



Richard Crookes Constructions Pty Ltd  
4<sup>th</sup> Independent Environmental Audit  
Walsh Bay Arts and Cultural Precinct

Pier 2/3 and Wharf 4/5 Shore Sheds  
Lot 11 DP 113931 and Lot 65 DP 1048377 Hickson  
Road, Walsh Bay, NSW

27 January 2021

55279/135,044 (Rev A)

JBS&G Australia Pty Ltd

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## Abbreviations

| Term  | Definition                                       |
|-------|--|
| ASS   | Acid Sulphate Soils                              |
| CEMP  | Construction Environmental Management Plan       |
| DPIE  | Department of Planning, Industry and Environment |
| DoPE  | Department of Planning and Environment           |
| JBS&G | JBS&G (Australia) Pty Ltd                        |
| PMP   | Project Management Plan                          |
| RCC   | Richard Crookes Constructions Pty Limited        |

## Executive Summary

JBS&G (Australia) Pty Ltd (JBS&G) was engaged by Richard Crookes Constructions Pty Limited (RCC) to undertake an independent environmental audit for the construction phase of the Walsh Bay Arts and Cultural Precinct located at Pier 2/3 and Wharf 4/5, Hickson Road, Walsh Bay, NSW (the site).

Approval for the redevelopment of the site was granted to Sydney Theatre Company and Infrastructure NSW by the NSW Minister for Planning under Section 4.38 of the *Environmental Planning and Assessment Act 1979* on 17 May 2018. The redevelopment comprises of demolition and early construction works, and internal and external works to Pier 2/3, Wharf 4/5 and Shore Shed 4/5.

Conditions B8 and C7 of the respective Development Consents SSD 8671 and 7561 require an Independent Environmental Audit of the development. A fourth independent environmental audit has been undertaken during the period from the completion of the third independent environmental audit (30<sup>th</sup> May 2020) until the 30<sup>th</sup> October 2020 in accordance with *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems (Standards Australia, 2014)*. The adequacy of environmental management strategies and plans were also assessed.

The project was assessed to be compliant with all triggered conditions. Recommendations for improvement of environmental management have been provided for 2 conditions of consent as documented in this audit report.

The findings and recommendations for this independent audit are documented in this audit report. Overall, the audit determined that the environmental management system and plans currently in place are adequate to address environmental management of the project.

# 1. Introduction

## 1.1 Background

JBS&G (Australia) Pty Ltd (JBS&G) was engaged by Richard Crookes Constructions Pty Limited (RCC) to undertake an independent environmental audit for the construction phase of the Walsh Bay Arts and Cultural Precinct located at Pier 2/3 and Wharf 4/5, Hickson Road, Walsh Bay, NSW (the site).

Approval for the redevelopment of the site was granted to Sydney Theatre Company and Infrastructure NSW by the NSW Minister for Planning under Section 4.38 of the *Environmental Planning and Assessment Act 1979* on 17 May 2018. Conditions of consent are provided in SSD 7561 and SSD 8671 respectively, which are included as part of the Independent Audit Tables (**Appendix A**).

The project site is defined as Lot 65 DP 1048377 (Wharf 4/5 and Shore Shed 4/5) and Lot 11 DP 1138931 (Pier 2/3) located on Hickson Road Dawes Point NSW.

The proposed redevelopment of the site as part of the Walsh Bay Arts and Cultural Precinct Project will generally include demolition and early construction works, and internal and external works to Pier 2/3, Wharf 4/5 and Shore Shed 4/5. Redevelopment of Pier 2/3, Wharf 4/5 and Shore Shed 4/5 is being undertaken for the purposes of use of the site for arts and cultural and ancillary uses, functions and events including for Biennale and the Sydney Writer's Festival events. Works will specifically include the following:

- general demolition of internal areas and demolition of box offices, access ramp and stairs, and partial demolition of roof;
- refurbishment of Wharf Theatre 1, Theatre Bar and Wharf Theatre 2;
- new box office/ticketing area;
- increased capacity of Wharf Theatres 1 and 2;
- new administration areas and offices;
- new function room; and
- upgrades to services and infrastructure.

