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NGH

Prepared for FDC Construction and Fitout Pty Ltd for Infrastructure NSW

Independent Environmental Audit

The Cutaway Cultural Facility SSD-47498458

City of Sydney, Barangaroo, NSW

February 2025

Project Number: 240009



Document verification

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We acknowledge the traditional owners of this land and pay our respect to Elders past, present and emerging. We recognise that the First Nations peoples of Australia have traditionally managed the resources of this land in a sustainable way, and that they are the original stewards of the Australian environment.

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Executive summary

The fit out and operation of the Cutaway Cultural Facility is located at 29 – 51 Hickson Road, Barangaroo (Part Lot 52 DP 1213772, Part Lot 4 DP 876514, Part Lots 1, 2 and 5 DP 912271, Part Lot 7 DP 43776). The Project was approved as a State Significant Development (SSD-47498458) and the Conditions of Approval (CoA / Consent Conditions) were issued by the Minister of Planning on 22 December 2023. Modification 1, for internal design changes, was determined on 19 September 2024.

The Project includes:

- Internal alterations and fit-out of the existing Cutaway space over three (3) levels to accommodate event and gallery spaces, back of house areas, amenities, commercial kitchen, offices and ancillary retail and café
- Enclosure of existing roof openings/voids
- New façade and entry treatment from the forecourt adjacent to Nawi Cove, including new landscaping
- Varied hours of operation for a range of events, exhibitions, cultural uses, festivals and installations.

FDC Construction and Fitout Pty Ltd (FDC) have been contracted to construct the Project on behalf of Infrastructure New South Wales (INSW).

An audit was undertaken to test compliance with the Conditions of Approval. Construction commenced on the 3 May 2024. This is the second independent audit of the Project.

The audit period for this second audit is from 16 July 2024 (date of first audit) to the date of the site inspection component of the second audit, that being 13 January 2025.

The document review found that the Construction Environmental Management Plan and sub plans are relevant to the site and are being implemented. The site visit and site interviews found that the site was well managed, and staff understood their obligations in relation to the Conditions of Approval.

In summary the audit found eight non-compliances out of a total of 255 Conditions of Approval.

1. Introduction

1.1. Background

The fit out and operation of the Cutaway Cultural Facility is located at 29 – 51 Hickson Road, Barangaroo (Part Lot 52 DP 1213772, Part Lot 4 DP 876514, Part Lots 1, 2 and 5 DP 912271, Part Lot 7 DP 43776). The Project was approved as a State Significant Development (SSD-47498458) and the Conditions of Approval (CoA) were issued by the Minister of Planning on 22 December 2023. Modification 1, for internal design changes, was determined on 19 September 2024.

The Project includes:

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- Varied hours of operation for a range of events, exhibitions, cultural uses, festivals and installations.

FDC Construction and Fitout Pty Ltd (FDC) have been contracted to construct the Project on behalf of Infrastructure New South Wales (INSW). Construction commenced on 3 May 2024 with an estimated completion date within 15 to 16 months (July - August 2025).

1.2. Audit team

FDC nominated Natascha Arens as the Lead Independent Auditor for project and provided her CV and independence declaration to DPHI (refer Appendix A).

The audit team comprised these members:

- Natascha Arens – Technical and QA Review, Lead Auditor
- Nicola Smith – Audit Assistant.

1.3. Objectives

The objective of this Independent Audit is to assess compliance with the Conditions of Approval, the implementation of environmental management plans and provide a summary of actual versus predicted impacts during the construction stage.

1.3.1. Audit scope and period

The scope of the audit will include:

- An assessment of compliance of all the CoA relevant to the works at the time of the audit (as detailed in Appendix C)
- An assessment of the adequacy and implementation of the site environmental management plans including:
 - B55 – Construction Environmental Management Plan (CEMP)
 - B56 – Construction Pedestrian and Traffic Management Plan (CPTMP)
 - B59 – Construction Noise and Vibration Management Plan (CNVMP)
 - B60 – Air Quality Management Plan (AQMP)
 - B63 – Construction Waste Management Plan (CWMP)

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- B64 – Construction Soil and Water Management Plan (CSWMP)
- An assessment of performance of the Project in relation to implementation of environmental plans.

The audit period for this second audit is from 16 July 2024 (date of the first site audit) to the site inspection component of the second audit, that being 13 January 2025. A high-level pre-audit request for information was provided to FDC prior to the site inspection.

2. Audit methodology

2.1. Auditor approval

Natascha was approved by DPHI as the Independent Lead Auditor on the 29 November 2024 (refer Appendix B).

The Agreement to Independent Auditor letter, dated 29 November 2024, identifies that the agreement applies to all construction phase audits for the Project and will require the approved auditor to submit a declaration of independence with each independent audit report. It also identifies that the Department reserves the right to request an alternate auditor or audit team for future audits. It is noted that this approval was not sought prior to the first audit and accordingly this was raised as a non conformance in the first audit.

2.2. Independent audit scope development

The audit scope was developed by reviewing the SSD-47498458 CoA and the Independent Audit Post Approval Requirements (2020).

An Audit Plan with audit table was provided to the auditee prior to the site audit detailing the timing of the audit and requirements regarding accessing the site and documentation.

2.3. Compliance evaluation

The audit consisted of offsite document review, onsite document review, site inspection and interviews. Offsite document review was undertaken prior to the site component of the audit with further request for information following the site inspection. The site component of the audit included:

- Opening meeting to introduce all parties and discuss the scope and objectives of the audit
- Site inspection
- Document and records review to check compliance with conditions
- Interviews with staff including construction site personnel
- Closing meeting to summarise the findings of the site audit and to discuss additional audit evidence required.

The document review included a review of the Conditions of Approval relevant to the stage of works of the Project and all environmental management plans and sub plans.

2.4. Interviews

An opening meeting was held on 13 January 2025 at 8.30 am.

Present at the opening meeting were:

- Marc Anthony (FDC HSEQ Site Coordinator)
- Daniel Cho (FDC Cadet)
- Hilton Palmer (FDC Project Manager)
- Nicola Smith (NGH Auditor).

Interviews with staff were undertaken throughout the course of the site audit to gather evidence during offsite document review including:

- Daniel Cho (FDC Cadet)
- Hilton Palmer (FDC Project Manager)

- Peter Colak (FDC Senior Project Manager)
- Marc Anthony (FDC HSEQ Site Coordinator).

A closing meeting was held on 13 January 2025 at 12.45 pm.

Present at the closing meeting were:

- Daniel Cho (FDC Cadet)
- Hilton Palmer (FDC Project Manager)
- Nicola Smith (NGH Auditor).

The interviews found that staff broadly understood the requirements of the Consent Conditions and the Environmental Management Plan and subplans. Document review occurred prior to the site visit, following an initial request for information, throughout the day and offsite until report completion.

2.5. Site inspections

A site inspection was undertaken at 8.50 am on the 13 July 2024. The entire site was inspected including internally within The Cutaway, external hoarding including at Nawi Cove and Merriman Street around the skylights, exit and entry points, concrete washout areas, active areas of the construction site, sedimentation controls, notice boards and spill response kits.

Results of the site inspection are provided in Section 3.12.

2.6. Consultation

Consultation was undertaken with all levels of the Project team including those listed in Section 2.4.

An email was sent to NSW DPHI, City of Sydney Council (CoS), Transport for New South Wales (TfNSW), Sydney Metro, Heritage NSW, Placemaking NSW (PMNSW) and NSW State Design Review Panel (SDRP) regarding the audit scope. A copy of the correspondence is provided in Appendix E and summary of outcomes is presented in Section 3.8.

2.7. Compliance status descriptors

The compliance status descriptors from the Independent Audit Post Approval Requirements (DPIE 2020) have been used to assess compliance, refer Table 2-1.

Table 2-1 Compliance status descriptors

Status	Description
Compliant (C)	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 (NC)	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 (NT)	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.

3. Audit findings

3.1. Approval and documents list

Additional documents reviewed for this second audit are underlined.

Design plans and approval documentation

- Barangaroo – Cutaway Cultural Facility Environmental Impact Statement for State Significant Development (SSD-47498458) (SJB Planning (NSW) Pty Ltd), February 2023
- Barangaroo – Cutaway Cultural Facility Response to Submissions (SSD-47498458) (SJB Planning (NSW) Pty Ltd), September 2023
- Development Consent (SSD-47498458) approved 22 December 2023 by Minister for Planning and Public Spaces
- Approved Plans for A30, fjcstudio, dated 27 September 2024, Rev L
- Consolidated Development Consent (SSD-47498458-Mod-1) determined 19 September 2024 by Minister for Planning and Public Spaces
- Modification Report for a Section 4.55(1A) Modification Application to SSD-47498458 (SJB Planning (NSW) Pty Ltd), 12 July 2024
- FJC Studio Design Plans Sheets 1 to 10, stamped approval DPHI 22 December 2023.

Correspondence

- Letter from Enviroview to FDC, Site Auditor approval of UFP, dated 12 February 2025
- Aconex transmittal from Certifier (FDC_NSW-GCOR-005826), dated 13 February 2025
- Email correspondence from INECO to FDC with a log of letterbox drops and GPS walker maps, dated 24 January 2025
- Letter DPHI of Approval for Conditions B5 and B8, dated 20 September 2024
- Letter DPHI Approval of A30, dated 21 January 2025
- Resident works notification rock stabilisation eastern wall, FDC, dated 2 August 2024
- Resident works notification skylight installation and associated works, FDC, dated 24 December 2024
- Resident works notification for rock stabilisation, FDC, dated 2 September 2024
- Resident works notification for services installation in carpark out of hours work, FDC, dated 10 October 2024
- Resident works notification for services installation in carpark out of hours work, FDC, dated 5 August 2024
- Email correspondence CoS and FDC, approval of graphic, dated 30 August 2024
- Email Re Hoarding and Crane Lifting to Nawi Cove, FDC to Property NSW, dated 1 August 2024
- Email Re Waranara Terrace Hoarding Application FDC to Property NSW, dated 12 April 2024
- Submission Receipt DPHI indicating date lodged of CPTMP, dated 9 December 2024
- Email correspondence FDC and 32 Merriman Street for Pre-construction Dilapidation Report, dated 18 November 2024 and response, dated 10 January 2025
- Email correspondence FDC and 28 Merriman Street for Pre-construction Dilapidation Report, dated 18 November 2024
- Email correspondence FDC and 14-16 Merriman Street for Pre-construction Dilapidation Report, dated 18 November 2024
- Email correspondence FDC and CoS for Pre-construction Dilapidation Report, dated 18 November 2024
- Email correspondence INSW and DPHI regarding SDRP advice response pursuant to Condition B5, dated 25 July 2024

- DPHI Submission Receipt for notification of CDVC3, dated 10 December 2024
- FDC letter to INSW re CDVC3, dated 9 December 2024
- DPHI Submission Receipt for notification of CDVC2, dated 10 December 2024
- FDC letter to INSW Re CDVC2, dated 9 December 2024
- Aconex correspondence FDC and ARUP regarding acoustic requirements for the HCT, dated 23 May 2024
- Aconex correspondence FDC and TWW regarding structural loading of HCT, dated 29 May 2024
- Appointment of Experts Letter from DPHI, dated 29 November 2024
- Sighted email from TfNSW to TTW for CPTMP endorsement, dated 22 April 2024
- Sighted email from FDC to INSW regarding payment of Long Service Levy, dated 10 April 2024
- Letter FJC Studio to DPHI regarding design, dated 05 April 2024
- Email from FDC to City of Sydney (CoS) with presentation minutes, dated 9 May 2024
- Email DPHI to FDC acknowledging receipt of the notification of commencement, dated 2 May 2024
- Letter from Curio Projects to INSW pursuant to Condition B33, dated 08 May 2024
- Letter from INSW to Group DLA pursuant to Condition B33, dated 08 May 2024
- Email from FDC to Group DLA identifying that Dial Before You Dig will not issue a signed letter, dated 25 February 2024
- DPHI approval of Community Communication Plan letter, dated 17 April 2024
- Emails between FDC to impacted adjoining residents for 14, 20, 28 and 32 Merriman Street, Millers Point, dated April and May 2024
- Aconex transmittal regarding letters to residents for dilapidation surveys, dated 5 April 2024
- Email correspondence between FDC and TTW relevant to the CPTMP, April 2024
- Emails to stakeholders with the works notification attached, June 2024
- Aconex transmittal correspondence between FJC and FDC for design submission to DPHI pursuant to B5 and B8, dated 9 August 2024
- Aconex transmittal FDC to Ernst and Young (EY) containing information for Merriman Street Residential Dilapidation Reports, dated 4 June 2024
- Post Approval Submission Receipt pursuant to conditions C42 and C44, dated 6 June 2024
- Aconex transmittal FDC and Certifier pursuant to Condition C25 and C26, dated 20 August 2024
- Letter correspondence from Planning Secretary regarding commencement of works following unexpected finds of asbestos, dated 12 September 2024
- Aconex transmittal Crown Certifier to FDC pursuant to Condition B51, dated 12 November 2024.

Reports and plans

- Unexpected Finds Procedure, FDC, Rev C2, 04 February 2025
- Operational Waste Management Plan, Elephants Foot Consulting, Rev C, dated 27 September 2024
- Construction Waste Management Plan Rev C2, FDC Construction, dated 09 January 2025
- Arboricultural Assessment, issued by Martin Peacock Tree Care, dated 4 September 2024
- Arboricultural Assessment, issued by Martin Peacock Tree Care, dated 2 December 2024
- FDC DPHI Submission Report addressing Conditions B5 and B9, dated 09 August 2024
- Modification 1 of The Cutaway State Significant Development Modification Assessment Report (SSD-47498458-Mod-1), DPHI, September 2024
- Independent Audit 001 – Review and Response, FDC, 7 January 2025
- Independent Environmental Audit 1 Report, NGH Pty Ltd, dated 2/12/2024
- Construction Environmental Management Plan Rev C1, FDC Construction, dated 28 April 2024
- Community Communication Implementation Plan version 0.1, FDC Construction, dated 25 March 2024
- Construction Pedestrian and Traffic Management Plan Rev 1, TTW (NSW) Pty Ltd, dated 16 April 2024
- Construction Noise and Vibration Management Plan Rev 1, Acoustic Studio (ACS), dated 18 April 2024
- Flora and Fauna Management Plan, FDC, Rev A 26 April 2024

- Air Quality Management Sub Plan V1, Property Risk Australia Pty Ltd, dated 5 April 2024
- Construction Waste Management Plan Rev C1, Elephant Foot Consulting, dated 26 April 2024
- Hazardous Materials Management Plan, FDC, Rev C1 26 April 2024
- Soil and Water Management Plan Rev C1, FDC, dated 26 April 2024
- Community Consultation Strategy V1.2, FDC, dated 3 April 2024
- Sighted FDC Contract Programme, dated 02 February 2024
- Existing Structure Assessment - CDVC2 - TWW (NSW) Pty Ltd, dated 21 June 2024
- Group DLA BCA Design Compliance Statement GDL240065, dated 29 April 2024
- Barangaroo heritage Interpretation Plan, Curio Projects for iNSW, issue 4, 18 October 2022
- Place Naming Convention, INSW, May 2024
- Green Travel Plan, TWW, Rev 01, dated 29 May 2024
- Dilapidation Report – Void: Perimeter Fencing, Project Solutions, dated 17 April 2024
- Dilapidation Report - Local and State Property, Project Solutions, dated 18 March 2024
- Dilapidation Report - NSW Property, Project Solutions, dated 18 March 2024
- Dilapidation Report - Public Domain, Project Solutions, dated 18 March 2024
- Arboricultural Report (SSD Conditions B54 and B66) issued by Martin Peacock of Martin Peacock Tree Care, dated 11 April 2024
- Dilapidation Reports for affected landowners, Project Solutions, dated April and May 2024
- Dilapidation Report – The Cutaway 14, 20, 28 and 32 Merriman Street, Millers Point, NSW 2000, prepared by TWW, dated 24 May 2024
- Waste Classification Assessment, PRA project Reference J02337 WC01 V1, 6 June 2024
- NSW SafeWork Asbestos Removal Control Plan (ARCP) for Class B (Non-friable) Removal Work, Zoric Group Pty Ltd, 13 June 2024
- EnviroX Consulting, Asbestos Clearance Inspection Report, 27 June 2024
- EnviroX Consulting, Asbestos Clearance Inspection Report, 24 June 2024
- Hazardous Materials Management Plan, FDC, Rev C1 26 April 2024
- Work Health and Safety Management Plan, FDC, Rev C1 26 April 2024
- Level 2 Health Risk Assessment, PRA, V1, 17 June 2024.

Design certification, records, monitoring and inspections

- eForm for November Hoarding Inspection, 29 November 2024
- eForm for September Hoarding Inspection, 27 September 2024
- Just Skips delivery dockets, 11 & 24 July, August 1 to September 6, September 9 to September 30, October 9 to October 31, 12 November to 29 November 2024
- Just Skips Waste Management Reports, July, August, September, October and November 2024
- Porfido Porphyry, Sam the Paving Man, 29 July 2015
- Slip Test Results Summary for pavers, no date
- Application for order SW-02026487 Discharge Trade Wastewater, dated 11 June 2024
- Sydney Water submission receipt, application number SW-02026487, dated 17 April 2024
- Ausgrid EGN 068: Environmental Planning Calculator, dated 29 July 2024
- Sighted EFORMs, F049 - weekly site inspection, during site inspection, dated 10 January 2025
- Proposed Hoarding Design Plans, Gilcon Structural Engineers Rev C, dated 29 July 2024
- Mobile hoisting approval, CoS, Licence CP/2024/1429, dated 15 November 2024
- Mobile hoisting approval, CoS, Licence CP/2024/1520, dated 5 December 2024
- CoS Hoarding Graphics Design Compliance Statement, Permit B/2024/135, dated 30 August 2024
- KPI Construction Services, Merriman Street Barangaroo Hoarding 8 and Compound, dated 10 April 2024 (KPI0108/24)
- Structural Adequacy Certificate, Gilcon Structural Engineers, dated 5 September 2024
- Hoardings and Scaffolding - installation certification (Structural), CoS, dated 30 August 2024

- Clover Insurance, Certificate of Currency, dated 23 February 2024
- Works Notification FDC, 4 January 2025
- Works Notification INSW, 30 October 2024
- Works Notification INSW, 10 October 2024
- Works Notification INSW, 9 September 2024
- Works Notification INSW, 5 August 2024
- Hoarding Permit Renewal, B/2024/135/1, dated 7 January 2025
- The Cutaway Design Statement - Waste Room - CDVC-3, Fjcstudio, dated 18 June 2024
- Design Statement for Waste Rooms, n2 Engineering Consultants, dated 12 August 2024
- Design Certificate Events Kitchen, MACK Group, dated 8 August 2024
- Letter regarding Construction Certificate Assessment (No. AC03 v1), ARUP, dated 9 July 2024
- Design Certificate for External Waterproofing issued by Cassandra Halpin-Smyth of FJC Studio, dated 05 July 2024
- Certificate of fire test (FNC12283), CSIRO, dated 26 November 2018
- Fire Test Certificate, Warrington Fire, dated 11 October 2021
- FDC Toolbox Talk, dated 24 October 2024
- FDC daily declaration, sighted 13 January 2024
- Group DLA BCA Design Compliance Statement GDL240065.2, dated 23 October 2024
- Noise & Vibration Monthly Report, Noise Net, dated 18 December 2024
- Noise & Vibration Monthly Report, Noise Net, dated 26 November 2024
- Noise & Vibration Monthly Report, Noise Net, dated 31 October 2024
- Noise & Vibration Monthly Report, Noise Net, dated 26 September 2024
- Noise & Vibration Monthly Report, Noise Net, dated 26 August 2024
- External Wall System Disclosure Statement (Design), TTW (NSW) Pty Ltd, dated 14 June 2024
- Long Service Levy receipt, dated 18 March 2024
- Sighted list of registered and project inducted plant in project SIMPEL
- Sighted FDC example of a Subcontractor pre-start checklist
- Sighted Memorandum of Insurance, dated 27 April 2024
- Minutes from City of Sydney Presentation (consultation), dated 08 May 2024
- Minutes from SDRP 3 Presentation (consultation), dated 16 May 2024
- Executive Demolitions Pty Ltd Bingo Industries Monthly Waste Report, June 2024
- Bingo Industries delivery dockets for multiple dates in June 2024
- Adelaide Black Paver Data Sheet, Sam the Paving Man
- Group DLA, Crown No. GDL240065 Information Document for Crown Certificate, 15 April 2004
- Technical Memorandum Stantec, dated 12 April 2024
- Road / Footway Opening Permit Merriman Street Millers Point, CoS, dated 11 April 2024
- Mechanical Design Certificate #CC2, New Edge Group, 3 June 2024
- Statement by FDC for Condition B17, dated 26 June 2024
- Statement of Design - Water Efficient Fixtures and Fittings pursuant to B20, n2 Engineering Consultants, dated 4 June 2024
- Stamped Plan As Built, Ref No. 1882756, dated 10 May 2024
- Design Certificate for Coolroom, PATRA Group Pty Ltd, dated 30 May 2024
- Statement of Design - Grease and Liquid Waste Traps, n2 Engineering Consultants, dated 4 June 2024
- Surveyor Identification Report for Construction Certificate 1, SSD Conditions B30 & B41 issued by Mohsen Rabbaniha of Seam Spatial Pty Ltd, dated 03 April 2024
- Registered Surveyor Declaration for Construction Certificate 1 on SSD Condition B32 issued by Mohsen Rabbaniha of Seam Spatial Pty Ltd, dated 03 April 2024
- Barangaroo Signage Style Guide, Corlette for INSW, V8 January 2023
- Utility Detection Plans, Geoscope Utility Detection Services, dated 2 April 2024
- FDC Notice of Works Register, Rev 14, 12 July 2024

- Demolition Works, Statement of Compliance, Executive Demolition Pty Ltd, dated 16 April 2024
- fjc Studio Demolition Plans, Rev 02, first issued 18 May 2023
- Cutaway Demolition Methodology, Executive Demolition, Rev 01
- SafeWork NSW Conditional Restricted Demolition Licence, SafeWork, dated 11 April 2024
- Compliance with Acoustic Assessment, ARUP, dated 4 April 2024
- Induction PowerPoint Presentation, 27 June 2024
- Induction records of inducted personnel, FDC
- Toolbox Talk sign-on, 11 July 2024
- Toolbox Talk eForm Report, 11 July 2024
- Design Certificate - Electrical Services for Conditions B29 and B70, MDE Group, dated 14/06/2024
- Unexpected Finds Protocol for Asbestos, FDC, Rev 0 04 February 2019
- Proposed Temporary Works Plans Masterplan for hoarding and temporary walls, ZAIT Engineering Solutions, Rev 01 & 02, 10 / 19 April 2024
- Sighted hoarding inspection eForms and photographic attachments for the Loading Dock Hoarding, Main Entry Hoarding, Southern Hoarding, dated 28 May 2024
- eForm for July Hoarding Inspection, 10 July 2024
- Works Notification - The Cutaway, INSW, June 2024
- Minutes of The Cutaway Subcontractor's Meeting No. 007, FDC, dated 20 June 2024
- Executive Demolitions Pty Ltd, Delivery Dockets Bingo Waste Industries, Asbestos contaminated material, multiple days in May and June 2024
- Asbestos (licensed removal) SWMS, Zoric Group Pty Ltd 14 June 2024
- NSW SafeWork Notice of Intent to Remove Non-friable Asbestos, expiry 21 November 2026
- Concept Presentation, Barangaroo Cutaway Hoarding Concept INSW, RPS Group, dated 21 March 2024
- Door knock report, May 2024
- Works notification, INSW, June 2024
- Permits 3043 (April 2024), 3056 (2 May 2024), 3057 (2 May 2024), 3058 (2 May 2024), 3059 (2 May 2024) with CoS for hoarding and temporary fencing
- Noise Net Noise and Vibration Monthly Report 13 to 24 June 2024, dated 24 June 2024
- Noise Net Noise and Vibration Monitor Installation Report, dated 24 June 2024
- Noise and vibration Event Logging Record, FDC spreadsheet
- Just Skips waste dockets, May, June and July 2024
- Just Skips Waste Management Report, dated June and July 2024.

3.2. Compliance performance

In summary, the audit found eight non-compliances out of a total of 255 Conditions of Approval, refer to Table 3-1.

Table 3-1 Compliance performance

Condition part	Compliances	Non-compliances	Not triggered
A (30)	15	4	11
B (77)	67	2	8
C (50)	30	2	18

Condition part	Compliances	Non-compliances	Not triggered
D (32)	-	-	32
E (66)	-	-	66

Note: In relation to the tally above whole Conditions of Approval have been used to generate the tally. i.e., where a condition contains part a), b), c) etc this has been counted as one condition.

3.3. Summary of agency notices, orders, penalty notices or prosecutions

There have been no agency notices, orders, penalty notices or prosecutions to date.

3.4. Non compliances

Eight non-compliances were raised in this second audit, refer to Table 3-2.

Table 3-2 Non-compliances

CoA #	Requirement	Audit finding
A2	The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) in accordance with the EIS, RtS and any RFI; (d) in accordance with the approved plans in the table below (except where amended by the conditions of consent):	The audit found compliance with the majority of conditions. However, the audit found eight non-compliances inclusive of this condition, as detailed below.
A18	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 Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.	The audit found that the non-compliances from the first audit were not notified to the Department in writing within 7 days after the Applicant becomes aware (Audit 1 Report, dated 2 December 2024, notification 12 December 2024).
A19	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 noncompliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	The audit found that the Planning Secretary was notified of the non-compliances from the first audit but that this notification did not include the reasons for the non-compliance, or the actions taken or to be taken to address the non-compliance. The Applicant's Response was in draft at the time of the second audit, which contains the non-compliances and details of how they have

CoA #	Requirement	Audit finding
		been addressed.
A22	<p>Within three months of:</p> <p>d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or</p> <p>the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p>	<p>Modification-1 was determined on 16 September 2024. The audit found that the Planning Secretary had not been notified that a revision of strategies, plans or programs required under the consent were being reviewed following the approval of Mod-1.</p>
B3	<p>If the construction or operation 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>The audit found that the Department was notified of the commencement of each stage subsequently, on 10 December 2024.</p>
B4	<p>Access to information</p> <p>At least 48 hours before the commencement of any works 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 publicly available:</p> <ul style="list-style-type: none"> i. the documents referred to in Condition A2 of this consent; ii. all current statutory approvals for the development; iii. all approved strategies, plans and programs required under the conditions of this consent; iv. regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent; v. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; vi. a summary of the current stage and progress of the development; contact details to enquire about the development 	<p>The audit found that the website had been updated with the environmental management plans, links to approval documentation, complaints register, noise and vibration monitoring, Project progress updates and works notifications. Although the website contains the audit report for Audit 1, it does not contain the Applicant's Response. Environmental performance documentation is not available on the Project website.</p>

CoA #	Requirement	Audit finding
	<p>or to make a complaint;</p> <p>vii. a complaints register, updated monthly;</p>	
C48	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:</p> <ul style="list-style-type: none"> a) review and respond to each Independent Audit Report prepared under this consent; b) submit the response to the Planning Secretary; and 	<p>The audit found that the Applicant's Response has been prepared in draft for Audit 1. The Applicant's Response has not been finalised or submitted to the Planning Secretary.</p>
C49	<p>Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.</p>	<p>The audit found that the audit report for Audit 2 and the Applicant's Response was not submitted to the Planning Secretary within two months of the date of the site audit, being 16 July 2024.</p>

3.5. Previous audit recommendations

3.5.1. Non-compliances

The first audit (July 2024) of the project recorded two non-compliances with conditions. Table 3-3 shows the status of each of the audit findings from the first independent audit of the Project.

Table 3-3 Previous audit recommendations

CoA #	Requirement	Audit finding	Applicant response and status
A2	The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) in accordance with the EIS, RtS and any RFI; (d) in accordance with the approved plans in the table below (except where amended by the conditions of consent):	The audit found that compliance with the majority of conditions. However, the audit found eight non-compliances inclusive of this condition, as detailed below.	See below non-compliance responses.
B4	Access to information At least 48 hours before the commencement of any works and until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must: b) Make the following information and documents publicly available: i. the documents referred to in Condition A2 of this consent; ii. all current statutory approvals for the development; iii. all approved strategies, plans and programs required under the conditions of this	The audit found that the website does not contain the documentation required under this condition. The Project has a Project website, and it contains access links to the Community Communication Strategy, two works notifications and one project update. However, it does not contain any of the approved management plans, the complaint register, a number to contact in case of a complaint, regular environmental performance reporting, summaries of monitoring results, the documents as referred to in Condition A2.	Upon identifying the non-compliance, FDC collated the required information and issued to Infrastructure New South Wales. INSW uploaded the following documentation to the website: management plans, complaints register, environmental performance records, contact details, and notifications of works. Closed

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CoA #	Requirement	Audit finding	Applicant response and status
	<ul style="list-style-type: none"> iv. 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; v. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; vi. a summary of the current stage and progress of the development; contact details to enquire about the development or to make a complaint; vii. a complaints register, updated monthly; 		
B50	<p>The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway NSW Government 15 The Cutaway Cultural Facility, Barangaroo Department of Planning and Environment (SSD 47498458) crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to each of the affected property owners.</p>	<p>Out of the seven private properties, three were not occupied. Four owners took the Pre-construction dilapidation reports.</p> <p>Emails between FDC to impacted adjoining residents for 14, 20, 28 and 32 Merriman Street, Millers Point, dated April and May 2024.</p> <p>Pre-construction dilapidation reports for Residents who took up the offer, prepared by Project Solutions.</p> <p>Aconex, 4/06/2024, identifies Merriman Street Residential Pre-construction dilapidation reports for the four interested owners who took up the opportunity. Three letter box drops were completed regarding the dilapidation survey opportunity.</p>	<p>Upon being notified of the non-compliance, FDC promptly issued the dilapidation reports to the four residents and Sydney City Council.</p> <p>Closed</p>

Independent Environmental Audit

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CoA #	Requirement	Audit finding	Applicant response and status
		The auditor notes that no evidence was provided that a copy of the report was forwarded to each of the affected property owners. While it is understood that FDC's interpretation of the condition was that no construction works with potential vibratory impacts had occurred in the first audit period, these conditions are relevant prior to the commencement of any construction works. Therefore, the reports should have been provided to the affected property owners prior to the commencement of any construction.	
B56	<p>Construction Pedestrian and Traffic Management Plan</p> <p>Prior to commencement of any works, the Applicant must submit to the satisfaction of TfNSW a final detailed Construction Pedestrian and Traffic Management Plan (CPTMP), prepared by a suitably qualified person in consultation with TfNSW, Sydney Metro and PMNSW. The CPTMP must be endorsed by TfNSW and submitted to the Planning Secretary for information prior to the commencement of works. The CPTMP must address, but not be limited to, the following matters:</p>	The auditor noted that no evidence was provided that showed the CPTMP was submitted to Planning Secretary prior to commencement of any works.	<p>Upon being notified of the non-compliance, FDC promptly issued the CTMP to Infrastructure New South Wales to be submitted to the Planning Secretary.</p> <p>Closed</p>
B72	<p>Remediation – Unexpected Finds Protocol</p> <p>Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.</p>	<p>FDC's contract included demolition only and not excavation with the understanding from Geotech investigations that the Stair 3 slab was sitting directly on top of rock. However, during demolition of Stair 3 base slab, it was identified that fill material was beneath the slab.</p> <p>The material was excavated and a waste classification done. It was identified as asbestos containing fill and disposed of accordingly. Removal</p>	<p>Upon being notified of the non-compliance, FDC Construction has arranged for the Unexpected Finds Procedure to be issued to the EPA accredited site auditor for endorsement.</p> <p>The Unexpected Finds Procedure is now in Rev C2, dated February 2025. The EPA accredited site auditor provided endorsement on 12 February</p>

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CoA #	Requirement	Audit finding	Applicant response and status
		<p>of the fill identified the asbestos pipe. Although this was unexpected, the Unexpected Finds Protocol should have been reviewed and endorsed by the EPA accredited Site Auditor for instances such as this.</p> <p>The auditor notes that the protocol has not been endorsed by the NSW EPA accredited site auditor.</p> <p>The Unexpected Finds Protocol for Asbestos will need to be endorsed by an EPA accredited site auditor and submitted to the Certifier.</p>	<p>2025. The Certifier provided approval on 13 February 2025.</p> <p>Closed</p>
C2	<p>Site Notice</p> <p>A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:</p> <ul style="list-style-type: none"> a) state the name, address and telephone number of the principal certifier for the work b) state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints c) state the approved hours of work d) state that unauthorised entry to the work site is prohibited e) the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size f) the notice is to be durable and weatherproof and is to be displayed throughout the works period g) the notice(s) is to be mounted at eye level on the 	<p>The auditor found that the site notice did not contain the name, address or telephone number of the Principal Certifier for the work or state the approved hours of work.</p>	<p>Upon being notified of the non-compliance, FDC Construction has arranged name, address, telephone number of the Principal Certifier with the approved hours of work to be installed at the entry to the site.</p> <p>Closed</p>

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CoA #	Requirement	Audit finding	Applicant response and status
	perimeter hoardings/fencing.		
C25	<p>While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and b) the classification and the volume of material removed must be reported to the Certifier. 	<p>The auditor notes that FDC followed the process required for excavated material in sub-part (a) of this condition for the fill discovered under the slab during the demolition of Stair 3. However, subpart (b) of the condition requires the waste classification and volume of excavated material removed from site must be reported to the Certifier.</p>	<p>FDC are aware of the condition with no further works being undertaken on the site.</p> <p>FDC Construction have notified the Certifier of this non-compliance and issued waste classifications and disposal reports, waste docket and declaration of conformity of the fill that has been removed from the site. This was accepted by the Certifier.</p> <p>Closed</p>
C46	<p>Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.</p>	<p>Prior approval from the Planning Secretary was not received prior to this first audit.</p>	<p>Upon being notified of the non-compliance, FDC Construction coordinated with Infrastructure New South Wales to have the auditors approved for audit 1.</p> <p>This approval was obtained after the audit was conducted.</p> <p>Subsequently, FDC received approval for NGH to complete the remaining audits in line with SSDA Condition C46.</p> <p>Closed</p>

3.5.2. Previous improvement opportunities

The first audit of the project raised 10 opportunities for improvement against the Project's Consent Conditions. Table 3-4 shows the status of each of the improvement opportunities from the first independent audit of the Project.

Table 3-4 Response to improvement opportunities from Audit 1

Condition	Opportunity for improvement	Corrective actions	Status
B34 (a)	Include in the Green Travel Plan whether bike parking is available, and if so, how many bike parking spots are provided and their location.	The Green Travel Plan and Transport Access Guide plan will be further developed for Occupation Certificate deliverables. FDC has issued this comment to TTW Traffic Engineers to be reviewed.	Open
B34 (b)	Identifying the strategies in the Green Travel Plan for reducing car parking usage and providing a link to the relevant sections.	The Green Travel Plan and Transport Access Guide plan will be further developed for Occupation Certificate deliverables. FDC has issued this comment to TTW Traffic Engineers to be reviewed.	Open
B55 (a) (ii)	Include the 24-hour project phone number in the Community Communication Strategy and the CEMP.	Update all management plans to align with audit 1 opportunities for improvement and site conditions.	Open
B55 (a) (iv)	Use consistent terminology to describe the plans, for example, refer to the CPTMP in the CEMP not the CTMP.	Update all management plans to align with audit 1 opportunities for improvement and site conditions.	Open
B55 (g)	The Hazardous Materials Management Plan and the CEMP should be updated to reflect the requirements of Conditions C42 and C44 - Planning Secretary must be notified of any Unexpected Finds of contamination.	Update all management plans to align with audit 1 opportunities for improvement and site conditions.	Open
B55 (h)	Moving the heritage unexpected finds into the CEMP and providing a communications procedure as it does not belong in the Hazardous Materials	Update all management plans to align with audit 1 opportunities for improvement and site conditions.	Open

Condition	Opportunity for improvement	Corrective actions	Status
	Management Plan.		
B55 (i)	Identifying in the CEMP that waste classification and validation is covered in the CWMP.	CEMP will be updated to reflect waste classification and validation are covered in the CWMP.	Open
B63 (c)	Include reference to Table 1 in the CWMP to Condition B63(c) and identify where it is addressed in the document.	SSDA conditions table and contents within the CWMP were updated in line with Condition B63 pact (c). The CWMP is now in revision C2.	Closed
C4 (d)	Updating the AQMP Table 6 to identify when (occurrence with stage of works) air quality monitoring will occur. As Table 6 currently reads, PM2.5 and PM10 air quality monitoring should be continuous, and a monthly report produced.	AQMP will be updated to reflect the revised testing and reporting objectives for the project lifecycle.	Open
C4 (e)	In accordance with the WMP, co-mingled recycling receptacles should be implemented in the lunchroom as it is in the site office.	Co-mingled recycling and paper recycling bins have been installed in the lunchroom.	Closed

3.6. Environmental plans, sub plans and post approval documents

A summary of the implementation of key environmental management plans relevant to this stage of works is provided below.

