



NSLPP MEETING HELD ON 07/08/2024

Attachments:

1. Site Plan
2. Architectural Plans
3. SEE and Plan of Management
4. Acoustic Report

ADDRESS/WARD: 171 Miller Street, North Sydney 2060 (CBD)

APPLICATION No: DA 37/2024

PROPOSAL: Fit-out and use of a food and drink premises, including café, restaurant, and bar premises, within the Victoria Cross Station Over-Station Development.

PLANS REF:

Plan Nos.	Revision	Description	Prepared by	Dated
2.00 00 CO		Cover Page	Mitchell and Eades	19 February 2024
2.00.00 IN	04	Sheet Index		19 February 2024
2.00.00 GN		General Notes		19 February 2024
2.00.00	02	Site and Location Plan		19 February 2024
2.01.01 AR	04	Architectural Plan L00		19 February 2024
2.02.01 AR	02	Architectural Plan L01		19 February 2024
2.03.01 AR	03	Architectural Plan L02		19 February 2024
2.01.04 CL	02	Reflected Ceiling Plan – L00		19 February 2024
2.02.04 CL	01	Reflected Ceiling Plan – L01		19 February 2024
2.03.04 CL	01	Reflected Ceiling Plan – L02		19 February 2024
2.01.06.01 EL	03	Elevations -L00		19 February 2024
2.02.06.01 EL	01	Elevations -L01		19 February 2024
2.02.06.02 EL	01	Elevations -L01		19 February 2024
2.03.06.01 EL	01	Elevations -L02		19 February 2024
2.03.06.02 EL	01	Elevations -L02		19 February 2024
2.03.06.03 EL		Elevations -L02		19 February 2024
2.00.06.50	01	Sections - Overall		19 February 2024
2.00.06.51	01	Elevation - Overall		19 February 2024

OWNER: Sydney Metro

APPLICANT: The Trustee for Etymon Projects Trust

AUTHOR: Kim Rothe, Senior Assessment Officer

DATE OF REPORT: 23 July 2024

DATE LODGED: 6 March 2024

SUBMISSIONS: Nil

RECOMMENDATION: Approval

EXECUTIVE SUMMARY

This development application seeks consent for the fit-out and use of a food and drink premises located at 171 Miller Street, North Sydney within the through-site link known as '1 Little Miller, North Sydney and is also identified as the Victoria Cross over Station Development.

The ground floor of the premises will be a café premises with hours of operation of 7:00am – 12:00am, Monday to Sunday, patron capacity: 100 patrons comprising outdoors, 56 patrons and indoors, 44 patrons.

The first-floor level is to be for a restaurant with hours of operation of 10:00am – 12.00am, Monday to Sunday and patron capacity of 100 patrons.

The second-floor level is to be for a bar premises with hours of operation of 10:00am – 12.00am, Monday to Sunday and patron capacity of 200 patrons.

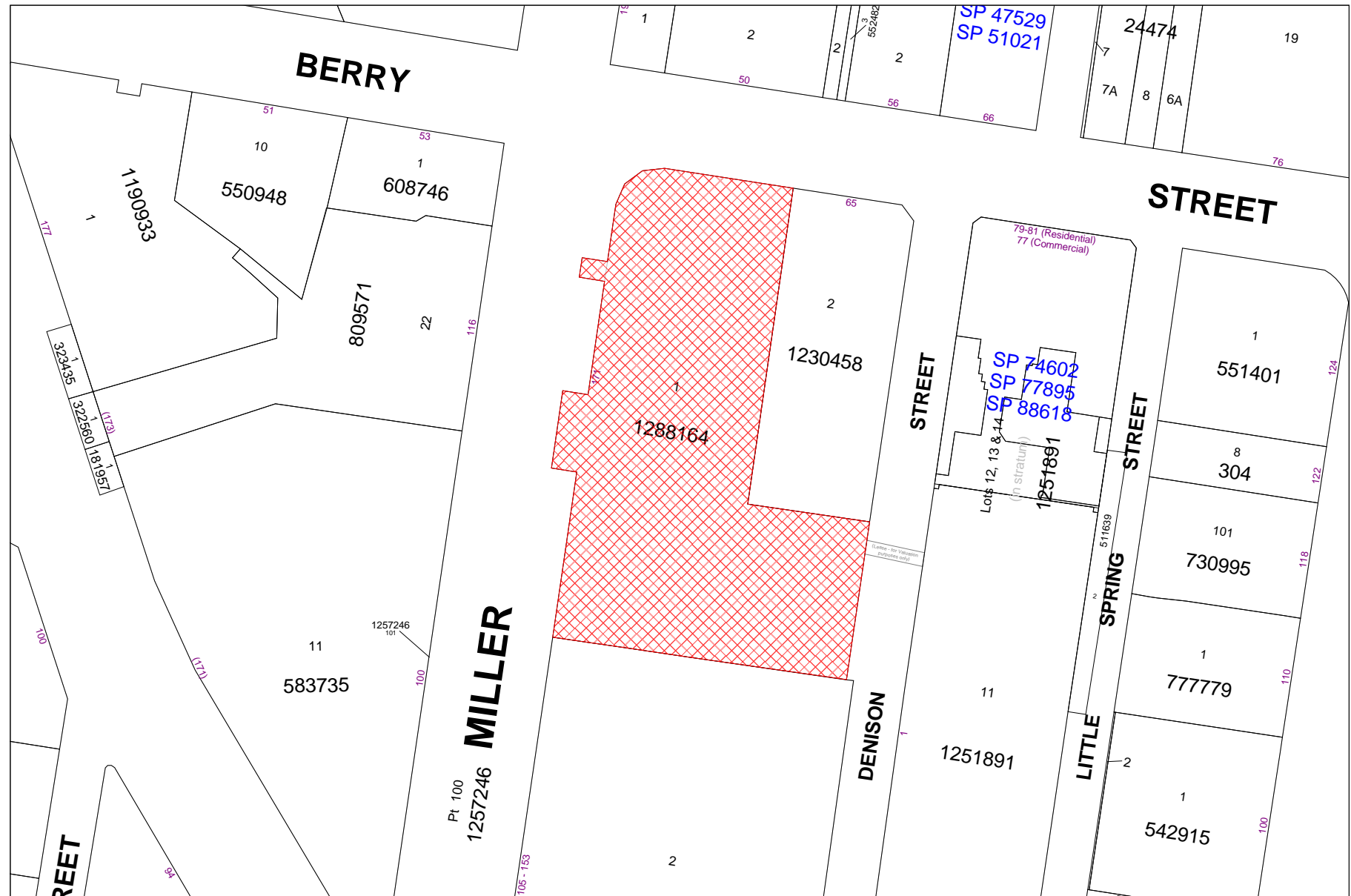
The application is reported to the North Sydney Local Planning Panel for determination as the application relates to a new licenced premises. In accordance with the Ministers direction of 6 May 2024 a public determination meeting is required due to the application is for a new licenced premises

The application was notified in accordance with the community engagement protocol where Council received no submissions raising concerns with the proposal

The proposal is generally in accordance with the provisions of the North Sydney commercial core provisions and *Part B Section 2 Commercial and Mixed-Use Development* and *Part B Section 7 Late Night Trading Hours*. The use reflects the types of uses typically promotes for a E2 Commercial Centre zoned site of the primary Central Business district of the municipality.

The application is considered an appropriate development in locality and will promote economic and social activity in the North Sydney city centre. Accordingly, the proposal is recommended for **approval** subject to site specific and standard conditions.

LOCATION MAP



□ Property/Applicant ● Submitters - Properties Notified

DESCRIPTION OF PROPOSAL

This development application seeks consent for the fit-out and use of a food and drink premises, including café, restaurant, and bar premises, within the Victoria Cross Station Over Station Development at the new metro Victoria Cross Station otherwise known as/occupies the site known as 171 Miller Street, North Sydney.

In summary and level by level, the development proposes:

Ground Floor

The ground level café use and fit-out will entail (refer to Figure 1)

- Installation of café facilities, include the front counter, food display cabinets, a back bar display area and retail display shelves.
- Construction of food production and kitchen areas.
- Table and bar seating.
- Stair tile finish – BCA and Australian Standard (AS) compliant

The café area will operate within the following parameters:

- Hours of Operation: 7.00am – 12.00am, Monday to Sunday
- Patron Capacity: 100 patrons comprising:
 - Outdoors, 56 patrons.
 - Indoors, 44 patrons.

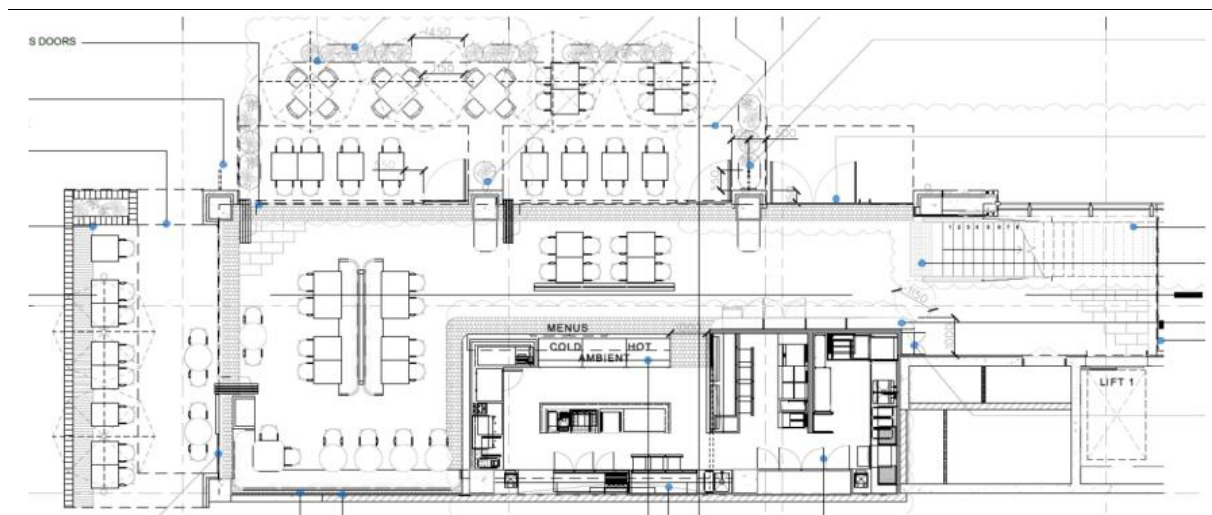


Figure 1: Intended fitout of the ground floor cafe

First Floor

The first level restaurant use (refer to Figure 2) will entail:

- Bar area within the restaurant area with back bar wine display.
- Table and bar seating, including central banquette seating punctuating the space.
- Secondary bar dining area at entry stairs with bar seating.
- Kitchen and food preparation areas, inclusive of live fuel facilities.
- Stair and floor tile finishes – BCA and AS compliant.

The restaurant area will operate within the following parameters:

- Hours of Operation: 10.00am – 12.00am, Monday to Sunday
- Patron Capacity: 100 patrons

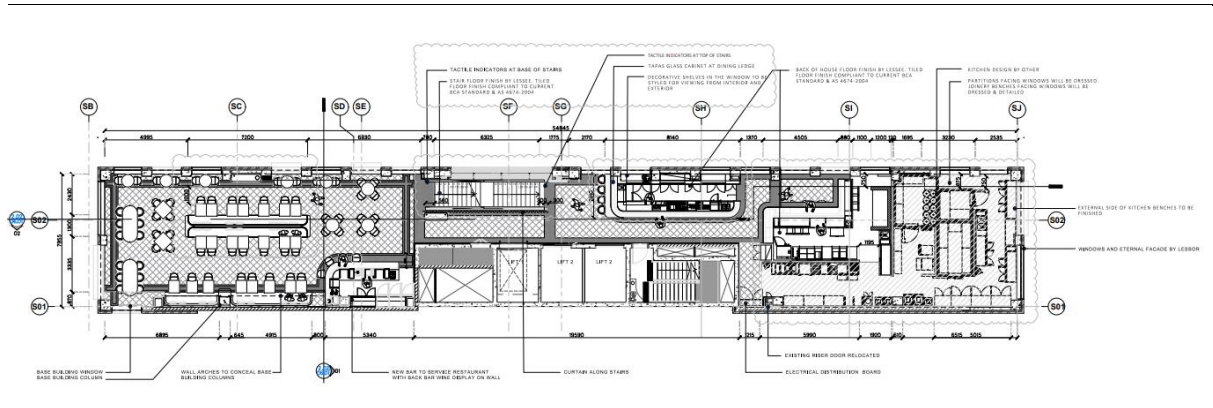


Figure 2: Intended fitout of the first floor restaurant.

Second Floor

The second level bar use (refer to Figure 3) will entail:

- Table and bar seating across three areas.
 - Bar in the western portion of the level, with accessible table areas.
 - Central transitional seating between primary spaces.
 - Bar in the eastern portion of the level with banquette seating, sides facing windows to be finished.
- Bar with suspended gantry, within the western bar portion.
- DDA and ambulant WC compliant bathrooms, with 11 stalls.
- Stair and floor tile finishes – BCA and AS compliant.

The bar area will operate within the following parameters:

- Hours of Operation: 10.00am – 12.00am, Monday to Sunday
- Patron Capacity: 200 patrons

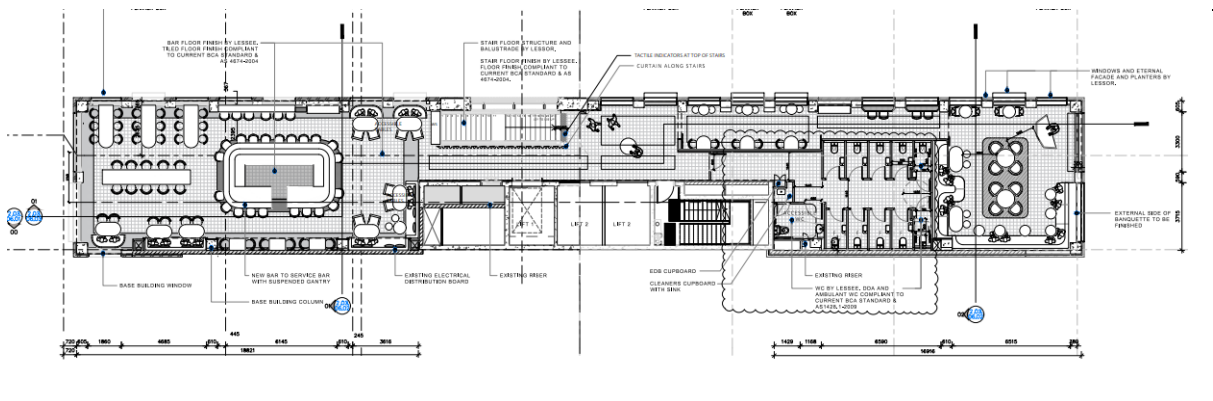


Figure 3: Intended fitout of the second floor bar.



Figure 3a: Photo Montage of proposed elevations to premises (Source: Urbis/Urbanite, Statement of Environmental Effects dated 19 February 2024)

STATUTORY CONTROLS

North Sydney Local Environmental Plan 2013 (LEP 2013)

- Zoning – E2 Commercial Centre
- Item of Heritage - No
- In Vicinity of Item of Heritage – Yes, I0893 (**State Heritage** known as MLC Building at 105 – 153 Miller Street), I0901 (**Local Heritage** The Rag & Famish Hotel at 199 Miller Street), I0894 – I0897 (**Local Heritage** Lots 1 – 8 within DP 262534, known as Monte Sant Angelo Group at 128 Miller Street)
- Conservation Area - No
- Foreshore building line (FSBL) - No

Environmental Planning & Assessment Act 1979 (as amended)

SEPP (Biodiversity and Conservation) 2021

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Resilience and Hazards) 2021

Local Development

POLICY CONTROLS

North Sydney Development Control Plan 2013 (NSDCP 2013)

North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF LOCALITY

The subject site is legally described as Lot 1 in DP 1288164, commonly known as 171 Miller Street and also known as 189 Miller Street, North Sydney. The subject site has an area of 4,813 square metres and is an 'L-shaped' site with a frontage to Berry Street of approximately 37m, a northern frontage to Miller Street of 102m and a frontage to Denison Street of approximately 34m.

The subject site as it stands is consolidated from several lots and registered into the current legal title on 26 October 2023. The consolidated lots are detailed below:

- 155-167 Miller Street (SP 35644) (which incorporates lots 40 and 41 of Strata Plan 81092 and lots 37, 38 and 39 of Strata Plan 79612)
- 181 Miller Street (Lot 15/DP 69345, Lot 1 & 2/DP 123056, Lot 10/DP 70667)
- 187 Miller Street (Lot A/DP 160018)
- 189 Miller Street (Lot 1/DP 633088)
- Formerly part 65 Berry Street (Lot 1/DP 1230458)

Demolition of structures on the sites prior to the commencement of construction for the Victoria Cross Integrated Station Development was carried out under State Significant approvals (SSI 15_7400, SSD 17_8874 and SSD 10294). In the vicinity of the subject site are a number of high-rise commercial office buildings interspersed with lower-scale heritage items, educational establishments, retail and civic uses.

The subject site is located within the North Sydney Central Business District and close to educational institutions including the Australian Catholic University and Monte Sant Angelo Mercy College, and mixed employment areas along Miller and Walker Streets, and Pacific Highway.

Pedestrian access into the subject site/station entry is via Miller Street, Denison Street and Berry Streets. Victoria Cross Station is located 31 metres below ground level, beneath Miller Street (to the north of the Pacific Highway) and between McLaren Street and south of Berry Street. The Victoria Cross Station development is one of the stations within the Chatswood to Sydenham metro rail line that consist of twin tunnels about 15km long running between Chatswood and Sydenham by crossing under the Sydney Harbour.

Residential dwellings in the vicinity include the Beau Monde development (79-81 Berry Street, North Sydney) immediately behind Berry Square (refer to Figure 7a) which contains commercial and retail at the bottom levels and residential units at the upper levels. The Beau Monde development has six levels of office premises above ground floor retail within the podium level, and residential levels above. The building contains separate lobbies for the residential and commercial floors, both located off Berry Square.

On the west side of Miller Street across the subject site is No.171 Pacific Highway which contains Vibe Hotel.

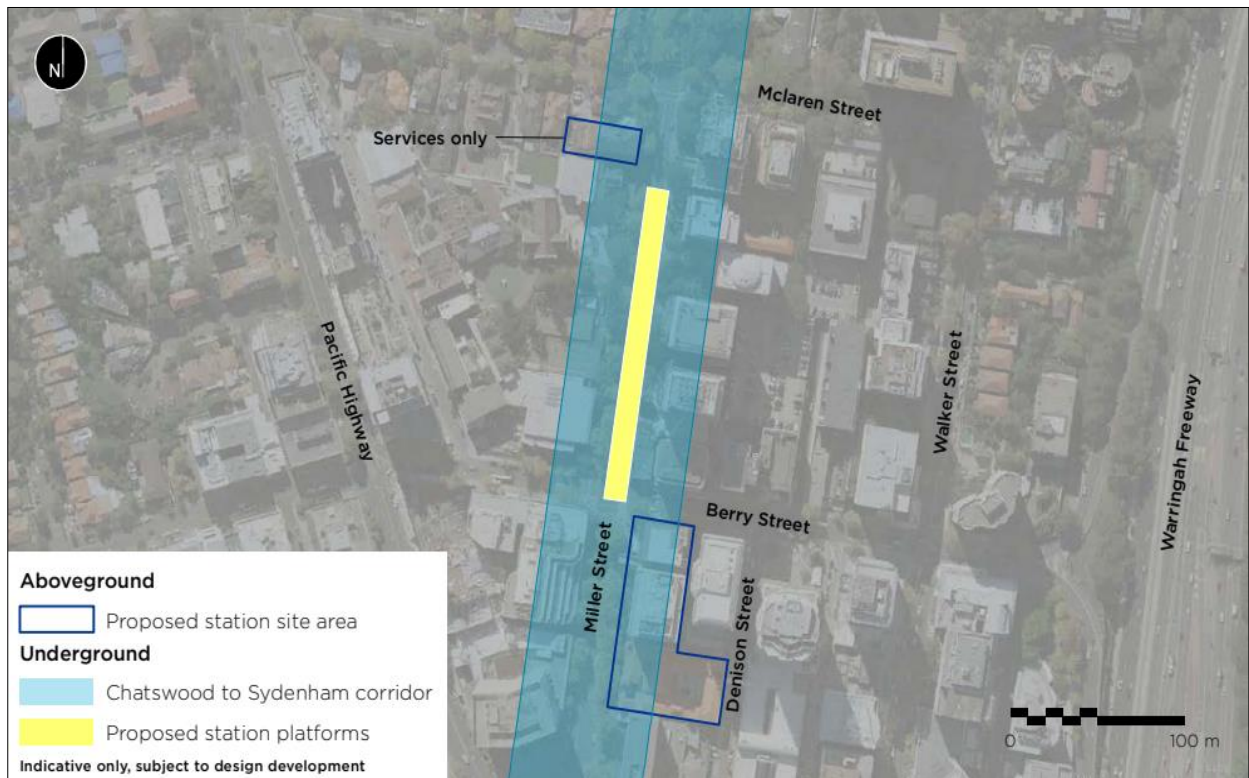


Figure 4: Victoria Cross Station platform (yellow) approved under SSD. Subject site south of Berry Street in an 'L' configuration

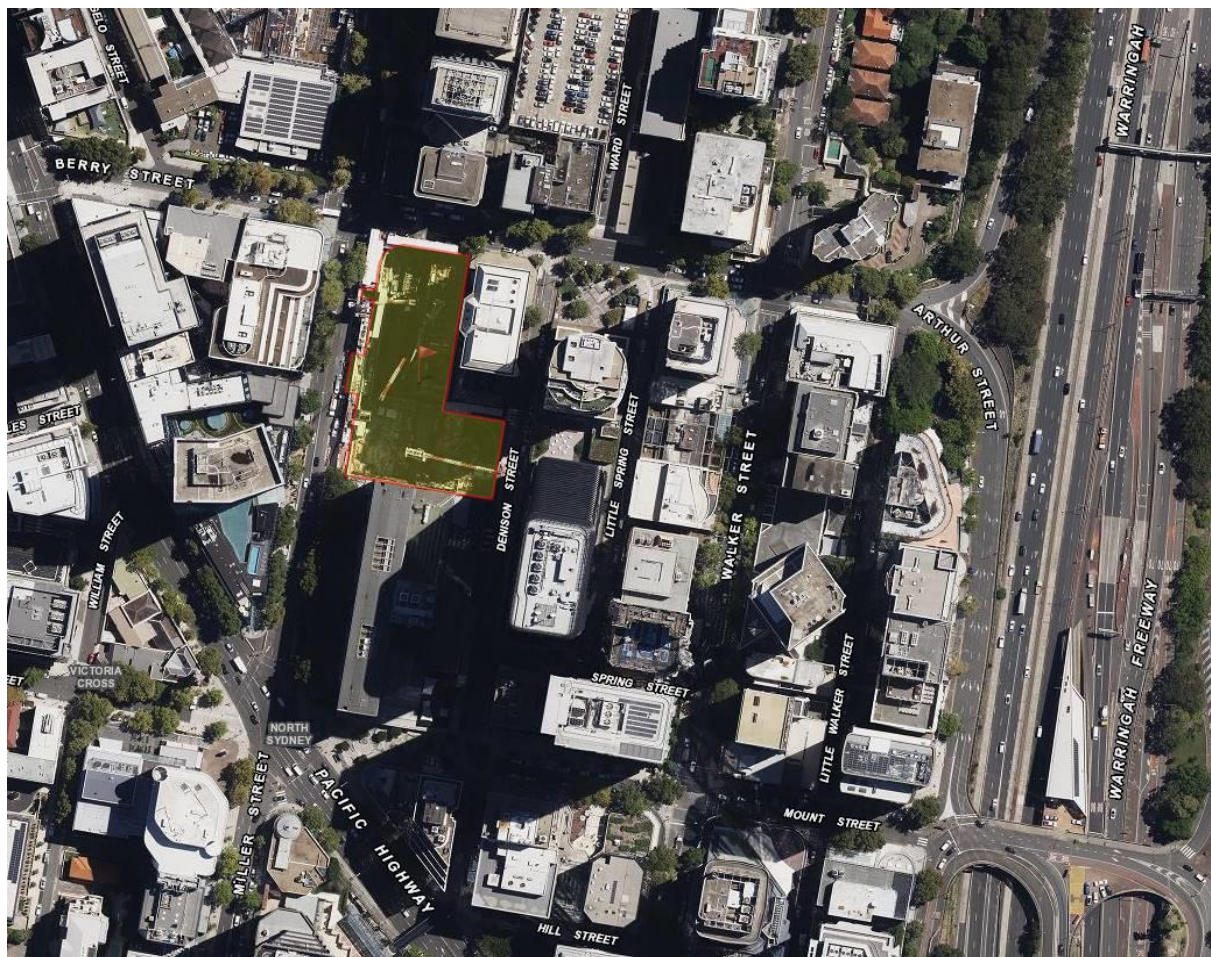


Figure 5: Proposed aerial view of subject site (Sixmaps 2023)

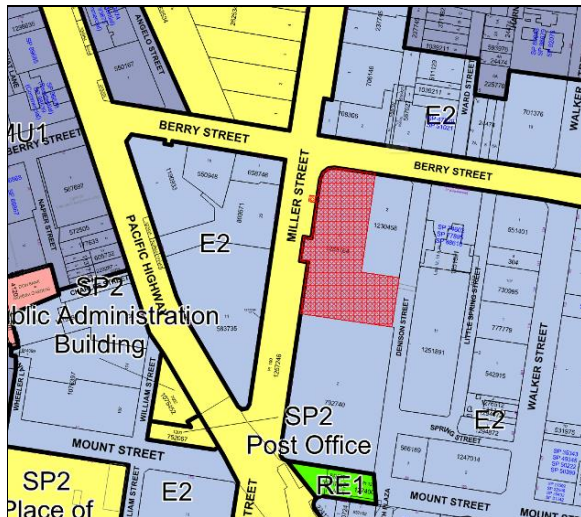


Figure 6 : NSLEP 2013 Zoning Map, site within E2 zone

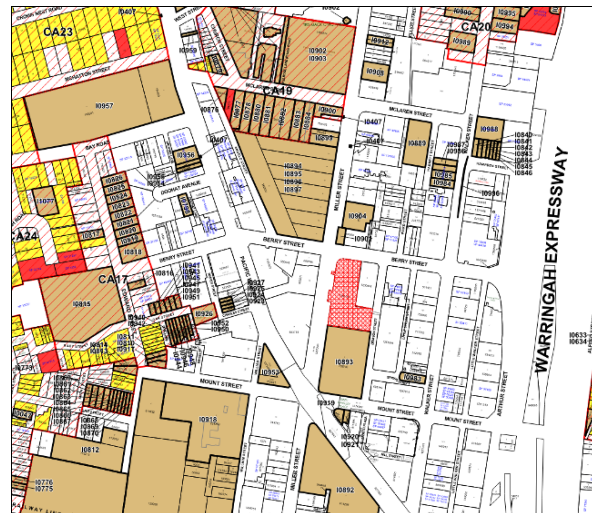


Figure 7: Heritage Map within NSLEP 2013 showing subject site adjoining heritage item

RELEVANT DEVELOPMENT HISTORY

Previous Applications

The Victoria Cross Integrated Station Development is primarily guided by three State Significant Infrastructure approvals:

SSI 15_7400 (Critical State Significant Infrastructure Approval) granted approval by Minister for Planning on **9 January 2017** for:

“Construction and operation of a metro rail line, approximately 16.5km long (of which approximately 15.5km is located in underground rail tunnels) between Chatswood and Sydenham, including the construction of a tunnel under Sydney Harbour, links with the existing rail network, seven metro stations, and associated ancillary infrastructure.”

The terms of the CSSI Approval include all works required to construct each of the Sydney Metro stations, including the Victoria Cross metro station.”

The CSSI approval includes a shared basement, podium (metro box up to RL89, approximately four-storeys) and the design and construction of a commercial office tower above this metro box.

SSD 17_8874 (Concept Approval) granted approval by the Minister for Planning on **18 December 2018** for commercial mixed-use over station development (OSD) above the new Sydney Metro Victoria Cross Station. Concept Approval was granted for:

- A maximum building envelope, including street wall and setbacks for the OSD
- A maximum building height of RL 230 or 168 metres, providing:
 - Approximately 40 commercial storeys and 2 additional storeys for rooftop plant for the high-rise portion of the building envelope
 - Approximately 13 storeys for the lower eastern portion of the building envelope at RL 118 or 55 metres
 - A maximum gross floor area (GFA) of 60,000sqm, excluding station floor space
 - Basement car parking for a maximum 150 parking spaces.

SSD 10294 (Detailed Approval) granted approval on **6 July 2020** by the Minister for Planning and Public Spaces in relation to construction of the Victoria Cross OSD, including the design and construction of a 42-storey commercial office tower above the southern entrance of the Victoria Cross.

Details are as follow:

- A commercial office tower with a maximum building height of RL 230 or 168m,
- A maximum GFA of 61,500m² (excluding GFA approved under CSSI 7400),
- 2400m² of retail tenancies
- Staged stratum subdivision,
- Signage zones, and
- Use of basement (approved under CSSI 7400):
- 150 car parking spaces
- 439 bicycle parking spaces
- End of trip facilities
- Loading dock and associated facilities.

Plan of Consolidation (DP 1288164) registered on **26 October 2023** for No.171 Miller Street, North Sydney involving the following lots:

- Lot 1 in DP 633088
- Lot A in DP 160018
- Lots 1 & 2 in DP 123056
- Lot 15 in DP 69345
- Lot 10 in DP 70667
- Lot 1 in DP 1230458
- Lot 1 in DP 792740

Other Applications

There are a suite of other minor applications for signage, outdoor dining zones and CDC applications for fitout of certain tenancies for some of the intended food tenancies along Miller Street and in the publicly accessible pedestrian connector between Miller Street and Denison Street.

DA352/23 – Use of Outdoor dining areas

DA352/23 was for the use of outdoor dining areas along Miller Street and the Laneway on the ground level of the Victoria Cross Over Station Development and includes part of the outdoor area associated with the ground floor “café” of this subject application. This application was approved subject to conditions under delegated authority on 26 February 2024. The outdoor area approved under this application is consistent with the area proposed for outdoor use under DA037/2024.

Current application

Date	Assessment
19 February 2024	The application was lodged with Council via the NSW Planning Portal.
March 2024	The application was notified in accordance with Council’s Community Engagement Protocol from 22 March 2024 to 05 April 2024.
27 May 2024	Site Visit completed by Senior Assessment Officer

May 2024	The application was to be scheduled for the intended June NSLPP meeting however due to changes to the panel constituency, the application was delayed and scheduled for the first available meeting of the new panel for July 2024.
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REFERRALS

Building

The proposed works the subject of this application have been reviewed by Council's Building Surveyor who has advised the proposal can be supported subject to standard conditions of development consent (compliance with the Building Code of Australia/National Construction Code).

Environmental Health

Council's Environmental Health Officer reviewed the proposal and has supported the application subject to the imposition of condition relating to:

- Noise from Plant and equipment
- Noise regulation for licenced premises
- Certification of mechanical plant, odour and noise

Waste

The original application was referred to Council's Waste Operations Officer, who has supported the application on the basis that the application will utilise the as approved service areas of the State Approval. Any other matters can be managed via standard conditions of development consent.

SUBMISSIONS

The application was notified in accordance with Council's Community Engagement Protocol from 22 March 2024 to 05 April 2024. No submissions have been reviewed for the duration of the assessment raising any concerns or comments regarding the development.

CONSIDERATION

The relevant matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979, are assessed under the following headings:

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of Chapter 4 of this SEPP require Council to consider the likelihood that the site has previously been contaminated and to address the methods necessary to remediate the site. Being a under construction site which was extensively excavated and all excavated materials being removed off site, the subject site is not identified as contaminated land, potentially hazardous or offensive development and the objectives of this SEPP are considered satisfied.

North Sydney Local Environmental Plan 2013

1. Aims of Plan

The development application has been assessed against the aims of the North Sydney Local Environmental Plan 2013 and is considered to be satisfactory with respect to the relevant aims of the Plan.

2. Permissibility

The site is zoned E2 Commercial Centre under the provisions of the North Sydney Local Environmental Plan 2013 (NSLEP 2013). Development for the purposes of a food and drink premises is permissible with the consent of Council.

3. Objectives of the zone

The objectives for an **E2 Commercial Centre** zone are stated below:

- “• *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council’s strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise the adverse effects of development on residents and occupiers of existing and new development.”*

Planning comment: The proposal satisfies the objectives of the zone and new use will promote activity and passive surveillance of future public domain areas are generally in accordance with the desired future role North Sydney Central Business District under the Metropolitan Strategy 2036 as a global commercial centre. Appropriate conditions are recommended to ensure the use does not adversely impact commercial amenity through hours, usage and land use intensity.

4. Principal Development Standards

The proposal has been assessed against the principal development standards applicable to the development under NSLEP 2013 as follows:

The proposed works would have a height of <RL89 that complies with the permissible height limit of RL135 – RL230 (refer to Figure 12) in accordance with clause 4.3 in NSLEP 2013. As all works occur at ground or near ground level, no change is proposed to alter the height of the approved SSD Victoria Cross Metro OSD.

Part 6 Additional Local Provisions - North Sydney Centre

Clause 6.1 Objectives

The site is located in the North Sydney Centre identified CBD area. The proposal promotes the City Centre as a public transport and pedestrian friendly location and further promotes activity in and around transport nodes. The proposal further supports usage of new commercial spaces in the North Sydney CBD area. The proposal is supported in this regard.

Clause 6.4 Miller Street Setback

Setbacks to the building were set under the State Significant Development approval. The proposal does not reduce the existing approved setback of the site to Miller Street which is greater than 6m. The proposal maintains sufficient footpath clearances to maintain pedestrian thoroughfares to Miller Street and the access to the Victoria Cross over station development.

North Sydney Development Control Plan 2013

The proposal has been assessed against the following relevant sections of NSDCP 2013

- *Part B Section 2 Commercial and Mixed-Use Development,*
- *Part B Section 7 Late Night Trading*
- *Part C Section 2: North Sydney Planning Area - Section 2.1: Central Business District*

Part B Section 2 Commercial and Mixed-Use Areas

The Development Control plan applies to the site and an assessment has been carried out as per the assessment table below:

DEVELOPMENT CONTROL PLAN 2013 – Part B Section 2- Commercial and Mixed-Use Development		
	Complies	Comments
2.2 Function		
Diversity of Activities	Yes	The proposal will promote the commercial use of the future tenancies and not alter the diversity of activities within the North Sydney Centre.
2.3 Environmental Criteria		
Noise	Yes	The proposed works will not result in any unreasonable acoustic impacts on adjoining tenancies as there are no sensitive residential or other commercial use receivers in vicinity of the site. Standard precautionary conditions of consent to preserve general amenity can be imposed upon any consent.

Reflectivity	N/A	The proposal does not include any changes to the external glass and reflectivity of the subject building which would fundamentally alter the appearance of the facades of the building. The proposal will assist in lowering reflectivity with the provision of more non reflective surfaces in front of retail facades.
Artificial Illumination	N/A	The proposal does not include any changes to the external illumination of the subject building and is therefore considered to be acceptable in this regard.
Solar Access	No change	The proposed works are largely internal and will not alter the overall approved external built form of the building.
Views	No change	The development will have no impact to any existing high amenity views. Vistas along Miller Street will be maintained.
Visual Privacy	Yes	Given the minor nature of the proposed works to the building, the proposal will not cause adverse visual privacy impacts. There is no residential premises in near vicinity of the site. The proposal is consistent with the objectives outlined in Section 2.3.11 of the NSDCP 2013.
2.4 Quality built form		
Context	Yes	The development will not make any significant alteration to the building that would alter the existing context. The proposal provides for appropriate new uses of the site in accordance with the objectives of the E2 commercial centre zone.
Entrances and exits	Yes	No change to as approved entries and overall through pedestrian thoroughfares.
2.5 Quality Urban Environment		
Accessibility	Yes	Building and use will be serviced by lifts. Note, whilst the building is separate to the main over station building, it is serviced by its own separate lifts.
Setbacks	No Change	The proposed works do not seek to alter the existing front, side and rear setbacks of the existing building.
Safety and Security	Yes	<p>The proposal will promote the personal safety and security within the building with additional passive surveillance opportunities to a primary pedestrian transport node. The proposal includes a Plan of Management which includes provisions for:</p> <ul style="list-style-type: none"> • management of patrons, • complaints handling, • responsible service of alcohol policies and • details of security measures including in house surveillance systems. <p>Subject to standard conditions of development consent including compliance with the plan of management, it is considered the proposal can manage any potential antisocial behaviours and will not result in adverse social impacts.</p>

Garbage Storage	Yes	Temporary waste and recyclable holding areas are located within the servicing areas of the building. Waste is to then be sent to the as approved primary servicing areas of the building/complex which are accessed from Denison Street.
Site Facilities	Yes	No change to as approved site facilities. New building and is intended to be a highly integrated service area with high pedestrian activity.
2.7 Public Domain		
Public Domain	Yes	The proposal promotes activity in future public domain areas. Sufficient clearance is maintained for proper pedestrian thoroughfare. The proposal promotes further activity in the publicly accessible pedestrian thoroughfare which connects Miller Street and Denison Street.
10.0 Car parking		
Car parking (max.)	No Change	No change. Site is situated over the new Victoria Cross station and therefore has excellent linkage to public transport. The site also lies in close proximity to Miller Street main bus interchange and North Sydney Heavy rail.
Loading and Servicing	No Change	As approved loading areas unaltered.

