

Attachment A

Recommended Conditions of Consent
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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/2020/947 dated 23 August 2021 and the following drawings prepared by SGB Group:

Drawing Number	Drawing Name	Date
SE-101, Rev F	General Arrangement Plan	25/05/2021
SE-102, Rev B	Reflected Ceiling Plan	25/05/2021
SE-103, Rev B	Floor Finishes Plan	25/05/2021
SE-KT-GL-101, Rev D	General Arrangement Plan – Kitchen Ground Level	25/05/2021
SE-KT-GL-102, Rev B	Reflected Ceiling Plan – Kitchen Ground Level	25/05/2021
SE-KT-GL-103, Rev B	Floor Finishes Plan – Kitchen Ground Level	25/05/2021
SE-KT-GL-104, Rev D	Wall Finishes Plan – Kitchen Ground Level	25/05/2021
SE-KT-IT-101, Rev D	General Arrangement Plan – Kitchen Intermediate Level	25/05/2021
SE-KT-IT-102, Rev B	Reflected Ceiling Plan – Kitchen Intermediate Level	25/05/2021
SE-KT-IT-103, Rev B	Floor Finishes Plan – Kitchen Intermediate Level	25/05/2021
SE-KT-IT-104, Rev B	Wall Finishes Plan – Kitchen Intermediate Level	25/05/2021
SE-KT-L1-101, Rev D	General Arrangement Plan – Kitchen Level 1	25/05/2021
SE-KT-L1-102, Rev B	Reflected Ceiling Plan – Kitchen Level 1	25/05/2021
SE-KT-L1-103, Rev B	Floor Finishes Plan – Kitchen Level 1	25/05/2021

Drawing Number	Drawing Name	Date
SE-KT-L1-104, Rev B	Wall Finishes Plan – Kitchen Level 1	25/05/2021
SE-KT-201, Rev D	Section - Kitchen	25/05/2021
SE-KT-202, Rev D	Elevation - Kitchen	25/05/2021
SE-KT-203, Rev D	Elevation - Kitchen	25/05/2021
SE-KT-204, Rev B	Section - Kitchen	25/05/2021
SE-BR-101, Rev B	General Arrangement Plan - Bar	25/05/2021
SE-BR-102, Rev B	Reflected Ceiling Plan - Bar	25/05/2021
SE-BR-103, Rev B	Floor Finishes Plan - Bar	25/05/2021
SE-BR-104, Rev D	Wall Finishes Plan - Bar	25/05/2021
SE-BR-201, Rev D	Elevations and Sections - Bar	25/05/2021

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) RWA1 REDFERN-WATERLOO AUTHORITY CONTRIBUTIONS PLAN 2006

To meet the demand for additional public facilities and infrastructure generated by the development on the site, contributions will be as required based on the *Redfern-Waterloo Authority Contributions Plan 2006*.

The levy is to be calculated as 2% of the proposed cost of development, indexed between the date of determination and the date the levy is required to be paid in accordance with clause 25J(4) of the *Environmental Planning and Assessment Regulation 2000* and clause 10 of *Redfern-Waterloo Authority Contributions Plan 2006*.

Prior to calculating the levy, the proposed cost of development is to be confirmed by a detailed cost report prepared in accordance with Clause 11 and 12 of the *Redfern-Waterloo Authority Contributions Plan 2006* and submitted to Council.

Pursuant to the *Redfern-Waterloo Authority Contributions Plan 2006*, a contribution is to be paid to Infrastructure NSW for deposit into the Redfern-Waterloo Fund towards the cost of one or more of the public facilities set out in the Works Schedule to that Plan.

Proof of payment of this contribution to Infrastructure NSW shall be provided to the Accredited Certifier prior to the issue of a Construction Certificate (or other timing in accordance with the Contributions Plan). If the amount is not to be paid prior to the issue of a Construction Certificate, written verification of this should be provided by Infrastructure NSW and provided to the Accredited Certifier. No deferred or periodic payments are permitted.

Contact Infrastructure NSW to confirm indexed amount of the contribution, prior to preparation of a bank cheque.

