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PROPOSED CONDITIONS OF CONSENT

DA 52-03-05(2)

Doltone House: Jones Bay Wharf, 26-28 Pirrama Road, Pyrmont

“Abbreviations and Definitions: *In this determination and any ancillary documents,, the following terms have the meanings set out below:*

<i>“a person with guest control duties”</i>	<i>a concierge, a security person or an usher</i>
<i>“BMC”</i>	<i>the Building Management Committee appointed by the owners’ corporation of SP69951 to manage Jones Bay Wharf</i>
<i>“concierge”</i>	<i>a security person specifically trained to deal appropriately and discreetly with guests both inside and outside the premises and to manage others with similar tasks</i>
<i>“Council”</i>	<i>Council of the City of Sydney</i>
<i>“DHJBW”</i>	<i>Doltone House Jones Bay Wharf, the business operated in the premises, and any successor in that role</i>
<i>“event”</i>	<i>any event, function or the like hosted by DHJBW in the premises pursuant to this consent</i>
<i>“guest”</i>	<i>any person attending an event hosted by DHJBW in the premises. The term excludes staff, entertainers and security persons.</i>
<i>“NSMP”</i>	<i>Noise and Security Management Plan</i>
<i>“patron”</i>	<i>guest</i>
<i>“security person”</i>	<i>a person who, as a minimum, holds a Class 1C licence issued under the Security Industry Act and a certificate on the Responsible Service of Alcohol.</i>
<i>“SHFA”</i>	<i>Sydney Harbour Foreshore Authority</i>
<i>“the business”</i>	<i>a business use (as defined in the former SREP No. 26) viz restaurant / function / private dining with ancillary restaurant,(ie the use approved by DA52-03-05)</i>
<i>“the premises”</i>	<i>Lot 19, SP69951; Lot 54, SP70641; and that part of the common property of SP69951 known as “The Heritage Museum”</i>
<i>“the Upper Deck”</i>	<i>that part of the premises which is in the open air</i>

“usher”	<i>an employee (either full-time or permanent part-time) of DHJBW who holds a certificate on the Responsible Service of Alcohol and who has received relevant instructions on his or her duties from the venue manager of DHJBW</i>
“venue manager”	<i>a person appointed by the licensee whose duties include being responsible for the conduct of guests and/or staff of DHJBW and who shall hold a certificate on the Responsible Service of Alcohol and a Class 1C licence or better under the Security Industry Act.</i>
VMP	<i>Venue Management Plan.”</i>

A APPROVED DEVELOPMENT

- A1 The development shall be generally in accordance with development application number DA 52-03-05 submitted by the applicant on 11 February 2005 and generally in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural Drawings prepared by		
Drawing No.	Name of Plan	Date
1515/DA/01	Location Plan, Loading Area Plan, S19 and S20 Plan	Feb-05
1515/DA02	Upper Deck Plan, Loft Plan, Section	Feb-05
Statement of Environmental Effects prepared by Design Collaborative Pty Ltd. and dated April 2005 –as modified by the Statement of Environmental Effects prepared by Highgate Management Pty Ltd and dated April 2013.		
Plan of Management (037901.2P) prepared by Design Collaborative Pty Ltd and dated April 2005.		
Venue Management Plan (119771 14VMP) prepared by Highgate Management Pty Ltd and dated March 2013.		
Noise Impact Assessment and Noise Management Plan prepared by Renzo Tonin & Associates Pty Ltd. and dated 29 April 2004.		
Noise and Security Management Plan prepared by Highgate Management Pty Ltd and, dated March 2013		
Report on Traffic and Parking Implications prepared by Masson Wilson Twiney and dated April 2005.		

Except as amended by the following conditions:

- A2 The maximum number of patrons (excluding staff, employees and security personnel) permitted on the premises, inclusive of all functions, private dining and restaurant areas, at any one time shall not exceed 580 persons.
- A3 No event or function shall be conducted on the premises at which tickets to gain entry are sold at Jones Bay Wharf, or any other location, while the event is in progress or shortly before it commences.

A4 The premise shall not be used for the purpose of concerts or dance parties or similar activities where the principal reasons for attending is the provision of that entertainment.

