

INDEPENDENT AUDIT REPORT

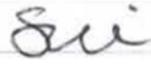
SYDNEY MODERN – SSD 6471

MARCH 2021

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CONTENTS

Executive Summary	1
1. Introduction	2
1.1 Project overview	2
1.2 Approval requirements.....	4
1.3 The audit team	4
1.4 The audit objectives.....	5
1.5 Audit scope.....	5
2. Audit methodology	7
2.1 Audit process overview	7
2.2 Audit process detail	8
2.2.1 Audit initiation and scope development.....	8
2.2.2 Preparing audit activities.....	8
2.2.3 Site personnel involvement.....	9
2.2.4 Meetings.....	9
2.2.5 Interviews	10
2.2.6 Site inspection	10
2.2.7 Document review	10
2.2.8 General audit findings.....	10
2.2.9 Compliance evaluation.....	10
2.2.10 Evaluation of post approval documentation	10
2.2.11 Completing the audit	11
3. Audit findings	12
3.1 Approvals and documents audited and evidence sighted	12
3.2 Non-compliances, Observations and Actions.....	12
3.3 Adequacy of Environmental Management Plans, sub-plans and post approval documents	19
3.4 Project’s EMS.....	19
3.5 Summary of notices from agencies.....	19
3.6 Other matters considered relevant by the Auditor or DPIE.....	19
3.7 Complaints	19

3.8 Incidents.....	20
3.9 Actual versus predicted impacts	20
4. Conclusions	24
5. Limitations	25
Appendix A – SSD 6471 Conditions of consent.....	26
Appendix B – CEMP & sub-plan mitigation measures	80
Appendix C – Planning Secretary agreement of Independent Auditors	88
Appendix D – Consultation records	90
Appendix E – Meeting sign on sheet.....	91
Appendix F – Site inspection photos	93
Appendix G – Declaration forms.....	104

EXECUTIVE SUMMARY

Infrastructure New South Wales (INSW) are responsible for delivering the Sydney Modern Gallery Project (SMP, or the Project), a major expansion of the Art Gallery of New South Wales (AGNSW). The SMP comprises a new stand-alone five level building, including the adaptive re-use of a former World War II Navy fuel bunker. Richard Crookes Construction (RCC) has been appointed the principal contractor on behalf of INSW and the proponent (the Art Gallery of NSW).

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

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

This Audit Report presents the findings from the second Independent Audit for the construction period. Works undertaken during the audit period (April 2020 to March 2021) include completion of demolition, ongoing remediation, hazardous materials removal and earthworks and commencement of foundations, structures and cut in of high level services.

The overall outcome of the Independent Audit was positive. Compliance records were well organised and available at the time of the site inspection and interviews with RCC personnel on 10 March 2021, and in response to requests for information and online as provided by INSW and RCC.

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

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

- There were 160 CoCs assessed.
- There was a total of eight non-compliances identified against eight CoCs. These related to the late notification of an incident, a non-compliance and a document review, implementation of a Dewatering Plan and obstruction of the public way.
- There were eight observations identified in relation to reporting to the Department, the Dewatering Plan, truck movements, Road Occupancy Licences, heritage work and training in air quality management.
- All six findings identified as open at the previous Independent Audit are considered closed.

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

1. INTRODUCTION

1.1 Project overview

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

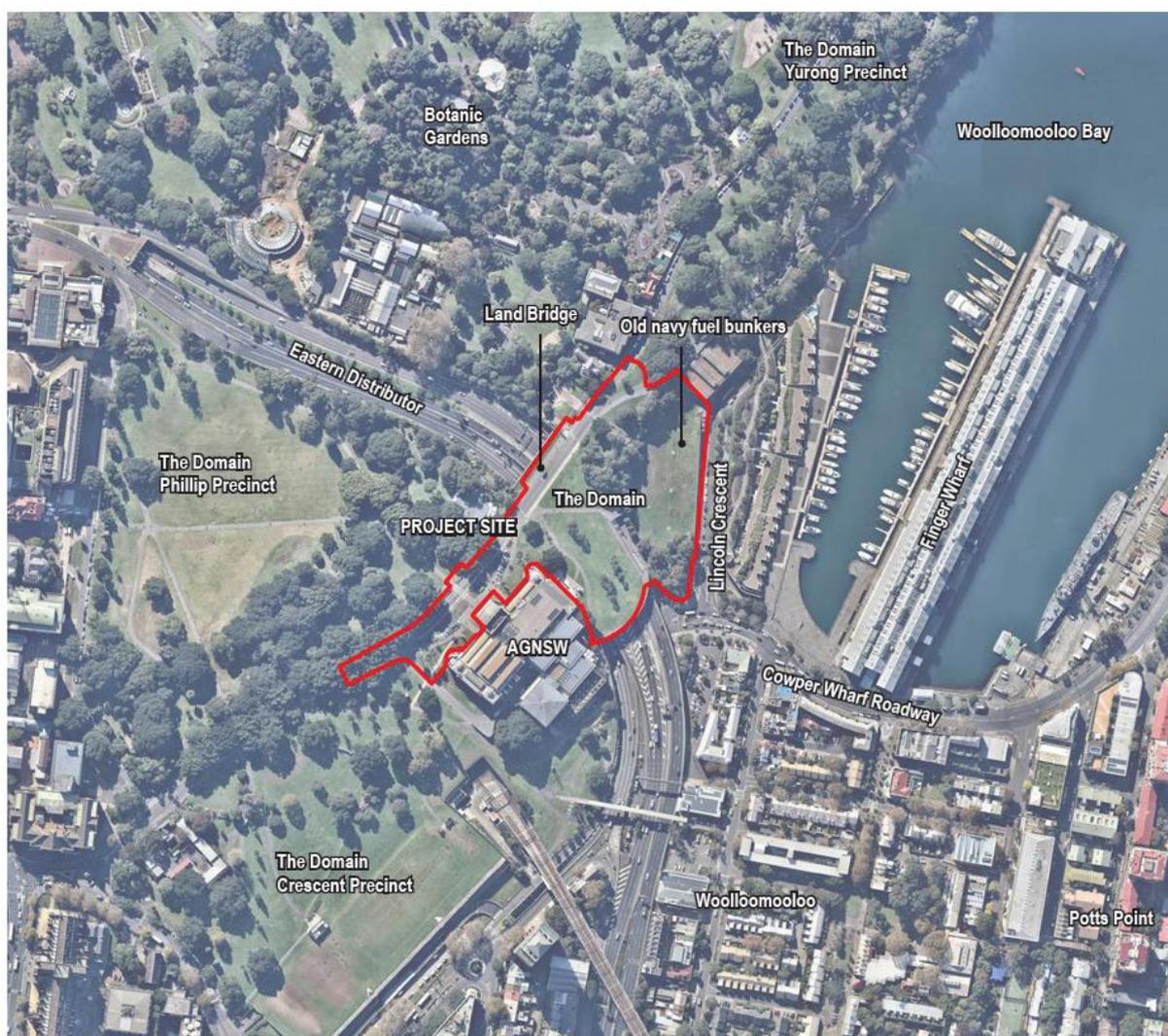


Figure 1: SMP location (source: Clouston Associates, Visual Impact Assessment for SSD 6471)

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

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

- Site preparation works, including:
 - site clearing, including demolition of a former substation, part of road surfaces, kerbs and traffic islands, pedestrian crossings, footpaths, retaining walls, stairs, and part of the underground former Navy Fuel Bunker
 - tree removal
 - soil remediation works.
- Construction of a new building comprising:
 - covered public Entry Plaza
 - five building levels, including an entry pavilion following the site topography down to Lincoln Crescent
 - retention of part of the former underground naval fuel bunker for use as a gallery space and support spaces
 - art exhibition spaces
 - outdoor publicly accessible terraces
 - shop and café
 - multipurpose and educational spaces
 - ground level loading dock (accessed via Lincoln Crescent) with associated art handling facilities, workshops, conservation studio, service parking, plant, and storage areas.
- Landscaping and public domain improvements including:
 - continuation of the east-west pedestrian link over the land bridge between the Domain and Woolloomooloo Bay, including a new dedicated lift structure for universal access
 - improved public access of the north-south pedestrian link
 - enhancement of public open space on the land bridge to create a landscape and art connection between the two buildings
 - hard and soft landscaping to roofs and terraces
 - plantings and new pathways
 - increased landscaped area to the forecourt of the existing AGNSW building and removal of car parking
 - relocation of selected trees to the south-eastern corner of the site

- installation of a sound barrier at the edge of the land bridge
- upgrade works to part of Art Gallery Road, Cowper Wharf Road, Mrs Macquarie's Road, and Lincoln Crescent, including new pedestrian crossings
- provision of vehicle drop-off points including a taxi stand, private vehicle drop-off and bus/coach drop-off, at Art Gallery Road
- installation of cooling towers fed by harvested rainwater
- diversion, extension and augmentation of physical infrastructure and utilities as required.

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

On 17 September 2019 a modification to development consent SSD 6471 was approved (SSD 6471 MOD 1) which provided for design changes, including the addition of cooling towers in place of a seawater heat exchange system, changes to fire stairs, egress and public access areas, and additional excavation and associated landscaping.

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

On 18 November 2020 a third modification to the consent was approved (SSD 6471 MOD 3) which involved minor design amendments and amendment to Condition B37 (Bicycle Parking) and Condition E2 (Hours of Operation).

Richard Crookes Construction (RCC) has been appointed the principal contractor on behalf of INSW. Construction commenced on 2 December 2019. Works undertaken during the audit period (April 2020 to March 2021) include completion of demolition, ongoing remediation, hazardous materials removal and earthworks and commencement of foundations, structures and cut in of high level services.

1.2 Approval requirements

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

1.3 The audit team

In accordance with Schedule 2, CoC B14 and Section 3.1 of the IAPAR, Independent Auditors must be suitably qualified, experienced and independent of the Project, and appointed by the Planning Secretary. The Audit Team comprises:

- Derek Low (Auditor): Master of Environmental Engineering Management, Exemplar Global Certified Principal Environmental Auditor (Certificate No 114283)

- Steve Fermio (Auditor): Bachelor of Science (Hons), Exemplar Global Certified Principal Environmental Auditor (Certificate No 110498)

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

1.4 The audit objectives

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

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

- a) the Independent Audit Program submitted to the Department under condition B13 of this consent; and*
- b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018).*

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

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

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

1.5 Audit scope

This Independent Audit relates to the Project works from April 2020 to March 2021.

The scope of the Independent Audit comprises:

- an assessment of:
 - CoCs applicable to the phase of the development that is being audited
 - post approval documents prepared to satisfy the CoCs, including an assessment of the implementation of Environmental Management Plans and Sub-Plans; and
 - all environmental licences and approvals applicable to the development (excluding environmental protection licences issued under the *Protection of the Environment Operations Act 1997*).
- an assessment of the environmental performance of the development, including but not necessarily limited to, an assessment of:
 - actual impacts compared to predicted impacts documented in the environmental impact assessment
 - the physical extent of the development in comparison with the approved boundary, and any potential off-site impacts

- incidents, non-compliances and complaints that occurred or were made during the audit period
 - the performance of the development having regard to agency policy and any particular environmental issues identified through consultation carried out when developing the scope of the audit; and
 - feedback received from the Department, and other agencies and stakeholders, including the community, on the environmental performance of the project during the audit period.
- a review of the status of implementation of previous Independent Audit findings, recommendations and actions (if any)
 - a high-level review of the Project's environmental management systems, including assessment of any third-party certification of them, the type, nature and scope of the systems having regard to the nature and scale of the development, and the implementation of the systems
 - a high-level assessment of whether Environmental Management Plans and Sub-Plans are adequate; and
 - details of any other matters considered relevant by the Auditor or the Department, taking into account relevant regulatory requirements and legislation and knowledge of the development's past performance.

2. AUDIT METHODOLOGY

2.1 Audit process overview

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

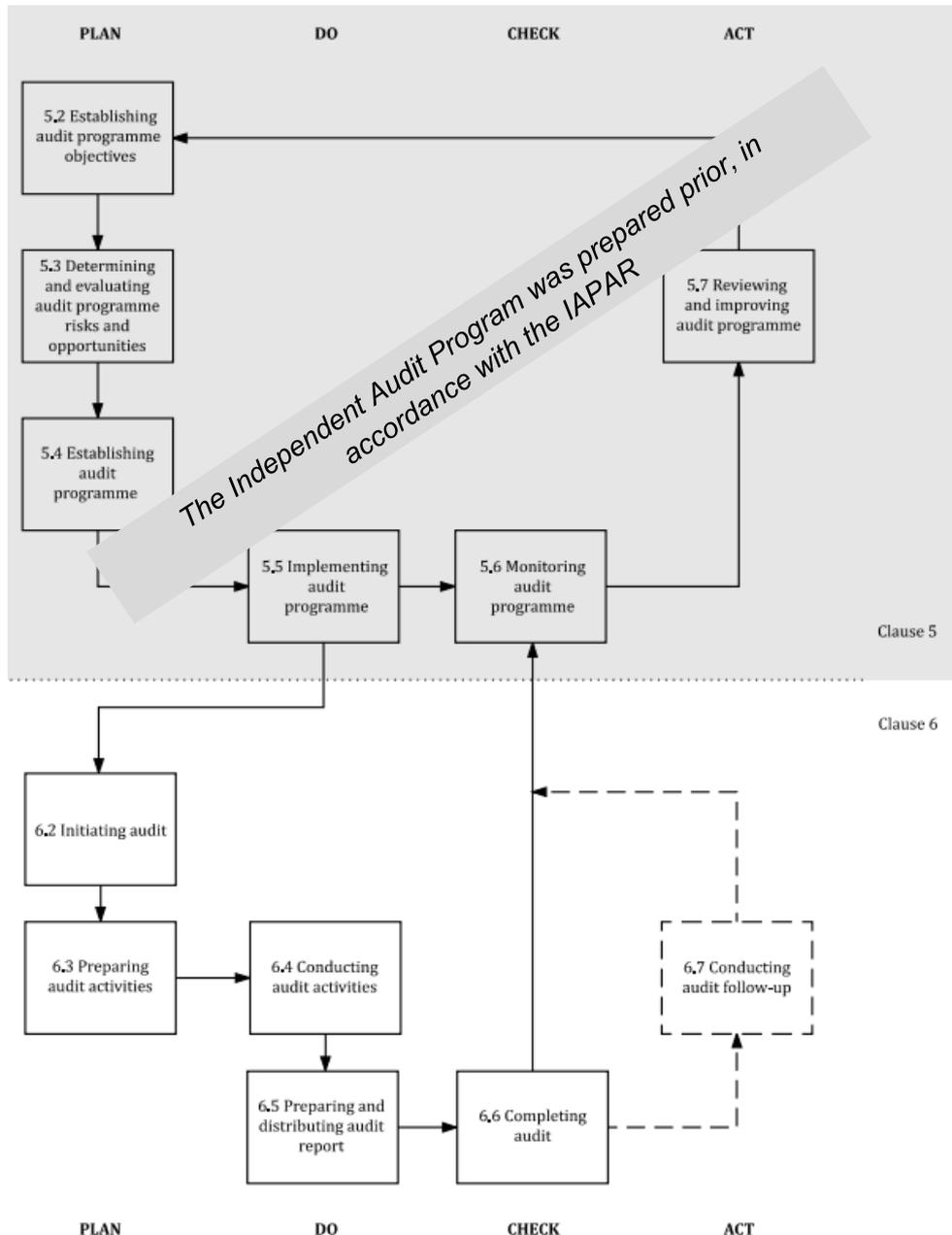


Figure 2: Audit activities overview (modified from AS/NZS ISO 19011). Subclause numbering refers to the relevant subclauses in the Standard.

2.2 Audit process detail

2.2.1 Audit initiation and scope development

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

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

WolfPeak consulted with the Department on 17 February 2021 and both the City of Sydney Council and Heritage NSW on 9 March 2021. Consultation was conducted to obtain input into the scope of the Independent Audit in accordance with Section 3.2 of the IAPAR. The consultation records are presented in Appendix D. A summary of the key issues and areas of focus raised by the stakeholders is presented in Table 1.

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

Stakeholder	Issues and Focus	How Addressed
Department of Planning, Industry, and Environment	The Department requests that the Auditor consult with Council and Heritage NSW and that the Independent Audit be conducted in accordance with CoC B14 and the 2018 IAPAR.	Consultation undertaken. The Independent Audit has been completed in accordance with CoC B14 and the 2018 IAPAR.
Heritage NSW	No response	-
City of Sydney	The City of Sydney confirmed that there are no additional items beyond the existing scope to be examined.	-

2.2.2 Preparing audit activities

The Auditor performed a document review, prepared an audit plan, and prepared work documents (audit checklists) and distributed to the Project team in preparation for the Independent Audit. The primary documents reviewed prior to and after the site visit are as follows:

- Environmental Impact Statement for State Significant DA SSD 6471 Art Gallery of NSW Expansion Project – Sydney Modern, Rev D, Architectus Group Pty Ltd, 3 November 2017 (the EIS)
- Response to Submissions Addendum Art Gallery of NSW Expansion Project - Sydney Modern, Architectus, 8 August 2018 (the RtS)
- Development Consent SSD 6471 dated 20 November 2018 and Modifications 1 – 3 (the Consent, or SSD 6471)

- Sydney Modern Project Art Gallery of New South Wales expansion Community Communications Strategy, Richard Crookes Construction, October 2019, Rev4 (the CCS)
- Environmental Management Plan Sydney Modern Project 1178, Richard Crookes Constructions, 8 October 2019 (the CEMP)
- Construction Pedestrian and Traffic Management Plan Sydney Modern Project Art Gallery of NSW Expansion, Transport and Traffic Planning Associates, Issue C, October 2019 (CPTMP)
- Construction Noise and Vibration Management Plan, The Art Gallery of NSW Sydney Modern Development, White Noise Acoustics, Revision 0, 18 October 2019 (the CNVMP)
- Air Quality and Odour Management Plan Sydney Modern Gallery Art Gallery Road Sydney NSW, Coffey Services Australia Pty Ltd, Revision RCC Final, 22 October 2019 (the AQOMP)
- Waste Management Plan Sydney Modern 1178, Richard Crookes Constructions, 10 October 2019 (the WMP).
- Hazardous Materials Management Plan Sydney Modern Art Gallery, Coffey Services Australia Pty Ltd, Revision R02, 22 October 2019 (the HMMP)
- Unexpected Finds Procedure Sydney Modern Gallery Art Gallery Road Sydney NSW, Coffey Services Australia Pty Ltd, Revision EB_UFP, 15 October 2019 (UFP)

Other documents referred to as evidence within Appendices A and B were also sighted.

2.2.3 Site personnel involvement

The on-site audit took place on 10 March 2021. The following personnel participated in the audit:

- Jesse Moss – Senior Project Engineer (RCC)
- Matthew Dymond – Senior Project WHSE Advisor (RCC) – inspection only.
- Derek Low – Auditor (WolfPeak).

The Auditor notes that other personnel were not available on the day of the on-site component as a result of the Auditor needing to reschedule at late notice due to a personal matter. Representatives from RCC and INSW that are not listed above were involved in preparing for the Independent Audit, responding to requests for information issued by the Auditor and responding to the draft Audit Report.

2.2.4 Meetings

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

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

2.2.5 Interviews

The Auditor conducted interviews during the site inspection with key personnel involved in Project delivery, including those with responsibility for environmental management, to assist with verifying the compliance status of the development. All other communication was conducted remotely, which included detailed request for information and auditee responses to the request.

2.2.6 Site inspection

The on-site audit activities took place on 10 March 2021. The on-site audit activities included an inspection of the site and work activities. Photos are presented in Appendix F.

2.2.7 Document review

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

2.2.8 General audit findings

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

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

2.2.9 Compliance evaluation

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

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

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

2.2.10 Evaluation of post approval documentation

The Auditor assessed whether post approval documents:

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

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

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

2.2.11 Completing the audit

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

3. AUDIT FINDINGS

3.1 Approvals and documents audited and evidence sighted

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

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

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

3.2 Non-compliances, Observations and Actions

This Section, including Table 2, presents the non-compliances and observations from the Independent Audit. Recommended actions in response to each of the findings are also presented. Detailed findings against each requirement are presented in Appendix A and B. In summary:

- There were 160 CoCs assessed.
- There was a total of eight non-compliances identified against eight CoCs. These related to the late notification of an incident, a non-compliance and a document review, implementation of a Dewatering Plan and obstruction of the public way.
- There were eight observations identified in relation to reporting to the Department, the Dewatering Plan, truck movements, Road Occupancy Licences, heritage work and training in air quality management.
- All six findings identified as open at the previous Independent Audit are considered closed.

Table 2 Audit findings and actions

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
Actions previously open from the first Independent Audit						
1	CoC B2	Non-compliance	<p>Condition B2 requires the development shall be subject to a Design Integrity process (DIP) in consultation with the Government Architect NSW (GANSW). The Applicant is required to submit evidence that the DIP has been established, including confirmation of support for the process from the GANSW, within 3 months of the date of consent.</p> <p>The Design Integrity Report describes how design excellence and integrity will be achieved in accordance with Condition B2. Evidence of the implementation of the DIP was discussed during the audit and progress had been made such as the scheduling of meetings as required. Panel members are listed in Section 2 of the Design Integrity Report. The report also details dates they have met prior to approval being granted.</p> <p>Support by GANSW had not yet been obtained at the time of the audit. Support from GANSW was required within 3 months of Stamped drawings 20/11/2019, OR the determination dated 20/11/2019.</p> <p>An email from INSW to DPIE was sighted during the audit, dated 20/02/2019 explaining they are in the process of scheduling a meeting with the Government Architect to discuss the DIP, prior to formalisation.</p>	Support for the DIP from GANSW to be obtained	INSW Prior to the next audit	CLOSED On 25/10/19 the Department confirmed that the AGNSW had satisfied the requirements of CoC B2, B3 and B4 through its Design Integrity Report and supporting information.
2	CoC B10	Non-compliance	<p>Condition B10 requires that the Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done.</p> <p>Upload of the Compliance Report had not occurred at the time of the audit, and the 60-day timeframe had expired.</p>	Make the Compliance Report publicly available	INSW Prior to the next audit	CLOSED The Compliance Report is available on the website. Refer to finding in relation to CoC B10 for the current Audit Period below.
3	CoC B56	Non-compliance	<p>Condition B56 requires a Road Occupancy Licence (ROL) to be obtained from the relevant road authority under section 138 of the <i>Roads Act 1993</i> for any activity that may impact on the operation of Lincoln Crescent and Cowper Wharf Road.</p> <p>There was one occurrence during the audit period for the use of Lincoln Crescent for the delivery of oversized plant, dated 16 January 2020.</p> <p>While a TCP had been prepared, and approval was obtained from the City of Sydney Council (Letter from CoS to DECC, RE: Vehicle Access Permit, dated 14/01/2020) confirming approval of the oversized Vehicle Access Permit, the ROL was not available.</p> <p>The ROL was not available for review during the audit.</p>	Obtain a copy of the ROL for the delivery of oversize plant via Lincoln Crescent, 16/01/2020	RCC Prior to the next audit	CLOSED ROLs for Oversize and Overmass movements and crane erection sighted.
4	CoC C4	Non-compliance	<p>Condition C4 lists situations during which works can be undertaken outside of the approved working hours and include:</p> <p>a) by the Police or a public authority for the delivery of vehicles, plant or materials; or b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.</p> <p>RCC confirmed there was one instance of works outside of hours during the audit period. A delivery of two excavators was received on 16/01/2020 between 3am-5am via Lincoln Crescent.</p> <p>A permit was issued by CoS for works between 11pm-5am, M-F and 5am-10am Sat, valid from 14/01/2020-14/01/2021. Permit conditions included vehicle height, weight and length, and restriction of travel routes. The subcontractor (Planthaul Pty Ltd) was required to seek approval for a ROL from the Traffic Management Centre and Permit from NSW Police Traffic and Highway Patrol Command prior to travel.</p>	Obtain a copy of the ROL from the Traffic Management Centre and Permit from NSW Police Traffic and Highway Patrol Command for out of hours works on 16/01/2020	RCC / Planthaul Pty Ltd Prior to the next audit	CLOSED ROLs for Oversize and Overmass movements and crane erection sighted. Refer to finding in relation to CoC C4 for the current Audit Period below

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
			The ROL and Police Permit were not available for review during the audit.			
5	C30	Observation	<p>Condition C30 requires the following conditions are met in relation to stockpile management:</p> <ul style="list-style-type: none"> a) stockpiles of excavated material do not exceed 4 metres in height; b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and c) suitable erosion and sediment controls are in place for stockpiles <p>a) RCC advised work platforms had been established at the site for the operation of piling rigs. Stockpiles appeared very high when viewed from the bottom of the site at Lincoln Crescent.</p> <p>b) Coffey were engaged to manage the stockpiling and segregation of contaminated soil removed from the site. There was no evidence of cross contamination at the time of the audit.</p> <p>c) Erosion and sediment controls were in place across the site. Stockpiles in the centre of the site were observed to have partially washed away during high rainfall events.</p> <p>Stockpile control measures in place at the time of the audit were ineffective in controlling sediment runoff in one location. Stockpile height appeared to exceed 4m when viewed from Lincoln Crescent.</p> <p><i>The auditee provided a response to this finding as follows: As discussed onsite, whilst the embankment witnessed looks to be a stockpile, it is in fact this is a piling platform required to enable shoring piling. The location of this shoring is unique due to the line of piling being placed on a steep existing embankment, and therefore the batter replicates the existing embankment. We're unable to construct this platform another way due to site constraints. We do not deem this a non-compliance.</i></p> <p>The Auditor has considered this information and agrees that the stockpile on site is being used as a piling pad and therefore stockpile requirements are not strictly applicable. However the Auditor observes that the piling pad lacked appropriate erosion and sediment control measures and, therefore, could result in fugitive dust or cross contamination in unfavourable conditions (high winds or heavy rain).</p>	Provide evidence of the installation of more effective erosion and sediment control measures in the centre of the site (above the former fuel bunkers), e.g. coir logs or sediment fence at the base of the piling pad.	RCC Prior to the next audit	CLOSED The erosion and sediment control plan remains unchanged. As the site is essentially sealed (with structures progressing) the project is turning off controls as relevant. Controls sighted during the inspection appeared consistent with the plan and adequate.
6	HMMP Section 10.3	Non-compliance	<p>Section 10.3 of the HMMP states that prior to implementing asbestos controls at the site, Coffey recommends that consultation with stakeholders including, the adjoining properties is carried out to alleviate concerns associated with asbestos, which may arise during removal works.</p> <p>There was no evidence to demonstrate that this consultation had occurred.</p>	Undertake consultation with identified stakeholders and address issues raised.	RCC Prior to undertaking any further asbestos removal works.	CLOSED WITH COMMENTS The auditee provided correspondence between the Project representatives and the Royal Botanic Gardens Trust regarding the content of the revised Remediation Action Plan. There continues to be no evidence that consultation with any other stakeholders including, the adjoining properties has been carried out to alleviate concerns associated with asbestos. The site is now essentially sealed with structures well underway. Only small pockets of land with the potential contamination present remain. The likelihood of encountering any significant areas of asbestos is negligible

