

Development Consent – Key Sites

Section 4.38 of the Environmental Planning and Assessment Act 1979

As delegate of the Independent Planning Commission under delegation executed on 12 March 2020, I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

Sydney

2020

The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.

The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.

SCHEDULE 1

Application Number:

SSD 9374

Applicant:

The Trustee for Brewery Yard Unit Trust

Consent Authority:

Independent Planning Commission

Site:

Brewery Yard (Block 4B)
5 Central Park Avenue, Chippendale NSW 2008
Lot 203 in DP 1240831

Development:

Adaptive reuse of the Brewery Yard buildings and forecourt for commercial premises, including the following:

- internal demolition and removal of one coal hopper
- addition of two storeys above Buildings 22 and 23 and a new roof, new external fire stairs, new floors in building 30 and a glazed façade on the northern elevation of Building 30
- a maximum gross floor area of 6,266 m²
- heritage interpretation/ display areas
- public domain works.

SUMMARY OF MODIFICATIONS

Application Number	Determination Date	Decider	Modification Description
SSD 9734 MOD 1	2 December 2022	Team Leader	Provision of a new void and lift, remove and expand mezzanine levels, reconfigure window, doorways and interpretation zone and reduce overall GFA by 135 m ² .
SSD 9734 MOD 2	7 June 2022	Team Leader	Various amendments Basement Level 1 and 2 in Buildings 22, 23 and 26, various amendments Ground Level in Buildings 22, 23, 26 and 30, fit-out of areas approved for amenities in Building 22 on Levels 1 to 6, amend silo interpretation, amend window arrangements on western façade of Building 26, minor reconciliation works, resulting from ongoing design development and overall increase in GFA.

DEFINITIONS

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Aboriginal place	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
Accredited Certifier	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies.
Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	The Trustee for Brewery Yard Unit Trust or any other person carrying out any development to which this consent applies
BCA	Building Code of Australia
CEMP	Construction Environmental Management Plan
Certification of Crown building work	Certification under section 6.28(2) of the EP&A Act
Certified Contaminated Land Consultant	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Conditions of this consent	The conditions contained in Schedule 2 of this document
Construction	<p>All physical work to enable operation including (except where specifically excluded by a condition of this consent) but not limited to the carrying out of works for the purposes of the development, including remediation/earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> • building and road dilapidation surveys; • investigative drilling or investigative excavation; • establishing temporary site offices (in locations identified by the conditions of this consent); • installation of environmental impact mitigation measures, fencing, enabling works; and • minor adjustments to services or utilities. <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
Council	City of Sydney
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Demolition	The deconstruction and removal of buildings, sheds and other structures on the site
Department	NSW Department of Planning, Industry and Environment
Development	The development described in the EIS, RtS and RRFI, including the works and activities, as modified by the conditions of this consent
EIS	The Environmental Impact Statement titled <i>Environmental Impact Statement - Brewery Yard Building (Block 4B) Central Park Alterations and Adaptive reuse of the Brewery Building</i> , dated 13 August 2019, prepared by Ethos Urban, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
ENM	Excavated Natural Material
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
EPA	NSW Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
Evening	The period from 6pm to 10pm

Feasible	Means what is possible and practical in the circumstances
Heritage	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
Heritage Item	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
Land	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
Material harm	Is harm that: <ul style="list-style-type: none"> involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)
Minister	NSW Minister for Planning and Public Spaces (or delegate)
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
Monitoring	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
Non-compliance	An occurrence, set of circumstances or development that is a breach of this consent
Operation	The carrying out of the approved purpose of the development upon completion of construction
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Reasonable	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
Response to submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
RtS	Response to Submissions report and attachments titled <i>Response to Submissions, Block 4B Central Park Adaptive Reuse (SSD-9374) + S75w Central Park Concept Plan Modification 16 (MP06_0171)</i> , dated 20 December 2019, 5 February 2020 and 23 April 2020, prepared by Ethos Urban
RRFI 1	Applicant's Response to further information request titled <i>Response to Submission requirements, Block 4B Central Park Adaptive Reuse (SSD-9374) + S75w Central Park Concept Plan Modification 16 (MP06_0171)</i> , dated 17 July 2020, prepared by Ethos Urban, including any additional information provided by the Applicant in support of the application
RRFI 2	Applicant's Response to further information request titled <i>Response to Rejection of Response to Submissions, Block 4B Central Park Adaptive Reuse (SSD-9374) + S75w Central Park Concept Plan Modification 16 (MP06_0171)</i> , dated 5 August 2020, prepared by Ethos Urban
Sensitive receivers	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area
Site	The land defined in Schedule 1
TfNSW	Transport for New South Wales
VENM	Virgin Excavated Natural Material
Waste	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
WELS	Water Efficiency and Labelling Scheme
Year	A period of 12 consecutive months

FOR INFORMATION

SCHEDULE 2

PART A ADMINISTRATIVE CONDITIONS

Obligation to Minimise Harm to the Environment

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

Terms of Consent

- A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) generally in accordance with the EIS as amended by the RtS and RRFI's;
- (d) in accordance with the approved plans in the table below (except as may be amended by the conditions of consent); and
- (e) **generally in accordance with the following modification applications:**
 - (i) **Section 4.55(1A) modification application (SSD 9374 MOD 1) prepared by Ethos Urban and dated 3 June 2022, as amended by additional information dated 30 September 2022 and additional plans received 16 and 22 November 2022**
 - (ii) **Section 4.55(1A) modification application (SSD 9374 MOD 2) prepared by Ethos Urban and dated 10 February 2023, as amended by additional information prepared by Ethos Urban and dated 18 April 2023 and additional plans received 8 May 2023**

