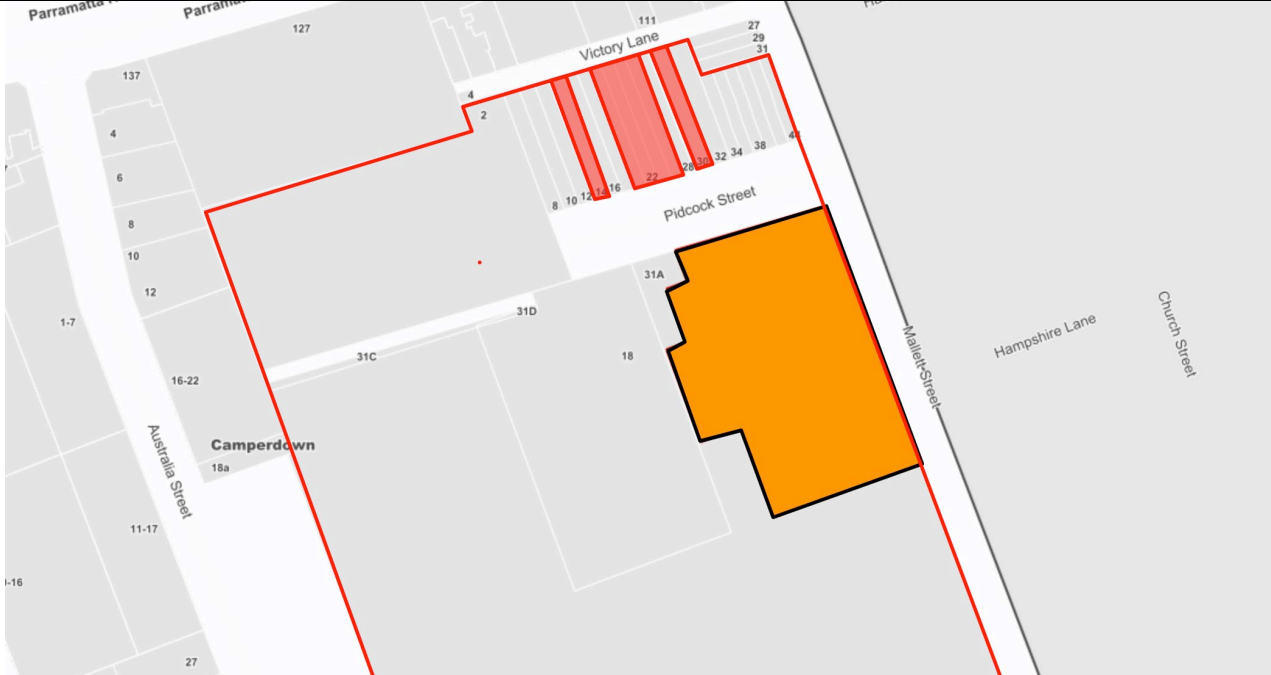




 DEVELOPMENT ASSESSMENT REPORT				
<b>Application No.</b>	MOD/2021/0404			
<b>Address</b>	31A Mallett Street CAMPERDOWN NSW 2050			
<b>Proposal</b>	Section 4.55(1A) application to modify Determination No 201500378.04 to continue extended trading hours for the restaurant of 6.00am to 11.00pm Mondays to Thursdays, 6.00am to 12.00 midnight Fridays and Saturdays and 6.00am to 10.00pm on Sundays and Public Holidays and the trading hours for the caravan café of 6.00am to 10.00pm daily including Public Holidays			
<b>Date of Lodgement</b>	24 September 2021			
<b>Applicant</b>	Lloyd Pollard			
<b>Owner</b>	Inner West (formerly Marrickville) Council			
<b>Number of Submissions</b>	Initial: 8			
<b>Value of works</b>	N/A			
<b>Reason for determination at Planning Panel</b>	The site is a Crown Reserve as defined under s.12.26 of the <i>Crown Land Management Act 2016</i> and is under the management of Council			
<b>Main Issues</b>	Acoustic impacts to neighbouring residents			
<b>Recommendation</b>	Approved with Conditions			
<b>Attachment A</b>	Recommended modification to conditions of consent			
<b>Attachment B</b>	Approved plans			
<b>Attachment C</b>	Approved Plan of Management			
<b>Attachment D</b>	Modified Determination No. 201500378 dated 29 October 2019			
				
LOCALITY MAP				
Subject Site		Objectors		N↑
Notified Area		Supporters		
Note: Due to scale of map, the full extent of Camperdown Park within the notified area could not be shown. Properties notified within the City of Sydney LGA are not shown on map.				

## 1. Executive Summary

This report is an assessment of the application submitted to Council under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 application to modify Determination No. 201500378.04 dated 29 October 2019 to continue extended trading hours for the restaurant of 6.00am to 11.00pm Mondays to Thursdays, 6.00am to 12.00 midnight Fridays and Saturdays and 6.00am to 10.00pm on Sundays and Public Holidays and the trading hours for the caravan café of 6.00am to 10.00pm daily including Public Holidays at 31A Mallett Street Camperdown.

The application was notified to surrounding properties and 7 submissions were received in response to the initial notification.

The main issues that have arisen from the application include:

- Concerns of acoustic amenity impacts as a result of the use to neighbouring residents

The proposal generally complies with the aims, objectives and design parameters contained in the relevant State Environmental Planning Policies (SEPPs), Marrickville Local Environmental Plan 2011 (MLEP 2011) and Marrickville Development Control Plan 2011 (MDCP 2011).

The potential impacts to the surrounding environment have been considered as part of the assessment process. Any potential impacts from the development are considered acceptable given the context of the site and the desired future character of the precinct. The application is recommended for approval.

The application is referred to the Panel as the site is a Crown Reserve as defined under s.12.26 of the *Crown Land Management Act 2016* and is under the management of Council.

## 2. Proposal

The application seeks to continue extended trading hours for the restaurant of 6.00am to 11.00pm Mondays to Thursdays, 6.00am to 12.00 midnight Fridays and Saturdays and 6.00am to 10.00pm on Sundays and Public Holidays and the trading hours for the caravan café of 6.00am to 10.00pm daily including Public Holidays.

The hours of operation are set out by Condition 14 of the current consent is reproduced below.

“14. (i) *The hours of operation of the site being restricted in the following manner for each use:*

<i>Urban Farm:</i>	
<i>Mondays to Fridays:</i>	<i>7:00am to 3:00pm</i>
<i>Weekends and Public Holidays:</i>	<i>10:00am to 3:00pm</i>

<i>Restaurant:</i>	
<i>Mondays to Sundays:</i>	
<i>(including Public Holidays):</i>	<i>7:00am to 10:00pm</i>

*Caravan café:*

*Mondays to Sundays:  
(including Public Holidays)*

*7:00am to 10:00pm*

*Community Room:  
Mondays to Sundays:  
(including Public Holidays)*

*6:00am to 10:00pm*

(ii) For a period of not more than 2 years from the date of this modified consent, the opening hours of the restaurant are restricted to between the hours of 6:00am to 11:00pm Monday to Thursday, 6:00am to 12:00 midnight Friday and Saturdays, and 6:00am to 10:00pm Sundays and Public Holidays. The opening hours of the caravan café are restricted to between the hours of 6:00am to 10:00pm daily including Public Holidays. During this 2 year trial period, no outdoor activities of the restaurant are permitted prior to 7:00am or beyond 10:00pm. In accordance with the criteria prescribed by the Addendum Acoustic Report prepared by Acoustic Consulting Engineers dated 9 November 2015 regarding the closure of windows/doors to the restaurant and use of the lawn area, outdoor pergola areas and covered deck.

(iii) A continuation of the extended hours granted under part (ii) of this condition will require Council’s approval under the Environmental Planning and Assessment Act by way of a fresh application.

Reason: To ensure that the extended hours of operation are reviewed and assessed in light of their performance and to ensure that the use does not interfere with the amenity of the locality.”

The location of the farm caravan café (in blue) and restaurant (in green) is shown on the extract from the approved site plan below.

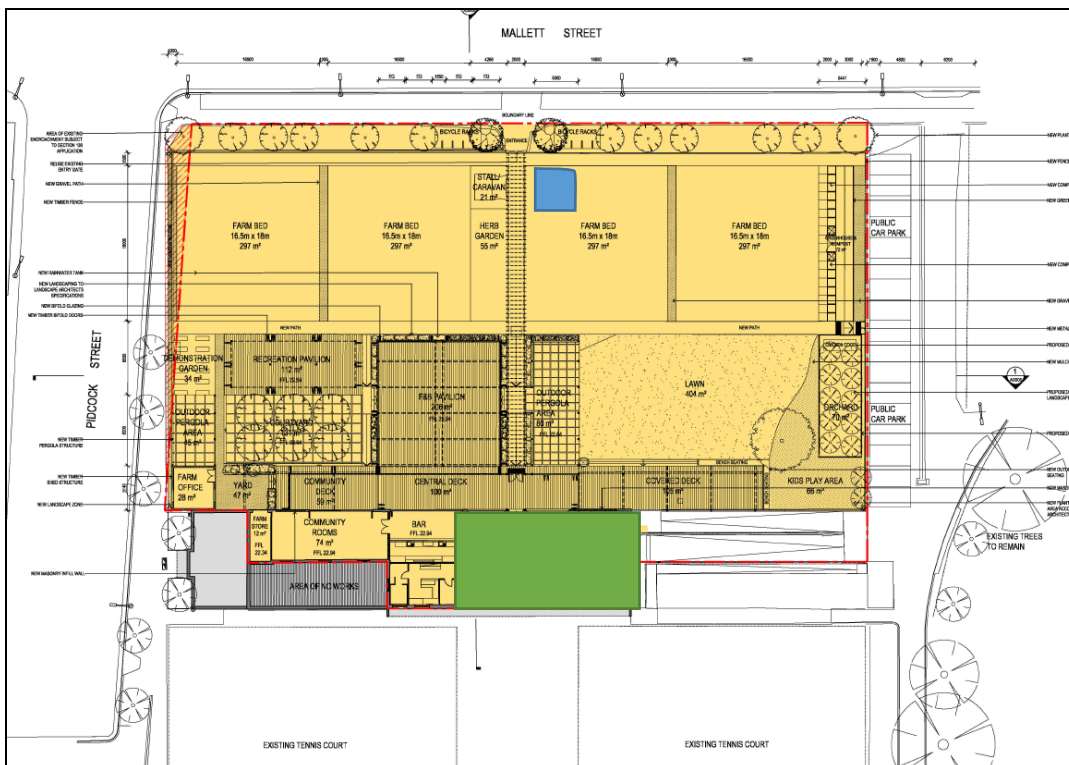


Image 1: Extract of Approved Site Plan

### 3. Site Description

The site is located in the northeastern corner of Camperdown Park which is a large public reserve that also includes a cricket/football oval, tennis centre, gym facilities and parkland. While the subject site adjoins the parkland to the south and west, the site has street frontage to Pidcock Street to the north and Mallett Street to the east (being the primary street frontage).

The site is generally rectangular and is approximately 4,231sqm in area. The boundary to Mallett Street is 78.17 metres in length and forms the primary frontage and pedestrian entrance to the site. The second of two street boundaries is 44.76 metres long fronting Pidcock Street. The other boundaries are defined by the extent of building associated with the use. The boundary to the west is irregular and runs around the existing buildings.

The site contains a single building with associated decking and open space which accommodates a licensed food and beverage operation with indoor and outdoor seating, children’s play area, mixed use community space including an urban farm, community rooms, recreation pavilion and café caravan.

Mallett Street is comprised of a mix of different building uses ranging from residential to commercial whilst Pidcock Street predominantly contains 2 storey dwelling houses.

The site is zoned RE1 – Public Recreation under MLEP 2011.



Image 2: Extract of Zoning Map

### 4. Background

#### 4(a) Site history

The following application outlines the relevant development history of the subject site.

