

Development Consent

Section 89E of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation dated 16 February 2015, I approve the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.



Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

Sydney 25 August 2016

SCHEDULE 1

Application No.:	SSD 6513
Applicant:	Lend Lease (Millers Point) Pty Limited
Approval Authority:	Minister for Planning
Land:	51A Hickson Road, Barangaroo (Part Lot 200 in DP 1204948)
Development:	Construction of Building R1, Barangaroo South and fitout and use as a pub

DEFINITIONS

Advisory Notes	Advisory information relating to the approved project but do not form a part of this approval
Amended Application RTS	Emailed <i>Response to Submissions</i> dated 3 December 2016 and <i>Building R1 Barangaroo South Updated Operational Acoustic Report</i> dated 6 June 2016
Applicant	Lend Lease (Millers Point) Pty Ltd, or anyone else entitled to act on this consent
BCA	Building Code of Australia
Building R1	Building R1 as described in the EIS
Certifying Authority	Has the same meaning as in Section 4 and Part 4A of the EP& A Act.
Construction	Any works, including earth and building works
Council	City of Sydney Council
CPI	Consumer Price Index
Day	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
Department	Department of Planning and Environment, or its successors
Development	The development as described in the EIS and RTS
EIS	Environmental Impact Statement entitled ' <i>Building R1 (SSD 6623), Barangaroo South</i> ' and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated October 2014
EPA	Environment Protection Authority, or its successors
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Evening	The period from 6pm to 10pm
GFA	Gross Floor Area
Incident	A set of circumstances that causes or threatens to cause material harm to the environment, and/or breaches or exceeds the limits or performance measures/criteria in this approval
Minister	Minister for Planning, or nominee
Night	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of Environment and Heritage, or its successors
PCA	Principal Certifying Authority has the same meaning as in section 4 and Part 4A of the EP & A Act
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
Pub	A licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises
Restaurant	A building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided
RMS	Roads and Maritime Services, or its successors
RTS	Amended Application and Response to Submissions report entitled 'Amended Application and Response to Submissions, Building R1, Barangaroo South (SSD 6513)' and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated 14 August 2015;
Reasonable and Feasible	Reasonable relates to the application of judgement in arriving at a decision, taking into account: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements. Feasible relates to engineering considerations and what is practical to build
Secretary	The Secretary of the Department (or nominee)
Site	The land referred to in Schedule 1 of this consent

SCHEDULE 2

PART A – APPROVED DEVELOPMENT

A1 DEVELOPMENT DESCRIPTION

Except as amended by this consent, development consent is granted for the following:

- site preparation works;
- construction and fit-out of a three-storey food and drink premises (pub) building (known as Building R1) with a maximum GFA of 804 m²;
- fit-out and use of the premises as a pub;
- allocation and use of 15 car parking spaces within the basement car park for the future use(s) of building R1;
- use of 1 bicycle parking space within the adjacent public domain for the future use(s) of building R1;
- landscaping works; and
- installation of utility services.

A2 DEVELOPMENT IN ACCORDANCE WITH PLANS AND DOCUMENTATION

The development will be undertaken in accordance the following documents and plans:

Environmental Impact Statement entitled ‘Building R1 (SSD 6513-2014), Barangaroo South’ and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated October 2014			
Amended Application and Response to Submissions report entitled ‘Amended Application and Response to Submissions, Building R1, Barangaroo South (SSD 6513)’ and accompanying appendices, prepared by JBA Urban Planning Consultants Pty Ltd and dated 14 August 2015			
Amended Application RTS consisting of emailed Response to Submissions dated 3 December 2016 and Building R1 Barangaroo South Updated Operational Acoustic Report dated 6 June 2016			
Remedial Action Plans entitled Overarching Remedial Action Plan for the Barangaroo Project Site, Sydney, prepared by Environmental Resources Management Australia and dated June 2010, and Amended Remedial Action Plan Barangaroo ORWS Area, prepared by AECOM Australia Pty Ltd and dated July 2011			
Architectural Plans prepared by Collins and Turner			
Drawing No.	Revision	Name of Plan	Date
BR1-ASK-12-04-05	E	Site Locality Plan	17/07/2015
BR1-ASK-12-00-00	AA	Ground Level Plan	23/07/2015
BR1-ASK-12-01-00	U	Level 1 Plan	17/07/2015
BR1-ASK-12-02-00	U	Level 2 Plan	17/07/2015
BR1-ASK-12-03-00	K	Roof Canopy Plan	27/07/2015
BR1-ASK-12-04-00	J	Plant Room Roof Plan	25/03/2015
BR1-ASK-13-00-00	B	Ground Level Fitout Plan	27/07/2015
BR1-ASK-13-01-00	A	Level 1 Fitout Plan	29/06/2015
BR1-ASK-13-02-00	A	Level 2 Fitout Plan	29/06/2015
BR1-ASK-12-00-11	U	Section (East-West)	23/07/2015
BR1-ASK-12-00-12	M	Section (North-South)	17/07/2015
BR1-ASK-12-00-21	P	Elevation East	23/07/2015
BR1-ASK-12-00-22	M	Elevation North	23/07/2015
BR1-ASK-12-00-23	M	Elevation South	23/07/2015
BR1-ASK-12-00-24	L	Elevation West	17/07/2015
BR1-ASK-12-00-50	F	Materials Schedule	25/03/2015
Basement Car Park Plans prepared by Lend Lease Design			
Drawing No.	Revision	Name of Plan	Date
BR1_ASK_PA1_0001	01	Basement Level 1	01/09/2014

BR1_ASK_PA1_0002	01	Basement Level 2	01/09/2014
BR1_ASK_PA1_0003	01	Basement Level 3	01/09/2014
BR1_ASK_PA1_0101	01	Cross Section 1-1	01/09/2014
BR1_ASK_PA1_0102	01	Longitudinal Section 2-2	01/09/2014

except for:

- (a) any modifications which are 'Exempt and Complying Development' as identified in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA.
- (b) otherwise provided by the conditions of this consent.