All plans required by the CoA are discussed in the audit table (Appendix C) of this report. The suite of environmental management plans includes:

- B55 – Construction Environmental Management Plan (CEMP)
- B56 – Construction Pedestrian and Traffic Management Plan (CPTMP)
- B59 – Construction Noise and Vibration Management Plan (CNVMP)
- B60 – Air Quality Management Plan (AQMP)
- B63 – Construction Waste Management Plan (CWMP)
- B64 – Construction Soil and Water Management Plan (CSWMP).

The construction environmental management plans are publicly available on the Project website as required by Condition B4.

3.6.1. Construction Environmental Management Plan (CEMP) B55

A review of the CEMP found that it is compliant with the requirements of the condition. The CEMP includes a series of sub plans. The CEMP is underpinned by the following plans:

- Construction Pedestrian and Traffic Management Plan (CTMP) as a standalone plan (Appendix B of the CEMP)
- Construction Noise and Vibration Management Plan (CNVMP) as a sub-plan to the CEMP (Appendix C of the CEMP)
- Air Quality Management Plan as sub-plan to the CEMP (Appendix I of the CEMP)
- Construction Soil and Water Management Plan (CSWMP) as a sub-plan to the CEMP (Appendix D of the CEMP)
- Construction Waste Management Plan (CWMP)
- Flora and Fauna Management Plan (FFMP).

The audit found that the requirements of the CEMP are broadly being implemented with regular inspections, daily declarations and weekly Toolbox Talks. Adherence to working hours, respite periods and consultation with stakeholders were found to be generally compliant. The following inspections have taken place:

- Weekly site inspection sighted general weekly inspections and filtered those inspections that identified a corrective action for an environmental aspect
- Sighted vehicle photos of covered loads
- All construction plant and equipment are inspected, and the details managed in Project SIMPEL to inform of next service dates, risk assessment etc. Evidence sighted for the Scissor Lift.
- Tree protection is implemented in accordance with the specifications identified by the Project Arborist in the Arborist reports.
- The FFMP contains information vegetation, fauna and habitat management. It includes an Unexpected Species Finds procedure for listed threatened species, which have been identified in the plan. The procedure was implemented for the Grey-headed Flying-fox as detailed in Section 3.11.

Refer to site photographs in Appendix D and presented in the audit findings in Appendix C.

3.6.2. Construction Pedestrian and Traffic Management Plan (CPTMP) B56

A CPTMP was prepared that meets the requirements of B56. The audit specifically found that:

- Signage was on site
- Non-tonal reversing beepers are used on all mobile plant and construction vehicles
- The site was secured with fencing and hoarding preventing unauthorised access
- Construction vehicles were still able to access and turnaround within the site.

Refer to site photographs in Appendix D and presented in the audit findings in Appendix C.

3.6.3. Construction Noise and Vibration Management Plan (CNVMP) B59

The CNVMP recommends that unattended noise monitoring is conducted at two locations along Merriman Street and in the commercial building at 1 Munn Street. Noise Net monthly monitoring reports were sighted for August, September, October, November and December 2024. Exceedances are issued via email and text messages and followed up in accordance with the CNVMP.

The noise and vibration exceedances from this audit period are detailed in Section 3.11.

Three noise-related complaints were made during the second audit period. Two of these complaints were related to noise exceedances in respite periods. The continuous noise monitoring shows no exceedances

within respite periods. Had noise complaints been validated, attended noise monitoring would have been required in accordance with the NVMP.

3.6.4. Air Quality Management Plan (AQMP) B60

An AQMP has been prepared for the site to manage and prevent air quality issues and minimise potential air quality impacts. The primary sources of air emissions for the Project were identified as particulates and dust, exhaust emissions and volatile organic compounds.

AQMP mitigation measures are tracked in the Weekly Site Inspection EFORM. Included in the weekly site inspection is the control of environmental hazards, such as dust. All inspections are formally documented weekly via an application used called Project SIMPEL.

The auditor noted that the vehicle waste register contains the date, registration number, time in/out, company, type of truck, and whether the load is covered. This is completed by the staff at the access gate. Dust is monitored each day during the daily safety walk.

The loading dock and all levels of construction are cleaned frequently with a wet cleaner to ensure dust impacts are minimised.

Refer to site photographs in Appendix D.

3.6.5. Construction Waste Management Plan (CWMP) B63

During the site audit inspection, it was observed that waste was being separated and appropriate waste receptacles were available onsite (Conditions A28 / C4). Bins are provided by the waste contractor Just Skips.

Just Skip waste dockets and monthly waste reports were provided for the second audit period. The waste reports show segregation of waste types and volumes as required by Section 2.2 of the CWMP.

Refer to site photographs in Appendix D.

3.6.6. Construction Soil and Water Management Plan (CSWMP) B64

A CSWMP has been prepared for the site including sediment control diagrams. The SWMP details site controls for managing sedimentation on site, which includes geotextile coverings on two stormwater pits, with majority of the construction works being internal.

SWMP mitigation measures are tracked in the Weekly Site Inspection EFORM. Included in the weekly site inspection are inspection of sediment controls, control of dust tracking on to local roads, and spill kits available and suitable. All inspections are formally documented weekly via an application used called Project SIMPEL.

The auditor noted that spill kits were in place and suitable, no dust or material tracking was visible on local roads and there are dedicated wash out stations within the interior of The Cutaway.

Refer to site photographs in Appendix D.

3.7. Environmental performance

FDC operate under an Environmental Management System (EMS) certified to AS/NZS ISO 14001:2015. The certification period for the EMS is 9 June 2023 to 20 September 2026.

Environmental performance of the project is measured via regular inspections, monitoring and reporting. The audit found that the site is well managed, with housekeeping maintained, maintenance of environmental controls and management of dust.

The audit found that key environmental controls are in places including:

- Waste management including waste separation and appropriate disposal of construction and demolition waste
- Co-mingled and paper recycling was implemented in the lunchroom
- Concrete wash out bays were available on the first and ground floors
- Spill kits available and maintained, including a spill station next to the flammable liquid cabinet
- Noise and vibration (required during demolition) monitoring devices
- Erosion and sediment controls – covered stormwater drain.

Refer to site photographs provided in Appendix D.

3.8. Consultation outcomes

Relevant stakeholders were consulted for this second audit as required by the conditions, specifically DPHI, CoS, TfNSW, Sydney Metro, Heritage NSW, SDRP and PMNSW.

Responses were received from Sydney Metro (8 January 2025), CoS (6 January 2025), Heritage NSW (9 January 2025) and DPHI (9 January 2025) at the time of reporting with all acknowledging the consultation had been received. Consultation outcomes and audit responses are provided in Table 3-3. Consultation is provided in Appendix E.

Table 3-5 Agency consultation outcomes and responses

Agency	Consultation outcome	Audit response
Sydney Metro	<p>Sydney Metro is of the view that the Project has negligible impacts on the Sydney Metro - City & Southwest rail corridor.</p> <p>On this basis, Sydney Metro does not require any other matters to addressed as part of the independent audits for this Project.</p>	<p>Consultation will not be undertaken with Sydney Metro for future Independent Audits.</p>
City of Sydney Council	<p>CoS supports the scope of the audit.</p> <p>Particular attention to be drawn to the satisfaction of Condition A30 (Harbour Control Tower Void) and Condition B5 (Entrance Design) was requested during consultation.</p>	<p>The audit found that for A30 - NSW ran a design competition for architects. Designs have received approval from DPHI on 21 January 2025, following submission on 4/10/2024.</p> <p>The audit notes that a RFI was received from the DPHI requesting further information on 12/08/2024. The RFI was addressed in DPHI Submission #2, dated 10/09/2024, addressing the RFI requests from DPHI and CoS.</p> <p>Landscaping consultation for the front entrance will fall within the third audit period.</p>

Agency	Consultation outcome	Audit response
		<p>As of the second audit, works at the entrance had not commenced.</p> <p>DPHI approved the entrance design on 20 September 2024.</p>
DPHI	<p>Include in the audit scope a review of the Project's system and/or processes in place to monitor and manage compliance with the Consent Conditions.</p> <p>Ensure that the second audit in undertaken, and the audit report prepared and finalised, in accordance with the Consent Conditions and IAPAR (2020).</p>	<p>Weekly meetings are in place between the Applicant and the Client to keep track of the SSDA requirements.</p> <p>FDC have prepared a matrix of the conditions to keep track of required actions and notifications. This document is used at the weekly meetings with the Applicant.</p> <p>The matrix is in an Excel spreadsheet with each Part of Schedule 2 of the CoAs and the CDVC with a dedicated worksheet. The columns on each worksheet include the following:</p> <ul style="list-style-type: none"> • Status • Condition review date • Date completed • Evidence collected • Preparation required • Critical date required to be completed • Responsibility.
Heritage NSW	No additional scope as a focus for Audit 2 other than identifying Conditions B55 and C39-C41 for Aboriginal cultural heritage.	<p>An opportunity for improvement exists for B55, which refers to moving the heritage unexpected finds from the Hazardous Materials Management Plan into the CEMP and providing a communications procedure.</p> <p>Conditions C39-C41 remain not triggered for the second audit period. No unexpected relics or Aboriginal Objects were identified during the second audit period.</p>

3.9. Complaints

The audit noted that there is a complaint register, which is available on the Project website. It has been updated to the 28 November 2024. Both INSW and FDC receive complaints. If complaints are received by INSW, the complaints are emailed directly to FDC to address and the complaint detailed on the complaints register. There have been nine complaints regarding the Project since the date of the last site audit (Audit 1).

Complaints have been received by phone, email and in person. There was one complaint in July, three in August, two in September and three in November. Three of the complaints were regarding noise, one was regarding hoarding lighting shining into bedroom window, one regarding public safety concern of franna

crane operations, one regarding visual amenity of hoarding around the skylights and three concerning the temporary closure of the lift and complimentary buggy service.

All complaints were responded to and closed. In response to the light spill complaint, shrouds were made by FDC personnel and erected over the lights the following day as identified during the audit. At the time of the complaint about the nuisance light, all hoarding lighting was switched off (complaint 5 September 2024).

In relation to the complaint regarding the lift and buggy service the audit found that the buggy and alternative access arrangements whilst The Cutaway's lift is not operational has been communicated through the Project website with an NSW Works Notification and via buggy pick up posters that are placed where the lift alights on the bottom level (A1) and level 2 at the park. Contained on the posters is the number to request the buggy, times that it operates and possible wait times. There is also a QR code to take the user to the Project website.

Noise complaints were received on the 11 November 2024 and 28 November 2024, with the third noise associated complaint more of a question about the continuation of noisy works. One complaint regarding noise and difficulty contacting FDC was from the Millers Point Community Resident Action Group to PMNSW on behalf of two residents. The other noise complaint was regarding use of a demo saw during respite period. Both complaints were investigated, and the continuous noise monitoring was used to show that there were no recorded exceedances of 75 dB during the respite periods. FDC investigated the failure of the 1820 number and provided care packages to affected residents. The outcome of the investigation showed there was a Telstra outage due to storm activity at the time of the calls. FDC now have a number diversion in place in the event that there is another outage.

3.10. Incidents

The audit noted that there have been no incidents to date.

3.11. Actual versus predicted impacts

Section 6 of the Environmental Impact Statement (EIS) provides an assessment of the predicted environmental impacts of the Project (SJB Consulting, 2023). A summary of the impacts as identified in the EIS versus the actual impacts found during this audit is provided below.

Built form

Generally, the Project involves the internal alterations and fitout works. External built form is limited to timber feature tree elements at the entry, the enclosure and works to the entry façade, the Harbour Control Tower interpretation element atop of the Cutaway within the Barangaroo Reserve, and the enclosure of the roof voids with glazed skylights.

The project was subject to an extensive design process that established a collaboration between Fjmtstudio, Bangawarra and Jake Nash Design to facilitate a design that is embedded with Country. The entry to the Cutaway Cultural Facility will be associated with the internal design elements by extending some of these to the exterior, also providing a presence on Nawi Cove. The internal fitout will improve the quality and amenity of the public domain through an integrated landscape approach.

The aspiration of the Project is to achieve a 6 Star Green Star rating for the building. Daylight will be maximised by the design of the new skylight enclosure to the existing roof voids whilst accommodating the required services and acoustic requirements.

The design will enhance the movement of fresh air from multiple points of the space, and the mechanical systems promote air circulation taking advantage of the existing height by supplying air through the lower level and exhausting at the higher level.

Sustainable and Australian material selections have been prioritised where possible. Due to the future use of the space, durability and longevity was considered and addressed through the design process.

The EIS notes that the Project will not have adverse impacts with regard to visual privacy, wind and overshadowing. The acoustic impacts arising from the Project can be managed and will not increase noise impacts to surrounding development, including residential development.

Actual impacts

Mitigation measures are not required for built form. The approved design has been prepared to address any impacts to amenity and urban design.

Environmental amenity

Generally, the Project involves the internal alterations and fitout works. The internal works and the limited external works will consequently not result in overshadowing of the adjacent public domain or residences. The EIS notes the Project will not have any impacts on the visual privacy of nearby residences.

Actual impacts

Mitigation measures are not required for environmental amenity. The approved design has been prepared to address any impacts to environmental amenity.

Connecting with Country and Aboriginal Cultural Heritage

The design of the Project aligns with the Government Architect NSW Designing with Country Principles. The approach to the design was to create a space that is embedded with Country and embraces the natural landscape.

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared for the Project. Stakeholders were able to register as Registered Aboriginal Party (RAP) and provide their feedback and thoughts on the Project. Consultation occurred with the Registered Aboriginal Parties and the Metropolitan Local Aboriginal Land Council.

As identified in the ACHAR, the study area does not contain any previously recorded Aboriginal sites and that extensive land modification has removed all Aboriginal archaeological potential. Therefore, the Project has no potential to impact Aboriginal objects, sites or archaeological features.

The ACHAR identified the study area as retaining intangible cultural values and significance to the Aboriginal Community with general themes of Aboriginal cultural heritage and significance explored and implemented as part of the design of the project.

Actual impacts

The ACHAR concludes that project works have no potential to impact the intangible values of the study area. An Unexpected Finds Protocol for Aboriginal Cultural Heritage has been included in the environmental management plans to provide direction in relation to actions to be undertaken should unexpected heritage finds of any nature be found or should human remains be found. There were no unexpected Aboriginal heritage finds during the second audit period.

Heritage

The wider Barangaroo precinct and surrounding area contains heritage items and heritage conservation areas, including a number of State heritage listed items. A Heritage Impact Statement was prepared by Curio Projects. The HIS considered the impacts of the Project on the surrounding items of heritage significance in terms of environmental and physical impact.

The HIS concluded that the study area does not contain any heritage listed items, however, is situated in proximity to several State heritage listed heritage conservation area and items. Project works have been designed to align with Designing with Country Principles. The Project will have no physical impact on heritage fabric. The internal alterations and fitout works will have not cause visual impact on nearby heritage listed items. The construction of sculptural trees at the main Nawi Cove entry way to the Cutaway have been assessed to have a low visual impact to nearby heritage items.

Actual impacts

An Unexpected Finds Protocol for non-Aboriginal Heritage has been included in the environmental management plans to provide direction in relation to actions to be undertaken should unexpected heritage finds of any nature be found or should human remains be found. There were no unexpected heritage finds during the second audit period.

Social impacts

The EIS notes that the Social Impact Assessment found that many of the negative impacts of high significance were able to be reduced and may of the positive impacts could be maximised through enhancement measures.

Construction impacts

The EIS notes that construction could impact; existing and future hirers use of the Cutaway; local amenity for neighbours (noise, dust, vibration, traffic impacts); and reduce the accessibility of the Reserve due to construction nuisances.

The mitigation measures included clear and early communication about the process, timeframes, alternative options and the provision of contact numbers and complaints management. Ongoing consultation with hirers to understand potential activation of areas whilst the Project is still under construction. Implementation of environmental management mitigation measures to reduce the potential impacts of noise, vibration, dust and traffic.

The audit found that the Project team consulted with Council and implemented lighting and lighting shrouds on the hoarding around the skylights on Merriman Street for safety reasons, to ensure pedestrians and users of the space could identify the black hoarding at nighttime.

Cumulative impacts

The EIS notes that the Project coincides with the construction of the Barangaroo Metro Station and other ongoing development, which may present a challenge during construction of the Project through additional nuisances for residents and users of the local area, in relation to noise, traffic and dust.

Actual impacts

The Project has prepared several environmental management plans to manage the potential environmental impacts of construction of the Project. The Project team implements ongoing consultation with surrounding development teams, such as Watpac for the metro development, owners of potentially impacted businesses (e.g. the Palisade Hotel) and residents along Merriman Street. Methods of consultation have included a WhatsApp group for the staff of surrounding construction projects, face to face and letterbox drops for business and residents. The Project has a website, which contains the Community Communication Strategy and the works notifications. Pre-construction dilapidation assessments were offered to the residents in Merriman Street with those having taken up the offer receiving the completed reports.

The Project has implemented QR codes on the hoarding that directs community members directly to the website for information or complaints. Business cards were produced to provide to community members where required. The works notifications which are available on the Project website have contact details for

complaints or information, and the site notice has the contact details and mobile numbers of the senior project manager and site managers.

A buggy system is in operation to take people who would use the lift at The Cutaway, either up to the parkland or down to the Nawi Cove entrance. A poster is provided at the two locations with details about booking the buggy and potential wait times. There is a QR code on the posters to take users to the Project website.

Biodiversity

The EIS notes that a Biodiversity Development Assessment Report waiver was approved due to the low likelihood of impacts to biodiversity values arising from the Project. The site contains a small amount of native vegetation that has been planted since 1990 and is not associated with any plant community type. No threatened fauna were observed during the biodiversity site inspection and the site is not considered suitable for microbat roosting. Threatened species identified as most likely to utilise the Barangaroo Reserve include Grey-headed Flying-fox, Powerful Owl, Eastern Osprey and the White-bellied Sea-eagle.

Actual impacts

A Flora and Fauna Management Plan (FFMP) was prepared by FDC (Rev A 26 April 2024) to detail vegetation, fauna and habitat management, particularly through the clearing process. At the time of the second audit there had been no need to implement the tree clearing protocol. The FFMP is Appendix K of the CEMP.

The FFMP outlines induction training to all personnel for the response procedures in the event of an unexpected threatened species find. The FFMP details daily visual surveillance for any threats to animals or unexpected finds of flora and fauna. The Unexpected Species Finds Procedure is located in Appendix C of the FFMP. The Unexpected Species Finds Protocol for threatened species is outlined on slide 23 of the Induction Presentation.

During the first site audit, what was thought to be a Grey-headed Flying-fox was observed to be hanging from the netting of the one of the voids. The Grey-headed Flying-fox is listed as a vulnerable species under the *Biodiversity Conservation Act 2016* (BC ACT) and *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and accordingly FDC have a duty of care to ensure there is no impact to the individual.

The auditor was notified of the process followed by FDC personnel was the Unexpected Species Finds Protocol, detailed in Appendix C of the FFMP. There were no works occurring in the area at the time, with the site team and HSEQ team notified immediately, and exclusion zones establish. When FDC had returned to investigate the following morning, the Grey-headed Flying-fox had already gone, allowing FDC to recommence works as per procedure. An improvement opportunity has been raised as no ecologist was engaged following the stop work.

Transport and accessibility

The EIS notes that construction of the Project has the potential to impact pedestrians, active transport users (e.g., cyclists) and road users living and commuting in the vicinity of the site. Impacts associated with construction traffic (both heavy and light vehicles) and changes to the road network include increases to road traffic and congestion, reduced parking spaces and potential impacts to cyclists.

Impacts associated with the construction site also include potential impacts to the pedestrian walkways surrounding the site and pedestrian safety particularly around the exterior site works. However, construction driveway crossovers will be fully traffic controlled during all operational periods.

Actual impacts

There is an approved Construction Pedestrian and Traffic Management Plan (CPTMP) that provides the locations of proposed construction vehicle parking, haulage routes, measures to avoid construction worker vehicle movements, pedestrian and traffic management measures, consultation strategy and potential impacts to general traffic, cyclists, pedestrians and bus services during construction.

The details from the CPTMP are included in the Induction presentation and the plan is included in the sub-contractor start up package. During the second audit site inspection, it was observed that site access drawings were placed on the noticeboard near the lunchroom and around the ground level. Works are still currently interior with minimal impacts of external construction works on traffic and active transport users.

Noise and vibration

The EIS notes that residential receivers along Merriman Street, near the existing roof openings to the Cutaway may be exposed to noise levels exceeding the 'highly affected' management level during some periods of works, experiencing noise levels in excess of Leq(15min) 75 dBA. These periods are likely to be limited in duration and frequency.

Increases to road traffic will be limited and an assessment of road traffic noise from this increase is minor and is represented by an increase of less than 2 dBA.

Reasonable and feasible mitigation measures will need to be implemented during construction as per EPA guidelines.

Actual impacts

As required by the CoA a Construction Noise and Vibration Management Plan has been prepared to manage impacts. Management measures are largely around reducing noise as far as is practicable and working within the approved hours. There is a requirement for ongoing unattended noise monitoring at three locations: two on Merriman Street, one within the commercial building at 1 Munn Street. Exceedances in the NMLs trigger an email and text message notification. This is followed up by FDC.

The following exceedances occurred that exceeded the alarm level for high noise emissions, were investigated, and shown to be associated with construction activities - August (6), September (0), October (6), November (8), December (8). August exceedances were identified as having occurred within allowable time periods and were not sufficient length to require a respite period. October, November and December exceedances were investigated and demonstrated levels reducing significantly after 3 hours of activity. All respite periods were observed.

The audit found that there were no recorded vibration exceedances during August and November 2024. There were exceedances during September (2 instances), October (1 instance) and December (18 instances) 2024. The exceedances in September were identified as isolated events that occurred near the site level vibration sensor.

The exceedance in October was identified as an isolated event that occurred near the site level vibration sensor. The report noted that a period of elevated vibration was measured at street level sensors, which were associated with the movement of plant and equipment at the site ground level. The audit found the report found that vibration at street level was well below warning or alerting thresholds.

The exceedances in December were isolated to a single vibration sensor with works above 10 mm/s associated with the works occurring on nearby skylights. The audit found that NoiseNet identified in their report (dated 18/12/2024) that the site level vibration sensor (1004V) was not online for the entire period covered in the report. The Project team identified that they workshopped the issue with NoiseNet and the outcome was the USB power cable required replacing after having been damaged by a storm.

Ecologically sustainable development

The EIS notes that the Project targeted a 6 Star Green Star rating and that the implementation of the strategies will deliver a sustainable development that integrates the principles of Ecologically Sustainable Development (ESD) as defined in Environmental Planning and Assessment Regulation 2021. The ESD strategies include carbon, water, circularity and waste minimisation and community.

Actual impacts

The design of the Project has achieved the 6 Star Green Star Rating as confirmed by the Letter of Confidence regarding 6 star Green Star certified rating and demonstration of compliance with Schedule 2 Part B Condition B18 and B19 of the Conditions of Consent, issued by Ian Van Eerden of Northrop (04 April 2024).

Lighting

The EIS notes that the implementation of the *Australian Standard 4282: Control of the obtrusive effects of outdoor lighting* can appropriately mitigate any potential adverse impacts on amenity, visual and flora and fauna, arising from internal and external lighting.

The use of the *Australian Standard 4282: Control of the obtrusive effects of outdoor lighting* is part of the Conditions of Approval for the Project.

Actual impacts

Design Certificate - Electrical Services (MDE Group 14/06/2024) indicates that electrical Services are designed in accordance with relevant Australian Standards. Outdoor lighting has been installed at entrance to Nawi Cove only.

Flooding

The EIS notes that a flood risk assessment for the Project indicated that the site is not flood affected from the external catchment and has a low flood risk.

Actual impacts

Mitigation measures are not required for flood risk.

Water cycle management

The EIS notes there is an existing stormwater network within the base of the building that discharges into the harbour. The Project will not connect to the City of Sydney's existing stormwater network. There is no requirement for detention as Project works are predominantly interior with minimal excavation. The EIS proposes minimal erosion and sediment control measures that will adequately address the potential impacts during construction of the Project.

Actual impacts

Erosion and sediment control drawings are provided in the Soil and Water Management Plan in place of an Erosion and Sediment Control Plan. There are two stormwater pits, one at each access, that are actively managed with sediment protection, specifically geotextile covering the pits.

These sediment controls are inspected weekly during the Weekly Site Inspection and remain in good operating condition. Monitoring records are maintained in Project SIMPEL. Project SIMPEL EFORM records were sighted at the second site audit.

Contamination and hazardous material

The EIS notes that as the Cutaway large concrete shell already exists, the extent of excavation and ground disturbance is limited to previously excavated locations. As such, it is considered that the potential to encounter contaminated material during the works is unlikely and can be managed with an Unexpected Finds Protocol.

Actual impacts

An Unexpected Finds Protocol for contamination and asbestos is contained within the Hazardous Materials Management Plan. All material where there is an unexpected find of asbestos containing material or contamination is required to undergo waste classification prior to removal and disposal. Following disposal, a Clearance Inspection Report is required.

The Unexpected Finds Procedure, which is now in Rev C2 dated February 2025, for contamination and asbestos has received endorsement from the EPA accredited Site Auditor (12 February 2025). There were no unexpected contamination finds during the second audit period.

Waste management

The EIS notes that the Project will provide for satisfactory waste management during the demolition, construction and operation phases.

A Construction Waste Management Plan was prepared prior to construction and addresses waste diversion targets, the details and quantities of each waste type generated during construction, waste classification, management of hazardous waste materials, management of excavation waste, site specific waste management provisions and operational measures.

Actual impacts

The audit noted that the CWMP was being implemented with observed waste separation on site (refer to photographic evidence in Appendix D). The audit also notes that co-mingled recycling has been introduced into the lunchroom.

3.12. Site inspection

The site inspection found the site to be tidy, litter-free and well maintained. The entire site was viewed at the inspection on foot and from various locations. The site inspection started at the site office then the second, first and ground floors after stopping by the lunchroom. The basement (carpark) part of the site was inspected, followed by tree protection and hoarding around the skylights along Merriman Street.

During the site inspection, the following areas or items were observed:

- Lunchroom (Photo 11)
- Second floor, first floor and ground floor (Photos 6, 13, 27)
- Flammable liquid storage (Photo 16)
- Hoarding (Photos 17, 18, 19, 20, 21, 22, 29 and 30)
- Washout station (Photo 27)
- Spill kits (Photos 16 and 26)
- Nurse stations (Photos 5 and 11)
- Sediment controls (Photos 31)
- Waste receptacles (Photos 15, 24 and 28)
- Egress points (Photos 1, 2 and 22)
- Site signage (Photos 1 and 2).

The purpose of the site inspection was to check that environmental controls were implemented and maintained. The site visit found:

- Flammable liquid storage was a bunded cabinet and only contained flammable liquids (Photo 16)
- Hoarding was in good condition and free of graffiti or third-party material (Photos 17, 18, 19, 20, 21, 22, 29 and 30)
- Two concrete washout stations were on-site (Photo 27)
- Spill kits were located around the site with appropriate materials and personal protective equipment (Photos 16 and 26)
- Nurse stations with emergency call button and fire extinguisher were located around the site (Photos 5 and 11)
- No exposed surfaces observed as current stage of works only includes interior fitout and refurbishment
- Waste receptacles are located around the site for waste management where works are occurring (Photos 15, 24 and 28)
- Waste was observed being segregated
- Sediment controls were in place over the stormwater pits (Photo 31)
- There was no evidence of mud tracking on public roads
- The wet and dry vacuums were on the floor ready for the daily dust removal
- The site is clearly fenced
- Site signage was in place (Photo 1)
- Tidy housekeeping of the site (Photos 5, 6, 13, 25 and 28).

Photos of the site inspection are provided in Appendix D and presented in the audit findings in Appendix C.

3.13. Site interviews

Site interviews occurred with staff from FDC during the course of the audit, including those listed in Section 2.4. The interviews found that staff broadly understood the requirements of the CoA and the Environmental Management Plans. A summary of the evidence gathered from these interviews is provided in Appendix C.

3.14. Previous annual review or compliance report recommendations

This is the second audit of the Project. Compliance reports are not required in the CoA until following occupancy and prepared within 52 weeks of operation.

3.15. Key strengths

The Project has a committed team to undertaking the Project in accordance with the requirements of the Consent Conditions and are receptive to feedback. This is regarded as a vital strength in the continued improvement of site performance.

Additionally, the Project team maintain a tidy site and ensure all personnel and subcontractors are across the requirements of the Projects Consent Conditions through Project induction material, subcontractor start up package and accessibility to relevant documentation in the lunchroom.

4. Recommendations

4.1. Recommended actions

Eight non-compliances were raised in this audit. Recommended actions against each of the non-compliances raised during the second audit are provided in Table 4-1.

Table 4-1 Summary of non-compliances and recommended actions

Condition #	Requirement	Audit finding	Recommendations
A2	The development may only be carried out: (a) in compliance with the conditions of this consent; (b) in accordance with all written directions of the Planning Secretary; (c) in accordance with the EIS, RtS and any RFI; (d) in accordance with the approved plans in the table below (except where amended by the conditions of consent):	The audit found compliance with the majority of conditions. However, the audit found eight non-compliances inclusive of this condition, as detailed below.	Refer to specific non-compliance status below.
A18	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 Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.	The audit found that the non-compliances from the first audit were not notified to the Department in writing within 7 days after the Applicant becomes aware (Audit 1 Report, dated 2 December 2024, notification 12 December 2024).	The non-compliances for audit 1 have been notified. No further action. Ensure future non-compliances are notified to the Department within 7 days after becoming aware.
A19	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 noncompliance (if known) and what actions have been, or will be, undertaken to address the	The audit found that the Planning Secretary was notified of the non-compliances from the first audit but that this notification did not include the reasons for the non-compliance, or the actions taken or to be taken to address the non-compliance. The Applicant's Response was in draft at the time of the second audit, which contains the non-	The non-compliances for audit 1 have been notified. No further action. Ensure future non-compliance notifications to the Department describes the reasons for non-compliance and the corrective actions to address the non-

Condition #	Requirement	Audit finding	Recommendations
	non-compliance.	compliances and details of how they have been addressed.	compliance.
A22	<p>Within three months of:</p> <p>d) the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or</p> <p>the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.</p>	Modification-1 was determined on 16 September 2024. The audit found that the Planning Secretary had not been notified that a revision of strategies, plans or programs required under the consent were being reviewed following the approval of Mod-1.	<p>Review and notify the Department of the review of strategies, plans and programs within 3 months of a determination of a Modification, audit report etc.</p> <p>Provide a notification to the Department of the review following approval of Mod-1.</p>
B3	If the construction or operation 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.	The audit found that the Department was notified of the commencement of each stage subsequently, on 10 December 2024.	<p>Notification of stage commencement for 2 and 3 were done subsequently. No further action required.</p> <p>Ensure notification of Stage 4 at least 48 hours prior to commencement of construction of that stage.</p>
B4	<p>Access to information</p> <p>At least 48 hours before the commencement of any works 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>c) Make the following information and documents publicly available:</p> <ul style="list-style-type: none"> i. the documents referred to in Condition A2 of this consent; ii. all current statutory approvals for the development; iii. all approved strategies, plans and programs required under the conditions 	The audit found that the website had been updated with the environmental management plans, links to approval documentation, complaints register, noise and vibration monitoring, Project progress updates and works notifications. Although the website contains the audit report for Audit 1, it does not contain the Applicant's Response. Environmental performance documentation is not available on the Project website.	The Project website has since been updated with the environmental monitoring documentation. No further action required.

Condition #	Requirement	Audit finding	Recommendations
	<ul style="list-style-type: none"> iv. 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; v. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs; vi. a summary of the current stage and progress of the development; contact details to enquire about the development or to make a complaint; vii. a complaints register, updated monthly 		
C48	<p>In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:</p> <ul style="list-style-type: none"> c) review and respond to each Independent Audit Report prepared under this consent; <p>submit the response to the Planning Secretary; and</p>	The audit found that the Applicant's Response had not been submitted to the Planning Secretary.	Submit the Applicant's Response to the Planning Secretary.
C49	<p>Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the</p>	The audit found that the audit report for Audit 2 and the Applicant's Response was not submitted to the Planning Secretary within two months of	Implement a notification or reminder system to submit audit reports and response to audits the Planning secretary in the

Condition #	Requirement	Audit finding	Recommendations
	independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.	the date of the site audit, being 16 July 2024.	required timeframe.

4.2. Improvement opportunities

The audit raised five opportunities for improvement for the Project team's consideration, refer to Table 4-2. The improvement opportunities that remain open from Audit 1 are detailed in Table 3-4.

Table 4-2 Opportunities for improvement

Condition	Opportunity for improvement	Recommended action
B4	<p>At least 48 hours before the commencement of any works 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 obtained or approved) publicly available on its website:</p> <ul style="list-style-type: none"> i. the documents referred to in Condition A2 of this consent; viii. a complaints register, updated monthly; ix. audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report; 	<p>Consider making the link to the approval documentation easier to locate.</p> <p>Consider updating the complaints register to show complete close out of complaints including corrective actions taken.</p> <p>Consider a separate heading for Independent Audits and Applicant's Response so the links are not lost amongst the links to management plans.</p>
B55	Waste Management Plan	Validation has been added to the CWMP. However, it should explicitly detail that the validation is of the remaining material (to ensure no contamination remains in situ) and that waste classification is relevant to excavated material.
C4	The Applicant must ensure the requirements and recommendations	Flammable liquids should be stored in the flammable liquid cabinet.

Condition	Opportunity for improvement	Recommended action
	outlined in the following plans are complied with: (a) CEMP	
C4	The Applicant must ensure the requirements and recommendations outlined in the following plans are complied with: (a) FFMP	If there is a repeat instance of a threatened animal identified within the site, ensure the Unexpected Species Find Protocol (Appendix C of the FFMP) is followed and the Project ecologist engaged following stop work and notification to HSEQ.
C4	The Applicant must ensure the requirements and recommendations outlined in the following plans are complied with: (f) SWMP	Geofabric, to prevent sediment / dust entering the drainage system, should extend along the full length of the drain.

Appendix A Auditor CV / Declaration of Independence

A.1 Natascha Arens

6. Appendices

Appendix A – Declaration of Independence Form Template

Declaration of Independence - Auditor

Project Name The Cutaway Cultural Facility, Barangaroo

Consent Number SSD-47498458

Description of Project Fitout and enclosure of the existing roof openings in the Cutaway to accommodate cultural facility

Project Address The Cutaway, Barangaroo within City of Sydney, Part Lot 52 in DP 1213772

Proponent Infrastructure NSW

Date 02 December 2024

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

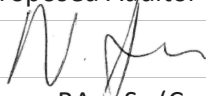
- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows 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 Proposed Auditor Natascha Arens

Signature



Qualification BAppSc (Conservation Mgt), MBEM, CEnvP, MEIANZ, Certified Lead Auditor

Company NGH Pty LTD

Natascha Arens | BAppSc (Conservation Mgt), MBEM, CEnvP, MEIANZ, Certified Lead Auditor

Principal Environmental Consultant

Systems Manager

Natascha launched the Sydney Branch of NGH in 2006. She has around 30 years of professional experience in environmental management and impact assessment and began her career as an ecologist in South Eastern NSW.

She has worked in both the public and private sector. Natascha has a wealth of experience in environmental impact assessment for large infrastructure projects. She is an Exemplar Global Lead Environmental Auditor and has extensive auditing experience across a range of industries.

The diversity of her planning experience coupled with her onsite and project management experience has equipped her with an excellent understanding of environmental issues, legislation and planning in regional and urban environments. Natascha gives clients assurance that NGH will use innovation and breadth of company history to drive sustainable outcomes for projects.

Natascha has a leading role in the operational performance of the company. Instigating improved environmental performance is something Natascha pursues with enthusiasm.



Focus areas

- Environmental auditing
- Environmental Impact Assessments
- Legislation interpretation
- Environmental Management Plans
- Preliminary Environmental Constraints Assessments & Scoping Reports
- Expert reviewer (CEnvP-IA)
- Stakeholder and Community Engagement
- Environmental training and workshops

Professional associations and accreditations

- Environmental Institute of Australia and New Zealand (EIANZ) member
- Certified Environmental Practitioner – CEnvP # 130
- Exemplar Global Certified Principal Environmental Auditor # 105783
- NGH Director
- CCRSS Director and Secretary (Voluntary Role)

Project experience

Renewable energy

Maxwell Solar Farm (Maxwell), Muswellbrook, NSW

The \$40m, 25MW solar farm on a rehabilitated coal mine site will produce electricity for the Maxwell infrastructure and export to the grid, the first large scale example in New South Wales. As **Project Director** Natascha undertook the final review of reports, from the initial constraints and Scoping Report to the EIS and Submissions Report. She worked with the project team to overcome challenges with approvals.

Gunning Windfarm (Acciona), Gunning, NSW

Gunning Wind Farm is a 46.5MW wind farm comprising 31 turbines and located 35km north east of Canberra. Natascha provided was the **Senior Environment Adviser** throughout the construction phase of this project. She ensured management plans complied with the Department of Plannings requirements and the conditions of consent and oversaw effective implementation of the plans on site throughout the construction phase.

Dunedoo Solar Farm (IBVoigt) Dunedoo NSW

Dunedoo Solar Farm is a 55-MW AC solar farm generally comprising a solar array, access roads, on-site substation and a 66-kV Transmission Line. As **Project Director** for this project, Natascha undertook senior review and final sign off on the EIS. She also worked with the client and the NGH team to navigate some challenging road access and grid connection requirements.

