





 DEVELOPMENT ASSESSMENT PANEL REPORT	
Application No.	REV/2024/0005
Address	631 King Street NEWTOWN NSW 2042
Proposal	Section 8.2 Review of DA/2023/0299 determined on 23 November 2023, for change of use of the first floor of the Sydney Park Hotel to a pub in conjunction with the existing premises including fitout of the first floor and operation between 10.00am and 12.00am (Midnight), Monday to Saturdays and 10.00am and 10.00pm, Sundays and public holidays, review involves amended acoustic information.
Date of Lodgement	23 February 2024
Applicant	Elaine Richardson
Owner	SPH Partner Pty Limited
Number of Submissions	One (1)
Cost of works	\$446,000.00
Reason for determination at Planning Panel	Extent of works to heritage item
Main Issues	Noise
Recommendation	Approved with Conditions
Attachment A	Recommended conditions of consent
Attachment B	Plans of proposed development
Attachment C	Statement of Heritage Significance
Attachment D	Plan of Management
Attachment E	Assessment Report for DA/2023/0299
 <p>Figure 1: Location map</p>	
Subject Site 	Objectors   N
Notified Area 	Supporters 

1. Executive Summary

This report is an assessment of the application submitted to Council under Section 8.2 of the *Environmental Planning and Assessment Act 1979 (EP and A Act 1979)* to review DA/2023/0299 determined on 23 November 2023, for a change of use of the first floor of the Sydney Park Hotel to a pub in conjunction with the existing premises including fitout of the first floor and operation between 10.00am and 12.00am (Midnight), Monday to Saturdays and 10.00am and 10.00pm, Sundays and Public Holidays.

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

The main issues that have arisen from the application include:

- Noise, and
- Impact to heritage item.

The application is referred to the Panel for determination as the works to the heritage item involve greater than 10% demolition of significant fabric.

2. Proposal

- Change of use of level 1 to a pub in conjunction with the existing premises, with the following operational details:
 - A maximum capacity of 100 patrons on Level 1, with a maximum total number of patrons increasing to 326 patrons on the premise.
 - Proposed hours of operation between 10.00am and 12.00am (Midnight), Monday to Saturdays; and between 10.00am and 10.00pm, Sundays and public holidays.
- Removal of partition walls associated with the accommodation rooms to create a generally open-plan layout for the first-floor pub/pool hall.

3. Site Description

The subject site is located on the western side of King Street, at the corner of King and Lord Street. The site consists of one (1) allotment and is generally rectangular in shape with a total area of 321sqm and is legally described as Lot 1 in DP 956255.

The site has a frontage to King Street of 10.2 metres and a secondary frontage of 33.6 metres to Lord Street and a frontage of 9.1 metres to the laneway at the rear.

The site supports a two storey pub. Surrounding properties support predominantly two and three storey mixed use developments.

The subject site is listed as a heritage item and located within a Heritage Conservation Area (HCA).



Figure 2: Site Photo

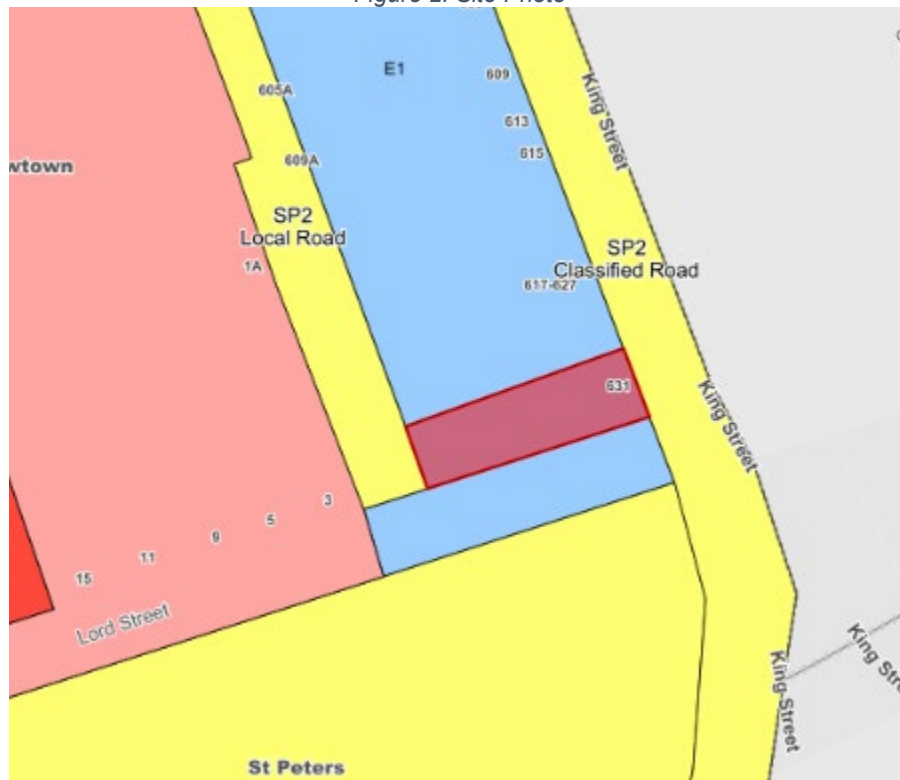


Figure 3: Zoning map (subject site highlighted in dark red)

4. Background

Site history

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

Subject Site

Application No.	Proposal	Decision & Date
200000748	To continue the extended hours of operation of the hotel and to provide live entertainment	Approval – 7 February 2001.
200300468	To erect a canopy over part of the roof of the Hotel	Approval – 28 October 2003 (lapsed 28 October 2008).
200700150	To demolish part of the premises and carry out alterations and additions to the Sydney Park Hotel including the creation of an outdoor area for smoking	Deferred Commencement – 7 November 2007 (made active 6 December 2007).
201200259	To fit-out and use an area at the rear of the hotel fronting Lord Street as a takeaway coffee outlet	Approval – 13 March 2013.
200000748.02	Application under Section 4.55 of the Environmental Planning and Assessment Act to modify Determination No.200000748 dated 7 February 2001 to extend the hours of operation of the Sydney Park Hotel to 5:00am to 3:00am Mondays to Saturdays and 10:00am to 12:00am Sundays	Deemed Refusal – 4 December 2018 (under appeal to LEC).
DA201800353	To construct a roof deck with an associated awning and new bathroom facilities on the roof of the Sydney Park Hotel.	Withdrawn – 22 March 2019.
DA201900186	To erect a new raised and covered deck on the rooftop level of the hotel including new toilets to be used in conjunction with the existing hotel.	Refused by IWLPP – 29 October 2019.
DA201900186.01	Section 8.2 review application of DA201900186. The review seeks approval for a new raised and covered deck on the rooftop level of the hotel including new toilets to be used in conjunction with the existing hotel	Approved by IWLPP – 21 April 2020.
MOD/2020/0177	Application under Section 4.55(1A) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act 1979) to modify DA201900186.01. The modifications include the staging of the construction works.	Approved – 1 July 2020.
MOD/2022/0193	Application under Section 4.55 (2) of the Environmental Planning and Assessment Act 1979 to modify MOD/2020/0177 determined on 1 July 2020 to amend the location of the lift and resultant amenities, reconstruct a portion of the existing parapet wall and other related internal and external modifications.	Approved – 9 January 2023.

5. Section 8.2 Review

The application was lodged under Section 8.2 of the *Environmental Planning and Assessment Act 1979 (EPA Act 1979)*.

An application for “change of use of the first floor of the Sydney Park hotel to a pub in conjunction with the existing premises, fitout of the first floor and operation between 10.00am & 12.00am (Midnight), Monday to Saturdays and 10.00am & 10.00pm, Sundays and public holidays” was refused by Council under delegated authority under Development Application No. DA/2023/0299 on 23 November 2023 for the following reasons:

1. *The proposed development is inconsistent with, and has not demonstrated compliance with the Inner West Local Environmental Plan 2022, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, including:*
 - a. *Section 1.2(2)(h) - Aims of Plan, in that the proposal does not prevent adverse social, economic and environmental impacts, including cumulative impacts.*
2. *The proposed development is inconsistent with, and has not demonstrated compliance with the Marrickville Development Control Plan 2011, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, including:*
 - a. *Part 2.6 - Acoustic and Visual Privacy, in that the proposal fails to be designed to ensure adequate acoustic privacy for neighbouring residential properties in accordance with objectives O1, O2 & O3.*
 - b. *Part 5.3.1.2 - Noise and Vibration Generation, in that the proposal fails to be designed to minimise the impact of noise and vibration by operation of the development in accordance with objective O66 and controls C75 & C78.*
 - c. *Part 5.3.1.4 - Hours of Operation, in that the proposal fails to demonstrate that the proposal will not unreasonably affect the amenity of residential land uses as a result of acoustic impacts, including noise and vibration, in accordance with objective O69 and controls C86 & C87.*
3. *The proposed development will result in adverse environmental, social and economic impacts on the locality pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.*
4. *The proposal has not demonstrated that the site is suitable for the development pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.*
5. *The proposal by virtue of insufficient information has not demonstrated it is in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.*

An assessment of the application against the requirements of Division 8.2 Reviews of the *Environmental Planning and Assessment Act 1979* is as follows:

Requirement	Proposal
8.2 Determinations and decisions subject to review	
(1) The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division— (a) the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate	The subject application relates to the review of a determination of an application for development consent by Council.

Requirement	Proposal
<p>of the Minister (other than the Independent Planning Commission or the Planning Secretary),</p> <p>(b) the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),</p> <p>(c) the decision of a council to reject and not determine an application for development consent.</p>	
<p>(2) However, a determination or decision in connection with an application relating to the following is not subject to review under this Division—</p> <p>(a) a complying development certificate,</p> <p>(b) designated development,</p> <p>(c) Crown development (referred to in Division 4.6).</p>	<p>The subject application does not relate to any of the applications noted in Clause 2.</p>
<p>(3) A determination or decision reviewed under this Division is not subject to further review under this Division.</p>	<p>Noted.</p>
<p>8.3 Application for and conduct of review</p>	
<p>(1) An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.</p>	<p>Noted.</p>
<p>(2) A determination or decision cannot be reviewed under this Division—</p> <p>(a) after the period within which any appeal may be made to the Court has expired if no appeal was made, or</p> <p>(b) after the Court has disposed of an appeal against the determination or decision.</p>	<p>The original application was determined on 23 November 2023. Pursuant to Section 8.10(1)(a) of the <i>Environmental Planning and Assessment Act 1979</i>, an appeal may be made to the Court 6 months after the date of determination.</p> <p>The subject application was lodged on 23 February 2024 and has been reported for determination prior to the expiry of the appeal period, which is 23 May 2024.</p>
<p>(3) In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.</p>	<p>The applicant has provided an amended Acoustic Report justifying the proposed development. No design changes have been to the proposed development.</p>
<p>(4) The review of a determination or decision made by a delegate of a council is to be conducted-</p>	<p>The original DA was determined under delegation by Council. The current application is to be</p>

Requirement	Proposal
(a) by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or (b) by another delegate of the council who is not subordinate to the delegate who made the determination or decision.	determined by the Inner West Local Planning Panel.
(5) The review of a determination or decision made by a local planning panel is also to be conducted by the panel.	N/A
(6) The review of a determination or decision made by a council is to be conducted by the council and not by a delegate of the council.	NA.
(7) The review of a determination or decision made by a Sydney district or regional planning panel is also to be conducted by the panel.	NA.
(8) The review of a determination or decision made by the Independent Planning Commission is also to be conducted by the Commission.	NA.
(9) The review of a determination or decision made by a delegate of the Minister (other than the Independent Planning Commission) is to be conducted by the Independent Planning Commission or by another delegate of the Minister who is not subordinate to the delegate who made the determination or decision.	NA.
8.4 Outcome of review	
After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision.	As a result of the review, it is recommended that the consent authority changes the determination to approval, subject to conditions.
8.5 Miscellaneous provisions relating to reviews	
(1) The regulations may make provision for or with respect to reviews under this Division, including— (a) specifying the person or body with whom applications for reviews are to be lodged and by whom applications for reviews and the results of reviews are to be notified, and (b) setting the period within which reviews must be finalised, and (c) declaring that a failure to finalise a review within that time is taken to be a confirmation of the determination or decision subject to review.	Noted.
(2) The functions of a consent authority in relation to a matter subject to review under this Division are the same as the functions in connection with the original application or determination.	Noted.
(3) If a decision to reject an application for development consent is changed on review, the application is taken to have been lodged on the date the decision is made on the review.	NA
(4) If a determination is changed on review, the changed determination replaces the earlier determination on the	Noted.

Requirement	Proposal
date the decision made on the review is registered on the NSW planning portal.	
(5) Notice of a decision on a review to grant or vary development consent is to specify the date from which the consent (or the consent as varied) operates.	Noted.
(6) A decision after the conduct of a review is taken for all purposes to be the decision of the consent authority.	Noted.
(7) If on a review of a determination the consent authority grants development consent or varies the conditions of a development consent, the consent authority is entitled (with the consent of the applicant and without prejudice to costs) to have an appeal against the determination made by the applicant to the Court under this Part withdrawn at any time prior to the determination of that appeal.	Noted.

The reasons for refusal of the original DA were all related to amenity impacts to neighbouring residential uses (i.e., acoustic and vibration impacts). An updated Acoustic Report has been submitted with the subject application and, as outlined in detail below, this report has adequately addressed previously raised concerns and, as such, the application, subject to recommended conditions, is recommended for approval.

6. 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* (EPA Act 1979).

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Section 4.6(1) of the *Resilience and Hazards SEPP* requires the consent authority not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council’s records. The land will be suitable for the proposed use as there is no indication of contamination.

The application involves does not involve category 1 remediation under the SEPP.

SEPP (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Development with frontage to classified road

In considering Section 2.119(2) of the *Transport and Infrastructure SEPP*:

No existing vehicular access is provided to the site, and it is not proposed to change this as part of this application. Therefore, the proposed development will not adversely impact the safety, efficiency, and ongoing operation of the classified road.

Impact of road noise or vibration on non-road development

The impacts of traffic noise or vehicle emissions have been considered and the development is not of a type that is sensitive to road noise.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

Section	Proposed	Compliance
Section 1.2 Aims of Plan	The proposal satisfies the section as follows: <ul style="list-style-type: none"> • The proposal protects and promotes the use and development of land for arts and cultural activity, including music and other performance arts, • The proposal encourages development that demonstrates efficient and sustainable use of energy and resources in accordance with ecologically sustainable development principles, • The proposal conserves and maintains the natural, built and cultural heritage of Inner West, • The proposal facilitates economic growth and employment opportunities within Inner West, • The proposal prevents adverse social, economic and environmental impacts on the local character of Inner West, • The proposal prevents adverse social, economic and environmental impacts, including cumulative impacts 	Yes

Part 2 – Permitted or prohibited development

Section	Proposed	Compliance
<p>Section 2.3 Zone objectives and Land Use Table</p>	<p>The subject site is zoned E1 Local Centre</p> <p>A change of use is proposed to the first-floor of the premises to operate in conjunction with the existing pub. A pub is defined under the IWLEP 2022 as follows:</p> <p><i>Pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.</i></p> <p>Pubs are a type of food and drink premises</p> <p><i>Food and drink premises are a type of retail premises</i></p> <p><i>Retail premises are a type of commercial premises</i></p> <p><i>Commercial premises are permitted with consent in the E1 zone.</i></p> <ul style="list-style-type: none"> • The proposal is consistent with the relevant objectives of the zone as follows: <ul style="list-style-type: none"> ○ It provides a use that serves the needs of people who live, work and visit the area. ○ It generates employment opportunities and economic growth. ○ It provides a commercial use on the ground and first floor. ○ It provides employment opportunities and services that is in close proximity, and accessible, by active transport. ○ It retains the active street frontages. 	<p>Yes</p>
<p>Section 2.7 Demolition requires development consent</p>	<p>The proposal satisfies the section as follows:</p> <ul style="list-style-type: none"> • Demolition works are proposed, which are permissible with consent; and • Standard conditions are recommended to manage impacts which may arise during demolition. 	<p>Yes, subject to conditions</p>

Part 4 – Principal development standards

Control	Proposed		Compliance
<p>Section 4.3 Height of buildings</p>	Maximum	14 metres	<p>Yes</p>
	Proposed	~12.9 metres (no change)	

Section 4.4 Floor space ratio	Maximum	1.5:1 or 487.23sqm	No – See further discussion under Section 4.6 below.
	Proposed	1.82:1 or 592.64sqm (no further increase in existing GFA)	
	Variation	105.41sqm or 21.6%	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes
Section 4.6 Exceptions to development standards	In <i>Landcorp Australia Pty Ltd v The Council of the City of Sydney</i> [2020] NSWLEC 174 [54]-[57] it was established that a written Clause 4.6 variation is not required where a proposal exceeds a standard and the proposal does not alter that existing exceedance. In the circumstances of this case, the existing building breaches the maximum permitted FSR and the proposal does not seek to alter the exceedance. Therefore, a Clause 4.6 request is not required.		N/A

Part 5 – Miscellaneous provisions

Section	Compliance	Compliance
Section 5.10 Heritage conservation	<p>The subject site is listed as a heritage item on the <i>IWLEP 2022</i>, namely ‘Sydney Park Hotel, including interiors’ (Item No. I1329) and is located within the King Street and Enmore Road Heritage Conservation Area’ (C73).</p> <p>As outlined in detail in section 8 (Referrals) of this report, the development has been designed to respond to the significance of the Heritage Item and HCA and the development adequately preserves the environmental heritage of the Inner West and is considered to satisfy the objectives of Section 5.10.</p>	Yes, subject to condition

B. Development Control Plans

Summary

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

Part 2 – Generic Provisions

Control	Assessment	Compliance
Part 2.5 Equity of Access and Mobility	<p>The proposal satisfies the relevant provisions of Part 2.5 as follows:</p> <ul style="list-style-type: none"> Appropriate access is provided for all persons through the principal entrance to the premises; 	Yes

Control	Assessment	Compliance
	<ul style="list-style-type: none"> • A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provide which allows a person with a disability to gain access to all areas within the building noting there is a lift providing access to the first floor; • Suitable accessible sanitary facilities are provided; and • A BCA report was submitted with the application, which addressed that the development could comply with the BCA/NCC. <p>Note: The requirements of this part of the MDCP 2011 are effectively superseded by the Access to Premises Standards.</p>	
<p>Part 2.6 Acoustic and Visual Privacy</p>	<ul style="list-style-type: none"> • Part 2.6 and Part 5.1.3.2 of MDCP 2011 contain objectives and controls relating to noise and vibration generation of commercial uses and general amenity impacts on other land uses, particularly on residential and other sensitive land uses; • The development will not result in any additional visual privacy impacts • The development is accompanied with an acoustic report that demonstrates compliance with the relevant acoustic noise criteria; • Conditions are provided in Attachment A to ensure compliance with the relevant acoustic noise criteria; • The proposal includes appropriate management techniques to limit acoustic impacts to nearby/adjoining residents; • The proposed hours of operation are reasonable to limit acoustic impacts to nearby/adjoining residents. • Additional comments are provided below this table. 	<p>Yes, subject to conditions</p>
<p>Part 2.8 Social Impact Assessment</p>	<ul style="list-style-type: none"> • A Social Impact Assessment was submitted with the DA that concludes, <i>inter alia</i>: <p style="margin-left: 40px;"><i>Overall, the social impacts of the proposed changes to Level 1 will be positive.</i></p> <p style="margin-left: 40px;"><i>Nearby residents who frequent the hotel generally welcome the proposed changes. Those who do not frequent the hotel do not expect to be affected.</i></p> <p style="margin-left: 40px;"><i>Those who frequent the hotel will enjoy enhanced social and recreational opportunities in the new pool and lounge bar on Level 1 and some will come more often. Some may invite friends living in other suburbs to join them, but it is unlikely that the pool tables will attract a substantially different population from the current patrons and so lead to conflicts.</i></p> <p style="margin-left: 40px;"><i>Increased foot traffic to the hotel will be good for other nearby businesses.</i></p> 	<p>Yes, subject to conditions</p>

