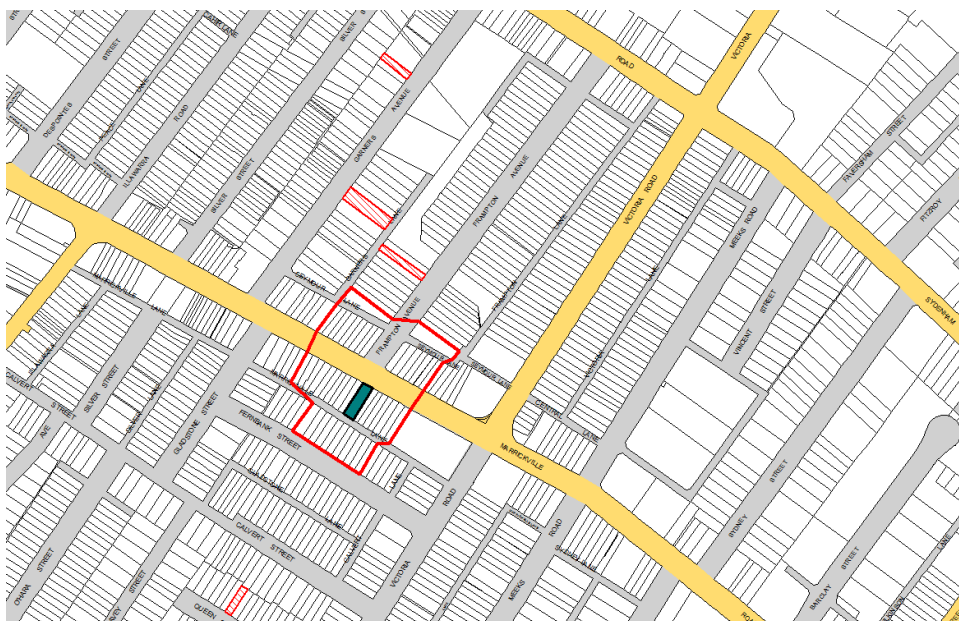




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201800430
Address	220 Marrickville Road, Marrickville
Proposal	To carry out alterations and modify the ground floor layout of the approved Hotel and to carry out works to the first floor and fit-out for use as tourist and visitor accommodation.
Date of Lodgement	17 October 2018
Applicant	Alex Papas
Owner	Mr Michael Papacostas & Araquara Pty Ltd & Mr Haricilia Papacostas
Number of Submissions	18
Value of works	\$97,000
Reason for determination at Planning Panel	More than 10 objections
Main Issues	Accessibility, internal amenity and residential amenity impacts
Recommendation	Refusal
Attachment A	Plans of proposed development
Attachment B	Plans of the approved development (DA201500516.01)
Attachment C	Conditions in the circumstance the Development is Approved



LOCALITY MAP

Subject Site		Objectors		↑ N
Notified Area		Supporters		

Note: Due to scale of map, not all objectors could be shown.

1. Executive Summary

This report is an assessment of the application submitted to Council to modify the ground floor layout of the approved pub and to carry out works to the first floor and fit-out for use as Hotel accommodation at 220 Marrickville Road, Marrickville. The application was notified to surrounding properties and 18 submissions were received.

The proposed Hotel accommodation will operate in conjunction with the gaming room and bar on the ground floor of the premises. Whilst there are no specific planning controls in relation to Hotel accommodation, a merit assessment undertaken by Council officers identifies a number of concerns with the design that have not been adequately addressed in the application.

Council advised the Applicant of its concerns in relation to the proposed access arrangements and the poor internal amenity for future Hotel guests. The Applicant has failed to properly address the issues raised by Council. The proposal in its current form would result in an unacceptable standard of accommodation for future Hotel guests. The resolution of the issues raised would require a significant redesign of the development.

The application is therefore recommended for refusal.

2. Proposal

To carry out alterations and modify the ground floor layout of the approved pub and to carry out works to the first floor and fit-out for use as tourist and visitor accommodation comprising:

- 15 Hotel rooms, ranging in size from 7.5 m² to 18 m²
- 1 x accessible bathroom with shower
- 3 x toilets
- storeroom
- lift access
- stair access

The roof of the building will also be modified to include a skylight above the Hotel accommodation and a louvered screen around the approved ventilation stack pertaining to the gaming room at ground level.

3. Site Description

The site is located on the southern side of Marrickville Road between Gladstone Road and Victoria Road with rear lane access from Marrickville Lane. The property is legally described as Lot C in Deposited Plan 389867. The property has a 10 metre frontage to Marrickville Road and a total area of 304m². The site contains a two storey commercial building previously used as a café and office premises with pedestrian access from Marrickville Road and Marrickville Lane and vehicular access from Marrickville Lane. The existing building is currently under construction for use as a pub.

The immediate vicinity of the site is characterised by retail and commercial development with some shop top housing along Marrickville Road and residential development to the south on the opposite side of Marrickville Lane.

Refer to **Figures 1** and **2** showing the aerial context and the existing building on the site.