A5 [As deleted by MOD 52-03-05(1) on 19 February 2007]

A6 Except as otherwise required by the conditions of this consent, any new signage for the premises is only to be erected in accordance with the Jones Bay Signage Strategy approved under DA 14-01-2003 issued by the Department of Infrastructure, Planning and Natural Resources on 13 January 2005.

B CONDITIONS TO BE MET DURING THE OPERATION OF THE CONSENT

B1 Hours of Operation

(a) Functions shall be restricted to the following hours:

Monday to Thursday 7.30am to 11.30pm;
Friday and Saturday 7.30am to midnight; and
Sunday 9:00am to 11:00pm, except where the following Monday is a public holiday where the closing time may be until 11:30pm

Note: These hours are subject to the requirements of condition B6 of this consent

(b). Notwithstanding (a) above, functions may be extended until 2am on New Year's Day.

B2 ~~The applicant is to maintain written records of bookings for all events and functions to be held at the premises and the anticipated number of patrons expected at each event. The applicant shall provide to the consent authority and the City of Sydney Council a schedule of all such events and functions including the type of event (either corporate function or private celebration / gathering including weddings) as well as the expected start and finish times. This schedule shall be provided at no less than monthly intervals, and any schedule already provided is to be updated at any time when an event of more than 100 persons is added to or amended.~~

~~Further to the regular reporting. A written, detailed report is to be provided by the security manager required by this consent in response to any complaint received on the telephone complaint hotline and where it is requested by the consent authority and the City of Sydney Council as a consequence of representations made to them by complainants~~

B3 The applicant is to maintain accurate written records of all events and functions held at the premises and the number of patrons and security staff in attendance at each event, and the number of patrons dining at the premises. These records shall be kept at the premises and are to be available to be inspected by authorised

representatives or officers of the consent authority, Council, OLGR or the NSW Police. **The applicant shall provide to the consent authority and the City of Sydney Council a copy of these written records at the end of each month.**

- B4- ~~The applicant shall prepare and implement a Noise Management Plan to control noise emissions from the premises and from and minimise that generated from associated patrons attending the site. The Plan shall be prepared and submitted to the Planning Assessment Manager for approval and must form part of an overall management plan for the premises, including security.~~

~~The Noise Management Plan shall include, but not be limited to, the following:~~

- ~~• A complaint management system, including the appointment of a security manager who is to manage a 24 hour complaint hotline, where events exceed 100 patrons after 6.00pm. Where complaints are received to this hotline, the security manager is to undertake appropriate investigations and provide to the consent authority and the City of Sydney Council a written report into the nature of the complaint and future measures to be employed to ensure the incident is not repeated.~~
- ~~• A documented noise response action procedure which to provide varying controls / mitigation measures dependant on the type of function held.~~
- ~~• Nominated security staff and a list of their appropriate functions consistent with the requirements of the conditions of this consent.~~
- ~~• Detailed techniques for the control of patron noise (including controlling patron behaviour and movements of patrons where noise is likely to be generated, such as the efficient departure from the site.)~~
- ~~• The security manager undertaking regular consultation with surrounding residents so as to keep residents informed about the use of the site as well as responding to minor concerns in a proactive manner, rather than reactive.~~
- ~~• Limiting the type of functions held onsite to those which minimise the likelihood of noise generating events which would have an adverse impact upon adjoining residents.~~
- ~~• ☐ Security employed to patrol the site shall be licensed security guards proficient in the management of crowds in sensitive situations and are to be fully versed in their role of ameliorating noise issues associated with the use of the site.~~

~~In the event of noise complaints from residents, the applicant shall conduct sufficient investigations, including any necessary noise surveys and changes to operation procedures that ensures that the ongoing, long term compliance with this consent is achievable. The investigation shall be conducted to the satisfaction of the Planning Assessment Manager.~~

