



Sydney Modern SSD 6471

Compliance Report 6 (Condition B9)

Revision	Description	Date
Rev 01	Compliance Report 6	30 May 2022

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Compliance Report Declaration Form

Compliance Report Declaration Form


Project Name	Sydney Modern
Project Application Number	SSDA 6471
Description of Project	AGNSW Extension
Project Address	Art Gallery of NSW, Art Gallery Road, The Domain, Sydney NSW 2000
Proponent	AGNSW
Title of Compliance Report	Compliance Report 6
Date	30 May 2022

I declare that I have reviewed relevant evidence and prepared the contents of the attached Compliance Report and to the best of my knowledge:

- the Compliance Report has been prepared in accordance with all relevant conditions of consent;
- the Compliance Report has been prepared in accordance with the Compliance Reporting Post Approval Requirements;
- the findings of the Compliance Report are reported truthfully, accurately and completely;
- due diligence and professional judgement have been exercised in preparing the Compliance Report; and
- the Compliance Report is an accurate summary of the compliance status of the development.

Notes:

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

Name of Authorised Reporting Officer	Andrej Stevanovic
Title	Project Director
Signature	
Qualification	
Company	INSW
Company Address	Level 27, 201 Kent Street, Sydney NSW 2000

Project Overview

The Sydney Modern Project (SMP) is a major expansion of the Art Gallery of NSW (AGNSW) creating a stand-alone building to the north of the existing Gallery. The new building will significantly increase space for the State art collection, create a prominent display for Aboriginal and Torres Strait Islander art, enable AGNSW to host major exhibitions and is forecast to double school student visitation. The SMP is forecast to increase visitation to AGNSW from approximately 1.2 million per annum to 2 million per annum.

The site is located on **Lot 107 1 Art Gallery Road Sydney NSW 2000** within the Crescent Precinct of the Domain, to the east of the Phillip Precinct and is within Central Sydney. The expansion site primarily comprises the area north of the existing AGNSW encompassing the land bridge over the Eastern Distributor and the disused naval Fuel Bunker.

Purpose

This report has been developed to meet condition B9 of the conditions of consent for SSD6471, Sydney Modern. In accordance with the *Compliance Reporting Post Approval Requirements*, Department of Planning and Environment, 2018 ('Requirements'), this report forms the 'Compliance Monitoring and Reporting Program.'

Condition B9 States:

Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).

The reporting period of the present Report covers **December 2021 to May 2022.**

Staging

The works under the consent will be staged with certification sought as follows:

- CC1** - Demolition, Retaining Structures, Excavation Works, Construction of Northern Stairs, and Lincoln Crescent Civil Works – 28/10/19
- CC2** - Inground Services and Structure - Approved 29/04/20
- CC3** - Main Building Works – Approved 03/07/20
- CC4** - Main Building Works – BCA/DDA Amendments – Approved 23/07/21
- CC5** - AGNSW Landscaping – Approved 17/08/21
- CC6** - AGNSW Landscaping & Public Domain Works – Approved 20/10/21
- CC7**– SSD Modifications & Performance Solutions – Approved 5/12/21
- CC8** – External Planter Boxes & Performance Solutions - Approved 8/4/22
- CC9** - Performance Solutions

Compliance Monitoring and Reporting Schedule

The table below outlines the frequency of compliance reporting for the project:

Report	Timing	Anticipated date for lodgement
Compliance Monitoring and Reporting Program	Submitted	15 October 2019
Pre-construction compliance report	Submitted	20 November 2019
Construction Compliance Report 1	Submitted 26 weeks following Pre-construction Report	17 March 2020
Construction Compliance Report 2	Submitted 26 weeks following Compliance Report 1	10 August 2020
Construction Compliance Report 3	This Report 26 weeks following compliance Report 2	30 November 2020
Construction Compliance Report 4	26 weeks following compliance Report 3	31 May 2021
Construction Compliance Report 5	26 weeks following compliance Report 4	30 November 2021
Construction Compliance Report 6	26 weeks following compliance Report 5	30 May 2022
Construction Compliance Report 7	26 weeks following compliance Report 6	TBC

Summary of the reporting period

Non-compliances

The Compliance Table provides a status of the compliance for all Development Consent Conditions

During the reporting period, five (5) non-compliances are recorded. These non-compliances are currently being addressed and closed out in accordance with the Conditions of Consent and Department of Planning requirements.

Complaints

From December 2021 to May 2022, thirteen (13) complaints have been recorded by the Contractor. All complaints have been monitored and appropriately closed out. One complaint is still being addressed.

A table of the complaints is provided in **Appendix A**. Details of the responses implemented to address these complaints and their status are listed in table.

Construction Activities

The site activities that occurred during the period of reporting are as follows:

- Fit out LL4-Entry
- AGNSW Landscaping Works
- Services Infrastructure Connections – Lincoln Crescent
- Stone and Glass Façade
- External Works

Environmental Management

The contact details of key personnel responsible for the environmental management of the project are listed below:

- Anthony Di Cecco – Project Manager – 0437677813,
- Jesse Moss – Senior Project Engineer – 0419 277 097
- Ryan Walters – Site Manager – 0438 638 726

Modification of Development Consent

Modification 6 & 7 of the Development Consent (Section 4.55) covering miscellaneous items has been approved 16/12/21 & 24/12/21 by the Department of Planning, Industry and Environment. This modification includes updates regarding three (3) conditions: A2, A21, A22, B67, D11, D30 & E19. These changes are captured in the Compliance Table provided in this report when relevant.

Compliance Table

The compliance table (Table 4.1) in the following pages demonstrates compliance with conditions of consent required for the project. An explanation of the columns is as follows:

Heading	Description
Cond	The condition of consent number for SSD6471
Cond Requirement	A summary of the compliance requirement for an action of approval or provision of information under the condition of consent.
Approver	Who is required to approve the action (or who the information is to be provided to) under the condition of consent.
Stage/CC	The relevant stage or construction certificate that the requirement under the condition of consent relates to.
Timing	An explanation of the timing requirements under the condition of consent.
Date lodged	The date upon which the action or information was provided to the approver.
Date approved	The date upon which the approver provided approval (if required).
Status	The status of meeting the requirement of the condition of consent: Compliant- all necessary approvals have been obtained and the action is completed. Non-compliant- the necessary approvals or requirements have not been obtained/ met. Not triggered- where a requirement is yet to be triggered. Submitted- where a requirement has been submitted but approval is yet to be granted.
Monitoring methodology	The method by which the compliance with the condition will be monitored (if applicable).
Evidence	What will be provided to prove compliance with the condition.
Comments/ Notes	Any relevant comments or notes to assist in understanding the compliance with the condition.

