

# **Overseas Passenger Terminal Circular Quay (Tenancy 5) Statement of Environmental Effects Section 4.55(2) Modification**



**Prepared for Jimmy's on the Mall Pty Ltd  
Submitted to the Department of Planning and Environment**

**SSD 7683  
Modification No. 2**

**April 2019**

## Contact



Cover image: Photomontage of the Overseas Passenger Terminal, Tenancy 5 (Source: Collins and Turner)

Dan Keary  
Director  
E: [dan@keylan.com.au](mailto:dan@keylan.com.au)

Michael Woodland  
Director  
E: [michael@keylan.com.au](mailto:michael@keylan.com.au)

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## Abbreviations

BCA	Building Code of Australia
Council	City of Sydney Council
DCP	Development Control Plan
DP&E	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LGA	Local Government Area
OPT	Overseas Passenger Terminal
PoM	Plan of Management
SCRA Scheme	Sydney Cove Redevelopment Authority Scheme
SSD	State Significant Development
The Premises	The Squire's Landing Restaurant and Brewhouse

# 1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Keylan Consulting Pty Ltd on behalf of Jimmy's on the Mall Pty Ltd (the Applicant) and accompanies a Section 4.55(2) application to modify the State significant development (SSD) consent for a restaurant and micro-brewery occupying Tenancy 5 of the Overseas Passenger Terminal (OPT), Circular Quay West in The Rocks (SSD 7683).

The Squire's Landing Restaurant and Brewhouse (the premises) currently operates out of Tenancy 5 of the OPT. The proposed modification seeks a 3 year extension to the approved trial period for use of the outdoor areas of the premises and to increase the maximum number of patrons permitted in the premises from 800 to 1,000 at any one time. The proposed modification is described in further detail at Section 3.

The modification application is submitted to the Department of Planning and Environment (DP&E) pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 2 Site description

The application relates to Tenancy 5 within the OPT Building at Circular Quay West, The Rocks in the City of Sydney local government area (LGA). The site is legally described as Lots 1 to 3 DP 876516.

The OPT is a four storey building located on the western side of Circular Quay, south of Campbell's Cove and directly to the west of the Sydney Opera House which is located on the eastern side of Sydney Cove. The OPT fronts Circular Quay West which is a dual carriageway private road that terminates in a roundabout at Campbell's Cove. The site location is shown in Figure 1.

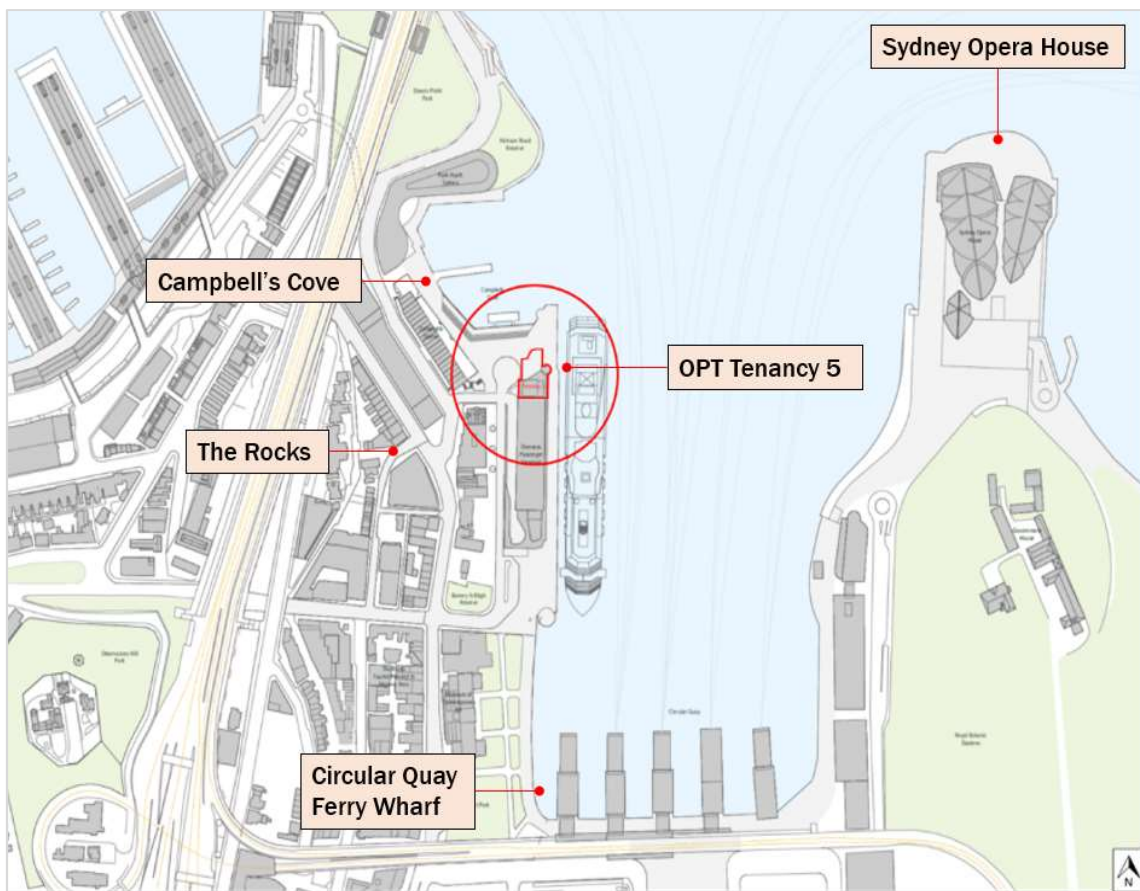


Figure 1: Site location (Base source: Collins and Turner)

The OPT plays a significant role as an international and domestic port for cruise ships as well as activating Circular Quay and The Rocks with a range of restaurants and temporary events (i.e. the Sydney Vivid Festival). In addition, the OPT provides essential public access along the foreshore of Sydney Cove linking Circular Quay to Campbell's Cove and adjoins areas of public domain.

Tenancy 5 is located at the northern extent of the OPT and encompasses an area of approximately 1,080 m<sup>2</sup>. It occupies the ground and first floor levels of the OPT Building and includes an adjoining 405 m<sup>2</sup> of formalised outdoor seating area as part of the premises. The premises currently has approval for a maximum capacity of 870 persons including a maximum of 800 patrons and 70 staff.

## 2.1 Application history

### SSD 7683

On 25 August 2017, the Acting Executive Director, Key Sites and Industry Assessments (as delegate of the Minister for Planning) granted development consent to SSD 7683. Consent was granted for:

*The use of Tenancy 5 of the Overseas Passenger Terminal (OPT) as a restaurant and:*

- *external alterations to the OPT building;*
- *new elevated micro-brewery pod to the north of the OPT;*
- *outdoor dining area to the north of the site; and*
- *business identification signage.*

### SSD 7683 MOD 1

On 7 March 2019, the Director, Key Sites Assessments (as delegate of the Minister for Planning) granted consent to SSD 7683 MOD 1. Consent was granted for various signage amendments and additions.

A copy of the consolidated Development Consent for SSD 7683, including the amendments made as part of MOD 1, is provided at Appendix A.

### 3 Description of the modification

The modification application proposes:

- a 3 year extension to the approved trial period for use of the outdoor areas of the premises; and
- to increase the maximum number of patrons permitted on the premises at any one time.

There are no physical or built form changes proposed as part of the application. Further, no changes are proposed to the approved use of the premises.

As there are no physical changes or amendments to the approved use, the modification application does not require any amendments to the Sydney Cove Redevelopment Authority Scheme (SCRA Scheme).

#### 3.1 Trial period

Condition F2 of the consent allows for use of the outdoor areas for a trial period of one year commencing from the date of the issue of any Occupation Certificate. The first Occupation Certificate for the premises was issued on 21 May 2018, and therefore, use of the outdoor areas is permitted up until 21 May 2019.

The modification proposes to extend the trial period for use of the outdoor areas for a further three years. The modification does not propose any other amendments to the approved hours of operation that are prescribed under Condition F1 of the consent.

#### 3.2 Maximum Patron Capacity

Condition F4 of the consent prescribes the maximum number of persons permitted in the premises at any one time is 870 persons including 800 patrons and 70 staff. Sub-clause (iii) of Condition F4 further requires a comfortable dining position for each patron on the premises including a seat and access to a table/bench space.

The modification proposes an additional 200 patrons to be permitted in the premises, therefore increasing the maximum patron capacity from 800 to 1,000 persons on the premises at any one time. No modifications are proposed to the approved number of staff (70).

#### 3.3 Plan of Management

Condition E2 of the consent requires a Plan of Management (PoM) to be prepared for the premises that includes (but not limited to) details relating to the following:

- the hours of operation when liquor is supplied
- the maximum number of patrons permitted at any one time (internally and externally)
- a complaints procedure; and
- a Noise Management Plan that sets out mitigation measures to minimise impacts on nearby sensitive receivers and include provisions for a suitable noise monitoring program.

The PoM was approved by the Secretary's nominee on 17 May 2018. Correspondence provided to the Applicant notifying of the Secretary's approval is included at Appendix C.



While there are no amendments proposed to the wording of Condition E2, the approved PoM for the premises has been updated to reflect the proposed maximum patron numbers. A copy of the updated PoM is included at Appendix D.

### 3.4 Justification for the modification

The modification is considered justified on the basis that:

- there are no fundamental changes to the approved use of the premises being for a restaurant and micro-brewery with associated indoor and outdoor dining areas;
- the Applicant has demonstrated sound management and compliance practice during the trial period for external operating hours to date with no environmental impacts and minimal noise complaints;
- the extension of the trial period will provide for the continued assessment of management measures and compliance with the conditions of consent for a further three years;
- the premises is appropriately located in a busy tourist precinct and plays a key role in the activation of the surrounding public domain on the western side of Circular Quay. The increase in patron numbers and continued use of the outdoor space is therefore considered appropriate for this locality; and
- the premises provides a positive contribution to the night-time economy including contributing to the vibrancy and activity in The Rocks and adds to the diversity of retail services in the surrounding locality.

Further to the points listed above, the modification would not result in any inconsistency with the SCRA Scheme.

### 3.5 Conditions to be modified

To formalise the proposed modification, amendments are required to Condition F2 and Condition F4 under Schedule 2, Part F of the development consent for SSD 7683.

The words proposed to be inserted to the approved conditions are shown in **bold underline** while the words proposed to be deleted are shown in ~~**bold strikethrough**~~.

#### **Hours of Operation**

*F2 Notwithstanding (d) above, the use of the outdoor areas of the premises may operate between 6 am to 8 am and 10 pm to 1 am Monday to Sunday; and between 10 pm on New Year's Eve to 2 am on New Year's Day for a trial period ~~of one year~~ **until 21 May 2022** ~~commencing from the date of the issue of any Occupation Certificate~~. The Secretary must be informed in writing of the date of commencement of the trial hours.*

#### **Maximum Patron Capacity**

*F4 The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is ~~870~~ **1,070** persons and includes:*

- 800 **1,000** patrons*
- Across premises: 70 staff;*
- A comfortable dining position must be available for each patron upon the premises. This must include a seat and access to table/bench space in accordance with the approved plans; and*
- Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (i).*



## 4 Assessment

### 4.1 Noise

#### Background

The OPT currently operates as an international and domestic port for cruise ships and includes a number of restaurants, offices, loading bays and a public viewing platform. The OPT also adjoins significant public domain areas and is a popular gathering place during public events such as New Year's Eve, Australia Day celebrations and the Sydney Vivid Festival.

The broad range of uses within the OPT Building and the surrounding public domain area each contribute to the existing background noise levels of the site and the immediate surrounding locality. The Acoustic Assessment prepared as part of the original SSD application (EMM Consulting Pty Ltd (EMM), November 2016) identified the nearest sensitive receivers to the outdoor dining areas of the premises to include:

- Quay Restaurant located directly above the premises and also within the OPT Building (commercial receiver)
- 7 Atherden Street, The Rocks (commercial receiver)
- apartments within the Metcalfe Bond building at 8 Hickson Road, The Rocks (residential receiver)
- Campbell's Stores at 7-27 Circular Quay West, The Rocks (commercial receiver)
- Park Hyatt Hotel at 7 Hickson Road, The Rocks (commercial receiver).

A number of mitigation measures were proposed in EMM's 2016 Acoustic Assessment to minimise noise impacts on the surrounding sensitive receivers. DP&E's assessment of the SSD application involved consultation with the City of Sydney Council (Council) and NSW Police.

DP&E subsequently determined that the potential noise impacts generated by the premises could be adequately managed through the measures proposed by EMM in its Acoustic Assessment and through the recommended conditions of consent including preparation of a comprehensive PoM.