Application	Proposal	Decision & Date
DA201500378	To carry out alterations and additions to the existing premises as a licensed food and beverage operation with indoor and outdoor seating, children's play area, mixed use community space including an urban farm, community rooms, recreation pavilion and café caravan	Approval – 9 December 2015  (this determination was subsequently modified by the below applications)
DA201500378.01	To delete condition 46 which requires the farm bed and adjacent fence to not encroach the northern Pidcock Street	Approval – 2 May 2016
DA201500378.02	To amend condition 14(i) to allow the community room to operate between the hours of 6.00am and 10.00pm Monday to Sunday including Public Holidays	Approval – 24 June 2016
DA201500378.03	To allow for the permanent extension of trading hours for the restaurant between 6.00am to 12.00 midnight Mondays to Saturdays and 6.00am to 10.00pm on Sundays and Public Holidays and the hours of operations for the caravan café being between the hours of 6.00am to 10.00pm daily including Public Holidays	Approval subject to a 2 year trial period for extended hours – 17 July 2017
DA201500378.04	To modify Modified Determination No. 201500378, dated 17 July 2017 to continue extended trading hours for the restaurant between 6.00am to 12.00 midnight Mondays to Saturdays and 6.00am to 10.00pm on Sundays and Public Holidays and the hours of operations for the caravan café being between the hours of 6.00am to 10.00pm daily including Public Holidays	Approval by Inner West Local Planning Panel subject to a 2 year trial period and a reduction in operating hours to 11.00pm on Mondays to Thursdays – 29 October 2019

## 5. Assessment

The following is a summary of the assessment of the application in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

#### 5(a) Environmental Planning Instruments

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- *Marrickville Local Environmental Plan 2011*

The following provides further discussion of the relevant issues:

### 5(a)(i) *Marrickville Local Environment Plan 2011 (MLEP 2011)*

The application was assessed against the following relevant clauses of the *Marrickville Local Environmental Plan 2011*:

- Clause 1.2 - Aims of the Plan
- Clause 2.3 - Zone objectives and Land Use Table

#### (i) Clause 2.3 - Land Use Table and Zone Objectives

The site is zoned RE1 – Public Recreation under the *MLEP 2011*. The development is permitted with consent within the land use table. The development is consistent with the objectives of the RE1 – Public Recreation zone.

### 5(b) *Draft Inner West Local Environmental Plan 2020 (Draft IWLEP 2020)*

The Draft IWLEP 2020 was placed on public exhibition commencing on 16 March 2020 and accordingly is a matter for consideration in the assessment of the application under *Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979*.

The development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

### 5(c) *Development Control Plans*

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011.

Part of MDCP 2011	Compliance
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 5 – Commercial and Mixed Use Development	Yes – see discussion
Part 9 – Strategic Context	Yes – see discussion

The following provides discussion of the relevant issues:

In ascertaining the appropriateness of the extended trading hours, a review of the operation of the premises during those trading hours must be undertaken.

The application was referred to Council's Development Compliance Section and a review of Council records reveals there were (2) complaints lodged with Council concerning the operation of the premises during the extended trading hours trial period. One complaint was lodged in early 2021 regarding noise impacts just before the closure of the previous operator, Acre Eatery. The other complaint was lodged in December 2019 and raised concerns about noise impact from the venue and compliance with management conditions of consent. Council's Development Compliance worked with the operator to provide contact signage and a complaints register to ensure compliance with the development consent. The complaint was resolved and it was determined that the venue was operating within the bounds of the existing consent following the investigation.

The application was also referred to the Inner West Local Area Command of the New South Wales Police Service who are yet to provide comment on the proposal.

Council adopted a merit based approach for the assessment of applications in relation to extended trading hours of hotels on 6 September 2005. Council endorsed that merit based approach, including the use of management plans and limited consents as the preferred approach for dealing with applications for extended trading hours for licensed premises. Whilst the subject premises is not a Hotel, a similar approach has been taken for restaurant/cafes which seek extended trading hours that are in close proximity to residential properties.

In accordance with Council's Hotel Trading Hours Policy, any approval granted for extended trading hours would be limited to a trial period to ensure that the extended trading hours are reviewed and assessed in the light of the performance of the premises and to ensure that the extended trading hours do not interfere with the amenity of the locality.

Under Council's Hotel Trading Hours Policy the length of the trial periods are as follows:

*"..... new applications for extended trading hours be subject to an initial one (1) year trial period. Subject to satisfactory conduct of the premises during the initial trial period, the second trial period can be two (2) years and third trial period can be four (4) years."*

It is noted this application does not specify a desired timeframe for the continuation of extended trading, however granting permanent trading hours is contrary to the Council's Hotel Trading Hours Policy which requires implementation of trial periods to ensure the management / operation of the premises does not interfere with surrounding development. It is important to note that the trial period applies to the premises, not the operator and a change in management may result in different management practices in dealing with anti-social behaviour. A trial period also allows Council to review management practices and the appropriateness of the operating hours. The regularity of the trial periods ensures that practices can be reviewed and if there are any issues, establish mechanisms to address such matters of concern which may be affecting the amenity of surrounding residences.

It is noted that the previous operator of the site, Arce Eatery, had some difficulty complying with consent conditions, as evidenced by the complaints received by Council and submission lodged as part of this application. It is Council's understanding that the Canterbury-Hurlstone Park RSL will be taking over management of the venue.

The previous trial period was for 2 years and in accordance with the policy, a trial period of 4 years could be considered in light of performance. While the site will be under new management, there has been amenity impacts and non-compliances associated with the use during the previous trial period and as such, it is considered reasonable to continue the extended trading hours on a trial period, for an additional period of 2 years. This is to allow management of the extended trading in light of the operations performance.

Having regard to noise and amenity impacts raised, it is noted the existing approval imposes quite stringent restrictions on the operation of the premises to minimise amenity impacts on residential development in the vicinity of the site.

Such measures include but are not limited to:

- No outdoor dining is permitted prior to 7:00am or beyond 10:00pm;
- Extended trading is to occur in accordance with the criteria prescribed by the Addendum Acoustic Report prepared by Acoustic Consulting Engineers dated 9 November 2015 which includes the closure of windows/doors to the restaurant and no use of the lawn area, outdoor pergola areas and covered deck;

- Signs being appropriately located within the restaurant advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the restaurant ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the hotel; and
- Staff employed by the restaurant being responsible to ensure that patrons of the restaurant do not loiter or linger in the surrounding area or cause nuisance or annoyance to the neighbourhood.

It is also noted that a number of acoustic control measures have been implemented into the built form to mitigate the potential for noise spill from the premises. Such measures include the provision of a sound limiter on the audio system, an acoustic barrier along the Pidcock Street elevation, specific glazing for the building and noise absorption material on the ceiling.

However, submissions raise concern of adverse noise impacts to Pidcock Street residents as a result on amplified outdoor music, particularly during functions held at the premises. The existing conditions of consent require limiting the noise level of any amplified sound system however there are no specific management controls for outdoor noise. As such, an additional condition is recommended requiring any outdoor amplified music to be in accordance with the existing noise conditions and for any speakers associated with the system to be positioned to face away from Pidcock Street.

It is considered that the above measures, existing conditions of consent and existing Plan of Management for the venue, provide appropriate mechanisms to minimise any amenity impacts on neighbouring residences.

As such the recommendation identifies that condition 14 of the determination be modified to enable a trial period for a further 2 years.

#### 5(d) The Likely Impacts

The assessment of the Development Application demonstrates that, subject to the recommended conditions, the proposal will have minimal impact in the locality.

#### 5(e) The suitability of the site for the development

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

#### 5(f) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. 7 submissions were received in response to the initial notification.

The following issues raised in submissions have been discussed in this report:

- Noise generated by the use – see Section 5(c)
- Extended trading hours are inappropriate – see Section 5(c)
- Continuation of existing conditions of consent – see Section 5(c)
- Impacts of outdoor amplified noise – see Section 5(c)



In addition to the above issues, the submissions raised the following concerns which are discussed under the respective headings below:

Issue: The proposal is a commercial venture which does not benefit the community

Comment: The site is Crown Land but under care, control and management of Council.

The approved development concept was the result of a Council run tender process for the reuse of the site with a focus for community orientated uses. The approval includes a not for profit farming use with other community spaces that complement the community usage of the adjoining parkland.

The provision of a restaurant on the site is a permissible form of development under the zoning provisions applying to the land. It is noted that the former bowling club was a commercial business, with the site not having any community function, whilst the approved development seeks to utilise a large portion of the site for community purposes.

Furthermore, the proposed development is consistent with the Plan of Management and Master Plan for Camperdown Park.

Issue: Compliance with current consent – Acoustic conditions

Comment: Some submissions raised concerns or reported that the venue was not complying with the relevant acoustic conditions of consent, which was therefore having an impact on the residents of Pidcock Street. Any potential breaches to consent reported to Council have been addressed during the trial period. Should residents believe the operation of the site is breaching consent conditions in relation to noise and acoustic management, this should be reported to the operator to address and Council's Development Compliance Section for investigation.

Issue: Parking

Comment: Submissions raised concerns regarding parking in streets surrounding the venue. The traffic and parking impacts of the proposal were considered as part of the assessment of the original application and were considered acceptable. This application relates only to the provision of a continuation of extended trading and this will not further impact the existing car parking in the area.

Issue: Unauthorised awning

Comment: Submissions raised concerns of an unauthorised awning structure on the site which enhances acoustic impacts. A comparison of the approved plans against current aerial images (taken October 2021) does not reveal any unauthorised structures. If unauthorised works have taken place, residents should report any matters to Development Compliance for action.

Issue: Functions and events at the venue

Comment: A number of submissions raised concerns surrounding functions or events (such as weddings) being held at the site. The submissions claim that these events are resulting in increased acoustic impacts and parking impacts to the surrounding area and should not be allowed in a community use.

Functions and events were always considered a potential undertaking at the site as part of the approved use and were included in the approved Plan of Management. However, events and functions still need to adhere to the conditions of consent which include management of acoustic impacts.

Notwithstanding, an additional condition requiring any outdoor sound system speakers to be positioned to face away from Pidcock Street is included in the recommendation.

Issue: Notification of application to surrounding residents

Comment: The application was notified in accordance with Council's Community Engagement Framework, which includes notifying the City of Sydney of the application. A sign was placed on the property by Council staff at the commencement of the notification period in an appropriate location and the application was available for viewing on Council's website.

### 5(g) The Public Interest

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

## 6 Referrals

### 6(a) Internal

The application was referred to the following internal sections/officers and issues raised in those referrals have been discussed in section 5 above.

- Development Compliance

### 6(b) External

The application was referred to the following external body but no response was received within the timeframe provided.

- NSW Police

## 7. Section 7.11 Contributions/7.12 Levy

Section 7.11 contributions/7.12 levies are not payable for the proposal.

## 8. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Marrickville Local Environmental Plan 2011* and Marrickville Development Control Plan 2011.

The development will not result in any significant impacts on the amenity of the adjoining premises/properties and the streetscape and is considered to be in the public interest.

The application is considered suitable for approval subject to the imposition of appropriate conditions.

## 9. Recommendation

- A. That the Inner West Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent to/refuse Development Application No. MOD/2021/0404 to modify DA201500378 to continue extended trading hours for the restaurant of 6.00am to 11.00pm Mondays to Thursdays, 6.00am to 12.00 midnight Fridays and Saturdays and 6.00am to 10.00pm on Sundays and Public Holidays and the trading hours for the caravan café of 6.00am to 10.00pm daily including Public Holidays at 31A Mallett Street Campderdown subject to the conditions listed in Attachment A below.

## Attachment A – Recommended conditions of consent

### Attachment A – Recommended modifications to conditions of consent

THAT the application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Determination No. 201500378 dated 29 October 2021 be **APPROVED** and a modified Determination be issued with conditions 2 and 14 being modified in the following manner:

2. (i) The operation of the site complying at all times with the approved Plan of Management. The Plan of Management as approved is not to be amended without the prior written approval of Inner West Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.
- (ii) The Plan of Management must be amended to incorporate the requirements prescribed by the Addendum Acoustic Report prepared by Acoustic Consulting Engineers dated 9 November 2015 regarding the closure of windows/doors to the restaurant and use of the lawn area during evening trade.
- (iii) A contact number and name is to be clearly displayed at the front of the premises (Mallett Street) to contact the Manager/Licensee of the venue. Any incidents/complaints are to be included in an incident/complaint register to be available to Council for inspection on request and include actions taken to address any incident/complaint.
- (iv) Conditions 2(iii) and 14(ii) are to be included in an amended Plan of Management and a copy submitted to Council within 30 days of the modified consent being issued
- (v) ***Any outdoor amplified sound system must be operated in accordance with the requirements of the Addendum Acoustic Report prepared by Acoustic Consulting Engineers dated 9 November 2015 and any speakers associated with the system must be positioned to face away from Pidcock Street in order to direct noise away from nearby residents.***

Reason: To ensure residential amenity is reasonably maintained.