B4 Protection of amenity

- i. DHJBW shall – as far as is reasonably possible – in its use of the premises, comply with the provisions of the PoM and the NSMP approved as part of this consent and annexed to it;**
- ii. a. A person (or persons) shall be appointed as a “venue manager” to be responsible for ensuring that the conduct of guests and/or staff in, and in the vicinity of, the premises is managed in accordance with the VMP and the NSMP in order to reduce – as far as is reasonably possible – any adverse impact on the locality;**

b. On any day when an event is hosted (or to be hosted) in the premises which is scheduled to end after 6pm, the venue manager shall be on duty from 5pm and shall remain on duty until 60 minutes after the scheduled end of the event;

c. The venue manager shall consult regularly with nearby residents and will supply them with a telephone number which can be contacted if anyone wishes to make a complaint about the conduct of the premises or its patrons. Any calls made to that telephone number between 6pm and 1am on any day shall be received by the venue manager;

d. The venue manager shall investigate and respond to any complaint received, irrespective of when it is received;

e. The venue manager shall have the authority to take appropriate action to address the cause of any complaint received, if that is deemed to be reasonably necessary or possible;

f. The venue manager shall advise, promptly, the complainant of the actions taken as a result of the complaint; and

g. The venue manager shall maintain the register referred to in iii) below, ensuring that entries are legible and that it is kept up-to-date; and
- iii. A register – to be known as the incidents register – shall be kept at the premises in which all complaints receive are noted. That register shall record the time, date and nature of the complaint, the identity and contact details of the complainant (where these are made available), the action taken in response to the complaint and the time and date when the complainant was advised of that action;**
- iv. The complaints register shall be available for inspection at any time, by any Police officer or other authorised person; and**
- v. In the event that the applicant considers it necessary or desirable to amend either the VMP or the NSMP in order to reduce any perceived**

adverse impacts the development may have on the locality, identified as a result of a complaint, it may do so after obtaining approval for any such amendment from a relevant responsible officer of the consent authority.

- B4A A series of high resolution CCTV cameras to work where low levels of light are present, shall be installed outside the front of the premises and is to capture the general area outside the front of the premises. The number of cameras will be dependant on the style chosen, however the camera system provided is to capture images along the entire frontage of the site as well as a reasonable view of those which it adjoins and span across Pirrama Road. This system is to record events outside the site, with tapes to be retained for ~~14~~**21** days after the date of capture. These tapes, unedited are to be provided to the consent authority or the City of Sydney Council upon request. The cost of the system including installation and maintenance is to be borne by the operators of the site. The location of these cameras is to be established in consultation with the Foreshore Authority.
- B5 [As deleted by MOD 52-03-05(1) on 19 February 2007]
- B6 At least 30 minutes prior to the relevant ‘closing’ period specified in Condition B1 above, all bars within the premises are to close; all performances, entertainment and any other music is to cease at this time; and all patrons are to be encouraged by staff to leave the premises no later that the specified closing times.
- B7 Any outdoor dining on the upper deck area located on the eastern side of Wharf 19 is strictly to be limited to the area north of gridline 7 as shown on the approved plans, and shall be limited to a maximum of 100 persons at any time.
- B8 Access to the remaining upper outer deck area located on the eastern side of Wharf 19 is strictly limited to access to the premises by patrons arriving prior to 8.00 pm on any day. The outdoor deck may also be used by patrons for the purpose of smoking, provided that an adequate number of receptacles for the disposal of cigarette butts are provided on the deck area and these are to be regularly maintained and emptied daily by the building owner/manager.
- B9 The playing of acoustic or recorded music is not permitted at any time on any outdoor area of Jones Bay Wharf including walkways, gantry areas and any area of the upper deck, except that entertainment for guests arriving at the premises may be provided, subject to any music being acoustic and non-amplified performances with a maximum of 3 musicians, which is to cease by 8.00 pm.
- B10 No fire works are allowed to be fired from the premises, or in conjunction with any function held at the premises any at any time.

~~B11—Security Management~~

- ~~(a) At any time the premises are open for trade and the total number of patrons on the premises (excluding the licensed restaurant) is anticipated~~

~~to be 100 persons or greater, a minimum of two security personnel are to be present on the premises from 6:00 pm until 30 minutes after closing time, with one person assigned to patrol and to minimise noise along Pirrama Road in front of Jones Bay Wharf.~~

- (b) ~~In addition to the requirement in a) above, for any event (or events) where the total number of patrons on the premises exceeds 150 persons additional security personnel are to be present are as follows:~~

~~Corporate events~~

~~151 to 250 patrons 3 personnel;~~

~~251 to 351 patrons 4 personnel;~~

~~351 to 450 patrons 5 personnel; and~~

~~451 to 580 patrons 6 personnel;~~

~~Private celebrations (Weddings, Birthdays, Christmas parties and similar functions)~~

