

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## CONDITIONS OF CONSENT

### SCHEDULE 1A

#### APPROVED DEVELOPMENT/DESIGN MODIFICATIONS/COVENANTS AND CONTRIBUTIONS/USE AND OPERATION

**Note:** Some conditions in Schedule 1A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

#### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2018/1008 dated 29 August 2018 and the following drawings:

Drawing Number	Drawing Name	Date
4847	F&B Area – Ground Floor	27 April 2018
ID000.0.0.0	Ground Level Overall Key Plan	29 January 2018

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.

#### (2) DESIGN MODIFICATION

The use of the Kent Street footway shall be reduced to 12m<sup>2</sup> (1.3m deep x 9.2m width) in accordance with the plan marked as 4847 F&B Area – Ground Floor dated 27 April 2018. The use of the footway shall be restricted to tables and chairs only, with no heat lamps or heaters, umbrellas, and planter boxes. Amended details are to be submitted to Council's Director City Planning, Development and Transport prior to the determination of the concurrent Footway Application.

#### (3) FOOTWAY SEATING

The following conditions apply to footway seating:

- (a) The use of the subject area for outdoor seating is only permitted in conjunction with the provision of a food service from the associated approved hotel use that is operating from the restaurant known as The Langham.
- (b) The management/licensee/owner of the property must apply for and be granted a footway approval by Council under section 125(1) of the Roads Act 1993 for the use of the subject area of the footway with all legal costs associated with the preparation of the licence being borne by the management/licensee/owner. The approval must be issued by Council prior to the use of the footway for seating.

Note: Should the operator of the premises change at any time, the footway approval is required to be renewed under the name of the new operator.

- (c) The use of the footway may be suspended to facilitate Council approved special events to be held in the street or for road and services works. No claim for compensation is entitled under such circumstances.
- (d) In addition to Council's daily street sweeping and cleansing operations, the operator of the hotel must ensure that the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.
- (e) Approval is granted for the use of an area measuring 12m<sup>2</sup> on the footway of Kent Street adjoining The Langham in accordance with the plan marked as 4847 and as amended.
- (f) All furniture must be kept strictly within the boundaries of the area defined on the approved drawing 4847 and as amended.
- (g) All outdoor furniture and planting must be maintained at all times in a physically sound condition and of an appearance that is deemed to be acceptable by Council.
- (h) No furniture or other structure is to be fixed to the pavement, without the consent of Council.
- (i) The chairs should be able to be stacked or folded for storage when not in use with a furniture storage area being provided within the premises.
- (j) The use of disposable tableware at the footway cafe is not permitted at any time.
- (k) Portable signs or goods for sale or display must not be placed on the footway or other public areas without the consent of Council.
- (l) All outdoor furniture and the footway are to be kept clean and free of food scraps.
- (m) A separate development application for any proposed signs which are either externally fitted or applied must be submitted to and approved by Council prior to the erection or display of any such signs.

#### **(4) HOURS OF OPERATION – OUTDOOR SEATING**

The hours of operation must be restricted to between 7.00am and 10.00pm Monday to Sunday.

#### **(5) COMPLIANCE WITH ACOUSTIC REPORT**

All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report prepared by JHA Consulting Engineers, Titled 'Langham Hotel Restaurant Outdoor Eating Area', dated 21/08/18, Council Reference; 2018/456721 must be implemented.

**(6) NEIGHBOURHOOD AMENITY**

- (a) Signs must be placed in clearly visible positions within the hotel 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.
- (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.

**(7) 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.

**(8) NO SPRUIKING NOISE**

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

**(9) 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.

**(10) PLAN OF MANAGEMENT**

The use must always be operated / managed in accordance with the Plan of Management, prepared by Gallagher Jeffs, April 2018 and the Plan of Management Addendum, December 2018 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

**(11) WASTE AND RECYCLING MANAGEMENT - MINOR**

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to minimise and manage waste and recycling generated by the proposal.

## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2000* apply:

- Clause 98 Compliance with *Building Code of Australia* and insurance requirements under the *Home Building Act 1989*
- Clause 98A Erection of signs
- Clause 98B Notification of *Home Building Act 1989* requirements
- Clause 98C Conditions relating to entertainment venues
- Clause 98D Conditions relating to maximum capacity signage
- Clause 98E Conditions relating to shoring and adequacy of adjoining property

Refer to the NSW State legislation for full text of the clauses under Division 8A of the *Environmental Planning and Assessment Regulation 2000*. This can be accessed at: <http://www.legislation.nsw.gov.au>

## SCHEDULE 3

### TERMS OF APPROVAL

The Terms of Approval for Integrated Development as advised by *NSW Heritage Division* are as follows:

#### APPROVED DEVELOPMENT

1. Development must be in accordance with:
  - a) Architectural drawings The Langham Hotel, prepared by Wilson Associates, dated 27 April 2018, as listed in the table below:

Dwg No.	Dwg Title	Date	Rev
	Project Name: The Langham Hotel, Sydney		
4847	F&B Area – Ground Floor – All day dining	27 April 2019	-

- b) Heritage Impact Statement titled “The Langham Hotel, 89-105 Kent Street, Millers Point”, prepared by Urbis, 28 August 2018.
  - c) Acoustic Report “Langham Hotel, Restaurant outdoor eating area, 89-105 Kent Street, Sydney”, prepared by JHA consulting Engineers, dated 21 August 2018, Rev D.

#### EXCEPT AS AMENDED by the conditions of this approval:

#### WORKS PROPOSED

2. Installation of movable chairs and tables is approved provided installation of additional elements like moveable heaters and umbrellas is not required. If this application is required to be amended in future to include such elements, the Heritage Council reserves its right to reassess this approval on the basis of the overall cumulative impact.

*Reason: To avoid visual impact to the Public Domain of the Conservation Area.*

#### SPECIALIST TRADESPERSONS

3. All works to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

*Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.*

#### HERITAGE CONSULTANT

4. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

*Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.*

#### SITE PROTECTION

5. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

*Reason: To ensure significant fabric including vegetation is protected during construction.*

#### **COMPLIANCE**

6. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of the Heritage Council of NSW approvals to confirm compliance with conditions of consent.

*Reason: To ensure that the proposed works are completed as approved.*

#### **SECTION 60 APPLICATION**

7. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

*Reason: To meet legislative requirements*

#### **ADVICE**

Section 148 of the Heritage Act 1977 (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relic, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.