



NSW GOVERNMENT
Department of Planning

14 May 2009

Hugo Suen Tin Tam
T&W Holdings Pty Ltd
Shop 2, Level 1
1 Dixon Street
Sydney NSW 2000

Notice of Modification of Development Consent

Issued under Section 80(1) (a) of the *Environmental Planning and Assessment Act 1979*, pursuant to Section 96(2).

Reference No.	09/00237
Modification Application Number	MOD 82-07-07(1)
Development Application Number	DA 82-07-07

Application Details

Name of Applicant T&W Holdings Pty Ltd

Address of Applicant Shop 2, Level 1
1 Dixon Street
Sydney NSW 2000

Address of land to be developed Shop 2, Level 1
1 Dixon Street
Sydney NSW 2000

Proposed Development Extension of the hours of operation for a trial period

Determination Date 14 May 2009

Other approvals

Nil

Right of appeal

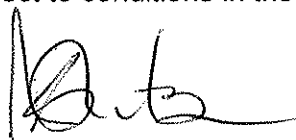
If you are dissatisfied with this decision, section 96(6) of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court.

Further information

If you have any queries regarding this matter, please contact Stacy Warren on 9228 6332.

Signed

I, Planning Assessment Manager, as delegate of the Minister for Planning pursuant to Section 96 (2) of the *Environmental Planning and Assessment Act 1979*, being satisfied that the development to which the modified determination consent will relate is of minimal environmental impact and substantially the same development, modify the consent DA 82-07-07 subject to conditions in the attached schedule.



Shayne Watson
Planning Assessment Manager
Government Land/ Crown DAs

Sydney 14 May /2009

SCHEDULE

ADDRESS: Shop 2, Level 1, 1 Dixon Street, Darling Harbour

MODIFICATION NUMBER: DA 02-07-07 (1)

DA CONSENT NUMBER: DA 02-07-07

FILE NUMBER: S09/00237

DESCRIPTION OF MODIFICATION APPROVED: Extension of the hours of operation for a trial period.

The application to modify the above development consent has been approved by the Planning Assessment Manager under delegation from the Minister for Planning under the *Environmental Planning and Assessment Act 1979*, as follows:

- Condition E1 is amended by allowing an extension to the hours of operation for a trial period, as follows:
 - midnight to 2.00 am, Thursdays, Fridays and Saturdays for a 2 year trial period
 - 2.00 am to 4.00 am, Thursdays, Fridays and Saturdays for a 1 year trial period
 - midnight to 2.00 am, Sundays, Mondays, Tuesdays and Wednesdays for a 1 year trial period

The modified development consent conditions are attached with additional wording shown in **bold and italics** with deletions shown ~~struck through~~.

All other conditions remain as previously approved.

CONDITIONS OF CONSENT
DA 82-07-07
SHOP 2, LEVEL 1, 1 DIXON STREET, DARLING HARBOUR

[As amended by MOD 82-07-07 (1) on 14 May 2009]

A APPROVED DEVELOPMENT

- A1 The development shall be generally in accordance with development application number DA 082-07-07 submitted by the applicant on 4 July 2007 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural Drawings prepared by Arten Atelier Design & Construct			
Drawing No.	Revision/ Issue	Name of Plan	Date
DA000	A	Cover Sheet	July 2007
DA002	A	Site Plan	July 2007
DA100	A	Exist Layout Plan	July 2007
DA102	A	Proposed Layout Plan	July 2007
DA103	A	Proposed Reflective Ceiling Plan	July 2007
DA104	A	Typical Karaoke Room Details	July 2007
DA105	A	Snack Preparation Area Details	July 2007
DA107	A	Entry Lobby and Waiting Area Details	July 2007
DA201	A	Section A-A	July 2007
DA301	A	Elevations - Lobby	July 2007
Statement of Environmental Effects prepared by Arten Atelier Design & Construct dated July 2007.			

