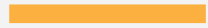




INDEPENDENT AUDIT NO. 3 – AUDIT REPORT



SYDNEY MODERN – SSD 6471

MARCH 2022

Authorisation

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Date	13/04/22	Date	13/04/22

Document Revision History

Revision	Date	Details
1.0	27/03/22	For issue
2.0	13/04/22	Final

Report Name: Independent Audit No. 3 – Audit Report, Sydney Modern – SSD 6471

Project No.: 432

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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. Richard Crookes Construction (RCC) has been appointed the principal contractor on behalf of INSW and the proponent (the Art Gallery of NSW).

Consent for the Project, State Significant Development (SSD) 6471, was granted on 20 November 2018, subject to a number of Conditions of Consent (CoC). SSD 6471 has been modified on three occasions to cater for changes to design, additional excavation and associated landscaping, amendments to bicycle parking and hours of operation and administrative updates. Construction commenced on 2 December 2019.

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 third Independent Audit for the construction period. Works undertaken during the audit period (April 2021 to March 2022) include (near) completion of structures, installation of glazing and cladding, Stage 2 landscaping, high level services and fit-out, embankment replacement on the northern boundary, installation of roof terraces and lift shaft.

The overall outcome of the Independent Audit was positive. Compliance records were well organised and available at the time of the site inspection and interviews with RCC personnel on 9 March 2022, and in response to requests for information and online as provided by INSW and RCC. Relevant environmental and compliance monitoring records were being collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements.

Detailed findings are presented in Section 3, along with actions to address each of the findings. The findings are summarized as follows:

- Seven (7) non-compliances were identified at the March 2022 Independent Audit. These related to the reviews of management plans, notification of publication of Compliance Reports and the second Independent Audit, commencing external walls without prior approval from the Certifier, Out of Hours Works and implementation of the CNVMP.
- Eight (8) observations were identified at the March 2022 Independent Audit. These relate to obtaining an ROL, submission of updated management plans, vibration exceedances, notification of unexpected heritage finds, housekeeping, tree protection and experience of trade workers.
- All the findings identified as open at the previous Independent Audit are considered closed, noting however some repeat issues being identified for the current audit period.

The Auditor would like to thank the auditees for their high level of organisation, cooperation and assistance during the Independent Audit.

1. INTRODUCTION

1.1 Project overview

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), on behalf of the Art Gallery NSW Trust. 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.

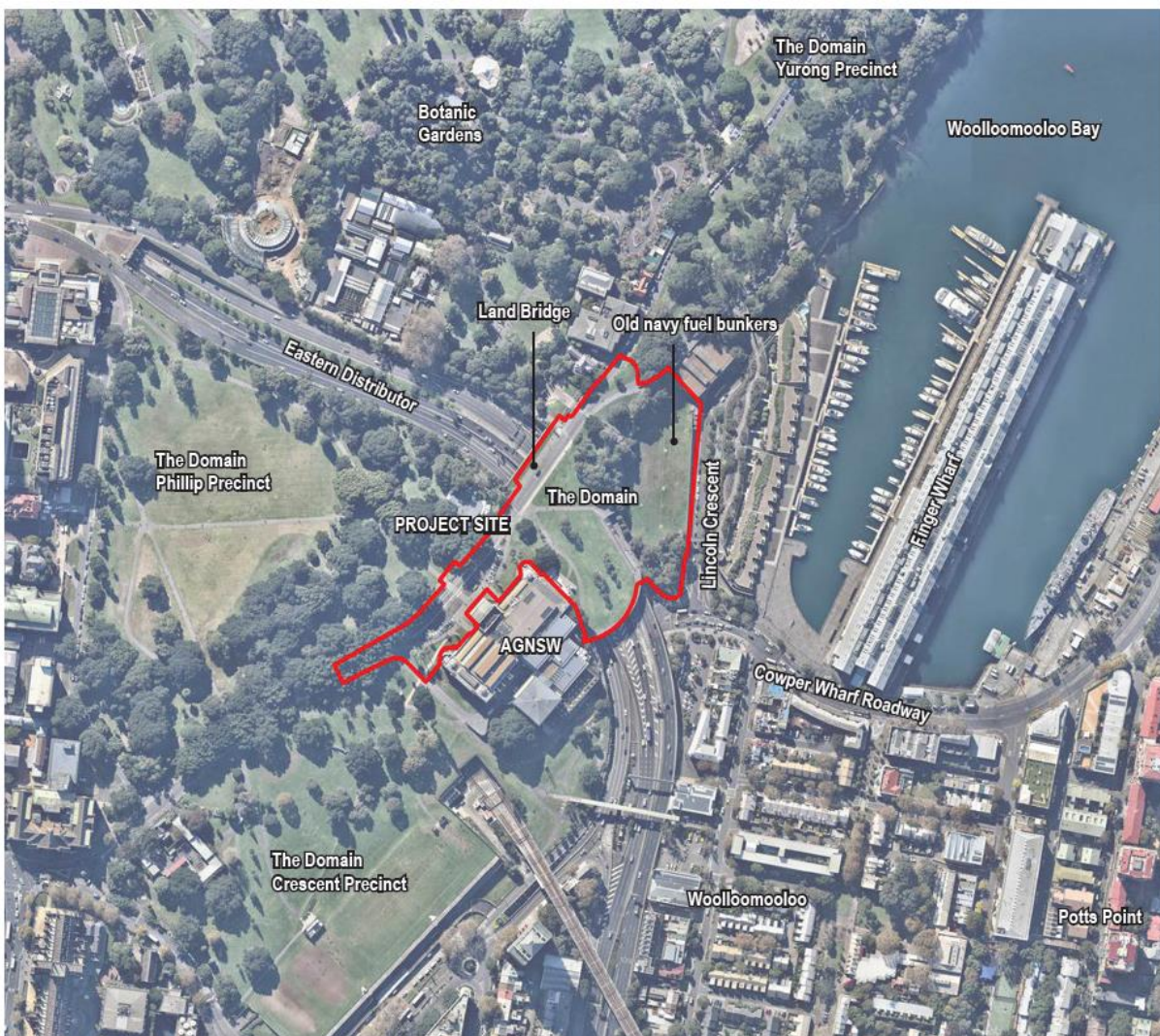


Figure 1: SMP location (source: Clouston Associates, Visual Impact Assessment for SSD 6471)

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
- 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. The consent has been modified on seven occasions:

- Modification 1, approved 17 September 2019, 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.
- Modification 2, approved 13 December 2019, which involved minor amendments to condition references.
- Modification 3, approved 18 November 2020, which involved minor design amendments and amendment to Condition B37 (Bicycle Parking) and Condition E2 (Hours of Operation).
- Modification 4, approved 24 May 2021, which involved various modifications to the approved landscape design, including to the forecourt plaza, entry plaza and land bridge.
- Modification 5, approved 22 October 2021, which involved architectural and landscape design changes including amendments to Condition A2, D30 and E36.
- Modification 6, approved 16 December 2021, which involved new active building pressurization system and acoustic enclosure and amendments to roofing material above Gallery 1.
- Modification 7, approved 24 December 2021, which involved landscaping amendments.

Richard Crookes Construction (RCC) has been appointed the principal contractor on behalf of INSW. Construction commenced on 2 December 2019. Works undertaken during the audit period (April 2021 – March 2022) include (near) completion of structures, glazing and cladding, Stage 2 landscaping, high level services and fit-out, embankment replacement on the northern boundary, installation of roof terraces and lift shaft.

1.2 Approval requirements

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

1.3 The audit team

In accordance with Schedule 2, CoC B14 and Section 3.1 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:

- 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 B.

1.4 The audit objectives

The objective of this Independent Audit is to satisfy SSD 6471 Schedule 2, CoC B143. It states:

Independent Audits of the development must be carried out in accordance with:

- a) the Independent Audit Program submitted to the Department under condition B13 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).*

The Independent Audit Program (and IAPAR) specifies that each Independent Audit must be undertaken at intervals no greater than 52 weeks from the date of the initial Independent Audit.

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

This Independent Audit seeks to fulfill the requirements of CoC B14, verify compliance with the relevant CoCs and assess the effectiveness of environmental management on the Project.

1.5 Audit scope

This Independent Audit relates to the Project works from April 2021 to March 2022 (the audit period).

The scope of the Independent Audit 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 overview

The Independent Audit was conducted in a manner consistent with AS/NZS ISO 19011.2019 – Guidelines for Auditing Management Systems (AS/NZS ISO 19011) and the methodology set out in the Department’s IAPAR. An overview of the audit activities, as specified in AS/NZS ISO 19011, is presented in Figure 2.

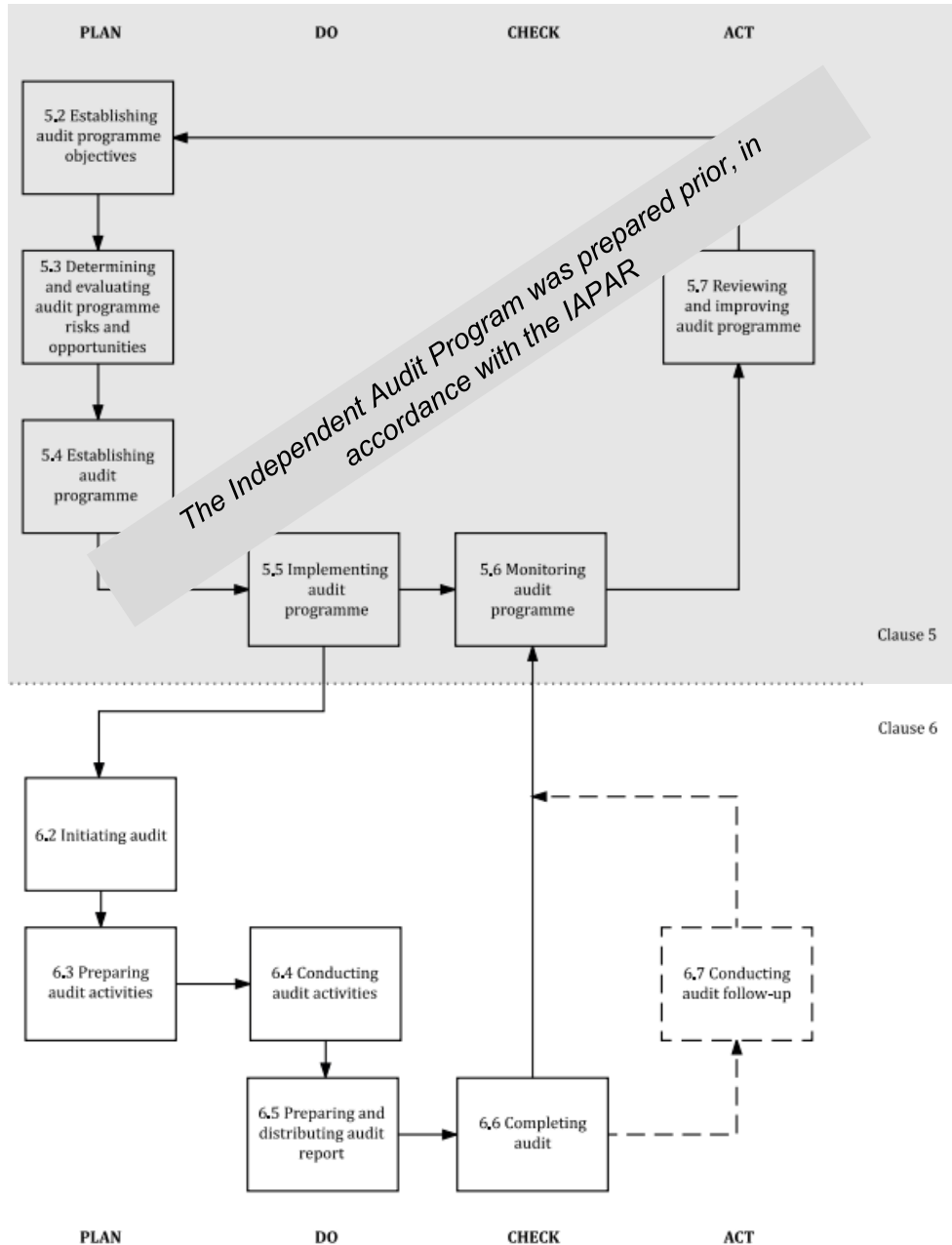


Figure 2: Audit activities overview (modified from AS/NZS ISO 19011). Subclause numbering refers to the relevant subclauses in the Standard.

2.2 Audit process detail

2.2.1 Audit initiation and scope development

Prior to the commencement of the Independent Audit the following tasks were completed:

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

WolfPeak consulted with the Department, the City of Sydney Council and Heritage NSW on 18 February 2022. Consultation was conducted to obtain input into the scope of the Independent Audit in accordance with Section 3.2 of the IAPAR. The consultation records are presented in Appendix C. 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 Focus	How Addressed
Department of Planning and Environment	<p>The Department reiterated that the Audit address the requirements of the IAPAR, and stated that the following matters were considered relevant:</p> <ul style="list-style-type: none"> • Communication of compliance obligations to relevant contractors • Provision of required information on the project website • Ongoing consultation with affected community • Notification of incidents and non-compliances to the Department. 	<p>These matters were assessed as part of the Independent Audit. Refer Appendix A (B7, B12, A12 – A15), and Section 3.6 and 3.7.</p>
Heritage NSW	<p>Heritage NSW confirmed that there are no additional items beyond the existing scope to be examined.</p>	-
City of Sydney	<p>The City of Sydney confirmed that there are no additional items beyond the existing scope to be examined.</p>	-

2.2.2 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 Independent Audit. The primary documents reviewed prior to and after the site visit are as follows:

- 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)
- Response to Submissions Addendum Art Gallery of NSW Expansion Project - Sydney Modern, Architectus, 8 August 2018 (the RtS)

- Development Consent SSD 6471 dated 20 November 2018 and Modifications 1 – 3 (the Consent, or SSD 6471)
- Sydney Modern Project Art Gallery of New South Wales expansion Community Communications Strategy, Richard Crookes Construction, October 2019, Rev4 (the CCS)
- Environmental Management Plan Sydney Modern Project 1178, Richard Crookes Constructions, Revision 5, 14 April 2021, (the CEMP)
- Construction Pedestrian and Traffic Management Plan Sydney Modern Project Art Gallery of NSW Expansion, Transport and Traffic Planning Associates, Issue F, August 2021 (CPTMP)
- Construction Noise and Vibration Management Plan, The Art Gallery of NSW Sydney Modern Development, White Noise Acoustics, 29 July 2021 (the CNVMP)
- 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 (the AQOMP)
- Waste Management Plan Sydney Modern 1178, Richard Crookes Constructions, 14 April 2021 (the WMP).
- Hazardous Materials Management Plan Sydney Modern Art Gallery, Coffey Services Australia Pty Ltd, Revision R06, 1 October 2021 (the HMMP)
- Unexpected Finds Procedure (Stage 2) Sydney Modern Gallery Art Gallery Road Sydney NSW, Coffey Services Australia Pty Ltd, 13 August 2021 (Stage 2 UFP)

Other documents referred to as evidence within Appendix A were also sighted.

2.2.3 Site personnel involvement

The on-site audit took place on 9 March 2022. Due to COVID impacts only one representative from the Project team was available to participate in the audit:

- Jesse Moss – Senior Project Engineer (RCC).

Representatives from RCC and INSW that are not listed above were involved in preparing for the Independent Audit, responding to requests for information issued by the Auditor and responding to the draft Audit Report.

2.2.4 Meetings

Opening and closing meetings were held with the Auditor and Project personnel. The attendance sheet can be found in Appendix D.

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

2.2.5 Interviews

The Auditor conducted interviews during the site inspection with the RCC representative whom is across the Project’s delivery, including environmental management, to assist with verifying the compliance status of the development. All other communication was conducted remotely, which included detailed request for information and auditee responses to the request.

2.2.6 Site inspection

The on-site audit activities took place on 9 March 2022. The on-site audit activities included an inspection of the site and work activities. Photos are presented in Appendix E.

2.2.7 Document review

The Independent Audit 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 within Appendix A.

2.2.8 General audit findings

Independent Audit findings were based on verifiable evidence. The evidence included:

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

2.2.9 Compliance evaluation

The Auditor determined the compliance status of each compliance requirement using the descriptors from Table 2 of the IAPAR. These are replicated in Table 2 below.

Table 2: Compliance status descriptors

Status	Description
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.

2.2.10 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; and
- 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 was determined on the basis of whether:

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

2.2.11 Completing the audit

The Independent Audit 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:

- CEMP
- CTPMP
- CNVMP
- AQOMP
- WMP
- HMMP.

The evidence sighted against each requirement is detailed within Appendix A.

3.2 Non-compliances, Observations and Actions

This Section, including Tables 3 and 4, presents the non-compliances and observations from the Independent Audit. Recommended actions in response to each of the findings are also presented. Detailed findings against each requirement are presented in Appendix A and B. In summary:

- There were 160 CoCs assessed.
- Seven (7) non-compliances were identified at the March 2022 Independent Audit. These related to the reviews of management plans, notification of publication of Compliance Reports and the second Independent Audit, commencing external walls without prior approval from the Certifier, Out of Hours Works and implementation of the CNVMP.
- Eight (8) observations were identified at the March 2022 Independent Audit. These relate to obtaining an ROL, submission of updated management plans, vibration exceedances, notification of unexpected heritage finds, housekeeping, tree protection and experience of trade workers.
- All the findings identified as open at the previous Independent Audit are considered closed, noting however some repeat issues being identified for the current audit period.

Table 3: Findings from the March 2022 Independent Audit.