Schedule 2 Part B Condition B8 of Development Consent SSD 8671 and Part C Condition C7 of Development Consent SSD 7561 require an Independent Environmental Audit of the project as follows:

*No later than one month before the commencement of construction or within another timeframe agreed with the Secretary, a program of independent environmental audits must be prepared for the development in accordance with the latest version of AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems (Standards Australia, 2014) and submitted to the Secretary for information.*

*The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.*

*The environmental audit program of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:*

- a. assesses the environmental performance of the development, and its effects on the surrounding environment including the community;*

- b. assesses whether the development is complying with the terms of this consent;
- c. reviews the adequacy of any document required under this consent; and
- d. recommends measures or actions to improve the environmental performance of the development, improvements to any document required under this consent.

*Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Secretary, a copy of the audit report must be submitted to the Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Secretary.*

Advice was received from DPIE post commencement of construction (letter dated 7 December 2018) with the following requirement:

*The Department recommends giving consideration to the Independent Audit Post-Approval Requirements (Independent Audit PAR), to the extent that it does not contradict with the requirements outlined in Condition B8.*

An initial independent environmental audit was completed on 17 July 2019<sup>1</sup>, and second and third independent audit were completed on 31 January 2020<sup>2</sup> and 8 September 2020<sup>3</sup> respectively, in accordance with Part B Condition B8 of Development Consent SSD 8671 and Part C Condition C7 of Development Consent SSD 7561. This audit constitutes the fourth independent audit for the development.

## **1.2 Audit Team**

The audit team comprised of Ms Christine Louie (Lead Auditor) and Mr Chris Bielby (Audit Team Member), JBS&G environmental consultants experienced in conducting environmental audits. Christine is a Certified Exemplar Global EMS Auditor (132320).

Christine Louie has previously been accepted by DPIE as a suitably qualified, experienced and independent auditor to undertake independent environmental audits.

The Independent Audit Declaration included in **Appendix C**.

## **1.3 Audit Objectives**

The objectives of the works were to undertake an Independent Environmental Audit in accordance with Conditions B8 and C7 of the respective Development Consents SSD 8671 and SSD 7561 issued by the Minister for Planning, to assess the environmental performance and compliance status of the project.

## **1.4 Audit Scope**

The independent environmental audit was undertaken in accordance with *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems (Standards Australia, 2014)* and with consideration to DoPE (2018) *Independent Audit, Post Approval Requirements June 2018* to assess the environmental compliance of the Walsh Bay Arts and Cultural Precinct redevelopment during the construction phase with the conditions of Development Consents SSD 8372 and SSD 7561 under the *Environmental Planning and Assessment Act 1979*.

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<sup>1</sup> *Independent Environmental Audit*, Walsh Bay Arts and Cultural Precinct, JBS&G Australia Pty Ltd, 17 July 2019

<sup>2</sup> *Independent Environmental Audit*, Walsh Bay Arts and Cultural Precinct, JBS&G Australia Pty Ltd, 31 January 2020

<sup>3</sup> *3<sup>rd</sup> Independent Environmental Audit*, Walsh Bay Arts and Cultural Precinct, JBS&G Australia Pty Ltd, 8 September 2020

The independent environmental audit involved desktop review of available information relating to the development consent approval conditions including the Construction Environmental Management Plan (CEMP) and associated sub-plans and associated monitoring records; site inspection and interviews with staff; and preparation of this independent environmental audit report detailing the findings of the audit.

### **1.5 Audit Period**

This independent environmental audit addresses development activities undertaken since the completion of the 3<sup>rd</sup> independent environmental audit on the 1<sup>st</sup> May 2020 until the 30<sup>th</sup> October 2020.

