 5 d) procedures/mechanisms for community to discuss or provide feedback, and applicant response. Resolution of issues/disputes – Sections 5 and 6 <p>Evidence provided by INSW confirms that work did not commence until the CCS was approved by the Planning Secretary. The submission of the CCS to the Planning Secretary (22/10/2019) for approval was not later than one month before the commencement of any work (2/12/2019) in accordance with Condition B6.</p>	Compliant
Compliance				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B7	The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.	<p>Sydney Modern Induction Presentation, page 7, sighted 14/02/2020</p> <p>RCC Induction Register</p>	<p>The RCC project induction confirms the approval pathway, conditions of consent, and location of approval conditions in the site office. A link to the online location of the approval is also included.</p> <p>A swipe card system is in use on site. Contractors are unable to access the site without a swipe card, and cannot get a swipe card until they have been inducted.</p>	Compliant.
Compliance Reporting				
B8	No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.	<p>Compliance Monitoring & Reporting Program Rev01, dated 10/10/2019</p> <p>Email evidence of submission to the Department: Email from Andrej Stefanovic (INSW) to Andy (DPIE), dated 15/10/2019</p> <p>Email from DPIE to INSW, dated 17/10/2019 confirming receipt of the compliance monitoring program</p> <p>Group DLA letter to Planning Secretary, dated 29/11/2019 (RE: Commencement of construction)</p>	<p>Submission of the CMRP to the Department is required 6 weeks before commencement of construction (Notification of commencement provided to the Department, 29/11/2019). Submission on 15/10/2019.</p> <p>The Compliance Monitoring & Reporting Program was submitted within 6 weeks of the date notified for the commencement of construction.</p>	Compliant

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B9	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	<p>Sydney Modern Compliance Report (Condition B8), dated 20/11/2019</p> <p>Letter from Andrej Stefanovic (INSW) to Andy (DPIE), dated 29/11/2019</p> <p>Return email from DPIE to INSW confirming receipt of the report on the same day, 29/11/2019</p>	Evidence of compliance report and submission to the Department sighted.	Compliant
B10	The Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done	Interview with Andrej Stefanovic, INSW	Upload of the Compliance Report had not occurred at the time of the audit, and the 60-day timeframe had expired.	Non-compliant
Complaints and Enquiries Procedure				
B11	<p>Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:</p> <p>a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;</p> <p>b) a postal address to which written complaints and enquiries may be sent; and</p> <p>c) an email address to which electronic complaints and enquiries may be transmitted</p>	<p>Site signage, observed 14/02/2020</p> <p>Project website: artgallery.nsw.gov.au/Sydney-modern-project/</p>	<p>Site signage includes: postal address, email address (smp@richardcrookes.com.au), and 24-hour phone number (1800717705)</p> <p>Contact details also available on the project website.</p>	Compliant
Access to Information				

B12	<p>At least 48 hours before the commencement of construction and 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 prepared, obtained or approved) publicly available on a website:</p> <ul style="list-style-type: none"> i. the documents referred to in condition A2 of this consent, excluding confidential plans; ii. all current statutory approvals for the development; iii. all approved strategies, plans and programs required under the conditions of this consent; 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; 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; vi. a comprehensive summary of the current stage and progress of the development; vii. the contact details identified in condition B9 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 environmental 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 <p>b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	<p>Project website sited 14/02/2020: www.artgallery.nsw.gov.au/smp</p> <p>Interview with Auditees</p>	<p>Website live and up to date in accordance with Condition B12: www.artgallery.nsw.gov.au/smp</p> <ul style="list-style-type: none"> i. A link to approved drawings is provided on the planning website ii. A link to project approvals (planning website) is provided, and CC1 iii. Links to approved strategies, plans and programs included, e.g. management plans, RAP, UFP etc. iv. no reports on the environmental performance of the development have been triggered by the CoC to date, v. Summary of noise and vibration monitoring results (Dec2019 & Jan 2020) vi. Project status included vii. contact details including phone number, email and postal address viii. The Enquiry and Complaint Register is available on the project website and was current until 12/12/2019 ix. no audits have been triggered (with the exception of the current audit in progress) x. N/A <p>Vi – see project status Vii – contact details</p> <p>NB: While all information required by Condition B12 was available on the website, the date that information was uploaded to the website was unable to be verified during the audit.</p>	Compliant
Independent Audit				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B13	No later than one week before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.	<p>WolfPeak Independent Audit Program Rev1, dated 16/10/2019</p> <p>Email from INSW to DPIE RE: Submission of Audit Program to the Department, dated 18/10/2019</p> <p>Email from DPIE to INSW, dated 21/10/2019 confirming receipt of the Audit Program</p> <p>Group DLA letter to Planning Secretary, dated 29/11/2019 (RE: Commencement of construction)</p>	The Independent Audit Program was submitted to the Department on 18/10/2019, more than one week prior to the commencement of construction letter (29/11/2019)	Compliant
B14	Independent Audits of the development must be carried out in accordance with: <ul style="list-style-type: none"> a) the Independent Audit Program submitted to the Department under condition B11 of this consent; and b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018) 	<p>WolfPeak Independent Audit Program Rev1, dated 16/10/2019, and Rev2, dated 28/02/2020</p> <p>WolfPeak Independent Audit Report, DRAFT, dated 28/02/2020</p>	<p>This audit occurred in the time frame specified in the Independent Audit Program (Rev2) and addressed the requirements and methodologies in the IAPAR. The audit report was submitted to the Department within the timeframe specified.</p> <p>The audit report had not been submitted to the Department at the time of writing this audit report. This is the responsibility of INSW.</p> <p>NB: The Audit Program was updated to reflect the actual date of commencement of construction (estimated at the time of preparation of Rev1)</p>	Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B15	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: <ul style="list-style-type: none"> a) review and respond to each Independent Audit Report prepared under condition B12 of this consent; b) submit the response to the Department; and c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done. 	WolfPeak Independent Audit Report, DRAFT, dated 28/02/2020	a & b) The Audit Report, along with the RCC response will be submitted with this audit report (not triggered at the time of writing this report) c) The audit report was not yet published at the time of this audit (not triggered)	Not triggered
Geotechnical Design, Certification and Monitoring Plan				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B16	<p>The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the Applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and, where appropriate, oversee the construction of all subsurface structures associated with the development.</p> <p>This Engineer is to prepare, or obtain from relevant members of the engineering team, the following documentation:</p> <p>a) Certification that the civil and structural details of all subsurface structures are designed to:</p> <ul style="list-style-type: none"> • provide appropriate support and retention to neighbouring property; • ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and • ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table. <p>b) A Geotechnical Monitoring Plan (GMP) to be implemented during construction that:</p> <ul style="list-style-type: none"> • is based on a geotechnical investigation of the site and subsurface conditions, including groundwater; • details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard; • details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and • details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded. <p>The certification and the GMP is to be submitted for the approval of the Certifying Authority prior to the commencement of any works</p>	<p>Coffey letter to RCC, dated 8/11/2019</p> <p>Coffey Geotechnical Excavation Monitoring Plan, dated 5/11/2019</p> <p>Letter from Coffey to RCC, dated 8/11/2019 re B16(a) (Geotechnical design), states plan above is compliant with Condition B16 (b)</p> <p>CC1, dated 15/11/2019</p>	<p>Coffey letter dated 8/11/2019, specifies what has been provided to comply with Condition B16(a).</p> <p>B16(b): Coffey Geotechnical Excavation Monitoring Plan, dated 5/11/2019 has been provided as evidence for compliance with Condition B16(b).</p> <p>Letter from Coffey to RCC, dated 8/11/2019 re B16(a) (Geotechnical design), states plan above is compliant with Condition B16 (b)</p> <p>CC1, dated 15/11/2019 – references letter from Coffey, and Coffey report, evidence the GMP was submitted to the CA prior to works commencing (29/11/2019)</p>	Compliant