Figure 1 – Aerial context

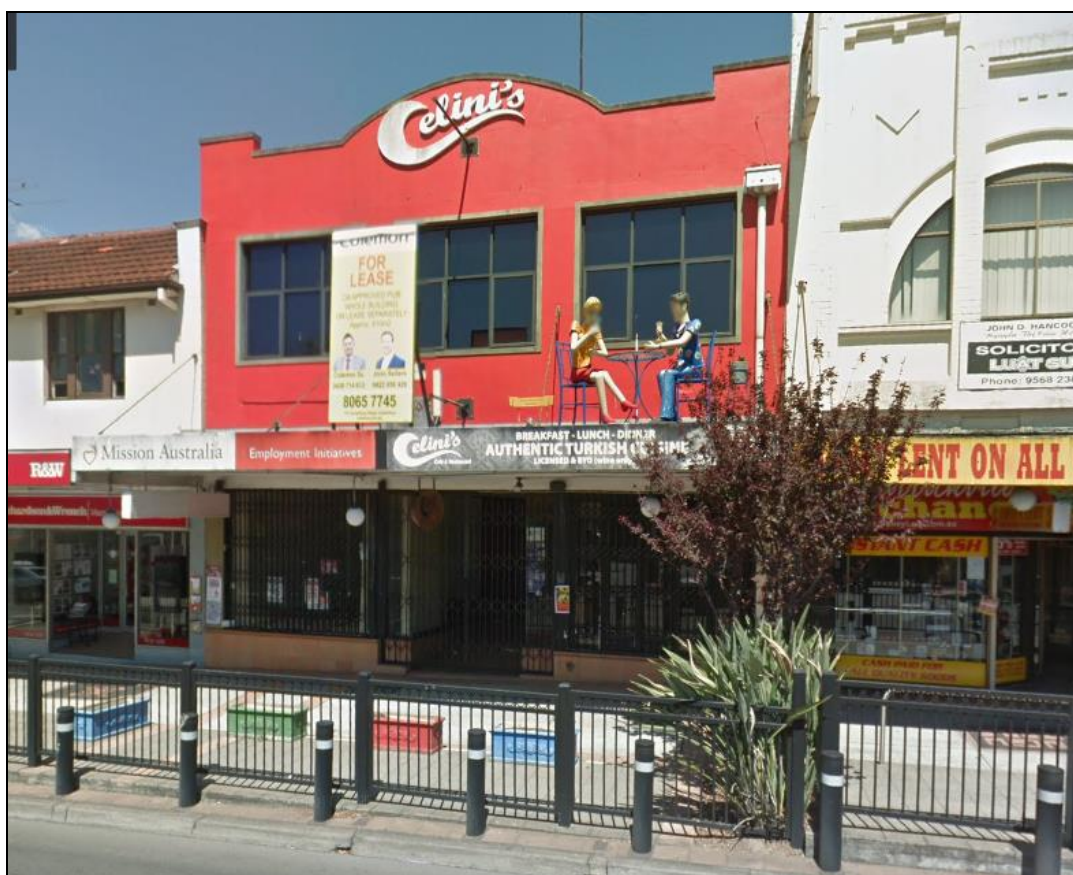


Figure 2 – View from Marrickville Road

4. Background

4(a) Site history

The relevant development history of the subject site is summarised in **Table 1**.

Table 1 – Summary of Development History

Application	Proposal	Decision & Date
Determination No. 201500516	To carry out internal alterations and additions to the premises to use as a pub with dining and live entertainment, operating between the hours of 8.00am to 2.00am the following day Mondays to Saturdays and 10.00am to 12.00 midnight on Sundays.	Approved on 13 April 2016
Modified Determination No. 201500516.01	<p>To modify the internal layout and the ground floor front façade as follows:</p> <ul style="list-style-type: none"> - increase the setback of gaming room to the street and delete the separate entry to gaming room to comply with Condition 2 - add a disabled ramp in front of gaming room - relocate the main bar to centre of the floor, addition of toilets on ground floor and delete the second bar near existing kitchen - replace the bi-folds at western side of front elevation with full height fixed glass windows - add a ventilation stack to the eastern side wall of ground floor gaming room through to first floor - reconfigure the stage and bar on the first floor - delete the first floor balcony/lounge area. 	Approved on 14 June 2018
Determination No.201500516.03	To modify the internal layout on the ground and first floors, change the entry area and screening to the ground floor façade, install new signage and provide canvas awnings to the first floor windows.	Refused on 9 April 2019

4(b) Application history

The relevant history of the subject application is summarised in **Table 2**.

Table 2 – Summary of Application History

Date	Discussion / Letter/ Additional Information
17 December 2018	Council issued a letter to the Applicant identifying a number of concerns in relation to the lack of car parking, accessibility, amenity and compliance with the Building Code of Australia (BCA). Due to the fundamental nature of these issues it was recommended that the Applicant withdraw the application.

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 1.15 of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

Marrickville Local Environment Plan 2011 (MLEP 2011)

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

- Clause 2.3 – Land Use Table and Zone Objectives
- Clause 4.3 – Height of Buildings
- Clause 4.4 – Floor Space Ratio
- Clause 6.5 – Development in areas subject to Aircraft noise

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

The property is zoned B2 Local Centre under the provisions of MLEP 2011. The proposed Hotel accommodation falls under the definition of “tourist and visitor accommodation,” which is permissible with consent in the zone. The development is considered acceptable having regard to the objectives of the B2 zone.

(ii) Clause 4.3 – Height of Buildings

A maximum building height of 20 metres applies to the subject site under MLEP 2011. The proposal includes a louver screen enclosure above the approved ventilation stack on the roof up to 1.5 m above the existing roof. The maximum height is approximately 9.7 metres. The proposal complies with the maximum building height under MLEP 2011.

(iii) Clause 4.4 – Floor Space Ratio

A maximum Floor Space Ratio (FSR) of 2.5:1 applies to the subject site under MLEP 2011. The proposed works are largely contained within the existing building envelope and would not result in any additional floor area on the site. There will be no change to the existing FSR.

(iv) Clause 6.5 – Development in areas subject to Aircraft noise

The property is located within the ANEF 20 Australian Noise Exposure Forecast (2039) Contour. The proposal involves a substantial building alteration to the layout of the first floor of the existing building and will increase the number of people affected by aircraft noise over longer periods of time compared to the approved bar, entertainment and function room. The application fails to provide details to demonstrate the development will meet indoor design

sound levels in *Australian Standard 2021-2000 Acoustics-Aircraft noise intrusion-building siting and construction*.

5(b) Draft Environmental Planning Instruments

Draft MLEP 2011 (Amendment 4) (the Draft LEP Amendment) was placed on public exhibition commencing on 3 April 2018 and accordingly is a matter for consideration in the assessment of the application under Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

The amended provisions contained in the Draft LEP Amendment are not relevant to the assessment of the application. Accordingly, the development is considered acceptable having regard to the provisions of the Draft LEP Amendment.

5(c) Development Control Plans

Table 3 provides a summary of the relevant provisions of Marrickville Development Control Plan 2011 (MDCP 2011).

Table 3 – Summary of Development Control Plan Provisions

Part	Compliance
Part 2.5 Equity of Access and Mobility	No
Part 2.6 Acoustic and Visual Privacy	No
Part 2.8 Social Impact Assessment	Yes
Part 2.9 Community Safety	No
Part 2.21 Site Facilities and Waste Management	No
Part 5.3.1.1 Plan of Management	No

(i) Equity of Access and Mobility (Part 2.5)

Part 2.5 establishes general access requirements, including appropriate access to and within all areas normally used by the occupants and designed in accordance with the BCA and AS1428.1-2009 Design for Access and Mobility.

No Statement of Consistency has been submitted with the application to demonstrate the proposal complies with the minimum access requirements prescribed by Part 2.5 of MDCP 2011.

The application was referred to Council's Building Surveyor who raised concerns with the required path of travel, which would be through the bar and dining area to the lift access at the rear of the premises. The internal access arrangement is considered to be unsatisfactory and not in compliance with dignified access to a building for persons with a disability. Concerns were also raised with the proposed stairwell at the front of the building, resulting in patrons exiting the first floor midway within an accessible ramp. Council's Building Surveyor considers that the resolution of these issues would require a significant redesign to ensure there is direct access to the street and no conflict between the alternative means of access to the premises.

In addition to the above, a significant concern remains regarding accessible entry outside of the ground floor premises operating hours. As the nature of Hotel accommodation requires 24 hour access, and the lift is located at the rear of the ground floor, it is unclear how Hotel guests could access this when the pub is not operational.