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
Findings from the 2022 Independent Audit						
IA2022_1	A9	Non-compliance	<p>Requirement: <i>Within three months of:</i></p> <ul style="list-style-type: none"> a) <i>the submission of a Compliance Report under condition B9;</i> b) <i>the submission of an incident report under condition A12;</i> c) <i>the submission of an Independent Audit under condition B13;</i> d) <i>the approval of any modification of the conditions of this consent; or</i> e) <i>the issue of a direction of the Planning Secretary under condition A2 which requires a review,</i> <p><i>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.</i></p> <p><i>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.</i></p> <p>Non-compliance: The review of the management plans following the second Independent Audit was completed between May and August 2021. The Department was not notified. The CEMP and Sub-plans are under continual review without any formal periodic update or resubmission.</p>	Notify the Department of the next review and resubmit revised plans (if any) to the Department.	RCC 31/05/22	OPEN
IA2022_2	B10	Non-compliance:	<p>Requirement: <i>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.</i></p> <p>Non-compliance: Compliance Reports were prepared in accordance with the Compliance Reporting Post Approval Requirements and made publicly available. However the Department was not notified of the publication of Compliance Report 4 (submitted on 28/06/21) until on 07/04/22.</p>	The Department was notified of the publication of Compliance Report 4 prior to the finalisation of this Report.	INSW	CLOSED
IA2022_3	B15	Non-compliance	<p>Requirement: <i>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</i></p> <ul style="list-style-type: none"> a) <i>review and respond to each Independent Audit Report prepared under condition B12B14 of this consent;</i> b) <i>submit the response to the Department; and</i> c) <i>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.</i> <p>Non-compliance: The second Independent Audit Report was reviewed and responded to, submitted to the Department and made publicly available. However the Department was not notified of the publication of the second Independent Audit Report (submitted on 21/06/21) until on 07/04/22.</p>	The Department was notified of the publication of second Independent Audit Report prior to the finalisation of this Report	INSW	CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2022_4	B17	Non-compliance	<p>Requirement: <i>The external walls of all buildings must comply with the relevant requirements of the BCA.</i></p> <p><i>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.</i></p> <p><i>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.</i></p> <p>Non-compliance: RCC commenced construction of external wall works prior to demonstrating to the Certifier that the systems comply with the BCA.</p>	The Certifier had formally confirmed compliance with the BCA after the fact. This non-compliance was notified to the Department on 13/12/21 within 7 days of becoming aware in accordance with A13.	RCC	CLOSED
IA2022_5	B56	Observation	<p>Requirement: <i>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.</i></p> <p>Observation: Evidence indicates that the ROL for the use of the crane over Cowper Wharf Road was submitted on 08/02/22 (9 days prior to commencement) and the ROL was granted for 20/02/22 (less than 10 working days after submission). The Auditor observes that the proponent must comply with the date assigned to the ROL or (where less than 10 working days after the date of application) miss the opportunity to undertake the work in order to meet this condition.</p>	Allow a minimum of 10 working days for processing ROL applications.	RCC Prior to next event requiring a new ROL	OPEN
IA2022_6	B61	Observation	<p>Requirement: <i>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. Prior to the commencement of works, a copy of the CEMP must be submitted to Council and the Planning Secretary.</i></p> <p>Observation: Minor updates (policy change and risk matrix change) were made to the CEMP during the audit period, however the update has not been sent to the Certifier, Council or Planning Secretary.</p>	Notify the Department of the next review and resubmit revised plans (if any) to the Department, Council and Certifier.	RCC 31/05/22	OPEN
IA2022_7	C2	Non-compliance	<p>Requirement: <i>Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:</i></p> <p>a) <i>between 7.00 am and 6.00 pm, Mondays to Fridays inclusive;</i></p> <p>b) <i>between 8.00 am and 3.30 pm, Saturdays.</i></p> <p>Non-compliance: According the complaints register, construction was carried out prior to 08:00am on a Saturday on 01/02/22 which is outside the hours permitted by the consent and the COVID Work Days Order.</p>	RCC clarified the permissible hours under the COVID Work Days Order. The Auditor is not aware of any other <u>unplanned</u> Out of Hours Works having occurred during the audit period.	RCC	CLOSED
IA2022_8	C4	Non-compliance	<p>Requirement: <i>Activities may be undertaken outside of these hours if required:</i></p> <p>a) <i>by the Police or a public authority for the delivery of vehicles, plant or materials; or</i></p> <p>b) <i>in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.</i></p> <p>Non-compliance: Construction over the Eastern Distributor occurred beyond standard construction hours on 20-22/02/22 as directed by the road authority.</p>	The Out of Hours Works were notified to the Department on 15/02/22. In that correspondence RCC notes the technical non-compliance with this condition. The Auditor is not aware of the Department to providing a response to this matter.	RCC	CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2022_9	C10	Observation	<p>Requirement: <i>Vibration caused by construction at any residence or structure outside the subject site must be limited to:</i></p> <p>a) <i>for structural damage vibration to buildings (excluding heritage buildings), British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings;</i></p> <p>b) <i>for structural damage vibration to heritage buildings, German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure-, and</i></p> <p>c) <i>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.</i></p> <p>Observation: The October 2021 Noise and Vibration Monitoring Report identifies exceedances at the north statue but states that levels were from the ‘Tracking of an excavator within the vicinity of the statue, not associated with landscaping works’. The Auditor requested that the auditees clarify why an excavator at Stage 2 works is not identified as a concern from a vibration impact perspective and to provide justification as to why corrective actions were not applied. In response, the Project’s noise consultant stated:</p> <p><i>‘a. The event was associated with the tracking of an excavator through the landscaping works zone within the vicinity of the northern statue.</i></p> <p><i>b. The tracking of the excavator was advised by RCC as not a repetitive event and not a continuous activity such as hammering resulting from the removal of rock or the like.</i></p> <p><i>c. As a result of the event RCC has committed to tracking excavators with a greater distance separation to the northern statue to that which resulting in a vibration magnitude above the alert limit.’</i></p> <p>The November and December 2021 Noise and Vibration Monitoring Reports identify numerous exceedances at the Art Gallery Building logger but states that <i>‘Events associated with ground works within proximity to monitor, results includes magnitudes which would be within specified vibration levels at the Art Gallery buildings and infrastructure’.</i></p> <p>The February 2022 Noise and Vibration Monitoring Report identify exceedances at the Art Gallery Building, Northern Statue and Southern Statue loggers but states that <i>‘Event associated with materials movement’ or ‘Localised materials movement’.</i></p> <p>The Auditor requested that the auditees provide evidence of the assessment completed that enabled the noise consultant to determine that vibration impacts were not a concern, and to provide justification as to why corrective actions were not applied. In response, the Project’s noise consultant stated:</p> <p><i>‘During the time of the events that were received from the loggers and the periods when the vibration events occurred communication was undertaken and RCC identified the events as being associated with localised activities not associated with construction works. The notifications of vibration have been investigated and were found to be as a result the following:</i></p> <p><i>a. Localised movement of material, such as movement of the containers for the site sheds.</i></p> <p><i>b. Adjustment to the site’s external hoardings.</i></p> <p><i>c. Extraneous weather, such as thunderstorms.</i></p> <p><i>d. The movement of equipment with the vicinity of the vibration logger, such as the tracking of excavators.’</i></p> <p>The Auditor is of the view that the above responses provided by the Project’s noise consultant do not demonstrate that compliance with vibration limits were achieved. That being said the Auditor also observes that the Art Gallery of NSW and the northern Statue form part of the subject site.</p>	Future vibration exceedances, along associated assessments and corrective actions should be formally documented.	RCC / White Noise At the next vibration exceedance.	OPEN

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2022_10	C17	Observation	<p>Requirement: <i>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.</i></p> <p>Observation: The Project's heritage consultant (GML) monitored Stage 2 works near the existing AGNSW on 06/10/21, 26/10/21, 12/11/21, 18/02/21. Some heritage items were associated with / exposed during the works and there was no formal notification to Heritage NSW sighted. RCC (previously) and the Auditor (as part of the Independent Audit) queried why notification to Heritage NSW was not completed in accordance with C17. GML responded by stating:</p> <p><i>'GML Heritage has been called out to the AGNSW Sydney Modern Expansion Project site on several occasions since the commencement of bulk excavation by RCC in December 2019 to inspect potential relics exposed during site works, as required under SSD Condition C16. Once called, works in those areas ceased until the archaeologist had assessed and recorded exposed remains. RCC was then advised when ground works could recommence in each area.</i></p> <p><i>Record of all archaeological remains identified during site visits are being recorded in an Archaeological Monitoring Letter Report to be issued at the finalisation of ground works as per SSD Condition D1.</i></p> <p><i>During the site works GML Heritage has maintained contact with Heritage NSW to advise of archaeological relics exposed at the site and their recording in the Archaeological Monitoring Letter Report for the site. GML archaeologists have been advised that Heritage NSW was not required to be contacted each time archaeological resources were exposed, provided that all site work contractors continued to regularly advise the approved Project's Nominated Archaeologist (Dr Nadia Iacono) of the on-site works program, to enable stop work procedures if and when potential archaeological remains were exposed. This procedure will continue to be undertaken until all ground works with potential to impact areas of identified archaeological potential are completed.'</i></p> <p>No evidence of such advice from Heritage NSW has been sighted by RCC or the Auditor.</p>	Obtain written advice from Heritage NSW that confirms GMLs position.	RCC / GML 31/05/22	OPEN
IA2022_11	C24	Non-compliance	<p>Requirement: <i>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.</i></p> <p>Non-compliance: Section 8.3.1 of the CNVMP specifies the requirement to undertake vibration trials for Stage 2 works. The trials were not conducted. The noise consultant advised RCC that <i>'Based on the permanent vibration monitoring which is being undertaken at the site, including landscaping works to the entry of the Art Gallery, the requirement for periodic vibration trials including the projects Construction Noise and Vibration Management Plan is being complied with.</i></p> <p><i>Based on the ongoing continuous vibration monitoring being undertaken as part of the landscaping works construction vibration is continuously being monitored and real time alerting would be provided in the event activities were generating magnitudes of vibration above stipulated construction vibration levels.'</i></p> <p>The Auditor notes the purpose, scope and method specified for the trials in Section 8.3.1 of the CNVMP (i.e.: to verify safe working distances) and the vibration exceedances noted in C10. The Auditor is of the view that the noise consultant's advice is not suitable justification for not completing the trial.</p>	The opportunity to complete vibration trials has passed. Continuous monitoring in place for construction. Refer to recommendation against C10.	RCC / White Noise	CLOSED
IA2022_12	C25	Observation	<p>Requirement: <i>Notwithstanding the Waste Management Plan referred to in condition B63B65, the Applicant must ensure that:</i></p> <p>c) <i>waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;</i></p> <p>Observation: The area around the water treatment plant requires housekeeping as there is a substantial amount of waste present. The Auditor notes that the waste is not currently at risk of entering Sydney Harbour.</p>	Housekeeping was completed prior to the finalisation of this Report.	RCC	CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2022_13	C40	Observation	<p>Requirement: 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.</p> <p>Observation: The Project's arborist (Earthscape) attended the site twice during the audit period. The Earthscape letters confirm the arborist's general satisfaction with tree protection measures in place in September 2021, noting some improvements were required (i.e.: increased set back from the exploratory trench near tree T739 and T741, as well as backfill with clean soil). The works subject to the arborists recommendations are ongoing and therefore the recommendations have not been addressed.</p>	Complete rectification works once the exploratory trench works are complete and have the arborist verify their acceptance of those works.	RCC Once the exploratory trench works are complete	OPEN
IA2022_14	C41	Observation	<p>Requirement: 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 Tree Protection Zones is to be supervised throughout construction. All tree works must be carried out in accordance with all relevant Australian Standards.</p> <p>Observation: Note that this finding relates to the same issue as that identified in IA2022_13 above. The Project's arborist (Earthscape) attended the site twice during the audit period. The Earthscape letters confirm the arborist's general satisfaction with tree protection measures in place in September 2021, noting some improvements were required (i.e.: increased set back from the exploratory trench near tree T739 and T741, as well as backfill with clean soil). The works subject to the arborists recommendations are ongoing and therefore the recommendations have not been addressed.</p>	Complete rectification works once the exploratory trench works are complete and have the arborist verify their acceptance of those works.	RCC Once the exploratory trench works are complete	OPEN
IA2022_15	C42	Observation	<p>Requirement: All heritage work must be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar structures, materials and methods.</p> <p>Observation: Architectus prepared a methodology for the work in the navy fuel bunker (refer B21) which is the only heritage work being undertaken on the Project. The methodology was prepared in conjunction with RCC and it included a statement that the bunker would not be modified other than installation of the spiral staircase, pouring of new concrete polished floor, cutting in services and replacement of some legacy structural uprights that don't meet structural load requirements. The OEH (Heritage NSW) accepted the methodology prior to construction commencing. The extent of potential heritage works being undertaken during the audit period is consistent with the methodology. The work has involved trades with expertise in concrete cutting, services and structures, rather than in heritage restoration (as 'restoration' has not formed part of the scope of works).</p> <p>GML confirmed that it inspected the works in the bunker on 04/11/21 and did not note down any material issues. GML recommended a design refinement to pouring of the new polished concrete floor and that the next inspection occur on completion of the works but prior to handover.</p>	The extent of potential heritage works being undertaken during the audit period is consistent with the methodology.	RCC	CLOSED

Table 4: Status of findings from the March 2021 Independent Audit.

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
Actions previously open from the March 2021 Independent Audit						
IA2021_1	A9	Non -compliance	<p>Requirement: <i>Within three months of:</i></p> <ul style="list-style-type: none"> a) <i>the submission of a Compliance Report under condition B9;</i> b) <i>the submission of an incident report under condition A12;</i> c) <i>the submission of an Independent Audit under condition B13;</i> d) <i>the approval of any modification of the conditions of this consent; or</i> e) <i>the issue of a direction of the Planning Secretary under condition A2 which requires a review,</i> <p><i>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.</i></p> <p>March 2021 non-compliance: This requirement for review has been misinterpreted by RCC. A review strategies, plans and programs required under this consent has not been undertaken within three months of any of the triggering events and, therefore, notification of such a review has not been undertaken.</p>	Undertake a review of the strategies, plans and programs and notify the Department of the review.	RCC / INSW Within 3 months of the next triggering event	CLOSED RCC notified the Department on 20/05/21 and commenced review of the strategies, plans & programs. Refer to finding against A9 for the current audit period in Table 3.
IA2021_2	B15	Non- compliance	<p>Requirement: <i>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</i></p> <ul style="list-style-type: none"> a) <i>review and respond to each Independent Audit Report prepared under condition B12B14 of this consent;</i> b) <i>submit the response to the Department; and</i> c) <i>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.</i> <p>March 2021 non-compliance: No evidence was available to demonstrate that the Department was notified of publication of the first Independent Audit Report. The website includes the Independent Audit Report, but not the response to the findings, as required by part c) of this condition.</p>	Notify the Department of the publication of the response to the first Independent Audit Report, then publish the response.	INSW 30/04/21	CLOSED RCC notified the Department on 20/05/21 and commenced review of the strategies, plans & programs. The response is available online. Refer to finding against B15 for the current audit period in Table 3.

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2021_3	B56	Observation	<p>Requirement: 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.</p> <p>March 2021 observation: Evidence demonstrates that the ROL for the tower crane erection works was granted by the Road Authority 6 days prior to the subject works occurring. However the evidence does not demonstrate that the Project allowed a minimum of 10 working days for processing.</p> <p>The Auditor observes that it is the Road Authority that determines the dates and times by which the road can be accessed. These are specified within the ROL. In circumstances where the Road Authority determines a date in the ROL that is less than 10 working days from the date of lodgement of the application, the Project must either</p> <ul style="list-style-type: none"> comply with the date assigned to the ROL (and incur a non-compliance with this condition) or <p>not use the approved ROL (so as to comply with the condition) and have to repeat the application process until such time as the 10 day processing time is achieved.</p>	Allow a minimum of 10 working days for processing ROL applications.	RCC Prior to next event requiring a new ROL	CLOSED The ROL for this finding was granted. Refer to the finding against B56 for the current audit period in Table 3.
IA2021_4	C4	Non-compliance	<p>Requirement: Activities may be undertaken outside of these hours if required:</p> <p>a) by the Police or a public authority for the delivery of vehicles, plant or materials; or</p> <p>b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.</p> <p>March 2021 non-compliance: A crane breakdown event occurred on 30/01/21 which required construction works to extend beyond the permissible hours. The Department was notified on the same day. Formal written notification was provided on 08/02/21 (which was beyond the 7 day deadline as specified in Appendix 1 of the consent).</p> <p>A late concrete pour running over the standard construction hours occurred on the 23/11/20. Immediate notification was provided to the Department on the same day. Neighbours were notified the next morning. Formal written notification was provided on 01/12/20 (more than 7 days after the event).</p> <p>Demolition over the Eastern Distributor occurred beyond standard construction hours on 21/02/21 as directed by the road authority, notified to the Department on 23/02/21.</p>	<p>The Project should review the remaining program of works and determine whether any further Out of Hours Works (OOHW) that do not comply with this condition are required.</p> <p>If further OOHW are required and they do not comply with this condition, then it is recommended that the Project seeks a modification.</p>	RCC / INSW Prior to next IA	CLOSED RCC informed the Department of the likely OOHW required to be completed in accordance with the relevant Road Authority's requirements. Refer to findings against C2 and C4 for the current audit period in Table 3.
IA2021_5	C8	Observation	<p>Requirement: 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> <p>March 2021 observation: There was a complaint on 03/06/20 that related to a truck parking on Lincoln Crescent. The project reprimanded the driver.</p> <p>Additionally a semi-trailer was observed, by the Auditor during the on-site component of the Independent Audit, to arrive northbound on Art Gallery Road at approximately 0850am. The truck was then sighted entering the site from the north at 1000am.</p> <p>In both these instances it is unclear if the trucks were queuing or idling as stated by this condition.</p>	Reissue training or communication to transport companies working on the Project on the requirements on arriving and leaving the site.	RCC 30/04/21	CLOSED No issues were identified in relation to this requirement for the current audit period.

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2021_6	C13	Non-compliance	<p>Requirement: <i>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.</i></p> <p>March 2021 non-compliance: The City of Sydney approval to dewater groundwater approves the DECC Dewatering Management Plan (which details the process for dewatering rainwater and stormwater collected on the project footprint that seeps into the basement). This Dewatering Plan was revised by Central Plumbing but continued to use the same Dewatering Plan as previously approved by Council. This was pursuant to advice from Council about their preference to continue the use of the existing approved plan.</p> <p>The approved Dewatering Plan commits to checking for hydrocarbon sheens and odours, and periodic sampling of hydrocarbons and BTEX via laboratory analysis. According to the CETEC test reports, there does not appear to be any check for hydrocarbons or odours etc. The last laboratory analysis of collected water was from July 2020.</p>	Implement the monitoring and inspection program within the approved Dewatering Plan.	RCC Prior to next discharge event	CLOSED Monitoring has been completed in accordance with the program. Refer Appendix A.
IA2021_7	C21	Observation	<p>Requirement: <i>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.</i></p> <p>March 2021 observation: This finding relates to the same issue as that identified for CoC C13. The approved Dewatering Plan commits to checking for hydrocarbon sheens and odours, and periodic sampling of hydrocarbons and BTEX via laboratory analysis. According to the CETEC test reports, there does not appear to be any check for hydrocarbons or odours etc. The last laboratory analysis of collected water was from July 2020. Whilst there is no check for these pollutant markers, the Auditor cannot confirm whether the pollutants were in fact present in discharged waters.</p>	Implement the monitoring and inspection program within the approved Dewatering Plan. Only discharge where the criteria is achieved.	RCC Prior to next discharge event	CLOSED Monitoring has been completed in accordance with the program. Refer Appendix A.
IA2021_8	C25	Observation	<p>Requirement: <i>Notwithstanding the Waste Management Plan referred to in condition B63B65, the Applicant must ensure that:</i></p> <p style="padding-left: 40px;"><i>c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour</i></p> <p>March 2021 observation: Small amounts of litter and old sediment bags was observed on the eastern boundary (Lincoln Crescent), which requires housekeeping.</p>	Complete clean up around the eastern boundary (Lincoln Crescent).	RCC 30/04/21	CLOSED Housekeeping was completed.
IA2021_9	C33	Non-compliance	<p>Requirement: <i>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.</i></p> <p>March 2021 non-compliance: At the site inspection it was observed by the Auditor that a section of the Lincoln Crescent footpath was closed to pedestrians without sufficient controls in place to maintain safety. It is also noted that TCP21222 requires pedestrians to be safely directed onto the road and around the site access. This arrangement contradicts the Council Hoarding Works Approval which requires pedestrians to be directed to the opposite footpath prior to reaching the site.</p>	Install alternative access arrangements in accordance with Council requirements.	RCC 30/04/21	CLOSED The pedestrian control arrangement was adjusted.
IA2021_10	C37	Observation	<p>Requirement: <i>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.</i></p> <p>March 2021 observation: This finding relates to the same issue as that identified in CoC C13 and C21. The approved Dewatering Plan commits to checking for hydrocarbon sheens and odours, and periodic sampling of hydrocarbons and BTEX via laboratory analysis. According to the CETEC test reports, there does not appear to be any check for hydrocarbons or odours etc. The last laboratory analysis of collected water was from July 2020. Whilst there is no check for these pollutant markers, the Auditor cannot confirm whether the pollutants were in fact present in discharged waters.</p>	Implement the monitoring and inspection program within the approved Dewatering Plan. Only discharge where the criteria is achieved.	RCC Prior to next discharge event	CLOSED Monitoring has been completed in accordance with the program. Refer Appendix A.