#### Potential impact

The modification proposes an additional 200 patrons which will increase the maximum patron capacity from 800 to 1,000 patrons on the premises at any one time. No changes are proposed to the approved number of staff that may be located on the site (70). Importantly, there are no changes proposed to increase the music noise levels currently experienced at the site.

A further Acoustic Assessment has been prepared by EMM (April 2019) to address the noise implications of the additional 200 patrons (refer Appendix B). The Acoustic Assessment predicts a 1 dB relative increase in patron source noise level as a result of the increased patron numbers which constitutes an imperceptible change in noise level. Noise levels generated by use of the premises is predicted to remain compliant with the numerical noise limits established for all surrounding receivers and during all operational time periods.

Further, the Applicant will continue to ensure the operation of the premises is carried out in accordance with the conditions of consent relative to noise management. This includes Condition F5 which requires the use of the premises to operate in accordance with the approved PoM and Condition F8 which prescribes noise limits during night-time periods.

In summary, the noise impacts as a result of the proposed patron increase is predicted to have a negligible impact on surrounding receivers and the premises will continue to operate in accordance with the noise limits prescribed in the conditions of consent.

## 4.2 Plan of Management

Condition E2 of the consent required the Applicant to prepare a PoM prior to the issue of an Occupation Certificate. The PoM is required to detail the following:

- the hours of operation permitted in Conditions F1 and F2, as well as the hours of operation when liquor is supplied;
- the maximum number of patrons permitted at any one time (internally and externally) at the premises and shown on a plan drawn to scale;
- a complaints procedure consistent with Condition F20;
- collection of waste and recycling as permitted in Conditions F15 and F16;
- queuing of patrons as outlined in Condition F17; and
- a NMP that establishes noise management levels, outlines noise management and mitigation measures to minimise impacts on nearby receivers and include provisions for a suitable noise monitoring program.

The PoM was approved by the Secretary's nominee on 17 May 2018, prior to the commencement of operation at the premises. It is noted that the original PoM was prepared to the satisfaction of the NSW Police (refer advice received from DP&E at Appendix C).

An updated PoM (dated April 2019) has been submitted as part of the application to reflect the increase in patron numbers (refer Appendix D).

The revised PoM includes a seating plan arrangement for a maximum of 710 seated patrons on the ground floor and outdoor area and a maximum of 430 seated patrons on Level 1. While a total of 1,140 seats are provided within the premises, the conditions of consent and PoM restricts the maximum number of patrons 1,000 at any one time.

## 4.3 Late-night trading development control plan

Council's *Late Night Trading Premises Development Control Plan 2007* (DCP) applies to applications that seek approval for trading hours between 10 pm and 7 am the following day and applications that seek approval for outdoor trading beyond 8 pm.

The DCP acknowledges the night-time economy as an integral part of the commercial, cultural and social fabric of the city. Late night trading premises are recognised as an important part of Sydney's social and street life and contributes to city's image as a Global City and plays an important role to the city's economy.

The DCP assists managing potential impacts on neighbourhoods in which late night trading premises are located, and in particular, managing impacts on the amenity of residential properties or other sensitive land uses.

Council is proposing changes to late-night trading DCP including new and extended trading areas, changes to trading hours and encouraging more diverse trading. The *Draft Sydney Development Control Plan: Late Night Trading 2018* (draft DCP) was publicly exhibited from 27 November 2018 to 8 February 2019. Key changes to the DCP's planning controls include:

- extended late night management areas along George Street in the CBD;
- increased trading hours for low impact venues in local centres;

- identification of new late-night trading areas in suitable urban renewal precincts;
- extended late-night trading hours in existing areas; and
- encouraging performance, culture and unlicensed businesses to trade during late-night periods.

The proposed modification's consistency with the objectives of the draft DCP is outlined in Table 2 below.

<b>Draft Sydney Development Control Plan: Late Night Trading 2018</b>	
<b>Objective</b>	<b>Consideration</b>
<i>(a) Identify appropriate locations and trading hours for late night trading premises.</i>	The site is within an 'Existing late night management area' (as identified on the Late Night Trading Areas Map) and is therefore located in an appropriate location for continued late-night trading.
<i>(b) Ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses.</i>	The premises has demonstrated during the current trial period that it can operate with minimal adverse impacts on the amenity of surrounding land uses. The modification would not result in any additional environmental impacts.
<i>(c) Ensure that a commitment is made by operators of late night trading premises to good management through the monitoring and implementation of robust plans of management.</i>	A PoM has been prepared in accordance with Condition E2 of the consent and includes appropriate management measures to minimise impacts on surrounding land uses. The PoM has been updated to reflect the changes proposed as part of the modification. Further discussion on the PoM is provided at Section 4.2.
<i>(d) Encourage late night trading premises that contribute to vibrancy and vitality, as appropriate for a Global City.</i>	The premises is located in a busy tourist precinct with a high level of pedestrian activity throughout the surrounding public domain areas. The venue will continue to add to the vibrancy of the locality and provide space for visitors to make use of the restaurant while enjoying iconic views of the Opera House and Sydney Harbour Bridge from the outdoor space.
<i>(e) Encourage a broad mix of night time uses with broad community appeal that reflect the diverse entertainment and recreational needs of people who work and live in the City of Sydney as well as people who visit the City.</i>	The premises contributes to the entertainment and recreational needs of those who are living or visiting the city. In particular, the venue appeals to tourists visiting the city who can make use of the restaurant while enjoying iconic views of the Opera House and Sydney Harbour Bridge from the outdoor space.
<i>(f) Encourage a diversity of night-time activity in defined areas.</i>	The premises is an existing use and will continue to operate as a restaurant, including during the evening period, therefore contributing to the night-time vibrancy and activity in Circular Quay and The Rocks.
<i>(g) Encourage a diversity of night time activity by incentivising performance, creative or cultural uses in licensed premises and dedicated performance venues.</i>	The premises is not a dedicated performance, creative or cultural venue.
<i>(h) Prevent the proliferation of poorly managed high impact late night premises.</i>	The premises is an existing use that currently demonstrates appropriate management procedures to reduce any impact on surrounding land uses and sensitive receivers.

Draft Sydney Development Control Plan: Late Night Trading 2018	
Objective	Consideration
<i>(i) Ensure that new late night trading premises do not reduce the diversity of retail services in an area.</i>	The premises is an existing use and the continued late-night trading would not reduce the diversity of retail services in the surrounding area.
<i>(j) Encourage diverse retail and services to meet the needs of communities.</i>	The premises currently operates as a restaurant and does not constitute retail use.
<i>(k) Ensure that applications are accompanied by sufficient information so that proposals for late night trading premises can be fully and appropriately assessed.</i>	The modification application is accompanied by this SEE, an Acoustic Assessment (Appendix B), updated PoM (Appendix D) and advice from a BCA consultant (Appendix E) to enable the DP&E to undertake a thorough assessment.
<i>(l) Provide the possibility of extensions of trading hours for premises where they have demonstrated good management during trial periods.</i>	The premises has demonstrated good management during the approved trial period and now seeks to extend the trial period by a further three years. No other changes or extensions to the approved trading hours are proposed as part of the modification application.
<i>(m) Encourage premises with extended trading hours that are of a type that do not operate exclusively during late night hours and may be patronised both day and night.</i>	The proposed extension of the trial period for use of the outdoor dining areas is appropriate to ensure the ongoing activation and contribution to the night-time economy. Further, the trial period allows for the ongoing monitoring of the environmental performance of the premises.
<i>(n) Ensure that appropriate hours are permitted for outdoor trading; and</i>	Appropriate hours for outdoor trading are prescribed in the conditions of consent. The modification application proposes to extend
<i>(o) Ensure a consistent approach to the assessment of applications for premises seeking late night trading hours.</i>	It is anticipated that Council will be notified of the modification and that any concerns will form part of the DP&E's assessment of the application.

Table 1: Objectives of the Draft Sydney Development Control Plan: Late Night Trading 2018

## 4.4 Amenities

The Building Code of Australia (BCA) outlines the minimum necessary requirements for health, safety, amenity and sustainability in buildings and other structures.

The BCA includes requirements to ensure adequate sanitary facilities for personal hygiene are provided. The premises currently provides bathroom capacity for 850 males and 950 females and in accordance with the relevant BCA requirements for sanitary facilities (refer to the advice provided by the Building Code consultant at Appendix E).

Due to the aggregate egress widths of the existing bathroom facilities the maximum allowable persons permitted on the premises are:

- Ground level – 680 persons
- Level 1 – 560 persons.

The maximum number of patrons proposed for the premises is 1,000 in total and would be dispersed across both the ground level and Level 1 of the building. The premises would continue to meet the BCA requirements with respect to sanitary facilities should an additional 200 patrons be permitted.

## 4.5 Section 4.55(2) consideration

The provisions under Section 4.55(2) of the EP&A Act are required to be considered by the consent authority in determining a modification application. The relevant provisions are addressed in Table 2.

Section 4.55(2) provision	Consideration
(a) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	<p>The modification seeks approval for minor changes to the timing of the trial period and an increase in patron numbers.</p> <p>The development is substantially the same development for which consent was originally granted.</p> <p>The relatively minor nature of the modification would result in minimal environmental impact including a negligible 1 dB increase in patron source noise levels.</p>
(b) <i>it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of the consent, and</i>	<p>The proposal is not integrated development and is not subject to any concurrence requirements. However, it is anticipated that the DP&amp;E will consult with any relevant public authorities including Council during the notification period for the application.</p>
(c) <i>it has notified the application in accordance with:</i> <ul style="list-style-type: none"> <li>i. <i>the regulations, if the regulations so require, or</i></li> <li>ii. <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i></li> </ul>	<p>It is anticipated the DP&amp;E will notify the application in accordance with the requirements of the <i>Environmental Planning &amp; Assessment Regulation 2000</i>.</p>
(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	<p>Consideration will be given to any submissions received on the application, should the DP&amp;E deem it necessary to advertise and/or notify the proposal. Any issues raised will be addressed as part of a Response to Submissions (where required).</p>

Table 2: Section 4.55(2) consideration

## 5 Conclusion

The modification proposes a 3 year extension to the approved trial period for use of the outdoor areas of the premises and to increase the maximum number of patrons permitted on the premises from 800 to 1,000 at any one time.

This SEE and supporting documentation demonstrates that the proposed modification is justified as:

- there will be negligible noise impacts as a result of the increased patron numbers including a predicted 1 dB relative increase in patron source noise level;
- it is consistent with the *Draft Sydney Development Control Plan: Late Night Trading 2018* and will continue to provide a positive contribution to the late-night economy within The Rocks and Circular Quay;
- it is compliant with the BCA provisions with respect to on-site amenities;
- there will be no adverse environmental impacts including no impact on any item of heritage value located in proximity to the site;
- the premises will continue to operate in accordance with the PoM previously approved by the Secretary; and
- the Applicant has demonstrated compliance with the conditions of consent since the premises commenced operations in May 2018.

This SEE concludes that the proposed modification would result in minimal environmental impact and is substantially the same development for which consent was originally granted.

## Appendix A

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### Consolidated Development Consent – SSD 7683



## Development consent

### Section 89E of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning, under delegation dated 16 February 2015, I consent to the development application, 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 including economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.

Chris Ritchie  
**Acting Executive Director**  
**Key Sites and Industry Assessments**

Sydney

2017

#### SCHEDULE 1

**Application No.:**

SSD 7683

**Applicant:**

Jimmy's on the Mall Pty Ltd

**Consent Authority:**

Minister for Planning

**Land:**

Overseas Passenger Terminal (Tenancy 5), Circular Quay Way, The Rocks (Lots 1-3 DP 876516)

**Development:**

The use of Tenancy 5 of the Overseas Passenger Terminal (OPT) as a restaurant and:

- external alterations to the OPT building;
- new elevated micro-brewery pod to the north of the OPT;
- outdoor dining area to the north of the site; and
- business identification signage.