Table 4.1- Compliance Table

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/ CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
A	ADMINISTRATIVE CONDITIONS									
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Compliant	Compliance Report	All measures outlined in various reports and plans outlined in this report to be complied with.	This condition does not require a specific compliance requirement, instead the compliance requirements are contained throughout this table and the relevant monitoring methodologies are included as required.
	Terms of Consent									
A2	The development may only be carried out: a) in compliance with the conditions of this consent; b) in accordance with all written directions of the Planning Secretary; c) in accordance with the EIS and RTS; and 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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Compliant	Compliance Report	All measures outlined in various reports and plans outlined in this report to be complied with.	The Project is being constructed in general accordance with the EIS and RTS (subject to the consent and modifications 1-7) The approved plans are the basis of the IFC drawings. There have been no written directions from the Planning Secretary. 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. In all other respects the Project is complying with the consent. On this basis the Auditor is of the opinion that compliance (March 22 Audit report)
A3	Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to: 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 b) the implementation of any actions or measures	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Compliant	Action upon receipt of any directions.	Directions issued by the Secretary	

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	contained in any such document referred to in condition A3(a) above.									
A4	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). 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. 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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Not Triggered	Compliance Report	Action upon receipt of any directions.	
Limits on Consent										
A5	This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.	N/A	CC1	N/A	Not required	Not required	Compliant	N/A	Commencement of physical works.	Group DLA letter dated 29/11/2019
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Compliant	Regular inspection of site signage	Crown Building Works Certificates Photos of signage	Part 6 Division 8A EPA Regulations relates to the prescribed conditions: Section 6.28 Crown Building Works Certificate (REF.1) - Installation of a new temporary kiosk substation and undergrounding of powerlines at Lincoln Crescent, Woolloomooloo dated 15/11/2019 Group DLA - Justin Jones-Gariner - BPB0204 Compliance with BCA - Section 6.28 Crown Building Works Certificate (No1) - Construction of Northern Stairs, Demolition and Site Clearing, and Retaining Structures and Bulk Earthworks dated 15/11/2019. Crown Building Works Certificate (No1.2) - Amended Footings Design (Piling) dated 24.2.20. Crown Building Works Certificate (No 2) - Inground Services & Structure dated 29.04.2021. Crown Building Works Certificate (No 3) -Reminder of Works - Except Landscaping, Public Domain, External Works, Graphics and Wayfinding dated 3.07.2021. Crown Building Works Certificate (No 4) - FER, DDA, Minor Architectural Changes, MOD 5 Changes dated 23.07.2021. Crown Building Works Certificate (No 5) – Stage 2 Landscaping Works (AGNSW Entry) dated 17.08.2021. Crown Building Works Certificate (No 6) – Stage 2 Landscaping & MOD 4 dated 20.10.2021 Crown Building Works Certificate (No 7) – SSD Modifications & Performance Solution dated 05.12.2021

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
										<p>Crown Building Works Certificate (No 8) – External Planter Boxes & Performance Solutions dated 08.04.2021</p> <p>Erection of signs - refer to C15 evidence.</p> <p>Entertainment venues (cl98C) - N/A</p> <p>Signage for max. number of persons (cl 98D) - N/A for construction</p> <p>Shoring and adjoining properties (cl 98E) - Excavation below Eastern Distributor Asset is management in accordance with the Eastern Distributor Interface Deed required under Condition B55, refer to B55 for evidence</p>
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	N/A	Not required	Not required	Compliant	Compliance Report	Evidence of payment provided by contractor	<p>Approved to pay in Instalments:</p> <ul style="list-style-type: none"> • Prior to commencement levy paid • June 2020 Levy Paid • January 2021 Levy Paid • August 2021 – Final Levy Paid
Legal Notices										
A8	Any advice or notice to the consent authority must be served on the Planning Secretary.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Not triggered	Address all advice and notices to the Planning Secretary.	All advice and notices sent to Planning Secretary.	
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</p>	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Within three months of the submission of Compliance Report, Incident Report, Independent Audit, Approval of Any Modification, or Direction Issued by the Department	Not required	Not required	Non – Compliance	Evidence of consultation	Directions issued by the Secretary	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.

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	improve the environmental performance of the development.									
Evidence of Consultation										
A10	Where conditions of this consent require consultation with an identified party, the Applicant must: (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and (b) provide details of the consultation undertaken including: i. a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	DPE	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Compliant	Compliance Report	Evidence of consultation	Refer to conditions that require consultation.
Structural Adequacy										
A11	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. Notes: • Under Part 4A of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	21/10/2019	28/10/2019	Compliant	Certification issued	Crown Building Works Certificate	Crown Certifications REF, 1-8.
Incident Notification, Reporting and Response										
A12	The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Not Triggered	Incident notification	All advice and notices sent to the Department	Nil to report this reporting period.
Non-Compliance Notification										
A13	The Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to	DPE - Notification only	CC1, CC2, CC3, CC4, CC5, CC6,	At all times	Not required	Not required	Compliant	Compliance report	Notification	

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.		CC7, CC8, CC9							
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Compliant	N/A	N/A	Refer to the finding in response to CoC A13.
A15	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Compliant	N/A	N/A	Refer to the finding in response to CoC A12 and A13.
Monitoring and Environmental Audits										
A16	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, non-compliance notification and independent environmental auditing. 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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Compliant	Compliance Report	All measures outlined in various reports and plans outlined in this report to be complied with.	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. Appropriately qualified companies have been engaged by RCC to undertake monitoring as required, e.g. White Noise Acoustics, Coffey International.
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Not triggered	Compliance Report	Ensure all plans, strategies and reports refer to guidelines at date of consent unless otherwise directed.	
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required		Compliant	Ensure all plans, strategies and reports refer to guidelines at date of consent unless otherwise directed.	Directions issued by the Secretary	
Operation of Plant and Equipment										

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
A19	All plant and equipment used on site, or to monitor the performance of the development must be: (a) maintained in a proper and efficient condition; and (b) operated in a proper and efficient manner.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Compliant	Compliance Report	Plant Register Plant Maintenance Records / logs Operator VOC	Records can be made available by request from RCC site office. Records not for publication.
A20	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. 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. A separation application shall be lodged with the relevant consent authority for the updated engineering plans and associated works.	N/A	CC1, CC2,	At all times	Not required	29/04/2020	Compliant	Comply with directions issued by the Secretary	Structural Engineer Certification	Crown Certification 2 & Arup Structural Design Certificate_CC2
A21	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.	N/A	N/A	At all times	Not required	Not required	Not triggered	Comply with directions issued by the Secretary	N/A	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.
A22	The Applicant shall provide to the satisfaction of the Royal Botanic Garden and Domain Trust details demonstrating compliance with the following: • 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.	N/A	N/A	At all times	Not required	Not required	Not triggered	Comply with directions issued by the Royal Botanical Gardens	Documentation as required	These works relate to the Art Garden, which have yet to commence.
B	PRIOR TO THE COMMENCEMENT OF WORKS									
	Crown Building Work									
B1	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: a) the date of the invitation for tenders to carry out Crown building work; or b) in the absence of tenders, the date on which the Crown building work commences.	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times			Compliant	Certification issued	Crown Building Works Certificate	Crown Certifications 1-8
	Design Excellence and Design Integrity									

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
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. 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> <p>i) a representative from the competition winning international architectural practice; ii) a representative from the local architect of record.</p> <p>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.</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>	DPE	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	16/08/20019	25/10/2019	Compliant	Compliance report	Advice of approval	Department of Planning reference letter IRD19 58092
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> <p>a) modification to the overall extent of the canopy structure;</p> <p>b) increased street setbacks and landscaped area in and around the canopy structure;</p> <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</p>	DPE	CC2, CC3	Prior to CC2	16/08/20019	25/10/2019	Compliant	Compliance report	Advice of approval	Department of Planning reference letter IRD19 58092

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	(GANSW), OEH and the Royal Botanic Gardens and Domain Trust, and submitted to the satisfaction of the Planning Secretary.									
	Provision of Green Roof to Gallery 1									
B4	Prior to the commencement of relevant construction work, the plans/elevations and documentation shall be amended to provide a green roof to gallery 1 and submitted to the satisfaction of the Planning Secretary.	DPE	CC2, CC3	Prior to CC2	16/08/20019	25/10/2019	Compliant	Compliance report	Advice of approval	Department of Planning reference letter IRD19 58092
	Notification of Commencement									
B5	The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates. 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.	DPE - Notification only	CC1	48 hours prior to commencement			Compliant		Notice sent to the Department	Group DLA letter dated 29/11/2019
	Community Communication Strategy									
B6	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: The Community Communication Strategy must: a) identify people to be consulted during the design and construction phases; b) set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development; c) provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development; d) set out procedures and mechanisms: (i) through which the community can discuss or provide feedback to the Applicant; (ii) through which the Applicant will respond to enquiries or feedback from the community; and (iii) to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation. The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work. 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. The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.	DPE	CC1	One month before commencement of works	22/10/2019	28/10/2019	Compliant	Compliance report	Advice of submission	https://www.artgallery.nsw.gov.au/sydney-modern-project/news-and-updates/project-status/new-building-updates/#planning-approval-documents
	Compliance									