MDCP 2011 requires one accessible bedroom per five guests' rooms. Based on a total of fifteen rooms, the proposal requires a total of 3 accessible rooms. The plans submitted with the DA show 1 accessible Hotel room. The Statement of Environmental of Effects (SEE) submitted with the application states the development can satisfy the requirements of the BCA in relation to the accessibility requirements in Part 2.5 of MDCP 2011. However, there is no evidence to substantiate the assertion made in the SEE. Furthermore, the application fails to provide an Access Management Plan addressing the Disability (Access to Premises-Buildings) Standards 2010 and/or the Building Code of Australia (BCA).

The proposal does not adequately satisfy the equity of access and mobility requirements prescribed in MDCP 2011.

(ii) Acoustic and Visual Privacy (Part 2.6)

Part 2.6 requires consideration of potential noise generation activities where sites adjoin a residential area. The land to the south adjoining Marrickville Lane contains a low density residential area. The SEE submitted with the DA considers there would be lesser noise impacts from patrons and music due to the removal of the bar and entertainment areas from the first floor. However, no details have been provided regarding the location and sound proofing of air conditioning units for the Hotel rooms, nor has any acoustic report been provided to demonstrate that the first floor will be adequately attenuated to protect customers from aircraft noise and noise emanating from the ground floor premises.

In addition to the above, the application fails to adequately address any potential impact of overlooking from the first floor Hotel to the dwellings located to the rear of the site. The approved first floor plan previously located an office, storage room and maintained an existing WC and shower cubicle at the rear of the site, each containing a window serving the spaces. The proposed development seeks to maintain the WC and shower cubicle but also locates 2 Hotel rooms facing the rear of the site with no provision for any privacy measures to mitigate impacts of overlooking into the rear yards of neighbouring properties located across the lane, namely 19 and 21 Fernbank Street.

In addition to the above, the proposal fails to adequately demonstrate adequate levels of amenity for the proposed first floor use. Only 4 of the 15 Hotel rooms contain a window to provide outlook and ventilation while 9 rooms provide only a skylight to provide light and air. There is no indication if the provision of existing plant is sufficient for the mechanical ventilation required to support these rooms.

The proposal does not adequately address the visual and acoustic privacy requirements prescribed by MDCP 2011.

(iii) Social Impact Assessment (Part 2.8)

Part 2.8 of MDCP 2011 requires a Social Impact Assessment (SIA) for new tourist and visitor accommodation. The SIA submitted with the DA concludes *the proposal is unlikely to have any unreasonable social impacts and represents a less intensive use compared to the approved bar and entertainment area. The proposed Hotel accommodation will be operated in conjunction with the gaming and bar areas at ground level. Subject to responsible management of the entire premises, the proposal is not likely to result in any significant social impact on the local community.*

The SIA fails to identify any demand for the subject accommodation and the type/variety/size of accommodation provided.

Whilst the proposal may result in a less intense use than the previously approved bar and entertainment area proposed for the first floor, inadequate detail has been provided to demonstrate how the premises will be run or interact with the pub below, as no adequate Plan of Management (POM) has been provided, nor has adequate equitable access been provided to the premises.

The internal layout includes a storeroom of 5 m² but fails to make provision for other facilities commensurate with the operation of a Hotel, including a reception area, linen and baggage store, garbage room, cleaner's room, lounge area or office.

The Plans submitted with the DA also fail to show the furniture layout of the Hotel rooms to demonstrate the intended capacity (single or double rooms) and amenities such as secure lockable storage, bar fridge, cupboards and shelves.

The application submitted and the proposed layout of the premises fails to demonstrate that the internal layout and ongoing operation of the premises will not result in adverse amenity impacts, or that it can be managed successfully in conjunction with a pub in the same building.

(i) Community Safety (Part 2.9) and Plan of Management (Part 5.3.1.1)

Part 2.9 of MDCP 2011 requires development to consider the Crime Prevention Through Environmental Design (CPTED) principles. The SEE submitted with the DA fails to address the CPTED principles particularly in relation to lighting and access control. A POM detailing the security arrangements is also required for tourist and visitor accommodation containing twelve or more residents. The proposal will cater for a minimum of 15 guests. The DA fails to include a POM detailing the security arrangements for the Hotel accommodation.

Part 5.3.1.1 of MDCP 2011 contains objectives and controls relating to a POM. Having regard to the nature of the ground floor use containing a bar and gaming area in conjunction with the proposed first floor Hotel accommodation, a POM is considered necessary for the proposed development. Whilst the SEE provided with the application indicates that the existing POM "is to be tailored to include the first floor use" it fails to provide any details as to how the Hotel accommodation will be managed in conjunction with the pub at the ground floor particularly in relation to security and access.

As noted earlier in this report, it is unclear how patrons requiring access of the lift at the rear of the premises can do so when the ground floor use is not in operation. This is pertinent to consider as the proposal seeks to utilise this facility 24 hours a day and it is unclear how accessible access to the premises from within the pub will be facilitated.

The application submitted fails to demonstrate that the ongoing operation of the premises will not result in adverse amenity impacts.

(iv) Parking (Part 2.10)

Based on a total of 15 staff, the approved pub (DA 201500516) generated a parking demand of 3 car spaces on the site (1 space/6 staff). However, the parking requirement was waived by Council due to the existing building constraints and a lower demand compared to the previous office and café use that occupied the site.

A parking rate of 1 space/5 staff + 1/5 guest rooms applies to the proposed Hotel accommodation in accordance with Part 2.10 of MDCP 2011. The SEE submitted with the DA fails to provide details in relation to staff numbers. However, based on a total of 15 rooms a minimum of 3 car spaces would be required.

As the proposal reduces the quantum of pub floorspace by 50% (i.e. the first floor now becomes Hotel accommodation), it is reasonable to assume there would be a corresponding reduction in the number of staff by 50%, resulting in a parking demand of 1.25 car spaces for the pub on the ground floor.

The proposal generates a parking demand of 4 car spaces and 8 bicycle spaces on the site. However, the proposal does not provide parking for any vehicles or bicycles on the site and therefore does not comply with the parking requirements of Part 2.10. **Table 4** summarises the car and bicycle parking requirements applicable to the proposal.

The SEE submitted with the DA justifies the parking non-compliance on the basis an existing parking credit applies, and the lack of additional demand for parking generated by the proposal.

However, the justification provided does not adequately address the additional parking demand generated by the proposal, noting that the 24 hour operation of the Hotel would coincide with the peak usage times and place further demand on parking in the surrounding streets in an area where there is already a significant tension between resident and commercial traffic.

The SEE submitted with the DA also fails to provide details in relation to servicing and loading/unloading requirements, particularly in relation to cleaning and linen services. The proposed servicing arrangements have not been adequately resolved in the DA.

