

Attachment A

Recommended Conditions of Consent
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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below in Schedules 1 and 2.

SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/707 dated 31 July 2025 and the following drawings prepared by SJB Architects:

Drawing Number	Drawing Name	Date
02	Marketing Floor Plan – Ground Floor	12 March 2025
04	Marketing Floor Plan – Level 02	12 March 2025
05	Marketing Floor Plan - Rooftop	12 March 2025

and as amended by the conditions of this consent.

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

Reason

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

(2) EXTENT OF THE APPROVED DEVELOPMENT

This consent relates to the operation and use of:

- (a) Entry Hall for information and educational purposes (besides the use of the Entry Hall for providing access to the approved offices);
- (b) The ground floor café including the external seating in the portico; and
- (c) The playing of music in the portico, level 2 roof terrace and rooftop terrace.

(3) COMPLIANCE WITH PREVIOUS APPROVALS FOR THE SITE

- (a) Unless explicitly approved by this consent, the operation and construction of the site must be in accordance with all previous approvals for the site, namely D/2020/1397 (as amended).
- (b) If there are any inconsistencies between D/2020/1397 (as amended) and D/2025/707 in relation to the use and operation of the Entry Hall, the operation of the café and outdoor seating and the playing of outdoor music, the conditions of D/2025/707 will prevail.

(4) MODIFICATION OF D/2020/1397

Prior to the issue of an Occupation Certificate, Development Consent D/2020/1397 (as amended) shall be modified pursuant to Section 4.17 (1)(b) and (5) of the *Environmental Planning and Assessment Act 1979* by the modification of the follow conditions:

- (a) modification of condition 1 (Approved Development) to add in drawing 04 'Marketing floor plan - level 02' and drawing 05 'marketing floor plan - rooftop'
- (b) deletion of Condition 4 relating to the use of the Entry Hall;
- (c) deletion of Condition 8 (b) relating to the hours of operation of the exhibition space within the Entry Hall and 8 (c) relating to hours of operation for the café;
- (d) deletion of Condition 9 (External Seating);
- (e) modification of Condition 12 to allow delivery vehicles from 6.30am (instead of 7am);
- (f) deletion of Condition 13 that does not allow speakers or music outside and replacement with:

Music outside

Speakers and/or noise amplification equipment is only to be installed and music to be played in the following areas and times:

Between 7:00am and 7:00pm in the portico associated with the café use

Between 8:00am and 8:00pm on the level 2 roof terrace and rooftop terrace during Australian Eastern Daylight Time (AEDT)

Between 8:00am and 6:00pm on the level 2 roof terrace and rooftop terrace during Australian Eastern Standard Time (AEST)

- (g) modification of Condition 16 requiring compliance with the current Plan of Management (instead of the previous 2020 version);
- (h) modification of Condition 18 requiring compliance with the current acoustic report (instead of the previous 2020 version); and

- (i) addition of the following two conditions:

Noise from entertainment activities

During ongoing use of the premises, the cumulative emission of noise from any entertainment activities must comply with Requirement 3, *NOISE FROM ENTERTAINMENT ACTIVITIES*, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

Managing noise

The premises must be operated and managed in accordance with the approved acoustic report for this consent. All physical aspects of the building's structure must be installed to meet performance parameters in accordance with this condition, and requirements of this consent, must be maintained and correctly used at all times. Where there is a conflict with the approved acoustic report and a requirement of this development consent, this consent prevails.

(5) APPROVED ACOUSTIC REPORT

The acoustic report prepared by ADP Consulting dated 26 September 2025, ref SYD1067, titled 262-270 Liverpool Street, Darlinghurst is approved.

Where there is a conflict between the approved acoustic report and this development consent, this consent prevails.

Reason

To specify an acoustic report for reference in other noise control conditions.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(6) VERIFICATION OF ACOUSTIC REPORT PRIOR TO OCCUPATION CERTIFICATE

Prior to the issue of any occupation certificate, the Certifier must ensure the following:

- (a) A suitably qualified acoustic consultant must be appointed in accordance with the definition noted in the City of Sydney - Environmental Noise Technical Requirements, dated October 2025.
- (b) The consultant must inspect and review the completed development and ensure that:
 - (i) The final building work is assessed for compliance with the relevant acoustic Construction Certificate(s), the approved acoustic report, and all applicable noise-related conditions and documentation of this consent.
 - (ii) Any non-compliances identified under (i) above are documented in writing, with specific reference to the relevant acoustic criteria, and must include a scope of work necessary to rectify the issues and achieve compliance.
 - (iii) All requirements under this clause are completed to the written satisfaction of the Certifier.
- (c) Following completion of item (b), the consultant must notify the Certifier in writing of any identified non-compliances.

