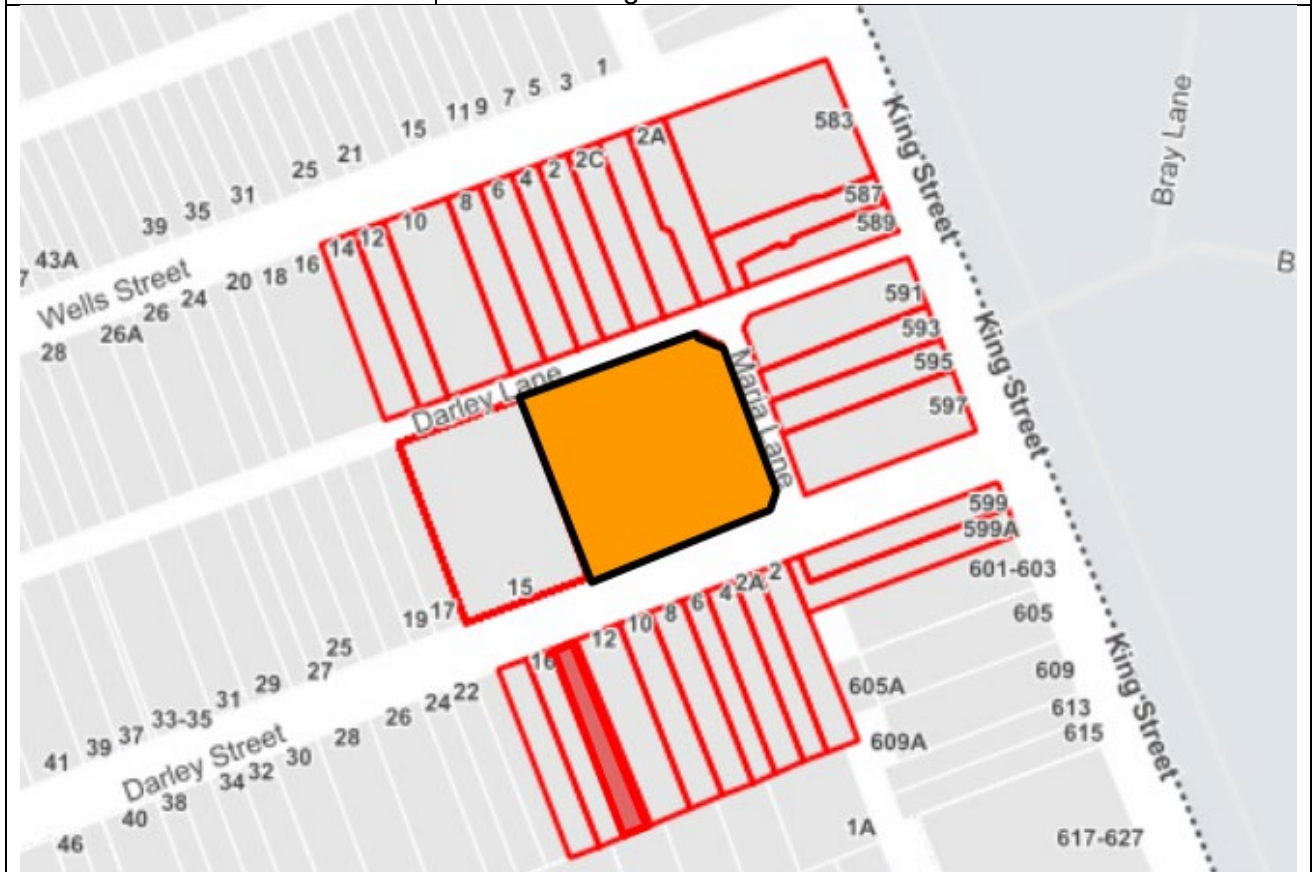






# INNER WEST

## DEVELOPMENT ASSESSMENT REPORT

<b>Application No.</b>	DA/2021/0671
<b>Address</b>	1-13 Darley Street NEWTOWN NSW 2042
<b>Proposal</b>	Alterations and additions to existing community facility. Change in hours of operation.
<b>Date of Lodgement</b>	02 August 2021
<b>Applicant</b>	Mr Stephen Iacono
<b>Owner</b>	Inner West Council
<b>Number of Submissions</b>	Initial: 1
<b>Value of works</b>	\$1,520,000.00
<b>Reason for determination at Planning Panel</b>	Development for which the applicant or landowner is the Council
<b>Main Issues</b>	Nil
<b>Recommendation</b>	Approved with Conditions
<b>Attachment A</b>	Recommended conditions of consent
<b>Attachment B</b>	Plans of proposed development
<b>Attachment C</b>	Plan of Management



LOCALITY MAP

Subject Site		Objectors		N ↑
Notified Area		Supporters		

## 1. Executive Summary

This report is an assessment of the application submitted to Council for alterations and additions and change in hours of operation to the existing community facility at 1-13 Darley Street, Newtown.

The application was notified to surrounding properties and one (1) submission was received in response to the notification.

In summary, the proposal generally complies with the aims and objectives of *Marrickville Local Environmental Plan 2011 (MLEP 2011)* and the provisions of Marrickville Development Control Plan 2011 (MDCP 2011). It is considered that the proposal will not result in any significant impacts on the streetscape or amenity of adjoining properties.

## 2. Proposal

Approval is sought for alterations and additions to the existing community facility, and change in hours of operation, at 1-13 Darley Street, Newtown. A summary of the proposal is as follows:

### Works

- External building works to provide for new access ramps, relocation of bin storage area, new front building entrance terrace, new doors and wall to external courtyard area and new fixed skylights;
- Internal reconfiguration to provide for a new foyer, kitchenette, staff room, meeting rooms, community room, internal courtyard, toilet facilities and storage rooms;
- Reconfiguration of Car Parking Area;
- Fencing and Landscaping; and

### Hours of operation

The application also proposes to increase the hours of operation to 7:00am – 10:00pm, Monday – Sunday. Staff, including cleaners are proposed to be present outside of operating hours to perform activities such as cleaning and administrative tasks.

## 3. Site Description

The subject site is located on the northern side of Darley Street, between Darley Street, Maria Lane and Darley Lane. The site consists of one allotment and is rectangular in shape with a total area of 1,321sqm and is legally described as 1-13 Darley Street, Newtown. The site is identified as being part of the Bello Retiro Archaeological site (A-18-10) as per *MLEP 2011*.

The site has a southern frontage to Darley Street of 33.59 metres, an eastern frontage to Maria Lane of 28.76 metres and a northern frontage to Darley Lane of 34.53 metres.

The site supports a single storey Community Centre building known as the Tom Foster Community Centre, inclusive of an external courtyard area at the rear of the building and associated car parking area, consisting of nine car parking spaces fronting Darley Street. The existing building has a gross floor area of 484sqm and contains a community hall, tearoom, storeroom, office area and commercial kitchen that previously serviced the Marrickville Meals on Wheels organisation.

The use currently operates the following hours:

Monday to Friday: 8am to 9pm; and

Saturday: 8am to 5pm.

Vehicular access to the site is achieved via separate entry and exit driveways located on Darley Street. Pedestrian access to the main building entrance is provided via Darley Street.

Landscaping exists around the perimeter of the site along the Darley Street and Maria Lane frontages and within the courtyard garden area located at the rear of the building. Substantial trees and shrubs are located in the north eastern corner of the site.

The following significant trees are located on the site and within the vicinity.

- *Callistemon species* (Bottlebrush) – located at the front of the site adjoining boundary shared with no. 15 Darley Street, Newtown; and
- *Muurraya paniculate* (Orange Jessamine) – located at the front of the site adjoining boundary shared with no. 15 Darley Street, Newtown.

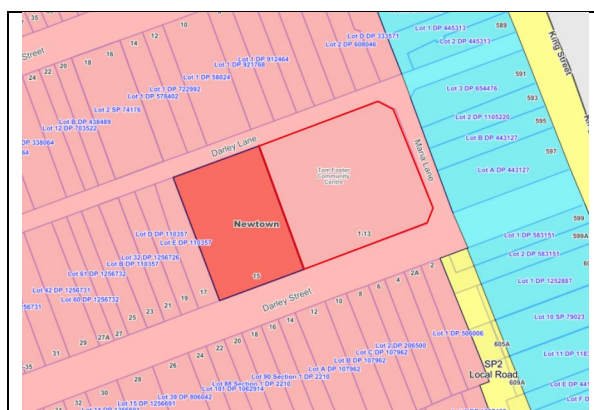


Figure 1: Zoning Map of subject site (property boundaries shown in red).

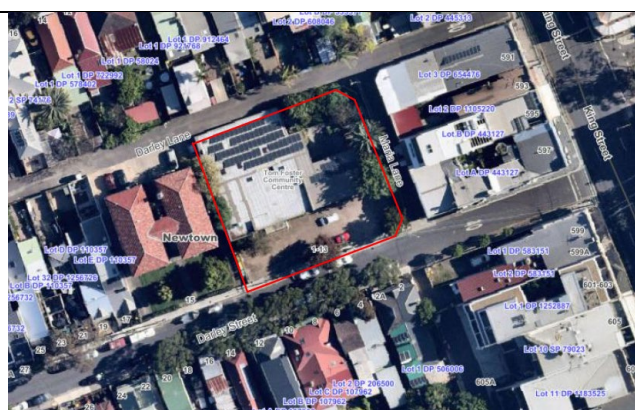


Figure 2: Aerial image of site from NearMap.

#### 4. Background

The following outlines the relevant development history of the subject site and any relevant applications on surrounding properties.

##### Subject Site

Application	Proposal	Decision & Date
Determination No. 12440	To carry out alterations to existing Tom Foster Welfare Centre, involving the erection of a new laundry and storage rooms, and the erection of a cool room.	Approved 31/07/1989
Determination No. 200300376	To install a telecommunications subscriber unit mounted on a pole on the roof of the Tom Foster Community Centre.	Approved 01/08/2003
Determination No. 200600132	To carry out alterations and additions to the community centre.	Approved 03/05/2006

Application No. 200600132.01	Application under Section 96 of the Environmental Planning and Assessment Act to modify Determination No. 200600132 to delete conditions 31 and 48 in relation to the requirements to noise attenuate the premises.	Approved 24/10/2006
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#### 4(b) Application history

The following table outlines the relevant history of the subject application.

Date	Discussion
02/08/2021	Application lodged.
12/08/2021 – 02/09/2021	Application notified.
01/10/2021	Request for information (RFI) letter issued to the applicant requiring the following information to be provided: <ul style="list-style-type: none"> <li>• A Plan of Management (POM) be submitted.</li> </ul>
22/10/2021	A Plan of Management (POM) was submitted by the applicant.
25/10/2021	Additional information was requested regarding the electronic signage proposed on the corner of Darley Street and Maria Lane.
25/10/2021	The applicant advised that the signage was no longer proposed and submitted an amended Ground Floor Plan and Landscape Plan to indicate this.  The amended plans form the basis of the following assessment.

### 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:

- *State Environmental Planning Policy No. 55—Remediation of Land*
- *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*
- *Marrickville Local Environmental Plan 2011 (MLEP 2011)*

The following provides further discussion of the relevant issues:

##### 5(a)(i) ***State Environmental Planning Policy No 55—Remediation of Land***

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) provides planning guidelines for remediation of contaminated land. MDCP 2011 provides controls and guidelines for remediation works. *SEPP 55* requires the consent authority to be satisfied that “the site is, or can be made, suitable for the proposed use” prior to the granting of consent.