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
External Walls and Cladding				
B17	<p>The external walls of all buildings must comply with the relevant requirements of the BCA.</p> <p>Before the commencement of the relevant works, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminum composite panels comply with the requirements of the BCA.</p> <p>The Applicant must provide a copy of the documentation to the Certifying Authority and to the Planning Secretary within seven days after the Certifying Authority accepts it.</p>	Interview with Auditees	To be verified as part of CC2 works	Not triggered
Structural Details				
B18	<p>Prior to the commencement of the relevant works, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practicing Structural Engineer that demonstrates compliance with:</p> <p>a) the relevant clauses of the BCA; and</p> <p>b) the development consent.</p>	Letter from Arup to Group GLA, dated 23/10/2019	Letter from Arup (structural engineer) to Group GLA, dated 23/10/2019 was sighted, certifying plans have been prepared in accordance with the BCA and the consent.	Compliant
1920s Carriageway Walls Interpretation				
B19	<p>The footprint of the 1920s low carriageway walls is to be interpreted in the new paving. The sandstone from the low wall is to be salvaged, reused and interpreted within the proposed development. Design details are to be submitted to the OEH Heritage Division for review and endorsement.</p> <p>Details demonstrating compliance with this condition must be submitted to the Planning Secretary and the Certifying Authority prior to the commencement of the relevant works.</p>	Interview with Auditees	Not yet designed or certified. This will be done prior to issue of CC3.	Not triggered
New Steps, Ramp and Pedestrian Control Structures				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B20	<p>Design details for the new steps and ramp at the end of the Domain path adjacent to the Art Gallery Road pedestrian crossing opposite the existing gallery building entry, and any pedestrian control structures at the western edge of Art Gallery Road, are to be submitted to the OEH Heritage Division for review and endorsement.</p> <p>Any pedestrian control structures must be visually recessive and lightweight and must not impede pedestrian access to the existing gallery building entry. Details demonstrating compliance with this condition must be submitted to the Planning Secretary and the Certifying Authority prior to the commencement of the relevant works.</p>	Interview with Auditees	This part of the project has not yet been designed or certified, and is due for inclusion prior to CC3 external works.	Not triggered
Works to the Former Naval Fuel Bunker				
B21	<p>The design of new structures in the southern former naval fuel bunker must not cause substantial damage, must be sympathetic to the retained existing concrete structure, and be lightweight and complement the character of the bunker. Localised changes and fixings are reasonable.</p> <p>Design details of the following work are to be submitted to the OEH Heritage Division for review and endorsement:</p> <ul style="list-style-type: none"> a) structural supports and strengthening of the bunker itself and the new structures above; b) new stairs, ramps, wall openings, any floor systems and coverings; c) new services i.e. electrical, communication/data/ hydraulic, mechanical and fire services; d) any waterproofing or moisture management methods; e) conservation and repair methods for significant concrete structure, ceilings, walls, floor and columns; f) any upgrade to comply with the NCC and Disability (Access to Premises - Buildings) Standards 2010. <p>Details demonstrating compliance with this condition must be submitted to the Planning Secretary and the Certifying Authority prior to the commencement of the relevant works</p>	<p>Presentation to OEH, prepared for AGNSW, prepared by Architectus, dated 17/10/2019</p> <p>Letter from DPIE to INSW – references letter from OEH providing endorsement of the proposed works under Condition B21</p> <p>Email evidence forwarded to the Planning Secretary by AGNSW, dated 25/10/2019, and evidence from OEH to AGNSW, also dated 25/10/2019</p> <p>CC1 references submission to CA, report listed in B21</p>	<p>Condition B21, parts a-f are addressed in separate sections of the Architectus presentation to the OEH, dated 17/10/2019</p> <p>Email to DPIE, dated 25/10/2019 states letter from OEH is attached, providing endorsement of the proposed works to the naval fuel bunker, as required under Condition 21</p>	Compliant
External Materials				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B22	High reflective surfaces, large areas of unshaded glass and bright white finishes are to be avoided. External colours are to be subdued and be compatible with the Sydney sandstone character of the locality. Samples of proposed external materials for walls, roofs, eaves and soffits, columns, glazing and its assemblies, rainwater goods, paving and retaining walls are to be submitted to the OEH Heritage Division for review and endorsement. Details demonstrating compliance with this condition must be submitted to the Department and the Certifying Authority prior to the commencement of works.	Interview with Auditees	To be included in CC2 and CC3	Not triggered
Nominated Historical Archaeologist				
B23	Prior to the commencement of works, a suitably qualified historical archaeologist shall be engaged who must satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level.	Letter from GML Heritage to AGNSW, dated 10/10/2019 Letter from AGNSW to Group DLA, dated 23/09/2019	Letter from GML Heritage to AGNSW, dated 10/10/2019, states they have been engaged to conduct monitoring under condition B23 Letter from AGNSW, dated 23/09/2019 confirms they have appointed GML Heritage Pty Ltd as historical archaeologist for the construction phase of the SMP.	Compliant
Public Domain Plan				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B24	<p>The Applicant shall ensure the following:</p> <p>(a) A detailed Public Domain Plan for the Lincoln Crescent and Cowper Wharf Road frontages must be lodged with Council’s Public Domain Section and approved by Council prior to the relevant works. The Public Domain Plan is to be submitted with a completed Public Domain Plan checklist (available in the City of Sydney’s Public Domain Manual)] and</p> <p>(b) The Public Domain Plan documents all works required to ensure that the public domain complies with the Council’s Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps and other relevant public domain elements. The Public Domain Plan submission is to incorporate the approved Alignment Levels (refer to condition B23). If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to the commencement of the relevant works.</p>	Interview with Auditees	To be included in CC2 and CC3	Not triggered
Public Domain Works - Lincoln Crescent and Cowper Wharf Road Frontages – Alignment Levels				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B25	<p>The Applicant shall ensure the following:</p> <p>(a) Alignment levels for the buildings and site frontages of those buildings are submitted to and approved by Council prior to the commencement of the relevant works. The submission must be prepared by a Registered Surveyor or suitably qualified engineer and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on Council's website);</p> <p>(b) If the proposed detailed design of the public domain (refer to condition B22) requires changes to any previously approved Alignment Levels, an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to the commencement of the relevant works;</p> <p>(c) The works to the public domain are completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before the use of the development commences, whichever is earlier;</p> <p>(d) If required by Council, a Public Domain Works Deposit is paid to Council for the public domain works, in accordance with the Council's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.</p> <p>Council's Public Domain section is contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to the commencement of the relevant works.</p> <p>The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.</p>	Interview with Auditees	To be included in CC2 and CC3	Not triggered
Public Domain Works - Lincoln Crescent and Cowper Wharf Road Frontages - Hold Points and Handover				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B26	The Applicant shall ensure the following: Prior to a Crown Building Works Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is determined with and approved by Council's Public Domain section in accordance with the Council's Public Domain Manual and Sydney Streets Technical Specification	Interview with Auditees	To be included in CC2 and CC3.	Not triggered
Public Domain Damage Deposit- Lincoln Crescent and Cowper Wharf Road Frontages				
B27	A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of asphaltic concrete site frontage must be lodged with Council in accordance with the Council's of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. The guarantee must be lodged with Council prior to the commencement of the relevant works. The Bank Guarantee will be retained in full until the use of the development commences and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.	Emails correspondence, dated 26/10/2019 to 16/11/2019 AGNSW Remittance Advice to City of Sydney, dated 15/11/2018	Emails between AGNSW and CoS confirming amount and payment method of Public Domain Damage Deposit, dated between 26/10/2019 to 16/11/2019. AGNSW Remittance Advice to City of Sydney, dated 15/11/2018 for amount \$46,060.00.	Compliant
Seawater Heat Exchange System				
B28	The detailed design of the seawater heat exchange system must comply with the preliminary design details outlined in the Seawater Heat Exchange Report (dated 16 March 2018) in Appendix H of the RTS. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works	NA	NA	Not triggered
Wayfinding and Signage				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B29	<p>Prior to the commencement of the relevant works, a Wayfinding and Signage Strategy prepared by suitably qualified persons shall be submitted to the satisfaction of the Certifying Authority. The Strategy shall, in relation to the components of the Strategy which are external to the building, be prepared in consultation with the OEH Heritage Division, Council, TfNSW and the Royal Botanic Gardens and Domain Trust. The Strategy must:</p> <ul style="list-style-type: none"> a) detail the final location, type, design and fixing methods (dimensions, materials, finish, illumination etc.) of all wayfinding and signage (building identification, business identification, wayfinding, security signage etc.) to be provided in the precinct; b) ensure wayfinding and signage is designed in a visually consistent, cohesive and uniform manner and to respect the character and heritage values of the precinct; c) ensure any illuminated signage would not cause adverse amenity impacts; d) have regard to the recommendations of the CPTED Report, dated 16 February 2018, (Appendix O in the RTS); e) detail how the strategy would improve wayfinding and dissemination of customer information to make it easier for people to get to and from the site, locate major transport hubs and increase mode share of public transport, walking and cycling. f) include a travel access guide increase mode share of public transport and active transport. This shall include signage to transport nodes; g) ensure wayfinding and signage is designed to integrate into Council's existing system/s consistent with the Legible Sydney Wayfinding Strategy 2012, the Legible Sydney Design Manual 2012, the Harbour Domain North Public Domain Strategy 2012 and TNSW's Sydney City Centre Access Strategy 2013. <p>The Strategy shall also be used to guide future applications for signage. Prior to the commencement of use, a copy of the final Signage Strategy must be submitted to Council, the Royal Botanic Gardens and Domain Trust, TfNSW and the Planning Secretary.</p>	Interview with Auditees	Condition B29 refers to permanent wayfinding. This strategy has not yet been prepared/finalised and will be verified as part of CC3.	Not triggered
External Works Visual Impact Mitigation				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B30	<p>The Applicant must ensure:</p> <ul style="list-style-type: none"> a) the external lifts are designed to minimise visual impacts and view blocking effects; b) internal framing and structure of the external lifts minimised to increase transparency in views and reduce the visual presence of the lifts in views; and c) external lifts are encased in non-reflective glass to increase the transparency of the lift glazing to views. <p>Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to commencement of the relevant works.</p>	Interview with Auditees	To be included as part of CC2 and CC3.	Not triggered
Environmental Sustainability				
B31	<p>The Applicant shall ensure the detailed design of the development incorporates the environmental sustainability objectives, measures and initiatives outlined in the Environmentally Sustainable Development Report (dated 1 November 2017) in Appendix AB of the EIS, taking into consideration amendments required by condition B4. Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the commencement of the relevant works.</p>	<p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>LCI Consultants Memo, dated 6/11/2019</p>	<p>LCI are the sustainability development consultants engaged for the project. Letter provided as evidence confirms CC1 plans comply with Condition B31. Method of compliance is outlined in the memo provided.</p>	Compliant
Reflectivity				
B32	<p>The visible light reflectivity from building materials used on the facades of any buildings or structures shall not exceed 20 per cent and shall be designed so as to minimise glare. In particular, the north-eastern glazed wall of the multi-purpose room should be revised as recommended in the supplemental Reflectivity Report dated 13 April 2018 (Appendix Q of the RTS).</p> <p>A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to the commencement of the relevant works.</p>	Interview with Auditees	To be included as part of CC2 and CC3.	Not triggered
Installation of Water Efficient Fixtures and Fittings				
B33	<p>All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.</p>	Interview with Auditees	To be included as part of CC3.	Not triggered
B34	<p>All taps and shower heads installed within the development must be water efficient with at least a 3-star rating under the Water Efficiency and Labelling Scheme (WELS), where available. The details must be submitted to the Certifying Authority prior to the commencement of the relevant works</p>	Interview with Auditees	To be included as part of CC3.	Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B35	New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.	Interview with Auditees	To be included as part of CC3.	Not triggered
B36	Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the commencement of the relevant works.	Interview with Auditees	To be included as part of CC3.	Not triggered
Bicycle Parking				
B37	A minimum of 12 bicycle parking spaces are to be provided for staff within the approved loading dock and a minimum of 33 publicly accessible bicycle rails (66 bicycle parking spaces) are to be provided for visitors adjacent to Art Gallery Road. The layout, design and security of all bicycle facilities must comply with the minimum requirements of AS 2890.3 - 1993 Parking Facilities Part 3: Bicycle Parking Facilities. Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015. (a) Documentation demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.	Interview with Auditees	To be included as part of CC3.	Not triggered
Outdoor Lighting				
B38	All outdoor lighting (including tree uplighting and any signage illumination) shall comply with the recommendations of the Exterior Lighting Report dated 5 October 2017 (Appendix AG of the EIS) and, where relevant, AS 1158.3.1-2005 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the commencement of the relevant works.	Interview with Auditees	To be included as part of CC3.	Not triggered
Access for People with Disabilities				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B39	Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority	Group DLA Accessibility Compliance Statement, dated 14/11/2019 Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019	Group DLA Accessibility Compliance Statement, dated 14/11/2019 references the BCA 2019, Part D3.3(a)(ii) CC1 references the Accessibility Compliance Statement	Compliant
Construction and Fit-out of Food Premises				
B40	The construction, fit-out and finishes of any food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 all relevant Australian Standards and the provisions of the BCA. Details of compliance with the relevant provisions shall be prepared by a suitably qualified person and submitted to the Certifying Authority prior to the construction and fit-out of any food premises.	Interview with Auditees	To be included as part of CC3.	Not triggered
Cool Rooms				
B41	Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G 1.2 of the BCA	Interview with Auditees	To be included as part of CC3.	Not triggered
Grease Traps				
B42	A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. Installation of the grease trap must comply with the requirements of Sydney Water. Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.	Interview with Auditees	To be included as part of CC3.	Not triggered
Mechanical Ventilation				
B43	The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2	Interview with Auditees	To be included as part of CC3.	Not triggered
B44	Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA, to the Certifying Authority prior to the commencement of the relevant works.	Interview with Auditees	To be included as part of CC3.	Not triggered
Interlocks- Mechanical Ventilation				
B45	Interlocks shall be installed to the kitchen mechanical ventilation system to ensure that the system is not operated unless the filters are correctly installed and enhanced filtration and odour systems are fully functional and operational.	Interview with Auditees	To be included as part of CC3.	Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
Sanitary Facilities- Food Premises				
B46	The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the BCA, Part F 3.1, 4.8 and 4.9.	Interview with Auditees	To be included as part of CC3.	Not triggered
Sanitary Facilities for Disabled Persons				
B47	The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Plans demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.	Interview with Auditees	To be included as part of CC3.	Not triggered
Sydney Water Assets				
B48	Building plans must be stamped and approved by Sydney Water prior to the issue of a Crown Building Works Certificate, due to the proximity of works to Sydney Water assets. For further assistance, please visit www.sydneywater.com.au or telephone 13 20 92.	Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019 BPA Stamped Plans, 20/11/2018 Proposed Site Plan Ref 560245, Roof Plan Ref DA_1000 Letter from Sydney Water confirming approval, dated 20/11/2018	Building plans available on site, and include stamped approval by Sydney Water.	Compliant
Pre-Construction Dilapidation Report				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B49	<p>The Applicant is to engage a suitably qualified professional(s) to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report must be submitted to the Certifying Authority prior to issue of the Construction Certificate or any works commencing whichever is earlier. A copy of the report just be forwarded to the affected landowners.</p> <p>The Pre-Construction Dilapidation Report must also include a photographic recording of the public domain site frontages and must be prepared to the satisfaction of the PCA. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:-</p> <ol style="list-style-type: none"> a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions; each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage; each image is to be numbered and cross referenced to a site location plan; a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record. 	<p>Sydney Modern Pre-Dilapidation Survey Reports, Areas 2-5 and 7-9, dated 4/12/2019.</p> <p>Greenplus Property Certification, dated 8/11/2019</p> <p>CC1, dated 15/11/2019</p> <p>Email correspondence between Coffey (Senior Engineering Geologist), Architectus (Senior Associate), and RCC (Design Coordinator), dated between 10/10/2019 and 15/10/2019</p>	<p>Greenplus certification states they have carried out pre-construction dilapidation reports in accordance with B49 and B60 (heritage). The document lists areas for which pre-dilapidation surveys were conducted, and include: AGNSW (Area 2), Botanic Gardens offices and entry (Area 3), Public roads (Area 4), Land bridge (Area 5), Ausgrid Building (Area 7), Lincoln Cres (Area 8), and Wharf Terraces (Area 9).</p> <p><u>NB:</u> Areas 1 and 6 are addressed in Condition B60 (heritage).</p> <p>Email correspondence re confirmation of 'zone of influence' sighted.</p> <p>CC1 references all dilapidation reports for Areas 1-9</p> <p>Summary provided. Report includes photos with commentary and identification.</p>	Compliant
Lincoln Crescent Zone Substation				
B50	<p>Further details demonstrating the proposed exhaust system and the proposed seawater heat exchange system pipelines will not adversely impact the operation of the Lincoln Crescent zone substation are to be submitted for the endorsement of Ausgrid. Details of compliance must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.</p>	Interview with Auditees	Proposed exhaust stack for permanent design will be located near the Ausgrid substation, and be included in the scope of CC3.	Not triggered
Requirements of Public Authorities				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B51	The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.	<p>Letter from RCC to CA, dated 14/11/2019</p> <p>Ausgrid certified designs (SC12784, SC13437), sighted 14/02/2020</p> <p>Letter from Arup to Jemena, dated 20/08/2018</p> <p>Various email correspondence from Ausgrid and Jemena provided as evidence, sighted 14/02/2020.</p>	<p>Letter from RCC to CA sighted, summarising communications conducted with Ausgrid, Sydney Water and Jemena.</p> <p>Letter from Arup to Jemena, dated 20/08/2018 includes reference to meeting held with Jemena, approved applications for gas connections, gas schematics agreed upon etc.</p>	Compliant
Demolition Works				
B52	Demolition work must comply with the provisions of Australian Standard AS2601:2001 The Demolition of Structures (Standards Australia, 2001). The work plans by AS2601:2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the Certifying Authority prior to the commencement of works.	<p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Demolition Environmental Civil Contractors (DECC) Demolition Control Plan v2, dated 22/10/2019</p> <p>Letter from DECC to Group GLA, dated 28/10/2019</p>	<p>The DECC Demolition Control Plan sets out work methodologies in compliance with AS2601:2001.</p> <p>Letter from DECC to Group GLA, dated 28/10/2019 confirms the DCP complies with B52 and C1 of SSD 6471</p>	Compliant
Hoarding				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B53	<p>A separate application under section 138 of the Roads Act 1993 is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:</p> <ul style="list-style-type: none"> a) architectural, construction and structural details of the design as well as proposed artwork; and b) structural certification prepared and signed by an appropriately qualified practicing structural engineer. <p>Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.</p>	Interview with Auditees	Hoarding on western side of the site is adjacent to internal roads owned by Royal Botanic Gardens (RBG). Lincoln Crescent hoarding is within the site boundary and therefore doesn't require an application to erect under the Roads Act.	Not triggered
Barricade Permit				
B54	Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.	<p>Temporary Approval under section 68 (E(1&2) of LGA Act & Section 139 of the Roads Act 1993, dated 10/12/2019 for works during 12 Dec to 21 Dec 2019</p> <p>CoS Parking Permit (PSMU000293) issued to DECC, from 12/12/2019-21/12/2019</p> <p>Traffic Control Plan (TCP) during substation wall removal and driveway excavation, dated 29/11/2019</p>	The demolition of the pump room on Lincoln Crescent required use of the road. An application was made for temporary use of the road during demolition; approval from CoS to close the footpath was required. Included approved TCP, approval to take car four spaces. Email confirmation that barricades were allowed to remain in place for 24hrs per day was also sighted on 14/02/2020.	Compliant
Interface Access Agreement				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B55	An Interface Access Agreement, between the Applicant and Roads and Maritime Services (RMS), must be prepared. A copy of the final agreement, endorsed by RMS, is to be provided to the Planning Secretary prior to the commencement of works.	Interface Access Deed, dated 21/12/2018 Email from AGNSW to DPIE, dated 14/02/2020	An Interface Access Agreement had been prepared for the project, but had not been submitted to the Planning Secretary prior to the commencement of works. Submission to the Planning Secretary by INSW was completed on the afternoon of the independent audit, 14/02/2020, which is non-compliant with the timeframe required for submission (prior to the commencement of works).	Non-compliant
Road Occupancy Licence				
B56	A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the Roads Act 1993 for any activity that may impact on the operation of Lincoln Crescent and Cowper Wharf Road. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.	Letter from CoS to DECC, RE: Vehicle Access Permit, dated 14/01/2020 Traffic Control Plan, dated 13/01/2020	There was one occurrence during the audit period for the use of Lincoln Crescent for the delivery of oversized plant, dated January 2020. Letter from CoS to DECC, was sighted, confirming approval of the oversize Vehicle Access Permit, with conditions. TCP available. The Road Occupancy Licence was not available for review during the audit.	Non-compliant
Parking Restrictions				
B57	The Applicant shall ensure is has obtained approval from Council's Pedestrian Cycling and Traffic Calming Committee for any changes required to on-street parking restrictions for construction, prior to the commencement of the relevant works.	Interview with Auditees	Construction zone (62m) applied for on Lincoln Crescent. Approval in place, but has not yet been activated. Another application has been submitted to remove the median strip to ease the turning circle. The above works are pending approval from the Pedestrian Cycling and Traffic Calming Committee.	Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
Maritime Exclusion Zone				
B58	The Applicant shall contact RMS at least four weeks prior to the establishment of any maritime exclusion zone and provide details of the start and end dates for the maritime exclusion zone and associated construction activities. Details should be sent to maritimeplanning@rmsw.nsw.gov.au.	NA	NA	Not triggered
Construction Licence				
B59	If required, the Applicant shall ensure is has obtained a Construction License from RMS in respect to any required occupation of RMS land during construction, prior to the commencement of works.	AGNSW Development Deed, Section 7 Construction Licence	Construction Licence sighted and forms part of the AGNSW Development Deed.	Compliant
Heritage Dilapidation Survey				
B60	Prior to the commencement of works, a heritage specific dilapidation survey and report for significant elements, materials and finishes in the existing gallery building and site (including the forecourt sculptures) must be prepared and a copy provided to the Certifying Authority.	<p>Letter from Greenplus Property Services, to Group DLA, dated 8/11/2018</p> <p>Email from GML to RCC, dated 28/11/2019 – states general compliance with Condition B60</p> <p>Pre-Dilapidation Surveys, Areas 1, 2, 5 and 6, dated 4/12/2019</p> <p>CC1, granted 15/11/20019 – includes reference to pre-construction dilapidation surveys</p> <p>Interview with Auditees</p>	<p>AGNSW engaged GML to provide a specification for the heritage dilapidation surveys under Condition B60. The specification includes the oil tanks, forecourt sculptures and various wings of the AGNSW. Section 2.0 addresses Methodology and Section 2.2. identifies elements to be recorded.</p> <p>Dilap surveys were conducted based on the specification.</p> <p>Areas 1 (AGNSW), 2 (Surr-AGNSW), 5 (Land bridge) and 6 (oil tanks) include dilapidation of structures with heritage significance.</p> <p>Letter from GML Heritage (28/11/2019) confirms the listed dilapidation reports are compliant with Condition B60</p>	Compliant
Construction Environmental Management Plan				