A3 INCONSISTENCY BETWEEN DOCUMENTS

In the event of any inconsistency between the conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail. In the event of any inconsistency between the drawings and documents referred to above, the drawings prevail. In the event of any inconsistency between different documents referred to above, the most recent document prevails.

A4 PLAN OF MANAGEMENT

The *Plan of Management for the operation of Building R1, Barangaroo South* dated 3 July 2015 is to be updated to include the following:

- (1) Consistency with the conditions of consent; and
- (2) A **Queuing Management Plan** that details queuing locations and management measures. Queuing is permitted along Exchange Place for access to the Ground Floor bar only. This queue is to be aligned with the northern alignment of the licensed area, to a maximum of 1m wide and directed toward the west, to allow for equitable access to the main entrance to the ground floor bar. Queuing along other streets/walks must be managed to retain a clear 3 metre width for pedestrian access;

The updated **Plan of Management** shall be submitted to the Secretary for approval prior to the issue of an Occupation Certificate.

A5 HOURS OF OPERATION

The hours of operation are regulated as follows:

- (1) The hours of operation must be restricted to between 7am and 11pm for internal areas and 10pm for outdoor areas Mondays to Sundays;
- (2) Notwithstanding (a) above, the use of the premises may operate between 11pm and 12 midnight for indoor areas and 10pm and 12 midnight for outdoor areas for a trial period of one year from the date of issue of the Occupation Certificate. The Secretary is to be informed in writing of the date of commencement of the trial hours;
- (3) A modification or development application may be lodged to continue any trial period specified in these conditions no earlier than 120 days before the end of the trial period and no later than 60 days before the end of the trial period. The consideration of a proposed continuation and/or extension of a trial will be based on, among other things, the performance of the operator in relation to the compliance with the development consent conditions, any substantiated complaints received and any views expressed by the NSW Police Force;
- (4) Provided that:
 - (a) any application to continue a trial period is lodged no earlier than 120 days before the end of the trial period and no later than 60 days before the end of the trial period; and
 - (b) the applicant provides any additional information that the consent authority reasonably requests to assess the application within 7 days of receipt of that request; and
 - (c) the applicant diligently prosecutes the application and any appeal in respect of the application;

then the activity the subject of the application for extension may continue until such time as the application is finally determined.

A6 CAPACITY OF PREMISES

- (1) The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is 850 persons;

- (2) The maximum number of persons permitted in individual areas of the premises is:
 - (a) Ground Floor: 350 patrons (internal areas 120 patrons, external areas 230 patrons);
 - (b) Level 1: 200 patrons (internal areas 150 patrons, external areas 50 patrons);
 - (c) Level 2: 250 patrons (internal areas 100 patrons, external areas 150 patrons);
 - (d) Across premises: 50 staff.
- (3) The manager/licensee is responsible for ensuring the number of persons in the premises does not exceed that specified above; and
- (4) A sign in letters not less than 25mm in height must be fixed at the main entry point to the premises alongside the Licensee's name stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

Note: Clause 98D of the *Environmental Planning and Assessment Regulation 2000* requires a sign specifying maximum number of persons permitted in the building to be displayed in a prominent position for the following types of premises:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

A7 PRESCRIBED CONDITIONS

The Applicant shall comply with the prescribed conditions of consent under Part 6, Division 8A of the EP&A Regulation.

A8 LAPSING OF CONSENT

The development consent shall lapse 5 years after the determination date, unless the construction works authorised by this development consent have been commenced.

A9 LONG SERVICE LEVY

For work costing \$25,000 or more, a Long Service Levy shall be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

A10 LEGAL NOTICES

Any advice or notice to the consent authority shall be served on the Secretary.

A11 OTHER APPROVALS

- (1) The approval of the development in no way implies automatic approval for the following:
 - (a) the erection of signage, other than as provided for by this consent;
 - (b) strata or land subdivision;
 - (c) public art (including treatment of the above ground basement riser);
 - (d) remediation works;
 - (e) road works; and
 - (f) construction of any seawalls, water-based works or structures.
- (2) Separate approval(s) must be obtained from the relevant approval/consent authority for the above works and uses (where required).

End of Section

PART B – PRIOR TO ISSUE OF THE RELEVANT CONSTRUCTION CERTIFICATE

B1 COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA

Details shall be provided to the satisfaction of the Certifying Authority, with each application for a Construction Certificate, which demonstrate that the proposal complies with the prescribed conditions of approval under clause 98 of the EP&A Regulation in relation to the requirements of the BCA.

B2 STRUCTURAL DETAILS

- (1) Prior to the issue of each Construction Certificate, the Applicant shall submit to the satisfaction of the Certifying Authority, structural drawings/statement(s) prepared and signed by a suitably qualified practising Structural Engineer that complies with:
 - (a) the relevant clauses of the BCA;
 - (b) the relevant development consent;
 - (c) drawings and specifications comprising the Construction Certificate; and
 - (d) the relevant Australian Standards listed in the BCA.

B3 CONSTRUCTION AND FITOUT OF FOOD PREMISES

The construction, fitout and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the *Food Act 2003* 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 the relevant Construction Certificate relating to the fit out works.

B4 GREASE TRAPS

A grease trap (if required by Sydney Water) must not be installed in any kitchen, food preparation or food storage area. The grease trap room must have a piped connection to the basement waste collection area so that it can be emptied.

Note: Sydney Water Authority also have requirements for grease arrestors that you need to comply with.