Control	Assessment	Compliance						
	<p><i>Some people who occasionally use the overnight accommodation will miss it, but there are plenty of comparable alternatives available, so the impact of losing accommodation on Level 1 will be negligible.</i></p> <ul style="list-style-type: none"> The proposal is not considered to have any adverse social impacts. A rigorous Plan of Management (POM) was submitted with the application (referenced in Attachment A), detailing operational and security measures to ensure that the use will not adversely impact the amenity of the surrounding locality. The DA was referred to NSW Police for comment and no objections were raised. In addition, Council’s Environmental Health Section raised no objections, subject to recommended conditions, which have been included in Attachment A. Subject to recommended conditions, it is considered that the proposal is unlikely to result in adverse social impacts to the surrounding community and the venue will operate without adversely impacting on the surrounding neighbourhood in relation to noise, parking, safety/security and traffic. 							
<p>Part 2.9 Community Safety</p>	<p>The proposal satisfies the relevant provisions of Part 2.9 as follows:</p> <ul style="list-style-type: none"> The principal entrance to the building is visible from the street, and has been designed to overlook the street; The entrance to the building is well lit; The first floor contains various windows that overlook the street; The submitted POM details security arrangements and NSW Police supports the proposal (and submitted POM). 	<p>Yes</p>						
<p>Part 2.10 Parking</p>	<ul style="list-style-type: none"> The area proposed to be changed is approximately 162sqm in size and, currently, contains seven (7) hotel rooms, two bathrooms, a storage area and a dining room. It is acknowledged that the site currently does not afford any car parking and the proposal does not alter this. It is noted that no additional GFA is sought as a result of the proposal. The following table depicts existing and proposed required parking spaces for the area that is subject of this application. <table border="1" data-bbox="421 1845 1182 1980"> <thead> <tr> <th data-bbox="421 1845 676 1912">Use</th> <th data-bbox="676 1845 932 1912">Control</th> <th data-bbox="932 1845 1182 1912">Total parking required</th> </tr> </thead> <tbody> <tr> <td data-bbox="421 1912 676 1980">Hotel or motel accommodation;</td> <td data-bbox="676 1912 932 1980">1 per 5 staff for staff + 1 per 5</td> <td data-bbox="932 1912 1182 1980">7 rooms and staff = 2 spaces</td> </tr> </tbody> </table>	Use	Control	Total parking required	Hotel or motel accommodation;	1 per 5 staff for staff + 1 per 5	7 rooms and staff = 2 spaces	<p>No change, acceptable</p>
Use	Control	Total parking required						
Hotel or motel accommodation;	1 per 5 staff for staff + 1 per 5	7 rooms and staff = 2 spaces						

Control	Assessment			Compliance
	serviced apartments	units for residents		
	Business premises; retail premises; shops	1 per 100m2 GFA for customers & staff	162sqm = 2 spaces	
	<ul style="list-style-type: none"> As shown in the table above, the proposed change of use of the hotel component will not result in any change to parking requirements. 			
Part 2.21 – Site Facilities and Waste Management	<p>The proposal satisfies the relevant provisions of Part 2.21 as follows:</p> <ul style="list-style-type: none"> The application was accompanied by a waste management plan in accordance with the Part; and Standard conditions are capable of being recommended to ensure the appropriate management of waste during the construction of the proposal. 			Yes, subject to condition

Acoustic Privacy

The following comments (and reason for refusal) were provided in the DA report:

Part 2.6 and Part 5.1.3.2 of MDCP 2011 contain objectives and controls relating to noise and vibration generation by commercial uses and general amenity impacts on other land uses, particularly on residential and other sensitive land uses.

Acoustic report R\6534-5.1R, prepared by Day Design Pty Ltd and dated 23 March 2023 was originally submitted with the application. In assessment of this report, background data was obtained from measurements on the common boundary of the hotel for the previous development application for the rooftop bar/dining area (carried out in 2018). Noise emission criteria are set based on the Noise Policy for Industry and on standard liquor licence conditions. The criteria selected in the submitted acoustic report were all set at the boundary of nearby receivers, and do not reflect noise which may travel through an internal transmission pathway (that being the shared/adjoining walls). This is of concern for the residential receiver at 617-627 King Street, as they appear to have shared/adjoining walls with the hotel. The liquor licence criteria stated in the report includes an inaudibility requirement after 12am midnight, however, given the first floor would not be used past 12am, it would also be prudent to set an internal criteria for adjoining residences (that may be impacted by noise travelling through an internal transmission path). An internal criteria for adjoining residences affected by internal noise transmission through adjoining walls should be set as follows:

Noise from the use when assessed as an LA10, 15 minute entering any residential use through an internal to internal transmission path is not to exceed the existing internal LA90, 15 minute (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room between the hours of 7am and 12midnight.

The report concludes that compliance with the criteria can be achieved subject to the windows on the first floor being kept closed. As a result, Council’s Environmental Health Officer on 19 May 2023 requested that an amended acoustic report be submitted to include assessment of the above internal criteria for residences that are

affected by noise travelling through an internal transmission pathway (that being, shared walls with the hotel).

Additional information was submitted by the applicant on 4 September 2023 in response to Council's letter. Following submission of the additional information, a response was provided on 7 September 2023 by Council's Environmental Health Officer, advising that further additional information is required as a result of the amended acoustic report. A 'Pink noise' generator was used to measure the level of internal-to-internal wall transmission loss. No information was provided on the acceptability of this method in assessing internal noise transmission. There is no information on the location of the residential unit used to measure internal transmission loss, or the location of the noise generator in relation to the noise monitoring location.

The report lists a range of noise levels to assess impacts on adjoining premises. The loudest noise level uses a group of 100 people with 10% talking loudly. Assessment of crowd noise normally uses 50% talking loudly. As a result, the noise levels used to model operations at the hotel do not relate to any of the presented noise data.

Following authorisation by Council's Development Assessment Manager, a Second Request for Additional Information was submitted by the applicant on 11 September 2023. A response to Council's Second Request for Additional Information was provided on 19 September 2023, with a third referral sent to Council's Environmental Health Officer. A response was provided by Council's Environmental Health Officer on 10 October 2023, advising that outstanding issues regarding the application remain as follows:

- Plans are attached showing the location of the venue and the adjoining unit. There is no confirmation of the location of the residential unit in relation to the venue, i.e. what level the unit is on.*
- The correspondence re-states that the noise generator was located in the hotel linen room. The linen room is not marked on the plans. It is assumed that the cupboard shown on the plans is the linen room. This being the case, the bathroom opposite this in the neighbouring residential unit is separated from the noise generator by 2 further walls. The living/dining/kitchen area of the neighbouring unit, which has no further walls for noise attenuation, has not been assessed.*
- It states that adjusting for 50% of patrons will increase noise levels by 5dB, but an increase of 5dB will still be below the indoor background level of 22dB(A).*
- It states that a noise limiter may be fitted to the in-house sound system. A noise limiter is required.*

As a result, the acoustic impacts on the nearest residential receivers have not been sufficiently assessed in the context of the development. These impacts cannot be ascertained based upon the information provided, as it is unclear whether noise attenuation measures are required to the building. Should noise attenuation be required, it is unclear whether building works are required to the site's heritage item, which may result in the loss of significant form and fabric to the heritage item which has not been assessed.

Accordingly, the application has not demonstrated that the proposal provides adequate acoustic privacy for adjoining properties. The proposed development therefore does not satisfy objectives O1, O2, and O3 of this Part and is recommended for refusal.

As part of the subject Section 8.2 Application, an updated Acoustic Assessment was provided (prepared by ‘The Acoustic Group’, dated 30 January 2024) to address the issues (inadequate information) raised during the DA assessment. This report includes the following conclusions:

Whilst the Day Design report have number of technical errors the Day Design report identified compliance with the LA10 condition – that in turn automatically results in compliance with the superseded criteria contained in the ENCM that the EPA have identified is no longer relevant.

In response to the Refusal and the request by Council for additional measurements this report has identified compliance with the LA10 Condition for the cumulative noise of the first floor and the ground floor of the hotel.

The assessment is predicated on the provision of noise limiters to the sound systems on the ground floor and first floor, the requirement for the window on the western façade of the building (serving the internal stairwell to the first floor) to be permanently closed and the first floor not operating after midnight. The limiters for the sound system are to be rms limiters to restrict the maximum level 2m from the internal speakers to be no greater than 95 dB(A) on the ground floor and no greater than 70 dB(A) on the first floor.

The are no alterations required to the external fabric of the hotel to address acoustic issues.

Council’s Environmental Health Specialist reviewed the submitted Acoustic Assessment and considers that this document has adequately addressed previously raised concerns regarding noise impacts and vibration and raised no objections to the proposed development, subject to recommended conditions that are included in Attachment A.

As such, the proposed development, subject to recommended conditions, is considered to satisfy the relevant controls and objectives within Parts 2.6 of the MDCP 2011 as follows:

- C1 – The development will comply with relevant noise controls/guidelines.
- O1 – The proposal will not result in undue acoustic privacy impacts to users of surrounding buildings.
- O3 – The development will not result in undue amenity impacts of surrounding sensitive land uses by way of noise or vibration.

Part 5 – Commercial and Mixed Use Development

Control	Assessment	Compliance
Part 5.1.5 Building Detail	<ul style="list-style-type: none"> • No external changes to the building proposed. • The internal alterations, as outlined in detail elsewhere in this report, are acceptable and minor. 	Yes
Part 5.3.1.1 Plan of Management	<p>The proposed development satisfies the relevant provisions of this Part as follows:</p> <ul style="list-style-type: none"> • A Plan of Management (POM) was submitted with the application. • The POM submitted is considered to be comprehensive and provides suitable management procedures to minimise potential amenity impacts to the surrounding locality. • A condition is included in the recommendation requiring the operation of the premises to adhere to 	Yes

Control	Assessment	Compliance
	the POM submitted, as amended by any conditions of consent.	
Part 5.3.1.2 Noise and vibration generation	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> This matter is discussed above under Part 2.6 of MDCP 2011, and the development is acceptable in this regard, subject to the imposition of appropriate conditions. 	Yes, subject to conditions
Part 5.3.1.4 Hours of Operation	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> The hours of operation proposed on Level 1 are between 10.00am and 12.00am (Midnight), Monday to Saturdays and between 10.00am and 10.00pm, Sundays and public holidays. The proposed hours of operation are within expected trading hours for a pub, and consistent with the hours of operation of the ground floor of the premises. The submitted Acoustic Assessment and assessment conducted by Council's Environmental Health Officer indicate that the hours of operation proposed are unlikely to result in any adverse amenity impacts to neighbouring properties subject to compliance with the measures identified in the acoustic report which will form a condition of consent in the recommendation of this report. 	Yes

Part 8 – Heritage

Control	Assessment	Compliance
Part 8.1.7 – Heritage Items	The proposal satisfies the relevant provisions as follows: <ul style="list-style-type: none"> The proposed alterations and additions do not adversely impact the overall significance of the heritage item; The proposal retains evidence of the historic development of the site; and The proposed alterations will not be visible from the street and are designed to reflect the heritage characteristics of the building. This matter is discussed in further detail under section 8 of this report 	Yes, subject to condition

Part 9 – Strategic Context

Control	Assessment	Compliance
Part 9.37 – King Street and Enmore Road (Commercial Precinct 37)	The proposed development satisfies the relevant provisions of this Part as follows: <ul style="list-style-type: none"> The proposal protects the existing heritage item on the site; 	Yes

	<ul style="list-style-type: none"> • The proposal will have no impacts on the streetscape and HCA the site is located within as all works are internal; • The proposal maintains a vibrant and safe streetscape. 	
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C. Environmental Planning Regulations

The application has been assessed and the following provides a summary of the relevant sections of the *Environmental Planning and Assessment Regulation 2021 (EP and A Regulation 2021)*.

Part 4 Determination of Development Applications

Section 64 of the *EPA Regulation 2021* applies to a development application *that involves the rebuilding or alteration of an existing building if.*

- (a) *the proposed building work and previous building work together represent more than half of the total volume of the building, or*
- (b) *the measures contained in the building are inadequate—*
 - (i) *to protect persons using the building, if there is a fire, or*
 - (ii) *to facilitate the safe egress of persons using the building from the building, if there is a fire, or*
 - (iii) *to restrict the spread of fire from the building to other buildings nearby.*

The consent authority must *consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*

In considering the above, the applicant has provided a report demonstrating the works conform with the Building Code of Australia.

D. The Likely Impacts

These matters have been considered as part of the assessment of the development application. It is considered that the proposed development will not have significant adverse environmental, social or economic impacts upon the locality.

E. The Suitability of the Site for the Development

The proposal is of a nature in keeping with the overall function of the site. The premises are in a residential/commercial surrounding and amongst similar uses to that proposed.

F. Submissions

The application was notified in accordance with Council’s Community Engagement Strategy between 13 March 2024 to 03 April 2024.

One (1) submission was received raising concerns about acoustic privacy (noise) impacts, which has been addressed in Section 6B of this report.

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.

This has been achieved in this instance.

7. Section 7.11 / 7.12 Contributions

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 \$4,460.00 would be required for the development under the Inner West Local Infrastructure Contributions Plan 2023.

A condition requiring that contribution to be paid is included in the recommendation.

8. Referrals

The following internal referrals were made, and their comments have been considered as part of the above assessment:

- Heritage Specialist;
- Environmental Health; and
- Building Certification.

Comments from Council's Heritage Specialist

The subject site is located within the King Street and Enmore Road HCA and is identified as an individual heritage item under Schedule 5 of Inner West LEP 2022.

The statement of significance reads as follows:

This hotel, displaying Art deco influence, is an unusual and visually arresting starting point for the King Street Retail Precinct.

[HMS - ViewItem \(nsw.gov.au\)](https://www.nsw.gov.au/heritage/ViewItem)

The proposal seeks approval to demolish some of the walls to the first floor accommodation of the hotel and continue the public use of the hotel on this floor. Based on a review of the drawings approximately 20% of the total [significant] building fabric would appear to be removed as part of this application.

The owner sought pre-DA advice on this proposal and a site inspection was undertaken in 2022 to get an understanding of the building fabric, use and operation of the site.

The pre-DA was supported in principle however subject to further details and information pertaining to the fine grain detailing and fitout of the building.

A reading of the attached reports that support this DA identify that no additional acoustic treatment or accessible facilities are required in order to support the new use. In that regard intervention into the building fabric (other than the demolition proposed) is at its minimum.

The extent of demolition proposed is noted as having some impact on the integrity and significance of the hotel, however it is accepted that the ongoing viability is of merit and on balance, a means for the ongoing viability of the place and continued use of the hotel.

The use of nib walls and bulkheads as well as retention of the early bathroom facilities is a good outcome and benefits the overall interpretation of the first floor. The curved walls are important to the fine grain detailing and point to the Art Deco origins of the building, which have been retained. The HIS and drawings also makes note of the installation of contemporary brass strips in the floor that align with original wall placement. This is considered an appropriate interpretive measure however the brass strip detail that formed part of DA 2023/299 should be provided with this Review. Having regard to the comments above the proposal is supported however subject to additional information including:

- 1. The detailed drawings that formed part of the previous [refused] application (DA2023/299) must form part of this application also. That is, the Mood Boards, 3D renders and brass trim details [Note: Referenced in Attachment A].*

The following condition of consent must be provided with any approval [which has been included in Attachment A].

Recording of significant or contributory buildings prior to any demolition or alteration

A full archival record of the building is to be submitted, to the satisfaction of Council's Heritage Specialist, prior to the commencement of any work and prior to the issue of a Construction Certificate.

The archival record is to be completed by a heritage consultant listed on the Consultants Directory by the NSW Office of Environment & Heritage (Heritage Branch) or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.

Photographic archival records must be taken of the building, landscape or item in accordance with the guidelines 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch and available online at

<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf>

The photographic archival recording is to be submitted in a digital format only and is to include the following:

- Development Application number and the Condition of Consent number must be noted*
- Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken.*
- Floorplans of the internal layout and directional details of photographs taken.*
- Coloured photographs of:*
 - each elevation,*
 - each structure and landscape feature;*
 - internal images of each room and significant architectural detailing;*
 - views to the subject property from each street and laneway or public space.*

The report must include written confirmation, issued with the authority of both the applicant and the photographer that the Inner West Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.

The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images. The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.

The following external referrals were made, and their comments have been considered as part of the above assessment:

- NSW Police;

Comment: NSW Police raised no objections, subject to a condition restricting “the PoM from being altered without consultation of NSW Police or Council or both”, which has been included in Attachment A.

Note: Section 7 within the submitted POM refers to a maximum number of patrons for level 1 of 90 patrons. However, all other documents (and sections within the POM) outline that a maximum number of 100 patrons is sought (and consistent with BCA provisions). To avoid ambiguity, a condition has been included in Attachment A, requiring that section 7 of the POM being amended to reference 100 patrons for level 1.

9. Conclusion

The proposal generally complies with the aims, objectives and design parameters contained in *Inner West Local Environmental Plan 2022* 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.

10. Recommendation

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 Application No. REV/2024/0005 for a Section 8.2 Review of DA/2023/0299 determined on 23 November 2023, for change of use of the first floor of the Sydney Park Hotel to a pub in conjunction with the existing

premises including fitout of the first floor and operation between 10.00am and 12.00am (Midnight), Monday to Saturdays and 10.00am and 10.00pm, Sundays and Public Holidays, at 631 King Street, Newtown subject to the conditions listed in Attachment A below.