The site has not been used in the past for activities which could have potentially contaminated the site. It is considered that the site will not require remediation in accordance with *SEPP 55*.

**5(a)(ii) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (Vegetation SEPP)**

*Vegetation SEPP* concerns the protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP.

The application involves development that may impact trees on a neighbouring site that are protected under Part 2.20 *Tree Management* of MDCP 2011. The following is proposed with respect to existing and new vegetation:

- Removal of one (1) *Callistemon species* (Bottlebrush) located near the boundary with No. 15 Darley Street;
- Removal of one (1) *Murraya paniculate* (Orange Jessamine) located at the front of the site near the boundary with No. 15 Darley Street;
- Canopy pruning of a *Pittosprum undulatum* (Sweet Pittosporum) and *Persea americana* (Avocado) located at 15 Darley Street near the common side boundary; and
- Planting of two new trees at southern building elevation.

The proposed works are considered to generally satisfy the provisions of *Vegetation SEPP* and Part 2.20 *Tree Management* of MDCP 2011, subject to the imposition of conditions requiring the appropriate protection of trees to be retained.

**5(a)(iii) Marrickville Local Environment Plan 2011 (MLEP 2011)**

The application was assessed against the following relevant clauses of the *Marrickville Local Environmental Plan 2011 (MLEP 2011)* in the table below:

Control	Proposed	Compliance
Clause 1.2 Aims of Plan	The proposal is considered consistent with the relevant aims of the plan: <ul style="list-style-type: none"> <li>• The proposal supports the efficient use of land and vitalisation of the centre;</li> <li>• The proposal increases residential and employment densities in appropriate locations near public transport while protecting residential amenity;</li> <li>• The proposal conserves the environmental and cultural heritage of Marrickville; and</li> <li>• The proposal promotes a high standard of design in the private and public domain.</li> </ul>	Yes
Clause 2.3 Zone objectives and Land Use Table  <i>R2 Low Density Residential</i>	The proposal satisfies this clause as follows: <ul style="list-style-type: none"> <li>• The application proposes change in operating hours and alterations &amp; additions to an existing <b>community centre</b>. <b>Community centres are permissible with consent in the R2 Low Density Residential zone; and</b></li> <li>• The proposal provides facilities and services for residents to meet their day to day needs.</li> </ul>	Yes

Clause 2.7 Demolition requires development consent	The proposal satisfies the clause as follows: <ul style="list-style-type: none"> <li>• Demolition works are proposed, which are permissible with consent; and</li> <li>• If the application is to be supported, standard conditions are recommended in Attachment A to manage impacts which may arise during demolition.</li> </ul>	Yes, subject to conditions
Clause 4.3 Height of building (max. 9.5m)	The proposal does not alter the existing building height of 4.2m.	Yes
Clause 4.4 Floor space ratio (max: 0.6:1 or 792sqm)	The application proposes compliant floor space ratio of 0.36:1 or 484sqm.	Yes
Clause 4.5 Calculation of floor space ratio and site area	The respective site areas and floor space ratios for the proposal have been calculated in accordance with the clause.	Yes
Clause 5.10 – Heritage Conservation	The subject site is identified as being part of the Bello Retiro Archaeological site (A-18-10) under Schedule 5 of <i>MLEP 2011</i> . A Heritage Impact Statement was submitted with the application which satisfies the requirements of Clause 5.10(5) of <i>MLEP 2011</i> .  The application was referred to Heritage NSW – Department of Premier and Cabinet who advised that the site has a low likelihood of relics. A condition was recommended, which has been included in the recommendation.	Yes – subject to conditions
Clause 6.1 – Acid Sulfate Soils	The subject site is identified as containing Class 5 acid sulfate soils, and is considered to adequately satisfy this clause as: <ul style="list-style-type: none"> <li>• The application does not propose any works that would result in any significant adverse impacts to the watertable.</li> </ul>	Yes
Clause 6.2 Earthworks	The application is considered to adequately satisfy this clause in that the proposed earthworks are unlikely to have a detrimental impact on environmental functions and processes, existing drainage patterns, or soil stability; given their minor nature and that a basement is not proposed.	Yes

### 5(b) Draft Environmental Planning Instruments

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 proposal generally satisfies the relevant objectives of Draft IWLEP 2020. Accordingly, the development is considered acceptable having regard to the provisions of the Draft IWLEP 2020.

5(d) Development Control Plans

The application has been assessed and the following provides a summary of the relevant provisions of Marrickville Development Control Plan 2011 (MDCP 2011). The following provides discussion of the relevant issues:

Control	Proposed	Compliance
<i>Part 2 – Generic Provisions</i>		
Part 2.1 – Urban Design	<p>The proposal has been designed having regard to the 12 relevant urban design principles outlined in Part 2.1 as follows:</p> <ul style="list-style-type: none"> <li>• The proposed alterations are appropriate for the character of the locality; and</li> <li>• The proposed alterations preserve the existing character of the streetscape.</li> </ul>	Yes
Part 2.3 – Site and Context Analysis	The applicant submitted a site and context analysis as part of the application that satisfies the controls contained in Part 2.3 of MDCP 2011.	Yes
Part 2.5 – Equity of Access and Mobility	<p>A BCA Assessment Report was submitted with the application indicating that the proposed development is readily capable of achieving compliance with the BCA, subject to the provision of further details regarding performance based solutions and other documentation necessary to satisfy the relevant legislative requirements.</p> <p>Conditions have been included in the recommendation requiring that an Access Report be provided to determine compliance with AS1428 as part of any Construction Certificate documentation and that the recommendations contained in the BCA Report submitted with this application be conditioned for Construction Certificate documentation.</p>	Yes (subject to conditions)
Part 2.6 – Acoustic and Visual Privacy	<p>Part 2.6 of MDCP 2011 provides objectives and controls to ensure new development and alterations and additions to existing buildings do not unreasonably impact on the amenity of residential and other sensitive land uses by way of noise or vibration.</p> <p>The site is surrounded by residential uses to the north, west and south. To the east, across Maria Lane, commercial uses are located fronting King Street.</p> <p>The application proposes to extend the hours of operation to 7:00am – 10:00pm Monday to Sunday. The proposed development is considered to be acceptable in regards to this part of MDCP 2011 in that:</p> <ul style="list-style-type: none"> <li>• The proposed hours do not extend into the more sensitive night-time periods as defined by the NSW EPA Noise Policy Guidelines 2017;</li> <li>• The proposed hours of operation are not dissimilar to a number of surrounding land uses along King Street (refer to assessment of Part 5.1.3.4 of MDCP);</li> <li>• A condition has been recommended requiring that the operating hours between 8:00pm – 10:00pm are granted on a 12 month trial basis; and</li> </ul>	Yes – subject to conditions

	<ul style="list-style-type: none"> <li>• Deliveries are proposed to occur during the daytime operating hours of the premises only.</li> </ul> <p>Additionally, the Plan of Management submitted has indicated that the following measures will be implemented to reduce the acoustic and visual impacts of the use:</p> <ul style="list-style-type: none"> <li>• The portable PA system and speakers will be orientated in a manner so as to not direct the playing of music towards surrounding properties in order to maintain amenity to the locality;</li> <li>• Staff and visitors to the site will be asked to enter and exit the premises quietly and in a respectful manner so as to not cause any adverse noise or visual privacy impacts to surrounding properties;</li> <li>• Activities and gatherings associated with the community centre will be undertaken wholly within the confines of the building and external courtyard area and not within the car park;</li> <li>• Signage is provided to direct visitors to the entrance of the building to avoid persons loitering in the carpark, raising their voice or unintentionally entering other properties in an effort to enter the community centre;</li> <li>• Implementation and on-going maintenance of complaints register and POM.</li> </ul> <p>A condition has been included in the recommendation to ensure the operation of the premises complies with the POM at all times.</p>	
<p>Part 2.9 – Community Safety</p>	<p>Part 2.9 of MDCP 2011 provides objectives and controls to ensure development proposals adequately address matters of community safety. The proposed development is considered to be acceptable in regards to this part of MDCP 2011 in that:</p> <ul style="list-style-type: none"> <li>• The proposal does not alter the building’s orientation which is orientated to maximise surveillance from the street to the building, from the building to the street and between buildings;</li> <li>• The proposal does not alter the communal areas, including the car park and courtyard area having a well defined and reasonable level of surveillance;</li> <li>• The proposal does not alter the casual surveillance view over the street and lane at the rear;</li> <li>• The use of external lighting is proposed which will improve the safety and security of the property by increasing opportunities for casual surveillance and deter illegal access;</li> <li>• The building entrance remains visible from the street;</li> <li>• Appropriate signage is provided directing visitors towards the building entrances and exits;</li> <li>• The placement of windows allows for casual surveillance of the street, internal courtyard area and car parking area;</li> </ul>	<p>Yes</p>



	<ul style="list-style-type: none"> <li>• A complaints recording and handling process is proposed to be used and made available to Police, Emergency Services or Council upon request; and</li> <li>• The submitted POM incorporates appropriate safety and management measures.</li> </ul>	
Part 2.10 – Parking	Part 2.10 of MDCP 2011 contains objectives and controls relating to the provision of car parking for new development. The subject site is located within Parking Area 1 and has the requirement of 1 car parking space per 80sqm of gross floor area (GFA). The existing Community Centre building has a GFA of 484sqm which will remain unchanged from the proposed development. The proposed development reduces the number of car parking spaces from nine (9) to six (6). Based on the GFA of 484sqm, a total of 6 car parking spaces are required to be provided. The proposal is consistent with this requirement.	Yes
Part 2.11 – Fencing	The proposal is considered acceptable having regard to this Part in that: <ul style="list-style-type: none"> <li>• The proposed new fencing is sympathetically scaled and proportioned to the existing building; and</li> <li>• The proposed fencing is of an appropriate scale for the streetscape character.</li> </ul>	Yes
Part 2.20 – Tree Management	See discussion above under - <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) (Vegetation SEPP)</i> .	Yes (subject to conditions)
Part 2.21 – Site Facilities and Waste Management	The proposal satisfies the relevant provisions of Part 2.21 as follows: <ul style="list-style-type: none"> <li>• The application was accompanied by a waste management plan in accordance with the Part; and</li> <li>• Standard conditions are recommended to ensure the appropriate management of waste during the construction of the proposal.</li> </ul>	Yes (subject to conditions)
Part 2.25 – Stormwater Management	The development is capable of satisfying the relevant provisions of Part 2.25 as follows: <ul style="list-style-type: none"> <li>• Standard conditions are recommended to ensure the appropriate management of stormwater.</li> </ul>	Yes (subject to conditions)
<b>Part 5 – Commercial and Mixed Use Development</b>		
Part 5.3.1.1 – Plan of Management	Part 5.3.1.1 of MDCP 2011 provides objectives and controls to ensure that commercial and light industrial uses operate in the most efficient way without unreasonable amenity impacts on nearby residential uses.  A POM was submitted with the application which is considered to adequately address the requirements of this Part. Additionally, it is considered that the management and proposed operations of the premises are adequate to ensure the premises operates in an efficient manner and does not result in unreasonable amenity impacts on nearby land uses. A condition has been included in the recommendation to ensure the proposed development complies with the POM at all times.	Yes

Part 5.3.1.2 – Noise and vibration generation	Refer to assessment against Part 2.6 of this Part.	Yes
Part 5.3.1.4 – Hours of operation	Refer to discussion below this table.	Yes
<b>Part 9 – Strategic Context</b>		
Precinct 14 – Camdenville Planning Precinct	The proposal satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> <li>• The proposal retains the existing single storey built form of the Community Centre which contributes to preserving the low to medium density built form character of the precinct;</li> <li>• The proposed external refurbishment works are considered to improve accessibility and improve the streetscape presentation of the building;</li> <li>• The proposal is consistent with Council’s car parking requirements for the site.</li> </ul>	Yes

(i) Part 5.3.1.4 – Hours of operation

Part 5.3.1.4 of MDCP 2011 provides objectives and controls to ensure the operations of proposed development do not cause nuisance to residents during operating hours.

