

Attachment A

Recommended Conditions of Consent

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/2018/1619 dated 27 December 2018 and the following drawings prepared by Hamec Design Studio:

Drawing Number	Drawing Name	Date
01.0 Rev A	Site Plan	9 April 2019
01.5 Rev A	Demolition Plan	9 April 2019
01.3 Rev A	Ground Floor Plan	9 April 2019
02.0 Rev A	West Elevation	9 April 2019
02.1 Rev A	East Elevation	9 April 2019
02.2 Rev A	North Elevation	9 April 2019
02.3 Rev A	South Elevation	9 April 2019
03.0 Rev A	Sections	9 April 2019
03.1 Rev A	Sections	9 April 2019
05.0 Rev A	Signage Details	9 April 2019
05.1	Material Schedule	9 April 2019

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 MODIFICATIONS

The design of the building must be modified as follows:

- (a) The yellow colour of the aluminium battens is not approved. The yellow colour battens must be changed to a more neutral colour or material, such as a mid-charcoal coloured aluminium or natural timber.
- (b) A revised detailed materials, colours and finishes schedule keyed to each building elevation must be submitted to and approved by Council's Area Planning Manager prior to a Construction Certificate being issued. The materials and samples board must not include generic material or colour descriptions, or use terminology such as 'or similar'.

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

(3) HOURS OF OPERATION - SENSITIVE USES

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 7.00am and 1.00am Monday to Sunday inclusive.
- (b) Notwithstanding (a) above, the use may operate for 24 hours a day, Monday to Sunday inclusive 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) A further application may be lodged to continue the operating hours outlined in (b) above 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.

(4) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, prepared by Hamec Design Studio signed and dated 29 January 2019 (TRIM record number: 2019/196266).

(5) COPIES OF CONSENTS AND MANAGEMENT PLANS

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

(6) SURVEILLANCE CAMERAS

- (a) CCTV surveillance cameras shall 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 shall 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 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.
- (d) 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 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.
- (e) All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall 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 shall 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 shall 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.

(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 SPRUICKING NOISE

No persons (such as those commonly known as spruickers) 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.

(9) SIGN ILLUMINATION

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood and as such must be designed, installed and used in accordance with AS4282-1997 Control of Obtrusive Effects of Outdoor Lighting.
- (b) The sign(s) must not flash. Signs with flashing, chasing, pulsating or flickering lights are not permitted.
- (c) The maximum night time luminance of any sign is not to exceed 300 cd/sqm.
- (d) Signage is only permitted to be illuminated while a premises is open.
- (e) Upward facing light sources onto the signage is not permitted.

(10) CARE OF BUILDING SURROUNDS

- (a) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the business shall ensure that surrounds of the shopfront including pavements and gutters are to be kept clean and free of litter associated with the operation of the business at all times. Regular morning, noon, afternoon, evening and night time litter patrols shall be undertaken.
- (b) The owner/manager of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application.

(11) LIGHTING

- (a) Adequate lighting must be provided to all entrances and exits of the premises, to ensure the safety of all staff and visitors as they arrive, use and leave the premises.
- (b) Lighting to have an even distribution with no glare.
- (c) Lighting to be positioned in all areas where CCTV Cameras are installed to enhance the vision of the cameras.

(12) SIGNAGE GENERAL REQUIREMENTS

The design of the approved signage must comply with the following:-

- (a) The signage is not to contain highly reflective materials, colours and finishes.
- (b) The signage is not to incorporate sound, vibration, odour and other emissions.

(13) SIGNS/GOODS IN THE PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

(14) ROADS AND MARITIME SERVICES CONDITIONS

- (a) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within 816 George Street, Chippendale.
- (b) All works associated with the proposed signage, including maintenance activities, shall be at no cost to Roads and Maritime Services.
- (c) Signage shall not contain/use:
 - (i) Flashing lights.
 - (ii) Electronically changeable messages.
 - (iii) Animated display, moving parts or simulated movement.
 - (iv) Complex displays that hold a drivers attention beyond “glance appreciation”.
 - (v) Displays resembling traffic signs or signals by use of colour, shape or words that can be construed as giving instruction to traffic (i.e. by using words such as ‘halt’ or ‘stop’).
 - (vi) A method of illumination that distracts or dazzles.
- (d) A construction zone will not be permitted on George Street or Lee Street.