Attachment A – Recommended conditions of consent

CONDITIONS OF CONSENT

GENERAL CONDITIONS

Condition																																					
1.	<p style="text-align: center;">Noise – Consultant’s Recommendations</p> <p>The recommendations contained in the acoustic report prepared by The Acoustic Group, reference 54.5526.R2:MSC dated 30.1.24 must be implemented, including the following:</p> <p>(a) first floor of the premises to be limited to no more than 100 patrons</p> <p>(b) windows on the first floor to be closed when in use</p> <p>(c) RMS limiter to be installed and set at 70dB(A). Limiter is to be locked and not able to be reset by staff</p> <p>Reason: To protect the amenity of the neighbourhood.</p>																																				
2.	<p style="text-align: center;">Documents related to the consent</p> <p>The development must be carried out in accordance with plans and documents listed below:</p> <table border="1"> <thead> <tr> <th>Plan, Revision and Issue No.</th> <th>Plan Name</th> <th>Date Issued/Received</th> <th>Prepared by</th> </tr> </thead> <tbody> <tr> <td>Sheet No: 4 of 12</td> <td>Existing First Level Floor Plan</td> <td>03/04/2023</td> <td>Elaine Richardson Architect</td> </tr> <tr> <td>Sheet No: 6 of 12</td> <td>3D View - First Floor Plan</td> <td>03/04/2023</td> <td>Elaine Richardson Architect</td> </tr> <tr> <td>Sheet No. 13 of</td> <td>Proposed First Level Floor Plan (Brass Trim)</td> <td>04/09/2023</td> <td>Elaine Richardson Architect</td> </tr> <tr> <td>Sheet No. 14 of</td> <td>Details</td> <td>04/09/2023</td> <td>Elaine Richardson Architect</td> </tr> <tr> <td>Sheet No. 7 of 12</td> <td>3D view of interior 1</td> <td>03/04/2023</td> <td>Elaine Richardson Architect</td> </tr> <tr> <td>Sheet No. 8 of 12</td> <td>3D view of interior 2</td> <td>03/04/2023</td> <td>Elaine Richardson Architect</td> </tr> <tr> <td>not stated</td> <td>Sydney Park Hotel Mood Board & Sydney Park Hotel Pool Hall</td> <td>not stated</td> <td>not stated</td> </tr> <tr> <td>54.5526.R2:MSC</td> <td>not stated</td> <td>30/01/2024</td> <td>The Acoustic Group</td> </tr> </tbody> </table>	Plan, Revision and Issue No.	Plan Name	Date Issued/Received	Prepared by	Sheet No: 4 of 12	Existing First Level Floor Plan	03/04/2023	Elaine Richardson Architect	Sheet No: 6 of 12	3D View - First Floor Plan	03/04/2023	Elaine Richardson Architect	Sheet No. 13 of	Proposed First Level Floor Plan (Brass Trim)	04/09/2023	Elaine Richardson Architect	Sheet No. 14 of	Details	04/09/2023	Elaine Richardson Architect	Sheet No. 7 of 12	3D view of interior 1	03/04/2023	Elaine Richardson Architect	Sheet No. 8 of 12	3D view of interior 2	03/04/2023	Elaine Richardson Architect	not stated	Sydney Park Hotel Mood Board & Sydney Park Hotel Pool Hall	not stated	not stated	54.5526.R2:MSC	not stated	30/01/2024	The Acoustic Group
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	not stated	Plan Management of August 2023	Ray Reilly
	As amended by the conditions of consent. Reason: To ensure development is carried out in accordance with the approved documents.		
3.	Works Outside the Property Boundary		
	This development consent does not authorise works outside the property boundaries on adjoining lands. Reason: To ensure works are in accordance with the consent.		
4.	Asbestos Removal		
	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. Reason: To ensure compliance with the relevant environmental legislation.		
5.	Bin Storage		
	All bins are to be stored within the property. Reason: To ensure resource recovery is promoted and residential amenity is protected.		

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

	Condition
6.	<p>Section 7.12 Development Contribution Payments</p> <p>In accordance with section 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> and the Inner West Local Infrastructure Contribution Plan 2023 (the Plan), a monetary contribution of \$4,460.00 shall be paid to Council for the purposes of the provision, extension or augmentation of local infrastructure identified in the Plan.</p> <p>At the time of payment, the monetary contribution payable will be adjusted for inflation in accordance with indexation provisions in the Plan in the following manner:</p> <p>$C_{\text{payment}} = C_{\text{consent}} \times (CPI_{\text{payment}} \div CPI_{\text{consent}})$</p> <p>Where:</p> <ul style="list-style-type: none"> • C_{payment} = is the contribution at time of payment • C_{consent} = is the contribution at the time of consent, as shown above • CPI_{consent} = is the Consumer Price Index (All Groups Index) for Sydney at the date the contribution amount above was calculated being 136.4 for the December 2023 quarter.

	<ul style="list-style-type: none"> • CPIpayment = is the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics that applies at the time of payment <p>Note: The contribution payable will not be less than the contribution specified in this condition.</p> <p>The monetary contributions must be paid to Council (i) if the development is for subdivision – prior to the issue of the subdivision certificate, or (ii) if the development is for building work – prior to the issue of the first construction certificate, or (iii) if the development involves both subdivision and building work – prior to issue of the subdivision certificate or first construction certificate, whichever occurs first, or (iv) if the development does not require a construction certificate or subdivision certificate – prior to the works commencing.</p> <p>It is the professional responsibility of the principal certifying authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.</p> <p>Council's Plan may be viewed at www.innerwest.nsw.gov.au or during normal business hours at any of Council's customer service centres.</p> <p>Please contact any of Council's customer service centres on 9392 5000 or council@innerwest.nsw.gov.au to request an invoice confirming the indexed contribution amount payable. Please allow a minimum of 2 business days for the invoice to be issued.</p> <p>Once the invoice is obtained, payment can be made via (i) BPAY (preferred), (ii) credit card / debit card (AMEX, Mastercard and Visa only; log on to www.innerwest.nsw.gov.au/invoice; please note that a fee of 0.75 per cent applies to credit cards), (iii) in person (at any of Council's customer service centres), or (iv) by mail (make cheque payable to 'Inner West Council' with a copy of your remittance to PO Box 14 Petersham NSW 2049).</p> <p>The invoice will be valid for 3 months. If the contribution is not paid by this time, please contact Council's customer service centres to obtain an updated invoice. The contribution amount will be adjusted to reflect the latest value of the Consumer Price Index (All Groups Index) for Sydney.</p> <p>Reason: To ensure payment of the required development contribution.</p>
<p>7.</p>	<p>Structural Certificate for retained elements of the building</p> <p>Prior to the issue of a Construction Certificate, the Certifying Authority is required to be provided with a Structural Certificate prepared by a practising structural engineer, certifying the structural adequacy of the property and its ability to withstand the proposed additional, or altered structural loads during all stages of construction. The certificate must also include all details of the methodology to be employed in construction phases to achieve the above requirements without result in demolition of elements marked on the approved plans for retention.</p> <p>Reason: To ensure the structural adequacy of the works.</p>

8.	<p>Sydney Water – Tap In</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.</p>				
9.	<p>Long Service Levy</p> <p>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 0.25% of the total cost of the work to either the Long Service Payments Corporation or Council for any work costing \$250,000 or more.</p> <p>Reason: To ensure the long service levy is paid.</p>				
10.	<p>Security Deposit - Standard</p> <p>Prior to the commencement of demolition works or 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.</p> <table border="1" data-bbox="437 1072 1268 1155"> <tr> <td data-bbox="437 1072 667 1115">Security Deposit:</td> <td data-bbox="667 1072 1268 1115">\$5992.00</td> </tr> <tr> <td data-bbox="437 1126 667 1155">Inspection Fee:</td> <td data-bbox="667 1126 1268 1155">\$374.50</td> </tr> </table> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	Security Deposit:	\$5992.00	Inspection Fee:	\$374.50
Security Deposit:	\$5992.00				
Inspection Fee:	\$374.50				

	<p>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.</p> <p>Reason: To ensure required security deposits are paid.</p>
11.	<p>Licensed Premises - Plan of Management</p> <p>Prior to the issue of a Construction Certificate, Section 7 of the approved Plan of Management, dated August 2023, prepared by Ray Reilly, must be amended referencing that no more than 100 patrons are to occupy Level 1 of the premises at any one time. This is to be submitted to the satisfaction of the Principal Certifier.</p> <p>Reason: To ensure that the documentation is consistent and accurately reflects maximum patron numbers.</p>

BEFORE BUILDING WORK COMMENCES

	Condition
12.	<p>Waste Management Plan</p> <p>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.</p> <p>Reason: To ensure resource recovery is promoted and local amenity is maintained.</p>
13.	<p>Standard Street Tree Protection</p> <p>Prior to the commencement of any work, the Certifying Authority must be provided with details of the methods of protection of all street trees adjacent to the site during demolition and construction.</p> <p>Reason: To protect and retain trees.</p>

DURING BUILDING WORK

	Condition
14.	<p>Construction Hours – Class 2-9</p> <p>Unless otherwise approved by Council, excavation, demolition, construction or subdivision work must only be permitted during the following hours:</p> <p>7:00am to 6:00pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm); 8:00am to 1:00pm on Saturdays with no demolition works occurring during this time; and at no time on Sundays or public holidays.</p>

	<p>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.</p> <p>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.</p> <p>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.</p> <p>Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving must be limited to 8:00am to 12:00pm, Monday to Saturday; and 2:00pm to 5:00pm Monday to Friday.</p> <p>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.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>
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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition	
15.	<p>Smoke Alarms - Certification of upgrade to NCC requirements</p> <p>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.</p> <p>Reason: To ensure compliance with the National Construction Code (Building Code of Australia).</p>

OCCUPATION AND ONGOING USE

Condition	
16.	<p>Noise General</p> <p>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 <i>Protection of the Environment Operations Act 1997</i> and Regulations, NSW EPA Noise Policy for Industry and NSW EPA Noise Guide for Local Government.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>

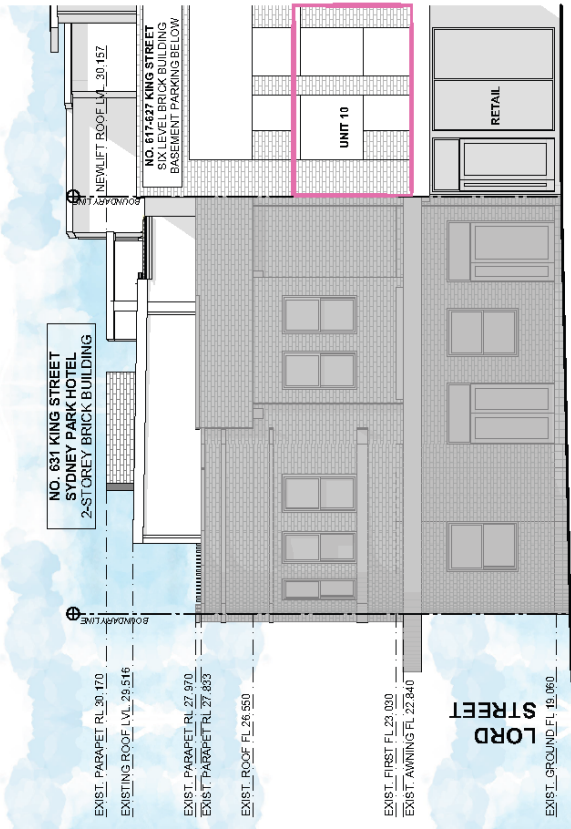
17.	<p>Noise – Licensed Premises (7am – 12midnight)</p> <p>The LA10 noise level emitted from the premises, measured between the hours of 7am and 12 midnight, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive) by more than 5 dB, when measured at the boundary of any adjoining residence.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>						
18.	<p>Hours of Operation</p> <p>a. The hours of operation of the first floor of the premises must not exceed the following:</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Day</th> <th style="text-align: left;">Hours</th> </tr> </thead> <tbody> <tr> <td>Mondays to Saturdays (excluding public holidays)</td> <td>between 10.00am & 12.00am (Midnight)</td> </tr> <tr> <td>Sundays and public holidays</td> <td>between 10.00am & 10.00pm</td> </tr> </tbody> </table> <p>b. Service is to cease 30 minutes before ceasing of trading hours.</p> <p>Reason: To protect the amenity of the neighbourhood.</p>	Day	Hours	Mondays to Saturdays (excluding public holidays)	between 10.00am & 12.00am (Midnight)	Sundays and public holidays	between 10.00am & 10.00pm
Day	Hours						
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Sundays and public holidays	between 10.00am & 10.00pm						

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

	Condition
19.	<p>Recording of significant or contributory buildings prior to any demolition or alteration</p> <p>A full archival record of the building is to be submitted, to the satisfaction of Council's Heritage Specialist, prior to the commencement of any work and prior to the issue of a Construction Certificate</p> <p>The archival record is to be completed by a heritage consultant listed on the Consultants Directory by the NSW Office of Environment & Heritage (Heritage Branch) or by a suitably qualified consultant who must demonstrate a working knowledge of archival principles.</p> <p>Photographic archival records must be taken of the building, landscape or item in accordance with the guidelines 'Heritage Information Series, Photographic Recording of Heritage Items Using Film or Digital Capture 2006' published by the former NSW Department of Planning Heritage Branch and available online at</p> <p>http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/infophotographicrecording2006.pdf</p> <p>The photographic archival recording is to be submitted in a digital format only and is to include the following:</p>

	<ul style="list-style-type: none"> • Development Application number and the Condition of Consent number must be noted • Site plan at a scale of 1:200 (or 1:500 if appropriate) of all structures and major landscape elements including their relationship to the street and adjoining properties and directional details of photographs taken. • Floorplans of the internal layout and directional details of photographs taken. • Coloured photographs of: <ul style="list-style-type: none"> • each elevation, • each structure and landscape feature; • internal images of each room and significant architectural detailing; • views to the subject property from each street and laneway or public space. <p>The report must include written confirmation, issued with the authority of both the applicant and the photographer that the Inner West Council is granted a perpetual non-exclusive licence to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.</p> <p>Reason: To record significant heritage fabric.</p> <p>The electronic images are to be taken with a minimum 8 megapixel camera, saved as JPEG TIFF or PDF files with a size of approximately 4-6MB, and cross referenced to the digital catalogue sheets and base plans. Choose only images that are necessary to document the process, and avoid duplicate images. The report can be submitted on a USB, CD or DVD, in PDF/A format (created directly from the digital original), with a digital catalogue of images with the following data for each: title, image subject/description and date photograph taken.</p>
--	---



EAST ELEVATION (King Street)
1:100

Referenced dimensions to be used in preference to scaling the drawing.
Do not assume a 2 in doubt add.

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Document: SPTD-36889648
Version: 1, Version Date: 05/08/2024

Soil Classification:	TBC
Slab Classification:	TBC
Wind Speed Class:	N2

DEVELOPMENT APPLICATION

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elevation
Lot 1 DP-956255
631 King Street
Newtown, NSW 2042

Client:	SYDNEY PARK HOTEL
LGA:	Inner West Council
Design:	PROPOSED FIRST FLOOR ALTERATIONS
Job No:	TBC
Sheet No:	A3
Date:	14/02/2024
Sheet Size:	13.4 of 13

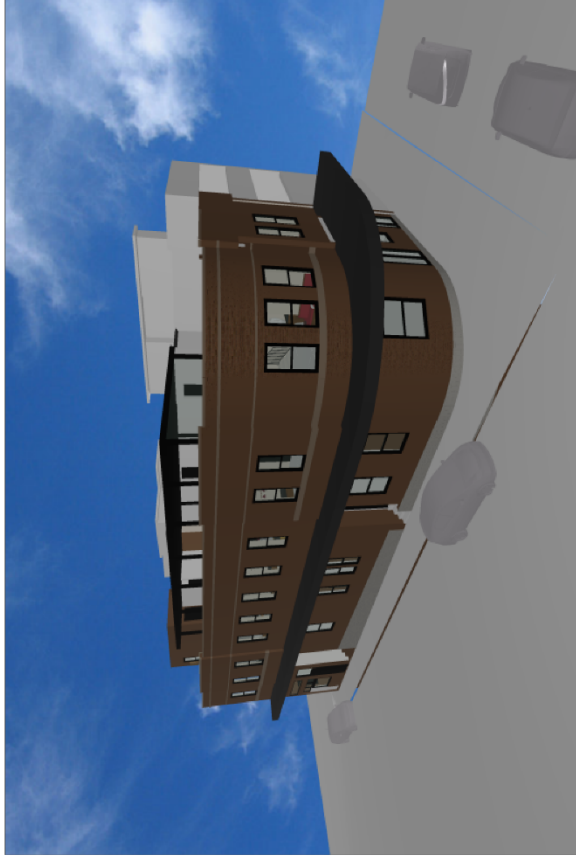
Plot Date: Wednesday, 14 February 2024

631 KING STREET
 NEWTOWN, NSW 2042

Client: **Ray Reilly**

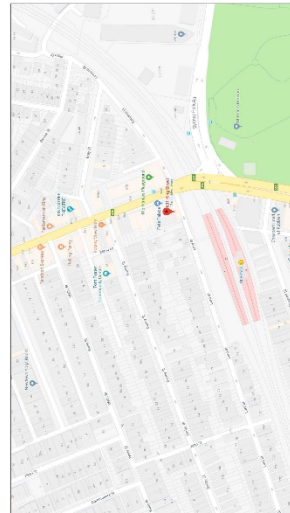
0 of 12 Rev C

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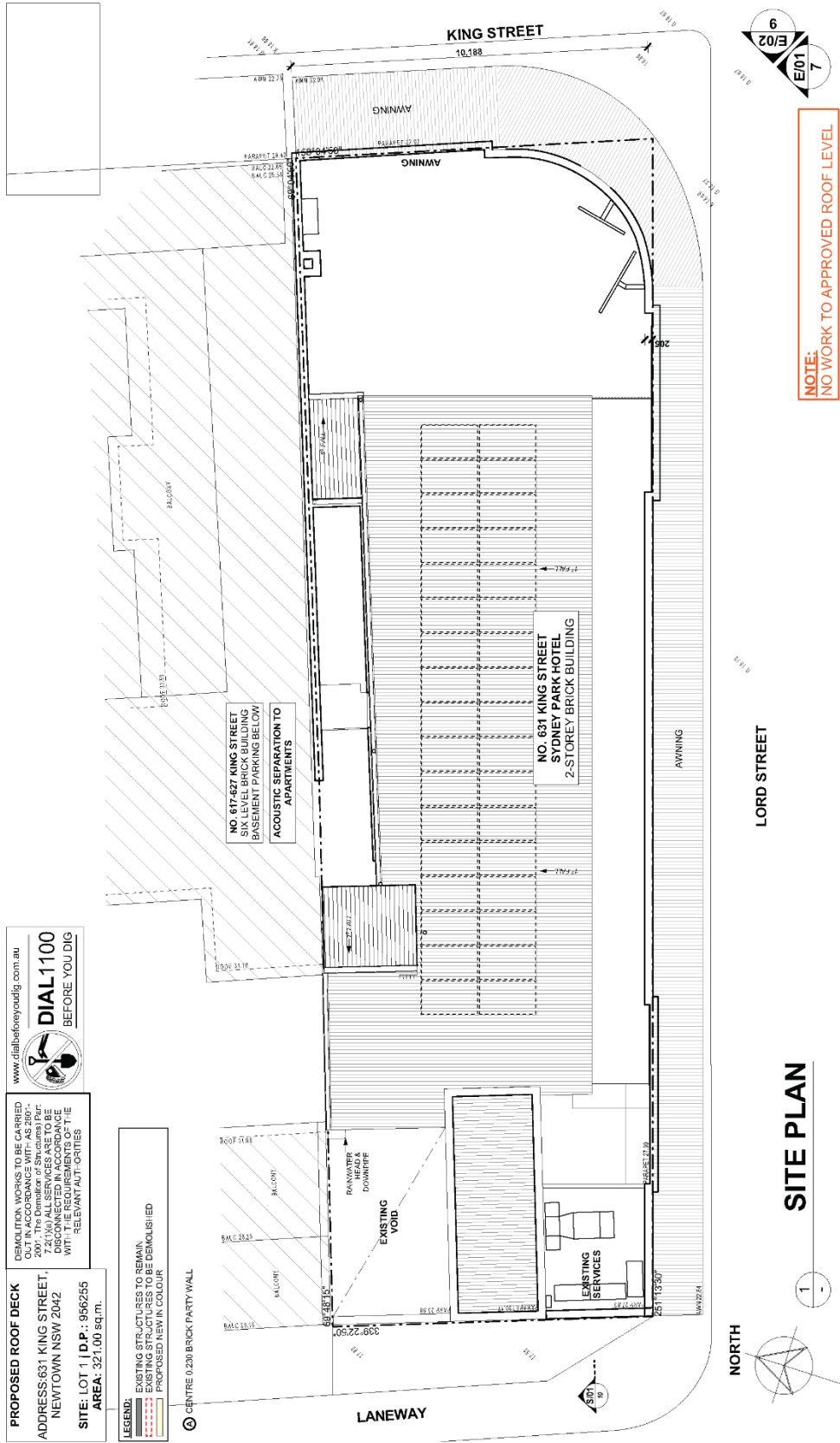
NO CHANGE TO EXTERNAL FACADE

SHEET NO.	SHEET DESCRIPTION
0	Cover Page
1	Site Plan
2	Site Analysis Plan
3	Ground Level Floor Plan
4	Existing First Level Floor Plan
5	Proposed First Level Floor Plan
6	3D View - First Floor Plan
7	3D view of interior 1
8	3D view of interior 2
9	Roof Terrace Floor Plan
10	Roof Plan & Stormwater Drainage Plan
11	South Elevation (Lord Street)
12	East (King Street) & West (Laneway) Elevations



PROJECT LOCATION PLAN

DEVELOPMENT APPLICATION
 INNER WEST COUNCIL



DEMOLITION WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE DEMOLITION ACT 2001. THE DEMOLITION OF STRUCTURAL PARTS SHALL BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF THE RELEVANT AUTHORITIES.

