



NSW GOVERNMENT
Department of Planning

20 May 2009

Jackson Wong
Mandarin Club Limited
1 Dixon St
DARLING HARBOUR NSW 2000

Contact: Cameron Sargent
Phone: 02 9228 6418
Fax: 02 9228 6488
Email: cameron.sargent@planning.nsw.gov.au
Our ref: DA 063-04-2009
Notice of Determination

Notice of Determination of a Development Application

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

Reference No. S09/00792

**Development Application
Number** DA 063-04-2009

Development Application

Name of Applicant Jackson Wong, Mandarin Club Limited

Address of Applicant 1 Dixon St
DARLING HARBOUR NSW 2000

Address of land to be developed 1 Dixon St
DARLING HARBOUR NSW 2000

Proposed Development Installation of retractable awnings in outdoor seating area

Determination Date 20 May 2009

Determination Approval

Details of conditions **See attached schedule**

Note:

- (1) This notice should be read in conjunction with the approved plans endorsed as part of this determination.
- (2) This consent becomes effective from the endorsed determination date.
- (3) The consent will lapse 5 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.
- (4) Section 125 of the Act confers the authority to direct any 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.
- (5) 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.
- (6) Additional advisory notes regarding this consent maybe attached to the Notice of Determination.

Other approvals

Nil

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.

Further information

If you have any queries regarding this matter, please contact Cameron Sargent on (02) 9228 6418, or email cameron.sargent@planning.nsw.gov.au

Signed

Under delegated authority from the Minister for Planning, and pursuant to section 81(1)(a) of the *Environmental Planning and Assessment Act 1979*, I hereby grant consent subject to the conditions in the attached schedule.



Shayne Watson
Planning Assessment Manager
Delegate for Minister for Planning

Sydney 20 May 2009

SCHEDULE

ADDRESS: 1 Dixon Street, Darling Harbour

DA NUMBER: DA 063-04-2009

FILE NUMBER: S09/00792

DESCRIPTION OF DEVELOPMENT: Installation of retractable awnings in outdoor seating area

A APPROVED DEVELOPMENT

- A1** The development shall be generally in accordance with development application number DA 063-04-2009 submitted by the applicant on 30 April 2009 and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Architectural (or Design) Drawings prepared by Sophia Design.			
Drawing No.	Revision/ Issue	Name of Plan	Date
A-DA01	2	Roof and Floor Plan	20 April 2009
A-DA02	3	Elevations	20 April 2009
Statement of Environmental Effect prepared by Kass-Hermes dated April 2009			

Except as amended by the following conditions:

- A2** No changes or fixtures other than those shown on the stamped plans are to be installed without the prior approval of the Department of Planning
- A3** No signage or advertising on the approved retractable awnings are permitted as part of this development consent.

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) for a Construction Certificate. The applicant must supply the Department of Planning with a copy of the Construction Certificate within 2 days from the date of its issue.

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 must only be carried out between the hours of:

- 7.00a.m. and 7.00p.m. on Mondays to Fridays, inclusive; and
- 7.00a.m. and 3.00p.m. on Saturdays, inclusive; and
- no work must 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 between 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 Department of Planning 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 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 the relevant Australian Standards and Work Cover requirements.

C5 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 Council or the PCA.

E CONDITIONS TO BE MET DURING THE OPERATION OF THE CONSENT

E1 The awnings must be retracted every evening after the closure of the outdoor seating area. At no times are the awnings permitted to be in a fixed open position outside of the approved hours for the outdoor seating area. The hours are restricted as follows:

- 8.00 am – 10.30 pm Sunday – Thursday
- 8.00 am – 12 midnight Friday – Saturday

E2 No speakers or any kind of music devices are permitted to be affixed or mounted to the awnings at any time.

E3 The awnings shall be maintained in a physically sound and aesthetically acceptable condition, and are to be repaired and replaced as required to the satisfaction of City of Sydney Council.

- E4** The use of the awnings shall not cause a nuisance, or an offensive noise as defined in the *Protection of the Environment Operations Act 1997*, to adjoining properties or the public.

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 structures are 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 protect the amenity of the local environment, residents and adjoining landowners.
- To ensure that the work is carried out to an acceptable standard and in accordance with the *Building Code of Australia*.