

**SYDNEY OPERA HOUSE CONCERT HALL & CREATIVE LEARNING CENTRE – INDEPENDENT ENVIRONMENTAL AUDIT
RESPONSE TO AUDIT FINDINGS**

MAY 2021 AUDIT FINDINGS						
Conditions of Consent – SSD 8663						
Item	Ref.	Type	Details of item	Proposed or completed action by the auditee	By who and by when	Status
8	A25	Observation	<p>Condition A25 requires that within 12 months of the commencement of the works, the Applicant shall submit to the Department a new Interpretation Strategy for the works approved as part of this consent. A copy must be submitted to the Secretary and Certifying Authority.</p> <p>Whilst the timing of submission of the Strategy to the Department is defined by the condition, the timing of submission to the Certifier is not. The Heritage Strategy has yet to be submitted to the Certifier.</p>	The Sydney Opera House Trust submitted the Heritage Interpretation Strategy to the Certifier on 27/05/21.	NA	CLOSED
9	B7	Non-compliance	<p>Condition B7 (a) required that all approved strategies, plans and programs must be made publicly available on it's website and that this information be kept up to date.</p> <p>The current CEMP and CNVMP (updated in late 2020) were not made publicly available until after the on-site component of the Independent Audit.</p>	The current CEMP and CNVMP were made publicly available after the on-site component of the Independent Audit. The Sydney Opera House Trust notified the Department of this non-compliance in accordance with CoC A19 on 31/05/21.	NA	CLOSED
10	B10	Non-compliance	<p>Condition B11 (a) requires Construction Compliance Reports to be submitted to the Department every six months from the date of the commencement of construction, for the duration of construction. They must be submitted one month following the end of each six month period for the duration of construction of the development, or other timeframe as required by the Planning Secretary.</p> <p>Construction Compliance Report 2 was not submitted within one month following the end of the applicable six-month period.</p>	Construction Compliance Report 2 was submitted after the due date. The Sydney Opera House Trust notified the Department of this non-compliance in accordance with CoC A19 on 31/05/21.	NA	CLOSED
11	B11	Non-compliance	<p>Condition B11 requires that the Construction Compliance Reports must include:</p> <ul style="list-style-type: none"> (a) a results summary and analysis of environmental monitoring; (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints; (c) details of any review of the CEMP and the Environmental Management Strategy and associated sub- plans as a result of construction carried out during the reporting period; (d) a register of any modifications undertaken and their status; (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit; (f) a summary of all incidents notified in accordance with this consent; and (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary. <p>The Department reviewed Construction Compliance Report 1, and determined that it did not address CoC B11(a), (c), (d) of this condition. Construction Compliance Report 1 was resubmitted on 11/11/20 and satisfied the requirements of this condition.</p>	Construction Compliance Report 1 was resubmitted on 11/11/20 and satisfied the requirements of this condition. The Sydney Opera House Trust notified the Department of this non-compliance in accordance with CoC A19 on 31/05/21.	NA	CLOSED

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12	B16	Non-compliance	<p>Condition B16 requires that within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning 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.</p> <p>A response to any recommendations contained in the Audit Report, and a timetable for the implementation of the recommendations was not submitted with the Report. That being said the response was provided to the finding in the Construction Compliance Report.</p>	The response was provided to the finding in the Construction Compliance Report. The Sydney Opera House Trust notified the Department of this non-compliance in accordance with CoC A19 on 31/05/21.	NA	CLOSED
13	B24	Observation	<p>Condition B24 required that the nominated heritage consultant must inspect the demolition and removal of material to ensure there is no unapproved removal of significant fabric or elements, provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.</p> <p>Design 5 have been retained and are continuing to undertake inspections during the audit period. The evidence provided does not indicate that Design 5 are verifying that all work is being carried out in accordance with the conditions of this consent (as required by this condition). The inspections appear to be limited to checking that there is no unapproved removal of elements, significant fabric is not damaged (which are requirements of the consent). The Inspection Notes identify actions and areas of improvement. Taylor provided email responses to the items raised in the inspections. The auditor observes that the Inspection Notes and Taylor's responses do not enable clear reconciliation of the significance of the deficiencies, the recommended actions and timing by which each should be addressed, nor the actions taken to resolve identified deficiencies and the dates by which the actions were completed.</p>	<p>The Sydney Opera House Trust will work with Design 5 to refine the process of recording Design 5's inspection observations, and tracking how the Project has responded to the observation (where necessary).</p> <p>The Auditor notes that compliance with the consent is reported through the Construction Compliance Reports and this Independent Audit.</p>	<p>Taylor Constructions / Sydney Opera House Trust</p> <p>31/07/21</p>	OPEN
14	C10	Observation	<p>Condition C10 requires that heavy vehicles and oversized vehicles must not que or idle on Macquarie Street awaiting access to the Subject Site.</p> <p>Two complaints were received since March 2019 that related to vehicles parking on Macquarie Street. The auditees stated that neither related to heavy or oversized vehicles.</p>	NA	NA	CLOSED
15	C38	Observation	<p>Condition C38 requires that the Nominated Heritage Consultant is to regularly inspect the site and provide ongoing advice to the contractor representative undertaking the works for the duration of construction to ensure that there is no unapproved removal of elements, significant fabric is not damaged and that all work is being carried out in accordance with the conditions of this consent.</p> <p>Note that this observation relates to the same issue as that identified for CoC B24.</p> <p>Design 5 have been retained and are continuing to undertake inspections during the audit period. The evidence provided does not indicate that Design 5 are verifying that all work is being carried out in accordance with the conditions of this consent (as required by this condition). The inspections appear to be limited to checking that there is no unapproved removal of elements, significant fabric is not damaged (which are requirements of the consent). The Inspection Notes identify actions and areas of improvement. Taylor provided email responses to the items raised in the inspections. The auditor observes that the Inspection Notes and Taylor's responses do not enable clear reconciliation of the significance of the deficiencies, the recommended actions and timing by which each should be addressed, nor the actions taken to resolve identified deficiencies and the dates by which the actions were completed.</p>	<p>The Sydney Opera House Trust will work with Design 5 to refine the process of recording Design 5's inspection observations, and tracking how the Project has responded to the observation (where necessary).</p> <p>The Auditor notes that compliance with the consent is reported through the Construction Compliance Reports and this Independent Audit.</p>	<p>Taylor Constructions / Sydney Opera House Trust</p> <p>31/07/21</p>	OPEN