Architectural Drawings prepared by Tzannes			
Dwg No.	Rev	Name of Plan	Date
DA0100	K	Area Plans (GFA)	17.01.23
DA0010	C	Signage	03.02.2020
DA1000	B	Basement 2 Demolition Plan	12.12.18
DA1001	B	Basement 1 Demolition Plan	12.12.18
DA1002	B	Ground Floor Demolition Plan	12.12.18
DA1003	B	Level 1 Demolition Plan	12.12.18
DA1004	B	Level 2 Demolition Plan	12.12.18
DA1005	B	Level 3 Demolition Plan	12.12.18
DA1006	B	Level 4 Demolition Plan	12.12.18
DA1007	B	Level 5 Demolition Plan	12.12.18
DA1008	B	Level 6 Demolition Plan	12.12.18
DA1100	D	Basement 2 Floor Plan	17.01.23
DA1101	H	Basement 1 Floor Plan	17.01.23
DA1102	O	Ground Floor Plan	17.01.23
DA1103	L	Level 1 Floor Plan	17.01.23
DA1104	I	Level 2 Floor Plan	17.01.23
DA1105	G	Level 3 Floor Plan	17.01.23
DA1106	K	Level 4 Floor Plan	17.01.23
DA1107	E	Level 5 Floor Plan	17.01.23
DA1108	G	Level 6 Floor Plan	17.01.23
DA1109	E	Roof Plan	17.07.20
DA2000	F	Eastern Elevation	17.04.23
DA2001	I	Northern Elevation	17.04.23

DA2002	G	Western Elevation	17.01.23
DA2003	E	Southern Elevation	17.04.23
DA3000	M	Section 1	17.04.23
DA3001	I	Section 2	17.04.23
DA3002	H	Section 3	17.04.23
DA3003	E	Section 4 and 5	17.04.23
-	-	Schedule of Finishes	July 2020
Landscape Drawings prepared by Jeppe Aagaard Anderson +Turf Design Studios			
Dwg No.	Rev	Name of Plan	Date
-	E	Public Domain Brewery Yard	July 2020
2	E	Project Description	2 July 2020
3	E	Public Domain Plan	2 July 2020
4	E	Levels & Grading Plan	2 July 2020
5	E	Street Elements & Planting Palette	2 July 2020

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
 - any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
 - the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition (c). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition (c), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

Limits of Consent

- A5. This consent lapses five years after the date from which it operates, unless the works associated with the development have physically commenced.
- A6. Separate approval must be obtained for any works or uses which do not meet exempt development provisions. This consent does not include approval of the following:
- fit out of the building
 - hours of operation
 - signage content.

Prescribed Conditions

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

Surrender of Existing Consents or Approvals

- A8. Within 12 months of the date of commencement of development to which this consent applies, or within another timeframe agreed by the Planning Secretary, the Applicant must surrender the existing project approval MP 10_0217 for alterations and additions to the existing Brewery Yard Buildings for retail and commercial uses in accordance with the EP&A Regulation.
- A9. Upon the commencement of development to which this consent applies, and before the surrender of existing development consents or project approvals required under condition A8, the conditions of this consent prevail to the extent of any inconsistency with the conditions of those consents or approvals.

Note: This requirement does not extend to the surrender of construction and occupation certificates for existing and proposed building works under the former Part 4A of the EP&A Act or Part 6 of the EP&A Act as applies from 1 September 2018. The surrender should not be understood as implying that works legally constructed under a valid consent or approval can no longer be legally maintained or used.

Design Integrity

A10. To ensure that the design continuity and excellence of the approved scheme is maintained throughout the development process, as a minimum, the Tzannes Architects is to:

- (a) Oversee and approve the design drawings for construction
- (b) Oversee and approve the design drawings for the contract documentation;
- (c) Maintain consultant continuity and design integrity during the tender and construction phases through to completion of the project;
- (d) Provide any documentation required by the consent authority verifying the design intent has been achieved at completion; and
- (e) Attend all meetings that pertain to design issues with the community, authorities and other stakeholders, as required.

Planning Secretary as Moderator

A11. In the event of a dispute between the Applicant and a public authority, in relation to an applicable 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 must be binding on the parties.

Legal Notices

A12. Any advice or notice to the consent authority must be served on the Planning Secretary.

Evidence of Consultation

A13. Where conditions of this consent require consultation with an identified party, the Applicant must:

- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary or Certifier for information or approval; and
- (b) provide details of the consultation undertaken including:
 - i. the outcome of that consultation, matters resolved and unresolved; and
 - ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

Staging, Combining and Updating Strategies, Plans or Programs

A14. With the approval of the Planning Secretary, the Applicant may:

- (a) prepare and submit any strategy, plan or program required by this consent on a staged basis (if a clear description is provided as to the specific stage and scope of the development to which the strategy, plan or program applies, the relationship of the stage to any future stages and the trigger for updating the strategy, plan or program);
- (b) combine any strategy, plan or program required by this consent (if a clear relationship is demonstrated between the strategies, plans or programs that are proposed to be combined); and
- (c) update any strategy, plan or program required by this consent (to ensure the strategies, plans and programs required under this consent are updated on a regular basis and incorporate additional measures or amendments to improve the environmental performance of the development).

A15. If the Planning Secretary agrees, a strategy, plan or program may be staged or updated without consultation being undertaken with all parties required to be consulted in the relevant condition in this consent.

A16. If approved by the Planning Secretary, updated strategies, plans or programs supersede the previous versions of them and must be implemented in accordance with the condition that requires the strategy, plan or program.

Structural Adequacy

A17. 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:

- (a) the relevant requirements of the BCA;
- (b) any additional requirements of the Subsidence Advisory NSW where the building or structure is located on land within a declared Mine Subsidence District.

Note 1: Under Part 6 of the EP&A Act, the Applicant is required to obtain construction and occupation certificates for the proposed building works

Note 2: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

External Walls and Cladding

A18. The external walls of all buildings including additions to existing building must comply with the relevant requirements of the BCA.

