

Attachment A

Recommended Conditions of Consent
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SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2025/1210 dated 5 December 2025 and the following drawings prepared by Atoma Design Pty Ltd:

Drawing Number	Drawing Name	Date
DA02	Site Plan	20/11/2025
DA03	Existing Plan – Ground Floor	20/11/2025
DA04	Existing Plan – First Floor	20/11/2025
DA05	Proposed – First Floor	20/11/2025

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) ACOUSTIC ATTENUATION MEASURES – ADDITIONAL DETAILS REQUIRED

Additional details of the acoustic attenuation measures required as per the approved Acoustic Report is to be provided as follows:

- (a) illustrate the attenuation measures on the plans;
- (b) provide further documentation demonstrating the type, design and location of the required attenuation measures.

The detailed drawings are to be submitted to and approved by Council's Area Planning Manager prior to the issue of a Construction Certificate.

Reason

To require amendments to the approved plans and supporting documentation following assessment of the development.

(3) 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.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

(4) APPROVED ACOUSTIC REPORT

The Acoustic Report, prepared by “VMS Australia”, Ref: 26017.1.1.R1R1, Rev 1, dated 13 March 2026, 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.

(5) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION CERTIFICATE

Prior to the issue of a relevant construction 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 is required to review the relevant building plans, specifications, and associated documentation, and must:
 - (i) Verify that the construction plans, drawings, and construction methodology for the development are consistent with the approved acoustic report and comply with all relevant conditions and documentation of this consent.
 - (ii) Resolve any non-compliances through amended construction plans, drawings, and construction methodology as necessary.
 - (iii) Ensure that all requirements under this clause are completed to the written satisfaction of the Certifier.

- (c) Following completion of the above tasks, the consultant must provide written notification to the Certifier outlining any identified non-compliances.

Reason

To ensure detailed construction and fit plans comply with the relevant standards in the approved acoustic report.

(6) NATIONAL CONSTRUCTION CODE COMPLIANCE - CHANGE OF USE/CLASSIFICATION (NO BUILDING WORK PROPOSED)

Pursuant to Section 62 of the Environmental Planning and Assessment Regulation 2021, the building must comply with:

- (a) the Category 1 fire safety provisions in the Regulation;
- (b) the fire protection and structural capacity requirements as defined in the Regulation, and
- (c) Section 14 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

Prior to a Construction Certificate / any Occupation Certificate being issued for the new use, documentation detailing compliance with this condition including the performance requirements of the *Building Code of Australia* as prescribed below must be submitted to and be approved by the Registered Certifier or Principal Certifier.

- (i) Fire isolated stair shafts – Part C2;
- (ii) Fire isolated stair construction – Part D3;
- (iii) Visibility in an emergency, exit signs and warning systems – Part E4;
- (iv) Upgrade of the existing smoke detection system to an Early Warning Detection System as a Performance Requirement – AS 1670.1 – 2018 – Part E – Specs.

Note: The obligations under this condition to comply with the Category 1 fire safety provisions * and fire safety and structural adequacy requirements may require building work to be carried out even though none is proposed or required in this consent. A Construction Certificate must therefore be obtained prior to work commencing for any building work required to be undertaken.

* *Category 1 fire safety provisions* are the following provisions of the *Building Code of Australia*, namely, E1P3, E1P4, E1P6, E2P1, E2P2 and E3P2 in Volume One of the Code and H3P2 in Volume Two of the Code.

Reason

To ensure the building and approved use affords adequate fire safety in accordance with the Building Code of Australia.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(7) 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.

OCCUPATION AND ONGOING USE

(8) 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.

(9) TRADING HOURS - SENSITIVE USES

The trading hours are regulated as follows:

- (a) The permitted trading hours on the ground floor are restricted to between 10.00am and 12.00 midnight Monday to Sunday.
- (b) The permitted trading hours on the first floor are restricted to between 10.00am and 10.00pm Monday to Sunday.
- (b) Notwithstanding (a) above, the premises may trade between 10.00pm and 12:00 midnight for a trial period of two years from the date of the Occupation Certificate.
- (c) Should the operator seek to continue the extended operating hours outlined in (b) above, an application must be lodged with Council within 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 NSW Police and Liquor & Gaming.

Reason

To ensure the premises trades within the approved trading hours.

(10) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is 200 persons, with a maximum capacity of 100 persons on the first floor level.
- (b) The manager is responsible for ensuring that the number of persons in the premises does not exceed that specified above.
- (c) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises stating the maximum number of persons, as specified in the development consent, that are permitted in the premises.

Reason

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

(11) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management titled The Eveleigh Hotel Plan of Management, dated 25 November 2025, signed by Todd Buncome. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

The Plan of Management can be revised at any time through the submission of a Section 4.55 modification application.

Reason

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

(12) COPIES OF CONSENTS AND MANAGEMENT PLANS

A copy of the current development consent(s) for the operation of the licensed premises, and the approved Plan of Management must be kept on-site and made available to Authorised Officers.

Reason

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

(13) 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.

(14) 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.

(15) VENTILATION MINOR WORKS

The premises must be ventilated in accordance with the *National Construction Code (previously known as Building Code of Australia)* and AS1668.1-1998 and AS1668.2-1991.

Reason

To ensure the ventilation complies with relevant standards.

SCHEDULE 2

PRESCRIBED CONDITIONS

The applicant must comply with all relevant conditions contained in Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021* which apply to the development:

Refer to the NSW State legislation for full text of the clauses under Part 4, Division 2, Subdivision 1 of the *Environmental Planning and Assessment Regulation 2021*. This can be accessed at: <http://www.legislation.nsw.gov.au>