<p>B61</p>	<p>Prior to the commencement of works, the Applicant shall prepare and implement a Construction Environmental Management Plan (CEMP) for the development and be submitted to the Certifying Authority. The CEMP must:</p> <ul style="list-style-type: none"> a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase; b) describe all activities to be undertaken on the site during site establishment and construction of the development; c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting; d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies; e) be prepared in consultation with the Council, EPA, DPI, RMS, TNSW, and the OEH Heritage Division and include specific consideration of measures to address any requirements of these agencies during site establishment and construction; f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works; g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts; h) include measures to ensure adequate groundwater entitlement is sourced in order to account for groundwater flows into the construction excavations, unless any exemption applies; i) management of groundwater during construction; j) commits to relocating intertidal and subtidal boulders, moved for installation of the sea water heat exchange system pipes, back to their original position or otherwise within the appropriate intertidal or subtidal zone in the vicinity; k) designs erosion and sediment controls to be used during construction to reduce the potential for turbidity related impacts to Woolloomooloo Bay; l) document and incorporate all relevant sub environmental management plans (Sub Plans), control plans, studies and monitoring programs required under this part of the consent; and m) include arrangements for community consultation and complaints handling procedures during construction. 	<p>Environmental Management Plan Sydney Modern Project 1178, Richard Crookes Constructions, 8/10/2019 (CEMP)</p> <p>CC1, granted 15/11/2019 – includes reference to the CEMP (evidence of submission to the CA)</p> <p>Evidence of CEMP consultation: Email from RCC to CoS, dated 23/10/2019</p> <p>Email from CoS to RCC, dated 7/11/2019</p> <p>Emails between DPI and RCC, dated 2/11/2019 - 7/11/2019</p> <p>Emails between EPA and RCC, dated 23/10/2019 - 24/10/2019</p> <p>Letter from Heritage NSW to RCC, dated 14/11/2019</p> <p>Emails between RMS to RCC, dated 25/10/2019 - 13/11/2019</p>	<p>RCC have prepared and implemented a CEMP for the development</p> <ul style="list-style-type: none"> a) stages and timeframes are included in Section 4.5 b) a description of activities is included in Section 4.5 c) the stages/phases of the program requiring ongoing environmental management are listed in Section 4.5 d) legislative compliance is outlined in section 4.8 e) section 4.18 describes consultation conducted for preparation of the CEMP (Council, EPA, DPI, RMS, TNSW, OEH). Evidence of consultation was sighted. f) roles and responsibilities are described in Section 4.4 g) monitoring and required actions to address potential environmental impacts is described in Section 4.10. An Environmental Risk Matrix is presented in Appendix 1. Resources, surface and groundwater, heritage, traffic, air quality, noise and vibration, waste, visual amenity, stormwater treatment are addressed in Section 4.7 h) groundwater entitlement is addressed in Section 4.16.1 i) groundwater management is addressed in Section 4.16.1 l) Sub-Plans are attached as appendices to the CEMP and are listed in Section 4.9.2 m) community consultation and complaints handling procedures are outlined in Section 4.11.2 and 4.11.4 	<p>Non-compliant</p>
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Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	<p>In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.</p> <p>Prior to the commencement of works, a copy of the CEMP must be submitted to Council and the Planning Secretary.</p>		<p>Evidence of submission of the CEMP to the Planning Secretary prior to the commencement of works could not be located during the audit.</p>	
<p>Construction Pedestrian Traffic Management Plan</p>				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B62	<p>Prior to the commencement of works, a Construction Pedestrian Traffic Management Plan (CPTMP) prepared by a suitably qualified person shall be endorsed by TfNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the Certifying Authority. The CPTMP must be prepared in consultation with Council, TfNSW (Sydney Coordination and Metro Delivery Offices), and RMS. The CPTMP shall address (but not be limited to):</p> <ul style="list-style-type: none"> a) location of the proposed work zone; b) haulage routes; c) construction vehicle access and traffic control arrangements; d) proposed construction hours; e) estimated number of construction vehicle movements; f) any changes required to on-street parking; g) restriction on vehicles over 6 m in length turning right from Lincoln Crescent into Cowper Wharf Road; h) construction program; i) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction; j) cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro City and South West considering any traffic and pedestrian management plans prepare for these projects to ensure that work activities are coordinated and managed to minimise impacts on the road network; k) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours; l) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts; and m) measures to encourage public transport use and other non-car travel options by construction workers. <p>Prior to the commencement of works, a copy of the CPTMP must be submitted to Council and the Planning Secretary</p>	<p>Transport and Traffic Planning Associates CPTMP, Ref #142/2019 Issue C, dated October 2019</p> <p>Email from TfNSW (Sydney Coordination and Metro Delivery Offices) to TTPA, dated 14/11/2019 confirming endorsement of CPTMP.</p> <p>CC1, granted 15/11/2019 – reference to CPTMP (evidence of submission to the CA)</p> <p>Email from CoS to RCC Traffic Consultant, dated 2/10/2019 stating CTMP is satisfactory</p> <p>Email from RCC Traffic Consultant (TTPA) to CoS, dated 23/10/2019 requesting input into the CPTMP</p> <p>Emails between RMS and TTPA, dated 23/10/2019 – 7/11/2019 as evidence of consultation.</p>	<p>The CPTMP, Section 6.6 lists authorities issued with a copy of the plan for consultation purposes and includes TfNSW, RMS and CoS. Details of the consultation process were sighted as evidence during the audit</p> <ul style="list-style-type: none"> a) Works zones set out in Section 4.5 b) Haulage route addressed in Section 5.4 c) Construction access addressed in Section 5.1 d) Construction hours in Section 4.3 e) Number of construction vehicle movements estimates in Section 6.1 f) Parking addressed in Section 6.2 g) Construction vehicle types and lengths are listed in Section 5.3 and include vehicles over 6 metres. Details of critical vehicles swept path is provided in Appendix C h) Construction program Section 4.1 i) Potential impacts to traffic, cyclists, pedestrians and bus services addressed in Section 6 j) Cumulative impacts are considered in Section 3.3 k) Construction hours and site access, Sections 4.3 and 4.4 l) Mitigation measures in m) Measures to encourage public transport <p>Evidence of submission of the CPTMP to the Planning Secretary prior to the commencement of works could not be located during the audit.</p>	<p>Non-compliant</p>
<p>Construction Noise and Vibration Management Plan</p>				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B63	<p>Prior to the issue of the relevant Crown Building Works Certificate, a Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The CNVMP must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The CNVMP shall address (but not be limited to):</p> <ul style="list-style-type: none"> a) be prepared in accordance with the EPA's Interim Construction Noise Guideline; b) identify nearby sensitive receivers and land uses; c) identify the noise management levels for the project; d) identify the construction methodology and equipment to be used and the key sources of noise and vibration; e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration; f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Acoustic Report (dated 28 February 2018) in Appendix P of the RTS; g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded. <p>Prior to the commencement of works, a copy of the CNVMP must be submitted to Council and the Planning Secretary</p>	<p>White Noise Acoustics CNVMP Rev 3, dated 18/10/2019</p> <p>CC1, granted 15/11/2019 – reference to CNVMP (evidence of submission to the CA prior to issue of the relevant Crown Building Works Certificate)</p> <p>Emails between CoS and RCC, dated 23/10/2019 – 4/11/2019 provide evidence of Council consultation.</p> <p>The EPA acknowledged receipt of the CNVMP via email, dated 23/10/2019.</p>	<ul style="list-style-type: none"> a) Construction noise criteria have been derived from the ICNG, discussed in Section 5.3.1 b) Sensitive receivers are identified in Section 2 c) NMLs are listed in Section 5.3.1, Table 3 d) Proposed demolition appliances, including equipment to be used and sound power levels is set out in Section 5.2, Table 2 e) Noise mitigation measures are provided in Section 5.6 and vibration in Section 5.8 f) Section 1 specifies the assessment was undertaken in accordance with the requirements of the Arup EIA – Acoustic Report (Ref: Acoustics SEARS Report rev A.docx). Section 4 explains the noise levels from the SEARS acoustic report have been used as a basis for the CNVMP. g) Community engagement and notification requirements are addressed in Section 7 h) Recommendations for noise and vibration monitoring are provided in Section 6. <p>Evidence of submission of the CNVMP to the Planning Secretary prior to the commencement of works could not be located during the audit.</p>	<p>Non-compliant</p>
<p>Air Quality and Odour Management Plan</p>				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B64	<p>Prior to the issue of the relevant Crown Building Works Certificate, an Air Quality and Odour Management Plan (AQOMP) must be prepared and submitted to the Certifying Authority. The AQOMP must recommend measures to minimise and manage any odours arising from excavation, stockpiling and removal of contaminated and acid sulfate soils including, but not limited to:</p> <ul style="list-style-type: none"> a) staged excavation to limit the surface area of exposed odorous material; b) application of odour suppressants; c) effective covering of stockpiles and truckloads of excavation spoil; and d) expedited removal of odorous material from the development to a facility legally able to accept those wastes. <p>The AQOMP should include consideration of measures referenced in the Air Quality Assessment dated November 2017 (Appendix AJ in the EIS) and must include proactive and reactive management strategies, key performance indicators, monitoring measures, record keeping, response mechanisms, contingency and compliance reporting measures.</p>	<p>Air Quality and Odour Management Plan (AQOMP), dated 22/10/2019</p> <p>CC1, granted 15/11/2019 – includes reference to the AQOMP (evidence of submission to the CA)</p>	<p>Section 7, Table 3 of the AQOMP lists controls for the management of air quality and odour emissions. Controls include: limiting exposed/excavation areas (AQ19), and staged excavation (AQ34); stockpile management (AQ29-32), including use of odour suppressant (AQ35 & AQ38); Controls of odours during excavation and stockpiling of contaminated soils is addressed in AQ33-38, and includes covering of stockpiles (AQ 36). The application of lime during acid sulfate soil treatment is listed in section 6.1 as a potential air quality impact, but controls are not included in Table 3. It is noted that ASS requirements were removed when MOD1 removed the sea heat exchange system. RCC advised ASS is unlikely to become relevant during the project. The Air Quality Assessment dated November 2017 (Appendix AJ in the EIS) has been considered in Section 5.2 of the AQOMP. Management strategies etc. are included in Table 3, and monitoring requirements in Table 4 of the AQOMP. Continuous improvement and auditing are addressed in Sections 8.1 and 8.2.</p>	Compliant
Waste Management Plan				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B65	<p>Prior to the commencement any construction (including demolition), a Waste Management Plan (WMP) must be prepared and submitted to the Certifying Authority. The WMP must:</p> <ul style="list-style-type: none"> a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works; b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air; c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste"; d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer; e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site; f) require that concrete waste and rinse water are not disposed on the site and are prevented from entering Sydney Harbour; and <p>The design and management of waste must comply with the requirements of City of Sydney Development Control Plan 2012.</p>	<p>RCC Waste Management Plan Rev 2, dated 8/10/2019</p> <p>CC1, granted 15/11/2019 – includes reference to the WMP (evidence of submission of the WMP to the CA)</p>	<p>A Waste Management Plan was prepared and includes:</p> <ul style="list-style-type: none"> a) RCC WMP, Section 3.2 b) RCC WMP, Section 5 c) RCC WMP, Section 3.1 d) RCC WMP, Section 5 e) RCC WMP, Section 5 f) RCC WMP, Section 5 <p>Requirements of City of Sydney DCP 2012 – 3.14.2 Construction and Demolition Waste are addressed on Page 4 of the RCC WMP.</p> <p>Specific requirements are addressed in Sections 3, 3.2, 4, 6, and 8 of the ECC WMP.</p>	Compliant
Water and Stormwater Management Plan				
B66	<p>Prior to the commencement of the relevant works, a detailed Water and Stormwater Management Plan, prepared by a suitably qualified person and endorsed by City of Sydney Council, shall be submitted to the satisfaction of the Certifying Authority.</p>	<p>Interview with RCC Design Manager</p>	<p>RCC Design Manager confirmed Condition B66 relates to the permanent condition.</p> <p>The WSMP was being prepared by Arup at the time of the audit, to be included in CC2. RCC states the WSMP relates to 2 new connections into existing pits, and the installation of a new stormwater line.</p>	Not triggered
Crime Prevention Through Environmental Design (CPTED)				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B67	To minimise the opportunity for crime in accordance with CPTED principles, the relevant recommendations provided in the CPTED Report dated 16 February 2018 (Appendix O of the RTS), shall be demonstrated on the architectural plans (in consistency with condition D12) prior to the commencement of the relevant works.	Interview with RCC Design Manager	To be included in CC2.	Not triggered
Acid Sulfate Soils Management Plan				
B68	Prior to the commencement of works, an Acid Sulfate Soils Management Plan, prepared by a suitably qualified person, shall be submitted to the Certifying Authority.	NA	NA	Not triggered
Hazardous Materials Management Plan				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B69	<p>Prior to the commencement of works, a Hazardous Materials Management Plan (HMMP) prepared by a suitably qualified person, shall be submitted to the Certifying Authority. The HMMP must be prepared in consultation with the EPA and SafeWork NSW. The HMMP must:</p> <ul style="list-style-type: none"> a) ensure the development complies with the NSW Occupational Health and Safety Regulation 2001 and Part 7 of the Protection of the Environment Operations (Waste) Regulation 2014; b) be consistent with Safe Work Australia’s codes of practice How to Safely Remove Asbestos 2011 and How to Manage and Control Asbestos in the Workplace 2011; c) identify any known or potential areas of concern on site for hazardous and asbestos containing materials; d) outline the procedures for identification, handling and disposal of hazardous materials; e) include an Asbestos Management Plan; f) ensure that all hazardous materials would be handled and disposed of by suitably qualified and licensed experts in accordance with the relevant guidelines and legislation; g) ensure an induction process is in place for site workers and visitors regarding the identification of hazardous and asbestos containing materials and the formal procedures to be followed if such materials are identified on site; h) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and i) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates. <p>Prior to the commencement of works, a copy of the HMMP must be submitted to the EPA, SafeWork NSW and the Department.</p>	<p>Coffey, RCC Hazardous Materials Management Plan R02 Final, dated 22/10/2019</p> <p>Coffey, RCC Asbestos Management Plan, dated 9/09/2019</p> <p>Evidence of HMMP submitted to the EPA and SafeWork NSW:</p> <p>Email from EPA to RCC, dated 23/10/2019, confirming receipt of HMMP</p> <p>Letter from SafeWork NSW to RCC, dated 28/10/2019 confirming submission of the HMMP to SafeWork</p>	<p>A HMMP has been prepared for the project and includes:</p> <ul style="list-style-type: none"> a) Storage and disposal of asbestos is addressed in the HMMP, Section 11.9. Legislative requirements are addressed in Section 2.4. b) Relevant Codes of Practice are referenced in the HMMP, Section 2.4 c) The RCC ACM Register is included as Appendix A to the HMMP (no asbestos identified) d) Asbestos identification is addressed in the HMMP, Section 5.1. Removal and disposal of asbestos and hazardous materials is addressed in the HMMP, Sections 11 and 12 e) Asbestos Management Plan provided separately f) RCC Asbestos Removal Permit included in HMMP, Appendix D, Approvals, notifications and licences are in Section 10. g) Inductions are addressed in the HMMP, Section 11.4 h) Air monitoring requirements for asbestos removal work are addressed in the HMMP, Section 11.7 and 11.8. i) Requirements relating validation, inspection and clearances are documented in the HMMP, Section 11 <p>Evidence of submission of the HMMP to the Planning Secretary prior to the commencement of works could not be located during the audit.</p>	<p>Non-compliant</p>