Applicability of Guidelines

A19. 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.

A20. 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.

Monitoring and Environmental Audits

A21. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

Note 1: *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.*

Compliance

A22. The Applicant must ensure 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.

Incident Notification, Reporting and Response

A23. 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.

A24. Subsequent notification must be given and reports submitted in accordance with the requirements set out in **Condition A16**.

Non-Compliance Notification

A25. 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 Certifying Authority must also notify the Department in writing to compliance@planning.nsw.gov.au within seven days after they identify any non-compliance.

A26. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A27. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

Revision of Strategies, Plans and Programs

A28. Within three months of:

- (a) the submission of a compliance report under **Condition A31**
- (b) the submission of an incident report under **Conditions A23 and A24**;
- (c) the approval of any modification of the conditions of this consent; or
- (d) the issue of a direction of the Planning Secretary under **Condition A2** which requires a review,
- (e) 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.

A29. 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.

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.*

Compliance Reporting

A30. Compliance Reports of the project must be carried out in accordance with the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (2020).

A31. Compliance Reports must be submitted to the Department in accordance with the timeframes set out in the Compliance Reporting Post Approval Requirements (2020), unless otherwise agreed to by the Planning Secretary.

A32. 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.

A33. Notwithstanding the requirements of the Compliance Reporting Post Approval Requirements (2020), 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.

Independent Environmental Audit

A34. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020).

A35. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

A36. 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.

A37. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020), the Applicant must:

- (a) review and respond to each Independent Audit Report prepared under **Condition A34** of this consent, or **Condition A36** where notice is given by the Planning Secretary;
- (b) submit the response to the Planning Secretary; and
- (c) make each Independent Audit Report, and response to it, publicly available 60 days after submission to the Planning Secretary.

A38. 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.

A39. 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.

PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Modifications

- B1. The pedestrian kerb ramps shown on Public Domain Plan, Rev E, date 2 July 2020, prepared by Jeppe Aagaard Anderson & Turf Design Studio are not approved and are to be deleted from the plans, to the satisfaction of the Certifier prior to issue of a Construction Certificate.

Certified Drawings

- B2. Prior to the issue of a Construction Certificate, the Applicant must submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
 - (b) this development consent.

External Walls and Cladding

- B3. Prior to the issue of a Construction Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Structural Details

- B4. Prior to the issue of the relevant Construction Certificate, the Applicant shall submit to the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA
 - (b) the development consent.

Site Stability, Excavation and Construction work

- B5. A report must be obtained from a suitably qualified and experienced professional engineer/s, which includes the following details, and submitted to the Certifier for the development:
- (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
 - (b) details of the proposed methods of excavation and support for the adjoining land (including any public place) and buildings
 - (c) details to demonstrate that the proposed methods of excavation, support and construction are suitable for the site and should not result in any damage to the adjoining premises, buildings or any public place, as a result of the works and any associated vibration
 - (d) the adjoining land and buildings located upon the adjoining land must be adequately supported at all times throughout demolition, excavation and building work
 - (e) written approval must be 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) and details must be provided to the Certifier.

Ecologically Sustainable Development

- B6. Prior to the issue of a Construction Certificate, evidence must be submitted to the Certifier demonstrating that the development has incorporated all design, construction and operation measures as identified in the ESD report titled *Brewery Yard- Ecologically Sustainable Development Report* prepared by Wood & Grieve Engineers, dated 18 July 2019.
- B7. Prior to the issue of a Construction Certificate, unless otherwise agreed by the Planning Secretary, the Applicant must commit to achieving a minimum 5 star NABERS rating and submit evidence of this commitment to the Certifier and Council. A copy of an independent energy assessment is to be provided to Council.
- B8. Prior to the issue of a Construction Certificate, unless otherwise agreed by the Planning Secretary, the Applicant must register for a minimum design and as built 5-star Green Star rating with the Green Building Council Australia and submit evidence of registration to the Certifier.

Outdoor Lighting and Illuminated Signage

- B9. A Public Domain Public Lighting Strategy is to be prepared to provide night time amenity for visitors and patrons. The Strategy is demonstrate its meets safety standards and CPTED principles and is to be prepared in consultation with Council, to the satisfaction of the Certifier prior to the issue of a Construction Certificate.
- B10. Prior to the issue of a Construction Certificate, evidence must be submitted to the Certifier demonstrating 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.

Reflectivity

- B11. Prior to the issue of a Construction Certificate, evidence must be submitted to the Certifier demonstrating that the materials used on the façades of the building do not exceed a maximum normal specular reflectivity of 20% so as not to result in glare that causes any discomfort or threatens the safety of pedestrians or drivers.

Mechanical Plant and Equipment

- B12. Prior to the issue of a Construction Certificate, the Applicant must incorporate the noise mitigation recommendations of the noise report titled *The Brewery Yard Acoustic Report Noise & Vibration Assessment for SSD* prepared by Wood & Grieve Engineers, dated 1 August 2018, into the detailed design drawings. The Certifier must verify that all noise mitigation measures have been incorporated into the design to ensure the development will not exceed the recommended operational noise levels identified in the report.
- B13. All mechanical ventilation systems must be installed in accordance with Part F4.5 of the BCA and must comply with the AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and AS/NZS 3666.1:2011 *Air handling and water systems of buildings–Microbial control* to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details must be submitted to the Certifier prior to the issue of a Construction Certificate.

CTP Emissions

- B14. Prior to issue of the Construction Certificate, the Applicant must demonstrate to the satisfaction of the Certifier that the building has been designed so there are no adverse impacts, from the CTP emissions, to the human health of the occupants of the Brewery Yard buildings.

This is to include (but is not limited to):

- (a) minimising or eliminating ventilation openings in the building in the vicinity of the stack
- (b) ensure mechanical ventilation inlets are not located in the vicinity of the stack.