B5 MECHANICAL VENTILATION

- (1) The premises must be ventilated in accordance with the *Building Code of Australia* and AS1668.1 and AS1668.2.
- (2) All kitchen exhaust systems intended to be used for solid fuel or charcoal cooking are to be designed installed and maintained in accordance with AS1668.2 Section 3.4.6. All hoods and associated exhaust systems for use over charcoal and solid fuel appliances shall be provided with separate systems, and shall not be combined with a system serving grease or oil generating or oil heating appliances.
- (3) All solid fuel or charcoal cooking appliance exhaust systems are to be provided with an enhanced filtration system so as to prevent any cooking odour, smoke or fumes adversely affecting customers or any adjacent or nearby residents, businesses or the general public.
- (4) The kitchen exhaust systems, including enhanced filtration systems shall be installed in accordance with the manufacturers' specifications by appropriately qualified person(s) conversant with the installation and operation of the system.
- (5) Only appropriately qualified person(s) conversant with the operation of the approved kitchen exhaust mechanical ventilation system be engaged to conduct servicing and maintenance of the systems.
- (6) The systems shall be maintained in accordance with the manufacturers' recommendations with regard to the systems' particular application and cooking usage and based on the implementation of these recommendations. **A Maintenance Management Plan** shall be prepared which is to be endorsed by the manufacturer.
- (7) Following the endorsement of the **Maintenance Management Plan**, the systems are to be maintained in accordance with the specific requirements of the MMP.
- (8) The Maintenance Management Plan and all service records are to be kept on-site and made available to City of Sydney officers upon request.
- (9) Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1 and AS1668.2, the *Building Code of Australia* and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.
- (10) Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and

Performance in accordance with Clause A2.2(a)(iii) of the *Building Code of Australia*, must be submitted to the Principal Certifying Authority.

B6 INTERLOCKS – MECHANICAL VENTILATION

Interlocks shall be installed to the kitchen mechanical ventilation system to ensure that the system is not operated unless the filters are correctly installed and enhanced filtration and odour systems are fully functional and operational.

B7 DETAILS OF COLOURS, MATERIALS AND FINISHES

External building materials and finishes shall be generally in accordance with details submitted with the EIS and RTS and accompanying plans, and as generally depicted in the sample finishes boards of materials and colours prepared by Collins and Turner.

B8 INTEGRATION WITH STAGE 1A PUBLIC DOMAIN WORKS

Prior to the issue of the relevant Construction Certificate, the Applicant must demonstrate to the satisfaction of the PCA that the ground floor plane of building R1 suitably integrates with the alignment levels for Wulugul Walk, Shelley Street, Lime Street and the surrounding public domain approved under SSD 6303.

B9 COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

B10 REFLECTIVITY

The visible light reflectivity from building materials used on the facades of the buildings shall not exceed 20 per cent and shall be designed so as to minimise glare. A report/documentation demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

B11 OUTDOOR LIGHTING

All outdoor lighting shall comply with, where relevant, *AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a relevant Construction Certificate.

B12 SANITARY FACILITIES FOR DISABLED PERSONS

The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Updated plans demonstrating compliance with this condition shall be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

B13 DISABLED ACCESS – GENERAL

Access and facilities for people with disabilities shall be designed in accordance with Part D3 of the BCA Access Policy. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

B14 SUSTAINABILITY RATING

Building R1 shall achieve a minimum 5 Star Green Star rating under the Design & As Built Green Building Council of Australia Rating Tool. Prior to the issue of the final Construction Certificate, the Applicant shall submit details to the Certifying Authority demonstrating that the building design is consistent with achieving a minimum 5 Star Green Star rating under the Design and As Built Green Building Council of Australia Rating Tool. Minor amendments to the design demonstrably required to achieve 5 Star Green Star certification may be submitted to and approved by the Secretary prior to the issue of the relevant Construction Certificate.

B15 CONSTRUCTION FRAMEWORK ENVIRONMENTAL MANAGEMENT PLAN

- (1) Prior to the issue of the relevant Construction Certificate, the Applicant shall prepare and update the **Construction Framework Environmental Management Plan (CFEMP)** for Barangaroo South incorporating the development to be submitted to the Certifying Authority. The CFEMP must:
 - (a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;

- (b) describe all activities to be undertaken on the site during site establishment and construction of the development;
 - (c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
 - (d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
 - (e) include specific consideration of measures to address any requirements of the EPA during site establishment and construction;
 - (f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
 - (g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts;
 - (h) document and incorporate all sub environmental management plans (Sub-Plans), studies and monitoring programs required under this consent; and
 - (i) include arrangements for community consultation and complaints handling procedures during construction.
- (2) In the event of any inconsistency between the consent and the CFEMP, the consent shall prevail.
- (3) The CFEMP and any associated Sub-Plans should be revised:
- at each key stage of the works;
 - in response to future development consents;
 - in response to major changes in site conditions or work methods; and
 - in support of licence variations as necessary.
- (4) A copy of the final CFEMP is to be provided to the Secretary and the EPA.

B16 WATER AND STORMWATER MANAGEMENT SUB PLAN

Prior to the issue of the relevant Construction Certificate, an updated **Water and Stormwater Management Sub-Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA and the Certifying Authority.

B17 AIR QUALITY AND ODOUR MANAGEMENT SUB-PLAN

Prior to the issue of the relevant Construction Certificate, an updated **Air Quality and Odour Management Sub-Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA and the Certifying Authority. A copy must be provided to the Secretary.

B18 NOISE AND VIBRATION MANAGEMENT SUB-PLAN

Prior to the issue of the relevant Construction Certificate, an updated **Noise and Vibration Management Sub-Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA and the Certifying Authority. The Sub-Plan must be consistent with and adopt all recommendations of the Construction and Operational Noise Report (dated August 2014) in Appendix J of the EIS. The Noise and Vibration Management Sub-Plan must establish Noise Management Levels for the residence in Building R8 and R9, including the provision of reasonable and feasible noise mitigation measures. A copy must be provided to the Secretary.

B19 SPOIL AND WASTE MANAGEMENT SUB-PLAN

Prior to the issue of the relevant Construction Certificate, an updated **Spoil and Waste Management Sub-Plan** for Barangaroo South prepared by a suitably qualified person shall be submitted to the EPA and the Certifying Authority. A copy must be provided to the Secretary.

B20 CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT PLAN

Prior to the issue of the relevant Construction Certificate, a **Construction Pedestrian and Traffic Management Plan** prepared by a suitably qualified person for the development shall be submitted to the Barangaroo Delivery Authority and Transport for NSW for review and submitted to the Certifying Authority.

The Sub-Plan must be consistent with and adopt all recommendations of the Transport Assessment prepared by ARUP dated 1 September 2014, detail the measures that would be implemented to minimise the impact of the development on the safety and capacity of the surrounding road network, including general traffic, cyclists, pedestrians, bus services, and bus facilities in the vicinity of the site, and ensure compliance with Condition D3 of this consent. A copy must be provided to the Secretary.