Part B Section 7 Late Night Trading Hours

DEVELOPMENT CONTROL PLAN 2013 – Part B SECTION 7 - Late Night Trading Hours		
	Complies	Comments
7.2. Matters for consideration		
Objectives O1 To ensure that relevant matters are considered when determining what operating hours are considered to be acceptable.	Yes	All relevant late night matters are considered in the following table. Generally the trading hours proposed are considered to be appropriate for the locality and zoning subject to the measures detailed in the SEE/PoM to mitigate any potential impacts
Provisions P1 Appropriate trading hours take into account: (a) location and context of the premises, including proximity to residential and other sensitive land uses and other late trading premises;	Yes	The premises is located adjacent to a larger number of residential properties in Berry Street, being the adjoining Beaumonde Tower. Appropriate building conditions including enclosed glazing and other design features, together with the proposed PoM are sufficient to ensure the proposed premises is appropriately located and managed.
(b) the specific nature of the premises (e.g. pub, nightclub, restaurant etc) and the proposed hours of operation;	Yes	The premises is a licensed bar, but is not purpose designed as a nightclub.
(c) the existing hours of operation of surrounding businesses;	Yes	The area is a commercial centre with extended operating hours for nearby businesses, including other licenced premises.
(d) the size and patron capacity of the premises;	Yes	Refer detailed comment below

<p>(e) the availability of amenities provided to premises;</p>	<p>Yes</p>	<p>The premises is sufficient provided with toilets in accordance with NCC requirements.</p>
<p>(f) the impact of the premises on the mix, diversity and possible concentration, of late night uses in the locality;</p>	<p>Yes</p>	<p>The locality is undergoing substantial changes but is generally varied and diverse mix of land uses that are compatible with the proposed licensed premises</p>
<p>(g) the likely operation of the proposal during day time hours;</p>	<p>Yes</p>	<p>Complies with DCP requirements. Activated at ground floor to Miller Street.</p>
<p>(h) submission of a Plan of Management that demonstrates a strong commitment to good management of the operation of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain;</p>	<p>Yes</p>	<p>Refer detail discussion below.</p>
<p>(i) the diversity of retail services within an area and the impact of a late night proposal on this diversity;</p>	<p>Yes</p>	<p>Well located. No impacts arising from nearby later night food venues.</p>
<p>(j) measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises;</p>	<p>Yes</p>	<p>Subject to PoM and licensed conditions.</p>
<p>(k) the accessibility and frequency of public transport during late night trading hours.</p>	<p>Yes</p>	<p>The premises is in a highly accessible area with numerous high frequency public transport options and nearby taxi ranks.</p>

7.3 - Trading Hours

<p>7.3.1 Trading Hours</p> <p>The DCP specifies the following maximum operating hours for the use indoor area of premises on land within E2 Commercial Centre Zone:</p> <p>Indoor 6am to Midnight</p> <p>Outdoor 7am to 11pm</p>	<p>No (outdoor only) (Merit Assessment) (via condition)</p>	<p>The ground floor café will operate with the following parameters:</p> <ul style="list-style-type: none"> • Hours of Operation: 7.00am – 12.00am, Monday to Sunday • Patron Capacity: 100 patrons comprising: <ul style="list-style-type: none"> – Outdoors, 56 patrons. – Indoors, 44 patrons. <p>The first-floor restaurant area will operate within the following parameters:</p> <ul style="list-style-type: none"> • Hours of Operation: 10.00am – 12.00am, Monday to Sunday • Patron Capacity: 100 patrons <p>The second-floor bar area will operate within the following parameters:</p>
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		<ul style="list-style-type: none"> Hours of Operation: 10.00am – 12.00am, Monday to Sunday Patron Capacity: 200 patrons <p>It is considered appropriate to condition base operating hours to the maximum allowed and the 1 hour extension of outdoor operating hours for the café is acceptable in the circumstances given there are no residential premises in the immediate vicinity of the site and the site lying in the commercial centre zone of the Council area.</p>
7.3.2 Trial Periods	Yes (via condition)	<p>Part 7.3.2 of the DCP provides that Council may grant a trial (of up to 12 months) consent for extended operating hours.</p> <p>Conditions are recommended to allow the premise to trade past the past hours specified in the DCP for the outdoor area of the ground floor café, remaining internal proposed hours are in accordance with the DCP for internal operation. The proposal is therefore consistent with the provisions outlined in this section, subject to the recommended conditions.</p>
7.3.3 Acoustic Impacts	Yes	<p>The acoustic impacts from the mechanical plants for the food and drink premise is considered to be reasonable in a E2 Commercial Centre Zone.</p> <p>A standard condition relating to patron behavior is also recommended. Therefore, the proposal is considered to be acceptable having regard to acoustic impacts on the adjoining properties.</p>
7.3.4 External doors, windows and openings	Yes	<p>External openings to the building are as per the state significant development approval. Outdoor areas are located at the ground floor portion of the building and associated with the least potentially impactful component of the development (café) and the restaurant component provides for a further buffer to the pedestrian throughfare and the potential highest impact premises of the bar on the second floor</p>
Premises Management & Plans of Management		
Plan of Management	Yes	<p>The applicant has responded to Council's requirement with a Plan of Management and general security measures which outlines operational details, management measures and waste management measures that have been undertaken.</p> <p>The proposed Plan of Management generally satisfies Section 7.4.2 – Plans of Management Criteria, with regards to:</p> <ul style="list-style-type: none"> - Site and Locality Details - Operational Details; Hours of Operation, Noise and Safety and Security - Management Measures; General Amenity, Noise and Security/Safety <p>The proposal is therefore considered reasonable in this regard.</p>

7.4.2 Plan of Management Criteria		
(a) Location and context of the premises, including proximity to residential and other sensitive land uses and other late trading premises	Yes	The site is within and surrounded by commercial buildings to the North, east, south and west. There are residential premises further to the northeast over Berry Street but are not considered to be in sufficient vicinity of the site to be directly affected by the operation.
(b) Specific nature of the premises (e.g., pub, nightclub, restaurant, etc) and proposed hours of operation	Yes	<p>Refer to the above noted hours for each respective component of the proposal.</p> <p>Lower impact components of the development are noted on the ground and first floor providing separation to the highest impact component of the bar/pub premises on the second floor. It is to be noted the bar component has no outdoor component with smoking/vaping to be managed via a location adjacent to the entrance of the premises.</p> <p>Notwithstanding the limited extension of outdoor trading hours and compliant indoor trading hours, the proposal is considered to be otherwise generally acceptable in the circumstances and recommended for approval</p>
(c) Existing hours of operation of surrounding businesses	Yes	<p>Late night trading premises within the immediately surrounding area comprises a mix of licensed and non-licensed premises, as follows:</p> <p>Rag & Famish (199 Miller Street, North Sydney)</p> <p>Ground and first floor: 5am to 5am, Monday to Saturday 10am to 10pm on Sundays</p> <p>Current alfresco area: 5am to midnight on Monday to Saturdays 10am to 10pm Sunday</p> <p>Proposed rooftop terrace (not in operation): 10.00 am to 2.00 am, Monday to Saturday 10.00am to 10.00pm on Sundays</p> <p>Tree House (60 Miller Street, North Sydney)</p> <p>7:00am to 11:00pm - Monday 7:00am to 12 midnight - Tuesday & Wednesday 7:00am to 2:00am (the following day) – Thursday to Saturday; and 7:00am to 10:00pm - Sundays.</p> <p>Greenwood Hotel (101-103 Miller Street/36 Blues Point Road, North Sydney)</p> <p>Monday to Saturday – 8.00am to 3.00am and Sunday - 10.00am to 12.00am. A Condition upon the consent restricts live entertainment to 8.00am to 12.00 midnight, Monday to Saturday and 10.00am to 10.00pm Sundays.</p> <p>Firehouse Hotel (86 Walker Street, North Sydney) Monday Saturday – 10:00am to 12:00am; and Sunday – 10:00am to 10:00 pm.</p>

		<p>Terrace Hotel (83 Mount Street, North Sydney) Monday Saturday – 10:00am to 12:00am; and Sunday – 12:00 am to 7:00 pm.</p> <p>Bettys Burgers (4/100 Mount Street, North Sydney) Monday Friday – 10:30am to 9:30 pm; and Saturday – 11:00 am to 9:30 pm Sunday – 11:00 am to 9:00 pm.</p>
(d) Size & patron capacity of premises	Acceptable	Cumulatively the proposal has the potential to operate at a maximum capacity of 400 patrons. These patrons are spread throughout the building limited to being in conjunction with the uses by floor. The total patronage is considered to be appropriate in the circumstances given its location and nature of the operation
(e) Availability of amenities provided to the premises	Yes	Amenities within the building will be available to staff in the development to be retained for this purpose including toilets which are not reliant on the overall building for access.
(f) Impact of the premises on the mix, diversity and possible concentration of late night uses in the locality	Yes	There is not considered to be an unreasonable concentration of late night uses in the immediate locality. The North Sydney Town centre is developing a late night trading culture however the proposal will not result in an unreasonable concentration of late night trading venues in the locality.
(g) Likely operation of the proposal during day time hours	Yes	Given the nature of the operation peak daytime occupation would be centred over morning and lunch periods to cater for the local workforce. During the evening it is anticipated that the first floor restaurant and bar will become the higher activity areas however given these are entirely located within the building
(h) Submission of a Plan of Management that demonstrates a strong commitment to good management	Yes	A Plan of Management is provided with the application. The premises is medium to high level impact but given its location adjacent to the metro station, is not anticipated to result in any unacceptable impacts associated with the use.
(i) Diversity of retail services within an area and impact of proposal on this diversity	Yes	It is considered that the uses can successfully operate from the existing tenancy appropriate with the zoning of the site. The development is supportable in this regard.
(j) Measures to be used for ensuring adequate safety, security & crime prevention on the premises and immediately adjacent public domain	Yes	The premises will operate with CCTV coverage. Security to be engaged as appropriate as per the Plan of management provisions.
(k) Accessibility and frequency of public transport during late night trading hours	Yes	The site is well serviced by train and bus services, and taxi services after hours.
7.3.5 Waste Management	Yes	Temporary waste and recyclable holding areas are located within the servicing areas of the building. Waste is to then be sent to the as approved primary servicing areas of the building/complex which are accessed from Denison Street.
7.3.6 Use of Smoking Areas	Yes	It is to be noted the bar component has no outdoor component with smoking/vaping to be managed via a location adjacent to the entrance of the premises.

CHARACTER STATEMENTS – PART C

The application has been assessed against the relevant controls in the Character Statements under Part C in NSDCP 2013 below:

Section 2: North Sydney Planning Area - Section 2.1: Central Business District

The proposed works are consistent with the Character Statement of the North Sydney Central Business District. Development above the Victoria Cross metro station will promote the future uses of the site in pedestrian focused areas. The proposal will promote the future viability of the retail, dining and community uses that will contribute to the overall amenity and vitality of the CBD.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The proposal is subject to Local Infrastructure Contributions in accordance with the North Sydney Local Infrastructure Contributions Plan (as amended). The required contribution has been calculated in accordance with the applicable contribution rates as follows

Applicable Contribution Type		
S7.12 contribution detail	Development cost:	\$ 2,104,666.00
(payment amount subject to indexing at time of payment)	Contribution:	\$ 21,047.00

Conditions requiring payment of contributions are included in the attached recommended conditions of consent.

ALL LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL

CONSIDERED

- | | | |
|----|--|-----|
| 1. | Statutory Controls | Yes |
| 2. | Policy Controls | Yes |
| 3. | Design in relation to existing building and natural environment | Yes |
| 4. | Landscaping/Open Space Provision | Yes |
| 5. | Traffic generation and Carparking provision | Yes |
| 6. | Loading and Servicing facilities | Yes |
| 7. | Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.) | Yes |

- | | | |
|----|--|-----|
| 8. | Site Management Issues | Yes |
| 9. | All relevant s4.15(1) considerations of Environmental Planning and Assessment (Amendment) Act 1979 | Yes |

PUBLIC INTEREST

The proposal is considered to be in the public interest for the reasons stated throughout this report.

SUITABILITY OF THE SITE

The proposal is located in an **E2 Commercial Centre** zone where the development is a permissible and generally encouraged form of development for these such types of development. Consequently, the proposal is considered to be suitable for the site having regard to the merits of the proposal as described in the above report.

SUBMITTERS CONCERNS

No submissions were received during the notification period.

CONCLUSION AND REASONS

This development application seeks consent for the fit-out and use of a food and drink premises located at 171 Miller Street, North Sydney within the through-site link known as '1 Little Miller, North Sydney and is also identified as the Victoria Cross over Station Development.

Development for the purpose of a licenced food and drink premises is permitted within the E2 Commercial Centre zone. The proposal, due to its location and lack of sensitive or residential development in vicinity of the site is not considered to result in any adverse impacts subject to management of the potential impacts. The proposal is generally not contrary to the desired trading hours for Commercial Centre zoned sites. The development application has been assessed against the North Sydney Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and generally found to be satisfactory.

The application is reported to the North Sydney Local Planning Panel for determination as the application relates to a new licenced premises. In accordance with the Ministers direction of 1 August 2020 a public determination meeting is required due to the application is for a new licenced premises

The application was notified in accordance with the community engagement protocol where Council received no submissions raising concerns with the proposal

The proposal is generally in accordance with the provisions of the North Sydney commercial core provisions and *Part B Section 2 Commercial and Mixed-Use Development* and *Part B Section 7 Late Night Trading Hours*. The use reflects the types of uses typically promotes for a E2 Commercial Centre zoned site of the primary Central Business district of the municipality.

Having regard to the provisions of Section 4.15 (1) of the *Environmental Planning & Assessment Act 1979*, the proposed development will not result in any unreasonable amenity or environmental impacts subject to conditions. The application is considered satisfactory and is recommended for approval.

HOW WERE THE COMMUNITY VIEWS TAKEN INTO CONSIDERATION?

The subject application was notified to adjoining properties and the CBD Precinct for 14 days where no submissions were received. Appropriate conditions of consent have been recommended to maintain the amenity of adjoining properties and the character of the streetscape.

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT the North Sydney Local Planning Panel, exercising the functions of Council, as the consent authority, grant consent to Development Application No. 037/24 for the fit-out and use of a food and drink precinct, including café, restaurant, and bar premises, within the Victoria Cross Station Over-Station Development on land at 171 Miller Street, North Sydney subject to the attached recommended conditions: -

KIM ROTHE
SENIOR ASSESSMENT OFFICER

DAVID HOY
TEAM LEADER ASSESSMENTS

STEPHEN BEATTIE
MANAGER OF DEVELOPMENT SERVICES

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
171 MILLER STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 37/24

A. Conditions that Identify Approved Plans

Development in Accordance with Plans/Documentation

- A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent.

Plan Nos.	Revision	Description	Prepared by	Dated
2.00 00 CO		Cover Page	Mitchell and Eades	19 February 2024
2.00.00 IN	04	Sheet Index		19 February 2024
2.00.00 GN		General Notes		19 February 2024
2.00.00	02	Site and Location Plan		19 February 2024
2.01.01 AR	04	Architectural Plan L00		19 February 2024
2.02.01 AR	02	Architectural Plan L01		19 February 2024
2.03.01 AR	03	Architectural Plan L02		19 February 2024
2.01.04 CL	02	Reflected Ceiling Plan – L00		19 February 2024
2.02.04 CL	01	Reflected Ceiling Plan – L01		19 February 2024
2.03.04 CL	01	Reflected Ceiling Plan – L02		19 February 2024
2.01.06.01 EL	03	Elevations -L00		19 February 2024
2.02.06.01 EL	01	Elevations -L01		19 February 2024
2.02.06.02 EL	01	Elevations -L01		19 February 2024
2.03.06.01 EL	01	Elevations -L02		19 February 2024
2.03.06.02 EL	01	Elevations -L02		19 February 2024
2.03.06.03 EL		Elevations -L02		19 February 2024
2.00.06.50	01	Sections - Overall		19 February 2024
2.00.06.51	01	Elevation - Overall		19 February 2024

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Plans on Site

- A2. A copy of all plans endorsed with Council's approval stamp, specifications and documents (including the plans, specifications and documents submitted and approved with the Construction Certificate) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifier.

All documents kept on site in accordance with this condition must be provided to any officer of the Council or the Principal Certifier upon their request.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information and to ensure ongoing compliance)

C. *Prior to the Issue of a Construction Certificate (and ongoing, where indicated)*

Dilapidation Report Damage to Public Infrastructure

- C1. A dilapidation survey and report (including photographic record) must be prepared by a suitably qualified consultant which details the predeveloped condition of the existing public infrastructure in the vicinity of the development site. Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development. A copy of the dilapidation survey and report is to be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development, and no occupation of the development shall occur until damage caused as a result of the carrying out of the development is rectified.

A copy of the dilapidation survey and report must be lodged with North Sydney Council by the Principal Certifier with submission of the Construction Certificate documentation.

(Reason: To record the condition of public infrastructure prior to the commencement of construction)

Noise from Plant and Equipment

- C2. The use of all plant and equipment installed on the premises must not:
- (a) Contribute an LAeq (15min) which will cause the total LAeq(15min) from all plant and equipment operating contemporaneously on the site or in the strata scheme or in the mixed strata schemes to exceed the RBL by more than 5dB when measured at the boundary of any affected receiver. The modifying factor adjustments in Section 4 of the EPA Noise Policy for Industry 2017 shall be applied.
 - (b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

**171 MILLER STREET, NORTH SYDNEY
DEVELOPMENT APPLICATION NO. 37/24**

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“affected receiver” includes residential premises (including any lot in the strata scheme or another strata scheme), premises for short-term accommodation, schools, hospitals, places of worship and parks and such other affected receiver as may be notified by the Council in writing.

“boundary” includes any window or elevated window of an affected receiver.

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

Noise Control (Licensed Premises)

C3. The use of the premises must comply with the following:

- (a) The LA10 noise level emitted from the use of the premises must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and 12.00 midnight when assessed at the boundary of any affected residence.
- (b) The LA10 noise level emitted from the use must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12.00 midnight and 7.00am when assessed at the boundary of any affected residence.
- (c) Notwithstanding compliance with (a) and (b) above, the noise from the use must not be audible within any habitable room or sleeping area in any affected residence between the hours of 12.00 midnight and 7.00am.
- (d) The LA10 noise level emitted from the use must not exceed the background noise level (LA90) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 3dB when assessed indoors at any affected commercial premises with windows closed.
- (e) The use of the premises must be controlled so that any emitted noise is at a level so as not to create an “*offensive noise*” as defined in the *Protection of the Environment Operations Act 1997*.

“affected residence” includes residential premises (including any lot in the strata scheme or any other strata scheme), premises for short-term accommodation and hospitals.

“boundary” includes any window or elevated window of an affected residence.

LA10 is the average maximum A-weighted Fast Response sound level emitted from the premises.

LA90 shall be measured in the absence of all noise from the premises (including mechanical plant noise).

Terms in this condition have the same meaning as in the Noise Guide for Local Government and the Noise Policy for Industry published by the NSW Environment Protection Authority.

(Reason: To ensure the amenity of surrounding land uses)

Structural Adequacy of Existing Building

- C4. A report prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction shall be submitted to the Principal Certifier for approval prior to issue of any Construction Certificate. The certified report must also include all details of the methodology to be employed in construction phases to achieve the above requirements. The methodology in the certified report must be complied with at all times.

(Reason: To ensure the structural integrity of the building is maintained)

Construction and Traffic Management Plan (Major DAs and sites with difficult access)

- C5. Prior to issue of any Construction Certificate, a Construction and Traffic Management Plan must be prepared. The following matters must be specifically addressed in this Plan:

- a) A plan view (min 1:100 scale) of the entire site and frontage roadways indicating:
- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways;
 - ii. Signage type and location to manage pedestrians in the vicinity;
 - iii. The locations of any proposed Work Zones in the frontage roadways;
 - iv. Locations and type of any hoardings proposed;
 - v. Area of site sheds and the like;
 - vi. Location of any proposed crane standing areas;
 - vii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries;
 - viii. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected; and
 - ix. The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- b) A Traffic Control Plan(s) for the site incorporating the following:
- i. Traffic control measures proposed in the road reserve that are in accordance with the RMS publication "Traffic Control Worksite Manual" and designed by a person licensed to do so (minimum RMS 'red card' qualification).

- ii. The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

- c) A detailed description and map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided detailing light traffic roads and those subject to a load or height limit must be avoided at all times.

A copy of this route is to be made available to all contractors and must be clearly depicted at a location within the site.

- d) A Waste Management Plan in accordance with the provisions of Part B Section 19 of the North Sydney DCP 2013 must be provided. The Waste Management Plan must include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, design of on-site waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process;
- (e) Evidence of RMS concurrence where construction access is provided directly or within 20m of an Arterial and/or Classified Road;
- (f) A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements; and
- (g) For those construction personnel that drive to the site, the Site Manager shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

A suitably qualified and experienced traffic engineer or consultant must prepare the Construction and Traffic Management Plan.

As this plan has a direct impact on the local road network, it must be submitted to and reviewed by Council prior to the issue of any Construction Certificate. A certificate of compliance with this condition from Council's Development Engineers as to the result of this review must be obtained and must be submitted as part of the supporting documentation lodged with the Principal Certifier for approval of the application for a Construction Certificate.

The construction management measures contained in the approved Construction and Traffic Management Plan must be implemented prior to the commencement of, and during, works on-site.

All works must be undertaken in accordance with the approved Construction and Traffic Management Plan.

A copy of the approved Construction and Traffic Management Plan must be kept on the site at all times and be made available to any officer of the Council on request.

Notes:

- 1) To apply for certification under this condition, an *'Application to satisfy development consent'* must be prepared and lodged with North Sydney Council. North Sydney Council's adopted fee for certification of compliance with this condition must be paid upon lodgement.
- 2) Any use of Council property will require appropriate approvals and demonstration of liability insurances prior to such work commencing.
- 3) Failure to provide complete and detailed information may result in delays. It is recommended that your Construction and Traffic Management Plan be lodged with Council as early as possible.
- 4) Dependent on the circumstances of the site, Council may request additional information to that detailed in the condition above.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the demolition and construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

Work Zone

- C6. If a Work Zone is required a Work Zone permit is to be obtained from Council prior to the issue of any Construction Certificate.

Note: For major development an application for work zone permit must be considered by the North Sydney Local Traffic Committee.

Work Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Work Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the North Sydney Local Traffic Committee and submit a copy of this to the Principal Certifier to enable issue of the Construction Certificate.

Where approval of the 'Work Zone' is given by the Committee, the requirements of the Committee, including installation of the necessary 'Work Zone' signage and payment of any fees, must occur prior to commencement of any works on the site. Further, at the expiration of the Work Zone approval, the developer is required to remove the Work Zone signs and reinstate any previous signs, all at the developer's cost. The requirements imposed by the Committee on the Work Zone permit (or permits) must be complied with at all times.

(Reason: Amenity and convenience during construction)

Bond for Damage and Completion of Infrastructure Works - Stormwater, Kerb and Gutter, Footpaths, Vehicular Crossing and Road Pavement

- C7. Prior to the issue of any Construction Certificate, security deposit or bank guarantee must be provided to Council to the sum of \$10,000.00 to be held by Council for the payment of cost for any/all of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent
 - c) remedying any defects in any such public work that arise within 6 months after the work is completed.
 - d) Council reserves the right to retain all bonds on infrastructure works relating to the completion of required Infrastructure work for a 12-month defect liability period. Council may elect to provide a lesser period for minor residential work.

The security required by this condition and in the schedule contained later in these conditions must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of six months from the issue of any final Occupation Certificate or completion of public work required to be completed (whichever is the latest) but only upon inspection and release by Council's Development Engineers or Manager of Development Services.

Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following:

- where the damage constitutes a hazard in which case Council may make use of the security immediately;
- the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- works in the public road associated with the development are to an unacceptable quality; and
- the Principal Certifier must ensure that security is provided to North Sydney Council prior to issue of any Construction Certificate.

(Reason: To ensure appropriate security for works on public land and an appropriate quality for new public infrastructure)

Section 7.12 Development Contributions

- C8. A monetary contribution pursuant to the provisions of Section 7.12 of *the Environmental Planning and Assessment Act 1979* is to be paid to Council, in accordance with the North Sydney Council's Contribution Plan, to provide for local infrastructure improvements.

Based on the cost of development at the date of determination, the total contribution payable to Council is \$21,047.00.

Indexation

The monetary contribution required under this consent will be indexed between the date of the grant of the consent and the date on which the contribution is paid the time of payment in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Timing of Payment

The contribution must be paid to Council prior to issue of any Construction Certificate for any work approved by this consent.

A copy of the North Sydney Contribution Plan can be viewed at North Sydney Council's Customer Service Centre, 200 Miller Street, North Sydney or downloaded via Council's website at www.northsydney.nsw.gov.au.

(Reason: to provide for local infrastructure identified in the North Sydney Council Local Contributions Plan 2020)

Security Deposit/Guarantee Schedule

- C9. All fees and security deposits/ guarantees in accordance with the schedule below must be provided to Council prior to the issue of any Construction Certificate:

Security Deposit/Guarantee	Amount (\$)
Footpath Damage Bond	\$10,000.00
TOTAL BONDS	\$10,000.00

Note: The following fees applicable

Fees	
Section 7.12 Development Contributions:	\$21,047.00
TOTAL FEES	\$21,047.00

The security required by the above schedule must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

(Reason: Compliance with the development consent)

Waste Management Plan

- C10. A Waste Management Plan is to be submitted for approval by the Principal Certifier prior to the issue of any Construction Certificate. The plan must include, but not be limited to:
- a) The estimated volume of waste and method of disposal for the construction and operation phases of the development;
 - b) The design of the on-site waste storage and recycling area; and
 - c) Administrative arrangements for waste and recycling management during the construction process.

The approved Waste Management Plan must be complied with at all times in the carrying out of the development.

(Reason: To encourage the minimisation of waste and recycling of building waste)

Provision of Accessible Paths of Travel

- C11. The building must be designed and constructed to provide access and facilities in accordance with the National Construction Code and Disability (Access to Premises - Buildings) Standards 2010. Plans and specifications complying with this condition must be submitted to the Principal Certifier for approval prior to the issue of the relevant Construction Certificate. The Principal Certifier must ensure that the building plans and specifications submitted, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

Notes:

1. If, in complying with this condition, amendments to the development are required, the design changes must be submitted for the approval of Council prior to a Construction Certificate being issued. Approval of a modification application may be required.
2. It is not within Council's power to set aside National legislation which requires the upgrade of buildings to meet modern access standards. Such decisions remain the jurisdiction of the Building Professionals Board Access Advisory Committee who may grant an exemption in certain exceptional circumstances.
3. Information on making an application for an "unjustifiable hardship exemption" under the accessibility standards can be found on the website of the NSW Building Professional Boards at <http://www.bpb.nsw.gov.au/page/premises-standards>.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

Compliance with Acoustic Report

- C12. The recommendations contained in the acoustic report prepared by RWDI, Revision B, dated 15 February 2024, must be implemented during construction and use of the development.

The noise emission criteria stated in the said RWDI acoustic assessment must be achieved at the development.

(Reason: To maintain an appropriate level of amenity for adjoining land uses)

D. Prior to the Commencement of any Works (and continuing where indicated)**Commencement of Works' Notice**

- D1. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence building work, demolition or excavation in accordance with this development consent.

(Reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

E. During Demolition and Building Work**Parking Restrictions**

- E1. Existing public parking provisions in the vicinity of the site must be maintained at all times during works. The placement of any barriers, traffic cones, obstructions or other device in the road shoulder or kerbside lane is prohibited without the prior written consent of Council. Changes to existing public parking facilities/restrictions must be approved by the North Sydney Local Traffic Committee. The Developer will be held responsible for any breaches of this condition and will incur any fines associated with enforcement by Council regulatory officers.

(Reason: To ensure that existing kerbside parking provisions are not compromised during works)

Road Reserve Safety

- E2. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works, with no obstructions caused to the said footways and roadways. Construction materials and plant must not be stored in the road reserve without approval of Council. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site.

Where public infrastructure is damaged, repair works must be carried out in when and as directed by Council officers (at full Developer cost). Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads." **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

(Reason: Public Safety)

Council Inspection of Public Infrastructure Works

E3. During the works on public infrastructure reverting to Council's care and control, Council's development engineer may undertake inspections of the works at the following hold points: -

- a) Formwork for layback, kerb/gutter, footpath, etc.
- b) All reinforcement for the concrete base beneath pavers,

All works must proceed in accordance with Roads Act 1993 approvals or other permits relating to roads issued by Council. A minimum of 48 hours' notice must be given to Council to book an inspection. Work must not proceed until the works or activity covered by the inspection is approved.

(Reason: To ensure quality of construction joints and connections in the drainage system)

Noise and Vibration

E4. The works must be undertaken in accordance with the "Interim Construction Noise Guideline" published by the NSW Environment Protection Authority, to ensure excessive levels of noise and vibration do not occur so as to minimise adverse effects experienced on any adjoining land.

(Reason: To ensure residential amenity is maintained in the immediate vicinity)

Developer's Cost of Work on Council Property

E5. The developer or the person, company or other entity that is acting upon this consent, must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.

(Reason: To ensure the proper management of public land and funds)

Special Permits

- E6. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.

The developer, owner or builder may apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of forty-eight (48) hours' notice is required for any permit:

1) **On-street mobile plant**

E.g., cranes, concrete pumps, cherry-pickers, etc., - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the developer's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

(Reason: Proper management of public land)

2) **Hoardings**

Permits are required to erect Class A and Class B hoardings. If an 'A' Class hoarding is to alienate a section of Council's property, that section will require a permit for the occupation of Council's property.

(Reason: Proper management of public land)

3) **Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

(Reason: Proper management of public land)

4) Kerbside restrictions, construction zones

Attention is drawn to the existing kerbside restrictions adjacent to the development. Should alteration of existing kerbside restrictions be required, or the provision of a construction zone, the appropriate application must be made and the fee paid to Council. Alternatives to such restrictions may require referral to Council's Traffic Committee and may take considerable time to be resolved. An earlier application is suggested to avoid delays in construction programs.

(Reason: Proper management of public land)

Service Adjustments

- E7. Where required, the adjustment or inclusion of any new utility service or facilities must be carried out by an appropriate contractor in accordance with the requirements of the relevant utility authority.

These works shall be at no cost to Council. It is the Applicant's responsibility to contact the relevant utility authorities to ascertain the impacts of the proposal upon utility services prior to the commencement of any work, including demolition (including water, phone, gas and the like).

Council accepts no responsibility for any impact on or influence upon utility services provided by another authority.

(Reason: To ensure the service requirements are met)

Construction Hours (Commercial Core and Mixed-use Zones)

- E8. Construction activities and works approved under this consent must be restricted to within the hours stipulated in the following table:

Location	Standard Construction Hours	
	Day	Hours
E2 Commercial Centre MU1 Mixed-use	Monday - Friday	7.00 am - 7.00 pm
	Saturday	8.00 am - 1.00 pm
	Sunday, Public holiday	No work permitted

Construction activities for development approved under this consent must be carried out in accordance with the standard construction hours above, the EPA Noise Policy for Industry 2017 and any Construction Noise Management Plan required under this consent.

In the event of breach to the approved hours of construction Council take may take enforcement action under Part 9 of the EP&A Act 1979 and in accordance with Council's adopted Compliance and Enforcement Policy.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Out-of-hours' Work Permits

- E9. Where it is necessary for works to occur outside those hours allowed by these conditions, an application may be made to Council's Customer Services Centre for a permit to carry out works outside of the approved hours. If a permit is issued the works approved must be carried out in accordance with any requirements specified in the permit. Permits will only be approved if **public safety is at risk**. Applications which seek a variation to construction hours solely to benefit the developer will require the lodgement and favourable determination of a modification application pursuant to the provisions of Section 4.55 of *the Environmental Planning and Assessment Act 1979*.

Notes:

- 1) Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.
- 2) Applications for out of hour's works should be lodged with Council no later than seven (7) calendar days prior to the date of the intended works.
- 3) Examples of activities for which permits may be granted include:
 - the erection of awnings,
 - footpath, road and other infrastructure works which cannot be carried out for public convenience reasons within normal hours,
 - the erection and removal of hoardings and site cranes, and
 - craneage of materials which cannot be done for public convenience reasons within normal working hours.
- 4) Examples of activities for which permits WILL NOT be granted include:
 - extended concrete pours
 - works which are solely to convenience the developer or client, and
 - catch up works required to maintain or catch up with a construction schedule.
- 5) Further information on permits can be obtained from the Council website at www.northsydney.nsw.gov.au.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Site Amenities and Facilities

- E10. Where work involved in the erection and demolition of a building is being carried out, amenities which satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements, must be provided and maintained at all times. The type of workplace determines the type of amenities required.

Further information and details can be obtained from the Internet at www.workcover.nsw.gov.au.

(Reason: To ensure the health and safety of the community and workers on the site)

Health and Safety

- E11. All work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site and provide a contact telephone number for enquiries.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the internet at www.workcover.nsw.gov.au.

(Reason: To ensure the health and safety of the community and workers on the site)

Prohibition on Use of Pavements

- E12. Building materials must not be placed on Council's footpaths, roadways, parks or grass verges, (unless a permit is obtained from Council beforehand). A suitable sign to this effect must be erected adjacent to the street alignment.

(Reason: To ensure public safety and amenity on public land)

Plant and Equipment Kept Within Site

- E13. All plant and equipment used in the undertaking of the development/works, including concrete pumps, wagons, lifts, mobile cranes, hoardings etc, must be situated within the boundaries of the site (unless a permit is obtained from Council beforehand) and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.

Details of Council requirements for permits on public land for standing plant, hoardings, storage of materials and construction zones and the like are available on Council's website at www.northsydney.nsw.gov.au.

(Reason: To ensure public safety and amenity on public land)

F. Prescribed Conditions imposed under EP&A Act and Regulations and other relevant Legislation**National Construction Code**

F1. All building work must be carried out in accordance with the provisions of the National Construction Code.

(Reason: Prescribed - Statutory)

Appointment of Principal Certifier (PC)

F2. Building work, **demolition** or excavation in accordance with the development consent must not be commenced until the developer has appointed a Principal Certifier for the building work in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Construction Certificate

F3. Building work, demolition or excavation in accordance with the development consent must not be commenced until a Construction Certificate for the relevant part of the building work has been issued in accordance with the provisions of the EP&A Act and its Regulations.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Occupation Certificate

F4. A person must not commence occupation or use of the whole or any part of a new building (new building includes an altered portion of, or an extension to, an existing building) unless an Occupation Certificate has been issued in relation to the building or part. Only the Principal Certifier appointed for the building work can issue an Occupation Certificate.

(Reason: Statutory)

Critical Stage Inspections

F5. Building work must be inspected by the Principal Certifier on the critical stage occasions prescribed by the EP&A Act and its Regulations, and as directed by the appointed Principal Certifier.

(Reason: Statutory)

Commencement of Works' Notice

F6. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least two days' notice to North Sydney Council of the person's intention to commence the erection of the building.

(Reason: Statutory: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation)

Protection of Public Places

- F7.
- 1) A hoarding and site fencing must be erected between the work site and adjoining public place.
 - 2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - 3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - 4) Any such hoarding, fence or awning is to be removed when the work has been completed.
 - 5) No access across public reserves or parks is permitted.

Note: Prior to the erection of any temporary fence or hoarding over property owned or managed by Council, written approval must be obtained. Any application needs to be accompanied by plans indicating the type of hoarding and its layout. Fees are assessed and will form part of any approval given. These fees must be paid prior to the approval being given. Approval for hoardings will generally only be given in association with approved building works, maintenance or to ensure protection of the public. An application form for a Hoarding Permit can be downloaded from Council's website.

(Reason: To ensure public safety and the proper management of public land)

Site Sign

- F8.
- 1) A sign must be erected in a prominent position on the site
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

- c) showing the name, address and telephone number of the Principal Certifier for the work.
- 2) Any such sign must be maintained while to building work or demolition work is being carried out but must be removed when the work has been completed.

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate*

Damage to Adjoining Properties

- G1. All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

(Reason: To ensure adjoining owner's property rights are protected)

Certification for Mechanical Exhaust Ventilation

- G2. Prior to issue of an Occupation Certificate and following the completion, installation, and testing of all the mechanical ventilation systems, a Mechanical Ventilation Certificate of Completion and Performance in accordance with Clause A2.2(a)(iii) of the National Construction Code, must be submitted to, and approved by, the Principal Certifier.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Odour Control Certification

- G3. Prior to issue of the any Occupation Certificate a certificate/statement from an appropriately qualified odour consultant is to be submitted to, and approved by, the Principal Certifier certifying that the odour mitigation measures and recommendations outlined in the Odour Assessment Report prepared by the Odour Unit, dated 22 February 2024, have been suitably incorporated into the development and that relevant odour criteria have been satisfied from use of the development.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Utility Services

- G4. All utility services shall be adjusted to the correct levels and/or location/s required by this consent, prior to issue of an occupation certificate. This shall be at no cost to Council.

(Reason: To ensure compliance with the terms of this consent)

I. Ongoing/Operational Conditions

Infrastructure Repair and Completion of Works

11. Prior to the issue of any Occupation Certificate any and all works relating to the development:

- a. in the road reserve must be fully completed; and
- b. to repair and make good any damaged public infrastructure caused as a result of any works relating to the development (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) must be fully repaired;

to the satisfaction of Council Engineers at no cost to Council. Council's development engineer must be contacted to arrange inspections of the completed works in the Public Domain.

(Reason: Maintain quality of Public assets)

Hours of Operation

12. The hours of operation are restricted to:

The ground floor café area (indoor and outdoor) will operate with the following hours of operation:

- Hours of Operation: 7.00am – 12.00pm, Monday to Sunday

The first floor restaurant area will operate with the following hours of operation:

- Hours of Operation: 10.00am – 12:00pm, Monday to Sunday

The second floor bar area will operate with the following hours of operation:

- Hours of Operation: 10.00am – 12:00pm, Monday to Sunday

Upon expiry of the permitted hours:

- (a) all café/restaurant/bar service (and entertainment) must immediately cease;
- (b) no person shall be permitted entry; and
- (c) all customers on the premises must be required to leave within the following half hour.