Bicycle Parking and End-of-Trip Facilities

- B15. Prior to the issue of a Construction Certificate, evidence shall be submitted to the Certifier confirming the development complies with the following requirements for secure bicycle parking:
- (a) a minimum of 40 bicycle parking spaces are to be provided for staff/ employees
 - (b) a minimum of 25 parking space are to be provided for visitors
 - (c) the layout, design and security of all bicycle facilities must comply with the minimum requirements of AS 2890.3 – 1993 Parking Facilities Part 3: Bicycle Parking Facilities. Staff bicycle parking should be provided according to the class level B as specified AS 2890.3:2015
- B16. Prior to the issue of a Construction Certificate, documentation demonstrating that the following end of trip facilities will be provided shall be submitted to the Certifier:
- (a) a minimum of 4 showers with change facilities
 - (b) a minimum of 65 personal lockers

Vehicle Parking

- B17. Prior to the issue of a Construction Certificate, evidence shall be submitted to the Certifier confirming the development complies with the following requirements for vehicle parking:
- (a) 10 car spaces in the basement of Block 1
 - (b) 20 car spaces in the basement of Block 2
 - (c) 2 of the car spaces are to be used to provide 3 motorcycle parking spaces.

Schedule of conservation works

- B18. A detailed schedule of conservation works relating to significant heritage fabric is to be prepared in consultation with Council, prior to the issue of the Construction Certificate. The schedule is:
- (a) to be supported by floor plans, elevations and sections, as appropriate, to fully explain the scope and extent of the works
 - (b) to include repair methodologies, specifications and supporting engineering documentation
- B19. A copy of the final schedule of conservation works is to be submitted to the Planning Secretary for information.

Heritage Interpretation Plan

- B20. A Heritage Interpretation Plan for the Brewery Yard buildings (Block 4B) must be prepared and submitted to Council for approval, prior to the issue of the Construction Certificate. The plan must be prepared by a suitably qualified and experienced heritage practitioner or historian. The plan is to include the following:
- (a) details of heritage interpretation associated with the coal hoppers, including the removed coal hopper and large scale photos
 - (b) details of heritage interpretation associated with the malt silos
 - (c) details of how information on the history and significance of the site will be provided for the public and make recommendations regarding public accessibility, signage and lighting
 - (d) confirmation of appropriate media (including type of media, materials and contents) and locations for interpretation
 - (e) development of content and detailed briefs for specific interpretation media to ensure media is integrated into the overall design response to the site and public domain.

Heritage consultant

- B21. An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council and the Heritage Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- B22. Evidence and details of the above commission are to be provided to the Certifier and Council prior to the issue of a Construction Certificate.
- B23. The heritage consultant is to be involved in the preparation of detailed drawings of works affecting significant fabric and facades including (not limited to):
- (a) works to the existing windows used to connect to the new fire stair, including how the windows will be enlarged and lined
 - (b) replaced and retained windows, including details of each window treatment, proposed new window materials to best match the surviving condition and use of high-performance glazing
 - (c) new door openings and gates and interface with significant stone and brickwork
 - (d) interface between significant facades and new additions
 - (e) any demolition/ removal of significant elements
 - (f) opportunities for reinstatement of details on the former facades which are now encased by Building 25
 - (g) retention of the malt silos fabric where the concrete engages with the existing brickwork of the external walls (where possible) and reconstruct the remaining elements (where viable)
 - (h) the design and materials of the access panel to the chimney on the ground floor of Building 30, including use of contemporary elements, inseting the panel and door and/or other measures to ensure the masonry arch detail remains prominent.**

Waste and Recycling Management

- B24. Prior to the issue of a Construction Certificate, the *Brewery Yard (Central Park Chippendale) Operational Waste Management Plan*, prepared by Waste Audit and Consultancy Services, dated August 2020, must be updated to demonstrate compliance with the following waste and recycling requirements, to the satisfaction of Council:
- (a) collection from the Brewery yard forecourt loading area
 - (b) an agreed time for waste collection
 - (c) waste management for the demolition and construction phases in accordance with Council's *Guidelines for Waste Management in New Developments (2020)*.

PART C PRIOR TO COMMENCEMENT OF WORKS

Notification of Commencement

- C1. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- C2. If the construction of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Contact details

- C3. The Applicant must provide the builder's direct contact number to small businesses adjoining or impacted by the construction work, the Transport Management Centre and Sydney Coordination Office within TfNSW, to allow resolution of any issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time.

Access to Information

- C4. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
 - i. the documents referred to in condition **A2** of this consent;
 - ii. all current statutory approvals for the development;
 - iii. all approved strategies, plans and programs required under the conditions of this consent;
 - iv. regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
 - v. a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
 - vi. a summary of the current stage and progress of the development;
 - vii. contact details to enquire about the development or to make a complaint;
 - viii. a complaints register, updated monthly;
 - ix. audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
 - x. any other matter required by the Planning Secretary; and
 - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

Approved Plans to be On-site

- C5. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the Site at all times and must be readily available for perusal by any officer of the Department, Council or the Certifier.

Site Notice

- C6. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
 - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
 - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
 - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
 - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

Protection of Public Infrastructure

- C7. Prior the commencement of works, the Applicant must:
- (a) 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;
 - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
 - (c) submit a copy of the dilapidation report to the Certifier and Council.

Pre-Construction Dilapidation Report

- C8. Prior to the commencement of works, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private properties, and Council assets that are likely to be impacted by the proposed works.

