

# **Attachment A**

<b>Recommended Conditions of Consent</b>
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## SCHEDULE 1

### CONDITIONS OF CONSENT

#### PART A - GENERAL

##### (1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2022/1005 dated 27 September 2022 and the following drawings prepared by Studio Etic:

Drawing Number	Drawing Name	Date
DA A01	Proposed Demolition Plan (Rev.A)	9/12/2022
DA A02	Proposed Garbage Chute Plan (Rev.A)	9/12/2022
DA D02	Proposed Venue (Rev.A)	9/12/2022
DA D24	Proposed Dining – Landscaping Plan (Rev.A)	9/12/2022
DA D25	Proposed Kitchen – Landscape Plan (Rev.A)	9/12/2022
DA D26	Proposed Outdoor Bar – Landscaping Plan (Rev.A)	9/12/2022
DA E01	Proposed Elevations (Rev.A)	9/12/2022
DA P01	Planter Details (Rev.A)	9/12/2022
DA P02	Plants Schedule (Rev.A)	9/12/2022
DA X34	Outdoor Bar (Rev.A)	9/12/2022
DA X36	Outdoor Bar (Rev.A)	9/12/2022

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.

#### Reason

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

##### (2) SECTION 7.12 CONTRIBUTIONS PAYABLE – SUBMITTED AND VERIFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

A monetary contribution is payable to the City of Sydney pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Central Sydney Development Contributions Plan 2020*.

The Section 7.12 levy is determined by the development cost, as per the following table:

Development cost *	Levy
* Refer to Section 2.3 of the <i>Central Sydney Development Contributions Plan 2020</i> for information on determining the development cost.	

Up to and including \$250,000	NIL
More than \$250,000, up to and including \$500,000	1%
More than \$500,000, up to and including \$1,000,000	2%
More than \$1,000,000	3%

The Section 7.12 levy is payable to the City of Sydney in accordance with the following:

- (a) Prior to a Construction Certificate being issued, evidence must be provided to the Principal Certifier of Council's written verification of the amount of the contribution as required in (b) below, and that the levy has been paid to the Council in accordance with this condition. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney. Direct debit, personal or company cheques will not be accepted.
- (b) The contribution must not be paid to the City of Sydney until it is accompanied by separate written verification by the City of Sydney of the specific amount payable. In order to obtain such verification, one of the following must be submitted:
  - (i) **For development between \$250,000 and \$3,000,000** – the City of Sydney *Cost Summary Report* must be completed by a suitably qualified person such as the Project Architect or Project Manager and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Cost Summary Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au); or
  - (ii) **For development more than \$3,000,000** – The City of Sydney *Registered Quantity Surveyor's Detailed Cost Report* must be completed by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate an equivalent qualification and submitted to the City of Sydney together with the copies of the plans the subject of the application for the Construction Certificate. An electronic copy of the *Registered Quantity Surveyor's Detailed Cost Report* is available from the City's website at [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).
- (c) The Council will consider the documentation submitted under subclause (b) and determine the cost of the proposed development having regard to the information submitted and to such other matters as it considers appropriate and will notify the Accredited Certifier accordingly.

- (d) The development cost is to be determined in accordance with Section 2.3 of the Central Sydney Development Contributions Plan 2020, located in the version in force at the date of the grant of this consent.

Please contact Council's Planning Administration staff at [Planningsystemsadmin@cityofsydney.nsw.gov.au](mailto:Planningsystemsadmin@cityofsydney.nsw.gov.au) to request a written Statement of Contributions Owing, prior to payment.

**Reason**

To ensure development contributions are paid to address the increased demand for public facilities, amenities, and services in Central Sydney by a growing residential and workforce population.

**(3) WASTE AND RECYCLING MANAGEMENT - GENERAL**

The proposal must comply with the relevant provisions of Council's *Guidelines for Waste Management in New Developments 2018* which requires facilities to promote the efficient storage, separation, collection and handling of waste to maximise resources recovery.

**Reason**

To ensure that waste and recycling is appropriately managed.

**(4) NO CHARCOAL OR SOLID FUEL COOKING**

No charcoal or solid fuel cooking is approved as part of this application.

For the purpose of this condition solid fuel cooking should be defined as any solid material used as a fuel to produce energy and provide heating through combustion for the purpose of cooking. Solid fuels will include but are not limited to wood, charcoal, peat, coal etc.

**Reason**

To restrict the provision of charcoal or solid fuel cooking on the premises.

**(5) SIGNS - SEPARATE DA REQUIRED**

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

**Reason**

To require separate consent to be obtained for any additional signs.

