

15 March 2023

At 5.00 pm

Local Planning Panel



Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Development Application: 8-10 Danks Street, Waterloo - D/2022/397**
- 4. Development Application: 50 Bridge Street, Sydney - D/2022/1005**
- 5. Report to the Local Planning Panel - Status of Applications**



As part of our democratic process, the City invites members of the community to speak directly to Members of the Local Planning Panel (LPP) about items on a meeting agenda.

Webcast

In accordance with the *Environmental Planning and Assessment Act 1979* and the *City of Sydney Local Planning Panel Operational Procedures*, LPP meetings are audio visually recorded and webcast live on the City of Sydney website at www.cityofsydney.nsw.gov.au.

Members of the public attending a LPP meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived.

Consent

By attending a LPP meeting, members of the public consent to this use of their image, voice and personal information.

Disclaimer

Statements made by individuals at a LPP meeting, and which may be contained in a live stream or recording of the meeting are those of the individuals making them, and not of the City/LPP. To be clear, unless set out in a resolution, the City/LPP does not endorse or support such statements.

The City/LPP does not accept any liability for statements made or actions taken by individuals during LPP meetings that may be contrary to law, including discriminatory, defamatory or offensive comments. Such statements or actions are not protected by privilege and may be the subject of legal proceedings and potential liability, for which the City/LPP takes no responsibility.

To enable the LPP to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at meetings to:

1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 12.00 noon on the day of the meeting.
2. Check the recommendation in the LPP report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each LPP meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

LPP reports are on line at www.cityofsydney.nsw.gov.au

Item 1.

Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

Item 2.

Confirmation of Minutes

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Chair of that meeting, are submitted for noting:

Meeting of 22 February 2023

Item 3.**Development Application: 8-10 Danks Street, Waterloo - D/2022/397**

File No.: D/2022/397

Summary**Date of Submission:** 4 May 2022, latest information submitted on 9 January 2023**Applicant:** Ora Restaurant Pty Ltd**Architect:** Archispectrum**Planning Consultant:** aSquare Planning Pty Ltd**Cost of Works:** \$0**Zoning:** The site is located in the B2 Local Centre zone. The existing use, defined as food and drink premises, is permissible with consent in the zone.**Proposal Summary:** The application seeks consent for an increase in the patron capacity of the existing licensed restaurant from 70 to 225 persons and continuation of trial extended hours between 7.00am and 12.00midnight, Monday to Friday, for a further five years.**Notification**

The application was notified for 14 days, between 4 and 19 October 2022. A total of 43 submissions were received (39 objections and 4 support). The objections raised the following concerns:

- inadequacy of the acoustic report;
- appropriateness of the extended hours of operation for the locality;
- noise impacts to neighbouring residential apartments;
- potential damages to the through site link contained within the adjoining property; and
- traffic and parking.

Assessment

Additional information has been submitted over the course of the assessment to address issues raised by Council Officers and in objections received and include:

- an amended Plan of Management;
- additional acoustic assessment information to address potential impacts to adjoining residential apartments to the north, east and west;
- an updated waste management plan; and
- information pertaining to the removal of redundant driveway crossings and changes to kerb-side parking restrictions to increase the on-street parking and to provide a dedicated loading zone.

Suitable information has been provided to demonstrate that the potential amenity impacts associated with the proposed increased patron capacity and extension of the trial period for extended hours of operation can be appropriately managed.

Considering the substantial increase in patron capacity from the existing 70 to 225 persons, a 1-year trial period is recommended to allow the operator to demonstrate good management and compliance with conditions concerning the management of patron behaviour and noise impacts.

The application is referred to the Local Planning Panel for determination as it has attracted over 25 unique submissions by way of objection.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Sydney Local Environmental Plan 2012
- (ii) Sydney Development Control Plan 2012
- (iii) City of Sydney Development Contribution Plan 2015
- (iv) City of Sydney Affordable Housing Program

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings

Recommendation

It is resolved that consent be granted to Development Application No. D/2022/397 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the B2 Local Centre zone.
- (B) The development is consistent with the character statement and principles for the Danks Street locality.
- (C) The hours of operation are consistent with the objectives and in accordance with the recommended hours for the Local Centre area for a Category B premises as identified in the Sydney DCP 2012.
- (D) The development, subject to conditions, will ensure that the on-going operation of the development does not create unreasonable disturbance or nuisance to surrounding properties.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 3 DP 335447, commonly known as 8-10 Danks Street, Waterloo. It is rectangular in shape with an area of approximately 590m². It has a frontage to the northern side of Danks Street and is located between Young Street to the west and Bourke Street to the east.
2. The site contains a part-one, part-two storey warehouse building. The building has two roller doors with driveway crossings, and two pedestrian entries. Neither of these roller doors or associated driveway crossings are currently in use.
3. The subject tenancy occupies the majority of the ground floor of the building. A separate retail premises (furniture shop) occupies a small portion of the ground floor at the eastern end of the building's street frontage. A separate office space occupies the first floor level above.
4. The subject tenancy has been fitted out as a restaurant under Complying Development Certificate (CDC) no 210006/01-01 circa 2021, and is currently trading as ŌRA, a licensed restaurant. The floor plan is shown in Figure 8 below. As shown in Figure 2, the western roller door has been modified to form the main pedestrian entrance to the subject tenancy while the eastern roller door is left closed. The pedestrian access point between the two roller doors is utilised as an emergency access point.
5. The surrounding area is characterised by a mixture of land uses. Adjacent to the north and east, at 169-175 Phillip Street, is a 3-7 storey residential flat building known as 'Warehouse 5'. To the west, at 2-6 Danks Street, is a 4 storey mixed use development known as the 'Arthouse', comprising commercial uses on the ground floor and residential apartments above. To the northwest, at 197 Young Street, is a two-storey converted warehouse building now known as the Waterloo Design Centre. It accommodates a range of commercial uses, including a cafe on the ground floor addressing the corner of Young Street and Phillip Street.
6. On the other side of Danks Street, to the south, includes a 4 storey mixed use development known as 'Warehouse 1' at 1 Danks Street, comprising commercial uses on the ground floor and residential apartments above. Warehouse buildings at 3-7 Danks Street, accommodate a range of commercial/retail uses.
7. Mixed use developments at 9-15, 18, and 17-19 Danks Street, located further east along Danks Street, also accommodate ground floor retail premises and residential apartments above.
8. The site is not identified as, or located adjacent to, a heritage item. It is also not located within or adjacent to a heritage conservation area.
9. The site is located within the locality of Danks Street, which forms part of the Green Square urban renewal area.
10. A site visit was carried out on 2 February 2023. Photos of the site and surrounds are provided below.



Figure 1: Aerial view of site and surrounds

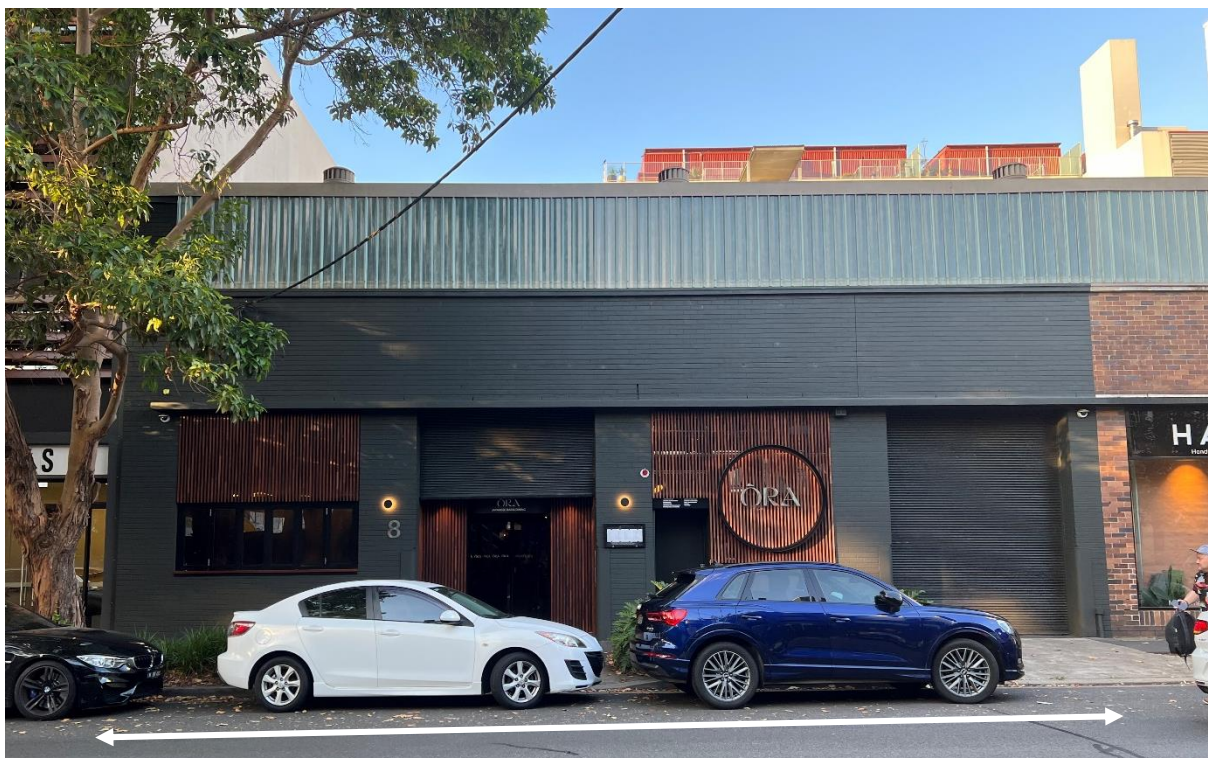


Figure 2: Subject tenancy viewed from Danks Street



Figure 3: Adjoining residential flat building 'Warehouse 5' to the west

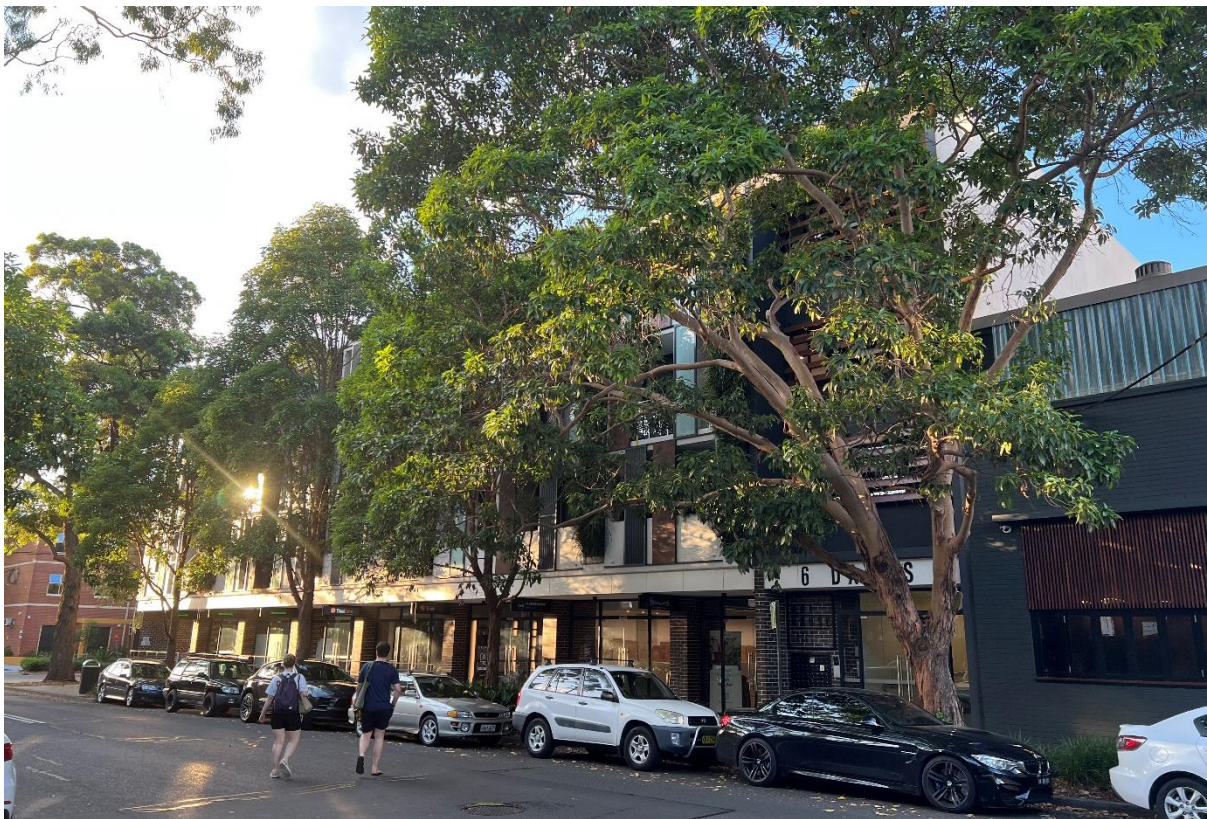


Figure 4: Adjoining mixed use development 'Arthouse' to the east



Figure 5: Neighbouring mixed use development 'Warehouse 1' to the south



Figure 6: Neighbouring commercial development to the south

History Relevant to the Development Application

Development Applications

11. The following applications are relevant to the current proposal:

- **D/2012/1141** – Development consent was granted on 12 November 2012 for alterations and additions to the subject tenancy to accommodate a warehouse, office space and licensed restaurant/bar. The consent approved a maximum patron capacity of 70 people and extended hours of operation between 7.00am and 12.00 midnight, Monday to Sunday.

Condition 4 of the consent specified that no vehicles are to enter the site for loading or off-loading.

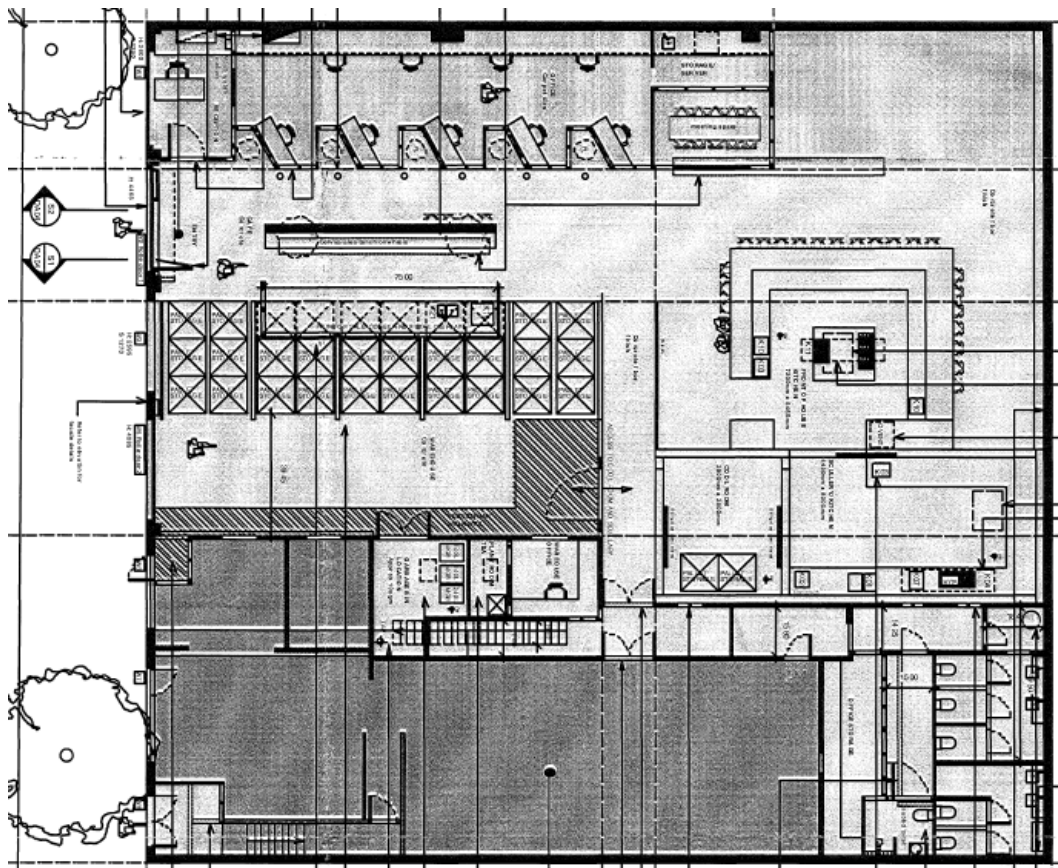


Figure 7: Approved floor plans of D/2012/1141

The development consent was subsequently modified. The most relevant modifications include:

- Modification C (D/2012/1141/C), which was approved on 16 August 2016 and which deleted Condition 4 to allow vehicles to enter and exit the tenancy via the western driveway for loading and unloading goods only.
- Modification D (D/2012/1141/D) was approved on 20 December 2017, extending the trial period for extended hours of operation for a further 2 years. This trial period ended on 20 December 2019.

- **CDC no. 210006/01** – a CDC was granted on 12 August 2021 for internal alterations to the existing restaurant. The floor plan approved under this CDC is provided in Figure 8 below:

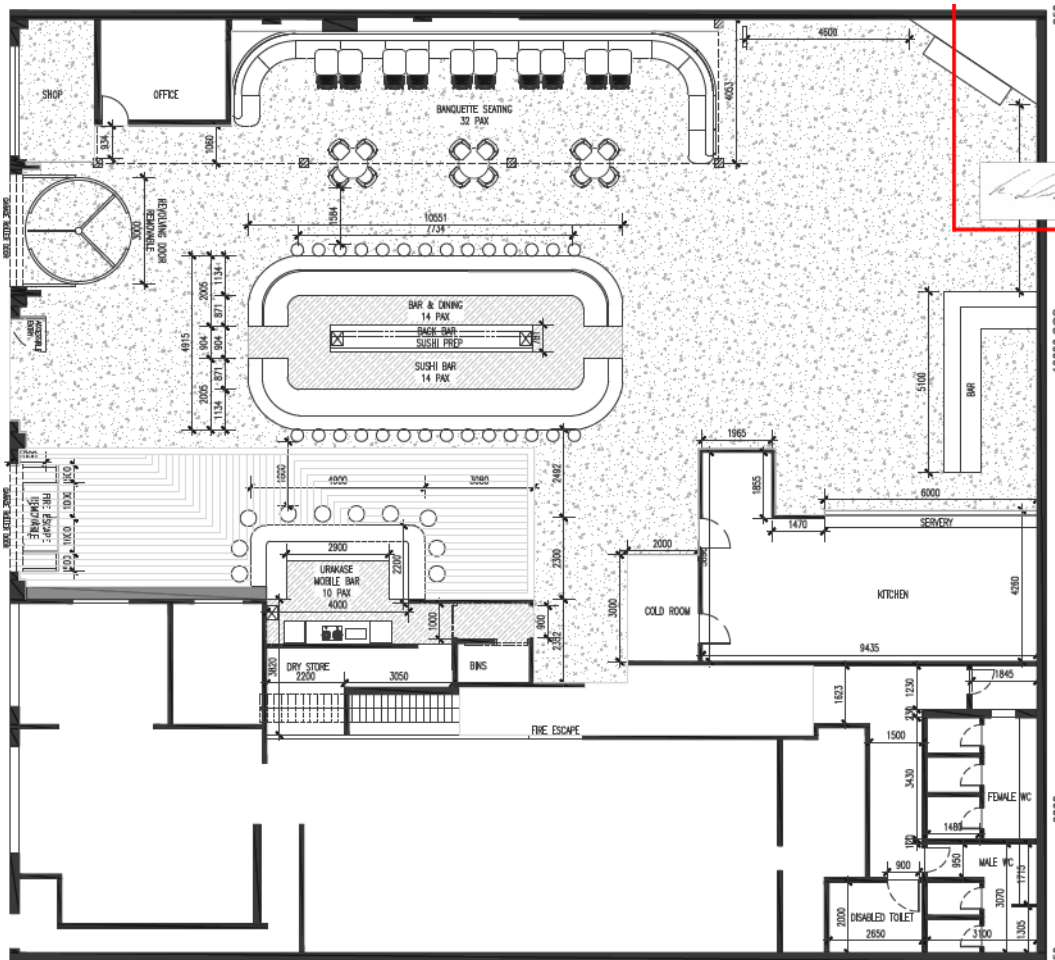


Figure 8: Approved floor plans of CDC no. 210006/01

Amendments

12. Following a preliminary assessment of the proposed development, Council Officers sent a request to the Applicant on 17 May 2022, for the following information:
 - (a) details of CDC no. 210006/01, as referenced in the Statement of Environmental Effects, to establish the existing floor plans for the subject tenancy;
 - (b) an amended Plan of Management that addresses the requirements contained in Schedule 3.2 of Sydney DCP 2012;
 - (c) an amended waste management plan that addresses the City's Guidelines for Waste Management in New Developments; and
 - (d) a report providing an assessment of the proposal against the provisions of the National Construction Code and any relevant accessibility requirements.

13. The Applicant responded to the request on 30 September 2022, and submitted the information required. The Applicant also submitted a Traffic Report, which includes a proposal to alter the kerb-side parking restrictions in association with the removal of the two existing redundant driveways.
14. Following an assessment of the proposed development by Council Officers, a request for additional information, listed below, was sent to the applicant on 1 November 2022.
 - (a) An updated acoustic report that includes an assessment of the potential impacts to neighbouring residential apartments at 169-175 Phillips Street, some of which directly abut the site's eastern side boundary. The updated report must reflect the proposed extended hours of 7.00am - 12.00 midnight, and consider the cumulative impacts of amplified music, other relevant noise sources, and the proposed increased capacity of 250 patrons and staff. It must also recommend appropriate noise management measures and detail the proposed acoustic testing/verification to ensure compliance with the relevant noise criteria.
 - (b) An updated Plan of Management to remove references to the previous development consent, that addresses the requirements of Schedule 3.2 of Sydney DCP 2012, and which includes the relevant noise management measures recommended by the updated acoustic report.
 - (c) An updated waste management plan to justify a low waste generation rate and detail an appropriate waste management procedure.
15. The Applicant responded to the request on 23 December 2022 and 9 January 2023 with the requested documents.

Proposed Development

16. The application seeks consent for the following:
 - increase the patron capacity from 70 people to 225 people, supported by an updated floor plan (Figure 9) to illustrate the seating arrangement;
 - hours of operation 10.00am to 10.00pm Monday to Sunday on a permanent basis, and extended hours of 7.00am - 12.00 midnight Monday to Sunday on a trial basis for a further 5 years; and
 - The following details from the updated Plan of Management are also noted:
 - maximum of 25 staff (in addition to the number of patrons);
 - all doors and windows (except those fronting Danks St) are to remain closed at all times;
 - entrance door to remain closed after 10pm;
 - no deliveries or disposing of garbage/glass bottles between 10pm and 7am; and
 - loading and unloading between 7am and 6pm Monday to Friday and 7am to 2pm Saturday (no deliveries on Sunday and public holidays).

- No consent is sought for any physical works, except to comply with the recommendations of the updated acoustic report. Additional fit out works, annotated in blue and red in Figure 9, are subject to a separate complying development certificate or are to be carried out as exempt development.

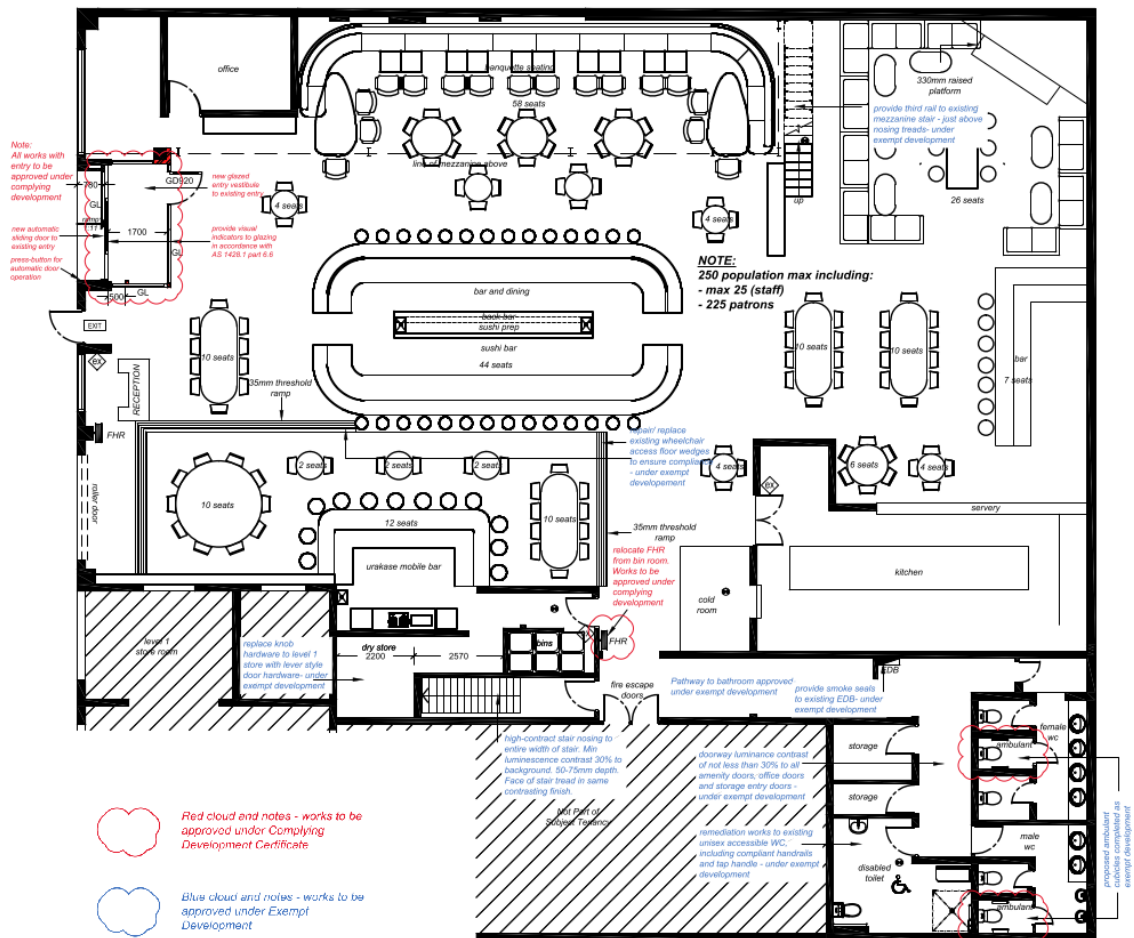


Figure 9: Proposed floorplans

- The proposal, in association with the removal of redundant driveway crossings, also seeks changes to the kerb-side parking restrictions to create a new timed loading zone and timed parking space. These changes to on-street parking arrangements are subject to separate approval of the Local Pedestrian Cycling and Traffic Calming Committee. The existing and proposed kerb-side arrangements are illustrated in Figures 10 and 11 below.



Figure 10: Existing kerb-side arrangements



Figure 11: Proposed kerb-side arrangements

Assessment

19. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Local Environmental Plans

Sydney Local Environmental Plan 2012

20. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B2 Local Centre zone. The existing use, defined as a food and drink premises, is permissible with consent in the zone.

Part 4 Principal development standards

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
4.3 Height of buildings	Yes	The proposal will not alter the existing building height.
4.4 Floor space ratio (FSR)	Yes	A maximum FSR of 1.5:1 is permitted for the site. The existing development has a FSR of approximately 1.28:1 and which complies with the FSR control. No change to FSR is proposed under the subject application.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development 7.7 Retail premises	Yes	A maximum of 12 car parking spaces are permitted. No car parking spaces are proposed.
7.13 Contribution for purpose of affordable housing	N/A	See detailed under the 'Financial Contributions' section below.
7.23 Large retail development outside of Green Square Town Centre and other planned centres	Yes	The proposal will maintain the existing use of the site as a licensed restaurant, with a gross floor area of less than 1,000m ² and which complies with the requirements of this control.

Development Control Plans

Sydney Development Control Plan 2012

21. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

22. The site is located within the Danks Street locality. The proposed development is in keeping with the unique character and design principles of the locality in that it will maintain the retail use of the site to contribute to the function of Danks Street (west of Bourke Street) as a local village for residents and workers.

Section 3 – General Provisions

Provision	Compliance	Comment
3.4 Hierarchy of Centres, City South	Yes	The proposal will maintain the site's contribution, as a restaurant, to the function of Danks Street as a local village.
3.11 Transport and Parking	Yes	See further details in the 'Discussion - Site Servicing' section below.
3.14 Waste	Able to comply	A waste management plan has been submitted. Appropriate conditions have been recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development.
3.15 Late Night Trading Management	Yes	<p>The Plan of Management adequately addresses the requirements of DCP Schedule 3.2, includes the recommendations of the updated acoustic report, and a complaint handling and management procedure review mechanism. The Plan of Management is therefore considered acceptable, and appropriate conditions have been recommended to require the implementation of, and compliance with, the Plan of Management.</p> <p>The proposed hours of operation and intensification of the restaurant use is detailed in the Discussion section below.</p>

Section 5 – Specific Areas

Provision	Compliance	Comment
5.2.1 Green Square Urban Strategy 5.2.2 Objectives for Green Square	Yes	The proposal will contribute to the function of Danks Street as a local village by maintaining the existing use as a licensed restaurant and is consistent with the Strategy and Objectives for Green Square. An acceptable acoustic report and Plan of Management have been provided to demonstrate that the restaurant can operate, with increased capacity and without unacceptable impacts to the amenity of neighbouring residential uses.

Discussion

Hours of Operation

23. The site is located in a Local Centre Area. The licensed food and drink premises, with the proposed increased capacity of 225 patrons, is a Category B premises as defined in section 3.15 of the Sydney DCP 2012.
24. The hours of operation recommended by Section 3.15.4 of Sydney DCP 2012, and the proposed hours of operation, are detailed in the table below:

	DCP Indoor Hours for Category B Premises	Proposed Hours
Base:	7.00am - 11.00pm	10.00am - 10.00pm, Monday to Sunday
Extended:	7.00am - 12.00 midnight	7.00am - 12.00 midnight, Monday to Sunday

25. The proposed hours are consistent with the recommended base and extended hours and are acceptable.
26. In accordance with Section 3.15.4(3), any hours that are beyond the base hours will be subject to a trial period.
27. The applicant submits that the extended hours have previously been subjected to 2 successful trial periods. As such, a third trial period of 5 years should be permitted by this development consent.