B21 STORMWATER AND DRAINAGE

- (1) Prior to the relevant Construction Certificate being issued, details of any proposed stormwater disposal and drainage from the development (including a system of on-site stormwater detention (if required)), and details of the provision and maintenance of overland flow paths must be submitted to the Certifying Authority. All details for the disposal of stormwater and drainage are to be implemented in the development.
- (2) Any proposed connection to the Council's or Sydney Water's underground drainage system will require the owner to enter into a Deed of Agreement, if required, with the Council or Sydney Water prior to the commencement of any relevant work within the public way.
- (3) Where relevant, an "Application for Approval of Stormwater Drainage Connections" must be submitted to the Council with the appropriate fee at the time of lodgement of the proposal for connection of stormwater to the Council's drainage system.

B22 METRO CORRIDOR

Prior to the issue of the relevant Construction Certificate, the Applicant shall engage an Independent Engineering Organisation (IEO) to confirm there is no conflict between the proposed development and the future Metro Corridor. The documentation must be provided to Transport for NSW for its information.

Should any engineering works be required that may impact on the interim metro corridor, the Applicant must obtain prior approval from Transport for NSW before undertaking the engineering works. All works must be undertaken in accordance with the Department of Transport Framework Development Deed for Barangaroo dated 15 November 2011.

B23 NUMBER OF CAR SPACES

The maximum number of car spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Car parking allocation	Number
Car parking within Level 1 and Level 2 of the basement car park	15

B24 NUMBER OF BICYCLE SPACES

The minimum number of bicycle spaces to be provided for the development shall comply with the table below. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

Bicycle parking allocation	Number
Bicycle parking to be provided	1

B25 FACILITIES FOR CYCLISTS

The number of storage, change room and shower facilities for the retail workers shall comply with the requirements of the *Sydney Development Control Plan 2012*.

B26 SYDNEY WATER

Prior to the issue of a Construction Certificate, a Notice of Requirements under Part 6, Division 9 of the *Sydney Water Act 1994* shall be obtained and a copy must be submitted to the Certifying Authority (Council or a private accredited certifier).

B27 REQUIREMENTS OF PUBLIC AUTHORITIES

The Applicant shall comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

B28 STORAGE AND HANDLING OF WASTE

The design and management of facilities for the storage and handling of operational waste must comply with the requirements of *City of Sydney Development Control Plan 2012*. Details are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

B29 FOOTPATH DAMAGE BANK GUARANTEE

- (1) If not already obtained, a Footpath Damage Bank Guarantee to cover the site frontage and areas of the public domain which may be damaged on both sides of the roads including Shelley Street and Lime Street must be lodged with the relevant road authority. A suitable bank guarantee must be submitted in favour of the relevant road authority as security for repairing any damage to the public domain in the vicinity of the site.
- (2) The guarantee must be lodged with the relevant road authority prior to issue of the relevant Construction Certificate.

B30 COMPLIANCE REPORT

Prior to the issue of a Construction Certificate, the Applicant, or any party acting upon this approval, shall submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

B31 GFA CERTIFICATION

A Registered Surveyor is to certify that the design of Building R1 has a Gross Floor Area (GFA) that does not exceed 804 m². Details shall be provided to the Certifying Authority demonstrating compliance with the condition prior to the issue of the final Construction Certificate.

B32 REMEDIATION

The site is to be remediated and validated in accordance with the *Amended Remedial Action Plan – Barangaroo ORWS Area reference 60153531 revision 4* prepared by AECOM Australia Pty Ltd and dated 7 July 2011 and the letter *Reliance on Site Audit Report / Site Audit Statement – Building R1 reference AS121111* prepared by Environ Australia Pty and dated 13 February 2015. All remediation work carried out shall be conducted in accordance with the guidelines in force under the *Contaminated Land Management Act 1997*.

Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination must be immediately notified to the Secretary, Council and the Certifying Authority.

Any variations to the approved Remediation Action Plan shall be approved in writing by the Accredited Site Auditor and the Secretary prior to the commencement of such work.

End of Section.

PART C – PRIOR TO THE COMMENCEMENT OF CONSTRUCTION WORKS

C1 NOTICE TO BE GIVEN PRIOR TO WORKS

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

C2 CONTACT TELEPHONE NUMBER

Prior to the commencement of the works, the Applicant shall forward to Council a 24 hour telephone number to be operated for the duration of the construction works.

C3 COMPLIANCE REPORT

Prior to the commencement of works, the Applicant, or any party acting upon this approval, shall submit to the PCA a report addressing compliance with all relevant conditions of this Part.

C4 HOARDING

- (1) A separate application under section 138 of the *Roads Act 1993* is to be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road and such application is to include:
 - (a) architectural, construction and structural details of the design as well as proposed artwork; and
 - (b) structural certification prepared and signed by an appropriately qualified practising structural engineer.
- (2) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of construction works on site.

C5 BARRICADE PERMIT

Where construction/building works require the use of a public place including a road or footpath, approval under section 138 of the *Roads Act 1993* for a Barricade Permit is to be obtained prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of the relevant road authority.

End of Section.

PART D - DURING CONSTRUCTION

D1 HOURS OF WORK

- (1) The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:
 - (a) between 7am and 7pm, Mondays to Fridays inclusive;
 - (b) between 7am and 5pm, Saturdays; and
 - (c) no work on Sundays and public holidays.
- (2) Works outside these hours are not permitted except as explicitly specified below or in other conditions and include:
 - (a) the delivery of materials which is required outside these hours as requested by NSW Police or other authorities for safety reasons;
 - (b) emergency work to avoid the loss of lives, damage to property and/or to prevent environmental harm; and
 - (c) other works expressly approved by the Secretary.

D2 CONSTRUCTION FRAMEWORK ENVIRONMENTAL MANAGEMENT PLAN

The Applicant must undertake all works in accordance with the requirements of the Construction Framework Environmental Management Plan and associated Sub-Plans approved under Conditions B15 to B19 inclusive.