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
Findings for the March 2021 Independent Audit						
1	CoC A3	Observation	<p>CoC A3 states that the Planning Secretary may make written directions to the Applicant in relation to:</p> <ul style="list-style-type: none"> 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 contained in any such document referred to in Condition A3(a) above. <p>On 25/06/20, RCC notified the Department of an unexpected find of contamination under C20. On 26/06/20 the Department gave direction to recommence works and submit the clearance certificates once complete (with no specific deadline identified). On 01/03/21 RCC provided clearance certificates, 8 months after the clearance certificates were received.</p>	Notification was provided after the event.	NA	CLOSED
2	CoC A9	Non -compliance	<p>CoC A9 requires that within three months of:</p> <ul style="list-style-type: none"> a) the submission of a Compliance Report under condition B9; b) the submission of an incident report under condition A12; c) the submission of an Independent Audit under condition B13; d) the approval of any modification of the conditions of this consent; or e) the issue of a direction of the Planning Secretary under condition A2 which requires a review, <p>the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p> <p>This requirement for review has been misinterpreted by RCC. A review strategies, plans and programs required under this consent has not been undertaken within three months of any of the triggering events and, therefore, notification of such a review has not been undertaken.</p>	Undertake a review of the strategies, plans and programs and notify the Department of the review.	RCC / INSW Within 3 months of the next triggering event	OPEN
3	CoC A12	Non- compliance	<p>CoC A12 required that the Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.</p> <p>Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.</p> <p>A crane breakdown event occurred on 30/01/21. The Department was notified on the same day. Formal written notification was provided on 08/02/21 (which was beyond the 7 day deadline as specified in Appendix 1 of the consent).</p>	Notification was provided after the specified deadline.	NA	CLOSED
4	CoC A13	Non-compliance	<p>CoC A13 requires that the Department must be notified in writing to compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of any non-compliance. The PCA must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance</p>	Notification was provided after the specified deadline.	NA	CLOSED

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
			A late concrete pour running over the standard construction hours occurred on the 23/11/20. Immediate notification was provided to the Department on the same day. Neighbors were notified the next morning. Formal written notification was provided on 01/12/20 (more than 7 days after the event).			
5	CoC B10	Non-compliance	CoC B10 requires that the Applicant must make each Compliance Report publicly available no later than 60 days after submitting it to the Department and notify the Department in writing at least 7 days before this is done. The Compliance Reports are publicly available, however the Department was not notified in writing at least 7 days prior of publishing them on the Project website. Notification was provided on 12/03/21, after the on-site component of the Independent Audit.	Notification was provided after the specified deadline.	NA	CLOSED
6	CoC B15	Non-compliance	CoC B15 requires that 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 B12 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 notify the Department in writing at least 7 days before this is done. No evidence was available to demonstrate that the Department was notified of publication of the first Independent Audit Report. The website includes the Independent Audit Report, but not the response to the findings, as required by part c) of this condition.	Notify the Department of the publication of the response to the first Independent Audit Report, then publish the response.	INSW 30/04/21	OPEN
7	CoC B56	Observation	CoC B56 requires that a Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the Roads Act 1993 for any activity that may impact on the operation of Lincoln Crescent and Cowper Wharf Road. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities. Evidence demonstrates that the ROL for the tower crane erection works was granted by the Road Authority 6 days prior to the subject works occurring. However the evidence does not demonstrate that the Project allowed a minimum of 10 working days for processing. The Auditor observes that it is the Road Authority that determines the dates and times by which the road can be accessed. These are specified within the ROL. In circumstances where the Road Authority determines a date in the ROL that is less than 10 working days from the date of lodgment of the application, the Project must either <ul style="list-style-type: none"> • comply with the date assigned to the ROL (and incur a non-compliance with this condition) or • not use the approved ROL (so as to comply with the condition) and have to repeat the application process until such time as the 10 day processing time is achieved. 	Allow a minimum of 10 working days for processing ROL applications.	RCC Prior to next event requiring a new ROL	OPEN
8	CoC C4	Non-compliance	CoC C4 states that 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.	The Project should review the remaining program of works and determine whether any further Out of Hours Works (OOHW) that do not comply with this condition are required.	RCC / INSW Prior to next IA	OPEN

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
			<p>A crane breakdown event occurred on 30/01/21 which required construction works to extend beyond the permissible hours. The Department was notified on the same day. Formal written notification was provided on 08/02/21 (which was beyond the 7 day deadline as specified in Appendix 1 of the consent).</p> <p>A late concrete pour running over the standard construction hours occurred on the 23/11/20. Immediate notification was provided to the Department on the same day. Neighbors were notified the next morning. Formal written notification was provided on 01/12/20 (more than 7 days after the event).</p> <p>Demolition over the Eastern Distributor occurred beyond standard construction hours on 21/02/21 as directed by the road authority, notified to the Department on 23/02/21.</p>	If further OOHW are required and they do not comply with this condition, then it is recommended that the Project seeks a modification.		
9	CoC C8	Observation	<p>CoC C8 requires that heavy vehicles and oversized vehicles must not queue or idle on Art Gallery Road, Mrs Macquaries Road or Lincoln Crescent outside of construction zones awaiting access to the Subject Site.</p> <p>There was a complaint on 03/06/20 that related to a truck parking on Lincoln Crescent. The project reprimanded the driver.</p> <p>Additionally a semi-trailer was observed, by the Auditor during the on-site component of the Independent Audit, to arrive northbound on Art Gallery Road at approximately 0850am. The truck was then sighted entering the site from the north at 1000am.</p> <p>In both these instances it is unclear if the trucks were queuing or idling as stated by this condition.</p>	Reissue training or communication to transport companies working on the Project on the requirements on arriving and leaving the site.	RCC 30/04/21	OPEN
10	CoC C13	Non-compliance	<p>CoC C13 requires that any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.</p> <p>The City of Sydney approval to dewater groundwater approves the DECC Dewatering Management Plan (which details the process for dewatering rainwater and stormwater collected on the project footprint that seeps into the basement). This Dewatering Plan was revised by Central Plumbing but continued to use the same Dewatering Plan as previously approved by Council. This was pursuant to advice from Council about their preference to continue the use of the existing approved plan.</p> <p>The approved Dewatering Plan commits to checking for hydrocarbon sheens and odours, and periodic sampling of hydrocarbons and BTEX via laboratory analysis. According to the CETEC test reports, there does not appear to be any check for hydrocarbons or odours etc. The last laboratory analysis of collected water was from July 2020.</p>	Implement the monitoring and inspection program within the approved Dewatering Plan.	RCC Prior to next discharge event	OPEN
11	CoC C21	Observation	<p>CoC C21 requires that 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.</p> <p>This finding relates to the same issue as that identified for CoC C13.</p> <p>The approved Dewatering Plan commits to checking for hydrocarbon sheens and odours, and periodic sampling of hydrocarbons and BTEX via laboratory analysis. According to the CETEC test reports, there does not appear to be any check for hydrocarbons or odours etc. The last laboratory analysis of collected water was from July 2020. Whilst there is no check for these pollutant markers, the Auditor cannot confirm whether the pollutants were in fact present in discharged waters.</p>	Implement the monitoring and inspection program within the approved Dewatering Plan. Only discharge where the criteria is achieved.	RCC Prior to next discharge event	OPEN
12	CoC C25	Observation	<p>CoC C25 requires that notwithstanding the Waste Management Plan referred to in condition B63B65, the Applicant must ensure that:</p> <ul style="list-style-type: none"> c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour 	Complete clean up around the eastern boundary (Lincoln Crescent).	RCC 30/04/21	OPEN

Item	Ref.	Type	Details of item	Proposed or completed action	By whom and by when	Status
			Small amounts of litter and old sediment bags was observed on the eastern boundary (Lincoln Crescent), which requires housekeeping.			
13	CoC C33	Non-compliance	<p>CoC C33 requires that the public way must not be obstructed other than as specified in the Construction Pedestrian Traffic Management Plan and Section 138 permit, by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.</p> <p>At the site inspection it was observed by the Auditor that a section of the Lincoln Crescent footpath was closed to pedestrians without sufficient controls in place to maintain safety. It is also noted that TCP21222 requires pedestrians to be safely directed onto the road and around the site access. This arrangement contradicts the Council Hoarding Works Approval which requires pedestrians to be directed to the opposite footpath prior to reaching the site.</p>	Install alternative access arrangements in accordance with Council requirements.	RCC 30/04/21	OPEN
14	CoC C37	Observation	<p>CoC C37 states that no approval is granted to pollute waters. All water discharge from the site must meet all requirements of the Protection of the Environment Operations Act 1997.</p> <p>This finding relates to the same issue as that identified in CoC C13 and C21.</p> <p>The approved Dewatering Plan commits to checking for hydrocarbon sheens and odours, and periodic sampling of hydrocarbons and BTEX via laboratory analysis. According to the CETEC test reports, there does not appear to be any check for hydrocarbons or odours etc. The last laboratory analysis of collected water was from July 2020. Whilst there is no check for these pollutant markers, the Auditor cannot confirm whether the pollutants were in fact present in discharged waters.</p>	Implement the monitoring and inspection program within the approved Dewatering Plan. Only discharge where the criteria is achieved.	RCC Prior to next discharge event	OPEN
15	CoC C42	Observation	<p>CoC C42 requires that all heritage work must be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar structures, materials and methods.</p> <p>The extent of potential heritage works being undertaken during the audit period involve cutting holes in the remaining World War 2 tank and replacing structural uprights. This is a continuation of demolition works undertaken to remove one of the tanks.</p> <p>The works need to be conducted by suitably qualified persons in concrete cutting and concreting (DECC, Demartin and Gasparini). These works have been supervised but not undertaken by, GML. GML confirmed that it monitored works in the tanks on 30/06/20, 08/07/20, 29/07/20, 25/08/20, 08/10/20. No issues were identified.</p>	Verify the intent and scope of the condition and ensure appropriate trades are engaged to complete the work	RCC Prior to next audit	OPEN
16	CoC C24	Observation	<p>CoC C24 requires that the Project must ensure the requirements of the Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, Construction Pedestrian Traffic Management Plan, Construction Waste Management Plan, Geotechnical Design, Certification and Monitoring Plan, Tree Protection Plan, Air Quality and Odour Management Plan and Acid Sulfate Soils Management Plan required by Part B of this consent are implemented during construction.</p> <p>Mitigation measure AQ1 from the AQOMP states that training will be provided to all Project personnel, including subcontractors, on sound air quality control practices and the requirements of the AQOMP through inductions, toolboxes and targeted training.</p> <p>There is no evidence to demonstrate that this training has been delivered.</p>	Deliver training in accordance with the AQOMP.	RCC 30/04/21	OPEN

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

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

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

A review was conducted of the:

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

The auditor considers these documents to be adequate.

3.4 Project's EMS

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

3.5 Summary of notices from agencies

Refer to finding in relation to CoC A3. The Department has provided a number of directions to the Project in relation to the submission of the response to the findings in the first Independent Audit, the Independent Audit Report, the Compliance Reports and management of asbestos. These directions were complied with, noting the observation identified for CoC A3.

3.6 Other matters considered relevant by the Auditor or DPIE

Other than the observations and non-compliances identified (presented in Table 2 above) there were no other matters considered relevant by the Auditor. No issues were raised by the Department during the consultation in preparation for this Independent Audit.

3.7 Complaints

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

www.artgallery.nsw.gov.au/sydney-modern-project/about/project-status/

There were 44 enquiries or complaints from the period April 2020 to March 2021. The register details the nature of the complaint or enquiry. The register lists all 44 of these enquiries or complaints as closed.

Noteworthy is the number of complaints made in relation to truck routes, movements and parking. Whilst action has been taken by the Project team it is worth maintaining vigilance in this area, and the Auditor notes that further training would be of value (refer finding in relation to CoC C8).

3.8 Incidents

One notifiable incident occurred during the audit period. A Crane breakdown event occurred on the 30 January 2021. The Department was notified on the same day. Formal written notification was provided on 8 February 2021 (which was beyond the 7-day deadline as specified in Appendix 1 of the consent).

3.9 Actual versus predicted impacts

The audit considered the actual impacts arising from the carrying out of the Project (current works include establishment of environmental controls and site facilities, demolition and hazardous materials removal and vegetation removal) and whether they are consistent with the relevant impacts predicted in the EIS. A summary of the assessment is presented in Table 3.

Table 3 Summary of predicted versus actual impacts

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
Tree management (EIS, section 6.2)	Of 220 trees in the vicinity of the site, a total of 140 trees were predicted to require removal to facilitate the construction of the Gallery including 42 trees of low and very low retention value, 91 trees of moderate retention value and 7 trees of high retention value.	Earthscape (project Arborist) have been retained by the Project to advise on the removal, transplanting and protection of trees on site, consistent with their Horticultural Services Arboricultural Impact Assessment Report v9, dated 3/11/2017 (which formed part of the EIS). The Arborist has not identified material any issues in their inspection reports that indicate a departure from what is approved.	Y
Heritage (EIS, section 6.5)	A Heritage Impact Statement (HIS) was prepared by GML Heritage to assess the potential heritage impacts of the proposed Sydney Modern Project, including potential impacts on built heritage and heritage landscapes, and Aboriginal and non-Aboriginal archaeology.	Impacts to heritage were consistent with those predicted in the HIS during the audit period. RCC and INSW reported no unexpected heritage finds during the audit period. The GML Heritage Induction forms part of the site induction process, required by all workers accessing the site. GML reports on their inspections of the works indicate that works are satisfactory.	Y
Groundwater (EIS, section 6.11)	Given the proposed depth of excavation works, it was predicted that the proposed development would encounter onsite groundwater.	A Dewatering Plan has been prepared and approved by Council. Refer to the findings in relation to CoC C13, C21 and C37.	Y

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
	<p>As a result, groundwater management measures were predicted to be required and to be incorporated into the Construction Environmental Management Plan.</p>		
<p>Contamination (EIS, section 6.12)</p>	<p>Predicted impacts to soil and groundwater included impacts related to the former navy fuel bunker, proposed for use as a gallery space.</p> <p>A Remediation Action Plan (RAP) was prepared by Coffey, that upon implementation, would deem the site suitable for the proposed development through remediation and validation.</p>	<p>An amendment to the RAP was completed following an unexpected find during the previous audit period. It sets out the approach to be adopted for the extended areas affected by contamination across the site. The amended RAP was endorsed by the Contaminated Sites Auditor on 19/06/20.</p> <p>The amended RAP appears to have been implemented with the contamination consultants issuing clearance certificates progressively as each area has been cleared.</p> <p>Unexpected finds were encountered, which required removal. These were reported to the Department on 25/06/20. The Department subsequently approved the recommencement of works.</p> <p>Some small pockets of land identified as potentially contaminated within the Project footprint. Some work within these areas is pending (high voltage installation, landscaping etc).</p> <p>Sign off of the remediation works by the Contaminated Sites Auditor is pending.</p>	<p>Y</p>
<p>Sediment, erosion and dust controls (EIS, section 6.18)</p>	<p>Predicted impacts included the risk of sediment and other waste washed into the drainage system and carried to downstream water bodies during construction.</p> <p>Dry and windy conditions were also predicted to result in dust impacts from unsealed roads and exposed surfaces, which may cause the dust to become airborne. This may cause a potential nuisance to adjacent occupants and in some instances, pose a health risk.</p>	<p>Erosion and sediment controls were in place across the site during the audit. There was no evidence of uncontrolled runoff to offsite areas, or pollution in the vicinity of the site discharge point to the harbour.</p> <p>Several dust complaints were received during the audit period, but the project has provided evidence of dust controls being implemented on site. Refer CoC C32.</p>	<p>Y</p>
<p>Construction traffic (EIS, section 6.26)</p>	<p>Construction activities on the site were predicted to generate vehicle trips</p>	<p>Actual impacts to construction traffic and parking aligned with predicted</p>	<p>Y</p>

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
	<p>primarily along Art Gallery Road. Lincoln Crescent was predicted to be the main access for demolition and earthworks given the works being undertaken for the Fuel Bunker.</p> <p>During construction, the delivery of heavy machinery was predicted to be undertaken outside of peak hours to minimise impact on the broader road network.</p> <p>Predicted impacts were also made to on-street car parking areas to minimise impacts of construction loading areas and work areas on Art Gallery Road and Lincoln Crescent.</p>	<p>impacts, as observed during the site inspection and discussed during the audit.</p> <p>This included the location of construction traffic along Lincoln Crescent, and the need for works outside of hours for the delivery of oversize plant.</p> <p>Four car parking spaces were taken for project parking, as agreed between AGNSW and the RBG.</p> <p>Noteworthy is the number of complaints made in relation to truck routes, movements and parking. Whilst appropriate action has been taken by the Project Team it is worth maintaining vigilance in this area</p>	
Construction noise (EIS, section 6.26)	<p>The EIS predicted the management of noise during construction would be critical to ensure an acceptable level of impact to the nearest sensitive receivers.</p> <p>The management of noise control by the contractor will require preparation of a detailed Construction Noise and Vibration Management Plan (CNVMP). During construction, noise levels must not exceed those set out under Section 5.3.1 of the Acoustic Report (Appendix U to the EIS).</p>	<p>Refer to finding in relation to CoC C7.</p> <p>White Noise Acoustics have developed a CNVMP for the project, which references the ICNG. Noise and vibration monitoring has been conducted as required by the CNVMP during the audit period.</p> <p>Other mitigation measures include the installation of hoarding around perimeter of site (A Class) @2.4m high (exceeding the BCA requirement of 1.5m); and the use of pulverizers on machines for demolition.</p> <p>Electric powered crane (rather than diesel powered) is being used on site.</p> <p>A live link to real-time noise monitoring is available on the svannet website.</p> <p>Affected residents are provided with monthly updates, which are also posted on the project website.</p> <p>In addition, plant maintenance regimes are implemented and noise reduction requirements, including</p>	Y

Aspect	Summary of predicted impacts	Summary of actual impacts observed during audit period	Consistent (Y/N)
		<p>working hours and respite periods, are included in the site induction.</p> <p>The complaints register indicates that there have been several noise complaints received during the audit period. The Project investigated with support of their acoustic consultant and considered the noise impacts to be consistent with the NVMP</p>	

4. CONCLUSIONS

This Audit Report presents the findings from the second Independent Audit for the construction period, covering the period from April 2020 to March 2021.

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

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

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

- There were 160 CoCs assessed.
- There was a total of eight non-compliances identified against eight CoCs. These related to the late notification of an incident, a non-compliance and a document review, implementation of a Dewatering Plan and obstruction of the public way.
- There were eight observations identified in relation to reporting to the Department, the Dewatering Plan, truck movements, Road Occupancy Licences, heritage work and training in air quality management.
- All six findings identified as open at the previous Independent Audit are considered closed.

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

5. LIMITATIONS

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APPENDIX A – SSD 6471 CONDITIONS OF CONSENT

*SSD 9477 MOD 1, MOD 2 and MOD 3 amends conditions of consent by the deletion of strikethrough text and the inclusion of bold and underlined text.

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
SCHEDULE 2				
Part A Administrative conditions				
Obligation to Minimise Harm to the Environment				
A1	In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development.	Evidence referred to elsewhere in this Audit Table	The proponent has demonstrated that reasonable and feasible measures are being implemented to prevent or minimise harm to the environment.	C
Terms of Consent				
A2	<p>The development may only be carried out:</p> <ul style="list-style-type: none"> a) in compliance with the conditions of this consent; b) in accordance with all written directions of the Planning Secretary; c) generally in accordance with the EIS and Response to Submissions; d) in accordance with the approved plans in the table below: 	<p>Environmental Impact Statement for State Significant DA SSD 6471 Art Gallery of NSW Expansion Project – Sydney Modern, Rev D, Architectus Group Pty Ltd, 3 November 2017 (the EIS)</p> <p>Response to Submissions Addendum Art Gallery of NSW Expansion Project - Sydney Modern, Architectus, 8 August 2018 (the RtS)</p> <p>Approved plans stamped (2018 and 2020) available on site.</p> <p>s4.44 Modification plans available on site.</p> <p>Interview with auditees 10/03/21</p> <p>Evidence referred to elsewhere in this Audit Table</p>	<p>The Project is being constructed in general accordance with the EIS and RtS (subject to the consent and modifications 1-3)</p> <p>The approved plans are the basis of the IFC drawings.</p> <p>There have been no written directions from the Planning Secretary.</p> <p>Whilst some non-compliances were identified, these were administrative in nature and were not substantial or significant in number. Other than these few events, compliance is being achieved in all other respects, and on this basis the Auditor does not consider it appropriate to assign a non-compliance with this condition.</p> <p>In all other respects the Project is complying with the consent. On this basis the Auditor is of the opinion that compliance with this condition is being achieved.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status																																																								
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	DA_1003.5	B	Lower Level 3 Mezzanine	22/08/19		
	DA_1004	J	Lower Level 3 Plan – Demolition Plan	06/08/18		
	DA_1005.0	J K	Lower Level 3 Plan – Proposed Plan (confidential)	06/08/18 24/05/19 06/07/20		
	DA_1005	H L	Lower Level 3 Plan – Proposed Plan	06/08/18 09/09/20		
	DA_1006	J	Lower Level 4 Plan – Demolition Plan	06/08/18		
	DA_1007.0	J K	Lower Level 4 Plan – Proposed Plan (confidential)	06/08/18 01/07/20		
	DA_1007	H I	Lower Level 4 Plan – Proposed Plan	06/08/18 01/07/20		
	DA_2000	K	Sections AA & BB	06/08/18		
	DA_2001	K	Sections CC & DD	06/08/18		
	DA_2002	F	Perspective Section Sheet 1	06/08/18		
	DA_2003	F	Perspective Section Sheet 2	06/08/18		
	DA_2004	F G	Perspective Section Sheet 3	06/08/18 01/07/20		
	SMP-C-1300 X01	3 C	Bulk Earthworks Plan	20/07/18 30/04/20		
	DA_2006	D	Proposed Excavation Sections	06/08/18		
	DA_2009	A	Perspective Section Sheet 4	01/07/20		
	DA_2051	A	Section 1 and 2 – Zone B	22/08/19		
	DA_2052	A B	Section 3 and 4 – Zone B	22/08/19 23/07/20		
	DA_2053	A	Section 1 and 2 – Zone M	01/07/20		
	DA_2054	A	Section 3 and 4 – Zone M	01/07/20		
	DA_2055	A	Section 1 and 2 – Plant room	01/07/20		
	DA_3000	J	North and South Elevations	06/08/18		
	DA_3001	J	East and West Elevations	06/08/18		
	DA_3002	F	Overall West Elevation	06/08/18		
	DA_3010	E	North Part Elevation A	06/08/18		
	DA_3011	E	North Part Elevation B	06/08/18		
	DA_3012	E	South Elevation	06/08/18		
	DA_3013	E	East Part Elevation A	06/08/18		
	DA_3014	E	East Part Elevation B	06/08/18		
	DA_3015	E	West Part Elevations	06/08/18		
	DA_5000	I J	Gross Floor Area Calculation	06/08/18 06/07/20		
	DA_5001	J K	Gross Floor Area Diagrams	06/08/18 06/07/20		
	DA_6001	A	External Materials	21/09/18		
Subdivision Drawings prepared by Ysco Geomatics						
	0714/12C Sheet 1 of 2	-	Proposed subdivision of Lot 34 in DP 39586	18/10/18		
	0714/12C	-	Proposed subdivision of Lot 34 in DP 39586	18/10/18		

Sheet 2 of 2			
0741/14C Sheet 1 of 3	-	Proposed subdivision of part of Eastern Distributor, being Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	22/10/18
0741/14C Sheet 2 of 3	-	Proposed subdivision of part of Eastern Distributor, being Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	22/10/18
0741/14C Sheet 3 of 3	-	Proposed subdivision of part of Eastern Distributor, being Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	22/10/18
0741/13C	-	Proposed subdivision of land bridge over Eastern Distributor, being Lot 3001 in Subdivision of Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	23/10/18
Landscape Drawings prepared by McGregor Coxall			
Drawing No.	Revision	Name of Plan	Date
DA_00-01	U W X	Landscape Masterplan – Roof	14/08/18 28/05/19 <u>03/07/20</u>
DA_00-02	U W X	Landscape Masterplan – GF Level	14/08/18 28/05/19 <u>03/07/20</u>
DA_10-01	G	Vernon Curtilage	14/08/18
DA_10-02	G	Entry Plaza	14/08/18
DA_10-03	G ↓ ↓	Fuel Bunker Garden	14/08/18 28/05/19 <u>03/07/20</u>
DA_10-04	G H	Sandstone Woodland	14/08/18 <u>03/07/20</u>
DA_10-05	G H	Art Garden	14/08/18 <u>03/07/20</u>
DA_00-15	T	Tree Significance	07/08/18
DA_00-17	G H I	14/08/18 <u>Cooling Tower Corner</u>	14/08/18 19/07/19 <u>03/07/20</u>
DA_00-18	H	Tree Significance – High	14/08/18
DA_00-19	G	Tree Significance – Medium	07/08/18
DA_00-20	G	Tree Significance – Low	07/08/18
DA_20-01	F	Sections	14/08/18
DA_20-02	E	Sections	01/08/18
DA_20-03	G	Sections	14/08/18
DA_30-01	H	Plant Palette	01/08/18
DA_30-02	H	Plant Palette	01/08/18
DA_30-03	J	Plant Palette	07/08/18
DA_30-04	S	Existing Tree Plan	01/08/18
DA_30-05	U W X	Trees Proposed	14/08/18 28/05/19 <u>03/07/20</u>
<u>DA_50-01</u>	H I	<u>Cooling Tower Sections</u>	19/07/19 <u>03/07/20</u>