# CONSOLIDATED CONSENT

## DEFINITIONS

Advisory Notes	Advisory information relating to the consent but do not form a part of this consent
Applicant	Jimmy's on the Mall Pty Ltd
Application	The development application and the accompanying drawings, plans and documentation described in Condition A2
BCA	Building Code of Australia
Construction	Any works, including earth and building works
Council	City of Sydney Council
Certifying Authority	Means a person who is authorised by or under section 109D of the EP&A Act to issue a construction certificate under Part 4A of the EP&A Act; or in the case of Crown development, a person qualified to conduct a Certification of Crown Building works under section 109R of the EP&A Act
Day time	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
Evening	The period from 6pm to 10pm
EIS	Environmental Impact Statement entitled ' <i>SSD 7683: Overseas Passenger Terminal Circular Quay (Tenancy 5)</i> ', prepared by Keylan Consulting Pty Ltd dated November 2016
EPA	Environment Protection Authority, or its successor
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation or Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
NSW Heritage Minister	Heritage Council of NSW Minister for Planning, or nominee
Night time	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays
OEH	Office of the Environment and Heritage, or its successor
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>
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.
PNSW	Property NSW
RtS	Response to Submissions entitled ' <i>SSD 7683: New Restaurant and Micro-brewery Tenancy 5, Overseas Passenger Terminal, Response to Submissions</i> ', prepared by Keylan Consulting Pty Ltd dated 29 May 2017.
RMS	Roads and Maritime Services Division, Department of Transport or its successor
Secretary	Secretary of the Department of Planning and Environment, or nominee/delegate
Subject Site	Overseas Passenger Terminal (Tenancy 5), Circular Quay Way, The Rocks (Lots 1-3 DP 876516)
TNSW	Transport for NSW (including Roads and Maritime Services)
TPZ	Tree Protection Zone

## CONSOLIDATED CONSENT

### SUMMARY OF MODIFICATIONS

SSD 7683	Approved by Acting Executive Director, Key Sites and Industry Assessments, on 25 <sup>th</sup> August 2017 for use of Tenancy 5 of the OPT as a restaurant and external alterations, new micro-brewery, outdoor dining area and business identification signage
SSD 7683 MOD 1	Approved 7 March 2019 by the Director, Key Sites Assessments, for signage amendments and additions.

# CONSOLIDATED CONSENT

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS

#### Obligation to Minimise Harm to the Environment

- A1 In addition to meeting the specific performance criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the development.

#### Terms of Consent

- A2 Except as amended by the conditions of this consent, development consent is granted only to carrying out the development as described in Schedule 1.
- A3 The Applicant, in acting on this consent, must carry out the development:
- a) in compliance with the conditions of this consent;
  - b) in accordance with all written directions of the Secretary;
  - c) generally in accordance with the State Significant Development Application SSD 7683 Environmental Impact Statement entitled 'SSD 7683: Overseas Passenger Terminal Circular Quay (Tenancy 5), prepared by Keylan Consulting Pty Ltd dated November 2016;
  - d) generally in accordance with the Response to Submissions entitled 'SSD 7683: Overseas Passenger Terminal Circular Quay (Tenancy 5), Response to Submissions', prepared by Keylan Consulting Pty Ltd dated 29 May 2017; and
  - e) following drawings; except for
    - i. any modifications which are Exempt or Complying Development; and
    - ii. as otherwise provided by the conditions of this consent.

<b>Architectural (or Design) Drawings prepared by <i>Collins and Turner</i>:</b>			
<b>Draw No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
257_ADA_001	B	Location Plan	7/4/2017
257_ADA_002	B	Location Plan	7/4/2017
257_ADA_010	F	Level 1 Demolition	7/11/2016
257_ADA_011	G	Level 2 Demolition	7/4/2017
257_ADA_012	H	Level 1 Floor Plan	7/4/2017
257_ADA_013	H	Level 2 Floor Plan	7/4/2017
257_ADA_020	D	Elevation East	7/4/2017
257_ADA_021	D	Elevation West	7/7/2017
257_ADA_022	D	Elevation North	7/4/2017
257_ADA_023	B	Elevation East (Demolition)	7/4/2017
257_ADA_024	B	Elevation West (Demolition)	7/4/2017
257_ADA_025	B	Elevation North (Demolition)	7/4/2017
257_ADA_030	D	Section 01	7/4/2017
257_ADA_060	C	Micro-brewery Plans	7/4/2017
257_ADA_062	A	Micro-brewery Pod Section	11/4/2017
LD-SK-01	C	Public Domain	2/5/2017
OPT_MP_100	4	Level 1 External Signage Masterplan	4/5/2017

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OPT_MP_104	4	Level 2 External Signage Masterplan	1/5/2017
OPT_S1_S2_110	3	S1_S2 Identification Signage	9/5/2017
OPT_S1_111	3	Identification Signage — North Elevation	9/5/2017
OPT_S1_121	3	Identification Signage — East Elevation	9/5/2017
OPT_S1_200	2	Identification Signage — Detail	9/5/2017
OPT_S1_201	4	Identification Signage — Detail	9/5/2017
OPT_S2_115	3	Identification Signage — West Elevation Detail	9/5/2017
OPT_S2_116	4	Identification Signage — West Elevation Detail	9/5/2017
OPT_S3_500	3	Identification Signage — North Elevation	1/5/2017
<b>External Signage Drawings prepared by Mantle Group:</b>			
<u>Draw No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
<u>OPT_EX-SIGNAGE V1_001 LEVE L 1 FLOOR PLAN</u>	-	<u>Level 1 Floor Plan</u>	<u>6/2/2019</u>
<u>OPT_EX-SIGNAGE V1_002 LEVE L 2 FLOOR PLAN</u>	-	<u>Level 2 Floor Plan</u>	<u>6/2/2019</u>
<u>OPT_EX-SIGNAGE V1_003 EAST ELEVATION</u>	-	<u>East Elevation</u>	<u>6/2/2019</u>
<u>OPT_EX-SIGNAGE V1_004 EAST ERN VIEW</u>	-	<u>Eastern View</u>	<u>6/2/2019</u>
<u>OPT_EX-SIGNAGE V1_005 WES TERN ELEVATION</u>	-	<u>Western Elevation</u>	<u>6/2/2019</u>
<u>OPT_EX-SIGNAGE V1_006 WES TERN ELEVATION</u>	-	<u>West Entrance</u>	<u>6/2/2019</u>
<u>OPT_EX-SIGNAGE V1_007 NORT H ELEVATION</u>	-	<u>North Elevation</u>	<u>6/2/2019</u>
<u>OPT_EX-SIGNAGE V1_008 NORT HERN VIEW</u>	-	<u>Northern View</u>	<u>6/2/2019</u>

- A4 If there is any inconsistency between the documents in Condition A3, the most recent document prevails to the extent of the inconsistency. However, conditions of this consent prevail to the extent of any inconsistency.

### Limits on Consent

- A5 This consent in no way implies or grants approval for the following:

- a) internal building works;
- b) removal of any palm trees (note: the relocation of the three existing palm trees is permitted by this consent);
- c) subdivision of the site or building;
- d) drop-down blinds, shading devices, awnings, umbrellas or the like in the outdoor seating and in the new deck within the double height space in the tower drum;
- e) No consent is granted or implied for the business identification sign, known as Sign 1.2, clouded in red and shown on drawings OPT EX-

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SIGNAGE V1 002 LEVEL 2 FLOOR PLAN, OPT EX-SIGNAGE V1 003 EAST ELEVATION and OPT EX-SIGNAGE V1 004 EASTERN VIEW.

## **Development Expenses**

- A6 It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

## **Prescribed Conditions**

- A7 The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

## **Lapsing of Consent**

- A8 The development consent will lapse 5 years after the determination date, unless the construction works authorised by this development consent have commenced.

## **Long Service Levy**

- A9 For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

## **Legal Notices**

- A10 Any advice or notice to the consent authority must be served on the Secretary.

**END OF PART A**

## PART B PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### No Works Prior to Construction Certificate

- B1 Work must not commence until a Construction Certificate in respect of the work has been issued.

### Building Code of Australia (BCA) Compliance

- B2 The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- a) complying with the deemed to satisfy provisions; or
  - b) formulating an alternative solution which:
    - i) complies with the performance requirements; or
    - ii) is shown to be at least equivalent to the deemed to satisfy provision; or
    - iii) a combination of a) and b).

### Structural Details

- B3 The Applicant must submit structural drawings prepared and signed by a suitably qualified practising Structural Engineer to the Certifying Authority demonstrating compliance with:
- a) the relevant clauses of the BCA; and
  - b) the development consent.

The structural drawings must be prepared to the satisfaction of the Certifying Authority and be submitted prior to the issue of the relevant Construction Certificate.

### Construction Fitout of Food Premises

- B4 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 must 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 fitout works.

### Pre-Construction Dilapidation Report

- B5 The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all retained existing and adjoining buildings, infrastructure and roads within the 'zone of influence'. The report must be submitted to the Certifying Authority prior to issue of the relevant Construction Certificate or any works commencing whichever is earlier. A copy of the report must be forwarded to the Ports Authority and Property NSW.

The Pre-Construction Dilapidation Report must also include a photographic recording of the public domain site frontages and must be submitted to Ports Authority and Property NSW satisfaction. The recording must include clear images of the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street. The form of the recording is to be as follows:-

- a) a PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;



## CONSOLIDATED CONSENT

- b) each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;
- c) each image is to be numbered and cross referenced to a site location plan;
- d) a summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record; and
- e) include written confirmation, issued with the authority of both the Applicant and the photographer that the Ports Authority and Property NSW is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Ports Authority and Property NSW images. The signatures of both the applicant and the photographer must be included.

### Sydney Water Building Plan Approval

- B6 Prior to the issue of a Construction Certificate, the approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

### Outdoor Lighting

- B7 All outdoor lighting within the site must 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 Certifying Authority prior to the issue of the relevant Construction Certificate.

### Associated Roadway Costs

- B8 All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway must be borne by the Applicant. The new road works must be designed and constructed in accordance with the Council's "Development Specification for Civil Works Design and Construction". Plans demonstrating compliance with these requirements must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

### Storage and Handling of Waste

- B9 The design and management of waste must comply with the requirements of *City of Sydney Development Control Plan 2012*. Details must be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

### Footpath Damage Guarantee

- B10 If not already obtained, a Footpath Damage Bank Guarantee to cover the site frontage and areas of the public domain which may be damaged and 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.

The guarantee must be lodged with the relevant road authority prior to the issue of the relevant Construction Certificate.

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## Access for People with Disabilities

- B11 Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the issue of the relevant Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

## Sanitary Facilities for Disabled Persons

- B12 The Applicant must 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 must be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## Mechanical Plant Noise Mitigation

- B13 Details of noise mitigation measures for all mechanical plant are to be detailed on the Construction Certificate drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Industrial Noise Policy and other guidelines applicable to the development is required to be submitted to the Certifying Authority prior to the issue of the relevant Construction Certificate.

## Construction Environmental Management Plan

- B14 Prior to the issue of the relevant Construction Certificate, a **Construction Environmental Management Plan (CEMP)** must be prepared in consultation with Ports Authority of NSW and Property NSW and submitted to the Secretary for information. The CEMP must address, but not be limited to, the following matters, where relevant:

- a) hours of work;
- b) 24 hour contact details of site manager;
- c) construction pedestrian traffic management (refer to **Condition B15**);
- d) construction noise and vibration management, prepared by a suitably qualified person, which addresses the relevant provisions of Australian Standard 2436 – 2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites, and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009);
- e) air quality management, which includes the monitoring and management of air quality and dust to protect the amenity of the neighbourhood; and
- f) construction waste.

**Note:** The CEMP must not include works that have not been explicitly approved in the development consent. In the event of any inconsistency between the consent and the CEMP, the consent prevails.

## Construction Pedestrian and Traffic Management Plan

- B15 Prior to the issue of the relevant Construction Certificate, the Applicant must prepare **Construction Pedestrian and Traffic Management Plan (CPTMP)** to the satisfaction of the Ports Authority of NSW and in consultation with the Coordination Office within TfNSW. The CPTMP must specify, but not limited to, the following:

- a) location of the proposed work zone;
- b) haulage routes;
- c) construction vehicle access arrangements;
- d) proposed construction hours;
- e) estimated number of construction vehicle movements;

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- f) construction program;
- g) consultation strategy for liaison with surrounding stakeholders;
- h) any potential impacts to general traffic, cyclists, pedestrians, ferry services and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works;
- i) cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the CBD road network; and
- j) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, ferry services, pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.

A copy of the CPTMP must be provided to the Secretary.

### Requirements of Public Authorities

- B16 The Applicant must comply with the requirements of any public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia) 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 are the responsibility of the Applicant. Details of compliance with the requirements of any relevant public authorities must be submitted to the satisfaction of the PCA prior to the issue of the relevant Construction Certificate.

### Outdoor Glazed Perimeter Fence

- B17 Prior to the issue of the relevant Construction Certificate, the Applicant must prepare an outdoor seating fence plan which outlines specific materials and design details in consultation with GML Heritage consultants. The plan must be submitted to the Secretary for approval.

### Campbell's Cove Public Domain Integration

- B18 Prior to the issue of the relevant Construction Certificate, the Applicant must consult with Property NSW to ensure all paving, levelling, drainage and other associated works will suitably integrate with the treatments, materials and levels proposed in the Campbell's Cove public domain proposal (SSD 7246). The details and the outcome of this consultation must be provided to the Secretary and the Certifying Authority prior to the issue of the relevant Construction Certificate.

### Compliance Report

- B19 Prior to the issue of a Construction Certificate, the Applicant, or any party acting upon this approval, must submit to the Certifying Authority a report addressing compliance with all relevant conditions of this Part.

