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/2019/623 dated 14 June 2019 and the following drawings prepared by Davidson Graphiix:

Drawing Number	Drawing Name	Date
Sheet 1 Version 5	Site plan	08.08.2019
Sheet 2 Version 6	Plan view- level 1 – proposed room configuration	21.10.2019

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) TIME LIMITED CONSENT

(a) The period during which the use of the footway is approved to operate is restricted to 1 year. The footway dining area can only operate during this time if there is a concurrent consent for footway dining issued under the Roads Act 1993.

(b) A further development application for the outdoor dining area must be lodged prior to the end of the current approval period for Council's consideration. Council's consideration of a proposed continuation of the use of the outdoor dining area will be based on, among other things, the performance of the operator in relation to the compliance with the conditions of the approval, any substantiated complaints received and any views expressed by the police.

(3) HOURS OF OPERATION – OUTDOOR SEATING

The Hours of operation for the outdoor dining area are restricted to between 10.00am and 8.00pm Monday to Sundays.

(4) 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 food and drink use that is operating from the hotel known as The Royal Albert Hotel.

(b) No alcohol is to be served or consumed within the approved outdoor dining area unless authorised under a liquor license.

(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 Royal Albert 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 6.5m2 on the footway of Reservoir Street adjoining The Royal Albert hotel in accordance with the plan marked as 'Sheet 1 site plan'.

(f) All furniture must be kept strictly within the boundaries of the area defined on the approved drawing 'Sheet 1 Version 5'.

(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.

(5) COPIES OF CONSENTS AND MANAGEMENT PLANS

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

(6) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management, prepared by BAMM Investments Pty Ltd signed and dated 12 September 2019 that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

(7) 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 endure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

(8) SIGNS/ GOODS ON THE PUBLIC WAY

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

(9) BARRIERS NOT APPROVED

The use of barriers or enclosures of any kind around the perimeter of the outdoor dining area is not approved.

(10) NO SPEAKERS OR AMPLIFIED 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.

(11) 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 within a shared boundary.

(12) 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.

(13) FOOTWAY APPROVAL DISPLAY NOTICE

After all payments require before use have been received by the Council, a Footway Approval display notice will be issued to the holder of the approval. The footway cannot be used until the display notice has been issued. The notice is to be kept displayed on the subject premises at all times.

(14) OUTDOOR DINING FURNITURE

The design and appearance of the outdoor furniture to be used in conjunction with the outdoor dining area must comply with Section 5 of the Council's Outdoor Dining Guidelines.

(15) ACCESS FOR MAINTENANCE

Footway seating for any approved structures shall not cover or impede access to public or private utility access and drainage pits. Authorities such as Telstra and Sydney Water must be given access to the site if required.

(16) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

(b) A Waste and Recycling Management Plan is to be approved by the Principal Certifier prior to a Construction Certificate being issued. The plan must comply with the Council's *Guidelines for Waste Management in New Developments 2018*. All requirements of the approved Building Waste and Recycling Management Plan must be implemented during construction of the development.

UPON COMPLETION OF THE DEVELOPMENT

(c) Prior to an 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*.

(17) WASTE/RECYCLING COLLECTION

(a) 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) Commercial waste and recycling receptacles and any bulky waste must be stored on the property at all times and must not be placed on kerbside for collection..

(18) BCA COMPLIANCE - CHANGE OF USE/CLASSIFICATION (NO BUILDING WORK PROPOSED)

(a) Pursuant to Clause 93 of the Environmental Planning and Assessment Regulation 2000, the first floor of the building must comply with the Category 1 fire safety provisions and structural adequacy provisions as required by Clause 143 of the Regulations. Prior to a Construction Certificate / an Occupation Certificate being issued for the new use, documentation detailing compliance with the provisions as prescribed below must be submitted to and be approved by the Principal Certifier through Part A0 of the *Building Code of Australia*:

(i) Structural provisions - Part B1;

(ii) Fire resistance and stability - Part C1;

(iii) Compartmentation and separation - Part C2;

(iv) Protection of openings - Part C3;

(v) Provision of escape - Part D1;

(vi) Construction of exits - Part D2;

(vii) Fire fighting equipment - Part E1;

(viii) Smoke hazard management - Part E2;

(ix) Emergency lift installation - Part E3;

(x) Visibility in an emergency lighting, exit signs and warning systems - Part E4;

(xi) Atrium construction - Part G3; and

(xii) Entertainment venues other than temporary structures and drive-in theatres - NSW Part H101.

(b) The measures listed in the following Fire Safety Schedule must be provided in the building in accordance with Clauses 93 and 168 of the Environmental Planning and Assessment Regulation 2000.