Linear infrastructure

Albion Park Rail Bypass (TFNSW) Albion Park, NSW

The Albion Park Rail bypass is a \$630 million project funded by the NSW Government that completes the 'missing link' for a high standard road between Sydney and Bomaderry. It is an important freight, bus and tourist route.

As **Project Director** for this project, Natascha worked closely with the TFNSW and Cardno team to prepare the Scoping Report, Biodiversity Assessment and Preferred Activity report. Later in the project she undertook a **Project Management** role for the preparation of the Construction Environmental Management Plans for the early works package.

Pacific Highway Upgrades (Lend Lease) Karuah Bulahdelah, Napiac, Yelgun-Chinderah, Brunswick -Yelgun, Tugun Bypass , NSW

The Pacific Highway upgrade is the largest road infrastructure project in Australia. It connects Sydney and Brisbane, and is a major contributor to the country's economic activity. The Australian and NSW governments have been jointly funding the Pacific Highway upgrade since 1996.

Natascha was the **Environmental Manager** on over 100kms of the Pacific Highway upgrade during the first ten years of operation. She undertook regular inspections and audits of these projects to ensure operation of the highway met the TfNSW specifications and standards.

Bringelly Road Upgrade (TfNSW) Bringelly, NSW

The Australian and NSW governments are upgrading Bringelly Road between Camden Valley Way, Leppington and The Northern Road Bringelly as part of the Western Sydney Infrastructure Plan, a \$3.6 billion road investment program.

Natascha was **Project Director** for Stage 1 of the Bringelly Road upgrade. She led the NGH team who prepared the environmental impact assessment, including specialist studies for biodiversity and heritage.

Empire Bay Drive Upgrade Project REF (AT&L, RMS), Kincumber, NSW

A significant upgrade to two lanes each direction of a highly trafficked section of the Central Coast, Empire Bay Drive at The Scenic Road, Kincumber. As **Project Director**, Natascha liaised reviewed all outputs associated with the Project REF and specialist biodiversity and Aboriginal Heritage studies, along with an Addendum REF, Submissions Report and Environmental Management Plans.

Natascha worked with the project team to resolve issues and to ensure that deadlines were met and a high-quality document was put on display.

Mining and resources

Coraki Quarry (KIS), Coraki, NSW

Coraki Quarry is a hard rock quarry, classified as State Significant Development (SSD) under the EOA&A Act. As the Department of Planning approved **Independent Environmental Auditor** on the Project, Natascha was responsible for auditing compliance with the operational requirements of the SSD condition of consent and the Environmental Protection Licence.

Defence

Holsworthy Barracks Mid-Term Refresh (Beca & Defence), Sydney, NSW

Holsworthy Barracks Mid-Term Refresh was an interim project aimed at sustaining operations until the Holsworthy Barracks Redevelopment Project. Natascha was the **Project Director** leading the environmental impact assessment. Natascha worked with the client to untangle the planning pathway for the project which occurred on both public and defence land.

HMAS Platypus (Sydney Harbour Foreshore Trust), Neutral Bay, NSW

The former HMAS Platypus site (Platypus) was formally transferred to the Harbour Trust on 23 July 2005. It has had a diverse history including as gas works, a Naval torpedo maintenance facility, the HMAS Platypus submarine base and now as an emerging new public park.

Natascha was the **Project Manager** for various projects undertaken on this site by NGH between 2010 and 2016 including marine surveys, aquatic biodiversity assessment and subsequent sea horse relocation and management plan.

Government

Foxground to Berry (TfNSW & Fulton Hogan), Berry, NSW

The Foxground to Berry Bypass is a four-lane highway with median separation for 12.5 km of the Princes Highway south of Wollongong. As **Project Director**, Natascha undertook final review of all reports. Natascha worked on this project for five years, reviewing all outputs of the construction and post-construction ecological monitoring. Performance criteria were set at the EIS stage and during the construction phase. Monitoring included weed, aquatic, frog, and fauna surveys (Spotlighting, call playback, camera detection and scat and track surveys) and water quality (including macroinvertebrates). Roadkill was also monitored during construction and the first year of operation. Heat maps of roadkill hotspots were identified and used to make recommendations for further exclusion fencing.

Elizabeth Bay Marina (RMS), Elizabeth Bay, Sydney, NSW

The 100 year old Elizabeth Bay Marina was upgraded in 2018; the marina was vulnerable to flooding and had begun to deteriorate due to its age. Natascha was the **Project Director** overseeing the delivery of the environmental impact assessment and specialist Biodiversity and heritage assessments under an incredibly tight timeline. She also worked with RMS to undertake public consultation both prior to the impact assessment and during the public exhibition of the impact assessment.

Water

Murrumbidgee to Googong Pipeline (Iconwater), Canberra, ACT

A 12-kilometre pipeline that can transfer water from the Murrumbidgee River into the Googong Reservoir, developed as part of a suite of water security projects initiated during the Millennium Drought. Natascha is the Department of Planning approved **Independent Environmental Auditor** for this project. Natascha reviewed the project against the measures committed to in the consent and the operational management plan for the project. She made recommendations to the project team to facilitate continuous improvement.

Industrial

St Marys Intermodal (Pacific National), Sydney, St Marys, NSW

St Marys Freight Hub a State Significant Development project services major retail distribution centres and warehouses across Greater Western Sydney, including major industrial estates. Natascha was the Department of Planning approved **Independent Environmental Auditor** for this project. Natascha undertook compliance audits for this project from the early works phase and throughout the construction of the project.

Land development

Sydney Childrens Hospital (Health Infrastructure), Bowral, NSW

The \$658 million Sydney Children's Hospital Stage 1 and Minderoo Children's Comprehensive Cancer Centre brings world-leading clinical care, research and education together under one roof to transform kids' health. Natascha is the Department of Planning approved **Independent Environmental Auditor** for this project. This project is part of the greater Randwick Campus Redevelopment

New Maitland Hospital (Health Infrastructure), Maitland, NSW

The NSW Government has invested \$470 million in delivering the new Maitland Hospital, to meet the growing health service needs for the surrounding communities of the Hunter Valley now and into the future. Natascha is the Department of Planning approved **Independent Environmental Auditor** for this project. This project was undertaken on a green field site with native vegetation communities and potential Aboriginal deposits present. Natascha undertook compliance audits for this project from the early works phase through to operation of the hospital.

Campbelltown Hospital redevelopment (Health Infrastructure), Campbelltown, NSW

The NSW Government has invested 632 million upgrade of Campbelltown Hospital and the redevelopment which will see a new clinical services building as well as

refurbishment of existing buildings.. As the approved **Independent Environmental Auditor** for this project Natascha undertook compliance audits for this project from the early works phase through construction. This project was undertaken adjacent to an operating hospital and subject to stringent noise and vibration requirements.

Royal Hall of Industries (Sydney Swans), Sydney, NSW

Sydney Swans transformed the historic Royal Hall of Industries into a world-class sporting and community hub for not-for profits and elite training facility for the Sydney Swans and their youth Academy. As the approved **Independent Environmental Auditor** for this project Natascha undertook compliance audits for this project from the early works phase through construction.

A.2 Nicola Smith

6. Appendices

Appendix A – Declaration of Independence Form Template

Declaration of Independence - Auditor

Project Name The Cutaway Cultural Facility, Barangaroo

Consent Number SSD-47498458

Description of Project Fitout and enclosure of the existing roof openings in the Cutaway to accommodate cultural facility

Project Address The Cutaway, Barangaroo within City of Sydney, Part Lot 52 in DP 1213772

Proponent Infrastructure NSW

Date 02 December 2024

I declare that:

- i. I am not related to any proponent, owner, operator or other entity involved in the delivery of the project. Such a relationship includes that of employer/employee, a business partnership, sharing a common employer, a contractual arrangement outside an Independent Audit, or that of a spouse, partner, sibling, parent, or child;
- ii. I do not have any pecuniary interest in the project, proponent or related entities. Such an interest includes where there is a reasonable likelihood or expectation of financial gain (other than being reimbursed for performing the audit) or loss to the auditor, or their spouse, partner, sibling, parent, or child;
- iii. I have not provided services (not including independent reviews or auditing) to the project with the result that the audit work performed by themselves or their company, except as otherwise declared to the Department prior to the audit;
- iv. I am not an Environmental Representative for the project; and
- v. I will not accept any inducement, commission, gift or any other benefit from auditee organisations, their employees or any interested party, or knowingly allow colleagues to do so.

Notes:

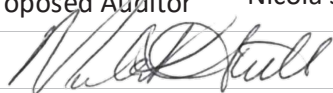
- a) Under section 10.6 of the *Environmental Planning and Assessment Act 1979* a person must not include false or misleading information (or provide information for inclusion in) in a report of monitoring data or an audit report produced to the Minister in connection with an audit if the person knows 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 Proposed Auditor Nicola Smith

Signature



Qualification

Bachelor Science, Masters of Philosophy (Phys Geog), Lead Auditor in
Environmental Management Systems ISO 14001:2015 & ISO 19011:2018, MEIANZ

Company

NGH Pty LTD

Nicola Smith | BSc MPhil

Regional Manager - Environmental Management

Nicola leads a team of environmental management consultants. She has over 10 years of experience across multiple disciplines and has worked on planning and approval projects, post-approval environmental management, and a variety of projects in the renewable energy sector, extractive industries, infrastructure, manufacturing, and waste management. Nicola is an experienced project manager and report author for all phases of project development, including field investigations, approval documents, environmental management plans, monitoring programs and auditing.



Focus areas

- Technical review and quality control
- Stakeholder and client engagement
- Environmental management and monitoring
- Soil and geomorphological investigations
- Contaminated land investigations
- Environmental compliance monitoring programs and reporting
- Preparation of environmental management plans
- Geographical Information Systems (GIS)

Professional associations and accreditations

- Lead Auditor in Environmental Management Systems ISO 14001:2015 & ISO 19011:2018
- Environment Institute of Australia and New Zealand (EIANZ) member
- Erosion and Sediment Control – Blue Book Training
- River Styles® Accreditation
- National WHS General Construction Induction Training (White Card)
- First Aid Certificate
- Rail Industry Workers (RIW)

Project experience

Auditing and compliance

Griffith Base Hospital Redevelopment (NSW Government), Griffith NSW

The \$250 million Griffith Base Hospital Redevelopment involves the planning, design and delivery of a hospital designed to meet the needs of Griffith and surrounding communities both now and into the future. The project is being delivered in several phases. They include early and enabling works, currently underway on the health campus, and the delivery of a new multi-storey hospital as part of the main phase of works. **Support auditor.** Site visit, review of documentation and audit report.

Sydney Children's Hospital Stage 1 and Minderoo Children's Comprehensive Cancer Centre Audit (NSW Government), Randwick NSW

The \$658 million Sydney Children's Hospital Stage 1 and Minderoo Children's Comprehensive Cancer Centre brings world-leading clinical care, research and education together under one roof, to transform kids' health. The Project will be delivered as a single project in an integrated facility, to transform paediatric health care locally, nationally and globally. **Support auditor.** Audit plan, site visit, review of documentation and audit report.

Jerrabomberra High School (NSW Government), Jerrabomberra NSW

The new Jerrabomberra High School (the Project) has 25 flexible learning spaces including three support learning spaces in modern facilities to accommodate approximately 500 students. The Project was approved as State Significant Development (SSD-24461956) and conditions of consent were issued by the Minister for Planning on the 13 July 2022. **Support auditor.** Site visit, review of documentation and audit report.

The Sutherland Hospital Redevelopment (NSW Government), Sutherland NSW

The Sutherland Hospital Operating Theatre involved the construction of a new Clinical Services Building (The Project). The Project was delivered as a combination of new build and refurbishment in a 'live' hospital environment. **Support auditor.** Site visit, review of documentation and audit report.

Cowra Hospital Redevelopment (NSW Government), Cowra NSW

Cowra Hospital Redevelopment involves building a new hospital behind the existing hospital on the current campus site, with the aim of delivering high-quality health services accessible to the Cowra community. The new hospital will include upgraded inpatient beds, contemporary facilities and new health services, including Computed Tomography (CT) scanner. **Support auditor.** Site visit, review of documentation and audit report.

Wentworth Hospital Redevelopment (NSW Government), Wentworth NSW

The Wentworth Hospital Redevelopment involves the planning, design and delivery of a comprehensive, accessible, culturally welcoming and consumer friendly health care service to support the needs of the entire Wentworth community. **Support auditor.** Site visit, review of documentation and audit report.

The Cutaway Cultural Facility, Barangaroo NSW

The fit out and operation of the Cutaway Cultural Facility at Barangaroo. The Project was approved as a State Significant Development (SSD-47498458). The Project includes: internal alterations and fit-out of the existing Cutaway space over three levels to accommodate event and gallery spaces, back of house areas, amenities, commercial kitchen, offices and ancillary retail and café; enclosure of existing roof

openings/voids; and new façade and entry treatment from the forecourt adjacent to Nawi Cove, including new landscaping **Support auditor.** Site visit, review of documentation and audit report.

Forbes Brinecure Annual Compliance Reporting (Loris H Hassall), Forbes NSW

Forbes Brinecure is a tannery that processes cattle hides. Up to 311,000 cattle hides are processed each year. **Project Manager.** Data analysis and reporting for the Annual System Performance Report in compliance with the Environmental Protection Licence. Data analysis included soil, brine, pasture and nutrient balance.

Geelong Leather Annual Compliance Reporting (Loris H Hassall), Culcairn NSW

Geelong Leather is a tannery that processes cattle hides and kangaroo skins. Geelong Leather produce a high quality 'wetblue' leather product that is shipped around the world for the production of leather goods. **Project Manager.** Data analysis and reporting for the Annual System Performance Report in compliance with the Environmental Protection Licence. Data analysis included soil, groundwater, brine, sludge, pasture and nutrient balance.

Renewable energy

Culcairn Solar Farm (Neoen), Culcairn NSW

The site will be developed by Neoen and will comprise solar generation capacity of 350 megawatts (MW), as well as a battery with a 100 MW, two-hour capacity. The site also connect to the National Electricity Market via TransGrid's 330 kilovolt transmission line already on site. **Project Manager.** Delivery, authoring and management of the Environmental Impact Assessment (EIA) and associated documentation, as well as technical advice and client contact. Report author and reviewer of post-approval construction environmental management plans.

Coleambally Battery Energy Storage System (Risen Energy), Coleambally NSW

The Coleambally Solar Farm is a 150MW renewable electricity project with 567,828 solar panels which will displace 307,800 tonnes of CO2 emissions and power 103,000 homes. **Project Manager.** Delivery, authoring and management of the Environmental Impact Assessment (EIA) and associated documentation, as well as technical advice and client contact. Author of the soil survey assessment report.

Snowy 2.0 Transmission Line Connection Project (UGL), Kosciuszko National Park and Bago State Forest, NSW

Snowy 2.0 is the largest committed renewable energy project in Australia. The Transmission Connection Project will connect Snowy 2.0 Main Works into the National Electricity Market. **Technical lead and field technician.** Technical lead and field technician for the pre-construction baseline water quality monitoring for the project, which included over 18 months of water sampling at 12 locations associated with the project, a pre-construction water quality monitoring strategy and post-monitoring event reporting.

Beryl Solar Farm (Tranex Solar), Gulgong NSW

When completed, the 309,000 advanced solar modules on the Beryl Solar Farm will produce energy to run approximately 25,000 average NSW homes, displacing more than 167,000 metric tons of carbon dioxide emissions per year. **Workstage Manager.** Managing the deliverables associated with post-approval environmental management, which includes the implementation of agri-trials to determine the most appropriate method of groundcover management for the site.

Linear infrastructure

Parkes Intermodal Site and Soil Assessment (BG&E), Parkes NSW

Site and soil analysis for an on-site sewage management system to support the development of the Parkes Logistics Terminal. **Project Manager.** Collection of soil samples from the project site. Analysis of site physical characteristics, laboratory data and project details to determine the site suitability, location and design of an on-site sewage management system in general accordance with the relevant guidelines.

Henry Lawson Drive (Lyall & Associates), Milperra NSW

The NSW Government is upgrading Henry Lawson Drive to reduce congestion and improve safety and connectivity. **Report author.** Data analysis and report author of a construction and operation surface water assessment for the upgrade of Henry Lawson Drive.

Melbourne Airport SAP3 Signalling Power Supply Upgrade Contamination Assessment (BG&E), Melbourne VIC

Contamination assessment prior to signalling power supply upgrades for the rail corridor between Sunshine to Albion for ARTC upgrade works for the commencement of the Melbourne Airport Rail. **Field technician and report author.** Sample collection, data analysis and report preparation of the contamination assessment.

Barton Highway Upgrade (TfNSW), NSW

The objectives for the Barton Highway align with the objectives in the Long-Term Transport Master Plan. The objectives for the Barton Highway are: Improve liveability and reduce social disadvantage, improve economic growth and productivity, provide scope for regional development and accessibility, improve sustainability, improve safety and security, and improve transport integration process. **Field technician.** Collection of soil samples for Optically Stimulated Luminescence (OSL) dating, and preparation of soil logs in proximity to Aboriginal cultural heritage salvage works.

Echuca-Moama Bridge Project – Stage 4 Moama Intersection Detailed Site Investigation (TfNSW), Moama NSW

TfNSW are looking to divest a parcel of land, which is currently used for residential purposes. A Detailed Site Investigation was required to determine the type and extent of contamination at the site. **Field technician and report author.** Sample collection, data analysis and report preparation of the Detailed Site Investigation.

Land management

Lake Victoria Geomorphological and Erosion Assessment (South Australia Water), Lake Victoria NSW

Lake Victoria is managed by SA Water as a water reservoir for South Australia domestic water but is overseen by the MDBA. The ancient lake has over 1,000 Aboriginal heritage sites recorded. Due to ongoing water management an Aboriginal Heritage Impact Permit is required to continue to operate the lake **Field technician and report author.** Collection of soil samples and landscape descriptions and mapping to support independent recommendations on Lake management that best supports the conservation of Aboriginal cultural heritage. Provision of a geomorphic risk assessment of the new permit area with a focus on the threats of erosion to Aboriginal cultural heritage.

Crookwell Landfill Surface Water and Groundwater Assessment and Management Plan (Upper Lachlan Shire Council), Crookwell NSW

A Surface Water and Groundwater Assessment, and Management Plan, of the current landfill to meet the requirements of the Environmental Protection Licence. **Project Manager.** Delivery, authoring and management of the Surface Water and Groundwater Assessment and the Surface Water and Groundwater Management Plan. Key client contact.

Crookwell Landfill Closure Plan (Upper Lachlan Shire Council), Crookwell NSW

A Landfill Closure Plan as required by the NSW EPA and in accordance with the Solid Waste Landfill Guidelines 2016. **Project Manager.** Management of deliverables, landfill surface gas monitoring and author of the Landfill Closure Plan.

North Ridge Materials Facility (Riverina Warehousing Solutions), Wagga Wagga NSW

The North Ridge Materials Facility would convert an historic liquid waste evaporation pond into a non-putrescible solid waste disposal cell and leachate evaporation pond. The main waste cell would have the capacity to accept about 630,000 m³ of non-putrescible waste. **Project Manager.** Delivery, authoring and management of the Environmental Impact Assessment (EIA) and associated documentation, as well as technical advice and client contact.

Mining and resources

Tharbogang Landfill and Quarry Groundwater Compliance Reporting (Griffith Council), Tharbogang NSW

The proposed extension to the existing quarry; extracting, processing and transporting between 150,000 and 315,000 tonnes of quarry product by road per year, for up to 25 years; extending landfill operations. **Field technician and report author.** Analysis and reporting of annual groundwater monitoring data.

Mt Bundarbo Quarry (Bald Hill Quarry), Jugiong NSW

Construction of a hard rock quarry near Jugiong, NSW. The quarry will extract and process 100,00 to 150,000 tonnes per annum with peak demands of up to 450,000

tonnes per annum with material from the quarry supporting local development and maintenance. **Project Manager.** Delivery, authoring and management of the Environmental Impact Assessment (EIA) and associated documentation, as well as technical advice and client contact.

Murray's Crossing Quarry (Bald Hill Quarry), Tumbarumba NSW

An existing hard rock quarry seeking to increase extraction to 100,000 tonnes per annum with peak periods of 200,000 tonnes per annum over a period of 25 years, with material from the quarry supporting local development and maintenance. **Project Manager.** Delivery, authoring and management of the Environmental Impact Assessment (EIA) and associated documentation, as well as technical advice and client contact. Collection of water quality samples.

Appendix B DPHI Lead Auditor Approval

NSW Planning ref: SSD-47498458-PA-9

Infrastructure NSW

Via the Major Projects Portal only

Attention: Benjamin Henry, Project Manager

29/11/2024

Subject: The Cutaway Cultural Facility, Barangaroo – Agreement to independent auditor

Dear Benjamin

I refer to your submission on 25 November 2024, SSD-47498458-PA-9, requesting the Planning Secretary's agreement to suitably qualified, experienced and independent persons as independent auditors for The Cutaway Cultural Facility, Barangaroo (**Project**), under SSD-47498458 (**Consent**), for the construction phase of the Project.

The NSW Department of Planning, Housing and Infrastructure (**NSW Planning**) has reviewed the independent auditor nominations and based on the information you have provided is satisfied that Natascha Arens is suitably qualified, experienced and independent.

In accordance with Schedule 2, Condition C46 of the Consent and the *Independent Audit Post Approval Requirements (2020)* (**IAPAR**), as nominee of the Planning Secretary, I agree to the following lead auditor:

- Natascha Arens, NGH Pty Ltd

Please ensure this correspondence is appended to the independent audit report.

This agreement applies to all construction phase audits for the Project and will require the approved auditor to submit a declaration of independence with each independent audit report.

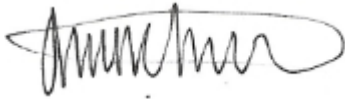
Please note that auditors must have lead or principal auditor accreditation for the Planning Secretary's consideration as per section 3.1 of the IAPAR. Further, conditions C45 and C46 of the Consent and the IAPAR do not require agreement of the Planning Secretary for nominations of audit assistants.

The independent audits must be prepared, undertaken, and finalised in accordance with the conditions of the Consent and the IAPAR.

NSW Planning reserves the right to request an alternate auditor(s) or audit team for future audits.

Should you wish to discuss the matter further, please contact compliance@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read "Minchin".

Thomas Minchin
A/Team Leader Compliance - Government Projects
Compliance

As nominee of the Planning Secretary

Appendix C Audit Table

Condition of Consent	Part/ Sub-Part	Condition	Evidence Collected	Comment	Audit Status																																																											
Part A - Administrative Controls																																																																
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.	Site inspection Site interviews	The Auditor observed the Project to be well managed at the time of the audit and did not consider the Project to present a potential risk of causing material harm to the environment.	Compliant																																																											
Terms of Consent																																																																
A2.		The development may only be carried out:			Non compliant																																																											
	a)	in compliance with the conditions of this consent;	Site inspection Document review	The Auditor identified 8 non-compliant findings inclusive of this condition, which includes the following conditions: A18, A19, A22, B3, B4, C48 and C49.																																																												
	b)	in accordance with all written directions of the Planning Secretary;	Site interviews	No written directions from the Planning Secretary.																																																												
	c)	in accordance with the EIS, RtS and any RFI;	Site inspection Document review	Works are being delivered generally in accordance with the EIS, Response to Submissions, any RFI and Mod-1.																																																												
	d)	in accordance with Section 4.55 (1A) Modification report prepared for SSD 47498458 Mod 1 by SJB Planning Pty Ltd dated 12 July 2024 and;																																																														
	e)	in accordance with the approved plans in the table below (except where amended by the conditions of consent): <table><tr><th colspan="4">Architectural drawings prepared by fjcstudio</th></tr><tr><th>Drawing Number</th><th>Rev</th><th>Name of Plan</th><th>Date</th></tr><tr><td>20000</td><td>K</td><td>Ground Floor Plan</td><td>12/07/2024</td></tr><tr><td>20001</td><td>I</td><td>Level 1 Floor Plan</td><td>15/11/2023</td></tr><tr><td>20002</td><td>J</td><td>Level 2 Floor Plan</td><td>12/07/2024</td></tr><tr><td>20004</td><td>K</td><td>Basement Level 1 Floor Plan</td><td>12/07/2024</td></tr><tr><td>20005</td><td>A</td><td>Detail Roof Plan</td><td>13/12/2023</td></tr><tr><td>20006</td><td>K</td><td>Basement Level 2 Floor Plan</td><td>12/07/2024</td></tr><tr><td>21000</td><td>I</td><td>Demolition Plan – Ground Floor</td><td>15/11/2023</td></tr><tr><td>40000</td><td>J</td><td>Sections 01 and 02</td><td>30/11/2023</td></tr><tr><td>40001</td><td>I</td><td>Section 03</td><td>15/11/2023</td></tr><tr><th colspan="4">Landscape Plans prepared by fjcstudio</th></tr><tr><th>Drawing Number</th><th>Rev</th><th>Name of Plan</th><th>Date</th></tr><tr><td>8000</td><td>I</td><td>Landscape and Entry</td><td>15/11/2023</td></tr><tr><td>8100</td><td>I</td><td>Landscape Sections & Details</td><td>15/11/2023</td></tr></table>	Architectural drawings prepared by fjcstudio				Drawing Number	Rev	Name of Plan	Date	20000	K	Ground Floor Plan	12/07/2024	20001	I	Level 1 Floor Plan	15/11/2023	20002	J	Level 2 Floor Plan	12/07/2024	20004	K	Basement Level 1 Floor Plan	12/07/2024	20005	A	Detail Roof Plan	13/12/2023	20006	K	Basement Level 2 Floor Plan	12/07/2024	21000	I	Demolition Plan – Ground Floor	15/11/2023	40000	J	Sections 01 and 02	30/11/2023	40001	I	Section 03	15/11/2023	Landscape Plans prepared by fjcstudio				Drawing Number	Rev	Name of Plan	Date	8000	I	Landscape and Entry	15/11/2023	8100	I	Landscape Sections & Details	15/11/2023	Document review	
Architectural drawings prepared by fjcstudio																																																																
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8000	I	Landscape and Entry	15/11/2023																																																													
8100	I	Landscape Sections & Details	15/11/2023																																																													
A3.		The Applicant must comply with all written requirements or directions of the Planning Secretary, including in relation to:		No written requirements or directions have been received from the Planning Secretary during the last audit period.	Not triggered																																																											
	a)	the environmental performance of the SSD;		Noted																																																												
	b)	any document or correspondence in relation to the SSD;		Noted																																																												
	c)	any notification given to the Planning Secretary under the terms of this approval;		Noted																																																												
	d)	any audit of the construction or operation of the SSD;		Noted																																																												
	e)	the terms of this approval and compliance with the terms of this approval (including anything required to be done under this approval);		Noted																																																												
	f)	the carrying out of any additional monitoring or mitigation measures; and		Noted																																																												
	g)	in respect of ongoing monitoring and management obligations, compliance with an updated or revised version of a guideline, protocol, Australian Standard or policy required to be complied with under this approval.		Noted																																																												
A4.		The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in Condition A2. In the event of an inconsistency, NSW Government 6 The Cutaway Cultural Facility, Barangaroo Department of Planning and Environment (SSD 47498458) ambiguity or conflict between any of the documents listed in Condition A2, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.		Noted	Compliant																																																											
Limits on Consent																																																																
A5.		This consent will lapse five years from the date the consent is published on the NSW Planning Portal unless the works associated with the development have physically commenced.	Signed FDC Contract programme, dated 02/02/2024 FDC Construction Program, Rev 8, dated 18/06/2024 Email from DPHI to FDC, 2/05/2024 Site interviews	Construction work commenced on 3 May 2024. FDC received an email from DPHI acknowledging receipt of the Notification of Commencement for the Project, dated 2/05/2024.	Compliant																																																											
A6.		The consent does not approve the following:			Compliant																																																											
	a)	any future entry marker structure for the site, including the general location, size and form	Site interviews	Not included in the Project scope.																																																												
	b)	any interpretation device associated with the former Harbour Control Tower	Site interviews	Not included in the Project scope.																																																												
	c)	the detailed fit-out and operation of the café on level two	Site interviews	Not included in the Project scope.																																																												
	d)	the installation of external signage.	Site interviews	Not included in the Project scope.																																																												
		Where required, separate approvals must be obtained from the relevant consent authority (except where exempt and/or complying development applies).		Noted																																																												
Prescribed Conditions																																																																
A7.		The Applicant must comply with all relevant prescribed conditions of development consent under Part 4, Division 1 of the EP&A Regulation.	Crown Design Verification Certificate 1 Crown Design Verification Certificate 2 Crown Design Verification Certificate 3	The Project is subject to a Crown Design Verification Certificates (CDVC). The Certificates include verification of compliance with relevant building codes.	Compliant																																																											
Planning Secretary as Moderator																																																																
A8.		In the event of a dispute between the Applicant and a public authority, in relation to a requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter will be binding on the parties.	Site interviews	There have been no disputes during the second audit period.	Not triggered																																																											
Legal Notices																																																																
A9.		Any advice or notice to the consent authority must be served on the Planning Secretary at the Planning Secretary Address for Service.	Site interviews		Not triggered																																																											
Evidence of consultation																																																																

A10.			Where conditions of this consent require consultation with an identified party, the Applicant must:	Minutes from City of Sydney Presentation (consultation), dated 08/05/2024 Email from FDC to CoS with presentation minutes, dated 9/05/2024 Minutes from SDRP 3 Presentation (consultation), dated 16/05/2024 Email from TfNSW to TTW, dated 22 April 2024 Construction Pedestrian and Traffic Management Plan (CPTMP), Rev 1, TTW (NSW) Pty Ltd, dated 16 April 2024	Front Entry consultation with CoS, SDRP / PMNSW Evidence of consultation with TfNSW, Sydney Metro (under TfNSW) and PMNSW is provided in Appendix A of the CPTMP. Response to comments from consultation is provided in Table 2.2 of the CPTMP. Meetings occur regularly with PMNSW.	Compliant
	a)		consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and	As above	Front Entry consultation with CoS, SDRP / PMNSW. Meeting minutes were tabulated with majority of the queries during the presentation being answered during the meetings with stakeholders. Aconex transmittals, July and august 2024, are regarding the confirmation.	
	b)		provide details of the consultation undertaken including:			
		i)	the outcome of that consultation, matters resolved and unresolved; and	Minutes from City of Sydney Presentation (consultation), dated 08/05/2024 Email from FDC to CoS with presentation minutes, dated 9/05/2024 Minutes from SDRP 3 Presentation (consultation), dated 16/05/2024 and 20/05/2024 Aconex transmittals between FDC, INSW and EY, dated July and August 2024 Email chain INSW and SDRP., dated July and August 2024. Email from TfNSW to TTW, dated 22 April 2024 Construction Pedestrian and Traffic Management Plan (CPTMP), Rev 1, TTW (NSW) Pty Ltd, dated 16 April 2024	Front Entry consultation with CoS, SDRP / PMNSW. Meeting minutes were tabulated with majority of the queries during the presentation being answered during the meetings with stakeholders. Aconex transmittals, July and august 2024, are regarding the confirmation of receipt of the updated plans by SDRP. Aconex includes aSDRP Advice letter. SDRP confirming access to the plans, 7/08/2024.	
		ii)	details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.	Site interviews Email correspondence between FJC and FDC for design submission to DPHI, dated 9/08/2024	No matters remain unresolved and the designs have been submitted to the Planning Secretary. No matters remain unresolved at the time of the second site audit.	
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 NCC.	Existing Structure Assessment - CDVC2 - TWW (NSW) Pty Ltd, dated 21/06/2024 Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024	Memo detailing assessment of existing structure from engineers TWW (NSW) Pty Ltd, dated 21/06/2024. The memo details that the structural elements assessed include ground floor structure, level 2 floor structure, roof level structure, columns, structural walls and foundations. The assessment found that based on the assessment of these structural elements, the existing structure is adequate to support the additional vertical loads as specified in AS1170.0:2002 and AS1170.1:2002.	Compliant
			Notes: • Part 8 of the EP&A Regulation sets out the requirements for the certification of the development. • Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 sets out the requirements for the certification of the development.			
Operation of Plant and Equipment						
A12.			All plant and equipment used on site, or to monitor the performance of the development must be:	Scissor Lift Logbook Project SIMPEL	SIMPEL system used. QR code on plant and equipment. Inspection once plant arrives at site. Require service records of plant. Sighted induction material of scissor lift with serial number GS3016D-3188. Plant operators manual, service history, risk assessment, log bog, lift and equipment certifications. Operator scans QR code and signs at daily prestart and it is uploaded to SIMPEL. Sighted daily prestart. SIMPEL provides a notification when any documentation is soon to expire. Scissor lift next annual service is due 10 September 2025. The next maintenance service is every three months from the previous. The last maintenance service was 30/10/2024 with the next due 30/01/2025. Sighted list of registered and inducted machinery on-site. Refer to site photographs Photos 7, 8, 9 and 10.	

	a)		maintained in a proper and efficient condition; and	Project SIMPEL Sighted SIMPEL pre-start pass for scissor lift. Sighted list of registered and project inducted plant (SIMPEL). Site interviews Site inspection	The Project SIMPEL system is used to store all the relevant information for each piece of mobile plant and equipment. A QR code is located on all plant and equipment. When scanning the QR code, it takes the user to the records in SIMPEL. Plant and equipment require inducting on to site. Sighted induction material of scissor lift serial number GS3016D-3188. Plant operators manual, service history, risk assessment, log bog, lift and equipment certifications. Operator scans QR code and signs at daily prestart and it is uploaded to SIMPEL. Sighted daily prestart. SIMPEL provides a notification when any documentation is soon to expire. Scissor lift next annual service is due 10 September 2025. The next maintenance service is every three months from the previous. The last maintenance service was 30/10/2024 with the next due 30/01/2025.	Compliant
	b)		operated in a proper and efficient manner.	Project SIMPEL Sighted FDC example of a Subcontractor pre-start checklist. Site interviews	Owners and operators are added to each record of mobile plant. Project SIMPEL is the location where all operating licences and other certifications are maintained for the plant operator following induction of both person and plant. Induction profile has a list of licences associated to the operator, relevant SWMS required to be signed etc. It also includes a picture of the operators licence. SIMPEL will flag when licences are coming up to expiry.	
Applicability of Guidelines						
A13.			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.	Site interviews Construction Environmental Management Plan (CEMP), Rev C1, dated 28/04/2024 CDVC2	Environmental Management documents and design certificates reference the most current guidelines, protocols, Australian Standard or policy.	Compliant
A14.			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.	Site interviews	Noted	Compliant
Monitoring and Environmental Audits						
A15.			Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.		Noted	Compliant
			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.			
Incident Notification, Reporting and Response						
A16.			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.	Site interviews	No incidents in the second audit period.	Not triggered
A17.			Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.	Site interviews	No incidents in the second audit period.	Not triggered
Non-Compliance Notification						
A18.			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 Certifier must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.	Site interviews Post Approval Form, no date	Audit 1 raised 8 non-compliances. These were notified to the Planning Secretary on 12 December 2024, which is not within 7 days after they have been identified.	Non compliant
A19.			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 noncompliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.	Site interviews	The audit found that the Planning Secretary was notified of the non-compliances from the first audit but that this notification did not include the reasons for the non-compliance or the actions taken or to be taken to address the non-compliance. The Applicant's Response was in draft at the time of the second audit, which contains the non-compliances and details of how they have been addressed. The Auditee should submit a notification to the Planning Secretary detailing the actions against each non-compliance.	Non compliant
A20.			A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.		Noted	Not triggered
Compliance						
A21.			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.	Site interviews FDC Cutaway Start Up Package FDC Cutaway Induction, Rev 13 Transmittal of The Cutaway Construction Start-Up Pack, dated 29/04/2024 Site inspection Daily declaration, sighted 13/01/2024 Toolbox Talk, 24/10/2024	Start-up package is provided to subcontractors prior to starting on site, which includes the environmental management plans, policies and procedures, programme and Start-Up document (Induction). Subcontractors have contractual obligations to comply with the CoC. Management plans are available on the notice board in the lunch room for all site personnel to read, refer to site photos. The audit found the Project has daily pre-start meeting, sign off on the daily declaration of issues from previous day. Sighted examples of weekly Toolbox talks where noise was heavily discussed because of noisy works and community complaints. Dust, noise, waste dealt with and detailed on form.	Compliant
Revision of Strategies, Plans and Programs						
A22.			Within three months of:			
	a)		the submission of a compliance report under this consent;	Site interviews	No compliance reports.	
	b)		the submission of an incident report under this consent;	Site interviews	No incidents in the audit period.	