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B7	The Applicant must ensure that all 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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	Not required	Compliant	Compliance Report	Ensure all relevant parties aware of conditions through Worker Induction	
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.	DPE	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	6 weeks before commencing construction or as agreed with DPE	11/10/2019	Not required	Compliant	Compliance report	Submission of the programme and confirmation of receipt.	Compliance Monitoring Programme submitted less than 6 weeks prior to commencement
B9	Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).	DPE	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	29/10/2019	Not required	Compliant	Compliance Report	Submission of the report	As per agreed timeframe summarised in introduction of this report
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.	Certifying Authority and DPE-notification only	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Within 60 days of submitting to DPE	Not required	Not required	Compliant	Compliance Report	Publication of the report	Compliance Report 5 was prepared in accordance with the Compliance Reporting Post Approval Requirements and made publicly available. The Department was notified of the publication of Compliance Report 5
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.	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times			Compliant	Certification issued	Crown Building Works Certificate	Currently Active: 1800 717 705 smp@richardcrookes.com.au Both number and email are on the hoarding and communications distributed by AGNSW/INSW.
Access to Information										

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
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 its website: i. the documents referred to in Condition A2 of this consent; 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. contact details identified in condition 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.	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	48 hours prior to commencement			Compliant	Certification issued	Crown Building Works Certificate	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 has 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
Independent Audit										
B13	No later than four weeks 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.	DPE	CC1	4 weeks before commencing construction	18/10/2019	Not required	Compliant	Compliance report	Notice of submission	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). Approval of Department
B14	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).	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	N/A	Compliant	Compliance report	Notice of submission	First Report for March 2020 issued and submitted to the Department Second Report March 2021 issued and submitted to the department. Third Report March 2022 has completed and submitted to the department.
B15	In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must: (a) review and respond to each Independent Audit Report prepared under condition B14 of this consent; (b) submit the response to the Department; and (c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	Not required	N/A	Compliant	Compliance report	Notice of submission and Gallery website page	The third Independent Audit Report was reviewed and responded to, submitted to the Department, and made publicly available. The Department was notified of the publication

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	notify the Department in writing at least 7 days before this is done.									
	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 oversee the construction of all subsurface structures associated with the development.</p> <p>This engineer is to prepare the following documentation:</p> <p>a) Certification that the civil and structural details of all subsurface structures are designed to:</p> <ul style="list-style-type: none"> • provide appropriate support and retention to neighbouring property; • ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and • ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table. <p>b) A Geotechnical Monitoring Plan (GMP) to be implemented during construction that:</p> <ul style="list-style-type: none"> • is based on a geotechnical investigation of the site and subsurface conditions, including groundwater; • details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard; • details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and • details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded <p>The certification and the GMP is to be submitted for the approval of the Certifying Authority prior to the commencement of any works.</p>	Certifier	CC1, CC2, CC3, CC4, CC5, CC6	Prior to commencement			Compliant	Certification issued	Crown Building Works Certificate	Additional evidence includes Geotechnical Excavation Monitoring Plan and Certification, and compliance letter from Coffey.
	External Walls and Cladding									
B17	The external walls of all buildings must comply with the relevant requirements of the BCA. 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	Certifier and DPE	CC4	Prior to commencement of relevant works			Non-Compliant	Submission to certifier Notice to the Secretary	Certifier Acceptance through sample review	RCC commenced construction of external wall works prior to demonstrating to the Certifier that the systems comply with the BCA. This non-compliance was notified to the Department on 13/12/21 within 7 days of becoming aware in accordance with A13.

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Cond	Condition Requirement	Approver	Stage/ CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA. 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.									
Structural Details										
B18	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 practising Structural Engineer that demonstrates compliance with: a) the relevant clauses of the BCA; and b) the development consent.	Certifier	CC1, CC2, CC3, CC4	Prior to commencement of relevant works			Compliant	Certification issued	Crown Building Works Certificate	Arup structural design certificates for CC1 - 5
1920s Carriageway Walls Interpretation										
B19	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. 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.	Certifier and DPE	CC6	Prior to commencement of relevant works			Non-Triggered	Certification issued	Submission to certifier Notice to the Secretary	Crown Certificate 6. OEH acceptance letter dated 22/9/21 SSDA6471-PA25 Submission via Department of Planning Portal -27/09/2021
New Steps, Ramp and Pedestrian Control Structures and Hostile Vehicle Management Measures										
B20	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. The form, materiality and spacing of bollards must also be finalised in consultation with City of Sydney Council. 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.	Certifier and DPE	CC6	Prior to commencement of relevant works			Compliant	Certification issued	Submission to certifier Notice to the Secretary	Crown Certificate 6. OEH acceptance letter dated 22/9/21 SSDA6471-PA26 Submission via Department of Planning Portal -27/09/2021
Works to the Former Naval Fuel Bunker										
B21	The design of new structures in the southern former naval fuel bunker should not damage the existing concrete structure and be lightweight and complement the character of the bunker. Design details of the following work are to be submitted to the OEH Heritage Division for review and endorsement: a) structural supports and strengthening of the bunker itself and the new structures above; b) new stairs, ramps, wall openings, any floor systems and coverings;	Certifier and DPE	CC1, CC7	Prior to commencement of relevant works	25/10/2019	29/10/2019	Compliant	Compliance report	Notice of approval	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

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	c) new services i.e. electrical, communication/data/ hydraulic, mechanical and fire services; d) any waterproofing or moisture management methods; e) conservation and repair methods for significant concrete structure, ceilings, walls, floor and columns; f) any upgrade to comply with the NCC and Disability (Access to Premises - Buildings) Standards 2010. 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.									CC1 references submission to CA, report listed in B21
	External Materials									
B22	High reflective surfaces, large areas of unshaded glass and bright white finishes are to be avoided. External colours are to be subdued and be compatible with the Sydney sandstone character of the locality. Samples of proposed external materials for walls, roofs, eaves and soffits, columns, glazing and its assemblies, rainwater goods, paving and retaining walls are to be submitted to the OEH Heritage Division for review and endorsement. Details demonstrating compliance with this condition must be submitted to the Department and the Certifying Authority prior to the commencement of works.	Certifier and DPE	CC2, CC3	Prior to commencement of relevant works		06/2019	Compliant	Compliance report	Notice of receipt	Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding). Email Heritage to DPIE, 03/06/19 Email AGNSW to DPIE, 19/06/19
	Nominated Historical Archaeologist									
B23	Prior to the commencement of works, a suitably qualified historical archaeologist shall be engaged who must satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level.	Certifier	CC1	Prior to commencement	N/A	N/A	Compliant	Certification issued	Crown Building Works Certificate	AGNSW have appointed suitable professional and completed the relevant documentation
	Public Domain Plan									
B24	The Applicant shall ensure the following: a) A detailed Public Domain Plan 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 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 B25). 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.	Certifier	PD	Prior to commencement of relevant works			Not triggered	Certification issued	Letter from Council Public Domain Team	

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Cond	Condition Requirement	Approver	Stage/ CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	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 B24) 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. 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. 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>	Certifier	PD	Prior to commencement of relevant works			Not triggered	Certification issued	Letter from Councils Public Domain Team	
	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; and</p>	Certifier	PD	Prior to commencement of relevant works			Not triggered	Certification issued	Letter from Councils Public Domain Team	
	Public Domain Damage Deposit – Lincoln Crescent and Cowper Wharf Road Frontages									