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
IA2021_11	C42	Observation	<p>Requirement: <i>All heritage work must be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar structures, materials and methods.</i></p> <p>March 2021 observation: The extent of potential heritage works being undertaken during the audit period involve cutting holes in the remaining World War 2 tank and replacing structural uprights. This is a continuation of demolition works undertaken to remove one of the tanks.</p> <p>The works need to be conducted by suitably qualified persons in concrete cutting and concreting (DECC, Demartin and Gasparini). These works have been supervised but not undertaken by, GML. GML confirmed that it monitored works in the tanks on 30/06/20, 08/07/20, 29/07/20, 25/08/20, 08/10/20. No issues were identified.</p>	Verify the intent and scope of the condition and ensure appropriate trades are engaged to complete the work	RCC Prior to next audit	CLOSED RCC informed the Department of this matter on 04/06/21. The Auditor is not aware of a response having been provided. Refer to finding against C42 for the current audit period in Table 3.
IA2021_12	C24	Observation	<p>Requirement: <i>The Project 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.</i></p> <p>March 2021 observation: Mitigation measure AQ1 from the AQOMP states that training will be provided to all Project personnel, including subcontractors, on sound air quality control practices and the requirements of the AQOMP through inductions, toolboxes and targeted training. There is no evidence to demonstrate that this training has been delivered.</p>	Deliver training in accordance with the AQOMP.	RCC 30/04/21	CLOSED Training was completed. Air quality risks have subsided significantly since the previous audit period.

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; and
- whether there are any opportunities for improvement.

A review was conducted of the:

- CEMP
- CTPMP
- CNVMP
- AQOMP
- WMP
- HMMP.

The auditor considers these documents to be adequate.

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 Appendix A) and controls observed in the field.

3.5 Summary of notices from agencies

Refer to finding in relation to CoC A3. On 7 December 2021 the Department issued a show cause to RCC regarding the establishment of site sheds outside of the Project footprint. On 22 December 2021 RCC responded, stating that it did not consider the establishment of the sheds to be in breach of the consent. References to supporting evidence were also provided. The Auditor does not dispute RCCs response. The Department has not raised any issues since that time and did not highlight this matter during consultation on the scope of the third Independent Audit.

3.6 Complaints

An Enquiry and Complaints Register is being maintained by the Project. The register is published on the Project website at:

<https://www.artgallery.nsw.gov.au/sydney-modern-project/news-and-updates/project-status/new-building-updates/#planning-approval-documents>

There were 21 enquiries or complaints from the period April 2021 to March 2022. The register details the nature of the complaint or enquiry. The register lists all 21 of these enquiries or complaints as closed.

Noteworthy is the number of complaints made in relation to traffic and parking..

3.7 Other matters considered relevant by the Auditor or DPIE

Other than the observations and non-compliances identified (presented in Table 2 above) there were no other matters considered relevant by the Auditor.

The Department considered the following to be relevant for the current audit:

- Communication of compliance obligations to relevant contractors
- Provision of required information on the project website
- Ongoing consultation with affected community
- Notification of incidents and non-compliances to the Department.

The Auditor refers the Department to Appendix A (B7, B12, A12 – A15) for items 1, 2 and 4.

With respect to ongoing consultation the Auditor observes that engagement with the adjacent residents is through their concierge whom then filters information to each resident. This process is largely unchanged during the construction period. The concierge is notified of proposed change to traffic conditions, Out of Hours Works and like. In addition, the Project posts regular updates on its website and allows anyone to subscribe to receive updates. Refer to:

- <https://www.artgallery.nsw.gov.au/sydney-modern-project/news-and-updates/>
- <https://www.artgallery.nsw.gov.au/sydney-modern-project/news-and-updates/project-status/new-building-updates/#upcoming-works>

3.8 Incidents

The incident register shows that the Project has not identified any notifiable incidents as defined by the consent.

3.9 Actual versus predicted impacts

The audit considered the actual impacts arising from the carrying out of the Project during the audit period and whether they are consistent with the relevant impacts predicted in the EIS. A summary of the assessment is presented in Table 3.

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 value and 7 trees of high retention value.	Earthscape (project Arborist) have been retained by the Project to advise on the removal, transplanting and protection of trees on site, consistent with their Horticultural Services Arboricultural Impact Assessment Report v9, dated 3/11/2017 (which formed part of the EIS). The Arborist has not identified material any issues in their	Y

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
		inspection reports that indicate a departure from what is approved.	
Heritage (EIS, section 6.5)	A Heritage Impact Statement (HIS) was 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. GML reports on their inspections of the works indicate that works are satisfactory.	Y
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.	A Dewatering Plan has been prepared and approved by Council. Refer to the findings in relation to CoC C13, C21 and C37.	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 suitable for the proposed development through remediation and validation.	On 25/01/22 RCC notified the Department of additional find of contamination in an area next to the statue which is subject to landscaping (in accordance with C20). On 31/01/22 the Department directed RCC to recommence works with appropriate management and remediation of contamination, the unexpected finds protocol and the RAP, along with submission of the clearance certificates once received. RCC are carrying out further investigations and working through an update to the RAP to set out how best to manage the material. No works are occurring within the impacted footprint. Sign-off of the remediation works by the Contaminated Sites Auditor is pending.	Y
Sediment, erosion and dust controls (EIS, section 6.18)	Predicted impacts included the risk of sediment and other waste washed into the drainage system and carried to downstream water bodies during construction. Dry and windy conditions were also predicted to result in dust impacts from unsealed roads and exposed surfaces,	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.	Y

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
	<p>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>Several dust complaints were received during the audit period, but the project has provided evidence of dust controls being implemented on site. Refer CoC C32.</p>	
<p>Construction traffic (EIS, section 6.26)</p>	<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>Actual 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 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> <p>Noteworthy is the number of complaints made in relation to traffic and parking.</p>	<p>Y</p>
<p>Construction noise (EIS, section 6.26)</p>	<p>The EIS predicted the management of noise during construction would be critical to ensure an acceptable level of 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>Refer to finding in relation to CoC C7.</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 pulverizers on machines for demolition (in previous audit periods).</p> <p>Electric powered crane (rather than diesel powered) is being used on site.</p> <p>A live link to real-time noise monitoring is available on the svannet website.</p>	<p>Y</p>

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
		<p>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> <p>The Auditor observes the findings in relation C10 and C24 with respect to vibration exceedances and the failure to complete vibration trials on Stage 2.</p>	

4. CONCLUSIONS

This Audit Report presents the findings from the third Independent Audit for the construction period, covering the period from April 2021 to March 2022.

The overall outcome of the Independent Audit was positive. Compliance records were organised and available at the time of the site inspection and interviews with Project personnel from RCC, and provided after the on-site component and online by INSW.

Relevant environmental and compliance monitoring records were being collected and reported as required to provide verification of compliance to statutory requirements and the broader Project environmental requirements.

Detailed findings are presented in Section 3, along with actions to address each of the findings. The findings are summarized as follows:

- Seven (7) non-compliances were identified at the March 2022 Independent Audit. These related to the reviews of management plans, notification of publication of Compliance Reports and the second Independent Audit, commencing external walls without prior approval from the Certifier, Out of Hours Works and implementation of the CNVMP.
- Eight (8) observations were identified at the March 2022 Independent Audit. These relate to obtaining an ROL, submission of updated management plans, vibration exceedances, notification of unexpected heritage finds, housekeeping, tree protection and experience of trade workers.
- All the findings identified as open at the previous Independent Audit are considered closed, noting however some repeat issues being identified for the current audit period.

The Auditor would like to thank the auditees from RCC and INSW for their high level of organisation, cooperation and assistance during the Independent Audit.

5. LIMITATIONS

This Document has been provided by WolfPeak Pty Ltd (WolfPeak) to the Client and is subject to the following limitations:

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APPENDIX A – SSD 6471 CONDITIONS OF CONSENT

SSD 9477, including MODs 1 – 7.

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	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.	C																				
Terms of Consent																								
A2	<p>The development may only be carried out:</p> <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 e) As amended by the Section 4.55(1A) Modification prepared by Architectus Australia Pty Ltd dated 20 June 2019 and Response to Submissions prepared by Architectus Australia Pty Ltd dated 23 August 2019; f) As amended by the Section 4.55(1) Modification prepared by Art Gallery NSW Trust dated 21 November 2019; g) As amended by the Section 4.55(1A) Modification prepared by Architectus Australia Pty Ltd dated 19 August 2020 and Response to Submissions prepared by Architectus Australia Pty Ltd dated 30 October 2020; h) As amended by the Section 4.55(2) Modification prepared by Architectus Australia Pty Ltd dated 6 November 2020, Response to Submissions prepared by Architectus Australia Pty Ltd dated 10 March 2021 and Response to Further Submissions dated 12 April 2021; i) As amended by the Section 4.55(1A) Modification prepared by Architectus Australia Pty Ltd dated 25 August 2021 and Response to Submissions prepared by Architectus Australia Pty Ltd dated 12 October 2021; j) As amended by the Section 4.55(1A) Modification prepared by Architectus Australia Pty Ltd dated 11 November 2021; k) As amended by the Section 4.55(1A) Modification prepared by Architectus Australia Pty Ltd dated 10 December 2021. <table border="1"> <thead> <tr> <th>Drawing No.</th> <th>Revision</th> <th>Name of Plan</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>DA_0054</td> <td>J</td> <td>Site Demolition Plan</td> <td>06/08/18</td> </tr> <tr> <td>DA_0055</td> <td>H, L, Q, O</td> <td>Ancillary Works Plan</td> <td>14/08/18 25/08/18 23/02/20 03/11/20 11/08/21</td> </tr> <tr> <td>DA_0056</td> <td>I</td> <td>Sea Water Heat Exchange System Plan</td> <td>06/08/18</td> </tr> <tr> <td>DA_0057</td> <td>E, G</td> <td>Site and Building Areas</td> <td>06/08/18 06/07/20</td> </tr> </tbody> </table>	Drawing No.	Revision	Name of Plan	Date	DA_0054	J	Site Demolition Plan	06/08/18	DA_0055	H, L, Q, O	Ancillary Works Plan	14/08/18 25/08/18 23/02/20 03/11/20 11/08/21	DA_0056	I	Sea Water Heat Exchange System Plan	06/08/18	DA_0057	E, G	Site and Building Areas	06/08/18 06/07/20	<p>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)</p> <p>Response to Submissions Addendum Art Gallery of NSW Expansion Project - Sydney Modern, Architectus, 8 August 2018 (the RtS)</p> <p>Approved plans stamped (2018 and 2020) available on site.</p> <p>s4.44 Modification plans available on site.</p> <p>Interview with auditees 09/03/22</p> <p>Evidence referred to elsewhere in this Audit Table</p>	<p>The Project is being constructed in general accordance with the EIS and RtS (subject to the consent and modifications 1-7)</p> <p>The approved plans are the basis of the IFC drawings.</p> <p>There have been no written directions from the Planning Secretary.</p> <p>Whilst some non-compliances were identified, these were not substantial in nature or significant in number. Other than these few events, compliance is being achieved in all other respects, and on this basis the Auditor does not consider it appropriate to assign a non-compliance with this condition.</p> <p>In all other respects the Project is complying with the consent. On this basis the Auditor is of the opinion that compliance with this condition is being achieved.</p>	C
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DA_0058	GH JLM Open Space/External Publicly Accessible Areas 09/11/20 11/08/21			
DA_0059	FG HKL Land Subject to Landscape Embellishments 29/10/18 24/06/19 06/07/20 03/11/20 11/08/21			
DA_0070	D Soil-Water-Heat-Exchange-Upper-Room-Plan 06/08/18			
DA_0100	MN OSTU Proposed Site Plan 06/08/18 24/06/19 23/07/20 03/11/20 11/08/21 30/09/21			
DA_1000	MN PRSU Roof Plan 06/08/18 24/06/19 23/07/20 03/11/20 11/08/21 30/09/21			
DA_1001	MN RES Entry Level Plan 06/08/18 24/06/19 23/07/20 03/11/20 11/08/21			
DA_1002	LM OO Lower Level 1 Plan 06/08/18 24/06/19 23/07/20 11/08/21			
DA_1003	LM PR Lower Level 2 Plan 06/08/18 24/06/19 23/07/20 11/08/21			
DA_1003.5	B Lower Level 3 Mezzanine 22/08/19			
DA_1004	J Lower Level 3 Plan – Demolition Plan 06/08/18			
DA_1005.0	J K Lower Level 3 Plan – Proposed Plan (confidential) 06/08/18 24/06/19 06/07/20			
DA_1005	H LL Lower Level 3 Plan – Proposed Plan 06/08/18 09/09/20 06/07/20 11/08/21			
DA_1006	J Lower Level 4 Plan – Demolition Plan 06/08/18			
DA_1007.0	J K Lower Level 4 Plan – Proposed Plan (confidential) 06/08/18 01/07/20			
DA_1007	H LL Lower Level 4 Plan – Proposed Plan 06/08/18 01/07/20 11/08/21			
DA_2000	K Sections AA & BB 06/08/18			
DA_2001	KH O Sections CC & DD 06/08/18 14/06/21 30/09/21			
DA_2002	F Perspective Section Sheet 1 06/08/18			
DA_2003	F Perspective Section Sheet 2 06/08/18			
DA_2004	F S Perspective Section Sheet 3 06/08/18 01/07/20			
SMP-C-1300 X01	S S Bulk Earthworks Plan 20/07/18 30/04/20			
DA_2006	D Proposed Excavation Sections 06/08/18			
DA_2009	A Perspective Section Sheet 4 01/07/20			
DA_2051	AC Section 1 and 2 – Zone B 03/08/18 11/08/21			
DA_2052	A BC Section 3 and 4 – Zone B 22/08/19 23/07/20 11/08/21			
DA_2053	AB Section 1 and 2 – Zone M 01/07/20 11/08/21			
DA_2054	AB Section 3 and 4 – Zone M 01/07/20 11/08/21			
DA_2055	AB Section 1 and 2 – Plant room 01/07/20 11/08/21			
DA_3000	J North and South Elevations 06/08/18			
DA_3001	JH P East and West Elevations 06/08/18 14/06/21 27/10/21			
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	EF East Part Elevation A 06/08/18 30/11/21			
DA_3014	E East Part Elevation B 06/08/18			
DA_3015	E West Part Elevations 06/08/18			
DA_5000	J MS Gross Floor Area Calculation 06/08/18 06/07/20 11/08/21			
DA_5001	J KL Gross Floor Area Diagrams 06/08/18 06/07/20 11/08/21			
DA_6001	A External Materials 21/09/18			
Subdivision Drawings prepared by Ysco Geomatics				
0714/12C	-	Proposed subdivision of Lot 34 in DP 39586	18/10/18	

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<td>02</td> <td>Art Commission Area – Arrangement Plan</td> <td>23/10/21</td> </tr> </table>	Sheet 1 of 2	-	Proposed subdivision of Lot 34 in DP 39586	18/10/18	0741/12C	-	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	-	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	-	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	Landscape Drawings prepared by McGregor Coxall				Drawing No.	Revision	Name of Plan	Date	DA_00-01	U W K / AA	Landscape Masterplan – Roof	14/08/18 28/05/19 03/07/20 19/02/21 2/08/21	DA_00-02	U W K / AA	Landscape 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DA_00-19	G I	Tree Significance – Medium	19/02/21 07/08/18 19/02/21																																																																																																																																																	
DA_00-20	G I	Tree Significance – Low	07/08/18 19/02/21																																																																																																																																																	
DA_20-01	F H	Sections	14/08/18 19/02/21																																																																																																																																																	
DA_20-02	E G	Sections	04/08/18 19/02/21																																																																																																																																																	
DA_20-03	G I	Sections	14/08/18 19/02/21																																																																																																																																																	
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DA_30-01	H J	Plant Palette	04/08/18 19/02/21																																																																																																																																																	
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DA_30-03	J L	Plant Palette	07/08/18 19/02/21																																																																																																																																																	
DA_30-04	S	Existing Tree Plan	01/08/18																																																																																																																																																	
DA_30-05	U W K / A	Trees Proposed	14/08/18 28/05/19 03/07/20 19/02/21																																																																																																																																																	
DA_90-01	H I	Cooling Tower Sections	19/07/19 03/07/20																																																																																																																																																	
DA_90-20	C	Sea-Water-Heat-Exchange-Upper-Room—Plan	14/03/18																																																																																																																																																	
SK_90-21	B	Sea-Water-Heat-Exchange-Upper-Room—Render	05/03/18																																																																																																																																																	
SK_90-22	C	Sea-Water-Heat-Exchange-Upper-Room—ISO/Section	14/03/18																																																																																																																																																	
Artwork Commission Plan prepared by DCG Design																																																																																																																																																				
Drawing No.	Revision	Name of Plan	Date																																																																																																																																																	
L101	02	Art Commission Area – Arrangement Plan	23/10/21																																																																																																																																																	
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>b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a) above.</p>	<p>Interview with auditees 09/03/22</p> <p>Letter DPE to AGNSW, 31/01/22</p> <p>Letter DPE to RCC, 07/12/21 (show cause notice for alleged breach of A2).</p> <p>Letter RCC to DPE, 22/12/21 (response to show cause)</p>	<p>On 07/12/21 the Department issued a show cause to RCC regarding the establishment of site sheds outside of the Project footprint. On 22/12/21 RCC responded, stating that it did not consider the establishment of the sheds to be in breach of the consent. The Auditor does not dispute RCCs response. The Department has not raised any issues since that time and did not highlight this matter during consultation on the scope of the third Independent Audit.</p>	C																																																																																																																																																

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			On 25/01/22 RCC notified the Department of additional find of contamination in an area next to the statue which is subject to landscaping (in accordance with C20). On 31/01/22 the Department directed RCC to recommence works with appropriate management and remediation of contamination, the unexpected finds protocol and the RAP, along with submission of the clearance certificates once received. RCC are carrying out further investigations and working through an update to the RAP to set out how best to manage the material. No works are occurring within the impacted footprint.	
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.	NT
Limits on Consent				C
A5	This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.	<p>Group DLA letter to Planning Secretary, dated 29/11/2019</p> <p>SSD6471 Sydney Modern Development Consent, dated 20/11/2018</p> <p>Site inspection 09/03/22</p>	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.	C
Prescribed Conditions				
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 Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Crown Certificate (CC4), 23/07/21, includes fire engineering disabled access, energy modelling, architectural changes including mods, mod 5 works, updated services documentation)</p> <p>Crown Certificate (CC5), 17/08/21, includes Stage 2 landscaping demolition, excavation and services.</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 construction) - signage for max number of persons for venues (not relevant to construction) - shoring and adjoining properties (none adjoining) <p>The issue of CCs by the Certifier demonstrates compliance with the BCA to the extent of works that it covers.</p> <p>Signage observed complied with requirements.</p>	C

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		<p>Crown Certificate (CC6), 20/10/21, includes remaining Stage 2 landscaping demolition, excavation and services and mod 4).</p> <p>Crown Certificate (CC7), 05/12/21, includes mod 6, design development items including disability access, ergonomics).</p> <p>Site inspection 09/03/22</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).	
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.	<p>Letter, LSL Corp to RCC 23/10/19</p> <p>Levy Receipt, dated 28/10/2019, 02/02/21, 11/05/20.</p> <p>Levy Receipt 26/07/21</p> <p>Email LSL to RCC, 26/07/21</p>	<p>Approval to pay \$616, 797 levy in instalments.</p> <p>Payments 4 of 4 have been made and confirmed by LSL Corporation.</p>	C
Legal Notices				
A8	Any advice or notice to the consent authority must be served on the Planning Secretary.	Interview with auditees 09/03/22	No notices being served were identified	NT
Revision of Strategies, Plans and Programs				
A9	<p>Within three months of:</p> <p>a) the submission of a Compliance Report under condition B9;</p> <p>b) the submission of an incident report under condition A12;</p> <p>c) the submission of an Independent Audit under condition B13;</p> <p>d) the approval of any modification of the conditions of this consent; or</p> <p>e) the issue of a direction of the Planning Secretary under condition A2 which requires a review,</p> <p>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.</p> <p>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>Compliance Report No. 4, 31/05/21</p> <p>Compliance Report No. 5 30/11/21</p> <p>Interview with auditees 09/03/22 (no notifiable incidents)</p> <p>DPE post approval portal lodgement 21/06/21 (submission of second Independent Audit Report and response to findings)</p> <p>Modification of Development Consent approval (MOD 4 approval), dated 24/05/21</p> <p>Modification of Development Consent approval (MOD 5 approval), dated 22/10/21</p> <p>Modification of Development Consent approval (MOD 6 approval), dated 16/12/21</p> <p>Modification of Development Consent approval (MOD 7 approval), dated 24/12/21</p>	Non-compliance: The review of the management plans following the second Independent Audit was completed between May and August 2021. The Department was not notified. The CEMP and Sub-plans are under continual review without any formal periodic update or resubmission.	NC
Evidence of Consultation				
A10	<p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <p>a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and</p> <p>b) provide details of the consultation undertaken including:</p> <p>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</p> <p>ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</p>	Refer to the evidence sighted in relation to CoCs B2, B3, B61, B62, B63, B69	Evidence demonstrates that consultation has been carried out in accordance with the conditions. Records were available.	C