Statement of Environmental Effects prepared by Kass-Hermes Urban Planning + Development dated February 2009

[As amended by MOD 82-07-07 (1) on 14 May 2009]

Except as amended by the following conditions:

- A2 All building works shall be constructed in accordance with safe work practices and complying with the relevant Australian Standards, Codes of Practice and the Building Code of Australia.
- A3 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.
- A4 The Licensee is encouraged to join and adopt the principles of the local Liquor Licensing Accord (contact Safe City on 9265 9172 for information or www.cityofsydney.nsw.gov.au)

- A5 A maximum number of 300 persons is permitted to be in the premises at any one time, unless a lesser number is specified in the Place of Public Entertainment approval (PoPE) issued by City of Sydney Council.
- A6 A separate development application for any signage must be submitted for approval by the Foreshore Authority prior to the erection or display of any such signs.
- A7 Each individual room is to have a window placed in the respective doors. The glass window is to remain clear at all times for the purpose of supervision.
- A8 No alcohol is to be brought onto the premises. A liquor licence must be obtained before alcohol can be consumed on the premises and this alcohol must be purchased from within the premises.

B CONDITIONS TO BE MET PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- B1 The stamped drawings must now be lodged with a Principal Certifying Authority (PCA) (Minister for Planning via the Department of Planning, City of Sydney Council, or a private certifier) for a Construction Certificate. The applicant must supply the Sydney Harbour Foreshore Authority with a copy of the Construction Certificate within 2 days from the date of its issue. As owner of the subject land, Sydney Harbour Foreshore Authority gives landowner's consent for the lodgement of the Construction Certificate application.

B2 Structural Details

Prior to the issue of a construction certificate for the relevant works, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- a) the relevant clauses of the Building Code of Australia,
- b) the relevant development consent,
- c) drawings and specifications comprising the Construction Certificate; and
- d) the relevant Australian Standards listed in the BCA (Specification A1.3).

B3 Mechanical Ventilation

All mechanical ventilation systems shall be installed in accordance with Part F4.5 of the Building Code of Australia and shall comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building, to ensure adequate levels of health and amenity to the occupants of the building and to ensure environment protection. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for new building work.

B4 *Design of Food premises*

The fitout of the food premises shall be carried out in accordance with "The National Code for the Construction and Fitout of Food Premises", all relevant Australian Standards and the provisions of the BCA. Details of compliance with the relevant provisions shall be prepared by a suitably qualified person and submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

B5 Accessibility

Access and facilities for people with disabilities shall be provided in accordance with AS1428 – “Design for Access and Mobility” where required by the BCA, and the City of Sydney Access Policy December 1992. Prior to the issue of a Construction Certificate for new building work, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B6 Water Conservation

Water saving devices, shall be installed in all areas of the development to reduce water consumption and promote energy efficiency. Details are to be submitted with the application for a construction certificate.

B7 Waste Removal

The applicant shall enter into a commercial contract for the collection of trade waste. A copy of the agreement shall be lodged at the City of Sydney’s One Stop Shop for referral to the relevant City of Sydney officer, prior to the issue of a Construction Certificate.

B8 All recommendations contained in the acoustic reports File No.2848 dated June 2007 titled “Recommendations” from the “RSA Acoustics-Acoustics Consultant” must be included as part of the works to be covered by the construction certificate for the internal fit out of the karaoke rooms.

B9 To discourage illegal activity and in the event of an emergency, the doors of the toilets used by patrons of the karaoke venue must not extend from the floor to the ceiling. Details are to be provided with the application for a construction certificate.

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

C1 Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Planning Assessment Manager. The Plan shall address, but not be limited to, the following matters where relevant:

- (1) hours of work,
- (2) contact details of site manager,
- (3) traffic management (including management of loading and unloading of materials associated with the fit out and management of vehicular and pedestrian movements / routes),
- (4) noise management,
- (5) waste management, and dust control.

The Applicant shall submit a copy of the approved plan to the Sydney Harbour Foreshore Authority’s Planning Assessment Team

C2 The applicant/contractor must make payment of the levy, or the first instalment of the levy, pursuant to the Building and Construction Industry Long Service Payments Act 1986, prior to the commencement of the proposed building works.

C3 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 must only be carried out between the hours of:

- 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive; and
- 7.00 a.m. and 3.00 p.m. on Saturdays, inclusive; and
- no work must be carried out on Sundays or public holidays.

(b) 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.

C4 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".

C5 Control of noise & vibration during construction

Noise and vibration control measures shall be implemented to ensure that the work does not cause an unreasonable noise and vibration nuisance to surrounding premises, the public or the local environment. Such measures shall include:

(a) As far as practicable, measures shall be taken to reduce any adverse impacts from intrusive noise-generating activity; and

(b) No significant noise generating work is to be undertaken from 12noon – 1:30pm;

C6 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.