28. While the two previous trials are acknowledged, it is recommended that the extended hours of operation with increased patron capacity, be subject to a 12-month trial, because:
- (a) the proposed increase (over threefold) in patron capacity is substantial and significantly changes the nature of the food and drink premises; and
 - (b) previous trials were completed by a different operator and are not a record of the current operator's performance.
29. The 1-year trial period that is recommended, will allow the operator to demonstrate compliance with the new Plan of Management and the endorsed acoustic report (including all recommended acoustic treatments and management procedures discussed below). It will also allow Council to observe the management performance of the operator, particularly how the potential amenity impacts to adjoining residential uses are managed.

Acoustic Assessment

30. The updated acoustic report submitted on 23 December 2022 addresses concerns raised by Council's Officers and objectors.
31. The updated acoustic report includes the following changes:
- (a) it acknowledges that the adjoining apartment buildings, in addition to 1 Danks Street, as sensitive receivers;
 - (b) it demonstrates that the relevant noise criteria can be complied with for the full extent of the extended hours of operation between 7.00am and 12.00 midnight;
 - (c) it considers the cumulative impacts of amplified music, other relevant noise sources, and the maximum number of people, being 225 patrons and 25 staff;
 - (d) it recommends appropriate noise attenuation and management measures; and
 - (e) it details the proposed acoustic testing and verification to ensure compliance with the relevant noise criteria.
32. The updated acoustic report has been reviewed by the City's Environmental Health Unit and is considered to provide suitable recommendations to manage potential noise impacts, particularly after 10.00pm. These recommendations have also been included in the updated Plan of Management, being:
- (a) no DJ playing within the premise, and no speakers are to be installed in, or placed so as to direct music towards the public domain;
 - (b) acoustic door (including the existing turn door with acoustic seal) to the main entry is to remain in a closed position after 10.00pm;
 - (c) patrons are to wait for a table inside the premises and staff are to monitor patrons leaving the restaurant to prevent patrons from gathering in the vicinity or acting in a manner that may adversely affect the amenity of neighbouring residential uses;
 - (d) no deliveries or waste disposal are to take place after 10.00pm; and

- (e) installation of noise limiter on all sound amplification equipment.
33. All conditions recommended by Council's Environmental Health Unit have been included in the recommended conditions of consent (Attachment A). This includes the requirement for the Applicant to obtain a written Acoustic Verification Report demonstrating compliance with all the performance parameters established in the updated acoustic report prior to the commencement of the extended hours and increased patron capacity.

Site Servicing

34. The subject tenancy was approved to be used as a food and drink premises under development consent D/2012/1141. As part of that original consent, a condition was imposed requiring that no vehicles are to enter the site for loading and unloading. However, the consent did not specifically require the removal of the redundant driveway crossings and layback.
35. This restriction was later deleted under approved modification D/2012/1141/C, to allow on-site servicing. However, it is unclear if the approved arrangement was implemented given all tables and chairs would need to be cleared to allow access and sufficient turning area for vehicular access and on-site loading operations.
36. The layout of the existing restaurant was approved under CDC no. 210006/01 on 12 August 2021. The approved fitout has been carried out, and the new layout does not allow vehicles to enter the site. Servicing, therefore, currently occurs at the kerb side, in front of the two existing driveway crossings, similar to the original development consent no. D/2012/1141.
37. The existing driveway crossings are redundant and can be removed to allow the footpath to be upgraded to improve the pedestrian environment of Danks Street.
38. Associated with the removal of redundant driveway, the submitted transport report also recommends a change to the existing on-street parking restrictions along the site's frontage to provide an on-street loading zone. The changes are shown in Figures 10 and 11 above and are detailed below:
- (a) remove the two redundant driveway crossings and layback (10m wide in total), and add to the existing timed on-street parking; and
 - (b) create a 10m wide on-street timed loading zone adjacent to the existing driveway crossing for 169-175 Phillip Street, to the east of the subject site.
39. In effect, the proposed changes will create a timed loading zone and a timed on-street parking space during specified periods, and create two additional on-street parking spaces outside of the specified periods. These spaces, including the timed loading zone, will be available to the public.
40. The proposed changes to the on-street parking restrictions have been reviewed by the City's Traffic Operations Unit. The unit raised no objections and advised that the proposed loading zone will be subjected to the same time restrictions as the existing on-street parking spaces, being 8.30am - 6.00pm Monday to Friday, and 8.30am - 12.30pm Saturday.

41. The proposed changes to on-street parking restrictions will require the formal approval of the Local Pedestrian Cycling and Traffic Calming Committee (LPCTCC). Appropriate conditions are recommended in Attachment A to require separate approval of changes to parking restrictions to be obtained from the LPCTCC and for the removal of the redundant crossings.

Consultation

Internal Referrals

42. The application was discussed with Council's Environmental Health Unit; Licenced Premises Unit; Transport and Access Unit; Traffic Operations Unit; and the Waste Management Unit. Relevant comments have been included in this report, and where appropriate, conditions recommended by these units have been included in the recommended conditions of consent in Attachment A.

Advertising and Notification

43. In accordance with the City of Sydney Community Participation Plan 2020, the proposed development was notified for a period of 14 days between 4 and 19 October 2022. A total of 305 properties were notified. A total of 44 submissions were received, including 41 in objection and three in support.

44. Issues raised in submissions are summarised and responded to as follows:

- (a) **Issue:** Noise impact, by means of background music and likely intoxicated patrons congregating at the Danks Street entrance, to the immediately adjoining residential developments, including the 'Arthouse', Warehouse 5, and Warehouse 1.

Response: The submitted acoustic report has demonstrated that the proposed development is able to comply with the relevant noise criteria so as to prevent any unacceptable adverse impacts to adjoining apartments. Conditions are recommended requiring all the noise mitigation measures recommended in the acoustic report are installed prior to the commencement of increased hours and capacity. The updated Plan of Management details processes to manage patrons' behaviour at the Danks Street entrance, particularly after 10pm, to avoid potential disturbance.

- (b) **Issue:** Loud music, such as a DJ, should not be allowed.

Response: All sound amplification equipment is required to be installed with a noise limiter, and the updated Plan of Management specifically states that no DJ is allowed.

- (c) **Issue:** The acoustic report includes numerous inaccuracies, raising concerns with the validity of the test results.

Response: The acoustic report has been updated to address noise impacts to nearby residential receivers. The City's Environmental Health Unit has reviewed the acoustic report, including noise measurement logs and accepts the baseline noise levels established on the basis of these measurements.

- (d) **Issue:** The proposed early morning and late night trading hours are unsuitable for the predominantly residential area.

Response: This section of Danks Street is identified as a 'Local Centre' late night trading area under the Sydney DCP 2012. The extended trading hours (after 10pm) and which are proposed to be continued, are permitted in 'Local Centre' late night trading areas on a trial basis in accordance with the City's planning controls.

- (e) **Issue:** A 5-year trial period for the extended hours is inappropriate.

Response: A one year trial period is recommended given the proposal is considered to significantly change the nature of the existing premises.

- (f) **Issue:** The Plan of Management has been recycled, failing to provide management measures necessary to minimise potential impacts to neighbouring residential uses associated with the extended hours and increased patron capacity.

Response: An updated Plan of Management has been submitted that adequately addresses the requirements of Sydney DCP 2012 and which incorporates measures recommended in the updated acoustic report and is accepted. Conditions are also recommended requiring the restaurant operator to comply with the Plan of Management, which includes procedures to manage potential impacts to nearby residences. Extended trading hours are approved on a one year trial, at which time Council Officers will be able to consider whether the premise has been well-managed or not.

- (g) **Issue:** Second-hand smoking from people congregating outside the restaurant affecting neighbouring residential uses.

Response: Smoking is banned in the immediate vicinity (4m) of the entrance to the restaurant under the *Smoke-free Environment Act 2000*.

- (h) **Issue:** Littering, additional noise, and potential damages to the through-site link of the adjoining Warehouse 5 development.

Response: Conditions are recommended to manage patrons entering and leaving the premises, to prevent bottles and glass from the premises and to prevent anti-social behaviour.

- (i) **Issue:** The increased patron capacity will increase local vehicular and pedestrian traffic. It will also increase demand for parking and public transport.

Response: Conditions are recommended to require the removal of existing redundant driveway crossings, and changes to the kerb-side parking arrangements to improve the pedestrian environment and increase the availability of public on-street parking. The intensity of use is also considered to be commensurate with the capacity of existing and planned infrastructure by virtue of the complying with the maximum floor space ratio identified for the site.

In Support

- (j) **Comment:** The restaurant has been a good neighbour and operator, with no issues regarding noise or patron behaviours. The proposal should be supported in full.

Response: The above comments are noted. The extended hours are subject to a 1-year trial period in accordance with Sydney DCP 2012 to allow the operator to demonstrate good management, including compliance with the acoustic report and the Plan of Management.

Financial Contributions**Contribution under Section 7.11 of the EP&A Act 1979**

45. A section 7.11 development contribution is not payable under the provisions of the City of Sydney Development Contributions Plan 2015, considering:
- (a) the contribution payable is based on the net increase in workers population, which is calculated based on an identified rate per GFA of the premises;
 - (b) the net workers population associated with the site is unchanged as the proposal does not include a change of use of existing floor space nor an increase in gross floor area.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

46. The site is located within the Green Square affordable housing contribution area.
47. An affordable housing contribution is not payable considering:
- (a) the proposal does not create more than 60sqm of gross floor area for purposes other than residential accommodation; and
 - (b) the proposal does not involve the change of use of more than 60sqm of existing floor area of a building.

Relevant Legislation

48. Environmental Planning and Assessment Act 1979.

Conclusion

49. The development, subject to conditions, is consistent with the objectives of the B2 Local Centre zone.
50. The development is consistent with the character and principles identified in the statement for the Danks Street locality contained in the Sydney DCP 2012.

51. The development is within the Local Centre area. The hours of operation are consistent with the objectives and in accordance with the permitted hours for a Category B premises in a Local Centre Area as identified in the Sydney DCP 2012.
52. The development, subject to conditions included in Attachment A, is able to operate without unreasonable disturbance or nuisance to surrounding properties.

ANDREW THOMAS

Executive Manager Planning and Development

Bryan Li, Senior Planner

Attachment A

Recommended Conditions of Consent
--

SCHEDULE 1

CONDITIONS OF CONSENT

PART A - GENERAL

(1) APPROVED DEVELOPMENT

Development must be in accordance with Development Application No. D/2022/397 dated 4 May 2023 and the following drawing prepared by ARCHISPECTRUM:

Drawing Number	Drawing Name	Date
DA03 Rev B	Floor Plan – Proposed	23.12.2022

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(2) NO PHYSICAL WORKS APPROVED

No physical works are approved by this development, except to comply with the recommendations of the acoustic report referenced in Condition 7 below.

Reason

To ensure clarify the scope of work.

(3) CHANGES TO KERB SIDE PARKING RESTRICTIONS

A separate submission must be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit seeking the City's approval for changes to kerb side parking arrangements. There is no guarantee kerb side parking will be changed, or that any change will remain in place for the duration of the development use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include chainages to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Reason

To require separate consent to be obtained for changes to kerb side parking arrangements.

(4) VEHICLE FOOTWAY CROSSING

A separate application is to be made to, and approved by, Council for removal of the existing crossings that are no longer required and replacement of the footpath

formation prior to the commencement of extended hours and increased patron capacity.

All disused or redundant vehicle crossings and laybacks must be removed and footway, kerb, gutter and road restoration reinstated in accordance with Council's standards, to suit the adjacent finished footway and edge treatment materials, levels and details, or as otherwise directed by Council officers.

Reason

To ensure all relevant approvals for traffic and parking works are obtained and designed in accordance with Council requirements.

(5) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

Reason

To ensure all roadway works are designed and constructed in accordance with Council requirements.

(6) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

Reason

To ensure all associated roadway works costs are borne by the developer.

(7) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO THE COMMENCEMENT OF EXTENDED HOURS AND INCREASED PATRON CAPACITY

(a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report (job no. 2254/7, file no. 22383, issue C, dated 8 December 2022, prepared by Joel West of West and Associates. Pty Ltd) (council ref. 2023/005834-04) must be implemented prior to the commencement of extended hours and increased patron capacity.

(b) Prior to the commencement of any necessary works to comply with the Acoustic Report referenced in (a) above, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the accredited certifier.

- (c) Prior to the commencement of extended hours and increased patron capacity, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(8) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

Reason

To ensure that waste and recycling is appropriately managed.

(9) WASTE AND RECYCLING COLLECTION CONTRACT

The operator/manager must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

Reason

To ensure that waste and recycling is appropriately managed.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

There are no conditions relevant to Part B.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

There are no conditions relevant to Part C.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

There are no conditions relevant to Part D.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

There are no conditions relevant to Part E.

PART F – OCCUPATION AND ONGOING USE

(10) HOURS OF OPERATION

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 10.00am and 10.00pm Monday to Sunday.
- (b) Notwithstanding (a) above, the use may operate between 7.00am and 12.00 midnight Monday to Sunday for a trial period of 1 year from the date of this consent. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours.

Email notification is to be sent to liquor@cityofsydney.nsw.gov.au

- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

Reason

To ensure the premises operates within the approved hours of operation.

(11) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons permitted in the premises at any one time is 225 patrons and 25 staff (including all staff and any performers).
- (b) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (c) A sign in letters not less than 50mm in height on a contrasting background must be displayed in a conspicuous location adjacent to the entrance to the licensed area and worded as follows:

APPROVED PATRON CAPACITY LICENSED AREA – 225 PERSONS

Reason

To ensure the premises can safely accommodate patrons, staff and performers and safeguard the amenity of the surrounding neighbourhood.

(12) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management - 8-10 Danks Street, Waterloo (revision 6, dated 19 December 2022) that has been approved by Council (council ref: 2023/005834-05).

In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(13) COPIES OF CONSENTS AND MANAGEMENT PLANS

A full and current copy of all current development consents for the operation of the licensed premises, and the Plan of Management a must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

Reason

To ensure all relevant approved documents are available on-site upon request.

(14) NOISE - ENTERTAINMENT

- (a) The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (b) The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (c) Notwithstanding (a) above, the $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
 - (i) The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
 - (ii) If the $L_{Z90, 15 \text{ minute}}$ background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's $L_{Zeq, 15 \text{ minute}}$ noise criteria level.
- (d) Notwithstanding (b) above, the $L_{A1, 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following sound pressure levels inside any

habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:

- (i) The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
- (ii) If the $L_{Z90, 15 \text{ minute}}$ minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the Tf curve in that octave band shall become that octave's $L_{Z1 15 \text{ minute}}$ noise criteria level.

Note: L_{eq} , L_{01} , and L_{90} , metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal L_{A90} level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External L_{A90} levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.

Reason

To protect the acoustic amenity of surrounding properties.

(15) NOISE – INSTALLATION, SETUP, TESTING AND CALIBRATION OF LIMITER/S, PRIOR TO AN OCCUPATION CERTIFICATE

Prior to the commencement of extended hours and increased patron capacity, a Suitably Qualified Acoustic Consultant* is to provide a Noise Limiter/s Verification Report to the written satisfaction of Council's Area Planning Manager that the development complies with the requirements set out as follows, and any relevant requirement in the COMPLIANCE WITH THE ACOUSTIC REPORT CONDITION PRIOR TO THE COMMENCEMENT OF EXTENDED HOURS AND INCREASED PATRON CAPACITY condition:

- (a) All sound amplification equipment in the premises must be controlled by a Root Mean Square (RMS) noise limiter with an attack time constant not exceeding 0.5 seconds, release time constant not less than 1 second and a compression ratio equal of at least 20:1. The limiter shall be set by a suitably qualified acoustic consultant* as per the manufacturer's specification. The consultant must ensure that resultant amplified sound complies with the Council's criteria for entertainment noise.
- (b) All Limiters and all post-limiter equipment including power amplifiers must be tamper proof and only operable by the acoustic consultant, a licensee and business owner who must keep a completed report on the premises.
- (c) This report must certify that limiter/s were installed, tested and calibrated so amplified noise will comply with the NOISE – ENTERTAINMENT Condition. The report will be prepared in accordance with and provide detail on the following requirements:
 - (i) An initial calibration of the operation of the limiter with the sound amplification equipment is to be undertaken. This assessment must include setting of the amplification system in addition to a documented

overview of the system so that compliance is achieved with the noise criteria as referenced in parts (a) to (c) above.

- (ii) Limiter settings and subsequent equipment must be benchmarked at the time of the above operational assessment. Pink noise and a swept sine wave signal must be fed into the amplification system and the level of the noise increased until the limiter operates continuously to comply with criteria. The L_{Aeq} , L_{A1} , L_{Ceq} and L_{C1} (1/1 octave bands - 31.5 Hz to 8 kHz centre frequencies) levels must be measured at suitable relevant reference location/s in the premises, with the premises empty other than essential staff. Correlating L_{Aeq}/L_{A1} and L_{Ceq}/L_{C1} measurements must be taken at identified nearby noise sensitive receivers during this process.
- (iii) Music must then be played through the sound system(s) with the limiter(s) in continuous operation to verify the limiters work correctly and meet noise criteria at the locations detailed above.
- (iv) The report will address the limiter installed within the premises (including but not limited to its brand, type specifications and location) including the noise control levels the limiter was set to (including a copy of the software configuration file for any digital signal processing device used). Furthermore, all post limiter equipment will be photographed, documented and catalogued in the report including location on a layout drawing.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

Reason

To protect the acoustic amenity of surrounding properties.

(16) NOISE – AMPLIFIED SOUND AND THE UPKEEP AND OPERATION OF LIMITER/S

Following receipt of the report as per part (b) of the NOISE - INSTALLATION, SETUP, TESTING & CALIBRATION OF LIMITER/S, PRIOR TO THE COMMENCEMENT OF EXTENDED HOURS AND INCREASED PATRON CAPACITY condition, the report is to be kept on the premises at all times, signed and dated by the licensee and business owner. From this point forward the licensee and business owner must ensure the following:

- (a) The limiter/s and sound amplification system must be maintained and not tampered with. That unauthorised modifications are not made which are contrary to the report. Repairs and replacements may be made to the system as necessary with any like component but must not be capable of increasing the permitted noise amplification levels outlined in the report.
- (b) That additional amplification equipment must not be brought onsite which if used could cause cumulative entertainment noise (including amplified sound) from the development to exceed controls in this consent. This does not apply to:

- (i) Equipment that is only used when routed through and controlled by the limiter/s, i.e. the limiters and amplified sound system on the premises are capable of receiving and controlling that equipment, and
- (ii) Such that use of the equipment must not cause amplified sound which exceeds the cumulative entertainment noise controls in this consent.

Reason

To protect the acoustic amenity of surrounding properties.

(17) DELIVERY VEHICLES AND WASTE COLLECTION

Deliveries and waste collection associated with the site that involve the movement of vehicles, must only occur between the hours of 8.30am and 6.00pm Monday to Friday, and 8.30am and 12.30pm Saturday.

Reason

To ensure deliveries and waste collection for the site do not adversely impact on local traffic movements.

(18) WASTE/RECYCLING COLLECTION - COMMERCIAL

- (a) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- (b) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

Reason

To ensure that waste and recycling is appropriately managed.

(19) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets);
- (b) All CCTV recording equipment and cameras must be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras.
- (c) CCTV recordings shall have time and date auto recorded and be retained for 28 days before being re-used, destroyed or deleted. A digital copy must be handed to the Council or Police Officer on request.
- (d) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. All reasonable steps must be taken to

ensure repairs to the system are completed as soon as practicable within 24 hours.

- (e) The CCTV recording device must be kept in a secured location.
- (f) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

Reason

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

(20) QUEUING

No persons are to be permitted to drink or queue outside the premises at any time. Security officers are to ensure that there is no queue for the premises and take all reasonable steps to ensure compliance with this condition.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(21) NO SPRUICKING NOISE

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(22) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(23) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the licensed premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage must be in bold letters not less than 25mm in height on a contrasting background.
- (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(24) NOISE FROM GLASS REMOVAL

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(25) REMOVAL OF GLASS

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

Reason

To reduce waste generation within the public domain and to safeguard the amenity of the surrounding neighbourhood.

SCHEDULE 2

PRESCRIBED CONDITIONS

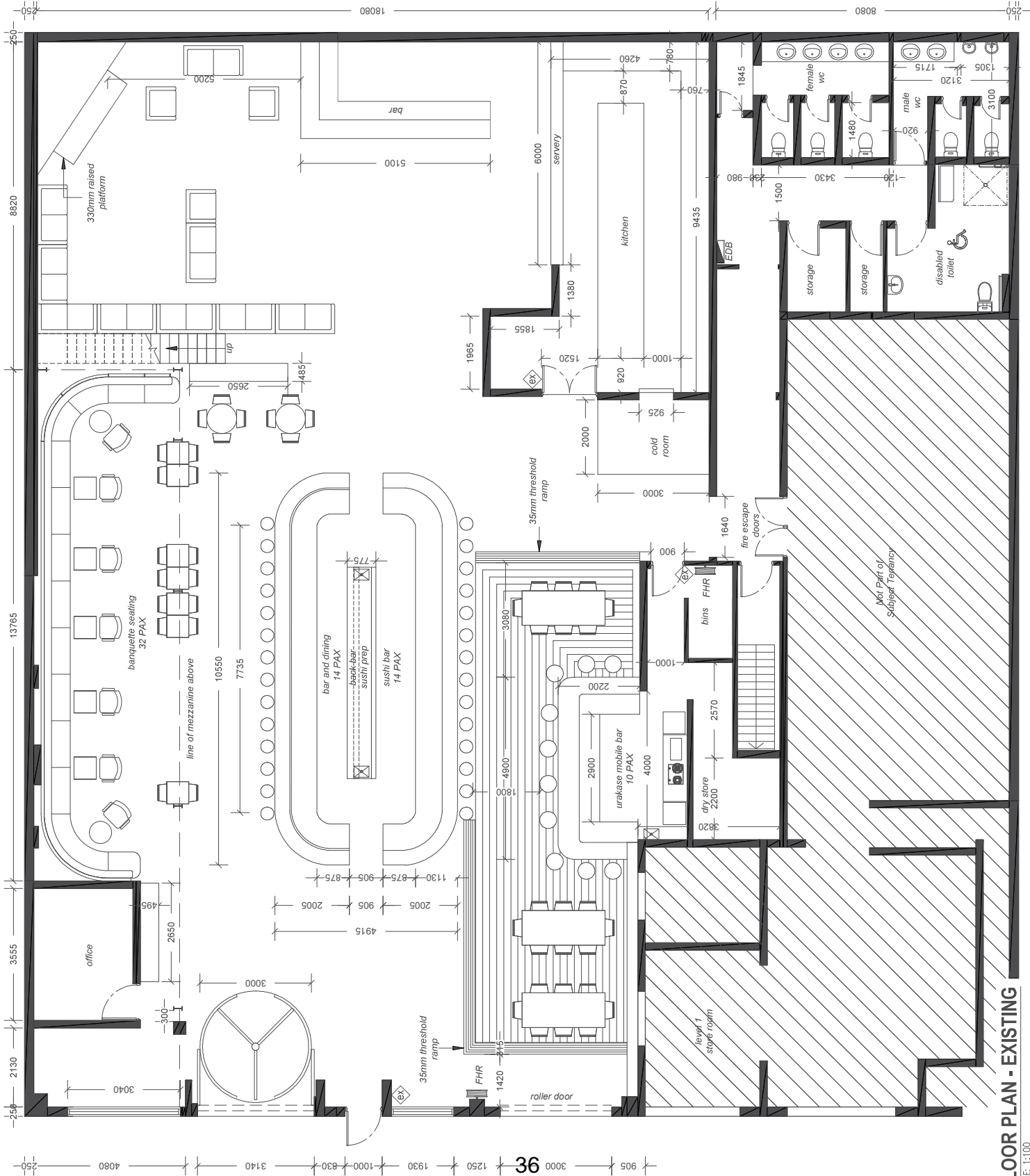
The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code* (previously known as *Building Code of Australia*) and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

Attachment B

Selected Drawings



B 23.12.2022 Revised DA Issue to Council
 A 29.09.2022 DA Issue to Council

ISSUE DATE DESCRIPTION

ARCHISPECTRUM
 Nominated Architect: Martin Bednarczyk | NSW ARB #8912
 Suite C5, 8 Allan St, Waterloo NSW 2017 | A.B.N. 40 966 067 144
 m: 0419 670 108 | ph: (02) 8992 2807 | e: office@archispectrum.com.au

DESIGNS CONTAINED IN THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF ARCHISPECTRUM AND ARE SUBJECT TO COPYRIGHT LAWS. ALL DIMENSIONS AND DIMENSION LINES ARE TO BE VERIFIED BY THE CLIENT PRIOR TO ANY DISCREPANCIES. IT SHOULD BE VERIFIED BEFORE CONTINUING FURTHER WORKS.

PROJECT: **Ora Bar and Restaurant**
 CLIENT: **8-10 Danks Street, Waterloo**
 DRAWN BY: **Sam Fay**
 CHECKED BY: **8-10 Danks Street, Waterloo**
 SHEET TITLE: **Floor Plan - Existing**

SCALE: 1:100 @ A3
 DRAWN: Peter S
 SHEET SIZE: DWG NO.
 REVISION:
A3 DA02 b



FLOOR PLAN - EXISTING
 SCALE: 1:100

Note:

Exempt Development and Complying Development Certificate works are not to be approved under the Development Application.

LEGEND:

-  existing wall to remain
-  new 13mm plasterboard wall
-  Red cloud and notes - works to be approved under Complying Development Certificate
-  Blue cloud and notes - works to be approved under Exempt Development

-  emergency light in accordance with AS2293.1.
-  emergency lighting approved under CDC in:
 - cool room
 - vestibule in front of Bin room
 - unisex accessible sanitary compartment
 - above steel stairway/landing serving the mezzanine
 - above top landing/stairway serving the level 1 office room

 illuminated exit sign to comply with AS2293.1



B 23.12.2022 Revised DA Issue to Council
 A 29.09.2022 DA Issue to Council

ISSUE DATE DESCRIPTION

ARCHITECTURE SPECTRUM
 Nominated Architect: Martin Bednarczyk | NSW ARB #8912
 Suite C5, 8 Allan St, Waterloo NSW 2017 | A.B.N. 40 966 067 144
 m: 0419 670 108 | ph: (02) 8995 2807 | e: office@architecture.com.au

DESIGNS CONTAINED IN THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF ARCHITECTURE SPECTRUM AND ARE SUBJECT TO COPYRIGHT LAWS. ALL DIMENSIONS OF ANY DISCREPANCIES IT SHOULD BE VERIFIED BEFORE CONTINUING FURTHER WORKS.

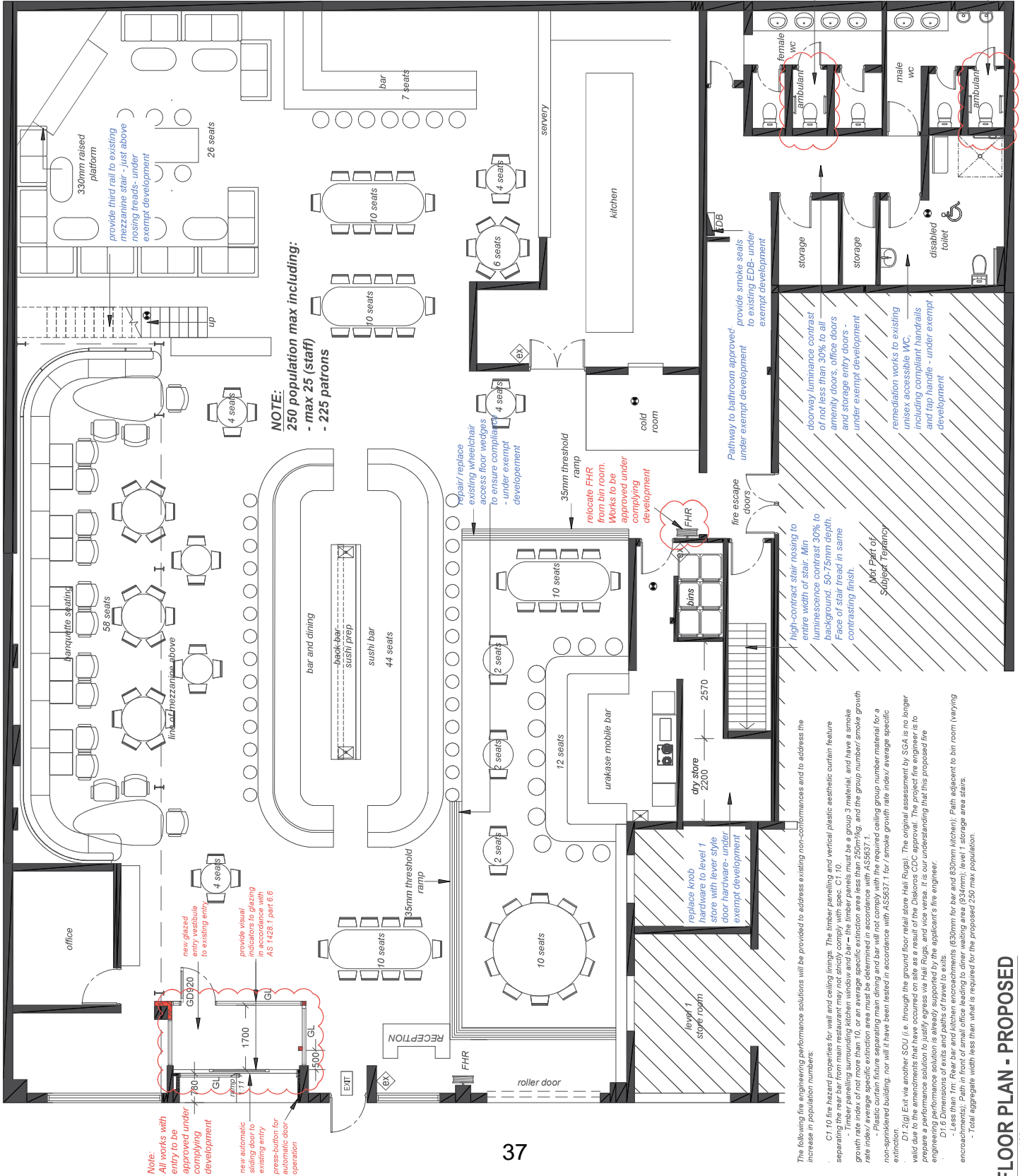
PROJECT:
Ora Bar and Restaurant

CLIENT:
 8-10 Danks Street, Waterloo

CLIENT:
 Sam Fay
 8-10 Danks Street, Waterloo

SHEET TITLE:
Floor Plan - Proposed

SCALE: 1:100 @ A3 SHEET SIZE: DWG NO. REVISION:
 DRAWN: Peter S **A3 DA03 b**



NOTE:
 250 population max including:
 - max 25 (staff)
 - 225 patrons

The following fire engineering performance solutions will be provided to address existing non-conformances and to address the increase in population numbers.