Fire Safety Schedule				
Item No.	Fire Safety Measures	Current	Proposed	Standard of Performance
1.	Access panels, doors and hoppers to fire resisting shafts			BCA Clause C3.13, AS 1905.1 - 2015, AS 1905.2 - 2005, AS 1530.4 – 2014
2.	Automatic fail safe devices			BCA Clause C3.8, D2.19, D2.21, D2.22 - Scheduled devices release upon activation of smoke detection, fire detection and sprinkler system
3.	Automatic fire detection alarm system			BCA Clause C2.3, C3.5, C3.6, C3.7, C3.8, C3.11, E2.2, Specification C3.4, Specification E2.2a, G3.8, Specification G3.8, G4.8, NSW H101.17.1, AS 1670.1 - 2015, AS 1670.3 - 2004, AS 1670. 4 - 2015, AS 3786 – 1993 or 2014
4.	Automatic fire suppression systems (sprinklers, gas systems etc)			BCA Clause E1.5, NSW Spec. E1.5, G3.8, Specification G3.8, NSW H101.4, NSW 101.5.3, NSW H101.17.1, H101.18.1, AS 2118.1-1999, AS 2118.4 - 2012 or AS 2118.6 - 2012 (as applicable)
5.	Emergency lighting			BCA Clause E4.2, E4.4 and AS/NZS 2293.1 - 2005
6.	Emergency lifts			BCA Clause E3.4, Appendix A of AS 1735.1 - 2003 or AS 1735.2 - 2001 and AS 1735.11 - 1986
7.	Emergency warning and intercommunicatio n system			BCA Clause E4.9 and AS 1670.4 - 2015
8.	Exit signs			BCA Clause E4.5, NSW E4.6, E4.7, E4.8 and AS/NZS 2293.1 - 2005
9.	Fire control centres and rooms			BCA Clause E1.8, Specification E1.8
10.	Fire dampers			BCA Clause C3.12, C3.15, AS/NZS 1668.1 - 1998

Fire Safety Schedule				
Item No.	Fire Safety Measures	Current	Proposed	Standard of Performance
11.	Fire doors			BCA Clause C2.5, NSW C2.5(b), C2.12, C2.13, C3.4, C3.5, C3.6, C3.7, C3.8, C3.10, C3.11, Specification C3.4, D1.8, D2.8, AS 1905.1 - 2015, AS 1905.2 - 2005 and AS 1735.11 - 1986
12.	Fire hydrants systems			BCA Clause E1.3 and AS 2419.1 - 2005
13.	Fire seals protecting opening in fire resisting components of the building			BCA Clause C3.15, Specification C3.15, AS 1530.4 - 2014 or AS 4072.1 - 2005 and installed in accordance with the tested prototype
14.	Fire shutters			BCA Clause C3.4, Specification C3.4 and AS 1905.2 - 2005
15.	Fire windows			BCA Clause C3.4, Specification C3.4
16.	Hose reel system			BCA Clause E1.4 and AS 2441 - 2005
17.	Lightweight construction			BCA Clause A2.5, C1.8, C3.17, Specification C1.8, Specification C2.5, C2.9, A2.3 and AS 1530.4 - 2014
18.	Mechanical air handling system			BCA Clause E2.2, Table E2.2a, NSW Table E2.2b, Specification E2.2b, G3.8, Specification G3.8, AS/NZS 1668.1-2015
19.	Perimeter vehicle access for emergency vehicles			BCA Clause C2.4
20.	Portable fire extinguishers			BCA Clause E1.6 and AS 2444 - 2001
21.	Safety curtains in proscenium openings			BCA Clause NSW H101.10 and NSW H101.10.1
22.	Smoke and heat vents			BCA Clause E2.2, Table E2.2a, NSW E2.2b, Specification E2.2b, Specification E2.2c, G3.8 and Specification G3.8, NSW H101.22 and AS 2665 - 2001

Fire Safety Schedule				
Item No.	Fire Safety Measures	Current	Proposed	Standard of Performance
23.	Smoke dampers			AS/NZS 1668.1-2015
24.	Smoke detectors and heat detectors			BCA Specification E2.2a, AS 1670.1 - 2004 and AS 3786 – 1993 or 2014
25.	Smoke doors			BCA Clause C2.5 and Specification C3.4
26.	Solid core doors			BCA Clause C3.11, NSW C3.11
27.	Stand-by power systems			BCA Clause C2.13, E1.3, E3.4, Specification G3.8
28.	Wall wetting sprinkler and drencher systems			BCA Clause C3.2, C3.4, G3.8, Specification G3.8 and AS 2118.1 - 1999
29.	Warning and operational signs			BCA Clause C3.6, D2.23 and E3.3

Note: The obligation under the above condition to comply with the Category 1 fire safety provisions * 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, EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of the Code and P2.3.2 in Volume Two of the Code.

(19) 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.

(20) HOURS OF WORK AND NOISE – OUTSIDE CBD

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

(a) All work, including building/demolition and excavation 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 7.30am and 5.30pm on Mondays to Fridays, inclusive, and 7.30am and 3.30pm on Saturdays, with safety inspections being permitted at 7.00am on work days, 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*.

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