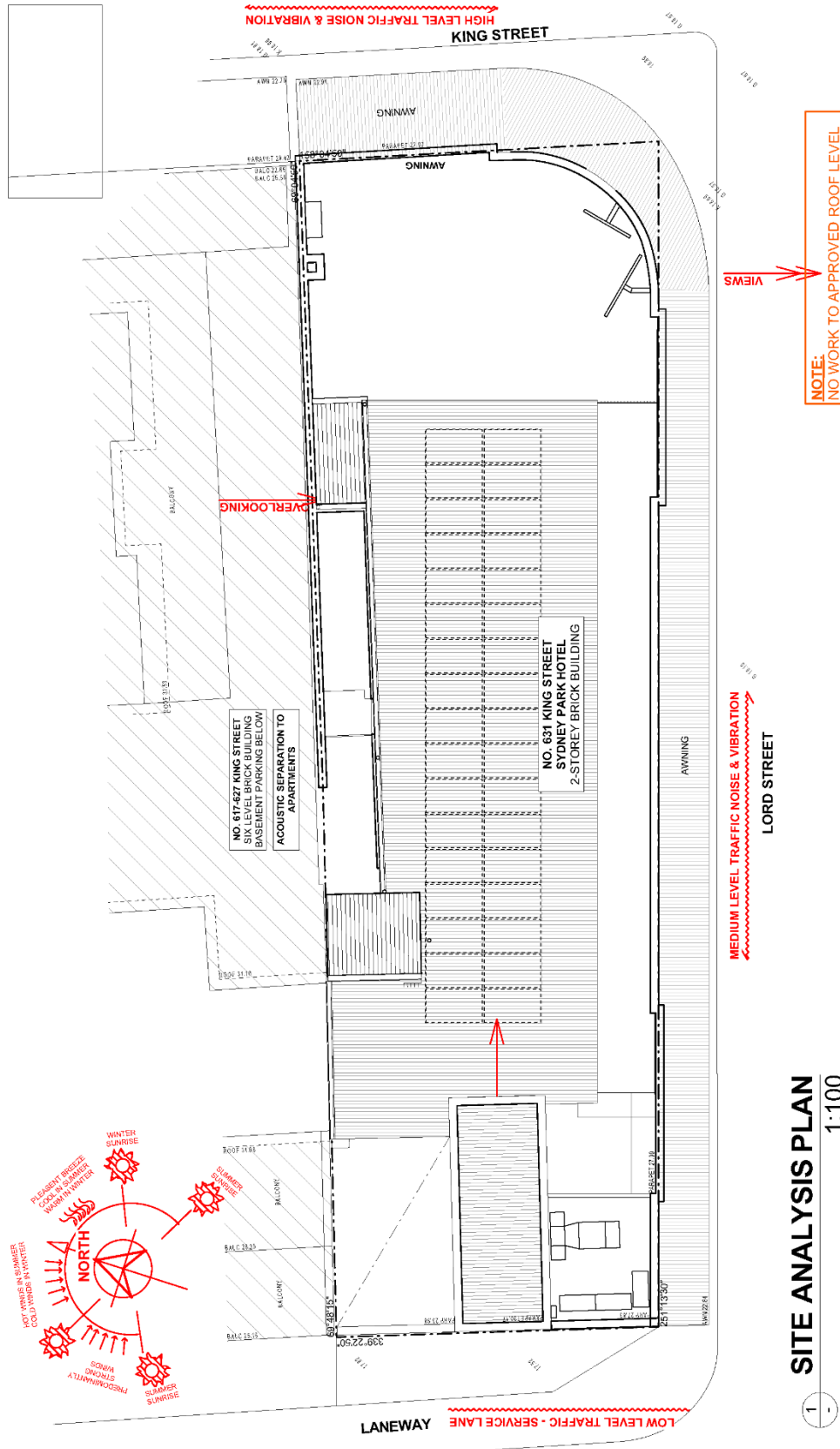
DIAL 1100
BEFORE YOU DIG

www.dial1100foreyoudig.com.au

PROPOSED ROOF DECK
ADDRESS: 631 KING STREET,
NEWTOWN NSW 2042
SITE: LOT 1 I.D.P.: 956255
AREA: 321.100 sq.m.

LEGEND:
 - - - - - EXISTING STRUCTURES TO REMAIN
 - - - - - EXISTING STRUCTURES TO BE DEMOLISHED
 - - - - - PROPOSED NEW IN COLOUR
 ○ CENTRE 0.23M BRICK PARTY WALL

<p>Plot Date: Monday, 3 April 2023</p> <p>Client: SYDNEY PARK HOTEL</p>																						
<p>Site Plan</p> <p>Lot 1 DP-956255 631 King Street Newtown, NSW 2042</p>	<p>LGA: Inner West Council Date: 3/04/2023 Design: PROPOSED FIRST FLOOR ALTERATIONS Job No: TBC Sheet Size: A3 Sheet No: 1 of 2</p>																					
<p>Copyright This plan is the property of Elaine Richardson Architect and may not be used in whole or part. Legal action will be taken against any person who infringes the copyright.</p>	<p>Soil Classification: TBC Slab Classification: TBC Wind Speed Class: N2</p>																					
<p>DEVELOPMENT APPLICATION</p> <p>Level 1, 2 Egleton Rd, Surry Hills NSW 2010 m 04 99 267 231 e elainey@elainerichardson.com.au http://www.elainerichardson.com.au</p> <p>License No. 7530</p>	<p>Revision Table:</p> <table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>24/03/2018</td> <td>Development Application</td> </tr> <tr> <td>B</td> <td>19/12/2018</td> <td>DA - 880 Area & Sub-Structure</td> </tr> <tr> <td>C</td> <td>27/11/2019</td> <td>Revised Area & L1 Location</td> </tr> <tr> <td>D</td> <td>19/04/2020</td> <td>Amendments per Council letter</td> </tr> <tr> <td>E</td> <td>22/03/2023</td> <td>Issue for Development Application (DA)</td> </tr> <tr> <td>G</td> <td>30/03/2023</td> <td>Revised (Pages 8-4)</td> </tr> </tbody> </table>	Rev	Date	Description	A	24/03/2018	Development Application	B	19/12/2018	DA - 880 Area & Sub-Structure	C	27/11/2019	Revised Area & L1 Location	D	19/04/2020	Amendments per Council letter	E	22/03/2023	Issue for Development Application (DA)	G	30/03/2023	Revised (Pages 8-4)
Rev	Date	Description																				
A	24/03/2018	Development Application																				
B	19/12/2018	DA - 880 Area & Sub-Structure																				
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D	19/04/2020	Amendments per Council letter																				
E	22/03/2023	Issue for Development Application (DA)																				
G	30/03/2023	Revised (Pages 8-4)																				



SITE ANALYSIS PLAN
1:100

Client: **SYDNEY PARK HOTEL**

Site Analysis Plan: **Lot 1 DP-956255
631 King Street
Newtown, NSW 2042**

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Soil Classification: TBC

Slab Classification: TBC

Wind Speed Class: N2

Development Application

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Design: **PROPOSED FIRST FLOOR ALTERATIONS**

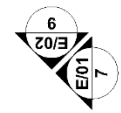
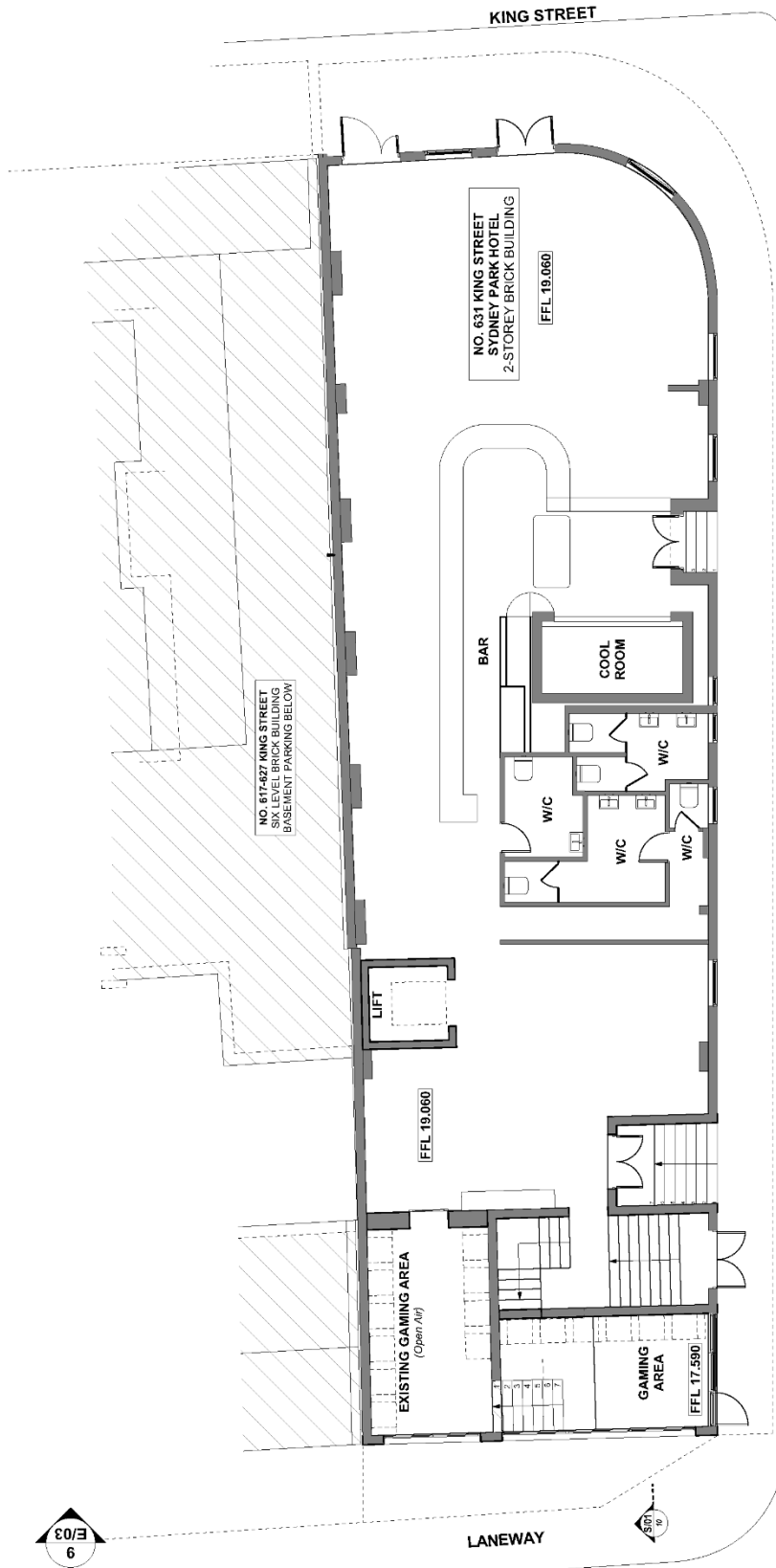
Job No: **TBC** Sheet Size: **A3** Sheet No: **2 of 2**

Plot Date: Monday, 3 April 2023

Revision Table:

Rev	Date	Description
A	30/03/2018	Finalise and approve
B	19/12/2018	DA, BMS, Area & S&K, Structural
C	27/11/2019	Revised Area & S&K, Location
D	19/04/2020	Approvals for Part 4 and 5
E	27/03/2023	Issue for Development Application (DA)
G	30/03/2023	Revised (Pages 3-4)

Flow of dimensions to be used in preference to scaling this drawing. Do not assume if in doubt ASK.



NOTE:
NO WORK TO THE GROUND FLOOR

GROUND FLOOR PLAN
1:100



Plot Date: Monday, 3 April 2023

Client: SYDNEY PARK HOTEL	
LGA: Inner West Council	Date: 3/04/2023
Design: PROPOSED FIRST FLOOR ALTERATIONS	
Job No: TBC	Sheet Size: A3 Sheet No: 3 of 2

Ground Level Floor Plan

Lot:1 DP-956255
631 King Street
Newtown, NSW 2042

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Rev	Date	Description
A	24/03/2018	Issue for Approval
B	19/12/2018	5x1 BMS Area & Stair Stopped
C	27/11/2019	Revised Aerials & L.I. Location
D	19/04/2020	Amendments per Council letter
E	22/03/2023	Issue for Development Application (DA)
G	30/03/2023	Revised (Pages 3-4)

Soil Classification:	TBC
Slab Classification:	TBC
Wind Speed Class:	N2

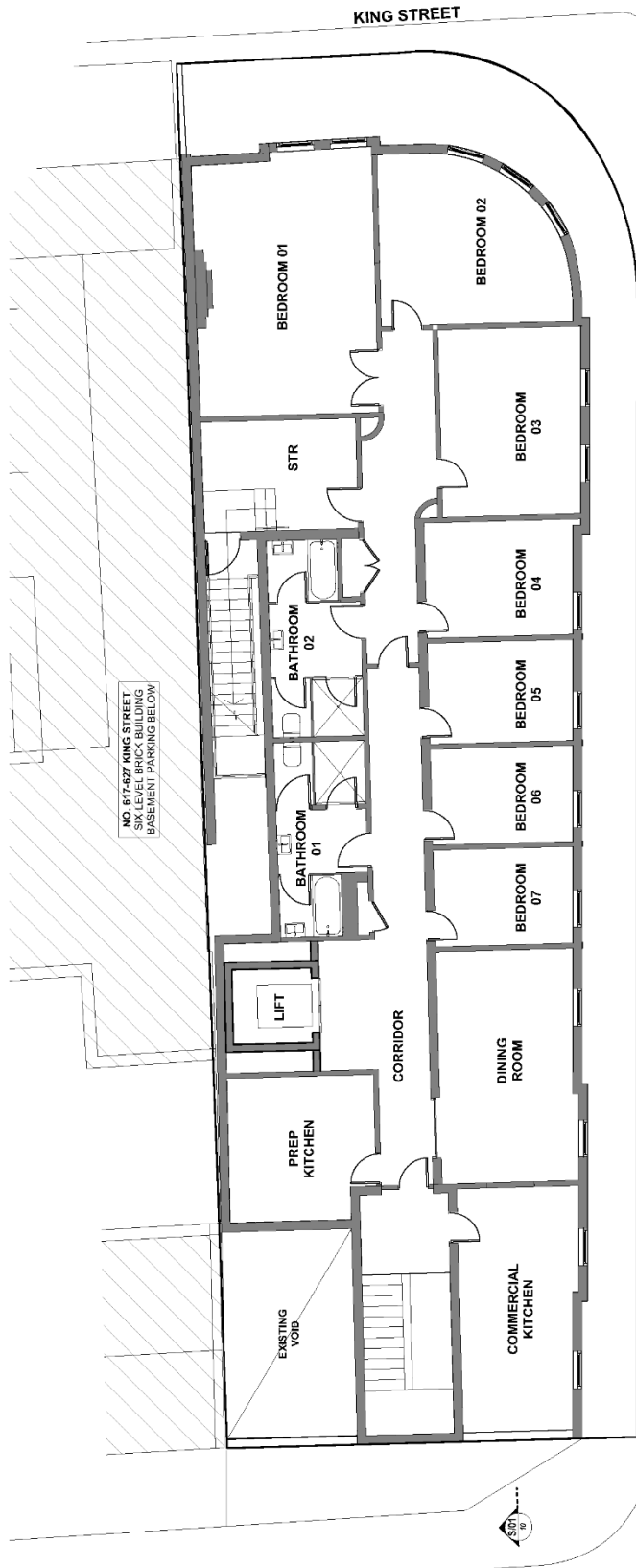
DEVELOPMENT APPLICATION

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Document ID: 36683616
Version: 1, Version Date: 09/04/2024



LORD STREET

EXISTING FIRST FLOOR PLAN
1:100

LEGEND:
 - - - - - EXISTING STRUCTURES TO REMAIN
 - - - - - EXISTING STRUCTURES TO BE DEMOLISHED
 - - - - - NEW WORKS TO BE BUILT

Files of dimensions to be used in preference to scaling this drawing.
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DEVELOPMENT APPLICATION

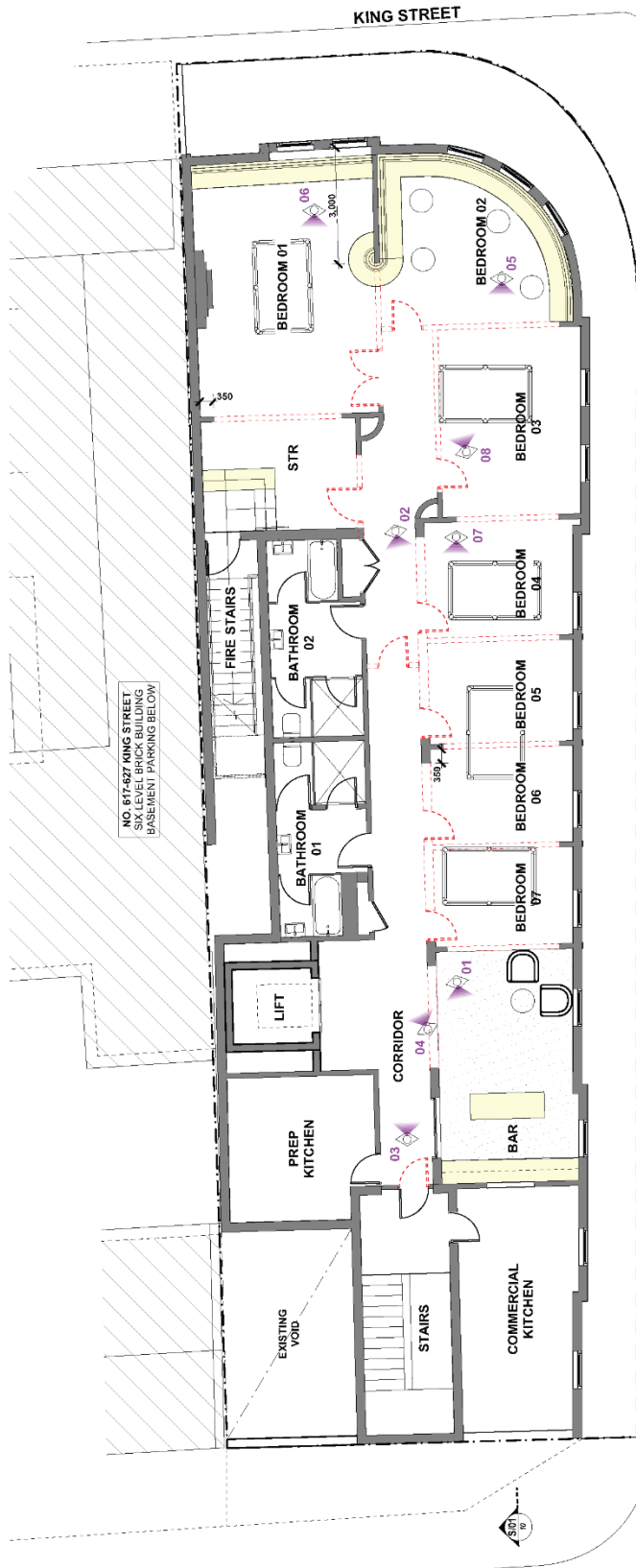
Soil Classification: TBC
Slab Classification: TBC
Wind Speed Class: N2