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SK_90-22	C	Sea Water Heat Exchange Upper Room — ISO/Section	15/03/18													
A3	<p>Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:</p> <p>a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and</p> <p>b) the implementation of any actions or measures contained in any such document referred to in Condition A3(a) above.</p>	<p>Letter RCC to DPIE, 01/06/20</p> <p>Letter DPIE to RCC, 26/06/20</p> <p>Email, RCC to DPIE 01/03/21</p> <p>Email, DPIE to RCC 25/05/20 directing the Project to submit the response to the previous audit findings separate to the Audit Report, sighted.</p> <p>Second email notifying the Department of the non-conformances and corrective actions dated 24/03/20, sighted.</p> <p>Letter from RCC to Department titled 'Non Compliance Notification' dated 01/06/20.</p> <p>Letter DPIE to AGNSW, 02/11/20 (Compliance Report 2 content)</p> <p>Letter DPIE to AGNSW, 21/12/20 (Compliance Report 2 content)</p>	<p>DPIE provided direction regarding the submission of the response to the findings in the first Independent Audit, the Independent Audit Report, the Compliance Reports and management of asbestos. These directions were complied with, noting the observation below.</p> <p>Observation: On 25/06/20, RCC notified the Department of an unexpected find of contamination under C20. On 26/06/20 the Department gave direction to recommence works and submit the clearance certificates once complete (with no specific deadline identified). On 01/03/21 RCC provided clearance certificates, 8 months after the clearance certificates were received.</p>	C												
A4	<p>The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2(c).</p> <p>In the event of an inconsistency, ambiguity or conflict between any of the documents listed in Condition A2(c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.</p> <p>Note: For the purposes of this condition, there will be an inconsistency between documents if it is not possible to comply with both documents, or in the case of a condition of consent or direction of the Planning Secretary, and a document, if it is not possible to comply with both the condition or direction, and the document.</p>	<p>These conditions of consent and documents referred to elsewhere in this audit table</p>	<p>This audit assesses compliance with the conditions of consent and the direction as noted in Condition A3. No inconsistency or conflicts have been identified during the audit.</p>	NT												
Limits on Consent				C												
A5	<p>This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.</p>	<p>Group DLA letter to Planning Secretary, dated 29/11/2019</p> <p>SSD6471 Sydney Modern Development Consent, dated 20/11/2018</p> <p>Site inspection 10/03/21</p>	<p>Letter to DPIE, dated 29/11/2019 states commencement of building works will be 48 hours after the date of the letter. This date is within 5 years of the date of the consent.</p>	C												
Prescribed Conditions																
A6	<p>The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.</p>	<p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p>	<p>Part 6, Division 8A of the EPAA relates to prescribed conditions for:</p> <ul style="list-style-type: none"> - compliance with the BCA - erection of signs 	C												

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		<p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Site inspection 10/03/21</p>	<ul style="list-style-type: none"> - residential building work (not relevant) - entertainment venues (not relevant to CC1) - signage for max number of persons for venues (not relevant to construction) - shoring and adjoining properties (none adjoining) <p>The issue of CC by the Certifier demonstrates compliance with the BCA to the extent of works that it covers.</p> <p>Signage observed complied with requirements.</p> <p>Shoring required is under the Eastern Distributor (as the adjoining property). Other adjoining properties are the AGNSW (to the south) and the Ausgrid asset (to the north).</p>	
Long Service Levy				
A7	For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.	<p>Letter, LSL Corp to RCC 23/10/19</p> <p>Levy Receipt, dated 28/10/2019, 02/02/21, 11/05/20.</p>	<p>Approval to pay \$616, 797 levy in instalments.</p> <p>Payments 3 of 4 have been made.</p>	C
Legal Notices				
A8	Any advice or notice to the consent authority must be served on the Planning Secretary.	Interview with auditees 10/03/21	No notices being served were identified	NT
Revision of Strategies, Plans and Programs				
A9	<p>Within three months of:</p> <ul style="list-style-type: none"> a) the submission of a Compliance Report under condition B9; b) the submission of an incident report under condition A12; c) the submission of an Independent Audit under condition B13; d) the approval of any modification of the conditions of this consent; or e) the issue of a direction of the Planning Secretary under condition A2 which requires a review, <p>the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p> <p>If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.</p> <p>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</p>	<p>Modification of Development Consent approval (MOD 1 approval), dated 17/09/19</p> <p>Modification of Development Consent approval (MOD 2 approval), dated 13/12/19</p> <p>Modification of Development Consent approval (MOD 2 approval), dated 11/12/19</p> <p>Compliance Report 2 submission 22/10/20</p> <p>Compliance Report 3 submission 30/11/20</p> <p>Post approval portal lodgment record, 08/02/21 (crane breakdown)</p>	<p>Non-compliance: This requirement for review has been misinterpreted by RCC. A review strategies, plans and programs required under this consent has not been undertaken within three months of any of the triggering events and, therefore, notification of such a review has not been undertaken.</p>	NC
Evidence of Consultation				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
A10	Where conditions of this consent require consultation with an identified party, the Applicant must: <ol style="list-style-type: none"> a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and b) provide details of the consultation undertaken including: <ol style="list-style-type: none"> i. a description of how matters raised by those consulted have been resolved to the satisfaction of both the Applicant and the party consulted; and ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved. 	Refer to the evidence sighted in relation to CoCs B2, B3, B61, B62, B63, B69	Evidence demonstrates that consultation has been carried out in accordance with the conditions. Records were available.	C
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: <ul style="list-style-type: none"> • Under Part 4A of the EP&A Act, the Applicant is required to obtain construction certificates for the proposed building works. • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development 	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).	The issue of the Crown Certificate by the Certifier verifies that the BCA requirements are being implemented.	C
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.	Post approval portal lodgment record, 08/02/21 (crane breakdown) Records of incidents current to 09/03/21	Non-compliance: Crane breakdown event occurred on 30/01/21. The Department was notified on the same day. Formal written notification was provided on 08/02/21 (which was beyond the 7 day deadline as specified in Appendix 1 of the consent).	NC
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 compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.	Post approval portal lodgment record, 01/02/20 (concrete pour) Post approval portal lodgment record, 23/02/21 (demo over ED) Letter, Transurban to RC, 19/02/21	Non-compliance: Late concrete pour running over the standard construction hours on the 23/11/20. Immediate notification was provided to the Department on the same day. Neighbors were notified the next morning. Formal written notification was provided to the Department on 01/12/20 (more than 7 days after the event). Demolition over the Eastern Distributor occurred beyond standard construction hours on 22/02/21 as directed by the road authority, which was notified on 23/02/21 in accordance with this condition.	NC
A14	The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Refer to the evidence in response to CoC A13	Refer to the finding in response to CoC A13.	C
A15	A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Refer to the evidence in response to CoC A12 and A13	Refer to the finding in response to CoC A12 and A13.	C

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Monitoring and Environmental Audits				
A16	<p>Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, noncompliance notification and independent environmental auditing.</p> <p>Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.</p>	<p>White Noise Acoustics, Noise and Vibration Monitoring Results, 05/01/21</p> <p>RCC calibration register, Sydney Modern, current to 09/03/21.</p> <p>Dust monitoring report, Coffeys, July 2020</p> <p>Silica monitoring report, Coffeys, June 2020</p> <p>Asbestos air monitoring report, Coffeys, August 2020</p> <p>Water quality monitoring report, CETEC, December 20</p>	<p>The relevant section of the EPA&A Act refers to (among other things) the need to be accurate, true (not misleading), properly conducted (approved methodology, calibrated etc.) and with records retained.</p> <p>Appropriately qualified companies have been engaged by RCC to undertake monitoring as required, e.g. White Noise Acoustics, Coffeys. The monitoring reports indicate that the monitoring was conducted properly and instruments calibrated. Records were readily available.</p> <p>This audit forms the first Independent Audit under Condition B13 for the project.</p>	C
Applicability of Guidelines				
A17	References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.	NA	Note	NT
A18	However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.	Refer to evidence in response to CoC A3 and A16	<p>Refer to finding in response to CoC A3 and A16.</p> <p>No direction with regarding monitoring. The relevant guidelines appear to be implemented.</p>	C
Operation of Plant and Equipment				
A19	<p>All plant and equipment used on site, or to monitor the performance of the development must be:</p> <p>a) maintained in a proper and efficient condition; and</p> <p>b) operated in a proper and efficient manner.</p>	<p>RCC Plant Register current to 09/03/21</p> <p>RCC Project Management Plan</p> <p>Plant 113 induction checklist, 16/02/21</p> <p>Form 25.3 RCC Plant Induction Checklist, sighted 14/02/2020</p> <p>RCC Sydney Modern induction records</p> <p>Plant/Equipment Induction Checklist No. 144 Form 25.3 RCC dated 21/02/2021</p>	<p>Requirements for the maintenance of plant and equipment are included in the RCC PMP.</p> <p>The Plant Register includes frequencies and logs for inspections and maintenance of all plant and equipment on site, predominantly subcontractor plant.</p> <p>A Plant and equipment induction checklist is utilised for all plant and equipment brought to site. The process involves, plant inducted, logged on plant register, request maintenance logs (see example of piling rig), filed, request operator's manual and ensure it is kept with equipment.</p> <p>VOCs for operators are requested, RCC induction undertaken, copies of licences, white cards, HR works licences etc., Rix contractors also conduct a pre-delivery inspection.</p>	C
Alternate Engineering Plans				