**(6) NO ENCROACHMENT OVER PUBLIC ACCESS EASEMENT**

At no time shall the use of the outdoor terrace or the overall use of the tenancy encroach upon, restrict or impede the right of public access to the public art work located on the podium terrace. Public Access to the art work shall remain in

accordance with the terms of the right of public access easement registered on the site at all times.

**Reason**

To ensure access to the public art work is maintained at all times.

## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **(7) 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 section 3.3 of the DA Acoustic Report prepared by Arup, dated 16 September 2022, ref 222700 AC20 V2, titled Quay Quarter Tower Lobby Hospitality Use DA Report, Council Ref 2022/503282 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 join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (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.

#### **Reason**

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

### **(8) 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](http://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](mailto:info@foodstandards.gov.au) or by visiting the website [www.foodstandards.gov.au](http://www.foodstandards.gov.au)

### **Reason**

To ensure the construction, fitout and finishes of the food premises comply with relevant standards.

## **(9) SANITARY FACILITIES – FOOD PREMISES**

The sanitary facilities must be separated from all food handling areas via an airlock, self-closing door or mechanical ventilation in accordance with the provisions of the *National Construction Code (previously known as Building Code of Australia)*, Part F 3.1, 4.8 and 4.9.

### **Reason**

To ensure sanitary facilities comply with relevant standards to protect food handling areas.

## **(10) 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 *National Construction Code (previously known as 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.

**Reason**

To ensure the adequate storage and collection of waste from the food premises.

**(11) COOLROOMS**

Coolrooms, refrigerated chambers and strong-rooms must be constructed in accordance with G 1.2 of the *National Construction Code (previously known as 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.

**Reason**

To ensure coolrooms are constructed appropriately in accordance with relevant standards.

**(12) 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*.

**Reason**

To ensure grease and liquid waste traps are installed in accordance with relevant requirements.

**(13) ADDITIONAL REQUIREMENTS ON PLANS – SINKS AND HAND WASH BASINS**

Prior to the issue of Construction Certificate, amended scale plans confirming the position of all sinks and hand wash basins within the food premises must be submitted to and approved by Council's Health and Building Unit. The location and accessibility of sinks and hand wash basins must comply with the requirements of *AS4674 Design, Construction and Fit-out of Food Premises* and *Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment*.

**Reason**

To ensure sinks and hand wash basins comply with relevant standards.

**(14) MECHANICAL VENTILATION**

- (a) The premises must be ventilated in accordance with the *National Construction Code (previously known as Building Code of Australia)* and *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*.
- (b) Details of any mechanical ventilation and/or air conditioning system complying with *AS1668.1 and AS1668.2 - The Use of Ventilation and Air-conditioning in Buildings - Mechanical Ventilation in Buildings*, the *National Construction Code (previously known as Building Code of Australia)* and relevant Australian Standards must be prepared and certified in accordance with Clause A5.2(1)(e) of the *National Construction Code (previously known as Building Code of Australia)*, to the satisfaction of the Accredited Certifier prior to the issue of a Construction Certificate.
- (c) Prior to issue of any Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A5.2(1)(e) of the *National Construction Code (previously known as Building Code of Australia)*, must be submitted to the Principal Certifier.

**Reason**

To ensure the ventilation complies with relevant standards.

## **(15) WASTE AND RECYCLING MANAGEMENT - COMMERCIAL**

- (a) The Waste and Recycling Management Plan accompanying this Development Application has not been approved by this consent.
- (b) A Waste and Recycling Management Plan, which meets the requirements as set out in Council's *Guidelines for Waste Management in New Developments 2018*, is to be approved by the Principal Certifying Authority prior to a Construction Certificate being issued.
- (c) All requirements of the approved Waste and Recycling Management Plan must be implemented during construction and operation of the development and include:
  - (i) Dedicated space to be provided within the development for the storage and recycling of bulky waste, problem waste, strip out and food waste.
  - (ii) Collection points for waste and recycling must be wholly located within the boundary of the development.
  - (iii) The nominated waste and recycling storage areas must be constructed to meet the relevant conditions required by the City's *Guidelines for Waste Management in New Developments 2018*.
  - (iv) Provision and storage within the boundary of the development of waste and recycling receptacles and any bulky waste at all times.
  - (v) Commercial tenancies must have a commercial waste contract(s) in place prior to commencement of business trading.
  - (vi) The path of travel between the bin storage areas/bulky waste storage areas and the designated waste/recycling collection point is to have a minimum 1,200mm wall-to-wall clearance, be slip-proof, of a hard surface, be free of obstructions and at no point have a gradient exceeding 1:14. The use of a lift is permitted, but consideration should be given to the inclusion of a service lift in this instance.