Reason

To ensure the development complies with construction and fit out plans and the relevant standards in the approved acoustic report.

(7) AMPLIFIED SOUND AND THE INSTALLATION, SETUP, TESTING AND CALIBRATION OF LIMITER/S, PRIOR TO AN OCCUPATION CERTIFICATE

Prior to the issue of an Occupation Certificate, a sound limiter must be installed to control amplified sound at the premises in accordance with Requirement 2, *AMPLIFIED SOUND AND THE INSTALLATION, SETUP, TESTING AND CALIBRATION OF LIMITER/S, PRIOR TO AN OCCUPATION CERTIFICATE*, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025 and any relevant requirements in the approved acoustic report.

A suitably qualified acoustic consultant is to provide a sound limiter verification report to the satisfaction of the Certifier stating that the development complies with the requirements.

Reason

To protect the acoustic amenity of surrounding properties.

OCCUPATION AND ONGOING USE

(8) HOURS OF OPERATION

The hours of operation of the Entry Hall (exhibition space) for use as an information and education facility are restricted to:

- (a) 7:00am to 10:00pm, Mondays to Fridays; and
- (b) 7:00am to 5:00pm, Saturday and Sunday.

The hours of operation of the ground floor café and outdoor seating area are restricted to:

- (a) 7:00am to 7:00pm Mondays to Sundays

Reason

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

(9) USE OF THE ENTRY HALL

- (a) The Entry Hall (exhibition space) shall only be used as an information and education facility as defined by the Sydney Local Environmental Plan 2012 in association with the charitable foundation use of the site.
- (b) Any uses associated with (a) above after 6:00pm where food and drinks are available, shall be limited to a maximum of 12 per calendar month.

(10) MAXIMUM CAPACITY OF PERSONS IN ENTRY HALL

- (a) The maximum number of persons permitted in the Entry Hall for information and educational exhibitions and events at any one time is 79 patrons and 10 staff members.
- (b) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.

(11) MAXIMUM CAPACITY OF PERSONS FOR OUTDOOR SEATING

The maximum number of patrons permitted in the approved outdoor seating area in the portico associated with the café is 24 persons.

(12) USE OF ROOF TERRACES

The roof terrace on level 2 and the rooftop terrace must not be utilised by patrons of either the cafe or exhibitions in the Entry Hall.

(13) MUSIC OUTSIDE

Speakers and/or noise amplification equipment is only to be installed and music to be played in the following areas and times:

- (a) Between 7:00am and 7:00pm in the portico outdoor seating area associated with the café use

- (b) Between 8:00am and 8:00pm on the level 2 roof terrace and rooftop terrace during Australian Eastern Daylight Time (AEDT)
- (c) Between 8:00am and 6:00pm on the level 2 roof terrace and rooftop terrace during Australian Eastern Standard Time (AEST)

(14) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, prepared by Ethos Urban, a Colliers Company dated 28 October 2025 (Council ref: TRIM ref: 2025/647422) that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(15) NEIGHBOURHOOD AMENITY

Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage shall be in bold letters not less than 25mm in height on a contrasting background.

(16) DELIVERY VEHICLES

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 6.30am and 7.00pm.

(17) 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.

(18) NOISE FROM ENTERTAINMENT ACTIVITIES

During ongoing use of the premises, the cumulative emission of noise from any entertainment activities must comply with Requirement 3, *NOISE FROM ENTERTAINMENT ACTIVITIES*, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

Reason

To protect the acoustic amenity of surrounding properties.

(19) COMMERCIAL AND INDUSTRIAL DEVELOPMENT NOISE

During ongoing use of the premises, the cumulative emission of noise from commercial and industrial activities must comply with Requirement 4 – *NOISE FROM COMMERCIAL AND INDUSTRIAL ACTIVITIES*, as specified in the City of Sydney – Environmental Noise Technical Requirements, dated October 2025.

Reason

To protect the acoustic amenity of surrounding properties.

(20) MANAGING NOISE

The premises must be operated and managed in accordance with the approved acoustic report for this consent.

All physical aspects of the building's structure must be installed to meet performance parameters in accordance with this condition, and requirements of this consent, must be maintained and correctly used at all times. Where there is a conflict with the approved acoustic report and a requirement of this development consent, this consent prevails.

Reason

To protect the amenity of the local area.

(21) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.