	c)		the submission of an Independent Audit under this consent;	Site interviews	Audit 1 date was 16 July 2024. The audit found that the Planning Secretary was not notified of revisions of plans or strategies, however, the second audit is within three months of submission of the last audit.	Non compliant
	d)		the approval of any modification of the conditions of this consent (excluding modifications made under section 4.55(1) of the EP&A Act); or	Site interviews	Mod-1 determined 16 September 2024. The audit found that the Planning Secretary was not notified of revisions of plans or strategies.	
	e)		the issue of a direction of the Planning Secretary under this consent which requires a review,	Site interviews	No directions issued.	
			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.	Site interviews	Noted	
A23.			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.	Site interviews		Not triggered
			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.		Noted	
Compliance Reporting						
A24.			Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements.	Compliance Reporting - Post Approval Requirements, DPIE, May 2020	No Compliance Reporting - Post Approval Requirements for construction phase of Project.	Not triggered
A25.			Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements, unless otherwise agreed to by the Planning Secretary.	As above		Not triggered
A26.			The Applicant must make each Compliance Report publicly available 60 days after submitting it to the Planning Secretary, unless otherwise agreed by the Planning Secretary.	As above		Not triggered
A27.			Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements, the Planning Secretary may approve a request for ongoing annual operational compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.		Noted	Not triggered
Waste and Recycling Management - General						
A28.			The proposal must comply with the relevant provisions of Council's Guidelines for Waste Management in New Developments 2018 which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.	<p>Site interviews</p> <p>Site inspection</p> <p>Construction Waste Management Plan (CWMP), Rev C2, dated 9/01/2025</p> <p>Just Skips delivery dockets and monthly waste management reports, 11 & 24 July, August 1 to September 6, September 9 to September 30, October 9 to October 31, 12 November to 29 November 2024</p>	<p>The CWMP Rev C1 is prepared generally in accordance with the relevant provisions of Council's Guidelines for Waste Management in New Developments 2018 by detailing the report objectives, waste diversion targets, waste storage areas and segregation of wastes, waste management and bin requirements. Section 1.3 of the CWMP addresses this condition directly.</p> <p>Bingo are the waste contractors for skip bins for the demolition contractors. Since demolition works were completed during the first audit period, they are no longer used.</p> <p>Just Skips issued as waste contractor.</p> <p>The auditor observed during the site inspection that waste was generally segregated and stored in waste skips or covered bins.</p> <p>Just Skips waste dockets and monthly waste management reports show the tonnage of waste disposed of each month and the breakdown in waste segregation.</p>	Compliant
Paving Materials						
A29.			The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 4586:2004 (including amendments) "Slip resistance classification of new pedestrian surface materials".	<p>Site interviews</p> <p>Adelaide Black Paver Data Sheet and Italia Porphyry Data Sheet, Sam the Paving Man</p> <p>Slip Test Results Summary for pavers, no date</p> <p>Porfido Porphyry, Sam the Paving Man, 29 July 2015</p>	<p>FDC are currently going through the process of choosing the paving and determining correct colours.</p> <p>Slip test for the following paver was carried out at a NATA accredited laboratory, Austral black paver - exfoliated, Austral black paver - bushhammer, Austral black paver - honed. All were placed in the same location and on a slope of 10.3 degrees. The slip test was in accordance with AS 4586-2013.</p>	Compliant
Harbour Control Tower Void						
A30.			The final design of the northern most void area shown on the Roof Plan (Drawing Number 20003, rev. J, dated 30 November 2023) in the approved location of the future Harbour Control Tower interpretive structure must be developed in consultation with Council, Heritage NSW, PMNSW and the SDRP in conjunction with the final resolution of the HCT interpretive structure and submitted to the Planning Secretary for approval.	<p>Site interviews</p> <p>Aconex correspondence FDC and TWW, dated 29/05/2024</p> <p>Approved Plans, fjcstudio, dated 27/09/2024, Rev L</p> <p>Letter DPHI Approval of A30, dated 21 January 2025</p>	<p>INSW ran a design competition for architects. Tribe Architects were awarded the tender and are currently going through design and development. FDC were requested to provide for structural loads for the HCTV (Aconex correspondence 29/05/2024).</p> <p>Designs have received approval from DPHI on 21 January 2025, following submission on 4/10/2024.</p>	Compliant
			Note: The final design must be accompanied by confirmation from a Suitably Qualified Noise Consultant that the acoustic assumptions and noise criteria outlined in the Noise and Vibration Impact Assessment, prepared by Arup dated 26 January 2023 remain relevant or a revised Noise and Vibration Impact Assessment which reflects the revised design.	<p>Site interviews</p> <p>Aconex correspondence FDC and ARUP, dated 23/05/2024</p>	Arup (from an Acoustic Lead) advised following changes to the new slab infill, that no acoustic absorptive treatments were required for the underside of the soffit, dated 23/05/2024.	
Part B - Prior to the Commencement of Construction						
Crown Building Work						

B1.			Crown building work cannot be commenced unless the relevant 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:	Group DLA, Crown No. GDL240065, 15 April 2004 Group DLA BCA Design Compliance Statement GDL240065.1, dated 29/04/2024 Group DLA BCA Design Compliance Statement GDL240065.1, dated 22/07/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024		Compliant
	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.	Email DPHI to FDC, dated 2/05/2024	FDC received an email from DPHI acknowledging receipt of the Notification of Commencement for the Project, dated 2/05/2024.	
Notice of Commencement						
B2.			The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.	Email DPHI to FDC, dated 2/05/2024 Major projects email acknowledgment, dated 2/05/2024.	FDC received an email from DPHI acknowledging receipt of the Notification of Commencement for the Project, dated 2/05/2024. The site was secured on Friday 3 May 2024. Physical on-site works began on Monday 6 May 2024. All prior activities were related to the FDC office tenancy located off-site. The notification of commencement of construction to the Department was at least 48 hours prior to commencement of physical on-site works on 6 May 2024.	Compliant
B3.			If the construction or operation 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.	FDC letter to INSW Re CDVC2, dated 9/12/2024 DPHI Submission Receipt for notification of CDVC2, dated 10/12/2024 FDC letter to INSW re CDVC3, dated 9/12/2024 DPHI Submission Receipt for notification of CDVC3, dated 10/12/2024	There are three stages for the Project. CDVC2 commenced on 12 August 2024 and CDVC3 on 21 November 2024. The Department was not informed of the commencement of CDVC2 or CDVC3 at least 48 hours in advance. The audit found that the Department was notified of the commencement of each stage subsequently, on 10 December 2024.	Non compliant
Access to Information						
B4.			At least 48 hours before the commencement of any works and until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:	https://www.barangaroo.com/past-present-future/barangaroo-reserve/the-cutaway-	Managed by INSW.	Non compliant
	a)		make the following information and documents (as they are obtained or approved) publicly available on its website:	Site interviews		
		i)	the documents referred to in Condition A2 of this consent;		Planning approval documents referred to in Condition A2 are linked to the Planning Portal on the Project website at the time of Audit 2. Opportunity for improvement - consider adding a new heading and the links to planning documentation in the same location as all the other document links to make it easier to find.	
		ii)	all current statutory approvals for the development;		All Crown Certificates are available on the Project website - Crown Certificate for Stage 1, Stage 2 and Stage 3.	
		iii)	all approved strategies, plans and programs required under the conditions of this consent;		All approved strategies, plans and programs required under the CoA are available on the Project website.	
		iv)	regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;		Reporting on environmental performance are not available on the website. However, the Project team has since uploaded the documents to the Project website. There is no further action required.	
		v)	a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;		There are currently monthly noise and vibration monitoring reports for August, September, October, November and December 2024 on the Project website.	
		vi)	a summary of the current stage and progress of the development;		There are project updates on the Project Website, which contain information on the current stage and progress of the development. These include updates for 26 April 2024, 28 August 2024 and 21 November 2024.	
		vii)	contact details to enquire about the development or to make a complaint;		There is information provided, an email address and an INSW reception contact number, to contact with any questions regarding construction.	
		viii)	a complaints register, updated monthly;		The complaints register is available with complaints listed to November 2024. Opportunity for improvement - update the complaints register to show complete close out of complaints.	
		ix)	audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;		The Audit 1 report is available on the Project website. The Applicant's Response is not available on the website. Opportunity for improvement - consider adding a new heading and the links to audit reports and Applicant's response documentation in the same location as all the other document links to make it easier to find.	
		x)	any other matter required by the Planning Secretary; and		There have been no other matters requested by the Planning Secretary	
	b)		keep such information up to date, to the satisfaction of the Planning Secretary.		Documentation for the audit period was up to date where it was provided and not raised as a non-compliance.	
c)		address any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.		Noted		
Entrance Design						

B5.			<p>Prior to the commencement of construction works at the entrance adjacent to Nawi Cove, the Applicant must submit revised plans of the entrance design to the Planning Secretary for approval. The revised plans must show the detailed design of the entrance forecourt area, including etchings and engravings, and be developed in consultation with Bangawarra and Jake Nash Design and reviewed by Council, PMNSW and the SDRP. The revised plans must be accompanied by evidence demonstrating how the advice from Council, PMNSW and the SDRP has been addressed.</p>	<p>Site interviews</p> <p>Minutes from City of Sydney Presentation (consultation), dated 08/05/2024</p> <p>Email from FDC to CoS with presentation minutes, dated 9/05/2024</p> <p>Minutes from SDRP 3 Presentation (consultation), dated 16/05/2024</p> <p>Email correspondence INSW and DPHI, dated 25/07/2024</p> <p>FDC DPHI Submission and all appendices, dated 09/08/2024</p> <p>FDC DPHI Submission #2 and all appendices, dated 10/09/2024</p> <p>Letter DPHI of Approval for Conditions B5 and B8, dated 20 September 2024</p>	<p>Front Entry consultation with CoS, SDRP / PMNSW. Evidence of consultation with TfNSW, Sydney Metro (under TfNSW) and PMNSW is provided in Appendix A of the CPTMP. Response to comments from consultation is provided in Table 2.2 of the CPTMP. Meetings occur regularly with PMNSW.</p> <p>The audit found that SDRP advice response was submitted to the Planning Secretary on 25/07/2024. FDC prepared a submission response for DPHI to satisfy Conditions B5 and B8, dated 09/08/2024. The document contains a summary of, and the consultation, taken for entrance design and structural details and the reviewed and final plans (FJC).</p> <p>The audit notes that a RFI was received from the DPHI requesting further information on 12/08/2024. The RFI was addressed in DPHI Submission #2, dated 10/09/2024, addressing the RFI requests.</p> <p>Landscaping consultation for the front entrance will fall within the third audit period.</p> <p>As of the second audit, works at the entrance had not commenced.</p> <p>DPHI approved the entrance design on 20 September 2024.</p>	Compliant
Design Excellence and Integrity						
B6.			The architectural design team comprising fjc studio (the Design Team) is to have direct involvement in the design documentation, contract documentation and construction stages of the project. In addition:	Letter FJC Studio to DPHI, dated 05/04/2024	FJC Studio are the design team that has been engaged for the Project.	Compliant
	a)		evidence of the Design Team's engagement is to be provided to the Certifier prior to the commencement of construction, and	Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	Letter from FJC Studio to DPHI provided to Certifier, evidenced through the BCA Certificate, 29/04/2024.	
	b)		the design team is not to be changed without prior written notice and approval of the Planning Secretary.	Site interviews	Design team has not been changed. Remains FJC Studio.	
B7.			The Planning Secretary is to determine whether any proposed modifications to the approved architectural drawings require review by the State Design Review Panel or other appropriate person(s).	Modification 1 of The Cutaway State Significant Development Modification Assessment Report (SSD-47498458-Mod-1), DPHI, September 2024	Noted. Modification 1 for internal design changes was determined 19 September 2024. The Mod-1 DA was placed on public review and referred to Council. SDRP was not engaged.	Not triggered
Materials and Finishes						
B8.			<p>Prior to the commencement of construction works at the entrance, the Applicant must submit to the satisfaction of the Planning Secretary details of final materials and finishes. The details must include:</p>	<p>Site interviews</p> <p>Minutes from City of Sydney Presentation (consultation), dated 08/05/2024</p> <p>Email from FDC to CoS with presentation minutes, dated 9/05/2024</p> <p>Minutes from SDRP 3 Presentation (consultation), dated 16/05/2024</p> <p>Email correspondence INSW and DPHI, dated 25/07/2024</p> <p>FDC DPHI Submission and all appendices, dated 09/08/2024</p> <p>FDC DPHI Submission #2 and all appendices, dated 10/09/2024</p>	<p>Front Entry consultation with CoS, SDRP / PMNSW. The audit found that SDRP advice response was submitted to the Planning Secretary on 25/07/2024. FDC prepared a submission response for DPHI to satisfy Conditions B5 and B8, dated 09/08/2024. The document contains a summary of, and the consultation, taken for entrance design and structural details.</p> <p>The audit notes that a RFI was received from the DPHI requesting further information on 12/08/2024. The RFI was addressed in DPHI Submission #2, dated 10/09/2024, addressing the RFI requests.</p> <p>DPHI approved the entrance design on 20 September 2024.</p> <p>As of the second audit, works at the entrance had not commenced.</p>	Compliant
	a)		evidence that the following elements have been reviewed by the SDRP and how their advice has been addressed:	Letter DPHI of Approval for Conditions B5 and B8, dated 20 September 2024		
		i)	a sample board showing the proposed timber finishes to be used for the entry sculptural tree	As above		
		ii)	3D digital visualisations that show the detailing and connection of the entry sculptural tree to the existing concrete column	As above		
		iii)	full-scale mock-ups that show the proposed sandstone and GRC finishing at the entrance, including jointing and junction details	As above		
	b)		specifications and sample boards for all external finishes, colours and glazing including annotated drawings and computer-generated imagery of their application	As above		
	c)		confirmation of the process and methods in arriving at the final choice for all materials and finishes	As above		
	d)		detailed architectural drawings of the façade details. This must include snapshots at different points in the facade in plan, elevation and section to a scale of 1:20 or 1:50 as necessary.	As above		
			The plans lodged to satisfy this consent must include final specifications of colour, material and, where relevant, manufacturer.		Noted	
Long Service Levy						
B9.			<p>Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier details confirming payment of a Long Service Levy. For further information on the current levy rate and methods of payment, please contact the Long Service Payments Corporation Helpline on 131 441 or visit https://www.longservice.nsw.gov.au/bci/levy/about-the-levy.</p>	<p>Levy receipt, dated 18/03/2024</p> <p>Email from FDC to INSW, dated 10/04/2024</p>	<p>Long Service Levy was paid on 18/03/2024, prior to commencement of construction.</p>	Compliant
Structural Details				Site interviews		

B10.			Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:	Site interviews Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024 Existing Structure Assessment - CDVC2 - TWW (NSW) Pty Ltd, dated 21/06/2024		Compliant
	a)		the relevant clauses of the NCC; and			
	b)		this development consent.			
External Walls and Cladding						
B11.			The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the NCC.	External Wall System Disclosure Statement (Design), TTW (NSW) Pty Ltd, dated 14/06/2024	TTW engineers for many parts of the Project. Submitted as part of CDVC2.	Compliant
B12.			Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier 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 aluminium composite panels comply with the requirements of the NCC.	Site interviews Design Certificate for External Waterproofing issued by Cassandra Halpin-Smyth of FJC Studio, dated 05/07/2024 Fire Test Certificate, Warrington Fire, dated 11/10/2021 Certificate of fire test (FNC12283), CSIRO, dated 26/11/2018 External Wall System Disclosure Statement (Design), TTW (NSW) Pty Ltd, dated 14/06/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated	The audit found that all documented evidence that the products and systems proposed for use or used in construction of external walls including finishes and claddings, comply with the requirements of the NCC. The documentation is listed in CDVC3.	Compliant
Access and Facilities for people with disabilities						
B13.			Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier details prepared by a suitability qualified professional demonstrating that the building has been designed and will be constructed to provide access and facilities for people with a disability in accordance with the NCC.	Site interviews Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	Prior to the commencement of construction, the plans were submitted to the satisfaction of the Certifier as evidenced with the BCA Certificate, dated 29/04/2024.	Compliant
Mechanical Ventilation						
B14.			The premises must be ventilated in accordance with the NCC and applicable Australian Standards.	Mechanical Design Certificate #CC2, New Edge Group, 3/06/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024	The Mechanical Design Certificate is listed in CDVC3 under "Information previously relied upon in Crown Certificate GDL240065.1, dated 22/07/2024".	Compliant
B15.			Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier details that any mechanical ventilation and/or air conditioning system for the development complies with the NCC and applicable Australian Standards, prepared by a suitably qualified person certified in accordance with clause A2.2(a)(iii) of the NCC, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection.		As above	Compliant
Site Stability and Construction Work						
B16.			Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier a report obtained from a suitably qualified and experienced professional engineer/s, which includes the following:	Site interviews Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024		Compliant
	a)		geotechnical details which confirm the suitability and stability of the site for the development and relevant design and construction requirements to be implemented to ensure the stability and adequacy of the development and adjacent land	Technical Memorandum Stantec, dated 12/04/2024	Stantec Australia were engaged by FDC to perform an impact assessment on the proposed glass frame footings construction along the Merriman Street sandstone wall.	
	b)		details to demonstrate that the proposed methods of support and construction in relation to the bulk excavation and demolition works that are the subject of this consent are suitable for the site and will not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration		Not applicable as it is sandstone.	
	c)		the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout building work	Road Opening Permit Merriman Street Millers Point, CoS, dated 11/04/2024 Site interviews	Adjoining owner CoS Council, FDC in process of purchasing the land. Road Opening Permit to excavate the land. Following survey report, it was identified that CoS owned 2 metre of land and now undergoing purchase.	
	d)		details of written approvals that have been obtained from the owners of the adjoining land to install any ground or rock anchors underneath the adjoining premises (including any public roadway or public place).	As above	As above	
Crime Prevention through Environmental Design						
B17.			Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the design of the development has incorporated the Crime Prevention Through Environmental Design Assessment (CPTED) management and mitigation measures included within the CPTED report prepared by Urbis and dated 16 February 2023.	Statement by FDC for Condition B17, dated 26/06/2024. Interviews	FDC confirm that the current plans and specifications at this stage of the development incorporate all the Crime Prevention Through Environmental Design (CPTED) management and mitigation measures documented in the CPTED report prepared by Urbis (dated 16 Feb 2023). The plans are being reviewed by Counter Terrorism. Mostly cameras and lighting for the Project. This condition will be picked up in CDVC4. The audit found that this was submitted to the satisfaction of the Certifier prior to commencement of Stage 2, CDVC2.	Compliant
Ecologically Sustainable Development						

B18.			Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating the development incorporates all design, construction and operation measures as identified in the Barangaroo Cutaway SSDA Report - ESD prepared by ARUP, dated 25 January 2023.	Letter of Confidence regarding 6 star Green Star certified rating and demonstration of compliance with SSD Condition B18 and B19 issued by Ian Van Eerden of Northrop, dated 04/04/2024		Compliant
B19.			Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating that the development will achieve a minimum 6 Star Green Star Buildings v1 rating in accordance with the Green Star Design and As-Built V.1.3 (Green Building Council Australia).	Letter of Confidence regarding 6 star Green Star certified rating and demonstration of compliance with SSD Condition B18 and B19 issued by Ian Van Eerden of Northrop, dated 04/04/2024 Group DLA BCA Design Compliance Statement GDL240065.1, dated 22/07/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024	The audit found that the report by Northrop (04/04/2024) was submitted to the satisfaction of the Certifier, prior to Stage 2, CDVC2 (also contained in CDVC3).	Compliant
Installation of Water Efficient Fixtures and Fittings				Site interviews		
B20.			Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier evidence demonstrating:	Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024	The Statement of Design - Water Efficient Fixtures and Fittings, n2 Engineering Consultants, dated 4/06/2024 is listed in CDVC3 under "Information previously relied upon in Crown Certificate GDL240065.1, dated 22/07/2024".	Compliant
	a)		all toilets installed within the development will be of water efficient dual-flush capacity with at least 4-star rating under the Water Efficiency and Labelling Scheme (WELS)	Statement of Design - Water Efficient Fixtures and Fittings, n2 Engineering Consultants, dated 4/06/2024.	Design statement from n2 Engineering Consultants confirms hydraulic services design in in accordance with Condition B20 (a), (b), (c) and (d).	
	b)		all taps and shower heads installed within the development will be water efficient with at least a 3-star rating under the WELS, where available	As above		
	c)		new urinal suites, urinals and urinal flushing control mechanisms installed within the development will utilise products with at least a 4-star rating under the WELS.	As above		
	d)		systems will reduce unnecessary flushing and will not involve the use of continuous flushing systems.	As above		
Mechanical Plant Noise Mitigation						
B21.			Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier details of noise mitigation measures for all mechanical plant (as detailed on relevant drawings) and certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the Noise Policy for Industry and other guidelines applicable to the development.	Letter regarding Construction Certificate Assessment (No. AC03 v1), ARUP, dated 9/07/2024 Group DLA BCA Design Compliance Statement GDL240065.1, dated 22/07/2024	Letter from Arup, dated 9/07/2024, identifying that as this Condition pertains to the 'mechanical plant noise' achieving compliance with the Npfl, only mechanical design elements used for daily operations were assessed. This letter confirmed that the mechanical design of the development will comply with the noise emissions criteria established in the Noise and Vibration Impact Assessment with the incorporation of the acoustic performance requirements, engineering assumptions and mitigation recommendations contained in this Design Statement. The assessment was accepted by the Certifier in CDVC2	Compliant
Sydney Water Assets				Site interviews		
B22.			Prior to the commencement of construction, the approved plans must be submitted to the Sydney Water Tap in™ online service, to determine whether the development will affect Sydney Water's wastewater and water mains, stormwater drains and/or easements, and if any further requirements need to be met. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.	Stamped Plan As Built, Ref No. 1882756, dated 10/05/2024 Sydney Water submission receipt, application number SW-02026487, dated 17/04/2024 Application for order SW-02026487 Discharge Trade Wastewater, dated 11/06/2024	Stamped Plan by accredited supplier to Sydney Water identifies that the asset is not affected. Sydney Water Tap In have received application and plans for discharge of trade wastewater.	Compliant
			Note: Sydney Water's Tap in™ in online service is available at: https://www.sydneypwater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm		Noted	
			A Water Servicing Coordinator must be engaged as soon as possible and a feasibility application must be lodged with Sydney Water prior to development. The feasibility application should include a detailed concept servicing proposal. An inception meeting should be held with Sydney Water after the Applicant has prepared a detailed concept servicing proposal for potable water and wastewater services.	Site interviews	Not required as building infrastructure had already been designed to allow for the fitout as required by Project.	
Construction and Fit-out of Food Premises						
B23.			The construction, fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 – 2004 Design, Construction and Fitout of Food Premises.	Design Certificate Events Kitchen, MACK Group, dated 8/08/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024	The Design Certificate, MACK Group dated 08/08/2024, identified that the design of the event kitchen for the Project is in accordance with the requirements of AS 4674-2004, the Food Regulations 2010 and BCA / NCC. Submitted to Certifier and listed on CDVC3.	Compliant
			Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au .		Noted	
			Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au		Noted	
Sanitary Facilities - Food Premises						
B24.			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 National Construction Code (previously known as Building Code of Australia), Part F 3.1, 4.8 and 4.9.	Design Certificate Events Kitchen, MACK Group, dated 8/08/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024	The Design Certificate, MACK Group dated 08/08/2024, identified that the design of the event kitchen for the Project is in accordance with the requirements of AS 4674-2004, the Food Regulations 2010 and BCA / NCC. Submitted to Certifier and listed on CDVC3.	Compliant
Personal Lockers						

B25.			Clothing lockers or change rooms for staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas, in accordance with AS4674 - Design, Construction and Fit out of Food Premises.	Design Certificate Events Kitchen, MACK Group, dated 8/08/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024	The Design Certificate, MACK Group dated 08/08/2024, identified that the design of the event kitchen for the Project is in accordance with the requirements of AS 4674-2004, the Food Regulations 2010 and BCA / NCC. Submitted to Certifier and listed on CDVC3.	Compliant
Waste Storage Area						
B26.			Prior to the commencement of construction on the ground floor, detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Certifier. To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment and comply with the Council Policy for Waste Minimisation in New Developments, and must be:	The Cutaway Design Statement - Waste Room - CDVC-3, Fjcstudio, dated 18/06/2024 Design Statement for Waste Rooms, n2 Engineering Consultants, dated 12/08/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024	Design Statement, Fjcstudio, dated 18/06/2024, confirms that the waste storage area and waste rooms are designed and complies with the conditions set out under B26 and B29. Submitted to Certifier for CDVC3.	Compliant
	a)		Provided with a hose tap connected to the water supply.			
	b)		Paved with impervious floor materials.			
	c)		Coved at the intersection of the floor and walls.			
	d)		Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).		Approved in CDVC3.	
	e)		Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the Protection of the Environment Operations Act 1997 or a nuisance.			
	f)		Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.			
	g)		Appropriately managed to PMNSW's satisfaction so that it does not attract pests or create litter.	Operational Waste Management Plan, Elephants Foot Consulting, Rev C, dated 27 September 2024	Operational Waste Management Plan	
			Note: Fitted with appropriate interventions to meet fire safety standards in accordance with the Building Code of Australia.		Noted	
Coolrooms						
B27.			Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the National Construction Code (previously known as Building Code of Australia), and:	Design Certificate for Coolroom, PATRA Group Pty Ltd, dated 30/05/2024 Group DLA BCA Design Compliance Statement GDL240065.1, dated 22/07/2024	PATRA confirmed compliance of the design of the coolroom with Clause A2.2 of the BCA, volume 1 and Condition B27, and in accordance with the following Australian Standards AS 4674 - 2004, AS 1677.2-1998, AS1668.1- 2015. Submitted to Certifier for CDVC2.	Compliant
	a)		The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.	As above		
	b)		All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.	As above		
	c)		The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.	As above		
	d)		Must be fitted with a door that can be opened at all times from inside without a key.	As above		
	e)		An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.	As above		
Grease and Liquid Waste Traps						
B28.			Prior to the commencement of construction, plans and details of a grease trap installed in accordance with the relevant Sydney Water requirements are to be submitted to and approved by the Registered Certifier showing the following:	Statement of Design - Grease and Liquid Waste Traps, n2 Engineering Consultants, dated 4/06/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024	Design statement from n2 Engineering Consultants confirms design of grease and liquid waste traps are in accordance with Condition B28 (a), (b) and (c). Approved by Certifier in CDVC3.	Compliant
	a)		The grease trap is not located in any kitchen, food preparation or food storage areas;	As above		
	b)		The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and	As above		
	c)		The grease trap is constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.	As above		
			Note: In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. The installation of any grease traps and treatment equipment must be carried out by a suitably qualified and licensed plumber in accordance with the Plumbing Code of Australia.		Noted	
Waste Rooms (General Waste Areas)						
B29.			Prior to the commencement of construction, detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Certifier. To ensure the adequate storage and collection of waste from the occupation of the building, all garbage and recyclable materials emanating from the premises must NSW Government 13 The Cutaway Cultural Facility, Barangaroo Department of Planning and Environment (SSD 47498458) be stored in the designated waste storage area. The waste storage area must be designed and constructed in accordance with the following requirements to minimise odours, deter vermin, and protect surrounding areas:	Mechanical Design Certificate #CC2, New Edge Group, 3/06/2024 The Cutaway Design Statement - Waste Room - CDVC-3, Fjcstudio, dated 18/06/2024 Design Statement for Waste Rooms, n2 Engineering Consultants, dated 12/08/2024 Group DLA BCA Design Compliance Statement GDL240065.2, dated 23/10/2024	Mechanical Design Certificate for CC2 identifies compliance of designs with B29 issued with CDVC3. Fjcstudio Design Certificate, dated 18/06/2024, submitted and issued with CDVC3.	Compliant
	a)		Provided with a hose tap connected to the water supply.			
	b)		Paved with impervious floor materials.			
	c)		Coved at the intersection of the floor and walls.			
	d)		Graded and drained to a waste disposal system in accordance with the relevant regulatory authority (Sydney Water).			
	e)		Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997.			

	f)		An adequate lighting system must be provided (natural or artificial) to the waste room to aid with cleaning and the detection of pest activity.	Design Certificate - Electrical Services, MDE Group, dated 14/06/2024	Electrical Services are designed in accordance with relevant standards for conditions B29 and B70.	
	g)		Fitted with appropriate interventions to meet fire safety standards in accordance with the National Construction Code (previously known as Building Code of Australia).			
B30.			A design certification report for floor levels of buildings and structures must be submitted to the Registered Certifier prior to the commencement of construction.	Site interviews Surveyor Identification Report for Construction Certificate 1, SSD Conditions B30 & B41 issued by Mohsen Rabbaniha of Seam Spatial Pty Ltd, dated 03/04/2024 Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	Surveyor report by Seam Spatial for CC1, conditions B30 and B41, submitted to the Certifier prior to commencement of construction.	Compliant
Survey Infrastructure - Identification and Recovery						
B31.			Under Section 24 of the Surveying and Spatial Information Act 2002, it is an offence to remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General. Accordingly, the applicant must, where possible, ensure the preservation of existing survey infrastructure undisturbed and in its original state or else provide evidence of the Surveyor-General's authorisation to remove or replace marks.	Registered Surveyor Declaration for Construction Certificate 1 on SSD Condition B32 issued by Mohsen Rabbaniha of Seam Spatial Pty Ltd, dated 03/04/2024	No Reference Marks or Permanent Survey Marks identified as a Reference Marks affected by this project.	Compliant
B32.			Prior to the commencement of construction, documentary evidence must be prepared by a Registered Surveyor and submitted to and approved by the Certifier. This evidence must include either:	Registered Surveyor Declaration for Construction Certificate 1 on SSD Condition B32 issued by Mohsen Rabbaniha of Seam Spatial Pty Ltd, dated 03/04/2024 Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	No Reference Marks or Permanent Survey Marks identified as a Reference Marks affected by this project.	Compliant
	a)		A copy of any Surveyor-General's Approval for Survey Mark Removal granted by NSW Spatial Services for the subject site, including all documentation submitted as part of that application (for example the survey mark audit schedule, strategy plan and strategy report); or	As above		
	b)		A letter, signed by a current NSW Registered Land Surveyor and including his or her Board of Surveying and Spatial Information (BOSSI) identification number, stating that all investigations required under Surveyor-General's Direction No.11 have been made for the subject site and that no survey infrastructure will be affected by the proposal.	As above		
Heritage Interpretation						
B33.			Prior to the commencement of construction, plans identifying opportunities for heritage interpretation (in accordance with the Barangaroo Heritage Interpretation Plan 2022, prepared by Curio Projects) including opportunities to integrate First Nations culture and history into the proposal such as through naming and wayfinding must be submitted to and approved by the Certifier.	Letter from Curio Projects to INSW, dated 08/05/2024. Barangaroo heritage Interpretation Plan, Curio Projects for INSW, issue 4, 18/10/2022 Place Naming Convention, INSW, May 2024 Barangaroo Signage Style Guide, Corlette for INSW, V8 January 2023 Letter from INSW to Group DLA, dated 08/05/2024 Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	Curio Projects reviewed Infrastructure NSW's proposed Place Naming Convention: Barangaroo Cutaway (dated May 2024) that is intended to be utilised for the Barangaroo Cutaway Cultural Facility, and confirms that Infrastructure NSW's Place Naming Convention is consistent with the place naming protocols as recommended in Section 7:Interpretive and Cultural Tourism Recommendations – Recommendation 2:Place Naming Convention (2022:87-88) of the Barangaroo Heritage Interpretation Plan prepared by Curio Projects on behalf of Infrastructure NSW in 2022. Letter from INSW to Group DLA confirming that additional wayfinding signage will be in accordance with the Barangaroo Style Guide and meets the requirements of this condition. All evidence identified for this condition has been received and approved by the Certifier.	Compliant
Green Travel Plan						
B34.			Prior to the commencement of construction, the Applicant must update the Green Travel Plan (GTP) in consultation TfNSW. The GTP must consider:	Green Travel Plan, TTW, Rev 01, dated 29/05/2024	Preliminary Plan under review. The audit found that the preparation of the TAG will commence shortly following audit 2.	Compliant
	a)		Bicycle Parking and end of trip facilities for use by staff		Section 7.9 - Bicycle Parking and End of Trip Facilities - identifies the female and male shower locations but does not identify any bike parking. An opportunity for improvement - consider including whether bike parking is available or not and if so, how many bike parking spots are provided and their location. At this stage the Green Travel Plan and Transport Access Guide plan will be further developed for Occupation Certificate deliverables. FDC has issued this comment to TTW Traffic Engineers to be reviewed. This OFI remains open.	
	b)		Parking - Reduce car parking usage by encouraging use of sustainable modes such as public transport;		Section 5.4 - Reduce Car Parking Usage - identifies that to reach the objectives of the GTP will be by reducing parking demand. No strategies are offered or references to relevant sections. An opportunity for improvement - consider identifying the list of strategies and providing a link to relevant sections. At this stage the Green Travel Plan and Transport Access Guide plan will be further developed for Occupation Certificate deliverables. FDC has issued this comment to TTW Traffic Engineers to be reviewed. This OFI remains open.	

	c)		Initiatives to encourage more staff and visitors to participate in sustainable transport options;		Section 7 - Travel Plan Outputs - provides initiatives for staff and visitors to participate in for sustainable transport options.	
	d)		A Travel Access Guide (TAG) - TAG as an appendix for staff, performers and visitors who will be using the proposed development.		A note in the GTP in Appendix A - Travel Access Guide - states <i>The Travel Access Guide (TAG) shall be provided in a future revision of this GTP and submitted to TfNSW three (3) months prior to occupation.</i> The audit found that the preparation of the TAG will commence shortly following audit 2.	
B35.			The Applicant must submit a copy of the final plan via development.sco@transport.nsw.gov.au for TfNSW, three (3) months prior to the occupation. The GTP must be approved by the Certifier prior to the commencement of construction.	Site interviews	Submission will be triggered 3 months prior to occupation with TfNSW. The Plan must be approved by the Certifier prior to commencement of construction of Stage 4 as the grease arrestor required removal. The GTP will be approved in CDVC4.	Not triggered
B36.			The GTP must be implemented and updated as required to ensure sustainable transport outcomes and achieve the overall strategic planning objectives in the Future Transport 2056 and provide an Implementation Strategy that commits to specific management actions, including operational procedures to be implemented along with timeframes.	Site interviews		Not triggered
Utilities and Services						
B37.			Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers. Any costs in the relocation, adjustment or support of services are the responsibility of the Applicant.	Site interviews Ausgrid EGN 068: Environmental Planning Calculator, dated 29/07/2024	The audit found that no works are required for moving or adding to power utility in the building. Plan approval refers to a movement of a door. Final design to be submitted prior to CDVC 4.	Compliant
B38.			Prior to the commencement of any works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.	Site interviews	The audit found that this condition remains not triggered. Power and telecommunications already provided prior to discussion. No additional works required and not services require moving.	Not triggered
Dial Before You Dig Service						
B39.			Prior to the commencement of any excavation on or near the site, the Applicant must submit to the satisfaction of the Certifier written confirmation from NSW Dial Before You Dig Service that the proposed excavation will not conflict with any underground utility services or rail services.	Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024 Email from FDC to Group DLA identifying that Dial Before You Dig will not issue a signed letter, dated 25/02/2024 Utility Detection Plans, Geoscope Utility Detection Services, dated 2/04/2024	Endorsed by the Certifier in BCA certificate.	Compliant
B40.			While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the Certifier —	Surveyor Identification Report for Construction Certificate 1, SSD Conditions B30 & B41 issued by Mohsen Rabbaniha of Seam Spatial Pty Ltd, dated 03/04/2024 Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	This document was provided to the Certifier and is listed in the BCA Certificate.	Compliant
	a)		All footings/ foundations			
	b)		At other stages of construction – any marks that are required by the principal certifier.			
B41.			Prior to the commencement of works, the Applicant must submit to the satisfaction of the Certifier a Registered Surveyor's certificate detailing the setting out of the proposed building on the site, including the relationship of the set out building to property boundaries.	Surveyor Identification Report for Construction Certificate 1, SSD Conditions B30 & B41 issued by Mohsen Rabbaniha of Seam Spatial Pty Ltd, dated 03/04/2024 Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	Surveyor report by Seam Spatial for CC1, conditions B30 and B41, submitted to the Certifier prior to commencement of construction.	Compliant
No Obstruction of the Public Domain without Approval						
B42.			A Work Zone Permit must be sought and issued by the relevant roads authority to allow any obstructions of the public way, footpaths, road reserves and the like, by any mobile cranes, materials, vehicles, refuse, skips, loading and unloading or the like. Where supported by the relevant authority, the Work Zone Permit should be given for the shortest possible time, so as to not restrict movement or use of the public domain. Consideration should be given to issuing the permit for a specific time period(s) or specific works.	Hoarding Permit Renewal, B/2024/135/1, dated 7/01/2025 Mobile hoisting approval, CoS, Licence CP/2024/1429, dated 15 November 2024 Mobile hoisting approval, CoS, Licence CP/2024/1520, dated 5 December 2024	The hoarding permit was renewed, dated 7/01/2025, which authorises the holder to maintain for on-going use the hoarding structure along Merriman Street. Permits are in place for material delivery for the skylights, on Merriman Street. Mobile hoisting licences, 1429 and 1520, were approved by CoS for partial road / lane closures. Approval is given in accordance with Section 68 (E(1)) of the Local Government Act 1993 and Section 108 of The Crown Lands Act 1989. Licence 1429 was for a telehandler and 1520 for mobile crane.	Compliant
Community Consultation Strategy						
B43.			Before the commencement of works, the Applicant must update the Community Communication Strategy (CCS) for the development to provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the construction of the development and for a minimum of 12 months following the completion of construction.	Community Consultation Strategy V1.2, FDC, dated 03/04/2024	Hoarding have QR codes that takes community members directly to the website / complaints. Business cards available to provide to community members where required.	Compliant