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Structural Adequacy				
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>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Crown Certificate (CC4), 23/07/21, includes fire engineering disabled access, energy modelling, architectural changes including mods, mod 5 works, updated services documentation)</p> <p>Crown Certificate (CC5), 17/08/21, includes Stage 2 landscaping demolition, excavation and services.</p> <p>Crown Certificate (CC6), 20/10/21, includes remaining Stage 2 landscaping demolition, excavation and services and mod 4).</p> <p>Crown Certificate (CC7), 05/12/21, includes mod 6, design development items including disability access, ergonomics).</p>	<p>The issue of the Crown Certificate by the Certifier verifies that the BCA requirements are being implemented.</p>	C
Incident Notification, Reporting and Response				
A12	<p>The Department must be notified in writing to compliance@planning.nsw.qov.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>	<p>RCC incident register (Hammertech) current to 08/03/22</p> <p>RCC non-conformance register current to 16/03/22</p>	<p>No notifiable incidents have been identified by the auditees.</p>	NT
Non-Compliance Notification				
A13	<p>The Department must be notified in writing to compliance@planning.nsw.qov.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.qov.au within seven days after they identify any non-compliance.</p>	<p>RCC non-conformance register current to 16/03/22</p> <p>Letter RCC to DPE, 13/12/21 (notification of non-compliance with B17)</p> <p>DPE post approval portal lodgement record 14/12/21 (notification of non-compliance with B17)</p>	<p>RCC commenced external wall works prior to demonstrating to the Certifier that the systems comply with the BCA. The Certifier had formally confirmed compliance with the BCA after the fact. This non-compliance was notified to the Department on 13/12/21 within 7 days of becoming aware in accordance with A13.</p> <p>RCC have identified 3 x non-conformances with their management plans during the audit period (relating to dust and vehicle management (x2)) but not considered by RCC as non-compliances. These were</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			identified and rectified in accordance with the CEMP.	
A14	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.	Refer to the evidence in response to CoC A13	Refer to the finding in response to CoC A13.	C
A15	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Refer to the evidence in response to CoC A12 and A13	Refer to the finding in response to CoC A12 and A13.	C
Monitoring and Environmental Audits				
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>	<p>Water sampling reports, CETEC, 09/02/21, 10/11/21, 10/12/21</p> <p>Water Quality Assessment (Stage 2), CETEC, 16/12/21</p> <p>Water Treatment Methodology (Stage 2), CETEC, 10/01/22</p> <p>Water Quality Treatment Certification, CETEC, 19/01/22 Sydney Modern Gallery – SSD 6471 Independent Audit Report No. 2 WolfPeak, 07/04/21</p> <p>Letter RCC to DPE, 21/06/21</p> <p>DPE post approval portal lodgement 21/06/21 (submission of second Independent Audit Report and response to findings)</p> <p>White Noise Acoustics Noise and Vibration Monitoring Reports, March 21 – January 22</p> <p>Emails, White Noise to RCC, 16/03/22 (x2)</p>	<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>The auditee (and Auditor) is not aware of any issues raised in relation to the standard of the second Independent Audit, which was conducted in accordance with the IAPAR.</p> <p>Appropriately qualified companies have been engaged by RCC to undertake monitoring as required, e.g. White Noise Acoustics, CETEC, Coffeys. The monitoring reports indicate that the monitoring was conducted properly. Records were readily available.</p> <p>Refer to C10 regarding the Auditor's view on the noise consultants interpretation of vibration results.</p>	C
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	NT
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.	Refer to evidence in response to CoC A3 and A16	<p>Refer to finding in response to CoC A3 and A16.</p> <p>No direction with regarding monitoring. The relevant guidelines appear to be implemented.</p>	C
Operation of Plant and Equipment				
A19	<p>All plant and equipment used on site, or to monitor the performance of the development must be:</p> <p>a) maintained in a proper and efficient condition; and</p> <p>b) operated in a proper and efficient manner.</p>	Hammertech plant onboarding and maintenance system (online), current to 08/03/22	<p>Hammertech is used to induct and maintain plant on site. The Plant Register includes frequencies and logs for inspections and maintenance of all plant and equipment on site, predominantly subcontractor plant.</p> <p>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</p>	C

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			<p>maintenance logs (see example of piling rig), filed, request operator's manual and ensure it is kept with equipment.</p> <p>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.</p>	
Alternate Engineering Plans				
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>	<p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Structural Design Certificate, 09/03/20, Arup.</p>	<p>The structure has been designed so that it is capable of being vertically supported by alternative means. This was verified via the Design Certificate and the Crown Certificates.</p>	C
Art Commission Area				
A21	<p>In the event of any inconsistency, ambiguity or conflict between Drawing No.L101, Revision 2, Artwork Commission Plan – Arrangement Plan dated 23 October 2021 prepared by DCG Design, and any of the plans listed in Condition A2, Drawing No.L101, Revision 2, Artwork Commission Plan – Arrangement Plan dated 23 October 2021 prepared by DCG Design prevails to the extent of the inconsistency, ambiguity or conflict</p>	<p>Interview with auditees 09/03/22</p> <p>SSD6471_Request for Information_Rev1.0_RCCINSW Comments</p>	<p>Art Gallery of NSW are engaging a separate contractor to deliver the Artwork Commission Space in accordance with the 23/10/21 plan. These works have not commenced.</p>	NT
Landscape works				
A22	<p>The Applicant shall provide to the satisfaction of the Royal Botanic Garden and Domain Trust details demonstrating compliance with the following:</p> <ul style="list-style-type: none"> • Provision of adequate drainage through drainage cells and Geotech layers • All plants or soil must undertake testing for pathogens, including Phytophthora, through the Royal Botanic Garden and Domain Trust's Disease Diagnostic Service and laboratories. • Any soil installed must be free draining with low phosphorus content customised by a reputable soil laboratory. • A professionally designed and automated irrigation system must be installed. 	<p>SSD6471_Request for Information_Rev1.0_RCCINSW Comments</p>	<p>These works relate to the Art Garden, which have yet to commence.</p>	NT
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> <ol style="list-style-type: none"> the date of the invitation for tenders to carry out Crown building work; or in the absence of tenders, the date on which the Crown building work commences 	<p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p>	<p>The Crown Building Works Certificate was provided as evidence for the SSD project.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		<p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Crown Certificate (CC4), 23/07/21, includes fire engineering disabled access, energy modelling, architectural changes including mods, mod 5 works, updated services documentation)</p> <p>Crown Certificate (CC5), 17/08/21, includes Stage 2 landscaping demolition, excavation and services.</p> <p>Crown Certificate (CC6), 20/10/21, includes remaining Stage 2 landscaping demolition, excavation and services and mod 4).</p> <p>Crown Certificate (CC7), 05/12/21, includes mod 6, design development</p>		
Design Excellence and Design Integrity				
B2	<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; ii. 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>Letter, DPIE to AGNSW, 25/10/19</p> <p>Sydney Modern Design Integrity Report, submitted 16/08/19 and follow up information submitted 30/09/19</p>	<p>On 25/10/19 the Department confirmed that the AGNSW had satisfied the requirements of CoC B2, B3 and B4 through its Design Integrity Report and supporting information.</p>	C
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> <ul style="list-style-type: none"> a) modification to the overall extent of the canopy structure; b) increased street setbacks and landscaped area in and around the canopy structure; 	<p>Letter, DPIE to AGNSW, 25/10/19</p> <p>Sydney Modern Design Integrity Report, submitted 16/08/19 and follow up information submitted 30/09/19</p>	<p>On 25/10/19 the Department confirmed that the AGNSW had satisfied the requirements of CoC B2, B3 and B4 through its Design Integrity Report and supporting information.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<p>c) 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;</p> <p>d) architectural and structural detailing to achieve a light-weight built form character that is secondary in visual appearance to its landscape setting.</p> <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>			
Provision of Green Roof to Gallery 1				
B4	<p>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.</p>	<p>Letter, DPIE to AGNSW, 25/10/19</p> <p>Sydney Modern Design Integrity Report, submitted 16/08/19 and follow up information submitted 30/09/19</p>	<p>On 25/10/19 the Department confirmed that the AGNSW had satisfied the requirements of CoC B2, B3 and B4 through its Design Integrity Report and supporting information.</p>	C
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>	<p>Group DLA letter to Planning Secretary, dated 29/11/2019</p>	<p>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.</p> <p>Not a staged development.</p>	C
Community Communication Strategy				
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"> identify people to be consulted during the design and construction phases; set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development; provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development; set out procedures and mechanisms: <ol style="list-style-type: none"> through which the community can discuss or provide feedback to the Applicant; through which the Applicant will respond to enquiries or feedback from the community; and 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"> consultation list - Section 3 procedures for the distribution of information relevant to the project – Section 5 provision for the formation of community-based forums – Section 5 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>	C
Compliance				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	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.	Sydney Modern Induction Presentation_V2 RCC Induction Register RCC entry control system 'Blue Glue' Hammertech toolbox and pre-start register current to 09/03/22.	The RCC project induction confirms the approval pathway, conditions of consent, and location of approval conditions in the site office, along with site environmental risks and controls / expectations such as hours, noise management, traffic and access, housekeeping and heritage, contamination and sustainability. A link to the online location of the approval is also included. 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. The Blue Glue system includes project information and is issued to everyone's phone every day. RCC are utilizing Hammertech. The online system records a variety of information including that related to training of personnel. Toolbox talks and pre-starts are regularly conducted, with subcontractors required to verify that they understand the requirements. The training varies depending on the nature of the works and the risks and requirements of those works.	C
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.	Compliance Monitoring & Reporting Program Rev01, dated 10/10/2019 Email evidence of submission to the Department: Email from Andrej Stefanovic (INSW) to Andy (DPIE), dated 15/10/2019 Email from DPIE to INSW, dated 17/10/2019 confirming receipt of the compliance monitoring program Group DLA letter to Planning Secretary, dated 29/11/2019 (RE: Commencement of construction)	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. The Compliance Monitoring & Reporting Program was submitted within 6 weeks of the date notified for the commencement of construction.	C
B9	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	Compliance Report No. 4, 31/05/21 DPE post approval portal submission 28/06/21 (submission of Compliance Report 4) Compliance Report No. 5 30/11/21 DPE post approval portal submission 20/11/21 (submission of Compliance Report 5) https://www.artgallery.nsw.gov.au/sydney-modern-project/news-and-updates/project-status/new-building-updates/#planning-approval-documents	Compliance Reports 4 and 5 were prepared in accordance with the Compliance Reporting Post Approval Requirements.	C
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	Compliance Report No. 4, 31/05/21	Non-compliance: Compliance Reports were prepared in accordance with the Compliance Reporting Post Approval Requirements and made publicly	NC

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		DPE post approval portal submission 28/06/21 (submission of Compliance Report 4) Compliance Report No. 5 30/11/21 DPE post approval portal submission 20/11/21 (submission of Compliance Report 5) https://www.artgallery.nsw.gov.au/sydney-modern-project/news-and-updates/project-status/new-building-updates/#planning-approval-documents	available. However the Department was not notified of the publication of Compliance Report 4 (submitted on 28/06/21) until on 07/04/22.	
Complaints and Enquiries Procedure				
B11	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: a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered; b) a postal address to which written complaints and enquiries may be sent; and c) an email address to which electronic complaints and enquiries may be transmitted	Site signage, observed 09/03/22 Project website: artgallery.nsw.gov.au/Sydney-modern-project/	Site signage includes: postal address, email address (smp@richardcrookes.com.au), and 24-hour phone number (1800717705) Contact details also available on the project website.	C
Access to Information				
B12	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: a) make the following information and documents (as they are prepared, obtained or approved) publicly available on a website: 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 B11 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 b) keep such information up to date, to the satisfaction of the Planning Secretary.	Project website sited 09/03/22: www.artgallery.nsw.gov.au/smp https://www.artgallery.nsw.gov.au/sydney-modern-project/news-and-updates/project-status/new-building-updates/#planning-approval-documents Interview with Auditees 09/03/22	Website live and up to date in accordance with Condition B12: www.artgallery.nsw.gov.au/smp 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 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 Vi – see project status Vii – contact details	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			The information presented is current.	
Independent Audit				
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)	C
B14	<p>Independent Audits of the development must be carried out in accordance with:</p> <p>a) the Independent Audit Program submitted to the Department under condition B14B13 of this consent; and</p> <p>b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018)</p>	<p>Sydney Modern Gallery – SSD 6471 Independent Audit Report No. 2 WolfPeak, 07/04/21</p> <p>Letter RCC to DPE, 21/06/21</p> <p>DPE post approval portal lodgement 21/06/21 (submission of second Independent Audit Report and response to findings)</p>	<p>The first Independent Audit Report was prepared in accordance with the Audit Program and the IAPAR. It was submitted to the Department on 6 April 2020.</p> <p>DPIE provided comment on the Report, specifically that a recommendation was missing from one finding and that a declaration form needed to be provided by Steve Fermio. This was addressed in Revision 2 of the Report.</p>	C
B15	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</p> <p>a) review and respond to each Independent Audit Report prepared under condition B12B14 of this consent;</p> <p>b) submit the response to the Department; and</p> <p>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.</p>	<p>Sydney Modern Gallery – SSD 6471 Independent Audit Report No. 2 WolfPeak, 07/04/21</p> <p>Letter RCC to DPE, 21/06/21</p> <p>DPE post approval portal lodgement 21/06/21 (submission of second Independent Audit Report and response to findings)</p> <p>https://www.artgallery.nsw.gov.au/sydney-modern-project/news-and-updates/project-status/new-building-updates/#planning-approval-documents</p>	Non-compliance: The second Independent Audit Report was reviewed and responded to, submitted to the Department and made publicly available. However the Department was not notified of the publication of the second Independent Audit Report (submitted on 21/06/21) until on 07/04/22.	NC
Geotechnical Design, Certification and Monitoring Plan				
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>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>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</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</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<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>Crown Certificate (CC5), 17/08/21, includes Stage 2 landscaping demolition, excavation and services.</p> <p>Letter Tetra Tech to RCC 12/08/21.</p>	<p>GMP was submitted to the CA prior to works commencing (29/11/2019)</p> <p>On 12/08/21 the geotechnical engineer confirmed that no updates to existing geotechnical monitoring was required in response to Stage 2 works.</p>	
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>	<p>Interview with auditees 10/03/21</p> <p>Letter RCC to DPE, 13/12/21 (notification of non-compliance with B17)</p> <p>DPE post approval portal lodgement record 14/12/21 (notification of non-compliance with B17)</p> <p>Email Certifier to RCC, 09/12/21 (confirmation of Certifier acceptance)</p>	<p>Non-compliance: RCC commenced construction of external wall works prior to demonstrating to the Certifier that the systems comply with the BCA. The Certifier had formally confirmed compliance with the BCA after the fact. This non-compliance was notified to the Department on 13/12/21 within 7 days of becoming aware in accordance with A13.</p>	NC
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>	<p>Letter from Arup to Group GLA, dated 23/10/2019</p> <p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Crown Certificate (CC4), 23/07/21, includes fire engineering disabled access, energy modelling, architectural changes including mods, mod 5 works, updated services documentation)</p> <p>Crown Certificate (CC5), 17/08/21, includes Stage 2 landscaping demolition, excavation and services.</p>	<p>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.</p> <p>Structural designs formed part of the C1.2, CC2, CC3, CC4 and CC5 applications. The Certifier verifies acceptance through issue of those CCs.</p>	C
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>	<p>Interview with auditees 09/03/22</p> <p>Letter Heritage NSW to AGNSW, 22/09/21 (Heritage NSW support for changes covered y B19 and B20)</p> <p>Modification 4.</p>	<p>Not yet designed or certified. This component is subject to design changes. The consent was modified to permit these changes (Modification 4). The works have yet to commence.</p>	NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
New Steps, Ramp and Pedestrian Control Structures and Hostile Vehicle Management Measures				
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 and hostile vehicle management control measures, are to be submitted to the OEH Heritage Division for review and endorsement.</p> <p>The form, materiality and spacing of bollards must also be finalised in consultation with City of Sydney Council.</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>	<p>Interview with auditees 09/03/22</p> <p>Letter Heritage NSW to AGNSW, 22/09/21 (Heritage NSW support for changes covered y B19 and B20)</p> <p>Modification 4.</p> <p>Email DIP to AGNSW, 11/08/21 (DIP support of CoS design of bollards)</p>	<p>Not yet designed or certified. This component is subject to design changes. The consent was modified to permit these changes (Modification 4). The works have yet to commence.</p>	NT
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> <ol style="list-style-type: none"> structural supports and strengthening of the bunker itself and the new structures above; new stairs, ramps, wall openings, any floor systems and coverings; new services i.e. electrical, communication/data/ hydraulic, mechanical and fire services; any waterproofing or moisture management methods; conservation and repair methods for significant concrete structure, ceilings, walls, floor and columns; 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 CoC B21</p>	C
External Materials				
B22	<p>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.</p> <p>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.</p> <p>Details demonstrating compliance with this condition must be submitted to the Department and the Certifying Authority prior to the commencement of works.</p>	<p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Interview with auditees 10/03/21</p> <p>Letter, Heritage to DPIE, 03/06/19</p> <p>Email AGNSW to DPIE, 19/06/19</p>	<p>The design was provided to Heritage. They confirmed they had no objections. The design was submitted to the Certifier, and the Department on 19/06/19. The auditees are not aware of any response. The works had not commenced at the time of the audit.</p>	C
Nominated Historical Archaeologist				
B23	<p>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.</p>	<p>Letter from GML Heritage to AGNSW, dated 10/10/2019</p> <p>Letter from AGNSW to Group DLA, dated 23/09/2019</p>	<p>Letter from GML Heritage to AGNSW, dated 10/10/2019, states they have been engaged to conduct monitoring under condition B23</p> <p>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.</p>	C
Public Domain Plan				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	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 B23B25). 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>	<p>Interview with auditees 09/03/22</p> <p>Site inspection 09/03/22</p> <p>Letter CoS to Central Plumbing Group, 30/11/20 (Stormwater Drainage Connection And Works Approval – Condition Satisfied / Section 138 Roads Act 1993 and B66)</p>	<p>Public domain works are yet to commence. The Plan is under development. Stormwater and drainage on Council land have commenced and Council have approved these works.</p>	NT
Public Domain Works - Lincoln Crescent and Cowper Wharf Road Frontages – Alignment Levels				
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 B22B24) 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>	<p>Interview with auditees 09/03/22</p> <p>Site inspection 09/03/22</p>	<p>Public domain works are yet to commence. The Plan is under development.</p>	NT
Public Domain Works - Lincoln Crescent and Cowper Wharf Road Frontages - Hold Points and Handover				
B26	<p>The Applicant shall ensure the following:</p> <p>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</p>	<p>Interview with auditees 09/03/22</p> <p>Site inspection 09/03/22</p>	<p>Public domain works are yet to commence. The Plan is under development.</p>	NT
Public Domain Damage Deposit- Lincoln Crescent and Cowper Wharf Road Frontages				
B27	<p>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</p>	<p>Emails correspondence, dated 26/10/2019 to 16/112019</p>	<p>Emails between AGNSW and CoS confirming amount and payment method of Public</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<p>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.</p> <p>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 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.</p>	AGNSW Remittance Advice to City of Sydney, dated 15/11/2018	<p>Domain Damage Deposit, dated between 26/10/2019 to 16/11/2019.</p> <p>AGNSW Remittance Advice to City of Sydney, dated 15/11/2018 for amount \$46,060.00.</p>	
Seawater Heat Exchange System				
B28	<p>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</p>	NA	NA	NT
Wayfinding and Signage				
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> <ol style="list-style-type: none"> 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; 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; ensure any illuminated signage would not cause adverse amenity impacts; have regard to the recommendations of the CPTED Report, dated 16 February 2018, (Appendix O in the RTS); 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. include a travel access guide increase mode share of public transport and active transport. This shall include signage to transport nodes; 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.</p> <p>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>	<p>Interview with auditees 09/03/22</p> <p>Site inspection 09/03/22</p> <p>210330 B29 Letter and Attachments A – D, INSW (the wayfinding strategy)</p> <p>Crown Certificate (CC4), 23/07/21, includes fire engineering disabled access, energy modelling, architectural changes including mods, mod 5 works, updated services documentation)</p>	<p>The wayfinding strategy has been developed in consultation with the identified stakeholders. It addresses the requirements of this condition and was accepted by the Certifier in CC4.</p>	C
External Works Visual Impact Mitigation				
B30	<p>The Applicant must ensure:</p> <ol style="list-style-type: none"> the external lifts are designed to minimise visual impacts and view blocking effects; 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 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>	<p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Design Statement, 12/06/20</p>	<p>The Architect states that the design complies with CoC B30. This was verified by the Certifier through issue of CC3.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
Environmental Sustainability				
B31	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>LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20, 30/06/21, 04/08/21 (Design compliance statements for CC1 – CC5 relevant to B31, B32, B34, B35, B36).</p> <p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Crown Certificate (CC4), 23/07/21, includes fire engineering disabled access, energy modelling, architectural changes including mods, mod 5 works, updated services documentation)</p> <p>Crown Certificate (CC5), 17/08/21, includes Stage 2 landscaping demolition, excavation and services.</p>	LCI are the sustainability development consultants engaged for the project. Letter provided as evidence confirms CC1 – CC5 plans comply with Condition B31. Method of compliance is outlined in the memo provided. This is verified by the Certifier through issue of CC1 – CC5.	C
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>	<p>Design Statement, Surface Design, 03/06/20</p> <p>LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20, 30/06/21, 04/08/21 (Design compliance statements for CC1 – CC5 relevant to B31, B32, B34, B35, B36).</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	The designer confirms compliance with this requirement. This is verified by the Certifier through issue of CC3.	C
Installation of Water Efficient Fixtures and Fittings				
B33	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>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p>	<p>The Architect states that the design complies with CoC B33, B34, B35, B36. This was verified by the Certifier through issue of CC3.</p> <p>LCI are the sustainability development consultants engaged for the project. Letter provided as evidence confirms CC1, CC2, CC3 plans comply with Condition B33, B34, B35, B36. Method of compliance is outlined in the memo provided. This is verified by the Certifier through issue of CC1, CC2, CC3.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		<p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Design Statement, Architectus, 12/06/20</p> <p>LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20, 30/06/21, 04/08/21 (Design compliance statements for CC1 – CC5 relevant to B31, B32, B34, B35, B36).</p>		
B34	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>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Design Statement, Architectus, 12/06/20</p> <p>LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20, 30/06/21, 04/08/21 (Design compliance statements for CC1 – CC5 relevant to B31, B32, B34, B35, B36).</p>	<p>The Architect states that the design complies with CoC B33, B34, B35, B36. This was verified by the Certifier through issue of CC3.</p> <p>LCI are the sustainability development consultants engaged for the project. Letter provided as evidence confirms CC1, CC2, CC3 plans comply with Condition B33, B34, B35, B36. Method of compliance is outlined in the memo provided. This is verified by the Certifier through issue of CC1, CC2, CC3.</p>	C
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.	<p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Design Statement, Architectus, 12/06/20</p> <p>LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20, 30/06/21, 04/08/21 (Design compliance statements for CC1 – CC5 relevant to B31, B32, B34, B35, B36).</p>	<p>The Architect states that the design complies with CoC B33, B34, B35, B36. This was verified by the Certifier through issue of CC3.</p> <p>LCI are the sustainability development consultants engaged for the project. Letter provided as evidence confirms CC1, CC2, CC3 plans comply with Condition B33, B34, B35, B36. Method of compliance is outlined in the memo provided. This is verified by the Certifier through issue of CC1, CC2, CC3.</p>	C
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.	<p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site</p>	<p>The Architect states that the design complies with CoC B33, B34, B35, B36. This was verified by the Certifier through issue of CC3.</p> <p>LCI are the sustainability development consultants engaged for the project. Letter</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		<p>clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Design Statement, Architectus, 12/06/20</p> <p>LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20, 30/06/21, 04/08/21 (Design compliance statements for CC1 – CC5 relevant to B31, B32, B34, B35, B36).</p>	<p>provided as evidence confirms CC1, CC2, CC3 plans comply with Condition B33, B34, B35, B36. Method of compliance is outlined in the memo provided. This is verified by the Certifier through issue of CC1, CC2, CC3.</p>	
Bicycle Parking				
B37	<p>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.</p> <p>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 with the following exception:</p> <ul style="list-style-type: none"> the recommended 5% maximum grade for the bicycle parking area located adjacent to Mrs Macquaries Road, connected to fire stair 13. <p>Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015.</p> <p>Documentation demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.</p>	<p>Interview with Auditees 09/03/22</p> <p>Site inspection 09/03/22</p>	<p>These works have not commenced. Design is under development.</p>	NT
Outdoor Lighting				
B38	<p>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.</p> <p>Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority Certifying Authority prior to the commencement of the relevant works.</p>	<p>Interview with Auditees 09/03/22</p> <p>Site inspection 09/03/22</p> <p>Email Certifier to RCC, 03/12/21 (confirmation of satisfaction of CC6)</p> <p>Crown Certificate (CC6), 20/10/21, includes remaining Stage 2 landscaping demolition, excavation and services and mod 4).</p>	<p>Design has been developed and confirmed by the Certifier as being compliant. Physical works have yet to commence.</p>	C
Access for People with Disabilities				
B39	<p>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</p>	<p>Group DLA Accessibility Compliance Statement, dated 14/11/2019</p> <p>Group DLA Accessibility Compliance Statement, dated 03/07/20</p> <p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public</p>	<p>Group DLA Accessibility Compliance Statement, dated 14/11/2019 and 03/07/20 references the BCA 2019, Part D3.3(a)(ii)</p> <p>CC1 and CC3 reference the Accessibility Compliance Statement. Updates to disabled accessed were verified by the Certifier as being compliant through issue of CC4 and CC6.</p>	C