(Modified on XX November 2021 – MOD/2021/0404)

14. (i) The hours of operation of the site being restricted in the following manner for each use:

Urban Farm:

Mondays to Fridays:	7:00am to 3:00pm
Weekends and Public Holidays:	10:00am to 3:00pm

Restaurant:

Mondays to Sundays: (including Public Holidays):	7:00am to 10:00pm
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Caravan café:

Mondays to Sundays: (including Public Holidays)	7:00am to 10:00pm
--	-------------------

Community Room:

Mondays to Sundays: (including Public Holidays)	6:00am to 10:00pm
--	-------------------

- (ii) For a period of not more than 2 years from the date of this modified consent (***MOD/2021/0404***), the opening hours of the restaurant are restricted to between the hours of 6:00am to 11:00pm Monday to Thursday, 6:00am to 12:00 midnight Friday and Saturdays, and 6:00am to 10:00pm Sundays and Public Holidays. The opening hours of the caravan café are restricted to between the hours of 6:00am to 10:00pm daily including Public Holidays. During this 2 year trial period, no outdoor activities of the restaurant are permitted prior to 7:00am or beyond 10:00pm. In accordance with the criteria prescribed by the Addendum Acoustic Report prepared by Acoustic Consulting Engineers dated 9 November 2015 regarding the closure of windows/doors to the restaurant and use of the lawn area, outdoor pergola areas and covered deck.

**Attachment A – Recommended modifications to conditions of consent**

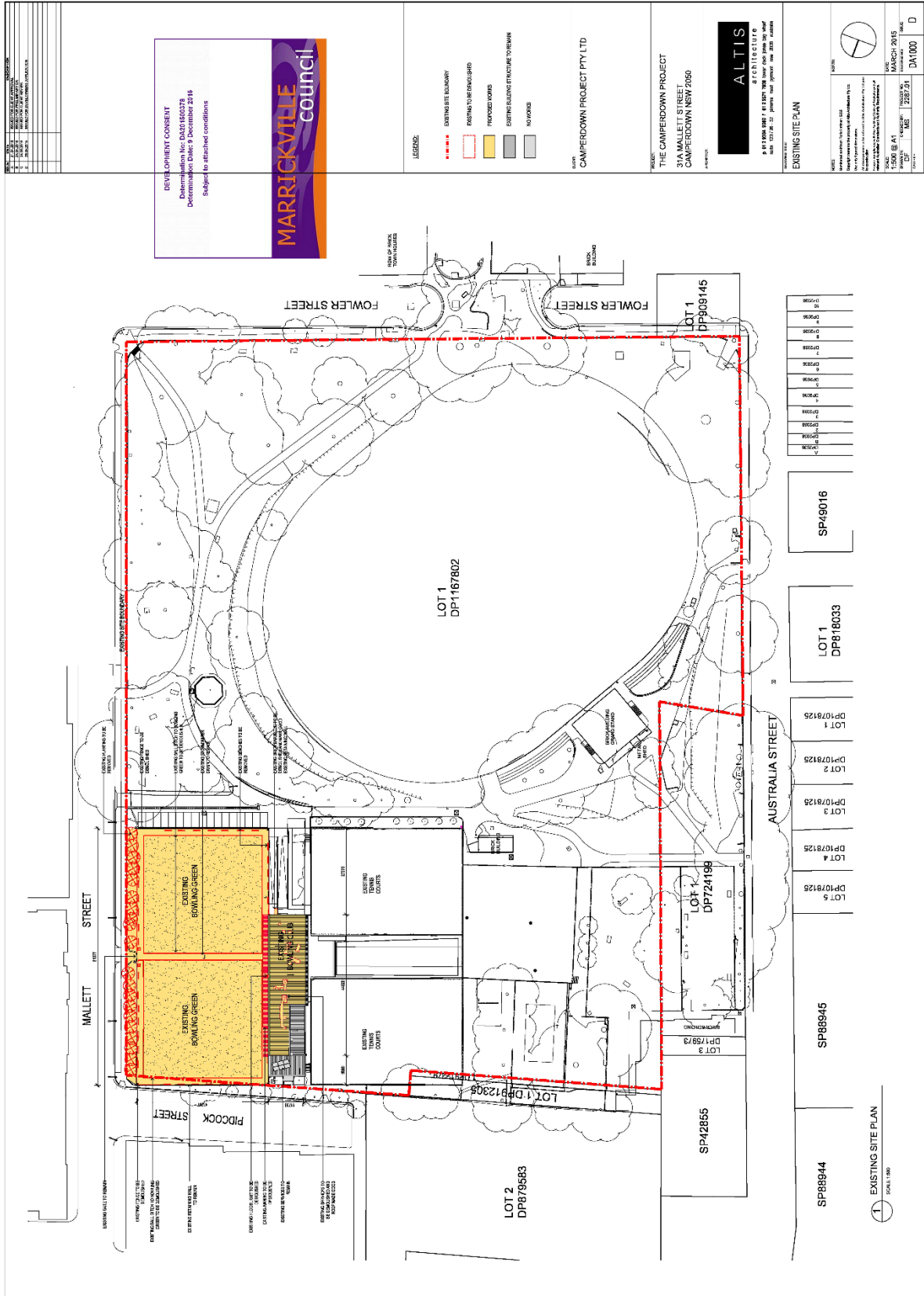
- (ii) A continuation of the extended hours granted under part (ii) of this condition will require Council's approval under the Environmental Planning and Assessment Act by way of a fresh application.

Reason: To ensure that the extended hours of operation are reviewed and assessed in light of their performance and to ensure that the use does not interfere with the amenity of the locality.