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Existing First Level Floor Plan
 Lot 1 DP-956255
 631 King Street
 Newtown, NSW 2042

Client: SYDNEY PARK HOTEL
LGA: Inner West Council
Date: 3/04/2023
Design: PROPOSED FIRST FLOOR ALTERATIONS
Job No: TBC
Sheet Size: A3
Sheet No.: 4 of 2

Plot Date: Monday, 3 April 2023



PROPOSED 3D VIEWPOINT - FIRST FLOOR PLAN
1:100

LEGEND:
 - - - - - EXISTING STRUCTURES TO REMAIN
 - - - - - EXISTING STRUCTURES TO BE DEMOLISHED
 - - - - - NEW WORKS TO BE BUILT

Files of dimensions to be used in preference to scaling this drawing.
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DEVELOPMENT APPLICATION

Soil Classification: TBC
Slab Classification: TBC
Wind Speed Class: N2

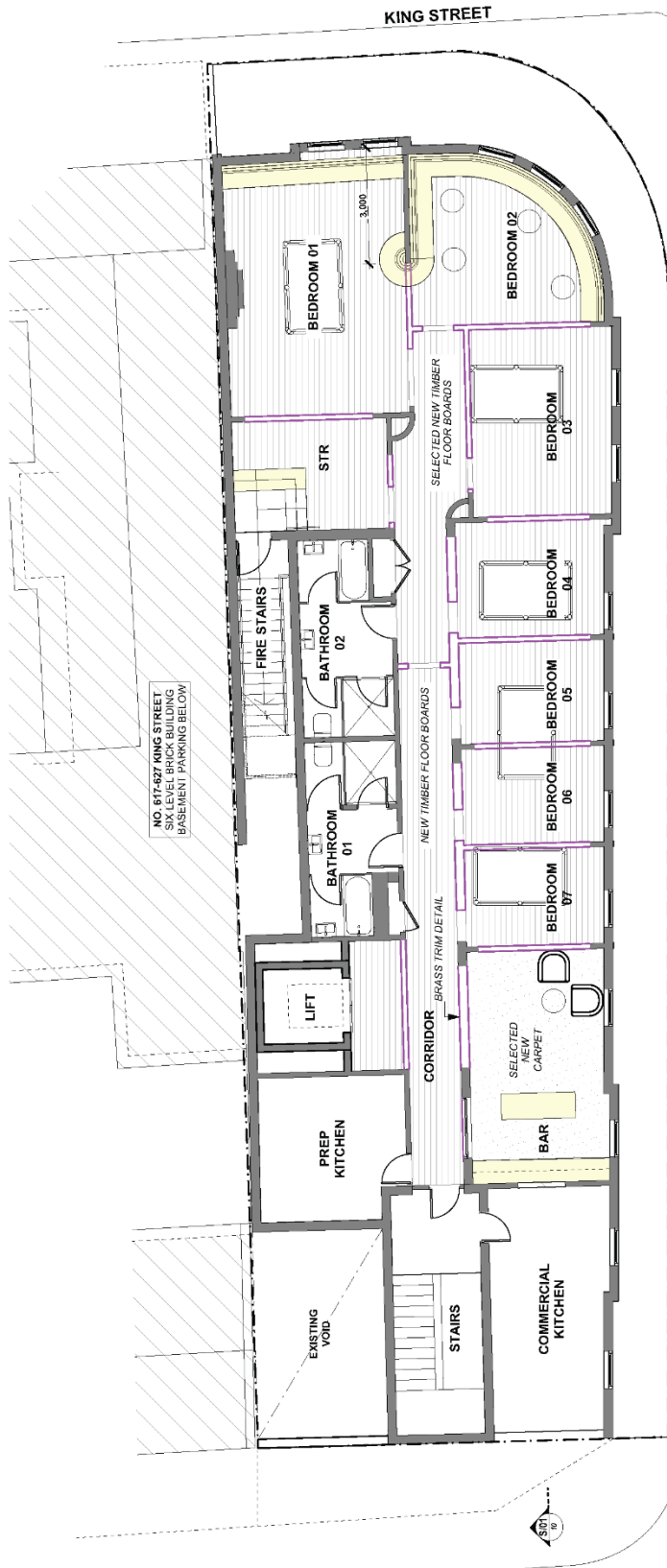
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3D View - First Floor Plan
 Lot 1 DP-956255
 631 King Street
 Newtown, NSW 2042

Client: SYDNEY PARK HOTEL
LGA: Inner West Council
Date: 3/04/2023
Design: PROPOSED FIRST FLOOR ALTERATIONS
Job No: TBC
Sheet Size: A3
Sheet No: 6 of 12

Plot Date: Monday, 3 April 2023

Document ID: 36849316
 Version: 1, Version Date: 09/04/2024



PROPOSED FINISHES FLOOR PLAN
1:100

LEGEND:
 - EXISTING STRUCTURES TO REMAIN
 - EXISTING STRUCTURES TO BE DEMOLISHED
 - NEW WORKS TO BE BUILT
 - BRASS TRIM DETAIL WITH TIMBER IN-FILL

NOTES:
 - BRASS TRIM AND TIMBER FLOOR LOCATED WHERE EXISTING WALLS ARE REMOVED.
 - THE TIMBER FLOORBOARD MARKING WHERE AN EXISTING INTERNAL BRICK WALL'S REMOVED WILL BE 130MM WIDE.
 - ALL WALLS REMOVED WILL RETAIN 350mm NIB
 - ALL PLASTER CORNICE A6 WILL RETAIN 75mm H x 90mm W

NOTE: EXISTING STRUCTURES TO REMAIN
 - EXISTING STRUCTURES TO BE DEMOLISHED
 - NEW WORKS TO BE BUILT

NOTE: BRASS TRIM DETAIL WITH TIMBER IN-FILL

DEVELOPMENT APPLICATION FINISHES PLAN

Soil Classification: TBC
Slab Classification: TBC
Wind Speed Class: N2

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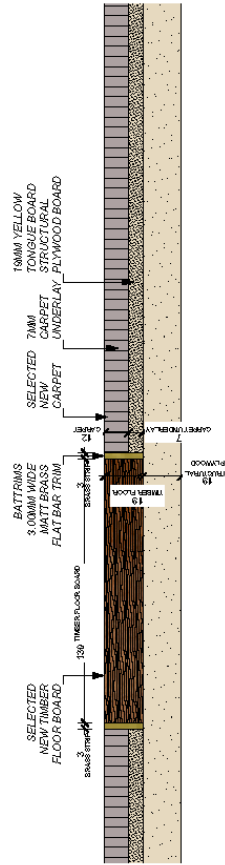
Client: SYDNEY PARK HOTEL
LGA: Inner West Council
Design: PROPOSED FIRST FLOOR ALTERATIONS
Job No: TBC
Sheet Size: A3
Sheet No: 13 of 13

Plot Date: Monday, 4 September 2023

Rev.	Date	Description
A	26.10.2019	Submission Approved
B	16.10.2019	2d - 3000 Area A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z
C	27.11.2019	Revised Area A, L, I, L, Location
D	09.04.2020	Amendments per Council Scale
E	17.03.2020	Issue for Development Application - R1
F	29.03.2020	3d - add 101 - 104
G	14.03.2020	Final 2d - 101 - 104



IMAGE INSPIRATION BRASS TRIM WITH CARPET & TIMBER FLOOR FINISH



BRASS TRIM DETAIL
1:2

NOTE: THE TIMBER FLOORBOARD MARKING WHERE AN EXISTING INTERNAL BRICK WALL IS REMOVED WILL BE 130MM WIDE
NOTE: ALL WALLS REMOVED WILL RETAIN 250mm NIB
NOTE: ALL PLASTER CORNICE A6 WILL RETAIN 75mm H x 90mm W

REVISIONS:

No.	Description	Date
1	ISSUED FOR PERMIT	14/09/2022
2	ISSUED FOR PERMIT	14/09/2022

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Soil Classification:		TBC
Slab Classification:		TBC
Wind Speed Class:		N2

DEVELOPMENT APPLICATION DETAILS	
Client:	SYDNEY PARK HOTEL
Lot:	Lot 1 DP-959255 631 King Street Newtown, NSW 2042
Design:	PROPOSED FIRST FLOOR ALTERATIONS
Job No.:	TBC
Sheet No.:	A3
Sheet Size:	14 of 14

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Rev	Date	Description
1	26/02/20	Issue for Tender
2	15/03/20	Issue for Tender
3	27/11/20	Issue for Tender
4	06/04/2022	Amendment to Tender
5	17/03/2022	Issue for Tender
6	20/03/2022	Issue for Tender
7	04/03/2022	Issue for Tender
8	04/03/2022	Issue for Tender

Plot Date: Monday, 4 September 2023



FIRST FLOOR - INTERIOR VIEW 01



FIRST FLOOR - INTERIOR VIEW 02



FIRST FLOOR - INTERIOR VIEW 03



FIRST FLOOR - INTERIOR VIEW 04

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DEVELOPMENT APPLICATION

Soil Classification:
 TBC
Slab Classification:
 TBC
Wind Speed Class:
 N2

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3D view of Interior 1
 Lot:1 DP-956255
 631 King Street
 Newtown, NSW 2042

Client: SYDNEY PARK HOTEL
LGA: Inner West Council
Design: PROPOSED FIRST FLOOR ALTERATIONS
Job No: TBC
Sheet No: A3
Sheet Size: 7 of 12



Plot Date: Monday, 3 April 2023



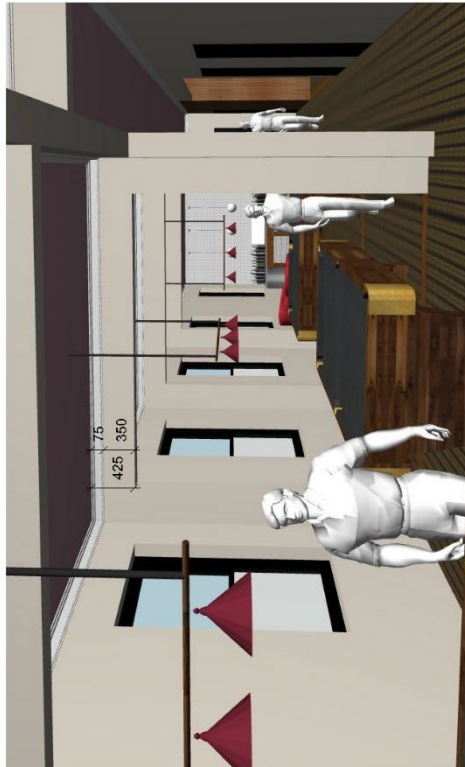
FIRST FLOOR - INTERIOR VIEW 06



FIRST FLOOR - INTERIOR VIEW 05



FIRST FLOOR - INTERIOR VIEW 08



FIRST FLOOR - INTERIOR VIEW 07

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DEVELOPMENT APPLICATION

Soil Classification: TBC
Slab Classification: TBC
Wind Speed Class: N2

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3D view of Interior 2
Lot:1 DP-956255
631 King Street
Newtown, NSW 2042

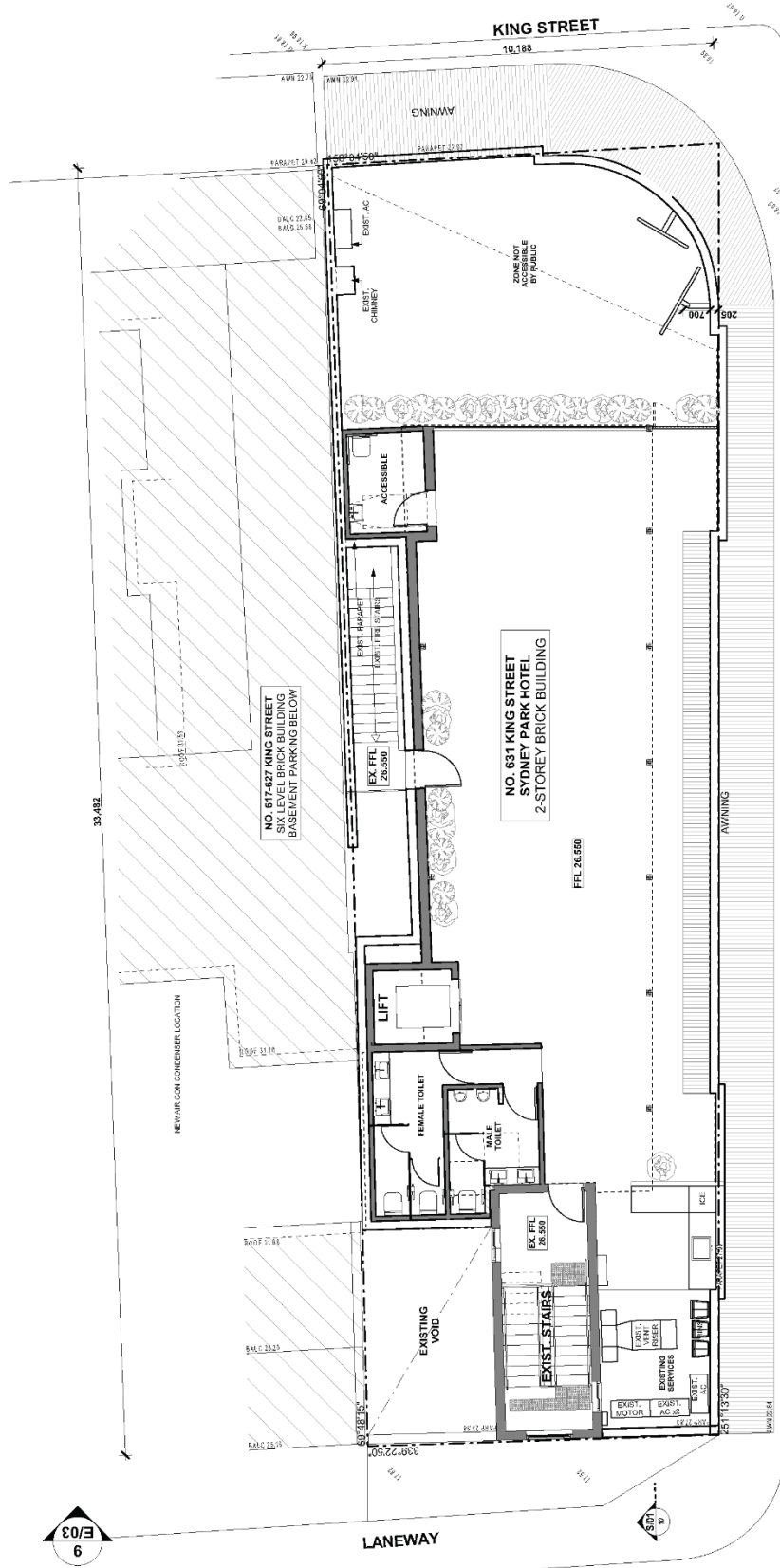
Client: SYDNEY PARK HOTEL
LGA: Inner West Council
Design: PROPOSED FIRST FLOOR ALTERATIONS
Job No: TBC
Sheet Size: A3
Sheet No: 6 of 12

Plot Date: Monday, 3 April 2023



Rev	Date	Description
A	20.04.2018	Permit Application
B	19.12.2018	DA - B2, Area 2, LRA, Removal
C	27.11.2019	Revised Area 2, LRA Location
D	08.04.2020	Amendments per Council Letter
E	07.03.2023	Issue to Development Application - DA1
F	20.03.2023	Submit Update - DA1

Document: S:\111-36869616
Version: 1, Version Date: 09/04/2024



NOTE:
NO WORK TO APPROVED ROOF LEVEL

ROOF TERRACE FLOOR PLAN
1:100

Plot Date: Monday, 3 April 2023

Client: SYDNEY PARK HOTEL	
LGA: Inner West Council	Date: 3/04/2023
Design: PROPOSED FIRST FLOOR ALTERATIONS	
Job No: TBC	Sheet Size: A3
Sheet No: 9 of 12	

Roof Terrace Floor Plan	Lot 1 DP-956255 631 King Street Newtown, NSW 2042
--------------------------------	--

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Soil Classification: TBC	Slab Classification: TBC	Wind Speed Class: N2
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Revision:	Date:	Drawn:
A	20/03/2018	Deborah and Graham
B	19/12/2018	DA, BBA, AWA & SBA, Sherrill
C	27/11/2019	Revised AWA & SBA Location
D	19/04/2020	Amendments as per Council letter
E	22/03/2023	Issue for Development Application (DA)
G	30/03/2023	Revised (Pages 3-4)

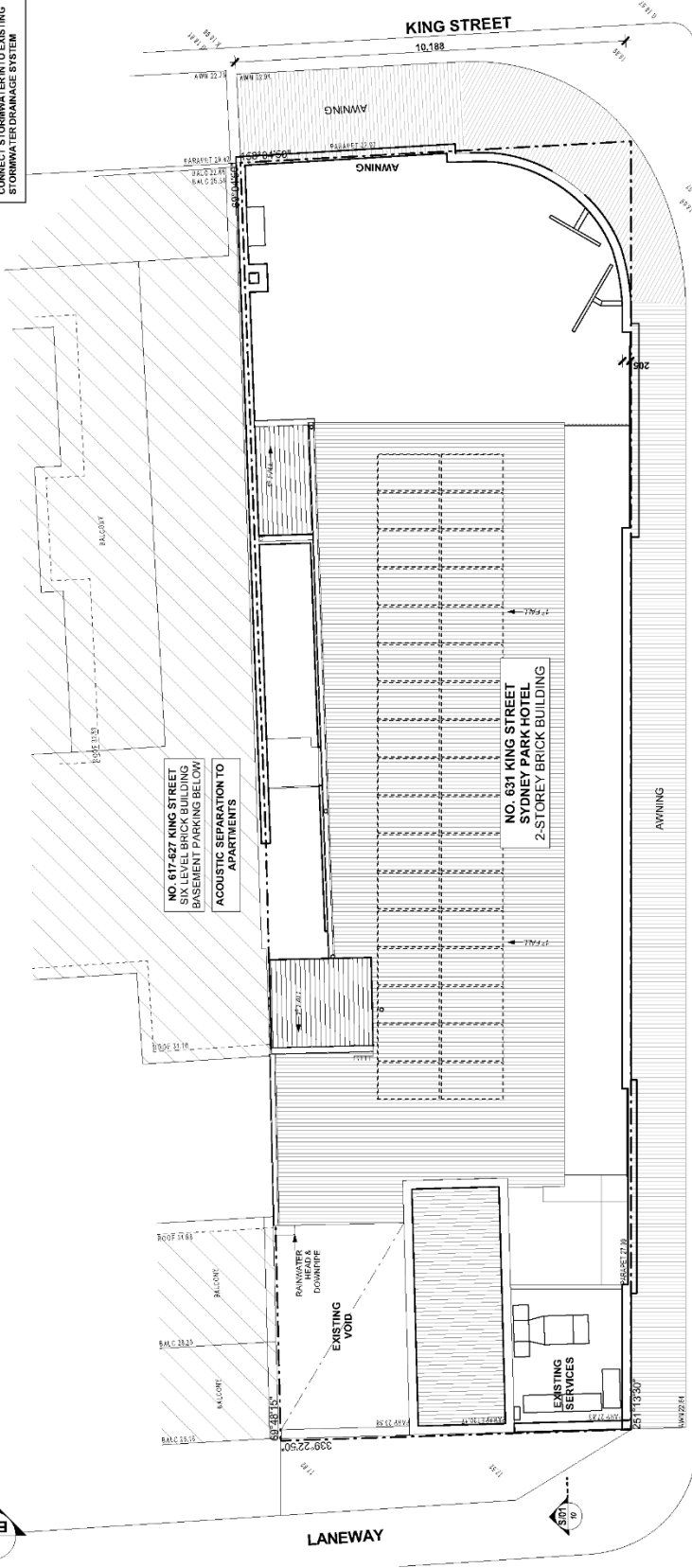
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Document Ref: DP-36693016
Version: 1, Version Date: 09/04/2024