## 2. Audit Methodology

### 2.1 Selection of Audit Team

The audit was conducted by Christine Louie (Lead Auditor) and Chris Bielby (Audit Team Member).

Christine Louie has previously been approved as a suitably qualified lead auditor to conduct independent environmental audits by DPIE. JBS&G was previously engaged to complete site contamination assessment services and prepare an unexpected finds protocol for the site, however the current Lead Auditor was not involved in undertaking those works.

The Independent Audit Declaration is provided in **Appendix C**.

### 2.2 Independent Audit Scope Development

In accordance with DoPE (2018), the scope of the audit included the following:

- a) assessment of compliance with:
  - conditions of development consent SSD 8671 and SSD 7561 for the duration of the construction phase;
  - all post approval documents prepared to satisfy the conditions of consent, including assessment of the implementation of the Construction Environmental Management Plan and sub-plans;
  - any environmental licences and approvals;
- b) assessment of the environmental performance of the development including an assessment of:
  - actual impacts compared to predicted impacts documented in the environmental impact assessment;
  - the physical extent of the development in comparison with the approved boundary, and any potential off-site impacts;
  - incidents, non-compliances and complaints that occurred or were made during the audit period;
  - the performance of the development and environmental issues identified through consultation;
  - feedback received from relevant agencies and stakeholders on the environmental performance of the project during the audit period;
- c) high level review of the project's environmental management systems and the implementation of the systems; and
- d) high level assessment of whether the Construction Environmental Management Plan and sub-plans are adequate.

An initial independent environmental audit was previously completed by JBS&G from the commencement of works in the period from 18<sup>th</sup> October 2018 until 17<sup>th</sup> April 2019. In addition, a second and third audit was completed by JBS&G in the period from 17<sup>th</sup> April 2019 until the 30<sup>th</sup> October 2019 and 1<sup>st</sup> November 2019 until the 30<sup>th</sup> April 2020 respectively, in accordance with Conditions B8 and C7 of the respective Development Consents SSD 8671 and SSD 7561.

## 2.3 Compliance Evaluation

Assessment of compliance with the conditions of consent of SSD 8671 and SSD 7561 was undertaken through evidence-based evaluation including review of verifiable evidence such as site records, construction and management plans and sub-plans, and other project documents.

Evaluation of the adequacy of post approval documents and compliance with development consent conditions was also undertaken. Environmental monitoring records were reviewed as part of the evaluation.

Site records and documents were viewed during the site interview with an inspection of the site during construction undertaken on the same day.

The assessment of compliance with development consents SSD 8671 and SSD 7561 is presented in the Independent Audit Tables in **Appendix A**.

## 2.4 Site Interview

Interview was conducted with the following RCC site personnel on the 29<sup>th</sup> October 2020:

- Mitch Arnold, Building Cadet

## 2.5 Site Inspection

An inspection of the Walsh Bay Arts and Cultural Precinct redevelopment site was undertaken on 29<sup>th</sup> October 2020.

A walk over was undertaken around the perimeter of the site and the building construction/refurbishment area including Wharf 4/5 and Shore Shed 4/5 on Hickson Road Dawes Point NSW.

Photos of the site are presented in **Appendix D**.

## 2.6 Consultation

Based on discussions with RCC personnel, DPIE were identified as requiring consultation with respect to the outcomes for the Independent Environmental Audit. It is understood that RCC has subsequently emailed DPIE the previous three Independent Environmental Audits.

## 2.7 Compliance Status Descriptors

The compliance status descriptors used to record the level of compliance of the Walsh Bay Arts Precinct development with the conditions of Development Consent SSD 8671 and 7561 are summarised in **Table 2.1** below.

**Table 2.1: Compliance Status Descriptors**

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

### 3. Audit Findings

#### 3.1 Document List

The reports and correspondence that formed the basis for review as part of the independent audit and are referenced (where applicable) in the Tables provided in **Appendix A**.