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B70	The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.	<p>SafeWork NSW Notice of intent to remove non-friable asbestos, dated 5/12/2019 (dated within required timeframe 5 days prior to commencement of removal).</p> <p>DECC Non-Friable Asbestos Removal Licence, Licence No. AD211031, SafeWork NSW, dated 21/06/2012, exp. 20/06/2022</p>	<p>Asbestos removal works commenced on 11/02/2020 (3 days prior to the audit).</p> <p>Elevated asbestos fibre air monitoring readings were encountered. Laboratory testing confirmed elevated results were not asbestos fibres, but particles from ambient high smoke levels.</p> <p>Proposed start work date on notice of intent documented as 12/12/2019. Asbestos removal licence sighted and current.</p>	Compliant
B71	Prior to the commencement of any work, the Applicant is required to satisfy the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 'asbestos wastes'	<p>EPA consignment notice B76A-CPJM-HDM6, dated 17/12/2019</p> <p>DECC Non Friable Asbestos Removal Licence #AD211031, dated 21/06/2012, Exp. 20/06/2022</p> <p>Demolition Environmental Civil Contractors Pty Ltd (DECC) Demolition Licence #AD205523, dated 1/05/2008 Exp. 22/06/2020</p> <p>Email from DPIE to andrew@cbdbulkhaul.com.au, dated 18/02/2020</p>	<p>Asbestos and other hazardous building materials were removed by the demolition contractor, DECC prior to the demolition of the pump building on Lincoln Crescent.</p> <p>Relevant licences and tickets for asbestos removalists were provided as evidence and were current during the audit period.</p> <p>DECC provided evidence of use of EPA's online WasteLocate system for tracking asbestos waste from the project to disposal destination. DPIE confirmed exemption applies where transporters do not need an EPA waste transport licence to transport asbestos waste within NSW.</p>	Compliant
Contamination				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
B72	<p>Prior to the commencement of any works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be submitted to the satisfaction of the EPA and the Certifying Authority.</p> <p>The UFP must be developed considering the findings of the Stage 1 Preliminary Environmental Study (dated 25 September 2017) in Appendix T of the EIS, the Remedial Action Plan (dated 25 September 2017) in Appendix Y of the EIS, and the Site Audit Report (dated 2 December 2016) in Appendix Z of the EIS.</p> <p>The UFP must be implemented for the duration of construction works</p>	<p>Coffey, RCC Unexpected Finds Procedure Rev2, dated 15/10/2019</p> <p>Letter from Coffey to RCC, dated 8/11/2019 confirming the UFP complies with Condition B72</p> <p>Evidence of submission to the EPA and CA</p> <p>Email from EPA to RCC, dated 23/10/2019, confirming receipt of UFP</p> <p>CC1, granted 15/11/2019 – includes reference to UFP</p> <p>Coffey top of oil tank waste classification, dated 19/12/2019</p> <p>Coffey letter re waste classification RevA, dated 14/01/2020</p> <p>Coffey letter re waste classification, dated 11/02/2020</p>	<p>Asbestos identified during waste classification works in early December 2019 (classification: GSW). Reported under C20 & DPIE notified. GSW, later letter dated 14 Jan 2020 (RevA) – upgrade to Special Waste (Asbestos) based on fragments, 11 Feb 2020 – classification upgraded to Special Waste management</p> <p>RAP prepared prior to this time.</p> <p>The UFP was implemented after waste classification works. UFP included in induction material, includes examples. Soil above both tanks – stopped works, notified hygienist (air monitoring), waste classification. Soil classification updated to Special Waste.</p> <p>Asbestos contaminated soil was still being remediated at the time of the audit.</p>	Compliant
PART C DURING CONSTRUCTION				
Demolition				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C1	Demolition work must comply with Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.	<p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Demolition Environmental Civil Contractors (DECC) Demolition Control Plan v2, dated 22/10/2019</p> <p>Letter from DECC to Group GLA, dated 28/10/2019</p>	<p>The DECC Demolition Control Plan sets out work methodologies in compliance with AS2601:2001.</p> <p>Letter from DECC to Group GLA, dated 28/10/2019 confirms the DCP complies with B52 and C1 of SSD 6471</p>	Compliant
Construction Hours				
C2	<p>Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</p> <p>a) between 7.00 am and 6.00 pm, Mondays to Fridays inclusive;</p> <p>b) between 8.00 am and 3.30 pm, Saturdays</p>	RCC Sydney Modern site induction, sighted 14/02/2020	<p>Site induction includes working hours as stated in the CoC. All workers must complete the induction prior to working on site.</p> <p>Noted – see Condition C4 for out of hours works.</p>	Compliant
C3	No construction work may be carried out on Sundays or public holidays	Interview with Auditees	RCC confirms no works on Sundays or Public Holidays during the audit period.	Compliant

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C4	Activities may be undertaken outside of these hours if required: <ul style="list-style-type: none"> c) by the Police or a public authority for the delivery of vehicles, plant or materials; or d) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm. 	Interview with Auditees, 14/02/2020 CoS Permit for Oversize/Over-mass Vehicle Access Permit, dated 14/01/2020, Exp. 14/01/2021 Traffic Control Plan, dated 13/01/2020	RCC confirmed there was one instance of works outside of hours during the audit period. A delivery of two excavators was received on 16/01/2020 between 3am-5am via Lincoln Crescent. A permit was issued by CoS for works between 11pm-5am, M-F and 5am-10am Sat, valid from 14/01/2020-14/01/2021. Permit conditions included vehicle height, weight and length, and restriction of travel routes. The subcontractor (Planthaul Pty Ltd) was required to seek approval for a ROL from the Traffic Management Centre and Permit from NSW Police Traffic and Highway Patrol Command prior to travel. The ROL and Police Permit were not available for review during the audit.	Non-compliant
C5	Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.	RCC Notice of Disruption, dated 14/1/2020 Wharf Terraces Works Update, sighted 14/02/2020	RCC issued a disruption notice to AGNSW, who distributed to precinct working group, including the wharf terraces and other affected residents, dated 14/01/2020.	Compliant
C6	Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours: <ul style="list-style-type: none"> a) 9.00 am to 12.00 pm, Monday to Friday; b) 2.00 pm to 5.00 pm, Monday to Friday; and c) 9.00 am to 12.00 pm, Saturday 	RCC Sydney Modern site induction, sighted 14/02/2020 Interview with Auditees	Permitted hours for rock breaking etc. are documented in the project induction material, including respite periods. RCC advised no noise complaints have been received. Most demolition to date has been conducted using a pulveriser, rather than hammering. Board piling works commenced one day prior to the audit on 13/02/2020.	Compliant
Noise and Vibration Management				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C7	The development must be constructed with the aim of achieving the construction noise management levels detailed in the Interim Construction Noise Guideline (Department of Environment and Climate Change, 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 Construction Environmental Management Plan.	<p>White Noise Acoustics CNVMP Rev 3, dated 18/10/2019</p> <p>White Noise Acoustics Noise and Vibration Monitoring Results, dated 23/01/2020</p> <p>Letter updates to neighbours, dated 4/02/2020</p> <p>Realtime noise monitoring website (svannet), sighted 14/02/2020</p> <p>RCC Sydney Modern site induction, sighted 14/02/2020</p>	<p>White Noise Acoustics have developed a CNVMP for the project, which references the ICNG. Noise and vibration monitoring has been conducted as required by the CNVMP during the audit period.</p> <p>Other mitigation measures include the installation of hoarding around perimeter of site (A Class) @2.4m high (exceeding the BCA requirement of 1.5m); and the use of pulverisers on machines for demolition.</p> <p>A live link to realtime noise monitoring is available on the svannet website. No noise levels exceedances recorded within the audit period. Affected residents are provided with monthly updates, which are also posted on the project website.</p> <p>In addition, plant maintenance regimes are implemented and noise reduction requirements, including working hours and respite periods, are included in the site induction.</p>	Compliant
C8	Heavy vehicles and oversized vehicles must not queue or idle on Art Gallery Road, Mrs Macquaries Road or Lincoln Crescent outside of construction zones awaiting access to the Subject Site.	<p>Interview with Auditees</p> <p>Site inspection 14/02/2020</p> <p>RCC Sydney Modern site induction, sighted 14/02/2020</p> <p>SMP Enquiries and Complaints Register</p>	<p>Heavy vehicle traffic requirements are communicated via the site induction. No complaints relating to traffic or truck movements have been received during the audit period.</p>	Compliant

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C9	The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers.	RCC Sydney Modern site induction, sighted 14/02/2020 Interview with Auditees	The need for intra-day 'respite periods' had not been triggered at the time of the audit. RCC advised demolition works commenced one day prior to the audit on 13/02/2020.	Not triggered
C10	Vibration caused by construction at any residence or structure outside the subject site must be limited to: a) for structural damage vibration to buildings (excluding heritage buildings), British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings; b) for structural damage vibration to heritage buildings, German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure-, and c) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.	White Noise Acoustics CNVMP Rev 3, dated 18/10/2019 White Noise Acoustics Noise and Vibration Monitoring Results, dated 23/01/2020 report for Jan 2020 – 17 Dec 2019 exceedance reported (see section 5.1 for more detail) Letter from White Noise Acoustics to RCC, dated 8/11/2019	The CNVMP has been prepared with reference to the vibration standards listed in Condition C10. Vibration monitors are placed in a number of locations across the site including AGNSW, wharf terraces, ED and Ausgrid substation. A number of vibration exceedances were reported during the audit period, detailed in section 5.1 of the White noise monitoring report. The report explains the first event at Location 4 (Art Galley) was triggered by localised use of bobcats conducting site establishment (17/12/2019), and that the resulting vibration levels (12.87 mm/s) would not result in magnitudes which exceed vibration criteria at this location. A number of other events were recorded on 20/12/2019 and 10/01/2020, which were associated with the movement of the loggers for the holiday period and not works conducted on the site. Letter from White Noise confirms the CNVMP complies with Conditions B63, C9 and C10.	Compliant
Site Protection and Works				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C11	All significant building fabric and building elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.	Interview with Auditees	Works conducted during the audit period are demolition and earthworks only. Protection works will be triggered later in the project.	Not triggered
C12	The installation of new services must be carried out in such a manner as to minimise damage to, or removal of, significant fabric.	Interview with Auditees	RCC advised no new services installed during the audit period.	Not triggered
Disposal of Seepage and Stormwater				
C13	Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council	<p>Coffey email re Quality of Water Accumulated in North Tank, 20/01/2020</p> <p>Eurofins Certificate of Analysis (water monitoring results), Report #696957-W, dated 16/01/2020</p> <p>City of Sydney Tax Invoice, Registration and Review Public Domain PCA RC 308 App for Temporary Dewater, dated 11/02/2020</p>	<p>While significant volumes of rainwater had accumulated on site since construction commencement, no pumping of stormwater from the site had occurred during the audit period. Water was stored in the tanks at the bottom of the site, and reused as dust suppressant on the site subsequent to testing.</p> <p>Coffey water monitoring results, dated 16/01/2020 confirm the water was suitable for reuse: <i>"Clear, no distinct odour – suitable for dust suppression"</i>.</p> <p>RCC advised an application to CoS is in place for discharge to stormwater (temporary dewatering permit), though approval had not been granted by CoS at time of the audit.</p>	Compliant
Approved plans to be onsite				
C14	A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the PCA	<p>Approved plans stamped 20/11/2018 available on site.</p> <p>17/09/2019 s4.44(1A)</p> <p>Modification plans available on site.</p>	As per Condition A2	Compliant
Site Notice				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C15	<p>A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:</p> <ul style="list-style-type: none"> a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size; b) the notice is to be durable and weatherproof and is to be displayed throughout the works period; c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted. 	Site inspection 14/02/2020	Site notice signage was installed on major gates and areas of hoarding surrounding the site. The details on each site notice were compliant with Condition C15.	Compliant
Archaeology				
C16	The Historical Archaeologist nominated under condition B21 must be on-site to monitor all subsurface works associated with excavation within areas of low to moderate archaeological potential.	Email from GML Heritage, dated 13/02/2020	Email from GML Heritage, dated 13/02/2020 confirms they attended site to monitor excavation works on three occasions: 11/12/2019 (1.5hrs), 24/01/2020 (7hrs), and 31/01/2020 (7.5hrs). RCC advised they will request a monthly summary report from GML Heritage to enable more accurate assessment of works conducted in compliance with Condition C16.	Compliant
Impacts of Below Ground (Sub Surface) Works- Non-Aboriginal Objects				
C17	If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the OEH Heritage Division must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on the site.	GML Heritage induction material, sighted 14/02/2020	RCC advised no unexpected heritage finds had been encountered during the audit period.	Not triggered
Impacts of Below Ground (Sub Surface) Works- Aboriginal Objects				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C18	The management and mitigation measures contained in the Aboriginal Cultural Heritage Assessment Report prepared by GML Heritage, dated August 2018, must be implemented. If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and OEH informed in accordance with section 89A of the National Parks and Wildlife Act 1974. Relevant works must not recommence until written authorisation from the OEH Heritage Division is received by the Applicant. This protocol must be included in the induction for all construction workers on the site.	GML Heritage induction material, sighted 14/02/2020	RCC advised no unexpected heritage finds had been encountered during the audit period.	Not triggered
Maritime Archaeology				
C19	If any relics are found during trenching, work must cease in that area and advice sought from a maritime archaeologist. If any maritime relics of State significance are uncovered, all work shall immediately cease in that area and a written assessment of the nature and significance of the resource, together with the treatment of the remains shall be submitted to the Planning Secretary and delegate of the Heritage Council of NSW for approval. The Applicant must facilitate appropriate materials conservation, archival documentation and conservation and storage of any items recovered during any trenching works. A site-specific induction for all personnel engaged in maritime works, which includes the above requirements, must be undertaken by a maritime archaeologist.	NA	NA	Not triggered
Contamination				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C20	Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence	<p>Letter from RCC to DPIE, dated 22/01/2020</p> <p>Emails from DPIE requesting information, various dates, sighted 14/02/2020.</p> <p>Letter from RCC provided in response to all items, with attachments.</p> <p>Letter from DPIE to RCC, dated 11/02/2020 confirming works can recommence</p> <p>RCC Unexpected Finds Procedure (UFP), dated 15/10/2019</p>	<p>RCC submitted a letter to DPIE notifying of additional contamination identified on site in January 2020. Contamination identified included asbestos in soil and lead paint in the fuel pump room (demolished at the time of the audit).</p> <p>Responses provided by DPIE advised an update and addendum to the RAP was required in accordance with Condition A3, and that RCC's environmental consultant and the independent site auditor will continue to oversee and provide advice on management and remediation of contaminated soil in accordance with the RCC UFP, dated 15/10/2019.</p>	Compliant
C21	Groundwater discharged from the site must not be contaminated by hydrocarbons or other chemicals associated with previous use of the site for naval fuel storage or iron from local bedrock.	Interview with Auditees	<p>RCC advised no groundwater was discharged from the site during the audit period.</p> <p>It is noted that it is difficult to determine whether the source of water accumulated in the fuel storage tanks includes groundwater, or is limited to surface runoff. In any case, no water was discharged from site during the audit period.</p> <p>See Condition C13 for controls implemented for the reuse of surface water on the site, including reference to monitoring results.</p>	Not triggered
SafeWork NSW Requirements				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C22	To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.	Site inspection 14/02/2020	Timber Class A hoardings 2400mm. Site secure, as confirmed during site inspection with no areas of potential unauthorised entry observed during the site inspection. A site induction and swipe card system is in place to prevent unauthorised access to the site.	Compliant
Hoarding/Fencing Requirements				
C23	The following hoarding requirements must be complied with: a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.	Interview with Auditees	Compliant based on-site inspection. RCC advised hoardings are checked daily and painted over if any signs of unauthorised advertising or graffiti are identified.	Compliant
Implementation of Management Plans				
C24	The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, Construction Pedestrian Traffic Management Plan, Construction Waste Management Plan, Geotechnical Design, Certification and Monitoring Plan, Tree Protection Plan, Air Quality and Odour Management Plan and Acid Sulfate Soils Management Plan required by Part B of this consent are implemented during construction.	As per evidence referenced in Conditions B16, B61, B62, B63, B64 and B65, C40 and C41.	As per findings for Conditions B16 (Geotechnical Design, Certification and Monitoring Plan), B61 (CEMP), B62 (CPTMP), B63 (CNVMP), B64 (AQOMP), and B65 (Waste Management Plan). The Tree Protection Plan is not a specific condition of approval in Part B. Tree protection has been managed by arborist assessments and Tree Protection Compliance letters received from the consulting arborist, as detailed in Conditions C40 and C41. NB: The requirement for an Acid Sulfate Soils Management Plan (Condition B68) was removed in MOD 1.	Compliant
Waste Management				

