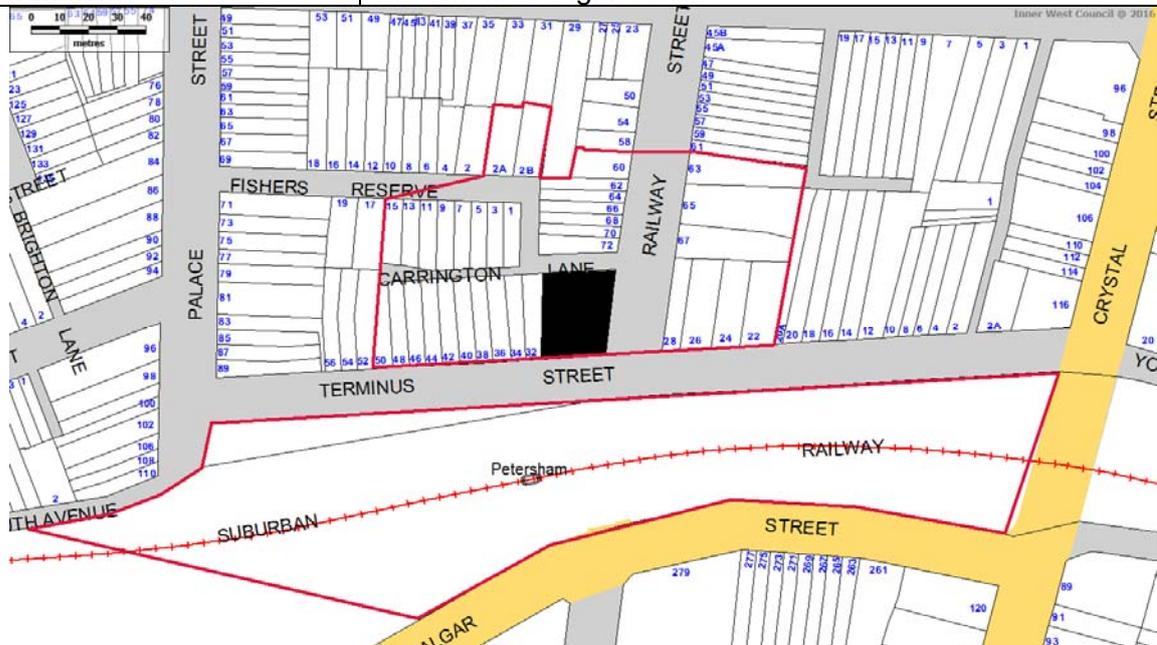




INNER WEST COUNCIL

DEVELOPMENT ASSESSMENT REPORT

Application No.	DA201600139.02
Address	30 Terminus Street, Petersham
Proposal	To modify Modified Determination No. 201600139 dated 19 August 2016 under Section 4.55 of the Environmental Planning and Assessment Act to carry out alterations to enclose the dining courtyard fronting Terminus Street at the White Cockatoo Hotel at 30 Terminus Street, Petersham.
Date of Lodgement	13 July 2018
Applicant	Elaine Richardson Architect
Owner	Aalhuizen Nominees Pty Ltd
Number of Submissions	Nil
Value of works	\$40,000
Reason for determination at Planning Panel	Heritage Item
Main Issues	Heritage and Acoustic Impacts
Recommendation	Consent subject to conditions
Attachment A	Recommended modified conditions of consent
Attachment B	Plans of proposed development
Attachment C	Officer's Report for DA201600139
Attachment D	Stamped Plans of DA201600139
Attachment E	Determination No. 201600139
Attachment F	Determination No. 201500077
Attachment G	Statement of Significance



Locality Map	
Subject Site:	Objectors: (Nil)
Notified Area:	

1. Executive Summary

This report concerns an application under Section 4.55 of the Environmental Planning and Assessment Act to modify Modified Determination No. 201600139 dated 19 August 2016 to carry out alterations to enclose the dining area fronting Terminus Street at the White Cockatoo Hotel at 30 Terminus Street, Petersham.

The application was notified in accordance with Council's Notification Policy and no submissions were received.

The application is referred to the Inner West Local Planning Panel for determination because the subject site is listed as a heritage item of local heritage significance in Schedule 5 of the Marrickville Local Environmental Plan (MLEP) 2011. However, the proposed building alterations include partial demolition of an existing roof to a recent addition to the hotel and would not have any adverse impact on the heritage significance of the original hotel building on the site.

The key issue relates to potential noise impacts to surrounding residences associated with patrons utilising the dining area. The Environmental Noise Assessment (ENA) submitted with the development application (DA) concludes the proposal would result in an acceptable level of noise emission, subject to the implementation of noise controls, including construction measures and patron management. Conditions are included in the recommended modified conditions of consent to protect the acoustic amenity of the surrounding residences.

The proposal complies with the relevant objectives and planning controls contained in the MLEP 2011 and Marrickville Development Control Plan 2011 (MDCP 2011).

The application is recommended for approval subject to appropriate conditions.

2. Proposal

The proposed modification seeks approval to fully enclose the dining area fronting Terminus Street. The proposed building works include:

- replacement of the existing partially open polycarbonate roof with a new metal roof enclosing the existing roof structure;
- construction of a parapet wall extending 1.4 m above the existing window/wall along the Terminus Street frontage;
- a new ceiling system including thermal insulation and fire rated plasterboard;
- installation of a new roof skylight 4.3 metres x 2 metres; and
- removal of the bi-fold doors around the bar area.

3. Site Description

The site contains the White Cockatoo Hotel, which is a three storey Victorian Italianate hotel sited on a corner bounded by Terminus Street, Railway Street and Carrington Lane.

The hotel's three storey form has been modified considerably since its original construction in 1886. The original hotel building on the corner presents to Terminus and Railway Street. The Railway Street elevation includes an early twentieth century addition on the northern extent. The Terminus Street elevation includes a later twentieth century (circa 1970s) addition on the western side of the original hotel building.

At the rear of the property, a single storey addition extends back almost to the Carrington Lane property boundary.



Image 1: The existing hotel viewed from Terminus Street

The site is located in a predominately low scale residential area. The property adjoining the western boundary contains a single storey terrace dwelling at 32 Terminus Street. The neighbouring property to the north across Carrington Lane contains a two storey terrace dwelling at 72 Railway Street. The neighbouring property to the east across Railway Street contains a part one and two storey dwelling at 28 Terminus Street. The site is also located opposite the Petersham Railway Station on the southern side of Terminus Street.

4. Background

4(a) Site history

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

Application	Proposal	Decision & Date
Determination No. 15200	To carry out alterations to the existing hotel involving internal refurbishments, redesign of ground floor windows and openings, and refused consent for the erection of awning structures and associated advertising signs.	Approval 3 November 1993

Determination No. 201200247	To demolish part of the premises and carry out alterations and additions to the hotel including enclosing rear terrace area to provide a dining overflow area and creating two atrium areas within the central part of the hotel.	Approval 13 March 2013
Determination No. 201500077	To demolish part of the premises and carry out ground floor alterations and additions to the hotel, including modifying the Terminus Street entry, creation of a 60sqm courtyard, demolition of a number of internal walls to open up the existing dining room areas, internal refurbishment of the lounge, bar and dining areas and new signage.	Deferred commencement consent 24 June 2015
Determination No. 201600139	To partially enclose the courtyard/outdoor dining area with a clear polycarbonate roof and modify the Terminus Street facade by replacing the existing timber screens with timber windows and to permit a breakfast service at the Hotel from 7:00am to 10:00am daily (with no alcohol served during this time).	Approval 7 June 2016
Modified Determination No. 201600139.01	Modification application under the former Section 96 of the Environmental Planning and Assessment Act, 1979 to extend the Sunday morning trading hours to permit breakfast service from 10:00am to 12 noon on Sundays (with no alcohol service during this time).	Approval 19 August 2016
Application No. DA201800259	Application to demolish part of the premises and carry out alterations and additions to the building to enable the provision of a children's play area on the lower ground floor and dining area on the upper ground floor with new service gates and fencing along Carrington Lane. This application is currently part of a Class 1 Appeal in the Land and Environment Court, being Case No. 18/355417 filed on 19 November 2018.	Undetermined

4(b) Application history

None Applicable

5. Assessment

The following is a summary of the assessment of the application in accordance with Section 79C of the Environmental Planning and Assessment Act 1979.

5(a) Environmental Planning Instruments

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

5(a)(i) Marrickville Local Environmental Plan 2011 (MLEP 2011)

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

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

The property is zoned B1 – Neighbourhood Centre under the provisions of MLEP 2011. The development is permissible with Council's consent under the zoning provisions applying to the land. The development is acceptable having regard to the objectives of the B1 zone.

(ii) Clause 4.3 - Height of buildings

A maximum building height of 11 m applies to the land as indicated on the Building Height Map that accompanies MLEP 2011.

The maximum height to the top of the new parapet wall at the Terminus Street frontage will be 4.9 m above the existing ground level (adjoining footpath). The proposal complies with the maximum building height development standard.

(iii) Clause 4.4 - Floor space ratio

A maximum floor space ratio (FSR) of 1.2:1 applies to the land as indicated on the FSR Map that accompanies MLEP 2011.

The existing dining area is surrounded by walls greater than 1.4 metres in height and partially covered by a roof is considered to constitute gross floor area (GFA).

The development has an FSR of 1.32:1. Whilst not complying with the prescribed FSR development standard, the non-compliance is existing and the proposal does not alter the overall GFA of the building and is therefore acceptable in this regard.

(iv) Clause 5.10 - Heritage conservation

The existing hotel is listed as a heritage item under Schedule 5 MLEP 2011, namely White Cockatoo Hotel (Item I227). The property is also located within a Heritage Conservation Area under MLEP 2011 (Heritage Conservation Area HCA3 – Petersham North).

The application was referred to Council's Heritage and Urban Design Advisor who provided the following comments:

"The proposed roof will not be seen from the street. The new acoustic wall (south elevation) above the existing shutters retains the scale of this part of the building and is readily differentiated from the heavy massing and prominence of the main part of the hotel. Where seen from the street the proposed addition is distinguishable as a new element and will have a neutral impact on the visual presentation and setting of the place. Importantly it would allow the hotel use to continue, which is embodied in its significance."

Furthermore, the proposed alterations relate to a recent addition to the hotel which has no heritage significance and would not adversely impact the heritage significance of the original hotel building. The development is considered acceptable having regard to the provisions of Clause 5.10 of MLEP 2011 and Part 8 of MDCP 2011.

5(b) Draft Environmental Planning Instruments

Draft Marrickville Local Environmental Plan 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.

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

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

Part	Compliance
Part 2.6 – Acoustic and Visual Privacy	Yes – see discussion
Part 2.8 – Social Impact	Yes – see discussion
Part 5.3 - Commercial/Light Industrial/Residential Interface	Yes – see discussion
Part 8 – Heritage	Yes – see discussion

The following provides discussion of the relevant issues:

(i) Acoustic Privacy (Part 2.6)

Control C7 requires consideration of noise impacts from commercial development on residential amenity. Where a commercial site adjoins a residential area the impacts of proposed activities, including the use of amplified music on the site and the proposed hours of operation will be considered by Council.

The outdoor dining area adjoins the boundary of the residential property at 32 Terminus Street along the western boundary of the site. When Council granted approval to the outdoor courtyard it imposed a condition permitting a maximum of 40 patrons at any one time within the outdoor dining area to minimise noise impacts to the surrounding residences (Condition 6 - Determination No. 201500077 dated 24 June 2015).

The DA includes an Environmental Noise Assessment (ENA), prepared by Day Design, dated 6 July 2018, to investigate the noise impacts associated with the use of the proposed dining area. The ENA predicts the noise level at 37dBA from the use of the enclosed dining area at the nearest residential property at 32 Terminus Street. It concludes the proposal would satisfy the relevant noise criteria, subject to implementation of construction measures and a maximum of 80 patrons in the dining area.

Council's Environmental Health Officer raises no objection to the proposal, subject to the imposition of standard noise conditions and on-going noise monitoring of hotel activities. These conditions are included in the recommended modified conditions of consent attached to this report.

(ii) Social Impact Assessment (Part 2.8)

A Social Impact Assessment (SIA) is required for hotels where a new or expanded premises is proposed or an extension of trading hours is sought. The application does not involve any

additional floor space or overall intensification of the existing hotel activities. As the application seeks to continue previously approved trading hours a SIA is not required.

(iii) Commercial/Light Industrial/Residential Interface (Part 5.3)

5.3.1.1 Plan of Management

Control C70 requires a Plan of Management (POM) when a commercial use is proposed in proximity to the residential land use and may unreasonably impact on the amenity of surrounding residences.

The application includes a POM, dated April 2018 with provisions relating to hours of operation, amenity, security measures, responsible service of alcohol strategies, garbage collection and deliveries and noise management. The hotel will be required to operate in accordance with the POM to maintain the amenity of the surrounding residential area. A condition to this effect is included in the recommended modified conditions of consent attached to this report.

5.3.1.4 Hours of Operation

Modified determination No. 201600139, dated 19 August 2016 requires compliance with the terms and conditions of Determination No. 15200, dated 3 November 1993 for the use of the premises as amended by Determination No. 201500077 dated 24 June 2015.

Condition 20 of Determination No. 201500077, dated 24 June 2015 establishes the general hours of operation of the hotel (excluding the courtyard/outdoor dining area) between 10.00am to 12.00am midnight, Mondays to Saturdays, including Public Holidays and 12:00pm midday to 10.00pm on Sundays. The SEE submitted with the application states there will be no change to the existing hours of operation of the hotel.

Condition 21 establishes the operating hours of the dining area between 10:00am to 8:00pm Mondays to Thursdays, 10:00am to 10:00pm on Fridays and Saturdays and 12:00 midday to 8:00pm Sundays and Public holidays. The 12 month trial period allowing use of the dining area until 10:00pm has lapsed and no extension of that trial period is sought.

The proposal will be subject to the hours of operation under Determination No. 201500077, dated 24 June 2015.

(iv) Heritage (Part 8)

The heritage matters have been addressed in Section 5(a)(i) of this report.

5(d) Section 4.55 of the Environmental Planning and Assessment Act

Under Section 4.55 of the Environmental Planning and Assessment Act, 1979, Council, when considering a request to modify a Determination, must:

- a) be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted;
- b) consult with any relevant authority or approval body;
- c) notify the application in accordance with the regulations;
- d) consider any submissions made; and
- e) take into consideration the matters referred to in Section 4.15 as are of relevance to the development the subject of the application.

The development being modified is substantially the same development as the development for which consent was originally granted. No authorities or bodies were required to be consulted. The application was notified in accordance with the regulations and Council's policy and no submissions were received.

5(e) The Likely Impacts

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

5(f) The suitability of the site for the development

The site is zoned B1 Neighbourhood Centre. Subject to the implementation of noise controls to protect the amenity of the adjoining residential property, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

5(g) Any submissions

The application was notified in accordance with the Marrickville Development Control Plan 2011 for a period of 14 days to surrounding properties. No submissions were received.

5(h) The Public Interest

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

The proposal is not contrary to the public interest.

6. Referrals

6(a) Internal

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

Heritage – Council's Heritage Advisor raises no objection to the proposed changes to the building in terms of heritage impacts.

Environmental Health – Council's Environmental Health Officer has reviewed the applicant's ENA and raises no objection subject to the imposition of standard noise conditions.

7. Section 7.11 Contributions

Section 7.11 contributions are not payable for the proposal.

8. Conclusion

The proposal complies with the aims, objectives and design parameters contained in MLEP 2011 and MDCP 2011. The development will not result in any significant impacts on the

heritage significance of the original hotel building or the amenity of the surrounding residential area.

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

9. Recommendation

That the Inner West Local Planning Panel, as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979, grant consent to Development Application No. 201600139.02 to modify Modified Determination No. 201600139 dated 19 August 2016 under Section 4.55 of the Environmental Planning and Assessment Act to carry out alterations to enclose the dining area fronting Terminus Street at the White Cockatoo Hotel at 30 Terminus Street, Petersham subject to the conditions listed in Attachment A below.

Attachment A – Recommended modified conditions of consent

Attachment A – Recommended modified conditions of consent

A. THAT the application under Section 4.55 of the Environmental Planning and Assessment Act 1979 to modify Determination No. 201600139 dated 19 August 2016 be **APPROVED** and a modified Determination be issued with the Determination being modified in the following manner:

(i) THAT the description of the development being amended to read:

“to enclose the courtyard/outdoor dining area and modify the Terminus Street façade and to permit a breakfast service at the Hotel from 7:00 am to 10:00 am Mondays to Saturdays and 8:00 am to 10:00 am on Sundays and Public Holidays (with no alcohol served during this time)”

(ii) THAT the conditions 1, 3 and 7 being amended as follows:

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

Plan No. and Issue	Plan/Certificate Type	Date Issued	Prepared by	Date Submitted
A XX.011 Rev D	Roof plan	10/3/16	Alexander and Co	30/3/16
D.00.011 Rev D	Ground floor	10/3/16	Alexander and Co	30/3/16
EXX.001 Rev D	Southern elevation	10/3/16	Alexander and Co	30/3/16
FXX.001 Rev D	Section	10/3/16	Alexander and Co	30/3/16
	Acoustic report	8/3/16	The Acoustic Group	30/3/16
	Plan of management	-	The planning lab	30/3/16

with the application for development consent and as amended by the plans and details listed below:

Plan/Document No. and Issue	Plan/Cert Type	Date Issued	Prepared by	Date Submitted
A102 Issue 2	Site Plan & Erosion and Sediment Control Plan	29 June 2018	Elaine Richardson	13 July 2018
A103 Issue 2	Proposed Ground Floor Plan	29 June 2018	Elaine Richardson	13 July 2018
A104 Issue 2	Proposed Roof Plan & Concept Stormwater Plan	29 June 2018	Elaine Richardson	13 July 2018
A201 Issue 2	South Elevation, Cross Section and Materials and Finishes	29 June 2018	Elaine Richardson	13 July 2018
A202 Issue 2	East Elevation	29 June 2018	Elaine Richardson	13 July 2018
A203 Issue 2	North Elevation	29 June 2018	Elaine Richardson	13 July 2018

Report No. 6358-1.2R	Environmental Noise Assessment	6 July 2018	Day Design Pty Ltd	13 July 2018
	White Cockatoo Hotel Plan of Management	April 2018	Not Stated	13 July 2018

and details submitted to the Council on 13 July 2018 with the application under Section 4.55 of the Environmental Planning and Assessment Act and the following conditions.

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

3. The operation of the breakfast service complying at all times with the recommendations identified in the Acoustic Report prepared by Acoustic Logic dated 8 March 2016, which includes that the windows at the front of the premises shall be closed during the breakfast service and the recommendations in the Environmental Noise Assessment prepared by Day Design Pty Ltd dated 6 July 2018 including the dining area shall be used by no more than 80 patrons at any one time and patrons are to be seated.

Reason: To protect the amenity of the surrounding neighbourhood.

7. The L_{A10} noise level emitted from the premises, measured between the hours of **7am and 12am 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.

The L_{A10} noise level emitted from the premises, measured between the hours of **midnight and 7am**, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive), when measured at the boundary of any adjoining residence.

Reason: To prevent loss of amenity to the area.

- (iii) **THAT** the condition not numbered between conditions 26 and 27 be renumbered to condition 26A and read as follows:

- 26A (i) Upon completion of the required noise attenuation measures referred to in the "Environmental Noise Assessment" prepared by Day Design Pty Ltd Report No. 6358-1.2r dated 6 July 2018 and prior to commencing use of the dining area a report being prepared and submitted to Council's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets the requirements as set down in the Environmental Noise Assessment report. Such report shall 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
- (ii) 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 shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part (i) of this condition.