## END OF PART B

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## PART C PRIOR TO COMMENCEMENT OF WORKS

### Notice of Commencement of Works

- C1 The Department, the PCA and Council must be given written notice, at least 48 hours prior to the commencement of work on the Subject Site.
- C2 The PCA must provide the builder's current and direct contact number to businesses adjoining or impacted by the proposed works and the Transport Management Centre and Sydney Coordination Office within TNSW, to resolve issues relating to traffic, freight, servicing and pedestrian access during construction in real time.

### Demolition

- C3 The demolition work must comply with the provisions of *Australian Standard AS2601: 2001 The Demolition of Structures*. The work plans required by AS2601: 2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the satisfaction of the Certifying Authority prior to the commencement of works.

### Certified Plans

- C4 Plans certified in accordance with section 109C of the EP&A Act are to be submitted to the Certifying Authority and the Department prior to the commencement of works and must include details as required by any of the following conditions.

### Archaeology

- C5 Prior to the commencement of footing and piling works, the Applicant must undertake archaeological test excavation.
- C6 The archaeological testing must follow an appropriate research design and excavation methodology and be directed by an excavation director who meets the Heritage Council's Excavation Director Criteria for the excavation of state significant archaeological sites.
- C7 The testing results must guide the next stage of development. Areas of state significant archaeology and substantially intact archaeological evidence must be appropriately managed and avoided wherever possible in the design and this process must be overseen by the excavation director detailed in **Condition C6**.
- C8 In the event it is not possible in whole or part, detailed full archaeological salvage must be undertaken. This must be guided by an appropriately research design and excavation methodology and be directed by an excavation director detailed in **Condition C6**.
- C9 A final excavation report must be prepared within 12 months of the completion of the archaeological works on site and must include details of any artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the landowner. The final excavation report must be provided to the Department of Planning and Environment, the Heritage Council and to the Sydney Local studies unit.

### Contamination

- C10 Prior to the commencement of any works, a hazardous material survey must be undertaken. The survey must detail any unexpected finds and appropriate management measures.

### Hoarding

- C11 A separate application under section 138 of the *Roads Act 1993* must be made to the relevant road authority to erect a hoarding and/or scaffolding in a public road and such application is to include:

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- 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.

Evidence of the issue of a Structural Works Inspection Certificate and structural certification must be provided to the Certifying Authority prior to the commencement works.

### Barricade Permit

C12 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.

### Road Occupancy Licence

C13 A Road Occupancy Licence (ROL) must be obtained from the relevant road authority under section 138 of the *Roads Act 1993* for any activity that may impact on the operation of the road network. The ROL allows the Applicant to use a specified road space at approved times, provided certain conditions are met. The Applicant must allow a minimum of 10 working days for processing ROL applications. Traffic Control Plans are to accompany each ROL application(s) for any such activities.

### Tree Protection Zone

C14 Prior to the commencement of works, a Tree Protection Zone(s) (TPZ) must be established around all tree(s) to be retained. Tree protection must be installed and maintained in accordance with the *Australian Standard 4970: Protection of Trees on Development Sites*.

C15 Each TPZ must be:

- a) enclosed with a 1.8m high fully supported chainmesh protective fencing. The fencing must be secure and fastened to prevent movement. The fencing must have a lockable opening for access. Woody roots must not be damaged or destroyed during the establishment or maintenance of the fencing;
- b) kept free of weed and grass for the duration of works;
- c) have two signs identifying the name and contact details of the site Arborist attached facing outwards in a visible position. All signs must remain in place throughout all work on site; and
- d) Tree Protection Fencing must not be relocated unless approved by the Private Certifying Authority.

C16 The following works must be excluded from within any TPZs:

- a) soil cut or fill including excavation and trenching;
- b) soil cultivation, disturbance or compaction;
- c) stockpiling, storage or mixing of materials;
- d) the parking, storing, washing and repairing of tools, equipment and machinery;
- e) the disposal of liquids and refuelling;
- f) the disposal of building materials;
- g) the siting of offices or sheds; and
- h) any action leading to the impact on tree health or structure.

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## **Compliance Report**

C17 Prior to the commencement of works, the Applicant, or any party acting upon this approval, must submit to the PCA a report addressing compliance with all relevant conditions of this Part.

**END OF PART C**

## PART D DURING CONSTRUCTION

### Hours of Work

- D1 The hours of demolition and construction, including the delivery of materials to and from the Site, are restricted as follows:
- a) between 7 am and 7 pm, Mondays to Fridays inclusive;
  - b) between 8 am and 5 pm, Saturdays; and
  - c) no work on Sundays and public holidays; or
  - d) work may be undertaken outside these hours where:
    - i) the delivery of materials is required outside these hours by the Police or occasional works are required outside these hours by other authorities; or
    - ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm.

### Noise and Vibration Management

- D2 The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures must be implemented and any activities that could exceed the construction noise management levels must be identified and managed in accordance with the **Construction Environmental Management Plan**.
- D3 Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.
- D4 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.

### Setting out of Structures

- D5 The structures must 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 must submit a plan to the PCA certifying that the structural works are in accordance with the approved development application.

### Approved plans to be onsite

- D6 A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on the site and must be readily available for perusal by any officer of the department, the relevant authority or the PCA.

### Site Notice

- D7 A site notice(s) must 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:



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- 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.

## Waste Classification

- D8 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.

## Impacts of Below Ground (Sub Surface) Works – Non-Aboriginal Objects

- D9 If during the course of construction the Applicant becomes aware of any previously unidentified heritage object(s), all work likely to affect the object(s) must cease immediately and the Heritage Council of New South Wales must be notified immediately and consulted with regard to the recommencement of works.

## Impacts of Below Ground (Sub Surface) Works – Aboriginal Objects

- D10 If during the course of construction the Applicant becomes aware of any previously unidentified Aboriginal object(s), all work likely to affect the object(s) must cease immediately and OEH informed in accordance with section 89A of the *National Parks and Wildlife Act 1974*. Relevant works must not recommence until written authorisation from OEH is received by the Applicant.

## Asbestos and Hazardous Waste Removal

- D11 Any existing filling on the site must be assessed for the presence of asbestos materials during construction. All materials requiring removal from the site must be classified in accordance with Waste Classification Guidelines (NSW EPA, 2014). The Applicant must ensure that demolition works are undertaken so that cross-contamination of the site does not occur.
- D12 Removal of asbestos and other hazardous building materials must be undertaken by a suitably licensed contractor and an asbestos clearance certificate must be provided before waste classification, disposal or site validation is undertaken.

## Site Contamination Issues During Construction

- D13 Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, the Department must be immediately notified and works must cease. Works must not recommence on site until the Department confirms works can recommence.

## Work Cover Requirements

- D14 To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant Work Cover requirements.

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## Hoarding/Fencing Requirements

D15 The following hoarding requirements must be complied with:

- a) no third party advertising is permitted to be displayed on the subject hoarding/fencing; and
- b) the construction site manager must be responsible for the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

## Implementation of Management Plans

D16 Applicant must ensure that the requirements of the **Construction Environmental Management Plan** and **Construction Pedestrian Traffic Management Plan** required by Part B of this consent are implemented during construction.

## Disposal of Seepage and Stormwater

D17 Any seepage or rainwater collected on-site during construction must be either re-used or disposed of, so as not to cause pollution. Seepage or rainwater must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

## Covering of Loads

D18 All vehicles involved in the excavation and / or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

## Vehicle Cleansing

D19 Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

## Stockpile Management

D20 The Applicant must ensure that:

- a) stockpiles of excavated material do not exceed 4 metres in height;
- b) stockpiles of excavated material are constructed and maintained to prevent cross contamination; and
- c) suitable erosion and sediment controls are in place for stockpiles.

## No Obstruction of Public Way

D21 The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Secretary to stop all work on site.

## Contact Telephone Number

D22 The Applicant must 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.

## Compliance Report

D23 The Applicant, or any party acting upon this consent, at the completion of the works must submit to the PCA a report addressing compliance with all relevant conditions of this Part.

**END OF PART D**

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## PART E PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### Occupation Certificate

- E1 An Occupation Certificate must be obtained from the PCA prior to commencement of occupation or use of the whole or any part of the approved building.

### Plan of Management

- E2 Prior to the issue of any Occupation Certificate, an updated **Plan of Management** must be prepared to include the following:
- a) hours of operation permitted in **Conditions F1** and **F2**, as well as hours of operation when liquor is proposed to be supplied;
  - b) maximum number of patrons permitted at any one time (internally and externally) at the premises and shown on a plan drawn to scale;
  - c) complaints procedures consistent with **Condition F20**;
  - d) collection of waste and recycling as permitted in **Conditions F15** and **F16**;
  - e) queuing of patrons as outlined in **Condition F17**;
  - f) **Noise Management Plan**: the **Plan** must establish noise management levels, outline noise management and mitigation measures to minimise impacts on nearby receivers and include provisions for a suitable noise monitoring program.

The **Plan of Management** is to be prepared to the satisfaction of the NSW Police and approved by the Secretary prior to the issue of any Occupation Certificate.

### Signage to be Displayed

- E3 Signage (in lettering not less than 15 mm in height on a contrasting background) must be erected in a prominent position near the main principle entry to the premises prior to the issue of any Occupation Certificate. The signage must state: Approved patron capacity is limited to 800.
- E4 Signage (in lettering not less than 15 mm in height on a contrasting background) must be erected in a prominent position near the main principle entry to the premises prior to the issue of any Occupation Certificate. The signage must state the approved hours of operation that are outlined in **Condition F1**.

### Road Damage

- E5 The cost of repairing any damage caused to Council'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 prior to the occupation/use of the building.

### Fire Safety Certification

- E6 Prior to the commence of the use, a **Fire Safety Certificate** must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

### Structural Inspection Certificate

- E7 A **Structural Inspection Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the use of the building. A copy of the Certificate with an electronic set of

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final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority after:

- a) 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
- b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### Post- Construction Dilapidation Report

E8 Prior to the issue of any Occupation Certificate:

- a) the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- b) the report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
- c) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions and
- d) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- e) a copy of this report is to be forwarded to the Council, Ports Authority, Property NSW and the Secretary and each of the affected property owners.

### Mechanical Ventilation

E9 Following completion, installation and testing of all the mechanical ventilation systems, the Applicant must 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:

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

### Waste and Recycling Collection

E10 Prior to the issue of any Occupation Certificate 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. the roadways, footpaths, plazas, and reserves at any time.

### Food Premises – Health Registration Database

E11 Prior to the commencement of food handling operations, the proprietor of the food premises must notify and register the food premises with Council's Health and Building Unit and the NSW Health Department at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au) prior to the opening of the premises;

E12 Prior to the commencement of food handling operations, the proprietor of the food premises must 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

## CONSOLIDATED CONSENT

- c) the location of all food premises of the food business within the jurisdiction of NSW Health.

### Sanitary Facilities for Disabled Persons

- E13 Prior to the issue of the final Occupation Certificate, details must be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **Condition B12** of this consent.

### Fire Safety Certification

- E14 Prior to the commence of the use, a **Fire Safety Certificate** must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

**END OF SECTION E**

# CONSOLIDATED CONSENT

## PART F POST OCCUPATION - DURING OPERATION

### Hours of Operation

F1 The hours of operation are restricted as follows:

#### Indoor Areas

- a) 6 am to 12 midnight Sunday to Thursday (inclusive);
- b) 6 am to 1 am Friday and Saturday (inclusive); and
- c) 6 am New Year's Eve to 2 am New Year's Day (inclusive).

#### Outdoor Areas

- d) 8 am to 10 pm Monday to Sunday (inclusive)

F2 Notwithstanding (d) above, the use of the outdoor areas of the premises may operate between 6 am to 8 am and 10 pm to 1 am Monday to Sunday; and between 10 pm on New Year's Eve to 2 am on New Year's Day for a trial period of one year commencing from the date of the issue of any Occupation Certificate. The Secretary must be informed in writing of the date of commencement of the trial hours.

F3 If a modification or development application is lodged to continue any trial period specified in **Condition F2** then the use the subject of the application for extension may continue until the application is determined.

### Maximum Patron Capacity

F4 The maximum number of persons (including staff, patrons and performers) permitted in the premises at any one time is 870 persons and includes:

- i. 800 patrons;
- ii. Across premises: 70 staff;
- iii. A comfortable dining position must be available for each patron upon the premises. This must include a seat and access to table/bench space in accordance with the approved plans; and
- iv. Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity specified in sub clause (i).

### Plan of Management

F5 The use of the premises as a restaurant must operate at all times in accordance with the approved **Plan of Management** required by **Condition E2**.

### Storage of Dangerous Goods

F6 The safe storage and handling of dangerous goods must be in compliance with relevant Australian Standards and particular attention to allowable quantities of dangerous goods stored indoors and Class segregation guidelines must be adhered to.