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A20	<p>Any structure located partly or wholly over the land bridge, must be designed and constructed so they are capable of being vertically supported by alternate means if the land bridge is removed or altered.</p> <p>If significant works to, or removal of, the land bridge is proposed in the future, and if directed by the Planning Secretary, the Applicant must prepare and submit to the Planning Secretary's satisfaction, updated engineering plans demonstrating any structure located partly or wholly over the land bridge can be vertically supported by alternate means.</p> <p>A separation application shall be lodged with the relevant consent authority for the updated engineering plans and associated works.</p>	<p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Structural Design Certificate, 09/03/20, Arup.</p>	<p>The structure has been designed so that it is capable of being vertically supported by alternative means. This was verified via the Design Certificate and the Crown Certificate.</p>	C
PART B PRIOR TO COMMENCEMENT OF CONSTRUCTION				
Crown Building Work				
B1	<p>Crown building work cannot be commenced unless the Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:</p> <p>a) the date of the invitation for tenders to carry out Crown building work; or b) in the absence of tenders, the date on which the Crown building work commences</p>	<p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	<p>The Crown Building Works Certificate was provided as evidence for the SSD project.</p>	C
Design Excellence and Design Integrity				
B2	<p>The approved development shall be subject to a Design Integrity process throughout the design development and construction documentation period in consultation with the Government Architect NSW (GANSW), and through the State Design Review Panel (SDRP) Pilot Program.</p> <p>The SDRP is to be augmented by a member of the design competition jury, to be nominated by the Art Gallery of NSW and endorsed by GANSW. For presentations to the SDRP, the project team shall include the following members as a minimum:</p> <p>i. a representative from the competition winning international architectural practice; ii. a representative from the local architect of record.</p> <p><i>The Applicant is to submit evidence that the above Design Integrity process has been established, including confirmation of support for the process from the GANSW, within 3 months of the date of consent.</i></p> <p>Prior to the issue of any Crown Building Works Certificate, the Applicant is to submit a Design Integrity Report (DIR), to the satisfaction of the Planning Secretary, that demonstrates how design excellence and design integrity will be achieved in accordance with:</p> <ul style="list-style-type: none"> the design objectives of the original competition winning scheme; the approved design upon development approval; and the conditions of consent. 	<p>Letter, DPIE to AGNSW, 25/10/19</p> <p>Sydney Modern Design Integrity Report, submitted 16/08/19 and follow up information submitted 30/09/19</p>	<p>On 25/10/19 the Department confirmed that the AGNSW had satisfied the requirements of CoC B2, B3 and B4 through its Design Integrity Report and supporting information.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	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.			
Entry Plaza Canopy				
B3	<p>No approval is granted for the design of the entry plaza canopy. Prior to the issue of the relevant Crown Building Works Certificate, the Applicant shall prepare a revised entry plaza canopy design for review that:</p> <ul style="list-style-type: none"> further improves sightlines between the existing gallery building and the Woolloomooloo Gate of the Royal Botanic Gardens; and further improves and enhances the built form interface with its landscape setting. <p>The revised design shall demonstrate a response to the following:</p> <ol style="list-style-type: none"> modification to the overall extent of the canopy structure; increased street setbacks and landscaped area in and around the canopy structure; modification of the street alignment and orientation of the canopy structure between the existing sandstone gallery wing, proposed extension and sightlines to the Woolloomooloo Gate; architectural and structural detailing to achieve a light-weight built form character that is secondary in visual appearance to its landscape setting. <p>The revised design shall be prepared in consultation with the Government Architect NSW (GANSW), OEH and the Royal Botanic Gardens and Domain Trust, and submitted to the satisfaction of the Planning Secretary</p>	<p>Letter, DPIE to AGNSW, 25/10/19</p> <p>Sydney Modern Design Integrity Report, submitted 16/08/19 and follow up information submitted 30/09/19</p>	<p>On 25/10/19 the Department confirmed that the AGNSW had satisfied the requirements of CoC B2, B3 and B4 through its Design Integrity Report and supporting information.</p>	C
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.	<p>Letter, DPIE to AGNSW, 25/10/19</p> <p>Sydney Modern Design Integrity Report, submitted 16/08/19 and follow up information submitted 30/09/19</p>	<p>On 25/10/19 the Department confirmed that the AGNSW had satisfied the requirements of CoC B2, B3 and B4 through its Design Integrity Report and supporting information.</p>	C
Notification of Commencement				
B5	<p>The Department must be notified in writing of the dates of commencement of physical work at least 48 hours before those dates.</p> <p>If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.</p>	<p>Group DLA letter to Planning Secretary, dated 29/11/2019</p>	<p>Group DLA letter references Crown Certificate No, 150442.1 (CC1), and SSD 6471 – states commencement of building works will be 48 hours after the date of the letter.</p> <p>Not a staged development.</p>	C
Community Communication Strategy				
B6	<p>A Community Communication Strategy must be prepared to provide mechanisms to facilitate communication between the Applicant, City of Sydney Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the design and construction of the development and for a minimum of 12 months following completion of construction:</p> <p>The Community Communication Strategy must:</p> <ol style="list-style-type: none"> identify people to be consulted during the design and construction phases; set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development; provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development; 	<p>Community Communications Strategy (CCS), October 2019, Rev4</p> <p>Interview with Andrej Stefanovic, INSW</p> <p>Email from AGNSW to DPIE, dated 22 October 2019 (Andrej to forward) providing CCS</p> <p>Letter from DPIE to AGNSW, dated 5/11/2019 confirming the CCS was submitted to the Department on 22/10/2019, and confirming approval in accordance with Condition B6</p>	<p>A CCS has been prepared for the project in accordance with Condition B6. The following requirements have been met in the CCS:</p> <ol style="list-style-type: none"> consultation list - Section 3 procedures for the distribution of information relevant to the project – Section 5 provision for the formation of community-based forums – Section 5 	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<p>d) set out procedures and mechanisms:</p> <ul style="list-style-type: none"> i. through which the community can discuss or provide feedback to the Applicant; ii. through which the Applicant will respond to enquiries or feedback from the community; and iii. to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation. <p>The Community Communication Strategy must be submitted to the Planning Secretary for approval no later than one month before the commencement of any work.</p> <p>Work for the purposes of the development must not commence until the Community Communications Strategy has been approved by the Secretary, or within another timeframe agreed with the Planning Secretary.</p> <p>The Community Communication Strategy, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.</p>	<p>Email from INSW to DPIE, dated 22/10/2019 RE: submission of the CCS to the Planning Secretary</p>	<p>d) procedures/mechanisms for community to discuss or provide feedback, and applicant response. Resolution of issues/disputes – Sections 5 and 6</p> <p>Evidence provided by INSW confirms that work did not commence until the CCS was approved by the Planning Secretary. The submission of the CCS to the Planning Secretary (22/10/2019) for approval was not later than one month before the commencement of any work (2/12/2019) in accordance with Condition B6.</p>	
Compliance				
B7	<p>The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.</p>	<p>Sydney Modern Induction Presentation, Rev 3. RCC Induction Register RCC entry control system 'Blue Glue'</p>	<p>The RCC project induction confirms the approval pathway, conditions of consent, and location of approval conditions in the site office, along with site environmental risks and controls / expectations such as hours, noise management, traffic and access, housekeeping and heritage, contamination and sustainability. A link to the online location of the approval is also included.</p> <p>A swipe card system is in use on site. Contractors are unable to access the site without a swipe card, and cannot get a swipe card until they have been inducted. The Blue Glue system includes project information and is issued to everyone's phone every day.</p>	C
Compliance Reporting				
B8	<p>No later than 6 weeks before the date notified for the commencement of construction, a Compliance Monitoring and Reporting Program prepared in accordance with the Compliance Reporting Post Approval Requirements (Department 2018) must be submitted to the Department.</p>	<p>Compliance Monitoring & Reporting Program Rev01, dated 10/10/2019</p> <p>Email evidence of submission to the Department: Email from Andrej Stefanovic (INSW) to Andy (DPIE), dated 15/10/2019</p> <p>Email from DPIE to INSW, dated 17/10/2019 confirming receipt of the compliance monitoring program</p> <p>Group DLA letter to Planning Secretary, dated 29/11/2019 (RE: Commencement of construction)</p>	<p>Submission of the CMRP to the Department is required 6 weeks before commencement of construction (Notification of commencement provided to the Department, 29/11/2019). Submission on 15/10/2019.</p> <p>The Compliance Monitoring & Reporting Program was submitted within 6 weeks of the date notified for the commencement of construction.</p>	C
B9	<p>Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Post Approval Requirements (Department 2018).</p>	<p>Sydney Modern Compliance Report (Condition B8), dated 20/11/2019</p> <p>Letter from Andrej Stefanovic (INSW) to Andy (DPIE), dated 29/11/2019</p> <p>Return email from DPIE to INSW confirming receipt of the report on the same day, 29/11/2019</p>	<p>Evidence of compliance report and submission to the Department sighted. The Department provided comment on Compliance Report 2, stating that it accepts the report but requires additional information in subsequent Compliance Reports. The Department considered Compliance report 3 to be adequate.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		<p>Sydney Modern SSD 6471 Compliance Report 2 (Condition B9), 10/08/20</p> <p>Letter DPIE to AGNSW, 02/11/20</p> <p>Sydney Modern SSD 6471 Compliance Report 3 (Condition B9), 30/11/20</p> <p>Letter DPIE to AGNSW, 21/12/20</p>		
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	<p>https://www.artgallery.nsw.gov.au/sydney-modern-project/about/project-status/</p> <p>Return email from DPIE dated 2/11/20 confirms receipt of Compliance Report 2 and provides comment.</p> <p>Return email from DPIE dated 21/12/20 confirms receipt of Compliance Report 3 and provides comment.</p> <p>Email dated 12/03/21 notifying the Department that both Compliance Report 2 and Compliance Report 3 are publicly available, sighted.</p>	Non-compliance: The reports are publicly available; however the department was not notified in writing at least 7 days prior. Notification was provided on 12/03/21, after the on-site component of the IA.	NC
Complaints and Enquiries Procedure				
B11	<p>Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:</p> <p>a) a toll-free 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;</p> <p>b) a postal address to which written complaints and enquiries may be sent; and</p> <p>c) an email address to which electronic complaints and enquiries may be transmitted</p>	<p>Site signage, observed 10/03/21</p> <p>Project website: artgallery.nsw.gov.au/Sydney-modern-project/</p>	<p>Site signage includes: postal address, email address (smp@richardcrookes.com.au), and 24-hour phone number (1800717705)</p> <p>Contact details also available on the project website.</p>	C
Access to Information				
B12	<p>At least 48 hours before the commencement of construction and until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:</p> <p>a) make the following information and documents (as they are prepared, obtained or approved) publicly available on a website:</p> <ol style="list-style-type: none"> the documents referred to in condition A2 of this consent, excluding confidential plans; all current statutory approvals for the development; all approved strategies, plans and programs required under the conditions of this consent; 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; 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; a comprehensive summary of the current stage and progress of the development; the contact details identified in condition B9B11 to enquire about the development or to make a complaint; a complaints register, updated monthly; 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; any other matter required by the Planning Secretary; and <p>b) keep such information up to date, to the satisfaction of the Planning Secretary.</p>	<p>Project website sited 10/03/21 www.artgallery.nsw.gov.au/smp</p> <p>Interview with Auditees</p>	<p>Website live and up to date in accordance with Condition B12: www.artgallery.nsw.gov.au/smp</p> <p>i. A link to approved drawings is provided on the planning website</p> <p>ii. A link to project approvals (planning website) is provided, and CC1</p> <p>iii. Links to approved strategies, plans and programs included, e.g. management plans, RAP, UFP etc.</p> <p>iv. no reports on the environmental performance of the development have been triggered by the CoC to date,</p> <p>v. Summary of noise and vibration monitoring results</p> <p>vi. Project status included</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			<p>vii. contact details including phone number, email and postal address</p> <p>viii. The Enquiry and Complaint Register is available on the project website and was current until 12/12/2019</p> <p>ix. no audits have been triggered (with the exception of the current audit in progress)</p> <p>x. N/A</p> <p>Vi – see project status</p> <p>Vii – contact details</p> <p>The information presented is current.</p>	
Independent Audit				
B13	No later than one week before the date notified for the commencement of construction, an Independent Audit Program prepared in accordance with the Independent Audit Post Approval Requirements (Department 2018) must be submitted to the Department.	<p>WolfPeak Independent Audit Program Rev1, dated 16/10/2019</p> <p>Email from INSW to DPIE RE: Submission of Audit Program to the Department, dated 18/10/2019</p> <p>Email from DPIE to INSW, dated 21/10/2019 confirming receipt of the Audit Program</p> <p>Group DLA letter to Planning Secretary, dated 29/11/2019 (RE: Commencement of construction)</p>	The Independent Audit Program was submitted to the Department on 18/10/2019, more than one week prior to the commencement of construction letter (29/11/2019)	C
B14	<p>Independent Audits of the development must be carried out in accordance with:</p> <p>a) the Independent Audit Program submitted to the Department under condition B14B13 of this consent; and</p> <p>b) the requirements for an Independent Audit Methodology and Independent Audit Report in the Independent Audit Post Approval Requirements (Department 2018)</p>	<p>WolfPeak Independent Audit Program Rev1, dated 16/10/2019, and Rev2, dated 28/02/2020</p> <p>Sydney Modern Gallery – SSD 6471 Independent Audit Report, WolfPeak, 03/07/20</p> <p>Email DPIE to RCC, 25.05/20</p>	<p>The first Independent Audit Report was prepared in accordance with the Audit Program and the IAPAR. It was submitted to the Department on 6 April 2020.</p> <p>DPIE provided comment on the Report, specifically that a recommendation was missing from one finding and that a declaration form needed to be provided by Steve Fermio. This was addressed in Revision 2 of the Report.</p>	C
B15	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements (Department 2018), the Applicant must:</p> <p>a) review and respond to each Independent Audit Report prepared under condition B14B14 of this consent;</p> <p>b) submit the response to the Department; and</p> <p>c) make each Independent Audit Report and response to it publicly available no later than 60 days after submission to the Department and notify the Department in writing at least 7 days before this is done.</p>	<p>Sydney Modern Gallery – SSD 6471 Independent Audit Report, WolfPeak, 03/07/20</p> <p>Email DPIE to RCC, 25.05/20</p> <p>Letter RCC to DPIE, 01/06/20</p> <p>Email AG to DPIE providing revised Independent Audit Report, 29/07/20</p> <p>https://www.artgallery.nsw.gov.au/sydney-modern-project/about/project-status/</p>	<p>RCC initially referred to the Audit Report without providing a separate response. The Department directed RCC to submit the response separately. This was completed in June 2020.</p> <p>Non-compliance: No evidence was available to demonstrate that the Department was notified of publication of the first Independent Audit Report. The website includes the Independent Audit Report, but not the response to the findings, as required by part c) of this condition.</p>	NC
Geotechnical Design, Certification and Monitoring Plan				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
B16	<p>The proposed development involves the construction of subsurface structures and excavation that has potential to adversely impact neighbouring property if undertaken in an inappropriate manner. To ensure there are no adverse impacts arising from such works, the Applicant must engage a suitably qualified and practicing Engineer having experience in the geotechnical and hydrogeological fields, to design, certify and, where appropriate, oversee the construction of all subsurface structures associated with the development.</p> <p>This Engineer is to prepare, or obtain from relevant members of the engineering team, the following documentation:</p> <p>a) Certification that the civil and structural details of all subsurface structures are designed to:</p> <ul style="list-style-type: none"> provide appropriate support and retention to neighbouring property; ensure there will be no ground settlement or movement during excavation or after construction (whether by the act of excavation or dewatering of the excavation) sufficient to cause an adverse impact to adjoining property or public infrastructure; and ensure that the treatment and drainage of groundwater will be undertaken in a manner which maintains the pre-developed groundwater regime, so as to avoid constant or ongoing seepage to the public drainage network and structural impacts that may arise from alteration of the pre-developed groundwater table. <p>b) A Geotechnical Monitoring Plan (GMP) to be implemented during construction that:</p> <ul style="list-style-type: none"> is based on a geotechnical investigation of the site and subsurface conditions, including groundwater; details the location and type of monitoring systems to be utilised, including those that will detect the deflection of all shoring structures, settlement and excavation induced ground vibrations to the relevant Australian Standard; details recommended hold points and trigger levels of any monitoring systems, to allow for the inspection and certification of geotechnical and hydro-geological measures by the professional engineer; and details an action plan and contingency for the principal building contractor in the event these trigger levels are exceeded. <p>The certification and the GMP is to be submitted for the approval of the Certifying Authority prior to the commencement of any works</p>	<p>Coffey letter to RCC, dated 8/11/2019</p> <p>Coffey Geotechnical Excavation Monitoring Plan, dated 5/11/2019</p> <p>Letter from Coffey to RCC, dated 8/11/2019 re B16(a) (Geotechnical design), states plan above is compliant with Condition B16 (b)</p> <p>CC1, dated 15/11/2019</p>	<p>Coffey letter dated 8/11/2019, specifies what has been provided to comply with Condition B16(a).</p> <p>B16(b): Coffey Geotechnical Excavation Monitoring Plan, dated 5/11/2019 has been provided as evidence for compliance with Condition B16(b).</p> <p>Letter from Coffey to RCC, dated 8/11/2019 re B16(a) (Geotechnical design), states plan above is compliant with Condition B16 (b)</p> <p>CC1, dated 15/11/2019 – references letter from Coffey, and Coffey report, evidence the GMP was submitted to the CA prior to works commencing (29/11/2019)</p>	C
External Walls and Cladding				
B17	<p>The external walls of all buildings must comply with the relevant requirements of the BCA.</p> <p>Before the commencement of the relevant works, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminum composite panels comply with the requirements of the BCA.</p> <p>The Applicant must provide a copy of the documentation to the Certifying Authority and to the Planning Secretary within seven days after the Certifying Authority accepts it.</p>	<p>Interview with auditees 10/03/21</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	<p>External walls and cladding has yet to receive Certifier satisfaction, the works have yet to commence.</p>	NT
Structural Details				
B18	<p>Prior to the commencement of the relevant works, the Applicant shall submit to the satisfaction of the Certifying Authority structural drawings prepared and signed by a suitably qualified practicing Structural Engineer that demonstrates compliance with:</p> <p>a) the relevant clauses of the BCA; and</p> <p>b) the development consent.</p>	<p>Letter from Arup to Group GLA, dated 23/10/2019</p> <p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	<p>Letter from Arup (structural engineer) to Group GLA, dated 23/10/2019 was sighted, certifying plans have been prepared in accordance with the BCA and the consent.</p> <p>The Certifier verifies acceptance through issue of CC1.2, CC2 and CC3.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
1920s Carriageway Walls Interpretation				
B19	<p>The footprint of the 1920s low carriageway walls is to be interpreted in the new paving. The sandstone from the low wall is to be salvaged, reused and interpreted within the proposed development. Design details are to be submitted to the OEH Heritage Division for review and endorsement.</p> <p>Details demonstrating compliance with this condition must be submitted to the Planning Secretary and the Certifying Authority prior to the commencement of the relevant works.</p>	<p>Interview with auditees 10/03/21</p> <p>Modification application 4: https://www.planningportal.nsw.gov.au/major-projects/project/40391</p>	<p>Not yet designed or certified. This component is subject to design changes. An application to modify the consent to permit these changes has been lodged with the Department (Modification 4). Determination is pending. The works have yet to commence.</p>	NT
New Steps, Ramp and Pedestrian Control Structures				
B20	<p>Design details for the new steps and ramp at the end of the Domain path adjacent to the Art Gallery Road pedestrian crossing opposite the existing gallery building entry, and any pedestrian control structures at the western edge of Art Gallery Road, are to be submitted to the OEH Heritage Division for review and endorsement.</p> <p>Any pedestrian control structures must be visually recessive and lightweight and must not impede pedestrian access to the existing gallery building entry. Details demonstrating compliance with this condition must be submitted to the Planning Secretary and the Certifying Authority prior to the commencement of the relevant works.</p>	<p>Interview with auditees 10/03/21</p> <p>Modification application 4: https://www.planningportal.nsw.gov.au/major-projects/project/40391</p>	<p>Not yet designed or certified. This component is subject to design changes. An application to modify the consent to permit these changes has been lodged with the Department (Modification 4). Determination is pending. The works have yet to commence.</p>	NT
Works to the Former Naval Fuel Bunker				
B21	<p>The design of new structures in the southern former naval fuel bunker must not cause substantial damage, must be sympathetic to the retained existing concrete structure, and be lightweight and complement the character of the bunker. Localised changes and fixings are reasonable.</p> <p>Design details of the following work are to be submitted to the OEH Heritage Division for review and endorsement:</p> <ol style="list-style-type: none"> structural supports and strengthening of the bunker itself and the new structures above; new stairs, ramps, wall openings, any floor systems and coverings; new services i.e. electrical, communication/data/ hydraulic, mechanical and fire services; any waterproofing or moisture management methods; conservation and repair methods for significant concrete structure, ceilings, walls, floor and columns; any upgrade to comply with the NCC and Disability (Access to Premises - Buildings) Standards 2010. <p>Details demonstrating compliance with this condition must be submitted to the Planning Secretary and the Certifying Authority prior to the commencement of the relevant works</p>	<p>Presentation to OEH, prepared for AGNSW, prepared by Architectus, dated 17/10/2019</p> <p>Letter from DPIE to INSW – references letter from OEH providing endorsement of the proposed works under Condition B21</p> <p>Email evidence forwarded to the Planning Secretary by AGNSW, dated 25/10/2019, and evidence from OEH to AGNSW, also dated 25/10/2019</p> <p>CC1 references submission to CA, report listed in B21</p>	<p>Condition B21, parts a-f are addressed in separate sections of the Architectus presentation to the OEH, dated 17/10/2019</p> <p>Email to DPIE, dated 25/10/2019 states letter from OEH is attached, providing endorsement of the proposed works to the naval fuel bunker, as required under CoC B21</p>	C
External Materials				
B22	<p>High reflective surfaces, large areas of unshaded glass and bright white finishes are to be avoided. External colours are to be subdued and be compatible with the Sydney sandstone character of the locality.</p> <p>Samples of proposed external materials for walls, roofs, eaves and soffits, columns, glazing and its assemblies, rainwater goods, paving and retaining walls are to be submitted to the OEH Heritage Division for review and endorsement.</p> <p>Details demonstrating compliance with this condition must be submitted to the Department and the Certifying Authority prior to the commencement of works.</p>	<p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Interview with auditees 10/03/21</p> <p>Letter, Heritage to DPIE, 03/06/19</p> <p>Email AGNSW to DPIE, 19/06/19</p>	<p>The design was provided to Heritage. They confirmed they had no objections. The design was submitted to the Certifier, and the Department on 19/06/19. The auditees are not aware of any response. The works had not commenced at the time of the audit.</p>	C
Nominated Historical Archaeologist				
B23	<p>Prior to the commencement of works, a suitably qualified historical archaeologist shall be engaged who must satisfy the Excavation Director Criteria of the Heritage Council of NSW for the proposed activity and significance level.</p>	<p>Letter from GML Heritage to AGNSW, dated 10/10/2019</p>	<p>Letter from GML Heritage to AGNSW, dated 10/10/2019, states they have been engaged to conduct monitoring under condition B23</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		Letter from AGNSW to Group DLA, dated 23/09/2019	Letter from AGNSW, dated 23/09/2019 confirms they have appointed GML Heritage Pty Ltd as historical archaeologist for the construction phase of the SMP.	
Public Domain Plan				
B24	<p>The Applicant shall ensure the following:</p> <p>(a) A detailed Public Domain Plan for the Lincoln Crescent and Cowper Wharf Road frontages must be lodged with Council's Public Domain Section and approved by Council prior to the relevant works. The Public Domain Plan is to be submitted with a completed Public Domain Plan checklist (available in the City of Sydney's Public Domain Manual)] and</p> <p>(b) The Public Domain Plan documents all works required to ensure that the public domain complies with the Council's Public Domain Manual, Sydney Streets Design Code and Sydney Streets Technical Specification, including requirements for footway pavement, kerb and gutter, drainage, vehicle crossovers, pedestrian ramps and other relevant public domain elements. The Public Domain Plan submission is to incorporate the approved Alignment Levels (refer to condition B23B25). If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to the commencement of the relevant works.</p>	<p>Interview with auditees 10/03/21</p> <p>Site inspection 10/03/21</p>	Public domain works are yet to commence. The Plan is under development.	NT
Public Domain Works - Lincoln Crescent and Cowper Wharf Road Frontages – Alignment Levels				
B25	<p>The Applicant shall ensure the following:</p> <p>(a) Alignment levels for the buildings and site frontages of those buildings are submitted to and approved by Council prior to the commencement of the relevant works. The submission must be prepared by a Registered Surveyor or suitably qualified engineer and must be submitted with a completed Alignment Levels checklist (available in the Public Domain Manual) and Footpath Levels and Gradients Approval Application form (available on Council's website);</p> <p>(b) If the proposed detailed design of the public domain (refer to condition B22B24) requires changes to any previously approved Alignment Levels, an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to the commencement of the relevant works;</p> <p>(c) The works to the public domain are completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before the use of the development commences, whichever is earlier;</p> <p>(d) If required by Council, a Public Domain Works Deposit is paid to Council for the public domain works, in accordance with the Council's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for completion of the obligations under this consent.</p> <p>Council's Public Domain section is contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to the commencement of the relevant works.</p> <p>The Bank Guarantee will be retained in full until all Public Domain works are completed and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the total securities will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.</p>	<p>Interview with auditees 10/03/21</p> <p>Site inspection 10/03/21</p>	Public domain works are yet to commence. The Plan is under development.	NT
Public Domain Works - Lincoln Crescent and Cowper Wharf Road Frontages - Hold Points and Handover				
B26	<p>The Applicant shall ensure the following:</p> <p>Prior to a Crown Building Works Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is determined with and</p>	<p>Interview with auditees 10/03/21</p> <p>Site inspection 10/03/21</p>	Public domain works are yet to commence. The Plan is under development.	NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	approved by Council's Public Domain section in accordance with the Council's Public Domain Manual and Sydney Streets Technical Specification			
Public Domain Damage Deposit- Lincoln Crescent and Cowper Wharf Road Frontages				
B27	<p>A Public Domain Damage Deposit calculated on the basis of 4 lineal metres of asphaltic concrete site frontage must be lodged with Council in accordance with the Council's of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee in favour of Council as security for repairing any damage to the public domain in the vicinity of the site.</p> <p>The guarantee must be lodged with Council prior to the commencement of the relevant works.</p> <p>The Bank Guarantee will be retained in full until the use of the development commences and any rectification works to the footway and Public Domain are completed to Council's satisfaction. On satisfying the above requirements 90% of the total securities will be released, with the remaining 10% to be retained for the duration of the 12 months Defect Liability Period.</p>	<p>Emails correspondence, dated 26/10/2019 to 16/112019</p> <p>AGNSW Remittance Advice to City of Sydney, dated 15/11/2018</p>	<p>Emails between AGNSW and CoS confirming amount and payment method of Public Domain Damage Deposit, dated between 26/10/2019 to 16/112019.</p> <p>AGNSW Remittance Advice to City of Sydney, dated 15/11/2018 for amount \$46,060.00.</p>	C
Seawater Heat Exchange System				
B28	The detailed design of the seawater heat exchange system must comply with the preliminary design details outlined in the Seawater Heat Exchange Report (dated 16 March 2018) in Appendix H of the RTS. Details demonstrating compliance with this condition must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works	NA	NA	NT
Wayfinding and Signage				
B29	<p>Prior to the commencement of the relevant works, a Wayfinding and Signage Strategy prepared by suitably qualified persons shall be submitted to the satisfaction of the Certifying Authority. The Strategy shall, in relation to the components of the Strategy which are external to the building, be prepared in consultation with the OEH Heritage Division, Council, TfNSW and the Royal Botanic Gardens and Domain Trust. The Strategy must:</p> <ol style="list-style-type: none"> detail the final location, type, design and fixing methods (dimensions, materials, finish, illumination etc.) of all wayfinding and signage (building identification, business identification, wayfinding, security signage etc.) to be provided in the precinct; ensure wayfinding and signage is designed in a visually consistent, cohesive and uniform manner and to respect the character and heritage values of the precinct; ensure any illuminated signage would not cause adverse amenity impacts; have regard to the recommendations of the CPTED Report, dated 16 February 2018, (Appendix O in the RTS); detail how the strategy would improve wayfinding and dissemination of customer information to make it easier for people to get to and from the site, locate major transport hubs and increase mode share of public transport, walking and cycling. include a travel access guide increase mode share of public transport and active transport. This shall include signage to transport nodes; ensure wayfinding and signage is designed to integrate into Council's existing system/s consistent with the Legible Sydney Wayfinding Strategy 2012, the Legible Sydney Design Manual 2012, the Harbour Domain North Public Domain Strategy 2012 and TNSW's Sydney City Centre Access Strategy 2013. <p>The Strategy shall also be used to guide future applications for signage.</p> <p>Prior to the commencement of use, a copy of the final Signage Strategy must be submitted to Council, the Royal Botanic Gardens and Domain Trust, TfNSW and the Planning Secretary.</p>	<p>Interview with auditees 10/03/21</p> <p>Site inspection 10/03/21</p>	<p>Condition B29 refers to permanent wayfinding. This strategy has not yet been prepared/finalised and will be verified in future CCs. The relevant works have yet to commence.</p>	NT
External Works Visual Impact Mitigation				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
B30	<p>The Applicant must ensure:</p> <ul style="list-style-type: none"> a) the external lifts are designed to minimise visual impacts and view blocking effects; b) internal framing and structure of the external lifts minimised to increase transparency in views and reduce the visual presence of the lifts in views; and c) external lifts are encased in non-reflective glass to increase the transparency of the lift glazing to views. <p>Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to commencement of the relevant works.</p>	<p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p> <p>Design Statement, 12/06/20</p>	<p>The Architect states that the design complies with CoC B30. This was verified by the Certifier through issue of CC3.</p>	C
Environmental Sustainability				
B31	<p>The Applicant shall ensure the detailed design of the development incorporates the environmental sustainability objectives, measures and initiatives outlined in the Environmentally Sustainable Development Report (dated 1 November 2017) in Appendix AB of the EIS, taking into consideration amendments required by condition B4. Details demonstrating compliance with this condition must be submitted to the Certifying Authority prior to the commencement of the relevant works.</p>	<p>LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20</p> <p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	<p>LCI are the sustainability development consultants engaged for the project. Letter provided as evidence confirms CC1, CC2, CC3 plans comply with Condition B31. Method of compliance is outlined in the memo provided. This is verified by the Certifier through issue of CC1, CC2, CC3.</p>	C
Reflectivity				
B32	<p>The visible light reflectivity from building materials used on the facades of any buildings or structures shall not exceed 20 per cent and shall be designed so as to minimise glare. In particular, the north-eastern glazed wall of the multi-purpose room should be revised as recommended in the supplemental Reflectivity Report dated 13 April 2018 (Appendix Q of the RTS).</p> <p>A report/documentation demonstrating compliance with these requirements is to be submitted to the Certifying Authority prior to the commencement of the relevant works.</p>	<p>Design Statement, Surface Design, 03/06/20</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	<p>The designer confirms compliance with this requirement. This is verified by the Certifier through issue of CC3.</p>	C
Installation of Water Efficient Fixtures and Fittings				
B33	<p>All toilets installed within the development must be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.</p>	<p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Crown Certificate (CC1.2), 24/02/20, includes construction of northern stairs, demolition and site clearing, piling retaining structures and bulk earthworks.</p> <p>Crown Certificate (CC2), 29/04/20, includes inground services and structure.</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	<p>The Architect states that the design complies with CoC B33, B34, B35, B36. This was verified by the Certifier through issue of CC3.</p> <p>LCI are the sustainability development consultants engaged for the project. Letter provided as evidence confirms CC1, CC2, CC3 plans comply with Condition B33, B34, B35, B36. Method of compliance is outlined in the memo provided. This is verified by the Certifier through issue of CC1, CC2, CC3.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		Design Statement, Architectus, 12/06/20 LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20		
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	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). Design Statement, Architectus, 12/06/20 LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20.	The Architect states that the design complies with CoC B33, B34, B35, B36. This was verified by the Certifier through issue of CC3. LCI are the sustainability development consultants engaged for the project. Letter provided as evidence confirms CC1, CC2, CC3 plans comply with Condition B33, B34, B35, B36. Method of compliance is outlined in the memo provided. This is verified by the Certifier through issue of CC1, CC2, CC3.	C
B35	New urinal suites, urinals and urinal flushing control mechanisms installed within the development must demonstrate that products have been selected with at least a 4-star rating under the Water Efficiency and Labelling Scheme (WELS). The details must be submitted to the Certifying Authority prior to the commencement of the relevant works.	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). Design Statement, Architectus, 12/06/20 LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20	The Architect states that the design complies with CoC B33, B34, B35, B36. This was verified by the Certifier through issue of CC3. LCI are the sustainability development consultants engaged for the project. Letter provided as evidence confirms CC1, CC2, CC3 plans comply with Condition B33, B34, B35, B36. Method of compliance is outlined in the memo provided. This is verified by the Certifier through issue of CC1, CC2, CC3.	C
B36	Systems must include 'smart controls' to reduce unnecessary flushing. Continuous flushing systems are not approved. Details are to be submitted to the Certifying Authority prior to the commencement of the relevant works.	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	The Architect states that the design complies with CoC B33, B34, B35, B36. This was verified by the Certifier through issue of CC3. LCI are the sustainability development consultants engaged for the project. Letter provided as evidence confirms CC1, CC2, CC3 plans comply with Condition B33, B34, B35, B36. Method of compliance is outlined in the memo provided. This is verified by the Certifier through issue of CC1, CC2, CC3.	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		domain, external works, graphics and way finding). Design Statement, Architectus, 12/06/20 LCI Consultants Memos, dated 6/11/2019, 26/03/20, 05/06/20		
Bicycle Parking				
B37	<p>A minimum of 12 bicycle parking spaces are to be provided for staff within the approved loading dock and a minimum of 33 publicly accessible bicycle rails (66 bicycle parking spaces) are to be provided for visitors adjacent to Art Gallery Road.</p> <p>The layout, design and security of all bicycle facilities must comply with the minimum requirements of AS 2890.3 - 1993 Parking Facilities Part 3: Bicycle Parking Facilities with the following exception:</p> <ul style="list-style-type: none"> <u>the recommended 5% maximum grade for the bicycle parking area located adjacent to Mrs Macquaries Road, connected to fire stair 13.</u> <p>Staff bicycle parking should be provided according to the security level B as specified AS 2890.3:2015.</p> <p>Documentation demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.</p>	<p>Interview with Auditees 10/03/21</p> <p>Site inspection 10/03/21</p>	These works have not commenced. Design is under development.	NT
Outdoor Lighting				
B38	<p>All outdoor lighting (including tree uplighting and any signage illumination) shall comply with the recommendations of the Exterior Lighting Report dated 5 October 2017 (Appendix AG of the EIS) and, where relevant, AS 1158.3.1-2005 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.</p> <p>Details demonstrating compliance with these requirements are to be submitted to the Certifying Authority Certifying Authority prior to the commencement of the relevant works.</p>	<p>Interview with Auditees 10/03/21</p> <p>Site inspection 10/03/21</p>	These works have not commenced. Design is under development.	NT
Access for People with Disabilities				
B39	<p>Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of the relevant works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority</p>	<p>Group DLA Accessibility Compliance Statement, dated 14/11/2019</p> <p>Group DLA Accessibility Compliance Statement, dated 03/07/20</p> <p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).</p>	<p>Group DLA Accessibility Compliance Statement, dated 14/11/2019 and 03/07/20 references the BCA 2019, Part D3.3(a)(ii)</p> <p>CC1 and CC3 reference the Accessibility Compliance Statement.</p>	C
Construction and Fit-out of Food Premises				
B40	<p>The construction, fit-out and finishes of any food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 all relevant Australian Standards and the provisions of the BCA. Details of compliance with the relevant provisions shall be prepared by a suitably qualified person and submitted to the Certifying Authority prior to the construction and fit-out of any food premises.</p>	<p>Interview with Auditees 10/03/21</p> <p>Site inspection 10/03/21</p>	These works have not commenced. Design is under development.	NT
Cool Rooms				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
B41	Any cool room(s), refrigerated chambers or strong-rooms must be constructed in accordance with G 1.2 of the BCA	Interview with Auditees 10/03/21 Site inspection 10/03/21	These works have not commenced. Design is under development.	NT
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.	Design Certification, Acor, 28/05/20 Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).	The designer confirms compliance with CoC B42. This was verified as compliant by the Certifier through issue of CC3.	C
Mechanical Ventilation				
B43	The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2	Design Certification, D&E, 09/06/20 Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).	The designer confirms compliance with CoC B43, B44, B46. This was verified as compliant by the Certifier through issue of CC3.	C
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.	Design Certification, D&E, 09/06/20 Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).	The designer confirms compliance with CoC B43, B44, B46. This was verified as compliant by the Certifier through issue of CC3.	C
Interlocks- Mechanical Ventilation				
B45	Interlocks shall be installed to the kitchen mechanical ventilation system to ensure that the system is not operated unless the filters are correctly installed and enhanced filtration and odour systems are fully functional and operational.	Interview with auditees 10/03/21 Site inspection 10/03/21	These works have not commenced. Design is under development.	NT
Sanitary Facilities- Food Premises				
B46	The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the BCA, Part F 3.1, 4.8 and 4.9.	Design Certification, D&E, 09/06/20 Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).	The designer confirms compliance with CoC B43, B44, B46. This was verified as compliant by the Certifier through issue of CC3.	C
Sanitary Facilities for Disabled Persons				
B47	The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Plans demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the commencement of the relevant works.	Design Certification, Group DLA, 03/07/20 Crown Certificate (CC3), 29/04/20, includes remainder of works (excluding landscaping, public domain, external works, graphics and way finding).	The designer confirms compliance with this condition. This was verified by the Certifier through issue of CC3.	C
Sydney Water Assets				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
B48	<p>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.</p> <p>For further assistance, please visit www.sydneywater.com.au or telephone 13 20 92.</p>	<p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p> <p>BPA Stamped Plans, 20/11/2018</p> <p>Proposed Site Plan Ref 560245, Roof Plan Ref DA_1000</p> <p>Letter from Sydney Water confirming approval, dated 20/11/2018</p>	<p>Building plans available on site, and include stamped approval by Sydney Water.</p>	C
Pre-Construction Dilapidation Report				
B49	<p>The Applicant is to engage a suitably qualified professional(s) to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report must be submitted to the Certifying Authority prior to issue of the Construction Certificate or any works commencing whichever is earlier. A copy of the report just be forwarded to the affected landowners.</p> <p>The Pre-Construction Dilapidation Report must also include a photographic recording of the public domain site frontages and must be prepared to the satisfaction of the PCA. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:-</p> <ol style="list-style-type: none"> a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions; each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage; each image is to be numbered and cross referenced to a site location plan; <p>a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record.</p>	<p>Sydney Modern Pre-Dilapidation Survey Reports, Areas 2-5 and 7-9, dated 4/12/2019.</p> <p>Greenplus Property Certification, dated 8/11/2019</p> <p>CC1, dated 15/11/2019</p> <p>Email correspondence between Coffey (Senior Engineering Geologist), Architectus (Senior Associate), and RCC (Design Coordinator), dated between 10/10/2019 and 15/10/2019</p>	<p>Greenplus certification states they have carried out pre-construction dilapidation reports in accordance with B49 and B60 (heritage). The document lists areas for which pre-dilapidation surveys were conducted, and include: AGNSW (Area 2), Botanic Gardens offices and entry (Area 3), Public roads (Area 4), Land bridge (Area 5), Ausgrid Building (Area 7), Lincoln Cres (Area 8), and Wharf Terraces (Area 9).</p> <p>NB: Areas 1 and 6 are addressed in Condition B60 (heritage).</p> <p>Email correspondence re confirmation of 'zone of influence' sighted.</p> <p>CC1 references all dilapidation reports for Areas 1-9</p> <p>Summary provided. Report includes photos with commentary and identification.</p>	C
Lincoln Crescent Zone Substation				
B50	<p>Further details demonstrating the proposed exhaust system and the proposed seawater heat exchange system pipelines will not adversely impact the operation of the Lincoln Crescent zone substation are to be submitted for the endorsement of Ausgrid. Details of compliance must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.</p>	<p>Interview with auditees 10/03/21</p> <p>Site inspection 10/03/21</p>	<p>These works have not commenced. Design is under development.</p>	NT
Requirements of Public Authorities				
B51	<p>The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the Certifying Authority prior to the commencement of the relevant works.</p>	<p>Letter from RCC to CA, dated 14/11/2019</p> <p>Ausgrid certified designs (SC12784, SC13437), sighted 14/02/2020</p> <p>Letter from Arup to Jemena, dated 20/08/2018</p> <p>Various email correspondence from Ausgrid and Jemena provided as evidence, sighted 14/02/2020.</p> <p>Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019</p>	<p>Letter from RCC to CA sighted, summarising communications conducted with Ausgrid, Sydney Water and Jemena.</p> <p>Letter from Arup to Jemena, dated 20/08/2018 includes reference to meeting held with Jemena, approved applications for gas connections, gas schematics agreed upon etc.</p> <p>Verified as satisfied by the Certifier through issue of CC1.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
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.	Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019 Demolition Environmental Civil Contractors (DECC) Demolition Control Plan v2, dated 22/10/2019 Letter from DECC to Group GLA, dated 28/10/2019	The DECC Demolition Control Plan sets out work methodologies in compliance with AS2601:2001. Letter from DECC to Group GLA, dated 28/10/2019 confirms the DCP complies with B52 and C1 of SSD 6471	C
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 practicing 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.	Hoarding and scaffolding – inspection and certification, City of Sydney, 06/07/20 Hoarding permit, City of Sydney, 20/05/20	Hoarding application was approved by City of Sydney and remains current. Hoarding inspection and certification complete by City of Sydney. Permit current through to end of 2021.	C
Barricade Permit				
B54	Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the Roads Act 1993 for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.	Road Footway opening permit, City of Sydney, 26/05/20 Temporary works approval, City of Sydney, 25/02/21 Email, City of Sydney to RCC, 22/02/21	Permits received from Council to enable a stormwater connection, temporary ramp. Council advised that no permit was required for installation of a temporary concrete footpath.	C
Interface Access Agreement				
B55	An Interface Access Agreement, between the Applicant and Roads and Maritime Services (RMS), must be prepared. A copy of the final agreement, endorsed by RMS, is to be provided to the Planning Secretary prior to the commencement of works.	Interface Access Deed, dated 21/12/2018 Email from AGNSW to DPIE, dated 14/02/2020	An Interface Access Agreement had been prepared for the project, but had not been submitted to the Planning Secretary prior to the commencement of works. Submission to the Planning Secretary by INSW was completed on the afternoon of the first independent audit, 14/02/2020, which is non-compliant with the timeframe required for submission (prior to the commencement of works). No further action.	C
Road Occupancy Licence				
B56	A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the Roads Act 1993 for any activity that may impact on the operation of Lincoln Crescent and Cowper Wharf Road. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.	ROL, 11-12/07/20, Transport for NSW (tower crane erection) TCP, 00-TIT-RCC-08, Titan Group. Email Transport for NSW, 06/07/20 ROL, 05 – 27/08/20, Transport for NSW (OSOM float)	There were two occurrences during the audit period that required an ROL. Observation: Evidence does not clearly demonstrate lodgment 10 days prior, however ROL was granted 6 days prior to commencement of the works. Regardless, the proponent must comply with the date assigned to the ROL or (where less than 10 working days after the date of	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			application) miss the opportunity to undertake the work in order to meet this condition	
Parking Restrictions				
B57	The Applicant shall ensure is has obtained approval from Council's Pedestrian Cycling and Traffic Calming Committee for any changes required to on-street parking restrictions for construction, prior to the commencement of the relevant works.	Work Zone Approval, City of Sydney, 18/12/19 Email City of Sydney to RCC, 15/11/19 Pedestrian Cycling and Traffic Calming Committee approval, 20/02/20 Interview with auditees 10/03/21 Site photo 09/03/20	Construction zone (62m) applied for on Lincoln Crescent. Approval in place. The above works were approved by the Pedestrian Cycling and Traffic Calming Committee. Works did not commence until the approval was obtained.	C
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 maritimoplanning@rmsw.nsw.gov.au.	NA	NA	NT
Construction Licence				
B59	If required, the Applicant shall ensure is has obtained a Construction License from RMS in respect to any required occupation of RMS land during construction, prior to the commencement of works.	AGNSW Development Deed, Section 7 Construction Licence	Construction Licence sighted and forms part of the AGNSW Development Deed.	C
Heritage Dilapidation Survey				
B60	Prior to the commencement of works, a heritage specific dilapidation survey and report for significant elements, materials and finishes in the existing gallery building and site (including the forecourt sculptures) must be prepared and a copy provided to the Certifying Authority.	Letter from Greenplus Property Services, to Group DLA, dated 8/11/2018 Email from GML to RCC, dated 28/11/2019 – states general compliance with Condition B60 Pre-Dilapidation Surveys, Areas 1, 2, 5 and 6, dated 4/12/2019 CC1, granted 15/11/20019 – includes reference to pre-construction dilapidation surveys	AGNSW engaged GML to provide a specification for the heritage dilapidation surveys under Condition B60. The specification includes the oil tanks, forecourt sculptures and various wings of the AGNSW. Section 2.0 addresses Methodology and Section 2.2. identifies elements to be recorded. Dilap surveys were conducted based on the specification. Areas 1 (AGNSW), 2 (Surr-AGNSW), 5 (Land bridge) and 6 (oil tanks) include dilapidation of structures with heritage significance. Letter from GML Heritage (28/11/2019) confirms the listed dilapidation reports are compliant with Condition B60	C
Construction Environmental Management Plan				
B61	Prior to the commencement of works, the Applicant shall prepare and implement a Construction Environmental Management Plan (CEMP) for the development and be submitted to the Certifying Authority. The CEMP must: a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;	Environmental Management Plan Sydney Modern Project 1178, Richard Crookes Constructions, 8/10/2019 (CEMP)	RCC have prepared and implemented a CEMP for the development a) stages and timeframes are included in Section 4.5	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<p>b) describe all activities to be undertaken on the site during site establishment and construction of the development;</p> <p>c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;</p> <p>d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;</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) commits to relocating intertidal and subtidal boulders, moved for installation of the sea water heat exchange system pipes, back to their original position or otherwise within the appropriate intertidal or subtidal zone in the vicinity;</p> <p>k) designs erosion and sediment controls to be used during construction to reduce the potential for turbidity related impacts to Woolloomooloo Bay;</p> <p>l) document and incorporate all relevant sub environmental management plans (Sub Plans), control plans, studies and monitoring programs required under this part of the consent; and</p> <p>m) include arrangements for community consultation and complaints handling procedures during construction.</p> <p>In the event of any inconsistency between the consent and the CEMP, the consent shall prevail.</p> <p>Prior to the commencement of works, a copy of the CEMP must be submitted to Council and the Planning Secretary.</p>	<p>CC1, granted 15/11/2019 – includes reference to the CEMP (evidence of submission to the CA)</p> <p>Evidence of CEMP consultation:</p> <p>Email from RCC to CoS, dated 23/10/2019</p> <p>Email from CoS to RCC, dated 7/11/2019</p> <p>Emails between DPI and RCC, dated 2/11/2019 - 7/11/2019</p> <p>Emails between EPA and RCC, dated 23/10/2019 - 24/10/2019</p> <p>Letter from Heritage NSW to RCC, dated 14/11/2019</p> <p>Emails between RMS to RCC, dated 25/10/2019 - 13/11/2019</p> <p>Email RCC to DPIE 19/02/21</p>	<p>b) a description of activities is included in Section 4.5</p> <p>c) the stages/phases of the program requiring ongoing environmental management are listed in Section 4.5</p> <p>d) legislative compliance is outlined in section 4.8</p> <p>e) section 4.18 describes consultation conducted for preparation of the CEMP (Council, EPA, DPI, RMS, TNSW, OEH). Evidence of consultation was sighted.</p> <p>f) roles and responsibilities are described in Section 4.4</p> <p>g) monitoring and required actions to address potential environmental impacts is described in Section 4.10. An Environmental Risk Matrix is presented in Appendix 1. Resources, surface and groundwater, heritage, traffic, air quality, noise and vibration, waste, visual amenity, stormwater treatment are addressed in Section 4.7</p> <p>h) groundwater entitlement is addressed in Section 4.16.1</p> <p>i) groundwater management is addressed in Section 4.16.1</p> <p>l) Sub-Plans are attached as appendices to the CEMP and are listed in Section 4.9.2</p> <p>m) community consultation and complaints handling procedures are outlined in Section 4.11.2 and 4.11.4</p> <p>Submission of the CEMP and sub-plans was provided after commencement of construction (19/02/20).</p>	
Construction Pedestrian Traffic Management Plan				
B62	<p>Prior to the commencement of works, a Construction Pedestrian Traffic Management Plan (CPTMP) prepared by a suitably qualified person shall be endorsed by TfNSW (Sydney Coordination and Metro Delivery Offices) and submitted to the Certifying Authority. The CPTMP must be prepared in consultation with Council, TNSW (Sydney Coordination and Metro Delivery Offices), and RMS. The CPTMP shall address (but not be limited to):</p> <p>a) location of the proposed work zone;</p> <p>b) haulage routes;</p> <p>c) construction vehicle access and traffic control arrangements;</p> <p>d) proposed construction hours;</p> <p>e) estimated number of construction vehicle movements;</p> <p>f) any changes required to on-street parking;</p> <p>g) restriction on vehicles over 6 m in length turning right from Lincoln Crescent into Cowper Wharf Road;</p> <p>h) construction program;</p> <p>i) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction;</p>	<p>Transport and Traffic Planning Associates CPTMP, Ref #142/2019 Issue C, dated October 2019</p> <p>Email from TfNSW (Sydney Coordination and Metro Delivery Offices) to TTPA, dated 14/11/2019 confirming endorsement of CPTMP.</p> <p>CC1, granted 15/11/2019 – reference to CPTMP (evidence of submission to the CA)</p> <p>Email from CoS to RCC Traffic Consultant, dated 2/10/2019 stating CTMP is satisfactory</p>	<p>The CPTMP, Section 6.6 lists authorities issued with a copy of the plan for consultation purposes and includes TfNSW, RMS and CoS. Details of the consultation process were sighted as evidence during the audit</p> <p>a) Works zones set out in Section 4.5</p> <p>b) Haulage route addressed in Section 5.4</p> <p>c) Construction access addressed in Section 5.1</p> <p>d) Construction hours in Section 4.3</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<p>j) cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro City and South West considering any traffic and pedestrian management plans prepare for these projects to ensure that work activities are coordinated and managed to minimise impacts on the road network;</p> <p>k) measures to ensure construction vehicles do not arrive at the site or surrounding areas outside approved hours;</p> <p>l) measures proposed to mitigate any associated general traffic, public transport, pedestrian access and cyclist impacts/conflicts; and</p> <p>m) measures to encourage public transport use and other non-car travel options by construction workers.</p> <p>Prior to the commencement of works, a copy of the CPTMP must be submitted to Council and the Planning Secretary</p>	<p>Email from RCC Traffic Consultant (TTPA) to CoS, dated 23/10/2019 requesting input into the CPTMP</p> <p>Emails between RMS and TTPA, dated 23/10/2019 – 7/11/2019 as evidence of consultation.</p> <p>Email RCC to DPIE 19/02/21</p>	<p>e) Number of construction vehicle movements estimates in Section 6.1</p> <p>f) Parking addressed in Section 6.2</p> <p>g) Construction vehicle types and lengths are listed in Section 5.3 and include vehicles over 6 metres. Details of critical vehicles swept path is provided in Appendix C</p> <p>h) Construction program Section 4.1</p> <p>i) Potential impacts to traffic, cyclists, pedestrians and bus services addressed in Section 6</p> <p>j) Cumulative impacts are considered in Section 3.3</p> <p>k) Construction hours and site access, Sections 4.3 and 4.4</p> <p>l) Mitigation measures in</p> <p>m) Measures to encourage public transport</p> <p>Submission of the CEMP and sub-plans was provided after commencement of construction (19/02/20).</p>	
Construction Noise and Vibration Management Plan				
B63	<p>Prior to the issue of the relevant Crown Building Works Certificate, a Construction Noise and Vibration Management Plan (CNVMP) prepared by a suitably qualified person shall be submitted to the Certifying Authority. The CNVMP must be prepared in consultation with, and address the relevant requirements of, Council and the EPA. The CNVMP shall address (but not be limited to):</p> <p>a) be prepared in accordance with the EPA's Interim Construction Noise Guideline;</p> <p>b) identify nearby sensitive receivers and land uses;</p> <p>c) identify the noise management levels for the project;</p> <p>d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;</p> <p>e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration;</p> <p>f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the Acoustic Report (dated 28 February 2018) in Appendix P of the RTS;</p> <p>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>	<p>White Noise Acoustics CNVMP Rev 3, dated 18/10/2019</p> <p>CC1, granted 15/11/2019 – reference to CNVMP (evidence of submission to the CA prior to issue of the relevant Crown Building Works Certificate)</p> <p>Emails between CoS and RCC, dated 23/10/2019 – 4/11/2019 provide evidence of Council consultation.</p> <p>The EPA acknowledged receipt of the CNVMP via email, dated 23/10/2019.</p> <p>Email RCC to DPIE 19/02/21</p>	<p>a) Construction noise criteria have been derived from the ICNG, discussed in Section 5.3.1</p> <p>b) Sensitive receivers are identified in Section 2</p> <p>c) NMLs are listed in Section 5.3.1, Table 3</p> <p>d) Proposed demolition appliances, including equipment to be used and sound power levels is set out in Section 5.2, Table 2</p> <p>e) Noise mitigation measures are provided in Section 5.6 and vibration in Section 5.8</p> <p>f) Section 1 specifies the assessment was undertaken in accordance with the requirements of the Arup EIA – Acoustic Report (Ref: Acoustics SEARS Report rev A.docx). Section 4 explains the noise levels from the SEARS acoustic report have been used as a basis for the CNVMP.</p> <p>g) Community engagement and notification requirements are addressed in Section 7</p> <p>h) Recommendations for noise and vibration monitoring are provided in Section 6.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			Submission of the CEMP and sub-plans was provided after commencement of construction (19/02/20).	
Air Quality and Odour Management Plan				
B64	<p>Prior to the issue of the relevant Crown Building Works Certificate, an Air Quality and Odour Management Plan (AQOMP) must be prepared and submitted to the Certifying Authority. The AQOMP must recommend measures to minimise and manage any odours arising from excavation, stockpiling and removal of contaminated and acid sulfate soils including, but not limited to:</p> <ul style="list-style-type: none"> a) staged excavation to limit the surface area of exposed odorous material; b) application of odour suppressants; c) effective covering of stockpiles and truckloads of excavation spoil; and d) expedited removal of odorous material from the development to a facility legally able to accept those wastes. <p>The AQOMP should include consideration of measures referenced in the Air Quality Assessment dated November 2017 (Appendix AJ in the EIS) and must include proactive and reactive management strategies, key performance indicators, monitoring measures, record keeping, response mechanisms, contingency and compliance reporting measures.</p>	<p>Air Quality and Odour Management Plan (AQOMP), dated 22/10/2019</p> <p>CC1, granted 15/11/2019 – includes reference to the AQOMP (evidence of submission to the CA)</p>	<p>Section 7, Table 3 of the AQOMP lists controls for the management of air quality and odour emissions.</p> <p>Controls include: limiting exposed/excavation areas (AQ19), and staged excavation (AQ34); stockpile management (AQ29-32), including use of odour suppressant (AQ35 & AQ38);</p> <p>Controls of odours during excavation and stockpiling of contaminated soils is addressed in AQ33-38, and includes covering of stockpiles (AQ 36).</p> <p>The application of lime during acid sulfate soil treatment is listed in section 6.1 as a potential air quality impact, but controls are not included in Table 3. It is noted that ASS requirements were removed when MOD1 removed the sea heat exchange system. RCC advised ASS is unlikely to become relevant during the project.</p> <p>The Air Quality Assessment dated November 2017 (Appendix AJ in the EIS) has been considered in Section 5.2 of the AQOMP.</p> <p>Management strategies etc. are included in Table 3, and monitoring requirements in Table 4 of the AQOMP. Continuous improvement and auditing are addressed in Sections 8.1 and 8.2.</p>	C
Waste Management Plan				
B65	<p>Prior to the commencement any construction (including demolition), a Waste Management Plan (WMP) must be prepared and submitted to the Certifying Authority. The WMP must:</p> <ul style="list-style-type: none"> a) demonstrate that an appropriate area will be provided for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works; b) provide details demonstrating compliance with the relevant legislation, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air; c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's "Waste Classification Guidelines Part 1: Classifying Waste"; d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer; e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site; f) require that concrete waste and rinse water are not disposed on the site and are prevented from entering Sydney Harbour; and 	<p>RCC Waste Management Plan Rev 2, dated 8/10/2019</p> <p>CC1, granted 15/11/2019 – includes reference to the WMP (evidence of submission of the WMP to the CA)</p>	<p>A Waste Management Plan was prepared and includes:</p> <ul style="list-style-type: none"> a) RCC WMP, Section 3.2 b) RCC WMP, Section 5 c) RCC WMP, Section 3.1 d) RCC WMP, Section 5 e) RCC WMP, Section 5 f) RCC WMP, Section 5 <p>Requirements of City of Sydney DCP 2012 – 3.14.2 Construction and Demolition Waste are addressed on Page 4 of the RCC WMP.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	The design and management of waste must comply with the requirements of City of Sydney Development Control Plan 2012.		Specific requirements are addressed in Sections 3, 3.2, 4, 6, and 8 of the ECC WMP.	
Water and Stormwater Management Plan				
B66	Prior to the commencement of the relevant works, a detailed Water and Stormwater Management Plan, prepared by a suitably qualified person and endorsed by City of Sydney Council, shall be submitted to the satisfaction of the Certifying Authority.	Interview with auditees 10/03/21 Site inspection 10/03/21	The relevant works have yet to commence. The Plan is under development.	NT
Crime Prevention Through Environmental Design (CPTED)				
B67	To minimise the opportunity for crime in accordance with CPTED principles, the relevant recommendations provided in the CPTED Report dated 16 February 2018 (Appendix O of the RTS), shall be demonstrated on the architectural plans (in consistency with condition D42 D11) prior to the commencement of the relevant works.	Interview with auditees 10/03/21 Site inspection 10/03/21	The relevant works have yet to commence. The Plan is under development.	NT
Acid Sulfate Soils Management Plan				
B68	Prior to the commencement of works, an Acid Sulfate Soils Management Plan, prepared by a suitably qualified person, shall be submitted to the Certifying Authority.	NA	NA	NT
Hazardous Materials Management Plan				
B69	<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> <ol style="list-style-type: none"> 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; 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; identify any known or potential areas of concern on site for hazardous and asbestos containing materials; outline the procedures for identification, handling and disposal of hazardous materials; include an Asbestos Management Plan; 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; 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; include a suitable airborne asbestos fibre monitoring program for all asbestos removal works areas; and outline the procedures for validation and inspection following the completion of asbestos removal works and issuing of asbestos clearance certificates. <p>Prior to the commencement of works, a copy of the HMMP must be submitted to the EPA, SafeWork NSW and the Department.</p>	<p>Coffey, RCC Hazardous Materials Management Plan R02 Final, dated 22/10/2019</p> <p>Coffey, RCC Asbestos Management Plan, dated 9/09/2019</p> <p>Evidence of HMMP submitted to the EPA and SafeWork NSW:</p> <p>Email from EPA to RCC, dated 23/10/2019, confirming receipt of HMMP</p> <p>Letter from SafeWork NSW to RCC, dated 28/10/2019 confirming submission of the HMMP to SafeWork</p> <p>Email RCC to DPIE 19/02/21</p>	<p>A HMMP has been prepared for the project and includes:</p> <ol style="list-style-type: none"> Storage and disposal of asbestos is addressed in the HMMP, Section 11.9. Legislative requirements are addressed in Section 2.4. Relevant Codes of Practice are referenced in the HMMP, Section 2.4 The RCC ACM Register is included as Appendix A to the HMMP (no asbestos identified) Asbestos identification is addressed in the HMMP, Section 5.1. Removal and disposal of asbestos and hazardous materials is addressed in the HMMP, Sections 11 and 12 Asbestos Management Plan provided separately RCC Asbestos Removal Permit included in HMMP, Appendix D, Approvals, notifications and licences are in Section 10. Inductions are addressed in the HMMP, Section 11.4 Air monitoring requirements for asbestos removal work are addressed in the HMMP, Section 11.7 and 11.8. 	C