Reason: To ensure that the proposed noise attenuation measures incorporated into the development enable the usage of such area to comply with noise standard to protect the amenity of the surrounding neighbourhood.

(iv) THAT the following additional conditions be included in the Determination:

DURING THE ONGOING USE OF THE PREMISES

28. During the first sixty (60) days of trading being provided at the premises, the following acoustic measures must be undertaken:
- a) A suitably qualified acoustic consultant must be appointed to:
 - i) measure and verify the noise emanating from the premises; and
 - ii) if necessary, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria.
 - b) The noise measurements must be:
 - i) undertaken without the knowledge of the applicant, manager or operator of the premises; and
 - ii) taken on at least three (3) different occasions on three (3) different days of the week (excluding Monday, Tuesday and Wednesday) from 11pm until the end of the public entertainment or close of business, whichever occurs first, and
 - iii) submitted to Council within seven (7) days of testing.
 - c) If the acoustic consultant recommends that additional treatment or works be undertaken those recommendations must be:
 - i) submitted to Council with the noise measurements; and
 - ii) implemented to the acoustic consultant's satisfaction before the end of the first sixty (60) days of public entertainment provided on the premises.
 - d) If the acoustic consultant's recommendations are not implemented in accordance with this condition, the relevant element of trading on the premises must cease until such time as the recommendations are implemented and verified.

Reason: To ensure that the proposed noise attenuation measures incorporated into the development enable the usage of such area to comply with noise standard to protect the amenity of the surrounding neighbourhood.

29. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and 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 assess 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).

Reason: To protect the amenity of the surrounding residential area.

30. The operation of the hotel premises complying at all times with the approved Plan of Management with the exception of the hours of operation. The Plan of Management as approved is not to be amended without prior written approval of Marrickville Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of this consent shall prevail to the extent of that inconsistency.

Reason: To ensure that there is an appropriate Plan of Management for operation of the hotel

Attachment B – Plans of proposed development

Section 96 Application for Alteration to Existing Terminus Street Outdoor Courtyard of White Cockatoo Hotel at 30 Terminus Street Petersham NSW 2049



THE SITE
THE WHITE COCKATOO HOTEL
30 Terminus Street Petersham NSW 2049

DRAWING LIST

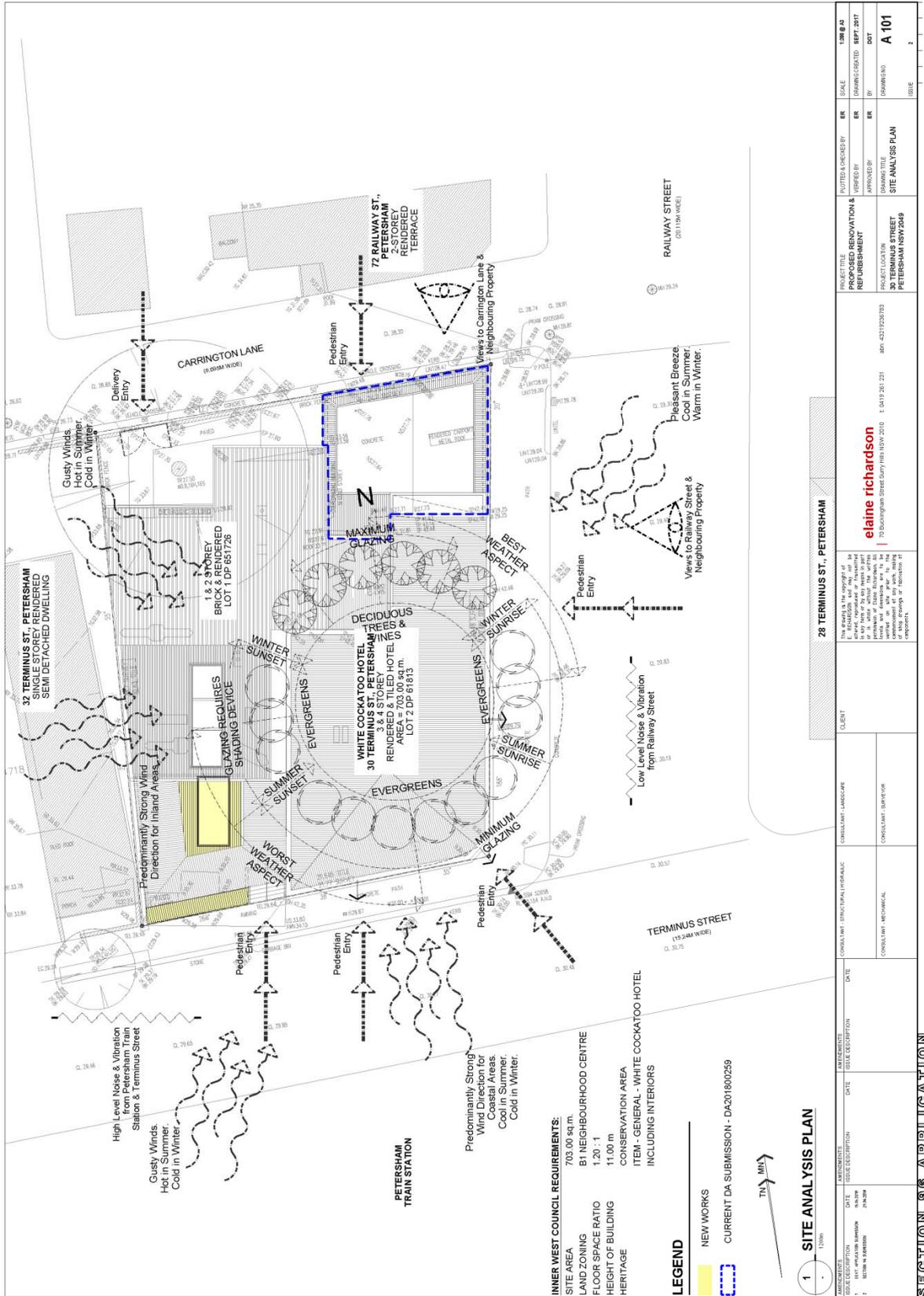
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A 101 SITE ANALYSIS PLAN	1:200 @ A3
A 102 SITE PLAN	1:200 @ A3
A 103 GROUND FLOOR PLAN	1:100 @ A3
A 105 ROOF PLAN	1:100 @ A3
A 201 SOUTH ELEVATION (Terminus Street), CROSS SECTION & SCHEDULE OF MATERIALS & FINISHES	1:100 @ A3
A 301 SHADOW DIAGRAMS JUNE 21ST 9AM	1:100 @ A3
A 302 SHADOW DIAGRAMS JUNE 21ST 10AM	1:100 @ A3
A 303 SHADOW DIAGRAMS JUNE 21ST 11AM	1:100 @ A3
A 304 SHADOW DIAGRAMS JUNE 21ST 12NN	1:100 @ A3
A 305 SHADOW DIAGRAMS JUNE 21ST 1PM	1:100 @ A3
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A 307 SHADOW DIAGRAMS JUNE 21ST 3PM	1:100 @ A3

1 LOCATION PLAN
NOT TO SCALE (N.T.S.)

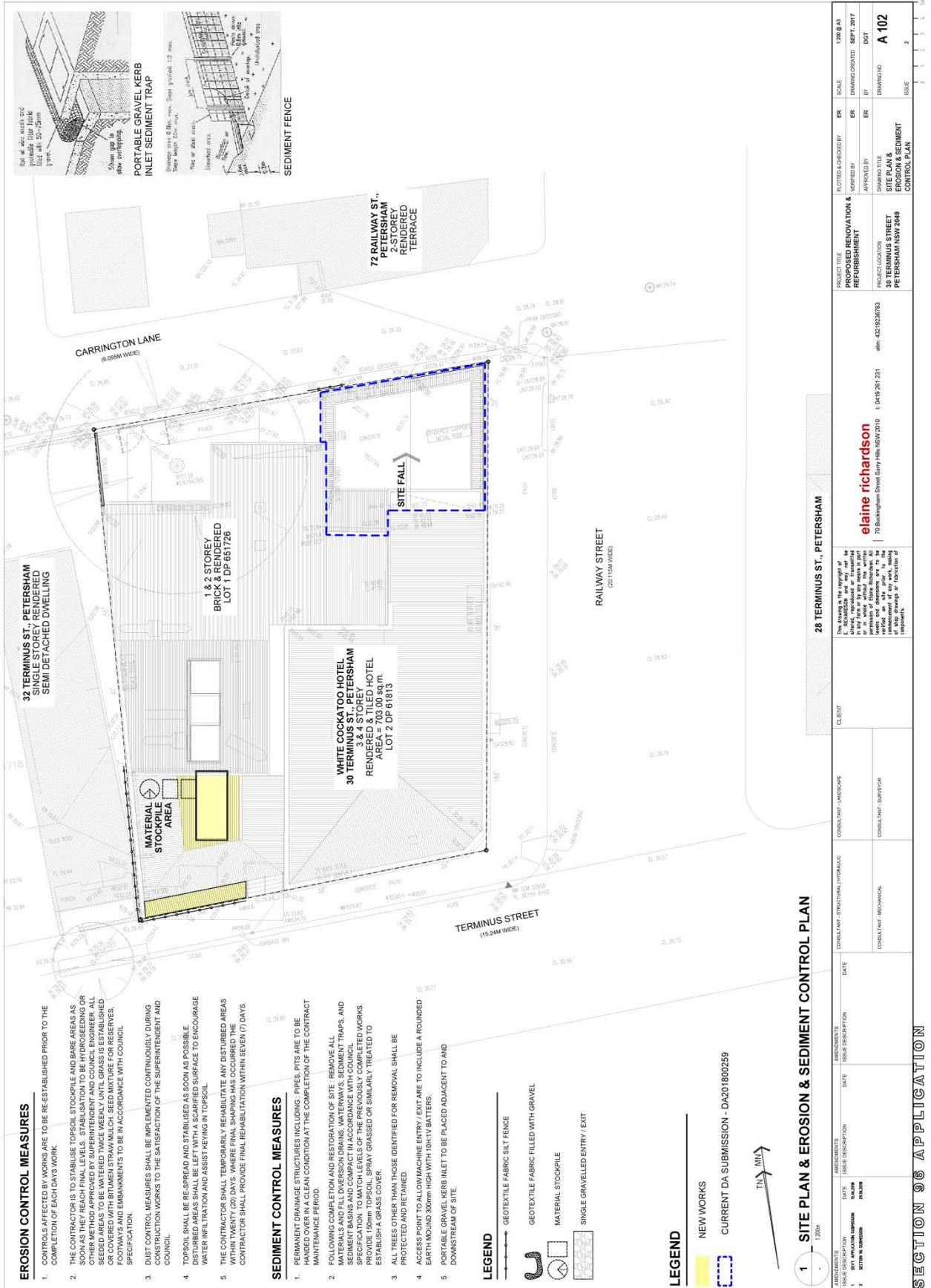
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2	06/09/2017	elaine richardson	ISSUE FOR APPROVAL															

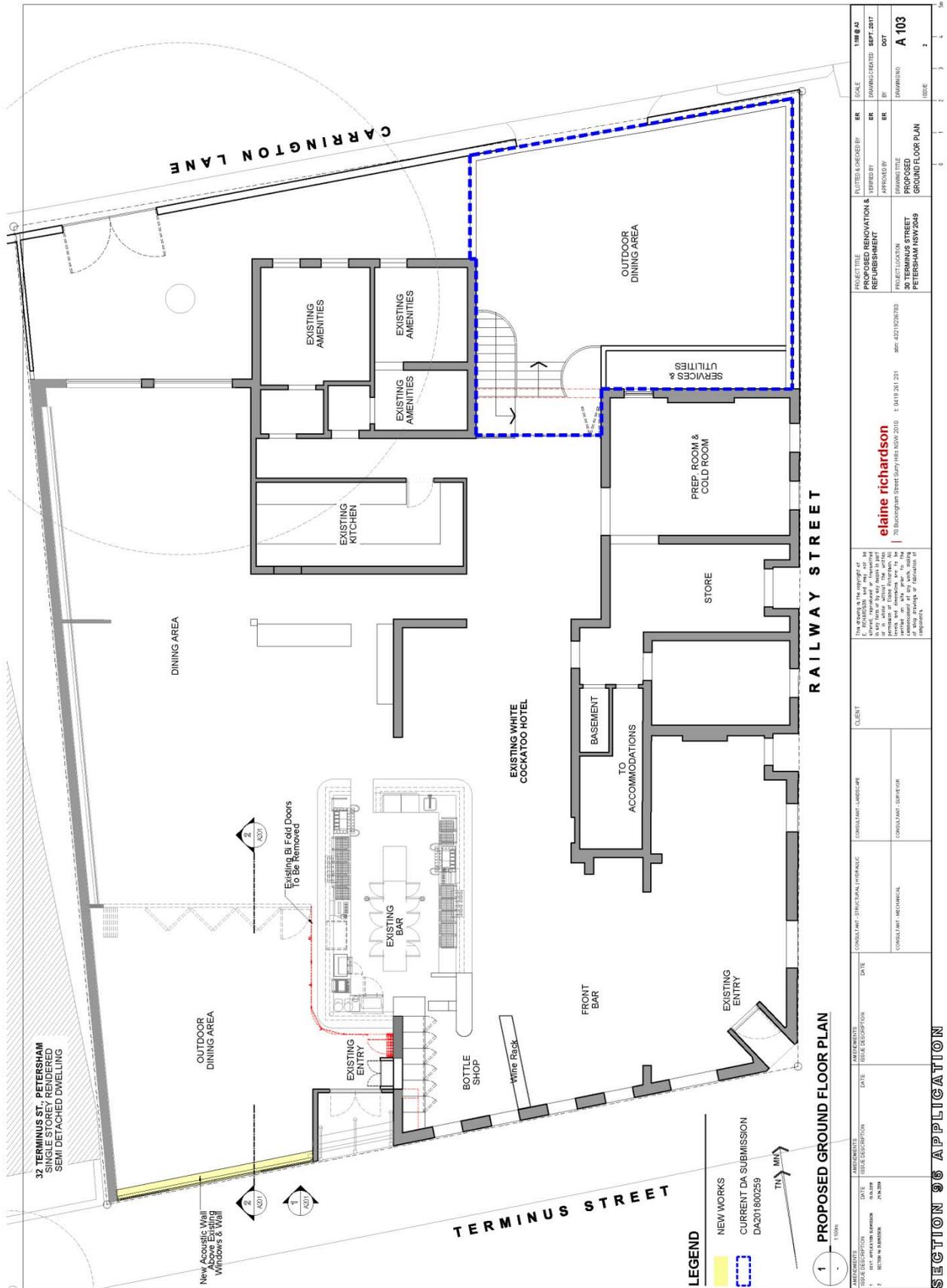
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PROJECT LOCATION	30 TERMINUS STREET PETERSHAM NSW 2049	DATE	1:0419.2017.231	PHONE	45210229793	PROJECT TITLE	PROPOSED RENOVATION & REFRESHMENT
COVER PAGE	COVER PAGE	DRAWING TITLE	COVER PAGE	DRAWING NO.	A 000	DRAWING DATE	SEPT. 2017
Customer Rep, Drawing List & Notes	Customer Rep, Drawing List & Notes	Customer Rep, Drawing List & Notes	Customer Rep, Drawing List & Notes	Customer Rep, Drawing List & Notes	Customer Rep, Drawing List & Notes	Customer Rep, Drawing List & Notes	Customer Rep, Drawing List & Notes