**(Modified on XX November 2021 – MOD/2021/0404)**

Attachment B – Plans of approved development

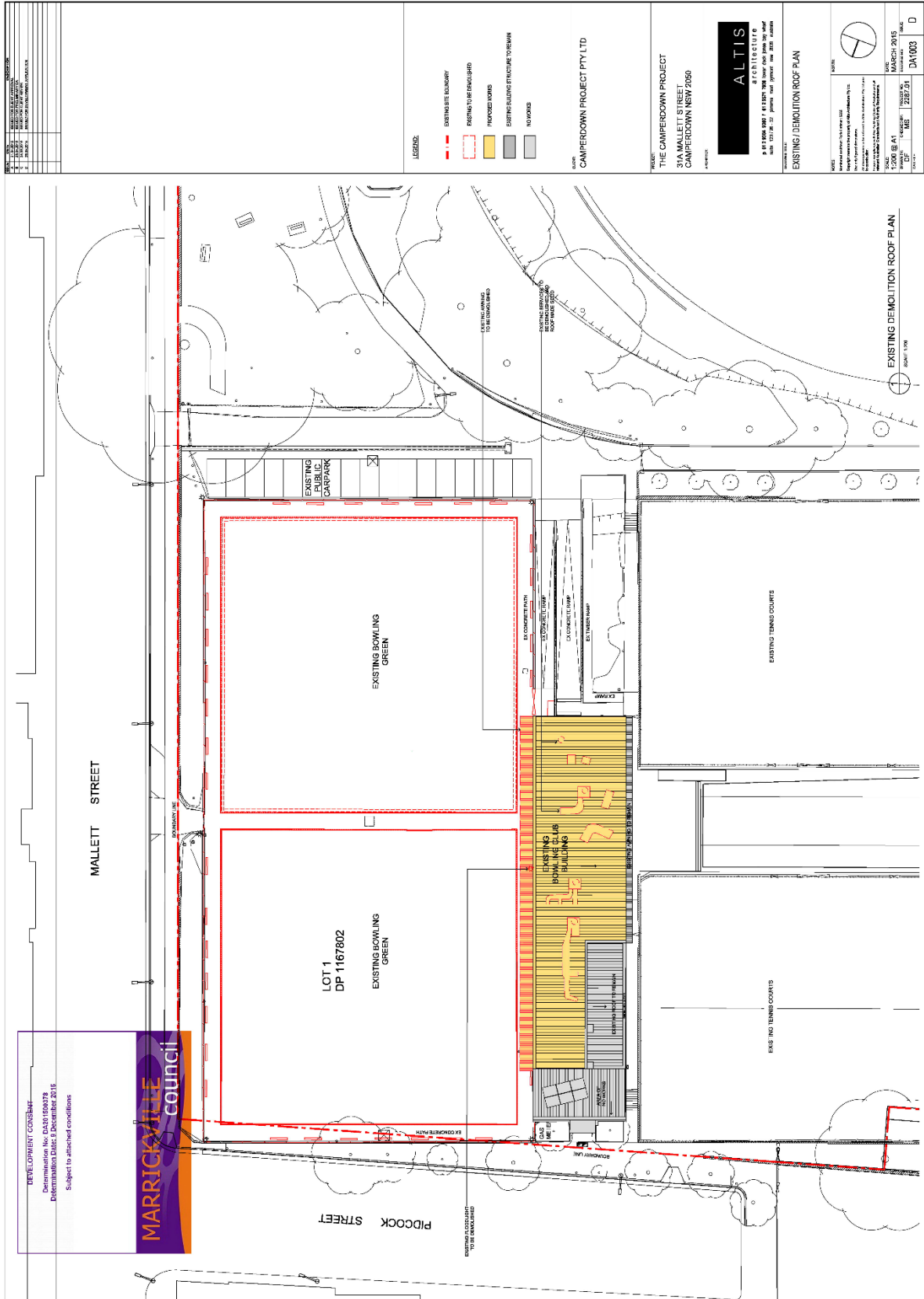


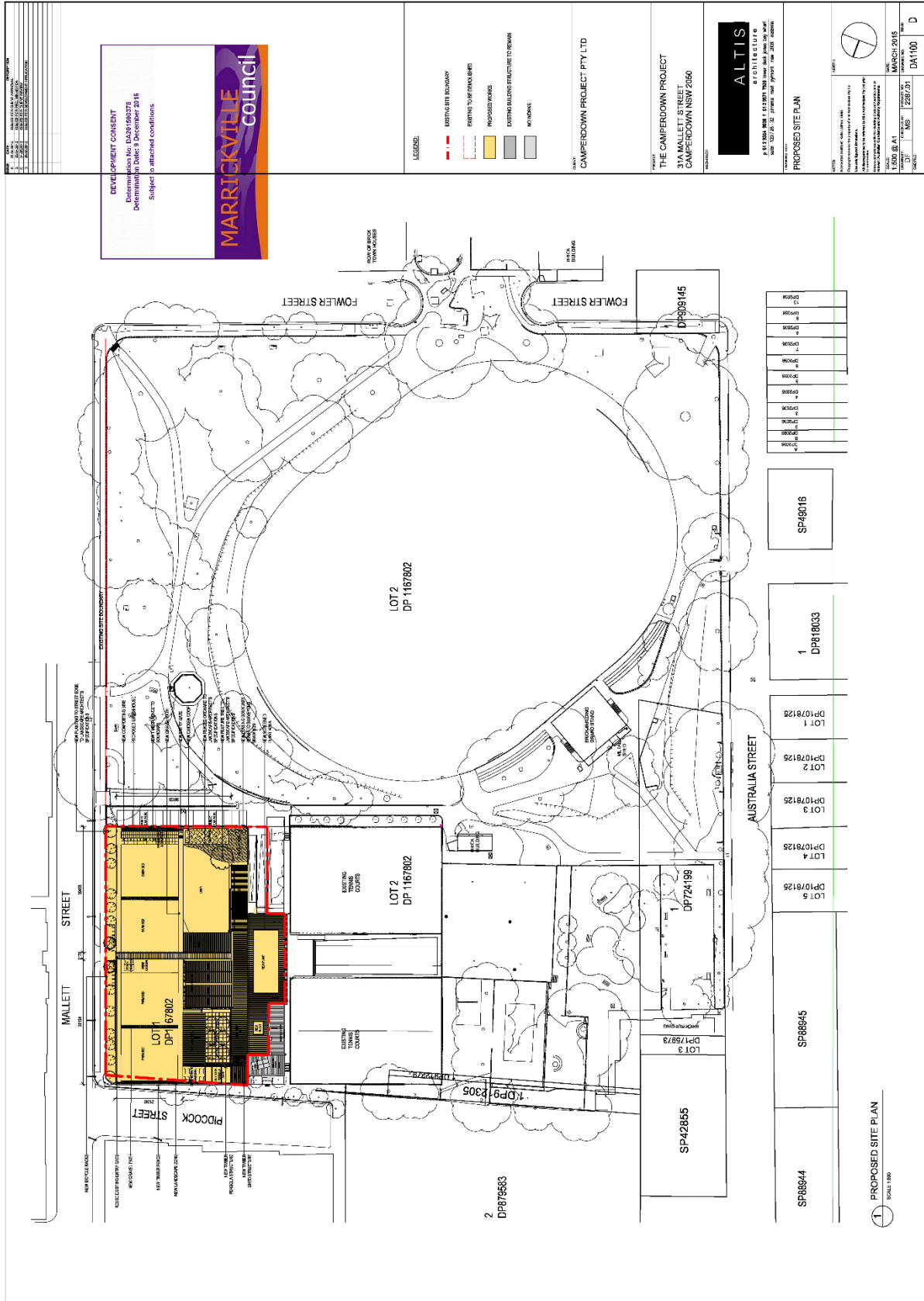






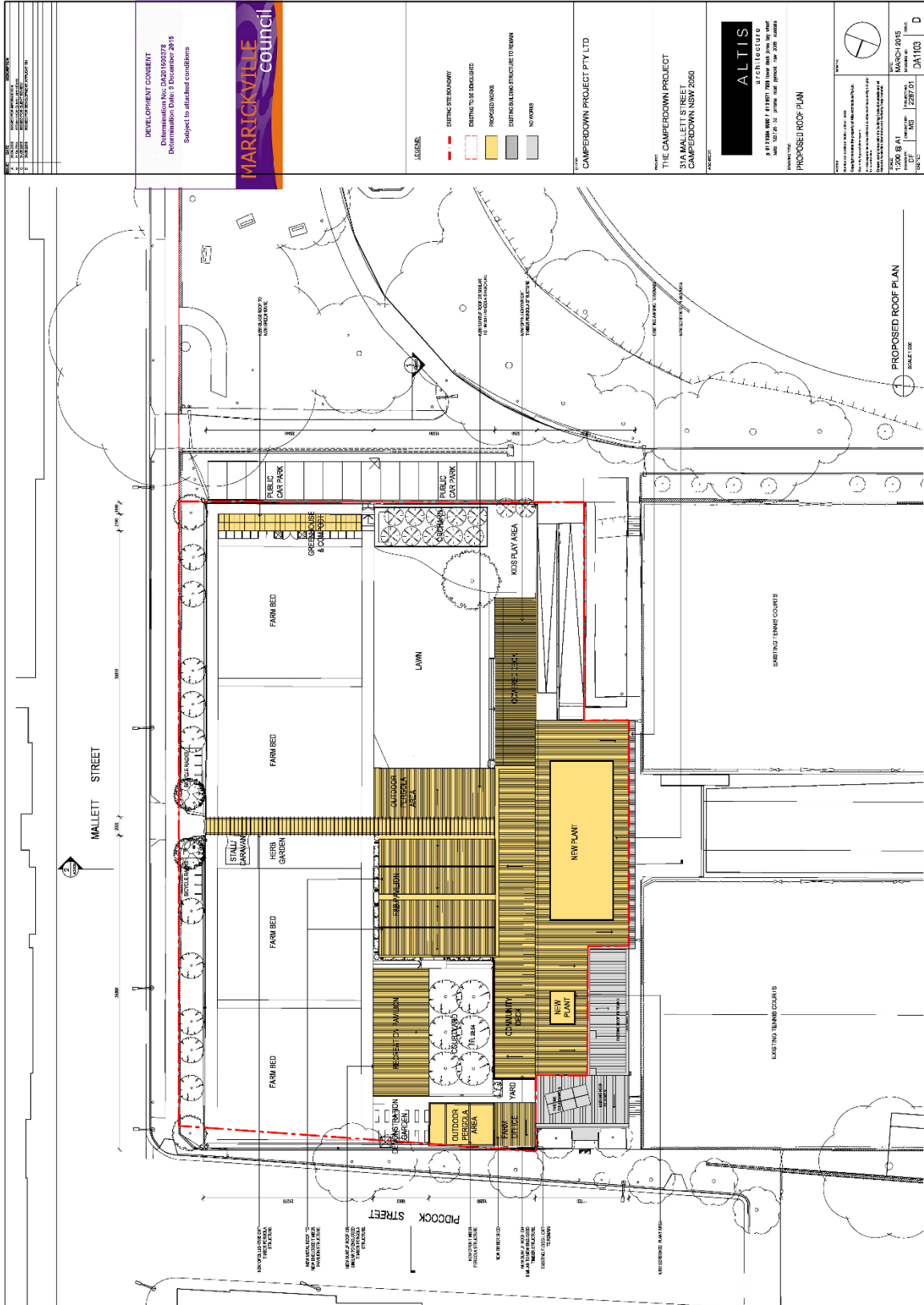


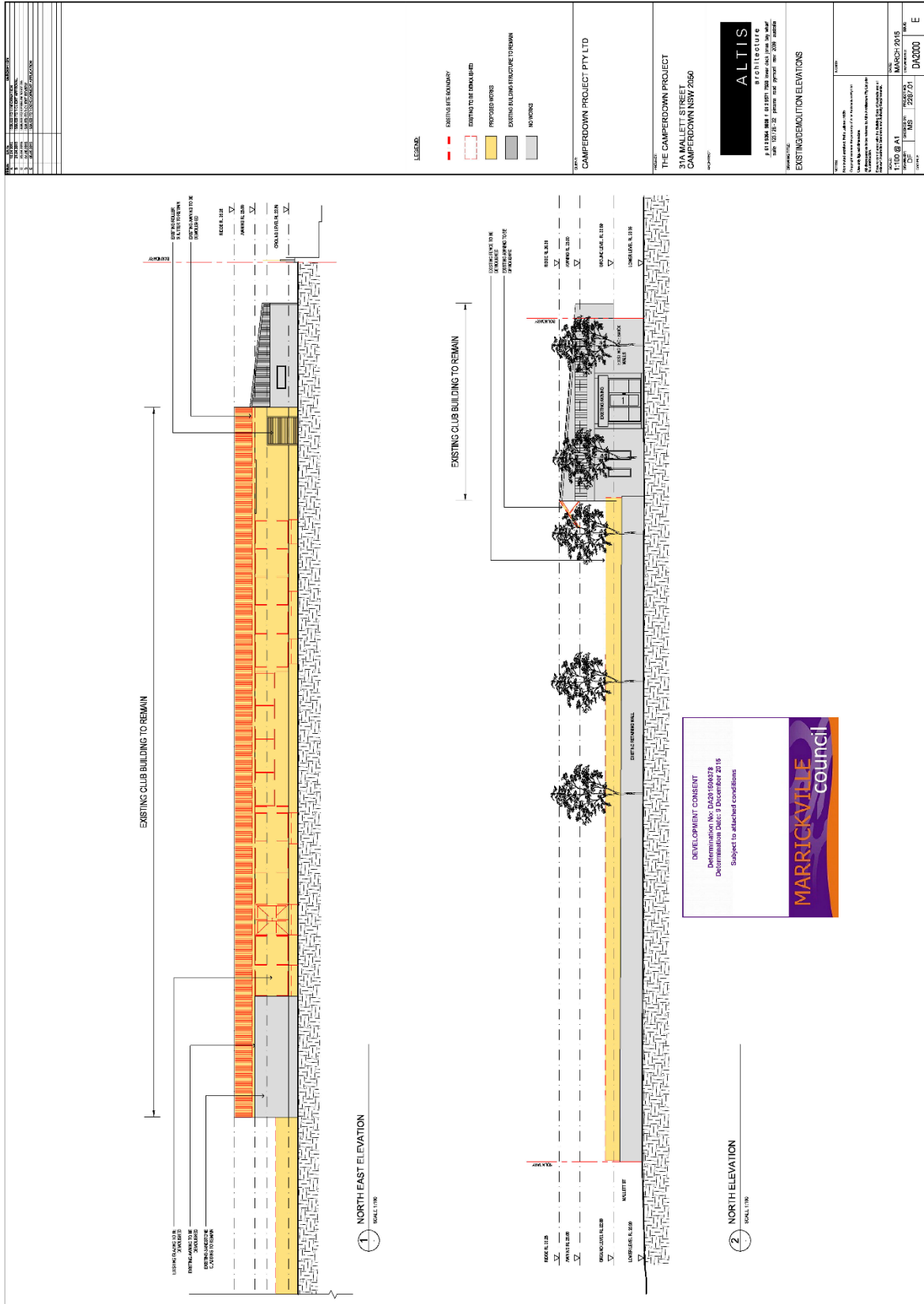


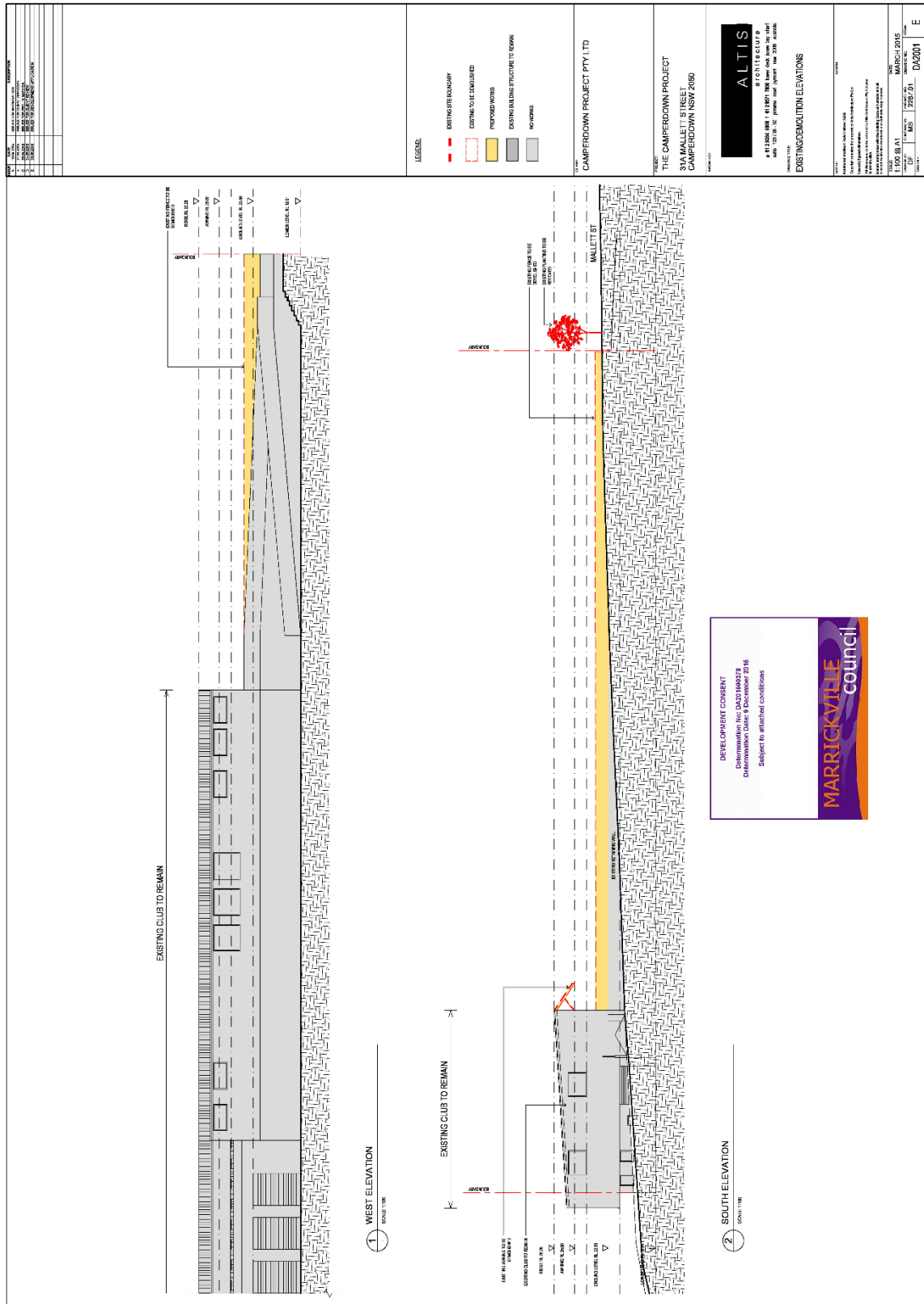




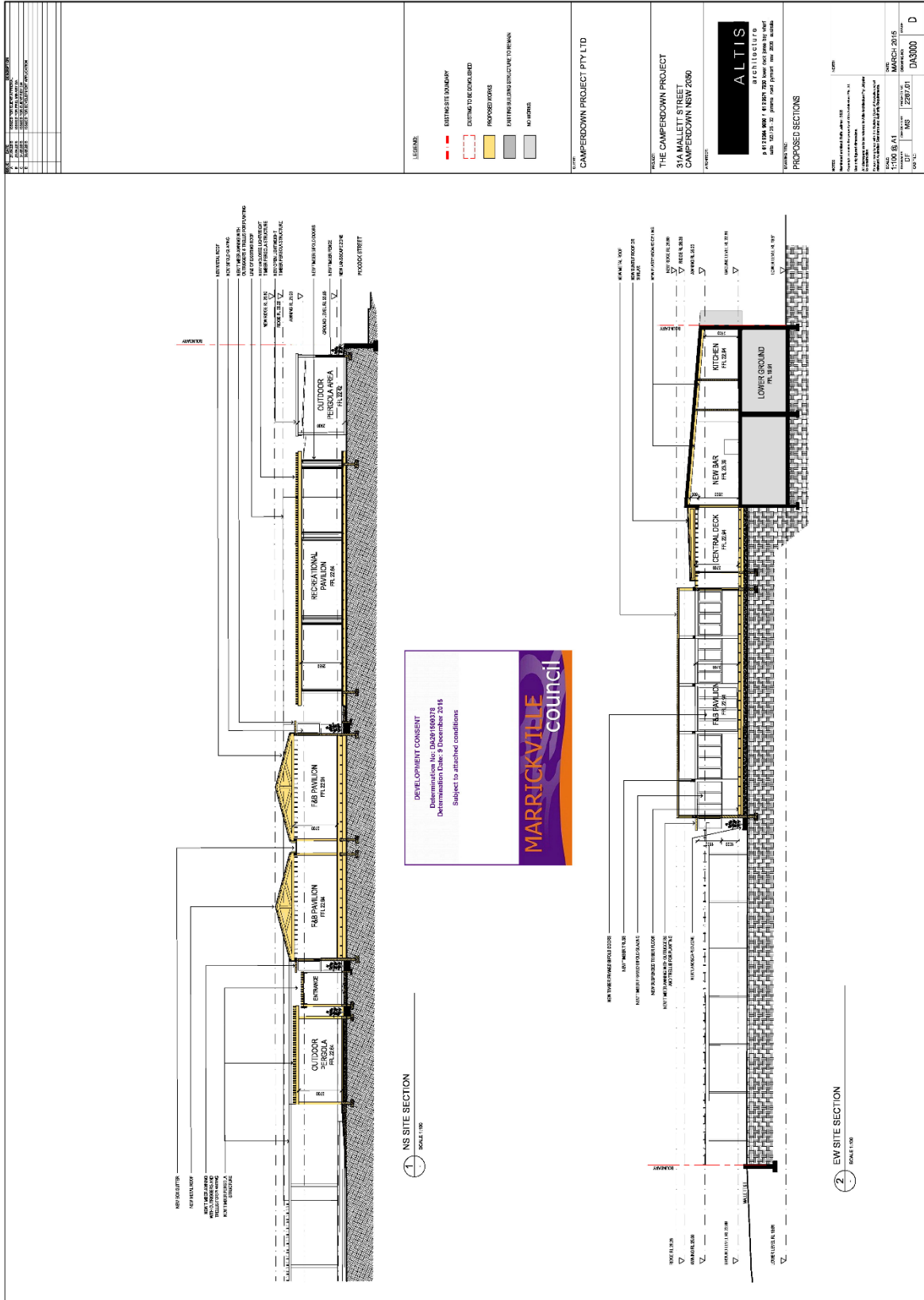












## Attachment C- Approved Plan of Management

**Camperdown Project**

**DEVELOPMENT CONSENT**

**Determination No: DA201500378** WHOLLY OWNED SUBSIDIARY OF CANTERBURY-HURLSTONE PARK RSL CLUB  
**Determination Date: 9 December 2015**

**Subject to attached conditions** **Camperdown Project Pty Ltd**  
**PLAN OF MANAGEMENT FOR FACILITIES**  
**The former Camperdown Bowling Club**

**MARRICKVILLE council**  
 Introduction

The purpose of this Plan of Management (POM) is to set out the method by which Camperdown Project Pty Ltd (CP) and the Venue Operator (VO) will monitor the operation of the business and the measures taken to achieve the Objectives, Specifications and Agreed Manner of Operations as outlined in the lease with Marrickville Council ("the lease"). In particular this POM details how CP and the VO will oversee and manage the operations to ensure any potential impact on neighbouring properties and the community more broadly is minimized. This POM demonstrates, in practical terms how we will fulfil our intentions of being a "good neighbour" whilst delivering on our commitment to bring this fantastic facility to life.

#### **About the Facility**

The proposed facility encompasses the reuse of the existing Camperdown Bowling Club site for a combination of community focussed uses including an Urban Farm, a community facility (recreation/meeting space) and a restaurant.

The Bowling Club site is Crown Land but under care control and management of Marrickville Council. The site has been disused for some time and Council have entered into an agreement for lease with Camperdown Project Pty Ltd to lease and develop the site. The site is one of a number of uses within the Camperdown Park including tennis, child play area and a playing field. The site fronts Mallet Street on the eastern side of the Park and is located approximately 100m to the south of Parramatta Road.

The proposal includes adaption of the existing bowling club building and bowling greens to accommodate the following uses:

- Urban Farm (consisting of 4 farm beds and other related uses)

- Community rooms and recreation pavilion
- Licensed food and beverage area/pavilion (including BOH)
- A café caravan
- Kids play area

The proposal utilises the existing Bowling Club building structure and adds a decked area and pavilion. Internally, the structure is to be substantially refurbished to accommodate a new bar, kitchen and facilities. Loading and unloading is as existing with access off Mallet Street via the vehicle driveway and car park to the south of the site.

The Urban Farm use is a not for profit commercial venture with a focus on recreation community. Volunteers are sought from the community with the fruit and vegetables produced from the farm used extensively by the onsite restaurant. The use is defined as a Community Facility under the Marrickville LEP.

The food and beverage offering is a restaurant with an on-premise liquor license. The proposed pavilion and decking will extend the existing Club structure into the urban farm garden providing amenity for patrons. A bar and kitchen will be provided within the existing Club building structure.

Additional community spaces are also proposed including a community room, decking and courtyard, recreation pavilion and demonstration garden. The community rooms will be available to the community to hire separately or engage in wellness and recreation activities, learning programmes and on site community related activities.

The site has been a licensed premises since 1959 with the former Camperdown Bowling Club holding a Club Licence from 1959 until recently.

#### **General Management Principles**

CP is a wholly owned subsidiary of Canterbury Hurlstone Park RSL Club Ltd and was constituted to undertake the project at the former Camperdown Bowling Club Site. CP has signed an Agreement for Lease with Marrickville Council for the management and capital upgrade of the facility. The lease agreements are extensive and impose a range of conditions and requirements on CP and the VO in the operations of the facility over the term of the lease. In particular *Annexure C- Objectives, Annexure D- Specifications* and *Annexure E- Agreed Manner of Operation* in the lease provide clarity on many specifics of the operations of the facility. The Lease should be read in conjunction with this POM.

Our vision for the former Camperdown Bowling Club site is a vibrant food, beverage and recreation facility alongside an urban farm. The facility will attract a family market and provide opportunity for light and passive recreation and wellness opportunities

