



NSLPP MEETING HELD ON 05/03/2025

Attachments:

1. Architectural Plans
2. Plan of Management

ADDRESS/WARD: 4 Alfred Street South, Milsons Point

APPLICATION NO: DA 328/2024

PROPOSAL: Alterations and additions to existing restaurant premises including demolition of existing fit-out and replacement of existing glazing, extension to internal dining areas, installation of new flooring and replacement of balustrades with operating hours 12:00pm to Midnight Monday to Sunday consistent with previous operation.

PLANS REF:

Plan No.	Issue date/Rev	Description	Prepared by	Dated
A0001	A	Site Plan	BJB Architects Pty Ltd	22.10.2024
A1001	A	Existing Floor Plans		22.10.2024
A1011	A	Existing Sections		22.10.2024
A1021	A	Existing Elevations		22.10.2024
A1101	A	Demolition Plan		22.10.2024
A1111	A	Demolition Sections		22.10.2024
A1121	A	Demolition Elevations		22.10.2024
A1201	A	Proposed Floor Plans		22.10.2024
A1211	A	Proposed Sections		22.10.2024
A1221	A	Proposed Elevation		22.10.2024
A1222	A	Proposed Elevation		22.10.2024
A1231	A	Restaurant RCP		22.10.2024
A1301	A	Detailed Short Sections		22.10.2024
A1302	A	Detailed Long Section		22.10.2024
A1303	A	Stair Details		22.10.2024
A1304	A	Kitchen Layout and Food Compliance		22.10.2024

OWNER: North Sydney Council

APPLICANT: BJB Architects Pty Ltd

AUTHOR: Jeremy Swan, Consultant Town Planner

DATE OF REPORT: 16 February 2025

DATE LODGED: 13 November 2024

SUBMISSIONS Nil

RECOMMENDATION: Approval subject to conditions

EXECUTIVE SUMMARY

This development application seeks consent for alterations and additions to an existing restaurant premises including demolition of the existing fit-out and replacement of existing glazing, extension to internal dining areas, installation of new flooring and replacement of balustrades with operating hours 12:00pm to Midnight Monday to Sunday, consistent with previous operation, at 4 Alfred Street South, Milsons Point.

The application is reported to the North Sydney Local Planning Panel for determination as North Sydney Council is the owner of the land. In accordance with the Ministerial Directions, the application must be determined by the Local Planning Panel.

The subject application was notified to adjoining properties inviting comment between 5 December 2024 and 19 December 2024. There were no submissions received in response to the notification of the development application.

The subject site includes the North Sydney Olympic Pool, a heritage item of local significance pursuant to Schedule 5 of the North Sydney Local Environmental Plan 2013. The North Sydney Olympic Pool and the adjoining land to the north-east, is currently the subject of a redevelopment project which was approved by the Sydney North Planning Panel on 1 July 2020 (DA347/19), which granted consent for alterations and additions to the North Sydney Pool complex across the following land:

- Lot 100 DP 875048;
- Lot 101 DP 880236;
- Lot 102 DP 854064; and
- Lot 103 DP 1007291.

Figure 1 below identifies the above lots in relation to the development approved under DA347/19.

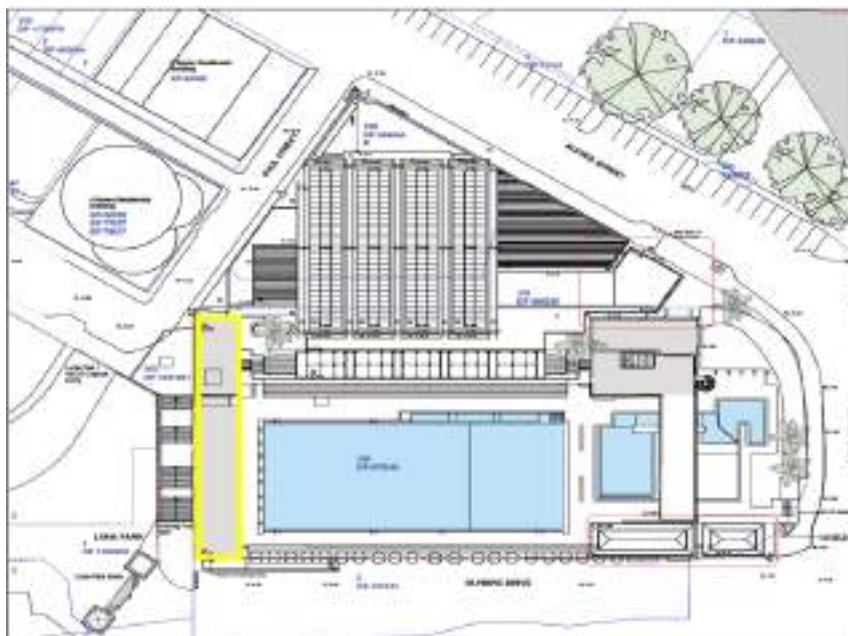
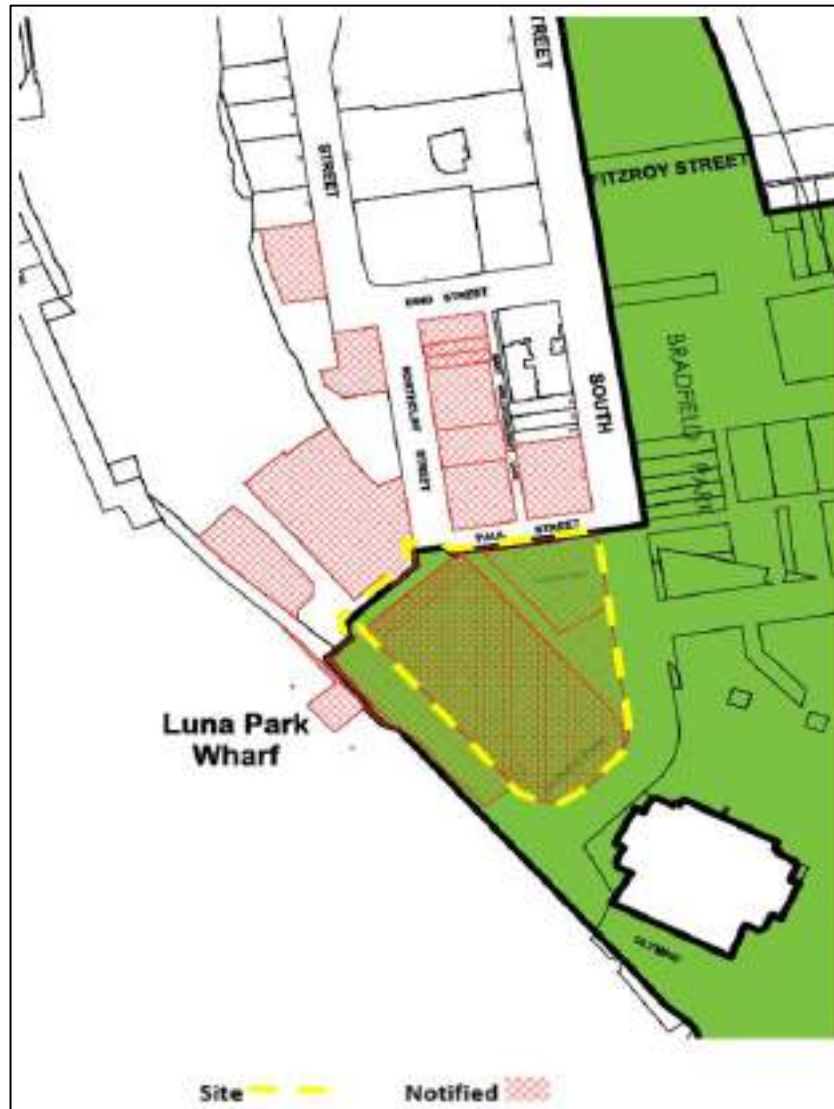


Figure 1: Extract of DA347/2019 Site Plan showing location of existing restaurant building the subject of this DA outlined yellow (Source: Brewster Hjorth Architects, 2020)

Whilst DA347/19 included works to the ground level of the existing building on Lot 100 DP 875048 (outlined yellow in **Figure 1**), it is acknowledged that no works were proposed or approved to the restaurant premises on Levels 1 and 2 of the building. These works are proposed under this current development application.

The development application has been assessed against relevant State Planning Policies, as well as Council policies including the North Sydney Local Environmental Plan 2013 (NSLEP 2013) and North Sydney Development Control Plan 2013 (NSDCP 2013). Following this assessment and having regard to the provisions of S4.15(1) of the *Environmental Planning & Assessment Act 1979*, it is recommended that the proposed development be approved, subject to conditions, for the reasons as set out in this report.

LOCATION MAP



DESCRIPTION OF PROPOSAL

Development consent is sought for alterations and additions to the existing restaurant premises on Levels 1 and 2 of the building located on the north-western side of the North Sydney Olympic Pool, specifically:

Demolition

Level 01

- Demolition of walls within the existing kitchen to facilitate a new kitchen layout and wine rooms;
- Demolition of walls, glazing and the counter within the existing restaurant area;
- Demolition of part of the north-western wall, for new access which forms part of the DA347/19 approved works;
- Demolition of the glazing, bistro blinds, handrail and walls of the existing terrace area; and
- Alteration of existing downpipe locations, to accommodate the new works.



Figure 2: Demolition Plan extract (Source: BJB Architects, 2024)

Level 02

- Demolish existing glazed entry; and
- Demolish part of an existing internal wall to create a new storage room opening.



Figure 3: Demolition Plan extract (Source: BJB Architects, 2024)

Construction

Level 01

- New kitchen fit-out including a cool room, walk-in freezer, 2 x wine rooms, storage room, shelving area, work benches and sinks and dishwasher;
- Extension of the dining area into the south-eastern terrace area;
- Fit-out of the restaurant area to incorporate a bar and lounge;

- Fit-out of the dining area;
- Raising of the floor level of the existing western terrace to match the existing restaurant level; to accommodate an extension of the dining area;
- Installation of new fascia to south-eastern elevation incorporating bi-fold windows.

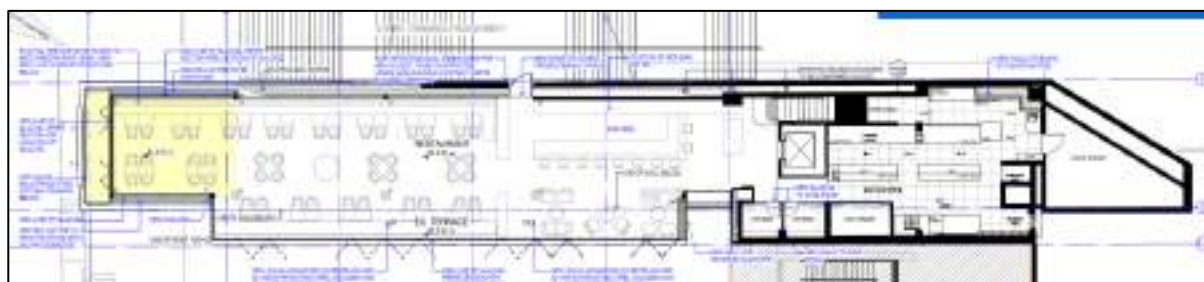


Figure 4: Works Plan extract (Source: BJB Architects, 2024)

Level 02

- Construction of a new entry door and wall;
- Construction of a new store room adjacent to the entry lobby;
- Installation of a new cupboard; and
- Update to internal finishes.

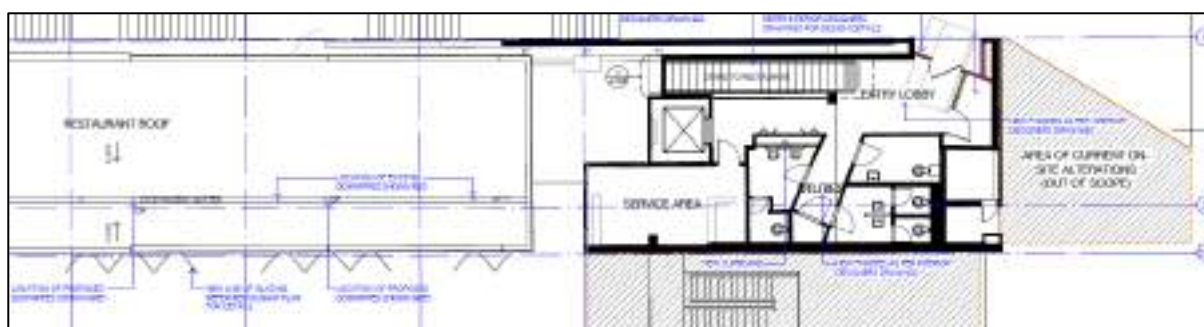


Figure 5: Works Plan extract (Source: BJB Architects, 2024)

The restaurant will cater to a maximum of 92 patrons and will have ten (10) staff working at any one time.

No change is proposed to the hours of operation for the restaurant as approved under DA347/19, which are 12pm to 12.00am, Monday to Sunday.

STATUTORY CONTROLS

- North Sydney LEP 2013
 - Zoning – RE1 Public Recreation
 - Maximum Building Height – Not Applicable
 - Floor Space Ratio – Not Applicable
 - Foreshore Building Line – No
 - Item of Heritage – Yes I10537
 - In Vicinity of Items of Heritage – Items: I0536, I10538, I10540 & I0541
- SEPP (Biodiversity and Conservation) 2021
 - Chapter 6 – Water Catchment

- SEPP (Resilience and Hazards) 2021
 - Chapter 2 – Coastal Management
 - Chapter 4 – Remediation of Land

POLICY CONTROLS

- North Sydney DCP 2013
- Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005
- North Sydney Local Infrastructure Contributions Plan 2020

DESCRIPTION OF SITE & LOCALITY

The subject site is known as 4 Alfred Street South, Milsons Point and is legally identified as Lot 100 DP 875048, Lot 101 DP 880236, Lot 102 DP 854064 and Lot 103 DP 1007291 and has a total area of 7,099m² (excluding the pedestrian ramp on Olympic Drive).

The site has a frontage of 109.84m to Alfred Street South to the north-east, a corner boundary to Alfred Street South / Olympic Drive of 25.92m, a frontage of 84.815m to Olympic Drive to the southwest and a frontage of 69.885m to Paul Street to the north-west. The site shares an irregular boundary of 45.7m with Luna Park to the west.

The subject site includes the North Sydney Olympic Pool, a heritage item of local significance pursuant to Schedule 5 of the North Sydney Local Environmental Plan 2013.

The works the subject of this development application specifically relate to the existing building on Lot 100 DP 875048. The works are proposed across Levels 1 and 2 of the building. The ground floor of the building is currently subject to refurbishment works approved under DA347/19 and relates to the North Sydney Pool.

The area of the site that the building and proposed works are located on is classified as “operational land” under the *Local Government Act 1993*.

An aerial map of the site is provided in **Figure 6** below, which highlights the building the subject of this development application yellow:



Figure 6: Aerial Map with the site outlined in red and area of the site subject to the proposal outlined yellow (Source: NearMap, 2025)

RELEVANT HISTORY

Previous Applications

Date	Action
1 July 2020	Sydney North Planning Panel granted consent to DA347/19 for alterations and additions to the North Sydney Pool at 4 Alfred Street South, Milsons Point.

Current Application

Date	Action
13 November 2024	DA328/2024 was lodged seeking consent for alterations and additions to an existing restaurant premises including demolition of the existing fit-out and replacement of existing glazing, extension to internal dining areas, installation of new flooring and replacement of balustrades with operating hours 12:00pm to Midnight Monday to Sunday, consistent with previous operation, at 4 Alfred Street South, Milsons Point
5 December 2024 – 19 December 2024	The application was notified in accordance with Council’s Community Engagement Protocol. No submissions were received during the notification period.
21 January 2025	A 14-day request for additional information letter was issued to the Applicant requesting additional information to address the following matters raised by Council’s Heritage Officer:

	<ul style="list-style-type: none">• The assessment of significance of the Aqua Dining glazed structure; and• The impact of the works on Sydney Opera House Buffer Zone.
31 January 2025	The Applicant submitted an Addendum Heritage Impact Statement that addresses the matters raised in Council's request for additional information letter.

SUBMISSIONS

The Application was notified in accordance with Council's Community Engagement Protocol and no submissions were received.

REFERRALS

INTERNAL REFERRALS

BUILDING

The application has been referred to Council's Building Surveyor who provided the following comments:

Both the BCA Assessment Report and Access Report confirm that compliance with the BCA can be achieved either through Deemed-to-Satisfy provisions, Performance Solutions or a combination of both. Based on the provided information, there is no evidence to suggest otherwise. However, it is noted that compliance confirmation is ultimately the responsibility of the Registered Building Surveyor during the construction certificate assessment.

ENGINEERING

The application has been referred to Council's Development Engineer who provided the following comments:

The application has been assessed and it is recommended that conditions be included in the Development Consent.

HEALTH

The application has been referred to Council's Health Officer who provided the following comments:

Conditions are recommended to ensure appropriate management of food shops, noise from plant and machinery, site contamination and other operational noise.

HERITAGE

The application has been referred to Council's Heritage Officer who advised that the development is satisfactory from a heritage perspective.

EXTERNAL REFERRALS

No external referrals were required.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

SEPP Biodiversity and Conservation 2021

Chapter 6 – Water Catchments

Section 6.3 of this SEPP applies to land mapped as Foreshores and Waterways. The site is within the mapped Foreshores and Waterways Area. The proposed development would not adversely affect the quantity or quality of water entering Sydney Harbour; the application satisfies the requirements of the Policy.

SEPP Resilience and Hazards 2021

Chapter 2 – Coastal Management

The provisions of Chapter 2 to SEPP (Resilience and Hazards) 2021 applies to Coastal Management and aims for:

- managing development in the coastal zone and protecting environmental assets;
- providing a framework to guide land use decisions; and
- mapping coastal management areas.

The proposed alterations and additions are minor in nature and would not have any impact on the existing access to and along the foreshore or views to the foreshore. The development will not adversely impact the visual amenity and scenic qualities for the coast, Aboriginal cultural heritage or cultural and built environment heritage.

Chapter 4 – Remediation of Land

A Detailed Site Investigation was undertaken for the subject site and was considered as part of DA347/19, which determined that the site is not precluded from its ongoing use as a recreational swimming pool facility. On this basis, no further contamination investigation is warranted and the site is considered suitable for the proposed development.

NORTH SYDNEY LOCAL ENVIRONMENT PLAN 2013

1. Permissibility

The proposed works comprise alterations and additions to an existing restaurant. Development for the purpose of ‘restaurants or cafes’ is permissible with consent in the RE1 Public Recreation land use zone that applies to the site.

2. Objectives of the zone

The objectives for the RE1 zone are stated below:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To ensure sufficient public recreation areas are available for the benefit and use of residents of, and visitors to, North Sydney.*

The proposed works would enhance the existing restaurant premises on the site for the benefit of residents and visitors to North Sydney. The restaurant is located within the North Sydney Pool redevelopment site and its rejuvenation aligns with and compliments the overall redevelopment of the site as approved under DA347/19. The alterations and additions are limited to the existing building and do not have the potential to impact the existing natural environment.

Principal development standards

Principal Development Standards – North Sydney Local Environmental Plan 2013				
	Approved	Proposed	Control	Complies
Clause 5.10 – Heritage Conservation	-	-	<p>The site includes a heritage item of local significance - I10537 (North Sydney Pool) and is in the vicinity of the following items:</p> <ul style="list-style-type: none"> • I0536 (Luna Park) – State significance; • I10583 (Bradfield Park) – Local significance; • I10540 (Seawall and wharf site) – Local significance; and I0541 (Sydney Harbour Bridge north pylons – Local significance. <p>The site is also in the Buffer Zone of the World Heritage Listed Sydney Opera House.</p>	<p>The application is accompanied by a Heritage Impact Statement and subsequent Addendum Heritage Impact Statement (provided to address the comments of Council’s Heritage Officer in relation to acknowledging the fact that the site is within the Buffer Zone of the World Heritage Listed Opera House).</p> <p>The heritage studies undertaken relevantly provide that the proposed works are acceptable from a heritage perspective and will have no impact on the heritage significance of the locally listed North Sydney Olympic Pool nor the Buffer Zone of the World Heritage Listed Sydney Opera House.</p> <p>The works do not impact heritage fabric are largely in keeping with and similar to the existing contemporary structure.</p>

Principal Development Standards – North Sydney Local Environmental Plan 2013				
	Approved	Proposed	Control	Complies
				These documents have been reviewed by Council and are considered to satisfactorily address the heritage impacts of the proposal.
6.7 Development in Zone RE1 or Zone RE2	-	-	<p>(2) Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following—</p> <p>(a) the need for the proposed development on the land,</p> <p>(b) whether the proposed development is likely to have a detrimental impact on the existing or likely future use of the land,</p> <p>(c) whether the height and bulk of any proposed building or structure has regard to the existing vegetation and topography,</p> <p>(d) whether the proposed development will adversely impact on bushland and remnant bushland,</p> <p>(e) whether the proposed development will adversely impact on stormwater flow,</p> <p>(f) in the case of land in Zone RE1 Public Recreation, whether the proposed development will significantly diminish public access to, and use of, that public recreation area.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the proposed development is consistent with the objectives of the zone of any adjacent land, and</p> <p>(b) the proposed development is not likely to result in any adverse impacts on development that is permissible on any adjacent land.</p>	<p>The proposed alterations and additions will enhance the appearance and operation of an existing restaurant premises and would not detrimentally impact the existing or likely future use of the land. The proposed works align with the overall redevelopment of the site as approved under DA347/19. The works are predominantly internal and do not alter the existing height and bulk of the building and would not alter the topography or any existing vegetation. The proposed works will not impact any existing public access to and use of the public recreation area.</p> <p>The adjoining land to the east, south and west of the site is also zoned RE1. The proposed works are limited to the existing building on the site and would not be inconsistent with the objectives of the adjoining SP2 Luna Park and MU1 zoned land to the north and north-west. The proposed works will not generate any adverse impacts on development that is permissible in the adjoining SP2 Luna Park or MU1 land use zones.</p>

Principal Development Standards – North Sydney Local Environmental Plan 2013				
	Approved	Proposed	Control	Complies
2.5 & Schedule 1 - Use of certain land at 4 Alfred Street South, Milsons Point	-	-	Development for the purpose of a recreation facility (indoor), a restaurant or café and a function centre is permitted with development consent on land at North Sydney Pool, 4 Alfred Street South, Milsons Point.	The proposed alterations and additions to an existing restaurant, noting that development for the purpose of ‘restaurants and cafes’ is permissible with consent in the RE1 land use zone.