### Noise Control - Plant and Machinery

F7 Noise associated with the operation of any plant, machinery or other equipment on the site, must not give rise to any one or more of the following:

- a) transmission of "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;

## CONSOLIDATED CONSENT

- b) a sound pressure level at any affected residential property that exceeds the background (LA90, 15 minute) noise level by more than 5dB(A). The background noise level must be measured in the absence of noise emitted from the premises. The source noise level must be assessed as a LAeq, 15 minute; and
- c) notwithstanding compliance with (1) and (2) above, the noise from mechanical plant associated with the premises must not be above the background noise level between the hours of 12 midnight and 7 am.

### Noise Control - Use

F8 Noise emanating from the premises (internal and outdoor areas) including patron noise and music must not give rise to any one or more of the following:

- a) transmission of “offensive noise” as defined in the *Protection of the Environment Operations Act 1997* to any place of different occupancy;
- b) the LA10 noise level must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) by more than 5dB between 7 am and 12 midnight at the boundary of any affected residence;
- c) the LA10 noise level emitted must not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz-8kHz inclusive) between 12 midnight and 7 am at the boundary of any affected residence; and
- d) notwithstanding compliance with (a), (b) and (c) above, all noise associated with the premises must not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7 am.

### Annual Fire Safety Certificate

F9 An annual **Fire Safety Statement** must be given to Council and the Fire & Rescue NSW commencing within 12 months after the date on which the initial Interim/Final Fire Safety Certificate is issued. This must ensure 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.

### Odour Requirements

F10 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.

F11 Gaseous emissions from the development must comply with the requirements of the *Protection of the Environment Operations Act, 1997* and Regulation. Uses that produce airborne particulate matter must incorporate a dust collection system.

### Complaints – Smoke / and/or Odour

F12 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 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*



# CONSOLIDATED CONSENT

from stationary sources in NSW, prepared by the Department of Environment and Conservation NSW.

## External Lighting

- F13 External Lighting must comply with *AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the Applicant must submit to the PCA evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

## Loading and Unloading

- F14 All loading and unloading of service vehicles associated with the use of the premises must be carried out within the existing loading dock.

## Storage and Handling of Waste

- F15 The removal of recycled bottles and glasses must only occur between 7 am and 8 pm weekdays and 9 am and 5 pm weekends and public holidays to avoid disruption to the area.
- F16 No waste must be placed for collection in a public place e.g. footpaths, roadways and reserves under any circumstances.

## Queuing of Patrons

- F17 An **adequate queuing system** for patrons must be implemented at the entrance(s) of the licensed restaurant to ensure any queue:
- a) does not disturb or create conflict with members of the public in the vicinity of the queue;
  - b) does not create a hazard of obstruction;
  - c) does not disturb the quiet enjoyment and amenity of the neighbourhood;
  - d) enables persons to exit the premises;
  - e) enables NSW Police, Department or Council and other regulatory authorities and emergency services unimpeded access to the premises.

## CCTV Footage on premises

- F18 The Licensee must maintain a CCTV system which meets the following minimum requirements:
- i. A camera must be located at the main entrance to the venue and positioned 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.
  - ii. In addition, CCTV cameras must be maintained 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,

## CONSOLIDATED CONSENT

- c) all portions of the floor area accessible to the public where entertainment is provided,
  - d) toilet external entrances,
  - e) all public accessible areas within the premise excluding toilets and accommodation rooms,
  - f) the footpath area directly adjacent to the premises, and
  - g) courtyard and smoking areas.
- iii. The CCTV recordings of the cameras referred to in sub condition (2) 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.
- iv. Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. When the venue is open and trading, at least one person must be at the venue that is capable of accessing the CCTV system and is able to immediately review recordings and produce copies.
- x. Immediate access to the CCTV system and the ability to review recordings on the system is to be granted to NSW Police, OLGR Inspectors or other regulatory officers upon request.
- xi. The CCTV system must 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.
- xii. Prior to the commencement of trade each day, the CCTV system must be checked to ensure the equipment is in full operating order. If, during the daily check or at any other

## CONSOLIDATED CONSENT

time, it is discovered that the equipment is not in full operating order, the licensee is to 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 the Licensing police and Council.

### Neighbourhood Amenity

F19 The management of the premises:

- i. Must ensure patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- ii. Must ensure that the manner in which the business of the premises is conducted and/or the behaviour of persons entering and leaving the premises does not cause undue disturbance to the amenity of the neighbourhood. In this regard, the management must be responsible for the control of noise and litter generated by persons and/or premises operations. If so directed by the Secretary or Council or the NSW Police, the Management is to employ private security staff to ensure that this condition is complied with.

### Complaints Register – Disturbance Complaints and Incidents

F20 The management of the premises:

- i. Must record in a Complaints Register full details of any disturbance complaint/s made by a person to management or staff in respect to the manner in which the business of the premises is conducted and/or the behaviour of persons entering or leaving the premises. Such recording will include time, date, nature of the complaint/s and any complainant details if provided.
- ii. Must respond to any disturbance complaint/s in a timely and effective manner. All actions undertaken by management / staff to resolve such complaint/s must be recorded in the Register.
- iii. Must take all reasonable steps to stop or reduce disturbances to prevent future occurrences to the satisfaction of the Secretary or the NSW Police.
- iv. In the event of an Incident of a serious nature, the manager must contact the Applicant 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.
- v. The Complaints Register must have printed page numbers to ensure it is an accurate record of Disturbances and/or Incidents at the Subject Site. The Complaints Register must be kept in a secure place on the Subject Site and a photocopy or electronic backup must be made at the end of each calendar month and the backup must be retained for at least three years.
- vi. If an Incident constitutes a valid complaint, the manager must rectify the situation immediately and take all reasonable steps to stop or reduce the source of the Incident to prevent future occurrences to the satisfaction of the Secretary or the NSW Police.

### END OF SECTION F

## ADVISORY NOTES

### Appeals

AN1 Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).

### Other Approvals and Permits

AN2 The Applicant must apply to NSW Heritage for any approvals under the *Heritage Act 1977* (if required), and the Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under section 68 (Approvals) of the *Local Government Act 1993* or section 138 of the *Roads Act 1993*.

### Responsibility for other consents / agreements

AN3 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

AN4 The existing liquor licence relevant to the site is Licence No LIQO 624000996.

### Approvals under Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act)

AN5 The obligation to obtain further approval under the EPBC Act rests with the Applicant. The Applicant's responsibilities and statutory requirements under the EPBC Act for environmental approvals.

AN6

- i. The *EPBC Act* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.
- ii. This application has been assessed in accordance with the New South Wales EP&A Act 1979. The determination of this assessment has not involved any assessment of the application of the Commonwealth legislation. It is the Applicant's responsibility to consult the Department of Sustainability, Environment, Water, Population and Communities to determine the need or otherwise for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not have application. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

### Temporary Structures

AN7

- a) An approval under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.
- b) Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* to certify the structural adequacy of the design of the temporary structures.

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## **Disability Discrimination Act**

AN8 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. 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 BCA 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.

## **Asbestos Removal**

AN9 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".

## **Site Contamination Issues During Construction**

AN10 Should any new information come to light during works which has the potential to alter previous conclusions about site contamination, the Applicant must be immediately notified and works must cease. Works must not recommence on site until contact is made with the Department and the Department advises the Applicant works can recommence.

**END OF ADVISORY NOTES**

## Appendix B

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### Acoustic Assessment (EMM, April 2019)

2 April 2019

Adam McIlveen  
General Manager NSW  
Mantle Group  
35 Circular Quay West  
The Rocks, Sydney NSW 2000

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**Re: The Squire's Landing – Acoustic Assessment for Increased Patron Capacity**

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EMM Consulting Pty Ltd has been engaged by Mantle Group to conduct an acoustic assessment of potential noise impacts due to a proposed increase in patron numbers for the Squire's Landing microbrewery located within Tenancy 5 of the Overseas Passenger Terminal, The Rocks (the site).

The venue was previously assessed in the report prepared by EMM 2016 *Overseas Passenger Terminal (Tenancy 5) Circular Quay West - acoustic assessment – version 2* (DA Acoustic Report) prepared for Jimmys on the Mall as part of the state significant development application SSD 7683.

This proposal will include an increase in patron capacity from 800 to 1,000 people. There are no proposed changes to hours of operation or activities undertaken at the site. As part of the proposed modification, the site will also manage patron and other noise between 12 am and 1 am, depending on circumstances at the time, as follows:

- manage the venue so that the current 800 patron capacity is not exceeded in this time period; or
- if the venue has over 800 patrons:
  - close the north ground and first floor doors after 12am; or
  - reduce the music noise level.

The peak trading time for the venue is typically 5 pm to 9 pm. It is unlikely for the venue to be at capacity outside of these times and therefore the above management measures would rarely be required. To EMM's knowledge, there has been no noise complaints received from the operation of Squire's Landing since its inception in May 2018.

In relation to noise emissions from the proposed modification, the proposed increase in patron capacity will result in a 1 dB relative increase in patron source noise level. A 1 dB increase constitutes an imperceptible change in noise level. There is no proposed increase in music noise level. Based on the noise level prediction presented in the DA Acoustic Report and the management measures described above, noise from the venue is predicted to remain compliant with numerical noise limits at all receivers during all operational periods.



The venue will continue to operate in accordance with their plan of management. This plan requires the venue to adhere to the Department of Planning and Environment approved noise limits, respond to noise complaints and to implement additional noise management and mitigation should a non-compliance be identified. Based on the venue's record to date and the negligible predicted increase in operating noise level, it is unlikely that the proposed modification will result in additional noise impacts.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Weston', with a stylized, cursive script.

**Daniel Weston - Associate**

Reviewed by: NI 01/04/19

## Appendix C

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Plan of Management approval (DP&E, May 2018)



Mr Michael Woodland  
Keylan Consulting Pty Ltd  
Suite 2, Level 1, 1 Rialto Lane  
Manly NSW 2095

[michael@keylan.com.au](mailto:michael@keylan.com.au)

Dear Mr Woodland

**Request to discharge Condition E2 – Plan of Management – SSD 7683**

I refer to the documentation submitted to the Department on 11 May 2018 seeking to discharge Condition E2 of the Overseas Passenger Terminal approval (SSD 7683) requiring a **Plan of Management**.

The Department has reviewed the submitted documentation and is satisfied it meets the requirements of Condition E2 by outlining:


- hours of operation when liquor is proposed to be supplied
- maximum number of patrons internally and externally
- appropriate complaints procedures
- waste and recycling strategies
- queueing of patrons procedures
- a noise management plan and associated mitigation measures.

The Department also notes the Plan of Management has been prepared to the satisfaction of the NSW Police, which is confirmed in its correspondence dated 18 April 2018.

Accordingly, as the Secretary's nominee, I am satisfied that the requirements of Condition E2 have been satisfied.

Should you have any questions, please contact Lewis Demertzi, Key Sites Assessments on (02) 8275 1191 or via email at [lewis.demertzi@planning.nsw.gov.au](mailto:lewis.demertzi@planning.nsw.gov.au)

Yours sincerely



17.5.18

Ben Lusher

**Director**  
**Key Sites Assessments**  
(as Secretary's nominee)

## Appendix D

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### Updated Plan of Management (April 2019)

# **The Squire's Landing**

## **Plan of Management - April 2019 version**

### **Part 1 – Venue Overview**

This Plan of Management relates to The Squire's Landing (The Restaurant).

It is proposed that the Restaurant operate pursuant to an on-premise licence (the Licence) endorsed with a primary service authorisation (the PSA) and in compliance with the law including the NSW Liquor Act 2007 (the Act) and the Liquor Regulation 2008 (the Regulation).

This plan has been prepared to ensure the Restaurant whilst open to the public operates in compliance with the management requirements of the City of Sydney Late Night Trading Premises Development Control Plan 2007 (the DCP). The Restaurant is a Category B low impact premises (iv)

The Restaurant is located within an area surrounded by commercial, retail and residential development. The area is serviced by good public transport (i.e. Circular Quay Train and Ferry Station is a short distance away and the area regularly receives taxi and bus services).

Council:	City of Sydney Council
Operator:	Mantle Group Hospitality
Site:	Tenancy 5, The Overseas Passenger Terminal, Circular Quay West, The Rocks, Sydney
Licence:	Liquor - On premise licence

## **Management of facility**

The management of the premises as a licensed Restaurant will be carried out by the Operator. The Operator proactively complies with this Plan of Management. This Plan of Management will be available, on request, at all times to regulatory authorities. This document is used in the Induction of all Management, Staff and Security personnel.

The Licensed premises is operating under the direct supervision of the licensee or appropriately experienced supervisory staff whenever liquor is being sold and supplied.

Liquor consumption by all patrons is actively monitored by the licensee or staff

At any one time the maximum number of individuals working at the Restaurant is estimated to be 70 people. These people will be employed in Management, various front of house, various back of house and Security positions.