Archival recording

- C9. Prior to the commencement of construction, an archival photographic record of the site is to be undertaken, in consultation with Council. The recording should include accurate measured drawings of the following:
- The building and the site including:
 - Location Plan
 - Site Plan (1:500 or 1:200)
 - Floor Plan/s (1:100 or 1:50)
 - Roof Plan/s (1:100 or 1:50)
 - Elevations and Sections (1:100 or 1:50)
 - Components of the building including windows, trussers, rainwater heads and other significant details and indicate 1:10 or 1:5 scale
 - Measured drawings should be cross-referenced to each other, clearly titled, indicate scale, orientation and date of execution. The drawings can also be annotated or hatched to reveal more about the heritage significance of the site or object (e.g. to differentiate between dates of construction, materials and finishes and vegetation types).

Sydney Water Requirements

- C10. The Applicant shall ensure that satisfactory measures are taken to protect Sydney Water's existing stormwater asset, such as avoiding building over and/or adjacent to stormwater assets and building bridges over stormwater assets.

Environmental Management Plan Requirements

- C11. Management plans required under this consent must be prepared in accordance with relevant guidelines, and include:
- detailed baseline data;
 - details of:
 - the relevant statutory requirements (including any relevant approval, licence or lease conditions);
 - any relevant limits or performance measures and criteria; and
 - the specific performance indicators that are proposed to be used to judge the performance of, or guide the implementation of, the development or any management measures;
 - a description of the measures to be implemented to comply with the relevant statutory requirements, limits, or performance measures and criteria;
 - a program to monitor and report on the:
 - impacts and environmental performance of the development;
 - effectiveness of the management measures set out pursuant to paragraph (c) above;
 - a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - a program to investigate and implement ways to improve the environmental performance of the development over time;
 - a protocol for managing and reporting any:
 - incident and any non-compliance (specifically including any exceedance of the impact assessment criteria and performance criteria);
 - complaint;
 - failure to comply with statutory requirements; and
 - a protocol for periodic review / update of the plan and any updates in response to incidents or matters of non-compliance.

Note: The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

Construction Environmental Management Plan

- C12. Prior to the issue of a Construction Certificate, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- Details of:
 - hours of work;
 - 24-hour contact details of site manager;
 - management of dust and odour to protect the amenity of the neighbourhood;
 - stormwater control and discharge;
 - measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject site;
 - groundwater management plan including measures to prevent groundwater contamination;

- vii. external lighting in compliance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting;
- viii. community consultation and complaints handling
- (b) Construction Traffic and Pedestrian Management Sub-plan (see **Condition C13**);
- (c) Construction Noise and Vibration Management Sub-plan (see **Condition C14**);
- (d) Construction Waste Management Sub-plan (see **Condition C15**);
- (e) Construction Soil and Water Management Sub-plan (see **Condition C16**);
- (f) an unexpected finds protocol for contamination, Aboriginal and non-Aboriginal heritage and associated communications procedure; and
- (g) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.

Construction Traffic and Pedestrian Management Sub-Plan

- C13. The Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network. The CTPMSP shall be prepared in consultation with TfNSW (Sydney Coordination Office) and shall specify, but not be limited to, the following:
- (a) a description of the development;
 - (b) location of any proposed work zone(s);
 - (c) location of any crane(s);
 - (d) haulage routes;
 - (e) a detailed plan identifying all construction vehicle access arrangements;
 - (f) estimated number of construction vehicle movements, including measures to reduce the number of movements during the AM and PM peak periods;
 - (g) measures to avoid construction worker vehicle movements within the CBD;
 - (h) construction program;
 - (i) proposed construction hours;
 - (j) consultation strategy for liaison with surrounding stakeholders, including other developments;
 - (k) any potential impacts to general traffic, cyclists, pedestrians and bus and light rail services within the vicinity of the site from the construction of the development;
 - (l) cumulative construction impacts of the development, Sydney Metro City and Southwest and other developments. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
 - (m) proposed mitigation measures. 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 included in the CPTMSP

Construction Noise and Vibration Management Sub-Plan

- C14. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
 - (b) incorporate recommendations of the noise report titled *The Brewery Yard Acoustic Report Noise & Vibration Assessment for SSD* prepared by Wood & Grieve Engineers, dated 1 August 2018;
 - (c) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
 - (d) hours of construction in accordance with **Conditions D3 to D7**;
 - (e) outline regular community liaison with sensitive receivers around the site
 - (f) outline how noise and vibration impacts would be monitored during construction
 - (g) in consultation with adjoining sensitive receivers, outline scheduling and describe the measures to be implemented to manage high noise generating works such as jackhammering
 - (h) include strategies that have been developed with the community for managing high noise generating works; and
 - (i) describe the community consultation undertaken to develop the strategies; and
 - (j) include a complaints management system that would be implemented for the duration of the construction.

Construction Waste Management Sub-Plan

- C15. The Construction Waste Management Sub-Plan (CWMSWP) must address, but not be limited to, the following:
- (a) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations;
 - (b) removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facilities in accordance with the requirements of the relevant legislation, codes, standards and guideline, prior to the commencement of any building works.

Construction Soil and Water Management Sub-Plan

- C16. The Applicant must prepare a Construction Soil and Water Management Plan (CSWMSP) and the plan must address, but not be limited to the following:
- (a) be prepared by a suitably qualified expert, in consultation with Council and where necessary the Department of Planning, Industry and Environment - Water (DPIE - Water);
 - (b) describe all erosion and sediment controls to be implemented during construction;
 - (c) provide a plan of how all construction works will be managed in wet weather events (i.e. storage of equipment, stabilisation of the Site);
 - (d) detail all off-Site flows from the Site;
 - (e) site dewatering (if applicable), including preparation of a dewatering management plan in consultation with DPIE – Water
 - (f) any impacts of the development on surface and groundwater hydrology and quality
 - (g) any water licensing requirements or other approvals required under the *Water Act 1912* or *Water Management Act 2000*.
 - (h) describe the measures that must be implemented to manage stormwater and flood flows for small and large sized events, including, but not limited to 1 in 1 year ARI, 1 in 5 year ARI and 1 in 100 year ARI.