The current hours of operation for the Community Centre are as follows:

- 8.00am to 9.00pm Monday to Friday
- 8.00am to 5.00pm Saturday.

This application seeks to extend the hours of operation to 7.00am to 10.00pm Monday to Sunday.

The below table provides a summary of the approved hours of operation for other commercial uses located within close proximity to the site fronting King Street:

Address	Application Number	Approved Core Hours	Approved Trial Hours	Date
597 King Street, Newtown	MOD/2020/0306	<u>Hotel</u> <ul style="list-style-type: none"> <li>• Mondays to Saturdays – 10:00am to 12:00 midnight</li> <li>• Sundays – 10:00am to 10:00pm.</li> </ul> <u>First Floor Courtyard</u> <ul style="list-style-type: none"> <li>• Mondays to Sundays – 10:00am to 10:00pm.</li> </ul>	<u>Hotel</u> <p>For a period of not more than 24 months:</p> <ul style="list-style-type: none"> <li>• Mondays to Wednesdays – 10:00am to 12:00 midnight.</li> <li>• Thursdays to Saturdays – 10:00am to 1:00am</li> <li>• Sundays 10:00am to 11:00pm</li> </ul> <u>First floor courtyard</u> <p>For a period of not more than 24 months:</p> <ul style="list-style-type: none"> <li>• Sundays to Thursdays – 10:00am to 10:00pm.</li> <li>• Fridays and Saturdays – 10:00am to 12:00 midnight.</li> </ul>	20/11/2020

583-585 King Street, Newtown	DA201200578.01	<ul style="list-style-type: none"> <li>7:00am to 10:00pm Monday to Sunday.</li> </ul>	N/A	20/11/2015
9/605 King Street, Newtown	DA201500705.01	<ul style="list-style-type: none"> <li>7:00am to 10:30pm Monday to Saturday</li> <li>7:00am to 10:00pm on Sundays and Public Holidays.</li> </ul>	N/A	01/06/2016

The proposed hours of operation are considered acceptable having regard to this part of MDCP 2011 given the following:

- The proposed hours are generally consistent with, and do not extend past, those of other approved non-residential uses located nearby along King Street;
- The hours of operation do not extend into the sensitive night time period as defined by the NSW EPA Noise Policy Guidelines 2017;
- The Plan of Management and acoustic information submitted with the application demonstrates that the operation of the premises will not negatively impact on nearby residential land uses by way of noise or vibration, vehicular traffic movements, entertainment or security measures;
- Conditions have been included to restrict the hours of construction to be in accordance with the NSW Interim Construction Noise Guideline; and
- Conditions have been included limiting the noise impacts caused by the site.

Notwithstanding the above, the application proposes to extend the days of operation to include Sunday, which the community centre does not currently operate on. Given the proposed hours of operation for Sunday are also 7.00am-10.00pm, and the site is directly adjoined by residential uses to the north, south, and west, it is considered appropriate to impose a trial period for the use of the premises on Sunday. A condition has been included in the recommendation accordingly.

#### 5(e) 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(f) 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(g) Any submissions

The application was notified in accordance with the Community Engagement Framework for a period of 14 days to surrounding properties. One (1) submission was received in response to the notification.

The submission received raised the following concerns, which have been discussed throughout the main body of this report:

- Visual and acoustic privacy;
- Community safety; and

- Hours of operation.

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

Concern	Comment
<p><b>Increased Traffic Generation</b></p>	<p>The proposed Community Centre use remains unchanged. Notwithstanding the above, acoustic amenity related conditions and advisory notes have been included in Attachment A if the application is approved, to ensure the proposal does not result in adverse impacts in this regard. Additionally, as indicated in the assessment of the proposal against Part 2.10 – <i>Parking</i> of MDCP 2011, the proposal provides adequate car parking spaces for the use of the site.</p>
<p><b>Intensification of use and allowable uses.</b></p>	<p>The existing gross floor area of the building, building footprint and maximum building height of the building remain unchanged as a result of the proposal. The existing use of the site as a Community Centre also remains unchanged and the proposed activities associated with the use are in accordance with the definition of Community Centre as per MLEP 2011. Notwithstanding the above, conditions and advisory notes relating to the following have been included in Attachment A to ensure the operations of the use do not adversely impact on surrounding land uses:</p> <ul style="list-style-type: none"> <li>• Acoustic amenity;</li> <li>• Hours of operation;</li> <li>• Noise impacts;</li> <li>• Adherence to Plan of Management; and</li> <li>• No live music or entertainment being provided within the premises without prior approval of Council.</li> </ul>
<p><b>Signage</b></p>	<p>Amended plans were submitted on 25/10/2021 indicating that the proposed sign had been removed from the proposed development.</p>

### 5(h) The Public Interest

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

As detailed within this report, given the general consistency with the provisions of *MLEP 2011* and objectives and controls of MDCP 2011, the proposal is considered to be in 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.

- Building Certification
- Community Services/ Social Planning
- Development Engineering
- Environmental Health
- Heritage
- Urban Forest

- Waste Management

#### 6(b) External

The application was referred to the following external bodies and issues raised in those referrals have been discussed in section 5 above.

- Heritage NSW – Department of Premier and Cabinet

### 7. Section 7.11 Contributions/7.12 Levy

Section 7.12 levies are payable for the proposal.

The carrying out of the development would result in an increased demand for public amenities and public services within the area. A contribution of \$15,200.00 would be required for the development under Marrickville Section 94A Contributions Plan 2014. A condition requiring that contribution to be paid is included in the recommendation.

### 8. Conclusion

The application has been assessed in accordance with Section 4.15 of the *EP&A Act 1979* and is considered to be satisfactory.

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 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 Development Application No. DA/2021/0671 for alterations and additions to existing community facility. Change in hours of operation. at 1-13 Darley Street NEWTOWN NSW 2042 subject to the conditions listed in Attachment A.

**Attachment A – Recommended conditions of consent**

**CONDITIONS OF CONSENT**

**DOCUMENTS RELATED TO THE CONSENT**

**1. Documents related to the consent**

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by
Drawing No. A-DA-1301 Rev No. 04	Landscape Plan + External Works	25/10/2021	Lahznimmo Architects
Drawing No. A-DA-1200 Rev No. 03	Ground Floor Demolition Plan	21/07/2021	Lahznimmo Architects
Drawing No. A-DA-1201 Rev No. 03	Roof Demolition Plan	21/07/2021	Lahznimmo Architects
Drawing No. A-DA-1400 Rev No. 06	Ground Floor Plan	25/10/2021	Lahznimmo Architects
Drawing No. A-DA-1401 Rev No. 03	Roof Plan	21/07/2021	Lahznimmo Architects
Drawing No. A-DA-1600 Rev No. 03	FFE Plan	21/07/2021	Lahznimmo Architects
Drawing No. A-DA-2000 Rev No. 02	Elevations + Sections	21/07/2021	Lahznimmo Architects

As amended by the conditions of consent.

**FEES**

**2. Security Deposit - Custom**

Prior to the commencement of demolition works or prior to the issue of a Construction Certificate, the Certifying Authority must be provided with written evidence that a security deposit and inspection fee has been paid to Council to cover the cost of making good any damage caused to any Council property or the physical environment as a consequence of carrying out the works and as surety for the proper completion of any road, footpath and drainage works required by this consent.

<b>Security Deposit:</b>	\$8,432.00
<b>Inspection Fee:</b>	\$241.50

Payment will be accepted in the form of cash, bank cheque, EFTPOS/credit card (to a maximum of \$10,000) or bank guarantee. Bank Guarantees must not have an expiry date.

The inspection fee is required for the Council to determine the condition of the adjacent road reserve and footpath prior to and on completion of the works being carried out.

Should any of Council's property and/or the physical environment sustain damage during the course of the demolition or construction works, or if the works put Council's assets or the environment at risk, or if any road, footpath or drainage works required by this consent are not completed satisfactorily, Council may carry out any works necessary to repair the damage, remove the risk or complete the works. Council may utilise part or all of the security deposit to restore any damages, and Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

A request for release of the security may be made to the Council after all construction work has been completed and a final Occupation Certificate issued.

The amount nominated is only current for the financial year in which the initial consent was issued and is revised each financial year. The amount payable must be consistent with Council's Fees and Charges in force at the date of payment.

### **3. Section 7.12 (formerly section 94A) Development Contribution Payments**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution to the Inner West Council has been paid, towards the provision of infrastructure, required to address increased demand for local services generated by additional development within the Local Government Area (LGA). This condition is imposed in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979* and in accordance with *Marrickville Section 94/94A Contributions Plan 2014*.

#### Note:

Copies of these contribution plans can be inspected at any of the Inner West Council Service Centres or viewed online at <https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

#### Payment amount\*:

\$15,200.00

#### \*Indexing of the Section 7.12 contribution payment:

The contribution amount to be paid to the Council is to be adjusted at the time of the actual payment in accordance with the provisions of the relevant contributions plan. In this regard, you are recommended to make contact with Inner West Council *prior to arranging your payment method* to confirm the correct current payment amount (at the expected time of payment).

#### Payment methods:

The required contribution must be paid either *by BPAY (to a maximum of \$500,000); unendorsed bank cheque (from an Australian Bank only); EFTPOS (Debit only); credit card (Note: A 1% credit card transaction fee applies to all credit card transactions; cash (to a maximum of \$10,000)*. It should be noted that personal cheques or bank guarantees cannot be accepted for the payment of these contributions. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

**4. Long Service Levy**

Prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that the long service levy in accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* has been paid at the prescribed rate of 0.35% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$25,000 or more.

**GENERAL CONDITIONS**

**5. Tree Protection**

No trees on public property (footpaths, roads, reserves etc.) are to be removed or damaged during works unless specifically approved in this consent or marked on the approved plans for removal.

Prescribed trees protected by Council's Management Controls on the subject property and/or any vegetation on surrounding properties must not be damaged or removed during works unless specific approval has been provided under this consent.

Any public tree within five (5) metres of the development must be protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

No activities, storage or disposal of materials taking place beneath the canopy of any tree (including trees on neighbouring sites) protected under Council's Tree Management Controls at any time.