(15) 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 shall 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 premise.

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

(16) CONVENIENCE STORES

- (a) All shop front glazing must be clear and untinted and must not be obscured by blinds, curtains or the like.
- (b) Security roller shutters must not be installed on the outside of the shop front. Any security grill is to be a dark recessive colour, located on the inside of the shop front, must be an open grille / see through and not a solid metal type. Details are to be submitted to and approved by the Principal Certifier prior to a Construction Certificate being issued.
- (c) Merchandise, public telephones, stored material or the like must not be placed on the footway or other public areas.
- (d) No flashing signage visible from the public way shall be installed.
- (e) The approved layout must not be altered, without the prior approval of Council, where it would result in the shopfront being obscured in any way.
- (f) Any proposed shelving along the glass shopfronts must be of an open-framed, see through construction and the combined height of shelving and any goods displayed must not exceed 1200mm above the finished floor level.
- (g) All shelving, shop fittings, refrigeration equipment and the like which are placed in front of windows, must be kept a minimum of 1 metres from the inside face of the window.

SCHEDULE 1B

PRIOR TO CONSTRUCTION CERTIFICATE/COMMENCEMENT OF WORK/HEALTH AND BUILDING

(17) SYDNEY TRAINS

- (a) No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- (b) Prior to the issue of a Construction Certificate, the Certifier shall ensure that no ground works are proposed to be carried out. If ground works are proposed, Sydney Trains must be consulted and written confirmation obtained prior to the issue of a Construction Certificate.
- (c) The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:
 - oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
 - acts as the authorised representative of the Applicant; and
 - is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant
- (d) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.
- (e) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central Interface and they can be contacted via email on Central_Interface@transport.nsw.gov.au.

(18) LOADING AND SERVICE MANAGEMENT PLAN

A detailed Loading and Servicing Management Plan, must be submitted to the Coordinator General, Transport Coordination within TfNSW for endorsement, prior to the Construction Certificate being issued.

The Loading and Servicing Management Plan will include a strategy for the management of all servicing of the site including waste collection and other

delivery vehicles and should include information such as arrivals to the site, the anticipated numbers of arrivals per week, time of day of the arrivals, length of stay, vehicle type etc. The Plan must include, but is not limited to, management of deliveries to prevent disruption to public streets. The Plan must identify how loading / delivery for the retail tenant will be managed safely from the kerb-side to the site over the public domain. The Plan shall manage deliveries to the development without impacting the safe and efficient operation of bus services, the bus interchange and pedestrian movements within the vicinity of the site.

Once approved, the applicant must comply with this management plan at all time for the life site/use being granted. Any changes to the plan are to be approved by the Council's Area Planning Manager in writing prior to the amendment of the plan.

(19) CONSTRUCTION TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

- (a) The applicant shall prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the Sydney Coordination Office within TfNSW. A copy of the final plan shall be submitted to the Coordinator General, Transport Coordination for endorsement, prior to the commencement of any work on site. The CPTMP needs to specify, but not limited to, the following:
- (i) Location of the proposed work zone, noting that Lee Street and George Street are not suitable locations;
 - (ii) Location of any crane(s);
 - (iii) Haulage routes;
 - (iv) Construction vehicle access arrangements;
 - (v) Proposed construction hours;
 - (vi) Predicted number of construction vehicle movements and detail of vehicle types, noting that vehicle movements are to be minimised during peak periods;
 - (vii) Construction program;
 - (viii) Consultation strategy for liaison with surrounding stakeholders;
 - (ix) Any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
 - (x) Cumulative construction impacts of projects including Sydney Light Rail Project and Sydney Metro City and Southwest. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and

- (xi) Proposed mitigation measures. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.
- (b) No construction work zone shall be permitted on Lee Street and George Street without the prior approval of the Sydney Coordination Office within TfNSW; and
- (c) The applicant shall provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within Transport for NSW to resolve issues relating to traffic, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

TfNSW requests that the applicant consults with the Sydney Coordination Office within TfNSW in relation to the above issues. TfNSW would be pleased to consider any further material forwarded from the applicant.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(20) 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.

(21) 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 permit being issued by Council under Section 68 of the Local Government Act 1993 and/or Section 138 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 Unit, 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*.

(22) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

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>