Construction Worker Transportation Strategy

- C17. Prior to the commencement of construction, the Applicant must submit a Construction Worker Transportation Strategy to the Certifier. The Strategy must detail the provision of sufficient parking facilities or other travel arrangements for construction workers in order to minimise demand for parking in nearby public and residential streets or public parking facilities. A copy of the strategy must be submitted to the Planning Secretary and Council for information.

Compliance

- C18. 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.

PART D DURING CONSTRUCTION

Demolition

- D1. Demolition work must comply with Australian Standard AS 2601-2001 The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the PCA before the commencement of works.

Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

Construction Hours

- D3. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
 - (b) between 8am and 1pm, Saturdays.
 - (c) No work may be carried out on Sundays or public holidays.
- D4. Notwithstanding condition D3, provided noise levels do not exceed the existing background noise level plus 5 dB, works may also be undertaken during the following hours:
- (a) between 6pm and 7pm, Mondays to Fridays inclusive; and
 - (b) between 1pm and 4pm, Saturdays.
- D5. Construction activities may be undertaken outside of the hours in condition D3 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
 - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
 - (c) where the works are inaudible at the nearest sensitive receivers.
- D6. Notification of such construction activities as referenced in condition D3 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- D7. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out in accordance with the CNVMSP and must have regard surrounding sensitive receivers.

Protection of Public Infrastructure

- D8. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
 - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.
- Note:** This condition does not apply to any damage to roads caused as a result of general road usage.
- D9. Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications.

Heritage Works

- D10. During all construction works, to conserve and protect the heritage significant fabric, the following applies:
- (a) throughout the construction stages of the project, the undertaking of the conservation works are to be progressively inspected by the City of Sydney's heritage specialist, at certain milestones as agreed by Council's and the Applicant's heritage specialists
 - (b) the proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/ fixings to the significant fabric of the existing building. New materials for making good and repairs of historic fabric are to match the original in terms of colours, finishes, sizes, profile and properties.
 - (c) the significant fabric and features that are to be retained by the proposal must be properly protected during the process of demolition and construction. The protection measures and the proposed machinery to be utilised in demolition and the works are to be specified in an accompanying Heritage Protection Construction Plan.
 - (d) appropriately qualified tradespersons are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed conservation scope of works within the heritage buildings. All diagnostic work should be undertaken by specialist conservators and engineers. All site induction procedures are to include heritage induction.

Implementation of Management Plans

- D11. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).
- D12. If directed by TfNSW, the Applicant must make changes to the Construction Traffic and Pedestrian Management sub-plan in accordance with TfNSW directions in order to maintain road safety and network efficiency.

Construction Traffic

- D13. 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.

No Obstruction of Public Way

- D14. The public way (outside of any construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under and circumstances. Non-compliance with this requirement will result in the issue of a notice by the relevant Authority to stop all works on site.

Construction Noise Limits

- D15. 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 CNVMSP.
- D16. The Applicant must ensure construction vehicles (including concrete agitator trucks) do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under **Conditions D3 to D7**.
- D17. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of audible movement alarms of a type that would minimise noise impacts on surrounding noise sensitive receivers.
- D18. The Applicant must ensure that any work generating high noise impact (i.e. work exceeding a NML of $L_{Aeq} 75dBA$) as measured at the sensitive receiver must only be 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 one hour respite between ceasing and recommencing any of the work the subject of this condition.
- D19. 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.

Vibration Criteria

- D20. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
 - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D21. Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in Condition D20.
- D22. The limits in Conditions D20 and D21 apply unless otherwise outlined in a Construction Noise and Vibration Management Plan, approved as part of the CEMP required by Condition C14 of this consent.

Air Quality

- D23. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D24. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;
 - (b) all trucks entering or leaving the site with loads have their loads covered;
 - (c) trucks associated with the development do not track dirt onto the public road network;
 - (d) public roads used by these trucks are kept clean; and
 - (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Erosion and Sediment Control

- D25. 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'.

Disposal of Seepage and Stormwater

D26. 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 Environment Protection Authority in accordance with the Protection of the Environment Operations Act 1997.

Loading and Unloading During Construction

D27. The following requirements apply:

- (a) all loading and unloading associated with construction activity must be accommodated on site.
- (b) if, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) a Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (d) in addition to any approved Works Zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.
- (e) the structural design of the building must allow the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
- (f) where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

Use of Mobile Cranes

D28. The following requirements apply:

- (a) mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (b) for operations warranting the on-street use of mobile cranes (such as delivery of materials, hoisting of plant/equipment, erection and dismantling of onsite tower cranes, etc), permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (c) special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

Excavated and Imported Soil

D29. The Applicant must ensure that only VENM, ENM, or other material approved in writing by the EPA is brought onto the site and keep accurate records of the volume and type of fill used.

D30. Any excavated material to be removed from the site is to be assessed, classified, transported and disposed of in accordance with the Department of Environment and Climate Change's (DECC) 'Waste Classification Guidelines Part 1: Classifying Waste'.

Waste Storage and Processing

D31. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

D32. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

D33. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

D34. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.

D35. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

D36. The proposal must comply with the Waste and Recycling Management Plan prepared in accordance with **Condition B24** during construction.

PART E PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

Notification of Occupation

- E1. The date of occupation of the development must be notified to the Department in writing, at least one month before occupation. If the operation of the development is to be staged, the Department must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

Occupation Certificate Requirements

- E2. An Occupation Certificate must be obtained from the Certifier prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the Environmental Planning & Assessment Act 1979.

Structural

- E3. Prior to the issue of an Occupation Certificate, a professional engineer must certify that the building works satisfy the relevant structural requirements of the Building Code of Australia and approved design documentation. A copy of the certification shall be submitted to the Certifier and Council with the Occupation Certificate.