#### 3.2 Compliance Performance

Compliance of the development was assessed against the Development Consent conditions of SSD 8671 and SSD 7561 applicable to the construction phase of the project and the audit findings are presented in **Appendix A**.

There were no non-compliances identified during the Independent Audit. 57 and 96 conditions were not triggered in SSD 7561 and SSD 8671 respectively, mainly relating to conditions with respect to prior to occupation or commencement of use or post occupation.

A summary of the main findings (as applicable to the environmental performance of the development works) and recommendations for SSD 8671 and SSD 7561 are presented in **Table 3.1** and **Table 3.2**.

**Table 3.1: Summary of Compliance with Development Consent Conditions of SSD 8671**

| Approval (ID)                       | Audit Findings and Recommendations  | Compliance Status |
|-------------------------------------|---|-------------------|
| C3 - Noise and Vibration Management | It is recommended that detailed records of works occurring on-site and on adjacent properties be kept to appropriately account for any potential noise issues in the area – where appropriate mitigation measures can be implemented if attributed to site related construction activities. | Compliant.        |

**Table 3.2: Summary of Compliance with Development Consent Conditions of SSD 7561**

| Approval (ID)                       | Audit Findings and Recommendations  | Compliance Status |
|-------------------------------------|---|-------------------|
| D3 - Noise and Vibration Management | It is recommended that detailed records of works occurring on-site and on adjacent properties be kept to appropriately account for any potential noise issues in the area – where appropriate mitigation measures can be implemented if attributed to site related construction activities. | Compliant.        |

#### 3.3 Non-compliances

As noted in **Tables 3.1** and **3.2**, there were no non-compliances during the period of the audit as related to construction noise.

#### 3.4 Previous Audit Recommendations

As part of the previous audit, the following recommendations were made:

- Detailed records of works occurring on-site and on adjacent properties are recommended to be kept to appropriately account for any potential noise issues in the area – where appropriate mitigation measures can be implemented if attributed to site related construction activities.
- It is recommended that RCC request that Tropman and Tropman (the nominated Heritage consultant) provide inspection reports following attendance at site to demonstrate on-going compliance with conditions related to Heritage. Inspection reports were provided in the period of the previous environmental audits.

- Continue the procedure for follow-up of actions arising from daily and weekly environmental inspections or non-conformances is recommended to be maintained and implemented during future construction activities.

It appears that all recommendations (where triggered) were implemented during the current audit period. It is noted that recommendations for improvement, with respect to records of noisy works occurring on-site and on adjacent properties has been provided to appropriately account for any potential noise issues in the area and implementation of appropriate mitigation measures where applicable. In addition, Tropman and Tropman provided ongoing correspondence related to Heritage matters during the current Audit period as per the second recommendation listed above. Finally, appropriate procedures for follow-up actions arising from environmental inspections were implemented as per the provided tool-box and environmental inspection documentation.

### **3.5 Environmental Management**

#### **3.5.1 Environmental Management Plans**

Development consent conditions B63 (SSD 8671) and C16 (SSD 7561) specifies requirements for environmental management plans for the development. Consent conditions B64-B71 (SSD 8671) and C17 to C27 (SSD 7561) address requirements for the following environmental management sub-plans:

- Construction Pedestrian Traffic Management Plan;
- Construction Noise and Vibration Management Plan;
- Waste Management Plan;
- Hazardous Material Management Plan; and
- Interpretation Plan (SSD 7561) or Conservation Management Plan (SSD 8671).

The Construction Environmental Management Plan (CEMP) (RCC, 27/02/20) provides the management framework to mitigate potential environmental and human health risks associated with construction works. It is supported by the environmental management sub-plans listed above. The CEMP and sub-plans form part of the overall Project Management Plan (PMP).

The CEMP was identified to have been prepared in compliance with relevant legislation, *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems* and NSW Government *Environmental Management Systems Guidelines* (August 2013). We note that the plan should not be read in isolation, but in conjunction with RCC's broader project management framework documents comprising the project management plan and each of the project specific environmental management sub-plans.

