CITY OF SYDNEY

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NOTICE OF DETERMINATION FOR MODIFICATION OF DEVELOPMENT CONSENT

Application number	**D/2024/19/A** PAN-656262
Applicant	THE COUNCIL of THE CITY of SYDNEY GPO BOX 1591 SYDNEY NSW 2001
Description of development	Use of all three buildings (known as 'Harry Jensen Community Centre', 'Abraham Mott Hall' and 'Abraham Mott Community Space') as a community facility.
Property	2 Watson Road, MILLERS POINT NSW 2000 Lot 7301 DP 1163733
Determination	Approved Consent Authority ○ Local Planning Panel
Consent is to operate from **Consent will lapse on** **Date of Section 4.55(1A) Modification**	3 July 2024 3 July 2029 5 August 2026
Approval bodies that have given general terms of approval	N/A

Under section 4.55(1A) of the EP&A Act, notice is given that the above application to modify D/2024/19/A has been approved, subject to the conditions specified in this notice and as described in the Modification Summary.

Reasons for approval

1. The development, as modified is considered to be substantially the same as that originally approved; and
2. Appropriate conditions of consent have been imposed to ensure that the development will not result in detrimental environmental impacts.

Community Consultation

The proposed development is not required to be notified in accordance with the City of Sydney Community Engagement Strategy and Participation Plan.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the

date that you received this notice provided that an appeal under section 8.9 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.9 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

per
GRAHAM JAHN AM
Executive Director - City Planning, Development & Transport

Person on behalf of the consent authority

For further information, please contact **Anthony Kwee Kartawardana ph. 02 9246 4519, email akweekartawardana@cityofsydney.nsw.gov.au.**

Modification Summary

Application Number (PAN#)	Determination Date	Modification Description
D/2024/19/A PAN-656262	5 August 2026	Amendment of Condition 1

Terms and Reasons for Conditions

Under section 118(3)(a) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

(a) Development must be in accordance with Development Application No. D/2024/19 dated 30 January 2024 for the use of the Abraham Mott Hall and Community Centre and the Harry Jensen Community Centre, as a community centre and the following drawings prepared by Marketing Drawing:

Drawing Number	Drawing Name	Date
77145 Rev A	Schedule of Areas	13/07/2026

and as amended by the conditions of this consent.

No physical works or installation of signage is approved under this application.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

Amended by D/2024/19/A (PAN-656262) – 5 August 2026

(2) SIGNS - SEPARATE DA REQUIRED

A separate development application for any proposed signs (other than exempt or complying signs) must be submitted to and approved by Council prior to the erection or display of any such signs.

Reason

To require separate consent to be obtained for any additional signs.

(3) WASTE AND RECYCLING MANAGEMENT - GENERAL

The proposal must comply with the relevant provisions of the Sydney Development Control Plan 2012 and Council's *Guidelines for Waste Management in New Developments 2018*. The provisions to support the safe and efficient waste collection service for residents and collection contractors.

Reason

To ensure that waste and recycling is appropriately managed throughout all phases of the development.

ONGOING USE

(4) HOURS OF OPERATION - SENSITIVE USES

The hours of operation hours of operation are regulated as follows:

(a) The hours of operation must be restricted to between:

(i) 7:00am and 10:00pm on Mondays to Sundays inclusive;

(b) Notwithstanding (a) above, the use may operate between 10:00pm and 12:00am (midnight) the following day on Mondays to Sundays for a trial period of 12 months from the date of determination of this development application.

(c) Should the operator seek to continue the extended operating hours outlined in (b) above, a section 4.55 modification application must be lodged with Council not less than 30 days before the end of the trial period. Council's consideration of a proposed continuation and/or extension of the hours permitted by the trial will be based on, among other things, the performance of the operator in relation to the compliance with development consent conditions, any substantiated complaints received, and any views expressed by the Police.

Reason

To ensure the premises operates within the approved hours of operation.

(5) PLAN OF MANAGEMENT

The use must always be operated / managed in accordance with the Plan of Management (Venue Management Plan), prepared by the City of Sydney Council, revision 7, dated 2023 (City of Sydney Ref: 2024/261724) that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(6) COMPLIANCE WITH THE ACOUSTIC REPORT

(a) All relevant performance parameters (including but not limited to requirements, engineering assumptions and recommendations) in the DA Acoustic Report (Noise Emission Assessment) prepared by Acoustic Dynamics, dated 22 April 2023, ref 6353R001.JC240423 Rev 0, Council TRIM Ref 2024/261725, must be implemented in the development prior to the commencement of its use.