Structural Inspection Certificate

- E4. Prior to the commencement of operation, an Inspection Certificate or a Compliance Certificate must be submitted to the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
 - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

External Walls and Cladding

- E5. Prior to issue of an Occupation Certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E6. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

Fire Safety Certification

- E7. Prior to the occupation of the building, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

Utility Providers

- E8. Prior to occupation or commencement of the use, written advice shall be obtained from the relevant water supply authority, wastewater disposal authority, electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provision of adequate services.

Post-construction Dilapidation Report

- E9. Prior to commencement of operation, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to adjoining buildings or infrastructure;
 - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
 - i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and
 - ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
 - (c) to be forwarded to Council.

Protection of Property

- E10. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

Road Damage

E11. Prior to the commencement of operation, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the Subject Site as a result of construction works associated with the approved development must be met in full by the Applicant.

Protection of Public Infrastructure

E12. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:

- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development
- (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

Mechanical Ventilation

E13. Prior to commencement of operation and following completion, installation and testing of all mechanical ventilation systems, the Applicant must submit evidence to the Certifier demonstrating the installation and performance of the mechanical systems complies with:

- (a) the requirements of **Condition B13**
- (b) the BCA;
- (c) AS 1668.2-2012 *The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes;
- (d) the development consent and any relevant modifications; and
- (e) any dispensation granted by the NSW Fire Brigade.

Registration of Easements

E14. Prior to the issue of an Occupation Certificate, the Applicant shall provide to the Certifier evidence that all matters required to be registered on title including easements required by this consent, approvals, and other consents have been lodged for registration or registered at the NSW Land and Property Information.

Covenant for Brewery Yard forecourt and through site link

E15. Prior to issue of the Occupation Certificate, the Applicant must register a Positive Covenant pursuant to Section 88B of the Conveyancing Act 1919, on the title of sites 7 and 8, as show on drawing number A-1254, Concept Plan Public Domain, revision 22, dated 03.09.2020, prepared by Tzannes, of the approved Concept Plan MP06_0171 (as modified), that the sites shall remain publicly accessible.

Outdoor Lighting

E16. Prior to the commencement of operation, 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:

- (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.

Heritage Interpretation Areas

E17. The heritage interpretation areas identified in the approved Heritage Interpretation Plan (**Condition B20**) are to be implemented and constructed within the site prior to the issue of an Occupation Certificate, subject to the following:

- a) final details of interpretation media, including final materials, forms and dimensions are to be submitted to Council prior to installation.
- b) a final inspection of the installation of the interpretation features by Council is to occur, prior to the issue of an Occupation Certificate.

On street parking restrictions

E18. Prior to the issue of an Occupation Certificate, the Applicant is to amend the on-street parking restrictions of the existing parking bay on the western side of Central Park Avenue, opposite the subject site, to allow for short term parking for loading and unloading purposes in accordance with the approval from Council's Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) dated 16 April 2020, to the satisfaction of Council.

Bicycle Facilities

E19. Prior to the commencement of operation:

- (a) bicycle facilities shall be installed in accordance with the requirements of **Condition B15**; and
- (b) bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.

Green Travel Plan and Transport Access Guide

- E20. Prior to the commencement of operation, a Green Travel Plan (GTP) and Transport Access Guide (TAG) shall be prepared in consultation with TfNSW (Sydney Coordination Office) and Council, maintained and implemented within the site. The GTP and TAG shall include:
- (a) strategies to reduce the proportion of single-occupant car travel and increase the mode share of public transport and active transport for workers and visitors of the development.
 - (b) clear and time bound targets, actions and measurements and monitoring framework.
 - (c) a mechanism for a minimum five yearly review in consultation with TfNSW and Council.

Operational Waste Management Plan

- E21. Prior to the commencement of operation, the Certifier must ensure that waste handling works have been completed in accordance with the Waste and Recycling Management Plan prepared in accordance with **Condition B24** and other relevant development consent conditions.
- E22. Prior to commencement of operation the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste.

Loading Management Plan

- E23. Prior to the issue of the Occupation Certificate, the Applicant must make arrangements to use the shared Central Park loading dock for servicing during business hours, to accommodate for situations when the on-street loading zone on Central Park Avenue is unavailable.
- E24. Prior to the issue of the Occupation Certificate, the Applicant must prepare a Loading Management Plan for the use of the on-street loading zone on Central Park Avenue, the forecourt loading area and the shared Central Park loading dock. The plan is to be prepared to the satisfaction of Council and is to promote safe and efficient loading. The plan must specify:
- (c) The forecourt loading area:
 - (i) is only to be used for waste and recycling collection and large deliveries of furniture/ appliances
 - (ii) is only permitted to be used at set times outside of regular business hours and at periods of low pedestrian activity, as agreed with Council
 - (iii) removable bollards are to restrict vehicle access to the forecourt at all other times
 - (iv) vehicles are required to reverse in and exit in a forward direction
 - (v) the size of vehicles must not exceed 8.8 m.
 - (vi) management of conflicts between vehicles and pedestrians including a spotter to accompany all truck movements to/ from the forecourt to manage and control pedestrians and use of flashing lights and audible noises when the truck is reversing (subject to any amenity impacts)
 - (d) how the forecourt loading area will be managed, including details of a pre-booking system
 - (e) all general deliveries during business hours must use the available on street loading zone or shared Central Park loading dock
 - (f) outline measures to direct loading and deliveries to the shared Central Park loading dock when the loading zone and forecourt loading area are not available
 - (g) provide details of safe and compliant service paths from the shared loading dock to the building
 - (h) controls on duration of stays
 - (i) vehicle/ truck access routes
 - (j) measures to ensure there is no queuing of delivery vehicles including details of alternate parking locations to redirect vehicles when queuing occurs.