B44.			The CCS for the development must:	Community Communication Implementation Plan, version 0.1 dated 25 March 2024. Community Consultation Strategy V1.2, FDC, dated 03/04/2024 DPHI approval of Plan letter, dated 17/04/2024	The approval of plan letter from DPHI identifies that the CCS meets the requirements of the condition.	Compliant
	a)		identify people to be consulted during the construction phases;	As above		
	b)		set out procedures and mechanisms for the regular distribution of accessible information about or relevant to the development;	As above		
	c)		provide for the formation of community-based forums, if required, that focus on key environmental management issues for the development;	As above		
	d)		set out procedures and mechanisms: • through which the community can discuss or provide feedback to the Applicant; • through which the Applicant will respond to enquiries or feedback from the community; and • to resolve any issues and mediate any disputes that may arise in relation to construction and operation of the development, including disputes regarding rectification or compensation.	As above		
B45.			The updated CCS must be submitted to the Planning Secretary for approval no later than one month before the commencement of construction.	DPHI approval of Plan letter, dated 17/04/2024. Aconex transmittal between EY and FDC, dated 2/04/2024.	Community communication strategy and accompanying documents were provided on 2/4/2024, one month prior to commencement of construction. DPHI approved CCS 17/04/2024. CCS remains as V1.2 during the second audit.	Compliant
B46.			Construction must not commence until the updated CCS has been approved by the Planning Secretary, or within another timeframe agreed with the Planning Secretary.	DPHI approval of Plan letter, dated 17/04/2024.	The Plan was approved prior to the commencement of construction.	Compliant
B47.			The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.	Site interviews Works Notification, 30 October 2024 Works Notification, 10 October 2024 Works Notification, 9 September 2024 Works Notification, 5 August 2024 Email correspondence from INECO to FDC with a log of letterbox drops and GPS walker maps, dated 24 January 2025	The plan is currently being implemented with works notifications issued on the website and letterbox dropped. Community cards are handed out to those who have comments or feedback. GPS Tracker is used by FDC personnel door knocking and delivering works notifications.	Compliant
Demolition						
B48.			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 Certifier before the commencement of works.	Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024 Demolition Works, Statement of Compliance, Executive Demolition Pty Ltd, 16/04/2024 fjc Studio Demolition Plans, Rev 02, first issued 18/05/2023 Cutaway Demolition Methodology, Executive Demolition, Rev 01. SafeWork NSW Conditional Restricted Demolition Licence, SafeWork, dated 11/04/2024	The documentation was reviewed as part of the assessment and has been relied upon in confirming compliance for this condition as identified in the BCA Certificate. There was no demolition work in the second audit period.	Compliant
Pre-construction Dilapidation Reports						
B49.			Prior to the commencement of any construction, the Applicant must submit to the satisfaction of the Certifier a Pre-Construction Dilapidation Report, prepared by a suitably qualified person.	Dilapidation Report - Void: Perimeter Fencing, Project Solutions, dated 17/04/2024 Dilapidation Report - Local and State Property, Project Solutions, dated 18/03/2024 Dilapidation Report - NSW Property, Project Solutions, dated 18/03/2024 Dilapidation Report - Public Domain, Project Solutions, dated 18/03/2024 Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	The Dilapidation Reports by Project Solutions were prepared by a suitably qualified person as identified in the report - <i>the inspection and report compilation has been conducted by the undersigned who has a Bachelor of Building (UNSW 1993) and has been conducting construction reporting since 2000.</i> All Dilapidation Reports were submitted to the satisfaction of the Certifier as evidenced by the BCA Certificate.	Compliant

B50.			<p>The Pre-Construction Dilapidation Report is to detail the current structural condition of all adjoining buildings, infrastructure and roads (including the public domain site frontages, the footpath, kerb and gutter, driveway NSW Government 15 The Cutaway Cultural Facility, Barangaroo Department of Planning and Environment (SSD 47498458) crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restrictions and traffic signs, and all other existing infrastructure along the street) within the 'zone of influence'. Any entry into private land is subject to the consent of the owner of the land and any inspection of buildings on privately affected land must include details of the whole building where only part of the building may fall within the 'zone of influence'. A copy of the report is to be forwarded to each of the affected property owners.</p>	<p>Dilapidation Report - Void: Perimeter Fencing, Project Solutions, dated 17/04/2024</p> <p>Dilapidation Report - Local and State Property, Project Solutions, dated 18/03/2024</p> <p>Dilapidation Report - Public Domain, Project Solutions, dated 18/03/2024</p> <p>Aconex transmittal regarding letters to residents for dilapidation surveys, dated 5/04/2024</p> <p>Emails between FDC to impacted adjoining residents for 14, 20, 28 and 32 Merriman Street, Millers Point, dated April and May 2024.</p> <p>Dilapidation Reports, Project Solutions, dated April and May 2024</p> <p>Dilapidation Report - NSW Property, Project Solutions, dated 18/03/2024</p> <p>Aconex transmittal FDC to EY, dated 4/06/2024.</p> <p>Dilapidation Report – The Cutaway 14, 20, 28 and 32 Merriman Street, Millers Point, NSW 2000, prepared by TWW, dated 24 May 2024</p> <p>Email correspondence FDC and CoS, dated 18/11/2024</p> <p>Email correspondence FDC and 14-16 Merriman Street, dated 18/11/2024</p> <p>Email correspondence FDC and 28 Merriman Street, dated 18/11/2024</p> <p>Email correspondence FDC and 32 Merriman Street, dated 18/11/2024 and response dated 10/07/2025</p>	<p>Out of the seven private properties, three were not occupied. Owner did not want to take up Dilapidation Report. Four owners took the dilapidation report.</p> <p>Emails between FDC to impacted adjoining residents for 14, 20, 28 and 32 Merriman Street, Millers Point, dated April and May 2024. Dilapidation reports for Residents who took up the offer, prepared by Project Solutions.</p> <p>Aconex, 4/06/2024, identifies Merriman Street Residential Dilapidation Reports for the four interested owners who took up the opportunity. Three letter box drops were completed regarding the dilapidation survey opportunity.</p> <p>The auditor notes that this condition was a non-compliance for Audit 1. Audit 2 found that in November 2024, the Pre-construction Dilapidation reports were emailed to the requesters, namely, CoS, 14-16, 28 and 32 Merriman Street residents.</p> <p>There is one residence where no notification has been received to show they have seen the report. Community team members have called and door knocked to follow up on resident who has not responded for dilapidation report.</p>	Compliant
B51.			<p>In the event that access for undertaking a Pre-Construction Dilapidation Report is denied by an adjoining owner, the Applicant must demonstrate, in writing, to the satisfaction of the Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the report and that these steps have failed.</p>	<p>Aconex transmittal Crown Certifier to FDC, dated 12/11/2024</p> <p>Aconex transmittal FDC to EY, dated 4/06/2024.</p>	<p>Three letter box drops were completed regarding the dilapidation survey opportunity.</p> <p>Out of the seven properties, three were not occupied. Owner did not want to take up Dilapidation Report. Four owners took the dilapidation report.</p> <p>The audit found that the Certifier confirmed that attempts by FDC to obtain access and advise the property owners was satisfactory prior to commencement of construction as evidenced by Aconex transmittal dated 12/11/2024</p>	Compliant
B52.			<p>Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.</p>	<p>Site interviews</p>	<p>The audit found that no damage to the public way at the time of audit 2.</p>	Not triggered
B53.			<p>Prior to a Certificate of Completion being issued for Public Domain Works or prior to occupation, whichever is the sooner, the damage must be fully rectified by the Applicant in accordance with:</p>	<p>Site interviews</p>	<p>Following removal of hoarding. Not triggered in the second audit period.</p>	Not triggered
	a)		<p>Council's standards for Council owned adjoining buildings, infrastructure and roads</p>			
	b)		<p>INSW's standards for INSW owned adjoining buildings, infrastructure and roads.</p>			
Protection of Public Infrastructure and Street Trees						
B54.			<p>Prior to the commencement of any works, the Applicant must:</p>			Compliant
	a)		<p>consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure</p>	<p>Site interviews</p> <p>Hoarding Permit Renewal, B/2024/135/1, dated 7/01/2025</p>	<p>Consultation was undertaken with Council regarding hoarding permits as the only works required impacting Council.</p>	
	b)		<p>prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths) and submit a copy of the dilapidation report to the Certifier and Council</p>	<p>Dilapidation Report - Public Domain, Project Solutions, dated 18/03/2024</p> <p>Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024</p> <p>Email correspondence FDC and CoS, dated 18/11/2024</p>	<p>The Dilapidation report for the Public Domain was submitted to the Certifier evidenced by the BCA Certificate and prior to any works.</p>	

	c)		ensure all street trees directly outside the site not approved for removal are retained and protected in accordance with the applicable Australian Standards.	<p>Arboricultural Report (SSD Conditions B54 and B66) issued by Martin Peacock of Martin Peacock Tree Care, dated 11/04/2024</p> <p>Arboricultural Assessment, issued by Martin peacock Tree Care, dated 4/09/2024</p> <p>Arboricultural Assessment, issued by Martin peacock Tree Care, dated 2/12/2024</p> <p>Site inspection</p>	<p>The report identifies the street trees to be protected in accordance with the recommendations of Australian Standard AS4970 (2009) Protection of trees on development sites (AS4970) and the location of the trees. The report provides the recommendations for street tree protection and includes photos identifying the street trees to be protected.</p> <p>The audit site inspection noted that trees are protected in accordance with the Arborist report and Australian Standards.</p> <p>Pruning has not been undertaken of the street trees. Instead, PMNSW has taken carriage of the need to prune the trees.</p>	
Construction Environmental Management Plan B55.						
			Prior to the commencement of any works, the Preliminary Construction Environmental Management Plan (CEMP) prepared by EY and dated 22 December 2022 must be updated, submitted to and approved by the Certifier. The CEMP must address, but not be limited to, the following matters where relevant:	<p>Construction Environmental Management Plan Rev C1, FDC , dated 28/04/2024</p> <p>Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024</p>	<p>CEMP original issue (O) 9/02/2024, updated to Rev A on 10/04/2024. Current version is Rev C1, 28/04/2024.</p> <p>The CEMP Rev A, dated 10/04/2024 was submitted to and approved by the Certifier as evidenced in the BCA Certificate.</p>	
	a)		Details of:			
		i)	hours of work	pg 26 of CEMP	Construction hours are provided on page 26 of the CEMP.	
		ii)	24 hour contact details of the site manager	CEMP refers to Community Consultation Strategy (CCS), FDC, V1.2 dated 3/04/2024 - page 23	<p>The CCS provides the daytime 1800 phone number for the Project. The CEMP and the CCS, along with several other documents, mention the 24-hour Project phone number. However, the auditor has not found this phone number in any of the CEMP or the CCS.</p> <p>Opportunity for improvement - the auditee should consider including the 24-hour Project phone number in the CEMP and the CCS. The Auditee has noted this OFI from Audit 1 with all management plans to be revised in February 2025. This OFI remains open.</p>	
		iii)	community consultation and complaint handling procedure	CEMP refers to Community Consultation Strategy (CCS), FDC, V1.2 dated 3/04/2024	The CCS provides a section 5.4 Complaints, Enquiries and Compliments Management. Within this section there is a Standard Complaints Managing Flow Chart and an On-site Enquiries and Complaints Management Flow Chart. There is a proposed complaints report template in Appendix B if required by the Consultation Manager.	
		iv)	traffic management	<p>Appendix B - CTPMP</p> <p>Construction Pedestrian and Traffic Management Plan Rev 1, TTW (NSW) Pty Ltd, dated 16/04/2024</p>	<p>Traffic management is addressed in the CPTMP, Appendix B of the CEMP.</p> <p>Opportunity for improvement - the auditee should consider using consistent terminology to describe the plans. For example, in the CEMP the CPTMP is referred to as the CTMP. The Auditee has noted this OFI from Audit 1 with all management plans to be revised in February 2025. This OFI remains open.</p>	
		v)	noise and vibration management, prepared by a suitably qualified person	<p>Appendix C - CNVMP</p> <p>Construction Noise and Vibration Management Plan, Acoustic Studio, Rev 1 18/04/2024</p>	<p>Acoustic Studio and its personnel are suitably qualified acoustic consultants as required by this condition and noted in Section 1.2 of the CNVMP. The personnel preparing the plan both have a Bachelor of Engineering.</p> <p>Noise and Vibration is addressed in the CNVMP, Appendix C of the CEMP.</p>	
		vi)	management of dust and odour to protect the amenity of the neighbourhood	<p>Appendix I - AQMP</p> <p>Air Quality Management Plan, Property Risk Australia, V1, 5/04/2024</p>	<p>Implementation of dust monitoring and auditing is provided on page 45 of the CEMP.</p> <p>Dust and odour management measures are identified in the AQMP, Appendix I of the CEMP. The AQMP does note that Odour is unlikely to be an impact of works associated with the Project.</p>	
		vii)	stormwater control and discharge, including measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site	<p>Appendix D - SWMP</p> <p>Soil and Water Management Plan, FDC, Rev C1 26/04/2024</p>	<p>The SWMP contains a mitigation measure for control tracking mud and soil material onto local roads by using shakers, rubble pads or washdown areas.</p> <p>The SWMP contains mitigation measures for stormwater control and discharge including sediment controls around inlet pits, measures to prevent pollution of stormwater, ensuring that water is treated before it is discharged and meets the specific criteria for pH, TSS and oil/grease.</p>	
		viii)	contamination management, including any unexpected contamination finds protocol	<p>Appendix D - SWMP</p> <p>Soil and Water Management Plan, FDC, Rev C1 26/04/2024</p> <p>Unexpected Finds Protocol, Appendix B of the SWMP</p> <p>Hazardous Materials Management Plan, FDC, Rev C1 26/04/2024</p>	<p>Unexpected Find Protocol in Appendix B of the SWMP.</p> <p>CEMP contains Emergency Management Protocols that includes a Dangerous Goods Spill or Leak Response and details the containment and management of the spill.</p> <p>Standalone Hazardous Materials Management Plan contains the Unexpected Finds Protocol, spill response and chemical clean up, hazardous materials work plans.</p> <p>Opportunity for improvement - the Hazardous Materials Management Plan and the CEMP should be updated to reflect the requirements of Conditions C42 and C44 - Planning Secretary must be notified of any Unexpected Finds of contamination. The Auditee has noted this OFI from Audit 1 with all management plans to be revised in February 2025. This OFI remains open.</p>	

	xi)	waste management	Appendix F - CWMP Construction Waste Management Plan, Elephants Foot Consulting, Rev C2 09/01/2025		Compliant
	x)	external lighting in compliance with applicable Australian Standards	CEMP, page 16	The following Australian Standard is listed in the CEMP on page 16 relevant to external lighting - <i>AS4282:2019 Control of the Obtrusive Effect of Outdoor Lighting.</i>	
	xi)	flora and fauna management.	Appendix K - FFMP Flora and Fauna Management Plan, FDC, Rev A 26/04/2024	The FFMP contains an Unexpected Species Finds Protocol for threatened species and a fauna Spotter Catcher Protocol.	
b)		Construction Traffic and Pedestrian Management Sub-Plan	Appendix B - CTPMP Construction Pedestrian and Traffic Management Plan Rev 1, TTW (NSW) Pty Ltd, dated 16/04/2024		
c)		Construction Noise and Vibration Management Sub-Plan	Appendix C - CNVMP Construction Noise and Vibration Management Plan, Acoustic Studio, Rev 1 18/04/2024		
d)		Air Quality Management Sub-Plan	Appendix I - AQMP Air Quality Management Plan, Property Risk Australia, V1, 5/04/2024		
e)		Construction Waste Management Sub-Plan	Appendix F - CWMP Construction Waste Management Plan, Elephants Foot Consulting, Rev C2 09/01/2025		
f)		Construction Soil and Water Management Sub-Plan	Appendix D - SWMP Soil and Water Management Plan, FDC, Rev C1 26/04/2024		
g)		an unexpected finds protocol for contamination and associated communications procedure	Unexpected Asbestos Find Protocol in Appendix B of the SWMP. Section 21 of the CEMP for unexpected finds of Asbestos or contaminated land. Section 7 of Hazardous Materials Management Plan, FDC, Rev C1 26/04/2024	Unexpected Find Protocol in Appendix B of the SWMP and Section 21 of the CEMP. The UFP in Section 21 of the CEMP and Section 7 of the Hazardous Materials Management Plan includes communication required: - notify the FDC Construction Project Managers - FDC Project Manager will initiate FDC Incident Communication Notices notify any other parties such as, INSW, EY , WHS Manager, and Project Hygienist PRA. - notification to INSW and Authorities. Opportunity for improvement - consider including notification to the Planning Secretary for unexpected contamination finds. The Auditee has noted this OFI from Audit 1 with all management plans to be revised in February 2025. This OFI remains open.	
h)		an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure	Section 7 of Hazardous Materials Management Plan, FDC, Rev C1 26/04/2024 Appendix L of CEMP, Environmental Risk Register	The auditor located an Unexpected Finds Protocol for heritage or archaeological objects in Section 7 of the Hazardous Materials Management Plan. The communications procedure for Aboriginal or non-Aboriginal heritage unexpected finds is reduced to Section 8 Notification on unexpected finds (INSW and Authorities) which is written for hazardous substance. Opportunity for improvement - the auditee should consider moving the heritage unexpected finds into the CEMP and providing a communications procedure as it does not belong in the Hazardous Materials Management Plan. The Auditee has noted this OFI from Audit 1 with all management plans to be revised in February 2025. This OFI remains open.	
i)		waste classification (for materials to be removed) and validation (for materials to remain) to be undertaken to confirm the contamination status in these areas of the site.	Appendix F - CWMP Construction Waste Management Plan, Elephants Foot Consulting, Rev C2 09/01/2025	Waste classification is mentioned in the Environmental Risk Assessment Aspect and Impact Register. The auditor located information about waste classification in the CWMP. The CEMP does not contain information regarding validation (of material to remain) to be undertaken to confirm the contamination status of these areas of the site. Opportunity for improvement - the audit notes that Validation has been added to the CWMP. However, it should explicitly detail that the validation is of the remaining material (to ensure no contamination remains in situ) and that waste classification is relevant to excavated material.	
Construction Pedestrian and Traffic Management Plan					

B56.				<p>Prior to commencement of any works, the Applicant must submit to the satisfaction of TfNSW a final detailed Construction Pedestrian and Traffic Management Plan (CPTMP), prepared by a suitably qualified person in consultation with TfNSW, Sydney Metro and PMNSW. The CPTMP must be endorsed by TfNSW and submitted to the Planning Secretary for information prior to the commencement of works. The CPTMP must address, but not be limited to, the following matters:</p>	<p>Construction Pedestrian and Traffic Management Plan (CPTMP), Rev 1, TTW (NSW) Pty Ltd, dated 16 April 2024</p> <p>https://www.ttw.com.au/traffic/</p> <p>Email from TfNSW to TTW, dated 22 April 2024</p> <p>Email chain FDC, INSW and Property NSW, dated 16 - 23 April 2024.</p> <p>Site interviews</p> <p>Submission Receipt DPHI, dated 9/12/2024</p>	<p>The CPTMP was prepared by Taylor Thomson Whitting (TTW) NSW Pty Ltd who have traffic engineers to develop traffic management plans to manage and mitigate disruption during on site works, with an aim to minimise risk, delays, and inconvenience to users.</p> <p>TfNSW provided email endorsement for the CPTMP to TTW on 22/04/2024.</p> <p>Evidence of consultation with TfNSW, Sydney Metro (under TfNSW) is provided in Appendix A of the CPTMP. Response to comments from consultation is provided in Table 2.2 of the CPTMP. Emails from FDC to INSW and Property NSW identifies the ongoing consultation of the CPTMP, 16 - 23 April 2024.</p> <p>No evidence was provided that the CPTMP was submitted to the Planning Secretary prior to the commencement of works during Audit 1. Evidence was provided in Audit 2 that the Planning Secretary received the CPTMP on 9/12/2024.</p>	Compliant
a)		a description of the development	Section 2.2				
b)		proposed construction program and construction methodology	Section 4.1 and 4.2				
c)		proposed construction hours	Section 6.1	Monday to Friday 7 am to 6 pm Saturdays 8 am to 5 pm Sundays / Public holidays no work			
d)		a detailed plan of any proposed hoarding and/or scaffolding	Section 4.2				
e)		details of crane arrangements, including location of any crane(s)	Section 4.2				
f)		location(s) where it is proposed to park construction vehicles	Section 5.1	Construction workers are not permitted to park in on-site car parking facilities. If they access the work site by vehicle, they are required to park in available permitted parking and adhere to the signposted parking restrictions.			
g)		location of any proposed work zone(s)	Section 4.5	No work zones or road closures are anticipated under the CPTMP.			
h)		haulage routes	Section 6.3.2	Construction vehicle routes have been provided for northern and western approach and departure.			
i)		predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods	Section 5.2 and 6.3 Site interviews	Project SIMPEL - booking system that is monitored and reviewed each month. Sighted booking system. Timing of deliveries shown.			
j)		measures to avoid construction worker vehicle movements	Section 5.1 and 6.3	Alternative transport arrangements are outlined in the document. Construction vehicle routes have been provided for northern and western approach and departure.			
k)		measures to ensure the arrival of construction vehicles to the site do not cause additional queueing on public roads	Section 6.3 and 6.0	Staff member on gate has control of booking system - Project SIMPEL. Bookings for the following day are discussed. Bookings are held within the property and not on public roads. Designed so there should be no queues, Large steel deliveries limited to two trucks per day and within designated hours.			
l)		pedestrian and traffic management measures	Section 7.1	Pedestrians and cyclists will be rerouted around any footpath closures with clearly marked detours and appropriate signage.			
m)		details of construction vehicle routes and entry and exit to and from the site, including evidence of consultation with TfNSW and PMNSW on preferred construction routes and routing construction traffic and deliveries along Towns Place where possible to minimise exposure to residences	Section 6.3.2 and 2.3	Construction vehicle routes have been provided for northern and western approach and departure. These details are provided in the subcontractor start up package. As detailed above.			
n)		details of roads that may be excluded from use by construction traffic i.e. roads with load limits, quiet residential streets or access/turn restricted streets	Section 6.4	Construction vehicle routes have been provided for northern and western approach and departure.			
o)		details of the monitoring regime for maintaining the simultaneous operation of buses, light rail and construction vehicles on roads surrounding the site	Section 7.2	No impact to public transport.			
p)		consultation strategy for liaison with surrounding stakeholders, including other developments under construction	Section 8.1	refer to (r)			
q)		identify any potential impacts to general traffic, cyclists, pedestrians, bus services within the vicinity of the site from construction vehicles during the construction of the proposed works	Section 7.1				
r)		cumulative construction impacts of projects within Barangaroo. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure the coordination of work activities are managed to minimise impacts on the surrounding road network, and	Section 8.0 Site interviews	Cumulative impacts with existing CPTMPs in proximity to the development site have been detailed in section 8.0 of the CPTMP. FDC Site Manager's details are passed on to surrounding projects, e.g., Watpac for Sydney Metro - emails are circulated as well as a WhatsApp group with the Foremen involved from each site.			
s)		should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and must be enforced throughout the duration of works.	Section 7.0 Photos by FDC of vehicle waste register	Construction driveway crossovers are the locations identified where there could be construction impact to general traffic, public transport, pedestrians and cyclists. Pedestrians and cyclists will be rerouted around any footpath closures with clearly marked detours and appropriate signage. No impact to public transport.			
B57.				<p>The CPTMP approved under Condition B56 must be complied with during any works associated with this consent.</p>	<p>Site interviews</p> <p>Project SIMPEL</p> <p>Induction PowerPoint Presentation, Rev 13</p> <p>Induction records, FDC</p> <p>Contractor Pre-start package</p>	<p>from parking around areas around shops to ensure that public parking in well used areas is not taken up by construction worker vehicles. Staff member assigned to walking around to confirm worker parking.</p> <p>SIMPEL - when delivery drivers are booking deliveries into the system, the routes are available in the booking system. Sub-contractors received all the information in Induction and Start-up pack.</p> <p>Site access routes are also included on staff noticeboard and on the ground floor of the site. Construction traffic can only enter the site if they have booked via Project SIMPEL.</p> <p>There have been no issues with contractor parking. Either contractors pay for their own parking in the Wilson's Carpark or make use of the Metro or other form of public transport.</p>	Compliant

B58.			Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Transport for NSW (development.CTMP.CJP@transport.nsw.gov.au) to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.	<p>Site interviews</p> <p>Works notification, INSW, August, September, October 2024</p> <p>Works Notification FDC, 4 January 2025</p> <p>Email correspondence from INECO to FDC with a log of letterbox drops and GPS walker maps, dated 24 January 2025</p>	<p>Palisade only identified as impacted small business in proximity to site. Project Manager had meeting with Palisade and provided contact details.</p> <p>Site notice board has contact details for site managers and senior project manager. Letterbox drop with 1800 number which have answering machine after hours.</p> <p>FDC have a door knock report, which shows that initial contact was made in May 2024, stakeholder comments and the documentation provided to the stakeholder, as well as the details such as address, date contact type.</p> <p>Works notification, August, September and October 2024 and January 2025, have the project details and contacts on it.</p> <p>GPS Tracker is used by FDC personnel door knocking and delivering works notifications</p>	Compliant
Construction Noise and Vibration Management Sub-Plan						
B59.			Prior to the commencement of any works, a Construction Noise and Vibration Management Sub-Plan (CNVMP) must be prepared by a suitably qualified acoustic consultant and approved by the Certifier. The CNVMP must include but not be limited to the following:	<p>Construction Noise and Vibration Management Sub Plan Rev 1, ACS, dated 18 April 2024.</p> <p>Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024</p> <p>Site interviews</p>	<p>Acoustic Studio Pty Ltd (ACS) and its personnel are suitably qualified acoustic consultants as noted in Section 1.2 of CNVMP. ACS is a member of the Association of Australasian Acoustical Consultants. The personnel involved in the preparation of the plan both have Bachelor of Engineering degrees.</p> <p>Evidence of approval by the Certifier is the BCA Certificate.</p>	Compliant
	a)		any recommendations made in the Noise and Vibration Impact Assessment prepared by ARUP and dated 26 January 2023 including specification of the actual equipment to be used during construction and updated estimates of the likely noise and vibration impacts;	Section 6.1		
	b)		identification of the specific activities that will be carried out and associated noise sources at the site;	Sections 5.2 and 5.3		
	c)		identification of all potentially affected sensitive residential receiver locations;	Section 3.2		
	d)		a representative background noise measurement (LA90, 15 minute) should be submitted, assessed in the vicinity of any potentially affected receiver locations and measured in accordance with AS 1055:1.2.1997	Section 3.3		
	e)		the construction noise, ground-borne noise and vibration objectives derived from an application of the EPA Interim Construction Noise Guideline (ICNG), as reflected in conditions of approval;	Section 4		
	f)		what plant and equipment is to be used on site and proposed number of high noise intrusive appliances intended to be operated onsite	Sections 5.2 and 5.3		
	g)		prediction and assessment of potential noise, ground-borne noise (as relevant) and vibration levels from the proposed construction methods expected at sensitive receiver premises against the objectives identified in the ICNG and conditions of approval;	Section 5		
	h)		where objectives are predicted to be exceeded, an analysis of feasible and reasonable noise mitigation measures that can be implemented to reduce construction noise and vibration impacts;	Section 6		
	i)		the required scheduling of activities and works having regard to the nearest sensitive receivers	Section 5.1		
	j)		the preferred location of plant and equipment to behind structures to maximise shielding of receivers	Sections 6.1, 6.2 and Appendix C.4		
	k)		use and maintenance of the preferred equipment	Section 6.7	The equipment owners maintain the noise and vibration equipment and can do it with remote log in.	
	l)		description of management methods and procedures, and specific noise mitigation treatments/measures that can be implemented to control noise and vibration during construction;	Section 6	Acoustic blankets within work areas, noise and vibration monitoring	
	m)		where objectives cannot be met, additional measures including, but not necessarily limited to, the following must be implemented; reduce hours of construction, the provision of respite from noise/vibration intensive activities, acoustic barriers/enclosures, alternative excavation methods or other negotiated outcomes with the affected community;	Section 6	Continuous monitoring, email and text to site managers and WHS and specific noise and vibration staff. Time lapse camera used for exceedances. Handheld measurements taken to confirm noise outputs.	
	n)		where night-time noise management levels cannot be satisfied, a report must be submitted to the Planning Secretary outlining the mitigation measures applied, the noise levels achieved and justification that the outcome is consistent with best practice;	Section 6.5 Site interviews	No night time noise in audit period. A mitigation measure in place if after hour works occur to inform near neighbours.	
	o)		measures to identify non-conformances with the requirements of the Sub-Plan, and procedures to implement corrective and preventative action;	Sections 6.9 and 7		
	p)		suitable contractual arrangements to ensure that all site personnel, including sub-contractors, are required to adhere to the noise management provisions in the Sub-Plan;	Section 1.3, 6.10 and 7		
	q)		procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity;	Section 6.8		
	r)		confirmation of the level of community consultation that has/is and will be undertaken with Building Managers/ occupiers of the main adjoining noise sensitive properties likely to be most affected by site works and the operation of plant/machinery particularly during the demolition and excavation phase	Section 6.8		
	s)		measures to monitor noise performance	Section 7	Continuous noise monitoring.	
	t)		measures to respond to complaints, including what course of action will be undertaken following receipt of a complaint concerning offensive noise;	Section 6.9		
	u)		measures to reduce noise related impacts associated with offsite vehicle movements on nearby access and egress routes from the site;	Section 6.3		
	v)		procedures to allow for regular professional acoustic input to construction activities and planning; and	Section 7		
	w)		effective site induction, and ongoing training and awareness measures for personnel (e.g. toolbox talks, meetings etc).	Section 6.10 and Appendix C.1 Induction PowerPoint Presentation, Rev 13 Induction records, FDC Contractor Pre-start package	All project personnel and subcontractors with training on the environmental obligations through project inductions, toolbox talks and through Safety Works Methods (SWMS). Contractual arrangements will also be put in place to ensure adherence to noise management measures.	
Air Quality Management Plan						

B60.			Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier an Air Quality Management Sub-Plan (AQMP) for the development. The Sub-Plan must include, as a minimum, the following elements:	Air Quality Management Sub Plan V1, property Risk Australia Pty Ltd, dated 5 April 2024 Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	Evidence of approval by the Certifier is the BCA Certificate. The audit found that the this plan is due for an audit in March 2025.	Compliant
	a)		be prepared by a suitably qualified and experienced expert in accordance with the EPA's Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (the Approved Methods);		Property Risk Australia are a consultancy that specialise in work, health, safety, environment and quality. The document reviewer has over 14 years of experience in the work health, safety and environment field. Scott has professional qualifications in environmental science, hazardous materials, environmental due diligence, contaminated site assessment and management (including waste classification) and validation, groundwater, mould and indoor air quality and work health and safety, including audits, investigations, training, and is currently a CEnvP, AHCA and LAA. The NVMP is in accordance with the NSW EPA 2016 Approved Methods.	
	b)		relevant environmental criteria to be used in the day-to-day management of dust and volatile organic compounds (VOC/odour);	Table 7 - Air Quality Monitoring Site interviews Level 2 Health Risk Assessment, PRA, V1, 17 June 2024	Sandstone excavation with silica dust will be most important in regards to air quality and health, and information on this will form part of high risk workshop.	
	c)		mission statement;	Section 1.2		
	d)		dust and VOCs/odour management strategies consisting of:	Table 7 - Air Quality Monitoring Level 2 Health Risk Assessment, PRA, V1, 17 June 2024		
	i)		objectives and targets;	Section 1.3		
	ii)		risk assessment;	Section 9		
	iii)		suppression improvement plan;	Table 7 - Air Quality Monitoring		
	iv)		monitoring requirements including assigning responsibility (for all employees and contractors);	Table 5 - Mitigation Measures, reporting and reactive management strategy and Table 7 - Air Quality Monitoring	Table 5 includes the roles with responsibility and accountability for the monitoring requirements.	
	v)		communication strategy; and	Section 8.1		
	vi)		system and performance review for continuous improvements.	Section 4		
B61.			The AQMP must detail management practices to be implemented for all dust and VOC/odour sources at the site. The AQMP must also detail the dust, odour, VOC and semi-volatile organic compounds (SVOC) monitoring program (e.g. frequency, duration and method of monitoring) to be undertaken for the project.	Section 10 of AQMP V1, dated 5/04/2024		Compliant
B62.			The Applicant must also develop and implement an appropriate comprehensive Reactive Air Quality and Odour Management Plan which will incorporate an Ambient Air Monitoring Program and Reactive Management Strategy to ensure that the assessment criteria are met during the works.	Section 10 of AQMP V1, dated 5/04/2024 Site interviews Level 2 Health Risk Assessment, PRA, V1, 17 June 2024	Table 5 includes the Mitigation Measures, reporting and reactive management strategy	Compliant
Construction Waste Management Sub-Plan						
B63.			Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a final Construction Waste Management Sub-Plan (CWMP) for the development. The Sub-Plan must include, as a minimum, the following elements:	Construction Waste Management Plan Rev C2, FDC Construction, dated 09/01/2025. Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	Revision B of the CWMP by Elephants Foot Consulting Pty Ltd, dated 28 March 2024 was updated on 09/01/2025 to revision C2. Satisfaction of the Certifier as evidenced in BCA Certificate for the CEMP, as the CWMP was submitted as Appendix F of the CEMP.	Compliant
	a)		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";	Section 4.6		
	b)		demonstrate that an appropriate area will be provided for the storage of bins and recycling containers and all waste and recyclable material generated by the works;	Section 4.10		
	c)		procedures for minimising the movement of waste material around the site and double handling;	Section 4.5	The sub-part of this Condition has not been included in Table 1 SSDA requirements. The OFI identified in Audit 1, to update Table 1, has been completed.	
	d)		waste (including concrete waste, rinse litter, debris or other matter) is not caused or permitted to enter any waterways;	Section 4.8		
	e)		any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;	Section 4.9 Site interviews Photos by FDC of vehicle loads covered and vehicle waste register	FDC vehicle Waste Register and accompanying photos show that was is not leaving the site uncovered.	
	f)		the wheels of any vehicle, trailer or mobilised plant leaving the site are cleaned of debris prior to leaving the premises;	Section 4.9		
	g)		details in relation to the transport of waste material around the site (on-site) and from the site, including (at a minimum): • a traffic plan showing transport routes within the site; • a commitment to retain waste transport details for the life of the project to demonstrate compliance with the Protection of the Environment Operations Act 1997; and • the name and address of each licensed facility that will receive waste from the site (if appropriate).	Section 4.8 Appendix A Section 2.2		
	h)		on-site general waste and co-mingled recycling waste bins are available for waste generated by workers and suitably located (e.g. break out areas)	Section 4.8 Site Inspection		
	i)		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.	Section 4.6		
Construction Soil and Water Management Sub-Plan						
B64.			Prior to the commencement of any works, the Applicant must submit to the satisfaction of the Certifier a Construction Soil and Water Management Sub-Plan (CSWMP) which must be prepared by a suitably qualified expert and address, but not be limited to, the following:	Soil and Water Management Plan Rev C1, FDC, dated 26 April 2024 Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024	To the satisfaction of the Certifier is evidenced by the inclusion of the plan in the BCA Certificate, dated prior to commencement of any works. The plan was prepared by FDC, industry specialist contractors in construction, interior fitout, refurbishment, data centres and building services. The reviewer of the document in the project manager. The Project is generally interior in nature and therefore low risk to soil and water impacts.	