NORTH SYDNEY DEVELOPMENT CONTROL PLAN 2013

The proposed modifications have been assessment under the following relevant headings within the NSDCP 2013:

Control	Complies	Comments
Part B Section 7 - Late Night Trading Hours		
7.3 Trading Hours		
7.3.1 Trading Hours	Yes	No change is proposed to trading hours approved for the restaurant under DA347/19. The accompanying Plan of Management states that staff may be required to attend the premises between 7:00am and 12:00pm (Monday-Sunday) for the purpose of food preparation and cleaning. This has been addressed through a condition of consent.
7.3.3 Acoustic Impacts	Yes	The development application is accompanied by an Acoustic Report which has been reviewed by Council’s Health Officer who has recommended conditions of consent to manage noise from plant and machinery and other operational noise.
7.4 Premises Management Checklists and Plans of Management		
7.4.2 Plan of Management	Yes	The development application is accompanied by an Operational Plan of Management (“Aqua Dining”) which addresses how the operational aspects of the development are to be managed.
Part B Section 10 – Car Parking and Transport		
10.4 Loading and Servicing Facilities	Yes	Council’s Development Engineer and Health Officer have reviewed the proposal and recommended a condition of consent to manage loading and servicing arrangements and delivery hours.

Control	Complies	Comments
Part B Section 11 – Construction Management		
1.5 Quality Urban Environment		
11.2 Operating Hours, Noise and Vibration	Yes	Recommended standard conditions of consent prior to the commencement of works and during works have been imposed to manage construction impacts.
11.3 Public Safety, Amenity and Site Security		
11.4 Air and Dust Management		
11.5 Erosion and Sediment Control		
11.6 Waste Management		
11.7 Traffic Management		
11.8 Community Information		
Part B Section 12 - Access		
12.2.3 Building Code of Australia (BCA)	Yes	<p>The development application is accompanied by a BCA Assessment Report and an Access Report, both of which have been reviewed by Council’s Building Surveyor who has advised that compliance with the BCA can be achieved either through Deemed-to-Satisfy provisions, Performance Solutions or a combination of both.</p> <p>A standard condition of consent requiring compliance with the BCA has been recommended.</p>
Part B Section 13 – Heritage Conservation		
13.4 Development in the Vicinity of Heritage Items	Yes	<p>The application is accompanied by a Heritage Impact Statement and subsequent Addendum Heritage Impact Statement which has considered the impact of the development on heritage items in the vicinity of the site.</p> <p>These documents have been reviewed by Council and are considered to satisfactorily address the heritage impacts of the proposal.</p>
13.5 Heritage Items	Yes	<p>The application is accompanied by a Heritage Impact Statement and subsequent Addendum Heritage Impact Statement (provided to address the comments of Council’s Heritage Officer in relation to acknowledging the fact that the site is within the Buffer Zone of the World Heritage Listed Opera House).</p> <p>The heritage studies undertaken relevantly provide that the proposed works are acceptable from a heritage perspective and will have no impact on the heritage significance of the locally listed North Sydney Olympic Pool nor the Buffer Zone of the World Heritage Listed Sydney Opera House.</p> <p>The works do not impact heritage fabric are largely in keeping with and similar to the existing contemporary structure.</p>

Control	Complies	Comments
		These documents have been reviewed by Council and are considered to satisfactorily address the heritage impacts of the proposal.
Part B Section 18 Stormwater Management		
18.2 Requirements	Yes	The development application is accompanied by a Stormwater Concept Plan which demonstrates that the new works are to be connected to the existing stormwater disposal system. Council's Development Engineer has reviewed and provided recommended conditions of consent.
Part B Section 19 Waste Minimisation & Management		
19.4 Waste Facilities and Management	Yes	Council's Health Officer has provided recommended conditions of consent to address waste management during the operational phase of the development.
Part B Section 20 – Public Infrastructure		
20.2.2 Permits and Approvals	Yes	Council's Development Engineering has provided recommended conditions of consent.
20.2.7 Dilapidation Report		
20.2.8 Engineering Assessment Process		

Part C – Section 9 – Lavender Bay Planning Area of the NSDCP 2013

The subject site is located within the Milsons Point Town Centre of the Lavender Bay Planning Area and the North Sydney Pool is identified as an icon. The land uses within the centre are identified as comprising predominantly mixed use commercial and residential development, passive and active recreational spaces and major road and railway infrastructure. The natural features comprise an interface with Sydney Harbour, with district views from streets and reserves to Sydney Harbour and beyond. The desired future character relevantly includes the protection and retention of existing heritage items and the provision of a balance between the working and resident populations of the town centre, to ensure an active environment throughout the day.

The development comprises alterations and additions to the existing restaurant premises to enhance the dining experience of residents, workers and visitors who will visit the site. The proposed amendments to the building include enclosing the existing outdoor terrace areas with glazed bi-fold windows which will provide weather protection whilst also capitalising on the views across the Harbour. The rejuvenation of the existing restaurant and its continued operation aligns with and compliments the overall redevelopment of the site as approved under DA347/19. The proposed works do not impact heritage fabric are largely in keeping with and similar to the existing contemporary structure. The development has been designed to respect the heritage listed North Sydney Pool and surrounding heritage items in proximity to the site and is consistent with the relevant heritage conservation policies of the Sydney Opera House Conservation Management Plan; acknowledging the site's location in the Buffer Zone of the World Heritage Listed Sydney Opera House.

SYDNEY HARBOUR FORESHORES AND WATERWAYS AREA DEVELOPMENT CONTROL PLAN 2005

The site is identified on the maps accompanying this DCP as comprising "urban development with scattered trees" and "grassland". These areas are identified in this DCP as having low ecological conservation status.

This DCP identifies the site as being within Landscape Character Type 8, being areas that have a high level of built form. The performance criteria for this Landscape Character Type are generally not relevant to the development that is proposed, given the unique nature of the site and the fact that the development comprises minor alterations and additions to an existing building. Notwithstanding, the proposal is not inconsistent with that performance criteria in that the development will not impact existing vegetation and natural features of the foreshore and that it will not impact the maritime uses on the Harbour.

The proposal is considered to be consistent with the Design Guidelines for Land-Based Developments in Part 5 of this DCP, acknowledging that the proposal is for alterations and additions to an existing building. Foreshore access is maintained and the improvements to the built form through the development application process ensure that the development is sympathetic to its surroundings. This DCP contains no design guidelines that are specifically relevant to the proposed development, but the proposal is considered to be consistent with the general design guidelines to the extent that they are relevant.

LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN

The development is exempt from paying a contribution under the North Sydney Local Infrastructure Contributions Plan 2020, as the development proposed by or on behalf of the Council.

ENVIRONMENTAL APPRAISAL

CONSIDERED

1.	Statutory Controls	Yes
2.	Policy Controls	Yes
3.	Design in relation to existing building and environment	Yes
4.	Landscaping/Open Space Provision	N/A
5.	Traffic generation and Carparking provision	N/A
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 s. 4.15 (1) considerations of <i>Environmental Planning and Assessment Act 1979</i>	Yes

PUBLIC INTEREST

The proposal is in the public interest for the reasons stated throughout this report. The proposed refurbishment of the existing restaurant will deliver an enhanced restaurant experience for patrons that will align with the current redevelopment works being undertaken to the North Sydney Olympic Pool.

SUITABILITY OF THE SITE

For the same reason as above, the site is suitable for the modified proposal.

CONCLUSION & REASONS

The proposal was considered under the relevant Environmental Planning Instruments and policies including NSLEP 2013 and NSDCP 2013. The development as proposed is supportable.

Having regard to the provisions of section 4.15(1) of the *Environmental Planning and Assessment Act 1979*, the development as proposed is recommended for **approval**, subject to conditions.

RECOMMENDATION

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

THAT the North Sydney Planning Panel exercising the functions of Council as the consent authority grant consent to Development Application No. 328/2024 for alterations and additions to an existing restaurant premises including demolition of the existing fit-out and replacement of existing glazing, extension to internal dining areas, installation of new flooring and replacement of balustrades with operating hours 12:00pm to Midnight Monday to Sunday, consistent with previous operation, at 4 Alfred Street South, Milsons Point.

Jeremy Swan
CONSULTANT TOWN PLANNER

Manager's note: This report has been reviewed for quality and completeness only. The content and recommendation is materially unchanged from that of the Independent Assessment Officer.

NORTH SYDNEY COUNCIL
CONDITIONS OF DEVELOPMENT APPROVAL
4 ALFRED STREET SOUTH, MILSONS POINT
DEVELOPMENT APPLICATION NO. 328/24

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 No.	Issue date/Rev	Description	Prepared by	Dated
A0001	A	Site Plan	BJB Architects Pty Ltd	22.10.2024
A1101	A	Demolition Plan		22.10.2024
A1111	A	Demolition Sections		22.10.2024
A1121	A	Demolition Elevations		22.10.2024
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A1303	A	Stair Details		22.10.2024
A1304	A	Kitchen Layout and Food Compliance		22.10.2024
H-201	2	Drainage Level 01		urbancore
H-202	2	Drainage Level 02	urbancore	17/10/23
H-600	2	Drainage Sections	urbancore	17/10/23
-	-	Operational Plan of Management ("Aqua Dining")	BMA Urban	November 2023

(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 always kept on site at all times so as to be readily available for perusal by an officer of Council or the Principal Certifier.

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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)

No Demolition of Extra Fabric

A3. Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans.

(Reason: To ensure compliance with the approved development)

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)

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Structural Adequacy of Existing Building

- C2. 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)

Work Zone

- C3. 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. Works 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 Works 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)

Maintain Property Boundary Alignment Levels

- C4. Except where otherwise approved by Council, the property boundary alignment levels must match the levels which existed prior to the commencement of works. Plans and specifications which document existing and proposed levels adjacent to the site boundaries and which comply with the requirements of this condition must be submitted to the Principal Certifier for approval prior to the issue of any Construction Certificate.

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DEVELOPMENT APPLICATION NO. 328/24**

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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.

(Reason: To ensure interface between property and public land remains uniform)

Stormwater Disposal

- C5. Stormwater runoff generated by the approved development must be conveyed by gravity to the existing site stormwater drainage disposal system. A licensed tradesman shall install plumbing components to achieve this requirement in accordance with the NCC and current plumbing standards and guidelines. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any 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.

(Reason: To ensure appropriate provision for disposal and stormwater management arising from the development)

Food Preparation Areas - Plan

- C6. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:

- a) *the Food Act 2003*;
- b) *the Food Regulation*;
- c) Australian Standard 4674-2004;
- d) Council's Food Premises – Design, Construction & Fitout Guide;
- e) Sydney Water Corporation - Trade Waste Section;
- f) *the Protection of the Environment Operations Act 1997* and associated Regulations.

Plans and specifications which comply with this condition must be submitted to the Certifier for approval prior to the issue of the relevant Construction Certificate.

The Construction Certificate plans and documentation must incorporate details of the following:

- a) construction, materials and finishes;
- b) installation of fixtures, fittings and equipment;
- c) washing facilities, other facilities and special requirements;
- d) mechanical ventilation and exhaust discharges; and
- e) temperature control

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The 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.

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

Garbage and Recycling Facilities

C7. Adequate provision must be made for the storage of waste and recyclable material generated by the premises. Plans and specifications which comply with this condition must be submitted to the Certifier for approval prior to the issue of the relevant Construction Certificate.

(Reason: To ensure the provision of appropriate waste facilities and to ensure efficient collection of waste by collection contractors)

Noise from Plant and Equipment

C8. 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 **Fact Sheet C** of the *NSW Environment Protection Authority Noise Policy for Industry 2017* shall be applied.

(b) Cause "offensive noise" as defined in the *Protection of the Environment Operations Act 1997*.

"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, elevated window or balcony of a multi-storey 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)

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Mechanical Exhaust Ventilation

- C9. A statement from an appropriately qualified and practising Mechanical Engineer is required detailing how the exhaust ventilation system will be installed in accordance with AS1668.

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

Reflectivity Glazing

- C10. The glazing for windows, walls or roof finishes of the approved development must be factory pre-finished with low glare and reflectivity properties. Plans and specifications which comply with this condition must be submitted to the Principal Certifier for approval prior to the issue of any 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.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement.

(Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development)

D. Prior to the Commencement of any Works (and continuing where indicated)**Public Liability Insurance - Works on Public Land**

- D1. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent. The Policy is to note and provide protection/full indemnification for North Sydney Council, as an interested party. A copy of the Policy must be submitted to Council prior to commencement of any works. The Policy must be valid for the entire period that the works are being undertaken.

Note: Applications for hoarding permits, vehicular crossings, etc., will require evidence of insurance upon lodgement of the application.

(Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land)

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Sydney Water Approvals

- D2. Prior to the commencement of any works, the approved plans must be submitted to Sydney Water to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The Principal Certifier must ensure that Sydney Water has appropriately stamped the plans before the commencement of building works.

Notes:

- **Sydney Water Building Plan Approvals** can be obtained from the Sydney Water Tap in™ online service. Building plans must be submitted to the Tap in™ to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. For further information visit <http://www.sydneywater.com.au/tapin/index.htm> or call 13 000 TAP IN (1300 082 746) for further information.

(Reason: To ensure compliance with Sydney Water requirements)

Commencement of Works' Notice

- D3. Building work, demolition or excavation in accordance with this development consent must not be commenced until the developer has given at least 2 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)

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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)

Temporary Disposal of Stormwater Runoff

- E3. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to reasonably manage and control runoff as far as the approved point of stormwater discharge. Such ongoing measures must be to the satisfaction of the Principal Certifier.

(Reason: Stormwater control during construction)

Council Inspection of Public Infrastructure Works

- E4. 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, footpaths.

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)

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No Work on Public Open Space

- E5. No work can be undertaken within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the developer is to liaise with the Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

Applicants Cost of work on Council Property

- E6. The applicant 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

- E7. 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.

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.

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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.

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

- E8. 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)

Installation and Maintenance of Sediment Control

- E9. Erosion and sediment controls must be installed and maintained at all times in accordance with the Sediment and erosion control plan submitted and approved with the Construction Certificate.

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Erosion and sediment measures must be maintained in accordance with the publication *Managing Urban Stormwater: Soils and Construction* (4th Edition, Landcom, 2004), commonly referred to as the "Blue Book" and can only be removed when development activities have been completed and the site fully stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Sediment and Erosion Control Signage

E10. A durable sign must be erected during building works in a prominent location on site, warning of penalties should appropriate erosion and sedimentation control devices not be maintained. A sign of the type referred to in this condition is available from Council.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Prohibition on Use of Pavements

E11. 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)

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)

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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)

Excavation/Demolition

- F7. Excavation and demolition shall be carried out as follows:

- 1) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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- 2) All excavation associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- 3) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures. The report must detail the condition and health of the nominated tree(s) upon completion of the works and shall certify that the tree(s) has/have not been significantly damaged during the works on the site and has/have reasonable prospects for survival.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

Protection of Public Places

- F8.
- 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)

Maximum Capacity Site Sign

- F9. A sign must be displayed in a prominent position in the building stating the maximum number of persons – 92 persons (excluding staff), that are permitted in the building.

(Reason: Prescribed - Statutory)

G. *Prior to the Issue of an Occupation Certificate***Infrastructure Repair and Completion of Works**

G1. Prior to the issue of the relevant 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)

Damage to Adjoining Properties

G2. 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)

Utility Services

G3. 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)

Certification for Mechanical Exhaust Ventilation

G4. Prior to issue of the relevant 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)

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Food Preparation Areas – Compliance

G5. Prior to an occupation certificate being issued, the Certifier must verify the premises have been constructed to comply with:

- a) Australian Standard 4674-2004;
- b) Council's Food Premises – Design, Construction & Fitout Guide;
- c) Sydney Water Corporation - Trade Waste Section;

(Reason: To ensure compliance with the food safety standards)

I. Ongoing / Operational Conditions**Hours of Operation**

I1. The hours of operation are restricted to:

12pm to 12.00am, Monday to Sunday

Upon expiry of the permitted hours:

- (a) all restaurant service (and entertainment) must immediately cease;
- (b) no person shall be permitted entry; and

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)

Plan of Management

I2. The premises must be managed and operate in accordance with the Plan of Management referred to in Condition A1 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)

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Loading within Site

13. 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)

Trade Waste

14. Trade wastewater must be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

(Reason: To ensure compliance with Sydney Water's requirements and protect the environment)

Noise and Vibration Impact

15. 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

16. Waste and recyclable material, generated by this premises, must not be collected between the hours of 10.00pm and 6.00am on any day.

(Reason: To ensure the amenity of surrounding properties)

Delivery Hours

17. 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.

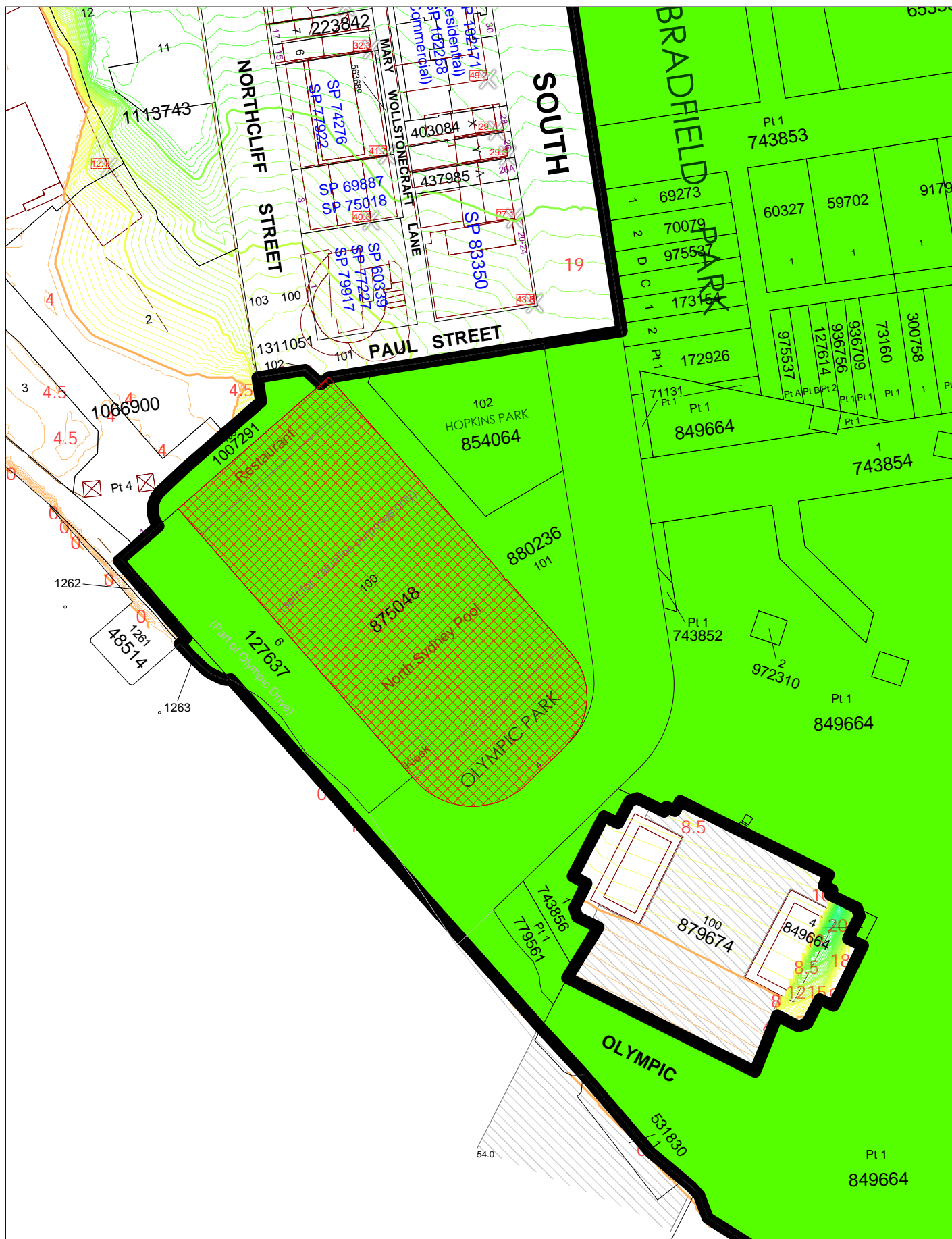
(Reason: To ensure the acoustic amenity of surrounding properties)

Food business Registration

18. Prior to the commencement of operation, the food business must notify and register with North Sydney Council in accordance with the Food Act 2003. The food premises registration must be maintained at all times

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

(Reason: To ensure compliance with Environmental Health legislation)



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.

Scale: 1:1200 approx.



AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

DRAWING REGISTER

DRAWING NO.	SHEET NO.	REVISION	DATE	TITLE
A0001 COVERSHEET				
2023-029	A0001	A	22.10.2024	COVER SHEET
A0010 SITE PLAN				
2023-029	A0011	A	22.10.2024	SITE PLAN
A1000 EXISTING DESIGN				
2023-029	A1001	A	22.10.2024	EXISTING FLOOR PLANS
2023-029	A1011	A	22.10.2024	EXISTING SECTIONS
2023-029	A1021	A	22.10.2024	EXISTING ELEVATIONS
A1100 PROPOSED DEMOLITION				
2023-029	A1101	A	22.10.2024	DEMOLITION PLAN
2023-029	A1111	A	22.10.2024	DEMOLITION SECTIONS
2023-029	A1121	A	22.10.2024	DEMOLITION ELEVATIONS
A1200 PROPOSED DESIGN				
2023-029	A1201	A	22.10.2024	PROPOSED FLOOR PLANS
2023-029	A1211	A	22.10.2024	PROPOSED SECTIONS
2023-029	A1221	A	22.10.2024	PROPOSED ELEVATION
2023-029	A1222	A	22.10.2024	PROPOSED ELEVATION
2023-029	A1231	A	22.10.2024	RESTAURANT RCP
A1300 PROPOSED DETAIL DRAWINGS				
2023-029	A1301	A	22.10.2024	DETAILED SHORT SECTIONS
2023-029	A1302	A	22.10.2024	DETAILED LONG SECTION
2023-029	A1303	A	22.10.2024	STAIR DETAILS
2023-029	A1304	A	22.10.2024	KITCHEN LAYOUT AND FOOD COMPLIANCE

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Nominated Architect:
Barry Babikian NSW Reg No. 8806

ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY
POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN
EXISTING FINE DINING RESTAURANT

SRG

COVER SHEET

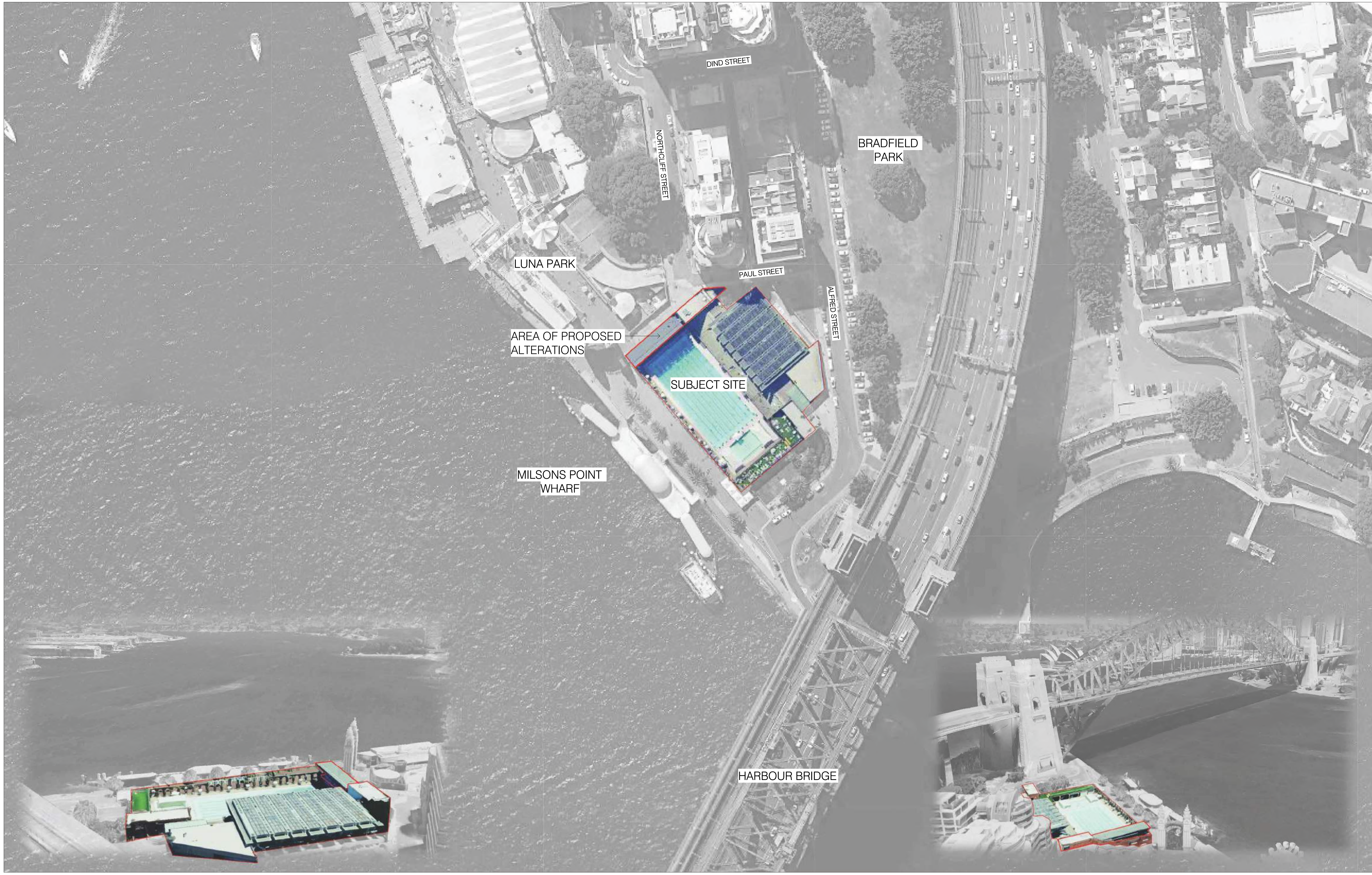
DATE: 22.10.2024

ISSUE: A - A ISSUE FOR DA

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2023-029

A0001

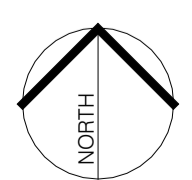


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NORTH



ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

SITE PLAN

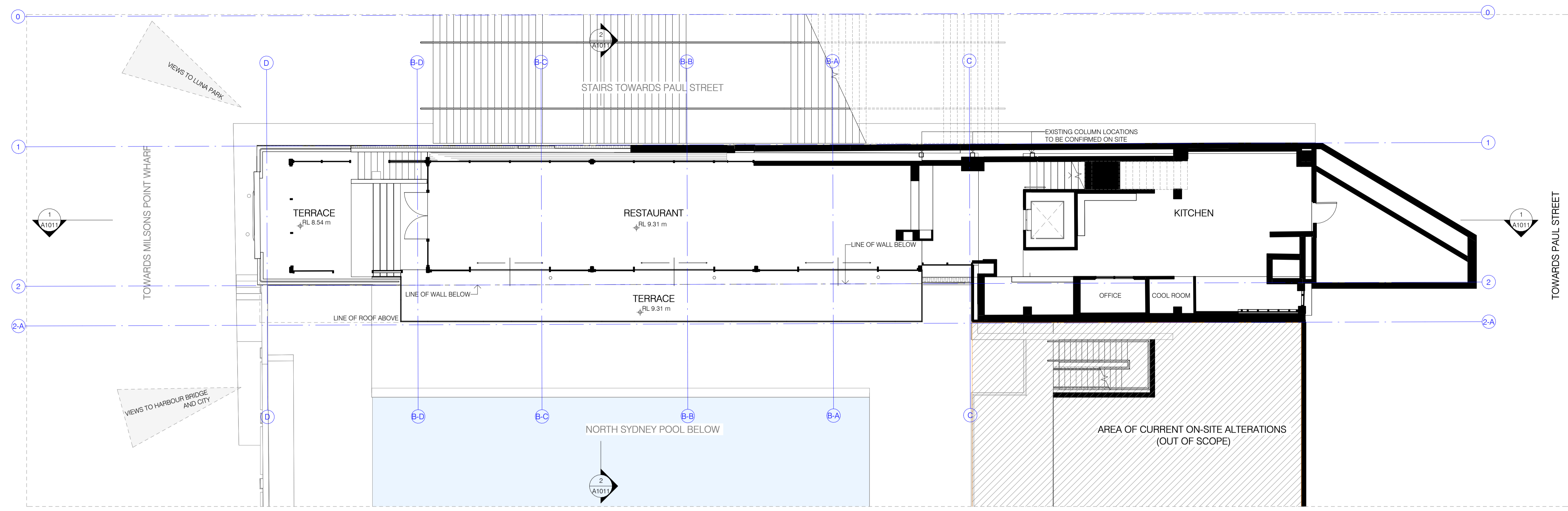
SCALE: N.T.S. DATE: 22.10.2024

ISSUE: A - A ISSUE FOR DA

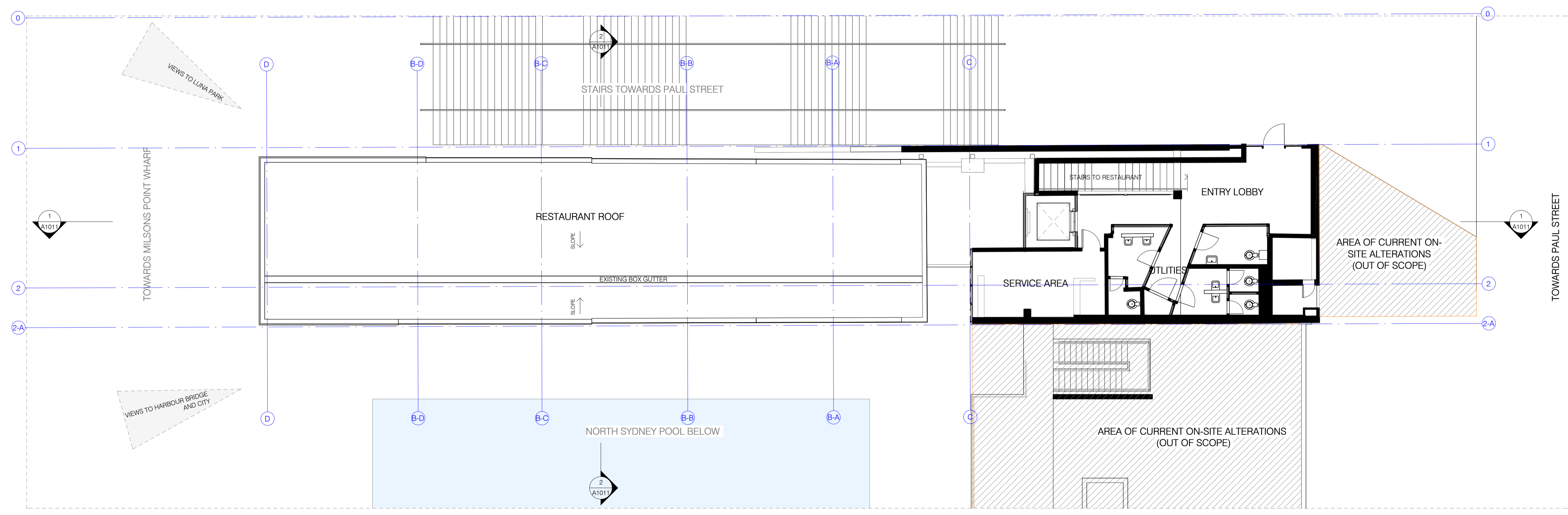
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JOB 2023-029

A0011



1 LEVEL 01 FLOOR PLAN
1 : 100



2 LEVEL 02 FLOOR PLAN
1 : 100

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LEGEND:

- EXISTING WALLS
- PROPOSED DEMOLITION
- AREA OF CURRENT ON-SITE ALTERATIONS - OUT OF SCOPE
- NEW STRUCTURE COLOUR CODED AS PER DA COLOUR LEGEND
- DEMOLITION NOTES
- PROPOSED NOTES

NORTH

ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

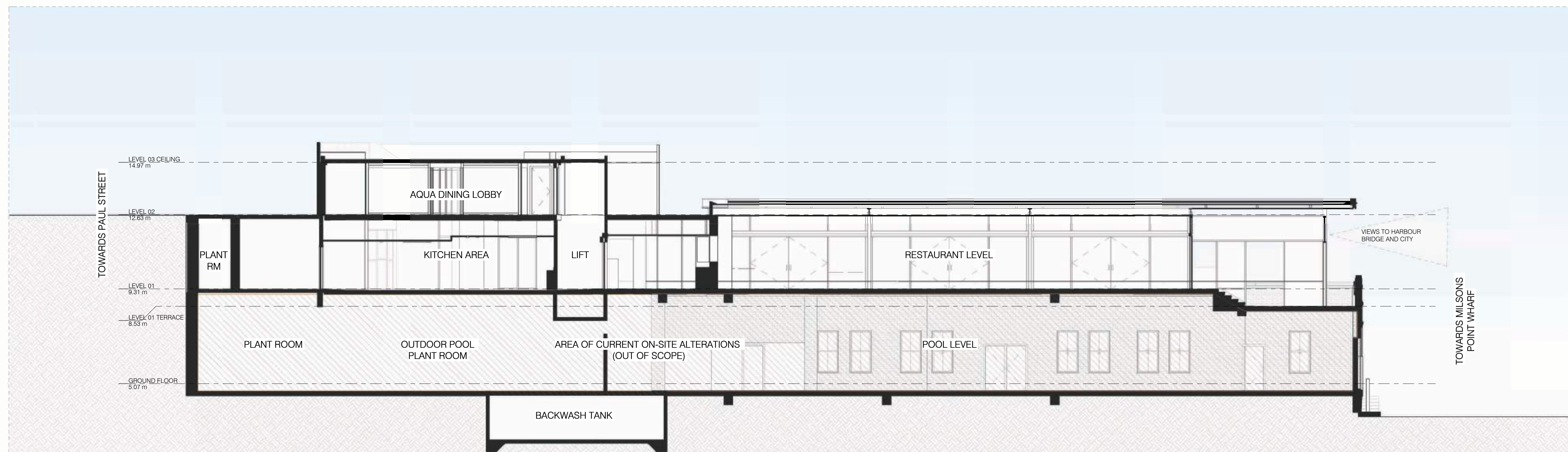
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SCALE: 1 : 100@ A1 DATE: 22.10.2024

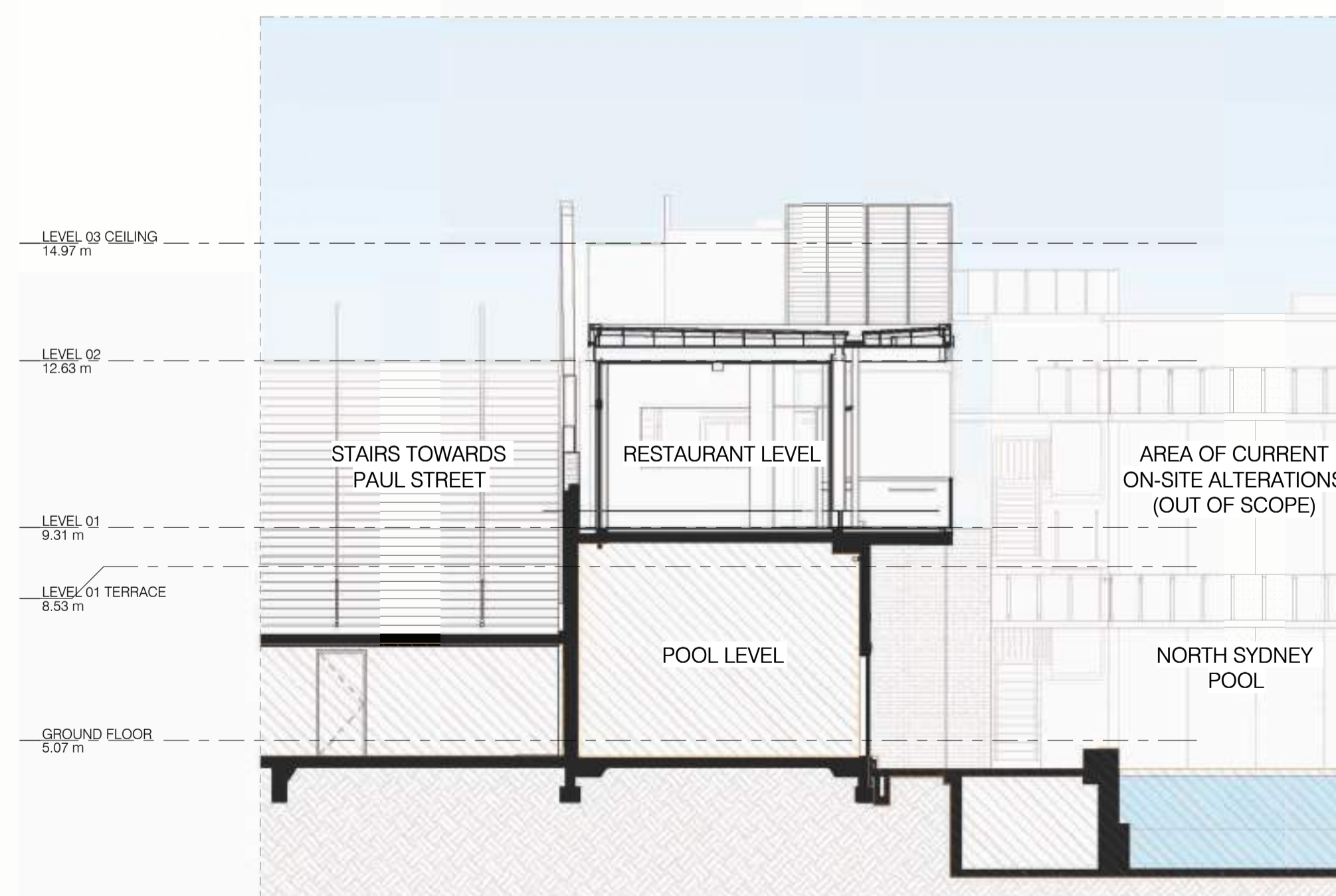
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JOB 2023-029
 A1001



1 LONG SECTION 01
A1001 1:100



2 SHORT SECTION 01
A1001 1:100

ARCHITECT



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Nominated Architect:
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LEGEND:

- EXISTING WALLS
- ▨ PROPOSED DEMOLITION
- ▨ AREA OF CURRENT ON-SITE ALTERATIONS - OUT OF SCOPE
- NEW STRUCTURE COLOUR CODED AS PER DA COLOUR LEGEND
- AA DEMOLITION NOTES
- AA PROPOSED NOTES

ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

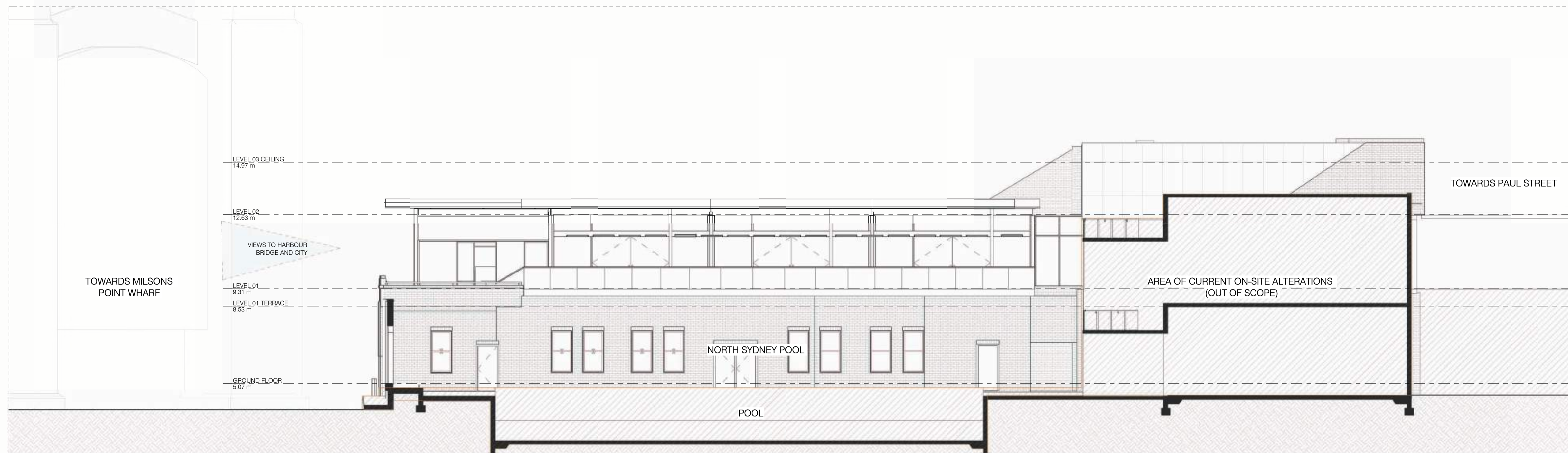
ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT
SRG

EXISTING SECTIONS

SCALE: 1:100@A1 DATE: 22.10.2024
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JOB 2023-029
A1011