D3 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

The Applicant must undertake all works in accordance with the Construction Traffic Management Plan approved under Condition B20, except where modified below.

- (1) Under the current legislation the use of lengthy vehicles in the CBD is prohibited within certain time frames. All lengthy vehicles must comply with this regulation as stipulated in the NSW Road Rules. A map indicating the prohibited area and definitions of lengthy vehicles are included in the Road Rules.
- (2) Personnel using stop/slow signage are not permitted in Hickson Road or Sussex Street on weekdays between the hours of 7am and 9am and 4pm and 7pm. However, personnel using stop/slow signage will be permitted on Hickson Road, north of the intersection of Hickson Road and Napoleon Street, when it is required to ensure safe truck access at designated site access points, provided that vehicle queue lengths generated as a result of the traffic control do not exceed more than six vehicles in either direction.
- (3) Truck movements should be staged and coordinated to prevent trucks circling CBD streets whilst awaiting access to the site. There should be holding areas outside the CBD on the fringes or sufficient space within the site to store trucks and heavy vehicles.
- (4) To minimise impacts on public transport, trucks should avoid where possible the use of York Street to access the development site between 6am and 10am and 2pm and 8pm Monday to Friday.
- (5) Truck movements to and from the site associated with the development must be minimised as far as practicable during the peak AM and PM periods.

D4 EROSION AND SEDIMENT CONTROL

All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D5 DISPOSAL OF SEEPAGE AND RAINWATER

Any seepage or rainwater collected on-site during construction shall be managed in accordance with the Water and Stormwater Management Sub Plan prepared under Condition B16.

D6 SETTING OUT OF STRUCTURES

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

D7 APPROVED PLANS TO BE ON SITE

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 department, the relevant authority or the PCA.

D8 SITE NOTICE

- (1) A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, PCA and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) the notice is to be durable and weatherproof and is to be displayed throughout the works period
 - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
 - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D9 CONTACT TELEPHONE NUMBER

The Applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D10 EXTERNAL LIGHTING

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant shall submit to the approval authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D11 VIBRATION CRITERIA

- (1) Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;
 - (b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*; and
 - (c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472-Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz)* for low probability of adverse comment.
- (2) These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan Sub-Plan.

D12 RECYCLING OF CONCRETE

Any existing concrete of suitable volume, which is not used as fill, shall be taken to a concrete recycling works and evidence that this has occurred shall be provided to the PCA.

D13 CONSTRUCTION WASTE

Construction waste should be managed generally in accordance with the EPA's brochure entitled "*Know your responsibilities: managing waste from construction sites*".

D14 WASTE CLASSIFICATION AND DISPOSAL

The Applicant must ensure that all waste generated by the development is classified in accordance with the EPA's *Waste Classification Guidelines 2009* and disposed of at a facility that may lawfully accept that waste.

D15 WATER QUALITY

- (a) All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the following guideline documents:
- (a) *NSW Water Quality Objectives*; and
 - (b) *The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000)* for the environmental values under the ANZECC guidelines.

D16 CONTAMINATED AND TREATED WATER

No contaminated or treated site waters (surface, collected groundwater or contaminated construction waters) are permitted to enter Sydney Harbour.

D17 COMPLIANCE REPORT

The Applicant, or any party acting upon this approval, shall, for the duration of the construction period, submit to the department a three monthly report addressing compliance with all relevant conditions of this Part.

End of Section.

PART E – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

E1 FIRE SAFETY CERTIFICATE

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 any Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to the approval authority and Council by the PCA.

E2 GFA AND HEIGHT CERTIFICATION

A Registered Surveyor is to certify that the Gross Floor Area (GFA) of Building R1 does not exceed 804 m² and the height of the building does not exceed RL 19.50 for the building and RL 20.50 for the services exhaust. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of the final Occupation Certificate.

E3 CAR PARKING, BICYCLE AND FACILITIES FOR CYCLISTS' CERTIFICATION

Prior to the issue of the final Occupation Certificate, details shall be provided to the Certifying Authority demonstrating compliance with the approved number of car parking and bicycle spaces required under Condition B23 and B24, and facilities for cyclists required under Condition B25.

E4 MECHANICAL VENTILATION

- (1) 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 any Occupation Certificate, that the installation and performance of the mechanical systems complies with:
- the Building Code of Australia;
 - Australian Standard AS1668* and other relevant code;
 - the development consent; and
 - any dispensation granted by the New South Wales Fire Brigade.

E5 SANITARY FACILITIES FOR DISABLED PERSONS

Prior to the issue of the final Occupation Certificate, details shall be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within Building R1 complies with Section F2.4 of the BCA and Condition B14 of this consent.

E6 STRUCTURAL INSPECTION CERTIFICATE

- (1) A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final design drawings; and
 - The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

E7 ROAD DAMAGE

The cost of repairing any damage caused to Council or other 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 prior to the issue of the final Occupation Certificate.

E8 SYDNEY WATER

- A Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water Corporation, if relevant.
- Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.
- Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- The Section 73 Certificate must be submitted to the PCA prior to occupation of the development or release of the plan of subdivision.

E9 POST CONSTRUCTION DILAPIDATION REPORT

If not already obtained, the Applicant shall engage a suitably qualified person to prepare an updated post construction dilapidation report at the completion of the construction works relating to the buildings deemed potentially affected by the development by the suitably qualified person. This report is to ascertain whether the construction works caused any structural damage to adjoining buildings, infrastructure or roads. The dilapidation reports are to be prepared and submitted to the PCA:

- (a) at the completion of all excavation and piling works associated with the development; and
- (b) at the completion of all construction works associated with the development.

A copy must be provided to the Secretary.

E10 TRAVEL DEMAND MANAGEMENT

Prior to the issue of the final Occupation Certificate, an updated **Travel Demand Management Plan** for Barangaroo South prepared by a suitably qualified person incorporating the development shall be submitted to the Barangaroo Delivery Authority and Transport for NSW for review and submitted to the Certifying Authority.

The Plan must be consistent with the information contained in the Transport Assessment prepared by ARUP dated 1 September 2014 and outline all measures to support sustainable modes of travel to Barangaroo and reduce car dependency. A copy must be provided to the Secretary.