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		<p>domain, external works, graphics and way finding).</p> <p>Crown Certificate (CC4), 23/07/21, includes fire engineering disabled access, energy modelling, architectural changes including mods, mod 5 works, updated services documentation)</p> <p>Crown Certificate (CC6), 20/10/21, includes remaining Stage 2 landscaping demolition, excavation and services and mod 4).</p>		
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.	<p>Hydraulic design Statement, Acor consultants, 28/05/20 (Design Compliance Statement).</p> <p>Design Compliance Statement, Architectus, 22/01/22</p> <p>Crown Certificate (CC4), 23/07/21, includes fire engineering disabled access, energy modelling, architectural changes including mods, mod 5 works, updated services documentation)</p>	Design compliance has been provided by the designers and confirmed by the Certifier.	C
Cool Rooms				
B41	Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G 1.2 of the BCA	<p>Interview with Auditees 09/03/22</p> <p>Site inspection 09/03/22</p>	No timing is specified by this condition. These works have not commenced. Design is under development and verification will be provided through issue of the Occupational Certificate.	NT
Grease Traps				
B42	<p>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.</p> <p>Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.</p>	<p>Design Certification, Acor, 28/05/20</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	The designer confirms compliance with CoC B42. This was verified as compliant by the Certifier through issue of CC3.	C
Mechanical Ventilation				
B43	The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2	<p>Design Certification, D&E, 09/06/20</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	No timing is specified by this condition. The designer confirms mechanical component compliance with CoC B43, B44, B46. This was verified as compliant by the Certifier through issue of CC3. Final verification to be provided through issue of the Occupational Certificate.	NT
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.	<p>Design Certification, D&E, 09/06/20</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	No timing is specified by this condition. The designer confirms mechanical component compliance with CoC B43, B44, B46. This was verified as compliant by the Certifier through issue of CC3. Final verification to be provided through issue of the Occupational Certificate.	NT

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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 09/03/22 Site inspection 09/03/22	No timing is specified by this condition. These works have not commenced. Design is under development and verification will be provided through issue of the Occupational Certificate.	NT
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.	Design Certification, D&E, 09/06/20 Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).	No timing is specified by this condition. The designer confirms mechanical component compliance with CoC B43, B44, B46. This was verified as compliant by the Certifier through issue of CC3. Final verification to be provided through issue of the Occupational Certificate.	NT
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.	Design Certification, Group DLA, 03/07/20 (CC3) and 23/07/21 (CC4) (Design Compliance Statements) Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding). Crown Certificate (CC4), 23/07/21, includes fire engineering disabled access, energy modelling, architectural changes including mods, mod 5 works, updated services documentation)	The designer confirms compliance with this condition. This was verified by the Certifier through issue of CC3 and CC4.	C
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.	C
Pre-Construction Dilapidation Report				
B49	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. 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	Sydney Modern Pre-Dilapidation Survey Reports, Areas 2-5 and 7-9, dated 4/12/2019. Greenplus Property Certification, dated 8/11/2019 CC1, dated 15/11/2019 Email correspondence between Coffey (Senior Engineering Geologist), Architectus (Senior Associate), and RCC (Design Coordinator), dated between 10/10/2019 and 15/10/2019	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).	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<p>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> <p>a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;</p> <p>b) 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;</p> <p>c) each image is to be numbered and cross referenced to a site location plan;</p> <p>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>		<p>NB: 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>	
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>	<p>Interview with auditees 09/03/22</p> <p>Site inspection 09/03/22</p> <p>Pollution Dispersion Modelling Report, Fluidics, 28/02/22</p> <p>Email, Ausgrid to SteensenVarming, 12/09/18 and</p>	<p>Modelling has been conducted to assess whether exhaust will adversely impact the Ausgrid Substation. The modelling report identifies compliance with the glcs from the EPA's approved methods. The exhaust system and endorsement has been received from Ausgrid. Extraction and operation of the exhaust system has not commenced.</p>	C
Requirements of Public Authorities				
B51	<p>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>	<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>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</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> <p>Verified as satisfied by the Certifier through issue of CC1.</p>	C
Demolition Works				
B52	<p>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>	<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> <p>Demolition complete prior to current audit period.</p>	C
Hoarding				
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> <p>a) architectural, construction and structural details of the design as well as proposed artwork; and</p> <p>b) structural certification prepared and signed by an appropriately qualified practicing structural engineer.</p>	<p>Hoarding and scaffolding – inspection and certification, City of Sydney, 06/07/20 and 06/09/21</p> <p>Hoarding permit, City of Sydney, 20/05/20</p>	<p>Hoarding application was approved by City of Sydney and remains current. Hoarding inspection and certification complete by City of Sydney. Permit current through to end of March 2022</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	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.	HOARDING PERMIT RENEWAL, City of Sydney, 18/02/22		
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.	Road Footway opening permit, City of Sydney, 26/05/20 Temporary works approval, City of Sydney, 25/02/21 Email, City of Sydney to RCC, 22/02/21 Email City of Sydney to RCC, 04/02/22 (extension of the stormwater connection Road Opening Permit through to 04/05/22) Mobile Hoisting Approval (partial road closure), City of Sydney, 21/12/21.	Permits received from Council to enable a stormwater connection, temporary ramp. The permit is valid through to 04/05/22. A permit was obtained for lifting associated with the lift shaft. Council advised that no permit was required for installation of a temporary concrete footpath.	C
Interface Access Agreement				
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 first independent audit, 14/02/2020.	C
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.	ROL 1773090, TfNSW (crane use covering ROL for Cowper Wharf Road for period of 20-23/02/22)	There was one occurrence during the audit period that required an ROL for Lincoln Crescent and Cowper Wharf Road. Observation: Evidence indicates that the ROL for the use of the crane over Cowper Wharf Road was submitted on 08/02/22 (9 days prior to commencement) and the ROL was granted for 20/02/22 (less than 10 working days after submission). The Auditor observes that the proponent must comply with the date assigned to the ROL or (where less than 10 working days after the date of application) miss the opportunity to undertake the work in order to meet this condition.	C
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.	Work Zone Approval, City of Sydney, 18/12/19 Email City of Sydney to RCC, 15/11/19 Pedestrian Cycling and Traffic Calming Committee approval, 20/02/20 Site inspection 09/03/22	Construction zone (62m) applied for on Lincoln Crescent. Approval in place. The above works were approved by the Pedestrian Cycling and Traffic Calming Committee. Works did not commence until the approval was obtained. No change.	C

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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	NT
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.	C
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.	Letter from Greenplus Property Services, to Group DLA, dated 8/11/2018 Email from GML to RCC, dated 28/11/2019 – states general compliance with Condition B60 Pre-Dilapidation Surveys, Areas 1, 2, 5 and 6, dated 4/12/2019 CC1, granted 15/11/20019 – includes reference to pre-construction dilapidation surveys	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. Dilap surveys were conducted based on the specification. Areas 1 (AGNSW), 2 (Surr-AGNSW), 5 (Land bridge) and 6 (oil tanks) include dilapidation of structures with heritage significance. Letter from GML Heritage (28/11/2019) confirms the listed dilapidation reports are compliant with Condition B60	C
Construction Environmental Management Plan				
B61	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: <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; 	Environmental Management Plan Sydney Modern Project 1178, Richard Crookes Constructions, 8/10/2019 (CEMP) and Revision 5 (14/04/21) CC1, granted 15/11/2019 – includes reference to the CEMP (evidence of submission to the CA) Evidence of CEMP consultation: Email from RCC to CoS, dated 23/10/2019 Email from CoS to RCC, dated 7/11/2019 Emails between DPI and RCC, dated 2/11/2019 - 7/11/2019 Emails between EPA and RCC, dated 23/10/2019 - 24/10/2019 Letter from Heritage NSW to RCC, dated 14/11/2019	The CEMP was developed prior to the current audit period. Refer to Independent Audit No. 1 and 2 regarding details on content, consultation and submission. Observation: Minor updates (policy change and risk matrix change) were made to the CEMP during the audit period, however the update has not been sent to the Certifier, Council or Planning Secretary.	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<p>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;</p> <p>k) designs erosion and sediment controls to be used during construction to reduce the potential for turbidity related impacts to Woolloomooloo Bay;</p> <p>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</p> <p>m) include arrangements for community consultation and complaints handling procedures during construction.</p> <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>Emails between RMS to RCC, dated 25/10/2019 - 13/11/2019</p> <p>Email RCC to DPIE 19/02/21</p>		
Construction Pedestrian Traffic Management Plan				
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, TNSW (Sydney Coordination and Metro Delivery Offices), and RMS. The CPTMP shall address (but not be limited to):</p> <p>a) location of the proposed work zone;</p> <p>b) haulage routes;</p> <p>c) construction vehicle access and traffic control arrangements;</p> <p>d) proposed construction hours;</p> <p>e) estimated number of construction vehicle movements;</p> <p>f) any changes required to on-street parking;</p> <p>g) restriction on vehicles over 6 m in length turning right from Lincoln Crescent into Cowper Wharf Road;</p> <p>h) construction program;</p> <p>i) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction;</p> <p>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;</p> <p>k) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours;</p> <p>l) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts; and</p> <p>m) measures to encourage public transport use and other non-car travel options by construction workers.</p> <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, and Revision F (August 2021)</p> <p>Email TfNSW to Rcc 23/09/21 (TfNSW endorsement of update (Rev F CPTMP))</p> <p>Email City of Sydney to RCC 21/08/21 (Council endorsement of update (Rev F CPTMP))</p> <p>DPE post approval portal lodgement 25/10/21 (submission of Rev F CPTMP)</p>	<p>The CPTMP was developed prior to construction. Refer to Independent Audit No. 1 and 2 regarding details on content, consultation and submission.</p> <p>The CPTMP was updated during the audit period and was re-endorsed by TfNSW, Council and submitted to the Department.</p>	C
Construction Noise and Vibration Management Plan				
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> <p>a) be prepared in accordance with the EPA's Interim Construction Noise Guideline;</p> <p>b) identify nearby sensitive receivers and land uses;</p> <p>c) identify the noise management levels for the project;</p> <p>d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;</p> <p>e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;</p> <p>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;</p>	<p>White Noise Acoustics CNVMP Rev 3, dated 18/10/2019 and update 29/07/21</p> <p>Email City of Sydney to RCC, 13/09/21 (endorsement of revised CNVMP)</p> <p>Letter EPA to RCC, 27/08/21 (no comment on updated CNVMP)</p> <p>DPE post approval portal lodgement, 25/10/21</p>	<p>The CNVMP was developed prior to construction. Refer to Independent Audit No. 1 and 2 regarding details on content, consultation and submission.</p> <p>The CNVMP was updated during the audit period to capture improved vibration monitoring for Stage 2 works. The update was submitted to Council and the EPA for comment. No issues were raised. The updated CNVMP was submitted to the Department in October 2021.</p>	C

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	<p>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</p> <p>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> <p>Prior to the commencement of works, a copy of the CNVMP must be submitted to Council and the Planning Secretary</p>			
Air Quality and Odour Management Plan				
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> <p>a) staged excavation to limit the surface area of exposed odorous material;</p> <p>b) application of odour suppressants;</p> <p>c) effective covering of stockpiles and truckloads of excavation spoil; and</p> <p>d) expedited removal of odorous material from the development to a facility legally able to accept those wastes.</p> <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>The AQOMP was developed prior to construction. Refer to Independent Audit No. 1 and 2 regarding details on content, consultation and submission.</p> <p>No change for current audit period.</p>	C
Waste Management Plan				
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> <p>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;</p> <p>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;</p> <p>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";</p> <p>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;</p> <p>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;</p> <p>f) require that concrete waste and rinse water are not disposed on the site and are prevented from entering Sydney Harbour; and</p> <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 and Revision 4 dated 14/04/21</p> <p>CC1, granted 15/11/2019 – includes reference to the WMP (evidence of submission of the WMP to the CA)</p>	<p>The WMP was developed prior to construction. Refer to Independent Audit No. 1 and 2 regarding details on content, consultation and submission.</p> <p>The WMP underwent a minor update during the audit period to capture improvements to sustainability and contamination management.</p>	C
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>Water and Stormwater Management, Arup, 24/08/20 (stamped by City of Sydney 30/11/20)</p> <p>Letter CoS to Central Plumbing Group, 30/11/20 (Stormwater Drainage Connection And Works Approval – Condition Satisfied / Section 138 Roads Act 1993 and B66)</p>	<p>The Water and Stormwater Management Plan was prepared by Arup and endorsed by City of Sydney in November 2020.</p> <p>Stormwater and drainage on Council land have commenced and Council have</p>	C