Note: The building manager/strata title manager or body corporate is responsible for ensuring all tenants are kept informed regarding Council's policies, and best practice waste and recycling source separation.

### **UPON COMPLETION OF THE DEVELOPMENT**

- (d) 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*.

### **Reason**

To ensure that waste and recycling is appropriately managed.

**PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK**

**There are no conditions relevant to Part C.**

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **(16) 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 separate application being submitted to and approved by Council under Section 68 of the Local Government Act 1993 and Sections 138/139 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 Team, 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*.

#### **Reason**

To protect the amenity of the surrounding area.

### **(17) 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.

**Reason**

To protect the amenity of the public domain.

**(18) 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.

**Reason**

To protect the amenity of the public domain.

## **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **(19) WASTE AND RECYCLING COLLECTION CONTRACT**

Prior to any Occupation Certificate being issued, the building owner must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

#### **Reason**

To ensure that waste and recycling is appropriately managed.

### **(20) KITCHEN WASTE CHUTE ROOM**

The kitchen waste chute room must be constructed in accordance with Reference D Waste and Recycling Storage Area Construction as provided for in the Council's Guidelines for Waste Management in New Developments, which requires as a minimum:

- (a) floors to be finished with a rigid smooth impermeable surface;
- (b) floors graded and drained to a Sydney Water approved drainage fitting;
- (c) a door width to allow for the clearance of the nominated waste containers and no less than 900mm; and
- (d) the area should be provided with a water supply for cleaning.

### **(21) 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](http://www.cityofsydney.nsw.gov.au).

#### **Reason**

To ensure Council is notified of food business details.

## **PART F – OCCUPATION AND ONGOING USE**

### **(22) OCCUPATION CERTIFICATE TO BE SUBMITTED**

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

#### **Reason**

To ensure the site is authorised for occupation.

### **(23) HOURS OF OPERATION - SENSITIVE USES**

The hours of operation are regulated as follows:

- (a) The indoor hours of operation must be restricted to between 7:00am to 12 midnight, Mondays to Saturdays (inclusive) and 10:00am to 10:00pm Sundays.
- (b) The outdoor hours of operation must be restricted to between 10:00am to 10:00pm, Mondays to Sundays inclusive.
- (c) Notwithstanding (b) above, the outdoor terrace area may operate between 9.00am and 10.00am and between 10:00pm and 12 midnight, Monday to Saturday (inclusive) 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](mailto:liquor@cityofsydney.nsw.gov.au)
- (c) Should the operator seek to continue the extended operating hours outlined in (c) above, an application must be lodged with Council 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.

#### **Reason**

To ensure the premises operates within the approved hours of operation.

### **(24) MAXIMUM CAPACITY OF PERSONS**

- (a) The maximum number of persons permitted in the premises at any one time is as follows:
  - (i) Roof Terrace (Sitting) – 160 patrons
  - (ii) Internal patrons (Sitting) – 103 patrons
  - (iii) Balconies (Sitting) – 28 patrons

- (iv) Standing patrons (between areas) – 50 patrons
- (b) The capacity for each area (sitting, as specified) must not exceed the maximum numbers at any given time.
- (c) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above.
- (d) 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 Accredited Certifier prior to issue of a Construction Certificate and the Principal Certifier is to confirm compliance prior to the issue of an Occupation Certificate.

Note: Clause 73 of the *Environmental Planning and Assessment Regulation 2021* 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.

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

#### **(25) NO SPRUICKING NOISE**

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

##### **Reason**

To safeguard the amenity of the surrounding neighbourhood.

#### **(26) PLAN OF MANAGEMENT TO BE MODIFIED**

Prior to the issue of any Construction Certificate, Part 3.3 – Hours of Operation within the submitted Plan of Management must be amended to include the modified outdoor trading hours per Condition 23(b) HOURS OF OPERATION – SENSITIVE USES.



## **(27) PLAN OF MANAGEMENT**

The use must always be operated / managed in accordance with the Plan of Management, prepared by Urbis dated January 2023 that has been approved by Council (following the changes required under Condition 26 above). In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

### **Reason**

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

## **(28) SURVEILLANCE CAMERAS**

- (a) CCTV surveillance cameras must 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 must 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 must 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 must be capable of recording a minimum rate of 10 frames per second and at high resolution.
- (d) CCTV recording discs or hard drive recordings must be retained for 28 days before being re-used, destroyed or deleted. Time and date must be auto recorded on the disc or hard drive. The CCTV recording equipment must 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. Stored digital copies of CCTV recordings must be handed to Council, Police Officer or Special Inspectors as required.
- (e) All CCTV recording devices and cameras must be checked daily to ensure the equipment is operating correctly. The Licensee must 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 must 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 must 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.