supported by a first class food and beverage facility. CP envisages the site becoming a hub for community events and activities and providing a commercially viable unique urban farm that facilitates access for the community to the principles of organic farming. The facility will have a strong alfresco focus with particular focus on fresh seasonal produce featured throughout modern cuisine. CP envisages the facility will prove popular with local families, community not for profits, people with an interest in the origins of their food and local residents who are health conscious and aspire to healthy eating.

CP intends to appoint a suitably qualified and professional VO to manage the food and beverage operations on the site. The VO, will inturn appoint a Venue Manager ("the Manager") who will be responsible for the day to day operations of the facility in accordance with CP's obligations under the lease, and our expectations for the overall running of the facility. CP intends to enter into a management agreement with the VO which will outline key obligations, performance expectations and compliance requirements that must be met by the VO. In accordance with clause 16.10 of the lease, the appointment of a venue operator does not derogate CP's obligations under the lease.

CP has entered into an Agreement to Licence with Pocket City Farms (PCF) to undertake the urban farming operations at the facility. The Agreement to Licence sets out the terms and conditions by which PCF must manage the urban farm to ensure the obligations of CP in the lease are met and that the facility is well regarded by all stakeholders, including council and the community.

The Manager of the facility and wider management team will at all times undertake due care and attention to ensure that the business activities at the facility do not adversely impact on the neighbouring area. The behaviour of staff and patrons whilst entering the premises will be monitored and controlled as much as is reasonably practical so as not to cause undue disturbance to the surrounding area. The Manager will have the responsibility for ensuring that all patrons and staff leaving the premises do so in a quiet and orderly manner, in accordance with clause 14.1(n) of the lease. Staff members will, where appropriate, communicate verbally with exiting patrons directing them to leave in a quiet and orderly manner from all exits.

The Manager of the facility will enforce appropriate responsible service of alcohol measures to be provided in the VO's Responsible Service of Alcohol House Policy.

Appropriate signage including required signage under the Liquor Act 2007, and directives from the Office of Liquor Gaming and Racing (OLGR) will be placed in required areas as well as additional signage, after approval under clause 14.3(e) of the lease, to direct people to leave in a responsible manner.

Patrons will not be allowed to leave the premises with open bottles or glasses and no takeaway alcohol will be sold from the premises.

**Operation of the Facility Generally**

All patrons using the facility will be required to comply at all times with the VO's house policy as amended from time to time.

**Hours of Operation**

**The overall hours of operation of the facility are proposed as:**

Monday	6.00am – 12 Midnight
Tuesday	6.00am – 12 Midnight
Wednesday	6.00am – 12 Midnight
Thursday	6.00am – 12 Midnight
Friday	6.00am – 12 Midnight
Saturday	6.00am – 12 Midnight
Sunday	6.00am – 10.00pm

**The operating hours of the Urban Farm and associated activities are proposed as:**

Monday	7.00am – 3.00pm
Tuesday	7.00am – 3.00pm
Wednesday	7.00am – 3.00pm
Thursday	7.00am – 3.00pm
Friday	7.00am – 3.00pm
Saturday	10.00am – 3.00pm
Sunday	10.00am – 3.00pm

**Subject to demand the maximum operating hours of the restaurant facilities and associated activities are proposed as:**

Monday	6.00am – 12 Midnight*
Tuesday	6.00am – 12 Midnight*
Wednesday	6.00am – 12 Midnight*
Thursday	6.00am – 12 Midnight*
Friday	6.00am – 12 Midnight*
Saturday	6.00am – 12 Midnight*
Sunday	6.00am – 10.00pm*

\*note it is intended, in accordance with any requirements imposed via the Liquor Licence (yet to be granted), that liquor would only be served between the hours of 10 am and midnight Monday to Saturday and 10am to 10pm on Sundays. If permitted by the OLGR in its general extensions granted for New Years Eve trading for licenced premises, it is intended that on NYE, trading would be extended until 2.30am with the service of alcohol to cease at 2.00am. If similar general extensions are granted by the OLGR for Christmas Eve trading for licenced premises, it is intended that the service of alcohol would be permitted until midnight or as granted by the OLGR.

**The minimum operating hours of the Community, Meeting, Learning and Development and Recreation Facilities and associated activities are proposed as:**

Monday	6.00am – 5.00pm*
Tuesday	6.00am – 5.00pm*
Wednesday	6.00am – 5.00pm*
Thursday	6.00am – 5.00pm*
Friday	6.00am – 5.00pm*

\*meeting facilities to be available from 9.00am. Wellness and Lifestyle activities to cease at Midday and will be scheduled according to demand as noted in ***Annexure E-Agreed Manner of Operations*** of the lease. Other times may be available subject to demand and availability.