E11 WASTE AND RECYCLING COLLECTION

Prior to an Occupation Certificate being issued and/or commencement of the use, whichever is the earlier, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g footpaths, roadways, plazas, and reserves at any time.

E12 FOOD PREMISES – HEALTH DATABASE REGISTRATION

- (1) Prior to the commencement of food handling operations, the proprietor of the food premises shall notify and register the food premises with Council's Health and Building Unit and the NSW Health Department at www.foodnotify.nsw.gov.au prior to the opening of the premises;
- (2) Prior to the commencement of food handling operations, the proprietor of the food premises shall notify the NSW Health Department of the following information:
 - (a) contact details of the food business including the name of the food business and the name and address of the proprietor;
 - (b) the nature of the food business; and
 - (c) the location of all food premises of the food business within the jurisdiction of NSW Health.

E13 LICENSED PREMISES SIGNAGE

The signage required by Condition A7(4) must be submitted to Council's Health and Building Unit for approval prior to the issue of the relevant Occupation Certificate.

End of Section.

PART F – POST OCCUPATION / DURING USE

F1 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.

F2 LOADING AND UNLOADING

All loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the Barangaroo South site at all times.

F3 UNOBSTRUCTED DRIVEWAYS AND PARKING AREAS

All vehicular access areas, driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

F4 DISABLED CAR PARKING SPACES

At all times disabled car parking spaces shall be provided for persons with a disability. At no time shall the Applicant or anyone acting on this approval, lease or sublease for use a disabled car parking space unless it is for a person with a disability.

F5 NOISE – MECHANICAL PLANT

Noise associated with the use of any mechanical plant and equipment associated with the building shall not give rise to any one or more of the following:

- (a) transmission of an “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any affected receiver; and
- (b) a sound pressure level at the boundary of any affected receiver that exceeds the background (LA90, 15 Minutes) noise level by more than 5dB. The background noise level must be measured in the absence of noise emitted from the use in accordance with Australian Standard AS1055.

F6 NOISE – LICENSED PREMISES USE

Noise associated with the use as a licensed premises (including patron noise and music noise) must not exceed the relevant levels in (a) and (b) below:

- (a) External noise levels at receivers, to be measured one (1) metre from the building façade. Receivers are individual residential units and the most affected façade of commercial buildings.

Receiver	Time	Source of Noise Generated by R1 (L _{Aeq} , 15 min, dB)		
		Patrons	Music	Total
Residential Receivers within Barangaroo	8am – 10pm	66 dB(A)	58 dB(A) / 65 dB(Z) @ 63 Hz	-
	10pm – Midnight	64 dB(A)	56 dB(A) / 65 dB(Z) @ 63 Hz	-
All other residential receivers	8am – Midnight	-	45 dB(A) / 55 dB(Z) @ 63 Hz	-
Commercial Receivers	When in Use	-	-	65 dB(A) / 70 dB(Z) @ 63 Hz

- (b) Notwithstanding the requirements of subcondition (a) above:
 - (i) music levels from any R1 external speaker, or total noise levels from any R1 building opening should not exceed 75 dB(A) or 80 dB(Z) in the 63 Hz octave band when measured at three (3) metres from any speaker mounted externally or from any opening where music noise may escape; and
 - (ii) in relation to commercial buildings located outside the Barangaroo precinct, music from Building R1 should not exceed the background 63 Hz octave level by more than three (3) dB when measured inside an office area when in normal use with windows and doors closed and mechanical ventilation operating.

F7 NOISE LIMITERS

Prior to the issue of an Occupation Certificate that would allow the commencement of use of the premises as a licensed premises, all sound amplification equipment must comply with the following:

- (a) all sound amplification equipment used in the venue must be controlled by Root Mean Square (RMS) noise limiters with an attack time constant not exceeding 0.5 seconds, a release time constant not less than 1 second and a compression ratio greater than or equal to 20:1. The limiters shall be set by a suitably qualified acoustic consultant in accordance with the manufacturer's specification to ensure that resultant amplified sound complies with the requirements of Condition F6;
- (b) the limiters and all post-limiter equipment including power amplifiers must be tamper proof and only operable by the acoustic consultant, licensee and business owner; and
- (c) the acoustic consultant must submit a **Noise Limiter, Compliance & Installation Report** to satisfy the requirements of this condition. This report will certify that the limiters were installed, tested and calibrated such that amplified noise will comply with Condition F6 and any relevant requirements of Condition F8 condition, and will include the specific settings associated with compliant use of the noise limiter. The report must be submitted to and approved by the Secretary prior to the issue of an Occupation Certificate that would allow the commencement of use of the premises as a licensed premises.

F8 COMPLIANCE WITH THE ACOUSTIC REPORT PRIOR TO CONSTRUCTION AND OR OCCUPATION CERTIFICATES

- (1) All performance parameters, requirements, engineering assumptions and recommendations contained in the acoustic report *Proposed Restaurant and Bar, Building R1, Barangaroo Precinct* ref 46.5164.R9C:MSC, prepared by The Acoustic Group and dated 12 May 2016, must be implemented into the design and/or operational management of the premises prior to the commencement of the use of the premises, unless otherwise agreed by the Secretary. Assumptions and recommendations include:
 - (a) the building facade glazing must be a minimum thickness of 10.38mm;
 - (b) the underside of the external balconies have acoustic absorption above slotted timbers. Such absorptions shall have a Noise Reduction Coefficient (NRC) not less than 0.85;
 - (c) no speakers may be placed on the northern balconies and terrace;
 - (d) any external speakers on the southern and western balconies and terraces must be located in the ceiling and directed downwards;
 - (e) the glass facades on the northern side of the building must be closed when music greater than 75dB(A) at three (3) metres from any speaker is played inside the building.
- (2) No external drop down blinds or shield walls (as suggested by the acoustic report) are approved as part of this consent.
- (3) Prior to the issue of an Occupation Certificate, a suitably qualified acoustic consultant is to provide a written Acoustic Verification Report is to be submitted to and approved by the Secretary that confirms that the development complies with the requirements set out in the acoustic report and in (1) above.