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			<p>i) Requirements relating validation, inspection and clearances are documented in the HMMP, Section 11</p> <p>Submission of the CEMP and sub-plans was provided after commencement of construction (19/02/20).</p>	
B70	The Applicant shall comply with any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.	<p>SafeWork NSW Notice of intent to remove non-friable asbestos, dated 5/12/2019 current through to 2022 (dated within required timeframe 5 days prior to commencement of removal).</p> <p>DECC Non-Friable Asbestos Removal Licence, Licence No. AD211031, SafeWork NSW, dated 21/06/2012, exp. 20/06/2022</p> <p>Asbestos air monitoring report, Coffeys, August 2020</p> <p>Interview with auditees 10/03/21</p>	<p>No notices from SafeWork.</p> <p>Air monitoring results have not triggered the 0.01f/mL</p>	C
B71	Prior to the commencement of any work, the Applicant is required to satisfy the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 'asbestos wastes'	<p>EPA consignment notice 10/06/20 – 11/08/20.</p> <p>DECC Non Friable Asbestos Removal Licence #AD211031, dated 21/06/2012, Exp. 20/06/2022</p> <p>Email from DPIE to andrew@cbdulkhaul.com.au, dated 18/02/2020</p>	<p>Asbestos and other hazardous building materials were removed by the demolition contractor, DECC prior to the demolition of the pump building on Lincoln Crescent.</p> <p>Consignment authorizations were presented evidencing the tracking and disposal of ACM to a facility lawfully permitted to receive it, by a transporter licenced to carry it.</p> <p>To note, part 7 of the POEO Waste Regulation imposes requirements on the transporter and receiving facility, not on the generator.</p>	C
Contamination				
B72	<p>Prior to the commencement of any works, an Unexpected Contamination Finds Protocol (UFP) prepared by a suitably qualified and experienced expert shall be submitted to the satisfaction of the EPA and the Certifying Authority.</p> <p>The UFP must be developed considering the findings of the Stage 1 Preliminary Environmental Study (dated 25 September 2017) in Appendix T of the EIS, the Remedial Action Plan (dated 25 September 2017) in Appendix Y of the EIS, and the Site Audit Report (dated 2 December 2016) in Appendix Z of the EIS.</p> <p>The UFP must be implemented for the duration of construction works</p>	<p>Coffey, RCC Unexpected Finds Procedure Rev2, dated 15/10/2019</p> <p>Letter from Coffey to RCC, dated 8/11/2019 confirming the UFP complies with Condition B72</p> <p>Evidence of submission to the EPA and CA</p> <p>Email from EPA to RCC, dated 23/10/2019, confirming receipt of UFP</p> <p>CC1, granted 15/11/2019 – includes reference to UFP</p> <p>Coffey top of oil tank waste classification, dated 19/12/2019</p> <p>Coffey letter re waste classification RevA, dated 14/01/2020</p> <p>Coffey letter re waste classification, dated 11/02/2020</p>	<p>Asbestos identified during waste classification works in early December 2019 (classification: GSW). Reported under C20 & DPIE notified. GSW, later letter dated 14 Jan 2020 (RevA) – upgrade to Special Waste (Asbestos) based on fragments, 11 Feb 2020 – classification upgraded to Special Waste management</p> <p>RAP prepared prior to this time.</p> <p>The UFP was implemented. Refer response to CoC C20.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
PART C 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.	Crown Building Works Certificate No. 1 (CC1), granted 15/11/2019 Demolition Environmental Civil Contractors (DECC) Demolition Control Plan v2, dated 22/10/2019 Letter from DECC to Group GLA, dated 28/10/2019	The DECC Demolition Control Plan sets out work methodologies in compliance with AS2601:2001. Letter from DECC to Group GLA, dated 28/10/2019 confirms the DCP complies with B52 and C1 of SSD 6471	C
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	RCC Sydney Modern site induction, Rev3 Aconex issue of management plans and scope of works docs to subcontractors (various)	Subcontractors are issued the CEMP and sub-plans which include the permissible hours. Subcontractors also receive the scope of works document for the project which specifies permissible hours. Site induction includes working hours as stated in the CoC. All workers must complete the induction prior to working on site. See CoC C4 for out of hours works.	C
C3	No construction work may be carried out on Sundays or public holidays	RCC Sydney Modern site induction, Rev3 Aconex issue of management plans and scope of works docs to subcontractors (various)	Subcontractors are issued the CEMP and sub-plans which include the permissible hours. Subcontractors also receive the scope of works document for the project which specifies permissible hours. Site induction includes working hours as stated in the CoC. All workers must complete the induction prior to working on site. See CoC C4 for out of hours works.	C
C4	Activities may be undertaken outside of these hours if required: c) by the Police or a public authority for the delivery of vehicles, plant or materials; or d) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.	Post approval portal lodgment record, 08/02/21 (crane breakdown) Post approval portal lodgment record, 01/02/20 (concrete pour) Post approval portal lodgment record, 23/02/21 (demo over ED) Letter, Transurban to RC, 19/02/21	Non-compliance: Crane breakdown event occurred on 30/01/21 which required construction works to extend beyond the permissible hours. The Department was notified of the incident in accordance with CoC A12 on the same day. Formal written notification was provided on 08/02/21 (which was beyond the 7 day deadline as specified in Appendix 1 of the consent). Late concrete pour running over the standard construction hours on the 23/11/20. Immediate notification was provided to the Department in accordance with CoC A13 on the same day. Neighbors were notified the next morning. Formal written notification was provided to the	NC

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			<p>Department on 01/12/20 (more than 7 days after the event).</p> <p>Demolition over the Eastern Distributor occurred beyond standard construction hours on 21/02/21 as directed by the road authority, which was notified to the Department in accordance with CoC A13 on 23/02/21.</p>	
C5	Notification of such activities must be given to affected residents before undertaking the activities or as soon as is practical afterwards.	<p>Crane breakdown 30/01/21: Email RCC to Finger Wharf Facilities Manager and Building Manager, and Wharf Terraces Concierge, 30/01/21</p> <p>Demolition 21/02/21: Email RCC to Finger Wharf Facilities Manager and Building Manager, and Wharf Terraces Concierge, 15/02/21</p> <p>Concrete pour 23/11/20: Email RCC to Finger Wharf Facilities Manager and Building Manager, and Wharf Terraces Concierge, 24/11/20</p>	<p>Crane breakdown event occurred on 30/01/21 which required construction works to extend beyond the permissible hours. The potentially affected receivers were notified on the same day.</p> <p>Demolition over the Eastern Distributor occurred beyond standard construction hours on 21/02/21 as directed by the road authority, notified to potentially affected residences prior to the event.</p> <p>Late concrete pour running over the standard construction hours on the 23/11/20. Notified to potentially affected residences the following day.</p>	C
C6	<p>Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:</p> <p>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</p>	<p>RCC Sydney Modern site induction, Rev3</p> <p>Aconex issue of management plans and scope of works docs to subcontractors (various)</p> <p>Interview with auditees 10/03/21</p>	<p>Subcontractors are issued the CEMP and sub-plans which include the permissible hours. Subcontractors also receive the scope of works document for the project which specifies permissible hours.</p> <p>Site induction includes working hours as stated in the CoC. All workers must complete the induction prior to working on site.</p> <p>Demolition is the only substantial activity that requires these types of construction methods, but was done predominantly with shears and pulverous. Demolition is stop / start in nature as a portion of a structure is broken down (via shear, pulverisor or hammer), then cleared and segregated before restarting.</p> <p>It is understood that the restricted hours were posted inside the cabins of the excavators used for hammering.</p>	C
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.	<p>White Noise Acoustics CNVMP Rev 3, dated 18/10/2019</p> <p>White Noise Acoustics Noise and Vibration Monitoring Reports, April 20 – February 21</p> <p>Svantec noise monitoring portal 10/03/21</p> <p>RCC Plant Register current to 09/03/21</p>	<p>White Noise Acoustics have developed a CNVMP for the project, which references the ICNG. Noise and vibration monitoring has been conducted as required by the CNVMP during the audit period.</p> <p>Other mitigation measures include the installation of hoarding around perimeter of site (A Class) @2.4m high (exceeding the</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		<p>RCC Project Management Plan</p> <p>Plant 113 induction checklist, 16/02/21</p> <p>Form 25.3 RCC Plant Induction Checklist, sighted 14/02/2020</p> <p>Complaints register current to 01/03/21</p> <p>Site inspection 10/03/21</p>	<p>BCA requirement of 1.5m); and the use of pulverisers on machines for demolition.</p> <p>Electric powered crane (rather than diesel powered) is being used on site.</p> <p>A live link to real-time noise monitoring is available on the svannet website.</p> <p>Affected residents are provided with monthly updates, which are also posted on the project website.</p> <p>In addition, plant maintenance regimes are implemented and noise reduction requirements, including working hours and respite periods, are included in the site induction.</p> <p>The complaints register indicates that there have been several noise complaints received during the audit period. The Project investigated with support of their acoustic consultant and considered the noise impacts to be consistent with the NVMP.</p>	
C8	Heavy vehicles and oversized vehicles must not queue or idle on Art Gallery Road, Mrs Macquaries Road or Lincoln Crescent outside of construction zones awaiting access to the Subject Site.	<p>RCC Sydney Modern site induction, Rev3</p> <p>Aconex issue of management plans and scope of works docs to subcontractors (various)</p> <p>Traffic controllers sighted 10/03/21</p> <p>Complaints register current to 01/03/21</p>	<p>Heavy vehicle traffic requirements are communicated via the site induction and issue of management plans and scope of works to subcontractors.</p> <p>Traffic controllers are on each gate and direct traffic.</p> <p>Observation: There was a complaint on 03/06/20 that related to a truck parking on Lincoln Crescent. The project reprimanded. A semi-trailer was observed to arrive northbound on Art Gallery Road at approximately 0850am. The truck was then sighted entering the site from the north at 1000am. In both these instances it is unclear if the trucks were queuing or idling as stated by this condition.</p>	C
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.	<p>White Noise Acoustics CNVMP Rev 3, dated 18/10/2019</p> <p>RCC Sydney Modern site induction, Rev3</p> <p>Aconex issue of management plans and scope of works docs to subcontractors (various)</p> <p>Interview with auditees 10/03/21</p>	<p>Subcontractors are issued the CEMP and sub-plans which include the permissible hours for high noise intensive works. Subcontractors also receive the scope of works document for the project which specifies permissible hours including the restricted hours for high noise activities.</p> <p>Site induction includes working hours as stated in the CoC (including CoC C6). All workers must complete the induction prior to working on site.</p> <p>Refer CoC C6.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			It is understood that the restricted hours as per CoC C6 were posted inside the cabins of the excavators used for hammering.	
C10	<p>Vibration caused by construction at any residence or structure outside the subject site must be limited to:</p> <ul style="list-style-type: none"> 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. 	<p>White Noise Acoustics CNVMP Rev 3, dated 18/10/2019</p> <p>White Noise Acoustics Noise and Vibration Monitoring Reports, April 20 – February 21</p> <p>Complaints register current to 01/03/21</p>	<p>The CNVMP has been prepared with reference to the vibration standards listed in Condition C10.</p> <p>Vibration monitors are placed in a number of locations across the site including AGNSW, wharf terraces, ED and Ausgrid substation.</p> <p>Two vibration related complaints were received during the Audit Period. The Project investigated and states that the monitors showed that there were no exceedances to the adopted limits during the period of the complaint.</p> <p>A number of vibration exceedances were recorded within the White Noise - Noise and Vibration Monitoring Reports between April 2020 and February 2021. The reports explain that each event was triggered by non-construction related events (i.e.: were as a result of disturbance to the geophone itself, or instrument errors occurring outside of construction periods).</p>	C
Site Protection and Works				
C11	All significant building fabric and building elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.	Site inspection 10/03/21	During the site inspection, protection measures were observed which included, fencing, flagging, shielding and signage.	C
C12	The installation of new services must be carried out in such a manner as to minimise damage to, or removal of, significant fabric.	Site inspection 10/03/21	RCC advised no new services installed during the audit period.	NT
Disposal of Seepage and Stormwater				
C13	Any seepage or rainwater collected on-site during construction shall be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council	<p>City of Sydney Tax Invoice, Registration and Review Public Domain PCA RC 308 App for Temporary Dewater, dated 11/02/2020</p> <p>Water quality monitoring report, CETEC, December 20</p> <p>Dewatering Management Plan, Central Plumbing, MP-001, 05/11/20</p> <p>Dewatering Management Plan, DECC, MP-001 07/02/20 (revised through 30/06/20).</p> <p>Approval to dewater, City of Sydney, 01/07/20</p> <p>Email City of Sydney to Central Plumbing, 20/11/20</p> <p>Water sample report, P Clifton and Assoc, 14/07/20</p>	<p>The City of Sydney approval to dewater groundwater approves the DECC Dewatering Management Plan (which details the process for dewatering rainwater and stormwater collected on the project footprint that seeps into the basement). This Dewatering Plan was revised by Central Plumbing but continued to use the same Dewater Plan as previously approved by Council. This was pursuant to advice from Council about their preference to continue the use of the existing approved plan. The includes specific actions and requirements including the testing of water. The water quality reports indicate testing is occurring the pH, TS and TDS results to be satisfactory before pumping.</p> <p>Non-compliance: the dewatering plan commits to checking for hydrocarbon</p>	NC