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
B27	A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of asphaltic concrete site frontage must be lodged with Council in accordance with the Council's of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site. The guarantee must be lodged with Council prior to the commencement of the relevant works. The Bank Guarantee will be retained in full until the use of the development commences and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.	Certifier	CC1	Prior to commencement of relevant works			Compliant	Certification issued	Notice of payment Crown Building Works Certificate	AGNSW have lodged the required bank guarantee with Council.
Seawater Heat Exchange System										
B28	The detailed design of the seawater heat exchange system must comply with the preliminary design details outlined in the Seawater Heat Exchange Report (dated 16 March 2018) in Appendix H of the RTS. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.	-	N/A	-	-	-	-	-	-	-
Wayfinding and Signage										
B29	Prior to the commencement of the relevant works, a Wayfinding and Signage Strategy prepared by suitably qualified persons shall be endorsed by the Heritage Council and the Royal Botanic Gardens and Domain Trust and submitted to the satisfaction of the Certifying Authority. The Strategy shall be prepared in consultation with the OEH Heritage Division, Council, TNSW and the Royal Botanic Gardens and Domain Trust. The Strategy must: a) detail the final location, type, design and fixing methods (dimensions, materials, finish, illumination etc) of all wayfinding and signage (building identification, business identification, wayfinding, security signage etc) to be provided in the precinct; b) ensure wayfinding and signage is designed in a visually consistent, cohesive and uniform manner and to respect the character and heritage values of the precinct; c) ensure any illuminated signage would not cause adverse amenity impacts; d) have regard to the recommendations of the CPTED Report, dated 16 February 2018, (Appendix O in the RTS); e) detail how the strategy would improve wayfinding and dissemination of customer information to make it easier for people to get to and from the site, locate major transport hubs and increase mode share of public transport, walking and cycling. f) include a travel access guide increase mode share of public transport and active transport. This shall include signage to transport nodes;	Certifier	CC4	Prior to commencement of relevant works			Compliant	Certification issued	Crown Building Works Certificate	Crown Building Certificate 4

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	g) ensure wayfinding and signage is designed to integrate into Council's existing system/s consistent with the Legible Sydney Wayfinding Strategy 2012, the Legible Sydney Design Manual 2012, the Harbour Domain North Public Domain Strategy 2012 and TNSW's Sydney City Centre Access Strategy 2013. The Strategy shall also be used to guide future applications for signage. Prior to the commencement of use, a copy of the final Signage Strategy must be submitted to Council, the Royal Botanic Gardens and Domain Trust, TNSW and the Planning Secretary.									
External Works Visual Impact Mitigation										
B30	The Applicant must ensure: a) the external lifts are designed to minimise visual impacts and view blocking effects; b) internal framing and structure of the external lifts minimised to increase transparency in views and reduce the visual presence of the lifts in views; and c) external lifts are encased in non-reflective glass to increase the transparency of the lift glazing to views. Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to commencement of the relevant works.	Certifier	CC3	Prior to commencement of relevant works		03/07/2020	Compliant	Certification issued	Crown Building Works Certificate	CC3 certificate received to date.
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 B2. Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the commencement of the relevant works.	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to commencement of relevant works		03/07/2020	Compliant	Certification issued	Crown Building Works Certificate	LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20 Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019 Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks. Crown Certificate (CC2), 29/04/20, includes inground services and structure. Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding). Crown Building Works Certificate (No 4) - FER, DDA, Minor Architectural Changes, MOD 5 Changes dated 23.07.2021. Crown Building Works Certificate (No 5) – Stage 2 Landscaping Works (AGNSW Entry) dated 17.08.2021. Crown Building Works Certificate (No 6) – Stage 2 Landscaping & MOD 4 dated 20.10.2021
Reflectivity										
B32	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	Certifier	CC3	Prior to commencement of relevant works		03/07/2020	Compliant	Certification issued	Crown Building Works Certificate	Crown Certifications 1-5

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	supplemental Reflectivity Report dated 13 April 2018 (Appendix Q of the RTS). A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to the commencement of the relevant works.									
	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.	Certifier	CC3	Prior to commencement of relevant works		03/07/2020	Compliant	Certification issued	Crown Building Works Certificate	Crown Certificate 1-3
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.	Certifier	CC3	Prior to commencement of relevant works		03/07/2020	Compliant	Certification issued	Crown Building Works Certificate	Crown Certificate 1-3
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.	Certifier	CC3	Prior to commencement of relevant works		03/07/2020	Compliant	Certification issued	Crown Building Works Certificate	Crown Certificate 1-3
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.	Certifier	CC3	Prior to commencement of relevant works		03/07/2020	Compliant	Certification issued	Crown Building Works Certificate	Crown Certificate 3
	Bicycle Parking									
B37	A minimum of 12 bicycle parking spaces are to be provided for staff within the approved loading dock and a minimum of 33 publicly accessible bicycle rails (66 bicycle parking spaces) are to be provided for visitors adjacent to Art Gallery Road. The layout, design and security of all bicycle facilities must comply with the minimum requirements of AS 2890.3 - 1993 Parking Facilities Part 3: Bicycle Parking Facilities with the following exception: • the recommended 5% maximum grade for the bicycle parking area located adjacent to Mrs Macquarie's Road, connected to fire stair 13. Staff bicycle parking should be provided according to the security level B as specified AS 890.3:2015. Documentation demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.	Certifier	CC5	Prior to commencement of relevant works			Not Triggered	Certification issued	Crown Building Works Certificate	
	Outdoor Lighting									
B38	All outdoor lighting (including tree uplighting and any signage illumination) shall comply with the recommendations of the Exterior Lighting Report dated 5 October 2017 (Appendix AG of the EIS) and, where relevant, AS 1158.3.1-2005 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.	Certifier	CC6	Prior to commencement of relevant works			Compliant	Certification issued	Crown Building Works Certificate	Crown Certificate 6

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority prior to the commencement of the relevant works.									
Access for People with Disabilities										
B39	Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8	Prior to commencement of relevant works			Compliant	Certification issued	Crown Building Works Certificate	Crown Certification 1-8
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.	Certifier	CC3	Prior to commencement of relevant works			Compliant	Certification issued	Submission to certifier	Crown Certificate 3
Cool Rooms										
B41	Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G 1.2 of the BCA.	Certifier	OC	OC			Not triggered	Certification issued	As built documentation	Occupation Certification
Grease Traps										
B42	A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. Installation of the grease trap must comply with the requirements of Sydney Water. Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.	Certifier	CC3	Prior to commencement of relevant works			Compliant	Certification issued	Crown Building Works Certificate	Crown Certificate 3
Mechanical Ventilation										
B43	The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.	Certifier	CC3	Prior to commencement of relevant works			Compliant	Certification issued	Mechanical Compliance Certificate	Design Certification, D&E, 09/06/20 Crown Certification 3
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.	Certifier	CC3	Prior to commencement of relevant works			Compliant	Certification issued	Mechanical Compliance Certificate	Design Certification, D&E, 09/06/20 Crown Certification 3
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.	Certifier	OC	OC			Not triggered	Interlocks Installed	As built documentation	
Sanitary Facilities – Food Premises										

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
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.	Certifier	OC	OC			Not triggered	Air locks installed	As built documentation	
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.	Certifier	CC3	Prior to commencement of relevant works			Compliant	Certification issued	BCA Report	Design Certification, Group DLA, 03/07/20 Crown Certifications 3 4
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.	Certifier	CC1	Prior to commencement of relevant works			Compliant	Certification issued	Crown Building Works Certificate	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
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 must 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 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:- a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions; 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; c) each image is to be numbered and cross referenced to a site location plan; d) 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.	Certifier	CC1	Prior to commencement			Compliant	Certification issued	Crown Building Works Certificate	Report prepared by Greenplus Property Services Refer to Crown Building Works Certificate 01
Lincoln Crescent Zone Substation										