SECTION 96 APPLICATION

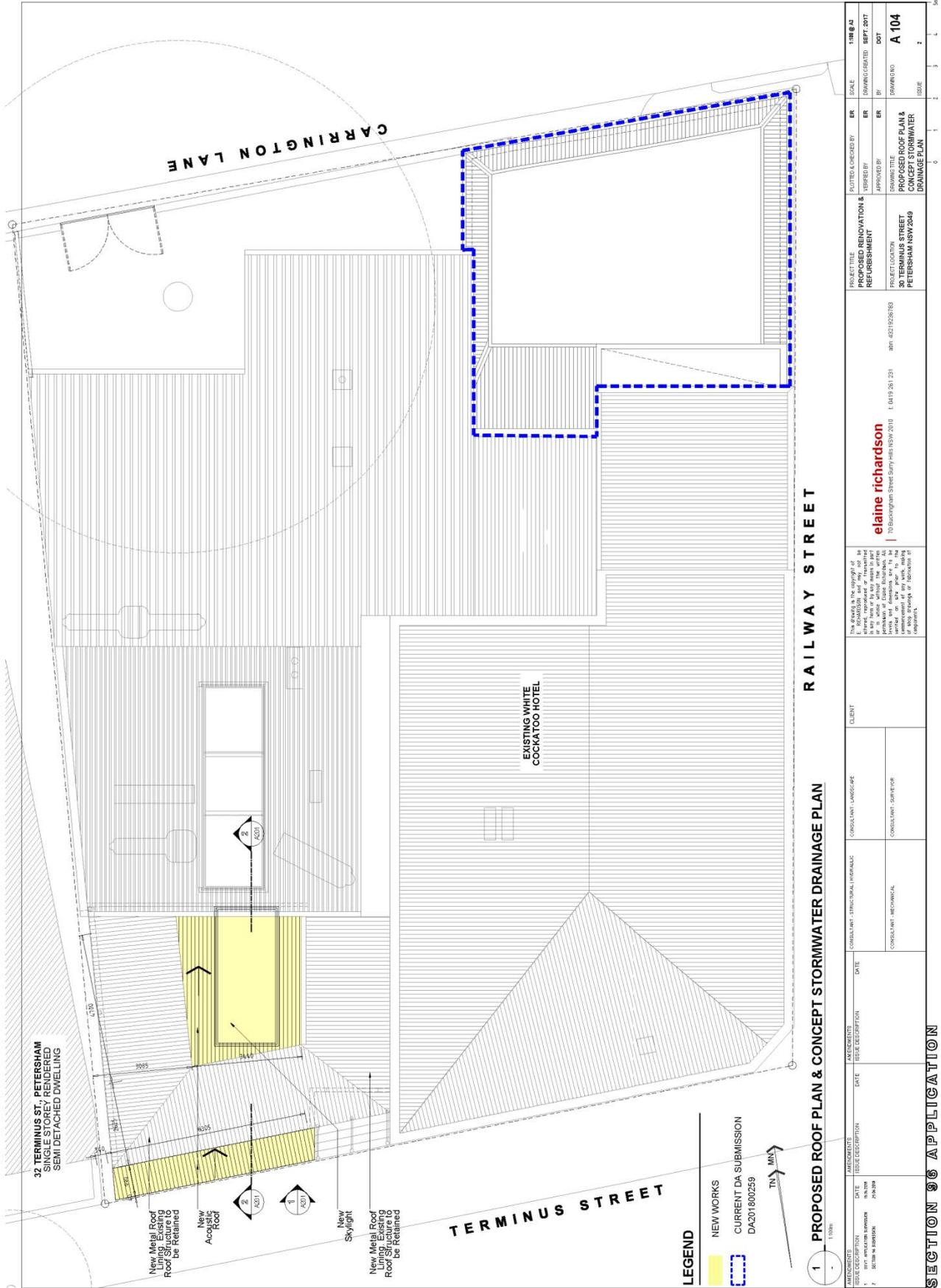


SECTION 96 APPLICATION





PROJECT TITLE RESERVATION & REPAIRS	PLANNED BY ER	SCALE 1:1000
PROJECT LOCATION 30 TERMINUS STREET PETERSHAM NSW 2049	APPROVED BY ER	DATE SEPT. 2017
PROJECT NO. 403	DRAWING NO. A 103	DATE 2017
<p>This drawing is the copyright of Elaine Richardson and is not to be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Elaine Richardson.</p>		
<p>elaine richardson 70 Buckingham Street Surry Hills NSW 2010 t 04 91 261 231 98m 4521 026283</p>		
CLIENT	CONSULTANT - LANDSCAPE	CONSULTANT - STRUCTURAL / MECHANICAL
CONSULTANT - MECHANICAL	CONSULTANT - MECHANICAL	CONSULTANT - MECHANICAL
DATE	DATE	DATE
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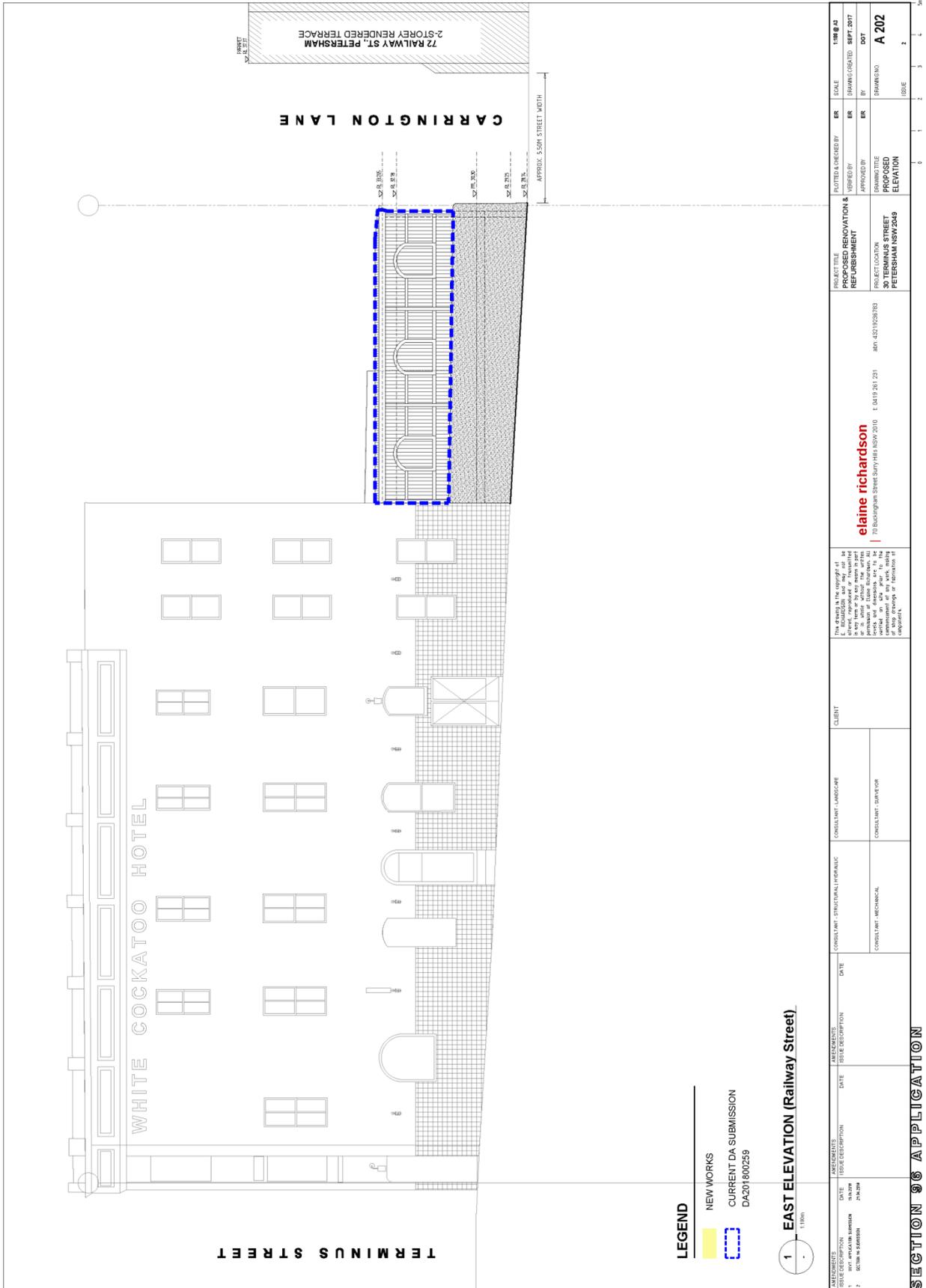


RAILWAY STREET

PROPOSED ROOF PLAN & CONCEPT STORMWATER DRAINAGE PLAN

<p>AMENDMENTS</p> <p>DATE</p> <p>DESCRIPTION</p> <p>1</p> <p>2</p> <p>3</p>	<p>AMENDMENTS</p> <p>DATE</p> <p>DESCRIPTION</p> <p>1</p> <p>2</p> <p>3</p>	<p>AMENDMENTS</p> <p>DATE</p> <p>DESCRIPTION</p> <p>1</p> <p>2</p> <p>3</p>	<p>CONSULTANT - STRUCTURAL / CIVIL</p> <p>CONSULTANT - MECHANICAL</p> <p>CONSULTANT - LANDSCAPE</p> <p>CONSULTANT - SURVEYOR</p>	<p>CLIENT</p>	<p>100% of the property of EL RICHARDSON and any other person in any form or to any extent in part or in whole, as the case may be, in the person of ELAINE RICHARDSON. All verbal or written agreement in the form of any plan or other document of any nature or description is hereby acknowledged and accepted by the company.</p>	<p>elaine richardson</p> <p>70 Barrington Street Surry Hills NSW 2010 C: 0419 261 221 M: 0451 9252183</p>	<p>PROJECT TITLE</p> <p>PROPOSED RENOVATION & REFURBISHMENT</p> <p>PROJECT LOCATION</p> <p>100% of the property of EL RICHARDSON and any other person in any form or to any extent in part or in whole, as the case may be, in the person of ELAINE RICHARDSON. All verbal or written agreement in the form of any plan or other document of any nature or description is hereby acknowledged and accepted by the company.</p>	<p>DESIGNED BY</p> <p>EL</p> <p>APPROVED BY</p> <p>EL</p> <p>PROJECT TITLE</p> <p>PROPOSED RENOVATION & REFURBISHMENT</p> <p>PROJECT LOCATION</p> <p>100% of the property of EL RICHARDSON and any other person in any form or to any extent in part or in whole, as the case may be, in the person of ELAINE RICHARDSON. All verbal or written agreement in the form of any plan or other document of any nature or description is hereby acknowledged and accepted by the company.</p>	<p>SCALE</p> <p>1:100 @ A2</p> <p>DRAWN/CHECKED BY</p> <p>EL</p> <p>DATE</p> <p>10/08/2017</p>	<p>ISSUE</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> <p>31</p> <p>32</p> <p>33</p> <p>34</p> <p>35</p> <p>36</p> <p>37</p> <p>38</p> <p>39</p> <p>40</p> <p>41</p> <p>42</p> <p>43</p> <p>44</p> <p>45</p> <p>46</p> <p>47</p> <p>48</p> <p>49</p> <p>50</p>
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SECTION 96 APPLICATION



LEGEND

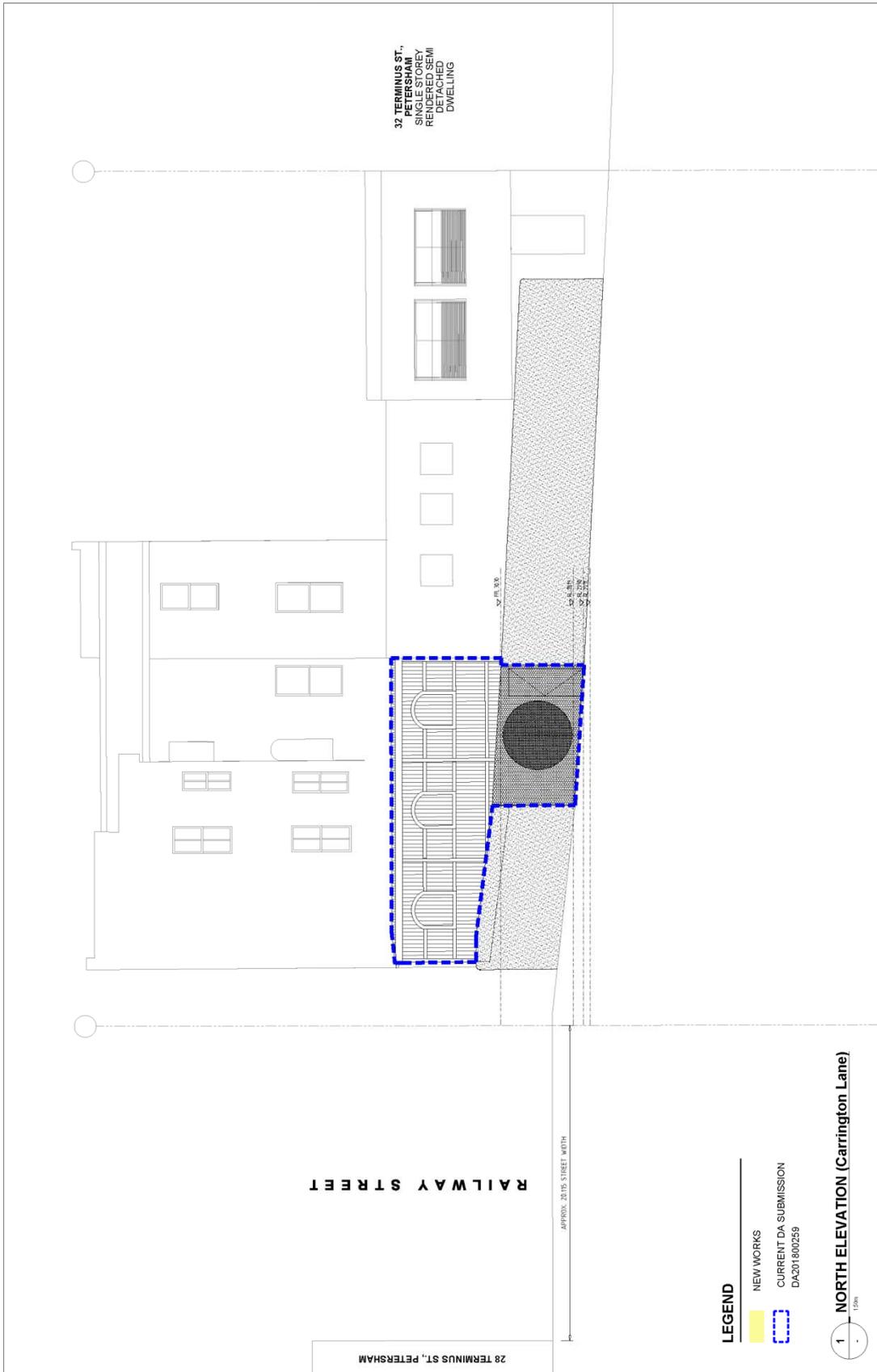
- NEW WORKS
- CURRENT DA SUBMISSION
DA-201/800259

1 EAST ELEVATION (Railway Street)



AMENDMENTS DATE: 24/08/2018 ISSUE DESCRIPTION: 2018/08/24/01		AMENDMENTS DATE: 24/08/2018 ISSUE DESCRIPTION: 2018/08/24/01		CONSULTANT - MECHANICAL CONSULTANT - MECHANICAL																	
PROJECT TITLE PROPOSED RENOVATION & REFURBISHMENT		PROJECT LOCATION 72 RAILWAY ST, PETERSHAM NSW 2015		PROJECT LOCATION 72 Backingham Street Surry Hills NSW 2010		PROJECT LOCATION 72 Backingham Street Surry Hills NSW 2010		PROJECT LOCATION 72 Backingham Street Surry Hills NSW 2010		PROJECT LOCATION 72 Backingham Street Surry Hills NSW 2010		PROJECT LOCATION 72 Backingham Street Surry Hills NSW 2010		PROJECT LOCATION 72 Backingham Street Surry Hills NSW 2010		PROJECT LOCATION 72 Backingham Street Surry Hills NSW 2010		PROJECT LOCATION 72 Backingham Street Surry Hills NSW 2010		PROJECT LOCATION 72 Backingham Street Surry Hills NSW 2010	
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SECTION 96 APPLICATION



32 TERMINUS ST.,
PETERSHAM
SINGLE STOREY
RENDERED SEMI
DETACHED
DWELLING

RAILWAY STREET

28 TERMINUS ST, PETERSHAM

APPROX. 20.15 STREET WIDTH

LEGEND

- NEW WORKS
- CURRENT DA SUBMISSION
- DA201800259



AMENDMENTS	DATE	ISSUE DESCRIPTION	DATE	ISSUE DESCRIPTION	DATE	ISSUE DESCRIPTION
1	20/08/2018	ISSUE 1				
2	08/09/2018	ISSUE 2				

CONSULTANT - ARCHITECTURE	CONSULTANT - LANDSCAPE	CONSULTANT - STRUCTURAL / CIVIL	CONSULTANT - MECHANICAL	CONSULTANT - ELECTRICAL	CONSULTANT - PLUMBING	CONSULTANT - OTHER

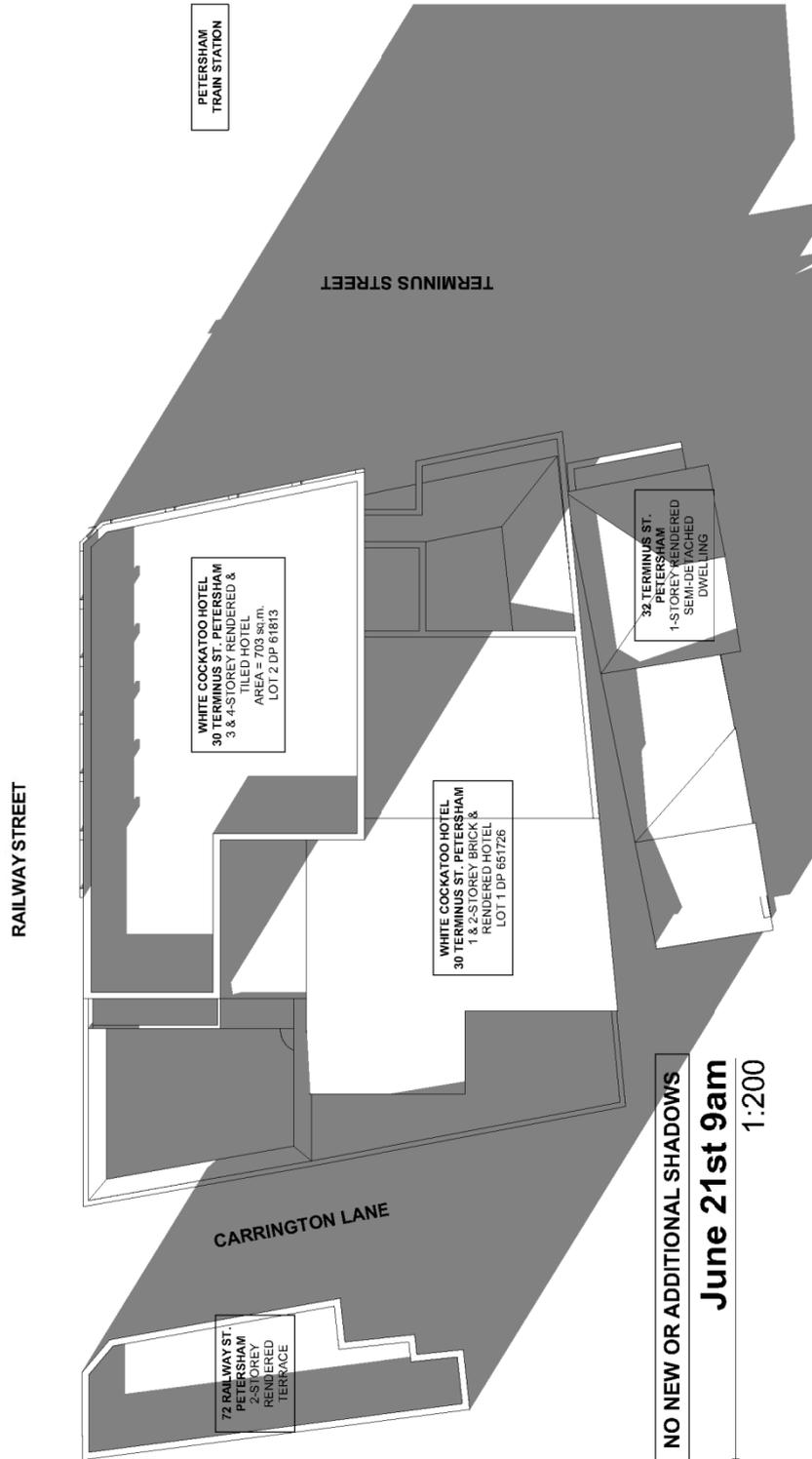
PROJECT TITLE	PROPOSED RENOVATION & REFURBISHMENT	APPROVED BY	ER	AUTODESK CHECKED BY	ER	SCALE	1:50 @ A3
PROJECT LOCATION	30 TERMINUS STREET PETERSHAM NSW 2049	APPROVED BY	ER	APPROVED BY	ER	DRAWING CREATED	SEPT. 2017
DRAWING TITLE	PROPOSED ELEVATIONS	DRAWING NO.	A 203	ISSUE	2		

I, elaine richardson 77 Buckingham Street Surry Hills NSW 2010 T: 0419 261 121 M: 0312029793 amc 4321029793 I HEREBY CERTIFY THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I AM A QUALIFIED ARCHITECT AS DEFINED IN THE PROFESSION OF ARCHITECTS ACT 2003 AND I AM A MEMBER OF THE AUSTRALIAN INSTITUTE OF ARCHITECTS (AIA).	CLIENT CONSULTANT - MECHANICAL CONSULTANT - ELECTRICAL CONSULTANT - PLUMBING CONSULTANT - OTHER
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SECTION 96 APPLICATION

Shadow Analysis Study

- Existing Shadows
- Addition Shadows



June 21st 9am
1:200



Figure dimensions to be used in preference to scaling this drawing.
Do not attempt to redraw ASB.