C7 The applicant, or another party acting upon the consent, shall meet and comply with the relevant, WorkCover Authority requirements and Occupational Health and Safety and Construction Safety Regulations during excavation and construction of the development.

C8 No materials, equipment or waste associated with the work shall be permitted to stand on the public domain unless approval in writing is provided by the Sydney Harbour Foreshore Authority. No vehicles associated with the development shall be permitted to stand on the public domain unless approved in writing by the NSW Police and other agencies if required.

C9 All proposed structures and fittings 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 and applicable Australian Standards.

C10 That building operations such as brick cutting, washing tools or paint brushes, and mixing mortar shall not be performed on the public foot way or any other locations which could lead to the discharge of materials into Council's stormwater drainage system.

C11 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, Council or the PCA.

C12 Public access to surrounding tenancies

Safe and reasonably convenient public access shall be maintained to nearby retail tenancies during trading hours throughout the works period. Adequate signposting shall be provided in the street to ensure that customers and service/delivery people are aware of the access provided. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances without the approval of the Sydney Harbour Foreshore Authority.

D CONDITIONS TO BE MET PRIOR TO THE OCCUPATION OF THE BUILDING

D1 Prior to the commencement of occupation or use of the whole or any part of the building, an Occupation Certificate must be obtained from the Principal Certifying Authority (PCA) and a copy submitted to Council and the Sydney Harbour Foreshore Authority in accordance with the Environmental Planning and Assessment Regulation 2000.

D2 A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the Foreshore Authority and Council by the PCA.

D3 Mechanical Ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the applicant shall provide evidence to the satisfaction of the PCA, prior to the issue of the Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- a) The Building Code of Australia;
- b) Australian Standard AS1668 and other relevant codes;
- c) The development consent and any relevant modifications; and,
- d) Any dispensation granted by the New South Wales Fire Brigade.

D4 Prior to issue of an Occupation Certificate, Council's Health & Building Compliance Unit (Health Section) shall be notified in writing that the premises will be used for the preparation, manufacture or storage of food for sale. The premises will be registered on Council's Food Premises Database.

Food Premises Registration

Prior to the commencement of food handling operations, the proprietor of the food premises shall notify and register the food premises with the NSW Health Department at www.foodnotify.nsw.gov.au prior to the opening of the premises.

D5 Place of Public Entertainment

- a) An entertainment application together with detailed floor plans, shall be lodged to the City of Sydney Council in order to obtain entertainment authorisation pursuant to section 68 Chapter 7 of the Local Government Act, 1993.
- b) The entertainment shall not be conducted until all the required works are completed and an approval under the Local Government Act 1993 to conduct public entertainment to these areas has been issued. The entertainment capacity shall be calculated in accordance with parts D and F of the BCA and the final proposed

seating layout floor plans shall be submitted to Council together with the entertainment application for capacity assessment.

D6 Certification of Waste Facilities

Prior to issue of the Occupation Certificate it is required that certification be provided that the Waste facilities have been provided in accordance with the approved plans and to the satisfaction of Sydney City Council. This certification is to be acknowledged by the City of Sydney Council and is to be submitted to the Planning Assessment Manager.

D7 Prior to commencement of the use the applicant must ensure that there is a contract either with City of Sydney Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

D8 Plan of Management

The use must always be operated/managed in accordance with the endorsed Security and Management Plan. This plan is to be submitted for the approval of the Planning Assessment Manager of the Sydney Harbour Foreshore Authority. The plan is to include the following provisions.

a) Security

(i) Security Guards are to be provided as follows:

- On Thursday, Friday, Saturday and Sunday (where Monday **IS** a public holiday) when the premises is trading, **two (2)** licensed uniformed security personnel are to be employed from **8.00pm** until 30 minutes after closing or until the last person has left the premises.
- On Sunday (where Monday is **NOT** a public holiday) Monday, Tuesday and Wednesday when the premises is trading, **one (1)** uniformed licensed security officer is to be employed at the main entrance/exit of the premises after **8.00pm**. This security officer is to remain at the entry/exit point until 30 minutes after closing or until the last patron has left the premises.
- Where the number of patrons exceeds 100 per security guard a further security guard is required.