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		Crown Certificate (CC6), 20/10/21, includes remaining Stage 2 landscaping demolition, excavation and services and mod 4).	approved these works. The Certifier provided acceptance through CC4.	
Crime Prevention Through Environmental Design (CPTED)				
B67	To minimise the opportunity for crime in accordance with CPTED principles, the relevant recommendations provided in the CPTED Report dated 30 November 2021 (Appendix B of Section 4.55 Modification 7), shall be demonstrated on the architectural plans (in consistency with condition D12 D11) prior to the commencement of the relevant works.	Interview with auditees 09/03/22 Site inspection 09/03/22	The relevant works have yet to commence. The Design/Plan is under development.	NT
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	NT
Hazardous Materials Management Plan				
B69	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: <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. Prior to the commencement of works, a copy of the HMMP must be submitted to the EPA, SafeWork NSW and the Department.	Coffey, RCC Hazardous Materials Management Plan R02 Final, dated 22/10/2019, and updated Rev 6 dated 01/10/21 Letter EPA to the DPE, 27/08/21 (no comment from EPA on revised HMMP) Email Safework to RCC, 24/08/21 and 28/09/21 (comments on revised HMMP) DPE post approval portal lodgement 01/11/21 (submission of updated HMMP)	A HMMP has been prepared for the project. Refer to Independent Audit Reports No. 1 and 2 for details on content, consultation and submission. The HMMP was updated during the audit period and resubmitted to the identified stakeholders. The update was deemed adequate by Safework. No feedback was provided by the EPA. No response was provided by the Department.	C
B70	The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.	SafeWork NSW Notice of intent to remove non-friable asbestos, dated 5/12/2019 current through to 2022 (dated within required timeframe 5 days prior to commencement of removal). DECC Non-Friable Asbestos Removal Licence, Licence No. AD211031, SafeWork NSW, dated 21/06/2012, exp. 20/06/2022 Coffey, RCC Hazardous Materials Management Plan R02 Final, dated 22/10/2019, and updated Rev 6 dated 01/10/21 Email Safework to RCC, 24/08/21 and 28/09/21 (comments on revised HMMP)	No notices from SafeWork. No new notifications required for the audit period. 1 x small asbestos find was identified but this was under the reporting threshold for Safework.	C
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'	EPA consignment notice 10/06/20 – 11/08/20.	Asbestos and other hazardous building materials were removed by the demolition	C

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		<p>DECC Non Friable Asbestos Removal Licence #AD211031, dated 21/06/2012, Exp. 20/06/2022</p> <p>Email from DPIE to andrew@cdbulkhaul.com.au, dated 18/02/2020</p>	<p>contractor, DECC prior to the demolition of the pump building on Lincoln Crescent.</p> <p>Consignment authorizations were presented evidencing the tracking and disposal of ACM to a facility lawfully permitted to receive it, by a transporter licenced to carry it.</p> <p>To note, part 7 of the POEO Waste Regulation imposes requirements on the transporter and receiving facility, not on the generator.</p> <p>No new notifications required for the audit period. 1 x small asbestos find was identified but this was under the reporting threshold for Safework. Refer C27.</p>	
Contamination				
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>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>Sydney Modern Stage 2 Unexpected Finds Procedure, Coffey, dated 13/08/21 (Stage 2 UFP)</p> <p>Letter EPA to RCC dated 30/08/21 (no comment from the EPA on the UFP)</p> <p>Crown Certificate (CC6), 20/10/21, includes remaining Stage 2 landscaping demolition, excavation and services and mod 4).</p> <p>Letter DPE to AGNSW, 31/01/22</p>	<p>The Unexpected Finds Protocol (UFP) was developed prior to the current audit period. Refer to the first and second Independent Audit Reports for details.</p> <p>An updated UFP was prepared for Stage 2 works.</p> <p>The UFP was implemented during the audit period. Refer C27.</p> <p>Further, on 25/01/22 RCC notified the Department of additional find of contamination in an area next to the statue which is subject to landscaping (in accordance with C20). On 31/01/22 the Department directed RCC to recommence works with appropriate management and remediation of contamination, the unexpected finds protocol and the RAP, along with submission of the clearance certificates once received. RCC are carrying out further investigations and working through an update to the RAP to set out how best to manage the material. No works are occurring within the impacted footprint.</p>	C
PART C CONSTRUCTION				
Demolition				
C1	<p>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>	<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> <p>No new demolition work has occurred during the audit period.</p>	C

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Construction Hours				
C2	Construction, including the delivery of materials to and from the site, may only be carried out between the following hours: a) between 7.00 am and 6.00 pm, Mondays to Fridays inclusive; b) between 8.00 am and 3.30 pm, Saturdays	Sydney Modern Induction Presentation_V2 RCC Induction Register RCC entry control system 'Blue Glue' Aconex issue of management plans and scope of works docs to subcontractors (various) Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2021 and 2022 Complaints register current to 08/03/22	Subcontractors are issued the CEMP and sub-plans which include the permissible hours. Subcontractors also receive the scope of works document for the project which specifies permissible hours. Site induction includes working hours as stated in the CoC. All workers must complete the induction prior to working on site. See CoC C4 for out of hours works. Non-compliance: According the complaints register, construction was carried out prior to 08:00am on a Saturday on 01/02/22 which is outside the hours permitted by the consent and the COVID Work Days Order.	NC
C3	No construction work may be carried out on Sundays or public holidays	Sydney Modern Induction Presentation_V2 RCC Induction Register RCC entry control system 'Blue Glue' Aconex issue of management plans and scope of works docs to subcontractors (various) Environmental Planning and Assessment (COVID-19 Development – Construction Work Days) Order 2021 and 2022	Subcontractors are issued the CEMP and sub-plans which include the permissible hours. Subcontractors also receive the scope of works document for the project which specifies permissible hours. Site induction includes working hours as stated in the CoC. All workers must complete the induction prior to working on site. See CoC C4 for out of hours works.	C
C4	Activities may be undertaken outside of these hours if required: 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.	Letter, Transurban to RCC, 19/02/21 (road authority direction to conduct works over Easter Distributor as OOHW) ROL 1773090, TfNSW (crane use covering ROL for Cowper Wharf Road for period of 20-23/02/22) Letter RCC to DPE, 15/02/22 (notification of OOHW over the Easter Distributor scheduled for 20/02/22 – 22/02/22 as directed by Transurban)	Non-compliance: Construction over the Eastern Distributor occurred beyond standard construction hours on 20-22/02/22 as directed by the road authority, which was notified to the Department on 15/02/22. In that correspondence RCC notes the technical non-compliance with this condition. The Auditor is not aware of the Department to providing a response to this matter.	NC
C5	Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.	Letter, Transurban to RCC, 19/02/21 (road authority direction to conduct works over Easter Distributor as OOHW) ROL 1773090, TfNSW (crane use covering ROL for Cowper Wharf Road for period of 20-23/02/22) Letter RCC to DPE, 15/02/22 (notification of OOHW over the Easter Distributor scheduled for 20/02/22 – 22/02/22 as directed by Transurban) Letter RCC to affected residents 15/02/22 (notification of OOHW over Eastern Distributor)	Construction over the Eastern Distributor occurred beyond standard construction hours on 20-22/02/22 as directed by the road authority, which was notified to the Department on 15/02/22. The potentially affected residents were notified prior.	C
C6	Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:	Sydney Modern Induction Presentation_V2	Subcontractors are issued the CEMP and sub-plans which include the permissible hours. Subcontractors also receive the scope	C

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	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 Induction Register RCC entry control system 'Blue Glue' Aconex issue of management plans and scope of works docs to subcontractors (various)	of works document for the project which specifies permissible hours. Site induction includes working hours as stated in the CoC. All workers must complete the induction prior to working on site. Demolition is the only substantial activity that requires these types of construction methods, but was done predominantly with shears and pulverous. No demolition requiring hammering etc occurred during the audit period.	
Noise and Vibration Management				
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.	White Noise Acoustics CNVMP Rev 3, dated 18/10/2019 and update 29/07/21 White Noise Acoustics Noise and Vibration Monitoring Reports, March 21 – January 22 Svantec noise monitoring portal 10/03/21 RCC Plant Register current to 08/03/22 Sydney Modern Induction Presentation_V2 RCC Induction Register RCC entry control system 'Blue Glue' Aconex issue of management plans and scope of works docs to subcontractors (various) Complaints register current to 08/03/22 Site inspection 09/03/22	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. 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. Electric powered crane (rather than diesel powered) is being used on site. A live link to real-time noise monitoring is available on the svannet website. Affected residents are provided with monthly updates, which are also posted on the project website. In addition, plant maintenance regimes are implemented and noise reduction requirements, including working hours and respite periods, are included in the site induction. The complaints register indicates that there have been several noise complaints received during the audit period. The Project investigated with support of their acoustic consultant and considered the noise impacts to be consistent with the NVMP. The noise profile is now decreasing as structural works are complete and the building is being progressively sealed.	C
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.	Sydney Modern Induction Presentation_V2 RCC Induction Register RCC entry control system 'Blue Glue'	Heavy vehicle traffic requirements are communicated via the site induction and issue of management plans and scope of works to subcontractors.	C

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		<p>Aconex issue of management plans and scope of works docs to subcontractors (various)</p> <p>Traffic controllers sighted 09/03/22</p> <p>Complaints register current to 08/03/22</p>	<p>Traffic controllers are on each gate and direct traffic. Stage 2 set up is such that adequate heavy vehicle parking is available on site.</p>	
C9	<p>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.</p>	<p>White Noise Acoustics CNVMP Rev 3, dated 18/10/2019 and update 29/07/21</p> <p>White Noise Acoustics Noise and Vibration Monitoring Reports, March 21 – January 22</p> <p>Sydney Modern Induction Presentation_V2</p> <p>Complaints register current to 08/03/22</p>	<p>Subcontractors are issued the CEMP and sub-plans which include the permissible hours for high noise intensive works. Subcontractors also receive the scope of works document for the project which specifies permissible hours including the restricted hours for high noise activities.</p> <p>Site induction includes working hours as stated in the CoC (including CoC C6). All workers must complete the induction prior to working on site.</p> <p>Refer CoC C6.</p> <p>The auditees are not aware of any high noise activities during the audit period.</p>	C
C10	<p>Vibration caused by construction at any residence or structure outside the subject site must be limited to:</p> <ol style="list-style-type: none"> for structural damage vibration to buildings (excluding heritage buildings), British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings; for structural damage vibration to heritage buildings, German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure-, and 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. 	<p>White Noise Acoustics CNVMP Rev 3, dated 18/10/2019 and update 29/07/21</p> <p>White Noise Acoustics Noise and Vibration Monitoring Reports, March 21 – January 22</p> <p>Complaints register current to 08/03/22</p> <p>Emails, White Noise to RCC, 16/03/22 (x2)</p>	<p>The CNVMP has been prepared with reference to the vibration standards listed in Condition C10.</p> <p>Vibration monitors are placed in a number of locations across the site including AGNSW, wharf terraces, ED and Ausgrid substation.</p> <p>Observation: The October 2021 Noise and Vibration Monitoring Report identifies exceedances at the north statue but sates that levels were from the 'Tracking of an excavator within the vicinity of the statue, not associated with landscaping works'. The Auditor requested that the auditees clarify why an excavator at Stage 2 works is not identified as a concern from a vibration impact perspective and to provide justification as to why corrective actions were not applied. In response, the noise consultant stated:</p> <p><i>'a. The event was associated with the tracking of an excavator through the landscaping works zone within the vicinity of the northern statue.</i></p> <p><i>b. The tracking of the excavator was advised by RCC as not a repetitive event and not a continuous activity such as hammering resulting from the removal of rock or the like.</i></p> <p><i>c. As a result of the event RCC has committed to tracking excavators with a greater distance separation to the norther</i></p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			<p><i>statue to that which resulting in a vibration magnitude above the alert limit.'</i></p> <p>The November and December 2021 Noise and Vibration Monitoring Reports identify numerous exceedances at the Art Gallery Building logger but sates that <i>'Events associated with ground works within proximity to monitor, results includes magnitudes which would be within specified vibration levels at the Art Gallery buildings and infrastructure'.</i></p> <p>The February 2022 Noise and Vibration Monitoring Report identify exceedances at the Art Gallery Building, Northern Statue and Southern Statue loggers but sates that <i>'Event associated with materials movement' or 'Localised materials movement'.</i></p> <p>The Auditor requested that the auditees provide evidence of the assessment completed that enabled the noise consultant to determine that vibration impacts were not a concern, and to provide justification as to why corrective actions were not applied. In response, the noise consultant stated:</p> <p><i>'During the time of the events that were received from the loggers and the periods when the vibration events occurred communication was undertaken and RCC identified the events as being associated with localised activities not associated with construction works. The notifications of vibration have been investigated and were found to be as a result the following:</i></p> <ul style="list-style-type: none"> <i>a. Localised movement of material, such as movement of the containers for the site sheds.</i> <i>b. Adjustment to the site's external hoardings.</i> <i>c. Extraneous weather, such as thunderstorms.</i> <i>d. The movement of equipment with the vicinity of the vibration logger, such as the tracking of excavators.'</i> <p>The Auditor is of the view that the above responses do not demonstrate that compliance with vibration limits were achieved but observes that the Art Gallery of NSW and the northern Statue form part of the subject site.</p> 	
Site Protection and Works				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	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.	Site inspection 09/03/22	During the site inspection, protection measures were observed which included, fencing, flagging, shielding and signage. This includes protection of columns, statues, the Eastern Distributor, sandstone land bridge and existing gallery.	C
C12	The installation of new services must be carried out in such a manner as to minimise damage to, or removal of, significant fabric.	Site inspection 09/03/22	During the site inspection, protection measures were observed which included, fencing, flagging, shielding and signage. This includes protection of columns, statues, the Eastern Distributor, sandstone land bridge and existing gallery. The auditees are not aware of any damage to significant fabrics.	C
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>City of Sydney Tax Invoice, Registration and Review Public Domain PCA RC 308 App for Temporary Dewater, dated 11/02/2020</p> <p>Dewatering Management Plan, Central Plumbing, MP-001, 05/11/20</p> <p>Dewatering Management Plan, DECC, MP-001 07/02/20 (revised through 30/06/20).</p> <p>Approval to dewater, City of Sydney, 01/07/20</p> <p>Email City of Sydney to Central Plumbing, 20/11/20</p> <p>Form 18.6 Environmental Inspection De-water, RCC, current to 08/03/22 (bi-monthly water discharge sampling register)</p> <p>Water sampling reports, CETEC, 09/02/21, 10/11/21, 10/12/21</p> <p>Water Quality Assessment (Stage 2), CETEC, 16/12/21</p> <p>Water Treatment Methodology (Stage 2), CETEC, 10/01/22</p> <p>Water Quality Treatment Certification, CETEC, 19/01/22</p>	<p>Permanent stormwater is in the process of being connected.</p> <p>That being said there has been surface water and seepage that has needed treatment and discharge.</p> <p>The City of Sydney approval to dewater groundwater approves the DECC Dewatering Management Plan (which details the process for dewatering rainwater and stormwater collected on the project footprint that seeps into the basement). This Dewatering Plan was revised by Central Plumbing but continued to use the same Dewater Plan as previously approved by Council. This was pursuant to advice from Council about their preference to continue the use of the existing approved plan. The includes specific actions and requirements including the testing of water.</p> <p>The water quality reports indicate testing is occurring the pH, TS and TDS results to be satisfactory before pumping. Periodic testing of hydrocarbons and BTEX (via laboratory analysis) is also occurring with results deemed satisfactory.</p> <p>Water collected in Stage 2 (on the western reach of the site) was treated and discharged to the RBGT stormwater system in January 22. The treatment report indicates that contaminant levels were acceptable for discharge to the environment.</p>	C
Approved plans to be onsite				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
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	Aconex issue of management plans and scope of works docs to subcontractors (various)	This correspondence to subcontractors includes the approved plans and is available on site.	C
Site Notice				
C15	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: <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 09/03/22	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.	C
Archaeology				
C16	The Historical Archaeologist nominated under condition B21 B23 must be on-site to monitor all subsurface works associated with excavation within areas of low to moderate archaeological potential.	Aconex GML to RC, 09/06/20 Letter GML to RC, 26/11/20 Letter GML to RCC, 07/12/21 Email GML to RCC, 08/03/22	On 09/06/20 GML emailed RCC confirming that it had completed monitoring works on the AGNSW site they had monitored to bedrock across the site for areas with the potential for archaeological remains. GML is satisfied with the works completed. GML also monitored works in the tanks (non-arch) on 30/06/20, 08/07/20, 29/07/20, 25/08/20, 08/10/20 and 04/11/21. No issues identified. GML also monitored Stage 2 works near the existing AGNSW on 06/10/21, 26/10/21, 12/11/21, 18/02/21. Some heritage items were associated with / exposed during the works. GML	C
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 10/03/21 Aconex GML to RC, 09/06/20 Letter GML to RC, 26/11/20 Letter GML to RCC, 07/12/21 Email GML to RCC, 08/03/22 Email GML to RCC, 17/03/22 (response to Auditor query on C17).	The potential for unexpected finds is communicated through the induction. On 09/06/20 GML emailed RCC confirming that it had completed monitoring works on the AGNSW site they had monitored to bedrock across the site for areas with the potential for archaeological remains. GML is satisfied with the works completed. GML also monitored works in the tanks (non-arch) on 30/06/20, 08/07/20, 29/07/20, 25/08/20, 08/10/20, 04/11/21. No issues identified. Observation: GML monitored Stage 2 works near the existing AGNSW on 06/10/21, 26/10/21, 12/11/21, 18/02/21. Some heritage items were associated with	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			<p>/ exposed during the works and there was no formal notification to Heritage NSW sighted. RCC (previously) and the Auditor (as part of the Independent Audit) queried why notification to Heritage NSW was not completed in accordance with C17. GML responded by stating:</p> <p><i>'GML Heritage has been called out to the AGNSW Sydney Modern Expansion Project site on several occasions since the commencement of bulk excavation by RCC in December 2019 to inspect potential relics exposed during site works, as required under SSD Condition C16. Once called, works in those areas ceased until the archaeologist had assessed and recorded exposed remains. RCC was then advised when ground works could recommence in each area.</i></p> <p><i>Record of all archaeological remains identified during site visits are being recorded in an Archaeological Monitoring Letter Report to be issued at the finalisation of ground works as per SSD Condition D1.</i></p> <p><i>During the site works GML Heritage has maintained contact with Heritage NSW to advise of archaeological relics exposed at the site and their recording in the Archaeological Monitoring Letter Report for the site. GML archaeologists have been advised that Heritage NSW was not required to be contacted each time archaeological resources were exposed, provided that all site work contractors continued to regularly advise the approved Project's Nominated Archaeologist (Dr Nadia Iacono) of the on-site works program, to enable stop work procedures if and when potential archaeological remains were exposed. This procedure will continue to be undertaken until all ground works with potential to impact areas of identified archaeological potential are completed.'</i></p> <p>No evidence of such advice from Heritage NSW has been sighted by RCC or the Auditor.</p>	
Impacts of Below Ground (Sub Surface) Works- Aboriginal Objects				
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	GML Heritage induction material, sighted 10/03/21 Aconex GML to RC, 09/06/20 Letter GML to RC, 26/11/20	The potential for unexpected finds is communicated through the induction. On 09/06/20 GML emailed RCC confirming that it had completed monitoring works on the AGNSW site they had monitored to bedrock across the site for areas with the potential for	NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	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.	Letter GML to RCC, 07/12/21 Email GML to RCC, 08/03/22	archaeological remains. GML is satisfied with the works completed. GML also monitored works in the tanks (non-arch) on 30/06/20, 08/07/20, 29/07/20, 25/08/20, 08/10/20 and 04/11/21. No issues identified. No Aboriginal unexpected finds.	
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	NT
Contamination				
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	RCC Unexpected Finds Procedure (UFP), dated 15/10/2019 Letter DPE to AGNSW, 31/01/22	On 25/01/22 RCC notified the Department of additional find of contamination in an area next to the statue which is subject to landscaping (in accordance with C20). On 31/01/22 the Department directed RCC to recommence works with appropriate management and remediation of contamination, the unexpected finds protocol and the RAP, along with submission of the clearance certificates once received. RCC are carrying out further investigations but to date this has only required a review against the applicable NEPM land use criteria (it did not alter the waste classification). RCC are working through an update to the RAP to set out how best to manage the material on site. No works are occurring within the impacted footprint.	C
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.	City of Sydney Tax Invoice, Registration and Review Public Domain PCA RC 308 App for Temporary Dewater, dated 11/02/2020 Dewatering Management Plan, Central Plumbing, MP-001, 05/11/20 Dewatering Management Plan, DECC, MP-001 07/02/20 (revised through 30/06/20). Approval to dewater, City of Sydney, 01/07/20 Email City of Sydney to Central Plumbing, 20/11/20 Form 18.6 Environmental Inspection De-water, RCC, current to 08/03/22 (bi-monthly water discharge sampling register)	Groundwater is no longer being encountered. Permanent stormwater is in the process of being connected. That being said there has been surface water and seepage that has needed treatment and discharge. Refer to C13.	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		<p>Water sampling reports, CETEC, 09/02/21, 10/11/21, 10/12/21</p> <p>Water Quality Assessment (Stage 2), CETEC, 16/12/21</p> <p>Water Treatment Methodology (Stage 2), CETEC, 10/01/22</p> <p>Water Quality Treatment Certification, CETEC, 19/01/22</p>		
SafeWork NSW Requirements				
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.	<p>Site inspection 09/03/22</p> <p>Interview with auditee 09/03/22</p>	<p>Timber Class A hoardings 2400mm. Site secure, as confirmed during site inspection with no areas of potential unauthorised entry observed during the site inspection.</p> <p>A site induction and swipe card system is in place to prevent unauthorised access to the site.</p> <p>SafeWork have not issued any notices.</p>	C
Hoarding/Fencing Requirements				
C23	<p>The following hoarding requirements must be complied with:</p> <p>a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and</p> <p>b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.</p>	<p>Site inspection 09/03/22</p> <p>Interview with auditee 09/03/22</p>	Compliant based on-site inspection. RCC advised hoardings are checked daily and painted over if any signs of unauthorised advertising or graffiti are identified.	C
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.	<p>As per evidence referenced elsewhere in this Audit Table.</p> <p>Hammertech HSE inspection register current to 09/03/22</p> <p>SMP Subcontractors Meeting Minutes (various), 99 meetings in total.</p> <p>Hammertech Toolbox Talk register (online) current to 08/03/22</p> <p>Letter White Noise to RCC, 08/03/22</p>	<p>Inspections are occurring generally weekly. Issues are identified, with responsibility assigned, actions are tracked to close out or escalated until closed.</p> <p>The weekly Subcontractors Meeting Minutes demonstrate that requirements from the CEMP and sub-plans are being communicated to personnel. Issues and changes are discussed, subcontractor HSE performance.</p> <p>Toolbox talks are conducted daily. The talks discuss activities coming up along with the risks, controls and requirements.</p> <p>The Noise and Vibration Monitoring Reports</p> <p>At the site inspection controls as specified</p> <p>The Tree Protection Plan is not a specific condition of approval in Part B. Tree Protection was observed during the inspection with no changes from the second Independent Audit.</p>	NC