1 EXISTING EAST ELEVATION
1:100



2 EXISTING SOUTH ELEVATION
1:100

ARCHITECT



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- AA PROPOSED NOTES

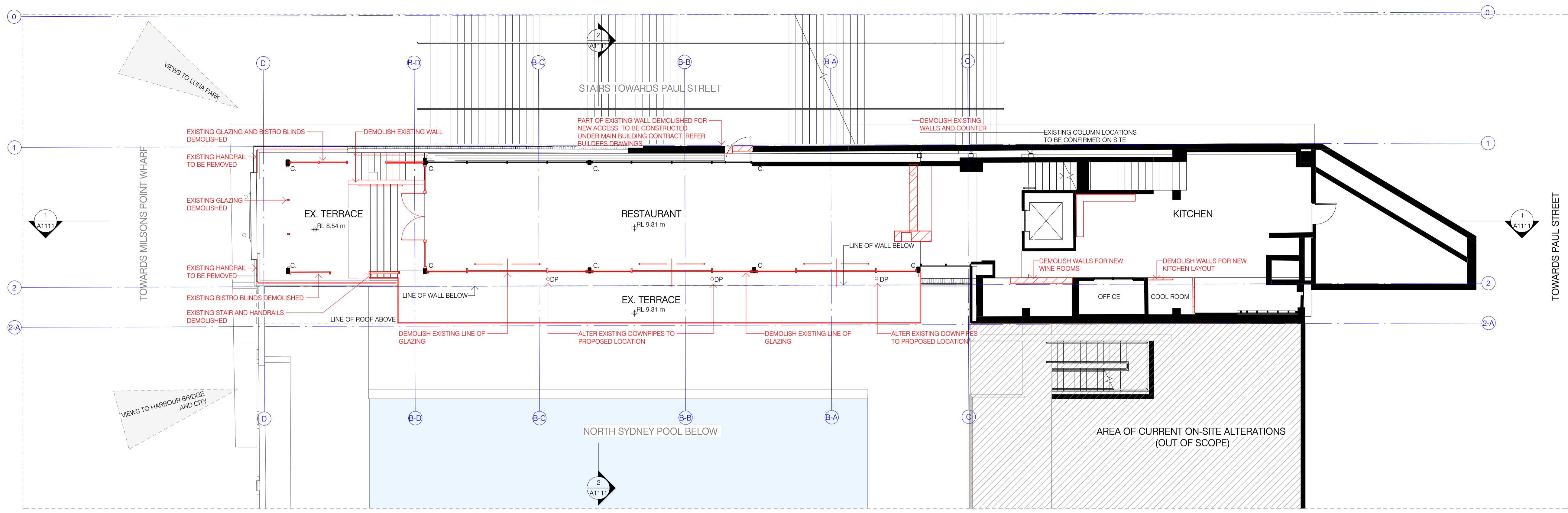
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A	A ISSUE FOR DA	22.10.2024

PROJECT
AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

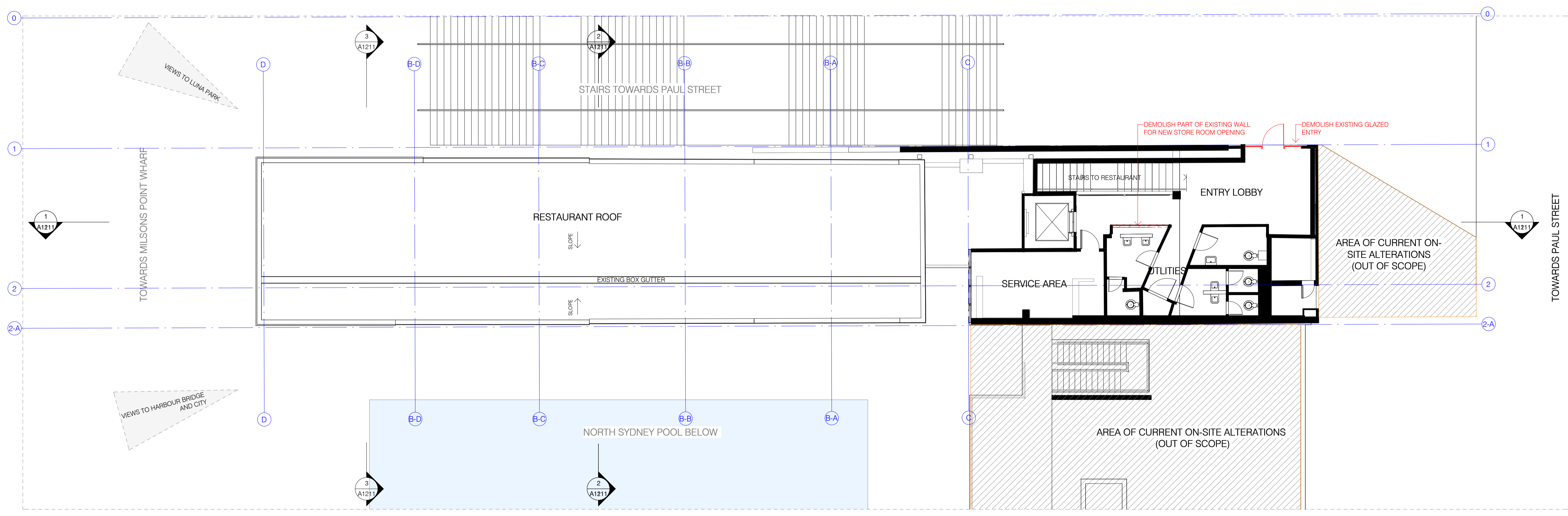
ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

EXISTING ELEVATIONS					
SCALE: 1:100@A1	DATE: 22.10.2024				
ISSUE: A - A ISSUE FOR DA					
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PROJECT	2023-029				
A1021					



1 LEVEL 01 FLOOR PLAN- DEMOLITION
1 : 100



2 LEVEL 02 FLOOR PLAN- DEMOLITION
1 : 100

ARCHITECT

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PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

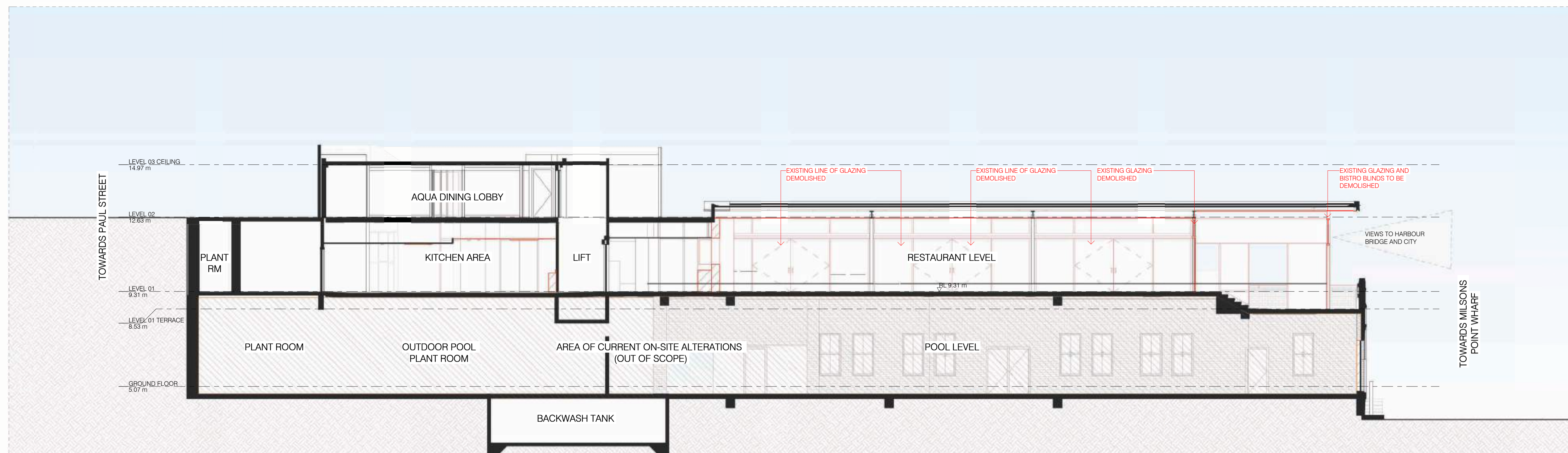
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SCALE: 1 : 100@ A1 DATE: 22.10.2024

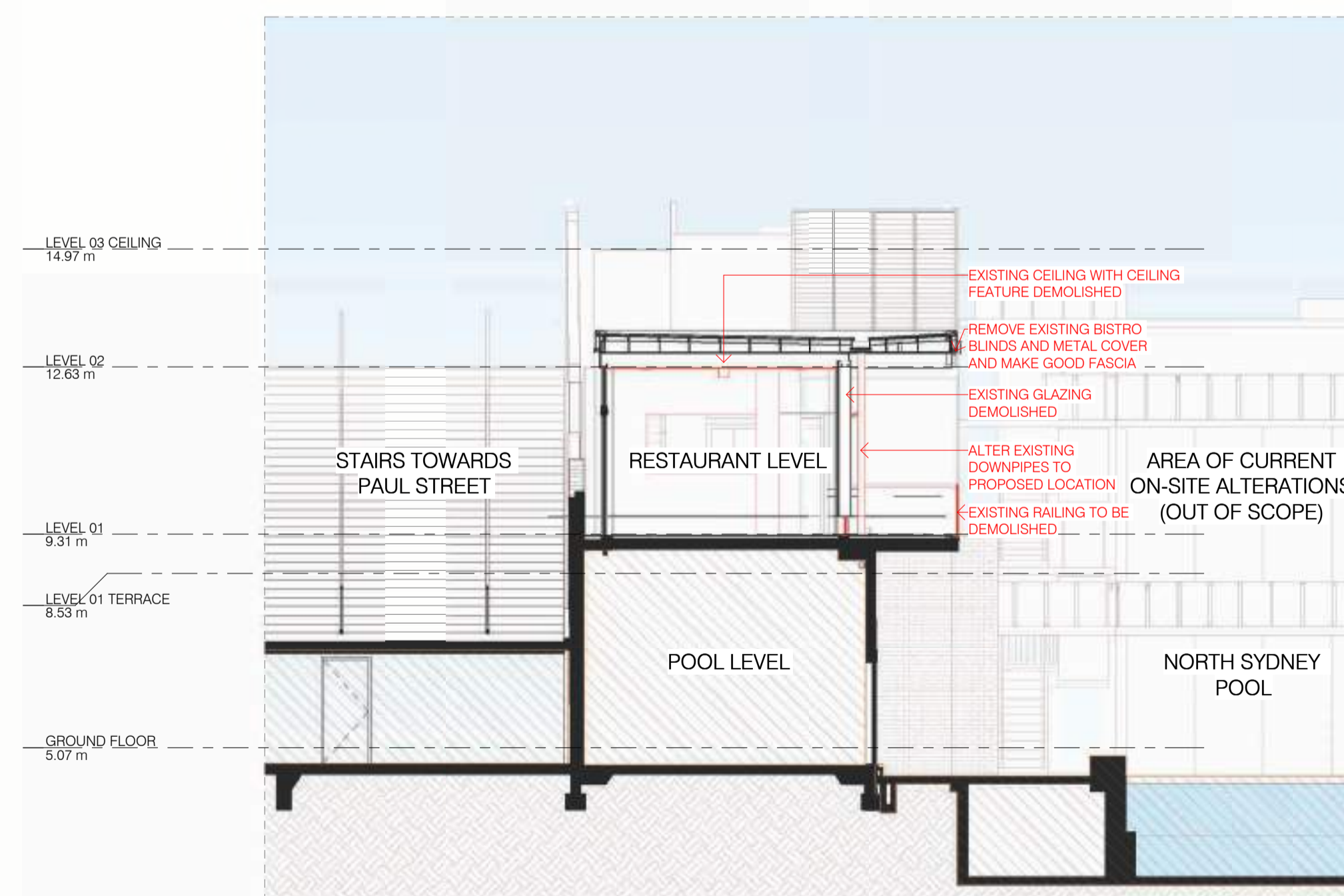
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JOB 2023-029
 A1101



1 LONG SECTION 01 - DEMOLITION
1:100



2 SHORT SECTION 01 - DEMOLITION
1:100

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ISSUE	AMENDMENT	DATE
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PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

DEMOLITION SECTIONS

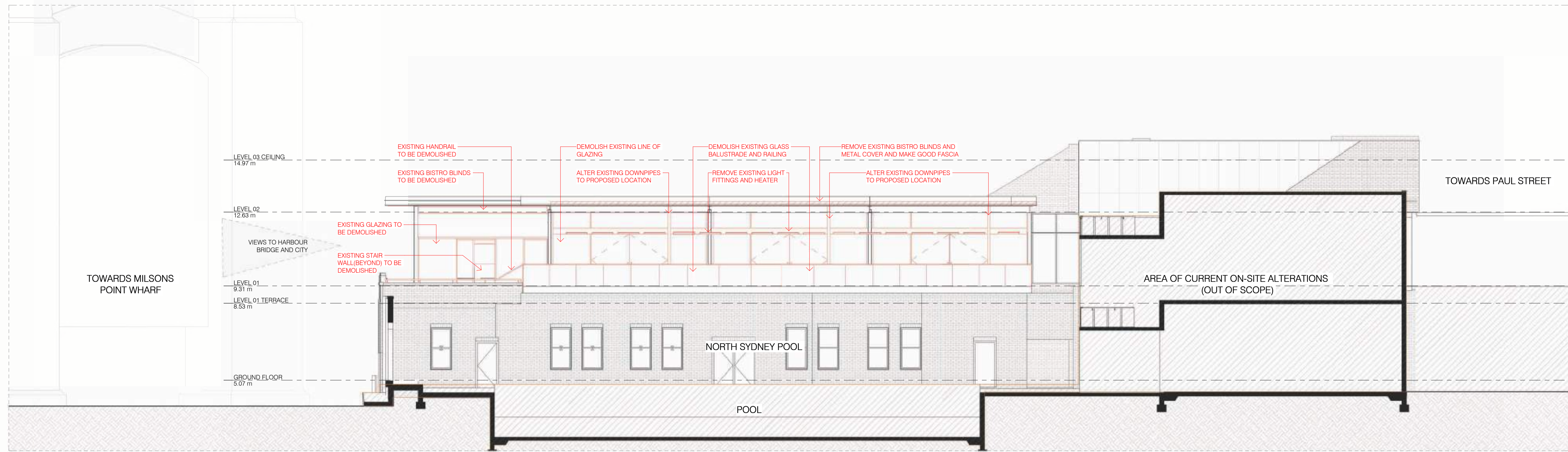
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ISSUE: A - A ISSUE FOR DA

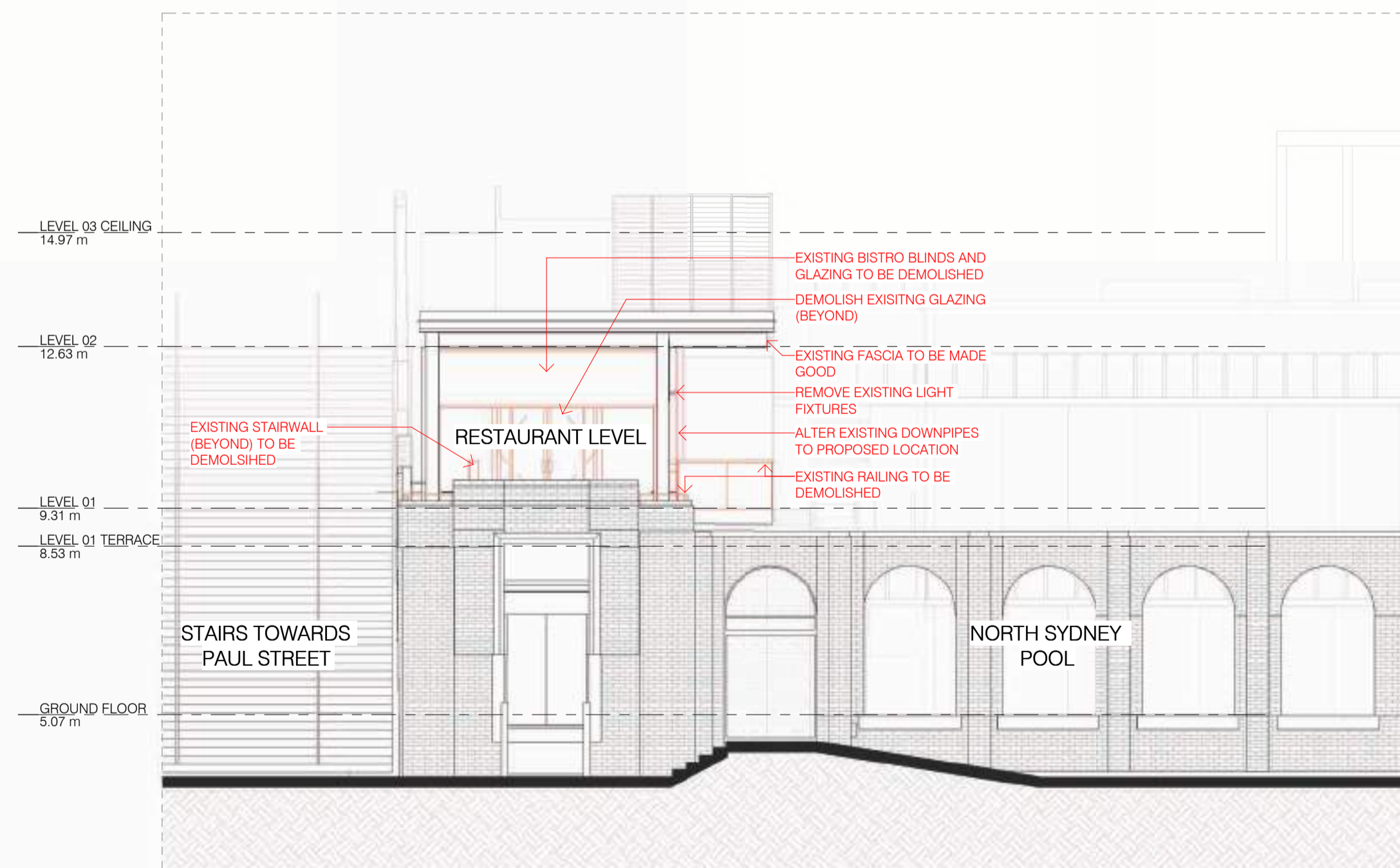
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JOB NO. 2023-029

A1111



2 EAST ELEVATION- DEMOLITION
1 : 100



1 SOUTH ELEVATION- DEMOLITION
1 : 100

ARCHITECT

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ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

DEMOLITION ELEVATIONS

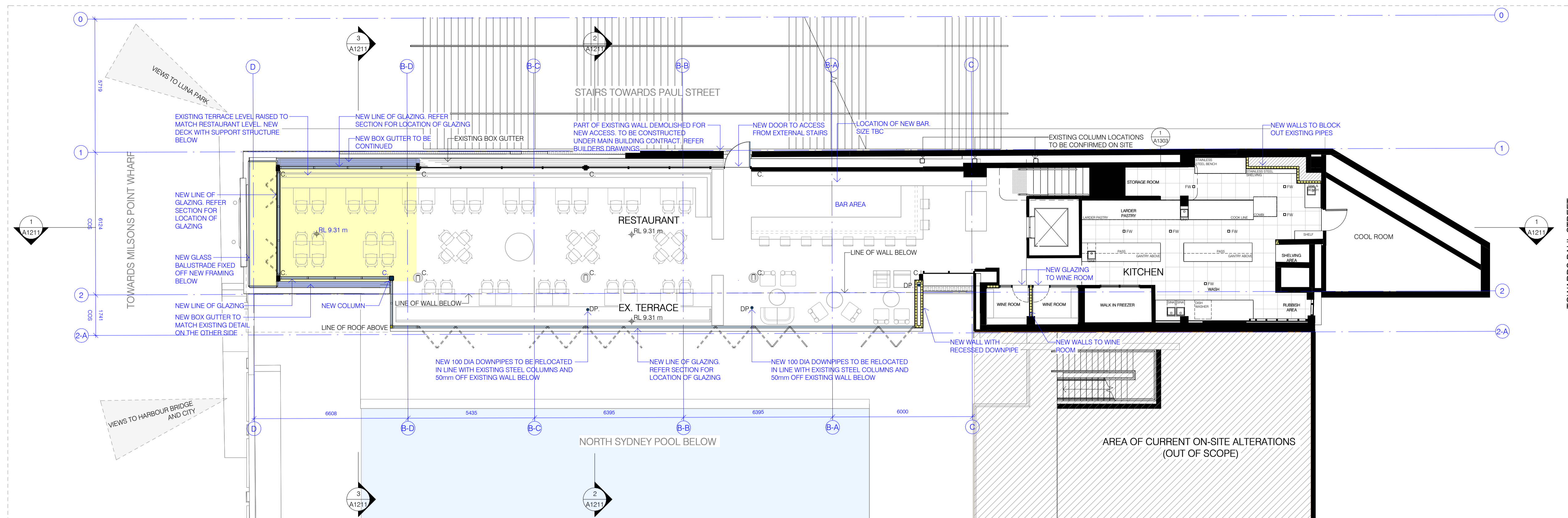
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ISSUE: A - A ISSUE FOR DA

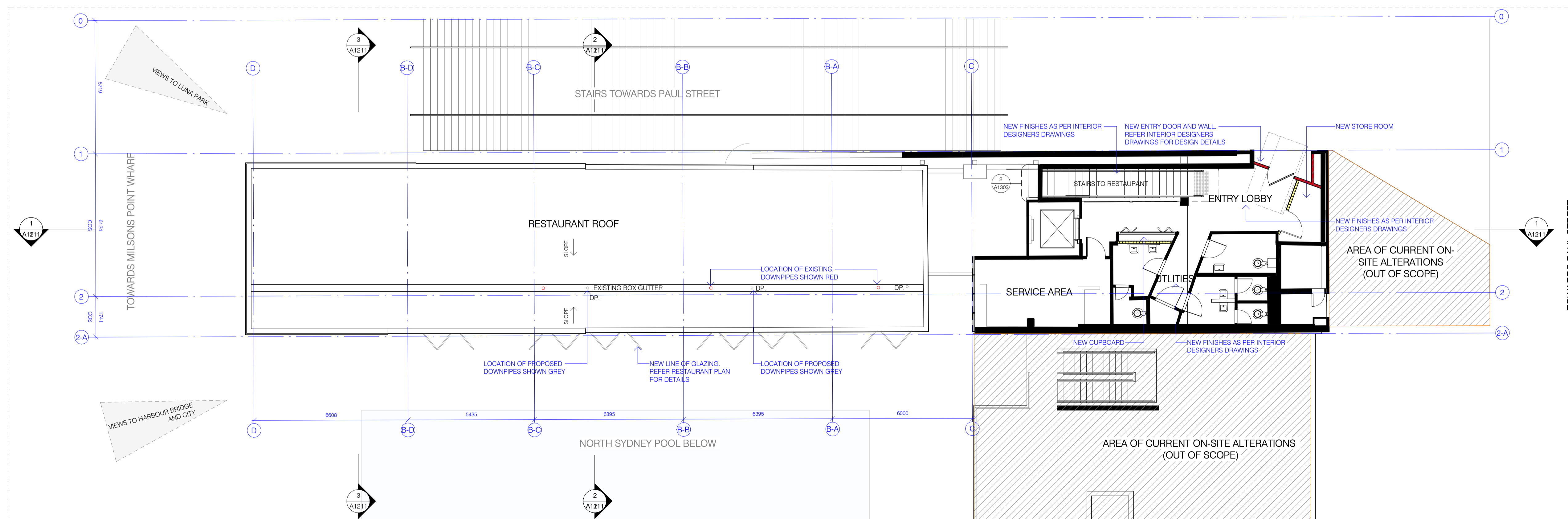
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2023-029