Details of the trees must be included on all Construction Certificate plans and shall be annotated in the following way:

- a. Green for trees to be retained;
- b. Red for trees to be removed;
- c. Blue for trees to be pruned;

**6. Project Arborist**

Prior to the commencement of any demolition or construction works within close proximity to protected trees a Project Arborist must be engaged for the duration of the site preparation, demolition, construction and landscaping to supervise works. Details of the Project Arborist must be submitted to the Certifying Authority before work commences.

**7. Works to Trees**

Approval is given for the following works to be undertaken to trees on the site after the issuing of a Construction Certificate:

Tree/location	Approved works
<i>Callistemon species</i> (Bottlebrush) - front near boundary with 15 Darley Street / in conflict with ramp location	Removal
<i>Murraya paniculata</i> (Orange Jessamine) - front near boundary with 15 Darley Street / in conflict with ramp location	Removal

Removal or pruning of any other tree (that would require consent of Council) on the site is not approved and shall be retained and protected in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.



**8. Stormwater Drainage System – Simple**

Stormwater runoff from all roof and paved areas within the property must be collected in a system of gutters, down pipe, pits and pipelines discharged by gravity to the kerb and gutter of a public road. OR Stormwater runoff from proposed new or altered roof areas may be discharged to the existing site drainage system.

Any existing component of the stormwater system that is to be retained, must be checked and certified by a Licensed Plumber or qualified practising Civil Engineer to be in good condition and operating satisfactorily.

If any component of the existing system is not in good condition and /or not operating satisfactorily and/or impacted by the works and/or legal rights for drainage do not exist, the drainage system must be upgraded to discharge legally by gravity to the kerb and gutter of a public road.

**9. Car Parking**

The development must provide and maintain within the site:

- a. Six (6) car parking spaces must be paved and line marked; and
- b. One (1) car parking spaces, for persons with a disability must be provided and marked as disabled car parking spaces.
- c.

**10. Waste Management Plan**

Prior to the commencement of any works (including any demolition works), the Certifying Authority is required to be provided with a Recycling and Waste Management Plan (RWMP) in accordance with the relevant Development Control Plan.

**11. Erosion and Sediment Control**

Prior to the issue of a commencement of any works (including any demolition works), the Certifying Authority must be provided with an erosion and sediment control plan and specification. Sediment control devices must be installed and maintained in proper working order to prevent sediment discharge from the construction site.

**12. Works Outside the Property Boundary**

This development consent does not authorise works outside the property boundaries on adjoining lands.

**13. Hazardous Materials Survey**

Prior to any demolition or the issue of a Construction Certificate (whichever occurs first), the Certifying Authority must provide a hazardous materials survey to Council. The survey shall be prepared by a suitably qualified Occupational Hygienist and is to incorporate appropriate hazardous material removal and disposal methods in accordance with the requirements of SafeWork NSW.

A copy of any SafeWork NSW approval documents is to be included as part of the documentation.

**14. Noise General**

No live music or entertainment being provided within the premises without the prior approval of Council.

**PRIOR TO ANY DEMOLITION**

**15. Advising Neighbours Prior to Excavation**

At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

**16. Construction Fencing**

Prior to the commencement of any works (including demolition), 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.

**PRIOR TO CONSTRUCTION CERTIFICATE****17. Tree Protection Plan**

Prior to the issue of a Construction Certificate, the Certifying Authority must be provided with a detailed site-specific Tree Protection Plan (TPP) prepared by a AQF5 Consultant Arborist. The TPP is to be prepared in accordance with Council's *Development Fact Sheet—Trees on Development Sites*.

All prescribed trees on the site must be numbered, identified and retained unless approval for removal has been conditioned.

The tree protection measures contained in the TPP must be shown clearly on the Construction Certificate drawings, including the Construction Management Plan

The Certifying Authority must ensure the construction plans and specifications submitted fully satisfy the tree protection requirements identified in the TPP.

A Project Arborist is to be appointed prior to any works commencing to monitor tree protection for the duration of works in accordance with the requirements identified in the TPP.

All tree protection measures as detailed in the approved Tree Protection Plan must be installed and certified in writing as fit for purpose by the Project Arborist.

**18. Dilapidation Report – Pre-Development – Minor**

Prior to the issue of a Construction Certificate or any demolition, the Certifying Authority must be provided with a dilapidation report including colour photos showing the existing condition of the footpath and roadway adjacent to the site.

**19. Sydney Water – Tap In**

Prior to the issue of a Construction Certificate, the Certifying Authority is required to ensure approval has been granted through Sydney Water's online 'Tap In' program to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met.

*Note: Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> for details on the process or telephone 13 20 92*

**DURING DEMOLITION AND CONSTRUCTION****20. Documentation of Demolition and Construction Waste**

All waste docketts from the recycling and/or disposal of any demolition and construction waste generated from the works must be retained on site.

**21. Inspections by Project Arborist**

The trees to be retained must be inspected, monitored and treated by the Project Arborist during and after completion of development works to ensure their long-term survival. Regular inspections and documentation from the Project Arborist to the Certifying Authority are required at the following times or phases of work:

Tree No./ Botanical/ Common Name/ Location	Time of Inspection	Key stage/ Hold point
All prescribed trees to be retained.	Prior to commencement of works	<ul style="list-style-type: none"> <li>• Inspection and sign off installation of tree protection measures.</li> </ul>
	During Works	<ul style="list-style-type: none"> <li>• Supervise all excavation, trenching works, landscaping works and tree/planting replenishment within the TPZ;</li> <li>• Supervise all tree pruning work.</li> </ul>
	<ul style="list-style-type: none"> <li>• In accordance with the approved Tree Protection Plan and section 4 of AS4970—<i>Protection of trees on development sites</i>.</li> </ul>	

Recommendations to ensure the tree/s long term survival must be carried out immediately upon receipt of the report.

**22. Excavation Methods to Limit Impacts to Trees**

Excavation for the installation of any fencing/screen panel posts within the Tree Protection Zone (TPZ in accordance with AS4970 'Protection of trees on development sites') of any tree to be retained and protected must be supervised by the Project Arborist. Where directed by the Project Arborist post locations may require adjustment to avoid woody roots that cannot be damaged or pruned.

**23. Canopy and Root Pruning**

Canopy pruning of the following trees which is necessary to accommodate the approved building works (new roofing) must be undertaken by, or directly supervised by, the Project Arborist.

Tree No.	Botanical/Common Name
-	<i>Pittosporum undulatum</i> (Sweet Pittosporum) and <i>Persea americana</i> (Avocado) located at 15 Darley Street near the common side boundary.

The person acting on this consent has approval under Council's Tree Management Controls to achieve a clearance of the structure.

#### **24. Construction Hours – Class 2-9**

Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:

- a. 7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
- b. 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and
- c. at no time on Sundays or public holidays.

Works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.

In the case that a standing plant or special out of hours permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours.

This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to:

- a. 8:00am to 12:00pm, Monday to Saturday; and
- b. 2:00pm to 5:00pm Monday to Friday.

The person acting on this consent must not undertake such activities for more than three continuous hours and must provide a minimum of one 2 hour respite period between any two periods of such works.

“Continuous” means any period during which there is less than an uninterrupted 60 minute respite period between temporarily halting and recommencing any of that intrusively noisy work.

#### **25. Contamination – Retention of Ground Slab**

This consent only permits the fit-out and use of the premises with the retention of the existing ground slab. Intrusive ground excavations and/or works that may compromise the integrity of the existing ground slab covering the site are not approved, and existing ground slabs and hardstand areas must be retained and maintained in their original form.

Should any ground slab or hardstand area be damaged or disturbed, an appropriately qualified Environmental Consultant must inspect the site immediately and determine whether any potential contaminants have been disturbed. If preventative works need to be undertaken, a written statement prepared by a qualified Environmental Consultant must be provided to Council detailing the outcome of this investigation and associated works.

**26. Contamination – New Evidence**

Any new information revealed during demolition, remediation or construction works that have the potential to alter previous conclusions about site contamination must be immediately notified to the Council and the Certifying Authority.

**PRIOR TO OCCUPATION CERTIFICATE****27. Project Arborist Certification**

Prior to the issue of any Occupation Certificate, the Principal Certifier is to be provided with certification from the project arborist the requirements of the conditions of consent related to the landscape plan and the role of the project arborist have been complied with.

**28. Protect Sandstone Kerb**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any stone kerb, damaged as a consequence of the work that is the subject of this development consent, has been replaced.

**29. No Encroachments**

Prior to the issue of an Occupation Certificate, the Principal Certifier must ensure that any encroachments on to Council road or footpath resulting from the building works have been removed, including opening doors, gates and garage doors with the exception of any awnings or balconies approved by Council.

**30. Parking Signoff**

Prior to the issue of an Occupation Certificate, the Principal Certifier must be provided with certification from a qualified practising Civil Engineer that the off street parking facilities have been constructed in accordance with the development consent and relevant Australian Standards and the following has been implemented within the property.

- a. The car park has been completed, line marked and all signage relating to car parking erected; and
- b. Sign(s) have been erected that clearly indicate(s) to the drivers of vehicles both on and off the property which driveway they are to use to enter or leave the subject land.

**31. Smoke Alarms - Certification of upgrade to NCC requirements**

Prior to the issue of any Occupation Certificate, the Principal Certifier is required to be satisfied the existing building has been upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to smoke alarm systems.

**ON-GOING****32. Bin Storage**

All bins are to be stored within the site.

**33. Documentation of Businesses Waste Services**

All businesses must have written evidence of all valid and current contracts and/ or tip dockets for the disposal and/ or processing of all waste streams generated from the site.

**34. Trial Hours**

- a. The hours of operation of the premises must not exceed the following:

Day	Hours
Monday to Saturday	7:00am to 10:00pm
Sunday	7:00am to 8:00pm

- b. For a period of not more than 12 months from the issue of the Final Occupation Certificate, the hours of operation of the premises must not exceed the following:

Day	Hours
Sunday	8:00pm to 10:00pm

- c. A continuation of the extended hours will require a further application under the *Environmental Planning and Assessment Act 1979*.

**35. Noise General**

The proposed use of the premises and the operation of all plant and equipment must not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997* and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.

**36. Plan of Management - Operation**

The operation of the premises complying at all times with the approved Plan of Management. The Plan of Management dated October 2021 by Milestone (AUST) Pty Limited is not to be further amended without the prior written approval of the 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.

**37. Commercial Waste/Recycling Collection**

The collection of waste and recycling must only occur between 7:00am and 8:00pm weekdays and 9:00am and 5:00pm weekends and public holidays, to avoid noise disruption on the surrounding area,

Garbage and recycling must not be placed on the street for collection more than one (1) hour before the scheduled collection time. Garbage bins and containers are to be removed from the street within one (1) hour after collection.

**ADVISORY NOTES**

**Permits**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip Bins;

- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street veranda over the footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

If required contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. Applications for such Permits must be submitted and approved by Council prior to the commencement of the works associated with such activity.

#### **Insurances**

Any person acting on this consent or any contractors carrying out works on public roads or Council controlled lands is required to take out Public Liability Insurance with a minimum cover of twenty (20) million dollars in relation to the occupation of, and approved works within those lands. The Policy is to note, and provide protection for Inner West Council, as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public property.

#### **Prescribed Conditions**

This consent is subject to the prescribed conditions of consent within clause 98-98E of the *Environmental Planning and Assessment Regulations 2000*.