Contact Infrastructure NSW for a copy of the *Redfern-Waterloo Authority Contributions Plan 2006*.

(3) DETAILS TO BE SUBMITTED

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

- (a) Details of final materials, finishes and colours to be utilised.
- (b) Details of any internal signage proposed as part of the fitout works.
- (c) Details of any proposed barrier interventions between the southern edge of the tenancy and the common walkway and blacksmith area.

(4) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs additional to those approved as part of this consent (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

(5) GENERAL HERITAGE

- (a) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- (b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- (c) All conservation and adaptation works are to be in accordance with the Articles of the Australian ICOMOS Burra Charter 2013.

(6) HERITAGE ITEMS - WORKS TO BE CONSISTENT WITH CMP OR HIS

- (a) A conservation work schedule detailing methodologies for implementation of the recommendations of the Heritage Impact Statement prepared by Curio Projects dated 13 July 2021 must be submitted to and approved by Council prior to a Construction Certificate being issued.
- (b) The conservation work schedule must include detailed drawings and outline specifications of works required to support any schedule of conservation works.

The work schedule must be implemented to the satisfaction of Council's Area Planning Manager prior to the issue of any Occupation Certificate.

(7) MATERIALS FOR MAKING GOOD

New materials for making good and repairs, are to match the existing in terms of colours, finishes, sizes, profile and properties.

(8) USE OF HERITAGE CONSULTANT - MAJOR DEVELOPMENT

- (a) An experienced heritage consultant is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (b) Evidence and details of the above commission on the above terms are to be provided to Council prior to the issue of any Construction Certificate or commencement of work on site whichever is the earlier.
- (c) Throughout the documentation and construction stages of the approved works the experienced heritage consultant is to:
 - (i) Undertake site inspections of not less than fortnightly intervals.
 - (ii) Maintain a diary of site inspections that includes photographs of the works, details of heritage advice and decisions arising out of each inspection and any further physical evidence uncovered during the works.
 - (iii) Compile a final report, including the diary, verifying how the heritage conditions have been satisfied, and the works completed in accordance with the Conservation Management Plan.
- (d) Upon completion of the works, the final report is to be submitted for approval by Council's Area Planning Manager prior to the issue of any Occupation Certificate or the commencement of the use, whichever is earlier.

(9) HOURS OF OPERATION - SENSITIVE USES

The hours of operation are regulated as follows:

- (a) The hours of operation must be restricted to between 10.00am and 10.00pm Monday to Sunday.
- (b) Notwithstanding (a) above, the use may operate between 10.00pm and 12.00am midnight for a trial period of 1 year from the date of issue of the Occupation Certificate. 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.

(10) CESSATION OF SERVICE

The premises may be open for business only between the operating hours in condition 9 above. The operator must cease providing food/alcohol at the premises 30 minutes before the required closing time.

(11) MAXIMUM CAPACITY OF PERSONS

- (a) The maximum number of persons (including staff and patrons) permitted in the premises at any one time is 720 persons.
- (b) The manager/licensee is responsible for ensuring 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 alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building. Details are to be provided to the satisfaction of the Principal Certifier prior to issue of a Construction Certificate.

Note: Clause 98D of the *Environmental Planning and Assessment Regulation 2000* requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (i) entertainment venue,
- (ii) function centre,
- (iii) pub,
- (iv) registered club,
- (v) restaurant.

(12) COPIES OF CONSENTS AND MANAGEMENT PLANS

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

(13) PLAN OF MANAGEMENT

- (a) The use must always be operated / managed in accordance with the Plan of Management, prepared by Australian Venue Co, dated December 2021 (Council ref 2021/561923). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.
- (b) The approved Plan of Management must be signed and dated by the manager of the premises and submitted to Council prior to the commencement of the use.

(14) GREEN TRAVEL PLAN

- (a) A Green Travel Plan, prepared in accordance with Schedule 7.6 of the Sydney Development Control Plan 2012 and the approved Work Place Travel Plan under condition E11 of SSD 8517 is to be submitted to and approved by Council's Area Planning Manager prior to the issue of any Construction Certificate.
- (b) The use must operate in accordance with the approved Green Travel Plan at all times, including publishing the plan on any website associated with the premises. Any changes to the plan must be submitted to and approved by Council's Area Planning Manager before coming into force.