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			<p>NB: The requirement for an Acid Sulfate Soils Management Plan (Condition B68) was removed in MOD 1.</p> <p>Refer to C10 regarding investigation and response to vibration exceedances.</p> <p>Non-compliance: Section 8.3.1 of the CNVMP specifies the requirement to undertake vibration trials for Stage 2 works. The trials were not conducted. The noise consultant advised RCC that 'Based on the permanent vibration monitoring which is being undertaken at the site, including landscaping works to the entry of the Art Gallery, the requirement for periodic vibration trials including the projects Construction Noise and Vibration Management Plan is being complied with.</p> <p>Based on the ongoing continuous vibration monitoring being undertaken as part of the landscaping works construction vibration is continuously being monitored and real time alerting would be provided in the event activities were generating magnitudes of vibration above stipulated construction vibration levels.'</p> <p>The Auditor notes the purpose, scope and method specified for the trials in Section 8.3.1 of the CNVMP (i.e.: to verify safe working distances) and the vibration exceedances noted in C10. The Auditor is of the view that the noise consultant's advice is not suitable justification for not completing the trial.</p>	
Waste Management				
C25	<p>Notwithstanding the Waste Management Plan referred to in condition B63B65, the Applicant must ensure that:</p> <ol style="list-style-type: none"> all waste generated by the development is classified and managed in accordance with the EPA's Waste Classification Guidelines Part 1: Classifying Waste 2009; 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; waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour; any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises; the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and 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>Site inspection 09/03/22</p> <p>Tetra Tech Waste Classification Report (Stage 2), 07/10/21</p> <p>RCC Waste Tracking Register (Stage 2), current to 17/02/22</p> <p>Bingo waste reports current to January 2022</p> <p>Bingo Recycling Centre EPL 4679</p> <p>Complaints register current to 08/03/22</p> <p>Consignment NBBH-TU2W-PUBM (disposal record of ACM pipe)</p>	<p>Spoil is classified by a Coffeys CEnvP(SC). Evidence indicates that excavated material has undergone chemical analysis and classification in accordance with the Waste Classification Guidelines. Material was classified as GSW. The Stage 2 waste tracking register identifies each load, volume, time and date of disposal, tip docket and disposal destination.</p> <p>Other waste generated by the Project is pre-classified and GSW (general construction and demolition waste) under the Waste Classification Guidelines.</p> <p>Waste storage on site was generally adequate. All waste is placed in comingle bins (excluding food waste) and sorted and recycled by Bingo at its Alexandria facility (EPL 4679).</p>	C

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			<p>Bingo collects all skip bin waste and has identified the classification, volume, volume recovered / recycled. No issues.</p> <p>The site is such that vehicles are not driving across unsealed surfaces. If plant and vehicles enter Stage 2 works, vehicle washdown facility is available. No material tracking observed.</p> <p>No concrete washout on site. Concrete trays are used for excess concrete. These are left to cure, then disposed of off-site as GSW.</p> <p>The site and surrounds were observed to be clean and free from uncontrolled waste.</p> <p>Observation: The area around the water treatment plant requires housekeeping as there is a substantial amount of waste present.</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.	<p>Coffeys Waste Classification Reports (various), WC02 – WC14 (2020).</p> <p>Tetra Tech Waste Classification Report (Stage 2), 07/10/21</p> <p>RCC Waste Tracking Register (Stage 2), current to 17/02/22</p> <p>Letter Tetra Tech to RCC, 14/12/21 (report presenting results of find of ACM pipework)</p> <p>Asbestos Clearance Certificate, Tetra Tech, 01/02/22</p> <p>Consignment NBBH-TU2W-PUBM (disposal record of ACM pipe)</p>	<p>Spoil for Stage 1 is classified by a Coffeys CEnvP(SC). Evidence indicates that excavated material has undergone chemical analysis and classification in accordance with the Waste Classification Guidelines. Material was classified as VENM, GSW, Special Waste.</p> <p>Consignment authorizations were presented at the second Independent Audit evidencing the tracking and disposal of ACM to a facility lawfully permitted to receive it, by a transporter licensed to carry it.</p> <p>Stage 2 works had spoil classified as General Solid Waste. The find of additional contamination (C20) has not resulted in a change in waste classification.</p> <p>1 x ~4m long piece of ACM pipework was identified on the Stage 2 footprint. The material was classified by Tetra Tech and removed from site. A clearance certificate was provided following removal. All air monitoring results were satisfactory. Disposal records were sighted.</p>	C
C27	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>Coffey, RCC Hazardous Materials Management Plan R02 Final, dated 22/10/2019, and updated Rev 6 dated 01/10/21</p> <p>Letter Tetra Tech to RCC, 14/12/21 (report presenting results of find of ACM pipework)</p> <p>Asbestos Clearance Certificate, Tetra Tech, 01/02/22</p>	<p>The HMMP was prepared for the project and submitted to the EPA, SafeWork NSW and the Department.</p> <p>Asbestos and other hazardous building materials were removed by the demolition contractor prior to the current audit period.</p> <p>1 x ~4m long piece of ACM pipework was identified on the Stage 2 footprint. The material was classified by Tetra Tech and removed from site. A clearance certificate</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			was provided following removal. All air monitoring results were satisfactory.	
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 04/08/20, 11/07/20, 23/09/21, 16/02/22, 17/02/22	Photos indicate the use of stabilized access and the covering of trucks.	C
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.	Site inspection 09/03/22 Erosion and Sediment Control Plan, Arup, 13/08/21	The vast majority of the site is now sealed (excluding some small pockets and Stage 2). The erosion and sediment control plan has been prepared covering Stage 2 works. The erosion risk is negligible. No material tracking observed.	C
Stockpile Management				
C30	The Applicant must ensure: <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. 	Site inspection 09/03/22 Erosion and Sediment Control Plan, Arup, 13/08/21	The vast majority of the site is now sealed (excluding some small pockets and Stage 2). The erosion and sediment control plan has been prepared covering Stage 2 works. Stage 2 works have not required stockpiling.	NT
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 09/03/22 Erosion and Sediment Control Plan, Arup, 13/08/21	The vast majority of the site is now sealed (excluding some small pockets and Stage 2). The erosion and sediment control plan has been prepared covering Stage 2 works. The erosion risk is negligible. There is no basin in place (nor does there need to be under the Blue Book), therefore controls are passive and are not subject to Blue Book design capacity requirements.	C
Dust Control Measures				
C32	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: <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; 	Site inspection 09/03/22 Erosion and Sediment Control Plan, Arup, 13/08/21 Complaints register current to 08/03/22	Hoarding around the site reduces the risk of dust leaving site. 8m high bunker walls along Lincoln Cr during earthworks. Earthworks were completed in August / Sep 2020. The layout of the site is such that staging and stabilization happened progressively. The stripping of topsoil (to membrane was completed in March 2020. The site is largely sealed now with limited sources for dust. Stage 2 is the only location with unconsolidated soils.	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<ul style="list-style-type: none"> 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>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.</p> <p>Internal surfaces are largely sealed, including the western access road.</p> <p>The dust risk is now low. CoC C32 has many controls and requirements that are not relevant (or not able to be implemented) due to the current stage of works (i.e.: nearing completion).</p> <p>Four complaints in relation to dust were received during the audit period. The Project considers that all controls were in place. The Auditor is not able to confirm either way.</p>	
No Obstruction of Public Way				
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.	<p>Site inspection 09/03/22</p> <p>Road Footway opening permit, City of Sydney, 26/05/20</p> <p>Temporary works approval, City of Sydney, 25/02/21</p> <p>Email, City of Sydney to RCC, 22/02/21</p> <p>Email City of Sydney to RCC, 04/02/22 (extension of the stormwater connection Road Opening Permit through to 04/05/22)</p> <p>Mobile Hoisting Approval (partial road closure), City of Sydney, 21/12/21. ROL 1773090, TfNSW (crane use covering ROL for Cowper Wharf Road for period of 20-23/02/22)</p> <p>Complaints register current to 08/03/22</p>	<p>TCPs formed part of the ROP/ROLs and Section 138/139 approvals issued by City of Sydney. and TfNSW.</p> <p>The site is such that all works are confined to the site or work zone permitted by Council.</p> <p>Traffic controllers and signage were observed to be in place at locations consistent with the CPTMP and ROP/ROL.</p> <p>Whilst several complaints have been received regarding traffic, no complaints received regarding obstruction of the public way.</p>	C
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, 15:59, 09/03/22	<p>The 24-hour contact number is displayed on site signage and on the project website.</p> <p>The number was tested on 09/03/22 and was found to be attended.</p>	C
Acid Sulfate Soils				
C35	<p>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:</p> <ul style="list-style-type: none"> 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 the EPA's Waste Classification Guidelines 2014 (Part 4: Acid Sulfate Soils). 	NA	NA	NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
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 09/03/22	A dedicated chemical storage cabinet for flammable liquids is provided on site and is self-banded.	C
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.	<p>City of Sydney Tax Invoice, Registration and Review Public Domain PCA RC 308 App for Temporary Dewater, dated 11/02/2020</p> <p>Dewatering Management Plan, Central Plumbing, MP-001, 05/11/20</p> <p>Dewatering Management Plan, DECC, MP-001 07/02/20 (revised through 30/06/20).</p> <p>Approval to dewater, City of Sydney, 01/07/20</p> <p>Email City of Sydney to Central Plumbing, 20/11/20</p> <p>Form 18.6 Environmental Inspection De-water, RCC, current to 08/03/22 (bi-monthly water discharge sampling register)</p> <p>Water sampling reports, CETEC, 09/02/21, 10/11/21, 10/12/21</p> <p>Water Quality Assessment (Stage 2), CETEC, 16/12/21</p> <p>Water Treatment Methodology (Stage 2), CETEC, 10/01/22</p>	<p>Refer C13.</p> <p>Water Quality Treatment Certification, CETEC, 19/01/22The water quality reports indicate testing is occurring the pH, TS and TDS results to be satisfactory before pumping. Periodic testing of hydrocarbons and BTEX (via laboratory analysis) is also occurring with results deemed satisfactory.</p> <p>Water collected in Stage 2 (on the western reach of the site) was treated and discharged to the RBGT stormwater system in January 22. The treatment report indicates that contaminant levels were acceptable for discharge to the environment.</p>	C
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 A3A2) or removal is required in an emergency to avoid the loss of life or damage to property.	<p>Earthscape Horticultural Services Arboricultural Impact Assessment Report v9, dated 3/11/2017</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statements 8 and 10], dated 01/09/21, 30/09/21</p> <p>Site inspection 09/03/22</p>	Refer Independent Audit Report no. 2 regarding historical removal of trees. No trees were removed or pruned during the audit period.	C
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 recommendations of the Arboricultural Impact Assessment Report, dated November 2017 (Appendix AH in the EIS)	<p>Earthscape Horticultural Services Arboricultural Impact Assessment Report v9, dated 3/11/2017</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statements 8 and 10], dated 01/09/21, 30/09/21</p> <p>Site inspection 09/03/22</p>	Earthscape attended the site twice during the audit period. The Earthscape letters confirm the arborist's general satisfaction with tree protection measures in place in September 2021, noting some improvements were required. Refer C40 and C41.	C
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	Earthscape Horticultural Services Arboricultural Impact Assessment Report v9, dated 3/11/2017	Observation: Earthscape attended the site twice during the audit period. The Earthscape letters confirm the arborist's general satisfaction with tree protection	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	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 Statements 8 and 10], dated 01/09/21, 30/09/21 Site inspection 09/03/22	measures in place in September 2021, noting some improvements were required (i.e.: increased set back from the exploratory trench near tree T739 and T741, as well as backfill with clean soil). The works subject to the arborists recommendations are ongoing and therefore the recommendations have not been addressed. The tree protection measures in place at the time of the audit were satisfactory.	
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 Tree Protection Zones is to be supervised throughout construction. All tree works must be carried out in accordance with all relevant Australian Standards.	Eandscape Horticultural Services Arboricultural Impact Assessment Report v9, dated 3/11/2017 Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statements 8 and 10], dated 01/09/21, 30/09/21 Site inspection 09/03/22	Observation: Earthscape attended the site twice during the audit period. The Earthscape letters confirm the arborist's general satisfaction with tree protection measures in place in September 2021, noting some improvements were required (i.e.: increased set back from the exploratory trench near tree T739 and T741, as well as backfill with clean soil). The works subject to the arborists recommendations are ongoing and therefore the recommendations have not been addressed. The tree protection measures in place at the time of the audit were satisfactory.	C
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 09/03/22 Presentation to OEH, prepared for AGNSW, prepared by Architectus, dated 17/10/2019 Letter from DPIE to INSW – references letter from OEH providing endorsement of the proposed works under Condition B21 Email evidence forwarded to the Planning Secretary by AGNSW, dated 25/10/2019, and evidence from OEH to AGNSW, also dated 25/10/2019 Letter GML to RCC, 07/12/21	Observation: Architectus prepared a methodology for the work in the navy fuel bunker (refer B21) which is the only heritage work being undertaken on the Project. The methodology was prepared in conjunction with RCC and it included a statement that the bunker would not be modified other than installation of the spiral staircase, pouring of new concrete polished floor, cutting in services and replacement of some legacy structural uprights that don't meet structural load requirements. The OEH (Heritage NSW) accepted the methodology prior to construction commencing. The extent of potential heritage works being undertaken during the audit period is consistent with the methodology. The work has involved trades with expertise in concrete cutting, services and structures, rather than in heritage restoration (as 'restoration' has not formed part of the scope of works). GML confirmed that it inspected the works in the bunker on 04/11/21 and did not note down any material issues. GML recommended a design refinement to pouring of the new polished concrete floor and that the next inspection occur	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			on completion of the works but prior to handover.	
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.	Aconex GML to RC, 09/06/20 Letter GML to RC, 26/11/20 Letter GML to RCC, 07/12/21 Email GML to RCC, 08/03/22	On 09/06/20 GML emailed RCC confirming that it had completed monitoring works on the AGNSW site they had monitored to bedrock across the site for areas with the potential for archaeological remains. GML is satisfied with the works completed. GML also monitored works in the tanks (non-arch) on 30/06/20, 08/07/20, 29/07/20, 25/08/20, 08/10/20 and 04/11/21. No material issues identified. GML also monitored Stage 2 works near the existing AGNSW on 06/10/21, 26/10/21, 12/11/21, 18/02/21. Some heritage items were associated with / exposed during the works. Refer C17.	C
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.			NT
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.			NT
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.			NT
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.			NT
Operational Plan of Management				
D5	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):			NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<p>a) operational strategies for the expanded Art Gallery of NSW (AGNSW);</p> <p>b) roles and responsibilities of key employees involved in overseeing the management and operation of the expanded AGNSW;</p> <p>c) hours of operation;</p> <p>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</p> <p>e) community consultation and complaints management procedures.</p> <p>Prior to occupation or commencement of the use, a copy of the OPM must be submitted to the Council and the Certifying Authority</p>			
Green Travel Plan				
D6	<p>Prior to occupation or commencement of the use, a Green Travel Plan (GTP) prepared by a suitably qualified person shall be endorsed by TfNSW (Sydney Coordination Office) and submitted to the Certifying Authority. The GTP must be prepared in consultation with Council, RMS and TfNSW (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.</p>		NT	
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> <p>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;</p> <p>b) restriction on the use of vehicle reversing alarms between 9 pm and 7 am;</p> <p>c) closure of the loading dock door during loading dock activities;</p> <p>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;</p> <p>e) ensure timing of HRVs is managed to minimise internal loading dock conflict;</p> <p>f) consider pre-booking of deliveries to manage timing of loading dock access;</p> <p>g) management of incidents at the access to the loading dock entry from Lincoln Crescent;</p> <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>		NT	
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.</p>			NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<p>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>			
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> <ul style="list-style-type: none"> a) be prepared in accordance with the EPA's Industrial Noise Policy b) identify nearby sensitive receivers and land uses; c) identify the noise limits applying to the development; d) identify all key sources of operational noise and vibration including from patrons departing the venue by midnight; 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 and from patrons departing the venue by midnight; 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); 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>Prior to the commencement of use, a copy of the approved ONVMP must be submitted to Council, the Certifying Authority and the EPA.</p>			NT
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> <ul style="list-style-type: none"> a) the Building Code of Australia; b) Australian Standard AS1668 and other relevant codes; c) the development consent and any relevant modifications; and d) any dispensation granted by the Fire and Rescue NSW. 			NT
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 30 November 2021 (Appendix B of Section 4.55 Modification 7) (condition B65B67) have been fulfilled.</p>			NT
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>			NT
Road Damage				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
D13	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.			NT
Restriction on Vehicles Turning Right from Lincoln Crescent				
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.			NT
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.			NT
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.			NT
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.			NT
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.			NT
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. 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.			NT
Post-Construction Dilapidation Report				
D20	Prior to occupation or commencement of the use:			NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<ul style="list-style-type: none"> 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 			
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			NT
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.qov.au prior to the opening of the premises.			NT
D23	<p>Prior to the commencement of food handling operations, the proprietor of the food premises must notify the NSW Health Department of the following information:</p> <ul style="list-style-type: none"> a) contact details of the food business including the name of the food business and the name and address of the proprietor; b) the nature of the food business; and c) the location of all food premises of the food business within the jurisdiction of NSW Health. 			NT
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 B47 .			NT
Protection of Public Infrastructure				
D25	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p> <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. 			NT
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.			NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
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.			NT
Interpretation Strategy				
D28	<p>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.</p> <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> <ol style="list-style-type: none"> interpretation objectives and principles for the site and the proposal; a targeted analysis of the significance of the place and the primary and secondary interpretation themes and messages for the site; 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 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>			NT
Contamination				
D29	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>Remedial Action Plan Sydney Modern Gallery Art Gallery Road, Sydney NSW, Coffey, 15/10/19</p> <p>Remediation Action Plan – Addendum 1, Sydney Modern Development, Art Gallery Road, Sydney NSW’ (the RAP Addendum), Coffey, 05/05/20</p> <p>Letter, Ramboll to RCC, 19/06/20</p> <p>Asbestos Clearance, Coffeys, 12/05/20, 30/06/20, 17/06/20</p> <p>Asbestos air monitoring report, Coffeys, August 2020</p> <p>Coffeys Waste Classification Reports (various), WC02 – WC14 (2020).</p> <p>EPA consignment notice 10/06/20 – 11/08/20.</p>	<p>An amendment to the RAP was completed following an unexpected find during the previous audit period. It sets out the approach to be adopted for the extended areas affected by contamination across the site. The amended RAP was endorsed by the Contaminated Sites Auditor on 19/06/20.</p> <p>The amended RAP appears to have been implemented with the contamination consultants issuing clearance certificates progressively as each area has been cleared.</p> <p>Unexpected finds were encountered, which required removal. These were reported to the Department on 25/06/20. The Department subsequently approved the recommencement of works.</p> <p>Dozens of Clearance Certificates were issued by Coffeys Licenced Asbestos Assessor (LAA001042 and LAA001397) for the removal of ACM from excavated surfaces and structures. Air monitoring was conducted. No elevated results detected.</p>	NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status																				
			Some small pockets of land identified as potentially contaminated within the Project footprint. Some work within these areas is pending (high voltage installation, landscaping etc). Sign off of the remediation works by the Contaminated Sites Auditor is pending.																					
Land bridge artwork commission area																								
D30	<p>Prior to occupation or commencement of use, a final landscape plan, incorporating a minimum of 26 40 native trees, final tree locations and species and any artwork structures, together with a final grading plan, DDA compliance report prepared by a suitably qualified disability access consultant, and structural plan/report prepared by a suitably qualified structural engineer demonstrating compliance with the BCA, are to be developed in consultation with the Council, NSW Heritage, TfNSW and Transurban, and submitted to the Planning Secretary for approval.</p> <p>The final landscape plan must confirm the trees will be planted with a minimum depth of 1000 mm where feasible and will be grown to AS 2303:2015. The trees must be planted by an arborist with a minimum AQF level 2 qualification.</p>																							
PART E POST OCCUPATION																								
Operational Management																								
E1	The Operational Plan of Management (refer to condition D5) and all relevant plans must be fully implemented during use of the premises.			NT																				
Hours of Operation																								
E2	<p>The hours of operation shall be as specified in the table below.</p> <table border="1"> <thead> <tr> <th>Land Use / Activities</th> <th>Maximum Hours of Operation</th> </tr> </thead> <tbody> <tr> <td>Offices, general administration and duties, security</td> <td>24 hours</td> </tr> <tr> <td>Public access to Gallery spaces</td> <td>7 am to 12 midnight</td> </tr> <tr> <td>Multi-purpose room</td> <td>7 am to 10 pm 12 midnight (indoor areas only) No use of outdoor areas</td> </tr> <tr> <td>Café</td> <td>7 am to 12 midnight</td> </tr> <tr> <td>External terraces (including café terrace)</td> <td>7 am to 10 pm</td> </tr> <tr> <td>Loading dock</td> <td>24 hours</td> </tr> <tr> <th>Lifts</th> <th>Minimum Hours of Operation</th> </tr> <tr> <td>Lincoln Crescent public lift</td> <td>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>Land bridge public lift</td> <td>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 12 midnight (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			NT
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Land bridge public lift	24 hours																							
Operational Restrictions																								
E3	Operational restrictions shall apply as specified in the table below.			NT																				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status												
	<table border="1"> <thead> <tr> <th>Aspect</th> <th>Restriction</th> </tr> </thead> <tbody> <tr> <td>Multi-purpose room</td> <td>Maximum capacity of 510 persons</td> </tr> <tr> <td>Café</td> <td>Maximum capacity of 150 persons</td> </tr> <tr> <td>Café terrace</td> <td>Maximum capacity of 500 persons</td> </tr> <tr> <td>Playing of amplified music outdoors</td> <td>No amplified music shall be played outdoors, including the public domain and outdoor areas associated with the premises.</td> </tr> <tr> <td>Playing of amplified music indoors</td> <td>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.			
Aspect	Restriction															
Multi-purpose room	Maximum capacity of 510 persons															
Café	Maximum capacity of 150 persons															
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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.															
Operational Noise Limits																
E4	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: 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 b) exhibit tonal, impulsive or other annoying characteristics.			NT												
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.			NT												
Noise Control																
E6	The doors and windows of the cafe and the multi-purpose room must be closed after 10 pm.			NT												
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.			NT												
Review of Traffic and Transport Management Plans																
E8	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: a) the Green Travel Plan (condition D6); b) the Loading Dock and Vehicle Management Plan (condition D7). 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			NT												
Loading/Unloading																
E9	All vehicles using the loading dock shall enter and exit the site in a forward motion			NT												