#### **Entry to the Facility**

It is intended that the facility is to be available for use by the community and to people of all walks of life and all backgrounds. There will be no requirement to sign an entry register (unlike a Registered Club operation) however patrons will be subject to the following standards upon entering the premises:

- Patrons suspected to be intoxicated or under the influence of an illegal substance will be refused entry
- Patrons are expected to maintain a standard of dress suitable to the occasion. Footwear must be worn at all times whilst using the facility

#### **Guidelines for the Conduct of Entertainment and Functions**

The types of entertainment that are intended to be provided from time to time at the facility include:

- Background Music to public areas

- Live Entertainment- e.g. Acoustic soloists/duos
- Movie nights

All entertainment will be incidental to the principle use of the facility. It is not proposed that the facility will operate with any emphasis on the provision of live entertainment. If entertainment were to be provided, the entertainment would comprise only light entertainment ancillary to the restaurant use and provided in such a manner so as not to cause any undue disturbance to neighbours.

The types of functions that are intended to be held at the facility in accordance with ***Annexure E- Agreed Manner of Operation*** of the lease include:

- Community presentations
- Social and family gatherings; e.g. birthday parties
- Corporate Functions
- School Functions or workshops; e.g. Career days

Entertainment and functions will be conducted within the following guidelines:

- At least one person will be appointed to assist with the quiet and orderly dispersal of the audience of any entertainment or function which concludes after 9.00pm.
- No outdoor area of the facility will be used to play amplified music or sound from live entertainment other than simple speakers.

A sign will be permanently and prominently displayed in a public area that specifies:

- The Name and business telephone number of the Venue Manager
- Advising all patrons to be aware of neighbouring properties when using the facility

The facility has been designed to allow for a staged enclosure of the Pavilion and Central Deck areas to ensure that intrusive noise at nearby residences along Pidcock and Mallett Streets does not exceed the background noise level by more than 5dB(A) as per the recommendations of the Environmental Protection Agency (EPA) Industrial Noise Policy (INP). The Venue Manager will monitor the noise generated by patrons in order to relocate parties indoors and enclose areas as required to ensure that this threshold is not exceeded.

#### **Community Use of Facilities**

CP intends to provide a number of areas at the facility for the purposes of wellness and recreation activities, community meetings, hospitality training courses and learning and development opportunities in urban farming practices in accordance with **Annexure E-Agreed Manner of Operation** in the lease. CP intends to work collaboratively in conjunction with the VO, PCF and Marrickville Council to ensure CP’s obligations under the lease are met and to ensure that these activities are relevant to the community. CP intends to work with Marrickville Council on an appropriate booking system for the community meeting spaces to ensure fair and equitable access to community groups and local not for profit organisations/groups in accordance with Item 3 of **Annexure E-Agreed Manner of Operation** in the lease. It is intended that bookings for the community meeting spaces would be managed daily by the VO and overseen by CP via a central booking system to ensure those community requests originating from Marrickville Council or other indirect sources are accommodated whilst avoiding potential clashes in booking times.

**Licencing Requirements**

The liquor licence to be sought is an on-premises liquor licence meaning that liquor can only be sold, supplied and consumed within the approved licenced area. Takeaway liquor can not be sold. In accordance with CP’s lease obligations, and as restricted by the on premises liquor licence, there will be no gaming or gambling to occur at the facility.

The principal business will be that of a restaurant where meals are being consumed. A primary service authorization will also be sought so as to allow the sale of liquor without meals however, it will be a requirement that the principal business at all times be that of a restaurant.

An extended trading authorization will not be sought. The hours sought to be endorsed on the licence will be within the standard trading hours permitted by the Liquor Act and significantly less than those that presently apply under the Club Licence. The licence hours to be sought will be:

Monday	10.00am – 12 Midnight
Tuesday	10.00am – 12 Midnight
Wednesday	10.00am – 12 Midnight
Thursday	10.00am – 12 Midnight
Friday	10.00am – 12 Midnight
Saturday	10.00am – 12 Midnight
Sunday	10.00am – 10.00pm

A CCTV system will be installed at the premises to ensure adequate coverage of licenced areas.



The Manager will ensure approved signage as required by the Liquor Act and other current relevant legislation is always prominently displayed at the facility.

Low Alcohol and non-alcoholic beverages will be available at the facility whenever full strength alcohol is available. Pricing of low alcohol beverages will reflect the lower wholesale price of these beverages. Free drinking water will be available at all times.

The VO will be required to hold membership to the Local Liquor Accord and participate in Liquor Accord meetings and initiatives. Once appointed, CP will seek a meeting with the Licencing Sargent from the Marrickville LAC and the VO to present the licencing strategies to be employed at the facility.

#### **Responsible Service of Alcohol**

CP and the VO will ensure, in accordance with NSW Liquor Laws and clause 14.1 (n) of the lease, that the service of alcohol will at all times comply with the relevant laws and be conducted in a responsible manner.

The VO will have in place a responsible service of alcohol policy and will train all beverage and security staff in responsible service of alcohol procedures. The VO will maintain an Incident Register which is available for viewing by licensing personnel or the Police when requested.

In accordance with the RSA House Policy to be implemented by the VO, staff will refuse the service of alcohol to all persons displaying signs of intoxication and request that they leave the premises by:

- Being alert and diligent in the detection of the signs of intoxication at an early stage
- Talking to the customer away from other patrons where possible
- Calmly and courteously stating that further service of liquor is being refused as it is an offence to serve an intoxicated customer and then request that the intoxicated person leave the premises
- Providing free water at all times
- Offering hot or cold food or alternative drink options such as tea and coffee, water and soft drinks
- Having staff arrange for taxi services upon request, directing such patrons to available public transport options or arranging alternative safe transport from the facility.

The VO will warn or remove from the facility (and where appropriate seek the prosecution of) any person deemed by management or staff to be:

- Acting in an offensive, violent or disorderly manner
- Acting in any manner causing an annoyance or discomfort to any other patron or staff member
- Committing an offence in contravention of the Liquor Act

In instances where a customer is required to leave the premises for behavioural issues if they are exhibiting early signs of intoxication, the VO will ensure staff:

- Clearly indicate to the customer why they are required to leave the facility
- Have competent knowledge of their powers to legally remove persons where necessary
- Have sufficient support on hand to assist as necessary, including use of security staff at appropriate periods
- Always aim for voluntary compliance
- Ensure the patron vacates the facility with minimal disturbance to other patrons and the surrounding neighbourhood
- Call the police for assistance as necessary

Persons requesting the service of alcohol who are suspected of being under the age of 18 years will be required to show evidence of their age in the form of:

- Current Australian drivers Licence (with photo)
- Current Passport (with photo)
- State issued Proof of Age Card

If evidence of age cannot be provided then that person will be refused the service of alcohol and may be asked to leave the premises.

#### **Loading and Unloading**

Loading and unloading will be undertaken at the bottom of the existing ramp currently used for this purpose. The area, including the turning zone at the top of the ramp, will be managed during all loading and unloading operations to ensure that there are no conflicts between vehicles and the public. Vehicle access will be restricted to Medium Rigid Vehicles (or smaller) to allow all vehicles to enter and leave the site utilizing a forward facing manoeuvre

Deliveries will be restricted to the times as per the below:

Monday	5.00am – 5.00pm
Tuesday	5.00am – 5.00pm
Wednesday	5.00am – 5.00pm

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Thursday	5.00am – 5.00pm
Friday	5.00am – 5.00pm
Saturday	5.00am – 5.00pm
Sunday	5.00am – 5.00pm

#### **Waste Management**

The VO shall be responsible for managing the waste system and for developing and implementing adequate safe operating procedures.

Waste shall be stored within the storage area on the lower ground floor.

The kitchen will be fitted with a glass crusher and a 'Pulpmaster' system for organic waste. The crushed glass will be collected by a private contractor for recycling and the 'Pulpmaster' system will be pumped out by a private operator with the slurry used either as fertilizer for the farm beds or added into the composting bins off site.

All other waste shall be collected from the storage area by a private contractor.

Collections will be restricted to off peak times namely:

Monday	4.00am – 7.00am
Tuesday	4.00am – 7.00am
Wednesday	4.00am – 7.00pm
Thursday	4.00am – 7.00pm
Friday	4.00am – 7.00pm
Saturday	4.00am – 7.00pm
Sunday	4.00am – 7.00pm

#### **Security and Surveillance**

The security measures to be implemented at the facility include:

- CCTV Cameras will operate throughout the premises including one located in an area designed to accurately identify patrons entering the facility
- A modern security system will be installed to provide back to base monitoring of the facility after closure. The system will include appropriate motion detection sensors, panic buttons and sirens and strobes.
- An incident register will be maintained on a daily basis to record any incidents, serious and otherwise.
- Monitoring of surrounding areas including after each shift ensuring a staff member undertakes a sweep of the facility to ensure any issues are promptly identified.

- All staff involved in the sale and supply of liquor will be appropriately trained in the responsible service of alcohol and measures to control any unruly behaviour by patrons
- Toilets will be regularly checked to ensure the wellbeing of patrons and cleanliness of the facility
- A zero tolerance policy will be enforced for illegal substances
- A first aid kit will be available at the facility
- All Point of Sale registers will ensure cash protection at all times
- Appropriate cash handling procedures will be implemented and enforced at all times

Principles for minimising crime risk will be developed in accordance with the following initiatives:

- Surveillance
- Access control
- Space management

The VO will also seek to work with the local police and Marrickville Council to minimise crime risks. The VO will also participate in any crime prevention initiatives as endorsed by the local Liquor Accord.

#### **Surveillance**

The attractiveness of crime targets is reduced by effective surveillance of the area. The design of the facility is open plan and provides for efficient surveillance of the interior and exterior of the facility by the venue staff and management, patrons and the use of the security systems discussed above. Lighting will be designed to provide good surveillance of public areas of the facility both interior and exterior. Regular patrols and sweeps of the facility will be conducted at random at busy periods to ensure the safety of patrons and staff using the facility.

#### **Access Control**

Physical and symbolic barriers are to be incorporated in the design principles of the facility to control and manage the movement of patrons on the facility. Surrounding fencing, landscaping and footpath areas of the facility make it difficult for potential offenders to reach the facility unobserved either physically by staff or patrons or by the surveillance cameras and security devices to be incorporated at the facility.

#### **Space Management**

Space Management principles have been incorporated into the design and will feature in the operations of the facility to ensure that spaces are appropriately utilised and well

cared for, and are appropriately secured when not in use. Activities are to be coordinated to ensure optimum use of the facilities and to ensure the needs of patrons are managed in a safe, attractive and efficient operating environment. The VO will maintain strict site cleanliness practices with waste being stored and disposed of in a timely manner in accordance with clause 14.1 (p) of the lease.

#### **Noise control management**

The facility has been designed to allow for a staged enclosure of the Pavilion and Central Deck areas to ensure that intrusive noise at nearby residences along Pidcock and Mallett Streets does not exceed the background noise level by more than 5dB(A) as per the recommendations of the Environmental Protection Agency (EPA) Industrial Noise Policy (INP). The Venue Manager will monitor the noise generated by patrons in order to relocate parties indoors and enclose areas as required to ensure that this threshold is not exceeded.

The VO will post signs (after approval under clause 14.3(e) of the lease) at the exits to the facility asking patrons to exit the facility in a quiet manner and so as not to disturb nearby residents or the neighbourhood.

In accordance with clause 14.1 (n) of the lease, CP and the VO will ensure noise generated by the operation of the premises does not adversely and materially impact on the quiet enjoyment of nearby residential premises.

Patrons using outdoor areas of the facility will be reminded by venue staff to ensure noise is kept to an acceptable level.

#### **Handling Complaints**

It is recognised that from time to time patrons or members of the community will seek to lodge a complaint about the impacts or experience with the operations at the facility. CP and the VO will ensure such complaints are treated seriously, are given due consideration and receive a response within an appropriate timeframe based on the nature of the complaint and type of response necessary. Appropriate complaints handling processes will ensure:

- The seriousness of the complaint can be objectively measured so it can be referred to the appropriate person or dealt with at the time by venue staff

- The resolution to any reasonable complaint is satisfactory to the complainant wherever possible
- Serious complaints are documented and recorded and include relevant details of the person making the complaint, the nature of the complaint, the agreed management actions and responses and any follow up documentation required.

CP and the VO will work alongside Marrickville Council to ensure that any complaints received adhere to the principles listed above.