### **3.6 Environmental Management System**

An Environmental Management Plan which provides a framework for environmental management is included in the PMP. The Environmental Management Plan is supported by sub-plans for:

- Asbestos Management
- Community Consultation and Engagement
- Traffic Management
- Waste Management

Environmental management project responsibilities have been identified as generally being the responsibility of the Site Manager, Project Manager and WHS Advisor.

The Environmental Management Plan which provides the framework for environmental management for the construction phase of the project also forms part of the environmental management system.

### **3.7 Community Complaints**

One community complaint was received during the period of the environmental Audit and are summarised in **Appendix D**. The complaint was received on 6 June 2020 regarding noise as related to construction works. RCC was reported to have investigated the complaint in which it is understood the works were being completed in accordance with the conditions of consent, including work hours and equipment used. RCC further reported to have made a commitment to start any future chain sawing activities completed on Saturdays to after 8am in order to minimise impacts to the community. INSW was reported to have further investigated the complaint in which it was found that the works comprised of critical substructure works and no noise exceedances (as measured by the daily monitoring) were reported during the period of the complaint, and as such, the complaint has been reported as closed.

### **3.8 Incidents**

RCC advised JBS&G that only minor safety incidences (i.e. not environmental related) occurred during the period of the Audit. Given that the incidences are not related to environmental issues and understood to not trigger a requirement to report (to consent authority) under the consent conditions, they are not discussed further herein.

### **3.9 Assessment of Environmental Impacts**

A number of potential adverse environmental impacts and proposed mitigation measures were identified in the Environmental Impact Statement (EIS) (MG Planning 2014) for the construction phase of the project, relating to noise, traffic, water quality, contamination, ecology and waste management impacts.

Environmental impacts and proposed mitigation measures identified in the EIS for the construction phase of the project were:

- Noise generation – mitigation measures in the form of minimisation of noise, use of mobile barriers, and consultation with the local community were recommended. It is noted that a Construction Noise and Vibration Management Plan (CNVMP) has been prepared for the site as outlined in the EIS and is been implemented during the works.
- Traffic management – a Construction Pedestrian and Traffic Management Plan has been prepared and implemented. Evidence for compliance with the traffic management plan has been observed through findings in the audit.
- Water quality – water quality may be impacted by gross pollutants generated during construction; disturbance of existing contaminated building materials; disturbance of sediments; spillages; leaching from construction materials; and runoff. Mitigation measures include installation of silt curtains and oil absorbent booms; routine monitoring of water quality; removal of gross pollutants; use of spill kits and direction of stormwater away from construction materials and stockpiles.
- Contamination – a CEMP was prepared and implemented during the redevelopment works. The CEMP is cognisant of the harbourside location of the works and includes mitigation measures to minimise exposure of construction workers to fill and sediments; minimise disturbance of acid sulfate soils; prevent generation of dust and odours; and prevent discharges to the harbour, which when implemented are adequate to protect the health and safety of construction site staff and the surrounding marine environment.

- Ecology – aquatic biota may be impacted by water quality impacts. Mitigation measures include provisions for minimising underwater noise and removal of the invasive *Caulerpa taxifolia* alga, if found.
- Waste management – a construction waste management sub-plan has been prepared as part of the CEMP. Management of waste has been undertaken in an environmentally responsible manner.

Potential construction environmental impacts are considered to have been adequately managed. Construction of the development has been undertaken within the boundaries of the site.

### **3.10 Assessment of Environmental Management**

The implementation of an environmental management system including an overall environmental management plan and CEMP combined with environmental inspections/monitoring has adequately managed potential impacts associated with the construction of the development. In addition, the monitoring works have identified areas of improvement (as primarily related to noise) to increase the environmental performance of the development.