(ii) Whenever security is deployed they are to engage in the following manner;

- Continually patrol the area in the **vicinity** of the premises to ensure that patrons of the premises do not loiter in the area or cause nuisance or annoyance to the neighbourhood.

*The **vicinity** of the premises is defined as; all public areas within the shopping complex of 1 Dixon Street, and within 15 metres north and south of the entries/exits onto Harbour and Dixon Street.*

- Operate a hand held metal detector and scan all persons entering the premises.
- Have direct contact with the duty manager via portable radio or mobile phone.
- All security personnel must be in the possession of a current security licence
- Security personnel will be uniformed so as to be clearly identifiable
- Security personnel will be required to conduct themselves in accordance with the industry code of practise
- Security personnel will be required to note details of any significant incidents occurring within the premises or immediately outside the premises
- Security personnel will assist in monitoring the occupancy levels
- The reasonable service of alcohol guidelines will be a criteria for admitting, refusing to admit customers and the removal of customers who are intoxicated.

- Security personnel will remove any patron who exhibits unacceptable and/or anti-social behaviour
- Whilst final patrols are being conducted security personnel will collect any rubbish immediately outside the premises which may be associated with the premises.
- Security personnel and management will be required to cooperate with the Police and Council at all times.
- Security personnel are to regularly inspect all public toilets within the premises

b) Crowd Control

(i) Staff and security will be aware of the maximum number of patrols allowed in the premises at any one time.

c) Complaint Resolution

(i) Management will keep a complaint/incident register in which is noted any significant incident or complaint made by the Police, Council, surrounding business owners, or residents and will endeavour to fully address any reasonable concerns of such persons.

- D9 Signage is to be displayed within the main foyer of the premise, clearly visible to patrons advising them to leave the area quickly and quietly and not to cause any disturbance to neighbours. Details of the sign are to be agreed with the Planning Assessment Manager.
- D10 For licensed premises, in addition to the sign showing the licensee's name, there must be affixed alongside, details of the maximum number of persons permitted in the premises, in letters not less than 25mm, displayed at the main front entrance of the premises. The overall size of both signs must not exceed 600mm in height or width in total.
- D11 Noise limiters
- (a) All amplification equipment used in the premises is to be controlled by a root mean square (RMS) noise limiter, calibrated by an acoustic engineer. The equipment must be tamper proof and only operable by the management/licensee or their nominee.
 - (b) The noise limiter is to be calibrated in accordance with the manufacturer's specification or on an as-needs basis with certification that the equipment is correctly calibrated being kept on the premises and made available to Council officers upon request.
- D12 Prior to an Occupation Certificate being issued, Council's Environmental Health Unit must be notified that the premises is being used for the preparation, manufacture or storage of food for sale so that the premises can be registered on Council's food premises database.
- D13 Prior to the commencement of food handling operations, the food business must notify the NSW Food Authority of the following information including:
- (a) Contact details for the food business, including the name and address of the business and the proprietor of the business.
 - (b) The nature of the food business.
- D14 Signage must be place on all exit doors from the venue and exit doors from Dixon One. The wording of the signage shall read "IF YOU WISH TO SMOKE PLEASE DO NOT DO

SO WITHIN 15 METRES OF THE MAIN ENTRANCES/EXITS OF THIS BUILDING" or words to that effect.

- D15 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 to be met in full by the applicant/developer to the satisfaction of the Foreshore Authority prior to reinstatement of the site.
- D16 The area surrounding the building work being reinstated to the Authority's satisfaction upon completion of the work.

E CONDITIONS TO BE MET DURING THE OPERATION OF THE CONSENT

E1 Hours of Operation

The hours of operation are regulated as follows:

(a) The hours of operation must be restricted to between 11am and 12 midnight Monday to Sundays.

(b) Notwithstanding (a) above, the use may operate:

(i). between 12 midnight and 2.00 am the following days Thursdays to Saturdays for a trial period of ~~12 months~~ **24 months from the date of approval of the Occupation Certificate until 14 May 2011**

(ii). between 2.00 am and 4.00 am, Thursdays, Friday and Saturdays for a trial period until 14 May 2010

(iii). between midnight to 2.00 am, Sundays, Mondays, Tuesday and Wednesdays for a trial period until 14 May 2010

[As amended by MOD 82-07-07 (1) on 14 May 2009]

(c) A further application may be lodged to continue the trading hours outlined in (b) above 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.