(d) All physical aspects of the building's structure installed in order to meet performance parameters in accordance with this condition must be maintained at all times.

Reason

To ensure all parties are aware of the supporting documentation that applies to the development.

(7) MAXIMUM CAPACITY OF PERSONS

(a) The maximum number of persons permitted in the premises at any one time is:

- 100 persons in the Abraham Mott Community space;
- 180 persons in the Abraham Mott Hall; and
- 50 persons in the Harry Jensen Community space.

Reason

To ensure the premises can safely accommodate patrons, staff and performers and safeguard the amenity of the surrounding neighbourhood.

(8) COMPLIANCE WITH NATIONAL CONSTRUCTION CODE

All proposed work must comply with the *National Construction Code (previously known as Building Code of Australia*).

Reason

(Prescribed condition - EP&A Regulation 2021 clause 69(1)).

(9) NO SPEAKERS OR MUSIC OUTSIDE

Speakers and/or noise amplification equipment must not be installed and music must not be played in any of the outdoor areas associated with the premises including the public domain. Speakers located within the premises must not be placed so as to direct the playing of music towards the outdoor areas associated with the premises.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(10) NEIGHBOURHOOD AMENITY

(a) Signs must be placed in clearly visible positions within the premises requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area. The signage must be in bold letters not less than 25mm in height on a contrasting background.

(b) The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood.

Reason

To safeguard the amenity of the surrounding neighbourhood.

(11) NOISE - ENTERTAINMENT

(a) The $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the background noise level ($L_{A90,\ 15minute}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) by more than 5dB between 7.00am and 12.00 midnight when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.

(b) The $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the background noise level ($L_{A90,\ 15\ minute}$) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) between 12.00 midnight and 7.00am when assessed at the boundary of any residential accommodation or tourist and visitor accommodation.

(c) Notwithstanding (a) above, the $L_{Aeq,\ 15\ minute}$ noise level from the use must not exceed the greater of the following levels between 7am and 12 midnight inside any habitable room of a residential accommodation or tourist and visitor accommodation, or at any time in an affected commercial premises:

(i) The existing internal $L_{A90,\ 15\ minute}$ (from external sources excluding the use) in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive). Or,

(ii) If the $L_{Z90,\ 15\ minute}$ background level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's $L_{Zeq\ 15\ minute}$ noise criteria level.

(d) Notwithstanding (b) above, the $L_{A1\ 15\ minute}$ noise level from the use must not exceed the greater of the following sound pressure levels inside any habitable room between 12 midnight and 7am inside any habitable room of an affected residential accommodation or tourist and visitor accommodation:

(i) The existing internal $L_{A90,\ 15\ minute}$ (from external sources excluding the use) minus 10 dB in any octave band (reference frequency 31.5 Hz to 8 kHz inclusive) inside a habitable room of an affected residential accommodation or tourist and visitor accommodation. Or,

(ii) If the $L_{Z90,\ 15\ minute}$ minus 10 dB level is below the hearing threshold curve (Tf - Table 1 of ISO 226 : 2003) in an above octave band, the lowest audible sound level (Lp) of the Tf curve in that octave band shall become that octave's $L_{Z1\ 15\ minute}$ noise criteria level.

Note: L_{eq}, $L_{01,}$ and $L_{90,}$ metrics and 'A' (weightings) are as per the definitions in the standard AS1055-20148. 'Z' means unweighted noise. An internal L_{A90} level must be determined in the absence of noise emitted by the use and be sufficiently representative of the receiver in a low noise level quiet state. External L_{A90} levels for planning must be established as per the long-term methodology in Fact Sheet B of the NPfI unless otherwise agreed by the City's Area Planning Manager.

Reason

To protect the acoustic amenity of surrounding properties.

(12) NOISE – COMMERCIAL PLANT / INDUSTRIAL DEVELOPMENT

(a) Noise from commercial plant and industrial development must not exceed a project amenity/intrusiveness noise level or maximum noise level in accordance with relevant requirements of the NSW EPA *Noise Policy for Industry* 2017 (NPfI) unless agreed to by the City's Area Planning Manager. Further:

(i) Background noise monitoring must be carried out in accordance with the long-term methodology in *Fact Sheet B* of the NPfI unless otherwise agreed by the City's Area Planning Manager.

(ii) Commercial plant is limited to heating, ventilation, air conditioning, refrigeration and energy generation equipment.