ELAINE RICHARDSON ARCHITECT

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SECTION 96 APPLICATION

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

Rev	Date	Amendment
A	28.01.18	Existing Plans - JK

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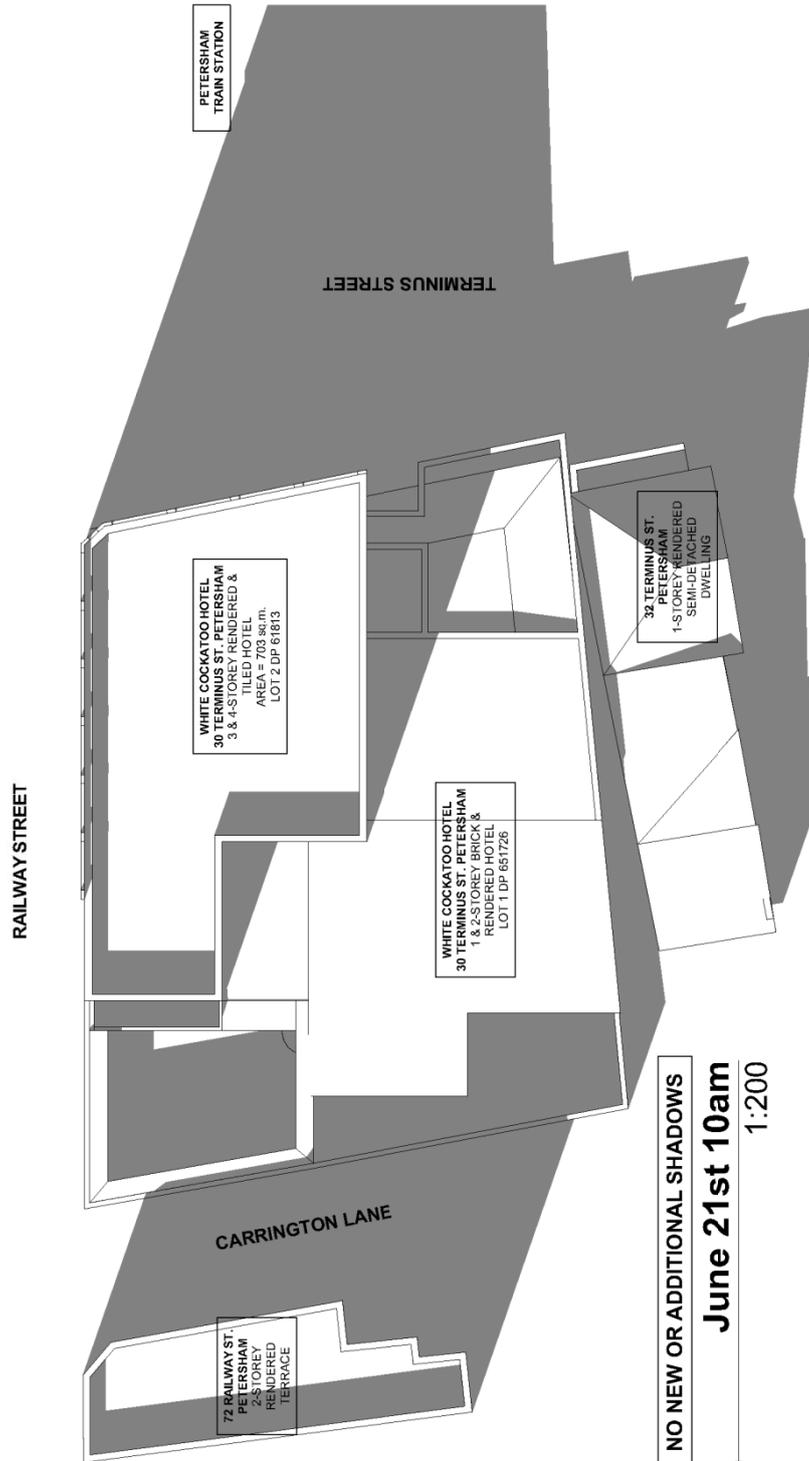
Proposed: Proposed Renovation & Refurbishment to White Cockatoo Hotel
Lot: 1 & 2 DP: 651726 & 61813
30 Terminus Street
Petersham, NSW 2049

Client:	Ray Reilly
LGA:	Inner West Council
Date:	05.06.2018
Design:	Proposed Renovation & Refurbishment to White Cockatoo Hotel
Job No:	TBC
Sheet Size:	A3
Sheet No:	10 of 12

Plot Date: Thursday, July 12, 2018

Shadow Analysis Study

Existing Shadows
Addition Shadows



NO NEW OR ADDITIONAL SHADOWS

June 21st 10am

1:200

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SECTION 96 APPLICATION

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

Rev	Date	Description
A	28.01.18	Existing Plans - JK

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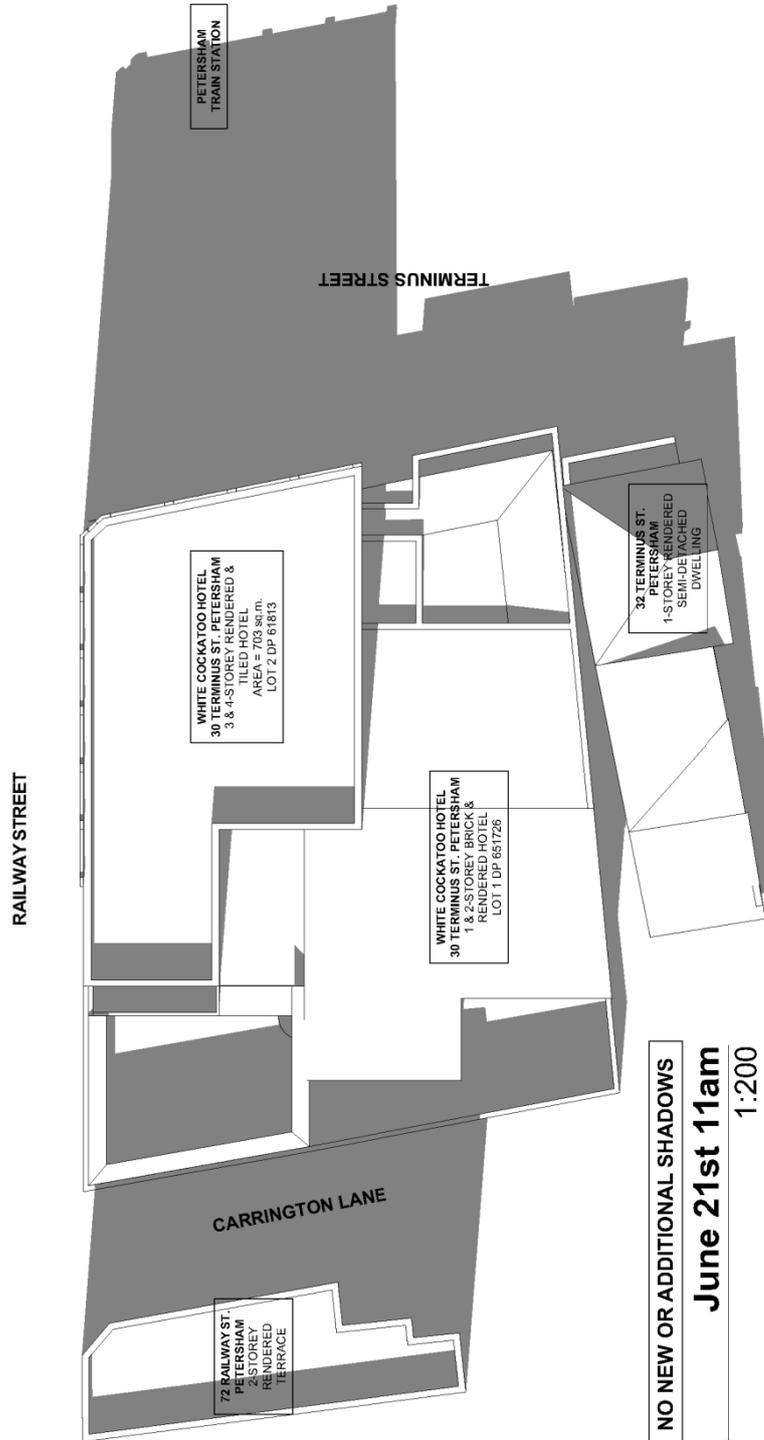
Proposed: Proposed Renovation & Refurbishment to White Cockatoo Hotel
Lot 1 & 2 DP-651726 & 61813
30 Terminus Street
Petersham, NSW 2049

Client: **Ray Reilly**
LGA: Inner West Council
Design: Proposed Renovation & Refurbishment to White Cockatoo Hotel
Job No: TBC
Sheet Size: A3
Sheet No: 11 of 12

Plot Date: Thursday, July 12, 2018

Shadow Analysis Study

- Existing Shadows
- Addition Shadows



NO NEW OR ADDITIONAL SHADOWS

June 21st 11am

1:200

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SECTION 96 APPLICATION

Soil Classification:
TBC

Slab Classification:
TBC

Wind Speed Class:
N2

Rev	Date	Amendment
A	28.07.18	Existing Plans - JK

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Proposed: Proposed Renovation & Refurbishment to White Cockatoo Hotel

Lot: 1 & 2 DP: 651726 & 61813
30 Terminus Street
Petersham, NSW 2049

Client: Ray Reilly

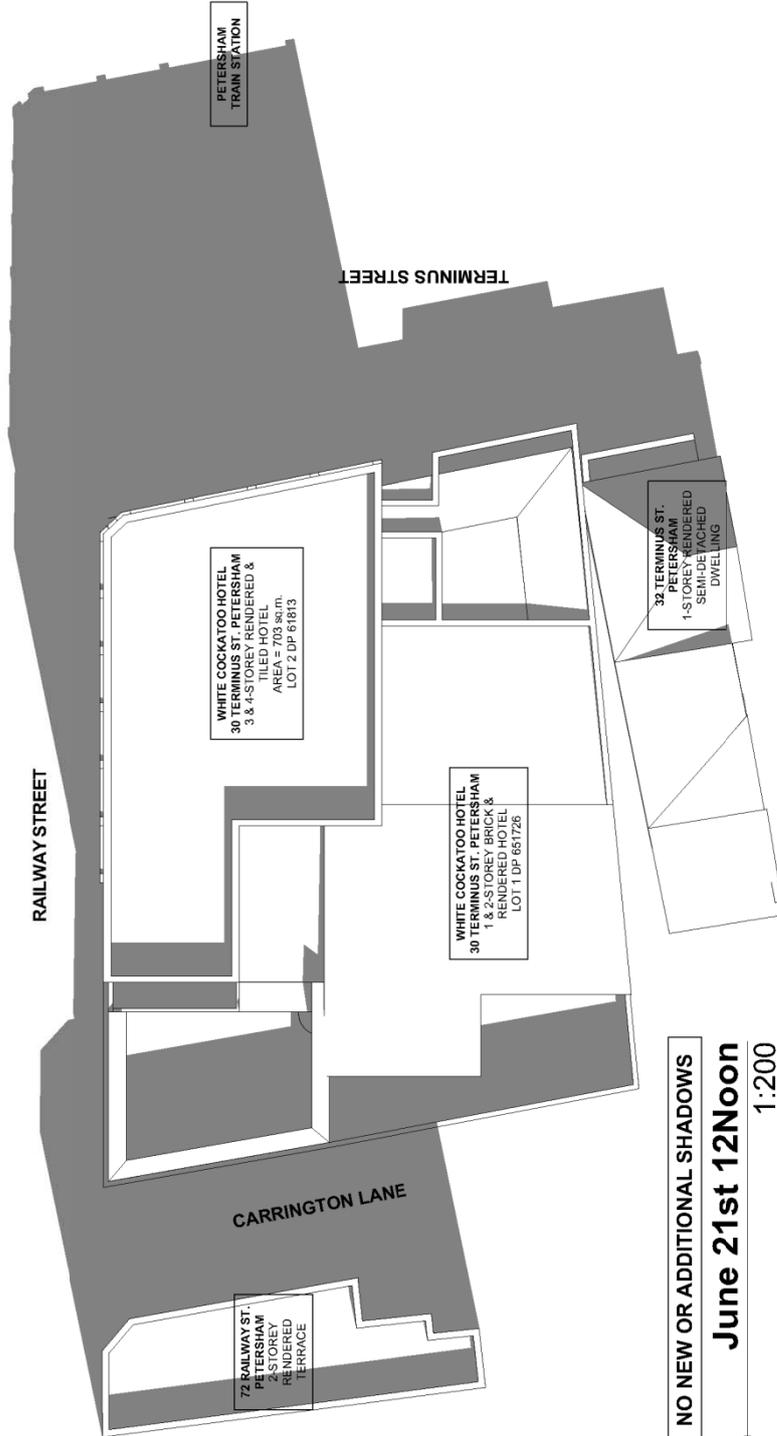
Inner West Council
Proposed Renovation & Refurbishment to White Cockatoo Hotel

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

Plot Date: Thursday, July 12, 2018

Shadow Analysis Study

- Existing Shadows
- Acoustic Shadows



NO NEW OR ADDITIONAL SHADOWS
June 21st 12Noon
 1:200

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SECTION 96 APPLICATION

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

Rev	Date	Amendment
A	28.07.18	Existing Plans - JK

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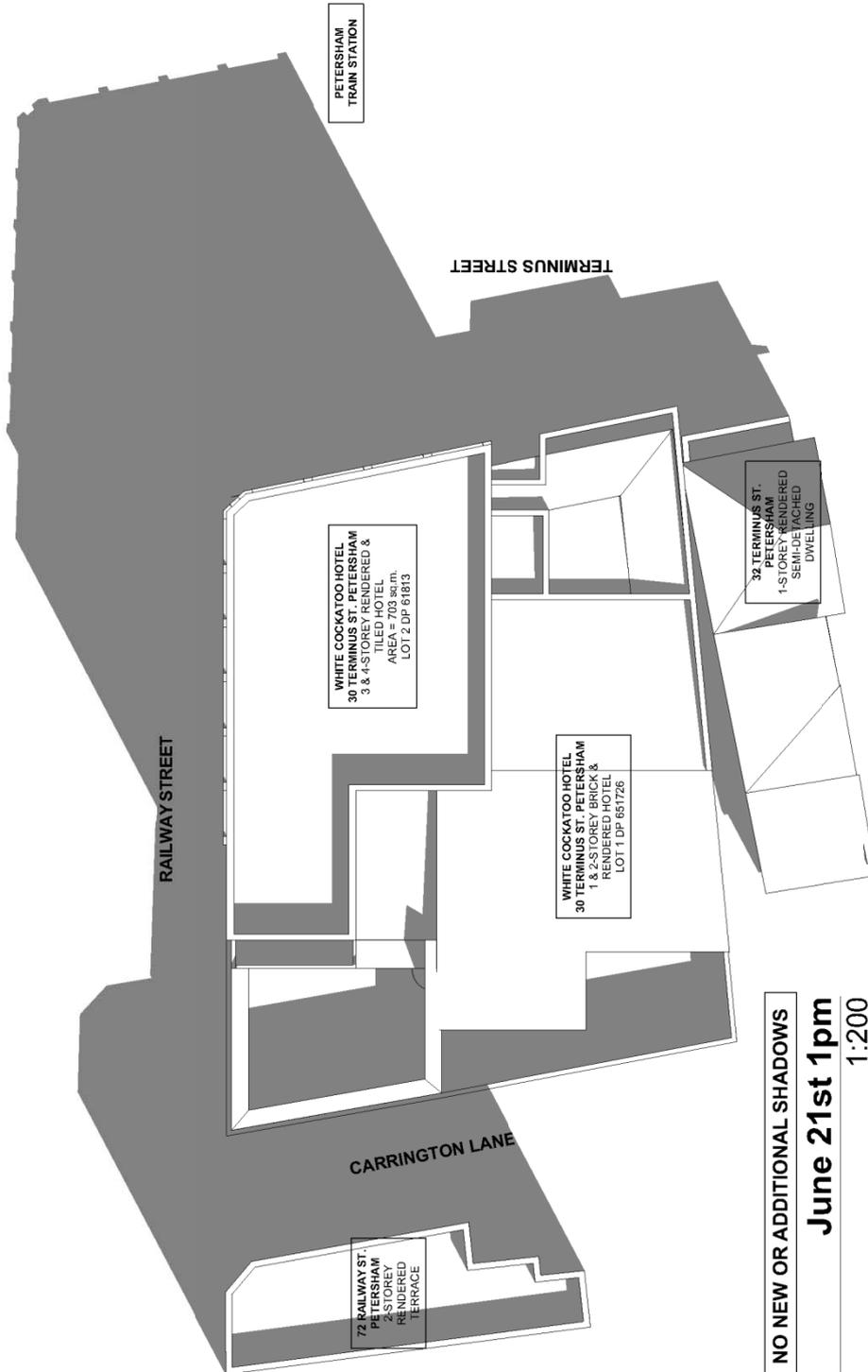
Proposed: Proposed Renovation & Refurbishment to White Cockatoo Hotel
 Lot: 1 & 2 DP: 651726 & 61813
 30 Terminus Street
 Petersham, NSW 2049

Client: **Ray Reilly**
 Inner West Council
 Proposed Renovation & Refurbishment to White Cockatoo Hotel
 Date: 05/06/2018
 Job No: TBC
 Sheet Size: A3
 Sheet No: 13 of 12

Plot Date: Thursday, July 12, 2018

Shadow Analysis Study

Existing Shadows
 Addition Shadows



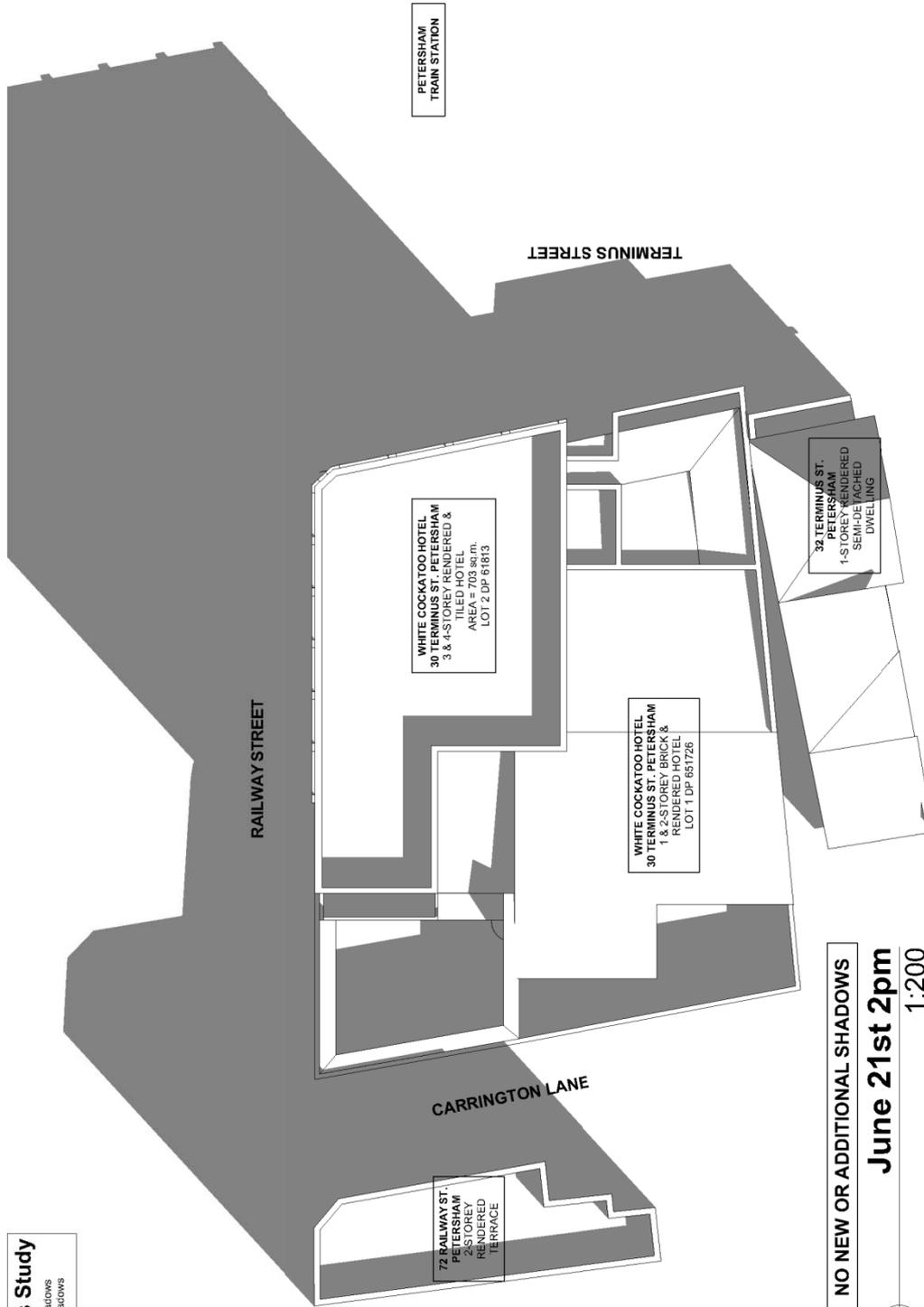
NO NEW OR ADDITIONAL SHADOWS
June 21st 1pm
 1:200