(Reason: to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality)

Maximum Patronage

13. Maximum Patronage of each Respective component of the development is as follows:

The ground floor café area patron capacity: 100 patrons maximum comprising:

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- Outdoors, 56 patrons.
- Indoors, 44 patrons.

The first floor restaurant patron capacity: 100 patrons maximum

The second floor bar patron capacity: 200 patrons maximum

(Reason: Clarification of terms of this consent and ensure compliance with relevant legislation)

Plan of Management

14. The management of the food and drink premises shall be conducted in accordance with the Plan of Management prepared by Etymon Projects Miller House, Dated February 2024 except where otherwise amended by the conditions of this consent.

The Plan of Management is to be updated to reflect the requirements of this consent, including but not limited to the approved limits on patron numbers, approved hours of operation and provision for a minimum number of qualified security staff to be employed at the premises.

In the event of any inconsistency between the Plan of Management and the conditions of this consent or relevant legislation, then the stricter condition or regulation will prevail.

(Reason: Safety, security and amenity)

No Entertainment

15. This approval is for the restaurant/cafe and bar food and drink premises within the building. Nothing in this consent authorises musical or other forms of entertainment, including amplified music beyond background ambient music to be broadcast, played or performed within these spaces. Separate development consent is required for any proposed entertainment.

(Reason: Clarification of terms of this consent and ensure compliance with relevant legislation)

Patron Behaviour

16. The proprietors/management of the premises must take all steps necessary to ensure that no noise nuisance occurs from persons entering or leaving the premises. The proprietors/management must ensure that:

- (a) A sign is placed in clearly visible position adjacent to the entry/exit of the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

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- (b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.
- (c) The management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council.
- (d) If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

(Reason: To ensure patrons do not interfere with the acoustic amenity of residents in the immediate locality)

Daily Cleaning

17. The proprietor/operator is to ensure that at all times when the premises are open and at the end of each day after the premises have closed, all rubbish including loose papers, cigarette butts, bottles etc which may be left on the subject premises, site or immediately adjacent area is picked up and placed in the proprietor's/operator's rubbish bins.

(Reason: To ensure waste generated by the approved use or activity is properly managed by the person acting upon this consent, to prevent unsightly build-up of waste material)

Shop Premises Registration

18. All separate food and drink premises must be registered with Council prior to commencement of operation of the approved activity. Shop Premises Registration must be maintained at all times.

Note:

- a) Council registration forms can be found at <http://www.northsydney.nsw.gov.au>.

(Reason: To ensure compliance with environmental health legislation)

Total Area of Premises and Footpath Seating

19. The maximum area for outdoor dining allowed by this consent is as follows.

- Tenancy 13-97 sqm maximum patronage of 56 patrons.

Outdoor dining associated with each of the above tenancies shall be limited to the area shown on the plans as per Condition A1 and the above schedule.

(Reason: To clarify the maximum extent of outdoor dining per tenancy, to assist in assessing ongoing compliance)

Commercial Waste and Recycling Storage

110. General Commercial waste and recycling material/storage bins must be stored in a separate area. Any wastes stored within the tenancies is to be a temporary holding area only and to be removed daily to the principle commercial and recycling elsewhere on site.

(Reason: To ensure that commercial waste is properly managed)

Footpath Seating Permit Required

111. Footpath seating is not to be provided unless a footpath-seating permit is obtained from North Sydney Council. The permit must be permanently displayed on the premises in accordance with the provision of Council's footpath seating policy. Appropriate public liability insurance must be obtained before a footpath seating permit will be issued.

Note: Footpath seating permits are issued on an annual basis and Council reserves the right to review the operation of outdoor seating. Failure to comply with the terms of this consent and the footpath seating permit may result in the non-renewal of any footpath seating permit

(Reason: To ensure compliance with Council's policy for the provision of outdoor seating on footpaths)

Orientation of Tables and Chairs

112. Tables and chairs located within the outdoor seating area are to be set out to ensure pedestrian thoroughfare and clearances are maintained to the shop front of the building, and not in a manner that allows chairs to project into the minimum clearance width of 3.35 metres within site through link pedestrian corridor and 13 metre minimum width of 13.0 metres as set out in the Pedestrian Design Statement Victoria Cross, North Sydney statement reference 0548r02v03 dated 17 May 2023 prepared by PDC consultants .

(Reason: To ensure adequate and unobstructed pedestrian amenity relating to the provision of outdoor seating on footpaths)

Noise and Vibration Impact

113. The ongoing use of the premises approved under this consent must comply with all conditions pertaining to noise and vibration specified in this consent.

(Reason: To ensure compliance with the specified levels of noise and vibration and to maintain the amenity of surrounding land uses)

Waste Collection

114. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

(Reason: To ensure the amenity of surrounding properties)

Noise Conditions for Licensed Premises

115. Appropriately qualified acoustic consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustic Society, Institution of Engineers Australia or the Australian Association of Acoustic Consultants must be appointed before the entertainment commences and details of that appointment submitted to Council. During the first 60 days of entertainment being provided at the premises, the attended acoustic monitoring must be undertaken in accordance following:

- (a) The acoustic consultant must:
 - (i) measure and verify that the noise emanating from the premises complies with the noise criteria specified in this consent; and
 - (ii) if necessary, make recommendations to ensure that the noise emanating from the premises will comply with the noise criteria at all times. specified in this consent.
- (b) The noise measurements must be:
 - (i) undertaken without the knowledge of the applicant, manager or operator of the premises; and
 - (ii) taken on at least three different occasions on three different days of the week (excluding Monday, Tuesday and Wednesday) from 11.00 pm until the end of the entertainment or the close of business, whichever occurs first.
- (c) If the acoustic consultant recommends that additional treatment or works be undertaken under condition (a)(ii) above, those recommendations must be implemented to the acoustic consultant's and Council's satisfaction.
- (d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the premises must not be used for entertainment until such time as the recommendations are implemented and verified.

(Reason: To manage the potential for ongoing noise impacts)

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Existing Loading Dock

116. Vehicle deliveries and loading and unloading operations must occur within the site. The existing loading dock must be maintained at all times for use in connection with the development.

(Reason: To ensure that deliveries occur within the site and do not adversely affect traffic or pedestrian amenity)

Loading within Site

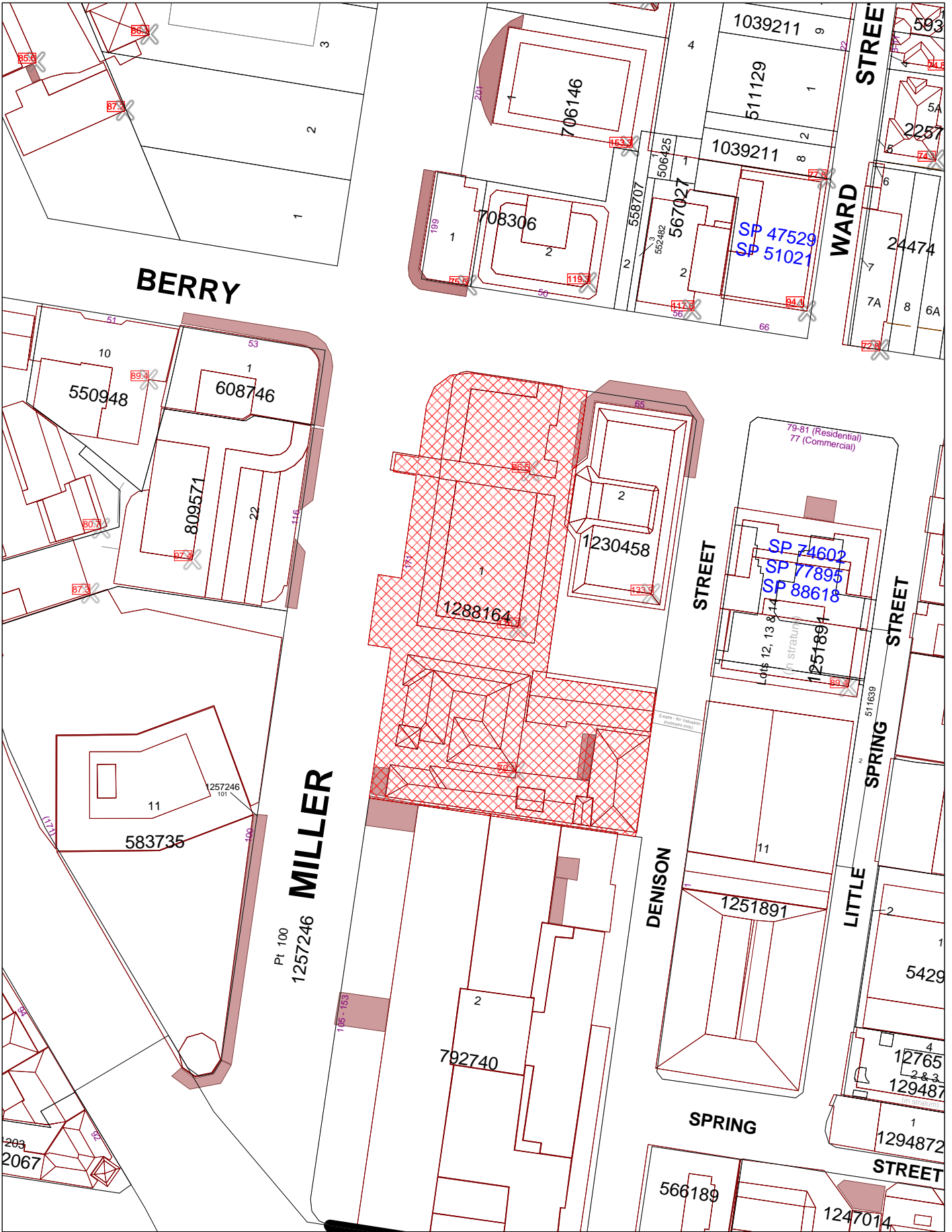
117. All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or the public way.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity)

Delivery Hours

118. No deliveries, loading or unloading associated with the premises are to take place between the hours of 10.00pm and 6.00am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties)



North Sydney Council

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Further details can be obtained by calling (02) 9936 8100 or e-mail mapping@northsydney.nsw.gov.au.

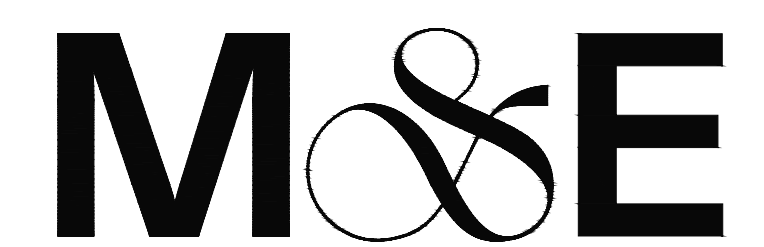
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RESTAURANT AND CAFE

ET Y M O N

VICTORIA CROSS STATION T13 RETAIL
1 LITTLE MILLER, NORTH SYDNEY 2060



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		MONTH		12	12	12	1	2	2
		YEAR		2023	2023	2023	2024	2024	2024
DOCUMENT TITLE	DWG. No.	SCALE	SIZE	50% DA	50% DA	DA	DA	DA	DA
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GENERAL NOTES:
 1. DO NOT SCALE FROM THE DRAWINGS. ACTUAL MEASUREMENTS ARE TO BE VERIFIED ON SITE.
 2. SITE CONDITIONS THAT ARE NOTABLY AFFECTING DESIGN INTEGRITY MUST BE REPORTED TO MITCHELL & EADES.
 3. MITCHELL & EADES DRAWINGS SHOW DESIGN INTENT ONLY. SHOP

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 4. THIS DRAWING IS ISSUED UPON THE CONDITION IT IS NOT REPRODUCED OR DISCLOSED TO ANY UNAUTHORISED PERSON WITHOUT THE PRIOR CONSENT OF MITCHELL & EADES.

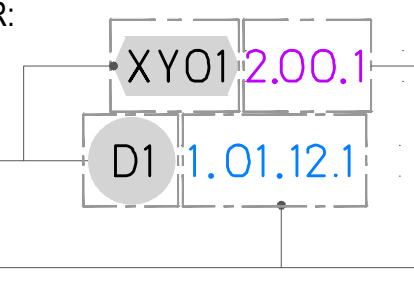
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 Project No.
 23268
 Issue Status
 FOR DEVELOPMENT APPLICATION
 Date
 19.02.2024
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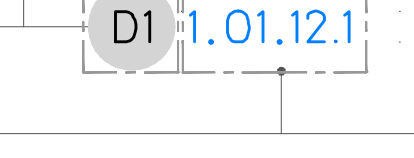
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 04
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 1 LITTLE MILLER

GENERAL NOTES


ARCHITECTURAL PLAN	FLOOR FINISHES PLAN	FF&E PLAN	CEILING FINISH PLAN	POWER POINT PLAN	GENERAL NOTES
<p>●LOCAL CODES</p> <p>MITCHELL & EADES' DOCUMENTATION SCOPE DOES NOT INCLUDE CONSTRUCTION AND COMPOSITION DETAILS FOR INTERIOR WALLS. REFER TO LOCAL ARCHITECT AND/OR CONTRACTOR'S CONSTRUCTION DOCUMENTATION FOR WALL CONSTRUCTION AND COMPOSITION DETAILS. ALL INTERIOR WALLS ARE TO COMPLY WITH LOCAL BUILDING CODES.</p> <p>M&E's DOCUMENTATION SCOPE DOES NOT INCLUDE CONSTRUCTION AND COMPOSITION DETAILS FOR INTERIOR DOORS & WINDOWS THAT REQUIRE FIRE REGULATION COMPLIANCE. M&E SHALL PROVIDE ONLY FINISH/CLADDING INFORMATION WHICH SHALL BE REVIEWED BY LOCAL ARCHITECT AND/OR CONTRACTOR FOR CONFIRMATION ON COMPLIANCE.</p> <p>WOOD CARPENTRY ALL WOOD FINISHES WHETHER SOLID OR VENEER SHALL MATCH THE SPECIFICATIONS IN M&E's MATERIAL REFERENCE SCHEDULE. FIRE CERTIFICATES ARE TO BE OBTAINED FOR ALL MATERIAL FINISHES BY CONTRACTOR. SUBMIT ONE COPY EACH FOR M&E AND CLIENT/S. DRAWINGS PROVIDED BY M&E FOR ALL BUILT-IN CABINETRY ARE FOR DESIGN INTENT ONLY. SHOP DRAWINGS MUST BE PROVIDED BY SPECIALIST/MANUFACTURER AND APPROVED BY M&E PRIOR TO FABRICATION.</p> <p>OTHERS WALL MOCK-UP: SHOP DRAWINGS TO BE PROVIDED DEMONSTRATING INSTALLATION METHODS AS PER LOCAL CONTRACTORS RECOMMENDATION. SHOP DRAWINGS TO BE APPROVED BY M&E PRIOR TO CONSTRUCTION. CONTRACTOR SHALL PROVIDE A PANEL AND/OR SEGMENT MOCK-UP OF EACH M&E WALL TYPE (SEE 2.01.08 DETAILS) PRIOR TO CONSTRUCTION/INSTALLATION ON SITE. CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING WORKS. ANY VARIATIONS WHICH MAY AFFECT DESIGN ARE TO BE REPORTED TO M&E FOR RESOLUTION PRIOR TO CONSTRUCTION. EXTERNAL DOORS AND WINDOWS SHALL BE PURCHASED, FABRICATED, AND INSTALLED BY LOCAL ARCHITECT AND/OR CONTRACTOR. FACADE DETAILS AND INTERNAL FIRE REGULATED TERMINATIONS SHALL BE PROVIDED BY LOCAL CONTRACTOR. WHERE INTERIOR MATERIALS AND FURNITURE JUNCTIONS SHALL BE COORDINATED FROM M&E DETAILS.</p>	<p>TIMBER FLOORING INSTALLATION AND UNDERLAY OF TIMBER FLOORING SHALL COMPLY WITH MANUFACTURER'S RECOMMENDATIONS. REFER TO MATERIAL REFERENCE SCHEDULE PREPARED BY M&E FOR DETAILS OF TIMBER SELECTION AND FINISH. SHOP DRAWINGS TO BE APPROVED BY M&E PRIOR TO PURCHASE AND INSTALLATION. SHOP DRAWING INFORMATION SHALL INCLUDE VERIFIED SITE MEASUREMENTS, PLANK SIZES, GRAIN DIRECTION AND PATTERN DEMONSTRATING ALIGNMENT WITH M&E SPECIFICATIONS AND DESIGN INTENT.</p> <p>STONE FLOORING INSTALLATION, UNDERLAY AND ADHESIVE FOR STONE FLOORING SHALL COMPLY WITH SUPPLIERS RECOMMENDATIONS. REFER TO MATERIAL REFERENCE SCHEDULE PREPARED BY M&E FOR DETAILS OF STONE SELECTION AND FINISH. M&E's DOCUMENTATION SCOPE DOES NOT INCLUDE SPECIFICATION OF SUBSTRATES AND SUBFLOORS. SHOP DRAWINGS TO BE APPROVED BY M&E PRIOR TO PURCHASE AND INSTALLATION. SHOP DRAWING INFORMATION SHALL INCLUDE VERIFIED SITE MEASUREMENTS, TILE LAYOUT, CUT LINES, AND ANY GRAIN/PATTERN DIRECTION DEMONSTRATING ALIGNMENT WITH M&E SPECIFICATIONS AND DESIGN INTENT. SLIP RESISTANT COATING TO BE APPLIED WHERE NECESSARY AND WHERE NOTED IN M&E SPECIFICATIONS.</p> <p>GROUT USE 1.5MM (1/16") GROUT ON ALL STONE JOINTS, UNLESS NOTED OTHERWISE IN DRAWINGS. TOILET (M/F) STONE CUTTING JOINTS TO BE SEAMLESS ON BOTH FLOOR AND WALLS UNLESS OTHERWISE NOTED OR DETAILED IN DRAWINGS.</p> <p>OTHERS 6MM THICK FLUSH METAL TRANSITION STRIP TO BE INSTALLED BETWEEN TIMBER AND STONE FINISHES UNLESS OTHERWISE NOTED OR DETAILED IN DRAWINGS. OVERALL FINISHED FLOOR LEVELS TO BE CONSIDERED WITH LEVEL OF PRE-CAST SLAB PRIOR TO PURCHASE OF MATERIALS, UNDERLAY AND SUBFLOORING. BACK OF HOUSE (BOH) SUCH AS KITCHEN, STORAGE, AND OFFICES ARE NOT INCLUDED IN M&E's SCOPE.</p>	<p>CUSTOM FURNITURE SHOP DRAWINGS TO BE APPROVED BY M&E PRIOR TO MANUFACTURE TO ENSURE DESIGN INTENT AND PROPORTIONS. DRAWINGS TO BE AT 1:10 SCALE AND SHOW ALL VISIBLE BLOCKING AND DETAILING. ALL INSTALLATION RECOMMENDATIONS FROM FURNITURE MANUFACTURER TO BE ADOPTED. MANUFACTURER TO PROVIDE M&E WITH 3X FINISH SAMPLES FOR APPROVAL PRIOR TO MANUFACTURE.</p> <p>WHERE WOOD CONSTRUCTION: RAILS AND FRAME TO BE DOUBLE DOWELLED, SCREWED AND GLUED. VENEER FACE PLYWOOD WITH SOLID EDGES. WHERE METAL CONSTRUCTION: MILD STEEL WITH ALL JOINTS WELDED, BRAISED AND POLISHED. PROVIDE PROPER SUPPORT TO AVOID RACKING AND TWISTING. ALL METAL PARTS TO BE CORROSION AND RUST PROOF OR RECEIVE POWDER COATING FINISH.</p> <p>WHERE STONE CONSTRUCTION: ALL STONE PIECES TO BE MECHANICALLY SECURED TOGETHER. PROVIDE ALL CORROSION PROOF HARDWARE TO SECURE PIECES TOGETHER. ALL WOOD TO BE KILN DRIED AND TREATED AND ALL MATERIALS TO BE INSECT AND VERMIN FREE. UNDERSIDES TO BE FINISHED. LEVELLERS: PROVIDE HEAVY DUTY ADJUSTABLE LEVELLERS AND GLIDES. BASE MUST BE PROPERLY DESIGNED TO SUPPORT TOP. ALL SUPPORT AND FIXING TO BE RECOMMENDED BY FURNITURE MANUFACTURER. ALL MATERIALS MUST BE SUITABLE FOR USE IN TROPICAL AND HIGH HUMIDITY CONDITIONS. FIRE HAZARD CLASSIFICATION: MUST MEET OR EXCEED ALL APPLICABLE CODES FOR FABRICS. ENSURE THAT TABLE AND CHAIRS ARE REVIEWED IN CONJUNCTION WITH ONE ANOTHER TO ENSURE CORRECT PROPORTION AND ENSURE THAT ARMS WILL CLEAR UNDERSIDE OF TABLE. ENSURE FURNITURE WILL FIT THROUGH LIFTS AND DOORS.</p> <p>WHERE DISABILITY ACCESS IS REQUIRED, ENSURE LOCAL CODES REQUIREMENTS ARE MET. ALL MATERIALS TO MEET LOCAL GREEN SUSTAINABILITY STANDARDS.</p> <p>M&E SPECIFICATIONS ARE PROVIDED FOR DESIGN INTENT ONLY AND WILL CONVEY INFORMATION FOR PRODUCTS AND THEIR MANUFACTURER'S DETAILS. M&E SHALL BEAR NO RESPONSIBILITY IF THE CLIENT CHOOSES TO HAVE THE PRODUCTS MADE BY THIRD PARTIES. IT IS THE CLIENT'S RESPONSIBILITY TO SECURE ALL SUCH NECESSARY COPYRIGHTS.</p>	<p>REFLECTED CEILING PLAN ARCHITECT AND/OR LOCAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSOLIDATION OF ALL LIGHTING, MEP AND CEILING ELEMENTS INTO A COMPLETE REFLECTED CEILING PLAN 'RCP' DRAWING. M&E's RCP DRAWING SHALL INFORM AESTHETIC DESIGN ONLY INCLUDING FINISHES, SUGGESTED INDICATIVE LIGHTING LOCATIONS AND SUGGESTED INDICATIVE GRILL LOCATIONS. M&E TO APPROVE FINAL CONSOLIDATED RCP PRIOR TO CONSTRUCTION. M&E's LIGHTING DESIGN MAY BE SUPERCEDED BY SPECIALIST LIGHTING DESIGN. SPECIALIST LIGHTING DESIGN TO BE APPROVED BY M&E PRIOR TO COMMISSIONING & CONSTRUCTION. NO SUBSTITUTIONS SHOULD BE MADE FOR SPECIFIED LIGHTING FIXTURES AND FITTINGS WITHOUT APPROVAL FROM M&E AND SPECIALIST LIGHTING DESIGNER. ALL NECESSARY HARDWARE FOR FALSE HUNG CEILINGS, BRACKETS, HOOKS, OR ANY INFORMATION RELATED TO STRUCTURAL SAFETY FALLS OUTSIDE OF M&E's SCOPE AND SHALL BE PROVIDED BY APPOINTED SUPPLIER OR CONSULTANTS. ALL CEILING SERVICES AND LIGHT TRIMS ARE TO BE COLOURED IN ACCORDANCE WITH FINAL CEILING FINISH WHERE VISIBLE UNLESS OTHERWISE NOTED. ALL A/C GRILLS TO APPLY POWDER COATING TO MATCH CEILING COLOR. PAINT SHALL COMPLY WITH APPLICABLE REGULATIONS GOVERNING THE USE OF PAINT AND HAZARDS. PAINT FINISH IN BATH AND KITCHEN AREAS SHALL BE WATERPROOF. ACOUSTIC PERFORMANCE LEVELS TO BE DECIDED BY ACOUSTIC CONSULTANT/ARCHITECT/LOCAL CONTRACTOR BASED ON LOCAL CODE AND OPERATORS TECHNICAL BRIEF.</p>	<p>GENERAL ELECTRICAL DRAWING ARCHITECT AND/OR LOCAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONSOLIDATION OF ALL ELECTRICAL PLANS AND SPECIFICATIONS INCLUDING SWITCHES, OUTLETS, THERMOSTAT CONTROLS, WIRED AND WIRELESS CONNECTIVITY, HOUSEKEEPING POWER REQUIREMENTS ETC. M&E's DRAWINGS SHALL INFORM REQUIREMENTS AFFECTING INTERIOR DESIGN AND DECORATION AS WELL AS GENERAL OPERATIONAL GUIDANCE ONLY. OPERATOR, CLIENT AND M&E TO APPROVE FINAL CONSOLIDATED ELECTRICAL PLAN AND ELEVATIONS PRIOR TO COMMISSIONING AND CONSTRUCTION. IT IS THE RESPONSIBILITY OF LOCAL APPOINTED ELECTRICIAN AND/OR CONTRACTOR TO ADVISE CLIENT OF ADDITIONAL POINTS REQUIRED BY LOCAL CODE. ALL LIGHT SWITCHES SHALL CONFORM TO LOCAL CODE REQUIREMENTS. M&E SHALL ASSIST IN RECOMMENDING AND REVIEWING OUTLET AND SWITCH COVER-PLATE FINISHES, STYLES AND SUPPLIERS. LOCAL ELECTRICIAN SHALL DETERMINE FROM LIGHTING SPECIALIST WHETHER ELECTRONIC OR MAGNETIC DIMMERS ARE REQUIRED FOR LOW VOLTAGE LIGHT FIXTURES. LOCAL ELECTRICIAN SHALL DETERMINE LOCATION OF DISCONNECT SWITCH, REMOTE POWER PANELS, THERMOSTATS, ALARMS OR ANY DEVICES REQUIRED BY LOCAL CODE, OPERATOR OR CLIENT. CONTRACTOR TO DETERMINE EQUIPMENT THAT REQUIRES SOLE DEDICATION OF A CIRCUIT. ALL OUTLETS TO BE STANDARDS HEIGHT UNLESS OTHERWISE DRAWN AND/OR NOTED IN ELEVATIONS AND PLANS.</p> <p>EQUIPMENT AND APPLIANCES AUDIO VISUAL EQUIPMENT TO BE SPECIFIED, PURCHASED AND INSTALLED BY OTHERS. REQUIREMENTS AND EQUIPMENT RELATING TO AESTHETIC DESIGN TO BE REVIEWED BY M&E PRIOR TO PURCHASE. KITCHEN APPLIANCE REQUIREMENTS SHALL BE CONSOLIDATED BY KITCHEN CONSULTANT AND ARE TO BE COORDINATED AND INSTALLED BY LOCAL CONTRACTOR. KITCHEN DESIGN IS NOT INCLUDED WITHIN M&E's SCOPE. ALL WIRING/CABLING AND CONNECTIVITY REQUIRED FOR USB, COMPUTERS, A/V, OUTLETS OR ANY I.T. INFRASTRUCTURE TO BE DETERMINED BY QUALIFIED CONSULTANT. LOCATIONS SHOWN ON M&E DRAWINGS ARE FOR DESIGN GUIDANCE AND SUGGESTION ONLY.</p>	<p>CONTRACTOR / CONSTRUCTION M&E SHALL NOT BE RESPONSIBLE FOR THE MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES OF THE CONSTRUCTION, FABRICATION, PROCUREMENT, DELIVERY AND INSTALLATION OF LOCAL CONTRACTORS. CONTRACTOR SHALL OBTAIN ALL PERMITS AND INSPECTIONS, AND SHALL COMPLY WITH ALL CODES, LAWS, ORDINANCES, RULES AND REGULATIONS OF ALL PUBLIC AUTHORITIES GOVERNING THE WORK. THE MOST STRINGENT APPLY. CONTRACTORS SHALL SUBMIT FINAL MATERIAL SAMPLES TO M&E FOR APPROVAL PRIOR TO PURCHASE/MANUFACTURE INCLUDING ORIGINALLY SPECIFIED PRODUCTS AND LOCAL ALTERNATIVES. M&E WILL NOT BE OBLIGED TO ACCEPT ANY RESELECTION/ALTERNATIVE MATERIALS AND/OR SPECIFICATIONS. FLAME CERTIFICATES ARE TO BE OBTAINED FOR ALL MATERIALS. CLIENT ACKNOWLEDGES THE RESPONSIBILITY OVER SUPPLIERS ACCREDITATION AND QUALIFICATION.</p> <p>DRAWINGS / SPECIFICATIONS DRAWINGS, SPECIFICATIONS, OR OTHER DOCUMENTS AND ELECTRONIC DATA WILL BE PROVIDED FOR DESIGN INTENT ONLY, TO ENABLE THE ARCHITECT, ENGINEERS AND OTHER CONSULTANTS TO INCORPORATE DESIGN INFORMATION AS REQUIRED INTO THEIR CONSTRUCTION DOCUMENTS, AND SPECIFICATIONS. SUBSTITUTIONS, REVISIONS OR RESELECTIONS MUST BE SUBMITTED TO M&E FOR APPROVAL PRIOR TO FABRICATION. SUPPLIERS SHALL TAKE RESPONSIBILITY TO NOTIFY M&E AND LOCAL CONTRACTOR OF ANY CONFLICTS OR DISCREPANCIES WITHIN TECHNICAL INFORMATION AND FIRE RATINGS. "DETAILS AND NOTES" ARE TO BE CONSIDERED TYPICAL AND ARE TO APPLY TO APPLICABLE CONDITIONS IN ALL PARTS OF THE INTERIOR DESIGN, UNLESS INDICATED OTHERWISE. NOTIFY M&E IN THE EVENT OF DISCREPANCY. DOOR HARDWARE: AN APPOINTED LOCAL DOOR HARDWARE SPECIALIST SHALL FILL UP M&E's DOOR HARDWARE SPECIFICATION SHEETS WITH TECHNICAL INFORMATION THAT COMPLIES WITH LOCAL CODES. M&E TO PROVIDE DESIGN DEPENDANT DECORATIVE HARDWARE ONLY. ALL PENETRATIONS TO BE ACOUSTICALLY SEALED.</p>

GENERAL SYMBOLS

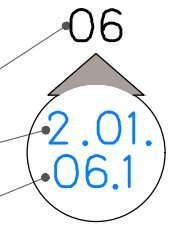
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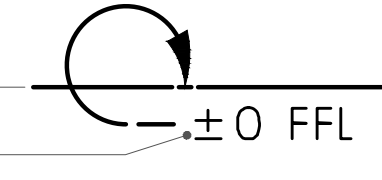
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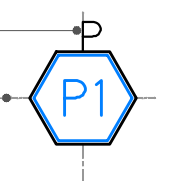
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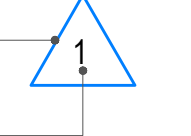
DETAIL BLOW-UP SYMBOL:
 AREA IDENTIFIER
 DETAIL TAG CLASSIFICATION


SHEET REFERENCE SERIES

ELEVATION CALL OUT:
 ELEVATION NUMBER
 AREA IDENTIFIER
 SHEET REFERENCE SERIES


ID FINISH LEVEL SYMBOL:
 DATUM LINE; LEVEL
 mm FROM '0' ID FINISH


ID ELECTRICAL REQUIREMENT:
 MOUNTING WALL POINT
 CODE TAG REFER TO LEGEND


REVISION SYMBOL:
 REVISION TRIANGLE TAG
 REVISION NUMBER or VERSION


M+E CODES AND ABBREVIATIONS:

- AA - ARTWORK & ACCESSORIES
- AR - ARCHITECTURAL PLAN
- BD - BLINDS & DRAPERY
- CO - PROJECT COVER INFORMATION
- CP - CARPET & AREA RUGS
- DH - DECORATIVE DOOR HARDWARE
- DT - DETAIL DRAWING
- EL - WALL ELEVATION, ID
- FF - FF&E PLAN
- FL - FLOOR FINISHES PLAN
- GN - GENERAL NOTES
- IN - DRAWING INDEX
- JD - JOINERY
- LF - LOOSE FURNITURE
- LG - DECORATIVE LIGHTING FIXTURE
- MR - MATERIAL REFERENCE
- PP - ELECTRICAL POWER POINTS
- CL - CEILING PLAN & FINISHES
- SW - SANITARYWARE
- W# - WALL DETAIL
- C# - CEILING DETAIL
- F# - FLOOR DETAIL
- D# - DOOR TYPE



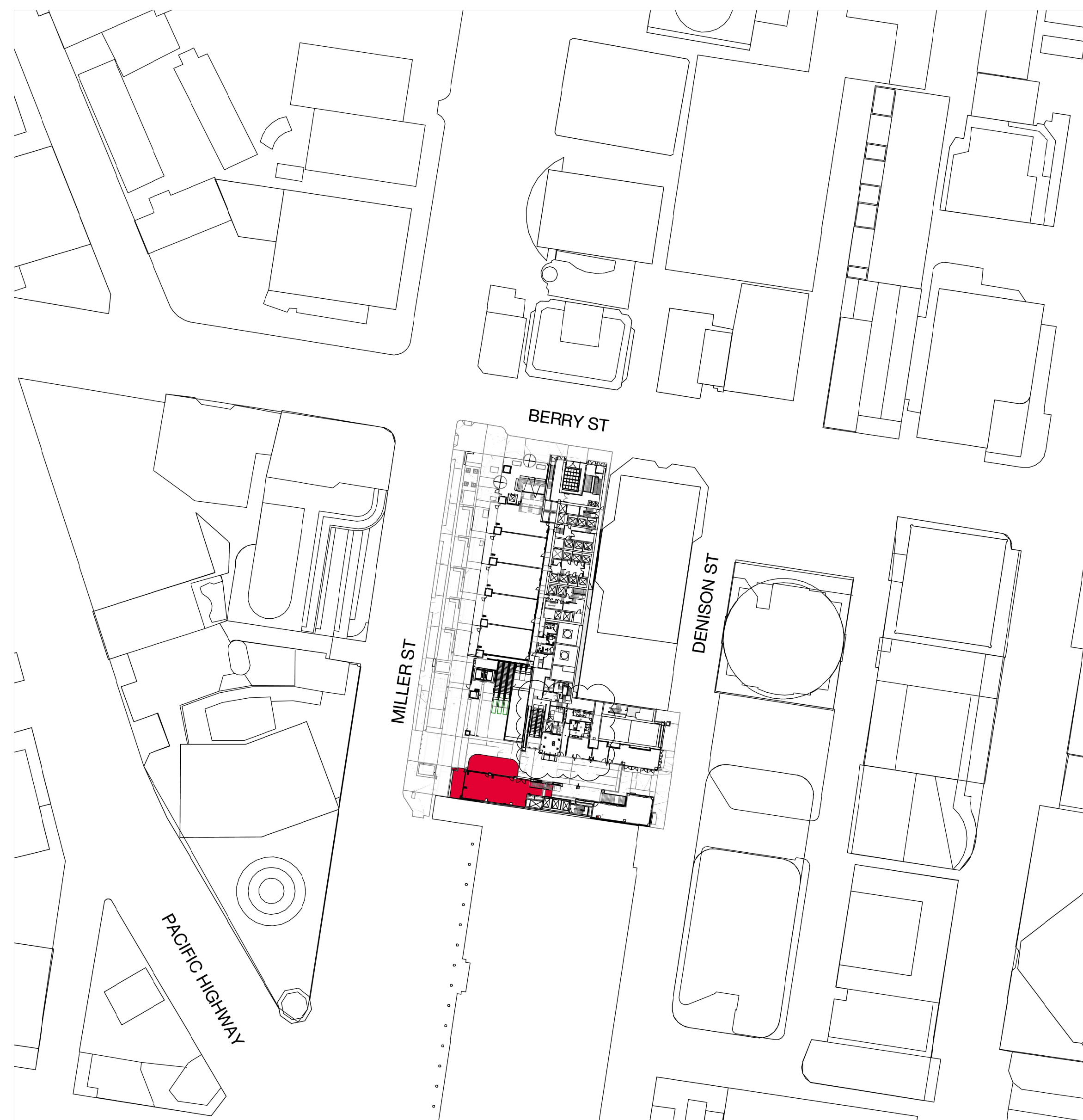
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Project Name & Location			
ETYMON 1 LITTLE MILLER, NORTH SYDNEY 2060			
Project No.	Date	Scale	
23268	04.12.2023	NTS	
Issue Status	Drawn	Checked	
FOR DEVELOPMENT APPLICATION	KH / JL	JM	

Drawing No.	Revision
2.00.00 GN	-
Drawing Title	Area
GENERAL NOTES	1 LITTLE MILLER



SITE PLAN — BY OTHERS
NTS | A1



TENANCY LOCATION PLAN — BY OTHERS
NTS | A1



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Project Name & Location
ETYMON | 1 LITTLE MILLER, NORTH SYDNEY 2060
Project No.
23286
Issue Status
For Development Application

Scale
NTS | A1
Date Issued:
04.12.2023
Date Revised:
19.02.2024
Drawn
KH / JL
Checked
JM