#### **Notification of commencement of works**

At least 7 days before any demolition work commences:

- a. the Council must be notified of the following particulars:
  - i. the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
  - ii. the date the work is due to commence and the expected completion date; and
- b. a written notice must be placed in the letter box of each directly adjoining property identified advising of the date the work is due to commence.

#### **Storage of Materials on public property**

The placing of any materials on Council's footpath or roadway is prohibited, without the prior consent of Council.

#### **Toilet Facilities**

The following facilities must be provided on the site:

- a. Toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees; and
- b. A garbage receptacle for food scraps and papers, with a tight fitting lid.

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

#### **Infrastructure**

The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property. 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 must be undertaken before occupation of the site.

**Other Approvals may be needed**

Approvals under other acts and regulations may be required to carry out the development. It is the responsibility of property owners to ensure that they comply with all relevant legislation. Council takes no responsibility for informing applicants of any separate approvals required.

**Failure to comply with conditions**

Failure to comply with the relevant provisions of the *Environmental Planning and Assessment Act 1979* and/or the conditions of this consent may result in the serving of penalty notices or legal action.

**Other works**

Works or activities other than those approved by this Development Consent will require the submission of a new Development Application or an application to modify the consent under Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

**Obtaining Relevant Certification**

This development consent does not remove the need to obtain any other statutory consent or approval necessary under any other Act, such as (if necessary):

- a. Application for any activity under that Act, including any erection of a hoarding;
- b. Application for a Construction Certificate under the *Environmental Planning and Assessment Act 1979*;
- c. Application for an Occupation Certificate under the *Environmental Planning and Assessment Act 1979*;
- d. Application for a Subdivision Certificate under the *Environmental Planning and Assessment Act 1979* if land (including stratum) subdivision of the development site is proposed;
- e. Application for Strata Title Subdivision if strata title subdivision of the development is proposed;
- f. Development Application for demolition if demolition is not approved by this consent;  
or
- g. Development Application for subdivision if consent for subdivision is not granted by this consent.

**Disability Discrimination Access to Premises Code**

The *Disability Discrimination Act 1992* (Commonwealth) and the *Anti-Discrimination Act 1977* (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.

**National Construction Code (Building Code of Australia)**

A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out. All building works approved by this consent must be carried out in accordance with the requirements of the National Construction Code.

**Notification of commencement of works**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the PCA (not being the council) has given the Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor; and



- ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder; and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

**Dividing Fences Act**

The person acting on this consent must comply with the requirements of the *Dividing Fences Act 1991* in respect to the alterations and additions to the boundary fences.

**Permits from Council under Other Acts**

Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent must obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the *Local Government Act 1993* and/or Section 138 of the *Roads Act 1993*. Permits are required for the following activities:

- a. Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application;
- b. A concrete pump across the roadway/footpath;
- c. Mobile crane or any standing plant;
- d. Skip bins;
- e. Scaffolding/Hoardings (fencing on public land);
- f. Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.;
- g. Awning or street verandah over footpath;
- h. Partial or full road closure; and
- i. Installation or replacement of private stormwater drain, utility service or water supply.

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities. A lease fee is payable for all occupations.

**Noise**

Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

**Amenity Impacts General**

The use of the premises must not give rise to an environmental health nuisance to the adjoining or nearby premises and environment. There are to be no emissions or discharges from the premises, which will give rise to a public nuisance or result in an offence under the *Protection of the Environment Operations Act 1997* and Regulations. The use of the premises and the operation of plant and equipment must not give rise to the transmission of a vibration nuisance or damage other premises.

**Fire Safety Certificate**

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 12 months after the Final Fire Safety Certificate is issued the owner must obtain an Annual Fire Safety Statement for each of the Fire Safety Measures listed in the Schedule. The

Annual Fire Safety Statement must be forwarded to the Commissioner and the Council and displayed in a prominent position in the building.

**Lead-based Paint**

Buildings built or painted prior to 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 prior to occupation of the room or building.

**Dial before you dig**

Contact "Dial Prior to You Dig" prior to commencing any building activity on the site.

**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 Prior to You Dig	1100 <a href="http://www.dialprior toyoudig.com.au">www.dialprior toyoudig.com.au</a>
Landcom	9841 8660 To purchase copies of Volume One of "Soils and Construction"
Long Service Corporation	Payments 131441 <a href="http://www.lspc.nsw.gov.au">www.lspc.nsw.gov.au</a>
NSW Food Authority	1300 552 406 <a href="http://www.foodnotify.nsw.gov.au">www.foodnotify.nsw.gov.au</a>
NSW Government	<a href="http://www.nsw.gov.au/fibro">www.nsw.gov.au/fibro</a> <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 and Heritage	131 555 <a href="http://www.environment.nsw.gov.au">www.environment.nsw.gov.au</a>
Sydney Water	13 20 92 <a href="http://www.sydneywater.com.au">www.sydneywater.com.au</a>
Waste Service - Environmental Solutions	SITA 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.

**Mechanical Ventilation System Certification**

The mechanical ventilation systems are to be designed, constructed and operated in accordance with the following:

- a. Australian Standard AS 1668 Part 1 – 1998;
- b. Australian Standard AS 1668 Part 2 – 2012;
- c. Australian Standard 3666.1 – 2011;
- d. Australian Standard 3666.2 – 2011; and
- e. Australian Standard 3666.3 - 2011.

The system must be located in accordance with the approved plans and/or within the building envelope, design and form of the approved building. Any modifications to the approved plans required to house the system must be the subject of further approval from Council.

**Storage of Hazardous and Dangerous Goods**

Dangerous and hazardous goods must be stored in accordance with NSW WorkCover requirements and AS1940-2004, The Storage and Handling of Flammable and Combustible Liquids.

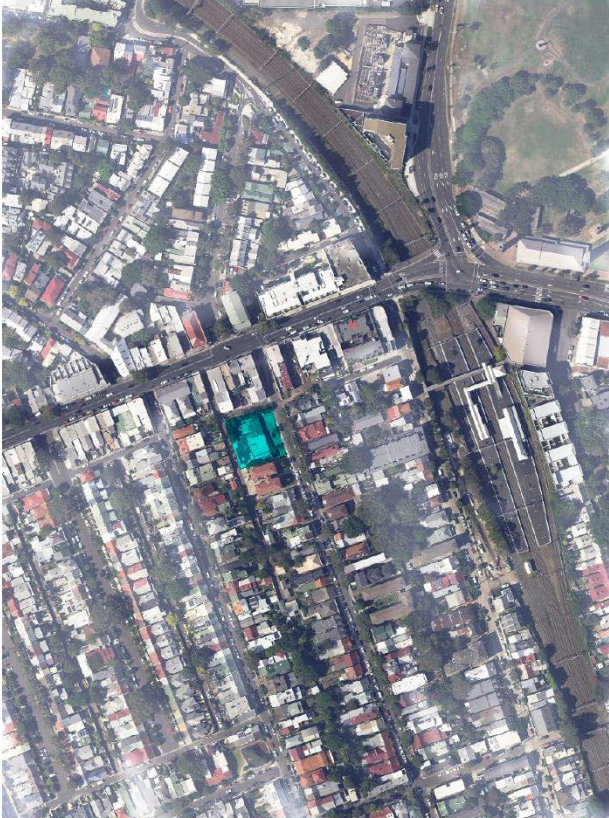
**Transport and Disposal of Hazardous and Dangerous Goods**

Hazardous and industrial waste arising from the use must be removed and / or transported in accordance with the requirements of the NSW Environment Protection Authority (EPA) and the New South Wales WorkCover Authority.

Attachment B – Plans of proposed development

**DRAWING LIST**

- 10 LEGEND AND COVER PAGE
- 11 EXTERNAL WORKS LIST
- 12 DEMOLITION EXISTING
- 13 GENERAL ARRANGEMENT PLANS
- 14 FEE PLANS
- 20 ELEVATIONS + SECTIONS



**COVER PAGE**

- 1000 COVER PAGE
- 1001 SITE ANALYSIS
- 1002 LANDSCAPE PLAN + EXTERNAL WORKS
- 1003 GROUND FLOOR DEMOLITION PLAN
- 1004 ROOF DEMOLITION PLAN
- 1005 GROUND FLOOR PLAN
- 1006 ROOF PLAN
- 1007 FEE PLAN
- 2000 ELEVATIONS + SECTIONS