F9 COMPLIANCE WITH THE ACOUSTIC REPORT

- (1) Within 30 days of the commencement of operations a suitably qualified acoustic consultant is to undertake compliance testing on a Friday and a Saturday night from 10pm to midnight that confirms that the development complies with the requirements set out in the acoustic report identified in Condition E15 (1).
- (2) Should substantiated complaints be made to the Department and/or Council regarding noise, a suitably qualified acoustic consultant is to undertake further compliance testing to the satisfaction of the Secretary to confirm that the development complies with the requirements set out in the acoustic report identified in Condition E15 (1). Should this demonstrate non-compliance, the acoustic consultant must recommend further mitigation measures to enable compliance (including a specific time frame to implement measures) to the satisfaction of the Secretary.

F10 GLASS CRUSHER

All glass bottles and other glass waste must be reduced to glass shards (by way of a glass crusher located inside the premises or inside the Barangaroo Stage 1A basement) prior to the removal of such waste from the premises.

F11 NOISE FROM GLASS REMOVAL

Glass must not be emptied or transferred from one receptacle to another anywhere in a public place. All glass must be emptied / transferred inside of the building on the premises or within the Barangaroo Stage 1A basement and removed in containers.

F12 STORAGE AND HANDLING OF WASTE

The storage and handling of waste associated with the premises must comply with City of Sydney Council's *Policy for Waste Minimisation in New Developments 2005*.

F13 WASTE COLLECTION

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.

F14 GREEN STAR RATING

Within 24 months of the issue of the final Occupation Certificate, certification is to be provided from the Green Building Council of Australia, to the Secretary, that the development achieves a minimum 5 star Green Star Rating as required under Condition B14.

F15 EMISSIONS

- (1) The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (2) Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act, 1997 and Regulations. Uses that produce airborne particulate matter must incorporate a dust collection system.

F16 COMPLAINTS – SMOKE AND/OR ODOUR

Should substantiated complaints be made to the Department and/or Council regarding smoke and/or odour or other air pollutants, then mitigation measures and ongoing management strategies are to be developed by a suitably qualified person and submitted to City's Health and Building Unit for review and to the Secretary for approval.

Until suitable mitigation measures are in place, the use must be managed so as not to create nuisance including particulate matter, odour, fumes and smoke emissions to the satisfaction of an authorised officer of Council or the Department. Any control measures should be in accordance with best management practices and odour controls based on the level 3 technique as outlined in the *Technical framework: assessment and management of odour from stationary sources in NSW*, prepared by the Department of Environment and Conservation NSW.

F17 COPIES OF CONSENTS AND MANAGEMENT PLANS

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

F18 PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the revised Plan of Management required by Condition A4. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

F19 COMPLAINTS PROCEDURE

The applicant must ensure that the following facilities are available to handle community complaints:

- (a) a 24-hour, toll free telephone number on which complaints about the operation of the premises Project may be registered;
- (b) a postal address to which written complaints may be sent; and/or
- (c) an email address to which electronic complaints may be transmitted.

The applicant must ensure that the telephone number, postal address and/or email address are advertised to the local community and any potentially affected neighbours prior to the commencement of operations. If a complaint is conveyed out of hours and not answered at that time then it must be responded to as soon as possible after business next resumes.

F20 COMPLAINTS BOOK

- (1) The Manager/licensee must maintain a "Complaints Book" recording details of any Incident that occurs including the date and time of the Incident, a detailed description of the Incident and any actions taken by the management of the Premises in response to the Incident. All complaints must include the details of the person reporting the incident including a contact phone number so that management may follow up any complaint. The Complaints Book is to have printed page numbers to ensure it is an accurate record of incidents at the premises. The Complaints book shall be kept in a secure place on the Premises and a

photocopy or electronic backup shall be made at the end of each calendar month and the backup shall be retained for at least three years.

- (2) The Complaints Book must be updated within 24 hours of any Incident. The Licensee must review and initial and date all entries made in the Complaints Book in his absence whenever they are next on the Premises.
- (3) The Complaints Book must be made available to the Department, Council officers or the NSW Police for inspection upon request.
- (4) Complaints must remain in the Complaints Book for a minimum period of two years from the date of reporting.
- (5) A Manager shall be available at all times during trading hours to deal with any Incident as to the operation and management of the premises. Any such Incident shall be dealt with as soon as possible.
- (6) In the event of an Incident of a serious nature, the Manager must contact the Licensee immediately and the Incident must be reported to the NSW Police. For the avoidance of doubt an Incident is of a serious nature if it involves violence causing injury or requires the intervention of the NSW Police or any emergency service.
- (7) If an Incident constitutes a valid complaint in relation to noise, the Manager must:
 - (a) rectify the situation immediately;
 - (b) contact the individual who reported the Incident to verify that the problem has been addressed; and
 - (c) take all reasonable steps to stop or reduce the source of the noise to prevent future occurrences.
- (8) The Licensee must review the Complaints Book monthly and where appropriate consult with the Department, Council and the Police and if necessary seek consent to amend the plan of management or any House Rules so as to eliminate the possibility of the Incident recurring or to minimise the impacts of the incident should it recur.

F21 NEIGHBOURHOOD AMENITY

- (1) Signs must be placed in clearly visible positions within the licensed premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage shall be in bold letters not less than 25mm in height on a contrasting background.
- (2) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

F22 SECURITY AND QUEUING – CATEGORY A LICENSED PREMISES

- (1) Security guards are to be provided at the premises on Fridays, Saturdays and any day preceding a public holiday from 7pm at a minimum ratio of 1 security staff member to 100 patrons or part thereof on all levels, but excluding Level 1 when it is in use as a restaurant in which all patrons have an allocated seat (other than patrons waiting to be seated);
- (2) Security personnel shall remain at the premises for at least 30 minutes after closing and shall assist in ensuring that patrons leave quietly;
- (3) All licensed security officers whilst employed at the premises are to wear clearly identifiable security attire at all times with clearly visible identification badges on their arms;
- (4) Management staff at the venue shall manage patron queuing to enter the premises in accordance with the Plan of Management required by Condition A4; and
- (5) When more than one security guard is on duty, security officers and management shall communicate by hand held radios at all times.