**Reason**

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

**(29) 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 and the Security Management Plan must be kept on-site and made available to Police or Council Officers, or Special Investigator upon request.

**Reason**

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

**(30) 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.

**Reason**

To reduce waste generation within the public domain and to safeguard the amenity of the surrounding neighbourhood.

**(31) 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.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(32) 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 must 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.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(33) 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.

**Reason**

To safeguard the amenity of the surrounding neighbourhood.

**(34) SECURITY AND QUEUING – CATEGORY A LICENSED PREMISES**

- (a) Security guards are to be provided at the premises on Thursdays, Fridays and Saturdays from 5:00pm at a minimum ratio of 1 security staff member to 100 patrons or part thereof.
- (b) Security personnel must remain at the premises for at least 30 minutes after closing and must 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 must communicate by hand held radios at all times.

**Reason**

To ensure the safety and security of staff, patrons and the surrounding neighbourhood is adequately monitored and maintained.

**(35) CESSATION OF SERVICE**

The premises may be open for business only between the operating hours in Condition 22 above. The operator must cease providing alcohol at the premises 15 minutes before the required closing time.

**Reason**

To ensure the development operates within the approved hours of operation.

**(36) 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.

**Reason**

To safeguard the amenity of staff, patrons and the surrounding neighbourhood.

**(37) 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 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 premises.

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

**Reason**

To protect the acoustic amenity of surrounding properties.

**(38) NOISE – INSTALLATION, SETUP, TESTING AND CALIBRATION OF LIMITER/S, PRIOR TO AN OCCUPATION CERTIFICATE**

Prior to the issue of an Occupation Certificate, a Suitably Qualified Acoustic Consultant\* is to provide a Noise Limiter/s Verification Report to the written

satisfaction of the Principal certifying Authority that the development complies with the requirements set out as follows, and any relevant requirement in the COMPLIANCE WITH THE ACOUSTIC REPORT CONDITION PRIOR TO CONSTRUCTION AND/OR OCCUPATION CERTIFICATES condition:

- (a) All sound amplification equipment in the premises must be controlled by a Root Mean Square (RMS) noise limiter with an attack time constant not exceeding 0.5 seconds, release time constant not less than 1 second and a compression ratio equal of at least 20:1. The limiter shall be set by a suitably qualified acoustic consultant\* as per the manufacturer's specification. The consultant must ensure that resultant amplified sound complies with the Council's criteria for entertainment noise.
- (b) All Limiters and all post-limiter equipment including power amplifiers must be tamper proof and only operable by the acoustic consultant, a licensee and business owner who must keep a completed report on the premises.
- (c) This report must certify that limiter/s were installed, tested and calibrated so amplified noise will comply with the NOISE – ENTERTAINMENT Condition. The report will be prepared in accordance with and provide detail on the following requirements:
  - (i) An initial calibration of the operation of the limiter with the sound amplification equipment is to be undertaken. This assessment must include setting of the amplification system in addition to a documented overview of the system so that compliance is achieved with the noise criteria as referenced in parts (a) to (c) above.
  - (ii) Limiter settings and subsequent equipment must be benchmarked at the time of the above operational assessment. Pink noise and a swept sine wave signal must be fed into the amplification system and the level of the noise increased until the limiter operates continuously to comply with criteria. The  $L_{Aeq}$ ,  $L_{A1}$ ,  $L_{Ceq}$  and  $L_{C1}$  (1/1 octave bands - 31.5 Hz to 8 kHz centre frequencies) levels must be measured at suitable relevant reference location/s in the premises, with the premises empty other than essential staff. Correlating  $L_{Aeq}/L_{A1}$  and  $L_{Ceq}/L_{C1}$  measurements must be taken at identified nearby noise sensitive receivers during this process.
  - (iii) Music must then be played through the sound system(s) with the limiter(s) in continuous operation to verify the limiters work correctly and meet noise criteria at the locations detailed above.
  - (iv) The report will address the limiter installed within the premises (including but not limited to its brand, type specifications and location) including the noise control levels the limiter was set to (including a copy of the software configuration file for any digital signal processing device used). Furthermore, all post limiter equipment will be photographed, documented and catalogued in the report including location on a layout drawing.