- E2 A full and current copy of the development consent for the operation of the licensed premises, the security management plan and the Place of Public Entertainment approval under section 68 of the Local Government Act must be kept on site and made available to Police and Council Officers upon request.

E3 Noise - Use

The use of the premises including music and other activities, and the operation of any mechanical equipment must not give rise to any one or more of the following:

- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dba at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 am the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) During the period 12 midnight to 7.00 am the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

E4 Noise from entertainment

- (a) The entrance door must be kept shut at all times to limit noise, except where required for direct ingress/egress.
- (b) Should any complaint/s be received by Council or the Foreshore Authority from adjacent or nearby internal/external premises, if deemed necessary by Council or the Foreshore Authority subsequent noise attention works shall be carried out so as to enable the use of the premises to operate within the confines of the "Protection of the Environment Operations Act 1997" at all times.

E5 Should complaints or breaches of noise regulations occur, the Sydney Harbour Foreshore Authority may employ a suitably qualified acoustic engineer to measure noise emanating from the property and to recommend appropriate action. The cost of such appointment and associated work shall be borne by the licensee, who shall also ensure the recommendations of the acoustic consultant are implemented.

E6 No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject property.

E7 Waste management

Waste management measures shall be implemented to ensure that waste is minimised and effectively managed. Such measures shall include:

- (a) Waste storage area/s are to be identified and all waste is to be confined to that area/s;

Waste is to be regularly removed to prevent unsightly, unhealthy or unsafe conditions;

E8 WASTE AND RECYCLING COLLECTION

- (a) The collection of waste and recycling must only occur between 7.00am and 8.00pm weekdays and 9.00am and 5.00pm weekends and public holidays, to avoid noise disruption to the surrounding area.

- (b) Garbage and recycling must not be placed on the street for collection more than half an hour before the scheduled collection time. Bins and containers are to be removed from the street within half an hour of collection.

- E9 Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied/transferred within the premises and removed in containers.
- E10 Signage shall be displayed at each entry/exit point, the reception area and inside each karaoke room of the premise indicating "NO ALCOHOL IS TO BE BROUGHT ONTO THE PREMISES BY PATRONS, LIQUOR MAY ONLY BE SOLD OR SUPPLIED BY WAITER SERVICE TO PATRONS LOCATED INSIDE KARAOKE ROOMS" or words to that effect. The wording of this sign shall not be less than 50mm high in clear bold print.
- E11 The sale and supply of liquor shall cease at least 30 minutes before closing time
- E12 All liquor shall be opened by staff and no liquor shall be sold or supplied under the licence in unopened cans or bottles
- E13 Liquor shall only be sold or supplied with ancillary Karaoke performance and shall not be brought onto the site by patrons at any time.
- E14 Liquor is only to be consumed by patrons within the karaoke rooms and is not to be removed from the premises.
- E15 Rooms to which alcohol is being supplied are to be regularly supervised to ensure the Liquor Act is strictly complied with.
- E16 The premise shall publicly display in the reception area a notice board indicating clearly the owner or manager on duty with a photograph not less than 100mm square with their name not less than 10mm high in bold print underneath. Above the photograph should be the words 'Duty Manager' not less than 20mm high. As the duty managers change, the notice board must be changed and kept up to date at all times.
- E17 All staff will be uniformed so as to be clearly identifiable.
- E18 Patrons may only enter/exit the premises via the main entrance doors on level 1, 1 Dixon Street. No patron is to be ejected/escorted from the premises except via this entrance.
- E19 The owner or duty managers shall ensure that the behaviour of patrons entering and leaving the premise does not detrimentally affect the amenity of the neighbourhood. The owner or duty manager shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner.
- E20 Signage is to be displayed within the main foyer of the premise, clearly visible to patrons advising them to leave the area quickly and quietly and not to cause any disturbance to neighbours. Details of the sign are to be agreed with the planning assessment manager
- E21 CCTV
- CCTV surveillance cameras shall be strategically installed, operated and maintained throughout the premises with particular coverage to:
- The principal entrance/s and exits
 - All karaoke rooms
 - All other areas within the premise occupied by the public (excluding toilets) and

- The area within the immediate radius or 15m radius external to the public entrance/s to the premises.