NOTE: STORMWATER DESIGN COMPLETES TO COUNCIL CODES & REQUIREMENTS. ALL IN ACCORDANCE WITH AUSTRALIAN STANDARD 3500.3 CONNECT STORMWATER INTO EXISTING STORMWATER DRAINAGE SYSTEM



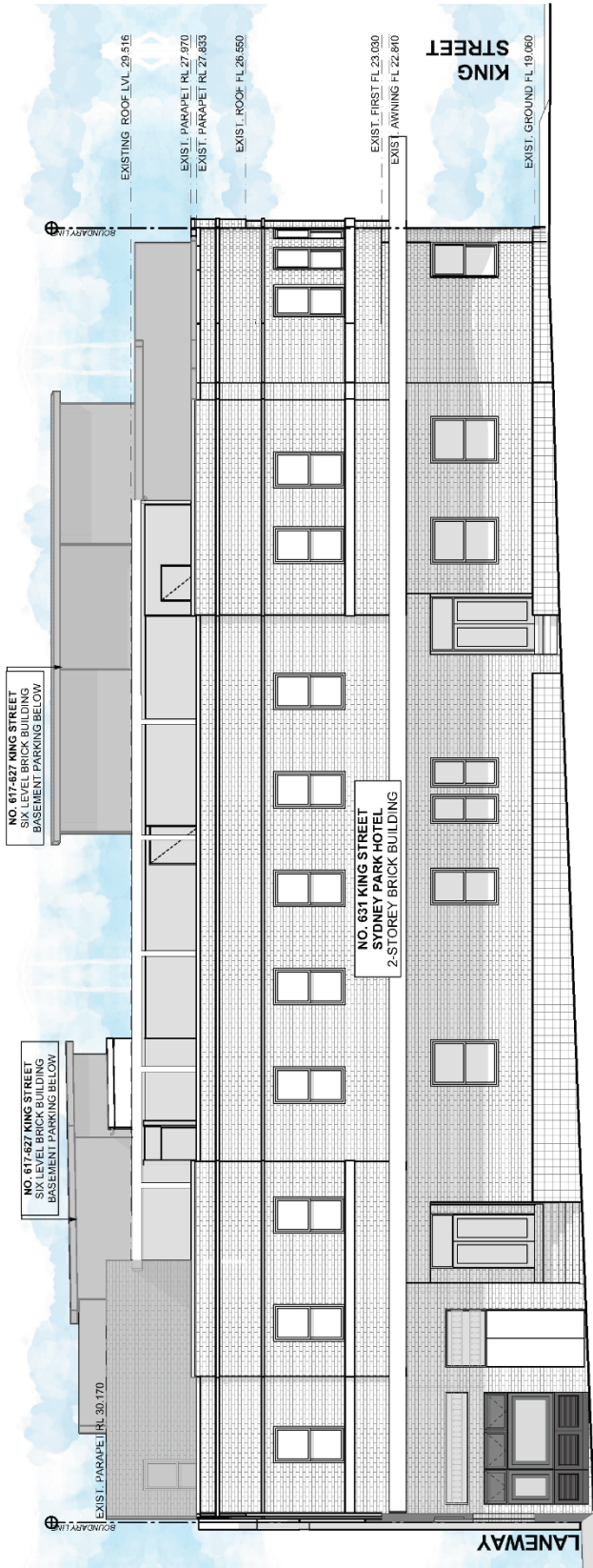
NOTE: NO WORK TO APPROVED ROOF LEVEL

ROOF PLAN & STORMWATER DRAINAGE PLAN
1:100



Figures/dimensions to be used in preference to scaling this drawing. Do not assume if in doubt ASK.

<p>ELAINE RICHARDSON ARCHITECT Level 1, 2 Egleton Rd, Surry Hills NSW 2010 m 04 91 261 231 e elair@elairarchitect.com.au http://www.elairarchitect.com.au</p>		<p>DEVELOPMENT APPLICATION</p>		<p>Soil Classification: TBC</p> <p>Slab Classification: TBC</p> <p>Wind Speed Class: N2</p>		<p>Copyright: This plan is the property of Elaine Richardson Architect and may not be used in whole or part. Legal action will be taken against any person who infringes the copyright.</p>		<p>Client: SYDNEY PARK HOTEL</p> <p>LGA: Inner West Council</p> <p>Design: PROPOSED FIRST FLOOR ALTERATIONS</p> <p>Job No: TBC</p> <p>Sheet Size: A3</p> <p>Sheet No: 10 of 12</p>																						
<p>Roof Plan & Stormwater Drainage Plan</p>		<p>Lot 1 DP-956255 631 King Street Newtown, NSW 2042</p>		<p>Plot Date: Monday, 3 April 2023</p>		<p>Scale: 1:100</p>		<p>Revision:</p> <table border="1"> <thead> <tr> <th>Rev</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>24.03.2018</td> <td>Issue for Council</td> </tr> <tr> <td>B</td> <td>19.12.2018</td> <td>DA, BMS, Area & S&B, Stormed</td> </tr> <tr> <td>C</td> <td>27.11.2019</td> <td>Revised Area & S&B Location</td> </tr> <tr> <td>D</td> <td>19.04.2020</td> <td>Amendments per Council letter</td> </tr> <tr> <td>E</td> <td>27.03.2023</td> <td>Issue for Development Application (DA)</td> </tr> <tr> <td>G</td> <td>30.03.2023</td> <td>Revised (Pages 8-4)</td> </tr> </tbody> </table>		Rev	Date	Description	A	24.03.2018	Issue for Council	B	19.12.2018	DA, BMS, Area & S&B, Stormed	C	27.11.2019	Revised Area & S&B Location	D	19.04.2020	Amendments per Council letter	E	27.03.2023	Issue for Development Application (DA)	G	30.03.2023	Revised (Pages 8-4)
Rev	Date	Description																												
A	24.03.2018	Issue for Council																												
B	19.12.2018	DA, BMS, Area & S&B, Stormed																												
C	27.11.2019	Revised Area & S&B Location																												
D	19.04.2020	Amendments per Council letter																												
E	27.03.2023	Issue for Development Application (DA)																												
G	30.03.2023	Revised (Pages 8-4)																												



SOUTH ELEVATION (Lord Street)
1:100

NOTE:
NO CHANGE TO THE ELEVATIONS

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Document Ref: DP-36849016
Version: 1, Version Date: 09/04/2024

Figure dimensions to be used in preference to scaling this drawing.
Do not assume - if in doubt ASK.

DEVELOPMENT APPLICATION

Soil Classification:
TBC

Slab Classification:
TBC

Wind Speed Class:
N2

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Client: SYDNEY PARK HOTEL

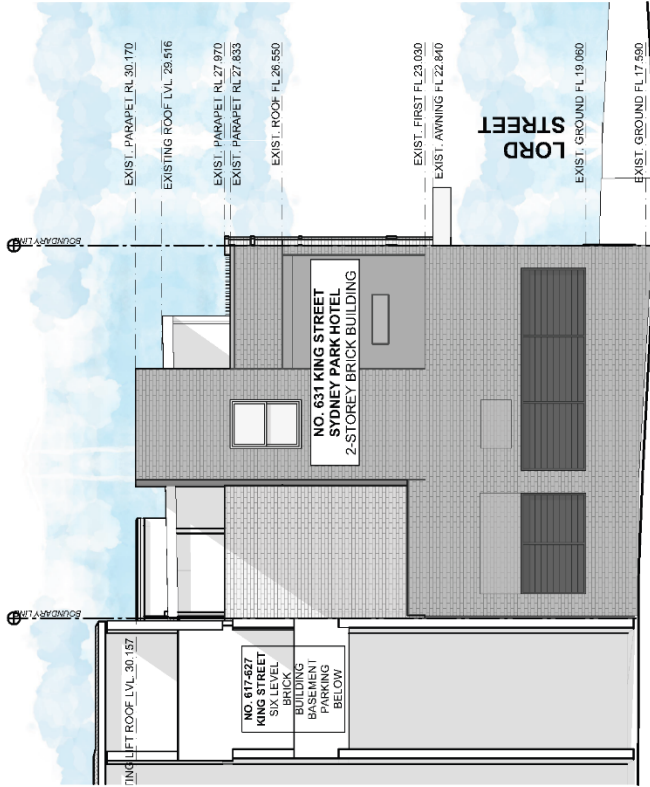
South Elevation (Lord Street)
Lot: 1 DP-956255
631 King Street
Newtown, NSW 2042

LGA: Inner West Council
Date: 3/04/2023

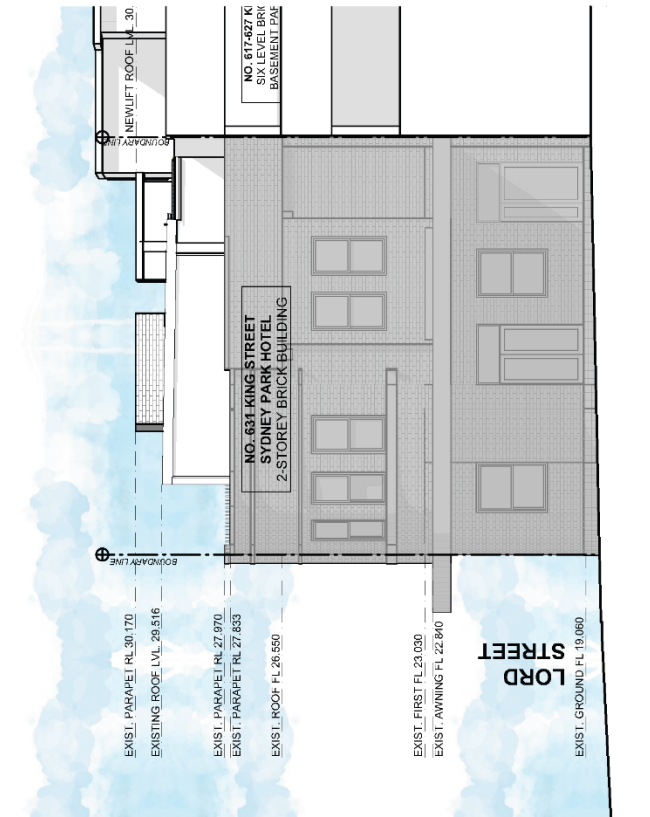
Design: PROPOSED FIRST FLOOR ALTERATIONS

Job No: TBC
Sheet Size: A3
Sheet No.: 11 of 12

Plot Date: Monday, 3 April 2023



WEST ELEVATION (Laneway) 1:100



EAST ELEVATION (King Street) 1:100

NOTE:
NO CHANGE TO THE ELEVATIONS

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Document Ref: DP-3685255
Version: 1, Version Date: 09/04/2024

Plot Date: Monday, 3 April 2023

Client: SYDNEY PARK HOTEL

East (King Street) & West (Laneway) Elevations

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Soil Classification:
TBC

Slab Classification:
TBC

Wind Speed Class:
N2

DEVELOPMENT APPLICATION

Lot 1 DP-956255
631 King Street
Newtown, NSW 2042

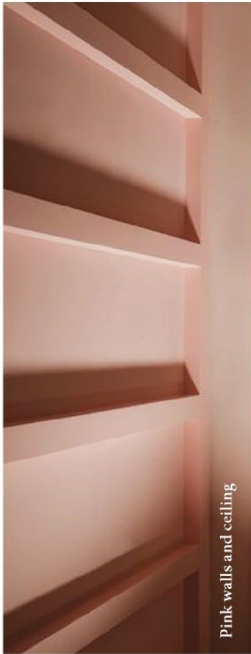
LGA: Inner West Council
Date: 03/04/2023

Design: PROPOSED FIRST FLOOR ALTERATIONS

Job No: TBC
Sheet Size: A3
Sheet No: 12 of 12

Rev	Date	Description
A	24.03.2018	Development Application
B	19.12.2018	DA - 885 Area & Site Shown
C	27.11.2019	Revised Area & L1 Location
D	19.04.2020	Amendments as per Council letter
E	27.03.2023	Issue for Development Application - DA
G	30.03.2023	Revised (Pages: 04)

SYDNEY PARK HOTEL POOL HALL

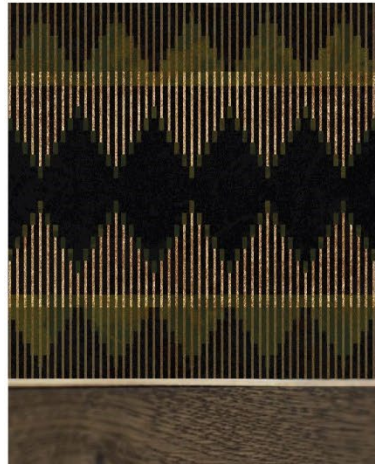


Pink walls and ceiling

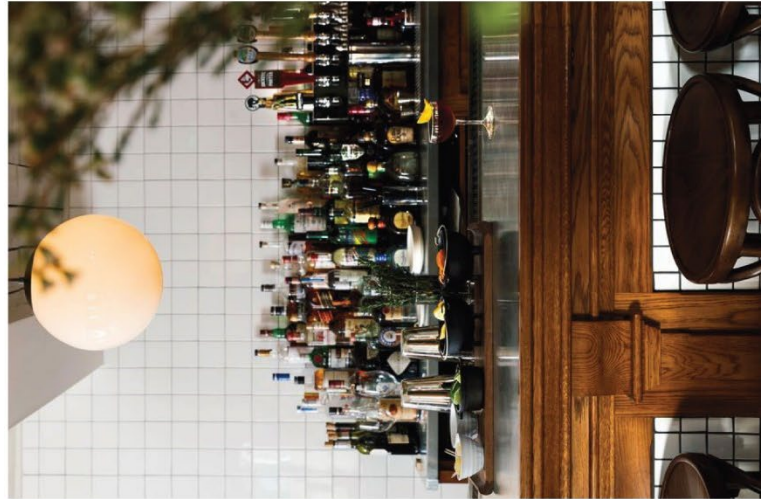


Hallway Ceiling lights

pool table lights. Brass & maroon



Green and black carpet



Wooden cladding near lift in hallway



Dress up existing bathrooms



Wall lights in the hall near lift.

Document Set ID: 38649816
Version: 1, Version Date: 05/04/2024

SYDNEY PARK HOTEL POOL HALL



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MIDNIGHT HIGHMONT PINDOT
50/67332

SYDNEY PARK HOTEL POOL HALL MOOD BOARD



Attachment C – Statement of Heritage Significance

Statement of Significance

Item 1329 - Sydney Park Hotel, including interiors

This hotel, displaying Art deco influence, is an unusual and visually arresting starting point for the King Street Retail Precinct.

King Street and Enmore Road Heritage Conservation Area – HCA 2

1. The King Street and Enmore Road retail strip provides an evocative physical record of significant historical phases which shaped the "New Town" from the 19th to the early 20th century.
2. The retail strip provides evidence of the working class residential boom of the late 1870/80s, as evidenced by the rail station and surviving tramsheds.
3. The quality and quantity of the late Victorian period building stock exemplifies the economic boom of the late 19th century. Many of the buildings are impressive reminders of the area's role as a civic, retail and entertainment hub.
4. The continuous two and three storey stucco facades and the general uniformity of scale in the area create a distinct visual impression and outstanding townscape qualities, particularly in the central King Street area.
5. The consistency and relative intactness of the late 19th to early 20th century building stock is unique in the Sydney metropolitan area and NSW.
6. A large number of Art Deco and Inter-War period hotels demonstrate the highly populated, working class nature of the suburb in the early part of the 20th century.
7. The streetscape has high aesthetic values which are enhanced by the closed vistas created by the street curves and by the views over the surrounding areas afforded by the alignment following the ridgeline.
8. Mixed retail uses, including delicatessens, and changes to shopfronts dating from the 1950s and 1960s reflect the strong influence of post-war migrants on the area.
9. The area has social significance to the local and broader community, demonstrated through the involvement of the local community in the management of the area and its recognition by the National Trust and the Australian Heritage Commission.

Attachment D- Plan of Management

PLAN OF MANAGEMENT

FOR THE OPERATION OF

**SYDNEY PARK
— HOTEL —**

**“SYDNEY PARK HOTEL”
SITUATED AT
631 KING STREET, NEWTOWN
Proprietor & Author
Ray Reilly**

Plan of Management August 2023
“Sydney Park Hotel”
631 King St, Newtown 1

Document Set ID: 3905766
Version: 1, Version Date: 08/09/2023

SYDNEY PARK HOTEL

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Objectives

The objectives and purpose of this Plan of Management (“the Plan”) is to establish a performance criteria for the various aspects of the operation of “Sydney Park Hotel” at 631 King Street Newtown (“the Hotel”) having regard to the relevant matters under the Environmental Planning and Assessment Act 1979 and the Liquor Act 2007 and any relevant Regulations under that legislation.

It is the responsibility of the management of the Hotel to ensure all employees and contractors are to be made aware of their respective duties in relation to the POM.

INDEX

1. Operational Details and Patron Numbers
2. Hours of operation
3. Staffing
4. Music or Entertainment to be provided.
5. Guidelines for staff using the premises.
6. Deliveries and loading/unloading.
7. Managing Patrons [inclusive of maximum numbers]
8. Security & Incident Register
9. CCTV and crime scene management
10. Noise management
11. Complaint recording and handling process.
12. Waste management
13. Behavior of patrons and RSA
14. Integration of Pool Hall and Roof Terrace to Hotel
15. POM review process
16. Crime Scene Preservation Condition

SPH will adhere to this Plan of Management whilst it occupies 631 King St, Newtown, and the agreement within will continue to operate even in the event of the premise changing hands.