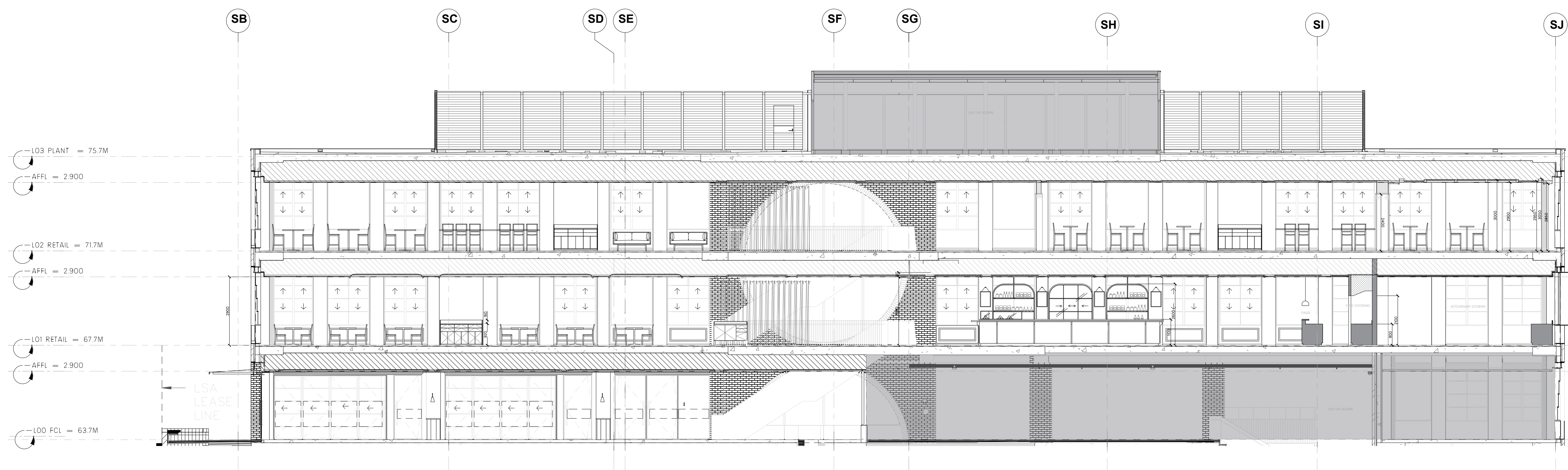
Revision:
No. Date
01 13.12.2023
02 19.02.2024

Drawing No.
2.00.00

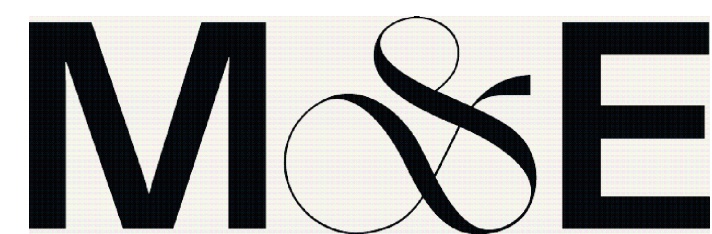
Drawing Title
SITE AND LOCATION PLAN

Area
1 LITTLE MILLER

Revision
02



1 T13 RETAIL
1:100 | A1



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Project Name & Location
1 LITTLE MILLER
Project No.
23267
Issue Status
FOR DEVELOPMENT APPLICATION

Scale
1:100 | A1

Date Issued:
13.12.2023

Date Revised:

Drawn
KH

Checked
JM

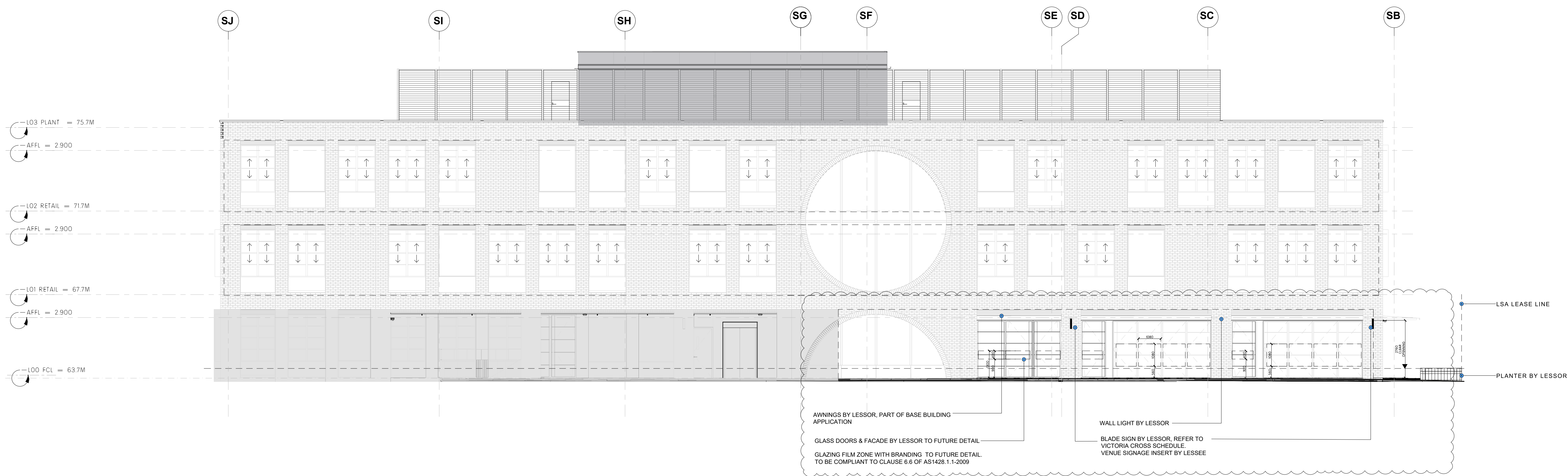
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Drawing No.
2.02.06.50 EL

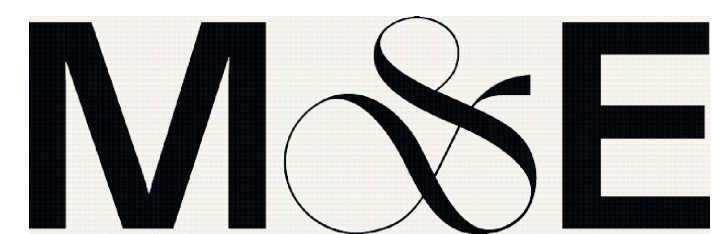
Drawing Title
OVERALL SECTION

Area
GENERAL

Revision
01



1 T13 RETAIL
1:100 | A1



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Project Name & Location
1 LITTLE MILLER
Project No.
23267
Issue Status
FOR DEVELOPMENT APPLICATION

Scale
1:100 | A1

Date Issued:
18.01.2024

Date Revised:

Drawn
KH

Checked
JM

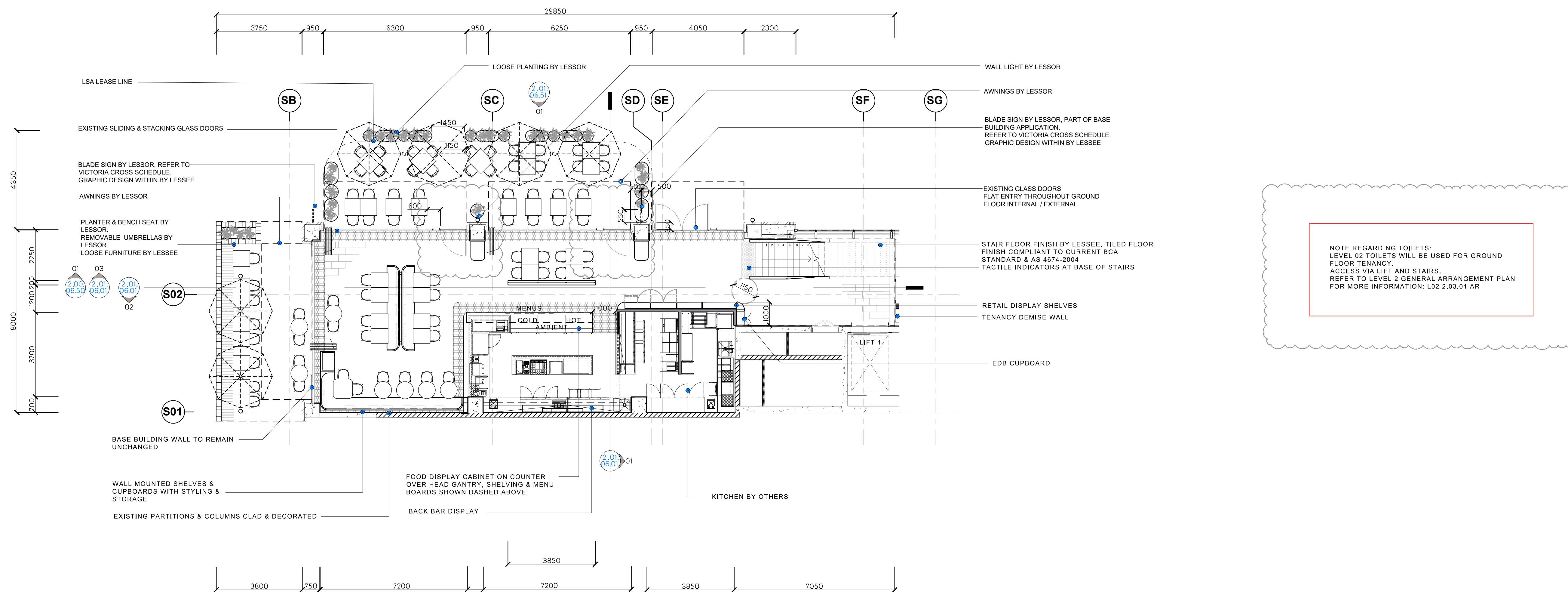
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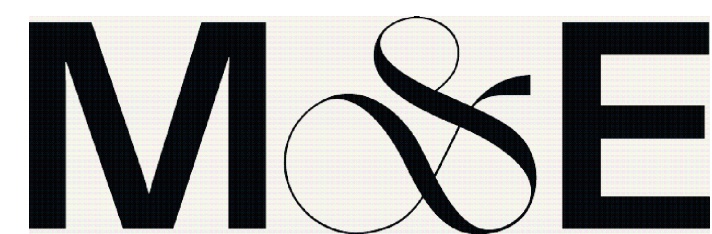
Drawing Title
OVERALL ELEVATION

Area
GENERAL

Revision
01



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Project Name & Location
1 LITTLE MILLER
Project No.
23267
Issue Status
SCHEMATIC DESIGN

Scale
1: 100 | A1

Date Issued:
19.02.2024

Drawn
KH

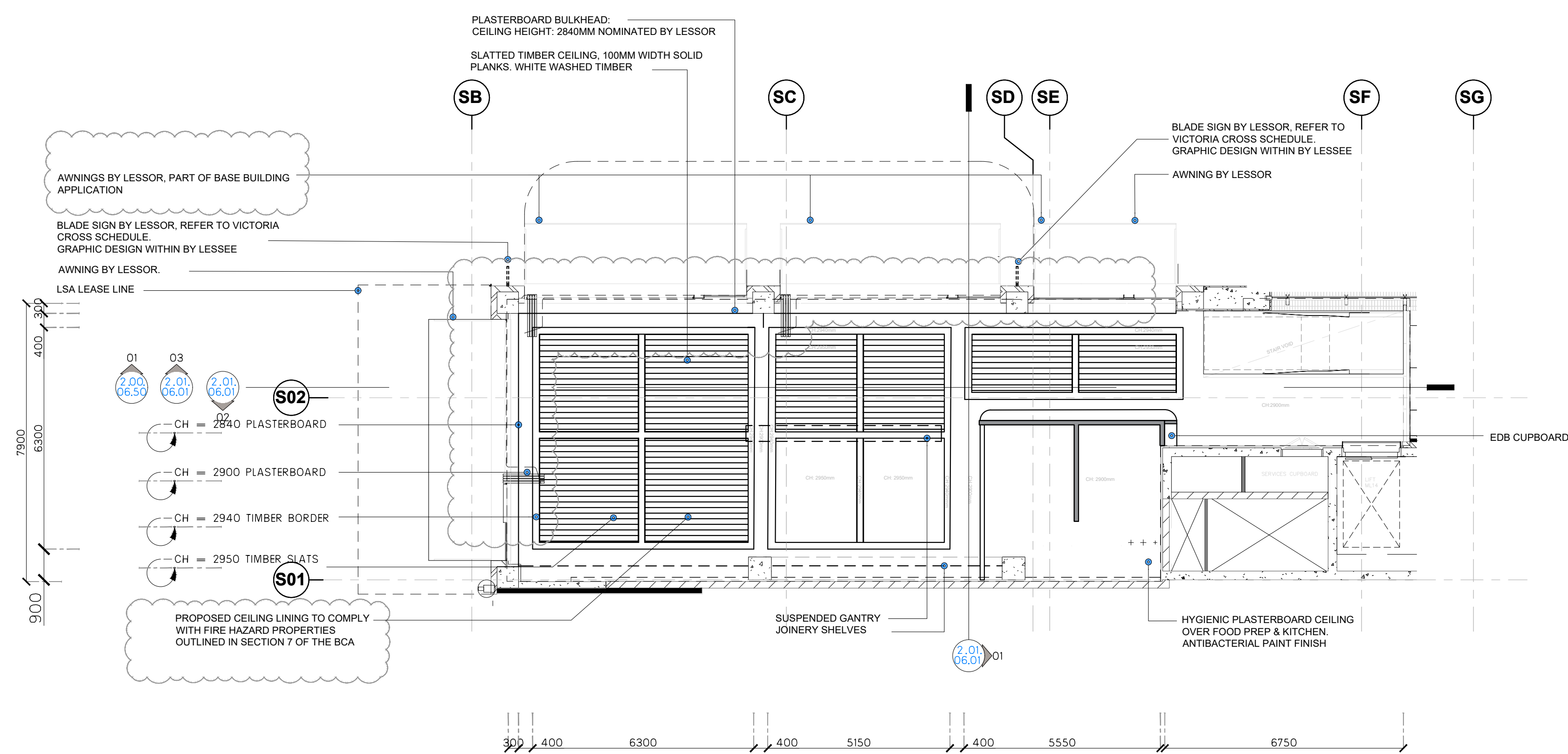
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Revision No.	Date
01	13.12.2023
02	18.01.2024
03	01.02.2024
04	19.02.2024

Drawing No.
2.01.01 AR
Drawing Title
GROUND FLOOR PLAN

Area
GROUND FLOOR

Revision
04



1 T13 RETAIL — LOO
1:100 | A1



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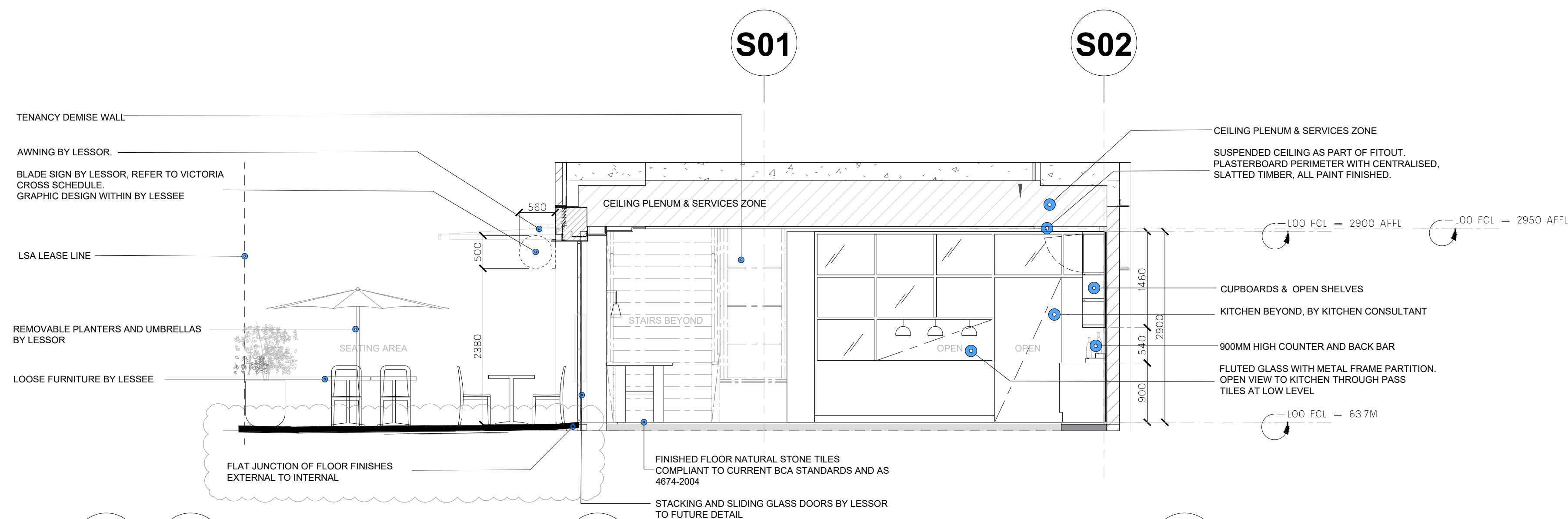
Project Name & Location
1 LITTLE MILLER
Project No.
23267
Issue Status
FOR DEVELOPMENT APPLICATION

Scale
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Date Issued:
04.12.2023
Date Revised:

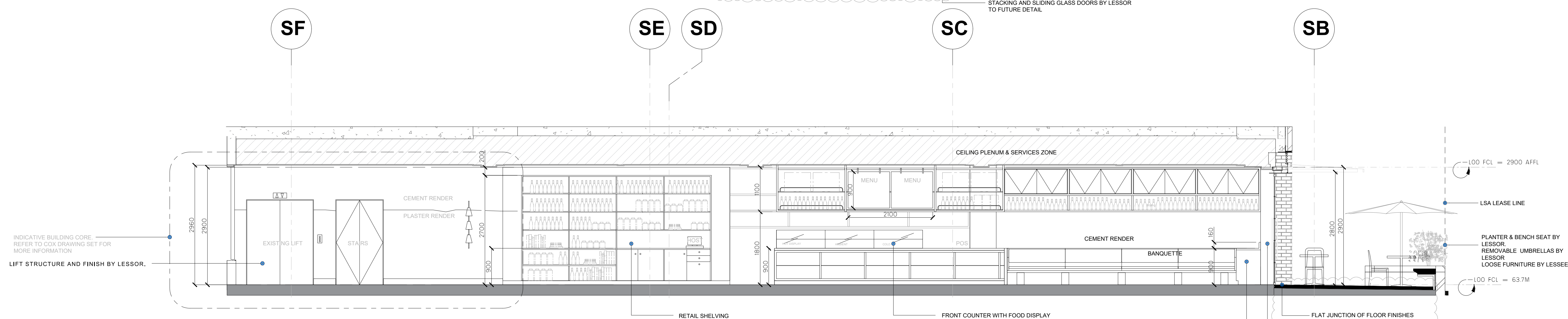
Revision:
No. **01** Date **13.12.2023**
02 **01.02.2024**

Drawing No.
2.01.04 CL
Revision
02
Drawing Title
GROUND FLOOR REFLECTED CEILING PLAN
Area
GROUND FLOOR

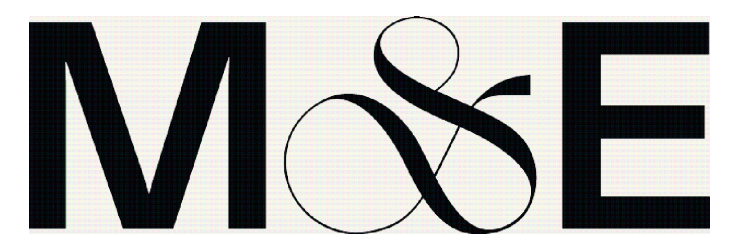
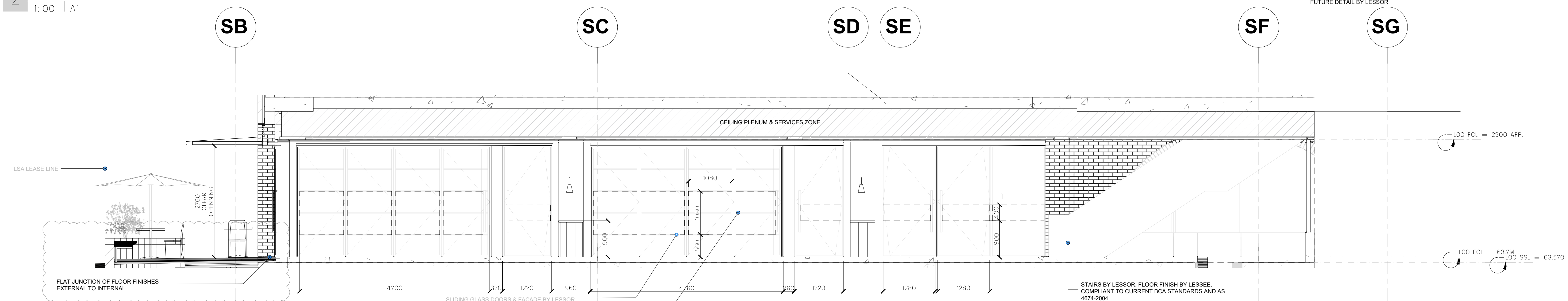
1 T13 RETAIL - L00
1:100 | A1



2 T13 RETAIL - L00
1:100 | A1



3 T13 RETAIL - L00
1:100 | A1



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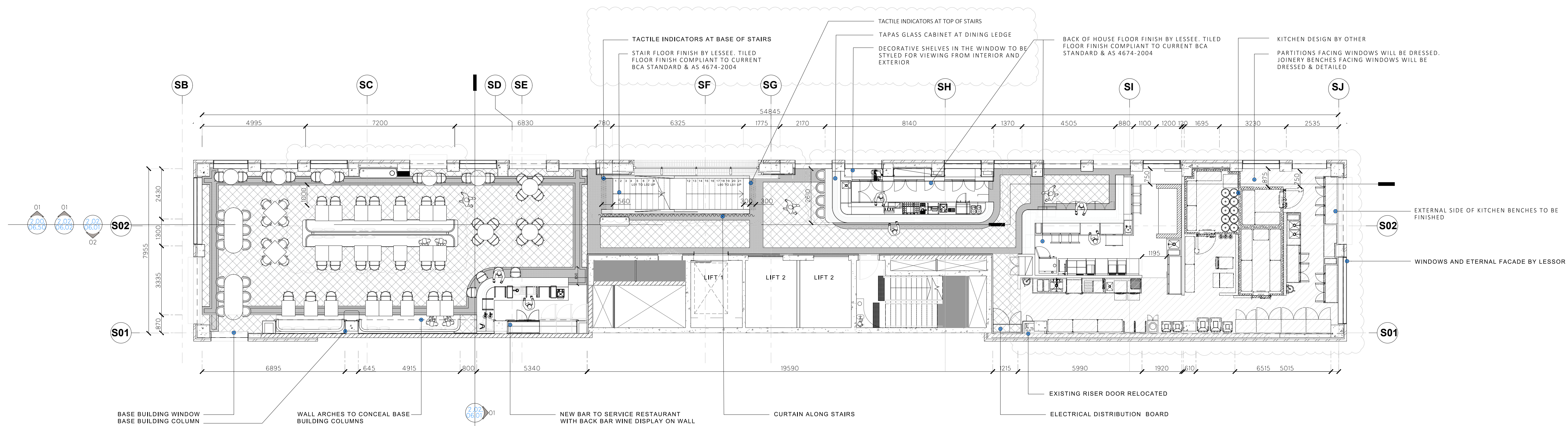
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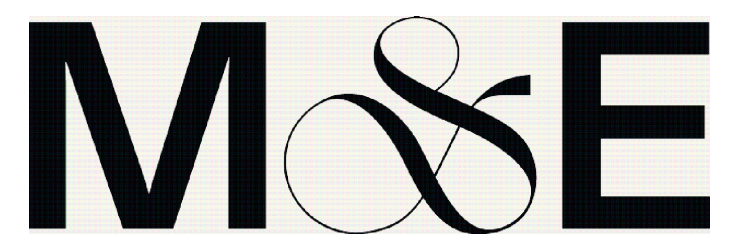
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02 18.01.2024
03 01.02.2024

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Area
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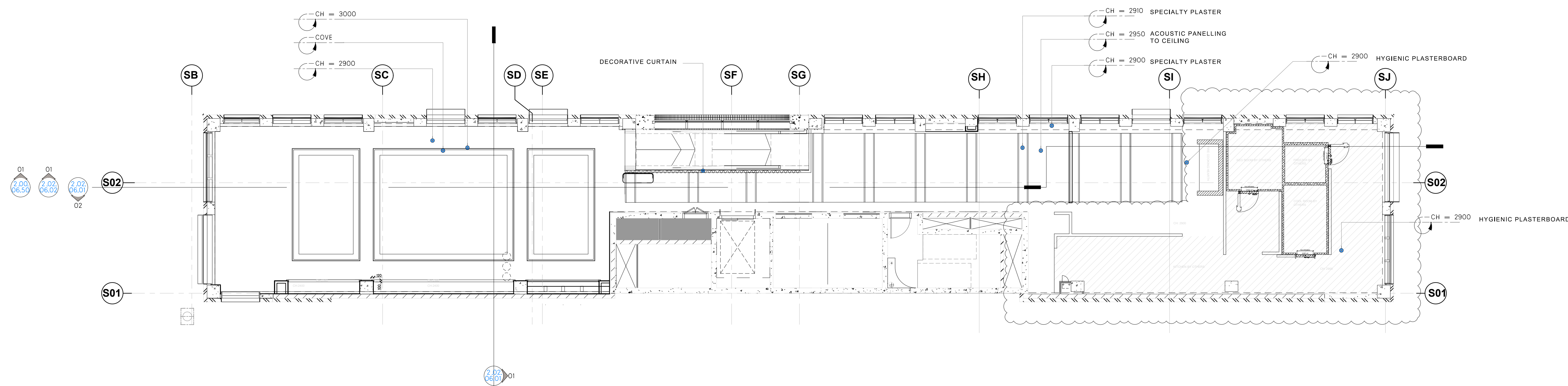
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02 **01.02.2024**

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FIRST FLOOR PLAN

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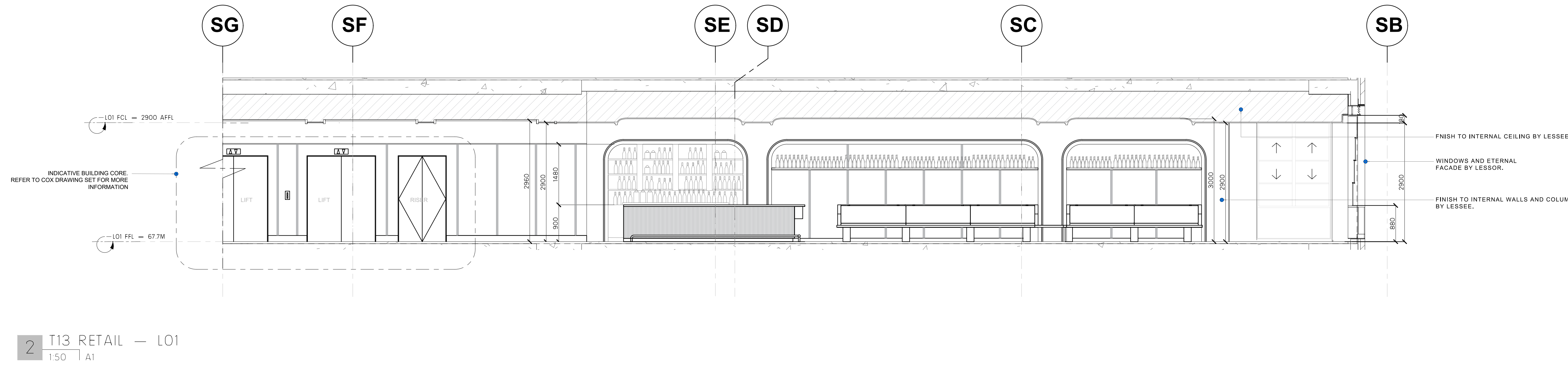
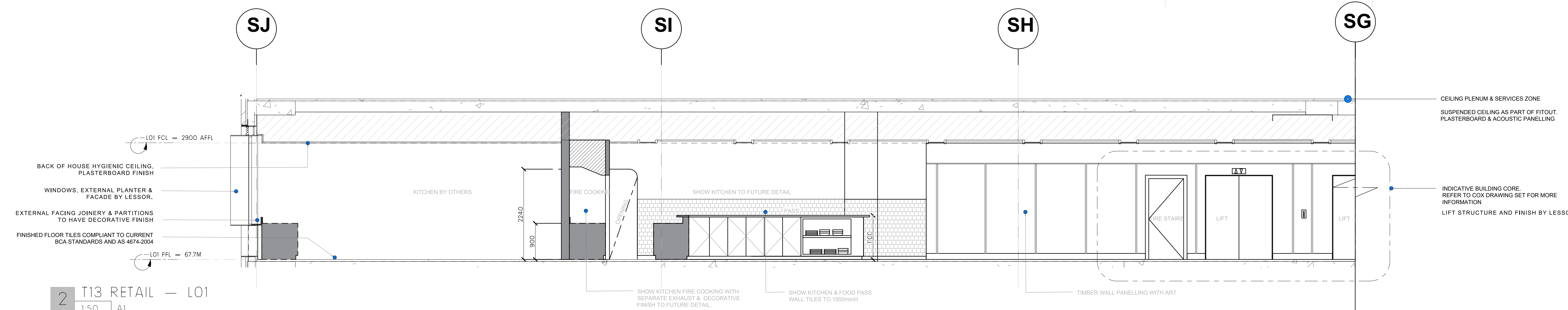
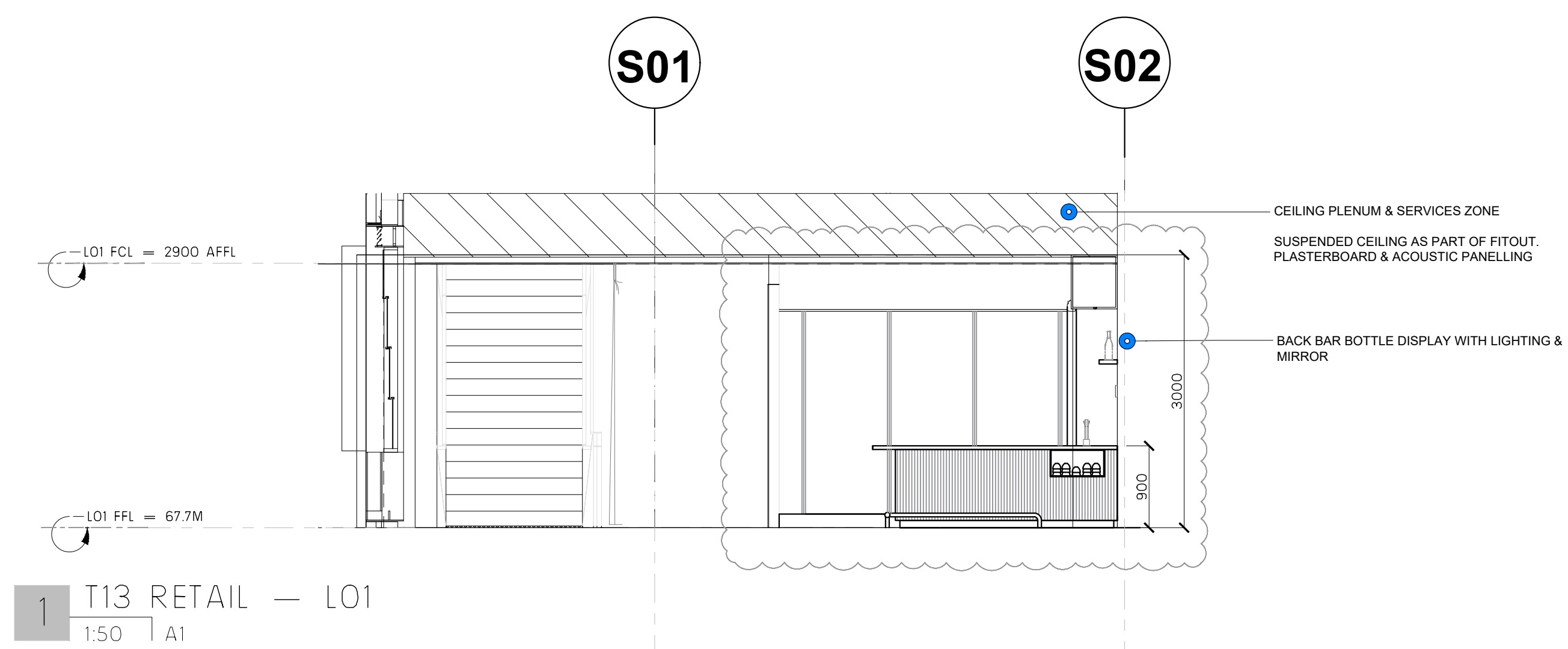


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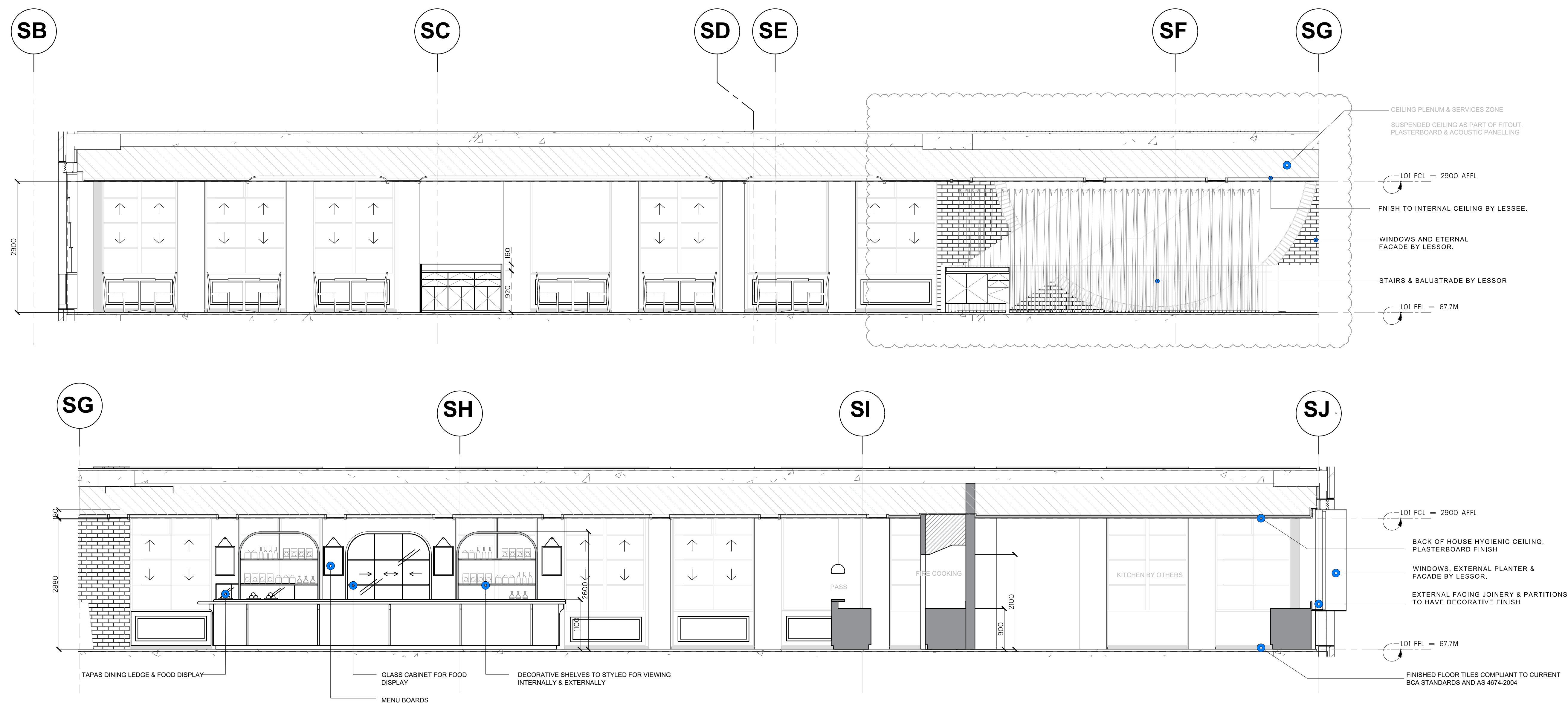
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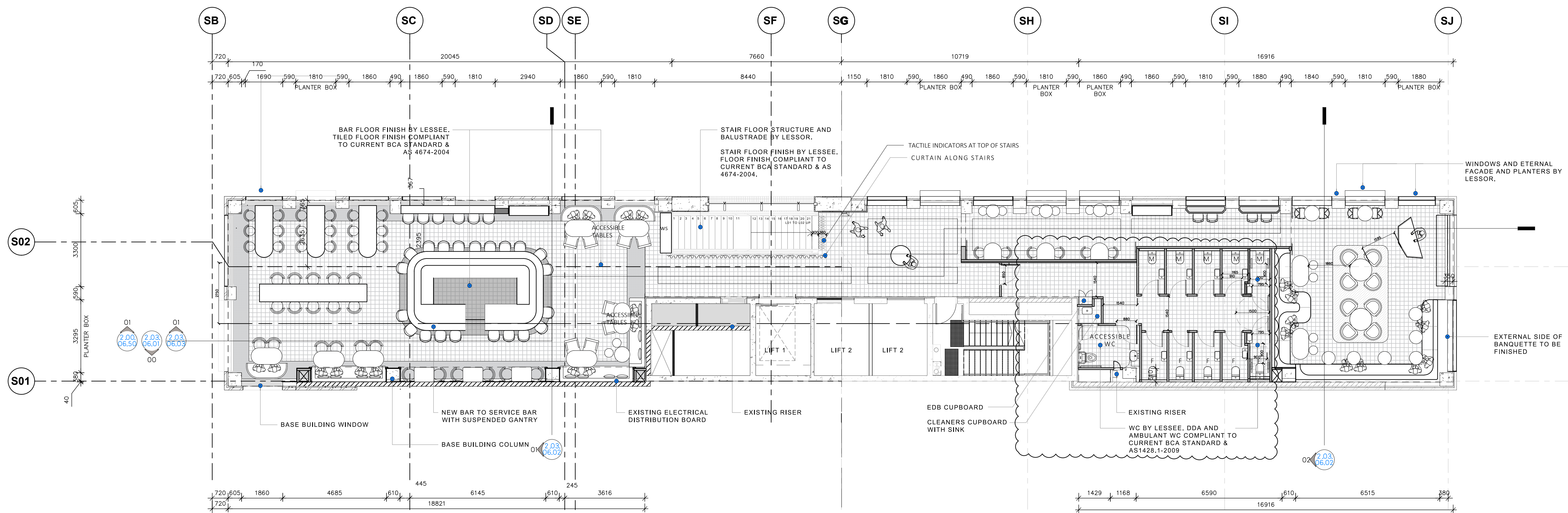
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13.12.2023