<p>C25</p>	<p>Notwithstanding the Waste Management Plan referred to in condition B63, the Applicant must ensure that:</p> <ul style="list-style-type: none"> a) all waste generated by the development is classified and managed in accordance with the EPA's Waste Classification Guidelines Part 1: Classifying Waste 2009; b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste; c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour; d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises; e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour. 	<p>EPA Consignment B76A-CPJM-HDM6, dated 17/12/2019</p> <p>Letter from Coffey to RCC, dated 11/02/2020 RE: North of Tank, Waste classification of Soil – Sydney Modern Development, Lincoln Crescent, Woolloomooloo, Sydney NSW</p> <p>Letter from Coffey to RCC, dated 11/02/2020 RE: Top of Oil Tank, Waste Classification of Soil – Sydney Modern Development, Lincoln Crescent, Woolloomooloo, Sydney NSW</p> <p>Letter from Coffey to RCC, dated 19/12/2019 RE: South of Tank, Waste Classification of Soil – Sydney Modern Development, Lincoln Crescent, Woolloomooloo, Sydney NSW</p> <p>Letter from Coffey to RCC, dated 24/12/2019 RE: Western Wedge, Waste Classification of Soil – Sydney Modern Development, Lincoln Crescent, Woolloomooloo, Sydney NSW</p> <p>Letter from Coffey to RCC, dated 2/01/2020 RE: Land Bridge, Waste Classification of Soil – Sydney Modern Development, Lincoln Crescent, Woolloomooloo, Sydney NSW</p> <p>Letter from Coffey to RCC, dated 5/02/2020 RE: Sydney</p>	<ul style="list-style-type: none"> a) Various Coffey Waste Classification Reports provided as evidence waste generated has been classified appropriately. Includes soil around tanks and concrete from northern tank demolition. b) EPA consignment notice including source of waste (Sydney Modern), transporter (DECC), planned and actual destination (SUEZ Elizabeth Drive Landfill, Kemps Creek NSW). c) There have been no known instances of waste from the site entering the waters of Sydney Harbour, including liquid waste/untreated runoff. d) Photo of covered load provided, dated 13/02/2020. e) A cattle grid is located at the Lincoln Ave truck access, sighted during site inspection 14/02/2020. A photo of truck washdown was provided, dated 13/02/2020. f) RCC advised concrete trucks are not permitted to washout on site Spoil removal commenced on the site on day prior to the audit (13/02/2020). 	<p>Compliant</p>
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Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
		<p>Modern North Tank Demolition: Waste Classification of Concrete</p> <p>Coffey Layout Plan, dated 7/02/2020, illustrates and summarises waste classification areas across the site</p> <p>Site inspection 14/02/2020</p> <p>Truck washdown photo, dated 13/02/2020</p>		
Asbestos and Hazardous Waste Removal				
C26	Any existing filling on the site must be assessed for the presence of asbestos materials during construction. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must satisfy the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 are ensure that demolition works are undertaken so that cross-contamination of the site does not occur.	See evidence in Condition B25	See Coffey waste classification reports referenced in Condition C25.	Compliant

C27	<p>Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.</p>	<p>Demolition Environmental Civil Contractors Pty Ltd (DECC) Demolition Licence #AD205523, dated 1/05/2008 Exp. 22/06/2020</p> <p>DECC Non Friable Asbestos Removal Licence #AD211031, dated 21/06/2012, Exp. 20/06/2022</p> <p>Coffey Lead Clearance Certificate, Removal of lead based flaking paint and lead containing dust throughout the main pump house, Sydney Modern Project, Art Gallery Road, Sydney NSW 2000, Ref: SYDGE234348, dated 17/12/2019</p> <p>Coffey Asbestos Clearance Certificate, Removal of asbestos containing roof membrane and associated adhesive debris to the main pump house structure, Sydney Modern Project, Art Gallery Road, Sydney NSW 2000, Ref: SYDGE234348, dated 17/12/2019</p> <p>Coffey Asbestos Clearance Certificate, Removal of asbestos containing materials, Sydney Modern Project, Art Gallery Road, Sydney NSW 2000, Ref: SYDGE234348, dated 13/01/2020</p>	<p>Asbestos and other hazardous building materials were removed by the demolition contractor, DECC prior to the demolition of the pump building on Lincoln Crescent.</p> <p>Relevant licences and tickets for asbestos removalists were provided as evidence and were current during the audit period.</p> <p>Clearance certificates for the removal of lead-based paint, lead dust, and asbestos from the pump house were sighted.</p> <p>In addition to the above, workers licences / tickets were provided as evidence.</p>	Compliant
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Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
		Coffey Lead Clearance Certificate, Removal of lead based flaking paint and lead containing dust throughout the store room and toilets adjacent to the main pump house, Sydney Modern Project, Art Gallery Road, Sydney NSW 2000, Ref: SYDGE234348, dated 13/01/2020		
Covering of Loads				
C28	All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.	Site photo (covered load), dated 13/02/2020 Site inspection 14/02/2020	Photo of covered load provided, dated 13/02/2020. No uncovered loads were observed to be leaving site at the time of the inspection.	Compliant
Vehicle Cleansing				
C29	Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.	Erosion and Sediment Control Plan, sighted 14/02/2020 Site inspection 14/02/2020 Site photo (wheel Wash), dated 13/02/2020	A cattle grid was located at the site exit at Lincoln Crescent, as per the ESCP. Surrounding public roads, and internal RBG roads were clean at the time of the site inspection. A photo of the wheel wash in use was sighted.	Compliant
Stockpile Management				

C30	<p>The Applicant must ensure:</p> <ul style="list-style-type: none"> a) stockpiles of excavated material do not exceed 4 metres in height; b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and c) suitable erosion and sediment controls are in place for stockpiles. 	<p>Site inspection, 14/02/2020</p> <p>Interview with Auditees, 14/02/2020</p> <p>Erosion and Sediment Control Plan, sighted 14/02/2020</p>	<p>a) RCC advised work platforms had been established at the site for the operation of piling rigs. Stockpiles appeared very high when viewed from the bottom of the site at Lincoln Crescent.</p> <p>b) Coffey were engaged to manage the stockpiling and segregation of contaminated soil removed from the site. There was no evidence of cross contamination at the time of the audit.</p> <p>c) Erosion and sediment controls were in place across the site. Stockpiles in the centre of the site were observed to have partially washed away during high rainfall events (see Photo 4 in the Audit Report).</p> <p>Stockpile control measures in place at the time of the audit were ineffective in controlling sediment runoff in one location. Stockpile height appeared to exceed 4m when viewed from Lincoln Crescent.</p> <p>The auditee provided a response to this finding as follows: <i>As discussed onsite, whilst the embankment witnessed looks to be a stockpile, it is in fact this is a piling platform required to enable shoring piling. The location of this shoring is unique due to the line of piling being placed on a steep existing embankment, and therefore the batter replicates the existing embankment. We're unable to construct this platform another</i></p>	Compliant
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Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
			<p><i>way due to site constraints. We do not deem this a non-compliance.</i></p> <p>The Auditor has considered this information and agrees that the stockpile on site is being used as a piling pad and therefore stockpile requirements are not strictly applicable. However the Auditor observes that the piling pad lacked appropriate erosion and sediment control measures and, therefore, could result in fugitive dust or cross contamination in unfavourable conditions (high winds or heavy rain).</p>	
Erosion and Sediment Control				
C31	All erosion and sediment control measures are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.	Site inspection, 14/02/2020 Erosion and Sediment Control Plan, sighted 14/02/2020	Erosion and sediment controls were implemented and maintained in accordance with the ESCP. Refer response to CoC C30 for management of erosion and sedimentation from the piling pad.	Compliant
Dust Control Measures				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C32	<p>Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:</p> <ul style="list-style-type: none"> a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions; b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed; c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour; d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs; e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material; f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays; g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and h) cleaning of footpaths and roadways shall be carried out regularly 	<p>Site inspection, 14/02/2020</p> <p>Erosion and Sediment Control Plan, sighted 14/02/2020</p> <p>Interview with Auditees, 14/02/2020</p> <p>Site photo (covered load), dated 13/02/2020</p> <p>Site photo (wheel Wash), dated 13/02/2020</p>	<ul style="list-style-type: none"> a) Hoarding around the site reduces the risk of dust leaving site. 8m high bunker walls along Lincoln Cr. b) Construction methodology has been approved by DPIE. c) Exposed stockpiles were in the process of being worked, therefore deemed impractical to cover. d) Hoses or sprinklers are used for dust suppression as required. Due to the nature of the site with steep slopes and limited internal vehicle movements it is agreed it is impractical to utilise water carts. e) Loads covered as per Condition C28. f) Wheel wash in place as per Condition C29. g) Gates on Lincoln Crescent were closed. h) Footpaths and roadways were clean. RCC advised a road sweeper was to be engaged more regularly once spoil removal was in progress (commenced 13/02/2020), sweeper on site 13/02/2020. <p>Dust was not identified as an issue at the time of the site inspection. Refer response to CoC C30 for management of dust from the piling pad.</p>	Compliant
No Obstruction of Public Way				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
C33	The public way must not be obstructed other than as specified in the Construction Pedestrian Traffic Management Plan and Section 138 permit, by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.	Traffic Control Plan, dated 13/01/2020 Letter from CoS to DECC, RE: Vehicle Access Permit, dated 14/01/2020 Site inspection 14/02/2020	A TCP and CoS permit were obtained for the delivery of oversized plant in January 2020, and were current at the time of the audit. There were no obstructions to the public way identified during the site inspection conducted on 14/02/2020. As per the findings in Condition B56, while the ROL was not available for review during the audit, there is no evidence of obstruction of the public way in relation to Condition C33.	Compliant
Contact Telephone Number				
C34	The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.	Phone call made to 24-hr project contact number, 3:27PM, 24/02/2020	The 24-hour contact number is displayed on site signage and on the project website. The number was tested on 24/02/2020 and was found to be attended.	Compliant
Acid Sulfate Soils				
C35	The Applicant must ensure that any acid sulfate soils (ASS) and potential acid sulfate soils (PASS) excavated or otherwise disturbed during construction is managed in accordance with: a) the Acid Sulfate Soil Management Plan for the site (condition B66); b) the Acid Sulfate Soils Manual 1988 (NSW Acid Sulfate Soil Management Advisory Committee); and c) the EPA's Waste Classification Guidelines 2014 (Part 4: Acid Sulfate Soils).	NA	NA	Not triggered
Bunding				
C36	The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's Storing and Handling Liquids: Environmental Protection - Participants Handbook.	Site inspection 14/02/2020	A dedicated chemical storage cabinet for flammable liquids was provided on site and was self-banded. Additional portable bunds were located on site for the temporary storage of chemical and fuels.	Compliant

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
Pollution of Waters				
C37	No approval is granted to pollute waters. All water discharge from the site must meet all requirements of the Protection of the Environment Operations Act 1997.	Interview with Auditees 14/02/2020	RCC advises no water was discharged from site during the audit period. There was no evidence that the POEO Act had been breached.	Compliant
Protection of Trees				
C38	No trees are to be removed or transplanted unless specifically identified for removal or transplantation in the approved landscape plans (condition A3) or removal is required in an emergency to avoid the loss of life or damage to property.	<p>Earthscape Tree Protection Plan</p> <p>Landscape Plan</p> <p>Earthscape Horticultural Services Arboricultural Impact Assessment Report v9, dated 3/11/2017</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [1], dated 12/12/2019</p>	<p>RCC advised all trees are retained per the approved Landscape Drawings with exception of the group of trees located on the land bridge. Letter from Earthscape Horticultural Services provides confirmation that Trees T2405-T2411 (group of Sydney Red Gums on the land bridge), died due to drought conditions exacerbated by the shallow soil profile. Installation of irrigation was not sufficient to arrest the decline of the trees. The letter recommends removal of the trees due to the high unlikelihood of recovery.</p> <p>It is unclear why the Landscape Plan is referenced in Condition C38 instead of the Tree Protection Plan, as raised by Earthscape in their letter to RCC, dated 12/12/2019</p> <p>The Earthscape letter, dated 12/12/2019 confirms the arborist's satisfaction with tree protection measures in place on the site during an inspection undertaken on 3/12/2019.</p>	Compliant
C39	Within and adjacent to the site, tree removal, protection of retained trees, pruning of trees and transplanting of trees shall be conducted in accordance with the	Earthscape Horticultural Services Arboricultural Impact	Compliance letters received by the consulting arborist describe inspections conducted and	Compliant

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	recommendations of the Arboricultural Impact Assessment Report, dated November 2017 (Appendix AH in the EIS)	<p>Assessment Report v9, dated 3/11/2017</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [1], dated 12/12/2019</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [2], dated 9/01/2020</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [3], dated 9/01/2020</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [4], dated 9/01/2020</p>	<p>compliance with conditions related to tree protection. This includes review of tree protection zones, irrigation measures, drought conditions, and in the construction of a temporary haul road / driveway.</p> <p>See Condition C41 for more information.</p>	
C40	A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments and that recommendations contained within the Arboricultural Impact Assessment Report, dated November 2017 (Appendix AH in the EIS) are carried out.	Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [1], dated 12/12/2019	<p>Earthscape Horticultural Services have been engaged on the project. Compliance letters confirm Andrew Morton of Earthscape holds Dip. (Arboriculture_ [Australia Qualification Framework Level 5]</p> <p>The Earthscape letter, dated 12/12/2019 confirms the arborist's satisfaction with tree protection measures in place on the site during an inspection undertaken on 3/12/2019.</p>	Compliant
C41	All trees are to be monitored by the Project Arborist to ensure adequate health throughout the construction period is maintained. Additionally, all work within the	Letter from Earthscape Horticultural Services to RCC,	Compliance Statement [3] from Earthscape describes the temporary	Compliant