#### **Reporting Obligations**

CP will facilitate operational review meetings with both the VO and PCF on at least a quarterly basis to review the overall operations of the facility for the previous period. The VO and PCF will have reporting obligations to CP in the Licence and/or Management Agreements covering their appointment to ensure appropriate oversight of the facility. CP will actively monitor reporting from the VO and PCF, including incident and activity reporting to ensure CP's obligations under the lease are met.

In accordance with clause 25.1 of the lease, CP will report to Marrickville Council on a range of matters both operational and financial by the 1<sup>st</sup> of September each year. Included in this reporting requirement are details of programmes and activities offered, fee structures for the upcoming calendar year, attendances at programmes and activities, details of meeting room use by not for profit organisations and groups, community groups or individuals and subsidies provided to eligible groups.

## Attachment D – Modified Determination DA201500378.04 dated 29 October 2019



DA201500378 CLEN1

*MODIFIED DETERMINATION NO. 201500378*

29 October 2019

CAMPERDOWN PROJECT PTY LTD  
20-26 Canterbury Road  
HURLSTONE PARK NSW 2193

Dear Sir/Madam

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ("THE ACT") NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 4.18 of the Act, notice is hereby given of the determination by the Council of **Development Application No. 201500378** to carry out alterations and additions to the existing premises as a licensed food and beverage operation with indoor and outdoor seating, children's play area, mixed use community space including an urban farm, community rooms, recreation pavilion and café caravan relating to property situated at:

#### 31A MALLETT STREET CAMPERDOWN

In determining this application, the Inner West Local Planning Panel on behalf of Council considered all matters listed under Section 4.15 of the Act that are relevant to the Development Application.

The Development Application was determined on 9 December 2015 by the granting of **CONSENT** subject to the following conditions:

#### GENERAL

- The development must be carried out in accordance with plans and details listed below:

Plan No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
DA0003 Rev A DA1000-1001 Rev D, DA1002 Rev E, DA1003 Rev D, DA1100 Rev D, DA1101 Rev E, DA1102 Rev K, DA1103 Rev D, DA2000-2001 Rev E, DA 3000 Rev D	Architectural Plans	8-5-15	Altis Architecture	17-7-15

P.O. Box 14 Petersham 2049 | P (02) 9392 5000 | E council@innerwest.nsw.gov.au

Customer Service Centres | Petersham 2-14 Fisher Street | Leichhardt 7-15 Wetherill Street | Ashfield 260 Liverpool Road

DA2100 Rev G DA2101 Rev FDA2102 Rev C	Proposed elevations	9-11-15	Altis Architecture	10-11-15
CBCSK03 Rev 02	Kitchen layout	8-9-15	Cini Little	6-11-15
DA0001 Rev C	Schedule of finishes	8-5-15	Altis Architecture	17-7-15
-	Plan of Management	-	Camperdown Project	17-7-15
	Environmental Site Assessment	7-5-15	Environmental Investigation Services	17-7-15
26247	Hazardous Materials Survey	18-2-15	Airsafe	17-7-15
Rev 02	Noise Assessment	6-5-15	Acoustic Consulting Engineers	17-7-15
	Addendum noise assessment	9-11-15	Acoustic Consulting Engineers	9-11-15
	Landscape concept plan	May 2015	Oculus	17-7-15

And details submitted with the application for development consent and as amended by additional information submitted to Council on 6 November, 9 November and 10 November 2015 and as amended by the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

2. (i) The operation of the site complying at all times with the approved Plan of Management. The Plan of Management as approved is not to be amended without the prior written approval of Inner West Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.
- (ii) The Plan of Management must be amended to incorporate the requirements prescribed by the Addendum Acoustic Report prepared by Acoustic Consulting Engineers dated 9 November 2015 regarding the closure of windows/doors to the restaurant and use of the lawn area during evening trade.
- (iii) A contact number and name is to be clearly displayed at the front of the premises (Mallett Street) to contact the Manager/Licensee of the venue. Any incidents/complaints are to be included in an incident/complaint register to be available to Council for inspection on request and include actions taken to address any incident/complaint.
- (iv) Conditions 2(iii) and 14(ii) are to be included in an amended Plan of Management and a copy submitted to Council within 30 days of the modified consent being issued

Reason: To ensure residential amenity is reasonably maintained.

*(Amended on 29 October 2019)*



3. The operation of the restaurant area which includes the kitchen/bar, food and beverage pavilion, outdoor pergola area, central deck, covered deck, lawn area complying at all times with the recommendations identified in the Acoustic Report and addendum prepared by Acoustic Consulting Engineers dated 6 May 2015 and 9 November 2015. The proprietor of the restaurant is to ensure that all staff are aware of the operational requirements recommended in the Acoustic Report that aim to protect the amenity of adjoining properties.  
Reason: To protect the amenity of the surrounding neighbourhood.
4. Any groundworks to the site be in accordance with the recommendations prescribed the report prepared by Environmental Investigation Services dated 7 May 2015.  
Reason: To ensure the vegetables planted in the urban farm are suitable for consumption.
5. The use of the premises not giving rise to:
  - a) transmission of unacceptable vibration to any place of different occupancy;
  - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).  
Reason: To prevent loss of amenity to the area.
6. The proprietor(s) of the restaurant being responsible to ensure that patrons are not loitering in front of adjoining residences.  
Reason: To protect the amenity of the surrounding neighbourhood.
7. The proprietor(s) of the restaurant being responsible at all times to ensure the orderly dispersal of patrons from the premises.  
Reason: To protect the amenity of the surrounding neighbourhood.
8. Staff employed by the restaurant being responsible to ensure that patrons of the restaurant do not loiter or linger in the surrounding area or cause nuisance or annoyance to the neighbourhood.  
Reason: To protect the amenity of the residential area.
9. Signs being appropriately located within the restaurant advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the restaurant ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the hotel.  
Reason: To ensure the quiet and orderly ingress and egress of patrons of the restaurant and to protect the amenity of the surrounding residential neighbourhood.

10. A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.  
Reason: To ensure the compliance of any advertisements or advertising structures with the requirements of Part 2.12 of Marrickville Development Control Plan 2011 - Signs and Advertising Structures.
  
11. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.  
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
  
12. No signs or goods to be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.  
Reason: To prevent the public footpath from being obstructed.
  
13. The proprietors of the restaurant being responsible for conducting litter patrols within a 50 metre vicinity of the site at least once a day, with the minimum being at the end of trading.  
Reason: To ensure the premises does not interfere with the amenity of surrounding residential development.
  
14. (i) The hours of operation of the site being restricted in the following manner for each use:
 

Urban Farm:	
Mondays to Fridays:	7:00am to 3:00pm
Weekends and Public Holidays:	10:00am to 3:00pm
Restaurant:	
Mondays to Sundays: (including Public Holidays):	7:00am to 10:00pm
Caravan café:	
Mondays to Sundays: (including Public Holidays)	7:00am to 10:00pm
Community Room:	
Mondays to Sundays: (including Public Holidays)	6:00am to 10:00pm

- (ii) For a period of not more than 2 years from the date of this modified consent, the opening hours of the restaurant are restricted to between the hours of 6:00am to 11:00pm Monday to Thursday, 6:00am to 12:00 midnight Friday and Saturdays, and 6:00am to 10:00pm Sundays and Public Holidays. The opening hours of the caravan café are restricted to between the hours of 6:00am to 10:00pm daily including Public Holidays. During this 2 year trial period, no outdoor activities of the restaurant are permitted prior to 7:00am or beyond 10:00pm. In accordance with the criteria prescribed by the Addendum Acoustic Report prepared by Acoustic Consulting Engineers dated 9 November 2015 regarding the closure of windows/doors to the restaurant and use of the lawn area, outdoor pergola areas and covered deck.
- (iii) A continuation of the extended hours granted under part (ii) of this condition will require Council's approval under the Environmental Planning and Assessment Act by way of a fresh application.

Reason: To ensure that the extended hours of operation are reviewed and assessed in light of their performance and to ensure that the use does not interfere with the amenity of the locality.

*(Amended on 29 October 2019)*

15. The construction, fit-out and finishes of the food premises must comply with the Food Act 2003, the Australian and New Zealand Food Standards Code and Australian Standard 4674 - Design, Construction and Fit-out of Food Premises.  
Reason: To ensure that the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health.
16. All waste and waste receptacles associated with the usage of the premises are to be stored within the site boundaries of the subject premises and are to be contained in such a manner so as to comply with the requirements of the Food Act 2003 and Australian Standard 4674 - Design, Construction and Fit-out of Food Premises.  
Reason: To ensure waste and waste receptacles do not pose a nuisance, danger or risk to public health and safety
17. Should the proposed development require the provision of an electrical substation, such associated infrastructure shall be incorporated wholly within the development site. Before proceeding with your development further, you are directed to contact Ausgrid directly with regard to the possible provision of such an installation on the property.  
Reason: To provide for the existing and potential electrical power distribution for this development and for the area.
18. All building work must be carried out in accordance with the provisions of the Building Code of Australia.  
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.

**BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK**

For the purpose of interpreting this consent, a Principal Certifying Authority (PCA) means a principal certifying authority appointed under Section 109E(1) of the Environmental Planning and Assessment Act 1979. Pursuant to Section 109E(3) of the Act, the PCA is principally responsible for ensuring that the works are carried out in accordance with the approved plans, conditions of consent and the provisions of the Building Code of Australia.

19. No work must commence until:

- a) A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
- b) A minimum of 2 days written notice must be given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

20. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

21. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities are to be located so that they will not cause a nuisance.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

22. All demolition work must:

- a) Be carried out in accordance with the requirements of Australian Standard AS2601 'The demolition of structures' and the Work Health and Safety Act and Regulations; and
- b) Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.

Reason: To ensure that the demolition work is carried out safely.

23. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

24. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 - Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.

Reason: To ensure the appropriate disposal and reuse of waste generated on the site.

25. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.

Reason: To secure the area of the site works maintaining public safety.

26. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:

- a) The name, address and telephone number of the PCA;
- b) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
- c) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.

27. A Soil and Water Management Plan must be prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to and accepted by the PCA. A copy of this document must be submitted to and accepted by PCA before work commences. The plan shall indicate:

- a) Where the builder's materials and waste are to be stored;
- b) Where the sediment fences are to be installed on the site;
- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

All devices must be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

28. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the building on the adjoining property at the Chrissie Cotter Gallery, Pidcock Street, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.  
Reason: To catalogue the condition of the adjoining property for future reference in the event that any damage is caused during work on site.
29. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.  
Reason: To ensure all necessary approvals have been applied for.
30. Where it is proposed to carry out works in public roads or footpaths, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised works as noted in Council's adopted fees and charges.  
Reason: To ensure that all restoration works are in accordance with Council's Code.
31. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.  
Reason: To secure the site and to maintain public safety
32. A detailed Traffic Management Plan to cater for construction traffic must be submitted to and approved by Council before commencement of works. Details must include proposed truck parking areas, construction zones, crane usage, truck routes etc. All construction traffic must comply at all times with the approved Traffic Management Plan. ***The Traffic Management Plan must include strategies to minimise the impact and disruption caused by both construction vehicles and vehicles associated with staff/contractors working at or visiting the site.*** The developer must ensure that all construction workers and contractors are fully aware of the approved Traffic Management Plan.  
Reason: To ensure construction traffic does not unduly interfere with vehicular or pedestrian traffic, *on street parking* or the amenity of the area.
33. The person acting on this consent shall submit a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site before commencement of works.  
Reason: To ensure the existing condition of Council's infrastructure is clearly documented.

34. Prior to the commencement of works, street trees on Mallet Street and Piddock Street, adjacent to the subject property, shall be adequately protected as per the Australian Standard *Protection of Trees on Development Sites* AS 4970—2009.  
Reason: To ensure the adequate and appropriate protection of council's street trees.
35. Prior to the commencement of works, a project arborist who has a minimum AQF level 5 qualification in arboriculture and who does not prune or remove trees in the Marrickville local government area, shall inspect the tree protection measures for the street trees and certify in writing to the Principal Certifying Authority that the trees are adequately and appropriately protected.  
Reason: To ensure tree protection measures are appropriate and adequate.

#### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

For the purpose of interpreting this consent the Certifying Authority (Council or an Accredited Certifier) is that person appointed to issue a Construction Certificate.

36. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

**NB:** The required payment is based on the estimated cost of building and construction works and the long service levy rate, set by the Long Service Payments Corporation. The rate set by the Long Service Payments Corporation is currently of 0.35% of the cost of the building and construction work.

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.  
[http://www.lspc.nsw.gov.au/levy\\_information/?levy\\_information/levy\\_calculator.stm](http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm)

Reason: To ensure that the required levy is paid in accordance with the Building and Construction Industry Long Service Payments Act.

37. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the following:
- Access to the premises via the principal place of entry to the building and the footpath accessing the site, complying with AS 1428.1- 2009 'Design for access and mobility';
  - An accessible toilet complying with AS 1428.1- 2009 'Design for access and mobility';
  - An accessible counter complying with AS 1428.2 - 2001 'Design for access and mobility';
- Reason: To ensure that the premises provide equitable access to all persons.

38. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction addressing the requirements The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).  
Reason: To provide safe, equitable and dignified access to a building and its services and facilities.
39. Before the issue of a Construction Certificate amended plans being submitted to the satisfaction of the certifying authority providing detailed floor plans showing location of all proposed fixtures, fittings and equipment, sectional elevations and schedule of finishes must be prepared by a suitably qualified person and certified in accordance with the Food Act 2003, Australian and New Zealand Food Standards Code and Australian Standard 4674-2004 Design, Construction and Fit-out of Food Premises and shall be submitted to the Principal Certifying Authority. The plans shall include but not be limited to all new bar areas.  
Reason: To ensure the premises comply with the relevant Acts and standards so as to promote sound hygiene and public health
40. Before the issue of a Construction Certificate amended plans being submitted to the satisfaction of the certifying authority providing detailed floor plans showing a designated waste storage area shall be submitted to and approved by the Principal Certifying Authority. In this regard, detailed plans and specifications are to be submitted demonstrating compliance with Section 2.4 of Australian Standard 4674-2004 for the Design, Construction and Fit-out of Food Premises.  
Reason: To ensure the storage facility for garbage and recyclable matter are suitable for the volume and types of garbage and recyclable material produced by the food business and to ensure that the facility does not provide a breeding ground for pests and must be capable of being easily and effectively cleaned without any waste water entering the stormwater system
41. Lighting details of the pedestrian areas, parking areas and all entrances being submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.  
Reason: To ensure appropriate lighting is provided to create a safe living environment.
42. Deleted
43. The person acting on this consent shall provide to Council a bond in the amount of \$4,704.20 and pay the related Section 138 (Roads Act) inspection fee of \$217.80 (GST inclusive) before the issue of a Construction Certificate to ensure the proper completion of the footpath and/or vehicular crossing works required as a result of this development.  
Reason: To provide security for the proper completion of the footpath and/or vehicular crossing works.
44. Before the issue of a Construction Certificate the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.  
Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.



45. The site stormwater drainage shall be constructed generally in accordance with stormwater drainage plans C1.01 and C2.1 (Issue A) submitted by ACOR Consultants P/L subject to the following information being submitted to Council;
- a) A copy of the MUSIC model (sqz file) being provided to for review; and
  - b) A copy of the Drains files being provided to for review of the OSD design.
- Evidence of compliance with the above conditions shall be submitted to and approved by Council before the issue of a Construction Certificate.
- Reason: To ensure that the quality of stormwater discharged off site is improved and to minimise stormwater runoff from the site.
46. Deleted.

#### SITE WORKS

47. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
- Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.
48. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
- Reason: To ensure that the area surrounding the building work is satisfactorily reinstated.
49. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection (d) can only be carried out by the PCA. The critical stage inspections are:
- a) After excavation for, and before the placement of, any footings.
  - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
  - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
  - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

You are advised to liaise with your PCA to establish if any additional inspections are required.

Reason: To ensure the building work is carried out in accordance with the Environmental Planning and Assessment Regulations and the Building Code of Australia.

50. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and shall comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

51. If the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining allotments, including a public place such as a footway and roadway, the person acting on the consent, at their own expense must:

- a) protect and support the adjoining premises from possible damage from the excavation, and
- b) where necessary, underpin the adjoining premises to prevent any such damage. Where the proposed underpinning works are not "exempt development", all required consents must be obtained prior to the required works commencing; and
- c) give the owners of the adjoining land at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Where a dilapidation report has not been prepared on any building adjacent to the excavation, the person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before works continue on site, if the consent of the adjoining property owner can be obtained.

Copies of all letter/s that have been sent via registered mail to the adjoining property owner and copies of any responses received must be forwarded to the PCA before work commences.

Reason: To ensure that adjoining buildings are preserved, supported and the condition of the buildings on the adjoining property catalogued for future reference in the event that any damage is caused during work on site.

52. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

53. A certificate of survey from a registered land surveyor must be submitted to the PCA upon excavation of the footings and before the pouring of the concrete to verify that the structure will not encroach on the allotment boundaries.

Reason: To ensure all works are contained within the boundaries of the allotment.

54. Fixtures for bathroom and kitchen taps, showerheads, dishwashers, toilet cisterns and urinals having a minimum 3 Star WELS rating.  
**NOTE:** Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: [www.waterrating.gov.au](http://www.waterrating.gov.au).  
**Reason:** To conserve water.
55. New or replacement toilets having a minimum 3 Star WELS rating and being 6/3 litre dual flush or more efficient.  
**NOTE:** Information on the star rating scheme, and all 'star' rated products are available to view at the Water Efficiency Labelling and Standards (WELS) website: [www.waterrating.gov.au](http://www.waterrating.gov.au).  
**Reason:** To conserve water.
56. All roof and surface stormwater from the site any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a Council controlled stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code.  
**Reason:** To provide for adequate site drainage.
57. The tree protection measures shall be maintained for the duration of the project, and not removed until approved by the project arborist.  
**Reason:** To ensure the street trees are adequately protected for the entire duration of the project.
58. The new trees shall be planted in accordance with the following criteria.
- a) The new trees shall be located in accordance with the landscape plan (Oculus, May 2015).
  - b) The species of the new tree shall be as detailed in the landscape plan (Oculus, May 2015).
  - c) The planting stock size shall be at least 25 litres.
  - d) The planting stock shall comply with Australian Standard *Tree stock for landscape use* AS 2303—2015.
  - e) The new trees shall be planted by, or under the direct supervision of, a qualified horticulturist or arborist, with a minimum qualification of Certificate 3.
- Reason:** To ensure good quality trees are planted properly in appropriate locations.

**BEFORE OCCUPATION OF THE BUILDING**

59. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:

- a) A copy of the determination;
- b) Copies of any documents that were lodged with the Occupation Certificate application;
- c) A copy of Occupation Certificate, if it was issued;
- d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
- e) A copy of any missed inspections; and
- f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

Reason: To comply with the provisions of the Environmental Planning and Assessment Regulations.

60. Occupation of the building is not permitted until such time as:

- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
- b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
- c) An Occupation Certificate has been issued.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

61. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, must:

- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
- b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

Every twelve (12) months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Certificate for each of the Fire Safety Measures listed in the Schedule. The Annual Fire Safety Certificate must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

Reason: To ensure compliance with the relevant provisions of the Environmental Planning and Assessment Regulations and Building Legislation Amendment (Quality of Construction) Act.

62. Prior to the issue of an Occupation Certificate Council's Environmental Health Unit must be notified that the premises is being used for the preparation, manufacture or storage of food for sale so that the premises can be registered on Council's food premises database.  
Reason: To notify Council of your intention to commence the business so as to be included on Councils Food Safety register
63. The landscaping of the site must be carried out prior to occupation or use of the premises in accordance with the approved plan, and must be maintained at all times to Council's satisfaction.  
Reason: To ensure adequate landscaping is maintained.
64. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development shall be completed before the issue of an Occupation Certificate. Works shall be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".  
Reason: To ensure person acting on this consent completes all required work.
65. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.  
Reason: To ensure all costs for the adjustment/augmentation of services arising as a result of the redevelopment are at no cost to Council
66. The existing stone kerb adjacent to the site is of local heritage value and is to be preserved at no cost to Council. Any damage to the stone kerb will require the replacement of the damaged individual stone units before the issue of an Occupation Certificate.  
Reason: To ensure that items of local heritage value are preserved.
67. The redundant vehicular crossing on Mallett Street shall be removed and replaced by kerb and gutter and footpath paving in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications" before the issue of an Occupation Certificate and at no cost to Council. Where the kerb in the vicinity of the redundant crossing is predominately stone (as determined by Council's Engineer) the replacement kerb shall also be in stone.  
Reason: To eliminate redundant crossings and to reinstate the footpath to its normal condition.

68. Before the issue of an Occupation Certificate written verification from a suitably qualified competent person, stating that all stormwater drainage, re-use and quality measures have been constructed in accordance with the approved plans and the Stormwater Management Report submitted by ACOR Consultants P/L shall be submitted to and accepted by Council. In addition, full works-as-executed plans, prepared and signed by a registered surveyor, shall be submitted to Council. These plans must include levels for all drainage structures, buildings (including floor levels), finished ground levels and pavement surface levels.  
Reason: To ensure drainage works are constructed in accordance with approved plans.
69. Prior to issue of an Occupation Certificate the person acting on this consent shall obtain from Council a compliance Certificate(s) stating that all Road, Footpath and Civil Works on Council property required to be undertaken as a result of this development have been completed satisfactorily and in accordance with Council approved plans and specifications.  
Reason: To ensure that all Road, Footpath and Civil Works required to be undertaken as a result of this development have been completed satisfactorily.
70. Prior to the issue of the Occupation Certificate the project arborist shall certify in writing to the Principal Certifying Authority that the conditions relating to tree protection and tree planting have been implemented and that the protected trees have not been damaged or, if the recommendations have not been complied with, detail the extent and nature of the departure. The Principal Certifying Authority shall report breaches of the conditions to Marrickville Council.  
Reason: To ensure tree protection measures and tree planting are undertaken in accordance with the conditions of consent.

#### **ADVISORY NOTES**

- A complete Building Code of Australia assessment of the application has not been carried out.
- Houses built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.

Further information and brochures on how to reduce exposure to lead based paints is available from Council's Planning and Environmental Services Division, ☐9335 2222.

- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor **must** complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.  
Reason: To ensure the civil works are constructed to Council's specifications.
- The enclosed fact sheet relating to asbestos should be read before you start any demolition or building work.

- Useful Contacts

BASIX Information	☎ 1300 650 908 weekdays 2.00pm-5.00pm <a href="http://www.basix.nsw.gov.au">www.basix.nsw.gov.au</a>
Department of Fair Trading	☎ 13 32 20 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a> Enquiries relating to Owner Builder Permits and Home Warranty Insurance.
Dial Before You Dig	☎ 1100 <a href="http://www.dialbeforeyoudig.com.au">www.dialbeforeyoudig.com.au</a>
Landcom	☎ 9841 8660 to purchase copies of Volume One of "Soils and Construction"
Long Service Payments Corporation	☎ 13 14 41 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
Marrickville Council	☎ 9335 2222 <a href="http://www.marrickville.nsw.gov.au">www.marrickville.nsw.gov.au</a> Copies of all Council documents and application forms can be found on the web site.
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> and <a href="http://www.diysafe.nsw.gov.au">www.diysafe.nsw.gov.au</a> Information on asbestos and safe work practices.
NSW Office of Environment & Heritage	☎ 131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	☎ 13 20 92

Waste Services NSW - SITA Environmental Solutions	<a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a> ☎ 1300 651 116 <a href="http://www.wasteservice.nsw.gov.au">www.wasteservice.nsw.gov.au</a>
Water Efficiency Labelling and Standards (WELS)	<a href="http://www.waterrating.gov.au">www.waterrating.gov.au</a>
WorkCover Authority of NSW	☎ 13 10 50 <a href="http://www.workcover.nsw.gov.au">www.workcover.nsw.gov.au</a> Enquiries relating to work safety and asbestos removal and disposal

This consent is effective and operates from 9 December 2015. The consent will lapse unless the proposed development is commenced in accordance with Section 4.53 of the Act.

Under Section 8.7 of the Act you may, within six (6) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Council's determination.

All conditions imposed by the Council must be observed. Breach of a condition is a breach of the Act and may also constitute an offence.

Yours faithfully



**Ruba Osman**  
**Acting Manager Development Assessment**

Enquiries: Andrew Newman on .93925370

Ref: **D1A** TRIM Doc. 116988.19