



NSW GOVERNMENT

Department of Planning

16 April 2009

Melissa Watson
Bavarian Hospitality Group
12-18 Argyle Street
The Rocks 2000

Notice of Determination of a Development Application

Issued under the *Environmental Planning and Assessment Act 1979*
Section 81(1)(a)

Reference No. S09/00610-1

Development Application Number DA 047-04-2009

Development Application

Name of Applicant Bavarian Hospitality Group

Address of Applicant 12-18 Argyle Street
The Rocks 2000

Address of land to be developed 12-18 Argyle Street, The Rocks

Proposed Development Installation of a Foxtel satellite dish to the rooftop
walkway

Determination Date 16 April 2009

Determination Approval

Details of conditions See attached schedule

Note:

- (1) This notice should be read in conjunction with the approved plans endorsed by the Sydney Harbour Foreshore Authority as delegate of the Minister.
- (2) This consent becomes effective from the endorsed determination date.
- (3) If you are dissatisfied with this decision, you may appeal to the Land and Environment Court pursuant to Section 97 of the Act within 12 months after the date of receipt of this Notice.
- (4) The consent will lapse 2 years after the date of the effective consent date, unless a specific condition of the consent stipulates a lesser period or the consent is subject to a "deferred commencement" consent, or the use has commenced or any building works have been physically commenced.
- (5) Section 125 of the Act confers the authority to direct and person to comply with the terms and conditions of any consent and any person failing to comply with such a direction shall be guilty of an offence under the Act.
- (6) The applicant or any other person entitled to act on this consent may apply to modify the consent in accordance with Section 96 of the Act.
- (7) Additional advisory notes regarding this consent maybe attached to the Notice of determination.

Other approvals

Approval granted by NSW Heritage Council.

Approval granted by the Heritage Council of NSW under Section 63 of the *NSW Heritage Act* on 7 April 2009 forms part of this development consent.

Right of appeal

If you are dissatisfied with this decision, section 97 of the *Environmental Planning and Assessment Act, 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice

Section 97 of the *Environmental Planning and Assessment Act, 1979* does not apply to the determination of a development application for designated development that has been the subject of a Commission of Inquiry

Further information

If you have any queries regarding this matter, please contact Brad Vale on 9228 6472.

Signed

Development consent has been granted under delegated authority from the Minister for Planning under the *Environmental Planning and Assessment Act 1979*.



Shayne Watson
Planning Assessment Manager
Delegate for Minister for Planning

Sydney 16 April 2008

SCHEDULE

ADDRESS: 12-18 Argyle Street, The Rocks

DA NUMBER: DA 047-04-2009

FILE NUMBER: S09/00610-1

DESCRIPTION OF DEVELOPMENT: Installation of a Foxtel satellite dish to the rooftop.

A APPROVED DEVELOPMENT

- A1 The development shall be generally in accordance with development application number DA 047-04-2009 submitted by the applicant on 8 April 2009 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Sketch Plans and photographs prepared by Bavarian Hospitality and stamped by SHFA with owner's consent on 23 March 2009:			
Drawing No.	Revision/ Issue	Name of Plan	Date
	-	Figure 1 Photograph	-
	-	Figure 2 Aerial Photograph	-
	-	Drawing 110-AR-1006	-
Heritage Impact Statement and Statement of Environmental Effects by Paul Davies Pty Ltd dated 4 February 2009			

Except as amended by the following conditions:

- A2 No new changes or fixtures other than those shown on the stamped plans are to be installed without prior approval from the Sydney Harbour Foreshore Authority; and
- A3 The installation is to be located as indicated in the photograph 'Figure 1' stamped by SHFA with owner's consent on 23 March 2009 of the supporting information, not the location shown in 'Figure 2' or plan No. 110-AR-1006.

B HERITAGE CONDITIONS

Section 60 Permit Conditions

- B1 This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period of consent specified in the relevant development consent granted under the *Environmental Planning and Assessment Act, 1979*, whichever occurs first.
- B2 The fixing is to be located as indicated in the photograph 'Figure 1' stamped by SHFA with owner's consent on 23 March 2009 of the supporting information, not the location shown in 'Figure 2' or plan No. 110-AR-1006;

- B3 The new satellite dish is to be installed as low as possible, the top of the new dish no higher than the top of the adjoining duct; and
- B4 No new penetrations through roofs or wall are to be made without the prior approval of the Heritage Architect, Sydney Harbour Foreshore Authority.

C CONDITIONS TO BE MET DURING DEMOLITION AND/OR CONSTRUCTION WORK

- C1 The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development may only be carried out between the hours of:
 - 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive;
 - 7.00 a.m. and 3.00 p.m. on Saturdays, inclusive; and
 - no work may be carried out on Sundays or public holidays.
 - (b) Building work which involves high noise outputs (such as jack hammering, grinding, repetitive manual hammering, electric planing, masonry drilling or circular sawing) shall not be undertaken in the hours of 12 noon – 2:00 pm.
 - (c) Work may be undertaken outside these hours only where:
 - the delivery of materials is required outside these hours by the Police or other authorities, or
 - works are required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm, or
 - written approval is obtained from the Planning Assessment Manager of the Sydney Harbour Foreshore Authority prior to carrying out the work and residents likely to be affected are notified of the timing, nature and duration of the work at least 48 hours prior to commencement.
- C2 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 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".
- C3 Noise and vibration emissions from equipment and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents or businesses and the relevant provisions of the *Protection of the Environment Operations Act, 1997* must be satisfied at all times.
- C4 All proposed structures are to be structurally sound and erected in accordance with manufacturer's specifications and/or advice from a suitably qualified engineer, to meet relevant requirements of the BCA, Codes of Practice, and applicable Australian Standards.
- C5 The public domain must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

- C6 To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant WorkCover requirements.
- C7 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Sydney Harbour Foreshore Authority or Council.
- C8 The cost of repairing any damage caused to any Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, is be met in full by the applicant/developer.

The reasons for the imposition of the above conditions are:

- To confirm the details of the application and plans submitted by the applicant, and to ensure that the structure is not altered without approval.
- To comply with the provisions of the *Environmental Planning and Assessment Act, 1979* and the *Environmental Planning and Assessment Regulation, 2000*.
- To ensure compliance with relevant planning controls.
- To ensure that the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.
- To ensure that appropriate environmental protection measures are in place to control dust, noise and vibration impacts.
- To protect the amenity of the local environment, residents and adjoining landowners.
- To ensure that finishes are compatible with the existing building and surrounding buildings to create or maintain a high quality environment.
- To maintain and enhance the heritage significance of the building and its setting.