Plan of Management August 2023
“Sydney Park Hotel”
631 King St, Newtown 2

Document Set ID: 3805766
Version: 1, Version Date: 03/09/2023

SYDNEY PARK HOTEL

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1. Operational Details and Patron Numbers

Ground floor bar area and Poker machine room

- This level of the hotel is operated daily in line with the approved hours.
- Music will be background only and in accordance with the acoustic report.
- At 30mins to closing all customers will be given a verbal warning that the bar area and gaming room will be closing
- At 15mins to closing all customers will be again given a verbal warning that bar area and gaming room will be closing in 15min
- At 5mins to closing the whole ground floor will start to be cleared of customers.
- After closing security or a staff member will check all public areas of the floor to ensure no patrons remain on premise
- Patron numbers in line with council approval of 126 customers

Level One Pool Hall & Roof Terrace

- Pool hall & roof terrace will be used as additional space, ancillary to our small ground floor hotel. The pool hall & roof terrace will be used in conjunction with all the controls laid out in the associated reports provided for both.
- Music will be background only and in accordance with the acoustic report.
- At 30mins to closing all customers will be given a verbal warning that the pool hall & roof terrace will be closing in 30mins.
- At 15mins to closing all customers will be again given a verbal warning that roof terrace will be closing in 15mins.
- At 5mins to closing the pool hall & roof terrace will start to be cleared of customers.
- Customers will be directed downstairs.
- Customers will disperse from there.
- All rubbish will be removed to our bins in the basement daily.
- When closed, staff will do a quick sweep of the pool hall & roof terrace and wash down the tables, this will take no longer than 30mins.
- The pool hall & roof terrace will all be shut down with lights off 30 mins after closing.
- Patrons will be restricted from entering the pool hall & roof terrace from closing time.
- After closing security or a staff member will check all public areas of the floor to ensure no patrons remain on premise
- Patron numbers for the terrace in line with council approval of 100 customers
- Patron numbers for the first floor pool Hall is to be 100 customers in line with the BCA requirements for this area

Plan of Management
"Sydney Park Hotel"
631 King St, Newtown 3

August 2023

SYDNEY PARK HOTEL

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2. Hours of Operation

Ground floor

- 10am to 12am (midnight), Mondays to Saturdays [**Approval under DA 433/1997, 5am to 12am (midnight), Mondays to Saturdays**]
- 10am to 10pm, Sundays and public holidays [**Approved under DA 433/1997**]

First floor

- 10am to 12am [midnight] Monday to Saturday
- 10am to 10pm Sunday & Public Holidays

Roof Terrace base hours

- From 10am to 6pm, Monday to Saturday [**Approved under Mod/2022/0193**]
- Midday to 6pm [**Approved under Mod/2022/0193**]

Roof Terrace extended hours

- 10am to 10pm Thursday to Saturday [**Approved under Mod/2022/0193**]
- 6pm to 9pm Sunday & Public Holidays [**Approved under Mod/2022/0193**]

3. Staffing

All staff undergo an induction process to understand the venue, equipment, surrounds and expectations. Staffing on all floors will include management and front of house staff. Within the team someone will hold a current Food Safety Supervisor certificate. Any staff serving alcohol will hold a current RSA and any staff operating gaming machines will hold a current RCG. Staffing levels will vary depending on the day and time. All staff to be trained in how to use the equipment in the venue appropriately.

Plan of Management August 2023
"Sydney Park Hotel"
631 King St, Newtown 4

SYDNEY PARK HOTEL

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4. Music and Entertainment

SPH operates an in-house music system for background music within the venue for day-to-day operations to help create an ambience for the venue.

5. Guidelines for staff employed on the premises.

[a] All staff involved with the sale and supply of liquor or security shall be familiar with this Plan of Management.

[b] The Hotel shall be operated in accordance with the provisions of this POM.

6. Deliveries

Deliveries are received through to the cellar trap door on Lord Street, all deliveries occur between the hours regulated by Council, 7am and 10pm daily.

Most deliveries are received on Wednesday before 5pm.

7. Managing Patrons [inclusive of maximum numbers]

The maximum number of patrons in the hotel over the three floors will be 326 as follows:

Ground floor: 136 Patrons

Level one: 90 patrons

Roof top terrace: 100

Licensee and staff of the hotel will at all times ensure these numbers are being met on each floor.

This will be conducted by either a manual head count or on busier days by way of an automatic number clicker at the main entrance.

The manager on duty is responsible for the management of the people within the hotel and the roof terrace.

Plan of Management August 2023
"Sydney Park Hotel"
631 King St, Newtown 5

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During the day the pool hall & roof terrace will be patrolled by hotel management and staff, CCTV will also be installed. A CCTV monitor will be installed in the bar on ground level, so staff can monitor patron behavior.

From 6pm to close on the nights that is opened we will have a staff member/s floating though the pool hall & roof terrace looking after the space.

They will direct people, clean tables, deliver food and keep everyone in check and under control.

On Friday and Saturday nights we will have an additional security guard/s with the staff members/s.

All staff serving alcohol will hold a current RSA and follow the RSA guidelines set out in the NSW Liquor Act 2007 and any staff operating gaming machines will hold a current RCG.

The licensee will take all reasonable measures to ensure that the behavior of staff and patrons when entering or leaving the Hotel does not detrimentally affect the amenity of the neighbourhood.

The Hotel shall be conducted in such a manner as not to interfere with, or materially affect, the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, vapor, steam, soot, ash, dust, wastewater, waste products, grit, oil, or otherwise.

The licensee shall ensure that the streets to the front and side of the Hotel are kept clean and tidy.

Main entries to the premises are via King Street and Lord Street, it is normal operation that these doors will be open during opening hours to allow patrons easy access to the venue. The rear door is open during normal operating times and patrons can enter and exit the premises until 11pm to better help management control noise and people within the venue and its surrounds.

Transport – SPH is 100m from St Peters Train Station. There are also bus stops on King Street that are 50m and 100m from the venue respectively. It is easy to flag taxis in the area. Management will also call a taxi for guests at their request and help with Uber requests.

8. Security and Incident Registrar

Whenever the premises are operating, the incident registers are to be maintained on site for the purpose of recording incidents on licensed premises involving minors, report acts of violence, refusal of service, incidents of theft, incidents of injury to staff/customers and CCTV system operational issues.

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"Sydney Park Hotel"
631 King St, Newtown 6

SYDNEY PARK HOTEL

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The pool hall and roof terrace when open will be staffed, with the addition of one security guard on Friday and Saturday nights from 7pm to midnight.

The Licensee shall require any security personnel engaged at the Hotel (as a whole) or any member of staff assigned security duties to: -

- i) Be dressed in a readily identifiable uniform displaying identification as a security guard and be appropriately licensed. If patrolling outside the Hotel, wear a fluorescent vest.
- ii) Fill in a time sheet (showing start and finish times) which is to be initialed by the licensee or manager on duty.
- iii) Report to the licensee or manager on duty to obtain a briefing on any specific duties to be addressed on the evening before commencing duty.
- iv) Note details of any incidents which required intervention by security personnel within the premises or in the vicinity of the premises in the Incident Register including time, date, and place of incident, whether any persons involved were patrons of the Hotel immediately prior to the incident and the actions taken.

Prevent any person suspected of being intoxicated, entering the Hotel and bring notice to the licensee or manager on duty, any person on the premises who might be approaching intoxication.

- v) Assist patrons in accessing safe transportation from the Hotel.
- vi) Co-operate with the Police and any other private security personnel operating in the vicinity of the Hotel.
- vii) Assist in removing patrons from the Hotel where that is necessary. Patrons are to be asked to leave only at the direction of management. Forced removal from the Hotel must only occur at the direction of management and only with the use of reasonable force. Immediate hands-on action may be used in self-defense or in the defense of another person.
- viii) At the end of each shift, bring any incidents that have occurred, and the actions taken to the attention of the licensee or manager on duty who shall record the details of any relevant incidents in the Incident Register kept by the Hotel.
- ix) Collect any rubbish in the vicinity of the Hotel that may be associated with it.
- x) All exit doors will have steel bars placed across them as soon as the last patron leaves the premise for added security.

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"Sydney Park Hotel"
631 King St, Newtown 7

SYDNEY PARK HOTEL

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7. The licensee shall maintain an Incident Register and shall record in it, in addition to the matters noted in the clause above, other matters including: -
 - a) Any complaints made directly to the Hotel by residents or businesspeople about its operation or the behaviors of its patrons; and
 - b) Any visits by any law enforcement or like personnel noting their agencies, departments, badge numbers, reasons for the visits and results of the visits.
8. The Licensee shall make the Incident Register available to the Police and Council at all reasonable times and within seven days of receipt of a written request from either to do so.

9. CCTV SYSTEM

For the protection and safety of employees and patrons of the premises, the premises shall install and operate a CCTV system fulfilling the following requirements.

1) The licensee must maintain a closed-circuit television system on the premises in accordance with the following requirements:

- a) the system will record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
- b) recordings will be in digital format and at a minimum of fifteen (15) frames per second,
- c) any recorded image will specify the time and date of the recorded image,
- d) the system's cameras will cover the following areas:
 - i. all entry and exit points on the premises,
 - ii. the footpath immediately adjacent to the premises, and
 - iii. all publicly accessible areas (other than toilets) on the premises.

2) The licensee will also:

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

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"Sydney Park Hotel"
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August 2023

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10. Noise management

SPH management will patrol the Venue and immediate surrounds to ensure that guests are behaving in an appropriate manner.

Management will take all reasonable measures to ensure that the behavior of guests and staff when leaving does not unduly, detrimentally affect the amenity of the area. Music is to be played at appropriate levels to help create the ambiance of the venue.

The L_{A10} noise level emitted from the licensed premises must not exceed the background noise level (L_{A90}) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7.00am and midnight at the boundary of any affected residence.

Noise from the Hotel shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7.00am.

All Hotel staff and management will ensure that:

All necessary measures are to be taken to ensure any excessive noise from patrons or music from the venue will be addressed immediately.

11. Complaint Recording & Handling

All complaints are to be referred to management. SPH can receive complaints in person at the venue, phone, via email (hello@sydneyparkhotel.com.au). These are to be recorded in a complaint register.

12. Waste Management

There is space in the basement of the venue for our waste & recycling bins.

Bins are moved to Lord Street for collection when full. SPH uses external contractors for the collection of waste on a need's basis.

The licensee will endeavor to ensure that waste collection and deliveries to the Hotel occur between the hours regulated by council. Monday to Saturday and between 7.00am and 10.00pm on Sundays and Public Holidays.

Waste will be removed from the rooftop daily to the basement.

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"Sydney Park Hotel"
631 King St, Newtown 9

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13. Behavior of Patrons and RSA

The Hotel's license shall be exercised – at all times – in accordance with the provisions of the Liquor Act.

b) The following operational policies for the responsible service of alcohol shall apply: -

- i) All relevant staff employed at the Hotel shall complete an approved course in the Responsible Service of Alcohol unless they have already completed one.
- ii) The licensee will maintain a register containing copies of the certificates showing the satisfactory completion of Responsible Service of Alcohol course undertaken by the Licensee and all staff required to complete that course. That register shall be made available for inspection upon request by a NSW Police officer or special inspector;

Any person who is intoxicated shall be denied entry to the Hotel.

- iii) The licensee will not permit intoxication or any indecent, violent, or quarrelsome conduct by patrons on the premises. Any person causing such a disturbance shall be refused service and asked to leave the Hotel. Any patron whose behaviour is either extreme or repeatedly objectionable may be barred from entering the Hotel for a period determined by the licensee.
- iv) No person under the age of 18 years shall be admitted to the Hotel unless in the company of a responsible adult. Production of photographic identification will be required where age is an issue. The only acceptable proofs of age identification shall be:
 - Photo driver's license.
 - RTA Photo ID Card; or
 - Current passport.
- v) Low alcohol beer and non-alcoholic beverages will be available at all times when full strength liquor is available. Water shall be available at no cost.
- vi) Light meals will be available on request whenever alcohol is available for consumption on the premises; and
- vii) The licensee shall take all reasonable measures to prevent the removal of opened containers of alcoholic beverages from the premises.

Plan of Management
"Sydney Park Hotel"
631 King St, Newtown 10

August 2023

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The licensee shall take all reasonable steps to monitor and control the behaviour of patrons of the Hotel as they enter and leave the premises. To affect this, the licensee shall:

- a) Erect signs at the exits of the Hotel requesting patrons to leave quietly because there are homes close to the Hotel.
- b) Assign staff or security persons to do what is reasonably possible to ensure that patrons, after leaving the Hotel, leave its immediate vicinity as promptly and as quietly as is reasonably possible.

14. Integration of the Pool Hall & Roof Terrace

As outlined in **7. Managing Patrons**, the pool hall and roof terrace are an extension of the existing ground floor of the hotel, staff will continuously work between floors whilst conducting their duties, whilst patrons can move freely between floors with food and drink purchased from ground or first floor.

15. POM Review Process

Management will review the POM annually in January to ensure that the business is operating in the best manner. The plan of management can also be updated at any time if the local police command or the inner west council has concerns in relation to any of the operational procedures outlined in this POM.

16. Crime Scene Preservation Condition

Immediately after the person in charge of the licensed premises or a staff member becomes aware of any incident involving an act of violence; causing injury to a person on the premises; report of a drink spiking or report of a matter of a sexual nature; the person in charge of the licensed premises and/or staff member must follow the protocol as set out in the NSW Police Crime Scene Preservation guide lines below.

- a) Take all practical steps to preserve and keep intact the area where the act of violence occurred.
- B) Retain all material and implements associated with the act of violence in accordance with the crime scene preservation guidelines issued by NSW Police, as published from time to time in the Liquor & Gaming NSW website.
- c) Make direct and personal contact with NSW Police to advise it of the incident and

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"Sydney Park Hotel"
631 King St, Newtown 11

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d] Comply with any directions given by NSW Police to preserve or keep intact the area where the violence occurred.

In this condition, 'staff member' means any person employed by, or acting on behalf of, the licensee of the premises, and includes any person who is employed to carry on security activities, [e.g., crowd controller or bouncer] on or about the premises.

As the manager of the Sydney Park Hotel, I have read and understand the requirements in the management plan.


.....
Name:
Date:

Plan of Management August 2023
"Sydney Park Hotel"
631 King St, Newtown 12

Document Set ID: 3905766
Version: 1, Version Date: 03/09/2023

**SYDNEY PARK
HOTEL**

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New South Wales Police Force
Crime Scene Preservation

**CRIME SCENE PRESERVATION GUIDELINES
LICENSED PREMISES**

- Immediately contact '000' or local Police Station,
- Render any required first aid,
- Determine the Crime Scene and remove all persons from the area. Cordon off the area with things such as bar stools, tables, tape or consider closing off the area completely for areas such as toilets or hallways. (Remember there may be multiple Crime Scenes),
- Do not allow any persons to enter this area,
- DO NOT CLEAN UP ANY CRIME SCENE** you may be destroying vital evidence.
- Assign a member of staff to guard all Crime Scenes until the arrival of Police,
- Remember some evidence may not be visible to the naked eye such as blood, semen, skin cells, saliva, hair or fingerprints,
- Do not move any items that may have been involved in an offence unless absolutely necessary. (For example they could get wet. Use gloves to stop transference of your DNA or fingerprints),
- Notify Police if any items have been moved or removed from the Crime Scene. (Items may include bottles, glasses, pool cues, clothing, furniture, weapons or cigarette butts),
- Make notes in relation to the incident. Time, date, location, description of offender(s), vehicle(s) involved, weapons used, last known direction of offender(s), any movement of items involved in the incident,
- Obtain any CCTV footage and the Security Sign on sheets,
- Obtain any details of witnesses and try to keep all witnesses separated so as to maintain the integrity of their evidence. (Try to persuade witnesses from leaving the premises before Police arrive),
- Hand this information to Police on arrival,
- Be prepared to make a statement to Police regarding the incident.

(Note: Interfering with evidence may constitute an offence, leaving you liable to prosecution or disciplinary action, and/or may result in the closure of the premises)

Prepared by:	Alcohol & Licensing Enforcement Command	Effective:	24/4/2015
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Plan of Management August 2023
"Sydney Park Hotel"
631 King St, Newtown 13

Document Set ID: 39065766
Version: 1, Version Date: 03/09/2023



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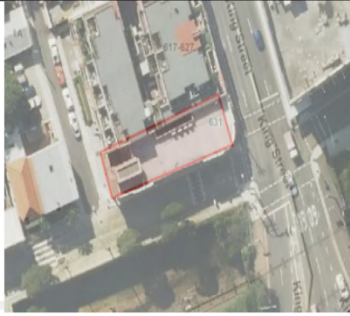

Plan of Management August 2023
"Sydney Park Hotel"
631 King St, Newtown 14

Document Set ID: 39065766
Version: 1, Version Date: 03/09/2023

Attachment E- Assessment Report for DA/2023/0299



Development Assessment Report

Application No:	DA/2023/0299	Assessing Officer:	Sean Wilson
Date of lodgement:	27 April 2023	Cost of works:	\$446,000.00
Heritage Significance:	Item	Notification:	17 May 2023 to 7 June 2023
Permissible:	Yes	Submissions:	Two (2), both in support of the application
Applicant:	Elaine Richardson		
Owner:	SPH Partner Pty Limited		
Subject Site:	631 King Street NEWTOWN NSW 2042		
Site Location Map/ Description	<p>The subject site is located on the western side of King Street, between Lord Street and Darley Street. The site consists of 1 allotment and is generally rectangular in shape with a total area of 321 square metres and is legally described as Lot 1 in DP 956255.</p> <p>The site has a frontage to King Street of 10.19 metres and a secondary frontage of approximate 33.575 metres to Lord Street. The subject is bounded by an unnamed laneway at its rear.</p> <p>Surrounding land uses are predominantly mixed-use developments and St Peters Railway Station is located opposite the site to the south.</p>		
			
	Site Location	Site Photo	
Proposal:	<p>Change of use of the first floor of the Sydney Park hotel to a pub in conjunction with the existing premises. Fitout of the first floor and operation between 10.00am & 12.00am (Midnight), Monday to Saturdays and 10.00am & 10.00pm, Sundays and public holidays</p> <p>Specifically, the proposal involves the following works/use:</p> <ul style="list-style-type: none"> Change of use on level 1 to a pub in conjunction with the existing premise, 		



	<p>with the following operational details:</p> <ul style="list-style-type: none"> ○ A maximum capacity of 126 patrons on Level 1, with a maximum total number of patrons increasing to 326 patrons on the premise. ○ Proposed hours of operation between 10.00am and 12.00am (Midnight), Monday to Saturdays; and 10.00am and 10.00pm, Sundays and public holidays. ● Removal of partition walls associated with the accommodation rooms to create a generally open-plan layout for the first-floor pub. 		
<p>Relevant Background:</p>	<p><u>Site History</u></p>		
	<p>Application</p>	<p>Proposal</p>	<p>Decision & Date</p>
	<p>200000748</p>	<p>To continue the extended hours of operation of the hotel and to provide live entertainment</p>	<p>Approval – 7 February 2001.</p>
	<p>200300468</p>	<p>To erect a canopy over part of the roof of the Hotel</p>	<p>Approval – 28 October 2003 (lapsed 28 October 2008).</p>
	<p>200700150</p>	<p>To demolish part of the premises and carry out alterations and additions to the Sydney Park Hotel including the creation of an outdoor area for smoking</p>	<p>Deferred Commencement – 7 November 2007 (made active 6 December 2007).</p>
	<p>201200259</p>	<p>To fit-out and use an area at the rear of the hotel fronting Lord Street as a takeaway coffee outlet</p>	<p>Approval – 13 March 2013.</p>
	<p>200000748.02</p>	<p>Application under Section 4.55 of the Environmental Planning and Assessment Act to modify Determination No.200000748 dated 7 February 2001 to extend the hours of operation of the Sydney Park Hotel to 5:00am to 3:00am Mondays to Saturdays and 10:00am to 12:00am Sundays</p>	<p>Deemed Refusal – 4 December 2018 (under appeal to LEC).</p>
	<p>DA201800353</p>	<p>To construct a roof deck with an associated</p>	<p>Withdrawn – 22 March 2019.</p>

INNER WEST

		awning and new bathroom facilities on the roof of the Sydney Park Hotel.	
	DA201900186	To erect a new raised and covered deck on the rooftop level of the hotel including new toilets to be used in conjunction with the existing hotel.	Refused by IWLPP – 29 October 2019.
	DA201900186.01	Section 8.2 review application of DA201900186. The review seeks approval for a new raised and covered deck on the rooftop level of the hotel including new toilets to be used in conjunction with the existing hotel	Approved by IWLPP – 21 April 2020.
	MOD/2020/0177	Application under Section 4.55(1A) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act 1979) to modify DA201900186.01. The modifications include the staging of the constructions works.	Approved – 1 July 2020.
	MOD/2022/0193	Application under Section 4.55 (2) of the <i>Environmental Planning and Assessment Act 1979</i> to modify MOD/2020/0177 determined on 1 July 2020 to amend the location of the lift and resultant amenities, reconstruct a portion of the existing parapet wall and other related internal and external modifications.	Approved – 9 January 2023.