Table 4: Car and Bicycle Parking Control Compliance Table

Component	Control	Required	Proposed	Complies
Car Parking	<u>Proposed Hotel accommodation at first floor</u> - 1 per 5 staff for staff + 1 per 5 units for residents (guests) <u>Pub at ground floor</u> - 1 per 6 staff	0 staff + 3 for guests = minimum 3 spaces 7.5 staff = 1.25 spaces TOTAL = 4 spaces	Nil	No
Bicycle	<u>Proposed Hotel accommodation at first floor</u> - 1/ 20 units or rooms for staff and patrons <u>Pub at ground floor</u> - 1/25m ² GFA bar area for staff + 1/ 100m ² GFA other areas for patrons*	15 rooms = 0.75 spaces 140m ² bar area = 5.6 spaces + 160m ² for other areas = 1.6 spaces		

Component	Control	Required	Proposed	Complies
		TOTAL = 8 spaces	Nil	No

*Note: The rate for 'registered club' has been adopted in lieu of no specific bicycle parking rate for a pub under Part 2.10 of MDCP 2011.

(v) Site Facilities and Waste Management (Part 2.21)

A Recycling and Waste Management Plan describing the on-going waste requirements is required for a change of use of an existing premises. The SEE submitted with the DA considers this aspect can be dealt with as a condition of consent. No details have been provided regarding the waste requirements for the Hotel accommodation. The proposed waste management arrangements have not been adequately resolved in the DA.

5(d) **The Likely Impacts**

The assessment of the DA demonstrates that the proposal would result in unacceptable standard of Hotel accommodation for future guests. The primary concern relates to access for Hotel guests who are required to navigate through the licensed bar and dining areas to the lift at the rear of the building to the first floor. Also, the proposed egress conflicts with the disabled ramp at the front of the premises.

Furthermore, the Hotel rooms have poor internal amenity as there is no provision for natural light or ventilation to the majority of rooms other than by a skylight. The proposed skylights are only located above the doorway of the Hotel rooms to ensure adequate compliance with the 3 metre setback to the boundary under the BCA. The layout of the Hotel accommodation fails to make provision for other facilities commensurate with the operation of a Hotel, including a reception area, linen and baggage store, garbage room, cleaner's room, lounge area or office nor has a room layout showing furnishing been provided.

It is considered the proposal would have unacceptable impacts for future patrons and for development in the vicinity of the site as a result of a lack of adequate physical and management responses to the issues raised by Council.

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

The design and layout would result in an unacceptable standard of accommodation for future Hotel guests due to poor amenity in terms of daylight and natural ventilation and inadequate access and internal circulation. Therefore it is considered that the site is unsuitable to accommodate the proposed development.

5(f) **Any submissions**

The application was notified in accordance with Council's Notification Policy for a period of 14 days to surrounding properties. A total of 18 submissions were received, including 17 in objection and one in support.

The issues raised in the submissions are addressed in **Table 5**.

Table 5: Summary of Submissions

Issue raised	Council Response
The proposal would have adverse social impact due to cumulative impact of gaming	This application does not propose any changes to the quantum of gaming machines

machines.	on the premises. The refused modification application DA201500516.03 sought approval for a minor adjustment to the layout of the gaming room but no increase in the number of gaming machines.
The accommodation could be used as a brothel	A sex services premises is prohibited in the B2 zone under MLEP 2011 and is not being applied for as part of this proposal.
There would be insufficient car parking on the site to satisfy the demand generated by the proposal	Refer to Section 5(c)(iv).
Poor internal amenity	The proposal would result in an unacceptable standard of amenity for future Hotel guests.
Anti-social behaviour	There is no evidence to suggest the proposed accommodation would result in an increase in anti-social behaviour. However, the DA fails to provide a POM detailing the security measures for Hotel guests.
Lack of facilities such as bathrooms	One bathroom is proposed for a total of 15 rooms potentially accommodating 30 Hotel guests. The proposal will result in a paucity of bathroom/shower facilities for Hotel guests.
Non-compliance with Council's FSR and boarding house controls	The proposal will not result in any increase in floorspace on the site. The boarding house controls are not relevant to Hotel accommodation.
Non-compliance with Building Code of Australia	Council's Building Surveyor does not support the application due to poor access arrangements and inadequate internal amenity for future Hotel guests.
No BASIX has been provided with the DA	A BASIX is not required for this type of development. Section J of the BCA applies.

5(g) The Public Interest

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

The proposal is contrary to the public interest as it would result in an unacceptable standard of accommodation with poor access and amenity for future Hotel guests.

6 Referrals

6(a) Internal

The application was referred to Council's Building Surveyor who raised concerns in relation to access and internal amenity for future Hotel guests. The resolution of these issues would require a significant redesign of the internal layout. Council's Building Surveyor does not support the proposal in its current form.

7. Conclusion

The proposal will result in an unacceptable standard of Hotel accommodation due to the poor access arrangements resulting in egress conflicts with the accessible ramp at the front of the building and an indirect path of travel through the bar and dining area to the accessible lift at the rear of the building. Furthermore, the paucity of natural ventilation and daylight would result in poor internal amenity for Hotel guests. The resolution of the access issues would require a significant redesign of the development and on that basis Council's Building Surveyor does not support the application in its current form.

The DA also fails to provide a POM to demonstrate how the accommodation would operate in conjunction with the bar and gaming area at the ground floor to ensure an appropriate level of amenity and safety for Hotel guests.

The first floor Hotel rooms at the rear adjacent to the laneway and the external access to the new waste storage room would potentially increase amenity impacts in terms of noise and visual privacy at a residential interface.

The application is therefore recommended for refusal.