~~151 to 250 patrons 4 personnel;~~

~~251 to 351 patrons 5 personnel;~~

~~351 to 450 patrons 6 personnel; and~~

~~451 to 580 patrons 7 personnel~~

~~The records required by Condition B3 shall accurately detail the number of patrons on site and the number of security provided.~~

- (c) ~~Security personnel are to use their reasonable endeavours to undertake the following tasks:~~

- ~~• Instruct staff, patrons and guests not to park unlawfully in Pirrama Road or any public road, footpaths or in any private driveways and not to double park in or otherwise obstruct Pirrama Road;~~
- ~~• Instruct staff, patrons and guests to minimise the sounding of vehicle horns and the causing of other offensive traffic noise (including shouting to persons in vehicles) when arriving and departing from events at Doltone House. It shall be conveyed by appropriate signage that such behaviour is being captured in CCTV.~~
- ~~• Direct any vehicles (including buses) dropping off guests and staff not to idle in or otherwise occupy or obstruct Pirrama Road. Once passengers have disembarked all vehicles are to be turned off or waived on;~~
- ~~• Instruct and ensure that staff, patrons and guests not to loiter at the Pirrama Road entranceway to Jones Bay Wharf;~~
- ~~• Instruct Doltone House staff, patrons and guests not to shout yell, or otherwise cause offensive noise when they are present on the walkways and gantry areas outside Doltone House or at the entranceway to Jones Bay Wharf.~~

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- ~~Prevent patrons removing glasses, opened cans, bottles or alcohol from the premises.~~
 - ~~Prevent patrons from using the external metal staircase from the upper deck level to Pirrama Road to leave the premises.~~
 - ~~Where buses are utilised to service this site, at the time of departure, guests / patrons are to be held inside Doltone House and escorted to waiting buses in metered amounts so as to minimise the number of patrons out the front of the premises.~~
 - ~~Ensure that taxis do not congregate around the site at closing time waiting to pick up passengers. Ensure that patrons leave the site in the most efficient manner and where large events are undertaken stagger patrons departures over the hour leading up to closing time (with this being enforced where event numbers exceed 300 persons).~~
 - ~~Briefing the security manager in relation to any incident that occurs, where it is likely that a complaint from adjoining residents would be forthcoming.~~

B11 Management of guests and staff:

- a. The venue manager may appoint a concierge to train, assign, control and supervise all persons with guest control duties;
- b. Any concierge so appointed shall be on duty from 5.30pm until, at least, 60 minutes after the time of the scheduled ending of the last event being hosted in the premises;
- c. If the total number of guests attending events in the premises after 6pm on any day lies between 201 and 350, one (1) security person (in addition to the concierge) shall be on duty at the premises from 6pm until, at least, 30 minutes after the time of the scheduled ending of the last event being held in the premises. If the total number of guests lies between 350 and 500, two (2) security persons (in addition to the concierge) shall be on duty for that period and, if the total number of guests exceeds 500, three (3) security persons (in addition to the concierge) shall be on duty for that period;
- d. In addition to the concierge and security persons, the venue manager or the concierge (if delegated to do so) shall arrange for ushers to be on duty in accordance with the provisions of the NSMP;
- e. The duties and distributions of persons with guest control duties at positions in and around the premises when guests are leaving shall, generally, be as set out in the NSMP approved as part of this consent; and
- f. All persons with guest control duties must report any incident likely to disturb or to have disturbed the amenity of residents living near the Wharf (whether or not it involved a guest or guests of DHJBW),

to the venue manager before they cease work at DHJBW that day (or night) and the venue manager shall record any such incidents in the incident register to be kept by DHJBW.

B12 Signs shall be placed in clearly visible positions within the premises adjacent to exit points requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. Any new fixed signs on the exterior of the premises are to be subject to condition A6 of this consent.

B13 For any event or events held at the premises with a finishing time after 9:00 pm on any day, and where the total numbers of patrons on site exceed 100 persons for corporate, fundraising or similar events, and 200 persons for private celebrations (eg weddings, anniversary parties etc), the management of the premises shall supply a 'shuttle bus service' from the premises to The Star Casino cab ranks. ~~The vehicles shall collect all patrons from the central roadway area and the provision of this service is to continue until 30 minutes after closing time.~~

That service may collect guests from designated collection points on the central laneways of either the upper or lower levels of Jones Bay Wharf or on Pirrama Road. That service is to continue to be available to patrons until 30 minutes after the scheduled end of the events or until all guests wishing to use that service have been transported from the vicinity of the premises. Notwithstanding this condition all patrons are to be off the premises by the nominated closing time in Condition B1.