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Conditions of Approval – EPBC 2017/7955						
16	4	Observation	<p>Condition 4 requires that to manage the impacts of the action on protected matters, the approval holder must provide copies of the documents required by conditions A25, B19, B29, D4 and E7 of the NSW development consent to the Department for information.</p> <p>Submission of the Interpretation Strategy has not been submitted to DAWE as yet, despite it being submitted to the Department on 22/01/21. The Auditor notes that there is no specific timing for submission within this condition.</p> <p>On 31/07/20 SOH advised DAWE that the Archival Record which contains voluminous amounts of detailed (and potentially sensitive) information about the Opera House could not be provided due to the inability to restrict access under Freedom of Information legislation.</p>	<p>The Sydney Opera House Trust submitted the Heritage Interpretation strategy to DAWE on 06/05/21.</p>	NA	CLOSED
17	9	Observation	<p>Condition 9 requires that the approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:</p> <p>a) any condition which is or may be in breach;</p> <p>b) a short description of the incident and/or non-compliance; and</p> <p>c) the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information possible.</p> <p>At the last audit it was identified that there was a non-compliance with condition 4. On 31/07/20, SOH wrote to DAWE advising of the issue and taking the position that this was not a non-compliance. The notification did however provide details on the compliance issue in accordance with this condition.</p>	NA	NA	CLOSED
18	10	Observation	<p>Condition 10 requires that the approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:</p> <p>a) any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</p> <p>b) the potential impacts of the incident or non-compliance; and</p> <p>c) the method and timing of any remedial action that will be undertaken by the approval holder.</p> <p>Note that this observation relates to the same issue as that identified for Condition 9.</p> <p>At the last audit it was identified that there was a non-compliance with condition 4. On 31/07/20, the Sydney Opera House Trust wrote to DAWE advising of the issue and taking the position that this was not a non-compliance. The notification did however provide details on the compliance issue in accordance with this condition.</p>	NA	NA	CLOSED
Conditions of Approval – S60/2020/010						
19	3	Observation	<p>Condition 3 requires that any new elements proposed, including precast elements and concrete finishes, must match the existing in both form and finish. This should be determined in consultation with the nominated heritage consultant working closely with an experienced concrete expert to ensure seamless consistency. The Heritage Council delegate must be included at the benchmark and prototype reviewing stage. SOH must provide Heritage NSW with a schedule of overall timeframes for reviewing benchmarks and prototypes so that adequate notice is provided, and resources and time can be allocated to meet SOH critical dates.</p> <p>Following the inspection completed on 30/03/21 Heritage NSW raised several items that needed to be addressed to manage consistency, namely around Lift 30 – Northern Foyer, Cranked beams – Northern Foyer, Eastern Foyer passageway and the Plywood cladding in Concert Hall. In essence, further work is required to ensure consistency is achieved.</p>	<p>Continue to consult with Heritage NSW and the Heritage Council delegate to ensure compliance with the s60 conditions.</p>	<p>Taylor Constructions / Sydney Opera House Trust</p> <p>Prior to operations</p>	OPEN

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Mitigation measures from the CEMP and sub-plans						
20	CEMP Section 7.8	Observation	<p>Section 7.8 of the CEMP states that all staff and subcontractors will receive site induction and ongoing toolbox talks that will detail waste and resource management measures (including the waste management hierarchy).</p> <p>Waste management is included in the induction, however there was no evidence provided to demonstrate that waste and resource management measures (including the waste management hierarchy) is communicated through ongoing toolbox talks.</p>	<p>Waste & resources management has since been communicated by Taylor to site personnel through:</p> <ul style="list-style-type: none"> • Daily pre-start meetings. • Posting of Information for Construction Waste Management Plan, Waste Hierarchy and Waste Location information on the pre-start area for reference of all site personnel and discussion during pre-start. 	NA	CLOSED