8. Recommendation

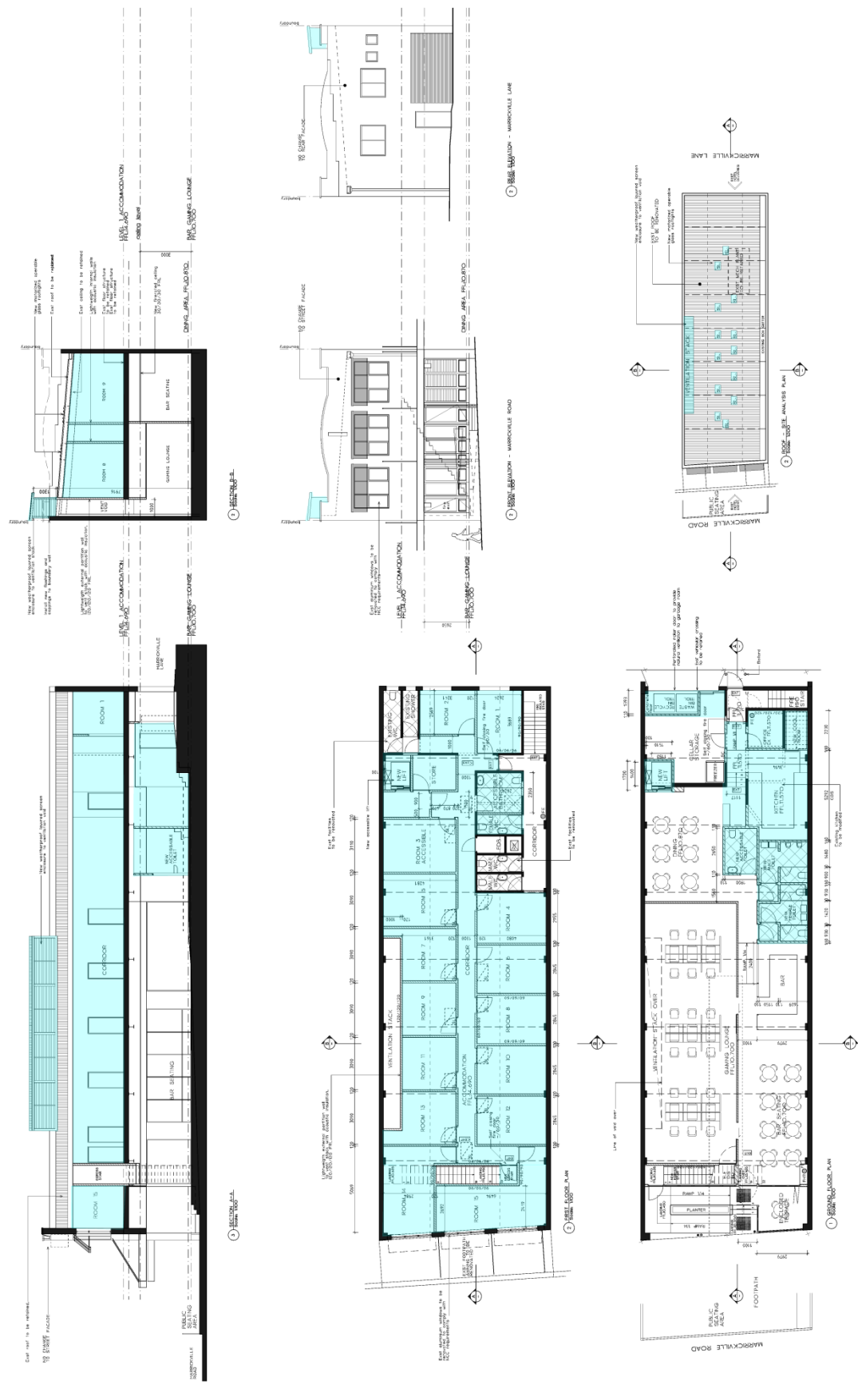
That the Inner West Local Planning Panel, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, refuse Development Application No. 201800430 to carry out alterations and modify the ground floor layout of the approved Hotel and to carry out works to the first floor and fit-out for use as tourist and visitor accommodation for the following reasons:

1. The proposed development does not comply with the requirements under Clause 6.5 – Development in Areas Subject to Aircraft Noise of the Marrickville Local Environmental Plan 2011 as the development application fails to provide an acoustic report to protect the acoustic amenity of Hotel guests from aircraft noise.
2. The proposal does not comply with the access requirements under Part 2.5 Equity of Access and Mobility of Marrickville Development Control Plan 2011 due to the egress conflicts with the accessible ramp at the front of the building and the undignified path of travel through a bar and dining area to the accessible lift at the rear of the building and the lack of accessible rooms.
3. The proposal does not comply with the acoustic requirements under Part 2.6 Acoustic and Visual Privacy of Marrickville Development Control Plan 2011 as the application fails to provide an Acoustic Report to address the potential noise impacts from the ground floor pub to the Hotel rooms above and the operation of mechanical ventilation on the roof.
4. The proposal does not comply with the visual privacy requirements under Part 2.6 Acoustic and Visual Privacy of Marrickville Development Control Plan 2011 as the application fails to address the potential overlooking impacts from the first floor hotel rooms fronting Marrickville Lane to the adjacent residential properties.
5. The proposed development does not comply with Part 2.9 Community Safety and Part 5.3.1.1 Plan of Management of Marrickville Development Control Plan 2011 as

the Statement of Environmental of Effects submitted with the development application fails to address the Crime Prevention Through Environmental (CPTED) principles and does not include a Plan of Management to demonstrate how the Hotel accommodation would operate in conjunction with the bar and gaming facilities and whether there are adequate amenities and facilities commensurate with the operation of a hotel.

6. The proposed development does not comply with Part 2.10 Parking of Marrickville Development Control Plan 2011 as the application fails to adequately address the non-compliance with the car and bicycle parking requirements and lacks sufficient detail in relation to servicing arrangements.
7. The proposed development does not comply with Part 2.21 Site Waste Management of Marrickville Development Control Plan 2011 as the as the external access to the new waste storage room would increase the potential for amenity impacts in terms of noise to neighbouring residential properties across the laneway.
8. The proposed development is not suitable for the site in its current form as it fails to provide an acceptable level of amenity and access for future Hotel guests pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
9. The proposal is not considered to be in the public interest pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

Attachment A – Plans of Proposed Development



A DEVELOPMENT APPLICATION 1A/10/2018

ADDENDUMS

- a B The Village Green Milton NSW
csm @ moleanmilton.com.au

moleanmilton

as set out to be in accordance with section 10(1)(b), the BPPB Code of Practice, or other relevant codes and standards or, if no such codes or standards exist, to the minimum design standards of comparable or similar developments, ensuring a complete fit and finish.

DEVELOPMENT APPLICATION
PROPOSED HOTEL
220 Marrickville Rd.
Marrickville, NSW
DA/01
GENERAL ARRANGEMENT
SCALE 1:100 @ A1