B14 All advertising of the premises in printed media or otherwise, and all tickets and invitations to events held at the premises shall refer to the limited public parking for vehicles in the area, with a view to encouraging persons to utilise available public transport options and the shuttle buses to be supplied by applicant.

B15 The doors leading from the premises of Doltone House to the outside of Jones Bay Wharf shall be kept closed at all times that a system of sound amplification is operated within the premises, except insofar as necessary to allow patrons and staff to exit the premises.

B16 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 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. 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.

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- c. An outdoor sound pressure level at the boundary of any affected residence greater than 5dB above the L90 background level.
 - 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.

B17 No delivery of any goods is to occur outside of the hours of 7:30 am — 6:00 pm **6:00 am – 11.30 pm Monday to Thursday, 6:00am – midnight Friday and Saturday**, and 9.00 am – 5.00 pm **8.00 pm** Sunday and public holidays.

~~B18 All vehicles servicing the operation of the function centre shall use the loading facilities provided within the existing building. Under no circumstances shall vehicles servicing the site use the public domain area for loading and unloading.~~

B18 All vehicles servicing the operation of the function centre shall unload from within the confines of the Jones Bay Wharf complex; under no circumstances shall vehicles servicing the site use the public domain area for loading and unloading. For the sake of clarity the public domain is to include (but not be confined to) Pirrama Road, Bayview Street, Mill Street, Point Street, and the wharf apron (other than in connection with Condition B24).

B19 The storage and handling of garbage associated with the premises must comply with the requirements of the “Code for Waste Handling in Buildings, adopted 17 October 1994”. All refuse collection or loading operations, including the movement of garbage receptacles must take place on a level surface remote from gradients, ramps and steps. No waste shall be placed for collection in a public place eg. footpaths, roadways, reserves, under any circumstances.

~~B20 The licensee/operator shall enter and maintain a commercial contract for the collection of trade waste arising from the premises.~~

B20 In the absence of an arrangement or legal right to use the central waste facility provided by the owners’ corporation under the relevant strata plan for Jones Bay Wharf, the licensee/operator shall enter and maintain a commercial contract for the collection of trade waste arising from the premises

~~B21 The removal of waste or recyclables from the premises shall only occur between 7:30 am and 6:00 pm Monday to Saturday.~~

B21 The removal of waste or recyclables by any contractor specifically engaged by DHJBW from the premises shall only occur between 7:30 am and 6:00 pm Monday to Saturday.

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- B22 All glass bottle and other glass waste is to be reduced to glass shards (by way of a glass crusher located within the premises) prior to the removal of such waste from the premises.
- B23 In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath, gutter, building entry and immediate surrounds associated with the premises are kept clean and clear of litter at all times.
- B24 Use of the facility shall not cause any **undue** impediments to the surrounding public recreation areas on the foreshore access area. The applicant shall ensure that the public domain is maintained clear of any obstructions by materials, refuse, or vehicles associated with the premises, in any way whatsoever, even of a temporary nature.

This condition does not prevent DHJBW using that part of the common property on the lower level (or Level 1) under Strata Plan No. 69951 lying south-west of the line of the north-eastern boundary of Development Lot 22 in that Strata Plan for temporary display of not more than three motor vehicles or motor bikes or boats in conjunction with an event being held at the premises provided that

- i. approval for any such display is obtained from the BMC;**
 - ii. the vehicles are placed to avoid obstructing the easement for public access applying to that part of the common property; and**
 - iii. their presence does not obstruct public access to, or emergency vehicles or vehicles servicing boats at Wharves 19 or 20 from reaching, the balance of the Wharf."**
- B25 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.
- B26 Notwithstanding any other provision of this consent, guests leaving the premises after 8pm on any day shall be prevented from using the metal stair to Pirrama Road until such time as appropriate measures have been undertaken to muffle noise from their use, a report, prepared by an independent acoustical engineer, has been submitted to the Department of Planning and Infrastructure and it has notified the applicant – in writing – that it is satisfied from the report that guests may leave by the stair at any time.**

22 August 2013