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			sheens and odours, and periodic sampling of hydrocarbons and BTEX via laboratory analysis. According to the CETEC test reports, there does not appear to be any check for hydrocarbons or odours etc. The last laboratory analysis of collected water was from July 2020.	
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	Aconex issue of management plans and scope of works docs to subcontractors (various)	This correspondence to subcontractors includes the approved plans and is available on site.	C
Site Notice				
C15	A site notice(s) must be prominently displayed at the boundaries of the Subject Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements: <ul style="list-style-type: none"> a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size; b) the notice is to be durable and weatherproof and is to be displayed throughout the works period; c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted. 	Site inspection 10/03/21	Site notice signage was installed on major gates and areas of hoarding surrounding the site. The details on each site notice were compliant with Condition C15.	C
Archaeology				
C16	The Historical Archaeologist nominated under condition B24 B23 must be on-site to monitor all subsurface works associated with excavation within areas of low to moderate archaeological potential.	Aconex GML to RC, 09/06/20 Letter GML to RC, 26/11/20	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. No issues identified.	C
Impacts of Below Ground (Sub Surface) Works- Non-Aboriginal Objects				
C17	If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the OEHL Heritage Division must be notified immediately and consulted with regard to the recommencement of works. This protocol must be included in the induction for all construction workers on the site.	GML Heritage induction material, sighted 10/03/21 Aconex GML to RC, 09/06/20 Letter GML to RC, 26/11/20	The potential for unexpected finds is communicated through the induction. On 09/06/20 GML emailed RCC confirming that it had completed monitoring works on the AGNSW site they had monitored to bedrock across the site for areas with the potential for archaeological remains. GML is satisfied with the works completed. GML also monitored works in the tanks (non-arch) on 30/06/20, 08/07/20, 29/07/20, 25/08/20, 08/10/20. No issues identified. No unexpected finds.	NT

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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.	GML Heritage induction material, sighted 10/03/21 Aconex GML to RC, 09/06/20 Letter GML to RC, 26/11/20	The potential for unexpected finds is communicated through the induction. On 09/06/20 GML emailed RCC confirming that it had completed monitoring works on the AGNSW site they had monitored to bedrock across the site for areas with the potential for 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. No issues identified. No unexpected finds.	NT
Maritime Archaeology				
C19	If any relics are found during trenching, work must cease in that area and advice sought from a maritime archaeologist. If any maritime relics of State significance are uncovered, all work shall immediately cease in that area and a written assessment of the nature and significance of the resource, together with the treatment of the remains shall be submitted to the Planning Secretary and delegate of the Heritage Council of NSW for approval. The Applicant must facilitate appropriate materials conservation, archival documentation and conservation and storage of any items recovered during any trenching works. A site specific induction for all personnel engaged in maritime works, which includes the above requirements, must be undertaken by a maritime archaeologist.	NA	NA	NT
Contamination				
C20	Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence	RCC Unexpected Finds Procedure (UFP), dated 15/10/2019 Letter DPIE to RCC, 26/06/20 Email, RCC to DPIE 01/03/21	On 25/06/20, RCC notified the Department of an unexpected find of contamination under C20. On 26/06/20 the Department gave direction to recommence works and submit the clearance certificates once complete (with no specific deadline identified). On 01/03/21 RCC provided clearance certificates, 8 months after the clearance certificates were received	C
C21	Groundwater discharged from the site must not be contaminated by hydrocarbons or other chemicals associated with previous use of the site for naval fuel storage or iron from local bedrock.	Water quality monitoring report, CETEC, December 20 Dewatering Management Plan, Central Plumbing, MP-001, 05/11/20 Dewatering Management Plan, DECC, MP-001 07/02/20 (revised through 30/06/20). Approval to dewater, City of Sydney, 01/07/20 Aconex correspondence Coffeys to RCC, 20/01/20 Water sample report, P Clifton and Assoc, 14/07/20	Coffeys undertook investigations of accumulated water in the tanks and identified that hydrocarbons and other contaminants were negligible. That water was reused as dust suppression on site until the Council dewater permit was obtained. The P Clifton report from July 2020 indicates that pooled surface water (not groundwater) is essentially free of hydrocarbons. The City of Sydney approval to dewater groundwater approves the DECC Dewatering Management Plan (which details the process for dewatering rainwater and stormwater collected on the project footprint that seeps into the basement). This Dewatering Plan was revised by Central Plumbing but continued to use the same Dewater Plan as	C

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			<p>previously approved by Council. This was pursuant to advice from Council about their preference to continue the use of the existing approved plan. The includes specific actions and requirements including the testing of water. The water quality reports indicate testing is occurring the pH, TS and TDS results to be satisfactory before pumping.</p> <p>Observation: the dewatering plan commits to checking for hydrocarbon sheens and odours, and periodic sampling of hydrocarbons and BTEX via laboratory analysis. According to the CETEC test reports, there does not appear to be any check for hydrocarbons or odours etc. The last laboratory analysis of collected water was from July 2020. Whilst there is no check for these pollutant markers, the Auditor cannot confirm whether the pollutants were in fact present in discharged waters.</p>	
SafeWork NSW Requirements				
C22	To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork NSW requirements.	<p>Site inspection 10/03/21</p> <p>Interview with auditee 10/03/21</p>	<p>Timber Class A hoardings 2400mm. Site secure, as confirmed during site inspection with no areas of potential unauthorised entry observed during the site inspection.</p> <p>A site induction and swipe card system is in place to prevent unauthorised access to the site.</p> <p>SafeWork have not issued any notices.</p>	C
Hoarding/Fencing Requirements				
C23	<p>The following hoarding requirements must be complied with:</p> <p>a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and</p> <p>b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.</p>	<p>Site inspection 10/03/21</p> <p>Interview with auditee 10/03/21</p>	Compliant based on-site inspection. RCC advised hoardings are checked daily and painted over if any signs of unauthorised advertising or graffiti are identified.	C
Implementation of Management Plans				
C24	The Applicant must ensure the requirements of the Construction Environmental Management Plan, Construction Noise and Vibration Management Plan, Construction Pedestrian Traffic Management Plan, Construction Waste Management Plan, Geotechnical Design, Certification and Monitoring Plan, Tree Protection Plan, Air Quality and Odour Management Plan and Acid Sulfate Soils Management Plan required by Part B of this consent are implemented during construction.	As per evidence referenced in Conditions B16, B61, B62, B63, B64 and B65, C40 and C41 and Appendix B.	<p>As per findings for Conditions B16 (Geotechnical Design, Certification and Monitoring Plan), B61 (CEMP), B62 (CPTMP), B63 (CNVMP), B64 (AQOMP), and B65 (Waste Management Plan). Refer to findings in Appendix B.</p> <p>The Tree Protection Plan is not a specific condition of approval in Part B. Tree protection has been managed by arborist assessments and Tree Protection Compliance letters received from the</p>	C

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			<p>consulting arborist, as detailed in Conditions C40 and C41.</p> <p>NB: The requirement for an Acid Sulfate Soils Management Plan (Condition B68) was removed in MOD 1.</p>	
Waste Management				
C25	<p>Notwithstanding the Waste Management Plan referred to in condition B63B65, the Applicant must ensure that:</p> <ul style="list-style-type: none"> a) all waste generated by the development is classified and managed in accordance with the EPA's Waste Classification Guidelines Part 1: Classifying Waste 2009; b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste; c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour; d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises; e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour. 	<p>Site inspection 10/03/21</p> <p>Coffeys Waste Classification Reports (various), WC02 – WC14 (2020).</p> <p>EPA consignment notice 10/06/20 – 11/08/20.</p> <p>Bingo Waste Management Plan (no ref)</p> <p>Bingo waste report, current to 27/02/21</p> <p>Bingo Recycling Centre EPL 4679</p> <p>Site photo 04/08/20, 11/07/20</p> <p>Interview with auditees 10/03/21</p>	<p>Spoil is classified by a Coffeys CEnvP(SC). Evidence indicates that excavated material has undergone chemical analysis and classification in accordance with the Waste Classification Guidelines. Material was classified as VENM, GSW, Special Waste.</p> <p>Other waste generated by the Project is pre-classified and GSW (general construction and demolition waste) under the Waste Classification Guidelines.</p> <p>Consignment authorizations were presented evidencing the tracking and disposal of ACM to a facility lawfully permitted to receive it, by a transporter licenced to carry it.</p> <p>Waste storage on site was generally adequate. All waste is placed in comingle bins (excluding food waste) and sorted and recycled by Bingo at its Alexandria facility (EPL 4679).</p> <p>Bingo collects all skip bin waste and has identified the classification, volume, volume recovered / recycled, delivery docket, recycle/disposal location. No issues.</p> <p>The site access and egress is sealed with rumble grid in place. Photos indicate the use of wheel wash and covers on trucks during earthworks.</p> <p>No concrete washout on site. Concrete trays are used for excess concrete. These are left to cure, then disposed of off-site as GSW.</p> <p>Observation: Small amounts of litter and old sediment bags was observed on the eastern boundary, which requires housekeeping.</p>	C
Asbestos and Hazardous Waste Removal				
C26	<p>Any existing filling on the site must be assessed for the presence of asbestos materials during construction. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must satisfy the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 are ensure that demolition works are undertaken so that cross-contamination of the site does not occur.</p>	<p>Coffeys Waste Classification Reports (various), WC02 – WC14 (2020).</p> <p>EPA consignment notice 10/06/20 – 11/08/20.</p>	<p>Spoil is classified by a Coffeys CEnvP(SC). Evidence indicates that excavated material has undergone chemical analysis and classification in accordance with the Waste Classification Guidelines. Material was classified as VENM, GSW, Special Waste.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			<p>Consignment authorizations were presented evidencing the tracking and disposal of ACM to a facility lawfully permitted to receive it, by a transporter licenced to carry it.</p> <p>Demolition works are complete.</p>	
C27	Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.	<p>DECC Non Friable Asbestos Removal Licence #AD211031, dated 21/06/2012, Exp. 20/06/2022</p> <p>Asbestos Clearance, Coffeys, 12/05/20, 30/06/20, 17/06/20</p> <p>Asbestos air monitoring report, Coffeys, August 2020</p> <p>Coffeys Waste Classification Reports (various), WC02 – WC14 (2020).</p> <p>EPA consignment notice 10/06/20 – 11/08/20.</p> <p>Coffey, RCC Hazardous Materials Management Plan R02 Final, dated 22/10/2019</p> <p>Coffey, RCC Asbestos Management Plan, dated 9/09/2019</p> <p>SafeWork NSW Notice of intent to remove non-friable asbestos, dated 5/12/2019 current through to 2022 (dated within required timeframe 5 days prior to commencement of removal).</p> <p>DECC Non-Friable Asbestos Removal Licence, Licence No. AD211031, SafeWork NSW, dated 21/06/2012, exp. 20/06/2022</p>	<p>The HMMP was prepared for the project and submitted to the EPA, SafeWork NSW and the Department.</p> <p>Asbestos and other hazardous building materials were removed by the demolition contractor, DECC prior to the demolition of the pump building on Lincoln Crescent.</p> <p>Relevant licences and tickets for asbestos removalists were provided as evidence and were current during the audit period.</p> <p>Dozens of Clearance Certificates were issued by Coffeys Licenced Asbestos Assessor (LAA001042 and LAA001397) for the removal of ACM from excavated surfaces and structures.</p> <p>Clearance certificates for the removal of asbestos from the tank, substation, pump house were sighted.</p> <p>Air monitoring was conducted. No elevated results detected.</p>	C
Covering of Loads				
C28	All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.	Site photo 04/08/20, 11/07/20	Photos indicate the use of wheel wash and covers on trucks during earthworks.	C
Vehicle Cleansing				
C29	Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.	<p>Erosion and Sediment Control Plan, sighted 14/02/2020 (previous audit)</p> <p>Site photo 04/08/20, 11/07/20</p> <p>Site inspection 10/03/21</p>	<p>The erosion and sediment control plan remains unchanged. As the site is out of the ground (essentially) the project is turning off controls as relevant.</p> <p>A photo of the wheel wash in use was sighted.</p> <p>The site access and egress has been sealed. A rumble grid is installed on the egress. No material tracking was observed.</p> <p>The site is largely sealed, with only very small, isolated pockets of exposed surface internal to the site remaining.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
Stockpile Management				
C30	<p>The Applicant must ensure:</p> <ul style="list-style-type: none"> a) stockpiles of excavated material do not exceed 4 metres in height; b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and c) suitable erosion and sediment controls are in place for stockpiles. 	<p>Site inspection, 10/03/21</p> <p>Erosion and Sediment Control Plan, sighted 14/02/2020 (previous audit)</p> <p>A selection of photos provided showing controls on stockpiles during the 12 months prior to the audit.</p>	<p>The erosion and sediment control plan remains unchanged. As the site is out of the ground (essentially) the project is turning off controls as relevant. Historical photos indicate that stockpiles complied with these requirements.</p>	C
Erosion and Sediment Control				
C31	<p>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.</p>	<p>Erosion and Sediment Control Plan, sighted 14/02/2020 (previous audit)</p> <p>Site inspection 10/03/21</p>	<p>The erosion and sediment control plan remains unchanged. As the site is out of the ground (essentially) the project is turning off controls as relevant.</p> <p>The site is largely sealed, with only very small, isolated pockets of exposed surface internal to the site remaining.</p>	C
Dust Control Measures				
C32	<p>Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:</p> <ul style="list-style-type: none"> a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions; b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed; c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour; d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs; e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material; f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays; g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and h) cleaning of footpaths and roadways shall be carried out regularly 	<p>Site inspection, 10/03/21</p> <p>Erosion and Sediment Control Plan, sighted 14/02/2020 (previous audit)</p> <p>Site photo 04/08/20, 11/07/20, 13/07/20</p> <p>Interview with Auditees, 14/02/2020</p> <p>Site photos February 2020</p> <p>Street sweeper docketts sighted for the following dates (14/02/20, 13/03/20, 14/03/20, 15/03/20, 18/03/20, 19/03/20, 20/03/20, 26/03/20, 27/03/20, 28/03/20, 29/06/20, 03/06/20, 05/06/20, 30/06/20, 03/07/20).</p> <p>A selection of photos provided showing controls on stockpiles during the 12 months prior to the audit</p> <p>Complaints register current to 01/03/21</p>	<p>Hoarding around the site reduces the risk of dust leaving site. 8m high bunker walls along Lincoln Cr during earthworks.</p> <p>Earthworks were completed in August / Sep 2020. The layout of the site is such that staging and stabilization happened progressively. The stripping of topsoil (to membrane) was completed in March 2020. The site is largely sealed now with limited sources for dust.</p> <p>Fog cannons were used during demolition.</p> <p>Photos taken during the audit period indicate covering of stockpiles, however the stockpiles were regularly worked on (generation and load out) and therefore could not be covered.</p> <p>Photos from July and August 2020 indicate wheel wash in use and the covering of loads.</p> <p>Hoses or sprinklers are used for dust suppression as required. Due to the nature of the site with steep slopes and limited internal vehicle movements it is agreed it is impractical to utilise water carts.</p> <p>Loads covered as per Condition C28.</p> <p>Wheel wash in place as per Condition C29.</p> <p>Gates on Lincoln Crescent were closed.</p>	C