- C1 10 fire based protection for wall and ceiling linings. The timber panelling and vertical plastic aesthetic curtain feature separating the rear bar from main restaurant may not strictly comply with sec C1 10.
- Timber panelling surrounding kitchen window and bar - the timber panels must be a group 3 material, and have a smoke growth rate index of not more than 10, or an average specific extinction area less than 250m²/kg, and the group number smoke growth rate index average specific extinction area must be determined in accordance with AS5637.1.
- Plastic curtain fixture separating main dining and bar will not comply with the required ceiling group number material for a non-sprinklered building, nor will it have been tested in accordance with AS5637.1 for smoke growth rate index average specific extinction area.
- D1 2(a) Exit via another SOU (i.e. through the ground floor retail store Hall Rugs). The original assessment by SGA is no longer valid due to the amendments that have occurred on site as a result of the Disbors CDC approval. The project fire engineer is to prepare a performance solution to justify egress via Hall Rugs, and vice versa. It is our understanding that this proposed fire engineering performance solution is already supported by the applicant's fire engineer.
- D1 6 Dimensions of exits and paths of travel to exits.
 - Case 1: Existing entrance stairs (630mm for bar and 630mm kitchen). Path adjacent to bin room (varying enclosure). Path in front of retail office to existing new (634mm) level 1 storage area stairs.
 - Total aggregate width less than what is required for the proposed 250 max population.

Item 4.**Development Application: 50 Bridge Street, Sydney - D/2022/1005**

File No.: D/2022/1005

Summary

Date of Submission:	27 September 2022
Applicant:	QQT INVESTMENT 1 PTY LIMITED
Designer:	Studio Etic
Owner:	QQT INVESTMENT 2 PTY LIMITED and QQT INVESTMENT 1 PTY LIMITED
Planning Consultant:	Urbis
Cost of Works:	\$2,061,842.00
Zoning:	B8 Metropolitan Centre. The proposal is defined as a 'food and drink premises', and is permitted with consent.
Proposal Summary:	<p>Use and fit-out of part of Level 00 and outdoor terrace of the Quay Quarter Tower as a restaurant and bar under a Hotel Liquor license. Proposed trading hours are 7.00am to 12 Midnight, Mondays to Saturdays (inclusive), and 10.00am to 10.00pm on Sundays. A maximum capacity of 359 is proposed, including patrons and staff.</p> <p>This application has been referred to the Local Planning Panel for determination as the proposal is identified as being a form of sensitive development, being development for the purposes of a new licensed premises proposing to operate under a hotel (general bar) liquor licence.</p> <p>This application was exhibited between 12 October 2022 and 3 November 2022. 10 submissions in objection to the proposal were received, raising the following issues:</p> <ul style="list-style-type: none">• Noise impacts from general operation, both from indoor and outdoor areas;• Operating hours; and

- Incorrect information provided by the applicant regarding assumptions about surrounding development.

The application has been amended during the assessment of the application to provide additional information relating to missing details within the submitted plans, landscaping elements, updates to the submitted Plan of Management and Waste Management Plan, and responses to the submissions received on the proposal.

The submitted acoustic assessment identifies that subject to management measures, the use of certain materials internally and changes to the proposed outdoor speaker system, the proposal will largely comply with the site-specific acoustic masterplan.

Conditions surrounding acoustic management, premises management, and restricted outdoor trading hours are recommended by Council.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Environmental Planning and Assessment Act 1979
- (ii) SEPP (Biodiversity and Conservation) 2021 (Gazetted 2 December 2021, as amended)
- (iii) Sydney Local Environmental Plan 2012 (Gazetted 14 December 2012, as amended)
- (iv) Sydney Development Control Plan 2012 (in force on 14 December 2012, as amended)
- (v) Central Sydney Development Contributions Plan 2020

Attachments:

- A. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management

Recommendation

It is resolved that consent be granted to Development Application No. D/2022/1005 subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the B8 Metropolitan Centre zone.
- (B) The development is compatible with the character of the Bridge Street, Macquarie Place and Bulletin Place and the Circular Quay locality.
- (C) The development, subject to conditions, will promote the orderly operation of the premises and achieve an acceptable level of amenity for the existing and future occupants of adjoining sites.
- (D) The proposal generally satisfies the objectives and provisions of Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012.
- (E) The proposal satisfies the objectives of the Environmental Planning and Assessment Act, 1979, in that, subject to the imposition of conditions as recommended, it achieves the objectives of the planning controls for the site for the reasons outlined in the report to the Local Planning Panel.

Background

The Site and Surrounding Development

1. The site has a legal description of Lot 2 of DP 1073376, and is known as 50 Bridge Street Sydney. It is irregular in shape with an area of approximately 5,838sqm. It is bound by Young Street to the west, Bridge Street to the south and Phillip Street to the east.
2. The site contains the recently constructed multi storey AMP tower, containing a combination of commercial uses.
3. The surrounding area is characterised by a mixture of land uses, primarily being commercial, retail and residential.
4. Development surrounding the site is as follows:
 - (a) To the immediate north of the site is the State heritage listed AMP building at 33 Alfred Street, containing commercial uses.
 - (b) To the north-west of the site on the opposite side of Young Street is the heritage listed Customs House at 31 Alfred Street containing a Council library and food and beverage uses.
 - (c) To the west of the site is 5-7 Young Street that contains a 3-storey heritage listed building, that accommodates food and drink and commercial uses, and
 - (d) To the south-west on the opposite side of Young Street is 9-13 and 15-17 Young Street which contains a multi-storey mixed use building with commercial uses up to level 4 and residential uses occupying levels 5-13. A multi storey residential building occupies the remaining site further to the south-west, and that development addresses Bridge Street.
5. The site is also part of the broader Quay Quarter redevelopment site and is adjacent to the Young and Loftus Streets Precinct.
6. The site is not a heritage item nor is it located within a heritage conservation area. As outlined above, the site is however adjacent to several heritage listed sites, including the State heritage listed AMP Building to the immediate north, 5-7 Young Street to the immediate west across Young Street, and 44 Bridge Street to the south-west.
7. The site falls approximately 11m from the southern Bridge Street frontage towards its northern boundary.
8. Site visits were carried out on 10 October 2022 and 1 February 2023. Photos of the site and surrounds are provided below.

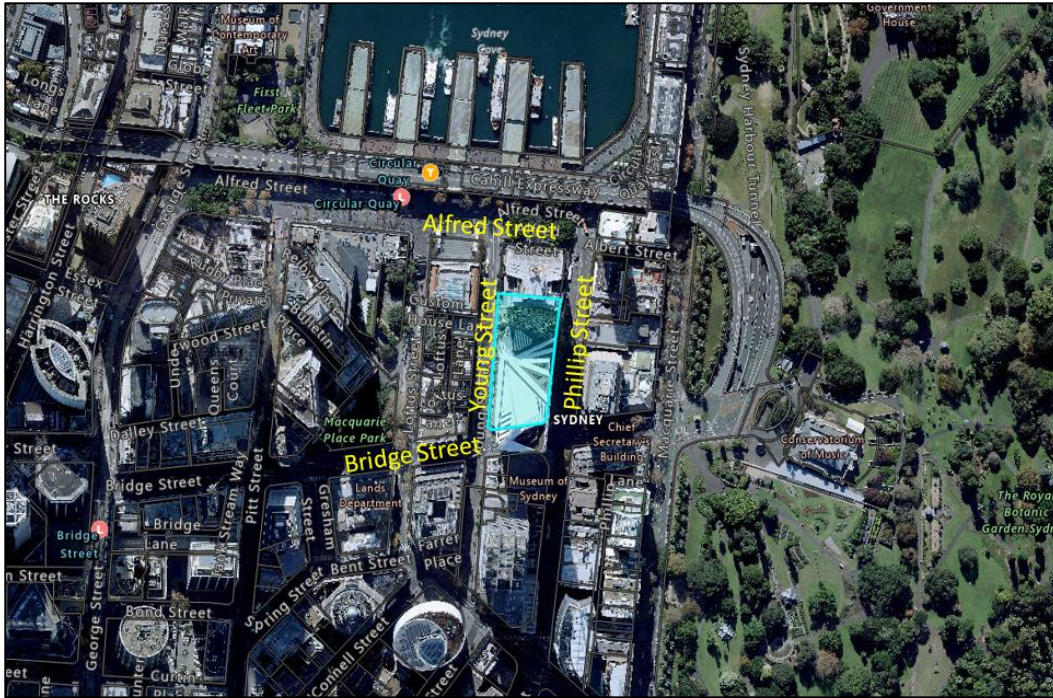


Figure 1: Aerial view of the subject site and surrounds



Figure 2: Site viewed from the Young Street frontage, including the location of the proposed outdoor seating area

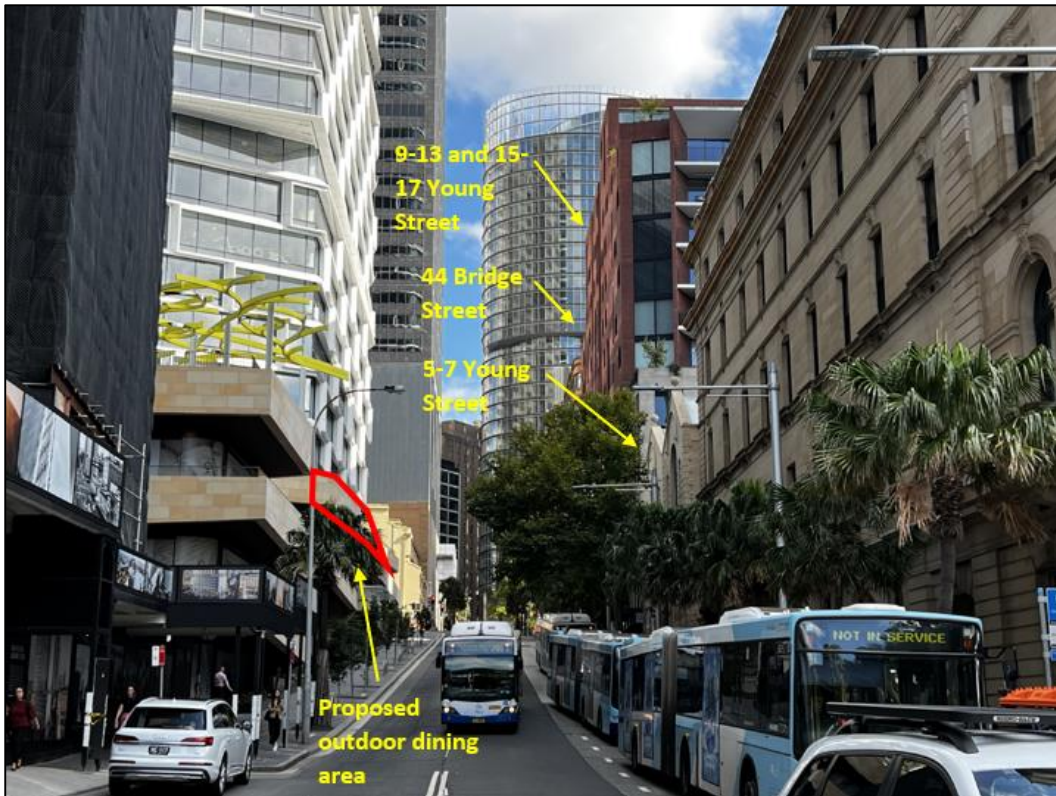


Figure 3: View looking south along Young Street, with view of the proposed outdoor dining area and its relationship to adjacent buildings



Figure 4: View of the proposed outdoor terrace, including areas under the existing white pergola and along the western side of the terrace level

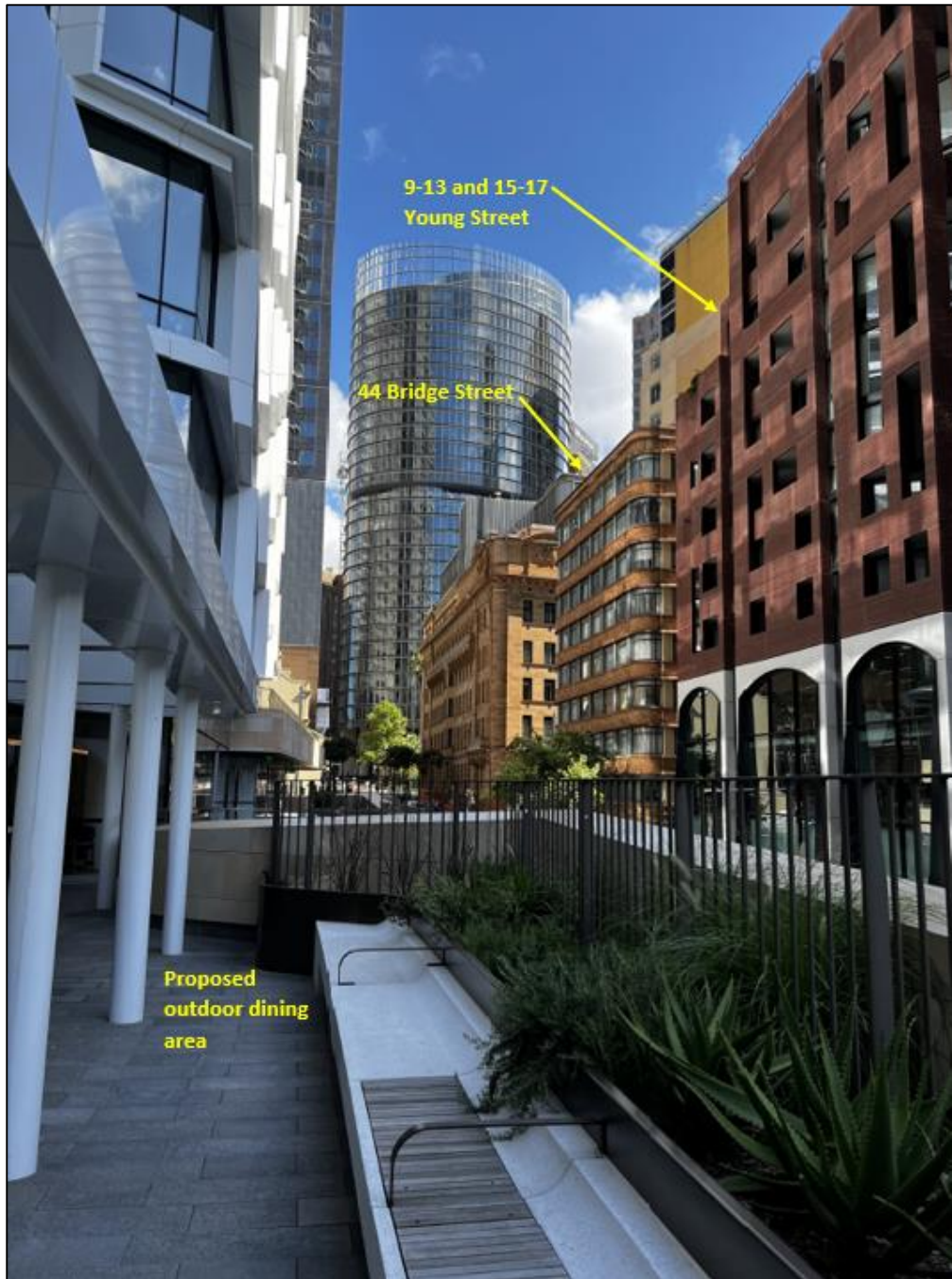


Figure 5: Part of the proposed outdoor dining area (identified as Balcony 1 on the plans), including the existing white pergola over the outdoor terrace, and its relationship to the adjoining buildings on Young Street



Figure 6: Southern-most section of outdoor seating (identified as Balcony 1 and 3 on the plans)



Figure 7: Proposed internal seating area (identified as 'dining' on the plans), adjoining the outdoor seating area to the north. The space is currently used as a general seating area with a small café behind the central column.

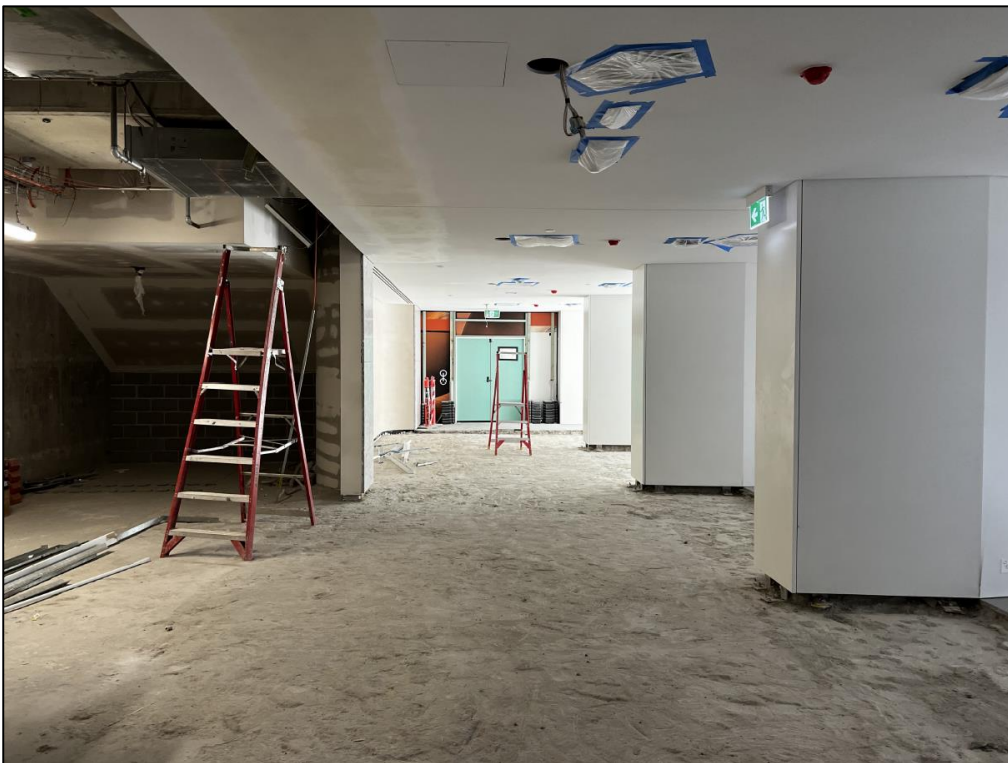


Figure 8: Space proposed to accommodate a kitchen area with bench seating

History Relevant to the Development Application

Development Applications

9. The following applications are relevant to the current proposal:

- **D/2013/1942** – Development consent was granted by the Central Sydney Planning Committee on 19 June 2014 for the Stage 1 DA for the redevelopment of the site known as Quay Quarter Tower Sydney (QQS). The QQS precinct incorporates eight sites bounded by Alfred Street, Phillip Street, Bridge Street and Loftus Street.
- **D/2015/929** – Development consent was granted on 19 November 2015 for a Stage 2 development application for the partial demolition of the existing commercial tower and podium, and alterations and extensions to the tower to create 102,133sqm of commercial office and retail GFA above a new podium, with a 5 level basement car park. The areas proposed to be used for the indoor seating area and kitchen were marked as "F & B" on the approved plans, being annotations for Food and Beverage areas.

Modifications "A" to "P" approved various internal and external design changes as well as changes to consent conditions.

It is noted that Condition 12, Hours of Operation - Retail and Business Premises limited the hours of operation of the retail and business premises within the building to 7:00am to 10:00pm Mondays to Sundays inclusive and public holidays. Further applications could then be made to vary these hours once defined uses had been established.

It should be noted that a public artwork was approved on the podium of the Quay Quarter Tower as part of Condition 19 -Public Art on the base building consent. Condition 19(d) states the following:

"Following the issue of an Occupation Certificate for the podium, a documentary Right of Public Access to the public artwork is to be created and registered on the title of the development site. Access to the podium level is illustrated in the Plan "Proposed Public Access Area to Public Art", Drawing No. LA_LGR-RPT-XX-030 Rev 2, Dated 10 December 2018. The easement is to allow access between 6.00am to 12.00am (midnight), 7 days a week."

The approved "Right of Public Access" Plan from the public domain (from Phillip and Bridge Streets) to the location of the public art work on the podium is illustrated in orange on the approved plan below.

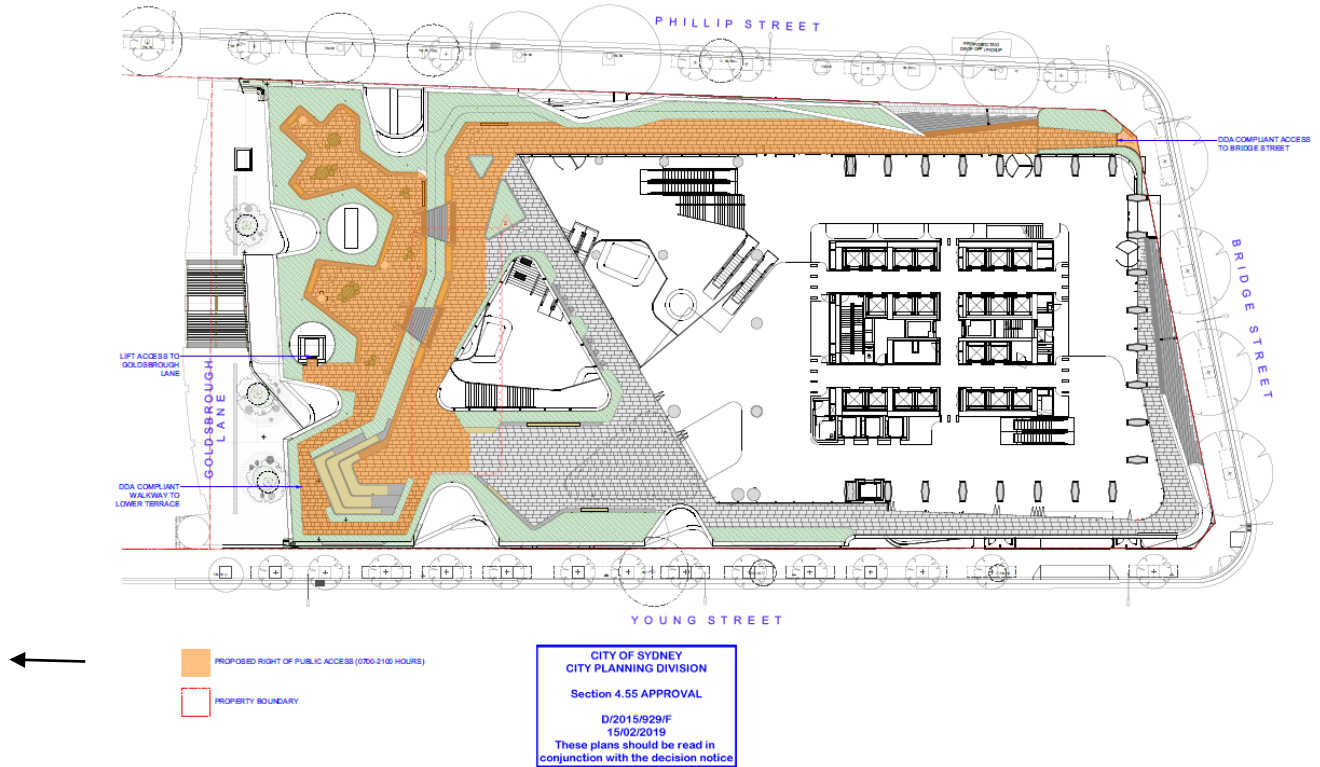


Figure 9: Approved Stamped Plan with the designated "Right Public Access Area to Public Art", Drawing No. LA_LGR-RPT-XX-030 (Rev 2) illustrated in orange

A copy of the 'Plan of Easement Over Lot 22 in DP 1277526' is provided below and illustrates the easement for public access (to the public artwork) in blue. This easement is registered on title in accordance with requirements of Condition 19 of D/2015/929 (as amended).

It should be noted that the subject tenancy and areas of the outdoor terrace proposed to be used in the subject application do not encroach onto the easement and do not restrict public access to the art work.

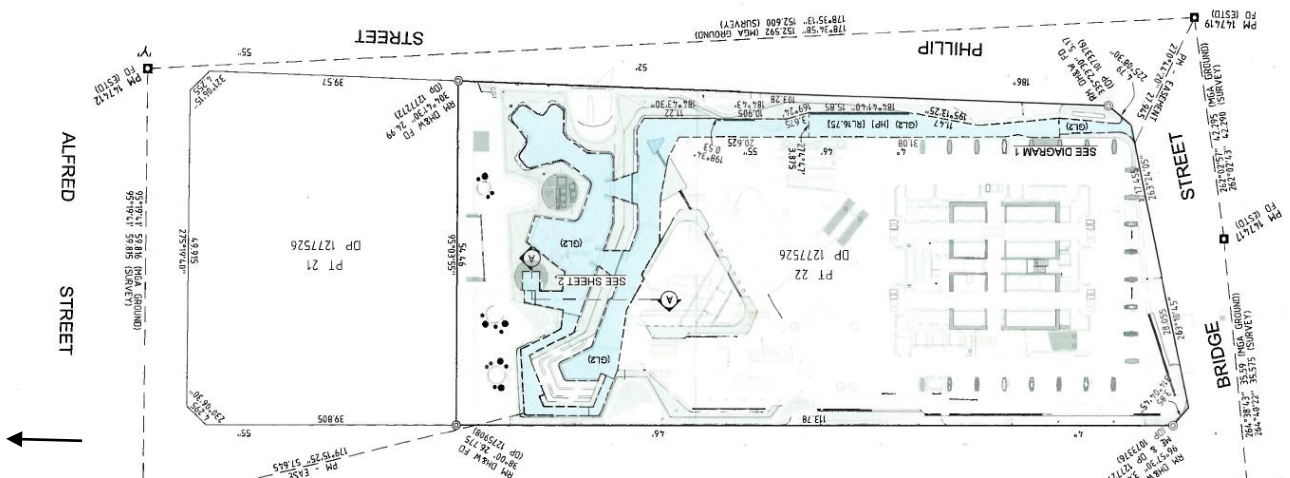


Figure 10: Easement for Public Access shown in blue, as registered on the title of the site

- **PDA/2021/21** – Pre-DA comments were provided concerning the formation of the Quay Quarter Tower Food and Drink Premises Acoustic Masterplan which set site-specific acoustic controls for food and drink tenancies with outdoor areas. It was stated that the owners of the site wished to adopt an acoustic masterplan in order to clearly communicate acoustic requirements to prospective tenants of the relevant food and drink spaces under the Masterplan.

Following internal review a final Masterplan was endorsed on 15 March 2021.

Compliance Action

10. The site is not subject to a current compliance action.

Amendments

11. Following a preliminary assessment of the proposed development, a request for additional information was sent to the applicant on 25 November 2022. The requested information included the following:
 - a response to the submissions, including responses to noise and trading hour concerns;
 - an amended floor plan including sanitary facilities, scaled elevations, sections, demolition plan, materiality and specifications including those of the loose furniture and outdoor bar;
 - information regarding internal and external landscape elements;
 - updated Waste Management Plan;
 - updated Plan of Management including clarification on the number of sitting and standing patrons throughout the indoor and outdoor areas, noise minimisation practices, details on signage and security; and
 - a photomontage of the proposal.
12. The applicant responded to the request on 13 January 2023, and submitted the requested information.

Proposed Development

13. The application seeks consent for the change of use and fit-out of part of the internal lobby area on level 00 of the Quay Quarter Tower, and use of existing outdoor areas as a licensed restaurant and bar. The premises is proposed to operate under a hotel (general bar) liquor licence.
14. The proposed hours applying to the indoor and outdoor areas, including balcony and terrace areas, are 7:00am to 12 midnight Mondays to Saturdays (inclusive) and 10:00am to 10:00pm Sundays.
15. The proposed maximum capacity includes 341 patrons and 18 staff making a total of 359 persons. The proposal includes the following patron capacity:

Patron Type	Capacity
External patrons (siting)	188
Internal patrons (siting)	103
<i>Total Siting Patrons</i>	<i>291</i>
Standing patrons	50
Total	341

16. Patron distribution includes 160 patrons within the outdoor terrace, 32 patrons within two "balcony" areas along the western side, 74 patrons within the indoor area adjoining the outdoor terrace, and seating for 30 patrons surrounding the internal kitchen area. A further 50 standing patrons are proposed, being distributed between the indoor and outdoor areas.
17. The proposal includes the following physical works:
 - minor internal and external alterations, including removal of floor tiles within the outdoor terrace, and the removal of cladding tiling and an internal wall within the proposed kitchen area;
 - construction of bench seating, bar area, fixed outdoor tables and planters within part of the existing outdoor roof terrace;
 - construction of internal dividing walls within internal seating area, delineating the space from the surrounding lobby area;
 - internal fitout of kitchen area; and
 - minor landscaping works.
18. Plans and elevations of the proposed development are provided below.
19. No signage is proposed as part of the subject application.
20. This application has been referred to the Local Planning Panel for determination as the proposal is identified as a form of sensitive development, being development for the purposes of a new licensed premises proposing to operate under a hotel (general bar) liquor licence.