B69.				<p>Induction PowerPoint Presentation, 27/06/2024</p> <p>Induction records, FDC</p> <p>Contractor Pre-start package</p> <p>Site interviews</p> <p>Toolbox Talk sign-on, 11/07/2024</p> <p>Toolbox Talk eForm Report, 11/07/2024</p> <p>Aconex - all plans are available</p> <p>Project SIMPEL - plans are made available</p>	<p>FDC personnel and Services Design Team. WHS Plan has communication plan for the workers and includes worker consultation (section 12). Daily coordination meeting with daily prestart.</p> <p>Inductions are required and management plan material is provided for reading prior to any contractors, personnel starting works on site. Induction records identify the names of all inducted staff, the date they were inducted and who they were inducted by.</p> <p>Toolbox talks include a run through of relevant activities and required actions.</p>	Compliant
Outdoor Lighting						
B70.			<p>Prior to commencement of any lighting installation, evidence must be submitted to the satisfaction of the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.</p>	<p>Design Certificate - Electrical Services, MDE Group, dated 14/06/2024</p> <p>Group DLA BCA Design Compliance Statement GDL240065.1, dated 22/07/2024</p>	<p>Electrical Services are designed in accordance with relevant standards for conditions B29 and B70.</p> <p>Documentation was submitted to the Certifier as is listed under CDVC2.</p>	Compliant
Public Liability Insurance						
B71.			<p>Prior to the commencement of any earthwork or construction over, on or below Council land, the Applicant must submit to the satisfaction of the Certifier evidence of Public Liability Insurance, with a minimum liability of \$10 million. A copy of the Insurance cover is to be provided to Council.</p>	<p>Memorandum of Insurance for Public & Products Liability issued by Gavin Parkinson of Arthur J. Gallagher & Co (Aus) Pty Ltd, dated 29/04/2023</p> <p>Group DLA BCA Design Compliance Statement GDL240065, dated 29/04/2024</p> <p>Clover Insurance, Certificate of Currency, dated 23/02/2024</p> <p>Email Re Waranara Terrace Hoarding Application, FDC to Property NSW, dated 12/04/2024</p> <p>Email Re Hoarding and Crane Lifting to Nawi Cove, FDC to Property NSW, dated 04/08/2024</p>	<p>Memorandum of Insurance for \$20,000,000.00 was organised prior to commencement of works. Clover Insurance cover 04/03/2024 to 04/03/2025.</p> <p>To the satisfaction of the Certifier as evidenced by the BCA Certificate.</p> <p>Approved permits for hoarding and temporary fencing require Council to have a copy of the insurance certificate.</p>	Compliant
Remediation - Unexpected Finds Protocol						
B72.			<p>Prior to the commencement of any earthwork or remediation works, the Applicant must submit to the satisfaction of the Certifier an Unexpected Finds Protocol which has been reviewed and endorsed by an EPA accredited site auditor. The protocol must outline contingency measures and the procedures to be followed in the event unexpected finds of contaminated material are encountered during works.</p>	<p>Unexpected Finds Protocol for Asbestos, FDC, Rev 0 04/02/2019</p> <p>Unexpected Finds Procedure, FDC, Rev C2, 04/02/2025</p> <p>Letter from Enviroview to FDC, Site Auditor approval of UFP, dated 12/02/2025</p> <p>Aconex transmittal from Certifier (FDC_NSW-GCOR-005826), dated 13/02/2025</p>	<p>FDC's contract included demolition only and not excavation with the understanding from Geotech investigations that the Stair 3 slab was sitting directly on top of rock. However, during demolition of Stair 3 base slab, it was identified that fill material was beneath the slab.</p> <p>The material was excavated and a waste classification done. It was identified as asbestos containing fill and disposed of accordingly. Removal of the fill identified the asbestos pipe. Although this was unexpected, the Unexpected Finds Protocol should have been reviewed and endorsed by the EPA accredited Site Auditor for instances such as this.</p> <p>The Unexpected Finds Protocol for Asbestos has received verbal endorsement from the EPA accredited site auditor at the time of the audit. The site auditor provided written endorsement of the Unexpected Finds Procedure (now in Rev C2, 04/02/2025) on 12/02/2025. The endorsement has been submitted to the Certifier's satisfaction on 13/02/2025.</p>	Compliant
Barricade Permit						
B73.			<p>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 from the relevant authority 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 authority.</p>	<p>Mobile hoisting approval, CoS, Licence CP/2024/1429, dated 15 November 2024</p> <p>Mobile hoisting approval, CoS, Licence CP/2024/1520, dated 5 December 2024</p>	<p>Barricade permits not required for second audit period. However, permits are in place for material delivery for the skylights, on Merriman Street.</p> <p>Mobile hoisting licences, 1429 and 1520, were approved by CoS for partial road / lane closures. Approval is given in accordance with Section 68 (E(1)) of the Local Government Act 1993 and Section 108 of The Crown Lands Act 1989. Licence 1429 was for a telehandler and 1520 for mobile crane</p>	Compliant
Hoarding						

B74.			Prior to the commencement of works, the final design and masterplan for the construction hoarding is to be provided to PMNSW for review and endorsement.	<p>Site interviews</p> <p>Temporary Works Application - Barangaroo, 19/04/2024</p> <p>Proposed Temporary Works Plans for hoarding and temporary walls, ZAIT Engineering Solutions, Rev 01/ 02, 10/04/2024 & 19/04/2024</p> <p>Notice of Works Register, FDC REV 14 12/7/2024</p> <p>Concept Presentation, Barangaroo Cutaway Hoarding Concept INSW, RPS Group, dated 21 March 2024</p>	The auditor notes that PMNSW reviews and discusses hoardings and construction activities in weekly meetings with the Project team. As a result, permits have been provided indicating endorsement.	Compliant
B75.			An application under section 138 of the Roads Act 1993 is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road (if required) and such application is to include:	<p>Hoarding Permit Renewal, B/2024/135/1, dated 7/01/2025</p> <p>Hoarding construction Permits 3043 (April 2024), 3056 (2 May 2024), 3057 (2 May 2024), 3058 (2 May 2024), 3059 (2 May 2024)</p>		Compliant
	a)		architectural, construction and structural details of the design as well as any proposed artwork	<p>KPI Construction Services, Merriman Street Barangaroo Hoarding 8 and Compound, dated 10/04/2024 (KPI0108/24)</p> <p>CoS Hoarding Graphics Design Compliance Statement, Permit B/2024/135, dated 30/08/2024</p> <p>Email correspondence CoS and FDC, approval of graphic, dated 30/08/2024</p> <p>Proposed Hoarding Design Plans, Gilcon Structural Engineers Rev C, dated 29/07/2024</p>	Artwork approved by Council, 30/08/2024.	
	b)		structural certification prepared and signed by an appropriately qualified practising structural engineer.	<p>Hoardings and Scaffolding installation certification (Structural), CoS, dated 30/08/2024</p> <p>Structural Adequacy Certificate, Gilcon Structural Engineers, dated 5/09/2024</p>	<p>All hoarding was inspected by an Engineer, who signed off the installation certification, 30/08/2024, for permit number B/2024/135.</p> <p>The audit also found that a Structural Adequacy Certificate had been provided, 05/09/2024, for the elements posts, platform framing and bracing. All elements demonstrated compliance with relevant Australian Standards.</p>	
B76.			Where an approval (Permit) is granted allowing the placement of temporary structures on or above a public road the structures must comply fully with the conditions of approval (Permit) granted including:	<p>eForm for November Hoarding Inspection, 29/11/2024</p> <p>eForm for September Hoarding Inspection, 27/09/2024</p> <p>Hoarding construction permits 3043 (April 2024), 3056 (2 May 2024), 3057 (2 May 2024), 3058 (2 May 2024), 3059 (2 May 2024)</p> <p>Site inspection</p>	The auditor observed that the hoarding that was currently in place was being maintained, specifically the hoarding at the entrance to Nawi Cove and around the skylights on Merriman Street.	Compliant
	a)		maintaining a current and valid approval for the full duration that the temporary structure/s is in place;	Hoarding Permit Renewal, B/2024/135/1, dated 7/01/2025		
	b)		maintaining temporary structure/s in a structurally sound and stable condition for the full duration of installation (Clause 2.11.1);	<p>Site interviews</p> <p>eForm for November Hoarding Inspection, 29/11/2024</p> <p>eForm for September Hoarding Inspection, 27/09/2024</p> <p>Site inspection</p>	Refer to photos from site inspections. eForm from September 2024 identifies some tasks that were open to address and have since been marked as closed.	
	c)		bill posters and graffiti being removed within 24 hours of their placement (Clause 2.11.2);	As above	<p>There have been few instances of graffiti tags, predominantly with markers. The audit found staff removed these immediately, either by cleaning or painting over.</p> <p>Refer to site photographs Photos 17, 18, 19, 20, 21, 22, 29 and 30.</p>	
	d)		maintaining temporary structures and the public place adjoining the work site in a clean and tidy condition including repainting and/or repair of graphics (Clauses 2.11.1, 2.11.4, 2.14.1 and 3.9.3);	As above	Weekly hoarding inspection.	
	e)		maintaining a watertight deck (Type B hoardings) to prevent liquids including rainwater, falling onto the footway/roadway surfaces (Clauses 3.9.1 and 3.9.4);	As above	No B Type hoarding. Covered walkway for fire emergency exit.	
	f)		approved site sheds on the decks of a Type B hoarding being fully screened from the public place (Clause 3.9.5);	As above	No B type hoarding.	
	g)		material and equipment not being placed or stored on the deck of Type B hoardings, unless specifically approved (Clause 3.9.4);	As above	No B type hoarding.	

	h)		providing and maintaining operational artificial lighting systems under Type B hoardings including at highbay truck entry points (Clause 3.9.9); and	As above	No B type hoarding.	
	i)		ensuring all required signage, artwork or historic images are provided and fully maintained (Clauses 3.4, 3.9.3, 3.9.6, 3.9.8, 3.10.1 and 4.2).	As above	Refer to site photographs Photos 19, 19, 20, 22, 29 and 30.	
B77.			If it is proposed to operate a hoisting device including a building maintenance unit above a public road which swings, hoists material/equipment and/or slews/wind vanes any part of the device over the public road, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be made to Council to obtain approval.	Site interviews	No requirement for hoisting device permits.	Not triggered
			Note: 'Building maintenance unit' means a power-operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance (Work Health and Safety Regulation 2017).		Noted	
Part C - During Construction						
Approved Plans to be On-Site						
C1.			A copy of the approved and certified plans, specifications and documents incorporating conditions of approval, modifications and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, PMNSW or the Certifier.	Site interviews Sighted documents register in Aconex Site inspection	All documents are stored in Aconex and made available upon request to noted agencies. Also Aconex field App so accessible via phone. Management plans are available to review in the lunch room. Policies are displayed on a noticeboard in the lunch room. Refer to site photographs Photos 11 and 12	Compliant
Site Notice						
C2.			A site notice(s) must be erected in a prominent position on the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer. The notice(s) is to satisfy all, but not be limited to, the following requirements:	Site inspection Site interviews	The site notice is erected at the site entrance at eye level. Refer to site photographs Photo 1.	Compliant
	a)		state the name, address and telephone number of the principal certifier for the work	Site inspection	The site notice contains the name, address and number of the Principal Certifier.	
	b)		state the name of the principal contractor (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaints	Site inspection	Refer to site photographs Photo 1.	
	c)		state the approved hours of work	Site inspection	The site notice contains the approved hours of work.	
	d)		state that unauthorised entry to the work site is prohibited	Site inspection	The site notice states "authorised personnel only".	
	e)		the minimum dimensions of the notice are to measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size	Site inspection	Refer to site photographs Photo 1.	
	f)		the notice is to be durable and weatherproof and is to be displayed throughout the works period	Site inspection	Refer to site photographs Photo 1.	
	g)		the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing.	Site inspection	Refer to site photographs Photo 1.	
Contact Telephone Number						
C3.			The 24-hour contact telephone number must be continually attended by a person(s) with authority over the works for the duration of the development.	Site interviews Works Notification - The Cutaway, INSW, August, September, October 2024 Works Notification - The Cutaway, FDC, January 2025	Five or six people with authority maintain the 24-hour contact telephone number. The Works Notification provides the 1800 number, email and website address. The Works Notifications are provided on the Project website. The mobile numbers of Site Managers and the Senior Project Manager are provided on the site notice.	Compliant
Implementation of Management Plans / Compliance with Management Plans						
C4.			The Applicant must ensure the requirements and recommendations outlined in the following plans are complied with:			
	a)		Construction Environmental Management Plan and all appendices required by Condition B55	Sighted EFORMs, F049 - weekly site inspection, during site inspection, dated 10/01/2025 Site inspection Site interviews Induction PowerPoint Presentation, Rev 13 Induction records, FDC Contractor Pre-start package Sighted Toolbox Talk eForm Report, during site inspection Aconex - all plans are available Project SIMPEL - plans are made available	The auditor found that the Plans are broadly being implemented during the second audit period. The auditor sighted examples of weekly site inspections that covers off on the weekly environmental monitoring required under the plans, for example, mud tracking of materials on to public roads, ERSED controls, fire extinguisher and nurse call station checks, spill kits, waste management, control of environmental hazards (dust, noise, vibration, housekeeping). Hazardous material storage is generally being adhered to. The audit found spill stations scattered around the work site, with a spill station adjacent to the flammable liquids cabinet. The auditor was notified of the process that followed the unexpected species find - The Unexpected Threatened Species Find Protocol, Appendix C of the FFMP, was followed. There were no works occurring in the area at the time, with the site and HSEQ team notified immediately, and exclusion zones establish. When FDC had returned to investigate the following morning, the bat had already gone, allowing FDC to recommence works as per protocol. However, nothing documented or recorded but the practical steps were followed, and the GHFF had gone before any further assessment was required. Refer to site photographs Photo 16, 25, 26. Opportunity for improvement - ensure flammable liquids are stored in the flammable liquid cabinet. Opportunity for improvement - should a threatened species be identified in the site, the Unexpected Species Find Protocol (Appendix C of the FFMP) is followed and the Project ecologist engaged following stop work and notification to HSEQ.	
	b)		Construction Pedestrian and Traffic Management Sub-Plan required by Condition B56	Project SIMPEL Site interviews Site inspection	Project SIMPEL is used for construction vehicle bookings. Construction traffic can only attend site if prior booking. Site access routes are provided near the lunchroom, on the ground floor of the site and in the Project induction material.	

	c)		Construction Noise and Vibration Management Sub-Plan required by Condition B59	<p>Site inspection</p> <p>Site interviews</p> <p>Noise Net Noise and Vibration Monthly Reports, refer to C11 and C16.</p> <p>Noise Net Noise and Vibration Monitor Installation Report, dated 24/06/2024</p> <p>FDC Complaints Register, last complaint 28/11/2024</p>	<p>Multiple instances of noise exceedances were recorded during the second audit period. These were investigated and discussed in the monthly Noise and Vibration Monitoring Reports. Refer to Condition C11 and C16 for details of exceedances, mitigation measures and adherence to respite periods.</p> <p>Two noise complaints and one noise query were detailed in the complaints register. The two complaints were for noise within the respite period. Complaints were investigated and it was demonstrated from the noise monitoring that there were no exceedances within respite periods. Works notifications have been provided to residents, and are available on the Project website, to identify the activities and periods of high noise works.</p>	Compliant
	d)		Air Quality Management Sub-Plan required by Condition B60	<p>Site inspection</p> <p>Site interviews</p> <p>Sighted dated and time stamped photographs of trucks leaving site during the site inspection.</p> <p>Sighted EFORMs, F049 - weekly site inspection, during site inspection, dated 10/01/2025</p>	<p>Dust observed during daily safety walk. Dust is controlled daily on all three levels with a wet scrubber. Dust is also observed and documented during weekly inspections.</p> <p>The auditor notes that as demolition works ceased during the audit 1 period, no air quality monitoring was required during the second audit period.</p> <p>The auditor noted that the vehicle waste register contains the date, registration number, time in/out, company, type of truck, and whether the load is covered. This is completed by the staff at the access gate.</p> <p>Refer to site photographs.</p> <p>Opportunity for improvement - consider updating the AQMP Table 6 to identify when (occurrence with stage of works) air quality monitoring will occur. As Table 6 currently reads, PM2.5 and PM10 air quality monitoring should be continuous and a monthly report produced. The Auditee has noted this OFI from Audit 1 with all management plans to be revised in February 2025. This OFI remains open.</p>	
	e)		Construction Waste Management Sub-Plan required by Condition B63	<p>Sighted EFORMs, F049 - weekly site inspection, during site inspection, dated 10/01/2025</p> <p>Construction Waste Management Plan (CWMP), Rev C2, dated 09/01/2025</p> <p>Site interviews</p> <p>Site inspections</p> <p>Photos by FDC of vehicle loads covered and vehicle waste register</p> <p>Just Skip Waste Dockets, 11 & 24 July, August 1 to September 6, September 9 to September 30, October 9 to October 31, 12 November to 29 November 2024</p> <p>Just Skip Waste Management Report, dated August, September, October and November</p>	<p>Just Skip waste dockets, and Waste Management Reports for August, September, October and November 2024 were provided and detail segregation information of waste types and volumes as required by Section 2.2 of the CWMP.</p> <p>No requirement for waste classification during the second audit period.</p> <p>FDC vehicle Waste Register and accompanying photos show that was is not leaving the site uncovered.</p> <p>The CWMP states that beverage container recycling (p 17) and that comingled recycling will be provided in the lunchroom and site office (p19). The auditor observed that co-mingled and paper recycling had been implemented in the lunchroom following the improvement opportunity in the first audit.</p> <p>The audit found two wash bays were available, one on level 1 and one on ground level. Wash out operates as settlement tanks. Drums are replaced once full and left for the liquid to evaporate. The residue is disposed.</p> <p>Refer to site photographs Photos 15, 24, 27 and 28.</p>	
	f)		Construction Soil and Water Management Sub-Plan required by Condition B64.	<p>Site inspection</p> <p>Site interviews</p> <p>Sighted EFORMs, F049 - weekly site inspection, during site inspection, dated 10/01/2025</p>	<p>No need for site inspections following rainfall as all work is still inside. Checking of ERSED controls and mud tracking on roads is included in the weekly site inspection. Currently there are no exposed surfaces or material stockpiles. Stockpiled construction material is stored neatly and under cover.</p> <p>Implementation of daily floor cleaning on all levels using a wet scrubber to prevent any dust leaving site attached to vehicle tyres or to air.</p> <p>The auditor did not observe any material tracked on to public roads.</p> <p>Geotextile lines the stormwater pits at each entrance and are located beneath the grate to prevent vehicle damage to the fabric. Fabric catches dust.</p> <p>Refer to site photograph Photo 31.</p> <p>Opportunity for improvement - Geofabric, to prevent sediment / dust entering the drainage system, should extend along the full length of the drain.</p>	
Hours of Construction						
C5.			All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with the commencement of work (e.g. loading and unloading of goods, transferring of tools, delivery of materials or machinery to and from the site), may only be carried out between the following hours:	Site interviews		Compliant
	a)		between 7am and 6pm, Mondays to Fridays inclusive; and	Site interviews	Safety walk done prior to construction starting at 7 am.	
	b)		between 8am and 5pm, Saturdays.	Site interviews	Safety walk done prior to construction starting at 8 am.	
C6.			No work may be carried out on Sundays or public holidays.	Site interviews		Compliant

C7.			Activities may be undertaken outside of these hours if required:	Site interviews		Compliant
	a)		by the Police or a public authority for the delivery of vehicles, plant or materials; or	Site interviews	Not applicable in the second audit period.	
	b)		in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.	Site interviews Resident works notification, FDC, dated 5 August 2024 Resident works notification, FDC, dated 10 October 2024	One out of hours activity following consultation with INSW. Works required in the carpark were deemed unsafe for workers during construction hours with vehicles moving at fast speed down the access ramp, which had potential to cause injury or loss of life. FDC were proactive and consulted with INSW about an out of hours work activity. The activity was installing of services in the throughout the carpark. The dates for out of hours works was 12 August 2024 to 10 September 2024 (works notification 5/08/2024) and 16 October 2024 to 26 November 2024 (works notification 10/10/2024).	
C8.			Notification of activities undertaken in the circumstances in Condition C7 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.	Site interviews Resident works notification, FDC, dated 5 August 2024 Resident works notification, FDC, dated 10 October 2024 Email correspondence from INECO to FDC with a log of letterbox drops and GPS walker maps, dated 24 January 2025	Notification - letter drops to near neighbours and then community liaison by the community liaison manager. The audit found that in both instances of out of hours works, notifications were provided to residents one week in advance of the works occurring. The notifications included the activities to be undertaken, information on noise levels and monitoring, contact email and phone numbers. Theses works notifications are available on the community and neighbours page - https://www.barangaroo.com/community-and-neighbours/development-and-construction-notifications No complaints were received during this period for any impact / disruption to amenity and no noise exceedances were identified for these periods. INECO letterbox drop and GPS track the activity.	Compliant
C9.			The operation of high noise emission appliances, plant and/or machinery such as pile drivers, rock breakers and hydraulic hammers and those which are not listed in Groups B, C, D, E and F of Schedule 1 of the City of Sydney Code of Practice for Construction Hours/Noise 1992 and Australian Standard 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites and/or any other work generating high noise impact (i.e. work exceeding a NML of 75dB(A)) are restricted to the following hours:	Site interviews Induction PowerPoint Presentation, 27 June 2024 Induction records of inducted personnel, FDC	Induction and on-site on noticeboard in lunch room. The audit found that the restrictions for noisy works are detailed in the Daily Declaration, which is required to be signed off by staff daily. Refer to site photographs Photos 4 and 32.	Compliant
	a)		9am to 12pm, Monday to Friday;	Site interviews	Induction and on-site on noticeboard in lunch room. Daily declaration	
	b)		2pm to 5pm Monday to Friday; and	Site interviews	Induction and on-site on noticeboard in lunch room. Daily declaration	
	c)		9am to 12pm, Saturday.	Site interviews	No noisy works on Saturdays during audit period.	
			Where these activities are undertaken for a continuous three-hour period and exceed the construction noise management levels at noise sensitive receivers, a minimum respite period of at least one hour must be scheduled before activities recommence. For the purposes of this condition, 'continuous' includes any period during which there is less than a one-hour respite between ceasing and recommencing any of the work the subject of this condition.	Site interviews Site inspection	The audit found that respite periods are implemented during periods of noisy works. FDC have undertaken consultation with a near neighbour to work around their child with scheduling of noisy works. Noisy works periods are reiterated to staff with a poster on the noticeboard in the lunchroom, constant reminder in the Daily Declaration, induction material. Refer to site photographs Photos 4 and 32.	
Notification of Excavation Works or use of High Noise Emission Appliances / Plant						
C10.			The immediately adjoining neighbours must be given a minimum of 48 hours' notice that excavation, shoring or underpinning works or use of high noise emission appliances / plant are about to commence.	Site interviews Resident works notification rock stabilisation, FDC, dated 2 August 2024 Resident works notification rock stabilisation, FDC, dated 2 September 2024 Works notification, INSW, dated October 2024 Resident works notification skylight installation and associated works, FDC, dated 24 December 2024 Aconex transmittal INSW and FDC, dated 7/08/2024 Email correspondence from INECO to FDC with a log of letterbox drops and GPS walker maps, dated 24 January 2025	A works notification was distributed on 2 August 2024 to residents, making them aware of upcoming noisy works between 12 August 2024 and 16 August 2024 with the remediation to the eastern sandstone wall. An Aconex transmittal between FDC and INSW, dated 7/08/2024, identifies that the letter was distributed by door knocking. Door knocking took place on 9 August 2024. A works notification was distributed on 2 September 2024 to residents, making them aware of upcoming noisy works between 23 September 2024 and 27 September 2024 with the remediation to the northern and eastern sandstone walls. Works notification (INSW October 2024) identifies works update and noisy works with the commencement of demolition of the skylight bays and the use of jackhammers. It identifies the respite periods. A works notification was distributed on 24 September 2024 to residents, making them aware of upcoming noisy works between 6 January 2025 and early March 2025 with skylight installation and associated works along Merriman Street. Letter box drops prior to any noisy works. Usually two weeks notice provided. Prior to drilling works for example. Theses works notifications are available on the community and neighbours page - https://www.barangaroo.com/community-and-neighbours/development-and-construction-notifications	Compliant
Construction Noise Limits						

C11.			<p>The development must be constructed to achieve the construction noise management levels detailed in the Interim Construction Noise Guideline (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the management and mitigation measures identified in the approved CNVMP.</p>	<p>Site interviews</p> <p>CNVMP, Acoustic Studio, Rev 1 18/04/2024</p> <p>Noise Net Noise and Vibration Monitor Installation Report, dated 24 June 2024</p> <p>Noise Net Noise and Vibration Monthly Report 25 July to 26 August 2024, 26/08/2024</p> <p>Noise Net Noise and Vibration Monthly Report 26 September to 25 October 2024, 31/10/2024</p> <p>Noise Net Noise and Vibration Monthly Report 26 August to 25 September 2024, 26/09/2024</p> <p>Noise Net Noise and Vibration Monthly Report 12 November to 26 November 2024, 26/11/2024</p> <p>Noise Net Noise and Vibration Monthly Report 27 November to 18 December 2024, 18/12/2024</p>	<p>Noise and vibration monitors were installed about the project site on 13 June 2024. The Installation Report, 24/06/2024, identifies when alerts and alarms are received and to who, information about the sensors, links the dashboards and when reports will be provided.</p> <p>Noise Net monitored noise and vibration, and have provided monitoring report for August, September, October, November and December 2024.</p> <p>The following exceedances occurred that exceeded the alarm level for high noise emissions, were investigated, and shown to be associated with construction activities - August (6), September (0), October (6), November (8), December (8).</p> <p>August exceedances were identified as having occurred within in allowable time periods and were not sufficient length to require a respite period. October, November and December exceedances were investigated and demonstrated levels reducing significantly after 3 hours of activity. All respite periods were observed.</p> <p>Once there is a noise exceedance, the procedure in the CNVMP is followed. Mitigation measures have included works notifications to residents outlining the periods of noisy works and the activities to be undertaken / plant to be used. Noise monitors are situated around the site but most importantly on Merriman Street. Consultation with neighbour has taken place around respite periods for their son. Respite periods have been implemented. Noisy works have not occurred outside the designated hours as described in Condition C9. Plant are maintained and monitored through Project SIMPEL. Use of cutting saw for steel etc occurs in constructed rooms with acoustic blankets as to limit noise emissions that would echo throughout the void.</p>	Compliant
C12.			The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the subject site or surrounding residential precincts outside of the construction hours of work outlined under this consent.	<p>Site interviews</p> <p>Project SIMPEL</p>	Booking system on Project SIMPEL does not allow for deliveries to be made prior to construction hours.	Compliant
C13.			The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.	Site interviews	No alarms should be removed from vehicles working within The Cutaway. The crane tonal alarm can be turned on / off where required for reducing noise impacts to receivers.	Compliant
C14.			The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of LAeq 75dBA) as measured at any sensitive receiver is only undertaken in continuous blocks of no more than 3 hours, with at least a 1 hour respite between each block of work generating high noise impact, where the location of the work is likely to impact the same receivers. For the purposes of this condition 'continuous' includes any period during which there is less than 1 hour respite between ceasing and recommencing any of the work the subject of this condition.	<p>Site interviews</p> <p>As above</p> <p>Noise Net Noise and Vibration Monthly Report 12 November to 26 November 2024, 26/11/2024</p>	<p>Site Manager responsibility to ensure that high noise impact work is investigated if they receive an exceedance notification by email or text, if it's due to on-site work, mitigation measures are implemented.</p> <p>Refer to commentary for Condition C11. Noisy works continuing for the most extended time period were recorded on 18 and 21 November 2024. Works occurred within the designated time period as identified in Condition C9, up to 3 hours within the time period. Appropriate respite periods were observed.</p>	Compliant
C15.			Any noise generated during construction of the development must not be offensive noise within the meaning of the Protection of the Environment Operations Act 1997 or exceed approved noise limits for the site.	<p>Site interviews</p> <p>Noise Net Noise and Vibration Monthly Report 25 July to 26 August 2024, 26/08/2024</p> <p>Noise Net Noise and Vibration Monthly Report 26 September to 25 October 2024, 31/10/2024</p> <p>Noise Net Noise and Vibration Monthly Report 26 August to 25 September 2024, 26/09/2024</p> <p>Noise Net Noise and Vibration Monthly Report 12 November to 26 November 2024, 26/11/2024</p> <p>Noise Net Noise and Vibration Monthly Report 27 November to 18 December 2024, 18/12/2024</p>	<p>Noise monitoring for the Project commenced on 13 June 2024. When the monitors note an exceedance, a notification is sent to FDC personnel.</p> <p>Refer to commentary and mitigation measures identified in Condition C9.</p>	Compliant
Vibration Criteria						
C16.			Vibration caused by works at any residence or structure outside the Site must be limited to:			

	a)			<p>Site interviews</p> <p>Noise Net Noise and Vibration Monthly Report 25 July to 26 August 2024, 26/08/2024</p> <p>Noise Net Noise and Vibration Monthly Report 26 September to 25 October 2024, 31/10/2024</p> <p>Noise Net Noise and Vibration Monthly Report 26 August to 25 September 2024, 26/09/2024</p> <p>Noise Net Noise and Vibration Monthly Report 12 November to 26 November 2024, 26/11/2024</p> <p>Noise Net Noise and Vibration Monthly Report 27 November to 18 December 2024, 18/12/2024</p>	<p>Noise Net monitored noise and vibration, and have provided monitoring report for August, September, October, November and December 2024.</p> <p>The audit found that there were no recorded vibration exceedances during August and November 2024. There were exceedances during September (2 instances), October (1 instance) and December (18 instances) 2024.</p> <p>The exceedances in September were identified as isolated events that occurred near the site level vibration sensor.</p> <p>The exceedance in October was identified as an isolated event that occurred near the site level vibration sensor. The report noted that a period of elevated vibration was measured at street level sensors, which were associated with the movement of plant and equipment at the site ground level. The audit found the report found that vibration at street level was well below warning or alerting thresholds.</p> <p>The exceedances in December were isolated to a single vibration sensor with works above 10 mm/s associated with the works occurring on nearby skylights. The audit found that NoiseNet identified in their report (dated 18/12/2024) that the site level vibration sensor (1004V) was not online for the entire period covered in the report. The Project team identified that they workshopped the issue with NoiseNet and the outcome was the USB power cable required replacing after having been damaged by a storm.</p> <p>In all instances, the vibration exceedances are not expected to pose a potential threat to nearby residential or heritage buildings.</p>	Compliant
	b)		for human exposure to vibration, the evaluation criteria set out in the Environmental Noise Management Assessing Vibration: a Technical Guideline (Department of Environment and Conservation, 2006) (as may be updated or replaced from time to time).	Site interviews	As above	
C17.			Vibratory compactors must not be used within 30 metres of residential or heritage buildings unless vibration monitoring confirms compliance with the vibration criteria specified above. These limits apply unless otherwise outlined in the CNVMP required by under Condition B59 of this consent.	Site interviews	There has not been a need to use vibratory compactors during the second audit period. There will not be a need to use vibratory compactors for construction or operation this Project.	Not triggered
Air Quality						
C18.			The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:			Compliant
	a)		exposed surfaces and stockpiles are suppressed by regular watering;	Site interviews	There were no exposed surfaces or soil material stockpiles on site.	
	b)		all trucks entering or leaving the site with loads have their loads covered;	Site inspection Site interviews	Traffic control staff ensure loads are covered as construction vehicles leave the site. The auditor noted that the vehicle waste register contains the date, registration number, time in/out, company, type of truck, and whether the load is covered. This is completed by the staff at the access gate.	
	c)		trucks associated with the development do not track dirt onto the public road network;	Dated and time stamped photographs of trucks leaving site with load covered	There are no exposed surfaces. Implementation of daily floor cleaning - dry cleaning and wet cleaning, to prevent any dust leaving site attached to vehicle tyres. The loading dock is wet scrubbed daily and dry swept frequently throughout the day.	
				Site interviews Site inspection Sighted Weekly inspections on Project SIMPEL	The auditor did not observe any material tracked on to public roads. This is also checked at weekly inspections. Geotextile lines the stormwater drains at each entrance and is checked weekly during weekly inspections.	
	d)		public roads used by these trucks are kept clean; and		Base Build manage the driveway access and clean it regularly. At the time of the site inspection, Base Build were wetting and scrubbing the driveway access.	
	e)		land stabilisation works are carried out progressively on site to minimise exposed surfaces.	Site inspection	As above	
				Site inspection	There were no exposed surfaces during the site inspection of the second audit. Majority of works are at fitout stage and are carried out internally.	
Construction Lighting						
C19.			Any construction lighting must be designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.	Site interviews Complaints Register, 6/09/2024 Design Certificate - Electrical Services, MDE Group, dated 14/06/2024	External construction lighting has been installed on the hoarding on Merriman Street. The audit found that a complaint was made by a resident on Merriman Street on 06/09/2024 due to hoarding lighting shining into the bedroom. The lights was turned off and shrouds made for all hoarding lighting that meets Australian Standards. Consultation had been undertaken with Council for including the lighting after a risk assessment showed there was a need for them.	Compliant
C20.			Lighting of the site while any work is undertaken outside of Council's standard hours of construction must ensure that at no time must the intensity, hours of illumination or location of the lighting cause objectionable glare or injury to the amenity of the neighbourhood or Obtrusive Light in accordance with the definition in Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting. If in the opinion of Council, injury is likely to be caused, the intensity, hours of illumination and location of the lighting must be varied so that it does not cause injury to nearby residents	As above	Refer to above. Lighting is not required for out of hours work, however, it is required to light the black hoarding overnight. The audit found that the Project had responded to a complaint about night time lighting of the hoarding by turning off the lights impacting the resident and making shrouds for the lights. The shrouds have been installed.	Compliant
SafeWork Requirements						
C21.			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 requirements.	Interview Site inspection Hazardous Materials Management Plan, FDC, Rev C1 26/04/2024 Work Health and Safety Management Plan, FDC, Rev C1 26/04/2024	CCTV cameras in building that are monitored by external company from 6 am to 6 pm. PMNSW has control room on ground floor of site office building and if any issues after hours then someone comes to respond. During times of public events in the area, additional security guards are employed to ensure site safety is maintained. PPE is required for personnel to access the works area. FDC have a WHS Management Plan and a Hazardous Materials Management Plan. The WHS Management Plan and Policy are provided in the lunch room for staff to read and as part of the Induction package.	Compliant

Tree Protection						
C22.			No street tree is to be trimmed or removed unless prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property.	Site interviews Arboricultural Assessment, issued by Martin Peacock Tree Care, dated 2 December 2024 FFMP, FDC, Rev A, dated 26/04/2024	No trees have been removed during the second audit period. The audit notes that the Arborist was engaged to provide an assessment and pruning of four trees in total. Two hibiscus and two cabbage palms. The cabbage palms and a hibiscus were the subject of the 4/09/2024 report. A hibiscus was the subject of the 2/12/2024 report. Although reports were repaired for tree pruning, no pruning has been undertaken with the task handed over to PMNSW.	Not triggered
C23.			All street trees must be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council.	Site interviews	No trees were damaged or removed during construction due to an emergency during the second audit period.	Not triggered
Erosion and Sediment Control						
C24.			All erosion and sediment control measures must 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 have been stabilised and rehabilitated so that it no longer acts as a source of sediment. Erosion and sediment control techniques, as a minimum, are to be in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th edition, Landcom, 2004) commonly referred to as the 'Blue Book'	Site inspection Site interviews	During the second audit period there has only been a requirement to maintain geofabric over two stormwater pits - one at site entrance and one at the loading dock. Geofabric has been replaced and maintained under the grate of the stormwater pits to prevent damage by vehicle movements. Refer to site photographs Photo 31	Compliant
Cut and Fill						
C25.			While building work is being carried out, the Certifier must be satisfied all soil removed from or imported to the Site is managed in accordance with the following requirements:		There was no soil material received or disposed offsite during the second audit period.	Not triggered
	a)		all excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and	Site interviews Waste Classification Assessment, PRA project Reference J02337 WC01 V1, 6/06/2024	Property Risk Australia (PRA) prepared a waste classification for Stair 3 footing excavation, eastern extent, where an unexpected asbestos containing pipe was identified and confirmed. A waste classification for ~3.2 cubic metres of stockpiled ex-situ soil material was undertaken by PRA. CoPCs included asbestos and an analytical suite associated with former gas works. Bonded asbestos was identified. Chemical characterisation of the soil showed it meets the limits for General Solid Waste. The Waste Classification identifies the waste as Special Waste (Asbestos) mixed with General Solid Waste SCC1/TCLP1 (non-putrescible).	
	b)		the classification and the volume of material removed must be reported to the Certifier.	Aconex transmittal FDC and Certifier, dated 20/08/2024	Aconex transmittal, 20/08/2024, regarding compliance requirements for any material that leaves site and any fill that arrives at site. The auditor notes that FDC followed the process required for excavated material in sub-part (a) for the fill discovered under the slab during the demolition of Stair 3. However, this subpart of the condition requires the waste classification and volume of excavated material removed from site must be reported to the Certifier	
C26.			All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the EPA.		Not applicable for second audit period.	Not triggered
Stockpiles						
C27.			All stockpiles of soil or other materials must:			Compliant
	a)		not be placed on footpaths or nature strips unless prior approval has been obtained from Council	Site inspection	The auditor noted that there were no stockpiles of soil on-site at the time of the site audit. Construction material stockpiles were neatly placed in area cordoned off and away from drainage lines, gutters, stormwater pits and inlets. No material stockpiles were dust or odour generating. All waste material was contained in skips or covered bins. Refer to site photographs Photos 6, 13, 23 and 29	
	b)		be placed away from drainage lines, gutters or stormwater pits or inlets.	Site inspection	As above	
	c)		be covered if likely to generate dust or odours	Site inspection	As above	
	d)		if contaminated, be stored in a secure area and be covered if remaining for more than 24 hours.	Site inspection	As above	
Covering of Loads						
C28.			All vehicles involved in the excavation and / or demolition process and departing from the site with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.	Site inspection Site interviews Vehicle waste register, FDC Photographs of trucks leaving site with load covered	The auditor noted that the vehicle waste register contains the date, registration number, time in/out, company, type of truck, and whether the load is covered. This is completed by the staff at the access gate. The auditor sighted photographs of trucks leaving site with loads covered.	Compliant
Vehicle Cleansing						
C29.			Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.	Site inspection Site interviews	At the time of the audit 2 site inspection there were no exposed surfaces and all works are contained within The Cutaway (site) / undercover. Implementation of daily wet scrubber floor cleaning, to prevent any dust leaving site attached to vehicle tyres. The wet cleaner is moved between floors by the materials hoist. The wet scrubber is used daily where possible on all three levels, during construction hours through the week and on weekend. The dry scrubber is no longer used as it kicks to much dust into the air. The auditor did not observe any material tracked on to public roads. At the time of the site inspection, Base Build, who maintain the driveway access, were wetting and scrubbing the driveway. The loading dock is scrubbed every hour. A dry brush is undertaken mid-morning each day. Geotextile lines the stormwater pits at each entrance. Refer to photograph Photo 31.	compliant
Disposal of Seepage and Stormwater						