All team members involved in the supply of alcohol at the Restaurant must, on commencing employment and prior to their first shift:

- \* Review this plan
- \* Review the Prevention of Intoxication on Licensed Premises Guidelines issued by Liquor and Gaming NSW
- \* Review the Intoxication Guidelines Fact Sheet issued by Liquor and Gaming NSW
- \* Review the Liquor Promotion Guidelines issued by Liquor and Gaming NSW
- \* Review the key Liquor Licence Details relevant to the licensed premises in particular the conditions of the licence
- \* Review the relevant conditions of the Development Consent issued by the Local Consent Authority for the licensed premises
- \* Review the CBD Entertainment Precinct Plan of Management (Appendix 1)
- \* Review crime scene preservation guidelines (Appendix 2)

A record of the above will be kept on site in the venue's induction log. The log will be maintained by the Administration Officer.

## Key Staff Contact Details

General Manager name	Adam McIlveen
Venue telephone number	02 8014 5661
Mobile telephone	0431 083 568
E-mail	adam.mcilveen@mantlegroup.com
Venue Manager name	Antonio Kuo
Venue telephone number	02 8014 5661
Mobile telephone	0403 181 608
E-mail	antonio.kuo@thesquireslanding.con.au
2IC Manager's name	Andrea Stapleton
Telephone contact	0412 725 294

## Venue floor plan

A copy of the floor plan is kept on the premises (see below).

The Plan shows the total licensed areas.

The premises has a maximum patron capacity of 1000.

It is anticipated that the majority of the time when the premises will trade that the internal capacity will be 570 and the external capacity 430.

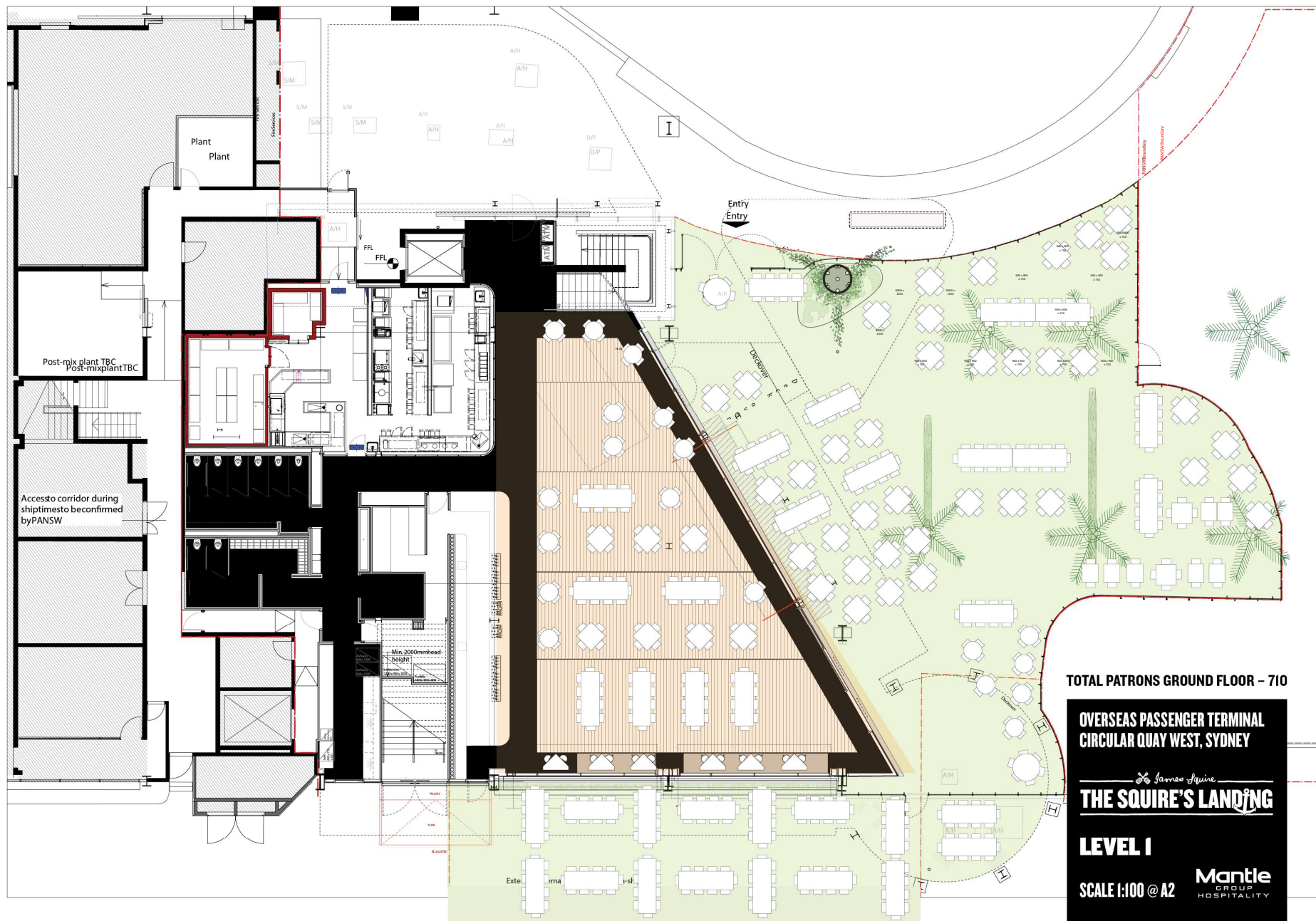
However, there will be occasions when those figures will vary depending on the nature of the use of the premises for example when functions such as a wedding occurs.

Consequently, the upstairs may have 450 patrons and the downstairs 200 patrons and the external capacity will be 350. Other configurations may also occur.

Another example is that the venue is only permitted to operate on the eastern (wharf side) ground floor area on non-ship days. In this instance, the capacity of the external areas will be reduced but the venue can accommodate more internally.

Nevertheless, the premises must at all times operate within the requirements of the Building Code of Australia and it has received expert advice and will ensure that it does in all circumstances.





TOTAL PATRONS GROUND FLOOR - 710

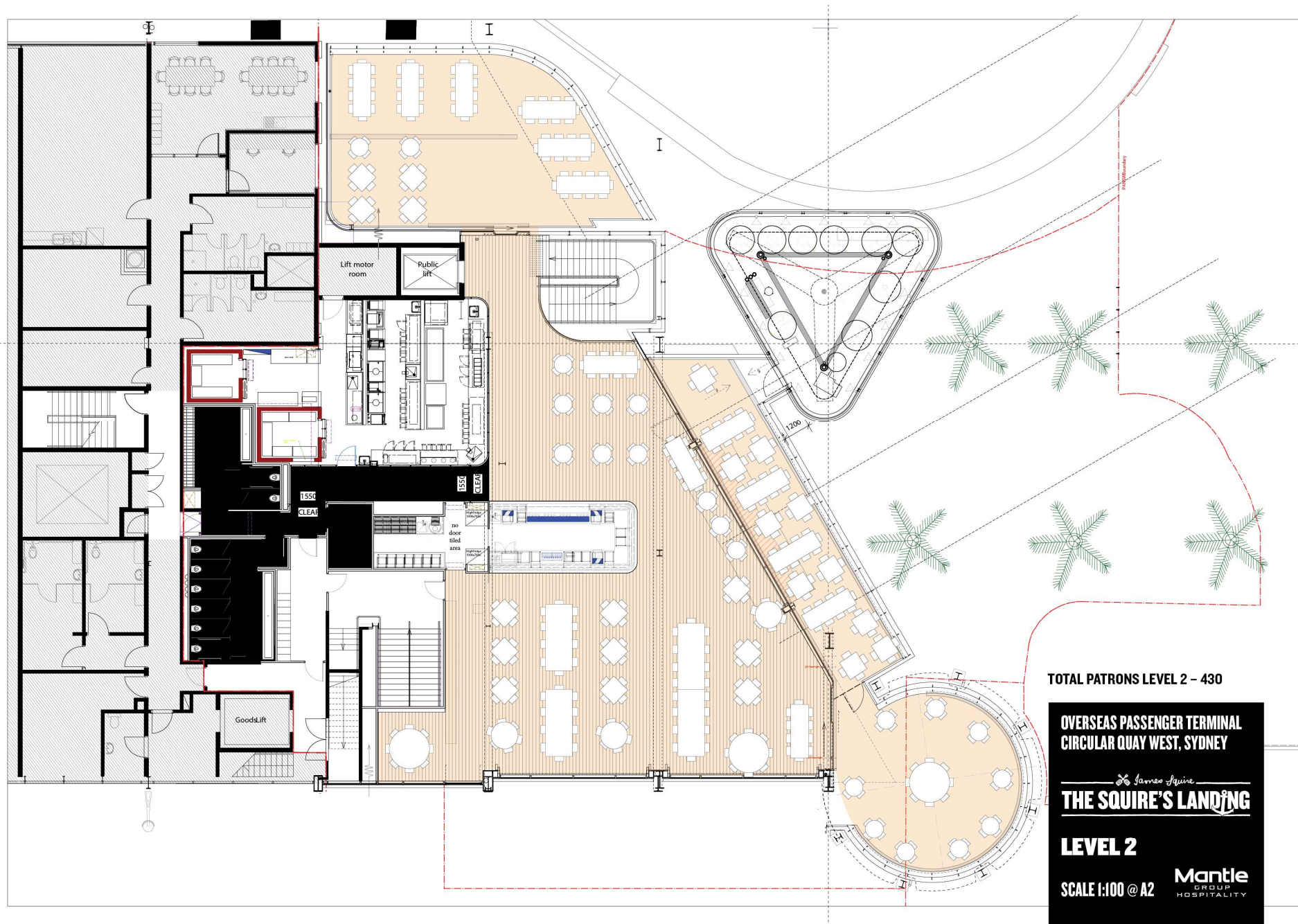
OVERSEAS PASSENGER TERMINAL  
CIRCULAR QUAY WEST, SYDNEY

*Jamoo Javine*  
**THE SQUIRE'S LANDING**

**LEVEL 1**

SCALE 1:100 @ A2

**Mantle**  
GROUP  
HOSPITALITY



TOTAL PATRONS LEVEL 2 – 430

OVERSEAS PASSENGER TERMINAL  
CIRCULAR QUAY WEST, SYDNEY

*Jamoo Squire*  
**THE SQUIRE'S LANDING**

**LEVEL 2**

SCALE 1:100 @ A2

**Mantle**  
GROUP  
HOSPITALITY

## Venue licensed trading hours as per DA

### Indoor Areas

- a) 6am to 12 midnight Sunday to Thursday (inclusive);
- b) 6am to 1am Friday and Saturday (inclusive); and
- c) 6am New Year's Eve to 2am New Year's Day (inclusive)

Note The actual trading hours of the Restaurant may vary from time to time provided trading falls within the hours as permitted by the applicable Development Consent and Liquor Licence

### Outdoor Areas

- d) 8am to 10pm Monday to Sunday (inclusive)

Note Notwithstanding (d) above, the use of the outdoor areas of the premises may operate between 6am to 8am and 10pm to 1am Monday to Sunday; and between 10pm on New Year's Eve to 2am on New Year's Day for a trial period of one year commencing from the date of the issue of any Occupation Certificate. The Secretary must be informed in writing of the date of commencement of the trial hours.

## Venue licensed trading hours as per Liquor Licence

	From	To
Monday	10am	12am
Tuesday	10am	12am
Wednesday	10am	12am
Thursday	10am	12am
Friday	10am	1am
Saturday	10am	1am
Sunday	10am	12am

\* See liquor licence for approved trading hours on Good Friday, Christmas day and NYE

## Bars and service areas

<b>Name of area</b>	Ground Floor
Description/boundary	Area containing Bar & Entertainment on Ground Floor
Trading hours	See trading hours
Safe staffing level	Contingent on Venue Offer

### Type of service

Wait staff	YES	X	NO
Bar Staff	YES	X	NO

### Free drinking water

Available on request	YES	X	NO
1 Self-service cold water dispense - available at the bar	YES	X	NO
Maximum drink purchases per patron prior to 12am	YES		NO X
Maximum of 4 drinks purchased per patron after 12am	YES	X	NO
No shots, shooters, slammers or bombs after 12am	YES	X	NO
No doubles (Not apply to genuine cocktails) after 12am	YES	X	NO
No RTD's after 12am	YES	X	NO
Low Alcohol Beer available	YES	X	NO

<b>Name of area</b>	Level 1
Description/boundary	Area containing Bar and External decks on the 1st Floor
Trading hours	See trading hours
Safe staffing level	Contingent on Venue Offer

### Type of service

Wait staff	YES	X	NO
Bar Staff	YES	X	NO

### Free drinking water

Available on request	YES	X	NO
Maximum drink purchases per patron prior to 12am	YES		NO X
Maximum of 4 drinks purchased per patron after 12am	YES	X	NO
No shots, shooters, slammers or bombs after 12am	YES	X	NO
No doubles (Not apply to genuine cocktails) after 12am	YES	X	NO
No RTD's after 12am	YES	X	NO
Low Alcohol Beer available	YES	X	NO

## KEY POINTS

The licence permits the sale and/or supply of liquor for consumption on the premise in conjunction with the provision of a meal. The PSA permits guests to be served liquor without consuming a meal. Nevertheless, the primary purpose and business of the licence must remain as a restaurant serving meals to guests

The liquor laws require drinking water to be available free of charge at each point where liquor is sold or supplied on the licensed premises

Any conditions imposed on the liquor licence or any requirements under the Liquor Act 2007 which restricts the times, type or quantity sold, or supplied on the licensed premises are complied with.