(15) PASSENGER PICK-UP AND DROP-OFF MANAGEMENT

- (a) Prior to the commencement of any work on site, the applicant must submit a Passenger Pick-up and Drop-off Management Plan for approval by Council's Area Planning Manager, to ensure the operation of the premises would have minimal impact on the operation of the surrounding transport network.
- (b) The use must operate in accordance with the approved passenger pick-up and drop-off management at all times. Any changes to the plan must be submitted to an approved by Council's Area Planning Manager before coming into force.

(16) SECURITY AND QUEUING – CATEGORY A LICENSED PREMISES

- (a) Security guards are to be provided at the premises from 8pm at a minimum ratio of 1 security staff member to 100 patrons or part thereof.
- (b) Security personnel shall remain at the premises for at least 30 minutes after closing and shall assist in ensuring that patrons leave quietly.
- (c) All licensed security officers whilst employed at the premises are to wear clearly identifiable security attire at all times, with the word "SECURITY" clearly identifiable in bold print at least 100mm high, on the front and back.
- (d) When more than one security guard is on duty, security officers and management shall communicate by hand held radios at all times.

(17) INCIDENTS – RECORDING AND NOTIFICATION

The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

(18) 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, USB 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.

(19) QUEUING

No persons are to be permitted to drink or queue outside the premises at any time. Security officers are to ensure that there is no queue for the premises and take all reasonable steps to ensure compliance with this condition.

(20) 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.

(21) 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.

(22) GLASS CRUSHER

All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located inside the premises) prior to the removal of such waste from the premises.

(23) REMOVAL OF GLASS

Patrons must be prevented from removing glasses, opened cans, bottles or alcohol from the premises (except from any approved bottle shop area) or approved outdoor dining area included in the boundaries of the licensed premises.

(24) NEIGHBOURHOOD AMENITY

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

- (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.

SCHEDULE 1B

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

(25) COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report prepared by Renzo Tonin & Associates dated 22 June 2021, ref TL685-01F02 DA Acoustic Assessment (r4), titled "Bays 1 & 2, Locomotive Workshop South Eveleigh DA Acoustic Assessment", Council Ref 2021/373667 and as amended by the Acoustic Letter prepared by Renzo Tonin & Associates, dated 15 December 2021, must be implemented in the development prior to the commencement of its use.
- (b) Prior to the issue of any relevant Construction Certificate, the final construction drawings and final construction methodology must be assessed and reported to be in accordance with the requirements of the DA Acoustic Report in (a) above, with reference to relevant documentation. This must be done by a Suitably Qualified Acoustic Consultant* (see definition below). This work will be to the satisfaction of the accredited certifier.
- (c) Prior to the issue of any Occupation Certificate, a Suitably Qualified Acoustic Consultant* is to provide a written Acoustic Verification Report to the satisfaction of the Principal Certifier that the development complies with the requirements set out in the Report and in (a) and (b) above.

Note: *Suitably Qualified Acoustic Consultant* means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustical Society, Institution of Engineers Australia or the Association of Australian Acoustical Consultants at the grade of member firm.

- (d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

(26) NOISE - ENTERTAINMENT

- (a) The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.
- (b) The $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the background noise level ($L_{A90, 15 \text{ minute}}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.

- (c) Notwithstanding (a) above, the $L_{Aeq, 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:
- (i) The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
 - (ii) If the $L_{Z90, 15 \text{ minute}}$ background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the Tf curve in that octave band shall become that octave's $L_{Zeq 15 \text{ minute}}$ noise criteria level.
- (d) Notwithstanding (b) above, the $L_{A1 15 \text{ minute}}$ noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:
- (i) The existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,
 - (ii) If the $L_{Z90, 15 \text{ minute}}$ minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (L_p) of the Tf curve in that octave band shall become that octave's $L_{Z1 15 \text{ minute}}$ noise criteria level.

Note: L_{eq} , L_{01} , and L_{90} , metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal L_{A90} level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External L_{A90} levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.