C30.			Any seepage or rainwater collected on-site during construction or groundwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by the EPA in accordance with the Protection of the Environment Operations Act 1997. Options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.	Site interviews	Existing dewatering system - sub-surface groundwater drainage system. Cushmon Wayfield building manager controls the seepage and performs the testing. FDC request reports - testing occurred two weeks ago and FDC will receive a report to ensure no contamination occurring from construction activities. The report should be available for the next audit.	Not triggered
C31.			Adequate provisions must be made to collect and discharge stormwater drainage during construction of the development. Prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.	Site interviews		Not triggered
C32.			A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of section 138 of the Roads Act 1993.	Site interviews		Not triggered
Construction Traffic				Site inspection		
C33.			All construction vehicles are to be contained wholly within the Site, except if located in an approved on-street work zone, and vehicles must enter the Site before stopping.	Site interviews Construction Pedestrian and Traffic Management Plan (CPTMP), Rev 1, TTW (NSW) Pty Ltd, dated 16 April 2024 Minutes of The Cutaway Subcontractor's Meeting No. 007, FDC, dated 20/06/2024	All construction vehicles were contained wholly within the site. There are no approved work zones in the CPTMP and are not anticipated for the Project. Construction vehicles make a booking via the Project SIMPEL software. The traffic controller on the access maintains a no booking, no access policy. Booked construction traffic can enter the site and use the turnaround areas provided. Refer to site photograph Photos 14 and 23. Contractor parking is used in the Wilsons Carpark with contractors paying to park.	Compliant
C34.			All loading and unloading associated with the works must be accommodated on-site, unless in accordance with a Work Zone Permit (see Condition B42).	Mobile hoisting approval, CoS, Licence CP/2024/1429, dated 15 November 2024 Mobile hoisting approval, CoS, Licence CP/2024/1520, dated 5 December 2024	Mobile hoisting licences, 1429 and 1520, were approved by CoS for partial road / lane closures. Approval is given in accordance with Section 68 (E(1)) of the Local Government Act 1993 and Section 108 of The Crown Lands Act 1989. Licence 1429 was for a telehandler and 1520 for mobile crane. The Telehandler and Mobile Crane were used to load / unload demolition equipment / building materials for skylight	Compliant
Road Occupancy Licence						
C35.			A Road Occupancy Licence must be obtained from the relevant transport authority for any works that impact on traffic flows during construction activities.	Site interviews Road / Footway Opening Permit, CoS, 11/04/2024	As of the second audit, the permit (11/04/2024) is still current.	Compliant
No Obstruction of Public Way						
C36.			The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement may result in the issue of a notice by the Planning Secretary to stop all work on site.	Site inspection Site interviews	The Auditor did not observe any obstructions to the public way by any materials, vehicles, waste skips etc. All works are contained wholly within the site. Refer to site photographs Photos 6, 13, 23 and 29.	Compliant
Damage to the Public Way						
C37.			Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must be made safe and functional by the Applicant to the satisfaction of the public authority responsible for the public way.	Site inspection Site interviews	There has been no damage to the public way reported during the second audit period. 360 Photos of the site were taken prior to works commencing that indicate the damage of a complaint was there prior to works commencing.	Not triggered
Protection of Public Infrastructure						
C38.			Unless the Applicant and the applicable authority agree otherwise, the Applicant must:	Site interviews Pre-construction Dilapidation Reports	Pre-construction dilapidation report. No reported damage to public infrastructure within the second audit period. Post-dilapidation report will be following construction.	Not triggered
	a)		repair, or pay the full costs associated with repairing any public infrastructure that is damaged by the carrying out of 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.			
Uncovering Relics or Aboriginal Objects						
C39.			All works in the immediate area must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The Applicant must notify the Heritage Council of NSW and PMNSW in respect of a relic and notify the Planning Secretary, PMNSW and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Planning Secretary.		No unexpected finds.	Not triggered
C40.			In this condition: "relic" means any deposit, artefact, object or material evidence that:		No unexpected finds.	Not triggered
	a)		relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement; and			
	b)		is of State or local heritage significance; and			
C41.			"Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.		Noted	Not triggered
Notification - New Contamination Evidence						
C42.			The Planning Secretary must be notified of any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination.	Aconex transmittals between FDC, INSW and Ernst and Young, dated May and June 2024 C42 and C44 Post Approval Submission Receipt, dated 6/6/2024	Contractors identified an existing conduit in the process of demolition and excavation of stair 3 footings that appeared to be asbestos containing material. This triggered the Unexpected Finds Protocol for Asbestos, and all work ceased. Testing confirmed bonded asbestos material. The area was cordoned off according to NSW SafeWork guidelines. FDC engaged PRA to prepare a Removal Control Plan. Planning were notified of the unexpected asbestos find on the 6/6/2024 through the post approval portal. No new unexpected contamination finds during the second audit period following completion of demolition during Audit 1 period.	Not triggered
Asbestos and Hazardous Waste Removal						

C43.			<p>The Applicant must ensure that any asbestos or hazardous waste encountered on site is monitored, handled, transported and disposed of by appropriately qualified and licensed contractors in accordance with the requirements of SafeWork NSW and relevant guidelines, including:</p>	<p>Waste Classification Assessment, PRA project Reference J02337 WC01 V1, 6/06/2024</p> <p>Asbestos (licensed removal) SWMS, Zoric Group Pty Ltd 14 June 2024</p> <p>NSW SafeWork Notice of Intent to Remove Non-friable Asbestos, expiry 21/11/2026</p> <p>NSW SafeWork Asbestos Removal Control Plan (ARCP) for Class B (Non-friable) Removal Work, Zoric Group Pty Ltd, 13/06/2024</p> <p>EnviroX Consulting, Asbestos Clearance Inspection Report, 27/06/2024</p> <p>EnviroX Consulting, Asbestos Clearance Inspection Report, 24/06/2024</p>	<p>Property Risk Australia (PRA) prepared a waste classification for Stair 3 footing excavation, eastern extent, where an unexpected asbestos containing pipe was identified and confirmed. A waste classification for ~3.2 cubic metres of stockpiled ex-situ soil material was undertaken by PRA. CoPCs included asbestos and an analytical suite associated with former gas works. Bonded asbestos was identified. Chemical characterisation of the soil showed it meets the limits for General Solid Waste. The Waste Classification identifies the waste as Special Waste (Asbestos) mixed with General Solid Waste SCC1/TCLP1 (non-putrescible).</p> <p>EnviroX Consulting are licenced asbestos assessors and provided two asbestos clearance inspection reports, prepared for Zoric Group, which both contained the lab certificates and results of air monitoring during the removal. The report on 24/06/2024 was clearing:</p> <p>1. Site interior, northern extent, adjacent rock wall, top of soil to former asbestos cement sheeting pipe; and</p> <p>2. Transit route.</p> <p>Report on 27/06/2024 was clearing:</p> <p>1. Site interior, northern extent, adjacent rock wall, excavated section of concrete, top of surfaces only to former asbestos containing soil;</p> <p>2. Site interior, northern extent, adjacent rock wall, excavator Kubota U35-4, top of bucket to former asbestos containing soil;</p> <p>3. Transit route.</p> <p>Asbestos air monitoring undertaken during both reporting periods of the removal works showed concentrations of</p> <p>The audit found that there were no unexpected finds of contamination and no requirement for removal of contaminated / hazardous waste during the second audit period.</p>	Not triggered
a)		Work Health and Safety Regulation 2017;	As above	<p>NSW SafeWork Asbestos Removal Licence is held by Zoric Group Pty Ltd, expiry 21/11/2025 with work notified to commence 19/06/2024 and finish 28/06/2024. Mitigation measures for removal include Fencing, Barriers, Signage, Water, PVA, 200 µm plastic, Class H asbestos vacuum cleaners.</p> <p>No requirement for use of licence during the Audit 2 period.</p>		
b)		SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace September 2016;	As above	<p>Mitigation measures for removal include Fencing, Barriers, Signage, Water, PVA, 200 µm plastic, Class H asbestos vacuum cleaners, PPE. Photos of tape, fencing, signage provided in the Asbestos Removal Control Plan.</p> <p>No requirement for use of licence during the Audit 2 period.</p>		
c)		SafeWork NSW Code of Practice – How to Safely Remove Asbestos September 2016; and	As above	No requirement for use of licence during the Audit 2 period.		
d)		Protection of the Environment Operations (Waste) Regulation 2014.	Executive Demolitions Pty Ltd, Delivery Dockets Bingo Waste Industries, Asbestos contaminated material, multiple days in May and June 2024	<p>Bingo Eastern Creek proposed authorised asbestos waste disposal site as identified in the Asbestos Removal Control Plan.</p> <p>Audit 2 found that Bingo are no longer used as they were engaged by the demolition contractor. Demolition was completed in the Audit 1 period. There was no requirement to dispose of contaminated waste.</p>		
Contamination Evidence						
C44.			<p>The Applicant must implement the Unexpected Finds Protocol outlined within the CEMP required by Condition B55 for the duration of works. Should any new information come to light during demolition which has the potential to alter previous conclusions about site contamination, the Planning Secretary must be immediately notified and works must cease. Works must not recommence on the site until the Planning Secretary confirms works can recommence.</p>	<p>Aconex transmittals between FDC, INSW and Ernst and Young, dated May and June 2024</p> <p>C42 and C44 Post Approval Submission Receipt, dated 6/6/2024</p> <p>Letter correspondence from Planning Secretary, dated 12/09/2024</p>	<p>Planning were notified of the unexpected asbestos find on the 6/6/2024 through the post approval portal. The auditor notes that the Planning Secretary was notified immediately following the waste classification of the unexpected find, which was the end of May 2024. The waste classification report is dated the 6/6/2024.</p> <p>A letter from the Planning Secretary, dated 12/09/2024, identified the post approval submission and confirmed that works could recommence. No works had occurred prior to receipt of the letter from the Planning Secretary.</p> <p>Audit 2 found that there were no unexpected contamination finds and therefore, no requirement to implement the Unexpected Finds Procedure and stop works.</p>	Not triggered
Independent Environmental Audit						
C45.			Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements.		The audit is conducted and carried out in accordance with the IAPAR (DPIE, 2020)	Compliant
C46.			Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.	Site interviews Appointment of Experts approval letter from Planning Secretary, dated 29/11/2024	Approval of proposed auditors Natascha Arens (Lead Auditor) and Nicola Smith (Support Auditor) from the Planning Secretary was did not occur prior to the audit. Approval was received on 29 November 2024, which is valid for all construction audits.	Compliant
C47.			The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified above, upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.	Site interviews		Not triggered
C48.			In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must:			Non compliant
	a)		review and respond to each Independent Audit Report prepared under this consent;	Independent Audit 001 – Review and Response, FDC, 7 January 2025	The audit found that the Applicant's Response has been prepared.	
	b)		submit the response to the Planning Secretary; and		At the time of the second audit, the Applicant's Response had not been submitted to the Planning Secretary.	
	c)		make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.	Independent Environmental Audit 1 Report, NGH Pty Ltd, dated 2/12/2024 Independent Audit 001 – Review and Response, FDC, 7 January 2025	<p>The Independent Audit Report and Applicant's Response is available on the Project website under Strategies, plans and programs heading. The Applicant's Response is not available on the website.</p> <p>The IEA 1 Report was available on the Project website on 9/01/2025, which is within 60 days of the final audit report date, 2/12/2024.</p>	

C49.			Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.		The auditor notes that the first Independent Audit, nor the Applicant's Response, were not submitted to the Planning Secretary within 2 months of the date of the site audit, 16 July 2024.	Non compliant
C50.			Notwithstanding the requirements of the Independent Audit Post Approvals Requirements (2020), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.		The project is still within construction phase.	Not triggered
Part D - Prior to Occupation or Commencement of Use						
Resolution of Harbour Control Tower Void						
D1.			The design resolution of the void area, in the location of the former Harbour Control Tower (approved under Condition A30) must be implemented prior to the occupation or commencement of use.			Not triggered
Works-as-Executed Plans and any other Documentary Evidence						
D2.			Prior to the occupation or commencement of use, works-as-executed drawings signed by a registered surveyor demonstrating that the stormwater drainage and finished ground levels have been constructed as approved, must be submitted to the satisfaction of the Certifier.			Not triggered
Notification of Occupation						
D3.			The Department must be notified in writing at least one month prior to the proposed occupation of the development.			Not triggered
D4.			If the occupation or use of the development is to be staged, the Department must be notified in writing at least one month before the commencement of the occupation of each stage, of the date of commencement of the occupation of the relevant stage.			Not triggered
External Walls and Cladding Flammability						
D5.			Prior to the occupation or commencement of use, evidence must be submitted to the Certifier demonstrating all external walls of the new building, including cladding, comply with the relevant requirements of the NCC, consistent with the requirements of this consent.			Not triggered
D6.			The Applicant must provide a copy of the documentation to the Planning Secretary within seven days after the Certifier accepts it.			Not triggered
Heritage Interpretation						
D7.			Prior to the occupation or commencement of use, the Applicant must provide evidence to the Certifier that heritage interpretation has been implemented in accordance with Condition B33.			Not triggered
Operational Waste Management						
D8.			Prior to the occupation or commencement of use, PMNSW must prepare an Operational Waste Management Plan (OWMP) for the development in consultation with Council and endorsed by INSW. The OWMP must:			Not triggered
	a)		be prepared in consultation with Council			
	b)		confirm the location of waste collection and establish appropriate routes to the collection point			
	c)		provide confirmation of the engagement of a qualified private waste collection contractor			
	d)		detail the type and quantity of waste to be generated during operation of the development			
	e)		describe the handling, storage and disposal of all waste streams generated on site, consistent with the Protection of the Environment Operations Act 1997, Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guideline (EPA)			
	f)		detail the materials to be reused or recycled, either on or off site			
	g)		include the Management and Mitigation Measures included in the EIS.			
Waste Storage Area						
D9.			Prior to the occupation or commencement of use, evidence that waste storage areas associated with the development have been constructed in accordance with the detailed plans and specifications outlined in Condition B26 must be submitted to and approved by the Certifier.			Not triggered
Survey Infrastructure - Restoration						
D10.			Prior to the occupation or commencement of use, documentary evidence of restoration must be prepared by a Registered Surveyor and submitted to and approved by the Surveyor-General. This evidence must include:			Not triggered
	a)		Certification that all requirements requested under the Surveyor-General's Approval for Survey Mark Removal or by the City's Principal Surveyor under condition "Survey Infrastructure – Identification and Recovery" have been complied with;			
	b)		Certification that all requirements requested under any Surveyor-General's Approval for Deferment of Survey Marks from condition "Survey Infrastructure – Pre Subdivision Certificate works" have been complied with and;			
	c)		Time-stamped photographic records of all new survey infrastructure relating to the site clearly showing the mark itself and sufficient context to aid in identifying the mark on site.			
Protection of Public Infrastructure						
D11.			Unless the Applicant and the applicable authority agree otherwise, the Applicant must:			Not triggered
	a)		repair/reconstruct, or pay the full costs associated with repairing/reconstructing, any public infrastructure that is damaged by carrying out the development;			
	b)		relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.			
	c)		infrastructure includes, but is not limited to, ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area.			
Mechanical Ventilation						
D12.			Prior to occupation or commencement of use, the Applicant must provide evidence to the satisfaction of the Certifier that the installation and performance of the mechanical ventilation systems complies with:			Not triggered
	a)		any conditions of this consent			
	b)		the NCC			
	c)		any applicable Australian Standards			
	d)		any dispensation granted by Fire and Rescue NSW.			
Post-Construction Dilapidation Report						
D13.			Prior to the occupation or commencement of use, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Certifier, detailing whether:			

	a)		after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings, infrastructure or roads; and			Not triggered
	b)		where there has been structural damage to any adjoining buildings, infrastructure or roads, that it is a result of the building work approved under this development consent; and			
	c)		relevant authorities have confirmed that there is no adverse structural damage to their infrastructure and roads.			
D14.			Prior to the occupation or commencement of use, the Certifier is to provide a copy of the post-construction dilapidation report to the consent authority and to the relevant adjoining property owner(s).			Not triggered
Road Damage						
D15.			Prior to the occupation or commencement of the use, 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 paid in full by the Applicant.			Not triggered
Fire Safety Certification						
D16.			Prior to the occupation or commencement of use, a Fire Safety Certificate must be obtained for all the relevant Essential Fire or Other Safety Measures forming part of the development. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Certifier and be prominently displayed in the building.			Not triggered
Structural Inspection Certificate						
D17.			Prior to the occupation or commencement of use, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings must be submitted to the Planning Secretary after:			Not triggered
	a)		the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and			
	b)		the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.			
Outdoor Lighting						
D18.			Prior to the occupation or commencement of use, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:			Not triggered
	a)		complies with the latest version of AS 4282-2019 - Control of the obtrusive effects of outdoor lighting (Standards Australia, 1997); and			
	b)		has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.			
Sydney Water Compliance						
D19.			Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier a Section 73 Compliance Certificate under the Sydney Water Act 1994, obtained from Sydney Water Corporation.			Not triggered
Utility Providers						
D20.			Prior to the occupation or commencement of use, the Applicant must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority.			Not triggered
D21.			Prior to the occupation or commencement of use, the Certifier must receive written confirmation from the relevant authority that the relevant services have been completed.			Not triggered
Environmental Performance						
D22.			Prior to the occupation or commencement of use, the Applicant is to provide documentation to the Certifier demonstrating the development has incorporated, and would operate in accordance with, the environmental sustainability objectives, measures and initiatives required under this consent.			Not triggered
Acoustic Verification Report						
D23.			Prior to the occupation or commencement of use, the Applicant must submit a written Acoustic Verification Report, prepared by a Suitably Qualified Acoustic Consultant, to the satisfaction of the Certifier that the noise mitigation recommendations in the report titled 'Barangaroo – Cutaway Cultural Facility Noise and Vibration Impact Assessment' prepared by ARUP and dated 26 January 2023 (as amended by conditions of this consent) have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels. All physical aspects of the building's structure installed to meet the performance parameters must be maintained at all times			Not triggered
Operational Noise Management Plan						
D24.			Prior to the occupation or commencement of use, an Operational Noise Management Plan (ONMP) must be prepared in consultation with Council and approved by the Planning Secretary which includes, but is not limited to:			Not triggered
	a)		Details of how the operational noise management measures recommended in the report titled 'Barangaroo – Cutaway Cultural Facility Noise and Vibration Impact Assessment' prepared by ARUP and dated 26 January 2023 (as amended by conditions of this consent) have been incorporated into the design			
	b)		Compliance with all other operational conditions of this consent, hours of operation, noise and security management			
	c)		Mitigation measures to manage operational noise impacts, including from events, bump in and out activities, use of the loading dock, and patrons entering and exiting the venue			
	d)		Provide a definitive list of streets for which residents and businesses whom occupy the adjacent land will be notified prior to any Major Event, New Years Event or Single Day Medium Event			
	e)		A community notification and complaints handling procedure.			
Transport Access Guide						

D25.			The Applicant must prepare a Transport Access Guide in consultation with TfNSW, implemented and maintained by the operators of the premises and be made available to staff, guests, clients, customers and visitors at all times. The following information must be submitted to the Certifier prior to the occupation or commencement of use: The Transport Access Guide is to include (but not be limited to) the following:			Not triggered
	a)		information regarding lack of off-street car parking and passenger pick-up and set down areas at the development site;			
	b)		suitable nearby drop-off/pick-up locations;			
	c)		identify areas where drop-off/pick-up is prohibited and instruct visitors to avoid use of these areas; and			
	d)		suitable nearby Taxi Zones.			
Landscape Practical Completion Report						
D26.			Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier a Landscape Practical Completion Report prepared by the consultant responsible for the landscape design plan. The Report is to verify that all landscape works have been carried out generally in accordance with the comprehensive landscape design plan and specifications that were required under Condition B65 and is to verify that an effective maintenance program has been commenced			Not triggered
Loading and Servicing Management Plan						
D27.			Prior to the occupation or commencement of use, the Applicant must submit to the satisfaction of the Certifier, a Loading and Servicing Management Plan prepared by a suitably qualified professional in consultation with TfNSW and PMNSW. The Plan needs to specify, but not be limited to, the following:			Not triggered
	a)		details of the development's loading and servicing profile, including the forecast loading and servicing traffic volumes by vehicle size, frequency, time of day and duration of stay;			
	b)		details of measures to manage any potential traffic and safety impacts of the loading dock operation; and			
	c)		details of how vehicles larger than a 6.4m SRV delivering to the site must be managed.			
			The Loading and Servicing Management must be implemented by the Applicant following the issue of the Occupation Certificate.			
Events and Operations Management Plan						
D28.			Prior to the occupation or commencement of use, the draft Operational Management Plan must be updated by PMNSW in consultation with INSW and Council and approved by the Planning Secretary. The final Events and Operational Management Plan (EOMP) must include, but not be limited to:			Not triggered
	a)		patron capacity and operational hours			
	b)		public access			
	c)		special events including bump in/bump out procedures and management			
	d)		event management including a description of the events to be held at the site, relevant patron capacities for each event, programming, activation principles and event layouts of internal spaces			
	e)		a clear strategy to coordinate community access and use of the forecourt with events within the Cutaway			
	f)		strategies for encouraging First Nations access and use of the site through the programming of the site			
	g)		strategies for providing First Nations employment opportunities (both direct and indirect)			
	h)		noise management including noise limits, noise monitoring, community consultation and complaints handling procedure			
	i)		security management including general security measures and event security			
	j)		emergency management and incident response			
	k)		management of food and alcohol			
	l)		work health and safety practices and considerations			
	m)		waste management including waste storage and event waste management			
	n)		transport and parking management, including for events			
	o)		sustainability, including a ventilation strategy to support mixed-mode ventilation			
	p)		stakeholder and community engagement procedure.			
Landscape Management Plan						
D29.			Prior to the occupation or commencement of use, the Applicant must prepare a Landscape Maintenance Plan in consultation with PMNSW and to the satisfaction of the Certifier.			Not triggered
Additional Requirements on Plans - Sinks and Hand Wash Basins						
D30.			Prior to the commencement of operation, amended scale plans confirming the position of all sinks and hand wash basins within the food premises must be submitted to and approved by Council's Health and Building Unit. The location and accessibility of sinks and hand wash basins must comply with the requirements of AS4674 Design, Construction and Fit-out of Food Premises and Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment			Not triggered
Toilets for Food Handlers						
D31.			Prior to the commencement of operation, details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted to and approved by the Certifier. The Certifier must confirm that:			Not triggered
	a)		toilets and associated facilities are provided in accordance with AS4674 – Design, Construction and Fit-out of Food Premises and the Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment.			
	b)		the toilet(s) are provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.			
Food premises - Detailed Plans						
D32.			Prior to the commencement of operation, detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment under the Food Act 2003 and AS 4674 - Design, Construction and Fit-out of Food Premises and approved by the Certifier.			Not triggered
Part E - Occupation and Ongoing Use						
Patron Capacity						

E1.			The maximum number of persons (including staff, patrons and performers) permitted in the Cutaway premises at any one time is 2,995 persons. The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.			Not triggered
E2.			A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Certifier prior to issue of a Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate			Not triggered
			Note: Clause 73 of the Environmental Planning and Assessment Regulation 2021 requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:			
	a)		entertainment venue,			
	b)		function centre,			
	c)		pub,			
	d)		registered club,			
	e)		restaurant.			
Hours of Operation						
E3.			24-hour operation is allowed for overnight cleaning, kitchen operation and security. Noise impacts during 24-hour operations must comply with the Project Noise Trigger Levels based on the Noise Policy for Industry outlined in the Noise and Vibration Impact Assessment prepared by Arup and dated 26 January 2023.			Not triggered
E4.			Events are permitted to operate for the following hours and in accordance with the noise criteria specified in Condition E5 to Condition E9:			Not triggered
	a)		General events: 8am to 6pm, any day of the week			
	b)		5-hour Medium Scale Event: 10am to 11pm, up to a maximum of 15 times per year			
	c)		Single Day Medium Event: 10am to 10pm, up to a maximum of 6 times per year			
	d)		Major Events: 7am to 11pm, up to a maximum of 4 times per year			
	e)		New Years Events: 10am to 2am, once per year.			
General Events (Category 3)						
E5.			General events must operate in accordance with the following conditions:			Not triggered
	a)		General events must occur between 8am and 6pm, any day of the week.			
	b)		The cumulative, broadband LAeq, 10 minute noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the project noise trigger levels outlined in the Noise and Vibration Impact Assessment prepared by Arup and dated 26 January 2023 between the hours of 8am and 6pm when assessed at the boundary of any noise sensitive receivers identified in this report.			
5-Hour Duration Medium Scale Events (Category 4)						
E6.			5-Hour Duration Medium Scale Events must operate in accordance with the following conditions:			Not triggered
	a)		5-Hour Duration Medium Scale Events must operate between 10am and 11pm, any day of the week, with a maximum of 5 hours overall event duration.			
	b)		There must be no more than 15 5-Hour Duration Medium Scale Events per calendar year.			
	c)		The cumulative, broadband LAeq, 10 minute noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:			
	i)		55 dB(A) during the hours of 10am to 10pm on any day. As a guideline to resolving low frequency noise issues, the LCeq, 10 minute must not exceed 65 dB(C) during these times.			
	ii)		50 dB(A) between the hours of 10pm and 11pm. As a guideline to resolving low frequency noise issues, the LCeq, 10 minute must not exceed 60 dB(C) during these times.			
Single Day Medium Scale Events (Category 2)						
E7.			Single Day Medium Scale Events must operate in accordance with the following conditions:			Not triggered
	a)		Single Day Medium Scale Events must operate between 10am and 10pm, any day of the week.			
	b)		There must be no more than 6 Single Day Medium Scale Events per calendar year.			
	c)		The cumulative, broadband LAeq, 10 minute noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:			
	i)		55 dB(A) during the hours of 10am to 10pm on any day. As a guideline to resolving low frequency noise issues, the LCeq, 10 minute must not exceed 65 dB(C) during these times.			
	ii)		Amplified noise, music and other entertainment noise (excluding patron noise) is to be inaudible outside the above hours at all times.			
Major Event (Category 1)						
E8.			Major Events must operate in accordance with the following conditions:			Not triggered
	a)		Major Events must operate between 7am and 11pm, any day of the week.			
	b)		There must be no more than 4 Major Events per calendar year.			
	c)		The cumulative, broadband LAeq, 10 minute noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:			
	i)		65 dB(A) during the hours of 10am to 10pm on any day. As a guideline to resolving low frequency noise issues, the LCeq, 10 minute must not exceed 75 dB(C) during these times.			
	ii)		55 dB(A) during the hours of 7am to 10am and 10pm to 11pm. As a guideline to resolving low frequency noise issues, the LCeq, 10 minute must not exceed 65 dB(C) during these times.			
	iii)		Amplified noise, music and other entertainment noise (excluding patron noise) is to be inaudible outside the above hours at all times.			
New Years Events (Category 1)						
E9.			New Years Events must operate in accordance with the following conditions:			

	a)		New Years Events must operate between 7am to midnight, on the last day of the year, and midnight to 2am on the first day of the year.			Not triggered
	b)		There must be no more than one New Years Event per calendar year.			
	c)		The cumulative, broadband LAeq, 10 minute noise level emitted from entertainment, patrons and amplified noise associated with the use must not exceed the following at the boundary of any noise sensitive commercial premise or residential premise:			
	i)		65 dB(A) during the hours of 10am and midnight on New Years Eve. As a guideline to resolving low frequency noise issues, the LCeq, 10 minute must not exceed 75 dB(C) during these times.			
	ii)		55 dB(A) during the hours of midnight and 2am on new Years Day. As a guideline to resolving low frequency noise issues, the LCeq, 10 minute must not exceed 65 dB(C) during these times.			
	iii)		Amplified noise, music and other entertainment noise (excluding patron noise) is to be inaudible outside the above hours at all times.			
Loading Dock / Bump in and out Activities						
E10.			Heavy and medium vehicle movements associated with the loading dock must only be undertaken between 7am and 10pm.			Not triggered
E11.			Deliveries are restricted to between 7am and 10pm.			Not triggered
E12.			Notwithstanding Condition E10 and Condition E11, time critical bump in and bump out activities may be undertaken for events up to a maximum of four times per calendar year between 10pm and 7am. All work associated with bump in and bump out activities must comply with the noise limits prescribed by the City of Sydney Code of Practice for Construction Hours/Noise 1992 and methodologies and be in accordance with the Australian Standard 2436 – 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites. This noise criteria is applicable at any residential or commercial premise			Not triggered
All Events to be planned and approved by PMNSW, a Register of Details kept and Notifications are to occur.						
E13.			All event operations held at the Cutaway premise must be planned and organised and operated in consultation with and to the satisfaction of PMNSW.			Not triggered
E14.			Prior to, during the occurrence of, and after any event being held at the Cutaway, PMNSW must ensure the following is carried out:			Not triggered
	a)		An accurate and documented hard copy record of events are kept and available for review by any person during normal business hours at the PMNSW offices. The record is to include the following at a minimum:			
	i)		The Event type (i.e. general event, major event, medium event)			
	ii)		The details of the organisation or individual who held the event, including a contact person			
	iii)		The date the event is/was scheduled and held			
	iv)		An overview of the activities the planned event will encapsulate.			
	b)		In addition to the above, PMNSW is to establish and maintain the following on its website:			
	i)		An overview of planned events to be held in the next three calendar months. Planned Major Events, New Years Events and Single Day Medium Events are to be marked with an asterisk (*) referencing potential audible noise off-site and referring the reader to the events hotline.			
	ii)		An overview of planned events held in the calendar year to date.			
PMNSW to Establish Record of Complaints						
E15.			PMNSW is to establish a written record of complaints which is to be kept for the duration of this consent. The following details of all complaints received in relation to the operation of or bump-in and bump-out of any event are to be kept:			Not triggered
	i)		The complainants name, address and a return phone number (where provided),			
	ii)		The nature of the complaint e.g. music, noise, noise from patrons, noise from setup, crowds of people blocking the road etc			
	iii)		The results of an investigation conducted into the complaint, inclusive of whom actioned the			
	iv)		An overview of any information conveyed to the complainant in discussion following an investigation into their complaint.			
Complaints Handling						
E16.			The Applicant must operate a noise complaint handling procedure for the operation of the site in accordance with the approved Operational Noise Management Plan (Condition D24). The Applicant must provide a bi-annual (six monthly) register of complaints received by the public to the Department. The register shall detail the date the complaint was received and the actions taken to address the source of the complaint. Should a noise complaint be received by PMNSW and/or the Department that is substantiated, the use of the site for events must cease until the noise emissions from the use can comply with the noise criteria outlined in this consent.			Not triggered
E17.			Prior to any planned Major Events or New Years Events, the Applicant must notify and consult with neighbouring noise sensitive receivers in accordance with Condition D24.			Not triggered
E18.			The Applicant is responsible for investigating and reacting to any complaints made during events.			Not triggered
Noise Monitoring and Reporting						
E19.			Prior to any Major Event, New Years Event or Single Day Medium Scale Event being held with an amplified noise aspect (excluding public announcement systems used for crowd announcements), the Applicant must appoint a Suitably Qualified Acoustic Consultant. The Acoustic Consultant must:			
	a)		Review and familiarise themselves with:			
	i)		the ‘Barangaroo – Cutaway Cultural Facility Noise and Vibration Impact Assessment’ prepared by ARUP and dated 26 January 2023			
	ii)		the Operational Noise Management Plan prepared in accordance with Condition D24			
	iii)		the proposed event and surrounding environment.			
	b)		Provide advice as to the setup of the proposed event for the purpose of minimising noise impact			
	c)		Undertake appropriate attended noise monitoring on the day of the event and verify that the noise emanating from the event, at the nearest residential boundary, does not exceed the noise criteria established in this consent.			

	d)		If necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria established in this consent			Not triggered
	e)		Additionally, the Suitably Qualified Acoustic Consultant, the site operator and the proprietor of the planned event must:			
	i)		Ensure that the planned event complies with the noise criteria			
	ii)		The site operator and the proprietor of the planned event must follow all instructions given by the Suitably Qualified Acoustic Consultant in relation to noise control			
	iii)		Adequately staff the event to ensure compliance with (i) and (ii) above			
	iv)		Respond to any complaints in accordance with the complaints handling procedure developed as part of Condition D24			
	v)		Report on the event to the site operator.			
	f)		Prepare an Acoustic Report detailing the results of acoustic monitoring during the event which must be submitted to PMNSW within 7 days after the event.			
	g)		If the Acoustic Consultant recommends that additional treatment or works be undertaken to satisfy part (d) above, those recommendations must be implemented to the Acoustic Consultant's satisfaction within one (1) month of the date of the Acoustic Consultant's report.			
			If the Acoustic Consultant's recommendations are not implemented in accordance with this condition, no Major Events, New Years Events or Single Day Medium Scale Events may occur until such time as the recommendations are implemented and verified.			
			N			
Noise - Commercial Plant / Industrial Development						
E20.			Noise from commercial plant must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA Noise Policy for Industry 2017 (NPfI). Further:			Not triggered
	a)		background noise monitoring must be carried out in accordance with the long-term methodology in Fact Sheet B of the NPfI			
	b)		commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.			
E21.			An LAeq,15 minute (noise level) emitted from the commercial plant associated with the development must not exceed the LA90, 15 minute (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:			Not triggered
	a)		the noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.			
	b)		background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premise.			
			Note: Corrections in Fact Sheet C of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.			
No Speakers or Music outside						
E22.			Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.			Not triggered
Noise from Glass Removal						
E23.			Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.			Not triggered
Implementation of Operational Management Plans						
E24.			The following operational management plans (and any updates to those plans) must be implemented and adhered to at all times by the Applicant following the occupation or commencement of use:			Not triggered
	a)		Operational Waste Management Plan (Condition D8)			
	b)		Operational Noise Management Plan (Condition D24)			
	c)		Green Travel Plan (Condition B34)			
	d)		Loading and Servicing Management Plan (Condition D27)			
	e)		Events and Operations Management Plan (Condition D28)			
	f)		Landscape Maintenance Plan (Condition D29).			
E25.			The use must always be operated and managed in accordance with the approved final Events and Operations Management Plan (Condition D28). In the event of any inconsistency, the conditions of this consent prevail over the Operational Management Plan.			Not triggered
Annual Fire Safety Statement						
E26.			During occupation and ongoing use of the building(s), the Applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.			Not triggered
Fire Safety Certification						
E27.			The development must operate in accordance with the Fire Safety Certificate obtained in accordance with Condition D16.			Not triggered
Maintenance of Wastewater and Stormwater Treatment Device						
E28.			During occupation and ongoing use of the building, the Applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).			Not triggered
Storage and Handling of Waste						
E29.			All waste management and waste collection services must be undertaken in accordance with this consent and the requirements of the Operational Waste Management Plan approved under Condition D8.			Not triggered
E30.			The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption to the surrounding area.			Not triggered
E31.			Prior to the occupation or commencement of use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. Waste is to be stored and collected from within the curtilage of the site at all times.			Not triggered

E32.			Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.			Not triggered
E33.			Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.			Not triggered
E34.			Waste must not be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.			Not triggered
E35.			Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days			Not triggered
E36.			Adequate provisions are to be made within the premises for the storage, collection and disposal of waste and recyclable materials, to the satisfaction of Council.			Not triggered
E37.			Trade/commercial waste materials must not be disposed via council's domestic garbage service. All trade/commercial waste materials must be collected by Council's Trade Waste Service or a waste contractor authorised by the Waste Service of New South Wales and details of the proposed waste collection and disposal service are to be submitted to the satisfaction of Council prior to commencing operation of the business.			Not triggered
Loading and Servicing Management						
E38.			All loading and unloading operations associated with the site must be carried out in accordance with the Loading and Servicing Management Plan approved under Condition D27, and:			Not triggered
	a)		within the confines of the site, at all times and must not obstruct other properties or the public way; and			
	b)		in a manner so as not to cause inconvenience to the public or detrimentally impact the amenity of the locality			
E39.			The service vehicle docks, car parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including waste storage.			Not triggered
Environmental Amenity and Environmental Health						
E40.			External lighting to the premises must be designed and located to minimise light-spill beyond the property boundary or cause a public nuisance. Notwithstanding this consent, should any outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.			Not triggered
E41.			The use and operation of the premises must not give rise to an environmental health or public nuisance.			Not triggered
E42.			There are to be no emissions or discharges from the premises which give rise to a public nuisance or result in an offence under the Protection of the Environment Operations Act 1997 and Regulations.			Not triggered
E43.			Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage must be in bold letters not less than 25mm in height on a contrasting background.			Not triggered
E44.			The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.			Not triggered
Operation of Plant and Equipment						
E45.			All plant and equipment used in the development, or used to monitor the performance of the development must be:			Not triggered
	a)		maintained in a proper and efficient condition; and			
	b)		operated in a proper and efficient manner.			
Community Communication Strategy						
E46.			The CCS, as approved by the Planning Secretary, must be implemented for a minimum of 12 months following the completion of construction.			Not triggered
Ecologically Sustainable Development						
E47.			Unless otherwise agreed by the Planning Secretary, within 18 months of commencement of operation, Green Star certification must be obtained demonstrating the development operating in accordance with this consent achieves the minimum ESD sustainability targets in accordance with Condition B18. Evidence of the certification must be provided to the Certifier and the Planning Secretary.			Not triggered
Green Travel Plan						
E48.			The Green Travel Plan and Transport Access Guide approved in accordance with Condition B34 and Condition D25 must be implemented following occupation of the development and must be displayed throughout the site. The plans are to be reviewed and updated annually.			Not triggered
External Lighting						
E49.			All outdoor lighting must operate in compliance with AS 1158.3.1-2005 Pedestrian Area (Category P) Lighting and AS 4282: 1997 Control of the Obtrusive Effectives of Outdoor Lighting.			Not triggered
Odour Requirements						
E50.			The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.			Not triggered
E51.			Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.			Not triggered
Treatment of Runoff						
E52.			Any run-off from, either from stormwater or irrigation systems, must be captured and treated on-site to ensure that chemical products are not discharged to the stormwater network.			Not triggered
Parking and Drop-off Review						
E53.			Parking (including accessible parking), drop-off and traffic needs of the development must be reviewed within 12 months and three years of occupation.			Not triggered
Public Way to be Unobstructed						
E54.			The public way must not be obstructed by any materials, vehicles, refuse, skips or the like under any circumstances.			Not triggered
Incidents - Recording and Notification						
E55.			The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.			Not triggered
Copies of Consent and Management Plans						

E56.			A full and current copy of all current development consents for the operation of the licensed premises, and the Operational Management Plan (Condition D28) must be kept on-site and made available to Police or Special Investigator upon request.			Not triggered
Surveillance Cameras						
E57.			CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:			Not triggered
	a)		principal entrance/s and exits;			Not triggered
	b)		all areas within the premise occupied by the public (excluding toilets);			Not triggered
	c)		staircases in multilevel premises; and			Not triggered
	d)		the area within a 10m radius external to the public entrance(s) to the premise.			Not triggered
E58.			Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".			Not triggered
E59.			All CCTV recording equipment and cameras must be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this NSW Government 36 The Cutaway Cultural Facility, Barangaroo Department of Planning and Environment (SSD 47498458) respect each surveillance camera must be capable of recording a minimum rate of 10 frames per second and at high resolution.			Not triggered
E60.			CCTV recording discs or hard drive recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the disc or hard drive. The CCTV recording equipment must be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of PMNSW or Police Officers either immediately or within 12 hours of the request being made. Stored digital copies of CCTV recordings must be handed to Council, Police Officer or Special Inspectors as required.			Not triggered
E61.			All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly. The Licensee must record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and PMNSW. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24 hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.			Not triggered
E62.			All CCTV recording devices and cameras must be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.			Not triggered
E63.			The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.			Not triggered
E64.			Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.			Not triggered
Ventilation - Minor Works						
E65.			The premises must be ventilated in accordance with the Building Code of Australia and AS1668.1-1998 and AS1668.2-1991.			Not triggered
General Site Requirements						
E66.			Access for emergency vehicles shall be provided to and within the site area at all times for the duration of the event, including bump in and bump out periods.			Not triggered

Appendix D Site photographs



Photo 1 - Project site notice.