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<p>ELAINE RICHARDSON ARCHITECT</p> <p>70 Buckingham Street, Surry Hills NSW 2010 m 0419 261 231 e l.rich@elaineandray.com.au http://www.elaineandray.com.au</p> <p>License No 7530</p>	<p>SECTION 96 APPLICATION</p>	<p>Soil Classification: TBC</p>	<p>Copyright © This plan is the property of Elaine Richardson Architect and may not be used in whole or part without written permission. Legal action will be taken against any person who infringes the copyright.</p>	<p>Proposed: Proposed Renovation & Refurbishment to White Cockatoo Hotel</p>	<p>Client: Ray Reilly</p>	<p>Plot Date: Thursday, July 12, 2018</p>
		<p>Slab Classification: TBC</p>	<p>Job No: TBC</p>	<p>Design: Proposed Renovation & Refurbishment to White Cockatoo Hotel</p>	<p>LGA: Inner West Council</p>	<p>Date: 05/06/2018</p>
<p>Wind Speed Class: N2</p>	<p>Rev Date Amendment</p>	<p>Lot: 1 & 2 DP: 651726 & 61813 30 Terminus Street Petersham, NSW 2049</p>	<p>Job No: TBC</p>	<p>Sheet Size: A3</p>	<p>Sheet No: 14 of 12</p>	

Shadow Analysis Study

Existing Shadows
 Addition Shadows



NO NEW OR ADDITIONAL SHADOWS

June 21st 2pm

1:200

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SECTION 96 APPLICATION

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

Rev	Date	Amendment
A	28.01.18	Existing Plans - JK

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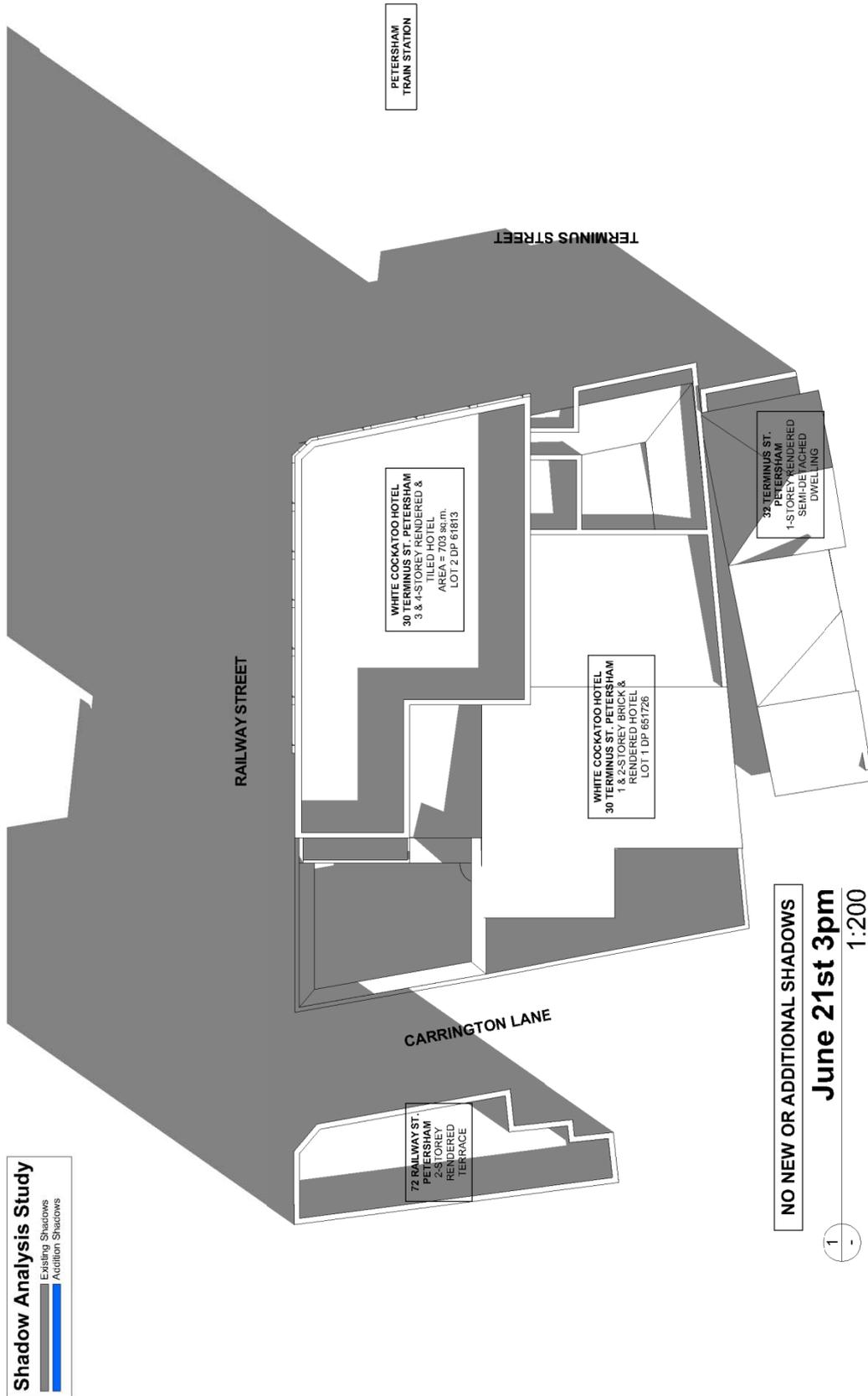
Proposed: Proposed Renovation & Refurbishment to White Cockatoo Hotel
 Refurbishment to White Cockatoo Hotel

Client: **Ray Reilly**

Lot: 1 & 2 DP-651726 & 61813
 30 Terminus Street
 Petersham, NSW 2049

LGA: Inner West Council
 Date: 05.09.2018
 Design: Proposed Renovation & Refurbishment to White Cockatoo Hotel
 Job No: TBC
 Sheet Size: A3
 Sheet No: 15 of 12

Plot Date: Thursday, July 12, 2018



Shadow Analysis Study
 Existing Shadows
 Additional Shadows

NO NEW OR ADDITIONAL SHADOWS
June 21st 3pm
 1:200

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SECTION 96 APPLICATION

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

Rev	Date	Description
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Proposed: Proposed Renovation & Refurbishment to White Cockatoo Hotel
Lot 1 & 2 DP-651726 & 61813
30 Terminus Street
Petersham, NSW 2049

Client: Ray Reilly
 LGA: Inner West Council
 Design: Proposed Renovation & Refurbishment to White Cockatoo Hotel
 Job No: TBC
 Sheet Size: A3
 Sheet No: 16 of 12

Plot Date: Thursday, July 12, 2018

Attachment C – Officer’s Report for DA201600139



Delegated Authority Report
30 TERMINUS STREET, PETERSHAM

File Ref: DA201600139

Synopsis

Application to partially enclose the courtyard/outdoor dining area with a clear polycarbonate roof and modify the Terminus Street facade by replacing the existing timber screens with timber windows and to permit a breakfast service at the Hotel from 7:00am to 10:00am daily (with no alcohol served during this time). The application was notified in accordance with Council's notification policy and 21 submissions were received objecting to the proposed development and 1 submission was received in support of the proposal.

Subject to compliance with the measures outlined in the Acoustic Report and the Plan of Management submitted with the development application, the proposed breakfast service from would not cause any unreasonable impacts to the residential amenity of the area. However, to ensure that the hours of operation are reviewed and assessed in light of their performance and the use does not interfere with the amenity of the locality, it is recommended that the proposed breakfast service be permitted on a 12 month trial basis with hours that are consistent with other cafes in the vicinity of the site.

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

PART A - PARTICULARS

Location: North western corner of Terminus Street and Railway Street, Petersham.

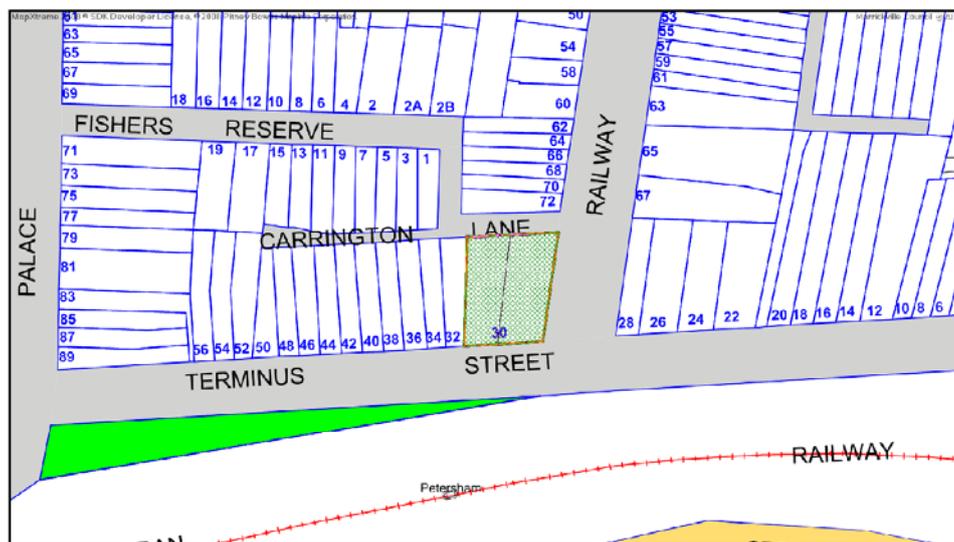


Image 1: Location Map

D/A No: DA201600139

Application Date: 30 March 2016



Delegated Authority Report
30 TERMINUS STREET, PETERSHAM

Proposal:	To partially enclose the courtyard/outdoor dining area with a clear polycarbonate roof and modify the Terminus Street facade by replacing the existing timber screens with timber windows and to permit a breakfast service at the Hotel from 7:00am to 10:00am daily (with no alcohol served during this time)
Applicant:	Mr G Cirillo
Estimated Cost:	\$25,000
Zoning:	Neighbourhood Centre

PART B - THE SITE AND ITS CONTEXT

Improvements: 1 part 3 storey hotel



Image 2: The Site

Current Use: Hotel

Prior Determinations: Determination No. 15200, dated 3 November 1993, approved an application to carry out alterations to the existing hotel involving internal refurbishments, redesign of ground floor windows and openings, and refused consent for the erection of awning structures and associated advertising signs.



Delegated Authority Report
30 TERMINUS STREET, PETERSHAM

Determination No. 18468, dated 14 May 1999, refused an application to erect an illuminated top hamper sign and five illuminated window signs.

Determination No. 200000162, dated 18 July 2000, approved an application to erect signage on the White Cockatoo Hotel.

Determination No.200800039, dated 6 June 2008, refused an application to carry out alterations to the White Cockatoo Hotel to enlarge a balcony and provide an outdoor smoking area. A Section 82A Review request of this determination was refused on 4 March 2009.

Determination No. 201500077, dated 24 June 2015, approved an application to demolish part of the premises and carry out ground floor alterations and additions to the hotel including modifying the Terminus Street entry, creation of a 60sqm courtyard; demolition of a number of internal walls to open up the existing dining room areas, internal refurbishment of the lounge, bar and dining areas and new signage.

Environment: Predominantly residential and rail line to the south of the site

PART C - REQUIREMENTS

- 1 **Zoning**
Is the proposal permissible under zoning provisions? Yes
2. **Development Standards (Statutory Requirements):**
 NA
3. **Departures from Development Control Plan:**
 Nil
- 4 **Community Consultation:**
 Required: Yes (newspaper advertisement, on-site notice and letter notification)
 Submissions: 22 submissions
- 5 **Other Requirements:**
 ANEF 2033 Affectation: 20-25 ANEF

PART D - ASSESSMENT

1. The Site and Surrounds

The site is located on the north western corner of Terminus Street and Railway Street, Petersham. The site is legally described as Lot 2 in DP 61813 and Lot 1 in DP 651726, and is more commonly referred to as 30 Terminus Street, Petersham.

The site is occupied by a 1 part 3 storey hotel, which is adjoined by residential development to the north, west and east with railway land located to the south of the site.

2. The Proposal

Approval is sought to partially enclose the courtyard/outdoor dining area with a clear polycarbonate roof and modify the Terminus Street facade by replacing the existing timber screens with timber



Delegated Authority Report
30 TERMINUS STREET, PETERSHAM



Image 4: Proposed southern elevation

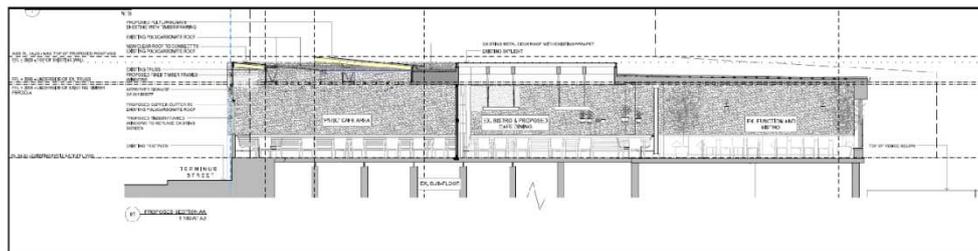


Image 5: Proposed section

3. Marrickville Local Environmental Plan 2011

An assessment of the development having regard to the relevant provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011) is provided below.

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

The property is zoned B1 Neighbourhood Centre under the provisions of Marrickville Local Environmental Plan 2011 (MLEP 2011). The development is acceptable having regard to the objectives of the B1 - Neighbourhood Centre zone.

(ii) Height (Clause 4.3)

A maximum building height of 11 metres applies to the land as indicated on the Building Height Map that accompanies MLEP 2011. The existing hotel has a maximum height of 15.4 metres. Whilst not complying with the prescribed height development standard, the non-compliance is



Delegated Authority Report
30 TERMINUS STREET, PETERSHAM

existing and the proposal does not alter the overall height of the building. Furthermore, the building works proposed, are all contained to the ground floor of the existing 3 storey building.

(iii) Floor Space Ratio (Clause 4.4)

A maximum floor space ratio (FSR) of 1.2:1 applies to the land as indicated on the Floor Space Ratio Map that accompanies MLEP 2011.

The development has an FSR of 1.32:1. Whilst not complying with the prescribed FSR development standard, the non-compliance is existing and the proposal does not alter the overall gross floor area of the building and is therefore acceptable in this regard.

(iv) Heritage Conservation (Clause 5.10)

The property is listed as a heritage item under MLEP 2011, namely White Cockatoo Hotel (Item I227). The property is also located within a Heritage Conservation Area under MLEP 2011 (Heritage Conservation Area HCA3 – Petersham North).

The application was accompanied by a Heritage Impact Statement in accordance with the provisions prescribed by Clause 5.10 of MLEP 2011 and the application was referred to Council's Heritage and Urban Design Advisor who advised that:

"The alterations will have no impact on the heritage significance of the item, the nearby items or the conservation area."

As the proposed works relate to the newly constructed addition, it is considered they would not impact on the heritage significance of the existing building and are considered complementary to the existing built form.

4. Marrickville Development Control Plan 2011

An assessment of the development having regard to the relevant provisions of Marrickville Development Control Plan 2011 (MDCP 2011) is provided below.

PART 2 - GENERIC PROVISIONS

(i) Urban Design (Part 2.1)

Part 2.1 of MDCP 2011 contains the following control relating to urban design:

"C1 All development applications involving substantial external changes that are visible from or effect public space or have significant land use implications must be consistent with the relevant aspects of the 12 urban design principles that make good public environments, which are to be addressed within the statement of environmental effects (SEE)."

The development is considered acceptable having regard to the relevant aspects of the 12 urban design principles. The proposed alterations and additions are considered sympathetic to the design of the recently constructed addition and provide adequate surveillance to and from Terminus Street in accordance with Part 2.1 of MDCP 2011.

(ii) Site and Context Analysis (Part 2.3)

A site and context analysis was submitted with the application and is considered acceptable.

(iii) Visual and Acoustic Privacy (Part 2.6)



Delegated Authority Report
30 TERMINUS STREET, PETERSHAM

Part 2.6 of MDCP 2011 contains the following objectives relating to visual and acoustic privacy:

- “O1 To ensure new development and alterations and additions to existing buildings provide adequate visual and acoustic privacy for the residents and users of surrounding buildings.*
- O2 To design and orientate new residential development and alterations and additions to existing residential buildings in such a way to ensure adequate acoustic and visual privacy for occupants.”*

Part 2.6 of MDCP 2011 contains objectives and controls relating to acoustic privacy.

The applicant submitted an acoustic report prepared by Acoustic Logic that addresses the likely noise impacts of the proposed breakfast service on residential development in the vicinity of the site and made the following recommendations having regard to the acoustical control measures to be implemented to ensure compliance with the prescribed noise criteria:

“It is proposed to utilise the existing courtyard at the West Village for café use from 7am without activating the liquor licence for such morning trade until 10am.

For the purpose of assessing the café use site visits have been carried out to inspect the premises whilst in operation and to undertake ambient noise level measurements at the front boundary of the nearest residence immediately to the west of the Hotel.

As a result of our assessment, on the provision that the existing front facade to the courtyard is closed when the café is in use (utilising operable glass windows or similar having a minimum thickness of 10.38 laminated glass) compliance with the EPA criteria is easily satisfied on the basis of 50 person seated in the courtyard and 50% of those people talking simultaneously in ‘raised voices’.

The provision of an extension to the southern facade above the window in timber, 6mm FC, or 8.38 laminated glass to the height of the existing western brick wall and extending across to the hotel would provide additional attenuation of the courtyard noise and as such would result in a noise contribution below the ambient background level and therefore significantly below the EPA criteria that would be permitted for such use.

Accordingly, we are able to support the subject application with the above noise control measures”

Subject to compliance with the measures outlined in the Acoustic Report and the Plan of Management submitted with the development application, the provision of a breakfast trade from the premises should not cause any unreasonable impacts to the residential amenity of the area.

(iv) Social Impact Assessment (Part 2.8)

A Social Impact Assessment is required for developments such as hotels, nightclubs and registered clubs where a new or expanded premises is proposed or an extension of trading hours is sought.

The application is not for a new premises and does not involve any additions (in floor area) to the existing hotel building. Furthermore, as discussed in greater detail below, no extension is proposed to the provision of alcohol service, as the extended trading hours proposed seeks to provide a breakfast service in the venue, and accordingly a Social Impact Assessment is not required.

PART 9 – STRATEGIC CONTEXT



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The property is located in the Petersham North Planning Precinct (Precinct 2) under Marrickville Development Control Plan 2011. The development is satisfactory having regard to the Desired Future Character statements for the area.

5. Proposed Trading Hours

Proposed trading hours

The proposed additional early morning trading hours are not dissimilar to local neighbourhood cafes in the vicinity of the site.

Therefore in order to determine the appropriateness of the proposed operating hours, it is necessary to analyse the trading hours of other cafes in the vicinity of the site. It is noted there are 2 neighbourhood cafes located within 250 metres of the subject site, they are as follows;

Brighton on the Corner – 49 Palace Street, Petersham

Similar to the proposed site, Brighton on the Corner is located in close proximity to residences and condition 18 of Determination No 200400286, dated 2 March 2006, approved the following operating hours:

18. *The hours of operation being restricted to between the hours of 7.00am to 9.00pm Mondays to Saturdays and 8.00am to 8.00pm Sundays and Public Holidays.*
Reason: To ensure that the operation of the premises does not interfere with the amenity of the locality.