(b) An $L_{Aeq,15\ minute}$ (noise level) emitted from the development must not exceed the $L_{A90,\ 15\ minute}$ (background noise level) by more than 3dB when assessed inside any habitable room of any affected residence or noise sensitive commercial premises at any time. Further:

(i) The noise level and the background noise level must both be measured with all external doors and windows of the affected residence closed.

(ii) Background noise measurements must not include noise from the development but may include noise from necessary ventilation at the affected premises.

(c) Corrections in *Fact Sheet C* of the NPfI are applicable to relevant noise from the development measured in accordance with this condition, however duration corrections are excluded from commercial noise.

Reason

To protect the acoustic amenity of surrounding properties.

(13) DELIVERY VEHICLES

Deliveries associated with the site that involve the movement of vehicles, must only occur between the hours of 7:30am and 5:30pm on Mondays to Fridays, inclusive, and 7:30am and 3:30pm on Saturdays.

Reason

To ensure deliveries to the site do not adversely impact on local traffic movements.

(14) WASTE AND RECYCLING COLLECTION CONTRACT

Prior to the occupation of the premises, the building owner or lessee must ensure that there is a contract with a licensed contractor for the removal of **all waste**. Waste is to be stored and collected from within the curtilage of the site at all times.

Reason

To ensure that waste and recycling is appropriately managed.

(15) WASTE AND RECYCLING COLLECTION - COMMERCIAL

(a) Waste storage and the collection of waste and recycling must only occur during the designated zone collection times as outlined in the City's Waste Policy – Local Approvals Policy for Managing Waste in Public Places 2017.

(b) Waste and recycling bins must not be placed on the street for collection. Services must be conducted within the property boundary or as a wheel-out/wheel-back service.

(c) Unimpeded access must be provided for collection vehicles to set down within 10 metres of waste storage areas during zone collection times on collection days.

Reason

To ensure that waste and recycling is appropriately managed.

(16) HOT WATER SERVICE

The capacity of the hot water service must ensure that a constant supply of hot water is provided to the premises at all times for all sinks and basins including hand wash basin/s. The temperature of the hot water provided to the sinks must be in accordance with AS4674 – Design, Construction and Fit-out of Food Premises and the Australia New Zealand Food Standards Code 3.2.2 - Food Safety Practices and general requirements.

Reason:

To ensure the food premises has a constant supply of hot water in accordance with relevant standards.

(17) SIGNS / GOODS IN PUBLIC WAY

No signs or goods are to be placed on the footway or roadway adjacent to the property.

Reason

To ensure the public domain is kept free from physical obstructions.

(18) OCCUPATION CERTIFICATE TO BE SUBMITTED

An Occupation Certificate must be obtained from the Principal Certifier and a copy submitted to Council prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.

Reason

To ensure the site is authorised for occupation.

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the *Conditions of development consent: advisory notes*. https://www.planning.nsw.gov.au/sites/default/files/2023-07/condition-of-consent-advisory-note.pdf The consent should be read together with the *Conditions of development consent advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the City of Sydney.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means the City of Sydney Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

CITY OF SYDNEY
CITY PLANNING DIVISION

APPROVAL

D/2024/19/A
5/08/2026
These plans must be read in conjunction with the decision notice

SCALE 1 : 250

SCHEDULE OF AREAS

COMMUNITY SPACE	189 m²
ABRAHAM MOTT HALL	227 m²
COMMUNITY CENTRE	289m²
ENTRY	21m²
ROOM A	18 m²
ROOM B	43 m²
OFFICE	10 m²
FOYER	14 m²

STORE A	2 m²
STORE B	21m²
STORE C	7 m²
KITCHEN	10 m²
AMENITIES A	65 m²
AMENITIES B	31m²
AMENITIES C	42 m²
AMENITIES D	18 m²
TOTAL AREA	**1,007 m²**

DISCLAIMER: THIS PLAN HAS BEEN PREPARED FOR MARKETING PURPOSES ONLY. INTERESTED PARTIES SHOULD UNDERTAKE THEIR OWN ENQUIRIES AS TO THE ACCURACY OF THE INFORMATION. AREAS ARE APPROXIMATE AND DIMENSION ROUNDING MAY RESULT IN AREA DISCREPANCIES.

NOTES:
1. AREAS MARKED AS * INDICATE INACCESSIBLE AT TIME OF SURVEY

CLIENT: Colliers International

MARKETING DRAWING

15-17A ARGYLE ST & 2 WATSON RD,
MILLERS POINT, NSW

DATE:	13/07/2026		
REF:	77145	REV:	A
DRAWN:	GS	CHECKED:	CL/BL
SCALE:	1:250 @ A3	SHEET:	1 OF 1

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