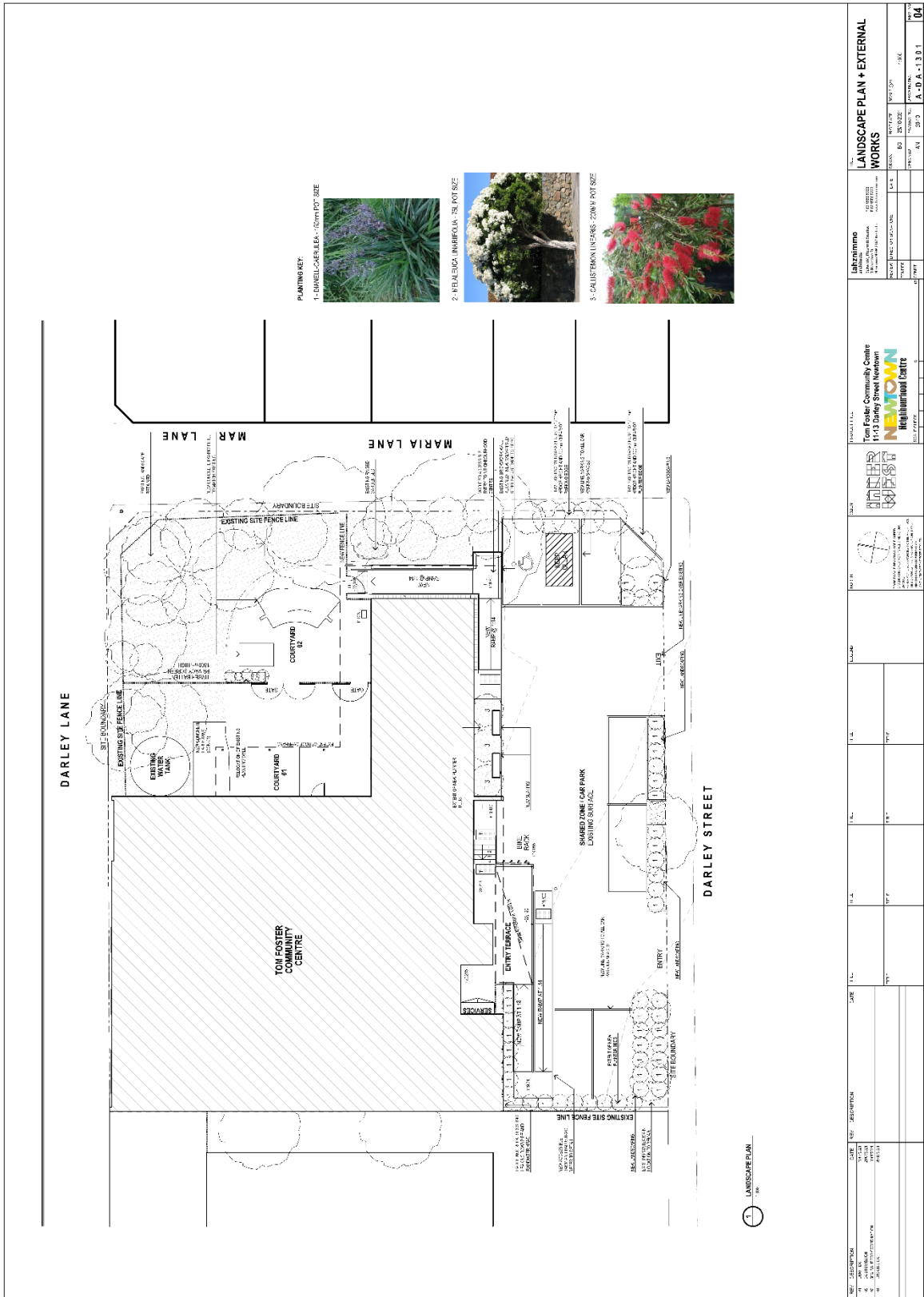
<b>PREPARED BY:</b>	<b>DATE:</b>	<b>SCALE:</b>	<b>DATE:</b>	<b>SCALE:</b>	<b>DATE:</b>	<b>SCALE:</b>	<b>DATE:</b>	<b>SCALE:</b>	<b>DATE:</b>	<b>SCALE:</b>
1. CIVIL	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1
2. ARCHITECTURE	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1
3. STRUCTURE	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1
4. MECHANICAL	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1
5. ELECTRICAL	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1
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8. LANDSCAPE	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1
9. EXTERNAL WORKS	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1
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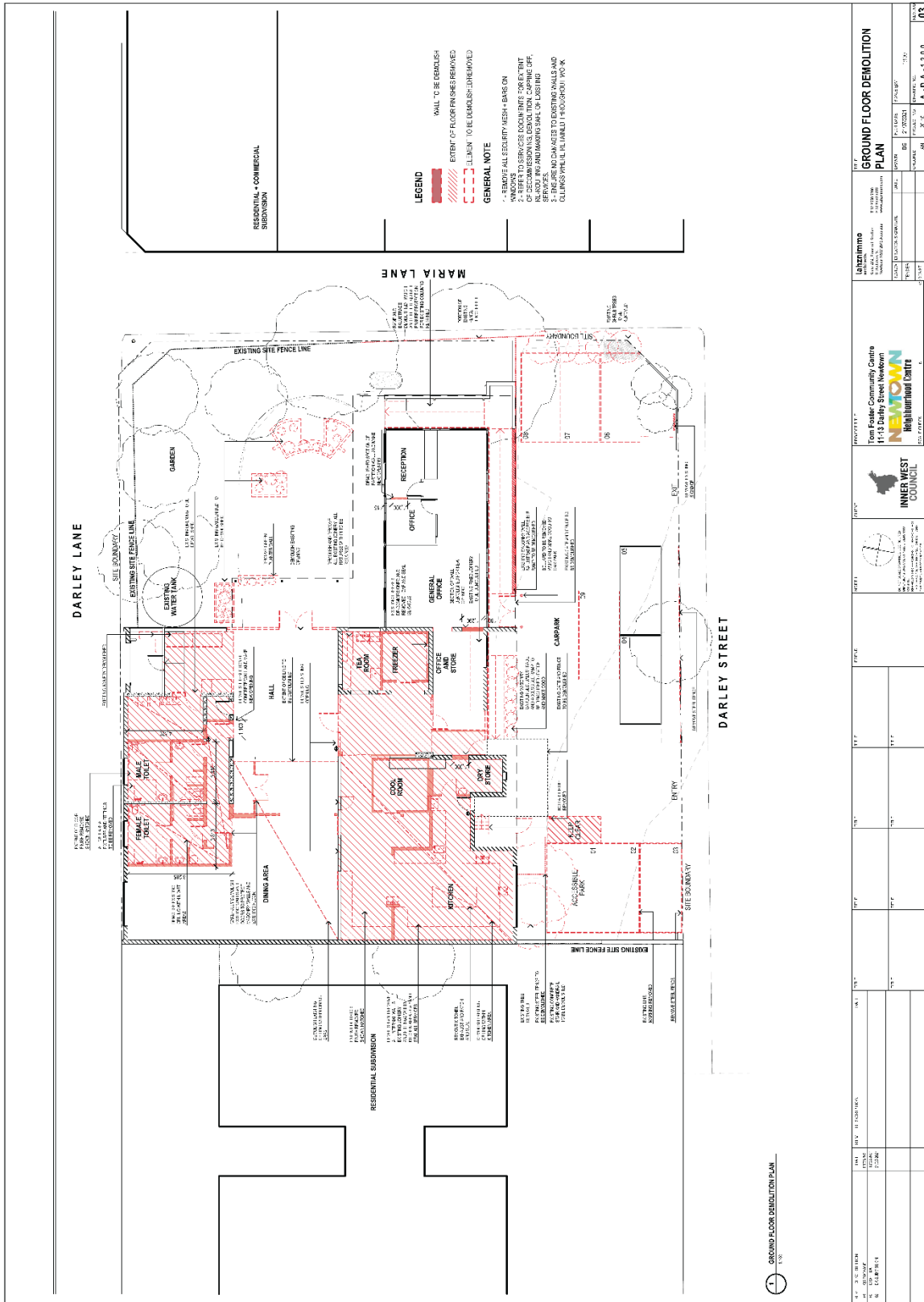
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11/13 Darling Street Newmarket	NEWTON NEIGHBOURHOOD CENTRE	1/1/2018	1:1	1/1/2018	1:1	1/1/2018	1:1