Arome Living – 74 Palace Street, Petersham

Arome Living is located in close proximity to residences and condition 19 of Determination No 200800252, dated 6 August 2008, approved the following operating hours for a florist and associated cafe:

19. *The hours of operation being restricted to between the hours of 8.30am to 5.30pm, Mondays to Fridays, 8.30am to 4.00pm, Saturdays and 8.30am to 3.00pm, Sundays with no work being carried out on Public Holidays.*
Reason: To confirm the hours of operation as requested.

The potential amenity impacts of trading with a breakfast service for the subject premise are considered no different to any café in the vicinity of the site. It is noted the above cafes are surrounded by residential development, and whilst the Hotel is surrounded by residential development to the north, east and west, and a rail line is adjacent to the site to the south, and it is considered the amenity impacts of breakfast trade would be the similar to those cafes, if not lessened as the premises has been designed in a manner to mitigate acoustic impacts to neighbouring properties.

It is recommended that the proposed breakfast service be consistent with the hours of Brighton on the Corner at 49 Palace Street to ensure consistency in the application of early morning trading for cafes in the locality. As such a condition is included in the recommendation of this report to permit the following trading hours for the breakfast service;

- 7.00am to 10.00am Mondays to Saturdays and
8.00 am to 10.00am on Sundays and Public Holidays*

It is noted that applicant has sought to trade from 7:00am within the premises on a Sunday, however, having regard to the consent issued for the nearby cafe, it is considered trading from 8:00am on a Sunday is more appropriate for the premises.



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However, to ensure that the hours of operation are reviewed and assessed in light of their performance and the use does not interfere with the amenity of the locality, it is recommended that the breakfast trade be permitted on a 12 month trial basis.

The application does not seek to serve alcohol during the breakfast service and has suggested the imposition of a condition on any consent granted restricting the service of alcohol to commence after breakfast trade (i.e., 10:00am). It is noted that the existing hours of approval on Mondays to Saturdays permit the sale of alcohol from 10.00am Mondays to Saturdays (including Public Holidays) and from 12 midday on Sundays. It is recommended that this requirement be adhered to in any new consent granted and is included in the recommendation of this report. Any extension of this service would need to be accompanied by a Social Impact Assessment.

Furthermore, a condition is included in the recommendation of this report requiring management to conduct litter patrols at least once at the end of breakfast trade within a 30 metre radius of the premises to ensure that café related litter such as coffee cups are collected.

6. Referrals

The application was referred to Council's Monitoring Services section which provided advice regarding the operation of the premises since its recent refurbishment, having particular regard to investigating complaints regarding compliance with conditions of consent associated with the most recent approval (DA201500077).

"On 24 December 2015, Council officers notified the closest residence of the outcome of the investigations relating to the Hotel's operations..... In summary the complaints related to:

- *Patron noise both within and outside the Hotel;*
- *Hotel breaching its hours of operation;*
- *No security personnel at the Hotel;*
- *Music noise blares regularly from the Hotel;*
- *Internal doors of the Hotel not being closed at the required times;*
- *Patrons regularly smoke on the footpath and the Hotel does nothing about it;*
- *Offensive cooking odours;*
- *The kitchen exhaust system is noisy; and*
- *Courtyard louvre windows all remain open and are not permanently closed and Perspex sheeting is not permanently fixed to the louvres.*

In relation to these allegations, Council officers carried out covert and overt inspections of the Hotel which included the days and times identified by the nearest residence adjoining the Hotel. Council officers never experienced noise impacts that was alleged, breaches of hours of operation or no security personnel being present at the Hotel and any music noise being offensive to an authorised Council officer. There was no substantiation to many of the above issues that were flagged to Monitoring Services.

There were some teething issues identified where the Hotel management were unaware that the internal courtyard doors were required to be closed from 6pm onwards and as soon as Council officers notified the Hotel management of this requirement, they took immediate steps to ensure that these doors were closed nightly from this time onwards.



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On some occasions, Council officers observed smokers on the footpath and each time observed that security officers do undertake steps to instruct patrons to move onwards to comply with the Smoke Free legislation as well as the condition of consent. During these inspections from the car, it was observed that the Hotel management do take reasonable steps to comply with these requirements.

It was also alleged that the courtyard louvres remain open and are not closed and Perspex sheeting is not affixed to all the louvres. Council officers inspected the property and found all of these allegations were incorrect. At the time of inspection it was observed that Perspex sheeting had been installed on all the louvres and it was complying with all of the requirements. There was no requirement in the DA or the noise report requiring the permanent closure of the wooden louvres and the complainant was advised of this outcome.....

The closest residence to the Hotel was notified on 24 December 2015 of the outcome of the investigation of the various allegations and they were encouraged to undertake independent action because the concerns raised were unfounded and unsubstantiated.

The complainant was advised at the time that this concludes the investigation and that he may be able to pursue independent action under Section 268 of the POEO legislation in respect of noise impacts, or make a Noise Disturbance complaint to OLGR and encouraged him to notify the police should noise continue to occur.

In addition the complainant was also advised that he can commence independent action in the Land and Environment Court by under Section 123 of the EPAA Act. Council also encouraged him to notify the police of any disturbances that occur as a result of the operations of the Hotel.

Monitoring Services has not had any further investigation role in relation to any operational concerns of the Hotel, since this email outcome was sent to the closest adjoining residence. All matters and allegations pertaining to the site have been finalised and concluded on 24 December 2015 with no further action to be taken. Since this period of time no ongoing reports have been made to Council regarding any operational issues relating to the Hotel.

In reference to the s.96 application to enable the Hotel to open from 7am onwards for breakfast, Monitoring Services supports the proposal and it is unlikely that the Hotel will cause amenity issues. The light weight roof enclosure proposed on the courtyard is also supported by Monitoring Services."

Having regard to the above, concerns raised by the neighbouring property regarding non-compliance with the previous approval have been investigated and no formal complaints have been received by Council's Monitoring Services section since this time. Having regard to the above, the proposal to provide a breakfast service on the site is considered unlikely to impact on the amenity of neighbouring properties and is supported subject to the imposition of appropriate terms and conditions.

7. Community Consultation

The application was advertised, an on-site notice displayed on the property and residents/property owners in the vicinity of the property were notified of the development in accordance with Council's policy. 1 submission was received in support of the proposed development and 21 submissions were received raising the following concerns which have already been discussed throughout the main body of this report:

- (i) Noise from outdoor area during breakfast service; and
- (ii) Negative acoustic impact of breakfast trade from courtyard area.



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

“Early opening time of 7am would mean more pedestrian traffic, more car traffic, increased noise from patrons and increased noise from cars parking and closing/slamming of doors. These things will impact negatively on my daily life — every morning of every day.”

Comment: To ensure the quiet and orderly ingress and egress of patrons of the Hotel and to protect the amenity of the surrounding residential neighbourhood a condition is included in the existing approval for the use of the premises requiring that signs being appropriately located within the premises advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the Hotel ensuring that staff take reasonable steps to control noisy behaviour of patrons entering or leaving the cafe. A recent site inspection of the premises demonstrates that the subject signage has been installed within the premises. Notwithstanding, any non-compliance with such a condition should be reported to Council’s Monitoring Services for investigation.

“Parking is already an issue throughout Terminus, Railway and Brighton Street”

Comment: On-street parking is not reserved for the exclusive use of residents living in the street and there is no evidence to suggest that the lack of car parking in the area is solely attributed to the use of the Hotel.

“The parking situation along Railway and Terminus streets has worsened too recently with a number of permanent trailers, unregistered cars and campervans being left on the street. It must surely be time to implement residential parking permits and time limited parking before even considering a cafe arrangement 7 days a week that will certainly attract more vehicles vying for what is already frustrating and limited parking options for residents.

....both patrons and hotel service vehicles endlessly park in the ‘No Parking’ designated lane way at the side of the pub.....”

Comment: The provision of a residential parking permit is not within the scope of this development application, and any perceived lack of on on-street car parking cannot be attributed solely to the subject premises.

However, parking in the laneway in a ‘no parking’ zone should be reported to Council so that Council Rangers may investigate.

“The hotel underwent a large renovation recently which has altered the street façade in a street which has no other modern frontages – further modernisation (polycarbonate enclosing) will detract from the heritage façade which also includes the original Petersham Station (the windows and surrounding structure do not offer any acoustic deadening qualities).”

Comment: The recently renovated portion of the Hotel fronting Terminus Street replaced an addition which had no intrinsic heritage value or relationship to the existing building. As discussed in the body of this report, the proposed works are in accordance with the recommendations prescribed by the acoustic report submitted with the development application to reduce any potential noise spill from the site, and the application was referred to Council’s Heritage and Urban Design Advisor who raised no objection to the proposed modifications to the façade as they are considered complementary to the contemporary addition.

- *“The hotel is still not AS1428 compliant even following the major renovation.....”*



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- *The toilet capacities onsite are in breach with the BCA ratios...."*

The recent additions to the premises would not require the Hotel in its entirety to comply with AS1428, however as part of Determination No. 201500077, dated 24 June 2015, the applicant did install a new ramped entry to the building and was required to demonstrate to the Certifying Authority's satisfaction compliance with the applicable requirements of The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards), which would demonstrate relevant BCA compliance for the number of toilets required for the premises and the accessibility of the premises.

"The renaming of the "White Cockatoo" a pub which has been called that for over 130 years, to the "West Village Hotel" destroys the heritage of the Petersham area, replacing something meaningful to the area, with something which has no meaning whatsoever."

Comment: The renaming of the Hotel is not within the scope of this application. Notwithstanding, it is noted that the "White Cockatoo" also did not have any reference to the history of the original premises which was called "The Lord Carrington".

"We do not want drunks around at 7:00am....."

Comment: The proposal is to provide for a breakfast service with no service of alcohol and a condition is included in the recommendation of this report to this effect.

"I am unconvinced the Hotel will "monitor, manage and mitigate noise and the impacts that may be generated locally" (p, 9 of DA). They have not done this successfully or consistently since opening the Hotel. I am fearful that by enclosing the roof, whilst welcomed, will only give the Hotel added assurance to increase the volume of the music being played in the establishment each night. This will potentially heighten what we currently experience throughout the house each night."

Comment: Determination No. 15200, dated 3 November 1993, approved an application to carry out alterations to the existing Hotel involving internal refurbishments, redesign of ground floor windows and openings, and refused consent for the erection of awning structures and associated advertising signs. Condition 11 of this Determination imposed requirements for the premises to comply with particular noise criteria to prevent loss of amenity to the area and no live music was permitted. Any breach of these conditions which are reported to Council can be investigated by Council's Monitoring Services Section.

The subject development application only seeks the provision of a breakfast service and this does not alter the conditions the Hotel is required to comply with under previous approvals. Noise measures prescribed for the previous consent must be adhered to for the operation of the Hotel, however this application relates solely to the provision of a breakfast service.

"Should Council approve the Hotels request to include a breakfast service, I would expect Council to request follow up Acoustic Impact Assessment be carried out every quarter throughout the 12 month trial breakfast trade period. These assessments should be carried out at the busiest time of service, before issuing full certification for a breakfast service. Furthermore, these acoustic assessments should be conducted without the Hotel's knowledge in order to obtain a true account of the noise generated over the weekends."

Comment: To ensure that the proposed noise attenuation measures incorporated into the building comply with noise standards to protect the amenity of the surrounding neighbourhood, a condition is included in the recommendation of this report



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requiring that upon completion of the required noise attenuation measures and prior to commencing extended trading hours for the breakfast service a report being prepared and submitted to Council's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets the requirements as set down in the Noise Assessment report. This report is to 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. A condition is also included in the recommendation of this report requiring that breakfast trade shall not commence until the prescribed works have been carried out and a final occupation certificate has been issued. Quarterly monitoring as suggested is considered onerous and unnecessary.

"The Security staff are currently unable to fulfil their role in carrying out what I feel is most important to the neighbourhood -

-(p.24 of DA) "preventing patrons leaving the Hotel with glasses". Patrons are often drinking outside the Hotel with alcoholic drinks.

- Re directing smokers outside the smoke free zone of the Hotel.

- Minimising noise as patrons leave the Hotel "

Comment: Concerns regarding the non-compliance with conditions of Determination No 201500077, dated 24 June 2015, should be directed and reported to Council's Monitoring Services for investigation. However it is noted that these matters have been previously investigated by Council's Monitoring services and have found to be unsubstantiated and no further complaints have been received since 24 December 2015. This matter has been discussed in greater detail in the body of this report.

"The smell of general rubbish resonates across the back of our property. The Hotel has recently responded by obtaining a second general waste bin in their rubbish area. However, the bins continue to be overfilled and the lids propped open over the weekends. A breakfast service will only add to this current issue for the neighbourhood."

Comment: To prevent the nuisance of odours from overflowing garbage bins a condition is included in the recommendation of this report requiring that garbage collection is to occur on a regular basis to ensure that bins are not overflowing and creating a nuisance by way of odour to neighbouring properties.

"The hotel has been allowed to create a partly open-air courtyard which has already amped up the noise factor in the neighbourhood at late hours (and that is just the courtyard itself, without the revellers cars and motorbikes which like to loudly announce their arrival by ignoring the speed limit and cheerily race in for drink).

There is the establishment of Terminus St as a 'smoking corridor' for the hotel, where groups gather constantly to escape the smoking restrictions – these gatherings will now be present from 7AM almost every day of the year.

Comment: By virtue of the requirements of the *Smoke-free Environment Act 2000* which prescribes that smoking is not permitted in a commercial outdoor dining area, being a seated dining area or within 4 metres of a seated dining area in a licensed premises, smoking in the venue is not permitted. This requires patrons to smoke away from the venue.



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A condition requiring management/hotel staff to undertake regular patrols of the premises to ensure patrons of the hotel are not smoking in front of residences adjoining the hotel has been included in Determination No. 201500077, dated 24 June 2015. Furthermore, the site is located adjacent to Petersham Train Station giving ample space for patrons to smoke away from neighbouring residences.

Concerns regarding the non-compliance with conditions of Determination No 201500077, dated 24 June 2015, should be directed and reported to Council's Monitoring Services for investigation.

"this hotel has already extended trading hours in a residential area"

Comment: Determination No. 201500077, dated 24 June 2015, which approved an application to demolish part of the premises and carry out ground floor alterations and additions to the hotel including modifying the Terminus Street entry, creation of a 60sqm courtyard, demolition of a number of internal walls to open up the existing dining room areas, internal refurbishment of the lounge, bar and dining areas and new signage did not approve any extended trading hours. Hours of the courtyard and hotel were restricted to existing trading hours, not extended trading hours as suggested.

"The Hotel has flagrantly disobeyed most aspects of its DA since it re-opened in November 2015 (I'm happy to provide a log book of over 40 complaints I have personally made to Council and police.)"

Comment: These matters were raised directly with Council's Monitoring Services Section and have been investigated and are discussed in the body of this report. The scope of this application relates solely to the provision of a breakfast service which is considered reasonable subject to the imposition of appropriate terms and conditions included in the recommendation of this report.

"There's simply no commercial imperative to the application. I can count 20 cafés in a 500 metre radius of the West Village, so it's hardly as if the area is suffering a dearth of breakfast venues."

Comment: From a planning perspective it is noted that the proposed use is permissible in the zone and compatible with the existing character of the locality. The commercial viability of the breakfast service is not a matter for planning consideration.

"Additionally, long opening hours at the pub will likely bring an increase in unsociable behaviour back to the neighbourhoodWe have experienced these problems in past years, with fights occurring outside our house This type of behaviour has not occurred in the last few years and we are very concerned that should this DA be accepted, we are likely to again be subject to the distress caused by the antisocial effects of alcohol consumption".

Comment: There provision of a breakfast service within the existing venue would not result in alcohol related anti-social behaviour. A condition is included in the recommendation of this report preventing the sale of alcohol at this time, nor does the applicant seek to provide such a service.

All relevant matters raised in the submissions able to be considered under the provisions of Section 79C of the Environmental Planning and Assessment Act have been discussed in the report.

8. Conclusion



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The heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, as are of relevance to the application, have been taken into consideration in the assessment of this application. The application is considered suitable for approval subject to the imposition of appropriate conditions.

PART E - RECOMMENDATION

- A. THAT the development application to partially enclose the courtyard/outdoor dining area with a clear polycarbonate roof and modify the Terminus Street facade by replacing the existing timber screens with timber windows and to permit a breakfast service at the Hotel from 7:00am to 10:00am. Monday to Saturday and 8:00am to 10:00am on Sundays and Public Holidays (with no alcohol served during this time) be **APPROVED** subject to the following conditions:

GENERAL

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

Plan No. and Issue	Plan/Certificate Type	Date Issued	Prepared by	Date Submitted
A XX.011 Rev D	Roof plan	10/3/16	Alexander and Co	30/3/16
D.00.011 Rev D	Ground floor	10/3/16	Alexander and Co	30/3/16
EXX.001 Rev D	Southern elevation	10/3/16	Alexander and Co	30/3/16
FXX.001 Rev D	Section	10/3/16	Alexander and Co	30/3/16
	Acoustic report	8/3/16	The Acoustic Group	30/3/16
	Plan of management	-	The planning lab	30/3/16

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. Compliance with the terms and conditions of Determination No. 15200, dated 3 November 1993, for the use for the premises as amended by Determination No.201500077, dated 24 June 2015 and as amended by the following conditions.
Reason: To ensure the use of the premises complies with Council's approval.
3. The operation of the breakfast service complying at all times with the recommendations identified in the Acoustic Report prepared by Acoustic Logic dated 8 March 2016, which includes that the windows at the front of the premises shall be closed during the breakfast service.
Reason: To protect the amenity of the surrounding neighbourhood.
4. The proprietor(s) of the hotel being responsible for conducting litter patrols within a 30 metre vicinity of the site at least once a day, with the minimum being at the end of breakfast trade.
Reason: To ensure the breakfast trade does not interfere with the amenity of the area.



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5. (i) For a period of not more than twelve (12) months from the date of issue of a final Occupation Certificate for the works approved in this consent, the hours of operation to permit trading to provide a breakfast service shall be limited to between the hours of 7.00am to 10.00am Mondays to Saturdays and 8.00 am to 10.00am on Sundays and Public Holidays;
- (ii) Liquor may not be served on/from the premises prior to 10:00am Mondays to Saturdays and Public Holidays and prior to 12 midday on Sundays; and
- (iii) A continuation of the extended hours will require Council's approval under the Environmental Planning and Assessment Act by way of a fresh application.

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

6. Garbage collection shall occur on a regular basis to ensure that bins are not overflowing and creating a nuisance by way of odour to neighbouring properties.

Reason: To prevent odours impacting on the amenity of neighbouring properties.

7. The use of the premises, including 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 shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).

Reason: To prevent loss of amenity to the area.

8. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

9. No work must commence until:

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

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



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Act.

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

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

11. The PCA must be provided with either of the following documents before work commences on site.

- a) A copy of the 'Contract of Insurance' (where the value of work exceeds \$12,000) and the details of the name and licence number of the builder/contractor who has been contracted to do or intends to do the work; or
- b) A copy of a current owner-builder's permit (where the value of work exceeds \$5,000) issued by the Department of Fair Trading stating the name and permit number of the owner-builder who intends to do the work.

If these arrangements change, work must cease until the Council has been given written notification of the updated information.

For information regarding Home Warranty insurance or owner-builder permits contact the Department of Fair Trading.

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

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

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

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

13. All demolition work must:

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

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

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

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

15. 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.

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

16. 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:



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

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

17. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the buildings on the adjoining property at 32 Terminus Street, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

Reason: To catalogue the condition of the adjoining property for future reference in the event that any damage is caused during work on site.

18. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings as provided for in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

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.

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

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

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

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

20. Before the issue of a Construction Certificate the person acting on this consent must sign a written undertaking that they will be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.



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SITE WORKS

21. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

22. All demolition work being 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 is to 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 are to be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Recycling 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 are to 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, only having 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 being 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 is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

23. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection (d) can only be carried out by the PCA. The critical stage inspections are:

- a) After excavation for, and before the placement of, any footings.
- b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
- c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
- d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.



Delegated Authority Report
30 TERMINUS STREET, PETERSHAM

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

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

BEFORE OCCUPATION OF THE BUILDING

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

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

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

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

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

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

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

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

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

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

27. (i) Upon completion of the required noise attenuation measures referred to in the "Noise



Delegated Authority Report
30 TERMINUS STREET, PETERSHAM

Assessment" prepared by Acoustic Logic dated 8 March 2016 and prior to commencing extended trading hours a report being prepared and submitted to Council's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets the requirements as set down in the Noise Assessment report. Such report shall 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

- (ii) 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 shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part (i) of this condition.

Reason: To ensure that the proposed noise attenuation measures incorporated into the development enable the usage of such area to comply with noise standard to protect the amenity of the surrounding neighbourhood.

28. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before occupation of the site. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To ensure that the person acting on this consent completes all required work.

ADVISORY NOTES

- A complete Building Code of Australia assessment of the application has not been carried out.
- B. THAT those persons who lodged submissions in respect to the proposal be advised of the Council's determination of the application.

I declare to the best of my knowledge, there is no matter in relation to my role in processing this application that would give rise to the need to disclose any Conflict of Interest under Council's Code of Conduct.



Development Assessment Officer: Ruba Osman

Date: 4/6/16

DELEGATED DETERMINATION

I, Judith Rosemary Clark, Manager Development Assessment for Inner West Council, by virtue of the delegation given to me by the General Manager of which I have no notice of revocation, and pursuant to the Environmental Planning and Assessment Act 1979, determine the application in the manner set out in the recommendation section of this report.



Delegated Authority Report
30 TERMINUS STREET, PETERSHAM

I declare to the best of my knowledge, there is no matter in relation to my role in processing this application that would give rise to the need to disclose any Conflict of Interest under Council's Code of Conduct.

There is no valid Councillor Interest recorded in P&R for this application.

Delegate: ...J.Clark..... Date:7/6/16.....

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ADMIN INSTRUCTIONS

- Consent subject to conditions - D1
- Letter to Objector D70
- DA only application
- Produce PCA Agreement
- Other required documents.....
-

DADelAuth.doc

Premises: 30 Terminus Street, Petersham
Applicant: G. Cirillo
Proposal: to partially enclose the courtyard/outdoor dining area with a clear polycarbonate roof and modify the Terminus Street facade by replacing the existing timber screens with timber windows and to permit a breakfast service at the Hotel from 7:00am to 10:00am. Monday to Saturday and 8:00am to 10:00am on Sundays and Public Holidays (with no alcohol served during this time)
Determination: Consent subject to conditions
DA No: 201600139

I declare to the best of my knowledge, there is no matter in relation to my role in processing this application that would give rise to the need to disclose any Conflict of Interest under Council's Code of Conduct.

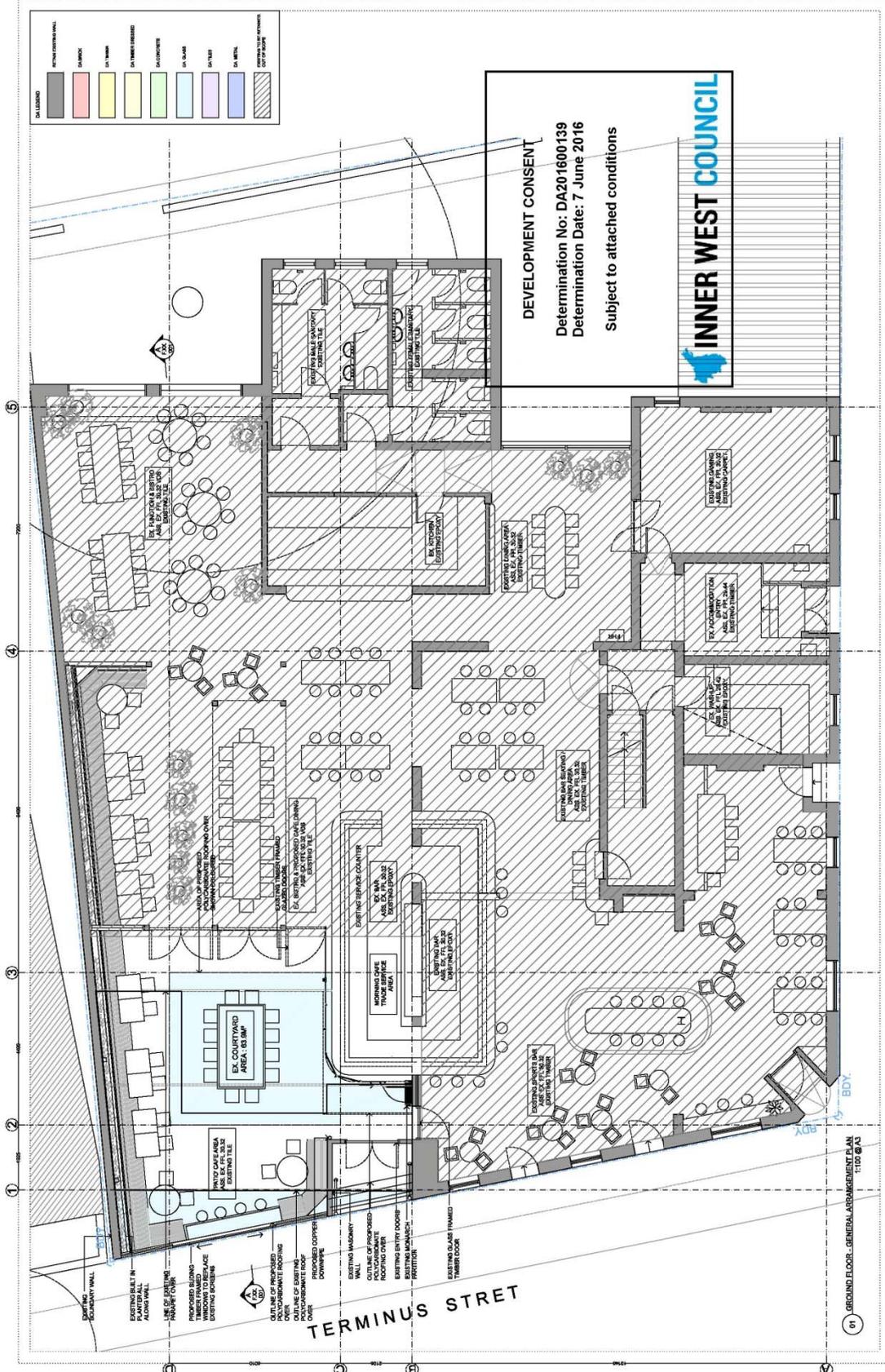


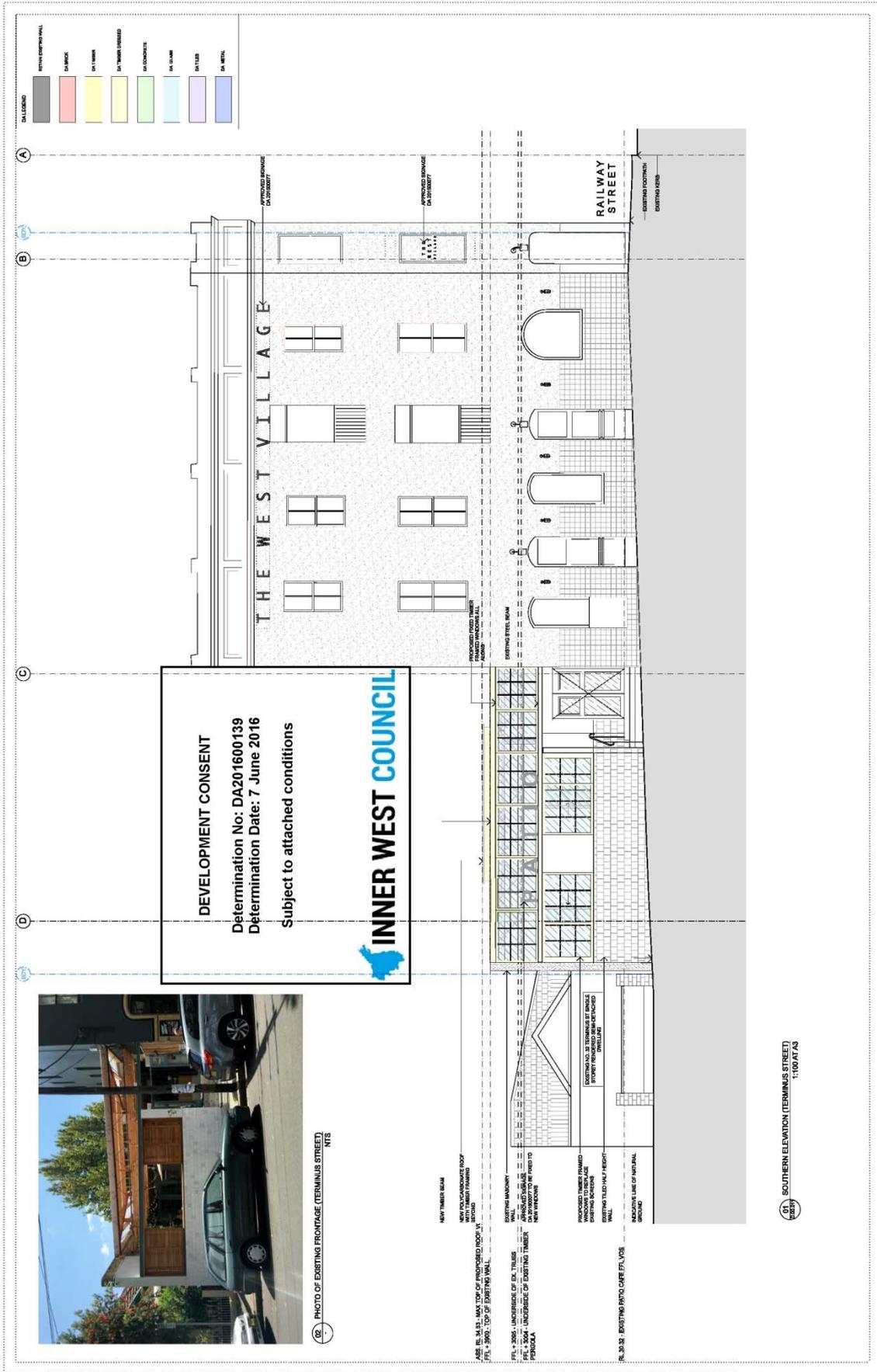
Delegated Authority Report
30 TERMINUS STREET, PETERSHAM



Admin Officer: Iris Rojas

Date: 7/6/16





PROJECT NO.	0285	DRAWN	SH
SCALE@AS	SCALE@A1	CHECKED	SB
DWG NO.	DA-E-001	ISSUE	D

DRAWING:
EXTERNAL ELEVATION 01
 CHECK ALL DIMENSIONS ON SITE PRIOR TO THE COMMENCEMENT OF WORK
 COMPLY WITH RELEVANT AUSTRALIAN STANDARDS
 COPYRIGHT IN ALL DOCUMENTS AND DRAWINGS PREPARED BY ALEXANDER & CO



PROJECT:
 THE WEST VILLAGE
 30 TERMINUS STREET PETERSHAM
 DP861728 (1)

CLIENT:
 GOOD TIME HOSPITALITY LTD.

DATE	ISSUE NO.	ISSUE / REVISIONS
24.02.16	A	CONSULTANT ISSUE
25.02.16	B	CONSULTANT ISSUE
04.03.16	C	FOR REVIEW
18.03.16	D	DA SUBMISSION

Attachment E – Determination No. 201600139



DA201600139 CLEN4

DETERMINATION NO. 201600139

7 June 2016

MR G CIRILLO
Suite 505, Level 5
478 George Street
SYDNEY NSW 2048

Dear Sir/Madam

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

Pursuant to Section 81 of the Act, notice is hereby given of the determination by the Council of **Development Application No. 201600139** to partially enclose the courtyard/outdoor dining area with a clear polycarbonate roof and modify the Terminus Street facade by replacing the existing timber screens with timber windows and to permit a breakfast service at the Hotel from 7:00am to 10:00am Mondays to Saturdays and 8:00 to 10:00am on Sundays and Public Holidays (with no alcohol served during this time) relating to property situated at:

30 TERMINUS STREET, PETERSHAM

In determining this application, the Council considered all matters listed under Section 79C of the Act that were relevant to the Development Application.

The Development Application was determined on 7 June 2016 by the granting of **CONSENT** subject to the following conditions:

GENERAL

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

Plan No. and Issue	Plan/Certificate Type	Date Issued	Prepared by	Date Submitted
A XX.011 Rev D	Roof plan	10/3/16	Alexander and Co	30/3/16
D.00.011 Rev D	Ground floor	10/3/16	Alexander and Co	30/3/16

Customer Service Centres

Petersham | P (02) 9335 2222 | E council@marrickville.nsw.gov.au | 2-14 Fisher Street, Petersham NSW 2049

Leichhardt | P (02) 9367 9222 | E leichhardt@lmc.nsw.gov.au | 7-15 Wetherill Street, Leichhardt NSW 2040

Ashfield | P (02) 9716 1800 | E info@ashfield.nsw.gov.au | 260 Liverpool Road, Ashfield NSW 2131

EXX.001 Rev D	Southern elevation	10/3/16	Alexander and Co	30/3/16
FXX.001 Rev D	Section	10/3/16	Alexander and Co	30/3/16
	Acoustic report	8/3/16	The Acoustic Group	30/3/16
	Plan of management	-	The planning lab	30/3/16

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. Compliance with the terms and conditions of Determination No. 15200, dated 3 November 1993, for the use for the premises as amended by Determination No.201500077, dated

24 June 2015 and as amended by the following conditions.

Reason: To ensure the use of the premises complies with Council's approval.

3. The operation of the breakfast service complying at all times with the recommendations identified in the Acoustic Report prepared by Acoustic Logic dated 8 March 2016, which includes that the windows at the front of the premises shall be closed during the breakfast service.

Reason: To protect the amenity of the surrounding neighbourhood.

4. The proprietor(s) of the hotel being responsible for conducting litter patrols within a 30 metre vicinity of the site at least once a day, with the minimum being at the end of breakfast trade.

Reason: To ensure the breakfast trade does not interfere with the amenity of the area.

5. (i) For a period of not more than twelve (12) months from the date of issue of a final Occupation Certificate for the works approved in this consent, the hours of operation to permit trading to provide a breakfast service shall be limited to between the hours of 7.00am to 10.00am Mondays to Saturdays and 8.00 am to 10.00am on Sundays and Public Holidays;

(ii) Liquor may not be served on/from the premises prior to 10:00am Mondays to Saturdays and Public Holidays and prior to 12 midday on Sundays; and

(iii) A continuation of the extended hours will require Council's approval under the Environmental Planning and Assessment Act by way of a fresh application.

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

6. Garbage collection shall occur on a regular basis to ensure that bins are not overflowing and creating a nuisance by way of odour to neighbouring properties.

Reason: To prevent odours impacting on the amenity of neighbouring properties.

7. The use of the premises, including any plant and equipment, must not give rise to:
- transmission of unacceptable vibration to any place of different occupancy;
 - a sound pressure level at any affected premises that exceeds the background (LA90) noise level in the absence of the noise under consideration by more than 5dB(A). The source noise level shall be assessed as an LAeq,15min and adjusted in accordance with Environment Protection Authority guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content as described in the NSW Environment Protection Authority's Environmental Noise Control Manual and Industrial Noise Policy 2000 and The Protection of the Environment Operations Act 1997 (NSW).
- Reason: To prevent loss of amenity to the area.
8. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

9. No work must commence until:
- A PCA has been appointed. Where Council is appointed ensure all payments and paper work are completed (contact Council for further information). Where an Accredited Certifier is the appointed, Council must be notified within 2 days of the appointment; and
 - A minimum of 2 days written notice must be given to Council of the intention to commence work.
- Reason: To comply with the provisions of the Environmental Planning and Assessment Act.
10. A Construction Certificate must be obtained before commencing building work. Building work means any physical activity involved in the construction of a building. This definition includes the installation of fire safety measures.
- Reason: To comply with the provisions of the Environmental Planning and Assessment Act.
11. The PCA must be provided with either of the following documents before work commences on site.

- a) A copy of the 'Contract of Insurance' (where the value of work exceeds \$12,000) and the details of the name and licence number of the builder/contractor who has been contracted to do or intends to do the work; or
- b) A copy of a current owner-builder's permit (where the value of work exceeds \$5,000) issued by the Department of Fair Trading stating the name and permit number of the owner-builder who intends to do the work.

If these arrangements change, work must cease until the Council has been given written notification of the updated information.

For information regarding Home Warranty insurance or owner-builder permits contact the Department of Fair Trading.

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

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

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

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

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

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

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

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

15. 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.

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

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

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

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

17. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the buildings on the adjoining property at 32 Terminus Street, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

Reason: To catalogue the condition of the adjoining property for future reference in the event that any damage is caused during work on site.

18. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings as provided for in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

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.

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

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

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

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

20. Before the issue of a Construction Certificate the person acting on this consent must sign a written undertaking that they will be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

SITE WORKS

21. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work must be carried out on any Saturday that falls adjacent to a Public Holiday.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

22. All demolition work being 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 is to 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 are to be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Recycling 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 are to 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, only having 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 being 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 is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

23. The works are required to be inspected at critical stages of construction, by the PCA or if the PCA agrees, by another Certifying Authority. The last inspection (d) can only be carried out by the PCA. The critical stage inspections are:
- a) After excavation for, and before the placement of, any footings.
 - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
 - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
 - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

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

BEFORE OCCUPATION OF THE BUILDING

24. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA must notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:
- a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections; and
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

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

25. Occupation of the building is not permitted until such time as:
- a) All preconditions to the issue of an Occupation Certificate specified in this development consent have been met;
 - b) The building owner obtains a Final Fire Safety Certificate certifying that the fire safety measures have been installed in the building and perform to the performance standards listed in the Fire Safety Schedule; and

- c) An Occupation Certificate has been issued.

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

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

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

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

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

- (i) Upon completion of the required noise attenuation measures referred to in the "Noise Assessment" prepared by Acoustic Logic dated 8 March 2016 and prior to commencing extended trading hours a report being prepared and submitted to Council's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets the requirements as set down in the Noise Assessment report. Such report shall 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
(ii) 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 shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part (i) of this condition.

Reason: To ensure that the proposed noise attenuation measures incorporated into the development enable the usage of such area to comply with noise standard to protect the amenity of the surrounding neighbourhood.

27. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before occupation of the site. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To ensure that the person acting on this consent completes all required work.

ADVISORY NOTES

- A complete Building Code of Australia assessment of the application has not been carried out.

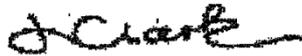
This consent is effective and operates from 07 June 2016. The consent will lapse unless the proposed development is commenced in accordance with Section 95 of the Act.

Under Section 82A of the Act you may, within six (6) months of receipt of this notice, request Council to review this determination. A review request of this determination may be made under Section 82A of the Act. That review request must be made and determined by Council within six (6) months of the date hereon.

Under Section 97 of the Act you may, within six (6) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Council's determination.