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Author
Force Levels
3,1

AMENDMENTS

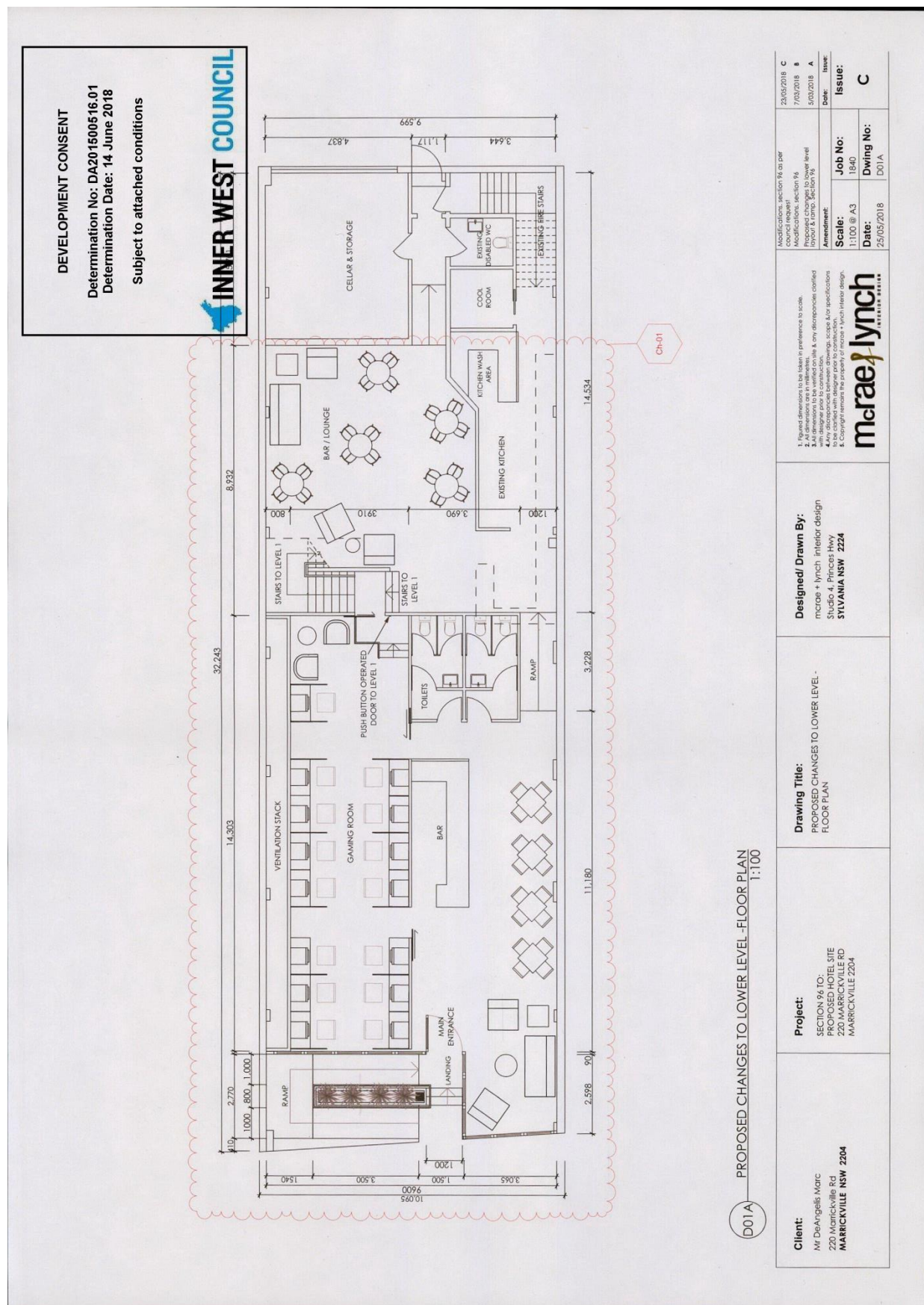
100

 Rolls-Structure |

LEGEND

	Existing
	Demolish
	New Mass
	New Light

Attachment B – Plans of Approved Development



[illegible]

DEVELOPMENT CONSENT

Determination No: DA201500516.01

Determination Date: 14 June 2018

Subject to attached conditions

INNER WEST COUNCIL

TOWN & COUNTRY HOTEL

NEW LASER CUT RUST LOOK METAL SIGNAGE, FIXED TO FACADE

VENTILATION STACK SHOWN DASHED

LEVEL CEILING LINE

ROOF LINE BEYOND

WINDOW

WINDOW

WINDOW

WINDOW

WINDOW

WINDOW

NEW PAINTED RENDER TO FACADE

NEW AWNING SIGNAGE

NEW ALUMINIUM FACE TO EXISTING AWNING

NEW FULL HEIGHT GLASS WINDOW

NEW GLASS DOOR TO MAIN ENTRANCE

NEW OPERABLE ALUMINIUM SECURITY COUPLERS

CELLAR & STORE FFL

BAR/ GAMING FFL

FOOTPATH

MARRICKVILLE RD

486

5,097

1,200

2,917

361

3,000

300

800

2,500

500

Ch-03

Ch-02

MARRICKVILLE RD FACADE - ELEVATION A

1:50

D02A

Client:

Mr De'Angelle Marc

220 Marrickville Rd

MARRICKVILLE NSW 2204

Project:

SECTION 96 TO HOTEL SITE

220 MARRICKVILLE RD

MARRICKVILLE 2204

Drawing Title:

MARRICKVILLE RD FACADE - ELEVATION A

Designed/ Drawn By:

mcrae + lynch interior design

Studios 4, Precinct Hwy

SYDNEY NSW 2224

1. Figured dimensions to be taken in preference to scale.

2. All dimensions to be verified on file & any discrepancies notified to the client.

3. Any dimensions shown between drawings, scope &/or specifications to be marked with designer prior to construction.

4. Copyright remains the property of the designer.

mcrae + lynch

interior design

Modifications: section 96 as per council request

7/03/2018

5/03/2018

Issue:

Scale:

1:50 @ A3

1940

Date:

25/05/2018

D02A

Attachment C – Conditions in the circumstance the Development is Approved

PART A - DEFERRED COMMENCEMENT CONSENT

This Consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matter(s):

1. Detailed floor plans showing the internal layout of each of the hotel rooms must be submitted to and approved by Council.
2. Provision of an Access Management Plan, prepared by an Accredited Access Consultant addressing the following;
 - i. Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part.
 - ii. Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
 - iii. Assessment and identification of non-compliances with the Disability Standards 2010 and/or the BCA where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
3. Provision of a Building Code of Australia compliance and fire safety audit, prepared by an A1 Accredited Certifier, covering sections C, D and E of the Building Code of Australia must be submitted to and approved by Council.
4. A Plan of Management for the operation and management of the hotel rooms in conjunction with the bar and gaming facilities at the ground floor, including access and security arrangements must be submitted to and approved by Council.
5. A Waste Management Plan detailing the on-going waste management and measures to minimise noise impacts to the surrounding residential properties must be submitted to and approved by Council.
6. Amended plans illustrating the provision of a minimum of 3 accessible rooms in accordance with the requirements of Part 2.5 of Marrickville Development Control Plan 2011.
7. An acoustic report prepared by a suitably qualified acoustic consultant demonstrating that the proposal can afford adequate acoustic amenity for occupants and nearby residential development.

Satisfactory evidence of the above matter(s) must be produced to Council or its delegate within two years of the date of the Determination otherwise the Consent will lapse.

PART B – CONDITIONS OF CONSENT

Once operative the consent is subject to the following conditions:

GENERAL

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA.01 Amendment A	General Arrangement	16 October 2018	McCleanmilton	17 October 2018

and details submitted to Council on 17 October 2018 with the application for development consent and as amended by the following conditions.

PART A - DEFERRED COMMENCEMENT CONSENT

This Consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matter(s):

1. Detailed floor plans showing the internal layout of each of the hotel rooms must be submitted to and approved by Council.
2. Provision of an Access Management Plan, prepared by an Accredited Access Consultant addressing the following;
 - i. Confirmation whether the Disability (Access to Premises – Buildings) Standards 2010 is applicable to the development, in particular whether the Standards apply to the affected part.
 - ii. Proposed requirements for access to the building or part of building for people with a disability in accordance with Part D3 of Building Code of Australia.
 - iii. Assessment and identification of non-compliances with the Disability Standards 2010 and/or the BCA where applicable and provide recommendations to achieve compliance with the relevant performance requirements.
3. Provision of a Building Code of Australia compliance and fire safety audit, prepared by an A1 Accredited Certifier, covering sections C, D and E of the Building Code of Australia must be submitted to and approved by Council.
4. A Plan of Management for the operation and management of the hotel rooms in conjunction with the bar and gaming facilities at the ground floor, including access and security arrangements must be submitted to and approved by Council.
5. A Waste Management Plan detailing the on-going waste management and measures to minimise noise impacts to the surrounding residential properties must be submitted to and approved by Council.
6. Amended plans illustrating the provision of a minimum of 3 accessible rooms in accordance with the requirements of Part 2.5 of Marrickville Development Control Plan 2011.
7. An acoustic report prepared by a suitably qualified acoustic consultant demonstrating that the proposal can afford adequate acoustic amenity for occupants and nearby residential development.