**INNER WEST COUNCIL**

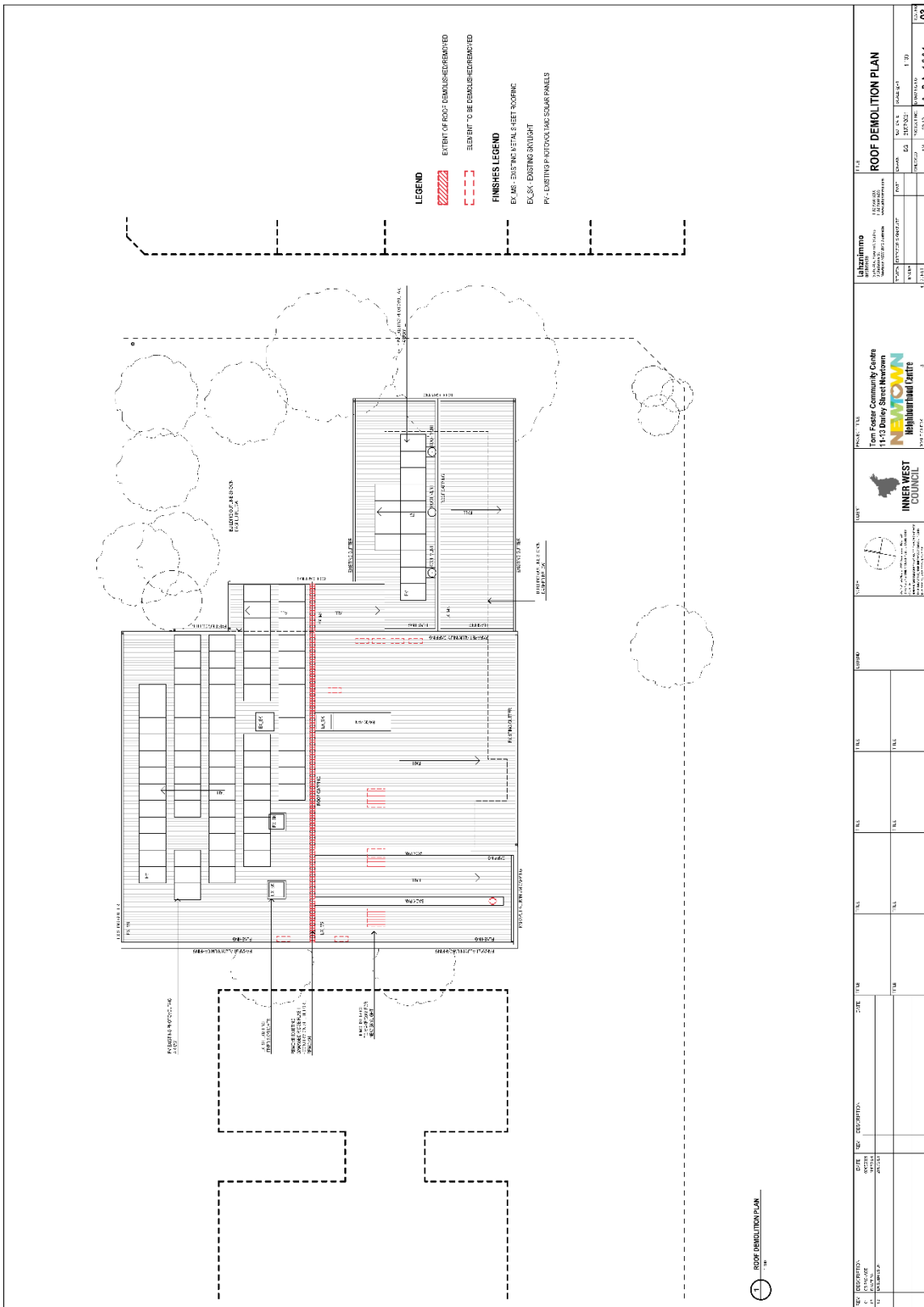
**NEWTON NEIGHBOURHOOD CENTRE**

11/13 DARLING STREET NEWMARKET

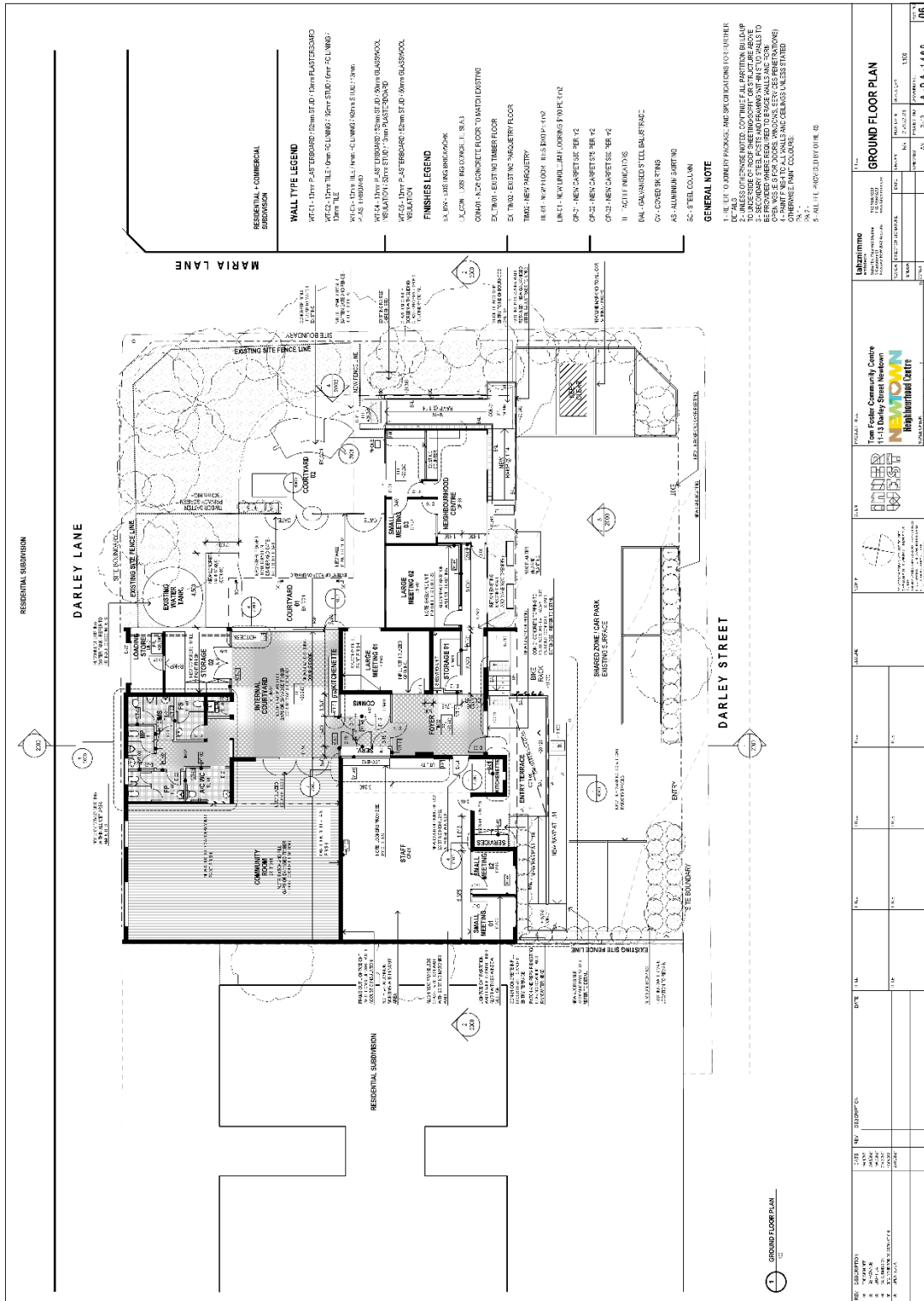




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<p>DATE: 27/03/2024</p> <p>SCALE: 1:100</p> <p>PROJECT NO: A.D.A-1200</p>	<p>DATE: 27/03/2024</p> <p>SCALE: 1:100</p> <p>PROJECT NO: A.D.A-1200</p>	<p>DATE: 27/03/2024</p> <p>SCALE: 1:100</p> <p>PROJECT NO: A.D.A-1200</p>	<p>DATE: 27/03/2024</p> <p>SCALE: 1:100</p> <p>PROJECT NO: A.D.A-1200</p>
<p><b>Inner West Council</b></p> <p>Inner West Council is a registered trademark of Inner West Council. All rights reserved.</p>		<p><b>North Pole Community Centre</b></p> <p>North Pole Community Centre is a registered trademark of North Pole Community Centre. All rights reserved.</p>	



NO. DESCRIPTION		DATE	BY	REVISION	DATE	BY	REVISION	DATE	BY	REVISION	
1	ISSUED FOR PERMIT	12/01/2024	AL								
2	REVISED	12/01/2024	AL								
PROJECT NO.		PROJECT NAME		PROJECT ADDRESS		PROJECT CITY		PROJECT STATE		PROJECT POSTCODE	
14-15 DEANE STREET		NEWTON		NSW		2111		AUSTRALIA		2111	
DRAWN BY		CHECKED BY		DATE		SCALE		SHEET NO.		TOTAL SHEETS	
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DRAWN BY		CHECKED BY		DATE		SCALE		SHEET NO.		TOTAL SHEETS	
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**WALL TYPE LEGEND**

WTC1 - DRY PACT BOARD / DAMP STOP / DOWN PAPER BOARD  
 WTC2 - DRY PACT BOARD / CLINING / BERT STUD / DRY COLLING / DAMP STOP  
 WTC3 - DRY PACT BOARD / CLINING / BERT STUD / DRY COLLING / DAMP STOP / BERT STUD / DRY COLLING / DAMP STOP  
 WTC4 - DRY PACT BOARD / CLINING / BERT STUD / DRY COLLING / DAMP STOP / BERT STUD / DRY COLLING / DAMP STOP / BERT STUD / DRY COLLING / DAMP STOP

**FINISHES LEGEND**

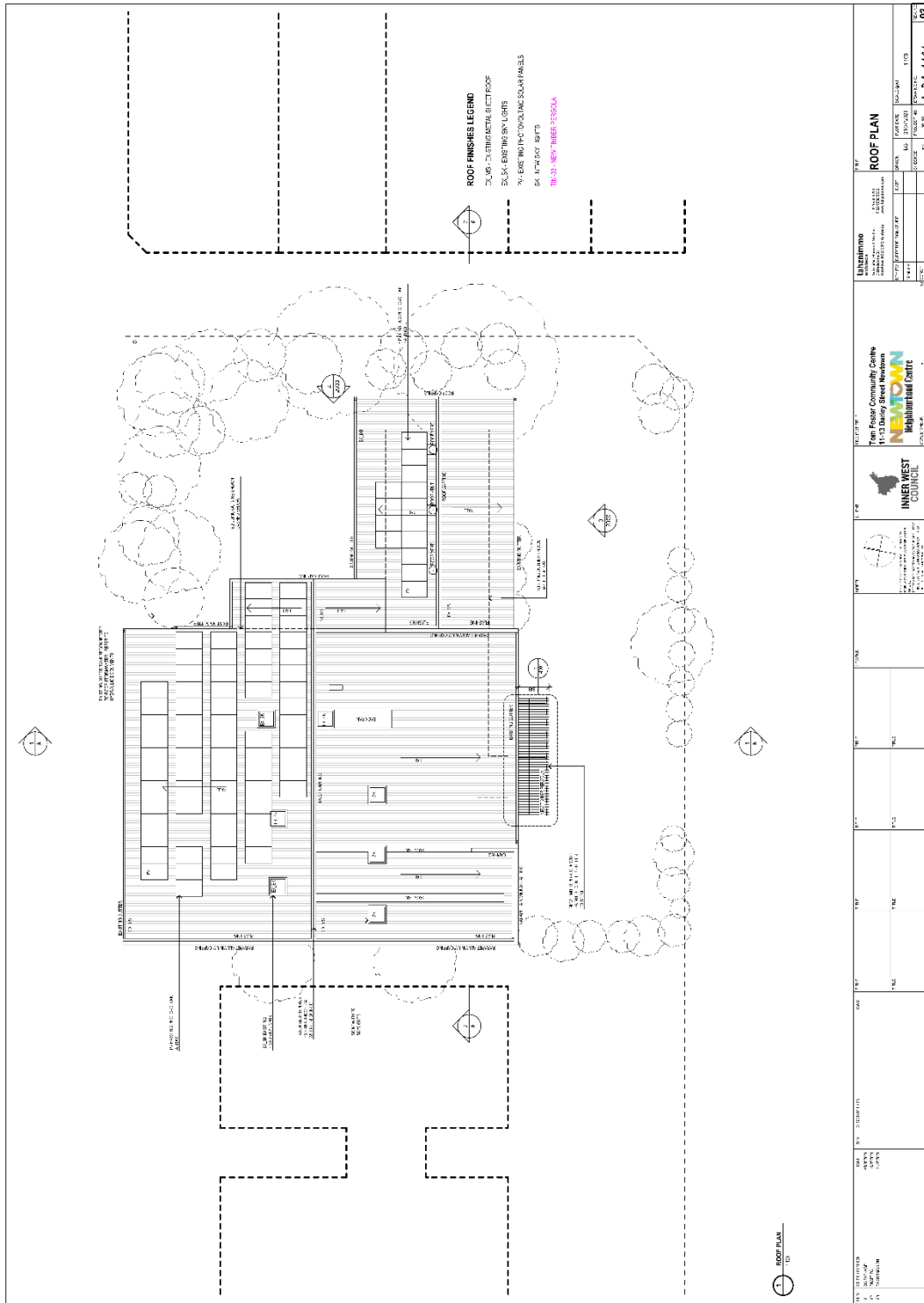
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 X - GCR - 1200 X 2400 L.L. 8 X 3  
 O - GCR - 1200 X 2400 L.L. 8 X 3  
 EX - TRIM - EXISTING TIMBER FLOOR  
 EX - TRIM - EXISTING TIMBER FLOOR  
 EX - TRIM - EXISTING TIMBER FLOOR

**GENERAL NOTE**

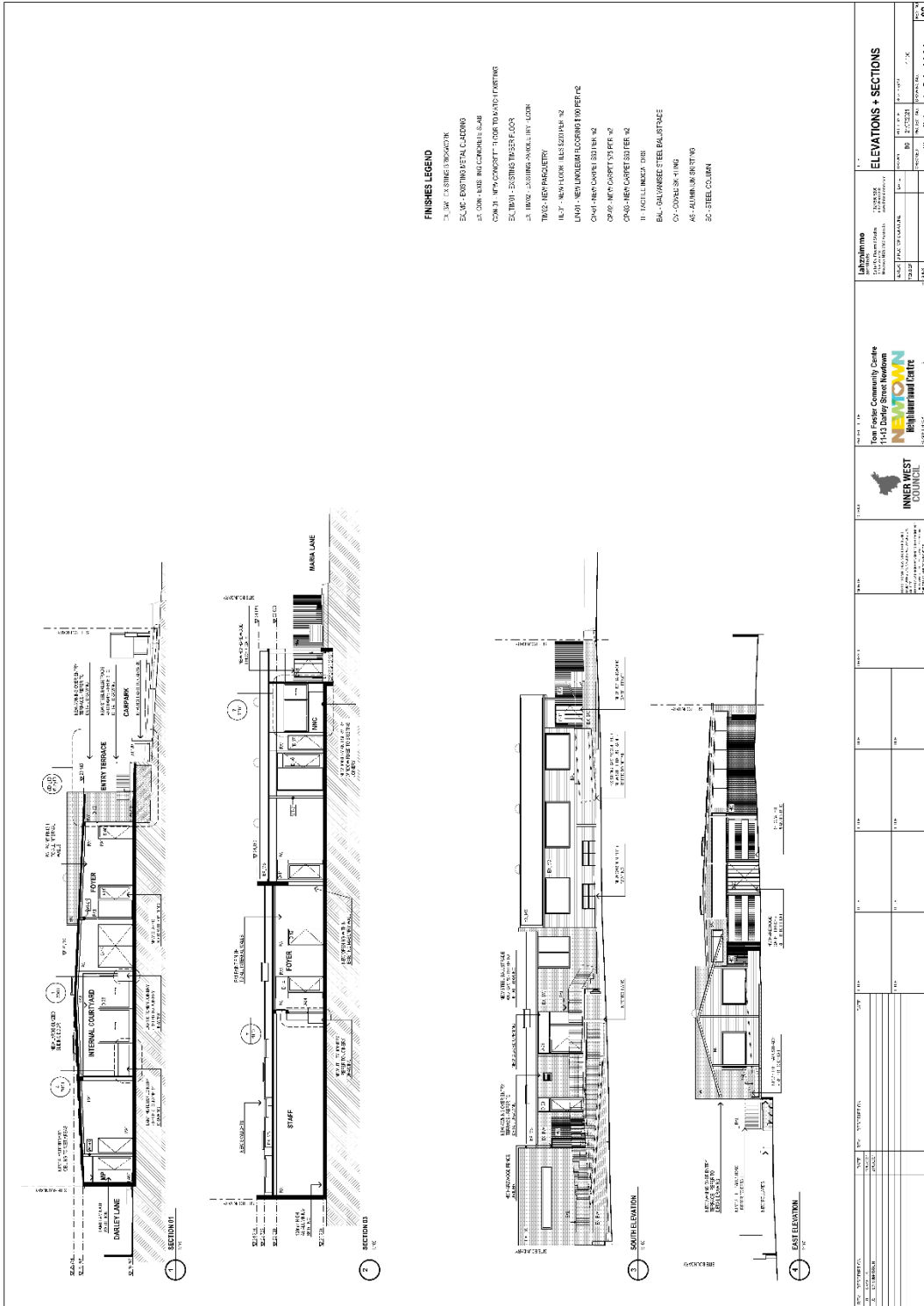
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PROJECT INFORMATION		DATE	
PROJECT NO.	10000000000000000000	DATE	10/10/2021
PROJECT NAME	1-15 Darley Street, Newtown	DATE	10/10/2021
PROJECT ADDRESS	1-15 Darley Street, Newtown	DATE	10/10/2021
PROJECT CITY	Newtown	DATE	10/10/2021
PROJECT STATE	NSW	DATE	10/10/2021
PROJECT POSTCODE	2144	DATE	10/10/2021
PROJECT LOCALITY	Newtown	DATE	10/10/2021
PROJECT SUBURB	Newtown	DATE	10/10/2021
PROJECT LOT	10000000000000000000	DATE	10/10/2021
PROJECT PLAN	10000000000000000000	DATE	10/10/2021
PROJECT DRAWING NO.	10000000000000000000	DATE	10/10/2021
PROJECT SCALE	1:100	DATE	10/10/2021
PROJECT SHEET NO.	10000000000000000000	DATE	10/10/2021
PROJECT TOTAL SHEETS	10000000000000000000	DATE	10/10/2021
PROJECT DRAWN BY	10000000000000000000	DATE	10/10/2021
PROJECT CHECKED BY	10000000000000000000	DATE	10/10/2021
PROJECT APPROVED BY	10000000000000000000	DATE	10/10/2021
PROJECT TITLE	GROUND FLOOR PLAN	DATE	10/10/2021
PROJECT SHEET NO.	10000000000000000000	DATE	10/10/2021
PROJECT TOTAL SHEETS	10000000000000000000	DATE	10/10/2021