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
B50	Further details demonstrating the proposed exhaust system 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.	Certifier	Prior to the commencement of works	Prior to commencement of relevant works			Compliant	Certification issued	Crown Building Works Certificate Conformation from Certifier	Structure (exhaust stack) approved in CC2 Modelling has been conducted to assess whether exhaust will adversely impact the Ausgrid Substation. The modelling reports 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.
Requirements of Public Authorities										
B51	The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) regarding 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.	Certifier	CC1, CC2, CC3, CC4	Prior to commencement of relevant works			Compliant	Certification issued	Crown Building Works Certificate	Ausgrid – Approval Received Sydney Water – Approval Received Jemena – Approval Reviewed
Demolition Works										
B52	Demolition work must comply with the provisions of Australian Standard AS2601:2001 The Demolition of Structures (Standards Australia, 2001). The work plans by AS2601:2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the Certifying Authority prior to the commencement of works.	Certifier	CC1	Prior to commencement			Compliant	Certification issued	Crown Building Works Certificate	Report prepared by DECC Refer to Crown Building Works Certificate 01
Hoarding										
B53	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: a) architectural, construction and structural details of the design as well as proposed artwork; and b) structural certification prepared and signed by an appropriately qualified practising structural engineer. 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.	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to installation			Compliant	Certification issued	CoS Permit	Class A Hoarding - A Section 138 was not required as the hoarding is not on CoS land. A work permit was received for the construction of the hoarding. Class B Hoarding: CoS B Class hoarding permit current.
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.	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to commencement			Compliant	As required	Permit for works	
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	DPE	CC1	Prior to commencement	21/12/2018	Not required	Compliant	Compliance report	Evidence of submission	Previous Non-Compliance in February 2020 Independent audit: A copy of the final Interface Agreement was not submitted to the department prior to the commencement of works. This was

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	to the Planning Secretary prior to the commencement of works.									an administration error and oversight; a copy was provided on 14/02/2020. However, the Agreement has been in place at the time of works commencement.
	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 the road network. 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.	Relevant road authority	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	If required			Compliant	Certification issued	ROL Issued	
	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.	Council	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	If required			Compliant	Certification issued	CoS Approval	Nil to report this reporting period. Previous Active Approvals: Works Zone Approval and Median Strip Modification.
	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@msw.nsw.gov.au.	-	N/A	-	-	-	-	-	-	-
	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.	RMS	CC1	If required	N/A	N/A	Compliant		Interface Deed and Development Deed	Interface Deed and Development Deed
	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.	Certifier	CC1	Prior to commencement			Compliant	Certification issued	Crown Building Works Certificate	Report prepared by Greenplus Property Services Refer to Crown Building Works Certificate 01
	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: 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	Council and DPE	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to commencement			Compliant	Certification issued	Crown Building Works Certificate Consultation Approved CEMP	

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Cond	Condition Requirement	Approver	Stage/ CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	<p>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;</p> <p>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;</p> <p>f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;</p> <p>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;</p> <p>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;</p> <p>i) management of groundwater during construction;</p> <p>j) Deleted</p> <p>k) Deleted</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. Prior to the commencement of works, a copy of the CEMP must be submitted to Council and the Planning Secretary.</p>									
	Construction Pedestrian Traffic Management Plan									

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Cond	Condition Requirement	Approver	Stage/ CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
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 TNSW (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; b) haulage routes; c) construction vehicle access and traffic control arrangements; d) proposed construction hours; e) estimated number of construction vehicle movements; f) any changes required to on-street parking; g) restriction on vehicles over 6 m in length turning right from Lincoln Crescent into Cowper Wharf Road; h) construction program; i) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction; j) cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro City and South West considering any traffic and pedestrian management plans prepare for these projects to ensure that work activities are coordinated and managed to minimise impacts on the road network; k) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours; l) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts; and m) measures to encourage public transport use and other non-car travel options by construction workers.</p> <p>Prior to the commencement of works, a copy of the CPTMP must be submitted to Council and the Planning Secretary.</p>	Council and DPE	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to commencement			Compliant	Certification issued	Crown Building Works Certificate Consultation Approved CPTMP	
	Construction Noise and Vibration Management Plan									

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Cond	Condition Requirement	Approver	Stage/ CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
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>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>	Council and DPE	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to relevant CC			Compliant	Certification issued	Crown Building Works Certificate Consultation Approved CNVMP	
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 sulphate 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>	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to relevant CC			Compliant	Certification issued	Crown Building Works Certificate	

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	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>	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to commencement			Compliant	Certification issued	Crown Building Works Certificate	
	Water and Stormwater Management Plan									
B66	<p>Prior to the commencement of 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>	Certifier	Construction	Prior to commencement of relevant works			Compliant	Certification issued	Cos Endorsement	
	Crime Prevention Through Environmental Design (CPTED)									
B67	<p>To minimise the opportunity for crime in accordance with CPTED principles, the relevant recommendations provided in the CPTED Report dated 16 February 2018 (Appendix O of the RTS) dated 30 November 2021 (Appendix B of Section 4.55 Modification 7), shall be demonstrated on the architectural plans (in consistency with condition D11) prior to the commencement of the relevant works.</p>	Certifier	Construction	Prior to commencement of relevant works			Not triggered	Certification issued	Architectural Drawings	
	Acid Sulphate Soils Management Plan									
B68	<p>Prior to the commencement of works, an Acid Sulphate Soils Management Plan, prepared by a suitably qualified person, shall be submitted to the Certifying Authority.</p>	Certifier	CC1, CC2, CC3	-	-	-	-	-	-	-
	Hazardous Materials Management Plan									

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Cond	Condition Requirement	Approver	Stage/ CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
B69	<p>Prior to the commencement of works, a Hazardous Materials Management Plan (HMMP) prepared by a suitably qualified person, shall be submitted to the Certifying Authority. The HMMP must be prepared in consultation with the EPA and SafeWork NSW. The HMMP must:</p> <p>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;</p> <p>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;</p> <p>c) identify any known or potential areas of concern on site for hazardous and asbestos containing materials;</p> <p>d) outline the procedures for identification, handling and disposal of hazardous materials;</p> <p>e) include an Asbestos Management Plan;</p> <p>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;</p> <p>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;</p> <p>h) include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and</p> <p>i) outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates.</p> <p>Prior to the commencement of works, a copy of the HMMP must be submitted to the EPA, SafeWork NSW and the Department.</p>	EPA, SafeWork NSW and DPE	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to commencement			Compliant	Certification issued	Crown Building Works Certificate	
B70	The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.	SafeWork NSW	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times			Compliant	As required	SafeWork Notification Asbestos Licences Clearance Certificate	
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'.	Certifier	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9				Compliant	As required	EPA Consignment Notice	Examples of consignment notices attached; full records can be made available upon request.
	Contamination									

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
B72	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. 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. The UFP must be implemented for the duration of construction works.	Certifier and EPA	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to commencement			Compliant	Certification issued	Unexpected Find Protocol and Certification Consultation	A separate UFP was developed and approved this reporting period for the landscaping works at the AGNSW entry.
C	DURING CONSTRUCTION									
	Demolition									
C1	Demolition work must comply with Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.	Certifier	CC1, CC2, CC3, CC4, CC5, CC6	At all times			Compliant	Work plans and certification issued	Crown Building Works Certificate	
	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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Non-Compliant	Worker inductions Scope of Works Site supervision	Induction presentation Scope of works - Template	According to 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 Workdays Order.
C3	No construction work may be carried out on Sundays or public holidays	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Worker inductions Subcontracts	Induction presentation Executed Subcontracts	
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	If required	N/A	N/A	Non-Compliant	As required	Letters or permits from public authorities requesting works are completed outside approved hours.	Construction over the Eastern Distributor occurred beyond standard construction hours on 20-22/02/22 as directed by the road authority.
C5	Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	As required	Monthly Updates, Disruption Notices and notification letters	