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	Tree Protection Zones is to be supervised throughout construction. All tree works must be carried out in accordance with all relevant Australian Standards.	RE: Compliance Statement [3], dated 9/01/2020 Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [4], dated 9/01/2020	dripline irrigation system installed for T1227 (Moreton Bay Fig) as a precautionary measure. Compliance Statement [4] from Earthscape describes the proposal to install a temporary construction haul road within the TPZ of T1227 (Moreton Bay Fig). The Earthscape Impact Assessment Report, 3/11/2017, provides for the installation of temporary haul roads within TPZs where no other alternatives exist, subject to certain conditions.	
Selection of Appropriate Tradespeople				
C42	All heritage work must be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar structures, materials and methods	Interview with Auditees, 14/02/2020	No trade heritage work conducted to date	Not triggered
Nominated Historical Archaeologist				
C43	The Nominated Historical Archaeologist (refer to condition B23) is to regularly inspect the site and provide ongoing advice to the contractor representative undertaking the works for the duration of construction to ensure that there is no unapproved removal of elements, significant fabric is not damaged and that all work is being carried out in accordance with the conditions of this consent.	Letter from GML Heritage to AGNSW, dated 10/10/2019 Letter from AGNSW to Group DLA, dated 23/09/2019	Letter from GML Heritage to AGNSW, dated 10/10/2019, states they have been engaged to conduct monitoring under condition B23 Letter from AGNSW, dated 23/09/2019 confirms they have appointed GML Heritage Pty Ltd as historical archaeologist for the construction phase of the SMP.	Compliant
PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE				
Nominated Historical Archaeologist				
D1	Prior to occupation or commencement of use, the Applicant shall provide a report to the Planning Secretary and the OEH Heritage Division prepared by the Nominated Historical Archaeologist certifying all heritage works have been carried out in accordance with the terms of this consent outlined in condition A2.			Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
Seawater Heat Exchange System				
D2	Prior to occupation or commencement of the use, the Applicant is to provide documentation to the PCA demonstrating the design of the seawater heat exchange system complies with the preliminary design details outlined in the Seawater Heat Exchange Report (dated 16 March 2018) in Appendix H of the RTS.			Not triggered
Environmental Sustainability				
D3	Prior to occupation or commencement of the use, the Applicant is to provide documentation to the PCA demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives outlined in the Sustainable Development Report (dated 1 November 2017) in Appendix AB of the EIS, taking into consideration amendments required by condition B4.			Not triggered
Public Domain and Landscaping Works				
D4	All public domain and landscape works are to be completed prior to occupation or commencement of use, with the exception of the forecourt plaza which must be completed within 6 months of the occupation or commencement of use.			Not triggered
Operational Plan of Management				
D5	<p>Prior to occupation or commencement of the use, a new/updated Operational Plan of Management (OPM) prepared by a suitably qualified person shall be submitted to and approved by the Planning Secretary. The OPM must be prepared in consultation with Council and the Royal Botanic Gardens and Domain Trust. The OPM shall address (but not be limited to):</p> <ul style="list-style-type: none"> a) operational strategies for the expanded Art Gallery of NSW (AGNSW); b) roles and responsibilities of key employees involved in overseeing the management and operation of the expanded AGNSW; c) hours of operation; d) event management, loading and unloading, sustainable travel, traffic, transport access and parking, pedestrian access, noise and vibration, heritage and conservation management, security and staff management, emergency management/evacuation and incident response protocols, alcohol and food management, occupational health and safety, infrastructure and services management, patron safety, waste management, water management, wayfinding and signage and lighting; and e) community consultation and complaints management procedures. 			Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	Prior to occupation or commencement of the use, a copy of the OPM must be submitted to the Council and the Certifying Authority			
Green Travel Plan				
D6	Prior to occupation or commencement of the use, a Green Travel Plan (GTP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination Office) and submitted to the Certifying Authority. The GTP must be prepared in consultation with Council, RMS and TNSW (Sydney Coordination Office). The GTP shall outline all measures proposed to increase the mode share of walking and cycling to the site and expanded AGNSW. The GTP shall include a monitoring requirement in relation to the future demand for the expansion of staff and visitor bicycle parking spaces and staff end-of-trip facilities and provision of visitor end-of-trip facilities. The Applicant shall deliver on any recommendations for expansion or provision of facilities from the results of the monitoring.			Not triggered
Loading Dock and Vehicle Management Plan				
D7	<p>Prior to occupation or commencement of the use, a Loading Dock and Vehicle Management Plan (LDVMP), prepared by a suitably qualified person, shall be endorsed by TfNSW (Sydney Coordination and Metro Delivery Offices), RMS and Council and submitted to the Certifying Authority. The LDVMP must outline all measures to be implemented to ensure the safe and efficient operation of the loading dock and to minimise disruption to neighbouring properties, Lincoln Crescent and the adjacent road network. The LDVMP shall address (but not be limited to):</p> <ul style="list-style-type: none"> a) loading dock management details including service vehicle movements during peak periods, the maximum size and number of vehicles per day, and staggering of delivery times throughout the loading dock operating period; b) restriction on the use of vehicle reversing alarms between 9 pm and 7 am; c) closure of the loading dock door during loading dock activities; d) no collection of glass waste (i.e. bottles) between 6 pm and 7 am Monday to Saturday and 6 pm and 8 am Sundays and public holidays; e) ensure timing of HRVs is managed to minimise internal loading dock conflict; f) consider pre-booking of deliveries to manage timing of loading dock access; g) management of incidents at the access to the loading dock entry from Lincoln Crescent; 			Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	<p>h) confirm that the vehicle access and circulation areas are designed in accordance with the relevant Australian Standards, including for loading dock areas;</p> <p>i) management of conflicts between vehicles accessing the loading dock and staff car and bicycle parking;</p> <p>j) management of conflicts between vehicles accessing the site and pedestrian movements adjacent to the site;</p> <p>k) with the exception of smaller vehicles utilising the loading area on Art Gallery Road, ensure all service and loading vehicles associated with the use of the premises are accommodated on site at all times.</p> <p>A copy of the LDVMP must be provided to the Planning Secretary</p>			
Waste Management Plan				
D8	<p>Prior to the commencement of use, an updated Waste Management Plan (WMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The WMP must be prepared in consultation with Council and the EPA. The WMP must outline all measures that would be implemented to ensure the effective management of operational waste associated with the development. The WMP must outline how waste would be minimised, handled, stored and disposed of in accordance with the relevant guidelines and legislation.</p> <p>Prior to the commencement of use, a copy of the WMP must be submitted to Council, the EPA and the Planning Secretary.</p>			Not triggered
Operational Noise and Vibration Management Plan				
D9	<p>Prior to occupation or commencement of the use, an Operational Noise and Vibration Management Plan (ONVMP) prepared by a suitably qualified person shall be submitted to the Planning Secretary for approval. The ONVMP must be prepared in consultation with Council and the EPA. The ONVMP shall include (but not be limited to):</p> <p>a) be prepared in accordance with the EPA's Industrial Noise Policy</p> <p>b) identify nearby sensitive receivers and land uses;</p> <p>c) identify the noise limits applying to the development;</p> <p>d) identify all key sources of operational noise and vibration;</p> <p>e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise noise and vibration including for the proposed cafe and associated outdoor terrace;</p>			Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	<p>f) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Acoustic Report (dated 28 February 2018) in Appendix P of the RTS and the supplementary Acoustic Report (dated 4 July 2018) in Appendix G of the RTSAR (dated 8 August 2018);</p> <p>g) include a suitable proactive noise and vibration monitoring program which aims to ensure the noise and vibration criteria in this consent are not exceeded.</p> <p>Prior to the commencement of use, a copy of the approved ONVMP must be submitted to Council, the Certifying Authority and the EPA.</p>			
Mechanical Ventilation				
D10	<p>Following completion of the works, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the use of the development, that the installation and performance of the mechanical systems complies with:</p> <p>a) the Building Code of Australia;</p> <p>b) Australian Standard AS1668 and other relevant codes;</p> <p>c) the development consent and any relevant modifications; and</p> <p>d) any dispensation granted by the Fire and Rescue NSW.</p>			Not triggered
Crime Prevention Through Environmental Design				
D11	<p>Prior to the commencement of use, evidence shall be submitted to the Certifying Authority demonstrating the recommendations of the CPTED Report dated 16 February 2018 (Appendix O of the RTS) (condition B65) have been fulfilled.</p>			Not triggered
Internal Air Quality				
D12	<p>Prior to the commencement of use, evidence shall be submitted to the Certifying Authority demonstrating consultation with NSW Health regarding appropriate internal air quality criteria for the use of the former naval fuel bunker and an agreed monitoring program to ensure the ongoing suitability of use of the bunker.</p>			Not triggered
Road Damage				
D13	<p>The cost of repairing any damage caused to Council or other public authority's assets in the vicinity of the site as a result of construction works associated with the approved development is to be met in full by the Applicant prior to the occupation or commencement of the use.</p>			Not triggered
Restriction on Vehicles Turning Right from Lincoln Crescent				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
D14	Prior to the commencement of use, signage must be erected at the intersection of Lincoln Crescent and Cowper Wharf Road restricting any right turn movements of vehicles over 6 m in length exiting Lincoln Crescent. The signage must be retained in perpetuity.			Not triggered
Parking Restrictions				
D15	The Applicant shall ensure it has obtained approval from Council's Pedestrian Cycling and Traffic Calming Committee in relation to the requirements of condition D14 and for any changes required to on-street parking restrictions for the on-going operation of the development, prior to occupation or commencement of the use.			Not triggered
Sydney Water Compliance				
D16	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "eDeveloper" icon or telephone 13 20 92 for assistance. The Section 73 Certificate must be submitted to the PCA prior to the use of the development.			Not triggered
Utility Providers				
D17	Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.			Not triggered
Fire Safety Certification				
D18	Prior to the occupation or commencement of use of the development, a Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.			Not triggered
Structural Inspection Certificate				
D19	A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the use of the development and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the Department and Council after.			Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	a) the site has been periodically inspected and the Certifier 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.			
Post-Construction Dilapidation Report				
D20	Prior to occupation or commencement of the use: a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. b) the report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must: c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and e) a copy of this report is to be forwarded to the Council and the Planning Secretary and each of the affected property owners			Not triggered
Waste and Recycling Collection				
D21	Prior to the occupation or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time			Not triggered
Food Premises- Health Registration Database				
D22	Prior to the commencement of food handling operations, the proprietor of the food premises must notify and register the food premises with Council's Health and Building Unit and the NSW Health Department at www.foodnotifv.nsw.gov.au prior to the opening of the premises.			Not triggered
D23	Prior to the commencement of food handling operations, the proprietor of the food premises must notify the NSW Health Department of the following information: a) contact details of the food business including the name of the food business and the name and address of the proprietor;			Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	b) the nature of the food business; and the location of all food premises of the food business within the jurisdiction of NSW Health.			
Sanitary Facilities for Disabled Persons				
D24	Prior to occupation and commencement of the use, details must be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and condition B45.			Not triggered
Protection of Public Infrastructure				
D25	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: <ul style="list-style-type: none"> a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development. 			Not triggered
Public Domain Works- Hold Points and Handover				
D26	Prior to a Certificate of Completion being issued for public domain works to the Lincoln Crescent and Cowper Wharf Road frontages and before the use of the development commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional are submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the Council's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.			Not triggered
Fuel Bunker Wall Greening Plan and Implementation				
D27	Prior to the occupation or commencement of use, a landscape plan, endorsed by OEH Heritage Division, illustrating the proposed greening of the east facing fuel bunker wall, shall be prepared for review and approved by the Planning Secretary. The approved plan must be implemented prior to the occupation or commencement of use.			Not triggered
Interpretation Strategy				
D28	An Interpretation Strategy for the development must be prepared by a suitably qualified heritage interpretation practitioner and submitted to the OEH Heritage Division for review and endorsement.			Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	<p>The strategy must make decisive recommendations on how a range of interpretation media should be included in the in the project to enhance an understanding of the heritage significance of the Art Gallery of NSW, the Royal Botanic Gardens and the Domain, and the former naval fuel bunker.</p> <p>The strategy is to include:</p> <ul style="list-style-type: none"> a) interpretation objectives and principles for the site and the proposal; b) a targeted analysis of the significance of the place and the primary and secondary interpretation themes and messages for the site; c) identify the most effective options for delivery of interpretive programs (e.g. signage, artwork, interpretation as part of the new building, events, activities, guided tours, publications, internet etc.); and d) methods for monitoring and evaluating the implementation of the strategy. <p>The strategy must recommend that an Interpretation Plan be prepared that confirms actual media, any event, activities, any construction work, installations and communication devices to be included in the development, the locations, artwork, content and a program for implantation.</p> <p>The Interpretation Strategy and Interpretation Plan shall be prepared as an integral component of the final detailed design of the development and must be submitted to the Planning Secretary and Certifying Authority prior to the occupation or commencement of use.</p>			
Contamination				
D29	<p>The recommendations of the Remedial Action Plan are to be implemented, including provision of a Section A Site Audit Statement to the Certifying Authority at the completion of remediation and validation works, certifying suitability of that part of the site requiring remediation as identified in the Remedial Action Plan for the proposed development. A notice of completion of remediation work must be provided within 30 days of the completion of the work. Groundwater is not to be abstracted from the site for beneficial use.</p>			Not triggered
PART E POST OCCUPATION				
Operational Management				
E1	<p>The Operational Plan of Management (refer to condition D5) and all relevant plans must be fully implemented during use of the premises.</p>			Not triggered
Hours of Operation				
E2	<p>The hours of operation shall be as specified in the table below.</p>			Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status																				
	<table border="1"> <thead> <tr> <th data-bbox="322 288 719 312">Land Use / Activities</th> <th data-bbox="719 288 1070 312">Maximum Hours of Operation</th> </tr> </thead> <tbody> <tr> <td data-bbox="322 312 719 352">Offices, general administration and duties, security</td> <td data-bbox="719 312 1070 352">24 hours</td> </tr> <tr> <td data-bbox="322 352 719 392">Public access to Gallery spaces</td> <td data-bbox="719 352 1070 392">7 am to 12 midnight</td> </tr> <tr> <td data-bbox="322 392 719 432">Multi-purpose room</td> <td data-bbox="719 392 1070 432">7 am to 10 pm (indoor areas only) No use of outdoor areas</td> </tr> <tr> <td data-bbox="322 432 719 472">Café</td> <td data-bbox="719 432 1070 472">7 am to 12 midnight</td> </tr> <tr> <td data-bbox="322 472 719 512">External terraces (including café terrace)</td> <td data-bbox="719 472 1070 512">7 am to 10 pm</td> </tr> <tr> <td data-bbox="322 512 719 552">Loading dock</td> <td data-bbox="719 512 1070 552">24 hours</td> </tr> <tr> <th data-bbox="322 552 719 576">Lifts</th> <th data-bbox="719 552 1070 576">Minimum Hours of Operation</th> </tr> <tr> <td data-bbox="322 576 719 695">Lincoln Crescent public lift</td> <td data-bbox="719 576 1070 695">7 am to 6 pm Thursday to Tuesday 7 am to 10 pm Wednesdays * Notwithstanding the above minimum hours of operation, the lift must be operational at least 30 minutes after the end of any functions or events within the AGNSW</td> </tr> <tr> <td data-bbox="322 695 719 719">Land bridge public lift</td> <td data-bbox="719 695 1070 719">24 hours</td> </tr> </tbody> </table>	Land Use / Activities	Maximum Hours of Operation	Offices, general administration and duties, security	24 hours	Public access to Gallery spaces	7 am to 12 midnight	Multi-purpose room	7 am to 10 pm (indoor areas only) No use of outdoor areas	Café	7 am to 12 midnight	External terraces (including café terrace)	7 am to 10 pm	Loading dock	24 hours	Lifts	Minimum Hours of Operation	Lincoln Crescent public lift	7 am to 6 pm Thursday to Tuesday 7 am to 10 pm Wednesdays * Notwithstanding the above minimum hours of operation, the lift must be operational at least 30 minutes after the end of any functions or events within the AGNSW	Land bridge public lift	24 hours			
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Operational Restrictions																								
E3	<p>Operational restrictions shall apply as specified in the table below.</p> <table border="1"> <thead> <tr> <th data-bbox="322 799 719 823">Aspect</th> <th data-bbox="719 799 1070 823">Restriction</th> </tr> </thead> <tbody> <tr> <td data-bbox="322 823 719 847">Multi-purpose room</td> <td data-bbox="719 823 1070 847">Maximum capacity of 510 persons</td> </tr> <tr> <td data-bbox="322 847 719 871">Café</td> <td data-bbox="719 847 1070 871">Maximum capacity of 150 persons</td> </tr> <tr> <td data-bbox="322 871 719 895">Café terrace</td> <td data-bbox="719 871 1070 895">Maximum capacity of 500 persons</td> </tr> <tr> <td data-bbox="322 895 719 983">Playing of amplified music outdoors</td> <td data-bbox="719 895 1070 983">No amplified music shall be played outdoors, including the public domain and outdoor areas associated with the premises.</td> </tr> <tr> <td data-bbox="322 983 719 1070">Playing of amplified music indoors</td> <td data-bbox="719 983 1070 1070">Internal speakers must not be placed to direct the playing of music towards the public domain or outdoor areas associated with the premises.</td> </tr> </tbody> </table>	Aspect	Restriction	Multi-purpose room	Maximum capacity of 510 persons	Café	Maximum capacity of 150 persons	Café terrace	Maximum capacity of 500 persons	Playing of amplified music outdoors	No amplified music shall be played outdoors, including the public domain and outdoor areas associated with the premises.	Playing of amplified music indoors	Internal speakers must not be placed to direct the playing of music towards the public domain or outdoor areas associated with the premises.			Not triggered								
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Operational Noise Limits																								
E4	<p>Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following:</p> <p>a) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; or</p> <p>b) exhibit tonal, impulsive or other annoying characteristics.</p>			Not triggered																				