(27) 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 \(NPfl\)](#) 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 NPfl 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 must 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.

(28) BCA COMPLIANCE - ALTERATIONS AND ADDITIONS - UPGRADE OF BUILDING IS REQUIRED

- (a) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation 2000, the whole of the building subject to this application (Bays 1 and 2 north) must comply with the *Building Code of Australia* (BCA) including:
- (i) Fire resistance and stability - Part C1;
 - (ii) Compartmentation and separation - Part C2;
 - (iii) Protection of openings - Part C3;
 - (iv) Provision for escape - Part D1;
 - (v) Construction of exits - Part D2;
 - (vi) Fire fighting equipment - Part E1;
 - (vi) Access for people with disabilities - Part D3;
 - (vii) Emergency lighting, exit signs and warning systems – Part E4.

Prior to a construction certificate being issued, the Certifying Authority must ensure that the proposed works and other upgrading works required by this condition satisfy the Building Code of Australia by complying with Clause A0.2 of the BCA.

(29) SANITARY FACILITIES

The premises must have access to sanitary facilities in accordance with the requirements of F2 of the *Building Code of Australia*.

(30) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

All proposed work must comply with the *Building Code of Australia* (BCA).

(31) ANNUAL FIRE SAFETY STATEMENT FORM

An annual Fire Safety Statement must be given to Council and Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued or the use commencing, whichever is earlier.

(32) COOLROOMS

Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *Building Code of Australia*, and:(a) The floor of the coolroom must be graded to the door and a floor trapped waste outlet must be located outside the coolroom as near as possible to the door opening.

- (b) All proposed shelving in the coolroom must be free-standing, constructed of galvanised steel angle section or other approved material with the lowest shelf at least 150mm clear of the floor.
- (c) The floor of the coolroom must be constructed of impermeable concrete or coated, topped or otherwise finished with an impervious material to a smooth even surface and coved at the intersections with the walls to a minimum radius of 25mm.
- (d) Must be fitted with a door that can be opened at all times from inside without a key.
- (e) An approved audible alarm device must be located outside the coolroom(s) but controllable only from within the coolroom(s) and must be able to achieve a sound pressure level outside the chamber or coolroom(s) of 90 dB(A) when measured 3 metres from a sounding device.

(33) FOOD PREMISES – ADDITIONAL MECHANICAL VENTILATION REQUIREMENTS

- (a) The cooking appliances require an approved air handling system designed in accordance with *AS1668.1 - The Use of Ventilation and Air-conditioning in Buildings – Fire and Smoke Control in Buildings* and *AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings – Mechanical Ventilation in Buildings*, and must incorporate the following:
 - (i) The discharge exhaust air must be directed in a vertical, or near vertical direction above the roof, and
 - (ii) The cooking appliances must not burn any charcoal, wood or other solid fuel.
- (b) Details of the proposed system must be submitted to and approved by Council's Health and Building Unit in writing prior to the issue of a Construction Certificate.

(34) FOOD PREMISES – DETAILED PLANS

- (a) Detailed and scaled plans of all kitchen, bar, food preparation, waste and storage areas, food handler toilets and all areas associated with the food business must be prepared in accordance with the *Australia New Zealand Food Standards Code – 3.2.3 – Food Premises and Equipment* under the *Food Act 2003* and *AS 4674 - Design, Construction and Fit-out of Food Premises*.
- (b) Prior to the issue of a Construction Certificate the plans required by (a) of this condition must be submitted to and approved in writing by the Accredited Certifier.

(35) GREASE AND LIQUID WASTE TRAPS

- (a) A grease trap as required by Sydney Water must be installed in accordance with the relevant Sydney Water requirements.
- (b) Prior to the issue of a Construction Certificate, plans and details are to be submitted to and approved by the Principal Certifier showing the following:
- (c) The grease trap is not located in any kitchen, food preparation or food storage areas;
 - (i) The grease trap is constructed and installed in a location which allows it to be easily and effectively cleaned and emptied; and
 - (ii) The grease trap is constructed and located as not to encourage the harbourage of pests and be effectively pest proofed.