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2.02.06.02 EL
Drawing Title
FIRST FLOOR ELEVATIONS

Revision
01
Area
FIRST FLOOR



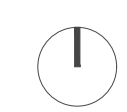
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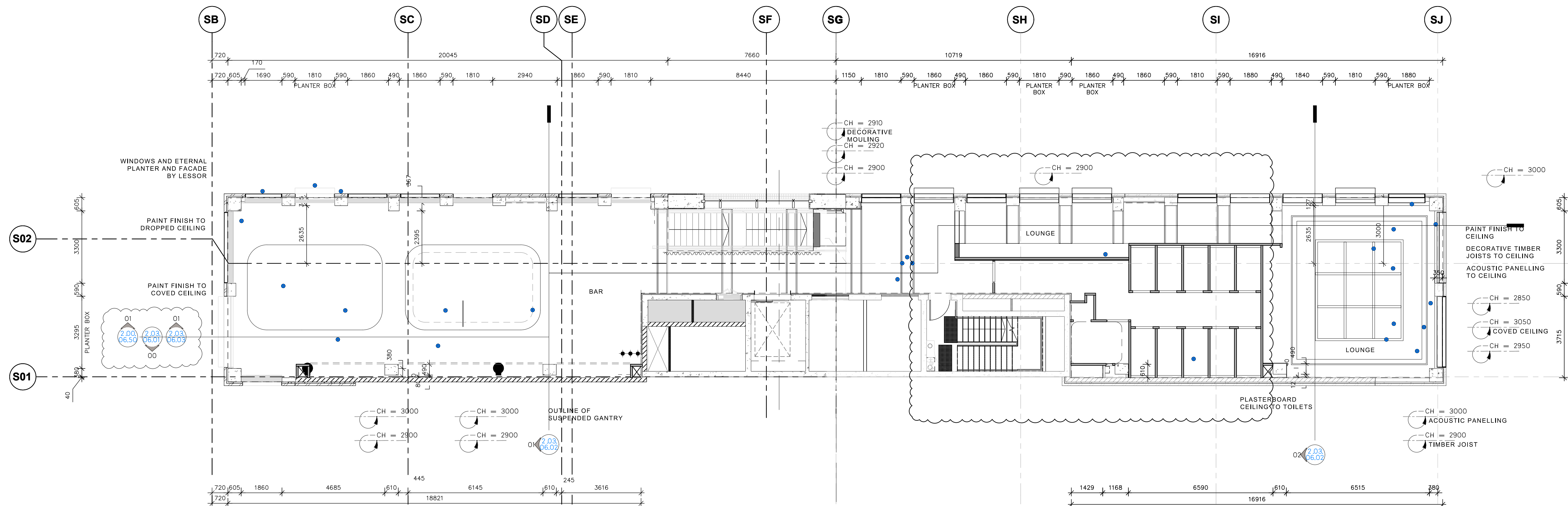


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Project No. 23286
Issue Status FOR DEVELOPMENT APPLICATION
Scale 1:100 | A1
Date Issued: 19.02.2024
Date Revised:
Drawn JL
Checked KH

Revision:
No. Date
01 13.12.2023
02 01.02.2024
03 19.02.2024

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Drawing Title SECOND FLOOR PLAN
Area LEVEL 02

Revision 03



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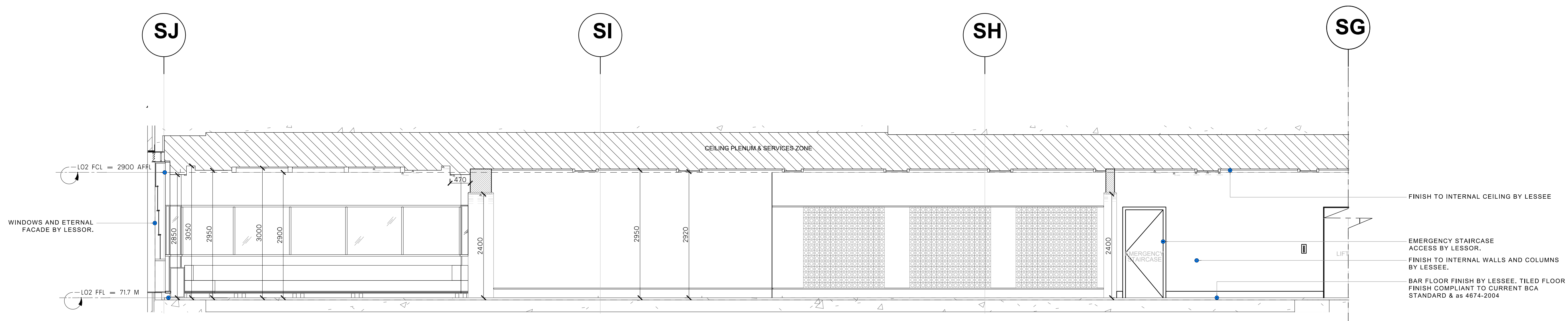
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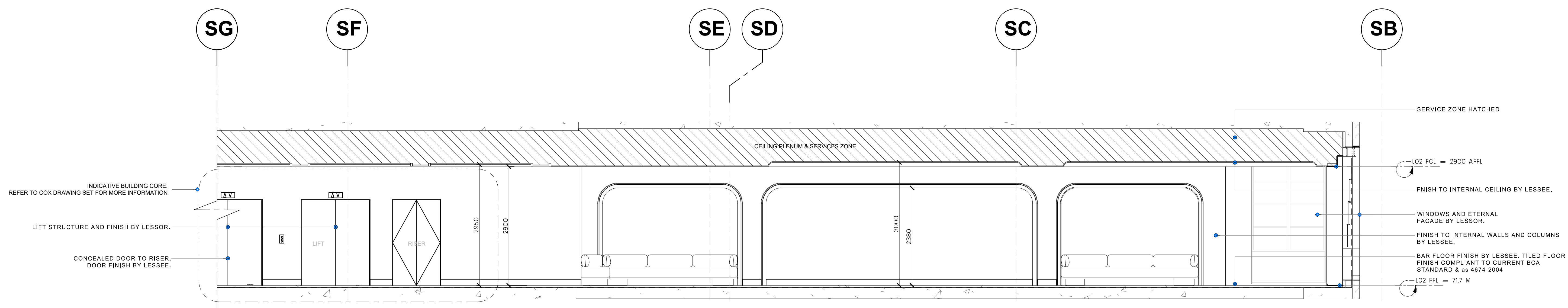
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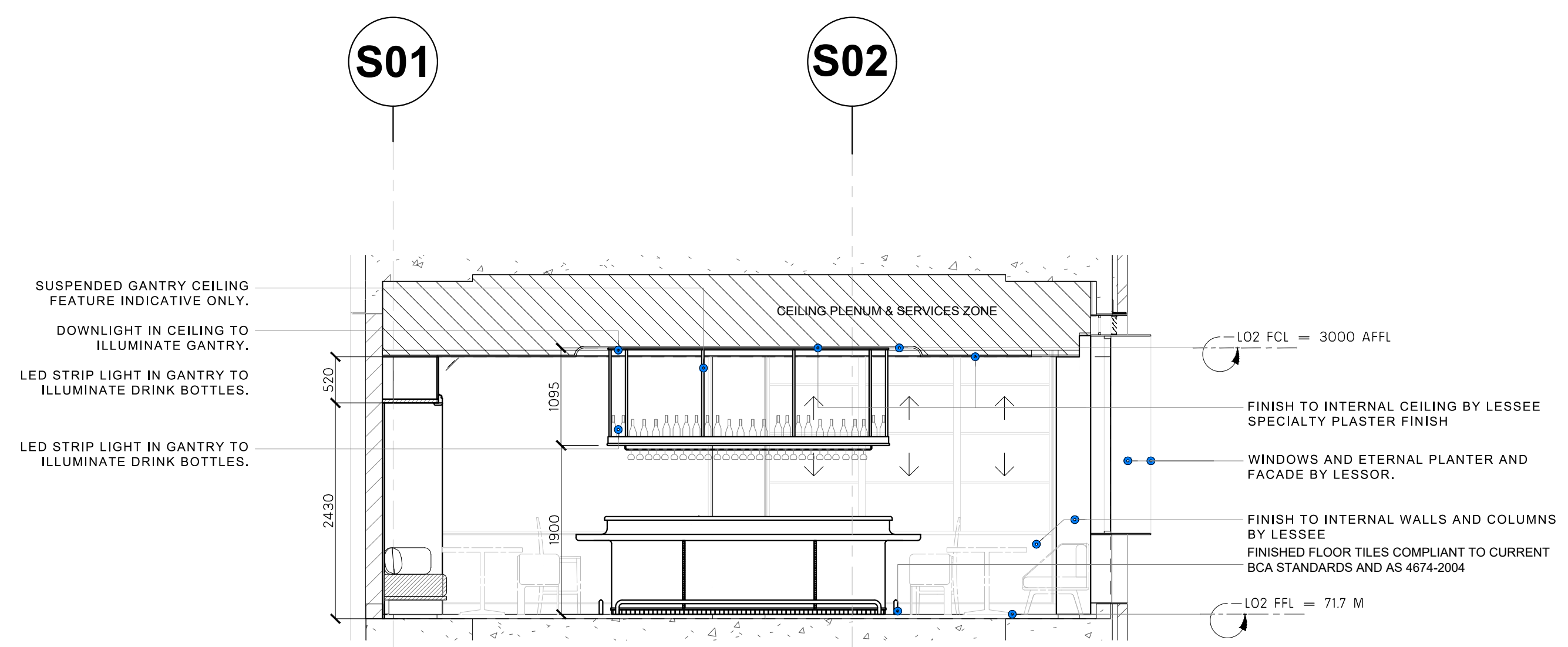
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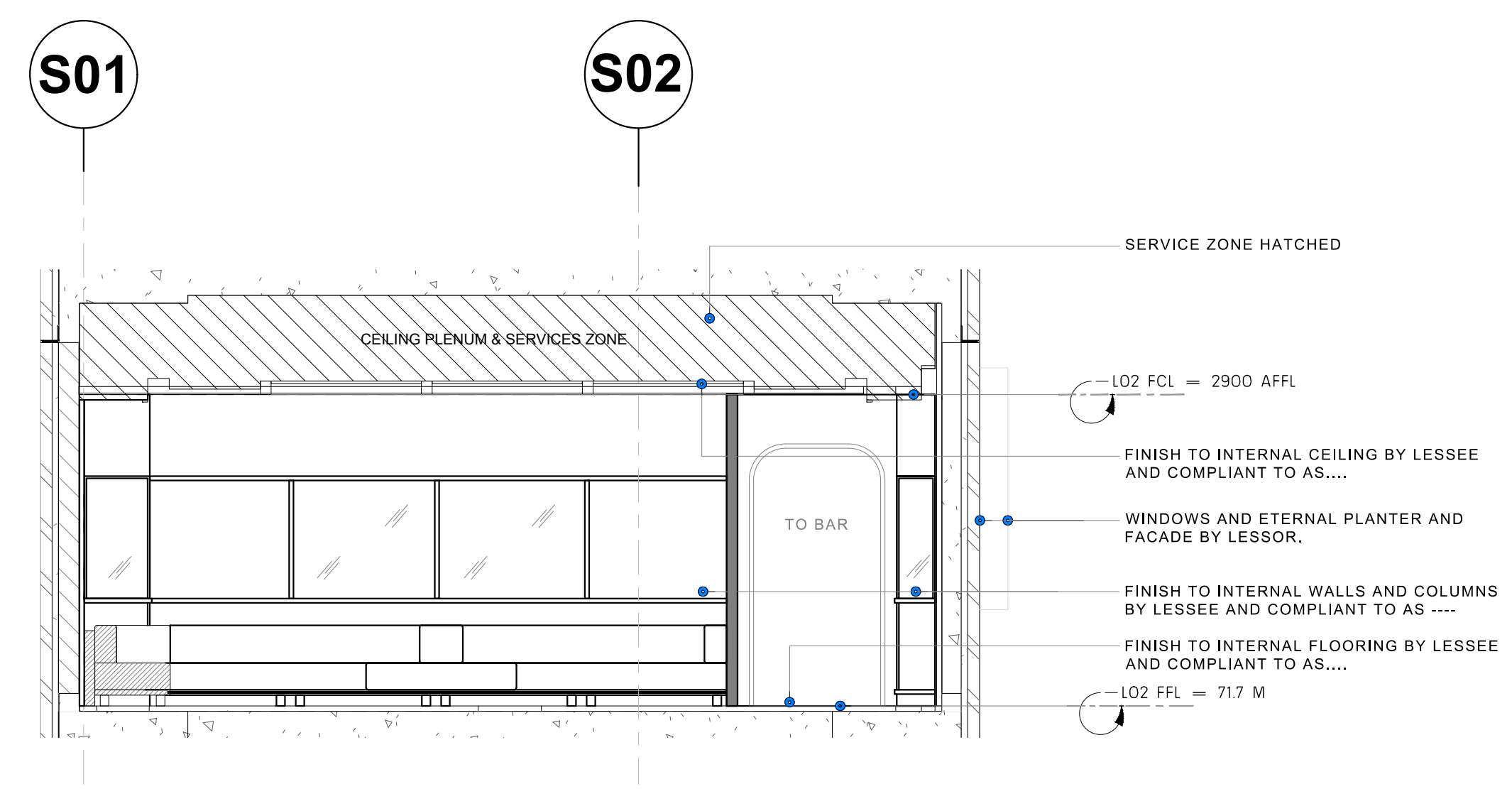
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Drawing Title
SECOND FLOOR ELEVATIONS
Area
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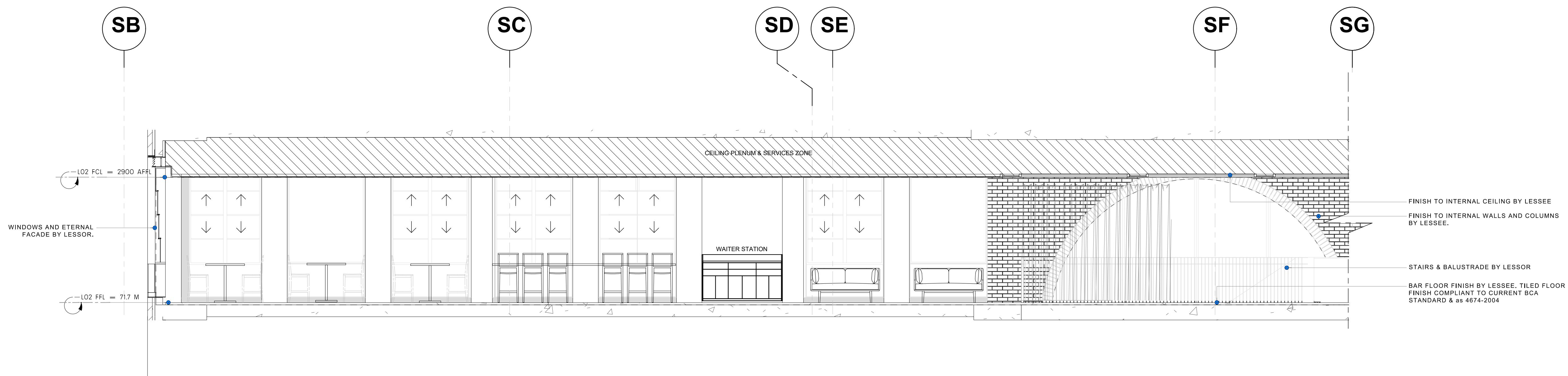
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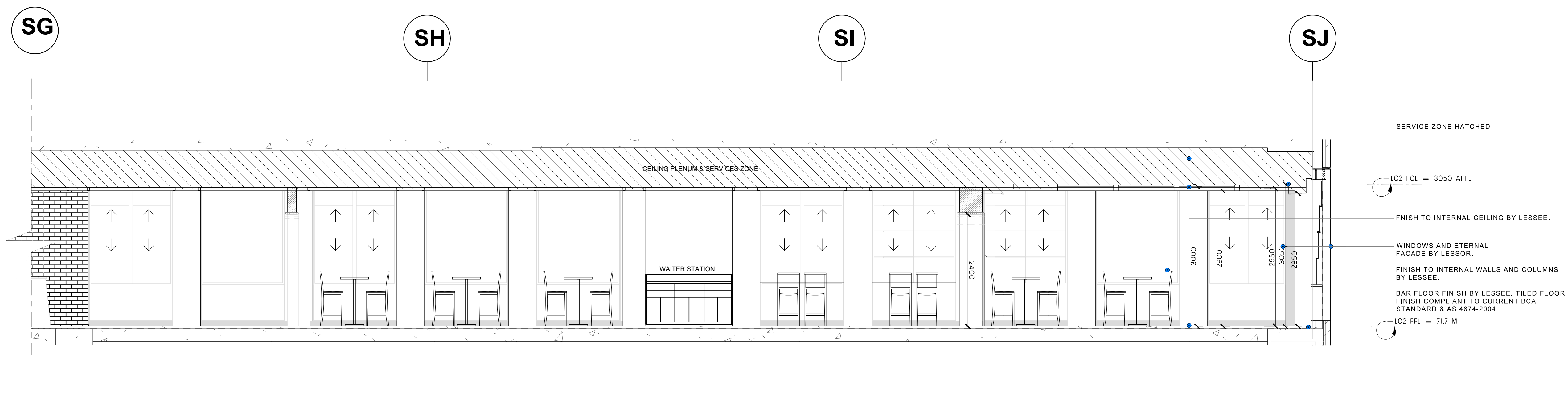
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Drawing No. 2.03.06.02 EL
 Drawing Title SECOND FLOOR ELEVATIONS
 Area FIRST FLOOR
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Drawing No.
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Drawing Title
SECOND FLOOR ELEVATIONS
Area
1 LITTLE MILLER
Revision
-

STATEMENT OF ENVIRONMENTAL EFFECTS

Fit-out & Use
T13 Retail Suite - 1 Little Miller,
North Sydney

Prepared for
ETYMON PROJECTS PTY LTD
19 February 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	John Wynne
Associate Director	Danielle Blakely
Consultant	Matthew Holt
Project Code	P0050679
Report Number	FINAL

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1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared by Urbis Ltd on behalf of Etymon Projects Pty Ltd (**the Applicant**) in support of a Development Application (**DA**) for the fit-out and use of a food and drink premises located at 171 Miller Street, North Sydney within the through-site link known as '1 Little Miller, North Sydney' (**the site**).

1.1. PROJECT OVERVIEW

The proposal seeks to introduce a best-in-class food and drink precinct into the heart of North Sydney. Providing café, restaurant and bar areas, the proposal seeks to align with the mixed-use precinct envisaged as part of the Victoria Cross Metro Station and Over-Station Development (**OSD**) through the activation of the through-site link and provision of approachable food and drink offerings for a wide range of patrons.

The proposed works have an estimated cost of \$2,104,666.00 and development consent is sought in accordance with Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).

1.2. PROJECT BACKGROUND

The following development consent history is relevant for background context to the proposal.

1.2.1. SSD-10294

SSD-10294 was lodged with the Department of Planning, Industry and Environment in October 2019 and subsequently approved on 6 July 2020. Approval was provided for:

“Construction of the Victoria Cross Over Station Development, including

- *A commercial office tower with a maximum building height of RL230*
- *A maximum gross floor area of 61,500m² (excluding gross floor area approved under CSSI 7400)*
- *Staged stratum subdivision*
- *Signage zones*
- *Use of basement (approved under CSSI 7400):*
 - *150 car parking spaces*
 - *439 bicycle spaces*
 - *End of trip facilities*
 - *Loading dock and associated facilities”*

This included a proposed three storey building with rooftop plant along the southern boundary adjoining a planned through-site link containing nominated retail areas (refer to **Figure 1**).

SSD-10294 did not seek consent for fitout or use of the retail tenancies within the development. This proposal seeks separate approval for use and fit-out of the retail areas within the three-storey building along the southern boundary.

SSD-10294 has been subject of two modification applications, neither of which have impact on the proposed food and drink precinct.

Figure 1 – SSD-10294 Approved Floor Plan and Elevation



Picture 1 Level 00 Miller Street Flood Plan (retail building in red)

Source: Bates Smart



Picture 2 Visualisation of the Through-site Link with Retail Building

Source: Urbanite

1.2.2. DA313/23

Lodged on 06 November 2023, DA313/23 sought consent for:

“Business and building identification signage for the Victoria Cross OSD. (AKA 189 Miller St).”

The business identification signage pertinent to the proposal, being the blade signs around the ground level retail tenancy, are included. At the time of writing, DA313/23 has not been determined.

1.2.3. DA352/23

Lodged on 23 December 2023, DA352/23 sought consent for:

“The use of outdoor dining areas along Miller Street and the Laneway on the ground level of the Victoria Cross Metro Station OSD with Hours 7am – 11pm, 7 days a week.”

The café component of the fit-out and use will utilise the outdoor dining space along Miller Street and the through-site link allocated to commercial Tenancy 13 (T13). This comprises an area of 97sqm and capacity for 90 patrons. At the time of writing, DA352/23 has not been determined.

1.3. REPORT STRUCTURE

This SEE is structured as follows:

- **Section 2 - Site Context:** provides a description of the site, existing development and the local and regional context.
- **Section 3 – Development Description:** describes the proposal, including the proposed works and operational criteria.
- **Section 4 - Statutory Context:** provides a detailed assessment of the State and local environmental planning controls relevant to the site and proposed development.
- **Section 5 - Section 4.15 Assessment:** provides an assessment of the proposal against the matters of consideration listed in section 4.15 of the EP&A Act.
- **Section 6 – Conclusion:** provides an overview of the development assessment outcomes and recommended determination of the DA.

1.4. SUPPORTING DOCUMENTATION

This report should be read in conjunction with the supporting documentation lodged with the DA, listed below:

- Owners Consent.
- Cost Estimate Report prepared by Mitchell Brandtman.
- Architectural Plans prepared by Mitchell & Eades.
- Plan of Management prepared by Etymon Projects Pty Ltd.
- Smoke and Odour Assessment prepared by BELL Laboratories.
- Operational Waste Management Plan prepared by Foresight Environmental.
- Construction Management Plan prepared by Aqualand.
- Access Report prepared by Purple Apple Access.
- BCA Capability Compliance Report prepared by Steve Watson & Partners.
- Noise Impact Assessment prepared by RWDI.

2. SITE CONTEXT

The site is known as 171 Miller Street, North Sydney and is legally described as Lot 1 in Deposited Plan (DP) 1288164. The site is located on Cammeraygal Country. The key features of the site are summarised in the following table.

Table 1 Site Description

Feature	Description
Street Address	171 Miller Street, North Sydney 2060 or '1 Little Miller, North Sydney'
Legal Description	Lot 1 in Deposited Plan 1288164
Site Area and Dimensions	Approx. 4,815m ²
Built Environment	The site currently accommodates the construction site for the Victoria Cross Station and associated OSD.

Figure 2 – Arial Photograph



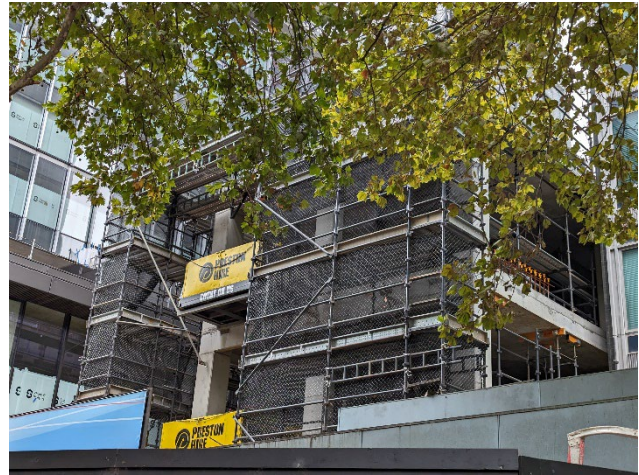
Source: Urbis

Figure 3 – Site Photographs



Picture 3 Victoria Cross Station from Miller Street

Source: Urbis, 2024



Picture 4 Three-storey retail building from Miller Street

Source: Urbis, 2024



Picture 5 Three-storey retail building from Denison Street

Source: Urbis, 2024



Picture 6 Through-site Link from Denison Street

Source: Urbis, 2024

The site is situated on the corner of Berry Street and Miller Street in the North Sydney CBD. A portion of the site connects to Denison Street in an 'L' shape at the eastern boundary. SSD-10294 (as modified) will deliver a pedestrian through-site link at ground level connecting the sidewalk of Miller Street through to the sidewalk of Denison Street.

The surrounding development includes:

- **North:** The Rag and Famish Hotel is located immediately north of the site across Berry Street, with Monte Sant' Angelo Mercy College is northeast of the site. Commercial office buildings and mixed use residential building comprise the wider context.
- **East:** Immediately east of the site is Denison Street and several mixed-use buildings with food and drink offerings at the pedestrian and podium levels. The Beaumonde Apartments are located adjacent the site across Denison Street.
- **South:** The MLC Building is immediately south of the site with Brett Whiteley Place further south providing pedestrian access to North Sydney train station via Greenwood Plaza.
- **West:** The Northpoint business centre is immediately adjacent the site across Miller Street, the podium level containing food and drink premises. The wider western context is punctuated with commercial buildings and Shore School.

The site is located within walking distance of the newly constructed Victoria Cross Metro Station, providing a direct link from Tallawong to Sydenham with a service offering that will expand as sections of the Metro are completed. Several bus stops are also located in close proximity of the site along Miller Street, providing services to Milsons Point, McMahons Point, Northbridge, Lindfield, Castlecrag, Mosman, Manly and Dee Why.

3. DEVELOPMENT DESCRIPTION

The proposal comprises the fit-out and use of a food and drink precinct, including café, restaurant, and bar premises, within the Victoria Cross Station OSD (refer to **Figure 5**). These food and drink premises are contained to the southern three level 'retail' building with associated rooftop plant approved under SSD-10294 (refer to **Figure 4**).

Figure 4 – Site Plan (red indicates fit out area)



Source: Mitchell & Eades

The consumption of alcohol trading hours for all food and drink premises within the precinct will be 7.00am – 12.00am.

The existing base build has approved services to facilitate the retail tenancies, approved under SSD-10294.

It is noted that signage approval is not sought under the proposal. Signage for the food and drink precinct forms part of DA313/23. Further, mechanical services for the retail premises were approved under SSD-10294 and are not included as part of this application.

The use and fit-out scope for each food and drink premises is as follows:

3.1. GROUND LEVEL – CAFÉ

The ground level café use and fit-out will entail (refer to **Figure 5**):

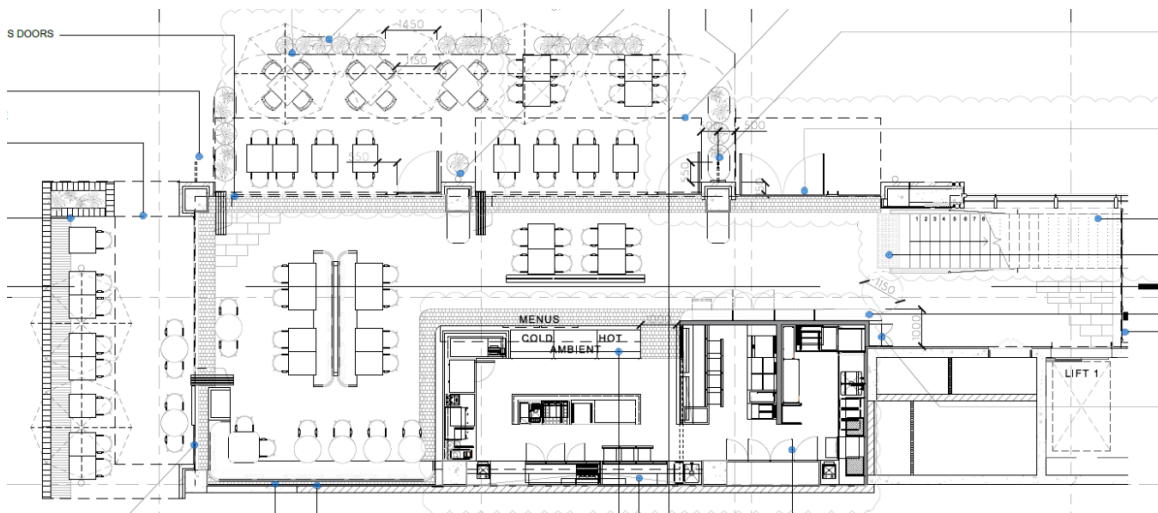
- Installation of café facilities, include the front counter, food display cabinets, a back bar display area and retail display shelves.

- Construction of food production and kitchen areas.
- Table and bar seating.
- Stair tile finish – BCA and Australian Standard (**AS**) compliant

The café area will operate within the following parameters:

- Hours of Operation: 7.00am – 12.00am, Monday to Sunday
- Patron Capacity: 100 patrons comprising:
 - Outdoors, 56 patrons.
 - Indoors, 44 patrons.

Figure 5 –Ground Floor Café



Source: Mitchell & Eades

3.2. FIRST LEVEL – RESTAURANT

The first level restaurant use (refer to **Figure 6**) will entail:

- Bar area within the restaurant area with back bar wine display.
- Table and bar seating, including central banquette seating punctuating the space.
- Secondary bar dining area at entry stairs with bar seating.
- Kitchen and food preparation areas, inclusive of live fuel facilities.
- Stair and floor tile finishes – BCA and AS compliant.

The restaurant area will operate within the following parameters:

- Hours of Operation: 10.00am – 12.00am, Monday to Sunday
- Patron Capacity: 100 patrons

3.3. SECOND LEVEL – BAR

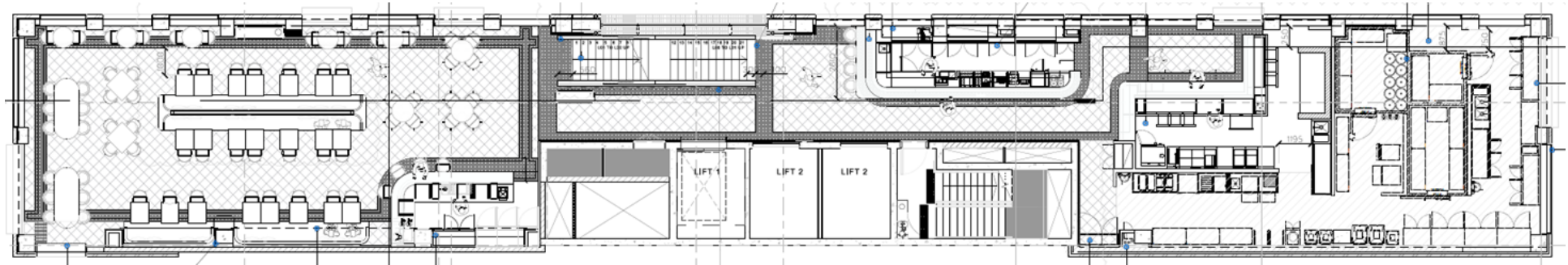
The second level bar use (refer to **Figure 7**) will entail:

- Table and bar seating across three areas.
 - Bar in the western portion of the level, with accessible table areas.
 - Central transitional seating between primary spaces.
 - Bar in the eastern portion of the level with banquette seating, sides facing windows to be finished.
- Bar with suspended gantry, within the western bar portion.
- DDA and ambulant WC compliant bathrooms, with 11 stalls.
- Stair and floor tile finishes – BCA and AS compliant.

The bar area will operate within the following parameters:

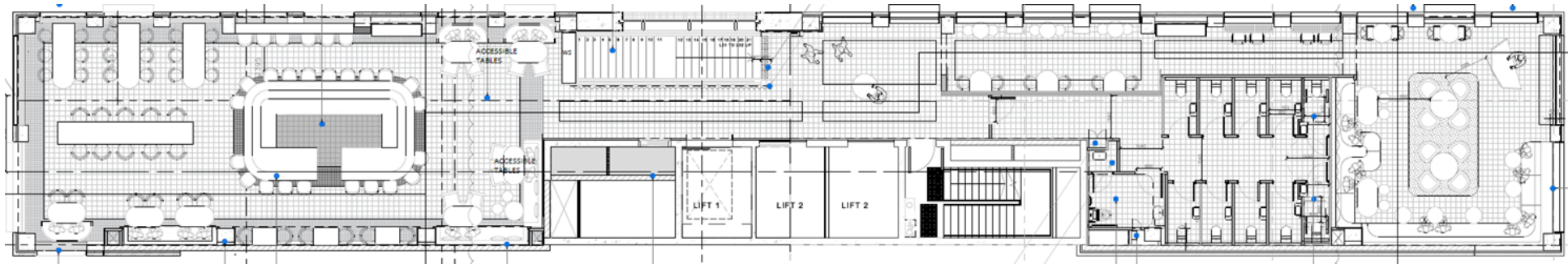
- Hours of Operation: 10.00am – 12.00am, Monday to Sunday
- Patron Capacity: 200 patrons

Figure 6 – First Floor Restaurant



Source: Mitchell & Eades

Figure 7 – Second Floor Bar



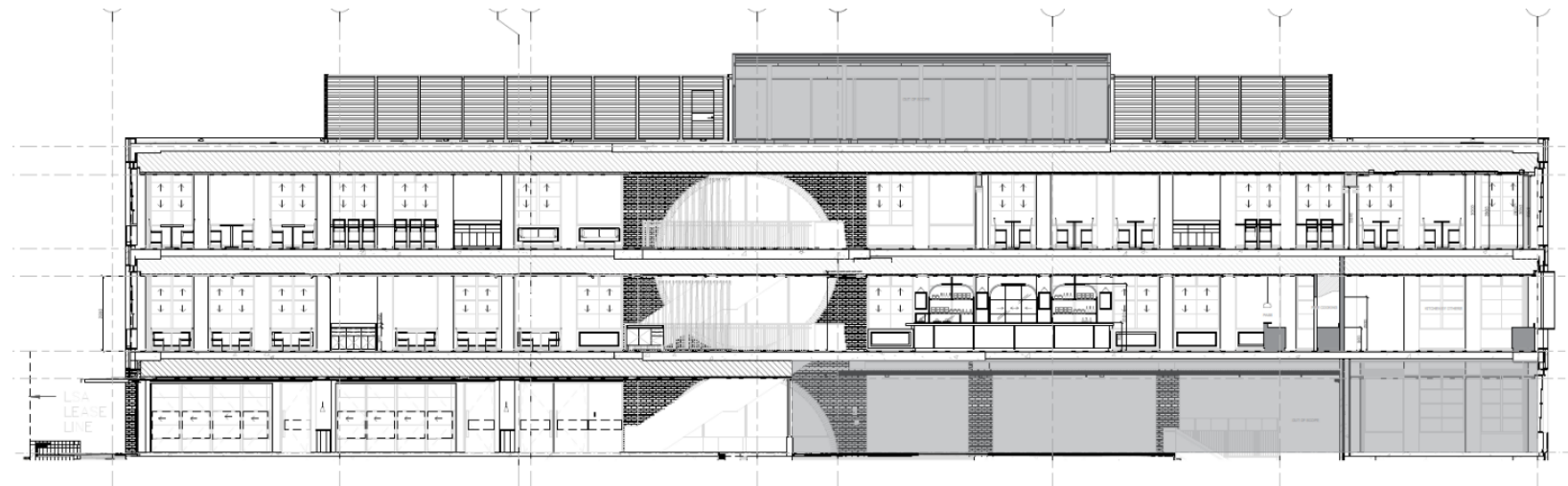
Source: Mitchell & Eades

Figure 8 – Proposed Elevation and Section



Picture 7 North Elevation of the retail building

Source: Mitchell & Eades



Picture 8 Section

Source: Mitchell & Eades

4. STATUTORY CONTEXT

4.1. NORTH SYDNEY LOCAL ENVIRONMENTAL PLAN 2013

North Sydney Local Environmental Plan 2013 (NSLEP 2013) is the primary environmental planning instrument applying to the site and the proposed development.

The site is zoned E2 Commercial Centre in accordance with the LEP. The proposed development is consistent with the zone objectives as outlined below:

- The food and drink precinct will utilise the allocated retail space in the Victoria Cross OSD for the intended purpose, contributing to the curation of this emerging hub for residents and visitors.
- The proposed development is generating employment opportunities for up to 65 persons and will generate economic growth within the food and drink landscape of North Sydney.
- The premise's location within the heart of an emerging Metro precinct inherently makes it a highly accessible location. The proposed fit out and use seeks to encourage a high level of amenity as well as the introduction a wide gambit of dining options for all demographics.
- The proposal will utilise the approved active frontages along Miller Street and the through-site link to attract pedestrian traffic to the area.
- The proposal is surrounding by commercial development. As confirmed by the Noise Impact Assessment (NIA) prepared by RWDI, the surrounding sensitive receivers will not be negatively impacted by noise generated by the premises provided the nominated operational requirements are implemented.

The proposed development, containing 'café', 'restaurant' and 'small bar' uses, is a form of 'food and drink premises' in accordance with SLEP 2013. 'Food and drink premises' is permitted with development consent in the E2 Commercial Centre zone as a form of 'commercial premises'.

The following table assesses the compliance of the proposed development with other relevant clauses in the LEP.