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
E10	All loading and unloading operations associated with the site must be carried out: 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 c) out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.			NT
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.			NT
Fire Safety Certification				
E12	The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with condition D18 of this consent.			NT
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.			NT
E14	No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.			NT
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.			NT
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			NT
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.			NT
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, including the Australian Building Codes Board Temporary Structures Standard 2015 and the BCA.			NT
Tree Planting, Landscape and Public Domain Works				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
E19	All tree planting, landscaping and public domain works approved by condition A2, including planting a minimum of 312 trees, are to be completed prior to the commencement of use. All 14 potted trees located beneath the entry canopy are to be retained in this location.			NT
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.			NT
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.			NT
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 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			NT
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.			NT
E24	The Interpretation Plan (condition D28) must be fully implemented within 12 months of the completion of the works.			NT
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.			NT
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.			NT
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			NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	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.			
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.			NT
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.			NT

APPENDIX B – PLANNING SECRETARY AGREEMENT OF INDEPENDENT AUDITORS



Planning,
Industry &
Environment

WolfPeak Pty Ltd
Suite 2, Level 10, 189 Kent Street
Sydney NSW 2000

Our ref:DOC20/61042

Attention: Derek Low, Principal Environmental Consultant

BY EMAIL ONLY: dlow@wolfpeak.com.au

Dear Mr Low

**Agreement of Independent Auditor
Sydney Modern Expansion Project (SSD 6471)**

I refer to your submission on 17 January 2020 seeking the agreement of the Secretary of the Department of Planning, Industry and Environment (the Department) of a suitability qualified, experienced and independent team to undertake independent audits of Sydney Modern Expansion Project.

In accordance with Condition B14 of SSD 6471 and the *Independent Audit Post Approvals Requirements* (Department 2018), the Secretary has agreed to the following audit team:

- Steve Fermio
- Derek Low; and
- Josephine Heltborg.

Please ensure this correspondence is appended to the Independent Audit Report.

The Independent Audit must be prepared, undertaken and finalised in accordance with the *Independent Audit Post Approval Requirements* (Department 2018). Failure to meet these requirements will require revision and resubmission.

The Department reserves the right to request an alternate auditor or audit team for future audits.

Notwithstanding the agreement for the above listed auditor for this Project, each respective project approval requires a request for the agreement to the auditor be submitted to the Department, for the consideration of the Secretary. Each request is reviewed and depending on the complexity of future projects, the suitability of a proposed auditor will be considered.

If you have any questions, please contact Khalid Abubaker on 02 8275 1096 or email to compliance@planning.nsw.gov.au.

Yours sincerely,



Rob Sherry

23 January 2020

Team Leader Compliance – Government Projects

As nominee of the Secretary

APPENDIX C – CONSULTATION RECORDS

Derek Low

From: Ania Dorocinska <Ania.Dorocinska@planning.nsw.gov.au>
Sent: Thursday, 24 February 2022 11:37 AM
To: Derek Low
Subject: RE: Sydney Modern Gallery (SSD 6471) - Independent Audit No. 3

Good Morning Derek,

Thank you for consulting with the Department of Planning and Environment (Department) on the scope of the Sydney Modern Gallery Independent Audit No. 3.

Noting the details in your email for the scope of your audit, along with the consistency with section 3.3 of those requirements, please ensure:

- The environmental performance of the development is assessed, including but not limited to actual versus predicted impacts
- A high level assessment of the environmental management plans is included
- Matters considered relevant to this audit:
 - Communication of compliance obligations to relevant contractors
 - Provision of required information on the project website
 - Ongoing consultation with affected community
 - Notification of incidents and non-compliances to the Department.

Thank you.

Kind regards,

Ania Dorocińska

Acting Team Leader Compliance – Government Projects

Planning & Assessments | Department of Planning and Environment
M 0497 400 884 T 02 9274 6225 | E ania.dorocinska@planning.nsw.gov.au
4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150.
www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Derek Low <dlow@wolfpeak.com.au>
Sent: Friday, 18 February 2022 8:01 AM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Subject: Sydney Modern Gallery (SSD 6471) - Independent Audit No. 3

Hi there,

I am one of the independent auditors on the Art Gallery of NSW Sydney Modern Project, SSD 6471 (the Project).

I am currently preparing to undertake the third 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/-/media/Files/DPE/Other/independent-audit-post-approval-requirements-2018-06.pdf>

The audit site inspection is scheduled to occur in early March 2022 and pertains to post-approval requirements and compliance.

In accordance with Section 3.2 of the IAPAR, I am consulting with the Department on the scope of the audit and for confirmation as to whether other parties or agencies are to be consulted.

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. These are included in the audit scope for this Project.

In providing input to the scope, I kindly request Department confirm:

- if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR; or
- if it recommends that other parties or agencies are to be consulted. If so we request that the Department identify those parties.

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

Kind regards,

Derek Low | Principal Environmental Consultant

General Manager



E: dlow@wolfpeak.com.au

P: 1800 979 716

M: 0402 403 716

A: Suite 2, Level 10, 82 Elizabeth St, Sydney NSW 2000

www.wolfpeak.com.au

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Derek Low

From: Andrew Rees <arees@cityofsydney.nsw.gov.au>
Sent: Tuesday, 22 February 2022 11:07 AM
To: Derek Low
Subject: RE: Sydney Modern Gallery (SSD 6471) - Independent Audit No. 3

Good morning Derek, Council confirm there are no additional issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR.

Regards

Andrew Rees
Area Planning Mgr (Major Projects)
Planning Assessments



Telephone: +612 9246 7599
cityofsydney.nsw.gov.au



The City of Sydney acknowledges
the Gadigal of the Eora Nation as the
Traditional Custodians of our local
area.

From: Derek Low <dlow@wolfpeak.com.au>
Sent: Friday, 18 February 2022 8:02 AM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Sydney Modern Gallery (SSD 6471) - Independent Audit No. 3

Hi there,

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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. These are included in the audit scope for this Project.

In providing input to the scope, I kindly request Council confirm if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR.

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

Kind regards,

Derek Low | Principal Environmental Consultant
General Manager



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Derek Low

From: Vibha Bhattarai Upadhyay <Vibha.Upadhyay@environment.nsw.gov.au>
Sent: Wednesday, 23 March 2022 4:07 PM
To: Derek Low
Cc: Michael Ellis
Subject: RE: Sydney Modern Gallery (SSD 6471) - Independent Audit No. 3

Dear Derek

Thank you for the opportunity. We do not have any additional issues that we would like to be examined as we understand that each relevant Condition of Consent along with all post approval documents prepared to satisfy the Conditions of Consent will be examined. Please note Heritage Council is not an approval body for the State Significant Developments.

Kind regards

Vibha

Dr Vibha Upadhyay | Senior Heritage Assessment Officer

Heritage NSW, Department of Premier and Cabinet
10 Valentine Avenue, Parramatta 2150 | Locked Bag 5020, Parramatta NSW 2124
T 02 98738587 | vibha.upadhyay@environment.nsw.gov.au

[Website](#) [Facebook](#) [Instagram](#) [LinkedIn](#)



Premier
& Cabinet

From: Derek Low <dlow@wolfpeak.com.au>
Sent: Friday, 18 February 2022 8:03 AM
To: OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>
Subject: Sydney Modern Gallery (SSD 6471) - Independent Audit No. 3

Hi there,

I am one of the independent auditors on the Art Gallery of NSW Sydney Modern Project, SSD 6471 (the Project).

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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. These are included in the audit scope for this Project.

In providing input to the scope, I kindly request Heritage NSW confirm if it any key issues it would like examined, relating to post-approval requirements and compliance that are not already called up by the scope in Section 3.3 of the IAPAR.

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

Kind regards,

Derek Low | Principal Environmental Consultant
General Manager



E: dlow@wolfpeak.com.au

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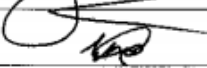
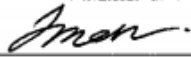


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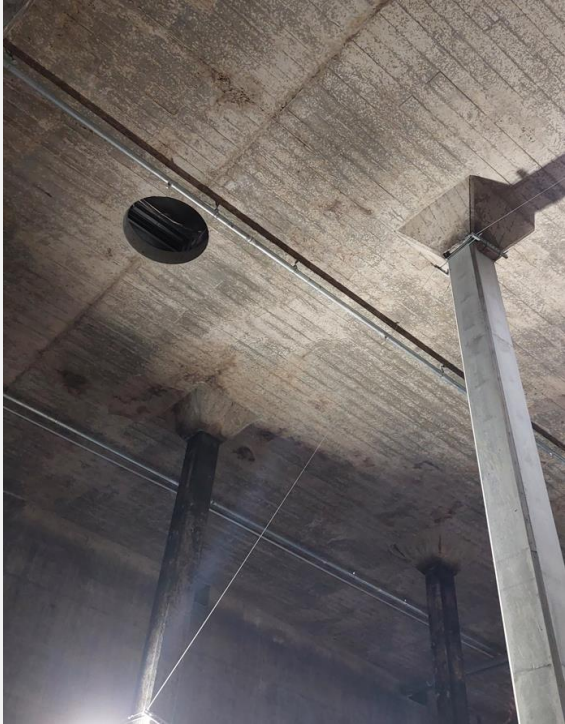

APPENDIX D – MEETING SIGN ON SHEET



INDEPENDENT AUDIT MEETING ATTENDANCE RECORD



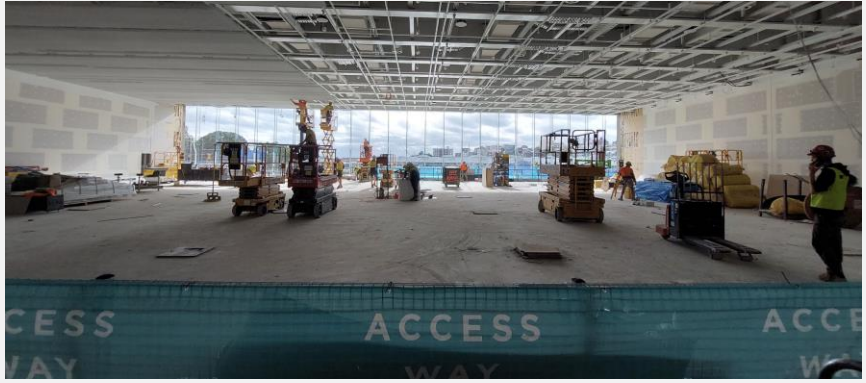
PROJECT (NAME AND APPROVAL NUMBER)		S9DN6M WOODEN	
DATE		8 9/13/22	
LOCATION		Woolongoloo	
OPENING MEETING			
NAME	POSITION / TITLE	ORGANISATION	SIGNATURE
DEBRA LAW	ANALYST	WOLFPEAK	
IMOGEN GAY	ANALYST	WOLFPEAK	
Jesse Moss	SPE	RCC	
CLOSING MEETING			
NAME	POSITION / TITLE	ORGANISATION	SIGNATURE
DEBRA LAW	ANALYST	WOLFPEAK	
Jesse Moss	SPE	RCC	



APPENDIX E – SITE INSPECTION PHOTOS

No.	Comment	Photograph
1	Site notice board.	
2	Lincoln Crescent work zone.	

No.	Comment	Photograph
3	Navy Fuel Bunker services being installed.	
4	Housekeeping required at the water treatment plant (and completed housekeeping).	

No.	Comment	Photograph
5	Glazing install underway.	
6	Services cut in underway.	

No.	Comment	Photograph
7	Roofing and escalators being installed.	 <p>A photograph of a large-scale construction project. In the foreground, a worker in an orange safety vest is kneeling on a concrete surface. In the background, a complex steel structure is visible, with several yellow tower cranes and workers on scaffolding. A large, curved metal structure, likely an escalator, is being installed. A green safety barrier with the text 'ACCESS WAY' is visible in the lower right corner.</p>
8	Services cut in underway.	 <p>A photograph of a large, empty interior space, possibly a warehouse or a large hall. The floor is a light-colored concrete. Several pieces of construction equipment, including a red generator or power unit, are scattered across the floor. The ceiling is high and features a grid of recessed lighting fixtures. The walls are plain and light-colored.</p>
9	Services cut in underway.	 <p>A photograph of a large, empty interior space, similar to the one in row 8. The floor is a light-colored concrete. Several pieces of construction equipment, including a yellow forklift and a red generator, are scattered across the floor. A worker in a high-visibility vest is visible on the right side of the frame. The ceiling is high and features a grid of recessed lighting fixtures. The walls are plain and light-colored. A green safety barrier with the text 'ACCESS WAY' is visible in the lower foreground.</p>

No.	Comment	Photograph
10	Waste collection point on Art Gallery Road	
11	Tree protection in place.	

APPENDIX F – DECLARATION FORMS

Project Name:	Sydney Modern
Consent Number:	SSD 6471
Description of Project:	<p>Sydney Modern Expansion Project:</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 • 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 • 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 No. 3
Date:	28/03/22

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:

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Post Approval Requirements (Department 2020)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. 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;
- vi. 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;
- vii. 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;
- viii. 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.

WolfPeak notes, pursuant to item vii above, that prior to the Independent Audit it declared the following involvement in activities related to the projects noting that WolfPeak does not consider these to present a conflict of interest (real or perceived) concerning the Independent Audit services:

Sydney Metro West SSI 10038 - Central Tunnelling Package:

One WolfPeak staff member is currently engaged by the contractor delivering the Sydney Metro West Central Tunnelling Package. This staff member is providing environmental support to the contractor. This staff member does not form part of the audit team.

Sydney Metro Western Sydney Airport SSI 10051 – Station Box and Tunnels


One WolfPeak staff member is currently engaged by the contractor delivering the Sydney Metro Western Sydney Airport Station Box and Tunnels. This staff member is providing environmental support to the contractor. This staff member does not form part of the audit team.

Notes:

Declaration of Independence - Auditor



- a) 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
- b) 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

Project Name:	Sydney Modern
Consent Number:	SSD 6471
Description of Project:	<p>Sydney Modern Expansion Project:</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 • 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 • 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 No. 3
Date:	28/03/22

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- vi. 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;
- vii. 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;
- viii. 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.

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- b) 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:	
Qualification:	Bachelor of Science (Honours) Exemplar Global Auditor Number 110498
Company:	WolfPeak Pty Ltd