

Attachment A

| |
|--|
| Recommended Conditions of Consent |
|--|

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. D/2024/615 dated 31 July 2024 and the following drawings:

| Drawing Number | Drawing Name | Date |
|----------------|--------------|----------|
| unnumbered | Site Plan | May 2024 |

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

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

(2) APPROVED USE AS A COMMUNITY FACILITY

- (a) This consent is for the continued use of the property at 132-134 Shepherd Street Darlington as a community facility, as defined in the Sydney Local Environmental Plan 2012 and which is a building or place:

- (i) owned or controlled by a public authority or non-profit community organisation, and
- (ii) used for the physical, social, cultural or intellectual development or welfare of the community, and

- 1. which may include meetings, classes, workshops, recreational and cultural events, functions for senior citizens and for administrative, clerical, recreational, social and professional service provision such as podiatry care.

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Reason

To confirm the approved use of the property as a community facility.

(3) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*, which requires facilities to promote the safe and efficient storage, separation, collection and handling of waste to maximise resource recovery.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Intentionally left blank.

BEFORE BUILDING WORK COMMENCES

Intentionally left blank.

DURING BUILDING WORK

Intentionally left blank.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

(4) BICYCLE PARKING AND END OF TRIP FACILITIES

- (a) The minimum number of bicycle parking spaces and end of trip facilities to be provided within the site boundary for the development must comply with the table below.

| Bicycle Parking Type | Number | Requirements |
|---------------------------|--------|--------------------------------------|
| Non-residential visitor | 3 | Spaces must be Class 3 bicycle rails |
| End of Trip Facility Type | Number | |
| Personal lockers | 3 | |

All bicycle parking spaces and end of trip facility must be provided on private land. The public domain cannot be used to satisfy this condition.

- (b) The layout, design and security of bicycle facilities must comply with the minimum requirements of Australian Standard AS 2890.3 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Registered Certifier confirming prior to issue of the Occupation Certificate being issued.

Reason

To ensure the allocation of bicycle parking onsite that is in accordance with Australian Standards and the Council's DCP.

(5) PLAN OF MANAGEMENT

- (a) The Plan of Management dated 8 October 2024 must be amended:
- (i) to be consistent with the conditions of this consent D/2024/615, including those pertaining to hours of operation and waste management and collection;
 - (ii) to implement noise reduction measures recommended in the acoustic report titled Operational Noise Emission Assessment, reference: 6498R001.LM.240905, dated 5 September 2024, prepared by Acoustic Dynamics that require:
 - 1. an acoustic engineer to be engaged to calibrate any speakers that are installed; and
 - 2. for air-conditioning equipment to be serviced regularly to maintain low levels of mechanical services noise;
 - (iii) the amended Plan of Management must be submitted to and approved by Council's Area Planning Coordinator / Manager prior to commencement of the use or issue of an Occupation Certificate whichever is the earlier.

- (b) The use must always be operated / managed in accordance with the Plan of Management, approved in accordance with the process specified at (a) 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.

OCCUPATION AND ONGOING USE

(6) 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 the building.

Reason

To ensure the site is authorised for occupation.

(7) HOURS OF OPERATION - SENSITIVE USES

The hours of operation are regulated as follows:

Indoors hours of operation

- (a) The hours of operation of the indoor areas of the premise must be restricted to between 7.00am and 10.00pm, Monday to Sunday.

Outdoors hours of operation

- (b) The hours of operation of the outdoor areas of the premise must be restricted to between 7.00am and 8.00pm, Monday to Sunday.
- (c) Notwithstanding (b) above, the outdoors use may operate between 8.00pm and 10.00pm 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
- (d) 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 and any views expressed by the Police.

Reason

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

(8) COPIES OF CONSENTS AND MANAGEMENT PLANS

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

Reason

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

(9) VIBRATION

Operation of the use is not to result in the transmission of any perceptible vibration to an occupiable area within a separate premises.

Reason

To protect the amenity of surrounding properties.

(10) NOISE - ENTERTAINMENT

- (a) The LAeq, 15 minute noise level from the use must not exceed the background noise level (LA90, 15minute) 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 LAeq, 15 minute noise level from the use must not exceed the background noise level (LA90, 15 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 LAeq, 15 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 LA90, 15 minute (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,
 - (ii) If the LZ90, 15 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 (Lp) of the Tf curve in that octave band shall become that octave's LZeq 15 minute noise criteria level.
- (d) Notwithstanding (b) above, the LA1 15 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 LA90, 15 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 LZ90, 15 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 (Lp) of the Tf curve in that octave band shall become that octave's LZ1 15 minute noise criteria level.

Note: Leq, L01, and L90, metrics and 'A' (weightings) are as per the definitions in the standard AS105520148. 'Z' means unweighted noise. An internal LA90 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 LA90 levels for planning must be established as per the longterm methodology in Fact Sheet B of the NPfl unless otherwise agreed by the City's Area Planning Manager.

Reason

To protect the acoustic amenity of surrounding properties.

(11) 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 longterm 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 LAeq,15 minute (noise level) emitted from the development must not exceed the LA90, 15 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 NPfl 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.

(12) SCHEDULED WASTE COLLECTIONS

- (a) Waste collection arrangement(s) are to be conducted in accordance with the approved Operational Waste Management Plan, Council's *Guidelines for Waste Management in New Developments*, the City of Sydney's DCP, the developments Conditions of Consent and Local Approvals Policy for *Managing Waste in Public Places*.

- (b) The collection of waste and recycling stream(s) is to only occur during designated zone collection times outlined within the Local Approvals Policy for *Managing Waste in Public Places* to minimise impacts to residential amenity, as follows:
 - (i) The property owner or tenant must contract waste collection to occur between 6.00am and 10.00pm Monday to Friday and between 8.00am and 10.00pm Saturday and Sunday and on public holidays to minimise impacts on residential amenity.
- (d) Waste and recycling stream(s) bins must not be placed on the street for collection. The waste contractor must wheel the bins from the waste storage area of the property to the waste collection vehicle upon arrival and return them to the waste storage area following collection. Unimpeded access must be provided to the waste and recycling storage area(s) at all times.

Reason

To minimise the impacts on amenity and safety caused by the presentation and collection of commercial waste.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

Intentionally left blank.

DURING DEMOLITION WORK

Intentionally left blank.

ON COMPLETION OF DEMOLITION WORK

Intentionally left blank.

CHANGE OF USE

ONGOING USE

Intentionally left blank.