Table 2 LEP Compliance Table

Clause	Provision	Proposed	Complies
Clause 4.3 – Height of Building	RL230m AHD Approved under SSD-10294	No change to building height.	YES
Clause 4.4 – Floor Space Ratio	Gross Floor Area (GFA) must not exceed 61,500sqm. Approved under SSD-10294	No change to GFA because of the proposed fit-out.	YES
Clause 5.10 – Heritage Conservation	No local or State heritage items are located onsite. The 'MLC Building' State heritage listed building is adjacent to the south. 'The Rag & Famish Hotel' local heritage item is adjacent the site across Berry Street.	The proposal contains all fit out works to the pre-existing retail spaces within the OSD building. No impacts to the adjacent heritage outcomes will result from the proposed.	YES
Clause 6.3 – Building Heights and Massing	<i>(5) In determining whether to grant development consent for development on land to which this Division applies, the consent authority must consider the following— (a) the likely impact of the proposed development on the scale, form and</i>	The site is bounded by a 'Special Area' along the western Miller Street frontage and within the North Sydney Centre Area.	YES

	<p><i>massing of the locality, the natural environment and neighbouring development and, in particular, the lower scale development adjoining the North Sydney Centre,</i></p> <p><i>(b) whether the proposed development preserves significant view lines and vistas,</i></p> <p><i>(c) whether the proposed development enhances the streetscape in relation to scale, materials and external treatments.</i></p>	The proposal relates to the internal fit-out of the retail premises within the site and will not change the building footprint from that approved under SSD-10294 (as modified).	
Clause 6.4 – Miller Street Setback	<p><i>(2) Development consent must not be granted for the erection of a building on land identified as “Miller Street Setback” on the North Sydney Centre Map unless—</i></p> <p><i>(a) the building height will be less than 1.5 metres, and</i></p> <p><i>(b) the part of the building that will be on that land is used only for access to the building or landscaping purposes.</i></p>	A portion of the site is located within the ‘Miller Street Setback’ area. The proposal will not vary the external built form as approved; consent being sought for use and fit-out works.	YES

Based on the above, it is considered that the proposal complies with the relevant provisions within NSLEP 2013.

4.2. NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

North Sydney Development Control Plan 2013 (NSDCP 2013) provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in the table below.

Table 3 NDCP 2013 Compliance Table

Section	Provision	Proposed	Complies
Part B – Section 2 Commercial and mixed-use development			
2.3.2 Noise	<p>P1 Noise emission associated with the operation of non-residential premises or non-residential components of a building must not exceed the maximum 1 hour noise levels (LAeq 1 Hour) specified in Table B-2.3.</p> <p>P6 Developments should be designed and / or incorporate features that reduce noise transmission.</p>	<p>P1 As stated in the NIA, the cumulative impact of the three premises is compliant with the maximum 1 hour noise level with the exception of the 7am – 8am period on weekends where there is a 4dBA exceedance. Note the assessment of this period was made under the assumption that the café, restaurant and bar are at capacity at this time. Note the café is the only premise proposed to be operating during this time.</p> <p>To comply with this time period on weekends only, the windows on the First and Second Flood must remain</p>	YES

		close. Refer to Section 5.6.1.1 for the complete list of operational recommendations.	
		P6 The recommendations of the NIA include operational controls to minimise noise emission and impact from the food and drink precinct. These requirements have been incorporated into the Plan of Management (PoM).	
2.5.9 Garbage Storage	P3 A garbage storage area should be located within 2m of the street or laneway boundary. P16 On-site garbage storage areas must be provided which are capable of accommodating the number of garbage and recycling bins as indicated in Table B-2.10. However, industry standards for waste generation rates may be used where these differ from the Council rates or if no Council rate is given.	P3 The waste storage room remains in its approved location within Level B1 under SSD-10294. P16 The proposal will rely upon the existing waste storage room which, as confirmed by the OWMP, is capable of accommodating the 10.11m ² waste footprint generated by the food and drink premises.	YES
2.6.6 Waste Management & Minimisation	P1 A Waste Management Plan for the demolition, construction and operation of the building must be provided in accordance with Part B: Section 19 - Waste Minimisation and Management of the DCP.	P1 A Construction Waste Management Plan (CWMP) and Operational Waste Management Plan (OWMP) have been prepared by Aqualand and Foresight Environmental respectively in accordance with Part B Section 19 – Waste Minimisation and Management.	YES
Part B – Section 7 Late Night Trading Hours			
7.2 Matters for Consideration	P1 Appropriate trading hours will be determined by taking into account a number of primary issues which include (but are not limited to): (a) the location and context of the premises, including proximity to residential and other sensitive land uses and other late trading premises; (b) the specific nature of the premises (e.g. pub, nightclub,	P1 The trading hours for the proposal are appropriate for the context as follows: (a) The proposal is within the designated retail spaces approved under SSD-10294. The closest residential or sensitive receiver is the residential building at 79-81 Berry Street, North Sydney. The NIA prepared by RWDI confirms that the cumulative impact of the three premises are within the operational noise criteria for residential dwellings,	YES

restaurant etc) and the proposed hours of operation;

(c) the existing hours of operation of surrounding businesses;

(d) the size and patron capacity of the premises;

(e) the availability of amenities provided to premises;

(f) the impact of the premises on the mix, diversity and possible concentration, of late night uses in the locality;

(g) the likely operation of the proposal during day time hours;

(h) submission of a Plan of Management that demonstrates a strong commitment to good management of the operation of the business, particularly in relation to managing potential impacts on adjoining and surrounding land uses and premises, as well as the public domain;

(i) the diversity of retail services within an area and the impact of a late night proposal on this diversity;

(j) measures to be used for ensuring adequate safety, security and crime prevention both on the site of the premises and in the public domain immediately adjacent to, and generally surrounding, the premises;

(k) the accessibility and frequency of public transport during late night trading hours.

subject to the implementation of the operational recommendations.

The proposed food and drink precinct is consistent with the emerging culinary character of the North Sydney CBD, being proximate to other late-night trading premises such as Poetica in 1 Denison Street and the Rag and Famish Hotel north of the site on the corner of Miller Street and Berry Street.

(b) The hours of operation proposed for the café, restaurant and bar are appropriate for the uses.

(c) The existing hours of operation for surrounding businesses, being between 6.30am and 7am to 11pm and 12 midnight. The proposed hours of operation are consistent with this context.

(d) The proposed patron capacities across the premises total 400 patrons for the area. Based on the capacity of the Victoria Cross Station and OSD, the proposal will serve as a reprieve from the busyness of the precinct across the hours of operation.

(e) The proposed development provides adequate amenities, including toilet facilities for the patrons with a bathroom on the second floor servicing all three levels of the proposal.

(f) The proposal will provide three food and drink premises within the heart of the North Sydney CBD, promoting a diversity of late-night trading premises. Each of the premises have a different service offer which will positively contribute to the mix of services within the Victoria Cross precinct and broader North Sydney CBD.

(g) All three premises will operate during daytime hours, maintaining activation along the through-site link.

(h) A PoM has been provided with this DA which demonstrates a strong commitment to good management of the operation of the business.

(i) The proposal will continue to support the diversity of retail offerings within the existing late-night trading environment.

(j) In fitting out the approved retail building, the hours of operation will assist with passive surveillance into the through-site link.

(k) Being within the Victorica Cross OSD, the site is well located and provides accessible pathways to both metro and bus public transport options. This will support patrons come to and going from the site.

7.3.1 Trading Hours	<p>P1 The maximum trading hours that will be granted for a premises within each zone are outlined within Table B-7.1 below. These hours will be granted only where an application satisfies the matters for consideration in Section 7.2 and all other relevant sections outlined within this Section of the DCP.</p>	<p>P1 The site is in the E2 Commercial Centre zone, previously B3 Commercial Core zone. This change is a result of the Employment Zone Reforms.</p>	YES
	<p>B3 Commercial Core Indoor – 6am to Midnight Outdoor – 7am to 11pm</p>	<p>The proposed hours of operation are as follows:</p>	
	<p>P2 In addition to the hours stipulated in Table B-7.1, where an application satisfies the matters for consideration in Section 7.2 and all other relevant provisions of the DCP, an extension of trading hours up to 24 hour trading will be considered for premises located</p>	<ul style="list-style-type: none"> ▪ Café = 7.00am – 12.00am ▪ Restaurant / Bar = 10.00am – 12.00am 	
		<p>Both hours of operation are consistent with the indoor maximum trading hours.</p>	
		<p>It is noted the outdoor component of the café will be operating within the same hours, and so extension beyond these maximums is sought under provision P2.</p>	
		<p>P2 As the proposal satisfies the matters for consideration in Section 7.2 and all other provisions of NSDCP 2013, it is requested the hours of operation be extended to:</p>	

	<p>within the B3 Commercial Core zone in the North Sydney Centre only.</p> <p>P3 Any extension beyond 12 midnight would be subject to an on-going trial period with the maximum trial period granted of up to 5 years.</p>	<ul style="list-style-type: none"> ▪ Café = 7.00am – 12.00am ▪ Restaurant / Bar = 10.00am – 12.00am <p>P3 Noted.</p>	
7.3.2 Trial Periods	<p>P1 Prior to granting consent for the maximum or extended trading hours, Council may impose a one year trial period for a premises that, in the opinion of Council, may have the potential to generate adverse impacts on the amenity of the surrounding area.</p> <p>P2 A Section 4.55 application must be lodged prior to the expiration of a trial period should the applicant seek to apply to formalise these hours. In most instances, a condition of consent will clarify that the extended trading hours will stand in place until such time as the modification application is determined.</p>	<p>P1 Noted.</p> <p>P2 Noted.</p>	<p>N/A</p> <p>N/A</p>

Based on the above, it is considered that the proposal complies with the relevant provisions within NDCP 2013.

5. SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with the relevant matters for consideration listed in section 4.15 of the EP&A Act.

5.1. ENVIRONMENTAL PLANNING INSTRUMENTS

The proposed development has been assessed in accordance with the relevant State and local environmental planning instruments in **Section 4.1**.

The assessment concludes that the proposal complies with the relevant provisions within the relevant instruments.

5.2. DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

No draft environmental planning instruments are relevant to this proposal.

5.3. DEVELOPMENT CONTROL PLAN

North Sydney Development Control Plan 2013 provides detailed planning controls relevant to the site and the proposal. An assessment against the relevant controls is provided in **Section 4.2**.

The assessment concludes the proposal complies with the relevant provisions within NSDCP 2013.

5.4. PLANNING AGREEMENT

No planning agreements are relevant to this proposal.

5.5. REGULATIONS

This application has been prepared in accordance with the relevant provisions of the *Environmental Planning and Assessment Regulations 2021*.

5.6. LIKELY IMPACTS OF THE PROPOSAL

The proposed development has been assessed considering the potential environmental, economic and social impacts as outlined below:

5.6.1. Built Environment

The potential built environment impacts have been considered and minimised where necessary. The following sections assess these potential impacts.

5.6.1.1. Noise Impacts

A NIA was prepared by RWDI in support of the proposed food and drink precinct to assess the potential noise impact on surrounding sensitive receivers.

Noise modelling, assessment and recommendations have been based on the nearest residential receiver, being Beaumont Apartments at 79-81 Berry Street, North Sydney (refer to **Figure 9**). Unattended noise monitoring was taken from 1 Denison Street with attended noise monitoring taken from the ground level of 79-81 Berry Street. The unattended noise monitoring was taken during the Christmas shutdown period when the Victoria Cross Station construction was not occurring to establish the best representation of the background noise levels given the circumstances.

Noise modelling of the proposal was undertaken assuming that all three premises are fully occupied to patron capacity and all doors and windows are open from 7am until midnight. It is noted that no heavily amplified or live music is proposed.

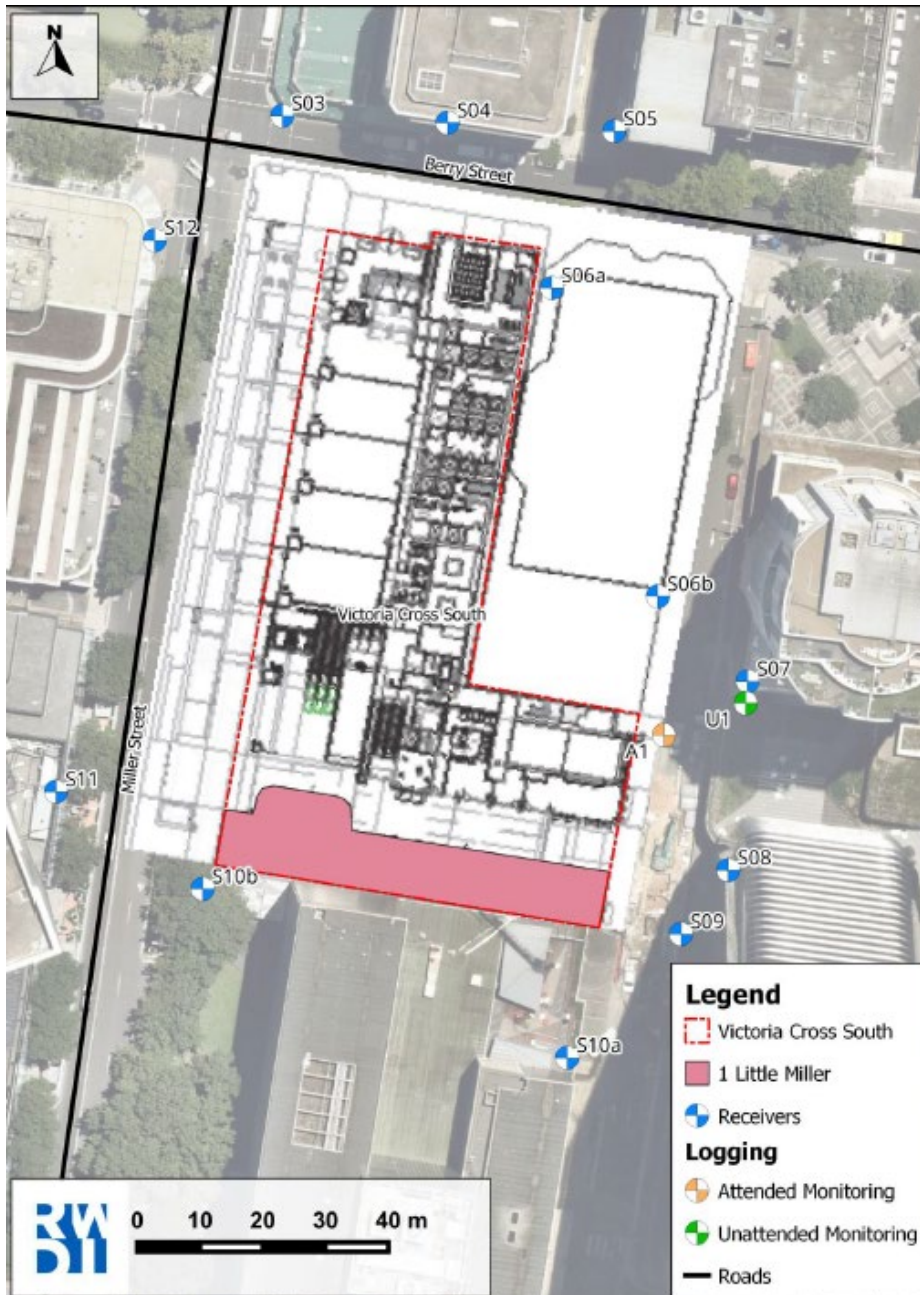
The cumulative patron and music noise emissions from all three venues has been assessed against the Liquor and Gaming NSW (**LGNSW**) criteria and NSDCP 2013 requirements. Assessment against the LGNSW criteria is included in **Table 4**. Note that:

- Day = 7am-6pm

- Evening = 6pm-10pm
- Early Night = 10pm-12am
- Night = 12am-7am

Assessment against the NDCP 2013 noise provisions is provided in **Table 3**. Recommendations for compliance are included below.

Figure 9 – Receiver Location Plan with Monitoring Locations



Source: RWDI

Table 4 Predicted Cumulative Patron and Music Noise Emissions – No Mitigation(LGNSW Criteria) (red indicates exceedance)

Location	Time Period	Octave Band Levels (dB)										Complies	
		31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	Total dBA		
79-81 Berry Street	Predicted Noise Level – dBL ₁₀	42	43	43	49	51	48	42	37	27	52		
	Criteria dBL ₁₀	Day	62	60	60	60	58	55	50	42	31	60	Yes
		Evening	58	56	56	56	54	51	46	38	27	56	Yes
		Early Night	55	53	53	53	51	48	43	35	24	53	No
		Night	48	47	46	46	44	42	36	29	17	46	No

Source: RWDI

All exceedances noted above are not expected to occur if all windows are closed (refer to **Table 5 & Table 6**).

Table 5 Predicted Cumulative Patron and Music Noise Emissions 6am-7am (LGNSW Criteria)

Location	Time Period	Octave Band Levels (dB)										Complies
		31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	Total dBA	
79-81 Berry Street	Predicted Noise Level – dBL ₁₀	35	32	28	30	30	25	21	<20	<20	32	
	Criteria dBL ₁₀	Night	48	47	46	46	44	42	36	29	17	46

Table 6 Predicted Cumulative Patron and Music Noise Emissions 10pm-12am (LGNSW Criteria)

Location	Time Period	Octave Band Levels (dB)										Complies
		31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	Total dBA	
79-81 Berry Street	Predicted Noise Level – dBL ₁₀	39	39	39	44	47	43	38	32	22	48	
	Criteria dBL ₁₀	Early Night	55	53	53	53	51	48	43	35	24	53

The following recommendations from the NIA should be implemented to mitigate the specific exceedances as well as minimised general noise pollution:

- Number of patrons should be limited to the following:
 - Ground Floor: Outdoors, 56 patrons (14 west, 42 north); Indoors 44 patrons
 - First Floor: Indoor only, 100 patrons
 - Second Floor: Indoor only, 200 patrons.
- Windows on the eastern facade should be closed after 10pm.
- All windows on Level 1 and 2 should be closed prior to 7am.
- The spatially averaged internal music noise levels within all spaces should be limited to the noise levels presented in Table 5-1 of the NIA.
- Operation of all areas of the cafe, restaurant and bar is to be limited between 6am and 12am the following day; and,
- Signs should be displayed in the restaurants reminding patrons to minimise noise when departing the premises, especially after 10pm.

This application proposes to adopt the acoustic mitigation measures listed above and contained within the NIA.

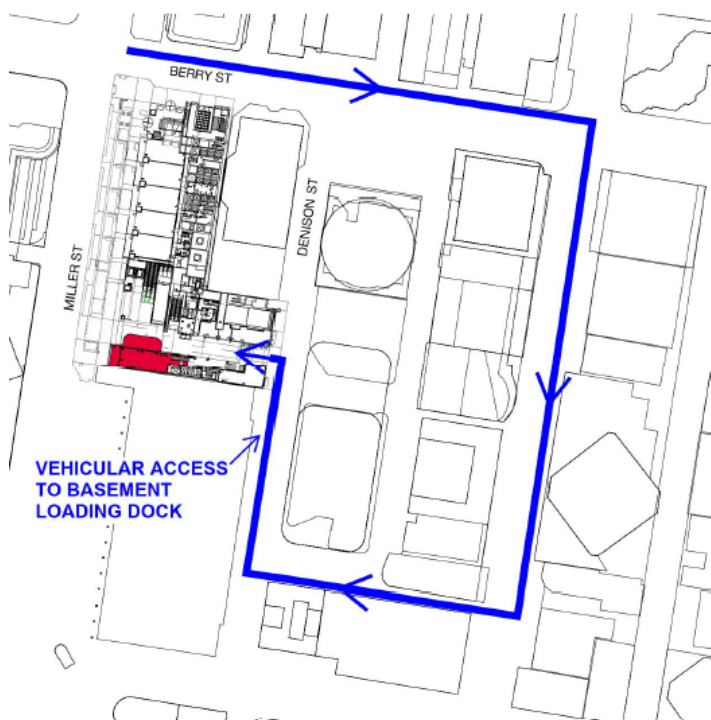
5.6.1.2. Construction Requirements

A CMP has been prepared by Aqualand, detailing measures and means by which the proposed development will be constructed. The CMP will be refined as the development proceeds through the project construction phases.

As the proposal is for use and fitout of the constructed three-storey retail building, the methods for delivery and storage of the construction materials assume the completion of the building and associated basement loading area. Materials for construction will be made via Denison Street and taken via the goods lift in Level B01 to tenancy T13 (refer to **Figure 10**).

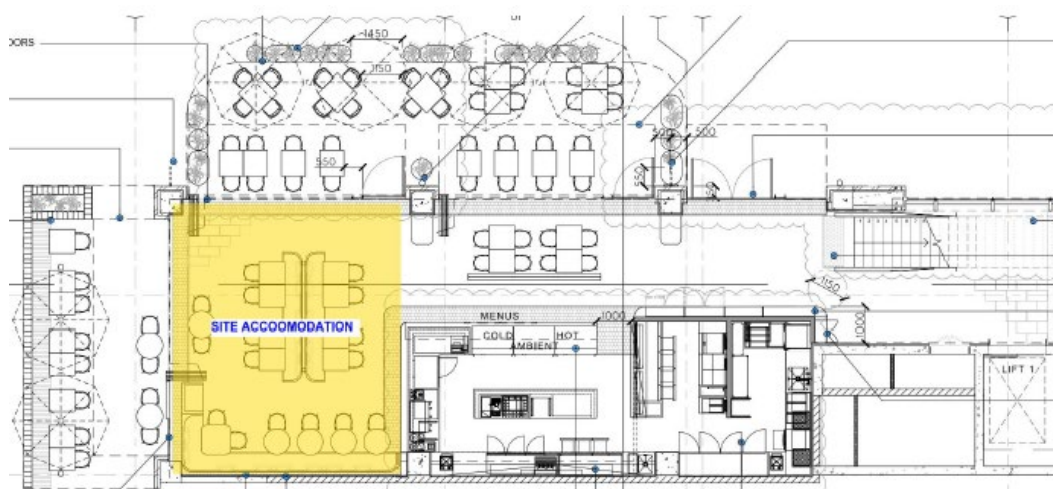
Initial site accommodation will be established within tenancy T13 with all associated facilities to support subcontractors to be implemented in accordance with the Work Health and Safety Legislation (refer to **Figure 11**). All workers are recommended to utilise active transport options to access the site.

Figure 10 – Loading Dock Access Route



Source: Aqualand

Figure 11 – Site Accommodation Area



Source: Aqualand

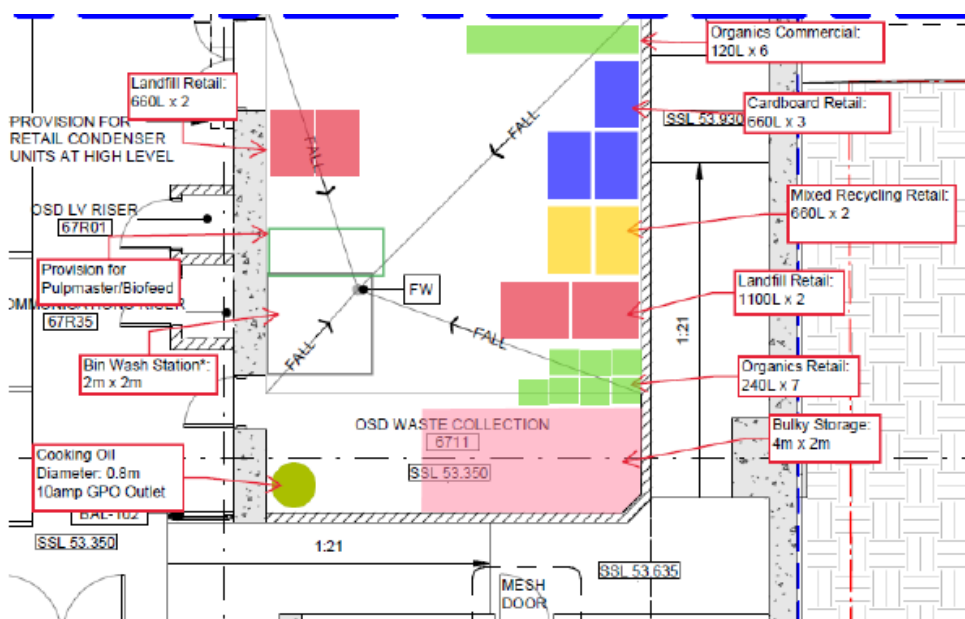
5.6.1.3. Operational Requirements

To support the operation of the three tenancies, a detailed PoM, Smoke and Odour Assessment (SOA) and OWMP have been prepared to support this DA by Etymon Projects, BELL Laboratories and Foresight Environmental respectively.

The SOA confirms that the inclusion of traditional cooking equipment for the café and restaurant areas in the Ground and First Level in conjunction with the live fuel areas in the restaurant are adequately serviced by the best available technologies to adequately reduce odour emissions. These include specialised kitchen exhaust hoods above the cooking areas to manage the emissions produced.

As stated in the OWMP, operational waste from the food and drink precinct can be accommodated entirely within the existing B1 basement waste room which has capacity for 100m². It is anticipated that all three premises will require 10.11m² of waste storage for the weekly landfill, organic, mixed recycling and cardboard waste production. It is noted that cooking oil disposal from the food and drink precinct will be shared with the greater OSD development.

Figure 12 – Waste Room Allocation for 1 Little Miller



Source: Foresight Environmental

The PoM prepared for the three premises is comprehensive and specifies all operational requirements, including the acoustic recommendations noted in **Section 5.6.1.1**, to minimise the impact on surrounding land uses or, in the case of a complaint, a system to manage incidents.

5.6.1.4. BCA and Access Requirements

A BCA Report was prepared by Steve Watson & Partners and an Access Report was prepared by Purple Apple Access.

The BCA Report concludes that the proposal is capable of complying with requirements of the relevant legislation including the Building Code of Australia (BCA) 2022 subject to the final assessment of the documentation at Construction Certificate Stage.

The Access Report has been prepared against the relevant legislation including:

- *The Commonwealth Disability Discrimination Act 1992 (DDA).*
- *Disability (Access to Premises (Buildings)) Standards 2010.*
- *Access Code for Buildings 2010.*
- *The National Construction Code Building Code of Australia Volume 1 2022 (BCA)*
- *Australian Standard AS1428.1 (2009) Amendment 1 & 2, – Design for Access and Mobility.*

- *Australian Standard AS1428.2(1992) – Design for Access and Mobility: Enhanced and additional requirements – Buildings and facilities.*
- *Australian Standard AS1428.4.1 (2009) Amendment 1 & 2, – Design for Access and Mobility: Means to assist the orientation of people with vision impairment – Tactile ground surface indicators.*

The report concludes, following a review of the drawings, that the proposal generally complies with the relevant statutory requirements.

5.6.2. Other Impacts

- **Natural Environment:** The proposal will not impact the natural environment.
- **Social:** The proposal will provide greater opportunities for residents and visitors alike to enjoy the North Sydney area, at no additional impact to the neighbouring sites. The late-night trading of the premises will be moderated by a robust Plan of Management, with Etymon Projects, through their suite of restaurant offerings, demonstrating the capability to curate a safe but socially activating retail premises.
- **Economic:** The proposal continues to bolster the North Sydney late night economy, introducing three best-in-class food and drink premises into the heart of the CBD.

5.7. SUITABILITY OF THE SITE

The site is considered highly suitable for the proposed development for the following reasons:

- The proposed food and drink premises, comprising café, restaurant and bar areas, is permissible within the E2 Commercial Centre zone and entirely consistent with the zone objectives.
- The proposal is entirely consistent with the relevant provisions of NSLEP 2013 and NSDCP 2013.
- Being within the Victoria Cross OSD development and the North Sydney CBD area, the proposal stands as a central hub from which the Little Miller through-site link will be activated as well as reinforcing North Sydney emerging late-night economy.
- The development can utilise a high level of public transport including the Victoria Cross Metro Station, North Sydney Station, and bus services running along Miller Street, which will encourage and support the use of active and public transport for patrons of the new premises.

5.8. SUBMISSIONS

It is acknowledged that submissions arising from the public notification of this application will need to be assessed by Council.

5.9. PUBLIC INTEREST

The proposed development is considered in the public interest for the following reasons:

- The proposal complies with the relevant local planning controls.
- No adverse environmental, social or economic impacts will result from the proposal.

The proposal will provide an activation node for the through-site link and a key piece of food and drink infrastructure to attract resident and visitor alike to the North Sydney CBD. The proposal will serve a big role in facilitating the growing best-in-class dining and late-night trading scene in North Sydney.

6. CONCLUSION

The proposed food and drink precinct has been assessed in accordance with section 4.15 of the EP&A Act and is considered appropriate for the site and the locality:

- **The proposal satisfies the applicable planning controls and policies:**

The proposal satisfies the objectives of all relevant planning controls and achieves total compliance with all relevant planning controls and policies.

- **The proposal will not result in any adverse environmental impacts:**

It has been demonstrated that the proposal will result in no adverse impacts to the surrounding built or natural environment.

- **The proposal will result in positive social and economic impacts:**

The proposal will, through the fit-out and use of these designated retail spaces, serve the community with a wide range of food and drink offerings all while contributing to the growing and thriving North Sydney economy.

- **The proposal is highly suitable for the site:**

The proposal is permitted within the E2 zone, is consistent with the zone objectives and compatible with the site and surrounds, in-filling designated retail floor spaces within the Victoria Cross OSD.

- **The proposal is in the public interest:**

The proposal is in the public interest as it will deliver a best-in-class food and drink precinct, further diversifying the offering for residents and visitors at no cost to surrounding residents.

Having considered all relevant matters, we conclude that the proposed development is appropriate for the site and approval is recommended, subject to appropriate conditions of consent.

DISCLAIMER

This report is dated 19 February 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of ETYMON PROJECTS PTY LTD (**Instructing Party**) for the purpose of Statement of Environmental Effects (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

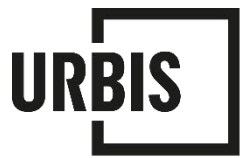
In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.





Miller House

1 Little Miller St, North Sydney NSW 2000

Plan of Management

February 2024

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Accompanying Documents

Accompanying Document 1 – Floor Plans

Accompanying Document 2 – Liquor Licence

Accompanying Document 3 – Etymon House Policy

Accompanying Document 4 – Waste Management Plan

Accompanying Document 5 – Development Consents

Accompanying Document 6 – Crime Scene Preservation Guidelines

1 Overview

1.1 Purpose

The purpose of this Plan of Management (The Plan) is to establish a performance criterion for various aspects of the operations of the licensed premises located at Miller House, 1 Little Miller Street, North Sydney NSW 2060 (Venue). The Plan meets the requirements of the following pieces of key legislation.

- *Environmental Planning and Assessment Act 1979*
- *Liquor Act 2007 (NSW) and associated Regulations*

The primary objective of the Plan is to establish standards and processes to achieve a safe environment for staff and patrons, thereby minimising the potential for alcohol related assaults, anti-social behaviour, and adverse impacts upon the amenity of the local area.

In accordance with the development Consent given by the North Sydney Council, the Plan must be always implemented during operation.

1.2 Scope

The Plan has been prepared by the Licensee and operator of the Venue and incorporates relevant key regulatory obligations including venue specific Development Consents and Liquor Licence conditions. Specifically, the Plan addresses the following areas:

- Compliance with any existing conditions and liquor laws
- Responsible service of alcohol
- Amenity of the neighbourhood
- Effective management of patrons
- Effective management and deployment of staff
- Complaint handling
- Incident reporting
- Staff and patron safety
- Crime scene management
- Induction and training of staff

The Plan also aims to satisfy regulatory criteria from the following agencies:

- NSW Police
- North Sydney Council
- NSW Office of Liquor & Gaming (Liquor & Gaming NSW)

In the event of any inconsistency, the conditions of any Consent prevail over the Plan of Management.



1.3 Approval and Amendments of The Plan

Amendments of the Plan may be made from time to time to improve the management of the Venue. Amendments will only be made with prior approval from North Sydney Council and North Sydney Police Command.

In instances where the plan is amended, a copy will be served to the Local Area Commander, Director of Compliance of the Liquor & Gaming NSW, and North Sydney Council within 14 days of any variation of the Plan.

1.4 Use of the Plan

The Venue will always operate / be managed in accordance with the approved Plan of Management.

A copy of the plan will be maintained by the Licensee and be made accessible to senior venue management staff for reference purposes. Other staff will be briefed on relevant sections of the Plan as required, generally during their induction to the company or through routine team briefings.

The premises is to be operated at all times in accordance with the Plan of Management as may be varied from time to time after consultation with NSW Police. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, North Sydney Council officer, Liquor and Gaming NSW inspector, or any other person authorised by the Independent Liquor and Gaming Authority.

1.5 Compliance with Conditions

The Venue will always operate in compliance with the approved Plan of Management including the conditions imposed with the Development Consents and Liquor Licence.

The Venue will operate under a On Premise License with a Primary Service Authorisation. There will be strictly no take away liquor activity on the premises or form part of the business model.

2 Operational Environment

2.1 Organisational Overview

Owned and operated by Etymon Projects Pty Ltd, the Venue is two hospitality outlets:

- A Ground Floor Café; and
- Levels 1 & 2 Restaurant & Bar.

Miller House will become a hallmark site amongst the rapidly growing North Sydney precinct. Situated right on top of Victoria cross metro, this site will service commuters, corporates and locals. In the long-term this site will become destinational in what will become a hive of activity.

The vision for the Victoria Cross precinct is one that offers mixed-use space with intermodal travel that seamlessly integrates into the Civic centre of North Sydney and provides easy access through the Metro to the Sydney CBD. Our Venues within Miler House are part of this providing approachable offerings suitable for corporates, travellers and tourists, friends and family.

At any one operational service the venue will have up to 20 staff rostered to work. Total employees contracted to the venue will be in the vicinity of 65 persons.

The primary purpose of the premises is as a restaurant for the sale of quality food and beverage as a dine in.

2.2 Operating & Alcohol Trading Hours

The Venue trading hours are restricted to the hours permitted under the Liquor Licences and the Development Consent [tbc] which are summarised as follows:

Trading Hours

	Day	Operating Hours
Ground Floor Cafe	Monday - Sunday	7.00am – 12.00am
L1 & 2 Restaurant & Bar	Monday - Sunday	10.00am – 12.00am

Consumption of Alcohol Trading Hours

Day	Hours
Monday – Sunday	7.00am – 12.00am

2.3 Licensing

- Ground Floor Cafe And Levels 1 & 2 Restaurant & Bar will operate pursuant to an On Premises (Restaurant) Licence with a Primary Service Authority (PSA).

The primary purpose of the premises is to trade as a restaurant, preparing high quality food for service to diners seated at tables. The service of liquor will be ancillary to the service and preparation of meals available for consumption by patrons on the licensed premises.

Primary Service Authorisation

The PSA enables the business flexibility to serve liquor to patrons without ordering a meal. For example, patrons will be able to enjoy a glass of wine after work, without necessarily ordering a meal. Notwithstanding this authorisation, the primary purpose of the business will remain that of a high-end restaurant and catering service.

The Licensee will ensure that the following operational policies are exercised at all times the Authorisation is utilised:

- (a) Free drinking water is available to patrons wherever alcohol is served.
- (b) All service staff will hold current Responsible Service of Alcohol (RSA) Competency Cards.
- (c) Mandatory liquor signage will be displayed at the front of the premises that shows:
 - The name of the premises.
 - The type of liquor licence held.
 - The business activity carried out on the premises.
 - The name of the licensee.
- (d) Food of a nature and quantity consistent with the responsible service of alcohol will be available whenever liquor is sold or supplied.
- (e) An incident register will be maintained if the premises' function trades past midnight.
- (f) Advanced written notice of certain functions will be provided to Liquor & Gaming NSW, the local police and the local council if the Authorisation is used in the following circumstances:

	Up to 100 people	101-1,999 people	2,000+ people
Functions open to the public (ticketed and non-ticketed)	14 days' notice	14 days' notice	28 days' notice
Private functions	No requirement	14 days' notice	14 days' notice

2.4 Premises Capacity

In terms of capacity:

- The Cafe is limited to 100 patrons
- The Restaurant & Bar is limited to 300 patrons.

Capacities within the areas will be monitored by way of regular headcounts conducted by the manager/licensee and any additional contract security staff that may be employed from time to time.

A notice must always be displayed at the main entry point to the premises identifying the maximum capacity above.

2.5 Minors

Minors will be permitted within the Venue only when accompanied by a responsible adult (parent or legal guardian).

2.6 Amenities



Amenities are provided for guests as follows:

- Ground floor, Level 1 & 2 guests have access to amenities on level 2.

2.7 Ingress & Egress

The Venue will be managed in accordance with the following principles:

Ground Floor Tenancy

- (a) The use of this space will include food and beverage service.
- (b) There are three entrances all on the Ground Floor from the laneway between Miller House and Lend Lease Tower.
- (c) Delivery vehicles of goods for the Venue will be underneath the Lend Lease Tower in the loading dock area. No deliveries, loading or unloading associated with the venue are to take place between the hours of 10pm and 6am on any day.

Level 1 & 2 Tenancies

- (a) The use of this space will include food and beverage service, and hosting of functions and community events.
- (b) There is one main entrance from the Ground Floor from the laneway between Miller House and Lend Lease Tower.
- (c) Delivery vehicles of goods for the Venue will be underneath the Lend Lease Tower in the loading dock area. No deliveries, loading or unloading associated with the venue are to take place between the hours of 10pm and 6am on any day.

2.8 Conditions of Consent: On-going / Operational Conditions

A full and current copy of the Conditions of Consent for the operation of the licensed premises is attached at Accompanying Document 5 and will be made available to Police or Council officers or Special Investigators upon request.

3 Neighbourhood Amenity

The Licensee will consider the amenity of the neighbourhood, taking reasonable measures to ensure that the Venues operations do not adversely impact the amenity of the neighbourhood.

3.1 Acoustic Impact

Sound emissions and noise management practises will comply with the noise emission limits set out in Section 2.3.2 – Noise to Part B of the DCP and all relevant noise criteria required by L&GNSW. Specifically, the Venue will adhere to the following requirements:

Day	Time Period		Max 1 hour noise level (LAeq 1 Hour) ¹
	Week	Time	
Weekday	Day	7am-6pm	60 dBA
	Evening	6pm-10pm	50 dBA
	Night	10pm-7am	45 dBA
Weekend	Day	8am-6pm	60 dBA
	Evening	6pm-10pm	50 dBA
	Night	10pm-7am	45 dBA

1. *LAeq (1hour) readings are to be measured during the noisiest 1 hour period between Day – 7/8am to 6/7pm, Evening – 6/7pm – 10pm and Night – 10pm to 7/8am.*

The following mitigation measures are recommended as the specified times to achieve compliance with the relevant criteria:

- 6am – 7am: No windows on first and second floor to be open
- 7am – 10pm: No mitigation measures required
- 10pm – 12am: All windows on the eastern façade to be closed

3.2 Signage

To keep patrons well informed, appropriate signage will be prominently displayed in the premises in accordance with the consent conditions and the Liquor Act 2007 (NSW).