A1121



1 LEVEL 01 FLOOR PLAN - PROPOSED ALTERATIONS
1 : 100



2 LEVEL 02 FLOOR PLAN - PROPOSED ALTERATIONS
1 : 100

ARCHITECT

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LEGEND:

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- AA** PROPOSED NOTES

DA COLOUR LEGEND:

- EXISTING WALLS
- NEW CONCRETE
- NEW BRICK STRUCTURE
- NEW PLASTERBOARD STRUCTURE
- NEW TIMBER STRUCTURE
- NEW METAL STRUCTURE
- NEW GLASS
- CONCRETE (ELEVATION)
- BRICK (ELEVATION)
- PLASTERBOARD (ELEVATION)
- TIMBER (ELEVATION)
- METAL (ELEVATION)

NORTH

ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

PROPOSED FLOOR PLANS

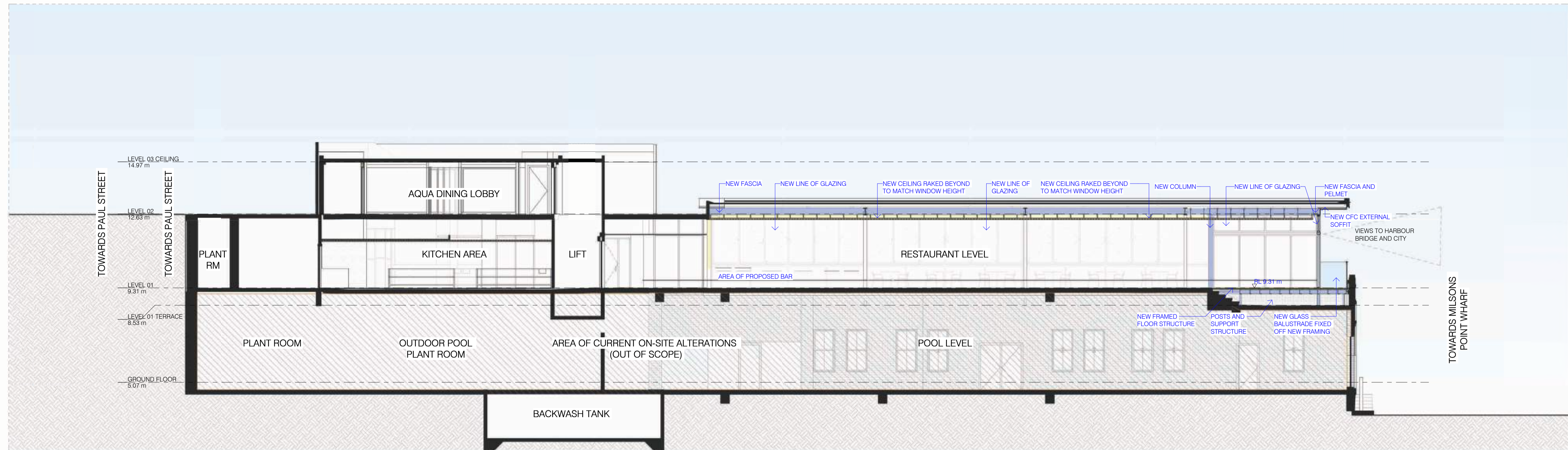
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ISSUE: A - A ISSUE FOR DA

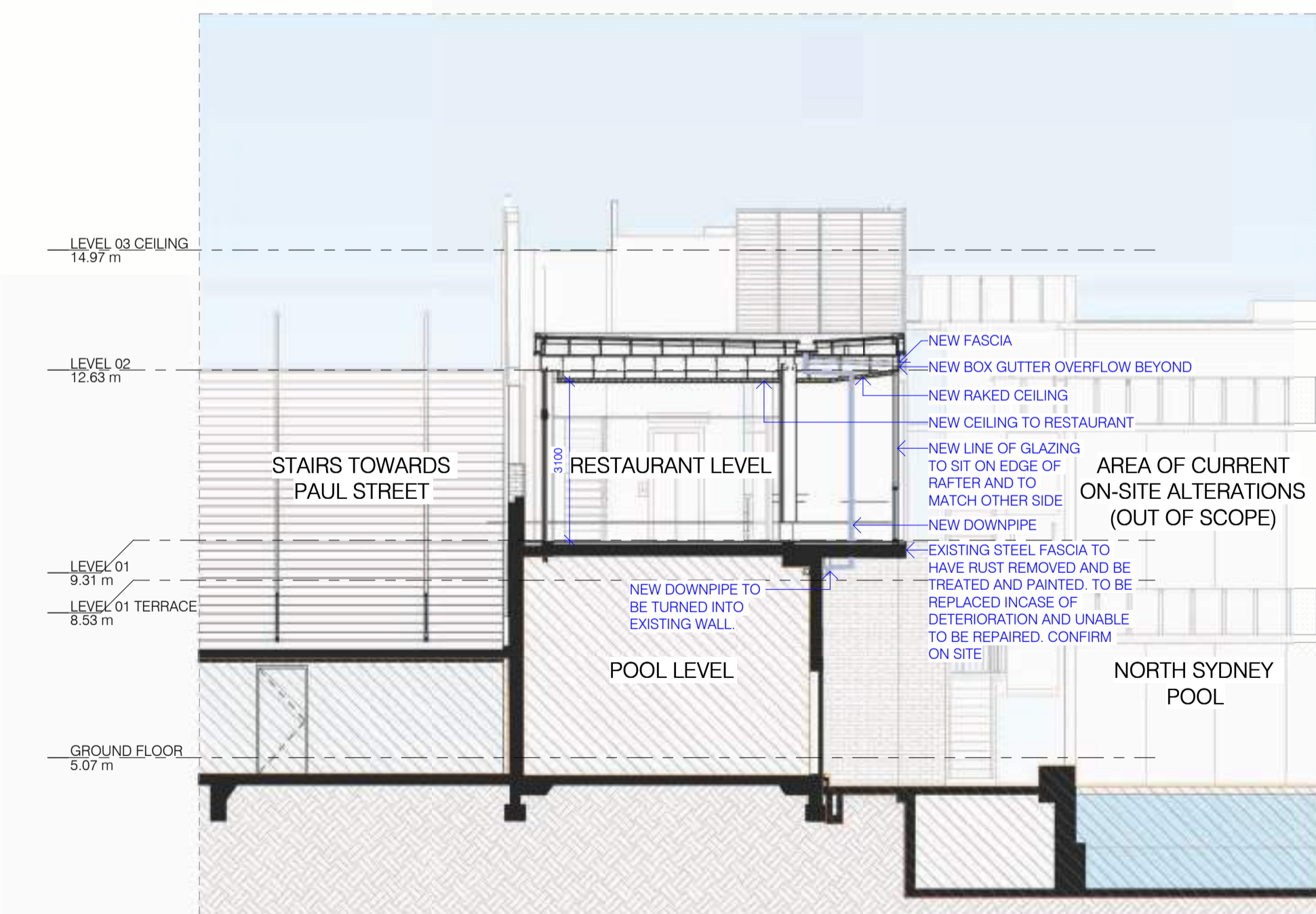
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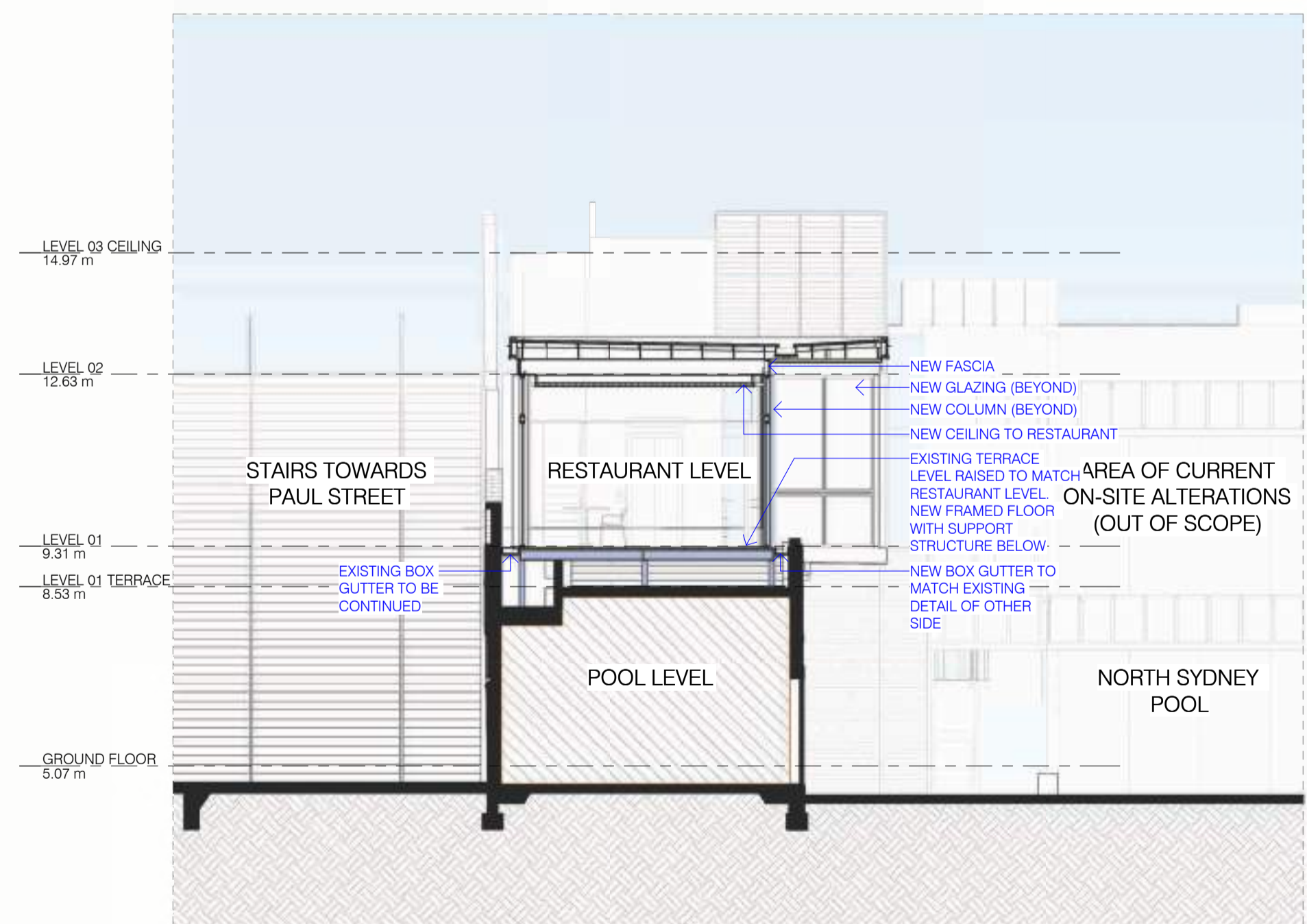
A1201



1 LONG SECTION 01 - PROPOSED
1:100



2 SHORT SECTION 01 - PROPOSED
1:100



3 SHORT SECTION 02 - PROPOSED
1:100

ARCHITECT

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LEGEND:

- EXISTING WALLS
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- NEW STRUCTURE COLOUR CODED PER DA COLOUR LEGEND
- DEMOLITION NOTES
- PROPOSED NOTES

DA COLOUR LEGEND:

- EXISTING WALLS
- NEW CONCRETE
- NEW BRICK STRUCTURE
- NEW PLASTERBOARD STRUCTURE
- NEW TIMBER STRUCTURE
- NEW METAL STRUCTURE
- NEW GLASS
- CONCRETE (ELEVATION)
- BRICK (ELEVATION)
- PLASTERBOARD (ELEVATION)
- TIMBER (ELEVATION)
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ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

PROPOSED SECTIONS

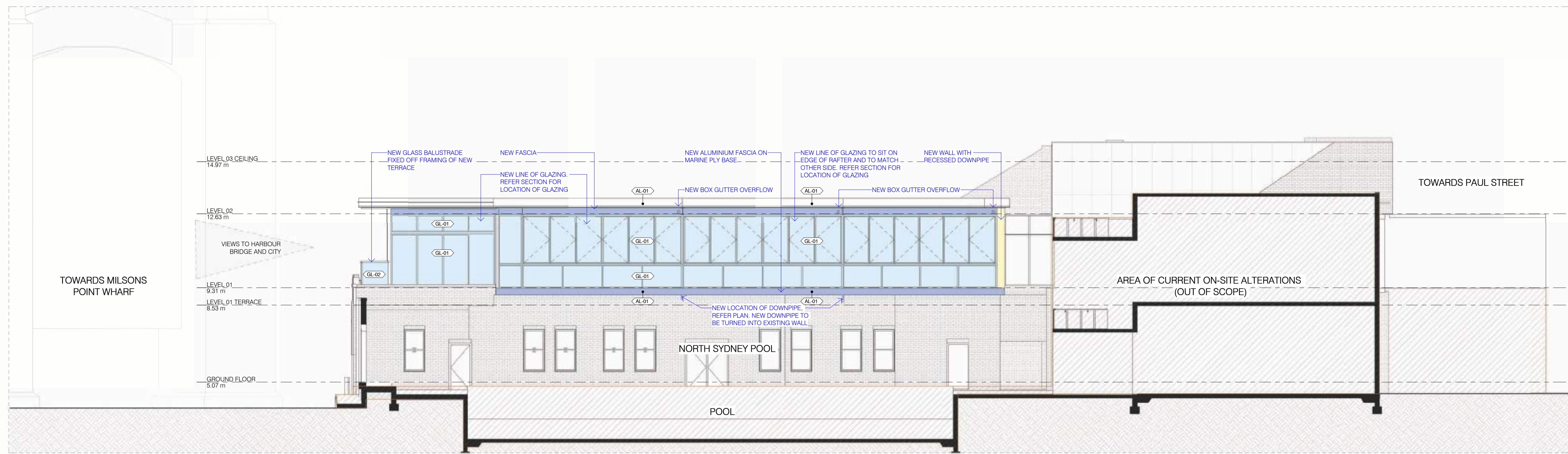
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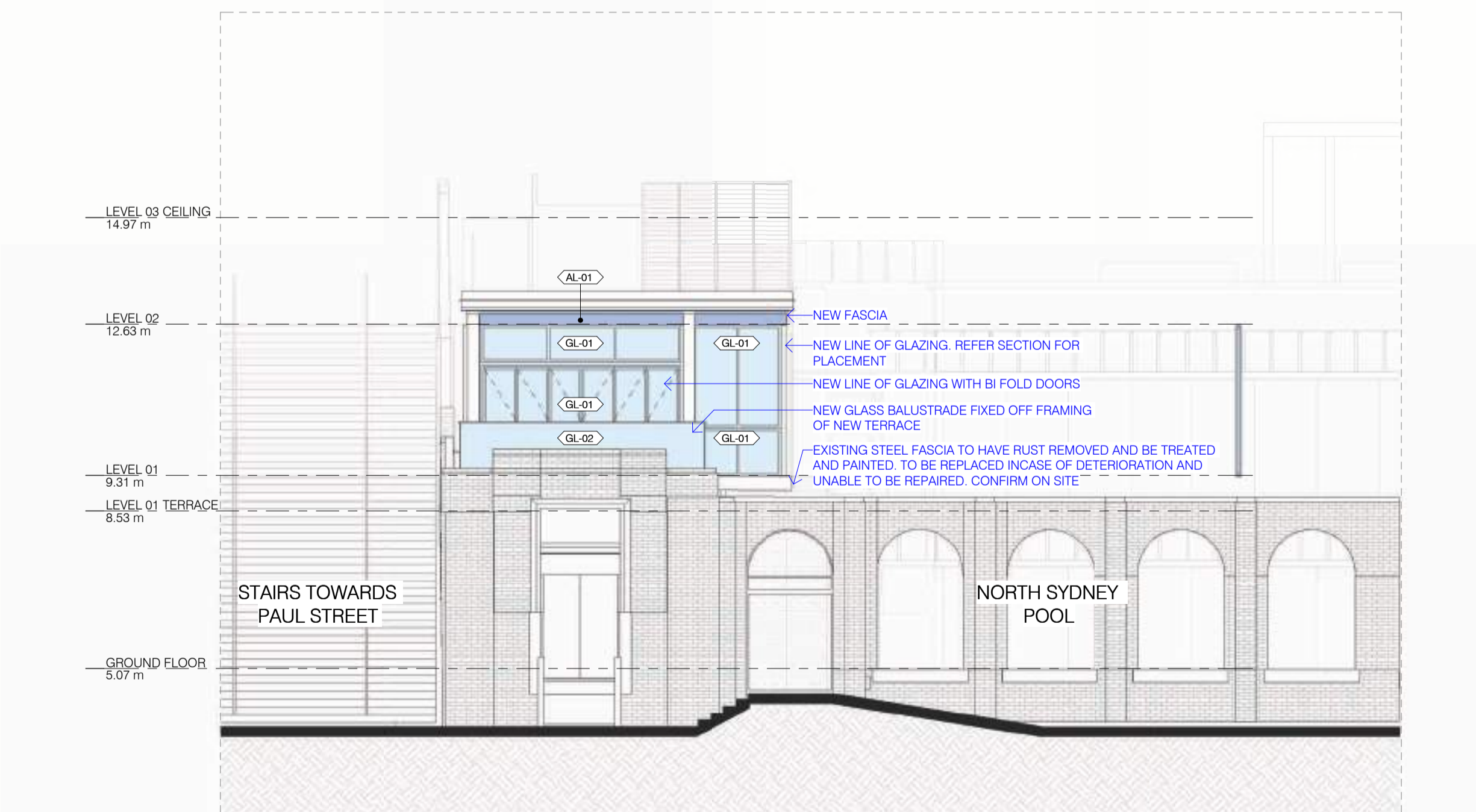
2023-029

A1211



1 PROPOSED EAST ELEVATION
1:100

- FINISHES SCHEDULE:
- AL-01 ALUMINIUM FASCIA PAINTED OR SIMILAR
 - GL-01 ALUMINIUM FRAMED GLAZING, DULUX WVD WHITE OR SIMILAR
 - GL-02 GLASS BALUSTRADE
 - TM-01 SOLID TIMBER CROWN CUT SPOTTED GUM OR SIMILAR
 - BR-01 RED BRICK TO MATCH EXISTING COLOUR SHADE OR SIMILAR



2 PROPOSED SOUTH ELEVATION
1:100

ARCHITECT

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LEGEND:

- EXISTING WALLS
- PROPOSED DEMOLITION
- AREA OF CURRENT ON-SITE ALTERATIONS - OUT OF SCOPE
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- DEMOLITION NOTES
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DA COLOUR LEGEND:

- EXISTING WALLS
- NEW CONCRETE
- NEW BRICK STRUCTURE
- NEW PLASTERBOARD STRUCTURE
- NEW TIMBER STRUCTURE
- NEW METAL STRUCTURE
- NEW GLASS
- CONCRETE (ELEVATION)
- BRICK (ELEVATION)
- PLASTERBOARD (ELEVATION)
- TIMBER (ELEVATION)
- METAL (ELEVATION)

ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

PROPOSED ELEVATION

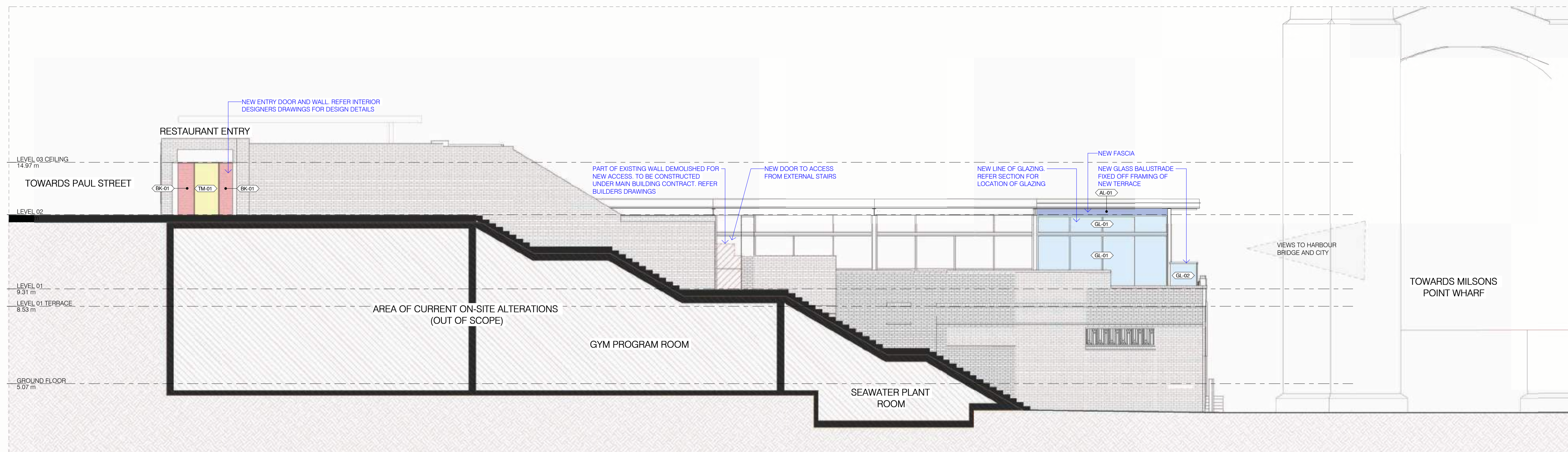
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2023-2029