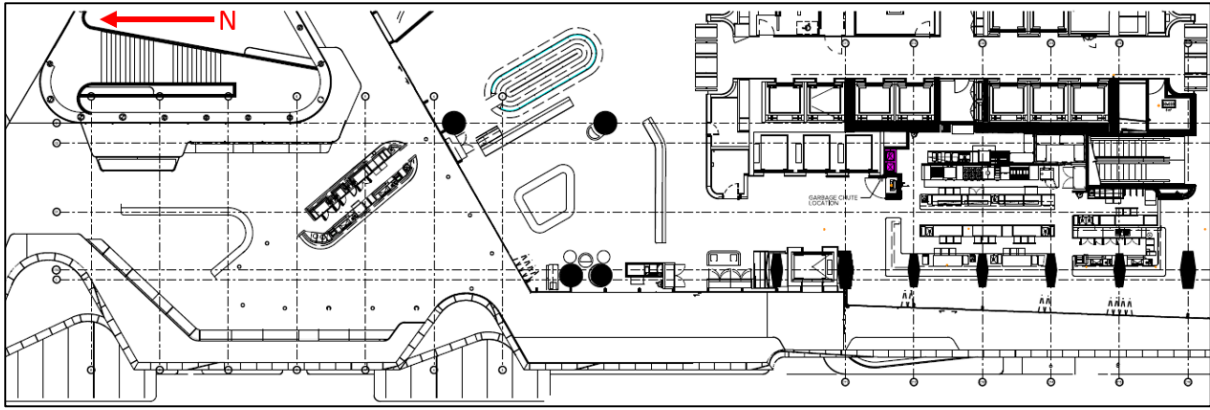


Figure 11: Proposed floorplans, including new southern kitchen, internal seating and fixtures, and bar area on northern terrace

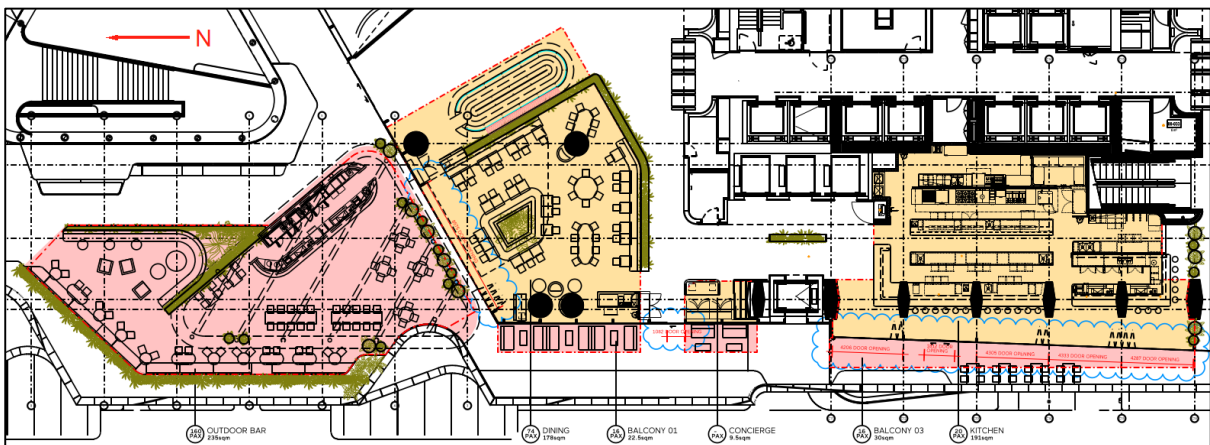


Figure 12: Proposed indoor and outdoor areas for the food and drink premises use, with outdoor areas in pink shading and indoor areas in yellow shading. 160 patrons are proposed within the northern outdoor terrace and 32 patrons are proposed within both balcony areas along the western corridor. Areas shown in white are common circulation space, which will be used as trafficable area for the proposed use.



Figure 13: Photomontage of the proposed outdoor seating area



Figure 14: Photomontage of the proposed indoor seating area (identified as 'dining' on the plans)

Assessment

21. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 6 Water catchments

22. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of Chapter 6 of the above SEPP. In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the controls set out in Division 2.
23. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the control of improved water quality and quantity, the controls set out in Divisions 2 and 3 of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

24. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is located in the B8 Metropolitan Centre zone. The proposed development is defined as a 'Food and Drink Premises' and is permissible with consent in the zone. The proposal generally meets the objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.3 Height of buildings	N/A	The proposal does not affect the existing building height.
4.4 Floor space ratio	N/A	The proposal does not affect the existing Floor Space Ratio of the site.

Part 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21C Design excellence	Yes	The proposed development is considered to meet the objectives of Cl.6.21C, in that the proposal is suitable within the context of existing and proposed uses and use mix, the outdoor bar and planters exhibit a high standard of design materials and detailing which is considered appropriate to the building and its location, and that the proposal addresses environmental impacts subject to conditions.
Division 5 Site specific provisions		
6.26 AMP Circular Quay Precinct	N/A	The proposal is located within the site known as Block A under this site specific clause. This clause related to the redevelopment of the subject site and the precinct. The scope of works under the subject application do not utilise this clause.

Part 7 Local provisions – general

Provision	Compliance	Comment
Division 1 Car parking ancillary to other development		
7.7 Retail premises	N/A	The proposal does not include additional parking nor additional GFA. Though the premises does not have specifically allocated parking, the premises will utilise existing parking facilities approved under the original building consent noting that the volume of retail commercial and food and drink premises uses were known and accounted for within the original consent.
Division 3 Affordable housing		
7.13 Contribution for purpose of affordable housing	N/A	The proposal does not include the creation of GFA, the demolition and creation of GFA, nor does the proposal

Provision	Compliance	Comment
		change the use of floor area to residential accommodation or tourist and visitor accommodation. No contributions are applicable under this clause.

Development Control Plans

Sydney Development Control Plan 2012

25. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

26. The site is partially within both the Bridge Street, Macquarie Place and Bulletin Place locality to the south and the Circular Quay locality to the north. The proposal is generally in keeping with the unique character and the design principles of the localities as an emerging development which contributes to the day and night-time economies, subject to the imposition of conditions (as detailed elsewhere in this report).

Section 3 – General Provisions

Provision	Compliance	Comment
3.11 Transport and Parking	Yes	The site is served by multiple public transport options to the north, in addition to the basement car parking approved under the original consent for the building. Commercial servicing for the premises will be carried out via the basement loading dock approved under the original consent for the building.
3.12 Accessible Design	Yes	The premises provides universal access via a common lift located to the south of the indoor dining area that can be accessed from the Young Street frontage. A condition is recommended to comply with the provisions of the BCA which includes provisions for accessible design.
3.14 Waste	Yes	Waste will be transported from the proposed kitchen to existing communal waste facilities on level B1 approved

Provision	Compliance	Comment
		<p>under the original consent for the building.</p> <p>Conditions are recommended to ensure that the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development and Australian Standards. A commercial waste contract will also be required via condition.</p>
3.15 Late Night Trading Management	Supported, subject to trial period .	<p>The premises is located in a Late Night Management Area. The use is defined as a category A (High Impact) premises, as it is proposed to be a hotel within the meaning of the Liquor Act 2007 that has a capacity of more than 120 patrons and is designated as a general bar licence.</p> <p>Under the provisions of Section 3.15.4 of the DCP, the base indoor hours for a Category A premises are 6.00am to 12 midnight, with consideration to extended 24 trading for internal areas on a trial period basis. For outdoor areas, the DCP stipulates base outdoor hours of 10.00am to 10.00pm and consideration of extended hours between 9.00am and 1.00am (the following day) on a trial period basis.</p> <p>The proposal seeks consent for the trading hours for both its internal and external areas of between 7:00am to 12 midnight Mondays to Saturdays (inclusive) and 10:00am to 10:00pm Sundays.</p> <p>The proposed indoor trading hours are within the base hours permitted by the DCP.</p> <p>The proposed outdoor evening hours are within the permitted extended hours of DCP, subject to a trial period after 10.00pm. It is noted that the proposed early morning outdoor trading hours of between 7.00am and 9.00am are outside</p>

Provision	Compliance	Comment
		<p>both the recommended base and extended hours of the DCP.</p> <p>In this instance, as the premises has yet to commence operation, is located close to sensitive residential uses and has not had an opportunity to demonstrate good management, it is recommended that any hours outside the base and extended hours permitted by the DCP not be supported at this time.</p> <p>As such, it is recommended that the proposed indoor hours be supported on a permanent basis and that the hours of 10.00am to 10.00pm, for the outdoor area be supported on a permanent basis and that the outdoor trading hours between 9.00am and 10.00am and between 10.00pm and 12 midnight (Monday to Saturday) be subject to a 1 year trial period.</p> <p>Refer to further discussion below on acoustic assessment.</p>
3.15.5 Plan of Management requirements		Refer to further discussion below on content of Plan of Management.
3.16 Signs and Advertisements	N/A	No business identification signage is proposed as part of the subject application. Conditions are recommended for imposition requiring any signage to be subject to separate approval.

Section 4 – Development Types

4.2 Residential Flat, Commercial and Mixed Use Developments

Provision	Compliance	Comment
4.2.1 Building height		
4.2.1.1 Height in storeys and street frontage height in storeys	N/A	The proposal does not include the construction of additional storeys within the site.

Provision	Compliance	Comment
4.2.1.2 Floor to ceiling heights and floor to floor heights	Yes	The proposed development does not alter the existing internal head height, which is considered acceptable for the use.
4.2.3 Amenity		
4.2.3.11 Acoustic privacy	Yes	See further information under the Discussion section below.
4.2.6 Waste and recycling Management	Yes	A condition is recommended to ensure the proposed development complies with the relevant provisions of the City of Sydney Guidelines for Waste Management in New Development and Australian Standards.

Section 5 – Specific Areas

Provision	Compliance	Comment
Central Sydney	Yes	The proposal does not include works to which this part of the DCP relates.

Section 6 – Specific Sites

Provision	Compliance	Comment
6.1.9 AMP Circular Quay Precinct	Yes	<p>The site specific provisions of Section 6.1.9.6 of the DCP envisaged a mixture of uses within the precinct, including food and beverage, outdoor dining and premises with extended hours.</p> <p>As detailed in the relevant history section and further in the discussion section below, the base building development for the site included an Acoustic Masterplan. The application has also been accompanied by an acoustic report that has identified the nearest sensitive receivers and mitigation measures required to adhere to the acoustic criteria established by the precinct Acoustic Master Plan.</p> <p>Refer to further discussion below.</p>

Discussion

Noise and Amenity

27. The proposal seeks consent for the use of internal areas, and the existing outdoor terrace and balcony areas as a food and drink premises with a maximum occupancy of 341 patrons. The submitted Plan of Management states a maximum combined outdoor seated capacity of 188 patrons, a maximum indoor seated capacity of 103 patrons, and a capacity of 50 standing patrons distributed between the internal areas and outdoor terrace. The premises will be operated under a general bar (Hotel) licence.
28. The acoustic report submitted with the application has assessed the acoustic performance of the premises against the acoustic criteria of the Quay Quarter Tower Food and Drink Premises Acoustic Masterplan that was endorsed by Council on 15 March 2021. This Master Plan was proposed by the owners of the site to set and communicate clear acoustic requirements to future tenants of several food and drink tenancies, many of which have outdoor areas facing Young Street and Phillip Street.
29. The acoustic report has identified that the subject site is in proximity to a number of sensitive receivers, as outlined on Figure 13 below, including the Intercontinental Hotel and residential dwellings at 9-13 Young Street, 15 -17 Young Street, and 44 Bridge Street.

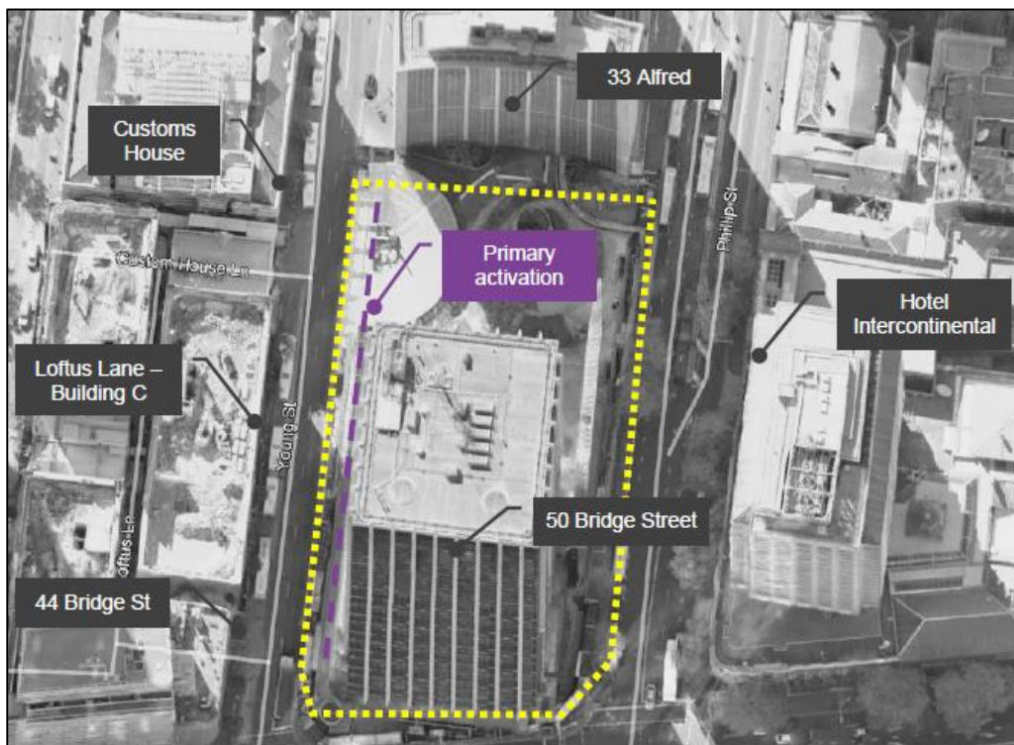


Figure 15: Sites identified as sensitive receivers within the Quay Quarter Tower Food and Drink Premises Acoustic Masterplan

30. The acoustic assessment is based on the worst case scenario by assuming operation of the premises at full capacity. The analysis within the acoustic report states that the proposal will generally comply with the Acoustic Master Plan. A minor marginal exceedance of 1 dB is identified report at two locations, being a 44 Bridge Street and at Customs House after 10.00pm and 1 dB at Custom House prior to 10.00pm. The assessment concludes that the acoustic criteria can be met at all other sensitive receivers and recommendations that the minor exceedances identified above can be managed through on-going compliance testing of the sound system.
31. The acoustic report makes mitigation recommendations, including:
- (a) the installation of noise absorbing finishes and materials internally for ceiling and floor coverings;
 - (b) use of noise limiters for all speaker systems, with the siting of speakers at a low level (approximately 1m above floor level below the parapet) and directed inwards away from any residential receivers, and the use of distributed low power speakers requiring less volume to serve the outdoor area;
 - (c) installation of a sound system that are vibration isolated;
 - (d) the acoustic assessment was based on the operable facade / concertina doors between the bar area and internal areas being closed after 10.00pm, and that any access to the outdoor terrace after 10.00pm will be via auto-sliding doors on the northern and western facades; and
 - (e) the tables and chairs located on the western facing terrace will be required to be vacated after 10:00pm (i.e. this area is not to be utilised by patrons after 10.00pm).
32. The application has also been accompanied by a Plan of Management that details the following management and operational practices (in addition to those already detailed above in the acoustic report that are replicated in this plan) to minimise disturbance to neighbouring developments:
- (a) Live entertainment will only utilise the in-house audio system.
 - (b) Movement and disposal of empty bottles and glasses will be done at appropriate times so as to ensure no noise nuisance to adjoining residents is created.
 - (c) Music is to be played at an appropriate level in accordance with the acoustic report and endorsed Acoustic Master Plan, and shall include the use of noise limiters.
 - (d) Staff and security will be responsible for managing patrons responsible for excessive noise, and will advise patrons to keep noise at a minimum when entering and leaving the premises.
 - (e) The premises will have a complaints and incidents reporting register.
 - (f) Security will be employed in accordance with the Plan of Management (which proposes after 5.00pm on Thursday, Friday and Saturdays) and as required by any condition of consent.

33. The subject application was referred to the City's Environmental Health and Licensed Premises units, who have both supported the application subject to conditions. These include conditions requiring compliance with the recommendations of the submitted Acoustic Report, the endorsed Acoustic Masterplan and Council's standard operational and mechanical noise conditions. It was further required that the submitted Plan of Management be followed, which also mirrors the operational-based noise mitigation measures discussed in the Acoustic Report.
34. As detailed in the compliance table above, the proposed hours of operation outside of the DCP base hours of operation (between 9.00am and 10.00am and between 10.00pm and 12 midnight, Monday to Saturday) are to be subject to a 12-month trial period in order to allow the operator to demonstrate on-going good management of the premises. The outdoor early morning hours of 7.00am and 9.00am outside of either the base or extended DCP provisions are not supported at this time.
35. It is noted that there are multiple commercial and food and drink premises in the vicinity and the Circular Quay precinct in general, and that the proposal is within the permitted evening trading hours on a trial period as discussed below.

Consultation

Internal Referrals

36. The application was discussed with Council's:
 - (a) Building Services Unit;
 - (b) Environmental Health Unit;
 - (c) Licensed Premises Unit;
 - (d) Urban Design Unit;
 - (e) Landscaping Unit; and
 - (f) Waste Management Unit.
37. Following the receipt of the requested additional information, the above units advised that the amended proposal is acceptable subject to conditions. Where appropriate, these conditions are included in the Notice of Determination.

External Referrals

NSW Police

38. As the proposal includes a new licensed premises, the application was referred to NSW Police for comment on 12 October 2022. At the time of writing this report, no response has been received from the NSW Police and is taken to be no objection to the proposal.

Advertising and Notification

39. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified and advertised for a period of 21 days between 12 October 2022 and 3 November 2022. A total of 587 properties were notified and ten submissions were received.

40. The submissions raised the following issues:

- (a) **Issue:** Noise impacts from general operation, both from indoor and outdoor areas

Response: Refer to detailed discussion above in report. The acoustic assessment submitted with the application has been peer reviewed by the City's Environmental Health Unit and concur with the findings and mitigation measures detailed in both the report and Plan of Management. Subject to all measures detailed elsewhere in this report and as required by conditions, the proposed use can operate in accordance with the City's acoustic criteria and those specifically identified for this site/precinct as part of the redevelopment of the area in the Acoustic Master Plan. As detailed in the report, the supported hours of operation have been modified from those sought by the applicant for the outdoor areas and the extended morning and evening outdoor trading hours before 10.00am and after 10.00pm are recommended to be subject to a 12-month trial period.

- (b) **Issue:** Operating hours

Response: The proposed indoor and outdoor hours comply with those prescribed for High Impact Premises within the Late Night Management area under Sydney DCP 2012. The proposed outdoor trading hours during morning periods do not comply with either the base or extended hours envisaged by the DCP. At this time given this is a new premises that is yet to operate and demonstrate good management, hours of operation outside of the planning controls is not supported.

The proposed internal hours of operation are wholly within the base hours envisaged by the DCP and are supported. The outdoor hours of 10.00am to 10.00pm are supported and consistent with the base hours of the DCP. Outdoor trading before 10.00am and after 10.00pm, Monday to Saturday, is supported on a trial period basis of 12 months, this is in order for Council to establish the quality of management of the premises. This also gives Council the ability to modify the trading hours during in the case that the premises has displayed poor management with adverse environmental impacts. We encourage residents to contact Council if it is felt that the premises is not complying with the conditions of consent or if it is felt that the premises is displaying poor management.

- (c) **Issue:** Incorrect information provided by the applicant regarding assumptions about surrounding development

Response: The submitted acoustic report correctly identifies the surrounding properties as including residential uses along Young Street, in addition to the retail and commercial uses predominantly located at ground floor.

Sites facing Bridge Road were also acknowledged as potentially being affected. The applicant's Acoustic Engineer has provided a further response to submissions, noting that the levels of acoustic impact to residential properties facing Bridge Street are rated externally, without requiring internal readings, and meet acoustic criteria which was endorsed by Council under the Quay Quarter Tower Food and Drink Premises Acoustic Masterplan.

Financial Contributions

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

44. The cost of the development is in excess of \$250,000. The development is therefore subject to a levy under the Central Sydney Development Contributions Plan 2020.
41. A condition relating to this levy has been included in the recommended conditions of consent in the Notice of Determination. The condition requires the contribution to be paid prior to the issue of a Construction Certificate.

Contribution under Section 7.13 of the Sydney Local Environmental Plan 2012

42. As the development includes development for purposes other than residential accommodation that will result in the creation of less than 100 square metres of gross floor area, and does not change of use of existing non-residential floor area to residential accommodation or tourist and visitor accommodation, the development is excluded and is not subject to a Section 7.13 Affordable Housing contribution.

Relevant Legislation

43. Environmental Planning and Assessment Act 1979.
44. Sydney Local Environmental Plan 2012.
45. SEPP (Biodiversity and Conservation) 2021.

Conclusion

46. The proposal includes the fitout and use of internal and external areas on level 00 for a restaurant and bar, with trading hours of 7.00am to 12 Midnight Mondays to Saturdays inclusive and 10.00am to 10.00pm on Sundays.
47. The proposal is generally consistent with the applicable planning provisions including Sydney LEP 2012 and Sydney DCP 2012 and the site specific acoustic criteria established by the QQT Acoustic Master Plan.

48. Additional information was submitted during the assessment, including a further response to submissions from the applicant's Acoustic Engineer. Based on the recommendations for acoustic mitigation in both the acoustic report and Plan of Management for the premises (detailed within the body of this report), it is considered that the premises can operate without adverse impacts to surrounding sites subject to conditions.
49. Objections were raised concerning potential acoustic impacts, trading hours and information contained within the submitted documentation being misleading. These issues have been addressed within the above report, noting that the extended outdoor trading hours are supported subject to a 12-month trial period and the early morning trading hours outside of the DCP (i.e. prior to 9.00am) are not supported at this time.
50. Subject to the recommendations of this report, and the imposition of the conditions in Attachment A, the proposed development is supported.

ANDREW THOMAS

Executive Manager Planning and Development

Nicholas Beck, Specialist Planner

Attachment A

Recommended Conditions of Consent

SCHEDULE 1

CONDITIONS OF CONSENT

PART A - GENERAL

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2022/1005 dated 27 September 2022 and the following drawings prepared by Studio Etic:

Drawing Number	Drawing Name	Date
DA A01	Proposed Demolition Plan (Rev.A)	9/12/2022
DA A02	Proposed Garbage Chute Plan (Rev.A)	9/12/2022
DA D02	Proposed Venue (Rev.A)	9/12/2022
DA D24	Proposed Dining – Landscaping Plan (Rev.A)	9/12/2022
DA D25	Proposed Kitchen – Landscape Plan (Rev.A)	9/12/2022
DA D26	Proposed Outdoor Bar – Landscaping Plan (Rev.A)	9/12/2022
DA E01	Proposed Elevations (Rev.A)	9/12/2022
DA P01	Planter Details (Rev.A)	9/12/2022
DA P02	Plants Schedule (Rev.A)	9/12/2022
DA X34	Outdoor Bar (Rev.A)	9/12/2022
DA X36	Outdoor Bar (Rev.A)	9/12/2022

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the plans will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) SECTION 7.12 CONTRIBUTIONS PAYABLE – SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost *	Levy
* Refer to Section 2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> for information on determining the development cost.	

Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	3%

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided to the Principal Certifier of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
 - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at www.cityofsydney.nsw.gov.au; or
 - (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at www.cityofsydney.nsw.gov.au.
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Accredited Certifier accordingly.

- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

Please contact Council's Planning Administration staff at Planningsystemsadmin@cityofsydney.nsw.gov.au to request a written Statement of Contributions Owing, prior to payment.

Reason

To ensure development contributions are paid to address the increased demand for public facilities, amenities, and services in Central Sydney by a growing residential and workforce population.

(3) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

Reason

To ensure that waste and recycling is appropriately managed.

(4) NO CHARCOAL OR SOLID FUEL COOKING

No charcoal or solid fuel cooking is approved as part of this application.

For the purpose of this condition solid fuel cooking should be defined as any solid material used as a fuel to produce energy and provide heating through combustion for the purpose of cooking. Solid fuels will include but are not limited to wood, charcoal, peat, coal etc.

Reason

To restrict the provision of charcoal or solid fuel cooking on the premises.

(5) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

Reason

To require separate consent to be obtained for any additional signs.

(6) NO ENCROACHMENT OVER PUBLIC ACCESS EASEMENT

At no time shall the use of the outdoor terrace or the overall use of the tenancy encroach upon, restrict or impede the right of public access to the public art work located on the podium terrace. Public Access to the art work shall remain in

accordance with the terms of the right of public access easement registered on the site at all times.

Reason

To ensure access to the public art work is maintained at all times.

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

(7) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in section 3.3 of the DA Acoustic Report prepared by Arup, dated 16 September 2022, ref 222700 AC20 V2, titled Quay Quarter Tower Lobby Hospitality Use DA Report, Council Ref 2022/503282 must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the accredited certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(8) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 Design, Construction and Fit-out of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au

Reason

To ensure the construction, fitout and finishes of the food premises comply with relevant standards.

(9) SANITARY FACILITIES – FOOD PREMISES

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *National Construction Code (previously known as Building Code of Australia)*, Part F 3.1, 4.8 and 4.9.

Reason

To ensure sanitary facilities comply with relevant standards to protect food handling areas.

(10) WASTE STORAGE AREA

(a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:

- (i) Provided with a hose tap connected to the water supply.
- (ii) Paved with impervious floor materials.
- (iii) Coved at the intersection of the floor and walls.
- (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).
- (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.
- (vi) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
- (vii) Appropriately managed to Council's satisfaction so that it does not attract pests or create litter.

Note: Fitted with appropriate interventions to meet fire safety standards in accordance with the *National Construction Code (previously known as Building Code of Australia)*.

(b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate and must be constructed in

accordance with such plans and specifications prior to the issuance of any Occupation Certificate.

Reason

To ensure the adequate storage and collection of waste from the food premises.

(11) COOLROOMS

Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *National Construction Code (previously known as Building Code of Australia)*, and:(a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.

- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) Must be fitted with a door that can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

Reason

To ensure coolrooms are constructed appropriately in accordance with relevant standards.

(12) GREASE AND LIQUID WASTE TRAPS

- (a) A grease trap as required by Sydney Water must be installed in accordance with the relevant Sydney Water requirements.
- (b) Prior to the issue of a Construction Certificate, plans and details are to be submitted to and approved by the Principal Certifier showing the following:
- (c) The grease trap is not located in any kitchen, food preparation or food storage areas;
 - (i) The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
 - (ii) The grease trap is constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

Note: In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. The installation of any grease traps and treatment equipment must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

Reason

To ensure grease and liquid waste traps are installed in accordance with relevant requirements.

(13) ADDITIONAL REQUIREMENTS ON PLANS – SINKS AND HAND WASH BASINS

Prior to the issue of Construction Certificate, amended scale plans confirming the position of all sinks and hand wash basins within the food premises must be submitted to and approved by Council's Health and Building Unit. The location and accessibility of sinks and hand wash basins must comply with the requirements of *AS4674 Design, Construction and Fit-out of Food Premises* and *Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment*.

Reason

To ensure sinks and hand wash basins comply with relevant standards.

(14) MECHANICAL VENTILATION

- (a) The premises must be ventilated in accordance with the *National Construction Code (previously known as Building Code of Australia)* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *National Construction Code (previously known as Building Code of Australia)* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *National Construction Code (previously known as Building Code of Australia)*, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *National Construction Code (previously known as Building Code of Australia)*, must be submitted to the Principal Certifier.

Reason

To ensure the ventilation complies with relevant standards.

(15) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (c) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
 - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.
 - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development.
 - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*.
 - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.
 - (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
 - (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.

UPON COMPLETION OF THE DEVELOPMENT

- (d) Prior to any Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifier must ensure that waste handling works have been completed in accordance with: the Waste and Recycling Management Plan; other relevant development consent conditions; and Council's *Guidelines for Waste Management in New Developments 2018*.

Reason

To ensure that waste and recycling is appropriately managed.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK

There are no conditions relevant to Part C.

PART D – WHILE BUILDING WORK IS BEING CARRIED OUT

(16) HOURS OF WORK AND NOISE – CBD

The hours of construction and work on the development must be as follows:

- (a) All work, including demolition, excavation and building work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work, including demolition, excavation and building work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.
- (c) Notwithstanding the above, the use of a crane for special operations, including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on-street use of mobile cranes outside of above hours can occur, subject to a separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993.

Note: Works may be undertaken outside of hours, where it is required to avoid the loss of life, damage to property, to prevent environmental harm and/or to avoid structural damage to the building. Written approval must be given by the Construction Regulation Team, prior to works proceeding.

The *City of Sydney Code of Practice for Construction Hours/Noise 1992* allows extended working hours subject to the approval of an application in accordance with the Code and under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Reason

To protect the amenity of the surrounding area.

(17) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, 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) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

Reason

To protect the amenity of the public domain.

(18) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

Reason

To protect the amenity of the public domain.

PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

(19) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

Reason

To ensure that waste and recycling is appropriately managed.

(20) KITCHEN WASTE CHUTE ROOM

The kitchen waste chute room must be constructed in accordance with Reference D Waste and Recycling Storage Area Construction as provided for in the Council's Guidelines for Waste Management in New Developments, which requires as a minimum:

- (a) floors to be finished with a rigid smooth impermeable surface;
- (b) floors graded and drained to a Sydney Water approved drainage fitting;
- (c) a door width to allow for the clearance of the nominated waste containers and no less than 900mm; and
- (d) the area should be provided with a water supply for cleaning.