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

Yours faithfully



Judy Clark
Manager Development Assessment

Enquiries: Ruba Osman on 93352113.

Ref: D1 TRIM No: 65264.16

Attachment F – Determination No. 201500077

DA201500077 CLEN1

DETERMINATION NO. 201500077

24 June 2015

ALEXANDER & CO
11/ 17 Thurlow Street
REDFERN NSW 2016

Dear Sir/Madam

**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 ("the Act")
NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION**

Pursuant to Section 81 of the Act, notice is hereby given of the determination by the Council of **Development Application No. 201500077** to demolish part of the premises and carry out ground floor alterations and additions to the hotel including modifying the Terminus Street entry; creation of a 60sqm courtyard; demolition of a number of internal walls to open up the existing dining room areas; internal refurbishment of the lounge, bar and dining areas; and new signage relating to property situated at:

30 TERMINUS STREET, PETERSHAM

In determining this application, the Council considered all matters listed under Section 79C of the Act that were relevant to the Development Application.

The Development Application was determined on 24 June, 2015 pursuant to Section 80(3) of the Act by the granting of a "Deferred Commencement" Consent.

PART A - DEFERRED COMMENCEMENT CONSENT

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

1. Amended plans being submitted to Council's satisfaction providing detail of the 1:14 ramp and associated works proposed to create an accessible entry to the building.
Reason: To ensure the development provides an accessible entry for patrons and complies with the BCA report.

Evidence of the above matters must be produced to the Council or its delegate within 2 years of the date of this 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 No. and Issue	Plan/ Certificate Type	Date Issued	Prepared by	Date Submitted
DA-D.01 DA-E.01 to DA-E.07, DA-F.01 to DA-F.02 Revision A	Architectural Plans	15-12-14	Alexander and Co	27-2-15
DA-D.02	Ground floor plan	17-6-15	Alexander and Co	17-6-15
DA-M.01	Schedule of finishes	15-12-14	Alexander and Co	27-2-15
-	Plan of Management	-	Planning Lab	27-2-15
Rev 3	Environmental Noise Impact Assessment	17-6-15	Acoustic Logic	18-6-15

And details submitted to Council on 27 February 2015, 17 June 2015 and 18 June 2015 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. Compliance with the terms and conditions of Determination No. 15200, dated 3 November 1993, for the use for the premises as amended by the following conditions.
Reason: To ensure the use of the premises complies with Council's approval.
3. The operation of the hotel premises complying at all times with the approved Plan of Management. The Plan of Management as approved is not to be amended without the prior written approval of Marrickville Council. If there is any inconsistency between the Plan of Management and the conditions of this consent, the conditions of consent shall prevail to the extent of that inconsistency.
Reason: To ensure that there is an appropriate Plan of Management for the operation of the hotel.
4. The operation of the outdoor courtyard area complying at all times with the recommendations identified in the Acoustic Report prepared by Acoustic Logic dated 17 June 2015, with the exception to the operating hours.
Reason: To protect the amenity of the surrounding neighbourhood.

5. The LA10 noise level emitted from the licensed premises shall not exceed 5dB above the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

The LA10 noise level emitted from the licensed premises shall not exceed the background (LA90) noise level in any Octave Band Centre Frequency (31.5Hz to 8KHz inclusive) between the hours of 12.00 midnight to 7.00am when assessed at the nearest affected residential boundary. The background noise level shall be measured in the absence of noise emitted from the licensed premises.

Notwithstanding compliance with the above clauses, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours 12.00 midnight to 7.00am.

Reason: To protect the amenity of the surrounding neighbourhood.

6. A maximum of 40 patrons are permitted within the outdoor dining area at any one time.
Reason: To minimise impacts on neighbouring properties and ensure compliance with the acoustic report identified in condition1.
7. No live music or entertainment being provided within the premises.
Reason: To protect the amenity of the surrounding neighbourhood and confirm the terms of Council's approval.
8. The proprietor(s) of the hotel being responsible to ensure that patrons are not smoking / loitering in front of adjoining residences.
Reason: To protect the amenity of the surrounding neighbourhood.
9. The proprietor(s) of the hotel being responsible at all times to ensure the orderly dispersal of patrons from the hotel.
Reason: To protect the amenity of the surrounding neighbourhood.
10. Staff employed by the hotel being responsible to ensure that patrons of the hotel do not loiter or linger in the surrounding area or cause nuisance or annoyance to the neighbourhood.
Reason: To protect the amenity of the residential area.
11. Signs being appropriately located within the hotel advising patrons of the nearby residences and seeking quiet and orderly ingress and egress from the premises and the proprietors of the hotel ensuring that staff give appropriate directions to and take reasonable steps to control noisy or offensive behaviour of patrons entering or leaving the hotel.
Reason: To ensure the quiet and orderly ingress and egress of patrons of the hotel and to protect the amenity of the surrounding residential neighbourhood.
12. A hotline phone number is to be maintained and circulated to any residence within 100 metres of the premises on a yearly basis and is to be in operation during the trading of the premises.
Reason: To ensure surrounding residents can contact the hotel to report any disturbances to the neighbourhood in relation to the hotel.

13. A complaints register is to be maintained and shall detail the following:
- a) All complaints made to the Hotel are to be recorded in an incident book and note the: date and time of incident, nature of complaint, address and contact details, and any actions proposed to deal with the complaint, and whether it has been or needs to be followed up; and
 - b) The incident register is to be reviewed by the licensee to ensure that complaints are being dealt with.

Reason: To ensure the adequate monitoring and resolution of complaints received from neighbours.

14. Immediately after the person in charge of the licensed premises becomes aware of an incident involving an act of violence causing an injury to a person on the premises, the person must:
- a. Take all practical steps to preserve and keep intact the area where the act of violence occurred, retain all material and implements associated with the act of violence in accordance with the Crime Scene Preservation Guidelines issued by the NSW Police;
 - b. Make direct and personal contact with the Local Area Commander or his/her delegate, and advise the Commander or delegate of the incident; and
 - c. Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

Reason: To confirm the terms of Council's approval.

15. A separate application being submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures other than the signage approved in this consent.

Reason: To confirm the terms of Council's approval.

16. The signage must:

- a) not flash, move, be animated, or be decorated with rotating or flashing lights;
- b) not have any apparatus attached to it which will provide sound of any description whether associated with the sign or other object or activity;
- c) be neatly affixed to the building and any damage to the building caused to the exterior of the building by the erection of the advertising structure shall be promptly repaired with materials to match those of the existing building;
- d) comply with the Advertising Code of Ethics; and
- e) comply with the requirements of the Roads and Traffic Authority.

Reason: To confirm the terms of Council's approval.

17. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.
Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.
18. No storage of goods or equipment external to any building on the site being permitted.
Reason: To ensure the premises are kept in a neat and tidy manner.
19. No signs or goods to be displayed for sale or stored on the footpath in front of the premises at any time without the prior approval of Council.
Reason: To prevent the public footpath from being obstructed.
20. The hours of operation of the hotel (excluding the courtyard / outdoor dining area) being restricted to between the hours of 10.00am to 12.00 Midnight Mondays to Saturdays including Public Holidays and 12.00 Midday to 10.00pm on Sundays.
Reason: To ensure that the hotel does not interfere with the amenity of the residential locality.
21. (i) The hours of operation of the courtyard / outdoor dining area (located at the front of the site facing Terminus Street) being restricted to between the hours of 10.00am to 8.00pm Mondays to Thursdays, 10.00am to 10.00pm on Fridays & Saturdays and 12.00 Midday to 8.00pm Sundays and Public Holidays.
- (ii) For a period of not more than twelve (12) months from the date of issue of an Occupation Certificate for the works approved in this consent, the hours of operation, of the courtyard / outdoor dining area, being restricted to between the hours of 10.00am to 10.00pm Mondays to Saturdays and 12.00 Midday to 10.00pm and Public Holidays.
- (iii) A continuation of the extended hours will require Council's approval under the Environmental Planning and Assessment Act by way of a fresh application.
- Reason: To ensure that the extended hours of operation do not commence until all the recommended acoustic measures have been implemented and to ensure that the extended hours of operation are reviewed and assessed in light of their performance and the use does not interfere with the amenity of the locality.
22. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
Reason: To ensure the work is carried out to an acceptable standard and in accordance with the Building Code of Australia.

BEFORE COMMENCING DEMOLITION, EXCAVATION AND/OR BUILDING WORK

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

23. No work shall commence until:

- a) A PCA has been appointed. Where an Accredited Certifier is the appointed, Council shall be notified within two (2) days of the appointment; and
- b) A minimum of two (2) days written notice given to Council of the intention to commence work.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30. The person acting on this consent is responsible for arranging and meeting the cost of a dilapidation report prepared by a suitably qualified person. The report is to be submitted to and accepted by the PCA before work commences, on the buildings on the adjoining property at 32 Terminus Street, if the consent of the adjoining property owner can be obtained. In the event that the consent of the adjoining property owner cannot be obtained copies of the letter/s that have been sent via registered mail and any responses received must be forwarded to the PCA before work commences.

Reason: To catalogue the condition of the adjoining property for future reference in the event that any damage is caused during work on site.

31. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit must be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations must be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings as provided for in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

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.

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

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

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

http://www.lspc.nsw.gov.au/levy_information/?levy_information/levy_calculator.stm

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

33. A levy of \$4,000 has been assessed as the contribution for the development under Section 94A of the Environmental Planning and Assessment Act 1979 and Marrickville Section 94/94A Contributions Plan 2014 (a copy of which may be inspected at the offices of the Council).

The Section 94A Levy referred to above is based on the estimated cost of the proposed development at time of lodgement of the application indexed quarterly in accordance with Marrickville Section 94/94A Contributions Plan 2014.

The Section 94A levy (as adjusted) must be paid to the Council in **cash or by unendorsed bank cheque (from an Australian Bank only) or EFTPOS (Debit only) or credit card*** before the issue of a Construction Certificate. Under Marrickville Section 94/94A Contributions Plan 2014 payment of Section 94A levies **CANNOT** be made by Personal Cheque or Company Cheque.

*NB A 1% credit card transaction fee applies to all credit card transactions.

(LEVY PAYMENT REFERENCE NO. DC000975)

NOTE: Under Marrickville Section 94/94A Contributions Plan 2014, the proposed cost of carrying out development is adjusted quarterly at time of payment of the levy in line with the *Consumer Price Index: All Groups Index Number for Sydney* provided by the Australian Bureau of Statistics.

Reason: To ensure that the approved development makes a contribution towards the provision, extension or augmentation of public amenities and public services in the area.

34. Before the issue of a Construction Certificate an amended plan must be submitted to the Certifying Authority's satisfaction indicating the 2 new windows on the Carrington Lane elevation being modified and/or screened with one or a combination of the following methods:

- Fixed and translucent glazing to a minimum level of 1.6 metres above the floor level; or
- Suitable externally fixed screening with a minimum block out density of 75% to a level of 1.6 metres above the floor level.

Reason: To protect the privacy of the adjoining property.

35. An Interpretation Plan shall be provided to the satisfaction of Council's Heritage and Urban Design Advisor before the issue of a Construction Certificate. It should include written and graphic material, identifying historically interesting aspects of the site, and making recommendations for the locations and nature of interpretive features, displays and information.

Reason: To ensure the significant history of the site is adequately communicated to occupants and visitors.

36. Before the issue of a Construction Certificate an amended plan shall be submitted to the Certifying Authority's satisfaction addressing the applicable requirements The Disability (Access to Premises – buildings) Standards 2010 (the Premises Standards).

Reason: To provide safe, equitable and dignified access to a building and its services and facilities.

37. Before the issue of a Construction Certificate amended plans and details shall be submitted to the Certifying Authority's satisfaction indicating the existing building being upgraded to comply with the provisions of the National Construction Code (Building Code of Australia) in relation to:

- a) fire safety systems;
- b) separation;
- c) protection of and vertical separation of openings;
- d) egress;
- e) mechanical ventilation;
- f) energy efficiency;

Reason: To ensure the building is suitable for the proposed use.

38. Before the issue of a Construction Certificate structural plans and certification of structural adequacy, which have been prepared and signed by an appropriately accredited Structural Engineer, shall be submitted to the Certifying Authority.

Reason: To ensure the building is suitable for the proposed use.

39. Before the issue of a Construction Certificate the person acting on this consent must sign a written undertaking that they will be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of construction of the proposed development. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.

Reason: To ensure that all damages arising from the building works are repaired at no cost to Council.

SITE WORKS

40. All excavation, demolition, construction, and deliveries to the site necessary for the carrying out of the development, are restricted to between 7.00am to 5.30pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above no work being carried out on any Saturday that falls adjacent to a Public Holiday.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

41. All demolition work being 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 is to 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 are to be disposed of in an approved manner in accordance with Part 2.21 of Marrickville Development Control Plan 2011 – Recycling 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 are to 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, only having 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 being 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 is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

42. 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 stage inspections are:
- a) After excavation for, and before the placement of, any footings;
 - b) For Class 2, 3 and 4 buildings, prior to covering waterproofing in any wet areas (a minimum of 10% of wet areas within a building);
 - c) Prior to covering any stormwater drainage connections, and after the building work has been completed and prior to any occupation certificate being issued in relation to the building; and
 - d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

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

43. A clear unobstructed path of travel of not less than 1,000mm is to be provided to all exits and paths of travel to exits.
- Reason: To provide safe egress in case of fire or other emergency.

BEFORE OCCUPATION OF THE BUILDING

44. You shall obtain an Occupation Certificate from your PCA before you occupy or use the building. The PCA shall notify the Council of the determination of the Occupation Certificate and forward the following documents to Council within two (2) days of the date of the Certificate being determined:
- a) A copy of the determination;
 - b) Copies of any documents that were lodged with the Occupation Certificate application;
 - c) A copy of Occupation Certificate, if it was issued;
 - d) A copy of the record of all critical stage inspections and any other inspection required by the PCA;
 - e) A copy of any missed inspections; and
 - f) A copy of any compliance certificate and any other documentary evidence relied upon in issuing the Occupation Certificate.

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

45. Occupation of the building shall 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.

46. The owner of the premises, as soon as practicable after the Final Fire Safety Certificate is issued, shall:
- a) Forward a copy of the Final Safety Certificate and the current Fire Safety Schedule to the Commissioner of Fire and Rescue New South Wales and the Council; and
 - b) Display a copy of the Final Safety Certificate and Fire Safety Schedule in a prominent position in the building (i.e. adjacent the entry or any fire indicator panel).

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

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

47. (i) Upon completion of the required noise attenuation measures referred to in the "Noise Assessment" prepared by Acoustic Logic dated 25 February 2015 and prior to commencing extended trading hours a report being prepared and submitted to Council's satisfaction by an accredited Acoustics Consultant, certifying that the final construction meets the requirements as set down in the Noise Assessment report. Such report shall 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
- (ii) 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 shall be carried out and a further certificate being prepared and submitted to Council in accordance with the requirements as set down in Part (i) of this condition.

Reason: To ensure that the proposed noise attenuation measures incorporated into the development enable the usage of such area to comply with noise standard to protect the amenity of the surrounding neighbourhood.

48. All works must be completed, to the satisfaction of Council's Heritage and Urban Design Advisor, in accordance with the Interpretation Plan before the issue of an Occupation Certificate.

Reason: To ensure the significant history of the site is adequately communicated to occupants and visitors.

49. All works required to be carried out in connection with drainage, crossings, alterations to kerb and guttering, footpaths and roads resulting from the development must be completed before occupation of the site. Works must be in accordance with Council's Standard crossing and footpath specifications and AUS-SPEC#2-"Roadworks Specifications".

Reason: To ensure that the person acting on this consent completes all required work.

ADVISORY NOTES

- A complete Building Code of Australia assessment of the application 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.

Pursuant to Clause 100(4) of the Regulations under the Act, Council will notify you in writing if Part A of this Consent has been satisfied and the date from which this Consent operates.

Under Section 82A of the Act you may, within six (6) months of receipt of this notice, request Council to review this determination. That review request must be made and determined by Council within six (6) months of the date hereon.

Under Section 97 of the Act you may, within six (6) months of receipt of this notice, appeal to the Land and Environment Court if you are dissatisfied with the Council's determination.

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

Yours faithfully



Judy Clark
Manager Development Assessment

Enquiries: Ruba Osman on 93352113
Ref: D3 TRIM Doc. 69832.15

Attachment G – Statement of Significance

White Cockatoo Hotel, including interiors | NSW Environment & Heritage

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Home > Topics > Heritage places and items > Search for heritage

White Cockatoo Hotel, including interiors

Item details

Name of item:	White Cockatoo Hotel, including interiors
Other name/s:	White Cockatoo Hotel (The)
Type of item:	Built
Group/Collection:	Commercial
Category:	Hotel
Primary address:	30 Terminus Street (corner Railway Street), Petersham, NSW 2049
Local govt. area:	Marrickville

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
30 Terminus Street (corner Railway Street)	Petersham	Marrickville			Primary Address
Railway Street	Petersham	Marrickville			Alternate Address

Statement of significance:

The White Cockatoo Hotel is historically significant for its continued use as a hotel in a largely residential area, serving the local community since its construction in 1886. It is a fine example of a Victorian Italianate style hotel commanding a prominent position on a corner block.

Date
significance updated: 11 Jan 12

*Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH **copyright and disclaimer**.*

Description

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=...> 7/02/2019

Physical description: This three storey Victorian Italianate style hotel commands a strong position on a corner block. The building is characterized by rendered walls, small windows that puncture the façade, and splayed corner. The decorative parapet with simple detailing conceals the main roof behind, and includes the name of the hotel in gold lettering to both street frontages and that date "1886" in gold lettering to the corner. The windows have a vertical emphasis that are smaller on the second floor and have shallow arched heads. Blind windows are located at the splayed corner. Ground floor windows and doors are arched and have a tiled surround. The lower half of the ground floor is tiled with the same mid 20th century tile finish. The building has rear lane access with garages. A Development Application in February 2015 was submitted to council. Approval was given to slightly amend the Terminus Street elevation and partial demolition of the non-original external wall to create a new opening. The DA was assessed to have no significance and impact to the subject heritage item.

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
4. Settlement-Building settlements, towns and cities	Towns, suburbs and villages-Activities associated with creating, planning and managing urban functions, landscapes and lifestyles in towns, suburbs and villages	(none)-

Assessment of significance

SHR Criteria a) [Historical significance] Historically significance for its continued use as a hotel serving the community in a predominantly residential area since its construction in 1886.

SHR Criteria c) [Aesthetic significance] Aesthetically significant as a fine example of a Victorian Italianate style hotel commending a strong position on a corner block.

SHR Criteria d) [Social significance] Socially significant as a venue for community recreation and interaction since its construction in 1886.

SHR Criteria g) [Representativeness] as a fine example of the Victorian Italianate architectural style.

Assessment criteria: Items are assessed against the  **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Recommended management:

The building shall be retained and conserved. A Heritage Impact Statement or a Conservation Management Plan, may be required to accompany any development application for major works to the building. There shall be no alterations to the façade of the building other than repairs or reinstatement of original features. The principal room layout and planning configuration as well as any significant internal original features including ceilings,

cornices, joinery, flooring and fireplaces should be retained and conserved where present. Any additions and alterations should be confined to the rear in areas of less significance, should not be visually prominent or overwhelm the existing building, and shall be in accordance with the relevant planning controls.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Marrickville LEP 2011	1227	12 Dec 11	2011/645	
Heritage study					

Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Review of Potential Heritage Items for Marrickville Council	2009		Paul Davies Pty Ltd		Yes

References, internet links & images

None

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

Data source

The information for this entry comes from the following source:

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=...> 7/02/2019

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Name: Local Government

Database number: 2030468

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