Note: In-sink and in-floor waste bucket traps must be installed in all sinks and floor wastes in all commercial kitchens and food preparation areas. The installation of any grease traps and treatment equipment must be carried out by a suitably qualified and licensed plumber in accordance with the *Plumbing Code of Australia*.

(36) HOT WATER SERVICE

The capacity of the hot water service must ensure that a constant supply of hot water is provided to the premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices* and general requirements.

(37) NOTIFICATION OF CONDUCT OF FOOD BUSINESS

- (a) The use must not commence until the food business has notified Council with their food business details in accordance with the *Food Act 2003* and *The Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements, Clause 4*.

- (b) An Occupation Certificate must not be issued until such notification has been received by Council in accordance with Clause (a) of this condition.

Note: Registration forms are available on Council's website www.cityofsydney.nsw.gov.au.

(38) PERSONAL LOCKERS

Clothing lockers or change rooms for staff must be provided in the premises or a dedicated, separate and isolated space for personal items must be provided in a separate location to the food handling and storage areas, in accordance with *AS4674 - Design, Construction and Fit out of Food Premises*.

(39) TOILETS FOR FOOD HANDLERS

- (a) Adequate toilet facilities must be available for food handlers working for the food business. Toilets and associated facilities must be provided in accordance with *AS4674 – Design, Construction and Fit-out of Food Premises* and the *Australia New Zealand Food Standards Code, 3.2.3 - Food Premises and Equipment*.
- (b) Details of the location of toilets which are provided exclusively for the use of food handlers and staff working at the business must be submitted for the approval of the Accredited Certifier prior to the issue of a Construction Certificate.
- (c) The toilet(s) must be provided with a hand wash basin, with hot and cold running water mixed through a common spout, hand wash soap, hygienic hand drying facilities and hands-free taps.

(40) WASTE STORAGE AREA

- (a) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area. The waste storage area must be designed and constructed in accordance with *AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment* and comply with the *Council Policy for Waste Minimisation in New Developments*, and must be:
 - (i) Provided with a hose tap connected to the water supply.
 - (ii) Paved with impervious floor materials.
 - (iii) Coved at the intersection of the floor and walls.
 - (iv) Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water).

- (v) Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the *Protection of the Environment Operations Act 1997* or a nuisance.
- (vi) Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling.
- (vii) Appropriately managed to Council's satisfaction so that it does not attract pests or create litter.

Note: Fitted with appropriate interventions to meet fire safety standards in accordance with the *Building Code of Australia*.

- (b) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Accredited Certifier prior to the issue of the Construction Certificate and must be constructed in accordance with such plans and specifications prior to the issuance of any Occupation Certificate.

(41) CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* and AS 4674 – 2004 Design, Construction and Fit-out of Food Premises.

Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service on telephone 1300 65 46 46 or by visiting the website www.standards.com.au.

Copies of the Food Standards Code (Australia) may be obtained by contacting the Food Standards Australia and New Zealand Authority on telephone (02) 6271 2222, email info@foodstandards.gov.au or by visiting the website www.foodstandards.gov.au

(42) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL

- (a) A Waste and Recycling Management Plan is to be approved by the Accredited 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

- (b) Prior to any 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*.

SCHEDULE 1C

DURING CONSTRUCTION/PRIOR TO OCCUPATION/COMPLETION

(43) 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*.

(44) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with construction activity must be accommodated on site, where possible.
- (b) If, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- (c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of

the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

- (d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate application under Section 68 of the Local Government Act 1993 and Sections 138/139 of the Roads Act 1993 must be submitted to and approved by Council.

(45) NO OBSTRUCTION OF PUBLIC WAY

Unless otherwise approved by Council, the public way must not be obstructed by any materials, vehicles, waste receptacles, skip-bins or the like. Non-compliance with this requirement may result in the issue of a notice by Council to stop all work on the site.

(46) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to any Occupation Certificate being issued and/or commencement of the use, whichever is earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way, e.g. footpaths, roadways, plazas, reserves, at any time.

(47) 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.

(48) 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.