Satisfactory evidence of the above matter(s) must be produced to Council or its delegate within two years of the date of the Determination otherwise the Consent will lapse.

PART B – CONDITIONS OF CONSENT

Once operative the consent is subject to the following conditions:

GENERAL

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

Plan, Revision and Issue No.	Plan Name	Date Issued	Prepared by	Date Submitted
DA.01 Amendment A	General Arrangement	16 October 2018	McCleanmilton	17 October 2018

and details submitted to Council on 17 October 2018 with the application for development consent and as amended by the following conditions.

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

2. Where any plans and/or information forming part of a construction certificate issued in relation to this consent are inconsistent with:
 - (a) the plans and/or information approved under this consent; or
 - (b) any relevant requirements of this consent,the plans, information and/or requirements of this consent (as the case may be) shall prevail to the extent of the inconsistency.
3. All development approved under this consent shall be carried out in accordance with the plans, information and/or requirements of this consent taken to prevail by virtue of this condition.
4. Occupancy in the hotel rooms by any individual shall not occur for more than a combined total of 90 days per year whether consecutive or not.
5. An occupancy register must be kept by the management of the hotel for the duration of its operation recording the identification details of each individual that occupies each room including:
 - a) Details of the room occupied,
 - b) The name of the occupier,
 - c) The address of the occupier,
 - d) The phone number of the occupier,
 - e) The email address of the occupier,
 - f) The duration of stay in a room by the occupier.

The occupancy register shall include at the top of each page of the document the following statement:

"This information is being recorded for the purpose of demonstrating compliance with conditions of Development Consent No. 201800430 issued by the Inner West Council to ensure long term occupancy of the hotel rooms does not occur to prevent individuals residing at the premises. The information is being recorded for no other purpose and is required to be provided to the Inner West Council, within 5 business days of request by the council' and kept by the Council in a manner that is consistent with the relevant Privacy Legislation."

6. A copy of the occupancy register must be provided to the Council bi-annually demonstrating compliance with hotel use.
7. A "Restriction as to User" is to be imposed on title of the land under Section 88B of the Conveyancing Act 1919 to give effect to the following:

"Occupancy of any hotel rooms by any individual shall not occur for more than 90 days per year whether consecutive or not".
8. Council is the sole authority with the power to alter, modify, or remove the public positive covenant from the title of the land.
9. No strata subdivision of individual hotel rooms is permitted under the terms of this consent.
10. A separate application must be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures. The above awning building facade must not be painted with advertisements and no flashing lights are to be installed on the premises.

11. No signs or goods must be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
12. All loading and unloading in connection with the use must be carried out in such a manner so as to not cause an inconvenience to the public.
13. The use of the hotel rooms must comply at all times with the following:
 - a) The use must comply at all times with the Plan of Management referred to in Part A condition 4 above and as amended by the conditions in this Determination;
 - c) A copy of the approved Plan of Management and House Rules must be clearly displayed within the entry foyer of the hotel at all times;
 - d) The Plan of Management must not be amended without the prior consent of Council;
 - e) The maximum number of persons accommodated in a room is to be determined on the basis of a minimum of:
 - i. 3.25sqm per person per sleeping room; and
 - ii. 5.5sqm per person for rooms occupied by guests staying longer than 28 days.
 - f) The maximum permitted length of stay is 90 days;
 - g) Where accommodation is provided for more than 28 consecutive days, no more than two adults and one child are permitted per room
 - h) The premises must not be adapted for use as boarding house, backpacker's accommodation, serviced apartments or a residential flat building;
 - i) All common rooms/areas and facilities must be maintained at all times for the guests; and
 - j) Individual, secure, lockable storage facilities of a minimum capacity of 0.6 cubic metres per person is to be provided to allow guests to individually store baggage and travel items within the rooms.
14. Where rooms include a small kitchenette adequate cupboards and shelves should be provided. In addition a small bar-type fridge in good working order should also be provided. However to reduce fire hazard, provision of cooking appliances (other than a microwave and kettle) is not permitted.
15. A minimum of 3 accessible hotel rooms must be provided in accordance with Part 2.5 of Marrickville Development Control Plan 2011 - Equity of Access and Mobility.
16. No injury must be caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, particulate matter, the exposure to view of any unsightly matter or otherwise.
17. The use of any plant and equipment must not give rise to:
 - a) transmission of unacceptable vibration to any place of different occupancy;
 - b) a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level must be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
18. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises must not give rise to "offensive noise" as defined by The Protection of the Environment Operations Act 1997 (NSW).
26. The developer must liaise with the Sydney Water Corporation, Ausgrid, AGL and Telstra concerning the provision of water and sewerage, electricity, natural gas and telephones respectively to the property.

27. All building work must be carried out in accordance with the provisions of the National Construction Code (Building Code of Australia).

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

28. No work must commence until:
- A PCA has been appointed. Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
 - A minimum of 2 days written notice must be given to Council of the intention to commence work.
29. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
30. Sanitary facilities must be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'. Each toilet must be connected to the sewer, septic or portable chemical toilet before work commences.
- Facilities must be located so that they will not cause a nuisance.
31. All demolition work must:
- Be carried out in accordance with the requirements of Australian Standard AS 2601 'The demolition of structures' and the Occupational Health and Safety Act and Regulations; and
 - Where asbestos is to be removed it must be done in accordance with the requirements of the WorkCover Authority of NSW and disposed of in accordance with requirements of the Department of Environment, Climate Change and Water.
32. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division must be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.
33. All services in the building being demolished must be disconnected in accordance with the requirements of the responsible authorities before work commences.
34. Before commencing works the person acting on this consent must provide a contact number for a designated person to be available during the demolition and construction for residents to contact regarding breaches of consent or problems relating to the construction.
35. A waste management plan must be prepared in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and submitted to and accepted by the PCA before work commences.
36. The site must be enclosed with suitable fencing to prohibit unauthorised access. The fencing must be erected as a barrier between the public place and any neighbouring property, before work commences.