A1221



FINISHES SCHEDULE:

AL-01	ALUMINIUM FASCIA PAINTED OR SIMILAR
GL-01	ALUMINIUM FRAMED GLAZING, DULUX WVD WHITE OR SIMILAR
GL-02	GLASS BALUSTRADE
TM-01	SOLID TIMBER CROWN CUT SPOTTED GUM OR SIMILAR
BK-01	RED BRICK TO MATCH EXISTING COLOUR SHADE OR SIMILAR

1 PROPOSED WEST ELEVATION
1:100

ARCHITECT

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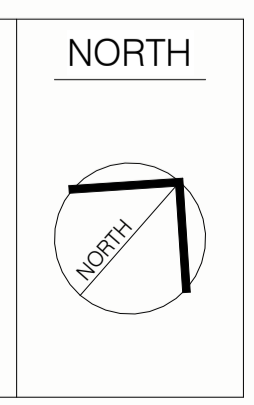
B.B.B Architects Pty Ltd
Nominated Architect
Barry Babikian NSW Reg No. 8806

LEGEND:

	EXISTING WALLS
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	AREA OF CURRENT ON-SITE ALTERATIONS - OUT OF SCOPE
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	DEMOLITION NOTES
	PROPOSED NOTES

DA COLOUR LEGEND:

	EXISTING WALLS		NEW GLASS
	NEW CONCRETE		CONCRETE (ELEVATION)
	NEW BRICK STRUCTURE		BRICK (ELEVATION)
	NEW PLASTERBOARD STRUCTURE		PLASTERBOARD (ELEVATION)
	NEW TIMBER STRUCTURE		TIMBER (ELEVATION)
	NEW METAL STRUCTURE		METAL (ELEVATION)



ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

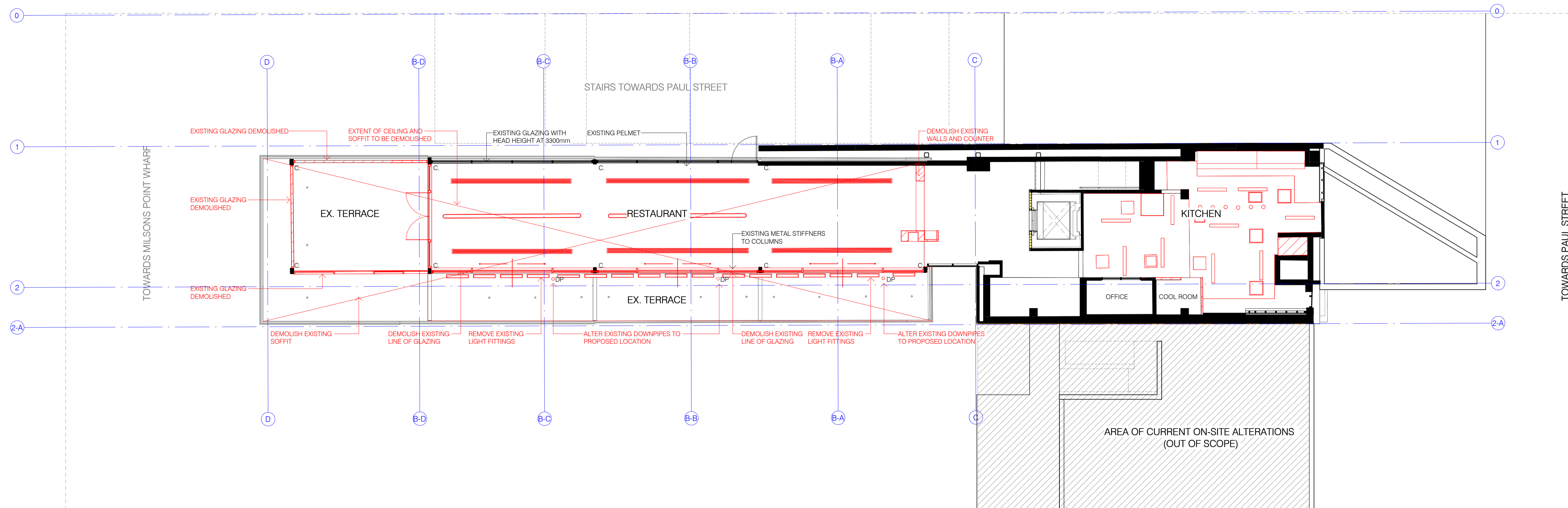
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SCALE: 1 : 100@ A1 DATE: 22.10.2024

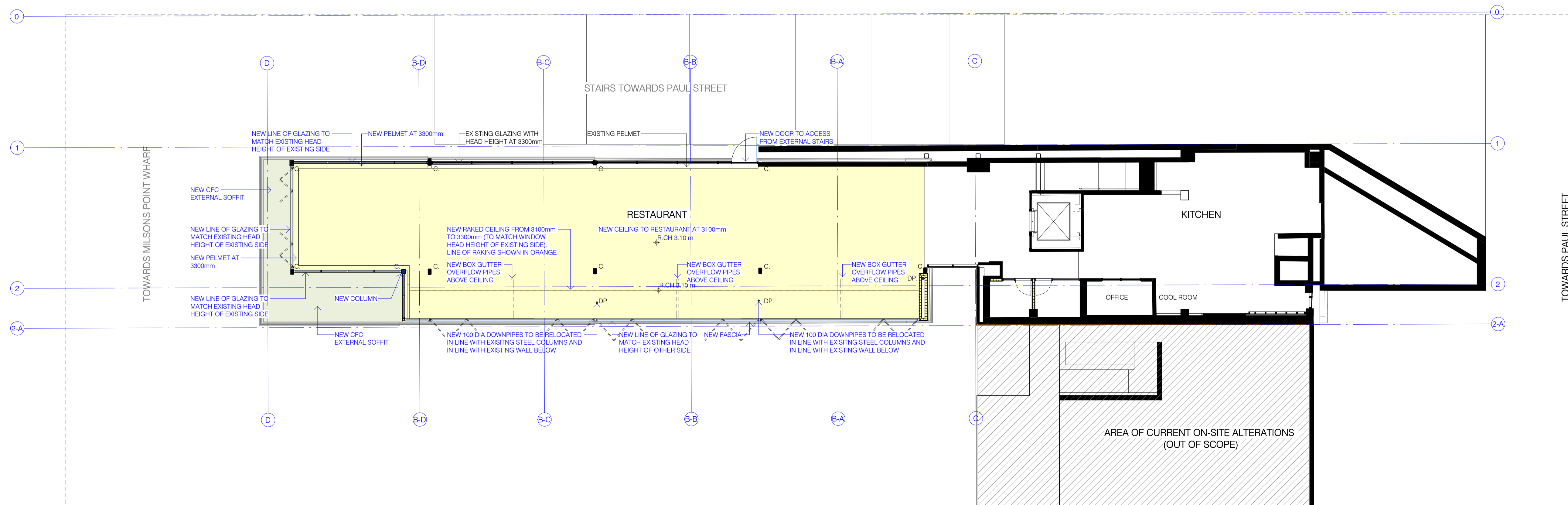
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2023-029
A1222



1 LEVEL 01 RCP- DEMOLITION
1:100



2 LEVEL 01 RCP- PROPOSED ALTERATIONS
1:100

ARCHITECT

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NORTH

ISSUE	AMENDMENT	DATE
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PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

RESTAURANT RCP

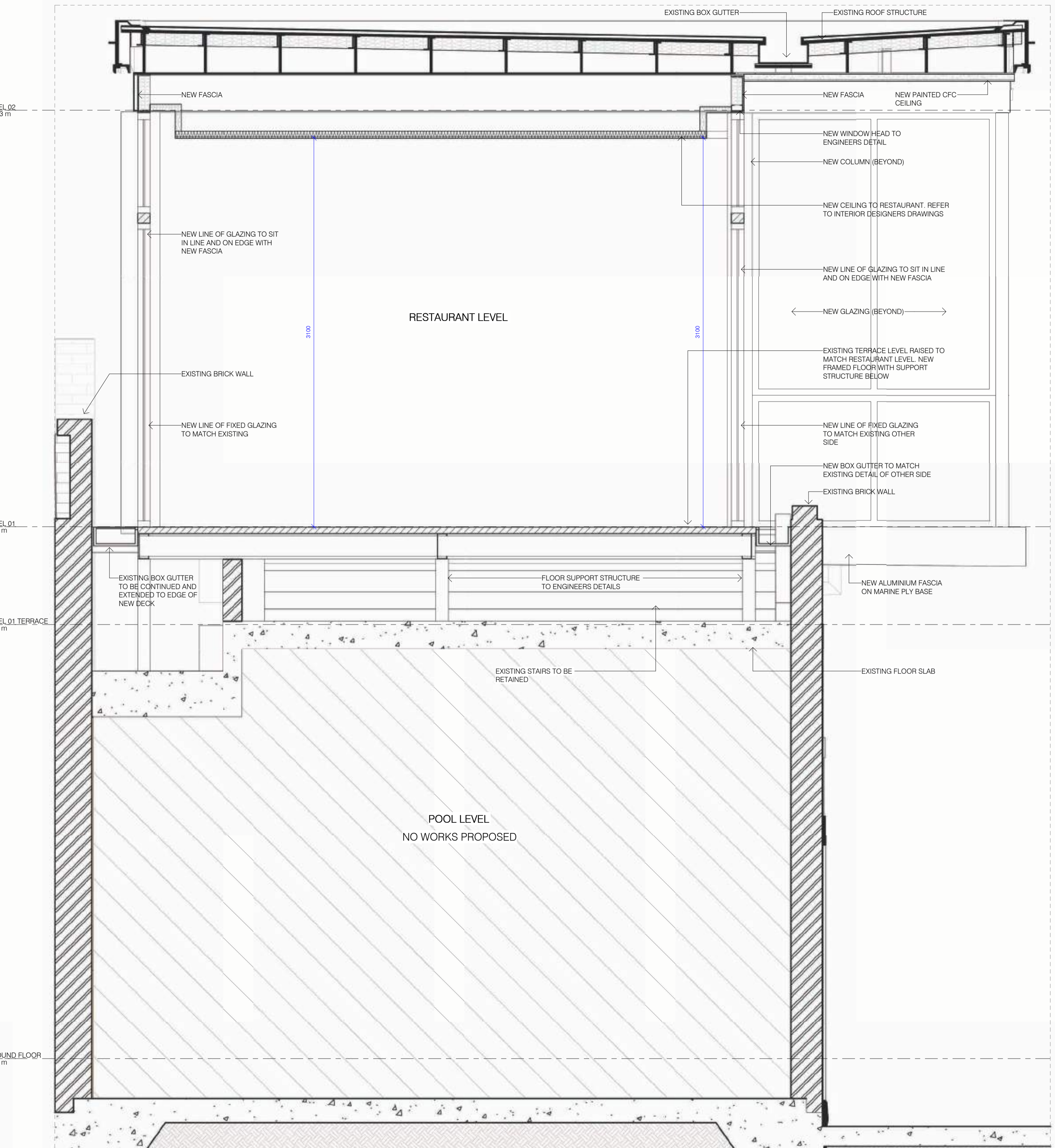
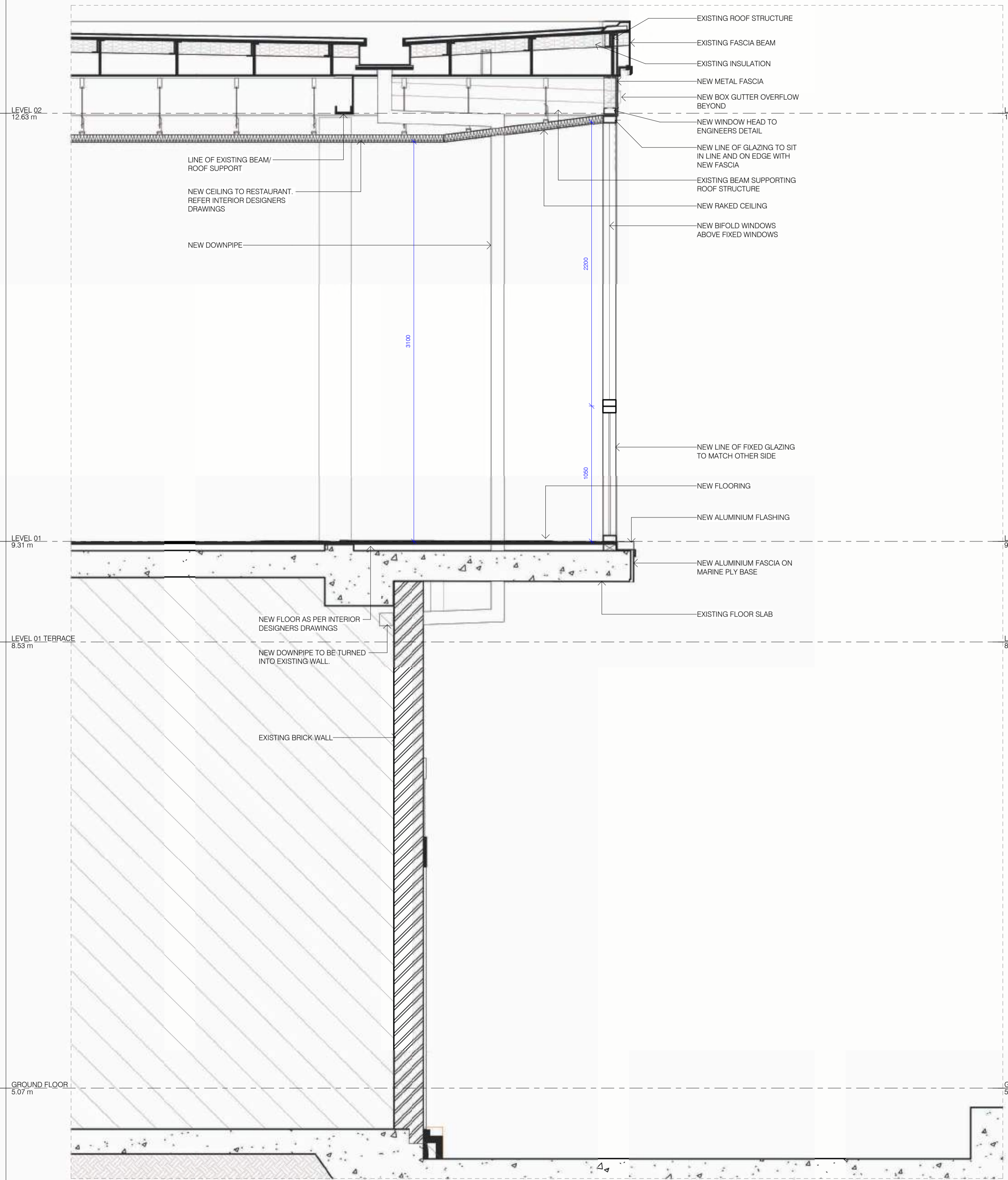
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2023-029

A1231



1 DETAILED SHORT SECTION 01 - PROPOSED
 A1211 1:20

2 DETAILED SHORT SECTION 02 - PROPOSED
 A1211 1:20

ARCHITECT

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- BRICK (ELEVATION)
- PLASTERBOARD (ELEVATION)
- TIMBER (ELEVATION)
- METAL (ELEVATION)

ISSUE	AMENDMENT	DATE
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PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

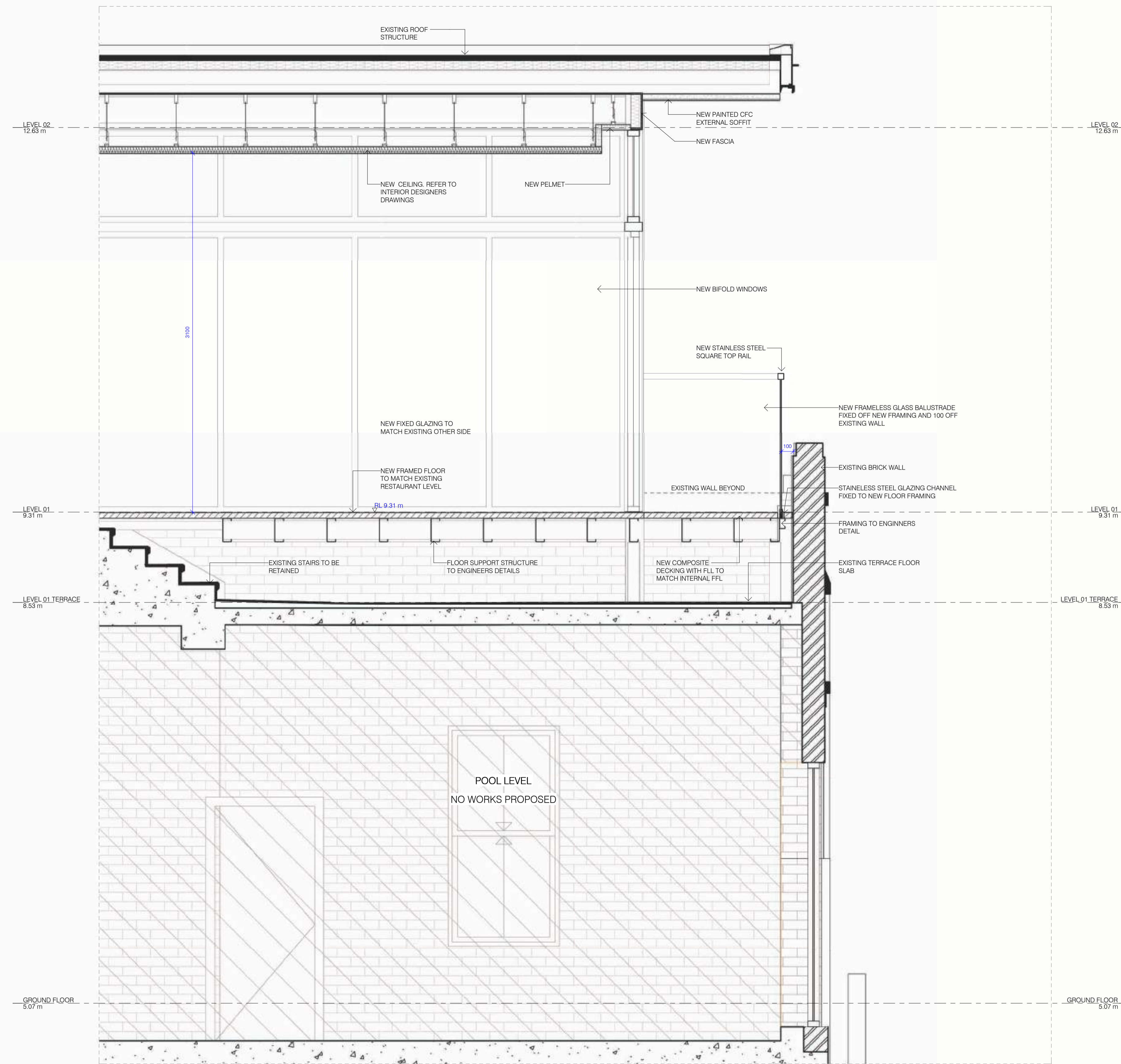
DETAILED SHORT SECTIONS

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2023-029
 A1301



1 A1211 DETAILED LONG SECTION 01- PROPOSED
1: 20

ARCHITECT

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Rosebery NSW 2018

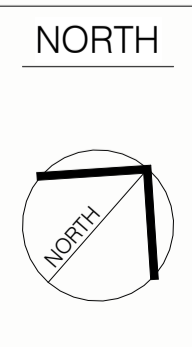
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LEGEND:

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- PROPOSED DEMOLITION
- AREA OF CURRENT ON-SITE ALTERATIONS - OUT OF SCOPE
- NEW STRUCTURE COLOUR CODED AS PER DA COLOUR LEGEND
- DEMOLITION NOTES
- PROPOSED NOTES

DA COLOUR LEGEND:

- EXISTING WALLS
- NEW CONCRETE
- NEW BRICK STRUCTURE
- NEW PLASTERBOARD STRUCTURE
- NEW TIMBER STRUCTURE
- NEW METAL STRUCTURE
- NEW GLASS
- CONCRETE (ELEVATION)
- BRICK (ELEVATION)
- PLASTERBOARD (ELEVATION)
- TIMBER (ELEVATION)
- METAL (ELEVATION)



ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

DETAILED LONG SECTION

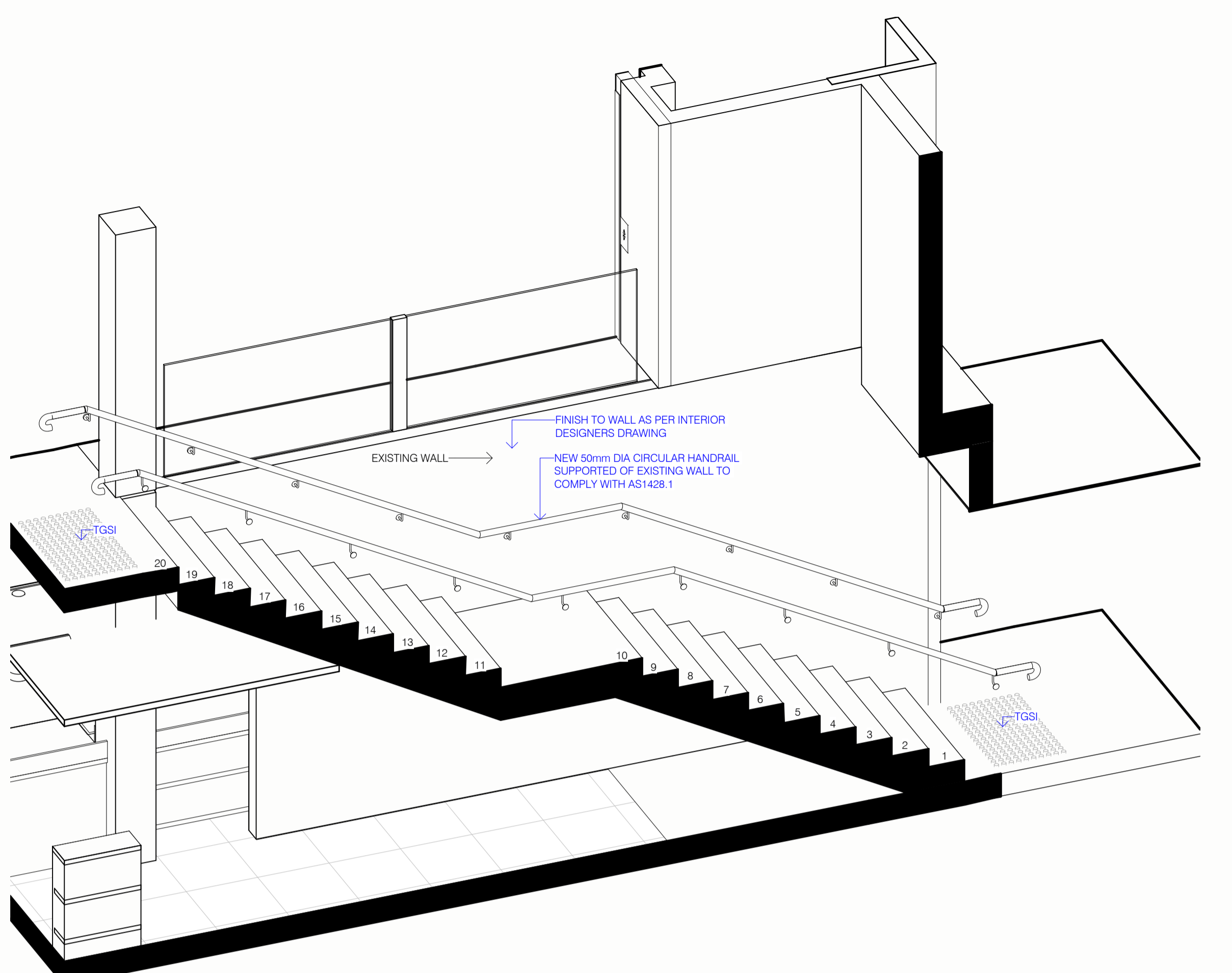
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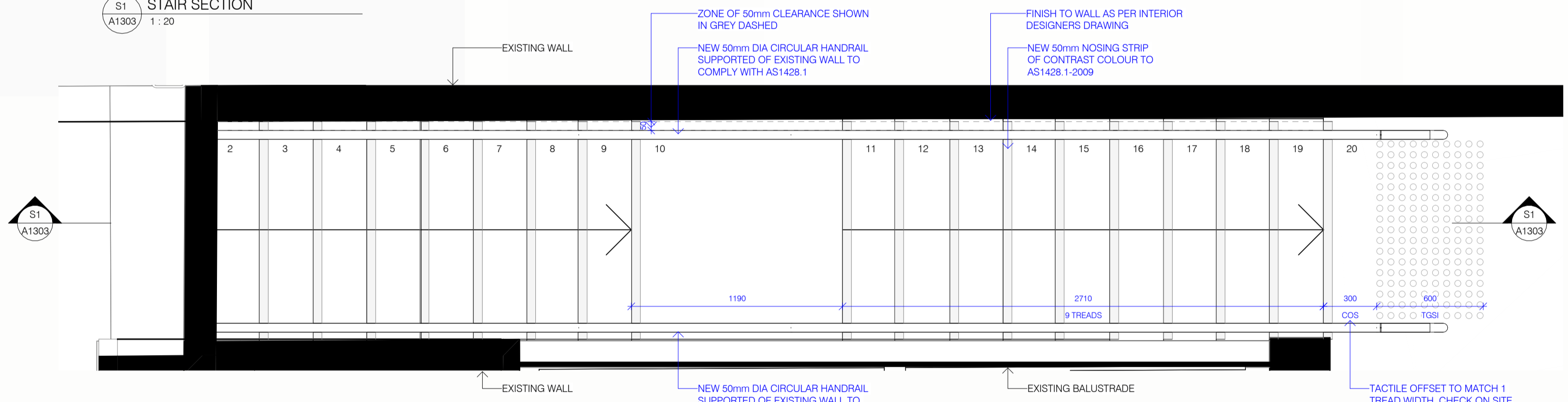
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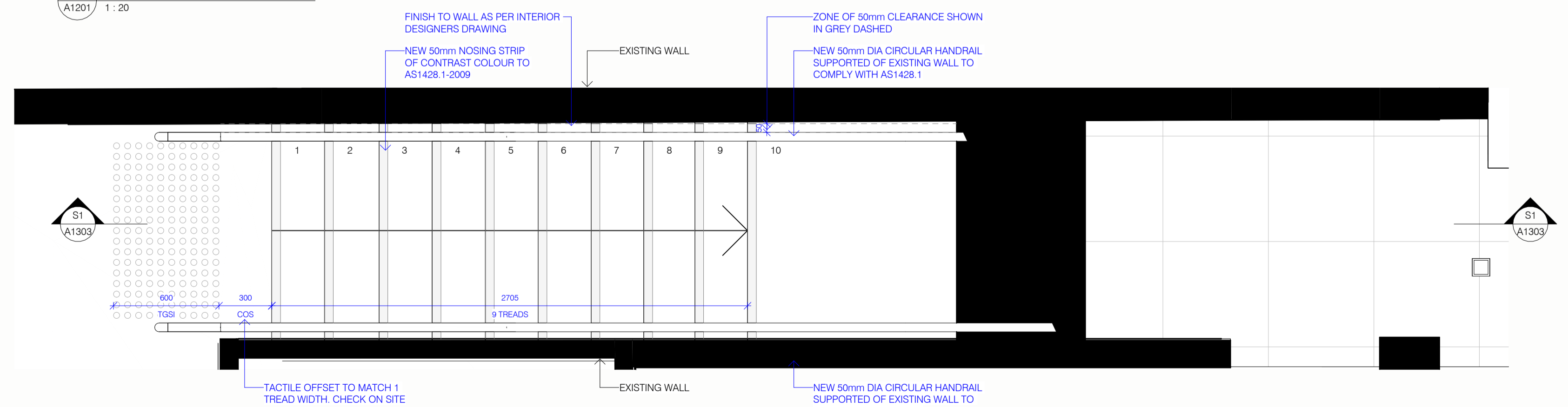


S1 A1303 STAIR SECTION 1: 20

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2 A1201 STAIR PLAN- ENTRY LEVEL 1: 20

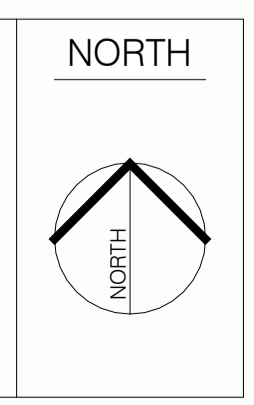


1 A1201 STAIR PLAN- RESTAURANT LEVEL 1: 20

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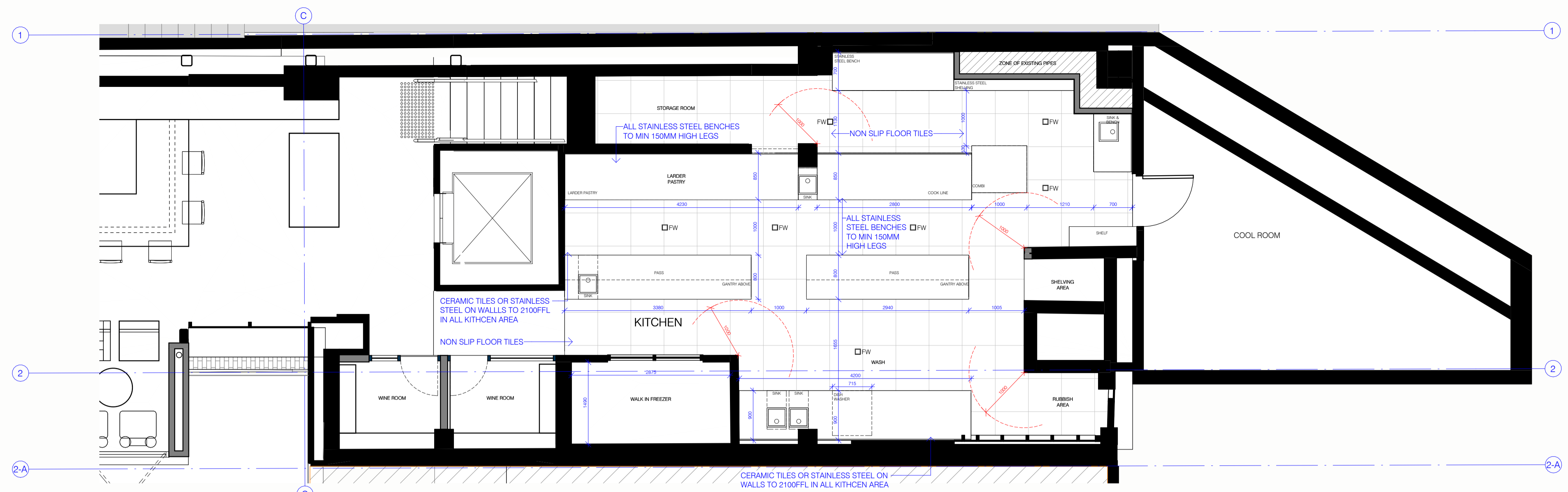
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PROJECT
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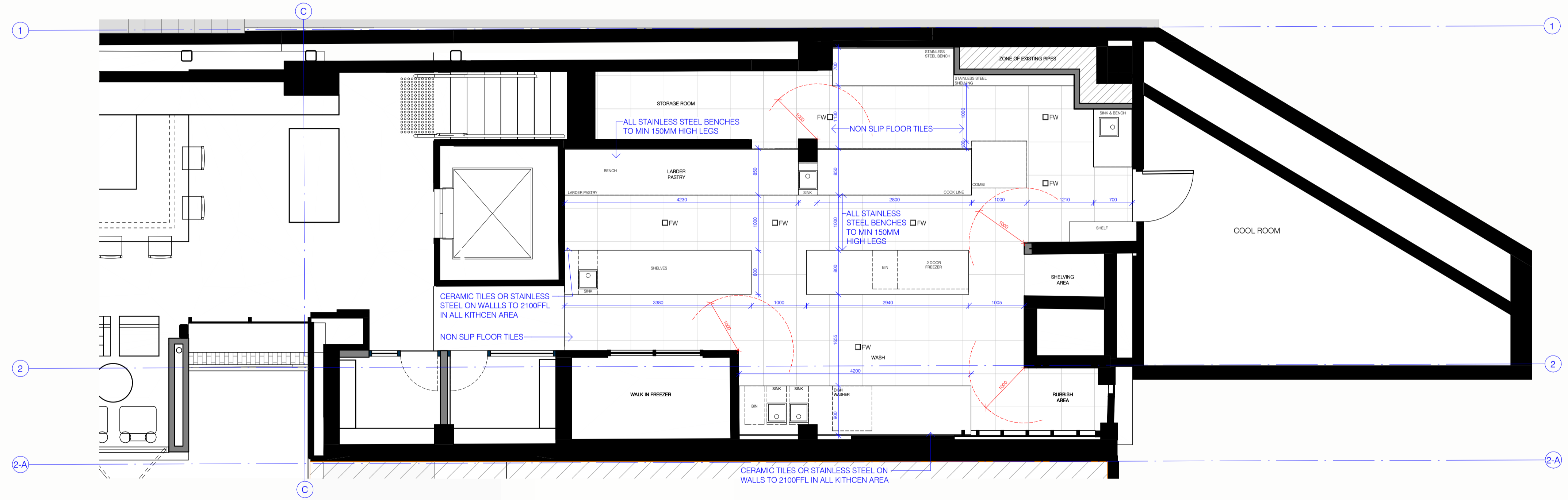
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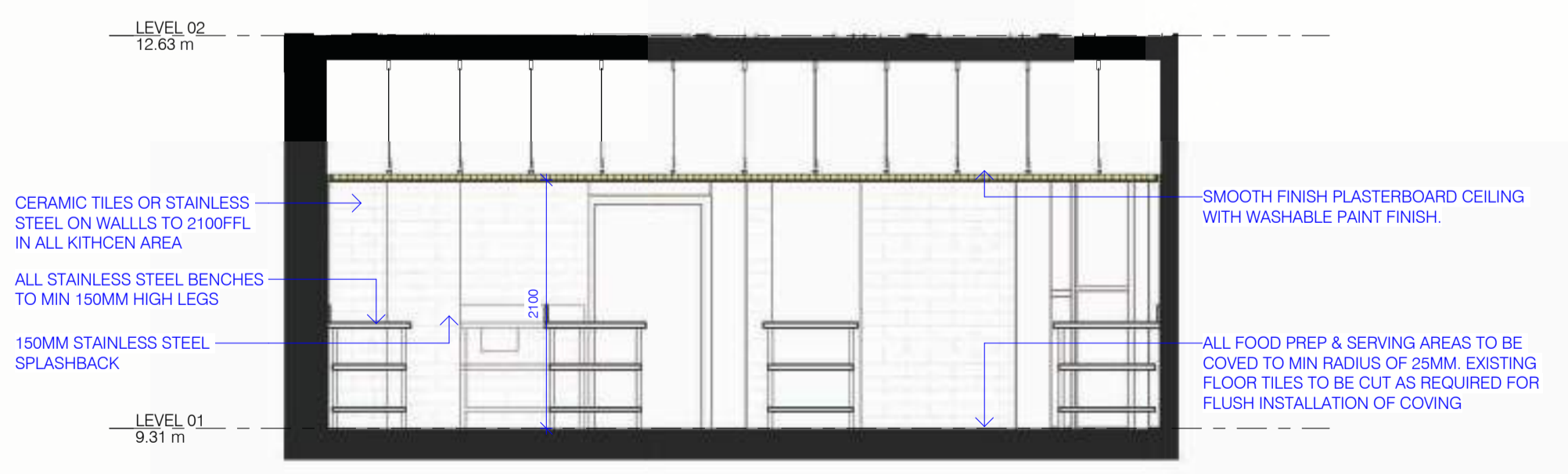
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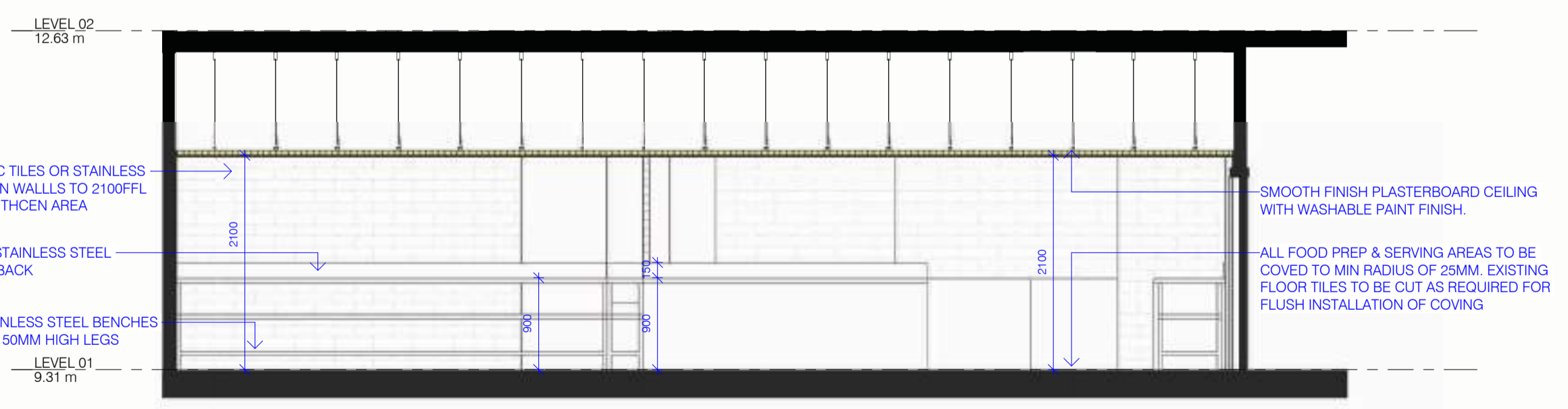
1 LEVEL 01 FLOOR PLAN- PROPOSED KITCHEN LAYOUT - ABOVE BENCH
1:50



2 LEVEL 01 FLOOR PLAN- PROPOSED KITCHEN LAYOUT - UNDER BENCH
1:50



S1 SHORT SECTION
1:50



S2 LONG SECTION
1:50

- FOOD PREMESIS COMPLIANCE SPECIFICATION:**
- THE FLOORS SHALL BE OF AN IMPERVIOUS, SMOOTH FINISH COVERED AT THE INTERSECTIONS OF ALL WALLS TO A MINIMUM RADIUS OF 25mm AND THE FLOOR FINISH EXTENDING AT LEAST 100mm UP THE WALL SURFACE. ALL EXISTING CRACKS IN TILE FLOOR SHOULD BE PATCHED.
 - ALL FOOD PREPARATION AND STORAGE AREAS SHOULD HAVE ADEQUATE DRAINAGE TO ENSURE LIQUIDS DRAIN TO FLOOR WASTES.
 - THE CEILING SHALL BE CONSTRUCTED OF A RIGID SMOOTH FACED, NON ABSORBENT MATERIAL.
 - ALL EQUIPMENT, FITTINGS AND FIXTURES SHALL BE SUPPORTED CLEAR ABOVE THE FLOOR ON LEGS AT LEAST 150mm HIGH. OR, ALTERNATIVELY, SOLID CONCRETE PLINTHS COVERED TO THE FLOOR SHALL BE PROVIDED AND FINISHED TO MATCH SURROUNDING WALL TO FLOOR FINISHES. WHERE NOT SUPPORTED OF THE ABOVE, THE EQUIPMENT MUST BE FITTED WITH WHEELS WITH SAFETY LOCKS.
 - FITTINGS SUCH AS SINKS, BENCHES OR SIMILIAR EQUIPMENT SHALL BE FIXED TO PROVIDE A CLEAR SPACE FROM THE WALL SURFACES (REF. TO AS4674) OR ALTERNATIVELY THE FITTINGS SHALL BE BUILT INTO THE WALL SO THAT THE SPLASHBACK FINISHES LEVEL WITH THE FINISHED WALL SURFACE.
 - STAFF SHALL BE PROVIDED WITH SUITABLE PERSONAL LOCKERS STORED AT LEAST 300mm CLEAR OF THE FLOOR.
 - ALL PERISHABLE OR POTENTIALLY HAZARDOUS FOODSTUFFS SHALL BE KEPT EITHER BELOW 5°C OR ABOVE 60°C AS THE CASE MAY BE AND THERMOMETERS SHALL BE PROVIDED AND MAINTAINED IN A SATISFACTORY CONDITION IN THE FOOD STORAGE OR DISPLAY AREAS TO ENSURE THESE TEMPERATURE LEVELS ARE MAINTAINED.
 - ALL WORKS AND OCCUPATION SHALL COMPLY WITH THE REQUIREMENTS OF SYDNEY WATER TRADE WASTE SECTION.

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NORTH

ISSUE	AMENDMENT	DATE
A	A ISSUE FOR DA	22.10.2024

PROJECT

AQUA DINING, NORTH SYDNEY POOL, MILSONS POINT

ALTERATIONS & ADDITIONS TO AN EXISTING FINE DINING RESTAURANT

SRG

KITCHEN LAYOUT AND FOOD COMPLIANCE

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2023-2029

A1304

Operational Plan of Management ("Aqua Dining")

North Sydney Pool (Milsons Point)

November, 2023





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1. OVERVIEW

1.1 Purpose and Primary Use

This plan of management applies to the operations of the licensed restaurant (“Aqua Dining”) forming part of North Sydney Pool in Milson Point. The primary use of the premises is for the sale of food and beverage which includes ‘liquor’ and therefore, will operate under the relevant servicing licence. The Premises will operate under an On-Premises liquor licence with liquor only being sold to patrons on the premises with or ancillary to a meal.

The purpose of this Plan of Management (the Plan) is to establish performance criteria for various aspects of the operations of the food and beverage licensed Premises (“Aqua Dining”).

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

All staff involved in the sale and supply of alcohol shall be made familiar with this PoM, with a copy of the said plan always made available on site, within the Restaurant Compliance Folder and will immediately be produced for inspection upon request by a member of the NSW Police Force or Special Inspector from Liquor and Gaming NSW [LGNSW] and Council Rangers attached to the LGA.

The provisions of this PoM will be adhered to and complied with during the execution of the duties of all staff employed by the restaurant venue.

Management will clearly articulate to and consistently remind all staff that disregarding the provisions of this PoM and relevant legislation may lead to disciplinary action and instant dismissal, as well as regulatory action.

Reference to the Licensee shall be deemed to imply reference to the Approved Manager within this PoM.

The Plan meets requirements of the following key legislation:

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

1.2 Scope

The Plan incorporates relevant key legislative obligations and addresses (as a minimum) the following issues:

- (a) Compliance with development consent conditions;
- (b) Amenity of the neighbourhood;
- (c) Control of patrons on arriving at the premises, within the premises and upon leaving the premises;
- (d) Responsible service of alcohol;
- (e) Managing patron numbers;



- (f) Complaint handling and community consultation; and
- (g) The management of persons excluded from the premises.

1.3 Amendments to this Plan

Amendments to the Plan may be made from time to time to improve the management of the Premises and maintain compliance with legislative changes. The consent authority will be consulted with regards to any plan changes should they arise and prior to formalisation. This Plan of Management (POM) will be reviewed, as a minimum, on an annual basis.