(21) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

- (a) The use must not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.
- (b) An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

Reason

To ensure Council is notified of food business details.

PART F – OCCUPATION AND ONGOING USE

(22) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

(23) HOURS OF OPERATION - SENSITIVE USES

The hours of operation are regulated as follows:

- (a) The indoor hours of operation must be restricted to between 7:00am to 12 midnight, Mondays to Saturdays (inclusive) and 10:00am to 10:00pm Sundays.
- (b) The outdoor hours of operation must be restricted to between 10:00am to 10:00pm, Mondays to Sundays inclusive.
- (c) Notwithstanding (b) above, the outdoor terrace area may operate between 9.00am and 10.00am and between 10:00pm and 12 midnight, Monday to Saturday (inclusive) for a trial period of 1 year from the date of issue of the Occupation Certificate. Council's Health and Building Unit is to be informed in writing of the date of commencement of the trial hours. Email notification is to be sent to liquor@cityofsydney.nsw.gov.au
- (c) Should the operator seek to continue the extended operating hours outlined in (c) above, an application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received and any views expressed by the Police.

Reason

To ensure the premises operates within the approved hours of operation.

(24) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons permitted in the premises at any one time is as follows:
 - (i) Roof Terrace (Sitting) – 160 patrons
 - (ii) Internal patrons (Sitting) – 103 patrons
 - (iii) Balconies (Sitting) – 28 patrons

- (iv) Standing patrons (between areas) – 50 patrons
- (b) The capacity for each area (sitting, as specified) must not exceed the maximum numbers at any given time.
- (c) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (d) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Accredited Certifier prior to issue of a Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate.

Note: Clause 73 of the *Environmental Planning and Assessment Regulation 2021* requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) entertainment venue,
- (ii) function centre,
- (iii) pub,
- (iv) registered club,
- (v) restaurant.

To ensure the premises can safely accommodate patrons, staff and performers and safeguard the amenity of the surrounding neighbourhood.

(25) NO SPRUICKING NOISE

No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruicking are to be located on Council owned property. Furthermore, the sound level of any spruicking generated within privately owned land must not be audible on any adjacent property with a shared boundary.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(26) PLAN OF MANAGEMENT TO BE MODIFIED

Prior to the issue of any Construction Certificate, Part 3.3 – Hours of Operation within the submitted Plan of Management must be amended to include the modified outdoor trading hours per Condition 23(b) HOURS OF OPERATION – SENSITIVE USES.

(27) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, prepared by Urbis dated January 2023 that has been approved by Council (following the changes required under Condition 26 above). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(28) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras must be strategically installed, operated and maintained throughout the premises with particular coverage to:
 - (i) principal entrance/s and exits;
 - (ii) all areas within the premise occupied by the public (excluding toilets);
 - (iii) staircases in multilevel premises; and
 - (iv) the area within a 10m radius external to the public entrance(s) to the premise.
- (b) Suitable and clearly visible signage must be displayed at the principal entrance(s) to the premise and in a prominent position on each floor accessible to the public, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- (c) All CCTV recording equipment and cameras must be of high grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera must be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the disc or hard drive. The CCTV recording equipment must be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Stored digital copies of CCTV recordings must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly. The Licensee must record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable. Where the system will not be functioning in full operating order for a period of longer than 24

hours the manager/licensee is to notify the relevant Local Area Commander of the NSW Police.

- (f) All CCTV recording devices and cameras must be operated at all times when the premises are open to the public and, where premises do not operate 24 hours a day, continuously for at least 1 hour prior to opening and closing times of the premises.
- (g) The CCTV recording device must be secured within the premises and only be accessible to senior management personnel so as to maintain the integrity of the recorded footage. When the premises is operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- (h) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

Reason

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

(29) COPIES OF CONSENTS AND MANAGEMENT PLANS

A full and current copy of all current development consents for the operation of the licensed premises, and the Plan of Management and the Security Management Plan must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

Reason

To ensure all relevant approved documents are available on-site upon request.

(30) REMOVAL OF GLASS

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

Reason

To reduce waste generation within the public domain and to safeguard the amenity of the surrounding neighbourhood.

(31) NOISE FROM GLASS REMOVAL

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises and removed in containers.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(32) NEIGHBOURHOOD AMENITY

- (a) Signs must be placed in clearly visible positions within the licensed premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage must be in bold letters not less than 25mm in height on a contrasting background.
- (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(33) GLASS CRUSHER

All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located inside the premises) prior to the removal of such waste from the premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(34) SECURITY AND QUEUING – CATEGORY A LICENSED PREMISES

- (a) Security guards are to be provided at the premises on Thursdays, Fridays and Saturdays from 5:00pm at a minimum ratio of 1 security staff member to 100 patrons or part thereof.
- (b) Security personnel must remain at the premises for at least 30 minutes after closing and must assist in ensuring that patrons leave quietly.
- (c) All licensed security officers whilst employed at the premises are to wear clearly identifiable security attire at all times, with the word "SECURITY" clearly identifiable in bold print at least 100mm high, on the front and back.
- (d) When more than one security guard is on duty, security officers and management must communicate by hand held radios at all times.

Reason

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

(35) CESSATION OF SERVICE

The premises may be open for business only between the operating hours in Condition 22 above. The operator must cease providing alcohol at the premises 15 minutes before the required closing time.

Reason

To ensure the development operates within the approved hours of operation.

(36) INCIDENTS – RECORDING AND NOTIFICATION

The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

Reason

To safeguard the amenity of staff, patrons and the surrounding neighbourhood.

(37) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

(a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA [Noise Policy for Industry 2017 \(NPfI\)](#) unless agreed to by the City's Area Planning Manager. Further:

(i) Background noise monitoring must be carried out in accordance with the long-term methodology in [Fact Sheet B](#) of the NPfI unless otherwise agreed by the City's Area Planning Manager.

(ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

(b) An $L_{Aeq, 15 \text{ minute}}$ (noise level) emitted from the development must not exceed the $L_{A90, 15 \text{ minute}}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

(i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.

(ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.

(c) Corrections in [Fact Sheet C](#) of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(38) NOISE – INSTALLATION, SETUP, TESTING AND CALIBRATION OF LIMITER/S, PRIOR TO AN OCCUPATION CERTIFICATE

Prior to the issue of an Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a Noise Limiter/s Verification Report to the written

satisfaction of the Principal certifying Authority that the development complies with the requirements set out as follows, and any relevant requirement in the COMPLIANCE WITH THE ACOUSTIC REPORT CONDITION PRIOR TO CONSTRUCTION AND/OR OCCUPATION CERTIFICATES condition:

- (a) All sound amplification equipment in the premises must be controlled by a Root Mean Square (RMS) noise limiter with an attack time constant not exceeding 0.5 seconds, release time constant not less than 1 second and a compression ratio equal of at least 20:1. The limiter shall be set by a suitably qualified acoustic consultant* as per the manufacturer's specification. The consultant must ensure that resultant amplified sound complies with the Council's criteria for entertainment noise.
- (b) All Limiters and all post-limiter equipment including power amplifiers must be tamper proof and only operable by the acoustic consultant, a licensee and business owner who must keep a completed report on the premises.
- (c) This report must certify that limiter/s were installed, tested and calibrated so amplified noise will comply with the NOISE – ENTERTAINMENT Condition. The report will be prepared in accordance with and provide detail on the following requirements:
 - (i) An initial calibration of the operation of the limiter with the sound amplification equipment is to be undertaken. This assessment must include setting of the amplification system in addition to a documented overview of the system so that compliance is achieved with the noise criteria as referenced in parts (a) to (c) above.
 - (ii) Limiter settings and subsequent equipment must be benchmarked at the time of the above operational assessment. Pink noise and a swept sine wave signal must be fed into the amplification system and the level of the noise increased until the limiter operates continuously to comply with criteria. The L_{Aeq} , L_{A1} , L_{Ceq} and L_{C1} (1/1 octave bands - 31.5 Hz to 8 kHz centre frequencies) levels must be measured at suitable relevant reference location/s in the premises, with the premises empty other than essential staff. Correlating L_{Aeq}/L_{A1} and L_{Ceq}/L_{C1} measurements must be taken at identified nearby noise sensitive receivers during this process.
 - (iii) Music must then be played through the sound system(s) with the limiter(s) in continuous operation to verify the limiters work correctly and meet noise criteria at the locations detailed above.
 - (iv) The report will address the limiter installed within the premises (including but not limited to its brand, type specifications and location) including the noise control levels the limiter was set to (including a copy of the software configuration file for any digital signal processing device used). Furthermore, all post limiter equipment will be photographed, documented and catalogued in the report including location on a layout drawing.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

Reason

To protect the acoustic amenity of surrounding properties.

(39) NOISE – AMPLIFIED SOUND AND THE UPKEEP AND OPERATION OF LIMITER/S

Following receipt of the report as per part (b) of the NOISE - INSTALLATION, SETUP, TESTING & CALIBRATION OF LIMITER/S, PRIOR TO AN OCCUPATION CERTIFICATE condition (and receipt of the relevant occupation certificate, the report is to be kept on the premises at all times, signed and dated by the licensee and business owner. From this point forward the licensee and business owner must ensure the following:

- (a) The limiter/s and sound amplification system must be maintained and not tampered with. That unauthorised modifications are not made which are contrary to the report. Repairs and replacements may be made to the system as necessary with any like component but must not be capable of increasing the permitted noise amplification levels outlined in the report.
- (b) That additional amplification equipment must not be brought onsite which if used could cause cumulative entertainment noise (including amplified sound) from the development to exceed controls in this consent. This does not apply to:
 - (i) Equipment that is only used when routed through and controlled by the limiter/s, i.e. the limiters and amplified sound system on the premises are capable of receiving and controlling that equipment, and
 - (ii) Such that use of the equipment must not cause amplified sound which exceeds the cumulative entertainment noise controls in this consent.

Reason

To protect the acoustic amenity of surrounding properties.

(40) ENTERTAINMENT NOISE LIMITS - COMPLIANCE WITH ACOUSTIC MASTERPLAN

The premises and this development must be controlled such that any Entertainment noise generated by its use will comply with the following parameters:

- (a) For the purpose of this condition, entertainment noise means:
 - (i) Conversational discourse noise generated by patrons that are associated with and or being served by or provided with hospitality by the premise, development any associated activity;
 - (ii) Music, amplified or otherwise being played within or associated with a business operation of the premise and this development, and
 - (iii) Otherwise, noise generated either directly or indirectly by the provision of any entertainment associated with the premise and this

development. "Entertainment" means an action or activity being provided in association with the premise or development for the purpose of providing amusement, enjoyment, broadcast, hospitality or other similar service.

- (b) For the purpose of this condition, the AMP Capital Quay Quarter Tower Food and drink premises – Acoustic Masterplan reference 222700-AC09_02 Issue 3 dated 2 February 2021 is defined as per the area within the masterplan document encircled in the yellow dotted line on page B9 of the document (City of Sydney Ref:2023/034894). Where a noise measurement is conducted inside of the building envelope of an affected receiver, this is to be done with all operable elements of the building façade such as windows and doors closed and mechanical ventilation operating.
- (c) With regard to the introductory paragraph of this condition, "controlled" means that the premises, development and any associated activity is managed, and or operated, or maintained by any one or all of the following:- licensee, business owner, corporation, company or employee; such that without limitation or action breach of this condition would otherwise not occur.
- (d) Operation of the premise and this development must not cause or contribute to entertainment noise that exceeds any of the entertainment noise limits within the AMP Capital Quay Quarter Tower Food and drink premises – Acoustic Masterplan reference 222700-AC09_02 Issue 3 dated 2 February 2021.

(41) WASTE/RECYCLING COLLECTION - COMMERCIAL

- (a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.
- (b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- (c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

Reason

To ensure that waste and recycling is appropriately managed.

(42) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.

SCHEDULE 2

PRESCRIBED CONDITIONS

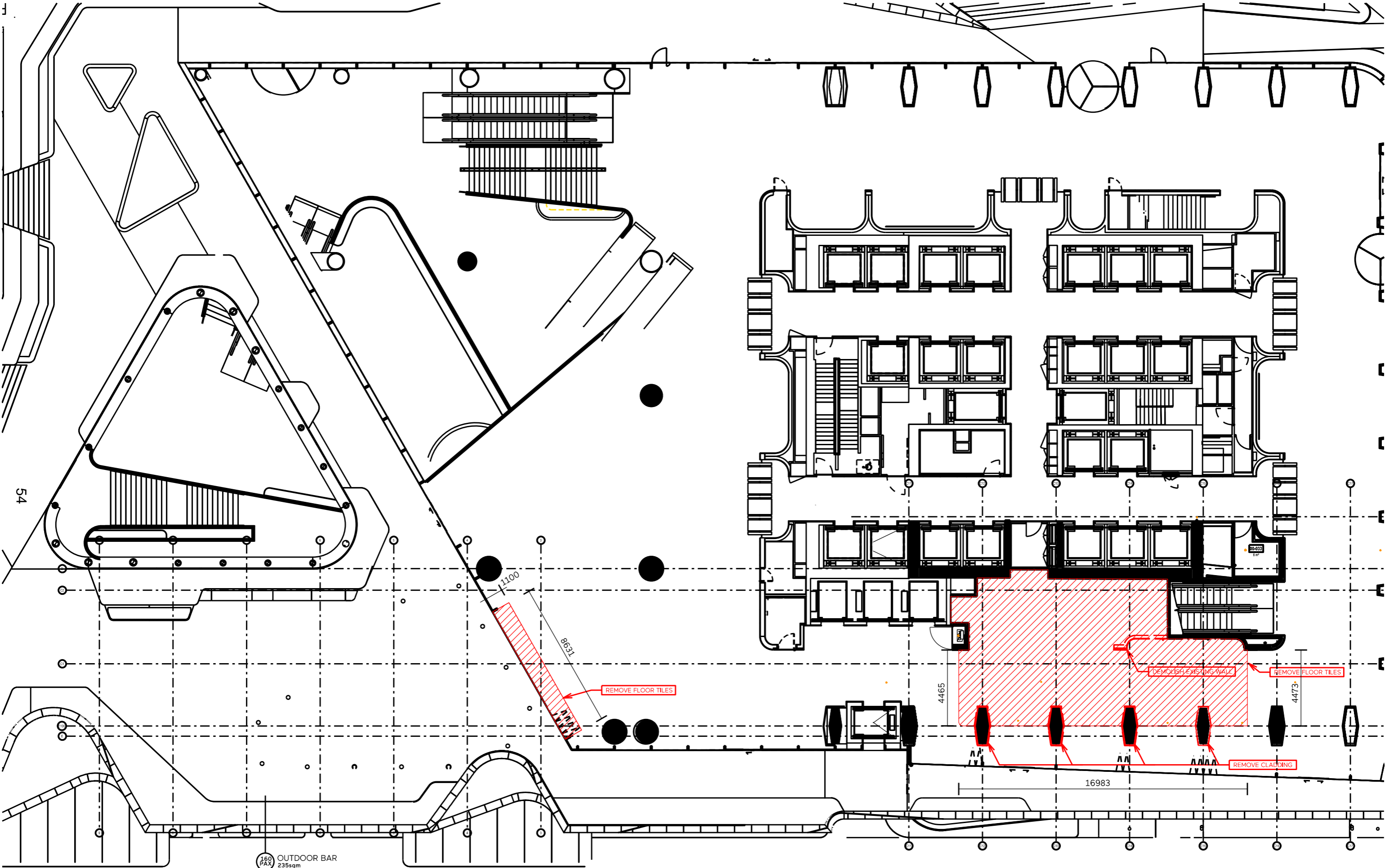
The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 2 conditions of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>

Attachment B

Selected Drawings



360
P.A. OUTDOOR BAR
235sqm

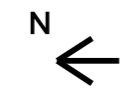
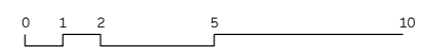
etic
emilie@studioetic.com

GENERAL NOTES

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

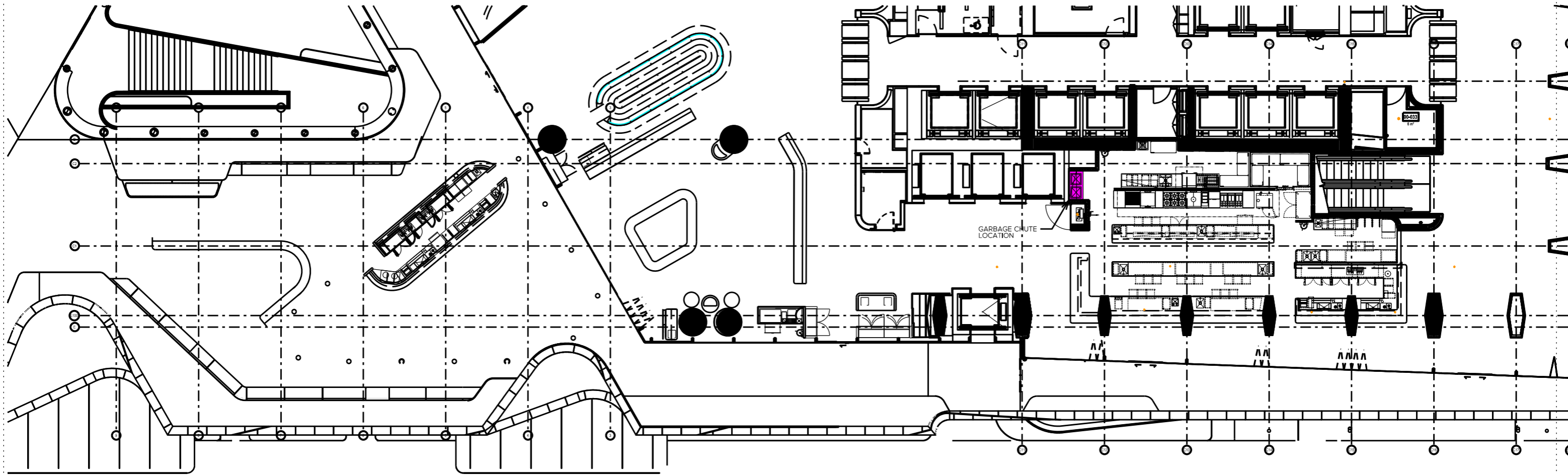
DATE	ISSUE + REVISIONS
09.12.22	A COUNCIL REQUEST FOR INFORMATION



PROJECT
QUAY QUARTER TOWER
50 BRIDGE STREET
SYDNEY NSW 2000

PROJECT NO.
095
DRAWING NAME
PROPOSED DEMOLITION PLAN

SCALE @ A3 1:200 DRAWN BY ED	DWG NO. DA A01 REVISION A
---------------------------------------	---



01 PROPOSED GROUND FLOOR PLAN
SCALE 1:200



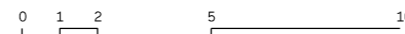
02 PROPOSED LOWER GROUND FLOOR PLAN
SCALE 1:200