Landscaping

- E25. Prior to the issue of the Occupation Certificate, the landscaping (including hard and soft landscaping, paths and the like) must be installed in accordance with the landscaping drawings approved in **Condition A2**.
- E26. Prior to the commencement of operation, the Applicant must prepare an Operational Landscape Management Plan (OLMP) to manage the landscaping on-site. The OLMP must:
- (a) describe the ongoing monitoring and maintenance measures to manage landscaping; and
 - (b) identify that all trees are established on site prior to occupation of the premises.
- E27. The Applicant must not commence operation until the OLMP has been submitted to the Certifier.

Public Art

E28. The Applicant must undertake the re-location of the art work by Ugo Rondinone in consultation with the curator and artist.

E29. The record of ownership of the artwork and future maintenance plans are to be submitted to Council, prior to issue of the Occupation Certificate, for their record of public art in private development.

PART F POST OCCUPATION

Fire Safety Certificate

- F1. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council's Fire Safety Statement

Operation of Plant and Equipment

- F2. All plant and equipment used on site, or to monitor the performance of the development must be:
- a) maintained in a proper and efficient condition; and
 - b) operated in a proper and efficient manner.

Operational Noise Limits

- F3. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in *The Brewery Yard Acoustic Report Noise & Vibration Assessment for SSD* prepared by Wood & Grieve Engineers, dated 1 August 2018.
- F4. Noise associated with the operation of any plant, machinery, or other equipment on the site, must not exceed 5 dB(A) above the rating background noise level when measured at the boundary of any sensitive receiver.
- F5. The Applicant must undertake short term noise monitoring in accordance with the Noise Policy for Industry, to collect valid data and provide a quantitative assessment of operational noise impacts following occupation of the building. The noise monitoring must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within three months of full occupation of the building. Should the noise monitoring identify any exceedance of the recommended noise levels, the Applicant must implement appropriate on-site noise attenuation measures to ensure operational noise levels do not exceed the recommended noise levels and/or provide noise attenuation measures at the affected noise sensitive receivers.

Unobstructed Driveways and Parking Areas

- F6. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and parking areas must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

Ecologically Sustainable Development

- F7. Unless otherwise agreed by the Planning Secretary, within 12 months of commencement of operation, Green Star certification must be obtained demonstrating the development achieves a minimum 5-star Green Star Design and as Built rating. If required to be obtained, evidence of the certification must be provided to the Certifier and the Planning Secretary.
- F8. Unless otherwise agreed by the Planning Secretary, once the building has been occupied for 12 months, the Applicant must verify the development has achieved a minimum 5 star NABERS energy rating. If required to be obtained, evidence must be provided to the Certifier and the Planning Secretary.

Through site link

- F9. The through site link is to be open and accessible between the hours of 7 am to 10 pm, 7 days a week. The security gates may only be closed between 10 pm and 7 am.

Loading

- F10. All loading and unloading shall be in accordance with the Loading Management Plan (**Condition E23**)
- F11. All loading and unloading associated with the site must occur in the on-street loading zone, forecourt loading area or shared Central Park loading dock and must not obstruct other properties/units or the public way.
- F12. At all times the on-street loading zone, forecourt loading area and access driveway must be kept clear of goods and must not be used for storage purposes, including garbage storage.

Landscaping maintenance

- F13. The landscaping is to be maintained at all times following its installation in accordance with the Operational Landscape Management Plan.

Waste and recycling

- F14. The operation of the site shall be in accordance with the Waste and Recycling Management Plan (**Condition B24**).
- F15. The collection of waste and recycling must only occur in the designated collection area and times as outlined in the Waste and Recycling Management Plan prepared in accordance with **Condition B24**.

F16. Waste and recycling receptables and any bulky waste must be stored on the property at all times and must not be placed on the kerb for collection No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

FOR INFORMATION

ADVISORY NOTES

General

- AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.

Long Service Levy

- AN2. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

Legal Notices

- AN3. Any advice or notice to the consent authority must be served on the Planning Secretary.

EPA

- AN4. The EPA recommends the use of 'certified consultants'. Please note that the EPA's *Contaminated Land Consultant Certification Policy*, Ver 2, (dated November 2017) (https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/clm/18520-contaminated-land-consultant-certification-policy.pdf?la=en&hash=D56233C4833022719BCE0F40F870C19D_C273A1F7) supports the development and implementation of nationally consistent certification schemes in Australia, and encourages the use of certified consultants by the community and industry. Note that the EPA requires all reports submitted to the EPA to comply with the requirements of the *Contaminated Land Management Act 1997* to be prepared, or reviewed and approved, by a certified consultant.

Access for People with Disabilities

- AN5. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

Utilities and Services

- AN6. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN7. Prior to the commencement of above ground 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.
- AN8. Prior to commencement of operation, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the Sydney Water Act 1994.
- AN9. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of Planning for Bush Fire Protection 2006.

Road Design and Traffic Facilities

- AN10. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (RMS) (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

Road reserve

- AN11. A separate application must be lodged and consent obtained from City of Sydney for any works within the road reserve pursuant to Section 138 of the Roads Act 1993 (NSW). The consent must be obtained, or other satisfactory arrangements confirmed in writing from City of Sydney, before the commencement of construction works within the road reserve.
- AN12. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.
- AN13. All tactile ground surface indicators, handrails and other elements required to provide access into the building / property must be located entirely within the private property boundary.

Road Occupancy Licence

- AN14. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

SafeWork Requirements

AN15. 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.

Hoarding Requirements

AN16. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

AN17. The following hoarding requirements must be complied with:

- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing;
- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application; and

Handling of Asbestos

AN18. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – 'Transportation and management of asbestos waste' must also be complied with.

Survey Infrastructure

AN19. 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

APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: compliance@planning.nsw.gov.au within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition **Error! Reference source not found.** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the applicant became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of consent;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.