Any amendments to the Plan effected by Management will be notified to the following parties:

- NSW Police Local Area Commander and;
- North Sydney Council.

1.4 Use of the Plan

The Premises will be operated in compliance with this Plan. A copy of the Plan will be made accessible to key management personnel and staff. All staff will be briefed on relevant sections of the Plan as required generally during their induction to the company or through routine team briefings. It is the Licensee's responsibility to ensure all operational strategies identified within the Plan are complied with.

A copy of the Plan of Management will be kept on site and provided to any authorised Council or Police Officer upon request.

1.5 Compliance with Existing Conditions

"Aqua Dining" Restaurant will be operated in accordance with the Plan including the conditions of consent imposed within the Development Consent and the Liquor Licence, as amended from time to time.



2. OPERATIONAL ENVIRONMENT

2.1 Organisational Overview

The premises will be operated by “Aqua Dining” which forms part of the Sydney Restaurant Group Pty Ltd trading group.

“” Restaurant management understands that the key to success is the continued commitment to:

- Maintaining the highest standards of operational management, responsible alcohol service, patron welfare and the comfort of our neighbours.
- Creating an environment which is safe and enjoyable for both patrons and staff.
- Providing an enjoyable experience serving customers in a friendly, professional and responsible manner.
- Consultation with the Police and the local community as and when required.

2.2 Hours of Operation

The core hours of operation of the use of the premises are restricted to:

- Monday to Sunday– 12:00pm – Midnight (Operational)

Staff may be required to attend the premises between 7:00am and 12:00pm (Monday-Sunday) for the purpose of food preparation and cleaning.

2.3 Maximum Occupancy

The capacity of the premises is up to a maximum of ninety-two (**92**) patrons.

2.5 Close of Trade

The Premises is licensed to trade across standard trading hours in accordance with On - premises legislation, its Liquor Licence and Development Approval conditions. The Licensee may however elect to open the Premises later or close the Premises early dependent on the day of the week or patronage. “Aqua Dining” Restaurant will take last orders (food) 30 minutes prior to closing time and will cease serving or selling alcohol 15 minutes before closing time.

At the closing of trade, staff members will facilitate the orderly egress and dispersal of patrons from the premises and the immediate vicinity.

Staff members will monitor patron behaviour in, and in the vicinity of the premises until all patrons have left, taking all practical and lawful steps to ensure the quiet and orderly departure of patrons.

2.6 Registration

The use of the premises is to be carried out in accord of the North Sydney Council registration requirements.



2.7 Deliveries

Deliveries will be undertaken within the 'core' business operating hours.

2.8 Maintenance Management

"Sydney Restaurant Group" has the following contracts in place, which will service "Aqua Dining" once in operation.:

Sanitary Cleaning – Flick Anticimex
Pest Control - Flick Anticimex
Electrical/Plumbing – Sarkis Electrical/Hydracon Plumbing
Grease Trap Maintenance – Able Liquid Waste
Air-Conditioning Maintenance – GPac Air Conditioning

2.9 Occupational Health and Safety

The restaurant will be operated in accordance with the relevant Occupational, Health and Safety (OH&S) requirements.



3. AMENITY OF NEIGHBOURHOOD

The Licensee and venue staff will consider the amenity of the neighbourhood, taking reasonable measures, including liaison with neighbours and police, to ensure that the Premises' operations do not adversely impact the surrounding environment.

Key aspects include:

3.1 Noise, Vibration and Odour

Sound emissions, odour emissions and noise management practices will comply with North Sydney Council requirements, relevant Liquor Licence conditions, Australian Standards, Protection of the Environment Operations Act 1997, EPA Industrial Noise Guidelines.

Potentially identifiable likely noise and vibration sources from the venue may include:

- Background amplified music from speakers installed within the venue;
- Mechanical air conditioning and extraction; and
- Patrons entering and leaving the Premises.

The Premises will operate in accordance with the findings, recommendations and limitations as detailed within the acoustic report prepared by Pulse White Noise Acoustics Pty Ltd and any recommendations contained there-in.

No external amplification of noise to the street frontages of the Premises will occur (including no installation of external speakers). Amplification of noise in any area will only occur in accordance with the approved noise conditions detailed within the Development Approval.

The use of the premises shall not give rise to air impurities in contravention of the Protection of the Environment Operations Act, 1997.

3.2 Signage

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

The following signage may be erected at the entrances to or within the premises where appropriate;

- (a) The name of the licensed premises and of the Licensee
- (b) The type of licence for the Premises
- (c) A warning that CCTV video surveillance cameras are in use;
- (d) Sale or supply of liquor to persons under 18 years of age prohibited notice;
- (e) Signage (in lettering not less than 150mm in height on a contrasting background) is to be erected in a prominent position inside of, and adjacent to the principal entry to the premises.

The signage shall state:

- *Approved hours of operation*
- *Approved patron capacity*



(f) Signage (in lettering not less than 150mm in height on a contrasting background) is to be erected in a prominent position inside of, and adjacent to the principal entry to the premises. The signage shall state:

- *Upon leaving please respect local residents by minimising noise*

(g) A sign placed in an area prominent to patrons along the path of travel to the bathroom/s (Respect our Neighbours) with advice regarding the minimisation of noise.

3.3 Behaviour of Patrons

Management and staff will take reasonable steps to control the behaviour of “Aqua Dining” patrons whilst on the premises and as they arrive and depart. To ensure this, management will, during peak trading periods:

- (a) Ensure that patron behaviour is monitored by “Aqua Dining” staff members upon approach to the premises and those persons observed behaving in an anti-social manner or causing excessive noise are refused entry to the premises.
- (b) Not permit patrons at any time to smoke directly outside the premise.
- (c) “Aqua Dining” staff will undertake regular surveillance within the premise and the external perimeter of the premise to monitor patron behaviour and loitering;
- (d) “Aqua Dining” staff members to ensure that patrons leaving the premises do so promptly and as quietly as is reasonably possible;
- (e) Any person who is loitering in the immediate vicinity of “Aqua Dining” will be requested to move on by “Aqua Dining” staff, if they do not intend to enter the premises.

3.4 Ingress and Egress

- (a) “Aqua Dining” staff will ensure that the behaviour of patrons who are entering or departing the premises does not detrimentally affect the amenity of the neighbourhood; i.e. noise will be controlled and there is no littering or loitering by patrons of the premises.
- (b) Management and staff will monitor issues concerning the egress of patrons including the availability of convenient public transport.



3.5 Queue Management

If required, an effective queuing system will be implemented at the Premises' entrance to ensure orderly entry and exit and so that pedestrian traffic is not impeded. At all times when there are patrons in a queue to enter the Premises, a public thoroughfare will be maintained, and the queue will be clearly defined.

The queue will be monitored for patrons displaying unacceptable signs of intoxication; and indecent, violent or quarrelsome behaviour, with a view to intercepting and removing such patrons at the earliest opportunity if deemed necessary. Additionally, staff will be vigilant in managing noise created by patrons queuing to enter the Premises.

The queue will be regularly patrolled by premises staff, and the number of patrons queuing for entry will be limited in attempts to reduce waiting times.

3.6 Managing Patron Numbers

Given the proposed number of patrons permitted within the Premises at any one time, the Licensee (or delegate) will control patron numbers to ensure they do not exceed the Premises' capacity. To support this, Premises' capacity will be monitored by way of headcounts directed by Management staff during peak trading periods.

3.7 Security

As the Premises is a food and beverage venue and will operate under a Liquor On-Premises Licence, it is not envisaged that any dedicated security guards will be required.

All Premises' management and service staff are trained and accredited in the responsible service of alcohol and are trained in the security operational protocols for the Premises.

3.8 Transportation

When requested and or practical, the Licensee and or staff will provide patrons with directions to local taxi ranks and other forms of public transport when leaving the Premises.

3.9 Emissions

The Premises and its operations will be conducted in such a manner as to not interfere with or materially affect the amenity of the neighbourhood through the emissions of gases, vapours, dusts or other impurities which create a nuisance, are injurious or prejudicial to health.

The Licensee or manager on duty will actively monitor these elements so as to ensure they do not adversely impact the Premises' neighbours or local constituent. Any complaints received in relation to the Premises' emissions will be managed in accordance with the Premises' Complaints Handling protocols (detailed below). Additionally, wherever applicable, Council and or Police may be consulted/advised to ensure a collaborative, solution-focussed approach is adopted to resolving any issues.



3.10 Complaint Handling

The Licensee (or delegate) will respond to complaints, whether from patrons, the public, police or council in a timely and appropriate manner.

The Premises will keep and maintain a record of any complaints made with respect to its operations within a Complaint Register. Upon receipt of a complaint, the Licensee will respond in a courteous and efficient manner. Wherever possible, the appropriate remedial action will be implemented as a priority and the Licensee or Manager in charge will contact the complainant within 48 hours to confirm details of action taken.

The Complaint Register will include:

- Name, contact and address details of person(s) making the complaint;
- Date and time of complaint;
- Nature of the complaint;
- Name of staff on duty;
- Action taken by the Premises to resolve the complaint;
- Follow-up; and
- Outcome.



4. RESPONSIBLE SERVICE OF ALCOHOL

The Licensee will promote responsible service of alcohol by Premises managers, staff and contractors including:

- a) Not permitting service of alcohol to minors or any person who is intoxicated;
- b) Closely checking ID presented by young people;
- c) Refusing entry to the premises of any person who is intoxicated, indecent, violent or quarrelsome;
- d) Ejecting any person who causes a disturbance including being indecent, violent or quarrelsome while on the premises;
- e) Barring from entry (for a pre-determined period) any person who is extremely or repeatedly objectionable;
- f) The sale of liquor must cease 15 minutes prior to the cessation of the respective hours of operation;
- g) No patron shall be permitted to take glasses of open containers of liquor off the premises; and
- h) Patrons shall be seated while consuming liquor.

4.1 Harm Minimisation

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

- a) All staff members who are required to have an RSA Competency card as part of their normal duties will possess one;
- b) Not selling undesirable liquor products or engaging in irresponsible liquor promotions;
- c) Making available (and promoting) food and free drinking water within the Premises at bars where liquor is served or near the point of service;
- d) Making available alternatives to full strength alcohol, such as low alcohol beer, soft drinks and other non-alcoholic beverages within the Premises; and
- e) Ceasing to serve or sell alcohol fifteen (15) minutes prior to closing time.

4.2 Removal of Liquor from the Premises

The Licensee and Premises staff will prevent patrons leaving the Premises with liquor in opened containers or glasses.

4.3 RSA Monitoring

All staff who are required to have an RSA Competency card as part of their normal duties will, in addition to performing their primary function, act in a secondary capacity by performing RSA supervisory duties within the Premises by assisting to monitor patron intoxication levels.



4.4 Licensee's Incident Register

The Licensee will maintain an Incident Register, in the form approved by the Authority. The Licensee will record relevant information within this register, including details of any incident:

- (a) involving violence or anti-social behaviour occurring on the licensed premises;
- (b) of which the Licensee is aware that involves violence or anti-social behaviour occurring in the immediate vicinity of the licensed premises and that involves a person who has recently left, or been refused admission to, the Premises.

4.5 ID Policy

As a general rule, identification will be requested from all persons who could potentially be under the age of 18 years upon the request or of an alcoholic beverage, in accordance with relevant legislation. The only acceptable proof of identification will be:

- a) A driver's or rider's licence or permit (issued by an Australian State or Territory or any foreign country);
- b) Australian passport or a foreign passport issued by another country;
- c) NSW photo card (issued by Roads and Maritime Services NSW);
- d) Proof of age card issued by a public authority of the Commonwealth or of another State or Territory for the purpose of attesting to a person's identity and age; and Keypass (over-18) identity card issued by Australia Post.

4.6 CCTV Surveillance

The Premises is equipped with a digital video surveillance system which is maintained in good operational order. The correct time and date is automatically recorded on all surveillance footage whilst recording.

The methods of CCTV recording, and retention and provision of CCTV footage will be in accordance with the Premises' liquor licence, as may be amended from time to time.

The following areas will be covered by the Premises' CCTV surveillance system:

- (a) principal entrance and exit and the immediate footpath areas surrounding these access points; and
- (b) areas within the Premises occupied by the public (excluding toilets).

The surveillance system operates during trading hours and is checked daily to ensure it is functioning correctly. A routine maintenance program is also employed to ensure appropriate functionality is maintained and the equipment is serviced.

Recorded surveillance footage is retained for a period of thirty (30) days and will be made available for viewing whenever the Premises is trading, and any copies will be supplied to Police or any other authorised Inspector upon request within a reasonable time.



Specifically:

1. The licensee must maintain a closed-circuit television (CCTV) system internally and externally to the Premises in accordance with the following requirements:

- a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of premises that is not required to cease trading, continuously at all times);
- b) recordings must be in digital format and at a minimum of six frames per second;
- c) any recorded image must specify the time and date of the recorded image;
- d) the system's cameras must cover the following areas:
 - (i) the entry and exit points on the premises,
 - (ii) the footpath immediately adjacent to the premises, and
 - (iii) all publicly accessible areas (other than toilets) on the premises.

The licensee must also:

- a) keep all recordings made by the CCTV system for at least 30 days;
- b) ensure that at least one member of staff is on the premises at all times the system is operating;
- c) who is able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
- d) provide any recordings made by the system to a police officer or Liquor and Gaming NSW Inspector within 24 hours of any request by a police officer or Liquor and Gaming NSW inspector to provide such recordings.

4.7 Patron Ejection

Wherever practical, the Licensee and staff will adopt the following procedure when involved in the removal of a person from the Premises who is intoxicated, disorderly, violent or quarrelsome:

- (a) Interception and verbal communication with the patron will occur to explain the reason for the person being requested to leave the Premises including, where appropriate, provide an explanation of any applicable breach of conditions of the Liquor Licence or Liquor Act;
- (b) In the event that a fight occurs, staff's physical involvement will be limited to the necessary restraint required to escort the individuals involved from the Premises as quickly and safely as possible so that other patrons are not unduly disturbed. Patron(s) who are asked to leave for starting a disturbance are no longer considered welcome and may be banned from the Premises for a nominated period;
- (c) Premises staff will not unlawfully strike or kick a customer; and
- (d) Wherever possible, patrons will be ejected via the safest and most direct route. In choosing an appropriate ejection route, factors such as CCTV coverage, patron safety, staff and other persons within the Premises will be taken into consideration.



4.8 Security Incident Register

Staff will ensure that it will complete incident reports whenever they:

- (a) make forcible physical contact with, or physically restrains a person; or
- (b) ejects a person from, or directs a person to leave, the Premises.

Staff will complete incident reports within a reasonable time after an altercation or disturbance occurring at the Premises or in the immediate vicinity, in accordance with all legislative requirements, guidelines and Liquor Licence / DA conditions.

4.9 Police Notification of Violent Incidents and Crime Scheme Preservation

Immediately after the Licensee or a staff member becomes aware of an incident on the Premises involving an act of violence that has caused a serious and visible injury to a person, the Licensee (or delegate) will ensure:

- (a) all reasonable steps are taken to preserve and keep intact the area where the incident occurred and that any implement or other thing associated with the act of violence is retained in accordance with guidelines issued by the NSW Police Force relating to the preservation of crime scenes;
- (b) the Local Area Commander of the local police area is advised of the incident;
- (c) any directions given by the Commander to the Licensee or a staff member to preserve or keep intact the area where the incident occurred are complied with; and
- (d) offer and supply first aid as necessary.

4.10 Illegal Substances

The Premises policy is that the carrying, use or dealing in any form of illegal substances by any patron or staff member will not be tolerated. Any patron identified selling, purchasing or in possession of an illegal substance will be ejected from the Premises and may be handed over to Police for further investigation. Any employee proven to be selling, purchasing, using or in possession of an illegal substance on the Premises will be dismissed.



5. EMERGENCY MANAGEMENT

5.1 Emergency and Evacuation Procedures

The Premises maintains effective emergency and evacuation procedures that are compliant with relevant Australian Standards. Relevant staff are appropriately trained to facilitate these emergency procedures should they be required. In addition, the following fire safety measures are followed:

- (a) The licensee ensures all essential services installed at the Premises are certified annually and that they remain in good working order;
- (b) In the event of essential service malfunctioning, the licensee will ensure the fault is rectified in a reasonable timeframe;
- (c) Fire extinguishers are located at various points within the Premise which are highly prominent and easily accessible. Key staff are trained in the usage of fire extinguishers;
- (d) An annual fire safety statement is obtained;
- (e) Emergency exit signage is clearly visible and easily identifiable to all patrons and staff;
- (f) Management ensure that all fire escapes and stairways are kept clear of persons(s) and/ or objects at all times;
- (g) Staff and management conduct routine white level inspections of the Premises; and
- (h) In the event of an emergency staff are instructed to dial 000.

5.2 Staff Training

“Aqua Dining” emergency and evacuation trainings will be run by Sydney Restaurant Group’s head of operations (Andrew Carson). Two sessions per year are conducted, per venue/precinct. Sessions are compulsory for all management and senior chefs to attend. The sessions are as follows:

Session One:

- Warden Training (ERT-200)
4 sessions over two years run at 6 monthly intervals meeting the requirements of AS3745. Each session will take into account the previous session.
- First Attack Fire (ERT-FA)
Fire Extinguisher training including Hose Reels and Blankets. This session is to be conducted annually.

Session Two:

- Practical Evacuation (ERT-PRAC)
This is a practical simulation of an evacuation
- Emergency Control Systems (ERT-ECS) (Fire Panel and EWIS Training)
This covers the use of the EWIS and Fire Panels.



6. FACILITY MANAGEMENT SERVICES

6.1 Cleaning and Maintenance

The Premises will be kept in a clean and tidy condition and regularly maintained both internally and externally including in addition to North Sydney Council's daily street sweeping and cleansing operations, the surrounds of the building will be kept clean and free from litter.

6.2 Glass Removal

Glass will not be emptied or transferred from one receptacle to another anywhere in a public place (external to the Premises). Whenever required glass will be emptied / transferred within the Premises and removed in containers.

6.3 Waste and Recycling Storage and Disposal

Waste will be transferred from the kitchen area to the designated kitchen bin storage area for removal as part of the base building waste services.

Waste bin transport is the sole responsibility of the Licensee or nominated staff or service member.

6.3.1 Waste Storage Area

A waste storage area is nominated adjacent to the loading area, provided with direct access from Paul Street.

Both the bins and the area will be maintained at a high hygienic standard, cleaned on a weekly basis. Appropriate levels of lighting are to be provided in and around the area designed so as to enable safe movement/s; however, orientated so as to mitigate any adverse level of light spill into surrounding properties. Clear signage identifying bin types, space for reusable items such as crates and pallets and problem waste is to be provided within the storage area in a location where it remains readily identifiable.

Each nominated bin will be clearly marked so as to facilitate orderly and correct disposal. Bins are nominated within the storage area allocated as follows:

- a) Paper and Carboard Recycling; and
- b) General waste

A valid trade waste agreement will be entered into.

6.3.2 Signage

Clear and readily interpretable signage is to be provided within the bin storage area which identifies the use of each bin and the relevant waste disposal method/s.



6.3.4 General waste provisions

- a) A copy of this plan of management will be provided to the building management committee;
- b) Outside of collection times, bins are not to be stored across the public domain;
- c) Pallets, kegs etc are at no time to be placed across the public domain;
- d) Waste strategy will be documented within the existing SWRMP and will be revised on an annual basis for the purpose of ensuring updated waste reduction strategies and technologies;
- e) Waste management will be contracted to a private collection company prior to commencement of the operations.

6.3.5 Litter Checks

Litter patrols will be undertaken in the general vicinity of the premises (20 metres from the front door of the premises). Such patrols will take place intermittently during the hours of operation with the final check conducted at the end of trade. A register will be maintained and kept on the premises at all times detailing date, time of check, staff member responsible and signature.



Appendix 1: “Aqua Dining” Restaurant House Policy

“Aqua Dining” Restaurant Management in compliance with the Liquor Act, 2007 and in the interests of patrons and staff has adopted practices to ensure the responsible service of alcohol. It is our Policy to:

- Prevent underage drinking by requiring that proof of age be provided.
- Only serve alcohol when accompanied by a meal.
- Minimise the likelihood of intoxication by recognising the signs of intoxication and refusing alcohol to patrons who reach this point. Any person who is already intoxicated is to be denied entry to the licensed premises.
- Prevent disruptive and/or anti-social behaviour.
- Minimise the likelihood of drink driving by arranging safe transport options such as contacting taxi companies to collect patrons.
- Educate staff in respect of Responsible Service of Alcohol and this Policy.

Preventing Underage Drinking

If in any doubt as to the age of a person, always check. It is better to be over-cautious than serve alcohol to a minor and place the licence in jeopardy through prosecution. If patrons object to providing identification, clearly explain it is a requirement of Management and the law.

Preventing Intoxication

For the purposes of the Act a person is intoxicated if:

- the person's speech, balance, co-ordination or behaviour is noticeably affected; and
- it is reasonable in the circumstances to believe that the affected speech, balance, co-ordination or behaviour is the result of the consumption of liquor.

Management and staff are to ensure that adequate steps are in place to minimise the likelihood of intoxication on the premises by:

- Monitoring patrons;
- Refusal of service to patrons showing signs of intoxication;
- Not allowing intoxicated persons to enter or remain on the licensed premises.

Preventing Disruptive or Anti-Social Behaviour

Management and staff are not to allow disruptive, violent or anti-social behaviour to occur on or in the vicinity of the premises by patrons having been in attendance at the premises. Staff are to ensure that this is prevented by:

- Not tolerating any conduct or behaviour which a reasonable person would consider undesirable.
- Identifying potential problems and taking steps to alert senior staff/security and preventing them from escalating.