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
C6	Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours: 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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Worker inductions Subcontracts Daily site supervision Signage within plant.	Induction presentation Executed subcontracts	
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Construction Noise and Vibration Management Plan (CNVMP) Real time SMS motivations – Vibration Real time digital dashboard – Noise Monthly CNVMP compliance reporting	Approved CNVMP Monthly CNVMP compliance reporting – Published on project website	
C8	Heavy vehicles and oversized vehicles must not queue or idle on Art Gallery Road, Mrs Macquarie's Road or Lincoln Crescent outside of construction zones awaiting access to the Subject Site.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Worker inductions, subcontracts, daily site supervision and authorised traffic controllers	Induction presentation and subcontracts	
C9	The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the Interim Construction Noise Guideline as being particularly annoying to noise sensitive receivers.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Construction Noise and Vibration Management Plan (CNVMP) Real time digital dashboard – Noise Monthly CNVMP compliance reporting Worker Induction	Approved CNVMP Monthly CNVMP compliance reporting – Published on project website Induction Presentation	
C10	Vibration caused by construction at any residence or structure outside the subject site must be limited to: SSD 6471 NSW Government 26 Department of Planning and Environment a) for structural damage vibration to buildings (excluding heritage buildings), British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings; b) for structural damage vibration to heritage buildings, German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure; and c) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472-Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Construction Noise and Vibration Management Plan (CNVMP) Real time SMS notification – Vibration Monthly CNVMP compliance reporting	Approved CNVMP Monthly CNVMP compliance reporting – Published on project website	
Site Protection and Works										

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision	Photos of protection	
C12	The installation of new services must be carried out in such a manner as to minimise damage to, or removal of, significant fabric.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision All services to be installed per 'Issued for Construction' documentation, that complies with SSD documentation.	Photos of completed works As built documentation	
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	Council	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Construction Environmental Management Plan (CEMP) Council permit Water quality testing in accordance with CEMP Weekly environmental inspections Site supervision	Approved CEMP CoS council permit and/or letter	
Approved plans to be onsite										
C14	A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Subject Site at all times and must be readily available for perusal by any officer of the Department, Council or the PCA.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times			Compliant	Review after SSD medication approvals	All approval documentation is stored on RCC project drive. Department of Planning Major Projects Planning Website	
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: 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	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision Periodic perimeter hoarding inspections	Photos of signage	

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	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.									
	Archaeology									
C16	The Historical Archaeologist nominated under condition B23 must be on-site to monitor all sub-surface works associated with excavation within areas of archaeological potential.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Earthworks supervision by qualified archaeologist	Archaeologist engagement letter Archaeologist site attendance records	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.
	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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision Worker induction	Induction presentation OEH Correspondence	GML monitored Stage 2 works near the existing AGNSW on 06/10/21, 26/10/21, 12/11/21, 18/02/21. Heritage items were exposed during the works and reported to Heritage NSW. Heritage NSW have responded to one item and accepted conservation insitu, and RCC/GML are waiting for response for the second find.
	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 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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Non-Triggered	Site supervision Worker induction	Induction presentation	
	Maritime Archaeology									
C19	If the pipelines are to be laid in a trench, arrangements must be made for the nominated maritime archaeologist to inspect the site during trenching or immediately upon completion of trenching but prior to installation of the pipes. If any relics are found during trenching, work must cease in that area and advice sought from the Nominated 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 OEH	-	N/A	-	-	-	-	-	-	-

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	Heritage Division for approval- The method of materials conservation, archival documentation and conservation and storage of any items recovered during any trenching works, prepared in accordance with condition B23, must be complied with.									
	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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Development and review of soil classifications by environmental consultant Environmental consultant review of all buildings and structures prior to demolition Hazardous Material Management Plan (HMMP) Asbestos Management Plan Construction Environmental Management Plan (CEMP) Site Supervision	Records of Department of Planning notification Recommencement Letter	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 footprint. An updated RAP has been developed are approved by the site auditor, remediation works are in progress.
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Construction Environmental Management Plan (CEMP) Site Supervision Council permit Water quality testing in accordance with CEMP Weekly environmental inspections	Approved CEMP CoS council permit Water quality test results and records	
	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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Periodic hoarding inspections	Timber Class A hoardings 2400mm. Site secure, as confirmed during site inspection with no areas of potential unauthorised entry observed during the site inspection. A site induction and swipe card system are in place to prevent unauthorised access to the site.	Improvement Notice – 7-417006 dated 5/5/22. Prohibition Notice - 61256 dated 3/5/22
	Hoarding/Fencing Requirements									
C23	The following hoarding requirements must be complied with: a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and b) the construction site manager must be responsible for the removal of all graffiti from any	N/A	CC1, CC2, CC3, CC4, CC5, CC6,	At all times	N/A	N/A	Compliant	Periodic hoarding inspections		

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/ CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	construction hoarding/fencing or the like within the construction area within 48 hours of its application.		CC7, CC8, CC9							
	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 Sulphate Soils Management Plan required by Part B of this consent are implemented during construction.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Non-Compliant	Weekly environmental inspections	Completed environmental inspections Records Photos	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. 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.' 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.
	Waste Management									
C25	Notwithstanding the WMP referred to in condition B65, the Applicant must ensure that: a) all waste generated by the development is classified and managed in accordance with the EPA's Waste Classification Guidelines Part 1: Classifying Waste 2009; b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste; c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour; d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises; e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Development and review of soil classifications by environmental consultant Waste tracking records Site Supervision Accredited traffic controllers	Soil classifications records EPA consignment Notices	Examples of consignment notices attached; full records can be made available upon request. Soil Classification register attached; full records can be made available upon request.
	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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Development and review of soil classifications by environmental consultant Site Supervision	Soil classifications records	
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	N/A	CC1, CC2, CC3,	At all times	N/A	N/A	Compliant	Asbestos Management Plan	Subcontractor Licences Environmental consultant clearance certificates	Subcontractor Individual Licences available upon request.

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	waste classification, disposal or site validation is undertaken.		CC4, CC5, CC6, CC7, CC8, CC9							
	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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision Accredited traffic controllers Weekly environmental inspections	Photos	
	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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	Prior to commencement	N/A	N/A	Compliant	Site supervision Accredited traffic controllers Weekly environmental inspections	Photos	
	Stockpile Management									
C30	The Applicant must ensure: 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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision Weekly environmental inspections	Photos	
	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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision Weekly environmental inspections	Photos	
	Dust Control Measures									

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
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: a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions; b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed; c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour; d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs; e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material; f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays; g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and h) cleaning of footpaths and roadways shall be carried out regularly.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision Weekly environmental inspections	Photos	
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision Accredited traffic controllers Construction Pedestrian Traffic Management Plan (CPTMP)		
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Displayed on hoardings - Periodic hoarding inspections	Call telephone number	
Acid Sulphate Soils										
C35	The Applicant must ensure that any acid sulphate soils (ASS) and potential acid sulphate soils (PASS) excavated or otherwise disturbed during construction is managed in accordance with: a) the Acid Sulphate Soil Management Plan for the site (condition B66); b) the Acid Sulphate Soils Manual 1988 (NSW Acid Sulphate Soil Management Advisory Committee); and c) the EPA's Waste Classification Guidelines 2014 (Part 4: Acid Sulphate Soils).	N/A	CC1, CC2, CC3	-	-	-	-	-	-	-