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
Noise Monitoring				
E5	During commissioning of any plant, machinery or other equipment operated on site and during general operations, the Applicant shall undertake noise monitoring to confirm compliance with the noise limits in condition E4 of this consent. In the event that compliance with the noise limits is not achieved, suitable attenuation measures must be implemented to achieve compliance and the ONVMP required under condition D9 be updated to include such measures.			Not triggered
Noise Control				
E6	The doors and windows of the cafe and the multi-purpose room must be closed after 10 pm.			Not triggered
Unobstructed Driveways and Parking Areas				
E7	At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.			Not triggered
Review of Traffic and Transport Management Plans				
E8	<p>Within 12 months of the commencement of use, the Applicant must review each of the following plans in consultation TNSW (Sydney Coordination Office), Roads and Maritime Services and City of Sydney Council:</p> <ul style="list-style-type: none"> a) the Green Travel Plan (condition D6); b) the Loading Dock and Vehicle Management Plan (condition D7). <p>The review is to consider whether any amendments are required to the plans to ensure the efficient and safe management of the development to mitigate any adverse impacts to traffic (including buses) or pedestrian safety, or if any additional measures are required. The findings of each review and any amendments to the plans shall be submitted to the Coordinator General, Transport Coordination, within TNSW for endorsement, within three months following the above periods</p>			Not triggered
Loading/Unloading				
E9	All vehicles using the loading dock shall enter and exit the site in a forward motion			Not triggered
E10	All loading and unloading operations associated with the site must be carried out: <ul style="list-style-type: none"> a) in accordance with the LDVMP (condition D7); b) within the confines of the site, at all times and must not obstruct other properties/units or the public way; and 			Not triggered

Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
	c) out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.			
Annual Fire Safety Certificate				
E11	An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.			Not triggered
Fire Safety Certification				
E12	The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with condition D18 of this consent.			Not triggered
Storage and Handling of Waste				
E13	All waste collection services utilising Lincoln Crescent must not be undertaken outside the hours of 7.30 am to 6 pm Monday to Friday.			Not triggered
E14	No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.			Not triggered
Wastewater Disposal				
E15	All domestic wastewater must be disposed of to the sewer in accordance with a current agreement with the relevant wastewater disposal authority.			Not triggered
No Pollution of Waters				
E16	The Applicant must ensure that any water quality, temperature and quantity discharge off-site complies with the requirements of the Protection of the Environment Operations Act 1997 and must not otherwise pollute water			Not triggered
Bunding				
E17	The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's Storing and Handling Liquids: Environmental Protection - Participants Handbook.			Not triggered
Temporary Event Structures				
E18	Temporary event structures, including artworks and marquees associated with the use of the building, may be constructed within the site and where so constructed, must comply with the relevant provisions of the applicable Australian Standards,			Not triggered

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	including the Australian Building Codes Board Temporary Structures Standard 2015 and the BCA.			
Tree Planting, Landscape and Public Domain Works				
E19	All tree planting, landscaping and public domain works approved by condition A2, including planting a minimum of 273 trees, are to be completed prior to the commencement of use.			Not triggered
Public Access				
E20	The Applicant must ensure that public access to, and around, the site is maintained at all times and is not unduly obstructed.			Not triggered
Operation of Plant and Equipment				
E21	All plant and equipment used on site, or to monitor the performance of the development must be: a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.			Not triggered
Seawater Heat Exchange System Operation				
E22	The operation of the seawater heat exchange system must comply with the following at all times: a) any anti-foulant product used is registered at the time of use by the Australian Pesticides and Veterinary Medicines Authority for the purpose of a marine growth anti-foulant; b) waste water discharged must contain less than the concentration of anti-foulant product specified on the pesticides label for that product; c) the intake pipework is pigged not less than twice per year d) an appropriate system is installed for the integrated collection and storage of all waste generated from pigging the intake pipework; and e) all pigging waste from the intake pipework is disposed of to sewer, or where such disposal is not approved by Sydney Water Corporation, is disposed of a facility legally able to accept the waste for treatment and proper disposal			Not triggered
Public Domain Works- Defects Liability Period				
E23	All works to the Council's public domain, including rectification of identified defects, are subject to a 12-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.			Not triggered
Interpretation Plan				


Unique ID	Compliance requirement	Evidence collected	Feb 2020 Independent Audit findings and recommendations	Feb 2020 Compliance Status
E24	The Interpretation Plan (condition D28) must be fully implemented within 12 months of the completion of the works.			Not triggered
Entry Canopy				
E25	All sides of the Entry Canopy must remain fully accessible and open. The Entry Canopy must not be enclosed by any device, design feature (drop-down blinds, glass walls etc.) or structure at any time.			Not triggered
PART F PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE/S				
Subdivision Certificate				
F1	A Subdivision Certificate shall be obtained prior to the registration of a final subdivision plan with the Registrar-General at the NSW Land and Property Information.			Not triggered
Creation of Easements				
F2	Easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the Conveying Act 1919.			Not triggered
Registration of Easements				
F3	Prior to the issue of the final Subdivision Certificate, the Applicant shall provide to the Certifying Authority evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Part A, approvals and other consents have been lodged for registration or registered at the NSW Land and Property Information.			Not triggered
Encroaching and/or Shared Services				
F4	Any pipes, service lines or the like servicing each lot shall be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the Conveyancing Act 1919, over the service lines where any such encroachment occurs.			Not triggered

Appendix B. CEMP and Sub-Plans

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
Construction Environmental Management Plan (CoC B61)				
CEMP Section 4.7.2 Surface and Groundwater, Marine Waterways	Construction will be undertaken in accordance with the ESCPs prepared encompassing all components of the proposed development.	RCC Erosion and Sediment Control Plan, sighted 14/02/2020 Site inspection 14/02/2020	The site inspection confirmed controls were in place as per the approved ESCP.	Compliant
	Spill kits will be located at key points on the site to mitigate any potential spillages before they contaminate the ground and potential water sources.	Site inspection 14/02/2020 Photo #10 (spill kit)	Spill kits were located at key points across the site, e.g. tank excavation works area on Lincoln Crescent	Compliant
CEMP Section 4.7.3 Heritage	All workers are to be inducted into a site-specific heritage induction developed by GML, attached appendix.	Sydney Modern Induction material, sighted 14/02/2020	The Sydney Modern project induction includes the GML Heritage induction material as required. Induction records are maintained on site. Site personnel are issued with a swipe card for site access, which can only be obtained upon completion of the site induction.	Compliant
	Excavation supervised by a qualified archaeologist	Letter from GML Heritage to AGNSW, dated 10/10/2019 Letter from AGNSW to Group DLA, dated 23/09/2019	Letter from GML Heritage to AGNSW, dated 10/10/2019, states they have been engaged to conduct monitoring under condition B23 Letter from AGNSW, dated 23/09/2019 confirms they have appointed GML Heritage Pty Ltd as historical archaeologist for the construction phase of the SMP.	Compliant
CEMP Section 4.7.8 Visual	Employ painted A Class timber hoarding to the perimeter of the site with graphics approved by INSW and AGNSW	Site inspection 14/02/2020	A Class timber hoarding was observed to have been installed around the perimeter of the site.	Compliant
	Employ freshly painted B class hoarding to Lincoln Crescent	Site inspection 14/02/2020	Blue-painted B Class hoarding was observed along the Lincoln Crescent site perimeter.	Compliant

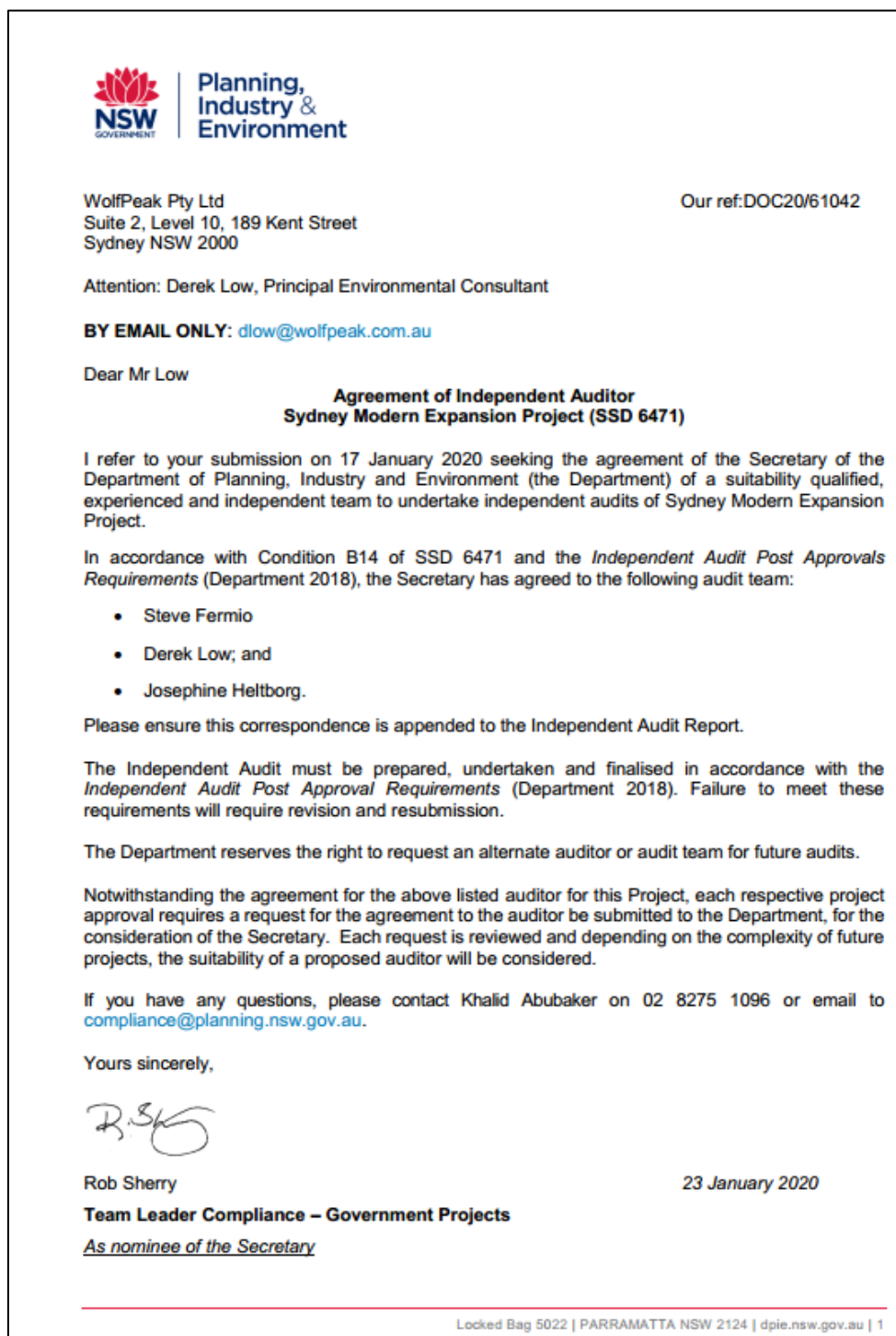
Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
CEMP Section 4.7.9 Stormwater Treatment	Uncontaminated surface flow from offsite areas will be diverted around the development site.	Site inspection 14/02/2020	Barriers and hoardings were setup around the site, assisting with the diversion of flows around the site.	Compliant
	The pH of water leaving the site will be in the range of 6.5-8.5	Interview with Auditees, 14/02/2020	RCC advised no water had been discharged from site during the audit period.	Not triggered
	Suspended solids will be turbidity not to exceed 50 NTU (or equivalent), which is substantially below 50mg/L. The reason for this reduction is for protection of aesthetic value of Sydney Harbour which should not be discoloured by stormwater discharge from the site.	Interview with Auditees, 14/02/2020	As above.	Not triggered
CEMP Section 4.7.11 Tree Protection	Tree protection will be installed in line with the SSD Arborist Report developed by Earthscape Horticultural Services, November 2017. Tree protection will be installed to all trees to be retained.	See evidence collected for SSD Conditions C38-C41	Earthscape arborists have been engaged during the project to provide advice and monitor tree protection measures to ensure compliance with tree protection related conditions of approval. Compliance statements have been obtained by consulting arborists and provided as evidence throughout the audit.	Compliant
	Once installed, tree protection measures will be inspected and signed off by the project arborist in accordance with the conditions of consent.	See evidence collected for SSD Conditions C38-C41	Tree protection measures have been deemed satisfactory by the project arborist.	Compliant
Construction Traffic and Pedestrian Management Plan (CoC B62)				
Section 6.3	RCC ensure bus movements into and out of the bus stops are not affected by construction vehicles.	Site inspection 14/02/2020 SMP Enquiries and Complaints Register, project website Interview with Auditees 14/02/2020	RCC advised there have been no impacts to bus stops during the audit period. The complaints register indicates no complaints have been issued in relation to disruption to bus services during the audit period.	Compliant
Section 6.4	All construction-related traffic movements within the site will occur under the supervision of accredited traffic controllers, with trucks escorted between the access gates and the roads.	Sighted traffic control at Gate 1. Traffic controller accreditation presented 11/03/20	Accredited traffic controllers managed vehicle movements at Gate 1 and Lincoln Crescent.	Compliant
Air Quality and Odour Management Plan (CoC B64)				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
AQOMP, Section 7	Worker amenities located in a suitable location that would not expose local residential properties or commercial premises to bad odour, minimising omission of smoke and odours from worker amenities.	Site inspection 14/02/2020	Worker amenities are located within the site compound, away from permitter hoarding.	Compliant
	Display the name and contact details of person(s) accountable for air quality and dust issues at the boundaries of each construction area. This may be the project hotline, environment manager/engineer or the site manager.	Site inspection 14/02/2020 Site signage, 14/02/2020	Site signage was displayed in predominant locations on the perimeter hoarding around the site. Signage included the 24-hour 1800-complaints number and the mobile number for the RCC Project Manager.	Compliant
Waste Management Plan (CoC B65)				
WMP, Section 3.1	All waste generated from the site will be assessed, classified and managed in accordance with the EPA's 'Waste Classification Guidelines Part 1: Classifying Waste'. If relevant, treated ASS will be classified in accordance with EPA's 'Waste Classification Guidelines Part 4: Acid sulfate soils'.	RCC Waste Management Plan Rev 2, dated 8/10/2019 Waste classification reports as referenced for Condition C25 Waste Management	Evidence reviewed throughout the audit confirmed that wastes generated by the project during the audit period were classified in accordance with EPA guidelines by the selected consultant, Coffey.	Compliant

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
<p>WMP, Section 3.2</p>	<p>During demolition and earthworks, RCC will temporary stock pile all reusable and recyclable materials in to enable sorting and classification. The stock piles will be located as indicated on the site plan below. This location has been selected to provide close easy access via the Lincoln Crescent access and it provides adequate protection to the public by utilising the existing bunker wall as a barrier.</p> 	<p>Site inspection 14/02/2020</p>	<p>Coffey had been engaged to manage the segregation and classification of excavated spoil on site. Waste classification reports reviewed during the audit indicate wastes had been classified and segregated prior to transport and disposal offsite. It is noted that bulk excavation of asbestos contaminated soils commenced one day prior to the audit, on 13/02/2020.</p> <p>Continued compliance with this mitigation measure is to be demonstrated during the next independent audit in February 2021.</p>	<p>Compliant</p>
<p>Acid Sulfate Soils Management Plan (CoC B68)</p>				
<p>ASSMP, Section 4.1 Typical management strategy</p>	<p>The strategy to be adopted for the management of identified ASS may involve:</p> <ul style="list-style-type: none"> • Establishment of a treatment pad; • Visual assessment of excavated soils, including separation of ASS from other materials excavated from the site; • Stockpiling of ASS at a designated treatment pad; • Neutralisation of ASS by mixing with lime; • Monitoring of treated soils to assess if neutralisation has been achieved; and • Placement of treated soils at a designated location. 	<p>Interview with Auditees, 14/02/2020</p>	<p>Due to a change in project methodology (i.e. removal of the sweater exchange system), conditions relating to the management of acid sulfate soils (ASS) were removed from the Conditions of Approval. RCC advised no ASS or potential ASS was identified during the audit period.</p>	<p>Not triggered</p>

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
Hazardous Materials Management Plan (CoC B69)				
HMMP Section 8	If it is determined, after consultation with the asbestos register, that ACM is present in the vicinity of the planned works, an Asbestos Permit to Work (PTW) will be required.	RCC 21.11a Asbestos Removal Permit, dated 13/02/2020 RCC 21.11a Asbestos Removal Permit, dated 12/12/2019, 16/12/2019, 14/12/2019 & 20/12/2019	RCC Asbestos Removal Permits provided upon request for asbestos is soil remedial works in the following locations: - top of the oil tank (removal of topsoil from top of oil tank) - Lincoln Cr, removal of asbestos membrane and unexpected finds - References WorkCover Permit 940R-00261678-01.	Compliant
HMMP Section 10.3	Prior to implementing asbestos controls at the site, Coffey recommends that consultation with stakeholders including, the adjoining properties is carried out to alleviate concerns associated with asbestos, which may arise during removal works.	No evidence provided	RFI to RCC, dated 25.2.2020. No response received.	Non-compliant

Appendix C. Planning Secretary agreement of Independent Auditors



Appendix D. Consultation records

Jo Heltborg

From: Jo Heltborg
Sent: Saturday, 18 January 2020 11:04 AM
To: compliance@planning.nsw.gov.au
Cc: Derek Low; Lucy Maloney; Andy.Nixey@planning.nsw.gov.au
Subject: Independent Audit Sydney Modern Gallery (SSD 6471)

Hi there,

I am one of the Independent Auditors on the Sydney Modern Gallery redevelopment (SSD 6471).