GENERAL NOTES

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

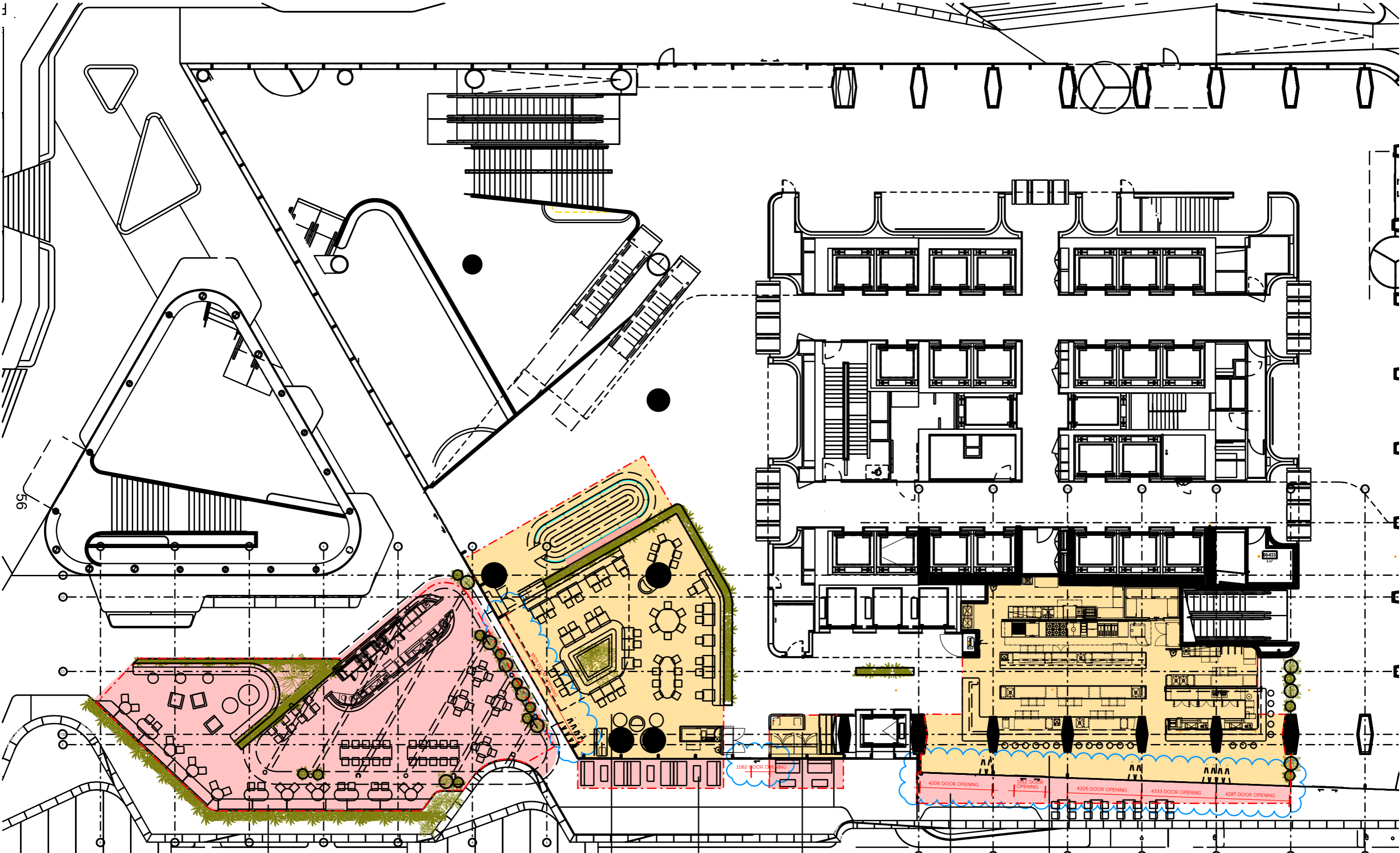
DATE	ISSUE + REVISIONS
09.12.22	A COUNCIL REQUEST FOR INFORMATION



PROJECT
QUAY QUARTER TOWER
50 BRIDGE STREET
SYDNEY NSW 2000

PROJECT NO.
095
DRAWING NAME
PROPOSED GARBAGE
CHUTE PLAN

SCALE @ A3	DWG NO.
1:200	DA A02
DRAWN BY ED	REVISION A



380
PAX
OUTDOOR BAR
235sqm

74
PAX
DINING
178sqm

36
PAX
BALCONY 01
22.5sqm

PAX
CONCIERGE
9.5sqm

36
PAX
BALCONY 03
30sqm

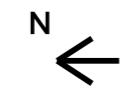
20
PAX
KITCHEN
191sqm

etic
emilie@studioetic.com

GENERAL NOTES
PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

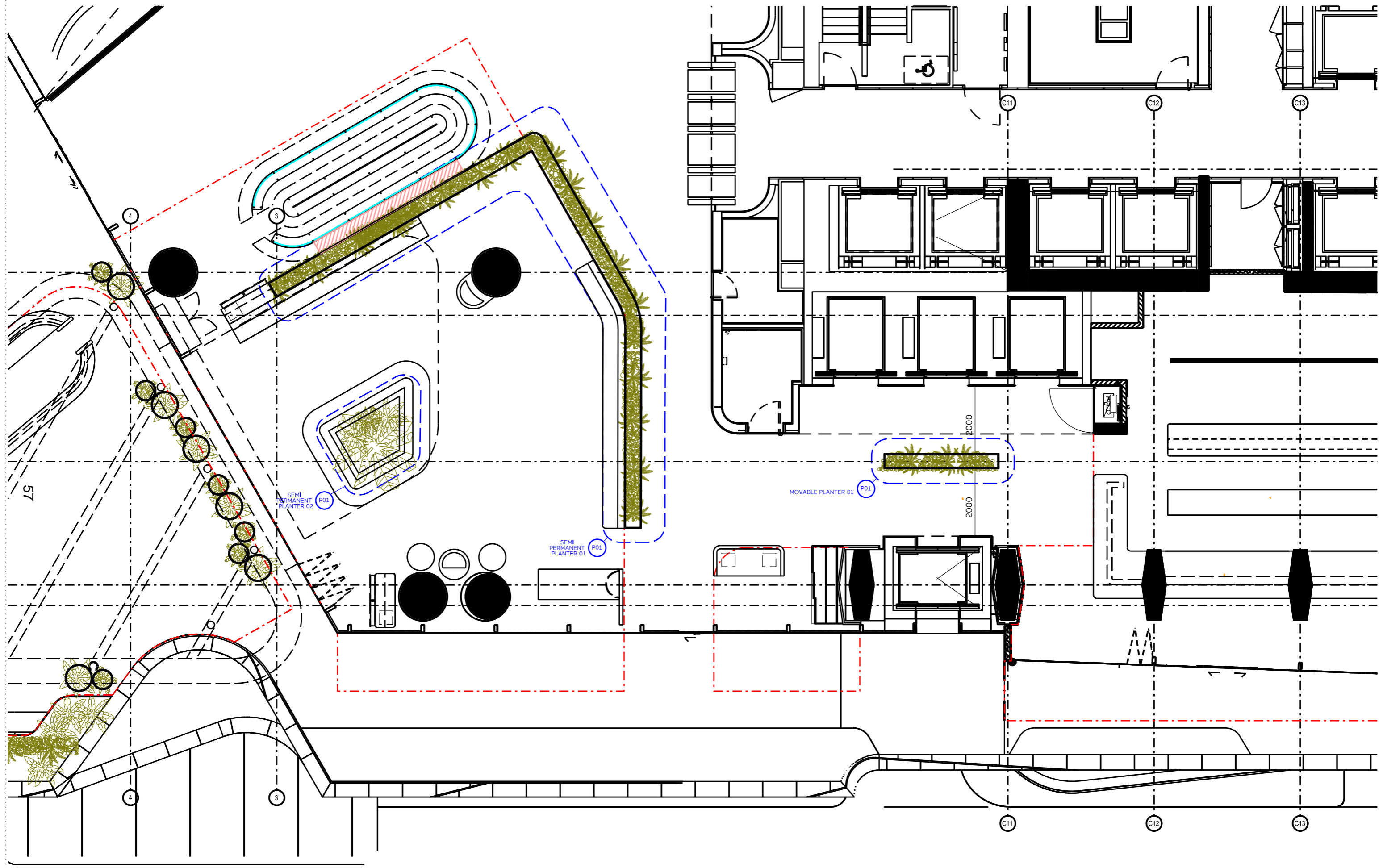
DATE	ISSUE + REVISIONS
09.12.22	B COUNCIL REQUEST FOR INFORMATION



PROJECT
QUAY QUARTER TOWER
50 BRIDGE STREET
SYDNEY NSW 2000

PROJECT NO.
095
DRAWING NAME
PROPOSED VENUE

SCALE @ A3	DWG NO.
1:200	DA D02
DRAWN BY ED	REVISION B

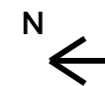


GENERAL NOTES

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

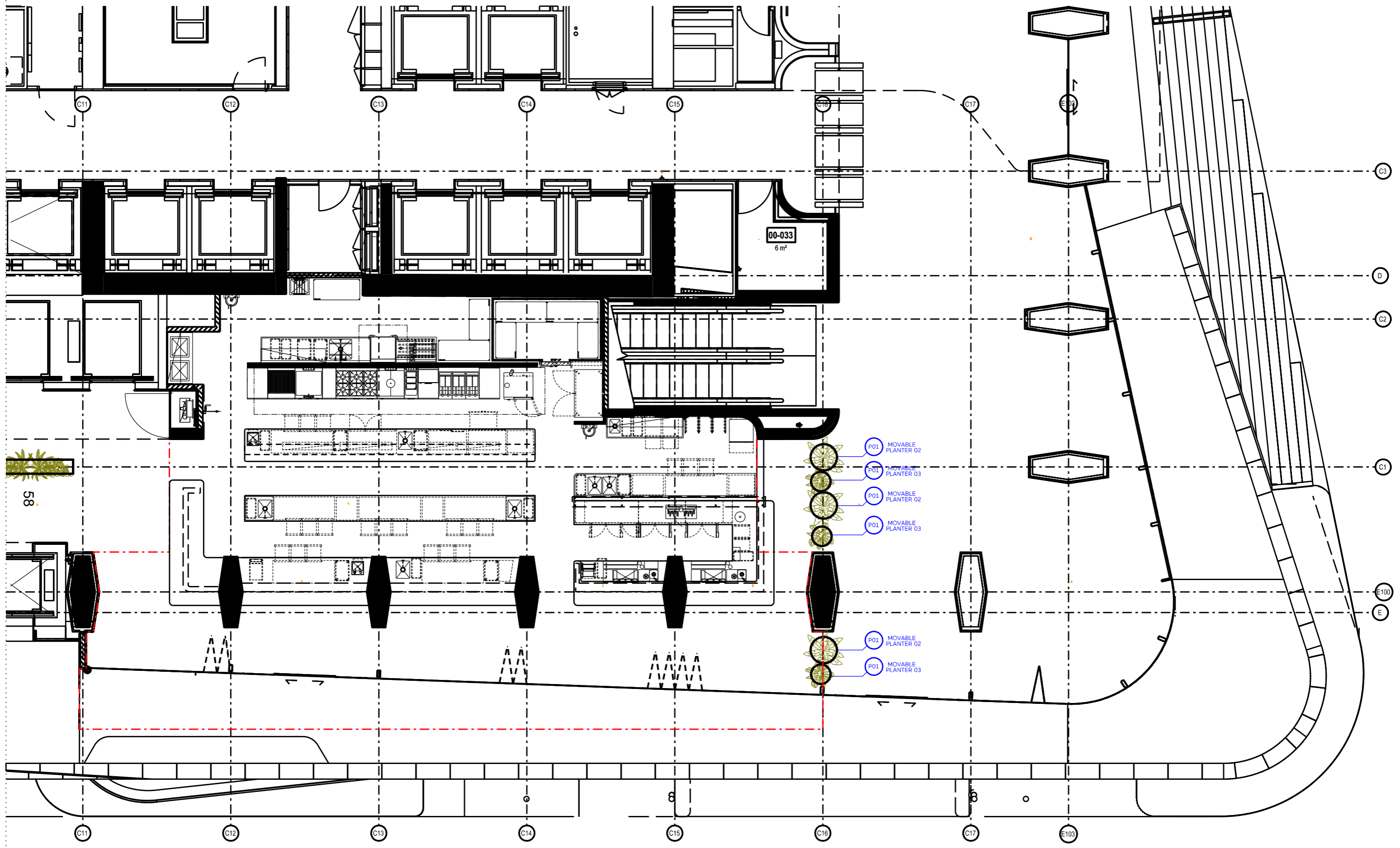
DATE	ISSUE + REVISIONS
09.12.22	A COUNCIL REQUEST FOR INFORMATION



PROJECT
QUAY QUARTER TOWER
50 BRIDGE STREET
SYDNEY NSW 2000

PROJECT NO.
095
DRAWING NAME
PROPOSED DINING -
LANDSCAPING PLAN

SCALE @ A3	DWG NO.
1:100	DA D24
DRAWN BY	REVISION
ED	A

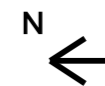


GENERAL NOTES

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

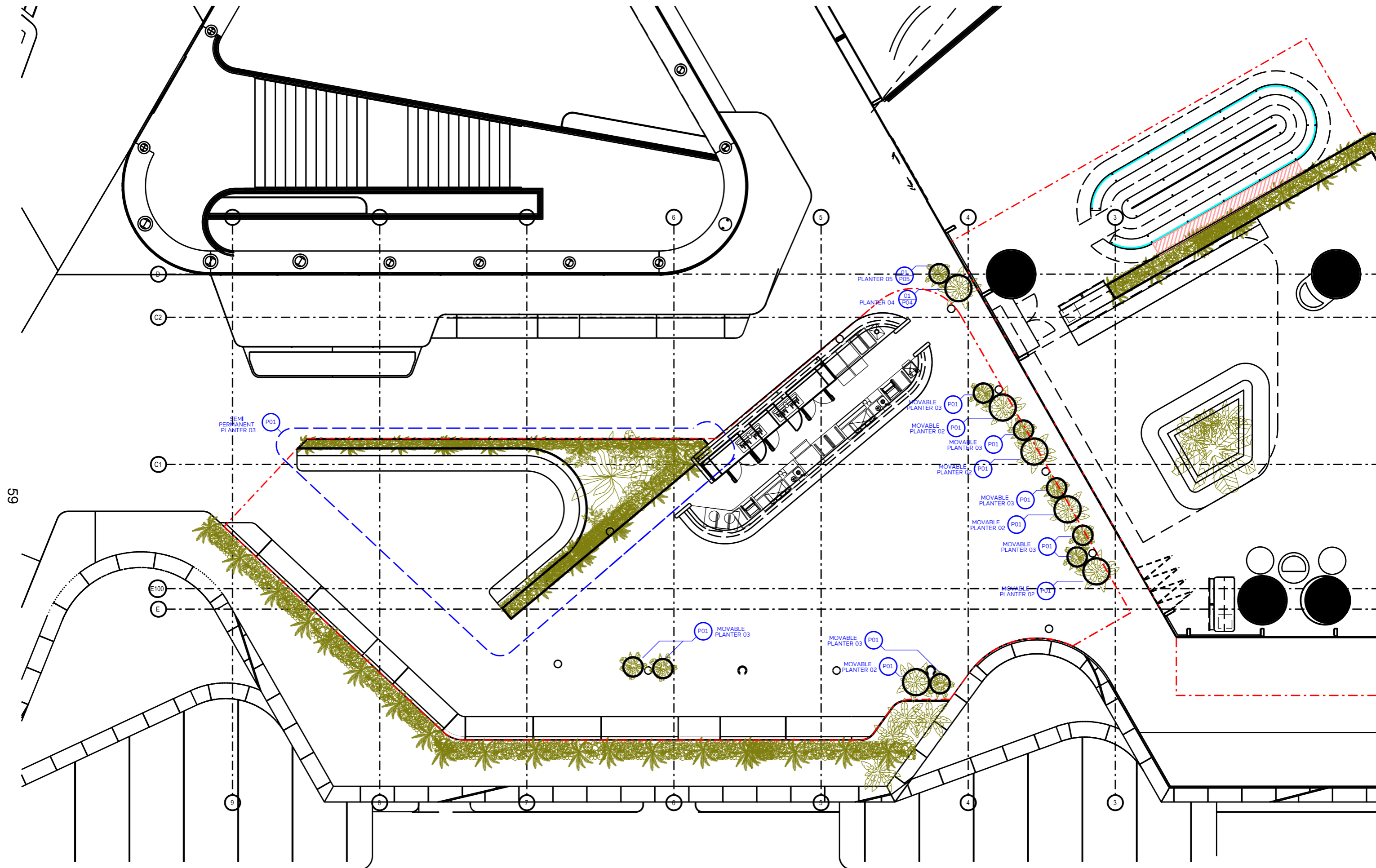
DATE	ISSUE + REVISIONS
09.12.22	A COUNCIL REQUEST FOR INFORMATION



PROJECT
QUAY QUARTER TOWER
50 BRIDGE STREET
SYDNEY NSW 2000

PROJECT NO.
095
DRAWING NAME
PROPOSED KITCHEN -
LANDSCAPE PLAN

SCALE @ A3 1:100	DWG NO. DA D25
DRAWN BY ED	REVISION A



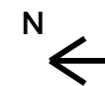
59

GENERAL NOTES

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

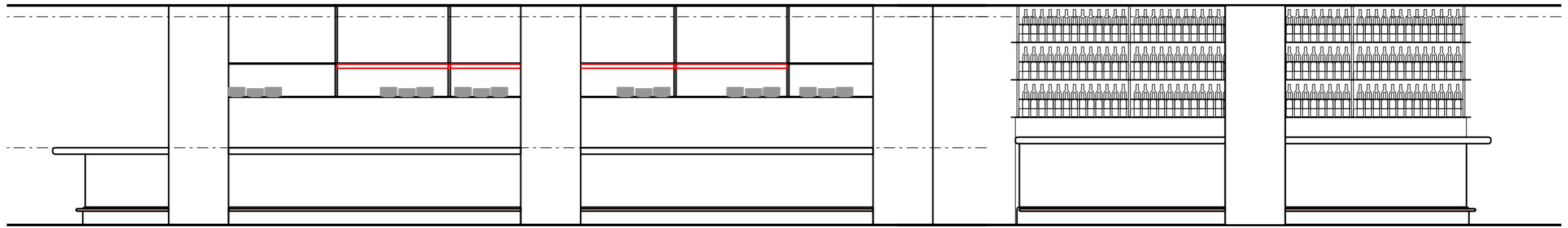
DATE	ISSUE + REVISIONS
09.12.22	A COUNCIL REQUEST FOR INFORMATION



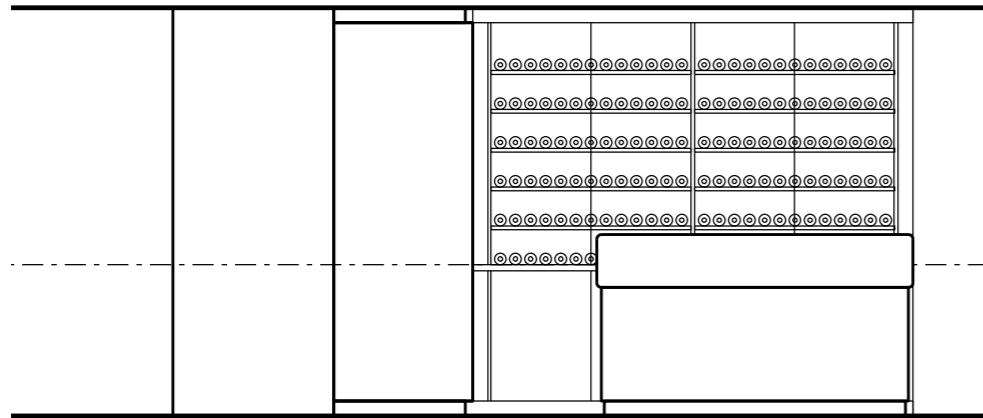
PROJECT
QUAY QUARTER TOWER
50 BRIDGE STREET
SYDNEY NSW 2000

PROJECT NO.
095
DRAWING NAME
PROPOSED OUTDOOR BAR -
LANDSCAPING PLAN

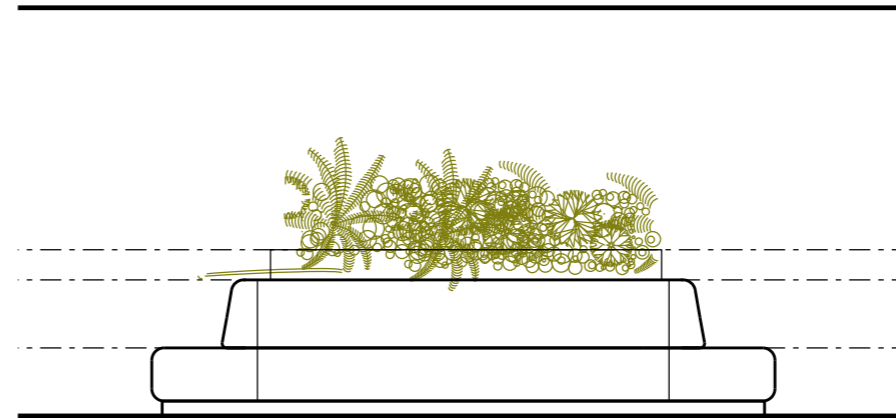
SCALE @ A3 1:100	DWG NO. DA D26
DRAWN BY ED	REVISION A



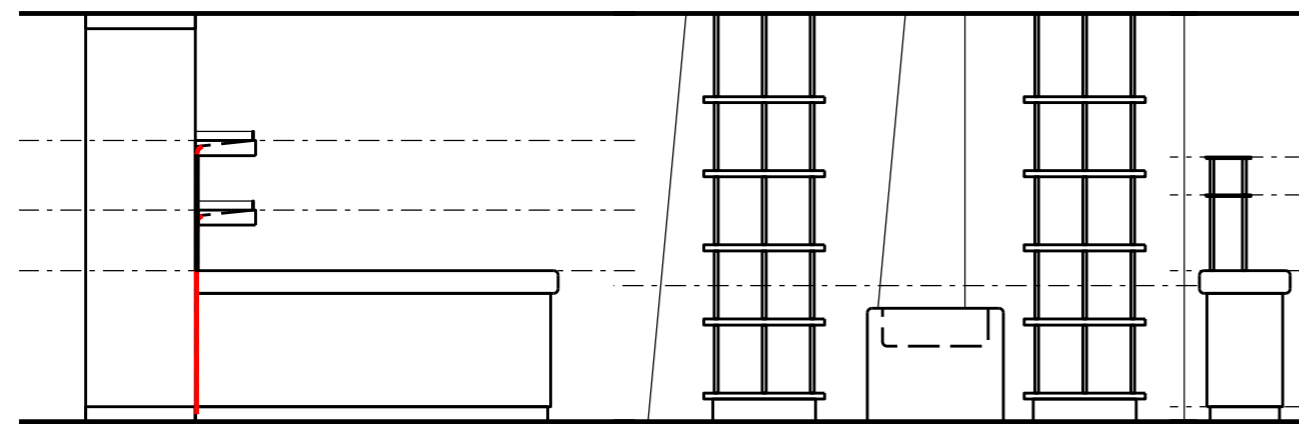
01 | PROPOSED KITCHEN & BAR ELEVATION
- SCALE 1:50



02 | PROPOSED CONCIERGE ELEVATION
- SCALE 1:50



03 | PROPOSED DINING CENTRAL BANQUETTE ELEVATION
- SCALE 1:50



04 | PROPOSED DINING ELEVATION
- SCALE 1:50

06

GENERAL NOTES

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

DATE	ISSUE + REVISIONS
09.12.22	A COUNCIL REQUEST FOR INFORMATION



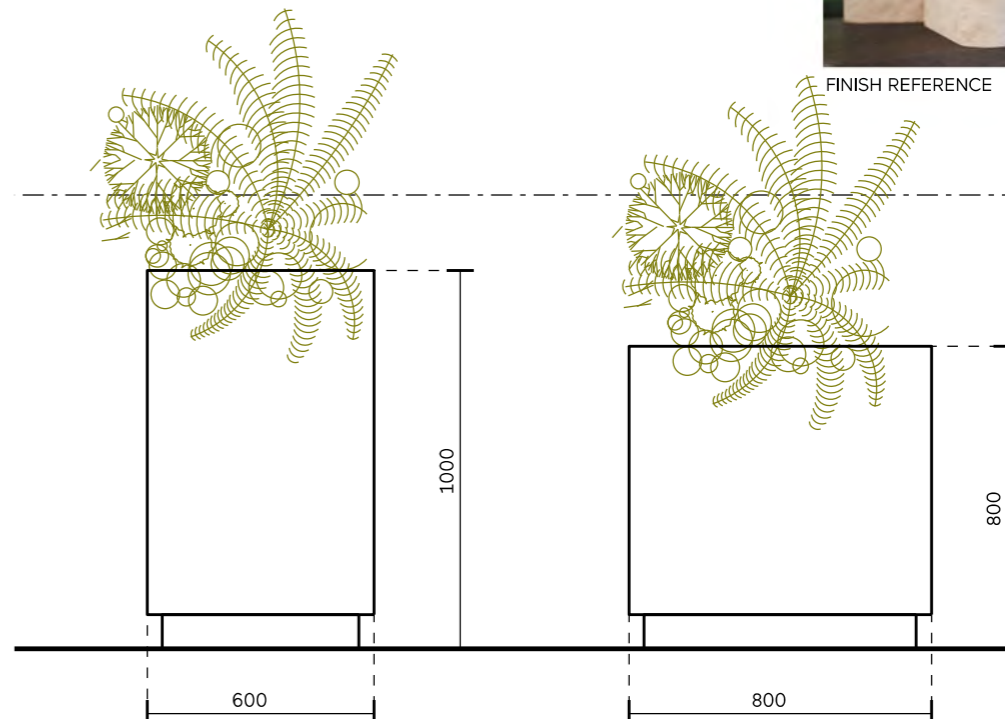
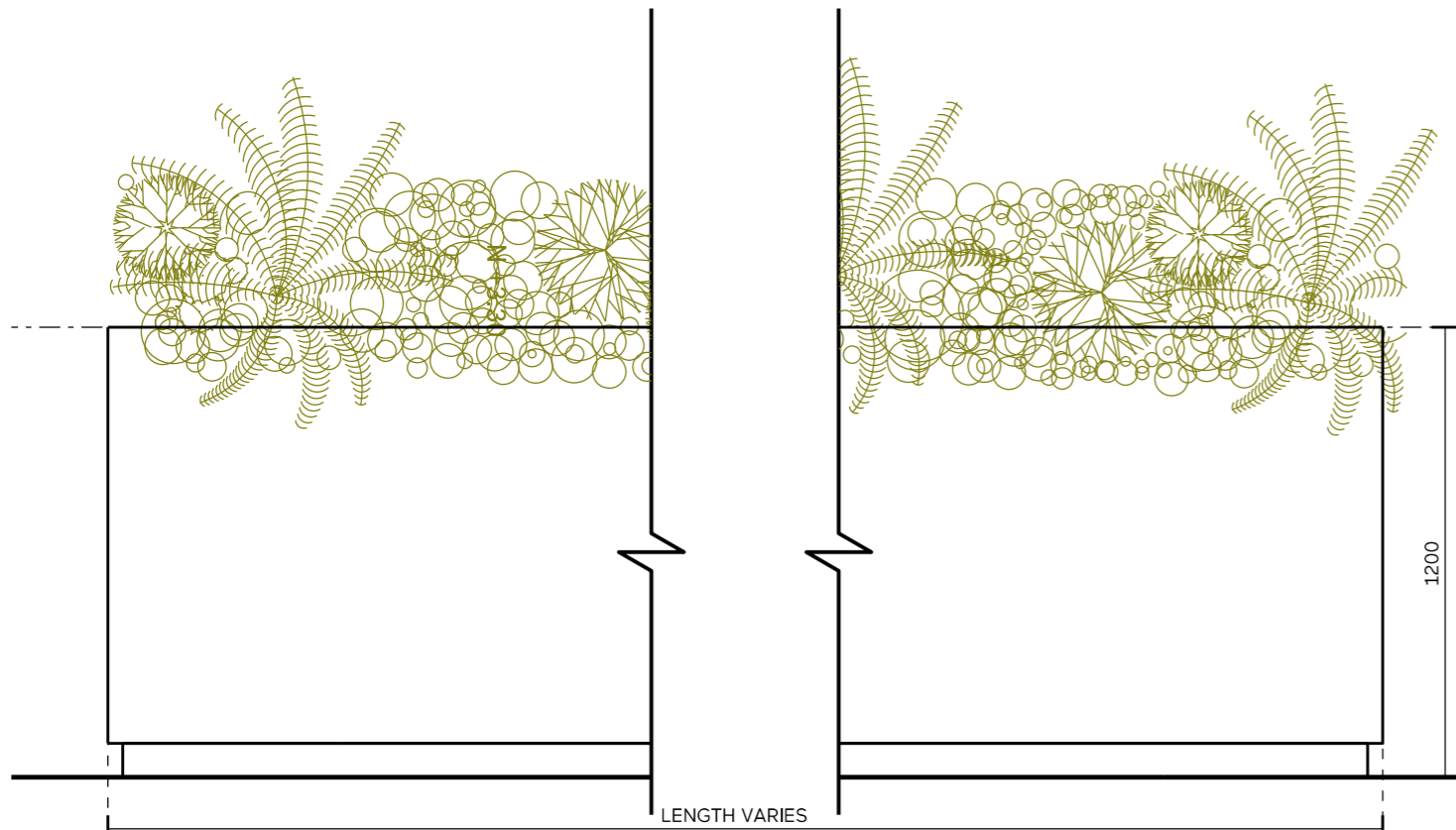
PROJECT
QUAY QUARTER TOWER
50 BRIDGE STREET
SYDNEY NSW 2000

PROJECT NO.
095
DRAWING NAME
PROPOSED ELEVATIONS

SCALE @ A3	DWG NO.
1:50	DA E01
DRAWN BY ED	REVISION A



FINISH REFERENCE

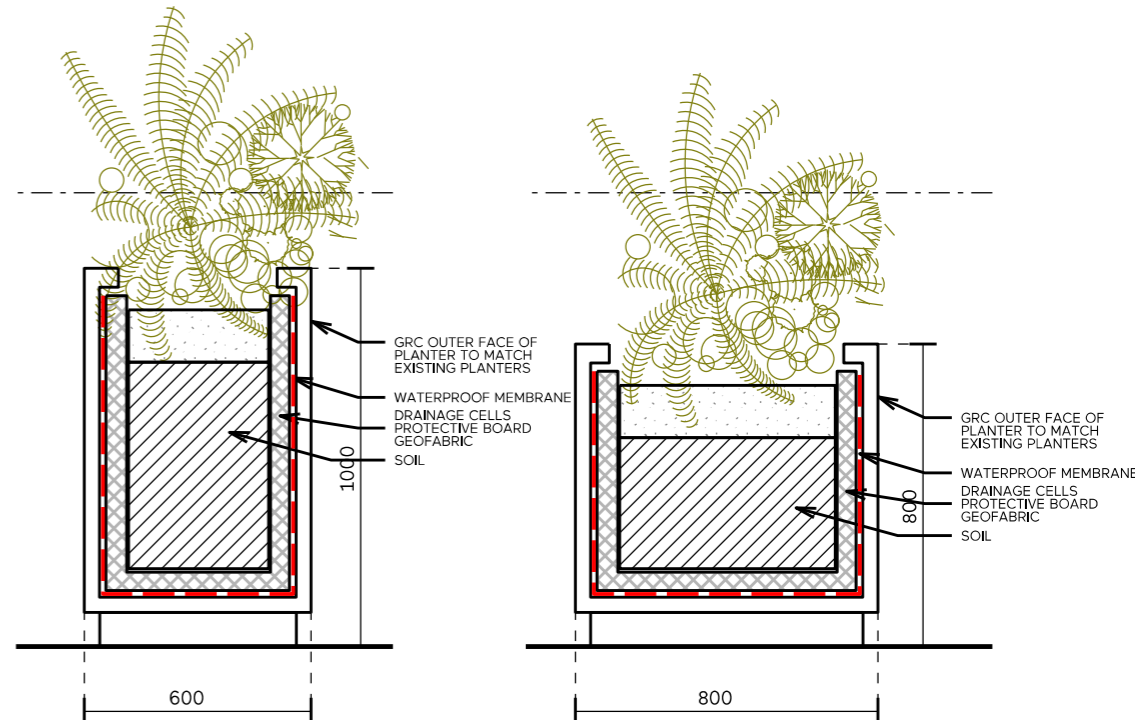
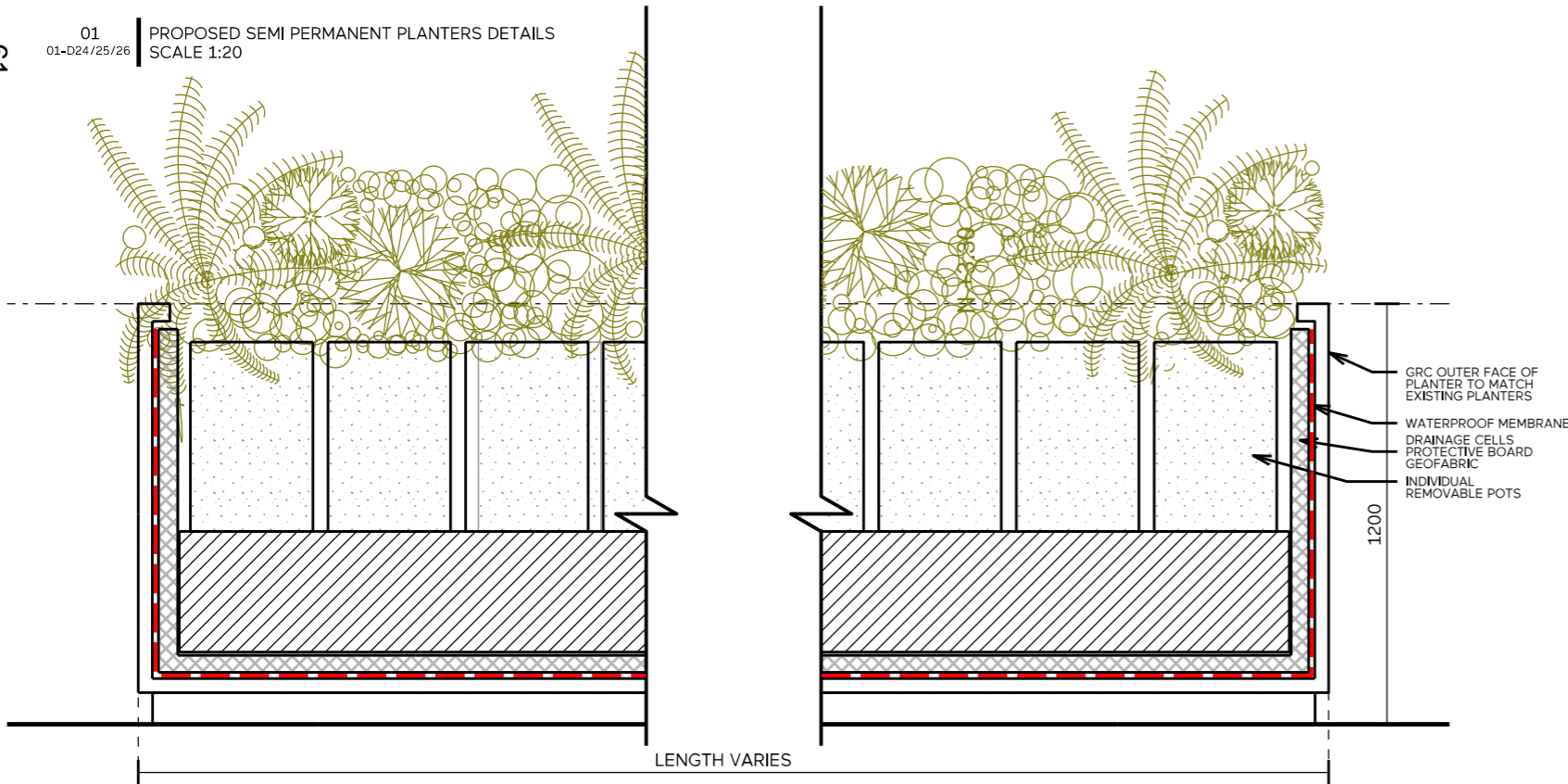


19

01 PROPOSED SEMI PERMANENT PLANTERS DETAILS
01-D24/25/26 SCALE 1:20

03 PROPOSED MOVABLE PLANTERS DETAILS
01-D24/25/26 SCALE 1:20

05 PROPOSED MOVABLE PLANTERS DETAILS
01-D24/25/26 SCALE 1:20



02 PROPOSED SEMI PERMANENT PLANTERS DETAILS
01-D24/25/26 SCALE 1:20

04 PROPOSED MOVABLE PLANTERS DETAILS
01-D24/25/26 SCALE 1:20

06 PROPOSED MOVABLE PLANTERS DETAILS
01-D24/25/26 SCALE 1:20

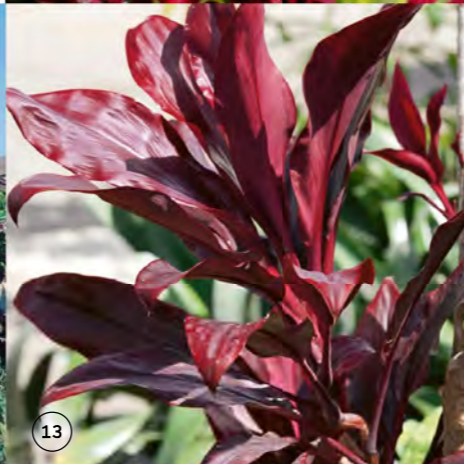
GENERAL NOTES

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

DATE	ISSUE + REVISIONS
09.12.22	A COUNCIL REQUEST FOR INFORMATION





- 01 Xanthosoma albo marginata
- 02 Vrisea species
- 03 Ravenea Rivularis
- 04 Monstera Deliciosa
- 05 Tree philodendron
- 06 Philodendron orange juice
- 07 Philodendron Cannifolium
- 08 Kangaroo paws
- 09 Livistona decora
- 10 Callistemon
- 11 Grevillea moonlight
- 12 Frangipani rubra
- 13 Cordyline terminalis ruby
- 14 Elephant ear
- 15 Lomandra longifolia
- 16 Cordyline early morning diamond
- 17 Chamaedorea Atrovirens
- 18 Senecio rowleyanus
- 19 Alocasia zebrina sarian
- 20 Alocasia Wentii