Liquor is supplied and promoted in a manner that is consistent with the Liquor Promotions Guidelines issues under section 102(4) of the Liquor Act 2007

Patrons are made aware of the availability of non-alcoholic and low strength alcoholic beverages in the licensed premises.

Any special conditions attached to the CBD Entertainment Precinct Plan of Management are adhered to. Please see Appendix 1.

## Food service [1]

Name of outlet	The Squire's Landing Restaurant
Trading hours	Food available at all times whilst alcohol is served. Dedicated menu operates from 11am until 10pm
Area serviced	Whole of venue
Type of food	Modern Australian Dining
Notes:	Food is available at all times outside formal restaurant hours in a short order menu.

Nothing in this Operations, Safety and Security Plan of Management prevents the Operator from amending or extending the above Restaurant hours within the approved operating hours.

Meals may be consumed anywhere in the Restaurant that comply with the relevant government legislation.

## KEY POINT



[1] Having food available for patrons at all times during trading periods is a standard harm minimisation licence condition.

## **House Policy**

The Restaurant's house policy addresses the following:

- \* Patrons will be required to be of a neat, tidy, clean and presentable appearance to gain entry to the Restaurant. Management reserves the right to refuse entry for non-compliance with any of the above criteria;
- \* Harm Minimisation and the Responsible Service of Alcohol; and
- \* The prevention of intoxication on the Restaurant's licensed premises.

The Restaurant's House Policy (as set out below) will be made known to all staff.

In the interests of patron and staff safety, the Restaurant will adopt practises to ensure the responsible service of alcohol.

It is the Restaurant's Policy to:

- \* Prevent intoxication by recognising the signs of intoxication and refusing service to a patron who reaches the point. Any person who is already intoxicated when attempting to enter the Restaurant will be refused entry.
- \* Ensure that non-alcoholic beverages are available for purchase at all times the Restaurant is open for trade.
- \* Ensure no promotions are conducted at the Restaurant which will result in binge drinking or excessive consumption.
- \* Prevent disruptive and/or anti-social behaviour of patrons within and when leaving the Restaurant.
- \* Prevent drink driving by having safe transport options available including directions to local public transport options.
- \* Management may arrange for taxis for any person of the restaurant if so requested.
- \* Educate staff in respect of Responsible Service of Alcohol and this House Policy.
- \* Ensure the noise from the operation of the Restaurant does not unduly affect any residence or business located in the vicinity.

\* Ensure the operation of the Restaurant does not result in an increase in the litter or odours experienced in the vicinity of the Restaurant.

## **Part 2 – Responsible service of alcohol (RSA)**

### **Registers**

#### **RSA Register [2]**

Person responsible for updating the Register  
RSA Register contents

Location - Administration office  
Administration Officer Ali Gunn  
A copy of the licensee's/manager's RSA card, a copy of Staff RSA card, a copy of nominated Security company's security guards RSA

#### **BLACK OLGR incident Register [3]**

Person responsible for updating the Register  
Types of incidents recorded in the Register

Location - Office  
Manager  
Any incident involving violence or antisocial behaviour occurring on the licensed premises  
  
Any incident of which the licensee is aware that involves violence or antisocial behaviour occurring in the immediate vicinity of the licensed premises and that involves a person who has recently left or been refused admission to the premises  
  
Any incident that results in a person being turned out of the licensed premises – where it is a non-voluntary exclusion of persons from licensed premises under Section 77 of the 2007 Liquor Act  
  
Any other incident of a kind prescribed by the regulations.

#### **SECURITY Company Incident Log**

Person responsible for updating the Register  
Log Contents

Location: Bar  
Security Supervisor  
Incidents involving the security guard making forcible contact with or physically restraining a member of the



public and the security guard inviting a member of the public

## KEY POINTS

[2] RSA register – The Licensee/Approved Manager will ensure that copies of Competency Cards and/or RSA certificates for the Licensee and all staff members engaged in the sale, supply, or service of alcohol are kept at the Restaurant at all times and to be made available for inspection by request from Police officers, Council Inspectors or OLGR Inspectors. Staff must carry their Competency card, or alternatively have access to their card via the Service NSW App with a smart phone or tablet, at all times during restaurant service and will produce it when requested to do so by the relevant authorities.

[3] Incident register – As the Restaurant falls within the Sydney CBD Entertainment Precinct an approved incident register must be maintained at all times while trading. Registers will be made available anytime for inspection by request from Police Officers, Council Inspectors or OLGR Inspectors.

## Liquor promotions

The operator will pay due regard to the Liquor Promotions Guidelines.

## Managing patron behaviour

### Preventing intoxication [4]

#### Checklist

Low-alcohol beer available	Yes (see bars and service areas)
Non-alcoholic beverages available	Yes (see bars and service areas)
Free drinking water available	Yes (see bars and service areas)
Limit on number of drinks per patrons	Yes (see bars and service areas)
Food available	Yes (see food service)
Procedures are in place to help staff deal with patrons who may be showing early signs of approaching intoxication.	Yes (see procedures for dealing with incidents)
Staff are trained in these procedures	Yes (see Part 4)

[4] The liquor laws require licensees/managers to prevent intoxication on licensed premises. The standard harm minimisation licence conditions require low-alcohol beer, non-alcoholic beverages, free drinking water, and food to be available at all times during trading periods.

## Procedures for dealing with intoxication incidents

Type of incident: Intoxicated person trying to gain access to premises

**Responsibility**

**Action to be taken**

Front Line Staff

Stopped before entry

Security

Told they cannot gain entry due to intoxication

Management

Asked to move 50m from Venue.

If they fail to move on the Police are to be called

Type of incident: Refusal of service to persons showing early signs of approaching intoxication.

**Responsibility**

**Action to be taken**

Front Line Staff

Tell the patron they have been refused service and immediately stop service to the patron

Security

Offer to call the patron a taxi (or other form of transportation)

Management

Offer the patron water while they wait for transport and confirm requirement that patron is to leave the premises.

Notify other staff members in other bars that the patron has been refused service in case they attempt to get another drink from elsewhere. Supervise while waiting for transport.

If patron refuses Restaurants offer tell them that they have to leave the premise immediately

If patron fails to leave the premises the Police are to be called

Type of incident: Removal of persons showing early signs of approaching intoxication from the premises.

**Responsibility**

**Action to be taken**

Front Line Staff

Notify security that the patron has been refused so they can escort the patron out

Security

Notify other staff members in other bars that the patron has been refused service in case they attempt to get another drink from elsewhere. Supervise while waiting for transport.

Management

If they fail to leave premises the Police are to be called

### Other procedures

Type of incident	Responsibility	Action to be taken
No ID	Staff / Security / Management	Ask to leave, notify Security & Management
Suspected Fake ID	Staff / Security / Management	Call Security and/or Management
Violent/ Quarrelsome Behaviour	Staff / Management / Security	Call Management Immediately. Diffuse situation. Management to notify Police.

### Preventing underage drinking

#### Checklist

Proof of age ID checks are in place in the venue	Yes
Staff check ID for all patrons who look 25 years or younger	Yes
Staff are trained in ID checking procedures	Yes (see Part 4)
Staff are trained to recognise situations when second parties may be supplying liquor to minors	Yes
Procedures are in place to help staff deal with suspected second party supply incidents	Yes

### Checking proof of age ID [5]

Location of checking	Responsibility	What is checked
Entry Doors	Security/ Front Line Staff	Date of Birth
Service Points	Front Line Staff / Security	Photo matches
		Presenting patron
Anywhere within Restaurant	Management	Expiry Date
		Any Damage or Alteration of ID

### Procedures for dealing with underage drinking issues and incidents

#### Suspected fraudulent proof of age ID

Type of incident	Action to be taken
Altered Date of Birth	Patron is refused entry, details on licence are to be recorded and police contacted.
Non-matching Photo	Police are notified and given details of the licence

## **Dealing with suspected second party supply incidents**

### **Type of incident**

Parent, older sibling, older friend, stranger supplying

### **Action to be taken**

Call Security and/or Management immediately. Alcohol to be confiscated immediately. Both supplying and underage patrons asked to leave premise immediately. If they fail to leave premise Police are to be called.

## **KEY POINTS**

[5] Acceptable proof of age documents –Proof of Age Card (issued by another Australian state or Territory, except NSW), Driver's license, Passport, NSW Photo Card (issued by RTA)

## **Illicit Drugs**

No illicit drug is permitted in the Restaurant at any time.

Any person found using, supplying or possessing an illicit drug shall be immediately removed from the Restaurant and if necessary, the Police called to escort the offender from the Restaurant.

If illicit drugs are found on site they are to be held and handed over to Police.

For the purposes of this plan, "illicit drug" includes any drugs made illegal by the laws of the State of New South Wales or the Commonwealth of Australia.

## **Part 3 – Amenity of neighbourhood**

### **Public policy objectives**

The most important public policy objectives are:

1. To manage the Restaurant so as not to disturb residents, other property owners and visitors to the locality; and
2. Minimise harm associated with potential misuse and abuse of liquor.

The specific objectives are to:

- Ensure the area in the immediate locality of the Site is secure, safe and free from public nuisance caused by patrons of the Restaurant.
- Minimise any nuisance impacts on the nearby residential and commercial uses.
- Ensure that patrons are served responsibly in accordance with industry/company standards and policies for the Responsible Service of Alcohol.
- Monitor the behaviour of patrons who show inappropriate behaviour, both within and outside the site, and encourage appropriate and responsible behaviour.

### **Manage traffic impacts**

The impact of the operation of the Restaurant on the adjoining street system is an important public policy issue. The specific objectives are to:

- Minimise disruption of both pedestrian and vehicular traffic in the local street system.
- Ensure that road conditions are not rendered unsafe as a consequence of loading and unloading operations.
- Ensure all delivery and waste collection vehicles use the loading area. A private contractor will be appointed to collect waste. The removal of glass must only occur between 7am and 8pm weekdays and 9am and 5pm weekends and public holidays.
- Ensure that, during trading hours, waste generated is collected from different areas within the Hotel and moved to the designated waste storage area as required. No waste will be

placed for collection in a public space.

## **Waste Management**

Waste removal will occur as follows: -

- \* Cardboard: to be flattened and placed in dedicated paper storage area and collected as needed by a licensed paper recycler;
- \* Styrofoam: empty boxes to be stored in the Restaurant and removed by suppliers upon receipt of further produce;
- \* Used cooking oil: to be stored in approved receptacle and collected once a week by a licensed recycler;
- \* Food waste: to be placed inside sealed garbage bags and placed in sealed garbage containers and removed by a recognised waste contractor at least weekly; and
- \* Glass bottles: To be stored within the Restaurant and removed on at least a weekly basis.

All rubbish (general waste and recyclables) will be stored in the dedicated bin room.

## **Minimise noise**

Noise minimisation is an important public amenity issue and the objectives of the plan are to:

- Ensure that the noise criteria of Council and the Independent Liquor and Gaming Authority are met.
- Utilise measures in place to reduce noise – amplifier noise limiters, door closers, Management patrols of external perimeter and neighbouring streets from time to time and venue contact details published.
- Assist patrons to minimise disturbance whilst entering, departing from or using the site.
- Ensure that noise disturbance as a result of Restaurant operations or the actions of patrons of the Restaurant are minimised.
- Ensure any complaint regarding noise is logged in venue complaint register and Venue Manager responds accordingly.

## **Security /Safety**

The specific measures to be taken to achieve the objectives, in relation to Restaurant safety and security and the surrounding locality, are -

- Retain a responsible security company, employing only licensed operators to provide Class 1C under Security Industry Act 2007 security and patrol services to the Restaurant

The Licensee shall: -

- Keep necessary written records of incidents in a compliant log available for inspection by the relevant regulatory authority. The details should be immediately entered in the incident register or, where it is not practical to do this, written in a notebook and copied into the incident register at the end of the shift.
- Keep written records of activities and incidents in an appropriate log book available for inspection by the Operator, Council and the Police
- . Ensure all Security personnel fill in a timesheet (start and finish times) which is to be initialled by the manager/licensee on duty.
- . Ensure Security reports to the manager/licensee to obtain a briefing on any specific duties to be addressed on prior to commencing duty.
- Review security performance regularly as required.
- Ensure weekly communication between the Venue Manager and the head of Security to discuss relevant security issues or incidents from the previous week's trade.
- . Ensure all licensed security personnel have communication devices to communicate with each other at all times.
- Ensure Security is available in the event of public nuisance arising from patrons of the Restaurant. The Assistant/Duty Manager at any time is to be responsible for patron security. The duties of that person are to include supervising patron behaviour, both inside and within the vicinity of the Restaurant, in conjunction with Security when they are in attendance.
- Ensure Security advises any disturbance to the Assistant/Duty Manager, if necessary, by use of radio at the time of the event or in person and then in writing following the event.