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			<p>Footpaths and roadways were generally clean noting the observation in relation to CoC C25.</p> <p>RCC provided evidence of use of a road sweeper.</p> <p>Dust was not identified as an issue at the time of the site inspection.</p> <p>CoC C32 has many controls and requirements that are not relevant (or not able to be implemented due to the construction becoming above ground works on hard stands).</p> <p>Four complaints in relation to dust were received during the audit period. The Project considers that all controls were in place. The Auditor is not able to confirm either way.</p>	
No Obstruction of Public Way				
C33	The public way must not be obstructed other than as specified in the Construction Pedestrian Traffic Management Plan and Section 138 permit, by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.	<p>Site inspection 10/03/21</p> <p>Hoarding and scaffolding – inspection and certification, City of Sydney, 06/07/20</p> <p>Hoarding permit, City of Sydney, 20/05/20</p> <p>ROL, 11-12/07/20, Transport for NSW (tower crane erection)</p> <p>TCP, 00-TIT-RCC-08, Titan Group.</p> <p>Email Transport for NSW, 06/07/20</p> <p>ROL, 05 – 27/08/20, Transport for NSW (OSOM float)</p> <p>Hoarding Works Approval B/2020/129</p> <p>TCP21222</p>	<p>TCPs formed part of the ROLs and Section 138/139 approvals issued by City of Sydney. Hoarding application was approved by City of Sydney and remains current. Hoarding inspection and certification complete by City of Sydney. Permit current through to end of 2021.</p> <p>Non-compliance: At the site inspection it was observed that a section of Lincoln Crescent footpath was closed to pedestrians without sufficient controls in place to maintain safety. It is also noted that TCP21222 requires pedestrians to be safely directed onto the road and around the site access. This arrangement contradicts the Hoarding Works Approval requiring pedestrians to be directed to the opposite footpath prior to reaching the site.</p>	NC
Contact Telephone Number				
C34	The Applicant must ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.	Phone call made to 24-hr project contact number, 15:59, 10/03/21	<p>The 24-hour contact number is displayed on site signage and on the project website.</p> <p>The number was tested on 10/03/21 and was found to be attended.</p>	C
Acid Sulfate Soils				
C35	<p>The Applicant must ensure that any acid sulfate soils (ASS) and potential acid sulfate soils (PASS) excavated or otherwise disturbed during construction is managed in accordance with:</p> <p>a) the Acid Sulfate Soil Management Plan for the site (condition B66);</p> <p>b) the Acid Sulfate Soils Manual 1988 (NSW Acid Sulfate Soil Management Advisory Committee); and</p>	NA	NA	NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	the EPA's Waste Classification Guidelines 2014 (Part 4: Acid Sulfate Soils).			
Bunding				
C36	The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's Storing and Handling Liquids: Environmental Protection - Participants Handbook.	Site inspection 10/03/21	A dedicated chemical storage cabinet for flammable liquids is provided on site and is self-banded.	C
Pollution of Waters				
C37	No approval is granted to pollute waters. All water discharge from the site must meet all requirements of the Protection of the Environment Operations Act 1997.	<p>Water quality monitoring report, CETEC, December 20</p> <p>Dewatering Management Plan, Central Plumbing, MP-001, 05/11/20</p> <p>Dewatering Management Plan, DECC, MP-001 07/02/20 (revised through 30/06/20).</p> <p>Approval to dewater, City of Sydney, 01/07/20</p> <p>Aconex correspondence Coffeys to RCC, 20/01/20</p> <p>Water sample report, P Clifton and Assoc, 14/07/20</p>	<p>Coffeys undertook investigations of accumulated water in the tanks and identified that hydrocarbons and other contaminants were negligible. That water was reused as dust suppression on site until the Council dewater permit was obtained. The P Clifton report from July 2020 indicates that pooled surface water (not groundwater) is essentially free of hydrocarbons.</p> <p>The City of Sydney approval to dewater groundwater approves the DECC Dewatering Management Plan (which details the process for dewatering rainwater and stormwater collected on the project footprint that seeps into the basement). This Dewatering Plan was revised by Central Plumbing but continued to use the same Dewater Plan as previously approved by Council. This was pursuant to advice from Council about their preference to continue the use of the existing approved plan. The includes specific actions and requirements including the testing of water. The water quality reports indicate testing is occurring the pH, TS and TDS results to be satisfactory before pumping.</p> <p>Observation: The dewatering plan commits to checking for hydrocarbon sheens and odours, and periodic sampling of hydrocarbons and BTEX via laboratory analysis. According to the CETEC test reports, there does not appear to be any check for hydrocarbons or odours etc. The last laboratory analysis of collected water was from July 2020. Whilst there is no check for these pollutant markers, the Auditor cannot confirm whether the pollutants were in fact present in the discharge waters.</p>	C
Protection of Trees				
C38	No trees are to be removed or transplanted unless specifically identified for removal or transplantation in the approved landscape plans (condition <u>A3A2</u>) or removal is required in an emergency to avoid the loss of life or damage to property.	<p>Earthscape Tree Protection Plan</p> <p>Landscape Plan</p>	RCC advised all trees are retained per the approved Landscape Drawings with exception of the group of trees located on the land bridge. Letter from Earthscape Horticultural Services provides confirmation	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		<p>Earthscape Horticultural Services Arboricultural Impact Assessment Report v9, dated 3/11/2017</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [6] and [7], dated 27/07/20, 11/11/20</p> <p>Site photos December 19 – Feb 20.</p> <p>Site inspection 10/03/21</p>	<p>that Trees T2405-T2411 (group of Sydney Red Gums on the land bridge), died due to drought conditions exacerbated by the shallow soil profile. Installation of irrigation was not sufficient to arrest the decline of the trees. The letter recommends removal of the trees due to the high unlikelyhood of recovery. These were all removed prior to the first audit pursuant to the arborist recommendation that they threatened loss of life or damage to property due to potential collapse.</p> <p>The Earthscape letter confirms the arborist's satisfaction with tree protection measures in place on the site during an inspection undertaken in July and November 2020.</p> <p>The tree protection measures in place at the time of the audit were satisfactory.</p>	
C39	<p>Within and adjacent to the site, tree removal, protection of retained trees, pruning of trees and transplanting of trees shall be conducted in accordance with the recommendations of the Arboricultural Impact Assessment Report, dated November 2017 (Appendix AH in the EIS)</p>	<p>Earthscape Horticultural Services Arboricultural Impact Assessment Report v9, dated 3/11/2017</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [1], dated 12/12/2019</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [2], dated 9/01/2020</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [3], dated 9/01/2020</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [4], dated 9/01/2020</p> <p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [6] and [7], dated 27/07/20, 11/11/20</p>	<p>Compliance letters received by the consulting arborist describe inspections conducted and compliance with conditions related to tree protection. This includes review of tree protection zones, irrigation measures, drought conditions, and in the construction of a temporary haul road / driveway.</p> <p>See Condition C41 for more information.</p> <p>RCC have confirmed that the only tree removal works completed post March 2020, are the trees identified by SSD approved plans on Lincoln Cres medium strip.</p>	C
C40	<p>A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site and neighbouring allotments and that recommendations contained within the Arboricultural Impact Assessment Report, dated November 2017 (Appendix AH in the EIS) are carried out.</p>	<p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [6] and [7], dated 27/07/20, 11/11/20</p>	<p>Earthscape Horticultural Services have been engaged on the project. Compliance letters confirm Andrew Morton of Earthscape holds Dip. (Arboriculture_ [Australia Qualification Framework Level 5]</p> <p>The Earthscape letter confirms the arborist's satisfaction with tree protection measures in place on the site during an inspection undertaken in July and November 2020.</p>	C
C41	<p>All trees are to be monitored by the Project Arborist to ensure adequate health throughout the construction period is maintained. Additionally, all work within the Tree Protection Zones is to be supervised throughout construction. All tree works must be carried out in accordance with all relevant Australian Standards.</p>	<p>Letter from Earthscape Horticultural Services to RCC, RE: Compliance Statement [6] and [7], dated 27/07/20, 11/11/20</p>	<p>Earthscape Horticultural Services have been engaged on the project. Compliance letters confirm Andrew Morton of Earthscape holds Dip. (Arboriculture_ [Australia Qualification Framework Level 5]</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
			The Earthscape letter confirms the arborist's satisfaction with tree protection measures in place on the site during an inspection undertaken in July and November 2020.	
Selection of Appropriate Tradespeople				
C42	All heritage work must be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar structures, materials and methods	Interview with Auditees 10/03/21 Letter GML to RC, 26/11/20	Observation: The extent of potential heritage works being undertaken during the audit period involve cutting holes in the remaining World War 2 tank and replacing structural uprights. This is a continuation of demolition works undertaken to remove one of the tanks. The works need to be conducted by suitably qualified persons in concrete cutting and concreting (DECC, Demartin and Gasparini). These works have been supervised but not undertaken by, GML. GML confirmed that it monitored works in the tanks on 30/06/20, 08/07/20, 29/07/20, 25/08/20, 08/10/20. No issues were identified.	C
Nominated Historical Archaeologist				
C43	The Nominated Historical Archaeologist (refer to condition B23) is to regularly inspect the site and provide ongoing advice to the contractor representative undertaking the works for the duration of construction to ensure that there is no unapproved removal of elements, significant fabric is not damaged and that all work is being carried out in accordance with the conditions of this consent.	Letter GML to RC, 26/11/20	GML confirmed that it monitored works in the tanks (non-arch) on 30/06/20, 08/07/20, 29/07/20, 25/08/20, 08/10/20. No issues identified.	C
PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE				
Nominated Historical Archaeologist				
D1	Prior to occupation or commencement of use, the Applicant shall provide a report to the Planning Secretary and the OEH Heritage Division prepared by the Nominated Historical Archaeologist certifying all heritage works have been carried out in accordance with the terms of this consent outlined in condition A2.			NT
Seawater Heat Exchange System				
D2	Prior to occupation or commencement of the use, the Applicant is to provide documentation to the PCA demonstrating the design of the seawater heat exchange system complies with the preliminary design details outlined in the Seawater Heat Exchange Report (dated 16 March 2018) in Appendix H of the RTS.			NT
Environmental Sustainability				
D3	Prior to occupation or commencement of the use, the Applicant is to provide documentation to the PCA demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives outlined in the Sustainable Development Report (dated 1 November 2017) in Appendix AB of the EIS, taking into consideration amendments required by condition B4.			NT
Public Domain and Landscaping Works				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
D4	All public domain and landscape works are to be completed prior to occupation or commencement of use, with the exception of the forecourt plaza which must be completed within 6 months of the occupation or commencement of use.			NT
Operational Plan of Management				
D5	<p>Prior to occupation or commencement of the use, a new/updated Operational Plan of Management (OPM) prepared by a suitably qualified person shall be submitted to and approved by the Planning Secretary. The OPM must be prepared in consultation with Council and the Royal Botanic Gardens and Domain Trust. The OPM shall address (but not be limited to):</p> <ul style="list-style-type: none"> a) operational strategies for the expanded Art Gallery of NSW (AGNSW); b) roles and responsibilities of key employees involved in overseeing the management and operation of the expanded AGNSW; c) hours of operation; d) event management, loading and unloading, sustainable travel, traffic, transport access and parking, pedestrian access, noise and vibration, heritage and conservation management, security and staff management, emergency management/evacuation and incident response protocols, alcohol and food management, occupational health and safety, infrastructure and services management, patron safety, waste management, water management, wayfinding and signage and lighting; and e) community consultation and complaints management procedures. <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>			NT
Green Travel Plan				
D6	Prior to occupation or commencement of the use, a Green Travel Plan (GTP) prepared by a suitably qualified person shall be endorsed by TNSW (Sydney Coordination Office) and submitted to the Certifying Authority. The GTP must be prepared in consultation with Council, RMS and TNSW (Sydney Coordination Office). The GTP shall outline all measures proposed to increase the mode share of walking and cycling to the site and expanded AGNSW. The GTP shall include a monitoring requirement in relation to the future demand for the expansion of staff and visitor bicycle parking spaces and staff end-of-trip facilities and provision of visitor end-of-trip facilities. The Applicant shall deliver on any recommendations for expansion or provision of facilities from the results of the monitoring.			NT
Loading Dock and Vehicle Management Plan				
D7	<p>Prior to occupation or commencement of the use, a Loading Dock and Vehicle Management Plan (LDVMP), prepared by a suitably qualified person, shall be endorsed by TfNSW (Sydney Coordination and Metro Delivery Offices), RMS and Council and submitted to the Certifying Authority. The LDVMP must outline all measures to be implemented to ensure the safe and efficient operation of the loading dock and to minimise disruption to neighbouring properties, Lincoln Crescent and the adjacent road network. The LDVMP shall address (but not be limited to):</p> <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; 			NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	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. A copy of the LDVMP must be provided to the Planning Secretary			
Waste Management Plan				
D8	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.			NT
Operational Noise and Vibration Management Plan				
D9	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): a) be prepared in accordance with the EPA's Industrial Noise Policy b) identify nearby sensitive receivers and land uses; c) identify the noise limits applying to the development; d) identify all key sources of operational noise and vibration including from patrons departing the venue by midnight; e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise noise and vibration including for the proposed cafe and associated outdoor terrace and from patrons departing the venue by midnight; f) be consistent with and incorporate all relevant recommendations and mitigation measures outlined in the Acoustic Report (dated 28 February 2018) in Appendix P of the RTS and the supplementary Acoustic Report (dated 4 July 2018) in Appendix G of the RTSAR (dated 8 August 2018); g) include a suitable proactive noise and vibration monitoring program which aims to ensure the noise and vibration criteria in this consent are not exceeded. Prior to the commencement of use, a copy of the approved ONVMP must be submitted to Council, the Certifying Authority and the EPA.			NT
Mechanical Ventilation				
D10	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: a) the Building Code of Australia; b) Australian Standard AS1668 and other relevant codes; c) the development consent and any relevant modifications; and d) any dispensation granted by the Fire and Rescue NSW.			NT
Crime Prevention Through Environmental Design				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
D11	Prior to the commencement of use, evidence shall be submitted to the Certifying Authority demonstrating the recommendations of the CPTED Report dated 16 February 2018 (Appendix O of the RTS) (condition B65 B67) have been fulfilled.			NT
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.			NT
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.			NT
Restriction on Vehicles Turning Right from Lincoln Crescent				
D14	Prior to the commencement of use, signage must be erected at the intersection of Lincoln Crescent and Cowper Wharf Road restricting any right turn movements of vehicles over 6 m in length exiting Lincoln Crescent. The signage must be retained in perpetuity.			NT
Parking Restrictions				
D15	The Applicant shall ensure it has obtained approval from Council's Pedestrian Cycling and Traffic Calming Committee in relation to the requirements of condition D14 and for any changes required to on-street parking restrictions for the on-going operation of the development, prior to occupation or commencement of the use.			NT
Sydney Water Compliance				
D16	A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "eDeveloper" icon or telephone 13 20 92 for assistance. The Section 73 Certificate must be submitted to the PCA prior to the use of the development.			NT
Utility Providers				
D17	Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.			NT
Fire Safety Certification				
D18	Prior to the occupation or commencement of use of the development, a Fire Safety Certificate shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.			NT
Structural Inspection Certificate				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
D19	<p>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.</p> <p>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</p> <p>b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.</p>			NT
Post-Construction Dilapidation Report				
D20	<p>Prior to occupation or commencement of the use:</p> <p>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.</p> <p>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:</p> <p>c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions;</p> <p>d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads; and</p> <p>e) a copy of this report is to be forwarded to the Council and the Planning Secretary and each of the affected property owners</p>			NT
Waste and Recycling Collection				
D21	<p>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</p>			NT
Food Premises- Health Registration Database				
D22	<p>Prior to the commencement of food handling operations, the proprietor of the food premises must notify and register the food premises with Council's Health and Building Unit and the NSW Health Department at www.foodnotifv.nsw.gov.au prior to the opening of the premises.</p>			NT
D23	<p>Prior to the commencement of food handling operations, the proprietor of the food premises must notify the NSW Health Department of the following information:</p> <p>a) contact details of the food business including the name of the food business and the name and address of the proprietor;</p> <p>b) the nature of the food business; and</p> <p>c) the location of all food premises of the food business within the jurisdiction of NSW Health.</p>			NT
Sanitary Facilities for Disabled Persons				
D24	<p>Prior to occupation and commencement of the use, details must be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and condition B45 B47.</p>			NT
Protection of Public Infrastructure				
D25	<p>Unless the Applicant and the applicable authority agree otherwise, the Applicant must:</p>			NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	<ul style="list-style-type: none"> a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development. 			
Public Domain Works – Hold Points and Handover				
D26	Prior to a Certificate of Completion being issued for public domain works to the Lincoln Crescent and Cowper Wharf Road frontages and before the use of the development commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional are submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the Council's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.			NT
Fuel Bunker Wall Greening Plan and Implementation				
D27	Prior to the occupation or commencement of use, a landscape plan, endorsed by OEH Heritage Division, illustrating the proposed greening of the east facing fuel bunker wall, shall be prepared for review and approved by the Planning Secretary. The approved plan must be implemented prior to the occupation or commencement of use.			NT
Interpretation Strategy				
D28	<p>An Interpretation Strategy for the development must be prepared by a suitably qualified heritage interpretation practitioner and submitted to the OEH Heritage Division for review and endorsement.</p> <p>The strategy must make decisive recommendations on how a range of interpretation media should be included in the in the project to enhance an understanding of the heritage significance of the Art Gallery of NSW, the Royal Botanic Gardens and the Domain, and the former naval fuel bunker.</p> <p>The strategy is to include:</p> <ul style="list-style-type: none"> a) interpretation objectives and principles for the site and the proposal; b) a targeted analysis of the significance of the place and the primary and secondary interpretation themes and messages for the site; c) identify the most effective options for delivery of interpretive programs (e.g. signage, artwork, interpretation as part of the new building, events, activities, guided tours, publications, internet etc.); and d) methods for monitoring and evaluating the implementation of the strategy. <p>The strategy must recommend that an Interpretation Plan be prepared that confirms actual media, any event, activities, any construction work, installations and communication devices to be included in the development, the locations, artwork, content and a program for implantation.</p> <p>The Interpretation Strategy and Interpretation Plan shall be prepared as an integral component of the final detailed design of the development and must be submitted to the Planning Secretary and Certifying Authority prior to the occupation or commencement of use.</p>			NT
Contamination				
D29	The recommendations of the Remedial Action Plan are to be implemented, including provision of a Section A Site Audit Statement to the Certifying Authority at the completion of remediation and validation works, certifying suitability of that part of the site requiring remediation as identified in the Remedial Action Plan for the proposed development. A notice of completion of remediation work must be provided within 30 days of the completion of the work. Groundwater is not to be abstracted from the site for beneficial use.	<p>Remedial Action Plan Sydney Modern Gallery Art Gallery Road, Sydney NSW, Coffey, 15/10/19</p> <p>Remediation Action Plan – Addendum 1, Sydney Modern Development, Art Gallery Road, Sydney NSW' (the RAP Addendum), Coffey, 05/05/20</p> <p>Letter, Ramboll to RCC, 19/06/20</p>	An amendment to the RAP was completed following an unexpected find during the previous audit period. It sets out the approach to be adopted for the extended areas affected by contamination across the site. The amended RAP was endorsed by the Contaminated Sites Auditor on 19/06/20.	NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
		<p>Asbestos Clearance, Coffeys, 12/05/20, 30/06/20, 17/06/20</p> <p>Asbestos air monitoring report, Coffeys, August 2020</p> <p>Coffeys Waste Classification Reports (various), WC02 – WC14 (2020).</p> <p>EPA consignment notice 10/06/20 – 11/08/20.</p>	<p>The amended RAP appears to have been implemented with the contamination consultants issuing clearance certificates progressively as each area has been cleared.</p> <p>Unexpected finds were encountered, which required removal. These were reported to the Department on 25/06/20. The Department subsequently approved the recommencement of works.</p> <p>Dozens of Clearance Certificates were issued by Coffeys Licenced Asbestos Assessor (LAA001042 and LAA001397) for the removal of ACM from excavated surfaces and structures. Air monitoring was conducted. No elevated results detected.</p> <p>Some small pockets of land identified as potentially contaminated within the Project footprint. Some work within these areas is pending (high voltage installation, landscaping etc).</p> <p>Sign off of the remediation works by the Contaminated Sites Auditor is pending.</p>	
PART E POST OCCUPATION				
Operational Management				
E1	The Operational Plan of Management (refer to condition D5) and all relevant plans must be fully implemented during use of the premises.			NT
Hours of Operation				
E2	The hours of operation shall be as specified in the table below.			NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status																				
	<table border="1"> <thead> <tr> <th>Land Use / Activities</th> <th>Maximum Hours of Operation</th> </tr> </thead> <tbody> <tr> <td>Offices, general administration and duties, security</td> <td>24 hours</td> </tr> <tr> <td>Public access to Gallery spaces</td> <td>7 am to 12 midnight</td> </tr> <tr> <td>Multi-purpose room</td> <td>7 am to 10 pm (indoor areas only) No use of outdoor areas</td> </tr> <tr> <td>Café</td> <td>7 am to 12 midnight</td> </tr> <tr> <td>External terraces (including café terrace)</td> <td>7 am to 10 pm</td> </tr> <tr> <td>Loading dock</td> <td>24 hours</td> </tr> <tr> <th>Lifts</th> <th>Minimum Hours of Operation</th> </tr> <tr> <td>Lincoln Crescent public lift</td> <td>7 am to 6 pm Thursday to Tuesday 7 am to 10 pm Wednesdays * Notwithstanding the above minimum hours of operation, the lift must be operational at least 30 minutes after the end of any functions or events within the AGNSW</td> </tr> <tr> <td>Land bridge public lift</td> <td>24 hours</td> </tr> </tbody> </table>	Land Use / Activities	Maximum Hours of Operation	Offices, general administration and duties, security	24 hours	Public access to Gallery spaces	7 am to 12 midnight	Multi-purpose room	7 am to 10 pm (indoor areas only) No use of outdoor areas	Café	7 am to 12 midnight	External terraces (including café terrace)	7 am to 10 pm	Loading dock	24 hours	Lifts	Minimum Hours of Operation	Lincoln Crescent public lift	7 am to 6 pm Thursday to Tuesday 7 am to 10 pm Wednesdays * Notwithstanding the above minimum hours of operation, the lift must be operational at least 30 minutes after the end of any functions or events within the AGNSW	Land bridge public lift	24 hours			
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E3	Operational restrictions shall apply as specified in the table below. <table border="1"> <thead> <tr> <th>Aspect</th> <th>Restriction</th> </tr> </thead> <tbody> <tr> <td>Multi-purpose room</td> <td>Maximum capacity of 510 persons</td> </tr> <tr> <td>Café</td> <td>Maximum capacity of 150 persons</td> </tr> <tr> <td>Café terrace</td> <td>Maximum capacity of 500 persons</td> </tr> <tr> <td>Playing of amplified music outdoors</td> <td>No amplified music shall be played outdoors, including the public domain and outdoor areas associated with the premises.</td> </tr> <tr> <td>Playing of amplified music indoors</td> <td>Internal speakers must not be placed to direct the playing of music towards the public domain or outdoor areas associated with the premises.</td> </tr> </tbody> </table>	Aspect	Restriction	Multi-purpose room	Maximum capacity of 510 persons	Café	Maximum capacity of 150 persons	Café terrace	Maximum capacity of 500 persons	Playing of amplified music outdoors	No amplified music shall be played outdoors, including the public domain and outdoor areas associated with the premises.	Playing of amplified music indoors	Internal speakers must not be placed to direct the playing of music towards the public domain or outdoor areas associated with the premises.			NT								
Aspect	Restriction																							
Multi-purpose room	Maximum capacity of 510 persons																							
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Playing of amplified music indoors	Internal speakers must not be placed to direct the playing of music towards the public domain or outdoor areas associated with the premises.																							
Operational Noise Limits																								
E4	Noise associated with the operation of any plant, machinery or other equipment on the site, shall not give rise to any one or more of the following: <ol style="list-style-type: none"> a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; or exhibit tonal, impulsive or other annoying characteristics. 			NT																				
Noise Monitoring																								
E5	During commissioning of any plant, machinery or other equipment operated on site and during general operations, the Applicant shall undertake noise monitoring to confirm compliance with the noise limits in condition E4 of this consent. In the event that compliance with the noise limits is not achieved, suitable attenuation measures must be			NT																				

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	implemented to achieve compliance and the ONVMP required under condition D9 be updated to include such measures.			
Noise Control				
E6	The doors and windows of the cafe and the multi-purpose room must be closed after 10 pm.			NT
Unobstructed Driveways and Parking Areas				
E7	At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.			NT
Review of Traffic and Transport Management Plans				
E8	<p>Within 12 months of the commencement of use, the Applicant must review each of the following plans in consultation TNSW (Sydney Coordination Office), Roads and Maritime Services and City of Sydney Council:</p> <p>a) the Green Travel Plan (condition D6);</p> <p>b) the Loading Dock and Vehicle Management Plan (condition D7).</p> <p>The review is to consider whether any amendments are required to the plans to ensure the efficient and safe management of the development to mitigate any adverse impacts to traffic (including buses) or pedestrian safety, or if any additional measures are required. The findings of each review and any amendments to the plans shall be submitted to the Coordinator General, Transport Coordination, within TNSW for endorsement, within three months following the above periods</p>			NT
Loading/Unloading				
E9	All vehicles using the loading dock shall enter and exit the site in a forward motion			NT
E10	<p>All loading and unloading operations associated with the site must be carried out:</p> <p>a) in accordance with the LDVMP (condition D7);</p> <p>b) within the confines of the site, at all times and must not obstruct other properties/units or the public way; and</p> <p>c) out in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality.</p>			NT
Annual Fire Safety Certificate				
E11	An annual Fire Safety Statement must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard.			NT
Fire Safety Certification				
E12	The development shall operate in accordance with the Fire Safety Certificate obtained in accordance with condition D18 of this consent.			NT
Storage and Handling of Waste				
E13	All waste collection services utilising Lincoln Crescent must not be undertaken outside the hours of 7.30 am to 6 pm Monday to Friday.			NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
E14	No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.			NT
Wastewater Disposal				
E15	All domestic wastewater must be disposed of to the sewer in accordance with a current agreement with the relevant wastewater disposal authority.			NT
No Pollution of Waters				
E16	The Applicant must ensure that any water quality, temperature and quantity discharge off-site complies with the requirements of the Protection of the Environment Operations Act 1997 and must not otherwise pollute water			NT
Bunding				
E17	The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements and/or EPA's Storing and Handling Liquids: Environmental Protection - Participants Handbook.			NT
Temporary Event Structures				
E18	Temporary event structures, including artworks and marquees associated with the use of the building, may be constructed within the site and where so constructed, must comply with the relevant provisions of the applicable Australian Standards, including the Australian Building Codes Board Temporary Structures Standard 2015 and the BCA.			NT
Tree Planting, Landscape and Public Domain Works				
E19	All tree planting, landscaping and public domain works approved by condition A2, including planting a minimum of 273 trees, are to be completed prior to the commencement of use.			NT
Public Access				
E20	The Applicant must ensure that public access to, and around, the site is maintained at all times and is not unduly obstructed.			NT
Operation of Plant and Equipment				
E21	All plant and equipment used on site, or to monitor the performance of the development must be: a) maintained in a proper and efficient condition; and b) operated in a proper and efficient manner.			NT
Seawater Heat Exchange System Operation				
E22	The operation of the seawater heat exchange system must comply with the following at all times: a) any anti-foulant product used is registered at the time of use by the Australian Pesticides and Veterinary Medicines Authority for the purpose of a marine growth anti-foulant; b) waste water discharged must contain less than the concentration of anti-foulant product specified on the pesticides label for that product; c) the intake pipework is pigged not less than twice per year d) an appropriate system is installed for the integrated collection and storage of all waste generated from pigging the intake pipework; and			NT

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Compliance Status
	all pigging waste from the intake pipework is disposed of to sewer, or where such disposal is not approved by Sydney Water Corporation, is disposed of a facility legally able to accept the waste for treatment and proper disposal			
Public Domain Works- Defects Liability Period				
E23	All works to the Council's public domain, including rectification of identified defects, are subject to a 12-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Completion for public domain works.			NT
E24	The Interpretation Plan (condition D28) must be fully implemented within 12 months of the completion of the works.			NT
Entry Canopy				
E25	All sides of the Entry Canopy must remain fully accessible and open. The Entry Canopy must not be enclosed by any device, design feature (drop-down blinds, glass walls etc.) or structure at any time.			NT
PART F PRIOR TO THE ISSUE OF SUBDIVISION CERTIFICATE/S				
Subdivision Certificate				
F1	A Subdivision Certificate shall be obtained prior to the registration of a final subdivision plan with the Registrar-General at the NSW Land and Property Information.			NT
Creation of Easements				
F2	Easements for services, drainage, support and shelter, use of plant, equipment, loading areas and service rooms, repairs, maintenance or any other encumbrances and indemnities required for joint or reciprocal use of part or all of the proposed lots as a consequence of the subdivision, must be created over the appropriate lots in the subdivision pursuant to Section 88B of the Conveying Act 1919.			NT
Registration of Easements				
F3	Prior to the issue of the final Subdivision Certificate, the Applicant shall provide to the Certifying Authority evidence that all matters required to be registered on title, including easements noted on the draft subdivision plans listed in Part A, approvals and other consents have been lodged for registration or registered at the NSW Land and Property Information.			NT
Encroaching and/or Shared Services				
F4	Any pipes, service lines or the like servicing each lot shall be contained within their respective lots or, if service lines encroach upon adjoining lots within the subdivision, or are shared by more than one lot, appropriate easements must be created, pursuant to Section 88B of the Conveyancing Act 1919, over the service lines where any such encroachment occurs.			NT

APPENDIX B – CEMP & SUB-PLAN MITIGATION MEASURES

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Conformance Status
Environmental Management Plan (CoC B61)				
Monitoring procedures, Section 4.10.3, pg 28	<p>MONITORING PROCEDURES</p> <p>Inspections & audits of the site including environmental controls shall be conducted in accordance with RCC standard procedure. The following inspections will be conducted onsite throughout the time on the project:</p> <ul style="list-style-type: none"> • Weekly site inspections and environmental walks • Monthly observations and reviews • 3-6 monthly internal audits • External audits as scheduled by INSW. <p>Where an environmental issue/non-conformance is raised on any internal inspection, the relevant subcontractor will be notified on Aconex and required to bring the issue into compliance in the timeframe allocated. If the Subcontractor does not fulfil this requirement, a fine may be issued. Implementation of Aconex and Aconex field allows RCC to track progress and previous progress by contractors to analyse their performance.</p> <p>If a large number of non-conformances are raised, with one subcontractor, RCC may choose to review work methodology or monitoring procedures to mitigate potential future non-conformances.</p>	<p>Safety/Environment Issues register dated 15/03/2021 sighted.</p> <p>Register of communication with subcontractors through aconex (RCC-DEFNOT), 97 x records</p>	<p>A current Safety/Environment Issues Register demonstrates that the inspections and audits are being implemented and that deficiencies are identified, communicated to the relevant subcontractor and closed out. The corresponding Aconex transmittals to subcontractors to address deficiencies was sighted.</p>	C
Training, Section 4.11.1, pg 28	<p>TRAINING</p> <p>Prior to the commencement of project activities, all site personnel (including sub-contractors) will attend a site induction. This will include an outline of the requirements of this EMP and the responsibilities and accountabilities of all site personnel.</p> <p>The project environmental site rules will be included in the induction session.</p> <p>Training records will be kept to verify who has attended the training. Refer Site Inductions Section 3.5</p>	<p>Sydney Modern Induction Presentation, Rev 3.</p> <p>RCC Induction Register</p> <p>RCC entry control system 'Blue Glue'</p>	<p>The RCC project induction confirms the approval pathway, conditions of consent, and location of approval conditions in the site office, along with site environmental risks and controls / expectations such as hours, noise management, traffic and access, housekeeping and heritage, contamination and sustainability. A link to the online location of the approval is also included.</p> <p>A swipe card system is in use on site. Contractors are unable to access the site without a swipe card, and cannot get a swipe card until they have been inducted. The Blue Glue system includes project information and is issued to everyone's phone every day.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Conformance Status
Non conformance, Section 4.15, pg 30	<p>NON CONFORMANCE</p> <p>In the event of breach in the requirements of the EMP, such as:</p> <ul style="list-style-type: none"> • Non compliance with the RCC/ subcontractors SWMS or other environmental procedures; • Non complying activities noted during site inspections (high risk or potential for legal breach); • Following concerns regarding potential breaches in environmental legislation raised by RCC, the client or other stakeholders such as local council or the EPA; • Changes to the RCC system or subcontractors procedures, as a result of corrective or preventative action following and environmental incident, inspection or external audit. <p>Form 31.1 - Non Conformance Report or via Aconex will be completed and issued to the offending party.</p> <p>A copy of the Non Conformance Notice will be forwarded to the Project Manager and the subcontractor, who will implement appropriate corrective action.</p>	<p>Safety/Environment Issues register dated 15/03/2021 sighted.</p> <p>Register of communication with subcontractors through aconex (RCC-DEFNOT), 97 x records</p> <p>RCC Plant Register current to 09/03/21</p>	<p>A current Safety/Environment Issues Register demonstrates that the inspections and audits are being implemented and that deficiencies are identified, communicated to the relevant subcontractor and closed out. The corresponding Aconex transmittals to subcontractors to address deficiencies was sighted.</p> <p>The Plant Register includes frequencies and logs for inspections and maintenance of all plant and equipment on site, predominantly subcontractor plant. The register demonstrates that maintenance is up to date.</p>	C
Construction Pedestrian Traffic Management Plan (CoC B62)				
Site Access, Section 4.4, pg 18	<p>Site accesses to the construction site is proposed via temporary crossovers:</p> <ul style="list-style-type: none"> - Mrs Macquaries Road (left-in only): 20m wide - Art Gallery Road (left-out only): 20m wide - Prior to trees removal: Lincoln Crescent (left-in and left-out only): 9m wide - After trees removal: Lincoln Crescent (left-in and right-out only): 9m wide 	<p>Site inspection 10/03/21</p> <p>Complaints register current to 01/03/21</p>	<p>The approved access and egress points were sighted during the inspection. They were consistent with these commitments.</p> <p>There were three complaints relating to trucks turning right out of Lincoln Crescent onto to Cowper Wharf Road). RCC removed the offending drivers from the project.</p>	C
Pedestrian Access, Section 5.2, pg 22	<p>Two accredited traffic controllers will be present at all site accesses to manage pedestrian movements. Only one vehicle at a time will enter or exit the site at these accesses. Therefore, the provision of two accredited traffic controllers is considered appropriate to hold pedestrians in each direction at the access.</p>	<p>Site inspection 10/03/21</p>	<p>Two traffic controllers were sighted at the gate on Art Gallery Road during the inspection. The gate on Lincoln Crescent was not operating.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Conformance Status																						
<p>Construction Vehicles, Section 5.3, pg 23</p>	<p>It is anticipated that the construction works will involve the following heavy vehicle types:</p> <table border="1" data-bbox="676 451 1092 787"> <thead> <tr> <th>Vehicle Type</th> <th>Length</th> </tr> </thead> <tbody> <tr> <td>Articulated vehicles</td> <td>19m</td> </tr> <tr> <td>Heavy rigid vehicles (HRV)</td> <td>12.5m</td> </tr> <tr> <td>Medium rigid vehicles (HRV)</td> <td>8.8m</td> </tr> <tr> <td>Small rigid vehicles (SRV)</td> <td>6.4m</td> </tr> <tr> <td>Bin trucks</td> <td>10.2m</td> </tr> <tr> <td>Mobile cranes</td> <td>12.3m</td> </tr> <tr> <td>Concrete trucks</td> <td>8m</td> </tr> <tr> <td>Single bogie</td> <td>10.5m</td> </tr> <tr> <td>Concrete pump truck</td> <td>8.8m</td> </tr> <tr> <td>Small utility vehicle</td> <td>5.2m (B99)</td> </tr> </tbody> </table> <p>Details of critical vehicles swept paths are provided in Appendix C.</p>	Vehicle Type	Length	Articulated vehicles	19m	Heavy rigid vehicles (HRV)	12.5m	Medium rigid vehicles (HRV)	8.8m	Small rigid vehicles (SRV)	6.4m	Bin trucks	10.2m	Mobile cranes	12.3m	Concrete trucks	8m	Single bogie	10.5m	Concrete pump truck	8.8m	Small utility vehicle	5.2m (B99)	<p>Site inspection 10/03/21</p> <p>Interview with auditees 10/03/21</p> <p>Complaints register current to 01/03/21</p>	<p>The list of trucks covers the full extent of those needed for the project. A 19m articulated vehicle was observed arriving at site during the inspection. It was supported by traffic controllers.</p> <p>The complaints register does not indicate the use of any non-conforming trucks (despite there being a number of complaints about truck use, parking and routes).</p>	<p>C</p>
Vehicle Type	Length																									
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<p>Construction Noise and Vibration Management Plan (CoC B63)</p>																										
<p>Noise and Vibration Monitoring, Section 6, pg 25</p>	<p>b. Long term noise monitoring – long term unattended noise monitoring should be undertaken at the site to record impacts to the surrounding receivers. Monitoring location should include the following minimum locations:</p> <ol style="list-style-type: none"> i. To the east of the site – Representative location for the Wharf Terraces residential dwellings. ii. To the south of the site – Representative location for the existing Art Gallery of NSW buildings and Domain. <p>Noise monitoring should be undertaken including the following:</p> <ol style="list-style-type: none"> i. Monitoring to include long term continuous noise logging. ii. Monitors set to record noise levels over 15 minute periods and include as a minimum L_{10}, L_{90} and L_{eq} noise levels. iii. The results of noise levels are to be periodically reported including a monthly report as a minimum. The reported noise levels should include comments regarding magnitude of noise levels and triggers for required mitigation and management controls if required. Additional reporting may be required in the event complaints from neighbouring receivers are received. 	<p>White Noise Acoustics Noise and Vibration Monitoring Reports, April 20 – February 21</p> <p>Site inspection 10/03/21</p>	<p>Long term noise monitoring is being conducted. Results are reported monthly within monitoring reports and these are published on the project website. The loggers were sighted during the site inspection.</p>	<p>C</p>																						