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
Bunding										
C36	The Applicant shall store all chemicals, fuels and oils used on-site in appropriately bunded 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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision Weekly environmental inspections	Photos	
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Construction Environmental Management Plan (CEMP) Council permit Weekly environmental inspections Site supervision	Approved CEMP CoS council permit	
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 A2) or removal is required in an emergency to avoid the loss of life or damage to property.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision Weekly environmental inspections	Arborist Reports	
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 Arboriculture Impact Assessment Report, dated November 2017 (Appendix AH in the EIS).	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Site supervision	Arborist Reports	
C40	A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments and that recommendations contained within the Arboriculture Impact Assessment Report, dated November 2017 (Appendix AH in the EIS) are carried out.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	N/A	Evidence of engagement and qualifications	Earthscape have been engaged for the project.
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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Periodic arborist inspections	Arborist inspection reports	
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.	N/A	CC1, CC2, CC3,	At all times	N/A	N/A	Not triggered	Worker inductions	Company and worker qualifications	

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
			CC4, CC5, CC6, CC7, CC8, CC9							
	Nominated Historical Archaeologist									
C43	The Nominated Historical Archaeologist (refer to condition B21) is to regularly inspect the site and provide ongoing advice to the tradespeople 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.	N/A	CC1, CC2, CC3, CC4, CC5, CC6, CC7, CC8, CC9	At all times	N/A	N/A	Compliant	Periodic inspections	Archaeologist engagement letter Archaeologist site attendance records	
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.	DPE and OEH	Prior to OC	Prior to occupation			Not triggered			
	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.	-	CC3	-	-	-	-	-	-	-
	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.	Certifier	Prior to OC	Prior to occupation			Not triggered			
	Public Domain and Landscaping Works									
D4	All public domain and landscape works are to be completed prior to occupation or commencement of use, with the exception of the forecourt plaza which must be completed within 6 months of the occupation or commencement of use.	N/A	Prior to OC	Prior to occupation (except forecourt plaza)			Not triggered			
	Operational Plan of Management									

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
D5	<p>Prior to occupation or commencement of the use, a new/updated Operational Plan of Management (OPM) prepared by a suitably qualified person shall be submitted to and approved by the Planning Secretary. The OPM must be prepared in consultation with Council and the Royal Botanic Gardens and Domain Trust. The OPM shall address (but not be limited to):</p> <p>a) operational strategies for the expanded Art Gallery of NSW (AGNSW); b) roles and responsibilities of key employees involved in overseeing the management and operation of the expanded AGNSW; c) hours of operation; d) event management, loading and unloading, sustainable travel, traffic, transport access and parking, pedestrian access, noise and vibration, heritage and conservation management, security and staff management, emergency management/evacuation and incident response protocols, alcohol and food management, occupational health and safety, infrastructure and services management, patron safety, waste management, water management, wayfinding and signage and lighting; and e) community consultation and complaints management procedures.</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>	N/A	Prior to OC	Prior to occupation			Not triggered			
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 TNSW (Sydney Coordination Office) and submitted to the Certifying Authority. The GTP must be prepared in consultation with Council, RMS and TNSW (Sydney Coordination Office). The GTP shall outline all measures proposed to increase the mode share of walking and cycling to the site and expanded AGNSW.</p> <p>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>	Certifier	Prior to OC	Prior to occupation			Not triggered			
Loading Dock and Vehicle Management Plan										

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
D7	<p>Prior to occupation or commencement of the use, a Loading Dock and Vehicle Management Plan (LDVMP), prepared by a suitably qualified person, shall be endorsed by TfNSW (Sydney Coordination and Metro Delivery Offices), RMS and Council and submitted to the Certifying Authority. The LDVMP must outline all measures to be implemented to ensure the safe and efficient operation of the loading dock and to minimise disruption to neighbouring properties, Lincoln Crescent and the adjacent road network. The LDVMP shall address (but not be limited to):</p> <ul style="list-style-type: none"> a) loading dock management details including service vehicle movements during peak periods, the maximum size and number of vehicles per day, and staggering of delivery times throughout the loading dock operating period; b) restriction on the use of vehicle reversing alarms between 9 pm and 7 am; c) closure of the loading dock door during loading dock activities; d) no collection of glass waste (i.e. bottles) between 6 pm and 7 am Monday to Saturday and 6 pm and 8 am Sundays and public holidays; e) ensure timing of HRVs is managed to minimise internal loading dock conflict; f) consider pre-booking of deliveries to manage timing of loading dock access; g) management of incidents at the access to the loading dock entry from Lincoln Crescent; h) confirm that the vehicle access and circulation areas are designed in accordance with the relevant Australian Standards, including for loading dock areas; i) management of conflicts between vehicles accessing the loading dock and staff car and bicycle parking; j) management of conflicts between vehicles accessing the site and pedestrian movements adjacent to the site; 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>A copy of the LDVMP must be provided to the Planning Secretary.</p>	Certifier	Prior to OC	Prior to occupation			Not triggered			
	Waste Management Plan									
D8	<p>Prior to the commencement of use, an updated Waste Management Plan (WMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The WMP must be prepared in consultation with Council and the EPA. The WMP must outline all measures that would be implemented to ensure the effective management of operational waste associated with the development. The WMP must outline how waste would be minimised, handled, stored and disposed of in accordance with the relevant guidelines and legislation. Prior to the commencement of use, a copy of the WMP must be submitted to Council, the EPA and the Planning Secretary.</p>	Certifier	Prior to OC	Prior to occupation			Not triggered			

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Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	Operational Noise and Vibration Management Plan									
D9	<p>Prior to occupation or commencement of the use, an Operational Noise and Vibration Management Plan (ONVMP) prepared by a suitably qualified person shall be submitted to the Planning Secretary for approval. The ONVMP must be prepared in consultation with Council and the EPA. The ONVMP shall include (but not be limited to):</p> <p>a) be prepared in accordance with the EPA's Industrial Noise Policy</p> <p>b) identify nearby sensitive receivers and land uses;</p> <p>c) identify the noise limits applying to the development;</p> <p>d) identify all key sources of operational noise and vibration, including from patrons departing the venue by midnight;</p> <p>e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise noise and vibration including for the proposed café and associated outdoor terrace and from patrons departing the venue by midnight;</p> <p>f) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Acoustic Report (dated 28 February 2018) in Appendix P of the RTS and the supplementary Acoustic Report (dated 4 July 2018) in Appendix G of the RTSAR (dated 8 August 2018);</p> <p>g) include a suitable proactive noise and vibration monitoring program which aims to ensure the noise and vibration criteria in this consent are not exceeded.</p> <p>Prior to the commencement of use, a copy of the approved NVMP must be submitted to Council, the Certifying Authority and the EPA.</p>	DPE	Prior to OC	Prior to occupation			Not triggered			
	Mechanical Ventilation									
D10	<p>Following completion of the works, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the PCA, prior to the use of the development, that the installation and performance of the mechanical systems complies with:</p> <p>a) the Building Code of Australia;</p> <p>b) Australian Standard AS1668 and other relevant codes;</p> <p>c) the development consent and any relevant modifications; and</p> <p>d) any dispensation granted by the Fire and Rescue NSW.</p>	Certifier	Prior to OC	Prior to occupation			Not triggered			
	Crime Prevention Through Environmental Design									
D11	<p>Prior to the commencement of use, evidence shall be submitted to the Certifying Authority demonstrating the recommendations of the CPTED Report 16 February 2018 (Appendix O of the RTS) 9 October 2020 (Appendix J of Mod 4) dated 30 November 2021 (Appendix B of Section 4.55 Modification 7) (condition B67) have been fulfilled.</p>	Certifier	Prior to OC	Prior to occupation			Not triggered			