## Attachment C – Plan of Management



### PLAN OF MANAGEMENT

#### TOM FOSTER COMMUNITY CENTRE

#### 1-13 DARLEY STREET, NEWTOWN (LOT 91 DP703535)

#### OCTOBER 2021

#### 1. INTRODUCTION AND OBJECTIVES

This Plan of Management has been prepared by Milestone (AUST) Pty Limited (Milestone) on behalf of Inner West Council for the Tom Foster Community Centre located at 1-13 Darley Street, Newtown (Lot 91 DP 703535) to accompany Development Application No. DA/2021/0671 seeking consent for the internal and external refurbishment of the existing community centre including new operating hours. The proposed operating hours are 7am to 10pm, seven days a week.

The safety and management procedures outlined within this Plan have been devised in accordance with the Marrickville Development Control Plan 2011 (DCP 2011). The objective of this Plan is to outline key operational parameters for the use of the facility and ensure the amenity of neighbouring properties is maintained and preserved at all times during the continued operation of the existing Tom Foster Community Centre. Implementation of all measures or guidelines contained within this Plan of Management will be the responsibility of the building manager.

#### 2. SITE DEVELOPMENT AND APPROVAL HISTORY

The Tom Foster Community Centre is a longstanding use of the subject site that has been in operation since the 1960's without any significant maintenance or upgrade works to the building.

On 3 May 2006, Council granted consent to Development Application No. DA200600132 to "carry out alterations and additions to the community centre". These works facilitated the addition of an eastern wing to the building used for administrative purposes, including general office and reception area. This development consent does not restrict the use of PA system/speakers or amplified music and are therefore permitted to be used on site within the current approved hours until 9pm.

The current configuration and condition of the building is therefore outdated and requires upgrade works to modernise the facility to contemporary standards as well as comply with current BCA requirements, particularly in terms of accessibility.

#### 3. OPERATIONAL DETAILS

##### (a) Continued use of Tom Foster Community Centre

The approved use of the existing Tom Foster Community Centre as a community facility will remain unchanged and the proposed refurbishment works will improve accessibility and useability of the building to better facilitate this use. The purpose of the internal and external refurbishments proposed as part of Development Application No. DA/2021/0671 is to improve the existing centre and establish the building as a fit-for-purpose and refreshed Community Centre that will accommodate a range of community groups, including the Newton Neighbourhood Centre.

The refurbished building will include a community room, various meeting rooms, internal and external courtyards as well as staff amenities. Accordingly, the Tom Foster Community Facility will continue to be used for the purpose of a community facility providing various spaces for the local community to carry out a range of activities and uses such as meetings, meditation, yoga and other active recreation, educational sessions, commercial uses and room hire for private functions and the like.

**(b) Hours of Operation**

The operating hours of the Tom Foster Community Centre are 7am to 10pm, seven days a week.

Any further extension to the proposed operating hours beyond 10pm requires further consent from Council and must be dealt with through a separate development application.

**(c) Car Parking**

There will be a total of six car parking spaces, including a new accessible car parking space to comply with current Australian Standards (AS1428.1-2009) for access and mobility accessed via Darley Lane.

**(d) Waste Management**

General and recyclable waste will be appropriately deposited into the screened waste bin storage area located within the loading storeroom within the rear portion of the building, fronting Darley Lane. Waste will be removed by Council or third party commercial contractor on a weekly basis or as required via Darley Lane. The procedures for ongoing waste management will be subject to Inner West Council's sustainable practices through efficient storage and collection of waste.

**(e) Deliveries and loading/unloading**

The existing servicing arrangements including deliveries, associated with the Tom Foster Community Centre will remain unchanged and will continue to be carried out within the rear loading dock area fronting Darley Lane. Some deliveries may also occur via the front car park accessed from Darley Street.

**(f) Cleaning of premises**

Cleaning contractors will clean the premises on a daily basis or as required. The site will be regularly cleaned to maintain the amenity and positive visual impact of the site.

**(g) Security and Safety**Access

Staff will have unrestricted access to the Tom Foster Community Centre during 7am to 10pm, 7 days a week. Staff including cleaners may be present outside of the proposed operating hours to perform essential activities such as cleaning and administrative tasks.

Events associated with private room hire will be organised via booking only. These events will be restricted to the operating hours between 7am and 10pm, Monday to Sunday.

Fire Safety

All staff and community members scheduled to hire room(s) within the community centre will be instructed of the fire safety measures and procedures in the event of a fire or other emergency on the site.

Closed Circuit Television (CCTV)

Surveillance cameras will operate at all times on the site. Clearly visible signage will be displayed to notify visitors that surveillance cameras in use on these premises. Camera views will not be obstructed by temporary or permanent structures, signage or other impediments.

**(h) Identification of Noise**

Details of potential noise generating sources that are likely to result from the use of the existing Tom Foster Community centre are outlined below:

#### Visitors

The use of the Tom Foster Community Centre will be for the office staff and community members and groups.

The use will generate minimal impacts on a day-to-day basis from the operation of the premise and will be limited to staff and visitors accessing the site via Darley Street and entering the main building entrance via the at-grade car park. Car spaces will be retained at the front of the site and noise levels from the use of these car parking spaces are expected to remain unchanged.

Various activities and services, including children play group sessions may be carried out at the site including within the external courtyard but it is not anticipated that these activities will generate any adverse or unreasonable noise levels above what would ordinarily be expected of the existing community centre.

#### Waste Collection

Waste collection will continue to be undertaken by Inner West Council garbage collection service or via a third party commercial contractor via Darley Lane.

#### Deliveries

Deliveries to the subject site will continue to be carried within the rear loading dock out during the day-time operation of the community centre while staff are present. On this basis, noise generated from this activity is expected to be minimal and remains unchanged. Deliveries may also occur via the patron car park.

#### Room Hire

In terms of private room hire management of the Tom Foster Community Centre, bookings and events held, including type of events, date and time held, and number of guests will be appropriately managed. Given that there are meeting rooms and spaces within a range of sizes, the centre may be hired by both large and small groups depending on room/space capacity. A copy of the records will be available to Council on request. Patrons will generally congregate within internal spaces which have glazing to protect the acoustic amenity of surrounding residential properties. All patrons will be able to gather in all areas of the building, chatting and background music may be desired on occasion. Any special events with amplified music will be subject to a case by case assessment.

#### Details of any music and/or entertainment

The use of a portable PA/speaker and amplified music is permitted on site until 10pm. The refurbished community centre will continue to permit the use of amplified music. All community activities and private functions held at the site will be restricted to the proposed operating hours only and will be subject to a case by case assessment.

#### **(i) Measures to Minimise Noise**

The proposed extended hours of operation are not considered to generate adverse impacts from additional activities beyond what is already established of the existing community centre use during the proposed extended day-time operation between 7am and 8am, and night-time operation between 9pm and 10pm, Monday to Friday, and between 5pm to 9pm on Saturday as well as operation on Sundays.

The nature of operations proposed between 7am and 8am will primarily involve office/administrative related tasks which is consistent with standard office trading hours. The proposed operating hours between 7am and 10pm Monday to Saturday, will not extend into the night-time periods as defined by NSW EPA Noise Policy Guidelines 2017.

The following measures will be implemented on site to ensure that the amenity of the locality is not disturbed, and noise generated from the site is minimised and all times:

- The use of portable PA system/speakers will be placed as to not direct the playing of music towards the surrounding properties to maintain amenity to the locality.
- Staff and visitors will be advised to enter and leave the premises quietly at the start and end of each day.
- Activities and gatherings associated with the community centre will not be undertaken within the at-grade car park and will be carried out wholly within the confines of the building and external courtyards.
- Suitable signage will be provided on site to guide visitors to the main building entrance.
- Recording of complaints and reporting of incidents within the on-site complaints and incident register.
- Maintenance and ongoing review of complaints and incident register.
- Maintenance and ongoing review of this Plan of Management.
- Maintenance of the electronic security systems.
- Staff security and emergency evacuation training.

The continued use of the Tom Foster Community Centre will comply with all NSW EPA Noise Policy Guidelines and standards, as well as all relevant future conditions of Development Application No. DA/2021/0671 relating to noise management.

#### **(j) Complaints Recording and Handling Process**

Staff and management will be committed to addressing any issues raised by the adjoining residents having regard to the use of the Tom Foster Community Centre. This will be achieved through keeping a complaints and incident register on-site and engaging and working with the community to resolve any issues and to prevent reoccurrence.

Staff and Management will address any complaints promptly which will be recorded within a register. The register will be maintained on site and will include the following:

- Register of all events at the site;
- Register of all incidents at the site;
- Register of all complaints received for the site; and
- Responses and actions taken to address all incidents and complaints.

A copy of this register will be kept on site, along with a copy of this Plan of Management, and will be made available to Police, Emergency Services or Council upon request.

#### **4. COVID-19 SAFETY PLAN**

The Tom Foster Community Centre will fulfil its relevant health obligations as specified by the NSW Government and will be bound by a specific COVID-19 Safety Plan at all times.

#### **MILESTONE (AUST) PTY LIMITED**