Note: Suitably Qualified Acoustic Consultant means a consultant who possesses the qualifications to join the Australian Acoustical Society, Institution of Engineers Australia (grade of member) or the Association of Australasian Acoustical Consultants (grade of member firm).

**Reason**

To protect the acoustic amenity of surrounding properties.

**(39) NOISE – AMPLIFIED SOUND AND THE UPKEEP AND OPERATION OF LIMITER/S**

Following receipt of the report as per part (b) of the NOISE - INSTALLATION, SETUP, TESTING & CALIBRATION OF LIMITER/S, PRIOR TO AN OCCUPATION CERTIFICATE condition (and receipt of the relevant occupation certificate, the report is to be kept on the premises at all times, signed and dated by the licensee and business owner. From this point forward the licensee and business owner must ensure the following:

- (a) The limiter/s and sound amplification system must be maintained and not tampered with. That unauthorised modifications are not made which are contrary to the report. Repairs and replacements may be made to the system as necessary with any like component but must not be capable of increasing the permitted noise amplification levels outlined in the report.
- (b) That additional amplification equipment must not be brought onsite which if used could cause cumulative entertainment noise (including amplified sound) from the development to exceed controls in this consent. This does not apply to:
  - (i) Equipment that is only used when routed through and controlled by the limiter/s, i.e. the limiters and amplified sound system on the premises are capable of receiving and controlling that equipment, and
  - (ii) Such that use of the equipment must not cause amplified sound which exceeds the cumulative entertainment noise controls in this consent.

**Reason**

To protect the acoustic amenity of surrounding properties.

**(40) ENTERTAINMENT NOISE LIMITS - COMPLIANCE WITH ACOUSTIC MASTERPLAN**

The premises and this development must be controlled such that any Entertainment noise generated by its use will comply with the following parameters:

- (a) For the purpose of this condition, entertainment noise means:
  - (i) Conversational discourse noise generated by patrons that are associated with and or being served by or provided with hospitality by the premise, development any associated activity;
  - (ii) Music, amplified or otherwise being played within or associated with a business operation of the premise and this development, and
  - (iii) Otherwise, noise generated either directly or indirectly by the provision of any entertainment associated with the premise and this

development. "Entertainment" means an action or activity being provided in association with the premise or development for the purpose of providing amusement, enjoyment, broadcast, hospitality or other similar service.

- (b) For the purpose of this condition, the AMP Capital Quay Quarter Tower Food and drink premises – Acoustic Masterplan reference 222700-AC09\_02 Issue 3 dated 2 February 2021 is defined as per the area within the masterplan document encircled in the yellow dotted line on page B9 of the document (City of Sydney Ref:2023/034894). Where a noise measurement is conducted inside of the building envelope of an affected receiver, this is to be done with all operable elements of the building façade such as windows and doors closed and mechanical ventilation operating.
- (c) With regard to the introductory paragraph of this condition, "controlled" means that the premises, development and any associated activity is managed, and or operated, or maintained by any one or all of the following:- licensee, business owner, corporation, company or employee; such that without limitation or action breach of this condition would otherwise not occur.
- (d) Operation of the premise and this development must not cause or contribute to entertainment noise that exceeds any of the entertainment noise limits within the AMP Capital Quay Quarter Tower Food and drink premises – Acoustic Masterplan reference 222700-AC09\_02 Issue 3 dated 2 February 2021.

#### **(41) WASTE/RECYCLING COLLECTION - COMMERCIAL**

- (a) Waste storage and 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) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.
- (c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

#### **Reason**

To ensure that waste and recycling is appropriately managed.

#### **(42) ON SITE LOADING AREAS AND OPERATION**

All loading and unloading operations associated with servicing the site must be carried out within the confines of the site, at all times and must not obstruct other properties/units or the public way.

At all times the service vehicle docks, car parking spaces and access driveways must be kept clear of goods and must not be used for storage purposes, including garbage storage.

To maintain the orderly operation of vehicle parking areas and to ensure the public domain is kept free from physical obstructions.



## SCHEDULE 2

### PRESCRIBED CONDITIONS

The prescribed conditions in accordance with Division 8A of the *Environmental Planning and Assessment Regulation 2021* apply:

- Clause 69 Compliance with *National Construction Code (previously known as Building Code of Australia)* and insurance requirements under the *Home Building Act 1989*
- Clause 70 Erection of signs
- Clause 71 Notification of *Home Building Act 1989* requirements
- Clause 72 Conditions relating to entertainment venues
- Clause 73 Conditions relating to maximum capacity signage
- Clause 74 Conditions relating to shoring and adequacy of adjoining property

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