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	Internal Air Quality									
D12	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.	Certifier	Prior to OC	Prior to occupation			Not triggered			
	Road Damage									
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.	N/A	Prior to OC	Prior to occupation			Not triggered			
	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.	N/A	Prior to OC	Prior to occupation			Not triggered			
	Parking Restrictions									
D15	The Applicant shall ensure it has obtained approval from Council's Pedestrian Cycling and Traffic Calming Committee in relation to the requirements of condition D15 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.	Council	Prior to OC	Prior to occupation			Not triggered			
	Sydney Water Compliance									
D16	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" 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.	Sydney Water	Prior to OC	Prior to occupation			Not triggered			
	Utility Providers									
D17	Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.	Relevant utilities	Prior to OC	Prior to occupation			Not triggered			
	Fire Safety Certification									
D18	Prior to the occupation or commencement of use of the development, a Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.	Certifier	Prior to OC	Prior to occupation			Not triggered			
	Structural Inspection Certificate									

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
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.	Certifier	Prior to OC	Prior to occupation			Not triggered			
Post- Construction Dilapidation Report										
D20	Prior to occupation or commencement of the use: a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. b) the report is to be submitted to the Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Certifying Authority must: c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and e) a copy of this report is to be forwarded to the Council and the Planning Secretary and each of the affected property owners.	Certifier	Prior to OC	Prior to occupation			Not triggered			
Waste and Recycling Collection										
D21	Prior to the occupation or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.	N/A	Prior to OC	Prior to occupation			Not triggered			
Food Premises – Health Registration Database										
D22	Prior to the commencement of food handling operations, the proprietor of the food premises must notify and register the food premises with Council's Health and Building Unit and the NSW Health Department at www.foodnotify.nsw.gov.au prior to the opening of the premises.	Council	Prior to OC	Prior to commencement of food handling operations			Not triggered			
D23	Prior to the commencement of food handling operations, the proprietor of the food premises must notify the NSW Health Department of the following information: a) contact details of the food business including the name of the food business and the name and address of the proprietor; 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.	Health Department	Prior to OC	Prior to commencement of food handling operations			Not triggered			
Sanitary Facilities for Disabled Persons										

Conditions of Consent SSD-6471										
Cond	Condition Requirement	Approver	Stage/ CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
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 B47	Certifier	Prior to OC	Prior to occupation			Not triggered			
Protection of Public Infrastructure										
D25	Unless the Applicant and the applicable authority agree otherwise, the Applicant must: (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.	N/A	Prior to OC	If required			Not triggered			
Public Domain Works – Hold Points and Handover										
D26	Prior to a Certificate of Completion being issued for public domain works 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.	Council	Prior to OC	Prior to certificate of completion being issued			Not triggered			
Fuel Bunker Wall Greening Plan and Implementation										
D27	Prior to the occupation or commencement of use, a landscape plan, endorsed by OEH Heritage Division, illustrating the proposed greening of the east facing fuel bunker wall, shall be prepared for review and approved by the Planning Secretary. The approved plan must be implemented prior to the occupation or commencement of use.	DPE	Prior to OC	Prior to occupation			Not triggered			
Interpretation Strategy										
D28	An Interpretation Strategy for the development must be prepared by a suitably qualified heritage interpretation practitioner and submitted to the OEH Heritage Division for review and endorsement. 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. The strategy is to include: a) interpretation objectives and principles for the site and the proposal; b) a targeted analysis of the significance of the place and the primary and secondary interpretation themes and messages for the site; c) identify the most effective options for delivery of interpretive programs (e.g. signage, artwork, interpretation as part of the new building, events, activities, guided tours, publications, internet etc.); and	Certifier and DPE	Prior to OC	No timing specified			Not triggered			

Conditions of Consent SSD-6471

Cond	Condition Requirement	Approver	Stage/ CC	Timing	Date Lodged	Date approved	November 2021 Status	Monitoring Methodology	Evidence	Comments/Notes
	d) methods for monitoring and evaluating the implementation of the strategy. 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. 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.									
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. Groundwater is not to be abstracted from the site for beneficial use.	Certifier	Prior to OC	At completion of relevant works			Not triggered			
D30	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. 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.	NSW Heritage, TfNSW, Transurban & Planning Secretary	Prior to OC	Prior to occupation			Not triggered			

Appendix A: Complaints Register

Period of December 2021 to May 2022 – Updated 9/5/22

CR No.	Date of Complaint	Complainant	Nature of Complaint	RESPONSE PROVIDED	RESPONSE DATE	Complaint status
64	7/12/2021	Community Member	Pedestrians exiting Gallery access tunnel hidden from southbound approaching vehicles.	RCC initially introduced additional pedestrian warning signage. Subsequently, a section of shade cloth has been removed from the slip lane barrier fence panels on approach to the crossing to improve visibility between southbound vehicles and pedestrians. Repainting of the zebra crossing has also been undertaken to ensure the crossing is highly visible.	8/12/2021	CLOSED
65	14/12/2021	Local Precinct Stakeholder	Fixings from pedestrian tunnel joint cover plate missing, causing a trip hazard.	RCC reinstated fixings to secure the cover plate.	15/12/2021	CLOSED
66	27/12/2021	Community Member	Temporary steel road plates on Art Gallery Road are unsuitable for cyclists.	RCC has introduced asphalt ramping surrounding the road plates.	29/12/2021	CLOSED
67	7/01/2022	Local Precinct Stakeholder	Automated traffic lights on Art Gallery Road caused significant delays to traffic departing the precinct following a major event.	Dual carriageway is now being restored daily on Art Gallery Road to eliminate the need of evening management of contraflow system via automated traffic lights.	11/01/2022	CLOSED
68	13/01/2022	Local Precinct Stakeholder	Workers loitering around Wharf Terraces property during break periods.	RCC acknowledged that this has been an ongoing issue, however, assured that it is one we continue to take seriously. RCC was able to identify those involved with the images provided, and this was formally raised with the senior personnel responsible for the offending persons. This matter was also addressed with the wider project team at RCC's pre-start meeting the following morning.	14/01/2022	CLOSED
69	1/02/2022	Local Resident	Early noise on a Saturday morning	RCC confirmed site activity occurred prior to 8am, which was a result of a miscommunication around the conclusion of temporarily extended weekend work hours. Miscommunication has now been rectified.	7/02/2022	CLOSED
70	18/02/2022	Community Member	Insufficient traffic control	RCC investigated this matter internally and held a Toolbox Talk with the traffic management team.	18/02/2022	CLOSED
71	1/03/2022	Local Precinct Stakeholder	Illegal Parking on Lincoln Crescent	Matter raised both internally and with wider project team, urging all team leaders to address the issue with their project personnel as a matter of priority.	7/03/2022	CLOSED
72	15/03/2022	Community Member	Accessibility Issues and lack of bicycle parking	Additional signage placed on the Domain side of Art Gallery Road to advise of accessible pathway that links to the accessible ramp at the AGNSW. Additional wayfinding to hoarding also applied. RCC traffic controllers to advise visitors with access needs of the alternative pathway. Due to construction constraints, safety and security considerations and restricted space, currently no provision for temporary bicycle parking. Upon completion and opening of new building, improved permanent bicycle parking will be available.	4/05/2022	CLOSED
73	16/03/2022	Local Precinct Stakeholder	Illegal Parking on Lincoln Crescent	RCC acknowledged this has been an ongoing issue and arranged for traffic cones to be placed out each morning to prevent unauthorised parking here.	18/03/2022	CLOSED
74	24/03/2022	Local Precinct Stakeholder	Streetlight out on Lincoln Crescent	RCC confirmed that this light has not been isolated as part of SMP works. Also advised that upon visual inspection the light control panel appears to be rusted, which may be the cause of the issue.	28/03/2022	CLOSED
75	28/04/2022	Local Precinct Stakeholder	Poor lighting conditions around hoarding on Art Gallery Road	RCC installed external lighting to the hoarding perimeter to improve visibility for staff and patrons leaving the precinct after hours.	4/05/2022	CLOSED
76	6/05/2022	Community Member	Insufficiently lit accessways	RCC has confirmed that this matter is currently being investigated and will be in touch shortly with a further response,	9/05/2022	OPEN