	<p><u>Application History</u></p> <p>During assessment of the application a request for additional information was issued to the applicant on 4 August 2023 requesting the following information to be submitted:</p> <ul style="list-style-type: none"> • Floor plan which demonstrates details of the proposed brass strips to the floor. • Typical detail of the wall panelling proposed, with a written explanation on its purpose; • An amended acoustic report which assesses noise transmission through the adjoining party wall; • A Clause 4.6 variation request due to the non-compliance with the Floor Space Ratio development standard; and • An amended Plan of Management (POM) which addresses comments provided by NSW Police. <p>Additional information was submitted by the applicant on 4 September 2023 in response to Council's letter. Following submission of the additional information, a response was provided by Council's Environmental Health Officer on 7 September 2023, advising that further additional information is required as a result of the amended acoustic report as follows:</p> <ul style="list-style-type: none"> • Information on the acceptability of the use of a 'pink noise' generator as a method of assessing internal noise transmission. • Information on the location of the residential unit used to measure internal transmission loss. • Information on the location of the noise generator in relation to the noise monitoring location. • Assessment of crowd noise using 50% of patrons talking loudly, background music, etc. • Discussion of methods to be implemented to restrict noise from background music (e.g. noise limiter). <p>Following authorisation by Council's Development Assessment Manager, a Second Request for Additional Information was submitted by the applicant on 11 September 2023. A response to Council's Second Request for Additional Information was provided on 19 September 2023, with a third referral sent to Council's Environmental Health Officer. A response was provided by Council's Environmental Health Officer on 10 October 2023, advising that outstanding issues regarding the application remain as follows:</p> <ul style="list-style-type: none"> • Plans are attached showing the location of the venue and the adjoining unit. There is no confirmation of the location of the residential unit in relation to the venue, i.e.: what level the unit is on. • The correspondence re-states that the noise generator was located in the
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	<p>hotel linen room. The linen room is not marked on the plans. It is assumed that the cupboard shown on the plans is the linen room. This being the case, the bathroom opposite this in the neighbouring residential unit is separated from the noise generator by 2 further walls. The living/dining/kitchen area of the neighbouring unit, which has no further walls for noise attenuation, has not been assessed.</p> <ul style="list-style-type: none"> • The information states that adjusting for 50% of patrons will increase noise levels by 5dB, but an increase of 5dB will still be below the indoor background level of 22dB(A). • The information states that a noise limiter may be fitted to the in-house sound system. A noise limiter is required. <p>Amended plans and additional information were received during the assesment of the application. Renotification was not required in accordance with <u>Community Engagement Framework</u>. The amended plans and additional information are the subject of this report.</p>
<p>Key Issues:</p>	<p>Acoustic Impacts, Insufficient Information</p>
<p>Recommendation:</p>	<p>Refusal</p>



1. 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 (EPA Act 1979)*.

A. Environmental Planning Instruments

The application has been assessed and the following provides a summary of the relevant Environmental Planning Instruments.

State Environmental Planning Policies (SEPPs)

SEPP (Resilience and Hazards) 2021

[Chapter 4 Remediation of land](#)

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

- “(a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

In considering the above, there is no evidence of contamination on the site.

There is also no indication of uses listed in Table 1 of the contaminated land planning guidelines within Council's records. The land will be suitable for the proposed use as there is no indication of contamination.

SEPP (Transport and Infrastructure) 2021

[Chapter 2 Infrastructure](#)

Development with frontage to classified road

In considering Section 2.119(2) of *SEPP (Transport and Infrastructure) 2021*:



No existing vehicular access is provided to the site, and it is not proposed to change this as part of this application. Therefore, the proposed development will not adversely impact the safety, efficiency, and ongoing operation of the classified road.

The impacts of traffic noise or vehicle emissions have been considered and the development is not of a type that is sensitive to road noise.

Inner West Local Environmental Plan 2022

The application was assessed against the following relevant sections of the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*.

Part 1 – Preliminary

Control	Proposed	Compliance
Section 1.2 Aims of Plan	The proposal is not consistent with the following relevant aim under this Clause as follows: <ul style="list-style-type: none"> (h) – The proposal does not prevent adverse social, economic and environmental impacts, including cumulative impacts. 	No

Part 2 – Permitted or prohibited development

Zone	Proposed Use	Permitted with consent
Section 2.3 E1 – Local Centre	A change of use is proposed to the first-floor of the premises to operate in conjunction with the existing pub. A <i>pub</i> is defined under the IWLEP 2022 as follows: <i>Pub means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.</i>	Yes
Zone Objectives		Consistent?
Section 2.3 – Zone Objectives	The development meets the objectives of the zone.	Yes
Control	Proposed	Compliance
Section 2.7 Demolition requires development consent	The proposal satisfies the section as follows: <ul style="list-style-type: none"> Demolition works are proposed, which are permissible with consent; and 	Yes



	<ul style="list-style-type: none"> Standard conditions are included on the existing consent to manage impacts which may arise during demolition. 	
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Part 4 – Principal development standards

Control	Proposed		Compliance
Section 4.4 Floor space ratio	Maximum	1.5:1 or 487.23sqm	No – See further discussion under Section 4.6 below.
	Proposed	1.82:1 or 592.64sqm (no further increase in existing GFA)	
	Variation	105.41sqm or 21.6%	
Section 4.5 Calculation of floor space ratio and site area	The site area and floor space ratio for the proposal has been calculated in accordance with the section.		Yes
Section 4.6 Exceptions to development standards	In Landcorp Australia Pty Ltd v The Council of the City of Sydney [2020] NSWLEC 174 [54]-[57] it was established a written Clause 4.6 variation is not required where a proposal exceeds a standard and the proposal does not alter that exceedance. In the circumstances of this case, the existing building breaches the maximum permitted FSR and the proposal does not seek to alter the exceedance. Therefore, a Clause 4.6 request is not required.		Acceptable on merit

Part 5 – Miscellaneous provisions

Control	Compliance	Compliance
Section 5.10 Heritage conservation	<p>The subject site is listed as a heritage item on the IWLEP 2022, namely 'Sydney Park Hotel, including interiors' (Item No. 11329) and is located within the King Street and Enmore Road Heritage Conservation Area' (C73).</p> <p>The development has been designed to respond to the significance of the conservation area and preserve contributory elements and fabric of the heritage item.</p> <p>Given the above, the development preserves the environmental heritage of the Inner West and is considered to satisfy the objectives of Section 5.10.</p>	Yes, subject to condition, however refusal is recommended.

Part 6 – Additional local provisions

Control	Proposed	Compliance
Section 6.8	The site is located within the ANEF 20-25 contour. The proposal is for a food and drink premises, and as such,	N/A



Development in areas subject to aircraft noise	does not meet the requirements of Section 6.8(2) and as such no construction requirements for acoustic attenuation with regard to aircraft noise is required.	
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B. Development Control Plans

Marrickville Development Control Plan 2011

Part 2 – Generic Provisions

Control	Proposed	Compliance
Part 2.1 – Urban Design	<p>The proposal satisfies the relevant provisions of Part 2.1 as follows:</p> <ul style="list-style-type: none"> The proposal does not impact the definition between the public and private domain and is appropriate for the character of the locality given its form, massing, siting and detailing; and The proposal preserves the existing character of the streetscape. 	Yes
Part 2.5 – Equity of Access and Mobility	<p>The proposal satisfies the relevant provisions of Part 2.5 as follows:</p> <ul style="list-style-type: none"> Appropriate access is provided for all persons through the principal entrance to the premises; A Continuous Accessible Path of Travel (CAPT) to and within the subject premises is provide which allows a person with a disability to gain access to all areas within the shop; and Suitable accessible sanitary facilities are provided; and A BCA report was submitted with the application which addressed that the development could comply with the BCA/NCC. <p>Despite the above, the requirements of MDCP 2011 are effectively superseded by the introduction of the Premises Standards.</p>	Yes
Part 2.6 – Acoustic and Visual Privacy	<p>Part 2.6 and Part 5.1.3.2 of MDCP 2011 contain objectives and controls relating to noise and vibration generation of commercial uses and general amenity impacts on other land uses, particularly on residential and other sensitive land uses. Further details regarding these impacts are discussed directly below.</p>	No – See further discussion below.
Part 2.9 – Community Safety	<p>The proposal satisfies the relevant provisions of Part 2.9 as follows:</p> <ul style="list-style-type: none"> The principal entrance to the building is visible from the street, and has been designed to overlook the street; and 	Yes



	<ul style="list-style-type: none"> The entrance to the building is well lit. 	
Part 2.21 – Site Facilities and Waste Management	<p>The proposal satisfies the relevant provisions of Part 2.21 as follows:</p> <ul style="list-style-type: none"> The application was accompanied by a waste management plan in accordance with the Part; and Standard conditions are capable of being recommended to ensure the appropriate management of waste during the construction of the proposal. 	Yes, subject to condition, however refusal is recommended.
Part 2.25 – Stormwater Management	Standard conditions are capable of being recommended to ensure the appropriate management of stormwater.	Yes, subject to condition, however refusal is recommended.

Visual and Acoustic Privacy

Part 2.6 and Part 5.1.3.2 of MDCP 2011 contain objectives and controls relating to noise and vibration generation by commercial uses and general amenity impacts on other land uses, particularly on residential and other sensitive land uses.

Acoustic report R\6534-5.1R, prepared by Day Design Pty Ltd and dated 23 March 2023 was originally submitted with the application. In assessment of this report, background data was obtained from measurements on the common boundary of the hotel for the previous development application for the rooftop bar/dining area (carried out in 2018). Noise emission criteria are set based on the Noise Policy for Industry and on standard liquor licence conditions. The criteria selected in the submitted acoustic report were all set at the boundary of nearby receivers, and do not reflect noise which may travel through an internal transmission pathway (that being the shared/adjoining walls). This is of concern for the residential receiver at 617-627 King Street, as they appear to have shared/adjoining walls with the hotel. The liquor licence criteria stated in the report includes an inaudibility requirement after 12am midnight, however, given the first floor would not be used past 12am, it would also be prudent to set an internal criteria for adjoining residences (that may be impacted by noise travelling through an internal transmission path). An internal criteria for adjoining residences affected by internal noise transmission through adjoining walls should be set as follows:

Noise from the use when assessed as an LA10, 15 minute entering any residential use through an internal to internal transmission path is not to exceed the existing internal LA90, 15 minute (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room between the hours of 7am and 12midnight.

The report concludes that compliance with the criteria can be achieved subject to the windows on the first floor being kept closed. As a result, Council's Environmental Health Officer on 19 May 2023 requested that an amended acoustic report be submitted to include assessment of the above internal criteria for residences that are affected by noise travelling through an internal transmission pathway (that being, shared walls with the hotel).



Additional information was submitted by the applicant on 4 September 2023 in response to Council's letter. Following submission of the additional information, a response was provided on 7 September 2023 by Council's Environmental Health Officer, advising that further additional information is required as a result of the amended acoustic report. A 'Pink noise' generator was used to measure the level of internal-to-internal wall transmission loss. No information was provided on the acceptability of this method in assessing internal noise transmission. There is no information on the location of the residential unit used to measure internal transmission loss, or the location of the noise generator in relation to the noise monitoring location.

The report lists a range of noise levels to assess impacts on adjoining premises. The loudest noise level uses a group of 100 people with 10% talking loudly. Assessment of crowd noise normally uses 50% talking loudly. As a result, the noise levels used to model operations at the hotel do not relate to any of the presented noise data.

Following authorisation by Council's Development Assessment Manager, a Second Request for Additional Information was submitted by the applicant on 11 September 2023. A response to Council's Second Request for Additional Information was provided on 19 September 2023, with a third referral sent to Council's Environmental Health Officer. A response was provided by Council's Environmental Health Officer on 10 October 2023, advising that outstanding issues regarding the application remain as follows:

- Plans are attached showing the location of the venue and the adjoining unit. There is no confirmation of the location of the residential unit in relation to the venue, i.e. what level the unit is on.
- The correspondence re-states that the noise generator was located in the hotel linen room. The linen room is not marked on the plans. It is assumed that the cupboard shown on the plans is the linen room. This being the case, the bathroom opposite this in the neighbouring residential unit is separated from the noise generator by 2 further walls. The living/dining/kitchen area of the neighbouring unit, which has no further walls for noise attenuation, has not been assessed.
- It states that adjusting for 50% of patrons will increase noise levels by 5dB, but an increase of 5dB will still be below the indoor background level of 22dB(A).
- It states that a noise limiter may be fitted to the in-house sound system. A noise limiter is required.

As a result, the acoustic impacts on the nearest residential receivers have not been sufficiently assessed in the context of the development. These impacts cannot be ascertained based upon the information provided, as it is unclear whether noise attenuation measures are required to the building. Should noise attenuation be required, it is unclear whether building works are required to the site's heritage item, which may result in the loss of significant form and fabric to the heritage item which has not been assessed.

Accordingly, the application has not demonstrated that the proposal provides adequate acoustic privacy for adjoining properties. The proposed development therefore does not satisfy objectives O1, O2, and O3 of this Part and is recommended for refusal.



Part 5 – Commercial and Mixed-Use Development

Control	Assessment	Compliance
Part 5.1.4 – Building Form	<p>The proposal satisfies the relevant provisions of Part 5.1.4 as follows:</p> <ul style="list-style-type: none"> The proposed bulk and scale of the development is compatible with the surrounding character and emphasises the site's corner, landmark and gateway location; and As the proposal does not alter the existing height or setbacks of the building, the proposal will not result in adverse amenity impacts. 	Yes
Part 5.1.5 – Building Detail	The significant components of the heritage item are retained and the internal alterations are sympathetic to the building.	Yes
Part 5.3.1.1 – Plan of Management	A Plan of Management (POM) was submitted with the application. The POM submitted is considered to be comprehensive and provide suitable management procedures to minimise potential amenity impacts to the surrounding locality. A condition could be included in the recommendation requiring the operation of the premises to adhere to the submitted POM submitted if the proposal was recommended for approval.	Yes, subject to condition, however refusal is recommended.
Part 5.3.1.2 – Noise and vibration generation	This matter is discussed above under Part 2.6 of MDCP 2011. In summary, the proposal fails to be designed to minimise the impact of noise and vibration by operation of the development in accordance with objective O66 and controls C75 & C78 of this part. The proposal is considered unsatisfactory in this regard and is therefore recommended for refusal.	No
Part 5.3.1.4 – Hours of Operation	The hours of operation proposed on Level 1 are 10.00am and 12.00am (Midnight), Monday to Saturdays and 10.00am and 10.00pm, Sundays and public holidays. As assessment of the application has determined that consent is sought for hours of operation that are traditional trading hours, it has not been demonstrated that the proposed development will not unreasonably affect the amenity of residential land uses by way of acoustic impacts, including noise and vibration. As such, the proposed development does not satisfy objective O69 and controls C86 & C87 of this Part and is recommended for refusal.	No
Part 5.4.4 – Corner Hotels	<p>The proposal satisfies the relevant provisions of Part 5.4.4 as follows:</p> <ul style="list-style-type: none"> The proposal maintains the prominence of parapets and roof lines against the sky; The proposal maintains interpretation of the original internal layout and architectural features; and The proposal maintains the massing, scale, facade modulation and proportion of openings. 	Yes

Part 8 – Heritage



Control	Assessment	Compliance
Part 8.1.7 – Heritage Items	<p>The proposal satisfies the relevant provisions of Part 5.1.4 as follows:</p> <ul style="list-style-type: none"> • The proposed alterations and additions do not adversely impact the significance of the heritage item; • The proposed alterations will not be highly visible from the street or are designed to reflect the heritage characteristics of the building; and • The proposed finishes and detailing ensure significant characteristics are replaced or are sympathetic. 	Yes, subject to condition, however refusal is recommended.

Part 9 – Strategic Context

Control	Assessment	Compliance
Part 9.37 – King Street and Enmore Road (Commercial Precinct 37)	<p>The proposal satisfies the relevant provisions of Part 9.37 as follows:</p> <ul style="list-style-type: none"> • The proposal protects the existing heritage item on the site; and • The proposal maintains a vibrant and safe streetscape. 	Yes

C. The Likely Impacts

These matters have been considered as part of the assessment of the development application. As demonstrated within this report, it is considered that the proposed development will have adverse environmental & social impacts upon the locality.

D. The Suitability of the Site for the Development

As demonstrated within this report, the proposal will have an adverse impact on the residential amenity of adjoining properties. The proposal is not of a nature in keeping with the overall function of the site and therefore it is considered that the site is unsuitable to accommodate the development as proposed.

E. Submissions

The application was required to be notified in accordance with Council's Community Engagement Framework Policy between 17 May 2023 to 07 June 2023.

Two (2) submissions were received, both in support of the proposed development.

F. 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.

This has not been achieved in this instance.

2. Section 7.11 / 7.12 Contributions

As the application is recommended for refusal, any applicable contributions have not been calculated.

3. Local Planning Panels

On the 12 February 2019 the Inner West Local Planning Panel delegated back to Council the ability to determine applications which involve works to heritage items, so long as the works meet the following criteria:

- a) All or most of the significant fabric is maintained;
- b) There is no adverse impact on the significant fabric or setting of the item; and
- c) It is agreed by both the applicant's heritage expert and Council's heritage officer that the development can proceed.

The current proposal has been reviewed by Council's Heritage Advisor who outlined that the majority of the original significant fabric is being retained, there is no adverse impact on the setting of the item (subject to conditions) and that both experts are in agreement that the development can proceed, subject to suitable conditions of consent. The proposal therefore meets the requirements of the delegations outlined by the IWLPP and can be determined under delegated authority.

4. Referrals

Referrals	Summary of Response
Heritage	Acceptable, subject to conditions.
Environmental Health	Not supported, recommended for refusal.
Building Certification	Acceptable, subject to conditions.
NSW Police (Licensing)	Acceptable, subject to conditions.

5. Recommendation

It is recommended that the application is unsupportable and in view of the circumstances, REFUSAL of the application is recommended for the reasons outlined in the notice of determination.