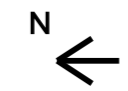
62

GENERAL NOTES

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

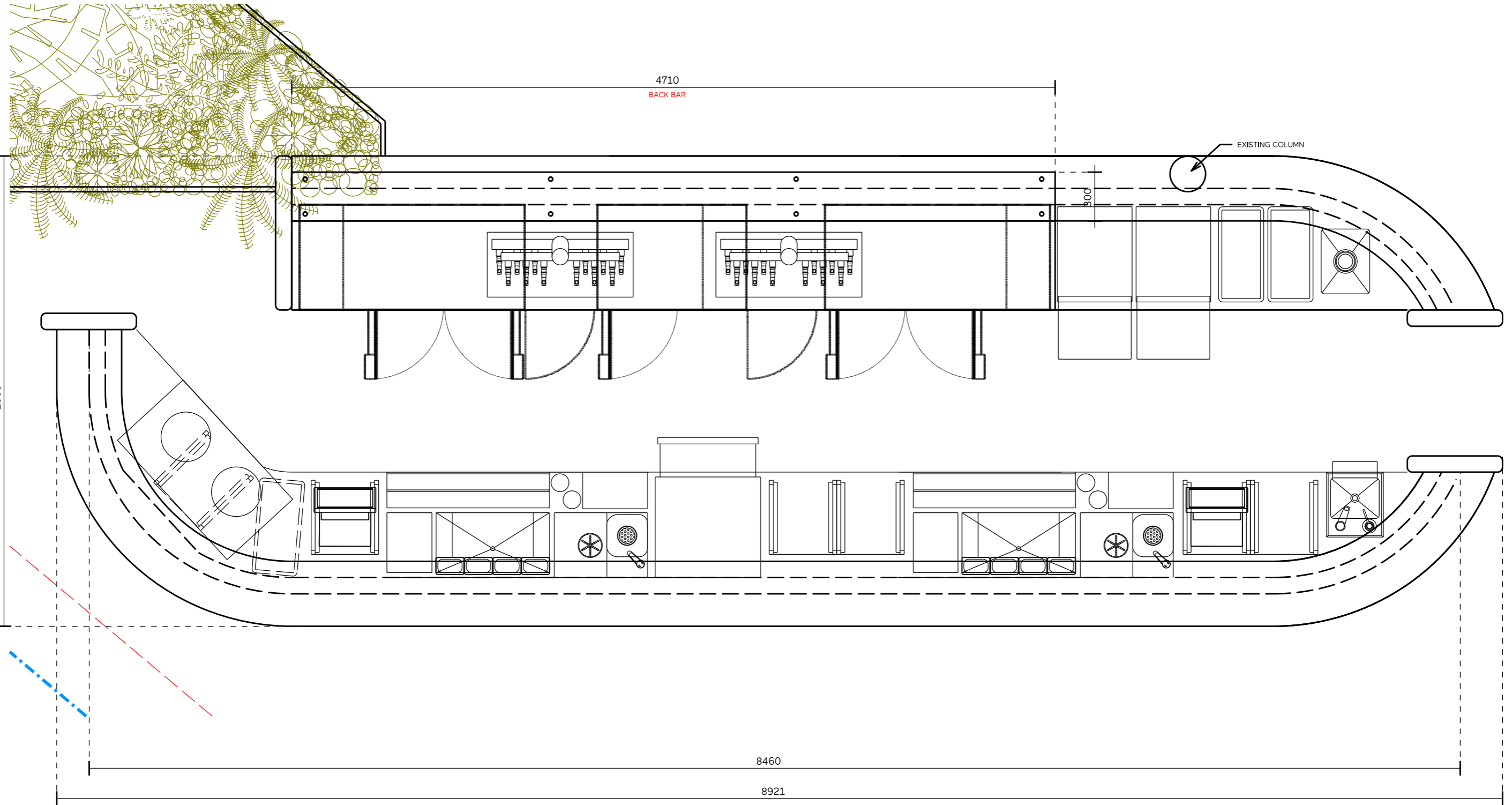
DATE	ISSUE + REVISIONS
09.12.22	A COUNCIL REQUEST FOR INFORMATION



PROJECT
QUAY QUARTER TOWER
50 BRIDGE STREET
SYDNEY NSW 2000

PROJECT NO.
095
DRAWING NAME
PLANTS SCHEDULE

SCALE @ A3	DWG NO.
NTS	DA P02
DRAWN BY	REVISION
ED	A



02
X36

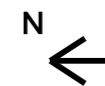
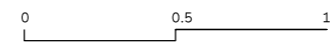
01
X36

GENERAL NOTES

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

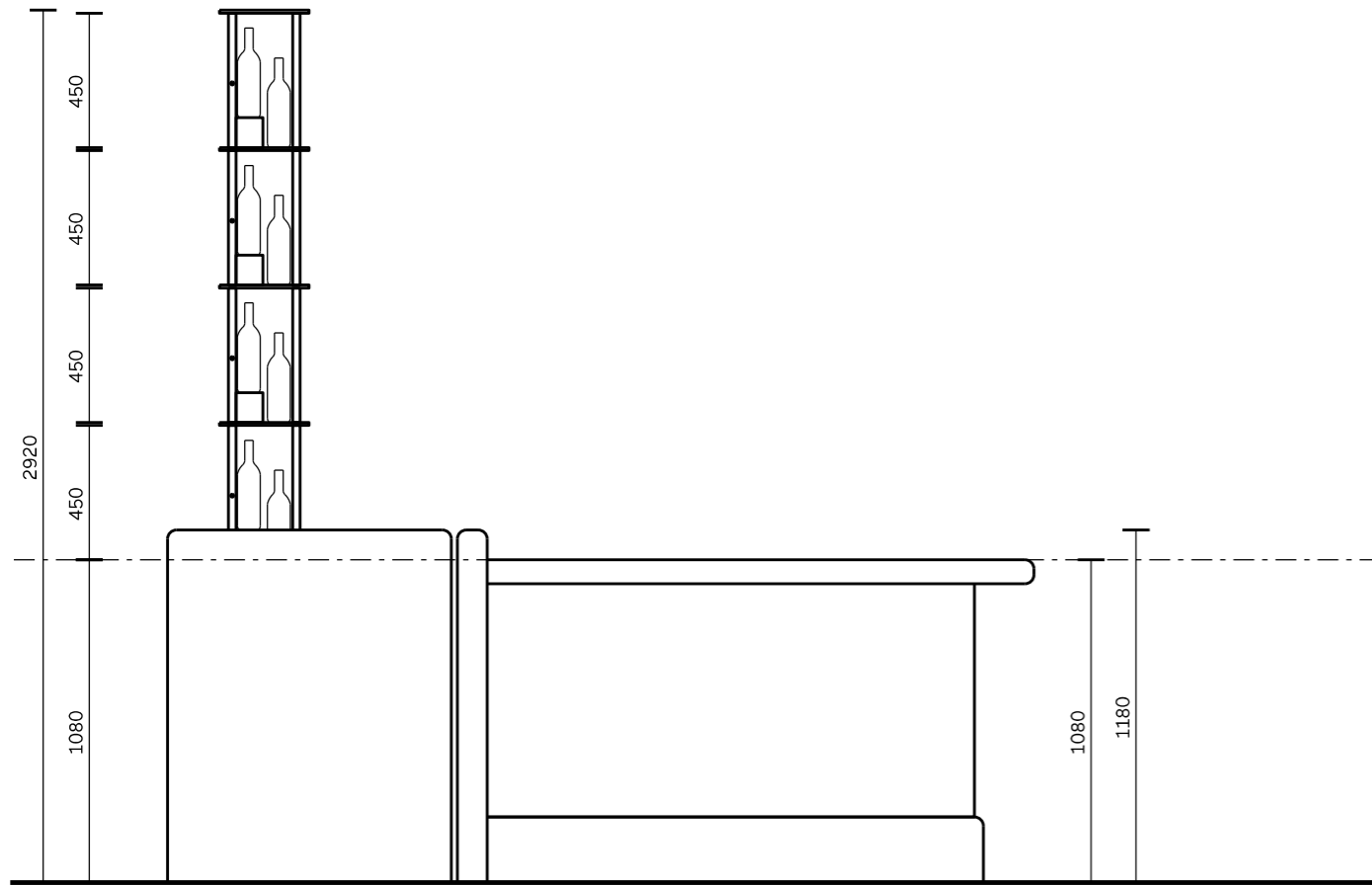
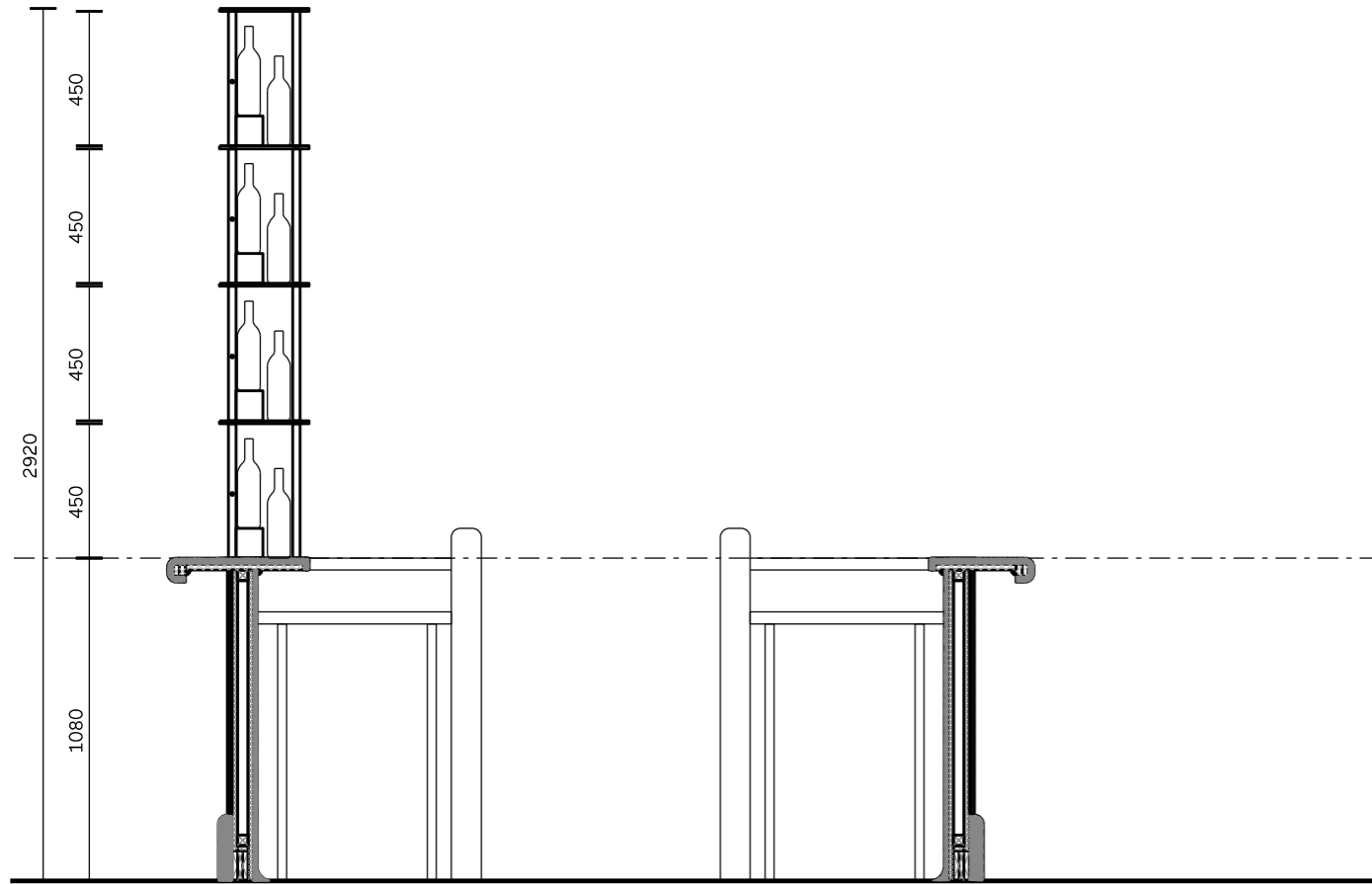
DATE	ISSUE + REVISIONS
09.12.22	A COUNCIL REQUEST FOR INFORMATION



PROJECT
QUAY QUARTER TOWER
50 BRIDGE STREET
SYDNEY NSW 2000

PROJECT NO.
095
DRAWING NAME
OUTDOOR BAR

SCALE @ A3 1:25	DWG NO. DA X34
DRAWN BY ED	REVISION A

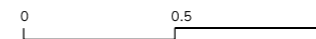


GENERAL NOTES

PRIOR TO THE COMMENCEMENT OF WORK, SURVEY AND VERIFY ALL GRIDLINES. CHECK ALL DIMENSIONS ON SITE USE FIGURED DIMENSIONS ONLY DO NOT SCALE. COMPLY WITH

RELEVANT AUTHORITIES REQUIREMENTS. COMPLY WITH BUILDING CODE OF AUSTRALIA. COMPLY WITH ALL RELEVANT AUSTRALIAN STANDARDS. COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ETIC.

DATE	ISSUE + REVISIONS
09.12.22	A COUNCIL REQUEST FOR INFORMATION



PROJECT
QUAY QUARTER TOWER
50 BRIDGE STREET
SYDNEY NSW 2000

PROJECT NO.
095
DRAWING NAME
OUTDOOR BAR

SCALE @ A3	DWG NO.
1:25	DA X36
DRAWN BY	REVISION
ED	A

Attachment C

<h2>Plan of Management</h2>



PLAN OF MANAGEMENT

Proposed Rooftop Bar (Level
00) – Quay Quarter Tower, 50
Bridge Street, Sydney

Prepared for
QQT INVESTMENT NO. 1
January 2023



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Associate Director Adrian Vilella
Senior Consultant Alicia Desgrand
Project Code SA7356
Report Number Ver 1 (Draft)

**Urbis acknowledges the important contribution that
Aboriginal and Torres Strait Islander people make in
creating a strong and vibrant Australian society.**

**We acknowledge, in each of our offices, the Traditional
Owners on whose land we stand.**

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Pty Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

1.	Introduction and Objectives	1
1.1.	Purpose.....	1
1.2.	Objectives and Scope	1
1.3.	Use of the Plan	1
2.	Site and Locality	2
2.1.	The Site.....	2
2.2.	The Surrounding Area.....	3
3.	Operational Details	4
3.1.	Patron Capacity	4
3.2.	Patron Capacity	4
3.3.	Hours of Operation.....	4
3.4.	Waste Storage Areas.....	4
3.5.	Pedestrian Routes	4
3.6.	Security and Access	4
3.7.	Closed Circuit Television Cameras (CCTV)	5
3.8.	COVID-19 Safety Plans	5
3.9.	Liquor Licences for the Premises	5
4.	Management Details	6
4.1.	Acoustic Management	6
4.2.	Amenity	7
4.3.	Lighting	7
4.4.	Waste Management and Cleaning Procedures	7
4.5.	Complaint Handling and Incident Register	7
4.6.	Emergency Management.....	8
4.6.1.	Emergency Evacuation.....	8
4.6.2.	Staff Procedure and Training	8
4.6.3.	Public or Customer Injury	8
4.7.	Lost and Stolen Property	8
4.7.1.	Lost Property	8
4.7.2.	Stolen Property.....	8
4.8.	First Aid and Public Health	8
4.8.1.	Treatment	8
4.8.2.	First Aid Recording	8
4.9.	Entertainment.....	9
5.	Monitoring and Review	10
Schedule 1	Schedule 1	11
5.1.	Security Management Plan.....	11
5.1.1.	Security Management Procedures	11
5.1.1.1.	Security.....	11
5.1.1.2.	CCTV	11
5.1.1.3.	Incident register	11
5.1.1.4.	Access Control	11
5.1.1.5.	Signage	11
5.1.1.6.	CCTV	11
5.1.1.7.	Lighting.....	11
5.1.1.8.	Patron Belongings	12
5.1.1.9.	Security Staff	12
5.1.1.10.	Licensing	12
5.1.1.11.	Queuing Procedures.....	12
5.1.1.12.	Behaviour of Patrons Responsible Service of Alcohol	12
Disclaimer	Disclaimer	14

FIGURES

Figure 1 Aerial Image of Quay Quarter Sydney Precinct 2
Figure 2 Proposed Tenancy at Level 00..... 3

1. INTRODUCTION AND OBJECTIVES

1.1. PURPOSE

The purpose of this Plan of Management (**PoM**) is to establish the operational and management aspects of the roof top bar and restaurant located at Level 00 (**the Tenancy**), located at Level 00 of the approved Quay Quarter Tower (**QQT**) commercial building situated at 50 Bridge Street, Sydney (**the site**).

The PoM has been designed to ensure the premises is managed and operated in a manner that does not unreasonably impact on or detract from the amenity of the local area. The PoM also aims to reduce and, where possible, eliminate the impacts of anti-social behaviour by patrons within the premises and within its immediate vicinity.

Details regarding the number of staff and patrons at any one time on the premise, security and access arrangements and noise and patron management are discussed in this PoM.

1.2. OBJECTIVES AND SCOPE

The objectives of this PoM is to ensure that:

- The Tenancy is managed and operated so as to provide a venue where patrons and instructors can fully utilise a safe and environment.
- The operation of the Tenancy does not impact detrimentally upon, or detract from, the amenity of the surrounding residents, the neighbourhood, and other tenants and visitors to the QQT and the wider Quay Quarter Precinct.

This PoM has been prepared generally in accordance with Schedule 3 of the *Sydney Development Control Plan 2012* (**SDCP 2012**).

1.3. USE OF THE PLAN

The Tenancy will be operated in accordance with the approved PoM at all times.

A copy of the PoM will be maintained by the licensee/manager and accessible to senior management staff for reference purposes. Other staff will be briefed on the relevant sections of the PoM as required generally during their induction to the company or through routine team briefings. It is the Licensee's/manager's responsibility to ensure all operational strategies identified within the PoM are complied with.

In addition, a copy of the PoM will be held on the premises and made available to Council and any other relevant parties upon request.

2. SITE AND LOCALITY

2.1. THE SITE

The *Quay Quarter Sydney* precinct (**QQS precinct**) is located in Circular Quay on the northern edge of the Sydney CBD. The QQS precinct is bounded by Alfred Street to the north, Phillip Street to the east, Bridge Street to the south and Loftus Street to the west. The QQS precinct is irregular in shape and occupies a total area of 11,121m² as illustrated in **Figure 1**.

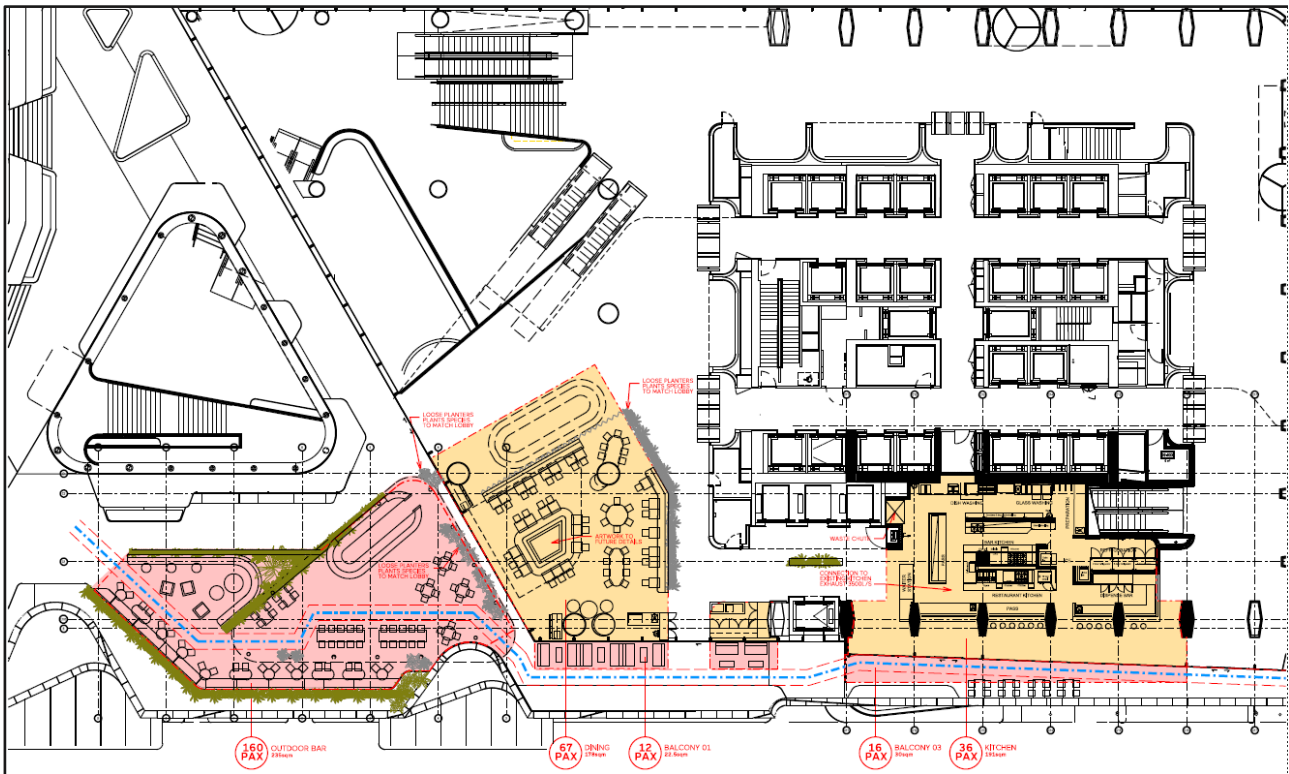
The *Bridge and Alfred Street block* accommodates the AMP Centre to the south. This was constructed in the 1970s at 50 Bridge Street. The tower has frontages to Bridge Street, Young Street and Phillip Street, and is connected to the northern AMP Tower at 33 Alfred Street by a lower level food court.

The proposal relates to the external northern podium roof terrace at Level 00 which is proposed to function as a licenced rooftop bar (refer to **Figure 2**).

Figure 1 Aerial Image of Quay Quarter Sydney Precinct



Figure 2 Proposed Tenancy at Level 00



Source: Etic

2.2. THE SURROUNDING AREA

The site is located within the northern portion of the Sydney CBD. The surrounding uses are characterised by a mix of commercial and retail uses. Restaurants, bars and other licensed venues are typical for the locality.

The surrounding land uses are as follows:

- **North:** Immediately north of the site is the heritage listed AMP Tower at 33 Alfred Street. The AMP Tower was completed in 1962 and is historically and aesthetically significant as the first “skyscraper” in Sydney. Circular Quay lies further beyond Alfred Street.
- **East:** The Justice and Police Museum, the former Transport House, and the Intercontinental Hotel are located east of the site across Phillip Street.
- **South:** To the south, across Bridge Street, is the site of the First Government House, located in the forecourt of the Museum of Sydney that forms part of the Governor Phillip Tower complex. Further to the south-west is the Department of Education building and the Chief Secretary’s Building.
- **West:** To the west is the Young and Loftus Street block which forms part of the Quay Quarter Precinct redevelopment. The Precinct incorporates three ‘Loftus Lane’ residential buildings bounded by Young and Loftus streets. This block also includes land not part of the Quay Quarter precinct being 44 Bridge Street, Bridgeport Apartments and Customs House.

3. OPERATIONAL DETAILS

3.1. PATRON CAPACITY

The premises has the capacity to accommodate a maximum of 341 patrons consisting of the following:

Table 1 Patron Capacity

Patron Type	Capacity
External patrons (siting)	188
Internal patrons (siting)	103
<i>Total Siting Patrons</i>	<i>291</i>
Standing patrons	50
Total	341

3.2. STAFF

A maximum of 18 staff are to be employed on site at any one time. The maximum of four (4) security personnel will be appointed to surveillance the premises at any one time.

Security staff numbers may increase when large special events are held. Further details regarding the security staffing arrangements are provided in **Section 4.11**.

3.3. HOURS OF OPERATION

The trading hours of the Tenancy will be as follows:

- 7am – 12am Monday to Saturday.
- 10am – 10pm Sunday.

The hours of operation are in accordance with the Acoustic Master Plan that applies to the QQT precinct. The hours may change but will remain consistent with the hours of operation as contained within the development consent granted by Council.

3.4. WASTE STORAGE AREAS

Dedicated waste storage areas will be provided throughout the Tenancy and will facilitate the appropriate segregation of waste. Dedicated waste storage areas will also be located externally to the premises. The building contractor will be responsible for transporting waste to the designated waste areas contained within the basement for collection.

3.5. PEDESTRIAN ROUTES

Entry to the licenced areas will be permitted from two main access points approved under D/2015/929, including:

- Concierge entry point located adjacent to Young Street.
- Internal northern entry point adjacent to the Rooftop Bar.

3.6. SECURITY AND ACCESS

Licensed security staff will be located at each of the access points and will be responsible for screening patrons exiting/entry the premises and controlling patron behaviour during trading hours for the licenced premises.

3.7. CLOSED CIRCUIT TELEVISION CAMERAS (CCTV)

CCTV cameras will be located on the premise ensuring that the space at the entrance is effectively monitored.

All footage will be saved for a minimum of 28 days and can be provided to the local Police upon request.

3.8. COVID-19 SAFETY PLANS

A COVID-19 Safety Plan, prepared in accordance with the NSW COVID-19 Safety Checklist for the Tenancy will be held on premises at all times and provided when asked to an authorised person. The plans set out the obligations for the business under public health orders and minimise risk of transmission of COVID-19.

3.9. LIQUOR LICENCES FOR THE PREMISES

The premises will operate under a Hotel Licence in accordance with the approved liquor license.

4. MANAGEMENT DETAILS

4.1. ACOUSTIC MANAGEMENT

The licensee(s) will be responsible for ensuring the tenancy is operated in accordance with the relevant acoustic criteria outlined in any conditions of consent contained within the relevant development application approval.

The likely noise sources associated with the operation of the premises include:

- Live entertainment and amplified sound;
- The external terrace area;
- Patrons leaving and entering the premises; and
- Waste disposal, sorting and collection of bottles.

The following additional acoustic management measures outlined in the Acoustic Report prepared by ARUP (dated 16 September 2022) for the Tenancy should be adopted:

- Live entertainment shall only utilise the in-house audio system.
- Music sound systems are not to be directly mounted or fixed to structures and should instead they should be vibration isolated.
- The loudspeaker system should be distributed to minimise sound power.
- The movement and disposal of empty bottles and glasses will be done at appropriate times so as to ensure no noise nuisance to adjoining residents is created.
- With respect to the western facing terraces, patrons will be required to move inside from 10pm.
- With respect to the northern facing terrace, it is intended that the operable façade that opens out onto the outdoor bar will generally stay closed during the bar's operating hours.
- Music will be played at appropriate levels in accordance with the Acoustic Master Plan which applies to the site. This includes the use of noise limiters.
- Staff and security will be responsible for managing patrons responsible for excessive noise.
- Staff will advise patrons that noise levels are to be kept to a minimum when entering and leaving the premises to respect neighbours and leave quietly.
- Loudspeakers should be installed at a low level and directed away from residential receivers.
- All amplified sound, including background music and trainer microphones, should be provided via an in-house sound system that should be fitted with an appropriate noise limiter.
- Speakers are to be installed in accordance with the locations specified on the Architectural Plans.
- The setting of noise limiters should be confirmed prior to occupation of the premises.
- All complaints relating to noise will be addressed in accordance with the complaints handling procedure detailed within this PoM.

Through the implementation of this PoM, the operation of the tenancy will not give rise to any 'offensive noise' as defined under the *Protection of the Environment Operation Act 1997*

4.2. SIGNAGE

Signs will be placed in clearly visible locations within the premises, including immediately adjacent to the entry / exit door, requesting that patrons upon leaving the premise do so quickly and quietly to maintain the amenity of surrounding residences.

In addition to the entrances, this signage will also be located internally to the premises and within the external roof terrace.

4.3. AMENITY, SAFETY AND SECURITY

The licensee and management team will take due care to ensure that the tenancy does not cause adverse impacts to the neighbouring areas or residents. The behaviour of its staff and patrons whilst entering and leaving the premises will be monitored and controlled so as to not cause undue distress and/or disturbance to the surrounding neighbourhood.

The following procedures will be adopted:

- Staff greeting customers will be aware of the maximum number of patrons permitted on the premises.
- Staff responsible for greeting or farewelling customers will ensure that customers do not leave the premises with glasses or open bottles.
- Staff responsible for greeting customers at the door will not permit any intoxicated person to ensure the premises and will notify the Manager on duty or licensee of any persons on the premises who may be considered to be intoxicated.
- Staff will make pre-empted enquiries once aware when patrons are either completing meals / drinks or when closing time is approaching.
- Complaints will be responded to in accordance with the Tenancy's complaints management procedure detailed within **Section 4.6** of this PoM. Where required necessary consultation will be undertaken with the complainant(s), Council and with local licencing Police.

4.4. LIGHTING

Entry to the tenancy will have appropriate levels of lighting. All lighting will be maintained and cleaned regularly.

All internal and external lighting will be controlled in accordance with relevant Australian Standards to ensure there are no potentially adverse light pollution impacts on sensitive surrounding receivers.

4.5. WASTE MANAGEMENT AND CLEANING PROCEDURES

Dedicated waste bins will be provided within the Tenancy for waste disposal. All waste will be stored in approved containers situated within the Tenancy.

The existing building has a designated waste collection area in the basement level that is sufficient for the disposal of waste generated by the Tenancy.

Waste/garbage generated within the Tenancy will be emptied by staff each day and transported to the basement waste storage area by an appointed contractor for collection. Waste collection will occur in accordance with the endorsed building wide Waste Management Plan.

In terms of cleaning, the Tenancy shall be kept in a clean and tidy condition and regularly maintained to the satisfaction of Council, both internally and externally. Cleaning of the Tenancy will be carried out on a daily basis and include cleaning of all the equipment.

4.6. COMPLAINT HANDLING AND INCIDENT REGISTER

A Complaints Register must be maintained by the management within the tenancy. Any complaints received will be recorded in the Complaints Register by staff on shift and communicated to the management where the complaint relates to an operational matter.

The Complaints Register will include the following information:

- Complaint date and time.
- Name, contact and address of person(s) making the complaint.
- Nature of the complaint.
- Name of the Manager on Duty.
- Action taken by the premises to resolve the complaint.

- Follow up.
- Outcome.

Where a complaint relates to a breach by an employee/instructor of this PoM it must be immediately rectified. Complaints of a serious safety matter must be addressed immediately by management on shift at the time.

Complaints of a minor nature should be attempted to be addressed within 24 hours where possible. Any actions taken as a result of a complaint must be recorded in the Complaints Register.

Complaints relating to a criminal or suspected criminal matter must be reported to the NSW Police.

In addition to the above, an Incident Register will be maintained, in accordance with the Liquor Licence stipulations.

4.7. EMERGENCY MANAGEMENT

4.7.1. Emergency Evacuation

An evacuation plan of the site will be provided during training with staff, and, in some circumstances, it may become necessary to close the establishment (i.e., fire, power failure, bomb scare and other major emergencies).

4.7.2. Staff Procedure and Training

All employees and instructors who observe an accident, must report it immediately to the manager.

All employees and instructors will be required to complete the Employee Accident Report form or the Customer Accident Report form as appropriate and it will be given to the manager immediately.

4.7.3. Public or Customer Injury

If a member of the public is injured, even slightly, the first aid attendant must be called to aid.

4.8. LOST AND STOLEN PROPERTY

4.8.1. Lost Property

The manager is responsible for the handling and management of lost and stolen property. All found items are to be registered into the Lost Property Handbook at the reception. Lost property found in or nearby the Tenancy is to be held in an area at reception.

Where possible attempts will be made to contact the owner by phone or email.

Identified lost property can be collected during trading hours. The owner must provide proof of identity and if necessary, description/ownership of the property, followed by a signature to acknowledge receipt of the item.

Unclaimed property will be discarded after all attempts have been to contact the owner.