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 Heritage NSW are as follows:

1. APPROVED DEVELOPMENT

Development must be in accordance with:

- a) Architectural drawings, prepared by SGB Group as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: South Eveleigh Tavern			
SE-000	CONCEPT DESIGN INTRODUCTION	-	-
SE-001	LEGENDS AND GENERAL INSTRUCTIONS	-	-
SE-002	FINISHES SCHEDULE	-	-
SE-004	LIGHTING SCHEDULE	-	-
SE-100	LOCATION PLAN	25.05.21	B
SE-101	GENERAL ARRANGEMENT PLAN	25.05.21	F
SE-102	REFLECTED CEILING PLAN	25.05.21	B
SE-103	FLOOR FINISHES PLAN	25.05.21	B
SE-KT-GL-101	GENERAL ARRANGEMENT PLAN - KITCHEN GROUND LEVEL	25.05.21	D
SE-KT-GL-102	REFLECTED CEILING PLAN - KITCHEN GROUND LEVEL	25.05.21	B
SE-KT-GL-103	FLOOR FINISHES PLAN - KITCHEN GROUND LEVEL	25.05.21	B
SE-KT-GL-104	WALL FINISHES PLAN - KITCHEN GROUND LEVEL	26.07.21	D
SE-KT-IT-101	GENERAL ARRANGEMENT PLAN - KITCHEN INTERMEDIATE LEVEL	25.05.21	D
SE-KT-IT-102	REFLECTED CEILING PLAN - KITCHEN INTERMEDIATE LEVEL	25.05.21	B
SE-KT-IT-103	FLOOR FINISHES PLAN - KITCHEN INTERMEDIATE LEVEL	21.05.21	B
SE-KT-IT-104	WALL FINISHES PLAN - KITCHEN INTERMEDIATE LEVEL	25.05.21	B
SE-KT-L1-101	GENERAL ARRANGEMENT PLAN - KITCHEN LEVEL 1	25.05.21	D
SE-KT-L1-102	REFLECTED CEILING PLAN - KITCHEN LEVEL 1	25.05.21	B
SE-KT-L1-103	FLOOR FINISHES PLAN - KITCHEN LEVEL 1	25.05.21	B

SE-KT-L1-104	WALL FINISHES PLAN - KITCHEN LEVEL 1	25.05.21	B
SE-KT-201	SECTIONS - KITCHEN	26.07.21	D
SE-KT-202	ELEVATION - KITCHEN	26.07.21	D
SE-KT-203	ELEVATION - KITCHEN	26.07.21	D
SE-KT-204	SECTION - KITCHEN	26.07.21	B
SE-BR-101	GENERAL ARRANGEMENT PLAN - BAR	25.05.21	B
SE-BR-102	REFLECTED CEILING PLAN - BAR	26.07.21	D
SE-BR-103	FLOOR FINISHES PLAN - BAR	25.05.21	B
SE-BR-104	WALL FINISHES PLAN - BAR	26.07.21	D
SE-BR-201	SECTIONS AND ELEVATIONS - BAR	26.07.21	D

- b) *Heritage Impact Statement, South Eveleigh Tavern, Bays 1-2 North, Locomotive Workshops, prepared by Curio, 13 July 2021*

EXCEPT AS AMENDED by the following general terms of approval:

2. DETAILS TO BE SUBMITTED FOR APPROVAL

The following detailed design/information is to be submitted as part of the Section 60 application for approval by the Heritage Council of NSW (or Delegate):

- a) Details of final materials, finishes and colours proposed to be utilised
- b) Details of any signage proposed as part of the fitout works
- c) Details of the proposed industrial commercial fans including height to underside
- d) Clarification and identification of who will undertake the works to remove the crane beam section, and the proposed storage location of the element
- e) Confirmation that no physical barrier will be utilised to restrict public access to the interpretive elements.

Reason: Limited details of the above have been provided with the application. Further details are required to allow impacts to be adequately assessed, and to ensure impacts to significant fabric and spatial quality are minimised, that works are reversible, and that significant heritage fabric remains largely exposed and visible.

3. INTERPRETIVE ELEMENTS

The moveable heritage items located to the west of the proposed three-storey kitchen pod structure are to be relocated to a more visually accessible location. This

must be undertaken in consultation with the heritage consultant and referred to Heritage NSW for approval.