- Ensure that Security undertake regular patrols of the Restaurant and the area immediately surrounding the Site from midnight until 30mins after the closing time or until the last patron has left the premises, whichever is the later, on Friday and Saturday nights, to monitor the behaviour of patrons leaving the Restaurant and report incidents accordingly
- . Security personnel will be dressed in readily identifiable uniforms displaying identification as a security officer and be appropriately licensed.
- Security personnel will be appropriately rostered depending on trading times and conditions as well as the Restaurants offer at the time.
- . Security will co-operate with the Police and any other private security personnel operating in the vicinity of the premises.
- . Ensure upon commencing Security will regularly during routine patrols check to ensure all emergency exit doors are kept closed.
- . Security will patrol internal toilet areas at random intervals, notifying the licensee or management of any suspected illegal activity or if the toilet areas need attention in regard to cleanliness. If there are no female security personnel on duty, then prior to entry into the female toilet areas, an announcement is to be made of the incoming patrol by knocking on the door and clearly stating that these toilets are about to be inspected by a male security person.

### **Procedure for patron entry and queuing of patrons**

During peak periods a host will be located at the western entry on the ground floor. This person will be in communication with key staff and security to ensure the even distribution of patrons over all areas of the venue.

If the venue reaches capacity the host is to stop entry and create a queue for patrons wishing to enter. The host is to work with security and key staff to ensure that queuing patrons: -

- \* do not disturb or create conflict with members of the public
- \* do not create a hazard or obstruction
- \* do not disturb the quiet enjoyment and amenity of the neighbourhood
- \* allow persons to exit the premises

\* enables NSW Police, council and other regulatory authorities and emergency services unimpeded access to the premises

### **No Smoking Policy**

The licensee will ensure that smokers behave in accordance with the Smoke Free Environment Act 2000, in particular the 4-metre law ensuring:

No smoking signs will be posted in accordance with the Smoke Free Environment Act 2000

Have policies in place for non-compliant guests

Involve the Duty Manager if a situation is not resolved adequately and keep a record in on site incident register of such situations.

### **Cleaning**

The Restaurant will be cleaned on a daily basis. A commercial cleaning company will clean the entire restaurant including kitchen, bathrooms, dining rooms, offices, hallways and corridors. Periodic deep cleans of outdoor floor areas will be undertaken on a basis whereby a high standard of presentation is maintained.

### **Sanitary Facilities**

Patrons of the Restaurant will have access to sanitary facilities located inside the Restaurant. The cleaning of the sanitary facilities of the Restaurant will be checked and maintained by staff during each trading day.

### **Crime Scene Preservation**

As per The Sydney CBD Entertainment Precinct Plan of Management the Restaurant to the best of its ability will preserve crime scenes according to the Crime Scene Preservation Guidelines - See Appendix 2 and Appendix 3

## Complaints Register and Procedure

### Complaints log

The operator is to keep a written log of complaints and events so that matters can be brought to the attention of the responsible parties. This is located in the administration office. The register will have printed page numbers to ensure it is an accurate record of disturbances.

Complaints should be directed to the Operator in the first instance.

At all times during the operation of the Restaurant, the Assistant/Duty Manager is to address any complaint regarding aspects of the operation of the Restaurant. Complaints will be acted upon immediately if necessary.

All other complaints are to be responded to by the Venue manager within 10 days or referred to other authorities, such as the Police or Local Government, if required.

In the event of an incident of a serious nature, the manager must contact the Applicant 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 an emergency service.

### Venue security patrols [6]

Name of security company	Urban Security and Risk Management		
Master License	000 102 162		
Area Manager	Brad Chivers		
Telephone contact	0404 197 500		
Email	Brad@usrm.com.au		
Area serviced	Ground Floor/ Public Amenity/ Entrances		
Condition of licence?	YES	NO	X
Minimum safe security level	Contingent on venue offer		
How is security deployed?	As per operational requirements		
Day and time of patrolling	As per operational requirements		
Area serviced	First Floor		
Condition of licence?	YES	NO	X
Minimum safe security level	Contingent on venue offer		
How is security deployed?	As per operational requirements		
Day and time of patrolling	As per operational requirements		

[6] All security staff employed by the venue must hold a recognised RSA card.  
Our full Security Plan of Management can be seen in Appendix 3

### **Closed circuit TV**

Camera location	No. of Cameras
Ground Floor Internal	10
Ground Floor External	15
Ground Floor Back of House	21
Level 1 Internal	11
Level 1 External	5
Level 1 Back of House	9

#### **Data Retention for Security Camera system**

Number of Days:	30
Name of service provider	Element Security
Contact name	Scott
Telephone contact	02 8515 7913
Email	scott@elementsecurity.com.au

The Restaurant will maintain a CCTV system which meets the following minimum requirements:

A camera must be located at the main entrance to the venue and positioned 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:

- \* the person represents not less than 100% of screen height, and
- \* there is an unobstructed view of the person's face.

In addition, CCTV cameras must be maintained throughout the premises with camera coverage to specifically record images of the following areas:

- \* all other public entrances and exits, whether or not in use at the time,
- \* staircases,
- \* all portions of the floor area accessible to the public where entertainment is provided,
- \* toilet external entrances,

- \* all public accessible areas within the premise excluding toilets and accommodation rooms,
- \* the footpath area directly adjacent to the premises, and
- \* courtyard areas.

The CCTV recordings of the cameras referred to in sub condition (2) of the DA 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:

- \* the person represents not less than 50% of screen height, and
- \* there is an unobstructed view of the person's face.

Camera views are not to be obstructed by temporary or permanent structures, signage or other impediments.

Camera recordings must meet the standards set in sub condition (1) and (3) of the DA at all times.

Recordings must:

- \* be in digital format and record at a minimum of 10 frames per second, and
- \* commence one hour prior to opening and operate continuously until at least one hour after closure.

The correct time, date and camera identification must be automatically embedded on all recordings.

The Licensee must ensure that no person is able to delete or alter any recordings within the 30 day retention period.

At least one person on site while trading must be capable of accessing the CCTV system and review recordings and produce copies.

Immediate access to the CCTV system is to be granted to NSW Police, OLGR Inspectors or other regulatory officers upon request.

CD, DVD or USB copies of CCTV footage must, upon request, be provided within one working day to NSW Police, OLGR Inspectors or other regulatory officers upon request.

The CCTV system must be checked each day at the commencement of trade. If the system is not fully operational the Local Area Commander or delegate must be notified within 2

hours. The daily check of the CCTV system must be recorded in the incident register.

## **Entertainment**

Type/name of regular entertainment	Live acts including but not limited to, Soloist / Duos /Tribute acts, comedy nights and stage performers.
Location	Ground Floor and Level 1
Day and time of entertainment	Monday to Sunday
Noise Restrictions	Regular conditions pertaining to noise on DA
Number of security staff	Contingent upon venue offer.

## **Fire safety**

The restaurant will be patronised by people who may not be familiar with the building as a whole. To ensure fire safety, the following measures are proposed:

- Designated Fire Wardens will be trained to manage the safe evacuation of all persons, including those who might have mobility difficulties, in accordance with an appropriate evacuation plan.
- Display emergency evacuation plans and annual Fire Safety Certificate in a conspicuous location.
- Maintain all fire safety equipment in accordance with BCA and Council requirements.
- Undertake annual inspections for compliance of fire safety equipment/ essential services and prepare annual Schedule 15A returns to Council.

## **Anti-social/violent behaviour**

Dealing with anti-social/violent behaviour in vicinity of venue

<b>Location</b>	<b>Responsibility</b>	<b>Action to be taken</b>
Entrances	Security	Patrols at regular intervals Asking patrons to leave and dealing with any potential problems proactively

## **Local community [7]**

Procedures for dealing with impact of venue on local community

<b>Issue</b>	<b>Responsibility</b>	<b>Strategy</b>
Noise and Disturbances to public	Licensee	Consultation / engagement with public and adjust procedures accordingly

## **KEY POINT**

[7] Maintaining contact with neighbouring residents will help to identify any problems before they escalate. When issues do arise, it is important they are dealt with quickly and in a way that benefits both parties.

#### **Part 4 – Management / Staff training [8]**

##### **Checklist**

Management meetings held every	Fortnight - a record of minutes kept on file and managed by the Venue Administrator
Staff receive information about	Liquor laws RSA Venue operating Procedures (Security, ID checks) Local Liquor accord initiatives Other information as required
Staff have access to resources	Plan of Management Mantle Policies / Procedures & Standards DA and Liquor Licence"

##### **KEY POINTS**

[8] The venue is committed to ongoing training of staff to ensure everyone is kept updated on RSA, new information about the liquor laws, venue initiatives, and venue operating procedures. These meetings also encourage the exchange of ideas between venue management and staff. A record of these training sessions is kept on file and managed by the Venue Administrator.

#### **Part 5 – Transport**

##### **Safe transport options [9]**

###### **Taxi**

Operated by	Premier Cabs
Phone Number	13 10 17

###### **Sydney Buses**

Operated by	Transport NSW
Phone Number	13 15 00

###### **Sydney Trains**

Operated by	Transport NSW
Phone Number	13 15 00

###### **Sydney Ferries**

Operated by	Transport NSW
Phone Number	13 15 00

##### **KEY POINT**



[9] Educating patrons and staff about the safe transport options available in your local area will assist in reducing drink driving. The proximity of, and the availability of, public transport options is to be made available at the Restaurant.

## **Part 6 – Working with local stakeholders**

### **Key contacts**

#### **Licensing Police**

Contact name	LSC Juan Murari
Stanford Telephone	(02) 8220 6399
Email	TBC

#### **OLGR Liaison officer**

Contact name	TBC
Telephone	(02) 9995 0834
Email	TBC
Website	<a href="http://www.olgr.nsw.gov.au">www.olgr.nsw.gov.au</a>

#### **Local Council**

Contact name	City of Sydney Council
Telephone	(02) 9265 9333
Email	<a href="mailto:council@cityofsydney.nsw.gov.au">council@cityofsydney.nsw.gov.au</a>

#### **Local liquor accord**

Local liquor accord	City North Liquor Accord
Accord Coordinator	Fiona Speed
Mobile	0488 777 752
E-mail	Admin @ cnla < <a href="mailto:membership.cnla@gmail.com">membership.cnla@gmail.com</a> >

### **Modification and maintenance of the terms of this plan**

The Licensee/Approved Manager will review and update this plan when its deemed warranted. At the time of updating this Plan, the Licensee/Approved Manager will arrange for a copy of the updated Plan to be provided to the Local Licensing Police.

APPENDIX 1 - CBD ENTERTAINMENT PRECINCT PLAN OF MANAGEMENT

APPENDIX 2 - CRIME SCENE PRESERVATION GUIDELINES

APPENDIX 3 - URBAN SECURITY PLAN OF MANAGEMENT

## Appendix E

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### Advice from Building Code Consultant

## Brent Devine

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**From:** Beatrix King <beatrix.king@knisco.com.au>  
**Sent:** Monday, 6 August 2018 11:20 AM  
**To:** arj.rupesinghe@mantlegroup.com  
**Cc:** Adam.McIlveen@mantlegroup.com; Godfrey.Mantle@mantlegroup.com; Cassandra.Estrampes@mantlegroup.com; Sean Igoe  
**Subject:** RE: The Squire's Landing

Good Morning Arj,

Thank you for the email, please see the below maximum population numbers as dictated by the aggregate egress of the fire stairs / exits at OPT / Squires Landing:

- Ground level (6m) = 680 people
- Level 1 (5m) = 560 people

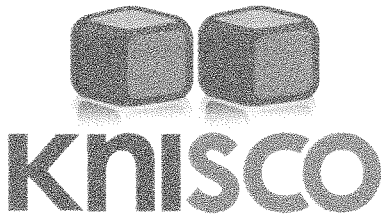
Thank you

Kind Regards,

**Beatrix King** | Building Code Consultant

P 07 3852 2080 E [beatrix.king@knisco.com.au](mailto:beatrix.king@knisco.com.au) M 0415 662 296

A Level 1, 689 Ann Street, Fortitude Valley QLD 4006 W [knisco.com.au](http://knisco.com.au)



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