4.8.2. Stolen Property

The manager will be responsible for the handling and management of lost and stolen property. Where applicable emergency services will be notified immediately.

4.9. FIRST AID AND PUBLIC HEALTH

4.9.1. Treatment

A first aid kit will be located in an accessible location for all staff members will be well stocked to deal with all minor incidents.

4.9.2. First Aid Recording

A register of injuries and first aid treatment is kept within the Tenancy. It is essential as all injuries suffered by any person within the premise, are recorded in the Incident Register.

4.10. ENTERTAINMENT

The following procedures will be adopted to ensure use of the venue for entertainment purposes does not give rise to amenity impacts:

- Live entertainment shall only utilise the in-house audio system.
- Music sound systems are not to be directly mounted or fixed to structures and should instead they should be vibration isolated.
- The loudspeaker system should be distributed to minimise sound power.
- Loudspeakers should be installed at a low level and directed away from residential receivers.
- All amplified sound, including background music and trainer microphones, should be provided via an in-house sound system that should be fitted with an appropriate noise limiter.
- The setting of noise limiters should be confirmed prior to occupation of the premises.

4.11. SECURITY STAFFING ARRANGEMENTS

The following staffing arrangements for security personnel will be adopted:

- One security personnel will be appointed to patrol the premises from 5pm Thursday, Friday and Saturday.
- During these times, security staff will be deployed on a ratio of 1 guard per 100 patrons. Therefore, a maximum of 4 security staff will patrol the premises at any one time.
- Additional security guards may be appointed on an as need basis.
- Guards will patrol the internal area at all times.
- An external street security patrol will occur every 30 minutes.
- Security guards will remain patrol the internal / external area for 30 minutes after close.

The security arrangements will be reviewed on a regular basis and changes will be made as necessary to ensure adequate security staffing levels.

5. MONITORING AND REVIEW

This Plan of Management will be reviewed as appropriate and prior to the submission of any new development application made to City of Sydney Council.

This Plan of Management will be supplied to any prospective new owner licensee and shall be updated and signed by any new owner or licensee and a copy provided to the City of Sydney.

This plan will be reviewed periodically and amended / updated as required. Any changes subsequently made will not diminish from the present plan except where provided by any licence conditions, statute or conditions of development consent.

Owner:

Dated:

Licensee/manager:

Dated:

SCHEDULE 1

5.1. SECURITY MANAGEMENT PLAN

5.1.1. Security Management Procedures

The following security management procedures will be adhered to ensure to the safe operation of the venue.

5.1.1.1. Security

Security features and CCTV systems will be installed to monitor the premises at all times. As such, appropriate security measures will be adopted within the Tenancy. The security measures will provide appropriate levels of security deemed necessary for the safe and responsible operation of the Tenancy.

After the completion of each business day, a complete patrol will be conducted of the area surrounding the premises to ensure that the premises are secure, and all rubbish is cleared. The Tenant will be responsible for management of patrons within the Tenancy.

5.1.1.2. CCTV

CCTV surveillance cameras shall be installed, operated and maintained throughout the Tenancy with particular coverage to principle entrance/s and exits.

All CCTV recording equipment and cameras shall be of high-grade digital quality capable of establishing the population and identification of patrons, offenders and incidents within the depth of field view of the cameras. In this respect each surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.

CCTV recording discs or hard drive recordings shall be retained for 28 days before being re-used, destroyed or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required.

The CCTV recording device shall be secured within the premises and only accessible to senior management personnel so as to maintain the integrity of the recorded footage. Camera views must not be obstructed by any temporary or permanent structures.

5.1.1.3. Incident register

The manager must ensure that all incidents involving staff members are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

5.1.1.4. Access Control

Physical barriers will be engaged to outline the licenced area and prevent the unauthorised movement of guests, alcohol and glassware.

Only staff and security personnel will be permitted to access back-of-house areas.

5.1.1.5. Signage

Appropriate signage will be placed around the premises to communicate the safe and compliant operation of the venue;

5.1.1.6. CCTV

A CCTV surveillance system will be in operation throughout the venue, including indoor and outdoor areas in accordance with the requirements of the Liquor Licence.

5.1.1.7. Lighting

All lighting to be provided throughout the premises will be in accordance with the relevant Australian Standards. Lighting will be positioned in all areas where CCTV cameras are installed.

5.1.1.8. Patron Belongings

A cloak room will be available and managed to provide for the secure storage of patron belongings.

5.1.1.9. Security Staff

All security staff employed will have undertaken appropriate training. Security staff will monitor the premises wearing distinctive attire. Security staff will be responsible for the following:

- Implementation of emergency procedures.
- Crowd control in the instance this is required.
- Maintenance of an incident register alongside other venue employees.
- Monitoring of patron behaviour at all time.
- Monitoring of patron numbers within the premises in conjunction with venue employees.
- Recording of complaints and reporting of incidents to Police as required.
- Both security staff and employees will not permit patrons to leave the venue whilst carrying drinking glasses and alcohol.
- Additional security staff may be appointed where it is known that there will be higher than average number of patrons (i.e., a special event).

5.1.1.10. Licensing

The venue and the licensee will join the local liquor Accord prior to the occupation phase.

A compliance file will be maintained for the information of the staff, housing all relevant liquor licence and compliance documents including the DA, Liquor Licence, Plan of Management, communications from local authorities, guidelines on RSA and patron management, copies of procedures and a list of key contacts.

5.1.1.11. Queuing Procedures

In the instance queuing occurs outside the venue, security staff will continually monitor queues and temporary ropes and bollards will be used to minimise loitering. Staff will be responsible for processing patrons entering the venue in a fast and efficient movement. Those within queues will be informed of potential wait times.

5.1.1.12. Behaviour of Patrons Responsible Service of Alcohol

The licence attached to the premises shall be exercised, at all times, in accordance with the provisions of the *Liquor Act 2007* and *Liquor Regulation 2018*.

The following operational policies for the responsible service of alcohol shall apply:

- All staff involved in the sale and supply of liquor or security, shall have first completed an approved course in the responsible service of alcohol.
- The licensee shall not engage in any liquor promotion that is likely to promote irresponsible service of liquor.
- Complimentary drinking water shall be obviously available at all times.
- Any person who is intoxicated shall not be served alcohol.
- Any person who is intoxicated shall be denied entry to the premises.
- The licensee will not permit intoxication, violent, quarrelsome or disorderly conduct by patrons in the hotel. Any person causing such a disturbance shall be refused service and asked to leave the hotel.
- Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the premises for a period determined by the licensee.
- No person under the age of 18 years shall be permitted in unauthorised areas of the hotel. Production of photographic identification will be required where age is an issue.

- The only acceptable proofs of age identification shall be:
 - Photo Driver’s Licence (card or digital);
 - RTA (Services NSW) Photo ID Card; or
 - Current Passport.

A person is to be considered intoxicated if the person’s speech, balance, co-ordination or behaviour is noticeably affected and it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

Transportation options shall be offered to departing guests and made readily available upon request.

DISCLAIMER

This report is dated 19 December 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of AMP CAPITAL (**Instructing Party**) for the purpose of Plan of Management (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct.

Item 5.

Report to the Local Planning Panel - Status of Applications

File No: X019228

Summary

The purpose of this report is to inform members of the Local Planning Panel (LPP) of the current applications under assessment that are to be reported to the LPP, of applications that been previously determined by the LPP and have been subject to modification applications and of appeals relating to LPP applications.

Attachment A contains a list of applications due to be determined by the LPP. This list includes the application reference number, address of the proposal, the description of the proposal, the target meeting date and the reason why the application is referred to the LPP for determination.

Attachment B contains a summary of Land and Environment Court appeal information relating to applications determined by the LPP or appeals relating to deemed refusals of applications that would have been determined by the LPP.

Attachment C contains a list of applications for modification lodged in first and second quarter of 2022/23 on previous LPP approvals.

Recommendation

It is resolved that the subject report be received and noted.

Attachments

- Attachment A.** Applications to be Reported to the Local Planning Panel
- Attachment B.** Appeals Related to the Local Planning Panel
- Attachment C.** List of Modification Applications Lodged on Local Planning Approvals

Background

1. There are currently 42 applications lodged with the City that are to be considered and determined by the LPP including four modification applications. These applications are listed in Attachment A. The application list is sorted by target meeting date.
2. Attachment B details Land and Environment Court appeals that relate to LPP decisions or applications that were due to be determined by the LPP but were subject to a deemed refusal appeal.
3. Attachment C lists modification applications relating to LPP approvals lodged in the first and second quarter of 2022/23. There were 29 modification applications lodged. Six remain under assessment.

Relevant Legislation

4. Environmental Planning and Assessment Act 1979.

ANDREW THOMAS

Executive Manager Planning and Development

James Farrar, Information and Systems Officer

Attachment A

**Applications to be Reported to the Local
Planning Panel**

Applications to be Reported to the Local Planning Panel

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2022/1005	50 Bridge Street SYDNEY	Use and fit-out of part of Level 00 and outdoor terrace of the Quay Quarter Tower as a restaurant and bar operated under a hotel liquor license.	15/03/2023	Sensitive development. Licenced premises
D/2022/397	8-10 Danks Street WATERLOO	Increase the patron capacity of an existing licensed food and drink premises	15/03/2023	Contentious development
D/2022/79	171B Botany Road WATERLOO	Demolition of existing buildings and construction of a four storey mixed use development comprising two retail premises and 47 apartments.	05/04/2023	Sensitive Development. SEPP65
D/2021/1478	29-33 Ithaca Road ELIZABETH BAY	Alterations and additions to an existing part-2 and part-3 storey residential flat building to create a part-3 and part-4 storey residential flat building.	05/04/2023	Sensitive Development. SEPP65 and Contentious Development
D/2022/327	191-195 Oxford Street DARLINGHURST	Alterations and additions, demolition, and construction of a mixed use development with basement, including basement hospitality tenancy, ground floor cafe and restaurant, art gallery, hotel accommodation, and a rooftop bar.	05/04/2023	Departure from development standards
D/2022/831	349 Liverpool Street DARLINGHURST	Demolition of the existing residential flat building, tree removal, excavation and construction of a new residential flat building with 7 storeys, 3 basement levels, 15 car parking spaces, 14 apartments, rooftop communal and private open space, and associated landscape works.	05/04/2023	Sensitive development. SEPP65
D/2022/911	169-173 Darlinghurst Road DARLINGHURST	Removal of the existing LED panel containing digital advertising signage and installation of a new LED panel containing digital advertising signage.	05/04/2023	Sensitive development. VPA

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2022/776	424-430 George Street SYDNEY	Alterations and additions to the rooftop of the Dymocks Building for a licensed food and drinks premises. Proposed hours of operation are 7am to 3am Monday to Sundays inclusive.	26/04/2023	Conflict of interest
D/2021/1528	6-8 Huntley Street ALEXANDRIA	Redevelopment of existing building and use as a public recreation facility	26/04/2023	Conflict of interest. Council land
D/2017/582/A	357 Glebe Point Road GLEBE	Section 4.56 modification of Land and Environment Court concept approval to modify the building envelope to be consistent with the detailed development application D/2021/711.	26/04/2023	Contentious development
D/2021/711	357 Glebe Point Road GLEBE	Detailed design for the demolition of the existing MRC building, remediation, construction of a 3 to 7 storey residential flat building containing 56 apartments, 7 x 2 storey terraces, shared basement over 3 levels with associated car parking, landscape works, tree removal, use of Bidura House Group as a single residence, conservation works with new garage and amendment to curtilage, and public domain improvements to Ferry Lane for footpath widening and land dedication. The application is Integrated Development, requiring approval from Heritage NSW under the Heritage Act 1977. The application is being assessed concurrently with concept modification D/2017/582/A.	26/04/2023	Sensitive development. SEPP65 and Contentious development
D/2021/893	28-30 Orwell Street POTTS POINT	Alterations and additions to the existing building including new basement levels, for a mixed use development. The proposed uses include a hotel with 63 rooms; cafe with hours of operation between 7.00am – 12.00 midnight, Mondays to Sundays inclusive; entertainment facility, restaurant and bar with hours of operation between 7.00am – 1.00am the following day, Mondays to Sundays inclusive; entertainment facility and nightclub with hours of operation between 10.00am – 3.00am the following day, Mondays to Sundays inclusive; and small bar with hours of operation between 10.00am – 3.00am the following	26/04/2023	Departure from development standards and Contentious development

Application number	Address	Description	Meeting target	Reason for LPP determination
		day, Mondays to Sundays inclusive. The application is Integrated Development requiring the approval of Heritage NSW under the Heritage Act 1977, and from Water NSW under the Water Management Act 2000.		
D/2022/431	5010 Sydney Place WOOLLOOMOOLOO	Installation of new automated public toilet (APT).	26/04/2023	Conflict of interest. Council land
D/2022/792	51-53 Wells Street REDFERN	Alterations and additions to residential development including secondary dwelling.	26/04/2023	Contentious development
D/2022/846	8 Coneill Place FOREST LODGE	Demolition of existing dwelling and construction of new dwelling including garage, swimming pool and shed. The application is Integrated Development requiring the approval of WaterNSW under the Water Management Act 2000.	26/04/2023	Departure from development standards
D/2022/961	20-26 Bayswater Road POTTS POINT	Alterations and additions to the Mansions Terrace Group for a mixed-use development comprising commercial and residential uses	26/04/2023	Sensitive development. SEPP65
D/2022/306	9A Rosebery Avenue ROSEBERY	Installation of new automated public toilet (APT) and associated digital advertising signage panels in Rosebery Park.	26/04/2023	Conflict of interest. Council land
D/2022/444	9 Bowden Street ALEXANDRIA	Demolition of existing structures, including removal of vegetation and four trees, site preparation works involving minor regrading across the site. Construction and use of two separate four storey commercial office development buildings. The development is Integrated development requiring concurrence from Transport for NSW.	26/04/2023	Sensitive development. VPA
D/2021/1212/A	25-55 Lime Street SYDNEY	Section 4.55(2) modification of consent to continue the trial trading hours of the licensed premises known as 'Alegre Bar and Dining'. The application also	05/04/2023	Contentious development

Application number	Address	Description	Meeting target	Reason for LPP determination
		includes the installation of outdoor speakers and the deletion of the condition that specifies no speakers or music outside.		
D/2022/1021	11 Collins Street BEACONSFIELD	Alterations and additions to existing industrial buildings for reuse as commercial premises including a Public Benefit Offer to provide a monetary contribution for the provision of community infrastructure in Green Square.	17/05/2023	Sensitive development. VPA
D/2022/1107	107-109 Darlinghurst Road POTTS POINT	Alterations and additions to an existing mixed use building, including two additional levels; consisting of a backpacker hostel over 5 levels and some small retail tenancies at street level arcade.	17/05/2023	Departure from development standard
D/2022/1211	182 Liverpool Street DARLINGHURST	Alterations and additions to residential development	17/05/2023	Departure from development standards
D/2022/1248	5050 Cowper Wharf Roadway WOOLLOOMOOLOO	Installation of new automated public toilet (APT) and associated advertising signage.	17/05/2023	Conflict of interest. Council
D/2022/1360	5110 Erskineville Road ERSKINEVILLE	Installation of new automated public toilet (APT)	17/05/2023	Conflict of interest. Council
D/2022/548	960A Bourke Street ZETLAND	Designated Development application for site preparatory works, excavation, soil treatment works to Stages 3 and 4 of the Green Square Town Centre. The application is an Integrated DA requiring approval under the Protection of the Environment Operations Act 1997 and the Water Management Act 2000.	17/05/2023	Sensitive development. Designated development
D/2020/1288/A	38-44 Mountain Street ULTIMO	Section 4.55(2) modification of consent including internal reconfigurations and external changes relating to building access, lift overrun, louvres and materials	07/06/2023	Departure from development standards

Application number	Address	Description	Meeting target	Reason for LPP determination
		and colours, and rooftop additions including storage room, solar panels, cooling tower, trees and amenities.		
D/2022/1239	5010 Boomerang Place WOOLLOOMOOLOO	Installation of automated public toilet (APT) at Boomerang Place Woolloomooloo.	07/06/2023	Conflict of interest. Council land
D/2022/1343	5-19 Mary Street SURRY HILLS	Construction of mixed use development including commercial uses, the Salvation Army office, residential flats and co-living housing.	07/06/2023	Sensitive Development. SEPP65
D/2022/1359	19-21 Buckland Street CHIPPENDALE	Demolition of existing warehouse interior and construction a commercial building with retention of existing facade.	07/06/2023	Departure from development standards
D/2022/1367	23-25 Doody Street ALEXANDRIA	Alterations and additions to an existing 4 storey warehouse building to provide access to and use of rooftop terrace.	07/06/2023	Departure from development standards
D/2022/229	2 Avenue Road GLEBE	Alterations and additions to educational establishment known as St Scholastica's College.	07/06/2023	Departure from development standards
D/2022/610	1 Coneill Place FOREST LODGE	Demolition, subdivision of land into 2 lots and construction of 2 semi-detached dwellings	07/06/2023	Departure from development standards
D/2023/25	136 Oxford Street DARLINGHURST	Use of Taylor Square to operate a weekly Farmers Market & Eco Design Market Saturdays 8am – 1pm	28/06/2023	Conflict of interest. Council land
D/2022/1251	95 Macleay Street POTTS POINT	Demolition of existing building and construction of six (6) storey shop top housing development including basement, ground floor commercial, and residential uses above.	28/06/2023	Sensitive development. SEPP65 and Contentious development

Application number	Address	Description	Meeting target	Reason for LPP determination
D/2022/1297	158 Barcom Avenue DARLINGHURST	Alterations and additions to residential development including garage	28/06/2023	Departure from development standards
D/2023/92	68-80 Erskine Street SYDNEY	Permanent consent for approved brothel City Touch and to extend operating hours to 4am daily	28/06/2023	Sensitive development. Restricted development
D/2019/1470/A	274-276 Glebe Point Road GLEBE	S4.55(2) - Modification of consent to approved boarding house to include a reduction in rooms and associated works.	19/07/2023	Amending conditions imposed by LPP
D/2022/1169	17 Oxford Street PADDINGTON	Substantial demolition of the existing Palace Verona building, retention of masonry facades and substation, excavation, and construction of a part 5, part 6 mixed use development, with 2 basement levels comprising cinemas and cultural/creative spaces, ground floor retail, upper level commercial/office space and cultural tenancy, rooftop bar and landscaped terrace areas, with associated car parking, loading dock and plant. The application is Integrated Development under the Heritage Act 1977.	19/07/2023	Departure from development standards
D/2022/1334	73-75 Parramatta Road CAMPERDOWN	Demolition of existing buildings and construction of a 7 and 5 storey mixed use development with 2 basement levels for one retail tenancy and co-living housing for 113 units. Proposed trading hours of the retail tenancy are between 7.00am and 12.00 midnight, 7 days per week.	19/07/2023	Departure from development standards
D/2022/1363	61-63 Macleay Street POTTS POINT	Significant demolition of, and alterations and additions to the existing building, including excavation and construction of a new basement level, new ground floor extension, two storey addition, ground floor restaurant with hours of	19/07/2023	Departure from development standards

Application number	Address	Description	Meeting target	Reason for LPP determination
		operation between 7.00am and 1.00am the next day, Monday to Sunday inclusive, and hotel accommodation at levels 1-4.		
D/2022/677	145-151 Cleveland Street DARLINGTON	Alterations and additions to commercial development, including demolition works, retention of building structure and construction of two additional levels.	19/07/2023	Departure from development standards
D/2023/21	82 Wentworth Park Road GLEBE	Demolition of existing buildings, tree removal, and construction of a four storey residential flat building for 43 affordable housing dwellings.	09/08/2023	Departure from development standards

Attachment B

<p>Appeals Related to the Local Planning Panel</p>

Appeals Related to the Local Planning Panel

12

New appeals filed				
Application number	Address	Description	Appeal date	Status
D/2021/1445	34 Pirrama Road , PYRMONT 26-28 Pirrama Road , PYRMONT	Amending DA to include an additional use for a function centre for maximum of 130 persons. Proposed hours of operation are 7.00am to 10.00pm seven days per week with a trial period from 10.00pm to midnight for 12 months.	21/10/2022 Appeal 9 days after LPP refusal	Listed for a S34 conciliation conference on 23 March 2023.
D/2022/643	41-45 Erskine Street , SYDNEY	Demolition of existing building on site and construction of a new seventeen storey residential flat building with 14 apartments and nine basement levels.	21/11/2022 Appeal on day 147 of assessment	Listed for a s. 34 conciliation conference on 9 May 2023.
D/2022/456	1 Onslow Place , ELIZABETH BAY	Demolition of existing building on site and construction of a new seven storey residential flat buildings comprising 6 dwellings and two basement levels. The application is Integrated Development requiring the approval of Water NSW under Water Management Act, s90(2).	22/12/22 Appeal on day 220 of assessment	Listed for s34 conciliation conference on 15 May 2023.

Ongoing appeals				
D/2022/476	23A Hickson Road MILLERS POINT	Designated Development application for the installation of a mooring facility with associated services and access ramps. The application is an Integrated DA requiring approval under the Heritage Act 1977, Fisheries Management Act 1994 and Water Management Act 2000.	29/07/2022 Appeal on day 66 of assessment	S34 conciliation conference listed for directions on 28 February 2023.

Ongoing appeals				
D/2021/304	93-105 Quay Street HAYMARKET	Alterations and additions to existing building and change of use to a boarding house and retail premises.	8/07/2021 Appeal on day 100 of assessment	Section 56A appeal against the decision of Commissioner. Appeal heard 14 December 2022. Judgment reserved.
D/2022/319	30A-34 Brougham Street , POTTS POINT	Demolition of the existing building, excavation and remediation of the site, and construction of a new part 6, part 7 storey residential flat building with 14 apartments, 2 basement levels, 14 car parking spaces and associated landscape works.	28/06/2022 Appeal on day 77 of assessment	Listed for hearing on 17-19 May 2023.

Completed appeals				
Application number	Address	Description	Appeal date	Status
D/2021/1110	304-310 Victoria Street DARLINGHURST	Change of use of existing 'Morgans Hotel' to mixed use development to include 10 x residential units and ground floor commercial premises with associated alterations and additions	21/04/2022 Appeal on day 204 of assessment	Appeal heard on 30-31 January 2023. Appeal dismissed.

List current as at 23/02/2023

Attachment C

**List of Modification Applications Lodged on
Local Planning Panel approvals**

List of Modification Applications lodged on Local Planning Panel Approvals

Application number	Address	Description	Lodgement date	Status	Decision date
D/2020/917/B	21 Missenden Road CAMPERDOWN NSW 2050	Modification of consent under Section 4.56 of the Environmental Planning and Assessment Act 1979 to amend Condition 1 of D/2020/917/A relating to the approved plans.	01/07/2022	Approved with Conditions	28/07/2022
D/2018/57/B	9 Billyard Avenue ELIZABETH BAY NSW 2011	Section 4.55(2) modification of consent for construction of two semi-detached dwellings and site subdivision. Proposed changes are to amend internal configuration, finished floor levels and fenestration, delete first floor balconies, modify rooftop skylights, alter the garage door swing at 9B Billyard Avenue, delete condition 2 relating to front skylights and amend condition 4 relating to building height.	05/07/2022	Approved with Conditions	28/10/2022
D/2021/1253/A	13-17 Ithaca Road ELIZABETH BAY NSW 2011	S4.55 (1A) Modification of consent to delete Condition 102: INSTALLATION OF ARTWORK AND IMAGES ON SCAFFOLDING (DEMOLITION/CONSTRUCTION WRAPS)	20/07/2022	Approved with Conditions	13/09/2022
D/2017/839/D	15 Ralph Street ALEXANDRIA NSW 2015	Section 4.55(1A) modification of consent to incorporate various design changes, including changes to the internal layouts of apartments	25/07/2022	Approved with Conditions	19/08/2022
D/2019/1159/B	94 Epsom Road ZETLAND NSW 2017	Section 4.55(1A) modification of consent	26/07/2022	Approved with Conditions	04/08/2022
D/2020/1071/A	56-78 Oxford Street DARLINGHURST NSW 2010	S4.55(1A) - Modification of consent	09/08/2022	Approved with Conditions	19/08/2022
D/2019/1082/B	1049 Bourke Street WATERLOO NSW 2017	S4.55(2) modification of consent for a building envelope for a mixed-use development comprising retail and boarding house uses and footpath widening of Bourke Street, to replace references in the Notice of Determination to 'boarding house' with 'co-living housing'.	16/08/2022	Under Assessment	
D/2020/1071/B	56-78 Oxford Street DARLINGHURST NSW 2010	Section 4.55(1) modification of consent to correct error	22/08/2022	Approved with Conditions	22/08/2022

D/2021/1060/A	341 Liverpool Street DARLINGHURST NSW 2010	Section 4.55(1) modification of consent for alterations and additions to the existing heritage terrace house. Proposed changes are to correct condition 9 to delete a reference to a vertical car stacker system and delete condition 6 requiring a demolition, excavation and construction noise and vibration management plan.	26/08/2022	Approved with Conditions	31/08/2022
D/2021/1253/B	13-17 Ithaca Road ELIZABETH BAY NSW 2011	S4.55 (1A) Modification of consent related to staging of Public Domain and Stormwater consent conditions.	12/09/2022	Approved with Conditions	04/11/2022
D/2020/1072/A	110-122 Oxford Street DARLINGHURST NSW 2010	Section 4.55(1A) modification of consent for a mixed use development. Proposed changes are to delete and amend a range of deferred commencement and design modification conditions, including modification to staging of the submission of information to Council.	18/10/2022	Approved with Conditions	09/11/2022
D/2021/1088/A	5040 College Street SYDNEY NSW 2000	S4.55(1) - Modification of consent to correct an error relating to Condition 5.	19/10/2022	Approved with Conditions	23/11/2022
D/2019/1249/B	59-99 Belmont Street ALEXANDRIA NSW 2015	S4.55 (1A) Modification of the consent for the demolition of an existing building and the construction of a 4-storey residential development with 23 apartments and basement parking. The proposal involves increasing the number of construction stages from 3 to 6, and amending conditions of consent accordingly.	31/10/2022	Approved with Conditions	21/12/2022
D/2020/1090/B	180-182 Church Street NEWTOWN NSW 2042	Section 4.55(1) modification of consent to remove the requirement for the installation of artwork and images on scaffolding	03/11/2022	Approved with Conditions	04/11/2022
D/2020/1234/A	25 Martin Place SYDNEY NSW 2000	S4.55 (2) - Modification of consent to continue the extended internal trading hours of the 'Cabana Bar' licensed premises from 11.00am - 2.00am, Mondays to Sundays inclusive for a further trial period; and continue the extended outdoor trading hours from 11.00am - 12.00 midnight, Mondays to Sundays inclusive for a further trial period. The hours of 11.00am - 12.00 midnight (7 days) for internal area and 11.00am - 10.00pm (7 days) for the outdoor area are already approved on a permanent basis.	03/11/2022	Approved with Conditions	01/12/2022
D/2021/493/B	17-31 Cowper Street GLEBE NSW 2037	Section 4.55(1A) modification of consent to modify the basement and ground floor layout, raise the awning to the northern building's retail/commercial tenancy along Mitchell Lane and increase the size of highlight window, and delete Condition 97 to remove the requirement for artwork to be installed on scaffolding	04/11/2022	Under Assessment	

D/2018/761/A	117-119 Foveaux Street SURRY HILLS NSW 2010	S4.55(1A) - Modification of consent involving an increase to approved roof height	09/11/2022	Approved with Conditions	31/01/2023
D/2022/336/A	355 Botany Road ZETLAND NSW 2017	S4.55 (1) Modification of consent to amend wording of condition 2(a).	10/11/2022	Approved with Conditions	15/11/2022
D/2021/1088/B	5040 College Street SYDNEY NSW 2000	Notice of Modification under Section 4.17(1)(b) of the Act	16/11/2022	Approved with Conditions	24/11/2022
D/2021/1253/C	13-17 Ithaca Road ELIZABETH BAY NSW 2011	Section 4.55(1A) modification of consent	16/11/2022	Approved with Conditions	02/02/2023
D/2020/377/D	11-13 Greenknowe Avenue ELIZABETH BAY NSW 2011	Section 4.55(1A) modification of consent for a residential flat building. Proposed changes are to alter the loading area, back of house and waste area at the ground floor level.	17/11/2022	Approved with Conditions	20/01/2023
D/2020/1288/A	38-44 Mountain Street ULTIMO NSW 2007	Section 4.55(2) modification of consent including internal reconfigurations and external changes relating to building access, lift overrun, louvres and materials and colours, and rooftop additions including storage room, solar panels, cooling tower, trees and amenities.	18/11/2022	Under Assessment	
D/2021/1253/D	13-17 Ithaca Road ELIZABETH BAY NSW 2011	Section 4.55(1) modification of consent to amend error in Condition 42.	22/11/2022	Approved with Conditions	07/02/2023
D/2018/774/A	589-591 Elizabeth Street REDFERN NSW 2016	PAN-278523 S4.55(1A) - Modification of consent	24/11/2022	Under Assessment	
D/2020/959/B	2 Carrington Street SYDNEY NSW 2000	S4.55(1A) Modification application to amend awning design	29/11/2022	Approved with Conditions	20/01/2023
D/2020/1419/A	219-231 Botany Road WATERLOO NSW 2017	S4.55(1A) modification of consent for a multi-storey mixed-use development to establish three construction stages and to amend various conditions of consent to facilitate the staging of the approved development.	09/12/2022	Under Assessment	

D/2018/132/A	638 King Street ERSKINEVILLE NSW 2043	Section 4.55(1A) modification of consent to relocate bike storage within the site.	14/12/2022	Approved with Conditions	13/01/2023
D/2015/941/C	895-899 Bourke Street WATERLOO NSW 2017	S4.55(1) - Modification to correct a minor error	15/12/2022	Approved with Conditions	11/01/2023
D/2019/1249/C	59-99 Belmont Street ALEXANDRIA NSW 2015	S4.55(1) - Modification to correct a minor error	21/12/2022	Under Assessment	