The following signage will be erected at the venue:

- (a) At the entrance to the premises:
 - The name of the premises.
 - The type of liquor licence held.
 - The business activity carried out on the premises.
 - The name of the licensee.
- (b) A request that patrons consider the neighbours and vacate the area quickly and quietly having regard to maintaining the amenity of the area.
- (c) Suitable and clearly visible signage shall be displayed at the principal entrance to the premise with the words “24 hour Closed Circuit Television in use on these premises”.
- (d) In the appropriate internal locations, an indication of “Staff Only” areas.
- (e) Evacuation signs will be detailed by way of signage around the premises and exits will be appropriately marked with approved emergency signage in accordance with relevant Australian Standards

No additional signs, other than those that are required by legislation, advertising or other structures will be displayed on the exterior of the Venue without prior council consent.

3.3 Management of Patrons

The Licensee and Venue management will take reasonable steps to control the behaviour of patrons whilst on or near the premises and as they arrive and depart. These measures including ensuring:

- Patron behaviour is monitored upon approach to the premises, and those observed to be behaving in an anti-social manner or causing excessive noise are spoken to about their behaviour and are refused entry.
- Patron numbers are monitored in accordance with maximum patron numbers.
- Patrons do not crowd or loiter in the vicinity of the premises in such manner that pedestrian movement is obstructed or hindered.
- The way the business of the premises is conducted, and the behaviour of persons entering and leaving the premises, do not cause undue disturbance to the amenity of the neighbourhood. In this regard, the licensee is responsible for the control of noise and litter generated by persons, and by the operation of the premises; and
- Ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

3.4 Complaint Handling

As part of Management's ongoing complaints handling, a complaints register must be maintained on the premises containing full details of any disturbance complaints made by a person to the licensee, management or staff in respect to the manner in which the business of the premises is conducted, or the behaviour of persons entering or leaving the premises.

Such recording must include:

- the time, date, and nature of complaint and if provided any details of the complainant.
- all actions undertaken by the licensee, management, and staff to resolve such complaints.

The contact details of the licensee are externally signposted on the building in a prominent position to enable anyone to lodge a complaint with Management. Records are to be retained for a minimum of 5 years and made available for inspection by Council, NSW Police or other appropriate authority upon request.

Upon receipt of a complaint, the Licensee will respond in a courteous and efficient manner. The appropriate remedial action where possible will be implemented immediately and the Licensee or manager in charge will contact the complainant within 48 hours to confirm details of action taken.

No party to the complaint proceedings is to make known to any person not being a party, the names or addresses of any other party in the proceedings, in particular, no patron of the premises is to be informed either directly or indirectly of the identity or location of any complainant.



3.6 Police & Community Consultation and Co-operation

The Licensee of the Venue is a member of the North Sydney Local Liquor Accord and Venue management take all reasonable steps to cooperate with Police and the local community concerning its management.

The Licensee or delegate will respond in a responsible and timely manner to concerns raised by the local Area Command or residents affected by the operation of the licensed premises. Complaints received by the Venue will be handled in accordance with the complaint handling protocols detailed within section 3.5 above.

3.7 Transportation

Numerous public transport options are available near the Venue including:

- across the laneway is the Victoria Cross Metro Station
- a short walk to North Sydney Train Station; and
- buses from Miller St adjacent to the tenancy.

The Licensee and Venue management will provide patrons with directions and contact local taxi companies and other forms of transportation when leaving the premises as required.

4 Responsible Service of Alcohol

The Licensee will promote responsible service of alcohol by all Managers, staff and any contractors including:

- Not permitting service of alcohol to minors or any person who is intoxicated.
- Closely checking all ID presented by young people.
- Refusing entry to the premises or ejecting any person who is intoxicated, indecent, violent or quarrelsome; and
- Encouraging patrons not to stockpile alcohol.

4.1 Harm Minimisation

The Licensee and Venue staff will take all reasonable steps to minimise harm through the promotion of responsible service of alcohol initiatives including:

- Actively encouraging responsible drinking by patrons.
- Ensuring all Venue staff who are required to have an RSA competency card will do so and that the competency remains valid and up to date. Staff will also be required to fully participate in routine RSA training and briefings as required.
- Maintain a register, digitally containing copies of the competency card showing the satisfactory completion of an RSA course undertaken by the premises staff and any contract staff. The register, application will be made available for inspection on request from a NSW Police officer or authorised inspector;
- Not selling undesirable liquor products or encouraging irresponsible liquor promotions.
- Making available good quality food and free drinking water within the Venue always where liquor is served, or near the point of service; and
- Making available alternatives to full strength alcohol, such as low alcohol beer, soft drinks and coffee within the premises.

4.2 Etymon House Policy

The Licensee and staff will be briefed and confirm their understanding of the Etymon House Policy and associated practises on harm minimisation and Responsible Service of Alcohol. The House Policy will be available for patrons to view at the bar upon request and updated when required to reflect any significant changes to legislation, industry standards and/or management policy.

A copy of The Etymon Projects House Policy is contained as Accompanying Document 3.

4.3 Licensee Incident Register

The Licensee will maintain an incident Register in which the Licensee or Manager in charge will record the detail of any of the following incidents and any action taken in response to any such incident:

- Any incident involving violence or anti-social behaviour occurring on the premises.
- Any incident of which the Licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the premises and that involves a person who recently 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 under section 77 of the Liquor Act e.g., for being intoxicated, violent, quarrelsome, disorderly, smoking illegally, or caught using or found in possession of illicit drugs; or
- Any incident that requires a patron requiring medical assistance.

The Licensee will, if requested to do so by a Police officer or inspector:

- Make the incident register immediately available for inspection by a Police officer or inspector.
- Allow a Police officer or Inspector to take copies of the Register or to remove the Register from the premises; and
- The Licensee will ensure the information recorded in the Licensee Incident Register is retained for at least 3 years from when the record was made.

5 Security Management Plan

The Venue is not required under conditions of consent to have security on premise however, on the occasion the Venue engages a security provider, the Licensee will monitor the provision of the services by the company to ensure the services provided in accordance with the contractor agreement.

5.1 Accreditation

All contract security staff will possess a current NSW security licence (class 1a/c) and responsible service of Alcohol certificate as required by the Security Industry Act 1997 and Liquor Regulation 2008 respectively.

5.2 Provision of Contract Security Services

Security services at the Venue will be performed by an independent contract security company under a formal, performance-based agreement (contractor agreement). In accordance with the contractual agreement, the contract security company agrees to provide security services in a professional, diligent, and lawful manner having regard to the legislation governing the provision of security services within the state of NSW and in compliance with all Venue security plans, policies and procedures.

The Venues shall make and maintain an arrangement with a recognised provider of security services whereby that provider shall supply additional security persons to the Venue at short notice if requested to do so by the licensee or duty manager.

Any contract or arrangement entered with a security provider shall be in accordance with:

- i. AS4421 - 1996 "Guards and Patrols",
- ii. AS3745 - 1995 "Emergency Control Procedures for Buildings" and
- iii. AS/N2S 4360 - "Risk Management".

5.3 Security Attendance Register

Prior to their commencement of their shift, and at the completion of their shift, contract security will sign in / sign off in the Security Attendance Register. The Register will contain each security officers name, license number, signature and start and finish time and date.

5.4 Surveillance Cameras

In accordance with DA Condition (xx), CCTV surveillance cameras shall be strategically installed, operated, and maintained throughout the premises with coverage to:

- Principle entrance/s and exits.
- All areas within the premise occupied by the public (excluding toilets).
- Staircases in multilevel premises; and
- The area within a 10m radius external to the public entrance(s) to the premise.

The CCTV will also meet the following requirements:

- Be of high-grade digital quality capable of establishing the population and identification of patrons, offenders, and incidents within the depth of field view of the cameras. In this respect each

surveillance camera shall be capable of recording a minimum rate of 10 frames per second and at high resolution.

- CCTV recording discs or hard drive recordings shall be retained for 30 days before being re-used, destroyed, or deleted. Time and date shall be auto recorded on the disc or hard drive. The CCTV recording equipment shall be capable of reproducing a CD, DVD, USB or other appropriate digital copy of recorded footage on demand of Council or Police Officers either immediately or within 12 hours of the request being made. Copy discs must be handed to Council, Police Officer or Special Inspectors as required within 24 hours of any request.
- All CCTV recording devices and cameras shall be always operated when the premises are open to the public, and continuously for at least 1 hour prior to opening and closing times of the premises.
- The CCTV recording device shall be secured within the premises and only be accessible to senior management personnel to maintain the integrity of the recorded footage. When the premises are operating there must be at least one staff member present at the premises who is authorised to access the CCTV system and able to immediately review recordings and produce copies.
- Camera views are not to be obstructed by temporary or permanent structures, signage, or other impediments.

The licensee will also:

- Ensure that the system is always accessible by at least one member of staff.
- Ensure all CCTV recording devices and cameras shall be checked daily to ensure the equipment is operating correctly. The Licensee shall record this daily checking activity in the security/incident register book that meets the standards required by the Licensing Policy and Council. If it is discovered at any time that the equipment is not in full operating order all reasonable steps must be taken to repair the system as soon as practicable.
- Ensure that where the system will not be functioning in full operating order for a period of longer than 24 hours the manager Licensee is to notify the relevant Local Area Commander of the NSW Police.
- Provide any recordings made by the system to a Police officer or inspector within 24 hours of any request by a Police officer or inspector to provide such recordings.

5.5 Police Notification of Incidents and Crime Scene Preservation

Immediately after the Licensee / Management become aware of an incident involving an act causing injury to a person on the premises they will:

- Take all necessary steps to keep intact the area where the incident occurred.
- Make direct and personal contact with the Local Area Command and advice of the incident; and
- Comply with any directions given by the Command to preserve where the incident occurred.

Please refer to Accompanying Document 6 – Crime Scene Preservation Guidelines.

6 Emergency Management

6.1 Emergency & Evacuation Procedures

The Venue maintains effective emergency and evacuation procedures that are compliant with relevant Australian Standards. These procedures are contained within Etymon Projects' Health Safety & Environment Program and the contract security providers operating procedures. Relevant Venue staff will be appropriately trained to facilitate these emergency procedures should they be required.

In addition, the following fire safety measures will be followed:

- The Licensee will ensure essential services installed at the Venue are certified annually and that they remain in good working order.
- In the event of essential service malfunctioning, the Licensee will ensure the fault is rectified in a reasonable timeframe.
- Fire extinguishers are located at various points within the premise which are highly prominent and easily accessible. Key staff will be trained in the usage of the fire extinguishers.
- An annual fire safety statement will be obtained and provided to Council and NSW Fire and Rescue annually.
- Emergency exit signage is clearly visible and easily identifiable to all patrons and staff.
- The licensee and contract security staff will ensure that all fire escapes, stairways, and paths of travel to an exit are always kept clear of person(s) and/or objects; and
- In the event of an emergency staff are instructed to dial 000.

6.2 Emergency Access

Emergency access will not be interrupted by indoor furniture or outdoor items.

Likewise, any outdoor dining or goods display areas are capable of being cleared of all temporary and associated structures or equipment within an hour to enable emergency access for building or critical infrastructure repair, or for access for emergency personnel.

6.3 Medical Treatment & First Aid

The Manager/Licensee on duty will be made aware of patrons who present to staff with medical concerns or requiring first aid. An initial assessment of the concern will be made by the Manager and an appropriate response initiated. Incidents of minor first aid will be treated in the nominated first aid area or the location of the notification. Patrons presenting with serious medical concerns will be consulted with prior to calling an ambulance to attend their health requirements.

All incidents that require first aid administration, or where an ambulance is called will be recorded within the Licensees incident register.

7 Facility Management Services

7.1 Deliveries & Loading

Deliveries to the Venue will generally be restricted to the following hours:

- Between 6am and 10pm Monday to Sunday and Public Holidays.

The type of deliveries will be courier style vans, and medium size trucks. The type of goods and products the delivery drivers will move consist of food and beverage items for both retail sale, consumed off site, and to be included in recipes and cooking methods. Examples of this would be fresh fruit and vegetables, pastas, flours, and grains, tinned and jarred food, and a vast range of meats and seafood.

Beverages delivered will be in boxes and be stored in boxes of 6 and 12, and although tap beer will be limited, there will be keg deliveries once per week.

Notwithstanding the above noted delivery/loading hours, we expect the volume of deliveries will arrive between 7am and 11am Monday to Friday with minimal and sporadic deliveries arriving in the afternoon and early evening. Our supplier partners will be strongly suggested to deliver between these times.

Loading Zones

Located underneath the Lend Lease Tower and operated by the Loading Dock Manager.

Delivery Drop Off

Delivery drivers access the Loading Dock from Denison Street. The process would be for the delivery driver to park in the loading zones allocated and speak with the personnel at the Loading Dock Office. Internal personal to the building will assist with deliveries to the venue.

7.2 Cleaning & Maintenance

The Venue will be kept in a clean and tidy condition and regularly maintained both internally and externally including:

- The Licensee will ensure that the Venue and its immediate surrounds are always kept clean and free from litter.
- At appropriate times, a staff cleaner will carry out a cleaning regime to sweep up the litter within the vicinity of the licensed premises boundary.
- A private contractor will be employed to clean up the internal and external areas of the building daily. The private cleaning contractor will be provided with a copy of the crime scene preservation Guidelines issued by the NSW Police and directed to assist with crime scene preservation; and
- Toilets shall be cleaned regularly and maintained, particularly during peak periods by personnel within the Venue.



7.3 Waste Disposal

Miller House is the anchor of the Victoria Cross precinct situated over the Victoria Cross Over Station Development VCOSD. It is spread across 3 levels which will all be operationally related and will share the waste storage area on B01 with the rest of the VCOSD.

The Waste Management Plan (OWMP) details how we will

- manage waste and recycling generated from the ongoing use of the development including:
 - collection of waste and recycling from the central waste storage room on B01 by the loading dock;
 - breakdown of waste disposal on premise for collection; and
- comply with the North Sydney Development Control Plan and best practice guidance from CoS Policy for Waste Minimisation in New Developments.

A copy of the Waste Management Plan is contained as Accompanying Document 4.

7.6 Receptacles and Cigarette Butts

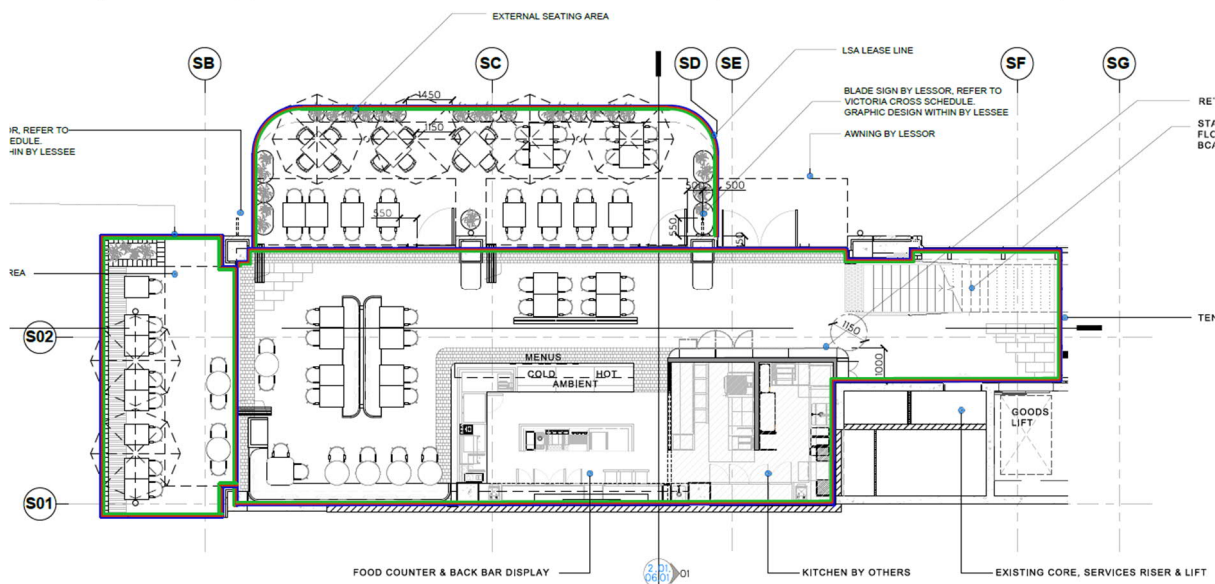
An adequate number of receptacles for cigarette butts will be positioned at appropriate locations adjacent to the entrance of the Venue. To maintain cleanliness the Licensee or delegate will ensure receptacles are emptied daily and removed at the end of the night.

There will be a strict policy of no-smoking onsite or within the regulatory conditions.

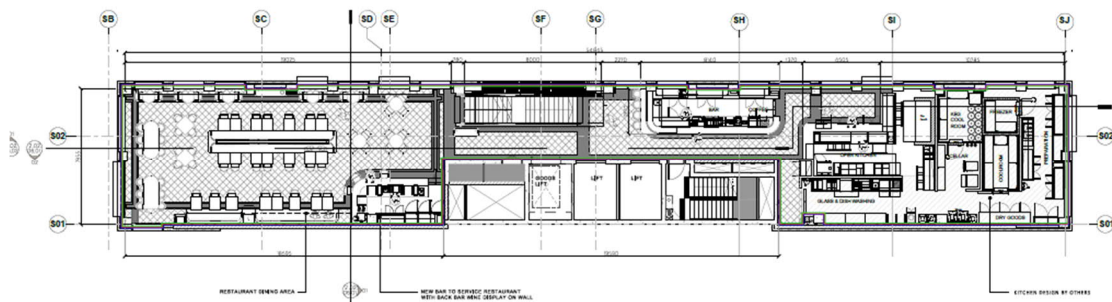


Accompanying Document 1 - Floor Plans

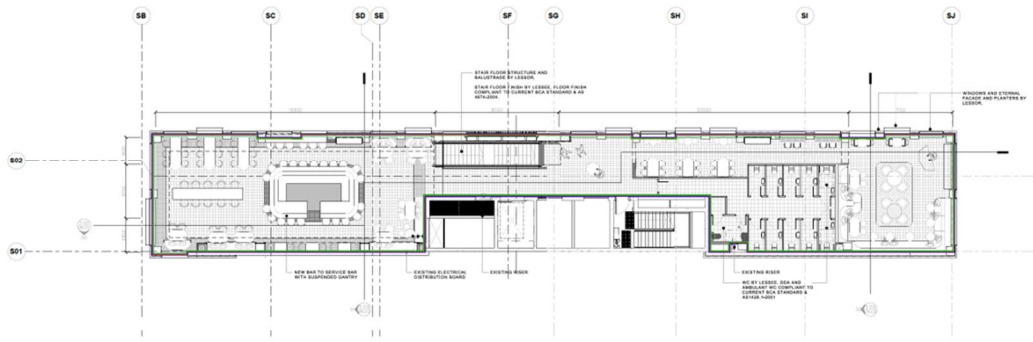
Ground Floor Plan



Restaurant Level 1



Level 2





Accompanying Document 2 – Liquor Licence LIQO.....[will be supplied once granted]

Accompanying Document 3 – Etymon House Policy

Attached

This document sits outside of the Plan of Management as an Accompanying Document and is provided for information purposes only. Etymon Projects reserves the right to update this Accompanying Document when revised versions are published without the need to resubmit the entire Plan for approval.

Accompanying Document 4 – Waste Management Plan

Attached

Accompanying Document 5 – Development Consent [to be supplied once granted]

Accompanying Document 6 – Crime Scene Preservation Guidelines

REPORT



LITTLE MILLER

1 LITTLE MILLER, NORTH SYDNEY

DA NOISE IMPACT ASSESSMENT

RWDI # 2401953

February 15, 2024

SUBMITTED TO

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DOCUMENT CONTROL

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A	Draft	9 February 2024	Claire Graham-White	Justin Leong
B	Final Response to comments	15 February 2024	Claire Graham-White	Justin Leong

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1 INTRODUCTION

RWDI Australia Pty Ltd ("RWDI") was engaged by Etymon Projects ("client") to conduct a noise impact assessment for the internal fit-out of a three-storey cafe, restaurant and bar located at 1 Little Miller North Sydney, also known as Tenancy 13 (T13).

This report forms part of the Development Application for the proposed development. The objectives of this noise assessment are as follows:

- Identify neighbouring premises potentially affected by noise from the development.
- Establish noise criteria applicable to the development.
- Provide high level design advice to control noise from site and achieve the noise requirements.

The following documentation has been referenced in this noise impact assessment:

- NSW Noise Policy for Industry (NPfI), NSW EPA, 2017,
- Liquor and Gaming NSW (L&GNSW) requirements for licensed/entertainment venues;
- Association of Australasian Acoustical Consultants Licensed Premises Noise Assessment Technical Guideline Version 2.0;
- 'For Development Application' issue architectural drawing set prepared by M&E, dated 01 February 2024; and
- Victoria Cross Station Architectural Design Elevations – Preliminary (dated 6 July 2023).

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2 PROJECT DESCRIPTION

2.1 Site Location

The subject site is located at Tenancy T13 of 1 Little Miller Street, within the southern section of the under development Victoria Cross precinct. The site is bordered by Miller Street to the west, and Little Miller Street to the south. The surrounding Victoria Cross South precinct is bordered by Denison Street to the east, and Berry Street to the North. The site and surrounding receivers are shown in Table 2-1 and Figure 2-1. There are no horizontally or vertically adjacent tenancies that share a common wall or floor with the site.

Table 2-1 Potentially Noise Affected Receivers

ID	Address	Type of Receiver
S01	128 Miller St	School
S02	201 Miller St	Commercial
S03	199 Miller St	Commercial
S04	50 Berry St	Commercial
S05	56 Berry St	Commercial
S06a	65 Berry St	Commercial
S06b	65 Berry St	Childcare
S07	79-81 Berry St	Residential
S08	1 Denison St	Commercial
S09	77 Berry St	Commercial
S10a	105-153 Miller St	Commercial
S10b	105-153 Miller St	Commercial
S11	100 Miller St	Mixed Use Commercial and Hotel (inoperable glazing)
S12	53 Berry St	Commercial

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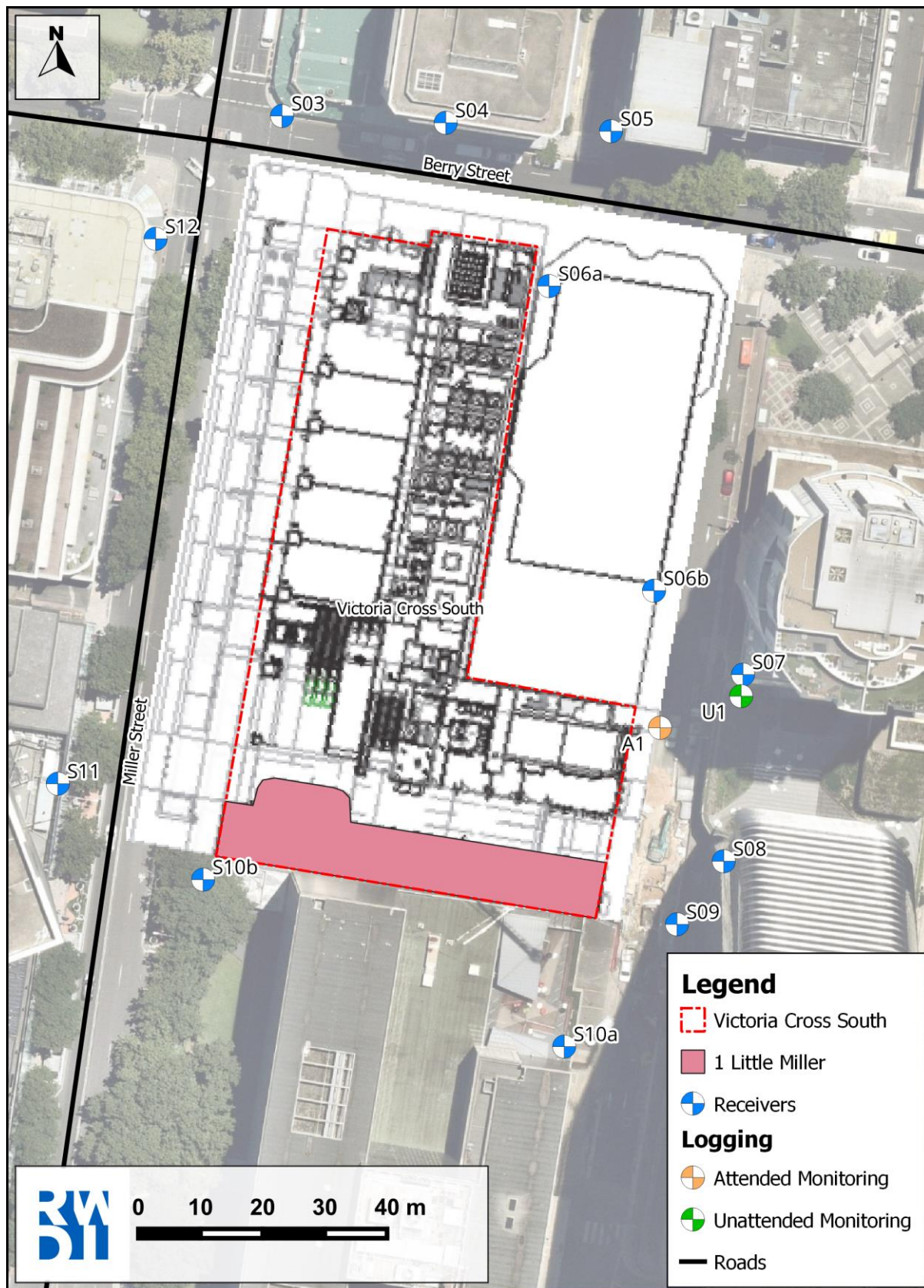


Figure 2-1 Site Location (Image Courtesy of Nearmap)

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2.2 Proposed Development

The proposed development will have independently operated ground, first, and second floor cafe, restaurant and bar, with the following capacities:

- Ground Floor: Outdoors, 56 patrons (14 west, 42 north); Indoors 44 patrons;
- First Floor: Indoor only, 100 patrons; and,
- Second Floor: Indoor only, 200 patrons.

Indoor spaces are proposed to open from 6am, and outdoor spaces from 7am, with all operations (indoor and outdoor) proposed to cease at midnight.

All of the venues have been assumed to include the potential for service of alcohol, and background music played through a speaker system. No heavily amplified or live music is proposed in any of the cafe, restaurant or bar spaces. A shared loading dock is located in the basement level beneath the café. As the loading dock is fully enclosed, it is not anticipated that there will be any adverse noise impacts on external receivers from its operation. The layout of the proposed spaces are presented in Figure 2-2, Figure 2-3, and Figure 2-4.

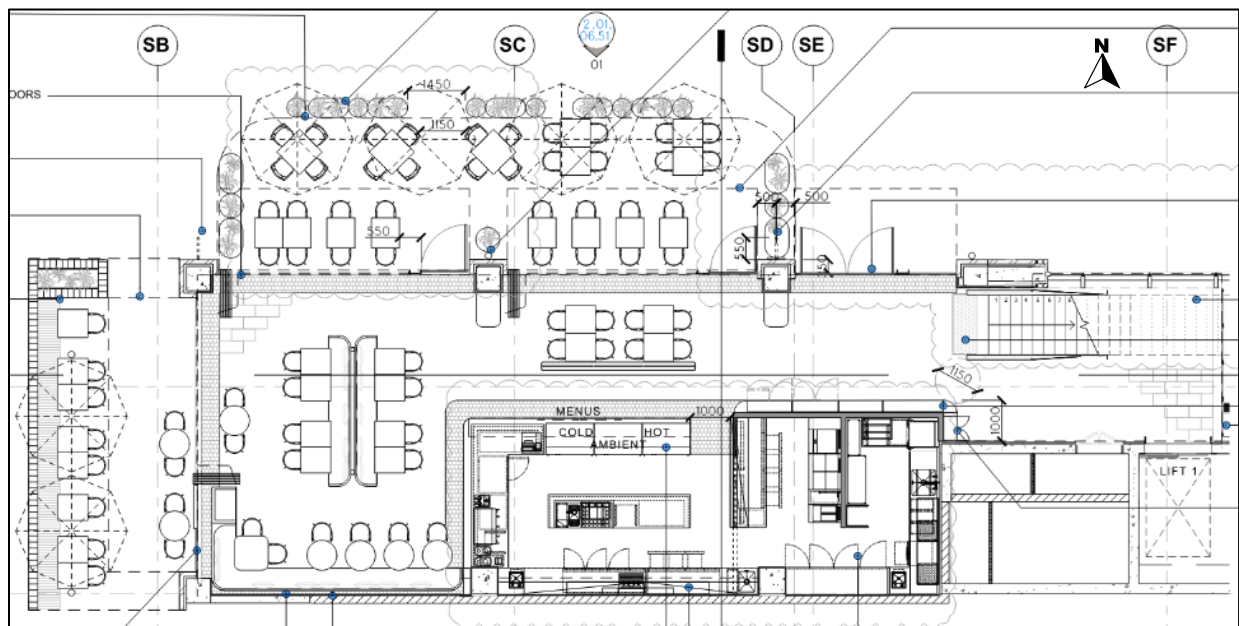


Figure 2-2 Proposed Ground Floor Café/Bar

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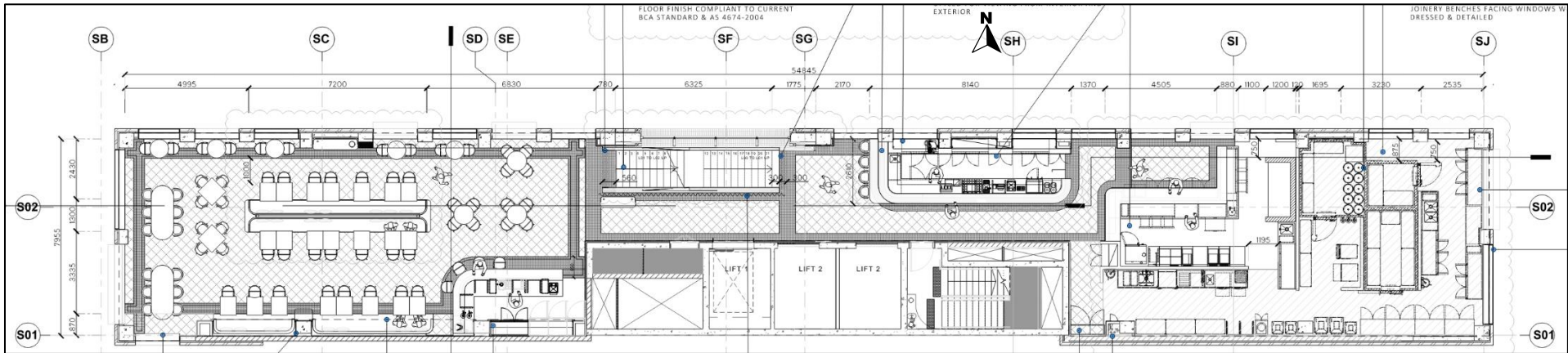


Figure 2-3 Proposed First Floor Restaurant/Bar

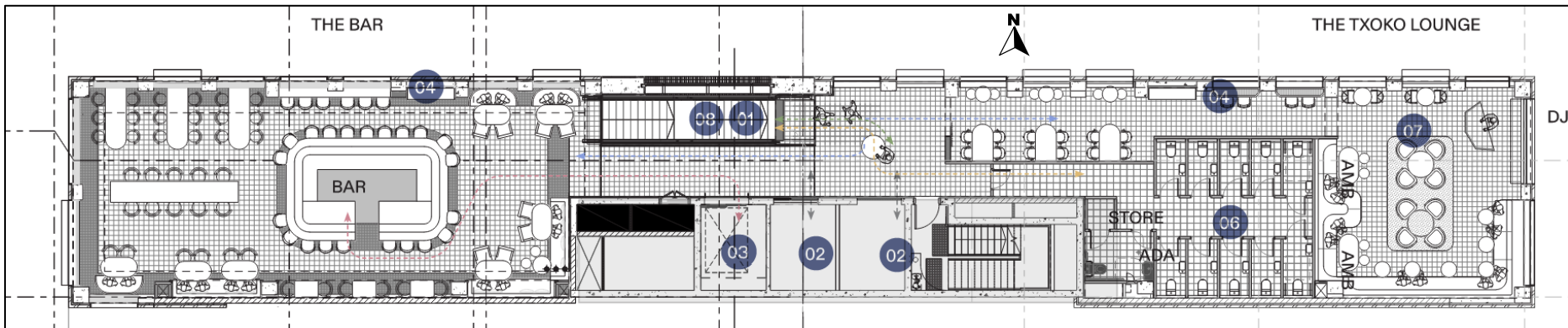


Figure 2-4 Proposed Second Floor Restaurant/Bar



3 EXISTING NOISE ENVIRONMENT

To characterise the existing noise environment of the project location, RWDI personnel attended site to conduct short-term attended and long-term unattended noise measurements as described in the sub-sections below. The existing noise environment of the site is characteristic of an urban centre, dominated by traffic noise from the surrounding arterial roads.

The locations of the short and long-term noise measurements are included in Figure 2-1. All monitoring was conducted with a type approved system offering Class 1 performance according to IEC 61672-1:2013 *Electroacoustics – Sound level meters – Part 1: Specifications* and has a current *National Association of Testing Authorities, Australia* requirements (NATA) calibration certificate. The A-weighting filter of the meters was selected, and the time weighting was set to “Fast”. The field calibration of the meter was checked before and after the measurements with a Brüel & Kjær Type 4231 sound level calibrator (SLC) and no significant drift was noted. This SLC is a Class 1 calibrator according to AS IEC 60942-2004 *Electroacoustics – Sound calibrators* and has been calibrated to the same Standard.

All monitoring devices and calibrators hold current laboratory calibrations in accordance with NATA and our in-house Quality Assurance Procedures.

3.1 External Background Noise Levels

3.1.1 Unattended Noise Monitoring

An Rion NL-52 unattended noise monitor was installed outside 1 Denison Street. Due to the ongoing construction work occurring as part of the Victoria Cross development of which the site is a part of, background noise monitoring was conducted during the Christmas shutdown from the 22nd of December up to the 31st of December, 2023 to avoid interference from construction noise. We note that this will result in conservative criteria for the site, due to reduced levels of traffic and other (non construction related) activity occurring around the site. The location of the unattended noise monitor is shown in Figure 2-1.

The measured noise levels are presented in Table 3-1. Refer to Appendix A for graphs of the unattended noise monitoring data. In accordance with the NPfl, weather-affected data (periods where average wind speeds have exceeded 5m/s and/or have been affected by rain) have been excluded in determining the ambient and background noise levels.

Table 3-1 Unattended Noise Measurements – Background (L_{A90}) Noise Levels

Noise Monitor Location	Time of Day ¹	Rating Background Level (RBL) L _{A90, period} dBA	Ambient Noise Level L _{Aeq, 15min} dBA
1 Denison Street	Day	55	58
	Evening	51	56
	Early Night	48	54
	Night	46	52

Note 1: Day = 7am – 6pm; Evening = 6pm – 10pm, Early Night = 10pm – 12am, Night = 10pm – 7am

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3.1.2 Attended Noise Monitoring

In addition to the RBLs presented in Table 3-1, a 15 minute attended noise measurement was conducted on the 16th of January 2024, at ground level in Denison Street next to 77-81 Berry Street. The location of the attended noise monitoring is shown in Figure 2-1. The noise monitor recorded background noise spectra in octave bands, which was then scaled according to the averaged RBLs measured by the unattended monitoring. The attended measurements were conducted using a NTi Type XL2 sound level meter (SLM).

The results of the attended noise monitoring are presented in Table 3-2. The scaled background noise spectra representative of the day, evening and early night-time periods (corresponding to the opening hours of the restaurant) are presented in Table 3-3.

Table 3-2 Measured Background Noise Spectra $L_{90,15min}$

Time and Date	Background Noise Levels – L_{90} dB									
	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-Wt
16/01/2024 10:08 PM	55	54	53	54	52	49	43	36	55	54

Table 3-3 Scaled Background Noise Spectra L_{90}

Time of Day ¹	Background Noise Levels – L_{90} dB									
	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A-Wt
Day	57	55	55	55	53	50	45	37	26	55
Evening	53	51	51	51	49	46	41	33	22	51
Early Night	50	48	48	48	46	43	38	30	19	48
Night	48	47	46	46	44	42	36	29	17	46

Note 1: Day = 7am – 6pm; Evening = 6pm – 10pm; Early Night = 10pm – 12am, Night = 12am – 7am,



4 OPERATIONAL NOISE CRITERIA

4.1 Noise from Mechanical Services

Mechanical services will be supplied and installed as part of the base building construction, with no modifications occurring as part of this fitout. No further assessment of mechanical noise emissions has been conducted in this report. Any potential future modifications should be subject to an assessment considering all relevant policy at the time.

4.2 Noise Emissions from Patrons and Music

4.2.1 Liquor and Gaming NSW

Licensed premises are controlled by Liquor and Gaming NSW (L&GNSW). The L&GNSW Standard Conditions for noise from licensed premises were developed principally for the assessment of entertainment noise emissions and are summarised below:

"The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) between 12:00 midnight and 7:00 am at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00 am."

Based on the unattended background noise monitoring data and the background noise spectra presented in Table 3-1 and Table 3-3, the entertainment / music noise emission criteria for licensed premises within the development at neighbouring residential receivers are summarised in Table 4-1 below. As per the North Sydney Council LEP, hotel receivers have not been classed as residences.