## 4. Recommendations

Based on an evaluation of compliance with the conditions of consent of SSD 8372 and SSD 7561, the following recommendations should be undertaken to address consent conditions (as presented in **Table 3.1** and **Table 3.2**) and improve environmental management practices:

- Detailed records of works occurring on-site and on adjacent properties are recommended to be kept to appropriately account for any potential noise issues in the area – where appropriate mitigation measures can be implemented if attributed to site related construction activities.
- Continue the procedure for follow-up of actions arising from daily and weekly environmental inspections or non-conformances is recommended to be maintained and implemented during future construction activities.

## 5. Conclusion

A fourth independent environmental audit has been undertaken during construction works of the Walsh Bay Arts Precinct in the period from 1<sup>st</sup> May 2020 until the 30<sup>th</sup> October 2020. The audit was required under Conditions B8 and C7 of the respective Development Consents SSD 8671 and SSD 7561.

The audit assessed the environmental compliance of the project against the conditions of the development consent and the adequacy of management strategies and plans currently in place. Project documentation and records provided by RCC were reviewed and a site inspection was conducted as part of the audit.

This audit addressed development activities undertaken during the construction phase. An initial independent environmental audit was previously completed by JBS&G from the commencement of works in the period from 18<sup>th</sup> October 2018 until 17<sup>th</sup> April 2019. In addition, a second and third audit was completed by JBS&G in the period from 17<sup>th</sup> April 2019 until the 30<sup>th</sup> October 2019 and 1<sup>st</sup> November 2019 until the 30<sup>th</sup> April 2020 respectively, in accordance with Conditions B8 and C7 of the respective Development Consents SSD 8671 and SSD 7561.

The Environmental Management Plan and associated sub-plans that form part of the PMP have been reviewed and assessed as being adequate to address the requirements under the development consent.

Audit of compliance with SSD 8671 and SSD 7561 conditions was undertaken. The project was assessed to be compliant with all triggered conditions. Recommendations for improvement of environmental management have been provided for 2 conditions of consent as documented in this audit report.

The audit was conducted in accordance with *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems* (Standards Australia, 2014) and with consideration to DoPE (2018) *Independent Audit Post Approval Requirements*. Notwithstanding the recommendation made for improvement of environmental management, overall, the audit has determined that the environmental management system and plans currently in place are adequate to address environmental management and mitigate any impacts of the project.

## 6. Limitations

This report has been prepared for use by the client who has commissioned the works in accordance with the project brief only, and has been based in part on information obtained from the client and other parties.

The advice herein relates only to this project and all results conclusions and recommendations made should be reviewed by a competent person with experience in environmental investigations, before being used for any other purpose.

JBS&G accepts no liability for use or interpretation by any person or body other than the client who commissioned the works. This report should not be reproduced without prior approval by the client, or amended in any way without prior approval by JBS&G, and should not be relied upon by other parties, who should make their own enquires.

Sampling and chemical analysis of environmental media is based on appropriate guidance documents made and approved by the relevant regulatory authorities. Conclusions arising from the review and assessment of environmental data are based on the sampling and analysis considered appropriate based on the regulatory requirements.

Limited sampling and laboratory analyses were undertaken as part of the investigations undertaken, as described herein. Ground conditions between sampling locations and media may vary, and this should be considered when extrapolating between sampling points. Chemical analytes are based on the information detailed in the site history. Further chemicals or categories of chemicals may exist at the site, which were not identified in the site history and which may not be expected at the site.

Changes to the subsurface conditions may occur subsequent to the investigations described herein, through natural processes or through the intentional or accidental addition of contaminants. The conclusions and recommendations reached in this report are based on the information obtained at the time of the investigations.

This report does not provide a complete assessment of the environmental status of the site, and it is limited to the scope defined herein. Should information become available regarding conditions at the site including previously unknown sources of contamination, JBS&G reserves the right to review the report in the context of the additional information.

## Appendix A Independent Audit Table

## Appendix B Independent Audit Declaration Form

## Appendix C Site Inspection Photographs

## Appendix D Complaints Register

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