Wolfpeak are currently preparing to undertake the independent audit on the Project. The audit is required to be conducted in accordance with SSD 6471 Part B Condition B14 and the Department of Planning and Environment's *Independent Audit Post Approval Requirements* (2018) (or IAPAR).

The consent is available at the following link: <https://www.planningportal.nsw.gov.au/major-projects/project/4721>

The IAPAR is available at the following link: <https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Compliance-policy-and-guidelines/Independent-audit-post-approval-requirements>

The audit is scheduled to occur in early February 2020 and pertains to post-approval requirements and compliance.

In accordance with Section 3.2 of the Department's IAPAR, we are consulting with the NSW Department of Planning, Industry and Environment (DPIE) on the scope of the audit.

As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant Condition of Consent along with all post approval documents prepared to satisfy the Conditions of Consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth.

In providing input to the scope, we kindly request the DPIE confirm any key issues it would like examined, relating to post-approval requirements and compliance.

Any questions please let me know. We look forward to hearing from you.

Kind regards

Jo Heltborg
Environmental Consultant



E: jheltborg@wolfpeak.com.au

P: 0414 554 277

A: Suite 2, Level 10, 189 Kent Street, Sydney NSW 2000

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Jo Heltborg

From: Jo Heltborg
Sent: Saturday, 18 January 2020 11:04 AM
To: council@cityofsydney.nsw.gov.au
Cc: Derek Low; Lucy Maloney
Subject: Independent Audit Sydney Modern Gallery (SSD 6471)

Hi there,

I am one of the Independent Auditors on the Sydney Modern Gallery redevelopment (SSD 6471).

Wolfpeak are currently preparing to undertake the independent audit on the Project. The audit is required to be conducted in accordance with SSD 6471 Part B Condition B14 and the Department of Planning and Environment's *Independent Audit Post Approval Requirements* (2018) (or IAPAR).

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The IAPAR is available at the following link: <https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Compliance-policy-and-guidelines/Independent-audit-post-approval-requirements>

The audit is scheduled to occur in early February 2020 and pertains to post-approval requirements and compliance.

In accordance with Section 3.2 of the Department's IAPAR, we are consulting with the City of Sydney Council on the scope of the audit. We understand that any advice provided during the assessment phase was considered by the Department and the Project was approved subject to conditions.

As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant Condition of Consent along with all post approval documents prepared to satisfy the Conditions of Consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth.

In providing input to the scope, we kindly request the City of Sydney confirm any key issues it would like examined, relating to post-approval requirements and compliance.

Any questions please let me know. We look forward to hearing from you.

Kind regards

Jo Heltborg
Environmental Consultant



E: jheltborg@wolfpeak.com.au

P: 0414 554 277

A: Suite 2, Level 10, 189 Kent Street, Sydney NSW 2000

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Jo Heltborg

From: Jo Heltborg
Sent: Saturday, 18 January 2020 11:02 AM
To: heritagemailbox@environment.nsw.gov.au
Cc: Derek Low; Lucy Maloney
Subject: Independent Audit Sydney Modern Gallery (SSD 6471)

Hi there,

I am one of the Independent Auditors on the Sydney Modern Gallery redevelopment (SSD 6471).

Wolfpeak are currently preparing to undertake the independent audit on the Project. The audit is required to be conducted in accordance with SSD 6471 Part B Condition B14 and the Department of Planning and Environment's *Independent Audit Post Approval Requirements* (2018) (or IAPAR).

The consent is available at the following link: <https://www.planningportal.nsw.gov.au/major-projects/project/4721>

The IAPAR is available at the following link: <https://www.planning.nsw.gov.au/Assess-and-Regulate/About-compliance/Compliance-policy-and-guidelines/Independent-audit-post-approval-requirements>

The audit is scheduled to occur in early February 2020 and pertains to post-approval requirements and compliance.

In accordance with Section 3.2 of the Department's IAPAR, we are consulting with the Heritage Council of NSW on the scope of the audit. We understand that any advice provided during the assessment phase was considered by the Department and the Project was approved subject to conditions.

As you will see the required scope (outlined in Section 3.3 of the IAPAR) already covers an assessment of each relevant Condition of Consent along with all post approval documents prepared to satisfy the Conditions of Consent, including an assessment of the implementation of Environmental Management Plans and Sub-plans, complaints, incidents and so forth.

In providing input to the scope, we kindly request the Heritage Council confirm any key issues it would like examined, relating to post-approval requirements and compliance.

Any questions please let me know. We look forward to hearing from you.

Kind regards

Jo Heltborg
Environmental Consultant




E: jheltborg@wolfpeak.com.au

P: 0414 554 277

A: Suite 2, Level 10, 189 Kent Street, Sydney NSW 2000

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Appendix E. Independent Audit Declaration Form(s)

Independent Audit Declaration Form


Independent Audit Declaration Form	
Project name	Sydney Modern
Consent Number	SSD 6471
Description of Project	<p>Redevelopment and operation of the new Sydney Modern Museum, including:</p> <ul style="list-style-type: none"> • demolition, earthworks and excavation works • construction of new art gallery building • remediation and conversion of former fuel bunker to gallery use • construction of new entry plaza and associated canopy • construction of new loading dock with access from Lincoln Crescent • installation of seawater heat exchange system • public domain and landscaping works, including new footpaths, public lifts and tree planting; and • subdivision.
Project Address	Lot 102 DP 854472, Lot 103 DP 1199151, Lot 34 DP 39586, Lots 107, 108 and 109 DP 1105308, Lot 4 DP 259027, Lot 51 DP 47732, Lot 35 DP 39586, Lot 9 DP 1007656 (Woolloomooloo Bay), Lot 113 DP 1105308; Lot 1013 DP 1199151, and Lots 107, 108 and 115 DP 1105308 (Art Gallery Road), Mrs Macquaries Road, The Domain; and Lincoln Crescent and Cowper Wharf Road, Woolloomooloo
Proponent	Art Gallery NSW Trust
Title of Audit	Independent Audit
Date	03/09/19

I declare that:

- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- Neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit
 - it is my understanding that I may be engaged to also prepare the independent audit program;
- I am not the Environmental Representative for the project; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of auditor	Josephine Heltborg
Signature	
Qualification	Master of Environmental Management Exemplar Global Auditor Number 111000
Company	WolfPeak Pty Ltd
Company address	Suite 2, Level 10, 189 Kent Street Sydney NSW 2000

Independent Audit Declaration Form

Independent Audit Declaration Form


Project name	Sydney Modern
Consent Number	SSD 6471
Description of Project	<p>Redevelopment and operation of the new Sydney Modern Museum, including:</p> <ul style="list-style-type: none"> • demolition, earthworks and excavation works • construction of new art gallery building • remediation and conversion of former fuel bunker to gallery use • construction of new entry plaza and associated canopy • construction of new loading dock with access from Lincoln Crescent • installation of seawater heat exchange system • public domain and landscaping works, including new footpaths, public lifts and tree planting; and • subdivision.
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Proponent	Art Gallery NSW Trust
Title of Audit	Independent Audit
Date	03/09/19

I declare that:

- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- Neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit
 - it is my understanding that I may be engaged to also prepare the independent audit program;
- I am not the Environmental Representative for the project; and
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of auditor	Derek Low
Signature	
Qualification	Master of Environmental Engineering Management Exemplar Global Auditor Number 114283
Company	WolfPeak Pty Ltd
Company address	Suite 2, Level 10, 189 Kent Street Sydney NSW 2000

Independent Audit Declaration Form

Independent Audit Declaration Form	
Project name	Sydney Modern
Consent Number	SSD 6471
Description of Project	<p>Redevelopment and operation of the new Sydney Modern Museum, including:</p> <ul style="list-style-type: none"> • demolition, earthworks and excavation works • construction of new art gallery building • remediation and conversion of former fuel bunker to gallery use • construction of new entry plaza and associated canopy • construction of new loading dock with access from Lincoln Crescent • installation of seawater heat exchange system • public domain and landscaping works, including new footpaths public lifts and tree planting; and • subdivision.
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Proponent	Art Gallery NSW Trust
Title of Audit	Independent Audit
Date	03/09/19

I declare that I have undertaken the Independent Audit and prepared the contents of the attached Independent Audit Report and to the best of my knowledge:

- the audit has been undertaken in accordance with relevant condition(s) of consent and the Independent Audit Post Approval Requirements (Department 2018);
- the findings of the audit are reported truthfully, accurately and completely;
- I have exercised due diligence and professional judgement in conducting the audit;
- I have acted professionally, objectively and in an unbiased manner;
- I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit;
 - I declared prior to the audit that I had been engaged to prepare the Independent Audit Program
- I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

- Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is false or misleading in a material respect. The proponent of an approved project must not fail to include information in (or provide information for inclusion in) a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows that the information is materially relevant to the monitoring or audit. The maximum penalty is, in the case of a corporation, \$1 million and for an individual, \$250,000; and
- The *Crimes Act 1900* contains other offences relating to false and misleading information: section 307B (giving false or misleading information – maximum penalty 2 years imprisonment or 200 penalty units, or both)

Name of auditor	Steve Fermio
Signature	<i>SF</i>
Qualification	Bachelor of Science (Honours) Exemplar Global Auditor Number 110498
Company	WolfPeak Pty Ltd
Company address	Suite 2, Level 10, 189 Kent Street Sydney NSW 2000

Appendix F. Site inspection photographs



Photo 1: Demolition and excavation, former fuel bunkers. Evidence of tree removal



Photo 2: Removal of asbestos contaminated soil on top of the former fuel bunkers



Photo 3: Tree removal to the south of the former fuel bunkers



Photo 4: Stockpiles in the center of the site – lack of erosion and sediment controls evident



Photo 5: Erosion and sediment controls down-gradient of stockpiles and around stormwater outlet



Photo 6: Perimeter hoarding along the Lincoln Crescent site boundary



Photo 7: Storage of hazardous chemicals in designated area with secondary containment provided



Photo 8: Tree protection fencing around the fig tree on the eastern site boundary



Photo 9: Site signage, Lincoln Crescent

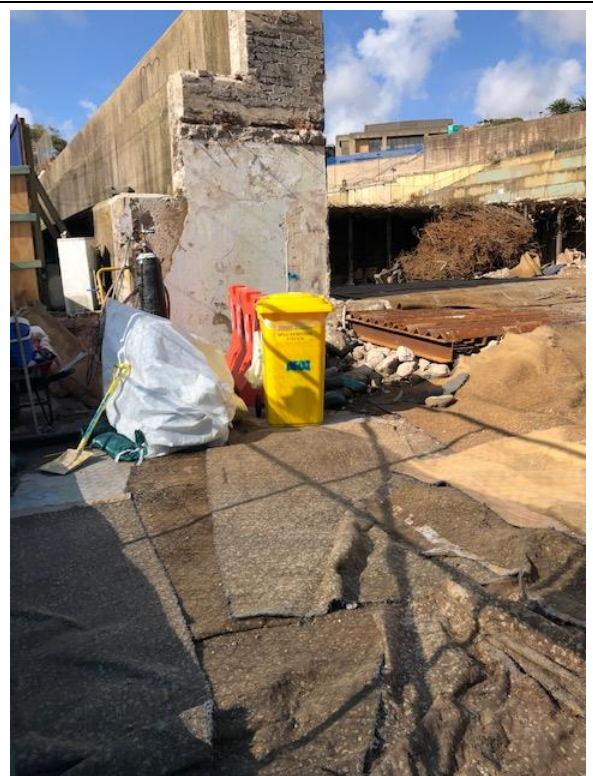


Photo 10: Cattle grid and geofabric lining of exposed areas, Lincoln Crescent site access. Spill kit.

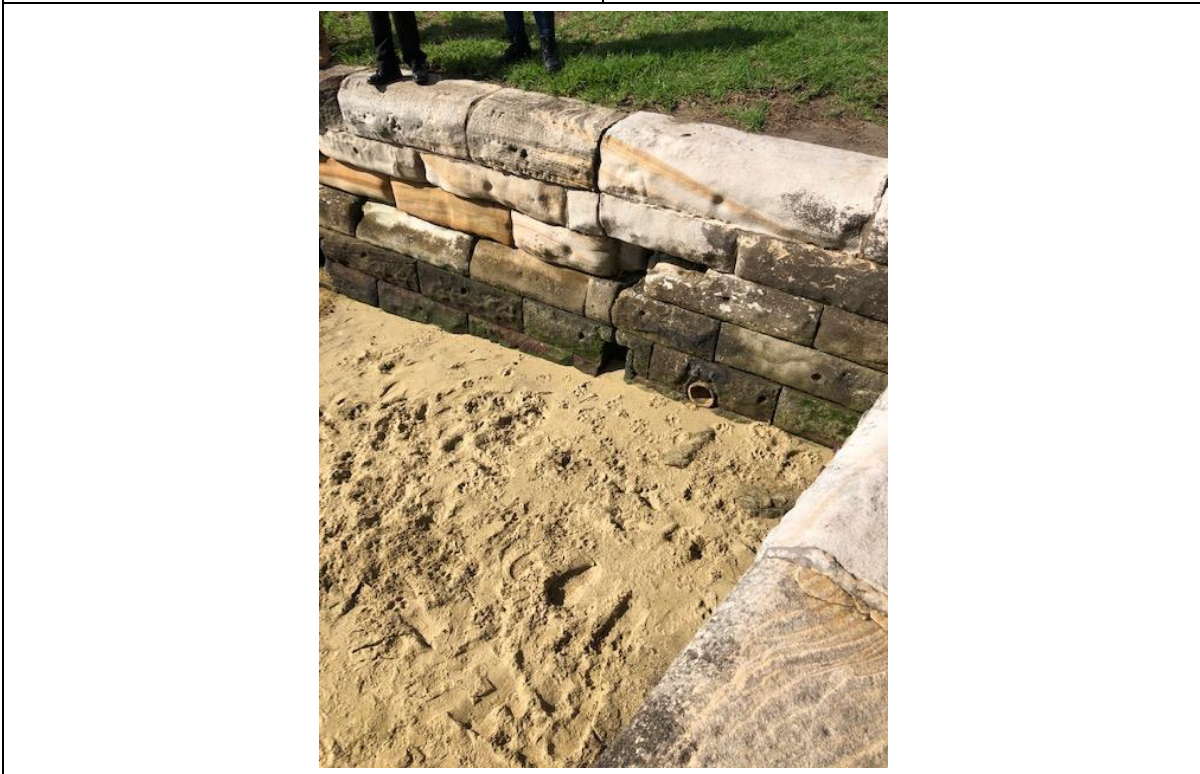


Photo 11: Stormwater discharge point to Sydney Harbour



Photo 12: Erosion and sediment controls adjacent Lincoln Crescent site access



Photo 13: Site graphics on hoarding along pedestrian access



WolfPeak Pty Limited

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