Table 4-1 Licensed Premises Entertainment / Music Noise Emission Criteria (L&GNSW)

Time ¹	Criteria	L ₁₀ Criteria - dB									Total A-Wt
		31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	
Day	BG+5	62	60	60	60	58	55	50	42	31	60
Evening	BG+5	58	56	56	56	54	51	46	38	27	56
Early Night	BG+5	55	53	53	53	51	48	43	35	24	53
Night	BG	48	47	46	46	44	42	36	29	17	46

Note 1: Day = 7am – 6pm; Evening = 6pm – 10pm; Early Night = 10pm – 12am, Night = 12am – 7am,



4.2.2 North Sydney Council Development Control Plan (DCP)

In addition to the criteria in section 4.1, Section 2.3.2 of Part B of the North Sydney Council Development Control Plan (DCP) presents noise emission criteria applicable to non-residential premises, which have been reproduced in Table 4-2. These criteria apply at “the property boundary of the nearest residential premises”.

The DCP also states:

The noise emission associated with the operation of non-residential premises or non-residential components of a building must not exceed 5 dBA above the background maximum 1 hour noise level (LAeq 1 Hour) during the day and evening and not exceeding the background level at night when measured at the boundary of the property.

These criteria have been presented in Table 4-3. These have been derived from the RBL across the whole period, not the single loudest hour, and are therefore represent a conservative approach.

Table 4-2 North Sydney DCP Noise Emission Limits Table B-2.3 (Condition P1)

Day	Time Period		Max 1 hour noise level LAeq, 1hr dBA
	Week	Time	
Weekday	Day	7am – 6pm	60 dBA
	Evening	6pm – 10pm	50 dBA
	Night	10pm – 7am	45 dBA
Weekend	Day	8am – 7pm	60 dBA
	Evening	7pm – 10pm	50 dBA
	Night	10pm – 8am	45 dBA

Table 4-3 North Sydney DCP Noise Emission Limits Condition P3

Time of Day ¹	Rating Background Level (RBL) LA90, period dBA	Max 1 hour noise level LAeq, 1hr dBA
Day	55	60
Evening	51	56
Night	47 ²	47

Note 1: Day = 7am – 6pm; Evening = 6pm – 10pm, Night = 10pm – 7am

Note 2: 1 dB higher than Table 3-1 due to difference from taking night as 10pm-7am

The noise criteria derived from condition P1 represent the more stringent criteria of the requirements of the DCP, and therefore compliance with condition P1 achieves compliance with condition P3



5 ASSESSMENT OF OPERATIONAL NOISE

5.1 Noise Modelling Method

Modelling of patron noise emissions from the proposed site has been undertaken using the ISO 9613 noise prediction algorithm in the CadnaA modelling software. Modelling has been undertaken based on the following:

- The sound power level (SWL) of one person talking with a raised voice is L_{A10} 78 dBA, based on RWDI's experience;
- 1 in 2 people will be speaking at any given time;
- The spatially averaged sound pressure level (SPL) from background music within each restaurant tenancy is no greater than L_{A10} 73 dBA with spectrum as presented in Table 5-1.

Table 5-1 Music Noise Level within Venue - dB

Time of Day	Descriptor	Sound Power Level (Hz) dB									Total dBA
		31.5	63	125	250	500	1k	2k	4k	8k	
Any	$L_{A10, 15min}$	73	73	71	69	73	66	63	61	56	73

- Patron numbers in the indoor and outdoor dining areas, and opening hours as per section 2.2;
- Outdoor spaces are in use until midnight;
- All doors and windows are open from 7am until midnight. Outside of these hours, all doors and windows are closed except for ingress/egress; and
- No live amplified music.

Cumulative (all floors combined) patron and music noise emissions from the site during the proposed hours of operation (6am to 12am midnight) will be assessed against the noise criteria of the L&GNSW as discussed in section 4.1.

5.2 Predicted Noise Levels

5.2.1 Noise Emissions from Patron and Music Noise (City of Sydney)

The combined patron and music noise emissions from all venues will be assessed against the L&GNSW criteria. The result of the cumulative effect at the nearest residential receiver (S07) is shown in Table 5-2, which assumes that outdoor dining areas are in use at capacity, and all operable windows and doors are in the open position.

Exceedances to criteria from this use case, at any time of day, are indicated in red. No exceedances to criteria at any time are expected if all windows are closed. The following mitigation measures are recommended at the specified times to achieve compliance with the relevant criteria:

- 6am - 7am: No windows open on the first or second floor (results as per Table 5-3)
- 7am - 10pm: No mitigation required (results as per Table 5-2)
- 10pm-12am: All windows on eastern façade closed (results as per Table 5-4)

We note that the outdoor dining areas do not have a significant contribution to the operational noise impact at the most affected residential receiver. This is due to the considerable distance separation between the outdoor dining areas and the residences, and that the future Victoria Cross building (to the north of the site) will shield the residences from the outdoor dining areas.

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Table 5-2 Predicted Cumulative Patron and Music Noise Emissions, All Floors – (L&GNSW Criteria)

Location	Time Period ¹		Octave Band Levels dB									Complie s	
			31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz		Total dBA
Receiver S07 – 79-81 Berry St	Predicted Noise Level – dBL ₁₀		42	43	43	49	51	48	42	37	27	52	
	Criteria dBL ₁₀	Day	62	60	60	60	58	55	50	42	31	60	Yes
		Evening	58	56	56	56	54	51	46	38	27	56	Yes
		Early Night	55	53	53	53	51	48	43	35	24	53	No
		Night	48	47	46	46	44	42	36	29	17	46	No

Note 1: Day = 7am – 6pm; Evening = 6pm – 10pm; Early Night = 10pm – 12am, Night = 12am to 7am

Table 5-3 Predicted Cumulative Patron and Music Noise Emissions, All Floors, 6am-7am – (L&GNSW Criteria)

Location	Time Period ¹		Octave Band Levels dB									Complie s	
			31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz		Total dBA
Receiver S07 – 79-81 Berry St	Predicted Noise Level – dBL ₁₀		35	32	28	30	30	25	21	<20	<20	31	Yes
	Criteria	Night	48	47	46	46	44	42	36	29	17	46	

Note 1: Night = 12am to 7am

Table 5-4 Predicted Cumulative Patron and Music Noise Emissions, All Floors, 10pm-12am – (L&GNSW Criteria)

Location	Time Period ¹		Octave Band Levels dB									Complie s	
			31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz		Total dBA
Receiver S07 – 79-81 Berry St	Predicted Noise Level – dBL ₁₀		39	39	39	44	47	43	38	32	22	48	Yes
	Criteria	Early Night	55	53	53	53	51	48	43	35	24	53	

Note 1: Early Night = 10pm to 12am



5.2.2 Noise Emissions from Patron and Music Noise (North Sydney Council DCP)

In addition to compliance with L&GNSW criteria, the development must also comply with the North Sydney Council DCP. To convert from the L_{A10} descriptor required by the L&GNSW assessment, to the L_{Aeq} descriptor used by the DCP, a reduction of 3 dB has been applied, as outlined in Appendix A of the Association of Australasian Acoustical Consultants Licensed Premises Noise Assessment Technical Guideline Version 2.0. The predicted noise levels and compliance with DCP criteria is presented in Table 4-2. These levels assume the mitigation measures presented in section 5.2.1 have been applied.

Table 5-5 Cumulative Patron and Music Noise Emissions

Time Period		Predicted noise level ($L_{Aeq, 1h}$ dBA)	Criteria ($L_{Aeq, 1h}$ dBA)	Complies
Day	Time			
Weekday	6am – 7am	28	45	Yes
	7am – 6pm	49	60	Yes
	6pm – 10pm	49	50	Yes
	10pm – 6am	45	45	Yes
Weekend	6am – 7am	28	45	Yes
	7am – 8am	49	45	No
	8am – 7pm	49	60	Yes
	7pm – 10pm	49	50	Yes
	10pm – 6am	45	45	Yes

The development is compliant with the DCP at all times of day, except for 7am-8am on weekends, noting that this is based on the assumption of all areas of the cafe, restaurant and bar being at capacity, regardless of time of day. In order to comply with this time period on weekends only, the windows of Level 1 and Level 2 must remain closed, as per the 6am-7am period.

5.3 Operational Noise Recommendations

Based on the preliminary review of noise emissions from the development, the following recommendations are provided in order for the development to comply with the nominated noise emission requirements:

- Number of patrons should be limited to the following:
 - Ground Floor: Outdoors, 56 patrons (14 west, 42 north); Indoors 44 patrons;
 - First Floor: Indoor only, 100 patrons; and,
 - Second Floor: Indoor only, 200 patrons.
- Windows on the eastern facade should be closed after 10pm;
- All windows on Level 1 and 2 should be closed prior to 7am;
- The spatially averaged internal music noise levels within all spaces should be limited to the noise levels presented in Table 5-1;

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- Operation of all areas of the cafe, restaurant and bar is to be limited between 6am and 12am the following day; and,
- Signs should be displayed in the restaurants reminding patrons to minimise noise when departing the premises, especially after 10pm.



6 CONCLUSION

This report has presented a noise impact assessment to support the Development Application of the internal fit-out of a three-storey cafe, restaurant and bar, located at 1 Little Miller North Sydney.

Existing noise levels have been established by means of an environmental noise survey as presented in section 3. Due to the ongoing construction works surrounding the Victoria Cross precinct, noise monitoring was conducted over the 2023/2024 construction shutdown period. Cumulative noise impacts associated with the operation of all storeys of the proposed development have been assessed with reference to the L&GNSW as presented in section 5.2.

The results of the assessment indicate in-principle that noise emissions from the site can comply with the relevant noise emission requirements through the implementation of appropriate noise management controls as outlined in section 5.3.

Mechanical services will be supplied and installed as part of the base building construction, with no modifications occurring as part of this fitout.

These conclusions should be re-evaluated should there be any changes to the assumptions outlined in this report.

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7 STATEMENT OF LIMITATIONS

This report entitled 1 Little Miller Development Application Noise Impact Assessment was prepared by RWDI Australia Pty Ltd ("RWDI") for Etymon Projects ("Client"). The findings and conclusions presented in this report have been prepared for the Client and are specific to the project described herein ("Project"). The conclusions and recommendations contained in this report are based on the information available to RWDI when this report was prepared. Because the contents of this report may not reflect the final design of the Project or subsequent changes made after the date of this report, RWDI recommends that it be retained by Client during the final stages of the project to verify that the results and recommendations provided in this report have been correctly interpreted in the final design of the Project.

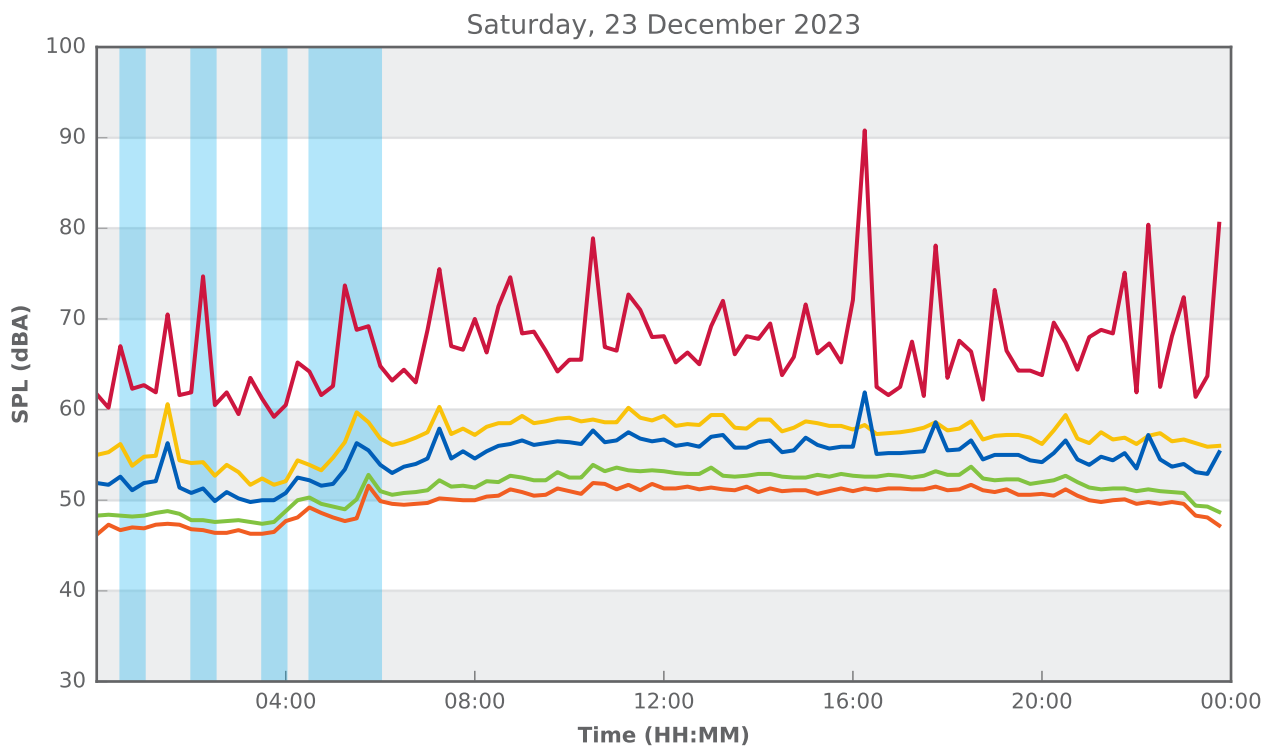
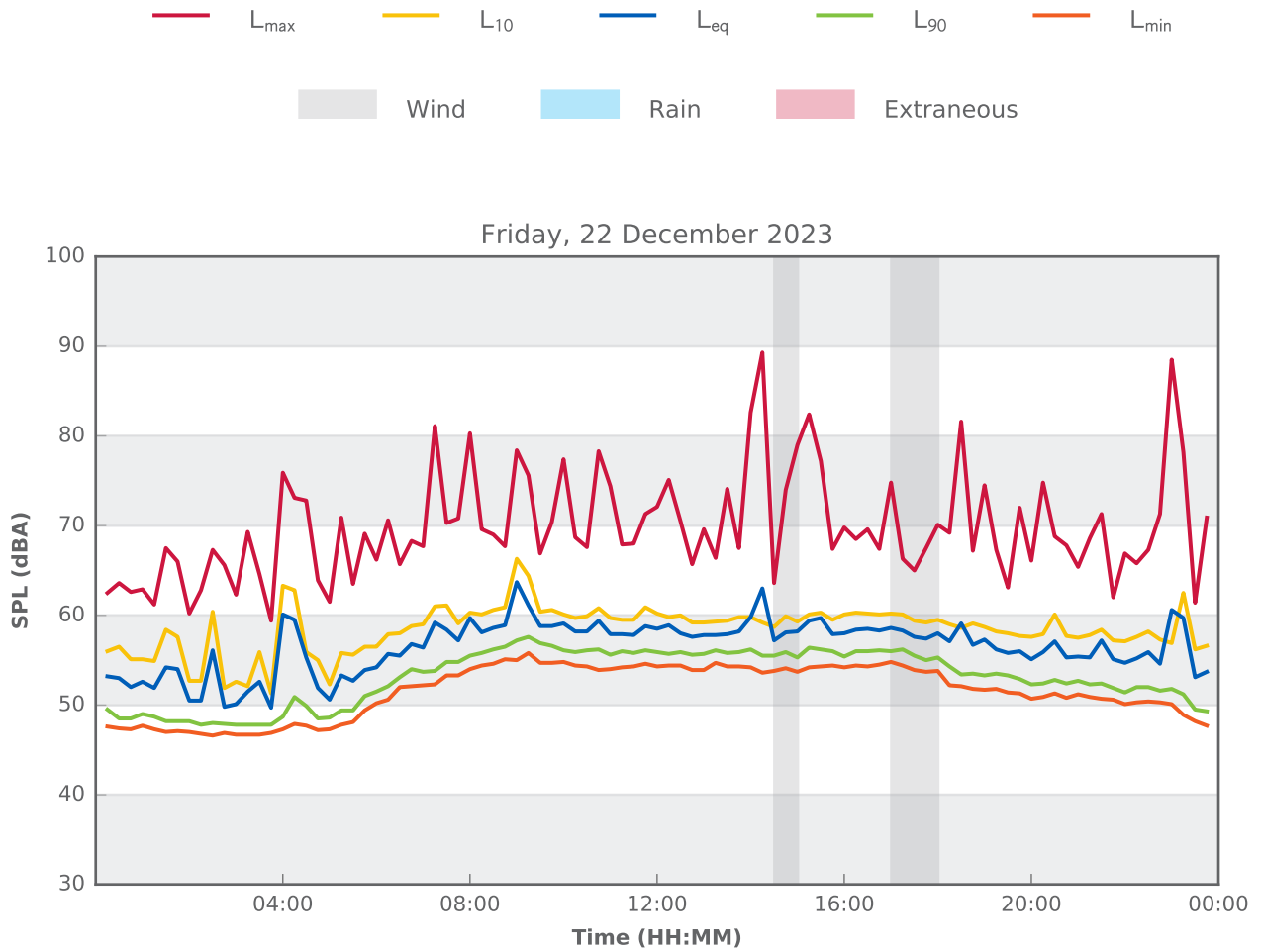
The conclusions and recommendations contained in this report have also been made for the specific purpose(s) set out herein. Should the Client or any other third party utilize the report and/or implement the conclusions and recommendations contained therein for any other purpose or project without the involvement of RWDI, the Client or such third party assumes any and all risk of any and all consequences arising from such use and RWDI accepts no responsibility for any liability, loss, or damage of any kind suffered by Client or any other third party arising therefrom.

Finally, it is imperative that the Client and/or any party relying on the conclusions and recommendations in this report carefully review the stated assumptions contained herein and to understand the different factors which may impact the conclusions and recommendations provided.

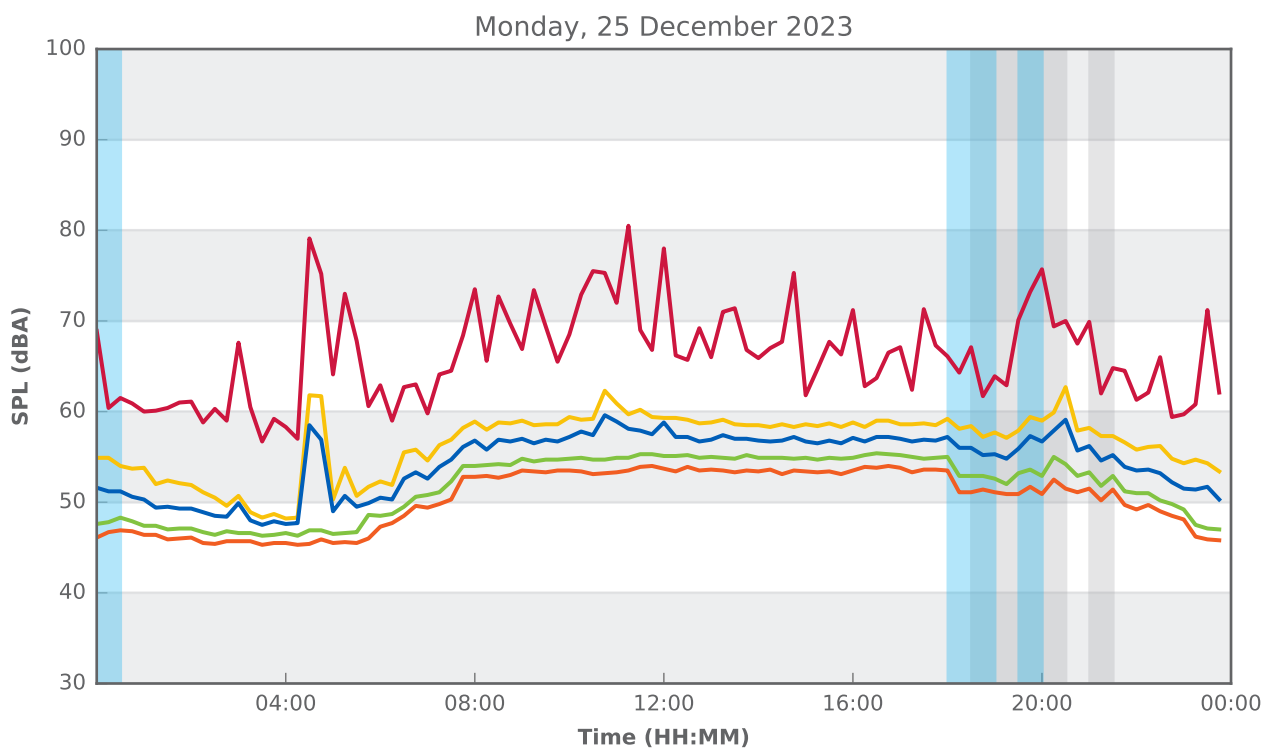
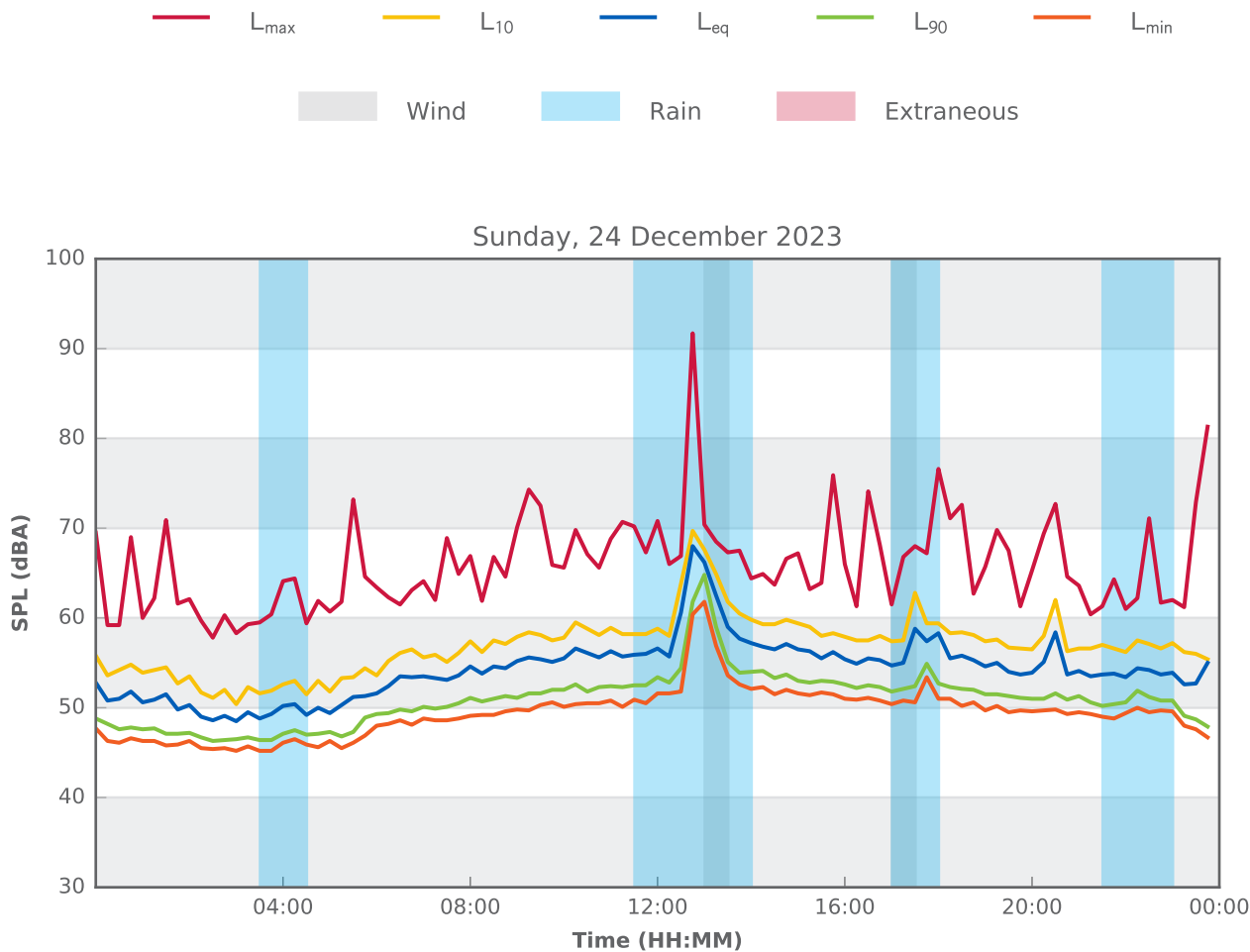
A decorative graphic on the left side of the page, featuring a blue triangle in the top-left corner and a large, light gray semi-circle that curves from the top-left towards the bottom-right. The text is centered within the gray area.

APPENDIX A
NOISE MONITORING DATA

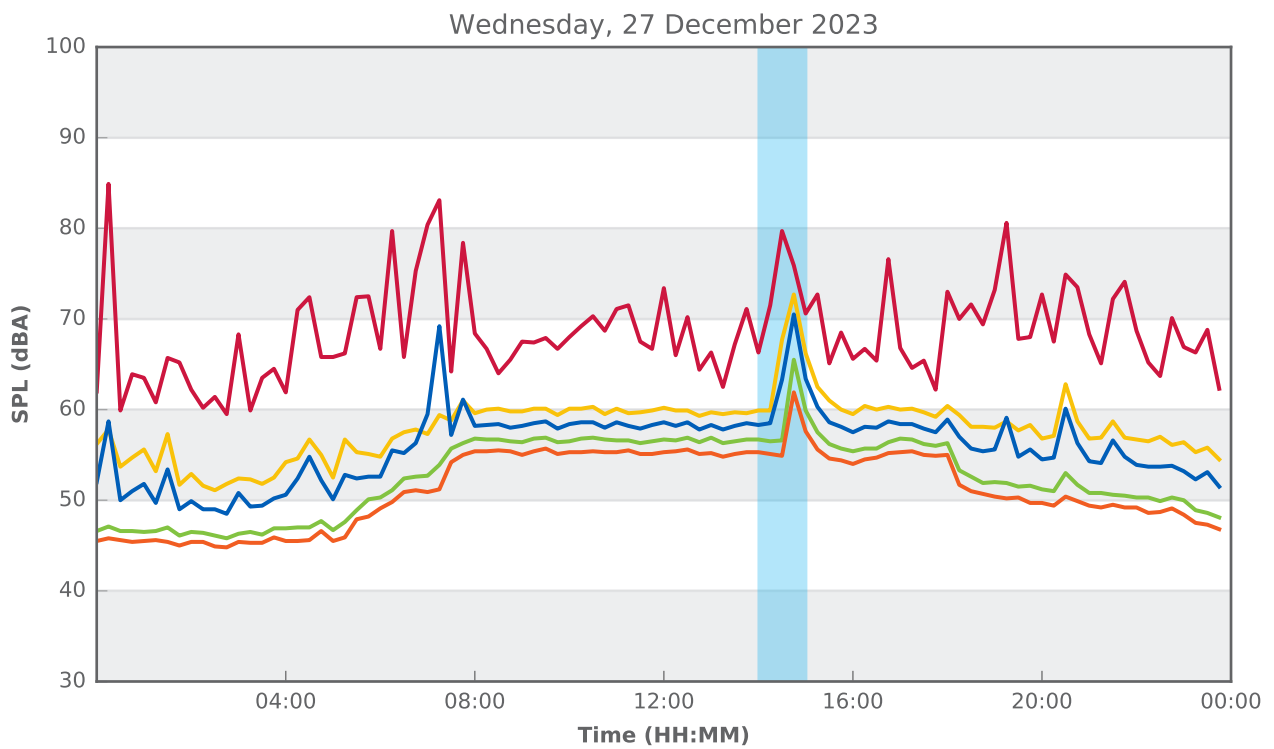
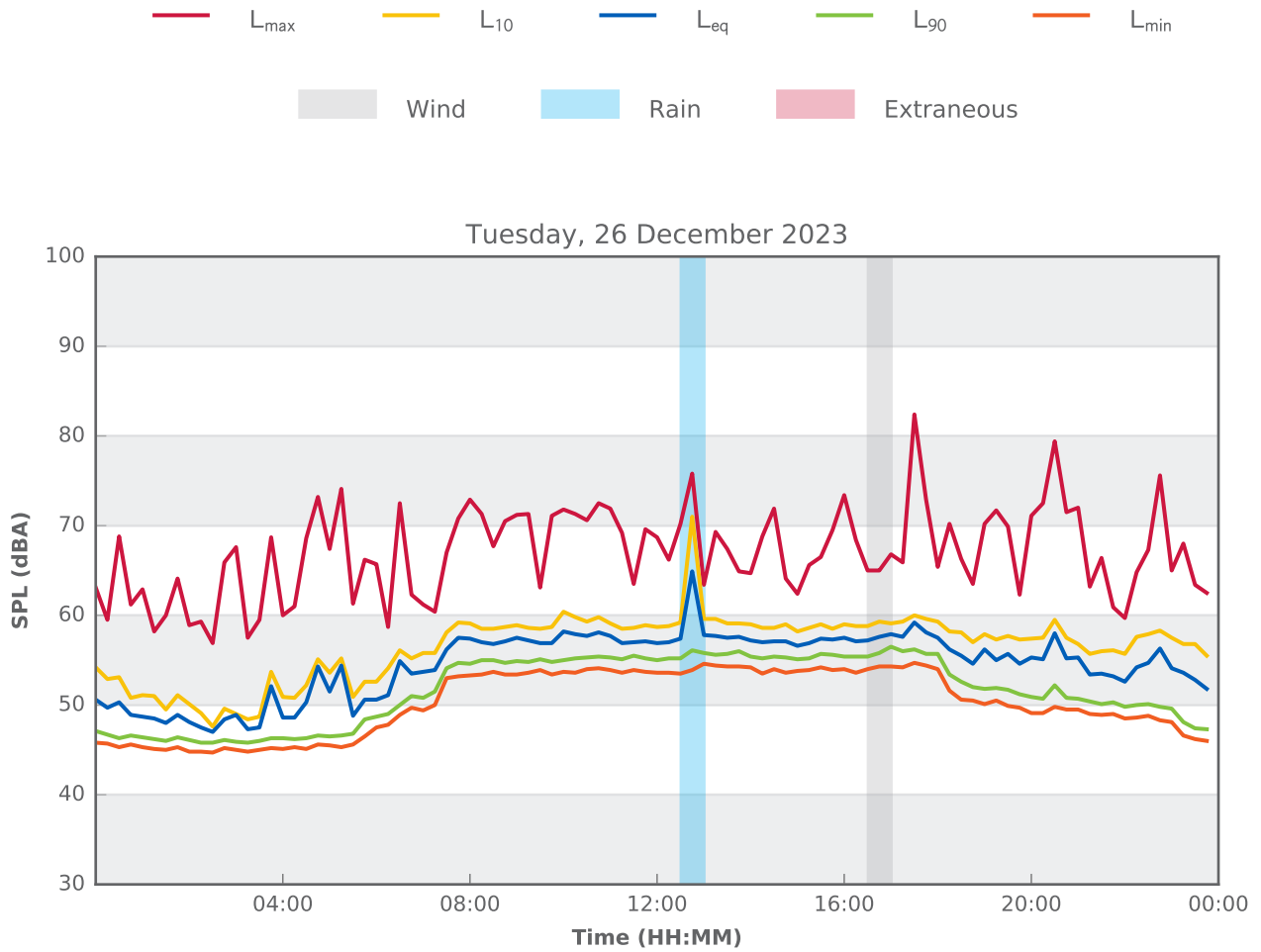
1 Denison St, North Sydney



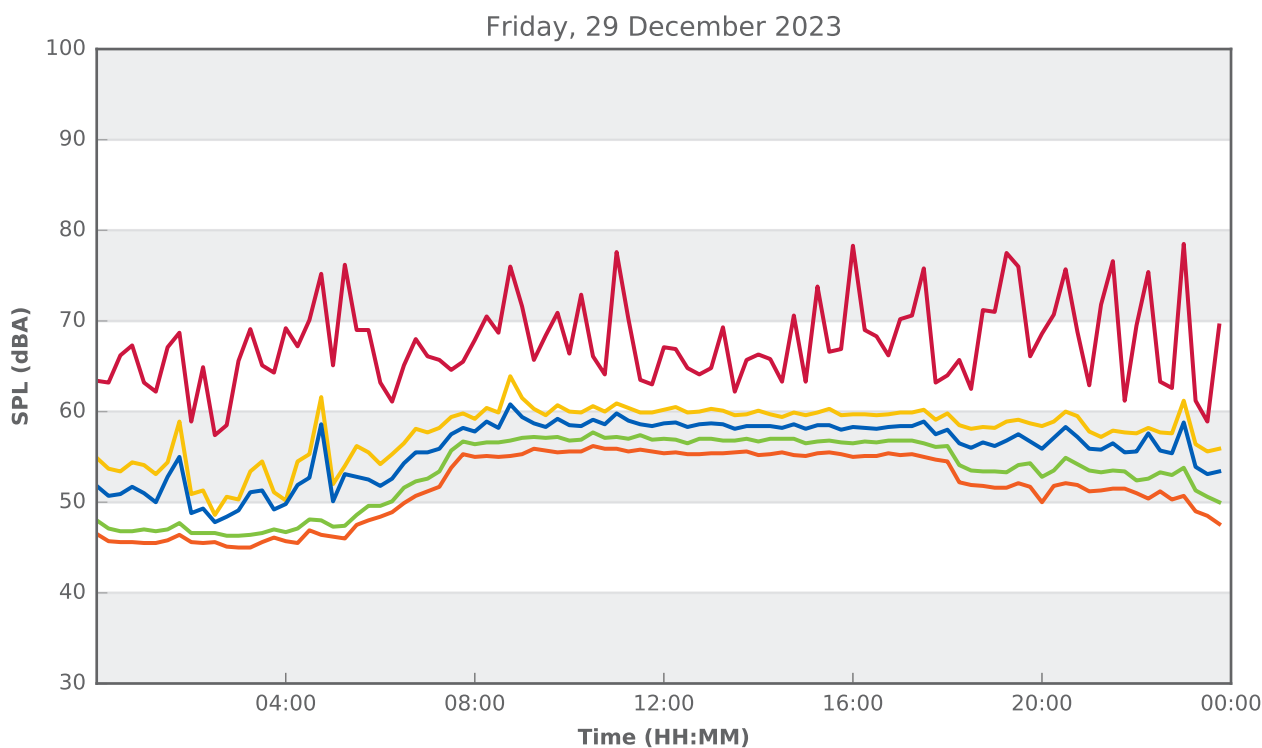
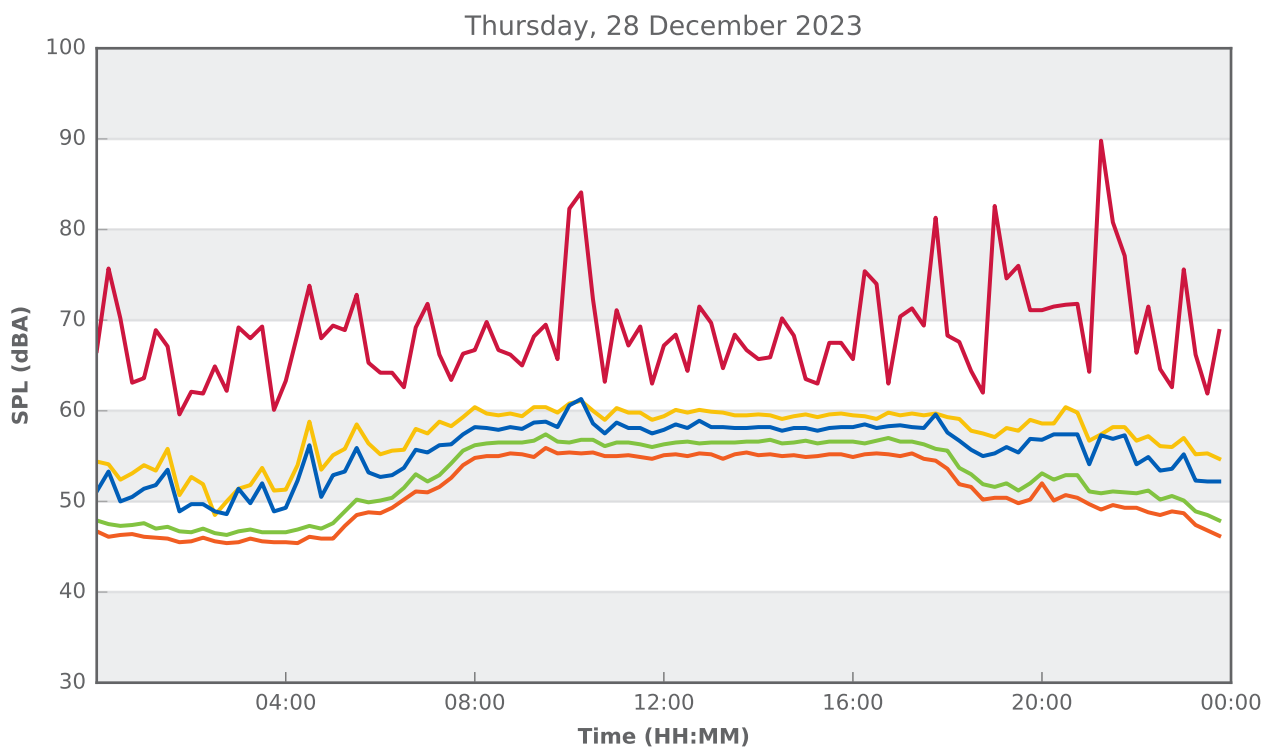
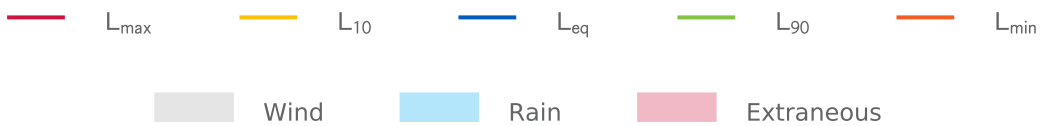
1 Denison St, North Sydney



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