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Conformance Status
Construction Noise Management, Section 5.6, pg 22	<p>In the event noise levels are found to required additional noise reduction then all possible and practical mitigations are required to be included in the construction of the project. Possible acoustic treatments and controls may include the following:</p> <ol style="list-style-type: none"> 1. Use of alternative appliances to complete the required works which result in reduced noise impacts on surrounding neighbours. 2. Period when noisy appliances are undertaken, such as undertaking noisy works on locations with the greatest distance to residential receivers during morning periods if possible. 3. Construction of acoustic screening to permanently located high noise generating equipment such as pumps and generators. 4. Scheduling of high noise generating works outside of noise sensitive periods if possible. 5. Other site-specific treatments and controls which may become possible once works commence. 	<p>White Noise Acoustics Noise and Vibration Monitoring Reports, April 20 – February 21</p> <p>Svantec noise monitoring portal 10/03/21</p> <p>RCC Plant Register current to 09/03/21</p> <p>RCC Project Management Plan</p> <p>Plant 113 induction checklist, 16/02/21</p> <p>Form 25.3 RCC Plant Induction Checklist, sighted 14/02/2020</p> <p>Complaints register current to 01/03/21</p> <p>Site inspection 10/03/21</p>	<p>Other mitigation measures include the installation of hoarding around perimeter of site (A Class) @2.4m high (exceeding the BCA requirement of 1.5m); and the use of pulverisers on machines for demolition.</p> <p>Electric powered crane (rather than diesel powered) is being used on site.</p> <p>A live link to real-time noise monitoring is available on the svannet website.</p> <p>Affected residents are provided with monthly updates, which are also posted on the project website.</p> <p>In addition, plant maintenance regimes are implemented and noise reduction requirements, including working hours and respite periods, are included in the site induction.</p> <p>The complaints register indicates that there have been several noise complaints received during the audit period. The Project investigated with support of their acoustic consultant and considered the noise impacts to be consistent with the NVMP.</p>	C
Construction Noise Management, Section 5.6, pg 22	<ol style="list-style-type: none"> 1. Toolbox meetings should be undertaken with all contractors commencing works on the site detailing the requirements to limit noise impacts to neighbouring including their responsibilities detailed in this report. 	<p>RCC Sydney Modern site induction, Rev3</p>	<p>RCC have stated that this is addressed through the Sydney Modern Project Site Induction, which is consistent given the commitment states 'with all contractors commencing works on the site'.</p>	C
Construction Noise Management, Section 5.6, pg 22	<p>10. Respite periods are to be scheduled for activities which generate noise levels in excess of the <i>High Noise Affected</i> levels detailed in Table 3 above. Respite period should include a 30 minute period of respite in every 2 hour periods for <i>High Noise Affected</i> generating appliances. Equipment which is expected to generate <i>High Noise Affected</i> levels includes the following:</p> <ol style="list-style-type: none"> a. Excavators fitted with hydraulic hammering within 50m of the Wharf Terraces b. Saw cutting of rock or concrete within 50 of the Wharf Terraces. 	<p>RCC Sydney Modern site induction, Rev3</p> <p>Aconex issue of management plans and scope of works docs to subcontractors (various)</p> <p>Interview with auditees 10/03/21</p>	<p>Subcontractors are issued the CEMP and sub-plans which include the permissible hours. Subcontractors also receive the scope of works document for the project which specifies permissible hours.</p> <p>Site induction includes working hours as stated in the CoC. All workers must complete the induction prior to working on site.</p> <p>Demolition is the only substantial activity that requires these types of construction methods, but was done predominantly with shears</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Conformance Status			
			and pulverous. Demolition is stop / start in nature as a portion of a structure is broken down (via shear, pulverisor or hammer), then cleared and segregated before restarting.				
Air Quality and Odour Management Plan (CoC B64)							
AQ1	<p>AQ1 Training will be provided to all project personnel, including relevant sub-contractors on sound air quality control practices and the requirements from this plan through inductions, toolboxes and targeted training</p>	RCC Sydney Modern site induction, Rev3	Non-conformance: There is no evidence available to demonstrate that training on sound air quality control practices and the requirements of the AQOMP has been provided to through the induction, toolboxes or targeted meetings.	NC			
AQ2	<p>AQ2 Air quality control measures from this plan will be included in relevant Safe Work Method Statements (SWMS)</p>	SWMS No.2 Bulk Excavation on Site, sighted	The SWMS provided does require the dampening down of material to prevent dust.	C			
AQ7	<p>AQ7 Record any exceptional incidents that cause dust and/or air emissions, either on- or off-site, and the action taken to resolve the situation. Exceptional incidents include:</p> <ul style="list-style-type: none"> • Wind speeds above 25 km/hr; • Dust emissions from non-project related construction projects; and • Dust and/or air emissions from other non-project related sources e.g. dust storms 	Daily Weather Observation Records sighted.	Records of weather are recorded from the BOM. Whilst wind speeds above 25km are recorded no further detail is provided. The Auditor notes that there are no other major construction projects in the immediate vicinity and the project is unlikely to be able to undertake actions in response to dust storms or bushfire haze and the like.	C			
AQ13	<p>AQ13 Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate</p>	Site inspection 10/03/21	Handheld and boundary misting systems were available for deployment.	C			
Waste Management Plan (CoC B65)							
RCC Objectives and Targets, Section 3, pg 8	<table border="1"> <tr> <td>Monitoring</td> <td>Bin(s) with heavy lids shall be provided for putrescibles waste Daily inspections shall be carried out to ensure the worksite is litter free.</td> <td>Env. Inspection Checklist</td> </tr> </table>	Monitoring	Bin(s) with heavy lids shall be provided for putrescibles waste Daily inspections shall be carried out to ensure the worksite is litter free.	Env. Inspection Checklist	<p>Safety/Environment Issues register dated 15/03/2021 sighted.</p> <p>Register of communication with subcontractors through aconex (RCC-DEFNOT), 97 x records</p> <p>Site inspection 10/03/21</p>	<p>Waste was generally secured and well maintained on site. A current Safety/Environment Issues Register demonstrates that the inspections and audits are being implemented and that deficiencies are identified, communicated to the relevant subcontractor and closed out. The corresponding Aconex transmittals to subcontractors to address deficiencies was sighted.</p> <p>Note the observation in relation to CoC C25</p>	C
Monitoring	Bin(s) with heavy lids shall be provided for putrescibles waste Daily inspections shall be carried out to ensure the worksite is litter free.	Env. Inspection Checklist					

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Conformance Status
Reporting and compliance, Section 4, pg 13	<p><u>Green Star and general waste reporting</u></p> <p>RCC will collect monthly waste reports that measure the weight of waste generated of material by classification, total weight of waste, percentage by weight recycled and percentage by weight to landfill.</p>	<p>Bingo waste report, current to 27/02/21</p> <p>Bingo Recycling Centre EPL 4679</p>	<p>Other waste generated by the Project is pre-classified and GSW (general construction and demolition waste) under the Waste Classification Guidelines.</p> <p>All waste is placed in comingle bins (excluding food waste) and sorted and recycled by Bingo at its Alexandria facility (EPL 4679).</p> <p>Bingo collects all skip bin waste and has identified the classification, volume, volume recovered / recycled, delivery docket, recycle/disposal location. No issues.</p>	C
Hazardous Materials Management Plan (CoC B69)				
Record keeping, Section 6, pg 13	<p>A complete record of all activities and work permits relating to asbestos and hazardous materials works, which have been undertaken at the site is to be maintained. The records that are to be kept include:</p> <ul style="list-style-type: none"> Copies of all asbestos and hazardous materials survey reports, including updates and amendments Copies of all permit to work documents Site induction records pertaining to the information disseminated to contractors Prior to conducting work onsite Induction records pertaining to the information disseminated to employees regarding the presence of asbestos onsite Asbestos Removal Control Plans for asbestos removal works Records of any removal or other asbestos related works onsite Clearance certificates indicating areas are safe to reoccupy after asbestos removal works Asbestos fibre air monitoring results All versions of the asbestos register Records dealing with Regulated and Trackable Waste and landfill disposal documentation. 	<p>DECC Non Friable Asbestos Removal Licence #AD211031, dated 21/06/2012, Exp. 20/06/2022</p> <p>Asbestos Clearance, Coffeys, 12/05/20, 30/06/20, 17/06/20</p> <p>Asbestos air monitoring report, Coffeys, August 2020</p> <p>Coffeys Waste Classification Reports (various), WC02 – WC14 (2020).</p> <p>EPA consignment notice 10/06/20 – 11/08/20.</p> <p>Coffey, RCC Hazardous Materials Management Plan R02 Final, dated 22/10/2019</p> <p>Coffey, RCC Asbestos Management Plan, dated 9/09/2019</p> <p>SafeWork NSW Notice of intent to remove non-friable asbestos, dated 5/12/2019 current through to 2022 (dated within required timeframe 5 days prior to commencement of removal).</p> <p>DECC Non-Friable Asbestos Removal Licence, Licence No. AD211031, SafeWork NSW, dated 21/06/2012, exp. 20/06/2022</p>	<p>Asbestos Management Plan and Asbestos Removal Control Plans were prepared and appear to have been implemented.</p> <p>Asbestos and other hazardous building materials were removed by the demolition contractor, DECC prior to the demolition of the pump building on Lincoln Crescent.</p> <p>Relevant licences and tickets for asbestos removalists were provided as evidence and were current during the audit period.</p> <p>Dozens of Clearance Certificates were issued by Coffeys Licenced Asbestos Assessor (LAA001042 and LAA001397) for the removal of ACM from excavated surfaces and structures.</p> <p>Clearance certificates for the removal of asbestos from the tank, substation, pump house were sighted.</p> <p>Air monitoring was conducted. No elevated results detected.</p> <p>Spoil is classified by a Coffeys CEnvP(SC). Evidence indicates that excavated material has undergone chemical analysis and classification in accordance with the Waste Classification Guidelines. Material was classified as VENM, GSW, Special Waste.</p>	C

Unique ID	Compliance requirement	Evidence collected	Independent Audit findings and recommendations	Conformance Status
			Consignment authorizations were presented evidencing the tracking and disposal of ACM to a facility lawfully permitted to receive it, by a transporter licenced to carry it.	

APPENDIX C – PLANNING SECRETARY AGREEMENT OF INDEPENDENT AUDITORS



Planning,
Industry &
Environment

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

Our ref:DOC20/61042

Attention: Derek Low, Principal Environmental Consultant

BY EMAIL ONLY: dlow@wolfpeak.com.au

Dear Mr Low

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

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

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

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

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

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

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

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

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

Yours sincerely,

Rob Sherry

23 January 2020

Team Leader Compliance – Government Projects

As nominee of the Secretary

APPENDIX D – CONSULTATION RECORDS

Derek Low

From: Alex McGuirk <Alex.McGuirk@dpie.nsw.gov.au>
Sent: Monday, 8 March 2021 6:31 PM
To: Derek Low
Subject: RE: Independent Audit of the Sydney Modern Gallery (SSD 6471)

Hi Derek,

Thank you for consulting with the Department of Planning, Industry and Environment (Department) on the scope of the audit. The Department requests that you consult with Council and Heritage NSW, even though you did not receive a response in relation to the initial audit.

Please ensure the audit is conducted in accordance with Condition B14 of Development Consent SSD 6471, which requires the audit to be carried out in accordance with the Independent Audit Post Approval Requirements (June, 2018).

If you have any questions, please do not hesitate to contact me.

Alex McGuirk
Senior Compliance Officer

Planning & Assessment | Department of Planning, Industry and Environment
Locked Bag 5022 | PARRAMATTA NSW 2124
www.dpie.nsw.gov.au



**Planning,
Industry &
Environment**

From: Derek Low <dlow@wolfpeak.com.au>
Sent: Wednesday, 17 February 2021 2:46 PM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Subject: Independent Audit of the Sydney Modern Gallery (SSD 6471)

Hi there,

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

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

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

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

The audit is scheduled to occur in early March 2021 and pertains to post-approval requirements and compliance.

In accordance with Section 3.2 of the IAPAR, I am consulting with the Department on the scope of the audit and for confirmation as to whether other parties or agencies are to be consulted. I note that we consulted with Council and Heritage NSW on the first audit and neither provided a response. Unless the Department advises otherwise, we do not propose to consult with these parties for the second audit.

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

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

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

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

Kind regards

Derek Low

Principal Environmental Consultant



E: dlow@wolfpeak.com.au

P: 1800 979 716

M: 0402 403 716

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

www.wolfpeak.com.au



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Derek Low

From: Andrew Rees <arees@cityofsydney.nsw.gov.au>
Sent: Wednesday, 10 March 2021 1:46 PM
To: Derek Low
Subject: RE: Independent Audit of the Sydney Modern Gallery (SSD 6471)

Hello Derek, the City of Sydney confirms that there are no additional issues that need to be examined in the 2nd audit.

Thankyou for asking

regards

Andrew Rees
Area Planning Mgr (Major Projects)
Planning Assessments



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



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

From: Derek Low <dlow@wolfpeak.com.au>
Sent: Tuesday, 9 March 2021 2:59 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Subject: Independent Audit of the Sydney Modern Gallery (SSD 6471)

Hi there,

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

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

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

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

The audit is scheduled to be completed prior to the end of March 2021 and pertains to post-approval requirements and compliance for the period of April 2020 to March 2021.

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

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

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

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

Kind regards

Derek Low

Principal Environmental Consultant



E: dlow@wolfpeak.com.au

P: 1800 979 716

M: 0402 403 716

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

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Derek Low

From: Derek Low
Sent: Tuesday, 9 March 2021 2:56 PM
To: heritagemailbox@environment.nsw.gov.au
Subject: Independent Audit of the Sydney Modern Gallery (SSD 6471)

Hi there,

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

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

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

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

The audit is scheduled to be completed prior to the end of March 2021 and pertains to post-approval requirements and compliance for the period of April 2020 to March 2021.

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

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

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

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

Kind regards

Derek Low

Principal Environmental Consultant



E: dlow@wolfpeak.com.au

P: 1800 979 716

M: 0402 403 716

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

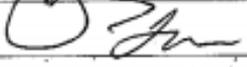
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APPENDIX E – MEETING SIGN ON SHEET

INDEPENDENT AUDIT MEETING ATTENDANCE RECORD

PROJECT (NAME AND APPROVAL NUMBER)		SYDNEY WOLFPEAK	
DATE		10/03/21	
LOCATION		SYDNEY	
OPENING MEETING			
NAME	POSITION / TITLE	ORGANISATION	SIGNATURE
DEEKE LOW	AUDITOR	WOLFPEAK	
Jesse Moss	SPE	RCC	
CLOSING MEETING			
NAME	POSITION / TITLE	ORGANISATION	SIGNATURE
Deeke Low	Auditor	WOLFPEAK	
Jesse Moss	SPE	RCC	

APPENDIX F – SITE INSPECTION PHOTOS

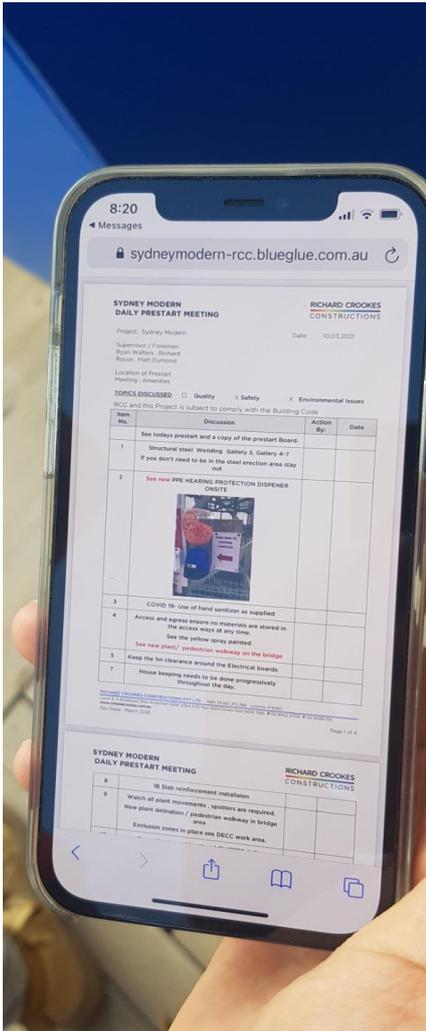


Photo 1: Blue Glue digital prestart



Photo 2: Sealing the surface over the Eastern Distributor with sandstone block work being erected.



Photo 3: Electric powered tower crane in use.



Photo 4: Loading area



Photo 5: Tree protection



Photo 6: Site hoarding free of graffiti and advertising material

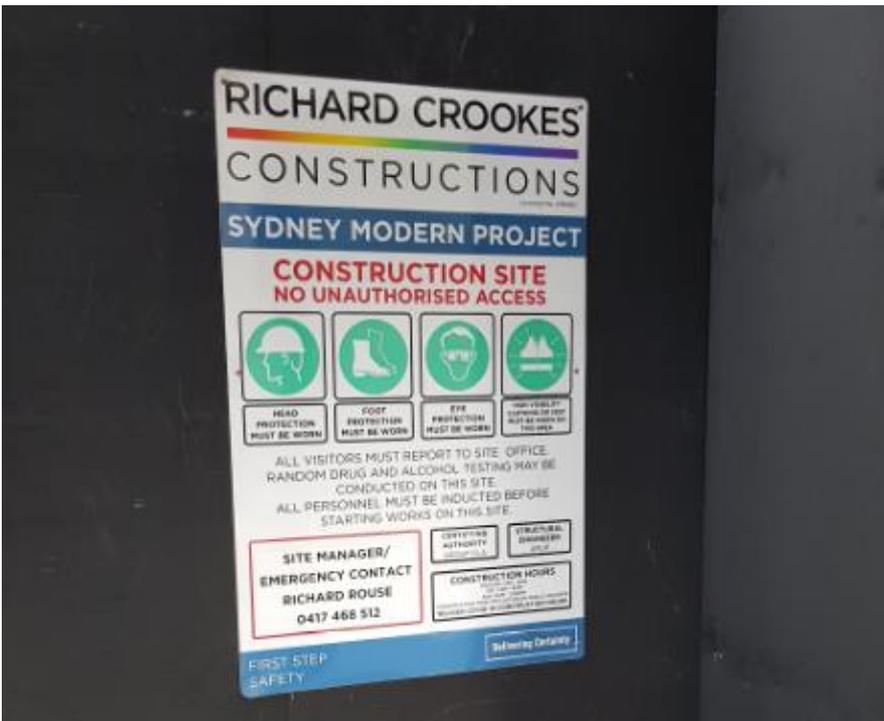


Photo 7: Site notice



Photo 8: Closed footpath without adequate detour.

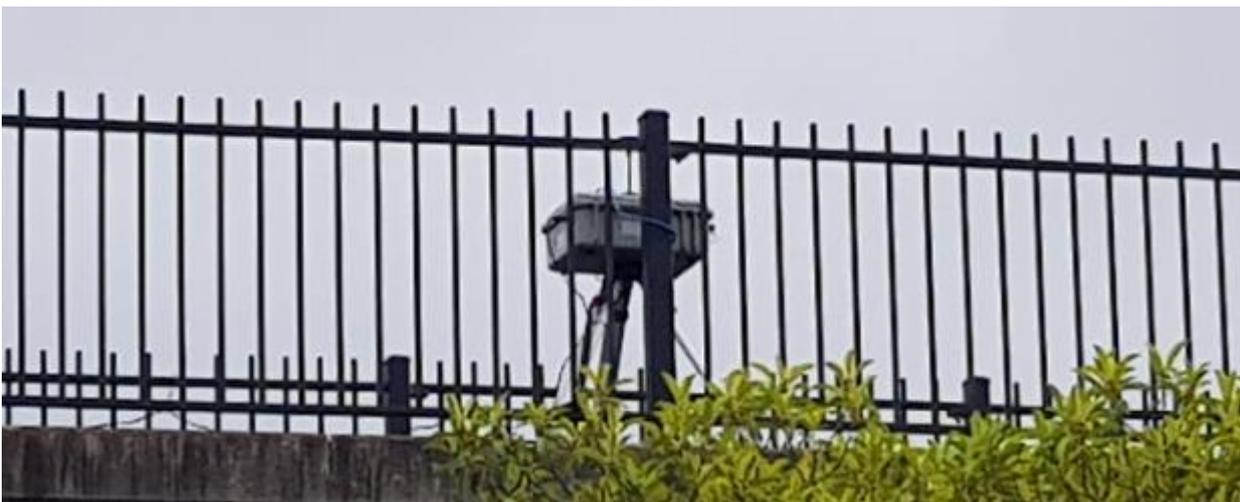


Photo 9: Dust monitoring



Photo 10: Signage for construction vehicles, following several nonconformities



Photo 11: Water treatment plant



Photo 12: Fuel bunker refurbishment, with pier protection in place.



Photo 13: Heritage signage and fencing



Photo 14: Wet saw slurry collection



Photo 15: Spill kit

APPENDIX G – DECLARATION FORMS

Independent Audit Report Declaration Form

Project name	Sydney Modern
Consent number	SSD 6471
Description of Project	<p>Sydney Modern Expansion Project:</p> <ul style="list-style-type: none"> • demolition, earthworks and excavation works • construction of new art gallery building • remediation and conversion of former fuel bunker to gallery use • construction of new entry plaza and associated canopy • new loading dock with access from Lincoln Crescent • public domain and landscaping works, including new footpaths, public lifts and tree planting • subdivision.
Project address	Lot 102 DP 854472, Lot 103 DP 1199151, Lot 34 DP 39586, Lots 107, 108 and 109 DP 1105308, Lot 4 DP 259027, Lot 51 DP 47732, Lot 35 DP 39586, Lot 9 DP 1007656 (Woolloomooloo Bay), Lot 113 DP 1105308; Lot 1013 DP 1199151, and Lots 107, 108 and 115 DP 1105308 (Art Gallery Road), Mrs Macquaries Road , The Domain; and Lincoln Crescent and Cowper Wharf Road, Woolloomooloo
Proponent	Art Gallery NSW Trust
Title of audit	Independent Audit
Date	24/03/2021

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

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

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

Independent Audit Report Declaration Form

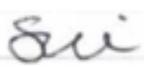
Project name	Sydney Modern
Consent number	SSD 6471
Description of Project	<p>Sydney Modern Expansion Project:</p> <ul style="list-style-type: none"> • demolition, earthworks and excavation works • construction of new art gallery building • remediation and conversion of former fuel bunker to gallery use • construction of new entry plaza and associated canopy • new loading dock with access from Lincoln Crescent • public domain and landscaping works, including new footpaths, public lifts and tree planting • subdivision.
Project address	Lot 102 DP 854472, Lot 103 DP 1199151, Lot 34 DP 39586, Lots 107, 108 and 109 DP 1105308, Lot 4 DP 259027, Lot 51 DP 47732, Lot 35 DP 39586, Lot 9 DP 1007656 (Woolloomooloo Bay), Lot 113 DP 1105308; Lot 1013 DP 1199151, and Lots 107, 108 and 115 DP 1105308 (Art Gallery Road), Mrs Macquaries Road, The Domain; and Lincoln Crescent and Cowper Wharf Road, Woolloomooloo
Proponent	Art Gallery NSW Trust
Title of audit	Independent Audit
Date	24/03/2021

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

- i. the audit has been undertaken in accordance with relevant condition(s) of consent and the *Independent Audit Compliance Requirements (Department 2019)*;
- ii. the findings of the audit are reported truthfully, accurately and completely;
- iii. I have exercised due diligence and professional judgement in conducting the audit;
- iv. I have acted professionally, objectively and in an unbiased manner;
- v. I am not related to any proponent, owner or operator of the project neither as an employer, business partner, employee, or by sharing a common employer, having a contractual arrangement outside the audit, or by relationship as spouse, partner, sibling, parent, or child;
- vi. I do not have any pecuniary interest in the audited project, including where there is a reasonable likelihood or expectation of financial gain or loss to me or spouse, partner, sibling, parent, or child;
- vii. neither I nor my employer have provided consultancy services for the audited project that were subject to this audit except as otherwise declared to the Department prior to the audit; and
- viii. I have not accepted, nor intend to accept any inducement, commission, gift or any other benefit (apart from payment for auditing services) from any proponent, owner or operator of the project, their employees or any interested party. I have not knowingly allowed, nor intend to allow my colleagues to do so.

Notes:

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

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