Reason: To allow for visual access and ease of navigation to all interpretive elements within the space.

4. INTERPRETIVE TOURS

A plan of management is to be provided outlining how access for tour groups, school groups etc will be facilitated, including during operating hours. This is to be prepared in consultation with the heritage consultant and submitted to Heritage NSW for approval.

Reason: To ensure the continued free public access for tour groups to the interpreted displays within the space.

5. HERITAGE CONSULTANT

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

6. SPECIALIST TRADESPERSONS

All work 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: To ensure that any demolition, construction, conservation and repair of significant fabric follows best heritage practice.

7. SITE PROTECTION

Significant built elements are to be protected (during site preparation, demolition, construction) from potential damage. Protection systems must ensure significant fabric is not damaged or removed.

Reason: To ensure significant fabric is protected during site preparation, demolition and construction.

8. COMPLIANCE

If requested, the Applicant and nominated Heritage Consultant may be required to participate in audits of Heritage Council approvals to confirm compliance with conditions of consent.

Reason: To ensure completion of the works in accordance with the approved plans and to improve the approvals process through a better understanding of the implementation of conditions of approval.

9. SECTION 60 APPLICATION

An application under section 60 of the Heritage Act 1977 must be submitted to and

approved by the Delegate of the Heritage Council of NSW prior to work commencing.

Reason: To comply with legislation

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, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

IMPORTANT ADDITIONAL INFORMATION

Advisory notes:

1. It is advised that the City of Sydney Neighbourhood Parking Policy may apply to this development. Eligibility for parking permits for residents or users of the development will be determined by the terms of this policy or subsequent future policies.

The Environmental Planning and Assessment Act 1979 requires you to:

1. Obtain a **Construction Certificate** prior to the commencement of any works. An application may be lodged with Council, or you may apply to a private accredited certifier for a Construction Certificate. An accredited certifier **must obtain Council's approval** to certain conditions of this development consent, where indicated before issuing the Construction Certificate.
2. ***It is compulsory to lodge digital copies of applications, including plans and documentation if lodging an application with Council. Please refer to Council's website for any further information about digital requirements and electronic files.***

Note: All applications must be lodged via the NSW Planning Portal.

3. Nominate a **Principal Certifier** which may be either Council or a registered certifier and notify Council of that appointment. You **cannot lawfully** commence works without complying with this requirement. Appointment must be made through the Planning Portal <https://www.planningportal.nsw.gov.au/>.
4. Give Council at least two days notice of your intention to commence the erection of a building **before** commencing construction works. You cannot lawfully commence works without complying with this requirement.
5. Obtain an **Occupation Certificate** before commencing occupation or commencing to use the building or on the completion of other works including the erection of a sign. You cannot lawfully commence occupation or the use of a building without complying with this requirement.

You may also need to:

6. Obtain approval through the lodgement of an application under Section 68 of the *Local Government Act 1993* and Section 138 of the *Roads Act 1993* for an activity which is proposed to be undertaken in, on or above a road reservation (including footways). Such activities include:
 - (a) installation of hoardings/scaffolding;
 - (b) installation and/or alterations to advertising/business signs and street awnings;
 - (c) crane operation and other hoisting activities;
 - (d) temporary works (e.g.: barricading, road openings, mobile hoisting devices);
 - (e) works zone (for loading and unloading from the roadway); and
 - (f) temporary ground anchoring and shoring to support a roadway when excavating.

Application forms are available on the City's website.

7. Lodge an **Application for Subdivision** to obtain a **Subdivision Certificate** if a land (including stratum) subdivision is proposed and an Application for Subdivision to obtain **Strata Title Subdivision** under the relevant Strata Titles Act, if strata title of the development is proposed.
8. Comply with the Food Act 2003, the Australia New Zealand Food Standards Code, Australian Standard 4674 – 2004, and register the business with Council if the premises is used for the manufacture, preparation, packing, storing, conveying or delivering of food or beverage for sale.
9. Contact Sydney Water regarding the water and sewerage services to this development. For further information go to www.sydneywater.com.au.
10. Carry out critical stage inspections in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000.