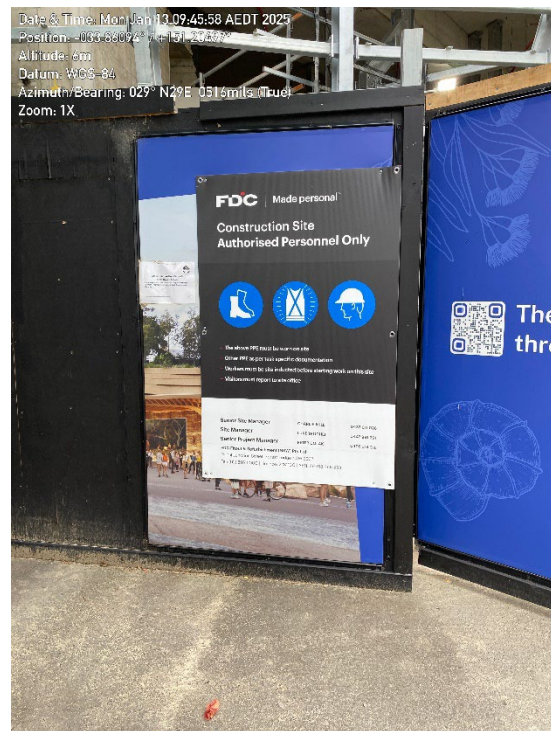


Photo 2 – Site notice at secondary egress points

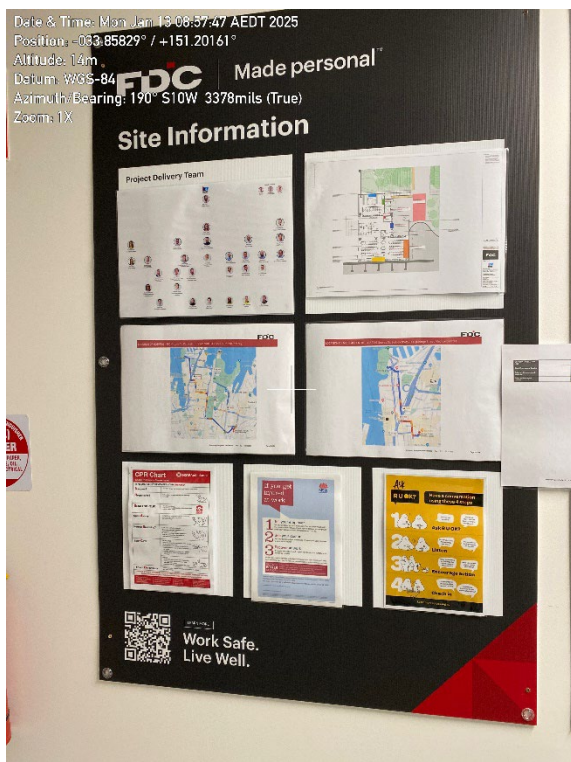


Photo 3 – CPTMP site access diagrams near lunchroom.

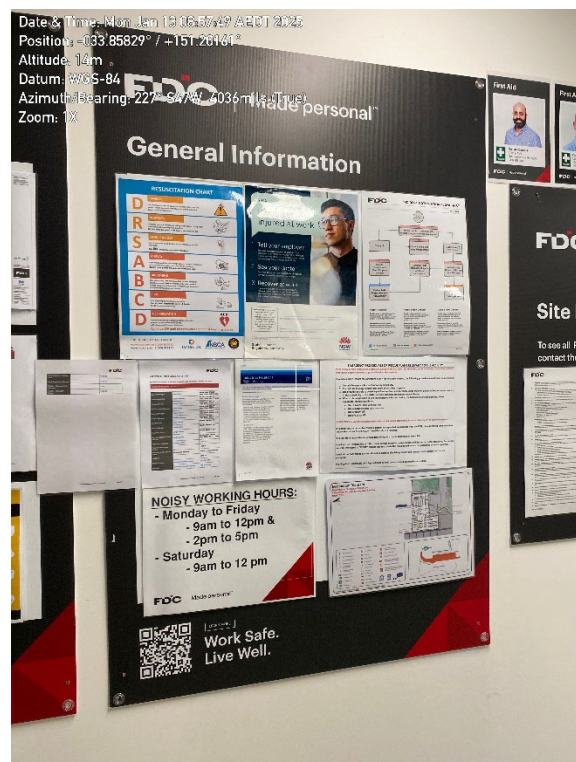


Photo 4 – Evacuation diagram and noisy working hours.



Photo 5 – Nurse call station with emergency contacts, CPTMP site access and fire extinguisher.

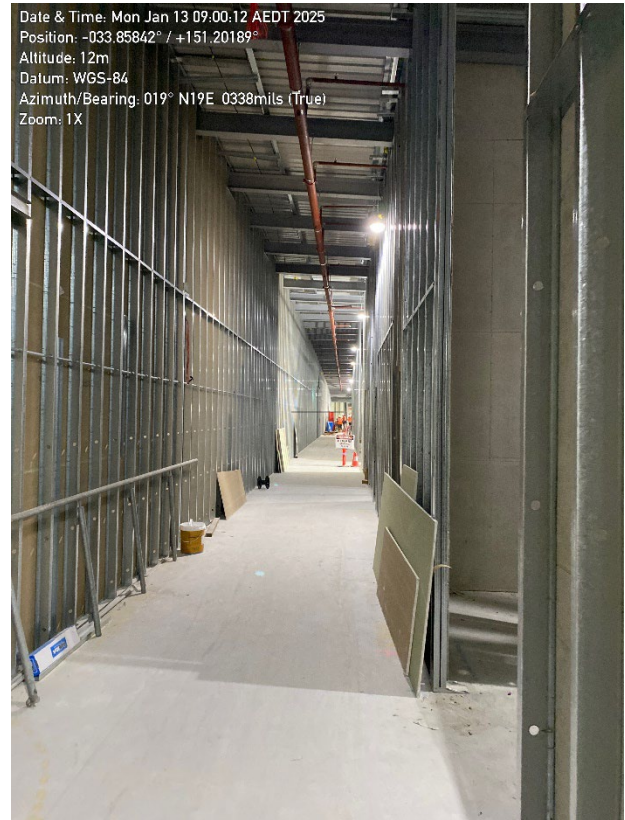


Photo 6 – Good housekeeping with a clear walkway maintained, minimal litter observed (occasional drink container).



Photo 7 – Scissor lift (GS3016D-3188) with logbook.

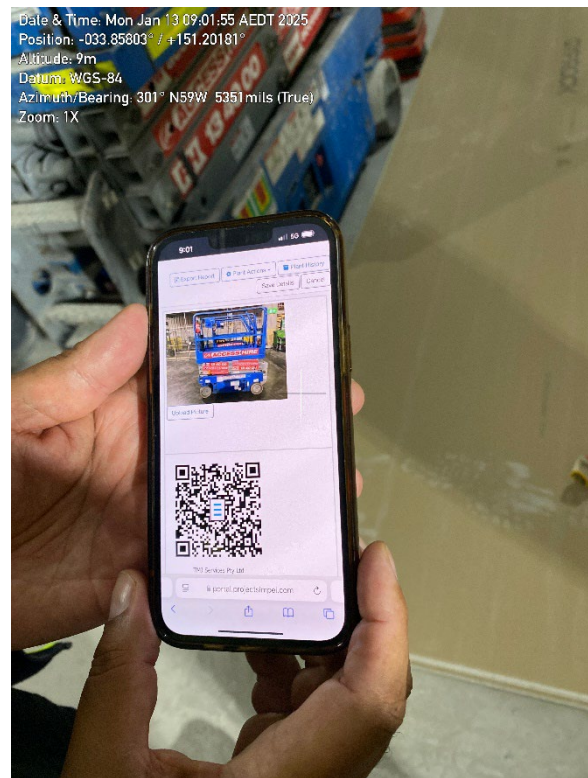


Photo 8 – A scan of the QR code on the plant takes user to the information on Project SIMPEL.

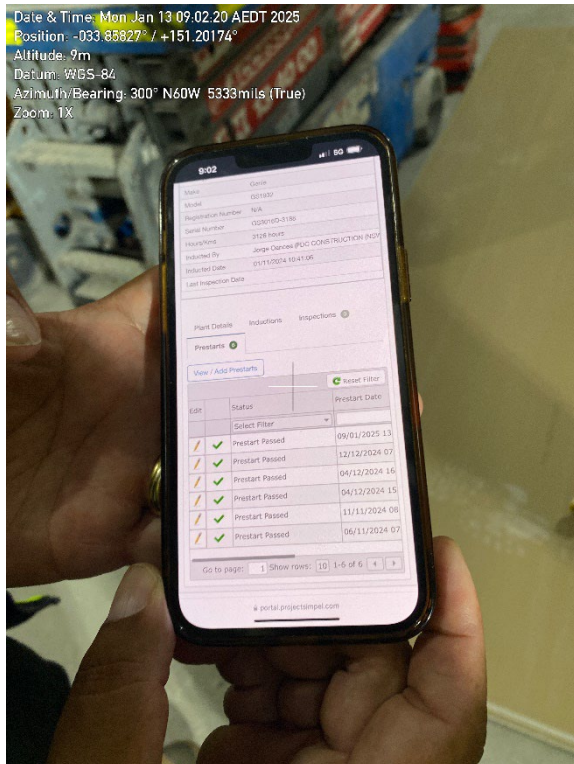


Photo 9 – Prestart information for scissor lift (GS3016D-3188) in Project SIMPEL.

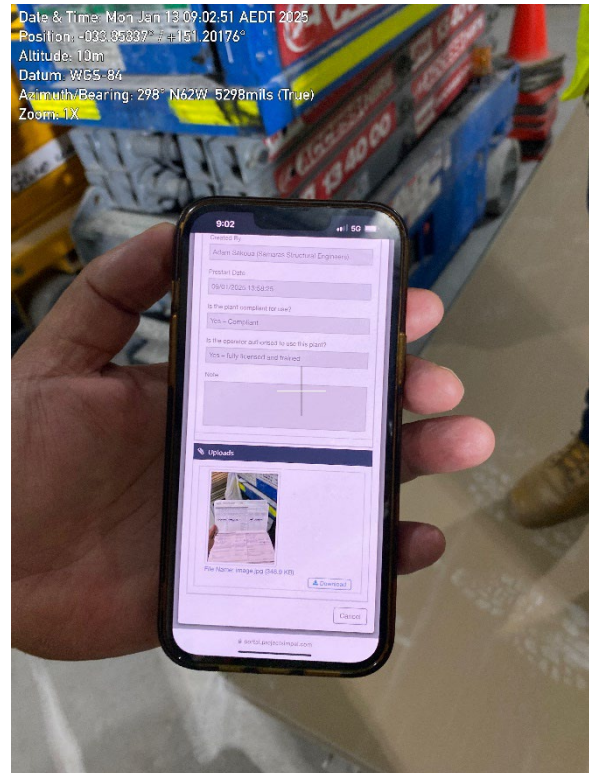


Photo 10 – Each prestart uploaded into Project SIMPEL with photo of signed logbook. Last use date 9/01/2025.



Photo 11 – Environmental policy by the lunchroom.

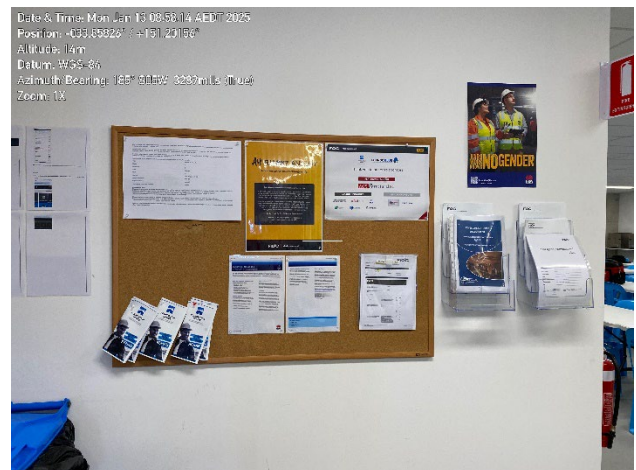


Photo 12 – Weekly Toolbox Talk attached to noticeboard and environmental management plans accessible on wall of lunchroom .

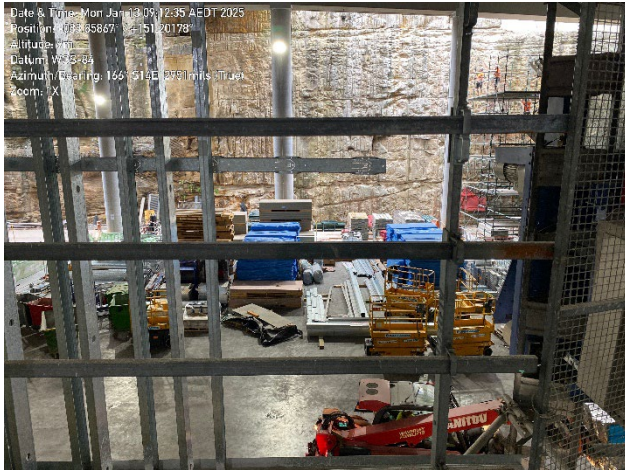


Photo 13 – Tidy housekeeping of material stockpiles. View from second floor materials hoist.

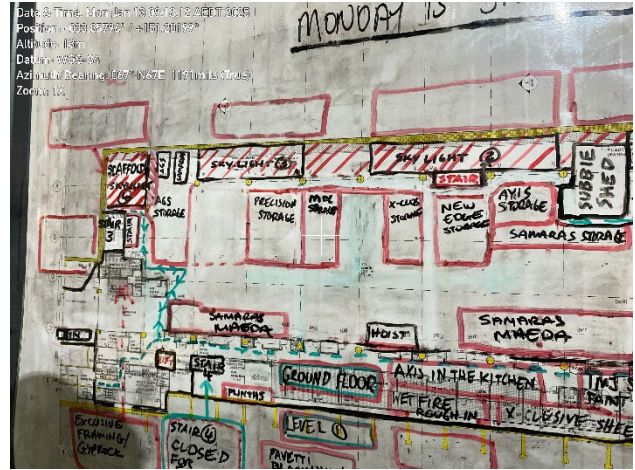


Photo 14 – Dynamic site plan discussed at daily coordination meeting. Clear area through middle of plan is designated for construction traffic movement / turning.

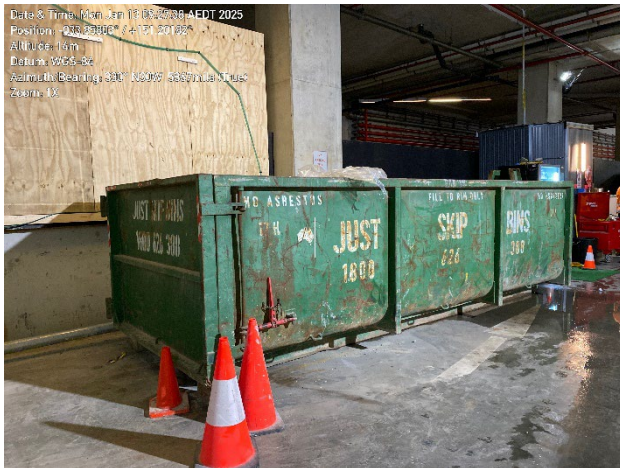


Photo 15 – large waste skip at loading dock, which takes the waste from the skips around the site.

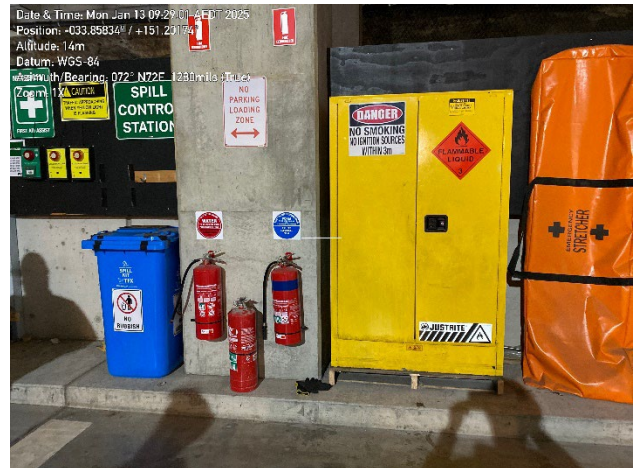


Photo 16 – Flammable liquids cabinet with adjacent emergency station and spill control station (with spill kit).



Photo 17 – Hoarding around a skylight along Merriman Street.



Photo 18 – Hoarding, access and viewing window around a skylight along Merriman Street.



Photo 19 – Historical photo on hoarding intact around skylight.



Photo 20 – Historical photo on hoarding intact around skylight.



Photo 21 – Unimpacted trees and graminoids along skylight hoarding.



Photo 22 – Hoarding at entrance to Nawi Cove.

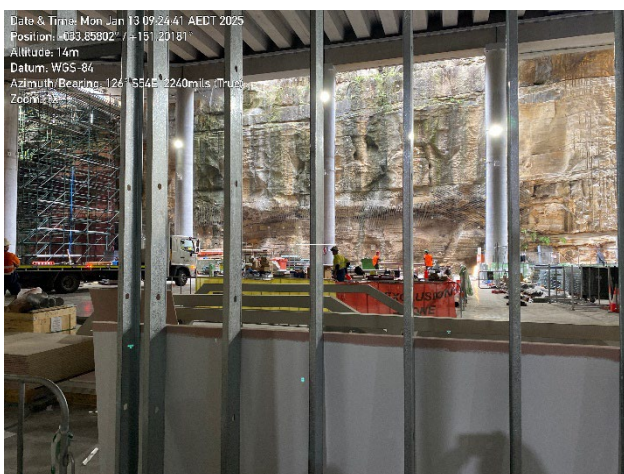


Photo 23 – Construction vehicle on site.



Photo 24 – Paper and co-mingled recycling receptacles implemented in the lunchroom.

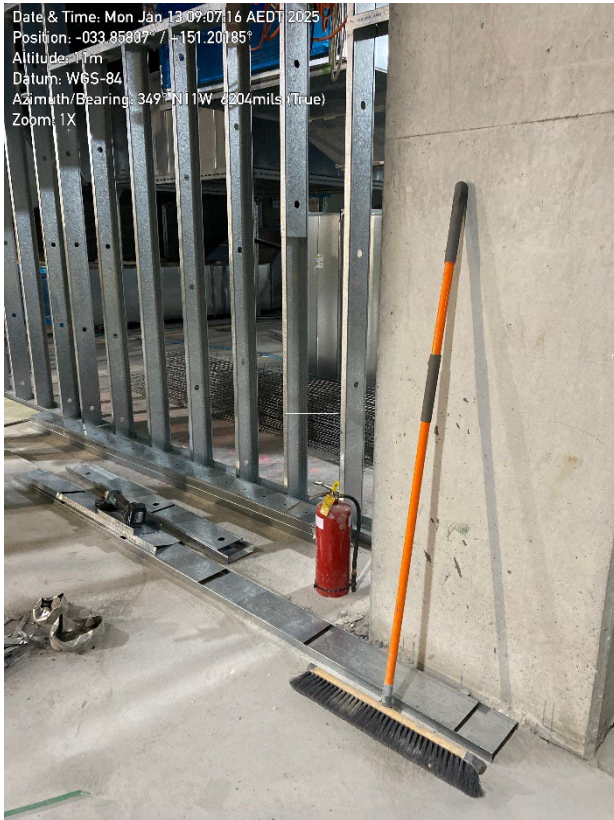


Photo 25 – Maintaining dust management on each floor.

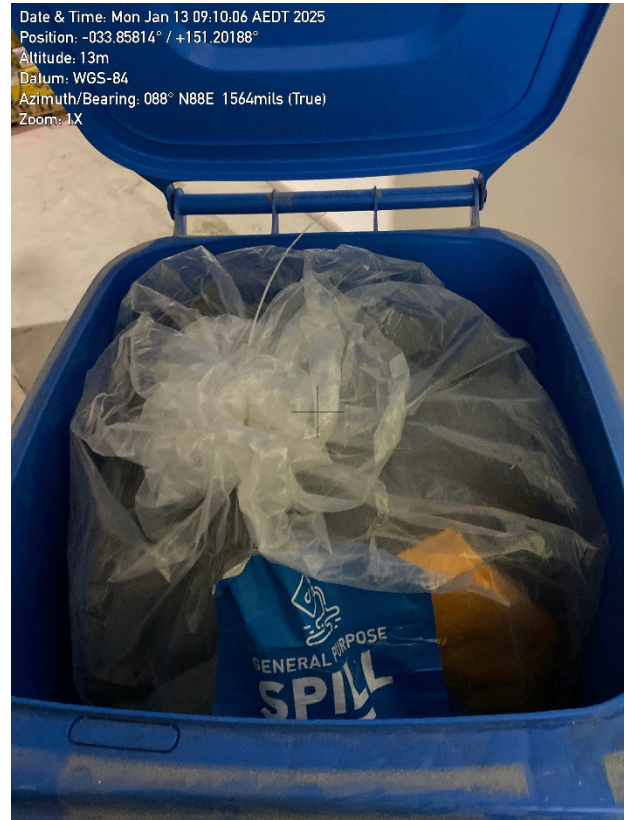


Photo 26 – Spill kit materials in spill kit.



Photo 27 – Wash bay on bunded crates.

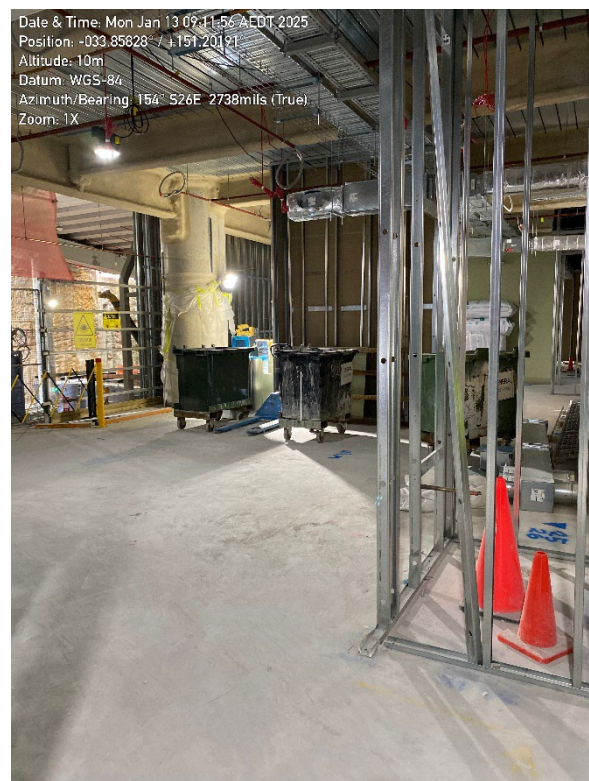


Photo 28 – Waste skips around site.

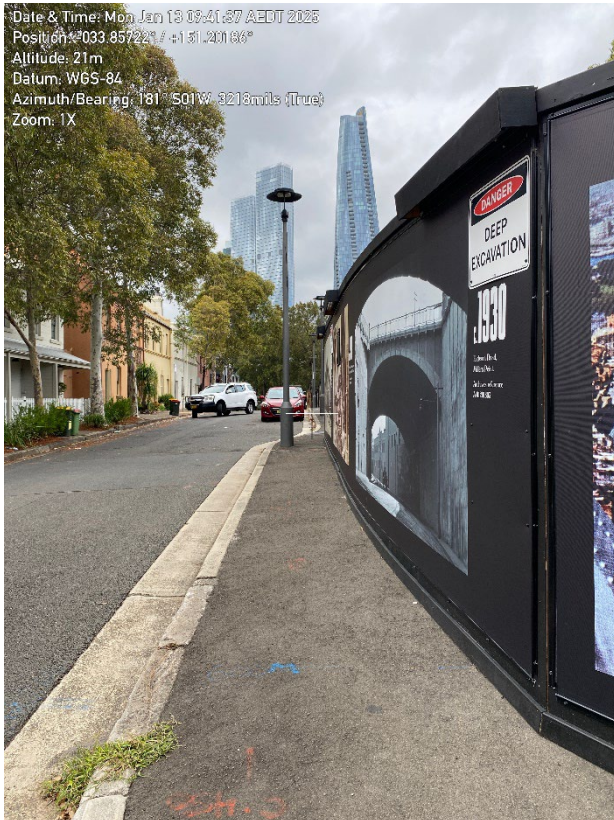


Photo 29 – Tree protection in background (timber panels) and hoarding with historic imagery.



Photo 30 – Hoarding placed around some vegetation, which has been approved for removal.



Photo 31 – Geofabric under drain, collecting dust.

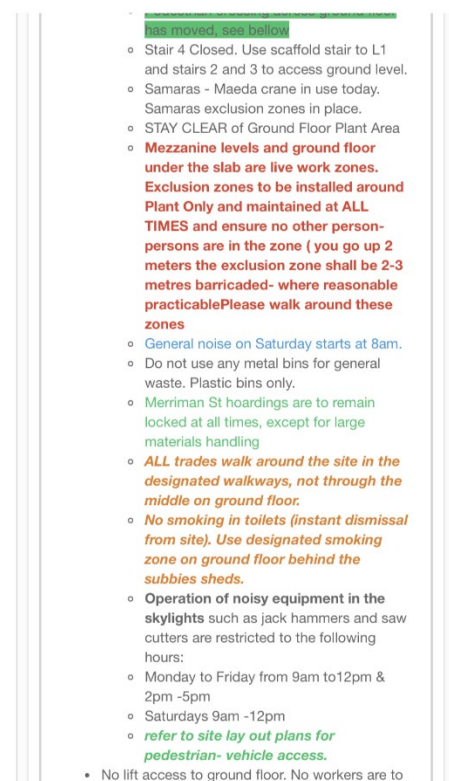


Photo 32 – Daily declaration inclusive of noisy works, Saturday general noise and waste requirements.

Appendix E Audit consultation

From: [Thomas Minchin](#)
To: [Nicola Smith](#); [Natascha Arens](#)
Subject: RE: SSD-47498458 The Cutaway Cultural Facility, Barangaroo Consultation Audit 2
Date: Thursday, 9 January 2025 1:59:46 PM
Attachments: [image006.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image002.png](#)

Dear Nicola and Natascha,

Thank you for consulting NSW Planning with respect to the scope of the second independent audit of The Cutaway Cultural Facility, Barangaroo (Project) under SSD-47498458 (Consent).

Further to the required scope for the audit under the Consent and the Independent Audit Post Approval Requirements (2020) (IA PAR), please ensure that the audit includes:

- a review of the Project's system and/or processes in place to monitor and manage compliance with the conditions of Consent.

You have not identified the stakeholders that have been consulted as part of the scope development for the second audit, however, I note that during scope development of the first audit you consulted NSW Planning, City of Sydney Council, Transport for NSW, Sydney Metro, Heritage NSW, Placemaking NSW and the NSW State Design Review Panel. I assume that these same stakeholders have been consulted in this instance and on that basis, do not request consultation with any additional stakeholders.

Please ensure that the second independent audit is undertaken, and the independent audit report prepared and finalised, in accordance with the Consent and the IA PAR. In this regard, I note that Natascha Arens is the only agreed lead auditor for the Project.

Whilst, I acknowledge you consulted NSW Planning over three weeks prior to the scheduled audit inspection date of 13 January 2025, this period fell largely during the end of year holiday period. As such, for future independent audits please provide additional notice for the scope consultation prior to a scheduled audit inspection.

Please don't hesitate to contact me to discuss the above further.

Kind regards,

Thomas Minchin *(he/him)*
Senior Compliance Officer
Development Assessment & Sustainability
Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Locked Bay 5022
Parramatta NSW 2124

Working days Monday to Friday, 09:00am - 05:00pm



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

From: Nicola Smith <nicola.s@nghconsulting.com.au>
Sent: Friday, December 20, 2024 12:21 PM
To: DPE PSVC Compliance Mailbox <compliance@planning.nsw.gov.au>
Cc: Natascha Arens <natascha.a@nghconsulting.com.au>
Subject: SSD-47498458 The Cutaway Cultural Facility, Barangaroo Consultation Audit 2

Hello there,

I am the support auditor for the second independent audit for the above project (SSD-47498458). We will be conducting the site audit on 13 January 2025.

The scope of this audit will broadly include:

- Conditions of consent applicable to the pre-construction and construction phases of the project
- All post approval documents required by the conditions of consent (e.g. implementation of environmental management plans and sub plans)
- All environmental licences and approvals applicable to the development
- An assessment of the environmental performance of the development.

As required by the Independent Audit Post Approvals Requirements (2020), I am consulting with relevant stakeholders. Are there any other matters that the Department would like addressed as part of this second construction independent audit?

Best regards,

Nicola Smith
NSW Regional Lead - Environmental Management

m: (PO Box 5464), Wagga Wagga, NSW 2650
e. [nghconsulting.com.au](mailto: NGHCONSULTING.COM.AU) | [Our commitment to reconciliation](#)
a.
w.



From: [Mia Music](#)
To: [Nicola Smith](#)
Subject: RE: SSD-47498458 The Cutaway Cultural Facility, Barangaroo - Consultation Audit 2
Date: Monday, 6 January 2025 9:30:31 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)
[image006.jpg](#)

Hi Nicola,

The City support the scope of the audit. Particular attention should be drawn to the satisfaction of Condition A30 (Harbour Control Tower Void) and Condition B5 (Entrance Design).

Kind regards,

Mia Music (she/her)
Senior Planner
Planning Assessments



T cityofsydney.nsw.gov.au



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

From: Nicola Smith <nicola.s@nghconsulting.com.au>
Sent: Friday, 20 December 2024 12:24 PM
To: City of Sydney <council@cityofsydney.nsw.gov.au>
Cc: Natascha Arens <natascha.a@nghconsulting.com.au>
Subject: SSD-47498458 The Cutaway Cultural Facility, Barangaroo - Consultation Audit 2

Caution: This email came from outside the organisation. Don't click links or open attachments unless you know the sender, and were expecting this email.

To whom it may concern,

I am the support auditor for the independent audits of the above Project (SSD-47498458). We will be conducting the site audit on the 13 January 2025.

The scope of this audit will broadly include:

- Conditions of consent applicable to the pre-construction and construction phases of the project
- All post approval documents required by the conditions of consent (e.g.

- implementation of environmental management plans and sub plans)
- All environmental licences and approvals applicable to the development
- An assessment of the environmental performance of the development.

As required by the Independent Audit Post Approvals Requirements (2020), I am consulting with relevant stakeholders. Are there any other matters that the City of Sydney Council would like addressed as part of this second construction independent audit?

Best regards,
Nicola

Nicola Smith
NSW Regional Lead - Environmental Management

m:
e. PO Box 5464), Wagga Wagga, NSW 2650
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Our ref: HMS ID 8710

Nicola Smith
NSW Regional Lead - Environmental Management
NGH Consulting
nicola.s@nghconsulting.com.au

Letter provided via email

Independent Environmental Audit – State Significant Development

Proposal: Barangaroo Harbour Park (The Cutaway)

Major Project reference: SSD-47498458

Received: 9 January 2025

Dear Nicola,

Thank you for your referral seeking comment from Heritage NSW on the scope for the Independent Environmental Audit for the above Development. Thank you for the continued opportunity to comment on the project.

In respect to the scope of the audit for Aboriginal cultural heritage, Heritage NSW notes Conditions B55 and C39-C41. It is recommended that the Department of Climate Change, Energy, the Environment and Water Compliance Team be contacted via info@environment.nsw.gov.au to determine if there is any non-compliance with Conditions of Consent for the project.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact James Cole, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Alison Lamond

Alison Lamond
A/Strategic Manager – Major Projects
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
17 January 2025

From: [Sydney Metro Corridor Protection](#)
To: [Nicola Smith](#); [Sydney Metro Corridor Protection](#)
Cc: [Natascha Arens](#)
Subject: RE: SSD-47498458 The Cutaway Cultural Facility, Barangaroo - Consultation Audit 2
Date: Wednesday, 8 January 2025 9:50:55 AM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Hi Nicola,

Thanks for your email.

Sydney Metro is of the view that the proposed development would have negligible impacts on the Sydney Metro - City & Southwest rail corridor as the proposed development does not involve excavation in excess of 2 metres below ground level.

On this basis, Sydney Metro considers the potential impact on the rail corridor to be negligible and does not require any other matters to be addressed as part of the independent audits for this project.

Regards,

Jennifer Nguyen

Senior Planner, Corridor Protection
Customer, Operations & Outcomes
Sydney Metro

sydnymetro.info

Level 43
680 George Street
Sydney NSW 2000
PO Box K659, Haymarket NSW 1240



OFFICIAL

From: Nicola Smith <nicola.s@nghconsulting.com.au>

Sent: Friday, December 20, 2024 12:27 PM

To: Sydney Metro Corridor Protection

<SydneyMetroCorridorProtection@transport.nsw.gov.au>

Cc: Natascha Arens <natascha.a@nghconsulting.com.au>

Subject: SSD-47498458 The Cutaway Cultural Facility, Barangaroo - Consultation Audit 2

You don't often get email from nicola.s@nghconsulting.com.au. [Learn why this is important](#)

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To whom it may concern,

I am the support auditor for the independent audit of the above Project (SSD-47498458). We will be conducting the site audit on 13 January 2025.

The scope of this audit will broadly include:

- Conditions of consent applicable to the pre-construction and construction phases of the project
- All post approval documents required by the conditions of consent (e.g. implementation of environmental management plans and sub plans)
- All environmental licences and approvals applicable to the development
- An assessment of the environmental performance of the development.

As required by the Independent Audit Post Approvals Requirements (2020), I am consulting with relevant stakeholders. Are there any other matters that Sydney Metro would like addressed as part of this second construction independent audit?

Best regards,

Nicola Smith

NSW Regional Lead - Environmental Management

m:

e. (PO Box 5464), Wagga Wagga, NSW 2650

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