F23 INCIDENTS – RECORDING AND NOTIFICATION

The manager/licensee must ensure that all incidents involving staff members (including security personnel) are recorded in the incident register maintained on site, including incidents involving physical contact between staff and patrons, physical restraint of patrons and/or the ejection of patrons from the premises.

F24 SURVEILLANCE CAMERAS

- (1) A CCTV surveillance camera must be located at the main entrance to the venue and position to record any person entering through this entrance. The CCTV recordings of this camera must be sufficient to enable an individual to be identified beyond reasonable doubt when:
 - (a) the person represents not less than 100% of screen height; and
 - (b) there is an unobstructed view of the person's face.
- (2) CCTV cameras must be located throughout the premises with camera coverage to specifically record images of the following areas:
 - (a) all other public entrances and exits, whether or not in use at the time;
 - (b) staircases;
 - (c) all portions of the floor area accessible to the public where entertainment is provided;

- (d) toilet external entrances;
 - (e) all publicly accessible areas within the premises excluding toilets;
 - (f) the footpath area directly adjacent to the premises; and
 - (g) terraces and smoking areas.
- (3) The CCTV recordings of the cameras referred to in sub-condition (2) above must be sufficient to enable the recognition of a person. A viewer must be able to say with a high degree of certainty whether or not an individual shown is the same as someone they have seen before when:
- (a) the person represents not less than 50% of screen height; and
 - (b) there is an unobstructed view of the person's face.
- (4) Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- (5) Camera recordings must meet the standards set in sub-condition (1) and (3) at all times, either by way of camera positioning, camera shades or other environmental factors.
- (6) Recordings must:
- (a) be in digital format;
 - (b) record at a minimum of ten (10) frames per second; and
 - (c) commence one hour prior to opening and operate continuously until at least one hour after closure.
- (7) The correct time, date and camera identification must be automatically embedded on all recordings and be able to be read when the image is played back on a different system without interfering with the view of the target area.
- (8) Recordings should be retained for a period of 30 days before being reused or destroyed. The licensee must ensure that no person is able to delete or alter any recordings within the 30 day period.
- (9) When the venue is open and trading, at least one person shall be at the venue that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- (10) Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, OLGR inspectors and other regulatory officers upon request.
- (11) The CCTV system shall be able to reproduce a copy of the recordings on compact disc, DVD, or USB memory stick and must, upon request, be provided within one working day to NSW Police, OLGR inspectors or other regulatory officers.
- (12) Prior to the commencement of trade each day, the CCTV system shall be checked to ensure the equipment is in full operating order. If during the daily check or at any other time it is discovered that the equipment is not in full operating order, the licensee must notify the Local Area Commander or delegate within two hours. All reasonable steps must be undertaken to repair the system as soon as practicable. The licensee must record this daily checking activity in the incident register book that meets the standards required by licensing police or Council.

F25 COMPLIANCE REPORT

The Applicant, or any party acting upon this approval, shall submit to the department a report addressing compliance with all relevant conditions of this approval.

End of Section.

ADVISORY NOTES

AN1 SYDNEY WATER

An application shall be made to Sydney Water for a Certificate under Part 6, Division 9, Section 73 of the *Sydney Water Act, 1994* (Compliance Certificate). Evidence that a Compliance Certificate has been applied for (i.e. Notice of Requirements) shall be produced to the satisfaction of the PCA prior to the issue of a Construction Certificate. The Section 73 Certificate shall be submitted to the PCA prior to the occupation of the development or release of the linen plan.

AN2 COMPLIANCE CERTIFICATE

- (1) The developer shall obtain the Notice of Requirements from the relevant local water supply authority and produce this to the satisfaction of the PCA certifying authority prior to *the issue of the relevant construction certificate*.
- (2) Prior to issuing an Occupation Certificate, a Compliance Certificate shall be provided to the certifying authority showing that the development has met with the detailed requirements of the relevant water supply authority for the region that the subject site is located within.

AN3 COMPLIANCE WITH BCA

The Applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN4 STRUCTURAL CAPABILITY FOR STRUCTURES

The structural capabilities of an existing structure will need to meet the requirements of the BCA and may require engaging a structural engineer.

AN5 USE OF MOBILE CRANES

- (1) The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:
 - (a) for special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council:
 - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions;
 - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions; and
 - (b) the use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7 am without the prior approval of the relevant authority.

AN6 MOVEMENT OF TRUCKS

The Applicant shall notify Roads and Maritime Service's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

AN7 CONSTRUCTION INSPECTIONS

- (1) Compliance certificate/s shall be issued by the PCA and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:
 - (a) foundations;
 - (b) footings;
 - (c) damp proof courses and waterproofing installation;
 - (d) structural concrete, including placing of reinforcement and formwork prior to pouring;
 - (e) structural beam and column framing;
 - (f) timber wall and roof framing; and
 - (g) stormwater disposal.
- (2) Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of approval.

AN8 STREET NUMBERING

- (1) Street numbers and the building name(s), if any, will need to be clearly displayed at either end of the ground level frontages in accordance with Council's Policy for street numbering, prior to the occupation of the building.
- (2) If street numbers or a change to street numbers is required, a separate application shall be made to Council.

AN9 DISABILITY DISCRIMINATION ACT

- (1) This application has been assessed in accordance with the *EP&A Act*. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*.
- (2) The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the Building Code of Australia which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

AN10 ROADS ACT 1993

- (1) A separate approval under Section 138 of the *Roads Act, 1993* is required to undertake any of the following:
 - (a) erect a structure or carry out a work in, on or over a public road;
 - (b) dig up or disturb the surface of a public road;
 - (c) remove or interfere with a structure, work or tree on a public road;
 - (d) pump water into a public road from any land adjoining the road; and
 - (e) connect a road (whether public or private) to a classified road.

AN11 ASBESTOS REMOVAL

All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current WorkCover Asbestos or "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

AN12 ROAD CLOSURE

A temporary road closure permit is to be obtained by Council/RMS prior to the closure of any roads.

End of Section.