37. A rigid and durable sign must be erected in a prominent position on the site, before work commences. The sign must be maintained at all times until all work has been completed. The sign is to include:
- The name, address and telephone number of the PCA;
 - A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
 - A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.
38. The person acting on this consent shall provide details of the means to secure the site and to protect the public from the construction works. Where the means of securing the site involves the erection of fencing or a hoarding on Council's footpath or road reserve the person acting on this consent shall submit a hoarding application and pay all relevant fees before commencement of works.
39. Where it is proposed to occupy or carry out works on public roads or Council controlled lands, the person acting on this consent shall obtain all applicable Permits from Council in accordance with Section 68 (Approvals) of the Local Government Act 1993 and/or Section 138 of the Roads Act 1993. Permits are required for the following activities:
- Work zone (designated parking for construction vehicles). Note that a minimum of 2 months should be allowed for the processing of a Work Zone application.
 - A concrete pump across the roadway/footpath
 - Mobile crane or any standing plant
 - Skip bins
 - Scaffolding/Hoardings (fencing on public land)
 - Public domain works including vehicle crossing, kerb & guttering, footpath, stormwater, etc.
 - Awning or street verandah over footpath
 - Partial or full road closure
 - Installation or replacement of private stormwater drain, utility service or water supply

Contact Council's Road Access team to ensure the correct Permit applications are made for the various activities.

Applications for such Permits shall be submitted and approved by Council prior to the commencement of the works associated with such activity or issue of the Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

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

40. The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.
- Please refer to the web site www.sydneywater.com.au for:
- Quick Check agents details - see Plumbing, building and developing then Quick Check agents and
 - Guidelines for Building Over/Adjacent to Sydney Water Assets – see Plumbing, building and developing then Plan submissions
- or telephone 13 20 92.

The stamped plans must be submitted to Certifying Authority satisfaction before the issue of a Construction Certificate.

41. Lighting details of the pedestrian areas, parking areas and all entrances must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate.
42. Noise attenuation measures must be incorporated into the development complying with Australian Standard 2021:2015 in relation to interior design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction), in accordance with details to be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate together with certification by a suitably qualified acoustical engineer that the proposed noise attenuation measures satisfy the requirements of Australian Standard 2021:2015.
43. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction addressing the requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).
44. Evidence of payment of the building and construction industry Long Service Leave Scheme must be submitted to the Certifying Authority's satisfaction before the issue of a Construction Certificate. (The required payment can be made at the Council Offices).

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

For more information on how to calculate the amount payable and where payments can be made contact the Long Services Payments Corporation.
www.lspc.nsw.gov.au

45. Prior to the commencement of demolition works or a Construction Certificate being issued for works approved by this development consent (whichever occurs first), a security deposit and inspection fee must be 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.

Security Deposit	Min \$2,100.00 [or \$7,860.00 if development involves substantial demolition]
Inspection fee	\$225.00

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

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

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

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

The amount nominated is only current for the financial year in which the 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.

Requirements of this condition are to be met prior to works commencing or prior to release of a Construction Certificate (whichever occurs first). Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of any Construction Certificate.

46. Plans and elevations showing the location of the air conditioning units are appropriately screened shall be approved by Council before the issue of a Construction Certificate.

SITE WORKS

47. All demolition, construction and associated work necessary for the carrying out of the development must be restricted to between the hours of 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above, no work must be carried out on any Saturday that falls adjacent to a Public Holiday.
48. All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, must only have access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development must be deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer is responsible to ensure that all contractors associated with the development are fully aware of these requirements.
49. The area surrounding the building work must be reinstated to Council's satisfaction upon completion of the work.
50. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and must comply with Council's Policy - 'Placement of Waste Storage Containers in a Public Place'.
51. All demolition work must be carried out in accordance with the following:
- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
 - b) all works involving the demolition, removal, transport and disposal of asbestos cement must be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
 - c) all building materials arising from the demolition must be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Site Facilities and Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
 - d) sanitary drainage, stormwater drainage, water, electricity and telecommunications must be disconnected in accordance with the requirements of the responsible authorities;
 - e) the generation of dust and noise on the site must be controlled;
 - f) the site must be secured to prohibit unauthorised entry;
 - g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
 - h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, must only have access to the site during work hours nominated by Council and all loads must be covered;

- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
 - j) no waste collection skips, spoil, excavation or demolition material from the site must be deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
 - k) the person acting on this consent must ensure that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.
52. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection can only be carried out by the PCA. The critical stages of construction are:
- a) At the commencement of the building work;
 - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
 - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
 - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
- You are advised to liaise with your PCA to establish if any additional inspections are required.
53. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.
54. To provide for adequate site drainage all roof and surface stormwater from the site and any catchment external to the site that presently drains to it, shall be collected in a system of pits and pipelines/channels and major storm event surface flow paths and being discharged to a stormwater drainage system in accordance with the requirements of Marrickville Council Stormwater and On Site Detention Code. Please note any stormwater outlets through sandstone kerbs must be carefully core drilled.

BEFORE OCCUPATION OF THE BUILDING

55. You must obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within 2 days of the date of the Certificate being determined:
- a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections; and
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.
56. Occupation of the building must not be permitted until such time as:
- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
 - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and
 - c) An Occupation Certificate has been issued.

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

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

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

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

58.

- a) Upon completion of the required noise attenuation measures referred to in the "Before the Issue of a Construction Certificate" Section of this Determination, and before the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority's satisfaction by an accredited Acoustics Consultant certifying that the final construction meets AS2021:2000 as set down in the subject condition of this consent. Such report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development; and
- b) Where it is found that internal noise levels are greater than the required dB(A) rating due to faulty workmanship or the like, necessary corrective measures must be carried out and a further certificate must be prepared and submitted to Council in accordance with the requirements as set down in Part a) of this condition.

59. You are advised that Council has not undertaken a search of existing or proposed utility services adjacent to the site in determining this application. Any adjustment or augmentation of any public utility services including Gas, Water, Sewer, Electricity, Street lighting and Telecommunications required as a result of the development shall be at no cost to Council and undertaken before the issue of an Occupation Certificate.

60. An air conditioning unit must be installed for each hotel room and operated at all times so as not to cause "Offensive Noise" as defined by the Protection of the Environment (Operations) Act 1997.

The system/s shall be operated as follows:

- a) must not be audible in nearby dwellings between:
 - i. 10:00pm to 7:00am on Monday to Saturday; and
 - ii. 10:00pm to 8:00am on Sundays and Public Holidays.
- b) At any other time the systems and associated equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A).

The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority's Industrial Noise Policy and Environmental Noise Control Manual (sleep disturbance).

ADVISORY NOTES

- The Disability Discrimination Act 1992 (Commonwealth) and the Anti-Discrimination Act 1977 (NSW) impose obligations on persons relating to disability discrimination. Council's determination of the application does not relieve persons who have obligations under those Acts of the necessity to comply with those Acts.
- A complete assessment of the application under the provisions of the National Construction Code (Building Code of Australia) has not been carried out.
- The approved plans must be submitted to the Customer Centre of any office of Sydney Water before the commencement of any work to ensure that the proposed work meets the requirements of Sydney Water. Failure to submit these plans before commencing work may result in the demolition of the structure if found not to comply with the requirements of Sydney Water.