The owner is to consult with police as to the adequacy of the camera coverage.

The CCTV system is to be managed and maintained as follows:

- All CCTV recording equipment and cameras shall be of a high grade digital quality capable of establishing the population and identification of patrons, and within the depth of field view of cameras. This recording equipment is to record incidents in real time.
- All CCTV recording devices and cameras shall be operated during all trading hours of the premises.
- Lighting within the premises must meet all requirements according to relevant standards however this lighting shall not impede the quality of the premises CCTV recordings.
- All CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The owner shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Police and Council.
- CCTV recording equipment video tapes, discs and or hard drive recordings shall be retained for 30 days before being re-used, destroyed or deleted.
- The CCTV recording device shall be secured within the premises and only be accessible to the owner and duty managers so as to maintain the integrity of the recorded footage.
- The CCTV recording equipment shall be immediately available for viewing upon request of Police or Council. The CCTV recording equipment shall be able to immediately reproduce a VHS video tape or CD copy of recorded footage upon demand, including the appropriate software to view such footage, and produce to Police or Council within 12 hours of the request being made.
- A quality visual monitor shall be installed at the principle entrance and on each level of the premise to display clear live security CCTV footage of these areas, to the attending patrons.
- Suitable and clearly visible signage shall be displayed at the principal entrance(s) to the premise, in lettering not less than 50mm in height with the words "Closed Circuit Television in use on these premises".
- All CCTV recording devices and cameras shall be maintained by a registered security surveillance company, so as to maintain the visual quality of the recorded footage for the life of the equipment. A registered security company is defined as company in possession of a current security license and which installs and maintains CCTV security equipment as part of their principal activities. A copy of the maintenance agreement/contract shall be furnished to council prior to commencement of operation of the premise.

E22 An incident register is to be kept on the premises and any incident involving any staff members (including Security) and

- The physical contact; and/or

b) physical restraint; and/or
c) the ejection of a member of the public from; and/or
d) when a patron or staff member (including security) is injured as a result of an assault must be recorded in this register and must include the full names of the staff involved. The recording of these incidents are to be completed by the owner/duty manager. This register is to be made available to Police, Council or Special Inspectors.

- E23 The owner or duty managers (whoever is in charge of the premises at the time) has 15 minutes to have all patrons removed from the licensed premises, after the approved hours of operation have finished.
- E24 No amusement machines, pinball machines or other similar electronic or mechanical gaming machines shall be located within the licensed area of the premises.
- E25 The owner/manager of the site must be responsible for the removal of all graffiti from the building within 48 hours of its application.
- E26 Cigarette Receptacles
Provision must be made on the site, adjoining to the entrances of the premises, for an adequate number of receptacles for the disposal of cigarette butts. The receptacles must be entirely located on public property and not obstruct any means of egress or path of travel for any persons. The emptying and maintenance of the receptacles is the responsibility of the building owner or operator of the premises, and should be carried out on a daily basis.
- E27 Annual Fire Safety Certification
The owner of the building shall certify to Council every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

PRESCRIBED CONDITIONS

- P1 Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
- a) the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, a contract of insurance is required to be in force before any building work authorised to be carried out by the consent commences.
- P2 Erection of signs
- 1. A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and

- c) stating that unauthorised entry to the work site is prohibited.
2. Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained in accordance with clause 227A of the Environmental Planning and Assessment Regulations 2000. A maximum penalty of \$1,100 applies for failing to comply with this condition.

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 the demolition, excavation and building works are carried out within the required standards, with minimal impact to the locality.
- To protect the amenity of the local environment, residents and adjoining landowners.
- To enable validation of maintenance of fire safety measures.
- To ensure premises are managed effectively

Advisory Notes regarding DA082-07-07

- AN1 This determination Notice operates or becomes effective from the endorsed date of consent.
- AN2 If you are dissatisfied with this decision, you may appeal to the Land and Environmental Court pursuant to Section 97 of the Act within 12 months after the date of receipt of this Notice.
- AN3 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.
- AN4 This consent will lapse 2 years from the endorsed date of consent unless either the use has commenced or any building works have physically commenced.
- AN5 That the applicant or any person entitled to act on this consent may apply to modify this development consent in accordance with Section 96 of the Act.